

Fairmont Market Project Number R2008-00152 CUP 200800020

Burden of Proof Statements: Conditional Use Permit - For alcoholic beverage sales (no liquor) for off-site and on-site consumption in conjunction with a restaurant, a convenience store and accessory to an automotive fueling station and a proposed caretaker unit.

This exhibit has been prepared pursuant to Sections 22.56.040 & 22.56.195 of the Los Angeles County Code (LACC), which contain, respectively, the requisite findings for approval of a conditional use permit for alcoholic beverage sales in unincorporated Los Angeles County. Each required finding is listed below in italicized, bolded font. The applicant's description of how the proposed development project satisfies each finding follows in normal font.

Required Findings for the Project Conditional Use Permit (22.56.040):

A. That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area.

The proposed use - i.e., sale of alcoholic beverages (no liquor) for off/on-site consumption-had occurred at the subject restaurant/convenience store/fueling station for many years with no known adverse affects on the health, peace, comfort or welfare of persons residing or working in the vicinity. Conditions imposed by the County as part of the Conditional Use Permit will help to ensure that the continued sale of alcoholic beverages (no liquor) for off-site and on-site consumption at the establishment will occur in a manner that protects the peace, comfort and welfare of persons residing or working in the surrounding area. Persons in surrounding area value subject restaurant/convenience store/fueling station for other food and beverage needs, not just for alcoholic beverage (no liquor) purchases and consumption. The food served at subject restaurant within subject restaurant/convenience store/fueling station is American in nature i.e. breakfast, lunch, hamburgers, etc. Subject restaurant/convenience store/fueling station will employ seven (7) full-time employees. Hours of operation for the convenience store/fueling station will be 7:00 a.m. to 11:00 p.m. Restaurant hours of operation will be 11:00 a.m. to 10:00 p.m. Alcoholic beverages (no liquor) will be available for purchase at convenience store/fueling station (no consumption), and available for consumption, with purchase of food, at subject restaurant. The proposed caretaker unit will increase security for the project since it will offer 24 hour surveillance and occupancy.

2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site.

Over the years, there has been no evidence that suggests the sale of alcoholic beverages (no liquor) for off-site and on-site consumption at the automotive fueling station/restaurant establishment has in any way been materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity. To the contrary, this service has been a valued convenience to local residents over the years, many of whom have come to rely on the establishment for their purchases of beer and/or wine. This service has also proved a convenience to nearby residents rather than drive to other restaurant/convenience stores/automotive fueling stations located in Lancaster or others locations farther away from their residences. There are no other restaurant/convenience stores/automotive fueling stations within the vicinity or on Highway 138/West Avenue. The closest establishment that sells alcoholic beverages (no liquor) for off-site consumption is approx. 5 (five) miles away. The closest establishment that sells alcoholic beverages (no liquor) for on-site consumption is approx. 15 (fifteen) miles away. The applicant's conformance with the County's conditions imposed under the CUP for the proposed use will help ensure the sale of alcoholic beverages (no liquor) at the restaurant/convenience store/automotive fueling station will not constitute a detriment to the use, enjoyment or valuation of property in the vicinity of the site.

Fairmont Market Project Number R2008-00152 CUP 200800020

3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

Likewise, there has been no evidence to suggest that the sale of alcoholic beverages (no liquor) at the restaurant/convenience store/ automotive fueling station has in any way jeopardized, endangered or otherwise served as a menace to the public health, safety or general welfare. There has been no criminal activity in or around subject restaurant/convenience store/fueling station. Conditions imposed under this grant will help ensure this will be the case. As noted above, the evidence shows that this will serve as a valued convenience to nearby residents.

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 subject restaurant/convenience store/ automotive fueling station is appropriately served by parking, landscaping and other facilities and/or development features prescribed in the Zoning Code. Twenty-Nine (29) parking spaces will be provided on-site, with unpaved areas having parking indicator signs and wheel stops, which are more than needed to service project employees and customers. The patio located outside the restaurant will be used during restaurant hours of operation (11:00 a.m. to 10:00 p.m.) The subject restaurant/convenience store/automotive fueling station comprises approximately 2.5 acres of land, which, as depicted on the site plan submitted with the zoning application, is sufficient land area to accommodate proposed uses while meeting Zoning Code requirements pertaining to building set backs and lot coverage, parking, and landscaping. Included is a proposed caretaker unit. As also shown on the site plan, existing landscaping will be used.

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.

The site is sufficiently served by streets as necessary to carry the type and quantity of traffic generated by the restaurant/convenience store/ automotive fueling station. The site is accessed by West Ave D and 230th Street West by direct access.

2. By other public or private service facilities as are required.

The existing restaurant/convenience store/automotive fueling station is adequately served by public fire, law enforcement, utility and/or other public services, as required. In case of emergency, the subject parcel is easily serviced by the Sheriffs department and Fire Station because these agencies are located at an adequate distance, if assistance is indeed required, from the restaurant/convenience store/automotive fueling station. In the past three years our location has been used as a centralized depot facility for fire and transportation emergency organizations.

Fairmont Market Project Number R2008-00152 CUP 200800020

Addendum to Burden of Proof for ABC Sales Conditional Use Permit (22.56. 195} continued

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 other similar use within a 600-foot radius.

The proposed sale of alcoholic beverages (no liquor) for off-site and on-site consumption will in no way adversely impact any park, church, school, playground or similar sensitive uses because no such uses exist within a 600-foot radius of the existing restaurant/convenience store/ automotive fueling station. As noted, the sale of alcoholic beverages (no liquor) for off-site and on-site consumption had occurred at the subject establishment without incident or negative impacts on adjacent or nearby development.

B. That the requested use at the proposed location is sufficiently buffered in relation to any residential area in the immediate vicinity so as not to adversely affect said area.

There are no immediate residencies within a 200-foot radius of the restaurant/convenience store/ automotive fueling station. Residents are sufficiently buffered from the proposed sale of alcoholic beverages (no liquor) for off-site and on-site consumption. As noted, the proposed sale of alcoholic beverages (no liquor) for off-site and on-site consumption will serve as a convenience to nearby residents. The close proximity to the restaurant/convenience store/ automotive fueling station will allow residents to safely and easily procure their alcoholic beverages.

C. 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 shelf space in the establishment.

The requested use at the proposed location will not result in an undue concentration of similar premises because no such other establishments sell alcoholic beverages (no liquor) for on-site or off-site consumption within a 500-foot radius of the property.

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

Over the many years of alcoholic beverage sales (no liquor) for off-site and on-site consumption at the subject establishment, there has been no evidence indicating that the proposed use has had any adverse affects on the economic welfare of the surrounding community.

E. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of other 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 restaurant/convenience store/ automotive fueling station are well maintained by the applicant in question with standards running concurrent to the community. Subject restaurant/convenience store/ automotive fueling station are consistent with the exterior appearance of neighboring commercial structures, with a house-like outward appearance.

LOS ANGELES COUNTY LETTERGRAM

TO	File	FROM	Blengini, Carolina
-----------	------	-------------	--------------------

**SUBJECT: ENVIRONMENTAL DETERMINATION
PROJECT R2008-00152
CUP200800020**

**DATE:
March 4, 2009**

The project is comprised of the sale of beer and wine for on-site and on-site consumption at a convenience store and restaurant associated with an automotive fuelling station.

As such, this project qualifies for:
Categorical Exempt Class 3: Conversion of Small Structures.

The staff of the Special Projects Section recommends a Categorical Exemption since it meets the criteria set forth in Class 3 of the State EIR Guidelines (Article 19, Categorical Exemptions) and Class 3 of the County Guidelines (Appendix G, Categorically Exempt Projects).

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

23958.4 B & P APPLICATION WORK SHEET

APPLICANT: 22847 W Avenue D
 PREMISES ADDRESS: Lancaster, CA 93536
 LICENSE TYPE: On Sale / Off Sale

Los Angeles Sheriff

1. CRIME REPORTING DISTRICT

LAPD Jurisdiction is able to provide statistical data for the year 2007.

Reporting District: 1194

Total number of reporting districts: ~~1012~~ 374

Total number of offenses: ~~258,769~~ 57,785

Average number of offenses per district: ~~256~~ 154

120% of average number of offenses: ~~307~~ 185

Total offenses in district: 38

Location is within a high crime reporting district: NO

2. CENSUS TRACT / UNDUE CONCENTRATION - 2008

Census Tract: 9012.03

ON-SALE

OFF-SALE

Population: 1482 County Ratio

1: 1159

1: 1618

Number of licenses allowed:

2

1

Number of existing licenses:

1

4

Undue concentration exists:

NO

yes

Letter of public convenience or necessity required:

Governing Body

Three time publication required:

yes

Person Preparing Data

1/8/09
Date VR

Supervising Investigator



**California Department of Alcoholic Beverage Control
For the County of LOS ANGELES - (Retail Licenses)
and Census Tract = 9012.03**

Report as of 4/16/2009

License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1) 313222	ACT	21	1/11/1996	12/31/2009	KHALIL SAMEER 49744 GORMAN POST RD GORMAN, CA 93243 Census Tract: 9012.03	GORMAN PLAZA MARKET		1900
2) 396653	ACT	20	6/9/2003	5/31/2009	TERLSIAN SALPY SARAH 49764 GORMAN POST RD GORMAN, CA 93243 Census Tract: 9012.03	GORMAN UNION 76		1900
3) 398855	ACT	20	5/2/2003	4/30/2009	CUEVA GIL DELOERA 28105 W AVENUE C6 LANCASTER, CA 93536 Census Tract: 9012.03	COUNTRY STORE		1900
4) 412164	ACT	41	6/9/2004	5/31/2009	PAI YUN KWON 49713 GORMAN POST RD GORMAN, CA 93243 Census Tract: 9012.03	PI ENTERPRISES SIZZLER BRIANS DINER		1900
5) 457804	ACT	20	10/25/2007	9/30/2009	A & J JR MART INC 18348 W AVENUE D LANCASTER, CA 93536-9270 Census Tract: 9012.03	A & J JR MART INC <i>wee vill market cbl. 729.3001 7am 8pm</i>		1900

*License Type:
41 - on-site beer/wine
20 - off-site beer/wine
21 - off-site general*

--- End of Report ---

For a definition of codes, view our glossary.

Blengini, Carolina

From: Kuper, Michael L [MLKuper@lasd.org]
Sent: Wednesday, January 28, 2009 11:08 AM
To: Blengini, Carolina
Subject: Project 2008-00152-(5), the Fairmont Market and Fuel

Regarding your inquiry:

There were 3 calls for service at this location during the past 5 years. None of the calls were serious. Two were medical and one was for repossession.

The Los Angeles County Sheriff's Department does not oppose the issuance of a Conditional Use Permit for the issuance of an Alcoholic Beverage Control license.

Deputy Michael L. Kuper
Special Assignment Officer
LASD – Lancaster
661-948-8466 Office
661-810-8433 Cell
661-726-7564 Fax