



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

August 25, 2016

TO: Gina Natoli
Hearing Officer

FROM: Thuy Hua 
Zoning Permits North Section

**SUBJECT: Project No. 2015-02779
Conditional Use Permit No. 201500115
HO Meeting: September 6, 2016
Agenda Item: 10**

The above mentioned item is a request to authorize the sale of beer (Type 40 License) for on-site consumption for special events at an assembly hall within an existing industrial building in the M-1 (Light Manufacturing) Zone at 38925 10th Street East in North Palmdale.

A Sheriff's consultation report was received by staff on August 3, 2016. It recommended approval of the Conditional Use Permit with conditions, which have been incorporated into the Draft Conditions of Approval.

Clarifications and revisions have been made to the Draft Conditions of Approval based on direction provided at the July 19, 2016 public hearing and comments provided by zoning enforcement staff. A Revised Draft Conditions of Approval is attached.

If you need further information, please contact Thuy Hua at (213) 974-6443 or thua@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

RG:TH

Attachment: Sheriff's Consultation Report
Revised Draft Conditions of Approval

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
PALMDALE STATION
750 East Avenue Q
Palmdale, California 93550
661-272-2400

Subject: Conditional Use Permit (CUP) Consultation for Sale of Alcohol
Project No.: R2015-02779
Permit No.: RCUP 201500115
Establishment: TBD
Location: 38925 10th Street East, Palmdale, CA 93550
Description: CUP to authorize the sale of alcoholic beverages for on-site consumption at a new assembly hall.

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

The Sheriff's Department responded to two calls for service to this address over the past five years. Both incidents involved alarm response (all false alarms). Most recently, this location was used as a marijuana dispensary. On February 11, 2016, Sheriff's Narcotics Bureau served a warrant, closing the location (16-00174-36).

It should be noted there are two other assembly halls on this same street; Knights of Columbus, 39110 10th Street East, and Veterans of Foreign Wars, 39463 10th Street East. Each of these locations serve alcohol for paid events. Both of these locations have had several calls for service regarding fights, vandalism, and noise disturbances. It has been through a cooperative effort with the managers at both locations that we have not had a problem within the past year.

(2) Comments/recommended conditions:

The location is a four unit industrial complex. The structure is surrounded on three sides by vehicle parking. Main entry doors are located on the south side of the building. Emergency exit doors are located on the north side of the building, which opens to a narrow walkway with chain link gates at both ends. The applicant is anticipating the use of suites "C" and "D," which are located closest to the street at the east end of the building.

There is a small entry foyer which opens to a large main ballroom, west of the ballroom is a separate smaller area which is the bar serving area. There are men's and women's restrooms accessible from both the ballroom and the bar area. There is one urinal in the men's restroom.

All exterior lighting is located on the building with no light standards in the parking lot area.

Pursuant to the regulations and restrictions of an "On-Sale" beer and wine license, the Sheriff's Department would request specific compliance of the following Business and Professions Code Sections:

Pursuant to Section 25612(3) BP, alcoholic beverages are forbidden to be consumed outside the edifice of the establishment. The Sheriff would request the establishment owner(s) and their agent(s) ensure compliance of this section.

Pursuant to Section 25612.5(4) BP, exterior lighting should remain in compliance with local ordinance and with respect to local residences. However, lighting should be directed so as to illuminate the perimeter of the establishment and the parking lot and be of sufficient quality so that persons standing in these areas at night are

SHERIFF RESPONSE FORM

identifiable by law enforcement personnel. This is to deter loitering and to allow the clear visibility of possible nefarious behavior.

Additionally, the Sheriff would request a security surveillance camera system be installed. The Sheriff would request security cameras be positioned to cover the entry and exit of patrons, all shelf space and refrigerator space devoted to alcohol storage, and the cash register area. Exterior cameras should cover parking areas and areas where the public may congregate. The system must be able to store 30 days of digital recordings for all cameras. Cameras must record in color and be of a quality to discern facial features, clothing patterns, and differences in color hues, at a distance of at least 15 feet.

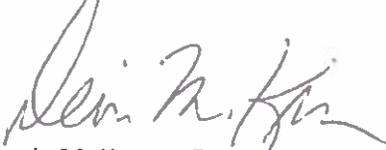
As stated above, the emergency exit doors are located on the north side of the building. There are gates at each end of the building which enclose a narrow walkway. The Sheriff would request the gates either be removed or be locked in the open position during all operating hours. This is to allow the emergency evacuation of patrons.

All employees must attend a "Licensee Education on Alcohol and Drugs" (LEAD) class approved by ABC within 30 days of employment.

(3) Overall recommendation:

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

JIM McDONNELL, SHERIFF



Dennis M. Kneer, Captain
Palmdale Station



Front of building looking west



South side of building looking east

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West side of building (rear) looking east and rear parking lot

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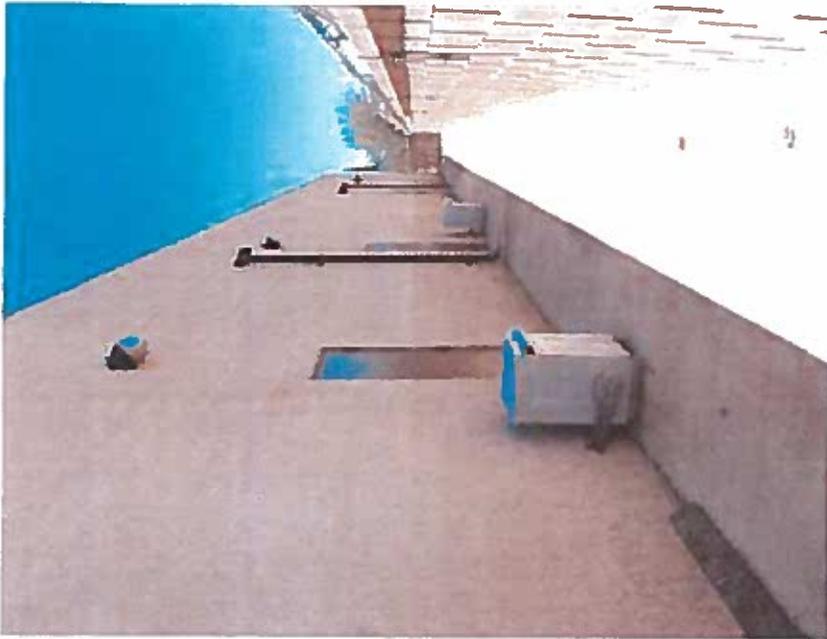


Front unit of building (location for permit units "C" and "D")



Rear units of building -- Not used (units "A" and "B")

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North side of building
(Emergency exits)

East end of building
looking west



West end of building
looking east



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Rear parking lot looking south



Rear parking lot looking west

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Interior Ballroom



Interior Bar area

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Aerial view of property



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**REVISED DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2015-02779-(5)
CONDITIONAL USE PERMIT NO. 201500115**

PROJECT DESCRIPTION

The project is a Conditional Use Permit ("CUP") to authorize the sale of beer for on-site consumption (Type 20 License) at an assembly hall within an existing industrial building 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 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~~ 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 July 19, 2026.** 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 ~~\$1,000.00~~ **\$1,400**. 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 **three (3) annual inspections for the first three years with five-four (54) subsequent biennial (one every other year)** inspections. Inspections shall be unannounced.

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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.

17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **three (3) copies of a modified Exhibit "A"** shall be submitted to Regional Planning by **September 19, 2016**.
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. This grant allows the sale of beer for on-site consumption for special events at an assembly hall within an existing industrial building located in Units C and D at 38925 10th Street East.
20. 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.
21. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section-Chapter 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.
22. 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 within 30 days of employment. 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.

23. 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, and any such advertisement located inside shall not be visible from the exterior of the structure.
24. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
25. 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.
26. The permittee shall maintain a current contact name, address, and phone number on file with the Department of Regional Planning at all times.
27. This grant authorizes the sale of beer for on-site consumption for special events within the assembly hall from 1:00 p.m. to 1:00 a.m. daily.
28. There shall be no consumption of alcoholic beverages outside ~~the designated areas of the subject facility of Unit C and D.~~ No outdoor drinking permitted. The permittee shall instruct all designated employees, who directly serve or are in the practice of selling alcoholic beverages, regarding this restriction. Employees shall be instructed to enforce such restrictions and to call local law enforcement as necessary.
29. 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 assembly hall or an explanation regarding the program shall be printed on the menu.
30. All servers of alcoholic beverages must be at least 18 years of age.
31. Doors to the assembly hall shall remain closed but unlocked when music or other loud noise is offered during special events. ~~There shall be no music or other noise audible beyond the assembly hall premises.~~
32. On-site storage of alcohol shall be allowed for a maximum of 24 hours prior to the event.
33. All alcohol shall be removed from the premises within a minimum of one hour ~~prior or~~ subsequent to closing.
34. The sale and serving of alcoholic beverages for consumption outside the assembly hall is prohibited.

~~35. The permittee shall provide adequate lighting above all entrances and exits to the premises.~~

PROJECT SITE-SPECIFIC CONDITIONS

~~36.~~35. A minimum of 85 parking spaces shall be maintained on site. The required parking spaces shall be continuously available for vehicular parking only and shall not be used for storage, automobile repair, or any other unauthorized use.

~~36. The permittee shall provide lighting so as to illuminate the interior perimeter of the establishment and the parking lot and be sufficient quality so that persons standing in these areas at night are identifiable by law enforcement personnel. All parking lot and other exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty-30 minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting (maximum of 400 lumens) along all pedestrian walkways leading to and from the parking lot.~~

~~37. The permittee shall install a security surveillance camera system. Interior security cameras shall be positioned to cover the entry and exit of patrons, all shelf space and refrigerator space devoted to alcohol storage, and the cash register area. Exterior security cameras shall cover parking areas and areas where people may congregate. The system must be able to store 30 days of digital recordings for all cameras. Cameras must record in color and be of a quality to discern facial features, clothing patterns, and differences in color hues, at a distance of at least 15 feet.~~

~~37.~~38. Gates located at each end of the building which enclose the narrow walkway along the north side of the building where the emergency exits to the building are located shall remain unlocked and opened during special events.

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