Los Angeles County
Department of Regional Planning

*Planning for the Challenges Ahead*

Richard J. Bruckner
Director

February 10, 2016

Wil Nieves
21250 Hawthorne Blvd., #700
Torrance, CA 90503

**REGARDING:** **PROJECT NO. R2014-02059-(1)**
**CONDITIONAL USE PERMIT NO. 201400089**
**4501 E. WHITTIER BLVD., UNIT #C, EAST LOS ANGELES (APN #5247-012-013, -014-015-016)**

The Regional Planning Commission, by its action of **February 10, 2016,** has **APPROVED** the above-referenced project. Enclosed are the Commission'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).

**Appeals:**

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **February 24, 2016. Appeals must be delivered in person.**

**To file an appeal, please contact:**
Executive Office of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles, CA 90012
(213) 974-1426

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. 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 Steve Mar of the Zoning Permits East Section at (213) 974-6435, or by email at smar@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

Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)
c: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement

MM:SM

CC 060412

**FINDINGS OF THE REGIONAL PLANNING COMMISSION**
**AND ORDER**
**COUNTY OF LOS ANGELES**
**PROJECT NO. R2014-02059-(1)**
**CONDITIONAL USE PERMIT NO. 201400089**

1. The Los Angeles County ("County") Regional Planning Commission ("Commission") conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201400089 ("CUP") on February 10, 2016.

2. The permittee, La Talpa Meat Market ("permittee"), requests the CUP to authorize the sale of beer and wine for off-site consumption (Type 20 alcohol license) from 7:00 a.m. to 9:00 p.m., seven days a week, at an existing meat market located in a multi-tenant shopping center ("Project") on a property located at 4501 E. Whittier Boulvard in the unincorporated community of East Los Angeles ("Project Site") in the C-3 (General Commercial) zone pursuant to Los Angeles County Code ("County Code") section 22.28.210.

3. The Project Site is 0.59 acres in size and consists of four legal lots. The Project Site is rectangular in shape with flat topography and is developed with a multi-tenant shopping center.

4. The Project Site is located in the Eastside Unit No. 1 Zoned District and is currently zoned C-3 (General Commercial).

5. The Project Site is located within the MC – Major Commercial land use category of the East Los Angeles Community Plan Land Use Policy Map.

6. Surrounding Zoning within a 500-foot radius includes:

   North: R-3-P (Limited Density Multiple Residence – Parking), R-3 (Limited Density Multiple Residence)
   South: C-3, R-3-P (Limited Density Multiple Residence – Parking), R-3 (Limited Density Multiple Residence)
   East: C-3, R-3-P, R-3
   West: C-3, R-3-P, R-3

7. Surrounding land uses within a 500-foot radius include:

   North: Commercial Retail, Multi-family Residences, Single-family Residences
   South: Commercial Retail, Multi-family Residences, Single-family Residences
   East: Commercial Retail, Multi-family Residences, Single-family Residences
   West: Commercial Retail, Multi-family Residences, Single-family Residences

8. The Project Site was zoned M-1 in 1927 and then rezoned to C-3 in 1988. County Assessor's records show that the commercial structure on the lot was constructed in 1926, 1927, and 1948. The portion of the structure where the subject market is located was built in 1948. Numerous Plot Plan cases for new signage were approved on the Project Site from 1985 to 2013.

9. The site plan for the Project depicts the existing market located in a multi-tenant shopping center located on the northeast corner of Whittier Boulevard and Ford Boulevard. 32 parking spaces are provided along the frontage facing Ford Boulevard and in a rear parking

lot accessed by an alley. The subject market faces Ford Boulevard in a 3,972 sq. ft. tenant space. The market's shelf plan shows that alcoholic beverage display will take up 5% of the market's total shelf space.

10. The Project Site is accessible via Ford Boulevard to the west. Primary access to the Project Site will be via on-site parking spaces along Ford Boulevard. Secondary access to the Project Site will be via an entrance/exit off an alley off of Ford Boulevard.

11. The Project will provide a total of 32 parking spaces along the frontage facing Ford Boulevard and in a rear parking lot accessed by an alley.

12. The County of Los Angeles Sheriff's Department, East Los Angeles Station, researched the subject property's calls for service history for the past five years. During that time, there has been minimal law enforcement related issues at the subject property. However, the market shares an address with other businesses within the shopping center, such as a donut shop and a vacant El Pollo Loco restaurant, where vagrants and transients loiter and drink alcoholic beverages. The Sheriff's Department also expressed consistent problems with public alcoholic beverage consumption in unincorporated East Los Angeles and increased criminal activity at businesses selling liquor. The Sheriff's Department neither advocated support nor opposition to the project and recommended a condition that the market retain its security surveillance video for at least 30 days for law enforcement to review when necessary.

    Statistical data from the California Department of Alcoholic Beverage Control (ABC) report that the subject property is located in a high crime reporting district. The subject property is in Reporting District 293. The average number of offenses reported per district (out of 557 total reporting districts) is 85.7 and the actual number of crimes reported for District 293 is 129.

    The subject property lies within Census Tract 5315.04. There are currently six existing alcohol licenses in this census tract and two licenses are allowed. Therefore there is an undue concentration of alcoholic beverage licenses within Census Tract 5315.04.

13. 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 is proposing the sale of beer and wine for off-site consumption at an existing market will not cause or is proposing any significant alterations to the existing use or building. Therefore, staff recommends that the Regional Planning Commission determine that the project is categorically exempt from CEQA.

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. Staff has not received any public comments regarding the Project.

16. A duly noticed public hearing was held on February 10, 2016, before the Regional Planning Commission. Commissioners Smith, Louie, Pincetl, Pedersen, and Modugno were present. The applicant's representative, Wil Nieves, and the applicants, Salvador and Isabel Palomera, were present to answer questions from the Commission. Discussion followed with the applicant and amongst the Commissioners regarding the condition to buy an

existing alcohol license within the community and the existing loitering and security situation on the property. There being no further testimony, the Commission closed the public hearing and approved Conditional Use Permit No. 201400089 with an amendment to Condition No. 39 for the applicant to report back to the Department of Regional Planning within 90 days of approval of the permit describing the availability of existing alcohol licenses within the subject property's census tract and to set the length of time to acquire a license to one year.

17. The Commission finds that the project site is located within the MC – Major Commercial land use category of the East Los Angeles Community Plan. This designation is intended for areas containing mixtures of small and large businesses in major areas. The sale of beer and wine for off-site consumption at an existing market is compatible with the commercial designation of the Community Plan's land use category and is therefore consistent with the permitted uses of the underlying land use category.

18. The Commission finds that establishments in the C-3 Zone are subject to development standards as prescribed under County Code Section 22.28.220. These development standards include provisions for landscaping, parking, and outside display. Additionally, establishments in the East Los Angeles Community Standards District (CSD) are subject to development standards as prescribed under County Code Section 22.44.118 (adopted 1988). County Assessor records show that the existing structures on the site were built in 1926, 1927, and 1948 prior to current adopted development standards for the C-3 Zone and the East Los Angeles CSD. Therefore, the project is nonconforming due to current development standards such as landscaping and parking standards.

19. The Commission finds that the request is for the proposed addition of beer and wine sales, as an accessory use, to an existing meat market. The proposed accessory use is incidental in nature and will be an integral part of the existing market operation. The market is located on a heavily traveled retail commercial corridor oriented towards the intersection of Whittier and Ford Boulevards. The requested use is sufficiently separated from nearby residential structures by an existing parking lot and an alley. The proposed accessory use will not adversely affect the public health, safety, and welfare of the neighborhood since the market has been in operation at this location for many years without harm to the community. The site is located within a commercial zone and has operated with all required permits and licenses. The proposed use is accessory in nature and will continue in its present configuration and operation in conjunction with the existing meat market. The public convenience will be served since there are a limited number of such local markets that serve the growing population of the area.

20. The Commission finds that the site was developed prior to current development standards and the structures conformed to the development standards at the time it was built.

21. The Commission finds that the market is located on a heavily traveled retail commercial street that is fully dedicated and improved. The subject site is oriented towards the intersection of Whittier and Ford Boulevards. All public and private service facilities and infrastructure are in place.

22. The Commission finds that the project is located within 600 ft. of four sensitive uses. All four uses are places used for religious worship. These uses are sufficiently buffered from the project site by other businesses and by Whittier Boulevard, a heavily traveled retail commercial corridor. The business has daily operating hours of 7:00 a.m. to 9:00 p.m.

23. The Commission finds that the project site is sufficiently separated from nearby residential structures by an existing rear parking lot and an alley.

24. The Commission finds that the project site is located within 500 ft. of four other establishments that sell alcoholic beverages. Public convenience will be served since there are a limited number of local convenience meat markets within the surrounding area. The shelf space devoted to the display of alcoholic beverages shall be no more than 5% of the market's total shelf space.

25. The Commission finds that the proposed sale of alcoholic beverages will bring additional commercial customers into the area thereby patronizing nearby businesses. The project will help generate additional economic revenue for the market as well as additional tax revenues for the County of Los Angeles.

26. The Commission finds that the proposed use is accessory in nature and will be integrated into the operations of the existing meat market. The existing structure was built in 1948 and has had a market use for many years. The structure was recently renovated and no additional changes will be made to the exterior appearance of the structure as a result of the project. The market has not deteriorated nor has contributed to the diminishment of existing property values in the area.

27. The Commission finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the Conditional Use Permit to 15 years.

28. The Commission 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 Los Angeles community. On December 31, 2015, a total of 116 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as four notices to those on the courtesy mailing list for the Eastside Unit No. 1 Zoned District and to any additional interested parties.

29. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, 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 REGIONAL PLANNING COMMISSION CONCLUDES THAT:**

A. The proposed use with the attached conditions will be consistent with the 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 result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration. The shelf space devoted to the display of alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.

H. The requested use at the proposed location will not adversely affect the economic welfare of the surrounding 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 said neighborhood.

**THEREFORE, THE REGIONAL PLANNING COMMISSION:**

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 No. 201400089, subject to the attached conditions.

**ACTION DATE: February 10, 2016**

**VOTE: 5:0:0:0**
Concurring: Smith, Louie, Pincetl, Pedersen, Modugno

Dissenting: 0

Abstaining: 0

Absent: 0

MM:SM
02/10/16

c: Each Commissioner, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL**
**COUNTY OF LOS ANGELES**
**PROJECT NO. R2014-02059-(1)**
**CONDITIONAL USE PERMIT NO. 201400089**

## PROJECT DESCRIPTION

The project is a Conditional Use Permit for the sale of beer and wine for off-site consumption at an existing meat market located in a multi-tenant shopping center 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 10, 2031**. Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.

9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.

10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **$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 the County Fire 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 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 **April 10, 2016**.

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 - CONDITIONAL USE PERMIT (SALE OF ALCOHOLIC BEVERAGES)**

19. This grant allows the sale of beer and wine for off-site consumption at an existing meat market (La Talpa Meat Market).

20. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein;

21. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary;

22. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the California ServeSMART Responsible Beverage Service Program, or other similar program approved 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;

24. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced;

25. The permittee shall abide by all requirements, licensing or otherwise, established for the sale of alcoholic beverages by the State Department of Alcoholic Beverage Control;

26. This grant authorizes the sale of alcoholic beverages from 7:00 a.m. to 9:00 p.m., seven days a week;

27. The consumption of alcoholic beverages shall be prohibited on the subject property. The permittee shall post signage on the premises prohibiting consumption of alcoholic beverages on the premises;

28. 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. The shelf space devoted to the display of alcoholic beverages shall be no more than 5% of the store's total shelf space as depicted in the approved shelf plan;

29. No sale of alcoholic beverages shall be made from a drive-in window;

30. No display of alcoholic beverages shall be made from an ice tub;

31. The licensed premises shall have no coin operated amusements, such as pool tables, juke boxes, video games, small carousel rides or similar riding machines, with the exception of official State Lottery machines;

32. 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;

33. No malt liquors and/or malt based products with alcoholic content greater than five percent by volume shall be sold;

34. 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;

35. There shall be no beer sold in containers under one quart or in less than six-pack quantities;

36. The permittee shall provide adequate lighting above all entrances and exits to the premises and in all parking areas and walkways under control of the permittee or required as a condition of this grant. 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. A security camera system shall be installed on the premises of the subject establishment. Security recordings shall be kept for a period of at least 30 days or to the satisfaction of the Sherriff's Department.

38. The permittee shall have a minimum display area of 7% (1,632 linear inches) of the store's total shelf space, as depicted on the approved floor plan labeled Exhibit "A," devoted to the sale of a minimum of five (5) varieties of fresh produce and a minimum of three (3) varieties of whole grains. "Fresh produce" shall mean any edible portion of a fresh fruit or vegetable, whether offered for sale whole or pre-sliced. The produce offered for sale shall be free from spoilage. "Whole grains" shall mean any food from either: a single ingredient product, such as brown rice, whole oats, quinoa, or barley; or a pre-packaged grain product, such as bread, crackers, or cereal, in which the word "whole" appears first in the ingredients list of the product. These products shall be displayed in high-visibility areas, defined as meeting one or more of the following: within ten (10) feet of the main customer entrance to the store, within five (5) feet of the main point of sale, at eye-level on a shelf (including within a refrigerator or freezer case), on an end cap of an aisle, or within a display area dedicated to produce that is easily accessible to customers.

39. The permittee is required to purchase, for its own use, or retire an existing alcohol license within Census Tract No. 5315.04 or the unincorporated East Los Angeles community no later than **February 10, 2017**. Otherwise, the rights granted hereunder shall expire and lapse. The permittee shall make best efforts to purchase or retire an existing alcohol license within Census Tract No. 5315.04, and shall report to the Director of Regional Planning ("Director") no later than **May 10, 2016**, describing the existing licenses within the census tract, including but not limited to the type of license, the owner, and the name of the business and location where the license is being used, and the permittee's efforts to acquire each such license, including but not limited to copies of correspondence between the permittee and the owners of such licenses. The permittee shall promptly respond to requests for information from the Director which the Director deems necessary to determine the permittee's compliance with this condition.