



Los Angeles County Department of Regional Planning



Planning for the Challenges Ahead

Jon Sanabria
Acting Director of Planning

May 13, 2009

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

**REGARDING: PROJECT NUMBER R2008-00152
CASE: CONDITIONAL USE PERMIT 200800020
22847 West Avenue D, West Lancaster, CA 93536**

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 May 27, 2009.** 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. 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 R2008-00152
CONDITIONAL USE PERMIT 200800020**

SYNOPSIS:

The applicant, Mark Jenkins, is requesting a conditional use permit to authorize the sale of beer and wine for off-site consumption on existing convenience store and off-site consumption at an approved fast food restaurant with a proposed outdoor eating area; and the conversion of an office space to a caretaker residential unit in the C-2 zone.

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:

A duly noticed public hearing was held on May 13, 2009 before the Regional Planning Commission. Commissioners Valadez, Bellamy, Helsley, Rew and Modugno were present. Staff presented the applicant's request and mentioned additional correspondence and phone call received. The applicant's representative, Mark Jenkins testified in favor of the request and respond to questions from the Commission.

One person, a local resident who lives north of the subject property, testified against the applicant's request to sell beer and wine for on-site consumption. The resident raised concerns regarding noise and public intoxication of restaurant patrons. The applicant stated that he does not intend or planned to operate the restaurant as a bar and provided the Commission with a petition with 142 signatures in support of his request.

After careful considerations, the Commission denied the applicant's request to allow outdoor dining. County Counsel suggested changing conditions 18j and 18k to allow the sale of single container alcoholic beverages to restaurant patrons for on-site consumption.

There being no further testimony, the Regional Planning Commission closed the public hearing, approved the subject permit and directed staff to prepare final findings and conditions with the modifications as instructed.

Findings

1. The subject property is located on 22847 West Avenue D, West Lancaster, CA 93536 in the community of Antelope Valley within the Antelope Valley West Zoned District in unincorporated Los Angeles County.
2. The subject property has direct access to West Avenue D/SR138, a designated major highway, and 230th Street West, a collector street. No change in existing access is proposed.
3. Pursuant to Section 22.56.010 of the County Code, the applicant has requested a conditional use permit to authorize the sale of beer and wine for off-site consumption at an existing convenience store and off-site consumption at a previously approved

restaurant with a proposed outdoor eating area; and the conversion of an office space to a caretaker residential unit in the C-2 (Neighborhood Business) zone.

4. The property is designated as Non-Urban 1 in the Antelope Valley Areawide General Plan (AVAGP) and the request will not conflict with the provisions of the AVAGP. Although the N1 is primarily a residential land use designation since it represents the dominant use of the area, the AVAGP allows local and highway oriented commercial uses to serve the needs of local residents and travelers in non-urban areas. The nearest residence is located approximately 350 feet north of the building that accommodates the proposed uses and it is buffered by a parking area, vacant land and a line of trees which provides buffer to minimize potential impacts to the nearby residence. The subject property is surrounded by vacant agricultural land to the south, east and west.
5. The subject property is zoned C-2 (Neighborhood Business) and A-1-2 (Light Agricultural – Two acres minimum lot size). Approximately 1.8 acre of the site is zoned C-2, and 2.5 acres are zoned A-1-2. All the existing facilities related to this request are located within portion of the property zoned C-2.

The Surrounding Properties are zoned as follows:

North: A-1-2 (Light Agricultural – Two acres minimum lot size).
South: A-1-2
East: A-1-2
West: A-2-5 (Light Agricultural – Five acres minimum lot size).

6. Surrounding land uses within 500 include:
North: Single-Family Residences
South: Vacant Agricultural Land
East: Vacant Agricultural Land
West: Vacant Agricultural Land
7. Although the subject property is zoned C-2 (Neighborhood Business) and A-1-2 (Light Agricultural – Two acres minimum lot size), the development is completely located within the portion of the subject property that is zoned C-2. Therefore, the C-2 development standards are applicable.
8. The commercial use of the subject property has been established in 1966 through an approved plot plan for the construction of a commercial building and an automobile fuel station. The commercial establishment has been in operation without conflict with the existing community. The site is appropriate for commercial development since it fronts on an improved major highway. The proposal is to allow the sales of beer and wine for on-site consumption at the established market and off-site consumption at the approved restaurant. The restaurant is currently closed. An outdoor eating area is also proposed to be located on the patio enclosed by a fence. No changes to the existing access and circulation pattern are proposed. The conversion of an office space into a caretaker will not include any exterior modification to the building and circulation pattern. In addition, the caretaker unit can

provide additional security and oversight to subject property with minimum impact to surrounding uses.

9. The site plan depicts the existing 5,145 square feet “U” shaped one-story building and fueling pumps as approved by Plot Plan No. 15336. The building is depicted at the southeastern portion of the property with 29 parking spaces, one of which is designated for people with disabilities, located to the northwest and south of the building. The parking area is covered with loose gravel, wheel stoppers will be installed to indicate the individual parking spaces. Elevation drawings of the building depict the maximum height of the building as 13’6”. A total of 7,884 square feet of landscaping is shown including existing and proposed landscaped areas.

The building floor plan depicts a 930 square foot convenience store, with 300 square feet of dry storage area and a 300 square foot management office; the 1,230 square foot fast food restaurant includes a kitchen, a 560 square foot indoor eating area (occupancy load of 37 persons) and a 400 square foot outdoor eating area (occupancy load of 28 persons), and two restrooms to serve the restaurant and the store. The existing kitchen is located behind the counter at the market. The indoor eating area is located adjacent to the market but separated by a wall. Access from the market to the eating area is provided through an existing patio area. The applicant proposed to use this patio for outdoor dining. The caretaker unit is 493 square feet in size and includes a bathroom. Two office suites, 568 and 613 square feet in size, and a 546 square feet retail area are also depicted as part of the building. No expansion to the building was proposed.

10. The design of the existing one-story building is similar to the appearance of a single-family house and consistent with the rural character of the community.
11. The convenience store and fueling station are currently open from 7:00 a.m. to 8:00 p.m., seven days a week. The kitchen is not currently operating other than for minor food preparation for the convenience store staff
12. All required services are in place to for existing uses.
13. The existing 5,145 square foot building occupies approximately seven percent of the portion of the property that is zoned C-2 (1.8 acres) area and three percent of the entire property (4.3 acres).
14. The property currently has 6,143 square feet of landscaping. The site plan depicts an additional 1,741 square feet of new landscaping. The applicant’s request is consistent with the required landscaping for commercial development in the C-2 zone.
15. Per section 22.52.170 of the County Code, the area occupied by buildings shall not exceed 90 percent of the net area of the property. Landscaped area shall occupy a minimum of 10 percent of the net area. The existing 5,145 square foot building occupies approximately seven percent of the portion of the property that is zoned C-2 (1.8 acres) area and three percent of the entire property (4.3 acres).

16. The applicant is not proposing any grading or change to the topography of the property.
17. The convenience store is currently operational. The restaurant was approved by a plot plan in 1999 but it is not open to the public. The addition of the sales of beer and wine for on-site and off-site consumption will not require any additional service or infra-structure beyond of what is currently available and approved. The proposed caretaker unit will replace an office space which has a bathroom.
18. The sales of beer and wine for on-site and off-site consumption and the conversion of an office space to a caretaker are not potentially polluting or hazardous uses. The nearest residence is located approximately 350 feet north of the building that accommodates the proposed uses and it is buffered by a parking area, vacant land and a line of trees. The subject property is surrounded by vacant agricultural land to the south, east and west.
19. No odor will be generated as a result of the sale of beer and wine and the addition of the caretaker unit.
20. The addition of the caretaker residential unit is incidental to the existing commercial development and justified by the remote location of the property.
21. The applicant is proposing that the sale of beer and wine be concurrent with the proposed hours of operation for the convenience store and the restaurant as follows: Convenience store and fueling station hours of operation: 7:00 a.m. to 11:00 p.m. Monday through Sunday; Restaurant hours of operation: 11:00 a.m. to 10:00 p.m. Monday through Sunday.
22. As depicted on the site plan, the beer and wine coolers are located approximately forty feet away from the cash register and the front door.
23. Although the sale of beer and wine is incidental to the on-site consumption of food only, the request to allow eating area with consumption of beer and wine can potentially generate noise impact to the existing neighborhood. If on-site consumption of beer and wine is restricted to the interior of the building, consequently, potential noise impact can be minimized and not likely to negatively impact adjacent and nearby uses. However, allowing an outdoor eating area on a property fronting a major highway would not be compatible and may pose noise impact to the nearby residential uses.
24. There are no establishments licensed which sell alcoholic beverages within 500 feet of the subject property. The two nearest establishments that sell beer and wine for off-site consumption are approximately five miles away to the east and west of the subject property. The hours of operation of one of the establishments are from 7 a.m. to 8 p.m. Monday through Sunday. The nearest establishment that sells beer and wine for on-site consumption within the census tract is 19 miles away. 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. The nearest single-family dwelling is located 350 feet northwest from the building that contains the convenience store and restaurant. A line of trees along the northern property line and a parking area north of the building serves as a buffer between the two uses. With the exception of the single-family dwelling, the project site is surrounded by vacant agricultural land. Existing access to the building is located at the southern facade of the building, opposite to the direction of the single-family dwelling unit. The outdoor eating area is also located on the southern portion of the building.

26. Per section 22.52.1110 of the County Code, every structure used for amusement, assembly, drinking, eating or entertainment shall provide one or more automobile parking spaces for each three persons based on the occupant load as determined by the county engineer. Other uses like business or professional offices shall provide one parking space for each 400 square feet of floor area, while commercial/retail uses shall provide one parking space for each 250 square feet of floor area of any building or structure to be used.

Based on the occupant load dated October 16, 2009, and County Code parking requirements, the subject convenience store, restaurant and indoor seating area require 20 parking spaces and the outdoor eating area requires 9.3 parking spaces. Additional office and retail business within the building provide a total amount of square footage requiring 7.14 parking spaces. The total parking required is 37 (36.44) spaces. Without the outdoor eating area, the number of required parking spaces is 28 (27.3). The applicant proposed to provide 29 parking spaces.

27. A report from the California Alcoholic Beverage Control (ABC), received by fax on January 8, 2009, states that the Census Tract in which the subject property is located (number 9012.03, with population of 1,482 persons) has undue concentration of licenses for off-site sale but not for on-site sale. The number of licenses allowed for the sale of alcoholic beverages for on-site consumption in this area is two and one license currently exists. One license is allowed for off-site consumption of alcoholic beverages for this area and four licenses have been issued. Crime report data for the year of 2007 was provided indicating that the total number of offences in the district was 38 and that the location is not within a high crime reporting district. The two nearest establishments that sell alcohol in the area for off-site consumption are approximately five miles east and west of the subject property. The subject census tract is relatively large in size but small in population containing approximately 160,000 acres with a population of 1,482 persons. A query from the ABC website shows that of the five existing establishments that sell alcoholic beverages in the census tract, three are located in Gorman and two in Lancaster, approximately 19 and 5 miles away respectively.
28. An e-mail from Deputy Michael L. Kuper, Special Assignment Officer, was received by staff on January 28, 2009 and states that there were three calls for service at the subject location during the past five years but none of the calls were serious. Two were medical and one was for repossession. The Los Angeles County Sheriff's

Department does not oppose the issuance of a Conditional Use Permit to allow the sale of alcoholic beverages at this location.

29. One phone call was received regarding this case from a resident who lives north of the subject property. The resident opposes to the sale of beer and wine for on-site consumption and has concerns regarding impacts on the community from intoxicated patrons, potential traffic safety issues and lack of law enforcement oversight.
30. This project has been determined to be Categorical 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).
31. 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.
32. 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.
33. 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 Special Projects 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;
- 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:

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 200800020 is approved subject to the attached conditions.

VOTE: 5-0-0-0

Concurring: Bellamy, Valadez, Rew, Helsley, Modugno

Dissenting: None

Abstaining: None

Absent: None

Action Date: May 13, 2009

c: Commissioner, Zoning Enforcement, Building and Safety

SD:CB:cb

This grant authorizes the sale of beer and wine for off-site consumption on existing convenience store and on-site consumption at an approved fast food restaurant; and the conversion of an office space to a caretaker residential unit 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.
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 ninety (90) days from the date of approval. A one-year time extension may be requested in writing and with the applicable fee, at least six (6) months before 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 will terminate on May 13, 2019.** At least six (6) months prior to the expiration of this permit and in the event that the Permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning, whether or not any modification of the use is requested at that time.

Upon termination of this grant, entitlement to the use of the property shall be subject to the regulations then in effect. If 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 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. Prior to the use 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 that 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. The fund provides for **ten (10)** inspections. The first inspection shall occur within one year after the approval date of this grant and each subsequent inspection shall occur at a year interval. 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 the amount equal to the recovery cost at the time of payment (currently \$150.00 per inspection).

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 maintenance of the caretaker residence shall be further subject to all of the following restrictions:
 - a. Upon approval of the Exhibit "A", the applicant shall apply for building permits for the caretaker residence from the County of Los Angeles Department of Building and Safety;
 - b. Occupancy of the one caretaker residence shall be limited to persons who are employed by the owner of the subject property or the permittee and who are receiving meaningful compensation to assume the primary responsibility for the necessary repair, maintenance, supervision or security of the subject property or personal property of the employer which is located on the subject property;
 - c. The permittee shall maintain a minimum of one (1) on-site automobile parking space for use by the caretaker;

- d. Only bonafide caretakers shall occupy said caretaker residence. No rent of any kind shall be charged for use of the caretaker residence;
 - e. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises under which the permittee has control; and
 - f. The caretaker residence shall not contain more than one dwelling unit.
18. The operation of the restaurant including the sale of beer and wine for on-site consumption, and the convenience store including the sale of beer and wine for off-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. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced;
 - c. The permittee shall display alcoholic beverages only in the cooler or shelving designated for storage of said beverages as depicted on the approved Exhibit "A". No additional display of alcoholic beverages shall be provided elsewhere on the premises;
 - d. Restaurant hours of operation allowed to sell beer and wine for on-site consumption shall be limited from 11:00 a.m. to 8:00 p.m. seven (7) days a week;
 - e. Convenience store hours of operation allowed to sell beer and wine for off-site consumption shall be limited from 7:00 a.m. to 8:00 p.m. seven (7) days a week;
 - f. Patrons of the restaurant are prohibited of getting their own alcoholic beverages from the convenience store. A restaurant employee shall take orders and provide the food and beverages to restaurant customers at the indoor seating area;
 - g. 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;
 - h. That a minimum of one restaurant employee shall be designated during operating hours to police the sale of alcohol at the subject restaurant and to strictly enforce all laws and regulations pertaining to the sale of alcohol for on-site consumption at the subject restaurant;

- i. Sale of alcoholic beverages from an ice tub is prohibited;
- j. There shall be no beer sold in containers under one quart or in less than six-pack quantities;
- k. There shall be no wine, with the exception of wine coolers, sold in containers of less than 750 milliliters. No miniatures of any type may be sold. Wine coolers shall not be sold in less than four-pack quantities;
- l. Conditions number 18-j and 18-k shall not apply for on-site consumption in conjunction with the operation of the restaurant as prescribed by Conditions number 18-f and 18-g;
- m. The permittee shall install a video camera in the restaurant seating area that records the activities during hours of operation. The tapes shall be kept for at least a two-week period and shall be made available to the Sheriff if requested;
- n. The permittee shall post signs at the restaurant and convenience store stating that on-site consumption of beer and wine is for customers only when they order food from the subject restaurant and it must be consumed at the indoor seating area;
- o. 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;
- p. 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;
- q. The permittee shall not advertise the sale of alcoholic beverages at the motor fuel islands;
- r. Temporary window signs shall not exceed 25 percent of the area of any single window or of adjoining windows on the same frontage;
- s. The permittee shall post signage on the premises in both English and the predominant second language in the neighborhood, which is clearly visible to customers, prohibiting the consumption of alcohol outside of said restaurant's eating area;
- t. Telephone numbers of local law enforcement shall be posted adjacent to the cashier's areas of the convenience store and service areas of the restaurant;
- u. 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;
- v. There shall be no cover charge or prepayment fee for food and/or beverage service required for admission to the restaurant;
 - w. The restaurant shall not be used for private parties (booking of the entire restaurant by one party);
 - x. 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;
 - y. No live entertainment is permitted;
 - z. Any piped in background music accompanying the diners shall be sufficiently regulated so as to not be audible beyond the restaurant;
 - aa. The permittee shall not install or maintain video games, pool tables, or similar game activities or equipment on site;
 - bb. 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;
 - cc. The permittee shall maintain the property in a neat and orderly fashion and maintain free of litter all areas of the premises under which the permittee has control;
 - dd. 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;
 - ee. 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;
 - ff. There shall be no outdoor sales, storage, or displays of merchandise;
 - gg. Restaurant outdoor eating area is prohibited;
 - hh. No sale of alcoholic beverages shall be made from a drive-in window;
 - ii. The consumption of beer and wine outside of the existing indoor eating area is prohibited; and
 - jj. 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.
19. A minimum of 28 parking spaces shall be maintained on site, one of which must be handicap. 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.

20. The occupancy of the building shall not exceed 60 persons.
21. The occupancy of the restaurant's eating area shall not exceed 37 persons.
22. There shall be no outdoor public address system or other sound amplification, or similar acoustical devices audible beyond the property boundaries.
23. The permittee shall develop the subject property with 7,884 square feet of landscaping as depicted on the approved Exhibit "A". Landscaping shall be continuously maintained in a neat, clean and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary. Incidental walkways, if needed, may be developed in the landscaped areas.
24. All parking lot and other exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot.
25. The permittee shall maintain a current contact name, address, and phone number with the Department of Regional Planning at all times.

SD:cb