



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

Richard J. Bruckner
Director

December 15, 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Teresa Salazar
748 North Nora Avenue
West Covina, CA 91790

**REGARDING: PROJECT NUMBER R2010-01891-(1)
CONDITIONAL USE PERMIT NUMBER 201000177
4731 E. OLYMPIC BOULEVARD, EAST LOS ANGELES**

Dear Applicant:

The Regional Planning Commission, by its action of Wednesday, December 14, 2011, **DENIED** the above described project and entitlements. The attached documents contain the Regional Planning Commission's findings relating to the denial.

The applicant or and other interested person may appeal the Regional Planning Commission's decision to the Board of Supervisors through the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Please contact the Executive Office for the amount of the appeal fee at (213) 974-1426. **The appeal period for this project will end at 5:00 p.m. on Wednesday, December 28, 2011.** Any appeal must be delivered in person to the Executive Office by this time. If no appeal is filed during the specified period, the Regional Planning Commission action is final.

For further information on appeal procedures or any other matter pertaining to this project, please contact Anita Gutierrez at (213) 974-4813 or by e-mail at AGutierrez@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

Richard J. Bruckner
Director


Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings

c: BOS; Zoning Enforcement, ABC, Sheriff

MM:AG
Hearing Footage: 12/14/2011-Item #6(x)

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

**PROJECT NUMBER R2010-01891-(1)
CONDITIONAL USE PERMIT NUMBER 201000177**

REQUEST

The applicant is requesting a Conditional Use Permit ("CUP") to authorize the on-site sale of beer and wine and live non-amplified entertainment in association with an existing restaurant (Mi India Bonita).

REGIONAL PLANNING COMMISSION HEARING DATE: December 14, 2011

A duly noticed public hearing was held on December 14, 2011 before the Regional Planning Commission. Commissioners Modugno, Valadez, Louie, Helsley and Pedersen were present. No Commissioners were absent. The applicant's representatives, Abel and Oscar Salazer presented testimony in favor of the request.

There being no further testimony, the Regional Planning Commission closed the public hearing and approved the permit with changes to the findings and conditions as agreed to by the applicant.

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION

FINDINGS

1. The project is located at 4731 E. Olympic Boulevard, East Los Angeles in the unincorporated area of Los Angeles County
2. The applicant is requesting a CUP to authorize the sale of alcoholic beverages (beer and wine) for onsite consumption and live non-amplified entertainment in association with an existing restaurant.
3. The project site is within the East Los Angeles Community Plan area and is designated as Commercial Manufacturing, which is described as areas containing business mixed with small warehousing, light manufacturing, assembly plants, wholesaling and other uses that do not generate large amounts of traffic, noises, congestion or odors. The primary restaurant use does not conflict with the plan category.
4. The subject property is located within the C-M (Commercial Manufacturing) Zone and is within the East Los Angeles Community Standards District. The development standards for parking are as follows: The Los Angeles County zoning ordinance did not address parking or storage of automobile vehicles in commercial zones prior to 1941. According to the Assessor's records the building now used as a restaurant was built in 1934 as a commercial use, prior to parking requirements. According to building records, the restaurant use was established in 1946 and

would have been considered non-conforming due to parking standards as no parking was required at the time the building was built.

5. The subject property is located with 600 feet of three religious facilities and is adjacent to residential properties to the North, including a single-family home that is located on the same lot as the restaurant. While a local serving restaurant is a compatible use within this neighborhood, there are concerns over increased traffic and parking issues for Kern Avenue which is a residential street. The proposed alcohol sales and live entertainment would also include longer operating hours for the restaurant which anticipates drawing in more people. However, the restaurant has no on-site parking and existing patrons' park on the street. The current operating hours are 8am- 5pm Monday through Saturday, if approved for the sale of alcohol and live entertainment the hours would be 8am -5pm Mon-Thurs, 8am-10pm Friday and Saturday and 8am-4pm on Sundays with entertainment on Sundays from 10am-4pm. Additionally, the applicant proposes occasional special events at the restaurant. The live entertainment proposed would be either a five piece mariachi group or mariachi trio. There is a single-family home also on the parcel, located directly behind the restaurant and there is a church located directly behind the subject property which could result in traffic and noise issues on a residential street.
6. There are two (2) establishments selling alcoholic beverages within 600 feet of the subject property; Alvarez Market (directly across the street) and Frankies Market (560 feet away on Olympic), both selling beer and wine for off-site consumption. There are three sensitive uses located within 600 feet of the subject property; three religious facilities.
7. Additionally, the applicant proposes non-amplified live entertainment as an accessory use to the restaurant, however given that the property is non-conforming due to parking standards and no on-site parking is being provided, the addition of live entertainment would create an added burden to the residents on Kern, by intensifying the restaurant use and creating parking problems on a residential street. The addition of live entertainment would not be a compatible use with surrounding neighborhood.
8. The Commission found that the impacts to the surrounding residential neighborhood by increasing the intensity of use would be detriment to the community.
9. 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.
10. The location of the documents and other materials constituting the record of proceedings upon which the Commission'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 shall be the Section Head of the Zoning Permits East Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area;
- B. That the requested use at the proposed location will adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will 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. That the proposed site is not adequate in size and shape to accommodate the parking and loading facilities, prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area;
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required;
- E. The requested use at the proposed location will adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius;
- F. The requested use at the proposed location is not sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area;
- G. The requested use at the proposed location will 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;
- H. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
- I. 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.

REGIONAL PLANNING COMMISSION ACTION

1. In view of the findings of fact and conclusions presented above, Conditional Use Permit number 201000177 is denied.

c: Each Commissioner, Zoning Enforcement, Building and Safety

VOTE 5-0

Concurring: Modugno, Valadez, Louie, Helsley and Pedersen

Dissenting: none

Abstaining: none

Absent: none

Action Date: 12/14/2011

MM:AG
12/14/2011