

Council Meeting of  
December 4, 2007

Honorable Mayor and Members  
of the City Council  
City Hall  
Torrance California

**PUBLIC HEARING**

Members of the Council:

Subject: Community Development – Consideration of an appeal of the Planning Commission's denial of a Conditional Use Permit to allow the operation of two take-out only restaurants on property in the C-2 Zone at 20305 Anza Ave.

**CUP07-00017: Mercy Go (Ethad, LLC & Refona, LLC)**

**RECOMMENDATION**

Recommendation of the Planning Commission that the City Council deny the appeal and

1. Adopt a resolution denying a Conditional Use Permit to allow the operation of two take-out only restaurants at 20305 Anza Ave.

Recommendation of the Community Development Director that the City Council uphold the appeal and approve a Conditional Use Permit to allow the operation of two take-out only restaurants at 20305 Anza Ave.

**Funding:** Not applicable

**BACKGROUND**

The applicant requests permission to operate two take-out only restaurants in a recently built shopping center. On May 17, 2006 the Planning Commission approved a Planning Commission Review (PCR06-00003) to allow the construction of a new one story shopping center. While the center was still under construction, the applicant requested permission to operate two take-only restaurants in two of proposed commercial spaces. On August 15, 2007 the Planning Commission denied this request (CUP07-00017) by a vote of 4-2 with one Commissioner excused. On August 22, 2007 the applicant appealed the decision and wishes to continue with proposed food uses.

**Prior Hearings and Publications**

A Planning Commission Public Hearing was scheduled for August 15<sup>th</sup>, 2007. On August 2, 2007, 114 notices were mailed to property owners within a 500 foot radius. On November 21, 2007, 114 notices of the City Council Public Hearing were mailed to property owners within a 500-foot radius. A notice of public hearing was posted at the site and a legal advertisement was published in the newspaper on November 21, 2007.

**Environmental Findings**

Minor alterations of existing public or private structures or facilities involving negligible or no expansion of use beyond that previously existing are Categorically Exempted by the Guidelines for implementation of the California Environmental Quality Act, Section 15301, Class 1.

**ANALYSIS**

The applicant requests permission to operate two take-out only restaurants each in a 1,400 square foot lease space. On May 17, 2006 the Planning Commission approved a Planning Commission Review (PCR06-00003) to allow the construction of a new one-story 5,700 square foot shopping center on a 21,750 square foot lot. The center is currently under construction and the final layout will consist of three tenant spaces. Two spaces will be used for the proposed take-out only food restaurants and the third space will be used for a credit union. Parking for both, the take-out restaurant and retail uses, requires one parking space per each 200 square-feet of floor area. The entire center has a parking ratio of one stall per every 200 square feet of floor area and a total of 29 stalls are required and 32 are provided.

One of the proposed food uses is a take-out pizza restaurant that will have pick up and delivery services. The second restaurant has yet to be determined. The applicant states that the maximum hours of operation would be 10:00 a.m. to 12:00 a.m. for the purposes of the pizza restaurant. Staff is in support of this application with conditions requiring all delivery vehicles associated with the pizza take out restaurant to park on the southeasterly portion of the parking lot and prohibiting the installation of interior and exterior seating associated with any of the restaurant tenant spaces. Additionally, staff is recommending that a condition be added requiring all tenant improvement floor plans to be reviewed by Development Review staff prior to issuance of Building Permits. This review is to ensure the floor plans are suitable for take-out only restaurants and that no areas for seating are provided as food uses with any seating are required to provide one stall per every one hundred square feet. Staff received correspondence regarding this project which is attached for review.

In the judgment of the Community Development Department, the subject two take-out only restaurants will be compatible with the surrounding area as the proposed businesses would serve the immediate neighborhood. The proposed uses will not adversely affect the orderly development of the area and the general welfare of the City. As part of the original proposal for the center, the project included traffic mitigation measures such as a dedication of 6 feet of property along Del Amo Boulevard and a 25 feet radius at the corner for the purpose of a future right-turn lane to alleviate traffic congestion in the vicinity. It should also be noted that the applicant has been assessed the corresponding Development Impact Fees. For these reasons, Staff recommends approval of this appeal.

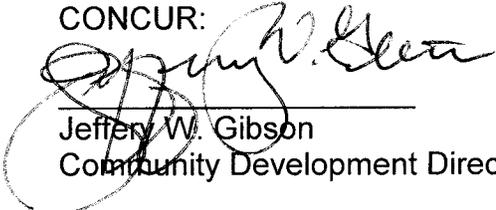
**PLANNING COMMISSION RECOMMENDATION**

The Planning Commission reviewed the Conditional Use Permit request on August 15, 2007. Some residents of the area noted concerns about the impact the proposed take-out restaurants would have on traffic. They also expressed concerns about the hazard to school children walking to and from nearby schools as well as concerns about the midnight closing time. The applicant stated that he did not believe the project would unduly affect traffic as the original project was downsized to minimize traffic impacts. One Commissioner noted that other restaurants on this block, including another pizza place, close earlier than midnight. The Chairperson stated that one of his primary concerns about the project was the midnight closing time and he was open to the idea of a 10:00 p.m. closing time. Another Commissioner expressed support for the project with a condition limiting closing time to 10:00 p.m. He felt that traffic is an inherent problem at this intersection as four corners are developed with commercial uses. The Planning Commission voted to deny the request by a vote of 4-2 with one Commissioner excused. At the subsequent Planning Commission meeting, a resolution denying the request was adopted and the Chairperson stated that the primary reason he voted against the project was the unwillingness of the applicant to change the hours of operation.

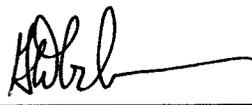
Respectfully submitted,

Jeffery W. Gibson  
Community Development Director

CONCUR:

  
Jeffery W. Gibson  
Community Development Director

By

  
Gregg D. Lodan, AICP  
Planning Manager

NOTED:

  
LeRoy J. Jackson  
City Manager

- for* Attachments:
- A. Resolution
  - B. List of Recommended Conditions
  - C. Location and Zoning Map
  - D. Letter of Appeal
  - E. Planning Commission hearing Minutes Excerpts 08/15/07 & 09/05/07
  - F. Previous Planning Commission Staff Report
  - G. Proofs of Publication and Notification
  - H. Plot Plan, Floor Plan and Exterior Elevations (Limited Distribution)
  - I. Mayor's Script (Limited Distribution)



**RESOLUTION NO. 2007**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, DENYING A CONDITIONAL USE PERMIT AS PROVIDED FOR IN DIVISION 9, CHAPTER 5, ARTICLE 3 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE OPERATION OF TWO TAKE-OUT ONLY RESTAURANTS ON PROPERTY LOCATED IN THE C-2 ZONE AT 20305 ANZA AVENUE.

**CUP07-00017: MERCY GO  
(ETEHAD LLC AND REFONA LLC)**

**WHEREAS**, On August 15, 2007, the Planning Commission of the City of Torrance conducted a public hearing to consider a request filed by Mercy Go (Etehad LLC and Refona LLC) for a Conditional Use Permit to allow the operation of two take-out only restaurants on property located in the C-2 Zone at 20305 Anza Avenue; and

**WHEREAS**, the Planning Commission denied the Conditional Use Permit request; and

**WHEREAS**, On December 4, 2007, the City Council of the City of Torrance conducted a public hearing to consider an appeal of a Planning Commission denial of a Conditional Use Permit filed by Mercy Go (Etehad LLC and Refona LLC) to allow the operation of two take-out only restaurants on property located in the C-2 Zone at 20305 Anza Avenue; and

**WHEREAS**, due and legal publication of notice was given to owners of property in the vicinity thereof and due and legal hearings have been held, all in accordance with the provisions of Division 9, Chapter 5, Article 2 of the Torrance Municipal Code; and

**WHEREAS**, Minor alterations of existing public or private structures or facilities involving negligible or no expansion of use beyond that previously existing are Categorically Exempted by the Guidelines for implementation of the California Environmental Quality Act, Section 15301, Class 1; and

**WHEREAS**, the City Council of the City of Torrance does hereby find and determine as follows:

- a) That the property under consideration is located at 20305 Anza Avenue;
- b) That the property is located in the northerly 150 feet of the easterly 175 feet of Lot 41 of Tract 2895 as per map recorded in Parcel Map Book 7519, Page 017

and Parcel Number 044 in the Office of the County Recorder County of Los Angeles, State of California; and

- c) The subject restaurant uses are conditionally permitted within the C-2 Zone and comply with all of the applicable provisions of the Torrance Municipal Code;
- d) That the proposed take out only restaurant uses will impair the integrity and character of the zoning district because the proposed operations will be open later than any surrounding uses and will create an undue nuisance to residential properties in the area;
- e) That the subject site is not physically suitable for the type for land use being proposed because the food uses may attract more vehicles than can park in the lot and pizza delivery vehicles may displace three to four parking stalls;
- f) That the project is not consistent with the orderly development of the City as provided for in the General Plan, which designates the site as Local Commercial. The two proposed uses may generate more vehicle trips to the shopping center thereby increasing congestion in the neighborhood;
- g) That the proposed use will not encourage orderly development of the City as provided for in the General Plan and the C-2 Zone because of the number of surrounding school uses and the pedestrian traffic generated by the schools will conflict with the vehicle traffic generate by the two food uses;
- h) That the City Council determined that the operating hours of the proposed uses were inconsistent with the surrounding commercial uses.

**NOW, THEREFORE, BE IT RESOLVED** that CUP07-00017 filed by Mercy Go (Etehad LLC and Refona LLC) to allow two take-out only restaurants on property located in the C-2 Zone at 20305 Anza Avenue on file in the Community Development Department of the City of Torrance, is hereby DENIED.

Introduced, approved and adopted this 4<sup>th</sup> day of December 2007.

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MAYOR, of the City of Torrance

ATTEST:

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City Clerk of the City of Torrance

APPROVED AS TO FORM:

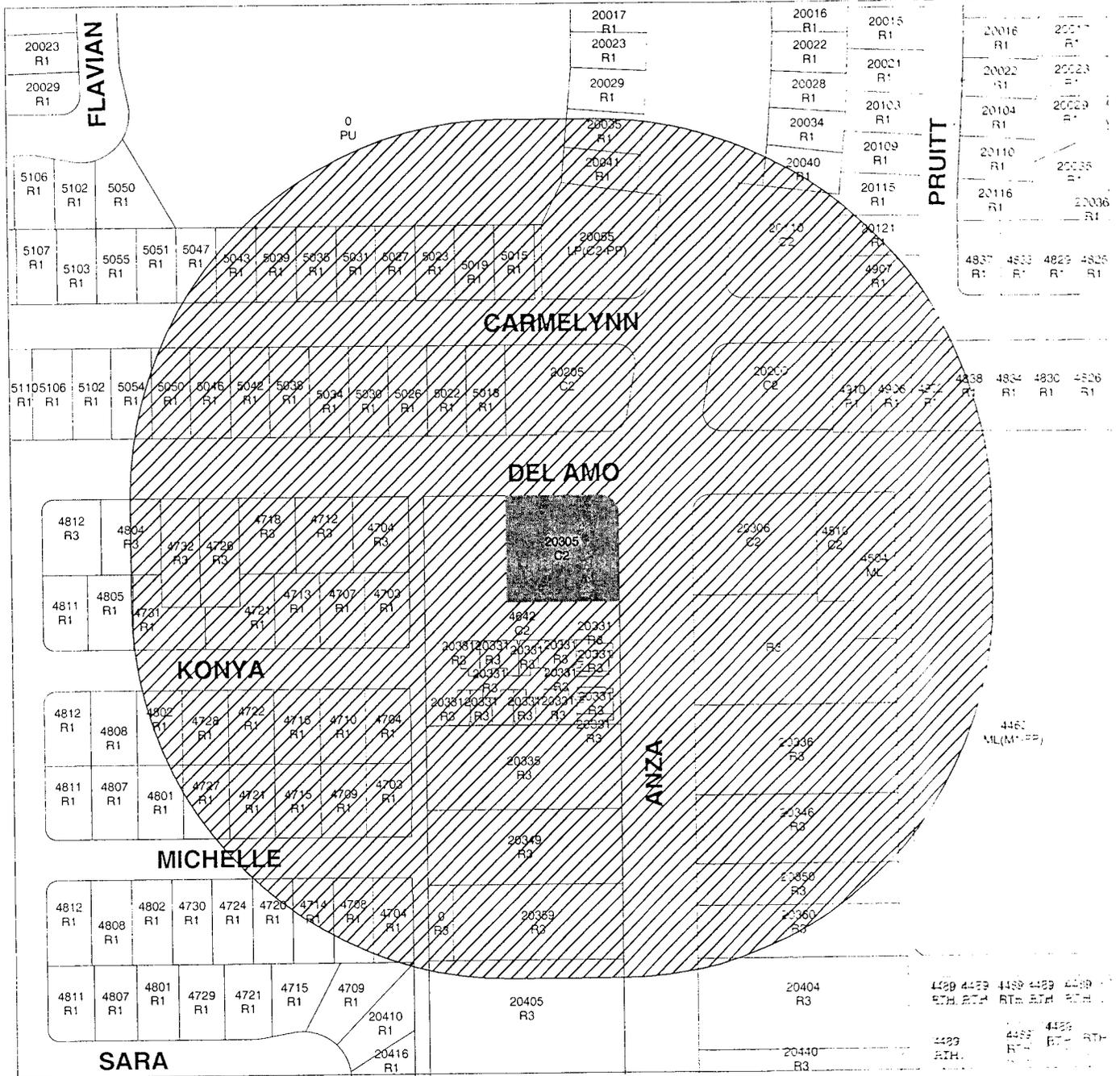
JOHN FELLOWS III, City Attorney

By \_\_\_\_\_

**RECOMMENDED CONDITIONS, IF APPROVED:**

1. That the development and use of two tenant spaces as take out only restaurants shall be subject to all conditions imposed in Planning Commission case CUP07-00017 and any amendments thereto or modifications thereof as may be approved from time to time pursuant to Section 92.28.1 et seq of the Torrance Municipal Code on file in the office of the Community Development Director of the City of Torrance; and further, that said take-out restaurants shall be maintained in conformance with such maps, plans, drawings, specifications, applications or other documents presented by the applicant to the Community Development Department and upon which the Planning Commission relied in granting approval; and
2. That if this Conditional Use Permit is not used within one year after granting of the permit, it shall expire and become null and void unless extended by the Community Development Director for an additional period of time as provided for in Section 92.27.2;
3. That there shall be no eating within the premise with the exception of staff; (Development Review)
4. That all delivery vehicles associated with the subject use shall park on the southeasterly portion of the parking lot; (Development Review)
5. That there shall be no loud radios used by delivery personnel; (Development Review)
6. That all tenant improvement floor plans be submitted to the Community Development Department for approval prior to the issuance of any building permits to ensure that active floor area is visible the street; (Development Review)
7. That there shall be no customer seating on site either exterior or interior; (Development Review)
8. That there shall be no external pay telephones or vending machines on site; (Development Review)
9. That both take-out restaurants shall not operate beyond midnight; (Development Review)
10. That the applicant shall submit a waste collection plan indicating the frequency with which waste will be collected subject to the satisfaction of the Community Development Director; (Development Review)
11. That there shall be no outside public address speakers, radios, paging, telephone bells or similar devices; (Environmental)

12. That the applicant shall provide a comprehensive sign program for all tenant signage; (Environmental)
13. That the applicant shall provide a noise attenuation report by a certified consultant to verify that this development will meet Torrance Noise Ordinance requirements and will not adversely affect neighboring residential properties; (Environmental)
14. That the applicant shall direct parking lot or building lighting or shield said lighting away from neighboring residential uses; (Environmental)
15. That the applicant shall provide a trellis or decorative top for the trash enclosure area. The enclosure area must accommodate trash bins and containers for recyclable materials. Prior to the final inspection of the site, provide documentation that the contracted waste hauler will also collect recyclables; (Environmental)
16. That the applicant shall provide graffiti proof window film or other protective material on the exterior of windows; (Environmental)
17. That sign twirlers, persons holding signs or signage attached to persons shall be prohibited for the advertisement of this development; (Environmental)
18. That the applicant or property manager shall provide 9" (minimum) contrasting address numerals; (Environmental)
19. That the applicant shall show the location of all electrical/ mechanical equipment and method of screening and if possible, locate away from front setback subject to the satisfaction of the Community Development Director; (Environmental)
20. That no outside storage or display of merchandise shall be permitted except as approved as a part of the proposed plan or as specifically allowed as a temporary land use subject to the satisfaction of the Community Development Director; (Environmental)
21. That the applicant shall provide documentation that the site has been cleaned of hazardous material, wastes and oil residue to acceptable background levels to the satisfaction of the Torrance Fire Department; (Environmental)
22. That vehicles associated with the proposed development, including employees, clients and visitors are required to park on site; (Environmental)
23. That a commercial radius type driveway, 30 feet wide with depressed back of walk and wheelchair ramps shall be installed per City of Torrance standards on both Del Amo Blvd. and Anza Avenue; (Mapping and Permits)

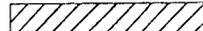


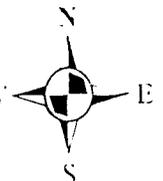
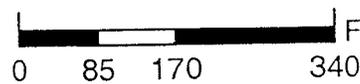
# LOCATION AND ZONING MAP

20305 Anza Ave  
CUP07-00017



# LEGEND

-  20305 Anza Ave
-  Notification Area



# CITY OF TORRANCE

## INTEROFFICE COMMUNICATION

DATE: August 22, 2007

**TO:** Jeffrey Gibson, Community Development

**FROM:** City Clerk's Office

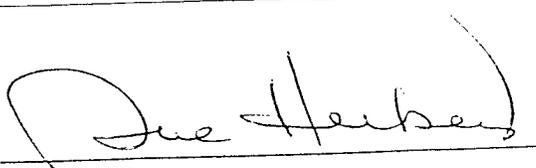
**SUBJECT:** Appeal 2007-14

Attached is Appeal 2007-14 received in this office on August 22, 2007 from Mr. David Hakakian, Etehad, LLC & Refoua, LLC, 410 South Beverly Drive, Beverly Hills, CA 90212. This appeal is of the Planning Commission's denial made on August 15, 2007 regarding CUP07-00017: MERCY GO (ETEHAD, LLC & REFONA, LLC) located at 20305 Anza Avenue, Torrance, CA 90505 citing wishing to continue with food usage.

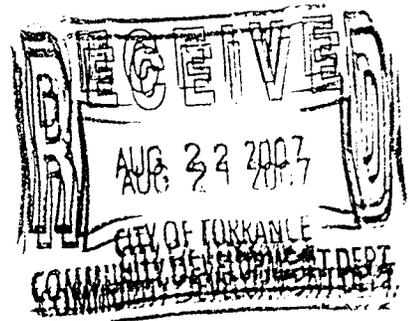
The appeal fee of \$160.00, paid by cash, was accepted by the City Clerk.

**SECTION 11.5.3. PROCEDURE AFTER FILING.**

- a) Upon receipt of the notice of appeal, and the appeal fee, the City Clerk shall notify the concerned City officials, bodies or departments that an appeal has been filed and shall transmit a copy of the appeal documents to such officials, bodies or departments.
- b) The concerned City officials, bodies or departments shall prepare the necessary reports for the City Council, provide public notices, posting, mailing or advertising in the same manner as provided for the original hearing or decision making process, request the appeal be placed on the agenda for hearing before the City Council within thirty (30) days of receipt of the said notice of appeal, and notify the applicant in writing of the time, date and place of the hearing not less than five (5) days before the Council hearing.

  
\_\_\_\_\_  
Sue Herbers  
City Clerk

cc: City Council





CITY OF TORRANCE RECEIVED

APPEAL FORM 2007 AUG 21 - PM 3:14

AN APPEAL TO:

- City Council
- Planning Commission
- \_\_\_\_\_

RETURN TO:

CITY OF TORRANCE  
 CITY CLERK'S OFFICE  
 Office of the City Clerk  
 3031 Torrance Boulevard  
 Torrance CA 90509-2970  
 310/618-2870

RE: CUP07-00017: MERLY GO (ETEHAD, LLC + REFOUA, LLC)  
(Case Number and Name)

Address/Location of Subject Property 20305 BAZA AVE  
(If applicable)

Decision of:

- |                                                                                 |                                                         |
|---------------------------------------------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> Administrative Hearing Board                           | <input type="checkbox"/> License Review Board           |
| <input type="checkbox"/> Airport Commission                                     | <input checked="" type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Civil Service Commission                               | <input type="checkbox"/> Community Development Director |
| <input type="checkbox"/> Environmental Quality & Energy Conservation Commission | <input type="checkbox"/> Special Development Permit     |
|                                                                                 | <input type="checkbox"/> Other _____                    |

Date of decision: 8.15.07      Appealing:    APPROVAL       DENIAL

Reason for Appeal: *Be as detailed as necessary. Additional information can be presented at the hearing. Attach pages as required with additional information and/or signatures.*

WISHING TO CONTINUE WITH FOOD USAGE

Name of Appellant ETEHAD + REFOUA LLC    DAVID HAKAKIAN

Address of Appellant 410 S. BEVERLY DR. B.H. CALIF 90212

Telephone Number (310) 877-2404

Signature Djard Hakakian

For office use only:      Date 8/21/07      Received by [Signature]

Appeal Fee paid \$ 160.00

Notice to:    Community Development Department     Planning     Building & Safety

City Council     City Manager     City Attorney     Other Department(s) \_\_\_\_\_

**12A. CUP07-00017: MERCY GO (ETEHAD, LLC & REFONA, LLC)**

Planning Commission adoption of a resolution reflecting their decision to deny a Conditional Use Permit to allow the operation of two take-out only restaurants on property located in the C-2 Zone at 20305 Anza Avenue.

Commissioner Weideman noted that the resolution does not address the take-out restaurant's hours of operation, which was a major point of contention during the public hearing, and recommended that a reference to this issue be included because the case is likely to be appealed to the City Council.

Chairperson Busch concurred, noting that the primary reason he voted against the project was the unwillingness of the applicant to change the hours of operation.

Planning Manager Lodan advised that staff would add a finding clarifying this issue.

**MOTION:** Commissioner Weideman moved for the adoption of Planning Commission Resolution No. 07-091 as amended. The motion was seconded by Commissioner Horwich and passed by 5-1 roll call vote, with Commissioner Faulk dissenting and Commissioner Browning abstaining.

**11A. CUP07-00017: MERCY GO (ETEHAD, LLC & REFONA, LLC)**

Planning Commission consideration for approval of a Conditional Use Permit to allow the operation of two take-out restaurants on property located in the C-2 Zone at 20305 Anza Avenue.

**Recommendation**

Approval.

Planning Assistant Yumul introduced the request.

Dio Yang, representing the owners of the subject property, requested that Condition No. 2, which states that the Conditional Use Permit shall expire if not used within one year, be deleted. He explained that a tenant for the second take-out restaurant has not been found and the applicant does not want to lose the ability to lease this space should it take longer than a year to find one.

Planning Manager Lodan advised that this is a standard condition to ensure that entitlements are acted upon in a timely fashion and it simply requires that the applicant enter the plan check process within one year.

Commissioner Gibson, echoed by Commissioner Fauk and Commissioner Weideman, indicated that she would not support the deletion of Condition No. 2.

Chairperson Busch asked about the midnight closing time.

Gary Brockman, representing Pizza Hut, explained that two existing restaurants which are open until midnight will be closing after this project is completed and Pizza Hut would like to continue to offer the same service to their customers. He confirmed that the midnight closing time would be in effect seven days a week.

Commissioner Gibson voiced objections to the midnight closing time, noting that she investigated other restaurants on this block, including another pizza place, which closes at 9:00 p.m. on weekdays/9:30 p.m. on Saturdays; Subway, which closes no later than 10:00 p.m.; and Steve's, which closes at 10:00 p.m. on weekdays/11:00 p.m. on Saturdays.

In response to Commissioner Gibson's inquiry, Mr. Brockman reported that the restaurant's standing capacity would be 4-5 people; that the restaurant would have 3-4 delivery vehicles; and that there would be a restroom for employees, but not for the use of customers.

Commissioner Horwich recalled that when the Commission approved this center, a condition was included prohibiting any type of food service and questioned why this request was being brought back as a new Conditional Use Permit instead of as a modification of the previously approved project.

Planning Manager Lodan explained that it was done in this manner so that if this request was denied, the original entitlement would still stand. He recalled that the condition regarding food service was included to reinforce the fact that any kind of food

use would require a public hearing and indicated that staff had no inherent concerns about allowing a restaurant at this center.

In response to Commissioner Weideman's inquiry, Mr. Brockman provided clarification regarding the parking designated for delivery vehicles. Mr. Yang noted that staff dictated the parking arrangement and expressed his willingness to change it.

Commissioner Faulk asked about the location of the two Pizza Hut restaurants to be closed. Mr. Brockman reported that one is on Artesia and one is to the west of the subject property and reiterated that Pizza Hut would like to maintain the same midnight closing time at the new location.

Commissioner Faulk suggested the possibility of operating the delivery service until midnight and closing the storefront take-out earlier. With regard to parking, he noted that there is parking available at the adjacent center where several of the businesses will be closed during Pizza Hut's peak hours and asked about cross access.

Planning Manager Lodan advised that there is no arrangement with the adjacent center to allow cross access for parking, however, there is a requirement that the owner of the subject property provide for a future cross access easement when the adjacent property is redeveloped.

Commissioner Gibson asked about the geographic area to be served by the new Pizza Hut. Mr. Brockman stated that, typically, it would encompass the area within an 8-minute drive time.

Commissioner Gibson expressed concerns that only 7 parking spaces are provided for the restaurant, 4 of which would be taken up by delivery vehicles.

Planning Manager Lodan noted that there is additional parking available in the center as parking spaces are not designated for particular tenants.

Mr. Yang noted that the center has 10% more parking than required.

Gavin Wasserman, 4788 Steele, urged denial of the Conditional Use Permit. He contended that the two take-out restaurants along with the other two tenants were likely to generate a substantial volume of traffic and expressed concerns about the hazard to school children walking to and from nearby schools. He voiced his opinion that the midnight closing time was too late for this area, noting that people will be at this location long past midnight due to the time it takes to close down the business. He disputed the calculation of the parking requirements, maintaining that the 7.5 spaces required for Tenants #3 and #4 should be rounded off to 8 spaces each.

Melanie Dreike, president of West Torrance Homeowners Association, expressed concerns that motorists making a left-hand turn into the center must cross double-yellow lines on both Anza and Del Amo. She reported that the adjacent center does not have a lot of extra parking so sharing parking would not work. She maintained that this area does not need another pizza place and recommended that any future food use be brought before the Commission so that residents could have a say in their hours of operation. She reported that responses to an email sent to HOA members cite the

traffic issue and the safety hazard to children attending West High, Bert Lynn and Victor Elementary schools.

Returning to the podium, Mr. Yang stated that he did not believe the center would unduly affect traffic, noting that the original project was downsized from 7,000 square feet to 5,000 square feet to minimize the impact on traffic.

Commissioner Weideman asked about delineation around the perimeter of the project.

Planning Manager Lodan advised that there is an existing short wall on the south side, which is on the neighboring property, and that there will be planters delineating the site when the project is completed but they will not preclude cross access.

Commissioner Faulk asked about the percentage of sales that is pick-up versus delivery at a typical Pizza Hut without seating capacity. Mr. Brockman reported that sales at this location are projected to be approximately 15% pick-up and 85% delivery.

Commissioner Uchima noted that school children will probably be in the vicinity around 3:00 – 3:30 p.m., and asked about the peak time for Pizza Hut's business.

Mr. Brockman responded that although there is some lunchtime business, the majority of deliveries are between 5:00 p.m. and 8:00 p.m.

In response to Commissioner Gibson's inquiry, Planning Manager Lodan related his understanding that there is a school bus stop at the corner of Del Amo and Anza.

Commissioner Gibson questioned whether Pizza Hut was prepared for football nights at West High, which tend to be quite active.

Mr. Brockman stated that the restaurant would be better suited if there was a lobby and seating, however, since they don't have that capability, he imagined they would be catering football parties at various locations.

**MOTION:** Commissioner Gibson moved to close the public hearing. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote.

Commissioner Weideman indicated that he would not support the midnight closing time due to the impact on nearby apartments and suggested a closing time of 10:00 p.m.

Chairperson Busch stated that one of his primary concerns about the project was the midnight closing time and that's why he brought the issue up at the beginning of this hearing. He indicated that he was open to the idea of a 10:00 p.m. closing time.

Commissioner Gibson stated that she could not in good conscience support a midnight closing time in this residential neighborhood. She further stated that she has serious concerns about this already dangerous corner and voted against this project when it was originally considered, therefore, she was not inclined to support any of this request.

**MOTION:** Commissioner Weideman moved to deny CUP07-00017 without prejudice. The motion was seconded by Commissioner Gibson and discussion briefly continued.

Commissioner Faulk expressed support for the project with a condition limiting closing time to 10:00 p.m. He stated that traffic is an inherent problem at this intersection and he did not believe the proposed use would significantly increase traffic as compared to previous uses. With regard to this being a residential neighborhood, he noted that all four corners of the intersection are developed with commercial uses and the only residential use close to the project is the apartment building next to the florist. He reported that he frequently picks up pizza from Pizza Hut on Friday evenings and has not observed a lot of problems concerning parking. He voiced his opinion that staff has come up with a good plan for the parking of delivery vehicles so they will not create congestion at the front of the building. He indicated his preference that the Commission approve only the Conditional Use Permit for the Pizza Hut and require that any other food establishment be considered separately.

Commissioner Horwich stated that he would vote to deny the Conditional Use Permit because this was a more intensive use of the property than he originally envisioned and he did not believe there would be adequate parking if any seating is added, inside or outside, for either of the two restaurants, which according to his experience, is bound to happen.

Chairperson Busch called for a vote on the motion, and the motion passed by a 4-2 roll call vote, with Commissioners Faulk and Uchima dissenting (absent Commissioner Browning).

**AGENDA ITEM NO. 11A****CASE TYPE AND NUMBER:** Conditional Use Permit CUP07-00017**NAME:** Mercy Go (Etehad LLC and Refona LLC)**PURPOSE OF APPLICATION:** Request for approval of a Conditional Use Permit to allow the operation of two take-out only restaurants.**LOCATION:** 20305 Anza Avenue**ZONING:** C-2**ADJACENT ZONING AND LAND USE:**

North: C-2:	Retail Shopping Center
South: C-2,R-3:	Shopping Center and Limited Multiple Family Residential
East: C-2:	Gas Station
West: C-2:	Shopping Center

**GENERAL PLAN DESIGNATION:** Local Commercial

This site has a General Plan Land Use Designation of Local Commercial, which are areas intended to serve local convenience shopping and service needs of nearby residential neighborhoods.

Appropriate uses in this designation include retail uses, personal services, offices, and food and beverage establishments. Uses permitted are intended to primarily serve local residential neighborhoods and do not generate substantial volumes of traffic. The proposed take-out restaurant uses are consistent with the Local Commercial Designation.

**EXISTING IMPROVEMENTS AND/OR NATURAL FEATURES:** The subject property is currently being developed with a one-story neighborhood retail center.

**ENVIRONMENTAL FINDINGS:** Minor alterations of existing public or private structures or facilities involving negligible or no expansion of use beyond that previously existing are Categorically Exempted by the Guidelines for implementation of the California Environmental Quality Act, Section 15301, Class 1.

**BACKGROUND AND ANALYSIS:** The applicant requests permission to operate two take-out only restaurants each in a 1,400 square foot lease space. On May 17, 2006 the Planning Commission approved a Planning Commission Review (PCR06-00003) to allow the construction of a new one story 5,700 square foot shopping center on a 21,750 square foot lot. The center is currently under construction and the final makeup is proposed to consist of three to four tenant spaces. Two of which are the proposed take-out only food uses and the balance of the building will be used for retail service

uses. Parking for the subject uses require one parking space per each 200 square-foot of floor area. The entire center has a parking ratio of one stall per every 200 square feet of floor area and a total of 29 stalls are required and 32 are provided.

Parking for the center is tabulated in the following manner:

Tenant:	Square feet:	Parking Spaces Required:
Take Out Only #1	1,400	7
Take Out Only #2	1,400	7
Tenant #3	1,450	7.5
Tenant #4	1,450	7.5
<b>Total</b>	<b>5,700</b>	<b>29</b>

The applicant has requested permission to operate two take-out only restaurants in a new shopping center. One of the proposed uses is a pizza restaurant that will have pick up and delivery services. The second restaurant has yet to be determined. The applicant states that the maximum hours of operation would be 10:00 a.m. to 12:00 a.m. for the purposes of the pizza restaurant. Staff is recommending that a condition be added requiring both restaurants to close their operations by midnight. Staff is in support of this application with conditions requiring all delivery vehicles associated with the pizza take out restaurant to park on the southeasterly portion of the parking lot and prohibiting the installation of interior and exterior seating associated with any of the restaurant tenant spaces. Additionally, staff is recommending that a condition be added requiring all tenant improvement floor plans to be reviewed by Development Review staff prior to issuance of Building Permits. This review is to ensure the floor plans are suitable for take-out only restaurants and that no areas for seating are provided as food uses with any seating are required to provide one stall per every one hundred square feet. Recently, an issue has emerged regarding older established restaurants and the amount of trash and waste generated that is not collected with enough frequency. Therefore, staff is recommending that a condition be added requiring the applicant to submit a waste collection plan subject to the satisfaction of the Community Development Director.

In the judgment of the Community Development Department, the subject two take-out only restaurants will be compatible with the surrounding area as the proposed businesses would serve the immediate neighborhood. Staff has received correspondence regarding this project which is attached for your review.

The applicant is advised that a partial list of Code requirements has been included as an attachment to the staff report, and is not subject to modification by the Planning Commission.

**PROJECT RECOMMENDATION: APPROVAL**

**FINDINGS OF FACT IN SUPPORT OF APPROVAL OF THE REQUEST:**

Findings of fact in support of the subject request are set forth in the attached Resolution.

**RECOMMENDED CONDITIONS IF THE PROJECT IS APPROVED:**

Recommended conditions of the subject request are included in the attached Resolution.

**Attachments:**

1. Resolution
2. Location and Zoning Map
3. Code Requirements
4. Correspondence
5. Site Plan, Floor Plan, and Elevations

Prepared by,



Aquilla Hurd-Ravich  
Planning Associate

Respectfully submitted,



Gregg Lodan, AICP  
Planning Manager

## **CODE REQUIREMENTS**

The following is a partial list of Code requirements applicable to the proposed project. All possible Code requirements are not provided here and the applicant is strongly advised to contact each individual department for further clarification. The Planning Commission may not waive or alter the Code requirements. They are provided for information purposes only.

### **Building and Safety:**

- Obtain a building permit.
- Comply with state energy requirements.
- Comply with state handicap requirements.
- Provide a 1-hour fire rated separation between units/tenants.
- Provide fire sprinklers throughout the building if restaurant type uses total 4,000 square feet.
- Obtain Los Angeles County Health Department Approval.

### **Environmental:**

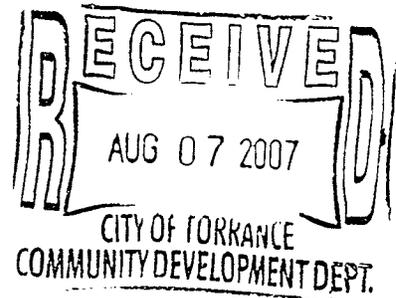
- Screen all roof equipment from public view (92.30.2).
- Lot sweeping, deliveries and trash pick-up are prohibited between 10 p.m. and 7 a.m. (92.30.4).
- Standard parking stalls are required to be 19 feet long.

### **Mapping and Permits:**

- Site drainage shall be collected on-site and discharged through curb
- Close abandoned driveway(s) with full height curb and gutter to match existing
- Install truncated domes at the southwest corner of Anza Avenue and Del Amo Boulevard on wheel chair ramp
- Install a street tree in the City parkway every 50 feet for the width of this lot on Del Amo Boulevard and Anza Avenue (City code sec. 74.3.2) Contact the Torrance Public Works Department at 310.781.6900 for information on the type and size of tree for your area
- Install grass parkway on Del Amo Boulevard with sod and irrigation
- A dedication of property for the purpose of street

Community Development Department

regarding : CUP 07-00017



two take out restaurants on property located on 20305 Anza Avenue. increase traffic volume, noise level. original environment document ~~not~~ address mitigation measure, need modify restaurants ~~not~~ open at night, could increase safety problem around the neighborhood. in-and-out traffic could create a traffic safety problem. need install "right turn only" sign at open of street.

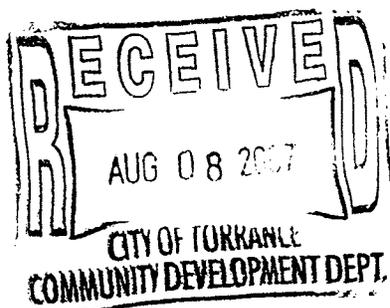
EDWARD SHICE

4703 Mahette Dr

TORRANCE.

Development Review Division  
regarding cop 07-00017

two take-out restaurants located on  
20385 ANZA Avenue. increase traffic volume,  
Noise, environment impact around Area. original  
environment document mitigation measure does not address  
those issues. restaurants open late at night, could  
increase those problem and create a safety problem impact  
quality of life around the neighborhood.



Ed SHIAO

Development Review Division  
regarding cap 07-00017

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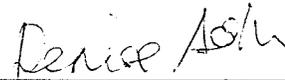
**PROOF OF SERVICE BY MAIL**

I, the undersigned, am a resident of the County of Los Angeles, State of California, over the age of eighteen years, and not a party to the within action. I am employed by the City of Torrance, 3031 Torrance Boulevard, Torrance California 90503.

On **November 21, 2007**, I caused to be mailed **114** copies of the within notification for City Council **CUP07-00017: MERCY GO (ETEHAD LLC & REFONA LLC)** to the interested parties in said action by causing true copies thereof to be placed in the United States mail at Torrance California.

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

Executed **November 21, 2007**, at Torrance California.



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(signature)

**CITY OF TORRANCE**  
**Community Development Department**  
**3031 Torrance Boulevard**  
**Torrance, CA 90503**

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that a Public Hearing will be held before the Torrance City Council at 7:00 p.m., **December 4, 2007**, in the City Council Chambers of City Hall, 3031 Torrance Boulevard, Torrance, California, on the following matter:

**CUP07-00017, MERCY GO (ETEHAD, LLC & REFONA, LLC):** City Council consideration of an appeal of a Planning Commission denial of a Conditional Use Permit to allow the operation of two take-out only restaurants on property located in the C-2 Zone at 20305 Anza Avenue.

Material can be reviewed in the Community Development Department. All persons interested in the above matter are requested to be present at the hearing or to submit their comments to the City Clerk, City Hall, 3031 Torrance Boulevard, Torrance, CA 90503, prior to the public hearing.

If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Community Development Department or the office of the City Clerk prior to the public hearing, and further, by the terms of Resolution No. 88-19, you may be limited to ninety (90) days in which to commence such legal action pursuant to Section 1094.6 of the Code of Civil Procedure.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (310) 618-5990. If you need a special hearing device to participate in this meeting, please contact the City Clerk's Office at (310) 618-2870. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].

For further information, contact the **DEVELOPMENT REVIEW DIVISION** of the Community Development Department at (310) 618-5990.

Publish: **November 23, 2007**

**SUE HERBERS**  
**CITY CLERK**

**one hundred fourteen (114) notices mailed 11/21/07. da**

# NOTICE Of Public Hearing

## CITY COUNCIL

City Council Consideration of an appeal of a Planning Commission denial of a Conditional Use Permit to allow the operation of two take-out only restaurants on property located in the C-2 Zone.

Applicant: **Marcy De (Freddy's, LLC & Melinda LLC)** Case Type: **CUP07-00017**

Location: **20305 Anza Ave**

Meeting Date: **December 4, 2007** Time: **7:00 PM**

Place of Meeting: **Council Chambers, City Hall, 3031 Torrance Boulevard**

FOR INFORMATION CALL THE COMMUNITY DEVELOPMENT DEPARTMENT AT (310) 515-5990

**FRAM**  
GENERAL CONTRACTORS  
270, 155, 1011  
MIRAL, SEP, 01, 02, 12, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

Coming Soon! Area and Lighting Control  
**LEASE**  
**PROPERTY**

For Lease 1,000 sq ft  
Contact Eric 310-540-2350 Ext 101

**NOTICE**

**PLASTERING**  
**(916) 540-8500**

CITY OF TORRANCE  
POSTED BY  
SY/06  
DATE: 11/21/07

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DB 11-114

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For further information, contact the **DEVELOPMENT REVIEW DIVISION** of the Community Development Department at (310) 618-5990.

**SUE HERBERS  
CITY CLERK**

Pub.: November 23, 2007.

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