

Steve Cammarata, Chair
Michael Graf, Vice-Chair
Monica Dever, Commissioner
Joaquin Santos, Commissioner
Robert Steinbach, Commissioner
Jim Thompson, Commissioner
Barry Waite, Commissioner



PLANNING COMMISSION AGENDA
Lomita City Hall
Council Chambers
24300 Narbonne Avenue
Lomita, CA 90717
Phone: (310) 325-7110
Fax: (310) 325-4024

Next Resolution No. PC 2020-06

AGENDA
REGULAR MEETING
LOMITA PLANNING COMMISSION
MONDAY, MAY 11, 2020
6:00 PM
VARIOUS TELECONFERENCING LOCATIONS

SPECIAL NOTICE:

Pursuant to the Governor's Executive Order N-29-20, this meeting will be held via teleconference only and no physical location from which members of the public may observe the meeting and offer public comment will be provided.

Access to the meeting will be available via URL: uberconference.com/lomitacity or by phone at 424-208-2491.

In order to effectively accommodate public participation, participants are asked to provide their comments via e-mail before 6:00 p.m. on Tuesday, April 21, 2020, to l.abbott@lomitacity.com. Please include the agenda item in the subject line. All comments submitted will be read into the record until the time limit of five minutes has been reached.

All votes taken during this teleconference meeting will be by roll call vote, and the vote will be publicly reported.

1. OPENING CEREMONIES

- a. Call Meeting to Order
- b. Flag Salute
- c. Roll Call

2. ORAL COMMUNICATIONS

Persons wishing to address the Planning Commission on subjects other than those scheduled are requested to do so at this time. Please come to the podium and give your name and address for the record. In order to conduct a timely meeting, a 5-minute time limit per person has been established. Government Code Section 54954.2 prohibits the Planning Commission from discussing or taking action on a specific item unless it appears on a posted agenda.

3. CONSENT AGENDA

All items under the Consent Agenda are considered by the Commission to be routine and will be enacted by one motion in the form listed below. There may be separate discussions of these items prior to the time the Commissioners vote on the motion. Specific items may be removed from the Consent Agenda at the request of any Commissioner or staff.

a) **APPROVAL OF MINUTES:** March 9, 2020

RECOMMENDED ACTION: Approve minutes.

PUBLIC HEARINGS

4. **CONDITIONAL USE PERMIT NO. 315**, a request for a Conditional Use Permit to allow the sale of beer and wine for on-site consumption at a new 1,429 square foot restaurant located at 1853 Pacific Coast Highway in the C-R (Commercial Retail) Zone.

APPLICANT: Myca Tran, 444 E. Huntington Drive, Suite 208, Arcadia, CA 91006

PRESENTED BY: James Dotson, Planning Intern

RECOMMENDED ACTION: Adopt resolution of approval subject to findings and conditions and confirm that the project is exempt from CEQA requirements.

5. **ZONE TEXT AMENDMENT NO. 2020-01**, a recommendation of an ordinance amending Section 11-1.68.02 – Special Development Standards of the Lomita Municipal Code to Reestablish Fence, Wall, Gate and Screening Device Height Standards within Commercial Zone.

APPLICANT: City of Lomita

PRESENTED BY: Laura MacMorran, Assistant Planner

RECOMMENDED ACTION: Adopt resolution recommending City Council approval.

WRITTEN COMMUNICATIONS

6. COMMUNICATIONS REGARDING CITY COUNCIL ACTIONS

OTHER MATTERS

7. STAFF ITEMS – ANNOUNCEMENTS

8. PLANNING COMMISSIONER ITEMS

9. COMMISSIONERS TO ATTEND CITY COUNCIL MEETINGS

Tuesday, June 2, 2020, and Tuesday, June 16, 2020

10. ADJOURNMENT

The next regular meeting of the Planning Commission is scheduled for Monday, June 8, 2020, at 6:00 p.m.

Written materials distributed to the Planning Commissioners within 72 hours of the Planning Commission meeting are available for public inspection immediately upon distribution in the City Clerk's office at 24300 Narbonne Avenue, Lomita, CA 90717. In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, you should contact the office of the City Clerk, (310) 325-7110 (Voice) or the California Relay Service. Notification 48-hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Only comments directed to the Commission from the podium will be recognized. Comments directed to the audience or generated from the audience will be considered out of order. Any person may appeal all matters approved or denied by the Planning Commission to City Council within 30 days of receipt of notice of action by the applicant. Payment of an appeal fee is required. For further information, contact City Hall at 310 325-7110.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted not less than 72 hours prior to the meeting at the following locations: Lomita City Hall lobby and outside bulletin board, Lomita Parks and Recreation, and uploaded to the City of Lomita website http://www.lomita.com/cityhall/city_agendas/.

Dated Posted: May 6, 2020



Linda E. Abbott, Deputy City Clerk

**MINUTES
REGULAR MEETING
LOMITA PLANNING COMMISSION
MONDAY, MARCH 9, 2020
6:00 PM**

1. OPENING CEREMONIES

Chair Dever called the meeting to order at 6:00 p.m. in the Council Chambers, Lomita City Hall, 24300 Narbonne Avenue, Lomita, CA 90717.

a. Flag Salute

At the request of Chair Dever, Commissioner Thompson led the flag salute.

b. Roll Call

Responding to the roll call by Deputy City Clerk Abbott were Commissioners Graf, Santos, Waite, Vice-Chair Cammarata, and Chair Dever. Also present were Assistant City Attorney John Natalizio, Assistant Planner Laura MacMorran, Planning Intern James Dotson, and Community and Economic Development Director Alicia Velasco.

PRESENT: COMMISSIONERS: Graf, Santos, Thompson, Waite, Vice-Chair Cammarata, and Chair Dever

ABSENT: COMMISSIONERS: None

2. ORAL COMMUNICATIONS

None.

3. CONSENT AGENDA

a) **APPROVAL OF MINUTES:** February 10, 2020

RECOMMENDED ACTION: Approve minutes

Commissioner Waite made a motion, seconded by Commissioner Santos, to approve the minutes of the February 10, 2020, Planning Commission meeting.

MOTION CARRIED by the following vote:

AYES: COMMISSIONERS: Graf, Santos, Thompson, Waite, Vice-Chair
Cammarata, and Chair Dever
NOES: COMMISSIONERS: None
ABSENT: COMMISSIONERS: None
RECUSE: COMMISSIONERS: Thompson

b) APPROVAL OF MINUTES: November 12, 2019

RECOMMENDED ACTION: Approve minutes

Commissioner Waite made a motion, seconded by Commissioner Santos, to approve the minutes of the November 12, 2019, Planning Commission meeting.

MOTION CARRIED by the following vote:

AYES: COMMISSIONERS: Graf, Santos, Thompson, Waite, Vice-Chair
Cammarata, and Chair Dever
NOES: COMMISSIONERS: None
ABSENT: COMMISSIONERS: None
RECUSE: COMMISSIONERS: None

PUBLIC HEARINGS

4. **SITE PLAN REVIEW NO. 1205**, a request for a modification from Section 11-1.30.02 of the Lomita Municipal Code (LMC) to permit a 347 square foot single-story addition with a rear yard setback of five feet instead of the Code required 20 feet for a single-family residence located at 2300 Danmar Court in the Single-Family Residential (R-1) Zone.

Assistant Planner MacMorran presented the staff report per the agenda material.

In response to a question from Commissioner Waite, Director Velasco explained the difference between a side yard and a rear yard as defined in the Municipal Code.

Chair Dever opened the public hearing at 6:09 p.m.

Indra Singh, the applicant, came forward to respond to any Commission questions. As there were none, and there were no other public speakers, Chair Dever closed the public hearing at 6:10 p.m.

Commissioner Thompson asked if any written opposition to the project had been received. Assistant Planner MacMorran said there was none.

Vice-Chair Cammarata made a motion, seconded by Commissioner Graf, to adopt a resolution of approval subject to findings and conditions, and to confirm that the project is exempt from CEQA requirements.

MOTION CARRIED by the following vote:

AYES: COMMISSIONERS: Graf, Santos, Thompson, Waite, Vice-Chair Cammarata,
and Chair Dever
NOES: COMMISSIONERS: None
ABSENT: COMMISSIONERS: None
RECUSE: COMMISSIONERS: None

5. **CONDITIONAL USE PERMIT NO. 313**, a request for a conditional use permit to allow the sale of motorized scooters, motorcycles, and quadricycles located at 2074 Pacific Coast Highway in the C-R, Commercial Retail Zone.

Planning Intern Dotson presented the staff report per the agenda material. He stated that this would be a second location of the business and that there would be no outdoor display of vehicles or test drives at this site.

In response to a question from Vice-Chair Cammarata, Director Velasco stated that the site is at Pacific Coast Highway and Oak Street, not Eshelman as erroneously indicated on the floor plan.

Chair Dever opened the public hearing at 6:17 p.m.

Yousuf Osmani, the applicant, in response to Commissioner questions, stated that his business stopped offering test drives more than 10 years ago due to liability concerns, but this has had no impact on sales. In addition, he stated that their insurance does not cover test drives by potential buyers. He stated that 169cc is the upper limit for motorized scooters they sell, and their ATVs do not exceed 250cc. He anticipates moving toward selling only electric vehicles within 10 years, and explained that electric scooters use chargers rather than gasoline-powered engines.

Ralph Lepore, a Torrance resident, stated that he leases a building next door to the applicant's proposed location. He spoke of Mr. Osmani's excellent credit and interest in a five-year lease with an option for another five years as indication of the applicant's commitment to the site.

Sergio Banuelos, a Lomita resident, inquired as to whether mechanical work will be performed onsite, and whether hazardous waste storage will be necessary.

Chair Dever invited Yousuf Osmani forward to respond to the Mr. Banuelos' concerns. Mr. Osmani stated that employees will assist with loading vehicles for transport once purchased, or when customers drive the purchased vehicles off the lot, but all vehicles are transported to the other location for repairs.

In response to a question from Commissioner Waite, Mr. Osmani stated that Cycle World sells accessories, but his business sells the actual scooters.

In response to questions from Vice-Chair Cammarata, Mr. Osmani stated that his business sells Vespa-like scooters from Korea and China, and that most of his United States suppliers have enough inventory on-hand for two to three years should the coronavirus result in manufacturing disruption.

In response to a question from Commissioner Thompson, Mr. Osmani stated that onsite fueling is minimal, just a gallon or so to allow a buyer to drive a vehicle home or to see that it is in working condition.

In response to a question from Commissioner Santos, Mr. Osmani stated that gasoline is stored onsite in five-gallon jugs.

Chair Dever closed the public hearing at 6:28 p.m.

In response to questions from Commissioner Graf, Director Velasco stated that the Planning Commission may specify that no repairs be done onsite, but that the business is allowed to sell accessories by right of the Conditional Use Permit (CUP).

Chair Dever re-opened the public hearing at 6:32 p.m.

Sergio Banuelos stated that air compressors are loud and if used outside they could bother neighbors.

In response to a question from Commissioner Graf, Director Velasco stated that the City's noise ordinance would apply to all operations at the site.

Mr. Osmani stated that the 35psi tires are not like automobile tires in that a car's cigarette lighter could provide enough power to pump up the tires. He stressed that all such work would be handled at the downtown Los Angeles location before the vehicles arrive at the Lomita site.

Chair Dever closed the public hearing at 6:35 p.m.

Commissioner Graf made a motion, seconded by Vice-Chair Cammarata, to adopt a resolution of approval subject to findings and conditions, and to confirm that the project is exempt from CEQA requirements, **with additional condition number 16 barring onsite vehicle repairs.**

MOTION CARRIED by the following vote:

AYES: COMMISSIONERS: Graf, Santos, Thompson, Waite, Vice-Chair Cammarata,
and Chair Dever
NOES: COMMISSIONERS: None
ABSENT: COMMISSIONERS: None
RECUSE: COMMISSIONERS: None

SCHEDULED MATTERS

6. SELECTION OF CHAIR AND VICE-CHAIR FOR 2020-2021

Commissioner Graf made a motion, seconded by Commissioner Waite, to nominate Vice-Chair Cammarata as Chair for 2020-2021.

MOTION CARRIED by the following vote:

AYES: COMMISSIONERS: Graf, Santos, Thompson, Waite, Vice-Chair Cammarata,
and Chair Dever
NOES: COMMISSIONERS: None
ABSENT: COMMISSIONERS: None
RECUSE: COMMISSIONERS: None

Vice-Chair Cammarata made a motion, seconded by Commissioner Waite, to nominate Commissioner Graf as Vice-Chair for 2020-2021.

MOTION CARRIED by the following vote:

AYES: COMMISSIONERS: Graf, Santos, Thompson, Waite, Vice-Chair Cammarata, and
Chair Dever

NOES: COMMISSIONERS: None
ABSENT: COMMISSIONERS: None
RECUSE: COMMISSIONERS: None

WRITTEN COMMUNICATIONS

7. COMMUNICATIONS REGARDING CITY COUNCIL ACTIONS

None.

OTHER MATTERS

8. STAFF ITEMS – ANNOUNCEMENTS

None.

9. PLANNING COMMISSIONER ITEMS

Commissioner Waite asked the status of the City-owned empty site on Narbonne. Director Velasco stated that plans should be ready for permit next week, then the project will go out to bid.

Commissioner Waite asked about the self-storage business on Lomita Boulevard. Director Velasco stated that they are making progress. Assistant Planner MacMorran added that the applicant has received structural approval, but is waiting for plans to confirm and stamp.

Commissioner Graf stated that he has heard complaints regarding trucks related to the Picerne Project backed up on Lomita Boulevard at certain times of the day, and asked if they can be requested to better schedule or stage their trucks. Director Velasco stated that she can address this with the builders but they are almost finished with this part of the project, with perhaps just three weeks left. She added that Picerne has given a verbal save-the-date for the groundbreaking ceremony, April 22, 2020, at 10 a.m., and the Planning Commission is invited.

10. COMMISSIONERS TO ATTEND CITY COUNCIL MEETINGS

Commissioner Thompson will attend the City Council meeting on Tuesday, April 7, 2020. Commissioner Santos will attend the Tuesday, April 21, 2020, meeting.

11. ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 6:42 p.m.

Attest:

Linda E. Abbott, Deputy City Clerk



CITY OF LOMITA PLANNING COMMISSION REPORT

TO: Planning Commission May 11, 2020

FROM: James Dotson, Planning Intern

SUBJECT: Conditional Use Permit No. 315
1853 Pacific Coast Highway, in the C-R (Commercial Retail) Zone

APPLICANT'S REQUEST

A request for a conditional use permit to allow the sale of beer and wine for on-site consumption at a new 1,429 square foot restaurant located at 1853 Pacific Coast Highway in the C-R, (Commercial Retail) Zone. Filed by Myca Tran, 444 E. Huntington Drive, Suite 208, Arcadia, CA 91006 ("Applicant").

RECOMMENDATION

Staff recommends that the Planning Commission adopt a resolution approving Conditional Use Permit No. 315, subject to the findings and conditions and to confirm the categorical exemption to the requirements of the California Environment Quality Act (CEQA).

BACKGROUND

Existing Condition

The property consists of three tied parcels totaling 30,800 square feet and is located on the northerly side of Pacific Coast Highway. There are two buildings on the site: a five-unit building; which is occupied by a hair salon, a laundromat, a cupcake shop, a vacant restaurant, and the vacant 1,429 square-foot unit (the subject of the conditional use permit). The freestanding building is occupied by a restaurant (El Burrito Jr.). The property consists of two parcels and is accessible via two driveways from Pacific Coast Highway. The properties have a combined total of 46 parking spaces. Behind the multi-tenant building is an approximately 12-foot wide service aisle enclosed by a chain link fence.

Property History

In 1961, the site was developed with a single-story, 9,365-square-foot, multi-tenant building and a single-story, 1,400-square-foot, detached building with the 30 shared parking spaces. In 1969, the City Council granted a special use permit for beer and wine sales at 1849 Pacific Coast Highway. A conditional use permit for beer and wine sales was also granted for 1841 Pacific Coast Highway by the Planning Commission in 2019.

Project Description

The applicant requests a conditional use permit to sell beer and wine for on-site consumption at a new restaurant, which is a permitted use, in the Commercial Retail Zone. This is a proposed new use and change of ownership from the previous use, which was a bar. The Department of

Alcoholic Beverage Control classifies the on-premises sale of beer and wine in conjunction with a bona fide eating establishment as a Type 41 license.

Environmental Determination

The proposed project is categorically exempt pursuant to Section 15301 (Existing Facilities) of the CEQA guidelines. A project that consists of permitting or licensing involving negligible or no expansion of use may be found to be exempt from the requirements of CEQA. The conditional use permit for beer and wine sales for on-site consumption at a Bona Fide Eating Place will allow the Applicant to apply for a Type 41 beer and wine license. There is no new square footage proposed with this project. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment.

General Plan Designation

The General Plan designation for the subject property is Commercial, which is consistent with the Commercial Retail Zoning. This land use designation applies to the commercial corridors located along Pacific Coast Highway, Lomita Boulevard, Western Avenue, and Narbonne Avenue.

Adjacent Zoning and Land Uses

Direction	Zone and Land Use
North	RVD 2500 (Residential Variable Density) Zone Land use: Residential (Single-Family & Multi-Family Homes)
South	C-R (Commercial Retail) Zone Land use: Retail and service establishments
West	C-R (Commercial Retail) Zone Land use: Food service establishment
East	C-R (Commercial Retail) Zone Land use: Parking lot

ANALYSIS

Development Standards Review

<u>Development Standard</u>	<u>Project</u>	<u>Allowed/Required</u>	<u>Compliance</u>
Zoning	C-R	C-R	Yes
Lot Area	30,800 sq. ft.	10,000 sq. ft.	Yes
Lot Width	219 ft.	100 ft.	Yes
Off-Street Parking	46 parking spaces	54 parking spaces	No*

*Legal Nonconforming

Conditional Use Permit

Staff has reviewed the project in accordance with Section 11-1.70.09 (Conditional Use Permit) and Article 56 (Sale of Alcoholic Beverages) of the Lomita Municipal Code and advises that the project is consistent with the following required findings:

- 1) *The proposed use is allowed within the District with approval of a CUP and complies with all other applicable requirements of the Article;*

Section 11-1.48.04(10) states that restaurants, serving alcoholic beverages are permitted in Commercial Retail Zone with the approval of a Conditional Use Permit. In addition, findings have been made to modify Article 56's distance requirement, which are addressed below.

- 2) *The proposed use is consistent with the General Plan;*

The General Plan land use designation for this area is commercial which provides for retail sales activities and limited service establishments. Offering beer and wine at a restaurant for on-site consumption is a retail sales activity at a service establishment and is consistent with the General Plan.

- 3) *The design, location, size and operating characteristics are compatible with existing and future land uses, building and structures in the vicinity and the proposed use will not jeopardize, adversely affect, endanger or otherwise constitute a menace to the public health, safety or general welfare or be materially detrimental to the property of other persons located in the vicinity.*

The design, location, and operating characteristics of a restaurant serving beer and wine are compatible with the existing and future land uses. All of the adjacent uses along Pacific Coast Highway are zoned for commercial-retail use while the properties located to the rear of the property are zoned multi-family residential.

The parking lot is located in front of the building and is accessed from PCH, therefore all vehicular and pedestrian access will be from the front of the building away from the residential properties to the rear. The restaurant is proposing operating hours from 11 a.m. to 11 p.m., daily. However, preparation and clean-up will likely extend beyond those hours. Considering, the shopping center has one trash area alongside El Burrito Jr., a condition of approval (COA No. 20) has been added that requires bottles and beverage cans to be disposed of no more than 30 minutes past closing.

The site lacks a six-foot-high masonry wall, which the Code requires for commercial properties that adjoin residential properties (LMC Sec. 11-1.48.06 (J)). To properly screen the service aisle behind the building, and to reduce noise impacts associated with the proposed use from the abutting residential properties, a condition of approval (COA No. 21) has been added that requires a six-foot high concrete block wall to replace the existing chain link fence along the northern property line.

With these conditions in place, plus the City's standard conditions of approval incorporated into the resolution, a restaurant serving beer and wine will not constitute a menace or be materially detrimental to properties in the vicinity.

- 4) *The 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 chapter, or as required as a condition in order to integrate the use with the uses in the neighborhood.*

The site is adequate to accommodate the necessary development features to integrate the restaurant into the neighborhood. Traffic from the restaurant will enter and exit from Pacific Coast Highway. After the shopping center was developed, the parking requirements changed. The shopping center possesses fewer parking spaces than today’s standard requires; however, a restaurant is a permitted use in the C-R Zone, and the conditional use permit only pertains to the sale of beer and wine for on-site consumption. Offering beer and wine does not affect the maximum occupancy count or the quantity of seats in the restaurant.

- 5) *The site is served by highways and streets adequate to carry the kind and quantity of traffic such use would generate.*

The project is located on Pacific Coast Highway. Pacific Coast Highway is a six-lane, east-west state highway with a center left-turn lane. This highway can adequately carry the kind and quantity of traffic the proposed use will generate.

Sale of Alcoholic Beverages

Any business selling alcoholic beverages for off-site or on-site consumption shall be located a minimum of 300 feet from schools, parks, public recreation areas and any other use determined to be a sensitive use by the Community and Economic Development Director.

There are three sensitive uses located within 300 feet from the subject property:

Sensitive Land Use	Address
Veteran’s Park	Southwest corner of 257 th Street and Walnut Avenue
Islamic Center of South Bay	25816 Walnut Street
Masonic Temples	25725 Bland Place

Section 11-1-56.03 (D) of the Lomita Municipal Code states that the Planning Commission may modify the distance requirements when granting a conditional use permit if the following additional findings can be made. This section enables the City to scrutinize the impacts of a new alcohol use or modification on existing sensitive uses.

- 1) *The proposed use will not have an adverse impact on public safety. Factors that could be considered to determine impact include but are not limited to Los Angeles County Sheriff Department’s crime statistics for the underlying and surrounding reporting districts, Los Angeles County Sheriff Department’s crime statistics for the underlying and surrounding properties and the types of crime within those same areas.*

The Los Angeles County Sheriff’s Department’s 2019 (01/01-12/31) Crime Statistics for Reporting District (RD) 1714 (the RD in which the subject property is located) cited 256 total incidents. Of the total incidents reported, 55% of the incidents were vehicle/ boating law

violations. This District is a major thoroughfare, which is attracts high levels of commuters daily; incidents reported in this area aren't necessarily related to the businesses.

Also, the previous use was a bar that was open until 2 AM, changing over to a restaurant with shorter operating hours and with a conditional use permit in place, the new restaurant should not have an impact on public safety. As this is a proposal for a new use and change of ownership the provided statistics should not be determinative of whether a new restaurant is appropriate in this location.

On-site consumption of beer and wine at a bona fide eating establishment will not impact public safety because the essence of the business is an eating establishment. The consumption of beer and wine is ancillary and consistent with this type of use and would not have an adverse impact on public safety.

2) *The business will provide beneficial commercial vitality to the area.*

The property is located within a shopping center surrounded by a variety of businesses including other restaurants which have continued to maintain good standing with The City. The opening of the restaurant will increase commercial activity to the shopping center. Also, PCH is an arterial road that connects the South Bay to the 110 Freeway. Sit-down restaurants provide more than food, in some cases they are a meeting point for people coming from different directions. As people often pair a trip with another stop, stores within a close proximity will likely experience some increased business as well.

3) *The use will not be objectionable or detrimental to surrounding properties and the neighborhood.*

A bar operated at this location for many years. The option to consume beer and wine enhances the dining experience and serving beer and wine should not cause any objectionable effects on the surrounding properties. Condition of Approval No. 20, which limits the time that refuse can be removed after closing, and Condition of Approval No. 21, which requires the construction of a six-foot high concrete block wall between the property and residential neighbors, will address any possible objectionable effects of the use.

PUBLIC NOTICE

Notices of this hearing dated April 29th, 2020, were mailed to property owners within 300 feet of the subject property and posted on the Lomita City web page and at Lomita City Hall and Lomita Park.

Recommended by:



Alicia Velasco
Director of Community and Economic
Development

Prepared by:



James Dotson
Planning Intern

Exhibits:

- a. Resolution
- b. Vicinity Map
- c. Zoning Map
- d. General Plan Map
- e. Aerial Photograph
- f. Notice of Exemption
- g. Site, Floor Plans
- h. Menu

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMITA APPROVING CONDITIONAL USE PERMIT NO. 315 TO ALLOW THE SALE OF BEER AND WINE FOR ON-SITE CONSUMPTION AT A NEW 1,429 SQUARE FOOT RESTAURANT LOCATED AT 1853 PACIFIC COAST HIGHWAY IN THE C-R, (COMMERCIAL RETAIL) ZONE. FILED BY MYCA TRAN, 444 E. HUNTINGTON DRIVE, SUITE 208, ARCADIA, CA 91006.

Section 1. Recitals

- A. The Planning Commission of the City of Lomita has considered an application to allow the sale of beer and wine for on-site consumption at a new 1,429 square foot restaurant located at 1853 Pacific Coast Highway in the C-R, (Commercial Retail) Zone. Filed by Myca Tran, 444 E. Huntington Drive, Suite 208, Arcadia, CA 91006. (Applicant).
- B. The subject site is zoned C-R (Commercial Retail) and designated “commercial” by the City’s General Plan. Pursuant to Section 11-1.48.04(10) of Article 48 (C-R, Commercial Retail), restaurants serving alcoholic beverages are permitted in the C-R zone with the approval of a conditional use permit, subject to the requirements of Article 56 (Sale of Alcoholic Beverages).
- C. On May 11, 2020, the Planning Commission held a duly noticed public hearing and accepted public testimony for and against the item.
- D. The proposed project is categorically exempt pursuant to Section 15301 (Existing Facilities) of the CEQA guidelines. A project that consists of permitting or licensing involving negligible or no expansion of use may be found to be exempt from the requirements of CEQA. The conditional use permit for beer and wine sales for on-site consumption at a Bona Fide Eating Place will allow the Applicant to apply for a Type 41 beer and wine license. There is no new square footage proposed with this project. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment.
- E. The Planning Commission finds that Applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of citizens in general and the persons who work, or visit this development in particular.

Section 2. Findings.

Pursuant to Section 11-1.70.09 (Conditional Use Permit) and Article 56 (Sale of Alcoholic Beverages) of the Lomita Municipal Code, the Planning Commission finds, after due study and deliberation that the following circumstances exist:

- 1) *The proposed use is allowed within the District with approval of a CUP and complies with all other applicable requirements of this Article;*

Section 11-1.48.04(10) states that restaurants, serving alcoholic beverages are permitted in Commercial Retail Zone with the approval of a Conditional Use Permit. In addition, findings have been made to modify Article 56's distance requirement, which are addressed below.

2) *The proposed use is consistent with the General Plan;*

The General Plan land use designation for this area is commercial which provides for retail sales activities and limited service establishments. Offering beer and wine at a restaurant for on-site consumption is a retail sales activity at a service establishment and is consistent with the General Plan.

3) *The design, location, size and operating characteristics are compatible with existing and future land uses, building and structures in the vicinity and the proposed use will not jeopardize, adversely affect, endanger or otherwise constitute a menace to the public health, safety or general welfare or be materially detrimental to the property of other persons located in the vicinity;*

The design, location, and operating characteristics of a restaurant serving beer and wine are compatible with the existing and future land uses. All of the adjacent uses along Pacific Coast Highway are zoned for commercial-retail use while the properties located to the rear of the property are zoned multi-family residential.

The parking lot is located in front of the building and is accessed from PCH, therefore all vehicular and pedestrian access will be from the front of the building away from the residential properties to the rear. The restaurant is proposing operating hours from 11 a.m. to 11 p.m., daily. However, preparation and clean-up will likely extend beyond those hours. Considering, the shopping center has one trash area alongside El Burrito Jr., a condition of approval (COA No. 20) has been added that requires bottles and beverage cans to be disposed of no more than 30 minutes past closing.

The site lacks a six-foot-high masonry wall, which the Code requires for commercial properties that adjoin residential properties (LMC Sec. 11-1.48.06 (J)). To properly screen the service aisle behind the building, and to reduce noise impacts associated with the proposed use from the abutting residential properties, a condition of approval (COA No. 21) has been added that requires a six-foot high concrete block wall to replace the existing chain link fence along the northern property line.

With these conditions in place, plus the City's standard conditions of approval incorporated into the resolution, a restaurant serving beer and wine will not constitute a menace or be materially detrimental to properties in the vicinity.

4) *The 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 chapter, or as required as a condition in order to integrate the use with the uses in the neighborhood;*

The site is adequate to accommodate the necessary development features to integrate the restaurant into the neighborhood. Traffic from the restaurant will enter and exit from Pacific Coast Highway.

After the shopping center was developed, the parking requirements changed. The shopping center possesses fewer parking spaces than today's standard requires; however, a restaurant is a permitted use in the C-R Zone, and the conditional use permit only pertains to the sale of beer and wine for on-site consumption. Offering beer and wine does not affect the maximum occupancy count or the quantity of seats in the restaurant.

- 5) *The site is served by highways and streets adequate to carry the kind and quantity of traffic such use would generate.*

The project is located on Pacific Coast Highway. Pacific Coast Highway is a six-lane, east-west state highway with a center left-turn lane. This highway can adequately carry the kind and quantity of traffic the proposed use will generate.

Section 3. Any business selling alcoholic beverages for off-site or on-site consumption shall be located a minimum of 300 feet from schools, parks, public recreation areas and any other use determined to be a sensitive use by the Community Development Director. Section 11-1-56.03 (D) of the Lomita Municipal Code states that the Planning Commission may modify the distance requirements when granting a conditional use permit if the following additional findings can be made:

There are three sensitive uses located within 300 feet from the subject property:

Sensitive Land Use	Address
Veteran's Park	Southwest corner of 257 th Street and Walnut Avenue
Islamic Center of South Bay	25816 Walnut Street
Masonic Temples	25725 Bland Place

Section 11-1-56.03 (D) of the Lomita Municipal Code states that the Planning Commission may modify the distance requirements when granting a conditional use permit if the following additional findings can be made. This section enables the City to scrutinize the impacts of a new alcohol use or modification on existing sensitive uses.

- 1) *The proposed use will not have an adverse impact on public safety. Factors that could be considered to determine impact include but are not limited to Los Angeles County Sheriff Department's crime statistics for the underlying and surrounding reporting districts, Los Angeles County Sheriff Department's crime statistics for the underlying and surrounding properties and the types of crime within those same areas.*

The Los Angeles County Sheriff's Department's 2019 (01/01-12/31) Crime Statistics for Reporting District (RD) 1714 (the RD in which the subject property is located) cited 256 total incidents. Of the total incidents reported, 55% of the incidents were vehicle/ boating law violations. This District is a major thoroughfare, which is attracts high levels of commuters daily; incidents reported in this area aren't necessarily related to the businesses.

Also, the previous use was a bar that was open until 2 AM, changing over to a restaurant with shorter operating hours and with a conditional use permit in place, the new restaurant should not have an impact on public safety. As this is a proposal for a new use and change of ownership the provided statistics should not be determinative of whether a new restaurant is appropriate in this location.

On-site consumption of beer and wine at a bona fide eating establishment will not impact public safety because the essence of the business is an eating establishment. The consumption of beer and wine is ancillary and consistent with this type of use and would not have an adverse impact on public safety.

2) *The business will provide beneficial commercial vitality to the area.*

The property is located within a shopping center surrounded by a variety of businesses including other restaurants which have continued to maintain good standing with The City. The opening of the restaurant will increase commercial activity to the shopping center. Also, PCH is an arterial road that connects the South Bay to the 110 Freeway. Sit-down restaurants provide more than food, in some cases they are a meeting point for people coming from different directions. As people often pair a trip with another stop, stores within a close proximity will likely experience some increased business as well.

3) *The use will not be objectionable or detrimental to surrounding properties and the neighborhood.*

A bar operated at this location for many years. The option to consume beer and wine enhances the dining experience and serving beer and wine should not cause any objectionable effects on the surrounding properties. Condition of Approval No. 20, which limits the time that refuse can be removed after closing, and Condition of Approval No. 21, which requires the construction of a six-foot high concrete block wall between the property and residential neighbors, will address any possible objectionable effects of the use.

Section 4. The Planning Commission of the City of Lomita hereby approves Conditional Use Permit No. 315 subject to the following conditions.

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division and may not be transferred from one property to another.
2. This permit is granted for the plans received April 9, 2020, (“the plans”) on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Community Development Director or a modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structure. For numerical standards, the Community Development Director may approve deviations up to 10% provided that city code requirements are met.
3. Approval of this permit shall expire 24 months from the date of approval by the Planning Commission, unless significant construction or improvements or the use authorized hereby have

commenced. One or more extensions of time for use inauguration may be requested.

4. The Planning Commission may review this approval upon notice of violation by the Code Enforcement Officer.
5. By commencing any activity related to the project or using any structure authorized by this permit, Applicant accepts all of the conditions and obligations imposed by this permit, and waives any challenge to the validity of the conditions and obligations stated therein.
6. Applicant agrees, as a condition of adoption of this resolution, at Applicant's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. Applicant's commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof.
7. Before placing or constructing any signs on the project property, Applicant shall obtain a sign permit from the City. Except as provided in the sign permit, Applicant may not change any signs on the project property.
8. If Applicant, owner or tenant fails to comply with any of the conditions of this permit, the Applicant, owner or tenant shall be subject to a civil fine pursuant to the City Code.
9. This permit shall not be effective for any purpose until a duly authorized representative of the owner of the property has filed with the Department of Community Development, a notarized affidavit accepting all the conditions of this permit. This affidavit, or a copy of this resolution, shall be recorded with the County Recorder and is binding on successors. If the Applicant is a corporation, then an officer of the corporation shall sign the acceptance affidavit.

PLANNING STANDARD CONDITIONS

10. Any application for a minor modification to the project shall be accompanied by three copies of plans reflecting the requested modification, together with applicable processing fees.
11. It is hereby declared to be the intent that if any provision of this permit is held or declared invalid, the permit shall be void and the privileges granted hereunder shall lapse.
12. That, in the event of a disagreement in the interpretation and/or application of these conditions, the issue shall be referred back to the Planning Commission.

PLANNING SPECIAL CONDITIONS

13. No sale, service, or consumption of beer and wine may occur outside the establishment unless a special event permit is approved.

14. The establishment shall be operated as a “bona fide public eating place” as defined by Business and Professions Code section 23038. In the event that food service ceases on the property, this permit for the sale of beer and wine may be modified or revoked pursuant to the Lomita Municipal Code.
15. The hours of operation (*i.e.*, the sale of both food and all beer and wine) shall be limited from 11:00 a.m. to 11:00 p.m., daily. The kitchen shall remain open during all hours of operation.
16. All crimes occurring inside or outside the project property shall be reported to the Lomita Station of the Los Angeles County Sheriff’s Department at the time of the occurrence.
17. No sales to obviously intoxicated patrons shall be allowed.
18. On a daily basis, Applicant shall remove cigarette butts at a distance of 25 feet in both directions from the main customer door and rear service door.
19. The rear door(s) shall be kept closed at all times during the operation of the business except in cases of emergency and to permit deliveries. Said door(s) shall not consist solely of a screen or ventilated security door.
20. Due to the proximity to residential uses, disposing of bottles and beverage cans in the trash receptacle behind the building shall not occur after 11:30 p.m. daily.
21. Consistent with the terms of CUP No. 311 for another tenant space on the subject property, the property owner shall construct a six-foot high concrete block wall along the northerly property line as required under LMC Section 11-1.48.06(j). The wall is reflected on the site plans submitted to the City for this permit and shall be constructed in accordance with the site plan. The wall shall be constructed prior to the restaurant’s final building permit release, certificate of occupancy for the tenant space , and prior to operation under this CUP. The City holds a financial deposit of approximately \$14,000 for the wall construction, which was submitted to the city on January 8, 2019 related to the corresponding condition on Condition 21 for CUP No. 311 for another tenant space on the property. That deposit from the property owner is a condition of this permit as well and will be released by the city upon construction of the wall.

PASSED and ADOPTED by the Planning Commission of the City of Lomita on this 11th day of May, 2020 by the following vote:

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:

Steven Cammarata, Chair

ATTEST:

Alicia Velasco
Community and Economic Development
Director

Within 30 days of the date of this decision for an exception, permit, change of zone, or other approval, or by the person the revocation of whose permit, exception, change of zone, or other approval is under consideration, of notice of the action of, or failure to act by, the Commission, any person dissatisfied with the action of, or the failure to act by, the Commission may file with the City Clerk an appeal from such action upon depositing with said Clerk an amount specified by resolution of the City Council.

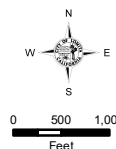
Any action to challenge the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Code of Civil Procedure Section 1094.6.

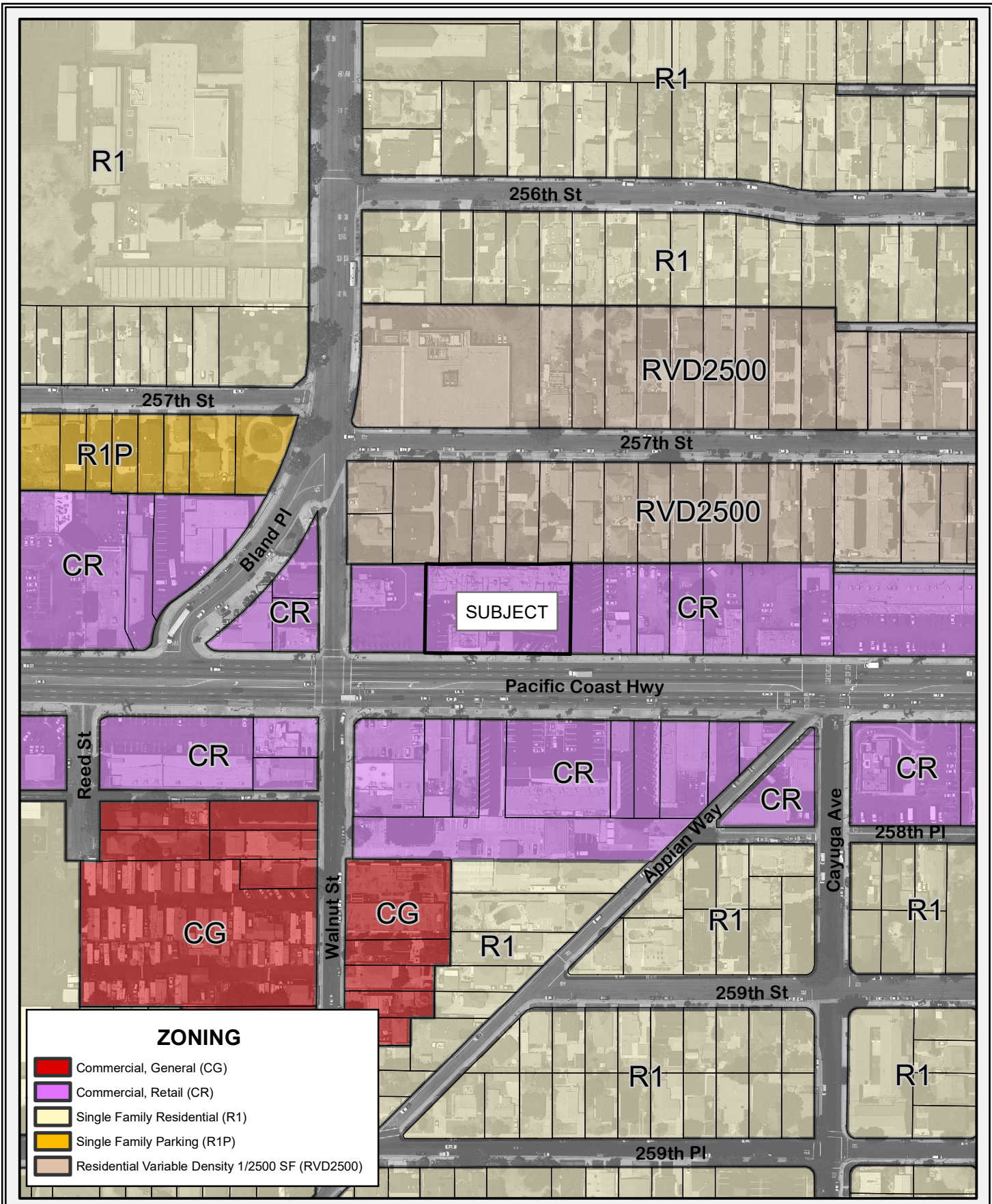


Conditional Use Permit No. 315
1853 Pacific Coast Highway
Exhibit B

Community Development
 April 2020

Source: Lomita GIS Data Layers, TIGER Files
 GIS/Apps/1853PCH_vty.mxd





ZONING

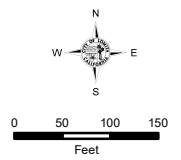
- Commercial, General (CG)
- Commercial, Retail (CR)
- Single Family Residential (R1)
- Single Family Parking (R1P)
- Residential Variable Density 1/2500 SF (RVD2500)

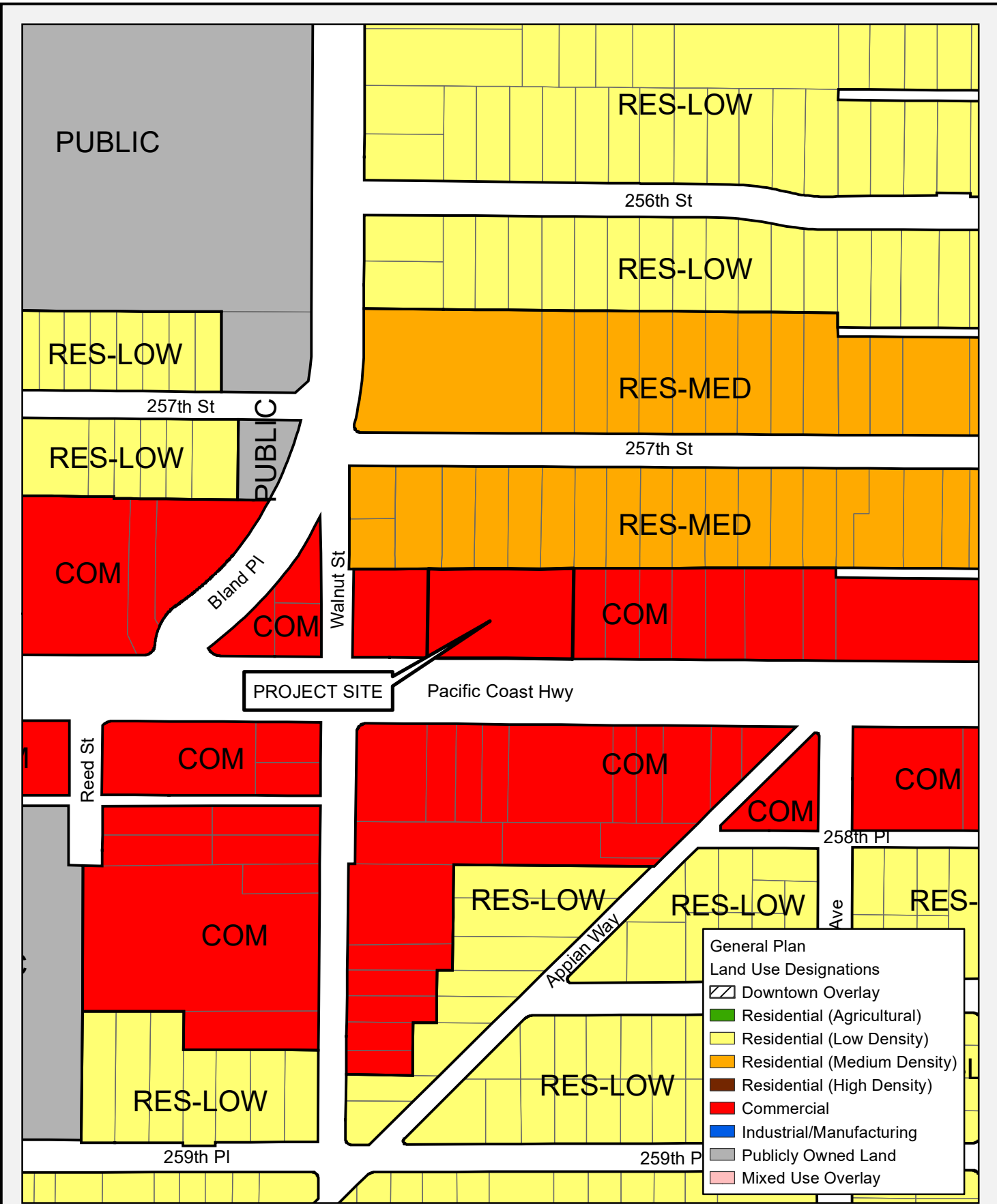


**Conditional Use Permit No. 315
1853 Pacific Coast Highway
Exhibit C**

Community Development
April 2020

Source: Lomita GIS Data Layers
GIS/Apps/1853PCH_zon.mxd









PROJECT SITE

Pacific Coast Hwy

General Plan
Land Use Designations

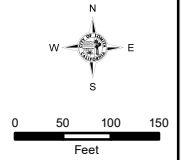
-  Downtown Overlay
-  Residential (Agricultural)
-  Residential (Low Density)
-  Residential (Medium Density)
-  Residential (High Density)
-  Commercial
-  Industrial/Manufacturing
-  Publicly Owned Land
-  Mixed Use Overlay



Conditional Use Permit No. 315
1853 Pacific Coast Highway
Exhibit D

Community Development
 April 2020

Source: Lomita GIS Data Layers
 GIS/Apps/1853PCH_gp.mxd





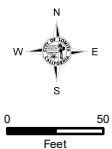
PROJECT SITE



**Conditional Use Permit No. 315
1853 Pacific Coast Highway
Exhibit E**

Community Development
April 2020

Source: Lomita GIS Data Layers
/Apps/1853PCH_aer.mxd





Community Development Department
 Planning Division
 24300 Narbonne Avenue
 Lomita, CA 90717
 310/325-7110
 FAX 310/325-4024

NOTICE OF EXEMPTION

Project Description:

CONDITIONAL USE PERMIT NO. 315 – A request for a conditional use permit to allow the sale of beer and wine for on-site consumption at a new 1,429 square foot restaurant located at 1853 Pacific Coast Highway in the C-R, (Commercial Retail) Zone. Filed by Myca Tran, 444 E. Huntington Drive, Suite 208, Arcadia, CA 91006 (“Applicant”).

Finding:

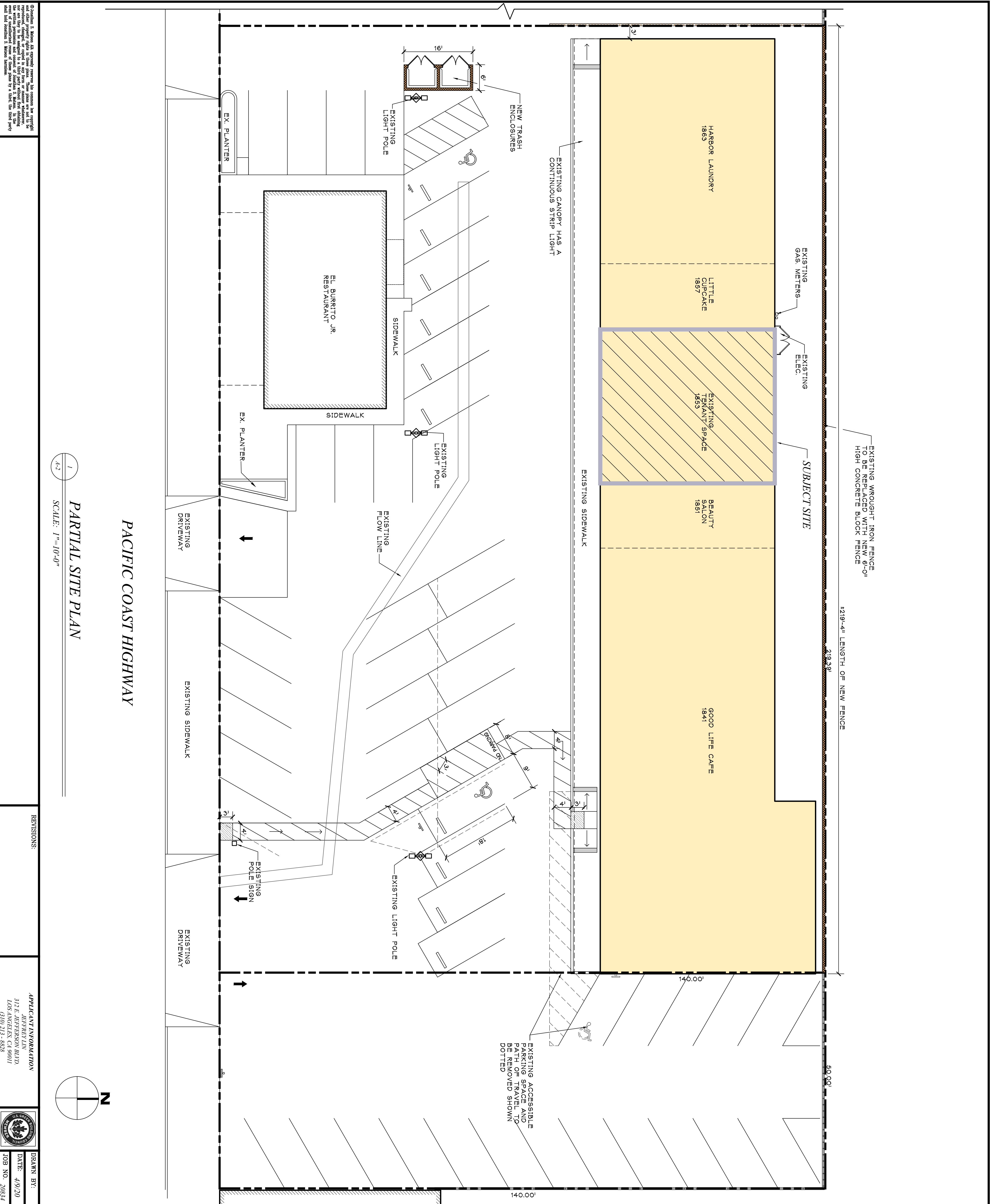
The Planning Division of the Community Development Department of the City of Lomita has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

- Ministerial Project
- Categorical Exemption (CEQA Guidelines, Section 15301, Existing Facilities)
- Statutory Exemption
- Emergency Project
- Quick Disapproval [CEQA Guidelines, Section 15270]
- No Possibility of Significant Effect [CEQA Guidelines, Section 15061(b)(3)]

Supporting Reasons: In accordance with Section 15301 of the California Environmental Quality Act (CEQA) guidelines, projects involving the operation, permitting, licensing or minor alteration of existing public or private structures facilities, involving negligible or no expansion of use beyond that existing at the time of lead agency’s determination may be found to be exempt from the requirements of CEQA. The proposed conditional use permit is for beer and wine sales for on-site consumption at a Bona Fide Eating Place will allow the Applicant to apply for a Type 41 beer and wine license. There is no new square footage proposed with this project. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment.

 (Date)

 Alicia Velasco
 Community and Economic Development
 Director



EXISTING WROUGHT IRON FENCE
 60" HIGH
 4" CONCRETE BLOCK FENCE
 219'-4" LENGTH OF NEW FENCE

219'-4" LENGTH OF NEW FENCE

219'-3"

50'-0"

140'-0"

140'-0"

EXISTING ACCESSIBLE
 PARKING SPACE AND
 SIGN REMOVED SHOWN
 DOTTED

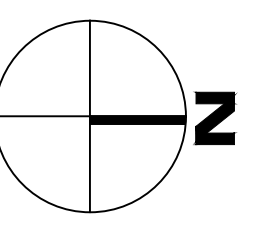
PROJECT DATA

APN: 704-010-040
 SCOPE OF WORK: REPAIR FIRE DAMAGE TO
 EXISTING BAR INTERIOR
 CONSTRUCT ACCESSIBLE TOILET ROOM
 SITE AREA : 30,714 SQ. FT.
 TOTAL BUILDING AREA : 9,136 SQ. FT.
 TOTAL PARKING PROVIDED : 16 SPACES
 TYPE OF CONSTRUCTION: VB
 NON-SPRINKLED
 OCCUPANCY: A-2
 TENANT AREA: 755 SQ. FT.
 DINING AREA: 674 SQ. FT.
 KITCHEN STORAGE AND TOILET ROOMS: 674 SQ. FT.
 TOTAL TENANT SPACE: 1,429 SQ. FT.

SPORTS REFINERY GRILLE
 1853 PACIFIC COAST HIGHWAY
 LOMITA, CA 90717

PARTIAL SITE PLAN

SCALE: 1"=10'-0"



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REVISIONS:

APPLICANT INFORMATION
 312 E. JEFFERSON BLVD.
 LOS ANGELES, CA 90011
 (310) 213-4838



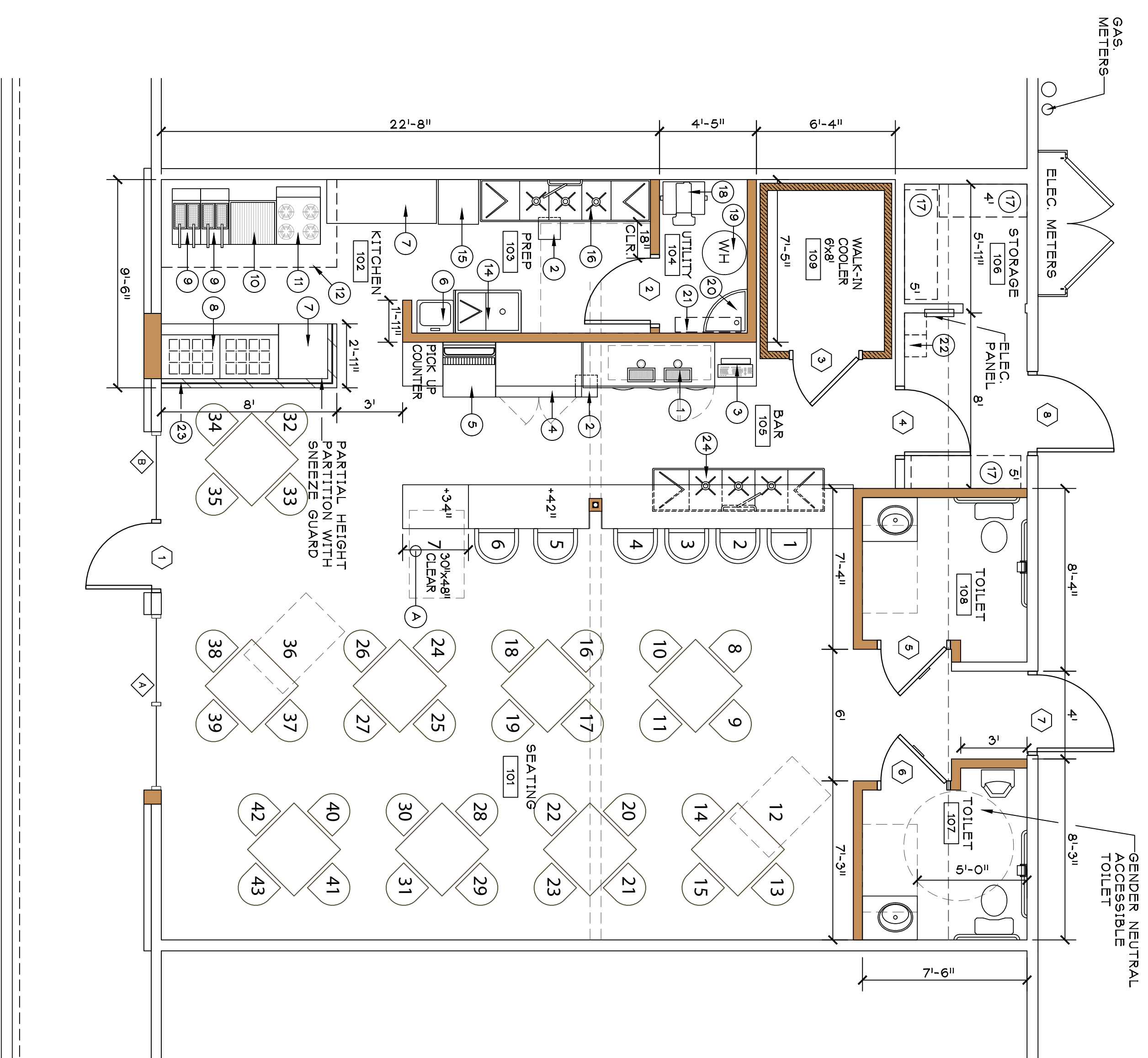
DRAWN BY:
 DATE: 4/9/20
 JOB NO. 20834

DESCRIPTION:
SITE PLAN

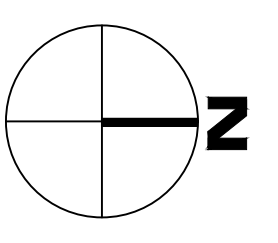
SHEET:
A-1

MATSON ARCHITECTS INC.
 JONATHAN S. MATSON, A.I.A.
 13271 South Street
 Cerritos, California 90703
 (562) 402-9100 Fax (562) 402-6570 E-mail: information@matsonarch.com

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FLOOR PLAN
SCALE: 1/4"=1'-0"



PROJECT DATA

ARN : 7040-010-040
 SITE AREA : 30,714 SQ. FT.
 TOTAL BUILDING AREA : 9,136 SQ. FT.
 TOTAL SEATING PROVIDED : 43 SEATS
 PROJECT AREA :
 DINING AREA : 755 SQ. FT.
 KITCHEN STORAGE AND TOILET ROOMS : 674 SQ. FT.
 TOTAL TENANT SPACE : 1,429 SQ. FT.

PLUMBING FIXTURES REQUIRED

CPC TABLE A	30 SQ. FT.	
GROUP A DINING ROOMS	200 SQ. FT.	
GROUP B KITCHEN:		
SPACE	AREA	OCCUPANT LOAD FACTOR
DINING	755	30
KITCHEN STORAGE	674	200
TOTAL OCCUPANT LOAD:	28	
	15 MEN, 15 WOMEN	
REQUIRED FIXTURES		
WATER CLOSET	URINALS	LAVATORIES
MEN 1	1	1
WOMEN 1	-	1
PROVIDED FIXTURES		
WATER CLOSET	URINALS	LAVATORIES
MEN 1	1	1
WOMEN 1	-	1

- 1 TRUE DRAFT REFRIGERATION #TD872-R15Z1-L-5-555-1 72"W. x 24 1/2"D.P. x 34 3/4"H
- 2 NEW 12"x24" FLOOR SINK
- 3 P.O.S.
- 4 TRUE- UNDER COUNTER REFRIGERATOR 48 3/4"W x 30 1/2"D x 23 3/4"H
- 5 SODA DISPENSER-LANGER #18D 4500-30 50"W x 30 1/2"D x 55 3/8"H
- 6 LAMBERTSON H9-9-D-F STAINLESS STEEL HAND SINK- PROVIDE SINGLE USE HAND SOAP AND TOWEL DISPENSER DIRECT DRAIN TO SEWER PER DETAIL #1/A-7
- 7 STAINLESS STEEL WORK TABLE
- 8 SANDWICH PREP TABLE TRUE #TFP-64-24M-D-2 FOOD PREP TABLE 64 1/2" x 3 1/2" x 45 3/4" 15V. 4.8 AMPS
- 9 IMPERIAL- DEEP FRYER #IFS-40-OP 15 1/2"W x 30 1/2"D. x 45 3/4" 110V. 105,000 BTU
- 10 IMPERIAL- CHARROLLER #IABRISJ-24 24" WIDE x 28 1/2"D. x 20"H 80,000 BTU
- 11 IMPERIAL 24" RANGE #IR-4 24"W. x 31 1/2"D. x 58 1/2"H.
- 12 4'-0"x8'-0" EXHAUST HOOD
- 13 LAMBERTSON- PREP SINK MODEL # QL-18L-F
- 14 ICE MAKER- ICE-O-MATIC #ICE0320 WITH BIN 22.34"W x 24.46"D x 23.18"H
- 15 LAMBERTSON- 3 COMPARTMENT SINK WITH 18"x18"x12" COMPARTMENTS AND INTEGRAL 18"x18" DRAINBOARDS ON BOTH SIDES MODEL #44x23 1/2"x34"H
- 16 METRO- WIRE STORAGE SHELVES 4 TIERS HIGH X 18" DEEP 18 V. 117/3 WATTS
- 17 WATER HEATER- RHEEM 80 GALLONS 130,000 BTU
- 18 MOP SINK WITH BACKFLOW PREVENTER DEVICE OR VACUUM BREAKER AT THE FACET
- 19 MOP RACK AND CHEMICAL SHELF
- 20 EMPLOYEE LOCKERS ON 6" HIGH EASILY CLEANABLE LEGS. LOCKERS SHALL BE A 18" X 24" X 60" EACH EMPLOYEE ON A SHELF SHALL HAVE THEIR OWN LOCKER. SEE DETAIL #5/A-7
- 21 SNEEZE GUARD- 54" MINIMUM ABOVE FINISH FLOOR WITH 12" HORIZONTAL RETURN
- 22 FAÇLE- UNDERBAR THREE COMPARTMENT SINK #BGC-18

23 A 3/8" WIDE SECTION OF THE COUNTER SHALL BE 3/4" MAXIMUM HIGH PER CBC 11B-904.4.1/A-6.2

DESCRIPTION:
FLOOR PLAN

APPLICANT INFORMATION
 DEPARTMENT
 312 E. JEFFERSON BLVD.
 LOS ANGELES CA 90011
 (310) 213-8833



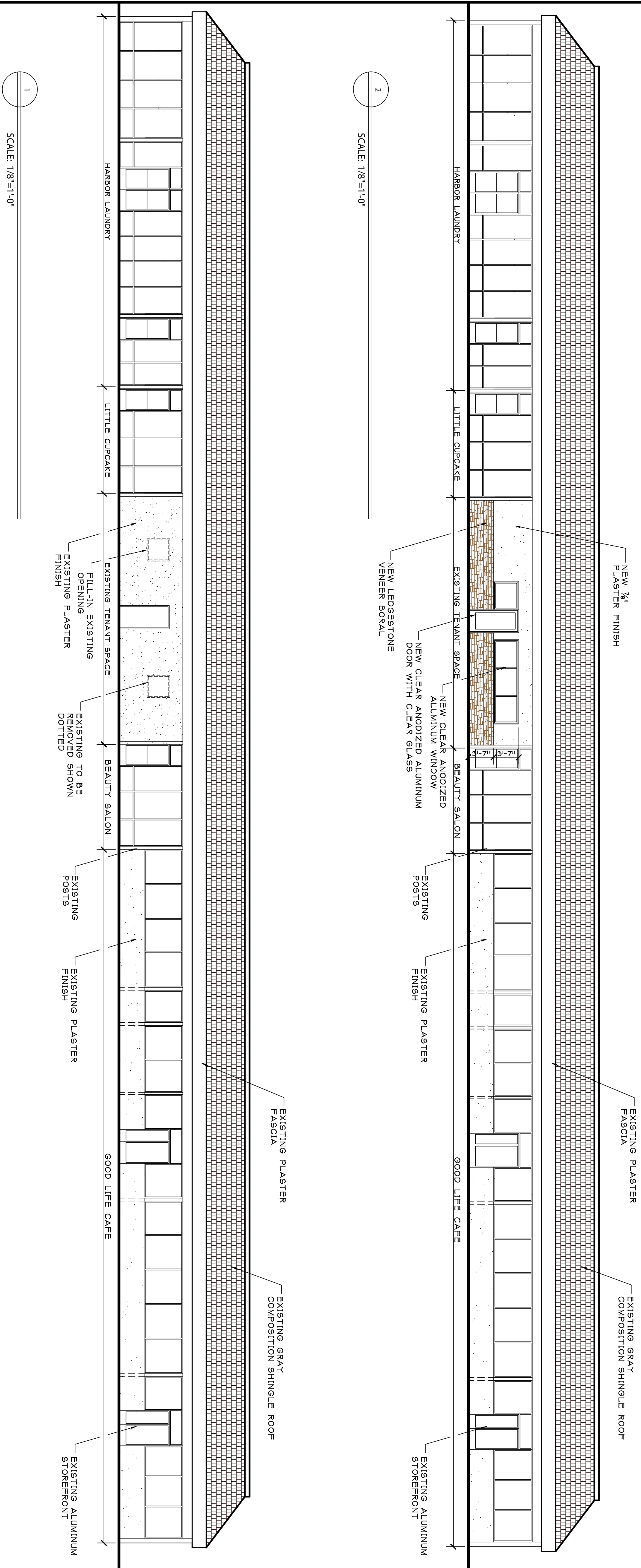
DRAWN BY:
DATE: 4/3/20
JOB NO. 20834

REVISIONS:

PROJECT DATA

APN : 7040-010-040
 SITE AREA : 30,774 SQ. FT.
 TOTAL BUILDING AREA : 9,136 SQ. FT.
 TOTAL TENANT SPACE : 1,429 SQ. FT.
 OCCUPANCY: A-2

SPORTS REFINERY GRILLE
 1853 PACIFIC COAST HIGHWAY
 LOMITA, CA 90717



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REVISIONS:

APPLICATION INFORMATION
 JEFFERSON BLTD
 317 E. JEFFERSON BLVD
 LOS ANGELES CA 90011
 (310) 213-8828



DRAWN BY:
 DATE: 4/1/20
 JOB NO. 20834

DESCRIPTION:

ELEVATION

SHEET:
A-3

MATSON ARCHITECTS INC.
 JONATHAN S. MATSON, A.I.A.
 13271 South Street
 Cerritos, California 90703
 (562) 402-9100 Fax (562) 402-6570 E-mail: information@matsonarch.com

Sports Refinery Grille

Bar Menu

Fresh Chips & Salsa & Avocado

Refinery Grille Wings....6, 9, 12 Fresh wings seasoned with select sauces

Sauces..... Smokey BBQ, Buffalo Crude, Haberno Heat, Garlic Teriyaki, Kerosene WTH

Street Tacos....(Choose Any 3)

Smoked Chicken, Short Rib, Garlic Shrimp, Onions, Cilantro & Petroleum Sauce

Oil Field Nachos

Smoked Chicken, Short Rib, Black Beans, Diced Tomatoes, American & Cheddar Cheese & Pico de Gallo

Smoked Chicken Caesar Salad

Fresh romaine lettuce with smoked chicken, shaved parmesan & Croutons

Custom Fries

Crinkle Cut Fries

Sweet Potato Fries

Dessert

Pizookie

Warm Chocolate Chip Cookie & Vanilla Bean Ice Cream

Sports Refinery Grille

Craft Beer List

1. **Bud Lite** - Light crisp domestic lager, easy drinking. **ABV 5%**
2. **Firestone Walker 805 Honey Blonde** - Mellow, sweet, and refreshing blonde ale. Very approachable, most popular craft blonde ale in Southern California. **ABV 4.7%**
3. **Smog City Little Bo Pilsner** - Lightly hopped very crisp pilsner, doubles as a Mexican lager in flavor. **ABV 4.4%**
4. **Sierra Nevada Hazy Little Thing**- Generously but not over unfiltered NE hazy style IPA, fits the ticket for the newly demanded Hazy Style IPAs. **ABV 6.7%**
5. **El Segundo Mayberry IPA** - Very hop forward West Coast Style IPA, sweet aromatic smell of citrus and berry's make this extremely approachable for the beginner IPA drinker, and solid IBU make it pleasant to the seasoned drinkers. **ABV 7.2%**
6. **New Belgium Voodoo Ranger Imperial IPA** - Big flavor and sweet malts and citrus hops make this a very popular DIPA, accepted by big drinkers and drinkable by those foreign. **ABV 7.0%**
7. **Avery White Rascal** - Smooth Belgian Wit, since Blue Moons explosion these beers come in high demand, and are also acceptable starter beers. **ABV 5.6%**
8. **Franziskaner Hefeweiss** - Most approachable Hefeweizen, classic and traditional, yet full flavored and very smooth. **ABV 5.2%**
9. **Golden Road Red Ale** - Fully malted, crisp, refreshing red. Appealing to your average malted ale drinker, approachable by new drinkers as well. **ABV 5.3%**
10. **Cigar City Maduro Brown Ale** - Complex, sweet, and full bodied Brown Ale, appeals to stout lovers and ale lovers. **ABV 5.5%**
11. **Deschutes Black Butte Porter** - Dark crystal malted Porter, fully flavored with notes of coffee, chocolate, and toffee, yet nothing to overpowering in any one way. **ABV 5.2%**
12. **Ommegang Pale Sour** - Mix of tart, classic pale ale, and unfiltered the most approachable sour. **ABV 6.9%**

Sports Refinery Grill

Wine List

Bogle Chardonnay

Bogle Cabernet Sauvignon

La Marca Prosecco



CITY OF LOMITA PLANNING COMMISSION REPORT

TO: Planning Commission May 11, 2020

FROM: Laura MacMorran, Assistant Planner

SUBJECT: Zone Text Amendment 2020-01 (Special Development Standards: Fences, Walls, Gates, and Screening Devices Height Regulations in Commercial Zones)

PROJECT DESCRIPTION

A zone text amendment to amend Article 68 by adding Lomita Municipal Code Section 1-11.68.02 (Special Development Standards) to reestablish fence, wall, gate and screening device height standards within Commercial Zones. This amendment was initiated by the City of Lomita.

RECOMMENDATION

Staff recommends that the Planning Commission adopt a resolution recommending City Council approval of Zone Text Amendment No. 2020-01.

BACKGROUND

In 1989, the City approved Ordinance No. 454, which regulates fence and wall heights in residential zones. These standards were captured in Section 11-1.68.02. In 1998, the City approved Ordinance No. 591, which added similar standards within the City's commercial zones. These new standards were placed in a new subsection, Section 11-1.68.02(2).

In 2009, the City reorganized numerous sections of the Code. The residential fence and wall regulations were incorporated into Article 30, specifically Section 11-1.30.07. Inadvertently, Section 11-1.68.02 was removed its entirety, and the fence height regulations in commercial zones were eliminated (Ord. No. 724).

Therefore, the Director of Community and Economic Development initiated the present amendment in accordance with Section 11-1.70.05(B).

ANALYSIS OF PROPOSED REVISION

The proposed ordinance restores fence, wall, gate, and screening devices' height standards in all commercial zones. The amendment proposes the same maximum fence and wall heights as was previously in the Code and replicates the existing residential fence and wall height language found in Sec. 11-1.30.07. It is also consistent with the parking facilities' perimeter fence and wall standards found in Sec. 11-1.66.08.

Fence and wall height standards are common in municipal codes. Maximum heights are lower in front yards to ensure unobstructed sightlines, which are a component of pedestrian and motorist safety.

If a fence or other similar perimeter improvement is proposed to be taller than the standards, a “Modification” under Article 70 of this Chapter can be requested. The Planning Commission’s review of the application would consider whether it would create a visual obstruction in addition to the other required findings (Sec. 11-1.68.02(2)(C)).

Zone Text Amendment

With the proposed change, the section titled “Special Development Standards” will read as follows

Sec. 11-1.68.02. Fence, wall, gate, and other screening device height standards in commercial zones.

Except as otherwise permitted in this chapter, the following requirements apply to fences, walls, gates, and other screening devices:

- a. Fences, walls, gates, and other screening devices within the front yard or along the frontage of any property in a commercial zone shall not exceed forty-two (42) inches in height.
- b. Fences, walls, gates, and other screening devices along rear and interior side property lines shall not exceed six (6) feet in height.
- c. Fences, walls, gates, and other screening devices shall be erected to not create visual obstruction of vehicular and pedestrian traffic.
- d. The height shall be measured from the side with the higher finished grade.
- e. Deviations from height requirements may be made subject to "Site Plan Review" and "Modification" approval per Article 70 of this Chapter.

The proposed ordinance is attached hereto as Exhibit “C.”

General Plan

In accordance with Section 11-1.70.05(C)(2), the Commission must make a written recommendation to the Council whether to approve, approve in modified form, or deny the proposed zone amendment and must include reasons for the recommendation and the relationship between of the proposed amendment to the General Plan. The proposed amendment to regulate the height of fences, walls, gates and screening devices in commercial zones is consistent with the General Plan because it implements goals in the Land Use Element. The Land Use Element’s first goal is *to promote an orderly pattern of development in the City*. This amendment applies the identical 42-inch front-yard maximum height standard and six-foot side-yard and-rear-yard maximum height standards to fences, wall, gates, and screen devices in commercial zones that are already applied in residential zones. By creating uniform standards in all zones, an orderly pattern of development will be implemented throughout the City. Land Use Policy No. 10 states that; *the City will “promote the improvement of aesthetic and visual qualities of the City by landscaping and beautifying streets and highways and by implementing development standards for private improvement.”* Fences, walls, gates and screen devices are types of private improvements. The City is promoting a commercial area’s visual qualities by ensuring the fronts of businesses are

observable. The amendment will not impede the City's ability to meet its general plan goals and policies.

Environmental Determination

In accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, adoption of this ordinance is exempt in that it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment. The adoption of the proposed ordinance is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The proposed amendment is limited to establishing front yard fence, wall, gate, and screening devices' maximum height standards in commercial zones, which are a common design feature in urban, built-out areas. These standards were in the code for many years and were inadvertently eliminated. The standards include provisions to make sure fences are built in a safe manner that does not impede line of sight. The Code similarly regulates front yard fences' maximum height in residential zones and no new construction is proposed with this text amendment.

Public Notice

Notices of this hearing dated April 29, 2020 were published in the Daily Breeze Newspaper, and posted at City Hall, the Lomita Library, and at Lomita Park. As of the date this staff report was prepared, staff has not received any correspondence either for or against the proposed project.

Recommended by:

Prepared by:



Alicia Velasco
Community and Economic
Development Director

Laura MacMorran
Assistant Planner

Exhibits:

- A. Resolution
- B. Notice of Exemption

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMITA RECOMMENDING CITY COUNCIL APPROVAL OF ZONE TEXT AMENDMENT 2020-01, AMENDING LOMITA MUNICIPAL CODE ARTICLE 68 BY ADDING SEC. 11-1.68.02 (SPECIAL DEVELOPMENT STANDARDS) TO REESTABLISH FENCE, WALL, GATE, AND SCREENING DEVICE HEIGHT STANDARDS WITHIN COMMERCIAL ZONES. INITIATED BY THE CITY OF LOMITA.

THE PLANNING COMMISSION OF THE CITY OF LOMITA DOES HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

Section 1. Recitals

- A. The Planning Commission of the City of Lomita has considered a request for a Zone Text Amendment to establish fence, wall gate, and screen device height standards within commercial zones. This amendment was initiated by the City of Lomita through the [Choose: [City Council] [Planning Commission] [Director of Community Development] in accordance with Section 11-1.70.05(B).
- B. In accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, adoption of this ordinance is exempt in that it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment. The adoption of the proposed ordinance is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The proposed amendment is limited to establishing front yard fence, wall, gate, and screening devices' maximum height standards in commercial zones, which are a common design feature in urban, built-out areas. These standards were in the code for many years and were inadvertently eliminated. The standards include provisions to make sure fences are built in a safe manner that does not impede line of sight. The Code similarly regulates front yard fences' maximum height in residential zones and no new construction is proposed with this text amendment.
- C. On May 11, 2020, the Planning Commission held a duly noticed public hearing and accepted public testimony and evidence to consider the Zoning Text Amendment, in accordance with Municipal Code sections 11-1.70.04 and 11-1.70.05
- D. After review and consideration of all evidence and testimony presented in connection with this hearing, the Planning Commission recommends that the City Council approve the Zoning Text Amendment to reestablish fence, wall, gate, and screening device height standards within commercial zones.

Section 2. In accordance with Municipal Code section 11-1.70.05, the Planning Commission finds that the proposed Zone Text Amendment, to regulate the height of fences, walls, gates and screening devices in commercial zones is consistent with the General Plan because it

implements goals in the Land Use Element. The Land Use Element's first goal is *to promote an orderly pattern of development in the City*. This amendment applies the identical 42-inch front-yard maximum height standard and six-foot side-yard and-rear-yard maximum height standards to fences, wall, gates, and screen devices in commercial zones that are already applied in residential zones. By creating uniform standards in all zones, an orderly pattern of development will be implemented throughout the City. Land Use Policy No. 10 states that; *the City will "promote the improvement of aesthetic and visual qualities of the City by landscaping and beautifying streets and highways and by implementing development standards for private improvement."* Fences, walls, gates and screen devices are types of private improvements. The City is promoting a commercial area's visual qualities by ensuring the fronts of businesses are observable. The amendment will not impede the City's ability to meet its general plan goals and policies.

Section 3. Based on the foregoing, the Planning Commission of the City of Lomita hereby recommends City Council approve and adopt Ordinance attached hereto as Attachment "A" and incorporated herein by reference.

PASSED and ADOPTED by the Planning Commission of the City of Lomita on this 11th day of May, 2020 by the following vote:

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:

Steve Cammarata, Chair

ATTEST: _____
Alicia Velasco
Community and Economic Development
Director

Any action to challenge the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Code of Civil Procedure Section 1094.6.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMITA AMENDING LOMITA MUNICIPAL CODE ARTICLE 68 BY ADDING SEC. 11-1.68.02 (SPECIAL DEVELOPMENT STANDARDS) TO REESTABLISH FENCE, WALL, GATE, AND SCREENING DEVICE HEIGHT STANDARDS WITHIN COMMERCIAL ZONES.

THE CITY COUNCIL OF THE CITY OF LOMITA HEREBY ORDAINS AS FOLLOWS:

Section 1. Recitals.

- A. On May 11, 2020, the Planning Commission held a duly noticed public hearing on Zone Text Amendment No. 2020-01 and accepted public testimony and evidence, in accordance with Municipal Code sections 11-1.70.04 and 11-1.70.05. After review and consideration of all evidence and testimony presented in connection with the hearing, the Planning Commission recommended that the City Council approve the Zone Text Amendment.
- B. On _____, 2020, the City Council held a duly noticed public hearing on Zone Text Amendment No. 2020-01 and accepted public testimony and evidence, in accordance with Municipal code sections 11-1.70.04 and 11-1.70.05.
- C. The City Council finds that the ordinance is consistent with the General Plan, in accordance with Municipal Code section 11-1.70.05(C)(4). The Zone Text Amendment is consistent with the General Plan because it implements goals in the Land Use Element. The Land Use Element's first goal is *to promote an orderly pattern of development in the City*. This amendment applies the identical 42-inch front-yard maximum height standard and six-foot side-and-rear-yard maximum height standard to fences, wall, gates, and screen devices in commercial zones that are already applied in residential zones. By creating uniform standards in all zones, an orderly pattern of development will be implemented throughout the City. Land Use Policy No. 10 states that; *the City will "promote the improvement of aesthetic and visual qualities of the City by landscaping and beautifying streets and highways and by implementing development standards for private improvement."* Fences, walls, gates and screen devices are types of private improvements. The City is promoting a commercial area's visual qualities by ensuring the fronts of businesses are observable. The amendment will not impede the City's ability to meet its general plan goals and policies.
- D. In accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, adoption of this ordinance is exempt in that it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment. The adoption of the proposed ordinance is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The proposed amendment is limited to establishing front yard fence, wall, gate, and screening devices' maximum height

standards in commercial zones, which are a common design feature in urban, built out areas. These standards were in the code for many years and were inadvertently eliminated. The standards include provisions to make sure fences are built in a safe manner that does not impede line of sight. The Code similarly regulates front yard fences' maximum height in residential zones and no new construction is proposed with this text amendment.

Section 2. Article 68 of Part 6 of Chapter 1 of Title XI of Lomita Municipal Code is amended to add a new Section 11-1.68.02 to read as follows:

Sec. 11-1.68.02. - Fence, wall, gate, and other screening device height standards in commercial zones.

Except as otherwise permitted in this chapter, the following requirements apply to fences, walls, gates, and other screening devices:

- a. Fences, walls, gates, and other screening devices within the front yard or along the frontage of any property in a commercial zone shall not exceed forty-two (42) inches in height.
- b. Fences, walls, gates, and other screening devices along rear and interior side property lines shall not exceed six (6) feet in height.
- c. Fences, walls, gates, and other screening devices shall be erected to not create visual obstruction of vehicular and pedestrian traffic.
- d. The height shall be measured from the side with the higher finished grade.
- e. Deviations from height requirements may be made subject to "Site Plan Review" and "Modification" approval per Article 70 of this Chapter.

Section 3. Effective Date. This ordinance shall take effect thirty (30) days after the date of its passage; and prior to fifteen (15) days after its passage, the City Clerk shall cause a copy of this ordinance to be published in accordance with the provisions of the law. The City Clerk shall certify the adoption of this ordinance.

PASSED, APPROVED AND ADOPTED, this _____ day of _____, 2020.

JAMES GAZELEY, Mayor

ATTEST:

KATHLEEN HILL, CMC, City Clerk



Community Development Department
 Planning Division
 24300 Narbonne Avenue
 Lomita, CA 90717
 310/325-7110
 FAX 310/325-4024

NOTICE OF EXEMPTION

Project Description:

Zone Text Amendment 2020-01 a zoning amendment to the Lomita Municipal Code Sec. -11.68.02 (Special Development Standards) to reestablish fence, wall, gate and screening device height standards within Commercial Zones. Initiated by the City of Lomita.

Finding:

The City Council of the City of Lomita has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

- Ministerial Project
- Categorical Exemption (
- Statutory Exemption
- Emergency Project
- Quick Disapproval [CEQA Guidelines, Section 15270]
- No Possibility of Significant Effect [CEQA Guidelines, Section 15061(b)(3)]

Supporting Reasons:

In accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, adoption of this ordinance is exempt in that it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment. The adoption of the proposed ordinance is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The proposed amendment is limited to establishing front yard fence, wall, gate, and screening devices' maximum height standards in commercial zones, which are a common design feature in urban, built-out areas. These standards were in the code for many years and were inadvertently eliminated. The standards include provisions to make sure fences are built in a safe manner that does not impede line of sight. The Code similarly regulates front yard fences' maximum height in residential zones and no new construction is proposed with this text amendment.

Therefore, City Council has determined that there is no substantial evidence that the project may have a significant effect on the environment.

 (Date)

 Alicia Velasco
 Community and Economic Development
 Director