

Transmittal Checklist

Hearing Date

1/6/2010

Agenda Item Number

6

Project Number: 97-147-(5)
Case(s): CUP No. 200800118
Contact Person: Maral M. Tashjian

Included	NA/None	Document
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Factual
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Property Location Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Staff Report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Conditions
<input type="checkbox"/>	<input checked="" type="checkbox"/>	DPW Letter
<input type="checkbox"/>	<input checked="" type="checkbox"/>	FD Letter
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Other Department's Letter(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Burden Of Proof Statement(s)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Documentation (IS, MMP, EIR)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Written Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Photographs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resolution (ZC Or PA)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance with 8.5 X 11 Map (ZC Or PA)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Aerial (Ortho/Oblique) Image(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Land Use Radius Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan And Elevations
<input checked="" type="checkbox"/>	<input type="checkbox"/>	CUP No. 97-147 Findings and Conditions of Approval

Reviewed By: _____





Los Angeles County Department of Regional Planning
320 West Temple Street, Los Angeles, California 90012
Telephone (213) 974-1516

PROJECT NUMBER 97-147-(5)
Conditional Use Permit No. 200800118

PUBLIC HEARING DATE
1/6/2010

AGENDA ITEM
6

RPC CONSENT DATE

CONTINUE TO

APPLICANT

Russell Investments, LLC

OWNER

Lawrence R. Moss

REPRESENTATIVE

Robert Russell

PROJECT DESCRIPTION

The applicant is requesting approval of Conditional Use Permit No. 200800118 to authorize the continued sale of a full line of alcoholic beverages for on-site consumption at an existing 2,998 sq. ft. restaurant. The applicant is also requesting approval to allow live entertainment. The restaurant has an occupant load of 135 persons and currently operates from 10 am to 11 pm daily.

REQUIRED ENTITLEMENTS

Conditional Use Permit to authorize the sale of a full line of alcoholic beverages for on-site consumption and live entertainment in the C-2-BE (Neighborhood Commercial, Billboard Exclusion) zone of the Montrose Zoned District.

LOCATION/ADDRESS

Oceanview Bar and Grill, 3826 Ocean View Boulevard, Montrose

SITE DESCRIPTION

The site plan depicts a 2,998 sq. ft. restaurant/bar, Oceanview Bar and Grill, located within a larger 7,285 sq. ft. existing commercial building. The site plan depicts 12 parking spaces for the commercial building, four of which are allocated to the subject restaurant.

ACCESS

Florencita Drive

ZONED DISTRICT

Montrose

ASSESSORS PARCEL NUMBER

5807-009-016

COMMUNITY

La Crescenta-Montrose

SIZE

0.3 acre

COMMUNITY STANDARDS DISTRICT

La Crescenta-Montrose CSD

EXISTING LAND USE

EXISTING ZONING

Project Site

Restaurant, Retail Commercial

C-2-BE (Neighborhood Commercial, Billboard Exclusion)

North

Offices, Parking Lot, Vacant Property, and Multi-Family Residences

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

East

Parking Lot, Commercial, and Multi-Family Residences

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

South

Commercial

C-2-BE, City of Glendale

West

Commercial, Single- and Multi-Family Residences

C-2-BE, R-3, City of Glendale

GENERAL PLAN/COMMUNITY PLAN

Los Angeles Countywide General Plan

LAND USE DESIGNATION

C (Major Commercial)

MAXIMUM DENSITY

N/A

ENVIRONMENTAL DETERMINATION

Class 1 Categorical Exemption - Existing Facilities

RPC LAST MEETING ACTION SUMMARY

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

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

STAFF CONTACT PERSON:

RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING

STAFF RECOMMENDATION (PRIOR TO HEARING):

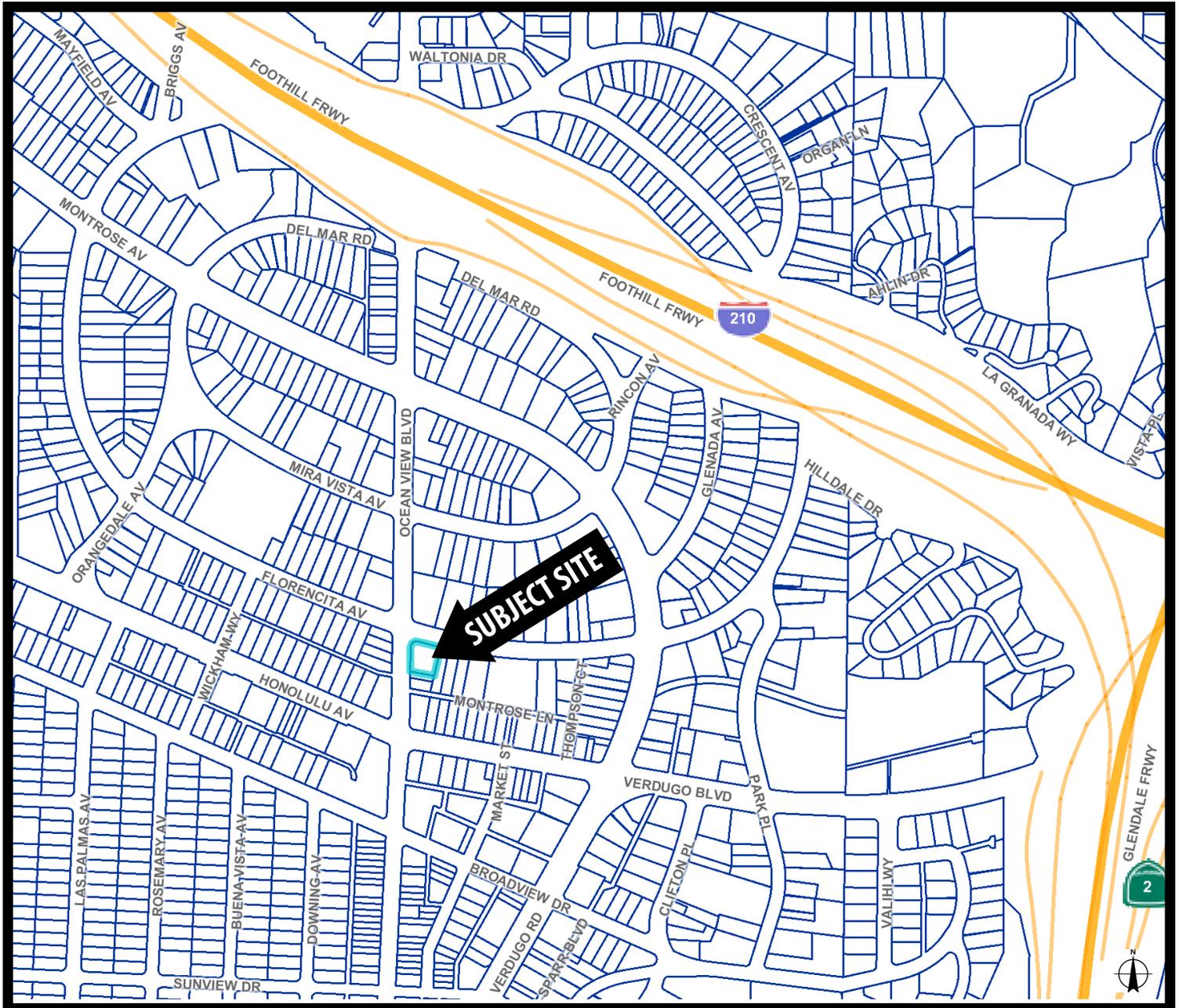
SPEAKERS* (O) 0 (F) 0	PETITIONS (O) 0 (F) 0	LETTERS (O) 0 (F) 0
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*(O) = Opponents (F) = In Favor

VICINITY MAP

PROJECT NO. 97-147-(5) / CUP NO. 200800118

3826 Ocean View Blvd, Montrose, CA 91020



STAFF ANALYSIS

PROJECT NUMBER 97-147-(5)

CONDITIONAL USE PERMIT NUMBER 200800118

PROJECT DESCRIPTION

The applicant, Russell Investments, LLC, is requesting a Conditional Use Permit to authorize the continued sale of a full line of alcoholic beverages for on-site consumption at an existing restaurant. The applicant is also requesting approval to allow accessory live entertainment. The restaurant currently operates from 10 am to 11 pm daily.

ENTITLEMENT REQUESTED

The applicant is requesting a Conditional Use Permit to authorize the continued sale of a full line of alcoholic beverages for on-site consumption in the C-2-BE (Neighborhood Commercial, Billboard Exclusion) zone of the Montrose Zoned District. The applicant is also requesting approval to allow accessory live entertainment.

LOCATION

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.

SITE PLAN DESCRIPTION

The site plan depicts 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. The site plan depicts twelve (12) parking spaces 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.

EXISTING ZONING

Subject Property:

The project site is zoned C-2-BE (Neighborhood Commercial, Billboard Exclusion).

Surrounding Properties:

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

EXISTING LAND USES

Subject Property:

The subject property is currently developed with a multi-tenant commercial building.

Surrounding Properties:

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

PREVIOUS CASES/ZONING HISTORY

- **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.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Section 22.60.174 of the County Code, the Notice of Public Hearing was advertised in The Daily News on December 5, 2009 and in La Opinion on December 4, 2009. A total of 373 public hearing notices regarding the subject application were mailed out to the owners of properties located within a 1,000-foot radius of the subject property on November 30, 2009. This number also includes notices sent to the local community groups and residents on the Montrose Zoned District courtesy list.

Case information materials, including the Notice of Public Hearing, Factual Sheet, and Site Plans were forwarded to the Montrose-Crescenta Branch Library located at 2465 Honolulu Avenue, Montrose on November 30, 2009. The same materials were also posted on the Department of Regional Planning's website.

Pursuant to Section 22.60.175 of the County Code, the applicant must post the public hearing notice on the property no less than 30 days prior to the public hearing date. Staff received the Certificate of Posting stating that the Notice of Public Hearing was posted on December 5, 2009, along with photos of the posting provided by the applicant.

PUBLIC COMMENTS

Staff received one letter from a neighboring resident on December 7, 2009, who expressed no opposition to the renewal (**Attachment A**).

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Staff received correspondence from the Los Angeles County Sheriff Department Crescenta Valley Station dated November 2, 2009 (**Attachment B**). 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.

OTHER AGENCY COMMENTS AND RECOMMENDATIONS

Staff received a B&P Worksheet from the Department of Alcoholic Beverage Control, Van Nuys District Office, on October 29, 2009 (**Attachment C**). 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.

STAFF EVALUATION

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.

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.

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:

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 request to continue operation will not increase the occupant load as no expansion is proposed. The exhibit "A" is consistent with that of the previously approved parking permit and conditional use permit.

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. It is staff's opinion that the parking lot, commercial buildings, and offices surrounding the subject property 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. Therefore Staff is of the opinion that 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.

It is staff's opinion that the proposed use is compatible with the surrounding neighborhood, with appropriate conditions. If approved, staff is recommending a ten (10) year term for the requested conditional use permit. This is based on the need to re-evaluate the compatibility of the project with the surrounding community.

BURDEN OF PROOF

The applicant is required to substantiate all facts identified by Section 22.56.040 and 22.56.195 of the Los Angeles County Code. The Conditional Use Permit Burden of Proof and the Addendum Burden of Proof for alcoholic beverage sales with applicant's responses are attached (**Attachment D**). Staff is of the opinion that the applicant has met the burdens of proof.

FEES/DEPOSITS

If approved, the following fees will apply unless modified by the Regional Planning Commission:

Zoning Enforcement:

Inspection fees of **\$1,500.00** to cover the costs of **ten (10)** recommended biennial zoning enforcement inspections.

ENVIRONMENTAL DOCUMENTATION

The Department of Regional Planning has determined this project to be Categorical 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 sale of alcoholic beverages for on-site consumption at an existing restaurant without expansion or addition.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Conditional Use Permit Number 200800092, subject to the attached conditions.

SUGGESTED APPROVAL MOTIONS

I move that the public hearing be closed and that the Regional Planning Commission approve Conditional Use Permit No. 200800118 with the recommended findings and conditions.

Prepared by Maral Tashjian, Regional Planning Assistant II
Reviewed by Samuel Dea, Supervising Regional Planner, Special Projects

Attachments:

Draft Findings and Conditions of Approval
Applicant's Burden of Proof statement
Site Plan
Land Use Map
Aerial Photograph
Site Photographs

SD:mt
12/21/2009

DRAFT 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

To be inserted to reflect hearing proceedings.

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:

Dissenting:

Abstaining:

Absent:

Action Date:

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 advertising "Happy Hour" shall be permitted with an approved sign exhibit only. 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.

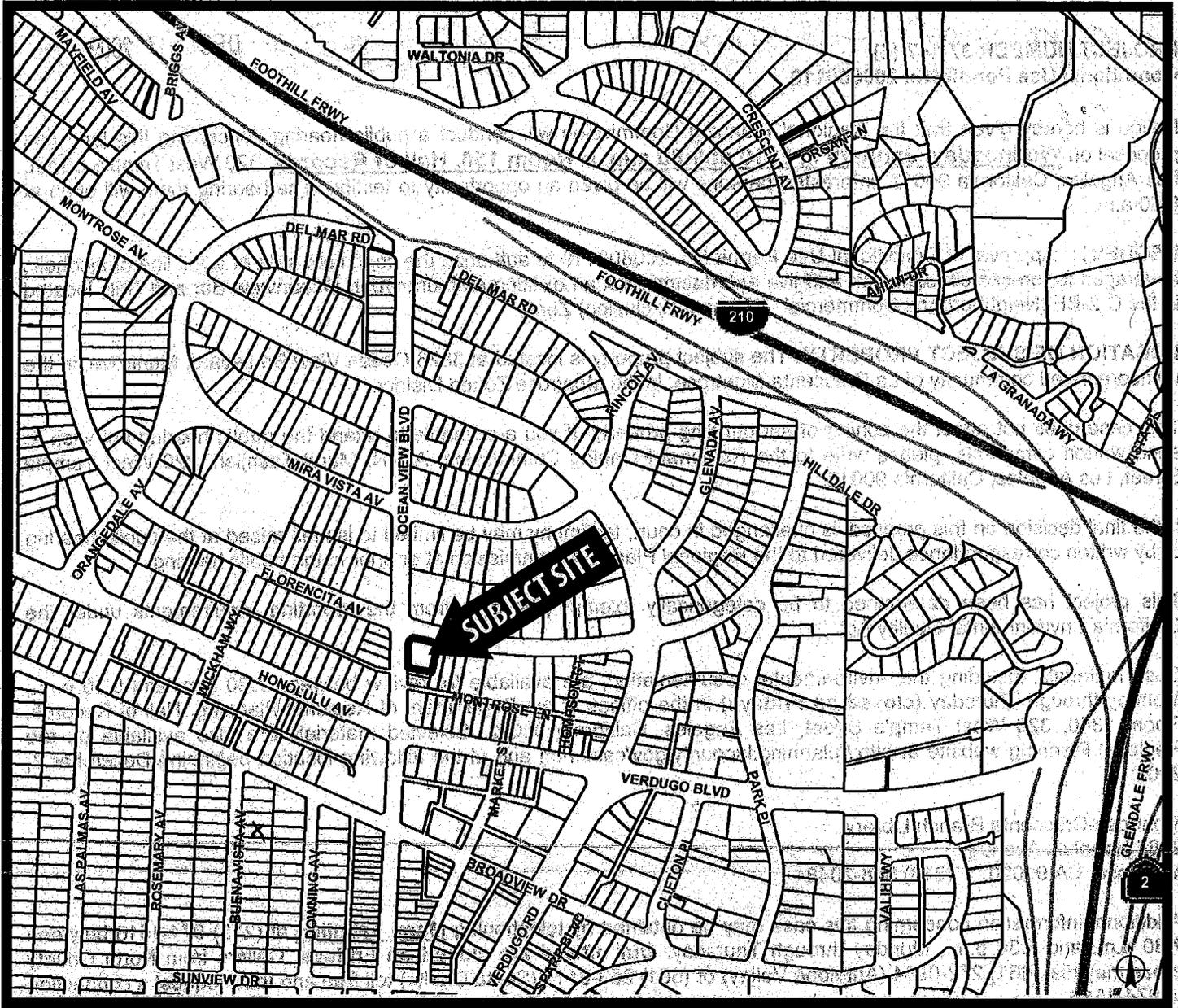
15. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of Los Angeles County to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established 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
12/21/09

VICINITY MAP

PROJECT NO. 97-147-(5) / CUP NO. 200800118

3826 Ocean View Blvd, Montrose, CA 91020



Copyright 2005 - Los Angeles County Department of Regional Planning

0 275 550 ft.

Unable to attend
I am okay with the cont sale
of alcoholic beverages at
Oceanview Bar and grill.

Janice Hill
3544 Buena Vista (X on map)

Glendale CA 91201
ATTACHMENT A
glendale CA 91201
pin@yahoo.com



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169

LERROY D. BACA, SHERIFF

November 2, 2009

Los Angeles County Department of Regional Planning
320 West Temple Street, 13th Floor
Los Angeles, California 90012

Dear Ms. Tashjian :

This correspondence is in regard to a Conditional Use Permit for the Sale of Alcohol, Project # 97-147-(5), Case CUP200800118, for full-line alcoholic beverage sales for onsite consumption at "Ocean View Bar & Grill," located at 3826 Ocean View Boulevard, Montrose, Ca.

A review of 10 service calls and crime history are as follows from January 1, 2004 to October 28, 2009 - a five year period:

All calls were of a routine nature. This establishment has not been a problem, and I recommend a renewal of their permit.

If you have any question, or need additional information, please contact Sergeant Jeff Hardt at 818-248-3464.

Sincerely,

LERROY D. BACA, SHERIFF


David M. Silversparre, Captain
Crescenta Valley Station

NOV - 4 2009

A Tradition of Service

ATTACHMENT B

23958.4 B & P APPLICATION WORK SHEET

APPLICANT: _____

PREMISES ADDRESS: _____

LICENSE TYPE: dr 3826 Ocean View

1. CRIME REPORTING DISTRICT

LAPD Jurisdiction is able to provide statistical data for the year 2008.

Reporting District: _____

Total number of reporting districts: 1135

Total number of offenses: 266,457

Average number of offenses per district: 235

120% of average number of offenses: 282

Total offenses in district: _____

Location is within a high crime reporting district: _____

not provided by PD
BL MATROSE

2. CENSUS TRACT / UNDUE CONCENTRATION: 2008

Census Tract: 3005.02

Population: 5307 County Ratio

ON-SALE

OFF-SALE

1:1159

1:1618

Number of licenses allowed: 5

Number of existing licenses: 3

Undue concentration exists: NO

Letter of public convenience or necessity required: NO

Three time publication required: IX

10/29/09

Person Preparing Data

Date

Supervising Investigator

[Signature]

(22)
Conditional Use Permit / ~~Variance Case~~ – Burden of Proof

SEC.22.56.290

Renewal for CUP 97-147-(5)

A.

1. Oceanview Bar & Grill is a contemporary bistro, offering a wonderful dining experience for the residents of Montrose, La Canada, La Crescenta, and Glendale. We have an eclectic menu that is complemented by the service of beer, wine, and spirits.

2. There are no additions being made to the property or the restaurant. This is only to renew CUP 97-147-(5). It is not materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site

3. Our establishment has been in business for over 13 years, and has been serving food, beer, wine, and spirits for 10 of those 13 years. We have never jeopardized, endangered, or otherwise been a menace to the public health, safety, or general welfare. In fact, we are a very well respected establishment. Our clientele is still made up of the areas leaders in business, politics, and religion.

B. There are several public lots available for parking. The lot directly behind the restaurant can accommodate over 300 cars. In addition, most of the businesses in Montrose are closed after 5:30, so the parking lot remains empty. We also have street parking on two sides of our building, and a private lot with 4 dedicated parking spots for our restaurant. No new features need to be constructed.

C.

1. The site is located on Oceanview Blvd. at the corner of Florencita. These two streets serve as major arteries through Montrose. The 2 and the 210 freeway are located within a few blocks of the restaurant and provide sufficient access.

2. The site is well served by fire, police, sheriff, utility, and sanitation companies

D. N/A: No new construction

E. N/A

F. The restaurant has been serving alcohol under CUP 97-147-(5) for the past 10 years and has had no complaints filed. The granting of a renewed CUP will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity.

ADDENDUM BURDEN OF PROOF, ALCOHOLIC BEVERAGE SALES Section 22.56.195

1. 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 closest churches, schools, and playgrounds are beyond 500 feet from the site and they are all buffered by businesses and commercial properties.

We have been serving alcohol for 10 years and have had no complaints or violations

2. 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 properties immediately surrounding the site are all commercial properties

3. That the requested use at the proposed location will not result in an undue concentration of similar premises, or that the public convenience or necessity for the proposed facility selling alcoholic beverages for off-site consumption outweighs the fact that it is located within a 500 foot 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;

Alcohol sales are all on site. There is no undue concentration of similar premises in the area

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

The economic welfare will not be adversely affected in any way.

5. 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 exterior will remain the same as it has been for the previous 10 years. It is consistent with the existing adjacent businesses





Legend

- Parcel Boundary
- Zoning (Boundary)
- Arterial Street
- Highway
- Freeway
- Master Plan of Highways
 - Expressway - (e)
 - Expressway - (p)
 - Ltd. Secondary Highway - (e)
 - Ltd. Secondary Highway - (p)
 - Parway - (e)
 - Parway - (p)
 - Major Highway - (e)
 - Major Highway - (p)
 - Secondary Highway - (e)
 - Secondary Highway - (p)
 - (e)-Existing (p)-Proposed
- Railroad or Rapid Transit
 - Railroad
 - Rapid Transit
 - Underground Rapid Transit
- Significant Ridgelines
 - Castaic CSD Primary
 - Castaic CSD Secondary
 - SMMNA Significant
- Census Tract (2000)
- Assessor Map Book (AMB) Bdy
- Zoning Index Map Grid
- Zoning Map Grid
- USGS Quad Sheet Grid
- The Thomas Guide Grid
- TB Internal Page Grid
- Very High Fire Hazard Severity Zone
- Community Standards District (CSD)
- CSD Area Specific Boundary
- ESHA (Coast Only)
- Significant Ecological Area (SEA)
- Section Line
- Township and Range
- National Forest
- Equestrian District (EOD)
- Transit Oriented District (TOD)
- Setback District
- Zoned District (ZD)
- Supervisory District Boundary
- Safety Related Stations (From TB)
 - Fire Station
 - Highway Patrol
 - Police Station
 - Ranger Station
 - Sheriff Station
- Landuse Policy (Not in Comm / Area Plan)
 - 1 - Low Density Residential (1 to 6 du/ac)
 - 2 - Low/Medium Density Residential (6 to 12 du/ac)
 - 3 - Medium Density Residential (12 to 22 du/ac)
 - 4 - High Density Residential (22 or more du/ac)
 - C - Major Commercial
 - I - Major Industrial
 - O - Open Space
 - P - Public and Semi-Public Facilities
 - RC - Rural Communities
 - R - Non-Urban
 - TC - Transportation Corridor
- Inland Waterbody
 - Perennial
 - Intermittent
 - Dry

Note: This is a static legend, which includes only a portion of layers. To get full legend, please use "Display Map Legend tab" on the top left side of screen.





Los Angeles County
Department of Regional Planning
Director of Planning James E. Harth, AICP



March 26, 1998

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ocean View Bar and Grill
c/o Randy and Roxanne Pugh
3826 Ocean View Boulevard
Montrose, California 91020

RE: CONDITIONAL USE PERMIT CASE NO. [REDACTED]
PARKING PERMIT CASE NO. 97-147-(5)

To authorize the sale of a full-line of alcoholic beverages for on-site consumption in conjunction with food service at an expanded restaurant. Authorization is also requested for the provision of off-site parking in a municipal parking lot and to provide less than required on-site parking.
3824 1/2 and 3826 Ocean View Boulevard, Montrose.

Dear Applicant:

PLEASE NOTE: This document contains the Hearing Officer's findings and order and conditions relating to **APPROVAL** of the above referenced cases. **CAREFULLY REVIEW EACH CONDITION.**

Condition 2 requires that the permittee must file an affidavit accepting the conditions before this grant becomes effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Hearing Officer's decision to the Regional Planning Commission at the office of the commission's secretary, Room 170, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Contact the commission's secretary for the necessary forms and the amount of the appeal fee at (213) 974-6409. The appeal must be postmarked or delivered in person within 15 days after this notice is received by the applicant. The Hearing Officer's decision may also be called up for review by the Regional Planning Commission during the appeal period.

For further information on appeal procedures or any other matter pertaining to this approval, please contact the Zoning Permits Section at (213) 974-6443.

HEARING OFFICER'S FINDINGS AND ORDER:

REQUEST: The applicant has requested a conditional use permit to authorize the sale of a full-line of alcoholic beverages for on-site consumption in conjunction with food service at an expanded restaurant. A parking permit is also requested to authorize the provision of off-site parking in a municipal parking lot and to provide less than required on-site parking.

FACTUAL SUMMARY:

March 17, 1998, Hearing

A duly noticed public hearing was held. One person was sworn (the applicant). The applicant presented testimony in support of the request. There was no opposition testimony. The Hearing Officer closed the public hearing and instructed staff to prepare findings and conditions for approval, subject to the conditions recommended by staff.

Findings

According to Section 22.28.130, Title 22 of the Los Angeles County Code (Zoning Ordinance) a restaurant is permitted in the C-2-BE (Neighborhood Commercial, Billboard Exclusion) Zone. However, Section 22.28.160 of the Zoning Ordinance requires the applicant to obtain a conditional use permit to authorize the sale of a full-line of alcoholic beverages for on-site consumption in an expanded restaurant in the C-2-BE Zone.

The applicant requests authorization for the sale of a full-line of alcoholic beverages for on-site consumption in conjunction with food service at an expanded restaurant. The applicant also requests a parking permit to authorize the provision of off-site parking in a municipal parking lot and to provide less than required on-site parking.

The subject property is an irregular-shaped parcel approximately 0.3 acres in size located at 3824 1/2 and 3826 Ocean View Boulevard, Montrose. The subject property is also within the Montrose Zoned District.

An existing restaurant is located in the northern portion of a multi-tenant commercial building situated on the western portion of the subject property.

The subject property is zoned C-2-BE (Neighborhood Commercial, Billboard Exclusion).

Surrounding zoning consists of C-2-BE and R-3 (Limited Multiple Residence) to the north and west, C-2-BE to the south, C-2-BE, C-3-BE (Unlimited Commercial, Billboard Exclusion), and R-3. The City of Glendale is located to the east, west and south. Surrounding land uses consist of commercial uses and residences to the north, south, and west. A municipal parking lot is located to the east.

The project site is designated as "Major Commercial" on the Countywide General Plan Land Use Policy Map. The primary use of the project site, a local serving restaurant, is a use consistent with the General Plan land use designation.

The site plan marked Exhibit "A", Page 1 of 2 depicts an existing 1,544 sq. ft. single-story restaurant in a larger 7,285 sq. ft. multi-tenant commercial building. The existing restaurant has an existing bar area and an additional seasonal outdoor dining area that is 161 sq. ft. in size. The applicant proposes to expand the indoor dining area and bar into 1,063 sq. ft. of additional vacant retail floor space to the south of the existing restaurant and to expand the outdoor dining area to 391 sq. ft. in size. The site plan depicts a small parking area containing 11 on-site parking spaces to the east of the existing multi-tenant commercial building. Only 4 of the 11 on-site parking spaces are designated for the expanded restaurant. All of the 11 on-site spaces are designated by the property owner as "private" and restricted to "tenants only".

The applicant's site plan depicts the proposed restaurant floor plan and identifies dining areas, a bar, a kitchen, storage and office areas. The Department of Public Works has reviewed this floor plan and has determined that the maximum assembly occupant load for the restaurant is 135 persons, including the outdoor dining area.

Access to the subject property is provided from Florencita Drive on the north. The main pedestrian entrance to the restaurant is located on Ocean View Boulevard.

Exhibit "A", Page 2 of 2 depicts the City of Glendale municipal parking lot which is located immediately to the east of the subject property and also takes vehicular access from Florencita Drive. According to the City of Glendale, municipal parking lot M-3 (Montrose Public Parking Lot No. 3) contains 263 public parking spaces.

On two separate occasions, the Regional Planning Commission or a Hearing Officer has approved an off-site parking arrangement and less than required parking for the restaurant on the subject property.

On October 20, 1994, a Regional Planning Hearing Officer approved Conditional Use Permit, Variance and Parking Permit No. 94-101-(5) which authorized the sale of alcoholic beverages for on-site consumption in conjunction with food service at an expanded restaurant providing off-site parking and less than required on-site parking. The maximum occupant load authorized for the restaurant is 99 persons. Since 33 parking spaces were required and only 3 parking spaces provided, the parking permit authorized the applicant to count 30 off-site parking spaces in the City of Glendale M-3 Parking Lot toward meeting the required number of parking spaces. These permits are currently in effect and will expire on October 4, 2004.

On December 5, 1984, the Regional Planning Commission approved Variance Case No. 846-(5) which authorized a restaurant on the subject property with less than required on-site parking and authorized that the balance of the required parking be provided within an adjacent municipal parking lot.

The existing restaurant proposes to expand into an existing retail space within the same commercial building which would increase their existing occupant load from 99 persons to 135 persons.

The Department of Public Works has determined that the maximum assembly occupant load for the expanded restaurant is 135 persons. Under Section 22.52.1110 of the Zoning Ordinance, 45 parking spaces are required for the expanded restaurant. The site is fully developed and can only accommodate the existing 11 on-site parking spaces.

The proposed restaurant expansion would increase the restaurant's on-site deficit of parking spaces from 30 spaces to 41 spaces. According to Section 22.52.1083 of the Zoning Ordinance, the proposed use must provide the required number of parking spaces on the same parcel of land where the use is located unless an approved parking permit is first obtained.

The subject restaurant requests authorization to provide off-site parking at a 263 space municipal parking lot within the City of Glendale which is located adjacent to the subject property and to allow a deficit of 41 on-site parking spaces.

The existing restaurant currently shares on-site parking with four other tenants within a multi-tenant commercial building. The private on-site parking area was developed when the commercial building was originally constructed in 1939/1945. There are only eleven on-site parking spaces for the multi-tenant commercial building and only four (4) of these parking spaces are designated for the expanded restaurant.

The 11 on-site parking spaces are allocated to the commercial tenants as follows:

<u>Business Address</u>	<u>Business Name</u>	<u>Parking Allocated</u>
3824 1/2 and 3826 Ocean View Boulevard	Ocean View Bar and Grill	4 parking spaces
3824 Ocean View	Marz Clothing	1 parking space
3822 1/2 Ocean View	D's Hair Salon	1 parking space
3822 Ocean View	Lorelei Hair Salon	1 parking space
3818-20 Ocean View	Piacere Cafe	2 parking spaces
---	ALL BUSINESSES	<u>2 parking spaces</u>
	TOTAL:	11 PARKING SPACES

The City of Glendale has provided parking occupancy data which indicates that Glendale Municipal Parking Lot M-3 did not reach full capacity during the time period covered by a 1997 Glendale City parking study and the average parking occupancy during this period ranged between 44%-82% of full capacity. The City's parking study also indicates that there is a network of municipal parking lots within the Montrose Shopping Park which provide public parking.

City of Glendale parking occupancy data indicates that there are parking spaces available in the municipal parking lot to serve the proposed use.

Montrose Elementary School is located within 600 ft. of the subject property and the Church of the Nazarene is located within 500 ft. of the subject property. There are no existing parks or playgrounds within 600 ft. of the project site.

The nearest residential properties are located approximately 300 ft. to the northwest and to the northeast and are separated from the subject property by Florencita Drive. The proposed use would appear to be adequately buffered from adjacent residences.

There are 11 establishments which sell alcoholic beverages for either on-site or off-site consumption within 500 ft. of the subject property (9 on-site sale establishments and 2 off-site sale establishments). The existing restaurant 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 existing restaurant currently sells alcoholic beverages for on-site consumption in conjunction with food service and requests to continue offering this service within the expanded restaurant.

The sale of alcoholic beverages for on-site consumption in conjunction with food service in an expanded restaurant would not appear to adversely affect the economic welfare of the nearby community.

The exterior appearance of the structure does not appear to be inconsistent with exterior appearances of commercial structures within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

The applicant requests authorization to sell alcoholic beverages for on-site consumption from 10:00 a.m. to 11:00 p.m., seven days a week. The restaurant's current operating hours are the following:

Monday-Saturday	11:30 a.m.-10:00 p.m.
Sunday	Closed.

The applicant proposes two shifts with a maximum number of 14 employees on the largest shift. The applicant currently provides valet parking upon request.

The Ocean View Bar and Grill is a restaurant that is well established within the Montrose/Glendale community. The restaurant is located one block north of the Montrose Shopping Park which is a pedestrian-oriented neighborhood commercial district located along Honolulu Avenue in Glendale.

A site inspection by staff revealed that there is another restaurant (cafe/espresso bar) located within the same commercial complex at 3818-3820 Ocean View Boulevard which has recently completed a physical expansion not previously authorized by the Department of Regional Planning. This cafe is not associated with the applicant's restaurant and has intensified parking problems at the subject property. Zoning Enforcement staff have opened an inspection file on this unrelated cafe/espresso bar and will determine at a later date if the operator will be required to apply for a parking permit.

Regarding the conditional use permit, the applicant is currently authorized to serve alcoholic beverages for on-site consumption at the existing restaurant. Although there are eleven other establishments which sell alcoholic beverages for either on-site or off-site consumption within 500 ft. of the subject property, the use is well established at the existing site. The applicant has met the burden of proof for the conditional use permit, particularly since the request would not result in the issuance of an additional liquor license within the area.

The project was deemed a Categorical Exemption (Class 1-Existing Facilities) under California Environmental Quality Act (CEQA) guidelines.

Staff has not received any public comments on this request. Although staff requested and received information from traffic engineers at the City of Glendale, the City has not commented on the applicant's request. The applicant was not able to secure written authorization from the City of Glendale regarding the parking permit request.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

REGARDING THE CONDITIONAL USE PERMIT:

- A. That, the proposed use is consistent with the adopted general plan for the area;
- B. That, the requested use at the proposed location will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area and will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare;
- C. That, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. That, the proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required;
- E. That, compatibility with surrounding land use will be ensured through the implementation of the attached conditions;

- F. That, the sale of a full line of alcoholic beverages for on-site consumption at such location is in the interest of public health, safety and general welfare and in conformity with good zoning practice;
- G. 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;
- H. That, the requested use in the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect the same area;
- I. That, the requested use at the proposed location will not result in an undue concentration of similar premises;
- J. That, the sale of alcoholic beverages at this location will serve the public convenience or necessity and will not tend to create a law enforcement problem;
- K. That, the requested use will not adversely affect the economic welfare of the nearby community;
- L. That, the exterior appearance of the structure will not be inconsistent with exterior appearances 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.

REGARDING THE PARKING PERMIT:

- A. That, there will be no need for the number of on-site parking spaces required by the Zoning Ordinance because an alternative arrangement is approved to provide the remainder of the required parking in an adjacent municipal parking lot. Should such off-site parking become unavailable, the attached conditions will insure that the parking requirements are complied with;
- B. That, there will be no conflicts arising from special parking arrangements allowing shared facilities because uses sharing parking facilities operate at different times of the day or days of the week;

- C. That, the requested parking permit at the location proposed will not result in traffic congestion, excessive off-site parking, or unauthorized use of parking facilities developed to serve surrounding property;
- D. That, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping and other development features prescribed in this Title 22.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a conditional use permit and parking permit as set forth in Sections 22.56.090 and 22.56.1020 of the Los Angeles County Code (Title 22 - Zoning Ordinance).

HEARING OFFICER ACTION:

1. I have considered the Categorical Exemption for this project and certify 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 presented above, Conditional Use Permit and Parking Permit Case No. 97-147-(5) are APPROVED.

BY:



FRANK MENESES, HEARING OFFICER
Department of Regional Planning
County of Los Angeles

Date:

3/26/98

RDH:JTM:jtm

Attachment: Conditions
Affidavit

- c: Each Commissioner; Department of Public Works (Building and Safety); Department of Public Works (Subdivision Mapping); Health Services; Zoning Enforcement; State of California Alcoholic Beverage Control.

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. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (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.
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. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully 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.
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 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 according to Los Angeles County Code Section 2.170.010.

5. This grant will expire unless used within 2 years from the date of approval. A one year time extension may be requested before the expiration date.
6. The grant authorizing the sale of alcoholic beverages will terminate on March 17, 2008.

Entitlement to use of the property for the sale of alcoholic beverages thereafter shall be subject to the regulations then in effect.

7. The grant authorizing off-site parking in the municipal parking lot and less than required on-site parking will terminate on March 17, 2018.

Entitlement to provide less than required on-site parking and to provide the balance of the required parking within an adjacent municipal parking lot shall be subject to the regulations then in effect.

8. 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.
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.

The permittee shall deposit with the County of Los Angeles the sum of \$1000.00. The fee 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. The fee provides for 10 annual inspections.

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 enforcement efforts necessary to bring the subject property into compliance.

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 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 health or safety or so as to be a nuisance.
11. This grant supersedes Conditional Use Permit, Parking Permit and Variance Case No. 94-101 and authorizes the sale of a full line of alcoholic beverages for on-site consumption incidental to food service at an expanded restaurant with the provision of less than required on-site parking and off-site parking at an adjacent municipal public parking lot, subject to the following restrictions as to use:
 - a. This grant shall not be effective for outdoor dining until the permittee submits a valid copy of an encroachment permit granted to the restaurant by the Los Angeles County Department of Public Works for outdoor dining in the sidewalk area.

The permittee shall submit to the Director of Planning a copy of all valid encroachment permits for the outdoor dining area granted to the restaurant during the term of this grant;
 - b. That the hours of operation for the subject restaurant shall be from 10:00 a.m. to 11:00 p.m., seven days per week. Alcoholic beverages shall only be served during said operating hours;
 - c. The occupant load of the subject restaurant shall not exceed 135 persons;
 - d. The floor area for the restaurant addition shall not exceed 1,063 sq. ft. as depicted on the approved floor plan marked Exhibit "A" Page 1 of 2;
 - e. The permittee shall provide a minimum of 4 parking spaces on-site which are designated and available for the subject restaurant;
 - f. The permittee shall employ and have available valet parking during operating hours;
 - g. A maximum of 14 employees shall be permitted on-site per shift;

- h. There shall be no live entertainment permitted at the subject restaurant;
- i. The permittee shall not sublet the premises for nightclub activity;
- j. There shall be no minimum drink requirement for patrons;
- k. Amplified music shall not be audible beyond that part of the structure which is under the control of the permittee;
- l. The permittee shall not advertise the sale of alcoholic beverages on the walls or windows of the subject restaurant or at any exterior location on the subject property. Exterior advertising shall comply with all local sign ordinances;
- m. No freestanding signs shall be displayed on the subject property;
- n. 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;
- o. There shall be no loitering permitted on the premises, including parking areas or on adjacent property under the control of the permittee;
- p. The permittee shall maintain the property in a neat and orderly fashion;
- q. The permittee shall maintain free of litter all areas of the premises under which the permittee has control;
- r. The permittee shall provide adequate lighting for the on-site parking lot area. This lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot. Lighting shall be so arranged to prevent glare or direct illumination in adjoining residential properties;
- s. 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;

- t. The permittee shall furnish and record an agreement in the office of the County Recorder of Los Angeles County as a covenant running with the land for the benefit of the County of Los Angeles, providing that, should such parking permit terminate or the municipal parking lot become unavailable for parking by the subject restaurant, the owner or his successor in interest shall either reduce the occupant load of the restaurant or develop the parking spaces needed to bring the new use or occupancy into conformance with the requirements of the County Zoning Ordinance at the time such new use or occupancy is established. The permittee shall provide one copy of said recorded agreement to the Director of Planning.
- u. If, after inspections and/or complaints, the Director of Planning determines that a parking problem exists, the occupancy of the restaurant shall be reduced to a level consistent with the number of parking spaces provided.
- 12. The subject property shall be developed and maintained in substantial conformance with the site plan marked Exhibit "A". In the event that subsequent revised plans are submitted the written authorization of the property owner is necessary.
- 13. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
- 14. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
- 15. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
- 16. The subject facility shall be developed and maintained in compliance with requirements of the Los Angeles County Department of Health Services. Adequate water and sewage disposal facilities shall be provided to the satisfaction of said Department.

17. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. 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.
18. In the event of such 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.

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