

November 13, 2024

Mr. Manny Diaz
FE Design
327 East 2nd Street, Suite 222
Los Angeles, CA 90012

PROJECT NO. PRJ2023-003928-(5)
CONDITIONAL USE PERMIT NO. RPPL2023005794
1900 ALLEN AVENUE, ALTADENA (APN: 5854-021-009)

Dear Mr. Diaz:

The Regional Planning Commission (Commission), by its action of **November 13, 2024**, has approved the above-referenced project. Enclosed are the Commission's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to LA County Planning (see enclosed Affidavit of Acceptance Instructions).

Appeals:

The applicant or any other interested persons may appeal the Commission's decision. The appeal period for this project will end at 5:00 p.m. on **November 27, 2023**. Appeals must be submitted to appeal@planning.lacounty.gov before the end of the appeal period.

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

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

Manny Diaz
November 13, 2024
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Acceptance. A Notice of Exemption, if applicable, may also be filed according to the instructions in the enclosed Affidavit of Acceptance.

For questions or for additional information, please contact Anthony M. Curzi of the Foothills Development Services Section at (213) 893-7016, or acurzi@planning.lacounty.gov.

Sincerely,

AMY J. BODEK, AICP
Director of Regional Planning



Michele R. Bush, Supervising Regional Planner
Foothills Development Services Section

MRB:AMC

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

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

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
FINDINGS OF THE REGIONAL PLANNING COMMISSION
AND ORDER
PROJECT NO. PRJ2023-003928-(5)
CONDITIONAL USE PERMIT NO. RPPL2023005794

RECITALS

1. **HEARING DATES.** The Los Angeles County (“County”) Regional Planning Commission (“Commission”) conducted a duly noticed public hearing in the matter of Conditional Use Permit (“CUP”) No. **RPPL2023005794** on November 13, 2024. The Hearing Officer had previously heard the case on July 23, 2024, and referred the case to the Commission without rendering a decision.

2. **HEARING PROCEEDINGS.** A duly noticed public hearing was held before the Commission. Staff presented the Project and recommended approval. The Commission asked Staff about the existing unpermitted outdoor dining area. Staff clarified that the applicant would apply for required permits for this dining area. The applicant, Zak Fishman, and his representative, Manny Diaz, testified in favor of the request. Twenty (20) individuals spoke in favor of the request, citing the ability for enhanced dining options in the community and the good operating history of business. Four individuals spoke in opposition to the request, citing the potential for increased traffic and on-street parking as well as noise and unruly behavior from patrons consuming alcohol in the outdoor dining area. The applicant also provided a rebuttal wherein they stated that their other locations that serve alcoholic beverages, including in outdoor dining areas, have not experienced issues related to the sale of beer and wine, that management and employees are instructed to act accordingly when any issues arise, and that the sale of beer and wine would be ancillary to the consumption of food. The applicant also stated that additional off-site parking across from the restaurant was available after 5:00 pm. after hearing all testimony, the Commission discussed three revisions to the Conditions of Approval: (1) requiring the installation of six CCTV cameras - three inside the establishment and three outside; (2) limiting the sale of alcoholic beverages from 10:00 a.m. to 10:00 p.m. daily, and (3) requiring the Permittee to apply for necessary permits for the outdoor dining area within 30 days from the date of CUP approval. The Commission then closed the public hearing, found the Project exempt from CEQA, and approved the CUP with revised conditions by a vote of 4-1.

3. **PREVIOUS HEARING PROCEEDINGS.** On July 23, 2024, the Hearing Officer conducted a duly noticed public hearing for the CUP. Two individuals (including the applicant) spoke in favor of the request and four spoke in opposition, citing potential additional traffic and parking issues in the neighborhood from the sale of beer and wine, the presence of the apartment building next door to the restaurant and its outdoor dining area, and the presence of the nursery school across the street. The Hearing Officer referred the matter to the Commission, citing local controversy.

4. **ENTITLEMENT REQUESTED.** The permittee, Prime Pizza ("permittee"), requests the CUP to authorize the sale of beer and wine for on-site and ancillary off-site consumption (ABC Type 41 License) at an existing restaurant ("Project") on a property located at 1900 Allen Avenue in the unincorporated community of Altadena ("Project Site"), in the C-2 (Neighborhood Business) 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). Alcoholic beverage sales are from 10:00 a.m. to 10:00 p.m. The permittee is also requesting a modification related to the sale of alcoholic beverages as it pertains to the requirement for establishments selling beer and wine to sell three varieties of fresh produce and two whole grain items.

5. **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.

6. **ZONING.** The Project Site is located in the Altadena Zoned District and is currently zoned C-2. 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- and off-site consumption.

7. SURROUNDING LAND USES AND ZONING

LOCATION	COMMUNITY PLAN LAND USE POLICY	ZONING	EXISTING USES
NORTH	GC, LD (Low Density Residential [1 to 6 dwelling units per gross acre])	R-3-P (Limited Density Multiple Residence – Parking), R-1-7,500 (Single-Family Residence – 7,500 Square Foot Minimum Required Lot Area)	Multi-family residences ("MFRs"), single-family residences ("SFRs"), two-family residences
EAST	LD	R-3-P, R-1-10,000 (Single-Family Residence – 10,000 Square Foot Minimum Required Lot Area)	MFRs, SFRs
SOUTH	GC, LD	C-2, R-3-P, R-3 (Limited Density Multiple Residence), R-2	Professional offices, restaurant (on-site alcohol), market, MFRs,

		(Two-Family Residence)	SFRs, two-family residences
WEST	GC, LD	C-2, R-3-P, R-1-7,500	Preschool, SFRs, cultural center, market (off-site alcohol), MFRs, two-family residences, parking lots

8. PROJECT AND SITE PLAN DESCRIPTION.

Existing Site Conditions

The Project Site is 0.24 acre (10,260 square feet) in size and consists of one legal lot. The Project Site is irregular in shape with flat topography and is developed with an existing 2,596-square-foot one-story commercial building housing the restaurant (Prime Pizza) with an existing outdoor dining area and associated nine-car parking lot. The outdoor dining area is presently unauthorized, but the permittee will be required to obtain all necessary permits to legalize it.

Site Access

The Project Site is accessible via Allen Avenue, an 80-foot-wide public street to the west and via Minoru Drive, a 60-foot-wide public street to the south. There are two 30-foot-wide driveways to the Project Site, one on Allen Avenue and one on Minoru Drive. Class 3 Bike Paths (Bike Routes) are located on Allen Avenue and New York Drive at the Project Site. The Project Site is also served by public transportation, Metro bus service on nearby New York Drive.

Site Plan

The site plan depicts the entire property with the existing one-story building at the northern portion of the property with a parking lot consisting of nine automobile parking spaces, including one accessible space. The floor plan depicts the restaurant kitchen, restrooms, storage rooms, and customer ordering area. There is no indoor seating area. Instead, there is an approximately 550-square-foot deck (occupying spaces formerly devoted to four automobile spaces) with eight picnic-style benches. This outdoor dining area is currently existing but unpermitted and requires separate approval.

Parking

Parking is located to the west and south of the commercial building and includes nine spaces, including one accessible space.

9. CEQA DETERMINATION.

Prior to the Commission's public hearing on the Project, LA County Planning staff determined that the Project qualified for a Class 1, Existing Facilities, and Class 11, Accessory Structures categorical exemptions 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 at 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 and ancillary off-site sales with no expansion of the underlying restaurant use. The footprint of development and paved surfaces are across the entirety of the subject property. Adequate utilities and roadway infrastructure already exist to serve the subject property, and no environmentally sensitive areas will be impacted by any additional development as none is proposed.
- c) Scenic Highways: According to California's Scenic Highway Program, which is administered by Caltrans, the Project Site is not located within or near an officially designated state scenic highway.
- d) Hazardous Waste Sites: The Project Site is not located on a site which is included on any list compiled pursuant to Government Code Section 65962.5. According to the California Department of Toxic Substances Control's ("DTSC's") EnviroStor and State Water Resources Control Board's GeoTracker web databases, no active or open hazardous waste sites were identified at the Project Site. A review of the Hazardous Waste and Substances Site List-Site Cleanup database also shows no records on the Project Site. There are no public drinking wells within the Project Site that may pose conflicts with the lists compiled by the California Department of Health Services. 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 50 years old, the sale and serving of alcohol will not affect the building in any way.

10. **COMMUNITY OUTREACH.** On February 6, 2023, prior to the Commission’s public hearing on the Project, the permittee presented the request to the Altadena Town Council (“ATC”).
11. **PUBLIC COMMENTS.** The ATC provided a letter dated March 26, 2024, wherein support for the Project was expressed along with 23 separate recommendations for operation of the restaurant. Many of these recommendations are in line with, or similar to, the Project’s Conditions of Approval. In reference to the Commission hearing, Staff received nine letters and two telephone calls in opposition and one letter in favor. The Permittee provided Staff a petition with 649 signatures in favor.
12. **AGENCY RECOMMENDATIONS.** The California Department of Alcoholic Beverage Control (“ABC”) submitted a Business and Practice Worksheet (“worksheet”), dated December 14, 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 not in a high crime reporting district. The worksheet also stated that the Project Site is not in an area of overconcentration of ABC licenses. Four ABC Licenses for on-site sale are allowed and ABC’s records show that there is one on-site sale license currently in the subject census tract (Tract Number 4612).

The County Sheriff’s Department (“Sheriff”), in a letter dated November 2, 2023, recommended that the Project proceed to public hearing. The letter stated that the Project Site had not been a problem location from a law enforcement perspective. There have been three calls for Sheriff services in the last 10 months, but none were related to the business itself but instead for loitering and other matters unrelated to the restaurant, such as transients refusing to leave the property.

13. **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 September 25, 2024, a total of 297 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 eight notices to those on the courtesy mailing list for the Altadena Zoned District and to any additional interested parties.

GENERAL PLAN CONSISTENCY FINDINGS

14. **LAND USE POLICY.** The Commission finds that the Project is consistent with the goals and policies of the Community Plan because the GC 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, or purchase as part of takeaway orders in a professionally managed location, the Project falls within the uses included in the Community Plan.

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

General Plan Goal LU5: Vibrant, livable and healthy communities with a mix of land uses, services and amenities.

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 following goals and policies of the Community Plan are also applicable:

Goal 1: 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.

Goal 3: Establish an economically viable commercial environment for the Altadena community which meets the needs of the residents and is compatible with the community character.

Land Use Mix – Policy 1: Preserve existing residential neighborhoods, commercial districts, community facilities, institutions, and environmental amenities.

Land Use Mix – Policy 5: Provide for the strengthening of existing corridors and clusters of commercial, industrial, and public uses as principal activity centers of the Altadena community.

The Project will serve the area by providing a place for members of the community to enjoy beer and wine in conjunction with meals within an outdoor dining area associated with the existing restaurant. Authorizing this location to sell beer and wine for both on-site consumption and off-site consumption with takeaway orders, will strengthen its competitiveness, affording the opportunity to grow their customer base and continue

to operate as an economically viable business within the neighborhood, strengthening and helping to preserve an existing commercial and residential area in a manner that is compatible with the community character. Additional dining options can serve to make the neighborhood more attractive. Furthermore, the sale of beer and wine for ancillary off-site consumption will offer another option for customers to take home meals and alcoholic beverages.

ZONING CODE CONSISTENCY FINDINGS

16. **PERMITTED USE IN ZONE.** The Commission finds that the Project is consistent with the C-2 zoning classification as the sale of beer and wine for on- and off-site ancillary off-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).
17. **PARKING.** The Commission finds that the while the Project is a request to sell beer and wine of on- and ancillary off-site consumption, it is consistent with the County Code. Parking is located to the east and south of the commercial building and includes nine spaces, including one accessible space. Ten (10) spaces are required under the County Code. Four previous automobile parking spaces have been converted into a deck for outdoor dining and will be authorized under an outdoor dining program. If outdoor dining is not approved, the establishment will be required to revert to comply with the 10 spaces and no alcohol may be served for on-site consumption.
18. **COMMUNITY STANDARDS DISTRICT (“CSD”).** The Commission finds that 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. While the subject building was not constructed to meet the design standards of the CSD, there are certain requirements that will apply, such as the presence of accessory outdoor dining in a space formerly occupied by four automobile parking spaces. The Permittee will be required to obtain approval, as required by the Conditions of Approval, for the outdoor dining area to remain and before any alcohol may be served in that area.
19. **ALCOHOLIC BEVERAGE SALES.** The Commission finds that establishments selling alcoholic beverages for off-site consumption must provide three varieties of fresh produce and two whole grain items for sale. The Permittee requests modification to waive this requirement as the establishment is not a general-purpose retailer and the location of the restaurant is in an area with access to such products.

CONDITIONAL USE PERMIT FINDINGS

20. **The Commission finds that the proposed use will be consistent with the General Plan for the area.** The proposed sale of beer and wine for on-site and ancillary off-site consumption in the existing restaurant is appropriate as the Project Site is located in an area with neighboring commercial uses. The proposed use is

allowed in the subject land use category and will further select goals and policies of the General Plan and Community Plan related to economic growth. Authorizing the sale of beer and wine for on-site and ancillary off-site consumption in association with a food service will strengthen the economic competitiveness of the business and help strengthen commercial and residential areas near the restaurant in a compatible manner with a community-serving land use. Lastly, increasing dining options would bolster the attractiveness of the neighborhood.

21. **The Commission 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- and ancillary off-site consumption will occur in a to-be-approved outdoor dining area as well as with takeaway orders. The use is physically buffered from surrounding land uses by other buildings, streets, and parking lots. The sale of alcoholic beverages is subject to numerous County-imposed conditions to ensure that negative impacts are eliminated or minimized. Such conditions include the requirement for a security/camera system, requirement for food service in conjunction with alcoholic beverages, and prohibition against the advertisement of alcoholic beverages on exterior walls. The sale of alcoholic beverages for off-site consumption will be in association with the order of food only. Staff will retrieve the alcoholic beverages from behind the counter. There will be no “self-service” option for patrons to obtain alcoholic beverages. Furthermore, as requested by the Commission, additional security cameras, both inside and outside, will ensure greater security for both employees and patrons of the business. A condition of approval will limit the sale of alcoholic beverages to between the hours of 10:00 a.m. and 10:00 p.m. seven days a week. The sale of a beer and wine is an ancillary use to the restaurant and will not adversely affect the nearby community’s public welfare or economic welfare if conducted in compliance with the conditions of Project approval.
22. **The Commission 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 is for on-site and ancillary off-site consumption at an existing commercial structure legally constructed and in 1974 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, and other design elements that are compatible with commercial uses in the surrounding area even though it pre-dates the CSD requirements. Even with four vehicle parking spaces converted to outdoor dining, there is sufficient onsite parking to meet the customer demand. If the outdoor dining area is not approved, the Project will be required to revert to comply with the 10 spaces and no alcohol may be served for on-site consumption.
23. **The Commission 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 Allen Avenue, a public street with an 80-foot right-of-way, comprised of a 38-foot-wide vehicular path with two travel lanes. Class 3 Bike Paths (Bike Routes) are located on Allen Avenue and New York Drive at the Project Site. The restaurant is existing, and the sale of beer and wine for on- and ancillary off-site sales 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, Metro bus service on nearby New York Drive. 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.

24. The Commission 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 – ALCOHOLIC BEVERAGE SALES

25. **The Commission 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 is one preschool located within 600 feet of the subject restaurant to the west; however, the restaurant is sufficiently buffered from this use 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 a requirement for a total of six security cameras at the restaurant and the sale of alcoholic beverages only with food service.
26. **The Commission 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 north, south, east, and west by a parking lot, fences, intervening buildings, and landscaping.
27. **The Commission 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 for on-site and ancillary off-site consumption in association with meals served in an existing restaurant and takeaway orders, will represent an economic opportunity by introducing enhanced dining options for the community. The current restaurant has existed at the site since 2023. Before that, the building was used as another public eating establishment (bakery) since 2016.
28. **The Commission 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 building was previously approved with

a building permit, in accordance with development standards in effect at the time. No physical modifications to the exterior of the restaurant are proposed.

29. **The Commission finds that the proposed sale of alcohol would not occur at a site that is within a high crime reporting district nor in an area of undue concentration, pursuant to the California Alcoholic Beverage Control Act and the regulations adopted under that Act, nor 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 Project Site is not located in a high crime reporting district nor in an area with an undue concentration. Four ABC Licenses for on-site sale are allowed and ABC's records show that there is one on-site sale license 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- and ancillary off-site consumption with meals and takeaway orders 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.
30. **The Commission finds that modifying the requirements to sell fresh produce and whole grain items for takeaway orders is appropriate as the establishment is not a market or a store.** There is a market, however, across the street that sells such items as well as two supermarkets approximately 3,500 feet to the south.

ENVIRONMENTAL FINDINGS

31. The Commission finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines sections 15301 and 15311(Class 1, Existing Facilities and Class 11, Accessory Structures categorical exemptions). The Project involves the sale of alcoholic beverages for on- and ancillary off-site consumption at an existing restaurant.
32. 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- and ancillary off-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 DTSC’s EnviroStor and State Water Resources Control Board’s GeoTracker web databases, no active or open hazardous waste sites were identified at the Project Site. A review of the Hazardous Waste and Substances Site List–Site Cleanup database also shows no records on the Project Site. There are no public drinking wells within the Project Site that may pose conflicts with the lists compiled by the California Department of Health Services. 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 50 years, the new sale of alcoholic beverages for on- and ancillary off-site consumption in an existing restaurant will not affect the building in any way.

ADMINISTRATIVE FINDINGS

33. LOCATION OF DOCUMENTS. The location of the documents and other materials constituting the record of proceedings upon which the Commission’s decision is based in this matter is at 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 REGIONAL PLANNING COMMISSION 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. The proposed use is not in a high crime reporting area or in an area with an undue concentration of alcoholic beverage licenses pursuant to the California Alcoholic Beverage Control Act.
- K. The request to modify the requirement to sell three varieties of fresh produce and two whole grain items is justified as the establishment is not a general-purpose retailer and it is located in an area with sufficient access to fresh produce and whole grains.

THEREFORE, THE COMMISSION:

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines sections 15301 and 15311 (Class 1, Existing Facilities and Class 11, Accessory Structures categorical exemptions); and
2. Approves **CONDITIONAL USE PERMIT NO. RPPL2023005794**, subject to the attached conditions.

ACTION DATE: November 13, 2024

VOTE: 4:1:0:0

Concurring: Duarte-White, Louie, O'Connor, Hastings

Dissenting: Moon

Abstaining: 0

Absent: 0

MRB:AMC

November 14, 2024

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING

CONDITIONS OF APPROVAL
PROJECT NO. PRJ2023-003948-(5)
CONDITIONAL USE PERMIT NO. RPPL2023005794

PROJECT DESCRIPTION

The project is a request to authorize the sale of beer and wine for on-site and ancillary off-site consumption (ABC Type 41 License) 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 November 13, 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 **\$2,205.00**, which shall be placed in a performance fund and be used exclusively to reimburse LA County Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of this grant. The fund provides for **five** 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 December 13, 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).

PROJECT SITE-SPECIFIC CONDITIONS

19. This grant shall authorize the sale of beer and wine for on-site and ancillary off-site consumption at an existing restaurant in association with the purchase of food from 10:00 a.m. to 10:00 p.m. On-site alcohol sales pertain to the serving of beer and wine at the outdoor dining area and ancillary off-site sales pertain to takeaway orders.
20. Within three months of approval or by February 13, 2025, whichever is later, a monitored security alarm shall be installed on the premises.
21. Within three months of approval or by February 13, 2025, whichever is later, six security video cameras shall be installed inside and outside the restaurant. Three interior cameras shall provide views of the outdoor dining area; and three cameras shall provide views of the building exterior, including one facing Allen Avenue, and two facing the parking lot. Video footage shall be retained for at least one month and shall be made available to law enforcement upon request. An updated site plan depicting the location of the cameras shall be submitted by **December 13, 2024**.
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 sale of food.
23. Food service shall be continuously provided during operating hours, including takeaway orders. Beer and wine for off-site consumption shall only be sold in conjunction with food for takeaway.
24. The permittee shall apply for all necessary permits for the outdoor dining area by December 13, 2024, prior to any serving of alcoholic beverages for on-site consumption. Should the outdoor dining area not be approved, no alcoholic beverages may be served in the area.
25. No fresh produce or whole grains shall be required to be sold by the permittee as these requirements have been waived as part of this grant.

PERMIT-SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (SALE OF ALCOHOLIC BEVERAGES OF ON- AND OFF-SITE CONSUMPTION)

26. 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 ~~a~~ local law enforcement if necessary. If loitering occurs on a continuous basis, as determined by the County Sheriff, a security guard shall be required ~~dur~~business hours at the discretion of the Director.
27. 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.
28. 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.
29. 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.
30. 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.
31. The permittee shall provide adequate exterior lighting above all entrances and ~~exto~~ 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.
32. 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.

33. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
34. 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.
35. 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. Approval for outdoor dining shall be obtained before any sale or consumption of alcoholic beverages can occur there.
36. 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.
37. Music or other audible noise at the premises shall comply with County Code Title 12 to the satisfaction of the County Department of Public Health. No live music shall be allowed inside or outside the premises unless authorized by separate applicable permits. 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.