

<h1>Transmittal Checklist</h1>	Hearing Date March 6, 2013
	Agenda Item Number TBD

PROJECT NO. R2010-01829-(5)
CONDITIONAL USE PERMIT NO. 201000174
Staff: Gretchen Siemers

Included	NA/None	Document
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Factual
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Property Location Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Staff Report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Conditions
<input checked="" type="checkbox"/>	<input type="checkbox"/>	DPW Letter
<input checked="" type="checkbox"/>	<input type="checkbox"/>	FD Letter
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Other Department's Letter(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Burden Of Proof Statement(s)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Documentation (IS, MMP, EIR)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Written Comments (Public)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Photos
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resolution (ZC Or PA)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance with 8.5 X 11 Map (ZC Or PA)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Aerial (Ortho/Oblique) Image(s)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use Radius Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan And Elevations
<input type="checkbox"/>	<input type="checkbox"/>	

Reviewed By: 



Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012

PROJECT NUMBER

R2010-01829-(5)

HEARING DATE

March 6, 2013

REQUESTED ENTITLEMENTS

Conditional Use Permit No. 201000174

PROJECT SUMMARY

OWNER / APPLICANT

Yasser Mubarkeh (Lake LA Dairy) / Hanbali & Associates

MAP/EXHIBIT DATE

6/6/12

PROJECT OVERVIEW

The applicant is requesting a Conditional Use Permit (CUP) to authorize the sale of alcoholic beverages (beer and wine) for off-site consumption at a gas station and mini-market in the C-2 (Neighborhood Business) Zone. The project consists of the sale of beer and wine for off-site consumption; along with the demolition of the existing 1,300-square foot market and construction of a new 5,500-square foot market with retail/office space, new gas station canopy, and the addition of two self-service gas pumps under separate plot plan approval.

LOCATION

40245 170th Street East, Palmdale, California 93591

ACCESS

Via 170th Street East

ASSESSORS PARCEL NUMBER(S)

3073-009-019

SITE AREA

27,286 square feet (0.62 acres)

GENERAL PLAN / LOCAL PLAN

Antelope Valley Areawide Plan

ZONED DISTRICT

Antelope Valley East

LAND USE DESIGNATION

C (Commercial)

ZONE

C-2

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

None

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption – Existing Facilities; Class 2 Categorical Exception—Replacement or Reconstruction

KEY ISSUES

- Consistency with the Los Angeles County General Plan and the Antelope Valley Areawide Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.28.170 (C-2 Zone Development Standards)
 - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
 - 22.56.195 (Sale of Alcoholic Beverages)
 - 22.56.245 (Sale of Beer and Wine in Conjunction with Sale of Motor Vehicle Fuel)

STAFF RECOMMENDATION

Approval; subject to conditions.

CASE PLANNER:

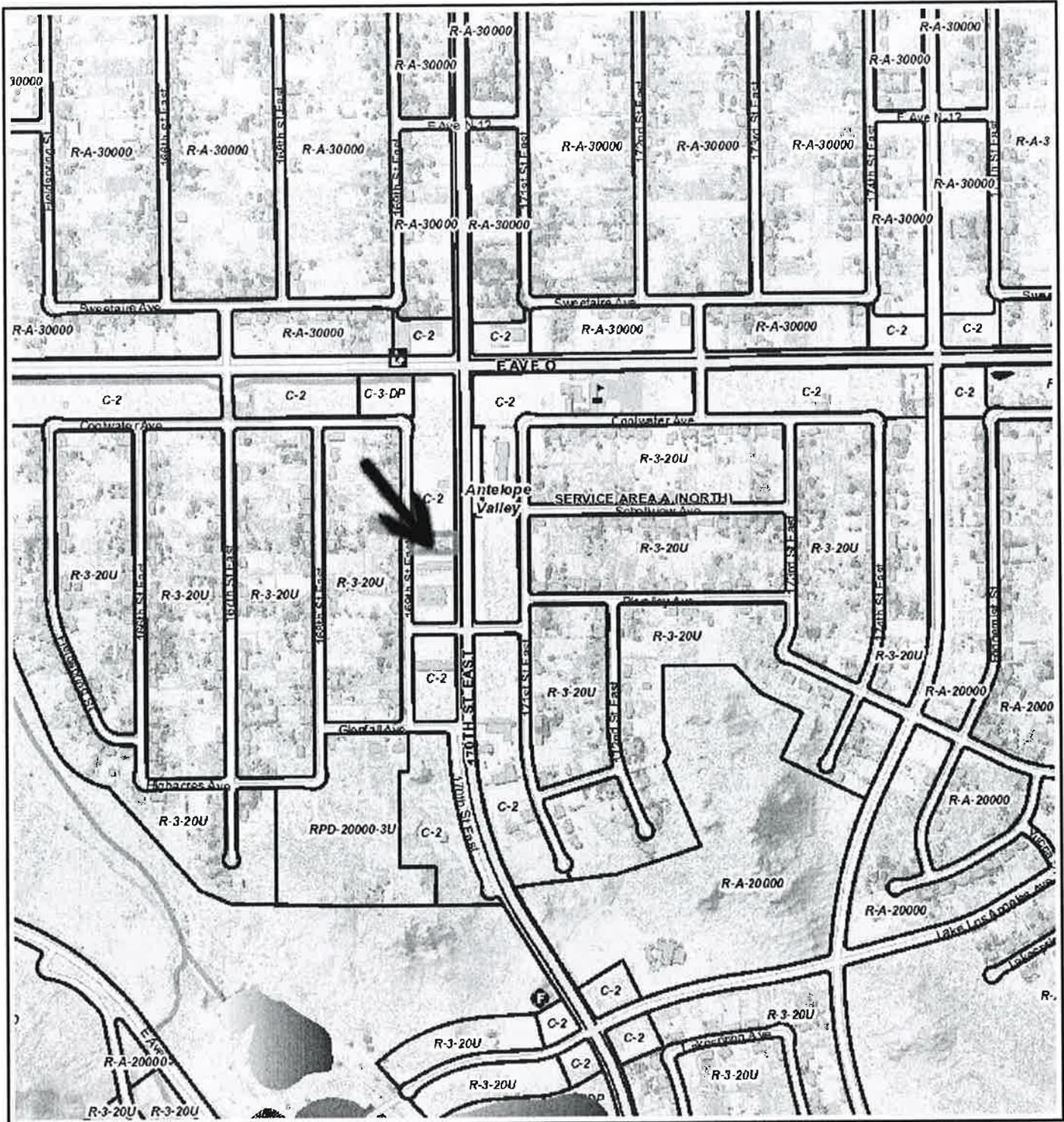
Gretchen Siemers

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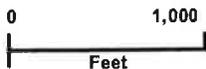
gsiemers@planning.lacounty.gov



Department of Regional Planning

R2010-01829-(5)

Printed: Feb 21, 2013



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ENTITLEMENT REQUESTED

Conditional Use Permit ("CUP") for the sale of alcoholic beverages (beer and wine) for off-site consumption in the C-2 (Neighborhood Business) Zone, pursuant to Los Angeles County ("County") Code Section 22.28.160.

PROJECT DESCRIPTION

The applicant proposes to sell alcoholic beverages at a mini-market associated with an existing gas station. The project includes the demolition and redevelopment of the existing mini-market, to be reviewed and approved subsequently through Plot Plan No. 201100153. The existing 1,300-square foot market currently sells beer and wine pursuant to the grandfathering provisions related to County Code Section 22.56.195 which allow establishments actively selling alcohol prior to the effective date of the applicable ordinance (1992) to continue sales of alcoholic beverages. 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 and thus a new CUP, because 1) the market will discontinue operation for at least three months during construction, after which a new CUP for alcoholic beverages is also required, and 2) the market will have a new address, and ABC licenses are tied to establishments by address.

The new 5,500-square-foot building proposed under Plot Plan No. 201100153 will be located on the western side of the property closest to 169th Street East, and will include a new 4,000-square foot mini-market and 1,500-square foot office space. The shelf space dedicated to alcoholic beverages is six percent of the total sales area within the mini-market, and is located within prefabricated freezers along the northern wall of the mini-market. Wall-mounted security cameras are proposed at various locations within the mini-market, including at the freezers containing alcohol and on either side of the cashier area, as well as along the exterior of the building adjacent to parking.

Improvements to the gas station also proposed separately under Plot Plan No. 201100153 include a new gas station canopy along with the addition of two self-service gas pumps for a total of four gas pumps on the eastern side closest to 170th Street East. Twenty-two (22) parking spaces are provided, including five compact spaces and one handicap-accessible space. A total of 2,420 square feet of landscaping (10 percent) is provided per the County's Low Impact Development ("LID") Ordinance, including lawn areas and trees. A new septic tank is also proposed along with on-site water detention areas and a new trash enclosure area.

Access to the property will be provided by 169th Street East, a 60-foot collector street, and 170th Street East, a 100-foot wide Major Highway as designated on the County

Master Plan of Highways. New 20-foot driveways will also be constructed, one from 169th Street East and two from 170th Street East.

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 Dwelling Units per Net Acre)

West: R-3-20U

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

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.

STAFF EVALUATION

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 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 and enhances 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.”

While the CUP under consideration is the sale of alcoholic beverages for off-site consumption, the mini-market and gas station, which is complemented by the sale of beer and wine, is being redeveloped on-site, providing a newer, larger facility with additional retail/office space on the same property. This method of regenerating land uses is preferable to abandoning out-moded structures and uses, and building on undeveloped properties outside of the suburban area.

Zoning Ordinance and Development Standards Compliance

C-2 Zoning

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. While the CUP under consideration is for the sale of alcoholic beverages (beer and wine) for off-site consumption, the C-2 development standards are discussed below with respect to the gas station, mini-market and retail/office space, and will be verified for compliance through Plot Plan No. 201100153:

- 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 and 10 percent landscaping. In addition, the project complies with LID standards, as the required landscaping is 75 percent drought-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 complies with the parking requirement, as 22 spaces are provided, including one handicapped space. Of the 22 spaces, 8 compact spaces are provided, which also complies with Code provisions that no more than 40 percent of required parking be compact spaces.

- 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 proposes one wall business sign and one gas-price sign to advertise to patrons, which is consistent with the standards in the zone. Signage requirements will be further verified for compliance as part of separate Plot Plan No. 201100153.

- Outside storage is prohibited.

No outside storage exists or is proposed on the site.

CUP for Alcohol Sales

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 conditional use permit procedure. Although the existing Lake LA Dairy currently sells alcoholic beverages (beer and wine), the establishment is being redeveloped and will have a new site address, thus requiring a new ABC license and CUP 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.

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 off-site consumption at the mini-market, associated with a gas station, 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 traffic associated with commercial uses for this area, thus little to no impact from traffic on the surrounding properties.

A site visit was conducted by staff on 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. An inspection was conducted and no violations were found.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.040 of the County Code. The applicant's burden of proof responses are attached to this document. Staff is of the opinion that the applicant has met the burden of proof.

A. That the requested use at the location will not:

- 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or*
- 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or*
- 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and*

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 has not created noticeable noise or attracted criminal elements, and security cameras inside and outside the proposed mini-market building and gas station should further discourage criminal activity. The option to purchase beer and wine is a convenience to residents of the area. Therefore the use will not be materially detrimental to the use, enjoyment, or valuation of property in the vicinity.

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; and

The site is adequate in size and shape to accommodate all development features related to the sale of alcoholic beverages (beer and wine) for off-site consumption. The mini-market meets all standards and requirements of the zone and CUP, including landscaping and parking. The facility will continue to operate in a manner that is consistent and compatible with the surrounding area. Further verification of compliance with all applicable development standards for the gas station, mini-market and retail/office space will be ensured through a subsequent separate review of Plot Plan No. 201100153.

C. That the proposed site is adequately served:

- 1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and*
- 2. By other public or private service facilities as are required.*

The sale of alcoholic beverages (beer and wine) is not expected to generate additional need for any circulation or utility networks. The existing gas station is adequately served by 170th Street, an existing Major Highway on the County Master Plan of Highways, and Coolwater Avenue, a Collector Street. The existing roads are sufficient to accommodate the anticipated number of car trips to the property, and the proposed 22 parking spaces and internal 20-foot wide driveway adequately carry the kind and quantity of car traffic that the ancillary sale of beer and wine at a gas station would generate. The subject property is served by public water and power infrastructure already in place; a septic system is used for sewage.

CUP for Alcohol Sales

In addition to the standard findings for CUPs, as required pursuant to subsection A of Section 22.56.090 of the County Code, CUPs for the sale of alcoholic beverages require additional findings per Section 22.56.195. The information submitted by the applicant and/or presented at the public hearing, must substantiate five additional findings, as described below:

- 1. 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*

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

- 2. 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*

The market is separated from nearby residences to the west by 169th Street East, a 60-foot wide local street. All access to the commercial center is via 100-foot wide 170th Street East, and an internal driveway system 20 feet at the driveway approaches widening to 26 feet wide.

- 3. 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*

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

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

The sale of alcoholic beverages can 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 retail establishments in the vicinity and allow for greater choices. Furthermore, the existing gas station has been alcoholic beverages and the continuation of this use will not adversely affect the community's economic welfare.

5. *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 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 with similar building typologies. The placement of windows (two along the south façade, one along with west façade, and four along with north façade) provide visibility from within the store and articulate the street-frontage. Thus, no blight or impaired property values will result from the addition of alcohol sales for off-site consumption at this location.

Sale of Beer and Wine in Conjunction with Motor Vehicle Fuel

In addition to any conditions imposed by the Commission pursuant to Section 22.56.100 of the County Code, 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 project complies with the following additional requirements, with proposed conditions:

- 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.
- No advertisement of alcoholic beverages shall be displayed at motor fuel islands.
- No sale of alcoholic beverages shall be made from a drive-in window.
- No display or sale of beer or wine shall be made from an ice tub.
- 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 conditional use permit, employees on duty shall be at least 21 years of age in order to sell beer or wine.

ENVIRONMENTAL DETERMINATION

County staff recommends that this project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Classes 1—Existing Facilities, and 2—Replacement or Reconstruction. This project is the redevelopment of an existing gas station/mini-market requesting to sell alcoholic beverages for off-site consumption. Therefore, staff recommends that the Commission concur that the project is categorically exempt from CEQA.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Staff has received a letter from the County Sheriff's Department ("Sheriff") dated December 16, 2010 [attached], stating that the Sheriff has no opposition to the sale of beer and wine sales for off-site consumption at this location. While addressed through other County requirements, the Sheriff also commented on the need to maintain clear signage to the facility. The Sheriff also reported that the subject property is within a high crime reporting district and that the annual average number of offenses within the district is 152.

In a letter dated February 20, 2013 [attached], the County Department of Public Works submitted requirements that the project must meet prior to the issuance of building permits; these are attached to the Conditions. Requirements have also been received from the County Departments of Fire, and Public Health, and are attached. No other County agency comments have been received at this time.

OTHER AGENCY COMMENTS AND RECOMMENDATIONS

Staff has consulted with ABC, which has 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.

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, property posting, library posting and DRP website posting.

The applicant has indicated to staff that the project has full support from the Lake Los Angeles Town Council.

PUBLIC COMMENTS

Staff has not received any comments at this time.

FEES/DEPOSITS

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

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project No. **R2010-01829-(5)**, CUP No. **201000174**, subject to the attached conditions.

SUGGESTED APPROVAL MOTIONS

"I move that the Regional Planning Commission close the public hearing and accept staff's determination that the project is exempt from the California Environmental Quality Act."

"I move that the Regional Planning Commission approve Conditional Use Permit No. 201000174 with the attached findings and conditions."

Prepared by Gretchen Siemers, AICP

Reviewed by Susan Tae, AICP, Supervising Regional Planner, Zoning Permits North

SMT:GS

2/20/13

DRAFT 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.** [*To be inserted after public hearing(s) to reflect hearing proceedings.*]
4. **PROJECT DESCRIPTION.** The applicant proposes to sell alcoholic beverages at a mini-market associated with an existing gas station. The project includes the demolition and redevelopment of the existing mini-market, to be reviewed and approved subsequently through Plot Plan No. 201100153. The existing 1,300-square foot market currently sells beer and wine pursuant to the grandfathering provisions related to County Code Section 22.56.195 which allow establishments actively selling alcohol prior to the effective date of the applicable ordinance (1992) to continue sales of alcoholic beverages. 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 and thus a new CUP, because 1) the market will discontinue operation for at least three months during construction, after which a new CUP for alcoholic beverages is also required, and 2) the market will have a new address, and ABC licenses are tied to establishments by address.

The new 5,500-square-foot building proposed under Plot Plan No. 201100153 will be located on the western side of the property closest to 169th Street East, and will include a new 4,000-square foot mini-market and 1,500-square foot office space. The shelf space dedicated to alcoholic beverages is six percent of the total sales area within the mini-market, and is located within prefabricated freezers along the northern wall of the mini-market. Wall-mounted security cameras are proposed at various locations within the mini-market, including at the freezers containing alcohol and on either side of the cashier area, as well as along the exterior of the building adjacent to parking.

Improvements to the gas station also proposed separately under Plot Plan No. 201100153 include a new gas station canopy along with the addition of two self-service gas pumps for a total of four gas pumps on the eastern side closest to 170th Street East.

Twenty-two (22) parking spaces are provided, including five compact spaces and one handicap-accessible space. A total of 2,420 square feet of landscaping (10 percent) is provided per the County's Low Impact Development ("LID") Ordinance, including lawn areas and trees. A new septic tank is also proposed along with on-site water detention areas and a new trash enclosure area.

Access to the property will be provided by 169th Street East, a 60-foot collector street, and 170th Street East, a 100-foot wide Major Highway as designated on the County Master Plan of Highways. New 20-foot driveways will also be constructed, one from 169th Street East and two from 170th Street East.

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 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 and enhances 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.”

While the CUP under consideration is the sale of alcoholic beverages for off-site consumption, the mini-market and gas station, which is complemented by the sale of beer and wine, is being redeveloped on-site, providing a newer, larger facility with additional retail/office space on the same property. This method of regenerating land uses is preferable to abandoning out-moded structures and uses, and building on undeveloped properties outside of the suburban area.

10. ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.

C-2 Zoning

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. While the CUP under consideration is for the sale of alcoholic beverages (beer and wine) for off-site consumption, the C-2 development standards are discussed below with respect to the gas station, mini-market and retail/office space, and will be verified for compliance through Plot Plan No. 201100153:

- 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 and 10 percent landscaping. In addition, the project complies with LID standards, as the required landscaping is 75 percent drought-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 complies with the parking requirement, as 22 spaces are provided, including one handicapped space. Of the 22 spaces, 8 compact spaces are provided, which also complies with Code provisions that no more than 40 percent of required parking be compact spaces.

- 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 proposes one wall business sign and one gas-price sign to advertise to patrons, which is consistent with the standards in the zone. Signage requirements will be further verified for compliance as part of separate Plot Plan No. 201100153.

- Outside storage is prohibited.

No outside storage exists or is proposed on the site.

CUP for Alcohol Sales

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 conditional use permit procedure. Although the existing Lake LA Dairy currently sells alcoholic beverages (beer and wine), the establishment is being redeveloped and will have a new site address, thus requiring a new ABC license and CUP 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.

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 off-site consumption at the mini-market, associated with a gas station, 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 traffic associated with

commercial uses for this area, thus little to no impact from traffic on the surrounding properties.

A site visit was conducted by staff on 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. An inspection was conducted and no violations were found.

12. COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.

Staff has received a letter from the County Sheriff's Department ("Sheriff") dated December 16, 2010 [attached], stating that the Sheriff has no opposition to the sale of beer and wine sales for off-site consumption at this location. While addressed through other County requirements, the Sheriff also commented on the need to maintain clear signage to the facility. The Sheriff also reported that the subject property is within a high crime reporting district and that the annual average number of offenses within the district is 152.

In a letter dated February 20, 2013 [attached], the County Department of Public Works submitted requirements that the project must meet prior to the issuance of building permits; these are attached to the Conditions. Requirements have also been received from the County Departments of Fire, and Public Health, and are attached. No other County agency comments have been received at this time.

13. OTHER AGENCY COMMENTS AND RECOMMENDATIONS.

Staff has consulted with ABC, which has 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

The project site is located within the Commercial ("C") land use category of the Antelope Valley Areawide Plan ("AV Plan"), a component of the 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 and enhances 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.”

While the CUP under consideration is the sale of alcoholic beverages for off-site consumption, the mini-market and gas station, which is complemented by the sale of beer and wine, is being redeveloped on-site, providing a newer, larger facility with additional retail/office space on the same property. This method of regenerating land uses is preferable to abandoning out-moded structures and uses, and building on undeveloped properties outside of the suburban area.

15. 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 has not created noticeable noise or attracted criminal elements, and security cameras inside and outside the proposed mini-market building and gas station should further discourage criminal activity. The option to purchase beer and wine is a convenience to residents of the area. Therefore the use will not be materially detrimental to the use, enjoyment, or valuation of property in the vicinity.

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.

16. The site is adequate in size and shape to accommodate all development features related to the sale of alcoholic beverages (beer and wine) for off-site consumption. The mini-market meets all standards and requirements of the zone and CUP, including landscaping and parking. The facility will continue to operate in a manner that is consistent and compatible with the surrounding area. Further verification of compliance with all applicable development standards for the gas station, mini-market and

retail/office space will be ensured through a subsequent separate review of Plot Plan No. 201100153.

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.

17. The sale of alcoholic beverages (beer and wine) is not expected to generate additional need for any circulation or utility networks. The existing gas station is adequately served by 170th Street, an existing Major Highway on the County Master Plan of Highways, and Coolwater Avenue, a Collector Street. The existing roads are sufficient to accommodate the anticipated number of car trips to the property, and the proposed 22 parking spaces and internal 20-foot wide driveway adequately carry the kind and quantity of car traffic that the ancillary sale of beer and wine at a gas station would generate. The subject property is served by public water and power infrastructure already in place; a septic system is used for sewage.

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.

18. 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.

19. The market is separated from nearby residences to the west by 169th Street East, a 60-foot wide local street. All access to the commercial center is via 100-foot wide 170th Street East, and an internal driveway system 20 feet at the driveway approaches widening to 26 feet wide.

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.

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

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

21. The sale of alcoholic beverages can 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 retail

establishments in the vicinity and allow for greater choices. Furthermore, the existing gas station has been alcoholic beverages and the continuation of this use will not adversely affect the community's economic welfare.

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

22. 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 with similar building typologies. The placement of windows (two along the south façade, one along with west façade, and four along with north façade) provide visibility from within the store and articulate the street-frontage. 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.

23. 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.

24. **ENVIRONMENTAL DETERMINATION** 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.

25. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning Commission ("Commission") determines that it is necessary to limit the term of the grant to ten (10) years.

26. **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, property posting, library posting and DRP website posting.

The applicant has indicated to staff that the project has full support from the Lake Los Angeles Town Council.

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 acknowledges 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

2/20/13

c: Zoning Enforcement, Building and Safety

**DRAFT 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. There shall be no beer sold in containers under one quart (32 ounces) or in less than six-pack quantities.
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.

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

33. 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



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>

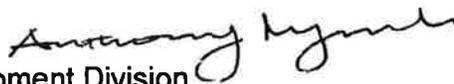
ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

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 
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



Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169

(661) 948-8466



December 16, 2010

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

Subject: Conditional Use Permit # 2010-01829
Lake LA Dairy 40425 170th Street East

Dear Mr. Estes:

We received your request for information and hereby provide you with the following information:

The Los Angeles County Sheriff's Department does not have any objections to the sale of alcoholic beverages, (off-sale), at the Lake LA Dairy, located at 40425 170th Street East, in the community of Lake Los Angeles.

If you have any questions, feel free to contact Deputy Michael Kuper of the Sheriff's Department, Lancaster Station, Liaison to the Department of Alcoholic Beverage Control. He can be reached at Lancaster Station Monday through Friday, 8:00 a.m. to 4:00 p.m., (661) 948-8466, extension 4021.

Calls for service for the location were previously emailed to you.

Sincerely,

LEROY D. BACA, SHERIFF

Axel H. Anderson, Captain
Lancaster Station

A Tradition of Service Since 1850

DEC 28 2010

LOS ANGELES COUNTY WATERWORKS DISTRICTS *

P. O. Box 1460
Alhambra, CA 91802
Telephone: (626) 300-3306

260 East Avenue K-8
Lancaster, CA 93535
Telephone: (661) 940-9270

23533 Civic Center Way
Malibu, CA 90265
Telephone: (310) 317-1388

TO:

Los Angeles County
Department of Health Services
Environmental Health: Mtn. & Rural/
Water, Sewage & Subdivision Program
5050 Commerce Drive
Baldwin Park, CA 91706-1423

Los Angeles County
Department of Public Works
Building & Safety Division

Los Angeles County
Fire Department

City of Lancaster
Building Department
44933 N. Fem Ave.
Lancaster, CA 93534

City of Malibu
Building Department
23815 W. Stuart Ranch Rd.
Malibu, CA 90265

City of Palmdale
Building Department
38300 N. Sierra Hwy.
Palmdale, CA 93550

RE: 40245 N. 170TH STREET LAKE LOS ANGELES 93591
Address City Zip Code

APN 3073-009-019

Assessor's Parcel Number

Los Angeles County Waterworks District No. 40-38, LAICE LA
Will serve water to the above single lot property subject to the following:

- Annexation of the property into Los Angeles County Waterworks District is required. **Water service to this property will not be issued until the annexation is completed.**
- The appropriate fees must be paid to the District and other related water agencies.
- The appropriate connection fees have been paid to Waterworks Districts.
- Water system improvements will be required to be installed by the developer subject to the requirements set by the Fire Department and the District.
- The service connection and water meter serving the property must be installed in accordance with Waterwork's District standards.
- The property has an existing service connection and water meter.
- Public water system and sewage disposal system must be in compliance with Health Department separation requirements.
- A portion of the existing fronting water main may be required to be replaced if the water service tap cannot be made or if damage occurs to the water main.
- Property may experience low water pressure and / or shortage in high demand periods.
- The District **CANNOT** serve water to this property at this time.

By: Tam Vu TAM VU (626) 300-3361 12/6/2012
Signature Print Name Phone Number Date

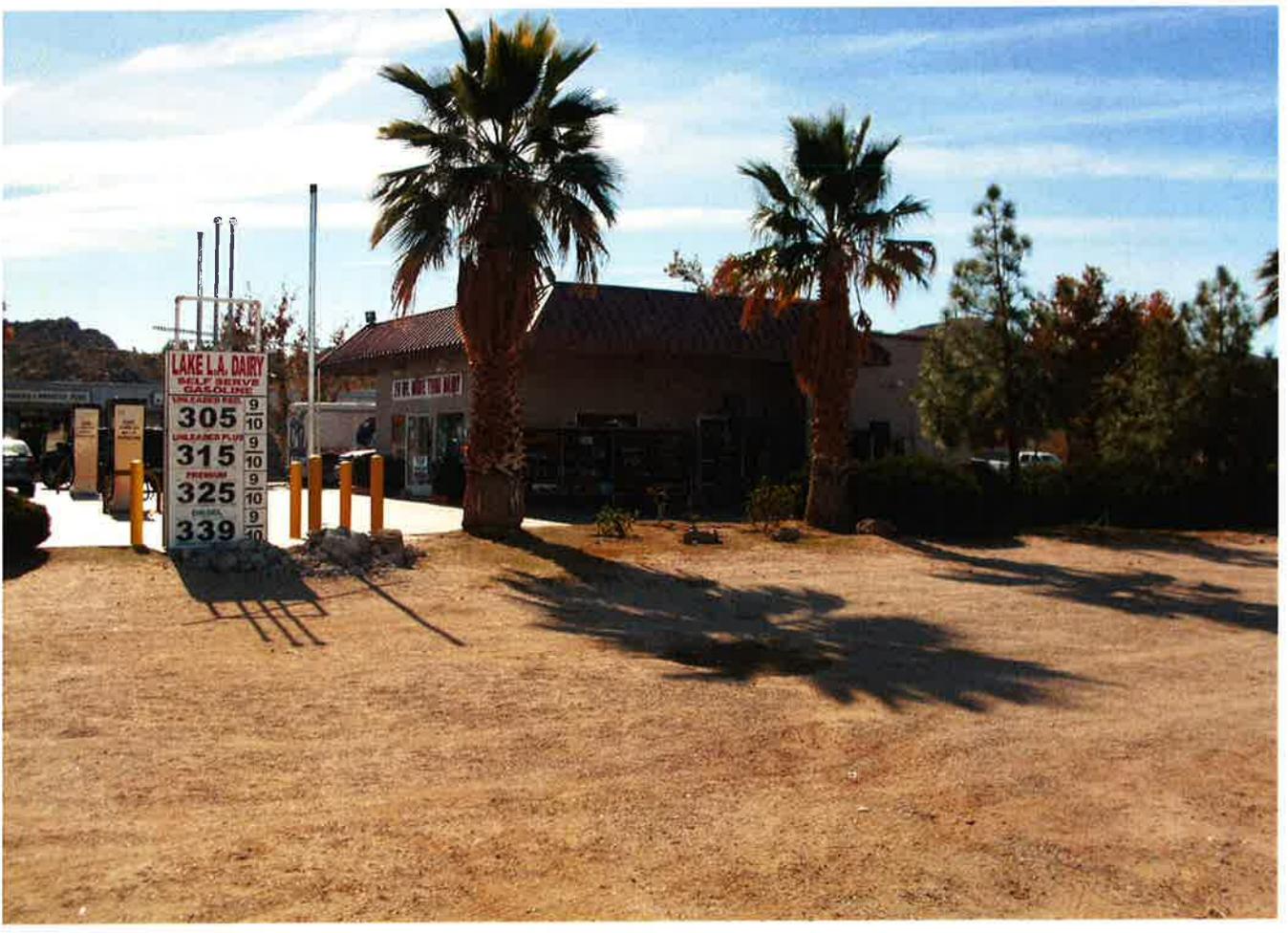
Rev. 12/12

*** THIS WILL SERVE LETTER WILL EXPIRE ONE YEAR AFTER THE DATE OF ISSUANCE.**

③ View Looking North



④ View Looking South



①View Looking East



④View Looking South



① View Looking East



② View Looking West



② View Looking West



10-01829



Los Angeles County
Department of Regional Planning
Planning for the Challenges Ahead



CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

<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.
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<p>The proposed minmart and office/retail store will not have a negative impact on the surrounding area, however it will be a convenient addition to the neighborhood as an accessible gas station and minimart</p>
<p>The proposed building provides a new clean look which will be a valuable addition to benefit the</p>
<p>community and raise the value of surrounding land.</p>
<p> </p>
<p> </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 proposed building fully complies with the zoning ordinance standards including size, shape of the building, no' of parking spaces required and the percentage of landscaping, which will provide an open green space to the surrounding area.</p>
<p>the surrounding area will accept the look of a new modern business facility.</p>
<p> </p>
<p> </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.

the project site is surrounded by 170th. st. e and 169th. st. e, which are sufficient to absorb any kind of traffic generated by the proposed project expansion.

the traffic design and circulation meets the minimum requirements for backup distances and fire trucks an additional driveway is proposed located at the western property line, which will make the traffic flow inside the lot smooth and convinient.

10-01829



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.)

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 not schools, parks, playgrounds or places of worship within 600 feet radios.
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 requested use is between 169 st. E, and 170 st. E. this is a very convenient location for the community. it will not affect any residential area.
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 not other places that sell alcohol within 500 feet radio.
D. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.
The request for alcohol sales will be a welcome business for the people that live in that community, to incentive their economy.
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.
The exterior apparence of the building is modern architecture style then there is no way to contribute to the deterioration of the urban imagen of the community.

Burden of proof Statements

A-The sale of alcoholic beverages is an ordinary incident of a convenient mini mart and significantly contributes to such business' success, thereby promoting the general welfare. Indeed, patrons expect to be able to purchase alcoholic beverages at the type of gas station and mini mart being proposed here.

The sale of alcoholic beverages has come to be accepted as a normal and desirable complement to food service. Alcoholic beverage service is needed in order to make them competitive with other business of such nature. The public convenience and welfare will be positively served by providing a new gas station and mini mart, which is currently lacking such establishments. In addition, the proposed establishments with requested service of alcoholic beverages sales will positively serve public welfare by generating additional jobs and sales tax revenues and jobs, thereby contributing to the economic welfare of the community.

The numerous conditions of approval imposed by the County per the CUP for alcohol service and those imposed by the State as part of the business' ABC license. Regulating the sale of alcoholic beverages at the establishments will work to ensure that the service of alcoholic beverages on the premises will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or welfare. And therefore this activity at the location proposed will not adversely affect the economic welfare of the community or otherwise be materially detrimental to the use, enjoyment or valuation of property of persons either working or residing in the vicinity of the project site. To the contrary, such activities will allow the business to fulfill the expectations of its patrons.

B-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 other similar use within a 500-foot radius.

The requested use at the proposed location is sufficiently buffered in relation to any While apartments are located in the local vicinity, the sale of alcoholic beverages will be managed and regulated and will be sufficiently buffered from nearby apartments so as not to adversely affect apartment residents. These establishments will be a convenient amenity to apartment and condominium residents in the vicinity of the project site who may chose to walk to the mini mart.

The requested use at the proposed location will not result in an undue concentration of similar premises, or that the public convenience or necessity for the proposed facility selling alcoholic beverages for off-site consumption outweighs the fact that it is located within 500 feet 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 6 percent of the shelf space in the establishment.

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 the County Zoning Code, or as is otherwise required in order to integrate this use with the uses in the surrounding area.

Facilities have been appropriately integrated into the overall design of the project. The project's structured parking facilities will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare. The project's final design details, landscaping and signage is in conformance with the DCB's Revised Permanent Sign Controls and Regulations; and in compliance with these controlling signage Regulations. These measures will help to ensure that the project's signage

The exterior appearance of the structure will not be inconsistent with the exterior appearance of other 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.

The proposed architecture materials and exterior appearance of the proposed building structure is complementary to and enhances the neighborhood aesthetic.

C- 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.

The project is consistent with parking policies of the LCP. The project architect has designed the structured parking facilities in a manner that ensures internal vehicular circulation and parking is appropriately controlled on-site, so as not to cause vehicular queuing during high-use periods. Sufficient on-site parking has been programmed for the project during peak use periods, to ensure that parking is contained on-site and does not spill over onto adjacent streets or neighborhoods. These measures will help to ensure that the project's structured parking facilities will not be materially detrimental to the enjoyment, use or valuation of property of other persons residing or working in the vicinity of the project site.

Access to the project will be provided on a fully-improved public street. Which is, sufficient width necessary to carry the kind and quantity of traffic that will be generated by the planned gas station and mini mart.

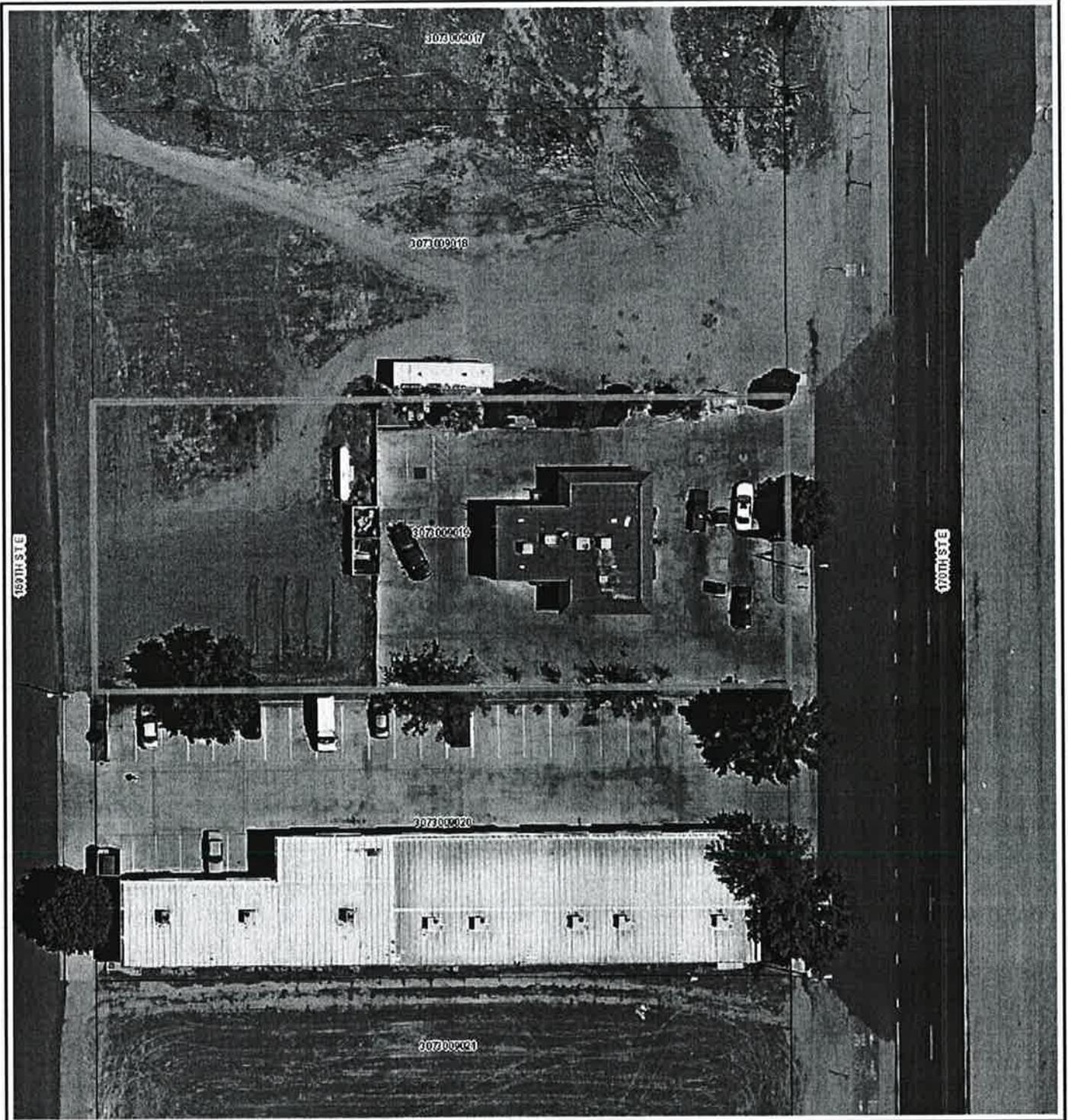
By other public or private service facilities as are required, the project will be adequately served by public fire, law enforcement, utility and/or other public services, as required.

C- 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.

The project is consistent with parking policies of the LCP. The project architect has designed the structured parking facilities in a manner that ensures internal vehicular circulation and parking is appropriately controlled on-site, so as not to cause vehicular queuing during high-use periods. Sufficient on-site parking has been programmed for the project during peak use periods, to ensure that parking is contained on-site and does not spill over onto adjacent streets or neighborhoods. These measures will help to ensure that the project's structured parking facilities will not be materially detrimental to the enjoyment, use or valuation of property of other persons residing or working in the vicinity of the project site.

Access to the project will be provided on a fully-improved public street. Which is, sufficient width necessary to carry the kind and quantity of traffic that will be generated by the planned gas station and mini mart.

By other public or private service facilities as are required, the project will be adequately served by public fire, law enforcement, utility and/or other public services, as required.



Department of Regional Planning

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