



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

March 9, 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

JOHN BORUNDA & ASSOCIATES
6601 CENTER DRIVE WEST #500
LOS ANGELES, CA 90045

**REGARDING: PROJECT NUMBER R2008-01174- (1)
CONDITIONAL USE PERMIT NUMBER 200800104
1860 E FIRESTONE BLVD**

Dear Applicant:

The Regional Planning Commission, by its action of March 9, 2011, **DENIED** the above described conditional use permit application. The attached documents contain the Regional Planning Commission's findings relating to the denial.

The applicant or ANY OTHER INTERESTED PERSON may APPEAL the Regional Planning Commission's decision to the Board of Supervisors. To file an appeal, please contact the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012, telephone (213) 974-1426. **An appeal must be postmarked or delivered in person by 5:00 PM on March 23, 2011.** If no appeal is filed during the specified period, the Regional Planning Commission action is final.

Sincerely,

Richard J. Bruckner
Director

Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings

c: BOS, ABC, Testifiers, Sheriff, Applicant

MM:JN

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

**PROJECT NUMBER R2008-01174 – (1)
CONDITIONAL USE PERMIT CASE NO 200800104**

REQUEST

The applicant requests a conditional use permit (CUP) to authorize the sale of beer and wine for off-site consumption in the C-3 (Unlimited Commercial) Zone within the unincorporated community of Florence-Firestone.

REGIONAL PLANNING COMMISSION HEARING DATE: 3/9/11 PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:

March 9, 2011

A duly noticed public hearing was held on March 9, 2011, on Conditional Use Permit No. 200800104, before the Regional Planning Commission. Commissioners Valadez, Bellamy, Helsley, Pedersen, and Modugno were present.

The applicant's representative John Borunda and the applicant, Kenny Park, testified in favor of the project and answered questions presented by the Commissioners. Nine speakers also testified in support of the project indicating that the proposed project will provide a one stop shopping location which would assist the store operations as well as serve the neighborhood.

There being no further testimony, the Regional Planning Commission closed the public hearing and denied the conditional use permit by a vote of 5-0.

FINDINGS

1. The project is located at 1860 E. Firestone Blvd within the Roosevelt Park Zoned District, and the Firestone Station Transit Oriented District, in the unincorporated community of Florence-Firestone. The Assessor Parcel Number of the subject property is 6044-025-001.
2. The project site is zoned C-3 (Unlimited Commercial) and is also located within the Florence-Firestone Community Standards District. Pursuant to Section 22.28.210 of the County Code, the sale of alcoholic beverages for off-site consumption is permitted in the C-3 zone provided a CUP has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit.
3. The applicant is required to substantiate all facts identified by Sections 22.56.040 and 22.56.195 of the County Code (Burden of Proof).
4. Surrounding properties within 500' radius are zoned as follows:

North: C-3 (Unlimited Commercial)
South: R-2 (Two-Family Residence)
East: C-3 (Unlimited Commercial)
West: C-3 (Unlimited Commercial)

5. The subject property is a retail grocery market. Land uses within the immediate surrounding area of the subject property are as follows:

North: Funeral Home
South: Single-Family Dwelling
East: Car Repair
West: Furniture Store

6. The site plan, marked Exhibit "A", depicts a 7,436 square-foot lot containing a two-story structure with an existing market on the first floor. According to the applicant the second floor is vacant and is not part of the market use. The submitted store floor plan shows a total of 846 linear feet of merchandise shelves consisting of 648 linear feet of the merchandise shelves devoted to dry and canned groceries, the remaining 198 linear feet is devoted to beverages, produce and fresh meat. The applicant proposes that five percent of the merchandise shelves would be devoted to beer and wine sales.
7. The subject property is located within the Low/Medium Density Residential land use category of the Countywide General Plan. This category designation is intended for areas particularly suitable for small lot family residences, twin-homes, duplexes and townhouse development at densities ranging from six to twelve units per gross acre.
8. The General Plan does not include policies specific to the sale of alcoholic beverages.
9. Staff received comments from the Los Angeles County Sheriff's Department, dated January 30, 2011. According to the letter, there is already a proliferation of establishments licensed to sell alcohol in the area. The Sheriff's Department opposes the Regional Planning Department issuing an alcohol permit to this establishment.
10. Four sensitive uses are located within a 500 foot radius, and the remaining four within 1200 feet of the subject property. Graham Elementary School has an enrollment of over 1,000 students in grades K through 6. One of the suggested pedestrian routes to this school is for students to use the sidewalk along Firestone Blvd to cross the traffic signal at the intersection of Firestone Blvd and Fir Avenue. Students taking this route pass directly in front of the market. The public library across the street also serves school children after school hours and is located within 200 feet of the subject property. Children residing south of Firestone Blvd also take the same pedestrian route to go to the library and pass in front of the market. In addition, three churches, a park and the Los Angeles County Probation Office are

located within a 1,000-foot radius. Washington Park is within 1,200 feet of the subject property.

11. The granting of an additional license will result in two kinds of “undue concentration” as defined by the Department of Alcoholic Beverage Control (ABC) and County Code:

a. The ABC report indicates that there are nine existing off-sale licenses in this particular census tract, and only four are allowed. Therefore, an additional license will result in undue concentration in the census tract pursuant to ABC regulations. In order to be approved, a finding of public convenience and necessity would be required from the County. However, given the large number of uses selling alcohol within the census tract and within close proximity to the subject property, a finding of public convenience or necessity cannot be supported. There nine existing establishments selling alcoholic beverages within the subject census tract consisting of eight markets and one liquor store. All of these existing uses provide alcohol for sale off-site consumption. These are all located within the same census tract and provide the same general service as the proposed project. Therefore, public convenience and necessity is not served by allowing additional alcohol sales in this location.

b. County Code Section 22.56.195.B.3 states that an undue concentration of establishments offering alcohol for sale for off-site consumption exists if there are other establishments selling alcohol for on-site or off-site consumption within 500 feet of the proposed use. In order for a CUP to be approved when there is an undue concentration of alcohol sales in the area, a finding of public convenience and necessity would be required and the shelf space devoted to alcoholic beverages for off-site consumption would be limited to five percent of the total shelf space. Griff Liquor and LA Mexicana Meat Market are located within 500 feet of the subject property. Both of these uses sell alcohol for off-site consumption, and as noted above, these uses provide the same general service as that being proposed by the project. Therefore, public convenience and necessity would not be served by allowing additional alcohol sales at this location.

12. The existing store was built in 1920’s and is nonconforming due to standards. The market complies with the applicable development standards for the C-3 (Unlimited Commercial) zone for height and setbacks. In addition, grocery store and meat market are allowed uses in the C-3 zone. However, the market is non conforming due to parking standards with 16 parking spaces required while nine are provided. Also, the existing signs do not comply with Part 10 of Section 22.52 of the County Code.

13. The market was built prior to the adoption of the Community Standards District, and the CSD does not contain any specific requirements related to alcohol sales in this

area other than the requirement to obtain a conditional use permit to authorize the sale of alcoholic beverages as per Sections 22.44.138.E.1.d.ii and 22.28.210. Additionally, the project involves a request to add alcohol sales to an existing market and does not affect the continued operation of that market with or without alcohol sales.

14. The market provides on-site parking space for customers in a nine-space surface parking lot adjacent to the market. Access to the site is provided by Firestone Boulevard and a shared alley with the adjacent residential neighborhood. The subject property is separated from the alley by a ten foot wrought iron fence and from the adjacent single-family dwelling by an eight foot chain link fence.
15. **Neighborhood Impact/Land Use Compatibility:**
The proposed project is not compatible with the surrounding neighborhood. There are four sensitive uses within 600 feet of the subject property, and there are two establishments selling alcohol beverages within a 500 foot radius. The presence of alcohol sales will adversely affect the school and the public library located within a 500 foot radius of the subject property. The Graham Elementary School's suggested pedestrian route to school shows that eight of the existing nine alcohol sales within the census tract are located within the suggested student pedestrian route to school. An additional license will intensify the negative impact already affecting the neighborhood. Further, ABC establishes an overconcentration of alcohol licenses based on the average of alcohol licenses versus the population in a given census tract. This facility is located within Census Tract 5353 with a population of 6,067. There are nine establishments selling alcohol beverages for off-site consumption while four are allowed. There are more than twice the establishments selling alcoholic beverages for off-site consumption than allowed. In addition, there is an undue concentration of alcohol sales within a 500 foot radius with two establishments consisting of a liquor store and a meat market selling alcoholic beverages, therefore, a finding of public convenience or necessity cannot be supported.
16. Regional Planning has determined that the project qualifies for a Class 1, Existing Facilities, Categorical Exemption under the California Environmental Quality Act (CEQA). The project does not include any new construction or changes to the existing building's interior or exterior. Therefore, this project qualifies for a Class 1 Categorical Exemption because the project consists of the continued operation of an existing market with negligible or no expansion of use beyond that which currently exists.
17. 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.

18. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community, as the project site provides employment opportunities to community members.
19. 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 East Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

The requested use at the proposed location:

- A. **Will** adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area;
- B. **Will** be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site;
- C. **Will** jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

AND, REGARDING THE REQUIRED FINDINGS FOR THE SALE OF ALCOHOLIC BEVERAGES:

- D. The requested use at the proposed location **will** adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius;
- E. The requested use at the proposed location **will** result in an undue concentration of similar premises, and that the public convenience for an additional facility selling alcoholic beverages for off-site consumption **does not** outweigh the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption;
- F. The sale of beer and wine for off-site consumption at this location will not serve the public convenience or necessity.

THEREFORE, the information submitted by the applicant and presented at the public hearing does not substantiate the required findings for a conditional use permit as set forth in Sections 22.56.090 and 22.56.195, Title 22, of the County Code.

REGIONAL PLANNING COMMISSION ACTION

- 1. In view of the findings of fact and conclusions presented above, Conditional Use Permit Case No. 200800104 is **DENIED**.

c: Each Commissioner, Zoning Enforcement, Building and Safety

VOTE 5-0

Concurring: Valadez, Bellamy, Pedersen, Helsley, Modungo.

Dissenting: None

Abstaining: None

Absent: None

Action Date: March 9, 2011

MM: JN
3/9/2011