

# Regional Planning Commission Transmittal Checklist

Hearing Date  
6/15/2011  
Agenda Item No.  
8

**Project Number:** 97-070-(1)  
**Case(s):** Conditional Use Permit No. 200800174  
Parking Deviation No. 201100002  
**Planner:** Maral Tashjian

- Factual
- Property Location Map
- Staff Report
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (Cat. Exemption / ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use Radius Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans
- Other: Previously Approved Conditions of Approval (Conditional Use Permit and Parking Permit No. 97-070)

Reviewed By:  \_\_\_\_\_



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

**PUBLIC HEARING DATE**  
 6/15/2011

**AGENDA ITEM**  
 TBD

**PROJECT NO. 97-070-(1)**  
**Conditional Use Permit No. 200800174**  
**Parking Deviation No. 201100002**

**RPC CONSENT DATE**

**CONTINUE TO**

<b>APPLICANT</b> Shakey's Pizza Parlor	<b>OWNER</b> William Tilley	<b>REPRESENTATIVE</b> Robert Toro
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**PROJECT DESCRIPTION**  
 The applicant is requesting a Conditional Use Permit to authorize the continued sale of beer and wine for on-site consumption at an existing restaurant. The applicant is also requesting a reduction in parking spaces to reconfigure the existing parking facility in order to comply with the current Zoning Code parking standards.

**REQUIRED ENTITLEMENTS**  
 Conditional Use Permit to authorize the continued sale of beer and wine for on-site consumption at an existing restaurant; Parking Deviation for a reduction of thirteen (13) parking spaces (for a 19% total deficit in parking) in a shared parking facility.

**LOCATION/ADDRESS**  
 2522 East Florence Avenue, Huntington Park

**SITE DESCRIPTION**  
 The subject property, which consists of five rectangular parcels with a combined area of 1.1 acre, is developed with a 6,794 square foot restaurant (Shakey's Pizza Parlor), a two-story 7,899 square foot multi-tenant office/retail building, and 94 shared parking spaces. The restaurant has an occupancy load of 223 persons and requires 74 parking spaces.

<b>ACCESS</b> East Florence Avenue	<b>ZONED DISTRICT</b> Walnut Park
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<b>ASSESSORS PARCEL NUMBER</b> 6201-004-008, 6201-004-007, 6201-004-009, 6201-005-015, 6201-004-026	<b>COMMUNITY</b> Walnut Park
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<b>SIZE</b> 1 acre	<b>COMMUNITY STANDARDS DISTRICT</b> Walnut Park CSD
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	<b>EXISTING LAND USE</b>	<b>EXISTING ZONING</b>
<b>Project Site</b>	Restaurant, Office, Commercial	C-3 (Unlimited Commercial)
<b>North</b>	Commercial, Multi-family Residential	City of Huntington Park
<b>East</b>	Commercial	C-3
<b>South</b>	Single- and Multi-family Residential	C-3, R-3-NR (Limited Multiple Residence – Neighborhood Revitalization)
<b>West</b>	Commercial, Water Storage Tanks	C-3

<b>GENERAL PLAN/COMMUNITY PLAN</b> Walnut Park Neighborhood Plan	<b>LAND USE DESIGNATION</b> GC (General Commercial)	<b>MAXIMUM DENSITY</b> N/A
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**ENVIRONMENTAL DETERMINATION**  
 Class 1 Categorical Exemption - Existing Facilities

**RPC LAST MEETING ACTION SUMMARY**

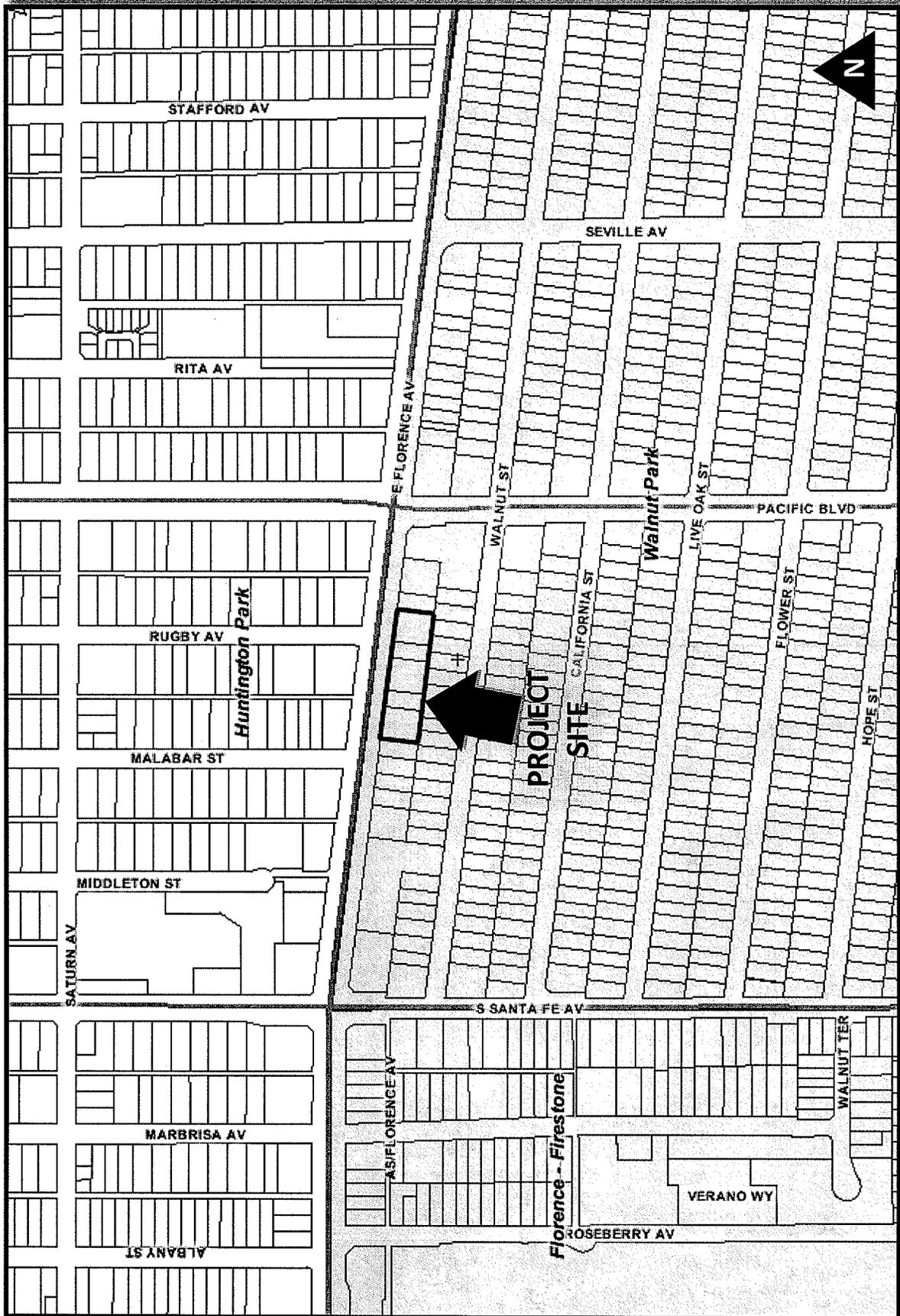
<b>LAST RPC MEETING DATE</b>	<b>RPC ACTION</b>	<b>NEEDED FOR NEXT MEETING</b>
<b>MEMBERS VOTING AYE</b>	<b>MEMBERS VOTING NO</b>	<b>MEMBERS ABSTAINING/ABSENT</b>

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

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

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

VICINITY MAP



## **STAFF ANALYSIS**

PROJECT NO. 97-070-(1)

CONDITIONAL USE PERMIT NO. 200800174

PARKING DEVIATION NO. 201100002

## **PROJECT DESCRIPTION**

The applicant, Shakey's Pizza Parlor, is requesting a Conditional Use Permit ("CUP") to authorize the continued sale of beer and wine for on-site consumption at an existing 6,794 square foot restaurant. The applicant is also requesting a reduction in parking spaces 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.

## **ENTITLEMENT REQUESTED**

The applicant is requesting a Conditional Use Permit to authorize the continued sale of beer and wine for on-site consumption at an existing restaurant in accordance with Sections 22.28.210 and 22.56.195, and a Parking Deviation in accordance with Section 22.56.1762 to reduce the number of parking spaces in a shared parking facility up to 30 percent. The applicant proposes to reduce the 94 existing shared parking spaces on-site to 84 proposed shared parking spaces. A loss of ten parking spaces would result in a total parking deficit of 19 percent out of 104 required parking spaces. According to Section 22.56.1700, the Regional Planning Commission may concurrently consider a request for a parking deviation along with a request for a CUP, with each request subject to the applicable burden of proof.

## **LOCATION**

The subject restaurant is located at 2522 East Florence Avenue, Huntington Park on a rectangular shaped property comprised of Assessor Parcel Numbers 6201-004-008, 6201-004-007, 6201-004-009, 6201-005-015, and 6201-004-026. The property is located within the unincorporated community of Walnut Park, in the Walnut Park Zoned District, and within the Walnut Park Community Standards District area. Access to the property is provided by East Florence Avenue.

## **SITE PLAN DESCRIPTION**

The subject property, which consists of five separate parcels with a combined area of 1.1 acres, is developed with a 6,794 square foot restaurant (Shakey's Pizza Parlor), a two-story 7,899 square foot multi-tenant medical office/commercial building, and a 94 space parking lot. The restaurant has an occupancy load of 223 persons and requires 74 parking spaces.

## **EXISTING ZONING**

### **Subject Property:**

The project site is zoned C-3 (Unlimited Commercial).

### **Surrounding Properties:**

Surrounding properties are zoned as follows:

North: City of Huntington Park

South: C-3, R-3-NR (Limited Multiple Residence – Neighborhood Revitalization)

East: C-3

West: C-3

### **EXISTING LAND USES**

#### **Subject Property:**

The subject property is developed with a restaurant and a multi-tenant medical office/commercial building.

#### **Surrounding Properties:**

Surrounding properties are developed as follows:

North: Commercial, Multi-family Residential

South: Single- and Multi-family Residential

East: Commercial

West: Commercial, Water Storage Tanks

### **PREVIOUS CASES/ZONING HISTORY**

Building permits confirm that the Shakey's Pizza Parlor was built in 1968. The following zoning cases have been filed on the subject property:

- **Plot Plan No. 30502** to authorize interior tenant improvements for Shakey's Pizza Parlor was approved on November 13, 1980.
- **Plot Plan No. 30502** to authorize the expansion of Shakey's Pizza Parlor was approved on November 3, 1982.
- **Conditional Use Permit No. 85-117** to authorize the addition of a game arcade and accessory live entertainment to the Shakey's Pizza Parlor was approved on December 10, 1985. This permit did not set an expiration date for the game arcade or accessory live entertainment.
- **Plot Plan No. 30502** to authorize the expansion of the medical office/commercial building with a second building (one closest to property line) was approved on April 24, 1987.
- **Plot Plan No. 30502** to authorize the expansion of the medical office/commercial building with a second story was approved on February 14, 1989.
- **Plot Plan No. 30502** to authorize tenant improvements to convert a portion of the medical office/commercial building into a medical office was approved on September 4, 1990.
- **Conditional Use Permit No. 97-070** to authorize the sale of alcoholic beverages and the expansion of the Shakey's Pizza Parlor restaurant and game arcade resulting in an increased occupant load from 175 to 223 persons, was approved on July 15, 1998. This permit did not set an expiration date for the expanded game arcade use. The grant for the sale of alcoholic beverages expired on July 15, 2008.
- **Parking Permit No. 97-070** to authorize a shared parking facility with the adjacent medical office/commercial building and the reduction of parking from 104 to 97 parking spaces was approved on July 15, 1998. This permit did not set an expiration date for the shared and reduced parking grant.

### **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 Los Angeles Sentinel on May 12, 2011 and La Opinion on May 7, 2011. A total of 114 public hearing notices regarding the subject application were mailed out to the owners of properties located within a 500-foot radius

of the subject property on May 5, 2011. This number also includes notices sent to the local community groups and residents on the Walnut Park Zoned District courtesy list.

Case information materials including the Notice of Public Hearing, Factual Sheet, and Site Plans were forwarded to the Huntington Park Library at 6518 Miles Avenue, Huntington Park on May 5, 2011. Case-related materials were also posted on the Department of Regional Planning's website.

Pursuant to Section 22.60.175 of the County Code, the applicant is required to 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 June 15, 2011, along with photos of the posting provided by the applicant.

### **PUBLIC COMMENTS**

Staff has not received any comments at this time.

### **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

Staff received email correspondence from the Los Angeles County Sheriff Department's Carson Station Crime Analysis Unit on May 17, 2011. According to the Sheriff, 101 calls for service have occurred on the property in the past five years which resulted in 28 reported incidents.

### **OTHER AGENCY COMMENTS AND RECOMMENDATIONS**

Staff received a report from the State Department of Alcoholic Beverage Control (ABC), Los Angeles/Metro District Office, on May 24, 2011 which includes crime reporting district and census tract-based statistics on reported criminal activity and existing alcohol licenses (**Attachment A**). According to the report, the subject property is located in an area where an "undue concentration" exists. The subject property is located within census tract number 5348.03 where the number of existing alcohol licenses (7) exceeds the maximum number of permitted licenses (5). The subject property is also located in a high crime reporting district where the average number of offenses (1,054) exceeds the average number of offenses per district in the County (235) by more than twenty percent. According to ABC, these two conditions indicate an "undue concentration," which requires a finding of "public convenience and necessity" to be made in order to justify the continued sale of alcoholic beverages at this location.

### **STAFF EVALUATION**

#### **Neighborhood and General Plan Consistency**

The subject property is located within the General Commercial land use category of the Walnut Park Neighborhood Plan. The continued sale of alcoholic beverages, ancillary to restaurant operations, is consistent with the permitted uses of the underlying land use category.

**The following policies of the Countywide General Plan and Walnut Park Neighborhood Plan are applicable to the subject project:**

- *Promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design and locational controls. (General Plan Land Use Element: Ensure Compatibility of Development - Policy No. 9, Page III-12)*
- *Increase the amenities of the commercial areas of Walnut Park which will assist in providing a positive identity for the community. (Walnut Park Neighborhood Plan Policies: Economic Development)*

A full service restaurant serving beer and wine accompanying a meal can be considered an amenity to surrounding residents. Therefore the continued operation of Shakey's Pizza Parlor with on-site alcohol sales promotes the Neighborhood Plan's policy to increase amenities within the community. The restaurant is also appropriately located within one of Walnut Park's designated commercial areas where such amenities are encouraged. The sale of alcoholic beverages incidental to food service can also improve the viability of the restaurant's continued business and enables it to compete with similar uses nearby.

#### **Compliance with the Zoning Ordinance and the Walnut Park Community Standards District (Section 22.44.114)**

##### 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) parking spaces, bringing the total parking number to 84 spaces. This is a 19 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.

##### Signage (22.52, Part 10)

Section 22.52.990 of the Zoning Code lists various types of prohibited signs. Among these are "strings of pennants, banners or streamers, clusters of flags, strings of twirlers or propellers, flares, balloons, and similar attention-getting devices."

During a field inspection conducted on November 17, 2009, staff observed a large sign in the shape of a hot air balloon on the roof of the medical office/commercial building. Upon request, the applicant promptly removed the sign.

**Neighborhood Impact/Land Use Compatibility**

The subject restaurant is located along the East Florence Avenue commercial corridor and shares a parking lot with a medical office/commercial building to the east.

Non-commercial uses within a 600-foot radius of the property include single-family residence to the south and multi-family residences to the north and south. East Florence Avenue along with commercial uses directly to the north of the property, provide a buffer between the subject restaurant and the residential uses to the north. East Florence Avenue has approximately 70 feet of right of way and is designated a major highway in the Los Angeles County Master Plan of Highways. A six foot high masonry wall provides a buffer between the restaurant's property and the residential uses directly to the south. It is staff's opinion that proximate uses are sufficiently buffered from the subject restaurant. There are no sensitive uses such as parks, schools, or religious institutions, located within 600 feet of the subject property.

Currently there are three (3) existing establishments within 500 feet of the subject restaurant that serve alcoholic beverages. Two (2) of the establishments serve beer and wine for on-site consumption and are located to the west of the subject restaurant on East Florence Avenue. One (1) of the establishments serves a full line of alcoholic beverages and is located to the northeast of the subject restaurant on Pacific Boulevard. According to the Department of Alcoholic Beverage Control (ABC), there is an undue concentration of alcohol serving establishments within the census tract that the subject restaurant is located within.

The subject restaurant has maintained a Type 41 ABC license (Nos. 16824 and 463722) for the on-site sale of beer and wine since 1977. According to the Department of Alcoholic Beverage Control, the restaurant has been operating without violation ever since. There are also no zoning violations for this location on record.

The subject property is located within a high crime reporting district, however the Sheriff's Department expressed no objection for the request to allow continued sale of alcoholic beverages at this location. Therefore Staff is of the opinion that the proposed use will not likely contribute to or generate potential criminal activity at the site and that public convenience outweighs the undue concentration.

It is staff's opinion that the proposed use is compatible with the surrounding neighborhood, with appropriate conditions.

**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 B**). Staff is of the opinion that the applicant has met the burdens of proof.

**ENVIRONMENTAL DOCUMENTATION**

Staff has determined that this project is Categorically Exempt (Class 1 Exemption, Minor Alteration to Existing Facilities) under the California Environmental Quality Act (CEQA) and the Los Angeles County environmental guidelines.

**FEES/DEPOSITS**

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

**Zoning Enforcement:**

An inspection fee of \$2,000.00 to cover the cost of ten (10) recommended zoning enforcement inspections.

**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 Project Number 97-070-(1), Conditional Use Permit Number 200800174, and Parking Deviation No. 201100002 subject to the attached conditions.

**SUGGESTED APPROVAL MOTIONS**

**I MOVE THAT THE PUBLIC HEARING BE CLOSED AND THAT THE REGIONAL PLANNING COMMISSION DETERMINE THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO A CLASS 1 CATEGORICAL EXEMPTION AND APPROVE CONDITIONAL USE PERMIT NUMBER 200800174 AND PARKING DEVIATION NUMBER 201100002 WITH FINDINGS AND CONDITIONS.**

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

**Attachments:**

Draft Conditions of Approval, Applicant's Burden of Proof statements  
State Department of Alcoholic Beverage Control (ABC) B&P Report (received 5/24/11)  
Land Use Map, Zoning Map, Site Plan, Site/Aerial Photographs

SD:mt  
5/16/2011

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

**PROJECT NO. 97-070-(1)  
CONDITIONAL USE PERMIT NO. 200800174  
PARKING DEVIATION NO. 201100002**

**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 spaces (19 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.

**PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:**

June 15, 2011 Public Hearing

*To be inserted to reflect hearing proceedings.*

Findings

1. The subject restaurant is located at 2522 East Florence Avenue, Huntington Park on a rectangular shaped property comprised of Assessor Parcel Numbers 6201-004-008, 6201-004-007, 6201-004-009, 6201-005-015, and 6201-004-026. The property is located within the unincorporated community of Walnut Park, in the Walnut Park Zoned District, and within the Walnut Park Community Standards District area. Access to the property is provided by East Florence Avenue.
2. The subject property, which consists of five separate parcels with a combined area of one acre, is developed with a 6,794 square foot restaurant (Shakey's Pizza Parlor), a two-story 7,899 square foot multi-tenant medical office/commercial building, and a 94 space parking lot. The restaurant has an occupancy load of 223 persons and requires 74 parking spaces.
3. The subject property is zoned C-3 (Unlimited Commercial). Surrounding properties are zoned as follows:  
  
*North:* City of Huntington Park  
*South:* C-3, R-3-NR (Limited Multiple Residence – Neighborhood Revitalization)  
*East:* C-3  
*West:* C-3
4. The subject property is developed with a restaurant and a multi-tenant medical office/commercial building. Surrounding land uses consist of:  
  
*North:* Commercial, Multi-family Residential  
*South:* Single- and Multi-family Residential  
*East:* Commercial  
*West:* Commercial, Water Storage Tanks
5. Building permits confirm that the Shakey's Pizza Parlor was built in 1968. The following zoning cases have been filed on the subject property:
  - Plot Plan No. 30502 to authorize interior tenant improvements for Shakey's Pizza Parlor was approved on November 13, 1980.

- Plot Plan No. 30502 to authorize the expansion of Shakey's Pizza Parlor was approved on November 3, 1982.
  - Conditional Use Permit No. 85-117 to authorize the addition of a game arcade and accessory live entertainment to the Shakey's Pizza Parlor was approved on December 10, 1985. This permit did not set an expiration date for the game arcade or accessory live entertainment.
  - Plot Plan No. 30502 to authorize the expansion of the medical office/commercial building with a second building (one closest to property line) was approved on April 24, 1987.
  - Plot Plan No. 30502 to authorize the expansion of the medical office/commercial building with a second story was approved on February 14, 1989.
  - Plot Plan No. 30502 to authorize tenant improvements to convert a portion of the medical office/commercial building into a medical office was approved on September 4, 1990.
  - Conditional Use Permit No. 97-070 to authorize the sale of alcoholic beverages and the expansion of the Shakey's Pizza Parlor restaurant and game arcade resulting in an increased occupant load from 175 to 223 persons, was approved on July 15, 1998. This permit did not set an expiration date for the expanded game arcade use. The grant for the sale of alcoholic beverages expired on July 15, 2008.
  - Parking Permit No. 97-070 to authorize a shared parking facility with the adjacent medical office/commercial building and the reduction of parking from 104 to 97 parking spaces was approved on July 15, 1998. This permit did not set an expiration date for the shared and reduced parking grant.
6. The subject property is located within the General Commercial land use category of the Walnut Park Neighborhood Plan. The continued sale of alcoholic beverages, ancillary to restaurant operations, is consistent with the permitted uses of the underlying land use category.
7. The requested use is consistent with the following policies of the Countywide General Plan and Walnut Park Neighborhood Plan:
- Promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design and locational controls. (General Plan Land Use Element: Ensure Compatibility of Development - Policy No. 9, Page III-12)
  - Increase the amenities of the commercial areas of Walnut Park which will assist in providing a positive identity for the community. (Walnut Park Neighborhood Plan Policies: Economic Development)
- A full service restaurant serving beer and wine accompanying a meal can be considered an amenity to surrounding residents. Therefore the continued operation of Shakey's Pizza Parlor with on-site alcohol sales promotes the Neighborhood Plan's policy to increase amenities within the community. The restaurant is also appropriately located within one of Walnut Park's commercial areas where such amenities are encouraged. The sale of alcoholic beverages incidental to food service can also improve the viability of the restaurant's continued business and enables it to compete with similar uses nearby.
8. The requested use complies with the Zoning Ordinance and the Walnut Park Community Standards District (Section 22.44.114).

**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) parking spaces, bringing the total parking number to 84 spaces. This is a 19 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.

**10. *Signage (22.52, Part 10)***

Section 22.52.990 of the Zoning Code lists various types of prohibited signs. Among these are "strings of pennants, banners or streamers, clusters of flags, strings of twirlers or propellers, flares, balloons, and similar attention-getting devices."

During a field inspection conducted on November 17, 2009, a large sign in the shape of a hot air balloon was observed on the roof of the medical office/commercial building. Upon request, the applicant promptly removed the sign.

11. Pursuant to the provisions of Sections 22.56.1762, 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. No comments were received from the public.

13. A report was received from the State Department of Alcoholic Beverage Control (ABC), Los Angeles/Metro District Office, on May 24, 2011 which includes crime reporting district and census tract-based statistics on reported criminal activity and existing alcohol licenses. According to the report, the subject property is located in an area where an "undue concentration" exists. The subject property is located within census tract number 5348.03 where the number of existing alcohol licenses (7) exceeds the number permitted licenses (5). The subject property is also located in a high crime reporting district where the average number of offenses (1,054) exceeds the average number of offenses per district in the County (235) by more than twenty percent. According to ABC, these two conditions indicate an "undue concentration," which requires a finding of "public convenience and necessity" to be made in order to justify the continued sale of alcoholic beverages at this location.

14. Email correspondence was received from the Los Angeles County Sheriff Department's Carson Station Crime Analysis Unit on May 17, 2011. According to the Sheriff, 101 calls for service have occurred on the property in the past five years which resulted in 28 reported incidents.

15. The applicant provided the required Burdens of Proof to substantiate all facts identified by Sections 22.56.040 and 22.56.195 of the Los Angeles County Code.
16. There are no places of worship, schools, parks, playgrounds or other similar uses within a 600-foot radius of the subject property.

Therefore 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. (Section 22.56.195, Sales of Alcoholic Beverages)

17. There are single-family and multi-family residences to the north and south of the property within a 600-foot radius. East Florence Avenue along with commercial uses directly to the north of the property, provide a buffer between the subject restaurant and the residential uses to the north. East Florence Avenue has approximately 70 feet of right of way and is designated a major highway in the Los Angeles County Master Plan of Highways. A six foot high masonry wall provides a buffer between the restaurant's property and the residential uses directly to the south.

Therefore 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. (Section 22.56.195, Sales of Alcoholic Beverages)

18. Currently there are three (3) existing establishments within 500 feet of the subject restaurant that serve alcoholic beverages. Two (2) of the establishments serve beer and wine for on-site consumption and are located to the west of the subject restaurant on East Florence Avenue. One (1) of the establishments serves a full line of alcoholic beverages and is located to the northeast of the subject restaurant on Pacific Boulevard. According to the Department of Alcoholic Beverage Control (ABC), there is an undue concentration of alcohol serving establishments within the census tract that the subject restaurant is located within.

The subject restaurant has maintained a Type 41 ABC license (Nos. 16824 and 463722) for the on-site sale of beer and wine since 1977. According to the Department of Alcoholic Beverage Control, the restaurant has been operating without violation ever since. There are also no zoning violations for this location on record.

Although there is an undue concentration of alcohol serving establishments in the project site's vicinity according to ABC, the serving of alcohol at the proposed restaurant is a **public convenience and necessity** at this location, as the restaurant is within a land use designation that is intended to provide these types of services. Furthermore, while the subject property is located within a high crime reporting district, the Sheriff's Department expressed no objection for the request to allow continued sale of alcoholic beverages at this location. Therefore it is unlikely that the requested use will contribute to or generate potential criminal activity at the site.

The requested use at the proposed location will result in an undue concentration of similar premises (a separation of not less than 500 feet shall not be construed as undue concentration), however the serving of alcohol at the proposed restaurant is a public convenience and necessity at this location. (Section 22.56.195, Sales of Alcoholic Beverages)

19. The sale of alcoholic beverages for on-site consumption incidental to food service is consistent with alcohol serving restaurant establishments in the vicinity and could potentially boost revenue for the restaurant which may generate new jobs for the surrounding community.

Therefore, the requested use at the proposed location will not adversely affect the economic welfare of the nearby community. (Section 22.56.195, Sales of Alcoholic Beverages)

20. The exterior appearance of the restaurant is well maintained and consistent with that of the commercial buildings in the general vicinity.

Therefore 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. (Section 22.56.195, Sales of Alcoholic Beverages)

21. Due to the restaurant's location and design, which provides a buffer from surrounding residential uses, and the requested use's consistency with the local neighborhood plan and Countywide General Plan, and the restaurant site's history of operating without violation, the requested use would be compatible with the surrounding neighborhood, with appropriate conditions. With the recommended conditions of approval, the restaurant with the sale of alcoholic beverages should operate without adversely affecting the health, peace, comfort or welfare of persons residing or working in the area, or endangering or otherwise constituting a menace to the public health, safety or general welfare.
22. The Department of Regional Planning has determined this project to be Categorically Exempt (Class 1 Exemption, Minor Alterations to Existing Facilities) under the California Environmental Quality Act (CEQA) and the Los Angeles County environmental guidelines.
23. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning Commission determines that it is necessary to limit the term of the grant to ten (15) years.
24. The project site will be inspected once a year for ten (15) years to ensure compliance with the final conditions of approval.

**BASED ON THE FORGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:**

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

- C. That the proposed site is adequately served 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;
- D. 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;
- E. 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;
- F. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community;
- G. 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;
- H. That the use, development of land and/or application of development standards is in compliance with all applicable provisions of this Title 22;
- I. That the use, development of land and/or application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is so arranged as to avoid traffic congestion, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice; and
- J. That the use, development of land and/or application of development standards is suitable from the standpoint of functional developmental design.

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 22.56.040, 22.56.195, and 22.56.1690 of Title 22, of the Los Angeles County Code (Zoning Ordinance).

**REGIONAL PLANNING COMMISSION ACTION:**

1. The Regional Planning Commission has considered the Categorical Exemption together with any comments received during the public review process, finds on the basis of the whole record before the Commission that there is no substantial evidence the project will have a significant effect of the environment, finds that the Categorical Exemption reflects the independent judgment and analysis of the Regional Planning Commission, and adopts the Categorical Exemption.
2. In view of the findings of facts presented above Conditional Use Permit Number 200800174 and Parking Deviation No. 201100002 is APPROVED, subject to the attached conditions.

**PROJECT NO. 97-070-(1)  
CONDITIONAL USE PERMIT NO. 200800174  
PARKING DEVIATION NO. 201100002**

**DRAFT FINDINGS  
PAGE 7 OF 7**

**VOTE:**

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date:

**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 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. 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 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 Recorder ("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 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 otherwise 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, 10:00 a.m. to 2:00 a.m. on Saturday, 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 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 a 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, 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 parking spaces.
40. 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.

20955.4 B & P

# CENSUS TRACT REQUEST SHEET

Please provide the bold underlined information in order to best help you with your request. Allow 3 to 4 working days for us to fax your request.

Name MARAL TASHJIAN (LACO DRP)

FAX Number (213) 626-0934 Telephone Number (213) 974-1516

ADDRESS: 2530 E. FLORENCE AVE  
HUNTINGTON PARK, CA 90255

LICENSE TYPE: ON SALE  OFF SALE

## 1. CRIME REPORTING DISTRICT

Reporting District Number 2178 Provided by local Police department (sheriff's)

\_\_\_\_\_ Jurisdiction unable to provide statistical data.

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: 1,054

Location is within a high crime reporting district:  Yes / No

## 2. CENSUS TRACT / UNDUE CONCENTRATION

Census Tract Number: 5348.03

Number of licenses allowed: 5

Number of existing licenses: 4

Does overconcentration exist:  Yes / No

Letter of public convenience or necessity required: Governing Body / Applicant  Yes / No

Three time publication required:  Yes / No

One Time Publication required: Yes /  No

# ATTACHMENT A

In addition to the information required in the application, the applicant shall substantiate to the satisfaction of the Zoning Board and/or Commission, the following facts:

- A. That the requested use at the location proposed will not:**
- 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or**
  - 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or**
  - 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.**

The requested use is merely to renew the existing licensed privileges for beer and wine; live entertainment and a childrens game room. The proposed use is accessory in nature and is an integral part of the existing restaurant operation. The restaurant is located on a heavily travelled retail commercial strip that is oriented toward the intersection of Florence Avenue and Pacific Boulevard. The requested use is sufficiently separated from the nearby residential structures by an existing parking lot and a 72" high masonry block wall.

The proposed use will not adversely affect the public health and convenience since the restaurant has been in operation at this location for many years without harm to the area. The site is located within a commercial zone and is operating with all the required permits and licenses. The proposed use is accessory in nature and will continue in its present operation in conjunction with the existing restaurant. The public convenience will be served since there are no other such on-site facilities any where in the area. The subject premises has been operating as a family restaurant for the enjoyment of the surrounding community.

Based on the aforementioned circumstances, the proposed uses will not adversely affect persons residing or working in the area; be materially detrimental to persons located within the vicinity of the subject site nor contribute in harming the public health, safety and welfare of the area.

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

The site is 0.514 acres in size and accommodates walls, fences, parking, loading and other development features as prescribed by Code. See plans for details. The site was previously authorized by conditional use permit (CUP 97-070) for beer and wine; live entertainment and a childrens game room. The previous authorization stated that the proposed project was in full compliance with all development features as prescribed by Code.

- C. That the proposed use is adequately served:**
- 1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and**
  - 2. By other public or private service facilities as are required.**

The restaurant is located on a heavily travelled retail commercial street that is fully dedicated and improved. The subject site is oriented toward the intersection of Florence Avenue and Pacific Boulevard. All public and private service facilities and infrastructure are in place.

# **ATTACHMENT B**

**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 500 foot radius ?**

The site was previously authorized by conditional use permit (CUP 97-070) for beer and wine; live entertainment and a childrens game room. The requested use is merely to renew the existing licensed privileges for beer and wine; live entertainment and a childrens game room. The proposed use is accessory in nature and is an integral part of the existing restaurant operation. The restaurant is located on a heavily traveled retail commercial strip that is oriented toward the intersection of Florence Avenue and Pacific Boulevard. The requested use is sufficiently separated from nearby residential structures. There are no sensitive land uses located within a 500 foot radius of the subject property.

- 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 requested use is merely to renew the existing licensed privileges for beer and wine; live entertainment and a childrens game room. The proposed use is accessory in nature and is an integral part of the existing restaurant operation. The restaurant is located on a heavily traveled retail commercial strip that is oriented toward the intersection of Florence Avenue and Pacific Boulevard. The requested use is sufficiently separated from the nearby residential structures by an existing parking lot and a 72" high wall.

- 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 500 feet 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 ?**

The proposed use will not adversely affect the public health and convenience since the restaurant has been in operation at this location for many years without harm to the area. The site is located within a commercial zone and is operating with all the required permits and licenses. The proposed use is accessory in nature and will continue in its present operation in conjunction with the existing restaurant. The public convenience will be served since there are no other such on-site facilities any where in the area. The subject premises has been operating as a family restaurant for the enjoyment of the surrounding community.

The site was previously authorized by conditional use permit (CUP 97-070) for beer and wine; live entertainment and a childrens game room. The previous authorization stated that the proposed project was in full compliance with all development features as prescribed by Code.

- 4] **That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community ?**

The restaurant has been in operation for many years. The restaurant benefits other businesses in the shopping plaza and the surrounding area by bringing patrons into the community.

- 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 withi said neighborhood ?**

The site is located within a commercial zone and is operating with all the required permits and licenses. The proposed use is accessory in nature and will continue in its present operation in conjunction with the existing restaurant. The subject premises has been operating as a family restaurant for many years.

The site was previously authorized by conditional use permit (CUP 97-070) for beer and wine; live entertainment and a childrens game room. The previous authorization stated that the proposed project was in full compliance with all development features as prescribed by Code.

The existing restaurant is part of an existing retail commercial building shopping plaza that was constructed in 1968. The plaza underwent an extensive renovation in the 1990's. The existing retail commercial structure and restaurant are aesthetically pleasing. The restaurant has not deteriorated nor has contributed to the dimishment of existing property values in the area.

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 (beer and wine) will terminate on July 15, 2008.

Entitlement to use of the property for the sale of alcoholic beverages (beer and wine) thereafter shall be subject to the regulations then in effect.

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. 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 \$2,900.00. 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 four inspections per year for the first three years, three inspections per year for the next three years, and two inspections per year for the next four years.

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.

9. 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.
10. This grant, which supersedes previous approvals, allows the expansion of a restaurant/nightclub to accommodate a children's game arcade, live entertainment, and the sale of alcoholic beverages (beer and wine) for on-site consumption incidental to food service at the expanded facility and the provision of less than required parking in a shared parking arrangement with an office building, subject to the following restrictions as to use:
- a. The occupancy of the subject restaurant/nightclub and game arcade shall not exceed 223 persons;
  - b. The floor area for the restaurant/nightclub and game arcade addition shall not exceed 1,570 sq. ft. as depicted on the floor plan marked Exhibit "A" Page 2 of 2;
  - c. The children's game arcade shall be limited to not more than 25 children's game machines;
  - d. Minors shall not be allowed to use the children's game arcade during hours when schools are in session unless accompanied by a parent or adult guardian;
  - e. Adequate adult supervision (a minimum of one adult for every 10 children) shall be provided in the game arcade area at all times during operating hours;
  - f. Live entertainment shall be limited to a total of no more than three performers;
  - g. Only the following musical instruments are allowed: guitar, piano, and violin and they shall be unamplified;
  - h. Live entertainment shall be discontinued at least one-half hour before closing;
  - i. The live entertainment and the children's game arcade may be maintained only in connection with and accessory to the restaurant;

- j. There shall be no dance floor permitted at the subject restaurant;
- k. To insure that parking conflicts do not arise from the shared parking arrangement, the operating hours of the office/commercial building and the restaurant/nightclub shall be limited to the following:

Office/Commercial Building

- Unit #A: (Huntington Family Dental)  
Closed by 6:00 p.m., 3 nights a week,  
Closed by 8:00 p.m., 2 nights a week,  
Closed on Saturday and Sunday.
- Units #B, #C: (New Image Medical Center)  
Closed by 6:00 p.m., 6 nights a week,  
Closed on Sunday.
- Unit #E: (California Car Registration)  
Closed by 7:00 p.m., 5 nights a week,  
Closed on Saturday and Sunday.
- Units #D, #F: (Attorney's Office)  
Closed by 5:30 p.m., 5 nights a week,  
Closed on Saturday and Sunday.
- Units #G, #H: (Computer School)  
Closed by 9:00 p.m., 6 nights a week,  
Closed on Sunday.

Restaurant/Nightclub with Children's Game Arcade  
(Shakey's Pizza Restaurant)

Monday-Thursday	11:00 a.m.-12:00 a.m.
Friday	11:00 a.m.- 2:00 a.m.
Saturday	10:00 a.m.- 2:00 a.m.
Sunday	10:00 a.m.-12:00 a.m.

- l. The permittee shall establish a viable transportation program at the restaurant for its employees to use transportation modes other than the single-occupant automobile. The program shall be submitted to the Director of Planning for review and approval. The program shall include positive incentives such as van pools, transit fare subsidies, commuter travel allowances, car pools or bicycle commuter facilities;
- m. Said restaurant shall limit the sale of alcoholic beverages (beer and wine) to between the hours of 11:00 a.m. to 12:00 a.m. on Monday through Thursday, 11:00 a.m. to 2:00 a.m. on Friday; 10:00 a.m. to 2:00 a.m. on Saturday; and 10:00 a.m. to 12:00 a.m. on Sunday;

- n. The permittee shall not advertise the sale of alcoholic beverages on the exterior walls or windows of the subject restaurant or at any location on the subject property. Exterior advertising shall comply with all local sign ordinances;
- o. There shall be no alcoholic beverages consumed in open areas adjacent to the subject restaurant under the control of the permittee;
- p. There shall be no loitering permitted on the premises, including parking areas or on adjacent property under the control of the permittee;
- q. The permittee shall maintain the property in a neat and orderly fashion;
- r. The permittee shall maintain free of litter all areas of the premises under which the permittee has control;
- s. Public telephones on the site shall be for outgoing calls only;
- t. The permittee shall provide adequate lighting for the 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;
- u. 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;
- v. There shall be no audio speakers affixed to the exterior of the restaurant;
- w. The property on which the office building and the restaurant are developed shall be under the same ownership as the parking areas serving said uses;

- x. The permittee shall provide a minimum of 97 on-site parking spaces, available on a reciprocal basis for the restaurant and the office building, and one loading space for the restaurant;
- y. 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, the owner or his successor in interest shall either reduce the occupant load of the restaurant/nightclub 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;
- z. If, after inspections and/or complaints, the Director of Planning determines that a parking problem exists, the occupancy of the restaurant/nightclub shall be reduced to a level consistent with the number of parking spaces or additional on-site parking spaces shall be provided;
- aa. A new parking permit shall be obtained if the establishment substantially changes its mode or character of operation, which includes, but is not limited to changing from a family-oriented restaurant/children's game arcade to an adult-oriented nightclub.
- ab. A new conditional use permit shall be obtained if the establishment substantially changes its mode or character of operation, which includes, but is not limited to changing from a family-oriented restaurant/children's game arcade to an adult-oriented nightclub.
- ac. To ensure that no conflict arises from the shared parking arrangement between the restaurant and the office building, the permittee shall provide a parking attendant/security guard in the main parking area which is located between the restaurant and the office building during the following hours:

Monday-Thursday	11 a.m.-1 p.m.; 6 p.m. to 12 a.m.
Friday	11 a.m.-1 p.m.; 6 p.m. to 2 a.m.
Saturday	11 a.m.-1 p.m.; 6 p.m. to 2 a.m.
Sunday	11 a.m.-1 p.m.; 6 p.m. to 12 a.m.

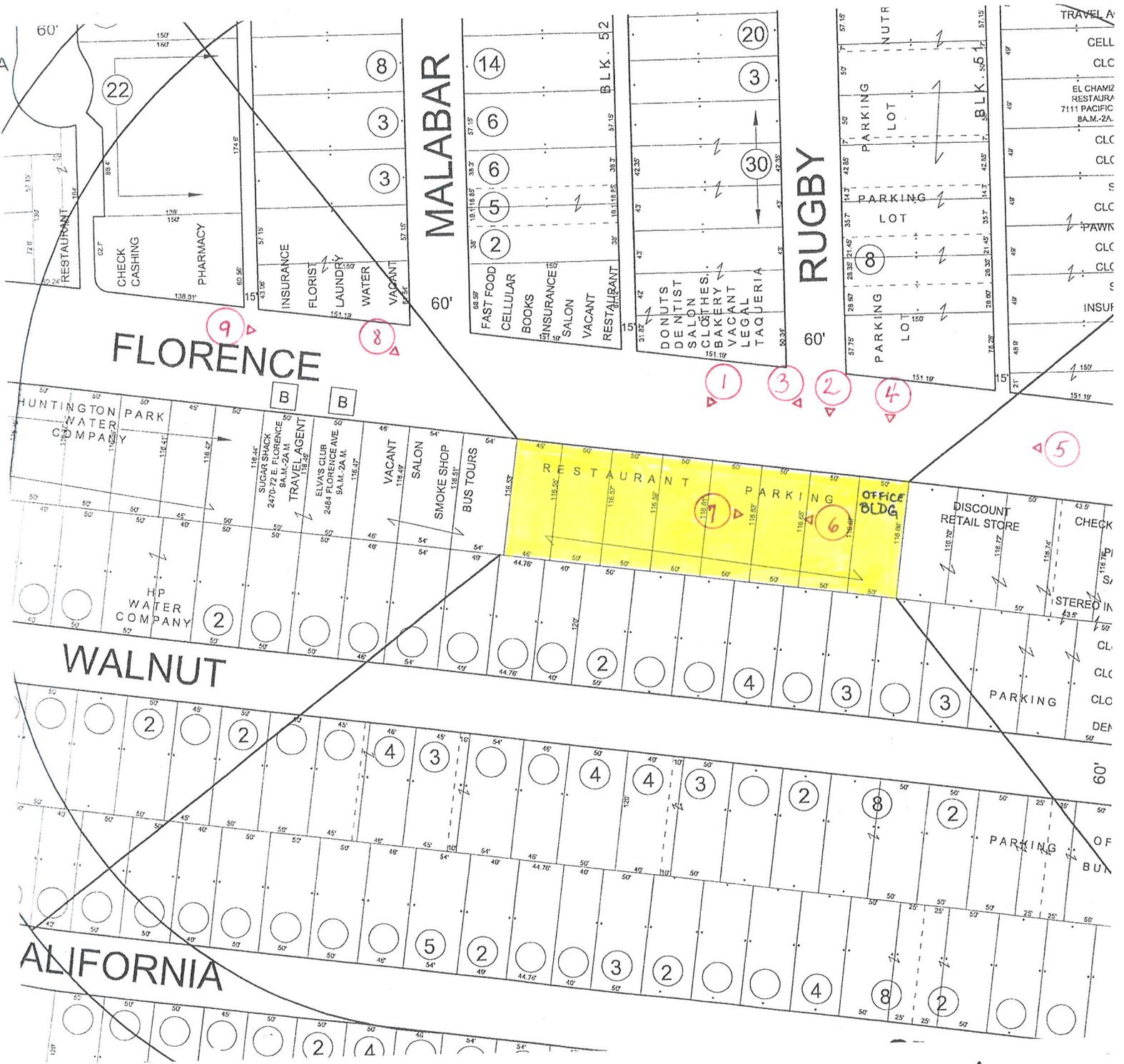
Said parking attendant/security guard shall manage the on-site parking resources. If after one year from the effective date of this grant, the permittee can provide written evidence (including parking counts) to the Director of Planning that a parking attendant/security guard is not necessary to prevent parking problems, the Director of Planning is authorized to prepare a written termination of said requirement.

11. The permittee shall provide three (3) copies of revised plans, similar to Exhibit "A" as presented at the public hearing and depicting accurate calculations of the required parking and the loading area required by Condition 10(x), submitted to and approved by the Director of Planning before issuance of a building permit. The property shall be developed and maintained in substantial conformance with the approved plan. All revised plans must be accompanied by the written authorization of the property owner.
12. The permittee shall provide three (3) copies of a sign plan, which may be incorporated into a revised plot plan, submitted to and approved by the Director of Planning before issuance of a building permit. The permittee shall erect signs which direct restaurant patrons to the parking area located west of the restaurant; the signs shall be in English and the predominant second language in the neighborhood. All signs shall comply with the provisions of Section 22.44.114(D)(2) of the Zoning Ordinance. The sign plan shall show the size, type, and location of all signs on the subject property including the following required signs to the satisfaction of the Director of Planning:
  - Two signs (single-sided) informing the public of whom to call if there are any complaints. Said signs shall be posted within each parking area (east and west of the restaurant) at a location which is legible and accessible to the public and shall identify the name and telephone number of the restaurant manager and the telephone numbers for the State Department of Alcoholic Beverage Control, the County of Los Angeles Sheriff's Department, the Department of Health Services, the County Fire Department, and the Department of Regional Planning Zoning Enforcement Section. The signage shall be in English and the predominant second language in the neighborhood.

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. The restaurant addition shall not be issued a clearance for occupancy until such time that the applicant completes all of the following dedications and improvements to the satisfaction of the Department of Public Works:
  - a. Dedicate the right to restrict vehicular access to Florence Avenue, if not already dedicated;
  - b. Construct sidewalk fill-in on Florence Avenue;
  - c. Plant and maintain street trees on Florence Avenue to the satisfaction of the Department of Public Works.
16. 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.
17. 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.
18. 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.
19. 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.

RDH:JTM:jtm

# PHOTO SURVEY





1



2



3



4



5



6



7



8



9



10



11



12



**Legend**

- Parcel 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
  - Catastic CSD Primary
  - Catastic 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
- Zoning (Boundary)
- Zoning
  - Zone A-1
  - Zone A-2
  - Zone B-1
  - Zone B-2
  - Zone C-1
  - Zone C-2
  - Zone C-3
  - Zone C-H
  - Zone C-M
  - Zone CPD
  - Zone C-R
  - Zone D-2
  - Zone I17
  - Zone M-1
  - Zone M-1.5
  - Zone M-2
  - Zone M-3
  - Zone MPD
  - Zone MXD
  - Zone O-S
  - Zone P-R
  - Zone R-1
  - Zone R-2
  - Zone R-3 (JU)
  - Zone R-4 (JU)
  - Zone R-A
  - Zone RPD
  - Zone R-R
  - Zone SR
  - Zone SR-D
  - Zone W
- 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.

