

Regional Planning Commission Transmittal Checklist

Hearing Date
02/19/14
Agenda Item No.
7

Project Number: R2013-03079-(4)
Case(s): Conditional Use Permit Case No. 201300162
Variance Case No. 201300005
Planner: Steve Mar

- Project Summary
- Property Location Map
- Staff Analysis
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use/Zoning Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans
- ABC B&P Worksheet
- Sheriff's Department letter

Rowland Heights Community Coordinating Council E-mail

Reviewed By: *Anna Bonjorno*



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

PROJECT NUMBER

R2013-03079-(4)

HEARING DATE

February 19, 2014

REQUESTED ENTITLEMENTS

Conditional Use Permit No. 201300162

Variance No. 201300005

PROJECT SUMMARY

OWNER / APPLICANT

JTNA Enterprises LLC / Min Hong

MAP/EXHIBIT DATE

2013

PROJECT OVERVIEW

The applicant is requesting a conditional use permit (CUP) for the sale of full line alcohol for off-site consumption (Type 21) at a new 764 sq. ft. liquor store (Bootlegger Liquor) in an existing shopping center containing 396 parking spaces on a 5.5 acre lot in the C-1 (Restricted Business) zone in the Puente Zoned District pursuant to Los Angeles County Code Sections 22.28.120 and 22.56.195. A Variance is also included in the request to allow the store to exceed the five percent display limit of total shelf space devoted to alcoholic beverages as required when an establishment is located within a 500 ft. radius of any other facility selling alcoholic beverages. The applicant currently operates a liquor store at a shopping center located approximately 700 ft. from the proposed storefront location and is relocating the business to the project site.

LOCATION

18351 Colima Rd., Unit B, Rowland Heights

ACCESS

via Colima Rd. and Fullerton Rd.

ASSESSORS PARCEL NUMBER(S)

8270-005-043

SITE AREA

5.5 Acres (site), 764 sq. ft (store)

GENERAL PLAN / LOCAL PLAN

Rowland Heights Community Plan

ZONED DISTRICT

Puente Zoned District

LAND USE DESIGNATION

C - Commercial

ZONE

C-1 (Restricted Business)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

Rowland Heights CSD

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption – Existing Facilities

KEY ISSUES

- Consistency with the Rowland Heights Community Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
 - 22.56.195 (Alcoholic Beverage Sales Burden of Proof Requirements)
 - 22.44.132 (Rowland Heights CSD requirements)
 - 22.28.120 (C-1 Zone Development Standards)

CASE PLANNER:

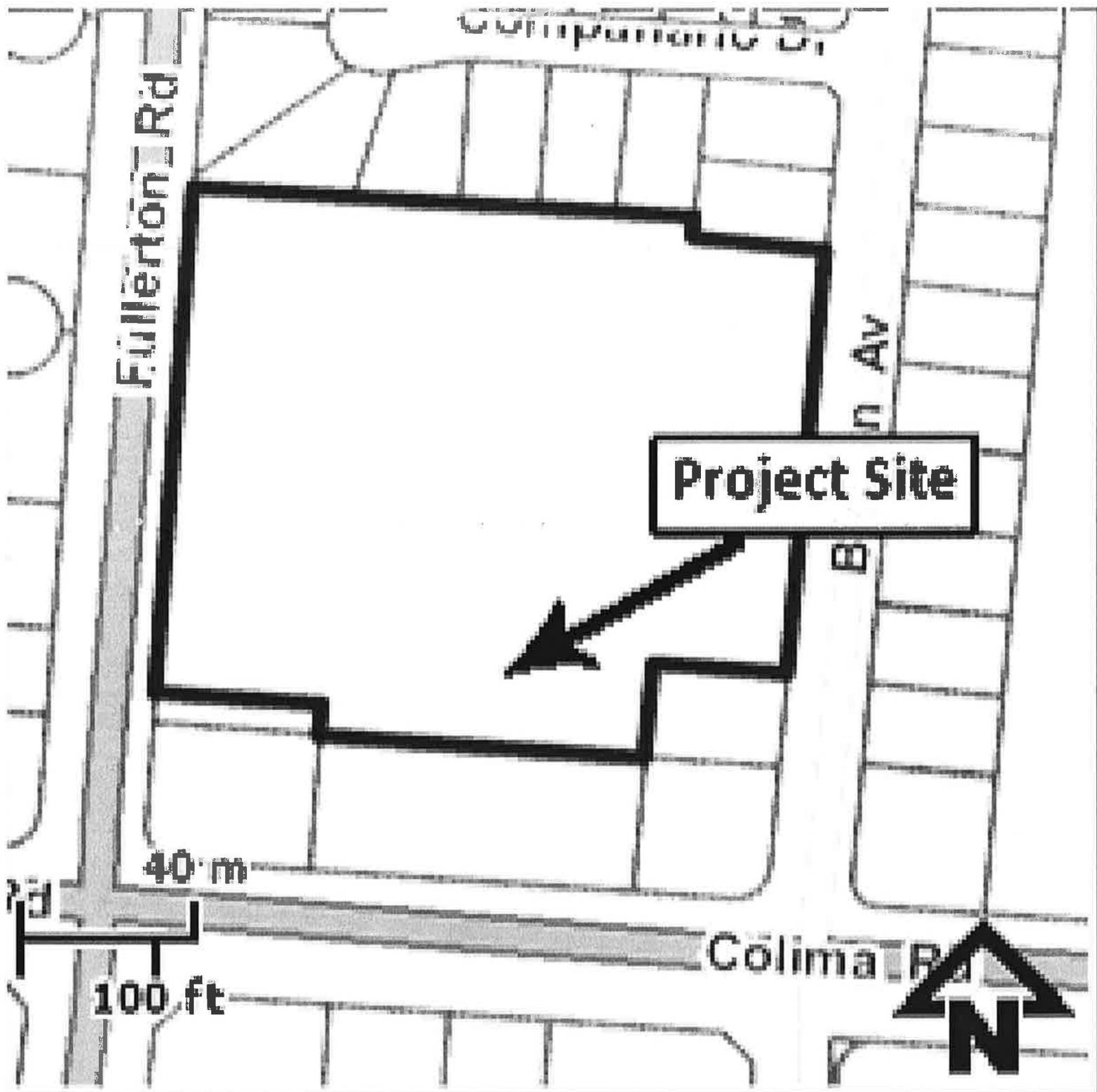
Steve Mar

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ENTITLEMENTS REQUESTED

- Conditional Use Permit (CUP) for the sale of full line alcohol for off-site consumption (Type 21) at a new liquor store in the C-1 (Restricted Business) Zone pursuant to County Code Section 22.28.120.
- The applicant is requesting a Variance pursuant to Chapter 22.56, Part 2 of Title 22 of the Los Angeles County ("County") Zoning Code ("Zoning Code") to exceed the five percent display limit of total shelf space devoted to alcoholic beverages as required when an establishment is located within a 500 ft. radius of any other facility selling alcoholic beverages as set forth in Section 22.56.195 of the Zoning Code.

PROJECT DESCRIPTION

The applicant is requesting a conditional use permit (CUP) for the sale of full line alcohol for off-site consumption (Type 21) at a new 764 sq. ft. liquor store (Bootlegger Liquor) in an existing shopping center containing 396 parking spaces on a 5.5 acre lot in the C-1 (Restricted Business) zone in the Puente Zoned District pursuant to Los Angeles County Code Sections 22.28.120 and 22.56.195. A Variance is also included in the request to allow the store to exceed the five percent display limit of total shelf space devoted to alcoholic beverages as required when an establishment is located within a 500 ft. radius of any other facility selling alcoholic beverages. The applicant is proposing 49.4% of the shelf space be devoted to alcoholic beverages. The applicant currently operates a liquor store at a shopping center located approximately 700 ft. from the proposed storefront location and is relocating the business to the project site.

EXISTING ZONING

The subject property is zoned C-1 (Restricted Business) and P-R (Parking Restricted).

Surrounding properties are zoned as follows:

- North: A-1-6000 (Light Agricultural – 6,000 sq. ft. Minimum Required Area)
- South: C-2-BE (Neighborhood Commercial – Billboard Exclusion)
- East: A-1-6000 (Light Agricultural – 6,000 sq. ft. Minimum Required Area)
- West: C-1 (Restricted Business), A-1-6000 (Light Agricultural – 6,000 sq. ft. Minimum Required Area)

EXISTING LAND USES

The subject property is developed with a multi-tenant shopping center.

Surrounding properties are developed as follows:

- North: Single-family Residences
- South: Retail, Office, Multi-family Residences
- East: Single-family Residences, Shopping Center
- West: Retail, Office, Single-family Residences

PREVIOUS CASES/ZONING HISTORY

The Zoning History of this parcel is as follows: A1-10000 (5/25/48), C-1 (7/13/62).

Over 40 Regional Planning land use permits are listed on the subject property for various tenant improvements, alcoholic beverage sales, and business license referrals.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The project will be located in an existing tenant space at an existing shopping center. Therefore, staff recommends that the Regional Planning Commission determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the C - Commercial land use category of the Rowland Heights Community Plan. This designation is intended for retail, commercial, service and office uses. The proposed liquor store is consistent with the permitted uses of the underlying land use category.

The following policies of the General Plan are applicable to the proposed project:

- *Maintain and conserve sound existing development.*
- *Maintain and reinforce the multifocused pattern of regional linear activity.*
The project will be located in an existing tenant space in an existing shopping center and will enhance the current economic activity along Colima Road and Fullerton Road.
- *Encourage the retention of jobs and investments in older urban areas and prevent losses to other counties, regions, and states.*
The applicant's intent for opening a new liquor store at the proposed location is to replace another liquor store, located about one block away from the project site, that the applicant is closing. The new store will retain the former store's products, jobs, and customer base and will contribute a similar economic benefit to the community.

The following policies of the Rowland Heights Community Plan are applicable to the proposed project:

- *Provide a minimum of ten feet of landscaping along the street frontage of commercial areas.*
- *Limit signs to one for each street frontage of a shopping center listing all businesses. The sign should reflect the architectural style of the center.*
- *New commercial uses shall be sensitive to neighboring uses.*
The project will be located in an existing shopping center and provides existing landscaping and signage that adheres to these land use policies. The new liquor store will be conditioned so that it will not be a nuisance to neighboring uses.

Zoning Ordinance and Development Standards Compliance

Pursuant to Section 22.28.120 of the County Code, establishments in the C-1 Zone are subject to the following development standards:

- Landscaping
- Parking

- Height
- Outside Display
- Outside Storage

The project meets all of these development standards as established in the C-1 Zone.

Pursuant to Section 22.44.132 of the County Code, establishments in the Rowland Heights Community Standards District (CSD) are subject to the following development standards:

- Signs
- Setbacks
- Landscaping
- Buffers
- Lot Coverage

The project meets all development standards as established in the Rowland Heights CSD.

Neighborhood Impact/Land Use Compatibility

The sale of alcoholic beverages at a liquor store on the subject property is compatible with the surrounding neighborhood and provides a needed service to the community. Alcoholic beverage sales is allowed in the C-1 zone with a CUP. The applicant currently operates a liquor store at a shopping center located approximately 700 ft. from the proposed storefront location and is relocating the business to the project site. Currently, there are seventeen other establishments within a 500-ft. radius of the subject property that sell alcohol. These establishments include thirteen Type 41 and Type 21 licenses for on-site sales at restaurants, and four Type 21 and Type 20 licenses for off-site sales at three supermarkets and one drug store. Although this constitutes an undue concentration under County code, the sale of full line alcohol for off-site consumption would serve as a public convenience and necessity to the surrounding community by providing products and services that are consistent with what the store currently sells at its current location and would also be consistent with products and services that other markets in the area provide. The granting of this CUP will not increase the concentration of establishments selling alcoholic beverages because the applicant is moving an existing business to a new location a block away. The store is allowed to go over the maximum five percent of total shelf space devoted to alcoholic beverages with a variance. The subject property is currently not located within 600 ft. of any sensitive uses.

The applicant carries the Burden of Proof to substantiate all facts as follows:

- A. That the requested use at the location proposed 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.

The project will be located in an established shopping center with adequate walls and fencing to act as a buffer to surrounding neighborhoods.

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

The project will be located in an existing retail site that meets all development features as prescribed in Title 22.

- 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 project will be located in an existing retail site that is adequately served by such public services and facilities.

Additionally, the applicant carries the Burden of Proof to substantiate all facts as related to Alcoholic Beverage Sales as follows:

- 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 is no such sensitive use located within a 600 ft. radius of the project site.

- 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 proposed project will be located within an established retail center and is buffered from any nearby residential areas by CMU walls, other commercial sites, and major arterial streets.

- 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 other establishments within 500 ft. of the project site that sell alcoholic beverages. The applicant is moving an existing liquor store to a new location a block away and will not increase the existing concentration of establishments selling alcoholic beverages in the area. Allowing the existing business to operate at its new location will provide a public convenience to existing and new customers of the store. The project is concurrently applying for a variance to allow the store to go over the five percent maximum alcohol shelf space.

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

The project is expected to enhance the economic welfare of the surrounding community by providing new goods and services.

- 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 project will be located within an existing shopping center and is not proposing any new exterior improvements.

Additionally, the applicant carries the Burden of Proof to substantiate all facts as related to the Variance as follows:

A. That there are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification.

The project is not requesting a variance due to any physical characteristics of the property or due to any physical development standards under code. The existing shopping center and tenant spaces meet current development standards. The project is applying for a variance to allow the store to increase its alcohol shelf space above the maximum five percent maximum alcohol shelf space required in an area that has an undue concentration of establishments selling alcohol.

B. That such variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone.

The proposed variance is necessary to allow the store to increase its alcohol shelf space above the five percent maximum alcohol shelf space required in an area that has an of establishments selling alcohol. The applicant currently operates a liquor store at a shopping center located approximately 700 ft. from the proposed storefront location and is relocating the business to the project site. As the sale of alcoholic beverages is the store's current primary source of income, the variance is essential for the store to continue its business success in the community.

C. That the granting of the variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone.

The applicant is an experienced liquor store owner who has been operating their current liquor store business located approximately 700 ft. from the proposed site for over two decades. The project will abide to all conditions of the CUP so that the granting of the variance will not be materially detrimental to the community.

Burden of Proof

The applicant is required to substantiate all facts identified by Section(s) 22.56.040, 22.56.195, and 22.56.290 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Sheriff's Department

The County of Los Angeles Sheriff's Department's Walnut/Diamond Bar Station researched the crimes database for the subject property and found only a few calls for service at the project site. According to the Sheriff's report, the calls for service have all been routine in nature. The Sheriff's Department had no issues with granting a conditional use permit to authorize the sale of alcoholic beverages for off-site consumption at the project site and recommends that surveillance cameras be installed and monitored and that the project site's parking lot be properly illuminated to prevent robberies and on-site alcohol consumption.

OTHER AGENCY COMMENTS AND RECOMMENDATIONS

California Department of Alcoholic Beverage Control

Statistical data from the California Department of Alcoholic Beverage Control (ABC) report that the site of the subject request is located in a high crime reporting district, defined by having a 20 percent greater number of reported crimes than the average number of reported crimes in the Reporting District. The subject property is in Reporting District 2931. The average number of offenses reported is 90.9 and the actual number of crimes reported for District 2931 is 50,259.

The subject property lies within Census Tract 4082.11. There are currently 18 existing alcohol licenses in this census tract and 3 licenses are allowed. Therefore an undue concentration of alcoholic beverage licenses will exist within Census Tract 4082.11 if the project is approved. Although this would constitute an undue concentration, the sale of alcoholic beverages for off-site consumption would serve as a public convenience and necessity to the surrounding community by providing products and services that are consistent with what the store currently sells at its current location and would also be consistent with the products and services provided by other markets in the area.

Rowland Heights Community Coordinating Council

The Rowland Heights Community Coordinating Council has reviewed the application and had no objections to the granting of the Conditional Use Permit and Variance.

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.

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 Regional Planning 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 Number R2013-03079-(4), Conditional Use Permit Number 201300162, and Variance Number 201300005 subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING, FIND THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA AND APPROVE CONDITIONAL USE PERMIT NUMBER 201300162 AND VARIANCE NUMBER 201300005 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

PROJECT NO. R2013-03079-(4)
CONDITIONAL USE PERMIT NO. 201300162
VARIANCE NO. 201300005

STAFF ANALYSIS
PAGE 7 OF 7

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

Attachments:

Draft Findings, Draft Conditions of Approval
Applicant's Burden of Proof statement
Correspondence
Site Plan, Land Use Map

MM:SM
2/19/14

**[DRAFT] FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. R2013-03079-(4)
CONDITIONAL USE PERMIT NO. 201300162
VARIANCE NO. 201300005**

1. **ENTITLEMENTS REQUESTED.** The applicant, Min Hong, is requesting a Conditional Use Permit (CUP) and a Variance to authorize the sale of full line alcohol for off-site consumption and to exceed the five percent display limit of total shelf space devoted to alcoholic beverages at a new liquor store pursuant to County Code Sections 22.28.120 and 22.56.195 in the C-1 (Restricted Business) Zone.
2. **HEARING DATE.** February 19, 2014
3. **PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION.**
4. **PROJECT DESCRIPTION.** The applicant is requesting a conditional use permit (CUP) for the sale of full line alcohol for off-site consumption (Type 21) at a new 764 sq. ft. liquor store (Bootlegger Liquor) in an existing shopping center containing 396 parking spaces on a 5.5 acre lot in the C-1 (Restricted Business) zone in the Puente Zoned District pursuant to Los Angeles County Code Sections 22.28.120 and 22.56.195. A Variance is also included in the request to allow the store to exceed the five percent display limit of total shelf space devoted to alcoholic beverages as required when an establishment is located within a 500 ft. radius of any other facility selling alcoholic beverages. The applicant is proposing 49.4% of the shelf space be devoted to alcoholic beverages. The applicant currently operates a liquor store at a shopping center located approximately 700 ft. from the proposed storefront location and is relocating the business to the project site.
5. **LOCATION.** The subject property is located at 18305 Colima Rd., Unit B in the unincorporated community of Rowland Heights and in the Puente Zoned District.
6. **EXISTING ZONING.** The subject property is zoned C-1 (Restricted Business) and P-R (Parking Restricted).
The existing zoning for the surrounding properties are as follows:
North: A-1-6000 (Light Agricultural – 6,000 sq. ft. Minimum Required Area)
South: C-2-BE (Neighborhood Commercial – Billboard Exclusion)
East: A-1-6000 (Light Agricultural – 6,000 sq. ft. Minimum Required Area)
West: C-1 (Restricted Business), A-1-6000 (Light Agricultural – 6,000 sq. ft. Minimum Required Area)
7. **EXISTING LAND USES.** The subject property is developed with a multi-tenant shopping center. The existing land use for the surrounding properties are as follows:
North: Single-family Residences
South: Retail, Office, Multi-family Residences
East: Single-family Residences, Shopping Center
West: Retail, Office, Single-family Residences
8. **PREVIOUS CASES/ZONING HISTORY.** The Zoning History of this parcel is as follows:
A1-10000 (5/25/48), C-1 (7/13/62).

Over 40 Regional Planning land use permits are listed on the subject property for various tenant improvements, alcoholic beverage sales, and business license referrals.

9. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the C - Commercial land use category of the Rowland Heights Community Plan. This designation is intended for retail, commercial, service and office uses. The proposed liquor store is consistent with the permitted uses of the underlying land use category.

The following policies of the General Plan are applicable to the proposed project:

- *Maintain and conserve sound existing development.*
- *Maintain and reinforce the multifocused pattern of regional linear activity.*
The project will be located in an existing tenant space in an existing shopping center and will enhance the current economic activity along Colima Road and Fullerton Road.
- *Encourage the retention of jobs and investments in older urban areas and prevent losses to other counties, regions, and states.*

The applicant's intent for opening a new liquor store at the proposed location is to replace another liquor store, located about one block away from the project site, that the applicant is closing. The new store will retain the former store's products, jobs, and customer base and will contribute a similar economic benefit to the community.

The following policies of the Rowland Heights Community Plan are applicable to the proposed project:

- *Provide a minimum of ten feet of landscaping along the street frontage of commercial areas*
- *Limit signs to one for each street frontage of a shopping center listing all businesses. The sign should reflect the architectural style of the center.*
- *New commercial uses shall be sensitive to neighboring uses.*

The project will be located in an existing shopping center and provides existing landscaping and signage that adheres to these land use policies. The new liquor store will be conditioned so that it will not be a nuisance to neighboring uses.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** Pursuant to Section 22.28.120 of the County Code, establishments in the C-1 Zone are subject to the following development standards:

- Landscaping
- Parking
- Height
- Outside Display
- Outside Storage

The project meets all of these development standards as established in the C-1 Zone.

Pursuant to Section 22.44.132 of the County Code, establishments in the Rowland Heights Community Standards District (CSD) are subject to the following development standards:

- Signs
- Setbacks
- Landscaping
- Buffers
- Lot Coverage

The project meets all development standards as established in the Rowland Heights CSD.

11. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The sale of alcoholic beverages at a liquor store on the subject property is compatible with the surrounding neighborhood and provides a needed service to the community. Alcoholic beverage sales is allowed in the C-1 zone with a CUP. The applicant currently operates a liquor store at a shopping center located approximately 700 ft. from the proposed storefront location and is relocating the business to the project site. Currently, there are seventeen other establishments within a 500-ft. radius of the subject property that sell alcohol. These establishments include thirteen Type 41 and Type 21 licenses for on-site sales at restaurants, and four Type 21 and Type 20 licenses for off-site sales at three supermarkets and one drug store. Although this constitutes an undue concentration under County code, the sale full line alcohol for off-site consumption would serve as a public convenience and necessity to the surrounding community by providing products and services that are consistent with what the store currently sells at its current location and would also be consistent with products and services that other markets in the area provide. The granting of this CUP will not increase the concentration of establishments selling alcoholic beverages because the applicant is moving an existing business to a new location a block away. The store is allowed to go over the maximum five percent of total shelf space devoted to alcoholic beverages with a variance. The subject property is currently not located within 600 ft. of any sensitive uses.

12. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.**

Sheriff's Department

The County of Los Angeles Sheriff's Department's Walnut/Diamond Bar Station researched the crimes database for the subject property and found only a few calls for service at the project site. According to the Sheriff's report, the calls for service have all been routine in nature. The Sheriff's Department had no issues with granting a conditional use permit to authorize the sale of alcoholic beverages for off-site consumption at the project site and recommends that surveillance cameras be installed and monitored and that the project site's parking lot be properly illuminated to prevent robberies and on-site alcohol consumption.

13. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.**

California Department of Alcoholic Beverage Control

Statistical data from the California Department of Alcoholic Beverage Control (ABC) report that the site of the subject request is located in a high crime reporting district, defined by having a 20 percent greater number of reported crimes than the average number of reported crimes in the Reporting District. The subject property is in Reporting District

2931. The average number of offenses reported is 90.9 and the actual number of crimes reported for District 2931 is 50,259.

The subject property lies within Census Tract 4082.11. There are currently 18 existing alcohol licenses in this census tract and 3 licenses are allowed. Therefore an undue concentration of alcoholic beverage licenses will exist within Census Tract 4082.11 if the project is approved. Although this would constitute an undue concentration, the sale of alcoholic beverages for off-site consumption would serve as a public convenience and necessity to the surrounding community by providing products and services that are consistent with what the store currently sells at its current location and would also be consistent with the products and services provided by other markets in the area.

Rowland Heights Community Coordinating Council

The Rowland Heights Community Coordinating Council has reviewed the application and had no objections to the granting of the Conditional Use Permit and Variance.

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 has not received any public comments.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

16. The project will be located in an established shopping center with adequate walls and fencing to act as a buffer to surrounding neighborhoods.

Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

17. The project will be located in an existing retail site that meets all development features as prescribed in Title 22.

Therefore, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area.

18. The project will be located in an existing retail site that is adequately served by such public services and facilities.

Therefore, the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

19. There are no sensitive uses located within a 600 ft. radius of the project site.

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

20. The proposed project will be located within an established retail center and is buffered from any nearby residential areas by CMU walls, other commercial sites, and major arterial streets.

Therefore, the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

21. There are other establishments within 500 ft. of the project site that sell alcoholic beverages. The applicant is moving an existing liquor store to a new location a block away and will not increase the existing concentration of establishments selling alcoholic beverages in the area. Allowing the existing business to operate at its new location will provide a public convenience to existing and new customers of the store. The project is concurrently applying for a variance to allow the store to go over the five percent maximum alcohol shelf space.

Therefore, the requested use at the proposed location will not result in an undue concentration of similar premises; 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.

22. The project is expected to enhance the economic welfare of the surrounding community by providing new goods and services.

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

23. The project will be located within an existing shopping center and is not proposing any new exterior improvements.

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 said neighborhood.

VARIANCE SPECIFIC FINDINGS

24. The project is not requesting a variance due to any physical characteristics of the property or due to any physical development standards under code. The existing shopping center and tenant spaces meet current development standards. The project is applying for a variance to allow the store to increase its alcohol shelf space above the maximum five percent maximum alcohol shelf space required in an area that has an undue concentration of establishments selling alcohol.

Therefore, there are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location or surroundings, which are not

generally applicable to other properties in the same vicinity and under identical zoning classification.

25. The proposed variance is necessary to allow the store to increase its alcohol shelf space above the five percent maximum alcohol shelf space required in an area that has an undue concentration of establishments selling alcohol. The applicant currently operates a liquor store at a shopping center located approximately 700 ft. from the proposed storefront location and is relocating the business to the project site. As the sale of alcoholic beverages is the store's current primary source of income, the variance is essential for the store to continue its business success in the community.

Therefore, such variance is necessary for the preservation of a local business such as possessed by owners of other property in the same vicinity and zone.

26. The applicant is an experienced liquor store owner who has been operating their current liquor store business located approximately 700 ft. from the proposed site for over two decades. The project will abide to all conditions of the CUP so that the granting of the variance will not be materially detrimental to the community.

Therefore, the granting of the variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone.

ENVIRONMENTAL DETERMINATION

27. The project will be located in an existing tenant space at an existing shopping center and proposes only minor tenant improvements.
28. 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.
29. **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 determines that it is necessary to limit the term of the grant to fifteen (15) years.
30. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Regional Planning 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 East Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

WITH RESPECT TO THE CONDITIONAL USE PERMIT

- 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. The requested use at the proposed location will result in an undue concentration of similar premises, as there are currently on-site and off-site licenses within the 500' radius. The planning agency finds 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. The proposed application is a relocation of an existing business located approximately 700 ft. from the proposed site; and
- H. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community; and
- I. 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.

WITH RESPECT TO THE VARIANCE

- A. That there are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification; and
- B. That such variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone; and
- C. That the granting of the variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Conditional Use Permit and a Variance as set forth in Section 22.56.090 and 22.56.330 of the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

1. The Regional Planning Commission has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201300162 and Variance No. 201300005 is Approved subject to the attached conditions.

VOTE:

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date: February 19, 2014

MM/SM
2/19/14

c: Zoning Enforcement, Building and Safety

**[DRAFT] CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2013-03079-(4)
CONDITIONAL USE PERMIT NO. 201300162
VARIANCE NO. 201300005**

PROJECT DESCRIPTION

The project is a Conditional Use Permit for the sale of full line alcohol for off-site consumption at a new liquor store and a Variance to exceed the five percent display limit of total shelf space devoted to alcoholic beverages 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 reasonably 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 reasonably 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 February 19, 2029.** 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 and Variance 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 \$1,600.00. 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 eight (8) biennial (one every other year) inspections. Inspections shall be unannounced.

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

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director.
14. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings

shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
17. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) 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)

The sale of full line alcohol for off-site consumption at the subject store is subject to the following conditions:

18. The conditions of this grant shall be retained on the premises at all times and shall be made available upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein;
19. 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;
20. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request;
21. 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. No self-illuminating advertising for alcoholic beverages shall be located on the exterior of buildings or windows;

22. Temporary window signs shall not exceed 25 percent of the area of any single window or adjoining windows on the same frontage;
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, or similar public service area. Such telephone numbers shall be visible by and available to the general public;
25. 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. Employees shall be instructed to enforce such restrictions and to call local law enforcement as necessary;
26. No sale of alcoholic beverages shall be made from a drive-in window;
27. Any conditions on hours of alcohol sale should be consistent with store operating hours. Alcohol sales shall be prohibited between 2:00 a.m. to 6:00 a.m., seven days a week, consistent with California state law;
28. No display of alcoholic beverages shall be made from an ice tub;
29. 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;
30. 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;
31. Employees on duty after 10:00 pm shall be at least 21 years of age;
32. Beer in containers of 16 fluid ounces (pint) 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;
34. No alcoholic beverages shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler;

35. The permittee shall provide adequate lighting above all entrances and exits to the premises;
36. All lighting required by this grant shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons within lighted areas during operating hours and shall be designed so as to direct light and glare only onto the facility premises. Said lighting and glare shall be deflected, shaded and focused away from all adjoining properties;
37. All litter and trash shall be collected regularly from the premises and the adjacent right-of-way;
38. The permittee shall install and maintain a recorded surveillance system with a 24-hour monitoring device. Cameras shall be subject to periodic inspection by local law enforcement.

PROJECT SITE SPECIFIC CONDITIONS

39. The shelf space devoted to the display of alcoholic beverages shall not exceed 49.4% of the store's total shelf space as depicted on the shelf plan.



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.)

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.

Bootlegger is already a member of the community for many years. It has proven that has not and will continue to not be an adverse element to the surrounding area

THE NEW LOCATION IS WITHIN AN ESTABLISHED LOCATION AND SHOPPING CENTER WITH ADEQUATE FENCING TO ACT AS BUFFER TO SURROUNDING NEIGHBORHOODS.

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.

Bootlegger will be occupying an already existing retail site so all of the above concerns are addressed by the previous use

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.

it will be part of a larger retail center with proven attributes that address the above issues.

once again, since the business is simply moving across the street, the proposed use will continue to within an already existing retail center. the items above have been already proven within this site



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

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

ABC License Type No(s): 21 (e.g. Type 20, Type 41)

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

AS A BUSINESS THAT HAS ALREADY OPERATED WITHIN THE AREA (THIS BUSINESS WAS IN A PREVIOUS SITE ACROSS THE STREET) IT HAS ALREADY DEMONSTRATED THAT IT WILL NOT ADVERSELY AFFECT ANY OF THE ABOVE LOCATIONS

BOOTLEGGING WILL CONTINUE IN THIS DIRECTION IN THE NEW LOCATION

NO SENSITIVE USES WITHIN PROJECT SITE

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 NEW SITE AND USE IS WITHIN AN ALREADY ESTABLISHED RETAIL CENTER. The residents surrounding this center are well accustomed to these activities. the new use is well matched to this center. THE NEW LOCATION IS WITHIN ESTABLISHED RETAIL CENTER AND IS SURROUNDED BY CMU WALLS, OTHER RETAIL SITES, AND 3 SURROUNDING STREETS.

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.

The requested use will not result in an undue concentration of similar premises. THERE ARE WITHIN 500' OTHER SITES THAT SELL ALCOHOL, BEVS, THE VARIANCE IS TO ALLOW THE STORE TO GO OVER THE 5% MAX ALCOHOL SHELF SPACE.

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

The requested use will ENHANCE the economic welfare of the community

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.

NO NEW CONSTRUCTION. ALL EXISTING AND ALREADY APPROVED STOREFRONT TO REMAIN



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



VARIANCE BURDEN OF PROOF

In addition to the information required on the application by Chapter 22.56, Part 2, the applicant for a variance shall substantiate to the satisfaction of the Director the following facts:

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

A. That there are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification; and

No. This is a longstanding shopping center of the community and is within the guidelines of the GENERAL PLAN of the neighborhood. There are no topographical, environmental, archeological or historical issues.

Please also note that this proposed project does NOT involve any new construction

B. That such variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone; and

The proposed use of a liquor store is already an accepted use of the community as this business is simply MOVING from across the street and with less than 1/4 mile.

As BOOTLEGGER's primary source of income is the sale of alcoholic beverages, this variance is essential to their continued success in the community

the variance is necessary to allow the store to increase its alcohol shelf space above the 5% maximum alcohol shelf space required in an area that has an undue concentration of establishments selling alcohol.

C. That the granting of the variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone.

Again, the business has been in existence for over 10 years already. It has a proven record of NOT BEING A DETRIMENT TO THE COMMUNITY.

In fact, the business has enjoyed the loyalty of the neighborhood for many years and is viewed by the community as a staple.

23958.4 B & P APPLICATION WORK SHEET

PREMISES ADDRESS:

18305 Colima Rd B
Rowland Heights 91748-2762 (cont)

LICENSE TYPE: 21

FAXED
11/21/13
12/2/13

679-B5
Walnut SS

1. CRIME REPORTING DISTRICT

Jurisdiction unable to provide statistical data.

Reporting District: 2931

Total number of reporting districts: 553

Total number of offenses: 59,259

Average number of offenses per district: 90.9

120% of average number of offenses: 109.1

Total offenses in district: 301

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

2. CENSUS TRACT / UNDUE CONCENTRATION

Census Tract: 4082.11

Population: 51,947 / County Ratio 1: 1,528

Number of licenses allowed: 3

Number of existing licenses: 18

Undue concentration exists: Yes/No

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

Three time publication required: Yes/No

11/21/13
Person Taking Application

Investigator

Supervisor

Over



County of Los Angeles
Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



Berry D. Tisco, Sheriff

Subject: Conditional Use Permit (CUP) Consultation for Sale of Alcohol
Project No.: R2013-03079-(4)
Permit No.: CUP201300162
Establishment: Bootlegger Liquor
Location: 18305 Colima Road, Unit B, Rowland Heights (proposed location)
Description: The applicant is requesting a conditional use permit (CUP) for the sale of full line alcohol for off-site consumption (Type 21) at a new 764 sq. ft. liquor store (Bootlegger Liquor) in an existing shopping center on a 5.5 acre lot in the C-1 (Restricted Business) zone in the Puente Zoned District pursuant to Los Angeles County Code Sections 22.28.120 and 22.56.195. A Variance is also included in the request to allow the store to exceed the five percent display limit of total shelf space devoted to alcoholic beverages as required when an establishment is located within a 500 ft. radius of any other facility selling alcoholic beverages.

(1) Summary of service calls and crime history for the project site over the last five years:

Please provide a summary of service calls and crime history for the project site over the last five years. Provide the total number of service calls, and summarize the types of calls (violent crimes by type, property crimes by type, other activities, etc.). When providing a CFS (Call for Service)/Incident Event report, please provide a redacted version. (These documents are kept in our case files and are subject to public records act requests.)

There have been only a few calls for service at 18305 Colima Road. Attached is the calls for service.

(2) Comments/recommended conditions:

Please provide any comments or recommend conditions of approval you feel are necessary to maintain public safety at the project site.

All calls for service have been routine in nature. This establishment has not been a problem. Since the location is converting to a Liquor store. We feel that surveillance camera's should be installed and monitored. The parking lot should be properly illuminated to prevent robberies and on-site alcohol consumption.

(3) Overall recommendation (please check one):

- Sheriff recommends approval of this CUP.
- Sheriff does **NOT** recommend approval of this CUP.

LEROY D. BACA, SHERIFF

Jeffrey L. Scroggin, Captain
Walnut/Diamond Bar Station

A Tradition of Service Since 1850

Steven Mar

From: Ted Ebenkamp [REDACTED]
Sent: Tuesday, January 14, 2014 9:53 AM
To: Steven Mar
Cc: Dick Simmons
Subject: FW: Bootlegger Liquor store project - 19037 Colima Rd.

Steve,

I was able to talk with a majority of our RHCCC board last evening and none of them object to the moving of Bootleg Liquor to its new location. Therefore the RHCCC will NOT be opposing this move.

Ted Ebenkamp