



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

August 7, 2012

Genesis Consulting, Inc.
Attn: Alex Woo
1521 Wilshire Blvd.
Los Angeles, CA 90017

**REGARDING: PROJECT NO. R2006-00645-(4)
CONDITIONAL USE PERMIT NO. 201100005
11401 WASHINGTON BLVD., WHITTIER (8173-023-018)**

Hearing Officer Paul McCarthy, by his action of **August 7, 2012**, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **August 21, 2012**. **Appeals must be delivered in person.**

Appeals: **To file an appeal, please contact:**
Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

For questions or for additional information, please contact Michele Bush of the Zoning Permits East Section at (213) 974-6435, or by email at mbush@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
Richard J. Bruckner

Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)

c: DPW (Building and Safety); Zoning Enforcement;

MM:mrh

CC.060412

**FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2006-00645-(4)
CONDITIONAL USE PERMIT NO. 201100005**

1. **ENTITLEMENT REQUESTED.** The applicant, Genesis Consulting, Inc., is requesting a Conditional Use Permit (CUP) to authorize the sale and dispensing of beer and wine for on-site consumption pursuant to County Code Section 22.28.160 in the C-2 (Neighborhood Business) Zone.
2. **HEARING DATE.** 08/07/12
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** A duly noticed public hearing was held on August 7, 2012 before the Hearing Officer. The applicant's representative, Alex Woo, presented testimony in favor of the request and requested that Condition #35 be removed or clarified because the business currently operates two stuffed animal vending machines. The Hearing Officer discussed the concern and recommended that staff prepare a Finding to address the existing machines as a part of the project. There being no further testimony, the Hearing Officer closed the public hearing and approved the permit with findings and conditions as agreed to by the applicant.
4. **PROJECT DESCRIPTION.** The applicant, Genesis Consulting, Inc., is requesting a Conditional Use Permit (CUP) to authorize the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing 2,310 sq. ft. restaurant (Rubi's Grill & Frosty Freeze). The restaurant establishment was built in 1979. A CUP is required to allow the sale of beer and wine for on-site consumption in the C-2-BE (Neighborhood Commercial, Billboard Exclusion) Zone. There are two daily work shifts, from 9:00 a.m. to 10:00 p.m., with a maximum number of eight employees.
5. **LOCATION.** The restaurant is located at 11401 Washington Boulevard, in the unincorporated community of West Whittier-Los Nietos in the Whittier Downs Zoned District.
6. **SITE PLAN DESCRIPTION.** The site plan depicts the 0.34 acre parcel of land developed with an existing 2,310 square foot restaurant, with 25 standard parking spaces, one handicap accessible space and landscaping. The site is accessed via existing driveways on Washington Boulevard and Broadway Avenue.
7. **EXISTING ZONING.** Surrounding properties are zoned as follows:
North: R-1 (Single-Family Residence)
South: City of Santa Fe Springs
East: C-2-BE (Neighborhood Commercial, Billboard Exclusion)
West: C-2-BE (Neighborhood Commercial, Billboard Exclusion)
8. **EXISTING LAND USES.** Surrounding land uses consist of:
North: Single-Family Residential and Vacant Property
South: Restaurant

East: Commercial
West: Gas Station/Commercial

9. **PREVIOUS CASES/ZONING HISTORY.** Based on the review of previously issued building permits, the restaurant establishment was built in 1979. In 2006 a Plot Plan (RPP 200602088) was submitted to allow the construction of a drive-thru window, conversion of a portion of the dining area into a storage area, rearranging of parking spaces and installation of landscaping planters. Pursuant to Section 22.56.1720 of the County Code, the project request was denied.
10. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The subject property is designated as "1" (Low Density Residential - 1 to 6 dwelling units per acre (du/ac) in the Countywide Land Use Plan. Within the generalized residential areas mapped, a variety of use types and intensities presently exist. Such uses typically include local commercial and industrial services, schools, churches, local parks and other community-serving public facilities. It is not the intent of General Plan policy to preclude further development or expansion of such uses within areas depicted as residential on the Land Use Policy Map.
11. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The subject property is located in the C-2-BE (Neighborhood Commercial, Billboard Exclusion) Zone. A restaurant use with on-site alcohol sales and consumption is allowed in the C-2-BE Zone with a Conditional Use Permit.

Parking

Pursuant to Section 22.52.1110 of the County Code, every structure used for entertainment, dining and accessory uses require one parking space for every three persons based on the occupant load as determined by the county engineer. The current use requires 26 parking spaces. However, at the time of construction (1979) the County Code required 24 parking spaces for the subject use. The project will maintain 26 parking spaces.

Pursuant to Section 22.52.1070 of the County Code, one accessible space shall be provided for a project requiring one to 40 standard parking spaces. One handicapped accessible space is currently provided and will be maintained on the project site.

Lot Coverage and Landscaping

Section 22.28.170A of the County Code requires that not more than 90 percent of the net area be occupied by buildings. The applicant's site plan depicts approximately 16 percent of the subject property occupied by the restaurant.

Section 22.28.170A also requires that a minimum of 10 percent of the net area be landscaped with a lawn, shrubbery, flowers and/or trees, which shall be continuously maintained in good condition. However, at the time of construction, the County Code required that at least one square foot of landscaping be provided for each linear foot of street frontage, and that not less than two percent of the gross interior parking area be devoted to landscaping. The applicant's site plan depicts landscaping that is in compliance with these landscaping requirements.

The restaurant currently operates two (2) stuffed animal vending machines on-site.

12. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The subject property consists of the restaurant use. Surrounding land uses consist of single-family and vacant property to the north, restaurant to the south, commercial to the east and gas station/commercial to the west. With the proposed conditions the use will remain consistent and compatible with the surrounding community.

13. **STATE AND COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** California Department of Alcoholic Beverage Control Statistical data from the California Department of Alcoholic Beverage Control (ABC) report that the site of the subject request is located in a high crime reporting district. The subject property is in Reporting District 1576. The average number of offenses reported is 151.74 and the actual number of crimes reported for District 1576 is 393. The subject property is located within Census Tract 5022. There are currently two Type 41 ABC licenses for the sale and dispensing of beer and wine for on-site consumption in this census tract, six are allowed.

ABC data shows the addition of a license for the restaurant will not create an undue concentration within the census tract. However, there are establishments within 500 feet of the project site that sell alcoholic beverages. Chris' & Pitt's Restaurant, selling full liquor for on-site consumption, is located approximately 251 feet southwest of the project site; Embers Lounge, selling full liquor for on-site consumption, is located approximately 277 feet southwest of the project site; Smart & Final, selling full liquor for off-site consumption is located approximately 291 feet southeast from the project site; The Stein Bar, selling beer for on-site consumption and Kwik Serv Liquor, selling full liquor for off-site consumption are both located approximately 460 feet west of the project site.

The granting of this CUP to authorize the sale and dispensing of beer and wine for on-site consumption (Alcoholic Beverage Consumption - Type 41) at an existing restaurant would serve as a public convenience to the surrounding neighborhood and patrons of the establishment, and would be a complementary use for the restaurant. The sale of alcohol by the applicant would provide a customary accompaniment to the items provided on the menu.

Sheriff's Station

The County of Los Angeles Pico Rivera Sheriff's Station, researched the database, for the subject property, from March 8, 2007 through March 8, 2012 and 15 calls for service were made to the restaurant. The Sheriff's comments listed the following descriptions as nature of calls; elderly woman attempted to talk to a child, security check, woman grabbed child by arm, roosters flying into parking lot from neighboring residence, accidental security alarm activation, person trying to hit customer, customer yelling and refusing to leave establishment, transients undressing in front yard, person from an off-site altercation eating in establishment and customer refusing to leave and arguing with staff. Upon review of the application, the Sheriff's Department had no significant law enforcement concerns

or objections to the conditional use permit to the sale and dispensing of beer and wine for on-site consumption (report attached).

14. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** 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.
15. **PUBLIC COMMENTS.** No comments were received regarding this request at the time of this report.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

16. The subject property is designated as "1" (Low Density Residential - 1 to 6 dwelling units per acre (du/ac) in the Countywide Land Use Plan. Within the generalized residential areas mapped, a variety of use types and intensities presently exist. Such uses typically include local commercial and industrial services, schools, churches, local parks and other community-serving public facilities. It is not the intent of General Plan policy to preclude further development or expansion of such uses within areas depicted as residential on the Land Use Policy Map.
17. Therefore, the proposed use will be consistent with the adopted general plan for the area.
18. The requested on-site sale of beer and wine in conjunction with the operation of a well established bona fide restaurant is a desired amenity and is commonly acknowledged by the general public. The applicant wishes to provide a full restaurant service by not only providing an extensive menu for reasonable prices but also provide the ability to sell beer and wine with a food order only. The applicant will apply policies that dictate stringent age verifications prior to alcohol sales. He will ensure that the restaurant will be operated harmoniously and without nuisance to the surrounding uses. Moreover, the subject site is suitable for the proposed use and compatible with the existing pattern of development in the immediate neighborhood. The proposed use is consistent and harmonious with the adjacent or surrounding uses in that it promotes sound commerce that enhances the character of the development in the immediate neighborhood.
19. Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
20. The design of the site plan was approved under the previous case and the site was constructed to Code or have abided by conditions set forth by the Regional Planning Department. The uses and improvements of the subject project are designed and arranged to enhance the development of adjacent properties. Thus,

the subject site is adequate in size and shape to accommodate any required or requested improvements.

21. Therefore, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area.
22. The subject property is bounded by Washington Boulevard and Broadway Avenue, a secondary highway that serves a continuous flow of traffic. The subject project has automobile access along Washington Blvd. and Broadway Avenue. The ingress and egress to the subject project will not constitute a traffic hazard or cause significant traffic congestion, or disruption of vehicular circulation on adjacent streets. Trash pick-up by a private trash contractor will be accessed through the 20 feet wide driveway and conducted at the trash enclosures located near the loading area for the each building. In addition, the subject site receives all utility and sewer services provided through underground pipes. Thus, the proposed project is adequately served by a sufficiently wide highway and by other public and private service facilities.
23. Therefore, the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

ALCOHOLIC BEVERAGE SALES SPECIFIC FINDINGS

24. The requested use will not adversely affect the sensitive uses within 600 feet such as schools, parks, religious worship because this subject restaurant and its request for the sale of beer and wine will only compliment the full service it provides. This restaurant has served this community for many years, problem free and to be able to sell the beer and wine will compliment the full menu.
25. Therefore, 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.
26. The properties along Washington Boulevard are similarly developed with various commercial uses including retail shops, offices, restaurant, auto parts store and a public storage facility. The distance from the subject location to the existing residential development is well buffered by the parking lot at the rear portion of the parcel and the commercial development. All noise and activities are directed towards Washington Blvd. and away from the residences.
27. Therefore, 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.
28. The restaurant use in this instance will provide convenience to the immediate business community, local residents and visitors. The conditions of approval

addressing operational and alcohol related issues have been imposed to ensure it safeguard the public's welfare and to ensure that the location of the project will be desirable to the public convenience. Operation of said bona fide restaurant would not conflict with other tenants and their patrons. The use including the alcohol sales is compatible with the character of the surrounding uses. The applicant has maintained the current operation in compliance with prior requirements established by the County of Los Angeles and has demonstrated that the use will be operated in a responsible manner in relation to adjacent uses and development of the community.

29. Therefore, The requested use at the proposed location will not result in an undue concentration of similar uses, and that the public convenience for an additional facility selling alcoholic beverages for off-site consumption outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, and that the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.
30. The approval of this Conditional Use Permit will only add economic vigor to the local economy by drawing more customers to the area. Also, the applicant employs the majority of the staff from the local communities which will contribute to the business tax base, and in turn, will regenerate resources into the community.
31. Therefore, the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.
32. The properties along Washington Boulevard are similarly developed with various commercial uses including mini shopping plazas, restaurants and many other retail uses. The proposed use is compatible with the development in the surrounding properties. The subject restaurant will operate in the commercial center and will offer an extensive menu will continue to be a fixture to this community. The sale of beer and wine will be incidental to food orders only.
33. Therefore, 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.

ENVIRONMENTAL DETERMINATION

34. The project site consists of an existing restaurant use. No alterations or modifications are proposed to the existing structure.
35. Therefore, staff recommends the project qualifies as a Categorical Exemption (Class 1, Existing Facilities) and 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.

36. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to 15 years.
37. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area; and
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required; and
- E. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius; and
- F. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area; and
- G. The requested use at the proposed location will not result in an undue concentration of similar uses, and that the public convenience for an additional facility selling alcoholic beverages for off-site consumption outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, and that the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment; and

- H. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community; and
- I. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration or substantially diminish or impair property values within the neighborhood.

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 Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 201100005 is Approved subject to the attached conditions.

MM:mrb
08/07/12

c: Hearing Officer, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2006-00645-(4)
CONDITIONAL USE PERMIT NO. 201100005**

PROJECT DESCRIPTION

The project is a request for a Conditional Use Permit (CUP) to authorize the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing 2,310 sq. ft. restaurant (Rubi's Grill & Frosty Freeze). The restaurant establishment was built in 1979. A CUP is required to allow the sale of beer and wine for on-site consumption in the C-2-BE (Neighborhood Commercial, Billboard Exclusion) Zone. There are two daily work shifts, from 9:00 a.m. to 10:00 p.m., with a maximum number of eight employees subject to the following conditions of approval:

GENERAL CONDITIONS

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 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 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. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5 and 9 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 or any other applicable limitations period. The County shall promptly 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 up to \$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 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 according to County Code Section 2.170.010.

6. 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.
7. 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 ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property 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.
8. **This grant shall terminate on August 7, 2027.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations 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, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this 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.
9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
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 **\$1,600.00**. The 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 fund provides for **Eight (8) biennial** 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 one of the conditions 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 or 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 as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director.
14. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.
15. 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.

16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
17. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS

18. This grant authorizes the sale of alcoholic beverages from 11 a.m. to 10 p.m. seven days a week.
19. The occupancy of the restaurant is limited to a maximum of 100 patrons.
20. The sale of alcoholic beverages shall be in conjunction with food ordered and consumed and within the subject restaurant only. The sale and serving of alcoholic beverages for consumption outside the restaurant is prohibited.
21. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control Agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.
22. 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.
23. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.
24. The permittee, and all managers and designated employees of the establishment, who directly serve alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program, or other similar program, provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the

lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.

25. The permittee shall develop and implement a Designated Driver program (i.e. free soft drinks or coffee to a designated driver of a group). The permittee shall submit the program to the Director of Planning for approval prior to the approval of the Exhibit "A". A printed two-sided card explaining this program shall be placed on all tables in the restaurant or an explanation regarding the program shall be printed on the menu
26. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures.
27. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public.
28. No sale of alcoholic beverages shall be made from a drive-in window.
29. All servers of alcoholic beverages shall be a minimum of 18 years of age.
30. Any conditions on hours of alcohol sale should be consistent with store operating hours. Alcohol sales shall be prohibited between 10 p.m. to 11 a.m., seven (7) days a week.
31. The permittee shall provide adequate lighting above all entrances and exits to the premises.
32. All lighting required by this grant shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons within lighted areas 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 hooded, deflected, shaded and focused away from all adjoining properties 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. The permittee shall provide adequate lighting in all parking areas and walkways under control of the permittee or required as a condition of this grant.

PROJECT SITE SPECIFIC CONDITIONS

33. There shall be no music or other noise audible beyond the restaurant premises.
34. No live entertainment, dancing, or dance floor is authorized in or outside the premises.

35. The licensed premises currently operates two (2) stuffed animal vending machines on-site. No other coin operated amusements, such as pool tables, juke boxes, video games or other similar equipment shall be permitted at any time.
36. The permittee shall maintain the subject property in a neat and orderly fashion. All areas of the premises controlled by the permittee shall be maintained free of litter. All litter and trash shall be collected regularly from the premises.
37. The placement of portable signs on sidewalks adjacent to the subject property and temporary signs on walls and poles is prohibited.
38. Temporary window signs shall not exceed 25 percent of the area of any single window or of adjoining windows on the same frontage.
39. The restaurant use shall provide and continuously maintain a total of 26 parking spaces on the site, which consists of 25 standard parking spaces and one handicapped accessible space.
40. All display shall be located entirely within an enclosed building unless otherwise authorized by a Temporary Use Permit.
41. There shall be no outdoor public address system or other sound amplification, or similar acoustical devices audible beyond the property boundaries.

Attachments:

Department of Alcoholic Beverage Control letter, dated March 29, 2012
County of Los Angeles Pico Rivera Sheriff's Station report, dated March 3, 2012

MM:MRB