

# Regional Planning Commission Transmittal Checklist

Hearing Date 3/16/2011
Agenda Item Number 8

**Project Number:** R2009-00873-(5)  
**Case(s):** Conditional Use Permit No. 200900064  
**Contact Person:** Tyler Montgomery, Zoning Permits West

Included	NA/None	Document
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Factual
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Property Location Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Staff Report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Findings
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Draft Conditions
<input type="checkbox"/>	<input checked="" type="checkbox"/>	DPW Letter
<input type="checkbox"/>	<input checked="" type="checkbox"/>	FD Letter
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Other Department's Letter(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Burden Of Proof Statement(s)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Documentation (IS, MMP, EIR)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Opponent And Proponent Letters
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Photographs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resolution (ZC Or PA)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance with 8.5 X 11 Map (ZC Or PA)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Aerial (Ortho/Oblique) Image(s)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use Radius Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan and Floor Plan
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lake Los Angeles Rural Town Council and Chamber of Commerce letters

Reviewed By: \_\_\_\_\_





Los Angeles County Department of Regional Planning  
 320 West Temple Street  
 Los Angeles, California 90012  
 Telephone (213) 974-6435  
**PROJECT NUMBER R2009-00873**  
**RCUP 200900064**

<b>PUBLIC HEARING DATE</b> 3/16/2011	<b>AGENDA ITEM</b> 8
<b>RPC CONSENT DATE</b>	<b>CONTINUE TO</b>

<b>APPLICANT</b> Enrique Ramos, Jr.	<b>OWNER</b> Rosario and Josefina Sandoval	<b>REPRESENTATIVES</b> Harvey Holloway and Amjad Habali
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**PROJECT DESCRIPTION**  
 The applicant proposes to sell beer, wine, and distilled spirits for on-site consumption at an existing restaurant, El Corral. The restaurant would include 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.

**REQUIRED ENTITLEMENTS**  
**To authorize the sale of beer, wine, and distilled spirits at an existing restaurant**

**LOCATION/ADDRESS**  
 16943 East Avenue P, Lake Los Angeles,

**SITE DESCRIPTION**  
 The site plan depicts the existing restaurant, 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 2,065-square-foot outdoor dining patio. The restaurant would have 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'-7", 59'-4", 53', and 75'-10" to the north, south, east, and west, respectively.

<b>ACCESS</b> Avenue P to the south and 170th Street East to the east	<b>ZONED DISTRICT</b> Antelope Valley East
<b>ASSESSORS PARCEL NUMBER</b> 3073001006	<b>COMMUNITY</b> Antelope Valley
<b>SIZE</b> 1.4 Acres	<b>COMMUNITY STANDARDS DISTRICT</b>

	<b>EXISTING LAND USE</b>	<b>EXISTING ZONING</b>
Project Site	Restaurant	C-2 (Neighborhood Business)
North	Vacant land	C-2-DP (Neighborhood Business--Development Program)
East	Single-family residences, vacant land	R-3-20U (Limited Multiple Residence--20 dwelling units/acre max.)
South	Shopping center, vacant land	C-2 (Neighborhood Business)
West	Single-family residences, vacant land	R-3-20U (Limited Multiple Residence--20 dwelling units/acre max.)

<b>GENERAL PLAN/COMMUNITY PLAN</b> C (Commercial)	<b>LAND USE DESIGNATION</b>	<b>MAXIMUM DENSITY</b> N/A
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**ENVIRONMENTAL DETERMINATION**  
 Class 1 Categorical Exemption-Existing Facilities

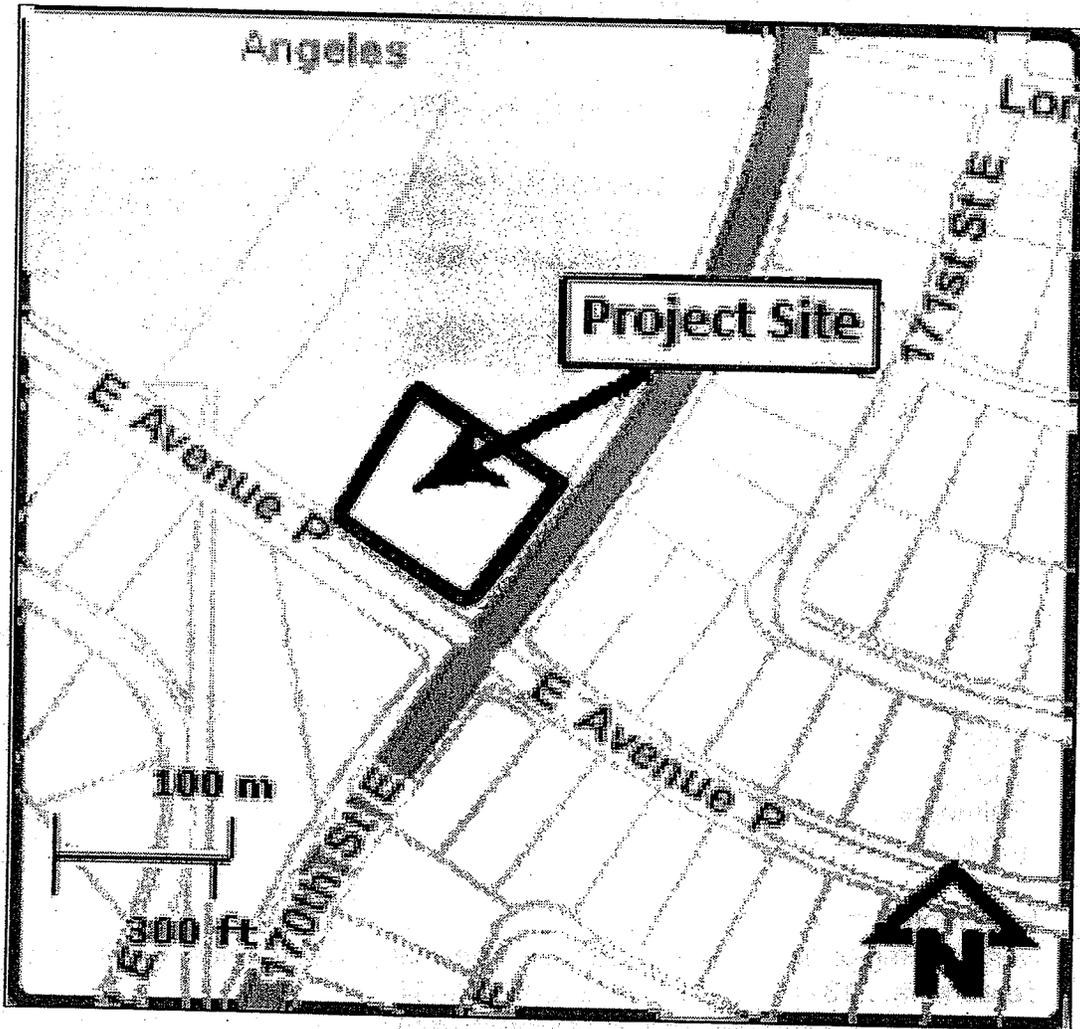
**RPC LAST MEETING ACTION SUMMARY**

<b>LAST RPC MEETING DATE</b>	<b>RPC ACTION</b>	<b>NEEDED FOR NEXT MEETING</b>
<b>MEMBERS VOTING AYE</b>	<b>MEMBERS VOTING NO</b>	<b>MEMBERS ABSTAINING/ABSENT</b>

**TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS**

<b>STAFF CONTACT PERSON:</b> Tyler Montgomery		
<b>RPC HEARING DATE(S)</b>	<b>RPC ACTION DATE</b>	<b>RPC RECOMMENDATION</b>
<b>MEMBERS VOTING AYE</b>	<b>MEMBERS VOTING NO</b>	<b>MEMBERS ABSTAINING</b>
<b>STAFF RECOMMENDATION (PRIOR TO HEARING):</b>		
<b>SPEAKERS*</b> (O) 0 (F) 0	<b>PETITIONS</b> (O) 0 (F) 0	<b>LETTERS</b> (O) 0 (F) 0

\*(O) = Opponents (F) = In Favor



## STAFF ANALYSIS

### PROJECT NUMBER

R2009-00873-(5)

### CASE NUMBER

Conditional Use Permit No. 200900064

### PROJECT OVERVIEW

The applicant proposes to sell beer, wine, and distilled spirits for on-site consumption at an existing restaurant, El Corral. The restaurant includes a dining room, lounge, outdoor dining patio, and indoor live entertainment and would continue to operate from 6:00 a.m. to midnight, seven days a week.

### DESCRIPTION OF SUBJECT PROPERTY

#### Location

16943 East Avenue P, Lake Los Angeles, within the Antelope Valley East Zoned District.

#### Physical Features

The existing restaurant, El Corral, is located within a 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 170<sup>th</sup> 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 (0.18 acre) 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.

### ENTITLEMENT

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 alcoholic beverages for on-site consumption at an existing restaurant, which opened in 2006. 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 conditional use permit has first been obtained. The existing restaurant is a permitted use in the C-2 Zone pursuant to Section 22.28.130, subject to the applicable development standards for such use.

### EXISTING ZONING

#### Subject Property

The subject property is zoned C-2 (Neighborhood Business).

### **Surrounding Properties**

Surrounding properties 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.)

### **EXISTING LAND USES**

#### **Subject Property**

The subject property is a restaurant, El Corral, which includes a 6,774-square-foot, single-story building and a 2,065-square-foot outdoor dining patio. There are 69 parking spaces on the subject property.

#### **Surrounding Properties**

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

### **PREVIOUS PERMITS/LAND USE HISTORY**

Plot Plan No. 29624 approved the existing restaurant building and parking lot in 1968.

Previous restaurants on the project site legally sold alcoholic beverages without a conditional use permit, as they made continuous use of a liquor license issued before the County adopted this requirement in 1992. However, between 2005 and 2006, the restaurant space was vacant for more than three months. County Code Section 22.56.195 requires that a new CUP be obtained to authorize the sale of alcoholic beverages at establishments that have discontinued operations for more than three months.

### **LAND USE POLICY MAP**

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 beer and wine for on-site consumption in a restaurant would be consistent with this designation.

### **SITE PLAN**

The site plan depicts the existing restaurant, 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.

### **COMPLIANCE WITH APPLICABLE ZONING STANDARDS**

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, bringing the total number of spaces to 69. If current parking standards were applied to the restaurant, its certified occupancy load of 340 persons would require 113 parking spaces.

The existing restaurant building was approved in 1968 (PP 29624) with approximately 9,155 square feet of landscaping (15 percent of the lot area). Because the restaurant continues to maintain this amount of landscaping, and proposes to increase it, this requirement is satisfied. The restaurant also exceeds the County's current landscaping standard of 10 percent of the lot area in the C-2 zone.

Section 22.52.890 of the County Code regulates roof and freestanding signs. The existing monument sign was approved in 1968 (PP 29624). Because the sign continues to be maintained, it is not subject to the County's current signage standards.

The structure meets all other current requirements of the C-2 zone, although it is not required to do so as long as it maintains the dimensions approved by Plot Plan 29624 in 1968. The C-2 zone allows a maximum lot coverage of 90 percent for structures. Structures on the site amount to approximately 8,840 square feet of coverage (about 14.5 percent). Maximum height allowed for structures in the zone is 35 feet, and the tallest structure on the property—the monument sign—is 35 feet high. The C-2 zone also has no specific setback requirements.

### **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:

- 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, wells, fence, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of 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.

#### **ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF**

Per Section 22.56.195 of the Los Angeles County Code, in addition to the findings required pursuant to subsection A of Section 22.56.090, the applicant shall also substantiate to the Commission the following facts in order to authorize the sale of alcoholic beverages:

- A. 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; and
- B. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area; and
- C. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500' shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500' radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than 5% of the total shelf space in the establishment; and
- D. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
- E. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

The applicant's Burden of Proof responses are attached to this document. Staff is of the opinion that the Burden of Proof has not been met.

## **ENVIRONMENTAL DOCUMENTATION**

This project has been determined to be categorically exempt under the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA). If approved, the proposed alcohol permit would be issued to a restaurant that is located in an existing facility and qualifies for a Class 1, Existing Facilities Categorical Exemption.

## **PUBLIC AGENCY COMMENTS**

### **California Department of Alcoholic Beverage Control**

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.

ABC data show that the site is not within an area experiencing over-concentration of alcohol sales pursuant to ABC standards regarding overconcentration. 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, one on-sale ABC license exists.

### **Los Angeles County Sheriff's Department**

The Palmdale Station of the Los Angeles County Sheriff's Department was consulted regarding the project. On November 16, 2009, Deputy Robert Ferrell contacted Regional Planning staff by phone and stated that the Sheriff's Department recommends denial of the CUP. The deputy stated that the Palmdale station has received several calls from area residents complaining of loud music from the property well after closing time. In addition, an illegal rodeo has been held at the project site, which the Sheriff's Department was called to disperse. As a result, the Sheriff's Department is of the opinion that the sale of alcoholic beverages at the restaurant would only exacerbate problems at what is already a problematic location.

### **Lake Los Angeles Rural Town Council and Chamber of Commerce**

The Lake Los Angeles Rural 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 distilled spirits for on-site consumption is 20 miles away in Palmdale. Both letters are attached to this report.

## **PUBLIC COMMENTS**

### **Legal Notification/Community Outreach**

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.

Staff received one phone call and a letter from an area resident, Mr. Guy Casper. He stated that he is strongly opposed to the granting of the CUP, as he lives near the property and has called the Sheriff's Department several times regarding loud music at the property continuing late into the night. He felt the serving alcoholic beverages at the site would only make the noise problem worse. Staff did not receive any other correspondence from the public regarding the project.

### **STAFF EVALUATION**

The subject restaurant is located at the northwest corner of East Avenue P and 170<sup>th</sup> 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.

The project is located within a high crime reporting district that has a much higher than average number of reported crimes. Therefore, according to applicable requirements, a finding of public convenience or necessity to support ABC's issuance of an on-sale alcohol license would be required in this case. Staff does not believe that such findings can be made in this case.

Despite the restaurant's proximity to another use that sells a full line of alcoholic beverages, there is not an undue concentration of premises selling alcohol in this area according to either ABC or County Zoning Code standards. According to the June 25, 2009 letter from ABC, the proposed project is located within a census tract that would allow for a total of 11 licenses for on-site sales of alcohol, and currently only one on-site sales license exists. Pursuant to County Zoning Code standards, an undue concentration would not exist here because the applicant proposes to sell alcohol for on-site consumption. Nevertheless, staff does not believe that public convenience and necessity would be served by approving the proposed request in this location.

Letters from Lake Los Angeles Rural Town Council and the Lake Los Angeles Chamber of Commerce indicate support for the facility, as it would provide a community gathering place and provide the community's only location for on-site sale and consumption of distilled spirits. The appearance of the existing restaurant is consistent with the character of the surrounding area. Also, there are no sensitive uses within 600 feet of the restaurant.

The restaurant would have access to adequate off-street parking and would comply with all applicable development standards of the Los Angeles County Zoning Ordinance and General Plan. It would also be well served by both East Avenue P and 170<sup>th</sup> Street East, both of which are two-lane roads without major level-of-service issues.

Although the Town Council and the Chamber of Commerce indicate support for the facility, and the facility would comply with Zoning Code requirements, in order for a CUP to be approved, the applicant must show that the proposed use would not adversely affect the peace, comfort, or welfare of those in the area; would not be materially detrimental to the use, enjoyment, or valuation of nearby properties; and would not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare. The existing restaurant has a history of disturbing the peace and comfort of those in the area with loud outdoor music late at night, as attested to by the Sheriff's Department and one area resident. This has occurred many times, despite the fact that the restaurant claims to close at midnight and to provide only indoor entertainment. The scale of the noise created may be understood by noting that complaints came from nearby residents, the nearest of which is over 400 feet away from the restaurant. Serving of beer, wine, and distilled spirits at this location would be likely to make the problem even worse.

Activities at the restaurant also have a history of endangering public safety. According to the Sheriff's Department, at least one illegal rodeo was held at the project site. While the inherent dangers of such activity are readily apparent, the addition of alcoholic beverage service during such an event could easily result in serious injury or death to participants or spectators. Due to these factors, the Sheriff's Department has recommended that the CUP be denied.

The problematic operating history of the facility indicates that the service of a full line of alcoholic beverages at the facility would be likely to negatively affect the public peace, comfort, and welfare, and perhaps even public safety. In addition, the project would not serve as a public convenience or necessity, as the past history of unlawful activities at the site has contributed to the high level of reported crimes in the area, and the addition of alcohol would be likely to increase such activities. As a result of the above mentioned factors, staff believes that the burden of proof for a conditional use permit cannot be satisfied.

**STAFF RECOMMENDATION**

Staff recommends denial of Conditional Use Permit No. 200900064.

**SUGGESTED DENIAL MOTION**

I move that the Regional Planning Commission close the public hearing and **DENY** Conditional Use Permit 200900064 subject to the attached Findings.

Prepared by Tyler Montgomery, Regional Planning Assistant II  
Reviewed by Mi Kim, Acting Section Head, Zoning Permits III

Attachments:

Draft Findings

Applicant's Burden of Proof and Addendum Burden of Proof statements

ABC Statistics

Undated letter from Lake Los Angeles Rural Town Council  
09/22/10 letter from Lake Los Angeles Chamber of Commerce  
Undated opposition letter from Guy Casper  
Site Photographs

MK:TM  
03/03/11

# 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 DATE: MARCH 16, 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 an existing restaurant.

## 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 for on-site consumption at an existing restaurant. The restaurant includes a dining room, lounge, outdoor dining patio, and indoor live entertainment and would continue to operate from 6:00 a.m. to midnight, seven days a week.
2. The restaurant, El Corral, is located at 16943 East Avenue P, Lake Los Angeles, in the Antelope Valley East Zoned District of unincorporated Los Angeles County.
3. The existing restaurant, El Corral, is located within a 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 170<sup>th</sup> 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.
8. 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, 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.

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.
14. This project would qualify 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 would qualify 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. 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, one on-sale ABC license exists. Pursuant to County Zoning Code standards, an undue concentration would not exist here because the applicant proposes to sell alcohol for on-site consumption. Nevertheless, public convenience and necessity would not be served by approving the proposed request in this location.
16. 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 distilled spirits for on-site consumption is 20 miles away in Palmdale.
17. The Palmdale Station of the Los Angeles County Sheriff's Department was consulted regarding the project. On November 16, 2009, Deputy Robert Ferrell contacted Regional Planning staff by phone and stated that the Sheriff's Department recommends denial of the CUP. The deputy stated that the Palmdale station has received several calls from area residents complaining of loud music from the property well after closing time. In addition, an illegal rodeo was held at the project site, which the Sheriff's Department was called to disperse. As a result, the Sheriff's Department is of the opinion that the sale of alcoholic beverages at the restaurant would only exacerbate problems at what is already a problematic location.

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. Regional Planning staff received one phone call from an area resident, Mr. George Santos. He stated that he is strongly opposed to the granting of the CUP, as he lives near the property and has called the Sheriff's Department several times regarding loud music at the property continuing late into the night. He felt the serving alcoholic beverages at the site would only make the noise problem worse.
20. The subject restaurant is located at the northwest corner of East Avenue P and 170<sup>th</sup> 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.
21. There are no sensitive uses within 600 feet of the restaurant.
22. Although the Town Council and the Chamber of Commerce indicate support for the facility, and the facility would comply with Zoning Code requirements, in order for a CUP to be approved, the applicant must show that the proposed use would not adversely affect the peace, comfort, or welfare of those in the area; would not be materially detrimental to the use, enjoyment, or valuation of nearby properties; and would not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare. However, the project would adversely affect the peace, comfort, and welfare of those in the area, and it would be materially detrimental to the use, enjoyment, and valuation of nearby properties. The existing restaurant has a history of disturbing the peace and comfort of those in the area with loud outdoor music late at night, as attested to by the Sheriff's Department and one area resident. This has occurred many times, despite the fact that the restaurant claims to close at midnight and to provide only indoor entertainment. The scale of the noise created may be understood by noting that complaints came from nearby residents, the nearest of which is over 400 feet away from the restaurant. Serving of beer, wine, and distilled spirits at this location would be likely to make the problem even worse.
23. The project would jeopardize, endanger, or otherwise constitute a menace of he public health, safety, and general welfare. Activities at the restaurant have a history of endangering public safety. According to the Sheriff's Department, at least one

illegal rodeo was held at the project site. The addition of alcoholic beverage service during such an event could easily result in serious injury to participants or spectators.

24. The problematic operating history of the facility indicates that the service of a full line of alcoholic beverages at the facility would be likely to negatively affect the public peace, comfort, and welfare, and perhaps even public safety. In addition, the project would not serve as a public convenience or necessity, as the past history of unlawful activities at the site has contributed to the high level of reported crimes in the area, and the addition of alcohol would be likely to increase such activities. As a result of the above mentioned factors, the Commission believes that the burden of proof for a conditional use permit cannot be 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 adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and 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;
- 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. In view of the findings of fact and conclusions presented above, Conditional Use Permit 200900120 is **DENIED**.

**VOTE:**

**Concurring:**

**Dissenting:**

**Abstaining:**

**Absent:**

**Action Date:**

c: Commission Services, Zoning Enforcement

MK:TM  
03/03/11



PERMIT: R CUP T200900064

PROJECT: R2009-00873

Los Angeles County  
Department of Regional Planning

09-00873



Address: 16943 E AVE. P, LAKE LOS ANGELES  
CA 93591

## CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location 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.

THE REQUESTED USE IS A RESTORATION OF AN ALCOHOL USE IN AN EXISTING RESTAURANT. THE CONSUMPTION OF ALCOHOL IS WITH FOOD INSIDE THE RESTAURANT. THE ACTIVITIES PROPOSED FOR THIS SITE ARE SMALL IN SCALE AND ARE DIRECTLY RELATED TO THE EXISTING RESTAURANT PRESENT FOR 40+ YEARS

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

THE SITE CURRENTLY HAS AN ACTIVE RESTAURANT PRESENT. THE PROPOSED USE DOES NOT SIGNIFICANTLY MODIFY THE EXISTING SITE DESIGN.

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.

THE SITE IS LOCATED @ THE NW CORNER OF 170<sup>TH</sup> ST E & AVE P-8. 170<sup>TH</sup> ST E IS THE MAIN THOROUGHFARE FOR THE LAKE LA AREA. THERE IS A CURRENT BUS ROUTE AND ACCESS TO HWY 138. EXISTING.

JUN 10 2009



# ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.195, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.

REQUESTED USE IS A RENEWAL OF A PREVIOUS USE PRIOR ALCOHOL SALES FOR ONSITE CONSUMPTION DID NOT AFFECT ADJACENT RESIDENCES.

B. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

SITE ACCESS IS LIMITED TO 170<sup>TH</sup> ST E & AVE P. THE ADJOINING RESIDENTIAL NEIGHBORHOOD ENTRY IS 1500' AWAY SOUTH ON 170<sup>TH</sup> STREET E.

C. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.

THE REQUESTED USE IS FOR ONSITE CONSUMPTION OF ALCOHOL WITH FOOD SERVICE ONLY. THE EXISTING ALCOHOL SALES AT S.E. CORNER OF 170<sup>TH</sup> ST E SELLS PACKAGED ALCOHOL FOR OFFSITE

D. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.

THE PROPOSED USE WILL BENEFIT THE LOCAL ECONOMY BY PROVIDING JOBS.

consumption only.

E. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

THE STRUCTURE IS EXISTING & HAS BEEN THERE FOR 50 YEARS.



**Los Angeles County**  
**DEPARTMENT OF REGIONAL PLANNING**  
 320 West Temple Street, 13th Floor  
 Los Angeles, CA 90012



## Transmittal: Crime & License Statistics Request

TO	ABC Office	Service Area	Phone	Fax
<input type="checkbox"/>	Inglewood	Southern and Western LA County	310-412-6311	310-673-4082
<input type="checkbox"/>	Long Beach/ Lakewood	Southeastern LA County	562-982-1337	562-982-1396
<input type="checkbox"/>	LA Metro	Central LA County	213-736-2005	213-736-2053
<input type="checkbox"/>	Monrovia	Northeastern LA County	626-256-3241	626-357-4173
<input checked="" type="checkbox"/>	Van Nuys	North and Northwestern LA County	818-901-5017	818-785-6731

We are processing a Conditional Use Permit (CUP) to authorize the sale of alcoholic beverages. Please provide (by fax or e-mail) a "B&P Worksheet" referencing if the subject property is located within a "high-crime reporting district" and indicate if there is an undue concentration of alcoholic beverage licenses within the subject census tract. If you need further information, please contact the case planner. Thank you for your assistance.

	License Type	Description
<input type="checkbox"/>	Off-Sale Beer and Wine (Retail)	Type 20: Sale of beer and wine for consumption off-site.
<input type="checkbox"/>	Off-Sale General (Retail)	Type 21: Sale of beer, wine and distilled spirits for consumption off-site.
<input type="checkbox"/>	On-Sale Beer & Wine (Bar, Tavern, Club)	Type 42: Sale of beer and wine for consumption on site.
<input type="checkbox"/>	On-Sale General (Bar, Tavern, Club)	Type 48: Sale of beer and wine and distilled spirits for consumption on-site.
<input type="checkbox"/>	On-Sale Beer & Wine (Restaurant)	Type 41: Sale of beer and wine for consumption on-site.
<input checked="" type="checkbox"/>	On-Sale General (Restaurant)	Type 47: Sale of beer, wine and distilled spirits for consumption on-site.
<input type="checkbox"/>	Other (Describe)	

TODAY'S DATE: June 24, 2009

CASE PLANNER: Phillip Estes *[Signature]*

E-MAIL: pestes@planning.lacounty.gov

FAX: 213-626-0434

PROJECT NO.: R2009-00873

CUP NO.: 200900064

ESTABLISHMENT: RESTAURANT

LOCATION: 16943 E. AVENUE P, PALMDALE

LICENSE OWNER'S NAME(S): N/A

ABC LICENSE NO.: N/A

13 Sheriff Jurisdiction

UNINCORPORATED

23958.4 B & P APPLICATION WORK SHEET

APPLICANT: \_\_\_\_\_

PREMISES ADDRESS: \_\_\_\_\_

16943 E AVE P

LICENSE TYPE: \_\_\_\_\_

47

(Patrol e)

1. CRIME REPORTING DISTRICT

\_\_\_\_\_ Jurisdiction is able to provide statistical data for the year 2008

Reporting District: \_\_\_\_\_

1197

Total number of reporting districts: \_\_\_\_\_

374

Total number of offenses: \_\_\_\_\_

Average number of offenses per district: \_\_\_\_\_

164

120% of average number of offenses: \_\_\_\_\_

197

Total offenses in district: \_\_\_\_\_

1,262

Location is within a high crime reporting district: \_\_\_\_\_

yes

2. CENSUS TRACT / UNDUE CONCENTRATION: 2008

Census Tract:	ON-SALE	OFF-SALE
9001.01		
Population: 11658 County Ratio	1: 1159	1: 1618
Number of licenses allowed:	11	
Number of existing licenses:	1	
Undue concentration exists:	N	
Letter of public convenience or necessity required:	yes	
Three time publication required:	1x	

Person Preparing Data

Date

6/25

Supervising Investigator

# **LAKE LOS ANGELES RURAL TOWN COUNCIL**

LLARTC  
P.O. BOX 50012  
Palmdale, CA. 93550

To: Regional Planning Dept.

To All Interested Parties;

In regards to the request for support from the El Corral Restaurant and Cantina we as members of the LLARTC and as residents of Lake Los Angeles are looking forward to having a place such as this. To not only have a good meal and alcoholic/non-alcoholic beverages. But it would be an asset to our community as a gathering place for friends and family. We do hope that this establishment will be allowed to open soon. Thank you for your time, and listening to some of the things we would like.

Respectfully,

LLARTC

*Web page: [www.llartc.org](http://www.llartc.org)*



9/22/10

TO WHOM IT MAY CONCERN

THE OPENING OF THE "EL CORRAL CANTINA" IN LAKE LOS ANGELES CA. WOULD BE A SIGNIFICANT ADDITION TO OUR COMMUNITY. WE AS THE "LAKE LOS ANGELES CHAMBER OF COMMERCE" FEEL THAT THIS FINE RESTAURANT AND CANTINA WOULD GIVE RESIDENTS A WELCOME ALTERNATIVE TO THE ONE SIT DOWN EATING PLACE WE HAVE. WE ALSO FEEL THE "EL CORRAL CANTINA" SHOULD BE ALLOWED TO SERVE THE FULL GAMMET OF REFRESHMENTS AND GIVE OUR RESIDENTS A CHOICE BETWEEN NON ALCOLIC AND DRINKS WHICH MAY CONTAIN A SPIRIT. AS YOU MAY OR MAY NOT KNOW THE CLOSEST PLACE TO HAVE A COCKTAIL IS TWENTY MILES AWAY IN PALMDALE. WE HOPE FOR THE SAKE OF OUR COMMUNITY YOU ALLOW THE "EL CORRAL CANTINA" TO OPEN SOON .IT WOULD BE A GREAT ASSET TO OUR COMMUNITY.

THANK YOU,

MARK JOJOLA  
PRESEDENT  
LAKE LOS ANGELES CHAMBER OF COMMERCE

PUBLIC HEARING

PERMIT # R2009-00873 RCUP 200900064

PROJECT LOCATION – 16943 EAST AVE. P  
LAKE LOS ANGELES  
ANTELOPE VALLEY

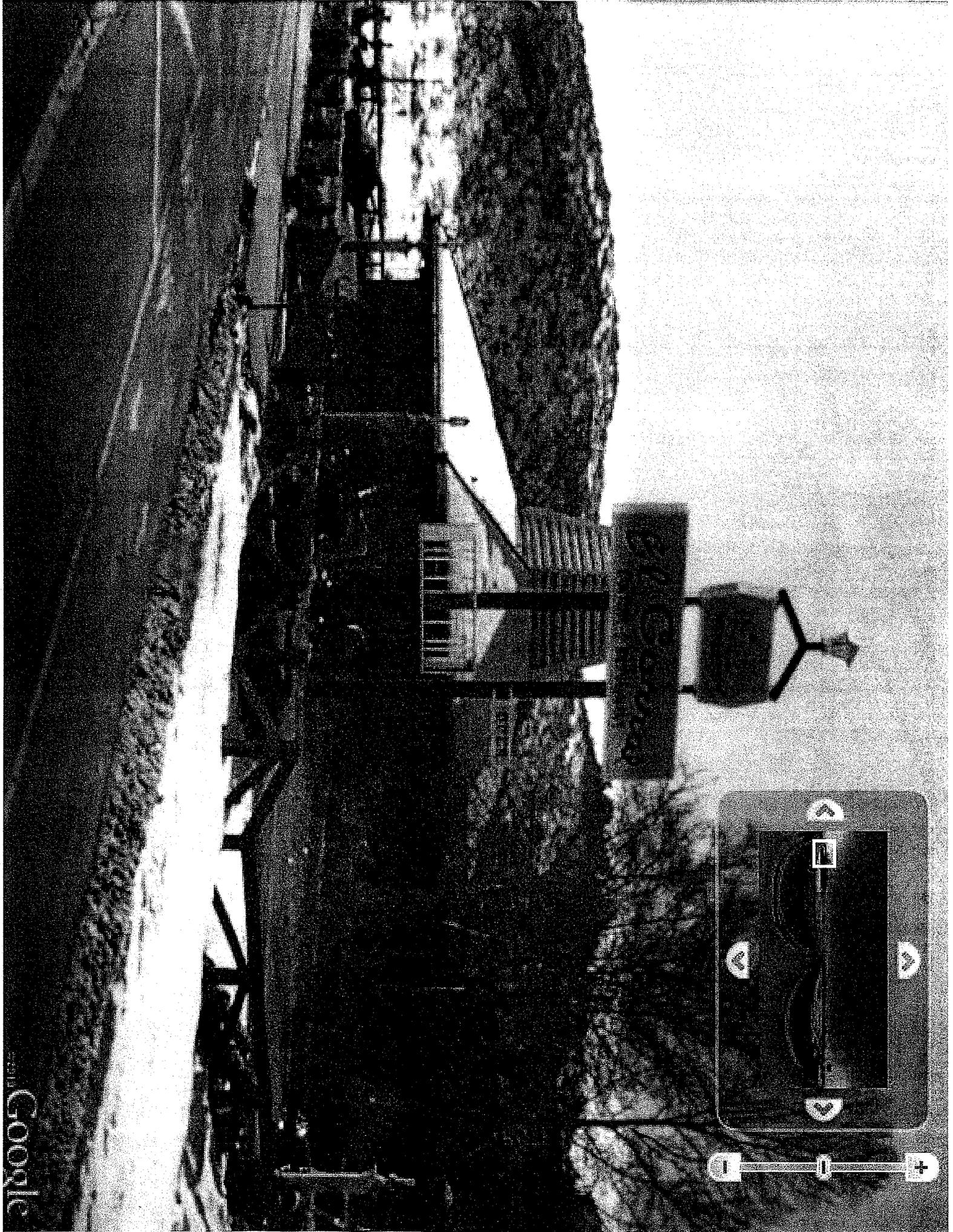
To the LA County Planning Commission

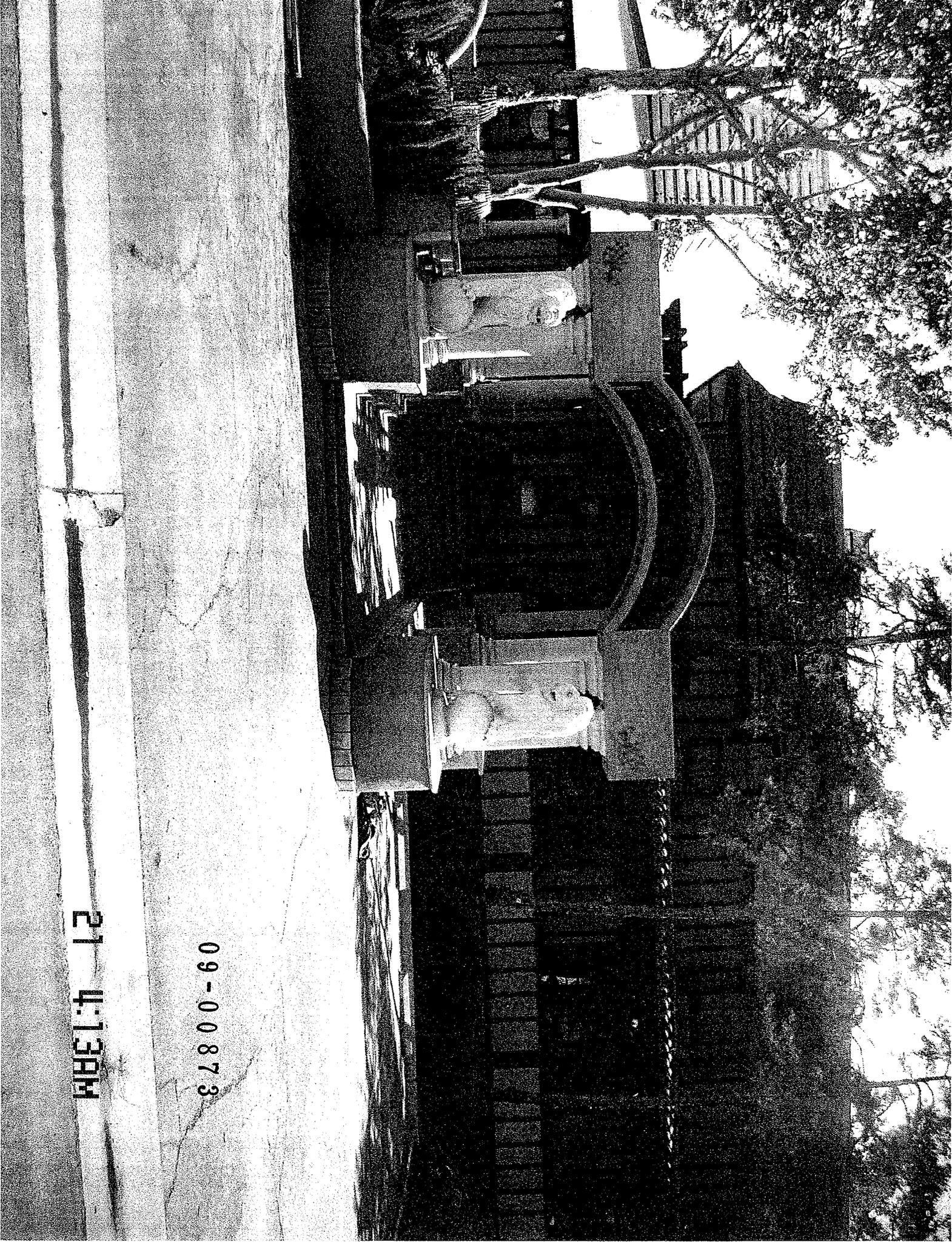
I have lived across the street from this restaurant for about 13 years, never really had any problems with the previous owners until now. Since this new owner has taken possession of this restaurant about a year ago, I am having nothing but problems with the music that they play and how loud they play it, whether it is workers working on the property and the music is coming from there cars, or they're having some private party and the music is coming from the restaurant. It's just as loud either way. I'm a little confused why they need to play it so loud especially the bass, I've called the sheriff station numerous of times, I will go in my back yard to talk to the dispatcher and then ask him or her, can you hear that? They would say (yes I can) and after two or three hours from the time I called, the Sheriff shows up, they will turn it down for a minute and as soon as the Sheriff is gone, it goes right back up again even louder. Sometimes I have gotten to the point of telling the dispatcher if something isn't done soon I will go there myself, and I have. Its like one of those cars that drives by and all you here is the bass coming from it, you here the bass before you see the car and you still here the bass after the car is gone. But in stead of the car passing by, it stops in front of your house and doesn't shut the sound off. I am sure you know what I'm talking about!  
This is what I am dealing with. I'm not positive if it's the music that gets under my skin or the fact that they're just inconsiderate and they don't care.

I don't think its right that I have to leave my house when they decide to have a rodeo or their private parties, with the live mariachi bands. And even if they did get a permit for the rodeo, it's not right that building and safety allowed this to happen, they did not take into consideration the surrounding neighborhoods and the people who live in them. It's almost like: *well as long as we can't here it or see it, we'll go a head and issue the permit*. That's not nice to say, but that's how I feel sometimes. You would wonder why I just don't go inside the house and closed door, unfortunately it doesn't work that way, the bass travels through my house and it sounds like I'm at a circus.

Unless something is drastically done with music and how loud they like to play it, we're going to have nothing but a constant problem. They also have an outside sound system in the patio area, I'm sure that's not just there for looks.

Sincerely  
Guy Casper

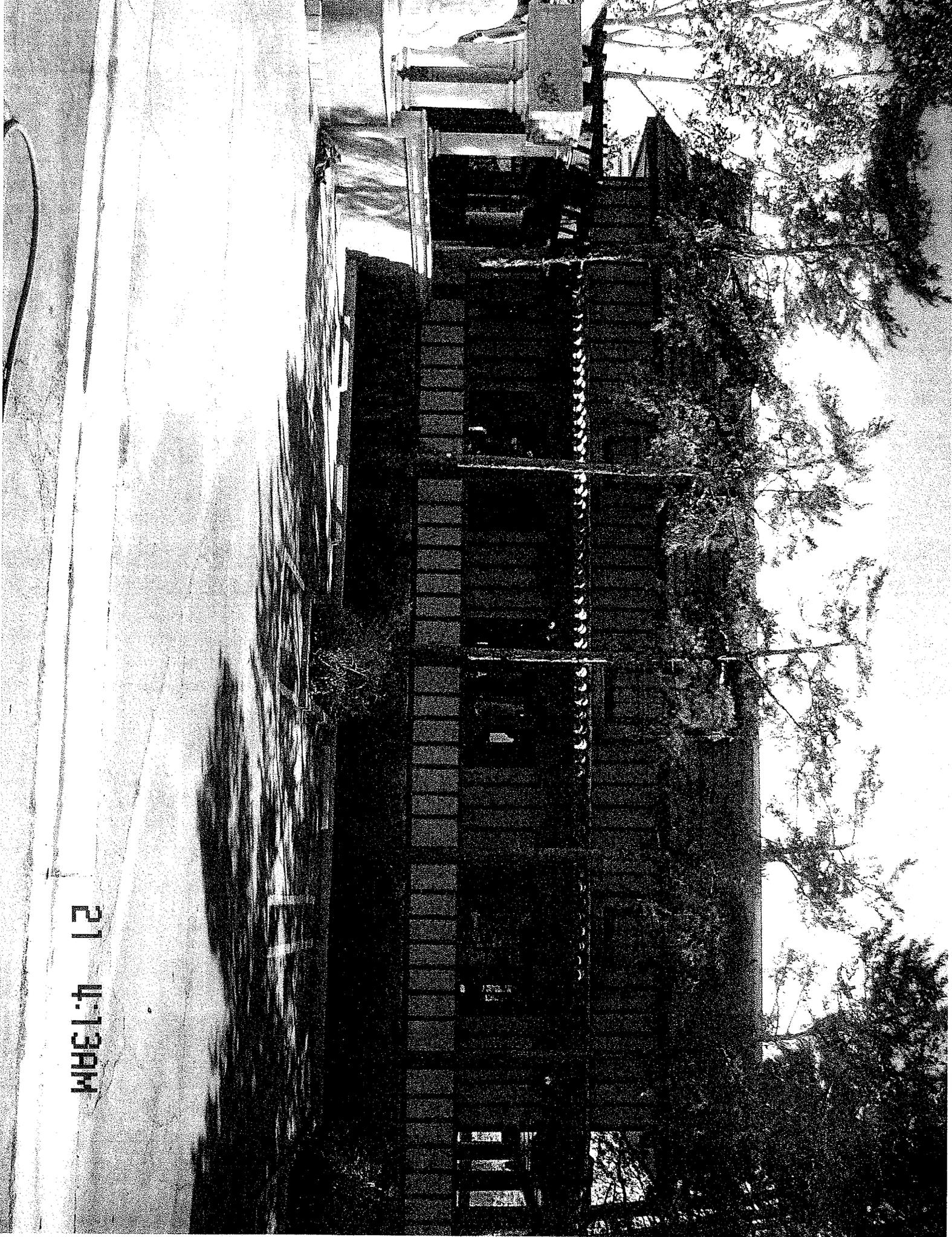


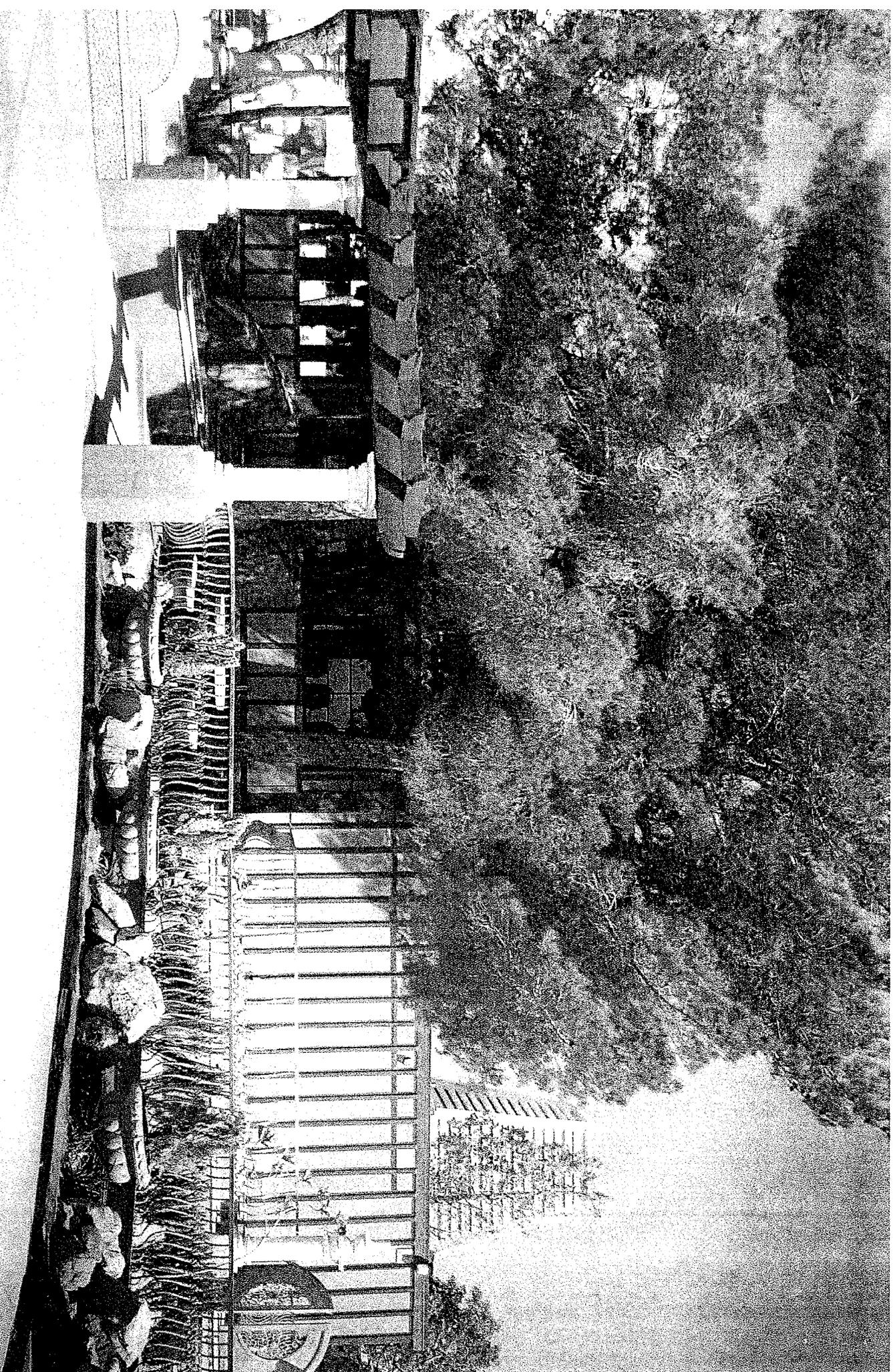


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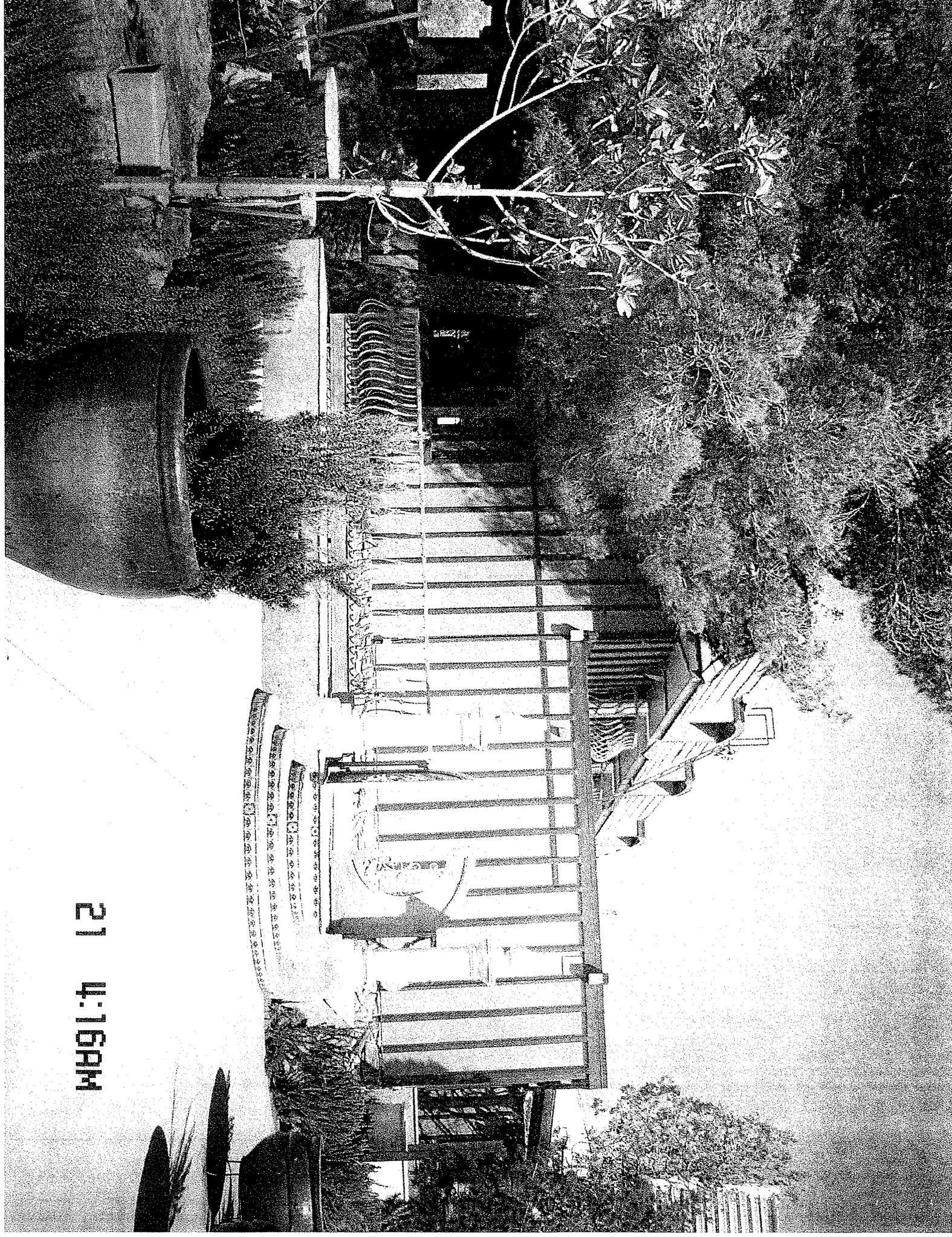
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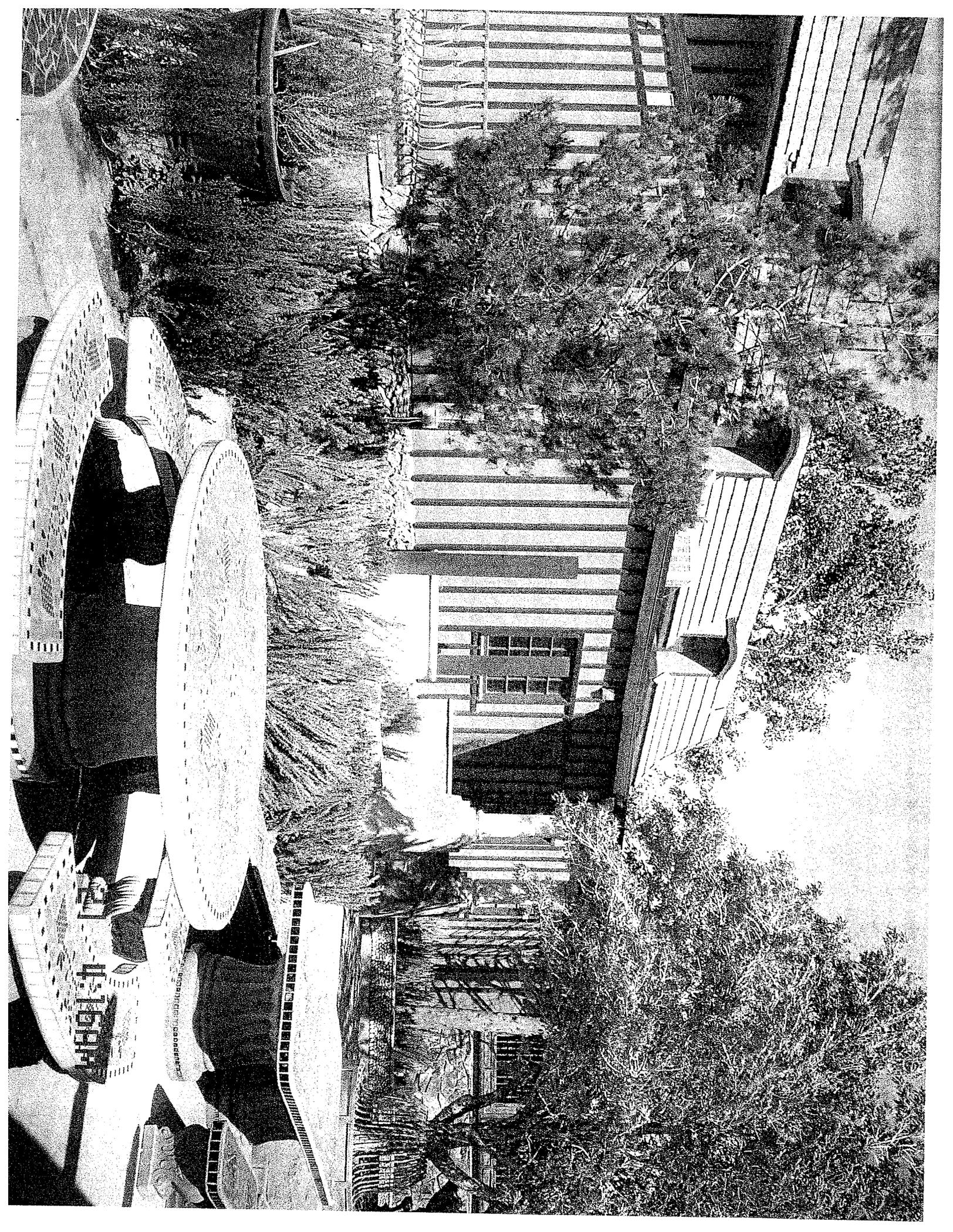


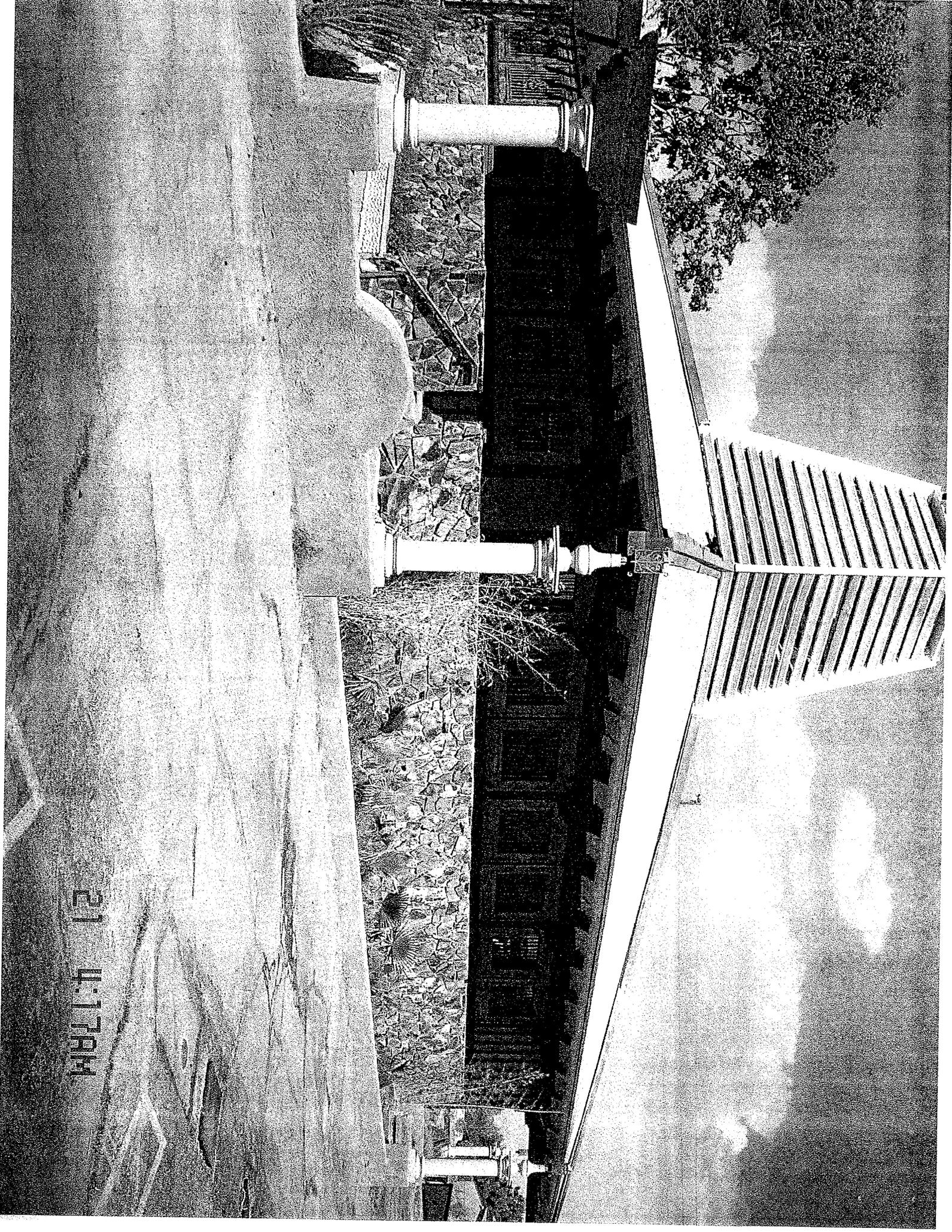


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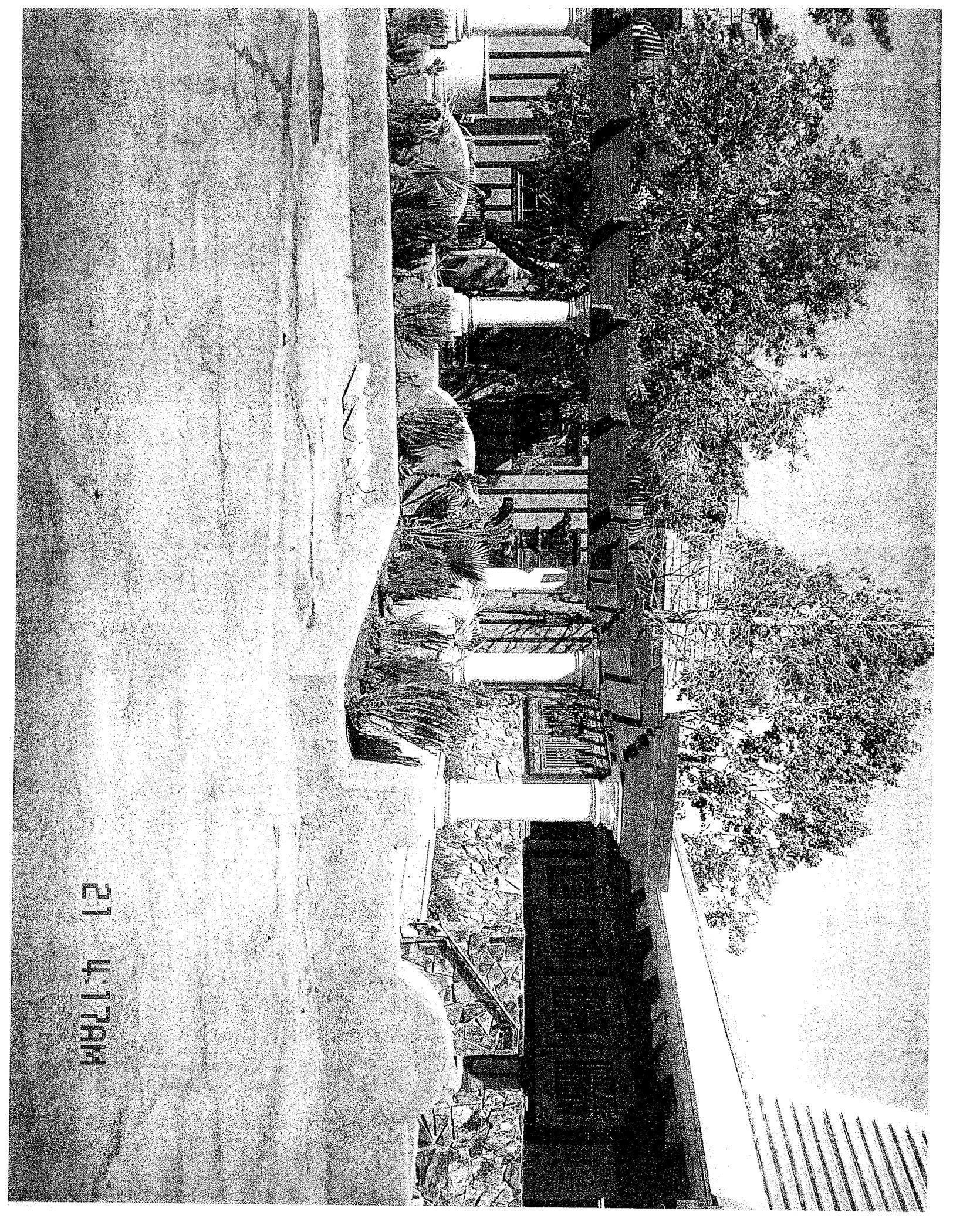


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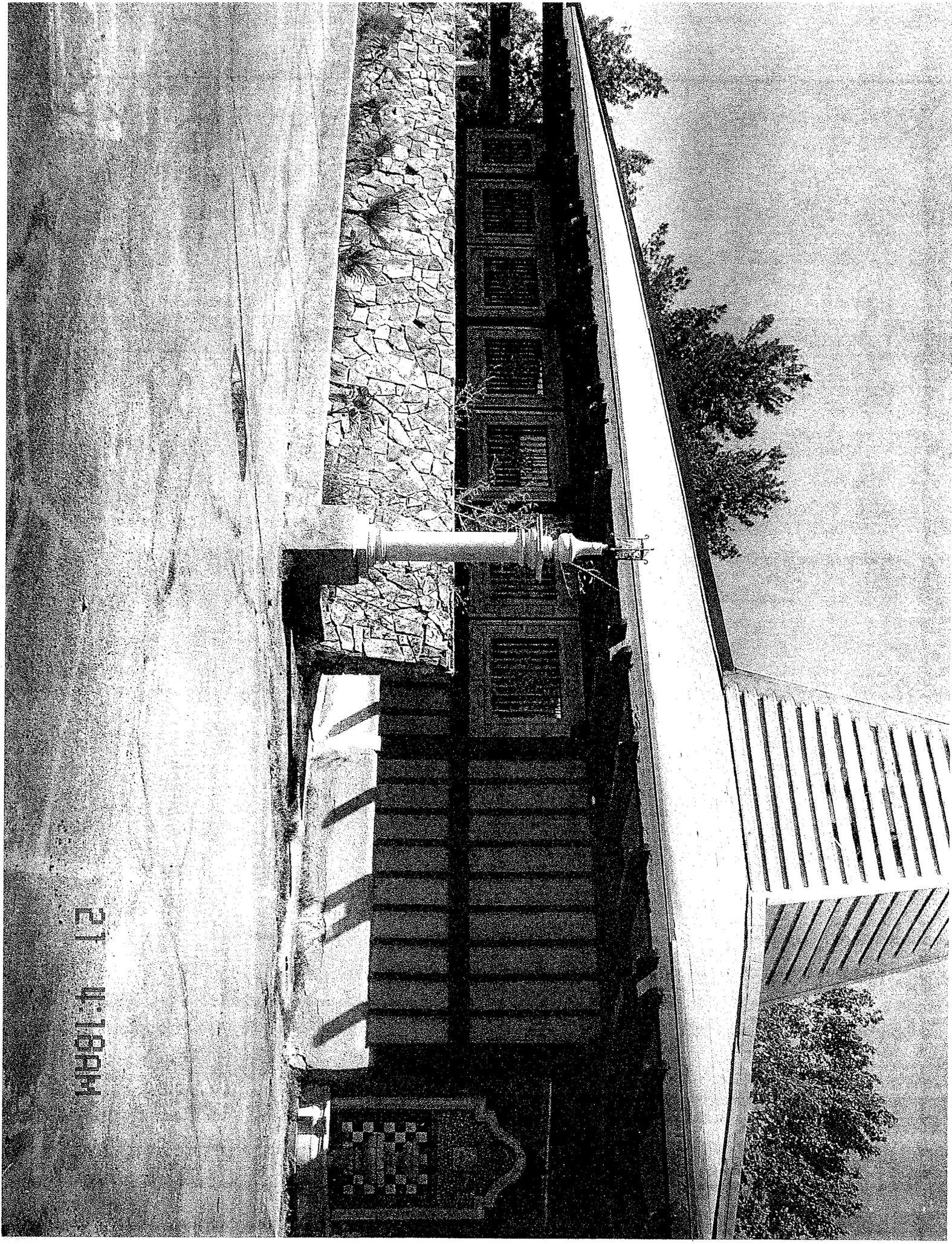




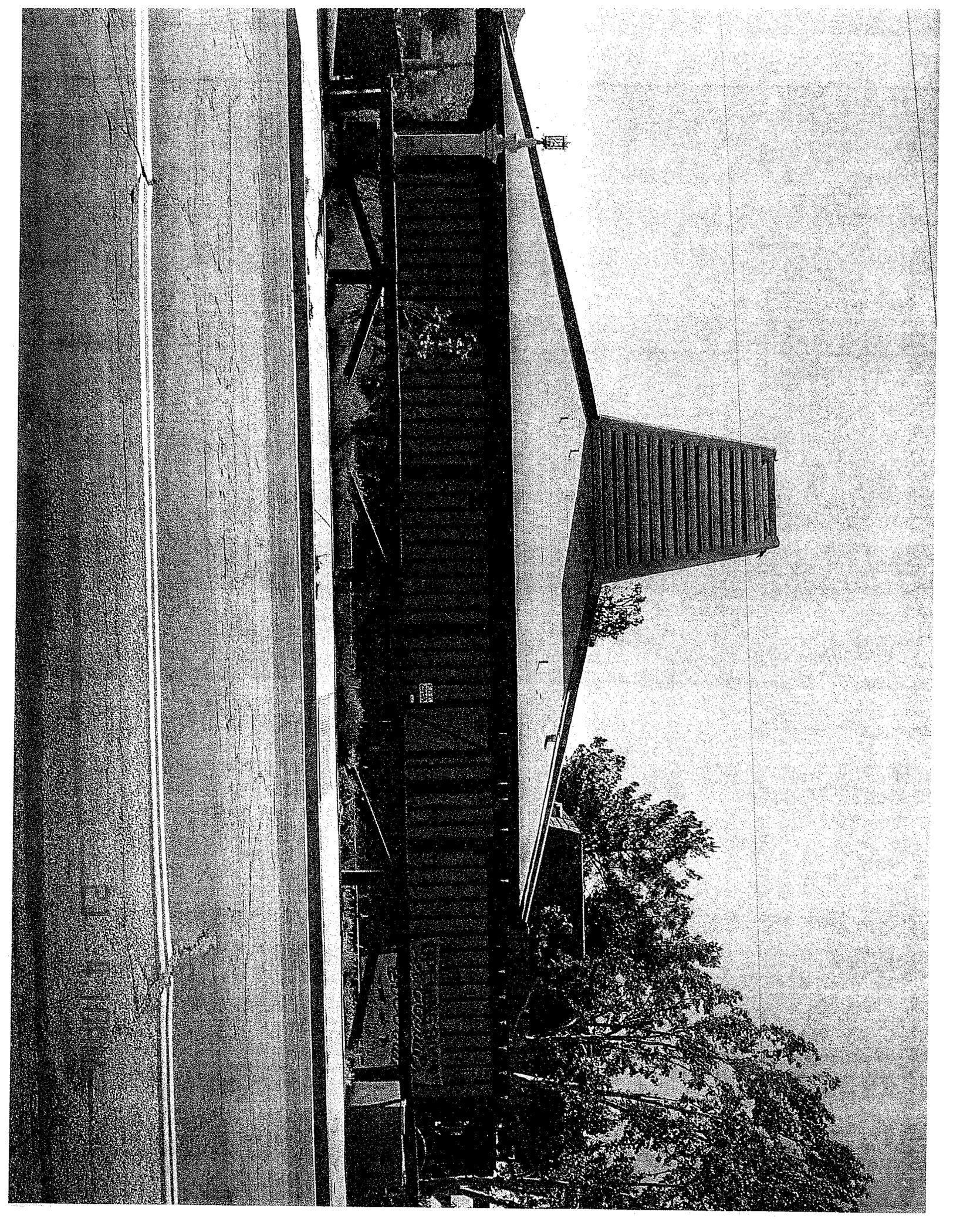
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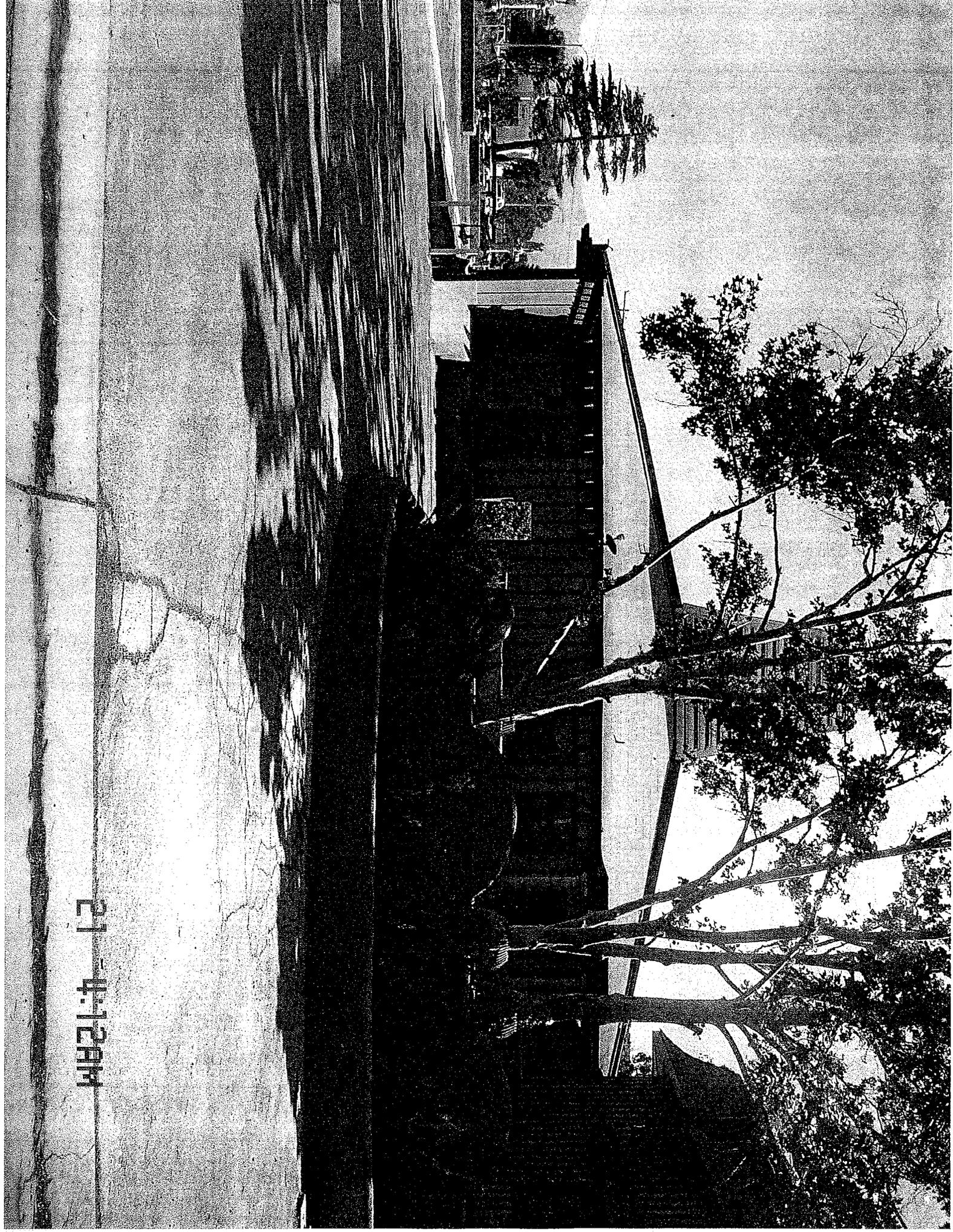


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