



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

June 9, 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Lance Roberts
1105 N. Topanga Canyon Blvd.
Topanga, CA 90290

**REGARDING: PROJECT NUMBER R2005-02263-(3)
CONDITIONAL USE PERMIT NUMBER 200500149
1105 NORTH TOPANGA CANYON BOULEVARD, TOPANGA**

Dear Applicant:

The Regional Planning Commission, by its action of June 8, 2011, **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. 2 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 June 22, 2011.** 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 Tyler Montgomery of the Zoning Permits West Section at (213) 974-6462 or e-mail at TMontgomery@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,
Richard J. Bruckner
Director

Mi Kim, Acting Section Head
Zoning Permits West Section

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

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

MK:TM

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

PROJECT NUMBER R2005-02263-(3)
CONDITIONAL USE PERMIT NUMBER 200500149

REGIONAL PLANNING COMMISSION HEARING DATE: JUNE 8, 2011

SYNOPSIS:

Pursuant to Section 22.56.195 of the Los Angeles County Planning and Zoning Code (Title 22), the applicant is requesting a conditional use permit ("CUP") to authorize the continued sale of beer and wine for on-site consumption and indoor live entertainment at an existing restaurant: Froggy's Topanga Fish Market.

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:

June, 8 2011 Public Hearing

A duly noticed public hearing was held before the Regional Planning Commission on June 8, 2011. All commissioners were present. The applicant, Mr. Lance Roberts, and his representative, Mr. Anthony Allen, were sworn in and testified in favor of the project. They also requested extended hours of operation to what was permitted under the original CUP, the ability to host live entertainment six times per month, to stay open until 1:00 a.m. four times per year, and the extension of the grant term from ten to fifteen years. Four area residents with concerns regarding the project were also sworn in. They testified to past problems with sound originating from the facility at night and disturbing residents of the neighborhood. Because of this, they requested that the restaurant's operating hours not be extended. The Commission subsequently closed the public hearing and, after some discussion, approved the permit with the attached conditions, which they indicated were a compromise between the requests of the applicant and the legitimate concerns of the community.

Findings

1. Pursuant to Section 22.56.195 of the Los Angeles County Planning and Zoning Code (Title 22), the applicant is requesting a conditional use permit to authorize the continued sale of beer and wine for on-site consumption at an existing restaurant.
2. The restaurant, Froggy's Topanga Fish Market, is located at 1105 North Topanga Canyon Boulevard, Topanga, in The Malibu Zoned District of Los Angeles County.
3. The restaurant and dining patio occupy 5,530 square feet and are situated on a sloping, 1.3-acre parcel, which is located within a designated Oak Woodland Sensitive Ecological Resource Area (SERA) and bounded on the west by the Topanga Creek Ecologically Sensitive Habitat Area (ESHA), as designated in the Malibu Coastal Plan. A gravel parking lot of 46 spaces is located to the rear of the restaurant structure, accessed by a driveway north of the structure to Topanga

Canyon Boulevard. Several oak trees are located on the project site, although none are proposed for removal or encroachment. No increases in occupancy or structural additions are proposed.

4. The subject property is zoned M-1 (Light Manufacturing) and C-3 (Unlimited Commercial), which both allow for restaurants as permitted uses and live entertainment in conjunction with a restaurant use, as well as allow for the sale of alcoholic beverages in conjunction with a restaurant use with a CUP.
5. Surrounding properties within the 500-foot radius of the project are zoned as follows:
 - North: M-1 (Light Manufacturing), C-3 (Unlimited Commercial), R-1-10,000 (Single Family Residence—10,000 square-foot minimum lot size)
 - South: A-1-1 (Light Agricultural—1-acre minimum lot size)
 - East: R-1-10,000 (Single Family Residence—10,000 square-foot min. lot size)
 - West: R-1-10,000 (Single Family Residence—10,000 square-foot min. lot size)
6. Land uses within 500 feet of the subject property consist of the following:
 - North: Hair salon, single-family residences
 - South: Single-family residences, vacant land
 - East: Single-family residences, vacant land
 - West: Topanga Cree, single-family residences, vacant land
7. Plot Plan No. 32791 approved the utilization of the structure as a restaurant and the construction and/or legalization of the outdoor dining patio with an occupancy of 119 persons. This permit was approved on August 25, 1985, and was consistent with all applicable development standards at the time of its approval.
8. CUP No. 94056 approved the sale of beer and wine for on-site consumption at a new restaurant with an occupancy of 70 persons and operating hours of 5:00 p.m. to 9:00 p.m. Sunday through Thursday, and 5:00 p.m. to 10:00 p.m. Fridays and Saturdays. This permit was approved on June 28, 1994, and expired on June 28, 2004.
9. The project is consistent with the Countywide General Plan and the Malibu Coastal Plan. All structures on the subject property are located within the area designated as "6" (Residential I—6 dwelling units/acre) in the Malibu Coastal Plan. Compatible uses are defined in the Plan as primarily residential in nature, although compatible locally serving commercial uses are allowed as well. The sale of beer and wine for on-site consumption in a restaurant would be consistent with this designation. The rear portion of the subject property, in which the parking lot is located, is designated as "5" (Rural Land II—1 dwelling unit/2 acres) in the Malibu Coastal Plan. No development is proposed for this portion of the property, and no new construction or intensification of use is proposed for the project site.
10. The restaurant is located within a 5,530-square-foot building and patio on the eastern portion of a 1.3-acre property, and as previously approved in 1985, it has a

current occupancy of 119 persons. A gravel parking lot of 46 spaces is located to the rear of the structure, which is accessed by a concrete driveway north of the structure to Topanga Canyon Boulevard. Topanga Creek is located immediately to the west of the property. Four storage sheds are located on the southeastern portion of the property, with areas of 264 square feet, 150 square feet, 500 square feet, and 700 square feet, respectively. The height of structures on the site ranges from 15 feet to 19 feet above grade. In order to better preserve three heritage oak trees in the rear parking lot area, the applicant will extend the radii of two existing protective fences by five feet and a third protective fence by ten feet. No development is proposed within the protected zone of any oak tree. Approximately 5,500 square feet of landscaping currently exists on the project site. The restaurant would operate between 6:00 a.m. and 9:30 p.m. Monday through Thursday, and between 6:00 a.m. and 10:00 p.m. Fridays and Saturdays. The restaurant would continue to host indoor live entertainment, which was previously approved as an allowable use in conjunction with a restaurant with an occupancy load of less than 200 persons. This entertainment would be limited to no more than two nights per month. No other businesses within 500 feet of the restaurant sell alcoholic beverages for either on-site or off-site consumption. There are also no sensitive uses (schools, churches, etc.) within 600 feet of the facility.

11. Pursuant to Sections 22.32.070 and 22.28.210 of the Los Angeles County Planning and Zoning Code (Title 22), premises in Zone M-1 and Zone C-3 may be used for the sale of alcoholic beverages, for either on-site or off-site consumption, provided a conditional use permit has first been obtained.
12. The existing main restaurant structure was built in 1925 as Topanga Elementary School, and the ancillary storage sheds were added during the period of operation of the school on the site between 1925 and 1967. These structures, then, as part of a public school, were not subject to County zoning standards and were legally established pursuant to applicable standards at that time. However, these structures are not affected by the current project, which does not propose any new construction or alteration of existing structures at the project site.
13. The use of the site as a restaurant was approved in 1985 (PP 32791), at which time the construction and/or legalization of the outdoor dining patio was also approved. The sale of beer and wine for on-site consumption was approved in 1994 (CUP 94056). The existing structures on the project site are not proposed to be altered and no new construction is proposed for the site, therefore, current M-1 or C-3 zone standards. Nevertheless, the existing restaurant and project site comply with current Code requirements for such uses.
14. The restaurant was approved in 1994 (CUP 94056) with approximately 5,500 square feet of landscaping, which is approximately 10 percent of the project site, which is consistent with the standards of the time, as well as current standards. The lack of distance between several of the structures and the public right-of-way is also consistent with the requirements of the M-1 and C-3 zones, which do not require

setbacks. Maximum height and lot coverage requirements are also met.

15. The Building and Safety Division of the Department of Public Works has certified a maximum occupancy load for the structure of 138 persons. Section 22.52.1110 of the County Code requires that restaurants provide one off-street parking space for every three persons, based on the maximum occupancy load determined by the County Engineer. Therefore, the restaurant would require 46 parking spaces. The gravel parking area to the rear of the structure would provide 46 parking spaces and therefore achieve consistency with this requirement. This meets current requirements for parking. However, the applicant proposes to maintain the restaurant's current occupancy of 119 persons at this time, which was what was approved by the original plot plan in 1985. While CUP 94056 limited the restaurant's occupancy to 70 persons, this permit has since expired, and the applicant now requests to make use of the occupancy of 119 originally authorized by Plot Plan 32791. The restaurant will provide more than one parking space for every three persons based on its proposed occupancy load, and therefore, with the 46 parking space, sufficient parking will be provided on-site.
16. Section 22.52.880 of the County Code regulates wall business signs. Each business in a C-3 or M-1 zone is allowed three square feet of sign area for each foot of street, arcade, or parking lot frontage, with a minimum allowance of 20 square feet. Because the restaurant has a parking lot frontage of 240 feet, the Code would allow a wall business sign of 720 square feet. The applicant has already installed signs at the site, although elevations depicting them have not been submitted. As a condition of any approval, the applicant would be required to submit elevation drawings depicting the exact dimensions of all signs to ensure that the sign complies with applicable regulations and standards.
17. This project has been determined to be categorically exempt under the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA). The restaurant, which will sell beer and wine for on-site consumption, is located in an existing facility and does not propose to expand or intensify the existing facility. Therefore, the project qualifies for a Class 1, Existing Facilities, Categorical Exemption.
18. There is not an undue concentration of alcohol sales in the vicinity of the project site. Statistical data from the California Department of Alcoholic Beverage Control (ABC) report that the site of the subject request is not located within a high crime reporting district. The subject property is in Reporting District 1033. The average number of offenses reported for all districts is 164.56 and the actual number of crimes reported for District 1033 is 28.

ABC data show that the site is not within an area experiencing over-concentration of alcohol sales. The subject request is in Census Tract 8001.02, containing a population of 6,422 people. Six on-sale ABC licenses are allowed within this census tract. Currently, five on-sale ABC licenses exist. Additionally, there are no other

facilities selling alcoholic beverages for on-site or off-site consumption within 500 feet of the existing restaurant.

19. The Malibu/Lost Hills Station of the Los Angeles County Sheriff's Department was consulted regarding the project. Crime statistics were provided for the location for the years 2005-2009. This indicated four (4) written crime reports during this period, including theft of business checks, one assault, one incident of public intoxication, and one incident of domestic violence. There were also 14 calls for service during this period, 8 of which involved complaints about loud music.
20. 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, property posting, library posting and DRP website posting. A total of 77 public hearing notices regarding the proposal were mailed to property owners within the 500-foot radius of the subject property and other interested parties on April 27, 2011. The hearing notice was also published in the *Malibu Times* and in *La Opinion* on May 5, 2011. Case-related materials were also sent to the Malibu Library and posted on the Regional Planning web page. The hearing notice was posted on the property on May 8, 2011. An earlier version of this project, which proposed the sale of a full line of alcohol and to expand the occupancy of the restaurant to 138 persons, generated 15 letters of opposition, who complained about past issues with noise and expressed concerns that increasing capacity would worsen the problem. During this time, the applicant also submitted a petition signed by approximately 1,400 individuals in favor of increasing the restaurant's hours of operation and continuing the sale of alcoholic beverages. However, staff has received no public comments regarding the current version of the project.
21. The restaurant has been selling beer and wine for on-site consumption at the site for more than 15 years. There are no sensitive uses within 600 feet of the restaurant, and therefore, the proposed use will not have an adverse affect on any such sensitive uses. The proposed use will also enhance the economic welfare of the surrounding community as it will provide a full service restaurant in an area that is traditionally underserved by such uses.
22. The proposed restaurant has access to adequate off-street parking and complies with all applicable development standards of the Los Angeles County Zoning Ordinance and General Plan would also be well served by Topanga Canyon Boulevard (State Highway 27), a two-lane highway without major level-of-service issues.
23. While more than 200 feet from the nearest residence, the facility is located at the bottom of a canyon, which has the tendency to amplify sound, especially from the rear parking lot, for area residents to the west. However, the closing of the restaurant at 10:00 p.m. ensures that the use will be sufficiently buffered from residential areas, as any noise before this time is less likely to disturb sleep or violate the County Noise Ordinance (Title 12). Also, the fact that the restaurant will

only serve beer and wine for on-site consumption and does not propose any new construction makes it unlikely to adversely affect the health, comfort, or economic welfare of the surrounding community. While there have been some complaints in the past from area residents regarding loud music emanating from the facility, the Sheriff's log indicates that these were quickly resolved by the restaurant's operators. In addition, to ameliorate these concerns, the applicant has proposed to allow indoor live entertainment only, limit these performances to no more than four nights per month, and maintain the current occupancy of the restaurant at 119 persons, as well as to maintain sound insulation facilities in the restaurant. In order to prevent disturbance of neighbors, a condition will require that the restaurant close by 9:30 p.m. Monday through Thursday, and by 10:00 p.m. Fridays and Saturdays, which roughly corresponds to the time at which more restrictive sound regulations begin under Title 12.

24. The proposed restaurant would have access to adequate off-street parking and would comply with all applicable development standards of the Los Angeles County Zoning Ordinance and General Plan.
25. The restaurant has had some past zoning violations regarding portable signs, inoperable vehicles, and outdoor storage on the project site. However, since 2008 the facility has been maintained in a neat and aesthetically attractive state. Therefore, it is likely that the facility will continue to blend well into the surrounding community, and the exterior appearance of the restaurant will be consistent with the exterior appearance of other commercial structures in the area and will not cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. The proposed use is consistent with the adopted general plan for the area;
- B. 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 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. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such uses 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' radius;
- F. The requested use at the proposed location would not be located a high crime area, as designated by ABC, and is not located within a 500' radius of any other facility selling alcoholic beverages for either on-site or off-site consumption;
- G. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
- H. 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 the neighborhood.

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 as set forth in Sections 22.56.090 and 22.56.195 of the Los Angeles County Code.

REGIONAL PLANNING COMMISSION ACTION:

- 1. The Commission finds that Conditional Use Permit No. 2005-00149 is categorically exempt from the California Environmental Quality Act pursuant to a Class 1 categorical exemption.
- 2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 200500149 is **APPROVED** subject to the attached conditions.

VOTE: 5-0

Concurring: Modugno, Valadez, Louie, Helsley, Pedersen

Dissenting: None

Abstaining: None

Absent: None

Action Date: 06/08/11

- 1. c: Commission Services, Building and Safety.

MK:TM
06/09/11

This grant authorizes the continued sale of beer and wine for on-site consumption at an existing restaurant, 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, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose and cannot be used until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of, and agree to accept, all conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required fees have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this condition (No. 2), and Condition Nos. 4, 5, and 6 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. 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 fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. 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 make an initial deposit with Regional Planning in the amount of \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in the Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses 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 \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee in accordance with to Los Angeles County Code Section 2.170.010.

6. This grant shall expire unless used within two (2) years from the date of final approval of the grant by the County. A single, one-year time extension may be requested, in writing and with payment of the applicable fee, before the expiration date.
7. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall record the terms and conditions of the grant in the office of the County Registrar-Recorder/County Clerk. In addition, upon any transfer or lease of the subject property during the term of this grant, the permittee, or the property owner if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
9. **This grant shall terminate on June 8, 2021.** 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 beer and wine after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new conditional use permit application with Regional Planning prior to the expiration of this permit, or shall otherwise comply with the the applicable requirements at that time. Such application shall be filed at least 6 months prior to the expiration date for his grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations. The expiration of this grant shall not apply to the continued use of the restaurant without alcohol sales.
10. 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. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. **The permittee shall deposit with the County the sum of \$1,000.00.** This deposit shall be placed in a performance fund which, shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for **five (5) biennial** (one every other year) 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 Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. 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 ("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, that this grant has been exercised so as to be detrimental to the public's health or safety, or so as to be a nuisance or otherwise determined by County Code Section 22.60.350.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.
13. All development pursuant to this grant shall conform to the requirements of the County Department of Public Works, the County Fire Department and Fire Warden, and the County Department of Public Health.
14. All structures, walls, and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. 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. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification 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.
15. Any new or additional signage shall be in compliance with Part 10 of Chapter 22.52, Title 22 of the Los Angeles County Code.
16. The subject property shall be developed and maintained in substantial compliance with the plans on file marked Exhibit "A". If changes to the site plan are required as a result of instruction given at the public hearing, a revised Exhibit "A" shall be submitted to Regional Planning within 60 days of the date of final approval of the CUP. In the event that subsequent plans are submitted, the written authorization of the property owner is necessary.

17. This grant allows for the continued sale of beer and wine for on-site consumption at an existing restaurant, located at 1105 North Topanga Boulevard in Topanga, subject to the following conditions:

- a. The restaurant shall operate only between the hours of 6:00 am to 9:30 pm Sunday through Thursday and 6:00 am to 10:00 pm Friday and Saturday, with the exception of four (4) nights per year, during which the restaurant may operate until 1:00 am;
- b. Maximum occupancy of the site shall not exceed 119 persons;
- c. A minimum of 46 on-site parking spaces shall be continuously maintained;
- d. Live entertainment shall occur no more than four dates per month and shall be located inside the restaurant between the hours of 9:00 am and 10:00 pm only. Theatre-grade noise reduction curtains shall be installed and maintained along the north wall of the performance space, and a noise reduction screen or barrier shall be erected and maintained around the perimeter of the outdoor dining patio;
- e. Trash bins shall be screened and located in an area that is not visible from Topanga Canyon Boulevard;
- f. Food service shall be continuously provided during restaurant operating hours;
- g. There shall be no consumption of alcoholic beverages outside the designated areas of the subject facility. The permittee shall instruct all designated employees, who directly serve or are in the practice of selling alcoholic beverages, regarding this restriction. Employees shall be instructed to enforce such restrictions and to call local law enforcement as necessary;
- h. 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 Regional Planning for approval prior this grant being considered used. 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;
- i. All servers of alcoholic beverages shall be at least 18 years old;
- j. Temporary signs or banners advertising alcoholic beverage "specials" shall not be displayed on the exterior walls or fascia of the building;
- k. The permittee shall not advertise alcoholic beverages on the exterior walls or

windows of the subject restaurant or at any location on the subject property. No self-illuminating advertising for alcoholic beverages shall be located on the exterior of buildings or windows;

- l. 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 Spanish;
- m. The permittee shall instruct all employees in the regulations regarding no loitering and no consumption of alcoholic beverages outside the subject restaurant. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary;
- n. 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;
- o. Telephone numbers of local law enforcement shall be posted adjacent to the cashier's area or otherwise prominently displayed for the public to view;
- p. No live entertainment, dancing or dance floor is authorized for any outdoor portion of the premises;
- q. There shall be no music or other noise audible beyond the subject property boundary. The intent of this condition is to comply with the requirements of the Los Angeles County Noise Ordinance (Title 12);
- r. Outside storage is expressly prohibited;
- s. No lights shall be visible from the exterior of the building after closing time;
- t. 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;
- u. The licensee, all managers and present and future servers 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, or an equivalent program as approved by the Director of Regional Planning. 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;
- v. 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 Enforcement Inspector, or ABC investigator. The restaurant manager and all employees of the restaurant shall be knowledgeable of the conditions herein, and;

- w. All customers shall vacate the facility and its parking lot no later than 30 minutes after closing time. An employee of the facility shall conduct a walkthrough of the parking lot at this time, asking any remaining customers to leave the premises.

MK:TM
06/09/11