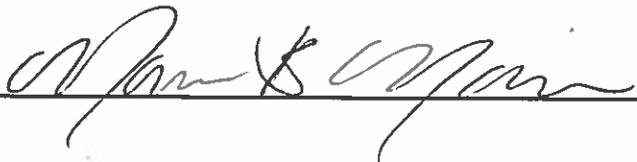


# Regional Planning Commission Transmittal Checklist

Hearing Date  
09/28/2016  
Agenda Item No.  
6

Case(s): Conditional Use Permit Case No. RPPL2016000939-(1)  
Planner: Steve Mar

- Project Summary
- Property Location Map
- Staff Analysis
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions + Other department letters of recommended conditions
- Previous CUP Conditions of Approval
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use/Zoning Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans
- Findings and conditions of Previous permit
- Sheriff's Department Comment Letter, March 23, 2016
- CA State ABC B&P Worksheet

Reviewed By: 



Department of Regional Planning  
 320 West Temple Street  
 Los Angeles, California 90012

**HEARING DATE**  
 September 28, 2016

**REQUESTED ENTITLEMENTS**  
 Conditional Use Permit No. RPPL2016000939-(1)

# PROJECT SUMMARY

**OWNER / APPLICANT**

Jack E. Selcer Family Trust & Marvin S. Selcer Family Trust / 7-Eleven Inc.

**MAP/EXHIBIT DATE**

12/4/14

**PROJECT OVERVIEW**

The applicant, 7-Eleven Inc., is requesting a conditional use permit (CUP) to authorize the sale of beer and wine for off-site consumption (Type 20 alcohol license) at an existing 7-Eleven convenience store at an existing shopping center in the FS (First Street) transect zone in the East Los Angeles Zoned District pursuant to Los Angeles County Code Section 22.46.3009.C.

**LOCATION**

3517 E. 1<sup>st</sup> Street, East Los Angeles

**ACCESS**

via E. 1<sup>st</sup> Street and N. Alma Ave.

**ASSESSORS PARCEL NUMBER(S)**

5232-011-034

**SITE AREA**

0.24 Acres

**GENERAL PLAN / LOCAL PLAN**

East Los Angeles Third Street Specific Plan

**ZONED DISTRICT**

East Los Angeles ZD

**LAND USE DESIGNATION**

FS – Mixed Use Zones – First Street (FS) Zone

**ZONE**

FS (First Street)

**PROPOSED UNITS**

N/A

**MAX DENSITY/UNITS**

N/A

**COMMUNITY STANDARDS DISTRICT**

East Los Angeles CSD

**ENVIRONMENTAL DETERMINATION (CEQA)**

N/A

**KEY ISSUES**

- Consistency with the East Los Angeles Third Street Specific Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
  - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
  - 22.44.118 (East Los Angeles CSD requirements)
  - 22.46.3009 (FS Transect Zone Development Standards)

**CASE PLANNER:**

Steve Mar

**PHONE NUMBER:**

(213) 974-6435

**E-MAIL ADDRESS:**

smar@planning.lacounty.gov



**ENTITLEMENTS REQUESTED**

- Conditional Use Permit (CUP) to authorize the sale of beer and wine for off-site consumption (Type 20 alcohol license) at an existing 7-Eleven convenience store at an existing shopping center in the FS (First Street) transect zone in the East Los Angeles Third Street Specific Plan pursuant to County Code Section 22.46.3004.E.

**PROJECT DESCRIPTION**

The applicant, 7-Eleven Inc., is requesting a conditional use permit (CUP) to authorize the sale of beer and wine for off-site consumption (Type 20 alcohol license) at an existing 7-Eleven convenience store at an existing shopping center in the FS (First Street) transect zone in the Third Street Specific Plan and within the East Los Angeles Zoned District pursuant to Los Angeles County Code Section 22.46.3004.E.

**SITE PLAN DESCRIPTION**

The site plan depicts the 3,078 sq. ft. 7-Eleven store located in a tenant space of a multi-tenant shopping center. 28 parking spaces are provided on the lot. The project's floor plan and shelf plan show that beer and wine will be displayed within five cooler doors comprising of 4.92% of the store's total shelf space.

**EXISTING ZONING**

The subject property is zoned FS (First Street) within the East Los Angeles 3<sup>rd</sup> Street Specific Plan.

Surrounding properties are zoned as follows:

North: FS (First Street), LMD (Low-Medium Density Residential)  
South: FS, TOD (Third Street)  
East: FS  
West: FS, (City of Los Angeles)

**EXISTING LAND USES**

The subject property is developed with a multi-tenant shopping center.

Surrounding properties are developed as follows:

North: Single-family Residences, Multi-family Residences  
South: Retail Commercial, Single-family Residences, Multi-family Residences, Metro Rail  
East: Retail Commercial, Single-family Residences, Multi-family Residences, Church  
West: Retail Commercial, Single-family Residences, Multi-family Residences, Industrial, Church

**PREVIOUS CASES/ZONING HISTORY**

The previous zoning history of the subject parcel is as follows: C-3 (5/3/1938), FS (11/12/2014).

Plot Plan No. 48531 – Approved on March 11, 2003, for a retail commercial building with 29 parking spaces and 1,752 sq. ft. of landscaping.

Plot Plan No. 200602144 (adjoining property to the west of the project site) – Approved November 11, 2004, for tenant improvements to an existing retail building into a medical office. The plan approved shared parking with the adjoining parcel to the east (project site) with a total of 28 parking spaces.

Plot Plan No. 200400677 – Approved March 10, 2005, for one 26 ½ ft. freestanding sign installed on the southeastern corner of the property.

Plot Plan No. 201401140 – Approved January 5, 2015, for interior remodeling tenant improvements for a new 7-Eleven convenience store. Retail use is consistent with commercial building approval per Plot Plan No. 48531.

## STAFF EVALUATION

### Specific Plan Consistency

The project site is located within the East Los Angeles Third Street Specific Plan (“Specific Plan”). The Specific Plan is intended to ensure the orderly development of the Specific Plan’s area into a mixed-use and multi-modal community, with residences, offices, entertainment, dining, and retail venues. The sale of alcoholic beverages within the Specific Plan area requires a CUP.

The following policies of the General Plan are applicable to the proposed project:

- *Consult with and ensure that applicable County departments, adjacent cities and other stakeholders are involved in community-based planning efforts.*

The project consulted with the County of Los Angeles Sheriff’s Department and the California Department of Alcoholic Beverage Control for their input, as is standard with all alcohol-related Conditional Use Permit applications.

- *Encourage a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs.*

The project will support an existing 7-Eleven store that provides a variety of goods and services to the community.

### Zoning Ordinance and Development Standards Compliance

Pursuant to Sections 22.46.3009 and 22.44.118 of the County Code, establishments in the FS (First Street) Zone and in the East Los Angeles Community Standards District (CSD) are subject to development standards pertaining to building and frontage types, building form, building placement, and parking. The existing commercial building was approved under Plot Plan No. 48531 in March 2003, prior to the adoption of the current development standards of the Specific Plan in November 2014. The existing commercial building conformed to the development standards in place at the time it was built, including the development standards of the CSD, and does not need to be reviewed under the development standards of the Specific Plan. Specific landscaping and parking requirements are as follows:

- **Landscaping and Parking** – Landscaping and parking for the site were approved under Plot Plan No. 48531, including parking for 29 automobiles. This is more than the 16 required parking spaces based on the square footage of the existing commercial building on the site. On November 11, 2004, Plot Plan No. 200602144 was approved for a medical office building on the adjoining parcel to the west of the project site. This plot plan allowed shared parking with the project site with a total of 28 parking spaces provided. The site plan for the proposed project shows 28 parking spaces and maintains the required number of parking on the site as approved under Plot Plan No. 200602144.

### Neighborhood Impact/Land Use Compatibility

The sale of alcoholic beverages at a 7-Eleven convenience store on the subject property is not a compatible use with the surrounding neighborhood and does not provide a necessary service to the community. Currently, there are two other establishments within a 500-ft. radius of the subject

property that sell alcohol. These licenses include one Type 41 license for on-site beer and wine sales ("La Bufadora Bar") and one Type 21 license for off-site full line alcohol ("Ayutla Liquor"). Therefore, there is an undue concentration of businesses that sell alcohol near the subject property as defined under Section 22.56.195. The sale of beer and wine for off-site consumption at the subject property would not serve a public convenience and necessity to the surrounding community if there is an existing nearby business that sells off-site alcohol.

The subject property is located within 600 ft. of four sensitive uses. These sensitive uses include a high school, a church, and two early childhood education schools.

The applicant carries the Burden of Proof to substantiate all facts as follows:

- 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.

The project would support a neighborhood-oriented retail store located along a major commercial corridor that would provide goods and services to the local community but has the potential to have an adverse impact on the surrounding neighborhood due to an undue concentration of businesses that sell alcohol near the project site.

- 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 project would not change the size and shape of any development features on the site that currently abides to Title 22.

- 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 project site is adequately served by existing roads and public transportation facilities and has existing utilities services.

Additionally, the applicant carries the Burden of Proof to substantiate all facts as related to Alcoholic Beverage Sales as follows:

- 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 any similar use within a 600-foot radius.

A church ("Iglesia Metodista Unida La Trinidad") and an early childhood education center ("Pace Head Start") are located down the street from the subject site along 1<sup>st</sup> Street. A high school ("Ramona High School") and infant center ("Ramona Infant Center") are located just under 600 feet south of the project site.

- B. 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.

Residential uses abut the subject property to the north of the site.

C. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet 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-foot 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 five percent of the total shelf space in the establishment.

There are two other establishments within a 500-ft. radius of the subject property that sell alcohol. These licenses include one Type 41 license for on-site beer and wine sales and one Type 21 license for off-site full line alcohol. Therefore, an undue concentration of businesses that sell alcohol currently exists near the subject property. The sale of beer and wine for off-site consumption at the subject property would not serve a public convenience and necessity to the surrounding community since an existing nearby business currently sells off-site alcohol.

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

There is a potential for an adverse impact on the surrounding community if the project is approved. Any adverse impacts to the community's public health, safety, or general welfare may also adverse the economic welfare of the community.

E. 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.

The project would not alter the existing exterior of the store.

#### Burden of Proof

The applicant is required to substantiate all facts identified by Section(s) 22.56.040 and 22.56.195 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has not met the burden of proof.

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

##### **Sheriff's Station**

The County of Los Angeles Sheriff's Department, East Los Angeles Station, researched the subject property's calls for service for over the past five years. During that time, the Department noted that the business has had minimal law enforcement related issues but that the station's policing area of unincorporated East Los Angeles currently has consistent problems with alcoholic beverage consumption in public. In addition, businesses that sell liquor experience an increase in criminal activity due to thefts of items and robberies. The Sheriff's Department recommended that the store operators contact law enforcement immediately if problems arise at the location, that graffiti on the premises be removed immediately upon discovery, and that security video be retained for at least 30 days for law enforcement to review when necessary. The Sheriff's Department did not advocate support or opposition to the project.

#### **OTHER AGENCY COMMENTS AND RECOMMENDATIONS**

##### **California Department of Alcoholic Beverage Control**

Statistical data from the California Department of Alcoholic Beverage Control (ABC) report that the site of the subject request is located in a high crime reporting district, defined by having a 20

percent greater number of reported crimes than the average number of reported crimes in the Reporting District. The subject property is located in Reporting District #0276. The average number of offenses reported per district is 85.7 and the total number of crimes reported for District #0276 is 402.

The subject property lies within Census Tract 5311.01. There are currently 4 existing alcohol licenses in this census tract and 3 licenses are allowed. Therefore an undue concentration of alcoholic beverage licenses currently exists within Census Tract 5311.01. The sale of alcoholic beverages for on-site consumption would not serve as a public convenience and necessity to the surrounding community if there is an existing undue concentration of alcoholic beverage licenses within the Census Tract.

**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.

**PUBLIC COMMENTS**

Staff has not received any comments at this time.

**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 **DENIAL** of Conditional Use Permit Number RPPL2016000939.

**SUGGESTED APPROVAL MOTION:**

**I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING, AND DENY CONDITIONAL USE PERMIT NUMBER RPPL2016000393 SUBJECT TO THE ATTACHED FINDINGS.**

Prepared by Steve Mar, Regional Planning Assistant II, Zoning Permits East Section  
Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits East Section

**Attachments:**

- Draft Findings
- Applicant's Burden of Proof statement
- Correspondence
- Site Plan, Land Use Map

MM:SM  
9/28/16

**DRAFT FINDINGS OF THE REGIONAL PLANNING COMMISSION  
AND ORDER  
COUNTY OF LOS ANGELES  
CONDITIONAL USE PERMIT NO. RPPL2016000939-(1)**

1. The Los Angeles County ("County") Regional Planning Commission ("Commission") conducted duly-noticed public hearings in the matter of Conditional Use Permit No. RPPL2016000939 ("CUP") on August 17, 2016, and on September 28, 2016.
2. The permittee, 7-Eleven Inc. ("permittee"), requests the CUP to authorize the sale of beer and wine for off-site consumption at an existing 7-Eleven convenience store ("Project") at an existing shopping center located at 3517 E. 1<sup>st</sup> Street in the unincorporated community of East Los Angeles ("Project Site") in the FS (First Street) transect zone in the East Los Angeles Third Street Specific Plan pursuant to Los Angeles County Code ("County Code") section 22.46.3004.E.
3. The Project Site is 0.24 acres in size and consists of one legal lot. The Project Site is rectangular in shape with flat topography and is developed with a multi-tenant shopping center with an appurtenant parking lot.
4. The Project Site is located in the East Los Angeles Zoned District and is currently zoned FS (First Street) in the East Los Angeles Third Street Specific Plan.
5. The Project Site is located within the FS – Mixed Use Zones – First Street (FS) Zone land use category of the East Los Angeles Third Street Specific Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
  - North: FS (First Street), LMD (Low-Medium Density Residential)
  - South: FS, TOD (Third Street)
  - East: FS
  - West: FS, (City of Los Angeles)
7. Surrounding land uses within a 500-foot radius include:
  - North: Single-family Residences, Multi-family Residences
  - South: Retail Commercial, Single-family Residences, Multi-family Residences, Metro Rail
  - East: Retail Commercial, Single-family Residences, Multi-family Residences, Church
  - West: Retail Commercial, Single-family Residences, Multi-family Residences, Industrial, Church
8. The Project Site was zoned C-3 in 1938 and was rezoned to FS in 2014. Plot Plan case No. 48531 was approved on March 11, 2003, for the existing commercial retail building with 29 parking spaces. The required parking spaces were reduced to 28 spaces with the approval of Plot Plan No. 200602144 on November 11, 2004, which approved shared parking with a medical office building on the property adjoining the Project Site to the west. On March 10, 2005, Plot Plan No. 200400677 approved one 26 ½ foot freestanding sign on the southeast corner of the Project Site. On January 5, 2015, Plot Plan No. 201401140 approved interior remodeling tenant improvements for a new 7-Eleven convenience store in the commercial building.

9. The site plan for the Project depicts the 3,078 sq. ft. 7-Eleven store located in a tenant space of a multi-tenant shopping center. 28 parking spaces are provided on the lot. The project's floor plan and shelf plan show that beer and wine would be displayed within five cooler doors comprising of 4.92% of the store's total shelf space.
10. The Project Site is accessible via 1<sup>st</sup> Street to the south and Alma Avenue to the east. Primary access to the Project Site is via an entrance/exit on 1<sup>st</sup> Street. Secondary access to the Project Site is via an entrance/exit on Alma Avenue.
11. The Project Site provides a total of 28 parking spaces on an existing parking lot.
12. The County of Los Angeles Sheriff's Department, East Los Angeles Station, researched the subject property's calls for service for over the past five years. During that time, the Department noted that the business has had minimal law enforcement related issues but that the station's policing area of unincorporated East Los Angeles currently has consistent problems with alcoholic beverage consumption in public. In addition, businesses that sell liquor experience an increase in criminal activity due to thefts of items and robberies. The Sheriff's Department recommended that the store operators contact law enforcement immediately if problems arise at the location, that graffiti on the premises be removed immediately upon discovery, and that security video be retained for at least 30 days for law enforcement to review when necessary. The Sheriff's Department did not advocate support or opposition to the project.
13. Statistical data from the California Department of Alcoholic Beverage Control (ABC) report that the site of the subject request is located in a high crime reporting district, defined by having a 20 percent greater number of reported crimes than the average number of reported crimes in the Reporting District. The subject property is located in Reporting District #0276. The average number of offenses reported per district is 85.7 and the total number of crimes reported for District #0276 is 402.  
  
The subject property lies within Census Tract 5311.01. There are currently 4 existing alcohol licenses in this census tract and 3 licenses are allowed. Therefore an undue concentration of alcoholic beverage licenses currently exists within Census Tract 5311.01. The sale of alcoholic beverages for on-site consumption would not serve as a public convenience and necessity to the surrounding community if there is an existing undue concentration of alcoholic beverage licenses within the Census Tract.
14. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.
15. Prior to the Commission's public hearing Department of Regional Planning ("Regional Planning") staff received no public comments regarding the Project.
16. The Commission finds that the project site is located within the East Los Angeles Third Street Specific Plan ("Specific Plan"). The Specific Plan is intended to ensure the orderly development of the Specific Plan's area into a mixed-use and multi-modal community, with residences, offices, entertainment, dining, and retail venues. The sale of alcoholic beverages within the Specific Plan area requires a CUP.

17. The Commission finds that pursuant to Sections 22.46.3009 and 22.44.118 of the County Code, establishments in the FS (First Street) Zone and in the East Los Angeles Community Standards District (CSD) are subject to development standards pertaining to building and frontage types, building form, building placement, and parking. The existing commercial building was approved under Plot Plan No. 48531 in March 2003, prior to the adoption of the current development standards of the Specific Plan in November 2014. The existing commercial building conformed to the development standards in place at the time it was built, including the development standards of the CSD, and does not need to be reviewed under the development standards of the Specific Plan. Specific landscaping and parking requirements are as follows:

- Landscaping and Parking – Landscaping and parking for the site were approved under Plot Plan No. 48531, including parking for 29 automobiles. This is more than the 16 required parking spaces based on the square footage of the existing commercial building on the site. On November 11, 2004, Plot Plan No. 200602144 was approved for a medical office building on the adjoining parcel to the west of the project site. This plot plan allowed shared parking with the project site with a total of 28 parking spaces provided. The site plan for the proposed project shows 28 parking spaces and maintains the required number of parking on the site as approved under Plot Plan No. 200602144.

18. The Commission finds that the sale of alcoholic beverages at a 7-Eleven convenience store on the subject property is not a compatible use with the surrounding neighborhood and does not provide a necessary service to the community. Currently, there are two other establishments within a 500-ft. radius of the subject property that sell alcohol. These licenses include one Type 41 license for on-site beer and wine sales (“La Bufadora Bar”) and one Type 21 license for off-site full line alcohol (“Ayutla Liquor”). Therefore, there is an undue concentration of businesses that sell alcohol near the subject property as defined under Section 22.56.195. The sale of beer and wine for off-site consumption at the subject property would not serve a public convenience and necessity to the surrounding community if there is an existing nearby business that sells off-site alcohol.

The subject property is located within 600 ft. of four sensitive uses. These sensitive uses include a high school, a church, and two early childhood education schools.

19. The Commission finds that the project will support a neighborhood-oriented retail store located along a major commercial corridor that will provide goods and services to the local community but has the potential to have an adverse impact on the surrounding neighborhood due to an undue concentration of businesses that sell alcohol near the project site.

20. The Commission finds that the project will not change the size and shape of any development features on the site that currently abides to Title 22.

21. The Commission finds that the project site is adequately served by existing roads and public transportation facilities and has existing utility services.

22. The Commission finds that a church (“Iglesia Metodista Unida La Trinidad”) and an early childhood education center (“Pace Head Start”) are located down the street from the subject site along 1<sup>st</sup> Street. A high school (“Ramona High School”) and infant center (“Ramona Infant Center”) are located just under 600 feet south of the project site.

23. The Commission finds that residential areas about the subject property to the north of the site.
24. The Commission finds there are two other establishments within a 500-ft. radius of the subject property that sell alcohol. These licenses include one Type 41 license for on-site beer and wine sales and one Type 21 license for off-site full line alcohol. Therefore, an undue concentration of businesses that sell alcohol currently exists near the subject property. The sale of beer and wine for off-site consumption at the subject property would not serve a public convenience and necessity to the surrounding community since an existing nearby business currently sells off-site alcohol.
25. The Commission finds that there is a potential for an adverse impact on the surrounding community if the project is approved. Any adverse impacts to the community's public health, safety, or general welfare may also adverse the economic welfare of the community.
26. The Commission finds that the project would not alter the existing exterior of the store.
27. The Commission finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of the East Los Angeles community. On July 7, 2016, a total of 105 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as five notices to those on the courtesy mailing list for the East Los Angeles Zoned District and to any additional interested parties.
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, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

**BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES THAT:**

- A. The proposed use at the site has the potential to adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, has the potential to be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and may jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- B. The requested use at the proposed location will result in an undue concentration of similar premises and an additional facility selling alcoholic beverages for off-site consumption would not serve a public convenience and necessity to the surrounding community.

**THEREFORE, THE REGIONAL PLANNING COMMISSION:**

Denies Conditional Use Permit No. RPPL2016000939.

**ACTION DATE: September 28, 2016**

**VOTE:**

Concurring:

Dissenting:

Abstaining:

Absent:

MM:SM  
9/28/16

c: Each Commissioner, Zoning Enforcement, Building and Safety



Los Angeles County  
Department of Regional Planning

Planning for the Challenges Ahead



## 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.)*

<p>A. That the requested use at the location will not:</p> <ol style="list-style-type: none"> <li>1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or</li> <li>2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or</li> <li>3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.</li> </ol>
<p>The project is located within the Third Street SP land use category of the Los Angeles County</p>
<p>general plan. the designation is intended to provide the promotion of a variety of quality</p>
<p>neighborhood-oriented retail,service, and entertainment uses within walking distance of neighborhoods.</p>
<p>the granting of a conditional use permit will allow the continued operation of a viable market in a</p>
<p>commercial area on a primary corridor within a short distance to residents.</p>
<p>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.</p>
<p>The project will be maintained in its current size and shape which abides to all size and shape</p>
<p>requirements stated under title 22.</p>
<p>C. That the proposed site is adequately served:</p> <ol style="list-style-type: none"> <li>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</li> <li>2. By other public or private service facilities as are required.</li> </ol>
<p>the proposed project is not expected to increase traffic, but rather provide a wider selection of goods</p>
<p>which its current customer base can purchase. the site is currently serviced by 1st street</p>
<p>which is designated as a major highway. the project is located at a walking distance to</p>
<p>the indiana metro gold line station. therefore the site will continue to be</p>
<p>adequately served by highways and streets of sufficeint width and by other public facilities as</p>
<p>required.</p>

# CONDITIONAL USE PERMIT BURDEN OF PROOF

## *Continued...*

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.

A. Continued....

Therefore, the proposed use will be consistent with the adopted general plan for the area.

The sale of beer and wine will expand the current retail mix of an established 7-Eleven store. The said store is located in an urbanized area with a mix of residential, retail and commercial uses. The application included design elements intended to control and secure the stock of alcoholic beverages. Further, the access accommodates adequate circulation for customers. The sale of beer and wine will increase sales tax revenue for County of Los Angeles. The use will not adversely affect the economic welfare of the community because the store has positively impacted the financial health of the property and improved the economic vitality of the area via increases in taxable revenue and local employment. Therefore, the proposed use will not adversely affect the welfare of the surrounding community.



Los Angeles County  
Department of Regional Planning

Planning for the Challenges Ahead



**ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF**

Pursuant to Zoning Code Section 22.56.195, the applicant shall substantiate the following:  
(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

ABC License Type No(s): 20 (e.g. Type 20, Type 41)

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 any similar use within a 600-foot radius.
The similar use establishments that are located within a 600-foot radius are all buffered from the project site by either 1st street, indiana street, or alma avenue. the iglesia metodista unida la trinidad and pace head start both located at 3565 e 1st street are separated from the subject site by alma ave and hicks ave
B. 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.
Immediately surrounding the current 7-Eleven store location along 1st Street are properties occupied by retail and commercial use.residentail properties are located north and south of the 7-eleven project site.
C. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet 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-foot 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 five percent of the total shelf space in the establishment.
While 7-Eleven offers beer and wine as part of their retail mix, it is not the primary product of sales. market. in addition, 7-eleven is open past the hours of operation of other businesses for the convenience of nearby residents. beer and wine will represent approximately 4.92 % of total shelf space at the site.
D. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.
7-Eleven has operational controls over the sale of alcoholic beverages such as required cash register ID scans modual trainings and signed affidavits by franchisee, managers and sales associates; and secret shoppers. the cooler doors will be locked during hours outside of those designated by abc for the sale of alcohol. the sale of beer and wine will increase sales tax revenue for the county of los angeles.
E. 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.
The exterior will not be changed. It will remain an attractive, safe , well lit and friendly place to shop. a 7-eleven maintenance agreement states that graffitti must be removed within 24hrs and the property must be maintained free and clear of debris.

# ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

## *Continued...*

Pursuant to Zoning Code Section 22.56.195, 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 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.

A. Continued....

and buffered by retail establishments along 1st Street.

Ramona High School and Ramona Infant Center are both located at 231 Alma Street and are positioned north of the project site and buffered by Michigan Avenue.



# OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

**HALL OF JUSTICE**

JIM MCDONALD, SHERIFF



March 23, 2016

Mr. Steve Mar  
Los Angeles County Department of Regional Planning  
Zoning Permits East Section  
320 West Temple Street, Room #1346  
Los Angeles, California 90012

Re: Conditional Use Permit Consultation for the Sale of Alcoholic Beverages  
"7-Eleven"  
3517 E. 1<sup>st</sup> Street  
Los Angeles, CA 90022  
Project # RPPL2016000939

Dear Mr. Mar:

It is my understanding the owner(s) of 7-Eleven have applied for a Conditional Use Permit and ABC license for their business located at 3517 E. 1<sup>st</sup> Street, Los Angeles. They are requesting to use a Type 20 ABC license, which will allow the business to sell beer and wine for off-sale consumption in conjunction with the operation of the store. While I am not advocating my support or opposition to their request for such a permit, it is my responsibility to provide the necessary factual information for those who will make the decision.

Over the past five years the business has had minimal law enforcement related issues, however the store itself has only been open a short time.

Currently, the entire policing area of unincorporated East Los Angeles consists of 7.89 square miles. It is comprised of twenty-seven census tracts with several liquor licenses. This is not including the 7.00 square miles of the City of Commerce, which also has three census tracts with forty-one liquor licenses. Due to this, we have consistent problems with alcoholic beverage consumption in public. In addition, those businesses selling liquor have experienced increased criminal activity due to thefts of the items, e.g., "Beer runs," and robberies. Within census tract 5311.01, the area where 7-Eleven is located, there are twelve existing such type permits.

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

*A Tradition of Service*  
— Since 1850 —

We are aware this location does not sell alcohol at this time and we would request the sale of alcohol be limited to only beer and wine if the license is granted. We would hope they are a responsible business and not allow excessive consumption of alcohol in front of the location or allow intoxicated persons to congregate in the surrounding area. In addition, we would like to ensure there is no gang activity at the location.

We would also request law enforcement be called by management and/or employees if problems arise at the location, so they do not escalate into serious problems such as fights and/or shootings. We would also request all gang graffiti be removed from the premises immediately.

We would request the retention of the surveillance video be at least 30 days for law enforcement to review when necessary.

If you have any questions or wish to discuss this matter further, you may contact Captain Steven E. Biagini, Lieutenant Joshua Bardon, or Deputy Scott Hennessy, at (323) 264-4151.

Sincerely

JIM McDONNELL, SHERIFF

A handwritten signature in black ink, appearing to read 'S. Biagini', with a stylized flourish at the end.

Steven E. Biagini, Captain  
East Los Angeles Station

Department of Alcoholic Beverage Control

State of California  
Edmund G. Brown Jr., Governor

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

- Instructions: This form is to be used for all applications for original issuance or premises to premises transfer of licenses.
- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
  - Part 2 is to be completed by the applicant, and returned to ABC.
  - Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME

2. PREMISES ADDRESS (Street number and name, city, zip code)

3517 E 1st St, Los Angeles, CA 90063-4101

(out)

3. LICENSE TYPE

20

4. TYPE OF BUSINESS

- |   |  |  |  |
|---|--|--|--|
| <input type="checkbox"/> Full Service Restaurant      | <input type="checkbox"/> Hofbrau/Cafeteria | <input type="checkbox"/> Cocktail Lounge     | <input type="checkbox"/> Private Club      |
| <input type="checkbox"/> Deli or Specialty Restaurant | <input type="checkbox"/> Comedy Club       | <input type="checkbox"/> Night Club          | <input type="checkbox"/> Veterans Club     |
| <input type="checkbox"/> Cafe/Coffee Shop             | <input type="checkbox"/> Brew Pub          | <input type="checkbox"/> Tavern: Beer        | <input type="checkbox"/> Fraternal Club    |
| <input type="checkbox"/> Bed & Breakfast:             | <input type="checkbox"/> Theater           | <input type="checkbox"/> Tavern: Beer & Wine | <input type="checkbox"/> Wine Tasting Room |
| <input type="checkbox"/> Wine only                    | <input type="checkbox"/> All               |  |  |

- |   |  |  |  |
|---|--|--|--|
| <input type="checkbox"/> Supermarket        | <input type="checkbox"/> Membership Store  | <input type="checkbox"/> Service Station               | <input type="checkbox"/> Swap Meet/Flea Market |
| <input type="checkbox"/> Liquor Store       | <input type="checkbox"/> Department Store  | <input type="checkbox"/> Convenience Market            | <input type="checkbox"/> Drive-in Dairy        |
| <input type="checkbox"/> Drug/Variety Store | <input type="checkbox"/> Florist/Gift Shop | <input type="checkbox"/> Convenience Market w/Gasoline |  |
| <input type="checkbox"/> Other - describe:  |  |  |  |

5. COUNTY POPULATION

6. TOTAL NUMBER OF LICENSES IN COUNTY

- On-Sale  Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

1:1,574  On-Sale  Off-Sale

8. CENSUS TRACT NUMBER

5311.01

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

3

- On-Sale  Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

4

- On-Sale  Off-Sale

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

- Yes, the number of existing licenses exceeds the number allowed  
 No, the number of existing licenses is lower than the number allowed

1635-26

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

- Yes (Go to Item #13)  No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER

0276

14. TOTAL NUMBER OF REPORTING DISTRICTS

557

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

47,758

16. AVERAGE NO. OF OFFENSES PER DISTRICT

85.7

17. 120% OF AVERAGE NUMBER OF OFFENSES

103

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

402

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

- Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17  
 No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

- a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.
- b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winery grower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.
- c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

3/16/16