

**Department of Regional Planning
Department Statement**

Board of Supervisors Meeting: October 29, 2024

Hearing on the appeal of Project No. 2019-003407-(2), Conditional Use Permit No. RPPL2019006012, specifically Condition Nos. 20 and 34, to authorize the continued sale of a full line of alcoholic beverages for off-site consumption with a Type 21 California Department of Alcoholic Beverage Control License in an existing supermarket located at 8601 Hooper Avenue in the unincorporated Florence-Firestone Community within the Metro Planning Area, applied for by Bodega Latina Corporation.

This agenda item is an appeal of the Regional Planning Commission's (Commission) decision to approve a Conditional Use Permit (CUP) authorizing the continued sale of a full line of alcohol for off-site consumption with a Type 21 California Department of Alcoholic Beverage Control (ABC) License in an existing supermarket (Project) located at 8601 Hooper Avenue in the unincorporated Florence-Firestone community (Project Site). The Commission unanimously approved the CUP on April 17, 2024. The Project applicant's representative (Appellant), timely appealed the Commission's decision on April 25, 2024. The appeal only relates to Condition Nos. 20 and 34. The Department of Regional Planning recommends that the Board deny the appeal and uphold the Commission's approval of the CUP.

Regarding Condition No. 20, the Commission's decision was based on several factors. Correspondence with ABC indicated that three licenses for the sale of alcoholic beverages for off-site consumption are allocated to Census Tract 5353 and there are currently nine licenses for the sale of alcoholic beverages for off-site consumption in the Census Tract, resulting in a significant overconcentration of these licenses in the Census Tract. The Project Site is also located in a high crime reporting district according to ABC. The Sheriff's Department (Sheriff) originally recommended denial of the Project due to a history of calls for service at the Project Site. However, the Sheriff subsequently recommended approval of the Project after the Appellant consulted with the Sheriff and conducted efforts to increase security at the Project Site. Although the Appellant has conducted efforts to increase security at the Project Site, a CUP runs with the land and is not assigned to any particular supermarket operator. The history of calls for service demonstrates that this location has been problematic in the past and could be in the future with a different supermarket operator. Six sensitive land uses are located within 600 feet of the Project Site, including four churches, one park, and one elementary school. Given the significant overconcentration of licenses for the sale of alcoholic beverages for off-site consumption in the Census Tract, the Project Site's location in a high crime reporting district, and the history of calls for service at the Project Site, prohibiting the sale of alcoholic

beverages before 10:00 a.m. is intended to minimize the potential negative impacts associated with the sale of alcoholic beverages that could occur before 10:00 a.m., especially potential negative impacts to the six nearby sensitive uses, and to ensure that the Project will otherwise be compatible with the neighborhood.

Regarding Condition No. 34, the supermarket currently has roll-up doors on the exterior of its windows and pedestrian entrances and the intent of this condition is to have the Appellant remove the exterior roll-up doors and install security grilles within the interior of the building's windows and pedestrian entrances. The security grilles would not be visible from the exterior of the building during the hours that the supermarket is open for business, which is when the security grilles would not be used. The security grilles cannot obstruct the public's view of the interior of the building and must remain open during the hours that the supermarket is open for business. This would be an aesthetic improvement to the building that would still meet the Appellant's security needs. Furthermore, this condition is consistent with the requirements of the Florence-Firestone Community Standards District (CSD), which was in effect at the time the CUP application was submitted on October 10, 2019 ([former County Code Section 22.324.070.B.1.a.iv](#)), and the requirements of the Florence-Firestone Transit-Oriented District Specific Plan, which replaced the CSD and is currently in effect ([County Code Section 22.418.080.B.2.b](#) and [County Code Section 22.418.120.A.3](#)).

The Project, as approved by the Commission, is consistent with the following General Plan Land Use Element Goals and Policies:

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. The sale of a full line of alcoholic beverages for off-site consumption will be consistent with the land use designation and will not adversely affect the nearby community's public welfare or economic welfare if those sales are 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 Commission found that the Project qualified for a categorical exemption (Class 1, Existing Facilities) from the California Environmental Quality Act (CEQA) in accordance with State

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CEQA Guidelines section 15301, 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 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.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Amy J. Bodek", followed by a horizontal line extending to the right.

AMY J. BODEK, AICP
Director of Regional Planning

AJB:MG:CS:SD