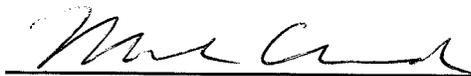


Hearing Officer Transmittal Checklist

Hearing Date 05/17/2011
Agenda Item No. 6

Project Number: 97149-(5)
Case(s): Conditional Use Permit Case No. 201000029
Planner: Anthony Curzi

- Factual
- Property Location Map
- Staff Report
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use Radius Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans

Reviewed By: 



Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-6461
PROJECT NUMBER 97149 – (5)
CONDITIONAL USE PERMIT NO. 201000029

PUBLIC HEARING DATE
05/17/2011

AGENDA ITEM
6

RPC CONSENT DATE
N/A

CONTINUE TO
N/A

APPLICANT

A&J Jr. Mart, Inc.

OWNER

A&J Jr. Mart, Inc.

REPRESENTATIVE

Danny Bazeli

PROJECT DESCRIPTION

A&J Jr. Mart, Inc. is requesting a Conditional Use Permit (CUP) to authorize the continued sale of alcoholic beverages (ABC Type 20 beer and wine) for off-site consumption at a convenience market incidental to the operation of a previously authorized mobilehome park. Hours of operation for the convenience market are from 6:00 a.m. to 8:00 p.m. daily and proposed alcohol sales will be from 8:00 a.m. to 8:00 p.m. daily.

REQUIRED ENTITLEMENTS

A conditional use permit (CUP) to authorize the sale of alcoholic beverages (ABC Type 20 for beer and wine) for off-site consumption at a convenience market incidental to the operation of an existing and previously authorized mobilehome park.

LOCATION/ADDRESS

18348 West Avenue D, Lancaster, CA 93536

SITE DESCRIPTION

The site plan depicts the property—333 feet wide by 1,319 feet deep—with four main uses: (1) convenience market, (2) mobile home park, (3) storage areas, and (4) Recreational Vehicle (RV) parking. The northern end of the property contains eight standard size parking spaces and two disabled size spaces. Located immediately south of these parking spaces are 31 mobile home pads. Located between pad #s 8 and 9 is a water storage tank. South of the mobile home pads is the storage area, and south of that is the RV parking. The RV parking area is enclosed by a 5-foot-tall barbed-wire fence. The floor plan of the convenience market depicts a kitchen; a freezer; restrooms; refrigerators for beer, wine, and soft drinks; a hallway; storage rooms; racks; another set of freezers; tables; and shelves. In the center of the market are six display racks for the sale of goods.

ACCESS

via Avenue D

ZONED DISTRICT

Antelope Valley West

ASSESSORS PARCEL NUMBER

3238-005-029

COMMUNITY

Fairmont

SIZE

32.48 acres

COMMUNITY STANDARDS DISTRICT

None

EXISTING LAND USE

EXISTING ZONING

	EXISTING LAND USE	EXISTING ZONING
Project Site	Existing mobilehome park with a convenience market	A-2-5 (Heavy Agriculture – five-acre minimum lot size)
North	Vacant land	A-2-5
East	Vacant land	A-2-5
South	Vacant land	A-2-5
West	Vacant land	A-2-5

GENERAL PLAN/COMMUNITY PLAN

Antelope Valley Area Plan

LAND USE DESIGNATION

N1 (Non-Urban 1)

MAXIMUM DENSITY

0.5 dwelling units per acre

ENVIRONMENTAL DETERMINATION

Class 1 Categorical Exemption- Existing Facilities

RPC LAST MEETING ACTION SUMMARY

LAST RPC MEETING DATE	RPC ACTION	NEEDED FOR NEXT MEETING
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING/ABSENT

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON:

RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING):		
SPEAKERS* (O) (F)	PETITIONS (O) (F)	LETTERS (O) (F)

*(O) = Opponents (F) = In Favor



Address **18348 W Avenue D**
Lancaster, CA 93536, USA

Notes 97149-(5)



STAFF ANALYSIS
PROJECT NUMBER 97149-(5)
Conditional Use Permit No. 201000029

PROJECT DESCRIPTION

A&J Jr. Mart, Inc. is requesting a Conditional Use Permit (CUP) to authorize the continued sale of alcoholic beverages (ABC Type 20 beer and wine) for off-site consumption at an existing convenience market located at a previously authorized mobilehome park. Hours of operation for the convenience market are from 6:00 a.m. to 8:00 p.m. daily and alcohol sales will be from 8:00 a.m. to 8:00 p.m. daily. The convenience market is an accessory use to the previously authorized mobilehome park.

REQUIRED ENTITLEMENTS

The applicant is requesting a Conditional Use Permit (CUP) to authorize the continued sale of alcoholic beverages (ABC Type 20 beer and wine) for off-site consumption at a previously authorized mobilehome park.

DESCRIPTION OF SUBJECT PROPERTY

Location

The subject property is located at 18348 West Avenue D, Lancaster, CA 93536, in the unincorporated community of Fairmont (APN 3238-005-029). The property is located halfway between two major north-south freeways—SR-14 (Antelope Valley Freeway) and the I-5 (Golden State Freeway).

Physical Features (topography/vegetation)

The convenience market, located at the mobilehome park, is located on a rectangular, 32.48-acre lot in a rural area of the west Antelope Valley. It is flat and is surrounded by vacant parcels with vegetation typical of a dry, arid, high desert landscape.

Access

Access to the subject site is via a driveway located on the south side of West Avenue D (Hwy 138).

SITE PLAN DESCRIPTION

The site plan depicts the property—333 feet wide by 1,319 feet deep—with four main uses: (1) convenience market, (2) mobilehome park, (3) storage areas, and (4) Recreational Vehicle (RV) parking. The northern end of the property contains eight standard size parking spaces and two disabled size spaces. Located immediately south of these parking spaces are 31 mobilehome pads. Located between pad #s 8 and 9 is a water storage tank. South of the mobilehome pads is the storage area, and south of that is the RV parking. The RV parking area is enclosed by a 5-foot-tall barbed-wire fence. The floor plan of the convenience market depicts a kitchen; a freezer; restrooms; refrigerators for beer, wine, and soft drinks; a hallway; storage rooms; racks; another set of freezers; tables; and shelves. In the center of the market are six display racks for the sale of goods.

ENVIRONMENTAL DETERMINATION

The Department of Regional Planning has determined that a Categorical Exemption, Class 1 Categorical Exemption- Existing Facilities, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) and the Los Angeles County Environmental Document Reporting Guidelines, since the project is to authorize the continued sale of alcoholic beverages for off-site consumption at an existing convenience market which is incidental to the operation of the existing, previously authorized mobilehome park.

EXISTING ZONING

Subject Property: The subject property is zoned A-2-5 (Heavy Agricultural – 5-acre minimum lot size development standards).

Surrounding Properties:

North: A-2-5 zone
East: A-2-5 zone
South: A-2-5 zone
West: A-2-5 zone

EXISTING LAND USE

Subject Property: The subject property is improved with a mobilehome park, which contains a 1,200-square-foot convenience market, paved parking areas, RV parking, and mobilehomes.

Surrounding Properties:

North: Vacant land
East: Vacant land
South: Vacant land
West: Vacant land

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Section 22.60.174 of the County Code, the Notice of Public Hearing was advertised in *La Opinion*, on April 9, 2011 and in *The Antelope Valley Press* on April 9, 2011. A total of 40 public hearing notices regarding the subject application were mailed out to the owners of properties located within a 1,000-foot radius of the subject property on April 5, 2011. This number also includes notices sent to the local community groups and residents on the Antelope Valley West Zoned District courtesy list.

Case information materials, including the Notice of Public Hearing, Factual Sheet and Site Plans were forwarded to the Quartz Hill Library at 42018 North 50th Street West, Quartz Hill, CA 93536, on April 5, 2011. The same materials were also posted on the Department of Regional Planning's website.

Pursuant to Section 22.60.175 of the County Code, the applicant shall post the public hearing notice on the property no less than 30 days prior to the public hearing date. Staff received the Certificate of Posting and photos from the applicant's agent stating that the Notice of Public Hearing was posted on April 12, 2011.

PREVIOUS CASES/ZONING HISTORY

Zone Exception Case (ZEC) No. 7923 granted by the County Zoning Board on March 15, 1966 to authorize the establishment of a 114-space mobilehome park, expansion of a café and service station, and construction of the market in the A-2-5 zone. Since a grant term was not established, the mobilehome park is allowed to continue its current operation until such time the use changes.

Conditional Use Permit 97-149-(5) granted by the Hearing Officer on February 17, 1998, authorizing the sale of alcoholic beverages (ABC Type 20 beer and wine) for a 10-year grant term. Pursuant to Section 22.52.500(I)(6), there shall be no commercial uses located at mobilehome parks, except those uses approved by as Hearing Officer and which are necessary to facilitate the continued operation of the mobilehome park.

STAFF EVALUATION

General Plan Consistency

The Antelope Valley Areawide General Plan (Plan) Land Use Policy map designation for the subject property is "N-1" (Non-Urban 1) and the operation of a convenience market as an accessory use to a mobilehome park is consistent with the intent and policies of the Plan. According to the Plan, non-residential uses may be allowed in the non-urban areas if they are local and highway-oriented commercial uses that serve the needs of local residents and travelers. The convenience market is located in a rural area within a mobilehome park and is located at a considerable distance from any other commercial uses. The market has been serving both the local residents of the mobilehome park and motorists who travel along West Avenue D (Hwy 138) for many years and is, therefore, consistent with the policies set forth in the Plan.

Zoning Ordinance and Development Standards Compliance

The subject property is zoned Heavy Agricultural (A-2-5). The A-2 zone was established to provide for agricultural uses, but does allow for a range of other uses with the issuance of a Conditional Use Permit, including churches, hospitals, and mobilehome parks. Moreover, mobilehome parks are allowed to contain commercial uses, provided they are incidental to the operation of the mobilehome park.

Neighborhood Impact/Land Use Compatibility

The convenience market is located on a 32.48-acre site within a mobilehome park with recreational vehicle (RV) parking. There are no sensitive uses including places used exclusively for religious worship, schools, parks, playgrounds or any similar use within a

600-foot radius of the subject site. Surrounding uses are comprised of vacant lots to the east, west, and north, and south.

The market has existed for many years without complaint from the surrounding community and does provide a convenience for the residents of the mobilehome park and motorists along West Avenue D (Hwy 138). The selling of alcoholic beverages at the convenience store is incidental to the operation of the existing mobilehome park.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.040 and Section 22.56.195 of the Los Angeles County Code. The two Burden of Proof statements relating to the CUP and Alcoholic Beverage Sales, with the applicant's responses, are attached. Staff believes that the applicant has met both Burdens of Proof.

COUNTY DEPARTMENT AND STATE COMMENTS AND RECOMMENDATIONS

Los Angeles County Sheriff's Department

The Los Angeles County Sheriff's Department provided a letter regarding crimes that occurred on the subject property. The letter was dated March 17, 2010 and discussed crimes that occurred in the past five years. The market itself generated a total of seven calls for service in that time period, all of which were for minor incidents. The mobilehome park, located at the same address as the market, generated 32 calls for service over the five-year period. All calls, with the exception of one, were for minor incidents as well. **(Attached)**.

Alcohol Beverage Control (ABC) Consultation

Staff contacted the Van Nuys District Office of the Department of Alcoholic Beverage Control regarding the subject property. The subject property is located in an area where there is an undue concentration of alcoholic beverage licenses for off-site consumption. It is in a location with a high crime reporting district as defined in Rule 61.3, Chapter I, Title 4, of the California Administrative Code. The report provided by ABC states that one (1) license is allowed in the area and that four (4) currently exist, creating an undue concentration of licenses **(Attached)**. The Department of Alcoholic Beverage Control is required to deny the request unless the applicant can provide a letter issued by the Governing Body (County of Los Angeles Regional Planning Department) stating that a public convenience or necessity will be served by the issuance of another license in the area.

PUBLIC COMMENTS

No public comments have been received at this time.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

Department of Regional Planning Zoning Enforcement:

A deposit of \$1,600 to cover the cost of eight (8) biennial (every other year) zoning enforcement inspections has been included and additional funds would be required if violations are found on the subject property. A copy of the conditions of approval for this grant will be required to be kept on site at all times.

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:

The convenience market meets zoning requirements and is consistent with the general goals and polices set forth in the Antelope Valley Areawide General Plan and the Countywide General Plan. The selling of alcoholic beverages at the convenience store is incidental to the operation of the existing mobilehome park.

The selling of alcoholic beverages will not be materially detrimental to the surrounding community and will provide a community convenience to both the local residents of the mobilehome park and motorists along West Avenue D.

There have been no complaints from the local residents or the surrounding community regarding the sale of beer and wine in the past, and there are no sensitive uses immediately surrounding or nearby the subject site.

Staff recommends **approval** of Conditional Use Permit No. 201000029 for a fifteen- (15-) year term, subject to the attached draft findings and conditions.

Prepared by Anthony Curzi, Regional Planning Assistant II
Reviewed by Mark Child, Supervising Regional Planner, Zoning Permits North Section

Attachments:

Draft Findings

Draft Conditions of Approval

Applicant's Burden of Proof statement

Site Photographs

Site Plan

Land Use Map



DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER COUNTY OF LOS ANGELES

**PROJECT NUMBER NO. 97149-(5)
CONDITIONAL USE PERMIT NO. 201000029**

REQUEST:

The applicant is requesting a Conditional Use Permit (CUP) to authorize the continued sale of alcoholic beverages (ABC Type 20 beer and wine) for off-site consumption at an existing convenience market located at a previously authorized mobilehome park.

HEARING DATE: May 17, 2011

PROCEEDINGS BEFORE THE HEARING OFFICER:

Findings

1. The applicant, A&J Jr. Mart, Inc. is requesting a Conditional Use Permit (CUP) to authorize the continued sale of alcoholic beverages (ABC Type 20 beer and wine) for off-site consumption at an existing convenience market located at a previously authorized mobilehome park.
2. The project site is located at 18348 West Avenue D, Lancaster, CA 93536, in the unincorporated community of Fairmont (APN: 3238-005-029).
3. The convenience market, located at the mobilehome park, is located on a rectangular, 32.48-acre lot in a rural area of the west Antelope Valley. It is flat and is surrounded by vacant parcels with vegetation typical of a dry, arid, high desert landscape.
4. The site plan depicts the property—333 feet wide by 1,319 feet deep—with four main uses: (1) convenience market, (2) mobilehome park, (3) storage areas, and (4) Recreational Vehicle (RV) parking. The northern end of the property contains eight standard size parking spaces and two disabled size spaces. Located immediately south of these parking spaces are 31 mobilehome pads. Located between pad #s 8 and 9 is a water storage tank. South of the mobilehome pads is the storage area, and south of that is the RV parking. The RV parking area is enclosed by a 5-foot-tall barbed-wire fence. The floor plan of the convenience market depicts a kitchen; a freezer; restrooms; refrigerators for beer, wine, and soft drinks; a hallway; storage rooms; racks; another set of freezers; tables; and shelves. In the center of the market are six display racks for the sale of goods.

5. Hours of operation for the convenience market are from 6:00 a.m. to 8:00 p.m. daily and alcohol sales will be from 8:00 a.m. to 8:00 p.m. daily. The convenience market is an accessory use to the previously authorized mobilehome park.
6. The subject property is in the A-2-5 (Heavy Agricultural – 5-acre minimum lot size development standard) zone.
7. Zone Exception Case (ZEC) No. 7923 on March 15, 1966 established the mobilehome park and convenience market located on site. Conditional Use Permit 97-149-(5) on February 17, 1998 authorized the sale of alcoholic beverages (ABC Type 20 – beer and wine) for a ten- (10-) year grant term.
8. The subject property is located in the Non-Urban 1(0.5 dwelling units per acre) land use plan category of the Antelope Valley Areawide General Plan (Plan) and is consistent with the goals and policies set forth in the Plan.
9. Surrounding properties are located in the following zones:
North: A-2-5 (Heavy Agricultural – 5-acre minimum lot size development standard)
East: A-2-5
South: A-2-5
West: A-2-5
10. Surrounding land uses within 600 feet include:
North: Vacant Land
East: Vacant Land
South: Vacant Land
West: Vacant Land
11. The convenience market located at the mobilehome park has existed at the site for 46 years and has provided a service to the residents of the mobilehome park and to motorists travelling along West Avenue D (Highway 138). The sale of alcoholic beverages (beer and wine) for off-site consumption has existed at this site for 13 years without any complaint from the surrounding community.
12. There are no sensitive uses or places of worship, schools, public playgrounds, parks, hospitals, and youth centers within a 600-foot radius.
13. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community because it will provide a public convenience by offering the sale of alcoholic beverages (beer and wine) at an existing convenience market.
14. No new construction is proposed or associated with this permit.

15. The Los Angeles County Sheriff's Department has requested additional conditions of approval, which include the following:
 - i) This grant authorizes the sale of alcoholic beverages from 8:00 a.m. to 12:00 a.m. (midnight).
 - ii) No beer or wine shall be displayed within five (5) feet of the cash register or the front door unless it is in a permanently affixed cooler.
 - iii) The sale of alcoholic beverages shall be made only to persons who are within the licensed premises and not through a drive-up window, pass-out, or slide-out tray to the exterior of the premises.
 - iv) No malt beverage products shall be sold, regardless of individual container size, in quantities of less than six per sale, except in manufacturers' pre-packaged four-packs.
 - v) There shall be no singles sales of beer in quantities less than 40 ounces. Wine shall not be sold in containers smaller than 750 milliliters, and wine coolers must be sold in manufacturers' pre-packaged, multi-unit quantities.
 - vi) There shall be no coin-operated games or video machines maintained on the premises.
 - vii) There shall be no sales or rentals of any adult magazines, videos, tapes, discs, films, or any other harmful material as described in Penal Code Section 313.
 - viii) Signs shall be posted with current language of the Penal Code, Business & Professions Code, and Los Angeles County Code, regarding the prohibition of loitering, open containers, and consumption of alcoholic beverages at the premises.
16. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
17. The project is Categorically Exempt Class 1 (Existing Facilities) under the California Environmental Quality Act (CEQA) reporting requirements because the entitlement requested is a Conditional Use Permit to continue the sale of alcoholic beverages (beer and wine) from an existing convenience market located at a previously authorized mobilehome park.
18. The request to continue to sell alcoholic beverages (beer and wine) does not conflict with surrounding residential area because there are no other similar establishments within 600 feet of the subject property.
19. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, staff recommends a fifteen- (15-) year grant term.
20. 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 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 North Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use will be 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 and 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 yards, walls, fences, parking and loading facilities, landscaping and other 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. Compatibility with surrounding land use will be ensured through the implementation of the attached conditions;
- F. Establishment of the sale of alcoholic beverages (beer and wine) at such location is in the interest of public health, safety and general welfare and in conformity with good zoning practice;
- G. 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 similar used within a 600-foot radius;
- H. The requested use in the current location is sufficiently buffered in relation to any residential area within the immediate vicinity, so as not adversely affect the same area;
- I. The requested use will not adversely affect the economic welfare of the nearby community;

- J. That while the requested use is in an area with an undue concentration of off-site alcohol sales, it is located at a considerable distance from other locations selling alcoholic beverages for either on-site or off-site consumption, and it will provide a public convenience for the residents of the mobilehome park.
- K. The sale of alcoholic beverages (beer and wine) at this location will serve the public convenience or necessity and will not tend to create a law enforcement problem.

HEARING OFFICER ACTION:

- 1. The Hearing Officer finds that the project is Categorical Exempt - Class 1 (Existing Facilities) under the California Environmental Quality Act (CEQA) reporting requirements.
- 2. In view of the findings of fact and conclusions presented above, CUP 201000029 is APPROVED subject to the attached conditions.

c: Hearing Officer, Building and Safety

MC:amc
May 2, 2011



**DRAFT CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. 97149-(5)
CONDITIONAL USE PERMIT NO. 201000029**

PROJECT DESCRIPTION

The project is a request for a Conditional Use Permit (CUP) to authorize the continued sale of alcoholic beverages (ABC Type 20 for beer and wine) for off-site consumption at an existing convenience market located at a previously authorized mobilehome park, subject to the following conditions of approval:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. 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 Los Angeles County ("County") Department of Regional Planning ("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. 7, and until all required monies have been paid pursuant to Condition Nos. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9, shall be effective immediately upon final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
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. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
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 make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses 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 \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and

duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Recorder ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on May 17, 2026.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty- (30-) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the convenience market located at the previously authorized mobilehome park and satisfaction of Condition No. 2 shall be considered use of this grant.
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. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for eight (8) biennial (one every other year) 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 one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be 200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
12. All requirements of Title 22 of the County Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.
13. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.
14. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. 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.
15. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification 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.
16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
17. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.
18. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.
19. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program (insert other State mandated program if applicable) provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.

20. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures.
21. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
22. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public.
23. This grant authorizes the sale of alcoholic beverages from 8:00 a.m. to 12:00 a.m. (midnight).
24. No beer or wine shall be displayed within five (5) feet of the cash register or the front door unless it is in a permanently affixed cooler.
25. The sale of alcoholic beverages will be made only to persons who are within the licensed premises, and not through a drive-up window, pass-out, or slide-out tray to the exterior of the premises.
26. No malt beverage products shall be sold, regardless of individual container size, in quantities of less than six per sale, except in manufactures' pre-packaged four-packs.
27. There shall be no singles sales of beer in quantities less than 40 ounces. Wine shall not be sold in containers smaller than 750 milliliters, and wine coolers must be sold in manufacturers' pre-packaged, multi-unit quantities.
28. There shall be no coin-operated games or video machines maintained on the premises.
29. There shall be no sales or rentals of any adult magazines, videos, tapes, discs, films or any other harmful matter as described in Penal Code Section 313.
30. Signs shall be posted with current language of the Penal Code, Business & Professions Code, and Los Angeles County Code, regarding the prohibition of loitering, open containers, and consumption of alcoholic beverages at the premises.



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



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 AN EXISTING COMMERCIAL OPERATION THAT HAS NOT HAD ANY NEGATIVE IMPACT ON THE peace, comfort or welfare of any residents or other persons in the surrounding area.

the market will have no negative impact on the ability of people to enjoy the area and will not create a public health, safety or general welfare issue. this market has served the community for many years at this location

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.

As an existing site already approved to operate under C.U.P. 97-149(5) the location is of sufficient construction to meet the requirements of title 22

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.

the site is served by a major highway (highway 138) and is well suited for the existing operation

the site is adequately served by all public and private services and has been for many years



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.)

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 IS A REMOTE LOCATION AND AS SUCH THERE ARE NO PLACES OF WORSHIP, SCHOOLS, PARKS OR playgrounds within several miles of the location

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.

THERE IS A 30 SITE MOBILE HOME PARK ADJACENT TO THE LOCATION. THERE HAS BEEN ALCOHOL SALES AT THE location under previous c.u.p. 97-149(5) there will be no adverse affect in renewaing this PERMIT

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.

THERE ARE NO LOCATIONS WITHIN SEVERAL MILES SELLING ALCOHOLIC BEVERAGES AND THERE IS NOT MORE THAN 5% OF TOTAL SHELF SPACE DEVOTED TO ALCOHOLIC BEVERAGE SALES

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

THE REQUESTED USE AT THE LOCATION WILL BE A BENEFIT TO THE ECONOMIC WELFARE OF THE SURROUNDING COMMUNITY AND NOT CAUSE ANY UNDUE ADVERSITY

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.

THIS IS THE ONLY COMMERCIAL STRUCTURE FOR MANY MILES IN THE AREA AND WILL HAVE NO NEGATIVE impact on property values, cause blight or deterioration in the neighborhood

file 97-149



Erroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



(661) 948-8466

March 17, 2010

Phillip Estes, Principal Regional Planner
Los Angeles County Department of Regional Planning
320 West Temple Street, #1346
Los Angeles, CA 90012

Subject: Conditional Use Permit Application # 201000029 (A&J JR Market)

Dear Mr. Estes:

We received your request for information regarding the referenced application. We are pleased to provide the following information:

The location is within the jurisdiction of the Los Angeles County Sheriff's Department, Lancaster Station.

The market, itself, has generated a total of seven calls for service in the past five years. All of the calls were for minor incidents and reports. The mobile home park, which has the same address, has generated a total of 32 calls for service in the past five years. All of the calls to the mobile home park were for minor incidents and reports with the exception of one, which was for an assault.

The Los Angeles County Sheriff's Department does not oppose the issuance of a Conditional Use Permit for this location. In order to prevent alcohol related criminal activity, and assist with enforcement of such activity, we would ask that the following conditions be considered:

1. No illuminated alcohol advertising will be located on the windows or door of the storefront.
2. No beer or wine shall be sold from ice tubs.

MAR 29 2010

A Tradition of Service Since 1850

3. No beer or wine shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler.
4. The sale of alcoholic beverages will made only to persons who are within the licensed premises, and not through a drive-up window, pass-out, or slide out tray to the exterior of the premises.
5. No malt beverage products shall be sold, regardless of individual container size, in quantities of less than six per sale, except in manufacturer pre-packaged 4-packs.
6. There shall be no singles sales of beer in quantities less than 40 ounces. Wine shall not be sold in containers less than 750 ml, and wine coolers must be sold in manufacturers pre-packaged multi-unit quantities.
7. There shall be no coin operated games or video machines maintained on the premises.
8. There shall be no sales or rentals of any adult magazines, videos, tapes, discs, films or any other harmful matter as described in Penal Code Section 313.
9. Signs shall be posted with current language of the Penal Code, Business & Professions Code, and Los Angeles County Codes, regarding the prohibition of loitering, open containers, & consumption of alcoholic beverages at the premises.
10. Sales of alcoholic beverages shall be permitted between the hours of 8:00 AM and 12:00 AM midnight.

If I can be of further assistance, feel free to contact Deputy Michael Kuper, Monday through Friday, 8:00 am to 4:00 pm, (661) 948-8466, extension 4021.

Sincerely,

LEROY D. BACA, SHERIFF

A handwritten signature in black ink, appearing to read 'Axel H. Anderson', written in a cursive style.

Axel H. Anderson, Captain
Lancaster Station

Department of Alcoholic Beverage Control
Van Nuys District Office
6150 Van Nuys Blvd, Room 220
Van Nuys, CA 91401
Phone: 818-901-5017
Fax: 818-785-6731

State of California

97-149

CVP 2010 00029



FAX TRANSMISSION

Total Number of Pages 2 (Including this cover sheet)

Original: To follow by regular mail Will not follow

To: Phillip Estee

Firm/Office: LA County / Regional Planning

Fax: 213/626-0434 Date: 3/15/10 Time: 2:12PM

cc('s):

From: ABC Van Nuys Phone: 818/901-5017

Subject: State Request

Comments: 18348 West Avenue D
Lancaster, CA 93536

NOTICE

This communication is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address.



"Be Energy Efficient"

23958.4 B & P APPLICATION WORK SHEET

APPLICANT: 18348 West Avenue D
 PREMISES ADDRESS: Lancaster, CA 93536
 LICENSE TYPE: on sale and off sale license

1. CRIME REPORTING DISTRICT

LA County Jurisdiction is able to provide statistical data for the year 2008

Reporting District: 1188
 Total number of reporting districts: 374
 Total number of offenses: 61,546
 Average number of offenses per district: 164
 120% of average number of offenses: 197
 Total offenses in district: 35
 Location is within a high crime reporting district: yes

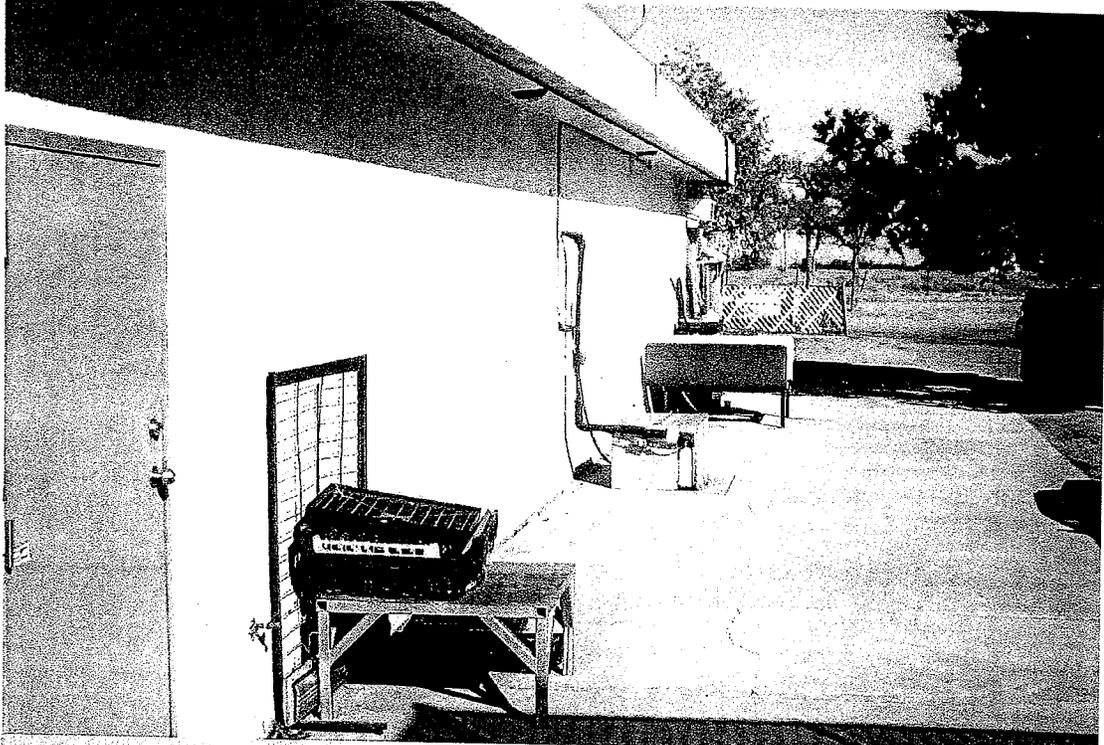
2. CENSUS TRACT / UNDUE CONCENTRATION: 2008

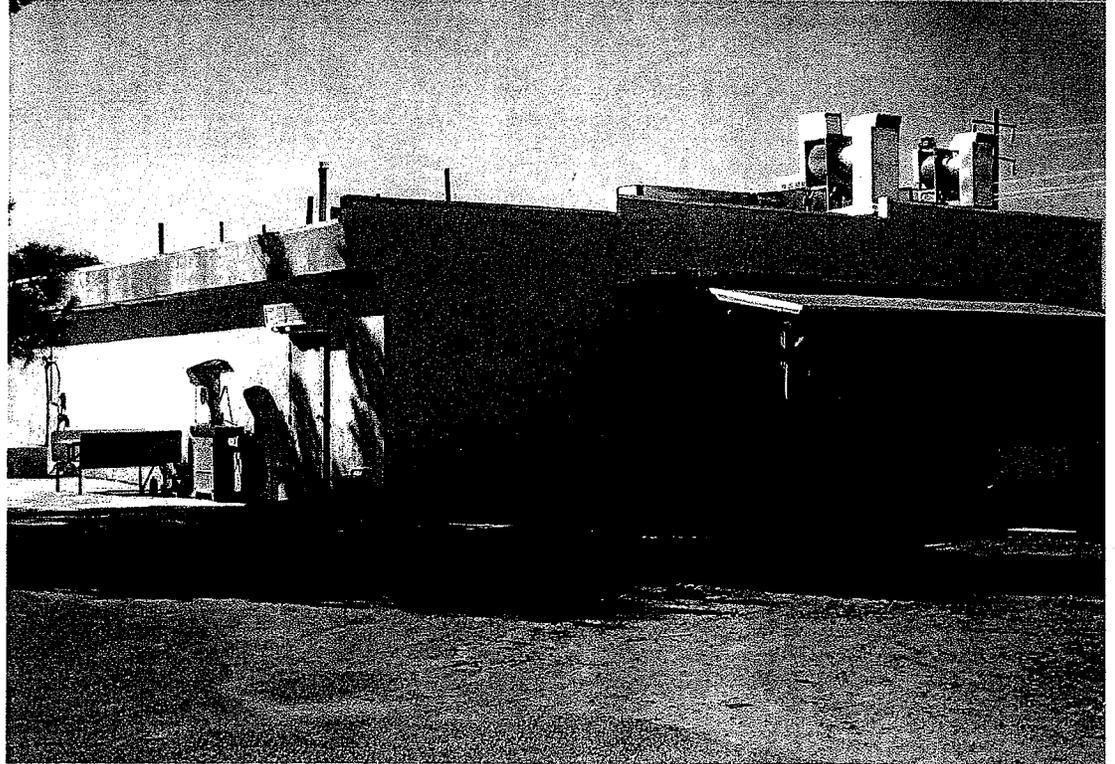
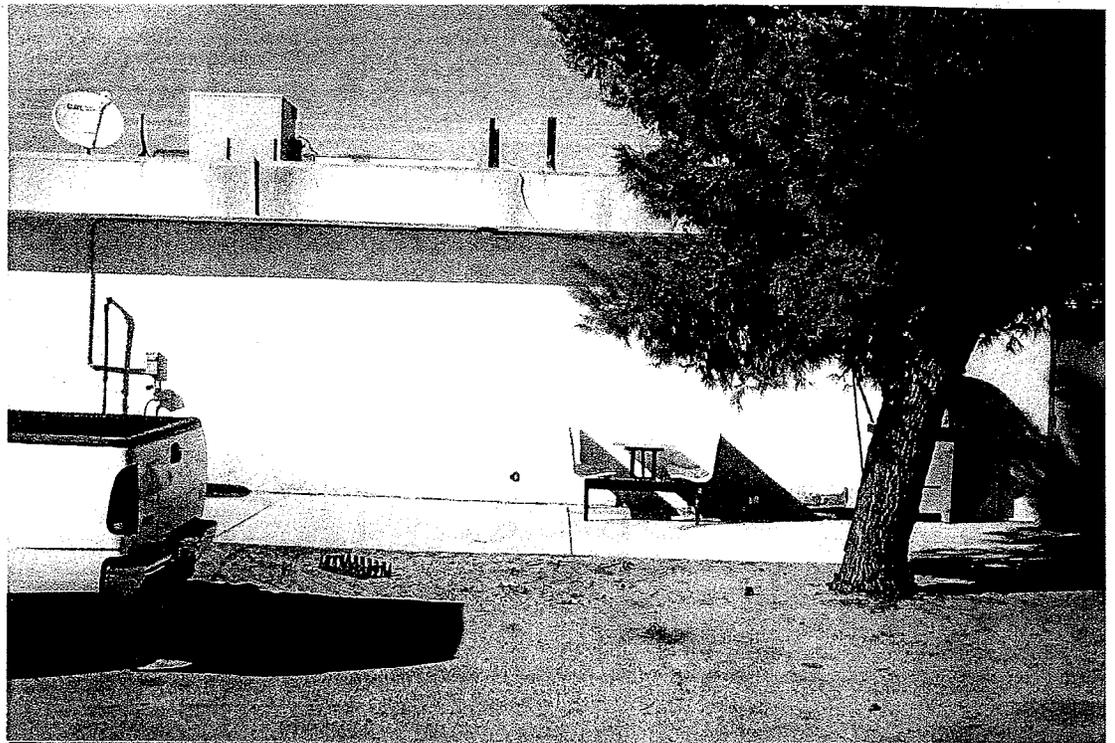
Census Tract: <u>9012.03</u>	<u>ON-SALE</u>	<u>OFF-SALE</u>
Population: <u>1482</u> County Ratio	<u>1: 1159</u>	<u>1: 1618</u>
Number of licenses allowed:	<u>2</u>	<u>1</u>
Number of existing licenses:	<u>0</u>	<u>4</u>
Undue concentration exists:	<u>NO</u>	<u>yes</u>
Letter of public convenience or necessity required:	<u>N/A</u>	<u>Governing Body</u>
Three time publication required:	<u>1X Pub</u>	<u>3X publication</u>

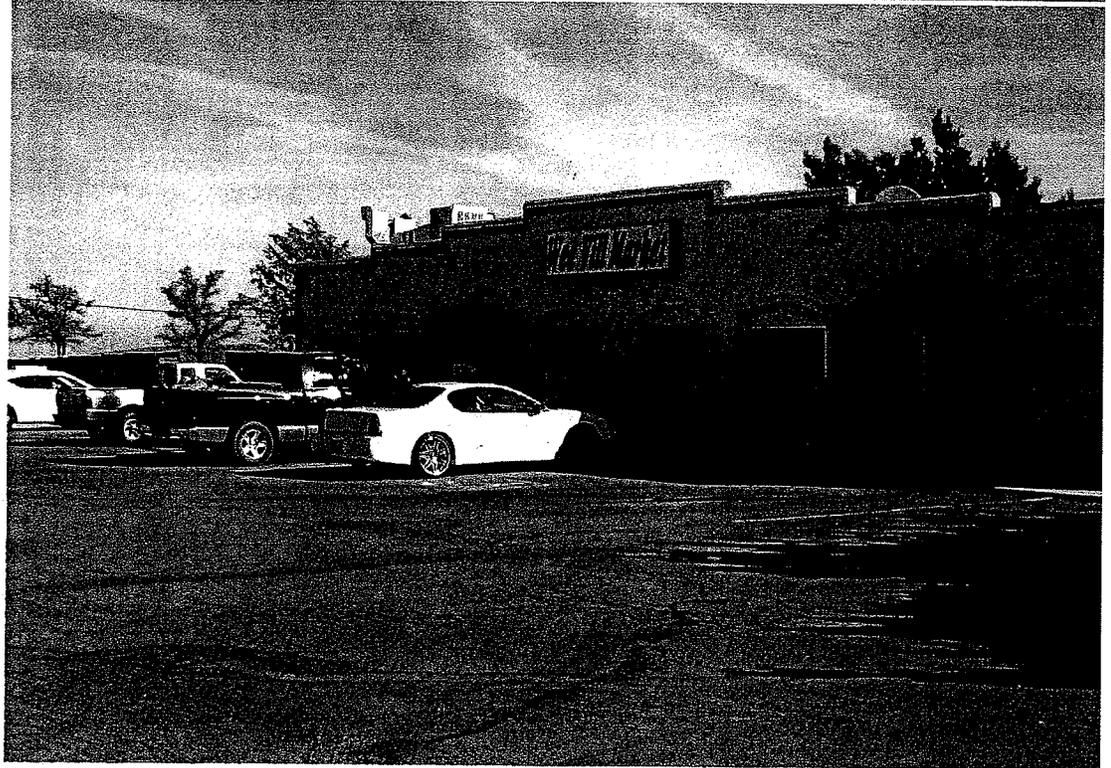
Person Preparing Data

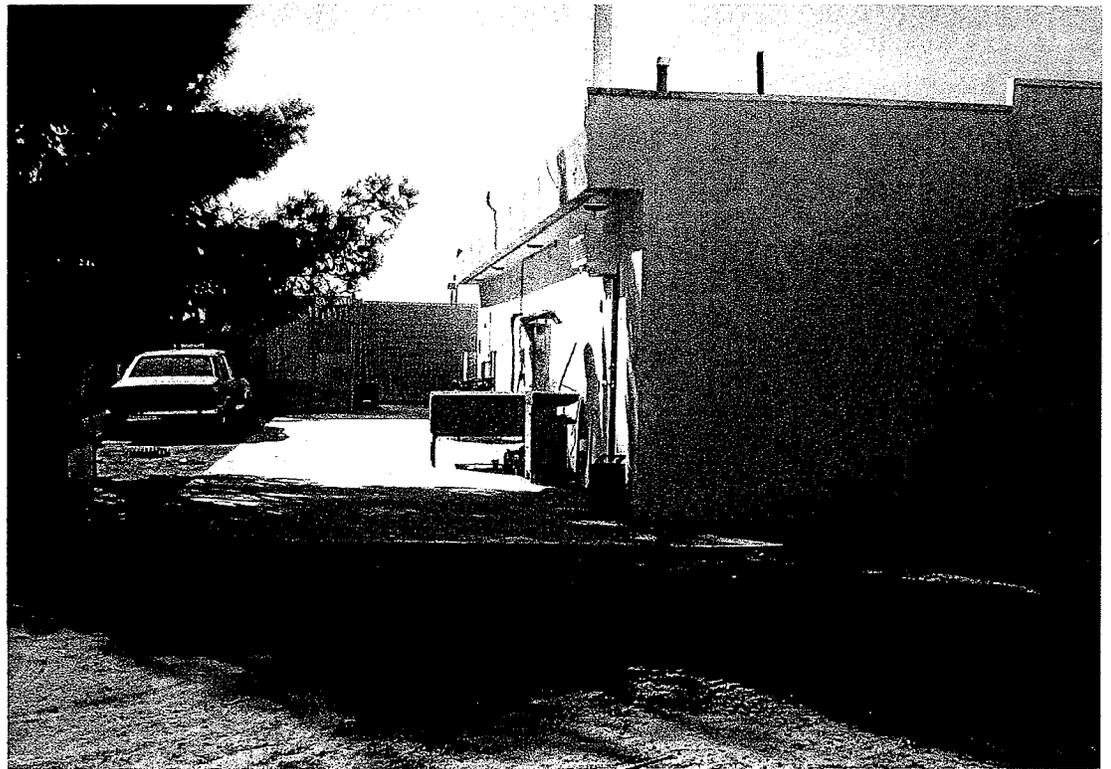
3/15/10
 Date #1

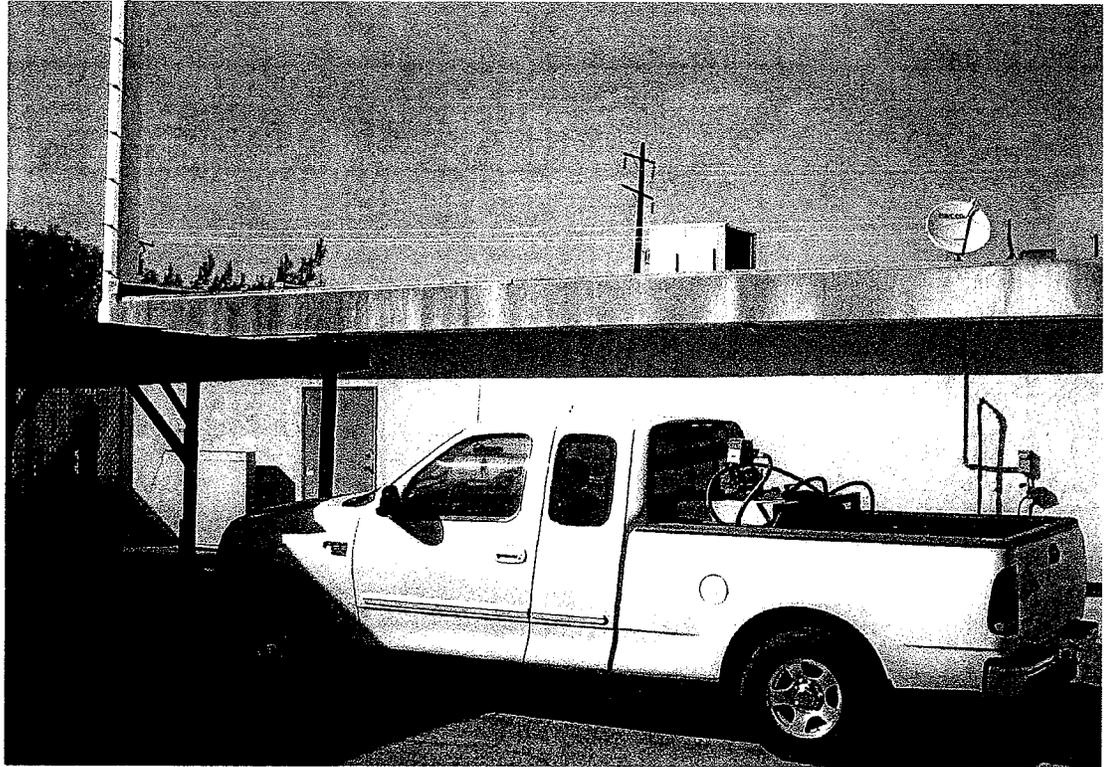
Supervising Investigator













Legend

- Parcel Boundary
- Arterial Street
- Highway
- Freeway
- Master Plan of Highways
 - Expressway - (E)
 - Freeway - (F)
 - Lrd. Secondary Highway - (L)
 - Lrd. Secondary Highway - (S)
 - Parkway - (P)
 - Road - (R)
 - Major Highway - (M)
 - Major Highway - (H)
 - Secondary Highway - (S)
 - Secondary Highway - (D)
- Railroad or Rapid Transit
 - Railroad
 - Rapid Transit
 - Unimproved Rapid Transit
- Significant Rieginlines
 - Genetic CSD Primary
 - Genetic CSD Secondary
 - Wildlife Significant
- Census Tract (2000)
 - Assessor Map Book (AMS) Grid
 - Assessor Map Book (AMS) Grid
 - Zoning Map Grid
 - USGS Quad Sheet Grid
 - The Thomas Guide Grid
- Very High Fire Hazard Severity Zone
 - Community Standards District
 - CSD Area Specific Boundary
 - ESHA (Coast Only)
 - Significant Ecological Area
 - Section Line
 - Township and Range
 - National Forest
 - Equestrian District (EED)
 - Planning District (POD)
 - San Jacinto District (SJD)
 - Zoned District (ZD)
 - Superintendental District Boundary
 - Safety Related Stations (From TB)
 - Fire Station
 - Highway Patrol
 - Police Station
 - Sheriff Station
 - Sheriff Station
- Leads Policy (Not in Comm./ Area Plan)
 - 1 - Low Density Residential (1 to 6 du/ac)
 - 2 - Low/Medium Density Residential (6 to 12 du/ac)
 - 3 - Medium Density Residential (12 to 22 du/ac)
 - 4 - High Density Residential (22 or more du/ac)
 - 5 - Major Industrial
 - 6 - Open Space
 - 7 - Public and Semi-Public
 - 8 - Rural/Communities
 - 9 - Non-Urban
 - TC - Transpiration Corridor
- Inland Waterbody
 - Perennial
 - Intermittent
 - Dry

Note: This is a static legend, which includes only a portion of layers. To get full legend, please use "Display Map Legend tab" on the top left side of screen.

