

Hearing Officer Transmittal Checklist

Hearing Date 11/06/2012
Agenda Item No. 11

Project Number: 03-341-(2)
Case(s): Modification or Elimination to Conditions of Conditional Use Permit No. 03-341

Planner: Rudy Silvas

- Factual
- Property Location Map
- Staff Report
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Correspondence (DPW, Fire, Health, Parks)
- Environmental Documentation (MND – Initial Study & MMP)
- Burden of Proof Statement(s)
- Photographs
- Aerial Image(s)
- Land Use Radius Map
- Tentative Tract / Parcel Map
- Site Plan/Floor plan
- Exhibit Map
- Landscaping Plans (Preliminary)
- Correspondence (Southwest Community Association)
- Previous CUP 03-341 Findings and Conditions of Approval

Reviewed By: 



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

PROJECT NUMBER **HEARING DATE**
 03-341-(2) November 6, 2012

REQUESTED ENTITLEMENTS
 Conditional Use Permit Modification or
 Elimination of Conditions No. 03-341

PROJECT SUMMARY

OWNER / APPLICANT

Min Sik Yun / applicant same as owner

MAP/EXHIBIT DATE

February 9, 2010

PROJECT OVERVIEW

An application for a conditional use permit (CUP 03-341) modification or elimination of conditions for an existing liquor store. Request to eliminate Condition No. 18 (g) "Display of alcoholic beverages shall be limited to five (5) percent of the total merchandising shelf space or 25 percent of the store's floor space, whichever is less"; Condition No. 18 (i) "The permittee shall not sell beer in less than six-pack quantities"; and Condition No. 18 (j) "There shall be no wine sold in containers of less than 750 milliliters, and no miniatures of any type shall be sold".

LOCATION

10537 S. Vermont Ave., Westmont

ACCESS

Vermont Ave. and 106th Street

ASSESSORS PARCEL NUMBER(S)

6060-018-026

SITE AREA

0.18 Acres

GENERAL PLAN / LOCAL PLAN

West Athens/Westmont

ZONED DISTRICT

West Athens - Westmont

LAND USE DESIGNATION

C.1: Regional Commercial

ZONE

C-3 Unlimited Commercial

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

West Athens - Westmont

ENVIRONMENTAL DETERMINATION (CEQA)

Statutory Exemption – CEQA Guideline 15270

KEY ISSUES

- Consistency with the Los Angeles County General 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)
 - 22.56.195 (Alcoholic Beverage Sales, off-site consumption)
 - 22.56.1600 (Modification or elimination of CUP conditions)

CASE PLANNER:

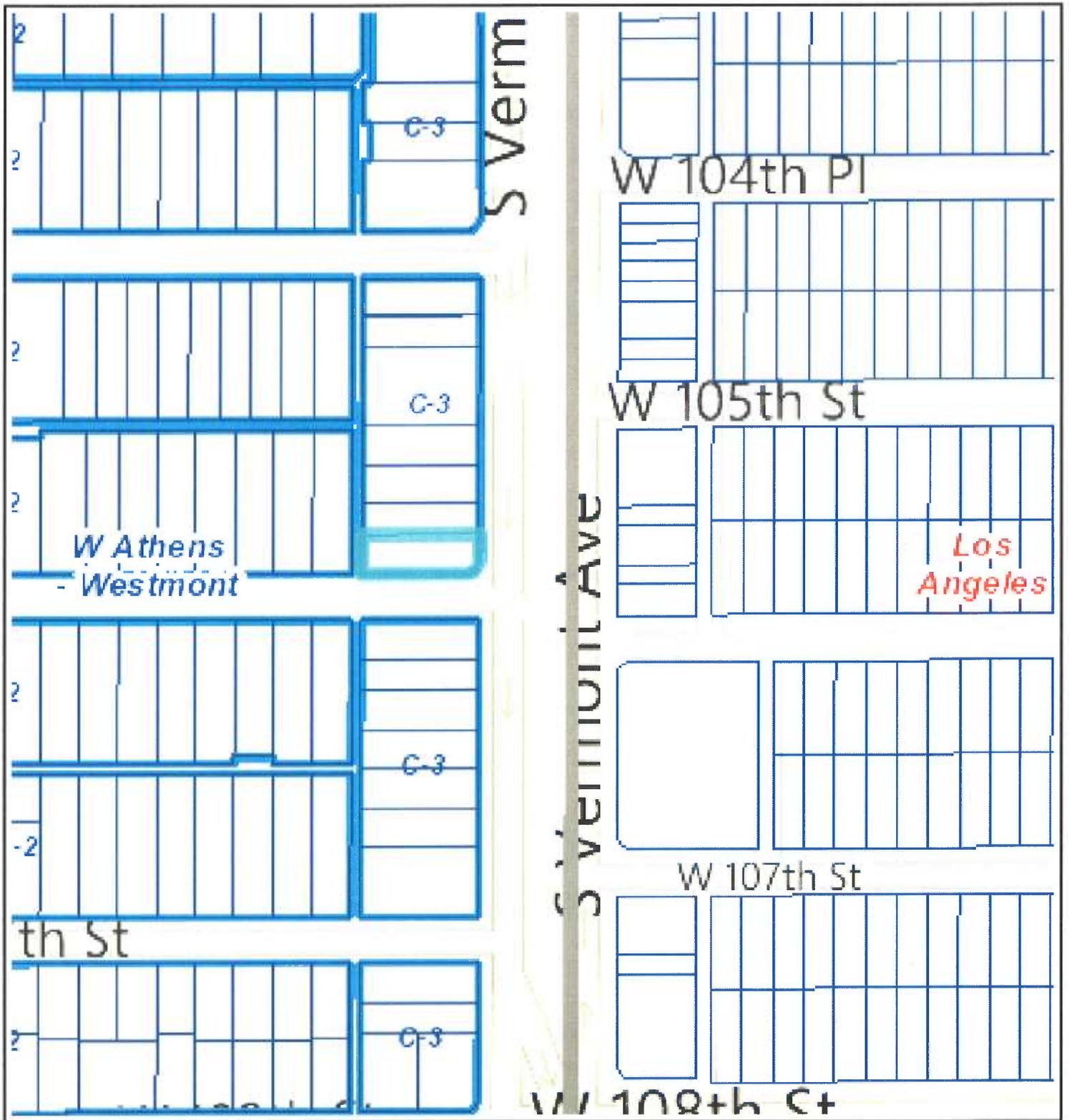
Rudy Silvas

PHONE NUMBER:

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Department of Regional Planning
Vermont Liquor Store - 10537 S. Vermont Avenue

Printed: Nov 01, 2012



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ENTITLEMENTS REQUESTED

- Modification or Elimination of Conditions to Conditional Use Permit (CUP) for the expanded storage and sale of alcoholic beverages at an existing liquor store in the C-3 (Unlimited Commercial) Zone pursuant to County Code Section 22.56.1600.

PROJECT DESCRIPTION

Application filed for a modification or elimination of conditions to CUP No. 03-341 for an existing liquor store. The request is to eliminate the following conditions:

Condition No. 18 (g) "Display of alcoholic beverages shall be limited to five (5) percent of the total merchandising shelf space or 25 percent of the store's floor space, whichever is less";

Condition No. 18 (i) "The permittee shall not sell beer in less than six-pack quantities"; and

Condition No. 18 (j) "There shall be no wine sold in containers of less than 750 milliliters, and no miniatures of any type shall be sold".

LOCATION

10537 S. Vermont Ave., Westmont

SITE PLAN DESCRIPTION

Site plan depicts liquor store on corner property, driveway access from Vermont Avenue and 106th Street, parking stalls, and liquor store floor plan depicting storage shelves, cooler area and cashier counter.

EXISTING ZONING

The subject property is zoned C-3 and is located within the West Athens – Westmont Community Standards District (CSD) in the West Athens - Westmont Zoned District.

Surrounding properties are zoned as follows:

North: C-3

South: C-3

East: R-2 (Two-family residence)

West: City of Los Angeles

EXISTING LAND USES

The subject property is developed with the existing liquor store.

Surrounding properties are developed as follows:

North: Private school academy, church

South: Preschool with playground, store and motel, convenience store

East: Commercial and multi-family residential, liquor store

West: Single and multi family residential

PREVIOUS CASES/ZONING HISTORY

CUP 03-341 was approved by a Hearing Officer on June 15, 2004, with final grant approval on July 15, 2004, for authorization to sell a full line of alcoholic beverages for off-site consumption at the existing liquor store/market, and in compliance with the code sections cited above. CUP 03-341 expires on June 28, 2014.

ENVIRONMENTAL DETERMINATION

Pursuant to Statutory Exemption 15270 of the California Environmental Quality Act (CEQA) environmental guidelines, no environmental determination is necessary for this project as it is recommended for denial.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the Regional Commercial (C.1) land use category of the West Athens/Westmont Community Plan. The Regional Commercial land use category designation is consistent with the C-3 Zone and is intended to allow commercial development in West Athens/Westmont. The existing liquor store, as approved by CUP 03-341, does serve a commercial purpose and does not conflict with the permitted uses of the underlying land use category, but liquor stores have been identified as a problem in past community meetings when excessive in number. The basis for the goals and objectives for the Community Plan are the comments and suggestions made at community meetings.

Zoning Ordinance and Development Standards Compliance

Pursuant to Section 22.28.210 of the County Code, establishments in the C-3 Zone, which sell alcoholic beverages for either on-site or off-site consumption, require a CUP and are subject to the requirements of Section 22.56.195 which calls for additional findings prerequisite to the permit. The applicant proposes to eliminate Conditions No. 18 (g), (i) and (j) of CUP 03-341 with this application.

The proposed elimination of Condition No. 18 (g) (i) and (j) would be inconsistent with the County Code and the County's standard conditions for the sale of alcoholic beverages. Those conditions strictly prohibit the sale of beer in single containers of 16 ounces or less; or the sale of wine sold in containers of less than 750 milliliters, with the exception of wine coolers sold in four pack quantities; and no miniature alcoholic beverage sales of any kind.

The applicant's request to eliminate Condition 18 (g), that regulates the display of alcoholic beverages to five (5) percent of the total merchandising shelf space, conflicts with findings required to allow the sale of alcoholic beverages in an area of undue concentration of similar premises. This finding is required pursuant to County Code Section 22.56.195 (B) 3, and states that a separation of not less than 500 feet shall not be construed as undue concentration. However, to the northeast across Vermont Avenue from the subject liquor store, there is a second liquor store within a 500 foot radius (E&O Liquor). No finding could be justified to allow the elimination of Condition 18 (g) and still maintain that the liquor store is a public convenience or necessity in an area of undue concentration of similar premises.

Neighborhood Impact/Land Use Compatibility

Pursuant to County Code Section 22.56.1620 for noticing requirements on this application, the surrounding community was notified of the applicant's request for the elimination of conditions 18 (g), (i) and (j) of CUP 03-341. The Southwest Community Association submitted a letter with their concerns about allowing the elimination of the proposed conditions. The letter states that the elimination of those conditions may affect the stability, integrity and quality of life within the community. The Southwest Community Association does not support this Modification or Elimination of Conditions.

The elimination of the highlighted conditions for the existing liquor store would conflict with the permitted use of the underlying land use category of Regional Commercial (C.1) of the West Athens/Westmont Community Plan. A liquor store which exceeds a five percent shelf space devoted to alcoholic beverages in an area of undue concentration and selling small size wine bottles or other miniature sized liquor bottles, or beer containers in less than six pack quantities, contributes to a category of liquor stores that have a potential to become a problem in the community. Because the basis for the goals and objectives of the Community Plan are the comments and suggestions made at community meetings, and because past community meetings have identified a concern for liquor stores when excessive in number, any elimination of the highlighted conditions could set the precedence for allowing businesses without restrictions on sale of alcoholic beverages. This is inconsistent with the goals and objectives of the Community Plan.

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 modified Burdens of Proof with the applicant's responses for this Modification or Elimination to Conditions of CUP 03-341 are attached. Staff is of the opinion that the applicant has not met the burden of proof required to

eliminate conditions 18 (g), (i) and (j) of CUP 03-341. On the contrary, the proposed elimination of the highlighted conditions for the existing liquor store has the potential to adversely affect the health, peace, comfort and welfare of persons residing or working in the surrounding area; may 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 of the community. Elimination of the highlighted conditions also has the potential for the subject use to adversely affect the use of a place used exclusively for religious worship, a school, park, playground, or any similar use within a 600-foot radius. New West Technical Academy, a private school for children in grades seven through twelve, adjoins the subject property directly to the north. Opportunity Baptist Church is located directly north of the Academy, with Greater Faith Baptist Church located further north across 105th Street, and a preschool with playground across 106th Street to the south of the subject property and all within a 600 foot radius.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Staff consulted with the County Sheriff Department's South Los Angeles Station during the processing of this application. The Sheriff Department reported that there have been no recent calls related to public drunkenness, or other closely related incidents at or around the existing liquor store.

OTHER AGENCY COMMENTS AND RECOMMENDATIONS

No other agencies were consulted during the processing of this application.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.56.1620 of the County Code, the community was appropriately notified of the application to go before the hearing officer by mail, newspaper, property posting, library posting and DRP website posting.

In order to ensure a 15 day comment period upon receipt of the notice, prior to the scheduled hearing date of November 6, 2012, and in accordance with the above provision, a total of 103 hearing notices were mailed out on September 26, 2012 to all property owners within a 500 foot radius of the subject property.

Also in compliance with the noticing requirement, the Notice of Hearing was published and advertised in *The Sentinel* newspaper on September 25, 2012, and was also sent on September 25, 2012, to the AC Bilbrew County Library located at 150 E. El Segundo Boulevard, Los Angeles, along with the Factual Sheet.

Staff verified that the Notice of Application Hearing was posted at the site in accordance with Section 22.56.1620 of the County Code.

PUBLIC COMMENTS

The Southwest Community Association responded in writing to Regional Planning stating they do not support this application for Modification or Elimination of Conditions to CUP 03-341. They have also requested that a public hearing be conducted so that the surrounding community may have input on the total scope of the applicant's proposal and intentions.

FEES/DEPOSITS

The filing fee and procedure for filing an appeal of the request for elimination of conditions will be subject to the provisions of County Code Sections 22.56.1640, 22.56.1650 and 22.60.200.

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 Project Number 03-341, Modification or Elimination of Conditions to CUP Number 03-341.

SUGGESTED DENIAL MOTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS STATUTORILLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND DENY THE REQUEST FOR THE MODIFICATION OR ELIMINATION OF CONDITIONS OF CONDITIONAL USE PERMIT NUMBER 03-341, SUBJECT TO THE ATTACHED FINDINGS.

Prepared by Rudy Silvas, Principal Regional Planning Assistant
Reviewed by Mi Kim, Supervising Regional Planner, Zoning Permits West

Attachments:
Draft Findings,
Applicant's Burden of Proof statement
Correspondence
Site Photographs, Aerial Image
Site Plan, Land Use Map

MKK:RS
11/01/12

**DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. 03-341-(2)
MODIFICATION OR ELIMINATION OF CONDITIONS TO CONDITIONAL USE
PERMIT NO. 03-341**

1. **ENTITLEMENT(S) REQUESTED.** Modification or Elimination of Conditions to Conditional Use Permit (CUP) for the expanded storage and sale of alcoholic beverages at an existing liquor store in the C-3 (Unlimited Commercial) Zone pursuant to County Code Section 22.56.1600.
2. **HEARING DATE:** November 6, 2012
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.**
4. **PROJECT DESCRIPTION.** Application filed for a modification or elimination of conditions to CUP No. 03-341 for an existing liquor store. Request to eliminate Condition No. 18 (g) "Display of alcoholic beverages shall be limited to five (5) percent of the total merchandising shelf space or 25 percent of the store's floor space, whichever is less"; Condition No. 18 (i) "The permittee shall not sell beer in less than six-pack quantities"; and Condition No. 18 (j) "There shall be no wine sold in containers of less than 750 milliliters, and no miniatures of any type shall be sold".
5. **LOCATION.** 10537 S. Vermont Ave., Westmont
6. **SITE PLAN DESCRIPTION.** Site plan depicts liquor store on corner property, driveway access from Vermont Avenue and 106th Street, parking stalls, and liquor store floor plan depicting storage shelves, cooler area and cashier counter.
7. **EXISTING ZONING.** C-3, West Athens/Westmont Community Standards District (CSD)
8. **EXISTING LAND USES.** Liquor Store
9. **PREVIOUS CASES/ZONING HISTORY.** CUP 03-341 was approved by a Hearing Officer on June 15, 2004, with final grant approval on July 15, 2004, for authorization to sell a full line of alcoholic beverages for off-site consumption at the existing liquor store/market, and in compliance with the code sections cited above. CUP 03-341 expires on June 28, 2014.
10. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the Regional Commercial (C.1) land use category of the West Athens/Westmont Community Plan. The Regional Commercial land use category designation is consistent with the C-3 Zone and is intended to allow commercial development in West Athens/Westmont. The existing liquor store, as approved by

CUP 03-341 does serve a commercial purpose and does not conflict with the permitted uses of the underlying land use category, but liquor stores have been identified as a problem in past community meetings when excessive in number. The basis for the goals and objectives for the Community Plan are the comments and suggestions made at community meetings.

11. ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.

Pursuant to Section 22.28.210 of the County Code, establishments in the C-3 Zone, which sell alcoholic beverages for either on-site or off-site consumption, require a CUP and are subject to the requirements of Section 22.56.195 which require additional findings for the sale of alcoholic beverages. The applicant proposes to eliminate Conditions No. 18 (g), (i) and (j) of CUP 03-341 with this application.

The proposed elimination of Condition No. 18 (g) (i) and (j) would be inconsistent with the County Code and the County's standard conditions for the sale of alcoholic beverages. Those conditions strictly prohibit the sale of beer in single containers of 16 ounces or less; or the sale of wine sold in containers of less than 750 milliliters, with the exception of wine coolers sold in four pack quantities; and no miniature alcoholic beverage sales of any kind.

The applicant's request to eliminate Condition 18 (g), that regulates the display of alcoholic beverages to five (5) percent of the total merchandising shelf space, conflicts with findings required to allow the sale of alcoholic beverages in an area of undue concentration of similar premises. This finding is required pursuant to County Code Section 22.56.195 (B) 3, and states that a separation of not less than 500 feet shall not be construed as undue concentration. However, to the northeast across Vermont Avenue from the subject liquor store, there is a second liquor store within a 500 foot radius (E&O Liquor). No finding could be justified to allow the elimination of Condition 18 (g) and still maintain that the liquor store is a public convenience or necessity in an area of undue concentration of alcohol sales.

NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY. Pursuant to County Code Section 22.56.1620 for noticing requirements on this application, the surrounding community was notified of the applicant's request for the elimination of conditions 18 (g), (i) and (j) of CUP 03-341. The Southwest Community Association submitted a letter with their concerns about allowing the elimination of the proposed conditions. The letter states that the elimination of those conditions may affect the stability, integrity and quality of life within the community. The Southwest Community Association does not support this Modification or Elimination of Conditions.

The elimination of the highlighted conditions for the existing liquor store would conflict with the permitted use of the underlying land use category of Regional Commercial (C.1) of the West Athens/Westmont Community Plan. A liquor store which exceeds a five percent shelf space devoted to alcoholic beverages in an

area of undue concentration selling small size wine bottles or other miniature sized liquor bottles or beer containers in less than six pack quantities contributes to a category of liquor stores that have a potential to become a problem in the community. Because the basis for the goals and objectives of the Community Plan are the comments and suggestions made at community meetings, and because past community meetings have identified a concern for liquor stores when excessive in number, any elimination of the highlighted conditions could set the precedence for allowing businesses without restrictions on sale of alcoholic beverages. This is inconsistent with the goals and objectives of the Community Plan.

12. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** Staff consulted with the County Sheriff Department's South Los Angeles Station during the processing of this application. The Sheriff Department reported that there have been no recent calls related to public drunkenness, or other closely related incidents at or around the existing liquor store.
13. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** No other agencies were consulted during the processing of this application.
14. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Sections 22.56.1620 of the County Code, the community was appropriately notified of the application to go before the hearing officer by mail, newspaper, property posting, library posting and DRP website posting.

In order to ensure a 15 day comment period upon receipt of the notice, prior to the scheduled hearing date of November 6, 2012, and in accordance with the above provision, a total of 103 hearing notices were mailed out on September 26, 2012 to all property owners within a 500 foot radius of the subject property.

Also in compliance with the noticing requirement, the Notice of Hearing was published and advertised in *The Sentinel* newspaper on September 25, 2012, and was also sent on September 25, 2012, to the AC Bilbrew County Library located at 150 E. El Segundo Boulevard, Los Angeles, along with the Factual Sheet.

Staff verified that the Notice of Application Hearing was posted at the site in accordance with Section 22.56.1620 of the County Code.

15. **PUBLIC COMMENTS.** The Southwest Community Association responded in writing to Regional Planning stating they do not support this application for Modification or Elimination of Conditions to CUP 03-341. They have also requested that a public hearing be conducted so that the surrounding community may have input on the total scope of the applicant's proposal and intentions.

**MODIFICATION OR ELIMINATION OF CONDITIONS TO CONDITIONAL USE
PERMIT NO. 03-341 SPECIFIC FINDINGS**

16. To allow the existing liquor store to expand the total shelf space devoted to display of alcoholic beverages beyond five (5) percent of the total merchandising shelf space conflicts with findings required to allow the sale of alcoholic beverages in an area of undue concentration of similar premises, as required in County Code Section 22.56.195 (B) 3.

Therefore, the finding of the applicant's request to eliminate Condition No. 18 (g) "Display of alcoholic beverages shall be limited to five (5) percent of the total merchandising shelf space or 25 percent of the store's floor space, whichever is less", cannot be substantiated. Elimination of Condition No. 18 (g) would be inconsistent with County Code Section 22.56.195 (B) 3, which limits shelf space in an area with undue concentration of similar premises. In addition, the request to eliminate this condition would not satisfy the Burden of Proof Sections 22.56.040 and 22.56.195 of the County Code. The proposed elimination of Condition No. 18 (g) has the potential to adversely affect the health, peace, comfort and welfare of persons residing or working in the surrounding area; may 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 of the community. Elimination of Condition No. 18 (g) also has the potential for the subject use to adversely affect the use of a place used exclusively for religious worship, a school, park, playground, or any similar use within a 600-foot radius. New West Technical Academy, a private school for children in grades seven through twelve, adjoins the subject property directly to the north. Opportunity Baptist Church is located directly north of the Academy, with Greater Faith Baptist Church located further north across 105th Street, and a preschool with playground across 106th Street to the south of the subject property and all within a 600 foot radius.

17. To allow the existing liquor store to sell beer in less than six pack quantities conflicts with County's standard conditions of approval for alcoholic beverage sales. The County's standard condition prohibits the sale of beer in single containers of 16 ounces or less.

Therefore, the finding of the applicant's request to eliminate Condition No. 18 (i), "The permittee shall not sell beer in less than six-pack quantities", cannot be substantiated. To support the elimination of Condition No. 18 (i) would be inconsistent with the County's policies for Standard Permit Specific Conditions on CUPs for Alcoholic Beverage Sales, and would not satisfy the modified Burdens of Proof per Section(s) 22.56.040 and 22.56.195 of the County Code. The proposed elimination of Condition No. 18 (i) has the potential to adversely affect the health, peace, comfort and welfare of persons residing or working in the surrounding area; may 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 of the community. Elimination of Condition No. 18 (g) also has the potential for the subject use to adversely affect the use of a place used exclusively for religious worship, a school, park, playground, or any similar use within a 600-foot radius. New West Technical Academy, a private school for children in grades seven through twelve, adjoins the subject property directly to the north. Opportunity Baptist Church is located directly north of the Academy, with Greater Faith Baptist Church located further north across 105th Street, and a preschool with playground across 106th Street to the south of the subject property and all within a 600 foot radius.

18. To allow the existing liquor store to sell wine in containers less than 750 milliliters in size, which could include the sale of miniature containers of distilled spirits, would conflict with findings required to show compliance and consistency with the County's standard conditions of approval for the sale of alcohol. Those conditions strictly prohibit the sale of wine sold in containers of less than 750 milliliters, with the exception of wine coolers sold in four pack quantities; and prohibits miniature alcoholic beverage sales of any kind.

Therefore, the finding of the applicant's request to eliminate Conditions No. 18 (j) of CUP 03-341, "There shall be no wine sold in containers of less than 750 milliliters, and no miniatures of any type shall be sold", cannot be substantiated. To support the elimination of Condition No. 18 (j) would be inconsistent with the County's policies for Standard Permit Specific Conditions on CUPs for Alcoholic Beverage Sales, and would not satisfy the modified Burdens of Proof per Section(s) 22.56.040 and 22.56.195 of the County Code. The proposed elimination of Condition No. 18 (j) has the potential to adversely affect the health, peace, comfort and welfare of persons residing or working in the surrounding area; may 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 of the community. Elimination of Condition No. 18 (j) also has the potential for the subject use to adversely affect the use of a place used exclusively for religious worship, a school, park, playground, or any similar use within a 600-foot radius. New West Technical Academy, a private school for children in grades seven through twelve, adjoins the subject property directly to the north. Opportunity Baptist Church is located directly north of the Academy, with Greater Faith Baptist Church located further north across 105th Street, and a preschool with playground across 106th Street to the south of the subject property and all within a 600 foot radius.

19. To allow the existing liquor store to eliminate the Conditions No. 18 (g), 18 (i) and 18 (j) of CUP 03-341 would conflict with findings required to show compliance and consistency with the West Athens-Westmont Community Plan.

The West Athens-Westmont Community Plan discourages the proliferation of liquor stores in the community. To support the elimination of the highlighted conditions would be counter to the goals and objectives of the Community Plan to prevent an excessive number of liquor stores in the community. Any elimination of the highlighted conditions could set the precedence for allowing more similar types of businesses within the community, with less restriction on the quantity and sale of a full line of alcoholic beverages. This is inconsistent with the goals and objectives of the Community Plan.

ENVIRONMENTAL DETERMINATION

20. Pursuant to Statutory Exemption 15270 of the California Environmental Quality Act (CEQA) environmental guidelines, no environmental determination is necessary for this project application due to its recommendation for denial. CEQA does not apply to projects which a public agency rejects or disapproves.
21. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer'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, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits West Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. Elimination of Condition Nos. 18 (g), 18 (i), and 18 (j) of Conditional Use Permit No. 03-341, which would increase the shelf space and allow the single sale of alcoholic beverages in a wider variety of container sizes, is not consistent with the adopted West Athens-Westmont Community Plan; ; and
- B. The elimination of the requested conditions would adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will be materially detrimental to the use, enjoyment or 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 or general welfare. The applicant does not meet the required Burdens of Proof of County Code Sections 22.56.040 and 22.56.195.
- C. Elimination of Condition Nos. 18 (g), 18 (i), and 18 (j) of Conditional Use Permit No. 03-341, which would increase the shelf space and sale of alcoholic beverages in a wider variety of container sizes, would substantially alter or materially deviate from the terms and conditions imposed in the granting of the previously approved conditional use permit, and would conflict with the County's standard conditions for sale of alcoholic beverages.

THEREFORE, the information submitted by the applicant and presented at the hearing substantiates the required findings for a **DENIAL** of the application for Modification or Elimination of Conditions to Conditional Use Permit No. 03-341, as set forth in Section 22.56.1630 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

22. The Hearing Officer has considered the Statutory Exemption for this project and certifies that it is consistent with the finding of exemptions by the legislature for projects which are disapproved. CEQA does not apply to projects which a public agency rejects or disapproves.
23. In view of the findings of fact and conclusions presented above, Modification or Elimination of Conditions to Conditional Use Permit Number 03-341 is Denied.

MKK:RS
11/01/12

c: Zoning Enforcement West, Building and Safety



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.)

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.

THIS IS NOT A NEW USE FOR THIS LOCATION. THE
APPLICANT HAS BEEN AT THIS LOCATION SINCE 9/2003

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.

THIS LOCATION IS FULLY IN COMPLIANCE WITH ALL
LOCAL AND STATE AGENCIES.

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.

THIS LOCATION IS ON A MAJOR THOROUGHFARE.



Los Angeles County
Department of Regional Planning

03-341



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): 21 (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.

THIS LOCATION IS CURRENTLY LICENSED WITH A CUP AND IS NOT CREATING ANY PROBLEMS FOR THE AREA

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.

CURRENT LOCATION IS SUFFICIENTLY BUFFERED

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.

WE ARE NOT ADDING TO CONCENTRATION. LOCATION CURRENTLY LICENSED

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

WE ARE IN GOOD STANDING WITH ABC & 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.

CURRENT LOCATION IS CONSISTENT WITH NEIGHBORHOOD



El Sabor Más Mexicano.



VERMONT MARKET
DISCOUNT LIQUOR

\$1,000,000.00
One Million Dollar
LOTTO TICKET
SOLD HERE!
7 Day Open Game-Zone

NEW CAPPED
PARKING
ONLY



Full of flavor
Full of pleasure!
Non-
in **Red Bull**

9 PLUS TAX

USA GOLD
The Start... The Game!
\$ 4.63 Per Pack Plus Tax

SONOMA

\$ 4.33 Per Pack Plus Tax



Red Bull
I'd Rather Be
Crawling
Hennessy

Courvoisier VS Cognac
\$ 10.99 +TX

Hot Twist



Department of Regional Planning Vermont Liquor Store - Aerial View

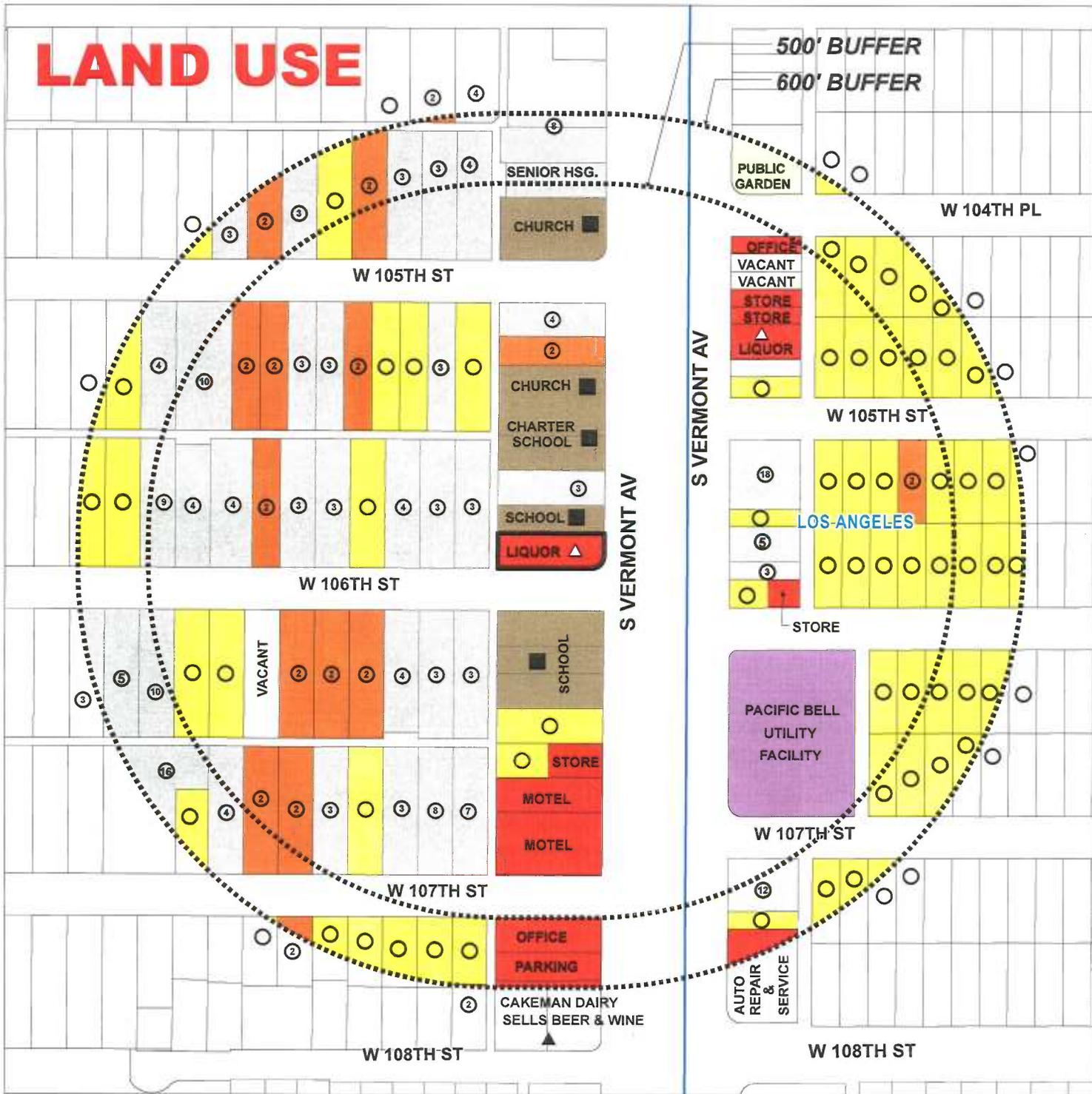
Printed: Nov 01, 2012



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LAND USE



LAND USE 500 FT. RADIUS MAP / SENSITIVE USES - 600 FT. RADIUS

Proj. 03-341 (2)
CUP 03-341

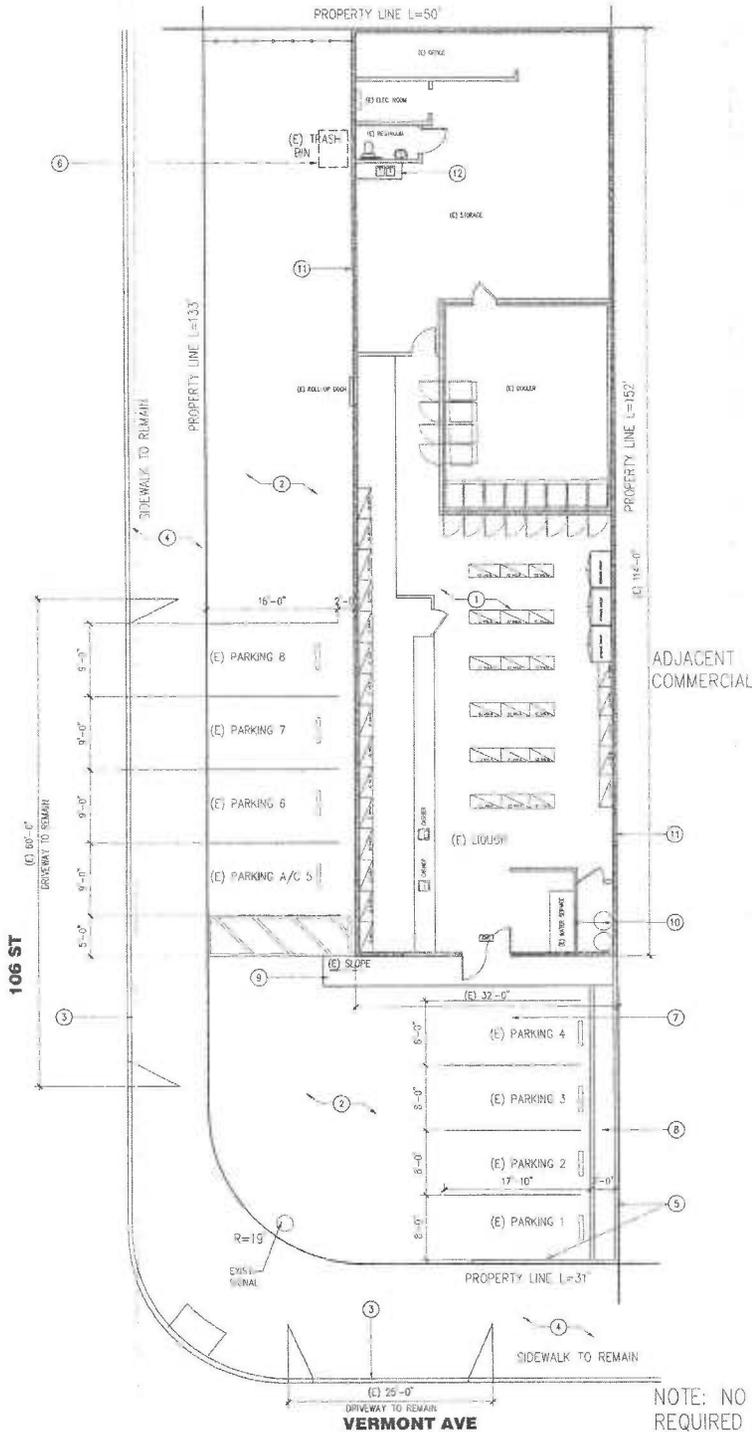
Legend

- SINGLE-FAMILY RESIDENCE
- ② MULTI-FAMILY RESIDENCE
- △ OFF-SITE ALCOHOL CONSUMPTION
- ▲ ON-SITE ALCOHOL CONSUMPTION
- SENSITIVE USES
- SINGLE-FAMILY RESIDENCE
- TWO-FAMILY RESIDENCE
- MULTI-FAMILY RESIDENCE
- INSTITUTION (NON-PROFIT)
- LIGHT AGRICULTURE
- COMMERCIAL
- PUBLIC UTILITY
- VACANT

VICINITY MAP



LOS ANGELES COUNTY
Department of Regional Planning
320 W. Temple St.
Los Angeles, CA 90012



SITE PLAN NOTES:

- ① (E) 1ST STORY BUILDING
- ② (E) PARKING
- ③ (E) DRIVEWAY TO REMAIN
- ④ (E) SIDEWALK
- ⑤ (E) LOWER BLOCK WALL
- ⑥ (E) TRASH BIN
- ⑦ NOT USED
- ⑧ (E) LANDSCAPE
- ⑨ (E) HANDICAP RAMP TO REMAIN
- ⑩ (E) WATER SERVICE AND WATER TANK
- ⑪ (E) CMU WALL TO REMAIN
- ⑫ (E) SINK & COUNTER TOP TO REMAIN

NOTE: NO SITE MODIFICATION
REQUIRED FOR THIS PROJECT



SITE PLAN

SCALE 1/8" = 1'-0" 1

MY VERMONT LIQUOR

CUP NO.: CUP 03-341

10537 South Vermont Avenue Los Angeles, CA 90004

PROJECT INFORMATION

PROPERTY INFORMATION:

PROPERTY OWNER: Mr. Yun, Min
 ADDRESS: 5057 MAPLEWOOD AVE PH1
 LOS ANGELES, CA 90004
 CONTACT: Mr. Yun
 TELEPHONE: 1.213.447.9390

CUP NO: 03-341
 ASSESSOR'S PARCEL #: 6060-018-026
 TRACK NO: 4686
 LOT #: 120
 ZONE: C
 LOT SIZE(GROSS): EXISTING 7,550 SF (APPROX.)
 BUILDING HEIGHT: EXISTING
 BUILDING USE: M - MARKET

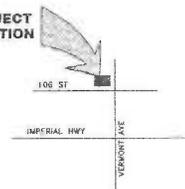
TYPE OF CONSTRUCTION: VN
 SPRINKLERED: NO

PROJECT DATA

EXIST. FLOOR AREA: 3,317 S/T
 PARKING PROVIDED: 1 ACCESS H.C.
 7 PARKINGS
 TOTAL 8 PARKINGS

vicinity map

PROJECT LOCATION



Archidas

Archidas Development Inc.
 708 N. Water Street
 Anaheim, CA 92701



MY VERMONT LIQUOR
 10537 South Vermont Ave
 Los Angeles, CA 90004

No.	Date	Issue
02/02/19	Planning Dept. Cup Review	

NO.	DATE	REVISION



Project No. _____
 Scale _____
 Drawing Title _____

2011 title sheet
 PLANS AND TO
 CUP 03-341

Drawing No.

G-01

A UNITED EFFORT FOR THE BETTERMENT OF OUR COMMUNITY

SOUTHWEST COMMUNITY ASSOCIATION

P.O. Box 47898
LOS ANGELES, CALIF. 90047

October 29, 2012
Dept. of Regional Planning
County of Los Angeles
320 W. Temple St.
Los Angeles, Ca. 90012

SUBJECT: REQUEST FOR MODIFICATION OR ELIMINATION OF CONDITIONS OF APPROVAL
FOR CONDITIONAL USE PERMIT 03-341-(2). 10537 SO. VERMONT AVE.

This is to oppose the subject request. Opposition is based on the following:

1. PRIOR TO SUBMITTING A LETTER OF SUPPORT ON June 3, 2004 for CUP 03-341-2, all of the proposed conditions were thoroughly discussed with Mr. Yun, his business associate and Mr. Edward Staley, then neighborhood leader. We all concurred with the then proposed and currently approved conditions. ALL of the conditions taken together were at the time and remains the intent to permit the business to successfully operate while providing protection for the stability, integrity and quality of life within the community. Now the applicant wish to exercise a bait and switch after eight (8) years of what appears to be a successful operation at the expense of the welfare of our community.
2. CONDITION NO. 18(g). The five (5) percent of the total merchandising shelf space or 25 percent of the store's floor space was and is still reasonable when part of the determination of this approval was based on "less than 4% of the merchandising shelf space will be used to display alcohol for sale". Therefore, "No finding for public convenience and necessity is required in approving this application." It appear that Mr. Yun misrepresented the true scope of his intentions to Planning staff as well as to community representatives.
3. CONDITIONS 18(i) & 18(j). These conditions are intended to discourage the incidents of public drunkenness through the removal of access to alcohol in quantities that have proven problematic to and within the vicinity of inner city liquor outlets.
4. CONDITIONS 18(g-i-j) are consistant with all CUPS involving land use approval with the sale of alcohol from the mom & pop to the major super-market within the area. To approve this request would set a precedent for any other requests.
5. It appear that greed has replaced the once expressed concern for the welfare and stability of our community by the applicant.

RECOMMENDATIONS:

1. DENIAL OF THIS REQUEST.

2. This request is an attempt to change the mode or character of the operation as originally approved. Therefore, we withdraw our support to this application and request a public hearing be conducted as prescribed by ordinance so the surrounding community may have input on the total scope of the applicant's proposal and intentions.

Sincerely;



Henry Porter, Jr., President (323)757-5506; (323)273-6435

cc: Karly Katona, Deputy to
Supervisor Mark Ridley-Thomas



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

James E. Hartl, AICP
Director of Planning

July 8, 2004

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Min Yun
10537 S. Vermont Ave.
Los Angeles, CA 90004

RE: CONDITIONAL USE PERMIT CASE NO. 03-341-(2)
To authorize the sale of a full line of alcoholic beverages for off-site consumption at an existing liquor store/market

Dear Applicant:

PLEASE NOTE: This document contains the Hearing Officer's findings and order and conditions relating to **APPROVAL** of the above referenced case. **CAREFULLY REVIEW EACH CONDITION.**

Condition 3 requires that the permittee must file an affidavit accepting the conditions before this grant becomes effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Hearing Officer's decision to the Regional Planning Commission at the office of the commission's secretary, Room 170, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Contact the commission's secretary for the amount of the appeal fee at (213) 974-6409. The appeal must be postmarked or delivered in person within 15 days after this notice is received by the applicant. The Hearing Officer's decision may also be called up for review by the Regional Planning Commission during the appeal period.

For further information on appeal procedures or any other matter pertaining to this approval, please contact the Zoning Permits Section II at (213) 974-6435.

HEARING OFFICER'S FINDINGS AND ORDER:

REQUEST: The applicant is requesting a conditional use permit to authorize the sale of a full line of alcoholic beverages for off-site consumption at an existing liquor store/market

PROCEEDINGS BEFORE THE HEARING OFFICER:

June 15, 2004 Public Hearing

On June 15, 2004 a duly noticed public hearing was held before the Hearing Officer. Three people, the applicant, his representative, and a community representative testified in favor of the project.

The Hearing Officer stated that she was familiar with the property as it had been cited for a zoning violation. Although the subject liquor store/market was an existing use on the property since 1968, because the business had been closed for more than 30 days, the current owner was required to file for a conditional use permit in accordance with Zoning Code requirements.

The applicant testified that the business had been closed for more than three months prior to his purchase. It took much longer than he anticipated to transfer the license because the previous owner had filed bankruptcy. Since he took the business, he has improved the liquor store/market both internally and externally. He agreed with the conditions as proposed by the local community organization and requested to be able to sell alcohol from 6am – 2am, seven days a week.

The applicant's representative testified that only 3.6% of the store shelves will be devoted to alcohol sales and the applicant already had a license from the Department of Alcoholic Beverage Control. Furthermore, the subject application had received no complaints from the Sheriff's Department or the Second Supervisorial District Officer and has received a letter of support from the Southwest Community Association.

The President of the Southwest Community Association spoke in support of the application. He said that after talking with the Board office, community members, and the Sheriff's station, he felt that it would be punitive to the applicant to oppose the subject permit. He looked at the subject application as an opportunity to place conditions of approval on the property owner. He had met with the property owner and felt that he understood the community's perspective and desires. Although there were complaints on the subject property under the previous owner, he was not aware of any complaints under the current ownership.

There being no further testimony, the Hearing Officer closed the public hearing, indicated her intent to approve the conditional use permit, and directed staff to prepare the final findings and conditions for approval.

Findings:

1. The applicant is requesting a conditional use permit to authorize the sale of a full line of alcoholic beverages at an existing liquor store/market.
2. The subject property is located at 10537 S. Vermont Ave. in the West Athens-Westmont Zoned District.
3. The subject site totals 0.17 acre. Access to the subject property is from Vermont Ave.
4. Zoning on the subject property is C-3 (Unlimited Commercial).
5. Surrounding zoning consists of the following:
North and South: C-3
East: City of Los Angeles
West: R-2 (Two Family Residences)
6. The subject property is currently occupied by an existing liquor store/market.
7. Surrounding land uses include the following:
North and South: Schools, churches, and apartments;
East: Retail, liquor store, utility company, apartments; and
West: Single-family residences and apartments.
8. There is an open enforcement case, EF020015, on the property. The zoning violation was filed due to the operation of a liquor store on the property without a conditional use permit.
9. The project site is classified "Regional Commercial" under the West Athens-Westmont Community Plan of the Los Angeles County General Plan.
10. Although there are no specific policies addressing the sale of alcoholic beverages in the West Athens-Westmont Community Plan, the plan identified the proliferation of liquor stores as a major problem with the community.
11. The site plan depicts the 31'X106' (3,286 sq. ft.) building housing the market on the northwest corner of the site. There is an 8' tall wrought iron fence surrounding the trash enclosure in the southwest corner of the property. Four compact sized parking spaces are in front of the market building along 106th Street and three compact sized and one handicapped accessible parking space are along the west side of the market. There is an 8' tall wrought iron fence along the northern property line. There is a 42" tall block wall partially along the property line parallel to Vermont Avenue. There is an alley behind the market perpendicular to 106th Street.
12. The floor plan shows five main shelves for merchandise in the center of the store, and display shelves along the walls to either side of the entrance. Directly opposite

entrance along the wall is a cooler with some alcohol. Caddy-corner from this cooler is another beverage cooler. Alcohol is also displayed along one of the walls of the store. A total of 70.25 sq. ft. of shelf space is devoted to alcohol display (3.6% of merchandising shelf space.)

13. Pursuant to Section 22.28.210 of the Los Angeles County Code (Zoning Ordinance), a conditional use permit is required to authorize the sale of a full line of alcoholic beverages in the C-3 zone.
14. Pursuant to Section 22.28.220, premises in the C-3 Zone must comply with the following development standards:

- No more than 90 percent of the net area shall be occupied by buildings.

Only about 43 percent (3,286 sq. ft.) of the subject site is occupied by structures. The applicant's site plan complies with this requirement.

- A minimum of 10 percent of the net area shall be landscaped with a lawn, shrubbery, flowers and/or trees, which shall be continuously maintained in good condition.

No landscaping is shown on the site plan. The applicant's site plan does not comply with this requirement. Since the building was originally constructed in 1968, the market/liquor store may be considered legally non-conforming with regards to the landscaping standard.

- Parking facilities shall be provided in accordance with Part 11, Chapter 22.52 of the County Code.

Since there is a commercial use on the subject property, Section 22.52.1100 applies, requiring a minimum of thirteen (13) parking spaces, including one for handicapped parking. However, since the building was constructed in 1968, the parking standards applicable at the time required only eight (8) parking spaces. Therefore the applicant's site plan showing only eight parking spaces; including one for handicapped parking, is legally non-conforming.

- Outside storage is permitted on the rear of a lot or parcel of land in the C-3 zone when such storage is strictly incidental to the permitted use existing in a building on the front portion of the same lot or parcel of land, and provided no storage is higher than the enclosure surrounding it nor nearer than 50 feet to the front property line. Any outdoor area used for storage shall be completely enclosed by a solid masonry wall and solid gate, not less than five feet nor more than six feet in height, except that the director may approve the substitution of a fence or decorative wall where, in his opinion, such wall or fence will adequately comply with the provisions of this section.

There is an outside storage area in the southwest corner of the property used for the trash container and storage of crates. It is shown on the site plan as being blocked off by an 8' tall wrought iron fence.

15. There are four churches, three schools, and a child care facility located within the 600-foot radius.
16. There are single -family homes within the 600' radius. Immediately west of the property are apartments and single-family residences separated from the property by an alley.
17. The Department of Alcoholic Beverages (ABC) has reported that an undue concentration of alcoholic beverages sales licenses does exist in the census tract where the subject site is located. Five (5) licenses for off-site consumption are allowed and seven (7) currently exist.
18. The subject property is located within a high crime-reporting district.
19. The requested use is primarily a market and liquor store and does not appear to have a negative impact on the economic welfare of the nearby community.
20. The immediate vicinity of the subject site contains a mix of commercial and residential land uses.
21. The applicant requests authorization to sell a full line of alcohol for off-site consumption 6am-2am, seven days a week.
22. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). As the commercial building on the property is an existing use, the project is within a class of projects which have 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 Environmental Document Reporting Procedures and Guidelines, Appendix G.
23. No comments were received from the Sheriff's Department with regards to this application.
24. A letter of support for the proposed application was received from the Southwest Community Association.
25. During staff's site visit, staff verified the land uses in the area and the existing land use on the property.
26. Although the subject property is located in a high crime-reporting district, and an undue concentration of alcoholic sales licenses was reported by ABC, the subject

property has an existing ABC license and could not be characterized as contributing to a proliferation of such uses in the area. No complaints were received from the Sheriff's Department or the sensitive uses in the area and less than 4% of the merchandising shelf space will be used to display alcohol for sale. Therefore no finding for public convenience and necessity is required in approving this application.

27. The proposed use as conditioned is consistent with the local plan and zoning, and is compatible with surrounding land uses.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use is consistent with the adopted general plan for the area;
- B. That the requested use at the proposed location 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. That the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area;
- D. 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;
- E. 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;
- F. 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;
- G. That the requested use at the proposed location will not result in an undue concentration of similar premises;
- H. That the requested use at the proposed location will not adversely affect the economic welfare of the nearby community;
- I. 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.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a conditional use permit as set forth in Sections 22.56.090 and 22.56.195 of the Los Angeles County Code.

HEARING OFFICER ACTION:

1. After consideration of the Categorical Exemption together with any comments received during the public review process, the Hearing Officer finds on the basis of the whole record before the Hearing Officer that there is no substantial evidence that the project will have a significant effect on the environment; finds that the Categorical Exemption reflects the independent judgment and analysis of the Hearing Officer; and, adopts the Categorical Exemption for the project.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 03-341-(2) is **APPROVED** subject to the attached conditions.

BY: Rose Hamilton DATE: 7-15-04
Rose Hamilton, HEARING OFFICER
Department of Regional Planning
County of Los Angeles

Attachments: Conditions and Affidavit

c: Each Commissioner, Zoning Enforcement, Building and Safety

6/28/04
KC:PH

1. This grant authorizes the use of the subject property for the sale of a full line of alcoholic beverages at an existing liquor store/market, as depicted in the approved Exhibit "A", subject to all of the following conditions of approval.
 2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
 3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Conditions No. 10.
 4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
 5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.
- The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with to Los Angeles County Code Section 2.170.010.
6. This grant will expire unless used within 2 years from the date of approval. A one-

year time extension may be requested, in writing with payment of the applicable fee, at least six months before the expiration date.

7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
9. **This grant will terminate June 28, 2014.** Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue the sale of beer and wine after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six months prior to the expiration of this permit, whether or not any modification of the use is requested at that time.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$1,500.00**. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for 10 annual inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150.00 per inspection).

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.

12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
13. The subject property shall be developed and maintained in substantial compliance with the approved revised Exhibit "A." All revised plot plans must be accompanied by the written authorization of the property owner.
14. Any new or additional signage shall comply with Part 10, Chapter 22.52 of the Los Angeles County Code.
15. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works, the Forester and Fire Warden, and the Department of Health Services.
16. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
17. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
18. The sale of a full line of alcoholic beverages shall be further subject to the following conditions:
 - a. The permittee shall maintain all areas of the premises over which the permittee has control in a neat and orderly fashion, free of litter and debris;
 - b. The placement of portable signs on sidewalks adjacent to the subject property, and temporary signs on walls and poles, is prohibited;
 - a. Permitted commercial signs and graphic displays shall be confined to the facade surface of the convenience store building, and shall not project above the roofline or disrupt the architectural design of the building;
 - b. Outside display and storage is prohibited;
 - c. The permittee shall not advertise the sale of alcoholic beverages on the exterior walls or fascia of the building;

- d. Telephone numbers of the Sheriff's Department, the permittee, and the Department of Regional Planning Enforcement Section (213-974-6453) shall be posted in the store adjacent to the cashier's area;
- e. The permittee shall maintain a current contact name, address and phone number on file with the Department of Regional Planning at all times.
- f. No telephones shall be installed on the exterior of the building nor on the perimeter boundaries of the property;
- g. Display of alcoholic beverages shall be limited to five (5) percent of the total merchandising shelf space or 25 percent of the store's floor space, whichever is less;
- h. No display or sale of alcoholic beverages shall be made from an ice tub;
- i. The permittee shall not sell beer in less than six-pack quantities;
- j. There shall be no wine sold in containers of less than 750 milliliters, and no miniatures of any type shall be sold;
- k. No ice in quantities of less than two pounds shall be sold, furnished, or given away;
- l. No single cups shall be sold, furnished, or given away;
- m. The permittee shall not provide any type of seating or structure which could be used as seating on the exterior of the building;
- n. Hours of operation for the store shall be 6:00a.m. – 2:00a.m., seven days a week;
- o. Permittee or an employee 21 years or older shall be present in the store at all times during business hours;
- p. All employees shall be instructed and trained on the regulations prohibiting loitering and consumption of alcoholic beverages on the premises, and they shall be required to enforce the subject conditions and call local law enforcement if necessary;
- q. There shall be no loitering or alcohol consumption permitted on the premises under the control of the permittee. Signage prohibiting loitering shall be posted on the premises in English and in the predominant second language in the neighborhood;

- r. The permittee shall provide adequate lighting above the entrance of the store and in the parking lot. This lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons entering or exiting the premises. Lighting shall be illuminated in such a ways as to prevent glare on nearby residential property;
- s. A licensed security guard shall be hired or security cameras shall be installed and maintained on the premises to ensure that loitering and alcohol consumption does not occur on the premises;
- t. The permittee shall not install or maintain video games, pool tables, or similar game activities or equipment on the subject property;
- u. The permittee shall not allow any other coin-operated amusements, such as small carousel rides or similar riding machines, at any time, with the exception of official State Lottery machines;
- v. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon the request of any County Sheriff, Zoning Inspector, or ABC investigator. All employees of the subject convenience store and gas station shall be knowledgeable about the conditions contained herein;
- w. A minimum of 8 parking spaces shall be provided, including at least one (1) that is accessible to persons with disabilities