



Los Angeles County Department of Regional Planning
 320 West Temple Street, Los Angeles, California 90012
 Telephone (213) 974-6443

PROJECT NO. R2007-03023-(5)

CONDITIONAL USE PERMIT CASE NO. 200700198

RPC/HO MEETING DATE April 7, 2009	CONTINUE TO
AGENDA ITEM 7	
PUBLIC HEARING DATE April 7, 2009	

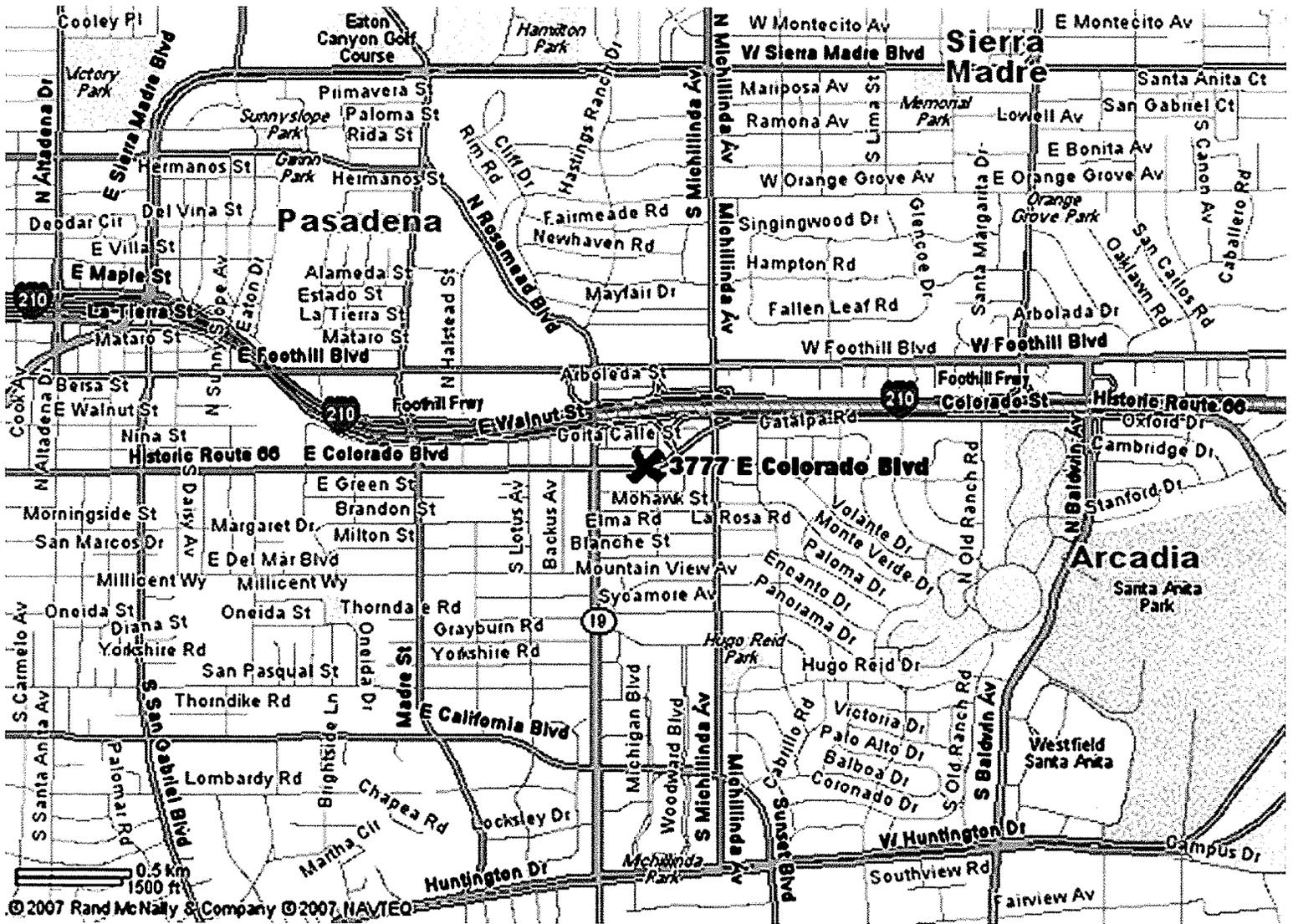
APPLICANT Yang Chow Restaurant		OWNER Kim & Teresa Yun Trust		REPRESENTATIVE Ken Choi	
REQUEST <i>Conditional Use Permit.</i> To authorize the continued sale of beer and wine for on-site consumption at an existing restaurant.					
LOCATION/ADDRESS 3777 East Colorado Boulevard, Pasadena			ZONED DISTRICT East Pasadena		
ACCESS East Colorado Boulevard, between Quigley Avenue and Rosemead Boulevard, and via a public alley to the rear			COMMUNITY East Pasadena – East San Gabriel		
			EXISTING ZONING C-2 (Neighborhood Business)		
SIZE 13,000 square feet		EXISTING LAND USE Restaurant & Parking lot		SHAPE Irregular	TOPOGRAPHY Level
SURROUNDING LAND USES & ZONING North: Single-family residences—R-1 (Single-family Residence)			East: Car rental agency—C-2 (Neighborhood Business)		
South: Restaurant—C-2 (Neighborhood Business)			West: Commercial retail—C-2 (Neighborhood Business)		
GENERAL PLAN Countywide Land Use Plan		DESIGNATION C (Major Commercial)		MAXIMUM DENSITY N/A	CONSISTENCY See Staff Analysis
ENVIRONMENTAL STATUS Class 1 Categorical Exemption – Existing Facilities					
DESCRIPTION OF SITE PLAN The applicant, Yang Chow Restaurant, is requesting a Conditional Use Permit to authorize the continued sale of beer and wine for on-site consumption at an existing restaurant at 3777 East Colorado Boulevard in East Pasadena. The restaurant is approximately 3,015 square feet in size and has an occupancy of 86 persons. An adjacent parking lot contains 29 spaces.					
KEY ISSUES <ul style="list-style-type: none"> Satisfaction of Section 22.56.040 of Title 22 of the Los Angeles County Code Conditional Use Permit Burden of Proof requirements. 					

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

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

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

Thomas Guide Map
 Yang Chow Restaurant
 3777 E. Colorado Boulevard
 Pasadena, CA 91107



Find it in the 2008 Road Atlas

- page 18, grid section D-9, Los Angeles & Vicinity map
- page 15, grid section SJ-11

STAFF ANALYSIS

PROJECT NUMBER

R2007-03023-(5)

CASE NUMBER

Conditional Use Permit Case No. 200700198

ENTITLEMENT REQUESTED

Pursuant to Section 22.56.195 of the Los Angeles County Planning and Zoning Code (Title 22), the applicant is requesting a Conditional Use Permit to authorize the sale of beer and wine for on-site consumption at an existing restaurant.

DESCRIPTION OF SUBJECT PROPERTY

Location

3777 East Colorado Boulevard, within the East Pasadena Zoned District.

Physical Features

The restaurant occupies a 3,015 square-foot, single-story building and is located on the eastern portion of a 13,000 square-foot property consisting of two (2) level, rectangular parcels. 29 off-street parking spaces are located on the property, 21 of which are located on the western parcel, while eight (8) spaces and the restaurant building are located on the eastern parcel.

EXISTING ZONING

Subject Property

The subject property is zoned C-2 (Neighborhood Business).

Surrounding Properties

Surrounding properties are zoned as follows:

North: R-1 (Single-family Residence)

South: C-2 (Neighborhood Business)

East: C-2 (Neighborhood Business)

West: C-2 (Neighborhood Business)

EXISTING LAND USES

Subject Property

The subject property contains a single-story restaurant building and 29 off-street parking spaces.

Surrounding Properties

Land uses within 500' of the subject property consist of the following:

North: Single-family residences

South: Restaurant

East: Car rental agency

West: Commercial retail

PREVIOUS CASES/ZONING HISTORY

The restaurant with adjacent parking lot was approved through Plot Plan 35315 in 1996. Conditional Use Permit No. 97-065 approved the sale of beer and wine for on-site consumption at the restaurant. The CUP was approved on August 19, 1997 and expired on August 19, 2007.

Land Use Policy Map

The subject property is designated as C (Major Commercial) in the General Plan Land Use Element.

Applicable Policies

The purpose of the Commercial land use classification for all forms of retail commercial, service, and office uses. The sale of beer and wine for on-site consumption is consistent with this definition, as it is within a service commercial facility. The current use of the space as a restaurant is also consistent with this Land Use designation.

SITE PLAN

The site plan depicts the subject 3,015-square-foot restaurant. The restaurant has a maximum occupancy of 86 patrons. Current hours of business are 11:45 am to 9:45 pm Monday through Thursday and 11:45 am to 10:45 pm Friday and Saturday. A parking lot of 29 spaces—including two (2) reserved for the handicapped—is located to the north and west of the building. However, the current site plan inaccurately depicts the lot as having 19 spaces, one (1) of which is reserved for the handicapped. As a condition of approval, the permittee will be required to submit a revised site plan accurately showing all parking spaces as they exist on site. The parking lot is accessed from the south via a driveway to East Colorado Boulevard and from the north via a public alley. A trash enclosure is located on the northeastern corner of the property and is also accessed via the alley.

Compliance with Applicable Zoning Standards

Pursuant to Section 22.28.110 of the Los Angeles County Planning and Zoning Code (Title 22), premises in Zone C-2 may be used for the sale of alcoholic beverages, for either on-site or off-site consumption, provided a conditional use permit has first been obtained.

Unless specifically modified by a conditional use permit during the discretionary review process, premises in Zone C-2 shall be subject to the following development standards:

- A. Per Section 22.52.1110 of the County Code, every structure used for amusement, assembly, drinking, eating or entertainment shall provide one or more automobile parking spaces for each three persons based on the occupant load as determined by the county engineer. All other uses other than business or professional offices shall provide an area of sufficient size so that it contains one automobile parking space plus adequate access thereto for each 250 square feet of floor area of any building or structure so used.

The subject restaurant has an occupancy load of 86 persons and requires 29 parking spaces. Currently the parking lot provides 29 parking spaces. On-site parking is, therefore, adequate.

BURDEN OF PROOF

As required by Section 22.56.040 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of the Hearing Officer and/or the 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.

- B. That the proposed site is adequate in size and shape to accommodate the yards, wells, fence, 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:
 - 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 applicant's Burden of Proof responses are attached to this document.

ADDENDUM BURDEN OF PROOF

Per Section 22.56.195 of the Los Angeles County Code, in addition to the findings required pursuant to subsection A of Section 22.56.090, the applicant shall also substantiate to the Hearing Officer and/or Commission the following facts:

- A. 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' radius; and

- B. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500' shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500' radius of any other facility selling alcoholic beverages for either on-

site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than 5% of the total shelf space in the establishment; and

- C. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
- D. 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.

The applicant's Burden of Proof responses are attached to this document.

ENVIRONMENTAL DOCUMENTATION

This project has been determined to be categorically exempt under the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA). If approved, the proposed alcohol permit will be issued to a restaurant that is located in an existing facility and qualifies for a Class 1, Existing Facilities Categorical Exemption.

STATE AND COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

California Department of Alcoholic Beverage Control

Statistical data from the California Department of Alcoholic Beverage Control (ABC) report that the site of the subject request is located within a high crime reporting district. The average number of offenses reported for all districts is 151 and the actual number of crimes reported for this district is 223. ABC data show that the site is within an area that does not have an over-concentration of alcohol sales.

Los Angeles County Sheriff's Department

The Temple City Station of the Los Angeles County Sheriff's Department was consulted regarding the project. No comments were received from the Sheriff regarding this project proposal.

PUBLIC COMMENTS

Legal Notification/Community Outreach

A total of 253 public hearing notices regarding the proposal were mailed to property owners within the 1,000-foot radius of the subject property on February 25, 2009. The hearing notice was also published in *Pasadena Star News* and in *La Opinion* on March 3, 2009. Case-related materials were also posted on the department web page and sent to the Hastings Branch Library in Pasadena. The hearing notice has been posted on the property for at least 30 days prior to the public hearing date. No comments have been received from the public regarding this proposal at the time of this report.

STAFF EVALUATION

The subject facility, Yang Chow Restaurant, is located in a commercial district along East Colorado Boulevard. Currently, there is one (1) other restaurant and one (1) bar within 500 feet of the project with licenses to sell alcohol for on-site consumption. There is also one (1) liquor store with a license to sell a full line of alcohol for off-site consumption. This grant would not increase the concentration of alcohol permits in the area, as it is already existing and not proposed to be expanded.

The project is located within a high crime reporting district. Despite this, the local Sheriff's station had no comments regarding the project. There is also not an undue concentration of ABC permits within the census tract, and there are no sensitive uses within 600 feet of the project site.

STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit 200700198-(5), subject to the attached draft conditions.

FEES/DEPOSITS

If approved, the following fees will apply unless modified by the Hearing Officer:

Zoning Enforcement

1. Inspection fees of \$750.00 to cover the costs of 5 recommended biennial zoning enforcement inspections.

Prepared by Tyler Montgomery, Regional Planning Assistant II
Reviewed by Maria Masis, Supervising Regional Planner

Attachments:

Draft Conditions of Approval
Applicant's Burden of Proof and Addendum Burden of Proof statements

MM:TM
03/26/09

HEARING OFFICER'S FINDINGS AND ORDER:

REQUEST: To authorize the continued sale of beer and wine for on-site consumption at an existing restaurant.

PROCEEDINGS BEFORE THE HEARING OFFICER:

Findings

1. Pursuant to Section 22.56.195 of the Los Angeles County Planning and Zoning Code (Title 22), the applicant requested a Conditional Use Permit to authorize the continued sale of beer and wine for on-site consumption at an existing restaurant.
2. The restaurant is located at 3777 East Colorado Boulevard in the East Pasadena Zoned District of Los Angeles County.
3. The restaurant occupies a 3,015 square-foot, single-story building and is located on the eastern portion of a 13,000 square-foot property consisting of two (2) level, rectangular parcels. 29 off-street parking spaces are located on the property, 21 of which are located on the western parcel, while eight (8) spaces and the restaurant building are located on the eastern parcel.
4. The subject property is zoned C-2 (Neighborhood Business).
5. Surrounding properties within the 500-foot radius of the project are zoned as follows:
North: R-1 (Single-family Residence)
South: C-2 (Neighborhood Business)
East: C-2 (Neighborhood Business)
West: C-2 (Neighborhood Business)
6. Land uses within 500 feet of the subject property consist of the following:
North: Single-family residences
South: Restaurant
East: Car rental agency
West: Commercial retail
7. The restaurant with adjacent parking lot was approved through Plot Plan review in 1996. Conditional Use Permit No. 97-065 approved the sale of beer and wine for on-site consumption at the restaurant. The CUP was approved on August 19, 1997 and expired on August 19, 2007.
8. The subject property is designated as C (Major Commercial) in the General Plan Land Use Element. The purpose of the Major Commercial land use classification for all forms of retail commercial, service, and office uses. The sale of beer and wine for on-site consumption is consistent with this definition, as it is within a service commercial facility. The current use of the space as a restaurant is also consistent

with this Land Use designation

9. The site plan depicts the subject 3,015-square-foot restaurant. The restaurant has a maximum occupancy of 86 patrons. Current hours of business are 11:45 am to 9:45 pm Monday through Thursday and 11:45 am to 10:45 pm Friday and Saturday. A parking lot of 29 spaces—including two (2) reserved for the handicapped—is located to the north and west of the building. However, the current site plan inaccurately depicts the lot as having 19 spaces, one (1) of which is reserved for the handicapped. As a condition of approval, the permittee will be required to submit a revised site plan accurately showing all parking spaces as they exist on site. The parking lot is accessed from the south via a driveway to East Colorado Boulevard and from the north via a public alley. A trash enclosure is located on the northeastern corner of the property and is also accessed via the alley.
10. Pursuant to Section 22.28.110 of the Los Angeles County Planning and Zoning Code (Title 22), premises in Zone C-2 may be used for the sale of alcoholic beverages, for either on-site or off-site consumption, provided a conditional use permit has first been obtained and conforms to the conditions of said permit.
11. Per Section 22.52.1110 of the County Code, every structure used for amusement, assembly, drinking, eating or entertainment shall provide one or more automobile parking spaces for each three persons based on the occupant load as determined by the county engineer. All other uses other than business or professional offices shall provide an area of sufficient size so that it contains one automobile parking space plus adequate access thereto for each 250 square feet of floor area of any building or structure so used.

The subject restaurant has an occupancy load of 86 persons and requires 29 parking spaces. Currently the parking lot provides 29 parking spaces. On-site parking is, therefore, adequate.
12. This project has been determined to be categorically exempt under the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA). This permit will be issued to a restaurant that is located in an existing facility and qualifies for a Class 1 (Existing Facilities) Categorical Exemption.
13. Statistical data from the California Department of Alcoholic Beverage Control (ABC) report that the site of the subject request is located within a high crime reporting district. ABC data show that the site is within an area that does not have an over-concentration of alcohol sales.
14. The Temple City Station of the Los Angeles County Sheriff's Department was consulted regarding the project. The comments were received from the Sheriff regarding this project proposal.
15. A total of 253 public hearing notices regarding the proposal were mailed to property

owners within the 1,000-foot radius of the subject property on February 25, 2009. The hearing notice was also published in *Pasadena Star News* and in *La Opinion* on March 3, 2009. Case-related materials were also posted on the department web page and sent to the Hastings Branch Library in Pasadena. The hearing notice has been posted on the property for at least 30 days prior to the public hearing date. No comments have been received from the public regarding this proposal at the time of this report.

16. The subject facility, Yang Chow Restaurant, is located in a commercial district along East Colorado Boulevard. Currently, there is one (1) other restaurant and one (1) bar within 500 feet of the project with licenses to sell alcohol for on-site consumption. There is also one (1) liquor store with a license to sell a full line of alcohol for off-site consumption. This grant would not increase the concentration of alcohol permits in the area, as it is already existing and not proposed to be expanded.
17. The project is located within a high crime reporting district. Despite this, the local Sheriff's station had no comments regarding the project. There is also not an undue concentration of ABC permits within the census tract, and there are no sensitive uses within 600 feet of the project site.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and 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 and general welfare;
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such uses would generate and by other public or private facilities as are required;
- E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600' radius; and
- F. The requested use at the proposed location would serve as a public convenience;
- G. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and

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

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a conditional use permit as set forth in Sections 22.56.090 and 22.56.195, Title 22, of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer finds that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). The project is within a class of projects, which have been determined not to have a significant effect on the environment in that it meets the criteria set forth in section 15301 of the State CEQA Guidelines and Class 1 of the County Environmental Document Reporting Procedures and Guidelines, Appendix G.
2. In view of the findings of facts presented above, Project No. R2007-03023-(5) / Conditional Use Permit Case No. 200700198-(5) is APPROVED, subject to the attached conditions.

Attachments: Conditions
Affidavit

- c: Each Commissioner, Zoning Enforcement, Building and Safety

1. This grant allows for the continued sale of beer and wine for on-site consumption at a restaurant located at 3777 East Colorado Boulevard in East Pasadena, subject to the following conditions:
 - a. The sale of beer and wine for on-site consumption shall be permitted only between the hours of 11:00 am – 11:00 pm daily;
 - b. Food service shall be continuously provided during restaurant operating hours;
 - c. The permittee shall establish a policy by which on-site alcoholic beverage is sold to customers only when they order and consume food in the subject restaurant;
 - d. The sale of alcoholic beverages for consumption outside the premises is prohibited;
 - e. All servers of alcoholic beverages must be at least 21 years old;
 - f. Temporary signs or banners advertising alcoholic beverage “specials” shall not be displayed on the exterior walls or fascia of the building;
 - g. The permittee shall not advertise or hold any alcoholic beverage “happy hour” drink specials, “2 for 1” specials, or similar promotions;
 - h. The permittee shall not advertise alcoholic beverages on the exterior walls or windows of the subject restaurant or at any location on the subject property. No self-illuminating advertising for alcoholic beverages shall be located on the exterior of buildings or windows;
 - i. There shall be no loitering permitted on the premises under the control of the permittee. Signage shall be posted on the premises prohibiting loitering. The signage shall be in English and Chinese;
 - j. The permittee shall instruct all employees in the regulations regarding no loitering and no consumption of alcoholic beverages outside the subject restaurant. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary;
 - k. 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;
 - l. Telephone numbers of local law enforcement shall be posted adjacent to the cashier’s area;
 - m. The permittee shall not install or maintain video games, pool tables, or similar

- game activities or equipment on site;
- n. The licensed premises shall have no other coin operated amusements, such as small carousel rides or similar riding machines, at any time, with the exception of official State Lottery machines;
 - o. No live entertainment, dancing or dance floor is authorized in or outside the premises;
 - p. Outside storage is expressly prohibited;
 - q. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas on the premises over which the permittee has control;
 - r. Off-site signs are prohibited;
 - s. Commercial signs and graphic displays must be confined to the façade surface of the restaurant building, must conform with the established sign program for the site, and should not project above the roofline or disrupt the architectural design of the building;
 - t. Temporary window signs shall not exceed 25 percent of the area of any single window or of adjoining windows on the same frontage;
 - u. All servers of alcoholic beverages must be at least 18 years old. The licensee, all managers and present and future servers of the establishment 18 years of age or older shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the California Department of Alcoholic Beverage Control. This training shall be ongoing and all new employees shall be required to attend. The licensee shall display a certificate or plaque in the lobby of the establishment indicating they have participated in this program;
 - v. The conditions of this grant shall be retained on the premises at all times and be immediately produced upon request of any County Sheriff, Zoning Enforcement Inspector or ABC investigator. The restaurant manager and all employees of the restaurant shall be knowledgeable of the conditions herein; and
2. 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.
 3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been

paid pursuant to Condition No. 10.

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 notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with to Los Angeles County Code Section 2.170.010.

6. This grant will expire unless used within 2 years from the date of approval. This permit is deemed to be used when the permittee has secured an alcoholic beverage license from the California Department of Alcoholic Beverage Control. A one-year time extension may be requested, in writing with payment of the applicable fee, at least six months before the expiration date.
7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
9. **This grant will terminate on April 8, 2019.** Entitlement to the use of the property

thereafter shall be subject to the regulations then in effect. If the permittee intends to continue the sale of beer and wine after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six months prior to the expiration of this permit, whether or not any modification of the use is requested at that time. The expiration of this grant shall not apply to the continued use of the restaurant without any beer or wine sales.

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. **The permittee shall deposit with the County of Los Angeles the sum of \$750.00.** These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. These funds provide for 5 biennial inspections for the term of the grant. 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 condition of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be \$150.00 per inspection, or the current recovery cost, 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 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.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
13. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works and the Department of Public Health.
14. 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. The only exceptions shall be seasonal

decorations or signage provided under the auspices of a civic or non-profit organization. Within thirty (30) days of the approval of this grant, any illegal signage shall be removed from the subject property. Any new or additional signage shall be in compliance with Part 10, Title 22 of Los Angeles County Code.

15. In the event such extraneous markings occur, 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.
16. Within 30 days of approval of this grant, the permittee shall submit a revised site plan accurately depicting the number and layout of all off-street parking spaces located on the project site.

MM:TM
03/26/09

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.

THIS BUILDING AND PROPERTY HAVE BEEN USED AS A RESTAURANT FOR MANY MANY YEARS, AND THAT INCLUDES THE SALE OF ALCOHOLIC BEVERAGES TO ITS PATRONS. THIS WELL ESTABLISHED USE WILL BE WELL MAINTAINED AND WILL NOT AFFECT THE HEALTH, PEACE, WELFARE OR COMFORT OF PERSONS RESIDING OR WORKING IN THE AREA BUT WILL BE AN ASSET TO THE LOCAL COMMUNITY. OWNERS AND OPERATOR OF THIS RESTAURANT HAVE A LONG HISTORY OF SUCCESSFUL RESTAURANT OPERATIONS AND WANT TO SERVE THE LOCAL COMMUNITY. CONTINUING USE OF THIS FACILITY AS A RESTAURANT SERVING ALCOHOL WILL ENHANCE THE ECONOMIC VIABILITY AND PROPERTY VALUE IN THE AREA. IT WILL BE AN ASSET TO THE COMMUNITY, NOT A DETRIMENT 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, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

THE SITE IS FULLY DEVELOPED, AND IS ADEQUATE TO MEET OR EXCEED ORDINANCE STANDARDS FOR LANDSCAPING. ALL WALLS, FENCES, PARKING AND LANDSCAPING ARE IN AND WELL MAINTAINED.

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

THE SITE IS SERVED BY COLORADO BOULEVARD, A FULL WIDTH MAJOR HIGHWAY. ALL OTHER SERVICES ARE IN AND ADEQUATE.

ADDENDUM BURDEN OF PROOF, ALCOHOLIC BEVERAGE SALES Section 22.56.195

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

NO SENSITIVE USES HAVE BEEN IDENTIFIED WITH 600 FEET 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;

IT IS AN EXISTING, FULLY ENCLOSED RESTAURANT WHICH HAS EXISTED AT THIS SITE FOR SEVERAL YEARS. IT IS ALSO PREVIOUSLY ~~PREVIOUSLY~~ HAD A CONDITIONAL USE PERMIT CASE NUMBER 97-065-(5).

3. That the requested use at the proposed location will not result in an undue concentration of similar premises, or that the public convenience or necessity for the proposed facility selling alcoholic beverages for off-site consumption outweighs the fact that it is located within a 500 foot of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment;

THERE IS ONE BAR, ONE RESTAURANT AND ONE LIQUOR STORE, ALL SELLING FULL ALCOHOL.

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

HAVING A SUCCESSFUL RESTAURANT CONTINUING OPERATING AT THIS LOCATION HELPS MAINTAIN THE ECONOMIC VIABILITY OF THE AREA AND WILL HOLD UP PROPERTY VALUES BETTER THAN A VACANT BUILDING.

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

THIS IS AN EXISTING RESTAURANT BUILDING, WELL MAINTAINED, WITH WELL MAINTAINED LANDSCAPING. NO NEW CONSTRUCTION IS PROPOSED OR ANTICIPATED.

NOTE: additional sheets may be attached to answer the above statements.