

## REPORT TO THE HEARING OFFICER

---

DATE ISSUED: March 21, 2024

HEARING DATE: April 2, 2024 AGENDA ITEM: 5

PROJECT NUMBER: PRJ2022-001048-(5)

PERMIT NUMBER: Conditional Use Permit ("CUP") RPPL2022003002

SUPERVISORIAL DISTRICT: 5

PROJECT LOCATION: 2100 N. Fair Oaks, Altadena

OWNER: Jessica Padilla, Pepe Joy Trust

APPLICANT: Jessica Padilla

CASE PLANNER: Anthony M. Curzi, Planner  
[acurzi@planning.lacounty.gov](mailto:acurzi@planning.lacounty.gov)

---

### 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:*

LA County Planning staff ("Staff") recommends **APPROVAL** of Project Number PRJ2022-001048-(5), CUP Number RPPL2022003002, based on the Findings (Exhibit C – Findings) contained within this report and subject to the Draft Conditions of Approval (Exhibit D – Conditions of Approval).

Staff recommends the following motion:

### **CEQA:**

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.

### **ENTITLEMENT:**

I, THE HEARING OFFICER, APPROVE CONDITIONAL USE PERMIT NUMBER RPPL2022003002 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

## **PROJECT DESCRIPTION**

### **A. Entitlement Requested**

CUP to authorize the sale of beer and wine for on-site consumption (ABC Type 41 License) at an existing restaurant in the C-3 (General Commercial) Zone pursuant to Los Angeles County ("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).

### **B. Project**

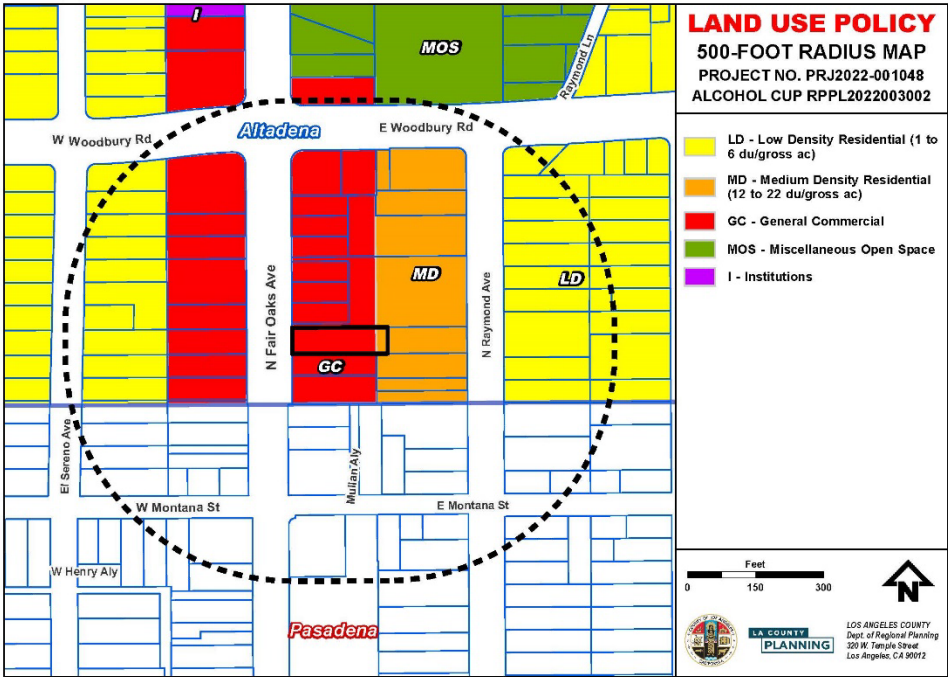
The Project is a request for a CUP to authorize the sale of beer and wine for on-site consumption at an existing restaurant (El Caporal). The sale of beer and wine is requested from 9:00 am to 10:00 pm, Sunday to Thursday and from 9:00 am to 11:00 pm Friday and Saturday. The subject restaurant is located on a property that is split-zoned between the C-3 and R-3-P (Limited Density Multiple Residence – Parking); however, the building housing the restaurant where the sale of beer and wine is proposed, is wholly in the C-3 Zone. The parking lot serving the restaurant is within the R-3-P Zone.

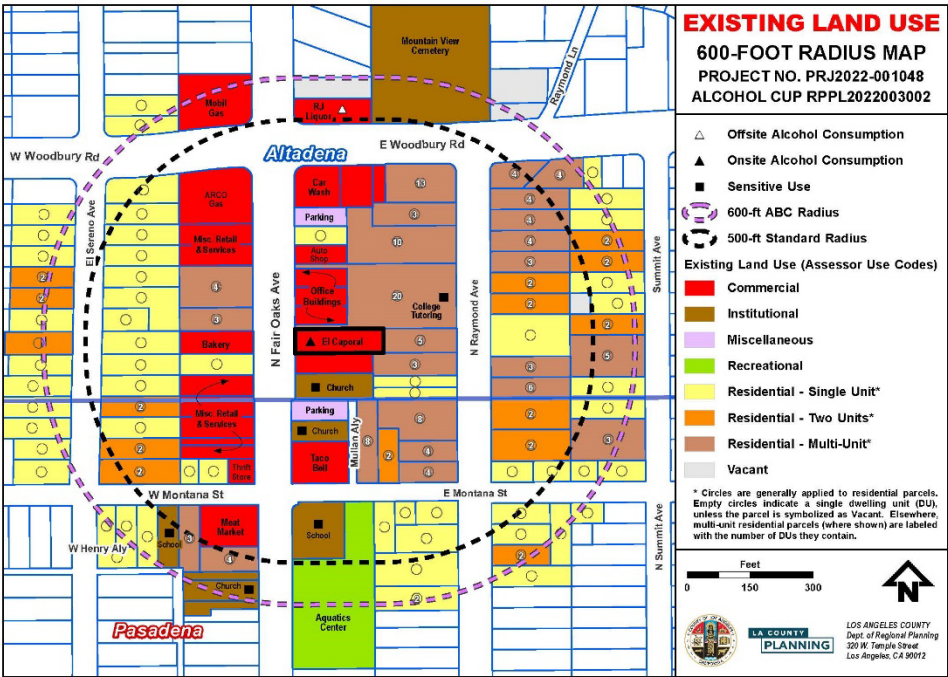
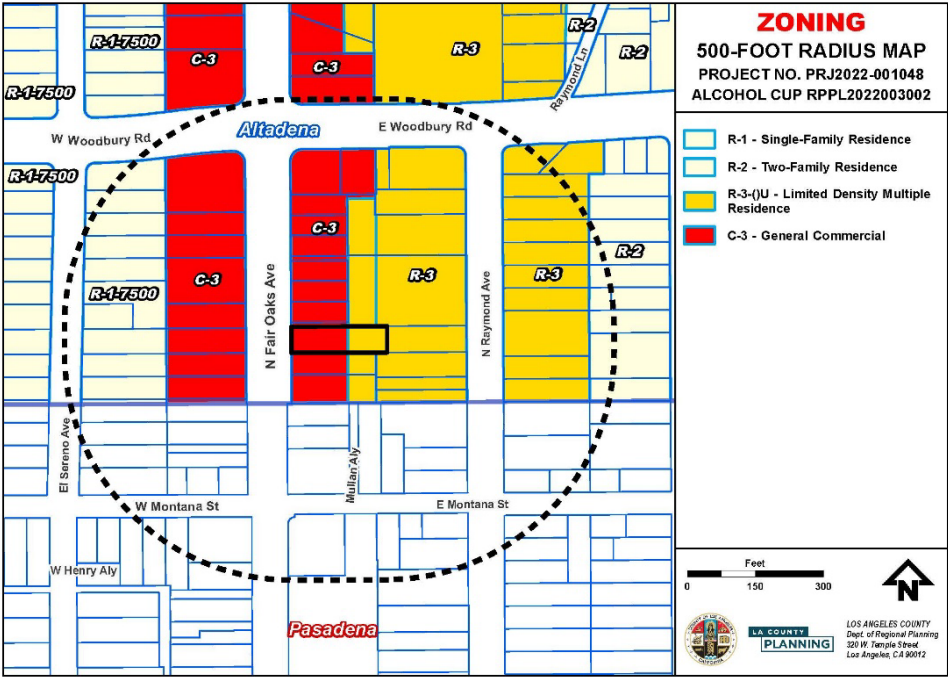
## **SUBJECT PROPERTY AND SURROUNDINGS**

The following chart provides property data within a 500-foot radius:

LOCATION	ALTADENA COMMUNITY PLAN LAND USE POLICY	ZONING	EXISTING USES
SUBJECT PROPERTY	GC (General Commercial)	C-3, R-3-P	Restaurant and parking lot
NORTH	GC, MOS (Miscellaneous Open Space)	C-3, R-3	Professional offices, auto shop, SFR, parking lot, car wash, liquor store, cemetery
EAST	MD (Medium Density Residential-12 to 22 dwelling units/gross acre), LD (Low Density Residential-1 to 6 dwelling units/gross ac)	R-3, R-2 (Two- Family Residence)	Multi-family residences (MFRs), college tutoring, single-family residences (SFRs),
SOUTH	GC, City of Pasadena	C-3, R-3, City of Pasadena	Commercial uses, churches, school, fast food

			restaurant, aquatics center, market, thrift store, SFRs.
WEST	GC, LD	C-3, R-1-7,500 (Single-Family Residence - 7,500 Square Feet Minimum Required Lot Area)	Automobile services stations, SFRs, MFRs, misc. retail







## **PROPERTY HISTORY**

### **A. Zoning History**

<b>ORDINANCE NO.</b>	<b>ZONING</b>	<b>DATE OF ADOPTION</b>
ZCO 42	Zone 5 (General Commercial)	September 6, 1927
ZCO 5541	C-3 and R-3	May 9, 1950

### **B. Previous Cases**

<b>CASE NO.</b>	<b>REQUEST</b>	<b>DATE OF ACTION</b>
RPP200400623	New restaurant	April 1, 2005
RPPL2019004156	Business License Referral for subject restaurant	July 11, 2019

The subject restaurant was constructed in 1922 pursuant to County Assessor records.

### **C. Violations**

<b>CASE NO.</b>	<b>VIOLATION</b>	<b>CLOSED/OPEN</b>
NONE	NA	NA

## **ANALYSIS**

### **A. Land Use Compatibility**

The neighborhood in which the restaurant where alcohol sales is proposed is located, contains a mix of residential, commercial, and service uses. The existing restaurant is compatible with surrounding commercial and service uses. The sale of beer and wine will be accessory to the restaurant. Sensitive land uses, such as residential uses, churches, and schools will be well buffered from alcohol sales with intervening structures, parking lots, and streets. The restaurant is set back from the street, and consumption of alcoholic beverages will only occur indoors.

### **B. Neighborhood Impact (Need/Convenience Assessment)**

The sale of beer and wine in association with meals served in the restaurant will add a public convenience and offer a greater variety of dining options to the community. The only other establishment selling alcoholic beverages is a liquor store located over 500 feet from the subject restaurant, and it is for offsite consumption.

### **C. Design Compatibility**

The existing structure has been located on the property for more than 100 years. There are no proposed design changes related to the CUP request. The subject restaurant is well maintained and contains sufficient parking to the rear. The building itself is set back more

than 25 feet from the front property line, providing an additional buffer from surrounding land uses as this distance functions as a setback. While outdoor dining is allowed on the premises, the serving and consumption of beer and wine will be limited to indoors only.

#### **GENERAL PLAN/COMMUNITY PLAN CONSISTENCY**

The Project is consistent with applicable goals and policies of the General Plan and Altadena Community Plan. Consistency findings can be found in the attached Findings (Exhibit C – Findings).

#### **ZONING ORDINANCE CONSISTENCY**

The Project complies with all applicable zoning requirements. Consistency findings can be found in the attached Findings (Exhibit C – Findings).

#### **BURDEN OF PROOF**

The applicant is required to substantiate all facts identified by Sections 22.158.050 (CUP Findings and Decision) and 22.140.030.F (Alcoholic Beverages Sale – Findings) of the County Code. The Burden of Proof with applicant's responses is attached (Exhibit E – Applicant's Burden of Proof). Staff is of the opinion that the applicant has met the burden of proof.

#### **ENVIRONMENTAL ANALYSIS**

Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. There are no applicable exceptions to the exemptions. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA. An environmental determination (Exhibit F – Environmental Determination) was issued for the project.

#### **COMMENTS RECEIVED**

##### **A. County Department Comments and Recommendations**

The County Sheriff's Department ("Sheriff"), in a letter dated July 6, 2023, stated that there were 10 calls for service at the subject location over a four-year period, but that the calls were not related to the business itself but to mostly loitering in the parking lot. The letter stated that the restaurant has sufficient lighting and has not been a problem and that the Sheriff does not object to the CUP.

##### **B. Other Agency Comments and Recommendations**

The California Department of Alcoholic Beverage Control ("ABC") submitted a Business and Practice Worksheet ("worksheet"), dated July 12, 2023, which included crime reporting district and Census Tract-based statistics regarding reported criminal activity and existing alcohol licenses. According to the worksheet, the Project Site is in high crime reporting district number 0774 and a finding of public convenience and necessity will be required. The worksheet also stated that the Project Site is not in an area of overconcentration of ABC licenses. Five ABC Licenses for on-site sale are allowed and

ABC's records show that there are four on-site sale licenses currently in the subject census tract.

**C. Public Comments**

The Altadena Town Council in a letter dated, May 2, 2023, expressed support for the Project with recommended conditions, including request for a security system and security cameras, support for the requested hours, and support for "happy hour" specials.

---

Report  
Reviewed By: Michele R. Bush  
Michele R. Bush, Supervising Regional Planner

Report  
Approved By: Susan M. Tae  
Susan M. Tae, AICP, Assistant Deputy Director

---

LIST OF ATTACHED EXHIBITS	
EXHIBIT A	Plans
EXHIBIT B	Project Summary Sheet
EXHIBIT C	Findings
EXHIBIT D	Conditions of Approval
EXHIBIT E	Applicant's Burden of Proof
EXHIBIT F	Environmental Determination
EXHIBIT G	Informational Maps
EXHIBIT H	Photos
EXHIBIT I	Agency Correspondence
EXHIBIT J	Public Correspondence

- El Caporal Mexican Restaurant -  
New Beer & Wine License

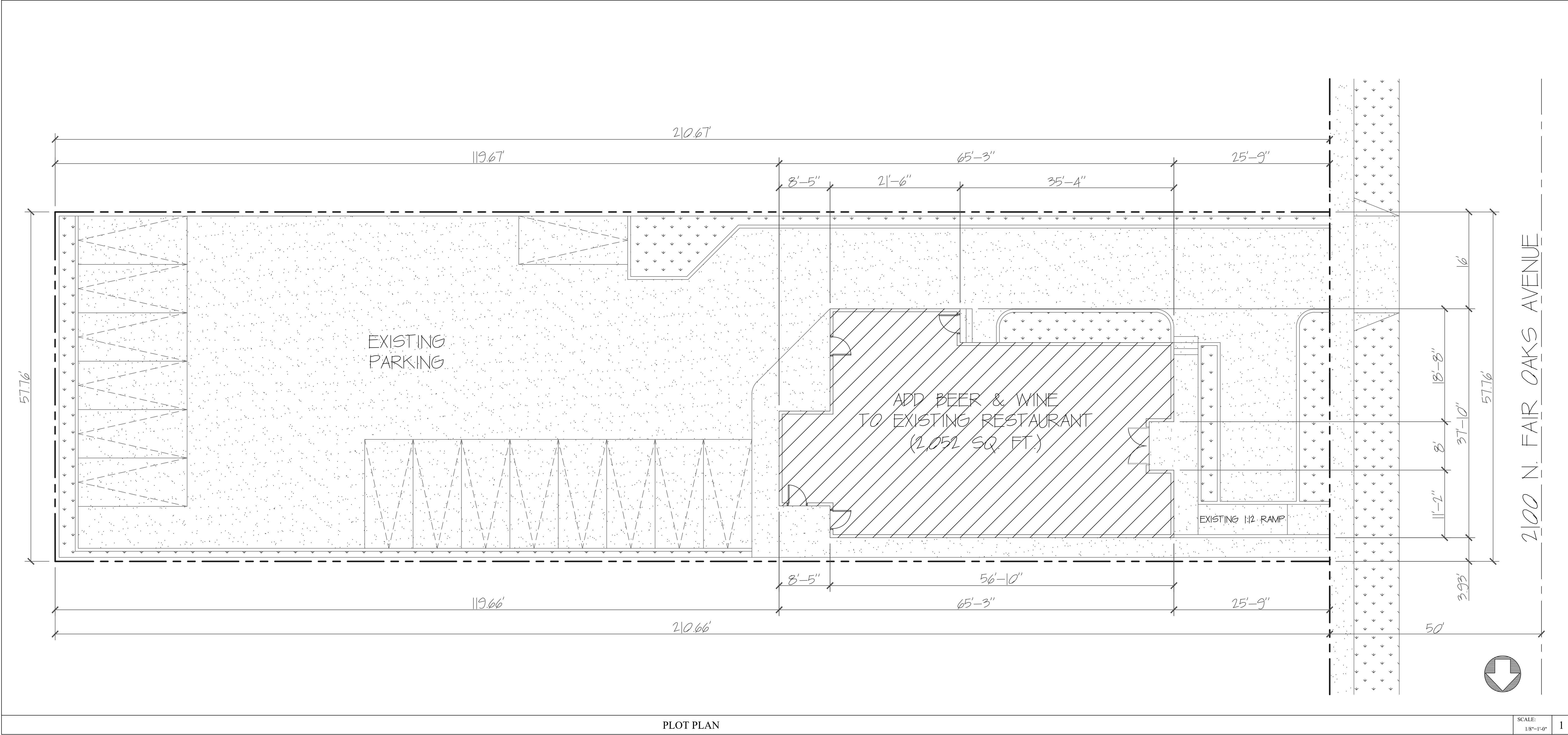
2100 N. Fair Oaks Avenue  
Altadena, CA 91001

ALPINE  
DESIGN

6629 Crescent Street  
Los Angeles, CA 90042  
(213) 841-9988 Tel.  
(626) 888-2329 Fax  
Alan@AlpineDesign.us  
www.AlpineDesign.us

Alan Pined		
Δ	DATE	REVISION
	3-25-21	NEW PRINTS
	5-11-21	REVISIONS

PROJECT DATA		LEGAL DESCRIPTION	BUILDING SIZE	LOT SUMMARY	DRAWING INDEX	
<u>SCOPE:</u> ADD BEER & WINE TO EXISTING 2,052 SQ. FT. RESTAURANT.	<u>ADDRESS:</u> 2100 N. FAIR OAKS AVENUE ALTADENA, CA 91001	<u>APN:</u> 5836-031-018  <u>AREA:</u> 12,169 S.F.  <u>TRACT:</u> TRACT NO 4064 THAT PART (EX OF ST) W OF E 175 FT OF LOT 6  <u>BLOCK:</u> N/A  <u>LOT:</u> 6  <u>ARB:</u> N/A  <u>ZONE:</u> RESIDENTIAL	<u>EXISTING FLOOR AREA:</u> 2,052 S.F.  <u>BUILDING HEIGHT:</u> 18'-0" (NO CHANGE IN BUILDING HEIGHT)	LOT AREA:                    12,169 SQ. FT.  EXISTING RESTAURANT: 2,052 SQ. FT.  COVERED AREA:            2,043 SQ. FT. (16.8%)  LANDSCAPED AREA:        913 SQ. FT. (7.5%)	<u>SHEET</u>	<u>DESCRIPTION</u>
					A-1	PLOT PLAN / PROJECT DESCRIPTION
					A-2	EXISTING FLOOR PLAN / PARCEL MAP



Add Beer & Wine Sales To Existing Restaurant.  
El Caporal Mexican Restaurant  
2100 N. Fair Oaks Avenue  
Altadena, CA 91001

OWNER:  
**PADILLA**  
Sergio & Jessica  
(626) 345-0802  
2100 N. Fair Oaks  
Altadena, CA 91001

PROJECT NUMBER:  
5836-031-018

STAMP

SHEET TITLE  
PLOT PLAN

SCALE  
AS NOTED

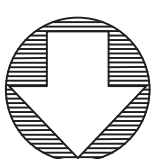
DATE  
03-25-21

SHEET NUMBER  
A-1



## A-2

SCALE:	
1/4"=1'-0"	



**PROJECT NUMBER**

PRJ2022-001048-(5)

**HEARING DATE**

April 2, 2024

**REQUESTED ENTITLEMENT**

Conditional Use Permit ("CUP") No.  
RPPL2022003002

## PROJECT SUMMARY

---

**OWNER / APPLICANT**

Pepe Joy Trust / Jessica Padilla

**MAP/EXHIBIT DATE**

March 25, 2021

**PROJECT OVERVIEW**

A request for a CUP to authorize the sale of beer and wine for on-site consumption (ABC Type 41 License) in an existing restaurant (El Caporal). Requested alcohol sales hours are from 9:00 am to 10:00 pm, Sunday to Thursday and 9:00 am to 11:00 pm, Friday and Saturday.

**LOCATION**

2100 N. Fair Oaks Avenue, Altadena

**ACCESS**

Fair Oaks Avenue

**ASSESSORS PARCEL NUMBER**

5836-031-018

**SITE AREA**

0.28 acre (12,168 square feet)

**GENERAL PLAN / LOCAL PLAN**

Altadena Community Plan

**ZONED DISTRICT**

Altadena

**LAND USE DESIGNATION**

GC (General Commercial)

**ZONE**

C-3 (General Commercial), R-3-P (Limited Density  
Multiple Residence-Parking)

**PROPOSED UNITS**

NA

**MAX DENSITY/UNITS**

NA

**COMMUNITY STANDARDS DISTRICT**

Altadena

**ENVIRONMENTAL DETERMINATION (CEQA)**

Class 1 Categorical Exemption – Existing Facilities

**KEY ISSUES**

- Consistency with the General Plan and Altadena Community Plan
- Satisfaction of the following portions of Title 22 of the County Code:
  - Section 22.158.050 (CUP Findings and Decision Requirements)
  - Chapter 22.306 (Altadena CSD)
  - Section 22.20.040 (Development Standards for Commercial Zones)
  - Section 22.140.030 (Alcoholic Beverage Sales)

**CASE PLANNER:**

Anthony M. Curzi

**PHONE NUMBER:**

(213) 893 - 7016

**E-MAIL ADDRESS:**[acurzi@planning.lacounty.gov](mailto:acurzi@planning.lacounty.gov)

LOS ANGELES COUNTY  
DEPARTMENT OF REGIONAL PLANNING  
FINDINGS OF THE HEARING OFFICER  
AND ORDER  
PROJECT NO. PRJ2022-001048-(5)  
CONDITIONAL USE PERMIT NO. RPPL2022003002

**RECITALS**

1. **HEARING DATE.** The Los Angeles County ("County") Hearing Officer conducted a duly noticed public hearing in the matter of Conditional Use Permit ("CUP") No. **RPPL2022003002** on April 2, 2024.
2. **HEARING PROCEEDINGS.** *Reserved.*
3. **ENTITLEMENT REQUESTED.** The permittee, Jessica Padilla ("permittee"), requests the CUP to authorize the sale of beer and wine for on-site consumption (ABC Type 41 License) at an existing restaurant ("Project") on a property located at 2100 North Fair Oaks Avenue in the unincorporated community of Altadena ("Project Site"), in the C-3 (General Commercial) and R-3-P (Limited Density Multiple Residence - Parking) Zones 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). Requested hours for alcoholic beverage sales are from 9:00 a.m. to 10:00 p.m. Sunday to Thursday and from 9:00 a.m. to 11:00 p.m. Friday and Saturday.
4. **LAND USE DESIGNATION.** The Project Site is located within the GC (General Commercial) land use category of the Altadena Community Plan ("Community Plan") Land Use Policy Map, a component of the General Plan.
5. **ZONING.** The Project Site is located in the Altadena Zoned District and is currently split-zoned between the C-3 and R-3-P Zones; however, the building housing the restaurant where the sale of beer and wine is proposed, is wholly in the C-3 Zone. 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.
6. **SURROUNDING LAND USES AND ZONING**

LOCATION	COMMUNITY PLAN LAND USE POLICY	ZONING	EXISTING USES
NORTH	GC, MOS (Miscellaneous Open Space)	C-3, R-3-P	Professional offices, auto shop, SFR, parking lot, car wash, liquor store, cemetery
EAST	MD (Medium Density Residential	R-3, R-2 (Two- Family Residence)	Multi-family residences (MFRs),

	- 12 to 22 dwelling units per gross acre), LD (Low Density Residential - 1 to 6 dwelling units per gross acre)		college tutoring, single-family residences (SFRs),
SOUTH	GC, City of Pasadena	C-3, R-3, City of Pasadena	Commercial uses, churches, school, fast food restaurant, aquatics center, market, thrift store, SFRs.
WEST	GC, LD	C-3, R-1-7,500 (Single-Family Residence - 7,500 Square Feet Minimum Required Lot Area)	Automobile services stations, SFRs, MFRs, misc. retail

## 7. PROJECT AND SITE PLAN DESCRIPTION.

### A. Existing Site Conditions

The Project Site is 0.28 acres (12,168 square feet) in size and consists of one legal lot. The Project Site is rectangular in shape with flat topography and is developed with an existing 2,052-square-foot one-story commercial building housing a restaurant and parking lot.

### B. Site Access

The Project Site is accessible via North Fair Oaks Avenue, a 100-foot-wide Secondary Highway, as designated on the County Master Plan of Highways, to the west. Primary vehicular access to the Project Site is via an entrance/exit off of North Fair Oaks Avenue.

### C. Site Plan

The site plan depicts the entire property with the existing 2,025-square-foot, one-story building at the western portion of the property with a parking lot consisting of 15 automobile parking spaces, including one accessible space, to the east of the building. The site plan also depicts a 16-foot-wide ingress/egress driveway providing access to and from Fair Oaks Avenue.

The floor plan depicts the restaurant with nine four-person tables. Alcohol will be served and consumed in these areas. The entrance is depicted at the western end of the building. The restaurant's office, kitchen, dish room, walk-in freezers, storage rooms and men's and women's restrooms are also depicted.

**D. Parking**

Parking is located to the east of the commercial building and includes 15 spaces, including one accessible space. Parking is provided in accordance with a previously approved Plot Plan RPP200400623.

**8. CEQA DETERMINATION.**

Prior to the Hearing Officer's public hearing on the Project, 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 involved the sale of beer and wine in an existing restaurant with no proposed physical changes.

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 Department of Health Services. 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 100 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.

9. **COMMUNITY OUTREACH.** On April 18, 2023, prior to the Hearing Officer's public hearing on the Project, the permittee presented the request to the Altadena Town Council ("ATC").
10. **PUBLIC COMMENTS.** The ATC provided a letter dated May 1, 2023, wherein support for the Project was expressed along with 22 separate recommendations for operation of the bar and lounge. Many of these recommendations are in line with, or similar to, the Project's Conditions of Approval.
11. **AGENCY RECOMMENDATIONS.** The State Department of Alcoholic Beverage Control ("ABC") submitted a Business and Practice Worksheet ("worksheet"), dated July 12, 2023, which included crime reporting district and Census Tract-based statistics regarding reported criminal activity and existing alcohol licenses. According to the worksheet, the Project Site is in high crime reporting district number 0774 and a finding of public convenience and necessity will be required. The worksheet also stated that the Project Site is not in an area of overconcentration of ABC licenses. Five ABC Licenses for on-site sale are allowed and ABC's records show that there are four on-site sale licenses currently in the subject census tract.
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, and newspaper (*Pasadena Star News*), and property posting. Additionally, the Project was noticed, and case materials were available on LA County Planning's website. On December 21, 2023, a total of 248 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 nine 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 CG land use designation is intended for a "broad range of commercial services" (Community Plan 4-9), a variety of retail sales, restaurants, and other commercial services, categories into which this

Project falls. As the Project is a restaurant where patrons will be able to enjoy beer and wine with their meals in a professionally managed location, the Project falls within the uses included in the Community Plan.

14. **GOALS AND POLICIES.** The Hearing Officer finds that the following policies of the General Plan and Community Plan are applicable to the Project.

- *General Plan Land Use Policy LU 5.2: “Encourage a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs.”*
- *General Plan Land 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.”*
- *Community Plan Policies – Issue 1: Land Use Mix #1 – “Preserve existing residential neighborhoods, commercial districts, community facilities, institutions, and environmental amenities.”*
- *Community Plan Policies – Issue 3: Commercial Development – Community-wide Commercial #1 – “Enhance the physical character and economic viability of existing commercial centers and districts by providing for infill and intensification of vacant and underutilized parcels, adaptive reuse of vacant structures, and rehabilitation of deteriorated structures.”*

The Project will serve the area by providing a place for members of the community to enjoy beer and wine in conjunction with meals in an existing restaurant. Authorizing this restaurant to sell beer and wine will strengthen its competitiveness, affording the opportunity to grow their customers base and continue to operate as an economically viable business within the neighborhood.

### **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 the sale of beer and wine 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). The subject property is spit-zoned with the eastern portion zoned R-3-P. However, the sale of alcoholic beverages will only occur in the portion of the property zoned C-3.

16. **PARKING.** The Hearing Officer finds that the Project is consistent with the previously approved Plot Plan RPP200400623. Parking is located to the east of the commercial building and includes 15 spaces, including one accessible space.

17. **ALCOHOLIC BEVERAGES.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.140.030.F.2 (Public Convenience or Necessity). As the proposed sale of beer and wine for on-site consumption is in a high crime reporting district, a finding of public convenience or necessity has been made. The requested hours of alcohol sales of 9:00 a.m. to 10:00 p.m. Sunday to Thursday and from 9:00 a.m. to 11:00 p.m. Friday and Saturday are

appropriate given the nature of the business, the adequacy of the buffering of the business from neighboring land uses, and the numerous County-imposed safeguards and conditions governing the sale and serving of such beverages. The 9:00 a.m. start time for the sale of alcoholic beverages, in lieu of the typical 10:00 a.m. start time, is to make the hours of alcohol sales coterminous with the restaurant's operating hours.

18. **COMMUNITY STANDARDS DISTRICT ("CSD").** There are no alcoholic beverage-specific regulations in the Altadena CSD. CSD standards relating to the building itself are not applicable as the building was constructed before adoption of the CSD and no changes to the building are proposed. However, CSD standards would also have been addressed as part of previous SPRs. While not required, the property does meet some CSD standards pertaining to pedestrian entrance within 10 feet of the property line, visual interaction, and the incorporation of various architectural elements such as the presence of outdoor dining (but without the service of beer and wine).

#### **CONDITIONAL USE PERMIT FINDINGS**

19. **The Hearing Officer finds that the proposed use will be consistent with the General Plan for the area.** The proposed use for the sale of beer and wine for on-site consumption in an existing restaurant is appropriate in commercial areas, is a use permitted in the subject land use category, and will further select goals and policies of the County pertaining to economic development. Authorizing the sale of beer and wine for on-site consumption in association with a food service will strengthen the economic competitiveness of the business.
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 sale of beer and wine 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 numerous County-imposed conditions to ensure that negative impacts are eliminated or minimized such as the requirement for a security/camera system., requirement for food service in conjunction with alcoholic beverages, and prohibition against the advertisement of alcoholic beverages.
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 sale of beer and wine for on-site consumption will occur indoors within an existing commercial structure legally constructed and in accordance with development standards in effect at the time. The subject restaurant's façade is well-integrated into the neighborhood, with sufficient fenestration, color, landscaping, and other design elements that are compatible with the surrounding area.

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 Fair Oaks Avenue, a County-designated Secondary Highway with a 100-foot right-of-way, comprised of an 84-foot-wide vehicular path with two travel lanes and a median and two 8-foot-wide sidewalks. The restaurant is existing, and the sale of beer and wine is not expected to generate additional traffic in such a manner as to cause undue congestion. The Project Site is also served by public transportation with Metro and Pasadena Transit bus service on Fair Oaks Avenue. 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 three churches and two schools located within 600 feet of the subject bar and lounge to the south and a college tutoring facility to the east; however, the restaurant is sufficiently buffered from these uses by intervening buildings, streets, fences, and parking lots. Furthermore, County-imposed conditions, regarding operation of the establishment will ensure that negative impacts will be minimized, such as restricting alcoholic beverage consumption to indoors, and a requirement for security cameras.
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.** The Project Site is sufficiently buffered from nearby residential areas to the south, east, and west by a parking lot, fences, intervening buildings, and landscaping. Alcohol sales will be limited to indoors only.
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 sale of beer and wine in association with meals in an existing restaurant will represent an economic opportunity by introducing enhanced dining options for the community. The sale of such beverages will occur only in the confines of the restaurant's dining room.
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 subject building is existing and is consistent in

architectural style and size with other commercial buildings in the neighborhood. The subject use was previously approved with a Plot Plan, in accordance with development standards in effect at the time.

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.** The Project Site is located in a high crime reporting district but not in an area with an undue concentration. Five ABC Licenses for on-site sale are allowed and ABC's records show that there are four on-site sale licenses currently in the subject census tract. Therefore, with the additional sale of beer and wine at the subject location, the area will not be overconcentrated. The sale of beer and wine for on-site consumption with meals will create new economic activity in the area, offering the public enhanced dining options in a professionally managed venue with numerous operational safeguards, such as requirements for a security system with cameras, and prohibitions on loitering. The 9:00 a.m. start time for the sale of alcoholic beverages, in lieu of the typical 10:00 a.m. start time, is to make the hours of alcohol sales coterminous with the restaurant's operating hours.

## **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 involves the sale of alcoholic beverages for on-site consumption in an existing restaurant.

No exceptions to the categorical exemption apply to the Project per Section 15300.2 of the California Code of Regulations. 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 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 Department of Health Services. 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 over 100 years, the new sale of alcoholic beverages for on-site consumption in an existing restaurant will not affect the building in any way.

### **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 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 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.
- G. 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.
- H. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.
- I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood, so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.
- J. 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 beer and wine for on-site consumption at an existing restaurant 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. RPPL2022003002**, subject to the attached conditions.

**ACTION DATE: April 2, 2024**

MRB:AMC

March 21, 2024

LOS ANGELES COUNTY  
DEPARTMENT OF REGIONAL PLANNING

CONDITIONS OF APPROVAL  
PROJECT NO. PRJ2022-001048-(5)  
CONDITIONAL USE PERMIT NO. RPPL2022003002

**PROJECT DESCRIPTION**

The project is a request to authorize the sale of beer and wine for on-site consumption at an existing restaurant, 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 Conditions No. 3, 4, and 8, and 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 ("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.
7. **This grant shall terminate on April 2, 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 the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit ("CUP") 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 of **\$2,130.00**, 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** 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, **a digital copy of a modified Exhibit "A" shall be submitted to LA County Planning by June 2, 2024.**



17. If subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **a digital copy 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.
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 OF ON-SITE CONSUMPTION)**

19. This grant shall authorize the sale of beer and wine for on-site consumption at an existing restaurant from 9:00 a.m. to 10:00 p.m. Sunday to Thursday and from 9:00 a.m. to 11:00 on Friday and Saturday.
20. As agreed to by the permittee, a monitored security alarm shall be installed by July 2, 2024 on the premises.
21. As agreed, to by the permittee, security video cameras shall in installed by July 2, 2024 inside the restaurant and outside facing the outdoor dining area and surrounding area. Video footage shall be retained for at least one month and shall be made available to law enforcement upon request.
22. The permittee may hold "happy hour" drink specials, specials or similar promotions from 3:00 p.m. to 7:00 p.m. only in conjunction with food.
23. As agreed, to by the permittee, food service shall be continuously provided during operating hours.
24. Loitering shall be prohibited on the subject property, including loitering by employees of the restaurant. Signage in compliance with County Code Chapter 22.114 (Signs) 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. 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.
25. All employees who directly serve or are in the practice of selling alcoholic beverages, including managers and security personnel, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by ABC, or a similar program, such as 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, indicated 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 CUP, and subsequently within 90 days of the hire date of all new employees and/or managers.

26. 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.
27. 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, or within any portion of the interior of any structure that is visible from the outside.
28. Alcoholic beverages shall only be sold or served to patrons aged 21 or older. All regulations of the State of California pertaining to the sale of alcoholic beverages to the sale of minors shall be enforced. There shall be no lottery or tobacco sales.
29. The permittee shall provide adequate exterior lighting above all entrances and exits to the premises and in all parking areas and walkways under control of the permittee or required as a condition of this grant. All exterior lighting required by this grant shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons within lighted areas during operating hours and shall be designed to direct light and glare only onto the premises. All exterior lighting by this grant shall also be hooded and directed away from neighboring residences to prevent direct illumination and glare and shall be turned off within 30 minutes after conclusion of activities, except for sensor-activated security lights and/or low-level lighting along all pedestrian walkways leading to and from the parking lot.
30. 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.
31. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
32. The premises, including exterior facades, designated parking areas, fences, and adjacent sidewalks 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.
33. There shall be no consumption of alcoholic beverages outside the designated areas 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.

34. The permittee shall develop and implement a Designated Driver program (e.g. free soft drinks or coffee to a designated driver of a group). A printed two-sided card explaining this program shall be placed on all tables in the facility or an explanation regarding this program shall be printed on the menu.
35. Music or other audible noise at the premises shall comply with Title 12 to the satisfaction of the County Department of Public Health. No live music shall be allowed inside or outside the premises. Pre-recorded, radio, or acoustic music may be played inside the building but shall not be heard outside the business. Doors shall be kept closed at all times.



## ATTACHMENT B

### Los Angeles County Department of Regional Planning CONDITIONAL USE PERMIT STATEMENT OF FINDINGS 2100 N. Fair Oaks Ave. Altadena, CA 91001

#### **B.1 The proposed use will be consistent with the adopted General Plan for the area.**

The project site maintains a General Plan Land Use designation of General Commercial and is improved with an existing commercial development. The subject request is for the sale and dispensing of beer and wine for on-site consumption within an existing restaurant. The restaurant use is consistent with the General Commercial Land Use Designation of the site since the GC designation is intended to permit a broad range of commercial services, including the traditional concepts of community, neighborhood, and highway-oriented commercial, categories into which this Project falls. The proposed alcohol use promotes the concept of community-oriented commercial uses and is a local-serving restaurant that contributes to the broad range of commercial services provided in the surrounding community. The sale of beer and wine is conditionally permitted on the site subject to certain findings, which have been made herein.

If the requested entitlement is granted, it would allow for the restaurant to provide alcoholic beverages as an incidental addition to its primary food service function. The restaurant's ability to effectively market to and satisfy the expectations of its customers, will be strengthened by the sale and service of alcoholic beverages at the restaurant.

The requested entitlement is consistent with a number of the General Plan's objectives and policies land uses such as:

- ✓ Goal 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.
  - Policy LU 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 requested entitlement is consistent with the following goals and policies of the Altadena Community Plan such as:

- ✓ Maintain and enhance the quality and distribution of land uses which characterize the Altadena community and make it an attractive environment in which to live, work and enjoy leisure hours.
- ✓ Establish an economically viable commercial environment for the Altadena community which meets the needs of the residents and is compatible with the community character.
  - Preserve existing residential neighborhoods, commercial districts, community facilities, institutions, and environmental amenities.
  - Encourage commercial areas to develop desirably distinctive qualities in their design, appearance, and operation.

The restaurant is located in an area surrounded by a mix of land uses, services and amenities. The sale of beer and wine will enhance the amenities provided to local patrons and contribute to the economic growth of the surrounding community. The Project request will maintain and enhance the restaurant use and make it more attractive to patrons in the surrounding community.

**B.2 The requested use at the location proposed will not:**

**a. Adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area;**

**b. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and**

**c. Jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.**

The requested use will have no adverse effect on nearby residents or employees. On the contrary, the proposed use of alcoholic beverages will provide a supplementary service to great authentic Mexican food for residents and employees in the vicinity. El Caporal Mexican Restaurant will continue to provide positive investment to improve property value. The existing restaurant is an attractive improvement to the commercial strip it resides in.



The site improvements and highly visible property investment encourages other property owners in the vicinity to consider similar investment improving property values throughout the area. Moreover, the approval of the proposed entitlement will also allow the restaurant to not only attract additional visitors but generate additional tax revenues for the area and local economy therefore increasing the valuation of the property within itself and making it more desirable.

The Applicant's ability to serve beer and wine beverages to her patrons with their meals will strengthen the restaurant's revenues and help enable the establishment to remain solvent and continue to prosper as the pandemic recovery unfolds in the coming months and years. Restaurants in general have been devastated by the pandemic; the Applicant's ability to serve alcoholic beverages as a customary complement to the restaurant's primary food service function will help ensure the business' viability, which, in turn, will help enhance the economic viability of the site.

The approval of the conditional use will not adversely affect the welfare of the pertinent community as the request does not include any form of live entertainment or patron dancing. The subject property is zoned for commercial uses and will be utilized as such with the proposed alcohol sales in conjunction with a restaurant. The use will not adversely affect the economic welfare of the community because the existing establishment will continue to positively impact the financial health of the property and improve the economic vitality of the area via increases in taxable revenue and local employment. The sale of alcoholic beverages in this location will not represent the introduction of a new use to the area; moreover, the applicant will operate this bona-fide eating place under all applicable codes and guidelines. The kitchen will remain open the entire time the restaurant is and there will be no live entertainment. This assures a use which is both convenient to patrons and respects the welfare of the community.

**B.3 The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.**

The project site maintains a zoning designation of C-3 and a General Plan Land Use Designation of General Commercial. It is also within the Altadena Community Plan and the Altadena Community Standards District. The existing subject property is located within an existing commercial development, which was built to county specifications regarding necessary walls,



fences, parking and loading facilities. The use of the property will not change. The subject property is zoned for commercial uses and will be utilized as such with the proposed alcohol sales in conjunction with an existing restaurant.

The subject request is to allow for the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing restaurant. It does not include the construction of any new buildings on the land or introduce a new use to the site. Since there will be no physical changes to what already exists at the project site, it can be found that it is adequate in size and shape to accommodate the various development features of Title 22.

**B.4 The proposed site is adequately served:**

**a. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate; and**

**b. By other public or private service facilities as are required.**

The project site is fronted on Fair Oaks Avenue, a designated Major Highway with a dedicated street width of 90 ft. The property is accessible via Fair Oaks Ave. This site is located on one of the principal thoroughfares in the area and the development was planned to accommodate the proposed commercial use. The restaurant use has existed on this site for several years, and the addition of alcohol sales is not expected to increase the traffic volume in the area. As the subject request does not include any changes to the physical characteristics or use of the project site from what it was constructed for, it can be found that the site is adequately served by streets and services that are required for such a use.





**ATTACHMENT A**  
**Los Angeles County Department of Regional Planning**  
**ALCOHOLIC BEVERAGE SALES STATEMENT OF FINDINGS**  
**2100 N. Fair Oaks Ave. CA,91001**

**PROJECT REQUEST:**

The applicant, El Caporal Mexican Food, INC., is requesting a Conditional Use Permit to allow the sale and dispensing of beer and wine (Type 41 ABC License) for on-site consumption at an existing 2,052 sq ft restaurant. The restaurant is located in the C-3 (General Commercial) Zone in the West San Gabriel Planning Area and Altadena Community. The eatery, known as “EL Caporal Mexican Restaurant,” sits up to 36 patrons indoors and is proposing daily operations of 9:00 am to 10:00 pm in lieu of their current 9:00 am to 8 pm schedule.

El Caporal is a family-owned business serving Mexican cuisine. This restaurant offers nicely cooked prawns, carne asada burritos and shrimp ceviche. Delicious horchata and great coffee is served at *El Caporal*. The gracious staff demonstrates a high level of hospitality.

**F.1.a. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.**

The establishment is located within an existing commercial development and is appropriately buffered by public rights of way and a surface parking lot as well as other similar commercial developments.

There are various sensitive uses within a 600-foot radius of the property, including a church and a pre-school directly adjacent to the subject property and another church further up the street. The proposed use will be a bona fide restaurant with beer and wine sales as an accessory offering. As such, it is not expected that any sort of negative externalities such as public drunkenness and loitering will arise as a result of the operation. The proposed project will further be conditioned to maintain the establishment as a restaurant and will ensure that the sale of alcohol will not create a nuisance for the neighbors or sensitive uses in the area.

This project is located in a commercially dense and vibrant part of Altadena and will serve the area’s residential population’s demand for eatery options. The applicant is committed to working



with the community to mitigate any foreseeable adverse impacts. The approval of a liquor license at a respected establishment along N. Fair Oaks Avenue will continue to provide a location for surrounding residents and visitors from around the area to lunch and dine and will encourage commercial activity at surrounding properties, strengthening the local economy and positively impacting the surrounding community. Furthermore, if approved, the Zoning Administrator will impose conditions and limitations, which would mitigate any adverse impacts of the proposed use.

**F.1.b. 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**

The nearest residential uses to the project site are directly towards the rear of the building. The dispensing of beer and wine will be contained to the interior of the restaurant, which is fronted on the shopping center's parking lot. The existing parking lot serves as an adequate buffer for the residential uses from the rear of the restaurant. Further, the existing establishment will be maintained as a bona-fide restaurant and is not proposing live entertainment or patron dancing with this request.

The primary function of the establishment will continue to be a sit-down meal service and the character and mode of operation will not change with the herein authorization. The property is zoned for commercial uses and the restaurant use is allowed by right. The approval of this entitlement will allow the applicant to offer a full service to patrons and to compete more favorably with other restaurants in the area. As wished for, the request represents the introduction of a use that is common to the area. As such, the project will continue to enhance the surrounding neighborhood and will perform a function in addition to providing a service that is essential and beneficial to the adjacent community.

The sale of alcoholic beverages will be incidental to the service of food and occur within the designated dining areas. As such, the subject restaurant will not generate an undue burden or nuisances to residential areas within the immediate vicinity.

**F.1.c. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.**

To the contrary, the sales and service of alcoholic beverages as a customary incident to the restaurant's primary food service function, will allow the applicant to remain economically competitive with other restaurants in the area which have been granted such accommodation; this only supports the overall economic welfare of the site. Allowing the sale of alcoholic



beverages may contribute to sustaining the economic activity in the community as the commercial centers in the immediate vicinity attract customers from a wider geographic area.

As such, the requested Project will not adversely affect the economic welfare of the area. The project is not proposing any changes to the floor area or type of use. The restaurant use has been in place over 10 years along a commercial corridor that intends to attract customers from a wide geographic area. The restaurant offers a full-service breakfast, lunch and dining experience and its customers generally expect alcoholic beverages as a service option. The authorization of the sale beer and wine for on-site consumption in association with the existing restaurant will contribute to an active and vibrant promenade enjoyed by residents and visitors of the area. The applicant is fully aware of the responsibility of serving alcoholic beverages and will take all necessary measures to ensure its cohesive with its neighboring eating establishments that also serve alcohol as an ancillary service.

**F.1.d. 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.**

No change is being proposed to the exterior appearance of the business, which is compatible with the adjacent properties and will not have an adverse impact on the surrounding neighborhood. The restaurant is located within an existing commercial development. The exterior of the restaurant will not be altered at all because of this application, nor will it differ significantly from the appearance of existing businesses on nearby commercial properties. The restaurant's operators understand the effects that a poorly - maintained building have on the community and will continue to pay close attention to the maintenance of its structure. They will ensure that the structure will not deteriorate to the point of causing blight or the lowering of neighboring property values.

## PROPOSED ENVIRONMENTAL DETERMINATION

DETERMINATION DATE: April 2, 2024  
PROJECT NUMBER: PRJ2022-001048-(5)  
PERMIT NUMBER: Conditional Use Permit (“CUP”) RPPL2022003002  
SUPERVISORIAL DISTRICT: 5  
PROJECT LOCATION: 2100 N. Fair Oaks, Altadena  
OWNER: Pepe Joy Trust  
APPLICANT: Jessica Padilla  
CASE PLANNER: Anthony M. Curzi  
[acurzi@planning.lacounty.gov](mailto:acurzi@planning.lacounty.gov)

Los Angeles County (“County”) completed an initial review for the above-mentioned project. Based on examination of the project proposal and the supporting information included in the application, the County proposes that an Exemption is the appropriate environmental documentation under the California Environmental Quality Act (CEQA). The project qualifies as a Class 1 Categorical Exemption under State CEQA Guidelines Section 15301 because the Project involves the new sale of alcoholic beverages (beer and wine) for on-site consumption in an existing restaurant. There is no alteration of the existing structure, developed area, or operation. No exceptions to the categorical exemptions apply to the Project per Section 15300.2 of the California Code of Regulations. The Project Site is not located within or near a scenic highway or a hazardous waste site, environmentally sensitive area, or historic resources. There is no significant effect due to unusual circumstances and no cumulative impacts are anticipated.

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:

**Location:** This exception generally applies to Classes 3, 4, 5, 6 and 11, and not Class 1 because it mainly concerns particularly sensitive environments with rich biological resources or “environmental resources of hazardous or critical concern where designated, precisely mapped, and officially adopted under law by federal, state, or local agencies” (CEQA Guidelines section 15300.2(a)). The Project is located within an existing restaurant in a fully developed, urbanized area. No modifications or alterations to the existing development are proposed as a part of the Project request.

Cumulative Impacts: The Project involves no expansion as the new use (sale of alcoholic beverages for on-site consumption) will occupy an existing restaurant.

“Unusual Circumstances” or Significant Effects: The Project is the sale of alcoholic beverages for on-site consumption in an existing structure that will not result in any cosmetic changes to the existing building and no expansion of the underlying use. The footprint of development paved surface is 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.

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.

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 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 State Department of Health Services. 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).

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. further, while the age of the subject building from which alcohol will be sold is over 100 years, the continued sale of alcohol will not affect the building in any way.



**AERIAL IMAGERY****SITE-SPECIFIC MAP**

PROJECT NO. PRJ2022-001048  
ALCOHOL CUP RPPL2022003002

Digital Ortho Aerial Imagery:  
Los Angeles Region Imagery  
Acquisition Consortium (LARIAC)  
2023



Feet  
0 50 100



LA COUNTY  
**PLANNING**

LOS ANGELES COUNTY  
Dept. of Regional Planning  
320 W. Temple Street  
Los Angeles, CA 90012

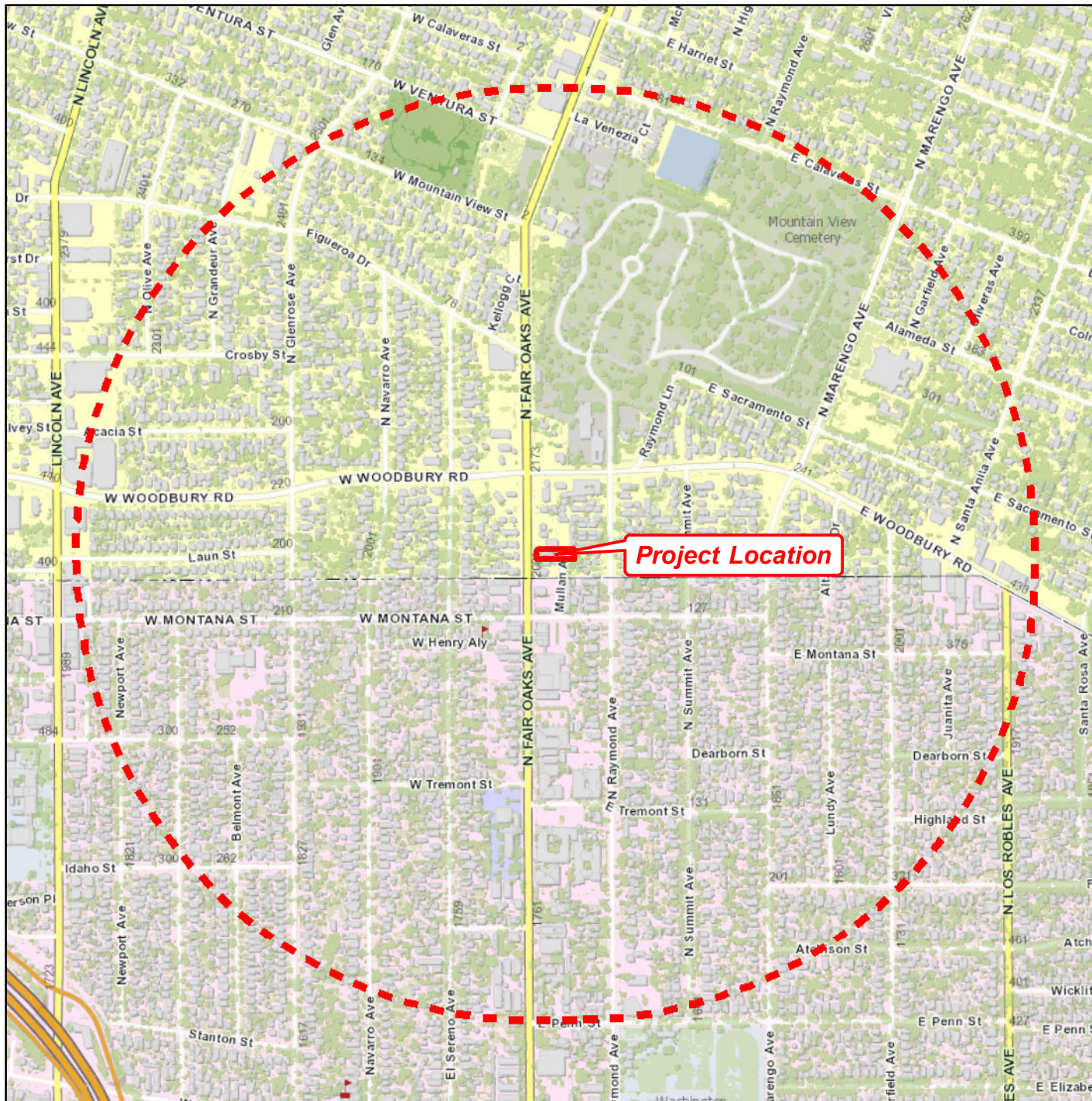


## HALF-MILE RADIUS

## LOCATOR MAP

**PROJECT NO. PRJ2022-001048**

ALCOHOL CUP RPPL2022003002



Feet

0	600	1,200
---	-----	-------

LA COUNTY  
PLANNING

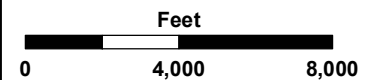
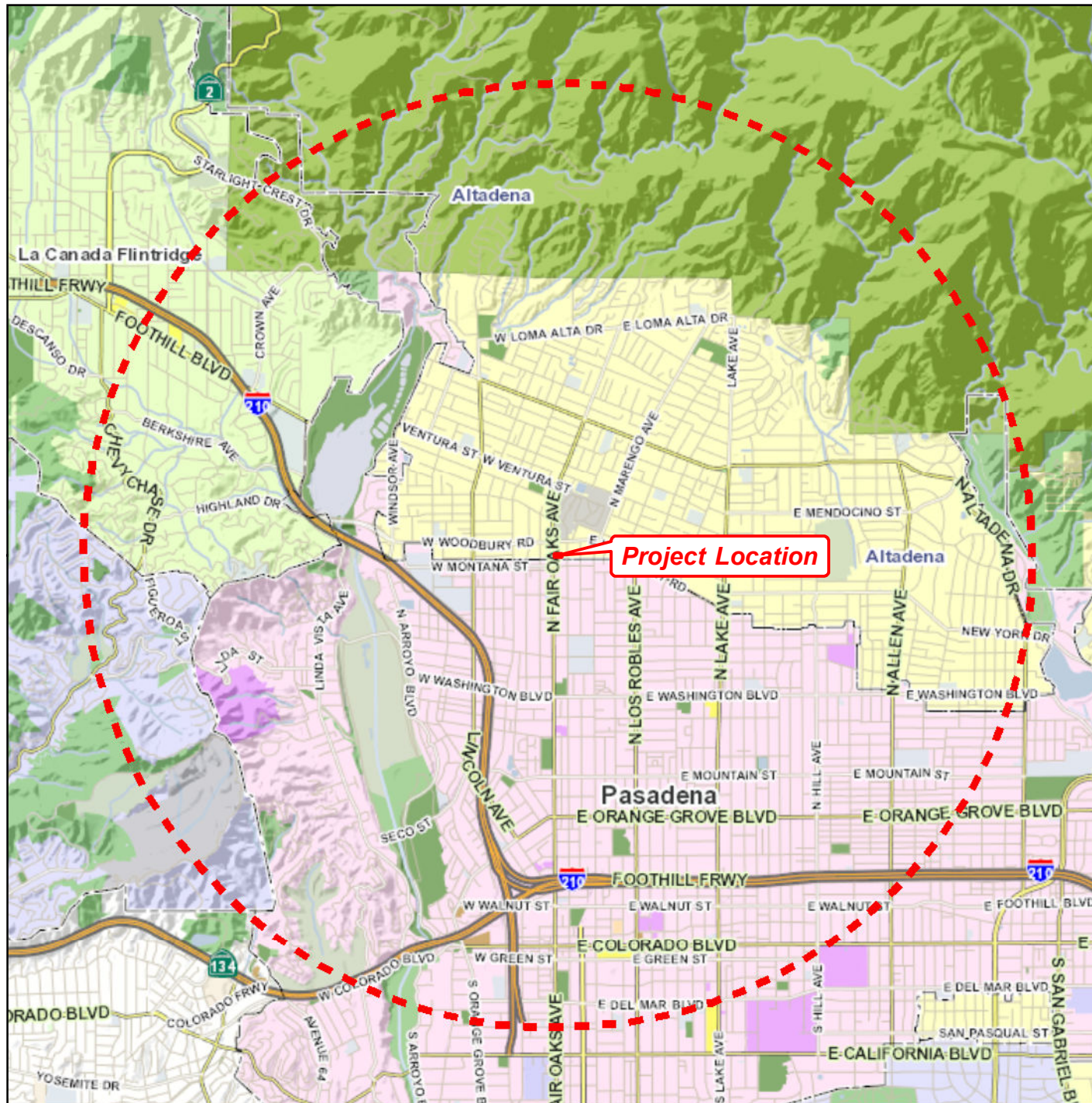
**LOS ANGELES COUNTY**  
*Dept. of Regional Planning*  
320 W. Temple Street  
Los Angeles, CA 90012



# 3-MILE RADIUS

## LOCATOR MAP

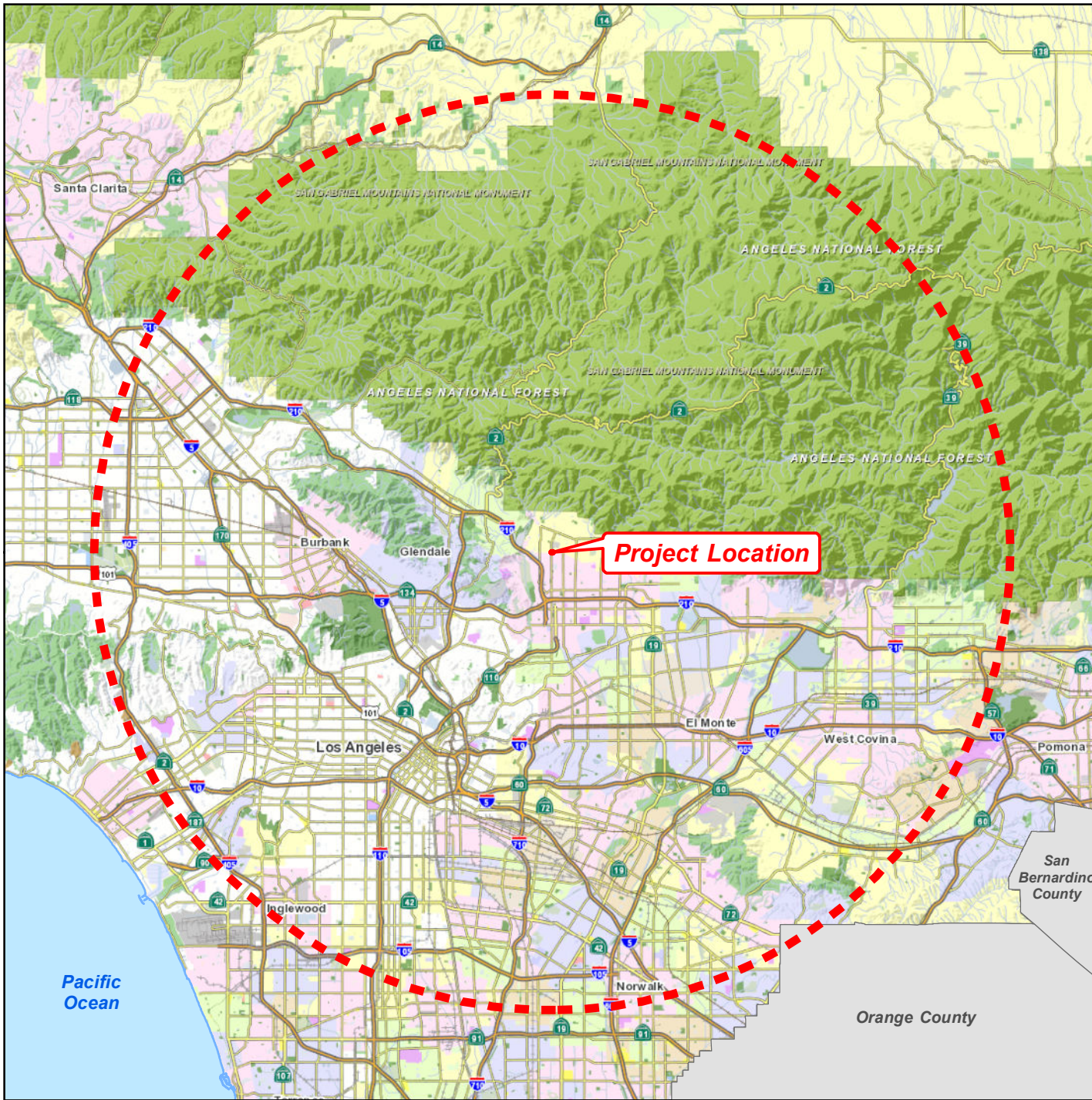
PROJECT NO. PRJ2022-001048  
ALCOHOL CUP RPPL2022003002



LA COUNTY  
PLANNING

LOS ANGELES COUNTY  
Dept. of Regional Planning  
320 W. Temple Street  
Los Angeles, CA 90012



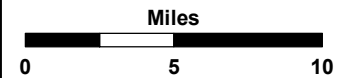


# 20-MILE RADIUS

## LOCATOR MAP

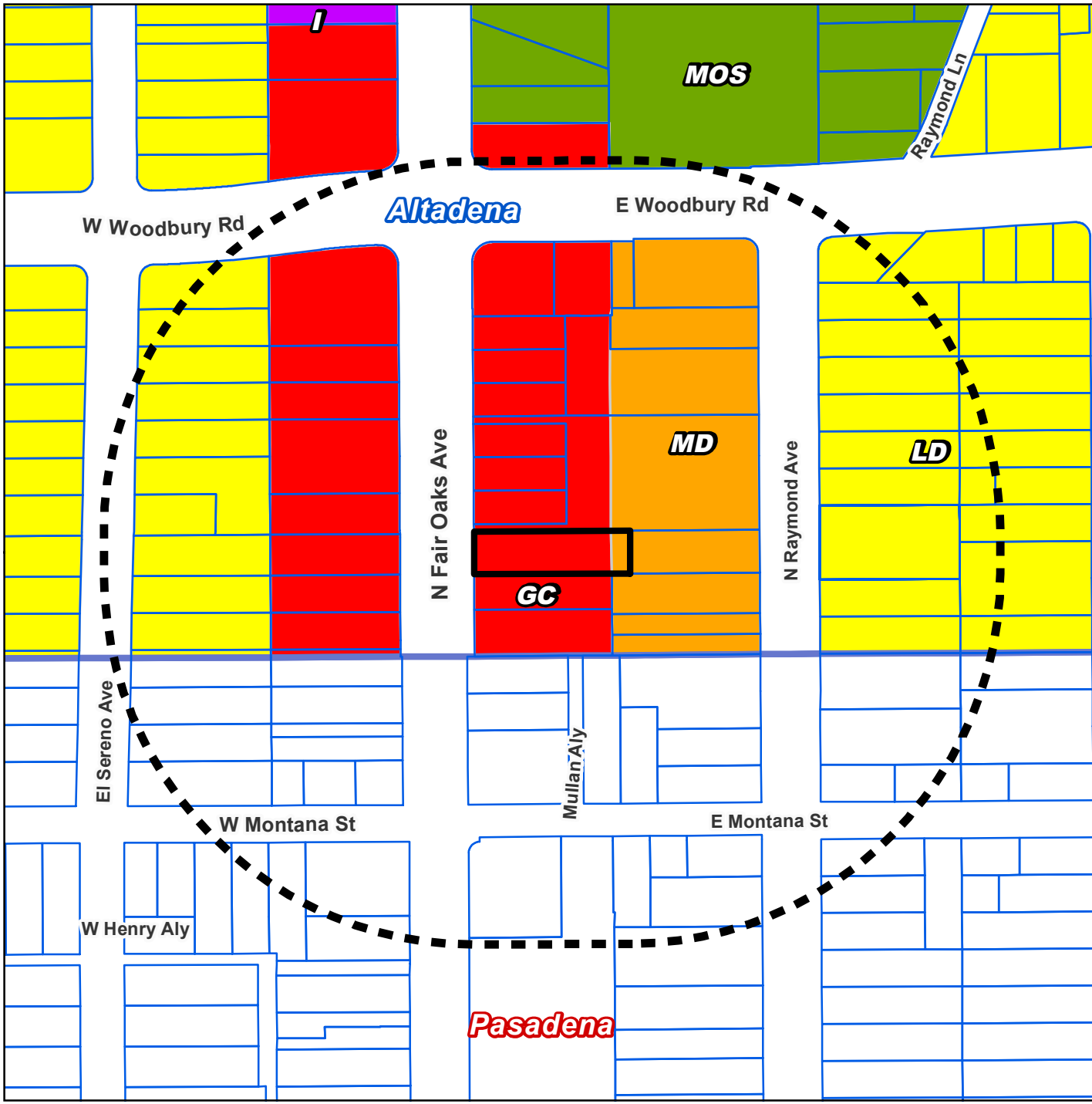
PROJECT NO. PRJ2022-001048

ALCOHOL CUP RPPL2022003002



**LA COUNTY**  
**PLANNING**






LOS ANGELES COUNTY  
Dept. of Regional Planning  
320 W. Temple Street  
Los Angeles, CA 90012

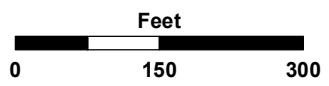


# LAND USE POLICY

## 500-FOOT RADIUS MAP

PROJECT NO. PRJ2022-001048  
ALCOHOL CUP RPPL2022003002

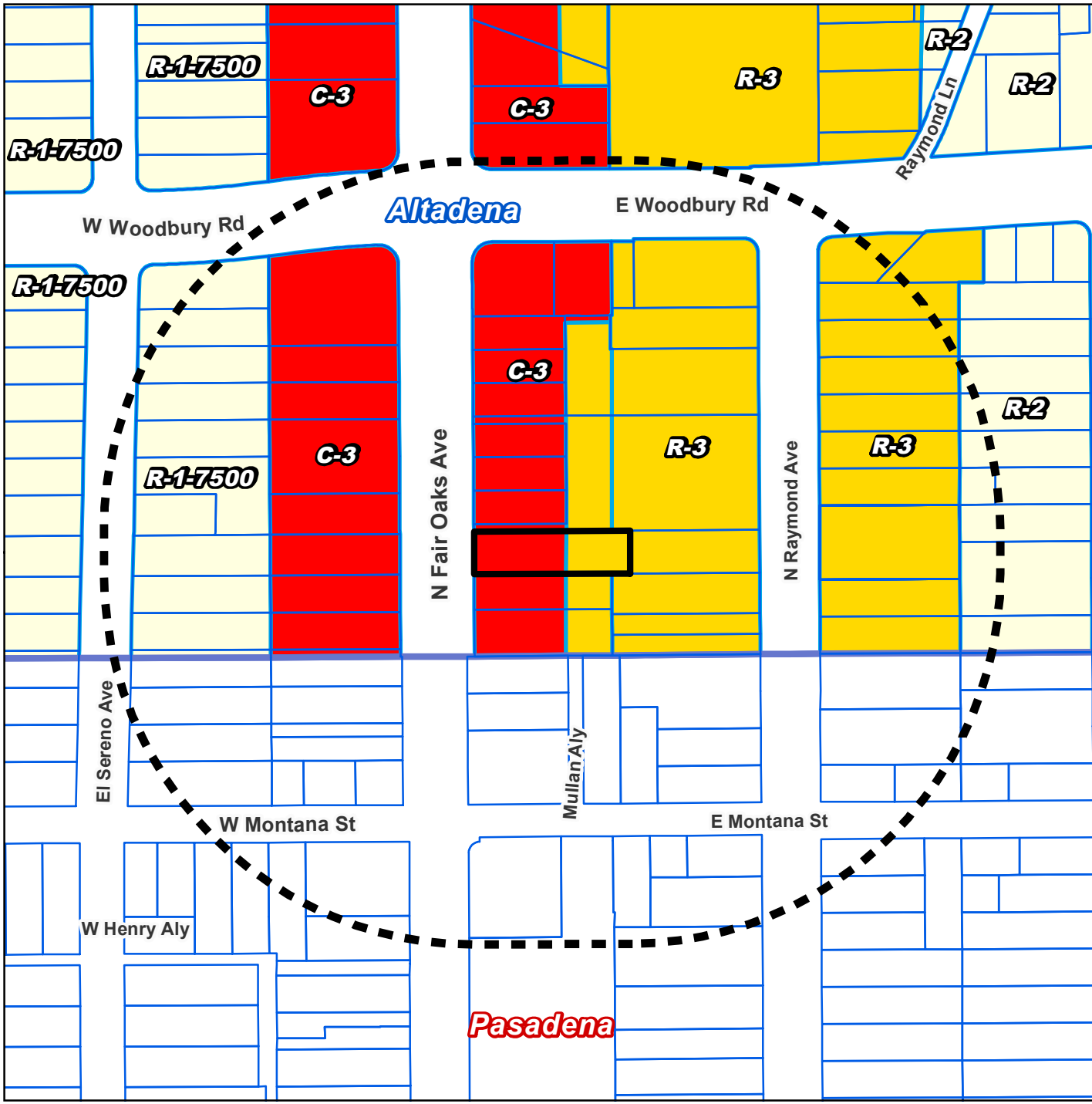
-  LD - Low Density Residential (1 to 6 du/gross ac)
-  MD - Medium Density Residential (12 to 22 du/gross ac)
-  GC - General Commercial
-  MOS - Miscellaneous Open Space
-  I - Institutions



LA COUNTY  
PLANNING





LOS ANGELES COUNTY  
Dept. of Regional Planning  
320 W. Temple Street  
Los Angeles, CA 90012

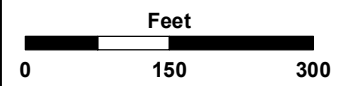




# ZONING

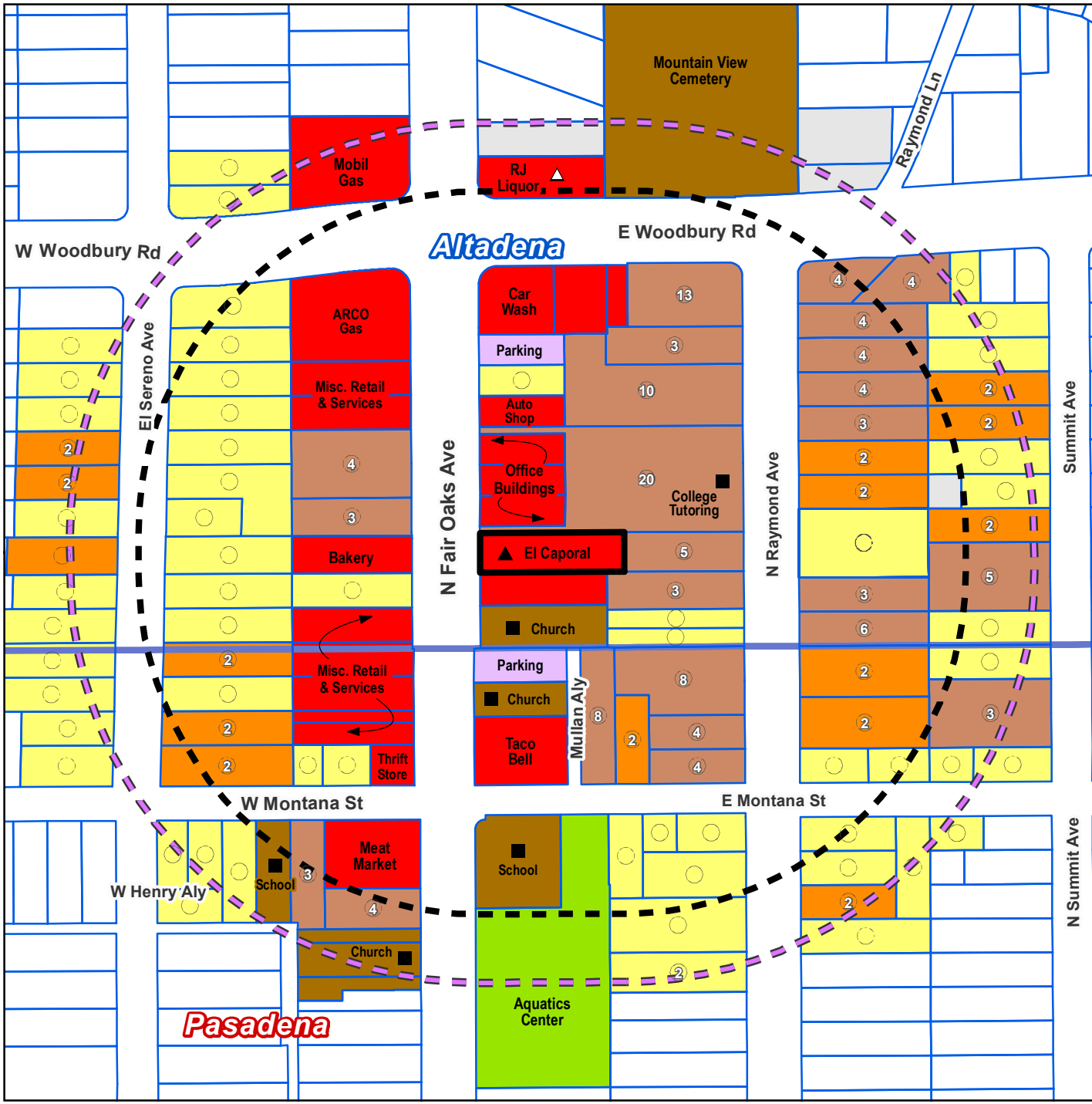
**500-FOOT RADIUS MAP**  
PROJECT NO. PRJ2022-001048  
ALCOHOL CUP RPPL2022003002

-  R-1 - Single-Family Residence
-  R-2 - Two-Family Residence
-  R-3-()U - Limited Density Multiple Residence
-  C-3 - General Commercial



**LA COUNTY**  
**PLANNING**

LOS ANGELES COUNTY  
Dept. of Regional Planning  
320 W. Temple Street  
Los Angeles, CA 90012



# EXISTING LAND USE

## 600-FOOT RADIUS MAP

PROJECT NO. PRJ2022-001048  
ALCOHOL CUP RPPL2022003002

- △ Offsite Alcohol Consumption
  - ▲ Onsite Alcohol Consumption
  - Sensitive Use
  - 600-ft ABC Radius
  - 500-ft Standard Radius
- Existing Land Use (Assessor Use Codes)
- Commercial
  - Institutional
  - Miscellaneous
  - Recreational
  - Residential - Single Unit\*
  - Residential - Two Units\*
  - Residential - Multi-Unit\*
  - Vacant
- \* Circles are generally applied to residential parcels. Empty circles indicate a single dwelling unit (DU), unless the parcel is symbolized as Vacant. Elsewhere, multi-unit residential parcels (where shown) are labeled with the number of DUs they contain.

Feet  
0 150 300

LA COUNTY  
PLANNING

LOS ANGELES COUNTY  
Dept. of Regional Planning  
320 W. Temple Street  
Los Angeles, CA 90012

**Land Use Application – Photos – Add Beer & Wine To Existing Restaurant**  
2100 N. Fair Oaks Avenue, Altadena, CA 91001



**(1) Front View of Existing Restaurant**



**(2) Front View of Existing Restaurant**



**Land Use Application – Photos – Add Beer & Wine To Existing Restaurant**  
**2100 N. Fair Oaks Avenue, Altadena, CA 91001**



**(3) Side View of Existing Restaurant & Driveway**



**(4) Rear View of Existing Restaurant**

**Land Use Application – Photos – Add Beer & Wine To Existing Restaurant**  
*2100 N. Fair Oaks Avenue, Altadena, CA 91001*



**(5) Rear Parking Lot**



**(6) Rear Parking Lot**



**Land Use Application – Photos – Add Beer & Wine To Existing Restaurant**  
*2100 N. Fair Oaks Avenue, Altadena, CA 91001*



**(7) Rear Parking Lot**



**(8) Interior Entry Area**



**Land Use Application – Photos – Add Beer & Wine To Existing Restaurant**  
*2100 N. Fair Oaks Avenue, Altadena, CA 91001*



**Order Area**

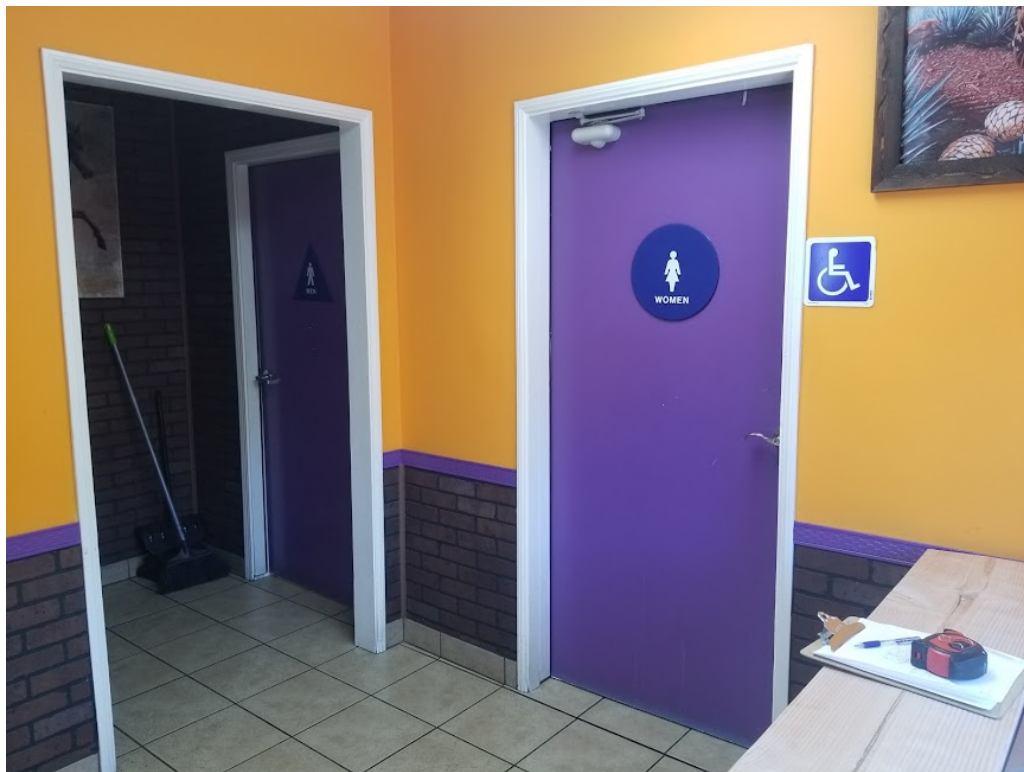


**(9) Customer Area – Dining (Facing Front of Restaurant)**

**Land Use Application – Photos – Add Beer & Wine To Existing Restaurant**  
*2100 N. Fair Oaks Avenue, Altadena, CA 91001*



**(10) Customer Area – Dining (Facing Existing Restrooms)**



**(11) Customer Area – View of Both Restrooms**



Department of Alcoholic Beverage Control

## INFORMATION AND INSTRUCTIONS -

## SECTION 23958.4 B&amp;P

Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.

- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
- Part 2 is to be completed by the applicant, and returned to ABC.
- Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

## PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME

EL COPORAL MEXICAN FOOD INC.

2. PREMISES ADDRESS (Street number and name, city, zip code)

2100 FAIR OAKS AVE, ALTADENA, CA 91001-5737

3. LICENSE TYPE

41

4. TYPE OF BUSINESS

- ☒ Full Service Restaurant    ☐ Hofbrau/Cafeteria    ☐ Cocktail Lounge    ☐ Private Club  
☐ Deli or Specialty Restaurant    ☐ Comedy Club    ☐ Night Club    ☐ Veterans Club  
☐ Cafe/Coffee Shop    ☐ Brew Pub    ☐ Tavern: Beer    ☐ Fraternal Club  
☐ Bed & Breakfast:    ☐ Theater    ☐ Tavern: Beer & Wine    ☐ Wine Tasting Room  
☐ Wine only    ☐ All

- ☐ Supermarket    ☐ Membership Store    ☐ Service Station    ☐ Swap Meet/Flea Market  
☐ Liquor Store    ☐ Department Store    ☐ Convenience Market    ☐ Drive-in Dairy  
☐ Drug/Variety Store    ☐ Florist/Gift Shop    ☐ Convenience Market w/Gasoline  
☐ Other - describe:

5. COUNTY POPULATION

N/A

6. TOTAL NUMBER OF LICENSES IN COUNTY

N/A

☐ On-Sale☐ Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

1: 944

☒ On-Sale☐ Off-Sale

8. CENSUS TRACT NUMBER

4611

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

5

☒ On-Sale☐ Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

4

☒ On-Sale☐ Off-Sale

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

- ☐ Yes, the number of existing licenses exceeds the number allowed  
☒ No, the number of existing licenses is lower than the number allowed

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

- ☒ Yes (Go to Item #13)    ☐ No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER

0774

14. TOTAL NUMBER OF REPORTING DISTRICTS

572

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

43,839

16. AVERAGE NO. OF OFFENSES PER DISTRICT

76.6

17. 120% OF AVERAGE NUMBER OF OFFENSES

91.9

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

159

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

- ☒ Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17  
☐ No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

- ☐ a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.  
☒ b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.  
☐ c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

## FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in this area. You may attach a separate sheet or additional documentation, if desired. Do *not* proceed to Part 3.

23. DATE SIGNED

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance.

Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> See Attached (i.e., letter, resolution, etc.)
------------------------------	-----------------------------	--

28. CITY/COUNTY OFFICIAL PHONE NUMBER

30. DATE SIGNED	
-----------------	--

06/12/2023 03:18 PM

Over-Concentration (Summary)

County Name	Census Tract	On-Sale	On-Sale	Off-Sale	Off-Sale
		Allowed	Existing	Allowed	Existing
LOS ANGELES	4611	5	4	3	4



# OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ROBERT G. LUNA, SHERIFF



July 6, 2023

Mr. Anthony M. Curzi  
Planner, Foothills Development Services  
Zoning Permits East  
County of Los Angeles  
Department of Regional Planning  
320 W. Temple Street, 13th Floor  
Los Angeles, CA 90012

Mr. Curzi:

Subject: Conditional Use Permit (CUP) Consultation for Sale of Alcohol  
Project No.: PRJ2022-001048-(5)  
Permit No.: CUP RPPL2022003002  
Establishment: El Caporal Mexican Food  
Location: 2100 Fair Oaks Avenue, Altadena, California  
Description: A request for a CUP to authorize the sale of beer and wine for on-site consumption.

Altadena Sheriff's Station personnel have responded to 10 calls for service at 2100 Fair Oaks Avenue, Altadena, California 9100, in the past four years. All calls for service have been routine in nature and three were related to a disturbance or public nuisance not related to the business. Attached is the CFS report of those calls for your review.

Most of the calls were not a direct relation to this establishment, but rather of a loitering in the parking lot type of call. 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 four 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  
"El Caporal Mexican Food"

-2-

July 6, 2023

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

Sincerely,

ROBERT G. LUNA, SHERIFF



Jabari A. Williams, Captain  
Altadena Sheriff Station

S	R	P	Location	Tag	Dispatch Text	Clearance Text
Incident Date: 07/07/19						
O	D	R	2100 FAIR OAKS AV,ALD	122	X-72B RE DET 2	X-72B AS NEEDED
O	D	R	2100 FAIR OAKS AV,ALD	140	X72B RE 909P L/O	X72B AS NEEDED. W/A [REDACTED] [REDACTED] RE LOITERING. WILCO
Incident Date: 09/09/19						
C	D	R	2100 FAIR OAKS AV,ALD 'EL CHAPERAL)	129	GEO:M/H, SHORT,WRG BLU SHRT AND BLK SHORTS WENT INTO BUSINESS RESTRM AND DEFICATED ALL OVER.DP WALKING ON FAIROAKS TRWDS PASADENA	ASSIST 73 AS NEEDED
C	D	R	2100 FAIR OAKS AV,ALD 'EL CHAPERAL)	129	GEO:M/H, SHORT,WRG BLU SHRT AND BLK SHORTS WENT INTO BUSINESS RESTRM AND DEFICATED ALL OVER.DP WALKING ON FAIROAKS TRWDS PASADENA	DP GPA UTL
C	D	R	2100 FAIR OAKS AV,ALD 'EL CHAPERAL)	129	GEO:M/H, SHORT,WRG BLU SHRT AND BLK SHORTS WENT INTO BUSINESS RESTRM AND DEFICATED ALL OVER.DP WALKING ON FAIROAKS TRWDS PASADENA	[REDACTED] LOC.D/P REFUSED TO CLEAN UP MESS..L/S S/B FAIR OAKS..CHKD AREA..GPA/UTL
Incident Date: 11/07/19						
C	D	R	2100 FAIR OAKS AV,ALD "EL CAPORAL"	96	GEO:GRY HYUNDAI LIC#8LMH765 PARKED IN PARKING OF RESTAURANT REFUSING TO MOVE, HEARD DRIVER MB/A YELLING PROFANITY AT INF. INF STS VEH PARKED SINCE EARLY MORNING.	ASST 73 AS NEEDED
C	D	R	2100 FAIR OAKS AV,ALD "EL CAPORAL"	96	GEO:GRY HYUNDAI LIC#8LMH765 PARKED IN PARKING OF RESTAURANT REFUSING TO MOVE, HEARD DRIVER MB/A YELLING PROFANITY AT INF. INF STS VEH PARKED SINCE EARLY MORNING.	VEH NO LONGER AT LOC, C4
Incident Date: 01/23/20						
C	D	R	2100 FAIR OAKS AV,ALD "EL CAPORAL"	250	GEO: INF STS MB/A LIVING IN HIS VEH, GRY OLDSMOBILE, DP KEEPS WALKING AROUND PREMISES, DP VEH POSS PARKED ACROSS FROM LOC,INF WANTS DP TO MOVE VEH	[REDACTED] /A WAS PARKED LEGALLY SLEEPING IN VEH NO EV OF CRIME.ADV TO STAY IN VEH NOT GO IN OTHER PROPERTY



S	R	P	Location	Tag	Dispatch Text	Clearance Text
Incident Date: 01/23/20						
C	D	R	2100 FAIR OAKS AV,ALD "EL CAPORAL"	250	GEO: INF STS MB/A LIVING IN HIS VEH, GRY OLDSMOBILE, DP KEEPS WALKING AROUND PREMISES, DP VEH POSS PARKED ACROSS FROM LOC,INF WANTS DP TO MOVE VEH	ASST AS NEEDED
Incident Date: 06/28/20						
C	D	R	2100 FAIR OAKS AV/WOODBURY RD "EL COPORAL"	72	ME/ADULT, BLK HOODIE,JEAN SHORTS BOTHERING INF. INF STS HE WOULD LIKE TO SPEAK TO DEPS. INF UNCOOP, POSSIBLY 918. LINE DISCONNECTED	X 72 AS NEEDED
C	D	R	2100 FAIR OAKS AV/WOODBURY RD "EL COPORAL"	72	ME/ADULT, BLK HOODIE,JEAN SHORTS BOTHERING INF. INF STS HE WOULD LIKE TO SPEAK TO DEPS. INF UNCOOP, POSSIBLY 918. LINE DISCONNECTED	927C,INF IS [REDACTED]/B WHO IS A KNOWN DP FROM PRIOR CONTACTS,IS 918,IS UNCOOP,PRIOR HOLDS PLACED ON INF.NO EV OF CRIME
C	D	R	2100 FAIR OAKS AV/WOODBURY RD "EL COPORAL"	72	ME/ADULT, BLK HOODIE,JEAN SHORTS BOTHERING INF. INF STS HE WOULD LIKE TO SPEAK TO DEPS. INF UNCOOP, POSSIBLY 918. LINE DISCONNECTED	X AS NEEDED
Incident Date: 08/03/20						
C	B	P	2100 FAIR OAKS AV,ALD 'EL CHAPPERAL'	197	GEO:ME/40'S TRANSIENT WRNG BLK CLOTHING LYING IN FRONT OF RESTAURANT DOORS. REFUSING TO LEAVE. ON GOING PROBLEM. HAS BEEN HANGING AROUND BUSINESS ANDDEFECATING NEARBY.NOW 415 VERBAL	X 71 AS NEEDED
C	B	P	2100 FAIR OAKS AV,ALD 'EL CHAPPERAL'	197	GEO:ME/40'S TRANSIENT WRNG BLK CLOTHING LYING IN FRONT OF RESTAURANT DOORS. REFUSING TO LEAVE. ON GOING PROBLEM. HAS BEEN HANGING AROUND BUSINESS ANDDEFECATING NEARBY.NOW 415 VERBAL	C/[REDACTED] ONLY W DP [REDACTED]/A.WANT DP TO LEAVE LOC.DP TST TO HOME AT REQ.NO CRIME AT LOC.NO 314 AT LOC

S	R	P	Location	Tag	Dispatch Text	Clearance Text
Incident Date: 08/03/20						
C	B	P	2100 FAIR OAKS AV,ALD 'EL CHAPPERRAL'	197	GEO:MB/40'S TRANSIENT WRNG BLK CLOTHING LYING IN FRONT OF RESTAURANT DOORS. REFUSING TO LEAVE. ON GOING PROBLEM. HAS BEEN HANGING AROUND BUSINESS ANDDEFEATING NEARBY.NOW 415 VERBAL	X AS NEEDED
Incident Date: 08/17/20						
C	B	P	2100 FAIR OAKS AV,ALD "EL CAPORAL"	97	GEO:M/ADULT NO SHIRT POSS 390.DP JUST WALKED OUT OF LOC *UD*DP IS GOING UP N/B ON WOODBURY M/H WRG SHORTS AND NO TSHIRT.	SEE URN 920-01847
C	B	P	2100 FAIR OAKS AV,ALD "EL CAPORAL"	97	GEO:M/ADULT NO SHIRT POSS 390.DP JUST WALKED OUT OF LOC *UD*DP IS GOING UP N/B ON WOODBURY M/H WRG SHORTS AND NO TSHIRT.	X/71 AS NEEDED
C	B	P	2100 FAIR OAKS AV,ALD "EL CAPORAL"	97	GEO:M/ADULT NO SHIRT POSS 390.DP JUST WALKED OUT OF LOC *UD*DP IS GOING UP N/B ON WOODBURY M/H WRG SHORTS AND NO TSHIRT.	ASSISTED 71 AS NEEDED, SEE 71 LOG FOR CLEARANCE
C	B	P	2100 FAIR OAKS AV,ALD "EL CAPORAL"	97	GEO:M/ADULT NO SHIRT POSS 390.DP JUST WALKED OUT OF LOC *UD*DP IS GOING UP N/B ON WOODBURY M/H WRG SHORTS AND NO TSHIRT.	ASSISTED 71 AS NEEDED
C	B	P	2100 FAIR OAKS AV,ALD "EL CAPORAL"	97	GEO:M/ADULT NO SHIRT POSS 390.DP JUST WALKED OUT OF LOC *UD*DP IS GOING UP N/B ON WOODBURY M/H WRG SHORTS AND NO TSHIRT.	X 71 AS NEEDED
Incident Date: 08/31/20						
O	D	R	2100 FAIR OAKS AV,ALD	137	CITED 3 VEHICLES FOR EXPIRED REGISTRATION	

S	R	P	Location	Tag	Dispatch Text	Clearance Text
Incident Date: 03/05/21						
C	D	R	2100 FAIR OAKS AV,ALD	137	GEO:INF IS UBER DRIVER IN WHT HONDA ACCORD [REDACTED] W/ M/A & F/A PASSENGERS REFUSING TO EXIT HIS VEH. NO WPNS SEEN. INF PRKD IN FRNT OF ABOVE LOC. INF MANDARIN SPEAKER ONLY.	UBER DRIVER DID NOT WANT TO TAKE HIM TO DEST. ADVSD CIVL MATTER ONLY. INF ORDERED NEW UBER RIDE
C	D	R	2100 FAIR OAKS AV,ALD	137	GEO:INF IS UBER DRIVER IN WHT HONDA ACCORD [REDACTED] W/ M/A & F/A PASSENGERS REFUSING TO EXIT HIS VEH. NO WPNS SEEN. INF PRKD IN FRNT OF ABOVE LOC. INF MANDARIN SPEAKER ONLY.	CALL CLEARED BY 71 SEE CLEAR FOR FURTHER.. X/71 AS NEEDED
C	D	R	2100 FAIR OAKS AV,ALD	137	GEO:INF IS UBER DRIVER IN WHT HONDA ACCORD [REDACTED] W/ M/A & F/A PASSENGERS REFUSING TO EXIT HIS VEH. NO WPNS SEEN. INF PRKD IN FRNT OF ABOVE LOC. INF MANDARIN SPEAKER ONLY.	
Incident Date: 03/09/21						
C	D	R	2100 FAIR OAKS AV,ALD 'EL CAPORAL'	178	GEO:F/H [REDACTED] WRG CAMO OUTFITSPAT ON INF WHILE DRIVING,DP AT AT BUSTOP ON FAIR OAKS.INF AT ABOVE LOC IN BLU GMC ENVOY.	DELAYED RE T168 503A REPORT SEE 72B CLEARANCE
C	D	R	2100 FAIR OAKS AV,ALD 'EL CAPORAL'	178	GEO:F/H [REDACTED] WRG CAMO OUTFITSPAT ON INF WHILE DRIVING,DP AT AT BUSTOP ON FAIR OAKS.INF AT ABOVE LOC IN BLU GMC ENVOY.	[REDACTED] STA NO 242 OCC,HOEVER WOULD LIKE R/O AGAINST DP [REDACTED],ADV OF COURT PROCEDURES TO C/LOCAL COURT,NO EV OF CRIME AT LOC
C	D	R	2100 FAIR OAKS AV,ALD 'EL CAPORAL'	178	GEO:F/H [REDACTED] WRG CAMO OUTFITSPAT ON INF WHILE DRIVING,DP AT AT BUSTOP ON FAIR OAKS.INF AT ABOVE LOC IN BLU GMC ENVOY.	
Incident Date: 06/06/21						
C	B	P	2100 FAIR OAKS AV,ALD "EL CAPORAL"	173	[REDACTED]	CHECKED PERIMETER OF LOC, LOC CLOSED FOR BUSSINES , NO FLAG DOWN NO ONE PRESENT NO SUS ACTIVITY

S	R	P	Location	Tag	Dispatch Text	Clearance Text
Incident Date: 06/06/21						
C	B	P	2100 FAIR OAKS AV,ALD "EL CAPARAL"	173		
C	B	P				ASSIST 71 AS NEEDED
C	B	P				ASST AS NEEDED, BUSINESS CLOSED, NO EV CRIME
C	B	P				X71
Incident Date: 03/01/22						
C	D	R	2100 FAIR OAKS AV,ALD	190	GEO:INF STS VEH SIL HONDA LIC [REDACTED] PARKED AT LOC FOR A WEEK, VEHICLE PARKED ON THE EAST SIDE OF THE STREET BETWEEN WOODBURY RD AND MONTANA ST	SILVER HONDA [REDACTED] RED TGGD
C	D	R	2100 FAIR OAKS AV,ALD	190	GEO:INF STS VEH SIL HONDA LIC [REDACTED] PARKED AT LOC FOR A WEEK, VEHICLE PARKED ON THE EAST SIDE OF THE STREET BETWEEN WOODBURY RD AND MONTANA ST	CALL HNDLED BY 72
Incident Date: 12/12/22						
C	D	R	2100 FAIR OAKS AV,ALD "EL CAPORAL"	179	GEO:FW/30'S (TRANSIENT) WEARING ALL BLK IS IN REAR PARKING LOT AND IS REFUSING TO LEAVE.	[REDACTED] STATED DP WAS SITTING INFRONT OF THE LOC. DP LEFT THE LOC WHEN 10-97
C	D	R	2100 FAIR OAKS AV,ALD "EL CAPORAL"	179	GEO:FW/30'S (TRANSIENT) WEARING ALL BLK IS IN REAR PARKING LOT AND IS REFUSING TO LEAVE.	HANDLED BY 71 PTA NOBWC



# ALTADENA TOWN COUNCIL

Serving the community since 1975

[www.altadenatowncouncil.org](http://www.altadenatowncouncil.org)

730 East Altadena Drive • Altadena, California 91001

Ms. Amy Bodek  
Planning Director  
Los Angeles County Department of Regional Planning  
320 West Temple Street  
Los Angeles, CA 90012

May 1, 2023

Project Number PRJ2022-0010488-5  
El Caporal Mexican Food  
2100 N. Fair Oaks Avenue  
Altadena, CA 91001

Dear Ms. Bodek

The Altadena Town Council (ATC) resolved at its April 18, 2023 meeting to recommend the **APPROVAL** of the above mentioned project with requested conditions. The recommended conditions are attached to this letter. The ATC provided several opportunities for public comment including two Land Use Committee meetings and one ATC meeting. No public comments were made at any of these events. In addition, 22 flyers were delivered to commercial businesses and residences immediately surrounding the restaurant. Of the direct contact, 6 responses supported the request, 1 did not. The negative response did not provide a reason.

El Caporal is an existing family owned restaurant. Beer and wine will be offered for sale inside the restaurant only when food is also ordered. The ATC recommends approval of the request to sell beer and wine with the attached conditions.

Thank you for your attention to this project.

Sincerely,

Veronica Jones  
Altadena Town Council

cc: Ms. Sussy Nemer, Senior Deputy to Supervisor Barger  
attachment: Conditions for El Caporal

## Restaurant Proposed CUP Conditions

1. The sale of alcoholic beverages shall be from 9:00 AM to 10:00 PM from Sunday to Thursday and 9:00 AM to 11:00 PM on Friday and Saturday. No alcohol shall be served at the site beyond 10:00 PM from Sunday to Thursday and 11:00 PM on Friday and Saturday. Any unfinished serving already being consumed at the time shall be consumed within 60 minutes of the latest permitted time to serve alcohol at the site.
2. Security cameras shall be installed inside the restaurant and outside facing the outdoor dining area and surrounding area. Video footage shall be retained for at least one month and shall be made available to law enforcement upon request.
3. A monitored security alarm shall be installed on premises.
4. 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.
5. All regulation of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
6. 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.
7. There shall be no consumption of alcoholic beverages outside the designated areas of the subject facility. The permittee shall instruct all designated employees, who directly serve or are in the practice of selling alcoholic beverages, regarding this restriction.
8. The permittee shall develop and implement a Designated Driver program (i.e. free soft drink 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 CUP. All employees shall be trained on the program. A printed two-sided card explaining this program shall be placed on all tables in the restaurant or a notice regarding the program shall be printed on the menu.
9. All servers of alcoholic beverages must be at least 18 years of age.
10. No dancing, or dance floor is authorized in or outside the premises.

11. There shall be no music or other noise audible beyond the restaurant premises. The restaurant will comply with all LA County noise ordinance provisions.
12. 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 available to the Los Angeles County Department of Regional Planning, the Department of Alcoholic Beverages Control, or the Los Angeles County Sheriff's Department on demand.
13. The permittee may hold "happy hour" drink specials, specials, or similar promotions from 3:00 PM to 7:00 PM, seven days a week, only in conjunction with food.
14. Food service shall be continuously provided during operating hours.
15. No service of alcoholic drinks will be done in disposable cups of any type.
16. The outdoor seating area shall be clearly defined and follow all ABC rules for outdoor areas.
17. A trashcan shall be provided in the outdoor area and emptied regularly.
18. There shall be no display of alcoholic beverages from coolers or refrigeration.
19. There shall be no sales of alcohol from an ice tub, champagne buckets are exempted for onsite consumption.
20. The permittee and all managers and designated employees of the establishment who directly serve or are in the practice of selling alcoholic beverages shall participate in the LEAD (Licensee Education on Alcoholic and Drugs) 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, indicated they have participated in the program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.
21. Alcoholic beverages for on-site consumption shall be sold to customers only when food is ordered and consumed.
22. There will be no alcoholic beverages sold for off-site consumption.