

**PROJECT NO. R2006-01554-(1)**  
**CONDITIONAL USE PERMIT NO. 200600124**  
**DRAFT CONDITIONS**

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1. This grant authorizes the offsite sale of beer and wine at an existing market within a commercial center with operating hours from 6:00 a.m. to 10:00 p.m. seven days a week, 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 an 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 Condition 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 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 Section 2.170.010 of the Los Angeles County Code.

6. This grant shall expire unless used within six months from the date of approval. Compliance with Condition No. 3 shall be considered use of this grant.
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 terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee, as applicable, of the subject property. Upon recordation, an official copy of the recorded conditions shall be provided to the Director.
9. **This grant shall terminate on April 4, 2017, 10 years from the date of approval.** Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six (6) months prior to the termination date 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 such 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 **\$750**. 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 site plan on file. The fund provides for **five (5) inspections, one every other year for ten (10) years**. The 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 for 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 charge for additional inspections shall be the amount equal to the recovery cost at the time of payment. The current recovery cost is \$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's health or safety or so as to be a nuisance. In the event that the county deems it necessary to initiate such proceedings pursuant to Part 13 of Chapter 22.56 of the County Code, the applicant shall compensate the county for all costs incurred in such proceedings.
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. Upon receipt of this letter, the permittee shall contact the Fire Department Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
14. The permittee shall comply with all County of Los Angeles Department of Public Works Building and Safety Division requirements.
15. 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 use subject to this grant or that do not provide pertinent information about the premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization. In the event any 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.
16. The permittee shall maintain landscaping and facilities in which the permittee has control, in a neat, clean and healthy condition. The premises shall remain litter-free.
17. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director for review and approval three copies of revised plans, similar to Exhibit "A" as presented at the public hearing, that depict all project changes required by these conditions of approval.
18. This grant allows for the offsite sales of beer and wine at an supermarket within a neighborhood shopping center in accordance with the approved Exhibit "A", and subject to the additional following conditions:

- a. The offsite sales of beer and wine shall be permitted between the hours of 6:00 a.m. and 10:00 p.m. daily;
- b. The advertising the sale of alcoholic beverages on the windows, exterior walls of the market or on other outdoor signage shall be prohibited;
- c. There shall be no loitering permitted on the premises under the control of the permittee. "No Loitering" signage shall be posted on the premises prohibiting loitering and following general sign regulations specified in Section 22.52 Part 10 of the Los Angeles County Code. The signage shall be in English and the predominant second language in the neighborhood;
- d. There shall be no alcoholic beverage consumed in open areas adjacent to the subject convenience store under the control of the permittee;
- e. The permittee shall instruct all employees in the regulations regarding no loitering and no consumption of alcoholic beverages on the property of the subject convenience store. Well-defined written procedures and employee training shall be established by the applicant for promptly handling loitering violations should they occur. Copies of said procedures shall be made available upon request by zoning inspection staff;
- f. The permittee shall operate and maintain a security camera daily during operating hours and shall maintain current camera filming records for at least the previous four weeks;
- g. The telephone number of local law enforcement shall be posted adjacent to the cashier's area within the service area of the convenience store;
- h. The permittee shall provide adequate lighting above the entrance of the premises. The lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons entering or exiting the premises;
- i. The permittee shall not install or maintain video games, pool tables or similar game activities or equipment on site;
- j. The total shelf space occupied by alcoholic beverage sales shall not exceed 5.0 percent of the total shelf space in the store;
- k. No beer in containers under 24 ounces shall be sold in less than six-pack quantities and no wine coolers, malt liquors and/or malt based products with alcoholic content greater than five percent by volume shall be sold;

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- I. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee, per ABC-253;
  - m. No alcoholic beverage shall be displayed in or sold from an ice tub or similar display; and
  - n. No alcoholic beverage shall be displayed within five feet of the front door, unless it is in a permanently affixed cooler.
- 19. In the event that the operation of any part of this facility should result in substantial complaints to the Department of Regional Planning, the above described conditions may be modified, if, after a duly noticed public hearing, such modification is deemed appropriate in order to eliminate or reduce said complaints.
- 20. The permittee shall maintain a current contact name, address, and phone number with the Department of Regional Planning at all times.

RJF

3/24/07