



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

May 16, 2012

Burke Farrar
Odyssey Development Services
51 West Dayton Street
Pasadena, CA 91105

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

**REGARDING: PROJECT NO. R2007-00170-(5)
CONDITIONAL USE PERMIT NO. 201100146
2535 East Washington Boulevard, Altadena, CA 91001 (APNs: 5751-005-032, 5751-005-033)**

Dear Mr. Farrar:

The Regional Planning Commission, by its action of May 16, 2012 **APPROVED** the above-described project and entitlements. The attached documents contain the Regional Planning Commission's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 2 requires that the permittee file an affidavit accepting the conditions before the grants becomes effective.

The applicant and/or other interested persons may appeal the Regional Planning Commission's decision to the Board of Supervisors through the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Please contact the Executive Office for the amount of the appeal fee at (213) 974-1426. **The appeal period for this project will end at 5:00 p.m. on May 30, 2012.** Any appeal must be delivered in person to the Executive Office by this time. If no appeal is filed during the specified period, the Regional Planning Commission action is final.

Upon completion of the appeal period, **hand deliver** a notarized affidavit of acceptance form, a certified copy of the recorded findings and conditions of approval, and any other required fees or materials to the planner assigned to your case (see attached instructions for more information). Please **make an appointment** with the case planner to ensure that processing will be completed expeditiously. If the required documents and fees are not received within 60 days of this final letter's date, this permit will be transferred to Zoning Enforcement for further action.

For additional information on appeal procedures or any other matter pertaining to these approvals, please contact Anthony Curzi of the Zoning Permits North Section at (213) 974-6443 or e-mail at acurzi@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner
Director

Susan M. Tae, Supervising Regional Planner
Zoning Permits North Section

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

c: Zoning Enforcement; California Department of Alcoholic Beverage Control
SMT:AMC

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

**PROJECT NO. R2007-00170-(5)
CONDITIONAL USE PERMIT NO. 201100146**

REQUEST:

A conditional use permit to authorize the sale of full line alcoholic beverages (ABC Type 47: beer, wine, and distilled spirits) for on-site consumption in a restaurant in the C-3 (Unlimited Commercial) zone.

HEARING DATE: APRIL 18, 2012; MAY 2, 2012; MAY 16, 2012

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:

April 18

Staff presented case to the Regional Planning Commission along with request from Altadena Town Council that matter be continued to allow them time to review the case. Six persons, including the applicant and the applicant's representative, spoke in favor of the project. The Commission continued the matter to May 2 to allow the applicant the opportunity to present the project to the Altadena Town Council Land Use Committee, and staff was instructed to verify the applicant's claim that building permits were to expire shortly.

May 2

Staff presented evidence that the applicant's building permit was to expire on May 4, 2012, but that one additional extension was available. The applicant and the applicant's representative requested that the Commission take action at this day's hearing and explained that they presented the case to the Altadena Town Council Land Use Committee the day before. One additional person spoke in favor of the project. The Commission continued the matter for an additional two weeks to allow the applicant the opportunity to present the case to the full Altadena Town Council.

May 16

Staff forwarded to the Commission a letter of recommendation for approval from the Altadena Town Council and recommended approval of the project with modified conditions. The letter contained recommendations for additional conditions regarding hours of alcohol sales, signage, serving containers, and the establishment allowing patrons of all ages, which staff recommended for inclusion. The applicant and the applicant's representative spoke, describing their experience at the Town Council on May 15, 2012. The Vice Chair of the Town Council also spoke, explaining the Town Council's decision to recommend approval. The Commission voted to close the public hearing and approve the project.

Findings

1. The Project is located at 2535 East Washington Boulevard, Pasadena, CA 91107. The location is situated within the Fifth Supervisorial District of Los Angeles County and within the Altadena Zoned District. The Assessor's Parcel Numbers for the subject property are 5751-005-032 and 5751-005-033.
2. The applicant, Dr. Nirmal Kumar, is requesting a conditional use permit to authorize the sale of alcoholic beverages for onsite consumption (ABC Type 47: beer, wine, and distilled spirits) in a proposed restaurant located in a new commercial building. A plot plan (RPP 200800926) has been approved for the afore-mentioned commercial building.
3. The Altadena Community Plan designation for the subject property is "CB" (Commercial/Business) and the proposed restaurant is consistent with this designation as it is a use (onsite alcohol sales in a restaurant) compatible with commercial and business land uses.
4. The subject site is located in an area with professional and medical office buildings, retail and commercial uses, and single- and multi-family housing. There are two places of worship within 600 feet of the subject property and one retail establishment selling alcoholic beverages for off-site consumption. The requested use is for the sale of alcoholic beverages for on-site consumption at a proposed dining establishment. Staff believes this use is compatible with the surrounding community because of the presence of commercial and office-related land uses nearby, and that the use will provide a benefit to the community by creating a new location for a full dining experience with food and alcoholic beverages.
5. The proposed use is consistent with goals and policies of the Altadena Community Plan Land Use Policies (4.3):
 - a) *Land Use Mix – Policy 2.* Provide for new development which is compatible with and complements existing uses.
 - The proposed sale of alcoholic beverages in a restaurant is a commercial use that is compatible the surrounding neighborhood's offices and retail uses.
 - b) *Commercial Development (Community-wide Commercial) – Policy 1.* Enhance the physical character and economic viability of existing commercial centers and districts by providing for infill and intensification of under-utilized parcels, adaptive reuse of vacant structures, and rehabilitation of deteriorated structures.
 - The proposed use will occur in a restaurant located in a new commercial building with a retail component. This new building will replace a vacant deteriorated former retail structure in the parking lot of the medical office building. The new building will be of a contemporary design and provides

an infill opportunity for the community by providing a new place to dine. The sale of alcoholic beverages will enhance the dining experience.

- c) *Commercial Development (Community-wide Commercial) – Policy 7.* Accommodate new liquor stores and bars only if it can be demonstrated that they will benefit the community and not have adverse impacts.
 - Alcoholic beverages will be served and consumed onsite at the restaurant only. The subject property is located in an area that is not subject to an overconcentration of establishments selling alcoholic beverages. There is one other location selling alcoholic beverages for off-site consumption within 600 feet. There are no locations within 600 feet that sell alcohol for on-site consumption. There are two sensitive uses (houses of worship) within 600 feet, but they are adequately buffered from the site by other buildings and streets. As the area currently lacks full-service restaurants and is in a commercial area, the proposed use is appropriate for the location.
 - d) *Commercial Development (Other Commercial Districts) – Policy 1.* Maintain and enhance Lincoln Avenue-Mulberry Road, Lincoln Avenue-Altadena Drive, Fair Oaks Avenue-Woodbury Road, Woodbury Road-Santa Anita Avenue, East Washington Boulevard, and New York Drive-Allen Avenue as secondary neighborhood commercial districts.
 - The subject property is located on East Washington Boulevard, a secondary neighborhood commercial district and the sale of alcoholic beverages for onsite consumption will support and be compatible with a neighborhood district by adding a full dining experience.
6. The proposed use will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or similar use within a 600-foot radius. There are two places of worship located within a 600-foot radius of the subject site. However, the proposed sale of alcoholic beverages to complement meals in the restaurant will not adversely affect the ability of individuals to attend services at these facilities. One religious facility within 600 feet has submitted a letter in support of the requested conditional use permit for alcohol sales. Furthermore, the small size of the dining room—810 square feet—will minimize any impacts the facility will generate. There are no schools, parks, playgrounds or similar uses within 600 feet of the subject property.
 7. The proposed use is sufficiently buffered from nearby residential uses by existing retail, office, and other uses. Multi- and single-family housing are located across Altadena Drive, a 60-foot-wide public street, on the blocks to the west and southwest.
 8. The subject property is zoned C-1 (Restricted Business), C-2 (Neighborhood Business) and C-3 (Unlimited Commercial) and the proposed use is allowed in these zoning categories once a conditional use permit is obtained. The proposed use would be wholly located in the C-3 zone.

9. Title 22 of the Los Angeles County Code (County Code) allows the sale of alcoholic beverages in the C-3 zone pursuant to the approval of a conditional use permit as specified in Section 22.28.210.
10. The proposed use will not lead to an undue concentration of alcohol sales as there is only one other establishment that sells alcohol (for off-site consumption) within 600 feet of the subject site. There are no establishments that sell alcohol for onsite consumption within 600 feet.
11. The proposed use will not adversely affect the economic welfare of the nearby community as the proposed project will provide the community a new location to dine and consume alcoholic beverages with meals. The surrounding area contains many commercial uses, many of which have suffered as a result of the economic downturn. Furthermore, Saint Luke's Hospital, located across Washington Boulevard from the subject site, has been vacant since 2002. The new commercial building housing the restaurant will provide a benefit to nearby businesses and residents. The establishment will allow patrons of all ages.
12. The sale of alcohol will occur inside a new commercial building with a contemporary design that respects the surrounding architecture. The new building will have a pitched roof and will be pedestrian-friendly with ample fenestration and attractive landscaping and will not be inconsistent with the exterior appearance of existing commercial buildings in the immediate neighborhood. The new building will enhance the surrounding area. No advertising of alcohol will be visible from the exterior of the building.
13. The project will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area and will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. The proposed use is for the sale of alcoholic beverages in a restaurant in an area containing existing commercial, retail, and office uses. The project will add a new location to enjoy a full-service dining experience with alcoholic beverages to enhance meals. Alcohol sales will be limited to one half-hour before close of business or 12:00 a.m., whichever is earlier.
14. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
15. To assure 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 (10) years.
16. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los

Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the proposed use is consistent with the adopted general plan for the area; and
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required; and
- E. 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; and
- F. 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; and
- G. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community; and
- H. 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.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a Conditional Use Permit for alcohol sales as set forth in Sections 22.56.040 and 22.56.195 of the Los Angeles County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. The Project is exempt from the California Environmental Quality Act under Class 3 – New Construction or Conversion of Small Structures.
 2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201100146 is APPROVED subject to the attached conditions.
- c: Zoning Enforcement, Building and Safety

AMC
05/16/2012

**CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2007-00170-(5)
CONDITIONAL USE PERMIT NO. 201100146**

PROJECT DESCRIPTION

The project is a request for a conditional use permit to authorize the sale of full line alcoholic beverages (ABC Type 47: beer, wine, and distilled spirits) for on-site consumption in a restaurant located in the C-3 (Unlimited Commercial) zone, subject to the following conditions of approval:

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 considered used or otherwise 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, 9, shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of \$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 Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

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

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on May 16, 2022.** 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 two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
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 **\$1,000.00**. 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 fund provides for five (5) biennial (one every other year) inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
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. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit four (4) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.
15. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.
16. 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.
17. 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, **four (4) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
18. 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, Regional Planning Zoning Inspector or State of California Department of Alcoholic Beverage Control agent ("ABC"). The manager and all employees of the facility shall be knowledgeable of the conditions herein.
19. 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.
20. 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 provided by ABC. 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 and all managers shall be available upon request.

21. 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.
22. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
23. 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.
24. This grant authorizes the sale full-line sale of alcoholic beverages for on-site consumption in a restaurant.
25. This grant authorizes the sale of a full line of alcoholic beverages for on-site consumption to within one half-hour prior to the close of business or until 12:00 a.m., whichever is earlier.
26. The sale of alcoholic beverages shall be in conjunction with food sales. Food service along with full menu shall be made available during all hours of business operation.
27. Signs advertising brands and types of alcoholic beverages or the availability of alcohol for sale at the subject site shall not be visible from the exterior of the premises.
28. The bar area shall not exceed 500 square feet in size.
29. The establishment shall allow patrons of all ages.
30. Alcoholic beverages shall not be served in disposable containers.
31. There shall be no consumption of alcoholic beverages outside the designated areas of the subject facility, which shall be the dining room. 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.
32. The permittee shall develop and implement a Designated Driver program (e.g. 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.
33. All servers of alcoholic beverages must be at least 18 years of age.
34. There shall be no music or other noise audible beyond the restaurant premises. No live entertainment, dancing, or dance floor is authorized in or outside the premises.

05/16/2012