



Los Angeles County  
Department of Regional Planning



*Planning for the Challenges Ahead*

Jon Sanabria  
Acting Director of Planning

January 13, 2010

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**REGARDING: PROJECT NUMBER R2009-01100  
CASE: CONDITIONAL USE PERMIT 200900076  
33310 Agua Dulce Canyon Road, Agua Dulce, CA 91390**

Dear Applicant:

The Regional Planning Commission, by its action of, **APPROVED** the above described project and entitlements. The attached documents contain the Regional Planning Commission's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 7 requires that the permittee file an affidavit accepting the conditions before the grants becomes effective.

The applicant or and other interested person may appeal the Regional Planning Commission's decision to the Board of Supervisors through the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Please contact the Executive Office for the amount of the appeal fee at (213) 974-1426. **The appeal period for this project will end at 5:00 p.m. on January 27, 2010.** Any appeal must be delivered in person to the Executive Office by this time. If no appeal is filed during the specified period, the Regional Planning Commission action is final.

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.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Carolina Blengini at (213)974-1522 or e-mail at [cblengini@planning.lacounty.gov](mailto:cblengini@planning.lacounty.gov). 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

Samuel Dea, Supervising Regional Planner  
Special Projects Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)

c: BOS; DPW (Building and Safety); Zoning Enforcement, ABC, Testifiers, Sheriff, etc

JS:SD:cb

# **FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES**

**PROJECT NUMBER R2009-01100-(5)  
CONDITIONAL USE PERMIT 200900076**

**HEARING DATE: January 13, 2010**

## **SYNOPSIS:**

The applicant, Flying W. Inc., is requesting authorization to expand an existing full service restaurant that currently sells a full line of alcoholic beverage for on-site consumption. The restaurant has been operating and selling alcoholic beverages with a type 47 license since 1989. The restaurant recently expanded from 1,850 square feet to 2,575 square feet (40 percent increase). In addition to the expansion, the applicant is also requesting approval to allow live entertainment.

## **PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:**

A duly noticed public hearing was held on January 13, 2010 before the Regional Planning Commission. Commissioners Valadez, Bellamy, Helsley, Rew and Modugno were present. Staff presented the request and indicated that the applicant provided a petition with 160 sined letters from local residents in support of the facility and presented changes to the Draft Findings and Conditions. After the presentation, staff answered a question from Commissioner Helsley if storage containers are allowed on the subject property. The applicant and owner of the restaurant, Mathew Wooden, testified in favor of the request, described the history of the restaurant, provided details regarding the proposed live entertainment and requested the terms of approval be modified from 10 to 20 years. In addition, the applicant requested that the number of inspections be reduced since the facility has been operating without any problem.

After considerations, the Commission granted the applicant's request to extend the terms of approval to 20 years with a five year extension subject to Director's approval with biennial inspections.

There being no further testimony, the Regional Planning Commission closed the public hearing, approved the subject permit and instructed staff to change the Findings and Conditions to reflect the modifications.

## **Findings**

1. Pursuant to Section 22.56.010 of the County Code, the applicant, Flying W. Inc., has requested a Conditional Use Permit to authorize the expansion of an existing full serve restaurant that sells a full line of alcoholic beverage for on-site consumption and live entertainment.

2. The subject restaurant has been operating and selling alcoholic beverages with a type 47 license since 1989. The restaurant recently expanded from 1,850 square feet to 2,575 square feet (40 percent increase).
3. The subject property is located at 33310 Agua Dulce Canyon Road in the unincorporated community of Agua Dulce, in the Soledad Zoned District, in unincorporated Los Angeles County.
4. The rectangular shaped subject property (APN No. 3212-010-038) is approximately 2.62-acre (114,478 square feet) in size and it is partially developed with a 7,500 square foot commercial building, six accessory storage buildings, one wireless and telecommunications facility, two water towers, one storage container, and 23 paved parking spaces. The southern portion of the property (approximately 0.8 acres) is vacant. The existing commercial building consists of three suites with the following tenants: 2,605 square foot hardware store, 1,512 square foot gift shop, and a 2,575 square foot restaurant. The height of the building varies from one to two stories. The hardware store is located in the two-story portion of the building. The accessory structures are located at the rear of the commercial building and are used exclusively for storage related to the commercial tenants.
5. Access to the subject property is provided from Agua Dulce Canyon Road to the west, a designated secondary highway. No change in existing access is proposed.
6. The restaurant is currently open from 7a.m. to 2p.m. on Mondays; from 7a.m. to 10 p.m. on Tuesdays, Wednesdays and Thursdays; and from 7a.m. to 12a.m. on Fridays, Saturdays and Sundays. the facility currently employs 18 people and has 3 shifts with a maximum of 5 persons per shift.
7. All required services are in place for the existing uses. Water is provided by private well and sewer disposal is handled through a private septic system.
8. The subject property is within the Santa Clarita Valley Area Plan. The Plan policies related to the unincorporated community of Agua Dulce states that existing commercial areas along Agua Dulce Canyon Road in the center of the community are to be retained.
9. The land use category of the subject property in the Plan is N1 (Non Urban 1). Although the N1 is primary a rural residential land use designation since it represents the dominant use of the area, the Plan allows local and highway oriented commercial uses to serve the needs of local residents and travelers in non-urban areas. However, such development is subject to applicable General Conditions for Development of Non-Residential Uses in Non-Urban Areas. The restaurant is located in a commercial complex within an established community and the subject property has access to available public services. The commercial development existing on the property has been present on the property since 1989 and is consistent with the applicable General Conditions for Development that includes the following:

- a. The proposed use should be located and designed so as not to conflict with established or planned community land use and circulation patterns.
  - b. The necessary public services and infrastructure should be in or readily available, including appropriate sewage disposal facilities and water for domestic use as well as firefighting.
  - c. The proposed use shall be located in areas deemed suitable from an ecologic, geologic and topographic standpoint.
  - d. Access, egress and onsite parking should be provided in a manner which maximizes safety and minimizes adverse impacts in surrounding land use patterns.
  - e. The proposed site should be appropriately landscaped, fenced and screened to minimize the visual impact on surrounding and overlooking residences.
  - f. Consideration should be given to appropriate hours of operation.
  - g. Outdoor advertising should be designed in such a way as to minimize negative impact on adjacent properties.
10. The subject property is zoned C-1 (Restricted Business), R-3 (Limited Multiple Residence), and A-1-10,000 (Light Agricultural – 10,000 minimum lot size). Approximately 0.4 acre of the site is zoned C-1, 1.74 acre is zoned R-3, and 0.49 acre is zoned A-1-10,000. The commercial building is located within the portion of the property zoned C-1. The accessory structures and parking lot are located within the portion of the property zoned R-3. The Surrounding Properties are zoned as follows:
- North: C-3 (Unlimited Commercial), A-1-10,000 (Light Agricultural – 10,000 minimum lot size)
- South: R-3 (Limited Multiple Residence), A-1-10,000 (Light Agricultural – 10,000 minimum lot size)
- East: A-1-10,000 (Light Agricultural – 10,000 minimum lot size)
- West: C-3-U/C (Unlimited Commercial), A-1-2-P (Light Agricultural – 2 acre minimum lot size - Parking), A-1-10,000 (Light Agricultural – 10,000 minimum lot size)
11. The subject property is currently developed with a commercial building and appurtenant structures.
- Surrounding land uses consist of:
- North: Commercial, Residential
- South: Residential
- East: Residential
- West: Commercial, Residential, Agricultural

12. The commercial use of the subject property has been established in 1989 through the approved plot plan number RPP29160 for the construction of a commercial building with a restaurant. The subject restaurant has been operating and selling general line of alcoholic beverages since the approval without any apparent adverse affects on the nearby community or known violations while providing convenience services to local residents and travelers. The expansion of the restaurant floor area to sell alcoholic beverages will not compromise or change the character of the establishment that has been operating within an established community for the past 20 years.
13. The applicant's site plan depicts a 7,500 square feet commercial building, five accessory structures which include one wireless facility, one storage container, landscaped areas and 48 paved parking spaces. The commercial building, which is located on the northwest portion of the property, facing Agua Dulce Canyon Road, consists of three suites with the following tenants: 2,605 square foot hardware store, 1,512 square foot gift shop, and a 2,575 square foot restaurant. The height of the building varies from one to two stories (6,550 square feet on the first floor and 950 square feet on the second floor). The hardware store is located in the two-story portion of the building. The accessory structures are located at the rear of the commercial building and are used exclusively for storage related to the commercial tenants. The storage container is located on the northwestern portion of the parcel and used for storage related to agricultural use.  
  
The floor plan depicts a 2,575 square foot restaurant which consists of a 1,125 square foot kitchen, 240 square foot office and a 1,210 square foot dining area.
14. The subject property is zoned C-1 (0.4 acre), R-3 (1.74 acre) and A-1-10,000 (0.49 acre). The commercial building and accessory facilities are located within the portion of the subject property that is zoned C-1. The parking area and is located within the portion of the property that is zoned R-3. The storage container is located within the portion of the property zoned A-1-10,000. The subject property is also located within the Agua Dulce Community Standard District.
15. Pursuant to Section 22.44.113 of the County Code, only parcels that are less than two gross acres and are located within a hillside management area are subject to the Agua Dulce Community Standards District Community Wide Development Standards. The Agua Dulce CSD Community Wide Development Standards do not apply since the subject property is approximately 2.62 acres and does not contain slopes over 25 percent.
16. Pursuant to section 22.28.110 of the County Code, sales of beer, wine and distilled spirits for either on-site or off-site consumption are uses subject to permit in the C-1 zone, and are subject to the requirements of Section 22.56.195.
17. Pursuant to section 22.28.110 of the County Code, live entertainment, accessory, in a legally established bar, cocktail lounge or restaurant having an occupant load of less than 200 people where the conditions of Section 22.56.1754 have not or cannot

be met. This provision shall not be construed to authorize the modification of development standards required for establishment of such bar, cocktail lounge or restaurant, except as otherwise provided by Part 2 of Chapter 22.56.

18. The existing 6,550 square foot building occupies approximately 38 percent of the portion of the property that is zoned C-1 (0.4 acre) and six percent of the entire property (2.62 acres).
19. The portion of the property zoned C-1 currently has approximately 1,700 square feet of landscaping which represents 10 percent of the net area of the project site in the C-1 zone.
20. An Occupant Load approved by the Division of Building and Safety on May 4, 2009 indicated that the restaurant has a maximum capacity of 88 persons: 29 parking spaces are required

Other spaces within the building are:

- Gift Shop (1,512 square feet): 6 parking spaces required
- Hardware Store (3,413 square feet): 13 parking spaces required
- Handicapped: 1 parking space required

A total of 48 parking spaces, which includes one handicapped parking spaces, are required by the Code. The site plan depicts 48 parking spaces. Therefore, the site plan is consistent with the parking requirement.

21. The existing commercial building is in character with the community as approved by plot plan number RPP29160 and in compliance with the requirements of the Zoning Code. The applicant is not proposing to alter the external appearance of the building.
22. No outside display is proposed as part of this request.
23. In addition to the subject restaurant, there are four other establishments licensed to sell alcoholic beverages within 500 feet of the subject property:
  - Agua Dulce general Store, full license, off-site consumption
  - Sweetwater Market, full license, off-site consumption
  - Maria Bonita Restaurant, full license, on-site consumption
  - Vincenzo's Pizza, Beer and Wine, on-site consumption
24. There are no sensitive uses within 600 feet of the subject property.
25. There are no schools, parks, playgrounds, places used exclusively for religious worship or other similar uses within 600' of the project site.
26. The requested use is located approximately 470 feet southeast of the closest residential building. The use is buffered from residential uses by vacant land, commercial, agricultural uses and the Agua Dulce Canyon Road.

27. According to the ABC report dated October 6, 2009, the census tract has undue concentration of licenses for on-site consumption. The number of licenses allowed for the sale of alcoholic beverages for on-site consumption in this area is three and five currently exists, which includes the license for the subject restaurant that has been selling full line of alcoholic beverages for on-site consumption since 1989.
28. The site has been operating and selling full line of alcoholic beverages since 1989 without any apparent adverse affects on the nearby community while providing convenience services to local residents and travelers. The restaurant has been operating for 20 years without violations.
29. The applicant described the restaurant as a venue for live entertainment as local musicians who will play within the restaurant. Conditions of approval addressing the proposed live entertainment at this location have been included. Therefore the expansion of the existing restaurant and addition of live entertainment will not adversely affect the economic welfare or health and safety of the community of Agua Dulce.
30. The existing commercial building on the subject property was established in 1989 and approved by Plot Plan Number RPP29160. The applicant is not proposing any change on the exterior appearance of the building. The continued operation and expansion of the restaurant will not cause blight, deterioration or substantially diminish or impair property values within the neighborhood.
31. An Alcohol Beverage Control report received by fax on October 6, 2009, states that the Census Tract in which the subject property is located (Number 9108.03, with population of 3,342 persons) has undue concentration of licenses for on-site consumption. The number of licenses allowed for the sale of alcoholic beverages for on-site consumption in this area is three and five currently exists.  
  
Crime report date for the year of 2008 was provided indicating that the total number of offences in the reporting district was 129 and that the location is not within a high crime reporting district.
32. Several attempts were made to contact the Sheriff's Department Santa Clarita Office without success.
33. Pursuant to County policy, the legal notification process for public hearings involves mailing of notices to all property owners within 1,000 feet of the subject property and others requesting notification for projects in the area; placement of a legal advertisement in the local newspaper; posting of a sign on the subject property; and placement of material in the local public library, 30 days prior to the date of the hearing. For this request, a total of 75 notices were mailed on December 7, 2009. Advertisements were published on December 14, 2009 in the Acton Agua Dulce Weekly and on December 10, 2009 in La Opinion. Case materials were available for public review at the Canyon Country Jo Anne Darcy Library beginning on December 13, 2009. The Notice of Public Hearing was posted on the site December 13, 2009.

34. This project has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) and Environmental Guideline of Los Angeles County pursuant to the Class 3 Categorical Exemption (conversion of small structures).
35. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
36. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning Commission determines that it is necessary to limit the term of the grant to 10 years.
37. The location of the documents and other materials constituting the record of proceedings upon which the Commission'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 Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits Section, Los Angeles County Department of Regional Planning.

**BASED ON THE FOREGOING, THE PLANNING COMMISSION CONCLUDES**

- A. That the proposed use is consistent with the adopted general plan for the area;
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and 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 and general welfare;
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, landscaping and other development features;
- D. That the proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private 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;
- 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 said area;
- G. The requested use at the proposed location will not result in an undue concentration of similar premises and the proposal fulfills public convenience or necessity for the facility selling alcoholic beverages for on-site consumption outweighs the fact that it is located within 500 feet of any other facility selling alcoholic beverages for either on-site or off-site consumption;

- H. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
- I. The exterior appearance of the structure is not 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 the neighborhood.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Conditional Use Permit as set forth in Sections 22.56.090 and 22.56-195, Title 22, of the Los Angeles County Code (Zoning Ordinance).

**PLANNING COMMISSION ACTION:**

I have/The Commission has 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.

In view of the findings of fact and conclusions presented above, Conditional Use Permit 200900076 is approved subject to the attached conditions.

**VOTE: 5-0-0-0**

**Concurring: Rew, Bellamy, Valadez, Helsley, Modugno**

**Dissenting: None**

**Abstaining: None**

**Absent: None**

**Action Date: January 13, 2010**

c: Commissioner, Zoning Enforcement, Building and Safety

SD:CB:cb

This grant authorizes to authorize the expansion of an existing restaurant that sells a full line of alcoholic beverage for on-site consumption and live entertainment as depicted on the approved Exhibit "A", subject to all of 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 monies have been paid pursuant to Condition No. 9. Notwithstanding the foregoing, this condition (No. 2), and Condition Nos. 4, 5, and 6 shall be effective immediately upon final approval of this grant by the County.
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 Los Angeles County Code Section 2.170.010.

5. This grant shall expire unless used within two (2) years from the date of final approval by the county. A single one-year time extension may be requested in writing and with payment of the applicable fee prior to the expiration date.

6. If any 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 shall promptly provide a copy of the grant and its terms and 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 January 13, 2030.** Upon written request made by the permittee not less than six (6) months prior to the termination date, the Director of Planning shall extend the term of this permit for five (5) years to January 13, 2035, if the use is found to be in substantial compliance with the conditions of approval and has been conducted in compliance with applicable laws and regulations; and the permittee has exercised utmost diligence to resolve any Notice of Violation throughout the term of the permit.

Upon the termination of this grant, the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations 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 termination date of this grant, 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. Within 30 days of the effective date of this grant, the permittee shall deposit with the County of Los Angeles the sum of \$1,500.00. 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, including adherence to development in accordance with the site plan on file. The fund provides for 10 biennial inspections. The applicant shall deposit additional funds to provide two (2) inspections, if this grant is extended pursuant to Condition No. 8. Inspections shall be unannounced.
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, 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. In the event that the county deems it necessary to initiate such proceedings pursuant to Part 13 of Chapter 22.56 of the County Code, the applicant shall compensate the county for all costs incurred in such proceedings.

11. 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.
12. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department 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.
13. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
14. All structures shall comply with the requirements of the Los Angeles County Department of Health Services.
15. 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.
16. 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.
17. The operation of the restaurant including the sale of full line of alcoholic beverages for on-site consumption shall be further subject to all of the following restrictions:
  - a. The conditions of this grant shall be retained on the premises at all times and be immediately produced upon request of any County Sheriff, Department of Regional Planning Zoning Enforcement Inspector or ABC investigator. The restaurant manager and all employees of the restaurant shall be knowledgeable of the conditions herein;
  - b. Hours of operation for the restaurant shall be limited from 7a.m. to 2p.m. on Mondays; from 7a.m. to 10 p.m. on Tuesdays, Wednesdays and Thursdays; and from 7a.m. to 12a.m. on Fridays, Saturdays and Sundays.
  - c. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced;
  - d. All servers of alcoholic beverages must be at least 18 years old. The licensee, all managers and present and future employees of the establishment 18 years of age or older shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the California Department of Alcoholic Beverage Control. This training shall be on-going and all new employees shall be required to attend. The licensee shall display a certificate or plaque in the lobby of the establishment indicating they have participated in this program;

- e. The permittee shall not advertise the sale of alcoholic beverages on the exterior walls or windows of the building or at any location on the subject property. No self-illuminating advertising for alcoholic beverages shall be located on the buildings or windows;
- f. Off-site signs are prohibited, unless approved by the Department of Regional Planning. The placement of portable signs on sidewalks adjacent to the subject property and temporary signs on walls and poles is prohibited;
- g. Temporary window signs shall not exceed 25 percent of the area of any single window or of adjoining windows on the same frontage;
- h. Temporary signs or banners advertising alcoholic beverage "specials" or any similar promotions shall not be displayed on the exterior walls or fascia of the building;
- i. The permittee shall post signage on the premises which is clearly visible to customers, prohibiting the consumption of alcohol outside of said restaurant's eating area;
- j. Telephone numbers of local law enforcement shall be posted adjacent to the cashier's areas of the restaurant;
- k. The permittee shall provide adequate lighting above all entrances and exits to the premises. The lighting shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons entering or exiting the premises during operating hours and shall be designed so as to direct light and glare only onto the facility premises. Said lighting and glare shall be deflected, shaded and focused away from all adjoining properties. Outdoor lighting shall not exceed an intensity of one foot-candle of light throughout the facility. Only minimal motion-sensor security lighting shall be used later than closing hours nightly;
- l. There shall be no cover charge or prepayment fee for food and/or beverage service required for admission to the restaurant;
- m. Any music (including live entertainment) accompanying the diners shall be sufficiently regulated so as to not be audible beyond the subject property;
- n. The permittee shall not install or maintain video games, pool tables, or similar game activities or equipment on site;
- o. The licensed premises shall have no other coin-operated amusements at any time, other than official State Lottery machines, such as small carousel rides or similar riding machines;
- p. The permittee shall maintain the property in a neat and orderly fashion and maintain free of litter all areas of the premises over which the permittee has control;
- q. There shall be no loitering permitted on the premises under the control of the permittee. Signage shall be posted on the premises prohibiting loitering. The

- signage shall be in English and the predominant second language in the neighborhood;
- r. The permittee shall instruct all employees in the regulations regarding no loitering and no consumption of alcoholic beverages outside the subject facility. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary;
  - s. There shall be no outdoor sales, storage, or displays of merchandise; and
  - t. 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.
18. A minimum of 48 parking spaces shall be maintained on site, one of which must be reserved for people with disabilities. The required parking spaces shall be continuously available for vehicular parking only and shall not be used for storage, automobile repair, or any other unauthorized use.
19. The occupancy of the restaurant's total area shall not exceed 88 persons.
20. There shall be no outdoor public address system or other sound amplification, or similar acoustical devices audible beyond the area of the premises under the control of the permittee.
21. The permittee shall maintain a current contact name, address, and phone number with the Department of Regional Planning at all times.

SD:CB:cb