

**DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES**

**PROJECT NO. R2009-00690-(2)
CONDITIONAL USE PERMIT NO. 201000097**

REQUEST:

The applicant requests a conditional use permit application, pursuant to Los Angeles County Code Section 22.56.195, for Alcoholic Beverage Sales for onsite consumption of beer and wine at an established restaurant. The restaurant is located in the M-2 (Heavy Manufacturing) Zone within the West Rancho Dominguez - Victoria Community Standards District (CSD). The restaurant in conjunction with food processing and sale of produced goods was approved by Plot Plan No. 200900497, with an Occupancy Load Determination for no more than 86 persons, along with required parking.

HEARING DATE: MARCH 20, 2012

PROCEEDINGS BEFORE THE HEARING OFFICER:

Staff requested before the Hearing Officer on February 21, 2012 that the public hearing be continued to March 20, 2012, in order to allow Staff time to work with the applicant in resolving the parking issue with six required parking stalls obstructed on the site. Staff reported that Zoning Enforcement West has not issued any official citation to the property owner but will monitor the situation.

The applicant's representative testified before the Hearing Officer and requested that the hearing be allowed to proceed, with reference to Condition No. 19, that the site would be cleared of all obstructions within the parking stalls prior to final approval. The Hearing Officer responded to the applicant that projects cannot be approved which have zoning violations on them.

The Hearing Officer granted Staff's request to continue the hearing to March 20, 2012.

Findings

1. The subject property is located at 15500 S. Broadway St., in the unincorporated County area of Rosewood. The location is situated in the Second Supervisorial District of Los Angeles County, within the Victoria Zoned District.
2. The project is a conditional use permit (CUP) to allow beer and wine sales for on-site consumption (State Alcoholic Beverage Control (ABC) Type 41 Liquor License) in an established restaurant (The Eatalian Café). The restaurant is located in the M-2 (Heavy Manufacturing) Zone within the West Rancho Dominguez - Victoria Community Standards District (CSD).
3. The subject property consists of a large industrial/commercial building with multi-tenant suites (two). Subject suite is used for existing restaurant/food processing, second suite is used for garment manufacturing. Forty-eight parking stalls are

located on the site, including three handicap stalls plus one loading space serving the restaurant. Twenty-nine of the total parking stalls are required for the restaurant.

4. Surrounding properties are zoned:
North: M-2
South: M-2
East: M-2
West: M-1 (Light Manufacturing)
5. Surrounding land uses consist of:
North: Light industrial
South: Warehouse/Restaurant
East: Outside storage/auto salvage
West: Light industrial/warehouse
6. The Los Angeles Countywide General Plan land use category for the subject property is Category I (Major Industrial). The established commercial/light industrial use and the proposed sale of beer and wine within the established restaurant do not conflict with the Major Industrial land use category of the Countywide General Plan. The Countywide General Plan states that Major Industrial land uses are “areas which are generally appropriate for major industrial uses including manufacturing of all types”. The existing use is an approved food processing facility, with retail sales of goods, which also includes the serving of food and drink to the public (the restaurant). It is a local-serving business serving local needs as well, which is also consistent with the land use category. The adjacent use on site for garment manufacturing is also consistent with the Major Industrial land use category.
7. The current zoning of M-2 was established by Ordinance No. 6756 on September 6, 1955.
8. County Assessor records indicate that structure on site was developed in 1961.
9. Plot Plan 200900497 was approved on August 13, 2009 for renovation and conversion of 13,900 square feet of manufacturing space into a restaurant with food processing.
10. Under County Code Section 22.56.195, which requires a CUP for alcoholic beverage sales, for either on-site or off-site consumption, the applicant was required to file the CUP application for the proposed beer and wine sales in an established restaurant. The West Rancho Dominguez - Victoria CSD, (County Code Section 22.44.130), does not require any supplemental information for the CUP application for beer and wine sales onsite in an existing eating establishment.
11. The restaurant establishment does not currently sell alcoholic beverages but proposes to do so for onsite consumption.

12. In addition to the findings required pursuant to Subsection A of County Code Section 22.56.090 regarding public safety, health and general welfare, the State Department of Alcoholic Beverage Control (ABC) reported to Regional Planning on December 15, 2011 that the location of the restaurant establishment is in a high crime reporting district. Staff consulted the County Sheriff Department (Compton Sheriff Station) for a call and crime history report for the project site over the last five years (report attached). The County Sheriff's Department voiced no objection to the proposed use in their letter dated December 23, 2011
13. The project site is located greater than 600 feet away from any place used exclusively for religious worship, school, park, playground or any similar use; and the site is sufficiently buffered from any residential areas in the vicinity, the nearest being a nonconforming mobilehome park in the M-1 Zone on Redondo Beach Boulevard at the edge of the 600-foot radius from the project site. There are no other recognized establishments conducting alcoholic beverage sales, for either on-site or off-site consumption, within a 600 foot radius of the site; however, ABC has reported an undue concentration (2 licenses allowed; 2 existing) of ABC licenses within the Reporting District No. 2871 within which the subject site is located. An addition of an ABC license to sell beer and wine for onsite consumption with food service is of public convenience and necessity as the subject restaurant serves surrounding uses.
14. Finally, the proposed use would not adversely affect the economic welfare of the local community, and the exterior appearance of the building is consistent with surrounding structures. Therefore, the use is in compliance with Subsection B of County Code Section 22.56.195.
15. The existing parking, as required for the restaurant per County Code Section 22.52.1110 for Entertainment, Assembly and Dining, is provided in accordance with the stamped Occupancy Load Determination for 86 persons on the plan. Twenty-nine parking spaces are provided for the existing restaurant; that is one stall for every three persons based on the total number of persons in the Occupancy Load Determination.
16. An additional 19 parking spaces are required for the light industrial/manufacturing use in the adjacent building suite, in accordance with County Code Section 22.52.1140, which requires one stall for every 500 square feet of floor area. Upon a site visit by Staff on December 21, 2011, it was noticed that six compact parking stalls were obstructed by a seabin container, a small tree growing out of a pot hole, and a trash bin container. These stalls are located next to the adjacent building suite and are part of the 19 stalls required for that use. The site is not in compliance with County Code Section 22.52.1140 for the light industrial/manufacturing use in the adjacent building suite.

17. One loading space area is provided for the restaurant/food manufacturing establishment, and is in compliance with County Code Section 22.52.1084 for loading space areas that serve an industrial use. One Type B stall is required (12'X30') and provided with a loading dock entrance on the east end of the restaurant/food processing building suite.
18. Also during Staff's site visit of December 21, 2011, it was noticed that there is a new set of three projecting business signs, and one new wall business sign along the Broadway Street frontage of the property. It is not clear what their dimensions are, or whether they comply with County Code Sections 22.52.900 for projecting business signs and 22.52.880 for wall business signs. An updated Exhibit "A" building elevation and sign plan will be required for review and final approval.
19. The proposed onsite sale of alcoholic beverages in the established restaurant would not create any type of negative impacts to the surrounding neighborhood. The surrounding community is primarily developed with industrial use; there are no residences within 500 feet. The restaurant/food processing business is a benefit to the local industrial community, serving not only those within this community, but serving customers from outside the community who visit or do business in the local vicinity. The use itself does not conflict with the Major Industrial land use category of the Countywide General Plan. However, due to the report from ABC that there is an undue concentration of ABC licenses in Reporting District 2871 where the restaurant is located, Staff has made a finding that the sale of alcoholic beverages for onsite consumption in the existing restaurant provides a public convenience and necessity that serves the local community.
20. Staff recommends that the applicant, Antonio Pellini, be allowed to proceed with the project under the attached conditions of approval. The conditions of approval will ensure that the restaurant with beer and wine sales for onsite consumption is operated properly and in accordance with all applicable County and State regulations, that the property is maintained in a clean and orderly manner, and that the sale of beer and wine for onsite consumption is neighborhood-compatible. The use and the improvements to the site would be in adherence to the qualities outlined in the West Rancho Dominguez – Victoria Community Standards District.
21. No open Enforcement cases on site; verified with Zoning Enforcement West on December 22, 2011. However, Zoning Enforcement will follow up with the permittee for compliance with the approved Plot Plan No. 200900497 for parking requirements and for signage regulations prior to final approval of the Exhibit "A" for this permit.
22. Staff has not received any comments from the public regarding this new CUP for alcoholic beverage sales.

23. The applicant is required to substantiate all facts identified by County Code Section 22.56.040. The CUP Burden of Proof with applicant's responses is attached. In addition, the applicant is also required to substantiate all facts identified by County Code Section 22.56.195. The Alcoholic Beverage Sales Burden of Proof with the applicant's responses is also attached. Staff is of the opinion that the applicant has met both the CUP and the Alcoholic Beverage Sales Burdens of Proof.
24. 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 and property posting.
25. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determined that it is necessary to limit the term of the grant to **15** years, with **seven (7) biennial (every other year)** site inspections.
26. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials is the Section Head of the Zoning Permits West Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

Regarding Conditional 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, fences, parking, and loading facilities, landscaping and other development features described in this Ordinance, 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 Alcoholic Beverage Sales:

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

HEARING OFFICER ACTION:

- 1. Staff of the Department of Regional Planning has determined that a Categorical Exemption, Class 1 – Existing Facilities, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements. The Hearing Officer 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 No. 201000097, Project No. 2009-00690-(2), is **APPROVED** subject to the attached conditions.

c: Hearing Officer, Zoning Enforcement, Building and Safety

MKK:RS
03/08/2012