

# Transmittal Checklist

Hearing Date  
11-17-2009  
Agenda Item Number  
4.

Project Number: R2005-02503 (2)  
Case(s): RCUP200600075  
Contact Person: Jeantine Nazar

Included	NA/None	Document
<input type="checkbox"/>	<input type="checkbox"/>	Factual
<input type="checkbox"/>	<input type="checkbox"/>	Property Location Map
<input type="checkbox"/>	<input type="checkbox"/>	Staff Report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Conditions
<input type="checkbox"/>	<input type="checkbox"/>	DPW Letter
<input type="checkbox"/>	<input type="checkbox"/>	FD Letter
<input type="checkbox"/>	<input type="checkbox"/>	Other Department's Letter(s)
<input type="checkbox"/>	<input type="checkbox"/>	Burden Of Proof Statement(s)
<input type="checkbox"/>	<input type="checkbox"/>	Environmental Documentation (IS, MMP, EIR)
<input type="checkbox"/>	<input type="checkbox"/>	Opponent And Proponent Letters
<input type="checkbox"/>	<input type="checkbox"/>	Photographs
<input type="checkbox"/>	<input type="checkbox"/>	Resolution (ZC Or PA)
<input type="checkbox"/>	<input type="checkbox"/>	Ordinance with 8.5 X 11 Map (ZC Or PA)
<input type="checkbox"/>	<input type="checkbox"/>	Aerial (Ortho/Oblique) Image(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Land Use Radius Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan And Elevations
<input checked="" type="checkbox"/>	<input type="checkbox"/>	memo

Reviewed By:





Los Angeles County  
Department of Regional Planning



*Planning for the Challenges Ahead*

Jon Sanabria  
Acting Director of Planning

To: Gina Natoli, Hearing Officer  
From: Jeantine Nazar, RPAII  
Subject: Additional materials for CUP200600075 at 8601 S Hooper Street  
Date: November 2, 2009

As requested at the hearing on October 6, 2009, the applicant's agent has furnished the following items:

- 1-Certificate of Posting
- 2-The 600-foot radius map showing the sensitive uses
- 3-The 500-foot radius map showing alcohol sales
- 4- Revised plans showing the interior of the market and the shelf space for alcohol.

In addition, staff would like to make the following changes/additions to the draft conditions and findings:

### Findings

14. The height of the block wall separating the market from the residential area is approximately 5'4" high.
15. There is a lunch truck parked in the parking lot during the hours of market operation.
16. There are 58 on-site parking spaces including three accessible spaces. The previous permit approved 61 parking spaces and 62 are required. The lunch truck takes two parking spaces leaving 56 available for parking. The applicant will revise the parking plan as per Title 22 Section 52 Part 11 to reflect an accurate number of spaces.
17. There are currently five sensitive uses within the 600-foot radius to include four churches and a school.
18. There are no other places that sell alcohol within the 500-foot radius.
19. There is a pole sign on the property on Firestone Blvd and a wall sign on the market.
20. The market has operated with 58 parking spaces since 1995 without adverse impacts on neighboring properties.
21. The project site cannot accommodate the required 62 parking spaces.
22. The Hearing Officer finds that the market qualifies for a minor parking deviation pursuant to County Code Section 22.56.1762 provided that:
  1. A reduction of less than 30 percent in the number of vehicle parking spaces required by the Title 22 is proposed
  2. The principles and standards contained in Section 22.56.1690 have been met to the satisfaction of the director.

### Conditions

22I- Cashiers on duty shall be at least 21 years of age.

22-k-There shall be a sign displayed outside of the R-Ranch Market indicating that the consumption of alcoholic beverage is prohibited on the site.

22y.The Applicant shall sign a covenant to hold the adjacent parking lot and the market site located at 8601 S Hooper Avenue (APN: 6043-001-026) and the parking lot (APN:6043-001-023 & 6043-001-024) together.

22z. The permittee shall maintain a current contact name, address and phone number on file with the Department of Regional Planning at all times in case of an inquiry.

22aa. The permittee shall provide and continuously maintain not less than 58 parking spaces, developed to the specifications listed in Section 22.56.1762 of the Los Angeles County Code, a minimum of three of which shall be reserved for disabled

Staff recommends approval of CUP200600075.

## DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER COUNTY OF LOS ANGELES

**PROJECT NUMBER R2005 - 2503 – (2)**

**CONDITIONAL USE PERMIT – 200600075**

**HEARING OFFICER HEARING DATE: OCTOBER 6, 2009**

### **REQUEST:**

The applicant is requesting a conditional use permit to continue the sale of a full line of alcoholic beverages in conjunction with the operation of a supermarket.

### **PROCEEDINGS BEFORE THE HEARING OFFICER:**

#### Findings

1. The applicant, Hafsa Corporation, is requesting a conditional use permit to continue the sale of a full line of alcoholic beverages, Type 21, for off-site consumption in conjunction with the operation of a supermarket serving mostly the surrounding residential community.
2. The subject property is located on the southwesterly corner of Hooper Avenue and Firestone Boulevard at 8601 S Hooper Avenue in the unincorporated community of Florence-Firestone and subject to the Florence-Firestone Community Standards District, within the Compton-Florence and Firestone-Park Zoned Districts.
3. Zoning on the subject site is C-3 and R-2 (Major Commercial and Two-Family Residence Zones). Pursuant to Section 22.28.210 alcohol sales is a permitted use subject to approval of a conditional use permit.
4. The surrounding zoning of properties is as follows:
  - North: C-3 (Unlimited Commercial)
  - South: R-2 (Two-Family Residence)
  - East: C-3 and R-2 (Unlimited Commercial and Two-Family Residence)
  - West: C-3 (Unlimited Commercial)
5. The subject site is a full-service supermarket and surrounding immediate land uses are as follows:
  - North: Pipe Supply Company
  - South: Residential
  - East: Hardware store
  - West: Fast food
6. The site plan, labeled as Exhibit "A", depicts a 15,400-square-foot building area on a 39,963 square-foot, and resulting in a building coverage area of 39 percent. There are 62 parking spaces required and 58 exist including two for handicap. The landscaping is about 1,000 square feet and is within the parking area. The truck loading is located at the back of the store and has direct access from Firestone Blvd.
7. The subject property consists of three lots with APN: 6043-001-026 and APN: 6043-001-023 and APN: 6043-001-024 not yet tied by a covenant.

8. Conditional Use Permit 94-145 was approved on January 4, 1995 to allow the operation of the market and the sale of the alcohol for off-site consumption.
9. The land use designation for the subject property within the Los Angeles Countywide Plan is C-Major Commercial and 2-low/Medium Density Residential. Markets are allowed within the Major Commercial areas and automobile parking facilities are allowed as a transitional use within the R-2 zone and within the Medium Density Residential classification.
10. The market has a maximum of five percent of the total shelf space designated for alcoholic beverage display and sales.
11. The hours of operation of the market are from 7:00 am to 10:00 pm seven days a week. The sale of alcoholic beverages is prohibited between the hours of 10:00 pm to 7:00 am.
12. There is no substantial evidence that the sale of alcoholic beverages in conjunction with the operation of a full-service food and grocery market on the subject property will adversely affect the places of worship or the public school located within 600 feet thereof.
13. There are no supermarkets to serve the needs of residents in the vicinity of the subject property.
14. The height of the block wall separating the market from the residential area is approximately 5'4".
15. There is a lunch truck parked in the parking lot during the hours of market operation.
16. There are 58 parking spaces including three accessible spaces. The previous permit approved 61 parking spaces and 62 are required. The lunch truck takes two parking spaces leaving 56 available for parking. The applicant will revise the parking plan as per Title 22, Section 52 Part 11 to reflect an accurate number of spaces.
17. There are currently five sensitive uses within the 600-foot radius: four churches and a school.
18. There are no other places that sell alcohol within the 500-foot radius.
19. There is a pole sign on the property on Firestone Blvd and a wall sign on the market.
20. The market has operated with 58 parking spaces since 1995 without adverse impacts on neighboring properties.
21. The project site cannot accommodate the required 62 parking spaces.
22. The Hearing Officer finds that the market qualifies for a minor parking deviation pursuant to County Code Section 22.56.1762 provided that:
  1. A reduction of less than 30 percent in the number of vehicle parking spaces required by the Title 22 is proposed.
  2. The principles and standards contained in Section 22.56.1690 have been met to the satisfaction of the director;

23. The market is accessible from Firestone Boulevard and Hooper Avenue and is separated from residential properties by an alley fifteen feet in width. The nearest residential structures front on 87<sup>th</sup> Street to the south of the subject property.
24. The supermarket provides an environment that is conducive to the incidental purchase of alcoholic beverages concurrent with the purchase of food and grocery items.
25. The project is categorically exempt (Class 1) from the reporting requirements of the California Environmental Quality Act.
26. Pursuant to the provisions of Sections 22.60.174 of the County Code, the Notice of Public Hearing was advertised in La Opinion, and in the Los Angeles Sentinel on July 2, 2009. On June 25, 2009, a total of 130 public hearing notices regarding the subject application were mailed out to the owners of properties located within the 500-foot radius. Two notices were sent to local community groups and residents on the Zoned District courtesy list and four notices went out to County agencies.

Case information materials, including the Notice of Public Hearing and Factual Sheet were sent to the Graham Library, located at 1900 E Firestone Blvd. Los Angeles, Calif. 90001 on June 29, 2009. The same information was posted on the Department of Regional Planning's web site.

Pursuant to the provisions of Section 22.60.175 of the County Code, the applicant must post the Notice of Public Hearing on the property no less than 30 days prior to the public hearing date.

27. Staff has not received any public comments regarding this project.
28. The public convenience provided by an additional facility selling a full line of alcoholic beverages for off-site consumption, as the subject site is a full -service supermarket surrounded by many residential areas and the sale of alcoholic beverages is in conjunction with the operations of the market providing public convenience to the residents.
29. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13<sup>th</sup> 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 II Section, Los Angeles County Department of Regional Planning.

**BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:**

- A. That the proposed use is consistent with the adopted general plan for the area; and
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or 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; and

- C. That the proposed site is adequate in size and shape to accommodate the 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; and
- 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; and
- 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 result in an undue concentration as currently there are four existing off site licenses, and three are allowed within the census tract. Therefore, the approval of the permit requires finding of public convenience a necessity. This additional license does provide for the public convenience as the area is surrounded by residential communities and there are few clusters of commercial areas; 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.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a conditional use permit as set forth in Sections 22.56.040, 22.56.090 and 22.56.195 of the Los Angeles County Code.

1. In view of the findings of fact and conclusions presented above, Conditional Use Permit Case number 200600075 – (2), Project no R2005-02503 is APPROVED subject to the attached conditions.

c: Hearing Officer, Zoning Enforcement, Building and Safety, Fire Department

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1. This grant authorizes the use of the subject property for the sale of a full line of alcoholic beverages for off-site consumption in conjunction with an existing supermarket, as depicted on the approved Exhibit "A". The sale of alcoholic beverages shall be limited to the areas designated on the site plan. This grant is subject to all of the following conditions of approval.
  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. 10.
  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 or any other applicable limitation period. 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; and
    - 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. If any material provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
  7. This grant shall expire unless used within two years from the date of approval. A one-year time extension may be requested in writing with the payment of the applicable fee, prior to such expiration date.

8. Prior to the use of this grant, the terms and conditions of the grant shall be recorded 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 permittee shall promptly provide a copy of the grant and its terms and conditions to the transferee or lessee, as applicable, of the subject property. Upon recordation, an official copy of the recorded conditions shall be provided to the Director.
9. **This grant will terminate on October 6, 2019.** Upon written application of the permittee made no less than six (6) months prior to October 6, 2019, the term of this grant may be extended by the Director for a period not to exceed ten (10) years, as provided herein below. The Director shall grant such extension unless he or she finds one of the following: (1) that the permittee has failed to adhere to the conditions of approval and such failure has not been timely corrected upon written notice thereof, and (2) that the use is not in compliance with all applicable laws and regulations. If either of the foregoing findings is made by the Director, the extension may be denied.
10. 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. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$750** (five inspections at \$150 each). These monies shall be placed in a performance fund that 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 approved site plans on file. The fund provides for **five** biennial inspections of the site, on every other year over the ten-year period. 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 (currently \$150.00 per inspection).

11. 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 health or safety or so as to be a nuisance. In the event that the county deems it necessary to initiate such proceedings pursuant to Part 13 of Chapter 22.56 of the County Code, the applicant shall compensate the county for all costs incurred in such proceedings.
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.
13. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los

- Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said Department.
14. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
  15. All structures shall comply with the requirements of the Los Angeles County Department of Public Health.
  16. Prior to the use of this grant, the permittee shall submit to the Director for review and approval three copies of an Exhibit "A", similar to that presented at the public hearing. The property shall be developed and maintained in substantial conformance with the approved Exhibit "A". In the event that 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 the written authorization of the property' owner.
  17. Restrooms shall be available to the public during the hours the market is open.
  18. All outdoor trash containers shall be covered and all trash enclosure areas shall be screened from public and private view.
  19. The current parking requirement for this site is 62. The previous permit required 61 parking spaces. The applicant has currently 56 parking spaces available. The required parking spaces shall be continuously available for vehicular parking only for customers or employees of the market and shall not be used for storage, automobile repair, or any other unauthorized use and shall be maintained.
  20. The permittee shall maintain all landscaping in a neat, clean and healthful condition, including proper pruning, weeding, removing of litter, fertilizing and replacement of plants.
  21. The permittee shall provide adequate lighting above all entrances and exits to the 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. All parking lot and other exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot. Outdoor lighting shall not exceed an intensity of one foot-candle of light throughout the facility;
  22. The operation of the facility is further subject to all of the following conditions:
    - a. The consumption of alcoholic beverages shall be prohibited on the subject property. The permittee shall post signage on the premises in English and Spanish prohibiting consumption of alcoholic beverages on the premises and loitering;

- b. There shall be no beer sold in individual containers that contain under 24 ounces or in less than six-pack quantities;
- c. The supermarket is open from 7:00 am to 10:00 pm, seven days per week and, the sale of alcoholic beverages is prohibited from 10:00 pm to 7:00 am;
- d. No alcoholic beverages shall be displayed within five feet of the cash register or the front door;
- e. No quantities of ice less than five (5) pounds shall be sold, furnished or given away;
- f. No display or sale of alcoholic beverages shall be made from an ice tub;
- g. The permittee shall adhere to all State of California Department of Alcoholic Beverage Control regulations including all regulations prohibiting the sale of alcoholic beverages to minors which shall be strictly enforced;
- h. No loitering shall be permitted on the premises parking lot or adjacent property under the control of the applicant;
- i. No video games, pinball machines, or other coin-operated amusements shall be maintained on the premises at any time, other than official State Lottery Machines;
- j. The alcoholic beverages shall occupy no more than five percent of the total shelf space of the market;
- k. There shall be a sign displayed outside of the R-Ranch Market indicating that the consumption of alcoholic beverages is prohibited on the site;
- l. Cashiers on duty shall be at least 21 years of age;
- m. The permittee shall instruct all employees in the regulations regarding no loitering and no consumption of alcoholic beverages on the subject property. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary;
- n. All employees working as cashiers of the facility shall participate in the Licensee Education on Alcohol and Drugs (LEAD) Program offered by the California Department of Alcoholic Beverage Control. This training shall be on-going and all new employees shall be required to attend. The licensee shall display a certificate or plaque in the lobby of the establishment indicating its participation in this program;
- o. At least one security guard shall be on duty on the premises, patrolling the grounds, parking and interior areas at all times while the business is open;
- p. Temporary signs or banners advertising alcoholic beverage "specials" or any similar promotions shall not be displayed on the exterior walls or fascia of the building;

- q. The permittee shall not advertise the sale of alcoholic beverages on the exterior walls or windows of the subject building or at any location on the subject property. No self-illuminating advertising for alcoholic beverages shall be located on the exterior of buildings or windows;
- r. 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 business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization;
- s. In the event of 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 graffiti 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;
- t. The permittee shall display alcoholic beverages only in the cooler or shelving designated for storage of said beverages on the approved Exhibit "A". No additional display of alcoholic beverages shall be provided elsewhere on the premises;
- u. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas on the premises over which the permittee has control;
- v. Off-site and freestanding signs are prohibited, unless approved by the Department of Regional Planning. The placement of portable signs on sidewalks adjacent to the subject property and temporary signs on walls and poles is prohibited;
- w. Temporary window signs including signage painted directly on the window shall not exceed 25 percent of the area of any single window or of adjoining windows on the same frontage;
- x. The permittee shall keep telephone numbers of local law enforcement agencies posted in the mini-mart in plain view near the cashier's or similar public service area;
- y. The applicant shall sign a covenant to hold the market site located at 8601 S Hooper Avenue (APN: 6043-001026) and the adjacent parking lots (APN: 6043-001-023 and 6043-001-024) together;
- z. The permittee shall maintain a current contact name, address, and phone number on file with the Department of Regional Planning at all times in case of an inquiry;
- aa. The permittee shall provide and continuously maintain not less than 58 parking spaces, developed to the specifications listed in Section 22.56.1762 of the Los

Angeles County Code, a minimum of three of which shall be reserved for disabled.

- bb. The conditions of this grant shall be retained on the premises at all times and 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.

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