

# Hearing Officer Transmittal Checklist

Hearing Date  
09/18/2012  
Agenda Item No.  
8

Project Number: 97139-(4)  
Case(s): Conditional Use Permit No. 201100131  
Planner: Tyler Montgomery

- Factual
- Property Location Map
- Staff Report
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use Radius Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans
- Exhibit Map
- Landscaping Plans
- GIS Map

Reviewed By: Larry Sil PRPA for MI KIM SUPV



Los Angeles County Department of Regional Planning  
 320 West Temple Street  
 Los Angeles, California 90012  
 Telephone (213) 974-6462  
**PROJECT NUMBER 97139**  
**RCUP 201100131**

<b>PUBLIC HEARING DATE</b> 9/18/2012	<b>AGENDA ITEM</b> 8
<b>RPC CONSENT DATE</b>	<b>CONTINUE TO</b>

<b>APPLICANT</b> Arturo V. Castillo	<b>OWNER</b> Bertha Sanchez	<b>REPRESENTATIVE</b> None
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**PROJECT DESCRIPTION**  
 The applicant requests a conditional use permit (CUP) to authorize the continued sale of beer and wine for on-site consumption at an existing restaurant: La Casita Olvera. The restaurant was originally authorized to sell alcoholic beverages in 2001 by CUP 97139.

**REQUIRED ENTITLEMENTS**  
**To authorize the continued sale of beer and wine for on-site consumption at an existing restaurant (La Casita Olvera)**

**LOCATION/ADDRESS**  
 14223 Leffingwell Road, South Whittier-Sunshine Acres

**SITE DESCRIPTION**  
 The site plan depicts the existing 4,718-square-foot commercial building on the central portion of the property. The building contains a financial office, an auto parts store (each 1,778 square feet), and the subject restaurant, which is approximately 2,300 square feet with a maximum occupancy of 71. The building is surrounded by a 25-space parking lot, which takes access from Leffingwell Road, to the south. There is a total of 165 square feet of landscaping on the project site.

<b>ACCESS</b> Leffingwell Road, to the south	<b>ZONED DISTRICT</b> Sunshine Acres
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<b>ASSESSORS PARCEL NUMBER</b> 8030-004-042	<b>COMMUNITY</b> South Whittier-Sunshine Acres
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<b>SIZE</b> 0.41 Acres	<b>COMMUNITY STANDARDS DISTRICT</b>
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	<b>EXISTING LAND USE</b>	<b>EXISTING ZONING</b>
Project Site	Restaurant, office, retail	C-3-BE (Unlimited Commercial--Billboard Exclusion)
North	Single-family residences	A-1 (Light Agricultural)
East	Retail, apartments, single-family residences	C-3-BE, A-1
South	Restaurant, private school, car wash, church, single-family residences	C-3-BE, A-1
West	Car wash, service station, condominiums	C-3-BE, R-3 (Limited Multiple Residence)

<b>GENERAL PLAN/COMMUNITY PLAN</b> Countywide Land Use Plan	<b>LAND USE DESIGNATION</b> 1 (Low Density Residential)	<b>MAXIMUM DENSITY</b>
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**ENVIRONMENTAL DETERMINATION**  
 Class 1 Categorical Exemption-Existing Facilities

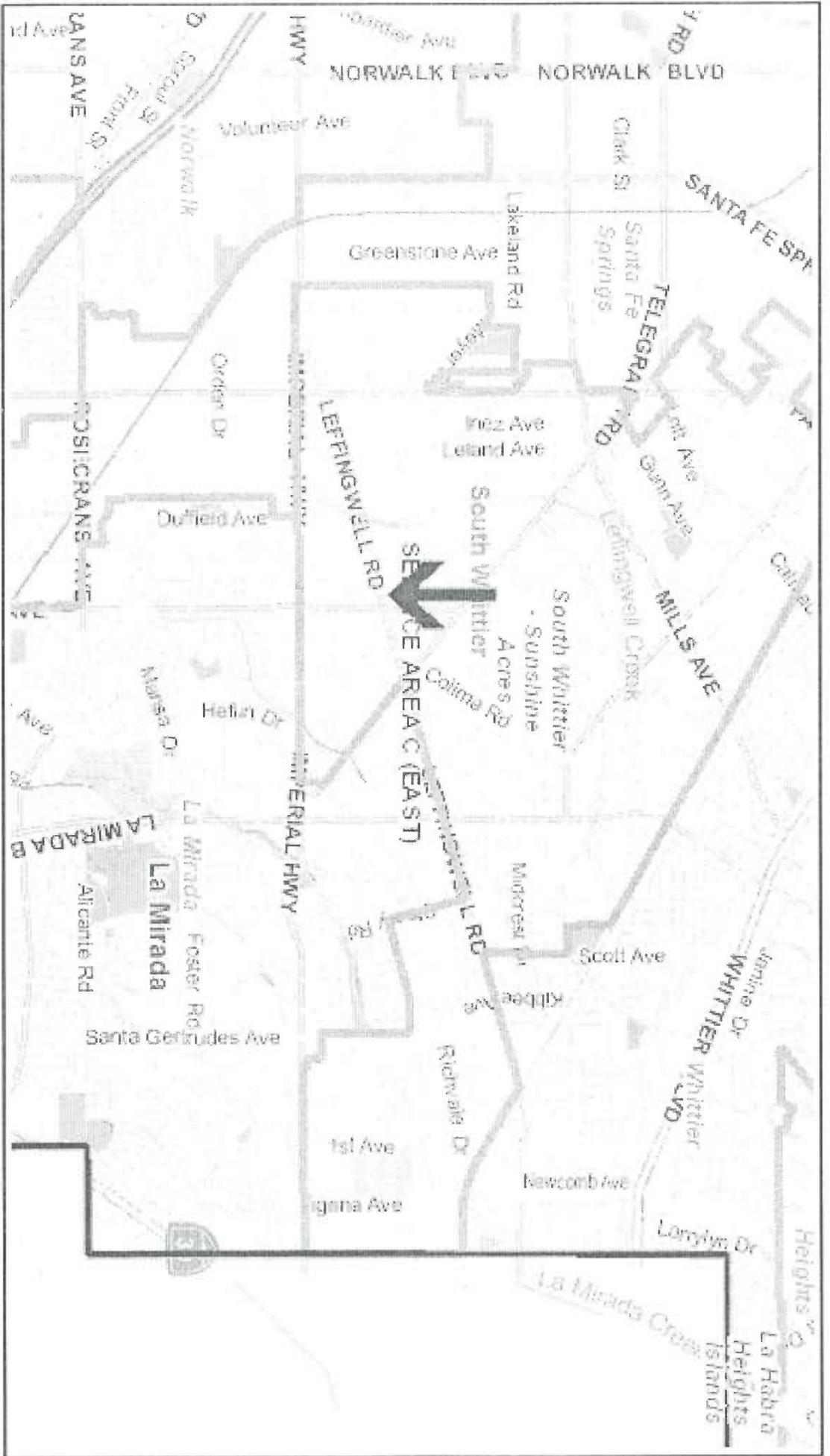
**RPC LAST MEETING ACTION SUMMARY**

<b>LAST RPC MEETING DATE</b>	<b>RPC ACTION</b>	<b>NEEDED FOR NEXT MEETING</b>
<b>MEMBERS VOTING AYE</b>	<b>MEMBERS VOTING NO</b>	<b>MEMBERS ABSTAINING/ABSENT</b>

**TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS**

<b>STAFF CONTACT PERSON:</b> Tyler Montgomery		
<b>RPC HEARING DATE(S)</b>	<b>RPC ACTION DATE</b>	<b>RPC RECOMMENDATION</b>
<b>MEMBERS VOTING AYE</b>	<b>MEMBERS VOTING NO</b>	<b>MEMBERS ABSTAINING</b>
<b>STAFF RECOMMENDATION (PRIOR TO HEARING):</b>		
<b>SPEAKERS*</b> (O) 0 (F) 0	<b>PETITIONS</b> (O) 0 (F) 0	<b>LETTERS</b> (O) 0 (F) 0

\*(O) = Opponents (F) = In Favor



# Vicinity Map

## 97139 / RCUP 201100131

Printed: Sep 06, 2012

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**STAFF ANALYSIS**  
**PROJECT NO. 97139-(4)**  
**CONDITIONAL USE PERMIT NO. 201100131**

**PROJECT DESCRIPTION**

The applicant seeks a conditional use permit ("CUP") to authorize the continued sale of beer and wine for on-site consumption at an existing restaurant (La Casita Olvera).

**REQUIRED ENTITLEMENTS**

Pursuant to County Code Part 1 of Chapter 22.56, the applicant is requesting a CUP to authorize the continued sale of beer and wine for on-site consumption at an existing restaurant with a Type 41 ABC License in the C-3-BE (Unlimited Commercial—Billboard Exclusion) zone. Per Section 22.28.210 of the County Code, the sale of alcoholic beverages in the C-3 zone, either for on-site or off-site consumption, requires a CUP. The sale of beer and wine for on-site consumption was originally authorized in 2001 by CUP 97139.

**DESCRIPTION OF PROJECT SITE**

**Location**

The project site is located in a commercial center at 14223 Leffingwell Road, in the South Whittier-Sunshine Acres Zoned District of unincorporated Los Angeles County.

**Physical Features**

The site plan depicts the existing 4,718-square-foot commercial building on the central portion of the 17,950-square-foot (0.41-acre) property. The building contains a financial office, an auto parts store, and the subject restaurant. The building is surrounded by a 25-space parking lot, which takes access from Leffingwell Road, to the south. There is a total of 432 square feet of landscaping on the project site. The site is level and surrounded by developed land in all directions.

**EXISTING ZONING**

**Subject Property**

The project site is located in the C-3-BE (Unlimited Commercial—Billboard Exclusion) zone.

**Surrounding Properties**

Surrounding properties within 500 feet of the subject property are zoned:

North: A-1 (Light Agricultural)

South: C-3-BE; A-1

East: C-3-BE; A-1

West: C-3-BE; R-3 (Limited Multiple Residence)

**EXISTING LAND USES**

**Subject Property**

The project site is developed with a commercial center, which contains a financial office, an auto parts store, and a restaurant.

**Surrounding Properties**

Surrounding land uses within 500 consist of the following uses:

North: Single-family residences

South: Restaurant, private school, car wash, single-family residences, church

East: Retail, apartments, single-family residences

West: Car wash, service station, condominiums

**PREVIOUS CASES/ZONING HISTORY**

Plot Plan 28194

Authorized construction of the commercial center with 25 on-site parking spaces

Approved 1976

CUP 97139

Authorized the sale of beer and wine for on-site consumption at the subject restaurant, which had a floor area of 1,139 square feet

Approved September 25, 2001

Expired September 25, 2011

Since CUP 97139 was approved in 2001, the restaurant has expanded from 1,139 square feet to 2,300 square feet and has increased its occupancy load to 71 persons. Because of this increase, the existing 25 on-site parking spaces are no longer sufficient for the commercial center. Therefore, the restaurant requires a minor parking deviation, which will be considered separately under the Director's Review process.

**ENVIRONMENTAL DOCUMENTATION**

Staff recommends that this project be determined categorically exempt under the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA). The facility qualifies for a Class 1, Existing Facilities, categorical exemption, as no new structures or uses are proposed for the site.

**SITE PLAN**

The site plan depicts the existing 4,718-square-foot commercial building on the central portion of the 17,950-square-foot (0.41-acre) property. The building contains a financial office, an auto parts store (each 1,778 square feet), and the subject restaurant, which is approximately 2,300 square feet. While the dining area currently seats 44 persons, the Building & Safety Division of the Department of Public Works has determined its occupancy load to be 50. The take-out area at the front of the restaurant has an additional occupancy load of 18 persons, while the kitchen and storage areas would hold an additional three persons. Therefore, the restaurant would have a total occupancy load of 71 persons. The building is surrounded by a 25-space parking lot, which takes access from Leffingwell Road, to the south. There is a total of 432 square feet of landscaping—approximately 2.4 percent of the project site.

### **PUBLIC AGENCY COMMENTS AND RECOMMENDATIONS**

The County Departments of Fire, Public Works, and Public Health are not usually consulted regarding the continuation of existing uses. Because no new development is proposed, these departments were not consulted.

The Norwalk Station of the Los Angeles County Sheriff's Department was consulted regarding the continuation of alcohol sales for on-site consumption at the existing restaurant. The Department has stated that it has no opposition to the request.

The California Department of Alcoholic Beverage Control ("ABC") was also consulted regarding this request. The Department indicates that the project site is not in an area of undue concentration of alcohol sales. It offered no opinion regarding the continuation of the sale of alcohol for on-site consumption at the existing restaurant.

### **STAFF EVALUATION**

#### General Plan Consistency

The subject property is located within the "1—Low Density Residential" classification of the Countywide Land Use Plan. The primary intent of this classification is to allow for single-family housing units with densities that range from between one and six dwelling units per acre. However, the plan allows for small-scale commercial uses within these areas that typically serve local communities. Therefore, the existing commercial center, with a total area of less than 5,000 square feet, would be consistent with this classification.

#### Zoning Ordinance and Development Standards Compliance

The property on which the proposed facility is to be located is zoned C-3-BE. The sale of alcoholic beverages for on-site or off-site consumption in the C-3 zone requires a CUP, per Section 22.28.210 of the County Code.

Section 22.52.1110 of the County Code determines parking requirements for assembly and dining uses. A restaurant requires a minimum of one on-site parking space per each three persons based on its occupancy load, as determined by the Building & Safety Division of the Department of Public Works. A certified occupancy load of the subject restaurant indicates a maximum occupancy of 71 persons. Therefore, the restaurant requires a minimum of 24 on-site parking spaces. In addition, the 1,778-square-foot office would require four parking spaces, and the 1,778-square-foot auto parts shop would require seven parking spaces, per the requirements of Section 22.52.1100 of the County Code. As a result, the commercial center would require a total of 35 on-site parking spaces. While the commercial center was approved with 25 parking spaces in 2001, the restaurant has expanded into an adjacent unit and increased its occupancy since its previous approval. Therefore, the applicant is requesting a minor parking deviation to permit 25 on-site parking spaces rather than the required 35 spaces. A minor parking deviation may approve a reduction in parking of up to 30 percent. Therefore, the restaurant requires a minor parking deviation, which will be considered separately under the Director's Review process.

There are no specific height or setback requirements for the C-3 zone, although Section 22.28.220 of the County Code limits the net area to be occupied by buildings to 90 percent of the subject property and requires 10 percent to be developed with landscaping. The existing commercial building has a footprint of 4,718 square feet on a 17,950-square-foot property, for lot coverage of approximately 26 percent. While the project site has only 432 square feet of landscaping (2.4 percent of the lot area), the subject property was approved with this amount of landscaping in 1976. Because the developed portion of the property has not increased since then, it is not required to conform to this standard.

There are two other facilities selling alcoholic beverages within 500 feet of the restaurant: SD Liquor and Market, which sells a full line of alcoholic beverages for off-site consumption, and 7-Eleven, which sells beer and wine for off-site consumption. According to the standards of Section 22.56.195 of the County Code, the County considers the sale of alcoholic beverages within 500 feet of another such facility to be an undue concentration only when the CUP is authorizing a new facility for off-site consumption. In this case, the sale of alcohol already exists and is for on-site consumption only. Therefore, there would be no undue concentration per County standards.

#### Neighborhood Impact/Land Use Compatibility

The continuation of the sale of beer and wine for on-site consumption at the existing restaurant would not adversely affect the health, peace, comfort, or welfare of area residents, be materially detrimental to the use, enjoyment, or valuation of nearby properties, or jeopardize the public health, safety, or general welfare. The use has been in existence for more than ten years without public complaints or violations issued by Regional Planning or ABC. Alcohol would only be consumed on-site and in conjunction with food, and no objections have been received from the general public.

The commercial center is adequately served by Leffingwell Road, a four-lane divided highway without major level-of-service issues. With the exception of the deficiency in parking, the project complies with all other development standards of the Zoning Ordinance.

There are a total of four sensitive uses located within 600 feet of the project site—three churches and a private school. The continuation of the existing use is unlikely to negatively affect these uses, as alcohol would only be served on-site and in conjunction with food, and there have been no complaints or objections regarding the project from area stakeholders. It would also not result in an undue concentration of alcohol sales in the area, as no new alcohol licenses would be added.

The continuation of the sale of beer and wine for on-site consumption at the restaurant would not negatively affect the economic welfare of the community, as it enhances the profitability of a locally serving business with minimal negative external effects. The restaurant and commercial center also blend in aesthetically with the surrounding community, as similar land uses and architectural styles may be found in the vicinity.

Burden of Proof

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

**LEGAL NOTIFICATION AND PUBLIC OUTREACH**

Pursuant to the provisions of Sections 22.60.174 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting. No public comments were received regarding the project.

**STAFF RECOMMENDATION**

Staff recommends approval of Conditional Use Permit No. 201200131 for a grant term of 15 years, subject to the attached conditions.

**RECOMMENDED FEES/DEPOSITS**

Inspection fees of \$1,600.00 to cover the costs of 8 recommended biennial zoning enforcement inspections for the CUP.

**SUGGESTED APPROVAL MOTION**

I hereby close the public hearing, find that the project is categorically exempt pursuant to CEQA reporting requirements and **APPROVE** Conditional Use Permit 201200131 subject to the attached Findings and Conditions of Approval.

Prepared by Tyler Montgomery, Regional Planning Assistant II  
Reviewed by Rudy Silvas, Principal Regional Planner, Zoning Permits West

Attachments:

- Draft Findings
- Draft Conditions of Approval
- Applicant's Burden of Proof statements
- GIS map
- Site photographs
- Site plan

RS:TM  
09/06/12

**DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER  
COUNTY OF LOS ANGELES  
PROJECT NO. 97139-(4)  
CONDITIONAL USE PERMIT NO. 201100131**

1. **ENTITLEMENT REQUESTED.** Pursuant to County Code Part 1 of Chapter 22.56, the applicant, Arturo V. Castillo, is requesting a conditional use permit (“CUP”) to authorize the continued sale of beer and wine for on-site consumption at an existing restaurant in the C-3-BE (Unlimited Commercial—Billboard Exclusion) zone. Per Section 22.28.210 of the County Code, the sale of alcoholic beverages in the C-3 zone, either for on-site or off-site consumption, requires a CUP. The sale of beer and wine for on-site consumption was originally authorized in 2001 by CUP 97139.
2. **HEARING DATE.** September 18, 2012.
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.**
4. **PROJECT DESCRIPTION.** The applicant seeks a CUP to authorize the continued sale of beer and wine for on-site consumption at an existing restaurant (La Casita Olvera).
5. **LOCATION.** The project site is located in a commercial center at 14223 Leffingwell Road, in the South Whittier-Sunshine Acres Zoned District of unincorporated Los Angeles County.
6. **SITE PLAN DESCRIPTION.** The site plan depicts the existing 4,718-square-foot commercial building on the central portion of the 17,950-square-foot (0.41-acre) property. The building contains a financial office, an auto parts store (each 1,778 square feet), and the subject restaurant, which is approximately 2,300 square feet. While the dining area currently seats 44 persons, the Building & Safety Division of the Department of Public Works has determined its occupancy load to be 50. The take-out area at the front of the restaurant has an additional occupancy load of 18 persons, while the kitchen and storage areas would hold an additional three persons. Therefore, the restaurant would have a total occupancy load of 71 persons. The building is surrounded by a 25-space parking lot, which takes access from Leffingwell Road, to the south. There is a total of 432 square feet of landscaping—approximately 2.4 percent of the project site.
7. **EXISTING ZONING.** The project site is zoned C-3-BE (Unlimited Commercial—Billboard Exclusion).
8. **EXISTING LAND USES.** The project site is developed with a commercial center, which contains a financial office, an auto parts store, and a restaurant.
9. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The subject property is located within the “1—Low Density Residential” classification of the Countywide

Land Use Plan. The primary intent of this classification is to allow for single-family housing units with densities that range from between one and six dwelling units per acre. However, the plan allows for small-scale commercial uses within these areas that typically serve local communities. Therefore, the existing commercial center, with a total area of less than 5,000 square feet, would be consistent with this classification.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The property on which the proposed facility is to be located is zoned C-3-BE. The sale of alcoholic beverages for on-site or off-site consumption in the C-3 zone requires a CUP, per Section 22.28.210 of the County Code.

Section 22.52.1110 of the County Code determines parking requirements for assembly and dining uses. A restaurant requires a minimum of one on-site parking space per each three persons based on its occupancy load, as determined by the Building & Safety Division of the Department of Public Works. A certified occupancy load of the subject restaurant indicates a maximum occupancy of 71 persons. Therefore, the restaurant requires a minimum of 24 on-site parking spaces. In addition, the 1,778-square-foot office would require four parking spaces, and the 1,778-square-foot auto parts shop would require seven parking spaces, per the requirements of Section 22.52.1100 of the County Code. As a result, the commercial center would require a total of 35 on-site parking spaces. While the commercial center was approved with 25 parking spaces in 2001, the restaurant has expanded into an adjacent unit and increased its occupancy since its previous approval. Therefore, the restaurant requires a minor parking deviation, which will be considered separately under the Director's Review process.

There are no specific height or setback requirements for the C-3 zone, although Section 22.28.220 of the County Code limits the net area to be occupied by buildings to 90 percent of the subject property and requires 10 percent to be developed with landscaping. The existing commercial building has a footprint of 4,718 square feet on a 17,950-square-foot property, for lot coverage of approximately 26 percent. While the project site has only 432 square feet of landscaping (2.4 percent of the lot area), the subject property was approved with this amount of landscaping in 1976. Because the developed portion of the property has not increased since then, it is not required to conform to this standard.

There are two other facilities selling alcoholic beverages within 500 feet of the restaurant: SD Liquor and Market, which sells a full line of alcoholic beverages for off-site consumption, and 7-Eleven, which sells beer and wine for off-site consumption. According to the standards of Section 22.56.195 of the County Code, the County considers the sale of alcoholic within 500 feet of another such facility to be an undue concentration only when the CUP is authorizing a new facility for off-site consumption. In this case, the sale of alcohol already exists and is for on-site consumption only. Therefore, there would be no undue concentration per County standards.

11. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The continuation of the sale of beer and wine for on-site consumption at the existing restaurant would not adversely affect the health, peace, comfort, or welfare of area residents, be materially detrimental to the use, enjoyment, or valuation of nearby properties, or jeopardize the public health, safety, or general welfare. The use has been in existence for more than ten years without public complaints or violations issued by Regional Planning or ABC. Alcohol would only be consumed on-site and in conjunction with food, and no objections have been received from the general public.

The commercial center is adequately served by Leffingwell Road, a four-lane divided highway without major level-of-service issues. With the exception of the deficiency in parking, the project complies with all other development standards of the Zoning Ordinance.

There are a total of four sensitive uses located within 600 feet of the project site—three churches and a private school. The continuation of the existing use is unlikely to negatively affect these uses, as alcohol would only be served on-site and in conjunction with food, and there have been no complaints or objections regarding the project from area stakeholders. It would also not result in an undue concentration of alcohol sales in the area, as no new alcohol licenses would be added.

The continuation of the sale of beer and wine for on-site consumption at the restaurant would not negatively affect the economic welfare of the community, as it enhances the profitability of a locally serving business with minimal negative external effects. The restaurant and commercial center also blend in aesthetically with the surrounding community, as similar land uses and architectural styles may be found in the vicinity.

12. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
13. **PUBLIC COMMENTS.** No public comments were received regarding the project.

#### **CONDITIONAL USE PERMIT SPECIFIC FINDINGS**

14. The subject property is located within the “1—Low Density Residential” classification of the Countywide Land Use Plan. The primary intent of this classification is to allow for single-family housing units with densities that range from between one and six dwelling units per acre. However, the plan allows for small-scale commercial uses within these areas that typically serve local communities. The existing shopping center has a floor area of 5,000 square feet

and contains locally serving businesses. Therefore, the proposed use will be consistent with the adopted general plan for the area.

15. The use has been in existence for more than ten years without public complaints or violations issued by Regional Planning or the Department of Alcoholic Beverage Control. Beer and wine would only be consumed on-site and in conjunction with food, and no objections have been received from the general public. Therefore, the requested use at the location proposed would not adversely affect persons or properties in the surrounding area.
16. The existing project site conforms to all applicable development standards of the Zoning Ordinance, with the exception of a deficiency of ten parking spaces (19 percent). The parking deficiency is being addressed with a separate minor parking deviation, which is a discretionary Director's review. Therefore, the proposed site is adequate in size and shape to integrate said use with the uses in the surrounding area, as it meets all other applicable development standards.
17. The commercial center is adequately served by Leffingwell Road, a four-lane divided highway without major level-of-service issues. Therefore, it is sufficient to carry the kind and quantify of traffic generated by patrons of the commercial center.
18. There are a total of four sensitive uses located within 600 feet of the project site—three churches and a private school. The continuation of the existing use is unlikely to negatively affect these uses, as alcohol would only be served on-site and in conjunction with food, and there have been no complaints or objections regarding the project from area stakeholders.
19. The nearest residences from the project site are immediately to the rear and separated from the commercial center by a six-foot-high block wall. The nearest street access to residences is 235 feet to the northeast and requires turns on two different streets. Therefore, the site is adequately buffered from residential uses.
20. It would also not result in an undue concentration of alcohol sales in the area, as no new alcohol licenses would be added.
21. The restaurant and commercial center also blend in aesthetically with the surrounding community, as similar land uses and architectural styles may be found in the vicinity. The continuation of the sale of beer and wine for on-site consumption at the restaurant would not negatively affect the economic welfare of the community, as it enhances the profitability of a locally serving business with minimal negative external effects.

#### **ENVIRONMENTAL DETERMINATION**

22. The project consists of the continuation of an existing use in an existing structure. Therefore, the project qualifies for a Class 1—Existing Facilities—Categorical

Exemption and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

23. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to 15 years.
24. **RECORD OF PROCEEDINGS.** 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, 13<sup>th</sup> Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits West Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

**Regarding the Conditional Use Permit:**

- A. That the requested use at the location proposed will not:
  1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
  2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
  3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, and loading facilities, landscaping and other development features described in this Ordinance, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- C. That the proposed site is adequately served:
  1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
  2. By other public or private service facilities as are required.

**Regarding Alcoholic Beverage Sales:**

- A. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600 – foot radius.
- B. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.
- C. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning

agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.

- D. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.
- E. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Conditional Use Permit as set forth in Section 22.56.090, for Alcoholic Beverage Sales per Section 22.56.195 of the Los Angeles County Code (Zoning Ordinance).

**HEARING OFFICER ACTION:**

- 1. The Hearing Officer has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
- 2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201100131 is APPROVED subject to the attached conditions.

Action Date:

MK:TM  
09/06/12

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. 97139-(4)  
CONDITIONAL USE PERMIT NO. 201100131**

**PROJECT DESCRIPTION**

The project consists of the continued sale of beer and wine for on-site consumption at 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 has 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 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 fully 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 fully 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. 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 September 18, 2027.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **eight (8) biennial (one every other year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") 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.
14. All development pursuant to this grant shall conform to the requirements of County Department of Public Works.
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 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 notification 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.

16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan 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 November 19, 2012.

17. 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 be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

#### PERMIT SPECIFIC CONDITIONS

18. 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;
19. 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;
20. 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, or other similar program as determined by the Director, 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;
21. 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;
22. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced;
23. 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;
24. This grant authorizes the sale of alcoholic beverages from 9:00 a.m. to 10:00 p.m., seven days a week.
25. There shall be no consumption of alcoholic beverages outside the designated areas of the subject facility. 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. 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. Alcoholic beverages shall be sold to customers only when food is ordered and consumed within the subject restaurant;
31. Food service shall be continuously provided during operating hours;
32. 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 minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot, and;
33. A minimum of 25 on-site parking spaces shall be maintained on the project site. Said spaces shall be maintained to the specifications of Title 22, Part 11 of the Los Angeles County Code.



## CONDITIONAL USE PERMIT BURDEN OF PROOF

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

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

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

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

Casita Olvera will distribute alcohol to food consuming patrons. The beverages will remain in the building at all times and will be dispensed and disposed of internally. Casita Olvera will reserve the right to stop serving alcohol to patrons if deemed necessary. Casita Olvera will only distribute alcohol to legal aged patrons at all times. Casita Olvera will also offer a variety of non-alcoholic beverages to consuming patrons.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The proposed site is 17,954 sq ft, building size of a total 4,718 sq ft and has 22 parking spaces available. The parameters given meet the standards required to obtain the permit.

C. That the proposed site is adequately served:

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

The entryway to the proposed site will not impede traffic do to the width of the street. Leffingwell Rd. going westbound has 3 lanes and 3 lanes going eastbound with an island in the middle parallel to Casita Olvera.



### ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.195, the applicant shall substantiate the following:  
(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

ABC License Type No(s): 41 (e.g. Type 20, Type 41)

A. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.

The restaurant will not engage or conduct any practices that may affect the places listed above.

B. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

The restaurant exceeds the standards of wall separation to any residential area.

C. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.

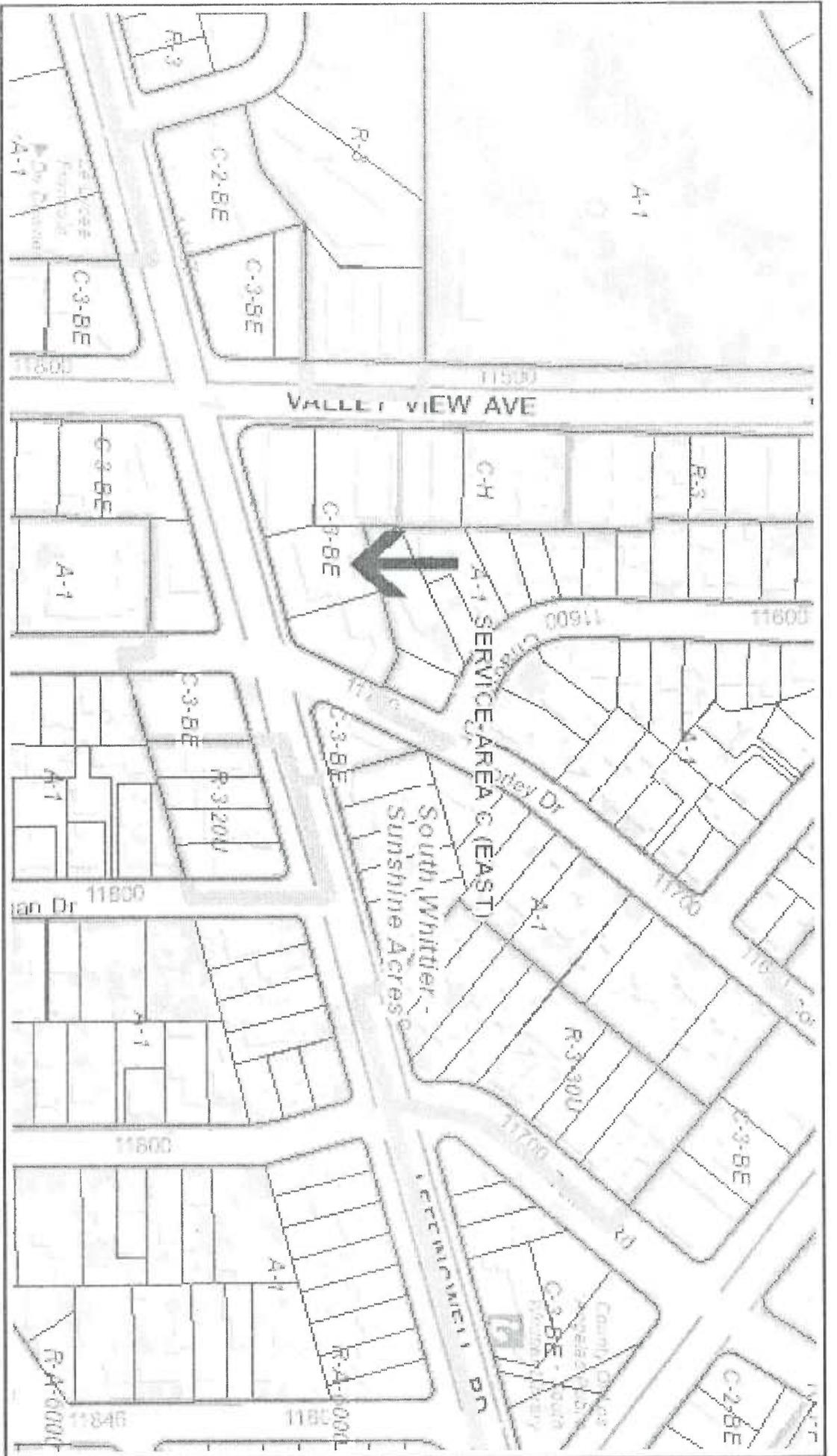
Although there is a minimart that sells alcohol off-site consumption within 500 feet, the restaurant will only sell on-site and will have a 5% total shelf space in the establishment.

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

The restaurant use is primarily for food consumption and will not affect the economic welfare of surrounding establishments.

E. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

The establishment is and will continue to be well maintained and uphold its curb appeal.



# Project No. 97139-(4) RCUP 201100131

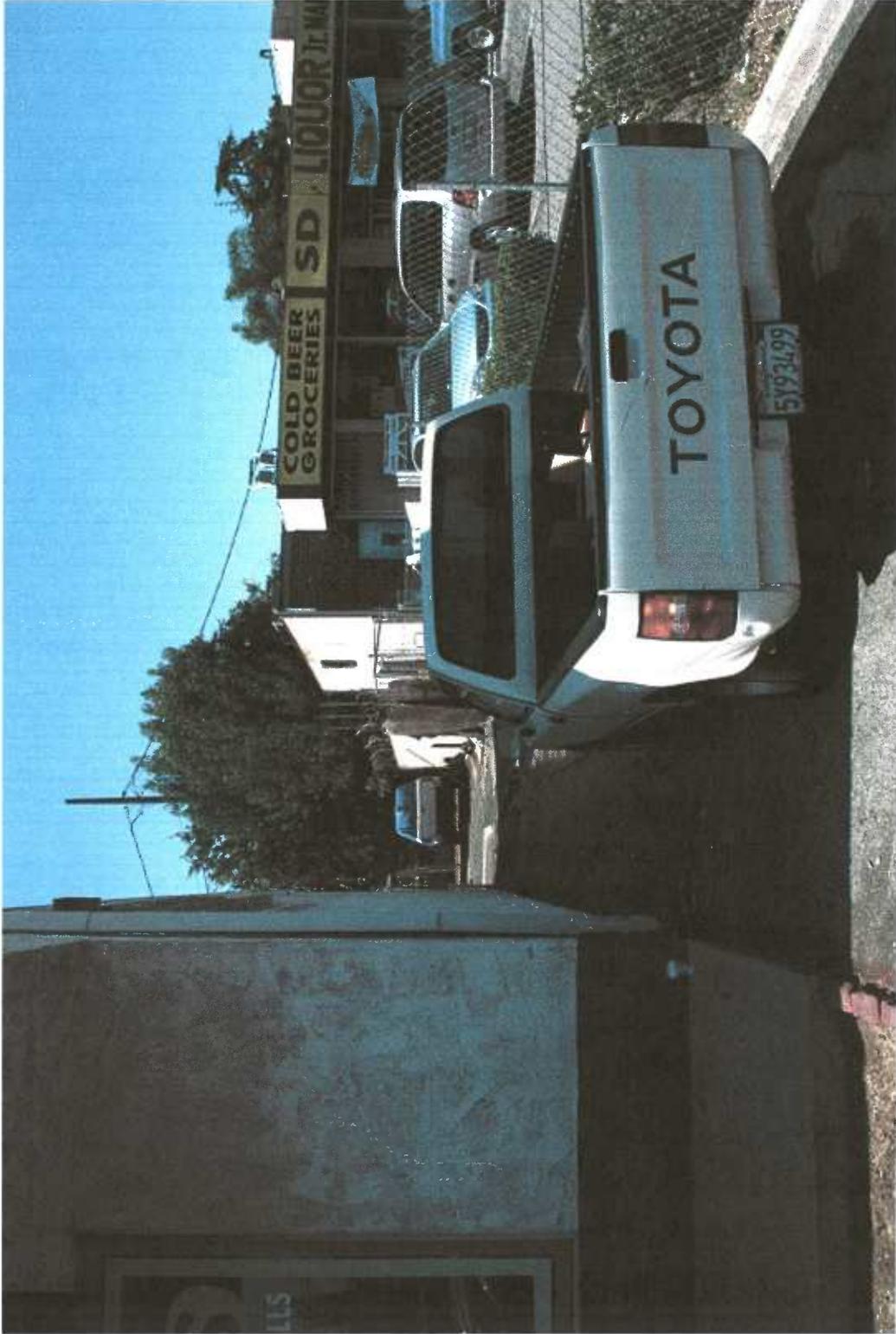
Printed: Sep 06, 2012



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6



\* East Side of Building \*

Ingress to rear parking with an easement of 11'-4"

A  
N

5

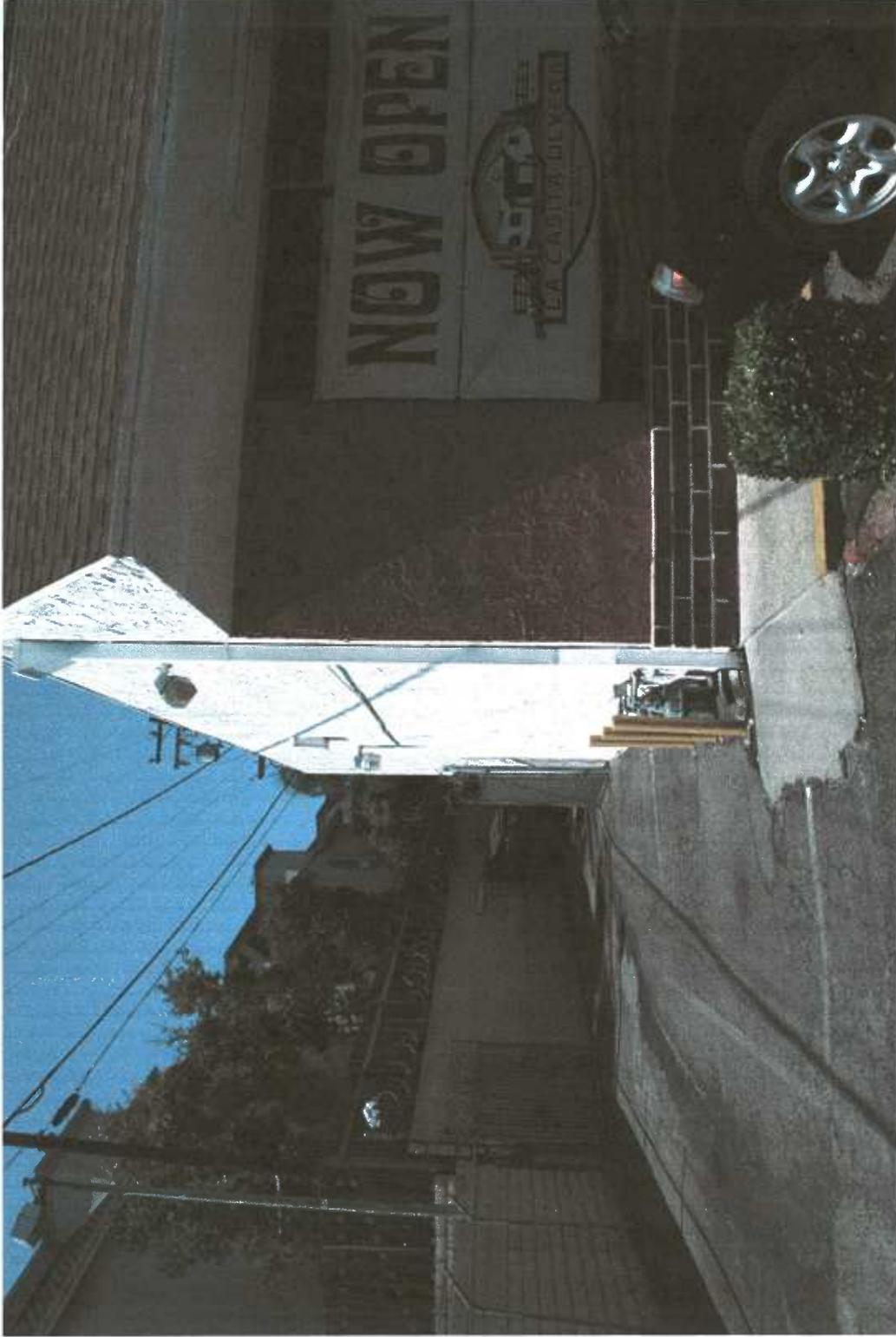


5 North side of Building\*

Rear Parking with a setback of 51'-0"



④



• West Side of Building •

Exit from rear parking leading to Lettingwell Road with an easement of 18'-8"

A  
N

2



# South Side of Building

Front Parking from Lettingwell Road with a setback of 43'-0"



②



South Side of Building  
Front of proposed project

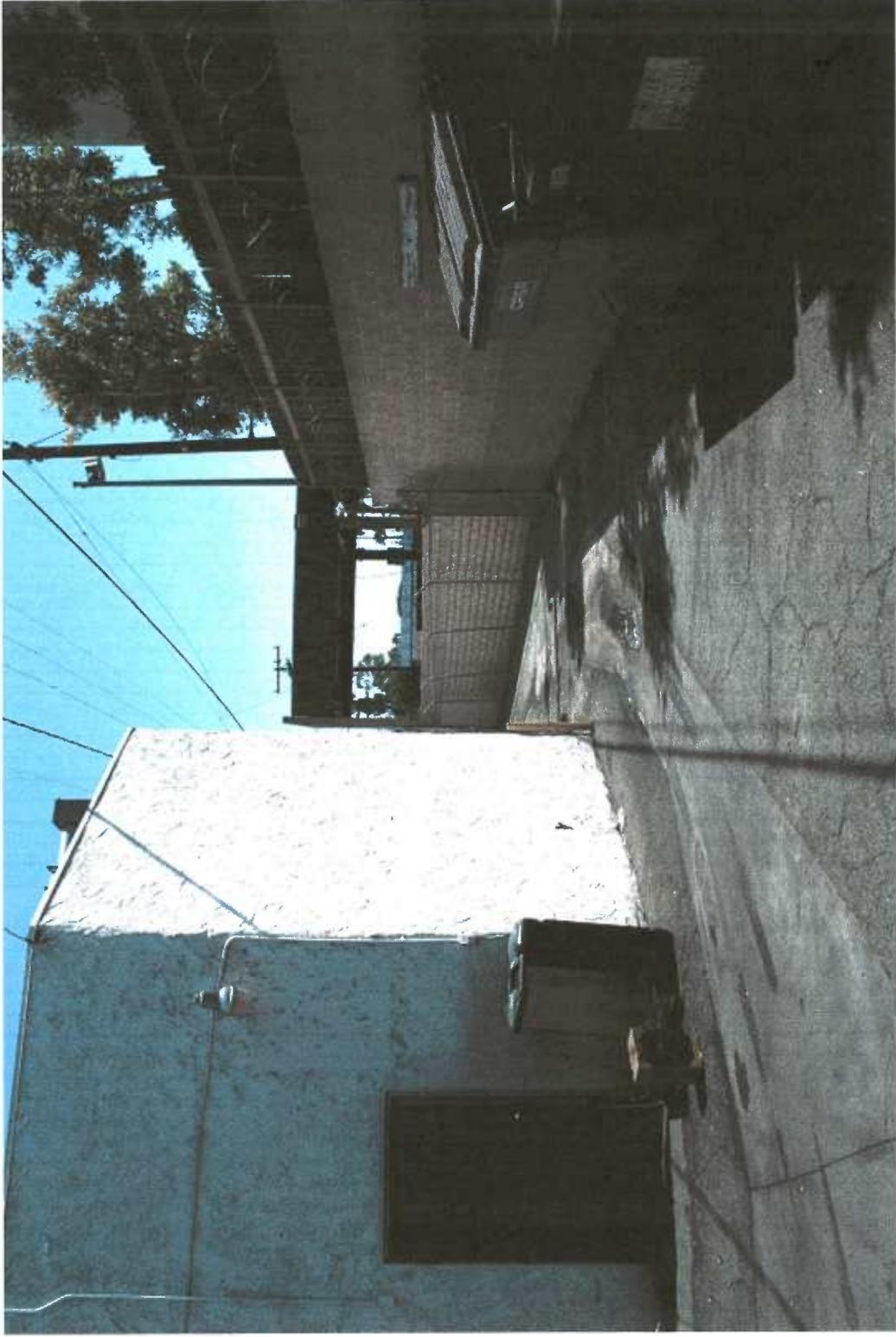




South-West Side of Building



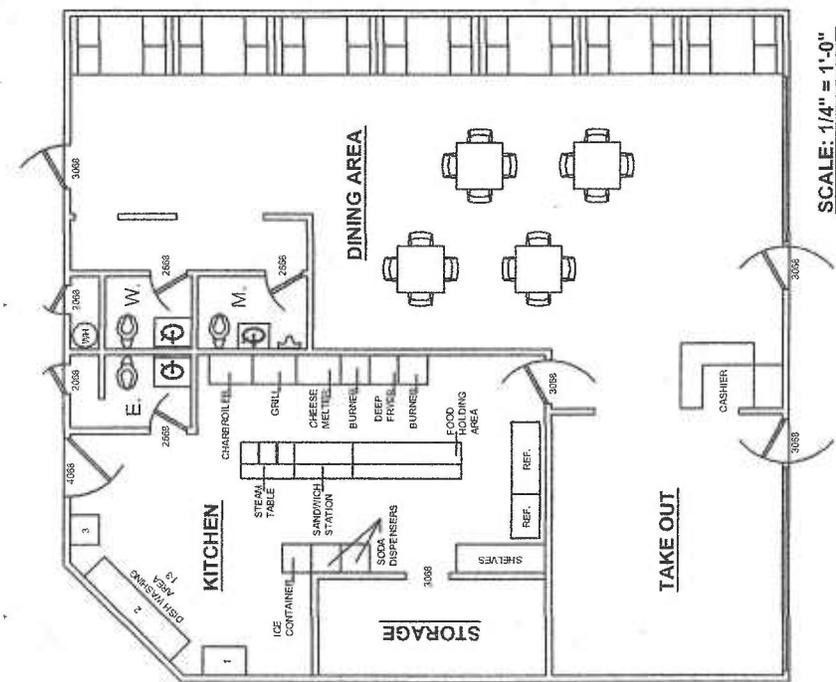
7



\* West Side of Building \*

Rear parking exit to Letting well Road with an easement of 4'-7"





SCALE: 1/4" = 1'-0"

- KEY**
- SHRUB
  - WINDOW
  - W. WOMANS
  - M. MENS
  - E. EMPLOYEE
  - WH WATER HEATER
  - SQUARE FOOT

LOT SIZE: 17334 ±  
 BUILDING SIZE: 4718 ±  
 TOTAL PARKING REQUESTED: 22 PARKING SPACES  
 ASSESSOR'S ID NO.: 893000-042  
 PROPERTY ADDRESS: 14223 LEFFINGWELL ROAD WARTNER, CA 95064

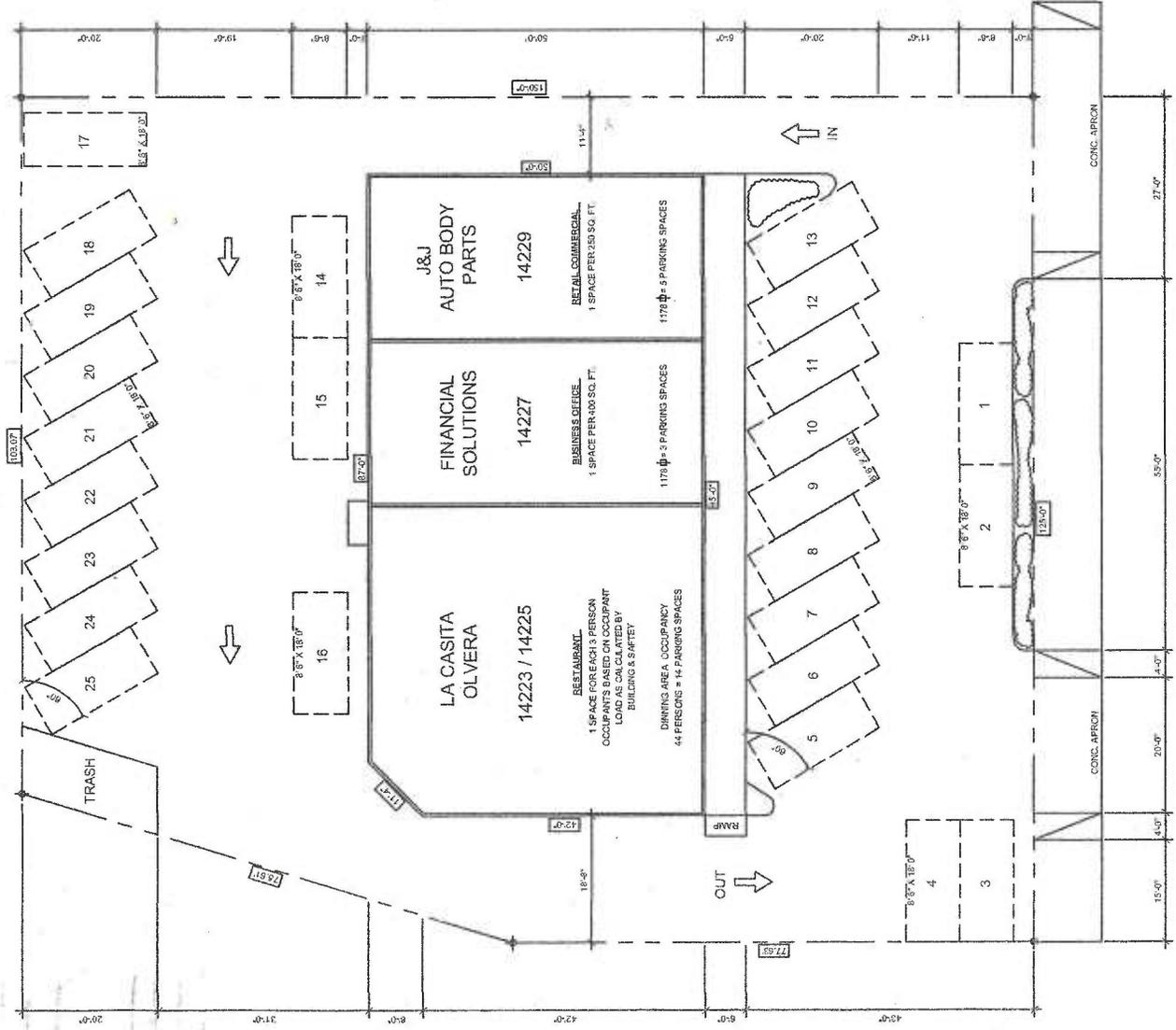


**LEGAL DESCRIPTION**

LOT 32, 33 AND WESTERLY 25'-0" OF LOT 34 OF TRACT 10000

SCALE AS NOTED

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SCALE: 1/8" = 1'-0"

LEFFINGWELL ROAD