



Los Angeles County  
Department of Regional Planning



*Planning for the Challenges Ahead*

August 4, 2015

Richard J. Bruckner  
Director

Tian Long Li  
939 S. Atlantic Blvd. Ste. 210  
Monterey Park, CA 91754

**REGARDING: PROJECT NO. R2015-01530-(5)  
CONDITIONAL USE PERMIT NO. 201500063  
23880 COPPER HILL DRIVE, VALENCIA (APN 2810-001-061 & -060)**

Hearing Officer Susan Tae, by her action of **August 4, 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 **August 18, 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. In addition, any applicable CEQA fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable, must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. 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 Richard Claghorn of the Zoning Permits North Section at (213) 974-6443, or by email at [rclaghorn@planning.lacounty.gov](mailto:rclaghorn@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

Robert Glaser, Acting Supervising Regional Planner  
Zoning Permits North Section

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

c: DPW (Building and Safety); Zoning Enforcement; Babytuna Sushi Restaurant, 23880 Copper Hill Dr., Valencia, CA 91354, Market Place Village II LLC, 101 N. Westlake Blvd. #201, Westlake Village, CA 91362

RG:RC

**FINDINGS AND ORDER  
OF THE HEARING OFFICER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2015-01530-(5)  
CONDITIONAL USE PERMIT NO. 201500063**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing on August 4, 2015, in the matter of Project No. R2015-01530-(5), Conditional Use Permit No. 201500063 ("CUP").
2. The permittee, Babytuna Sushi Restaurant ("permittee"), requests a CUP to authorize the sale of beer and wine (Type 41 license) for onsite consumption within an existing restaurant ("Project") located at 23880 Copper Hill Drive in the unincorporated area of Valencia ("Project Site") in the C-2-DP (Neighborhood Business-Development Program) Zone pursuant to County Code Section 22.28.160.
3. The Project Site is a 7.49 acre property made up of Assessor's Parcel Numbers 2810-001-060 and 2810-001-061. The Project Site contains the Tesoro Village Market shopping center, which consists of two separate buildings with a total area of 74,537 square feet. The Babytuna Sushi restaurant occupies a 1,550 square foot unit at the east end of the west building. The Project Site is roughly triangular in shape and is located south of Copper Hill Drive and west of Avenida Rancho Tesoro. The site is mostly flat with only a slight slope.
4. The Project Site is located in the Newhall Zoned District and is zoned C-2-DP.
5. The Project Site is located within the General Commercial land use category of the Santa Clarita Valley Area Plan ("Community Plan") Land Use Policy Map.
6. Surrounding Zoning within a 600-foot radius includes:
  - North: RPD-12000-3.7U (Residential Planned Development, 12,000 Square Foot Minimum Required Lot Area, 3.7 Dwelling Units Per Acre Maximum Density), R-3 (Limited Multiple Residence), R-1 (Single-Family Residence)
  - South: RPD-5000-12U (Residential Planned Development, 5,000 Square Foot Minimum Required Lot Area, 12 Dwelling Units Per Acre Maximum Density)
  - East: RPD-5000-12U, O-S (Open Space)
  - West: C-2-DP, RPD-5000-12U, RPD-5000-27U (Residential Planned Development, 5,000 Square Foot Minimum Required Lot Area, 27 Dwelling Units Per Acre Maximum Density), RPD-20000-2.8U (Residential Planned Development, 20,000 Square Foot Minimum Required Lot Area, 2.8 Dwelling Units Per Acre Maximum Density)
7. Surrounding land uses within a 600-foot radius include:
  - North: open space, single-family residences

South: condominiums, park, school, vacant land  
East: condominiums, vacant land, flood control channel (San Francisquito Canyon)  
West: residential apartments, vacant land

8. The Project Site is accessible via Copper Hill Drive to the north.
9. The Los Angeles County Sheriff's Department issued a letter on June 12, 2015 which stated that it does not oppose approval of this Project. It was accompanied by a summary of service calls and crime history for the previous five years. No calls for service were reported at the subject address, although there were 15 calls for service in the last five years for the Project Site, all of which were related to the Albertsons supermarket. The reported incidents were mostly relatively minor, and included shoplifting, assault on a clerk, a business dispute, brush fire, road rage incident, theft, and skateboarding in the parking lot.
10. The occupant load for the restaurant, as determined by the Department of Public Works Building and Safety Division, is 49 persons. The unit is currently being used as a restaurant with no alcoholic beverages.
11. The shopping center on the Project Site was originally approved by the Los Angeles County Board of Supervisors under CUP 92-074 on May 18, 1999, along with Tentative Tract Map 51644 and a related Zone Change and Oak Tree Permit. CUP 92-074 included the shopping center as well as the other uses in the tract. The Babytuna Sushi Restaurant was approved through REA 201500087 on April 2, 2015 by the Department of Regional Planning ("DRP") in a unit that had previously been a Starbucks coffee shop and Baker's Bakery.
12. Regional Planning staff determined that the Project qualifies 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 sale of alcoholic beverages in an existing restaurant.
13. 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 hearing by mail, newspaper, and property posting.
14. No comments have been received from the public at this time.
15. A duly noticed public hearing was held on August 4, 2015 before the Hearing Officer. The Hearing Officer asked staff if the hearing notice poster had been posted correctly on the Project Site and staff answered that it had been. After a presentation by staff, the Hearing Officer asked the project representative, April Li, if she had read and agreed with the draft conditions for the project. The representative answered in the affirmative and agreed to the conditions. Tian Lai Chen, the permittee and owner of Babytuna Sushi, also spoke briefly in favor of the

request. The Hearing Officer asked staff to revise the draft findings to clarify that a finding of public convenience or necessity was being made and that the draft conditions be modified by staff to clarify that the permit is for on-site consumption of beer and wine. There being no further testimony, the Hearing Officer closed the public hearing, determined that the project is categorically exempt, and approved the Project subject to the findings and conditions.

16. The Hearing Officer finds that the Project is consistent with the goals and policies of the Los Angeles County General Plan ("General Plan"). The Project is located within the Santa Clarita Valley Area Plan ("Area Plan"), a component of the General Plan. Both the General Plan and the Area Plan contain policies to ensure compatibility of development with the surrounding area. The General Plan seeks to "promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design, and locational controls" (General Plan Land Use Element, pgs. III-12). The Project is located within an existing restaurant, which provides a convenient place for residents and visitors to the community to dine and to drink beer or wine with their meals.
17. The Area Plan also contains policies relevant to the Project. Area Plan *Policy No. LU-4.12* says: "*Promote creation of village commercial centers throughout the Santa Clarita Valley to meet the local and convenience needs of residents.*" The restaurant will provide a convenient place for residents of the surrounding neighborhoods to enjoy beer and wine with their meals. None of the existing restaurants in the shopping center or nearby have licenses to sell alcoholic beverages, so this use will increase the choices available to residents of the community.
18. Area Plan *Policy No. LU-4.14* says: "*Promote economic opportunity for all segments of the community, including small businesses and new businesses.*" The addition of alcoholic beverages at the restaurant will provide an opportunity for the business owner to attract more customers and increase earnings, as well as tax receipts paid to the County, thereby enhancing the economy of the community. It will likely attract more customers to the shopping center, which will also benefit other businesses in the shopping center.
19. The Hearing Officer finds that the proposed use is consistent with the C-2-DP zoning classification because the sale of alcoholic beverages is permitted within the C-2-DP Zone with a CUP pursuant to Sections 22.28.160 and 22.56.195 of the County Code.
20. The Hearing Officer finds that the Project satisfies the Conditional Use Permit Burden of Proof findings in Section 22.56.040 and the additional alcohol burden of proof findings in Section 22.56.195B of the County Code.
21. The Hearing Officer finds that the Project will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the Project Site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, and general welfare.

The restaurant provides another dining option for the community and will not endanger or jeopardize the general welfare as long as it is operated according to the applicable regulations and requirements, including the CUP conditions, requirements of the Sheriff's Department and requirements of the Department of Alcoholic Beverage Control. The Sheriff's Department was consulted with regard to this Project and does not oppose approval of the CUP. The restaurant fits in with other uses in the shopping center, which includes three other restaurants that do not sell alcohol. The permittee will accept and abide by all conditions and requirements.

22. The Hearing Officer finds that the Project Site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping, and other development features as is required in order to integrate the Project into the surrounding area. The Babytuna Sushi restaurant is located in an existing commercial center with 348 parking spaces. The subject parcel is 7.49 acres. The commercial center was legally established in 2005 pursuant to CUP 92-074 and met all applicable development features at the time of approval. Based on the analysis of current uses, 333 parking spaces are required. No changes to the Project Site are proposed related to the Project, and the only proposed change is the sale of beer and wine within the existing previously approved restaurant.
23. The Hearing Officer finds that the Project is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such uses would generate, and by other public or private facilities as are required. The subject restaurant is in a commercial center accessible from Copper Hill Drive, a 110-foot wide Major Highway, as designated on the County Master Plan of Highways. Sidewalks are located along Copper Hill Drive. The existing facilities are sufficient to serve the Project and no new infrastructure is required.
24. The Hearing Officer finds 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. There are no places used exclusively for religious worship nearby, but there is a school and a park located within 600 feet of the subject property. The school and park, along with the commercial shopping center, were all approved under the same CUP when the Tesoro del Valle subdivision was approved, and it was anticipated at the time that businesses selling alcoholic beverages would locate within the commercial center, and the CUP required that a separate CUP would be required for such uses. Although the school parcel is approximately 500 feet from the Project Site in a straight line, it is over 600 feet from the subject restaurant to the school parcel. The walking distance from the restaurant to the school parcel is approximately 1,200 feet. The park is over 300 feet away from the Project Site and 450 feet from the restaurant in a direct line, and over 1,100 feet based on walking distance. These sensitive uses are sufficiently buffered from the Project, and it has appropriate conditions. Therefore, no adverse impacts are anticipated to any sensitive uses.
25. The Hearing Officer finds 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. Although the nearest residential zone is

approximately 130 feet away in a straight line from the subject restaurant, the walking distance to the nearest residence is over 500 feet because the wall along the south property line provides a physical barrier from the neighborhood. Open space lots along the north side of Copper Hill Drive and the fencing on the property lines of the residences also provide a physical barrier to the residential area to the north.

26. The Hearing Officer finds that the requested use at the proposed location will not result in an undue concentration of similar premises. According to the available records there is one other business selling alcoholic beverages on the subject property or within 500 feet of the property, which is the Albertsons supermarket, which has a CUP to sell a full line of alcoholic beverages for off-site consumption. Based on records from the Department of Alcoholic Beverage Control (ABC), there are seven businesses with licenses to sell alcoholic beverages within the same census tract (2010 Census Tract 9201.08), all of which are for on-site sales. The closest of these uses is approximately two miles away to the south at 28104 Newhall Ranch Road in the City of Santa Clarita. ABC has a limit of three on-site licenses and two off-sale licenses within the census tract based on the population. Since there are already seven on-sale licenses within the census tract, the ABC limit is exceeded. However, ABC may allow a greater number of licenses in a census tract if a finding of public convenience or necessity is made. A finding of public convenience or necessity is justified in this case because there are no existing on-sale facilities nearby and the existing on-sale businesses are two miles away from the subject property in the same census tract. The report from the Los Angeles County Sheriff showed that serious crimes have not been a problem at this location in the past five years. The County Code does not consider the restaurant to constitute an undue concentration of premises selling alcohol because the requested use is for on-site consumption. There is not an undue concentration of similar facilities in the area since the nearest business serving alcohol for on-site consumption is over two miles away according to available records.
27. The Hearing Officer finds that the requested use will not adversely affect the economic welfare of the nearby community. It will provide jobs and will bring tax revenue and income into the community. It will help the subject restaurant to remain in business, which will also help other businesses in the shopping center, as some of the customers will likely also patronize other nearby businesses.
28. The Hearing Officer finds that the exterior appearance of the structure will not be inconsistent with the exterior appearance of other commercial structures in the vicinity, and that it will not cause blight or deterioration or substantially diminish or impair property values in the neighborhood. The exterior appearance of the structure will not change and will be consistent with the structures in the surrounding area. This permit will help the business to survive and to thrive. It will therefore not cause blight or deterioration to the community or contribute to the loss of property values.

29. The Hearing Officer finds that it is necessary to limit the term of the grant to fifteen (15) years to assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses.
30. The Hearing Officer finds that 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, property posting, library posting and DRP website posting. All neighboring property owners within 1,000 feet of the Project Site were notified by mail, including 430 different owners. Additionally, the case materials were available on Regional Planning's website and at the Rowland Heights Library. A total of 21 Notices of Public Hearing were mailed to those on the courtesy mailing list for the Newhall Zoned District and a notice was sent to the State of California Department of Alcoholic Beverage Control.
31. 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 North 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 and the Santa Clarita Valley Area 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 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 requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius.
- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

- G. The requested use at the proposed location will not result in an undue concentration of similar premises because the use does not include any sales of alcoholic beverages for off-site consumption. A finding of public convenience or necessity to allow the subject restaurant to sell beer and wine is hereby made. This finding is justified because currently the only businesses selling alcoholic beverages for on-site consumption within the same census tract are two miles away or further from the Project Site.
- H. The requested use at the proposed location will not adversely affect the economic welfare of the nearby 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 the neighborhood.

**THEREFORE, THE HEARING OFFICER:**

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15303 of the State CEQA Guidelines (Class 1, Existing Facilities); and
- 2. Approves Conditional Use Permit No. 201500063, subject to the attached conditions.

**ACTION DATE: August 4, 2015**

RG:RC  
August 4, 2015

c: Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2015-01530-(5)  
CONDITIONAL USE PERMIT NO. 201500063**

**PROJECT DESCRIPTION**

The project is to authorize the sale of beer and wine (Type 41 license) for onsite consumption within an existing restaurant subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall 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 ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on August 4, 2030.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue beer and wine sales 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. For the purposes of this provision, the sale of alcoholic beverages and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken

on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1,600.00**. 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.
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.

17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A."
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 substantially conform to the originally approved Exhibit "A". 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 (SALE OF ALCOHOLIC BEVERAGES)**

19. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein;
20. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary;
21. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the 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;
22. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures;
23. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced;

24. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public;
25. This grant authorizes the sale of alcoholic beverages (beer and wine) for onsite consumption from 11:00 a.m. to 10:00 p.m. daily;
26. 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;
27. All servers of alcoholic beverages must be at least 18 years of age;
28. There shall be no music or other noise audible beyond the restaurant premises;
29. No live entertainment, dancing, or dance floor is authorized in or outside the premises;
30. Food service shall be continuously provided during operating hours;

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

31. This grant shall authorize the sale of beer and wine for onsite consumption within the Babytuna Sushi restaurant at 23880 Copper Hill Drive.
32. The permittee shall provide parking as required by the County Code, calculated at a parking ratio of one parking space per three occupants. The restaurant has an occupant load of 49 persons which would require not less than 16 spaces be provided based on the applicable ratio. The uses on the Project Site, including the subject restaurant, require a total of 333 parking spaces, based on the current uses of the site, and 348 spaces are currently provided on the site based on the site plan. The total number of parking spaces provided on the Project Site shall remain greater than or equal to the total number of required parking spaces for all uses on the Project Site, unless otherwise authorized through a Minor Parking Deviation or Parking Permit.
33. If the permittee changes the operation of the restaurant so as to provide less parking than the minimum requirement, the permittee shall submit an application for a Minor Parking Deviation or Parking Permit.