



Los Angeles County Department of Regional Planning



Planning for the Challenges Ahead

Jon Sanabria
Acting Director of Planning

January 6, 2010

Russell Investments, LLC
3826 Ocean View Boulevard
Montrose, CA 91020
Attn: Robert Russell

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

**REGARDING: PROJECT NUMBER 97-147-(5)
CONDITIONAL USE PERMIT NO. 200800118
3826 Ocean View Boulevard, Montrose (APN: 5807-009-016)**

Dear Applicant:

The Regional Planning Commission, by its action of January 6, 2010, **APPROVED** the above described project and entitlements. The attached documents contain the Regional Planning Commission's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 3 requires that the permittee file an affidavit accepting the conditions before the grants becomes effective.

The applicant and or other interested person may appeal the Regional Planning Commission's decision to the Board of Supervisors through the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Please contact the Executive Office for the amount of the appeal fee at (213) 974-1426. **The appeal period for this project will end at 5:00 p.m. on January 20, 2010.** Any appeal must be delivered in person to the Executive Office by this time. If no appeal is filed during the specified period, the Regional Planning Commission action is final.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Maral Tashjian of the Special Projects Section at (213) 974-1516 or e-mail at mtashjian@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Jon Sanabria
Acting Director of Planning


Samuel Dea, Supervising Regional Planner
Special Projects Section

SD:mt

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)

c: BOS; DPW (Building and Safety); Zoning Enforcement, ABC, Sheriff

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

PROJECT NUMBER 97-147-(5)
CONDITIONAL USE PERMIT NUMBER 200800118

REQUEST: The applicant, Russell Investments LLC, is requesting a Conditional Use Permit to authorize a full line of alcoholic beverages for onsite consumption in an existing 2,998 sq. ft. restaurant, Oceanview Bar and Grill, located within a multi-tenant commercial building. The applicant is also requesting approval to allow accessory live entertainment. The restaurant has an occupant load of 135 persons and currently operates from 10 am to 11 pm daily.

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:
January 6, 2010 Public Hearing

A duly noticed hearing was held on January 6, 2010 before the Regional Planning Commission. Commissioners Valadez, Helsley, Modugno, and Rew were present. Commissioner Bellamy was absent. The applicant, Robert Russell, was sworn in and testified in favor of the request.

The Commission asked staff if the subject property has access to the adjacent municipal parking lot. Staff confirmed that the parking lot is accessible to the subject property. The commission also asked the applicant about the nature of the proposed live entertainment. The applicant responded that the live entertainment would include a piano player accompanied by a vocalist, or acoustic guitar.

There being no further testimony, the Regional Planning Commission closed the public hearing and approved the permit with changes to the conditions as agreed to by the applicant.

Findings

1. The subject property is located on the southeast corner of the intersection of Ocean View Boulevard and Florencita Avenue at 3826 Ocean View Boulevard, Montrose within the unincorporated community of La Crescenta-Montrose. The Assessor Parcel Number of the subject property is 5807-009-016.
2. The property is developed with a 2,998 sq. ft. restaurant, Oceanview Bar and Grill, located within a 7,285 sq. ft. existing commercial building on a 0.3 acre property. The restaurant has an occupant load of 135 persons. Twelve (12) parking spaces are available on site for the commercial building, four (4) of which are allocated to the subject restaurant. Vehicular access to the site is provided via Florencita Avenue to the north.
3. The project site is zoned C-2-BE (Neighborhood Commercial, Billboard Exclusion). Surrounding properties are zoned as follows:

North: C-2-BE, R-3 (Limited Multiple Residence)

East: C-2-BE, C-3-BE (Unlimited Commercial, Billboard Exclusion), R-3, City of Glendale
South: C-2-BE, City of Glendale
West: C-2-BE, R-3, City of Glendale

4. The subject property is currently developed with a multi-tenant commercial building. Surrounding land uses are as follows:

North: Offices, Parking Lot, Vacant property, and Multi-Family Residences
East: Parking Lot, Commercial, and Multi-Family Residences
South: Commercial
West: Commercial, Single- and Multi-Family Residences

5. Zoning/case history includes following:

- **Variance No. 846** to authorize a restaurant and deli with less than required parking was approved by the Regional Planning Commission on December 5, 1984.
- **Conditional Use Permit No. 94101** to authorize sale of a full line of alcohol on-site at the existing restaurant was approved by the Regional Planning Commission on October 20, 1994.
- **Parking Permit No. 94101** to authorize less than required parking and off-site parking for the existing restaurant was approved by the Regional Planning Commission on October 20, 1994.
- **Conditional Use Permit No. 97147** to authorize the expansion of the existing restaurant and continue the sale of a full line of alcohol on-site was approved by the Regional Planning Commission on March 26, 1998.
- **Parking Permit No. 97147** to authorize less than required parking and off-site parking for the expansion of an existing restaurant was approved by the Regional Planning Commission on March 26, 1998.
- **Zoning Enforcement Case No. 08-0007952** was issued for an expired conditional use permit, CUP No. 97147, which expired on March 17, 2008 and placement of a trash bin in one of the parking spaces. The zoning enforcement case was closed once the removal of the trash bin was observed during a subsequent zoning enforcement inspection and an application for a conditional use permit (CUP No. 200800118) was filed on September 18, 2008.

6. General Plan Consistency: The subject property is located within the Major Commercial land use category of the Countywide General Plan. The Major Commercial land use designation is intended for uses such as central business districts, regional office complexes, major shopping malls and centers, major commercial recreation facilities and a range of mixed commercial retail and service activities, etc. The selling of alcoholic beverages is ancillary to commercial retail and service activities, and is therefore consistent with the allowed uses of the underlying land use category.

7. The following policies of the Countywide General Plan are applicable to the subject request:

Promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design

and locational controls. (Land Use Element: Ensure Compatibility of Development - Policy No. 9, Page III-12)

The operation of an established local serving restaurant with onsite alcohol sales can be found appropriate with this designation, with appropriate conditions.

8. Compliance with the Zoning Ordinance:

Unless specifically modified by a conditional use permit during the discretionary review process, premises in Zone C-3 shall be subject to the following development standards under Part 5 of Chapter 22.28 of the Los Angeles County Code:

A. Parking

Section 22.28.220 (B) refers to Part 11 of Chapter 22.52 for parking requirements. Per Section 22.52.1110, for entertainment, assembly, and dining uses, one automobile parking space plus adequate access thereto shall be provided for each three persons based on the occupant load as determined by the County Engineer.

Parking permit No. 97147, which was approved by the Regional Planning Commission on March 26, 1998, authorizes less than required parking and off-site parking. The occupant load determined by the Department of Public Works for the existing 2,998 square foot restaurant is 135 persons, requiring 45 parking spaces. Four (4) of the required parking spaces are provided on-site while the remaining parking spaces are provided at the adjacent Glendale municipal parking lot which has 263 parking spaces to the east. Metered parking spaces are also available adjacent to the restaurant along Ocean View Boulevard to the west. The parking permit expires on March 17, 2018.

The current entitlement request does not propose to increase the occupant load of the restaurant. The exhibit "A" is consistent with that of the previously approved parking permit and conditional use permit.

9. Neighborhood Impact/Land Use Compatibility

The subject property is located near the Montrose Shopping Park which is a pedestrian-oriented neighborhood shopping district offering a variety of restaurants, retail stores, and services. The restaurant is surrounded by offices and commercial uses to the north, south and west, and a municipal parking lot to the east. Sensitive uses within a 600-foot radius include single- and multi- family residences to the northeast and northwest. A school exists approximately 640 feet to the northwest of the subject property. The parking lot, commercial buildings, and offices surrounding the subject property can sufficiently buffer the surrounding sensitive uses from the proposed use.

The Sheriff's Department indicated that there were no reported crimes at the project site. The proposed use will not contribute or generate potential criminal activity at the site.

Currently there are eight (8) other establishments within 500 feet of the subject property that sell alcoholic beverages. Three (3) establishments are licensed to sell a full line of alcohol for on-site consumption. Five (5) establishments are licensed to sell beer and wine for on-site consumption. According to the Department of Alcoholic Beverage Control, there is no undue concentration of alcohol serving establishments within the census tract that the subject property is located within. The majority of these establishments are not located within the same census tract containing the subject property.

The proposed use is compatible with the surrounding neighborhood, with appropriate conditions.

10. County Departments and Outside Agency Comments and Recommendations:

A. Correspondence dated November 2, 2009, was received from the Los Angeles County Sheriff Department Crescenta Valley Station. According to the letter, ten calls for service "of a routine nature" have occurred on the property in the past five years, with no crimes reported. The Sheriff recommends approval of the applicant's request.

B. A B&P Worksheet was received on October 29, 2009 from the Department of Alcoholic Beverage Control, Van Nuys District Office. The worksheet includes census tract-based information on existing alcohol licenses. According to the worksheet, the subject property is located in census tract number 3005.02 which does not have an undue concentration of existing alcohol permits. Five (5) alcohol licenses are allowed, and three (3) exist.

11. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

12. A letter was received on December 7, 2009 from a neighboring resident who expressed no opposition to the renewal.

13. The applicant has provided the required Burden of Proof to substantiate all facts identified by Section 22.56.040 of the Los Angeles County Code.

14. The Department of Regional Planning has determined this project to be Categorically Exempt (Class 1 Exemption, Minor Alteration to Existing Facilities) under the California Environmental Quality Act (CEQA) and the Los Angeles County environmental guidelines. The entitlement request is to allow the continued use of the sale of alcoholic beverages for on-site consumption at an existing restaurant without expansion or addition.

15. The project is consistent with the Los Angeles Countywide General Plan and the provisions of the Zoning Code.

16. The location of documents and other materials constituting the record of proceedings upon which the Regional Planning Commission's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13th 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 Section, Los Angeles County Department of Regional Planning.

BASED ON THE FORGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area;
- B. That the requested use at the location proposed 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; and
- C. 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, of as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. 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; and
- E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius; and
- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area; and
- G. The requested use at the proposed location will not result in an undue concentration of similar premises; and
- H. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
- I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a conditional use permit as set forth in Sections 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

1. The Regional Planning Commission finds that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). The project is within a class of projects, which have been determined not to have a significant effect on the environment in that it meets the criteria set forth in section 15303 of the State CEQA Guidelines and Class 1 of the County Environmental Document Reporting Procedures and Guidelines, Appendix G.
2. In view of the findings of facts presented above, Conditional Use Permit Number 200800118 is **APPROVED**, subject to the attached conditions.

Attachments: Conditions
Affidavit

c: Each Commissioner, Zoning Enforcement, Building and Safety

VOTE

Concurring: Valadez, Helsley, Modugno, and Rew

Dissenting: None

Abstaining: None

Absent: Bellamy

Action Date: January 6, 2010

This grant authorizes the continued sale of a full line of alcoholic beverages for on-site consumption, and the addition of accessory live entertainment, at an existing 2,998 square foot restaurant, Oceanview Bar and Grill, located within an existing multi-tenant commercial building.

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
2. All facilities shall be maintained as depicted on the approved Exhibit "A", subject to all of the following conditions of approval:
 - a. The total occupancy of the restaurant shall not exceed 135 persons;
 - b. The permittee shall make available not less than four (4) on-site parking spaces for the restaurant;
 - c. The sale of alcoholic beverages shall be permitted between the hours of 10:00 a.m. to 11:00 p.m., Monday through Sunday. Food service shall be continuously provided during operating hours;
 - d. Alcoholic beverages shall be sold to customers who purchase and consume food in the restaurant only;
 - e. Live entertainment shall be permitted only as an accessory to the operations of the restaurant and shall be conducted entirely within the building;
 - f. Any noise associated with live entertainment shall not be audible from the nearest residential use;
 - g. The sale of alcoholic beverages for consumption off the premises is prohibited. There shall be no alcoholic beverages consumed in open areas adjacent to the subject restaurant under the control of the permittee except where outdoor dining is allowed;
 - h. There shall be no loitering permitted on the premises under the control of the permittee;
 - i. The permittee shall instruct all employees in the regulations regarding no loitering and no consumption of alcoholic beverages outside the subject restaurant. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary;
 - j. No self-illuminating advertising for alcoholic beverages shall be located on the building or windows. Temporary window signs shall not exceed 25 percent of the area of any single window or of adjoining windows on the same frontage;
 - k. Temporary signs, banners, streamers and flags shall not be displayed on the exterior walls or facade of the building;

- l. Telephone numbers of local law enforcement shall be posted adjacent to the cashier's areas within the bar and service area of the restaurant;
- m. The permittee shall maintain the property in a neat and orderly fashion, free of litter in all areas on the premises under which the permittee has control;
- n. The permittee shall provide adequate lighting above the entrance of the premises. This lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons entering or exiting the premises;
- o. The permittee shall maintain the property in a neat and orderly fashion and maintain free of litter all areas on the premises under which the permittee has control;
- p. The permittee shall not install or maintain video games, pool tables, or similar game activities or equipment on site;
- q. No dancing or dance floor is permitted;
- r. There shall be no cover charge or prepayment fee for food and/or beverage service required for admission to the restaurant;
- s. The restaurant shall not be used for private parties (booking of the entire restaurant by one party);
- t. All servers of alcoholic beverages must be at least 18 years old;
- u. The licensee, all managers and present and future employees of the establishment 18 years of age or older shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the California Department of Alcoholic Beverage Control. This training shall be on-going and all new employees shall be required to attend. Upon request, the licensee shall provide DRP enforcement staff with LEAD certification cards for all active managers and employees indicating they have participated in this program;
- v. The restaurant 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 explaining the program shall be printed on the menu;
- w. A valid copy of an encroachment permit for the outdoor dining area, granted to the restaurant by the Los Angeles County Department of Public Works, shall be made available to zoning enforcement staff upon request;
- x. The permittee shall maintain a current contact name, address, and phone number on file with the Department of Regional Planning at all times; and
- y. The conditions of this grant shall be retained on the premises at all times and be immediately produced upon request of any County Sheriff or ABC investigator. The

restaurant manager and all employees of the restaurant shall be knowledgeable of the conditions herein.

3. 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 Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this condition (No. 3), and Condition Nos. 4, 5, and 6 shall be effective immediately upon final approval of this grant by the County.
 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 limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
 5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten (10) days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs 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 the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.
- The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.
6. This grant shall expire unless used within ninety (90) days from the date of final approval by the county. A thirty (30) day time extension may be requested in writing and with payment of the applicable fee.
 7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
 8. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon any transfer or lease of the property

during the term of this grant, the permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee, as applicable, of the subject property.

9. **This grant will terminate on January 6, 2020.** 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, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six (6) months prior to the termination date of this permit, whether or not any modification of the use is requested at that time.
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. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$1,500.00**. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for **ten (10) annual** inspections. Inspections shall be unannounced.
11. 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 the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150 per inspection).
12. 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 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.
13. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
14. The subject property shall be maintained in substantial conformance with the plans marked Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit four (4) 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.

15. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of Los Angeles County to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said Department.
16. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
17. The permittee shall maintain all landscaping in a neat, clean and healthy condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary. Water facilities shall consist of a permanent water-efficient irrigation system, such as "bubblers" or drip irrigation, for irrigation of all landscaped areas except where there is turf or other ground cover.
18. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings or signage that was not approved by the Department of 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.
19. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

SD:mt
1/6/10