

July 16, 2024

Yumiyaki
18184 Colima Rd.
Rowland Heights, CA 91748

PROJECT NO. PRJ2023-004518-(1)
CONDITIONAL USE PERMIT NO. RPPL2023006664
18184 COLIMA RD., ROWLAND HEIGHTS, CA 91748 (8270-017-025)

Dear Permittee:

Hearing Officer Diane Temple, by her action of **July 16, 2024**, 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 LA County Planning (see enclosed Affidavit of Acceptance Instructions).

Appeals:

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 **July 30, 2024**. Appeals must be submitted to appeal@planning.lacounty.gov before the end of the appeal period.

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

In addition, any applicable California Environmental Quality Act 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. A Notice of Exemption, if applicable, may also be filed according to the instructions in the enclosed Affidavit of Acceptance.

Yumiyaki
July 16, 2024
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For questions or for additional information, please contact Carl Nadela of the Puente Whittier Development Services Section at (213) 893-7010, or cnadela@planning.lacounty.gov.

Sincerely,

AMY J. BODEK, AICP
Director of Regional Planning

A handwritten signature in black ink, appearing to read "Maria Masis".

Maria Masis, AICP, Supervising Regional Planner
Puente Whittier Development Services Section

MM:CN

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

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING

FINDINGS OF THE HEARING OFFICER
AND ORDER

PROJECT NO. PRJ2023-004518-(1)
CONDITIONAL USE PERMIT NO. RPPL2023006664

RECITALS

1. **HEARING DATE(S).** The Los Angeles County ("County") Hearing Officer conducted a duly noticed public hearing in the matter of Conditional Use Permit ("CUP") No. **RPPL2023006664** on July 16, 2024.
2. **HEARING PROCEEDINGS.** A duly noticed public hearing was conducted for the Project via video conferencing and in-person on July 16, 2024. On this date, the Hearing Officer heard a presentation from Staff. The applicant was not present. There being no other speakers, the Hearing Officer closed the public hearing, determined that the Project was exempt from the California Environmental Quality Act (CEQA) and approved the Project
3. **ENTITLEMENT REQUESTED.** The permittee, Yumiyaki ("Permittee"), requests the CUP to authorize the sale of beer and wine for onsite consumption at an existing restaurant ("Project") on a property located at 18184 Colima Road in the unincorporated community of Rowland Heights ("Project Site") in the C-2-BE (Neighborhood Commercial - Billboard Exclusion) zone pursuant to Los Angeles County Code ("County Code") Section 22.20.030 (Zones C-H, C-1, C-2, C-3, C-M, C-MJ, and C-R).
4. **PREVIOUS ENTITLEMENT(S).** Site Plan Review ("SPR") No. RPPL2023006383 was approved on January 6, 2024 to authorize the tenant improvement for the subject restaurant at the existing commercial center.
5. **LAND USE DESIGNATION.** The Project Site is located within the C (Commercial) land use category of the Rowland Heights Community Plan ("Community Plan") Land Use Policy Map, a component of the General Plan. On May 21, 2024, the Community Plan was rescinded with the adoption of the East San Gabriel Valley Area Plan ("Area Plan"). However, as the subject CUP application was deemed complete prior to the adoption of the Area Plan, it is still being reviewed and analyzed under the applicable Community Plan.
6. **ZONING.** The Project Site is located in the Puente Zoned District and is currently zoned C-2-BE. Pursuant to County Code Section 22.20.030 (Land Use Regulations for Zone C-2), a CUP is required for the sale of beer and wine for onsite consumption at the Project Site.

7. SURROUNDING LAND USES AND ZONING

LOCATION	COMMUNITY PLAN LAND USE POLICY	ZONING	EXISTING USES
NORTH	C, U2 (Urban 2 – 3.3 to 6.0 dwelling units per gross acre)	C-1 (Restricted Commercial), A-1- 6,000 (Light Agricultural - 6,000 Square Feet Minimum Required Lot Area)	Commercial complexes, single- family residences (SFRs)
EAST	C, U4 (Urban 4 – 12.1 to 22.0 dwelling units per gross acre)	C-2-BE, R-3 (Limited Density Multiple Residence)	Commercial complexes, townhouses
SOUTH	U4	R-3	Townhouses
WEST	U4	R-3	Townhouses

8. PROJECT AND SITE PLAN DESCRIPTION.

A. Existing Site Conditions

The Project Site is a 2.49-acre lot, which is one of several parcels that together is developed with an existing commercial center comprised of five single-story commercial buildings located on the northern and southern portions of the combined property. The subject restaurant is located in a rectangular tenant space in the commercial building at the southwestern portion of the property. The middle portion of the combined property is developed with a common parking lot serving the various tenants of the commercial center.

B. Site Access

The Project Site is accessible via Colima Road, a 100-foot-wide Major Highway, to the north, and Fullerton Road, an 80-foot-wide Major Highway, to the east, as indicated on the County Master Plan of Highways. Primary access to the Project Site will be via two ingress/egress driveways on Colima Road to the north and another two ingress/egress driveways on Fullerton Road to the east.

C. Site Plan

The Site Plan depicts the entire commercial complex where the Project Site is located with the subject tenant space identified. It depicts the existing commercial structure located on the southwestern portion of the property. A common parking lot with 257 parking spaces is depicted in the middle portion of the commercial center. Ingress and egress to the Project Site is provided by two driveways from Colima Road to the north and two driveways from Fullerton Road to the east.

D. Parking

There are a total of 325 parking spaces in a common parking lot located in the northern portion of the subject property. Fifteen (15) parking spaces are required for the subject restaurant, based on the Occupancy Load set by Plot Plan 49445 and as subsequently approved by SPR RPPL2023006383. A total of 323 parking spaces are required for the whole commercial complex as per the Parking Matrix submitted by the Permittee as part of this CUP application.

9. CEQA DETERMINATION.

Prior to the Hearing Officer's public hearing on the Project, LA County 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 is for the proposed accessory sale of beer and wine for onsite consumption at an existing restaurant. No modifications or physical development are being requested at this time. The Project Site is not in an environmentally sensitive area, a hazardous waste site, nor a designated historic district. There are also no significant cumulative impacts nor unusual circumstances associated with the Project. Thus, there are no exceptions to the identified exemptions.

- 10. COMMUNITY OUTREACH.** On March 13, 2024, prior to the Hearing Officer's public hearing on the Project, the Permittee presented the Project to members of the Board of the Rowland Heights Community Coordinating Council ("RHCCC") to ask if they had any comments on the Project.

11. PUBLIC COMMENTS.

The RHCCC President, in a letter dated March 18, 2024, indicated that the RHCCC Board had voted to support the Project.

12. AGENCY RECOMMENDATIONS.

- A. County Sheriff's Department ("Sheriff"): Recommended approval with conditions in a letter received on March 13, 2024.
- B. California Department of Alcoholic Beverage Control ("ABC") Business and Practice Worksheet sent to Staff on March 12, 2024, reports that the Project Site is located in a high crime reporting district, where 317 offenses occurred in the Crime Reporting District where the Project Site is located (Crime Reporting District 2930) and the average number of offenses per district is 91.9. There is also an overconcentration of on-sale licenses in Census Tract where the Project Site is located (Census Tract No. 4086.26), as four on-sale licenses are allowed and eight on-sale licenses are currently active.

13. **LEGAL NOTIFICATION.** Pursuant to Section 22.222.120 (Public Hearing Procedure) of the County Code, the community was properly notified of the public hearing by mail, and newspaper (San Gabriel Valley Tribune), and property posting. Additionally, the Project was noticed and case materials were available on LA County Planning's website. On June 13, 2024, a total of 296 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 to those on the courtesy mailing list for the Puente Zoned District and to any additional interested parties.

GENERAL PLAN CONSISTENCY FINDINGS

14. **LAND USE POLICY.** The Hearing Officer finds that the Project is consistent with the goals and policies of the Community Plan because the C land use category is intended for retail commercial, service and office uses, categories into which this Project falls.
15. **GOALS AND POLICIES.** The Hearing Officer finds that the Project is consistent with the following goals and policies of the General Plan and Community Plan.

General Plan

- *Goal LU 5: Vibrant, livable and healthy communities with a mix of land uses, services and amenities.*
- *Policy LU 5.2: Encourage a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs.*
- *Policy LU 5.4: Encourage community-serving uses, such as early care and education facilities, grocery stores, farmers markets, restaurants, and banks to locate near employment centers.*

A variety of commercial and office uses have been established along Colima Road and Fullerton Road, which are both heavily travelled transportation corridors. The existing restaurant and proposed accessory beer and wine sales for on-site consumption contribute to the variety and diversity of community-serving uses in the area.

- *Goal LU 7: Compatible land uses that complement neighborhood character and the natural environment.*
- *Policy LU 7.1: Reduce and mitigate the impacts of incompatible land uses, where feasible, using buffers and other design techniques.*

There are a number of similar restaurants and public eating places in the vicinity of the Project Site and the existing restaurant with beer and wine sales for on-site consumption complements these uses as well as the other surrounding commercial, office and institutional uses. While most of the parcels along Colima Road and Fullerton have been developed with commercial and office uses, the neighborhoods to the west, south and northwest of the Project Site are still predominantly multi-family and single-family residential. 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 existing restaurant and commercial

complex are sufficiently buffered from the surrounding residential areas by concrete block walls, landscaping, existing structures, parking lots and the width of Colima Road. With the establishment of adequate operational controls such as hours of alcohol sales and restrictions on off-site consumption of alcohol, the requested accessory sale of beer and wine for on-site consumption at the existing restaurant is not expected to result in any adverse impacts on these surrounding areas.

Community Plan

- *Goal 2: Maintain the single-family character of the community.*
- *Policy 7.d: Design all projects to minimize adverse visual impacts on neighboring residential uses, and to achieve compatibility with established rural community character.*

As mentioned above, while the Project Site itself is located in a predominantly commercial area, areas to the west, south and northwest are primarily developed with multi-family and single-family residences. The existing restaurant and commercial complex are sufficiently buffered from the residential areas by concrete block walls, landscaping, existing structures, parking lots and the width of Colima Road. The requested accessory sale of alcohol for on-site consumption at the existing restaurant is not expected to result in any adverse impacts on these surrounding areas.

ZONING CODE CONSISTENCY FINDINGS

16. **PERMITTED USE IN ZONE.** The Hearing Officer finds that the Project is consistent with the C-2 zoning classification as the existing restaurant use is permitted by right and accessory beer and wine alcoholic beverage sales for on-site consumption is permitted when a CUP is obtained pursuant to County Code Section 22.20.030 (Land Use Regulations for Zone C-2). The Billboard Exclusion portion of the zone also does not apply since the Project does not propose any billboards.
17. **REQUIRED YARDS.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.20.050 (Development Standards for Zone C-2). While the Project is a request for the sale of beer and wine for on-site consumption at an existing restaurant, there are no required yards for Zone C-2 and no physical changes are proposed.
18. **HEIGHT.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.20.040 (Development Standards for Commercial Zones). While the Project is a request for the sale of beer and wine for on-site consumption at an existing restaurant, the existing commercial structure at the Project is only single-story, which is well below the maximum height of 35 feet in the C-2 zone.
19. **PARKING.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.112.070 (Required Parking Spaces). While the Project is a request for the sale of beer and wine for on-site consumption at an existing restaurant, there are a total of 325 parking spaces in a common parking lot located in the northern portion of the subject property. Fifteen (15) parking spaces are required

for the subject restaurant, based on the Occupancy Load set by Plot Plan 49445 and as subsequently approved by SPR RPPL2023006383. A total of 323 parking spaces are required for the whole commercial complex, as per the Parking Matrix submitted by the Permittee as part of this CUP application.

20. **SIGNS.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Chapter 22.114 (Signs). While the Project is a request for the sale of beer and wine for on-site consumption at an existing restaurant, an existing business sign at the Project Site is being reviewed for compliance with County Code Title 22 (Planning and Zoning). This review will ensure that the sign of the existing restaurant is in compliance with the maximum 29.17 square feet of business sign surface area allowed for the 29.17-foot frontage of the subject tenant space. This ministerial review is separate from the Project, which is only for the accessory sale of beer and wine for on-site consumption at the existing restaurant and does not include any proposals for any sign at the Project Site.
21. **COMMUNITY STANDARDS DISTRICT.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Chapter 22.332 (Rowland Heights Community Standards District). While the Project is a request for the sale of beer and wine for on-site consumption at an existing restaurant, the Rowland Heights Community Standards District has no additional relevant additional regulations or development standards aside from those already previously discussed, such as signs, parking, height and required yards. Since the Project does not involve any physical development, no development standards prescribed by the Rowland Heights Community Standards District apply.

CONDITIONAL USE PERMIT FINDINGS

22. **The Hearing Officer finds that 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.** The Project provides restaurant patrons with a convenient option to consume beer and wine with their meal. This use is also consistent with the surrounding commercial and office uses and is sufficiently buffered from the residential neighborhoods to the west, south and northwest. It is unlikely the incidental sale of wine and beer at the existing restaurant will adversely affect these uses because the beer and wine will only be allowed to be consumed indoors, within the restaurant premises. The floor plan of the restaurant only depicts dining tables without a bar component. Several conditions of approval, such as hours of alcohol sales and prohibition of off-site consumption, have been incorporated into the CUP to ensure that potential negative impacts to nearby sensitive uses and the surrounding residential areas are avoided.
23. **The Hearing Officer finds 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 Title 22, or as is**

otherwise required in order to integrate said use with the uses in the surrounding area. The existing restaurant is located within a fully developed one-story commercial building within a larger commercial complex. The current Project proposes no physical tenant improvements. The subject property as well as the overall commercial complex was developed in accordance with the development standards prescribed under Title 22 (Planning and Zoning) of the County Code at the time. No physical changes are proposed to the buildings, landscaping, parking, or walls.

24. **The Hearing Officer finds 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.** Vehicular access is provided via Colima Road to the north and Fullerton Road to the east. Colima Road is a 100-foot-wide Major Highway and Fullerton Road is an 80-foot-wide Major Highway, as indicated on the County Master Plan of Highways. They are of sufficient width to provide public access to the Project Site and accommodate traffic generated by the Project. The Project is a request to provide incidental sale of beer and wine for on-site consumption at an existing restaurant and is not anticipated to generate additional traffic trips from the sale of these alcoholic beverages.
25. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the CUP to 10 years.

SUPPLEMENTAL FINDINGS

26. **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 is no sensitive use within a 600-foot radius of the Project Site.
27. **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.** While most of the parcels along Colima Road and Fullerton Road have been developed with commercial and office uses, the neighborhoods to the west, south, and northwest are still predominantly multi-family and single-family residential. 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 existing restaurant and commercial complex are sufficiently buffered from the residential areas by concrete block walls, landscaping, existing structures, parking lots, and the width of Colima Road. With the establishment of adequate operational controls such as hours of alcohol sales and prohibitions on offsite and outdoor consumption of alcohol, the requested accessory sale of alcohol for on-site consumption at the existing restaurant is not expected to result in any adverse impacts on these surrounding areas.
28. **The Hearing Officer finds that the requested use at the proposed location will not adversely affect the economic welfare of the nearby community.** The incidental sales of beer and wine for on-site consumption at the existing restaurant are not

anticipated to adversely affect the economic welfare of the nearby community. The accessory beer and wine sales in conjunction with meals inside an eating establishment is complementary and would be compatible with the surrounding existing commercial uses and residential areas. It will contribute to the general economic activity in the area by providing more dining options to residents, workers, and visitors in the surrounding vicinity.

29. **The Hearing Officer finds 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 the neighborhood.** The sale of beer and wine for on-site consumption inside an existing restaurant will not change the exterior appearance of the existing commercial building. The Project does not propose any physical changes to the existing commercial building. The sales of beer and wine in conjunction with food within a fully operated restaurant will not cause blight, deterioration, or substantially diminish or impair property values within the community.
30. **The Hearing Officer finds that even though the proposed sale of alcohol would occur at a site within a high crime reporting district or in an area of undue concentration, pursuant to the California Alcoholic Beverage Control Act and the regulations adopted under that Act, or that the use selling alcoholic beverages for off-site consumption is proposed within a 500-foot radius of another use selling alcoholic beverages for off-site consumption, the sale of alcohol at the subject property contributes to the public convenience or necessity.** According to ABC, four licenses for alcohol sales for onsite consumption are allowed in the Census Tract where the Project Site is located (4086.26), while eight such on-sale licenses are currently active. The subject restaurant will be the ninth restaurant to sell alcohol for on-site consumption within this Census Tract. This indicates that there is an overconcentration of alcohol sales in this Census Tract as defined and determined by ABC. ABC also indicates that the Project Site is located in a High Crime Reporting District. However, the public convenience of allowing the patrons of the subject restaurant to partake of beer and wine together with their regular meals at the restaurant outweighs these facts. On the other hand, this needs to be balanced with the adverse effects of the easy availability of alcoholic beverages either too early or too late in the day. Because of these, the public convenience and necessity of selling beer and wine at the Project Site can only be established for the hours of 10:00 am to 10:00 pm.

ENVIRONMENTAL FINDINGS

31. The Hearing Officer finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15301 (Class 1, Existing Facilities categorical exemption). The Project will allow incidental sales of beer and wine for on-site consumption at an existing full-service restaurant. No physical modifications or alterations are proposed to the existing commercial building. The Project Site is not in an environmentally sensitive area, a hazardous waste site, nor a designated historic district. There are also no significant cumulative impacts nor

unusual circumstances associated with the Project. Therefore, there are no exceptions to the proposed exemption and thus, the exemption still applies to the Project.

ADMINISTRATIVE FINDINGS

32. LOCATION OF DOCUMENTS. 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 LA County 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 Puente Whittier Development Services Section, LA County 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 Community 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 proposed sale of beer and wine at the existing use with the attached conditions 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 existing use with the attached conditions 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. With the imposition of a number of conditions, the public convenience for the restaurant selling alcoholic beverages for on-site consumption outweighs the fact that it is located in a High Crime Reporting District and in an area of undue concentration as determined by ABC.
- H. The proposed sale of beer and wine at the existing use with the attached conditions 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 State CEQA Guidelines section 15301 (Class 1, Existing Facilities categorical exemption); and
2. Approves **CONDITIONAL USE PERMIT NO. RPPL2023006664**, subject to the attached conditions.

ACTION DATE: July 16, 2024

MM:CN
5/22/2024

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING

CONDITIONS OF APPROVAL
PROJECT NO. PRJ2023-004518-(1)
CONDITIONAL USE PERMIT NO. RPPL2023006664

PROJECT DESCRIPTION

The project is a request to authorize the sales of beer and wine for on-site consumption at an existing restaurant within an existing commercial complex in the C-2-BE (Neighborhood Commercial – Billboard Exclusion) Zone subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "Permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the Permittee, and the owner of the subject property if other than the Permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("LA County 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. 6, and until all required monies have been paid pursuant to Condition No. 9. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 3, 4, and 8 shall be effective immediately upon the date of final approval of this grant by the County.
3. 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.
4. 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 LA County 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 LA County 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.

5. 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.
6. 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 (i.e. Recorder Office). 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.
7. **This grant shall terminate on July 16, 2034.** 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 LA County Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least twelve 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.
8. 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.
9. 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. No provision of any easement of any other encumbrance on the property shall exempt the Permittee and/or property owner from compliance with these conditions and applicable regulations. 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 **\$2,205.00**, which shall be placed in a performance fund and be used exclusively to reimburse LA County Planning for all expenses incurred while inspecting the premises to determine the Permittee's compliance with the conditions of this grant. The fund provides for

five (5) inspections. Inspections may be unannounced and may be conducted utilizing any available technologies, including, but not limited to, unmanned aircraft systems (UAS).

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 LA County Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$441.00 per inspection, or the current recovery cost established by LA County Planning at the time any additional inspections are required, whichever is greater.

10. 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 22.238 of the County Code.
11. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
12. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
13. 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 LA County Planning ("Director").
14. 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.
15. 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 LA County 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 48 hours of such notification, 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.

16. 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, a modified Exhibit "A" shall be submitted to LA County Planning by **September 16, 2024**.
17. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the Permittee shall submit 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.
18. The conditions of this grant shall always be retained on the premises and shall be immediately produced upon request by any County Sheriff ("Sheriff"), LA County Planning Zoning Enforcement ("Zoning Enforcement") inspector, or State of California Department of Alcoholic Beverage Control ("ABC") agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein. Violation of the conditions herein may subject the use to the provisions of County Code Chapter 22.238 (Modifications and Revocations).

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

19. Loitering, including loitering by employees of the subject property, shall be prohibited on or within the immediate vicinity of the subject property, including adjacent public and private parking lots, public sidewalks, alleys, and other public rights-of-way. Signage in compliance with County Code Chapter 22.114 (Signs) shall be placed on the exterior of the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary. If loitering occurs on a continuous basis, as determined by the Sheriff, a security guard shall be required during business hours at the discretion of the Director.
20. All employees who directly serve or are in the practice of selling alcoholic beverages, including managers, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by ABC, or a similar program, such as STAR (Standardized Training for Alcohol Retailers) or another comparable State of California-certified 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, indicated they have participated in this program. Proof of completion of the facility's training program by employees, the licensee, and all managers shall be provided to Zoning Enforcement within 90 days of the effective date of this Conditional Use Permit, and subsequently within 90 days of the hire date of all new employees and/or managers.
21. The permittee and all managers and employees shall not allow the sale of alcoholic beverages to any intoxicated person, any person appearing to be intoxicated, or any person exhibiting behaviors associated with being intoxicated.

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, poles, or similar structures, or within any portion of the interior of any structure that is visible from the outside.
23. Alcoholic beverages shall only be sold or served to patrons age 21 or older.
24. The permittee shall post the telephone numbers of local law enforcement agencies and shall post the telephone numbers of taxicab companies or a sign promoting ridesharing options, at or near the cashier or within a similar public service area. Such telephone numbers shall be visible by, and available to, the public.
25. The permittee shall provide adequate exterior lighting above all entrances and exits to the premises and in all public and private parking lots and walkways under control of the permittee or required as a condition of this grant. All exterior lighting required by this grant shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons within lighted areas during operating hours and shall be designed to direct light and glare only onto the premises. All exterior lighting under control of the permittee shall also 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, except for sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from public and private parking lots.
26. A numbering address sign, in compliance with County Code Chapter 22.114 (Signs), shall be located at the front of the building in a location clearly visible from the property grounds and the nearest public street, to the satisfaction of the Director.
27. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
28. The premises, including exterior facades, adjacent public and private parking lots, fences, and adjacent sidewalks, alleys, and other public rights-of-way, shall be maintained in a neat and orderly condition and be free of garbage, trash, debris, or junk and salvage, except in designated trash collection containers and enclosures. All garbage, trash, debris, or junk and salvage shall be collected, and disposed of, daily.
29. The permittee shall develop and implement a Designated Driver program (e.g. free soft drinks or coffee to a designated driver of a group). A printed two-side card explaining this program shall be placed on all tables in the facility or an explanation regarding this program shall be printed on the menu.
30. Music or other audible noise at the premises shall comply with Title 12 of the County Code to the satisfaction of the County Department of Public Health.

PROJECT SITE-SPECIFIC CONDITIONS

31. This grant shall authorize the sale of beer and wine for on-site consumption at an existing restaurant.
32. The sales of beer and wine for on-site consumption in conjunction with the existing restaurant shall be permitted from 10:00 AM up to 30 minutes prior to the close of business or until 10:00 PM, whichever is earlier.
33. No live entertainment, dancing, or dance floor is authorized in or outside the premises.
34. Employees age 18 or older may serve alcoholic beverages in an area primarily designed and used for the sale and service of food for consumption on the premises as an incidental part of their overall duties.
35. Alcoholic beverages shall be sold to customers only when food is ordered and consumed within the subject restaurant premises only.
36. There shall be no consumption of alcoholic beverages outside the designated areas of the subject facility, as depicted on the site and floor plans labeled Exhibit "A." 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.
37. The business shall employ not less than one full-time cook that is engaged in the preparation of meals for patrons during the permissible hours of operation.
38. The storage of alcoholic beverages shall be located at the back of the interior of the restaurant, away from open dining area and away from the front doors.
39. Food service shall be continuously provided during operating hours.
40. The permittee shall maintain active and functional surveillance recording equipment which captures video recordings inside the restaurant, outside facing parking lots, public sidewalks, alleys, and other public rights-of-way on a continuous loop. Recordings shall be retained for a minimum of 30 days and shall be immediately produced upon request by the Sheriff, Zoning Enforcement, or any law enforcement.
41. Burglary and robbery alarms shall be installed in the premises under the control of the permittee and shall be maintained in good condition at all times.
42. The sale of alcoholic beverage for consumption outside of the enclosed structure shall be prohibited.
43. Temporary window signs shall not exceed 25 percent of the area of any single window or of adjoining windows on the same frontage.

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EXHIBIT D
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44. The placement of portable signs on sidewalks adjacent to the subject property and temporary signs on walls and poles shall be prohibited.
45. The permittee shall maintain a license issued by ABC.