



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

June 20, 2012

Art Rodriguez & Associates
709 E. Colorado Blvd.
Pasadena, CA 91101

**REGARDING: PROJECT NO. R2011-00472-(5)
CONDITIONAL USE PERMIT NO. 201100116
311 S. ROSEMEAD BLVD., PASADENA, APN #5755-012-032**

The Regional Planning Commission, by its action of **June 20, 2012**, has **APPROVED** the above-referenced project. Enclosed are the Commission's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **July 5, 2012**. **Appeals must be delivered in person.**

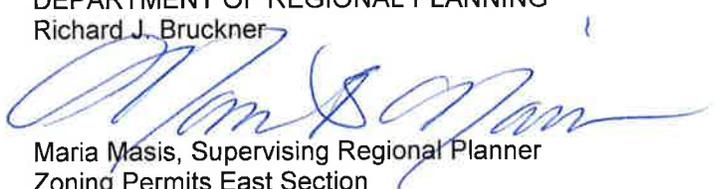
Appeals:

To file an appeal, please contact:
Executive Office of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles, CA 90012
(213) 974-1426

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Steve Mar of the Zoning Permits East Section at (213) 974-6435, or by email at smar@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


Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings, Conditions, Affidavit of Acceptance (Permittee's Completion)

c: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement

MM:SM

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

**PROJECT NO. R2011-00472-(5)
CONDITIONAL USE PERMIT NO. 201100116**

REQUEST: The applicant, Mamma's Brick Oven Pizza and Pasta, is requesting a Conditional Use Permit (CUP) for the sale and dispensing of beer and wine for on-site consumption for an existing 2,222 sq. ft restaurant on a 13,750 sq. ft. lot in the C-2 (Neighborhood Business) zone in the East Pasadena Zoned District.

REGIONAL PLANNING COMMISSION HEARING DATE: June 13, 2012, June 20, 2012

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:

June 13, 2012

A duly noticed public hearing was held on June 13, 2012 before the Regional Planning Commission. Commissioners Valadez, Louie, Helsley, and Pedersen were present for the public hearing. The Commission moved to continue the item to June 20, 2012 due to a scheduling conflict.

June 20, 2012

A duly noticed public hearing was held on June 20, 2012 before the Regional Planning Commission. Commissioners Valadez, Louie, Helsley, and Pedersen were present for the public hearing. The applicant's representative, Brett Engstrom, testified in favor of the proposed project. Commissioner Valadez moved that the case be approved. Commissioner Helsley seconded the motion with Commissioners Louie and Pedersen voting in favor of the motion. Commissioner Pedersen closed the public hearing and approved Conditional Use Permit 201100116.

Findings

1. The applicant is requesting a conditional use permit ("CUP") for the sale of beer and wine for on-site consumption at an existing restaurant in the C-2 zone, which allows for the sale of alcohol for on-site consumption with a CUP.
2. The location of the subject parcel is 311 S. Rosemead Blvd., in the unincorporated community of East Pasadena within the East Pasadena Zoned District.
3. The restaurant occupies 2,222 sq. ft. of total floor area on a 0.32 acre lot containing 20 parking spaces.
4. The subject property is zoned C-2 (Neighborhood Business).
5. Surrounding properties are zoned as follows:
 - North: C-2 (Neighborhood Business) and R-2 (Two-family Residence) zones.
 - East: C-2 (Neighborhood Business) and R-1 (Single-family Residence) zones.
 - South: C C-2 (Neighborhood Business) and R-2 (Two-family Residence) zones.
 - West: R-1 (Single-family Residence) and R-2 (Two-family Residence) zones.
6. Land uses surrounding the property include:
 - North: Retail, Commercial, Single-family Residences

East: Retail, Commercial, Single-family Residences
South: Retail, Commercial, Single-family Residences, Church
West: Single-family Residences

7. Previous cases on the property include the following:

Plot Plan No. 201100422 – Approved October 6, 2011 for the remodeling of a Burger King restaurant for a pizza and pasta restaurant.

Business License No. 201100422 – Approved December 13, 2011 for Mamma’s Brick Oven Pizza and Pasta.

8. The Countywide General Plan land use designation of the subject property is C – Major Commercial. Areas within this designation are suited for retail, commercial, service and office uses. The Countywide General Plan defines local commercial uses as individual enterprises, or small scale multi-use centers, serving the needs of the local community. Examples of such uses include facilities providing neighborhood or community convenience goods and services and local community/neighborhood-serving office and professional services. The proposed sales of beer and wine within a restaurant that serves the surrounding community is compatible with the commercial designation of the Countywide General Plan.
9. The site plan depicts the existing 2,222 sq. ft. restaurant (Mamma’s Brick Oven Pizza and Pasta) on the .32 acre subject property. The applicant is requesting a Conditional Use Permit to allow the sale of beer and wine for on-site consumption.
10. There are 20 parking spaces shown on the site plan for the subject property. The existing restaurant has an occupancy load of 49 persons in the interior dining area and up to 12 persons for outdoor dining which would require 20 parking spaces. The restaurant provides 20 parking spaces and fulfills the parking requirement.
11. The applicant is required to substantiate all facts identified by Section 22.56.040 and Section 22.56.195 of the County Code.
- A. 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.

The project is located in an existing restaurant and is consistent with the surrounding area and with the commercial character along Rosemead Boulevard. The restaurant offers a beneficial food and beverage service to the community.

B. The 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.

The site is currently occupied by an existing structure that was previously occupied by a fast food restaurant. The site conforms to the development features as prescribed in Title 22.

C. The subject property 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.

Access to the subject property is via Rosemead Boulevard and an alley at the rear of the restaurant. The site is served by all necessary public and private facilities, including water, sewer, electricity, and trash collection.

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

The subject property is located within close proximity to one sensitive use; Life Church. The church is located approximately 345 ft. south of the subject property along Rosemead Blvd. Although the church is located within 600 ft. of the subject property it is located on the other side of Rosemead Blvd, a major arterial highway, with no crosswalks nearby to provide easy pedestrian access between the two properties.

E. The project is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

The residential area to the project's west is buffered by a paved alley and separated from the subject property by a cinderblock wall.

F. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet 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-foot 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 five percent of the total shelf space in the establishment.

There is one other establishment, a 7-Eleven convenience store, within a 500-ft. radius of the project site that sells alcoholic beverages. The sale of beer and wine for on-site consumption at the existing restaurant provides a different type of alcohol service than the off-site alcoholic beverage sales offered at the 7-Eleven convenience store and would serve as a public convenience and necessity to the surrounding neighborhood and would be a complementary use for the restaurant.

G. The requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.

The project is located on a property approved for a restaurant and provides a beneficial food and beverage service to the community.

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.

The restaurant occupies a space that was previously occupied by a fast food restaurant and no exterior alterations are being proposed besides possible paint and sign upgrades.

12. The Commission determined that the project would qualify for a Categorical Exemption under Class 1, Existing Facilities, under the CEQA reporting requirements and the Los Angeles County Environmental Document Reporting Guidelines, since the project will not require any addition or significant alteration to the existing facility beyond that which existed at the time of the environmental determination.
13. One public comment from a neighboring resident expressing their opposition to the project has been reviewed. The resident complained that the streets around the area are already littered with beer cans and bottles overnight and doesn't want another establishment selling any more alcoholic beverages in the neighborhood. The applicant's request is for the selling of beer and wine for on-site consumption at the restaurant. No alcoholic beverages would be allowed to be carried off-site.
14. The Chapman Woods Association discussed the applicant's conditional use permit application at their monthly meeting in May and offered no endorsement or opposition to the project.
15. 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.
16. According to the California Department of Alcoholic Beverage Control, the requested use at the proposed location will result in an undue concentration of similar premises within Reporting District 590 and Census Tract 4631.02. There are currently 5 existing alcohol licenses in this census tract and 4 licenses are allowed. The granting of this CUP to sell beer and wine for on-site consumption at an existing restaurant would serve as a public convenience to the surrounding neighborhood and would be a complementary use for the restaurant. The average number of offenses reported in Reporting District 590 is 151.74 and the actual number of crimes reported for the District is 445.
17. 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 East Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the requested 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. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius; and
- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area; and
- G. The requested use at the proposed location will result in an undue concentration of similar premises under ABC regulations as currently there are 5 existing licenses in this census tract and 4 are allowed. Therefore the applicant would require a finding of public convenience and necessity in order to obtain authorization from ABC to allow for alcohol sales. The granting of this CUP to sell beer and wine for on-site consumption at an existing restaurant would serve as a public convenience to the surrounding neighborhood and would be a complementary use for the restaurant. Neighboring restaurants in the vicinity already serve alcohol as part of their food service. Therefore the sale of alcohol by the applicant would provide a customary accompaniment to full service dining that is available at similar restaurants in the neighborhood; and
- H. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
- I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a Conditional Use Permit for alcohol sales as set forth in Sections 22.56.040 and 22.56.195, Title 22, of the Los Angeles County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. The Commission finds that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). The project is within a class of projects, which have been determined not to have a significant effect on the environment in that it meets the criteria set forth in Section 15303 of the State CEQA Guidelines and Class 1 – Existing Facilities, Categorical Exemption of the County Environmental Document Reporting Procedures and Guidelines, Appendix G.

2. In view of the findings of facts and conclusions presented above, Project No. 2011-00472-(5) / Conditional Use Permit 201100116 is **APPROVED**, subject to the attached conditions.

c. Commissioners, Zoning Enforcement, Building and Safety

VOTE: 4-0-0-1

Concurring: **Valadez, Louie, Helsley, Pedersen**

Dissenting: --

Abstaining: --

Absent: **Modugno**

Action Date: June 20, 2012

MM:SM

**CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2011-00472-(5)
CONDITIONAL USE PERMIT NO. 201100116**

PROJECT DESCRIPTION

The project is a conditional use permit for the sale and dispensing of beer and wine for on-site consumption at an existing restaurant (Mamma's Brick Oven Pizza and Pasta) subject to the following conditions of approval:

GENERAL CONDITIONS

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

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

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

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

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on June 20, 2027.** 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 **\$1,600.00**. 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 **eight (8) 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 development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director.
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, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
17. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) 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.

PROJECT SPECIFIC CONDITIONS

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, Zoning Inspector or Department of Alcoholic Beverage Control agent. 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 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;
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 of alcoholic beverages from 7:00 a.m. to 10:00 p.m., seven days a week;
25. 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;
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. Alcoholic beverages shall be sold to customers only when food is ordered and consumed within the subject restaurant only;
29. The front outdoor seating area shall be fully enclosed at all times with access to the outdoor seating area allowed only through the door from the restaurant;
30. The emergency exit gate from the outdoor seating area to the parking lot shall be alarmed and closed at all times. A sign shall be posted on our adjacent to the emergency gate prohibiting the consumption of or carrying of alcoholic beverages outside of the restaurant;
31. The business shall employ not less than one full-time cook that is engaged in the preparation of meals for patrons during the permissible hours of operation;
32. The permittee shall not advertise or hold any "happy hour" drink specials, "two for one" specials, or similar promotions;
33. Food service shall be continuously provided during operating hours, and;
34. 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.