

Syn. No. 27  
11/26/02

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

Dear Supervisors:

**CONDITIONAL USE PERMIT NUMBER 01-131(2)  
SECOND SUPERVISORIAL DISTRICT / THREE-VOTE MATTER**

Your Board previously conducted a hearing regarding the above-referenced permit which proposes sale of a full line of alcoholic beverages for off-site consumption at an existing small market in the Willowbrook-Enterprise Zoned District. At the conclusion of the hearing, you indicated an intent to deny the permit and instructed us to prepare the appropriate findings for denial. Enclosed are proposed findings for your consideration.

Very truly yours,

LLOYD W. PELLMAN  
County Counsel

By  
RICHARD D. WEISS  
Principal Deputy County Counsel  
Public Works Division

APPROVED AND RELEASED:

LLOYD W. PELLMAN  
County Counsel

RDW/  
Enclosure

**FINDINGS OF THE BOARD OF SUPERVISORS  
AND ORDER  
CONDITIONAL USE PERMIT NUMBER 01-131-(2)**

1. The applicant requested a conditional use permit to authorize the sale of a full line of alcoholic beverages for off-site consumption at an existing mini-mart located at 13517 South Avalon Boulevard, Athens, in the Willowbrook-Enterprise Zoned District. The request was made pursuant to Sections 22.28.110 and 22.56.195 of the Los Angeles County Code.
2. The subject property is a 1,360-square-foot mini-mart within a larger 5,440-square-foot commercial plaza located on a square level parcel.
3. Zoning on the subject property is C-1 (Restricted Business). A conditional use permit is required to commence the sale of alcoholic beverages for on-site or off-site consumption in unincorporated County territory.
4. Surrounding zoning consists of C-1 and R-1 (Single-Family Residence) to the north, R-1 to the south, C-1 to the east, and R-2 (Multi-Family Residential) to the west.
5. The current land use on the subject property is an eight-unit commercial plaza with 32 parking spaces.
6. Surrounding land uses consist of commercial uses and single-family residences to the north, single-family residences to the south, commercial uses to the east, and two-family residential to the west.
7. The project site is designated "Major Commercial" in the Countywide General Plan. This classification allows for a range of mixed commercial and retail uses. As the mini-mart is existing, and the sale of alcoholic beverages would be incidental to the existing operations at the market, the proposal would be consistent with the designated land use classification of the property.
8. The applicant's site plan, labeled Exhibit "A" page 1 of 2, depicts the subject 1,360-square-foot mini-mart located on the west end of a 5,440-square-foot commercial shopping plaza. The site plan depicts the entire parcel, which includes 32 parking spaces with a restaurant developed in the parking lot. Access to the site is shown via two driveways, from 135<sup>th</sup> Street to the north and a driveway from South Avalon Boulevard to the east.

9. The applicant's convenience store floor plan, labeled Exhibit "A" page 2 of 2, depicts the product shelving, cashier area, office, restrooms, and storage. The proposed placement of the alcoholic beverages is not indicated. The applicant has provided an elevation of the mini-mart as seen from 135<sup>th</sup> Street.
10. There are no previous zoning cases on the subject parcel. The subject property was developed in 1985 under Plot Plan No. 33966.
11. The applicant's proposed hours of operation are 8:00 a.m. to 6:00 p.m., seven days a week.
12. Photographs submitted by the applicant depicted banner signs on the face of the subject market reading "Food Stamps Accepted" and "WIC Accepted." Banner signs are prohibited in all zones by Section 22.52.990 of the Los Angeles County Code, and they do not comply with the signage approved for the market under Plot Plan No. 33996.
13. According to the applicant, the exterior appearance of the subject property would not be affected by the addition of alcoholic beverage sales in the market. However, when Regional Planning Department staff conducted a site visit to the subject property on January 20, 2001, it was noted that the existing commercial plaza was in a state of disrepair. It appeared at that time that only three of the seven suites were operating businesses; the others having been closed or abandoned. The subject property was not in compliance with Section 22.28.120.D of the Los Angeles County Code, which requires that the general appearance of all commercial buildings and grounds in the C-1 zone be in keeping with the character of the neighborhood and such as not to be detrimental to the public health, safety, and general welfare of the community in which the proposed use is located. The subject property complied with all other applicable development standards for the C-1 zone set forth in Section 22.28.120 of the Los Angeles County Code, relating to lot coverage, landscaping, parking, yards and setbacks, building height, outside display, and outside storage.
14. There are two churches and a school located within 600 feet of the subject property as well as a second school located just outside the 600-foot radius.
15. There are residences located immediately south and west of the subject property. The commercial building, which is approximately 14 feet high, is sited on the south property line; there is no additional buffering at that location between the mini-mart and adjacent single-family residences. The commercial building is also sited on the west property line; there is a 20-foot-wide alley between the mini-mart and the adjacent multi-family housing.
16. There is another establishment that sells alcoholic beverages within a 500-foot radius of the subject property. The other establishment is located on Avalon Boulevard approximately one block north of the subject property; it is a full-line liquor store open 6:00 a.m. to 2:00 a.m., seven days a week. There are an additional ten establishments within a one-mile radius of the subject property that sell alcohol for off-site consumption.

17. According to the Long Beach/Lakewood District Office of the Department of Alcoholic Beverage Control ("ABC"), the subject property is located within a higher-than-average crime rate area as defined in Rule 61.3, Chapter I, Title 4, of the California Administrative Code.
18. Although the Sheriff's Department reported that the site is not in a high-crime area based upon its methods of calculation, the ABC uses census tract data for its analysis, which covers a larger geographic area than the area covered by the Sheriff's measurement methods.
19. Four telephone calls, 43 letters, and petitions with 462 signatures were received in opposition to this request while the proposal was pending before the Hearing Officer and the Regional Planning Commission. Local residents opposed to the project felt there are already enough establishments selling alcohol in the area and that the location was too close to sensitive uses (church and pre-school) to allow alcohol sales. Staff also spoke with a representative of the local community group, the Community Coalition for Change. The Coalition also expressed opposition to the project.
20. Twenty-two letters from local businesses and residents and a petition with approximately 1,090 signatures were received in support of this request while the proposal was pending before the Regional Planning Commission. They indicated that the sale of alcohol on the subject property would bring more customers to the commercial plaza and would spur more economic activity for other businesses located in and around the plaza.
21. The proposal was first considered by a Regional Planning Department Hearing Officer. After conducting a hearing, the Hearing Officer denied the proposal and the applicant appealed that denial to the Regional Planning Commission, which also denied the proposal after a full public hearing.
22. At its appeal hearing, the Board of Supervisors received substantial testimony both in support and opposition to the proposal that emphasized many of the same issues that had been referenced in the correspondence received by Regional Planning Department staff. Testimony in support stressed the integrity of the operator and the convenience that the sale of alcoholic beverages would add to the customers of the existing mini-market and other people in the community. Opposition testimony emphasized the proximity of the location to existing pre-schools and places of worship and their concerns that the sale of alcohol would have a detrimental impact on those sensitive uses. Such testimony also indicated that another nearby establishment at which alcoholic beverages were sold was frequented by vagrants and experienced problems with loitering. Nearby residents testified that, in their opinion, there was insufficient buffering between the subject property and the immediately adjacent residential area, given the observations of persons loitering in the immediate vicinity of a nearby establishment selling alcoholic beverages for offsite consumption and the narrow separation provided by the existing 20-foot alley. Testimony was received from a representative of one of the churches within the 600-foot radius of the subject property

who indicated that the introduction of alcoholic beverage sales at the subject property would have a detrimental impact on the church and the local community. Numerous witnesses questioned the need for an additional establishment selling alcoholic beverages in light of the high concentration of existing alcohol sales establishments within the localized community.

23. The proposal would qualify for a categorical exemption under the provisions of the California Environmental Quality Act ("CEQA"). The project is within a class of projects which has been determined not to have a significant effect on the environment in that it meets the criteria set forth in section 15301 of the State CEQA Guidelines and Class 1 of the County's Environmental Document Reporting Procedures and Guidelines, since the mini-mart is an existing use.
24. The Board finds that the evidence submitted by the applicant does not demonstrate any public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption sufficient to outweigh the fact that it is located within a 500-foot radius of another facility selling alcoholic beverages. The Board further finds that the requested use will adversely affect places used exclusively for religious worship, school, and pre-school purposes within a 600-foot radius of the subject property. The Board also finds that the proposed location is not sufficiently buffered from the adjacent residential neighborhood so as to not adversely affect that area.

**BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:**

- A. That the requested sale of a full line of alcoholic beverages for off-site consumption at the proposed location will adversely affect the use of churches and a school located within 600 feet of the subject property;
- B. That the requested use at the proposed location is not sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area;
- C. That the requested sale of a full line of alcoholic beverages for off-site consumption at the proposed location will result in an undue concentration of similar premises, and there is no public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption sufficient to outweigh the fact that it is located within a 500-foot radius of other facilities selling alcoholic beverages for either on-site or off-site consumption; and
- D. That the requested sale of a full line of alcoholic beverages for off-site consumption at the proposed location will adversely affect the health, peace, comfort, and welfare of persons residing and working in the surrounding area; will be materially detrimental to the use, enjoyment, and valuation of property of other persons located in the vicinity of the site; and will jeopardize, endanger, or otherwise constitute a menace to the public health, safety, and general welfare.

**THEREFORE, THE BOARD OF SUPERVISORS**, based on the findings set forth above, denies Conditional Use Permit Number 01-131-(2).