

June 25, 2024

Sara Houghton
4309 Overland Avenue
Culver City, CA 90230

PROJECT NO. PRJ2023-002042-(5)
CONDITIONAL USE PERMIT NO. RPPL2023002959
875 E MARIPOSA STREET, ALTADENA (5845-017-010)

Dear Sara:

Hearing Officer Tina Fung, by her action of **June 25, 2024**, has approved the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to LA County Planning (see enclosed Affidavit of Acceptance Instructions).

Appeals:

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **July 9, 2024**. Appeals must be submitted to appeal@planning.lacounty.gov before the end of the appeal period.

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

In addition, any applicable California Environmental Quality Act fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. A Notice of Exemption, if applicable, may also be filed according to the instructions in the enclosed Affidavit of Acceptance.

For questions or for additional information, please contact Sean Donnelly of the Foothills Development Services Section at (213) 893-7024 or sdonnelly@planning.lacounty.gov.

Sincerely,

Sara Houghton
Date
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AMY J. BODEK, AICP
Director of Regional Planning

Michele R. Bush

Michele R. Bush, Supervising Planner
Foothills Development Services Section
MRB:SD

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

c: PW (Building and Safety)
Zoning Enforcement

**LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
FINDINGS OF THE HEARING OFFICER
AND ORDER
PROJECT NO. PRJ2023-002042-(5)
CONDITIONAL USE PERMIT NO. RPPL2023002959**

RECITALS

1. **HEARING DATE(S).** The Los Angeles County ("County") Hearing Officer conducted a duly noticed public hearing in the matter of Conditional Use Permit ("CUP") No. RPPL2023002959 on June 25, 2024.
2. **HEARING PROCEEDINGS.** A duly noticed public hearing was held on this item at the June 25, 2024, hearing officer meeting by Hearing Officer Tina Fung. Staff presented the item, then the applicant spoke in favor. One member of the public also spoke on the item, and requested changes to the project, including ending alcohol sales and outdoor dining at 9:00 p.m. instead of the proposed 11:00 p.m., and banning live entertainment. Staff clarified that the outdoor dining aspect of the project had already been removed from the project scope and that there was no live entertainment proposed with the Project.

The Hearing Officer then recommended altering Condition 38 to add the underlined, "Hours for the sale of a full line of alcohol for on-site consumption shall be limited from 11:00 a.m. to 11:00 p.m., Monday through Sunday, or a half hour before closing, whichever is earlier." As well as adding conditions restricting outdoor dining and live entertainment, unless all appropriate entitlements are obtained in the future. With no further public speakers, the Hearing Officer then closed the public hearing and approved the project as modified.

3. **ENTITLEMENT(S) REQUESTED.** The permittee, Galloway Family Trust ("Permittee"), requests the CUP to authorize the sale of a full line of alcohol for on-site consumption in a new restaurant ("Project") on a property located at 875 East Mariposa Street in the unincorporated community of Altadena ("Project Site") in the C-3 (General Commercial) Zone pursuant to Los Angeles County Code ("County Code") Section 22.20.030 (Land Use Regulations for Zones C-H, C-1, C-2, C-3, C-M, C-MJ, and C-R).
4. **PREVIOUS ENTITLEMENT(S).**

CASE NO.	REQUEST	DATE OF ACTION
RPPL2023006300	Tenant Improvements to change the subject unit from a photography studio to a restaurant.	Approved December 22, 2023
PP-38663	Plot Plan approval of the remodel of the existing	Approved June 22, 1989

	multi-unit commercial building.	
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5. **LAND USE DESIGNATION.** The Project Site is located within the MU (Mixed Use “Center”) land use category of the Altadena Community Plan (“Community Plan”) Land Use Policy Map, a component of the General Plan.
6. **ZONING.** The Project Site is located in the Altadena Zoned District and is currently zoned C-3. Pursuant to County Code Section 22.20.030 (Land Use Regulations for Zones C-H, C-1, C-2, C-3, C-M, C-MJ, and C-R), a CUP is required for the sale of alcoholic beverages for on-site consumption.

7. SURROUNDING LAND USES AND ZONING

LOCATION	COMMUNITY PLAN LAND USE POLICY	ZONING	EXISTING USES
NORTH	MU, I (Institutions)	C-3, CPD (Commercial Planned Development)	Offices, bar, restaurants nursing home, multi-family residences (“MFRs”), Altadena Sheriff’s Station, Triangle Park, churches
EAST	MU, LD (Low Density Residential – 1 to 6 dwelling units per gross acre)	C-3, R-3-P (Limited Density Multiple Residence-Parking, R-3, R-2 (Two-Family Residence)	Retail, MFRs, single family residences (“SFRs”), school
SOUTH	MU	C-3, R-2, R-2-P	Market, bar, church, school, parking, MFRs, SFRs, banks
WEST	MU, I, LD, MD (Medium Density Residential – 12 to 22 dwelling units per gross acre)	C-3, R-2, R-1-10,000 (Single Family Residence-10,000 Square Feet Minimum Required Lot Area)	Retail, SFRs, MFRs, LA County Firestation #11, Altadena Sheriff’s Station

8. PROJECT AND SITE PLAN DESCRIPTION.

A. Existing Site Conditions

The Project Site is 0.3 acre in size and consists of one legal lot. The Project Site is irregular in shape with flat topography and is developed with the subject commercial center.

B. Site Access

The Project Site is accessible via East Mariposa Street, a 100-foot-wide public street, to the south.

C. Site Plan

The site plan depicts the subject restaurant in a 1,378 square-foot tenant space, which is one of six tenant spaces within the existing single-story 8,584 square-foot commercial building. No parking is provided on-site, though street parking is located directly in front of the building.

Within the restaurant there are 10 tables located in the front portion, with a bar counter located to the side. The kitchen and restrooms are located behind the seating area, with a storage area and walk-in cooler located in the rear.

D. Parking

No parking is provided on-site. The building was originally built in 1923, prior to the requirement to provide parking spaces with commercial buildings. Per County Code Section 22.306.070 [Altadena Community Standards District (“CSD”) Zone Specific Development Standards], no additional parking is required for a change of use to a restaurant within an existing building. As no parking was originally required for the building, and no additional parking is required for the change in use there is no minimum parking requirement for this Project. Tenant improvements for the new restaurant were reviewed separately under Site Plan Review Number RPPL2023006300, which was approved on December 22, 2023.

9. **CEQA DETERMINATION.** Prior to the Hearing Officer’s public hearing on the Project, County Department of Regional Planning (“LA County 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 consists of the sale of alcoholic beverages for on-site consumption associated with a restaurant within an existing building with no development or expansion. The Project is not on a scenic highway or a hazardous waste site, is not known to contain historic resources, and will not have a significant or cumulative environmental impact. No exceptions to the categorical exemption apply to the Project. No conditions, characteristics or circumstances are found to preclude the use of this categorical exemption under CEQA Statute and Guidelines Section 15300.2 for the following reasons:

- a) Cumulative Impacts: The Project involves no physical expansion beyond what is currently existing.
- b) “Unusual Circumstances” or Significant Effects: The Project is for the sale of alcoholic beverages for on-site consumption with no expansion of the underlying restaurant use. The footprint of development and paved surfaces are across the entirety of the subject property. Adequate utilities and roadway infrastructure already exist to serve the subject property and no environmentally sensitive areas will be impacted by any additional development as none is proposed.

- c) Scenic Highways: According to California's Scenic Highway Program, which is administered by Caltrans, the Project Site is not located within or near an officially designated state scenic highway.
- d) Hazardous Waste Sites: The Project Site is not located on a site which is included on any list compiled pursuant to Government Code Section 65962.5. According to the California Department of Toxic Substances Control's ("DTSC's") EnviroStor and State Water Resources Control Board's GeoTracker web databases, no active or open hazardous waste sites were identified at the Project Site. A review of the Hazardous Waste and Substances Site List-Site Cleanup database also shows no records on the Project Site. There are no public drinking wells within the Project Site that may pose conflicts with the lists compiled by the California Department of Health Services ("CADHS"). Finally, the project site is not included in any Water Board's list of solid waste disposal sites, list of "active" orders where necessary actions have not yet been completed (known as Cease and Desist Orders and Cleanup and Abatement Orders).
- e) Historical Resources: The Project Site does not contain any historical resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources or included in a local register of historical resources. According to the County's Historic Resources Sites Policy mapping, there is no historic or cultural resource site within the vicinity of the Project Site. The County also does not consider the Project Site to be a discretionary historical resource per Public Resources Code Section 21084.1. Furthermore, while the age of the subject building from which alcohol will be sold is more than 40 years old, the sale and serving of alcohol will not affect the building in any way.

10. PUBLIC COMMENTS. The Altadena Town Council recommended approval of the Project at their January 16, 2024 meeting. One resident voiced opposition to the project at the meeting.

11. AGENCY RECOMMENDATIONS.

- A. The County Sheriff ("Sheriff"), in a letter dated September 13, 2023 recommended that the Project proceed to public hearing. Calls for service to the property were mainly related to homelessness on the public right-of-way outside the property.
- B. The California State Department of Alcoholic Beverage Control ("ABC"), in a report dated September 13, 2023 stated that the Project Site is not in an area with an overconcentration of alcoholic beverage licenses but is in a high crime reporting area, so the Hearing Officer must make a finding of public convenience or necessity.

12. LEGAL NOTIFICATION. Pursuant to Section 22.222.120 (Public Hearing Procedure) of the County Code, the community was properly notified of the public hearing by mail, newspaper (Pasadena Star News), and property posting. Additionally, the Project was

noticed and case materials were available on LA County Planning's website. On May 16, 2024, a total of 263 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as seven notices to those on the courtesy mailing list for the Altadena Zoned District and to any additional interested parties.

GENERAL PLAN CONSISTENCY FINDINGS

13. **LAND USE POLICY.** The Hearing Officer finds that the Project is consistent with the goals and policies of the Community Plan because the MU land use category is intended for uses including retail commercial, restaurants, and entertainment uses, categories into which this Project falls.

14. **GOALS AND POLICIES.** The Hearing Officer finds that the Project supports the following goals and policies of the Community Plan:

- *Establish, maintain, and enhance a healthy economic community for all Altadena by encouraging suitable concentrations of commercial and industrial developments.*
- *Establish an economically viable commercial environment for the*
- *Altadena community which meets the needs of the residents and is*
- *compatible with the community character.*
- *Provide that new development must be compatible with adjacent land uses and environmental resources.*
- *Provide adequate setbacks, landscaping, walls, and other buffers between residential, commercial, industrial, and public uses.*

The restaurant increases the selection of offerings available to residents in the area, provides a place for patrons to eat, and employment opportunities. The Project contributes to the variety of uses and services in the community and is situated with other similar land uses on that Project Site that is sufficiently buffered from residential areas by streets, alleyways, parking lots and other commercial uses. The sale of alcoholic beverages for on-site consumption is a common ancillary use to a restaurant and would provide an additional service to improve the restaurant's ability to function as a business.

The Project also supports the following goals and policies of the General Plan:

- *Goal Land Use ("LU") 5: Vibrant, livable and healthy communities with a mix of land uses, services and amenities*
- *Policy LU 5.2: Encourage a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs.*
- *Goal LU7: Compatible land uses that complement neighborhood character and the natural environment*

The Project is for the sale of a full line of alcohol for on-site sale, within a new restaurant that increases the selection of food choices available to the area, provides a place for residents and workers in the area to eat, and provides employment opportunities in the area. The Project contributes to the variety of uses and services in the community and is situated with other similar commercial land uses on a site which is sufficiently buffered from residential areas by streets, alleyways, parking lots and other commercial uses.

ZONING CODE CONSISTENCY FINDINGS

15. **PERMITTED USE IN ZONE.** The Hearing Officer finds that the Project is consistent with the C-3 zoning classification as alcoholic beverage sales for on-site consumption is permitted in such zone with a CUP pursuant to County Code Section 22.20.030 (Land Use Regulations for Zones C-H, C-1, C-2, C-3, C-M, C-MJ, and C-R).
16. **DEVELOPMENT STANDARDS.** The Hearing Officer finds that while there are no development standards applicable to the Project, it would occur within an existing structure and in conjunction with an existing use. No exterior modifications are proposed as a part of this request.
17. **PARKING.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.306.070 (Altadena CSD Zone Specific Development Standards). While the Project is a request for the sale of full-line of alcohol for on-site consumption, per the Altadena CSD, no additional parking is required for a change of use to a restaurant within an existing building. No parking is provided on-site. The building was originally built in 1923, prior to the requirement to provide parking spaces with commercial buildings. As no parking was originally required for the building, and no additional parking is required for the change in use there is no minimum parking requirement for this Project. Street parking is located directly in front of the building.
18. **SIGNS.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Chapter 22.114 (Signs). No signage is being proposed with this project. If any signage is proposed in the future, the permittee will be required to submit an application for review by LA County Planning.
19. **COMMUNITY STANDARDS DISTRICT.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Chapter 22.306 (Altadena CSD). As discussed in finding 17, although the Project is a request for the sale of full-line of alcohol for on-site consumption, no parking is required for this Project. The Project is located within an existing approved building, with no proposed expansion of external development. Therefore, the Project meets CSD requirements related to height and signage as no expansion of the existing building is proposed and no new signage is proposed with this CUP.

CONDITIONAL USE PERMIT FINDINGS

20. **The Hearing Officer finds that 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.** The proposed use for the sale of a full line of alcohol for on-site consumption in a new restaurant is appropriate in commercial areas, is a use permitted in the subject land use category and will further the goals and policies of the County pertaining to economic development. Authorizing the sale of a full line of alcohol for on-site consumption in association with a food service will strengthen the economic competitiveness of the business and provide expanded dining options for those who live and work in the area.
21. **The Hearing Officer finds 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 Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.** The proposed sale of a full line of alcohol for on-site consumption will occur within the confines of an existing commercial building. The use is physically buffered from surrounding land uses by other buildings, streets, and parking lots. The consumption of alcohol beverages will only occur indoors and will be subject to conditions to ensure that negative impacts are eliminated or minimized, such as requirement for food service options in conjunction with alcoholic beverages, and prohibition against the advertisement of alcoholic beverages.
22. **The Hearing Officer finds 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.** The Project Site is located on Mariposa Street, a 100-foot right-of-way, with four lanes of travel. The restaurant will be located within an existing commercial building, and the accessory sale of alcohol is not expected to generate additional traffic in such a manner as to cause undue congestion. Other public and private services such as water, electricity, and gas are available on-site and will not be unduly affected by the Project because the business will occur in an existing building that has historically used these services.
23. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the CUP to 10 years.

SUPPLEMENTAL FINDINGS

24. **The Hearing Officer finds 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.** There are nine sensitive uses, including five churches, a community center, a park, and two schools located within 600 feet of the Project Site. The Sheriff was consulted during review of

the recommended approval of this Project. The conditions of Project approval, including the condition that limits the sale of alcoholic beverages to between 11:00 a.m. and 11:00 p.m. seven days a week, will help ensure that the Project will not impact the surrounding area. Calls for service to the property were mainly related to homelessness on the public right-of-way outside the property.

25. **The Hearing Officer finds 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.** Single-family and multi-family residences are located within 500 feet of the Project Site. The Project Site is within an existing commercial building and is sufficiently buffered from residential uses in the area by major roads and other commercial buildings and uses. The nearest residential uses to the Project Site are approximately 200 feet away and have other commercial buildings located in between, which should serve to minimize any noise that may be generated by the accessory sale of alcohol at the restaurant.
26. **The Hearing Officer finds that the requested use at the proposed location will not adversely affect the economic welfare of the nearby community.** The economic welfare of the nearby community should not be affected by the ancillary sale of alcoholic beverages for on-site consumption if conducted in compliance with the conditions of Project approval, and prohibition against the advertisement of alcoholic beverages.
27. **The Hearing Officer finds 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 the neighborhood.** The Project is a request for the sale of alcoholic beverages for on-site consumption. There are no proposed changes to the exterior appearance of the structure and therefore there will be no impact on the design of other commercial structures that are existing or being constructed in the neighborhood.
28. **The Hearing Officer finds that even though the proposed sale of alcohol would occur at a site within a high crime reporting district or in an area of undue concentration, pursuant to the California Alcoholic Beverage Control Act and the regulations adopted under that Act, or that the use selling alcoholic beverages for off-site consumption is proposed within a 500-foot radius of another use selling alcoholic beverages for off-site consumption, the sale of alcohol at the subject property contributes to the public convenience or necessity.** Correspondence with ABC stated that the Project Site is not in an area with an overconcentration of alcoholic beverage licenses but is in a high crime reporting area. The Project will allow the sale of alcoholic beverages for on-site consumption in a restaurant. The Project contributes to the variety of uses and services in the community and is situated with other similar land uses on a commercial street. The restaurant serves food that increases the selection of offerings available to the area, provides a place for patrons to enjoy drinks with their meals, and provides employment opportunities in the community. The Project is situated with other similar land uses on

a s which is sufficiently buffered from residential areas by streets, alleyways, and other commercial uses. The sale of alcoholic beverages for on-site consumption is a common ancillary use to a restaurant and would provide an additional service to improve the restaurant's ability to function as a business.

ENVIRONMENTAL FINDINGS

29. The Hearing Officer finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15301 (Class 1, Existing Facilities categorical exemption). The Project consists of the sale of alcoholic beverages for on-site consumption associated with a restaurant within an existing building with no development or expansion. Tenant Improvements as approved by Site Plan Review RPPL2023006300 related to the Project are minor and do not expand the square footage of the existing building. The Project is not on a scenic highway or a hazardous waste site, is not known to contain historic resources, and will not have a significant or cumulative environmental impact; thus, the Project does not meet any exceptions to the identified Categorical Exemption.

- a) Cumulative Impacts: The Project involves no physical expansion beyond what is currently existing.
- b) "Unusual Circumstances" or Significant Effects: The Project is for the sale of alcoholic beverages for on-site consumption with no expansion of the underlying restaurant use. The footprint of development and paved surfaces are across the entirety of the subject property. Adequate utilities and roadway infrastructure already exist to serve the subject property and no environmentally sensitive areas will be impacted by any additional development as none is proposed.
- c) Scenic Highways: According to California's Scenic Highway Program, which is administered by Caltrans, the Project Site is not located within or near an officially designated state scenic highway.
- d) Hazardous Waste Sites: The Project Site is not located on a site which is included on any list compiled pursuant to Government Code Section 65962.5. According to the California Department of Toxic Substances Control's ("DTSC's") EnviroStor and State Water Resources Control Board's GeoTracker web databases, no active or open hazardous waste sites were identified at the Project Site. A review of the Hazardous Waste and Substances Site List-Site Cleanup database also shows no records on the Project Site. There are no public drinking wells within the Project Site that may pose conflicts with the lists compiled by CADHS. Finally, the project site is not included in any Water Board's list of solid waste disposal sites, list of "active" orders where necessary actions have not yet been completed (known as Cease and Desist Orders and Cleanup and Abatement Orders).
- e) Historical Resources: The Project Site does not contain any historical resource listed in, or determined to be eligible for listing in, the California Register of

Historical Resources or included in a local register of historical resources. According to the County's Historic Resources Sites Policy mapping, there is no historic or cultural resource site within the vicinity of the Project Site. The County also does not consider the Project Site to be a discretionary historical resource per Public Resources Code Section 21084.1. Furthermore, while the age of the subject building from which alcohol will be sold is more than 40 years old, the sale and serving of alcohol will not affect the building in any way.

Therefore, LA County Planning staff recommended that there are no exceptions to the exemption and the Hearing Officer determine that the Project is categorically exempt from CEQA.

ADMINISTRATIVE FINDINGS

30. LOCATION OF DOCUMENTS. 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 LA County Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Foothills Development Services Section, LA County Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted Community Plan, and County General Plan.
- 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.
- 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 Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- 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.
- 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.
- 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.

- G. The requested use at the proposed location will not adversely affect the economic welfare of the nearby 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.
- I. Even though the proposed sale of alcohol would occur at a site within a high crime reporting district or in an area of undue concentration, pursuant to the California ABC Act and the regulations adopted under that Act, or that the use selling alcoholic beverages for off-site consumption is proposed within a 500-foot radius of another use selling alcoholic beverages for off-site consumption, the sale of alcohol at the subject property contributes to the public convenience or necessity.

THEREFORE, THE HEARING OFFICER:

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15301 (Class 1, Existing Facilities categorical exemption); and
- 2. Approves **CONDITIONAL USE PERMIT NO. RPPL2023002959**, subject to the attached conditions.

ACTION DATE: June 25, 2024

MRB:SD

June 25, 2024

c: Zoning Enforcement, Building and Safety

**LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING**

**CONDITIONS OF APPROVAL
PROJECT NO. PRJ2023-002042-(5)
CONDITIONAL USE PERMIT NO. RPPL2023002959**

PROJECT DESCRIPTION

The project is a CUP to authorize the sale of a full line of alcohol for on-site consumption within a restaurant located within an existing commercial building 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 ("LA County 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. 6, and until all required monies have been paid pursuant to Condition No. 9. Notwithstanding the foregoing, this Condition No. 2 and Condition No. 3, 4, and 8 shall be effective immediately upon the date of final approval of this grant by the County.
3. 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.
4. 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 LA County 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 LA County 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.

5. 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.
6. 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 (i.e. Recorder Office). 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.
7. **This grant shall terminate on June 25, 2034.** 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 LA County Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least twelve 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.
8. 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.
9. 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. No provision of any easement of any other encumbrance on the property shall exempt the Permittee and/or property owner from compliance with these conditions and applicable regulations. 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 **\$2,205.00** which shall be placed in a performance fund and be used exclusively to reimburse LA County Planning for all expenses incurred while inspecting the premises to determine the Permittee's compliance with the conditions of this grant. The fund provides for **five (5)** inspections. Inspections may be unannounced and may be conducted utilizing

any available technologies, including, but not limited to, unmanned aircraft systems (UAS).

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 LA County Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$441.00 per inspection, or the current recovery cost established by LA County Planning at the time any additional inspections are required, whichever is greater.

10. 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 22.238 of the County Code.
11. 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.
12. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
13. 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 of LA County Planning ("Director").
14. The Permittee shall maintain the subject property in a neat and orderly fashion. The Permittee shall maintain free of litter all areas of the premises over which the Permittee has control.
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 LA County 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 48 hours of such notification, 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 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, **an electronic copy** a modified Exhibit "A" shall be submitted to LA County Planning by **August 26, 2024**.
17. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the Permittee shall submit **an electronic copy** 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.
18. The conditions of this grant shall always be retained on the premises and shall be immediately produced upon request by any County Sheriff, LA County Planning Zoning Enforcement ("Zoning Enforcement") inspector, or State of California Department of Alcoholic Beverage Control ("ABC") agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein. Violation of the conditions herein may subject the use to the provisions of County Code Chapter 22.238 (Modifications and Revocations).

PERMIT-SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (SALE OF ALCOHOLIC BEVERAGES)

19. 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 Enforcement Inspector or ABC agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein. Violation of the conditions herein may subject the use to the provisions of County Code Chapter 22.238 (Modifications and Revocations).
20. Loitering, including loitering by employees of the subject property, shall be prohibited on or within the immediate vicinity of the subject property, including adjacent public and private parking lots, public sidewalks, alleys, and other public rights-of-way. Signage in compliance with County Code Chapter 22.114 (Signs) shall be placed on the exterior of the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary. If loitering occurs on a continuous basis, as determined by the County Sheriff, a security guard shall be required during business hours at the discretion of the Director.
21. All employees who directly serve or are in the practice of selling alcoholic beverages, including managers and security personnel, shall participate in the RBS (Responsible Beverage Service) Program provided by the State of California Department of Alcoholic Beverage Control, or a similar program, such as LEAD (Licensee Education on Alcohol and Drugs) STAR (Standardized Training for Alcohol Retailers) or another comparable State of California-certified program. 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 facility's training program by employees, the licensee, and all managers shall be provided to Zoning Enforcement

within 90 days of the effective date of this Conditional Use Permit, and subsequently within 90 days of the hire date of all new employees and/or managers.

22. 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 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.
23. 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, and such advertising shall not be visible from outside the premises.
24. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
25. There shall be no consumption of alcoholic beverages outside the dining area of the subject facility, as depicted on the site and floor plans labeled Exhibit "A." 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. Music or other audible noise at the premises shall comply with Title 12 to the satisfaction of the County Department of Public Health.
27. The permittee and all managers and employees shall not allow the sale of alcoholic beverages to any intoxicated person, any person appearing to be intoxicated, or any person exhibiting behaviors associated with being intoxicated.
28. No publicly accessible telephones shall be maintained or permitted on the exterior of the premises. Any existing publicly accessible telephones shall be removed within 90 days of the effective date of this Conditional Use Permit.
29. Alcoholic beverages shall only be sold or served to patrons age 21 or older.
30. 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.
31. The permittee shall provide adequate lighting above the entrance of the premises. The lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons entering or exiting the premises.
32. The permittee shall not install or maintain video games, pool tables or similar game activities or equipment on site.
33. All servers of alcoholic beverages must be at least 18 years of age.

- 34. A numbering address sign, in compliance with County Code Chapter 22.114 (Signs), shall be located at the front of the building in a location clearly visible from the property grounds and the nearest public street, to the satisfaction of the Director.
- 35. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
- 36. The premises, including exterior facades, adjacent public and private parking lots, fences, and adjacent sidewalks, alleys, and other public rights-of-way, shall be maintained in a neat and orderly condition and be free of garbage, trash, debris, or junk and salvage, except in designated trash collection containers and enclosures. All garbage, trash, debris, or junk and salvage shall be collected, and disposed of, daily.

PROJECT SITE-SPECIFIC CONDITIONS

- 37. This grant shall authorize the sale of a full line of alcohol for on-site consumption within a restaurant within an existing commercial building.
- 38. Hours for the sale of a full line of alcohol for on-site consumption shall be limited from 11:00 a.m. to 11:00 p.m., Monday through Sunday, or a half hour before closing, whichever is earlier.
- 39. Food service shall be continuously provided by the restaurant during operating hours for the sale of alcohol.
- 40. The permittee shall comply with all conditions set forth in the attached County Sheriff's Department letter dated June 6, 2024.
- 41. No outdoor dining shall be permitted without obtaining all necessary entitlements.
- 42. No accessory live entertainment shall be permitted without obtaining all necessary entitlements.

Attachments:

Exhibit D-1 Sheriff's Department Letter dated June 6, 2024



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ROBERT G. LUNA, SHERIFF



June 6, 2024

Mr. Sean Donnelly
Planner, Foothills Development Services
Zoning Permits East
County of Los Angeles
Department of Regional Planning
320 W. Temple Street, 13th Floor
Los Angeles, California 90012

Mr. Donnelly:

Subject: Conditional Use Permit (CUP) Consultation for Sale of Alcohol
Project No.: PRJ2023-002042-(5)
Permit No.: RPPL2023002959
Establishment: Bernee Restaurant
Location: 875 East Mariposa Avenue, Altadena, California 91001
Description: A request for a CUP to authorize the sale of alcoholic beverages onsite at a new restaurant.

Altadena Sheriff's Station personnel have responded to 10 calls for service at 875 E Mariposa Avenue, Altadena, California 91001 in the past two years. All calls for service were routine in nature and all were related to a disturbance or public nuisance from prior businesses. Attached is the CFS report of those calls for your review.

The establishment and the surrounding area are well-lit. This establishment has not been a problem.

Based on the types of calls for service for the past two years described above, the Los Angeles County Sheriff's Department does not object to the issuance of the permit request.

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

A Tradition of Service
— Since 1850 —

Conditional Use Permit
"Bernie Restaurant"

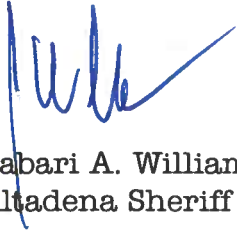
-2-

June 6, 2024

If you have any questions or problems arise, please contact Sergeant Marcos Rosales, at Altadena Station, at (626) 296-2118.

Sincerely,

ROBERT G. LUNA, SHERIFF



Jabari A. Williams, Captain
Altadena Sheriff Station

Affidavit of Acceptance Instructions

STEP 1: NOTARIZE AFFIDAVIT: In the presence of a Notary Public, sign the Affidavit of Acceptance form. Complete and sign both applicant and owner sections, even if the applicant is the same as the owner.

STEP 2: COUNTY REGISTRAR-RECORDER: Visit the Registrar-Recorder's office at 12400 East Imperial Highway, Norwalk, CA 90650 (the following branch offices can also assist you: LAX Courthouse, Lancaster District Office, Van Nuys District Office. For more information call (562) 462-2125 or visit http://www.lavote.net/Recorder/Document_Recording.cfm) to complete the following tasks:

- a) **Record Affidavit of Acceptance Form and Conditions of Approval:** Submit the original Affidavit of Acceptance form (wet signature) and Conditions of Approval to the County Registrar-Recorder for recording. If your project has an associated Mitigation Monitoring Reporting Program (MMRP), this document should be recorded as well. Request one certified copy of the recorded Affidavit, Conditions of Approval, and MMRP (if applicable) to submit to LA County Planning.
- b) ☐ **Post Notice of Exemption (NOE):** The filing of an NOE is **OPTIONAL**. Pursuant to CEQA, the filing of an NOE will limit the time period for legal challenges to an agency's exemption determination to 35 days. If a NOE is not filed, a 180 day statute of limitation applies. If you wish to file an NOE, please request for a completed NOE form from your case planner and post the document at the Registrar-Recorder's office listed above, along with your Final Letter of Approval.

STEP 3: LA COUNTY PLANNING: Please submit the following items:

- a) One certified copy of the recorded Affidavit of Acceptance, Conditions of Approval, and MMRP if applicable. The certified copy will have an official document number and a purple recordation stamp from the Registrar-Recorder. Also provide a NOD or NOE posting receipt, and CEQA filing fee receipt if applicable. NOD posting receipt, and F & W fee receipt. Mail to:

**Department of Regional Planning
320 W Temple Street, Room 1360
Los Angeles, CA 90012**

- b) Zoning inspection fees*, and MMRP fees if applicable (see Conditions of Approval). Payment can be made by mail or online. Mail payment to address above. Write project number on checks and make payable to "County of Los Angeles." To pay online, please contact your case planner for an invoice number and make payment through <https://epicla.lacounty.gov/>.

STEP 4: OBTAIN BUILDING PERMITS: Provide a copy of your stamped plans to the Department of Public Works, Building and Safety office.*

For questions or for additional information, please contact the planner assigned to your case. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

** Does not apply to subdivision cases.*



Please complete and return to:
LA County Planning
320 West Temple Street, 13th Floor
Los Angeles, California 90012

AFFIDAVIT OF ACCEPTANCE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

}ss

**REGARDING: PROJECT NO. PRJ2023-002042-(5)
CONDITIONAL USE PERMIT NO. RPPL2023002959
875 EAST MARIPOSA STREET, ALTADENA
APN(S): 5845-017-010**

I/We the undersigned state:

I am/We are the permittee of the above-mentioned permits and/or owner of the real property described above. I am/We are aware of, and accept, all the stated Conditions of Approval for the above-mentioned permit(s).

I/We have enclosed a check in the amount of **\$2,205.00** payable to the County of Los Angeles as required by the Conditions of Approval for regular inspections for compliance. I/We also acknowledge that I/We and my/our successors in interest may be required to reimburse the Department of Regional Planning for any additional enforcement efforts necessary to bring the subject property into compliance.

Executed this _____ day of _____, 20 _____

I/We declare under the penalty of perjury that the foregoing is true and correct.

Complete both Applicant and Owner sections, even if the same.

Signatures must be acknowledged by a Notary Public. Affix seal or appropriate acknowledgements.

Applicant's Name: _____

Address: _____

City, State, Zip: _____

Signature: _____

Owner's Name: _____

Address: _____

City, State, Zip: _____

Signature: _____
