



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

Richard J. Bruckner
Director

August 8, 2012

Dick Evitt
5905 Wincliff Dr.
Riverside, CA 92509

**REGARDING: PROJECT NO. R2005-01882-(4)
CONDITIONAL USE PERMIT NO. 201100009
11321 LA MIRADA BLVD., WHITTIER
APN #8227-036-041**

The Regional Planning Commission, by its action of **August 8, 2012**, has **APPROVED** the above-referenced project. Enclosed are the Commission's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **August 22, 2012**. **Appeals must be delivered in person.**

Appeals: **To file an appeal, please contact:**
Executive Office of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles, CA 90012
(213) 974-1426

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Steve Mar of the Zoning Permits East Section at (213) 974-6435, or by email at smar@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner


Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)

Page 2 of 2

c: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement

MM:SM

**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES**

**PROJECT NO. R2005-01882-(4)
CONDITIONAL USE PERMIT NO. 201100009**

REQUEST: The applicant, Mansukhlal Malviya, is requesting a conditional use permit (CUP) to change from the current Type 20 license for off-site beer and wine sales to a Type 21 license for off-site full line alcohol sales in an existing 2,000 sq. ft mini market (M &K Market) within an existing shopping center (Eastridge Center) in the C-3-BE (Unlimited Commercial – Billboard Exclusion) and R-3-P (Limited Multiple Residence – Parking) zones in the Southeast Whittier Zoned District pursuant to Los Angeles County Code Sections 22.28.210 and 22.56.195.

**HEARING OFFICER HEARING DATE: May 15, 2012
REGIONAL PLANNING COMMISSION HEARING DATE: August 8, 2012**

**PROCEEDINGS BEFORE THE HEARING OFFICER:
May 15, 2012**

A duly noticed public hearing was held on May 15, 2012 before the Hearing Officer. Hearing Officer Pat Hachiya was in attendance for the public hearing. The applicant's representative, Dick Evitt, testified in favor of the proposed project. Ms. Hachiya noted that a previous CUP application for the market, CUP No. 200500104, went before the Regional Planning Commission on February 14, 2007, to exchange the existing CUP for off-site beer and wine sales to off-site full line alcohol sales. Ms. Hachiya noted that CUP No. 200500104 was denied by the Commission due to the Commission's belief that there were numerous other establishments nearby that sold a full line of alcohol and because the Sheriff's Department opposed the request at the time. Ms. Hachiya then referred the case to the Regional Planning Commission for further action because it was previously denied by the Commission with similar facts other than the fact that the market is now under new ownership and that the Sheriff's Department does not have any objection to the current application.

**PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:
August 8, 2012**

A duly noticed public hearing was held on August 8, 2012 before the Regional Planning Commission. Commissioners Valadez, Louie, Helsley, Pedersen, and Modugno were present for the public hearing. The applicant's representative, Dick Evitt, testified in favor of the proposed project. During the Commissioners' discussion, Commissioner Helsley stated that there doesn't seem to be a public convenience and necessity for this project because there are already two other liquor stores that sell full line alcohol within close proximity of the subject market. Commissioner Pedersen stated that this is a small business trying to compete with other businesses in the area and that upgrading a Type 20 license to a Type 21 license will not lead to an increase in the overall number of alcohol sales in the area; it just splits up the sales between the businesses.

There being no further testimony, Commissioner Pedersen moved that the case be approved. Commissioner Valadez seconded the motion with Commissioner Modugno voting in favor of the motion. Commissioners Helsey and Louie dissented the motion in opposition to the case. The Commission closed the public hearing and approved Conditional Use Permit 201100009.

Findings

1. The applicant is requesting a conditional use permit (CUP) to change from the current Type 20 license for off-site beer and wine sales to a Type 21 license for the sale of full line alcohol for off-site consumption at an existing mini market in the C-3-BE and R-3-P zones, which allows for the sale of alcohol for off-site consumption with a CUP.
2. The location of the subject parcel is 11321 La Mirada Blvd., in Whittier within the Southeast Whittier Zoned District in the unincorporated portion of Los Angeles County.
3. The mini market occupies 1,695 sq. ft. of total floor area situated on the site of a 0.83 acre shopping center. The subject property is developed as multi-tenant shopping center comprised of various retail businesses, offices, and a pizza restaurant.
4. The subject property is zoned C-3-BE (Unlimited Commercial – Billboard Exclusion) and R-3-P (Limited Multiple Residence – Parking).
5. Surrounding properties are zoned as follows:
 - North: C-3-BE (Unlimited Commercial – Billboard Exclusion) and R-3-P (Limited Multiple Residence – Parking)
 - South: C-3-BE (Unlimited Commercial – Billboard Exclusion)
 - East: C-3-BE (Unlimited Commercial – Billboard Exclusion) and R-3-P (Limited Multiple Residence – Parking)
 - West: C-3-BE (Unlimited Commercial – Billboard Exclusion)
6. Land uses surrounding the property include:
 - North: Office
 - East: Multi-family Residences, Auto Repair
 - South: Car Audio Shop
 - West: Multi-family Residences
7. Previous cases on the property include the following:

Revised Plot Plan No. 13766 – Approved in December 1964, involved a 20 year lease of 14 parking spaces located south of the Eastridge Center from the Tidewater Oil Company. In 1964, 32 parking spaces were required for the property, and 47 parking spaces were indicated on the site plan. 636 sq. ft. or 2% of the area was landscaped. At the time of its approval, revised Plot Plan No. 13766 satisfied the parking and landscaping requirements then in effect.

In 1973, a revised plot plan was submitted to identify the uses of each lease space and required parking. Those uses included a pizza restaurant; automotive supply, coin and stamp, and typewriter stores; real estate and medical offices; beauty salon; Laundromat; and vacant. Thirty-two parking spaces were required, and 47 spaces were indicated on the plot plan.

Conditional Use Permit No. 02-259-(4) – Approved April 1, 2003, for the sale of beer and wine for off-site consumption.

Conditional Use Permit No. 200500104 – Denied February 14, 2007, for a CUP upgrade from beer and wine sales to full line of alcohol sales at an existing market.

Business License No. 200900174 – Approved March 25, 2009, Business License Referral for Stop and Go Market – must comply with the conditions of CP 02-259. No onsite food preparation or eating.

Business License 201000101 – Approved March 17, 2010, for the change of ownership from Stop and Go Market to M & K Market, approved per CP 02-259.

8. The project is consistent with the adopted plan for the area. The land use designation within the Countywide General Plan for the subject property is 1 – Los Density Residential. Areas within this designation, in addition to low density residential development, may have a variety of use types and intensities. Such uses typically include local commercial and industrial services, schools, churches, local parks and other community-serving public facilities. It is not the intent of General Plan policy to preclude further development or expansion of such uses within areas depicted as residential on the Land Use Policy Map. The existing shopping center has been at the current site since 1964. The proposed sale of alcoholic beverages within an existing mini market is compatible with the General Plan.
9. The project on the subject property will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare. The project is located in an existing mini market in an existing shopping center and is consistent with the surrounding area. The sale of alcoholic beverages is consistent with other markets in the area. The market has been under new ownership since March 2010 and since then, the market has had a consistent history of compatibility with the neighborhood and has not been a nuisance to the community.
10. The site plan depicts the existing 1,695 sq. ft. supermarket (M & K Market) in a multi-tenant shopping center (Eastridge Center) on the 0.83 acre subject property. The applicant is requesting a Conditional Use Permit (Off-Sale General – Type 21) to allow general alcohol sales for off-site consumption.
11. The subject property 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. Access to the shopping center is via driveway off of La Mirada Boulevard, a fully improved arterial street. The site is served by all necessary public and private facilities, including water, sewer, electricity, and trash collection.
12. 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. The project conforms to development standards in the C-3 zone as prescribed in County Code. The site contains adequate parking and does not propose new outside displays or outside storage.
13. The existing mini market contains 1,695 sq. ft. of floor space and requires the provision of 7

parking spaces. The shopping center provides 47 parking spaces which includes parking for the mini market. The current tenant makeup of the shopping center requires 49 parking spaces. However, the last revised plot plan for the subject property in 1973 identified a similar tenant makeup to the existing uses currently on the site and determined that parking was adequate. When staff conducted a site visit, it was observed that the parking lot was not full and that empty parking spaces were available.

14. The project on the subject property 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 because no such uses are found within a 600' radius of the project.
15. The project is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area. Residences located 170 ft. to the east of the project site are buffered by La Mirada Boulevard. Residences located 75 ft. to the west of the project site are immediately adjacent to the shopping center and are separated by a driveway and a carport. These residences face the rear of the shopping center and there is no direct pedestrian access from the side of the shopping center that faces the residences.
16. The project will not adversely affect the economic welfare of the nearby community because it is an existing mini market that currently sells beer and wine and will maintain existing hours of operation and the additional sale of full line alcoholic beverages will serve as a public convenience and necessity for the community.
17. 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 because no exterior alterations are being proposed.
18. The Regional Planning Commission determined that the project qualifies for a Categorical Exemption under Class 1, Existing Facilities, of the CEQA reporting requirements and the Los Angeles County Environmental Document Reporting Guidelines, since the project will not require any addition or significant alteration to the existing facility beyond that which existed at the time of the environmental determination.
19. 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, property posting, library posting and DRP website posting.
20. The applicant submitted a petition containing 88 signatures in support of the project.

Staff has received one public comment from an owner of a nearby 7-Eleven store located on the southeast corner of Leffingwell & La Mirada in the City of La Mirada. The owner complained that there are already two other liquor stores in the area that have a Type 21 alcohol license and that the applicant currently has more alcohol shelf space than his 7-Eleven store. The owner also complained that his business was unable to obtain a Type 21 alcohol license and was only granted a Type 20 license. No further details were given in the comments.

21. According to the California Department of Alcoholic Beverage Control, the requested use at

the proposed location will result in an undue concentration of similar premises within Census Tract 4087.21. There are currently 7 existing alcohol licenses in this census tract and 4 licenses are allowed. Therefore, the applicant would require a finding of public convenience and necessity in order to obtain authorization from ABC to allow for alcohol sales. The granting of this CUP to sell full line alcohol for off-site consumption at an existing mini market would serve as a public convenience to the surrounding neighborhood by providing products and services that are consistent with other markets in the area. The shelf space devoted to alcoholic beverage sales shall be limited to no more than 5% of the total shelf space of the mini market.

22. The Norwalk Sheriff station provided calls for service data for the site. In the past 5 years, 19 calls for service and 6 reports were recorded for the project site. The reports include 1 drug related incident, 2 petty thefts, 1 incident of fraud, 1 incident of burglary, and 1 incident of a liquor violation. The liquor violation was a drunk in public and disorderly conduct incident that occurred under the previous owner of the mini market in 2007. The Sheriff's Department had no objection to the conditional use permit to authorize the sale of full line alcoholic beverages for off-site consumption.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the proposed use is consistent with the adopted general plan for the area; and
- 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; and
- 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; and
- 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; and
- E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius; and
- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area; and
- G. The requested use at the proposed location will result in an undue concentration of similar premises as currently there are four other establishments within a 500-ft. radius of the subject property that sell alcohol. A finding of public convenience and necessity to sell alcoholic beverages and a limit of no more than 5% of shelf space devoted to alcoholic

beverage sales outweighs the fact that there is an undue concentration of similar premises;
and

- H. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
- I. 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.

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 for alcohol sales as set forth in Sections 22.56.040 and 22.56.195, Title 22, of the Los Angeles County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. The Commission finds that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). 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 15303 of the State CEQA Guidelines and Class 1 – Existing Facilities, Categorical Exemption of the County Environmental Document Reporting Procedures and Guidelines, Appendix G.
2. In view of the findings of facts and conclusions presented above, Project No. 2005-01882-(4) / Conditional Use Permit 201100009 is **APPROVED**, subject to the attached conditions.

c. Commissioners, Zoning Enforcement, Building and Safety

VOTE: 3-2-0-0

Concurring: Pedersen, Valadez, Modugno

Dissenting: Louie, Helsley

Abstaining: --

Absent: --

Action Date: August 8, 2012

MM:SM

**CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2005-01882-(4)
CONDITIONAL USE PERMIT NO. 201100009**

PROJECT DESCRIPTION

The project is a conditional use permit for off-site general alcohol sales (Type 21) in an existing mini market located within an existing shopping center subject to the following conditions of approval:

GENERAL CONDITIONS

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 No 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9, shall be effective immediately upon the date of 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 or any other applicable limitations period. 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 Regional Planning'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 Registrar-Recorder/County Clerk ("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 15, 2027.** 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 two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
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 **\$3,000.00**. 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 fund provides for **fifteen (15) 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 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. 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 ("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, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.

12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director.
14. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works.
15. 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.

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.

PROJECT SPECIFIC CONDITIONS

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 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. This grant authorizes the sale of alcoholic beverages from 7:00 a.m. to midnight, 7 days a week;
23. The consumption of alcoholic beverages shall be prohibited on the subject property. The permittee shall post signage on the premises prohibiting consumption of alcoholic beverages on the premises;
24. No sale of alcoholic beverages shall be made from a drive-in window;
25. There shall be no beer sold in containers under one quart or in less than six-pack quantities;
26. No display of alcoholic beverages shall be made from an ice tub;
27. The permittee shall display alcoholic beverages only in the cooler or shelving designated for storage of said beverages as depicted on the "shelf plan" labeled Exhibit 'A'. No additional display of alcoholic beverages shall be provided elsewhere on the premises;
28. The licensed premises shall have no coin operated amusements, such as pool tables, juke boxes, video games, small carousel rides or similar riding machines, with the exception of official State Lottery machines;
29. The beer in containers of 16 ounces or less shall not be sold by single container, but must be sold in manufacturer pre-packaged multi-unit quantities. The permittee shall post signs on the coolers and cashier station stating the selling of single containers of beer is prohibited;
30. There shall be no wine, with the exception of wine coolers, sold in containers of less than 750 milliliters. No miniatures of any type may be sold. Wine coolers shall not be sold in less than four-pack quantities;
31. No malt liquors and/or malt based products with alcoholic content greater than five percent by volume shall be sold;
32. The permittee shall provide adequate lighting above all entrances and exits to the premises;
33. The permittee shall provide adequate lighting in all parking areas and walkways under control of the permittee or required as a condition of this grant.
34. All lighting required by this grant shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons within lighted areas during operating hours and shall be designed so as to direct light and glare only onto the facility

premises. Said lighting and glare shall be deflected, shaded and focused away from all adjoining properties;

35. The sale of fortified wines shall be prohibited;
36. All parking lot and other exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot;
37. All litter and trash shall be collected regularly from the premises and the adjacent right-of-way;
38. The shelf space devoted to alcoholic beverages shall be limited to no more than five percent of the total shelf space of the market;
39. Posters, banners or signs displayed on the window frontage in excess of 25 percent of the window area are prohibited, and;
40. The placement of portable signs on sidewalks adjacent to the premise and temporary signs on walls and poles is prohibited.