

# Regional Planning Commission Transmittal Checklist

Hearing Date  
10/05/2011  
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Agenda Item No.  
7

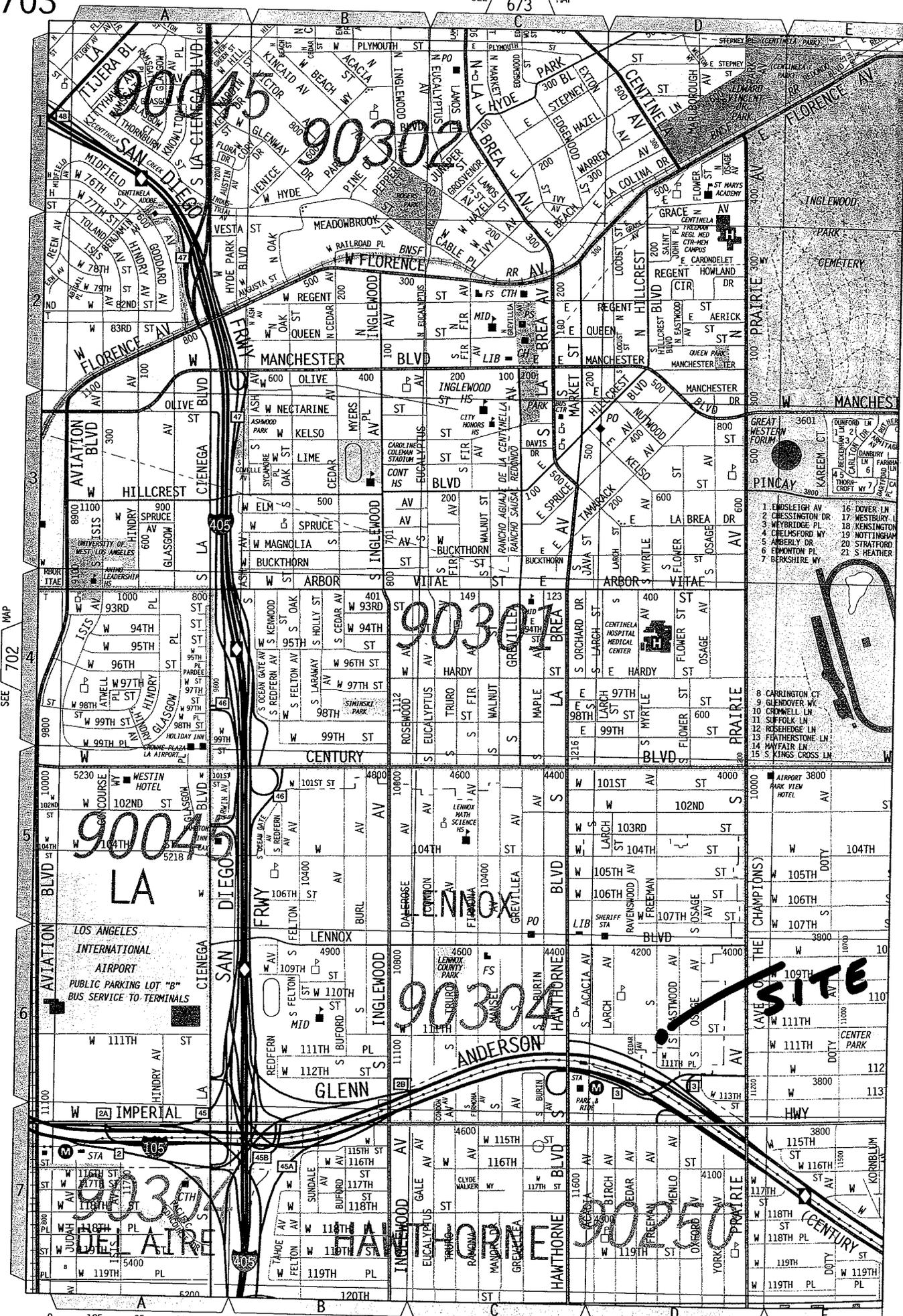
Project Number: R2011-00120-(2)  
Case(s): Conditional Use Permit No. 201100011  
Planner: Rudy Silvas

- 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 ( MND – Initial Study & MMP)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use Radius Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans (Preliminary)
- Correspondence (Current ABC license)

Reviewed By:  for Mike



LOS ANGELES, CALIF.



SEE 702 MAP

0 .125 .25 .375 .5 miles 1 in. = 1900 ft.

3T12



Los Angeles County Department of Regional Planning  
 320 West Temple Street  
 Los Angeles, California 90012  
 Telephone (213) 974-6462  
**PROJECT NUMBER R2011-00120-(2)**  
**RCUP 201100011**

PUBLIC HEARING DATE 10/05/2011	AGENDA ITEM 7
RPC CONSENT DATE	CONTINUE TO

<b>APPLICANT</b> Pedro S. Martinez	<b>OWNER</b> Pedro S. Martinez	<b>REPRESENTATIVE</b> Feny Martinez
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**PROJECT DESCRIPTION**  
 Conditional Use Permit for the continued use of a grocery store (Al's Market) with beer and wine sales for off-site consumption, on the same lot with a single family residence, located in the R-2 (Two-Family Residence) Zone within the Hawthorne Station (Green Line) Transit Oriented District. Type 20 ABC license for beer and wine sales, off-site consumption, is current. This CUP application is not for an ABC license.

**REQUIRED ENTITLEMENTS**  
 The applicant requests a Conditional Use Permit, under County Code section 22.44.450 (C) 1(a)ii, for the continued use of a grocery store under 5,000 square feet in floor area and located on a corner lot with beer and wine sales for off-site consumption, on the same lot with a single family residence, located in the R-2 (Two-Family Residence) Zone within the Hawthorne Station (Green Line) Transit Oriented District. Grocery Store is legal nonconforming due to standards for parking, landscaping and setbacks, and was last approved under Nonconforming Structure Review 00-167 on March 27, 2001, and expired on March 20, 2011.

**LOCATION/ADDRESS**  
 4158 W. 111th Street, Inglewood, CA 90304

**SITE DESCRIPTION**  
 Site plan depicts location of parcel at southeast corner of 111th Street and Freeman Avenue intersection, with existing market and existing single-family residence, attached one car garage, porch, landscaping and driveway for residence, store's external refrigeration equipment, fencing, and one pole no longer used for any purpose in front of market. Store has no parking spaces, none depicted.

<b>ACCESS</b> Freeman Avenue	<b>ZONED DISTRICT</b> Lennox
<b>ASSESSORS PARCEL NUMBER</b> 4035023009	<b>COMMUNITY</b> Inglewood
<b>SIZE</b> 0.08 Acres	<b>COMMUNITY STANDARDS DISTRICT</b> TOD - Hawthorne Station (Green Line)

	EXISTING LAND USE	EXISTING ZONING
Project Site	Existing grocery store and single family residence	R-2 (Two-Family Residence)
North	School lot for new school	R-2
East	Single family residence	R-2
South	Single family residence	R-2
West	Duplex and triplex, separate parcels	R-2

<b>GENERAL PLAN/COMMUNITY PLAN</b> Countywide General Plan	<b>LAND USE DESIGNATION</b> Category 2 - Low/Medium Density Residential (6 to 12 du/acre)	<b>MAXIMUM DENSITY</b> 12 du/ 1 acre max.
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**ENVIRONMENTAL DETERMINATION**  
 CEQA 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: Rudy Silvas		
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



## **STAFF ANALYSIS**

**PROJECT NO. R2011-00120-(2)**

**CONDITIONAL USE PERMIT NO. 201100011-(2)**

### **PROJECT DESCRIPTION**

Project is a Conditional Use Permit (CUP) application for the continued use of a small, neighborhood-serving grocery store (Al's Market), with beer and wine sales for off-site consumption pursuant to an existing valid license that the applicant obtained prior to the adoption of the County Code provisions requiring a CUP for alcohol sales, on the same lot with a single family residence located in the R-2 (Two-Family Residence) Zone within the Hawthorne Station (Green Line) Transit Oriented District. The Type 20 ABC license for beer and wine sales, off-site consumption, is current. The previous Nonconforming Structure Review (NCR), for Project No. 00-167, expired on March 20, 2011.

### **REQUIRED ENTITLEMENTS**

The applicant, Mr. Pedro S. Martinez, requests a Conditional Use Permit, under Los Angeles County Code (County Code) Section 22.44.450 (C) 1(a)ii, pursuant to Part 1 (Conditional Use Permits) of Chapter 22.56 of the County Code, including Section 22.56.090 for the Burden of Proof, for the continued use of a grocery store under 5,000 square feet in floor area and located on a corner lot, with beer and wine sales for off-site consumption. Grocery store is located on the same lot with a single family residence, located in the R-2 (Two-Family Residence) Zone within the Hawthorne Station (Green Line) Transit Oriented District (TOD). Grocery Store is legal nonconforming due to standards for parking, landscaping and setbacks, and was last approved under Nonconforming Structure Review (NCR No. 00-167) on March 27, 2001, which expired on March 20, 2011. In 2005, the County adopted the Hawthorne Station (Green Line) TOD, which allows for grocery stores of up to 5,000 square feet with a CUP. Therefore, upon expiration of the applicant's previous NCR, the applicant applied for a CUP to continue operation of the existing grocery store.

### **LOCATION**

The subject property is located at 4158 W. 111th Street, in the unincorporated community of Lennox. The location is situated in the Second Supervisorial District of Los Angeles County, within the Lennox Zoned District and the Hawthorne Station (Green Line) TOD.

### **Existing Zoning**

#### **Subject Property**

The subject site is currently zoned R-2.

### **Surrounding Zones**

Surrounding properties are zoned:

North: R-2

South: R-2

East: R-2

West: R-2

### **Existing Land Uses**

#### **Subject Property**

The subject property consists of an independently owned and operated, neighborhood-serving grocery store, and a single-family residence with attached one car garage located on the same parcel.

#### **Surrounding Properties**

Surrounding land uses consist of:

North: School lot for new school

South: Single-family residences

East: Single-family residences

West: Single/multi-family residences

### **SITE PLAN DESCRIPTION**

Site plan depicts location of parcel at southeast corner of 111th Street and Freeman Avenue intersection, with existing grocery market and single-family residence with attached one car garage, porch, landscaping and driveway for residence, store's external refrigeration cooling equipment, fencing, and one pole no longer used for any purpose in front of market. The pole was most likely previously used as a sign posting, but is no longer used for that purpose and the applicant has said that they have no problem with it remaining, but would remove if necessary. Applicant believes the pole would protect the store from any potential wreckless drivers that could impact the store from 111<sup>th</sup> Street. Distance to center line of 111<sup>th</sup> Street is depicted, along with sidewalks and property boundary. Access to the residence is depicted with driveway approach from Freeman Avenue. There are no on-site parking spaces serving the grocery store as it was built in 1925, prior to any parking requirements. Therefore, the site plan does not depict any on-site parking for the grocery store use.

### **ENVIRONMENTAL DETERMINATION**

Staff of the Los Angeles County Department of Regional Planning (DRP) has determined that a Categorical Exemption, Class 1 – Existing Facilities, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements. The project is to continue an existing use in an existing structure, with no construction or expansion of the use proposed.

### **LEGAL NOTIFICATION AND PUBLIC OUTREACH**

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, property posting, library posting and DRP website posting.

In order to ensure notification thirty (30) days before the initially scheduled hearing date of September 14, 2011, continued due to lack of quorum to September 21, 2011, and subsequently to October 5, 2011, in accordance with the above provisions, a total of 93 public hearing notices were mailed out on August 8, 2011, to all property owners within a 500 foot radius of the subject property.

Also to ensure notice of the hearing thirty (30) days before the hearing date, the Notice of Public Hearing was published and advertised in *The Daily Breeze* and *La Opinion* newspapers on August 10, 2011 for *The Daily Breeze*, on August 11, 2011 for *La Opinion*, and was also sent on August 8, 2011 to the Lennox Library located at 4359 Lennox Boulevard in Lennox along with the Factual Sheet.

Staff also received the Certificate of Posting from the applicant stating that the Notice of Public Hearing was posted at the site 30 days before the hearing date in accordance with Section 22.60.175 of the County Code.

### PREVIOUS CASES/ZONING HISTORY

- The subject property was developed in 1925, prior to the current R-2 zoning establishment.
- The current zoning of R-2 was established and became effective on May 10, 1946, by Ordinance No. 4654. Grocery stores are not permitted in the R-2 zone. Therefore, the use became a legal nonconforming at the time the R-2 zoning was adopted for the subject property.
- Zone Exception Case No. 9449 was a 5 year grant to operate the market. This grant expired on May 18, 1975.
- Nonconforming Review Case No. 71 was a 10 year grant to continue operation of the grocery store and expired on August 20, 1985.
- Nonconforming Review Case No. 85-005-(2) was granted for continued operation of the grocery and expired on July 31, 1995.
- Nonconforming Review Case No. 90-294-(2) was filed in 1990 to extend the expiration date of the previous grant beyond 1995. The grant was approved and extended the expiration date to August 14, 2000.
- Nonconforming Review Case No. 00-167-(2) was filed in 2000. The grant was approved on March 27, 2001, and expired on March 20, 2011.
- The Hawthorne Station (Green Line) Transit Oriented District (TOD) was adopted, and it became effective February 24, 2005. The language of this TOD allows grocery stores up to 5,000 square feet and located on a corner lot, in the R-2 zone, with a conditional use permit. The applicant has filed for the first time a CUP to continue the use of the grocery store under these new provisions.
- The owner/applicant filed for a Certificate of Compliance on March 1, 2011. Certificate of Compliance No. COC 2011-00042 was recorded and issued on July 18, 2011, Instrument No. 20110959159 (Unconditional).

### STAFF EVALUATION

#### General Plan Consistency

The Los Angeles Countywide General Plan (General Plan) Land Use Category for the subject property is Category 2 for Low/Medium Density Residential (6 to 12 dwelling units/acre). Category 2 is intended for land particularly suitable for small lot single family residences, twinhomes, duplexes, and townhouse development. The category's intent is to encourage housing alternatives, at densities ranging from six to twelve units

per gross acre. The existing single-family residence and grocery store, established in 1925, significantly prior to the 1980 Countywide General Plan, is consistent with the Category 2 Low/Medium Density Residential designation of the site. The grocery store provides service to all of the surrounding low/medium density residential uses.

### **Zoning Ordinance and Development Standards Compliance**

Located in the Hawthorne Station (Green Line) Transit Oriented District (TOD), the existing grocery store, with its floor area of 720 square feet is well below the TOD's threshold limit of 5,000 square feet, and located on a corner lot, is a use subject to permit within the current R-2 zoning designation of the subject site under County Code Section 22.44.450 (C) 1(a)ii for Green Line TOD standards. The 980 square foot single-family residence is also located on the property and is permitted by right; therefore, it is not the subject of this permit. Both grocery store and single-family residence are situated on a 3,500 square foot corner parcel, on the south east corner of 111<sup>th</sup> Street and Freeman Avenue. Although the uses would be consistent with R-2 zoning under Green Line TOD standards, as a use subject to permit for the grocery store, and a use permitted by right for the residence, both uses are legal nonconforming due to standards for required parking and landscaping. The grocery store floor area of 720 square feet would require three on-site parking spaces per current County Code 22.52.1100 standards of one space for every 250 square feet of floor area. Landscaping requirements would be for street, sidewalk and planting strip development of a six-foot wide landscaped planting strip, that separates the sidewalk from the street, under County Code Section 22.44.450 (C) 1(b)ii of the Green Line TOD. However, because the subject property was developed pursuant to applicable requirements in effect at the time of its establishment, and because no new construction or expansion of use is proposed, the applicant would not be required to comply with the current requirements. The parcel, also substandard in size by today's legal lot size requirements under County Code Section 22.24.240 Title 21, has been deemed to be in conformance with all requirements of the Subdivision Map Act and of the County Subdivision Ordinance.

A single existing wall business sign, mounted above the entrance to the store facing 111<sup>th</sup> Street, is a total of 5.75 square feet in sign area, with letters six inches in height. The existing sign is in compliance with County Code Section 22.44.450 (C) 1(b) i(B)(1) of the Green Line TOD standards for wall signs.

### **Neighborhood Impact/Land Use Compatibility**

The existing grocery store and single-family residence were established in 1925. Although the use of the grocery store became a legal nonconforming use, after adoption of the R-2 zoning for the subject property in 1946, the grocery store retained the continued right to operated as a legal nonconforming use past the expiration of the standard amortization period for such set out in County Code Section 22.56.1540 through approval of subsequent Nonconforming Structure Review applications pursuant to County Code Section 22.56.1550, which allows extensions of the amortization period.

The store is beneficial and compatible to the existing neighborhood pattern of surrounding residences and provides an important service in this area. Neighboring residents walk to the family owned store, making it part of the local community.

Although the store does have a current Type 20 ABC License for off-site beer and wine sales, due to be renewed by May 31, 2012, the applicant currently sells only beer. The applicant obtained the existing ABC license prior to current County Code provisions that require a CUP for alcohol sales, therefore, the existing alcohol sales are not subject to this permit and can continue without further County approval so long as the applicant keeps the existing license current and does not trigger any of the provisions of Section 22.56.195 that would require a new CUP for alcohol sales. Approximately twenty-five (25) percent of the existing refrigerated and frozen retail section, with the exception of the ice cream cooler, is used for sale of alcoholic beverages (beer). Beer is stored for sale behind door nos. 6, 7, and 8.

The property is currently well maintained, clean, and free of graffiti, trash, and debris. Conditions will be maintained to ensure the orderly continued use and cleanliness of the property. Two security cameras are mounted to the stores facades, one on Freeman Avenue and one on 111<sup>th</sup> Street. These cameras, connected to a monitor inside the store, provide for extra security.

Staff recommends that the property owner be allowed to continue the grocery store use on the same lot with the single-family residence, under the new CUP, within the R-2 zone of the Green Line TOD.

#### **RELATED ZONING ENFORCEMENT CASES**

None currently open. The record for note of violations on site was verified with Zoning Enforcement West on September 19, 2011.

#### **Burden of Proof**

The applicant is required to substantiate all facts identified by Section 22.56.040 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

#### **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

Staff consulted with the Departments of Fire, Public Works, and Public Health regarding the new CUP application for the continued use of the grocery store. Public Health, Fire, and Public Works have all cleared the project for public hearing, with the only comments from Fire requiring that Department's review should any additions be proposed to the existing use. Health and Public Works had no comments or additional requirements.

**PUBLIC COMMENTS**

Staff has not received any comments from the public regarding the new CUP application for the continued grocery store use as of the writing of this report.

**FEES/DEPOSITS**

If approved, fees identified in the attached project conditions will apply unless modified by the Regional Planning Commission.

**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 that the Regional Planning Commission close the public hearing and approve Conditional Use Permit No. 201100120-(2), subject to the attached Findings and Conditions.

**SUGGESTED APPROVAL MOTIONS**

I move that the Regional Planning Commission close the public hearing, determine that the project is exempt from the California Environmental Quality Act pursuant to a Class 1 categorical exemption, and **APPROVE** Conditional Use Permit Number 201100120 subject to the attached findings and conditions of approval.

Prepared by Rudy Silvas, Principal Regional Planning Assistant  
Reviewed by Mi Kim, Acting Section Head

Attachments:  
Draft Findings  
Draft Conditions of Approval  
Applicant's Burden of Proof statement  
Site Photographs  
Site Plan  
Surrounding Land Use Map

MKK:RS 09/29/2011

# DRAFT FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION, COUNTY OF LOS ANGELES

**PROJECT NO. 2011-00120-(2)  
CONDITIONAL USE PERMIT NO. 201100011**

## **REQUEST**

The applicant, Mr. Pedro S. Martinez, requests a Conditional Use Permit, under Los Angeles County Code (County Code) Section 22.44.450 (C) 1(a)ii, pursuant to Part 1 (Conditional Use Permits) of Chapter 22.56 of the County Code, including Section 22.56.090 for the Burden of Proof, for the continued use of a grocery store under 5,000 square feet in floor area and located on a corner lot located in the R-2 (Two-Family Residence) Zone within the Hawthorne Station (Green Line) Transit Oriented District. Although not a part of the current request, the project site is currently developed with an existing single-family house in addition to the grocery store, and the existing grocery store has a current, valid license from the California Department of Alcohol and Beverage Control to sell beer and wine (Type 20 license). The grocery store is located on the same lot with a single-family residence, in the R-2 (Two-Family Residence) Zone within the Hawthorne Station (Green Line) Transit Oriented District (TOD). The grocery store and residence were established prior to the adoption of the R-2 zoning on the property site consistent with the then applicable standards. The grocery store became a legal nonconforming use, and also became legal nonconforming due to standards for parking, landscaping and setbacks, upon the adoption of the R-2 zoning for the subject property in 1946. The grocery store was allowed to continue on the subject property past the expiration of the standard amortization period through a series of subsequent Nonconforming Structure Review cases, the last of which (NCR No. 00-167) expired on March 20, 2011. In 2005, the County adopted the Hawthorne Station (Green Line) TOD, which made grocery stores of under 5,000 square feet and meeting certain characteristics an allowable use pursuant to a CUP. Upon expiration of NCR No. 00-167, the applicant applied for a CUP to allow for the continued use of the existing grocery store.

**REGIONAL PLANNING COMMISSION HEARING DATE: OCTOBER 5, 2011**

## **PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION**

Proceedings will be prepared following the public hearing.

## **FINDINGS**

1. The subject property is located at 4158 W. 111th Street, in the unincorporated County area of Lennox. The location is situated in the Second Supervisorial District of Los Angeles County, within the Lennox Zoned District and the Hawthorne Station (Green Line) TOD.

2. The subject property consists of an independently owned, neighborhood-serving grocery store, and single-family residence with attached one car garage, on a single lot in the R-2 zone.
3. Surrounding properties are zoned:
  - North: R-2
  - South: R-2
  - East: R-2
  - West: R-2
4. Surrounding land uses consist of:
  - North: School lot for new school
  - South: Single-family residences
  - East: Single-family residences
  - West: Single/multi-family residences
5. The site plan depicts the location of parcel at southeast corner of 111th Street and Freeman Avenue intersection, with existing grocery market and single-family residence with attached one car garage, porch, landscaping and driveway for residence, store's external refrigeration cooling equipment, fencing, and one pole no longer used for any purpose in front of market. The Distance to the center line of 111<sup>th</sup> Street is depicted, along with sidewalks and property boundary. The store has no parking spaces, none depicted. Access to the residence is depicted with driveway approach from Freeman Avenue.
6. The project is consistent with the Los Angeles Countywide General Plan (General Plan). The General Plan Land Use Category for the subject property is Category 2 for Low/Medium Density Residential (6 to 12 dwelling units/acre). Category 2 is intended for land particularly suitable for small lot single family residences, twinhomes, duplexes, and townhouse development. The category's intent is to encourage housing alternatives, at densities ranging from six to twelve units per gross acre. The existing single-family residence and grocery store, was established in 1925, significantly prior to the adoption of the 1980 Countywide General Plan, and is consistent with the Category 2 Low/Medium Density Residential designation of the site. The grocery store provides service to all of the surrounding low/medium density residential uses.
7. The grocery store is located on the same lot with a single-family residence, in the R-2 (Two-Family Residence) Zone within the Hawthorne Station (Green Line) Transit Oriented District (TOD). The grocery store and residence were established in 1925, prior to the adoption of the R-2 zoning on the property site, and were developed consistent with the then-applicable standards. The R-2 zoning for the subject property, which did not allow for grocery stores, was established and became effective on May 10, 1946, by Ordinance No. 4654. The grocery store became a legal nonconforming use and the grocery store and single-family

residence became legal nonconforming due to standards for parking, landscaping and setbacks, upon the adoption of the R-2 zoning for the subject property. The grocery store was allowed to continue on the subject property past the expiration of the standard amortization period through a series of subsequent Nonconforming Structure Review cases, the last of which (NCR No. 00-167) expired on March 20, 2011. In 2005, the County adopted the Hawthorne Station (Green Line) TOD, which made grocery stores of under 5,000 square feet and meeting certain characteristics an allowable use pursuant to a CUP. Upon expiration of NCR No. 00-167, the applicant applied for a CUP to allow for the continued use of the existing grocery store.

8. Zone Exception Case No. 9449 was a five (5) year grant to operate the market. This grant expired on May 18, 1975.
9. Nonconforming Review Case No. 71 was a 10 year grant to continue operation of the grocery store and expired on August 20, 1985.
10. Nonconforming Review Case No. 85-005-(2) was allowed a grant for continued operation of the grocery store and expired on July 31, 1995.
11. Nonconforming Review Case No. 90-294-(2) was filed in 1990 to extend the expiration date of the previous grant beyond 1995. The grant was approved and extended the expiration date to August 14, 2000.
12. Nonconforming Review Case No. 00-167-(2) was filed in 2000. The grant was approved on March 27, 2001, and expired on March 20, 2011.
13. The Hawthorne Station (Green Line) Transit Oriented District (TOD) was adopted and became effective in February 24, 2005. The language of this TOD allows grocery stores up to 5,000 square feet and located on a corner lot, in the R-2 zone, with a conditional use permit.
14. The owner/applicant filed for a Certificate of Compliance (COC) on March 1, 2011. Certificate of Compliance No. 2011-00042 was recorded and issued on July 18, 2011, Instrument No. 20110959159 (Unconditional).
15. 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, property posting, library posting and DRP website posting.
16. Located in the Hawthorne Station (Green Line) Transit Oriented District (TOD), the existing grocery store, with its floor area of 720 square feet is well below the threshold limit of 5,000 square feet, and located on a corner lot, and is allowed within the current R-2 zoning designation with a CUP under County Code Section 22.44.450 (C) 1(a)ii for Green Line TOD standards. The 980 square-foot single-

family residence is permitted by right. Both grocery store and single-family residence are situated on a 3,500 square foot corner parcel, on the south east corner of 111<sup>th</sup> Street and Freeman Avenue. Although the uses would be consistent with R-2 zoning under Green Line TOD standards, as a use subject to permit for the grocery store, and a use permitted by right for the residence, both uses are legal nonconforming due to standards for required parking and landscaping. The grocery store floor area of 720 square feet would require three parking spaces per current County Code 22.52.1100 standards of one space for every 250 square feet of floor area. Landscaping requirements would be for street, sidewalk and planting strip development of a six-foot wide landscaped planting strip, that separates the sidewalk from the street, under County Code Section 22.44.450 (C) 1(b)ii of the Green Line TOD. The parcel, also substandard in size by today's legal lot size requirements under County Code Section 22.24.240 Title 21, has been deemed to be in conformance with all requirements of the Subdivision Map Act and of the County Subdivision Ordinance through Certificate of Compliance No. 2011-00042.

17. A single existing wall business sign, mounted above the entrance to the store facing 111<sup>th</sup> Street, is a total of 5.75 square feet in sign area, with letters six inches in height. The existing sign is in compliance with County Code Section 22.44.450 (C) 1(b) i(B)(1) of the Green Line TOD standards for wall signs.
18. The continued operation of the existing grocery store 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. The store is beneficial and compatible to the existing neighborhood pattern of surrounding residences. The grocery store provides a convenient location within walking distance of many residences in the neighborhood. Neighboring residents walk to the family owned store, making it part of the local community. The grocery store has existed on the subject property since 1925, and is an integral part of the community.
19. The subject property is adequate in size and shape to accommodate the yards, walls, fences, parking, and loading facilities, landscaping and other development features required for the proposed project. The subject property is developed with a grocery store and a single-family residence that were established in 1925 prior to the adoption of the current zoning for the site. Because no construction or expansion of use is proposed, the project is not required to comply with current development standards. Nevertheless, the project does meet the standards for a grocery store with a CUP in the R-2 zone within the Hawthorne Station (Green Line) TOD, because it is on a corner lot and the floor area is less than 5,000 square feet. The project provides local access to grocery items for neighborhood residents.

20. The subject property is adequately concerned by streets of sufficient width and improved as necessary to carry the kind and quantity of traffic that the store is anticipating to generate, as well as by other public or private service facilities as are required for the project. The grocery store is located on a developed site in an established community, and the site takes access from 111<sup>th</sup> Street, which is a fully improved public two-lane road. The site is served by all necessary utilities.
21. Although the store does have a current Type 20 ABC License for off-site beer and wine sales, due to be renewed by May 31, 2012, the applicant currently sells only beer. The applicant obtained the existing ABC license prior to current County Code provisions that require a CUP for alcohol sales, therefore, the existing alcohol sales are not subject to this permit and can continue without further County approval so long as the applicant keeps the existing license current and does not trigger any of the provisions of Section 22.56.195 that would require a new CUP for alcohol sales. Approximately twenty-five percent of the existing refrigerated and frozen retail section, with the exception of the ice cream cooler, is used for sale of alcoholic beverages (beer). Beer is stored for sale behind door nos. 6, 7, and 8.
22. The property is currently well maintained, clean, and free of graffiti, trash, and debris. Conditions will be maintained to ensure the orderly continued use and cleanliness of the property. Two security cameras are mounted to the store's facades, one on Freeman Avenue and one on 111<sup>th</sup> Street. These cameras, connected to a monitor inside the store, provide for extra security.
23. Staff noted the existing metal pole located in front of the grocery store, and the location of the pole was verified not to be in the public right of way by County Public Works. The pole serves no purpose and Public Works had no further comments on whether the pole should be removed. The applicant would like to keep the pole because he believes it would protect his store from potential reckless drivers who could impact the store from 111<sup>th</sup> Street; however, the applicant will remove the pole if asked to do so. Staff will recommend that a condition of approval for continued use require the owner to paint the pole a bright yellow color for safety, to ensure no pedestrians, bike or skateboard riders run into the pole in the early evening hours.
24. No current Zoning Enforcement case is open on the property. The record for note of violations on site was verified with Zoning Enforcement West on September 19, 2011.
25. Staff consulted with the County Departments of Fire, Public Works, and Public Health regarding the new CUP application for the continued use of the grocery store. Public Health, Fire, and Public Works have all cleared the project for public hearing, with the only comments from Fire requiring their review should any additions be proposed. Health and Public Works had no comments or additional requirements.

26. No comments have been received from the public regarding the new CUP application for the continued auto supply store use.
27. Staff of the Los Angeles County Department of Regional Planning (DRP) has determined that a Categorical Exemption, Class 1 – Existing Facilities, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements. The project is to continue an existing use in an existing structure, with no construction or expansion of the use proposed.
28. 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, 13<sup>th</sup> 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 West Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area. Where no general plan has been adopted, this subsection shall not apply;
- B. 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.
- 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 described in this Ordinance, 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:
  - 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.

**REGIONAL PLANNING COMMISSION ACTION**

1. The Regional Planning Commission has determined that the project is exempt from the California Environmental Quality Act pursuant to a Class 1 – Existing Facilities categorical exemption, because the project continues an existing use in an existing structure, with no new construction or expansion of the use proposed.
2. In view of the findings of fact and conclusions presented above, the Regional Planning Commission APPROVES Conditional Use No. 201000012 subject to the attached conditions of approval.

c: Each Commissioner, Zoning Enforcement, Building and Safety, County Forester

**VOTE**

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date:

MKK:RS  
09/29/2011



**DRAFT CONDITIONS OF APPROVAL  
DEPARTMENT OF REGIONAL PLANNING  
PROJECT NO. R2011-00120-(2)  
CONDITIONAL USE PERMIT NO. 201100011**

**PROJECT DESCRIPTION**

Project is a Conditional Use Permit (CUP) application for the continued use of a small, neighborhood-serving grocery store (Al's Market), with beer and wine sales for off-site consumption pursuant to an existing valid license that the applicant obtained prior to the adoption of the County Code provisions requiring a CUP for alcohol sales, on the same lot with a single family residence located in the R-2 (Two-Family Residence) Zone within the Hawthorne Station (Green Line) Transit Oriented District. The Type 20 ABC license for beer and wine sales, off-site consumption, is current. The previous Nonconforming Structure Review (NCR), for Project No. 00-167, expired on March 20, 2011. The project is **APPROVED** subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose 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 ("County") Department of Regional Planning ("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. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon final approval of this grant by the County. The recorded affidavit shall be filed and the required monies shall be paid by **December 5, 2011**.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. 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 or other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate 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.
5. 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 make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

- a. If during the litigation process, actual costs or expenses 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 \$5,000.00. 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 any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.
6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on October 5, 2026.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the grocery store and satisfaction of Condition No. 2 shall be considered use of this grant.
10. 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. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$3,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **fifteen (15) annual** inspections. Inspections shall be unannounced.

- a. If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.
11. 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 ("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 or otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. All requirements of Title 22 of the County Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved Exhibit A or on a revised Exhibit A approved by the Director.
14. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by 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. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.  
  
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 notification 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.
16. 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, **four (4) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

#### PERMIT SPECIFIC CONDITIONS

17. The permittee shall maintain the property in a neat and orderly fashion.
18. The permittee shall maintain free of litter all areas on the premises under which the permittee has control.

**PROJECT SITE SPECIFIC CONDITIONS**

19. There shall be no structural additions on the property, unless authorized pursuant to appropriate permits.
20. The hours of operation of the market shall be restricted from 7:00 a.m. to 8:00 p.m., Monday through Sunday.
21. The existing wall business sign, a total of 5.75 square feet in sign area facing 111<sup>th</sup> Street, may continue to be maintained as depicted on approved Exhibit "A". Any change or replacement of the sign shall require approval of a Revised Exhibit "A".
22. There shall be no outside storage on the property and the adjacent sidewalks shall not be used for display or storage of merchandise.
23. The permittee shall not expand the area of the store devoted to alcohol sales or otherwise change operations in a manner that would trigger a new CUP without first obtaining the necessary approvals from the County.
24. The permittee shall maintain the existing security cameras outside the store on the Freeman Avenue frontage and 111<sup>th</sup> Street frontage, connected to a monitor inside the store, to aid in security around the premises.
25. Trash containers shall be screened from view along the Freeman Avenue frontage.
26. The permittee shall paint and maintain the existing metal pole in front of the grocery store a bright traffic hazard yellow color to ensure safety for passing pedestrian, bicycle and skateboard riders.
27. Truck deliveries to the market shall be restricted to the hours of 9:00 a.m. to 3:00 p.m., Monday through Sunday.
28. The permittee shall direct all delivery trucks serving the grocery store to park only within the posted parking areas along 111<sup>th</sup> Street and not to park along Freeman Avenue.



# CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

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, 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.

The location mentioned has been serving the neighborhood for the past 80 years (approximately) and never been a complaint or had create any type of nuisance that may endanger the health, peace, comfort or welfare of the person residing or working in the surrounding area. The reason for this request is because the lot is in Residential Zone, and is going to keep providing the same service it has been doing for

the past 80 years

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.

This site had provided the adequate yards, walls and fences, but never had provided parking or loading facilities, and has been working as is for the time mentioned above.

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.

The streets around the site has been carrying the traffic generated for this type of business without any problems. About 80% of customer arrive the store by foot, most walk to the neighborhood store.







STATE OF CALIFORNIA  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
ALCOHOLIC BEVERAGE LICENSE  
OFF-SALE BEER AND WINE

VALID FROM

Jun 01, 2010

MARTINEZ, PEDRO  
4158 W 111TH ST  
LENNOX, CA 90304

EXPIRES

May 31, 2011

TYPE NUMBER DUP

20 219345

AREA CODE

1900 04

BUSINESS ADDRESS DBA: ALS MARKET  
(IF DIFFERENT)

RENEWAL

CONDITIONS

OWNERS: MARTINEZ, PEDRO  
MARTINEZ, RAQUEL



**IMPORTANT INFORMATION**

**EFFECTIVE PERIOD** This license is effective only for the operating period shown above. A new license will be sent to you within 30 days of the expiration date on your license if payment is timely.

**POSTING** Cover this license with glass or other transparent material and post it on premises in a conspicuous place.

**RENEWAL NOTICES** Renewal notices are sent to premises address unless a specific mailing address is requested. If a notice is not received 30 days before expiration date shown above, contact the nearest ABC office. To assure receipt of notices, advise your local ABC office of any change in address.

**RENEWAL DATES** It is the licensee's responsibility to pay the required renewal fee by the expiration date shown above.

A Penalty is charged for late renewal and the license can be automatically revoked for failure to pay.

**SEASONAL LICENSES** It is the licensee's responsibility to pay the required renewal fee prior to the next operating period.

**CONDITIONS** A copy of all applicable conditions must be kept on premises.

**LICENSEE NAME** Only 10 names will be printed on each license. If there are more names associated with the license, they will be indicated by "AND XX OTHERS". All names are on file and available upon request from your local ABC office.

