



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

Richard J. Bruckner
Director

April 14, 2011

TO: Pat Modugno, Chair
Esther L. Valadez, Vice Chair
David W. Louie, Commissioner
Harold V. Helsley, Commissioner
Curt Pedersen, Commissioner

FROM: Tyler Montgomery *TM*
Zoning Permits West Section

SUBJECT: **PROJECT NO. R2009-00873-(5)**
CONDITIONAL USE PERMIT NO. 200900064
April 20, 2011 Continued Public Hearing
Agenda Item No. 7

Agenda Item No. 7 is a request by the applicant, Enrique Ramos, Jr., for a conditional use permit to sell beer, wine, and distilled spirits for on-site consumption at a new restaurant, El Corral Cantina. The project site is located at 16943 East Avenue P in Lake Los Angeles, within the Antelope Valley East Zoned District of Los Angeles County.

This project was continued from the April 6, 2011 public hearing to allow time for Regional Planning staff and County Counsel to draft revised findings and conditions of approval for the project. These documents are attached.

Condition 16a has been revised to allow the sale of distilled spirits only after the restaurant has been in operation for one year. During this yearlong period the restaurant may sell beer and wine for on-site consumption, and there shall be an unannounced inspection by Zoning Enforcement every other month (six total). If the applicant is found to be habitually in violation of the conditions of approval, or other state or local laws, Regional Planning staff will commence actions to bring this permit before the Commission for them to consider revocation of the CUP. After this initial period of one year, if the restaurant is found to be substantially in compliance with the conditions of approval and other applicable regulations, it may begin selling beer, wine, and distilled spirits for on-site consumption, and Zoning Enforcement inspections shall decrease to a frequency of every other year.

Staff has also eliminated conditions requiring alcoholic beverages to be served in non-disposable glasses. Instead, Condition 16n requires that the perimeter of the outdoor dining patio be enclosed so as to prevent direct access to the outside. Staff has also confirmed that the California Department of Alcoholic Beverage Control enforces a minimum age of 18 for servers of alcoholic beverages.

Enclosure:
Revised Findings and Conditions

MK:TM

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

PROJECT NUMBER R2009-00873-(5)
CONDITIONAL USE PERMIT NUMBER 200900064

REGIONAL PLANNING COMMISSION HEARING DATES: MARCH 16, 2011, APRIL 6, 2011, APRIL 20, 2011

SYNOPSIS:

Pursuant to Section 22.56.195 of the Los Angeles County Planning and Zoning Code (Title 22), the applicant is requesting a conditional use permit ("CUP") to authorize the sale of beer, wine, and distilled spirits for on-site consumption at a restaurant to be operated in an existing restaurant building.

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:

Findings

1. Pursuant to Section 22.56.195 of the Los Angeles County Planning and Zoning Code (Title 22), the applicant is requesting a conditional use permit to authorize the sale of beer, wine, and distilled spirits at a new restaurant to be operated within an existing restaurant building. The restaurant includes a dining room, lounge, outdoor dining patio, and indoor live entertainment and would operate from 6:00 a.m. to midnight, seven days a week, which is consistent with the hours of operation of the previous restaurant on the subject property.
2. The restaurant, El Corral Cantina, is located at 16943 East Avenue P, Lake Los Angeles, in the Antelope Valley East Zoned District of unincorporated Los Angeles County.
3. The restaurant is located within an existing 6,774-square-foot, single-story building at the center of a 1.4-acre rectangular parcel. The property is relatively level and located at the northeast corner of East Avenue P and 170th Street East. A 69-space parking lot surrounds the building to the north, south, and east. A 2,065-square-foot outdoor dining patio is located to the northwest of the restaurant building. Approximately 8,000 square feet of the property, located to the west of the restaurant building, remains undeveloped. The property is bordered by vacant land to the north and west, the majority of which is the dry bed of Lake Los Angeles, a manmade lake.
4. The subject property is zoned C-2 (Neighborhood Business), which allows for restaurants as permitted uses and further allows for the sale of alcoholic beverages in conjunction with a restaurant use with a CUP.
5. Surrounding properties within the 1,000-foot radius of the project are zoned as

follows:

- North: C-2-DP (Neighborhood Business—Development Program)
- South: C-2 (Neighborhood Business)
- East: R-3-20U (Limited Multiple Residence—20 dwelling units/acre max.)
- West: R-3-20U (Limited Multiple Residence—20 dwelling units/acre max.)

6. Land uses within 1,000 feet of the subject property consist of the following:
 - North: Vacant land
 - South: Shopping center, vacant land
 - East: Single-family residences, vacant land
 - West: Single-family residences, vacant land
7. Plot Plan No. 29624 approved the existing restaurant with a minimum of 45 parking spaces and a monument sign with 190 square feet of sign area. This permit was approved in 1968 and was consistent with all applicable development standards at the time of its approval. The restaurant building remains on the site; however, the restaurant has not been in operation for approximately six years.
8. The project is consistent with the adopted general plan for the area. The subject property is designated as Commercial in the Antelope Valley Area Plan. Commercial uses are defined in the Antelope Valley Area Plan as retail commercial, service, and office uses. The sale of alcoholic beverages for on-site consumption in a restaurant would be consistent with this designation.
9. The site plan depicts the existing restaurant building, El Corral, which includes a 6,774-square-foot, single-story building and 69-space parking lot. The restaurant contains a 1,476-square-foot dining room, a 1,297-square-foot bar and lounge (with stage), a 589-square-foot meeting room, a 221-square-foot lobby, and a separate 2,065-square-foot outdoor dining patio. The restaurant currently has and would continue indoor live entertainment and a total occupancy load of 340 persons. The parking lot would be accessed via two driveways to Avenue P (south) and 170th Street East (east), respectively. The restaurant structure has minimum setbacks of 64 feet 7 inches, 59 feet 4 inches, 53 feet, and 75 feet 10 inches to the north, south, east, and west, respectively. There is approximately 9,155 square feet of landscaping on the project site, and approximately 8,000 square feet of the property immediately to the west of the restaurant, which is currently undeveloped, is proposed for additional landscaping, including a courtyard, planters, a fountain, and a walkway topped by a pergola. A 35-foot-high monument sign with four double-sided faces totaling approximately 190 square feet of sign area is located on the northeastern corner of the site.
10. Pursuant to Section 22.28.160 of the Los Angeles County Planning and Zoning Code (Title 22), premises in Zone C-2 may be used for the sale of alcoholic beverages, for either on-site or off-site consumption, provided a CUP has first been obtained.

11. The existing restaurant building was approved in 1968 (PP 29624) with 45 parking spaces, in compliance with then-applicable standards. Therefore, these are the parking standards that would apply to the restaurant. The applicant has added 24 additional parking spaces on the adjacent lot to the west, bringing the total number of spaces to 69. The applicant agrees to maintain these additional spaces on the subject property to ensure that there is adequate parking for the project. Because the restaurant was built in compliance with applicable parking standards, and there has been no change in use that would trigger additional parking requirements, the project complies with applicable parking standards.
12. The existing restaurant building was approved in 1968 (PP 29624) with approximately 9,155 square feet of landscaping (15 percent of the lot area), in compliance with then-applicable standards. Because the restaurant continues to maintain this amount of landscaping, this requirement is satisfied.
13. Section 22.52.890 of the County Code regulates roof and freestanding signs. The existing monument sign was approved in 1968 (PP 29624), in compliance with then-applicable standards. Because the sign continues to be maintained, it is not subject to the County's current signage standards, and therefore the project continues to comply with applicable standards.
14. This project qualifies for a categorical exemption under the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA). The restaurant, which proposes to sell alcoholic beverages for on-site consumption, is located in an existing facility and does not propose to expand or intensify the existing facility. Therefore, the project qualifies for a Class 1, Existing Facilities, Categorical Exemption.
15. Statistical data from the California Department of Alcoholic Beverage Control (ABC) report that the site of the subject request is located within a high crime reporting district. The subject property is in Reporting District 1197. The average number of offenses reported for all districts is 164, and the actual number of crimes reported for District 2663 is 1,262, which is approximately 650 percent higher than the average number of reported crimes. Therefore, the applicant requires a finding of public convenience and necessity in order to obtain ABC authorization to sell alcoholic beverages at this location. The project would serve public convenience and necessity given that the subject request is in Census Tract 9001.01, containing a population of 11,658 people. Eleven on-sale ABC licenses are allowed within this census tract. Currently, only one on-sale ABC license exists. Additionally, the closest business offering full-service dining with the ability to order alcoholic beverages with a meal is in the City of Palmdale, which is approximately 20 miles from the subject property. Further, the local community has indicated support for the project because of the lack of similar businesses in the area offering the opportunity for full-service dining, including the availability of alcoholic beverages. Finally, the applicant has volunteered not to sell distilled spirits during the restaurant's first year of operation in order to establish a history of compliance with this CUP and other

applicable state and local laws. This shall be verified by six site inspections during the first year of operation, followed by biennial inspections thereafter to ensure on-going compliance with the terms and conditions of the CUP.

16. Pursuant to County Zoning Code standards, an undue concentration would not exist here because the applicant proposes to sell alcohol for on-site consumption.
17. The Littlerock Town Council submitted an undated letter to Regional Planning stating its support of the proposed project, as it will provide "an asset to (the) community as well as a gathering place for friends and family." The Lake Los Angeles Chamber of Commerce also submitted a letter, dated September 22, 2010, supporting the proposed restaurant. It states that, currently, the closest place serving alcoholic beverages for on-site consumption is 20 miles away in Palmdale.
18. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting. A total of 104 public hearing notices regarding the proposal were mailed to property owners within the 1,000-foot radius of the subject property on February 2, 2011. The hearing notice was also published in the *Antelope Valley Press* and in *La Opinion* on February 5, 2011. Case-related materials were also sent to the Lake Los Angeles Library and posted on the Regional Planning web page. The hearing notice was posted on the property on February 14, 2011.
19. The subject restaurant is located at the northwest corner of East Avenue P and 170th Street East in Lake Los Angeles. Currently, one other business within 500 feet of the project has an ABC license: Luxor Market, which is approximately 300 feet to the southeast of the restaurant, has a license to sell a full line of alcohol for off-site consumption. No other businesses selling alcohol for on-site consumption are located within 500 feet of the subject property, and the closest restaurant offering full-service dining, including the sale of alcoholic beverages, is approximately 20 miles from the subject property.
20. There are no sensitive uses within 600 feet of the restaurant; therefore, the project will not adversely affect any sensitive uses nearby.
21. The project would not adversely affect the peace, comfort, and welfare of those in the area, and it would not be materially detrimental to the use, enjoyment, and valuation of nearby properties. While there has been a history of late-night noise complaints from the property, these were associated with private parties and not with the proposed restaurant operator. In addition, the applicant has volunteered not to sell distilled spirits during the restaurant's first year of operation in order to establish a history of compliance with this CUP and other applicable state and local laws.
22. The project would not jeopardize, endanger, or otherwise constitute a menace to public health, safety, and general welfare. According to the Sheriff's Department, at

least one illegal rodeo was held at the project site. However, this event occurred primarily on adjacent vacant properties and was organized by parties unassociated with the proposed restaurant operator. In addition, the applicant has volunteered not to sell distilled spirits during the restaurant's first year of operation in order to establish a history of compliance with this CUP and other applicable state and local laws.

23. The project would serve as a public convenience, as it would be the only location for on-site service of alcoholic beverages within the Lake Los Angeles community. As a result of the above mentioned factors, the Commission concludes that the burden of proof for a conditional use permit has been satisfied.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, or be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare;
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such uses would generate and by other public or private 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' radius;
- F. The requested use at the proposed location would be located a high crime area, as designated by ABC. However, the proposed facility would serve as a public convenience, as there are no other locations for on-site consumption of alcoholic beverages in the Lake Los Angeles community;
- G. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
- H. 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.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a Conditional Use Permit as set forth in Sections 22.56.090 and 22.56.195 of the Los Angeles County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. The Commission has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 200900120 is **APPROVED**.

VOTE:

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date:

c: Commission Services, Zoning Enforcement

MK:TM
04/14/11

1. This grant authorizes the sale of beer, wine, and distilled spirits for on-site consumption at a new restaurant located in the same location as a previous restaurant use, as depicted on the approved Exhibit "A", subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose and cannot be used 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 ("Regional Planning") their affidavit stating that they are aware of, and agree to accept, all conditions of this grant and until all required fees have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 3, and Condition Nos. 4, 5, and 6 shall be effective immediately upon final approval of this grant by the County. The date of final approval is the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. 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 other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully 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 fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. 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 pay make an initial deposit with Regional Planning in the amount of \$5,000, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance 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 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 in accordance with to Los Angeles County Code Section 2.170.010.

6. This grant shall expire unless used within two (2) years from the date of final approval of the grant by the County. A single, one-year time extension may be requested, in writing and with payment of the applicable fee, before the expiration date.
7. 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.
8. 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. In addition, upon any transfer or lease of the subject property during the term of this grant, the permittee, or the property owner 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.
9. **This grant shall terminate on April 20, 2021.** Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue the use authorized in this grant after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new CUP application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least 6 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 then-applicable regulations. The expiration of this grant shall not prohibit the continued use of the restaurant without alcohol sales in accordance with applicable Code provisions.
10. 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. 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 of Los Angeles the sum of \$2,200.00.** These monies shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. These funds provide for **six (6)** inspections (one every other month) during the first year of operation and an additional **five (5) biennial** (one every other year) inspections for the remainder of the grant term. Inspections shall be unannounced.

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 condition of this grant, the permittee shall be financially responsible and shall

reimburse Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating any 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 health or safety or so as to be a nuisance or otherwise determined by County Code Section 22.60.350.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.
13. All structures and operations shall comply with the requirements of the Division of Building and Safety of the County Department of Public Works, the County Fire Department and Fire Warden, and the County Department of Public Health.
14. All structures, walls, and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage. 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. Any new or additional signage shall be in compliance with Part 10 of Chapter 22.52, Title 22 of the Los Angeles County Code.

In the event that graffiti or other such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, 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.

15. The subject property shall be developed and maintained in substantial compliance with the plans on file marked Exhibit "A". If changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to Regional Planning within 60 days of the date of final approval of the CUP. In the event that subsequent plans are submitted, the written authorization of the property owner is necessary.
16. This grant allows for the sale of beer, wine, and distilled spirits for on-site consumption at a restaurant, located at 16943 East Avenue P in Lake Los Angeles, subject to the following additional conditions:
 - a. **As agreed by the permittee, the permittee shall not sell distilled spirits at**

- the restaurant during the first year of operation**, and alcohol sales shall be limited to sales of beer and wine only. The sale of distilled spirits may commence exactly one year after the date on which this grant is considered used and becomes effective pursuant to applicable requirements;
- b. The sale of alcoholic beverages on-site consumption shall be permitted only between the hours of 6:00 am – 12:00 am daily;
 - c. Food service shall be continuously provided during restaurant operating hours;
 - d. There shall be no consumption of alcoholic beverages outside the designated areas of the subject facility. The permittee shall instruct all designated employees, who directly serve or are in the practice of selling alcoholic beverages, regarding this restriction. Employees shall be instructed to enforce such restrictions and to call local law enforcement as necessary;
 - e. The permittee shall develop and implement a Designated Driver program (i.e., free soft drinks or coffee to a designated driver of a group). The permittee shall submit the program to the Director of Regional Planning for approval prior to the effective date of this grant. A printed two-sided card explaining this program shall be placed on all tables in the restaurant or an explanation regarding the program shall be printed on the menu;
 - f. All servers of alcoholic beverages must be at least 18 years old;
 - g. Temporary signs or banners advertising alcoholic beverage “specials” shall not be displayed on the exterior walls or fascia of the building;
 - h. The permittee shall not advertise alcoholic beverages on the exterior walls or windows of the subject restaurant or at any location on the subject property. No self-illuminating advertising for alcoholic beverages shall be located on the exterior of buildings or windows;
 - i. There shall be no loitering permitted on the premises under the control of the permittee. Signage shall be posted on the premises prohibiting loitering. The signage shall be in English and Spanish;
 - j. The permittee shall instruct all employees in the regulations regarding no loitering and no consumption of alcoholic beverages outside the subject restaurant. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary;
 - k. The permittee shall provide adequate lighting above the entrance of the premises. This lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons entering or exiting the premises;

- l. Telephone numbers of local law enforcement shall be posted adjacent to the cashier's area or otherwise prominently displayed for the public to view;
- m. No live entertainment, dancing, or dance floor is authorized outside of the restaurant building, including on the outdoor dining patio;
- n. The perimeter of the outdoor dining patio shall be enclosed so as to prevent direct access to the parking lot or other areas of the subject property from the outdoor dining patio area, and the only public access to and from the dining patio shall be through the restaurant;
- o. Alcoholic beverages shall be sold to customers only when food is ordered and shall be consumed within the subject restaurant or dining patio only;
- p. There shall be no music or other noise audible beyond the restaurant premises;
- q. Outside storage is expressly prohibited;
- r. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas on the premises over which the permittee has control;
- s. The permittee, all managers, and present and future servers of the establishment 18 years of age or older shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the California Department of Alcoholic Beverage Control, or an equivalent program as approved by the Director of Regional Planning. This training shall be on-going and all new employees shall be required to attend. The licensee shall display a certificate or plaque in the lobby of the establishment indicating they have participated in this program, and;
- t. The conditions of this grant shall be retained on the premises at all times and be immediately produced upon request of any County Sheriff, Zoning Enforcement Inspector, or ABC investigator. The restaurant manager and all employees of the restaurant shall be knowledgeable of the conditions herein.

MK:TM
04/14/11