



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

January 13, 2015

Mike Zal  
2598 Sierra Creek Road  
Agoura, CA 91301

**REGARDING: PROJECT NO. R2013-02566-(3)  
CONDITIONAL USE PERMIT NO. 201300129  
2598 SIERRA CREEK DRIVE**

Hearing Officer Susie Tae, by her action on January 6, 2015, 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).

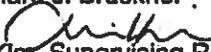
The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on January 20, 2015. Appeals must be delivered in person.

**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 Jarod Nygren of the Zoning Permits West Section at (818) 880-3799, or by email at [jnygren@planning.lacounty.gov](mailto:jnygren@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

  
Mi Kim, Supervising Regional Planner  
Zoning Permits West Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)  
c: DPW (Building and Safety); Zoning Enforcement

MK:JN

CC.060412

**FINDINGS AND ORDER OF HEARING OFFICER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2013-02566-(3)  
CONDITIONAL USE PERMIT NO. 201300129**

1. **ENTITLEMENTS REQUESTED.** A conditional use permit to authorize the continued operation of a mini-market, restaurant, single-family residence, wine bar, live music and gift shop with on-site and off-site alcohol sales in the R-R-1 (Resort Recreation - One Acre Minimum Required Lot Area) Zone pursuant to County Code Section 22.40.220.
2. **HEARING DATE.** January 6, 2015
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** On January 6, 2015 a duly noticed public hearing was held for the project. Staff presented staff report for the project and the Hearing Officer, Susie Tae, listened to testimony from the applicant. During the staff presentation, staff mentioned that they wanted to make changes to the findings and conditions. Staff explained that they were going to include the applicable findings related to accessory live entertainment from Sections 22.56.1690 and 22.56.1754 of Title 22 Zoning Code. Staff also noted that they were going to remove the grant-term for the single-family residence portion of the CUP, and remove condition number 33. In addition, staff added conditions that shelf space be for off-site sales be limited to 5% and that no outside alcohol be allowed in the wine bar or restaurant. Lastly, staff noted that they would like to reference the approval letters from the applicable County agencies in condition numbers 12, 13, and 15. The applicant then requested that conditions 33 and 35 be removed from the permit. Staff agreed that condition 33 could be removed but recommended condition 35 remain. Condition 35 requires that food be served with the alcohol. Food such as cheese, pretzels, crackers, etc. would meet this condition. After the testimonies the Hearing Officer instructed the staff to also include a finding for the Rural Outdoor Lighting District requirements and approved the project with modifications to the conditions. There being no further testimony, the Hearing Officer closed the public hearing and approved the project subject to the modified conditions and agreed to by the applicant.
4. **PROJECT DESCRIPTION.** The project is a request for a CUP to authorize the continued operation and maintenance of an existing mini-market, restaurant, single-family residence, wine bar, and gift shop. In addition, the request includes increasing the alcohol serving area for on-site consumption to two existing patio areas outside the restaurant and adding indoor non-amplified live entertainment. The additional floor area for serving alcohol on the patio is being increased by more than 10%, which requires a new CUP. The existing CUP for the mini-market, restaurant, single-family residence, gift shop and sale of beer and wine for on-site consumption and off-site for the mini-market was previously approved by CUP 200600055 on January 2, 2007 and is valid until November 7, 2016.

5. **LOCATION.** 2598 Sierra Creek Road, Agoura, CA 91301
6. **SITE PLAN DESCRIPTION.** The 0.97 acre subject property is developed with an existing, approximately 3,646-square-foot structure consisting of a mini-market, restaurant, gift shop, and single-family residence. The subject property is irregular in shape and is relatively level. The west end of the structure has an attached patio used for dining. The parking lot consists of 24 parking spaces, including one ADA parking space and associated access pathways. Access to the site is via Sierra Creek Road to the west and Kanan Road to the north
7. **EXISTING ZONING.** The subject property is zoned R-R-1. Pursuant to Section 22.40.220 of the Los Angeles County Code, premises in the R-R-1 zone may be used for a single family residence, restaurant, and the sale of alcoholic beverages, for either on-site or off-site consumption, provided a conditional use permit has first been obtained and conforms to the conditions of said permit. The surrounding properties are also zoned R-R to the north, south, east and west.
8. **EXISTING LAND USES.** The subject property is developed with an existing mini-market, restaurant, gift shop, wine bar and single-family residence. Land uses surrounding the property consists of north: single-family residence and horse ranch; south: single-family residences; east: single-family residences; and west: single-family residence and horse ranch.
9. **PREVIOUS CASES/ZONING HISTORY.** The following cases have been filed on the subject property:
  - Conditional Use Permit No. 1564 was approved on January 6, 1981 to construct a convenience market and caretaker's residence.
  - Conditional Use Permit No. 97-081 was approved on November 18, 1997 and authorized the continuation of the grocery store and single-family residence. The CUP also authorized a restaurant and the sale of alcoholic beverages (beer and wine) for on and off-site consumption incidental to the operation of the restaurant.
  - Conditional Use Permit No. 200600055 was approved on January 2, 2007 and authorized the continued operation and maintenance of a mini-market, restaurant, and single-family residence; the installation of a gift shop in the existing structure; the sale of beer and wine for on-site consumption at the restaurant; and the off-site sale of beer and wine at the mini-market.
10. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The subject property is designated CR (Commercial Recreation-Limited Intensity) in the Santa Monica Mountains North Area Plan. The primary purpose of areas designated Commercial Recreation is to allow the establishment of low intensity uses and facilities. Appropriate uses include restaurants, general stores, and visitor-serving uses. The existing land use of the subject property is a restaurant, mini-market and gift

shop. These are local-serving commercial uses and fall within the allowable uses permitted by the Commercial Recreation land use category of the Santa Monica Mountains North Area Plan.

Locally-serving commercial uses should have a maximum land use intensity of 0.3 floor area ratio (FAR). The project site is located on a .97-acre parcel and the existing development is 3,646 square feet giving the parcel an FAR of .09. Therefore, the use is consistent with the FAR requirement.

11. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The proposed project is located within the R-R-1 zone. Pursuant to Section 22.40.220 of the Los Angeles County Code, premises in the R-R-1 zone may be used for a single family residence, restaurant, and the sale of alcoholic beverages, for either on-site or off-site consumption, provided a conditional use permit has first been obtained and conforms to the conditions of said permit. Section 22.40.210 permits accessory live entertainment within a legally established restaurant having an occupant load of less than 200 people and in full compliance with conditions of Section 22.56.1754. The county engineer has determined the occupant load of the restaurant at 62 people.

The sale of beer and wine for on-site consumption is subject to the requirements of Section 22.56.195 which requires a new CUP for a substantial change to the existing alcohol use. Serving alcohol on the patio areas increases the existing floor area dedicated to the sale of alcohol by more than 10%. Therefore, a new CUP is required for the on-site consumption of alcohol.

Per Section 22.52.1110 one parking space is required for each three persons of the occupant load. The occupant load of the restaurant portion of the use is 62 people, which requires 21 parking spaces. In addition, the project site has 798 square feet of retail space for the mini-market and gift shop. Per Section 22.52.1100, one parking space is required for each 250 square feet of retail floor area. Accordingly, three parking spaces are required for the retail area for a total of 24 parking spaces. The project site plan indicates 24 parking spaces on-site and meets parking requirements.

The project site is located within the Rural Outdoor Lighting District and must remain on compliance with Part 9, Section 22.44

12. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The CUP for the mini-market, restaurant, single-family residence, gift shop and sale of beer and wine for on-site consumption and off-site sales was previously approved by CUP 200600055 on January 2, 2007. The CUP has not expired and is valid until November 7, 2016. The applicant is requesting a new CUP with the addition of the sale of beer and wine on the patio area and "a cappella" live entertainment within the restaurant only. Serving alcohol on the patio area increases the existing floor area used to serve alcohol by more than 10%, therefore requiring a new CUP. Previously there were complaints regarding signage and items being sold within the public right-of-way. The signage issue was resolved and items are no longer

being sold within the public right-of-way. The applicant is not requesting any additional development, or additional hours of operation as part of this CUP application. The proposed sale of beer and wine for onsite consumption at the existing restaurant will not adversely affect the surrounding uses in that the restaurant is a well-maintained upscale establishment that adds to the surrounding neighborhood. The restaurant is located adjacent to one single-family residence to the south. The neighboring residence is sufficiently buffered from the restaurant by the existing topography and natural landscaping. The other residences and horse ranches are sufficiently buffered by spacing and Kanan Road to the north and Sierra Creek Road to the west.

The restaurant will be operated with a Type 41 license which allows for the on-site sale of beer and wine within the restaurant. A new CUP is required because the serving area is being increased by more than 10% with the additional patio areas. In addition, the mini-market will be operating with a Type 20 (Off-Sale Beer and Wine) license. No changes are being proposed to this license. The ABC website indicates that six (6) license for on-sale can be issued for census tract 8003.29 and four (4) for off-sale. According to the ABC website, a total of twelve (12) on-sale and eight (8) off-sale licenses have been issued for the subject census tract. An undue concentration of Type 41 and Type 20 licenses exists within the census tract, which requires a finding of public convenience and necessity. The sale of beer and wine at the restaurant is a public convenience and necessity as it provides an economic service to the community in a well-travelled recreational corridor. The restaurant also provides food and entertainment services suitable for this area. The sale of beer and wine is incidental to the existing restaurant, and the continued sale of alcohol and the expansion to the patio area would not adversely affect the nearby community.

The restaurant, mini-market and gift shop is located on a well-travelled recreational corridor and is compatible with the existing development pattern on this corridor. According to Building and Safety records the structure was built in 1982 as a "residence and store". Live entertainment is also proposed within the existing restaurant. The live entertainment will consist of "a cappella" performances to be enclosed entirely within the restaurant. No performances and amplified music is permitted outside the restaurant.

**13. COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.**

**HEALTH DEPARTMENT**

The Department of Public Health was consulted and issued a letter clearing the project on June 11, 2014 (see attached).

**DEPARTMENT OF PUBLIC WORKS**

The Department of Public Works was consulted and issued a letter clearing the project on September 18, 2014 (see attached).

**FIRE DEPARTMENT**

County Fire Department was consulted and issued a letter clearing the project for public hearing on May 14, 2014 (see attached).

**14. OTHER AGENCY COMMENTS AND RECOMMENDATIONS.**

**Alcoholic Beverage Control**

The restaurant will be operated with a Type 41 license which allows for the on-site sale of beer and wine within the restaurant. A new CUP is required because the serving area is being increased by more than 10% with the additional patio areas. In addition, the mini-market will be operating with a Type 20 (Off-Sale Beer and Wine) license. No changes are being proposed to this license. The ABC website indicates that six (6) license can be issued for census tract 8003.29 for on-sale and four (4) for off-sale. According to the ABC website there are twelve (12) licenses issued for the subject census tract for on-sale and eight (8) for off-sale.

**15. 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.

**16. PUBLIC COMMENTS.** Staff has received correspondence from one constituent in support of the project.

**CONDITIONAL USE PERMIT SPECIFIC FINDINGS**

**17.** The subject property is designated CR (Commercial Recreation-Limited Intensity) in the Santa Monica Mountains North Area Plan. The primary purpose of areas designated Commercial Recreation is to provide appropriately areas for the establishment of low intensity uses and facilities. Appropriate uses include restaurants, general stores, and visitor-serving uses. The existing land use of the subject property is a single-family residence, restaurant, mini-market, wine bar and gift shop. These are local-serving commercial uses and are allowed within the Commercial Recreation land use category of the Santa Monica Mountains North Area Plan. Therefore, the project is consistent with the CR land use designation.

**18.** The existing facilities are located on a well-travelled recreational corridor and are compatible with the existing development pattern along this corridor. The applicant is proposing the continued operation of the use approved by CUP 20060005 with the addition of alcohol sales on the patio areas and live entertainment. Live entertainment will be enclosed entirely within the restaurant and will be non-amplified "a cappella" performances only. The selling of beer and wine is incidental to the existing restaurant and hours of operation are limited on the patio area. 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.

**19.** The project site is zoned for commercial and residential uses and the commercial/residential building meets the applicable zoning requirements and

parking requirements. Therefore, the proposed site is adequate in size and shape to accommodate development features prescribed in Title 22 of the County Code, in order to integrate said use with the uses in the surrounding area.

20. The conditional use permit is for the restaurant, mini-market, single-family residence, live entertainment and alcohol sales within existing facilities. The existing facilities front two improved public roads on the north and west end of the property where ingress and egress is taken. No extensive improvements are proposed to the structure that would require additional street improvements. 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.
21. The project site is not located within 600 feet of a place used exclusively for religious worship. The on-site and off-site sale of beer and wine at the restaurant and min-market with the addition of live entertainment, will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use since there are not any within the vicinity.
22. Kanan Road and Sierra Creek Road separates the facility from the residential areas to the north and west. There are no residences to the east of the facility and the residence to the south is separated by natural topography and natural landscaping. 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.
23. There are no establishments within 500-feet of the project that have a license to sell alcohol. Therefore, the requested use at the location will not result in an undue concentration.
24. The California Department of Alcoholic Beverage Control website shows the site to be within an area that has an undue concentration of alcohol sales. The subject site is within Census Tract 8003.29. Six (6) ABC licenses for on-sale and four (4) for off-sale is allowed within this census tract. Twelve (12) licenses for on-sale and eight (8) for off-sale currently exist. The sale of alcohol at the restaurant is a public convenience and necessity and provides an economic service to the community as it is located in a well-travelled recreational corridor and the existing facilities provide food and entertainment services suitable for the area. The off-site sales are being done within an existing min-market and the on-site sales are within an existing restaurant.
25. Building and Safety records indicate that the facilities were constructed in 1982 and it has been properly maintained since that time. The restaurant is well maintained and in compliance with the development standards. The exterior appearance of the restaurant is consistent with the exterior appearance of other structures in the immediate area and does not cause blight, deterioration, nor substantially diminish or impair property values within the neighborhood.

26. Per Section 22.52.1110 one parking space is required for each three persons of the occupant load. The occupant load of the restaurant portion of the use is 62 people, which requires 21 parking spaces. In addition, the project site has 798 square feet of retail space for the mini-market and gift shop. Per Section 22.52.1100, one parking space is required for each 250 square feet of retail floor area. Accordingly, three parking spaces are required for the retail area for a total of 24 parking spaces. The project site plan indicates 24 parking spaces on-site and meets parking requirements.
27. Access to the property is taken via Kanan Road to the north and Sierra Creek to the west. The access driveways to the facilities are existing. No changes are being proposed that would impact the residential development in the vicinity as the occupant load of the structure is not increasing, so no additional patrons will be allowed on the premises.
28. The principal permitted uses on the property are not nonconforming. The uses on the property were approved by CUP 200600055 and in compliance with the applicable provisions of Title 22, Zoning Code at that time. The addition of the live entertainment and expansion of the on-site serving area of alcohol by more than 10% does not make the property nonconforming and this approval is for a CUP, not a nonconforming use.
29. **ENVIRONMENTAL DETERMINATION.** The project is a request for a permit for the continued operation of an existing single-family residence, restaurant, mini-market, gift shop, and off-site sale of beer and wine with the addition of live entertainment and expansion of on-site sale of beer and wine. Therefore, the project qualifies as a Categorical Exemption 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 ten (10) years for the restaurant, mini-market, gift shop, off-site sale of beer and wine, on-site sale of beer and wine, and live entertainment. There is no term limit for the single-family residence.
31. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Regional Planning Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13<sup>th</sup> 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 West Section, Los Angeles County Department of Regional Planning.

**BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:**

**WITH RESPECT TO THE CONDITIONAL USE PERMIT:**

- 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**

**WITH RESPECT TO ALCOHOLIC BEVERAGE SALES:**

- 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 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, in which case 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. 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, alcoholic beverage sales, and parking permit as set forth in Sections 22.56.090 and 22.56.195 of the Los Angeles County Code (Zoning Ordinance).

**HEARING OFFICER ACTION:**

1. The Hearing Officer has considered the Categorical Exemption for this project and finds 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 201300129 is approved subject to the attached conditions.

MKK:JN  
12/22/14

**CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2013-02566-(3)  
CONDITIONAL USE PERMIT NO. 201300129**

**PROJECT DESCRIPTION**

The project is a request for a CUP to authorize the continued operation and maintenance of an existing mini-market, restaurant, single-family residence, wine bar, and gift shop. In addition, the request includes increasing the alcohol serving area for on-site consumption to two existing patio areas outside the restaurant and adding indoor non-amplified live entertainment. The additional floor area for serving alcohol on the patio is being increased by more than 10%, which requires a new CUP. The existing CUP for the mini-market, restaurant, single-family residence, gift shop and sale of beer and wine for on-site consumption and off-site for the mini-market was previously approved by CUP 200600055 on January 2, 2007 and is valid until November 7, 2016.

**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 January 6, 2025.** 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, issuance of a Type 41 license from ABC 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 **\$1,000.00**. 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 **five (5) biennial inspections (one every other year) for ten years.** 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 shall conform with the requirements of the Los Angeles County Fire Department and those conditions delineated in the Fire Department letter dated May 14, 2014, attached hereto and incorporated by this reference, or otherwise to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Health Department and those conditions delineated in the Department of Public Health letter dated June 11, 2014, attached hereto and incorporated by this reference, or otherwise to the satisfaction of said department.
14. 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.

15. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works and those conditions delineated in the Department of Public Works letter dated September 18, 2014, attached hereto and incorporated by this reference, or otherwise to the satisfaction of said department.
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, **three (3) 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 **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 - CONDITIONAL USE PERMIT**

19. Alcohol beverage sales shall occur only between the hours of 8 a.m. and 9 p.m.
20. The off-site sales of alcohol are only permitted within the mini-market.
21. The on-site sales of alcohol are only permitted within the wine bar and restaurant.
22. Live entertainment consisting of "a cappella" performances must be indoors and there shall be no music or other noise audible beyond the restaurant premises. Live entertainment hours are limited from 10 a.m. to 8 p.m. on Monday through Thursday and 9:00 a.m. to 9-p.m. on Friday through Sunday.
23. 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.

24. 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.
25. 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 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.
26. Off-site sales of beer or malt beverages in containers of 16 oz or less shall not be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities. The permittee shall post signs on the coolers and cashier station stating the selling of single containers of beer is prohibited.
27. No display of alcoholic beverages shall be made from an ice tub.
28. Off-site sales of wine or wine coolers in containers less than 750 ml shall not be sold by single containers, but must be sold in manufacturer pre-packages multi-unit quantities.
29. Shelf space for the off-site sale of alcohol shall be limited to five percent of the total shelf space in the establishment.
30. No outside alcohol is permitted within the wine bar or restaurant.
31. 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.
32. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
33. 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.
34. There shall be no consumption, sale, or consuming 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.

35. 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.
36. All servers of alcoholic beverages must be at least 18 years of age.

#### **PROJECT SITE SPECIFIC CONDITIONS**

37. As agreed to by the permittee, security cameras will be placed in strategic locations, and information from the cameras will be readily available to the Police/Sheriff as requested.
38. As agreed to by the permittee, alcoholic beverages shall be sold to customers only in conjunction with food and may not be served without food being available.
39. Not less than 24 parking spaces shall be provided on the premises at all times.
40. The permittee shall provide adequate lighting within the entrance of the premises. The lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons entering or exiting the premises.
41. There shall be no outdoor sales, storage, or displays of merchandise.