

# Hearing Officer Transmittal Checklist

Hearing Date  
06/16/2015  
Agenda Item No.  
7

Project Number: R2014-01487-(5)  
Case(s): Conditional Use Permit Case No. 201400059  
Planner: Michele Bush

- 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

Reviewed By: 



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

**PROJECT NUMBER**

R2014-01487-(5)

**HEARING DATE**

06/16/2015

**REQUESTED ENTITLEMENTS**

Conditional Use Permit No. 201400059

**PROJECT SUMMARY**

**OWNER / APPLICANT**

John and Peggy Kirmis Trust & Nick and Angie Floutsis Trust  
 / Cost Plus, Inc.

**MAP/EXHIBIT DATE**

05/07/2014

**PROJECT OVERVIEW**

The project is a request for a Conditional Use Permit to authorize the sale of a full line of alcohol for off-site consumption (Type 21 Off Sale General) and on-site instructional tasting (Type 86 Instructional Tasting) at an existing Cost Plus World Market.

**LOCATION**

3655 E. Colorado Blvd., Unincorporated East Pasadena-  
 East San Gabriel

**ACCESS**

Beacon Place via two driveways

**ASSESSORS PARCEL NUMBER(S)**

5755-002-032

**SITE AREA**

0.84 Acre

**GENERAL PLAN / LOCAL PLAN**

Countywide Land Use Policy

**ZONED DISTRICT**

East Pasadena

**LAND USE DESIGNATION**

C (Major Commercial)

**ZONE**

M-1½ (Restricted Heavy Manufacturing) and  
 C-3 (Unlimited Commercial)

**PROPOSED UNITS**

N/A

**MAX DENSITY/UNITS**

N/A

**COMMUNITY STANDARDS DISTRICT**

East Pasadena-San Gabriel CSD

**ENVIRONMENTAL DETERMINATION (CEQA)**

Class 1 Categorical Exemption – Existing Facilities

**KEY ISSUES**

- 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 Beverages Sales Burden of Proof Requirements)

**CASE PLANNER:**

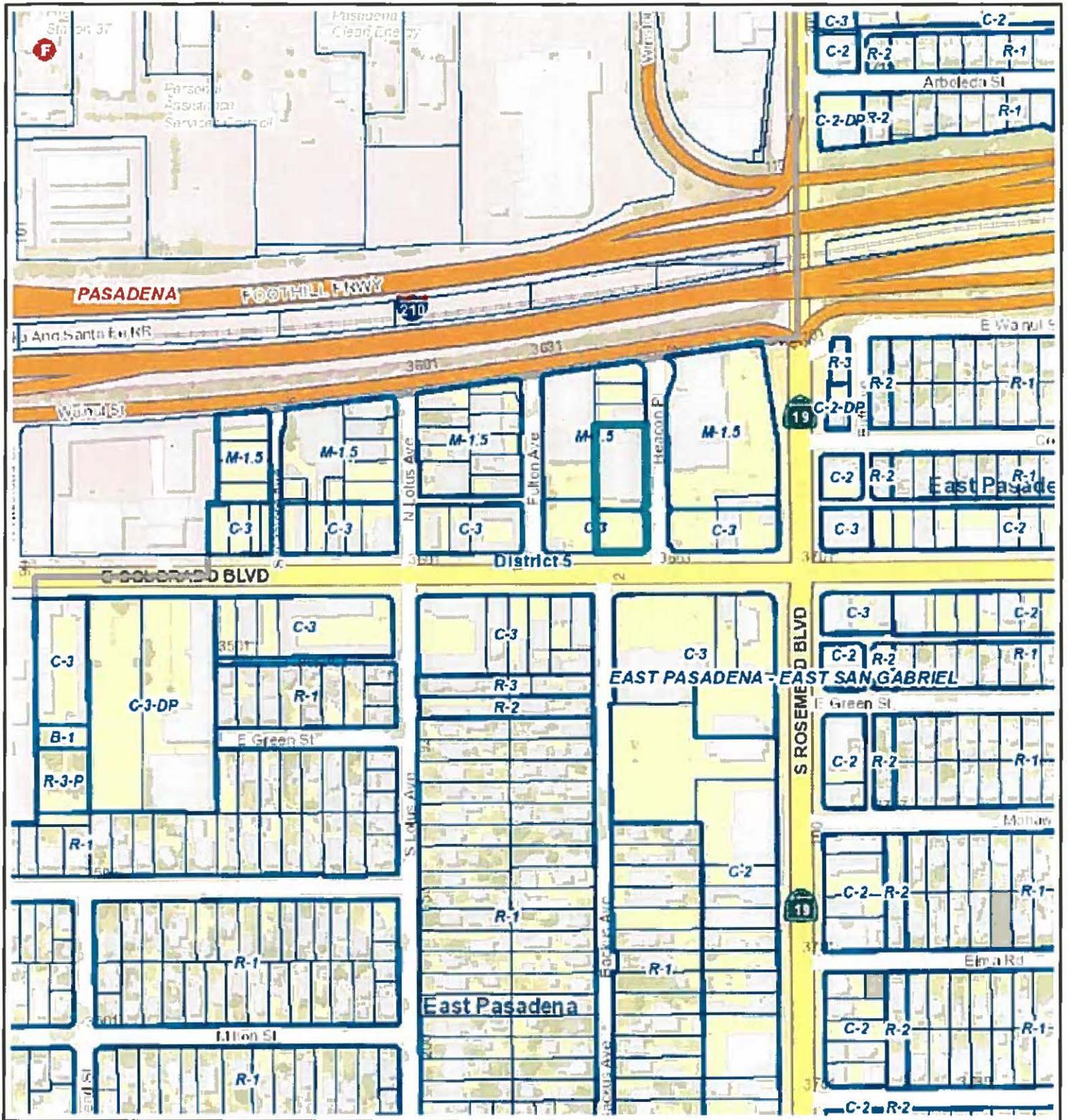
Michele Bush

**PHONE NUMBER:**

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# Vicinity Map

## R2014-01487-(5)

Printed: Apr 09, 2015



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### **ENTITLEMENTS REQUESTED**

- Conditional Use Permit (CUP) for the sale of a full line of alcohol for off-site consumption (Type 21 – Off-Sale General) in the M-1½ (Restricted Heavy Manufacturing) Zone pursuant to County Code Sections 22.32.130 and 22.56.195.

### **PROJECT DESCRIPTION**

The Project is a request to authorize the change of alcohol license type from a Type 20 (Off-Sale Beer and Wine) to a Type 21 (Off-Sale General) allowing the sale of beer, wine and distilled spirits for off-site consumption at an existing Cost Plus World Market. The applicant is also requesting a Type 86 (Instructional Tasting License) from the California Department of Alcoholic Beverage Control.

### **SITE PLAN DESCRIPTION**

The site plan for the Project depicts the Project Site with the existing 18,282 square-foot retail structure, with a 51-space parking lot located at the front of the property. Two driveways are depicted along Beacon Place, along the eastern property boundary, both for ingress and egress. The site plan includes the shelf plan for the sale of beer, wine and distilled spirits for off-site consumption showing ten (10) percent reserved for such.

### **EXISTING ZONING**

The existing store and a portion of the parking lot are currently zoned M-1½. The remaining portion (front) of the parking lot is zoned C-3 (Unlimited Commercial).

Surrounding properties are zoned as follows:

North: M-1½ and C-3

South: C-3

East: M-1½ and C-3

West: M-1½ and C-3

### **EXISTING LAND USES**

The subject property is developed with an existing Cost Plus World Market.

Surrounding properties are developed as follows:

North: Auto Repair and Parking

South: Commercial and Parking

East: Commercial and Parking

West: Commercial and Parking

### **PREVIOUS CASES/ZONING HISTORY**

The subject Project Site has contained a retail store for more than 30 years. Building permits have been issued for the use. The Project Site has provided beer and wine for off-site consumption for several years, in compliance with the requirements of the California Department of Alcoholic Beverage Control. Ten (10) percent of the market's shelf space is currently devoted to the sale of alcoholic beverages. The sale of alcoholic beverages at the Project Site was approved prior to the County Code requirement for the approval of a Conditional Use Permit to allow alcohol sales, however, pursuant to

Section 22.56.195(A)(2) of the County Code, establishments that currently sell alcoholic beverages but which propose to change the type of alcoholic beverages to be sold, by changing the type of retail liquor license within a license classification, shall apply for a conditional use permit.

### ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The Project involves the sale of alcoholic beverages in an existing Cost Plus World Market. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

### STAFF EVALUATION

#### General Plan/Community Plan Consistency

The project site is located within the C (Major Commercial) land use category of the Countywide Land Use Plan. This designation allows for central business districts, regional office complexes, major shopping malls and centers, major commercial recreation facilities and a range of mixed commercial retail and service activities. Community and neighborhood-serving commercial uses can be appropriately established at locations which conveniently serve local market areas. The proposed sale of alcohol for off-site consumption will be located within an existing Cost Plus World Market, located along a commercial corridor, which provides good and services to the surrounding community and is therefore 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.*

The Project Site has contained a retail store for more than 30 years. Allowing the sale of a full line of alcoholic beverages at the existing market will enable the market to maintain and enhance the services currently provided to the surrounding community.

#### Zoning Ordinance and Development Standards Compliance

Pursuant to Section 22.32.130 of the County Code, establishments in the M-1½ Zone are permitted to sell alcoholic beverages for either on-site or off-site consumption, provided a conditional use permit has been obtained.

Pursuant to Section 22.56.195 of the County Code, establishments selling alcoholic beverages for either on-site or off-site consumption must comply with the following standards:

- 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 currently one sensitive use within a 600-foot radius of the subject property. The Sivan Temple is located*

*approximately 350 feet west of the Project Site. The temple is situated within an area surrounded by commercial and industrial uses, which buffer it sufficiently from the proposed use.*

- 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 market is located in a commercial/industrial zone. Surrounded uses are commercial or industrial. The nearest residential use is approximately 530 feet from the Project Site. Residential uses are buffered from the market by several commercial and industrial uses.*
- 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 currently four establishments selling alcohol within 500 feet of the Project Site, two with Type 20 (Off-Sale Beer and Wine) licenses (Sprouts Farmers Market and 7 Eleven Market) and two with Type 41 (On-Sale Beer and Wine) licenses (Gin Sushi Restaurant and Mongol's BBQ). While there are uses that sell alcoholic beverages for off-site consumption within 500 feet, the Cost Plus World Market is existing and will not introduce an additional facility and, therefore, not create an undue concentration of similar premises and shall continue to operate with 10 percent of the shelf space devoted to the sale of alcoholic beverages.*
- The requested use at the proposed location will not adversely affect the economic welfare of the surrounding community. *The market has been in operation at the subject location for several years. The market will continue to provide a needed and valuable service to those residing and working in the area, as well as provide additional tax dollars to the County.*
- 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. *No modifications or alterations to the existing structure are proposed as a part of this request.*

#### Burden of Proof

The applicant is required to substantiate all facts identified by Section(s) 22.56.040 and 22.56.195 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.

Neighborhood Impact/Land Use Compatibility

The subject Project Site has contained a retail store for more than 30 years. The Project Site has provided beer and wine for off-site consumption for several years, in compliance with the requirements of the California Department of Alcoholic Beverage Control. The sale of alcoholic beverages at the Project Site was approved prior to the County Code requirement for the approval of a Conditional Use Permit to allow alcohol sales. The market will continue to operate in a responsible manner avoiding any detrimental effects to other uses.

**COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

Staff received a letter from the County of Los Angeles Sheriff's Department, Temple Station, dated May 11, 2015. The letter stated a total of 17 calls for service were received over the past five years. The calls for service appear to be fairly routine in nature and do not indicate any trend or pattern of activity. The calls were broken down as follows: five alarm calls were reported, three calls for transients sleeping in front of the business, three calls for public drunkenness, one indecent exposure, one burglary, one petty theft, and three calls to check the surrounding area for suspicious persons. The Sheriff's Department concluded there is no obvious impact to law enforcement or other services provided by the Temple Sheriff's Station regarding the project site and recommended approval of the Conditional Use Permit.

**OTHER AGENCY COMMENTS AND RECOMMENDATIONS**

Based on information from the California Department of Alcoholic Beverage Control (ABC), an undue concentration of licenses exists within the Census tract. Two (2) alcohol licenses are allowed and nine (9) exist. There are currently four establishments selling alcohol within 500 feet of the Project Site, two with Type 20 (Off-Sale Beer and Wine) licenses (Sprouts Farmers Market and 7 Eleven Market) and two with Type 41 (On-Sale Beer and Wine) licenses (Gin Sushi Restaurant and Mongol's BBQ).

**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 Hearing Officer.

**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 R2014-01487-(5), Conditional Use Permit Number 201400059, subject to the attached conditions.

**I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.**

**I, THE HEARING OFFICER, APPROVE CONDITIONAL USE PERMIT NUMBER 201400059 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.**

Prepared by Michele Bush, Principal Planner, 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 Photographs, Aerial Image  
Site Plan, Land Use Map

MM:MRB  
06/16/15

**DRAFT FINDINGS OF THE HEARING OFFICER  
AND ORDER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2014-01487-(5)  
CONDITIONAL USE PERMIT NO. 201400059**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201400059 ("CUP") on June 16, 2015.
2. The permittee, Cost Plus, Inc. ("permittee"), requests the CUP to authorize the sale of a full line of alcohol for off-site consumption (Type 21 – Off Sale General) ("Project") at an existing Cost Plus World Market on a property located at 3655 E. Colorado Blvd. in the unincorporated community of East Pasadena-East San Gabriel ("Project Site") in the M-1½ (Restricted Heavy Manufacturing), and C-3 (Unlimited Commercial), zones pursuant to Los Angeles County Code ("County Code") section 22.32.130. The applicant is also requesting a Type 86 (Instructional Tasting License) from the California Department of Alcoholic Beverage Control.
3. The Project Site is 0.84 acre in size and consists of one legal lot. The Project Site is rectangular in shape, relatively flat and is currently developed with the existing Cost Plus World Market and the parking lot to serve the use.
4. The Project Site is located in the East Pasadena Zoned District. The existing store and a portion of the parking lot are currently zoned M-1½. The remaining portion (front) of the parking lot is zoned C-3.
5. The Project Site is located within the C (Major Commercial) land use category of the Countywide Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
  - North: M-1½ and C-3
  - South: C-3
  - East: M-1½ and C-3
  - West: M-1½ and C-3
7. Surrounding land uses within a 500-foot radius include:
  - North: Auto Repair and Parking
  - South: Commercial and Parking
  - East: Commercial and Parking
  - West: Commercial and Parking
8. The subject Project Site has contained a retail store for more than 30 years. Building permits have been issued for the use. The Project Site has provided beer and wine for off-site consumption for several years, in compliance with the requirements of the California Department of Alcoholic Beverage Control. Ten (10) percent of the

market's shelf space is currently devoted to the sale of alcoholic beverages. The sale of alcoholic beverages at the Project Site was approved prior to the County Code requirement for the approval of a Conditional Use Permit to allow alcohol sales, however, pursuant to Section 22.56.195 of the County Code, establishments that currently sell alcoholic beverages but which propose to change the type of alcoholic beverages to be sold, by changing the type of retail liquor license within a license classification, shall apply for a conditional use permit.

9. The site plan for the Project depicts the Project Site with the existing 18,282 square-foot retail structure, with a 51-space parking lot located at the front of the property. Two driveways are depicted along Beacon Place, along the eastern property boundary, both for ingress and egress. The site plan includes the shelf plan for the sale of beer, wine and distilled spirits for off-site consumption showing ten (10) percent reserved for such.
10. Based on information from the California Department of Alcoholic Beverage Control (ABC), an undue concentration of licenses exists within the Census tract. Two (2) alcohol licenses are allowed and nine (9) exist. There are currently four establishments selling alcohol within 500 feet of the Project Site, two with Type 20 (Off-Sale Beer and Wine) licenses (Sprouts Farmers Market and 7 Eleven Market) and two with Type 41 (On-Sale Beer and Wine) licenses (Gin Sushi Restaurant and Mongol's BBQ).
11. Staff received a letter from the County of Los Angeles Sheriff's Department, Temple Station, dated May 11, 2015. The letter stated a total of 17 calls for service were received over the past five years. The calls for service appear to be fairly routine in nature and do not indicate any trend or pattern of activity. The calls were broken down as follows: five alarm calls were reported, three calls for transients sleeping in front of the business, three calls for public drunkenness, one indecent exposure, one burglary, one petty theft, and three calls to check the surrounding area for suspicious persons. The Sheriff's Department concluded there is no obvious impact to law enforcement or other services provided by the Temple Sheriff's Station regarding the project site and recommended approval of the Conditional Use Permit.
12. Prior to the Hearing Officer's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involves the sale of alcoholic beverages in an existing Cost Plus World Market.
13. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.
14. Staff has not received any comments from the public at this time.

15. *To be inserted after the public hearing to reflect hearing proceedings.*
16. The Hearing Officer finds that the Project is consistent with the goals and policies of the Countywide Land Use Plan. The subject property is located within the C (Major Commercial) land use category. This designation allows for central business districts, regional office complexes, major shopping malls and centers, major commercial recreation facilities and a range of mixed commercial retail and service activities. Community and neighborhood-serving commercial uses can be appropriately established at locations which conveniently serve local market areas. The proposed sale of alcohol for off-site consumption will be located within an existing Cost Plus World Market, located along a commercial corridor, which provides good and services to the surrounding community.
17. The Hearing Officer finds that the Project is consistent with the Zoning Code. Section 22.32.130 of the County Code permits the sale of alcoholic beverages for wither on-site or off-site consumption in the M-1½ zone, provided a conditional use permit has first been obtained.
18. The Hearing Officer finds that the Project will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the Project Site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, and general welfare. The property is located in an existing commercial/industrial zone where a retail use is permitted. The subject market has been providing off-site sale of beer and wine for several years, thus the operators are well experienced in selling alcoholic beverages. Upgrading the sale of alcohol to a full line of alcoholic beverages will not result in adverse effects. The market shall continue to operate with sensitivity to the neighborhood. Through professional business practices, the market will avoid any detrimental effects to residences, properties or general welfare in the surrounding area. Cost Plus stores are equipped with video surveillance systems, and certain employees are in charge of monitoring the alcohol storage area. Employees will continue to request identification from anyone appearing to be under 30 years of age and will refuse to sell to patrons that may be intoxicated.
19. The Hearing Officer finds that the Project Site is adequate in size and shape to accommodate the yards, walls, fences, parking, and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area. The market has contained a retail store for more than 30 years. Building permits have been issued for the use. The use proposed is allowed within the M-1½ zone, provided a conditional use permit has first been obtained.
20. The Hearing Officer finds that the Project 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. The Project Site is close to the Foothill (210) Freeway and is located along a well-established street, Colorado Boulevard. It is sufficient to carry the kind

and quantity of traffic the market generates. This allows the market to utilize the major thoroughfares for delivery and business purposes, avoiding unnecessary traffic through residential neighborhoods. In addition, there is a 51-space parking lot on-site to serve the existing use.

21. The Hearing Officer finds 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 currently one sensitive use within a 600-foot radius of the subject property. The Sivan Temple is located approximately 350 feet west of the Project Site. The temple is situated within an area surrounded by commercial and industrial uses, which buffer it sufficiently from the proposed use. The market will continue to operate in a responsible manner avoiding any detrimental effects to other uses.
22. The Hearing Officer finds 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 market is located in a commercial/industrial zone. Surrounding uses are commercial or industrial. The nearest residential use is approximately 530 feet from the Project Site. Residential uses are buffered from the market by several commercial and industrial uses.
23. The Hearing Officer finds 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. While there are uses that sell alcoholic beverages for off-site consumption within 500 feet, the Cost Plus World Market is existing and will not introduce an additional facility and, therefore, not create an undue concentration of similar premises and shall continue to operate with 10 percent of the shelf space devoted to the sale of alcoholic beverages.
24. The Hearing Officer finds that the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community. The market has been in operation at the subject location for several years. The market will continue to provide a needed and valuable service to those residing and working in the area, as well as provide additional tax dollars to the County.
25. The Hearing Officer finds 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 the neighborhood. No modifications or alterations to the existing structure are proposed as a part of this request.

26. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the conditional use permit to 20 years.
27. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of the East Pasadena-East San Gabriel community. On April 13, 2015, a total of 196 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as three notices to those on the courtesy mailing list for the East Pasadena Zoned District and to any additional interested parties.
28. 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, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

**BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:**

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. The proposed use at the site 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.
- C. 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.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.
- E. 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.
- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

- G. 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. The Cost Plus World Market is existing and will not introduce an additional facility and, therefore, not create an undue concentration of similar premises and shall continue to operate with 10 percent of the shelf space devoted to the sale of alcoholic beverages.
- H. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.
- 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 HEARING OFFICER:**

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15301 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
2. Approves Conditional Use Permit 201400059, subject to the attached conditions.

**ACTION DATE: JUNE 16, 2015**

MM:MRB  
06/16/15

c: Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2014-01487-(5)  
CONDITIONAL USE PERMIT NO. 201400059**

**PROJECT DESCRIPTION**

The project is a request to authorize the sale of a full line of alcohol for off-site consumption at an existing Cost Plus World Market 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 Nos. 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 June 16, 2035.** 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 ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the Cost Plus World Market and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The

permittee shall deposit with the County the sum of **\$2,200.00**. 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 **eleven (11) (one the first year and ten 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 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 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 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.
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 conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" 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 by **August 17, 2015**.
18. 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 substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

#### PERMIT SPECIFIC CONDITIONS

19. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.
20. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.
21. Unless associated with the Instruction Tasting (Type 86) License, 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.
22. 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, or other similar 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.

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 visible from the exterior.
24. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
25. 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.
26. No sale of alcoholic beverages shall be made from a drive-thru window.
27. No display of alcoholic beverages shall be made from a tub or other container containing ice.
28. 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.
29. Shelf space for display of alcoholic beverages shall never exceed 10 percent of the store's shelf space.
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. 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.
32. 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.
33. No alcoholic beverages shall be displayed within five feet of the cash register or the front door unless it is in a permanent affixed cooler.
34. No malt liquors and/or malt based products with alcoholic content greater than five percent by volume shall be sold.
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.

**PROJECT SITE SPECIFIC CONDITIONS**

37. This grant shall authorize the sale of a full line (beer, wine and distilled spirits) of alcoholic beverages (Type 21) for off-site consumption, and associated instructional tasting (Type 86) license.
38. This grant authorizes the sale of alcoholic beverages from 10:00a.m. to 9:00p.m. Monday through Friday, 9:00a.m. to 9:00p.m. on Saturday, and 10:00a.m. to 7:00p.m. on Sunday.
39. The maximum assembly occupancy load for on-site instructional tasting shall not exceed 10 persons.
40. Beer and wine servings for instructional tasting shall not exceed one (1) ounce (approximately 30 milliliters)
41. All litter and trash shall be collected regularly from the premises and the adjacent right-of-way.
42. The permittee shall maintain a closed circuit video monitoring system, with cameras located strategically throughout the property.



Los Angeles County  
Department of Regional Planning

Planning for the Challenges Ahead



## CONDITIONAL USE PERMIT BURDEN OF PROOF

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

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

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.

The property is located in an existing commercial/industrial zone where a retail use is permitted. The subject market has been providing off-site sale of beer and wine for several years, thus the operators are well experienced in serving alcoholic beverages. Upgrading sale of alcohol to a full line of alcoholic beverages will not result in adverse effects. The market shall continue to operate with sensitivity to the neighborhood. Through professional business practices, the market will avoid any detrimental effects to residences, properties or general welfare in the surrounding area.

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.

The market has operated in the existing commercial property for several years. Applicant believes that when the property was developed for this use, it was done so to County of Los Angeles standards as it pertains to yards, walls, fences, parking etc.

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 site is close to Foothill Freeway (210) and is along a well-established street, Colorado Boulevard.

It is sufficient to carry the kind and quantity of traffic the subject market would generate. And it allows the market to utilize the major thoroughfares for delivery and business purposes, avoiding unnecessary traffic through residential neighborhoods. In addition, there are 51 parking spaces on the site designated for the subject use.



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 & 86 (e.g. Type 20, Type 41)

A. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.
There is one sensitive use within 600 ft. of the property. Since the market has been operating with off-site sale of beer and wine for several years and there haven't been any adverse effects on the surrounding area.
The applicant will keep operating it in a responsible manner avoiding any detrimental effects to other uses.
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 market is located in a commercial/industrial zone. The adjacent uses are all commercial or industrial.
There is no residential area within the immediate vicinity. Thus, the requested use will not adversely affect said area.
C. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.
The subject site currently has a Type #20 license and is requesting a Type #21 and a Type #86 license.
The applicant will surrender the existing license after obtaining #21 and #86 licenses, so it will not result in an undue concentration of similar premises.
D. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.
The market has been operated at the subject location for several years. The requested use will not adversely affect the economic welfare of the surrounding community. The market will provide a needed and valuable service to those residing and working in the area, as well as provide additional tax dollars to the county.
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 market has been operated for years and no changes will occur on the exterior of the building. The building will remain in a suitable state, with no blight or disrepair, and will not substantially diminish or impair property values within the neighborhood.



*Sam Mc Donnell, Sheriff*

*County of Los Angeles*  
**Sheriff's Department Headquarters**

*4700 Ramona Boulevard  
Monterey Park, California 91754-2169*



May 11, 2015

Michele Bush  
County of Los Angeles  
Department of Regional Planning  
Zoning Permits East Section  
320 West Temple Street  
Los Angeles, California 90012

RE: CONDITIONAL USE PERMIT CONSULTATION FOR SALE OF ALCOHOL  
CUP PERMIT NO.: RCUP 201400059  
ESTABLISHMENT: COST PLUS WORLD MARKET

Dear Ms. Bush:

Temple Sheriff's Station has received your request for the calls for service and criminal history for the address at 3655 E. Colorado Boulevard, Pasadena. A total of seventeen (17) calls for service were received over the past five years. The calls for service appear to be fairly routine in nature and do not indicate any trend or pattern of activity. The calls were broken down as follows: Five (5) alarm calls were reported, three (3) calls for transients sleeping in front of the business, three (3) calls for public drunkenness, one (1) indecent exposure, one (1) burglary, one (1) petty theft, and three (3) calls to check the surrounding area for suspicious persons.

We have concluded there is no obvious impact to law enforcement or other services provided by Temple Sheriff's Station regarding the project site.

Based on the above information, I recommend this Conditional Use Permit be approved.

Sincerely,

JIM McDONNELL, SHERIFF

Coronne L. Jacob, Captain  
Temple Station

23958.4 B & P APPLICATION WORK SHEET

PREMISES ADDRESS:

3655 E Colorado Blvd (cont)

Pasadena CA 91107-3813

LICENSE TYPE: 21-Original

1. CRIME REPORTING DISTRICT

~~Pasadena~~ Temple City SS  
Jurisdiction unable to provide statistical data.

Reporting District: 0590

Total number of reporting districts: 553

Total number of offenses: 50259

Average number of offenses per district: 90.9

120% of average number of offenses: 109.1

Total offenses in district: 468

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

2. CENSUS TRACT / UNDUE CONCENTRATION

Census Tract: 4631.02

Population: 3779 / County Ratio 1:1528

Number of licenses allowed: 2

Number of existing licenses: 9

Undue concentration exists:  Yes / No

500 Yes  
PC or N Yes

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

Three time publication required: Yes/No

D. Miramontes 3/11/14  
Person Taking Application

SP 3/2/14  
Investigator

\_\_\_\_\_  
Supervisor

1.



2.



3.



4.



7.



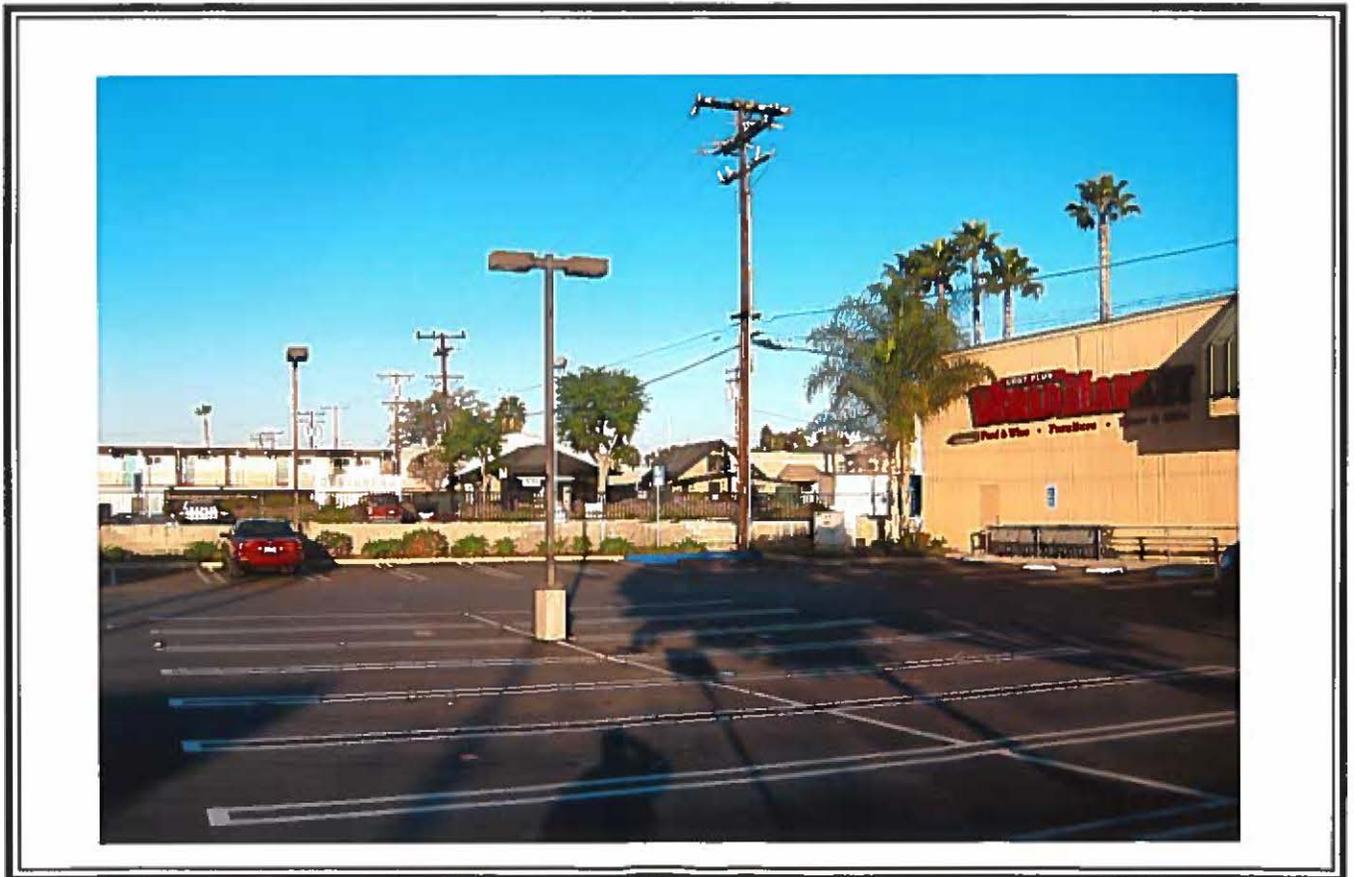
8.



9.



10.





SHELF PLAN

Cabinet key number	Length - inches	Total number of shelves	Number of shelves devoted to alcoholic beverages	Total linear inches of shelves	Total linear inches of shelves devoted to alcoholic beverages	Percentage of shelf space devoted to alcoholic beverages
1	36	5	0	180	0	
2	72	5	0	360	0	
3	72	5	0	360	0	
4	36	5	0	180	0	
5	36	5	0	180	0	
6	36	5	0	180	0	
7	36	5	0	180	0	
8	36	5	0	180	0	
9	36	5	0	180	0	
10	36	5	0	180	0	
11	180	6	0	1080	0	
12	180	4	0	720	0	
13	276	5	0	1380	0	
14	276	6	0	1656	0	
15	48	4	0	192	0	
16	48	4	0	192	0	
17	36	5	0	180	0	
18	36	5	0	180	0	
19	36	5	0	180	0	
20	36	5	0	180	0	
21	36	5	0	180	0	
22	36	5	0	180	0	
23	240	6	0	1440	0	
24	48	4	0	192	0	
25	48	4	0	192	0	
26	36	5	0	180	0	
27	96	5	0	480	0	
28	96	5	0	480	0	
29	72	9	0	648	0	
30	72	9	0	648	0	
31	96	7	0	672	0	
32	96	7	0	672	0	
33	34	4	0	136	0	
34	96	7	0	672	0	
35	208	6	0	1248	0	
36	208	6	0	1248	0	
37	336	6	0	2016	0	
38	48	4	0	192	0	
39	96	4	0	384	0	
40	96	4	0	384	0	
41	72	3	0	216	0	
42	96	5	0	480	0	
43	48	4	0	192	0	

44	96	4	0	384	0	
45	96	4	0	384	0	
46	48	6	0	288	0	
47	192	5	0	960	0	
48	192	5	0	960	0	
49	48	6	0	288	0	
50	144	5	0	720	0	
51	36	6	0	216	0	
52	180	7	0	1260	0	
53	180	7	0	1260	0	
54	180	6	0	1080	0	
55	36	6	0	216	0	
56	180	8	0	1440	0	
57	180	8	0	1440	0	
58	36	6	0	216	0	
59	36	4	0	144	0	
60	36	4	0	144	0	
61	36	4	0	144	0	
62	36	4	0	144	0	
63	252	8	0	2016	0	
64	36	6	0	216	0	
65	180	8	0	1440	0	
66	180	8	0	1440	0	
67	36	6	0	216	0	
68	36	6	0	216	0	
69	180	8	0	1440	0	
70	180	8	0	1440	0	
71	36	6	0	216	0	
72	36	6	0	216	0	
73	180	9	0	1620	0	
74	180	9	0	1620	0	
75	36	6	0	216	0	
76	36	6	5	216	180	
77	180	7	7	1260	1260	
78	180	9	0	1620	0	
79	36	6	6	216	216	
80	216	9	0	1944	0	
81	220	4	4	880	880	
82	30	3	3	90	90	
83	30	3	3	90	90	
84	30	3	3	90	90	
85	72	6	6	432	432	
86	200	4	4	800	800	
87	72	2	2	144	144	
88	72	2	2	144	144	
89	30	3	3	90	90	
90	72	2	2	144	144	
91	30	3	3	90	90	
92	72	6	6	432	432	

93	324	6	6	1944	1944	
94	144	4	4	576	576	
95	60	4	1	240	60	
96	72	7	0	504	0	
97	72	6	6	432	432	
98	108	6	0	648	0	
99	36	6	0	216	0	
100	34	4	0	136	0	
101	216	8	0	1728	0	
102	108	8	0	864	0	
103	96	4	0	384	0	
104	34	2	0	68	0	
105	36	6	0	216	0	
106	108	6	0	648	0	
107	108	6	0	648	0	
108	36	6	0	216	0	
109	180	6	0	1080	0	
110	34	4	0	136	0	
111	72	4	0	288	0	
112	72	4	0	288	0	
113	144	4	0	576	0	
114	108	1	0	108	0	
115	36	8	0	288	0	
116	108	6	0	648	0	
117	96	6	0	576	0	
118	36	6	0	216	0	
119	36	6	0	216	0	
120	72	4	0	288	0	
121	72	4	0	288	0	
122	36	4	0	144	0	
123	72	4	0	288	0	
124	72	4	0	288	0	
125	36	4	0	144	0	
126	72	4	0	288	0	
127	72	4	0	288	0	
128	48	7	0	336	0	
129	36	6	0	216	0	
130	36	5	0	180	0	
131	108	5	0	540	0	
132	108	6	0	648	0	
133	36	5	0	180	0	
134	336	8	0	2688	0	
135	34	5	0	170	0	
136	36	5	0	180	0	
137	36	5	0	180	0	
138	36	5	0	180	0	
139	36	5	0	180	0	
140	36	5	0	180	0	
141	36	5	0	180	0	

