

COUNCIL MEETING OF  
December 18, 2007

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

Members of the Council:

**SUBJECT: Community Development – Adopt RESOLUTION reflecting City Council approval of a Conditional Use Permit to allow the operation of a take-out only restaurant on property located at 20305 Anza Avenue.**

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

**Expenditure: None**

**RECOMMENDATION**

Recommendation of the Community Development Director that City Council adopt a RESOLUTION reflecting City Council action at the December 4, 2007 meeting to approve a Conditional Use Permit to allow the operation of a take-out only restaurant on property located at 20305 Anza Avenue.

**BACKGROUND AND ANALYSIS**

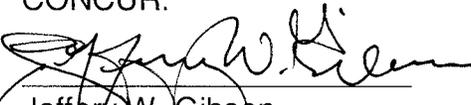
On December 4, 2007, the City Council considered an appeal of a Planning Commission denial of a Conditional Use Permit to allow the operation of two take-out restaurants on property located in the C-2 zone at 20305 Anza Avenue. The City Council voted 7-0 to uphold the appeal and approved the operation of only one take-out restaurant. As directed by City Council, a resolution for approval of the Conditional Use Permit has been provided for the City Council's consideration.

Respectfully submitted,

JEFFERY W. GIBSON  
Community Development Director

By   
for: Gregg Lodan, AICP, Manager  
Development Review Division

CONCUR:

  
Jeffery W. Gibson  
Community Development Director

NOTED:

  
LeRoy J. Jackson  
City Manager  
Attachment: A. Resolution



**RESOLUTION NO. 2007-**

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

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

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**WHEREAS**, On May 17<sup>th</sup>, 2006, the Planning Commission of the City of Torrance conducted a public hearing and approved a request to allow the construction of a 5700 square foot retail building on property located in the C-2 Zone at 20305 Anza Ave; and

**WHEREAS**, On August 15<sup>th</sup>, 2007, the Planning Commission of the City of Torrance conducted a public hearing and denied a request to allow the operation of two take-out only restaurants on property located at 20305 Anza Ave; and

**WHEREAS**, On August 21st, 2007, the applicants filed an appeal for consideration of the Planning Commission denial of their request to allow the operation of two take-out only restaurants on property located at 20305 Anza Ave; and

**WHEREAS**, On December 4, 2007, the City Council of the City of Torrance conducted a public hearing and approved a request filed by Mercy Go (Etehad LLC and Refona LLC) for consideration of an appeal of the Planning Commission's denial of a Conditional Use Permit to allow the operation of one take-out only restaurant on property located at 20305 Anza Ave; 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**, 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**, 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 use will not impair the integrity and character of the zoning district because take out restaurant is conditionally permitted in the C-2 Zone and appropriate in the Local Commercial Land Use Designation;
- e) That the subject site is physically suitable for the type for land use being proposed because the building in which the restaurant will locate was previously approved by a Planning Commission Review as being suitable for a shopping center. A take-out food use is an appropriate use in a retail center because an adequate number of parking stalls are provided;
- f) That the take out restaurant will be compatible with other retail uses that will locate in the shopping center as all uses will be commercial;
- g) That the project is consistent with the orderly development of the City as provided for in the General Plan, which designates the site as Local Commercial. Food and Beverage establishments are permissible uses within the Local Commercial Designation.
- h) That the proposed use will encourage and be consistent with the orderly development of the City as provided for in the General Plan and the C-2 Zone as the use is conditionally permitted in C-2 and is consistent with the General Plan. Additionally, this use is compatible with retail service uses and will be compatible with the shopping center;
- i) That the proposed use will not discourage the appropriate existing or planned future use of surrounding property or tenancies as restaurant uses have the potential to service multiple tenants or customers;
- j) That there will be adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed development is not detrimental to public health and safety;
- k) That there will be adequate provisions for public access to serve the proposed uses because this property can be accessed via Del Amo Boulevard and Anza

Avenue;

- l) That the proposed location, size, design, and operating characteristics of the proposed use would not be detrimental to the public interest, health, safety, convenience or welfare, or to the property of person located in the area;
- m) That the proposed use will not produce any or all of the following results:
  - Damage or nuisance from noise, smoke, odor, dust or vibration,
  - Hazard from explosion, contamination or fire,
  - Hazard occasioned by unusual volume or character of traffic or the congregating of large numbers of people or vehicles;
- n) That adequate parking is provided.

**NOW, THEREFORE, BE IT RESOLVED** that CUP07-00017 filed by Mercy Go (Etehad LLC and Refona LLC) to allow a take-out only restaurant 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 APPROVED subject to the following conditions:

1. That the development and use of a tenant space as take-out only restaurant shall be subject to all conditions imposed in 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 restaurant 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 City Council 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 from 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 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)
10. That there shall be no outside public address speakers, radios, paging, telephone bells or similar devices; (Environmental)
11. That the applicant shall provide a comprehensive sign program for all tenant signage; (Environmental)
12. 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)
13. That the applicant shall direct parking lot or building lighting or shield said lighting away from neighboring residential uses; (Environmental)
14. 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)
15. That the applicant shall provide graffiti proof window film or other protective material on the exterior of windows; (Environmental)
16. That sign twirlers, persons holding signs or signage attached to persons shall be prohibited for the advertisement of this development; (Environmental)
17. That the applicant or property manager shall provide 9" (minimum) contrasting address numerals; (Environmental)
18. 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)
19. 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)

20. 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)
21. That vehicles associated with the proposed development, including employees, clients and visitors are required to park on site; (Environmental)
22. 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)
23. That the hours of operation for the take-out restaurant shall be limited as follows: Sunday through Thursday the restaurant shall open no earlier than 10:00 am and close no later than 11:00 pm, including the delivery service. On Fridays and Saturdays the delivery service can operate until midnight; however, the walk-in service shall still close at 11:00pm. **(Added by City Council)**
24. That only one take-out restaurant with a maximum area of 1,400 sf shall be allowed at this shopping center. **(Added by City Council)**

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 \_\_\_\_\_