

Hearing Officer Transmittal Checklist

Hearing Date
May 15, 2012
Agenda Item No.
5

Project Number: R2005-01882-(4)
Case(s): Conditional Use Permit Case No. 201100009
Planner: Steve Mar

- 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
- ABC B&P Worksheet
- Sheriff's Crime Analysis
- Zoning Enforcement Email
- Previous Cases: RCUP200500104, CUP02-259

Reviewed By: 



Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-6461
PROJECT NUMBER R2005-01882-(4)
CONDITIONAL USE PERMIT No. 201100009

PUBLIC HEARING DATE May 15, 2012	AGENDA ITEM 5
RPC CONSENT DATE N/A	CONTINUE TO N/A

APPLICANT Mansukhlal Malviya	OWNER Eastridge Centre	REPRESENTATIVE Dick Eviti
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PROJECT DESCRIPTION
 The applicant, Mansukhlal Malviya, is requesting a conditional use permit (CUP) to exchange a current Type 20 license for off-site beer and wine sales to a Type 21 license for off-site general alcohol sales in an existing 1,695 sq. ft. mini market (M & K Market) within an existing shopping center (Eastridge Center) containing 47 parking spaces 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 Section 22.28.210 and 22.56.195.

REQUIRED ENTITLEMENTS
 A conditional use permit (Alcoholic Beverage Consumption – Type 21) is required to allow the sale of alcoholic beverages for off-site consumption in the C-3-BE (Unlimited Commercial – Billboard Exclusion) zone pursuant to Los Angeles County Code Section 22.28.210 and 22.56.195.

LOCATION/ADDRESS
 11321 La Mirada Blvd., Whittier

SITE DESCRIPTION
 The site plan depicts an existing 1,695 sq. ft. mini market (M & K Market) located on the site of a 0.83 acre shopping center (Eastridge Center). The floor plan depicts the existing market with 480 linear ft. of liquor shelving space, or 4.7% of the total market shelving space of 10,116 linear ft., located in three rear refrigerators along the side wall of the market and on shelves located behind the sales counter. An office complex surrounds the site to the north, multi-family residential and an auto repair shop to the east, a car audio store to the south, and multi-family residences to the west. Currently, there are four other establishments within a 500-ft radius selling alcohol. No sensitive uses are located within 600 ft. of the site.

ACCESS via La Mirada Blvd.	ZONED DISTRICT Southeast Whittier
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ASSESSORS PARCEL NUMBER 8227-036-041	COMMUNITY South Whittier – Sunshine Acres
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SIZE 0.83 Acres (site), 2,000 sq. ft. (mini market)	COMMUNITY STANDARDS DISTRICT N/A
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	EXISTING LAND USE	EXISTING ZONING
Project Site	Shopping center w/apurtenant parking	C-3-BE (Unlimited Commercial – Billboard Exclusion), R-3-P (Limited Multiple Residence – Parking)
North	Office	C-3-BE (Unlimited Commercial – Billboard Exclusion), R-3-P (Limited Multiple Residence – Parking)
East	Multi-family Residences, Auto Repair	C-3-BE (Unlimited Commercial – Billboard Exclusion), R-3-P (Limited Multiple Residence – Parking)
South	Car Audio Shop	C-3-BE (Unlimited Commercial – Billboard Exclusion)
West	Multi-family Residences	C-3-BE (Unlimited Commercial – Billboard Exclusion)

GENERAL PLAN/COMMUNITY PLAN Countywide General Plan	LAND USE DESIGNATION 1 – Low Density Residential (1 to 6 du/ac)	MAXIMUM DENSITY N/A
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ENVIRONMENTAL DETERMINATION
 Categorical Exemption, Class 1 – Existing Facilities

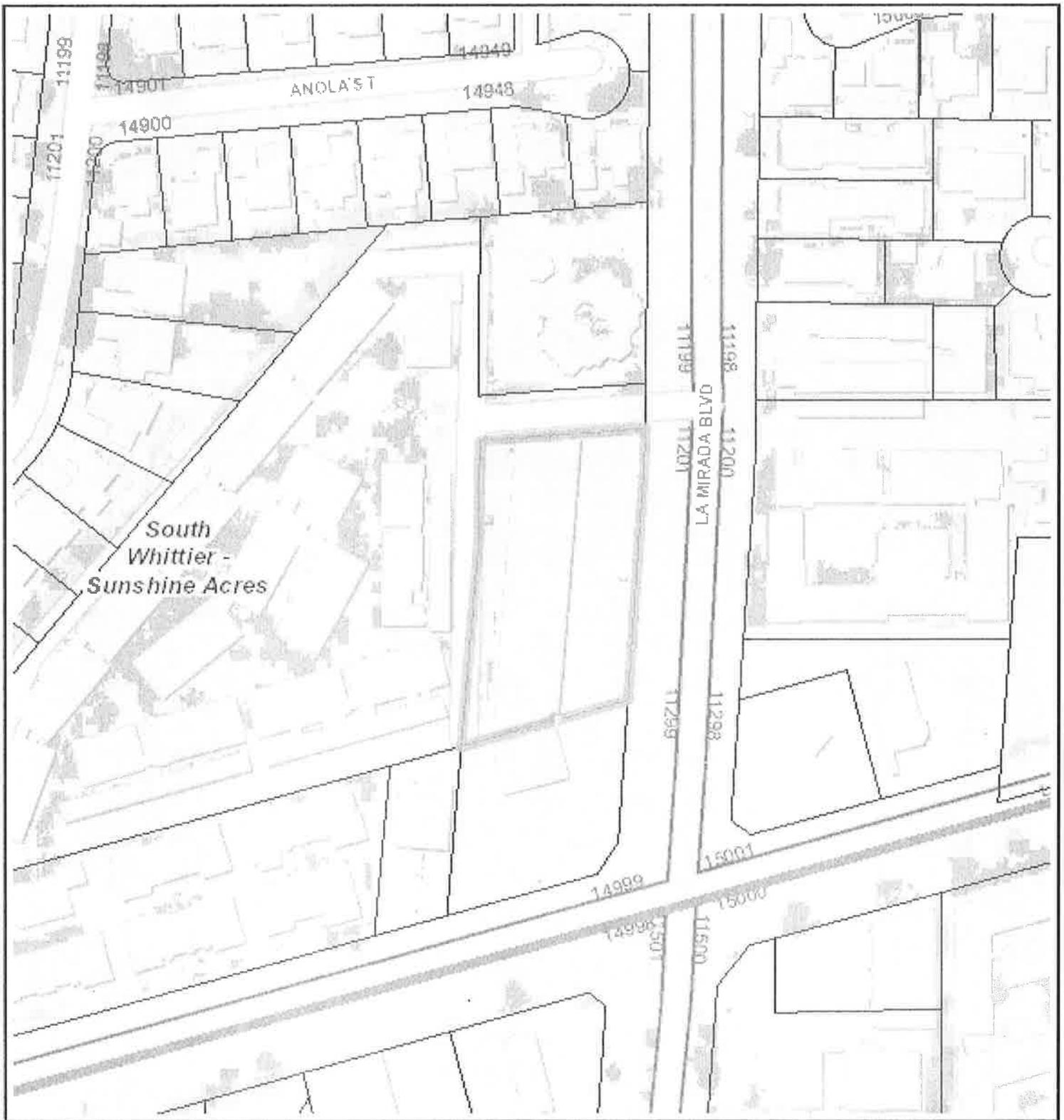
RPC LAST MEETING ACTION SUMMARY

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: Steve Mar		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING):		
SPEAKERS* (O) 0 (F) 0	PETITIONS (O) 0 (F) 0	LETTERS (O) 0 (F) 0

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



11321 La Mirada Blvd., Whittier

APN #8227-036-041

Printed: Apr 02, 2012

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**STAFF REPORT
PROJECT NUMBER R2005-01882 - (4)
CONDITIONAL USE PERMIT NUMBER 201100009**

PROJECT DESCRIPTION

The applicant, Mansukhlal Malviya, is requesting a conditional use permit (CUP) to exchange a current Type 20 license for off-site beer and wine sales to a Type 21 license for off-site general 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.

REPRESENTATIVE: Dick Evitt

APPLICANT: Mansukhlal Malviya

OWNER: Eastridge Center

SITE PLAN DESCRIPTION

The site plan depicts an existing 1,695 sq. ft. mini market (M & K Market) located on the site of a 0.83 acre shopping center (Eastridge Center). The floor plan depicts the existing market with 480 linear ft. of liquor shelving space, or 4.7% of the total market shelving space of 10,116 linear ft., located in three rear refrigerators along the side wall of the market and on shelves located behind the sales counter. An office complex surrounds the site to the north, multi-family residential and an auto repair shop to the east, a car audio store to the south, and multi-family residences to the west. Currently, there are four other establishments within a 500-ft radius selling alcohol. No sensitive uses are located within 600 ft. of the site.

LOCATION

The mini market is located in an existing multi-tenant shopping center located at 11321 La Mirada Blvd. in South Whittier and in the Southeast Whittier Zoned District.

Assessor's Parcel Number: 8227-036-041

EXISTING ZONING

Subject Property: The subject property is zoned C-3-BE (Unlimited Commercial – Billboard Exclusion) and R-3-P (Limited Multiple Residence – Parking).

Surrounding Zoning:

- North: C-3-BE (Unlimited Commercial – Billboard Exclusion), R-3-P (Limited Multiple Residence – Parking) zones.
- East: C-3-BE (Unlimited Commercial – Billboard Exclusion), R-3-P (Limited Multiple Residence – Parking) zones.
- South: C-3-BE (Unlimited Commercial – Billboard Exclusion) zone.
- West: C-3-BE (Unlimited Commercial – Billboard Exclusion) zone.

EXISTING LAND USE

Subject Property: The subject property is developed within a multi-tenant shopping center.

Surrounding Land Uses:

- North: Office
- East: Multi-family Residences, Auto Repair
- South: Car Audio Shop
- West: Multi-family Residences

Community Standards District (CSD): None
Town Council / Homeowners Association: None

STAFF ANALYSIS

Previous Case/Zoning History

The Zoning History of this parcel is as follows: A-1-7,500 (April 19, 1949), C-4 (May 19, 1953), P zones along Luitwieler Ave. (La Mirada Blvd.) & Leffingwell Rd. (August 27, 1957), C-3-BE (August 26, 1984).

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 CUP 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.

General Plan Consistency

The General Plan land use designation of the subject property is 1- Low Density Residential (1 to 6 du/ac). 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.

Zoning Ordinance and Development Standards Compliance

The subject property is located in the C-3-BE (Unlimited Commercial – Billboard Exclusion) and R-3-P (Limited Multiple Residence – Parking) zones. Markets and other similar uses with off-site alcohol sales and consumption is a permitted use in zone C-3-BE provided that a CUP is obtained. There is no new construction proposed with this project. The market and shopping center lie outside of the R-3-P zoned portion of the property which contains only parking.

Zoning Violations

The subject property currently has one outstanding zoning complaint regarding excessive signage and the unauthorized selling of malt liquors.

Parking

Pursuant to Section 22.28.220-B, parking shall be provided according to Section 22.52.1100 of the County Code. Shopping centers and markets require one space for every 250 sq. ft. of commercial space, one space for every 400 sq. ft. of professional office space, and one space for every three persons based on the occupant load for restaurants. 49 parking spaces are currently required based on the current tenant makeup of the shopping center. The shopping center currently provides 47 parking spaces which includes parking for the existing subject mini market. 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. The proposed change from a Type 20 alcohol license to a Type 21 would not be considered an intensification of use, and does not require additional parking.

Outside Storage

Section 22.28.220-D states the requirements for outside storage in the Zone C-3-BE.

No outside storage is shown on the site plan. The site plan complies with this requirement.

Neighborhood Impact/Land Use Compatibility

Staff is of the opinion that approval of the CUP request will not have a negative impact on the surrounding area. The request is to allow general alcohol sales for off-site consumption in an existing mini market that currently sells beer and wine for off-site consumption. There will be no net increase of alcohol licenses with the granting of this CUP. Currently, there are four other establishments within a 500-ft. radius of the subject property that sell alcohol. The subject property is not located within 600 ft. of any sensitive uses. With the proposed draft conditions, the project shall remain consistent and compatible with the surrounding community.

BURDEN OF PROOF

The applicant is required to substantiate all facts identified by Section 22.56.040 of the Los Angeles County Code. The Burden of Proof with applicant's responses is attached. Staff is of opinion that the applicant has met the burden of proof.

ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

The applicant is required to substantiate all facts identified by Section 22.56.195 of the Los Angeles County Code, in addition to the findings required pursuant to subsection A of Section 22.56.090. The Alcoholic Beverage Sales Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the alcoholic beverage sales burden of proof.

ENVIRONMENTAL DETERMINATION

The Department of Regional Planning has determined that the project qualifies for a Class 1 Categorical Exemption - Existing Facilities, under the California Environmental Quality Act (CEQA) 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.

STATE AND COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

California Department of Alcoholic Beverage Control

Statistical data from the California Department of Alcoholic Beverage Control (ABC) report that the subject property lies within Census Tract 5035.01. There are currently 7 existing alcohol licenses in this census tract and 4 licenses are allowed. Therefore an undue concentration of alcoholic beverage licenses exists within Census Tract 4087.21. The proposed change from a Type 20 alcohol license to a Type 21 would not be considered an intensification of use and there will not be a net increase in the number of alcohol licenses in the neighborhood.

ABC was unable to provide statistical data for the property's crime reporting district.

Sheriff's Station

Lisa Marie Morissette, Crime Analyst of the County of Los Angeles Sheriff's Department, Norwalk Station, researched the database for the past 5 years and 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 service area Lieutenant had no objection to the conditional use permit to authorize the sale of general alcoholic beverages for off-site consumption (report attached).

PUBLIC COMMENTS

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.

SITE VISIT

Staff conducted a site visit and observed that the subject mini market had an excessive amount of window signage that exceeded 25 percent of the area of any single window. Staff also observed malt liquors being sold in violation of the conditions of conditional use permit no. 02-259. Otherwise, the property and subject mini market had a neat and orderly appearance and was free of litter. Staff counted 47 parking spaces and observed that the parking lot was not full and that empty parking spaces were available.

FEES/DEPOSIT

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

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 11, 2012, in The San Gabriel Valley Tribune, on April 12, 2012, and in the Whittier Daily News, on April 11, 2012. A total of 115 public hearing notices regarding the subject application were mailed out to the owners of properties located within a 500-foot radius of the subject property on April 5, 2012. This number also includes notices sent to the local community groups and residents on the Southeast Whittier Zoned District courtesy list.

Case information materials, including the Notice of Public Hearing, Factual, and Burden of Proof were forwarded to the South Whittier Library, on April 4, 2012. 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 is required to 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 9, 2012.

STAFF EVALUATION

The subject mini market is located in an existing shopping center along La Mirada Boulevard. Currently there are four other establishments within a 500-ft. radius selling alcohol. Two (2) establishments have licenses to sell full line alcohol for off-site consumption, one (1) establishment has a license for general alcohol for on-site consumption, and one (1) establishment has a license for beer and wine for on-site consumption. Furthermore, the California Department of Alcoholic Beverage Control has determined that an undue concentration of alcoholic beverage licenses exists for the area. Therefore, the applicant will be required to limit the shelf space devoted to alcoholic beverages to no more than five percent of the total shelf space of the mini market per Section 22.56.195.B.3.

There are no sensitive uses located within 600 ft. of the project site. Residences located to the east of the project site are buffered by La Mirada Boulevard. Residences to the west of the project site are immediately adjacent to the shopping center and are separated by a driveway. 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.

The previous owner of the market applied for a Conditional Use Permit (Conditional Use Permit No. 200500104) to upgrade their beer and wine license to full line of alcohol sales. This request was denied by the Regional Planning Commission on February 14, 2007 because of the numerous other establishments nearby on Leffingwell Road and La Mirada Boulevard that sold a full line of alcohol. The Commission also noted that the Sheriff's Department opposed the request based on the location of the subject property and because the mini market was located near stores that sold a full line of alcohol.

The market has been under new ownership since March 2010. Since then, the Sheriff's Department reports that there have been 7 calls for service and 3 reports recorded for the project site. The reports include 1 drug related incident, 1 petty theft, and 1 incident of fraud. There have been no alcohol or liquor-related incidents since the current owner assumed ownership of the market. The Sheriff's Department had no objection to the conditional use permit to authorize the sale of general alcoholic beverages for off-site consumption.

Staff believes that the attached conditions that limit the alcoholic beverage shelf space to no more than five percent and restrict the sales of malt liquors and regulates the quantities of other alcoholic beverages will ensure that the granting of this conditional use permit will not adversely affect the surrounding neighborhood.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of Project No. R2005-01882-(4) / Conditional Use Permit No. 201100009, subject to the attached draft conditions.

Prepared by Steven Mar, Regional Planning Assistant II, Zoning Permits East
Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits East

Attachments:

Factual
Property Location Map
Draft Conditions of Approval
Draft Findings for Approval
Applicant's Burden of Proof Statement
ABC Letter
Sheriff's Letter

MM:SM
05/15/12

[DRAFT] HEARING OFFICER'S FINDINGS AND ORDER:

PROJECT NO. R2005-01882-(4)

CONDITIONAL USE PERMIT NO. 201100009

HEARING DATE: May 15, 2012

SYNOPSIS:

The applicant, Mansukhlal Malviva, is requesting a conditional use permit to exchange its current Type 20 license for off-site beer and wine sales to a Type 21 license for off-site general alcohol sales in an existing 1,695 sq. ft. mini market (M & K Market) within an existing shopping center (Eastridge Center) containing 47 parking spaces in the C-3-BE (Unlimited Commercial – Billboard Exclusion) and R-3-P (Limited Multiple Residence – Parking) zones in the Southeast Whittier Zoned District.

PROCEEDINGS BEFORE THE HEARING OFFICER:

Findings

1. The applicant is requesting a conditional use permit ("CUP") for the sale of general 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.
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. There are 47 parking spaces shown on the site plan for the subject property. The existing mini market use requires 7 parking spaces. The Eastridge Center shopping center was permitted with a mini market use in this location, as such the 47 parking spaces currently provided for the shopping center includes the required for the existing subject liquor store area.
12. 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.
13. 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. Unless specifically modified by a conditional use permit during the discretionary review process, the project shall be subject to the following development standards:
 - A. Parking. Pursuant to Section 22.28.220-B, parking shall be provided according to Section 22.52.1100 of the County Code. Commercial uses require one space for every 250 sq. ft. of floor area. 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.
 - B. Outside Storage. Section 22.28.120-G states the requirements for outside storage in the C-3 Zone.

No outside storage is shown on the site plan. The site plan complies with this requirement. No outside storage is proposed.
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 because the project site is buffered by La Mirada Boulevard on its eastern boundary and a downward sloped hill on its western boundary.
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 general 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 Hearing Officer 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. The public was properly noticed of the public hearing for the project. A total of 115 public hearing notices were mailed to property owners within a 500-foot radius of the subject property on April 5, 2012 to notify the surrounding residents regarding the proposal. The hearing notice was also published in the San Gabriel Valley Tribune Newspaper on April 12, 2012, in the Whittier Daily News on April 11, 2012, as well as in La Opinion on April 11, 2012. Case-related material, including the hearing notice, factual and burden of proof were sent on April 4, 2012 to the South Whittier Library located at 1850 Nogales St., Rowland Heights. The hearing notice has been posted on the property for a minimum of 30 days prior to the public hearing date.
20. 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 general alcohol for off-site consumption at an existing mini market would serve as a public convenience to the surrounding neighborhood. 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 Sheriff's Department had no objection to the conditional use permit to authorize the sale of general alcoholic beverages for off-site consumption.

BASED ON THE FOREGOING, THE HEARING OFFICER 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 under ABC regulations as currently there are 7 existing licenses and 4 are allowed. 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.

HEARING OFFICER ACTION:

1. The Hearing Officer 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.

Action Date: May 15, 2012

MM:SM

**[DRAFT] 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

("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 10:00 p.m., 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.



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.)

<p>A. That the requested use at the location will not:</p> <ol style="list-style-type: none"> 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.
<p>This business is an established mini market serving the local customers, itmes incude groceries, sundries, household items, tobacco as well as beer & wine. this cup is to upgrade an existing ABC license, type 20 (beer & wine) for an off sale general license including disstilled spirits. a pcn letter is not required as the type 20 license will be cancelled upon issuance of the 21.</p>
<p>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.</p>
<p>The current building consists of several small businesses with adequate parking. two handicap parking is now provided.. landscaping has been designated on the site plan, fences are at the rear of the property. no entries to the rear of the buliding.</p>
<p>C. That the proposed site is adequately served:</p> <ol style="list-style-type: none"> 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.
<p>the traffic pattern has been included on the site plan which shows driving and parkeing requirements. adequate in and out (3) trafi pattersns are provided for the customers as</p>

the adding of distilled spirits will not change the character of the shopping center. liquor will be kept behind the sales counter and only qualified persons will be able to purchase these items. shelving is limited to 25' x 1 1/2' deep (5 shelves). licenses and permits are current.



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.195, the applicant shall substantiate the following:
(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

ABC License Type No(s): _____ (e.g. Type 20, Type 41)

A. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.

There are no Churches, Schools, Parks or similar places within 600'. By adding the Distilled spirits (type 21) as this is an established mini market that already sell beer & wine. by adding distilled slpspirits, this will not have an advesely effect for the cummunity

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.

The shopping center is so located as not to interfere with residences near the market. The residences behind the store are separated by a hill, large parking lot and drive way. residences across from the store are separated by La Mirada Blvd and the parking lot.

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 4 other stores/RESTAURANTS selling*

Alcoholic Beverage 5.05% FOR LIQUOR SALES in Store
The business has a type 20 (beer & wine) license which will be cancelled upon the type 21 (general license) being issued by ABC. Therefore there will be no change as to an over concrated area and a Public Convenience Letters (PCN) is not required..

3 510

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

customers in the immediate area may walk to the store to purchase any items needed daily use. items include pairy products, canned foods, snacks, tobacco products, laundry supplies, house hold items dtc., as well as alcoholic beverages.

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.

PRESENT Shopping center is CONSISTANT WITH EXISTING AREA STORES. No change in location as this is an EXISTING ABLLICANCE ACTIVE. Upgrade FROM 20 TO 21 LIcense

23958.4 B & P APPLICATION WORK SHEET

PREMISES ADDRESS:

11321 La Mirada Blvd
Whittier, CA 90604

LICENSE TYPE: 21

1. CRIME REPORTING DISTRICT

Whittier Jurisdiction unable to provide statistical data.

Reporting District: _____

Total number of reporting districts: _____

Total number of offenses: _____

Average number of offenses per district: _____

120% of average number of offenses: _____

Total offenses in district: _____

Location is within a high crime reporting district: Yes / No

2. CENSUS TRACT / UNDUE CONCENTRATION

✓ Census Tract: 5035.01

Population: 1274 / County Ratio 11620

Number of licenses allowed: 4

Number of existing licenses: 7

Undue concentration exists: Yes / No

N/A Letter of public convenience or necessity required: Governing Body / Applicant.

Three time publication required: Yes / No

[Signature]
Person Taking Application

[Signature] 11-24-10
Investigator

Supervisor

Over

1/11/10

Mar, Steve

From: Morissette, Lisa M. [LMMoriss@lasd.org]
Sent: Thursday, May 10, 2012 2:38 PM
To: Mar, Steve
Subject: 11321 La Mirada Blvd

Regarding M & K Market. The service area Lieutenant Reyes does not have any objection to the application to this location. He said you can call him with any additional questions at, (562) 323-3313.

I tried to call you back but it was asking me to enter a pin number.

Lisa Marie Morissette
Crime Analyst
Norwalk Sheriff's Station
12335 Civic Center Dr
Norwalk, CA 90650
(562) 466-5428



Los Angeles County Sheriff's Department
Norwalk Sheriff's Station
Crime Analysis Unit

November 22, 2011

To: Los Angeles County Department of Regional Planning
smar@planning.lacounty.gov

Regarding: Crime statistics and calls for service for 5 years at:
11321 La Mirada Blvd, Whittier "M & K Market"

Year	Number of reports
2011	1 drug related incident, 1 petty theft, 1 fraud
2010	None
2009	1 Petty theft
2008	None
2007	1 burglary, 1 liquor violation

Year	Number of Calls for service
2011	2
2010	5
2009	1
2008	3
2007	8

Any additional questions or information please contact, Lisa Marie Morissette,
Norwalk Station, Crime Analyst, (562) 466-5458.

Mar, Steve

From: Richardson, Anthony
Sent: Wednesday, March 07, 2012 2:54 PM
To: Mar, Steve
Subject: RE: R2005-01882-(4), 11321 La Mirada Blvd., Whittier, APN 8227-036-014

I looked in KIVA...there don't seem to be any violations on the property. The open RFS for the property is from 2006 when Bruce was doing inspections, and it looks like it should have been closed.

Anthony Richardson
Zoning Enforcement East Section
213-974-6483

From: Mar, Steve
Sent: Monday, March 05, 2012 4:32 PM
To: Richardson, Anthony
Subject: R2005-01882-(4), 11321 La Mirada Blvd., Whittier, APN 8227-036-014

Hi Anthony, do you think you can give me some more info on the nature of the zoning complaints at this property? I'm processing an alcohol CUP for an existing mini-market on the site. Thanks.

Steve Mar
Zoning Permits East Section
213-974-6435



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

February 22, 2007

Bruce W. McClendon FAICP
Director of Planning

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Habib Abdel Messih
11321 La Mirada Blvd.
Whittier, CA 90604

RE: **PROJECT NO: R2005-01882-(4)**
CASE NO: RCUP200500104-(4)
11321 LA MIRADA BOULEVARD, WHITTIER

Dear Applicant:

The Regional Planning Commission, by its action of January 24, 2007, **DENIED** the above described conditional use permit.

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Regional Planning Commission's decision to the Board of Supervisors through the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Contact the Executive Office for the necessary forms and the amount of the appeal fee at (213) 974-1426. The appeal must be postmarked or delivered in person within 15 days after this notice is received by the applicant.

If no appeal is made during this 15-day period, the Regional Planning Commission action is final. If you have any questions regarding this matter, please contact the Zoning Permits I Section at (213) 974-6443.

Very truly yours,

DEPARTMENT OF REGIONAL PLANNING
Bruce W. McClendon, FAICP, Director of Planning

Mark Child, AICP
Supervising Regional Planner
Zoning Permits I Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)

c: Board of Supervisors; Zoning Enforcement; Testifiers, Department of Alcoholic Beverage Control

MC:AN
Hearing Footage: February 14, 2007 T1B 009-455

**PROJECT NUMBER R2005-01882-(4)
CONDITIONAL USE PERMIT NUMBER 200500104-(4)
FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES**

REGIONAL PLANNING COMMISSION HEARING DATES: February 14, 2007

SYNOPSIS:

The applicant, Mr. Habib Messih, is requesting a conditional use permit to upgrade from the sale of beer and wine to a full line of alcoholic beverages for off-site consumption at an existing mini-market. The subject property is located at 11321 La Mirada Boulevard, within the C-3-BE, and R-3-P Zone.

FEBRUARY 14, 2007 PUBLIC HEARING

A duly noticed public hearing was held before the Regional Planning Commission. Commissioners Valadez, Bellamy, Helsley, Rew, and Modugno were present. The applicant, Mr. Habib Messih, and representatives, Mr. Robert Archer and Mr. Kevin Franklin, were sworn in and answered questions posed by the Regional Planning Commission. The project proponents stated that the applicant would like to carry hard-to-find and specialty liquors along with a full line of domestic alcoholic beverages. One person, Mr. John Delariti, testified in support of the project, stating that the availability of specialty liquors would provide a convenience for his business as a party planner and bartender.

Commissioner Rew observed that in addition to the two establishments within 500 feet that sold a full line of liquor, there were numerous other establishments nearby on Leffingwell Road and La Mirada Boulevard. The Commission's opinion was that although they supported the idea of providing specialty and culturally unique products, the location was not appropriate. The Commission noted that the Sheriff's Department opposed the request based on the location of the subject property and because the subject mini-market was located near other stores that sold a full line of alcohol. There being no further testimony, the Regional Planning Commission closed the public hearing and denied the request.

Findings

1. The applicant, Mr. Habib Messih, requests a conditional use permit to upgrade from the sale of beer and wine to a full line of alcoholic beverages for off-site consumption at an existing mini-market.
2. The subject property is located at 11321 La Mirada Boulevard, one parcel to the northwest of intersection between Leffingwell Road and La Mirada Boulevard. Leffingwell Road and La Mirada Boulevard are County designated Major Highways with a right-of-way width of 100 feet. The project site is located within an unincorporated portion area of Los Angeles County, in the community of South Whittier, in the Sunshine Acres Zoned District.

3. The 0.83-acre subject property is fully developed with one multi-tenant building and a parking lot. The subject site includes a 1,695 square foot retail space in the 12,630 square foot retail complex. The subject site is developed as a mini-market. The facility operates from 7 a.m. to 10 p.m. Sunday through Monday and from 7 a.m. to 11 p.m. on Friday and Saturday and two persons are employed at the facility.
4. The subject property is zoned C-3-BE (Unlimited Commercial, Billboard Exclusion) and R-3-P (Limited Multiple Residence Parking). The subject site is located within the C-3-BE zone. Pursuant to Section 22.28.210 of the Los Angeles County Code, a Conditional Use Permit is required to authorize the sale of alcohol in the C-3 zone.
5. The surrounding properties are zoned as follows:
 - North: C-3-BE, R-3-P and R-A-6,000 (Residential Agriculture, 6,000 square foot minimum)
 - South: City of La Mirada
 - East: C-3-BE, R-3-P, R-3-PD (Limited Multiple Residence Planned Development) and R-3-25U (Limited Multiple Residence, 25 Units)
 - West: C-3-BE, R-3-P and R-A-6,000
6. The lease area is a mini-market located in the Eastridge Centre, which also includes a real estate office, copy shop, hair salon, video store, pharmacy, nail salon, mini-blind store, cellular phone store, and a pizza restaurant.
7. Surrounding land uses within 500' include:
 - North: Offices, apartments and single-family residences
 - South: Commercial, restaurants, and offices
 - East: Apartments, single-family residences and stores
 - West: Apartments and single-family residences
8. The following cases have been filed on the subject property:
 - Revised Plot Plan No. 13766 approved in December 1964 involved a 20 year lease of 14 parking spaces located south of the Eastridge Centre 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. Six hundred thirty six square feet 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; a 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.

- Zone Change Case No. 83-089-1 to establish a billboard exclusion overlay zone in 12 locations was approved by the Regional Planning Commission in July 1984. The affected properties included properties zoned C-2, C-3, C-M and M-1 and bounded by Imperial Highway in the south, Shoemaker Avenue on the west, Lambert Road on the north, and Santa Gertrudes Avenue on the east.
 - Conditional Use Permit 02-259-(4) was approved on the subject site on May 1, 2003 for the sale of beer and wine for off-site consumption at the subject site.
 - Conditional Use Permit 03-177-(4) was filed on the subject property for the operation of an arcade at 11343 La Mirada Boulevard. This case is pending at the time of this report.
 - Twelve zoning enforcement cases have been filed on the subject property since October 30, 2000 - ten cases relate to unauthorized signs, banners, window signs, and portable were filed on the subject property due to banner, window, and portable sign violations. Zoning Enforcement Case EF89740 was opened on August 14, 2003 for the operation of an arcade at 11343 La Mirada Boulevard. Zoning Enforcement Case EF050001 was opened on the subject site on January 20, 2005 for violation of the conditions of Conditional Use Permit 02-259-(4) including excessive signage, prohibited display of beer and wine for sale within the mini-market, and the sale of quantities of less than six packs and malt liquor. The enforcement case was closed on September 19, 2006 with the compliance of the subject site to the conditional use permit.
9. The subject property is designated as "C" (Major Commercial) under the Countywide General Plan. Properties with this land use designation are typically part of central business districts and major shopping areas.
10. General Plan goals and policies applicable to the proposed use include:
- To situate commercial activities in viable clusters that conveniently serve their market areas (LU-4, Convenient Commercial Uses).

The mini-market does provide convenience goods to the local community and is consistent with the Major Commercial designation in the County General Plan. However, intensification of the sale of alcohol to a full line of alcohol could encourage the increase of existing crime problems in the area. The public convenience of the addition of hard liquor to the range of products sold at the mini-market store does not justify the potential increase in associated crime. This request is therefore not consistent with the goals of the General Plan.

11. The site plan, marked Exhibit "A", depicts a 1,695 square foot retail mini-market located in the north corner of the Eastridge Centre. The mini-market is shown with 218.5 linear feet of shelf space. Two shelves, totaling 47 linear feet or 21.5 percent of the market is designated for the sale of alcohol, including a row of reach-in coolers along the south side of the mini-market and a display shelf behind the counter. Two bathrooms, a utility area and storage area are located in the rear of the market, and 50 parking spaces are indicated on the site plan.
12. The existing retail center conforms or is existing nonconforming as approved under a previous permit to the development standards of the C-3 and R-3-P zone. Any new development shall comply with these standards and all applicable County requirements.
13. Sensitive uses within 600 feet include single- and multi-family residences, including an apartment complex immediately to the west. Three alcoholic beverage licenses exist within 500 feet of the subject property. Two of the three establishments sell a full line of alcohol for off-site consumption and the remaining establishment is authorized to sell a full line of alcohol for on-site consumption.
14. The Department of Regional Planning has determined that a Categorical Exemption is the appropriate environmental documentation under California Environmental Quality Act (Public Resources Code Section 21000 et. seq.) and State and County Guidelines related thereto. 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 of the County Environmental Document Reporting Procedures and Guidelines, Appendix G. The project consists of a request to intensify the sale of alcohol at an existing store in an existing complex.
15. A total of 84 public hearing notices were mailed out to property owners within 500 feet of the subject property on January 12, 2007 regarding the subject request. The notice was published in the Whittier Daily News and La Opinion newspapers on January 8, 2007. Case-related material, including the hearing notice, factual and burden of proof were available on or before January 14, 2007 at the South Whittier County Library, located at 14433 Leffingwell Road, in Whittier. According to the applicant, the hearing notice has been posted on the property for 30 days prior to the public hearing.
16. The California Department of Alcoholic Beverage Control (ABC) provided statistics regarding the subject property. Four permits are allowed and three permits have been issued for off-site consumption of alcoholic beverages within the census tract. An additional two permits are pending, including ABC license application number 43890, which was approved by Regional Planning dated July 13, 2006, under case RCUP200500075-(4) for the sale of beer and wine for off-site consumption. ABC indicates that the subject property is located in a census district with an over-concentrated number of licenses.

17. One letter was received in opposition to the project. Comments were that there are numerous outlets to purchase alcohol in the area and an additional liquor store could be detrimental to the area.
18. The Sheriff's Department stated that the general area around the subject property had numerous incidents of vandalism and loitering and expressed opposition to the request stating that the intensified sale of alcohol at this location could further negatively impact the surrounding area.
19. The Commission finds that the sale of a full line of alcohol for off-site consumption at the subject location is not sufficiently buffered in relation to nearby residences.
20. The Commission finds that the proposal would not provide a public convenience or necessity due to the number of alcohol licenses in the vicinity of the project and the over-concentration of alcohol licenses in the census tract.
21. The Commission finds that the sale of a full line of alcohol for off-site consumption at the location would not serve the needs of the community.
22. 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 I Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the requested sale of a full line of alcohol for off-site consumption at the subject property will adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare;
- B. That the requested sale of a full line of alcohol for off-site consumption at the subject property will adversely affect the economic welfare of the nearby community; and
- C. That the requested sale of a full line of alcohol for off-site consumption at the subject property is not sufficiently buffered from a residential area within the immediate vicinity and will not to adversely affect said area;

- D. That the requested sale of a full line of alcohol for off-site consumption at the subject property will result in an undue concentration of similar premises, and there is no public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption sufficient to outweigh the fact that it is located within a 500 foot radius of two other facilities selling alcoholic beverages for on or off-site consumption; and

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing does not substantiate the required findings and burden of proof for a conditional use permit as set forth in Sections 22.56.090 and 22.56.195 of the Los Angeles County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 200500104-(4) is DENIED subject to the attached conditions.

VOTE: 5-0-0

Concurring: Valadez, Bellamy, Helsley, Rew, Modugno

Dissenting: None

Abstaining: None

Absent: None

Action Date: February 14, 2007

MC:AN
02/22/07



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

James E. Hartl, AICP
Director of Planning

April 7, 2003

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Rosario Raya Hernandez
10364 Victoria Ave.
Whittier, CA 90604

RE: **CONDITIONAL USE PERMIT CASE NO. 02-259-(4)**
To authorize the sale of beer and wine for off-site consumption at an existing grocery store.

Dear Applicant:

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

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

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

For further information on appeal procedures or approval, please contact Matilda Larson in the Zone 6435.

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

02-259-(4)

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

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Rosario Raya Hernandez
10364 Victoria Avenue
Whittier, CA 90604

HEARING OFFICER'S FINDINGS AND ORDER:

REQUEST: The applicant is requesting a Conditional Use Permit to authorize the sale of beer and wine for off-site consumption at an existing grocery store.

PROCEEDINGS BEFORE THE HEARING OFFICER:

April 1, 2003 Public Hearing

A duly noticed public hearing was held on April 1, 2003. The applicant was sworn in and stated she read the report and agreed to the conditions of approval.

There being no further testimony, the Hearing Officer closed the public hearing and approved the sale of beer and wine for off-site consumption at an existing market, subject to the conditions recommended by staff, and directed staff to prepare the findings and conditions for approval.

Findings

1. The applicant, Rosario Raya Hernandez, is requesting a Conditional Use Permit to authorize the sale of beer and wine for off-site consumption at an existing grocery store. The grocery store known as Chayo's Market occupies 1,725 sq. ft. in a 12,630 sq. ft. shopping center located on a .83 acre irregular-shape parcel on level land.
2. The subject property is located at 11321 La Mirada Boulevard, South Whittier, in the Sunshine Acres Zoned District.
3. The subject property is zoned C-3-BE (Unlimited Commercial, Billboard Exclusion) and R-3-P (Limited Multiple Residence Parking).
4. Properties within 500' of the shopping center are zoned as follows:
 - North: C-3-BE, R-3-P and R-A-6,000 (Residential Agriculture, 6,000 sq. ft. lot minimum)
 - South: City of La Mirada
 - East: C-3-BE, R-3-P, R-3-PD (Limited Multiple Residence Planned Development) and R-3-25U (Limited Multiple Residence, 25 Units)
 - West: C-3-BE, R-3-P and R-A-6,000
5. The lease area is a grocery store located in the Eastridge Centre, which also includes a print shop, real estate office, hair salon, clothing store, pharmacy, nail salon, water store, window blind shop and 3 Alarm Pizza Restaurant.
6. Surrounding Land Uses within 500' of the subject property consist of the following:
 - North: Offices, apartments and single-family residences
 - South: Stores, restaurants and offices
 - East: Apartments, single-family residences and stores
 - West: Apartments and single-family residences

7. There is no history of zoning violations involving the subject property.
8. In December 1964, Revised Plot Plan No. 13766 authorized a 20 year lease of 14 parking spaces located south of the Eastridge Centre from the Tidewater Oil Company. In 1964, 32 parking spaces were required for the property, and 67 parking spaces were indicated on the site plan. At the time of its approval, Revised Plot Plan No. 13766 satisfied the parking and landscaping requirements then in effect.
9. In 1973, a revised plot plan identified the uses of each lease space and the required parking. Those uses included a pizza restaurant; automotive supply, coin and stamp, and typewriter stores; a real estate and medical offices; beauty salon; laundromat; and vacant. Thirty-two parking spaces were required, and 67 spaces were indicated on the plot plan. To date, uses on the subject property have not intensified since 1964.
10. Zone Change Case No. 83-089-1 to establish a billboard exclusion overlay zone in 12 locations was approved by the Regional Planning Commission in July 1984. The affected properties included properties zoned C-2, C-3, C-M and M-1 and bounded by Imperial Highway in the south, Shoemaker Avenue on the west, Lambert Road on the north, and Santa Gertrudes Avenue on the east.
11. The subject property is designated as Major Commercial (C) in the County General Plan. Local commercial and industrial uses are defined as individual enterprises, or small scale multi-use centers serving the needs of the local community. The current use of the subject property as a grocery store that provides convenience goods to a local market is consistent with the Major Commercial designation in the County General Plan.
12. The site plan depicts a 1,725 sq. ft. retail market located in the north corner of the Eastridge Centre. Two rows of shelves totaling 32 linear feet and 3 3'x1'9" display tables are located in the center of the store. Sixteen linear feet of shelving also line the southern and northern walls of the store. Three 4'6"x2'6" beverage coolers and 5 2'9"x2'9" display tables are to the right of the front entrance. A produce and bread case are located in the southwest corner of the store, and a 6'x2'6" beverage cooler is to the left of the cashier's counter. All display shelves, tables, cases and coolers total 130 linear feet. If approved, 8 linear feet (or 6%) of shelving in the rear of the store would be used to sell beer and wine. Two bathrooms, a utility area and storage area are located in the rear of the market, and 47 parking spaces are indicated on the site plan.
13. The subject property is accessed by La Mirada Boulevard and provides sufficient access to and from the property. The sale of beer and wine is not expected to generate any additional traffic to the business as those products will be offered in conjunction with a variety of other goods sold on the premises.

14. According to County Tax Assessors Records, the lot is .83 acres or 36,160 sq. ft. The Eastridge Centre is 12,630 sq. ft. and occupies 35% of the net area. Approximately 5% or 1,631 sq. ft. of the net area is landscaped. When Revised Plot Plan 13766 was approved in 1973, 636 sq. ft. or (2%) of the area was landscaped and satisfied the landscaping requirements that were then in effect. Today, the Eastridge Centre does not satisfy the 10% landscaping requirement as it is nonconforming due to standards.
15. The Eastridge Centre does not satisfy current parking requirements as it is nonconforming due to standards. When Revised Site Plan 13766 was approved in 1964 and 1973, 32 parking spaces were required. Sixty-seven spaces were indicated on the plot plan and satisfied the parking requirements that were then in effect. Uses in the Eastridge Centre have not intensified since 1973, the applicant's request does not involve any alteration or expansion to the existing structure on the property, and the sale of beer and wine at the grocery store isn't expected to increase parking demand on the property.
16. The land use map indicates that there are no sensitive uses within 600' of the subject property that would be adversely affected by the sale of beer and wine for off-site consumption at the grocery market.
17. Five liquor licenses are located within 500' of the shopping center. Three licenses belong to restaurants that offer the sale of alcoholic beverages for on-site consumption. Two licenses belong to liquor stores; one is located across Leffingwell Road, and the other across La Mirada Boulevard. Unlike the 2 existing liquor stores in the area, beer and wine would only be one of many products sold at this establishment. The applicant's business is a neighborhood store that would offer the sale of beer and wine in conjunction with a variety of other necessities. Therefore, the sale of beer and wine for off-site consumption at this location would not result in an undue concentration of similar premises.
18. This project has been determined to be categorically exempt under the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA).
19. In a fax dated March 18, 2003, the California Department of Alcoholic Beverage Control (ABC) stated that the subject property is located in a high crime reporting district, but an undue concentration of similar premises does not exist. The ABC Department contacted the Norwalk Sheriffs Station on September 23, 2002 and was informed that the Sheriffs did not object to the pending ABC license, indicating that the sale of beer and wine for off-site consumption at this location would not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare.
20. In a letter dated March 5, 2003, a resident stated his opposition to the authorization for beer and wine sales at the subject property. The resident stated that a number of

similar markets operate in close proximity to the store, as well as restaurants that sell beer and wine for on-site consumption. According to the land use and vicinity maps submitted by the applicant, none of the 5 existing liquor licenses within 500' of the subject property were issued to grocery markets. The sale of beer and wine for off-site consumption at this location would not result in an undue concentration of similar premises.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. The proposed use is consistent with the adopted general plan for the area;
- B. 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, and 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 and general welfare;
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a conditional use permit as set forth in Sections 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer has considered the Categorical Exemption together with any comments received during the public review process, finds on the basis of the whole record before the Hearing Officer that there is no substantial evidence the project will have a significant effect on the environment, finds that the Categorical Exemption reflects the independent judgment and analysis of the Hearing Officer, and adopts the Categorical Exemption.
2. In view of the findings of fact presented above, Conditional Use Permit Case No. 02-259-(4) is **APPROVED**, subject to the attached conditions.

BY:  DATE: 4/9/03
ANDY MALAKATES, HEARING OFFICER
Department of Regional Planning
County of Los Angeles

Attachments: Conditions
Affidavit

c: Each Commissioner, Zoning Enforcement, Building and Safety

1. This grant allows for the sale of beer and wine for off-site consumption at the subject grocery store, subject to the following conditions:
 - a. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas on the premises over which the permittee has control;
 - b. The placement of portable signs on sidewalks adjacent to the subject property and temporary signs on walls and poles is prohibited;
 - c. Commercial signs and graphic displays must be confined to the façade surface of the store building, and should not project above the roofline or disrupt the architectural design of the building;
 - d. Temporary signs or banners advertising "specials" shall not be displayed on the exterior walls or fascia of the building;
 - e. Temporary window signs shall not exceed 25 percent of the area of any single window or of adjoining windows on the same frontage;
 - f. Outdoor advertising (billboards) signs are prohibited;
 - g. Telephone numbers of local law enforcement shall be posted adjacent to the cashier's area;
 - h. The permittee shall not advertise the sale of beer or wine on the exterior walls or windows of the subject convenience store or at any location on the subject property;
 - i. No beer or wine shall be displayed within five feet of the cash register or visible from the front door;
 - j. Sales of alcoholic beverages shall be limited to six (6) percent of the total square feet of merchandise shelving;
 - k. No sale of alcoholic beverages shall be made from a drive-in window;
 - l. No display or sale of beer or wine shall be made from an ice tub;
 - m. The permittee shall not sell domestic beer in less than six-pack quantities and no fortified wines or malts shall be sold;
 - n. There shall be no beer or wine sold in containers of less than 750 milliliters. No miniatures of any type may be sold;

- o. If the sale of beer or wine occurs between the hours of 10:00 p.m. and midnight, employees on duty shall be at least 21 years of age in order to sell beer or wine;
 - p. There shall be no loitering permitted on the premises under the control of the permittee. Signage shall be posted on the premises prohibiting loitering. The signage shall be in English and the predominant second language in the neighborhood;
 - q. The permittee shall provide adequate lighting above the entrance of the premises. This lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons entering or exiting the premises. Additional lighting shall be installed outside of the convenience store to illuminate the store parking lot and the neighboring church parking lot;
 - r. The permittee shall instruct and train all employees in the regulations regarding no loitering, no consumption of alcoholic beverages outside the subject convenience store, and security issues annually. Employees shall be instructed to enforce the subject conditions and to call local law enforcement if necessary;
 - s. The permittee shall not install or maintain video games, pool tables, or similar game activities or equipment on site;
 - t. The licensed premises shall have no other coin operated amusements, such as small carousel rides or similar riding machines, at any time, with the exception of official State Lottery machines;
 - u. No additional outdoor payphones are permitted. Any additional payphones shall be installed indoors and in an area of the subject store visible to the cashier. Any existing outdoor payphones shall only allow outgoing telephone calls;
 - v. The conditions of this grant shall be retained on the premises at all times and be immediately produced upon request of any County Sheriff, Zoning Inspector or ABC investigator. All employees of the subject convenience store and gas station shall be knowledgeable of the conditions herein; and
 - w. Forty-seven parking spaces shall be provided for the subject property as indicated on the site plan.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
 3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant

have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to 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. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully 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 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 according to Los Angeles County Code Section 2.170.010.
6. This grant will expire unless used within 2 years from the date of approval. A one-year time extension may be requested in writing and with the appropriate fee payment before the expiration date.
7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner

or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

9. **This grant will terminate April 1, 2018.** Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the Permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. **The permittee shall deposit with the County of Los Angeles the sum of \$2,700.00.** The 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. The deposit provides for biannual inspections for the first three years and annual inspections for the rest of the grant term (a total of 18 inspections). If after the first three years the subject property is found to be in compliance with the conditions of the grant, inspections shall be continued on an annual basis. Otherwise, the biannual inspections will continue in three-year increments until the property is brought into compliance. Inspections shall be unannounced.

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 the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be \$150.00 per inspection, or the current recovery cost, 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 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.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.

13. Upon approval of this grant, the permittee shall contact the Fire 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. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works, Fire Department and Health Services.
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 business being operated on the premises or that do not provide pertinent information about said premises.
16. In the event of such extraneous markings occurring, 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. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization. Inspections shall be made as provided in Condition 10 to ensure compliance with this condition, including any additional inspections as may be necessary to ensure such compliance.

KC:ML
04/01/03

