

SUPPLEMENTAL REPORT TO THE REGIONAL PLANNING COMMISSION

DATE ISSUED:	April 4, 2024	
HEARING DATE:	April 17, 2024	AGENDA ITEM: 7
PROJECT NUMBER:	2019-003407-(2)	
PERMIT NUMBER(S):	Conditional Use Permit ("CUP") RPPL2019006012	
SUPERVISORIAL DISTRICT:	2	
PROJECT LOCATION:	8601 Hooper Avenue, Florence-Firestone	
OWNER:	Shalabi Brothers Trust Ventures	
APPLICANT:	Bodega Latina Corporation	
CASE PLANNER:	Sean Donnelly, Senior Planner Sdonnelly@planning.lacounty.gov	

Item No. 7 is an appeal of the Hearing Officer's approval of a CUP for the continued sale of a full line of alcoholic beverages for off-site consumption with a Type 21 Alcoholic Beverage Control ("ABC") License in an existing market in the C-3 (General Commercial) and R-2 (Two-Family Residence) Zones ("Project"). This Project is located at 8601 Hooper Avenue in the Florence-Firestone community. This Project was continued from the February 7, 2024, Regional Planning Commission ("RPC") meeting. The Report to the RPC dated February 23, 2024, can be viewed from [this link](#).

RECOMMENDATION

LA County Planning staff ("Staff") recommends denial of the appeal of the Hearing Officer's decision and **APPROVAL** of Project Number PRJ2021-003767-(2), CUP Number RPPL2019006012, based on the Findings (Exhibit C – Findings) attached to the Report to the RPC dated February 23, 2024 and also attached to this Supplemental Report for reference.

Staff recommends the following motions:

CEQA:

I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.

ENTITLEMENT:

I MOVE THAT THE REGIONAL PLANNING COMMISSION DENY THE APPEAL AND APPROVE CONDITIONAL USE PERMIT NUMBER RPPL2019006012 SUBJECT TO THE ATTACHED FINDINGS.

Report
Reviewed By: Carmen Sainz
Carmen Sainz, Supervising Planner

Report
Approved By: M. Glaser
Mitch Glaser, Assistant Deputy Director

Attachments:

- 1) Exhibit C - Findings

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
FINDINGS OF THE REGIONAL PLANNING COMMISSION
AND ORDER
PROJECT NO. 2019-003407-(2)
CONDITIONAL USE PERMIT NO. RPPL2019006012

RECITALS

1. **HEARING DATE(S).** The Los Angeles County (“County”) Regional Planning Commission (“Commission”) conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. RPPL2019006012 (“CUP”) on February 7, 2024.
2. **ENTITLEMENT(S) REQUESTED.** The Permittee, Bodega Latina Corporation (“Permittee”), requests the CUP to authorize the continued sale of a full line of alcoholic beverages for off-site consumption (“Project”) in the C-3 (General Commercial) and R-2 (Two-Family Residence) Zones pursuant to County Code Section 22.20.030 (Land Use Regulations for Commercial Zones).

3. **PREVIOUS ENTITLEMENT(S).**

CASE NO.	REQUEST	DATE OF ACTION
RPPL2018005708	Food Establishment Business License referral request for El Super.	Approved on November 15, 2018
RPPL2018002265	Site Plan Review for signage for El Super.	Approved on July 5, 2018
RPPL2018000841	Zoning Conformance Review to restripe parking lot.	Approved on April 26, 2018
CUP 200600075	CUP for the sale of a full line of alcoholic beverages for off-site consumption at an existing supermarket.	Approved on November 17, 2009 Expired on November 17, 2019
ZCR 200500640	Zoning Conformance Review for recycling center within existing market.	Approved on October 13, 2005
CUP 94145	CUP for the sale of a full line of alcoholic beverages for off-site consumption at an existing supermarket.	Approved on February 1, 1995 Expired on January 4, 2005

4. **LAND USE DESIGNATION.** The Project Site is located within the CG (General Commercial) and H18 (Residential 18) land use designations of the Florence-Firestone Community Plan (“Community Plan”) Land Use Policy Map.
5. **ZONING.** The Project Site is located in the Compton-Florence Zoned District and is currently zoned C-3 (General Commercial) and R-2 (Two-Family Residence). Pursuant to County Code Section 22.20.030 (Land Use Regulations for Commercial

Zones), a CUP is required for the sale of alcoholic beverages for off-site consumption. A portion of the Project Site is located in the R-2 Zone but the existing supermarket is located entirely within the portion of the Project Site located in the C-3 Zone.

6. SURROUNDING LAND USES AND ZONING

LOCATION	LAND USE POLICY	ZONING	EXISTING USES
NORTH	CG, H18, P (Public and Semi Public)	C-3, R-3 (Limited Density Multiple Residence), IT (Institutional)	Single family residences ("SFRs"), multi-family residences ("MFRs"), retail, auto repair, restaurants
EAST	CG, H18, P	C-3, R-2, R-3, IT	SFRs, MFRs, retail, restaurant, auto sales, church, playground, elementary school
SOUTH	H18	R-2	SFRs, MFRs, office, parking, church
WEST	CG, H18	C-3, R-2	SFRs, MFRs, retail, restaurants, storage, parking, church

7. PROJECT AND SITE PLAN DESCRIPTION.

A. Existing Site Conditions

The Project Site is 0.91 acres in size and consists of three lots. The Project Site is irregular in shape with flat topography and is developed with the subject supermarket.

B. Site Access

The Project Site is accessible via Hooper Avenue to the east and Firestone Boulevard to the north.

C. Site Plan

El Super is a full-service supermarket that is 15,400 square feet in size and located on the western portion of the Project Site. In accordance with the conditions of Project approval, the shelf space allocated to alcoholic beverages will be limited to five percent of the total shelf space.

D. Parking

A parking lot on the eastern and southern portions of the Project Site contains 58 parking spaces. The parking lot is split in half by an alley which exits onto Hooper Avenue.

8. COMMUNITY OUTREACH. County Department of Regional Planning ("LA County Planning") staff ("Staff") is not aware of any community outreach at the time of Staff Report preparation.

9. **PUBLIC COMMENTS.** Staff has not received any comments at the time of Staff Report preparation.

10. AGENCY RECOMMENDATIONS.

- A. The County Sheriff's Department ("Sheriff"), in a letter dated February 4, 2020, recommended denial of the Project. Subsequently in a letter September 14, 2021, they recommended approval of the Project at the public hearing.
- B. The California State Department of Alcoholic Beverage Control ("ABC"), in a report dated May 25, 2021, stated that the Project Site is in an area with an overconcentration of alcoholic beverage licenses and in a high crime reporting district, so the Commission must make a finding of public convenience or necessity.

11. CEQA DETERMINATION.

Prior to the Commission's public hearing on the Project, Staff determined that the Project qualified for a Class 1, Existing Facilities, Categorical Exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project consists of the continued sale of a full line of alcoholic beverages for off-site consumption as an accessory use to an existing supermarket within an existing building with no new development or expansion. The Project is not on a scenic highway or a hazardous waste site, is not known to contain historic resources, and will not have a significant or cumulative environmental impact.

GENERAL PLAN CONSISTENCY FINDINGS

12. **LAND USE POLICY.** The Commission finds that the Project is consistent with the goals and policies of the Community Plan because the CG land use designation is intended to support a variety of commercial activities dispersed community-wide, such as supermarkets. This Project is an accessory use to the existing supermarket. The supermarket is a commercial use which is compatible with the CG land use designation.

13. **GOALS AND POLICIES.** The Commission finds that the Project supports the following goals and policies of the Community Plan:

Goal C-3

Commercial areas provide a diverse mix of high-quality retail, residential, and mixed-use development.

Policy C-3.5

Incentivize Commercial Diversity. Incentivize the establishment of uses that satisfy the daily needs and desires of the surrounding neighborhoods including, small and large-scale grocery stores, sit-down restaurants, diverse retail, entertainment venues, services, and cultural spaces.

The Project is a commercial use located along a commercial corridor. The sale of alcoholic beverages for off-site consumption is a common accessory use to a supermarket. The Project contributes to the variety of uses and services in the community and provides access to groceries and other commercial goods to the local community. The Project will continue to add to the diversity of uses in the area.

ZONING CODE CONSISTENCY FINDINGS

14. **PERMITTED USE IN ZONE.** The Commission finds that the project is consistent with the C-3 zoning classification as the continued sale of alcoholic beverages for off-site consumption is permitted with a CUP pursuant to County Code Section 22.20.030 (Land Use Regulations for Commercial Zones). A portion of the Project Site is located in the R-2 Zone but the existing supermarket is located entirely within the portion of the Project Site located in the C-3 Zone.
15. **C-3 DEVELOPMENT STANDARDS.** The Commission finds that while there are no development standards applicable to the Project, it would occur within a structure and in conjunction with an existing use that is consistent with the C-3 Zone's development standards, as verified and approved by CUP Number 94145.
16. **SIGNAGE.** The Commission finds that the Project is consistent with the standard identified in County Code Section 22.114.050. The Project includes existing signage associated with the supermarket that was approved by Site Plan Review Number RPPL2018002265 in 2018. The Project will not change the existing signage.
17. **PARKING.** The Commission finds that the Project is inconsistent with the standard identified in County Code Section 22.112.070 (Required Parking). Commercial uses such as supermarkets require one parking space for each 250 square feet of floor area. The supermarket is 15,400 square feet in size and requires 62 parking spaces. A parking lot containing 58 parking spaces is located on the Project Site. Although the Project does not provide the required number of parking spaces, it is an existing previously approved use.
18. **ALCOHOL BEVERAGE SALES.** The Commission finds that the Project is consistent with the standards identified in County Code Section 22.140.030 (Alcoholic Beverage Sales). A condition of Project approval will limit the shelf space allocated to alcoholic beverages to five percent of the total shelf space. Another condition of Project approval will require the supermarket to offer a minimum of three varieties of fresh produce free from spoilage and a minimum of two whole grain items for sale on a continuous basis.
19. **COMMUNITY STANDARDS DISTRICT ("CSD").** The Commission finds that the Project is consistent with the standards identified in County Code Chapter 22.324. A complete application for the Project was submitted prior to March 7, 2023, the effective date of the Florence-Firestone Transit Oriented District Specific Plan that replaced the Florence-Firestone CSD. The Florence-Firestone CSD requires that all exterior walls

remain free from graffiti and the Project is sufficiently conditioned to comply with this standard. The Project is not a use prohibited in the CSD.

CONDITIONAL USE FINDINGS

20. **The Commission finds that the proposed use will be consistent with the adopted General Plan for the area.** The CG land use designation is intended to support a variety of commercial activities dispersed community wide. The Project is located along a commercial corridor. The sale of alcoholic beverages for off-site consumption is a common accessory use to a supermarket. The Project contributes to the variety of uses and services in the community and provides increased access to groceries and other home goods to the local community.
21. **The Commission finds that the proposed use at the site 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 Project is accessory to an existing commercial use located along the commercial corridor of Firestone Boulevard. The sale of a full line of alcoholic beverages for off-site consumption has occurred at the supermarket since 1995 pursuant to previously approved CUPs. A condition of Project approval will require compliance with all noise control provisions of County Code Chapter 12.08. Another condition of Project approval will limit the sale of alcoholic beverages to between the hours of 10:00 a.m. and 10:00 p.m. seven days a week. The sale of a full line of alcoholic beverages for off-site consumption is an ancillary use to the supermarket, will remain consistent with the land use designation, and will not adversely affect the nearby community's public welfare or economic welfare if conducted in compliance with the conditions of Project approval, including the condition that will limit the sale of alcoholic beverages to between the hours of 10 a.m. to 10 p.m. seven days a week.
22. **The Commission finds 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 Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.** The Project will occur within a structure and in conjunction with an existing use and does not include any new improvements or expansions.
23. **The Commission finds that the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.** The Project is located within an existing supermarket and does not propose additional development. The Project will not increase or generate traffic to an extent that expansion or improvement of existing roadways will be required. The development standards for the Project were reviewed and approved pursuant to CUP Number 94145, which originally authorized the sale of a full line of alcohol beverages for off-site consumption.

24. The Commission finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the CUP to 10 years.

SUPPLEMENTAL FINDINGS – ALCOHOL USES

25. **The Commission finds 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.** Currently there are four churches, one park, and one elementary school within 600 feet of the Project Site. These uses have coexisted with the supermarket since it first began selling alcoholic beverages for off-site consumption in 1995. The Project does not propose any changes or expansions to the existing, previously approved supermarket. The continued sale of a full line of alcoholic beverages for off-site consumption at the existing supermarket will not impact these sensitive uses if conducted in compliance with the conditions of Project approval, including the condition that will limit the sale of alcoholic beverages to between the hours of 10 a.m. to 10 p.m. seven days a week.
26. **The Commission finds 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.** The Project is situated on a site along a commercial corridor. Residences exist to the south of the Project Site and north of the Project Site across Firestone Boulevard. The Sheriff was consulted as part of the review of this Project and the permittee consulted with them to improve security at the Project Site. The Sheriff subsequently recommended approval of this Project at the public hearing. The Project is an accessory use to an existing supermarket and does not propose new development or expansions. The continued sale of a full line of alcoholic beverages for off-site consumption at the existing supermarket will not impact these residential areas if conducted in compliance with the conditions of Project approval, including the condition that will limit the sale of alcoholic beverages to between the hours of 10 a.m. to 10 p.m. seven days a week.
27. **The Commission finds that the requested use at the proposed location will not adversely affect the economic welfare of the nearby community.** The Project is an accessory use to an existing supermarket and does not propose new development or expansions. The sale of a full line of alcoholic beverages for off-site consumption is an ancillary use to the existing supermarket and will not adversely affect the public welfare or the economic welfare of the nearby community if conducted in compliance with the conditions of Project approval, including the condition that will limit the sale of alcoholic beverages to between the hours of 10 a.m. to 10 p.m. seven days a week. The Project is compatible with the other uses in the immediate area and would contribute to the economic welfare of the area by providing more expansive access to groceries and household items, as well as employment opportunities. The Project contributes to the variety of uses and services in the community.
28. **The Commission finds 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 the neighborhood. The Project is located within an existing building that has a design in keeping with the character of the other commercial structures in the area. The Project does not propose changes to the exterior of the structure or the design of the Project Site, which ensures that the character of the building will continue to be physically consistent with its surroundings.

29. **The Commission finds that even though the proposed sale of alcohol would occur at a site within a high crime reporting district or in an area of undue concentration, pursuant to the California Alcoholic Beverage Control Act and the regulations adopted under that Act, or that the use selling alcoholic beverages for off-site consumption is proposed within a 500-foot radius of another use selling alcoholic beverages for off-site consumption, the sale of alcohol at the subject property contributes to the public convenience or necessity.** Correspondence with ABC indicated that three off-site sale licenses are allocated to Census Tract 5353 and there are currently nine off-site licenses in the Census Tract. The Project Site is located in a high crime reporting district according to ABC. The Sheriff originally recommended denial of the Project due to a history of calls for service to the Project Site. However, the Sheriff subsequently recommended approval of the Project at the public hearing after the Permittee consulted with the Sheriff and conducted efforts to increase security at the Project Site. The supermarket is sufficiently buffered from other establishments selling alcoholic beverages, with none being located within 500 feet. The Project contributes to the variety of uses and services in the community, provides employment opportunities to the area, and improves economic conditions in the area.

ENVIRONMENTAL FINDINGS

30. The Commission finds that the Project is exempt from CEQA pursuant to State CEQA Guidelines section 15301 (Class 1, Existing Facilities Categorical Exemption). The Project consists of the continued sale of a full line of alcoholic beverages for off-site consumption as an accessory use to an existing supermarket within an existing building with no new development or expansion. The Project is not located on a scenic highway or a hazardous waste site, is not known to contain historic resources, and will not have a significant or cumulative environmental impact.

ADMINISTRATIVE FINDINGS

31. **HEARING PROCEEDINGS.** The Project was first heard by the Hearing Officer on March 7, 2023. The hearing was continued to June 20, 2023, and was continued again to August 1, 2023, when the Project was approved. At the March 7, 2023, meeting, Staff presented the Project and recommended approval of the CUP with several conditions, including a condition to limit the sale of alcoholic beverages to between the hours of 10:00 a.m. and 10:00 p.m. seven days a week. The applicant's representative spoke in favor of the CUP and requested a modified condition extending the hours of alcoholic beverage sales to 7:00 a.m. through 10:00 p.m. The hearing was continued to provide

time for the applicant to submit an updated shelving plan to address comments from the Hearing Officer related to shelving space calculations. At the June 20, 2023, meeting, the hearing was continued again to August 1, 2023, to provide more time for the applicant to provide an updated shelving plan. There was no public comment at the June 20, 2023, meeting.

At the August 1, 2023 meeting, Staff presented the Project and discussed the updated shelving plan. The applicant's representative was present and again requested a modified condition extending the hours of alcoholic beverage sales to 7:00 a.m. through 10:00 p.m. The Hearing Officer then closed the public hearing and approved the Project per Staff's recommendation with the inclusion of Condition 23 to outline the methodology for calculating shelf space allocated to alcoholic beverages.

On August 15, 2023, the applicant submitted an appeal of the Hearing Officer's decision to approve the Project, related to Conditions 20, 23, and 24. Condition 20 limited the sale of alcoholic beverages to between the hours of 10:00 a.m. and 10:00 p.m. seven days a week. Condition 23 outlined the methodology for calculating shelf space allocated to alcoholic beverages. Condition 34 prohibits security bars and roll-up doors from windows and pedestrian entrances.

32. LEGAL NOTIFICATION. The Commission finds that pursuant to County Code Section 22.222.120 (Public Hearing Procedure), the community was properly notified of the public hearing by mail, newspaper (*The Los Angeles Sentinel, La Opinion*), and property posting. Additionally, the project was noticed and case materials were available on LA County Planning's website. On December 28, 2023, a total of 133 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 six notices to those on the courtesy mailing list for the Compton-Florence Zoned District and to any additional interested parties.

33. LOCATION OF DOCUMENTS. 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 LA County 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 Metro Development Services Section, LA County Planning.

BASED ON THE FOREGOING, THE COMMISSION CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. The proposed use at the site 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.

- C. 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 Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.
- E. 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.
- F. 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.
- G. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.
- H. 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 the neighborhood.
- I. The proposed sale of alcohol would occur at a site within a high crime reporting district or in an area of undue concentration, pursuant to the California Alcoholic Beverage Control Act and the regulations adopted under that Act, or that the use selling alcoholic beverages for off-site consumption is proposed within a 500-foot radius of another use selling alcoholic beverages for off-site consumption, the sale of alcohol at the subject property contributes to the public convenience or necessity.

THEREFORE, THE COMMISSION:

- 1. Finds that the project is exempt from CEQA pursuant to State CEQA Guidelines section 15301 (Class 1, Existing Facilities categorical exemption); and
- 2. Denies the appeal of the Hearing Officer's decision and approves **CONDITIONAL USE PERMIT NO. RPPL2019006012**, subject to the attached conditions.

ACTION DATE:

VOTE:

Concurring:

Dissenting:

Abstaining:

Absent:

CS:SD

1/25/2024

c: Commissioner Duarte-White, Commissioner Louie, Commissioner O'Connor,
Commissioner Moon, Commissioner Hastings, Zoning Enforcement, Building and Safety