

Hearing Officer Transmittal Checklist

Hearing Date
May 3, 2011
Agenda Item No.
4

Project Number: R2007-02317-(5)
Case(s): Conditional Use Permit Case No. 200700161
Planner: Jeff Lemieux

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

Reviewed By: 



Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-4854
PROJECT NO. R2007-02317-(5)
CONDITIONAL USE PERMIT NO. 200700161

PUBLIC HEARING DATE
5/3/2011

AGENDA ITEM
4

RPC CONSENT DATE

CONTINUE TO

APPLICANT

Larios Market

OWNER

Billy Fortney

REPRESENTATIVE

Carolyn Seitz

PROJECT DESCRIPTION

The applicant, Larios Market, is requesting a Conditional Use Permit to authorize the continued sale of beer and wine for off-site consumption (Type 20) at an existing market in the C-3 zone. A Conditional Use Permit is required for the sale of alcoholic beverages (beer and wine) in the C-3 zone pursuant to Section 22.28.210 of the County Code. The project site contains a 2,571 square foot neighborhood market with twelve (12) parking spaces plus one handicapped space with loading area. The site also contains a mobile recycling center (approved by RPP 2005-02038), an accessory storage building, a trash container and a pole sign. Previous approval for the sale of beer and wine was obtained through CUP 94-127-(5).

REQUIRED ENTITLEMENTS

The applicant, Larios Market, is requesting a Conditional Use Permit for the continued sale of beer and wine for off-site consumption in the C-3 zone at an existing market. A Conditional Use Permit is required for the sale of alcoholic beverages in the C-3 zone pursuant to Section 22.28.210 of the Los Angeles County Code.

LOCATION/ADDRESS

19004 E. Arrow Highway, Covina 91722

SITE DESCRIPTION

The site plan depicts the 2,571 square foot Larios Meat Market on a 13,500 square foot lot with 12 parking spaces plus one handicapped space, a mobile recycling center, a storage building, a trash container and a pole sign.

ACCESS

Access is taken from either Arrow Highway or Barranca Avenue

ZONED DISTRICT

Azusa - Glendora

ASSESSORS PARCEL NUMBER

8405-002-016

COMMUNITY

Covina Islands

SIZE

13,500 square feet/0.31 acres

COMMUNITY STANDARDS DISTRICT

EXISTING LAND USE

EXISTING ZONING

Project Site	Larios Market	C-3 (Unlimited Commercial)
North	Medical Building and parking	City of Glendora (C-3)
East	Used Auto Sales	C-3 (Unlimited Commercial)
South	Single Family Residence	A-1-7,500 (Light Agriculture with 7,500 sq ft. minimum lot size)
West	Open space	A-1-6,000 (Light Agriculture with 6,000 sq ft. minimum lot size)

GENERAL PLAN/COMMUNITY PLAN

Countywide General Plan

LAND USE DESIGNATION

1 (Low Density Residential)

MAXIMUM DENSITY

None

ENVIRONMENTAL DETERMINATION

Class 1 Categorical Exemption-Existing Facilities

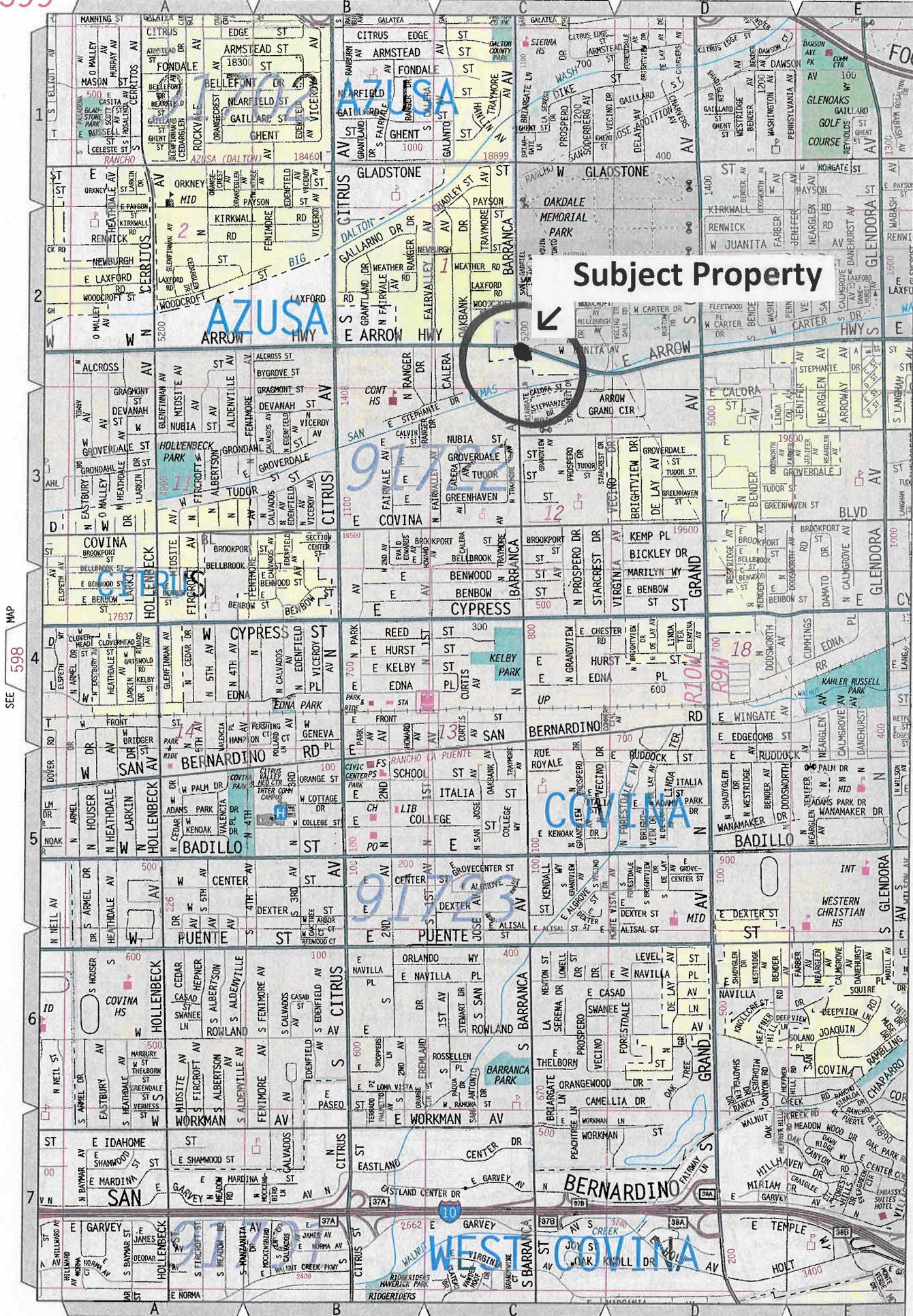
RPC LAST MEETING ACTION SUMMARY

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

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

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

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



Subject Property

MAP 598 SEE

STAFF ANALYSIS
PROJECT NUMBER R2007-02317-(5)
CONDITIONAL USE PERMIT NO. 200700161

PROJECT DESCRIPTION

The applicant, Larios Market, is requesting approval for a Conditional Use Permit to authorize the continued sale of alcoholic beverages (beer and wine) for off-site consumption incidental to the operation of an existing market in the C-3 (Unlimited Commercial) Zone. The subject market is approximately 2,571 square feet in size and on a 13,500 square foot lot in the unincorporated community of Covina.

LOCATION

The subject property is located at 19004 E. Arrow Highway, Covina, CA. 91722 in the Azusa-Glendora Zoned District.

SITE PLAN DESCRIPTION

The site plan depicts an approximately 2,571 sq.ft. market located on a 13,500 square foot property. The subject market is called Larios Market and it is located at the southeast corner of the intersection of Arrow Highway and Barranca Avenue. The subject property takes access via Arrow Highway from two 20 foot wide driveway entrances and one 20 foot wide driveway entrance on Barranca Avenue. The floor plan for the market depicts shelving, coolers, bathroom, counter with cash register, coffee counter and lighting system. Parking for the subject property is provided by 13 parking spaces (12 standard spaces and one handicapped space). A commercial trash dumpster is located directly east of the market. A recycling center is located on the subject property on the eastern property line. The recycling center is approved by RPP 200502038.

REQUIRED ENTITLEMENTS

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

EXISTING ZONING

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

Surrounding Zoning:

North: City of Glendora (C-3)
East: C-3 (Unlimited Commercial zone)
South: A-1-7,500 (Light Agricultural zone 7,500 square feet minimum lot size)
West: A-1-6,000 (Light Agricultural zone 6,000 square feet minimum lot size)

EXISTING LAND USE

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

Surrounding Properties:

North: Medical building and parking
East: Auto sales
South: Single-family residence
West: Open space

PREVIOUS CASES/ZONING HISTORY

Conditional Use Permit No. 94-127 approved by the Regional Planning Commission on January 4, 1995 to allow the sale of beer and wine for off-site consumption at an existing food market. Plot Plan 200502038 was approved in 2005 to legalize a recycling center operating on the property.

STAFF EVALUATION

General Plan Consistency

The Countywide General Plan Land Use Policy designation for the subject property is "Low Density Residential." The existing neighborhood market is consistent with the Plan, since the existing market is small in size and provides goods and services for the needs of the local community. Additionally, a sub-note in the Countywide General Plan states that a variety of non-residential uses occur within general residential areas including local commercial and industrial services. The market serves as a local commercial service and provides goods and services for the needs of the local community; therefore the market is consistent with the approved Countywide General Plan.

Zoning Ordinance and Development Standards Compliance

The subject property is zoned C-3 (Unlimited Commercial). Section 22.28.210 of Title 22 requires that a Conditional Use Permit to authorize the sale of alcoholic beverages. The subject market was authorized to sell alcoholic beverages (beer and wine) under Conditional Use Permit 94-127. No modifications to the existing market will occur.

Neighborhood Impact/Land Use Compatibility

Since the approval of the request pursuant to Conditional Use Permit No. 94-127 the neighborhood residents have had the opportunity to purchase beer or wine while shopping at the market. A Sheriff's report for the time period of March 1, 2006 to March 9, 2011 indicated that there were 63 calls for service. The calls for service mostly pertained to incidents not directly involving the market (false alarms, incidents outside of the market).

This market has been selling beer and wine at this location since 1994 providing market/food services to local residents. The sale of beer and wine at this market would be considered a public convenience as it is sold as an amenity to grocery shopping. The

shelf space allotted to beer and wine would be limited to 5% as there is an existing full-service liquor store within a 600 foot radius. A shelving plan for the market was submitted and is consistent with the 5% shelving restriction.

There is one place used exclusively for religious worship (Neighborhood Christian Fellowship) located within a 600 foot radius of the market. Additionally, there is one school (Live Oak Canyon School) located within a 600 foot radius of the market. The Neighborhood Christian Fellowship is located approximately 500-600 feet from the market and the Live Oak Canyon School is located approximately 750 feet from the market. As well being a sufficient distance from the market both of the sensitive uses are buffered by Arrow Highway which is a Major Highway approximately 100 feet in width. Both of these uses are of sufficient distance from the market and buffered by Arrow Highway which is a designated major highway.

There are three other establishments that also sell alcohol for either on-site or off site consumption within a 600 foot radius of the market are as follows: India Kababi and Curry restaurant (on-site beer and wine); B & J Liquor (off-site full alcohol service) and The Wheel Bar (on-site full alcohol service). The public convenience or necessity for this existing market selling alcoholic beverages (beer and wine) for off-site consumption outweighs the fact that the proposed use is located within 600 foot radius of other facilities selling alcoholic beverages for on-site and off-site consumption. This is the only market in the vicinity. The market would be limited to 5% shelf space to display the alcoholic beverages for sale due to the proximity of the other businesses that sell alcohol for either on-site or off-site consumption.

The sale of alcoholic beverages (beer and wine) for off-site consumption is incidental to the operation of the existing market and would not adversely affect the economic welfare or safety of the nearby neighborhood if appropriately conditioned. The applicant is proposing to sell alcoholic beverages (beer and wine) between the hours of 7:30 a.m. and 9:00 p.m., Monday through Saturday and between the hours of 7:00 am to 7:00 pm on Sundays. The market has been selling beer and wine since 1994 and its continued operation as conditioned is not likely to negatively impact the nearby community. Two previous zoning enforcement cases were opened on the property for an unpermitted recycling center in 2005. The recycling center was approved by RPP 200502038 in 2005 which resolved the zoning violations.

Burden of Proof Statements

The applicant is required to substantiate all facts identified by Section 22.56.040 and Section 22.56.195 of the Los Angeles County Code. The two Burden of Proof statements relating to the CUP and Alcoholic Beverage Sales, with the applicant's responses, are attached (**Attachment B**). Staff is of the opinion that the applicant has met both Burdens of Proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Los Angeles County Sheriff's Report

The calls for service and crime reports at the subject property during the time period of March 1, 2006 through March 9, 2011 (5 years), showed 63 calls for service. Most of the calls were due to false alarms and other incidents not directly involving the market. On March 12, 2010 the Sheriff's Department conducted a minor (underage) decoy operation at Larios Market in which an under aged decoy attempted to purchase alcohol. During the operation, a clerk at the market sold alcohol to a decoy minor. The clerk was cited and released. The clerk was required to attend ABC training and is still employed at the market. The Sheriff's Department does not have an objection to this permit (**Attachment A**).

Alcoholic Beverage Control (ABC)

Staff contacted the Monrovia District Office of the Department of Alcoholic Beverage Control regarding the subject property. The subject property is located within an area where there is an over-concentration of alcoholic beverage licenses but is not in a high crime reporting district according to the ABC report. The report provided by ABC states that four (4) licenses are allowed in the area and six (6) exist, creating an undue concentration of licenses (**Attachment C**). The Department of Alcoholic Beverage Control is required to deny the request unless the applicant can provide a letter issued by the Governing Body (County of Los Angeles Planning Department) stating that a public convenience or necessity will be served by the issuance of another license in the area.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Section 22.60.174 of the County Code, the Notice of Public Hearing was advertised in the San Gabriel Valley Tribune and La Opinion, on March 29, 2011 and March 26, 2011 respectively. A total of 229 public hearing notices regarding the subject application were mailed out to the property owners located within a 500-foot radius of the subject property and local community groups and residents in the Azusa-Glendora District courtesy list.

Case information materials, including the Notice of Public Hearing, Factual Sheet, Site Plan and environmental documentation were forwarded to the Charter Oak County Library at 20540 E. Arrow Highway, Suite K, Covina, CA. 91724 on March 29, 2011. The same materials were also posted on the Department of Regional Planning's website.

Pursuant to Section 22.60.175 of the County Code, the applicant shall post the public hearing notice on the property no less than 30 days prior to the public hearing date. Staff received the Certificate of Posting and photos from the applicant's agent stating that the Notice of Public Hearing was posted on April 1, 2011.

PUBLIC COMMENTS

No public comments had been received at this time of this report.

FEES/DEPOSITS

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

Zoning Enforcement

- Inspection fees of \$1500.00 to cover the costs of 10 annual zoning enforcement inspections.

ENVIRONMENTAL DETERMINATION

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

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing. Staff recommends approval of Conditional Use Permit No. 200700161, subject to the attached draft conditions.

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

Attachments:

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

FINDINGS AND ORDER OF THE HEARING OFFICER COUNTY OF LOS ANGELES

**PROJECT NUMBER R2007-02317-(5)
CONDITIONAL USE PERMIT NUMBER 200700161**

REQUEST

The applicant is requesting approval of a Conditional Use Permit (CUP) to authorize the continued sale of alcoholic beverages (beer and wine) for off-site consumption incidental to the operation of an existing market (Larios Market) located at 19004 E. Arrow Highway in the unincorporated community of Covina.

HEARING DATE: May 3, 2011

PROCEEDINGS BEFORE THE HEARING OFFICER:

Insert proceedings text after hearing.

FINDINGS

1. Larios Market is located at 19004 E. Arrow Highway, Covina, CA. 91722.
2. The project site is approximately 13,500 square feet in size, improved with a 2,571 square foot market. The subject market is a one-story detached commercial building.
3. The Countywide General Plan Land Use designation for the subject property is "1" – "Low Density Residential". A sub-note in the Countywide General Plan states that a variety of non-residential uses occur within general residential areas including local commercial and industrial services. The market serves as a local commercial service and provides goods and services for the needs of the local community; therefore the market is consistent with the approved Countywide General Plan.
4. The subject property is zoned C-3 (Unlimited Commercial). The surrounding properties are zoned as follow:
 - North: City of Glendora C-3 zone
 - East: C-3 (Unlimited Commercial)
 - South: A-1-7,500 (Light Agricultural - 7,500 sq. ft. minimum lot size)
 - West: A-1-6,000 (Light Agricultural - 6,000 sq. ft. minimum lot size)
5. The existing land use for the subject property is developed as a market with appurtenant parking. The existing land uses for the surrounding properties are as follows:
 - North: Medical building with parking
 - East: Auto sales
 - South: Single-family residence
 - West: Open space

6. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
7. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to 10 years.
8. Due to the distance of sensitive uses from the market and the fact that the sensitive uses are buffered by a designated major highway the proposed use would be compatible with the surrounding neighborhood with appropriate conditions. With the recommended conditions of approval, the market, with the off-site sale of alcoholic beverages (beer and wine), should operate without adversely affecting the health, peace, comfort or welfare of persons residing or working in the area, or endangering or otherwise constituting a menace to the public health, safety or general welfare. Therefore, the requested use at the proposed location is sufficiently buffered in relation to sensitive uses within the immediate vicinity so as not to adversely affect said area.
9. There are three (3) establishments that sell alcoholic beverages for either on-site or off-site consumption within a 600 foot radius of the subject property. They are as follows: India Kababi and Curry restaurant (on-site beer and wine); B & J Liquor (off-site full alcohol service); and the Wheel Bar (on-site full alcohol service). The public convenience or necessity for the existing market selling alcoholic beverages (beer and wine) for off-site consumption outweighs the fact that the proposed use is located within a 600 foot radius of other facilities selling alcoholic beverages for on-site and off-site consumption as this is the only market in the vicinity. However, due to the fact that the market is located within proximity of other businesses that sell alcohol for either on-site or off-site consumption, the conditions of approval will limit the shelving space to display alcoholic beverages to no more than 5% of the total shelf space of the market..
10. The Department of Regional Planning has determined this project to be Categorically Exempt (Class 1 – Existing Facilities) under the California Environmental Quality Act (CEQA) and the Los Angeles County environmental guidelines.
11. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use will be consistent with the adopted General Plan for the area;
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of person residing and working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare;
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22 of the County Code or as is otherwise required in order to integrate said use with the uses in the surrounding area;
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate and by other public or private service facilities as are required;
- E. Compatibility with surrounding land uses will be ensured through the implementation of the attached conditions;
- F. Establishment of the sale of alcoholic beverages (beer and wine) at such location is in the interest of public health, safety and general welfare and in conformity with good zoning practice;
- G. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or similar use within a 600 foot radius;
- H. The requested use in the current location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect the same area;
- I. The requested use will not adversely affect the economic welfare of the nearby community;
- J. The requested use at the proposed location will result in an undue concentration of similar premises but the proposal fulfills a public convenience or necessity for the facility selling alcoholic beverages for off-site consumption and outweighs the fact that it is located within 500 feet of other facilities selling alcoholic beverages for either on-site or off-site consumption; and

- K. The sale of alcoholic beverages (beer and wine) at this location will serve the public convenience or necessity and will not tend to create a law enforcement problem.

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

HEARING OFFICER ACTION

1. The Hearing Officer finds that this project is categorically exempt from the provisions of the California Environmental quality Act.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 200700161 is **APPROVED** subject to the attached conditions.

c: Hearing Officer, Zoning Enforcement, Building and Safety

SD:JL
April 19, 2011

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

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

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

5. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
6. Prior to the use of this grant, the property owner or permittee shall **record the terms and conditions** of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
7. This grant is for a term of up to 15 years and will expire on **May 3, 2026**. Upon the expiration of this grant, the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six months prior to the expiration date of this grant, whether or not any modification to the use is requested at that time.
8. This grant shall expire unless used within ninety (90) days from the date of final approval by the County. A single thirty (30) day time extension may be requested in writing and with payment of the applicable fee prior to the expiration date.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Within 30 days of the effective date of this grant, the permittee shall deposit with the County of Los Angeles the sum of \$1,500.00. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the site plan on file. The fund provides for **ten (10)** biennial inspections. Inspections shall be unannounced.
10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
11. All development pursuant to this grant must be kept in full compliance with the County Fire Code.

12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
14. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
15. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings or signage that was not approved by the Department of Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.
16. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
19. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, a revision to the Exhibit "A" shall be submitted to the Department of Regional Planning within sixty (60) days of the date of approval for the Conditional Use Permit. In the event the subsequent revised plans are submitted, the permittee shall submit three (3) copies of the proposed plans to the director for review and approval. All revised plans must be accompanied by written authorization of the property owner.
20. The sale of beer and wine for off-site consumption as an accessory use with the operation of a market, shall be further subject to all of the following restrictions:
 - a. The sale of beer and wine is permitted only between the hours of 8:00 a.m. to 8:00 p.m. Monday through Sunday;
 - b. No alcoholic beverages shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler;
 - c. No sale of alcoholic beverages shall be made from a drive-up window;
 - d. No display or sale of alcoholic beverages shall be made from an ice tub;
 - e. Beer in containers of 16 ounces or less shall not be sold in units of less than a six (6) pack;

- f. No wine shall be sold with an alcoholic content greater than 15% by volume. Wine shall not be sold in bottles or containers smaller than 750 ml and wine coolers shall not be sold in units of less than a four (4) pack;
- g. The shelf space devoted to alcoholic beverages shall be limited to not more than five (5) percent of the total shelf space in the establishment;
- h. No malt liquor/beverages or other fortified beer or fortified wine shall be sold on the premises;
- i. There shall be no cups, glasses, or small receptacles commonly used for the drinking of beverages, constructed of paper, plastic, Styrofoam or other similar material, sold at the premises in quantities of less than twenty-four (24), excepting individual glass, ceramic and durable plastic glasses, cups and mugs sold in the housewares aisle;
- j. No ice in quantities of less than five (5) pounds shall be sold or furnished. No ice in any quantity shall be given away free;
- k. No single cigarettes shall be sold;
- l. 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;
- m. The applicant shall be responsible for maintaining, free of litter, the area adjacent to the premises over which he/she has control;
- n. There shall be no coin-operated amusement devices or video games permitted on the licensed premises at any time;
- o. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or other similar structures;
- p. The parking area of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking area;
- q. Lighting in the parking area of the premises shall be directed in such a manner so as not to unreasonably illuminate any window area of nearby residents;
- r. The applicant shall be responsible to ensure that the outside pay telephone has been converted to one-way calls (out calls only) or have the telephone removed from the premises;

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

In addition to the information required in the application, 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.

Larios Meat Market has successfully operated here for many years.
The market continues to be an asset, serving the local community.
That this thriving market has existed for so long demonstrates
that it has not had an adverse impact on the local area or on
property values.
It is and will continue to be well maintained which will assure
that the continued use will not adversely affect the health and
welfare of the of the community, or in any way constitute a
menace.

- 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 site is fully developed and no new construction is proposed.
This site is adequate to accommodate ordinance requirements.
Walls, parking and landscaping are in and adequate.

- 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

This site is accessed by highways and streets in full width
to accommodate existing traffic. Traffic impacts would not
change from their existing condition.
This site will not be using any extra public or private
facilities.

ADDENDUM BURDEN OF PROOF, ALCOHOLIC BEVERAGE SALES Section 22.56.195

1. 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;

This request is to continue sale of beer and wine at Larios Meat Market with sales of beer and wine for offsite consumption. No change is proposed.

The use has existed at this site for more than 10 years and the lack of complaints well demonstrates that it has not had an adverse impact on any schools, parks, playgrounds or places of worship.

2. 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;

This existing market is located in a C-3 (unlimited commercial) zone and is well buffered from the nearest school and church by Barranca and Arrow Highway and by other commercial development.

3. 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 a 500 foot 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;

No new license is proposed. This request is to continue an existing use.

The display area for sale of alcoholic beverages is 4.74% of the total display area in the store.

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

Larios Meat Market has operated on this site for many years without any history of community complaint.

The site is well maintained. It's long history at this location demonstrates that it has not had an adverse impact on the economic welfare of the local community. It is a vital part of the local economy and provides a necessary service to the people who live and work in the area.

5. 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;

No change is proposed to the exterior of this store. The site is well maintained.

LOS ANGELES COUNTY LETTERGRAM

TO	Sam Dea	FROM	Jeff Lemieux
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Subject: Environmental Determination for RCUP 200700161 **Date:** March 28, 2011

PROJECT DESCRIPTION: The proposed project is a request for the continued sale of alcohol (beer and wine) at an existing market in the C-3 zone (unlimited commercial zone).

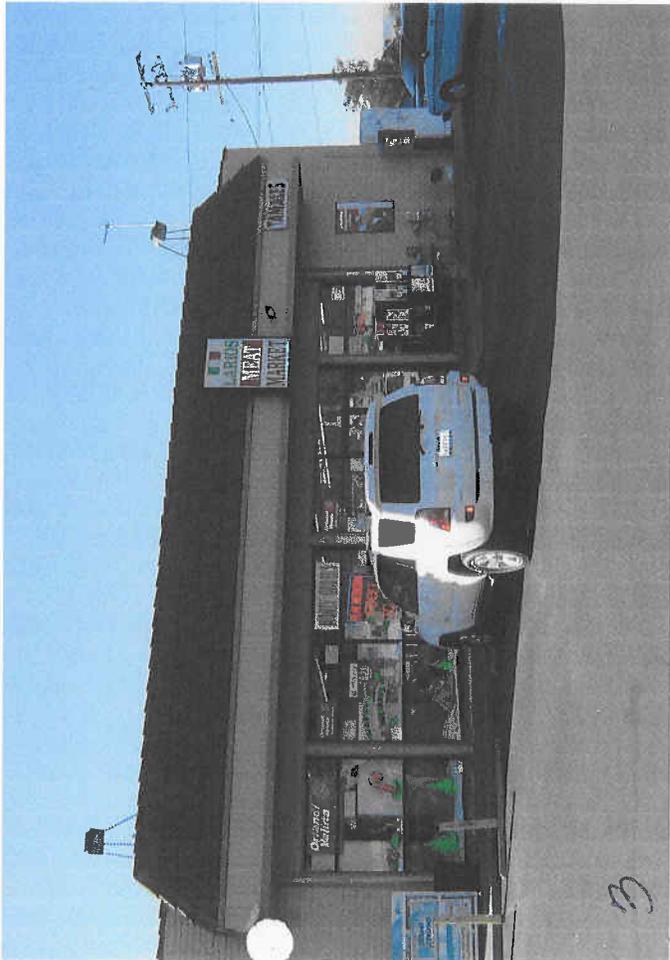
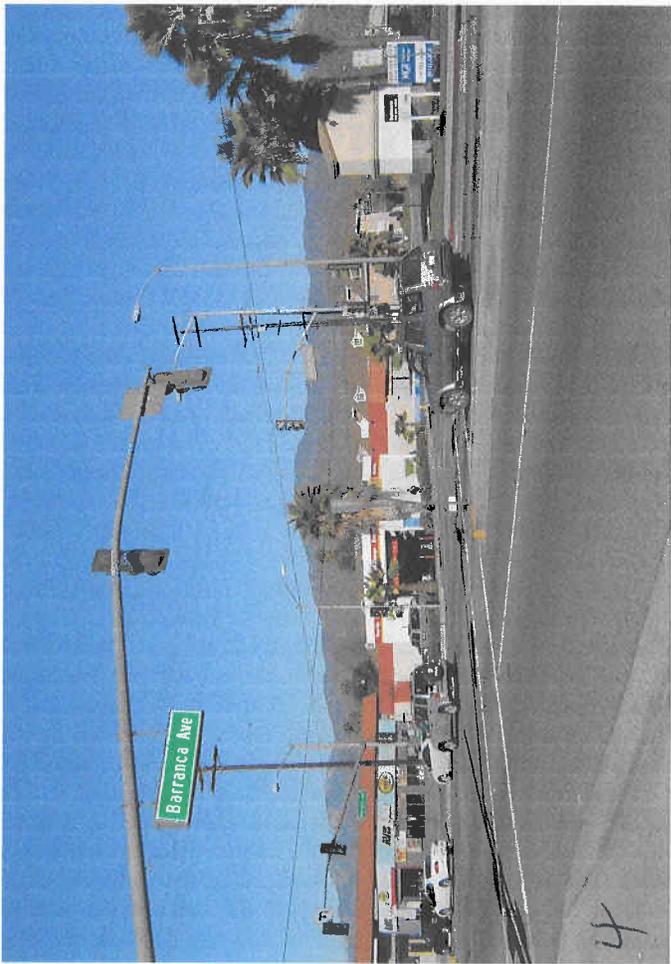
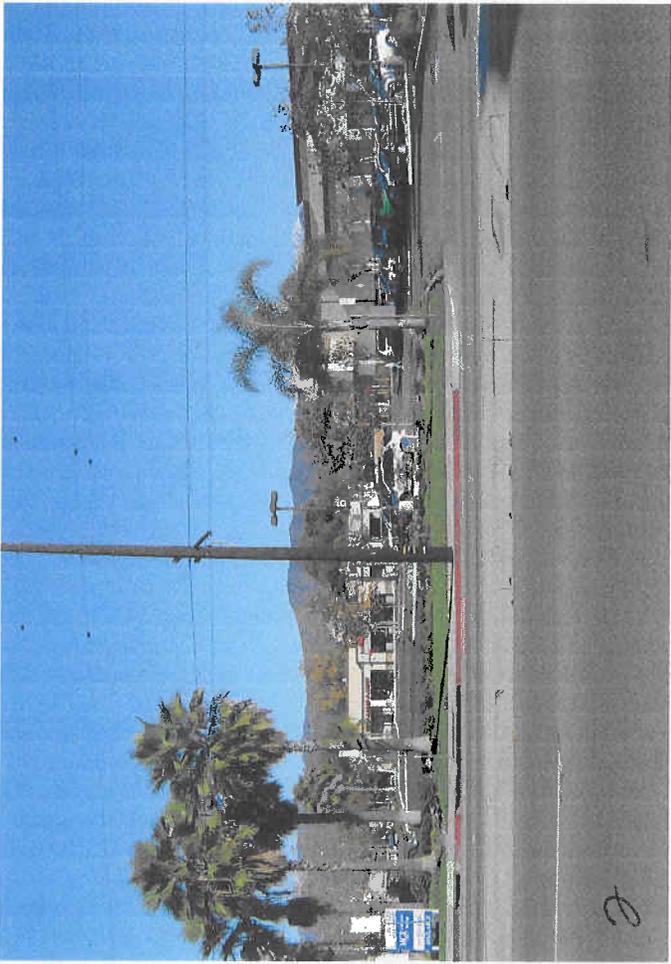
As such, this project qualifies for Class 1 Categorical Exemption –Existing Facilities- that consists of the operation, repair, maintenance or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of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

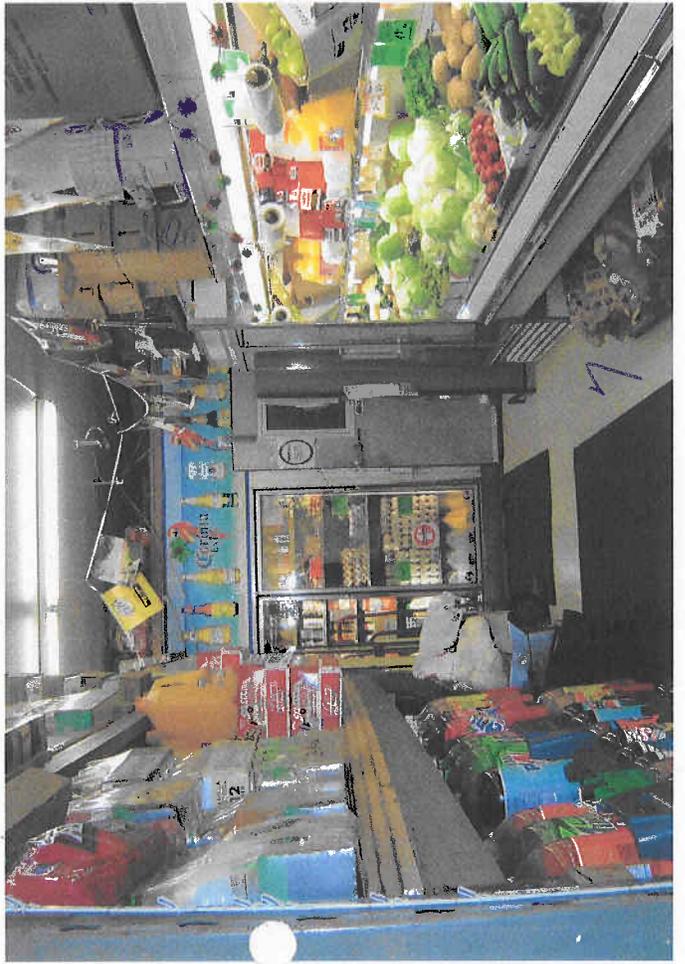
The staff of the Special Projects Section has reviewed the above-mentioned project to determine the appropriate environmental document. It is our opinion that the project qualifies for a Categorical Exemption since it meets the criteria set forth in Class 1 of the State EIR Guidelines (Article 19, Categorical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

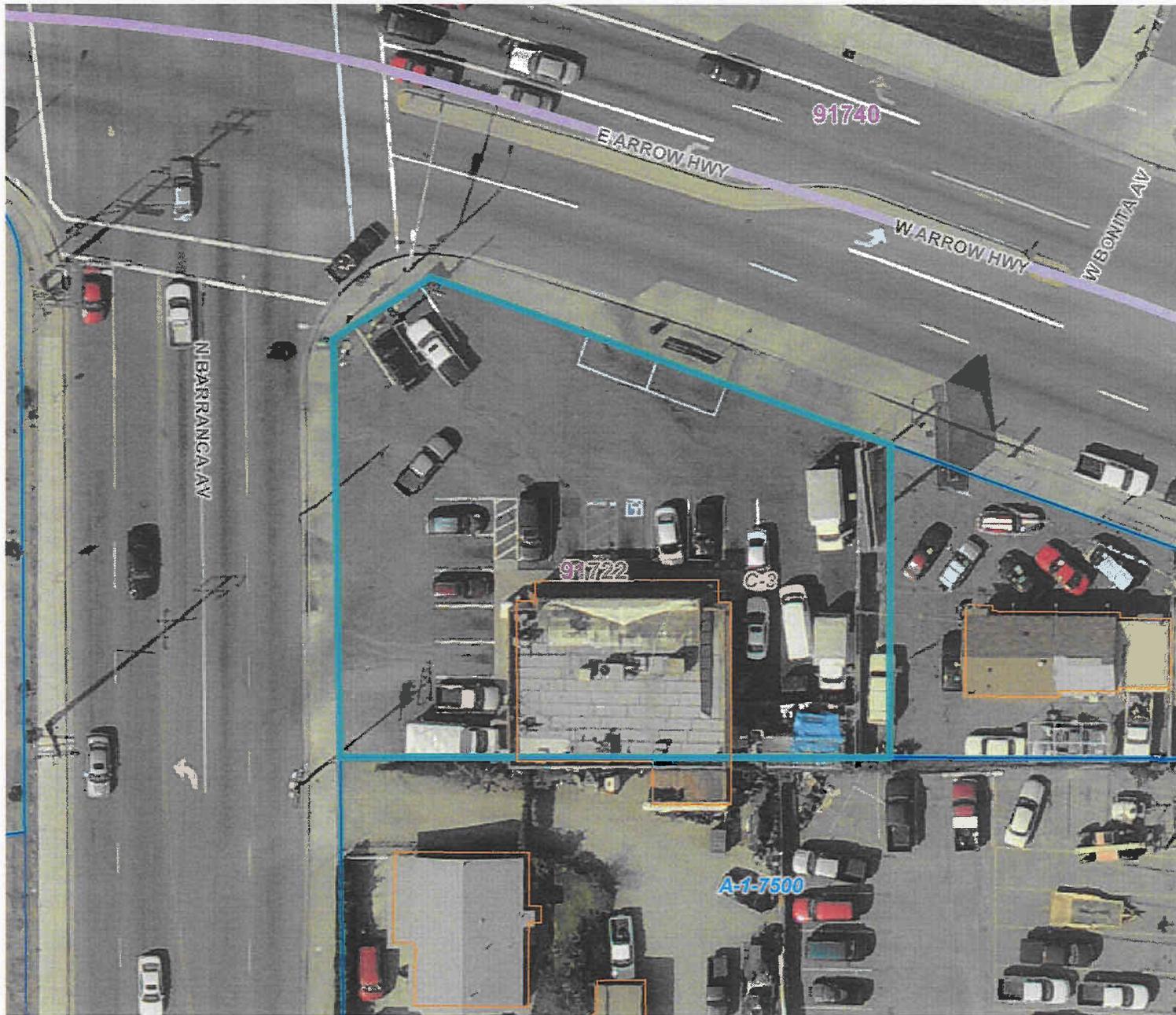
If you have any questions regarding the above determination or environmental document preparation, please contact Jeff Lemieux of the Special Projects Section at (213) 974-4854.

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

COMMENTS: _____







Legend

<ul style="list-style-type: none"> Parcel Boundary Alfonsal Street Highway Freeway Master Plan of Highways <ul style="list-style-type: none"> Expressway - (e) Expressway - (p) Ltd. Secondary Highway - (e) Ltd. Secondary Highway - (p) Parkway - (e) Parkway - (p) Major Highway - (e) Major Highway - (p) Secondary Highway - (e) Secondary Highway - (p) (e)-Existing (p)-Proposed Railroad or Rapid Transit <ul style="list-style-type: none"> Railroad Rapid Transit Underground Rapid Transit Significant Ridgelines <ul style="list-style-type: none"> Castro CSD Primary Castro CSD Secondary SMMNA Significant Census Tract (2000) Assessor Map Book (AMB) Bdy Zoning Index Map Grid Zoning Map Grid USGS Quad Sheet Grid The Thomas Guide Grid TB Internal Page Grid Very High Fire Hazard Severity Community Standards District (CSD) Community Standards District (CSD) CSD Area Specific Boundary ESHA (Coast Only) Significant Ecological Area (SEA) Section Line Township and Range National Forest Equestrian District (EQD) Transit Oriented District (TOD) Setback District Zoned District (ZD) Supervisory District Boundary Safety Related Stations (From TB) <ul style="list-style-type: none"> Fire Station Highway Patrol Police Station Ranger Station Sheriff Station 	<ul style="list-style-type: none"> Zoning (Boundary) Zoning <ul style="list-style-type: none"> Zone A-1 Zone A-2 Zone B-1 Zone B-2 Zone C-1 Zone C-2 Zone C-3 Zone C-H Zone C-M Zone CPD Zone C-R Zone D-2 Zone IT Zone M-1 Zone M-1.5 Zone M-2 Zone M-3 Zone MPD Zone MPD Zone MXD Zone O-S Zone P-R Zone R-1 Zone R-2 Zone R-3 (JU) Zone R-4 (JU) Zone R-A Zone RPD Zone R-R Zone SP Zone SR-D Zone W Landuse Policy (Not in Comm/ Area Plan) <ul style="list-style-type: none"> 1 - Low Density Residential (1 to 8 du/ac) 2 - Low/Medium Density Residential (8 to 12 du/ac) 3 - Medium Density Residential (12 to 22 du/ac) 4 - High Density Residential (22 or more du/ac) C - Major Commercial I - Major Industrial O - Open Space P - Public and Semi-Public Facilities RC - Rural Communities R - Non-Urban TC - Transportation Corridor Inland Waterbody <ul style="list-style-type: none"> Perennial Intermittent Dry
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Note: This is a static legend, which includes only a portion of layers. To get full legend, please use "Display Map Legend tab" on the top left side of screen.

