Hearing Officer Transmittal Checklist

Hearing Date
08/16/2016
Agenda Item No.
7

Project Number: R2015-03786-(2)
Case(s): Conditional Use Permit Case No. 201500134
Environmental Assessment Case No. 201500207
Planner: Martin Gies

- ☒ Project Summary
- ☒ Property Location Map
- ☒ Staff Analysis
- ☐ Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- ☒ Draft Findings
- ☒ Draft Conditions + Other department letters of recommended conditions
- ☐ Previous CUP Conditions of Approval
- ☒ Burden of Proof Statement(s)
- ☐ Environmental Documentation (ND / MND / EIR)
- ☐ Correspondence
- ☒ Photographs
- ☒ Aerial Image(s)
- ☒ Land Use/Zoning Map
- ☐ Tentative Tract / Parcel Map
- ☒ Site Plan / Floor Plans / Elevations
- ☐ Exhibit Map
- ☐ Landscaping Plans

Reviewed By: _____

Department *of* Regional Planning
320 West Temple Street
Los Angeles, California 90012

PROJECT NUMBER
R2015-03786-(2)

HEARING DATE
August 16, 2016

REQUESTED ENTITLEMENTS
Conditional Use Permit No. 201500134
Environmental Assessment No. 201500207

PROJECT SUMMARY

OWNER / APPLICANT
Antonio and Teresa Zuniga

MAP/EXHIBIT DATE
March 10, 2016

PROJECT OVERVIEW

The applicant is requesting a Conditional Use Permit (CUP) to authorize the continued sale of beer and wine (ABC License Type 41) for onsite consumption, and a Director's Review to allow the addition of accessory live entertainment at an existing restaurant (Mariscos Las Palmas De Colima) near the intersection of East 120th Street and Compton Avenue within the C-1 zone. A CUP is required for the sale of alcoholic beverages in the C-1 zone pursuant to Los Angeles County Code Sections 22.28.110 and a Director's Review is required for accessory live entertainment pursuant to Section 22.28.100. The sale of beer and wine for onsite consumption will occur between the hours of 9:00am and 9:00pm Monday thru Sunday and the live entertainment will occur between 12:00pm and 9:00pm Friday thru Sunday. Beer and wine will only be served when food is ordered.

LOCATION
1553 East 120th Street, Los Angeles, CA 90059

ACCESS
E. 119th Street, Alabama Street, and E. 120th Street

ASSESSORS PARCEL NUMBER(S)
6149-025-038, 6149-025-039, and 6149-025-033

SITE AREA
28,305 Sq. Feet (0.65 Acres)

GENERAL PLAN / LOCAL PLAN
Los Angeles County General Plan

ZONED DISTRICT
Willowbrook-Enterprise

LAND USE DESIGNATION
CG-General Commercial

ZONE
C-1 (Restricted Business)

PROPOSED UNITS
N/A

MAX DENSITY/UNITS
N/A

COMMUNITY STANDARDS DISTRICT
N/A

ENVIRONMENTAL DETERMINATION (CEQA)
Class 1 Categorical Exemption-Existing Facilities

KEY ISSUES

- Consistency with the Los Angeles County General Plan.
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
  - 22.28.120 (C-1 Zone Development Standards)
  - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
  - 22.56.195. B (Alcoholic Beverage Sales, For Either On-site or Off-site Consumption)
  - 22.56.1754 (Accessory Live Entertainment-Directors Review)

CASE PLANNER:
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Created in GIS-NET3

Project R2015-03786-(2) / RCUP201500134

Printed: Jul 19, 2016

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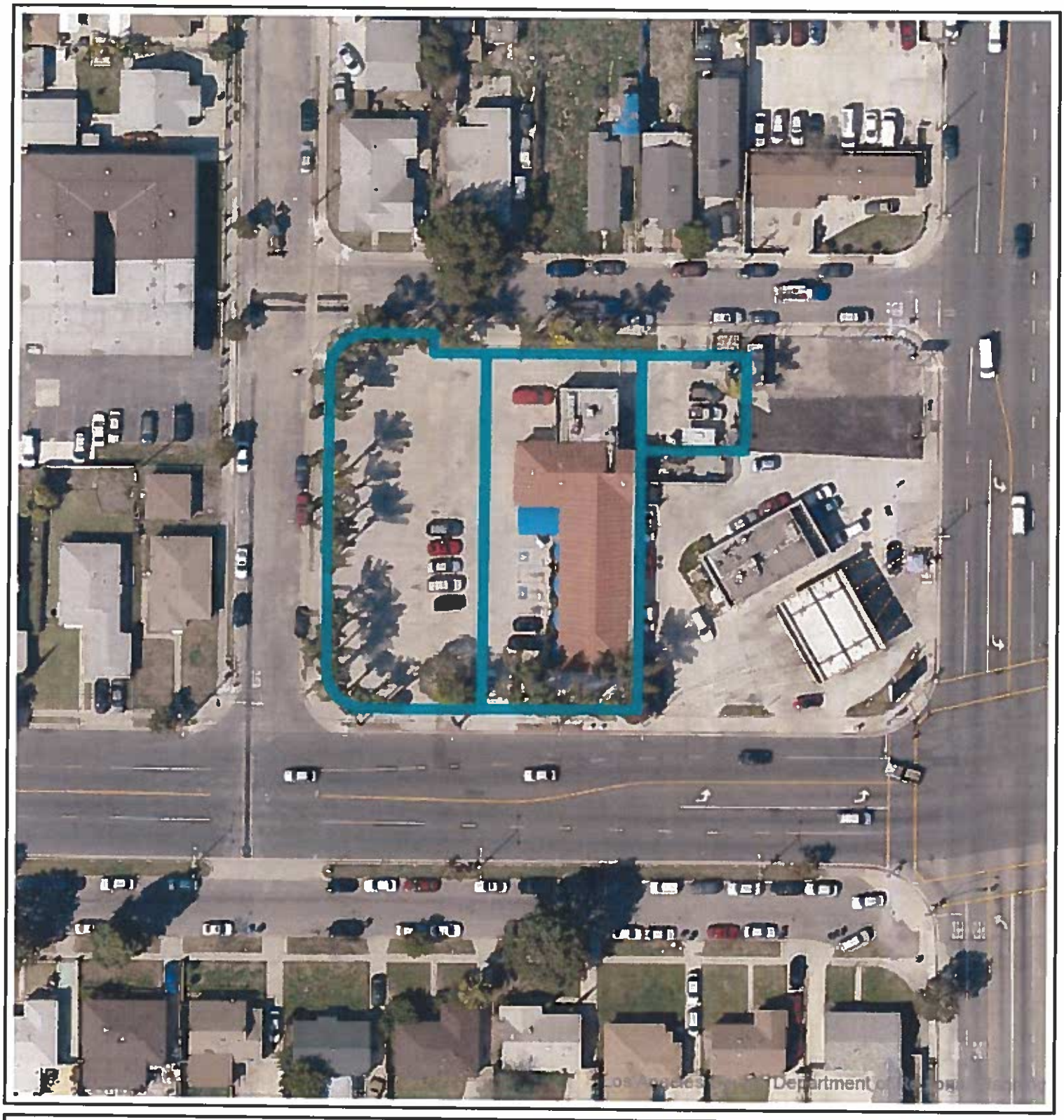

Project R2015-03786-(2) / CUP 201500134

Aerial Map

Printed: Jun 28, 2016

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ENTITLEMENTS REQUESTED

- A Conditional Use Permit (CUP) for the continued on-site sale and consumption of beer and wine (Type 41 ABC license) at an existing restaurant in the C-1 (Restricted Business) Zone pursuant to Los Angeles County Code Section 22.28.110.
- A Director's Review to authorize the addition of live entertainment as an accessory use to the existing restaurant with an occupant load of less than 200 people pursuant to Los Angeles County Code Section 22.28.100.

LOCATION

The subject property is located at 1553 East 120th Street in the unincorporated community of Willowbrook. The subject property consists of Assessor's Parcel Numbers 6149-025-033, 6149-025-038, and 6149-025-039.

PROJECT DESCRIPTION

The project is a request for a CUP to authorize the continued on-site sale and consumption of beer and wine (Type 41 – On Sale Beer and Wine for Bona Fide Public Eating Place) and a Director's Review to allow the addition of accessory live entertainment at an existing restaurant (Mariscos Las Palmas De Colima) located at 1553 E. 120th Street, in the C-1 Zone within the unincorporated community of Willowbrook. The subject restaurant was previously authorized to sell beer and wine for onsite consumption with Conditional Use Permit No. 200500065 in October 26, 2005. The CUP expired on September 20, 2015.

The permittee is requesting the continued sale of beer and wine for onsite consumption and the addition of accessory live entertainment at the restaurant with no expansions or enlargements. The proposed hours of beer and wine sales are from 9:00am to 9:00pm Monday through Sunday. The proposed hours for live entertainment are from 12:00pm to 9:00pm Friday through Sunday only. The live entertainment will consist of a mariachi band, a DJ, or karaoke. Live entertainment is occurring in the covered patio dining area and will occur both indoors and in the covered patio dining area. In order to mitigate potential issues related to noise from the live entertainment, staff has proposed conditions of approval to regulate the live entertainment at the subject restaurant. The proposed conditions of approval would require the live entertainment to be relocated indoors if noise complaints related to the accessory live entertainment are not remedied as indicated on a Final Zoning Enforcement Order issued by the Department in response to violations concerning the live entertainment. The maximum occupancy approved by Building and Safety is 115 persons. The applicant is not proposing any new construction, expansion, or enlargement to the seating area or occupant load.

SITE PLAN DESCRIPTION

The project site is located near the major intersection of Compton Ave and 120th St. The project site and the adjacent gas station constitutes a block and is bounded on all four sides by a street. The subject site consists of three parcels that contain the restaurant, covered patio, lattice patio, parking facilities, and landscape planters. The project site

fronts 120th Street to the south, which has two driveways for ingress and egress. The project site also abuts Alabama Street to the West and 119th Street to the north, each with two driveways for ingress and egress. To the east, there is a gas station. The site plan shows the restaurant has 46 parking spaces but based on the Building and Safety approved occupant load of 115, only 39 parking spaces are required.

The floor plan shows a total of 4,750 square feet of restaurant space, consisting approximately 600 sq. ft. of kitchen and prep area, 595 sq. ft. of storage area, and 287 sq. ft. of bathrooms located in the rear half of the subject property. The indoor dining area is 315 sq. ft. and is located near the front entrance of the restaurant. The covered patio area is 2,412 sq. ft. and is enclosed by a wall with arched openings. The arched openings look into an open lattice patio which has landscape planters to the south, shade screens to the west, and a solid wall to the east. A 60 sq. ft. stage for accessory live entertainment is proposed in the covered patio area. The kitchen, service prep, storage, and restrooms are located in the rear half of the subject restaurant. The lattice patio is 520 sq. ft., and is also screened from view by tall dense landscaping. There is no seating in the lattice patio and no seating is proposed.

EXISTING ZONING
The subject property is zoned C-1, in the Willowbrook-Enterprise Zoned District.

Surrounding properties are zoned as follows:
North: R-2 (Two-Family Residence), R-3 (Limited Density Multiple Residence) and C-1
South: R-1 (Single Family Residence)
East: C-1 and C-2 (Neighborhood Business)
West: R-2 and R-3

EXISTING LAND USES
The subject property is developed with an existing restaurant including covered and lattice patios, parking facilities, and landscaping planters.

Surrounding properties are developed as follows:
North: Medical clinic, multi-family residences and single family residences
South: Single-family residences
East: Medical campus and a high school
West: Multi-family and single family residences, apartments

PREVIOUS CASES/ZONING HISTORY
The current restaurant was authorized by Plot Plan 43969 on June 6, 1995 and by Building Permit No. 8924 on January 22, 1996. A restaurant is a by-right use in the C-1 zone and no new construction is proposed as a part of this project. The relevant previous zoning cases on the subject property are as follows:

- Plot Plan 43969: Approved the subject restaurant with 39 parking spaces and 2,966 sq. ft. of landscaping on June 6, 1995.

- CUP 96131: Approved the sale of beer and wine for onsite consumption at the subject restaurant on March 12, 1997.
- CUP 200500065: Approved the continued sale of beer and wine for onsite consumption at the subject restaurant on October 26, 2005.
- Revised Exhibit A 201100191: Legalized a lattice patio garden without seating or dining and authorized a patio cover on rear entrance of restaurant on July 14, 2011.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff has determined that the project qualifies for a Class 1 - Existing Facilities Categorical Exemption under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The project is a request for a permit to authorize the continued on-site sale and consumption of beer and wine and to allow the addition of accessory live entertainment at an existing restaurant in an area with no sensitive biological resources and with no proposed expansion or alteration to the existing restaurant. Therefore, staff recommends that the Hearing Officer find that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the "CG" General Commercial land use category of the Los Angeles County General Plan 2035. This designation is intended for retail, service, restaurant, local-serving commercial and office uses. The existing restaurant and the sale of beer and wine for onsite consumption and the proposed addition of accessory live entertainment is a commercial use and is therefore consistent with the land use designation and uses permitted by the underlying land use category.

The following policies of the Los Angeles County General Plan 2035 are applicable to the proposed project:

Land Use Policy 5.2. Encourage a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs.

The subject restaurant is the only dining establishment within a 500 foot radius and is adjacent to a gasoline service station on a prominent intersection. The subject restaurant serves the nearby medical clinic, the Martin Luther King Jr. medical campus, the nearby Charles. R. Drew University of Medicine and the Martin Luther King Jr. Center for Public Health. There are no other nearby dining establishments to serve the employees of these facilities. Therefore, the restaurant would provide the only full service dining experience for employees of these local employment centers and for residents in the surrounding neighborhoods.

Land Use Policy 5.3.Support a mix of land uses that promote bicycling and walking, and reduce VTM's.

The subject restaurant is the only dining establishment within a 500 foot radius and there are no other nearby dining establishments to serve employees of local employment centers and residents in the surrounding neighborhood. The subject restaurant could provide a full service dining experience for such persons, potentially reducing the number of vehicle trips to dining establishments located further from the immediate vicinity.

Land Use Policy 5.4. *Encourage community- serving uses, such as early care and education facilities, grocery stores, farmers markets, restaurants, and banks to locate near employment centers.*

The subject restaurant is the only dining establishment within a 500 foot radius and there are no other nearby dining establishments to serve employees of local employment centers and residents in the surrounding neighborhood. By providing a full service dining option, the restaurant is providing a balance of community-serving uses located nearby local employment centers.

Zoning Ordinance and Development Standards Compliance
The project is subject to the development standards and requirements for the C-1 Zone, the Burden of Proof for conditional use permit applications, the Burdens of Proof for the sale of alcoholic beverages, and the standards and limitations for accessory live entertainment.

Development Standards of C-1 Zone
The subject restaurant was legally established and constructed in 1996 and complies with the development standards required in Sections 22.28.120 (C-1 Zone). On June 6, 1995 Plot Plan No. 43969 approved the establishment of the current restaurant and found that the project is consistent with the development standards for the C-1 Zone in terms of height, size, setbacks, architectural appearance and landscaping. On July 14, 2011 a Revised Exhibit A to CUP 200500065 also approved the current configuration of the restaurant with a lattice patio in the front of the subject restaurant. Pursuant to Section 22.52.1110 of the County Code, restaurants require one parking space for each three persons based on the occupancy load. Based on a determination from the Department of Public Works, Building and Safety Division, the restaurant has an occupant load of 115 persons, which requires 39 parking spaces. The restaurant spans multiple parcels and currently provides 46 parking spaces, 2 of which are handicapped accessible. Therefore, the project is compliant with all C-1 Zone development standards.

Findings for Alcoholic Beverages
Pursuant to Section 22.56.195 of the County Code, applicants requesting the sale of alcoholic beverages for either on- or off- site must substantiate the following findings:

That the use not adversely affect the use of places of worship, schools, parks, playgrounds, or other sensitive uses within a 600 foot radius.

There is one sensitive use, a high school, within a 600-foot radius of the subject site. However, the continued sale of beer and wine at the existing restaurant and the addition of accessory live entertainment will not adversely affect the school because the subject restaurant is adequately buffered from the school by Compton Avenue which is a major roadway, the adjacent gasoline service station and the fences and landscaping provided at the subject property. The addition of live entertainment will also be accessory to the restaurant and will be adequately buffered from the school. The permittee is proposing live entertainment such as Mariachi bands, karaoke, or a DJ. The live entertainment will occur on a small stage in the open air covered patio which is enclosed by a solid wall on the east side of the restaurant. The solid wall will help buffer any noise resulting from the live entertainment towards the high school located to the east. The proposed conditions of approval would require the live entertainment to be relocated indoors if noise complaints related to the accessory live entertainment are not remedied as indicated on a Final Zoning Enforcement Order. Therefore, the sale of beer and wine at the restaurant and the addition of accessory live entertainment are not expected to adversely affect the nearby high school.

That the use is buffered in relation to residential areas so as not to adversely affect such area.

The proposed use is sufficiently buffered from nearby residential uses by existing commercial uses to the east and the public rights-of-way to the north, south and west. Multi- and single-family housing in the vicinity are sufficiently buffered by the 50 foot wide public rights-of-way of Alabama Street to the west, E. 119th Street to the North and by the 120 foot wide public right-of-way of E. 120th Street to the South. Landscaping planters also provide buffering around the perimeter of the subject site. Therefore, the proposed use is sufficiently buffered from nearby residential uses and will not adversely affect said area.

That the use will not result in an undue concentration of similar premises.

The State Department of Alcohol Beverage Control (ABC) data illustrates that the site is within an area that has an "undue concentration" of alcohol sales. The subject site is within Census Tract 5407.00, which allows a total of three ABC licenses, two on-sale and one off-sale. However, there are four ABC licenses. Only one establishment has an on-sale license, the subject restaurant for the on-site consumption of beer and wine (Type 41). There are three ABC licenses for off-sale but only one off-sale license is allowed within the census tract resulting in an "undue concentration" per ABC definition. Therefore the project requires a finding of public convenience and necessity because the restaurant is located within a high crime reporting district and there is an undue concentration of ABC licenses within the census tract. While an "undue concentration" exists there is only one establishment licensed to sell beer and wine for on-site

consumption, the subject restaurant. Two markets have a Type 20 license for off-site sale of beer and wine and one market has a Type 21 license for the off-site general sale of alcohol. The restaurant has served beer and wine for onsite consumption for the past 20 years without complaints. It is the only full service restaurant in the surrounding neighborhood.

That the requested use will not adversely affect the economic welfare of the surrounding community.

There are no anticipated impacts from the sale of beer and wine and the addition of live entertainment at the subject restaurant as the restaurant provides the community with a continued location to dine and consume beer and wine with meals and to enjoy live entertainment accessory to the dining service. The continued sale of beer and wine at the existing restaurant and the addition of accessory live entertainment will provide a benefit to the subject property by attracting more business, which will create secondary benefits to nearby businesses and residents who work in the vicinity. The establishment will allow patrons of all ages. The proposed use is appropriately located on a prominent intersection near several employment centers and surrounding neighborhoods. Therefore, the proposed use will not adversely affect the economic welfare of the nearby community as the proposed project will provide the community

That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed within the immediate neighborhood.

The sale of alcohol will occur inside an existing restaurant with a contemporary design that is in harmony with the surrounding architecture. The subject restaurant is located near the corner of a major intersection in the community and will not be inconsistent with the exterior design and appearance of the existing businesses in the immediate vicinity. The façade of the subject restaurant is maintained neat and clean in appearance. No advertising of alcohol will be visible from the exterior of the building. Therefore, the exterior appearance of the structure will not be inconsistent with the appearance of commercial structures in the immediate vicinity.

<u>Standards for Accessory Live Entertainment</u>
The project is requesting a Directors Review to authorize the addition of live entertainment as an accessory use to the existing restaurant with an occupant load of less than 200 people. Pursuant to Section 22.56.1754 of the County Code, live entertainment as an accessory use must comply with the following standards and limitations as mandatory conditions for approval.

That the principal use shall provide the total number of automobile parking spaces required by Section 22.52.1110.

Pursuant to Section 22.52.1110 of the County Code, restaurants require one parking space for each three persons based on the occupancy. Based on a determination from the Department of Public Works, Building and Safety Division, the restaurant has an occupant load of 115 persons, which requires 39 parking spaces. The restaurant spans multiple parcels and currently provides 46 parking spaces, 2 of which are handicapped accessible. Therefore, the project is in compliance with this requirement.

That access and egress to such automobile parking facilities shall be located so as to attenuate or eliminate the impact of traffic on residential development in the immediate vicinity.

The project site fronts 120th Street, a four lane street, to the south with two driveways serving as the primary access to the site. The parking lot is also accessed by Alabama Street to the west. Residential uses are located to the west of Alabama Street but the traffic related to the restaurant is minimized since the primary access to the site is from 120th Street. The driveways along E. 119th Street to the North are closed during normal restaurant operations, thereby reducing or eliminating vehicle traffic near the residential uses. Therefore, the parking facilities are located and designed to attenuate or eliminate the impact of traffic on residential development in the immediate vicinity.

That such automobile parking facilities shall provide all walls required by subsection D of Section 22.52.1060.

The parking facilities are enclosed by a 36 inch tall, solid block wall topped with decorative wrought iron. The walls and fence surrounds the parking facilities on the all sides except for the east side of the parking lot, where access to the restaurant is maintained. Therefore, the parking facilities at the subject property are in compliance with this section.

That such automobile parking facilities shall be in accordance with the provision for lighting contained in subsection F of Section 22.52.1060.

There is no lighting provided within the parking facilities. The only lighting is located at the entrances to the subject restaurant and other exterior doors for restrooms or storage access. The lights are shielded, pointed downward, and located under awnings which provide additional screening. Therefore, the parking facilities at the subject properties are in compliance with this section.

That such automobile parking facilities shall comply with all of the other requirements contained in Part 11 of Chapter 22.52.

On June 6, 1995, Plot Plan No. 43969 approved the establishment of the current restaurant and found that the project is consistent with the development standards for the C-1 Zone, including parking. The restaurant has an occupant load of 115 persons, which requires 39 parking spaces. The restaurant currently provides 46 parking spaces,

2 of which are handicapped accessible. Therefore, the project is in compliance with all of the other requirements contained in Part 11 of Chapter 22.52.

That the principal use shall not be a nonconforming use in the zone wherein it is located. A principal use legally operating pursuant to a variance or in a building or structure, nonconforming due to standards, shall not be deemed to comply with the above specified requirements for purposes of this section, unless and until the principal use is in compliance with subsections A1, A2, A3 and A4 of this section.

The subject restaurant was legally established and constructed in 1996 and complies with the development standards required in Sections 22.28.120 (C-1 Zone). On June 6, 1995 Plot Plan No. 43969 approved the establishment of the current restaurant and found that the project is consistent with the development standards for the C-1 Zone. Therefore, the project is in compliance with this requirement.

Neighborhood Impact/Land Use Compatibility

The restaurant's request for the on-site sale of beer and wine and the addition of accessory live entertainment will not adversely affect the surrounding community or its general welfare. The restaurant is located in a well-travelled commercial corridor and is compatible with the existing development pattern. The restaurant was authorized in 1995 under Plot Plan 43969, and there are currently no zoning violations on the subject property or history of public complaints related to the site. The project site also meets current zoning requirements for parking and is adequately served by existing utility and street infrastructure.

The project is a request to continue the sale of beer and wine at an existing restaurant and to add accessory live entertainment. The project as proposed will continue to provide a convenient location for the community to enjoy a full-service dining experience with beer and wine to enhance meals and to enjoy live entertainment such as a Mariachi band, karaoke, or DJ. The live entertainment will occur on a small stage that is sufficiently buffered by walls and landscaping planters which will reduce any noise resulting from the live entertainment. The sale of beer and wine in conjunction with food at the existing restaurant has occurred at the subject location for 19 years without notable issues. According to Commander Kerry A. Carter, Commander of the Century Sheriff Station, the majority of calls for service at the subject restaurant have been routine in nature and no notable incidents have occurred within the past 5 years. The Sherriff's Department has no concerns regarding the continued sale of alcohol at the subject premises.

Alcohol sales will be limited to 9:00 am until 9:00pm Monday thru Sunday. The alcohol sales will take place within the enclosed restaurant and covered open air patio. The alcohol will only be served in conjunction with the sale of food. The live entertainment will occur on a small stage in the rear portion of the open-air covered patio. The live entertainment will be limited to 12:00pm until 9:00pm Friday thru Sunday. The proposed

conditions of approval would require the live entertainment to be relocated indoors if noise complaints related to the accessory live entertainment are not remedied as indicated on a Final Zoning Enforcement Order.

There is one sensitive use, the King Drew Magnet High School, located within 600 feet of the subject property. The sale of beer and wine for onsite consumption and the addition of accessory live entertainment at the restaurant will not adversely affect this sensitive use. The restaurant is located near the corner of a prominent and well-travelled intersection and is buffered from the school by several medical and office uses. In addition, the sale of beer and wine is secondary to the provision of food at the restaurant. There have also been no public complaints or zoning violations related to the restaurant and its existing sale of alcohol.

There are residential areas to the north, south and west of the project site, but they are buffered from the restaurant by a large parking area, 120th Street, which is 4 lanes and 120ft. wide, a gasoline service station, and Compton Avenue. The subject property is also enclosed by a painted block wall and decorative wrought-iron fence to secure access to the site. The open-air covered patio is enclosed with partial walls and has open air windows, which are buffered by an open lattice patio and landscaping planters on the southern portion, shade screens along the western portion and by a solid wall to the east. The lattice patio is also screened from view by tall dense landscaping.

The requested sale of beer and wine for on-site consumption, with accessory live entertainment, does not result in an over concentration per County standards as there are no other locations authorized to sell alcoholic beverages within 500 feet of the subject restaurant. However, per ABC standards, there is an undue concentration of alcohol sales within the Census Tract. Therefore, the sale of alcohol at the restaurant is a public convenience and necessity as it is located in a well-travelled commercial corridor and the restaurant would provide a benefit to the community by continuing to provide the sole location for a full service dining experience in the surrounding area. The small size of the dining area within the subject restaurant, the adequately screened and buffered covered patio, and the proposed hours of beer and wine sales and accessory live entertainment will minimize any impacts that the facility may generate.

Site Visit
Staff visited the site on March 10, 2016 and observed the restaurant in a clean and well maintained manner. Staff noted that security cameras were installed and were in use at the restaurant.

Burden of Proof
The applicant is required to substantiate all facts identified by Sections 22.56.040 and 22.56.195 of the County Code. The Burden of Proof with the applicant's responses is attached. Staff is of the opinion that the applicant has met the burdens of proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Staff contacted the Century Sheriff's Station to request a service call and crime history report for the project site over the last five years. Commander Kerry A. Carter responded that the Sheriff's Department has responded to several calls for service over the past five years, a majority of which were due to audible alarm calls. The Sheriff's Station has reported that the subject restaurant has not been a problem and no notable incidents have taken place at the location in the past 5 years. The Sheriff's Department also stated that the subject restaurant is within a high crime reporting district. The Sheriff's Department recommended the request for the alcohol permit be approved and did not impose conditions.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

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, property posting, library posting and DRP website posting.

PUBLIC COMMENTS

Staff received one phone call from a member of the public who called to verify the location of the proposed use and expressed concern with possible noise resulting from the live entertainment. The caller further expressed that the proposed limits on the hours of live entertainment should reduce concerns about noise resulting from the live entertainment.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2015-03786-(2), Conditional Permit Use Number 201500134, subject to the attached conditions.

SUGGESTED APPROVAL MOTION

I MOVE THAT THE HEARING OFFICER CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE CONDITIONAL USE PERMIT NUMBER 201500134 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS OF APPROVAL.

Prepared by Martin Gies, Regional Planning Asst. II
Reviewed by Mi Kim, Supervising Regional Planner, Zoning Permits West

Attachments:
Draft Findings, Draft Conditions of Approval
Applicant's Burden of Proof statement
Site Photographs, Aerial Image
Site Plan, Land Use Map

MKK:MG

08/02/16

DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2015-03786-(2)
CONDITIONAL USE PERMIT NO. 201500134

1. The Los Angeles County ("County") Hearing Officer conducted a duly noticed public hearing/meeting on August 16, 2016, in the matter of Project R2015-03786-(2), consisting of Conditional Use Permit No. 201500134 ("CUP").

2. The permittee, Teresa Zuniga, requests the CUP to authorize the continued sale of beer and wine for on-site consumption (Type 41- On Sale Beer and Wine for Bona Fide Public Eating Place) and a Director's Review for the addition of accessory live entertainment at an existing restaurant located at 1553 E. 120th Street, in the unincorporated community of Willowbrook. The project is located within the Second Supervisorial District of Los Angeles County and within the Willowbrook-Enterprise Zoned District. No new construction or expansion of the restaurant is proposed with this application.

3. The project is located at 1553 East 120th Street Los Angeles CA 90044. The project consists of Assessor's Parcel Numbers 6149-025-033, 6149-025-038, and 6149-025-039.

4. The project site is located in the Willowbrook-Enterprise Zoned District and is currently zoned C-1 (Restricted Business).

5. The project site is located within the CG-(General Commercial) land use category of the Los Angeles County General Plan Land Use Policy Map. The continued sale of beer and wine and the addition of accessory live entertainment at an existing restaurant is consistent with this designation, as a restaurant is compatible with commercial and business land uses.

6. The subject property is zoned C-1 (Restricted Business). The surrounding zoning within a 500 foot radius includes:

   North: R-2 (Two-Family Residence), R-3 (Limited Density Multiple Residence), and C-1.
   South: R-1 (Single Family Residence).
   East: C-1 and C-2 (Neighborhood Business).
   West: R-2 and R-3.

7. Surrounding land uses within a 500-foot radius include:

   North: Multiple Family and Single Family Residences.
   South: Single Family Residences.
   East: Medical campus, High school.
   West: Multiple Family and Single Family Residences.

8. The existing restaurant was authorized by Plot Plan 43969 on June 6, 1995 and by Building Permit No. 8924 on January 22, 1996. A restaurant is a permitted use in the C-1 zone and no new construction is proposed as a part of this project. The following cases are pertinent to the requested permit:

    - CUP 96131: Approved the sale of beer and wine for onsite consumption at the subject restaurant on March 12, 1997.

    - CUP 200500065: Approved the continued sale of beer and wine for onsite consumption at the subject restaurant on October 26, 2005.

    - Revised Exhibit A 201100191: Legalized a lattice patio garden without seating or dining and authorized a patio cover on rear entrance of restaurant on July 14, 2011.

9. The site plan depicts the restaurant located on a parcel that is developed with the single story restaurant, covered patio, lattice patio, parking facilities, and landscape planters. The site abuts a commercial property to the east which is currently used as a gas station. The floor plan shows a total of 4,750 sq. ft. of restaurant space, of which 168 sq. ft. is an enclosed dining area located near the front entrance of the restaurant and 2,412 sq. ft. is a covered patio. The kitchen, service prep, storage, and restrooms are located in the rear half of the subject restaurant. There is also a 520 sq. ft. open lattice patio but there is no seating in the lattice patio and no seating is proposed. The site plan also shows a small 60 sq. ft. stage in the south east corner of the covered patio for the accessory live entertainment.

10. The project is accessible via 120th Street to the south, Alabama Street to the West, and 119th Street to the north. There are a total of 6 driveways for ingress and egress. Primary access to the Project site will be via the driveway on 120th Street.

11. According to the approved occupant load issued by the Department of Public Works, the maximum occupancy load for the restaurant is 115 persons. The project site currently provides 46 parking spaces and 39 parking spaces are required. Handicapped accessible parking spaces are located on the eastern portion of the subject parking lot, near the front entrance of the subject restaurant.

12. Prior to the public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the environmental Document Reporting Procedures and Guidelines for the County, because the Project is a request to continue the sale of beer and wine for onsite consumption and to authorize the addition of accessory live entertainment at an existing restaurant.

13. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the Zoning Code, the community was properly notified of the public hearing by mail, newspaper and property posting.

14. Staff received one call from a member of the public who wanted to confirm the project's location and also expressed concern about noise resulting from the live entertainment. The caller further expressed that the proposed conditions of approval regulating the live entertainment should address all noise concerns.

15. Prior to the Hearing Officer's public hearing on the project, the permittee has been conducting, and is proposing to continue, live entertainment in the covered outdoor patio dining area of the subject restaurant. In order to mitigate potential issues related to noise from the live entertainment, staff has proposed conditions of approval that would limit the hours of live entertainment to Friday through Sunday, from 12pm to 9pm. The proposed conditions of approval would also require the live entertainment to be relocated indoors if noise complaints related to the accessory live entertainment are not remedied as indicated on a Final Zoning Enforcement Order issued by the Department in response to violations concerning the live entertainment.

16. The Hearing Officer finds that the proposed use is consistent with the goal and policies of the Los Angeles County General Plan 2035, Land Use Policies:

    - Land Use Policy 5.2: *Encourage a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs.* The subject restaurant serves several nearby medical clinics, institutions and research centers. There are no other nearby dining establishments to serve such facilities and the restaurant provides a full service dining experience for employees of local employment centers and residents in the surrounding neighborhoods.

    - Land Use Policy 5.3: *Support a mix of land uses that promote bicycling and walking, and reduce VTM's.* The subject restaurant is the only dining establishment within a 500 foot radius and there are no other nearby dining establishments to serve employees of local employment centers and residents in the surrounding neighborhood. The subject restaurant provides a full service dining experience for such persons, potentially reducing the number of vehicle trips to dining establishments located further from the immediate vicinity.

    - Land Use Policy 5.4: *Encourage community- serving uses, such as early care and education facilities, grocery stores, farmers markets, restaurants, and banks to locate near employment centers.* The subject restaurant is the only dining establishment within a 500 foot radius and there are no other nearby dining establishments to serve employees of local employment centers and residents in the surrounding neighborhood. By providing a full

service dining option, the restaurant is providing a balance of community-serving uses located nearby local employment centers.

17. The Hearing Office finds that Section 22.28.110 of the Los Angeles County Zoning Code (County Code) allows the sale of alcoholic beverages in the C-1 zone pursuant to the approval of a conditional use permit.

18. The Hearing Officer finds that Section 22.28.100 County Code allows accessory live entertainment in a legally established restaurant in the C-1 zone pursuant to the approval of a Directors Review.

19. The Hearing Officer finds that subject property is zoned C-1 (Restricted Business) and a restaurant with alcohol sales and accessory live entertainment is allowed in this zoning category once a conditional use permit and Directors review has been obtained. The subject restaurant was legally established and constructed in 1996, with no new construction or expansions proposed as a part of this application. The subject restaurant is developed and maintained in compliance with the previous approvals for the subject property. Therefore, this project complies with the development standards required in Sections 22.28.120 (C-1 Zone).

20. The Hearing Officer finds that the proposed use will not adversely affect the health, peace, comfort, or welfare of persons residing or 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 continued sale of beer and wine and the addition of accessory live entertainment at an existing restaurant in a well-traveled area containing a mix of commercial, residential and institutional uses. The alcohol sales will take place within the enclosed restaurant and covered patio and will only be served in conjunction with the sale of food. Alcohol sales will be limited to 9am-9pm, Monday thru Sunday. The accessory live entertainment will occur on a small stage in the covered patio and will be limited to 12pm-9pm, Friday thru Sunday. The proposed conditions of approval would require the live entertainment to be relocated indoors if noise complaints related to the accessory live entertainment are not remedied as indicated on a Final Zoning Enforcement Order. Furthermore, the small size of the stage area proposed for live entertainment, which is 60 sq. ft., is not expected to generate impacts on nearby uses. The proposed conditions of approval and proposed hours of beer and wine sales and live entertainment will reduce potential impacts to the surrounding community. The project will add a new location for the community to enjoy a full-service dining experience with beer and wine and live entertainment to enhance meals.

21. The Hearing Officer finds that the proposes site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features as is required in order to integrate the Project into the surrounding area. The Project site meets current applicable zoning requirements in the C-1 zone. Staff visited the site on March 10, 2016 and found

that the existing facilities including parking, landscaping, and signage are consistent or exceed the minimum requirements established in the previous approvals for Plot Plan 43969 and the previous CUP 200500065. The subject property currently provides 46 parking spaces and 39 were required by Plot Plan 43969. Landscaping is well maintained on the subject premises and is developed in accordance with Plot Plan 43969. Seating locations in the indoor dining area and outdoor covered patio are also consistent with the previous CUP 200500065.

22. The Hearing Officer finds that the Project is adequately served by highways and streets of sufficient width, and improved as necessary to carry the kind of traffic such uses would generate, and by other public or private facilities as are required because the restaurant is an existing facility and is not proposing any enlargements or expansions.

23. The Hearing Officer finds that the proposed use will not adversely affect a sensitive use, such as a place used exclusively for religious worship, school, park, playground or similar use within a 600 foot radius of the subject site. There is one school within a 600-foot radius of the subject site. However, the proposed sale of beer and wine with the provision of food in the restaurant will not adversely affect the school. The subject restaurant has been selling beer and wine since 1997 without any notable issues. The dining area is sufficiently buffered with walls, fences, and landscaping to ensure the consumption of alcohol is limited to the subject dining areas.

24. The Hearing Officer finds that the proposed use is sufficiently buffered from nearby residential uses by existing commercial uses and the public rights-of-way. Multi- and single-family housing in the vicinity are sufficiently buffered by the 50-foot wide public right-of-ways of Alabama Street to the west and E. 119th Street to the North and by the 120-foot wide E. 120th Street to the South. Landscaping planters also provide buffering around the perimeter of the subject site. As a result, the proposed use will not adversely affect these residential areas.

25. The Hearing Officer finds that while an "undue concentration" of alcohol sales exists per ABC definition, the subject restaurant is the only establishment within the Census Tract licensed to sell beer and wine for on-site consumption. The surrounding area contains residential neighborhoods, medical clinics, and educational institutions. The subject restaurant is the only location currently providing a full service dining experience, with the sale of beer and wine for onsite consumption, within a 600 foot radius of the subject site. The addition of live entertainment is not expected to negatively impact the sale of alcohol at the subject restaurant.

26. The Hearing Officer finds that the sale of alcohol at the subject restaurant is a public convenience and necessity as it is nearby local employment centers and it is the only restaurant within the census tract licensed to sell beer and wine. The

restaurant would provide a benefit to the community by providing a new location for a full service dining experience suitable for this area.

27. The Hearing Officer finds that the proposed use will not adversely affect the economic welfare of the nearby community as the proposed project will provide the community a continued location to dine and consume beer and wine with meals. The addition of live entertainment in conjunction with the sale of beer and wine at the existing restaurant will provide a benefit to the subject property by attracting more business which will create secondary benefits to nearby businesses and residents who work in the vicinity of the subject property. The establishment will allow patrons of all ages. The proposed use is appropriately located along a major thoroughfare containing a mix of residential, commercial, and business land uses. Therefore, there are no expected adverse impacts from the continued sale of beer and wine or the addition of accessory live entertainment at the subject restaurant.

28. The Hearing Officer finds that the sale of alcohol at the existing restaurant will occur inside an existing commercial building with a contemporary design that is compatible with the surrounding architecture. The subject restaurant is located near the corner of a well-traveled intersection and will not be inconsistent with the exterior design and appearance of the existing commercial businesses in the immediate neighborhood. The façade of the subject restaurant is maintained neat and clean in appearance. No advertising of alcohol will be visible from the exterior of the building.

29. The Director finds that the proposed project is compliant with the requirements for accessory live entertainment contained in Section 22.56.1754 B, including the number of parking spaces, access and egress to parking facilities, walls, lighting, and impacts on nearby residential land uses. The parking facilities provide 46 parking spaces where 39 spaces are required. The parking facilities are designed to sufficiently reduce the impact of traffic on the nearby residential development as the primary access is along a major road and unused driveways are closed with decorative iron gates. The parking facilities are surrounded with a block wall topped with decorative wrought iron fencing. There are no lights in the parking lot and the restaurant's exterior lighting is sufficiently shielded and directed to prevent glare and light trespass onto adjacent properties. The restaurant was legally established in 1995 and has operated in the community without notable incidents for the last 20 years.

30. To assure compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that is necessary to limit the term of the grant to fifteen (15) years.

31. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail,

newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of the Willowbrook community. On June 21, 2016, a total of 125 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500 foot radius from the Project Site. Notification of the Public Hearing was also mailed to those on the courtesy mailing list for the Willowbrook-Enterprise Zoned District and to any additional interested parties.

32. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer'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 FOREOING, THE HEARING OFFICER CONCLUDES THAT:

Regarding the Conditional Use Permit:

A. The proposed use with the attached conditions will be consistent with the adopted Los Angeles County General Plan; and

B. The proposed use at the site 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. 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; and

D. 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

Regarding the Sale of Alcohol:

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 area 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.

THEREFORE, THE HEARING OFFICER:

1. Finds that the project is exempt from the California Environmental Quality Act pursuant to section 15300 of the State CEQA Guidelines (Class 1-Existing Facilities categorical exemption); and

2. Approves Conditional Use Permit Number 201500134, subject to the attached conditions.

ACTION DATE: August 16, 2016

MK:MG
08/02/16

c: Hearing Officer, Zoning Enforcement, Building and Safety

DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2015-03786-(2)
CONDITIONAL USE PERMIT NO. 201500134

PROJECT DESCRIPTION

The project is a request for a Conditional Use Permit (CUP) for the continued on-site sale and consumption of beer and wine (Type 41 ABC license) and a Director's Review to authorize the addition of live entertainment at an existing restaurant in the C-1 (Restricted Business) Zone pursuant to Sections 22.28.110, 22.56.195, and 22.28.100 of the Los Angeles County Zoning Code, 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 reasonably 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 reasonably 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 August 16th, 2031**. Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new conditional use permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.

9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the restaurant and the sale of alcohol and satisfaction of Condition No. 2 shall be considered use of this grant.

10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of

this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **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 to the satisfaction of the County Fire Department.

13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.

14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code 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.

15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain all areas of the premises over which the permittee has control free of litter, trash, and debris.

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.

17. 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 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.

18. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **3 copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of approval.

19. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **3 copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS- CUP FOR SALE OF ALCOHOLIC BEVERAGES

20. 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.

21. 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.

22. The permittee shall not advertise the sale of alcoholic beverages visible from the exterior of any structure on the subject property including windows, walls, fences or similar structures.

23. 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 the State of California Department of Alcoholic Beverage Control (ABC) or other such similar programs approved by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.

24. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.

25. The permittee shall not advertise or hold any "happy hour" drink specials, "two for one" specials, or similar promotions.

26. 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.

27. The permittee shall develop and implement a Designated Driver program (i.e. free soft drinks or coffee to a designated driver of a group). The permittee shall submit the program to the Director of Planning for approval prior to the approval of the Exhibit "A". A printed two-sided card explaining this program shall be placed on all tables in the restaurant or an explanation regarding the program shall be printed on the menu.

28. All servers of alcoholic beverages must be at least 18 years of age.

29. There shall be no consumption of alcoholic beverages outside the designated areas of the subject facility including the sidewalks, porches, etc. 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.

30. Alcoholic beverages shall be sold to customers only when food is ordered and consumed within the subject restaurant only.

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 and food service shall be continuously provided during operating hours.

32. Not less than fifty-one percent of the income from the business enterprise shall be derived from the sale of food and non-alcoholic beverages. The business owner shall at all times maintain records which reflect separately the gross sale of food and the gross sale of alcoholic beverages. Said records shall be made available to the Los Angeles County Department of Regional Planning, the Department of Alcoholic Beverage Control, or the Los Angeles County Sheriff's Department on demand.

33. There shall be no music or other noise audible at sensitive receptors adjacent to the restaurant.

34. The permittee shall provide adequate lighting above all entrances and exits to the premises and the adjacent parking areas. All lighting required by this grant shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons within lighted areas during operating hours and shall be designed so as to direct light and glare only onto the facility premises. Said lighting and glare shall be deflected, shaded and focused away from all adjoining properties.

35. 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;

PROJECT SPECIFIC CONDITIONS

36. This grant authorizes the sale of alcoholic beverages from 9:00 am to 9:00 pm, Monday thru Sunday, and live entertainment from 12:00 pm to 9:00 pm, Friday thru Sunday.

37. Alcoholic beverages shall only be served or consumed within the interior dining area and the enclosed patio. Consumption of alcoholic beverages is prohibited within the lattice patio and parking areas. The permittee shall post signage at the entrances and exits notifying patrons of this restriction. 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.

38. If noise complaints related to the accessory live entertainment, as verified by the Department, are not remedied by the permittee as indicated on a Final Zoning Enforcement Order, the permittee shall be required to relocate all live entertainment entirely indoors. The applicant shall also be required to submit 3 copies of a revised "Exhibit A" to the Director for review and approval to reflect the relocation of the live entertainment. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

39. The permittee shall provide and maintain in good operating condition at least two on-site 24-hour security cameras facing the parking lot and the front of the restaurant, on the interior and the exterior of the subject restaurant. The permittee shall maintain surveillance records for a period of at least thirty (30) days and shall produce such records upon demand by law enforcement.

OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM MCDONNELL, SHERIFF

Subject: Conditional Use Permit (CUP) Consultation for Sale of Alcohol
Project No.: R2015-03786
Permit No.: RCUP 201500134
Establishment: "Mariscos Las Palmas De Colima"
Location: 1553 East 120th Street, Los Angeles
Description: Requesting CUP for the continued sale of beer and wine for onsite consumption and the addition of accessory live entertainment at an existing restaurant.

(1) Summary of service calls and crime history for the project site over the last five years:

The Sheriff's Department has responded to several calls for service at 1553 East 120th Street, Los Angeles in the past five years; the majority of calls were due to audible alarm calls. No major notable incidents have taken place at this location in the past five years. Attached is the CFS report of those calls for your review."

(2) Comments/recommended conditions:

All calls for service have been routine in nature. This establishment has not been a problem.

(3) Overall recommendation:

☒ Sheriff recommends approval of this CUP.

☐ Sheriff does **NOT** recommend approval of this CUP.

Sincerely,

JIM McDonnell, SHERIFF

Kerry A. Carter, Captain
Commander, Century Station

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

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.

In our time in this neighborhood we had no complaints from the neighbors. This is a familie restaurant, thus we promote a family atmisphere. We take pride in not serving alcohol to anyone who appears intoxicated.

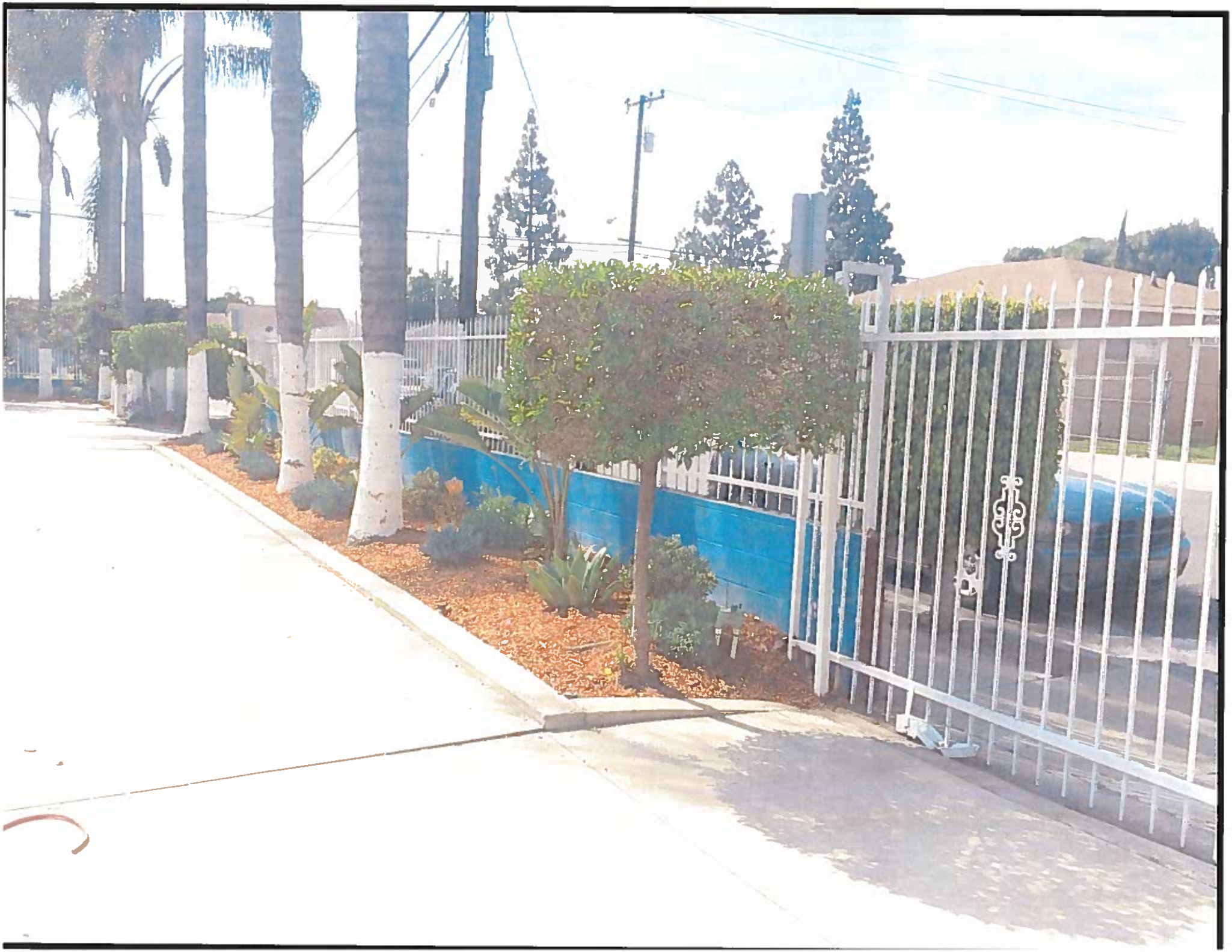
B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

Our facility has recently been inspected with no problems. We have adequate parking, landscaping and adequate seating area.

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

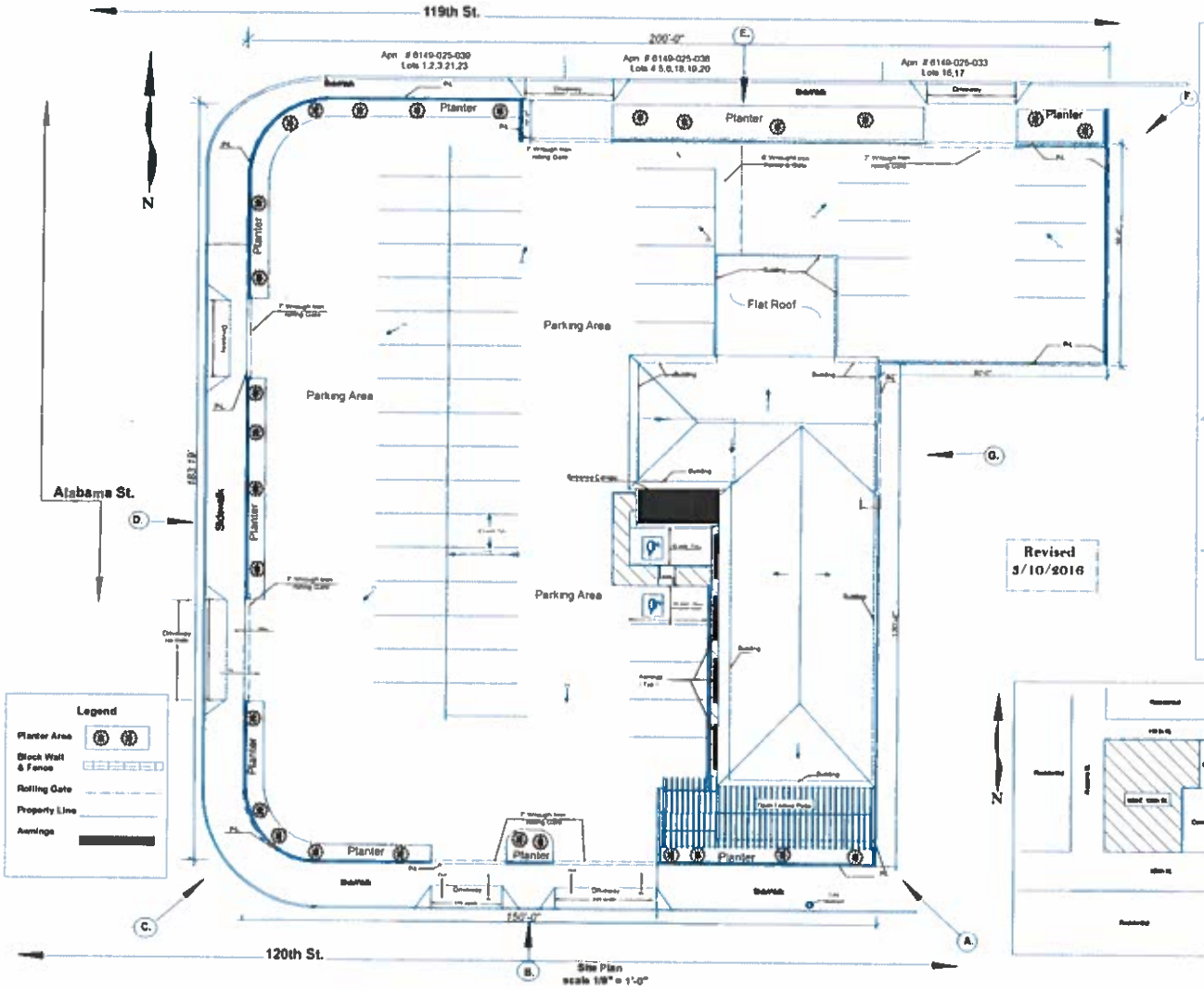
Our site is next to a four lane street (120th) and also two, two lane streets. All streets having ingress and outgress. The site has plenty of entriss and exits to allow any services.

OPEN
1017304
33608

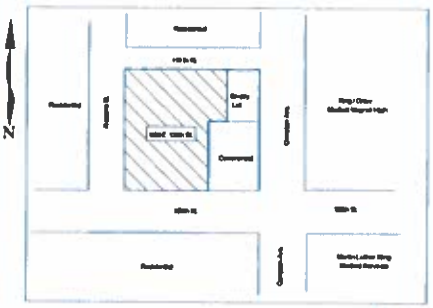


BIENVENIDOS
LAS PALMAS DE COLIMA

EXIT



Revised
3/10/2016



Owner / Applicant

Antonio & Teresa Zuiga

1553 E. 120th St.
Los Angeles, CA.
323-357-1272

Legal Description

APN. 6149-025-039
6149-025-038
6149-025-033
TB 704 F/G 7
Map Ref. M.B. 53-30
Zone C-1 ..... Resturant
3524 SqFt
Parking 46 Spaces
w/ 2 Handicap

Picture Legend

A. 120th St. 'Southest View'
B. 120th St. 'South View'
C. 120th St. 'Southwest View'
D. Alabama St. 'West View'
E. 119th St. 'North View'
F. 119th St. 'Northeast View'
G. Compton Ave. 'East View'

Preparer
Robert Salazar
844 W. Ashiya Rd.
Montebello, CA. 90640
562-965-5788
estheticbalance@yahoo.com

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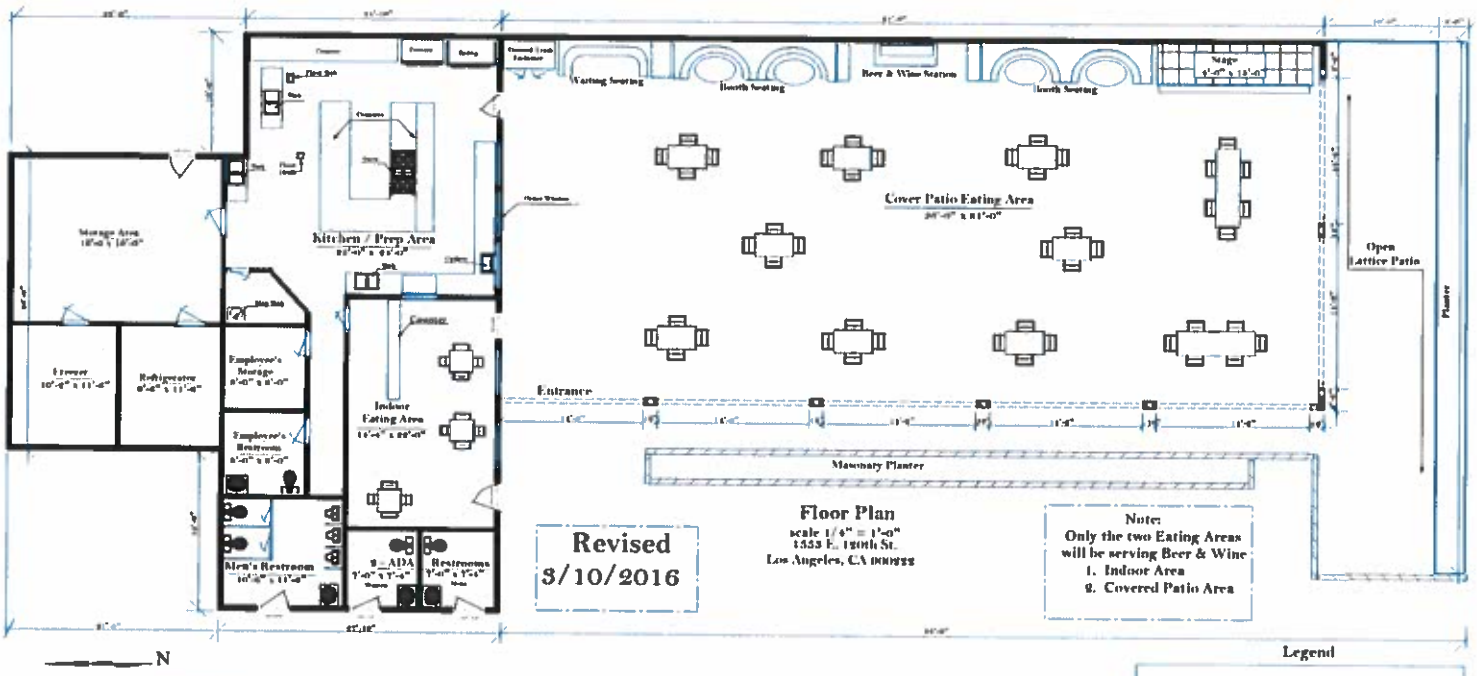
Site Plan
Floor Plan
Elevations

Sheet
1 of 3



Preparer

Robert W. Salazar
814 W. Ashiya Rd.
Montebello, CA. 90640
562-965-5788

Owner

Antonio & Teresa Zuniga
1555 E. 120th St.
Los Angeles, CA.
90222
323-537-12725

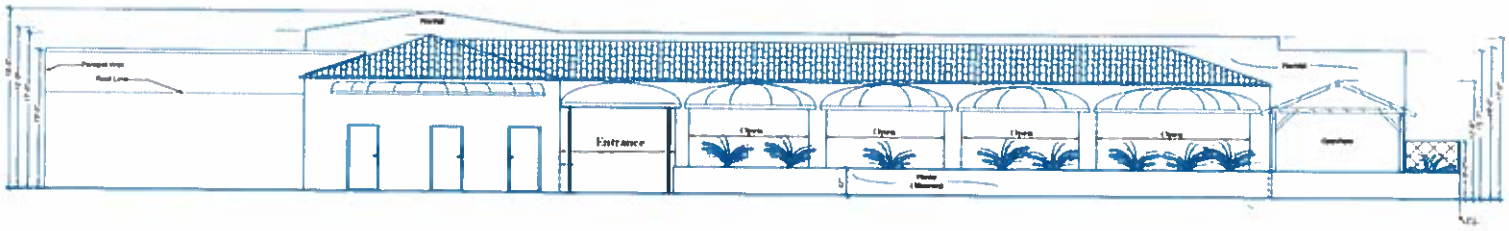
Legal Description

Apn 6149-025-038	
Block 1, Tract TR 5018	Zone C1
Map Ref. M.B. 53-30	Restaurant
Lots 1-6 & 16-25	

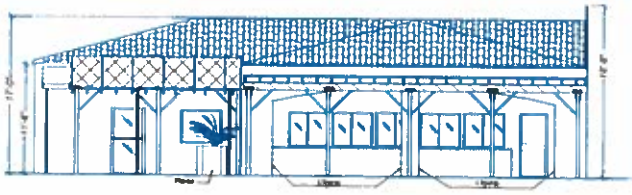
Legend

- Walls
- Arch Walls
- Pilaster & Post
- Toilet
- Restroom Sink
- Kitchen Sink
- Table & Chairs

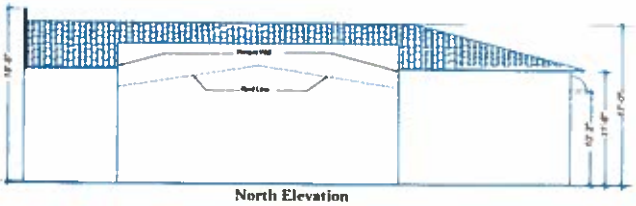
Floor Plan
Sheet 2 of 3



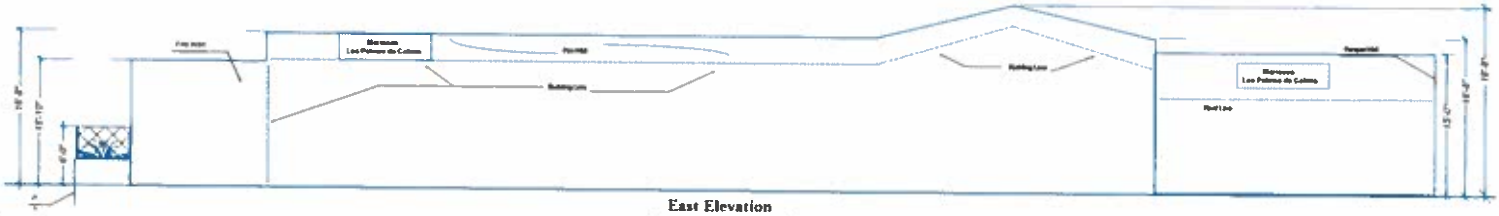
West Elevation
Alabama St. side



South Elevation
(120th St. side)



North Elevation
(119th St. side)



East Elevation
(Compton Ave. Side)

Revised
3/10/2016

Owner Antonio & Teresa Zuiga [illegible] E. 120th St. Los Angeles, CA. [illegible] [illegible]	Elevations scale 1/2" = 1'-0"	Apn. # [illegible]
	Preparer Robert Salazar [illegible] W. Ashlya Rd. Montebello, CA. [illegible] [illegible]	Sheet [illegible]