



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

April 17, 2013

Bruce MacPherson
859 South Raymond Avenue
Pasadena, CA 91105

**REGARDING: PROJECT NO. R2012-00926-(5)
CONDITIONAL USE PERMIT NO. 201200063
ACTON MARKET COUNTRY STORE**

Hearing Officer Patricia Hachiya, by her action of **April 16, 2013**, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer'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 Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **April 30, 2013. Appeals must be delivered in person.**

Appeals: To file an appeal, please contact:
Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

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, Monday through Thursday, 9:00 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: DPW (Building and Safety); Zoning Enforcement; Charlotte Ramos, Firas Hannoun

SMT:GS

**FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2012-00926-(5)
CONDITIONAL USE PERMIT NO. 201200063**

1. **ENTITLEMENT REQUESTED.** The applicant, Firas Hannoun, is requesting a Conditional Use Permit ("CUP") to authorize the sale of alcoholic beverages (full-line) for off-site consumption in the C-3 (Unlimited Commercial) Zone pursuant to Los Angeles County ("County") Code Section 22.56.195 and 22.56.195.
2. **HEARING DATE.** April 16, 2013.
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** Staff presented a recommendation of approval to Hearing Officer Patricia Hachiya. The project architect, Bruce MacPherson, testified in support of the project and requested that the grant term be extended from 10 years to 20 years. Mr. MacPherson also requested that the project name be changed from "Acton Market" to "Acton Market Country Store" in relevant documents. Ms. Hachiya extended the grant term to 15 years and approved the project, with conditions as recommended by staff, and instructed staff to make the aforementioned requested change to the project name.
4. **PROJECT DESCRIPTION.** The applicant proposes to sell a full line of alcoholic beverages at a grocery market ("Acton Market Country Store"). The market was previously approved under Plot Plan No. 201001018 and is currently under construction. The building is 9,500 square feet in size; the site plan shows 9.3% shelf space dedicated to storage and display of alcoholic beverages.

Access to the market is via Crown Valley Road, an existing Secondary Highway on the County Master Plan of Highways; a 24-foot driveway from Crown Valley Road for circulation within the property is provided. Thirty-eight (38) parking spaces are provided, including two accessible spaces. Landscaping is provided per the County's Low Impact Development ("LID") Ordinance.

5. **LOCATION.** 32003 Crown Valley Road, Acton, CA
6. **EXISTING ZONING.** The subject property is zoned C-3 in the Soledad Zoned District. The property is within the boundaries of the Acton CSD. Surrounding properties are zoned as follows:

North: C-3, A-1-10,000 (Light Agricultural—10,000 Square Foot Minimum Lot Area); R-3 (Limited Multiple Residence)

South: C-3

East: C-3, M-1 (Light Manufacturing)

West: R-3

7. **EXISTING LAND USES.** The subject property is being developed with a new 9,500-square foot commercial building currently under construction. Surrounding properties are developed as follows:

North: Offices (collection agency, Acton Chamber of Commerce), single-family residence, vacant land, church (Acton Presbyterian), veterinary clinic, retail (feed store)

South: Vacant land, outside storage, offices (Acton-Agua Dulce News), restaurant (49er Bar and Grill), beauty salon

East: Single-family residences, vacant land, construction yard/vehicle storage, post office, existing Acton Market Country Store (to be relocated to subject site)

West: Single-family residences, community center, horse corral

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

Zone Case 3268 was adopted on January 22, 1957, creating the Soledad Zone District, and establishing R-A-15,000 (Residential-Agriculture, 15,000-square-foot Minimum Lot Area) Zoning for the subject property.

Zone Case 3622 was adopted on September 30, 1958, establishing C-4 (Restricted Commercial) zoning on the subject property.

Ordinance No.10,826, effective February 8, 1974, eliminated Zone C-4 and reclassified areas designated C-4 as C-3.

Plot Plan No. 201001018, Project No. R2010-01353, was approved on June 8, 2011 for the market use on the subject property.

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 permitted underlying market use, is therefore consistent with the permitted uses of the underlying land use category.

The following policy of the General 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 within walking distance to Acton Wash Wildlife Sanctuary. As a market

selling a full line of alcohol, the project is convenient to individuals who may live or work in the nearby areas, thereby enhancing the local quality of life. The market is required to comply with any design standards and requirements established as part of the Acton CSD, and was verified for compliance as part of the review and approval of Plot Plan No. 201001018.

The following policy of the AV Plan are applicable to the proposed project:

AV Plan Land Use Policy No. 26: "Encourage an appropriate mix of land use types to prevent disharmony and degradation. Residential, commercial, employment, recreational and cultural uses should be integrated using appropriate buffering techniques to create a cohesive community."

The market, which is complemented with the sale of a full line of alcoholic beverages for off-site consumption, will provide for a mix of compatible uses within and serving the community of Acton. The market will provide for convenience in the vicinity of residential uses and along a Secondary Highway thoroughfare.

10. ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.

The previously-approved market is consistent with the applicable C-3 Zoning development standards as well as the standards of the Acton Community Standards District ("CSD"):

Pursuant to Section 22.28.220 of the County Code, establishments in the C-3 Zone are subject to the following development standards:

- A. *That not to exceed 90 percent of the net area be occupied by buildings, with a minimum of 10 percent of the net area landscaped with a lawn, shrubbery, flowers and/or trees, which shall be continuously maintained in good condition. Incidental walkways, if needed, may be developed in the landscaped area.*

The previously approved grocery market was designed to provide 10.3 percent landscaping.

- B. *That there be parking facilities as required by Part 11 of Chapter 22.52.*

The previously approved grocery market was designed to provide 24 car parking stalls.

Pursuant to Section 22.44.126 of the County Code, establishments in the Acton Community Standards District ("CSD") are subject to the following development standards:

- *Preservation of Native Vegetation.* The previously approved market has included native vegetation on the landscape plan, including 78 percent drought-tolerant species..

- *Architectural Style and Project Design Considerations.* The previously approved market is consistent with the commercial design standards such that it:
 - *[Does] not exceed a height of 35 feet except for chimneys and pole antennas, which may not exceed a height of 45 feet;*
 - *[Was] designed in a "Western frontier village, circa 1890s style" in substantial conformance with the architectural style guidelines accompanying [the] community standards district as an appendix and as maintained in the office of the planning director; and*
 - *[Was] designed to conceal from public view all external utilities, such as roof-mounted air conditioning or heating units, or other improvements not contributing to the Western architectural design, such as satellite dish antennas. Solar panels that are designed as part of a roof line and blend with the overall roof appearance need not be concealed.*
- *Drainage:* The maximum amount of impervious surface is 90 percent, and the previously approved grocery building provides 62 percent impervious surface.
- *Signs.* The previously approved signs were designed to *be unobtrusive and [...] promote the style of the Western frontier architectural guidelines; and [the sign] lighting [is] external, using fixtures designed to focus all light directly on the sign, and internal illumination shall be prohibited.*
- *Outdoor Lighting.* The outdoor lighting required was designed *in keeping with the Western frontier architectural style.*

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 market will not have a negative impact on the community. The location of the subject site, on a rural mixed use commercial corridor, is well-suited for the market use, and has been vacant. The sale of a full line of alcohol is an asset to the commercial area and to the neighborhood.

In addition, because the market is located on Crown Valley Road, an existing Secondary Highway on the County Master Plan of Highways, 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.

12. COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.

Staff has received comment from the County Sheriff's Department ("Sherriff"), who had no opposition to the addition of alcoholic beverage sales for off-site consumption at this location. The project is within Crime Reporting District No.

2646. In 2011, there were 235 offenses within this district. The average number of offenses per district in 2011 was 91; therefore this location is within a high-crime reporting district.

13. OTHER AGENCY COMMENTS AND RECOMMENDATIONS.

Staff has also received comments from the State Department of Alcoholic Beverage Control ("ABC") with no opposition to the addition of sale of alcoholic beverages for off-site consumption. The proposed location is within census tract no. 9108.05; tract 9108.05 had a population of 4,839 in the 2010 census. ABC indicated that three locations are allowed to sell alcoholic beverages for off-site consumption within the census tract, and that three of such locations already exist. Thus, the proposed use would create an undue concentration of premises selling alcoholic beverages for off-site consumption. However, it should be noted that one of the locations licensed within the census tract is the existing Acton Market Country Store, which will be closing and relocating at the subject site.

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.

15. PUBLIC COMMENTS. Staff received a letter, dated April 1, 2013, from the Acton Town Council, expressing support for the project.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

16. 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 permitted underlying market use, is therefore consistent with the permitted uses of the underlying land use category.

The following policy of the General 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 within walking distance to Acton Wash Wildlife Sanctuary. As a market selling a full line of alcohol, the project is convenient to individuals who may live or work in the nearby areas, thereby enhancing the local quality of life. The market is required to comply with any design standards and requirements established as

part of the Acton CSD, and was verified for compliance as part of the review and approval of Plot Plan No. 201001018.

The following policy of the AV Plan are applicable to the proposed project:

AV Plan Land Use Policy No. 26: "Encourage an appropriate mix of land use types to prevent disharmony and degradation. Residential, commercial, employment, recreational and cultural uses should be integrated using appropriate buffering techniques to create a cohesive community."

The market, which is complemented with the sale of a full line of alcoholic beverages for off-site consumption, will provide for a mix of compatible uses within and serving the community of Acton. The market will provide for convenience in the vicinity of residential uses and along a Secondary Highway thoroughfare.

Therefore, the proposed use will be consistent with the adopted General Plan and AV Plan.

17. The sale of alcoholic beverages at the market is justified at the current location because the sale of a full line of alcohol will not generate negative impacts on the surrounding properties. The market is not anticipated to create noticeable noise or attract criminal elements. The option to purchase alcoholic beverages 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.

18. 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 market meets all standards and requirements of the zone and the ABC CUP, including landscaping and parking. The facility is anticipated 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.

19. The market is served by Crown Valley Road, an existing Secondary Highway, and is not expected to generate the need for expanded road networks or street widening due to the type and amount of traffic. The market is also served by public

water facilities, and has a private septic system that is adequate to serve the needs of the market.

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.

20. The Acton Presbyterian Church and the Acton Community Center are within a 600-foot radius of the market. The Church holds Sunday school and the Community Center provides meeting space for local youth groups. However, the sale of alcoholic beverages will not affect these uses because the market is primarily a grocery store, and the sale of alcoholic beverages is ancillary to food sales.

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.

21. The market is separated from nearby residences to the east and south by Crown Valley Road and Smith Avenue respectively; a commercial use borders the northern edge of the property and the western residential neighbors will be buffered by a proposed trail easement granted to the Department of Parks and Recreation. Access to the market is via 80-foot wide Crown Valley Road, and a 24-foot wide driveway.

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.

22. There is one other establishment in the area selling alcoholic beverages (49er Bar & Grill) which is a restaurant and alcoholic beverages served only for on-site consumption. The public convenience of access to a grocery store selling alcoholic beverages within the town center of Acton outweighs the fact that it is located within a 500-foot radius of the existing restaurant. Because of the project is located within an area of undue concentration, a maximum of five percent of shelf-space devoted to alcoholic beverages will be imposed as a mandatory condition of approval, in accordance with these required findings in Title 22.

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.

23. The sale of alcoholic beverages will positively affect the economic welfare of the nearby community because the addition of a customary service—alcohol sales—to the grocery store 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.

24. The approved façade of the 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 and within the Acton CSD, which prescribes a thematic “Western” style for commercial uses; the new market is consistent with this style. 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.

25. **ENVIRONMENTAL DETERMINATION.** The project is for the sale of alcoholic beverages at previously approved grocery market, which is currently under construction.

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 Hearing Officer determines that it is necessary to limit the term of the grant to fifteen (15) years.

27. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer’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 HEARING OFFICER 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; and
- 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 substantiates the required findings for a Conditional Use Permit for sale of alcoholic beverages as set forth in Sections 22.56.090 and 22.56.195 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer has considered the Categorical Exemption for this project and agrees with staff's determination that said project 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. 201200063 is approved subject to the attached conditions.

SMT:GS

3/14/13

c: Zoning Enforcement, ABC

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2012-00926-(5)
CONDITIONAL USE PERMIT NO. 201200063**

PROJECT DESCRIPTION

The project is a Conditional Use Permit ("CUP") for the sale of alcoholic beverages (full line) for off-site consumption at a grocery market ("Acton Market Country Store"). The market was previously approved under Plot Plan No. 201001018 and is currently under construction. The building is 9,500 square feet in size, with 5 percent shelf space dedicated to storage and display of alcoholic beverages. 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 April 16, 2028.** 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 one (1) year from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$3,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **fifteen (15) annual** inspections. Inspections shall be unannounced.

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

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code 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.
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. This grant authorizes the sale of alcoholic beverages (full-line) for off-site consumption in conjunction with a grocery market. The shelf space dedicated to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the grocery market.
20. 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.
21. 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.
22. 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.
23. 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.
24. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
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 alcoholic beverages.

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. No display of alcoholic beverages shall be made from an ice tub.
30. 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.
31. The licensed premises shall have no coin operated amusements, such as pool tables, juke boxes, video games, small carousel rides or similar riding machines, with the exception of official State Lottery machines.
32. The beer in containers of 16 ounces or less shall not be sold by single container, but must be sold in manufacturer pre-packaged multi-unit quantities. The permittee shall post signs on the coolers and cashier station stating the selling of single containers of beer is prohibited.
33. There shall be no wine, with the exception of wine coolers, sold in containers of less than 750 milliliters. No miniatures of any type may be sold. Wine coolers shall not be sold in less than four-pack quantities.

PROJECT SITE SPECIFIC CONDITIONS

34. 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. All exterior lighting shall be in compliance with the Rural Outdoor Lighting District standards.
35. Within 60 days of final approval, the permittee shall submit to the Director **four (4) copies** of updated plans depicting a shelf space of no more than five percent of total shelf space dedicated to the display and sale of alcoholic beverages.