

Project No. R2006-01554-(1)
Conditional Use Permit No. 200600124-(1)

Findings and Order of the Regional Planning Commission
COUNTY OF LOS ANGELES

REGIONAL PLANNING COMMISSION HEARING DATE: February 7, 2007

SYNOPSIS: The applicant, Victor Moreno, is requesting a Conditional Use permit to authorize the sale of beer and wine for off-site consumption as an accessory use in conjunction with an existing Guadalajara market located in zone C-1 (Restricted Business). The market occupies an 11,100 square foot unit of a 23,836 square foot building of a commercial center consisting of three structures and 120 parking spaces.

PROCEEDINGS BEFORE THE COMMISSION:

February 7, 2007 Public Hearing

A duly noticed public hearing was held. All commissioners were present. The public hearing opened with a presentation by staff.

Three persons testified in favor of the request: the applicant and two proponents. Testimony in support of the request asserted that the operation of the supermarket was family-oriented and the sales of beer and wine were needed to improve revenue and make the operation economically feasible; a previous store operator held a permit to sell beer and wine but the permit had expired. The applicant further contended that he never experienced any crime-related problems with his establishment and he successfully operated under an alcoholic beverage conditional use permit in another jurisdiction; in a letter, the nearby Christian center stated no opposition to the request. The applicant requested that the Commission approve their request.

After making inquiries of the applicant's operation, the Commission concluded that the availability of beer and wine at the supermarket would improve the quality of alcoholic beverage sales in the community. The Commission instructed staff to prepare the standard package of conditions for the sales of alcoholic beverages to be applied to the applicant's operation. These included staff training, restrictions on signage, packaging, and prohibition of the sales of wine coolers and malt liquors. In a Motion by Commissioner Modugno, seconded by Commissioner Bellamy, the Regional Planning Commission closed the public hearing and expressed their intent to approve the project, and for staff to prepare final findings and conditions.

Findings

1. The applicant, Victor Moreno, is requesting a Conditional Use permit to authorize the sale of beer and wine for off-site consumption as an accessory use in conjunction with an existing market located in zone C-1 (Restricted Business).
2. The subject property is located at 1433 Valinda Avenue, in the unincorporated community of La Puente and within the Puente Zoned District. The property is located south of Fellowship Street and north of Maplegrove Street. Access to the site is via Valinda Avenue to the east and Maplegrove to the south.
3. The subject property is approximately 2.62 acres in size; it is irregular in shape and level in topography. The subject property is used as a multi-tenant commercial center located on the west side of Valinda Avenue, which is bounded by Maplegrove Street to the south and Fellowship Street to the north.
4. The commercial center on the subject property consists of three single-story buildings: a 23,836 square foot building along the westerly portion of the property, and a 2,900 square foot building in the northeast corner of the property that are occupied by retail and restaurant uses. The subject property also contains a 2,800 square foot building in the northwest corner of the property that is currently operating as a Christian Center for drug and alcohol recovery facility. There are 120 on-site parking spaces.
5. The subject property is zoned C-1 (Restricted Business).
6. Surrounding zoning consists of:
 - North: R-A-6,000 (Residential Agricultural – 6,000 square feet minimum area required).
 - South: R-1-6,000 (Single-Family Residential – 6,000 square feet minimum area required) and RPD-1-6.6U (Residential Planned Development – 1 acre minimum area required – 6.6 units maximum)
 - East: R-1-7,500 (Single-Family Residence – 7,500 square feet minimum required area) and C-1 (Restricted Business)
 - West: R-A-6,000 (Residential Agricultural – 6,000 square feet minimum area required).
7. The subject property is used as a commercial center consisting of retail vendors, restaurants, a supermarket, a liquor store, a dentist office, and a

Victory Life Christian Center church. The Guadalajara supermarket is situated in the center of the subject property and it is between a liquor store and a stereo store.

8. Surrounding land uses consist of:

North: Single-Family Residential

South: Vacant Lot, Single-Family Residential, Condominium, and City of Covina

East: Single-Family Residential, Church, Gas Station, Dairy Store, and Restaurant

West: Single-Family Residential

9. The following cases are associated with the subject property:

Plot Plan No. 10233: A request to establish a 24,000 square foot building and 107 parking spaces on the subject property; was approved on May 25, 1968. Amendment to Plot Plan No. 10233 approved the establishment of two office buildings in addition to the existing commercial building and a total of 116 parking spaces at the subject property on September 4, 1974.

Plot Plan No. 49347: A request to establish a take-out only coffee and pastry shop; was approved on January 12, 2004.

Conditional Use Permit No. 03-118: A request to establish a wireless telecommunications facility within the yard of the Christian Center; was approved on January 13, 2004.

Plot Plan No. 200400690: A request to establish a hot food take-out within an existing supermarket with existing parking; approved on February 8, 2005.

10. No record of enforcement activity was found.
11. The site plan depicts the subject property as developed with a commercial center consisting of three single-story structures, 120 parking spaces, and landscaping along the east property boundary. The supermarket is located within a 23,836-square foot building (Building A) that is situated along the westerly portion of the subject property consisting of a liquor store, a restaurant, a stereo store, and seven other vendors. There is also a Christian Center church located on the northwesterly portion of the subject property and a 2,900-square foot building located along the northerly portion of the subject property that consists of a restaurant, a dentist office, and a printing store.

The supermarket has a floor area of 11,100 square feet and is situated between a liquor store and a stereo store. The floor plan of the supermarket illustrates a kitchen area, two freezer storage rooms, an office room, and a dry good storage room. The floor plan also depicts a bakery area inside the northeastern corner of the supermarket and the display of beer and wine in a 20 foot wide cooler that is situated along the westerly wall of the supermarket. Access to the property is via Maplegrove Street and Valinda Avenue.

12. The supermarket operates seven days a week from 8:00 am to 9:00 pm and employs a total of 10 employees. There are five employees per shift and there are two operating shifts per day.
13. The subject property is classified as Low Density Residential in the Los Angeles County General Plan. This classification identifies areas particularly suitable for detached single family housing units, including large lot estates and typical suburban tract developments. Densities typically range from one to six units per gross acre. The intent of this classification is to maintain the character of existing low density residential neighborhoods and also to provide additional areas to accommodate future market demand.

Due to the scale and nature of the countywide Land Use Policy Map, locally-serving commercial uses are generally not shown. Such localized land use types and associated development standards are more appropriately addressed by detailed community and areawide plans. This location does not have an adopted local plan. However, the following goals and policies of the General Plan provide guidance for decision making for commercial uses within the Low Density Residential classification.

14. The following goals and policies of the General Plan are applicable to the subject property and serve as guidelines for development within the Plan:
 - A. Promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design and locational controls.” (Goals and Policies, Policy No. 4)

The market provides convenient grocery shopping to the local community.

- B. To situate commercial activities in viable clusters that conveniently serve their market areas.” (Goals and Policies, Goal No. 4)

A strip of commercial uses (restaurants, markets, offices) run along Valinda Avenue, adjacent to single family residential communities. The placement of the market is appropriate at this location.

- C. Protect the character of residential neighborhoods by preventing the intrusion of incompatible uses that would cause environmental degradation such as excessive noise, noxious fumes, glare, shadowing and traffic. (Goals and Policies, Policy No. 15)

The operation of a market should not cause excessive noise, noxious fumes, glare, shadowing and traffic. The market closes at 9:00 p.m. Monday to Sunday.

The operating of the market on Valinda Avenue is compatible with the General Plan Land Use Element. There are no policies within the Plan that refer to the use of or the sale of alcoholic beverages.

- 15. Per Section 22.28.110 of the current County Code (Zoning Ordinance), in the C-1 zone, a conditional use permit is required for the sale of beer and wine, subject to the requirements of Section 22.56.195.
- 16. Section 22.28.120 of the County Code contains the following development standards for the C-1 Zone:
 - A. That not to exceed 90 percent of the net area be occupied by buildings with a minimum of 10 percent of the net area landscaped with a lawn, shrubbery, flowers and/or trees, which shall be continuously maintained in good condition. Incidental walkways, if needed, may be developed in the landscaped areas.
 - B. That there are parking facilities as required by Part 11 of Chapter 22.52.
 - C. That the front and/or corner side yards be provided equal to a distance of:
 - 1. 20 feet where the property adjoins a parkway, major or secondary highway, and
 - 2. Equal to the front or corner side yard required on any contiguous residential or agricultural zone where property adjoins a street.
 - 3. Yards required by this zone are also subject to the general provisions and exceptions contained in Chapter 22.48 which shall apply.
 - D. That the architectural and general appearance of all such commercial buildings and grounds be in keeping with the character of the neighborhood and such as not to be detrimental to the public health, safety and general welfare of the community in which such use or uses are located.

17. The establishment of the commercial center at the subject property was approved under Plot Plan No. 10233. The subject property is 2.62 acres (114,127.2 square feet) in size. There are three buildings on the subject property with a total square footage of 29,536 square feet, which cover approximately 26 percent of the subject property. At the time of the establishment of the commercial center, the County Code required two (2) percent landscaping. The applicant is not requesting modification to the existing landscaping. 15 An amendment to Plot Plan No. 10233 approved the establishment of the commercial center with a total of 116 parking spaces at the subject property on September 4, 1974. The subject request will not require additional on-site parking spaces. The applicant is not requesting modification to the existing parking area.

18. Pursuant to Los Angeles County Code Section 22.56.195, the applicant must meet the Burden of Proof requirements for the on-site sale of alcoholic beverages.

A. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600 foot radius;

According to the submitted alcohol map by the applicant, there are two sensitive uses within 600 feet of the subject property. There is one religious house of worship, Friendship Worship Center church, which is located directly across the street from the subject property. There is also the Victory Life Christian Center church that is located in the northwest corner of the subject property. A representative of the Christian Center provided written comments in favor of the request. 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;

There are single-family residential properties located to the north, west, and east of the subject property. There are single-family residential and condominium properties to the south of the subject property.

An existing six (6) foot high block wall along the west boundary of the subject property buffers the subject property from the existing residential properties.

B. That the requested use at the proposed location will not result in an undue concentration of similar premises, or that the public convenience or necessity for the proposed facility selling alcoholic beverages for off-site consumption outweighs the fact that it is located within 500 feet 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 percent of the total shelf space in the establishment.

According to the Department of Alcoholic Beverage Control, the market is located in an area with an undue concentration of alcohol sales. There are currently four establishments that are selling alcohol for off-site consumption and four establishments that are selling alcohol for on-site consumption within subject property's census tract. The subject property's census tract is allowed to have four (4) licenses for the sale of alcohol for off-site consumption. The subject property is also located within a high crime reporting district.

The submitted alcohol map illustrates four establishments that are selling alcohol within 500 feet of the subject property. One establishment, Handy Liquor, which is located within the same building and is adjacent to the market, is selling a full-line of alcohol for off-site consumption. A gas station with a mini-market is located directly across the street from the subject property, on the corner of Valinda Avenue and Maplegrove Street, is also selling a full-line of alcohol for off-site consumption. Two establishments, one is located directly to the east of the gas station, and one is located within the subject property are selling beer and wine.

The applicant submitted a floor plan with a shelf plan calculation illustrating that approximately 1.8 percent of the total shelf space in the market is devoted to alcoholic beverages.

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

The applicant contends the availability of beer and wine at the establishment provides convenience to the community.

- D. That 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.

The market is located within an existing commercial center. No exterior renovations or additions are being requested as part of this request.

19. The Department of Regional Planning has determined that a Class 1 Categorical Exemption, existing facilities, is the appropriate environmental determination under California Environmental Quality Act (CEQA) reporting requirements.

20. Staff received comments from the City of Industry Sheriff's station. According to the Sheriff, the area appears to be over-served by establishments that sell alcohol beverages; the Sheriff also expressed concerns about the location of the supermarket near sensitive uses.
21. The El Monte Division of the Department of Alcoholic Beverage Control (ABC) reported local incidents of crime and concentration of alcoholic beverage sales. The ABC statistics indicated that the subject property is located within a high crime reporting district. The statistics show that the property is in an area where there is an undue concentration of licenses. ABC statistics are based on census tracts; the subject property is located within Census Tract No. 4079. Based on the population of this tract, four off-site licenses are permitted; four licenses currently exist.
22. A total of 168 public hearing notices were mailed out to property owners located within the 500-foot radius of the subject property on December 28, 2006, regarding the subject proposal. Twenty-one notices were sent out to the local community groups and residents in the Puente Zoned District courtesy list. The notice was published in the San Gabriel Valley Tribune on December 26, 2006 and La Opinion newspapers on December 23, 2006. Case-related material, including the hearing notice, factual, and burden of proof statements were sent to the West Covina Regional Library located on 1601 West Covina Parkway in West Covina on December 28, 2006.
23. On November 3, 2006, staff received a letter that was faxed from Frank Murillo and Tony Magana on behalf of Victory Life Training Center. The letter stated that Victory Life Center is not in opposition to the sale of alcoholic beverages close to the Victory Life Center.
24. The applicant has successfully operated under an alcoholic beverage Conditional Use Permit in another jurisdiction.
25. The market's operation is local-serving and family-oriented. The market has operated in a responsible fashion, with no records of enforcement activity.
26. The request is needed to make the supermarket operation economically viable.
27. The proposed sale of beer and wine at the subject supermarket is incidental to the sale of groceries and improves the nature of alcoholic beverage sales to community residents.
28. The site is adequately buffered from adjacent residences and the Christian Center.

29. Conditions of approval will ensure that the sale of alcoholic beverages will not pose adverse impacts to the surrounding community.

BASED ON THE FOREGOING, REGARDING THE CONDITIONAL USE PERMIT BURDEN OF PROOF, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. The proposed use is consistent with the adopted general plan for the area when all conditions have been met;
- B. That the requested use at the location proposed 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.
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.
- E. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600 foot radius;
- F. That the requested use at the proposed location will not result in an undue concentration of similar premises, or that the public convenience or necessity for the proposed facility selling alcoholic beverages for off-site consumption outweighs the fact that it is located within 500 feet 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 percent of the total shelf space in the establishment;
- G. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community;
- H. That the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood will not cause blight, deterioration, or substantially diminish or impair property values within said neighborhood; and

I. The sale of alcoholic beverages provides a public convenience and necessity.

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

REGIONAL PLANNING COMMISSION ACTION:

1. The Regional Planning Commission, acting in its role as responsible agency for the project, certifies that it has independently reviewed and considered the information contained in the Categorical Exemption prepared by Los Angeles County Department of Regional Planning as lead agency prior to approving the project.
2. In view of the findings of fact and conclusions presented above, Project No. R2006-01554-(1) and Conditional Use Permit Case No. 2006-00124-(1) is approved subject to the attached conditions.

VOTE

Concurring:

Dissenting:

Abstaining:

Absent:

Actioni90 Date: April 4, 2007