

STAFF ANALYSIS

PROJECT NUMBER:

R2007-02619-(1)

CONDITIONAL USE PERMIT NO.

200700178-(1)

PARKING PERMIT NO.

200700010-(1)

OVERVIEW OF THE PROPOSED PROJECT

The applicant, Rafael Martinez, is requesting a Conditional Use Permit (CUP) to authorize the operation and maintenance of a banquet hall in the M-1 (Light Manufacturing) zone. The applicant is also requesting a Parking Permit to authorize the maintenance of 38 off-site parking spaces, in addition to 12 on-site parking spaces, all of which are to be utilized for valet parking. The Parking Permit would also authorize the maintenance of 50 parking spaces for this use instead of the required 51 spaces.

DESCRIPTION OF SUBJECT PROPERTY

Location

The subject property contains a commercial/industrial building and 12-space parking lot and is located at 1117 Goodrich Boulevard in the Eastside Unit No. 1 Zoned District of Los Angeles County. The site is within the community of East Los Angeles and is within the East Los Angeles Community Standards District.

Physical Features

The subject property is approximately 10,730 square feet is relatively level and is developed with a two-story commercial building and a 12-space parking lot. The existing building is located on the eastern portion of the property and fronts Goodrich Boulevard to the east. The parking lot takes access from a public alley to the west of the property. The area is relatively urbanized and is surrounded by commercial and residential uses in all directions.

ENTITLEMENT

The applicant, Rafael Martinez, is requesting a Conditional Use Permit (CUP) to authorize the operation and maintenance of a banquet hall in the M-1 (Light Manufacturing) zone. The applicant is also requesting a Parking Permit to authorize the maintenance of 38 off-site parking spaces, in addition to 12 on-site parking spaces, and to provide one less than the required 51 parking spaces for this use.

EXISTING ZONING

Subject Property

The project site is zoned M-1 (Light Manufacturing).

Surrounding Zones

Surrounding properties are zoned as follows:

North: M-1 (Light Manufacturing)

South: M-1 (Light Manufacturing)
East: City of Commerce
West: R-3 (Limited Multiple Residence)

EXISTING LAND USES

Subject Property

The subject is currently utilized as a two-story commercial office & storage building with an adjacent 12-space parking lot to its west.

Surrounding Land Use

Surrounding land uses consist of:

North: Church, Office building, Light industry
East: Warehouses
South: Office buildings
West: Single-family residences & Multi-family residences

GENERAL PLAN

Land Use Policy Map

The subject property is located within the CM (Commercial/Manufacturing) classification of the East Los Angeles Community Plan. This designation allows for “businesses mixed with small warehousing, light manufacturing, assembly plants, wholesaling, and other uses that do not generate large amounts of traffic, noises, congestion, or odors.” The proposed project would be compatible with this designation, as it would be a business, would be subject to noise control conditions, and provides off-site parking that is only one space below those standards in the County Code.

SITE PLAN

The site plan depicts the existing two-story commercial/industrial building and 12-space parking lot on the 10,730 square-foot parcel. The building has a footprint of 5,408 square feet and is situated on the eastern portion of the property, fronting Goodrich Boulevard. The first floor of the building contains 4,621 square feet of floor area, and the second floor contains 5,408 square feet of floor area, for a total of 10,029 square feet. Each floor contains one men’s restroom and one women’s restroom, both of which are located at the northeastern corner of the building.

The existing parking lot contains approximately 4,300 square feet of paved area and 12 off-street parking spaces, one of which is reserved for the handicapped. It is bounded to the west by a 5-foot high chain-link fence, and 20-foot wide gated driveway takes access from the public alley to the west.

The applicant proposes to utilize 2,247 square feet of the first floor as a banquet hall. This includes approximately 1,921 square feet of assembly space, with a certified occupancy load of 152 persons. This includes 1,738 square feet devoted to the main dining area (labeled Area “A”), 125 square feet to an auxiliary dining alcove (Area “C”), and 58 square feet to a small kitchen (Area “D”). Up to 192 square feet of the dining

space may for dancing and/or conversation (Area "B"). The banquet hall would be accessed from its Goodrich Boulevard frontage via five (5) doors, and access to the parking lot to the west would be via five (5) additional doors. The remainder of the building's first floor and the building's second floor are accessed from outside entrances and are not accessible from the banquet hall area. Neither of these areas would be utilized by the applicant.

The site plan also depicts the three (3) additional off-site parking lots that will be utilized for valet parking. A parking lot at 1001 Goodrich Boulevard would provide 30 valet parking spaces, and a parking lot at 1125 Goodrich Boulevard would provide eight (8) valet parking spaces, for a total of 50 off-site spaces. This is one less than the normally required number of 51 parking spaces for an assembly use of . The applicant has secured written agreements from the owners of these lots (enclosed) to allow their usage during the banquet hall's specified operating hours. A diagram of the relation of these parking lots to the subject property at 1117 Goodrich Boulevard is included as part of this packet.

COMPLIANCE WITH APPLICABLE ZONING STANDARDS

The property on which the proposed facility is to be located is zoned M-1 (Light Manufacturing). A banquet hall is a permitted use in this zone, subject to the issuance of a Conditional Use Permit.

Unless specifically modified by a conditional use permit during the discretionary review process, premises in Zone C-1 shall be subject to the following development standards:

Per Section 22.52.1110 of the County Code, every structure used for amusement, assembly, drinking, eating or entertainment shall provide one or more automobile parking spaces for each three persons based on the occupant load as determined by the county engineer. All other uses other than business or professional offices shall provide an area of sufficient size so that it contains one automobile parking space plus adequate access thereto for each 250 square feet of floor area of any building or structure so used.

The portion of the building to be used for assembly has been certified by the Division of Building & Safety to have a maximum occupancy load of 152 persons. Therefore, the facility would require 51 off-street parking spaces. The applicant is proposing to provide 50 valet parking spaces. Because this difference is less than 30% of the total amount of spaces required, it may be approved by the Hearing Officer through the Parking Permit as a minor parking deviation.

COMPLIANCE WITH EAST LOS ANGELES CSD

The East Los Angeles Community Standards District requires that all structures within the M-1 (Light Manufacturing) zone have a maximum height of 35 feet and maintain a minimum setback of 10 feet from adjacent residential properties. The proposed project meets these standards, as the existing building has a maximum height of 19'6" and is

not directly adjacent to a residential property. The proposed project would also meet all other area-wide standards of the CSD.

BURDEN OF PROOF

As required by Section 22.56.040 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of the Hearing Officer and/or the Commission, the following facts:

REGARDING THE CONTIONAL USE PERMIT:

- A. That the requested use at the location proposed will not:
 - 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; or
 - 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 - 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fence, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- C. That the proposed site is adequately served:
 - 1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
 - 2. By other public or private service facilities as are required.

REGARDING THE PARKING PERMIT:

- A. That there will be no need for the number of parking spaces required by Part 11 of Chapter 22.52 because:
 - 1. The age and/or physical condition of the residents is such that the use of automobile is unlikely, or
 - 2. The nature of the use is such that there is a reduced occupancy, or
 - 3. The business or use has established a viable transportation program for its employees and/or customers to use transportation modes other than the single-occupant automobile. Such a program shall include positive incentives such as van pools, transit fare subsidies, commuter travel allowances, car pools or bicycle commuter facilities. Where appropriate, proximity to freeways with high-occupancy vehicle (HOV) lanes, bus routes, park-and-ride facilities, people-movers, rapid transit stations, bikeways, or other similar facilities shall be a factor in this consideration, or
 - 4. Sufficient land area is reserved or an alternative arrangement is approved to insure that the parking requirements may be complied with should the use, occupancy, or transportation program change. Such reservation or

alternative may be waived for certain senior citizen and handicapped person housing developments where the director finds that it is unnecessary because of the anticipated permanent nature of such use. If required, the reserved land area shall be so located and developed in such a manner that it can be feasibly converted to parking if needed;

- B. That there will be no conflicts arising from special parking arrangements allowing shared facilities, tandem spaces or compact spaces because:
 - 1. Uses sharing parking facilities operate at different times of the day or days of the week, or
 - 2. Parking facilities using tandem spaces will employ valets or will utilize other means to insure a workable plan, or
 - 3. Apartment houses using compact spaces for a portion of the required parking have a management program or homeowners' association to assure an efficient distribution of all parking spaces;
- C. That off-site facilities, leases of less than 20 years, rear lot transitional parking lots and uncovered residential parking spaces will provide the required parking for uses because:
 - 1. Such off-site facilities are controlled through ownership, leasing or other arrangement by the owner of the use for which the site serves and are conveniently accessible to the main use, or
 - 2. Such leases are written in such a way as to prevent multiple leasing of the same spaces or cancellation without providing alternate spaces; such leases shall contain other guarantees assuring continued availability of the spaces, or
 - 3. Such transitional lots are designed to minimize adverse effects on surrounding properties, or
 - 4. Uncovered parking for low and moderate income residential developments will be appropriately screened and compatible with the surrounding neighborhood;
- D. That the requested parking permit at the location proposed will not result in traffic congestion, excessive off-site parking, or unauthorized use of parking facilities developed to serve surrounding property;
- E. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping and other development features prescribed in this Title 22.

The applicant's Burden of Proof responses are attached to this document.

ENVIRONMENTAL DOCUMENTATION

The Department of Regional Planning has determined that the project qualifies for a Class 1 Categorical Exemption (existing facilities) under the California Environmental Quality Act (CEQA) reporting requirements.

LEGAL NOTIFICATION/COMMUNITY OUTREACH

A total of 80 public hearing notices were mailed out to property owners located within the 500-foot radius of the subject property on December 24, 2008, regarding the subject proposal. The notice was published in the *East L.A. Tribune* and in *La Opinion* on January 1, 2009. Case-related materials were sent on December 24, 2008 to the East Los Angeles Library. The public hearing notice was posted at the project site at least 30 days prior to the public hearing.

PUBLIC COMMENTS

At the time of this report, staff has not received any comments from the public.

PUBLIC AGENCY COMMENTS AND RECOMMENDATIONS

Staff consulted with both the Department of Public Works and the County Fire Department regarding the project proposal. Public Works recommended approval of the project, as they had no requests for additional street improvements or dedications. County Fire initially put a hold on the project, pending a fire flow test and verification of the distance from the nearest fire hydrant. This hold was lifted and the project cleared for public hearing in October 2008.

Because the subject property is directly adjacent to the City of Commerce, staff sent a formal notice of consultation to the City of Commerce Planning Department on December 8, 2008. Staff has not received any comments, either for or against the project proposal, from the City of Commerce.

ZONING ENFORCEMENT CASES

Zoning Enforcement has received a total of two (2) requests for service regarding the subject property:

1. Zoning Enforcement Case 04-0015306
Unauthorized residential use in an M-1 zone
Opened June 7, 2000
Action: Complied; residential use converted
Closed July 26, 2000
2. Zoning Enforcement Case 06-0027317
Operation of a dance & banquet hall without a CUP
Opened September 26, 2006
Action: Filed for a CUP to legalize use
Status: Case inactive pending outcome of the CUP process

STAFF EVALUATION

The applicant, Rafael Martinez, is requesting a Conditional Use Permit (CUP) to authorize the operation and maintenance of a banquet hall in the M-1 (Light Manufacturing) zone. The applicant is also requesting a Parking Permit to authorize the maintenance of 38 off-site parking spaces, in addition to 12 on-site parking spaces, all

of which are to be utilized for valet parking. The Parking Permit would also authorize the maintenance of 50 parking spaces for this use instead of the required 51 spaces.

The banquet hall would have hours of operation from 12:00 pm to 12:00 am, Saturday and Sunday only. While the facility would be open from 12:00 pm for preparation and set-up activities, actual assembly activities would not begin until 7:00 pm. The facility would be completely vacated by midnight. No food will be prepared on site, and no alcohol will be served on site, although food may be served and live music may be performed. Valets would take possession of all cars from the public alley at the rear of the building. Twelve (12) parking spaces will be provided on site, eight (8) parking spaces on a leased lot at 1125 Goodrich Boulevard, and 30 parking spaces on a leased lot at 1001 Goodrich Boulevard. Three (3) employees would work at the banquet hall.

A banquet or dance hall is an allowed use within the M-1 (Light Manufacturing) zone, provided that a Conditional Use Permit has first been obtained. The proposed project, within an existing two-story commercial/industrial building, would also adhere to all development standards of the M-1 zone and of the East Los Angeles Community Standards District. In addition, both County Fire and the Department of Public Works have cleared the project for approval.

In order to approve the Conditional Use Permit, it must be established that the proposed use will not adversely affect the health, comfort, or welfare of surrounding those living and working at surrounding properties. The operation of a banquet hall has the potential to adversely affect surrounding properties through associated noise and/or loitering. However, these factors would be mitigated for this project in several ways.

As with all properties in Los Angeles County, this project would have to comply with County Noise Ordinance (Title 12 of the County Code). This ordinance requires that any noise from the subject property must be no louder than 55-60 decibels at any adjacent commercial property and no louder than 45-50 decibels at any adjacent residential property. Practically speaking, this means that, on an adjacent property, any noise from the subject property must be no louder than any ambient noise on that property. By adding this as a Condition of Approval to the project, the Department of Regional Planning would have the option of revoking the Conditional Use Permit should the County Noise Ordinance be violated.

Potential loitering at the project site would be mitigated by the fact that the facility would be prohibited from serving alcoholic beverages. In addition, staff would add conditions of approval prohibiting loitering and outside congregation on any portion of the property and require that the operators post signs in English and Spanish advising patrons that such activities are illegal. Any loud noise that occurs as the result of loitering would be prohibited by the condition requiring the facility to conform to the County Noise Ordinance. Finally, the banquet hall facility would only be used for two (2) nights a week—Saturday and Sunday—which would further mitigate the potential disturbance of area residents.

In order to approve a Parking Permit for off-site parking, it must be established that such an arrangement is feasible and appropriate for the area. Because East Los Angeles has many older structures that do not conform to current off-street parking standards, and because the facility is proposed to be located in an existing structure, staff feels that the provision of off-site parking spaces for this use is appropriate. The potential for difficulties created by this arrangement is somewhat mitigated by the fact that all parking will be done by valets, who will take possession of the automobiles directly adjacent to the project site.

The applicant had originally proposed utilizing the existing 12-space parking lot at 1117 Goodrich Boulevard for 16 valet parking spaces. However, this arrangement would have eliminated the required loading area for the property, as all nonresidential structures of this size are required to provide one (1) Type-A (24'x12') loading area on site at all times. Because of this, the applicant has reduced the number of provided parking spaces to 50, thus requiring a minor parking deviation. Staff also feels that the minor parking deviation—which would allow the applicant to provide 50 off-street parking spaces instead of the required 51—is appropriate for this case, as the calculated parking requirement for this use is actually 50.6 spaces, and on-street parking is plentiful in the area. As a condition of approval for the permit, the applicant would be required to provide a minimum of 50 off-street parking spaces, to be accessed by valets. Should the location of any off-street parking spaces change at a future date, the applicant would be required to submit a Revised Exhibit “A” to the Department of Regional Planning for approval.

The applicant had originally proposed for the valets to take possession of the cars from a new loading/unloading zone along Goodrich Boulevard. Because Goodrich Boulevard lies completely within the City of Commerce, staff directed the applicant to contact the City of Commerce Planning Department to obtain this approval. However, the applicant was told by this department that the addition of a loading/unloading zone at this location would create the potential for a traffic hazard and a lack of on-street parking. Instead, the City of Commerce suggested that the applicant utilize the rear alley, which lies in the jurisdiction of Los Angeles County. The County Department of Public Works had no objection to this arrangement.

Staff has some concern with the alley being utilized for this purpose, as its entrances are on side streets to Goodrich Boulevard and not readily apparent to potential patrons. The applicant has agreed to post temporary directional signs at the front of the facility on Saturdays and Sundays, directing patrons to the valet drop-off area. Staff will add this as a condition of approval to the permit. Another concern of staff regarding the valet pick-up/drop-off area is the fact that residential uses lie directly to the west of the alley. However, this is somewhat mitigated by the 5'6"-high block walls that separates this area from the residences. In addition, the use would only occur on Saturdays and Sundays, and the condition of approval mandating adherence to the County Noise Ordinance would still be in effect.

Due to the aforementioned factors, staff feels that the applicant has met the required burden of proof for a Conditional Use Permit.

FEES/DEPOSITS

If approved, the following fees will apply unless modified by the Regional Planning Commission:

Zoning Enforcement

1. Inspection fees of \$750.00 to cover the costs of five (5) recommended biennial zoning enforcement inspections.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project No. R2007-02619-(1) / Conditional Use Permit No. 200700010-(1), subject to the attached conditions.

Prepared by Tyler Montgomery, Regional Planning Assistant II
Reviewed by Maria Masis, Section Head
Zoning Permits Section II

Attachments:

Draft Findings
Draft Conditions of Approval
Applicant's Burden of Proof statements
Letter from Department of Public Works
Letter from County Fire
Two (2) rental agreements for off-site parking areas
Diagram of off-site parking in relation to the subject property
Site photographs
Site plan

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01/22/09