

# Hearing Officer Transmittal Checklist

Hearing Date 7/21/2009
Agenda Item Number <u>5</u>

**Project Number:** 97089  
**Case(s):** 200800173-(5)  
**Contact Person:** Andrew Svitek

Included	NA/None	Document
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Factual
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Property Location Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Staff Report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Conditions
<input type="checkbox"/>	<input checked="" type="checkbox"/>	DPW Letter
<input type="checkbox"/>	<input checked="" type="checkbox"/>	FD Letter
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Other Department's Letter(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Burden Of Proof Statement(s)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Documentation (IS, MMP, EIR)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Opponent And Proponent Letters
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Photographs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resolution (ZC Or PA)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance with 8.5 X 11 Map (ZC Or PA)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Aerial (Ortho/Oblique) Image(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Land Use Radius Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan And Elevations
<input type="checkbox"/>	<input type="checkbox"/>	

Reviewed By: Phillip Est



Los Angeles County Department of Regional Planning  
 320 West Temple Street  
 Los Angeles, California 90012  
 Telephone (213) 974-6443  
**PROJECT NUMBER 97089-(5)**  
**Conditional Use Permit 2008-00173-(5)**

**PUBLIC HEARING DATE**  
7/21/09

**AGENDA ITEM**  
5

**RPC CONSENT DATE**

**CONTINUE TO**

**APPLICANT**

Jose H. Martinez (The Office Sports Bar & Grill)

**OWNER**

Anthony Ling

**REPRESENTATIVE**

Juan Carlos Herrera

**PROJECT DESCRIPTION**

The applicant is requesting the renewal of a conditional use permit to allow the continued sale of beer, wine and distilled spirits for onsite consumption, in conjunction with a bona fide restaurant. The existing restaurant measures 2,125 square feet and has an occupancy load of 60 persons and provides 20 parking spaces, including 1 accessible space. The proposed hours of operation are from 11AM to 10PM (Mon-Thu), 11AM to 11PM (Fri-Sat) and 10AM to 10PM (Sun). There will be up to 5 employees during a shift. The applicant is also requesting approval of a revised site plan to permit the construction of a bar area, reconfiguration of seating in the dining area, and new signage.

**REQUIRED ENTITLEMENTS**

The applicant is requesting the renewal of a Conditional Use Permit for the sale of a full line of alcohol in conjunction with a bona fide restaurant. The applicant is also requesting approval of a revised site plan to permit the construction of a bar area, reconfiguration of seating in dining area and new exterior signage.

**LOCATION/ADDRESS**

42142 50th Street West, Quartz Hill, CA 93536

**SITE DESCRIPTION**

The site plan depicts a rectangular lot measuring 12,400 square feet with frontage on Ave L-13 and 50<sup>th</sup> Street West, an existing commercial building measuring 2,125 square feet, 20 parking spaces and 1,240 square feet of landscaping (10% of lot area)

**ACCESS**

West Avenue L-12 and 50th Street West

**ZONED DISTRICT**

Quartz Hill

**ASSESSORS PARCEL NUMBER**

3103-007-001

**COMMUNITY**

Quartz Hill

**SIZE**

0.25 Acres

**COMMUNITY STANDARDS DISTRICT**

None

**EXISTING LAND USE**

**EXISTING ZONING**

Project Site

existing restaurant building & parking

C-3 (Unlimited Commercial)

North

fast food restaurant

C-3 (Unlimited Commercial)

East

vacant

R-3-P (Limited Multiple Residence with Parking Overlay)

South

mini-market (across street)

C-3 (Unlimited Commercial)

West

auto sales (across street)

C-3 (Unlimited Commercial)

**GENERAL PLAN/COMMUNITY PLAN**

Antelope Valley Area Plan

**LAND USE DESIGNATION**

C - Commercial

**MAXIMUM DENSITY**

n/a

**ENVIRONMENTAL DETERMINATION**

Class 1 Categorical Exemption-Existing Facilities

**RPC LAST MEETING ACTION SUMMARY**

LAST RPC MEETING DATE	RPC ACTION	NEEDED FOR NEXT MEETING
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING/ABSENT

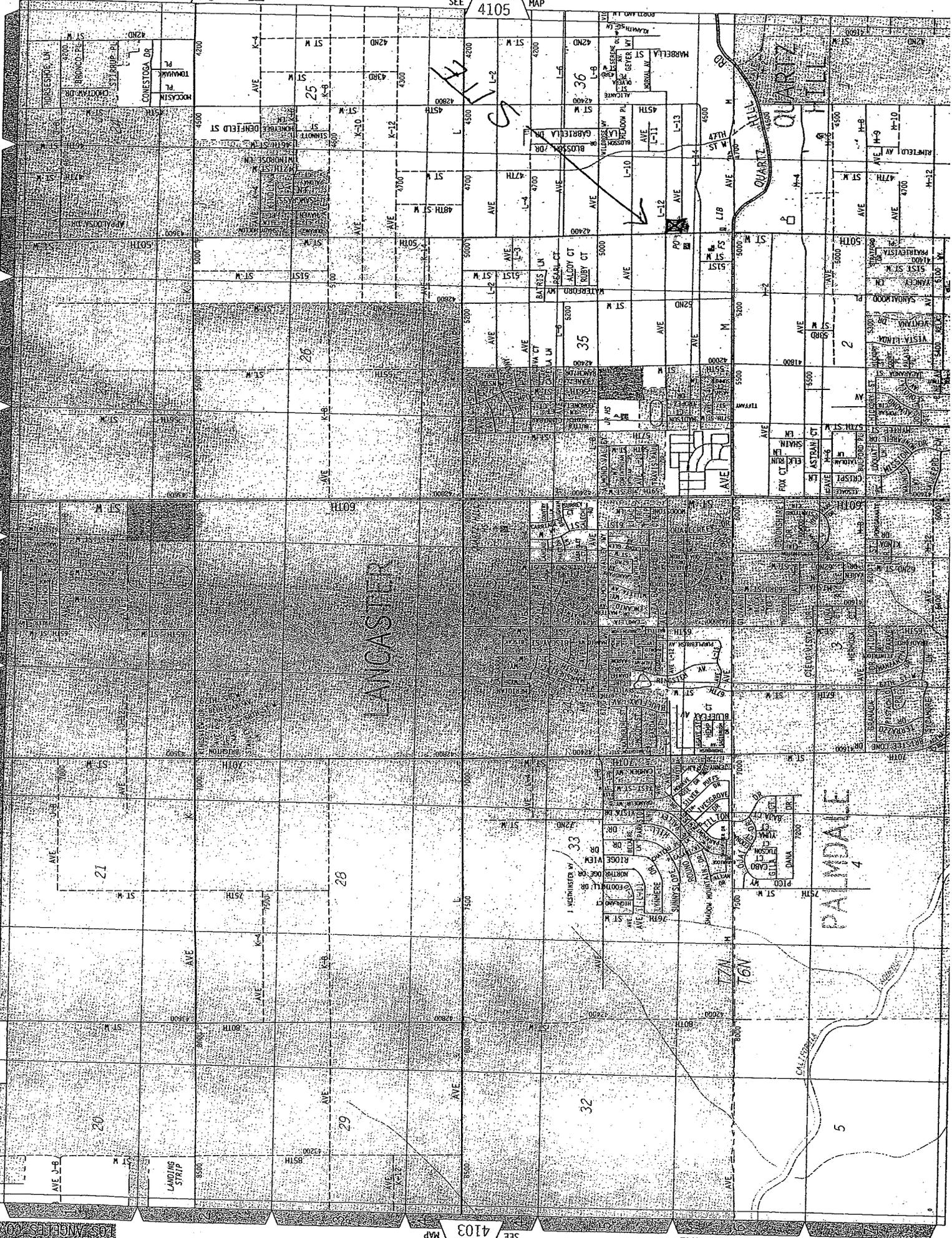
**TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS**

STAFF CONTACT PERSON: Andrew Svitek		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING):		
SPEAKERS* (O) (F)	PETITIONS (O) (F)	LETTERS (O) (F)

\*(O) = Opponents (F) = In Favor

SEE 4014 MAP

4104



LANCASTER, CA

PALMDALE, CA

**STAFF ANALYSIS**  
**PROJECT NUMBER 97-089-(5)**  
**Conditional Use Permit 200800173**

**PROJECT DESCRIPTION**

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. The applicant is rebranding the restaurant formerly known as "Don Juan Mexican Restaurant" as "The Office Sports Bar and Grill." The proposed hours of operation are: 11AM to 10PM (Mon-Thu), 11AM to 11PM (Fri-Sat), and 10AM-10PM (Sun). The applicant is also requesting a modification of the existing site plan to reconfigure the dining area. The applicant is proposing to create a new walk-in cooler in the location of the existing bar and to create a new space for a bar area that provides seating for 11 persons (measuring 12ft by 12ft) in the center of the dining area. The new bar area and 3 additional tables (with 4-person seating capacity) replace the booth seating (6 total) in the center of the dining area.

**REQUIRED ENTITLEMENTS**

Section 22.28.110 requires a Conditional Use Permit for the sale of alcoholic beverages whether for on-site or off-site consumption in the C-3 (Commercial Unlimited) Zone. 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. The applicant is requesting a revised site plan to reconfigure the bar and seating area and approval of new signage. A revised site plan and the request for a Conditional Use Permit have been combined in this application.

**LOCATION**

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

**SITE PLAN DESCRIPTION**

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.

**ENVIRONMENTAL DETERMINATION**

The Department of Regional Planning has determined that a Categorical Exemption, Class 1 – Existing Facilities, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements.

**LEGAL NOTIFICATION AND PUBLIC OUTREACH**

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.

### **PREVIOUS CASES/ZONING HISTORY**

Plot Plan No. 35305 - Plot Plan Review of restaurant approved. (Approved 11/11/86)  
Conditional Use Permit No. 97-089 - Conditional Use Permit for on-site alcoholic beverage sales. (Approved 1/20/98)

### **STAFF EVALUATION**

#### **General Plan Consistency**

The subject property is located in a "C" ("Community Commercial") designated area of the Antelope Valley Areawide General Plan ("Plan"). The purpose of the "C" designation is described as follows on Page VI-6:

*Generally this serves several adjoining neighborhoods. Typical of uses within such developments are supermarkets, drug stores, small clothing stores and gift shops, hardware stores, shoe stores, jewelry stores, specialty shops, ice cream parlors, candy stores, coffee shops, small restaurants, donut shops, branch banks and savings and loan firms, and so on. Many of the small retail and supporting outlets found in large shopping centers typify what may be expected in a community commercial center.*

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 Plan includes specific policies regarding the Quartz Hill community:

*At the core of the community along 50th Street West is found the community's commercial center. The existing commercial areas and industrial areas in Quartz Hill are recognized in the Plan. Future development in these areas should be controlled to blend into the community and to support the needs of the community. For example, future development in the commercial or industrial areas should be limited to locally serving commercial or industrial uses and should not be devoted to non-commercial uses such as apartments or other residential uses. New development in these areas should be in keeping with an "Early California" or "Early Western" motif.*

#### **Zoning Ordinance and Development Standards Compliance**

The project is subject to the development standards of the C-3 (Unlimited Commercial) Zone (Section 22.28.220). There is no Community Standards District for the community of Quartz Hill. However, the Plan has advisory statements for new development. This application does not follow "Early California" or "Early Western" motif" design standards as suggested in the Plan. However, the surrounding area as Quartz Hill's main

commercial area has continued to develop without keeping to a uniform style as suggested by the Plan. The applicant is not proposing expansion of the use or new development (the request is for a renewal on alcohol permit).

**A. Lot Coverage – Building Area**

*That not to exceed 90 percent of the net area be occupied by buildings.*

The application complies with this standard. The existing building measures 2,125 square feet and the entire parcel measures 12,400 square feet, which is 17% lot coverage.

**B. Lot Coverage – Landscaped Area**

*A minimum of 10 percent of the net area landscaped with a lawn, shrubbery, flowers and/or trees, which shall be continuously maintained in good condition. Incidental walkways, if needed, may be developed in the landscaped area.*

The application complies with this standard, as the site plan shows that the parcel is currently developed with 1,240 square feet of landscaping (10% coverage).

**C. Parking Spaces**

*Section 22.52.1110(A)(1) provides that “every structure used for amusement, assembly, drinking, eating or entertainment shall provide one or more automobile parking spaces: (1) for each three persons based on the occupant load as determined by the county engineer. These uses include but are not limited to: (b) Dining rooms, cafes, cafeterias, coffee shops, nightclubs, restaurants, and other similar uses.*

The required number of parking spaces for this type of use (a restaurant) is calculated based on the occupancy load of the building. The required number of parking spaces is 20 spaces based on an occupancy load of 60 persons with a required ratio of 1 parking space per 3 persons (60 occupancy load/3 spaces per person = 20 spaces). One parking space is required to be designated as an accessible parking space. The application complies with this standard, as the subject site has 20 existing spaces, including 1 accessible space.

**D. Outside Display**

*Except for the following uses, all display in Zone C-3 shall be located entirely within an enclosed building unless otherwise authorized by a temporary use permit:*

No outside display is proposed.

**E. Outside Storage**

*Outside storage is permitted on the rear of a lot or parcel of land in Zone C-3 when such storage is strictly incidental to the permitted use existing in a building on the front portion of the same lot or parcel of land, and provided no storage is higher than the enclosure surrounding it nor nearer than 50 feet to the front property line.*

No outdoor storage is proposed.

**Neighborhood Impact/Land Use Compatibility**

The subject site is in a C-3 (Unlimited Commercial) Zone and it contains an existing building and 20 parking spaces. The area is located in the commercial center of Quartz Hill and the applicant has previously operated a restaurant at this location under the name of "Don Juan Mexican Restaurant." This location is being rebranded as "The Office Sports Bar and Grill." The building is continuing to be used as a restaurant.

The surrounding parcels to the north, south, and west are zoned as C-3 (Unlimited Commercial). The subject site is located in the commercial district of Quartz Hill with frontage on 50<sup>th</sup> Street West and West Avenue L-12. To the north is a fast food restaurant and across the street to the south is a mini market. To the west across 50<sup>th</sup> Street West is an automobile service business. The vacant property to the east is zoned as R-3-P (Limited Multiple Residence with Parking Overlay). The proposed use is approximately 320 feet nearest R-1 Zone (which is to the east).

**California Department of Alcoholic Beverage Control (ABC)**

The applicant has held a Type 47 license since March 13, 1998 with no violations reported.

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. (See attached.) This census tract allows for 4 licenses and 4 licenses exist in the census tract (including the applicant's license). However, because this use is located in a commercial business district it will serve as a public convenience and necessity.

There is one other establishment within a 500-foot 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. There is one sensitive use (one church, no schools) within a 600-foot radius of the subject property. The Quartz Hill Church of Christ is located at 5029 W. Avenue L-12. A notice of the pending application was mailed to the church and no comments have been received.

The property is located in a high crime reporting district. However, the Sheriff's Department has been consulted regarding this application and it does not oppose the issuance of this Conditional Use Permit.

### **Burden of Proof**

The applicant is required to substantiate all facts identified by Sections 22.56.040 and 22.56.195 of the Los Angeles County Code. The Burden of Proof with applicant's responses is attached.

The proposed use will not adversely affect the sensitive uses within the 600-foot radius and the site is in a commercial business district where it is a sufficient buffered from the nearest residential area. Staff evaluation indicates that the Burden of Proof has been substantiated.

### **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

Staff received a letter from the Los Angeles County Sherriff's Department, Lancaster Station, dated December 2, 2008, stating that it "does not oppose the issuance of a Conditional Use Permit" at this location and states that the only calls for service to this location were for "minor incidents and reports, not directly related to the operation of the restaurant." The conditions proposed by the Sheriff's Department have been reviewed and incorporated into the proposed Conditions of Approval (see attached).

### **PUBLIC COMMENTS**

Staff received one call for clarification about the nature of the application. No comments regarding support or opposition to the application have been received.

### **Quartz Hill Town Council**

The applicant attended the regularly scheduled meeting of the Quartz Hill Town Council in July 2009. No comments have been received from the Quartz Hill Town Council regarding this application.

### **FEES/DEPOSITS**

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

### **STAFF RECOMMENDATION**

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **Approval** of Project Number 97-089-(5), Conditional Use Permit 200800173 subject to the attached conditions.

Prepared by Andrew Svitek, Regional Planning Assistant II

Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits Section II

**Attachments:**

**Draft Conditions of Approval**

**Draft Findings**

**Applicant's Burden of Proof Statement**

**Site Photographs**

**Site Plan**

**Land Use Map**

**[DRAFT] FINDINGS AND ORDER OF THE HEARING OFFICER  
COUNTY OF LOS ANGELES**

**PROJECT NUMBER 97-089-(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:**

[The proceedings will be inserted after the public hearing.]

**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 50<sup>th</sup> 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-foot 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-foot 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. However, the Sherriff's

Department has been consulted regarding this application and it does not oppose the issuance of this Conditional Use Permit.

17. 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.
18. 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.
19. 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, 13<sup>th</sup> 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-foot 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 site plan, if changes were required at the public hearing. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.

17. 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.
18. The sale of alcohol for on-site consumption at the restaurant is subject to the following conditions:
  - a. Sales service and consumption of alcohol beverages is permitted between the hours of 11AM and 12PM (midnight) Monday through Thursday and 11AM to 1AM on Friday and Saturday.
  - 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. The sale of alcoholic beverages shall be made only in conjunction with the sale of food to the person ordering the beverage.
  - e. 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.
  - f. The sale of alcoholic beverages for consumption off the premises will not be allowed.
  - g. Loitering shall be prohibited on or around the premises or in the area under control of the owner.
  - h. 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;
  - i. 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;

- j. 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.
20. 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.
- 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  
07/09/09

97-089 file



Leroy D. Baca, Sheriff

*County of Los Angeles*  
**Sheriff's Department Headquarters**

4700 Ramona Boulevard  
Monterey Park, California 91754-2169



(661) 948-8466

December 2, 2008

Phillip Estes, Principal Planner  
Los Angeles County Department of Regional Planning  
320 West Temple Street, #1346  
Los Angeles, California 90012

Subject: Conditional Use Permit Application #20080173 (Don Juan Mexican Restaurant)

Dear Mr. Estes:

We received your request for information regarding the referenced application. We are pleased to provide the following information:

The location is within the jurisdiction of the Los Angeles County Sheriff's Department, Lancaster Station.

The location has generated a total of nine calls for service in the past five years. All of the calls were for minor incidents and reports, not directly related to the operation of the restaurant.

The restaurant has operated for several years in Quartz Hill. It is known for being a well run family restaurant and has never been a law enforcement problem.

The Los Angeles County Sheriff's Department does not oppose the issuance of a Conditional Use Permit for this location. In order to prevent alcohol related criminal activity, and assist with enforcement of such activity, we would ask that the following conditions be considered.

DEC - 8 2008

*A Tradition of Service Since 1850*

1. Sales service and consumption of alcoholic beverages permitted between the hours of 11:00 A.M. and 12:00 midnight Monday thru Thursday, and 11:00 A.M. to 1:00 A.M. on Friday and Saturday.
2. The premises will have an operable kitchen, and a dining area that constitute permanent and identifiable portions of the business.
3. The premises shall provide a printed menu, containing an assortment of foods, to patrons by a server for the purpose of ordering meals.
4. Not less than fifty-one percent of the business enterprise shall be derived from the sale of food and non-alcoholic beverages. The business owner shall at all times maintain records which reflect separately the gross sale of food and the gross sales of alcoholic beverages. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Los Angeles County Department of Regional Planning, the Department of Alcoholic Beverage Control, or the Los Angeles County Sheriff's Department on demand.
5. The business shall employ not less than one full-time cook that is engaged in the preparation of meals for patrons during the permissible hours of operation.
6. At all times when the premises is open for business, the sale of alcoholic beverages shall be made only in conjunction with the sale of food to the person ordering the beverage.
7. All employees who serve or sell alcoholic beverages shall successfully complete a responsible beverage service training provided by the Department of Alcoholic Beverage Control, or equivalent training within 90 days of hire. Records of such training shall be maintained on the premises and made available to the City of Lancaster, or the Los Angeles County Sheriff's Department upon request.
8. There shall be no pool tables in the premises.
9. 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 the application.
10. There shall be no live entertainment of any type allowed (bands, DJ's, dancers etc.).

Mr. Estes

(3)

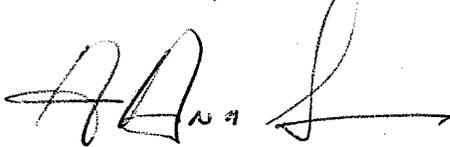
November 26, 2008

11. There shall be no payphones maintained on the exterior of the premises.
12. The sale of alcoholic beverages for consumption off the premises will not be allowed.
13. Loitering shall be prohibited on or around the premises or the area under control of the owner.
14. The exterior of the premises shall be kept free of litter, and graffiti shall be removed within 48 hours.

If we can be of further assistance, please feel free to contact Deputy Michael Kuper, Monday through Friday, 8:00 am to 4:00 pm, (661) 948-8466, extension 4021.

Sincerely,

LEROY D. BACA, SHERIFF

A handwritten signature in black ink, appearing to read 'Axel H. Anderson', with a long horizontal stroke extending to the right.

Axel H. Anderson, Captain  
Lancaster Station



Los Angeles County  
**DEPARTMENT OF REGIONAL PLANNING**  
 320 West Temple Street, 13th Floor  
 Los Angeles, CA 90012



**Transmittal: Crime & License Statistics Request**

TO	ABC Office	Service Area	Phone	Fax
<input type="checkbox"/>	Inglewood	Southern and Western LA County	310-412-6311	310-673-4082
<input type="checkbox"/>	Long Beach/ Lakewood	Southeastern LA County	562-982-1337	562-982-1396
<input type="checkbox"/>	LA Metro	Central LA County	213-736-2005	213-736-2053
<input type="checkbox"/>	Monrovia	Northeastern LA County	626-256-3241	626-357-4173
<input checked="" type="checkbox"/>	Van Nuys	North and Northwestern LA County	818-901-5017	818-785-6731

We are processing a Conditional Use Permit (CUP) to authorize the sale of alcoholic beverages. Please provide (by fax or e-mail) a **"B&P Worksheet"** referencing if the subject property is located within a **"high-crime reporting district"** and indicate if there is an undue concentration of alcoholic beverage licenses within the subject census tract. If you need further information, please contact the case planner. Thank you for your assistance.

	License Type	Description
<input type="checkbox"/>	Off-Sale Beer and Wine (Retail)	Sale of beer and wine for consumption off-site.
<input type="checkbox"/>	Off-Sale General (Retail)	Sale of beer, wine and distilled spirits for consumption off-site.
<input type="checkbox"/>	On-Sale Beer & Wine (Bar, Tavern, Club)	Sale of beer and wine for consumption on site.
<input checked="" type="checkbox"/>	On-Sale General (Bar, Tavern, Club)	Sale of beer and wine and distilled spirits for consumption on-site.
<input type="checkbox"/>	On-Sale Beer & Wine (Restaurant)	Sale of beer and wine for consumption on-site.
<input checked="" type="checkbox"/>	On-Sale General (Restaurant)	Sale of beer, wine and distilled spirits for consumption on-site.
<input type="checkbox"/>	Other (Describe)	

TODAY'S DATE: 11-24-08

CASE PLANNER: Phillip Estes

E-MAIL: pestes@planning.lacounty.gov

PROJECT NO.: 97-089

ESTABLISHMENT: DON JUAN MEXICAN REST.

LOCATION: 42142 50 ST W, QUARTZ HILL

LICENSE OWNER'S

NAME(S): MARTINEZ JOSE HECTOR

ABC LICENSE NO.: 336123

FAX: 213-626-0434

CUP NO.: CUP 200800173

*Handwritten signature/initials*

93536  
 SEP 1900

23958.4 B & P APPLICATION WORK SHEET

PREMISES ADDRESS: 42142 50<sup>th</sup> st West- \* Lancaster 93536-3511  
UNINCOPORATED

LICENSE TYPE: 47/48?

1. CRIME REPORTING DISTRICT

                     Jurisdiction unable to provide statistical data.

Reporting District: 1182., per Lancaster Sheriff

Total number of reporting districts: 374.

Total number of offenses: 57,785.

Average number of offenses per district: 154.

120% of average number of offenses: 185.

Total offenses in district: 624.

Location is within a high crime reporting district: Yes

2. CENSUS TRACT / UNDUE CONCENTRATION

Census Tract: 9011.02.

Population: 4559 /County Ratio                     .

Number of licenses allowed: 4.

Number of existing licenses: 4.

Undue concentration exists: **YES (PER OUR REGULATIONS)**

Letter of public convenience or necessity required: Yes

Three time publication required: 3 X

11-24-08  
11:46 AM

**CENSUS TRACT INFORMATION BY CENSUS TRACT NUMBER**  
where county is 19-LOS ANGELES and census tract is 9011.02

TOTAL: 9

COUNTY	Census Tract	DO	License Num	On Sale Active	On Sale Pend	Off Sale Active	Off Sale Pend
19	9011.02	05	106122	Y	N	N	N
✓ 19	9011.02	05	336123	Y	N	N	N
19	9011.02	05	347498	N	N	Y	N
19	9011.02	05	358439	N	N	Y	N
19	9011.02	05	437921	N	N	Y	N
19	9011.02	05	445355	Y	N	N	N
19	9011.02	05	258162	N	N	Y	N
19	9011.02	05	288964	Y	N	N	N
19	9011.02	05	439554	N	N	Y	N
<b>Totals</b>				4	0	5	0

In addition to the information required in the application, the applicant shall substantiate to the satisfaction of the Zoning Board and/or Commission, the following facts:

A. That the requested use at the location proposed will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
  2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
  3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- Application is for upgrading of liquor licenses only. It will not affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, nor will it be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site. Sale of alcoholic beverages in conjunction with the operation of a restaurant is a common and accepted practice that will not jeopardize, endanger or otherwise constitute a menace to the public health, safety and general welfare

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The site is an existing restaurant, built to County standards, including all walls, fences, parking and loading facilities. There will be no changes, construction, additions or remodeling of any kind to the already approved and constructed restaurant.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
  2. By other public or private service facilities as are required.
- The addition of distilled spirits to our restaurant will not create a significant change in the traffic patterns. The site is an existing and operating restaurant with a Type 41 on-sale beer & wine license



Los Angeles County  
Department of Regional Planning

Planning for the Challenges Ahead



## ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.195, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That 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-foot radius.

No. there is no facilities <sup>within</sup> within the 600 foot radius.

B. That 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 said area.

We do not have any noise created on our facility. our restaurant is strictly family restaurant our hours are from 11 am to 10 pm. on week days on weekends is only until 11 pm.

C. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.

this location only sells alcohol to people eating in the restaurant is not affecting other establishments

D. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.

the restaurant is properly located and is very accessible to the community, helping

E. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

no, our building is part of the same architecture of the city, it has been there for 15 years.



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