



Los Angeles County
Department of Regional Planning



April 17, 2013

Richard J. Bruckner
Director

CAROLYN SEITZ
P.O. BOX 265
ALTADENA, CA 91003

**REGARDING: PROJECT NO. R2012-02420-(5)
CONDITIONAL USE PERMIT NO. 201200141
27911-27977 Sloan Canyon, Castaic (APN 2865-030-013)**

Hearing Officer Pat Hachiya, by her action of April 16, 2013, 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 the 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 April 30, 2013. **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

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Rob Glaser of the Zoning Permits North Section at (213) 974-6443, or by email at rglaser@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

Susan Tae, AICP, Supervising Regional Planner
Zoning Permits North Section

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

c: DPW (Building and Safety); Zoning Enforcement, Stacey Williams, Maria Hernandez

SMT:rg

CC.060412

**FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2012-02420-(5)
CONDITIONAL USE PERMIT NO. 201200141**

1. **ENTITLEMENT REQUESTED.** The applicant, Las Rocas Bar & Grill, is requesting a Conditional Use Permit ("CUP") to authorize the sale of alcoholic beverages (Type 47 beer, wine and distilled spirits) for on-site consumption at a restaurant in the CPD (Commercial Planned Development) Zone pursuant to Los Angeles County ("County") Code Sections 22.28.340 and Section 22.56.195.
2. **HEARING DATE.** April 16, 2013
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** A duly noticed public hearing was held on March 16, 2013 before the Hearing Officer Pat Hachiya. Staff presented the applicant's request.

After the presentation, Staff read changes to the draft condition for consideration into the record. The changes were in reference to allow outside consumption of alcohol with a landscaped buffer and to clarify that ABC training applies to anyone handling the sale or serving of alcoholic beverages. The Hearing Officer concurred with Staff's changes and recommended additional editorial changes to the findings.

The applicant's agent requested a longer grant term and also concurred with Staff's and Hearing Officer's changes. The Hearing Officer extended the grant term for an additional five years. With no testimony from the public, the public hearing was closed. The Hearing Officer adopted the Categorical Exemption and approved the CUP with the modified findings and recommended modified conditions.

4. **PROJECT DESCRIPTION.** The applicant, Las Rocas Bar and Grill, is requesting a CUP to authorize the sale of alcoholic beverages (Type 47 beer, wine, and distilled spirits) for on-site consumption at a relocated restaurant within an existing shopping center within the CPD Zone. The restaurant consists of a dining room, bar/lounge, kitchen/back bar, restroom, storage, office, and outdoor patio dining. The restaurant currently has an occupant load of 74 seats for indoor dining and 45 seats for outdoor dining. This restaurant was previously authorized to sell alcoholic beverages for on-site consumption through CUP No 200600230 at a different location within the same shopping center, but is required to have a new CUP at the relocated restaurant.
5. **SITE PLAN DESCRIPTION.** The site plan depicts a commercial retail shopping center containing an existing recently expanded public library, five retail spaces, one restaurant space and a drug store, Walgreens. The subject property is landscaped covering about 24% of the lot. One retail space is occupied by a culinary school. The other retail spaces are providing retail services. The shopping center provides 208 parking stalls. There is signage for the business are

located on the building frontages and on monument signs located at the driveway entrances from Sloan Canyon Road and The Old Road.

The tenant space for the restaurant depicts a 74 seat indoor dining area and a 45 seat outdoor dining area. The outdoor dining area is separated from the parking area by a 42" tall wrought iron barrier and a four foot tall landscaped buffer. The outdoor patio area has a gated exit for emergencies. There is also a bar/lounge inside the restaurant which allows for 12 seats available for bar stool seating. Behind the bar is a bar cooler for storage of cold alcoholic beverages. There are two handicapped accessible restrooms available, a kitchen, walk-in cooler, walk-in freezer, dry storage room, an office, and a janitorial space. The tenant space elevation depicts the business wall sign.

6. **LOCATION.** 27911-27977 Sloan Canyon Road, Castaic. (APN 2865-030-013)

7. **EXISTING ZONING.**

The subject property is zoned CPD and located with the Castaic Canyon Zoned District.

Surrounding properties are zoned as follows:

North: R-1-5,000 (Single-Family Residence – 5,000 Square Foot Required Minimum Lot Area)

South: RPD-8,000-5.5U (Residential Planned Development – 8,000 Square Foot Required Minimum Lot Area – 5.5 Dwelling Units per Acre Maximum Density) and R-1-7,000 (Single-Family Residence – 7,000 Square Foot Required Minimum Lot Area)

East: M-1 (Light Manufacturing) and CPD

West: RPD-8,000-5.5U

8. **EXISTING LAND USES.**

The subject property is developed with an existing shopping center with a mix of retail stores, a public library, a dentist, a culinary school, and a restaurant.

Surrounding properties are developed as follows:

North: Single-family residences and vacant hillsides.

South: Wal-greens Pharmacy and single family residences.

East: Two (2) gas stations, two (2) fast-food restaurants, and Interstate 5 Freeway.

West: Vacant hillside land and single-family residences

9. **PREVIOUS CASES/ZONING HISTORY.**

CUP 02-087 – Approved on September 10, 2003. This request authorized the construction, operation and maintenance of a commercial complex in the CPD zone to include a child care center, restaurant, drug store and general commercial retail uses.

CUP No. 200600230 – Approved on September 11, 2007. This request authorized the sale of a full-line of alcohol for an existing restaurant (Las Rocas Bar & Grill) and an associated parking deviation for a reduction in the required amount of parking.

Revised Exhibit “A” No. 201000259 – Approved on September 2, 2010. This request authorized the conversion of a restaurant, not Las Rocas, to a culinary school.

Revised Exhibit “A” No. 201300004 – Approved on January 15, 2013. This request authorized the relocation of the Las Rocas Bar & Grill within the same shopping center from building one to building two. Approved occupant load for this establishment is 161 as calculated by County Department of Public Works, Building and Safety on October 17, 2012.

Zone Change Ordinance No. 11090 – Adopted on February 25, 1975, established the CPD zone for the subject property.

Zone Change Ordinance No. 2012-0055Z – Approved on November 27, 2012. Change the zone from CPD for the subject property to C-3-DP as part of OVOV update to the Santa Clarita Valley Area Plan.

10. **SANTA CLARITA VALLEY AREA PLAN / GENERAL PLAN CONSISTENCY.**

The project site is located within the C (Commercial) land use category of the 1984 Santa Clarita Valley Area Plan. The 1984 Santa Clarita Valley (SCV) Area Plan is being used in the consistency analysis, since the project request was submitted and deemed complete prior to the adoption on the updated SCV Area Plan called One Valley One Vision (OVOV) on November 27, 2012. This C designation is intended for supermarkets, drug stores, small clothing stores and gift shops, hardware stores, shoe stores, jewelry stores, specialty shops, ice cream parlors, candy stores, coffee shops, small restaurants, donut shops, branch banks and small retail and supporting outlets found in large shopping centers that typify what may be expected in a community commercial center. The restaurant is located in an existing community commercial center and is consistent with the land use designation and is therefore consistent with the permitted uses of the underlying land use category.

The following policy of the 1984 Santa Clarita Valley Area Plan is applicable to the proposed project:

- Land Use Compatibility 6.1 – “Encourage the appropriate mix of land use types to prevent disharmony and degradation. Residential, commercial, employment, recreation, and cultural uses should be integrated using appropriate buffering techniques to create a cohesive community.” (Page 15)

The Las Rocas Bar and Grill is a restaurant located in an existing shopping center serving the Castaic community. The existing use is consistent with the land use

designation and the request for the sale of alcoholic beverage for on-site consumption is allowed with a CUP. This restaurant would be able to provide a community benefit by offering the opportunity for alcoholic beverages for on-site consumption with a meal. The restaurant is buffered from residential uses since is located in a shopping center and the nearest residence is over 450 feet from the center.

In addition to the SCV Plan consistency the following general policy from the Los Angeles Countywide General Plan (General Plan) is applicable to the subject property and serves as guideline for the continued use on the subject property:

- General Policy No. 20 (General Plan pg. I-21) – “Maintain and conserve existing development.”

The existing family restaurant has been providing food service with alcohol to the surrounding community since September 2007. The restaurant use provides a valuable service to the local residents. The sale of beer, wine and distilled spirits for on-site consumption would be considered a public convenience as it is served at a restaurant to complement the dining experience.

11. ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.

Pursuant to Section 22.28.340 of the County Code, establishments in the CPD Zone are subject to the following development standards:

The Las Rocas Bar and Grill was originally authorized through CUP 02-087 and was constructed as part of a shopping center in 2003. This approval was authorized based on consistency with the CPD zone development standards. Any use in the CPD zone requires a CUP and any alcohol related request also requires a CUP.

Subsequently Revised Exhibit “A” No. 201300004 approved on January 15, 2013, was a request that authorized the relocation of the Las Rocas Bar and Grill within the same shopping center from building one to building two. The calculated occupant load for this establishment is 161 as determined by Department of Public Works, Building and Safety on October 17, 2012. The parking for the restaurant was accommodated without a need for a parking deviation, since there was a change of use in the shopping center. The public library located in the same shopping center reduced the required parking for the library use which allows additional spaces to be used by the Las Rocas Bar & Grill. The parking matrix was updated to reflect the allowable parking spaces available for the certain types of uses.

In addition, a sign program was approved with CUP 02-087 which prohibits business wall signs to be located on the rear elevation of the buildings. During the review of Revised Exhibit “A” No. 201300004, it was verified that the relocation of the restaurant was consistent with the original approval of CUP 02-087 including

parking, landscaping and signage, which is consistent with the development standards for this shopping center.

Pursuant to Section 22.44.137 of the County Code, establishments in the Castaic Community Standards District (CSD) are subject to the following:

The Las Rocas Bar and Grill was originally authorized through CUP 02-087 and was constructed as part of a shopping center in 2003. This project was found consistent with the Castaic CSD community-wide development standards prior to the approval of CUP 02-087. Revised Exhibit "A" No. 201300004 approved on January 15, 2013, was also found consistent with Castaic CSD development standards, which apply to this request would be signage and lighting. The lighting was authorized through CUP 02-087 and there is no change in the lighting of the shopping center proposed. The signage was verified to be consistent through Revised Exhibit "A" No. 201300004.

12. NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.

The Las Rocas Bar and Grill originally obtained their alcohol permit in September 2007 and has been operation without complaint for six years at their previous location. The restaurant is relocated within the same shopping center and plans to continue serving the Castaic community. This is the only restaurant in the Castaic community that serves alcoholic beverage for on-site consumption. Since the restaurant is able to serve food with alcoholic beverages, it enhances the dining experience for the patrons. The restaurant is adequately buffered by the commercial shopping center from the residential community.

13. The requested permit will be conditioned so that the public library, which is considered a sensitive use, will not be adversely affected by the sale of alcoholic beverage for on-site consumption at this restaurant. Therefore, the sale of alcoholic beverages at this location in the Castaic community will be compatible with the surrounding neighborhood.

14. COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.

The Sheriff's response letter to the applicant's request dated December 6, 2012 indicated that they have responded to 18 calls for service at 27963 Sloan Canyon Road in Castaic for the past five (5) years. Nine (9) calls were for robbery and burglary activations, one (1) call for a burglary report, and eight (8) calls for suspicious persons, loitering juveniles, keeping the peace, etc. All calls for service were routine in nature and this establishment has not been a problem. The Sheriff does not oppose approval of this CUP.

15. OTHER AGENCY COMMENTS AND RECOMMENDATIONS

State Department of Alcohol Beverage Control ("ABC"), from a fax dated November, 28 2012, indicated that the location of the restaurant is in a high crime reporting district. The subject property is located in Census Tract 9201-04, which allows for two (2) ABC licenses for on-site consumption and currently one (1)

exists for the Las Rocas Bar and Grill. There is no undue concentration of license in the area; however a letter of Public Convenience or Necessity is required.

16. **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.
17. **PUBLIC COMMENTS.**
No public comments were received.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

18. The project site is located within the C (Commercial) land use category of the 1984 Santa Clarita Valley Area Plan. The 1984 Santa Clarita Valley (SCV) Area Plan is being used in the consistency analysis, since the project request was submitted and deemed complete prior to the adoption on the updated SCV Area Plan called One Valley One Vision (OVOV) on November 27, 2012. This C designation is intended for supermarkets, drug stores, small clothing stores and gift shops, hardware stores, shoe stores, jewelry stores, specialty shops, ice cream parlors, candy stores, coffee shops, small restaurants, donut shops, branch banks and small retail and supporting outlets found in large shopping centers that typify what may be expected in a community commercial center. The restaurant is located in an existing community commercial center and is consistent with the land use designation and is therefore consistent with the permitted uses of the underlying land use category.

Therefore, the proposed use will be consistent with the adopted general plan for the area.

19. Allowing the sale of alcoholic beverages in connection with the operation of a full service dining establishment will not cause any issues because alcohol sales are customarily associated with such uses, and desired by the patrons of the business. There are no other opportunities in the surrounding community for such dining. The continued operation of this restaurant with the sale of alcoholic beverages, will be conditioned properly and operated in compliance with, and adhering to ABC requirements, including employee training programs. Therefore, the project will not adversely affect the health, peace, comfort or welfare of persons residing in the area, nor is the use detrimental to the enjoyment or valuation of property location within the vicinity.

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 subject property is five (5) acres in size. The restaurant building measures 3,754 square feet and the parking lot provides 208 stalls. The project is for the sale of alcoholic beverages for on-site consumption at an existing restaurant. The restaurant meets setback, parking, building height, fencing, and landscaping requirements. The alcohol permit will not change anything about the exterior of the building and the entire shopping center is consistent with the Castaic Community Standards District. Therefore, the site is adequate to accommodate the development features prescribed in Title 22.

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.

21. Access to the subject property is via The Old Road and Sloan Canyon Road, both designated major highways on the County Master Plan of Highways, which is 80 feet wide at this portion of the highways. The highway is improved as necessary to carry the kind and quantity of traffic that would be expected in connection with the proposed project. The existing restaurant utilizes a sewer system for wastewater disposal. Public water is provided. There is a County Fire Department Station is a half mile from the center. The community is served by the Santa Clarita Valley Office of the County Sheriff's Department.

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.

22. The requested alcohol permit for on-site consumption at an existing restaurant will not adversely affect places used for religious worship, schools, parks, or playground. However, there is a public library, which is considered a similar use, located 180 feet from the restaurant within the same shopping center. Properly conditioned there will not be an adverse effect on the library.

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.

23. The subject property is five (5) acres in size. The restaurant building measures 3,754 square feet and the parking lot provides 208 stalls. There are two separate single-family residential neighbors to the south and southwest located approximately 400 feet from restaurant. The restaurant is sufficiently buffered from the residences in the surrounding area since it is located in an existing shopping center and the request for an alcohol permit will not change existing conditions since relocation of the restaurant is in the same shopping center.

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.

24. The requested use at the proposed location will not result in an undue concentration of similar premises. The subject alcohol request is for the sale of alcoholic beverages for on-site consumption at a restaurant relocated within the same commercial complex and a previous CUP (No. 200600230) was approved in 2007 for alcohol sales for on-site consumption. No other establishments have a CUP or alcohol license for on-site consumption within 500 feet of the subject restaurant. However, there is only a retail drugstore, Walgreens, within 500 feet of the Las Rocas Bar and Grill, that has a CUP for the sale of alcoholic beverages for off-site consumption, thus requiring the County to make a finding of public convenience and necessity.
25. According to ABC, the total number of alcohol licenses allowed in Census Tract 9201.04 is two and currently, there is only one existing alcohol license, which is for the Las Rocas Bar and Grill. Therefore, the approval of the requested alcohol sales CUP and license would not create an undue concentration in the Census Tract, per ABC standards.
26. The approval of the subject alcohol sale CUP would provide a public convenience and community benefit as no other restaurants within Census Tract 9201.04 or near vicinity offers alcoholic beverages for on-site consumption with a meal. In addition, ABC will require training for all employees designated in handling or selling alcoholic beverage for the restaurant to ensure that alcoholic consumption occurs in a safe manner.

Therefore, the requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic for off-site consumption, outweighs the fact that it is either on-site or off-site consumption.

27. The Castaic community is small and the Las Rocas Bar and Grill provides a needed dining service to the local neighborhood. The request for the sale of alcoholic beverages for on-site consumption at an existing restaurant would not adversely affect the economy of the surrounding area because this is something that one would customarily expect in connection with dining, that there are either no other dining establishments in the area that offer this service, and as such would be a beneficial addition. In fact the previous approval in 2007 was supported by the Castaic Town Council. This request was not brought to the Castaic Town Council, since the restaurant is being relocated in the same shopping center.

Therefore, the requested use at the proposed location will not adversely affect the economic welfare of the nearby community.

28. The existing restaurant structure's exterior appearance is consistent with the other commercial buildings located in the shopping center and does not cause blight, deterioration or substantially diminish property values. The alcohol permit will not change the exterior of the building except for the business sign; therefore, the project will not change that the underlying existing building is consistent with the immediate neighborhood character and consistent with the Castaic Area Community Standards District development standards.

ENVIRONMENTAL DETERMINATION

29. This project is for the authorization to sale of alcoholic beverages for on-site consumption at an existing restaurant and there is no interruption of use.

Therefore, 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.

30. **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.
31. **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 North 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. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius; and
- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area; and
- G. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic for off-site consumption, outweighs the fact that it is either on-site or off-site consumption; and
- 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 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/meeting substantiates the required findings for a Conditional Use Permit No 201200141 as set forth in Section (s) 22.56.090 and 22.56.195 of the 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 No 201200141 is Approved subject to the attached conditions.

SMT:rg

4-18-13

c: Hearing Officer, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2012-02420-(5)
CONDITIONAL USE PERMIT NO. 201200141**

PROJECT DESCRIPTION

The project is for the sale of alcoholic beverages (Type 47 beer, wine and distilled spirits) for on-site consumption at a restaurant in the CPD (Commercial Planned Development) Zone, 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 April 16, 2028.** 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 ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the sale of alcoholic beverages at an existing restaurant and satisfaction of Condition No. 2 shall be considered use of this grant.
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**. 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 (one every other year)** inspections starting with six (months after approval. 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 to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant 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 of Regional Planning ("Director").
15. 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 over which the permittee has control.
16. 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.

17. 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, **four (4) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **four (4) copies** of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS

19. 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.
20. 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.
21. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the ABC. 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.
22. 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.
23. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.

24. 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.
25. This grant authorizes the sale of alcoholic beverages from 10 a.m. to 10 p.m. Sunday through Thursday and 10 a.m. to 11:00 p.m. Friday and Saturday.
26. There shall be no consumption of alcoholic beverages outside the designated areas of the subject facility. The designated area where alcohol may be consumed are within the restaurant and within the outside patio area. 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.
27. 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.
28. All servers of alcoholic beverages must be at least 18 years of age.
29. There shall be no music or other noise audible beyond the restaurant premises.
30. The operation of the facility is further subject to all of the following conditions:
 - a. No live entertainment, dancing, or dance floor is authorized in or outside the premises;
 - b. Alcoholic beverages shall be sold to customers only when food is ordered and consumed within the subject restaurant or patio area;
 - c. The outside patio shall be screened with a four (4) foot high landscaped buffer.
 - d. The business shall -maintain at least one cook that is engaged in the preparation of meals for patrons during all hours of operation;
 - e. Not less than fifty-one percent of the income from the business enterprise shall be derived from the sale of food and non-alcoholic beverages. The business owner shall at all times maintain records which reflect separately the gross sale of food and the gross sale of alcoholic beverages. Said records shall be made available to the County Department of Regional Planning, the ABC, or the County Sheriff's Department on demand;
 - f. The permittee may hold "happy hour" drink specials, specials or similar promotions only in conjunction with food;

PROJECT SITE SPECIFIC CONDITIONS

31. This grant shall authorize the sale of alcoholic beverages for on-site consumption at a restaurant.
32. The permittee shall provide parking as required by the County Code, calculated at a parking as approved on Revised Exhibit "A" No. 201300004. The restaurant has a square footage of 3,754 (including the patio)/an occupant load of 161 as calculated by County Department of Public Works, Building and Safety on October 17, 2012, persons which would require not less than 38 spaces be provided. If the permittee changes the operation of restaurant so as to require less parking than the minimum requirement, the permittee shall submit an application for a Revised Exhibit "A" within 90 days of such occurrence.
33. If the restaurant substantially changes its mode or character of operation or if the permittee changes the use or occupancy or otherwise modifies the subject property so as to require parking beyond the minimum requirement, the permittee shall submit an application for a minor parking deviation, parking permit, variance, or other applicable permit, as determined by the Director, within 90 days of such occurrence.