



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Vanessa Delgado
228 South Beverly Drive
Beverly Hills, CA 90212

**Regarding: Project Number R2005-01514-(1)
Conditional Use Permit 201000057
7600 South Alameda Street, Walnut Park, CA 90255**

Dear Applicant:

Hearing Officer Patricia Hachiya, by her action of August 3, 2010, **APPROVED** the above described Conditional Use Permit. The attached documents contain the Hearing Officer's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 3 requires that the permittee file an affidavit accepting the conditions before the grants becomes effective.

The applicant or and other interested person may appeal the Hearing Officer's decision to the Regional Planning Commission at the office of the commission secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the commission secretary for the appeal procedures and fee at (213) 974-6409. **The appeal period for this project will end at 5:00 p.m. on August 17, 2010.** Any appeal must be delivered in person to the commission secretary by this time. If no appeal is filed during the specified period, the Hearing Officer's action is final.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

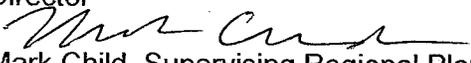
For further information on appeal procedures or any other matter pertaining to these approvals, please contact Diane Aranda in the Zoning Permits Section II at (213) 974-6435.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING

Richard J. Bruckner

Director


Mark Child, Supervising Regional Planner
Zoning Permits I Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)
c: Zoning Enforcement, ABC

MC:DA

1. This grant authorizes the sales of beer and wine for off-site consumption at a new grocery market located in the M-1 (Light Manufacturing) Zone within the Walnut Park Zoned District. The use of the subject property as depicted on the approved Exhibit "A" is subject to all of the following conditions:
 2. 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.
 3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the 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. 8, and until all required monies have been paid pursuant to Condition No.16. Notwithstanding the foregoing, this condition No. 3, and Condition Nos. 4, 5, and 6 shall be effective immediately upon final approval of this grant by the County.
 4. 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 notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
 5. 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 in accordance with Los Angeles County Code Section 2.170.010.
6. This grant will expire unless used within two years from the date of approval. A single one-year time extension may be requested in writing with the appropriate fee before the expiration date.

7. 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.
8. 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 subject property during the term of this grant, the property owner shall promptly provide a copy of the grant and its terms and conditions to the transferee or lessee of the subject property.
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.
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 requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
12. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
13. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the use subject to this grant or that do not provide pertinent information about the premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization. In the event such extraneous markings occur, 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.
14. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director for review and approval four (4) copies of the revised site plan depicting the correct square footage of the project size and the required parking standards in compliance with Section 22.52.1100 of the County Code parking requirements for commercial zones. The property shall be developed and maintained in substantial conformance with the approved revised Exhibit "A". All revised plot plans must be accompanied by the written authorization of the property owner.

15. **This grant will terminate on August 3, 2025.**
Entitlement to use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.
16. 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 in violation of any such law, statute, ordinance, or other regulation shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$1,600.00**. The 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 conformance with the approved site plan on file. The fund provides for **8 biennial (one every other year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment. The current recovery cost is \$200.00 per inspection.

17. The sale of beer and wine for off-site consumption at the grocery market is subject to the following conditions:
- a. 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 Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein;
 - b. Loitering shall be prohibited on 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;
 - c. The permittee, and all managers and designated employees of the establishment, who are directly in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program, or other program, provided by the State of California Department of Alcoholic Beverage Control. This training shall be on-going, and 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 such as the lobby, 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;

- d. The permittee shall not advertise the sale of alcoholic beverages on the exterior walls or windows of the subject building on the subject property;
- e. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced;
- f. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public;
- g. Any conditions on hours of alcohol sale should be consistent with store operating hours. Alcohol sales shall be prohibited between 2 a.m. to 6 a.m. seven days a week, consistent with California state law;
- h. 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. Employees shall be instructed to enforce such restrictions and to call local law enforcement as necessary;
- i. No sale of alcoholic beverages shall be made from a drive-in window;
- j. No display of alcoholic beverages shall be made from an ice tub;
- k. Payphones shall be prohibited on the premises;
- l. The permittee shall display alcoholic beverages only in the cooler or shelving designated for storage of said beverages as depicted on the Exhibit 'A'. No additional display of alcoholic beverages shall be provided elsewhere on the premises;
- m. The shelf space devoted to alcoholic beverages shall not exceed 5 percent of the total shelf space of the grocery store;
- n. The licensed premises shall have no coin operated amusements, such as pool tables, juke boxes, video games, small carousel rides or similar riding machines, with the exception of official State Lottery machines;

- o. There shall be no wine, with the exception of wine coolers, sold in containers of less than 750 milliliters. No miniatures of any type may be sold. Wine coolers shall not be sold in less than four-pack quantities;
- p. No malt liquors and/or malt based products with alcoholic content greater than five percent by volume shall be sold;
- q. The sale of fortified wines shall be prohibited;
- r. A minimum of 46 on-site parking spaces shall be provided and continuously maintained as shown on the approved revised Exhibit "A", including two spaces accessible to persons with disabilities;
- s. The permittee shall provide adequate lighting above all entrances and exits to the grocery market premises. The lighting shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons entering or exiting the premises during operating hours and shall be designed so as to direct light and glare only onto the facility premises.
- t. At least one security guard shall be on duty from 8 pm to closing during the summer months and from 6 pm to closing during the winter months; and
- u. The placement of portable signs on sidewalks adjacent to the premise and temporary signs on walls and poles is prohibited.
- v. All proposed signs for the subject grocery market shall be processed with a Revised Exhibit "A" and shall meet all of the County sign requirements in Commercial and Industrial Zones

HEARING OFFICER'S FINDINGS AND ORDER:

PROJECT NUMBER R2005-01514-(1)

CONDITIONAL USE PERMIT 201000057

HEARING DATE: August 3, 2010

SYNOPSIS:

The applicant is requesting a Conditional Use Permit (CUP) to authorize the sale of beer and wine for off-site consumption at a new grocery store located within an existing 11,507 square foot commercial building in a previously approved commercial center at 7600 South Alameda Street in the M-1 (Light Manufacturing) Zone within the community of Florence-Firestone. The grocery store will be in operation from 8 a.m. to 10 p.m., seven days a week, with a maximum of eight employees per shift.

PROCEEDINGS BEFORE THE HEARING OFFICER

A duly noticed public hearing was held on August 3, 2010 before the Hearing Officer. The applicant, Walter Cathey and the applicant's representative, Vanessa Delgado, testified in favor of the proposed project.

The Hearing Officer asked staff to modify a condition regarding lighting to make easily discernable the appearance and conduct of all persons entering or exiting the premises during operating hours and to add a condition stating that any new proposed signs will require Regional Planning approval. There being no further testimony, the Hearing Officer closed the public hearing, indicated her intent to approve project R2005-01514-(1) with conditions.

Findings

1. The applicant is requesting a Conditional Use Permit (CUP) to authorize the sale of beer and wine for off-site consumption at a new grocery store located within an existing 11,507 square foot commercial building in a previously approved commercial center at 7600 South Alameda Street in the M-1 (Light Manufacturing) Zone within the community of Florence-Firestone. The grocery store will be in operation from 8 a.m. to 10 p.m., seven days a week, with a maximum of eight employees per shift. The applicant is required to provide 1,062 of the required 1,180 parking spaces. The proposed grocery store is required to provide 46 parking spaces and the La Alameda Shopping Center provides 1062 parking spaces. Access to the shopping center is from Alameda Street via bridges over the Alameda Rail Corridor to the west (at two locations), from Florence Avenue to the north, and also at the rear of the shopping center from Roseberry Avenue. No new construction is proposed.
2. The project is located at 7600 South Alameda Street, between Alameda Street and Roseberry Avenue. The site is within the community of Walnut Park Zoned District of unincorporated Los Angeles County.
3. Zoning on the subject property is M-1 (Light Manufacturing) in the unincorporated portion of Los Angeles County.
4. Surrounding zoning consists of:

North: City of Huntington Park, C-3 (Unlimited Commercial)
South: M-1 (Light Manufacturing)
East: R-2 (Two-Family Residence)

West: M-2 (Heavy Manufacturing), M-3 (Unclassified)

5. The subject property is developed as a commercial building.
6. Surrounding land uses within a 500 foot radius consist of:
North: Commercial, retail
South: Commercial, retail
East: Single family residence
West: Manufacturing, storage yards
7. The subject property is within the Major Industrial land use category on the Countywide General Plan land use policy map. Areas depicted within the Major Industrial category are generally appropriate for manufacturing of all types, warehousing and storage, and product research and development. Though the Plan recognizes the need to preserve existing industrial land for future industrial growth, the Plan also recognizes that some areas identified as Major Industrial may not be suitable for present or future industrial use due to conflicts with existing and emerging land use patterns, the presence of site specific physical characteristics posing severe constraints for industrial development; or the proposed use demonstrates a desirable compatible and well integrated pattern of employment opportunities and thereby furthers General Plan objectives.
8. The area surrounding the subject property includes mixed commercial, industrial and residential uses. The grocery store helps provide local services for residences in the immediate area. The CUP request for the sales of beer and wine for off-site consumption at a new grocery store satisfies the goals of the Countywide General Plan and is consistent with the other commercial uses within the area, and can be found compatible with this land use classification.
9. The project site is located within the Roseberry Park area of Florence-Firestone Community Standards District (CSD). The intent of the Florence Firestone CSD is established to improve the appearance of the community and to promote the maintenance of structures and surrounding properties. The CSD also establishes standards to improve the compatibility between residential uses and neighboring industrial uses. The applicant meets the development standards.
10. There are no sensitive uses within 500 or 600 feet of the subject property. The California Department of Alcoholic Beverage Control data indicates that the subject property is located in a census tract where crime is higher than the countywide average and it is in an area of over concentration.
11. Previous case history consists of the following:
 - CUP 88206: (2100 E. Florence Avenue) Metal salvage and processing yard. Grant approved was on October 6, 1988.
 - PK 99109: (2118 E. Florence Avenue) Reduced parking for wholesale poultry processing facility. Grant was approved on October 25, 2000.
 - RCOC200500386: Certificate of compliance. Grant was approved on October 21, 2005.

- RPP200500604: Concurrent plot plan application for the development of the La Alameda shopping center. Grant approved on June 13, 2006.
 - VAR200500007: Variance to allow signage exceeding Florence Firestone CSD limitations. The Variance was approved on April 12, 2006 for a comprehensive sign program for the shopping center.
 - RPKP200500019: A Parking Permit to allow a ten percent reduction in the number of automobile parking spaces required. Applicant was required to provide 1,062 of the required 1,180 parking spaces. Grant was approved on April 12, 2006.
 - CUP 200500205: A Conditional Use Permit for a Chuck E Cheese restaurant and family entertainment facility with coin-operated games/rides and the sales of beer and wine for on-site consumption. Grant was approved on April 12, 2006.
 - CUP 200500206: A Conditional Use Permit to allow the sale of a full line of alcoholic beverages for off-site consumption for a Sav-On drugstore. Grant was approved on April 12, 2006.
 - CUP 200800051: A Conditional Use Permit to allow the operation of a 4,218 sq. ft. family style restaurant with a full line of alcohol and live entertainment. Grant was approved on July 16, 2008.
 - CUP 200700106: A Conditional Use Permit to authorize the sale of a full line of alcohol for on-site consumption at a restaurant (Wing Stop). Grant was approved on September 24, 2008.
12. A Conditional Use Permit is required in this zone, and all zones, to permit the sale of alcoholic beverages.
 13. The grocery market requires the provision of 46 parking spaces and 1,062 shared parking spaces are provided. Parking Permit number 200500019, approved April 12, 2006, for the *La Alameda* regional commercial center consists of 223,083 square feet of retail and restaurant space and 18,000 square feet of office space. 1,062 parking spaces are to be provided; 711 standard spaces, of which 37 are handicap accessible and 351 compact stalls.
 14. There are no signs proposed at this time.
 15. RPP200500604 for the development of the La Alameda shopping center established the grocery market and current landscaping requirement. The site plan complies with the requirements.
 16. The Hearing Officer finds that the applicant's request will not have a negative impact on the surrounding area. The request is to authorize the sales of beer and wine for off-site consumption at new grocery market. This use shall be consistent and compatible with the businesses within the community.
 17. The site plan depicts an 11,507 square foot grocery store with 56 parking spaces provided. Access to the shopping center is from Alameda Street via bridges over the Alameda Rail Corridor to the west (at two locations), from Florence Avenue to the north, and also at the rear of the shopping center from Roseberry Avenue.

18. The Department of Regional Planning staff has determined that the project qualifies for a Categorical Exemption under Class 1, Existing Facilities, of the CEQA reporting requirements.
19. The California Department of Alcoholic Beverage Control data indicates that the subject property is located in a census tract in an area of over concentration of alcohol sales. Census tract 4631.02 allows for ten alcohol licenses and five currently exist.
20. The subject property is not located within 600-feet of sensitive uses and is buffered from residential uses to the east by a public street, Roseberry Avenue. The grocery store is not directly adjacent to residential properties.
21. The request to sell beer and wine for off-site consumption at a grocery store would serve as a public convenience to the surrounding neighborhood that reside in the Florence-Firestone Community, as currently there are no other grocery stores that sell alcohol, within the immediate area.
22. With appropriate conditions and enforcement, the request to sell beer and wine for off-site consumption will not disrupt the surrounding neighborhood or conflict with existing land use patterns.
23. The applicant has agreed to limit the shelf space devoted to alcoholic beverages to no more than 5 percent of the total shelf space in the establishment.
24. The requested use at the proposed location will be located less than 500 feet from another facility selling alcoholic beverages for either on-site or off-site consumption which results in an undue concentration of similar premises according to County Zoning Code (22.56.195 B. 3). Operation of beer and wine sales for off-site consumption is permissible at this location because the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.
25. Staff has not received correspondence in favor or opposition of the project.
26. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.
27. The Hearing Officer finds that, with appropriate restrictions on its operation as set forth in the conditions of approval, the sale of beer and wine for off-site consumption at a grocery market is compatible with surrounding land uses.
28. 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 the Los Angeles County Department of Regional Planning, 13th floor, Hall of Records, 320 W. Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits II Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. The proposed use is consistent with the adopted general plan for the area;

- B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and 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 and general welfare;
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such uses would generate and by other public or private facilities as are required.
- E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius; and
- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area; and
- G. 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; and
- H. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
- I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood

AND, 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 22.56.090 and 22.56.195 of Title 22, of the Los Angeles County Code (Zoning Ordinance).

In view of the findings of fact and conclusions presented above, Conditional Use Permit 201000030, associated with Project R2005-01442-(1) is **APPROVED**, subject to the attached conditions.

MC:DA

07/21/2010