

Regional Planning Commission Transmittal Checklist

Hearing Date
June 20, 2012
Agenda Item No.
6

Project Number: R2011-00472-(5)
Case(s): Conditional Use Permit Case No. 201100116
Planner: Steve Mar

- Factual
- Property Location Map
- Staff Report
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use Radius Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans
- Amendment to Plot Plan RPP201100422
- ABC Letter/B & P Application Work Sheet
- Sheriff's Email
- Chapman Woods Association Email
- Public Comment Email

Reviewed By: 



Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-6461

PROJECT NUMBER R2011-00472-(5)
CONDITIONAL USE PERMIT No. 201100116

PUBLIC HEARING DATE
 June 20, 2012

AGENDA ITEM
 6

RPC CONSENT DATE
 N/A

CONTINUE TO
 N/A

APPLICANT Mamma's Brick Oven Pizza & Pasta	OWNER Zuner Properties, LLC	REPRESENTATIVE Art Rodriguez & Associates
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PROJECT DESCRIPTION
 The applicant, Mamma's Brick Oven Pizza & Pasta, is requesting a conditional use permit (CUP) for the sale and dispensing of beer and wine for on-site consumption at 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.

REQUIRED ENTITLEMENTS
 A conditional use permit is required to allow the sale of beer and wine for on-site consumption in the C-2 (Neighborhood Business) zone pursuant to Los Angeles County Code Section 22.28.160 and 22.56.195.

LOCATION/ADDRESS
 311 S. Rosemead Blvd., East Pasadena

SITE DESCRIPTION
 The site plan depicts the existing 2,222 sq. ft. restaurant (Mamma's Brick Oven Pizza & Pasta) located on a 13,750 sq. ft. site containing 20 parking spaces along Rosemead Boulevard. Retail and commercial uses surround the site to the north, east, and south and single-family residential uses to the west. There is one other establishment within a 500-ft. radius that sells alcohol and one sensitive use within a 600-ft. radius of the project.

ACCESS via Rosemead Boulevard & rear alley	ZONED DISTRICT East Pasadena
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ASSESSORS PARCEL NUMBER 5755-012-032	COMMUNITY East Pasadena
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SIZE 13,750 sq. ft. (0.32 Acres)	COMMUNITY STANDARDS DISTRICT East Pasadena-San Gabriel CSD
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	EXISTING LAND USE	EXISTING ZONING
Project Site	Restaurant	C-2 (Neighborhood Business)
North	Retail, Commercial, Single-family Residences	C-2 (Neighborhood Business), R-2 (Two-family Residence)
East	Retail, Commercial, Single-family Residences	C-2 (Neighborhood Business), R-1 (Single-family Residence)
South	Retail, Commercial, Single-family Residences, Church	C-2 (Neighborhood Business), R-2 (Two-family Residence)
West	Single-family Residences	R-1 (Single-family Residence), R-2 (Two-family Residence)

GENERAL PLAN/COMMUNITY PLAN General Plan	LAND USE DESIGNATION C – Major Commercial	MAXIMUM DENSITY N/A
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ENVIRONMENTAL DETERMINATION
 Categorical Exemption, Class 1 – Existing Facilities

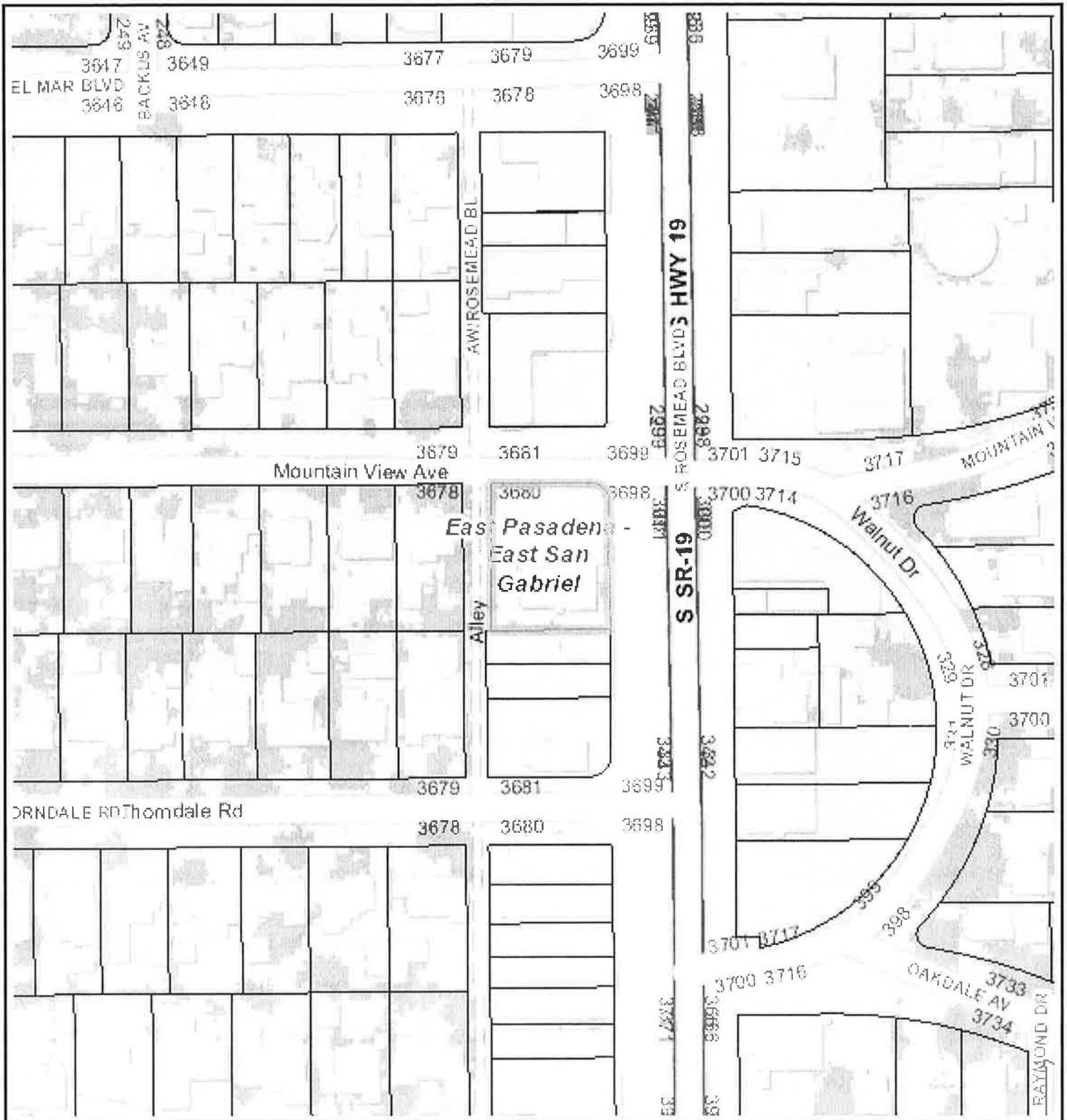
RPC LAST MEETING ACTION SUMMARY

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

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

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

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



311 S. Rosemead Blvd., East Pasadena

Project No. R2011-00472 / CUP201100116

Printed: Apr 25, 2012



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STAFF REPORT
PROJECT NUMBER R2011-00472-(5)
CONDITIONAL USE PERMIT NUMBER 201100116

REQUESTED ENTITLEMENTS

Pursuant to Section 22.28.160 and 22.56.195 of the Los Angeles County Code, the applicant is requesting a Conditional Use Permit (CUP) to authorize the sale of beer and wine for on-site consumption at an existing restaurant.

REPRESENTATIVE: Art Rodriguez & Associates

APPLICANT: Mamma's Brick Oven Pizza & Pasta

OWNER: Zuner Properties, LLC

SITE PLAN DESCRIPTION

The site plan depicts the existing 2,222 sq. ft. restaurant (Mamma's Brick Oven Pizza & Pasta) with outdoor seating located on a 13,750 sq. ft. lot containing 20 parking spaces.

LOCATION

The restaurant is located at 311 S. Rosemead Boulevard in the unincorporated community of East Pasadena and in the East Pasadena Zoned District.

Assessor's Parcel Number: 5755-012-032

EXISTING ZONING

Subject Property Zoning: The subject property is zoned C-2 (Neighborhood Business) and is within the East Pasadena-San Gabriel Community Standards District.

Surrounding Properties Zoning:

- 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-2 (Neighborhood Commercial) and R-2 (Two-family Residence) zones.
- West: R-1 (Single-family Residence) and R-2 (Two-family Residence) zones.

EXISTING LAND USE

Subject Property: The subject property is developed as a restaurant with appurtenant parking.

Surrounding Land Uses:

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

Town Council / Homeowners Association: Chapman Woods Association

STAFF ANALYSIS

Previous Case/Zoning History

The Zoning History of this parcel is as follows: C2 (July 11, 1931).

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

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

General Plan/Community Plan

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.

Zoning Ordinance and Development Standards Compliance

The subject property is located in the C-2 (Neighborhood Business) zone. Restaurant use with on-site alcohol sales and consumption is allowed in Zone C-2 with a CUP. There is no new construction proposed with this project.

Parking

Pursuant to Section 22.28.170-B, parking shall be provided according to Section 22.52.1110 of the County Code. Entertainment, dining, and accessory uses require one space for every three persons based on the occupant load as determined by the county engineer. The occupant load of the restaurant is 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.

Neighborhood Impact/Land Use Compatibility

Staff is of the opinion that approval of the CUP request will not have a negative impact on the surrounding area. The request is to allow for the sale of beer and wine for on-site consumption in an existing restaurant. With the proposed draft conditions it shall remain consistent and compatible with the surrounding community.

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.

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 7-Eleven convenience store and would serve as a public convenience and necessity to the surrounding community.

BURDEN OF PROOF

The applicant is required to substantiate all facts identified by Section 22.56.040 of the Los Angeles County Code. The Burden of Proof with applicant’s responses is attached. Staff is of opinion that the applicant has met the burden of proof.

ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

The applicant is required to substantiate all facts identified by Section 22.56.195 of the Los Angeles County Code, in addition to the findings required pursuant to subsection A of Section 22.56.040. The Alcoholic Beverage Sales Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the alcoholic beverage sales burden of proof.

ENVIRONMENTAL DETERMINATION

The Department of Regional Planning has determined that the project would qualify for a Class 1 Categorical Exemption - Existing Facilities, under the California Environmental Quality Act (CEQA) 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.

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 in a high crime area. The subject property is in Reporting District 590. The average number of offenses reported is 151.74 and the actual number of crimes reported for District 590 is 445. The subject property lies within Census Tract 4631.02. There are currently 5 existing alcohol licenses in this census tract and 4 licenses are allowed.

An undue concentration of alcoholic beverage licenses currently exists within Reporting District 590 and Census Tract 4631.02, 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. Therefore the sale of alcohol by the applicant would provide a customary accompaniment to full service dining.

Sheriff's Station

Lieutenant Denise Harshman of the County of Los Angeles Sheriff's Department, Temple Station reviewed the application and determined that the issuance of a conditional use permit to authorize the sale of beer and wine for on-site consumption would not impact the environmental design of the community and did not oppose the issuance of the permit.

Zoning Violations

An inspection conducted by zoning enforcement staff revealed illegal banners and pennants being displayed on the exterior of the restaurant. The applicant has submitted photos of the property showing that the banners and pennants have been removed and therefore has no current zoning violations.

PUBLIC COMMENTS

Staff has received one public comment from a neighboring resident expressing their opposition to the project. 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.

Chapman Woods Association

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.

FEES/DEPOSIT

If approved, fees identified in the attached project conditions will apply unless modified by the Regional Planning Commission.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Section 22.60.174 of the County Code, the Notice of Public Hearing was advertised in La Opinion, on May 9, 2012 and in Pasadena Star News, on May 9, 2012. A total of 339 public hearing notices regarding the subject application were mailed out to the owners of properties located within a 1,000-foot radius of the subject property on May 3, 2012. This number also includes notices sent to the local community groups and residents on the East Pasadena Zoned District courtesy list.

Case information materials, including the Notice of Public Hearing, Factual, and Burden of Proof were forwarded to the Temple City Library on May 3, 2012. The same materials were also posted on the Department of Regional Planning's website.

Pursuant to Section 22.60.175 of the County Code, the applicant is required to post the public hearing notice on the property no less than 30 days prior to the public hearing date. Staff received the Certificate of Posting and photos from the applicant's agent stating that the Notice of Public Hearing was posted on May 13, 2012.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of Project No. R2011-00472-(5) / Conditional Use Permit No. 201100116, subject to the attached draft conditions.

SUGGESTED APPROVAL MOTION

I move that the Regional Planning Commission close the public hearing, determine that the project is exempt from the California Environmental Quality Act pursuant to a Class 1 categorical exemption, and approve Conditional Use Permit 201100116 (Project number R2011-00472) with the attached findings and conditions of approval.

Prepared by Steven Mar, Regional Planning Assistant II, Zoning Permits East
Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits East

Attachments:

- Factual
- Draft Conditions of Approval
- Draft Findings for Approval
- Applicant's Burden of Proof and Addendum Burden of Proof statements
- California ABC Census Tract Statistics
- Sheriff's Letter
- Chapman Woods Association Email

MM:SM
6/20/12

**[DRAFT] 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 20, 2012

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:

A duly noticed public hearing was held on June 20, 2012 before the Regional Planning Commission.

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: 0-0-0-0

Concurring: --

Dissenting: --

Abstaining: --

Absent: --

Action Date: June 20, 2012

MM:SM

**[DRAFT] 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 13, 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.



CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The proposed restaurant will benefit the community by providing a unique food service to local residents. Zoned commercially, the restaurant will be consistent with its use. The restaurant will serve as a staple in the community, offering an additional food service that will create sales tax revenue.

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 proposed site is occupying an existing structure formerly occupied by a previous restaurant. The restaurant's occupancy load is sufficient for the amount of parking spaces available. A buffer in the alley behind the restaurant separates the restaurant from residents.

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 proposed restaurant is adequately served by local service facilities in regards to things such as energy and sanitation. Rosemead Blvd, a major commercial thoroughfare, is comprised of multiple lanes to sufficiently handle the amount of expected traffic flowing down Rosemead Blvd.



Los Angeles County
 Department of Regional Planning
Planning for the Challenges Ahead



ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.195, the applicant shall substantiate the following:
 (Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

ABC License Type No(s): 41 (e.g. Type 20, Type 41)

<p>A. 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.</p>
<p>Alcohol sales and consumption will be strictly conducted on-site, negating any possible disturbances and nuisances to the neighboring uses. Additionally, alcohol will not be served to minors and/or those who appear intoxicated.</p>
<p>B. 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.</p>
<p>The proposed location is located on a commercial street and is not adjacent to any residential properties. Abutting properties to the south are commercial. Properties to the north and east are zoned commercial as well. Facing west, the backside of the proposed location is buffered from residences by a paved alleyway and a cinderblock wall.</p>
<p>C. 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.</p>
<p>The requested use will not result in an undue concentration because the only establishment selling alcohol within a 500 ft radius is a 7-11 market approximately 400 feet away from the proposed location.</p>
<p>D. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.</p>
<p>First and foremost, the sale of alcohol will benefit the community by contributing additional sales tax revenue to the city. By enhancing the customer's dining experience, the sale of alcohol for the proposed restaurant will hopefully yield return customers, which in turn will create a thriving business for the community.</p>
<p>E. 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.</p>
<p>The proposed restaurant will occupy a structure previously occupied by another restaurant. The exterior of the restaurant will undergo possible paint and sign upgrades, ensuring that the property and neighborhood will not appear deteriorated and/or blighted.</p>

**Amendment to Plot Plan RPP 201100422
(Project Number R2011-00472)
East Pasadena-East San Gabriel CSD
APN 5755-012-032**

- Plot Plan RPP 201100422 has been amended to reduce the occupant load from 59 to 49, with changes to the interior dining area. The condition regarding no outdoor seating has been removed. Outdoor dining is allowed, provided that there are no more than 12 seats for the outdoor dining area. Any excess seats and tables must be removed. Additional details are also provided on the plans pertaining to the handicap accessible parking space and interior details. There are no other changes proposed.
- The approval notes from 10/6/11 remain the same, except the occupant load for the building has been reduced to 49 and the approval now allows up to 12 seats for outdoor dining. Required parking remains 20 spaces (see attached).
- The changes in this amendment to Plot Plan No. RPP 201100422 have been determined to be in substantial compliance with the plot plan approved by the Department of Regional Planning on 10/6/11. This approval is limited to the specific changes highlighted. This amended plot plan does not change the approval or expiration dates of the original plot plan. The expiration date remains 10/6/13.

Approved: 10-27-11

Signed: 

DO NOT REMOVE!

23958.4 B & P APPLICATION WORK SHEET

PREMISES ADDRESS:

311 S ROSEMead BLVD

(E) PASADENA 91107-4954 (Act)

LICENSE TYPE: 41

1. CRIME REPORTING DISTRICT

Jurisdiction unable to provide statistical data.

TOVAD CITY SS.
626-47
556-63

Reporting District: 590

Total number of reporting districts: 374

Total number of offenses: 56,753

Average number of offenses per district: 151.74

120% of average number of offenses: 182.1

Total offenses in district: 445

Location is within a high crime reporting district: (Yes) No

2. CENSUS TRACT / UNDUE CONCENTRATION

Census Tract: 4631.02

Population: 3656 / County Ratio 1.1147

Number of licenses allowed: 4

Number of existing licenses: 5

Undue concentration exists: (Yes) No

Letter of public convenience or necessity required: Governing Body / Applicant.

Three time publication required: (Yes) No

9/27/11
Person Taking Application

Investigator

Supervisor

Over

Edwards, Dean

From: Harshman, Denise R. [drharshm@lasd.org]
Sent: Friday, September 30, 2011 1:36 PM
To: Edwards, Dean
Subject: R2011-00472

Mr. Edwards

Our research has indicated the issuance of a conditional use permit of beer and wine does not impact the environmental design of the community. There have been no complaints about the new business from the community. We are not opposed to the permit.

Lieutenant Denise Harshman
Temple Detective Bureau

Mar, Steve

From: Michael Ruszczyński [president@chapmanwoods.net]
Sent: Thursday, May 17, 2012 10:38 AM
To: Mar, Steve
Cc: steven@aralicens.com; Michael Ruszczyński
Subject: Re: R2011-00472, Mamma's Brick Oven Pizza & Pasta, 311 S. Rosemead Blvd.

Steve,

The Chapman Woods Association Board met last night for our monthly meeting and discussed the Mamma's Brick Oven Pizza alcohol CUP. It was the consensus of the board to offer no endorsement or opposition to the permit.

We will enjoy coming in for a glass of wine or a beer with our pizza.

Michael Ruszczyński
President, Chapman Woods Association Board
(626) 449-0989

Mar, Steve

From: David Shih [davidshih@hotmail.com]
Sent: Wednesday, May 09, 2012 8:51 PM
To: Mar, Steve
Subject: 311 s rosemead Blvd pasadena project

Follow Up Flag: Follow up
Flag Status: Flagged

What can I do as neighboring residents to oppose this?
The streets around the area are already littered with beer cans /bottles overnight - we don't want another establishment selling more alcoholic beverages in our neighborhood.

Concerned neighbor at 3689 Yorkshire RD 91107

David