

SUPPLEMENTAL REPORT TO THE HEARING OFFICER

DATE ISSUED: June 20, 2024

HEARING DATE: June 25, 2024 AGENDA ITEM: 6

PROJECT NUMBER: PRJ2023-002042-(5)

PERMIT NUMBER(S): Conditional Use Permit ("CUP") RPPL2023002959

SUPERVISORIAL DISTRICT: 5

PROJECT LOCATION: 875 East Mariposa Street, Altadena

OWNER: Galloway Family Trust

APPLICANT: Galloway Family Trust

CASE PLANNER: Sean Donnelly, Senior Planner
sdonnelly@planning.lacounty.gov

Item 5 is a request to allow the sale of a full line of alcohol for on-site consumption in a new restaurant with a Type 47 Alcoholic Beverage Control License in the C-3 (General Commercial) Zone ("Project"). This Project is located at 875 East Mariposa Street in the Altadena community.

CONDITIONS OF APPROVAL

Upon review of the draft conditions of approval, an error was found. Condition 38 states that the "Hours for the sale of beer and wine for on-site consumption shall be limited from 11:00 a.m. to 11:00 p.m., Monday through Sunday." This is incorrect and should instead read, "Hours for the sale of a full line of alcohol for on-site consumption shall be limited from 11:00 a.m. to 11:00 p.m., Monday through Sunday." This has been corrected, and an updated copy of the conditions have been attached to this supplemental report.

Report
Reviewed By: Michele R. Bush
Michele R. Bush, Supervising Regional Planner

Report
Approved By: Susan M. Tae
Susan M. Tae, AICP, Assistant Deputy Director

Attached: 1) Conditions of Approval

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING

DRAFT CONDITIONS OF APPROVAL
PROJECT NO. PRJ2023-002042-(5)
CONDITIONAL USE PERMIT NO. RPPL2023002959

PROJECT DESCRIPTION

The project is a CUP to authorize the sale of a full line of alcohol for on-site consumption within a restaurant located within an existing commercial 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 ("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 No. 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 June 25, 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, **an electronic copy** a modified Exhibit "A" shall be submitted to LA County Planning by **August 26, 2024**.
17. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the Permittee shall submit **an electronic copy** 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, 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. 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 Enforcement Inspector or 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).
20. 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 County Sheriff, a security guard shall be required during business hours at the discretion of the Director.
21. All employees who directly serve or are in the practice of selling alcoholic beverages, including managers and security personnel, shall participate in the RBS (Responsible Beverage Service) Program provided by the State of California Department of Alcoholic Beverage Control, or a similar program, such as LEAD (Licensee Education on Alcohol and Drugs) 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, indicating 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.

22. 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 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.
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 such advertising shall not be visible from outside the premises.
24. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
25. There shall be no consumption of alcoholic beverages outside the dining area 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.
26. Music or other audible noise at the premises shall comply with Title 12 to the satisfaction of the County Department of Public Health.
27. 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.
28. No publicly accessible telephones shall be maintained or permitted on the exterior of the premises. Any existing publicly accessible telephones shall be removed within 90 days of the effective date of this Conditional Use Permit.
29. Alcoholic beverages shall only be sold or served to patrons age 21 or older.
30. 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.
31. The permittee shall provide adequate lighting above the entrance of the premises. The lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons entering or exiting the premises.
32. The permittee shall not install or maintain video games, pool tables or similar game activities or equipment on site.
33. All servers of alcoholic beverages must be at least 18 years of age.

- 34. 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.
- 35. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
- 36. 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.

PROJECT SITE-SPECIFIC CONDITIONS

- 37. This grant shall authorize the sale of a full line of alcohol for on-site consumption within a restaurant within an existing commercial building.
- 38. Hours for the sale of a full line of alcohol for on-site consumption shall be limited from 11:00 a.m. to 11:00 p.m., Monday through Sunday.
- 39. Food service shall be continuously provided by the restaurant during operating hours for the sale of alcohol.
- 40. The permittee shall comply with all conditions set forth in the attached County Sheriff's Department letter dated September 18, 2023.

Attachments:

Exhibit D-1 Sheriff's Department Letter dated September 18, 2023



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ROBERT G. LUNA, SHERIFF



June 6, 2024

Mr. Sean Donnelly
Planner, Foothills Development Services
Zoning Permits East
County of Los Angeles
Department of Regional Planning
320 W. Temple Street, 13th Floor
Los Angeles, California 90012

Mr. Donnelly:

Subject: Conditional Use Permit (CUP) Consultation for Sale of Alcohol
Project No.: PRJ2023-002042-(5)
Permit No.: RPPL2023002959
Establishment: Bernee Restaurant
Location: 875 East Mariposa Avenue, Altadena, California 91001
Description: A request for a CUP to authorize the sale of alcoholic beverages onsite at a new restaurant.

Altadena Sheriff's Station personnel have responded to 10 calls for service at 875 E Mariposa Avenue, Altadena, California 91001 in the past two years. All calls for service were routine in nature and all were related to a disturbance or public nuisance from prior businesses. Attached is the CFS report of those calls for your review.

The establishment and the surrounding area are well-lit. This establishment has not been a problem.

Based on the types of calls for service for the past two years described above, the Los Angeles County Sheriff's Department does not object to the issuance of the permit request.

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

A Tradition of Service
— Since 1850 —

Conditional Use Permit
"Bernie Restaurant"

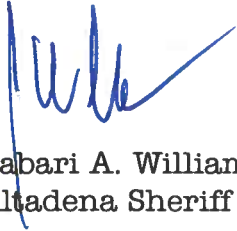
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June 6, 2024

If you have any questions or problems arise, please contact Sergeant Marcos Rosales, at Altadena Station, at (626) 296-2118.

Sincerely,

ROBERT G. LUNA, SHERIFF

A handwritten signature in blue ink, appearing to read "Jabari A. Williams", is written over the printed name and title.

Jabari A. Williams, Captain
Altadena Sheriff Station