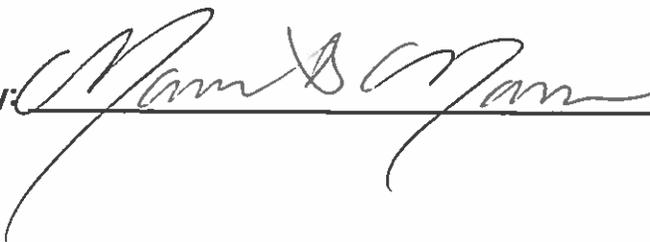


Hearing Officer Transmittal Checklist

Hearing Date
8/2/2016
Agenda Item No.
6

Project Number: R2014-00129-(1)
Case(s): Conditional Use Permit Case No. 201400004
Environmental Case No. 201500011
Planner: Carl Nadela

- Factual
- Property Location Map
- Staff Analysis
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use/Zoning Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans
- Previous Permit Approval (R2005-01724/CUP 200500090)

Reviewed By: 



Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012

PROJECT NUMBER **HEARING DATE**
 R2014-00129-(1) 8/2/2016

REQUESTED ENTITLEMENTS
 RCUP 201400004
 RENV 2014000111

PROJECT SUMMARY

OWNER / APPLICANT

Irma Fajardo

MAP/EXHIBIT DATE

1/15/2015

PROJECT OVERVIEW

The applicant is requesting a Conditional Use Permit for the continued operation of an existing bar with the sale of beer and wine for on-site consumption and accessory live entertainment, limited to karaoke.

LOCATION

16005 Amar Road, La Puente, CA 91744

ACCESS

Amar Road

ASSESSORS PARCEL NUMBER(S)

8252-004-045

SITE AREA

0.8 ac

GENERAL PLAN / LOCAL PLAN

LOS ANGELES COUNTY GENERAL PLAN

ZONED DISTRICT

PUENTE

LAND USE DESIGNATION

CG (General Commercial)

ZONE

C-2-BE (NEIGHBORHOOD BUSINESS ZONE – BILLBOARD EXCLUSION); P-R (PARKING RESTRICTED)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

50 DU / NET ACRE

COMMUNITY STANDARDS DISTRICT

NONE

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Existing Facilities

KEY ISSUES

- Consistency with the Los Angeles County General Plan
- Satisfaction of the following Sections of Title 22 of the Los Angeles County Zoning Code:
 - 22.56.040 (Conditional Use Permit Burden of Proof)
 - 22.56.195 (Alcoholic Beverage Sales Burden of Proof)
 - 22.28.170 (C-2 Zone Development Standards)

STAFF RECOMMENDATION

Approval

CASE PLANNER:

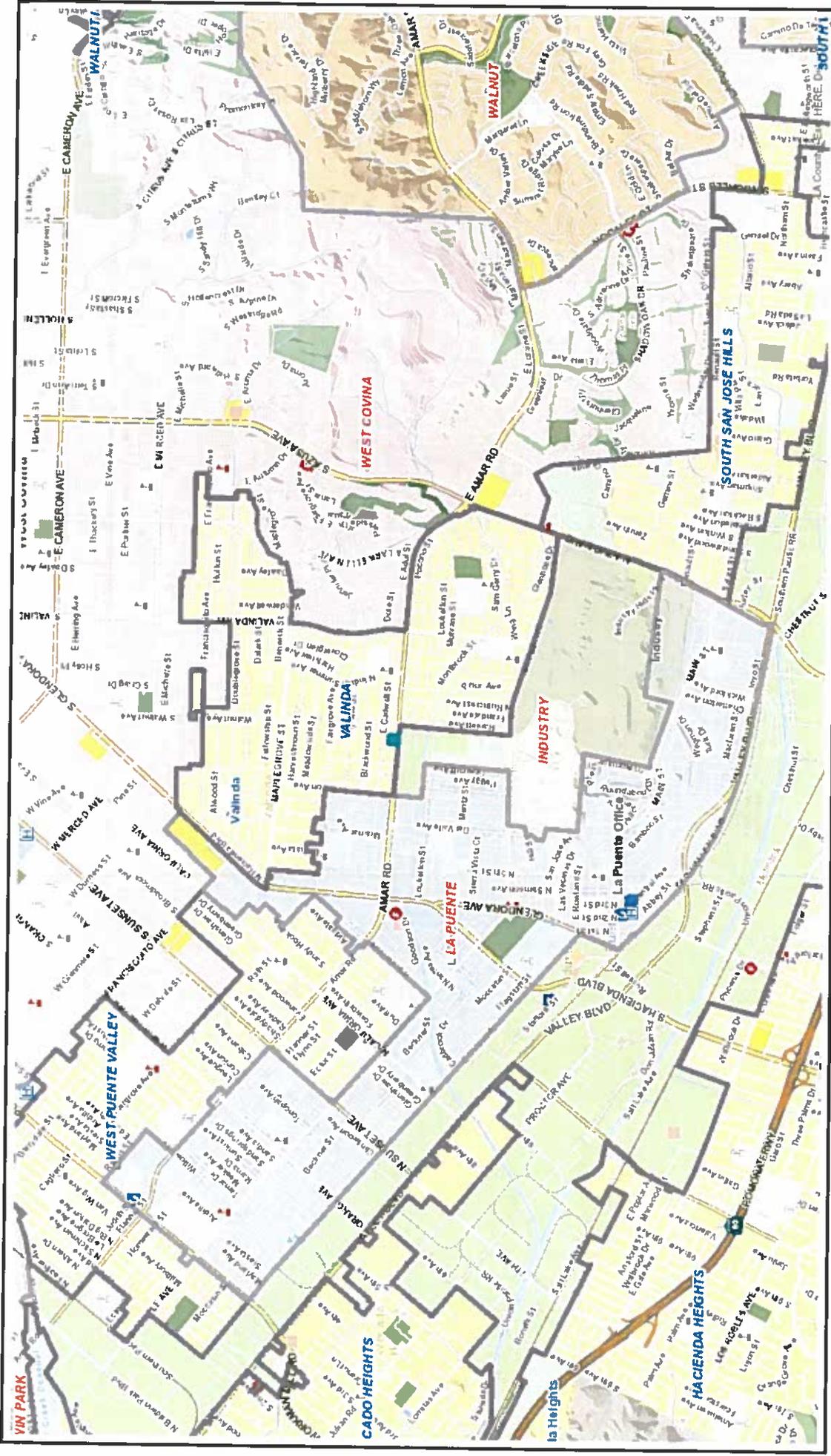
Carl Nadela

PHONE NUMBER:

(213) 974-6435

E-MAIL ADDRESS:

cnadela@planning.lacounty.gov

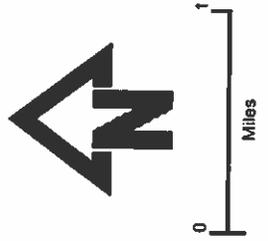


R2014-00129-(1)

Property Location Map

Printed: Feb 22, 2016

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ENTITLEMENTS REQUESTED

- The applicant is requesting a Conditional Use Permit for the continued operation of an existing bar with the sale of beer and wine for on-site consumption and accessory live entertainment, limited to karaoke.

PROJECT DESCRIPTION

The applicant is requesting a Conditional Use Permit for the continued operation of an existing bar with the sale of beer and wine for on-site consumption and accessory live entertainment, limited to karaoke in the Neighborhood Business-Billboard Exclusion (C-2-BE) and Parking-Restricted (P-R) zones. The existing bar is located at 16005 Amar Road, La Puente, CA 91744.

SITE PLAN DESCRIPTION

The project site is a square shaped property currently developed with several single story structures used for various commercial purposes with a shared parking lot. The subject bar is located on the westernmost portion of the property, in its own stand-alone structure, separate from the other uses at the site. The site can be accessed through Amar Road to the south.

EXISTING ZONING

The subject property is zoned mostly C-2-BE (Neighborhood Business-Billboard Exclusion), with a small strip of P-R (Parking-Restricted) on the northernmost portion of the lot.

Surrounding properties are zoned as follows:

North: R-1-6000 (Single-Family Residence with a Minimum Lot Size of 6,000 square feet)

South: City of Industry

East: C-2-BE, P-R, R-1-6000

West: C-2-BE, P-R, R-1-6000

EXISTING LAND USES

The subject property is currently developed with several single story structures used for various commercial purposes with a shared parking lot.

Surrounding properties are developed as follows:

North: Single-family residences, duplexes

South: Various commercial and industrial uses

East: Various commercial uses, single-family residences

West: Various commercial uses, single-family residences

PREVIOUS CASES/ZONING HISTORY

Ordinance 1494 was adopted in May 21, 1927, which established the different zoning designations for the unincorporated areas of Los Angeles County.

Ordinance 3811 was adopted on March 25, 1941, which established the A-1 zone on the subject property.

Ordinance 5122 was adopted on May 25, 1948, which established the R-1-10000 zone on the subject property.

Ordinance 7460 was adopted on January 13, 1959, which established the C-2 and P-R zones on the subject property.

Building permit records from 1971 indicate that a bar and restaurant had already been in operation at the site at that time. A review of records of the California Department of Alcoholic Beverage Control indicate that the sale of beer and wine for on-site consumption has been licensed at the site since 1983.

Ordinance 840115z was adopted on July 24, 1984, which established the C-2-BE zone on the subject property

On May 17, 2006, the Los Angeles County Regional Planning Commission (RPC) approved R2005-01724-(1), CUP 200500090, which authorized the continued operation of an existing bar with the sale of beer and wine for on-site consumption and accessory live entertainment, limited to karaoke, at the site, with business hours limited from 4:00 pm to 12:00 am daily. The approval was appealed to the Los Angeles County Board of Supervisors by the applicant.

On January 16, 2007, the Los Angeles County Board of Supervisors approved R2005-01724-(1), CUP 200500090, which kept the business hours as approved by the RPC. This permit expired on October 24, 2011, and is being renewed by the permit application.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines since this project is for the continued operation of an existing bar with the sale of beer and wine for on-site consumption and accessory live entertainment, limited to karaoke. No changes are being proposed by the project. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the CG (General Commercial) land use category of the Los Angeles County General Plan ("General Plan"). This designation is intended for local-serving commercial uses, including retail, restaurants, and personal and professional services; single-family and multi-family residences; and residential and commercial mixed uses. The proposed continued operation of an existing bar with the sale of beer and wine for on-site consumption and accessory live entertainment, limited to karaoke, is consistent with this designation.

The following policies of the General Plan are applicable to the proposed project:

- *General Policy 44: Preserve sound residential areas and protect them from intrusion of incompatible uses.*
- *Land Use Policy 7: Assure that new development is compatible with the natural and manmade environment by implementing appropriate location controls and high quality design standards.*
- *Land Use Policy 8: Protect the character of residential neighborhoods by preventing the intrusion of incompatible uses that would cause environmental degradation such as excessive noise, noxious fumes, glare, shadowing and traffic.*
- *Land Use Policy 9: Promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design and location controls.*

While the parcels adjacent to Amar Road have been designated commercial, the general neighborhood immediately to the north and east is still predominantly single and two-family residential. Thus, it is important to preserve this character and ensure that the commercial uses that locate around this area do not have significant adverse impact on the residential neighborhood.

The continued operation of an existing bar with the sale of beer and wine for on-site consumption and accessory live entertainment, limited to karaoke, is not consistent with the general character of the surrounding residential neighborhoods. However, since the bar is oriented towards Amar Road, away from the residential neighborhood, and there is a 9 foot block wall separating the property from the adjacent residence, staff is of the opinion that there is appropriate conditions in place so that the project will not have significant adverse impacts on the surrounding residential areas.

Zoning Ordinance and Development Standards Compliance

Pursuant to Sections 22.28.160 of the County Code, beer and cocktail lounges, as well as the sale of alcoholic beverages in the C-2 zone, requires a conditional use permit (CUP). The approval of this CUP satisfies this requirement.

Furthermore, pursuant to Sections 22.28.170 of the County Code, the subject site is subject to the C-2 development standards. There are currently no landscaping on site as required by this section. Also, only 39 parking spaces are provided as compared to the 68 spaces that would cumulatively be required for all the various uses at the site. However, since the structures at the site were developed in the 1960's, prior to the establishment of the development standards, they are considered legally non-conforming with respect to these development standards. Also, no outside display or outdoor storage is being proposed by the project.

Site Visits

A site visit was conducted by staff on May 19, 2016. The subject site in general and the existing bar in particular were well maintained.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.040 and Section 22.56.195 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

Neighborhood Impact/Land Use Compatibility

The proposed project is for the continued operation of an existing bar with the sale of beer and wine for on-site consumption and accessory live entertainment, limited to karaoke. Surrounding land uses to the north consist of predominantly single and two family residences. The existing bar with accessory live entertainment is not consistent with the general character of the residential neighborhood to the north. However, certain conditions have been imposed to ensure that the site is adequately buffered from the adjacent residential areas.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

A letter from the Los Angeles County Sheriff Industry Station (Sheriff) dated June 21, 2016, indicate that they recommend approval of the CUP.

OTHER AGENCY COMMENTS AND RECOMMENDATIONS

A letter from the California Department of Alcoholic Beverage Control (ABC) dated June 14, 2016 indicate that while three licenses for alcohol sales for on-site consumption are allowed in the census tract, the subject establishment is the only such license on record. This indicates that there is no over-concentration of alcohol sales for on-site consumption in this census tract as determined by ABC.

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, library posting and DRP website posting.

PUBLIC COMMENTS

No written comments were formally received from the public at this time.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2014-00129-(1), Conditional Use Permit Number 201400004-(1), subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE CONDITIONAL USE PERMIT NUMBER 201400004 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Carl Nadela, AICP, Zoning Permits East Section
Reviewed by Maria Masis, AICP, Supervising Regional Planner, Zoning Permits East

Attachments:

Draft Findings, Draft Conditions of Approval
Applicant's Burden of Proof statement
Correspondence
Site Photographs, Aerial Image
Site Plan, Land Use Map

MM:CN
7/14/2016

**DRAFT FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2014-00129-(1)
CONDITIONAL USE PERMIT NO. 201400004**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201400004 ("CUP") on August 2, 2016.
2. The permittee, Irma Fajardo ("permittee"), requests the CUP to authorize the continued operation of an existing bar with the sale of beer and wine for on-site consumption and accessory live entertainment, limited to karaoke ("Project") on a property located at 16005 Amar Road in the unincorporated community of Valinda ("Project Site") in the C-2-BE zone pursuant to Los Angeles County Code ("County Code") section 22.28.160.
3. The Project Site is 0.8 gross acres in size and consists of one legal lot. The Project Site is fairly square shaped with flat topography and is developed with several single story structures used for various commercial purposes with a shared parking lot.
4. The Project Site is located in the Puente Zoned District and is currently zoned C-2-BE (Neighborhood Business Zone – Billboard Exclusion); P-R (Parking Restricted).
5. The Project Site is located within the General Commercial (CG) land use category of the Los Angeles County General Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
 - North: R-1-6000 (Single-Family Residence with a Minimum Lot Size of 6,000 square feet)
 - South: City of Industry
 - East: C-2-BE, P-R, R-1-6000
 - West: C-2-BE, P-R, R-1-6000
7. Surrounding land uses within a 500-foot radius include:
 - North: Single-family residences, duplexes
 - South: Various commercial and industrial uses
 - East: Various commercial uses, single-family residences
 - West: Various commercial uses, single-family residences
8. Ordinance 1494 was adopted in May 21, 1927, which established the different zoning designations for the unincorporated areas of Los Angeles County.

Ordinance 3811 was adopted on March 25, 1941, which established the A-1 zone on the subject property.

Ordinance 5122 was adopted on May 25, 1948, which established the R-1-10000 zone on the subject property.

Ordinance 7460 was adopted on January 13, 1959, which established the C-2 and P-R zones on the subject property.

Building permit records from 1971 indicate that a bar and restaurant had already been in operation at the site at that time. A review of records of the California Department of Alcoholic Beverage Control indicate that the sale of beer and wine for on-site consumption has been licensed at the site since 1983.

Ordinance 840115z was adopted on July 24, 1984, which established the C-2-BE zone on the subject property

On May 17, 2006, the Los Angeles County Regional Planning Commission (RPC) approved R2005-01724-(1), CUP 200500090, which authorized the continued operation of an existing bar with the sale of beer and wine for on-site consumption and accessory live entertainment, limited to karaoke, at the site, with business hours limited from 4:00 pm to 12:00 am daily. The approval was appealed to the Los Angeles County Board of Supervisors by the applicant.

On January 16, 2007, the Los Angeles County Board of Supervisors approved R2005-01724-(1), CUP 200500090, which kept the business hours as approved by the RPC. This permit expired on October 24, 2011, and is being renewed by the permit application.

9. The site plan for the Project depicts the whole parcel with several single story structures used for various commercial purposes with a shared parking lot. The subject bar is located on the westernmost portion of the property, in its own stand-alone structure, separate from the other uses at the site. The floor plan indicates the interior layout of the bar, showing the main entrance/exit on the south, and two secondary exits on the north.
10. The Project Site is accessible via Amar Road to the south. Primary access to the Project Site will be via several driveway approaches from Amar Road.
11. The subject site provides a total of 39 parking spaces.
12. In a letter dated June 21, 2016, the County Sheriff Department Industry Station indicated that this establishment has not been a problem and that they recommend approval of this permit.
13. A letter from the California Department of Alcoholic Beverage Control (ABC) dated June 14, 2016 indicates that while three licenses for alcohol sales for on-site consumption are allowed in the census tract, the subject establishment is the only such license on record. This indicates that there is no over-concentration of alcohol sales for on-site consumption in this census tract as determined by ABC.

14. Prior to the Hearing Officer's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involves the continued operation of an existing bar with the sale of beer and wine for on-site consumption and accessory live entertainment, limited to karaoke, and no changes are being proposed by the project.
15. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.
16. No comments were formally received from the public at this time.
17. *To be inserted after the public hearing to reflect hearing proceedings.*
18. The Hearing Officer finds that the Project is consistent with the General Commercial (CG) land use designation of the Los Angeles County General Plan.

This designation is intended for local-serving commercial uses, including retail, restaurants, and personal and professional services; single-family and multi-family residences; and residential and commercial mixed uses. With conditions in place, the proposed continued operation of an existing bar with the sale of beer and wine for on-site consumption and accessory live entertainment, limited to karaoke, is consistent with this designation, as well as a number of Goals and Policies of the Plan.

19. The Hearing Officer finds that finds that the Project is consistent with the requirements and development standards of the C-1 zone.

Pursuant to Section 22.28.160 of the County Code, beer and cocktail lounges, as well as the sale of alcoholic beverages in the C-1 zone, whether for on-site or off-site consumption, requires a conditional use permit. The approval of this permit with the attached findings and conditions satisfies this requirement.

Furthermore, pursuant to Sections 22.28.170 of the County Code, the subject site is subject to the C-2 development standards. There are currently no landscaping on site as required by this section. Also, only 39 parking spaces are provided as compared to the 68 spaces that would cumulatively be required for all the various uses at the site. However, since the structures at the site were developed in the 1960's, prior to the establishment of the development standards, they are considered legally non-conforming with respect to these development standards. Also, no outside display or outdoor storage is being proposed by the project.

20. The Hearing Officer finds that the Conditional Use Permit Burden of Proof requirements have been met pursuant to section 22.56.040 of the County Code.

The project site has a total area of 0.8 ac and is served by Amar Road, a major roadway that is adequate to serve the needs of the establishment at the site. Immediately to the north is a residential neighborhood. The orientation of the establishment away from these areas and the presence of a block wall between the two ensures that the project will not adversely affect the surrounding areas.

21. The Hearing Officer finds that Burden of Proof requirements for the sale of alcoholic beverages have been met pursuant to section 22.56.195 of the County Code.

There is only one sensitive use within a 600 foot radius of the site, which is a small learning establishment called Opportunities for Learning. However, since this is located across the street on Amar, this use is sufficiently buffered from the existing bar. Aside from the proposed project, no other establishment within a 500-foot radius sells alcohol for on-site consumption while two other sites sell alcohol for off-site consumption. Finally, since the structures at the site are all existing and no changes are being proposed by the Project, its exterior appearance is consistent with its surrounding structures and areas.

22. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the Conditional Use Permit to 15 years.

23. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at the La Puente Library. On June 28, 2016, a total of 75 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as 13 notices to those on the courtesy mailing list for the Puente Zoned District and to any additional interested parties.

24. 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, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. The proposed use at the site 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.

- C. 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, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. 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.
- E. The proposed use at the site will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius.
- F. The proposed use at the site is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.
- G. The public convenience for the convenience store selling alcoholic beverages for on-site consumption outweighs the fact that it is located within a 500-foot radius of other facilities selling alcoholic beverages for either on-site or off-site consumption.
- H. The proposed use at the site will not adversely affect the economic welfare of the surrounding community.
- 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 said neighborhood.

THEREFORE, THE HEARING OFFICER:

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15301 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
2. Approves Conditional Use Permit No. 201400004, subject to the attached conditions.

ACTION DATE: [August 2, 2016]

CN:MM
7/14/2016

c: Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2014-00129-(1)
CONDITIONAL USE PERMIT NO. 201400004**

PROJECT DESCRIPTION

The project is for the continued operation of an existing bar with the sale of beer and wine for on-site consumption and accessory live entertainment, limited to karaoke, 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 Conditions No. 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 reasonably 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 reasonably 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 10 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 2, 2031.** 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 (one every other year) inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any 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 the Fire 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 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 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.

PERMIT-SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (SALE OF ALCOHOLIC BEVERAGES)

17. 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.
18. 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. Patrons shall disperse from the facility half an hour after the close of the business. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.
19. 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, or any equivalent program. 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.
20. 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 or so as to be visible from the exterior of the establishment.
21. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
22. 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.
23. The permittee shall provide adequate lighting above the entrance and at the rear of the premises, including all areas of the parking lot. 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.
24. The permittee shall maintain the property in a neat and orderly fashion and maintain free of litter all areas on the premises under which the permittee has control.

25. All servers of alcoholic beverages must be at least 21 years old.

PROJECT SITE-SPECIFIC CONDITIONS

26. This grant shall authorize the continued operation of an existing bar with the sale of beer and wine for on-site consumption and accessory live entertainment, limited to karaoke.
27. Hours of operation for the facility, including the sale of beer and wine, shall be limited from 4:00 pm to 12:00 am daily.
28. Karaoke is permitted during the operating hours of the facility. All other forms of live entertainment, such as live bands and operation of a disco or dance hall, are prohibited.
29. The permittee shall not advertise or hold any "happy hour" drink specials, "two for one" specials, or similar promotions.
30. The consumption of alcoholic beverages shall be prohibited outside the enclosed building. The permittee shall post signage in clearly visible locations both inside and outside the building indicating such prohibition.
31. The sale of alcoholic beverages for consumption off the premises is prohibited.
32. The subject facility shall have no more than a total of four games of amusement or skill, coin-operated or otherwise, such as pool tables and jukeboxes, at any time.
33. The doors on the north side of the building shall be closed while karaoke is in progress. Self-closing mechanism shall be installed on them and shall be kept in good working conditions at all times.
34. Security cameras shall be installed inside the bar and outside facing the parking lot areas. Security camera recording shall be kept for a minimum of 30 days and made available to law enforcement, ABC or Department staff upon their request.
35. Burglary and robbery alarms shall be installed inside the bar.
36. An unarmed security guard shall be present at the facility between the hours of 7:00 pm to 12:30 am, when the facility is in operation.
37. Catering trucks and mobile vending carts shall be prohibited from selling any goods at the subject property.
38. A manager shall be on the premises at all times during business hours.



CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The established bar has been in business for more than 35 years at its current location in a commercial zone. The continued operation of the bar is consistent with the County General Plan to promote commercial facilities which provide goods and services.

B. 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, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The property is located in a commercial area accessed from Amar Road with multiple parking spaces. The property is considered a legal nonconforming structure. Therefore, current landscaping requirements are not applicable.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

The property is located on Amar Road, which is designated a secondary highway. A driveway is shared, in addition to parking spaces.



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.195, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

ABC License Type No(s): _____ (e.g. Type 20, Type 41) *CMP: T201400004*

A. 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,

see attached

B. 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.

see attached

C. 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 staff above shall be limited to not more than five percent of the total staff above in the establishment.

see attached

D. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.

see attached

E. 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 said neighborhood.

see attached

Attachment
Alcoholic Beverage Sales Burden of Proof

Permit Applicant Name: Irma Fajardo

RCUP: T201400004

Project: R2014-00129

- A.** The requested use at the proposed and current location of The Barrel House will not adversely affect any church, school, or park/playground. All such places are more 1 - 2 miles away from the establishment, not in close proximity, to pose any threat, inconvenience, or have any negative effect on the community.
- B.** The requested use at the proposed and current location is buffered to residential area in nearby vicinity. A block wall exists behind the establishment and a street separates residences from the establishment. In addition, the establishments doors remain closed after 8:30 pm to shield residents from noise and music from the establishment.
- C.** The requested use at the proposed and current location of the establishment will not create a disproportionate concentration of facilities selling alcoholic beverages. There currently exists a convenience/liquor store in the same shopping center selling snacks and beverages for off-site consumption. However, the requested use for the proposed location provides on-site consumption of beverages in addition to some entertainment options, such as karaoke music and pool tables, which are distinct services for patrons than mere grab-and-go purchase options available from the nearby convenience/liquor store.
- D.** The requested use at the proposed and current location will not adversely affect the economic welfare of the surrounding community. On the contrary, the establishment creates job opportunities or potential to create additional jobs for the nearby community members, especially if increased sales and success is achieved.
- E.** The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already in existence, nor cause deterioration, nor diminish/impair nearby property values. The appearance of proposed and current location of establishment will remain as is and if any changes or repairs were to be made; this would only be for improvement, not worsening, of the neighborhood appearance.

Department of Alcoholic Beverage Control
Monrovia District Office
222 East Huntington Drive, Suite 114
Monrovia, CA 91016
Phone: 626-256-3241
Fax: 626-357-4173

State of California



FAX TRANSMISSION

Total Number of Pages 7 (Including this cover sheet)

Original: To follow by regular mail Will not follow

To: Carl Nadela

Firm/Office: _____

Fax: _____ Date: 6/14/16 Time: _____

cc('s): _____

From: Darling Miramontes Phone: _____

Subject: Census Info.

Comments:

NOTICE
This communication is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address.



"Be Energy Efficient"

(cut)

Department of Alcoholic Beverage Control

State of California
Edmund G. Brown Jr., Governor

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.

- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
- Part 2 is to be completed by the applicant, and returned to ABC.
- Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME

2. PREMISES ADDRESS (Street number and name, city, zip code)

16005-007 Amar Rd, Velindg, CA 91744-2204

3. LICENSE TYPE

42

4. TYPE OF BUSINESS

- | | | | |
|-------------------------------------------------------|--------------------------------------------|----------------------------------------------|--------------------------------------------|
| <input type="checkbox"/> Full Service Restaurant | <input type="checkbox"/> Hofbrau/Cafeteria | <input type="checkbox"/> Cocktail Lounge | <input type="checkbox"/> Private Club |
| <input type="checkbox"/> Deli or Specialty Restaurant | <input type="checkbox"/> Comedy Club | <input type="checkbox"/> Night Club | <input type="checkbox"/> Veterans Club |
| <input type="checkbox"/> Cafe/Coffee Shop | <input type="checkbox"/> Brew Pub | <input type="checkbox"/> Tavern: Beer | <input type="checkbox"/> Fraternal Club |
| <input type="checkbox"/> Bed & Breakfast | <input type="checkbox"/> Theater | <input type="checkbox"/> Tavern: Beer & Wine | <input type="checkbox"/> Wine Tasting Room |
| <input type="checkbox"/> Wine only | <input type="checkbox"/> All | | |

- | | | | |
|---------------------------------------------|--------------------------------------------|--------------------------------------------------------|------------------------------------------------|
| <input type="checkbox"/> Supermarket | <input type="checkbox"/> Membership Store | <input type="checkbox"/> Service Station | <input type="checkbox"/> Swap Meet/Flea Market |
| <input type="checkbox"/> Liquor Store | <input type="checkbox"/> Department Store | <input type="checkbox"/> Convenience Market | <input type="checkbox"/> Drive-in Dairy |
| <input type="checkbox"/> Drug/Variety Store | <input type="checkbox"/> Florist/Gift Shop | <input type="checkbox"/> Convenience Market w/Gasoline | |
| <input type="checkbox"/> Other - describe: | | | |

5. COUNTY POPULATION

6. TOTAL NUMBER OF LICENSES IN COUNTY

7. RATIO OF LICENSES TO POPULATION IN COUNTY

On-Sale Off-Sale

8. CENSUS TRACT NUMBER

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

On-Sale Off-Sale

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

- Yes, the number of existing licenses exceeds the number allowed
- No, the number of existing licenses is lower than the number allowed

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

- Yes (Go to Item #13)
- No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER

14. TOTAL NUMBER OF REPORTING DISTRICTS

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

16. AVERAGE NO. OF OFFENSES PER DISTRICT

17. 120% OF AVERAGE NUMBER OF OFFENSES

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

- Yes, the total number of offenses in the reporting district equals or exceeds the total number in Item #17
- No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

- a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.
- b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.
- c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

[Signature] 6/14/16



**California Department of Alcoholic Beverage Control
For the County of LOS ANGELES - (On-Sale Licenses)
and Census Tract = 4075.02**

Report as of 6/13/2016

License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1) 526709	ACTIVE	42	12/21/2012 10:57:33 AM	11/30/2018	FAJARDO, IRMA 18005-007 AMAR RD VALINDA, CA 91744-2204 Census Tract: 4075.02	BARREL HOUSE	18005 AMAR RD VALINDA, CA 91744- 2204	1900

--- End of Report ---

For a definition of codes, view our [glossary](#).

[http://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml?ref=address&refresh#](#)
[geomap.lifesci.gov](#)
[USPS.com](#)
[AMS - License](#)
[California All](#)

[File](#)
[Edit](#)
[View](#)
[Favorites](#)
[Tools](#)
[Help](#)

[Web Slice Gallery](#)

Search - Use the options on the left (topics, geographies, ...) to narrow your search results

Search Results: 125 of 5,267 online and offline products match 'Your Selections'

Select Geographies

Enter a street address, city and state, or a street address and ZIP code. Click 'Go'.

Note: address search will use the latest available address data beginning with 2015 and working backwards, based on the contents of Your Selections.

street address:
 city:
 state:
 ZIP:
 GO

Geographies containing 16007 Amr Rd, LA PUENTE, CA, 91744:
 Select geographies to add to Your Selections

Geography Results:

Geography Name	Geography Type	Geography Code	About
West Region	Region	020	
Pacific Division	Division	030	
California	State	040	
Los Angeles County, California	County	050	
East San Gabriel Valley CCD, Los Angeles County, California	County Subregion	060	
Block 2007, Block Group 2, Census Tract 4075, Los Angeles County, California	Block	100	
Census Tract 4075 02, Los Angeles County, California	Census Tract	140	
Block Group 2, Census Tract 4075 02, Los Angeles County, California	Block Group within Census Tract	150	
Various GDP, California	Place within State	160	
Los Angeles-Long Beach-Anaheim, CA Metro Area	Metro/Micro Statistical Area	310	
Los Angeles-Long Beach-Orange County, CA Metro Division, Los Angeles-Long Beach-Anaheim, CA Metro Area	Metro Division within Metro Statistical Area	314	
Los Angeles-Long Beach, CA CSA	CSA	320	
Los Angeles-Riverside-Orange County, CA MSA	MSA/MSA	330	
Los Angeles-Long Beach, CA MSA; Los Angeles-Riverside-Orange County, CA MSA	PNBA within MSA	345	
Los Angeles-Long Beach-Anaheim, CA			

[Year Selections](#)
[Search using...](#)
[Census Tract 4075 02, Los Angeles County, California](#)
[clear all selections and start a new search](#)
[load search](#) | [save search](#)
[Search using the options below:](#)
[Topics \(e.g. Income, Year, Disease, ...\)](#)
[Geographies \(e.g. County, State, ...\)](#)
[Race and Ethnic Groups \(race, ancestry, hispa\)](#)
[Industry Codes \(NAICS, Standard, ...\)](#)
[EEO Occupation Codes \(occupation, analysis, ...\)](#)



California Department of Alcoholic Beverage Control
License Query System Summary
as of 4/25/2016

License Information
License Number: 526709
Primary Owner: FAJARDO, IRMA
ABC Office of Application: 02 - MONROVIA
Business Name
Doing Business As: BARREL HOUSE
Business Address
Address: 16005-007 AMAR RD Census Tract: 4075.02
City: VALINDA County: LOS ANGELES
State: CA Zip Code: 91744
Licensee Information
Licensee: FAJARDO, IRMA
License Types
1) License Type: 42 - ON-SALE BEER AND WINE - PUBLIC PREMISES
License Type Status: ACTIVE
Status Date: 24-DEC-2012 Term: 12 Month(s)
Original Issue Date: 21-DEC-2012 Expiration Date: 30-NOV-2016
Master: Y Duplicate: 0 Fee Code: P0
Condition: OPERATING RESTRICTIONS
License Type was Transferred On: 21-DEC-2012 FROM: <u>42-483382</u>
Current Disciplinary Action
Reg. Number: 14080576
Reg. Number: 16083975
Disciplinary History
<i>... No Disciplinary History found ...</i>
Hold Information
<i>... No Active Holds found ...</i>
Escrow
<i>... No Escrow found ...</i>

- - - End of Report - - -

For a definition of codes, view our [glossary](#).



**California Department of Alcoholic Beverage Control
For the County of LOS ANGELES - (Retail Licenses)
and Census Tract = 4075.02**

Report as of 4/25/2016

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	<u>504753</u>	ACTIVE	21	12/3/2010 1:46:39 PM	11/30/2016	LEANG, AMY 15823 AMAR RD VALINDA, CA 91744-2107 Census Tract: 4075.02	SNAP E EDS LIQUOR		1900
2)	<u>526709</u>	ACTIVE	42	12/21/2012 10:57:33 AM	11/30/2016	FAJARDO, IRMA 16005-007 AMAR RD VALINDA, CA 91744-2204 Census Tract: 4075.02	BARREL HOUSE	16005 AMAR RD VALINDA, CA 91744-2204	1900
3)	<u>563322</u>	ACTIVE	21	12/4/2015 2:30:48 PM	11/30/2016	JALISCO LIQUOR AND MARKET, INC 16015 AMAR RD VALINDA, CA 91744 Census Tract: 4075.02	JALISCO LIQUOR AND MARKET		1900
4)	<u>63270</u>	ACTIVE	21	5/1/1970	10/31/2016	NG, JOHN Y 15978 E FRANCISQUITO AVE VALINDA, CA 91744 Census Tract: 4075.02	JOHNS MARKET & LIQUOR		1900

--- End of Report ---

For a definition of codes, view our [glossary](#).



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF



June 21, 2016

Mr. Carl Vincent Nadela
Los Angeles County Department
of Regional Planning, Zoning Permits East Section
320 W. Temple Street, #1346
Los Angeles, CA 90012

Dear Mr. Nadela:

In response to your request, I have enclosed the information requested regarding "Joan's Barrel House", which is located at 16005 Amar Road, La Puente. The information you requested is for the last five years. There were 33 non-criminal routine calls for service, 2 assault calls, 2 burglary calls and 2 grand theft auto calls, and 1 vandalism call.

This establishment has not been a problem, and Industry Station recommends approval of this Conditional Use Permit (CUP). If you have any questions or need further information, please feel free to contact me or Lieutenant Gannon at (626) 330-3322.

Sincerely,

JIM McDONNELL, SHERIFF

Timothy K. Murakami, Captain
Industry Station

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

A Tradition of Service
— Since 1850 —

[Insert Sheriff Letterhead]

Subject: Conditional Use Permit (CUP) Consultation for Sale of Alcohol
Project No.: R2014-00129-(1)
Permit No.: 201400004
Establishment: Joan's Barrel House
Location: 16005 Amar Road, La Puente, CA 91744
Description: CUP for the sale of alcoholic beverages for onsite consumption at an existing bar and karaoke.

(1) Summary of service calls and crime history for the project site over the last five years:

The Sheriff's Department has responded to forty-two calls for service at 16005 Amar Road, La Puente 91744 in the past five years; 2 assault calls, 2 burglary calls, 2 theft calls, 2, grand theft auto calls, 1 vandalism call, and 33 non-criminal routine calls for service.

(2) Comments/recommended conditions:

Based on the calls for service and crime history in the past five years, the proposed establishment does not appear to pose a risk to public safety.

(3) Overall recommendation:

- Sheriff recommends approval of this CUP.
- Sheriff does **NOT** recommend approval of this CUP.

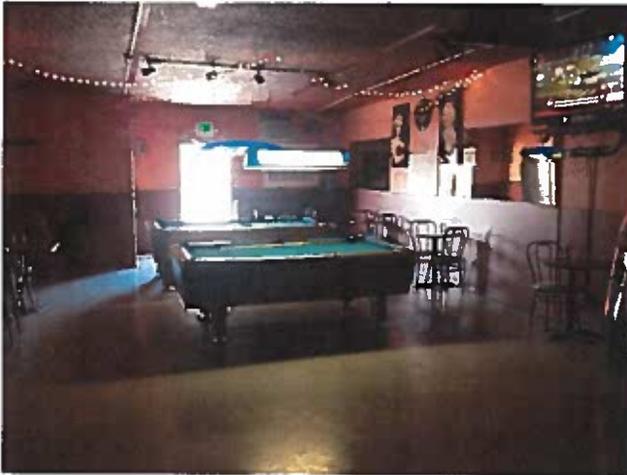
[Insert Sheriff Signature Block]

Photographs for R2014-00129 / CUP No. 201400004

Exterior front (south) views of the bar



Interior views of the bar

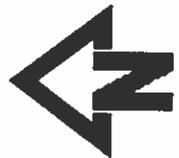




R2014-00129-(1)

Aerial Image

Printed: Feb 22, 2016



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MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Sachi A. Hamai, Executive Officer-
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

RECEIVED
JAN 22 2007

At its meeting held January 16, 2007, the Board took the following action:

14

The following item was called up for consideration:

County Counsel's recommendation to adopt findings, conditions and order approving Conditional Use Permit Case No. 200500090-(1), Project No. R2005-01724-(1), and determination of Categorical Exemption, to authorize the continued operation of an existing bar with the sale of beer and wine for on-site consumption and accessory live entertainment, limited to karaoke located at 16005 Amar Rd., in the community of Valinda, Puente Zoned District, applied for by Michelle Ruvolcaba.

On motion of Supervisor Molina, seconded by Supervisor Burke, unanimously carried, the Board adopted the attached findings, conditions and order approving Conditional Use Permit Case No. 200500090-(1), Project No. R2005-01724-(1), Puente Zoned District, applied for by Michelle Ruvolcaba.

04011607_14

Attachment

Copies distributed:

Each Supervisor
County Counsel
Director of Planning
Director of Public Works
Michelle Ruvolcaba



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

TELEPHONE
(213) 974-1924
FACSIMILE
(213) 687-7337
TDD
(213) 633-0901

RAYMOND G. FORTNER, JR.
County Counsel

January 5, 2007

Agenda No. 9
10/24/06

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: **CONDITIONAL USE PERMIT NUMBER 200500090-(1)
FIRST SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

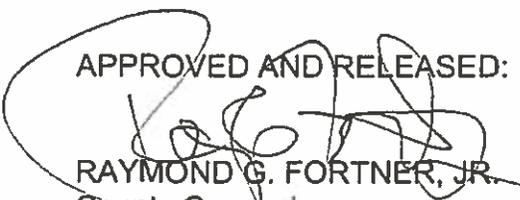
Your Board previously conducted a hearing regarding the above-referenced permit which proposes the continued operation of a bar offering live entertainment limited to karaoke in the Puente Zoned District. At the completion of the hearing you indicated an intent to approve the permit with modified conditions and instructed us to prepare findings and conditions for approval. Enclosed are findings and conditions for your consideration.

Very truly yours,

RAYMOND G. FORTNER, JR.
County Counsel

By 
RICHARD D. WEISS
Assistant County Counsel
Property Division

APPROVED AND RELEASED:


RAYMOND G. FORTNER, JR.
County Counsel

RDW/

Enclosures

HOA.409663.1

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
CONDITIONAL USE PERMIT 200500090-(1)**

1. The applicant is requesting a conditional use permit ("CUP") for the continued operation of an existing bar with the sale of beer and wine for on-site consumption with accessory live entertainment, limited to karaoke, in an existing 2,426 square foot building. The establishment contains two pool tables and a karaoke bar. The current hours of operation for the facility are from 3:00 p.m. to 1:30 a.m., Monday through Sunday. Currently there are three employees. The establishment has been in operation for more than 30 years and has been operated by the current applicant for two years.
2. The 0.16-acre subject property is located at 16005 Amar Road, in the community of Valinda, in the Puente Zoned District. The subject property is located on the north side of Amar Road between Greycliff Avenue and Echelon Avenue.
3. Zoning on the site is C-2-BE (Neighborhood Commercial – Billboard Exclusion). Prior to 1974, the operation of a bar in the C-2 zone was a permitted use in the zone. Since 1974 the operation of a bar in the C-2 zone has required a CUP, pursuant to Section 22.28.110 of the Los Angeles County Code ("County Code"). However, since the business legally established prior to 1974, it obtained a legal nonconforming use status. According to Section 22.56.1540 of the County Code, the amortization period for nonconforming business uses is 25 years. The applicant has filed for a CUP to authorize the continued operation of the existing bar with the sale of beer and wine for on-site consumption with accessory live entertainment, limited to karaoke.
4. The surrounding properties are zoned as follows:

North: R-1-6,000 (Single-Family Residential – 6,000 square feet required area)
East: R-1-6,000, C-2-BE, P-R (Parking Restricted)
South: City of Industry zoning designations
West: R-1-6,000, C-2-BE, P-R
5. Surrounding land uses within 500 square feet include:

North: Single-family and duplex residences
East: Single-family and duplex residences, commercial
South: Commercial, public storage facility, light industry
West: Single-family and duplex residences, commercial
6. No previous zoning or enforcement cases have been filed on the property. Records from the Assessor's Office indicate that the 2,426-square-foot building was constructed in 1960. Records from the Department of Alcoholic Beverage

Control show that a license for beer and wine for on-site consumption for this business was originally issued in May 2, 1983.

7. The subject property is designated as "C" (Commercial) in the Countywide General Plan. Areas within this designation are suited for commercial, service, and office uses. Policy Number 4 of the General Plan states that development should "Promote neighborhood commercial facilities which provide convenience goods and services and complement the community character through appropriate scale, design, and locational controls." The operation of a local serving bar can be found consistent with this designation, with appropriate conditions.
8. The site plan depicts the 2,426-square-foot, single-story building and six parking spaces. The property is accessed from the south via Amar Road. Amar Road is designated a secondary highway with a 100 foot right-of-way. A common driveway shared with the adjacent property to the east provides access to a parking area located at the rear of the subject property. Two parking spaces and space for trash and recycling are located at the rear of the property. An existing 69.7-square-foot wall sign is located on the building frontage along Amar Road.
9. Unless specifically modified by a conditional use permit during the discretionary review process, premises in Zone C-2 shall be subject to the following development standards under Part 5 of Chapter 22.28 of the County Code:
 - A. According to Section 22.28.170A, not to exceed 90 percent of the net area shall be occupied by buildings, with a minimum of 10 percent of the net area landscaped with a lawn, shrubbery, flowers, and/or trees, which shall be continuously maintained in good condition. Incidental walkways, if needed, may be developed in the landscaped area.

The 2,426-square-foot building occupies 34.3 percent of the property, which does not exceed the 90 percent allowed lot coverage. Under current standards, 699 square feet of landscaping would be required. Currently no landscaping exists on the property. The building on the property was developed in 1960, prior to existing standards, and no expansion of the building is proposed. Therefore it is considered a legal nonconforming structure and the landscaping requirements that would otherwise apply are not applicable.

- B. Section 22.28.120 Part B refers to Part 11 of Chapter 22.52 for parking requirements. Per Section 22.52.1110 of the County Code, for entertainment, assembly, and dining uses, one automobile parking space plus adequate access thereto shall be provided for each three persons based on the occupant load as determined by the county engineer.

The Department of Public Works has determined that the occupant load for the existing 2,426 square foot bar is 69 persons. Under current standards, the bar would require 23 parking spaces. Six parking spaces are shown on the site plan. Due to the lawful nonconforming status of the structure, the parking requirements that would otherwise apply are not applicable.

- C. Except for uses specified in Section 22.28.170D of the County Code, all display in Zone C-2 shall be located entirely within an enclosed building unless otherwise authorized by a temporary use permit.

No outside display is shown on the site plan. The site plan complies with this requirement.

- D. Section 22.28.170E states that outside storage is not permitted in the C-2 zone.

No outside storage is shown on the site plan. The site plan complies with this requirement.

- E. According to Section 22.52.880, a maximum of three square feet of wall sign area are allocated to each linear foot of building frontage. Freestanding signs are not permitted for properties with less than 100 feet of frontage.

The building has a frontage of 40 linear feet, and 120 square feet of total sign area is allocated for wall signs. One 69.7-square-foot wall sign exists on the property. The existing wall signage complies with this requirement. An existing pole sign is located on the southwest corner of the property. This sign is not consistent with existing standards.

- 10. Currently, there are three establishments within 500 feet of the subject property that sell alcoholic beverages. An adjacent establishment, Las Potrillas Night Club, is located to the east of the subject property and sells a full line of alcoholic beverages for on-site consumption. Two establishments, one liquor store on the property to the east of the subject property and one liquor store to the south of the subject property sell a full line of alcoholic beverages for off-site consumption. Residential properties border the site to the north, separated by a solid wall. The main entrance to the establishment faces south. Workman High School is within 1,000 feet of the subject property. Valinda Middle School and Del Valle Elementary School are located within walking distance of the subject property.
- 11. This project has been determined by the Board of Supervisors to be categorically exempt for purposes of the California Environmental Quality Act under Class 1, (Existing Facilities) of the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Class 1 exemption applies to the

operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the determination.

12. On December 28, 2005, notices of the Regional Planning Commission's ("Commission") public hearing on this application were mailed out to 54 property owners within 500 square feet of the subject property, 19 local organizations, and four private persons identified on the Department's courtesy mailing list for projects in the Puente Zoned District. The notice was published in the San Gabriel Valley Tribune and La Opinion on December 28, 2005. Case-related material, including the hearing notice, factual and burden of proof, were sent on December 28, 2005, to the La Puente County Library at 15920 East Central Avenue in La Puente.
13. No comments were received from the public regarding this request while it was pending before the Commission.
14. According to the Department of Alcoholic Beverage Control, the subject property is within a high crime area. In a letter dated February 14, 2006, the Sheriff's Department sent statistics stating that Sheriff's deputies had visited the site 28 times in the last three years. The letter also stated that Sheriff's deputies had visited Las Potrillas, an adjacent bar to the east, 57 times during the same period.
15. Due to the history in and around the subject property with the Sheriff's Department, the Regional Planning Commission imposed additional restrictions for the continued operation of the bar, including a restriction that the bar must close by 12:00 a.m. daily, a requirement that an unarmed security guard be present during the hours of 7:00 p.m. to 12:30 a.m., and requirement for the installation and maintenance of a security camera at the rear of the property.
16. The applicant appealed the Commission's approval to the Board of Supervisors, specifically opposing the conditions that the bar be closed no later than 12:00 a.m. daily and that live entertainment be limited to karaoke.
17. The Board of Supervisors conducted its hearing on the applicant's appeal on October 24, 2006. The applicant represented that during the present ownership there have been no legal incidents directly attributable to the subject premises and that the incidents reported by the Sheriff's Department all related to other facilities. However, representatives from the Sheriff's Department provided testimony indicating that in June and July of this year, criminal investigations at the premises resulted in several arrests and a citation for various Business and Professions Code violations. Additionally, the Sheriff's Department

representatives confirmed that there have been several incidents at the subject premises over the past couple of years requiring Sheriff's Department response, including narcotics' arrests, battery against a law enforcement officer, and robbery.

18. In light of the evidence received at the public hearing, the Board of Supervisors determined that the Commission's restrictions on the hours of operation and the limitation on the nature of the live entertainment are warranted, and that the continued operation of the subject premises should be further conditioned so as to prohibit catering trucks or mobile vending carts from selling goods at the subject property; to require that a manager be on the premises at all times during business hours; and that the *Director of Planning* review compliance by the applicant with the conditions of approval within one year to determine whether changes in the conditions are warranted or whether a revocation/modification proceeding should be initiated. In no event is the Planning Director authorized to expand the hours of operation at the premises.
19. Properly conditioned, the continued operation of a bar at this location would be appropriate and will not jeopardize the health, safety, and welfare of the public.
20. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:

- A. That the proposed use is consistent with the adopted general plan for the area;
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing 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;
- C. That the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or 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.

THEREFORE, THE BOARD OF SUPERVISORS:

1. Finds that the continued operation of the subject business at the proposed location is Categoricaly Exempt under Class 1 of the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles; and
2. Conditional Use Permit No. 200500090-(1) is approved subject to the attached conditions.

**CONDITIONS FOR APPROVAL
CONDITIONAL USE PERMIT NUMBER 200500090-(1)**

1. This grant authorizes the continued operation of a bar in the C-2-BE zone with the sale of beer and wine for on-site consumption at the subject property with accessory live entertainment, limited to karaoke only, as depicted on the approved Exhibit "A." This grant is subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning ("Department") 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. 8, and until all required monies have been paid pursuant to Condition No. 10.
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 limitation period of Government Code section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing pay the Department an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the Department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - A. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and
 - B. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code section 2.170.010.

6. This grant shall expire unless used within 90 days from the date of approval. A one-year time extension may be requested in writing with the payment of the applicable fee, at least 90 days before the expiration date.
7. If any material provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the permittee shall promptly provide a copy of the grant and its terms and conditions to the transferee or lessee, as applicable, of the subject property. Upon recordation, an official copy of the recorded conditions shall be provided to the Director.
9. This grant shall terminate on October 24, 2011. Upon written request made by the permittee not less than six months prior to the termination date, the Director of Planning shall extend the term of this permit for five years to October 24, 2016, if the use is found to be in substantial compliance with the conditions of approval and has been conducted in compliance with applicable laws and regulations; and the permittee has exercised utmost diligence to resolve any Notice of Violation throughout the term of the permit. Notwithstanding the above, the Planning Director shall also review compliance by the permittee with the conditions of approval one year following the approval of this grant and advise the Board of Supervisors of any problems or violations in order to determine if changes to the conditions are warranted or a revocation/modification proceeding should be initiated. In no circumstances shall the Planning Director expand the hours of operation of the subject premises.

Upon termination of this grant, entitlement to the use of the property shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new conditional use permit application shall be filed with the Department least six months prior to the termination of this permit, whether or not any modification of the use is requested at that time.

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. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of \$750 (five annual inspections

at \$150 each). These monies shall be placed in a performance fund that shall be used exclusively to compensate the Department for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plans on file. The applicant shall deposit additional funds to provide five annual inspections, if this grant is extended pursuant to Condition No. 9. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150.00 per inspection).

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 or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance. In the event that the County deems it necessary to initiate such proceedings pursuant to Part 13 of Chapter 22.56 of the County Code, the applicant shall compensate the County for all costs incurred in such proceedings.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
13. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said department.
14. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
15. All structures shall comply with the requirements of the Los Angeles County Department of Health Services.

16. Within 60 days of the approval date of this grant, the permittee shall submit to the Planning Director for review and approval three copies of an Exhibit "A," similar to that presented at the public hearing, that depicts all required or proposed project changes, including the locations of storage and display for beer and wine. The property shall be developed and maintained in substantial conformance with the approved Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit three copies of the proposed plans to the Planning Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.
17. The operation of this facility is further subject to all of the following conditions:
 - A. Hours of operation for the facility, including the sale of beer and wine, shall be limited from 4:00 p.m. to 12:00 a.m. daily;
 - B. Patrons shall disperse from the facility half an hour after the cessation of alcohol sales;
 - C. There shall be no loitering permitted on the premises under the control of the permittee. Signage shall be posted in English and the predominant language in the area on the premises prohibiting loitering;
 - D. The sale of alcoholic beverages for consumption outside the premises is prohibited;
 - E. The permittee shall instruct all employees in the regulations regarding no loitering and no consumption of alcoholic beverages outside the subject facility. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary;
 - F. All employees of the facility shall participate in the Licensee Education on Alcohol and Drugs ("LEAD") Program offered by the California Department of Alcoholic Beverage Control ("ABC"). This training shall be on-going and all new employees shall be required to attend. The permittee shall display a certificate or plaque in the lobby of the establishment indicating its participation in this program;
 - G. All servers of alcoholic beverages must be 21 years of age;
 - H. An unarmed security guard shall be present at the facility between the hours of 7:00 p.m. to 12:30 a.m., when the facility is in operation;
 - I. The permittee shall not advertise or hold any "happy hour" drink specials, "two for one" specials, or similar promotions;

- J. Temporary signs or banners advertising alcoholic beverage "specials" or any similar promotions shall not be displayed on the exterior walls or fascia of the building;
- K. The permittee shall not advertise the sale of alcoholic beverages on the exterior walls or windows of the subject building or at any location on the subject property. No self-illuminating advertising for alcoholic beverages shall be located on the exterior of buildings or windows;
- L. In the event of extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such graffiti shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization;
- M. The permittee shall provide adequate lighting above all entrances and exits to the premises. The lighting shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons entering or exiting the premises during operating hours and shall be designed so as to direct light and glare only onto the facility premises. Said lighting and glare shall be deflected, shaded, and focused away from all adjoining properties. Outdoor lighting shall not exceed an intensity of one foot-candle of light throughout the facility. Only minimal motion-sensor security lighting shall be used later than nightly closing hours;
- N. A security camera shall be installed to monitor the rear parking lot. Security camera tapes shall be kept for a minimum of 30 days and made available to law enforcement, ABC, or Department staff upon their request;
- O. The subject facility shall have no more than a total of four coin or otherwise fee-operated games of amusement or skill, such as pool tables and jukeboxes, at any time;
- P. The doors on the north side of the building shall be closed while karaoke is in progress;
- Q. Karaoke is permitted during the operating hours of the facility. All other forms of live entertainment, such as live bands and operation of a disco or dance hall, are prohibited.

- R. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas on the premises over which the permittee has control;
- S. Off-site signs are prohibited, unless approved by the Department. The placement of portable signs on sidewalks adjacent to the subject property and temporary signs on walls and poles is prohibited;
- T. Temporary window signs shall not exceed 25 percent of the area of any single window or of adjoining windows on the same frontage;
- U. The permittee shall keep telephone numbers of local law enforcement agencies posted in the facility in plain view near the cashier's or similar public service area;
- V. The permittee shall maintain a current contact name, address, and phone number on file with the Department at all times;
- W. The conditions of this grant shall be retained on the premises at all times and be immediately produced upon request of any County Sheriff, Zoning Inspector, or ABC agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein;
- X. Catering trucks and mobile vending carts shall be prohibited from selling any goods at the subject property; and
- Y. A manager shall be on the premises at all times during business hours.