



Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213)

PROJECT NUMBER R2005-01514-(1)
CONDITIONAL USE PERMIT No. 201000057

PUBLIC HEARING DATE
 August 3, 2010

AGENDA ITEM

RPC CONSENT DATE

CONTINUE TO

| | | |
|---|--------------------------------|--|
| APPLICANT Fresh & Easy Neighborhood Market Inc. | OWNER La Alameda LLC | REPRESENTATIVE Vanessa Delgado/Sovirya May |
|---|--------------------------------|--|

PROJECT DESCRIPTION
 To authorize the sale of beer and wine for off-site consumption in a new grocery store in an existing commercial center within the M-1 (Light Manufacturing) zone in the Walnut Park Zoned District. The hours of operation are from 8 a.m. to 10 p.m., seven days a week, with a maximum of eight employees, per shift.

REQUIRED ENTITLEMENTS
 To authorize the sale of beer and wine for off-site consumption in a new grocery store within the M-1 (Light Manufacturing) zone in accordance to Part 1 Section 22.56 of Title 22 of the Los Angeles County Code.

LOCATION/ADDRESS
 7507 Roseberry Avenue

SITE DESCRIPTION
 The site plan depicts the proposed grocery store within an existing 11,300 square foot commercial building located in an eighteen acre multi-tenant commercial center. There are fifty-six parking spaces provided. Access is from Alameda Street and Florence Avenue.

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| ACCESS Alameda Street and Florence Avenue. | ZONED DISTRICT Walnut Park |
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| ASSESSORS PARCEL NUMBER 6025-030-012 | COMMUNITY Florence-Firestone |
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|-----------------------------------|---|
| SIZE 11,300 square feet | COMMUNITY STANDARDS DISTRICT Florence-Firestone |
|-----------------------------------|---|

| | EXISTING LAND USE | EXISTING ZONING |
|--------------|--------------------------------|---|
| Project Site | Multi-tenant Commercial Center | M-1 (Light Manufacturing), C-3 (Unlimited Commercial) |
| North | Commercial, Retail, | C-3 (Unlimited Commercial), City of Huntington Park |
| East | Single Family Residences | R-2 (Two-Family Residence) |
| South | Commercial, Retail | M-1 (Light Manufacturing) |
| West | Manufacturing, Storage Yards | M-2 (Heavy Manufacturing), M-3 (Unclassified) |

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| GENERAL PLAN/COMMUNITY PLAN Countywide General Plan | LAND USE DESIGNATION I- Major Industrial | 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: | | |
| RPC HEARING DATE(S) | RPC ACTION DATE | RPC RECOMMENDATION |
| MEMBERS VOTING AYE | MEMBERS VOTING NO | MEMBERS ABSTAINING |
| STAFF RECOMMENDATION (PRIOR TO HEARING): | | |
| SPEAKERS* (O) (F) | PETITIONS (O) (F) | LETTERS (O) (F) |

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

**STAFF ANALYSIS
PROJECT NUMBER R2005-01514-(1)
CONDITIONAL USE PERMIT NUMBER 201000057**

PROJECT DESCRIPTION

The applicant, Fresh and Easy Market, 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. A tenant improvement to convert an existing commercial building to a grocery store is part of the project. A Parking Permit was approved for the La Alameda shopping center on April 12, 2006 to allow a ten percent reduction in the number of automobile parking spaces required. 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.

ENTITLEMENT REQUEST

Conditional Use Permit to authorize the sale of beer and wine for off-site consumption at a new grocery store.

LOCATION

The tenant space address is 7600 South Alameda Street, between Alameda Street and Roseberry Avenue

SITE DESCRIPTION

The site plan depicts an 11,507 square feet of space for a proposed grocery store use with parking provided for in the shopping center via a parking permit approved on April 12, 2006, allowing applicant to provide 1,062 of the required 1,180 parking spaces. Entrance and exit is to the west of the building and the loading area is to the east.

ENVIRONMENTAL DETERMINATION

The Department of Regional Planning has determined that a Categorical Exemption, Class 1 – Existing Facilities, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

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.

PREVIOUS CASES/ZONING HISTORY

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 applicant proposed seven multi-tenant monument (pylon) signs with a maximum height of 50-feet and a maximum sign area of twenty feet by thirty feet (600 square feet), exceeding the 15-foot maximum height and 60 square foot maximum face area allowed by the CSD. The request also included modifications to the permitted sign area and letter size for wall signs for anchor and primary tenants. 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 200600322: A Conditional Use Permit to allow construction, operation and maintenance of an outdoor advertising structure (billboard). Grant was approved on January 9, 2008.
- VAR 200600015: Variance to authorize signage exceeding the maximum height allowed for outdoor advertising signs within the Florence Firestone Community Standards District for the development for a billboard. Grant was approved on January 9, 2008.
- 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.

There are numerous Revised Exhibit A's for tenant improvements and business signs.

STAFF EVALUATION

General Plan Consistency

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. The project is consistent with the General Plan Land Use Policy Map Major Industrial standards.

Zoning Ordinance and Development Standards Compliance FLORENCE FIRESTONE COMMUNITY STANDARDS DISTRICT

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.

Parking

Per Parking Permit number 200500019, approved April 12, 2006, the *La Alameda* regional commercial center will consist 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. 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.

Signage

Currently, there are no signs being proposed.

Neighborhood Impact/Land Use Compatibility

The site is surrounded by a mix of uses, including the Alameda corridor trench along Alameda Street, single family residences and a tow yard across the street on Roseberry and commercial uses along Leota Street and Florence Avenue.

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.

As required by Section 22.56.040 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of Commission, the following facts:

- A. That the requested use at the location proposed will not:
 - 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; or
 - 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 - 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- B. That the proposed site is adequate in size and shape to accommodate the yards, wells, fence, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of 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.

Staff is of the opinion that the applicant has met the burden of proof. The applicant's Burden of Proof responses are attached to this document.

As required by Section 22.56.195 (Findings for Alcoholic Beverages Sales) of the Los Angeles County Code, in addition to the findings required pursuant to subsection A of Section 22.56.090 (CUP Findings), the applicant shall also substantiate to the Commission the following facts:

- A. 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' radius; and
- B. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500' 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' 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 5% of the total shelf space in the establishment; and
- C. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and

- D. 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.

The request to sell beer and wine for off-site consumption at a new 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. The applicant has also agreed to limit the shelf space devoted to alcoholic beverages to no more than 5 percent of the total shelf space within the establishment. The subject property is not located within 600-feet of sensitive uses and is buffered from the residential uses to the east by a public street, Roseberry Avenue. The grocery store is not directly adjacent to residential properties.

The grocery store will serve fresh produce to the local community and the surrounding residential units. The proposed grocery store will occupy a vacant commercial space in an existing commercial center and will provide jobs to the local community.

The proposed project is compatible with the surrounding community because it will be situated on a major commercial intersection in a highly urbanized and developed area with residential to the south and the west and commercial uses to the east and west, and will provide a place where the surrounding community can obtain a variety of household products.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Los Angeles County Sheriffs Department

Currently, staff has not received a letter from the Century Sheriff's Station.

OTHER DEPARTMENTS

Department of Alcohol and Beverage Control

The Department of Alcoholic Beverage control (ABC) reports that an over-concentration of licenses exists within the Census tract. Five (5) alcohol licenses are allowed and ten (10) exist. There are four (4) establishments selling alcoholic beverages within 600 feet of the subject property; two restaurants (Chuck E Cheese and Wingstop) sell beer and wine for on-site consumption; one restaurant (Don Chente Bar & Grill) sells a full line of alcoholic beverages for on-site consumption; and one retail store (CVS Pharmacy) sells a full line of alcohol for off-site consumption. There are no schools, churches or parks within the 600-foot radius of the subject property.

PUBLIC COMMENTS

No comments were received.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

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 project number R2005-01514, conditional use permit 201000057, subject to the attached conditions.

Prepared by Diane Aranda

Reviewed by Mark Child, Supervising Regional Planner, Zoning Permits I Section

Attachments:

Draft Conditions of Approval

Applicant's Burden of Proof statement

Environmental Document

Site Photographs

Site Plan

Land Use Map

HEARING OFFICER'S FINDINGS AND ORDER:

PROJECT NUMBER R2005-01514-(1)

CONDITIONAL USE PERMIT 201000057

REGIONAL PLANNING COMMISSION 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 COMMISSION

A duly noticed public hearing was held on August 3, 2010 before the Hearing Officer.

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 REGIONAL PLANNING COMMISSION 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

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 square footage of landscaping on the property in compliance with Section 22.28.220-A of the County Code landscaping 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 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, or when dusk approaches;
- u. Posters, banners or signs displayed on the window frontage in excess of 25 percent of the window area are prohibited; and
- v. The placement of portable signs on sidewalks adjacent to the premise and temporary signs on walls and poles is prohibited.

23958.4 B & P APPLICATION WORK SHEET

Premises Address: 7600 Alameda St
Huntington PR 90255

License Type: On-Sale: Off-Sale: /

1. CRIME REPORTING DISTRICT

 jurisdiction unable to provide statistical data

Reporting District: 2123

Total number of Reporting Districts: 374

Total number of Offenses: 56,753

Average number of offenses per District: 151.74

120% of average number of offenses: 182.1

Total offenses in district: 426

Location is within a high crime reporting district: (Yes) - ~~No~~

2. CENSUS TRACT - UNDUE CONCENTRATION

Census Tract: 5349

Population: 6544 / Country Ratio:

Number of licenses allowed: 5

Number of existing licenses: 10

Undue Concentration exists: (Yes) - ~~No~~

Letter of public convenience or necessity required: (Governing Body) - Applicant

Date: 7/16/10

(2)



La ALAMEDA

On behalf of Fresh & Easy Neighborhood Market Inc.



CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate to the satisfaction of the Zoning Board and/ or Commission, the following facts:

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

The proposed Fresh Easy (11,507 SF) is a retail grocer which specializes in the sale of organic & wholesome food products. The grocer has a wide range of their own brand products and freshly prepared meals with no artificial colors, flavors and no added trans fat. Fresh & Easy will also require a Conditional Use Permit for alcohol sales of off-site consumption. The retail use is proposed within a larger mixed-used shopping center called "La Alameda Regional Shopping Center" located on Florence Avenue between Alameda and Roseberry Streets.

Contrary to adversely affecting the economic welfare of the surrounding Community, the requested use will contribute a substantial benefit to the Community by providing needed opportunities for shopping with boosting sales and property tax revenues to the local jurisdiction as well as providing alternative food products that promote healthy living and lifestyle choices. The requested use is consistent with the general plan and will neither compromise the general welfare nor hinder the health and safety of the community or general public.



La ALAMEDA

On behalf of Fresh & Easy Neighborhood 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 in order to integrate said use with the uses in the surrounding area.**

The development of the La Alameda Regional Shopping Center has been designed in accordance to all County of Los Angeles standards and regulations. The Fresh & Easy facility will be compatible with the structures to be built in the shopping center. The Fresh & Easy will mainly consist of a signage change and interior tenant improvements. The proposed use will be consistent with current zoning and has been designed with appropriate setbacks, parking and scale to match the surrounding Walnut Park Community.



La ALAMEDA

On behalf of Fresh & Easy Neighborhood Market Inc.



- 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.**

Project Infrastructure

The La Alameda project required some minimal mitigation measures to adequately service the traffic generated due to its nature as a regional center, and the Fresh & Easy building is within the center. An Environmental Impact Report was prepared by the Los Angeles County Community Development Commission and has certified that these improvements allow for proper mitigation of traffic impacts.

In addition to the mitigation measures constructed by the developer, the Los Angeles County Department of Public Works constructed an access bridge across the Alameda Corridor to improve traffic flow in the area.

Improvements were made to the dry utilities that service the site. Underground electrical service, new phone and gas lines were designed to allow for improvement of the property and are the responsibility of the developer. Current water and sewer capacities meet the service requirements of the proposed development.

As such, the proposed site is adequately served by highways, streets and by other public and private service facilities.



La ALAMEDA

On behalf of Fresh & Easy Neighborhood Market Inc.



ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.195, the applicant shall substantiate to the satisfaction of the Zoning Board and/ or Commission, the following facts:

- 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 similar use within a 600-foot radius.**

The requested Conditional Use Permit will be complementary in nature to the overall proposed use and will not adversely affect the use of a place of religious worship, school, park, playground, or similar use within a 600 foot radius. There were no schools, parks, playgrounds, places of worship within a 600-foot radius of La Alameda Shopping Center.

- 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.**

The requested use is buffered from a residential area by a public street, and will not be detrimental to the residential area.

- C. That 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.**

A determination of alcohol licenses within 600' of the Shopping Center was requested by Ownership Mapping Services from the California Department of Alcoholic Beverage Control (ABC). According to ABC, there are currently five (5) alcohol licenses within 600' of the La Alameda Shopping Center. Four (4) of those licenses are located in the La Alameda Shopping Center: Wingstop (on-site consumption), Don Chente Bar & Grill (on-site consumption), CVS Pharmacy (off-site consumption) and Chuck E Cheeses (on-site consumption). These tenants have complied with the Los Angeles County Department of Regional Planning's Conditions of Approval and have not been in violation of their alcohol permits. Fresh & Easy would require a Beer & Wine license as part of their national grocery store prototypical model and operational practices.

The requested Conditional Use Permit will be complementary in nature to the overall proposed use and will not adversely affect the use of a place of religious worship, school, park, playground or similar use within a 600-foot radius. The proposed use will not be a burden on the Community because alcohol sales through the tenant will be regulated and will not create a nuisance in the



City of ALAMEDA

On behalf of Fresh & Easy Neighborhood Market Inc.



area. The proposed use will serve as a reliable option for a convenient neighborhood grocer for the surrounding community.

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

Contrary to adversely affecting the economic welfare of the surrounding Community, the requested use will contribute a substantial benefit to the Community by providing needed opportunities for shopping, along with boosting sales and property tax revenues to the local jurisdiction.

The Project would bring in a national credit tenant and provide high quality jobs with excellent employment benefits. Through this revitalization process, the proposed tenant would help transform the Walnut Park Community into a vibrant center of commerce and promote positive healthy living. Given the Project's location in proximity to residential uses, the local Walnut Park residents working at the retail grocer could live and work within close proximity.

Fresh & Easy Neighborhood Market is a nationally recognized establishment. The sale of alcohol for off-site consumption is part of Fresh & Easy's prototypical requirements, and would not adversely affect the economic welfare of the community, given the limit and control the sale of alcoholic beverages. Fresh & Easy's sales are monitored, and alcohol consumption would not be permitted on-site. Therefore, no resulting negative impact on the surrounding communities would occur.

- 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.**

Designed to reflect this history of the community, the architecture of the shopping center entails contemporary Mediterranean design elements that include clay roof tiles and plaster stucco exterior with natural stone elements. Curves and shapes throughout the shopping center incorporate a Hispanic style to the project. Rod iron metal work and terrazzo tile are also incorporated throughout the building to add to the character of the shopping center. Fresh & Easy will not be reconstructing the building since it is only occupying an existing tenant space. Fresh & Easy will be a tenant improvement project with minor changes to exterior signage to reflect the tenant's national brand.

LOS ANGELES COUNTY LETTERGRAM

| | | | |
|-----------|----------------------------------|-------------|---|
| TO | Maria Masis Zoning Permits II | FROM | Diane Aranda Zoning permits Section II |
|-----------|----------------------------------|-------------|---|

**SUBJECT: ENVIRONMENTAL DETERMINATION
PROJECT NO. R2005-01514-(1)
CONDITIONAL USE PERMIT NO. 201000057**

DATE: July 21, 2010

The applicant is requesting to authorize the sale of beer and wine for off-site consumption at a new grocery market located in an existing commercial building in a multi-unit commercial center within the M-1 (Light Manufacturing) zone in accordance with Part 1 Section 22.56 of Title 22 of the Los Angeles County Code

As such, this project qualifies for: Class 1 Categorical Exemption – Existing Facilities.

This request is exempted from the California Environmental Quality Act based on Section 15301 (Chapter 3, Title 14, California Code of Regulations) because there is no expansion being proposed and it is not located on environmentally sensitive land; and as such, it meets the criteria set forth under Class 1 Categorical Exemption which exempts existing facilities from the California Environmental Quality Act.

If you have any questions regarding the above determination or the environmental document preparation, please contact Diane Aranda of the Zoning Permit Section II at (213) 974-6435.

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

LA ALAMEDA/FRESH & EASY
Photo Log
March 2009



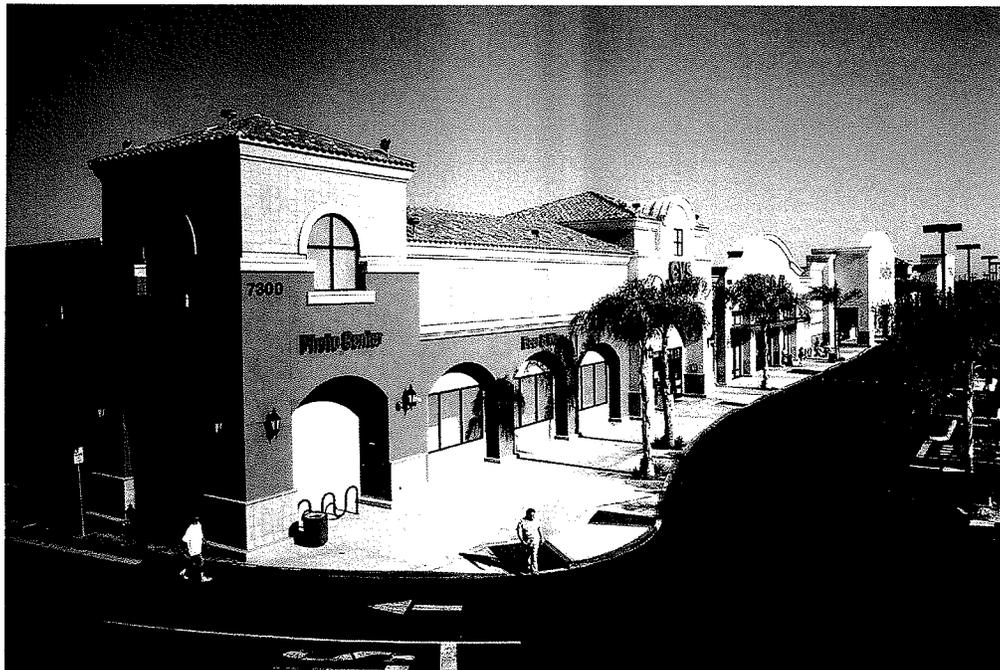
Aerial of La Alameda Shopping Center



Viewing South from Florence Avenue



Entrance to La Alameda Plaza area from parking lot



Snapshot of inline shops' building's architecture, viewing South from parking lot



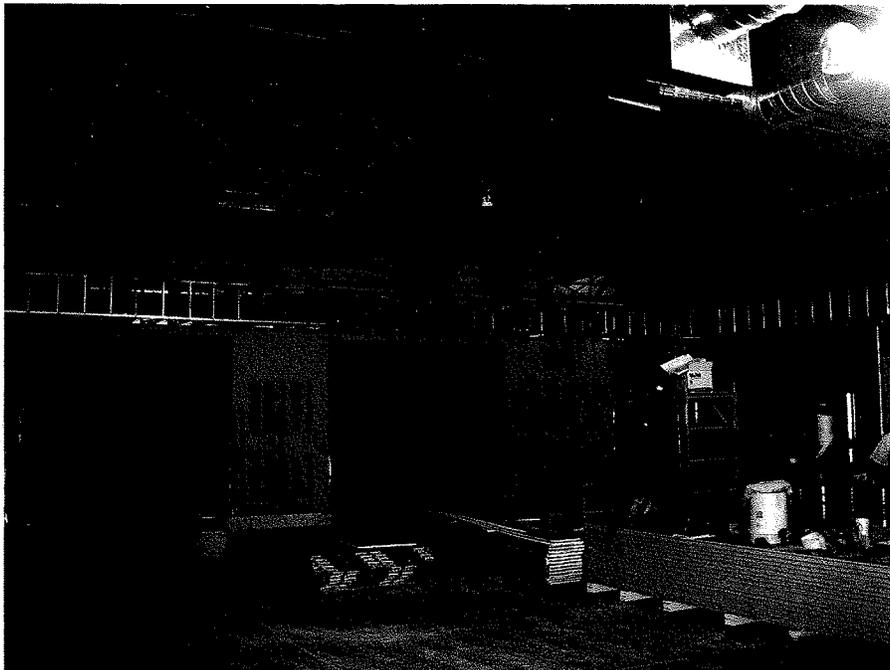
La Alameda plaza area



Another view of the La Alameda plaza area



Exterior of the proposed Fresh & Easy International store (Shoe Pavilion sign will be removed)



Interior of the proposed Fresh & Easy