

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

**PROJECT NUMBER R2007-02953-(1)
CONDITIONAL USE PERMIT CASE NUMBER 200700188-(1)**

REGIONAL PLANNING COMMISSION HEARING DATE: JANUARY 21, 2009

SYNOPSIS:

Pursuant to Section 22.56.195 of the Los Angeles County Planning and Zoning Code (Title 22), the applicant is requesting a Conditional Use Permit to authorize the continued sale of beer and wine for off-site consumption at an existing market.

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:

Findings

1. Pursuant to Section 22.56.195 of the Los Angeles County Planning and Zoning Code (Title 22), the applicant is requesting a Conditional Use Permit to authorize the continued sale of beer and wine for off-site consumption at an existing market.
2. The market, Little Farmers Market, is located at 619 South Atlantic Boulevard, in the Eastside Unit No. 4 Zoned District of Los Angeles County.
3. The market occupies a one-story, 4,370 square foot building, situated on a level, paved and rectangular parcel. A total of 12 parking spaces are located on an adjacent parking lot to the south.
4. The subject property is zoned C-3 (Unlimited Commercial).
5. Surrounding properties within the 500-foot radius of the project are zoned as follows:
 - North: C-3 (Unlimited Commercial)
 - South: C-3 (Unlimited Commercial)
 - East: C-3 (Unlimited Commercial)
 - West: R-2 (Two-family Residence)
6. Land uses within 500 feet of the subject property consist of the following:
 - North: Retail center
 - South: Car sales,

East: Car sales, Restaurant
West: Single-family residences & Multi-family residences

7. Conditional Use Permit 97-068-(1) authorized the sale of beer and wine for off-site consumption at the market. This permit was approved on December 18, 1997 and expired on December 18, 2007.
8. The subject property is designated as Major Commercial in the East Los Angeles Community Plan. The purpose of the Major Commercial land use classification, as defined in the East Los Angeles Community Plan, is to provide for "small and large businesses in major areas...oriented toward the greater East Los Angeles area." The sale of beer and wine for off-site consumption is consistent with this definition, as it is within a service commercial facility. The current use of the space as a market is also consistent with this Land Use designation.
9. The site plan depicts the subject 4,370-square-foot market, with an adjacent 12-space parking lot to the south, including one handicapped space. The building is located on a 10,912 square-foot lot, of which approximately 1,115 square feet (10.2%) is landscaped. A maximum of five percent of existing shelf space is utilized for the display of alcoholic beverages.
10. Pursuant to Section 22.28.210 of the Los Angeles County Planning and Zoning Code (Title 22), premises in Zone C-3 may be used for the sale of alcoholic beverages, for either on-site or off-site consumption, provided a conditional use permit has first been obtained and conforms to the conditions of said permit.
11. Per Section 22.52.1110 of the County Code, every structure used for amusement, assembly, drinking, eating or entertainment shall provide one or more automobile parking spaces for each three persons based on the occupant load as determined by the county engineer. All other uses other than business or professional offices shall provide an area of sufficient size so that it contains one automobile parking space plus adequate access thereto for each 250 square feet of floor area of any building or structure so used.

The subject market has a floor area of 4,270 square feet. Of this area, approximately 3,260 square feet are used for sales, while the remainder (1,010 square feet) is used for office space and storage. This amount of floor area requires 16 off-street parking spaces. Twelve parking spaces, including one handicapped space, are provided in the adjacent parking lot to the south. Because this parking deficiency is less than 30% of the total required, it may be approved as a minor deviation in parking requirements per County Code Section 22.56.1762.

12. This project has been determined to be categorically exempt under the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA). This permit will be issued to a market that is located in an existing facility and qualifies for a Class 1, Existing Facilities, Categorical Exemption.

13. Statistical data from the California Department of Alcoholic Beverage Control (ABC) report that the site of the subject request is located within a high crime reporting district. The subject property is in Reporting District 286. The average number of offenses reported for all districts is 151 and the actual number of crimes reported for District 286 is 666.

ABC data show that the site is not in an area with an over-concentration of alcohol sales. The subject request is in Census Tract 5317.01 containing a population of 5,546 people. Four (4) ABC licenses are allowed within this census tract, while two (2) ABC licenses currently exist.

14. The East Los Angeles Station of the Los Angeles County Sheriff's Department was consulted regarding the project. Despite the fact that the property is located within a high-crime reporting district, the Sheriff had no opposition to the proposed project.

15. A total of 115 public hearing notices regarding the proposal were mailed to property owners within the 500-foot radius of the subject property on December 15, 2008. The hearing notice was also published in the *East L.A. Tribune* on and in *La Opinion* on December 18, 2008. Case-related materials were sent on December 15, 2008 to the East Los Angeles Library. The hearing notice has been posted on the property for at least 30 days prior to the public hearing date. No comments had been received from the public regarding this proposal at the time of this report

17. The subject market is located in a commercial district along South Atlantic Boulevard. Currently, one (1) other business within 500 feet, a restaurant, has an ABC license, and it is to sell beer and wine for on-site consumption.

The project is located within a high crime reporting district. Despite this, the local Sheriff's station has no objection to approval of the project. In addition, an undue concentration of ABC licenses within the census tract does not exist. There are three (3) sensitive use within 600 feet of the subject property: a public park, a small private school, and Garfield High School. The impact of the project would be mitigated by the fact that the license is already existing and has not caused problems at these facilities in the past, according to the local Sheriff's station. Therefore, it is unlikely that this sensitive use would be adversely affected by the approval of this permit.

18. The granting of this Conditional Use Permit to sell beer and wine for on-site consumption at an existing restaurant would serve as a public convenience, as there are no other markets selling beer and wine within the immediate area.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

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

- B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare; and
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features; and
- D. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such uses would generate and by other public or private facilities as are required; 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' radius; and
- F. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500' shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500' radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than 5% of the total shelf space in the establishment; and
- G. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
- H. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

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

REGIONAL PLANNING COMMISSION ACTION:

1. The Commission has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 200700188-(1) is **APPROVED** subject to the attached conditions.

VOTE:

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date: January 21, 2009

1. c: Each Commissioner, Zoning Enforcement, Building and Safety.

MM:TM
01/07/09