



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

March 6, 2013

Jim Hanbali
514 W. Commerce Avenue, Suite C
Palmdale, CA 93551

**REGARDING: PROJECT NO. R2010-01829-(5)
CONDITIONAL USE PERMIT NO. 201000174
40245 170th STREET EAST (3073 009 019)**

The Regional Planning Commission, by its action of **March 6, 2013**, has **APPROVED** the above-referenced project. Enclosed are the Commission's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

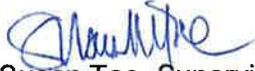
The applicant or any other interested persons may appeal the Commission's decision. The appeal period for this project will end at 5:00 p.m. on **March 20, 2013**. **Appeals must be delivered in person.**

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

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

For questions or for additional information, please contact Gretchen Siemers of the Zoning Permits North Section at (213) 974-6443, or by email at gsiemers@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner


Susan Tae, Supervising Regional Planner
Zoning Permits North Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)
c: Board of Supervisors; Zoning Enforcement; State Office of Alcoholic Beverage Control
SMT:GS

CC.060412

**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. R2010-01829-(5)
CONDITIONAL USE PERMIT NO. 201000174**

1. **ENTITLEMENT REQUESTED.** The applicant, Lake LA Dairy, is requesting a Conditional Use Permit ("CUP") to authorize the sale of alcoholic beverages pursuant to Los Angeles County ("County") Code Section 22.56.195 and 22.56.195 in the C-2 (Neighborhood Business) Zone.
2. **HEARING DATE.** March 6, 2013
3. **PROCEEDINGS BEFORE THE COMMISSION.** Staff presented an overview of the project. The applicant's representative, Jim Hanbali, testified in support of the project and commented that the applicant would like to change the standard condition that limits the sale of beer to containers of 32 ounces or more. The applicant, Yasser Mubarkeh, also testified that he would like to sell smaller-sized containers. The Regional Planning Commission ("Commission") deliberated and changed the conditions to limit the container size of alcoholic beverage items for sale to those comprising one liter or more, and to those alcoholic beverages sold in the manufacturer's intended packaging. The project was approved with the modified conditions.
4. **PROJECT DESCRIPTION.** The applicant proposes to sell alcoholic beverages at a mini-market and gas station. The project includes the demolition and redevelopment of an existing mini-market, to be reviewed subsequently through Plot Plan 201100153. The existing 1,300-square foot market sells beer and wine pursuant to the grandfathering provisions in County Code Section 22.56.195, which permit establishments actively selling alcohol prior to the effective date of the applicable ordinance (1992). The existing mini-market is operating with a valid California Department of Alcoholic Beverage Control ("ABC") license, and sells beer and wine for off-site consumption. The new mini-market is required to obtain a new ABC license because 1) the market will discontinue operation for at least three months during construction, and 2) it will have a new address, and ABC licenses are tied to establishments pursuant to address.

The new, 5,500-square-foot market includes office space, a new gas station canopy, and the addition of two self-service gas pumps, for a total of four gas pumps. The sales area dedicated to alcoholic beverages is 6 percent of the total sales area. Twenty-two (22) parking spaces are provided. Landscaping is provided per the County's Low Impact Development ("LID") Ordinance.

5. **LOCATION.** 40245 170th Street East, Palmdale, California 93591

6. **EXISTING ZONING.** The subject property is zoned C-2 in the Antelope Valley East Zoned District. Surrounding properties are zoned as follows:
 - North: C-2
 - South: C-2
 - East: C-2, R-3-20U (Limited Multiple Residence, Up to 20 Units per Acre)
 - West: R-3-20U

7. **EXISTING LAND USES.** The subject property is developed with an existing 1,300-square foot mini-market and two-pump gas station. Surrounding properties are developed as follows:
 - North: Real estate offices, library, strip commercial
 - South: Vacant lots, commercial nursery, strip commercial (including liquor store)
 - East: Single-family residences, multi-family residences
 - West: Single-family residences, vacant lots

8. **PREVIOUS CASES/ZONING HISTORY.**

Ordinance No. 1494 was adopted on September 7, 1967, and established the C-2 zoning on the subject property.

Plot Plan No. 37035 was approved on April 29, 1988, and authorized the construction of the existing mini-market, as a drive-through establishment. Prior to 1992, the sale of alcoholic beverages was permitted without a CUP.

9. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.**

The project site is located within the Commercial ("C") land use category of the Antelope Valley Areawide Plan ("AV Plan"), a component of the Los Angeles County General Plan ("General Plan"). The C land use designation is intended for a wide range of general commercial and community-serving land uses. The sale of alcoholic beverages, as well as the mini-market/gas station, is consistent with the permitted uses of this land use category, and is therefore consistent with the land use policy map of the AV Plan. In addition, the following policies of the adopted General Plan and AV Plan are applicable to the proposed project:

General Plan Land Use Policy No. 9: "Promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design and locational controls."

The project is located within the vicinity of residential areas, other commercial uses, and recreational uses. As a market selling beer and wine, the project is

convenient to individuals who may live or work in the nearby areas, thereby enhancing the local quality of life.

AV Plan Land Use Policy 32: "Encourage recycling and revitalization of deteriorating urban areas by pursuing appropriate demolition, rebuilding, and/or rehabilitation."

The mini-market and gas station, which is complemented with the sale of beer and wine, is being redeveloped on-site, providing a newer, larger facility at the same location. This method of regenerating land uses is preferable to abandoning out-moded structures and uses, and building on undeveloped properties outside of the urban area.

10. ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.

Pursuant to Part 4 of Chapter 22.28 of the County Code, establishments in the C-2 Zone are subject to the zone's basic development standards, which include:

- That structures not exceed 90 percent of the net area of the site, with the remaining 10 percent required to be landscaped and maintained in good condition. The project meets this requirement, with a 22.7 percent building lot coverage. In addition, the project is compliant with Low Impact Development (LID) standards, as the required landscaping is 75 percent draught-tolerant.
- That parking be provided at a minimum as required by Part 11 of Chapter 22.52; relative to the use type and square footage, the minimum required is 22 spaces. The project is compliant with this standard, as 22 spaces are provided, including one handicapped space.
- That structures not exceed a height of 35 feet above grade; the project complies with this limit as the height of the market is 28 feet, 3 inches at the highest point.
- Outside display is prohibited and outdoor signage is limited to signs and advertising. The gas station/mini-market has one outdoor sign to advertise to patrons, which is consistent with the standards in the zone.
- Outside storage is prohibited; no outside storage exists or is proposed on the site.

Section 22.56.195 regulates the sale of alcoholic beverage sales, for either on-site or off-site consumption. This section provides applicability prerequisites and additional findings for approval. The prerequisites allow for existing establishments, as well as those increasing the sale of alcoholic beverages by a nominal amount, to be exempt from the CUP procedure. Although the existing Lake LA Dairy sells alcoholic beverages (beer and wine), the establishment is being redeveloped and will have a new site address, thus requiring a new ABC license to sell alcohol.

Furthermore, the establishment will discontinue operation for a period of three months or more due to the construction of the new building.

In addition to the required findings for all CUPs, permits for the sale of alcoholic beverages must meet the following findings. The below table illustrates how these findings apply to the subject project.

Required Finding	Project Complies?
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 schools, parks or playgrounds within a 600-foot radius.
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;	A street and large rear yard separate the premises from residences.
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 is a liquor store to the south; public convenience necessitates this concentration.
The requested use at the proposed location will not adversely affect the economic welfare of the nearby community;	The continued sale of beer and wine will not harm the community.
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.	The structure is a typical gas station with mini-market, and will benefit the neighborhood.

In addition to any conditions imposed by the Commission pursuant to 22.56.100, Section 22.56.245 imposes additional development standards as conditions when beer and wine are sold in conjunction with sale of motor vehicle fuel. The below table indicates the project's compliance with the additional conditions.

Required Condition	Project Complies?
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No beer or wine shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler.	Yes
No advertisement of alcoholic beverages shall be displayed at motor fuel islands.	Yes
No sale of alcoholic beverages shall be made from a drive-in window.	Yes
No display or sale of beer or wine shall be made from an ice tub.	Yes
No beer or wine advertising shall be located on motor fuel islands and no self-illuminated advertising for beer or wine shall be located on buildings or windows.	Yes
If the sale of alcoholic beverages between the hours of 10:00 p.m. and 2:00 a.m. is granted as a part of the CUP, employees on duty shall be at least 21 years of age in order to sell beer or wine.	Yes

11. NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.

Based on the factual information provided, as well as the analysis of consistency with current adopted plans and ordinances, the proposed sale of alcoholic beverages for on-site consumption at the gas station - minimarket will not have a negative impact on the community. The location of the subject site, on a rural commercial corridor, is well-suited for the market use, and has been used as a mini-market since 1989. Since that time, there have been no zoning violations. The sale of beer and wine is an asset to the commercial area and to the neighborhood.

In addition, because the shopping center is located on 170th Street East, an existing County-maintained two-lane road, it was designed to handle the sort of traffic associated with commercial uses, thus there will be little to no impact of traffic on the surrounding properties.

A site visit was conducted on Friday, September 14, 2012. The establishment was operating normally and no zoning violations were observed. One zoning enforcement request for service was received in September 2007, alleging that outside sales were occurring in the parking lot of the mini-market/gas station. A site visit was properly conducted and no violations were found.

12. COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.

Staff has received comment from the County Sheriff's Department ("Sheriff"), which has no opposition to sale addition of beer and wine sales for off-site consumption at this location. The Sheriff reported that the subject property is within a high crime reporting district and that that the annual average number of offenses within the district is 152.

County Department of Public Works has submitted requirements for the project to meet prior to the issuance of building permits; these are attached to the Conditions. The project has met the requirements of the Departments of Fire and Public Health. No other County agency comments have been received at this time.

13. OTHER AGENCY COMMENTS AND RECOMMENDATIONS.

ABC had no opposition to the selling of beer and wine at this location. ABC noted that per the 2010 Census, there is not an undue concentration of off-sale facilities in the subject census tract. There are five existing licenses and an excess of eight would cause an undue concentration.

14. LEGAL NOTIFICATION AND PUBLIC OUTREACH. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.

CUP SPECIFIC FINDINGS

15. The project site is located within the Commercial ("C") land use category of the Antelope Valley Areawide Plan ("AV Plan"), a component of the Los Angeles County General Plan ("General Plan"). The C land use designation is intended for a wide range of general commercial and community-serving land uses. The sale of alcoholic beverages, as well as the mini-market/gas station, is consistent with the permitted uses of this land use category, and is therefore consistent with the land use policy map of the AV Plan. In addition, the following policies of the adopted General Plan and AV Plan are applicable to the proposed project:

- General Plan Land Use Policy No. 9: Promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design and locational controls."
- The project is located within the vicinity of residential areas, other commercial uses, and recreational uses. As a market selling beer and wine, the project is convenient to individuals who may live or work in the nearby areas, thereby enhancing the local quality of life.
- AV Plan Land Use Policy 32: "Encourage recycling and revitalization of deteriorating urban areas by pursuing appropriate demolition, rebuilding, and/or rehabilitation."

- The mini-market and gas station, which is complemented with the sale of beer and wine, is being redeveloped on-site, providing a newer, larger facility at the same location. This method of regenerating land uses is preferable to abandoning out-moded structures and uses, and building on undeveloped properties outside of the urban area. Therefore, the proposed use will be consistent with the adopted general plan for the area.

16. The sale of alcoholic beverages at the mini-market is justified at the current location because the sale of beer and wine has not, and will not, generate negative impacts on the surrounding properties. The mini-market does not create noticeable noise or attract criminal elements. The option to purchase beer and wine is a convenience to residents of the area.

Therefore, the requested use at the location proposed 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.

17. The site is adequate in size and shape to accommodate all development features related to the sale of alcoholic beverages for off-site consumption. The mini-market meets all standards and requirements of the zone and the ABC CUP, including landscaping and parking. The facility will continue to operate in a manner that is consistent and compatible with the surrounding area.

Therefore, 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, of as is otherwise required in order to integrate said use with the uses in the surrounding area.

18. The existing use is adequately served by 170th Street East, as well as public utility infrastructure already in place. The use is not expected to generate additional need for these road or utility networks. An internal 20-foot wide driveway serves the commercial center. The sale of beer and wine for off-site consumption is ancillary to the mini-market, and the existing roads, access and parking are sufficient to accommodate the current and future trips associated with the sale of beer and wine.

Therefore, 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.

19. No schools, places of worship, parks or playgrounds, or similar uses exist within a 600-foot radius of the existing use.

Therefore, 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.

20. The market is separated from nearby residences to the west by 169th Street East, a 30-foot wide local street. All access to the commercial center is via 60-foot wide 170th Street East, and an internal 20-foot wide driveway system.

Therefore, 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.

21. There are no other establishments in the immediate vicinity that are licensed to sell alcoholic beverages.

Therefore, 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.

22. The sale of alcoholic beverages will positively affect the economic welfare of the nearby community because the addition of a customary service—alcohol sales—will allow this establishment to compete with other similar establishments in the vicinity and allow for greater choices.

Therefore, the requested use at the proposed location will not adversely affect the economic welfare of the nearby community.

23. The proposed façade of the redeveloped mini-market and gas station does not conflict with the appearance of the structures in the immediate vicinity. The project

is located within a rural commercial corridor. Thus, no blight or impaired property values will result from the addition of alcohol sales for off-site consumption at this location.

Therefore, 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.

24. The subject project meets all requirements of County Code (Section 22.56.245) which specifies additional mandatory development standards that apply to the sale of beer and wine from a gas station. The following standards are conditions of the grant:
- A. No beer or wine shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler.
 - B. No advertisement of alcoholic beverages shall be displayed at motor fuel islands.
 - C. No sale of alcoholic beverages shall be made from a drive-in window.
 - D. No display or sale of beer or wine shall be made from an ice tub.
 - E. No beer or wine advertising shall be located on motor fuel islands and no self-illuminated advertising for beer or wine shall be located on buildings or windows.
 - F. If the sale of alcoholic beverages between the hours of 10:00 p.m. and 2:00 a.m. is granted as a part of the CUP, employees on duty shall be at least 21 years of age in order to sell beer or wine.

ENVIRONMENTAL DETERMINATION

25. The project is the redevelopment of an existing gas station/mini-market requesting to sell alcoholic beverages for off-site consumption.

Therefore, the project qualifies as a Categorical Exemption and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

26. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Commission determines that it is necessary to limit the term of the grant to ten (10) years.
27. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is

based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE COMMISSION CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area; and
- B. That the requested use at the location proposed 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 yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of 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.
- E. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius; and
- F. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area; and
- G. That 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; and

- H. That 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/meeting substantiates the required findings for a CUP for Alcohol Sales as set forth in Sections 22.56.090 and 22.56.195 of the Los Angeles County Code (Zoning Ordinance).

COMMISSION ACTION:

- 1. The Commission has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
- 2. In view of the findings of fact and conclusions presented above, CUP No. 201000174 is approved subject to the attached conditions.

SMT:GS
2/14/13

c: Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2010-01829-(5)
CONDITIONAL USE PERMIT NO. 201000174**

PROJECT DESCRIPTION

The project is a Conditional Use Permit ("CUP") for the sale of alcoholic beverages (beer and wine only) for off-site consumption at a gas station and mini-market. The overall project, which will also be reviewed under Plot Plan No. 201100153, includes the demolition of an existing mini-market, and redevelopment of the site with a larger mini-market and retail/office space along with construction of a new gas station canopy and addition of two gas pumps for a total of four gas pumps. The 4,000-square foot mini-market includes five freezers for alcohol sales. Security cameras are proposed inside the mini-market as well as along the building exterior and gas station canopy. Twenty-two (22) parking spaces, including eight compact spaces and one handicapped-accessible space, is proposed. The project is 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 March 6, 2023.** 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 **\$2,000.00**. 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 **ten (10) annual** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.

12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works ("Public Works") to the satisfaction of said department, as set forth in the attached letter dated February 20, 2013.
14. All development pursuant to this grant 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 of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control, including the adjacent right-of-way.
16. 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.

17. 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, **four (4) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **four (4) copies** of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (SALE OF ALCOHOLIC BEVERAGES)

19. 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, Regional Planning Zoning Inspector, or a State of California Department of Alcoholic Beverage Control ("ABC") agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.
20. 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.
21. The permittee, and all managers and designated employees of the establishment, who are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by ABC. 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, 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.
22. 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.
23. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
24. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier. Such telephone numbers shall be visible by and available to the general public.
25. This grant authorizes the sale of alcoholic beverages from 6:00 A.M. to 2:00 A.M. daily. Alcohol sales shall be prohibited between 2:00 A.M. to 6:00 A.M. daily, consistent with California state law. No sale of alcoholic beverages is permitted during hours the establishment is otherwise closed for business.

26. For the sale of alcoholic beverages between the hours of 10:00 p.m. and 2:00 a.m., employees on duty shall be at least 21 years of age in order to sell beer or wine.
27. 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.
28. No sale of alcoholic beverages shall be made from a drive-in window.
29. All sales of alcoholic beverages must be of one (1) liter or greater total volume. Sales of single containers of alcohol must be of one (1) liter or greater, and there shall be no sales of alcoholic beverages in containers not intended for single-serve or individual sale by the manufacturer.
30. No display of alcoholic beverages shall be made from an ice tub.
31. 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.
32. No beer or wine advertising shall be located on motor fuel islands.
33. The permittee shall provide adequate lighting in all parking areas, walkways, and above all entrances and exists to the premises. All exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare.

PROJECT SITE SPECIFIC CONDITIONS

34. This grant shall authorize the sale of alcoholic beverages (beer and wine only) for off-site consumption, in conjunction with a mini-market/gas station.

Attachments:

Public Works Letter dated February 20, 2013

Fire Department Letter dated February 20, 2013



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

February 20, 2013

IN REPLY PLEASE

REFER TO FILE: **LD-2**

TO: Susan Tae
Zoning Permits North Section
Department of Regional Planning

Attention Gretchen Siemers

FROM: Steve Burger *Anthony Nguyen*
for Land Development Division
Department of Public Works

CONDITIONAL USE PERMIT (CUP) NO. 201000174
PROJECT NO. R2010-01829
40245 170TH STREET EAST
ASSESSOR'S MAP BOOK NO. 3073, PAGE 9, PARCEL NO. 19
UNINCORPORATED COUNTY AREA OF LANCASTER

- Public Works recommends approval of this CUP.
- Public Works does **NOT** recommend approval of this CUP.

We reviewed the revised site plan for CUP No. 201000174 in the unincorporated County area of Lancaster. The project is to construct an addition to an existing mini-market and to install two additional gas pumps to the existing gas station. The following are Public Works' conditions:

1. Road

- 1.1 Construct/reconstruct the driveways on 170th Street East and 169th Street East along the property frontages to meet current American with Disabilities Act (ADA) guidelines and to the satisfaction of Public Works. In addition, provide additional right of way, if necessary to accommodate adequate sidewalk transitions in the vicinity of the driveway aprons.
- 1.2 Construct new curb, gutter, and sidewalk, 20 feet from centerline on 169th Street East along the property frontage to the satisfaction of Public Works.

- 1.3 Construct base and pavement on 169th Street East to join new curb and gutter to the satisfaction of Public Works.
- 1.4 Construct pavement transitions to join new curb and gutter to the satisfaction of Public Works.
- 1.5 Rehabilitate/reconstruct the distressed pavement along the property frontage on 170th Street East to the satisfaction of Public Works.
- 1.6 Plant street trees on 170th Street East and 169th Street East along the property frontages. Existing trees in dedicated right of way shall be removed and replaced if not acceptable as street trees.
- 1.7 Construct drainage devices (parkway drains/curb drains) along the property frontage of the site and execute a drainage covenant for the private maintenance of said drains, to the satisfaction of Public Works.
- 1.8 Submit street improvement plans and acquire street plan approval or direct check status before obtaining a grading permit and/or building permit.
- 1.9 Repair any improvements damaged during construction to the satisfaction of Public Works.
- 1.10 Execute an Agreement to Improve for the street improvements prior to issuance of a building permit.

For questions regarding the road conditions, please contact Patricia Constanza at (626) 458-4921 or pconstan@dpw.lacounty.gov.

2. Grading

- 2.1 Submit a grading plan for approval. The grading plans must show and call out the construction of at least all drainage devices and details, paved driveways, elevation and drainage of all pads, and the Standard Urban Stormwater Mitigation Plan (SUSMP) devices, if applicable. The applicant is required to show and call out all existing easements on the grading plan and obtain the easement holder approvals.
- 2.2 Provide a maintenance agreement, if applicable, to the satisfaction of Public Works for all privately maintained drainage devices, slopes, and other facilities prior to grading plan approval.

- 2.3 Provide soil/geology approval of the grading plan by the Public Works' Geotechnical and Materials Engineering Division, as applicable prior to grading plan approval.
- 2.4 Provide agency/regulatory permits or letters of nonjurisdiction, if applicable prior to grading plan approval.

For questions regarding the grading conditions, please contact Patricia Constanza at (626) 458-4921 or pconstan@dpw.lacounty.gov.

3. Drainage

- 3.1 Prior to building permits, per County of Los Angeles Code Section 12.84.440, comply with Low-Impact Development (LID) requirements in accordance with the LID Standards Manual, which can be found at http://dpw.lacounty.gov/wmd/LA_County_LID_Manual.pdf.
- 3.2 Prior to issuance of building permits, a drainage and grading plan must be approved by Public Works to provide for the proper distribution of drainage including contributory drainage from adjoining properties and to comply with National Pollutant Discharge Elimination System (NPDES), Stormwater Management Program (SWMP), and SUSMP requirements.

For questions regarding the drainage conditions, please contact Toan Duong at (626) 458-4921 or tduong@dpw.lacounty.gov.

4. Water

- 4.1 The project is within the area of adjudication, and the will serve letter will expire December 6, 2013. The applicant must construct the project prior to this date or the applicant will need to secure a new will serve letter from Public Works' Waterworks Division and comply with conditions and requirements that are in effect after December 6, 2013.

For questions regarding the water condition, please contact Jae Kim at (626) 458-4921 or jakim@dpw.lacounty.gov.

If you have any other questions or require additional information, please contact Ruben Cruz at (626) 458-4910 or rcruz@dpw.lacounty.gov.

RC:tb



**COUNTY OF LOS ANGELES
FIRE DEPARTMENT**

**Land Development Unit – Fire Prevention Division
5823 Rickenbacker Road
Commerce, California 90040-3027
Office (323) 890-4243, Fax (323) 890-9783**

DATE: June 15, 2012

TO: Department of Regional Planning
Zoning Permits North Region – Gretchen Siemers

PROJECT #: R2010-01829

LOCATION: 40245 170th Street East, Lake Los Angeles

- The Fire Department Land Development Unit has no additional requirements for this permit.
- The required fire flow for this development is **2000** gallons per minute for **2** hours. The water mains in the street fronting this property must be capable of delivering this flow at 20 psi residual pressure. **2** Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.
- Verify existing 6" X 4" X 2 1/2" public fire hydrants, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.

Comments: The proposed project is "Cleared" for public hearing.

Provide fire flow as indicated on the Fire Flow Availability Form (Form 196) dated March 6, 2012 by the Los Angeles County Water Works.

Provide access as noted on the site plan.

Water:

Access: Fire Department access is required to within 150 feet of all exterior portions of the proposed and existing buildings.

Special Requirements:

All fire protection facilities, including access and water, must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office at (323) 890-4243.

Inspector: Wally Collins

Affidavit of Acceptance Instructions

STEP 1: **NOTARY PUBLIC:** In the presence of a Notary Public, sign the Affidavit of Acceptance form. Complete and sign both applicant and owner sections, even if the applicant is the same as the owner.

STEP 2: **COUNTY REGISTRAR-RECORDER:** Go to the Registrar-Recorder's office to record the original Affidavit of Acceptance and Conditions of Approval.

Registrar-Recorder Headquarters: 12400 East Imperial Highway, Norwalk, CA 90650. The following branch offices can also assist you: LAX Courthouse, Lancaster District Office, Van Nuys District Office. For more information call (562) 462-2125 or visit http://www.lavote.net/Recorder/Document_Recording.cfm.

- a. Submit the original Affidavit of Acceptance form (wet signature) and Conditions of Approval to the County Registrar-Recorder for recording.
- b. Request one certified copy of the recorded documents for the Department of Regional Planning.

STEP 3: **REGIONAL PLANNING:** Schedule an appointment with the case planner to submit the following items in person:

- a. One certified copy of the recorded documents. The certified copy will have an official document number and a purple recordation stamp from the Registrar-Recorder.
- b. Three full-sized copies of the final plans, or as requested by the planner. Plans must be bound and folded to fit into an 8 ½" x 14" folder.
- c. One check payable to "County of Los Angeles" for zoning inspection fees (see Conditions of Approval). Write project number on checks.
- d. One check payable to the "County of Los Angeles" for State Fish and Game CEQA fees (http://www.dfg.ca.gov/habcon/ceqa/ceqa_changes.html), as applicable below:

- Not Required (Categorically Exempt)
- \$2,231.25 for the issued Negative Declaration or Mitigated Negative Declaration
Includes \$75.00 Registrar-Recorder processing fee
- \$3,070.25 for the Environmental Impact Report
Includes \$75.00 Registrar-Recorder processing fee

Section 21089 (b) of the Public Resources Code provides that no project approval is operative, vested, or final until applicable California Department of Fish and Game CEQA fees are paid. The Registrar-Recorder will not accept a Notice of Determination (NOD) or Exemption unless applicable Fish and Game fees are paid. Regional Planning will file the NOD or Exemption, as applicable. (Fees rates effective 1/1/13 to 12/31/13)

STEP 4: At your final appointment, you will receive a copy of the approved site plan, and approved plans will be routed to the Department of Public Works, Building and Safety, as applicable.

For questions or for additional information, please contact the planner assigned to your case. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.



Please complete and return to:
Department of Regional Planning
320 West Temple Street, 13th Floor
Los Angeles, California 90012

AFFIDAVIT OF ACCEPTANCE

STATE OF CALIFORNIA }ss
COUNTY OF LOS ANGELES

**REGARDING: PROJECT NO. R2010-01829-(5)
CONDITIONAL USE PERMIT NO. 201000174
40245 170th STREET EAST (3073 009 019)**

I/We the undersigned state:

I am/We are the permittee/owner of the real property described above. I am/We are aware of, and accept, all the stated Findings and Conditions of Approval for the above-mentioned permit(s).

I/We have enclosed a check in the amount of **\$2,000.00** payable to the County of Los Angeles as required by the Conditions of Approval for regular inspections for compliance. I/We also acknowledge that I/We and my/our successors in interest may be required to reimburse the Department of Regional Planning for any additional enforcement efforts necessary to bring the subject property into compliance.

Executed this _____ day of _____, 20 _____

I/We declare under the penalty of perjury that the foregoing is true and correct.

Complete both Applicant and Owner sections, even if the same.

Signatures must be acknowledged by a Notary Public. Affix seal or appropriate acknowledgements.

Applicant's Name: _____

Address: _____

City, State, Zip: _____

Signature: _____

Owner's Name: _____

Address: _____

City, State, Zip: _____

Signature: _____