



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

September 18, 2014

Charlotte Ramos  
41542 Ventana Drive  
Palmdale, CA 93551

**REGARDING: PROJECT NO. R2014-01849-(5)  
CONDITIONAL USE PERMIT No. 201400074  
48011 90TH STREET WEST (3264-010-033)**

Hearing Officer Alex Garcia, by his action of September 16, 2014, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on October 1, 2014 **Appeals must be delivered in person.**

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

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. In addition, any applicable CEQA fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable, must be filed with the County Clerk according to the instructions on the following page. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

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

Sincerely,  
DEPARTMENT OF REGIONAL PLANNING  
Richard J. Bruckner  
  
Paul McCarthy, Supervising Regional Planner  
Zoning Permits North Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion),

c: DPW (Building and Safety); Zoning Enforcement;

PMC:GS

CC 060412

**FINDINGS OF THE REGIONAL PLANNING COMMISSION / HEARING OFFICER  
AND ORDER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2014-01849-(5)  
CONDITIONAL USE PERMIT NO. 201400074**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing on September 16, 2014, the matter of Project No. R2014-01849-(5), Conditional Use Permit ("CUP") No. 201400074.
2. The permittee, Antelope Acres Market ("permittee"), requests the CUP to authorize the continued sale of a full-line of alcoholic beverages for off-site consumption ("Project") on a property located at 48011 90th Street West, in the unincorporated community of Antelope Acres ("Project Site").
3. The Project Site is 0.9 gross acres in size and consists of one legal lot. The Project Site is rectangular in shape with flat topography and is developed with a 7,890-square foot grocery store and gas station.
4. The Project Site is located in the Antelope Valley West Zoned District and is currently zoned C-3 ("Unlimited Commercial").
5. The Project Site is located within the "C" (Commercial) land use category of the Antelope Valley Area Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
  - North: C-3, M-1 (Light Manufacturing)
  - South: C-3
  - East: C-3
  - West: R-3 (Limited Multiple Residence)
7. Surrounding land uses within a 500-foot radius include:
  - North: Vacant land, Single-family residence
  - South: Vacant land
  - East: Strip commercial
  - West: Vacant land, Single family homes
8. In 1958, the zoning designation on the property was changed from M-3 (Unclassified) to C-4, which was later interpreted as C-3. The Antelope Acres Market was developed in the 1950s, and redeveloped in recent years. In 1989, Plot Plan 37977 permitted the addition of fuel sales to the existing market. In 1990, CUP 90312 permitted the sale of alcoholic beverages for off-site consumption; this permit expired in 2000. Conditional Use Permit No. 04-085 was approved on July 6, 2004 to allow the continued sale of alcoholic beverages; this permit expired on July 6, 2014, thus necessitating the subject application. Plot Plan No. 201100382 was approved on April 13, 2011 for the redevelopment of the existing grocery store and

gas station. The permit included: retail as permitted within the zone to be used as a market; an automobile service station for gas with two pump islands; two wall-mounted business signs at 12 square feet each for the activity on the parcel; 39 parking spaces; 3,741 square feet of landscaping. A Certificate of Compliance (CC 00-354) was recorded on the property. One Zoning Enforcement Action was reported on the property in October 2013, in which the use was operating without final approval from Building and Safety. This issue was resolved in April 2014.

9. The site plan for the Project depicts the existing 7,890-square foot store and interior layout. The floor plan depicts the shelving plan. In total, 13 percent of the store's shelf space is dedicated to the sales display of alcoholic beverages.
10. Project Site is accessible via 90<sup>th</sup> Street West to the west; secondary access to the Project Site will be via an entrance/exit on West Avenue E-8.
11. The County Sheriff's Department ("Sheriff") was consulted on the Project. The Sheriff had no objection to the continued sale of alcoholic beverages at the site.
12. The State Department of Alcohol and Beverage Control ("ABC" was consulted on the Project. ABC had no objection to the continued sales of alcoholic beverages at the site.
13. 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 involved the continued sale of alcoholic beverages on a site that has been previously selling alcoholic beverages, with negligible or no expansion of use beyond that which was previously existing.
14. 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.
15. No comments from the public have been received.
16. On September 16, 2014, Hearing Officer Alex Garcia held a duly-noticed public hearing. Staff presented the facts of the case and recommended approval of the CUP. The applicant's representative, Charlotte Ramos, testified in support of the project and asked the Hearing Officer to change Condition No. 29 to not include a container size minimum for spirits. The Hearing Officer requested that staff change the condition to reflect the applicant's wishes, noting that miniatures of any kind should still be prohibited. The Hearing Officer also requested that the applicant revise the Exhibit "A" to indicate which coolers would be used to store and display alcoholic beverages. There being no further testimony, the Hearing Officer closed the public hearing and approved the project with the amended condition.

17. The Hearing Officer finds that the Project is consistent with the goals and policies of the Los Angeles County General Plan ("General Plan"). The Antelope Valley Areawide Plan ("AV Plan"), a component of the General Plan, contains policies to ensure compatibility of development with the surrounding area. The Land Use Element of the AV Plan designates the Project site as "C." The C land use designation is intended for a wide range of general commercial and community-serving land uses. The sale of alcoholic beverages, as well as the permitted underlying market use, is therefore consistent with the permitted uses of the underlying land use category.

The following policy of the General Plan is applicable to the proposed project:  
General Plan Land Use Policy No. 9: *Promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design and locational controls.* The project is located within the vicinity of residential areas and other commercial uses. As a market selling a full line of alcohol, the project is convenient to individuals who may live or work in the nearby areas, thereby enhancing the local quality of life.

The following policy of the AV Plan is applicable to the proposed project:  
AV Plan Land Use Policy No. 26: *Encourage an appropriate mix of land use types to prevent disharmony and degradation. Residential, commercial, employment, recreational and cultural uses should be integrated using appropriate buffering techniques to create a cohesive community.* The market, which is complemented with the sale of a full line of alcoholic beverages for off-site consumption, provides for a mix of compatible uses within and serving the community of Antelope Acres. The market will provide for convenience in the vicinity of residential uses.

18. The Hearing Officer finds that the project is consistent with the uses, density, and development standards in the Title 22 of the County Code (Zoning Code). Pursuant to 22.56.195 of the County Code, establishments selling alcoholic beverages for off-site consumption must first obtain a CUP.
19. 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.
20. The Hearing Officer finds that the Project Site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping, and other development features as is required in order to integrate the Project into the surrounding area. The Project is consistent with applicable development standards in the C-3 zone, as set forth in section 22.28.220 of the County Code, and applied via the previously approved Plot Plan No. 201100382.
21. The Hearing Officer finds that the Project is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such uses would generate, and by other public or private facilities as are required.

22. 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. The Project Site is located at a major intersection that is developed with commercial uses across the street. The nearby residential uses are separated from the Project Site by a six-foot-high solid masonry wall and landscaping. The sale of alcoholic beverages is incidental to the market use and does not currently impact the surrounding community, nor will there be any adverse impacts resulting from the Project.
23. The Hearing Officer finds that, although there is a store that sells alcohol for off-site consumption (Takeo Market, 47955 90<sup>th</sup> Street West) within 500 feet of the Project Site, the Project provides a public convenience as it allows for the sale of a full line of alcohol in conjunction with the operation of a grocery store. The Project will provide the public with a convenient location to shop for any number of items, including a full line of alcoholic beverages, in a safe and well-lit environment. The redeveloped store is currently operating, and it represents a major financial investment in the area. The retail store actively contributes to the community by both the creation of employment and economic stimulation to the area. Allowing the sale of a full line of alcoholic beverages incidental to the on-going operations enhances the economic vitality of the existing business.
24. The Hearing Officer finds that the continued sale of a full line of alcohol will complement the product line already sold by the grocery store and will improve its economic vitality. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.
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 because no changes are proposed to the existing grocery store.
26. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the CUP to 15 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 Antelope Acres community. On August 4, 2014, a total of 54 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 17 notices to those on the courtesy mailing list for the Antelope Valley West 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 North 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.

**THEREFORE, THE HEARING OFFICER:**

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 21000, et seq. of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
- 2. Approves CUP No. **201400074**, subject to the attached conditions.

**ACTION DATE: September 16, 2014**

PMC:GS  
September 4, 2014

c: Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2014-01849-(5)  
CONDITIONAL USE PERMIT NO. 201400074**

**PROJECT DESCRIPTION**

The project is a request for the continued sale of a full-line of alcoholic beverages for off-site consumption in conjunction with an existing retail 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 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 September 16, 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 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 by December 16, 2014. 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 sale of alcoholic beverages 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 \$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 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, **four (4) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by **November 16, 2014**.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **four (4) copies** of the proposed plans to the Director for review and approval. All revised plans must 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 - CONDITIONAL USE PERMIT (SALE OF ALCOHOLIC BEVERAGES)**

19. 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.
20. No sale of alcoholic beverages shall be made from a drive-in window.
21. No sale of alcoholic beverages shall occur between the hours of 10:00 P.M. and 6:00 A.M.
22. No display of alcoholic beverages shall be made from an ice tub.
23. 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.
24. 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.
25. No beer or wine advertising shall be located on motor fuel islands (pursuant to Title 22);
26. 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;

27. 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 (e.g. six packs). The permittee shall post signs on the coolers and cashier station stating the selling of single containers of beer is prohibited.

**PROJECT SITE SPECIFIC CONDITIONS**

28. This grant shall authorize the continued sale of a full-line of alcoholic beverages for off-site consumption.
29. 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.
30. Temporary posters and signage in windows is limited to 25 percent of the window area (pursuant to Title 22).

PMC:GS  
9/4/2014