Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Jon Sanabria
Acting Director of Planning

July 22, 2009

Juan Carlos Herrera
1611 Newgrove St.
Lancaster, CA 93534

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

REGARDING: PROJECT NUMBER 97089-(5)
Conditional Use Permit 200800173
42142 50th Street West, Quartz Hill, CA 93536

Dear Applicant:

Hearing Officer, Mitch Glaser by his action of Tuesday, July 21, 2009, **APPROVED** the above described application ***(Conditional Use Permit for on-site alcohol beverage sales; Approval of revised site plan).*** The applicant or and other interested person may appeal the Hearing Officer's decision to the Regional Planning Commission at the office of the commission secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the commission secretary for the appeal procedures and fee at (213) 974-6409. **The appeal period for this project will end at the 5:00 p.m. on Tuesday, August 4, 2009**. Any appeal must be delivered in person to the commission secretary by this time. If no appeal is filed during the specified period, the Hearing Officer's action is final.

The attached documents contain the Hearing Officer's findings and conditions relating to the approval. Please carefully review each condition. A Condition requires that the permittee records an affidavit accepting the conditions before the grants becomes effective. Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

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For further information on appeal procedures or any other matter pertaining to these approvals, please contact Andrew Svitek at (213) 974-6435 or e-mail at ASvitek@planning.lacounty.gov of the Zoning Permits Section II. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Jon Sanabria
Acting Director of Planning

Maria Masis, Supervising Regional Planner
Zoning Permits Section II Section
Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)
c: DPW (Building and Safety); Zoning Enforcement
Anthony Ling. Juan Carlos Herrera
MM:as

FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES

PROJECT NUMBER 97089-(5)
Conditional Use Permit 200800173
42142 50th Street West, Quartz Hill, CA 93536

HEARING DATE: 7/21/2009

SYNOPSIS:
The request is for the reauthorization of a Conditional Use Permit for the sale of a full-line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant. The applicant is opening a new restaurant under the name of "The Office Sports Bar and Grill" on the subject property. A revised site plan has been submitted in conjunction with the Conditional Use Permit application.

PROCEEDINGS BEFORE THE HEARING OFFICER:
A duly noticed public hearing was held on July 21, 2009 before the Hearing Officer, Mitch Glaser. The applicant's representative, Mr. Juan Carlos Herrera was sworn in and testified in favor of the project and answered questions posed by the Hearing Officer. There were no other testifiers in favor or opposed to the application. The Hearing Officer closed the public hearing and approved the application.

Findings

1. The subject property is located at 42142 50th Street West, Quartz Hill, in unincorporated Los Angeles County within the Quartz Hill Zoned District.

2. The Conditional Use Permit is required for the sale of alcoholic beverages whether for on-site or off-site consumption in the C-3 (Unlimited Commercial) Zone pursuant to Section 22.28.110.

3. The applicant is requesting a Conditional Use Permit to reauthorize the sale of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant.

4. The applicant is requesting a revised site plan to reconfigure the bar and seating area and approval of new signage. The revised site plan and the request for the Conditional Use Permit have been combined in this application.

5. The Subject Property is currently designated in the Antelope Valley Areawide General Plan ("Plan") as "Community Commercial" ("C" designation).

6. The applicant will continue to operate a "small restaurant," which is specifically listed in the Plan as an example of the type of use that is consistent with the "C"

designation. The proposed on-site alcohol sales are consistent with the surrounding uses in the Quartz Hill business district. The proposed hours of operation are: 11AM to 10PM (Mon-Thu), 11AM to 11PM (Fri-Sat), and 10AM-10PM (Sun).

7. The Subject property is currently zoned as C-3 (Unlimited Commercial).

8. The Surrounding Properties are zoned as follows:
   North: C-3 (Unlimited Commercial)
   South: C-3 (Unlimited Commercial)
   East: R-3-P (Limited Multiple Residence with Parking Overlay)
   West: C-3 (Unlimited Commercial)

9. Surrounding land uses within 1,000 feet include:
   North: Fast food restaurant and stores.
   South: Mini-market (directly across West Avenue L-12)
   East: Vacant Property, multi-family and single-family residential
   West: Auto-related uses and stores (directly across 50th Street West)

10. The site plan depicts an existing one-story commercial building measuring 2,125 square feet with 20 parking spaces, including one accessible space. The building has been used as a restaurant and has an occupancy load of 60 persons. The total lot area is 12,400 square feet and 10% of the lot is landscaped.

11. The required number of parking spaces is 20. The site is currently developed with 20 parking spaces.

12. The proposed use is located in the commercial business center of Quartz Hill. The applicant has previously operated a restaurant at this location under the name of "Don Juan Mexican Restaurant." The subject property is being reestablished as a new restaurant by the applicant and will operate as "The Office Sports Bar and Grill."

13. A report dated November 24, 2008 prepared by the California Department of Alcoholic Beverage Control (ABC) shows that (per ABC regulations) there is an undue concentration of alcohol licenses in Census Tract 9011.2. This census tract allows for 4 licenses and 4 licenses exist in the census tract. This project is located in the main commercial business district and it will serve as a public convenience and necessity.

14. There is one other establishment within a 500-feet radius of the subject property that sells alcoholic beverages. Directly across West Avenue L-13 is a mini-market which sells alcoholic beverages for off-site consumption.

15. There is one sensitive use (one church, no schools) within a 600-feet radius of the subject property. The Quartz Hill Church of Christ is located at 5029 W. Avenue L-12. No comments have been received from the church.

16. The property is located in a high crime reporting district. The Sheriff's Department was consulted regarding this application and did not oppose the issuance of this Conditional Use Permit. The Sherriff's Department made recommendations regarding the Conditions of Approval, and those recommendations were adopted in the final Conditions of Approval.

17. The applicant met with the Quartz Hill Town Council and based on their recommendation, had agreed to paint the exterior of the building in earth-tone colors within 3 years of the date of the public hearing.

18. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community within 1,000 feet was appropriately notified of the pending application by mail, newspaper publication in the Antelope Valley Press, property posting, library posting and DRP website posting.

19. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of this grant to 10 years.

20. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple, Los Angeles, CA 90012.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

A. That the proposed use is consistent with the adopted general plan for the area; and

B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare; and

C. That the proposed site is adequate in size and share to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and

D. That the proposed use is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quality of traffic such use would generate, and by other public or private service facilities as are required.

E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-feet radius; and

F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect the economic welfare of the nearby community;

G. The requested use at the proposed location will result in an undue concentration of similar premises, but will serve as a public convenience and necessity;

H. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already considered or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood; and

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a Conditional Use Permit for alcohol sales as set forth in Sections 22.56.040 and 22.56.195 of the Los Angeles County Code.

HEARING OFFICER ACTION:

1. I have considered the Categorical Exemption for this project and certify that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No 200800173, Project Number 97-089-(5) is APPROVED, subject to the attached conditions.

c: Hearing Officer, Zoning Enforcement, Building and Safety

This grant reauthorizes the sale of a full-line of alcoholic beverages for on-site consumption in conjunction with the operation of an existing restaurant "The Office Sports Bar and Grill," in conformance with the approved Exhibit "A", subject to the following conditions of approval:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.

2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required inspection and processing fees have been paid pursuant to Condition No. 9.

3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.

4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of $5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

   a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

   b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

   The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with to Los Angeles County Code Section 2.170.010.

5. This grant will expire unless used within 2 years from the date of approval. This permit is deemed to be used when the permittee has secured an alcoholic beverage license from the California Department of Alcoholic Beverage Control. A one-year time extension may be requested, in writing with payment of the applicable fee, at least six months before the expiration date.

6. If any material provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.

7. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property. Upon recordation, an official copy of the recorded conditions shall be provided to the Director.

8. This grant shall terminate on **July 21, 2019**. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue the sale of alcoholic beverages after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six months prior to the expiration of this permit, whether or not any modification of the use is requested at that time.

9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of **$750.00** within the 90 days of the date of approval. These monies shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. These funds provide for) biennial inspections for the term of the grant, for a total of five (5) inspections. Inspections shall be unannounced.

   If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the

approved site plan on file. The amount charged for additional inspections shall be $150.00 per inspection, or the current recovery cost, whichever is greater.

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant in accordance with Section 22.60.174 of the County Code, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance. The permittee shall pay or reimburse the County of all necessary fees associated with such hearing.

11. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director four (4) copies of a revised elevation plan that shows the exterior of the building with a proposed color scheme incorporating "earth tone" colors.

12. The applicant will paint the exterior of the building in substantial conformance with the revised elevation plans as requested in Condition 11 by July 21, 2009.

13. The property shall be developed and maintained in substantial conformance with the approved Exhibit "A". In the event that subsequent revised plans are submitted, the permittee shall submit four (4) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.

14. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.

15. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said Department.

16. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works, the Forester and Fire Warden, and the Department of Health Services.

17. The subject facility shall be developed and maintained in compliance with requirements of the Los Angeles County Department of Health Services. Adequate water, sewage, and food storage and handling shall be provided to the satisfaction of said Department.

18. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization. Within thirty (30) days of the approval of this grant, any illegal signage shall be removed from the subject property. Any new or additional signage shall be in compliance with Part 10, Title 22 of Los Angeles County Code.

19. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

20. The sale of alcohol for on-site consumption at the restaurant is subject to the following conditions:

    a. The permitted hours of operation for the restaurant are between 11AM and 10PM (Mon-Thu), 11AM and 11PM (Fri-Sat), 10AM and 10PM (Sun). Alcohol sales shall be permitted for the full duration of the hours of operation.

    b. The premises will have an operable kitchen and a dining area that constitute permanent and identifiable portions of the business.

    c. The premises shall provide a printed menu, containing an assortment of foods, to patrons by a server for the purpose of ordering meals.

    d. Alcoholic beverages shall not be permitted to be consumed in the parking area or other exterior areas of the premises, except for designated outdoor areas approved as part of this application.

    e. The sale of alcoholic beverages for consumption off the premises will not be allowed.

    f. Loitering shall be prohibited on or around the premises or in the area under control of the owner.

    g. The permittee shall not advertise the sale of alcoholic beverage on the exterior walls or windows of the building or at any location of the subject property. No self-illuminating advertising for alcoholic beverages shall be located on the buildings or windows;

    h. No signs or banners advertising alcoholic beverage "specials" or any similar promotions shall not be displayed on the exterior walls or façade of the building;

i. All servers of alcoholic beverage shall be at least 18 years of age. In addition, someone of 21 years of age who is in a management position must be on the premises and be predominately in the area in which alcohol is served at all times to oversee all sales of alcohol beverages.

j. The conditions of this grant shall be retained on the premises at all times and be immediately produced upon request of any County Sheriff, Zoning Inspector or ABC investigator. The manager and all employees of the facility shall be knowledgeable of the conditions herein;

k. All employees authorized to sell alcoholic beverages shall participate in the License Education on Alcohol and Drugs (LEAD) Program offered by the California Department of Alcoholic Beverage Control within three months of receiving approval of this permit. This training shall be on-going and all new employees shall be required to attend within 3 months of hire. The applicant shall display a certificate or plaque in the lobby of the establishment indicating its participation in this program;

l. The permittee shall abide by all requirements, licensing or otherwise, established for the sale of alcoholic beverages by the State Department of Alcoholic Beverage Control; and

m. The permittee shall develop and implement a Designated Driver program (i.e. free soft drinks or coffee to a designated driver of a group). The permittee shall submit the program to the Director of Planning for approval prior to the approval of the Exhibit "A". A printed two-sided card explaining this program shall be placed on all tables in the restaurant or an explanation regarding the program shall be printed on the menu.

21. The subject property shall be further subject to the following conditions:

a. The occupancy of the facility shall not exceed 60 persons;

b. There shall be no outdoor sales, storage, or displays of merchandise;

c. All requirements of the Zoning Ordinance and conditions of approval shall be complied with;

d. All exterior lighting shall be hooded and directed downward. Such lighting shall be designed so as to prevent glare or direct illumination to any adjacent residential use;

e. The permittee shall provide adequate lighting above the entrance of the premises. This lighting shall be of sufficient power to illuminate and make easily

discernible the appearance and conduct of all persons entering or exiting the premises;

f. Telephone numbers of local law enforcement shall be posted adjacent to the cashier's area and shall be visible to the cashier;

g. The permittee shall maintain a current contact name, address, and phone number with the Department of Regional Planning at all times. The permittee shall contact the Zoning Enforcement Section at (213) 974-6453 to provide updated contact information.

h. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas on the premises over which the permittee has control;

i. The placement of portable signs on sidewalks adjacent to the subject property and temporary signs on walls and poles is prohibited;

j. All signs and graphic displays must be confined to the façade surface of the building; such signage shall conform to the requirements of Part 10 Chapter 22.52 and Section 22.44.118 of the County Code.

k. Temporary window signs shall not exceed 25 percent of the area of any single window or of adjoining windows on the same frontage;

l. The permittee shall not install or maintain video games, pool tables, or other similar games activities or equipment on site;

m. There shall be no live entertainment of any type allowed (bands, DJ's, dancers, etc.).

n. There shall be no payphones maintained on the exterior of the premises.

MM:AS
07/22/09