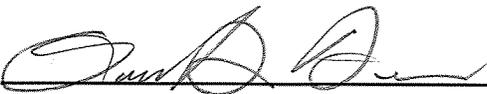


Hearing Officer Transmittal Checklist

Hearing Date
December 20, 2011
Agenda Item No.
8

Project Number: 97108-(5)
Case(s): Conditional Use Permit Case No. 200900137
Planner: Jeff Lemieux

- Factual
- Property Location Map
- Staff Report
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use Radius Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans
- _____
- _____
- _____

Reviewed By: 



Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-4854
PROJECT NO. 97108-(5)
CONDITIONAL USE PERMIT NO. 200900137

PUBLIC HEARING DATE 12/20/2011	AGENDA ITEM
RPC CONSENT DATE	CONTINUE TO

APPLICANT E & T Foods Inc.	OWNER John A. Roesch Trust	REPRESENTATIVE Art Rodriguez & Associates
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PROJECT DESCRIPTION
 The applicant is requesting a Conditional Use Permit to authorize the continued sale of beer and wine for off-site consumption at the existing Baja Ranch Market. A Conditional Use Permit is needed to authorize the sale of alcoholic beverages (beer and wine) for off-site consumption at a market as per 22.28.210 of the Los Angeles County Code.

REQUIRED ENTITLEMENTS
 The applicant is requesting a Conditional Use Permit to authorize the continued sale of beer and wine for off-site consumption at the existing Baja Ranch Market. A Conditional Use Permit is needed to authorize the sale of alcoholic beverages (beer and wine) at a market as per 22.28.210 of the Los Angeles County Code.

LOCATION/ADDRESS
 2515 Fair Oaks Avenue, Altadena 91001

SITE DESCRIPTION
 The site plan depicts the approximately 36,000 sq ft property with an existing super market (Baja Ranch Market) which is approximately 13,100 sq ft in size, 46 standard parking spaces and two (2) handicapped spaces, a T-mobile wireless telecommunications facility, a trash bin, and ingress and egress to the market.

ACCESS Access is taken via Fair Oaks Avenue and Ventura Street	ZONED DISTRICT Altadena
--	-----------------------------------

ASSESSORS PARCEL NUMBER 5835-011-020	COMMUNITY Altadena
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SIZE 0.73 Acres	COMMUNITY STANDARDS DISTRICT Altadena
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	EXISTING LAND USE	EXISTING ZONING
Project Site	Super Market	C-3 (Unlimited Commercial)
North	Lodge	C-3 (Unlimited Commercial)
East	Single-Family Residential	R-1-7500 (Single-Family Residential with 7500 sq ft minimum lot size)
South	Vacant Land	C-3 (Unlimited Commercial)
West	Single-Family Residential	R-1-7500 (Single-Family Residential with 7500 sq ft minimum lot size)

GENERAL PLAN/COMMUNITY PLAN Altadena Community Plan	LAND USE DESIGNATION CB - Commercial/Business	MAXIMUM DENSITY N/A
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ENVIRONMENTAL DETERMINATION
 Class 1 Categorical Exemption-Existing Facilities

RPC LAST MEETING ACTION SUMMARY

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

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

STAFF CONTACT PERSON: Jeff Lemieux		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING):		
SPEAKERS* (O) 0 (F) 0	PETITIONS (O) 0 (F) 0	LETTERS (O) 0 (F) 0

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

STAFF ANALYSIS
PROJECT NO. 97108-(5)
CONDITIONAL USE PERMIT NO. 200900137

PROJECT DESCRIPTION

The applicant, Baja Ranch Market, is requesting approval for a Conditional Use Permit (CUP) to authorize the continued sale of alcoholic beverages (beer and wine) for off-site consumption incidental to the operation of an existing super market in the C-3 (Unlimited Commercial) Zone. The subject market is approximately 13,100 square feet in size and on an approximate 36,000 square foot lot in the unincorporated community of Altadena.

LOCATION

The subject property is located at 2515 Fair Oaks Avenue, Altadena 91001 in the Altadena Zoned District.

SITE PLAN DESCRIPTION

The site plan depicts an approximately 13,100 square foot super market located on an approximate 36,000 square foot property. The subject property is located at the intersection of Fair Oaks Avenue and Ventura Street. The subject property takes access via Fair Oaks Avenue from a 20 foot wide driveway and via Ventura Street from a 20 foot wide driveway. The first page of the floor plan for the market depicts shelving, walk-in coolers for meat and frozen items and drinks, storage, produce cases, deli area, and cashier area. The second page of the floor plan depicts offices, storage areas, bathrooms, lockers and electrical room. The parking for the subject property is provided by 48 parking spaces (46 standard spaces and two handicapped spaces).

REQUIRED ENTITLEMENTS

This grant will authorize the continued sale of alcoholic beverages (beer and wine) for off-site consumption at an existing market located in the C-3 (Unlimited Commercial) zone.

EXISTING ZONING

Subject Property: The subject property is zoned C-3 (Unlimited Commercial Zone).

Surrounding Zoning:

North: C-3 (Unlimited Commercial Zone)
East: R-1-7,500 (Single-Family Residential Zone 7,500 sq. ft. minimum lot size)
South: C-3 (Unlimited Commercial Zone)
West: R-1-7,500 (Single-Family Residential Zone 7,500 sq. ft. minimum lot size)

EXISTING LAND USE

Subject Property: The subject property's existing land use is a super market.

Surrounding Properties:

North: Lodge Hall
East: Single-Family residences
South: Vacant land
West: Single-Family residences

PREVIOUS CASES/ZONING HISTORY

In December 1979, Plot Plan 27410 was approved for a research/office center. The structure was subsequently remodeled to accommodate a grocery market as per the staff analysis for CUP 97108-(5). There is no record of the remodel in the previous case files or in the database. In February of 1999, CUP 97108 was approved for the sale of beer and wine for off-site consumption at the market. In September of 2004, Plot Plan 50151 was approved to allow two (2) container bins (8 x 22 x 7) for the collection of recyclable materials, not to impede any required parking. This use was requested from a prior owner and does not exist anymore. In July of 2006, CUP 200500244 was approved for the construction and maintenance of a T-Mobile wireless telecommunications facility.

STAFF EVALUATION

Community Plan Consistency

The Altadena Community Plan designation for the subject property is "CB – Commercial/Business." The continued operation of an existing market is consistent with the Community Plan. The Altadena Community Plan states that the General Commercial designation is intended to permit a broad range of commercial services, including the traditional concepts of "community", "neighborhood", and "highway-oriented" commercial. Examples of uses include: supermarkets, drug stores, clothing and shoe stores, etc. The project also falls into the Fair Oaks Commercial Corridor. According to the Altadena Plan, commercial uses along Fair Oaks would include both "community" level and "neighborhood" level retail, stores and shops.

Zoning Ordinance and Development Standards Compliance

The subject property is zoned C-3 (Unlimited Commercial). Section 22.28.210 of Title 22 requires that a Conditional Use Permit to authorize the sale of alcoholic beverages. The subject market was authorized to sell alcoholic beverages (beer and wine) pursuant to Conditional Use Permit No. 97108. No modifications to the existing market are proposed.

Neighborhood Impact/Land Use Compatibility

Since the approval of Conditional Use Permit No. 97108 in July of 1997 the neighborhood residents have had the opportunity to purchase beer or wine while shopping at the market.

The sale of beer and wine at this market would be considered a public convenience as it is sold as an amenity to grocery shopping. The shelf space allotted to beer and wine would be limited to 5% of the total shelf space inside the market as there are two other businesses selling alcohol within a 600 foot radius. Town & Country Liquor Market and Johnie's Liquor & Grocery are both within the 500 foot radius of the market and both have an off-site full-service license (Type 21). A shelving plan for the market was submitted and is consistent with the 5% shelving restriction. There are two other establishments that also sell alcohol (full-line) for off-site consumption within a 500 foot radius of the market are as follows: Town & Country Liquor Market and Johnie's Liquor & Grocery. The public convenience or necessity for this existing market selling alcoholic beverages (beer and wine) for off-site consumption outweighs the fact that the proposed use is located within 500 foot radius of other facilities selling alcoholic beverages for on-site and off-site consumption as this is the only super market in the vicinity. The market would be limited to 5% shelf space to display the alcoholic beverages for sale due to the proximity of the other businesses that sell alcohol for either on-site or off-site consumption. The site plan submitted for this permit shows the total shelf space devoted to alcoholic beverages is 4.41%.

There are two (2) places used exclusively for religious worship (St. Paul Christian Church and Hillside Tabernacle Church) located within a 600 foot radius of the market. Additionally, there is one (1) park (Charles White County Park) located within a 600 foot radius of the market. The two churches are adjacent to each other and are buffered by a lodge hall from the market. St. Paul Church is located within the same strip mall as Town & Country Liquor Market. The park is located approximately 250 feet away from the market and is buffered by Ventura Street, an arterial street approximately 55-60 feet wide. No adverse impacts are anticipated for these uses.

The sale of alcoholic beverages (beer and wine) for off-site consumption is incidental to the operation of the existing market and would not adversely affect the economic welfare or safety of the nearby neighborhood if appropriately conditioned. The applicant is proposing to sell alcoholic beverages (beer and wine) between the hours of 6:00 am and 10:00 pm daily. The market has been selling beer and wine since 1997 and its continued operation as conditioned is not likely to negatively impact the nearby community. There have been six (6) Zoning Enforcement cases opened on the property from 1999 through 2009 for various violations including banners, signs and junk and debris. All Zoning Enforcement cases have been closed due to compliance. There were no Zoning Enforcement cases open on the property at the time of this report.

Burden of Proof Statements

The applicant is required to substantiate all facts identified by Sections 22.56.040 and 22.56.195 of the Los Angeles County Code. The two Burden of Proof statements relating to the CUP and Alcoholic Beverage Sales, with the applicant's responses, are

attached (**Attachment A**). Staff is of the opinion that the applicant has met both Burdens of Proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Los Angeles County Sheriff's Report

An e-mail from Lieutenant Sheila Sanchez at the Altadena Sheriff's Station states that there are no alcohol related incidents on record, there have only been several responses due to alarm activity. Based on the review of the data, the Sheriff's Department does not have an objection to the permit. (**Attachment B**).

Alcoholic Beverage Control (ABC)

Staff contacted the Monrovia District Office of the Department of Alcoholic Beverage Control regarding the subject property. The subject property is located within an area where there is an over-concentration of alcoholic beverage licenses and is also in a high crime reporting district according to the ABC report. The report provided by ABC states that three (3) licenses are allowed in the area and four (4) exist, creating an undue concentration of licenses (**Attachment C**). The Department of Alcoholic Beverage Control is required to deny the request unless the applicant can provide a finding by the Governing Body (County of Los Angeles Planning Department) stating that a public convenience or necessity will be served by the issuance of another license in the area.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Section 22.60.174 of the County Code, the Notice of Public Hearing was advertised in the Pasadena Star News and La Opinion, on November 18, 2011. A total of 309 public hearing notices regarding the subject application were mailed out to the property owners located within a 1,000-foot radius of the subject property and local community groups and residents in the Altadena District courtesy list.

Case information materials, including the Notice of Public Hearing, Factual Sheet, Site Plan and environmental documentation were forwarded to the Altadena and La Canada Libraries located at 600 East Mariposa Street, Altadena 91001 and 4545 N. Oakwood Avenue, La Canada 91011 respectively on November 9, 2011. The same materials were also posted on the Department of Regional Planning's website.

Pursuant to Section 22.60.175 of the County Code, the applicant shall post the public hearing notice on the property no less than 30 days prior to the public hearing date. Staff received the Certificate of Posting and photos from the applicant's agent stating that the Notice of Public Hearing was posted on November 18, 2011.

PUBLIC COMMENTS

Staff received one comment from a local resident in opposition to the request. The comment states that the area is lower income and blighted and that there are already

two (2) liquor stores in the vicinity. The comment also states that the market is located near a park which is considered a sensitive use.

FEES/DEPOSITS

If approved as recommended by staff, the following fees will apply:

Zoning Enforcement

- Inspection fees of \$1,600.00 to cover the costs of eight (8) biennial zoning enforcement inspections.

ENVIRONMENTAL DETERMINATION

The Department of Regional Planning has determined that a Categorical Exemption, Class 1 Categorical Exemption- Existing Facilities, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) and the Los Angeles County Environmental Document Reporting Guidelines, since the project is located in an existing commercial building and will not require addition or significant alteration to the structure.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing. Staff recommends **APPROVAL** of Conditional Use Permit No. 200900137, subject to the attached draft conditions.

Prepared by Jeff Lemieux, Principal Regional Planning Assistant
Reviewed by Samuel Dea, Supervising Regional Planner, Special Projects

Attachments:

Draft Findings and Conditions of Approval
Applicant's Burden of Proof statements
Site Photographs
Site Plan
Land Use Map

FINDINGS AND ORDER OF THE HEARING OFFICER COUNTY OF LOS ANGELES

PROJECT NO. 97108-(5)
CONDITIONAL USE PERMIT NO. 200900137

REQUEST

The applicant is requesting approval of a Conditional Use Permit (CUP) to authorize the continued sale of alcoholic beverages (beer and wine) for off-site consumption incidental to the operation of an existing supermarket (Baja Ranch Market) located at 2515 Fair Oaks Avenue in the unincorporated community of Altadena.

HEARING DATE: December 20, 2011

PROCEEDINGS BEFORE THE HEARING OFFICER:

December 20, 2011 Public Hearing

A duly noted public hearing was scheduled before the Hearing Officer on December 20, 2011. Staff made a presentation and the applicant's consultant, XXXX, testified in favor of the project. XXX requested that

There being no further testimony, the Hearing Officer closed the public hearing and approved the request with the findings and conditions as modified.

FINDINGS

1. The subject property is located at 2515 Fair Oaks Avenue, Altadena, CA 91001.
2. The project site is approximately 36,000 square feet in size, improved with a 13,100 square foot supermarket. The subject market is a two-story detached commercial building.
3. The Altadena Community Plan Land Use designation for the subject property is "CB" – "Commercial/Business". The supermarket is consistent with the Plan. An excerpt of the Plan states "The General Commercial designation is intended to permit a broad range of commercial services, including the traditional concepts of "community", "neighborhood", and "highway oriented" commercial. These may include supermarkets, clothing stores and gift shops, shoe stores, drug stores, etc." The project also falls into the Fair Oaks Commercial Corridor of the Altadena Plan. According to the Plan, commercial uses along Fair Oaks would include both "community" level and "neighborhood" level retail, stores and shops. The market serves as a "community" and "neighborhood" store that provides goods and services for the needs of the community.
4. The subject property is zoned C-3 (Unlimited Commercial). The surrounding properties are zoned as follow:
 - North: C-3 (Unlimited Commercial)
 - East: R-1-7,500 (Single-Family Residential with 7,500 sq ft minimum lot size)

South: C-3 (Unlimited Commercial)

West: R-1-7,500 (Single-Family Residential with 7,500 sq ft minimum lot size)

5. The existing land use for the subject property is developed as a market with appurtenant parking. The existing land uses for the surrounding properties are as follows:
 - North: Lodge Hall
 - East: Single-Family Residential
 - South: Vacant Land
 - West: Single-Family Residential
6. 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.
7. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to 15 years.
8. There are three (3) sensitive uses within a 600 foot radius of the property. The closest sensitive use is St. Paul Church which is located approximately 75 feet from the subject property and is buffered by a lodge hall. The church is located in a strip mall which also includes Town & Country Liquor Market which sells a full-line of alcohol for off-site consumption. The second sensitive use is the Hillside Church which is located approximately 160 feet from the subject property and is sufficiently buffered by a lodge hall and a strip mall. The third sensitive use is Charles White Park which is located approximately 250 feet from the subject property and is buffered by Ventura Street which is an arterial street approximately 55-60 feet wide. The proposed use would be compatible with the surrounding neighborhood with appropriate conditions. With the recommended conditions of approval, the supermarket, with the off-site sale of alcoholic beverages (beer and wine), should operate without adversely affecting the health, peace, comfort or welfare of persons residing or working in the area, or endangering or otherwise constituting a menace to the public health, safety or general welfare. Therefore, the requested use at the proposed location is sufficiently buffered in relation to sensitive uses within the immediate vicinity so as not to adversely affect said area.
9. There are two (2) establishments that sell alcoholic beverages for off-site consumption within a 500 foot radius of the subject property. They are as follows: Town & Country Liquor Market (full line off-site) and Johnie's Liquor & Grocery (full line off-site). The public convenience or necessity for the existing market selling alcoholic beverages (beer and wine) for off-site consumption outweighs the fact that the proposed use is located within a 500 foot radius of other facilities selling alcoholic beverages for off-site consumption as this is the only supermarket in the vicinity. However, due to the fact that the market is located within proximity of other businesses that sell alcohol for either on-site or off-site consumption, the conditions

of approval will limit the shelving space to display alcoholic beverages to no more than 5% of the total shelf space of the market.

10. The Department of Regional Planning has determined this project to be Categorically Exempt (Class 1 – Existing Facilities) under the California Environmental Quality Act (CEQA) and the Los Angeles County environmental guidelines.
11. 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 Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use will be consistent with the adopted Community Plan for the area;
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of person residing and working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare;
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22 of the County Code 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. Compatibility with surrounding land uses will be ensured through the implementation of the attached conditions;
- F. Establishment of the sale of alcoholic beverages (beer and wine) at such location is in the interest of public health, safety and general welfare and in conformity with good zoning practice;

- G. 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 similar use within a 600 foot radius;
- H. The requested use in the current location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect the same area;
- I. The requested use will not adversely affect the economic welfare of the nearby community;
- J. The requested use at the proposed location will result in an undue concentration of similar premises but the proposal fulfills a public convenience or necessity for the facility selling alcoholic beverages for off-site consumption and outweighs the fact that it is located within 500 feet of other facilities selling alcoholic beverages for either on-site or off-site consumption; and
- K. The sale of alcoholic beverages (beer and wine) at this location will serve the public convenience or necessity and will not tend to create a law enforcement problem.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a conditional use permit as set forth in Sections 22.56.040 and 22.56.195, Title 22 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION

- 1. The Hearing Officer finds that this project is categorically exempt from the provisions of the California Environmental Quality Act.
- 2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 200900137 is **APPROVED** subject to the attached conditions.

c: Hearing Officer, Zoning Enforcement, Building and Safety

SD:JL:jl

This grant authorizes the sale of alcoholic beverages (beer and wine) for off-site consumption incidental to the operation of an existing market in the C-3 (Unlimited Commercial) Zone. This approval is subject to the following conditions of approval;

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. This grant shall not be effective for any purpose and cannot be used until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 6, and until all required fees have been paid pursuant to Condition No. 9. Notwithstanding the foregoing, this Condition No. 2, and Condition Nos. 3, 4, and 8 shall be effective immediately upon final approval of this grant by the County.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate reasonably in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

5. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
6. Prior to the use of this grant, the property owner or permittee shall **record the terms and conditions** of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
7. This grant is for a term of up to 15 years and will expire on **December 20, 2026**. Upon the expiration of this grant, the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six months prior to the expiration date of this grant, whether or not any modification to the use is requested at that time.
8. This grant shall expire unless used within ninety (90) days from the date of final approval by the County. A single thirty (30) day time extension may be requested in writing and with payment of the applicable fee prior to the expiration date.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Within 30 days of the effective date of this grant, the permittee shall deposit with the County of Los Angeles the sum of \$1,600.00. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the site plan on file. The fund provides for **eight (8)** biennial inspections. Inspections shall be unannounced.
10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
11. All development pursuant to this grant must be kept in full compliance with the County Fire Code.

12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
14. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
15. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings or signage that was not approved by the Department of Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.
16. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
19. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, a revision to the Exhibit "A" shall be submitted to the Department of Regional Planning within sixty (60) days of the date of approval for the Conditional Use Permit. In the event the subsequent revised plans are submitted, the permittee shall submit three (3) copies of the proposed plans to the director for review and approval. All revised plans must be accompanied by written authorization of the property owner.
20. The sale of beer and wine for off-site consumption as an accessory use with the operation of a market, shall be further subject to all of the following restrictions:
 - a. This grant authorizes the sale of alcoholic beverages (beer and wine) only from 6:00 a.m. to 10:00 p.m. daily;
 - b. No alcoholic beverages shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler;
 - c. No sale of alcoholic beverages shall be made from a drive-up window;
 - d. No display or sale of alcoholic beverages shall be made from an ice tub;
 - e. There shall be no beer sold in containers under one quart or in less than six-pack quantities;

- f. No wine shall be sold with an alcoholic content greater than 15% by volume. Wine shall not be sold in bottles or containers smaller than 750 ml and wine coolers shall not be sold in units of less than a four (4) pack;
- g. The shelf space devoted to alcoholic beverages shall be limited to not more than five (5) percent of the total shelf space in the establishment;
- h. The permittee shall display alcoholic beverages (beer and wine) only in the cooler or shelving designated for storage of said beverages as depicted on the "shelf plan" labeled Exhibit "A". No additional display of alcoholic beverages shall be provided elsewhere on the premises;
- i. No malt liquor/beverages or other fortified beer or fortified wine shall be sold on the premises;
- j. There shall be no empty cups, glasses, or small receptacles commonly used for the drinking of beverages, constructed of paper, plastic, Styrofoam or other similar material, sold at the premises in quantities of less than twenty-four (24), excepting individual glass, ceramic and durable plastic glasses, cups and mugs sold in the housewares aisle. Cups used in conjunction with a coffee or soda fountain purchase must be filled with coffee or soda from a soda fountain at the time of purchase;
- k. No ice in quantities of less than five (5) pounds shall be sold or furnished. No ice in any quantity shall be given away free;
- l. No single cigarettes shall be sold;
- m. The consumption of alcoholic beverages shall be prohibited on the subject property. The permittee shall post signage on the premises prohibiting consumption of alcoholic beverages on the premises;
- n. The permittee shall be responsible for maintaining, free of litter, the area adjacent to the premises over which he/she has control;
- o. The licensed premises shall have no coin-operated amusement devices such as pool tables, juke boxes, video games, small carousel rides or similar riding machines at any time, with the exception of official State Lottery machines;
- p. The premises shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or other similar structures;

- q. The parking area of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking area;
- r. Lighting in the parking area of the premises shall be shielded and directed downward in such a manner as to prevent direct illumination and glare to neighboring properties;
- s. The permittee or designated employee shall regularly inspect the area under his/her control in an effort to prevent loitering of persons about the premises as per ABC-253 dated December 3, 1999;
- t. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced;
- u. The permittee shall post a current contact name, address, and phone number with the Department of Regional Planning at all times in the window near the exit of the market;
- v. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage agent. The manager and all employees of the facility shall be knowledgeable of the condition herein;
- w. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary;
- x. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request and;
- y. The permittee shall post or otherwise provide the telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public.



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



CONDITIONAL USE PERMIT BURDEN OF PROOF

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

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

- A. That the requested use at the location will not:
1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

See attached responses.

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

- 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.

CONDITIONAL USE PERMIT CASE – BURDEN OF PROOF

APPLICANT: E&T Foods, Inc.

PROJECT LOCATION: 2515 Fair Oaks Dr., Altadena, CA 91101

Request: Applicant is requesting a Conditional Use Permit to allow the continued sale of alcoholic beverages (beer & wine) for off-site consumption in conjunction with the operation of a 13,100 sq. ft. Baja Ranch Market grocery store.

The Burden of Proof will address the following questions:

A. That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area

Baja Ranch Market understands the unique responsibilities of operating a retail store where alcoholic beverages are sold and maintains an excellent record of compliance with the ABC. Patrons who purchase beer and wine will be monitored by the store's staff. No alcohol will be sold or served to anyone under the legal drinking age. Furthermore, Baja Ranch Market has operated out of this location for quite some time and has never received a violation from the Department of Alcoholic Beverage Control.

2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the state

As this is a CUP renewal, there will be no interruption of services or any traffic generated by the proposed use that will impose an undue burden upon the streets and highways. The market will generate traffic within the capacity of adjacent streets and not interfere with their efficient use. The approval of the conditional use will allow neighborhood residents the opportunity to purchase alcoholic beverages at the same time they shop for their groceries. Baja Ranch Market will operate accordingly and will adhere to the County General Plan.

3. Jeopardize, endanger or otherwise continue a menace to the public health, safety, or general welfare

The proposed use will not jeopardize, endanger, or constitute a problem in regards to public health. As mentioned earlier, this application is for a renewal to an existing CUP. The sale of beer and wine for off-site consumption is an accepted usage within a grocery store as it provides for one-stop shopping, particularly within a store like Baja Ranch Market.

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

As this application is simply a CUP renewal that will not require any structural changes to the market, there is no question that the existing site is adequate in size and shape to accommodate yards, walls, fences and parking spaces that are already in place. The location of the store is appropriate given other commercial uses along Fair Oaks Ave., and the site has been developed according to Los Angeles County code conditions.

C. That the proposed site is adequately served:

1. By highways or streets sufficient width, and improved as necessary to carry the kind and quantity of traffic such would generate

Fair Oaks Ave. and Ventura St. are both sufficient thoroughfares for vehicle access that has access to commercial properties on the north and retail surrounding. Fair Oaks Ave., in particular, will be the route primarily used to access various areas within the community as well as access freeways and neighboring cities/communities. In addition, the fact that there are two entrances to the parking lot from both Fair Oaks Ave. and Ventura St. show that there are ample points of ingress and egress when visiting the store; traffic congestion is not affected by the existence of the store. Loading dock access for trucks and other vehicles is through an alley accessible from Ventura St.; traffic on Fair Oaks Ave. is not impeded by these trucks or other vehicles.

2. By other public or private facilities as are required

Public and Private facilities already exist, including all utility and sewer services. These utilities have clear access to the market. Additionally, a cellular phone tower exists in front of the store – there is ample access to this tower by way of the alley that serves trucks and other vehicles.



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.195, the applicant shall substantiate the following:
(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

ABC License Type No(s): 20 (e.g. Type 20, Type 41)

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.

See Attached Responses.

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.

ALCOHOLIC BEVERAGE SALES – BURDEN OF PROOF

APPLICANT: E&T Foods, Inc.

PROJECT LOCATION: 2515 Fair Oaks Dr., Altadena, CA 91101

Request: Applicant is requesting a Conditional Use Permit to allow the continued sale of alcoholic beverages (beer & wine) for off-site consumption in conjunction with the operation of a 13,100 sq. ft. Baja Ranch Market grocery store.

The Burden of Proof will address the following questions:

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:

Although there are three sensitive uses nearby (St. Paul Christian Church, Hillside Tabernacle Church, and Charles White Park), Baja Ranch Market will continue to operate with sensitivity and in a conscientious manner to any possible detriment. Employees at Baja Ranch Market will most definitely refuse the sale of alcoholic beverages to those that appear to be intoxicated and/or are minors. Baja Ranch Market is a well-established and respected store in the community – employees act in full cooperation of the law and in full adherence regarding sales of alcoholic beverages. Selling beer and wine at this location provides a safe and responsible location for alcoholic beverage in a location that has visibility to a large portion of the community.

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

Although the location of the store has adjacent residential uses to the east of the property, there is a 6 foot high metal fence and an alley way that serves as a buffer. Baja Ranch Market operates harmoniously with the community and is not detrimental to the general welfare. Baja Ranch market operates in a way that all customers and neighbors are treated with the utmost respect, and the store is responsive to any possible complaints that may arise.

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

The existing use will not result in an undue concentration of alcohol licenses, as Baja Ranch Market is simply renewing a Conditional Use Permit and not bringing any new licenses into the area. There are two other off-sale licenses in the area, but none are within a full-service market such as Baja Ranch Market. As indicated by the attached shelf plan for the store, beer and wine sales constitute 4.41% of the store's shelf space, falling well under the 5% threshold set by Los Angeles County Zoning Code.

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

Baja Ranch Market provides a full-service grocery store for the community, a vital amenity that generates valuable sales tax revenue for the community. There are no other similar grocery stores in the immediate area, particularly those that cater to the community's various ethnic groups in the manner of Baja Ranch Market. The off-site sale of beer and wine at the store provides customers a convenient, one-stop shopping experience. The presence of the store and its sale of beer and wine only enhance the economic welfare of the entire 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.

As this application calls for a Conditional Use Permit renewal for alcoholic beverage sales, there will be no alterations made to the exterior of the store that would impact the character or consistency of appearance in the neighborhood. As it currently stands, the store fits in with the character of both existing residential neighborhoods as well as other commercial establishments along Fair Oaks Ave.

LOS ANGELES COUNTY LETTERGRAM

TO	Sam Dea	FROM	Jeff Lemieux
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Subject: Environmental Determination for CUP 200900137 **Date:** November 9, 2011

PROJECT DESCRIPTION: The proposed project is a request to continue the sale of beer and wine for off-site consumption at an existing supermarket in the C-3 (Unlimited Commercial) zone.

As such, this project qualifies for Class 1 Categorical Exemption –Existing Facilities- that consists of the operation, repair, maintenance or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing.

The staff of the Special Projects Section has reviewed the above-mentioned project to determine the appropriate environmental document. It is our opinion that the project qualifies for a Categorical Exemption since it meets the criteria set forth in Class 1 of the State EIR Guidelines (Article 19, Categorical Exemptions) and Class 1 of the County Guidelines (Appendix G, Categorically Exempt Projects).

If you have any questions regarding the above determination or environmental document preparation, please contact Jeff Lemieux of the Special Projects Section at (213) 974-4854.

NOTICE TO LEAD SECTION: A NOTICE OF EXEMPTION MAY BE FILED WITH THE COUNTY CLERK UPON APPROVAL OF THIS PROJECT.

COMMENTS: _____

2515 Fair Oaks - Baja Ranch Market

Printed On: Oct 31, 2011



- Legend**
- Parcel Boundary
 - Water Street
 - Highway
 - Freeway
 - Master Plan of Highways
 - Expressway - (E)
 - Expressway - (C)
 - State Highway - (S)
 - State Highway - (H)
 - State Highway - (M)
 - State Highway - (R)
 - State Highway - (D)
 - State Highway - (L)
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 - State Highway - (V)
 - State Highway - (W)
 - State Highway - (X)
 - State Highway - (Y)
 - State Highway - (Z)
 - Major Highway - (M)
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 - Major Highway - (W)
 - Major Highway - (X)
 - Major Highway - (Y)
 - Major Highway - (Z)

Legend

- 1 - Low Density Residential
- 2 - Medium Density Residential
- 3 - Medium Density Residential (12 to 22 units)
- 4 - Medium Density Residential (23 or more units)
- 5 - Major Commercial
- 6 - Major Industrial
- 7 - Public and Semi-Public Facilities
- 8 - Rural Communities
- 9 - Recreation
- 10 - Transportation Center
- Inland Waterbody
- Perennial
- Intermittent
- Dry

Legend

- Fire Station
- Police Station
- Ranger Station
- Sheriff Station

Legend

- Assessor Map Book (AMB) Boy
- Zoning Index Map Grid
- Zoning Map Grid
- The Thomas Guide Grid
- TP Internal Page Grid
- Very High Fire Hazard Severity
- Community Standards District (CSD)
- CSD Area Specific Boundary
- ESMA (Case Only)
- Seismic Hazard Area
- Section Line
- Township and Range
- Essexian District (EGD)
- Transit Oriented District (TOD)
- Seaback District (SD)
- Supersubdivided District Boundary
- Safety Related Stations (From TB)

Note: This is a static legend, which includes only a portion of legends. If you are viewing this map online, please use "Display Map Legend" on the top left side of screen.

