



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

June 9, 2011

TO: Pat Modugno, Chair
Esther L. Valadez, Vice Chair
David W. Louie, Commissioner
Harold V. Helsley, Commissioner
Curt Pedersen, Commissioner

FROM: Samuel Dea 
Section Head, Special Projects

SUBJECT: ADDITIONAL MATERIALS FOR HEARING
Project Number 97-070-(1)
Conditional Use Permit No. 200800174
Parking Deviation No. 201100002

RPC Meeting: June 15, 2011
Agenda Item: 8

Please find attached revisions to the above-referenced project which were not included in the original hearing package submittal to the Regional Planning Commission.

The applicant's proposed parking facility was found to have compact parking spaces in excess of what is permitted by the Zoning Code. The Zoning Code permits no more than 40 percent compact parking spaces, and the applicant was proposing approximately 50 percent. Since the last copy of the site plan that the Regional Planning Commission received, the applicant revised the site plan to reduce the number of compact spaces, which resulted in a total reduction of parking from 84 to 82 spaces. Therefore staff requests that the Regional Planning Commission consider the following revisions to the Conditions of Approval which are attached to this letter, and Draft Findings listed below:

REQUEST: The applicant, Shakey's Pizza Parlor, is requesting a Conditional Use Permit to authorize the continued sale of beer and wine for on-site consumption at an existing 6,794 square foot restaurant in accordance with Sections 22.28.210 and 22.56.195. The applicant is also requesting a reduction in parking spaces in accordance with Section 22.56.1762 to reduce the number of parking spaces in a shared parking facility to 84 82 spaces (49 21 percent reduction) in order to reconfigure the existing parking facility to comply with the current Zoning Code parking standards. The restaurant also includes a game arcade and accessory live

entertainment which were established through previously approved conditional use permits which are still valid and would not be affected by this approval.

9. Parking (22.52, Part 11)

According to Section 22.52.1083 of the Zoning Code, 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 obtained Parking Permit No. 97-070 which permits shared parking facilities with the adjacent medical office/commercial building and a reduction in parking spaces from 104 required spaces to 97 parking spaces.

According to Section 22.52.1060 (Appendix 3), the restaurant's existing parking facilities do not meet Title 22's development standards as they pertain to minimum required parking stall dimensions and turning radii. The previously approved Exhibit "A" indicates a code compliant parking facility with 97 parking spaces. The existing parking facility was not developed according to the approved Exhibit "A," and consists of 94 parking spaces which do not meet the minimum required parking stall dimensions and turning radii.

In order to bring the parking facility into compliance with the Zoning Code, the applicant plans to restripe the parking facility which will result in a loss of ~~ten (10)~~ twelve (12) parking spaces, bringing the total parking number to ~~84~~ 82 spaces. Section 22.56.1762 of the Zoning Code permits up to 30 percent reduction in required parking with a minor parking deviation permit. Therefore the applicant would be permitted to reduce the number of parking spaces by up to 31 spaces for a total of 73 parking spaces. Due to the proposed restriping, the parking facility would lose twelve spaces. This which is a 49-21 percent total reduction in parking spaces from the required 104 spaces, which is less than the 30 percent deviation that is permitted pursuant to Section 22.56.1762 of the Code.

If you need further information, please call Maral Tashjian of my staff at (213) 974-1516 or mtashjian@planning.lacounty.gov.

SD:MT

**DRAFT CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. 97-070-(1)
CONDITIONAL USE PERMIT NO. 200800174
PARKING DEVIATION NO. 201100002**

PROJECT DESCRIPTION

The project is for the continued sale of alcoholic beverages (beer and wine) for on-site consumption at an existing restaurant, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("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. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in ~~the department's~~ Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and

duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on June 15, 2026.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the existing restaurant and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$3,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit fund provides for **15 annual** inspections. Inspections shall be unannounced.

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

be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the determined-by-County Code Section 22.60.350.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. All requirements of Title 22 of the County Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.
14. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **3 copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

PERMIT SPECIFIC CONDITIONS

17. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.
18. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.

19. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program (insert other State mandated program if applicable) provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.
20. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures.
21. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
22. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public.
23. This grant authorizes the sale of alcoholic beverages from 11:00 a.m. to 12:00 a.m. on Monday through Thursday, 11:00 a.m. to 2:00 a.m. on Friday and 10:00 a.m. to 12:00 a.m. on Sunday.
24. There shall be no consumption of alcoholic beverages outside the designated areas of the subject facility. The permittee shall instruct all designated employees, who directly serve or are in the practice of selling alcoholic beverages, regarding this restriction. Employees shall be instructed to enforce such restrictions and to call local law enforcement as necessary.
25. The permittee shall develop and implement a Designated Driver program (i.e. free soft drinks or coffee to a designated driver of a group). The permittee shall submit the program to the Director of Planning for approval prior to the approval of the Exhibit "A". A printed two-sided card explaining this program shall be placed on all tables in the restaurant or an explanation regarding the program shall be printed on the menu.
26. All servers of alcoholic beverages must be at least 18 years of age.
27. There shall be no music or other noise audible beyond the restaurant premises.
28. The permittee shall not advertise or hold any "happy hour" drink specials, "two for one" specials, or similar promotions.
29. Food service shall be continuously provided during operating hours.
30. Payphones shall be prohibited on the premises.

PROJECT SITE SPECIFIC CONDITIONS

31. The occupancy of the subject restaurant and game arcade shall not exceed 223 persons.

32. The permittee shall maintain the property in a neat and orderly fashion.
33. The permittee shall maintain free of litter all areas of the premises under which the permittee has control.
34. There shall be no audio speakers affixed to the exterior of the restaurant.
35. The permittee shall provide a minimum of ~~84~~82 parking spaces on-site, available on a reciprocal basis for the restaurant and the office building, and one loading space for the restaurant.
36. If after inspections and or complaints, the Director of Planning determines that parking problem exists, the occupancy of the restaurant shall be reduced to a level consistent with the available number of parking spaces or additional on-site parking spaces shall be provided.
37. A new conditional use permit shall be obtained if the establishment substantially changes its mode or character of operation in a manner that triggers the requirement for a conditional use permit under the County Code. Such a change may include, which includes, but is not limited to, changing from a family-oriented restaurant/children's game arcade to an adult-oriented nightclub.
38. All conditions of approval from Conditional Use Permit No. 97-070 regarding the restaurant's accessory live entertainment and game arcade are still in effect.
39. All conditions regarding the previously approved Parking Permit No. 97-070 are still in effect with the exception of Condition No. 10.x. Said condition is superseded by this parking deviation which grants a reduction to the minimum number of on-site parking spaces from 97 to ~~84~~82 parking spaces.
40. The permittee shall plant and maintain street trees on Florence Avenue to the satisfaction of the Department of Public Works.
41. All parking lot and other exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot.
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