October 23, 2018

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

SUBJECT

PROJECT NO. 2017-005065-(1)
CONDITIONAL USE PERMIT NO. RPPL2017007892
APPLICANT: YUM YUM DONUT SHOPS, INC.
PUENTE ZONED DISTRICT
(FIRST SUPERVISORIAL DISTRICT) (3-VOTES)

A Conditional Use Permit (CUP) is requested to authorize the sale of beer and wine for off-site consumption at a newly developed convenience store in conjunction with a new gasoline station within the unincorporated community of West Puente Valley at 908 N. Sunset Avenue. The property is zoned General Commercial-Billboard Exclusion (C-3-BE). This project was approved by the Regional Planning Commission (Commission) on May 30, 2018. An appeal of the Commission’s decision was filed by Mr. Jesus M. Ochoa on June 12, 2018.

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING,

1. Indicate its intent to DETERMINE that the project is categorically exempt pursuant to Section 15303 of the State California Environmental Quality Act (CEQA) Guidelines (Class 3, New Construction or Conversion of Small Structures categorical exemption); and

2. Indicate its intent to DENY the appeal and instruct County Counsel to prepare the necessary findings to affirm the Commission’s approval of CUP No. RPPL2017007892.
PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The subject property is zoned C-3-BE and has been designated as General Commercial (GC) by the Los Angeles County General Plan. It is currently developed with a new mini-market and gas station. The property used to be vacant and was used for informal parking of trucks and other vehicles. The new mini-market and gas station are a substantial upgrade for the site and a positive addition to the community.

The newly developed gas station and mini-market are permitted uses at the site. However, the request for the sale of beer and wine at the property for off-site consumption requires the approval of a CUP.

The new gas station and mini-market, together with the requested sale of beer and wine at the site, provides the community, as well as commuters passing through the area, a safer and more convenient alternative to buy basic grocery items, including beer and wine. The ability to sell beer and wine, in conjunction with regular items, also makes the new business at the site more competitive and contributes to the long-term growth and development of the community through development of a previously vacant site.

Implementation of Strategic Plan Goals

The approval of the CUP supports Goal II of the Los Angeles County Strategic Plan, Foster Vibrant and Resilient Communities. As mentioned above, the subject property was previously vacant and was used for informal outdoor storage of trucks and various vehicles. It was an eyesore for the area that was contributing to blight in the community.

The newly developed gas station and mini-market is a substantial upgrade from the previous vacant state. The accessory sale of beer and wine for off-site consumption is an integral part of the business model for the project. In addition, the sale of beer and wine also provides a convenience for customers to buy beer and wine products together with the other items that they buy at the store.

The imposition of a number of conditions of approval will also ensure that there are no adverse effects from the project on the surrounding neighborhood. Examples of these include the installation of security alarms and cameras both inside the store and outside facing the parking lot, as well as limitations on the hours for sale of beer and wine.

FISCAL IMPACT/FINANCING

The approval of the CUP should not result in any new significant costs to the County.
FACTS AND PROVISIONS/LEGAL REQUIREMENTS

A duly-noticed public hearing was held before the Commission on May 2, 2018. On this date, the Commission heard a presentation from staff and testimony from the applicant. There were no other speakers on the item. The Commission’s discussion on the item focused on the following topics:

a. Limiting the hours for the sale of beer and wine at the site to 10:00 am to 10:00 pm; and

b. Requiring the applicant to retire an existing California Department of Alcoholic Beverage Control (ABC) license.

After their discussion, the Commission continued the item to May 30, 2018, to allow the applicant time to consider their options in light of the Commission’s discussion. The Commission also requested pictures of the surrounding area as well as information about the availability of ABC licenses in Supervisorial District 1.

On May 30, 2018, staff presented the requested information to the Commission. The applicant also testified that they are working on acquiring an existing ABC license but requested the Commission to allow them to sell beer and wine at the site earlier than 10:00 am. The applicant explained that while beer and wine was only a small part of their business, customers have an adverse psychological reaction when there is something they cannot purchase at the store when they’re there, which would lead some of them to not come back in the future. The applicant indicated that having the flexibility to sell beer and wine within the times permitted by the State, would help them stay competitive with the other similar businesses in the area. There were no other speakers on this item.

After some discussion, the Commission decided to keep the hours permitted for the sale of beer and wine by the CUP to what they had previously indicated, which was from 10:00 am to 10:00 pm. The Commission then closed the public hearing and approved the CUP subject to the conditions as modified by the Commission.

On June 12, 2018, an appeal of the Commission’s decision was filed by Mr. Jesus M. Ochoa.

ENVIRONMENTAL DOCUMENTATION

The Department of Regional Planning determined that the project qualified for a Categorical Exemption (Class 3 Exemption, New Construction or Conversion of Small Structures) under CEQA and the County environmental guidelines since this project is for the sale of beer and wine at a small convenience store in conjunction with a gas station.
These uses were approved through a ministerial Site Plan Review (Plot Plan No. 201500365). The new structure is under 2,500 square feet in size, which qualifies for this exemption.

**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

Approval of the CUP is not anticipated to have a negative impact on current services.

For further information, please contact Carl Nadela at (213) 974-6435 or cnadela@planning.lacounty.gov.

Respectfully submitted,

Amy J. Bodek, AICP
Director

AJB:SA:MM:CN:ems

Attachments: Findings and Conditions
             Commission Staff Reports
             Correspondence

cc: Executive Office, Board of Supervisors
    Assessor
    Chief Executive Office
    County Counsel
    Public Works

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