



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

May 27, 2015

Sherrie Olson
1030 N. Mountain Ave.
Ontario, CA 91762

**REGARDING: PROJECT NO. R2015-00161-(4)
CONDITIONAL USE PERMIT NO. 201500006
11025 WASHINGTON BLVD., WHITTIER (APN #8176-016-029)**

The Regional Planning Commission, by its action of **May 27, 2015**, 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).

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 **June 10, 2015**. **Appeals must be delivered in person.**

Appeals: **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. 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 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

**FINDINGS OF THE REGIONAL PLANNING COMMISSION
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2015-00161-(4)
CONDITIONAL USE PERMIT NO. 201500006**

1. The Los Angeles County ("County") Regional Planning Commission ("Commission") conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201500006 ("CUP") on May 13, 2015.
2. The permittee, American Royal Petroleum, Inc. ("permittee"), requests the CUP to authorize the sale of beer and wine for off-site consumption (Type 20 alcohol license) at an existing gas station mini-mart ("Project") on a property located at 11025 Washington Blvd. in the unincorporated community of West Whittier – Los Nietos ("Project Site") in the C-2-BE zone pursuant to Los Angeles County Code ("County Code") section 22.28.160.
3. The Project Site is 0.4 acres in size and consists of one legal lot. The Project Site is irregular in shape with flat topography and is developed with a gas station and mini-mart.
4. The Project Site is located in the Whittier Downs Zoned District and is currently zoned C-2-BE.
5. The Project Site is located within the 1 – Low Density Residential land use category of the Los Angeles County General Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
 - North: C-2-BE (Neighborhood Business – Billboard Exclusion)
 - South: C-1 (Restricted Business), R-4 (Unlimited Residence)
 - East: N/A (City of Santa Fe Springs)
 - West: R-1 (Single-family Residence)
7. Surrounding land uses within a 500-foot radius include:
 - North: Single-family Residences, Supermarket
 - South: Church, Commercial Office and Retail Center, Single-family Residences
 - East: Dental Office, Donut Store, Fast Food Restaurant, Restaurants, Multi-tenant Shopping Center
 - West: Single-family Residences
8. The Project Site was zoned A-1 in 1939 and rezoned to C-2 in 1949. On July 27, 2006, Plot Plan No. 200601010 approved the placement of a temporary vapor extraction and C-sparge system at the existing gas service station on the site. Plot Plan No. 201200819, approved January 28, 2013, approved a new 2,345 convenience store at the existing gas station.
9. The site plan for the Project depicts the existing gas station and mini-mart site on a 0.4 acre irregular-shaped lot located near the northwest corner of Washington Blvd. and Norwalk Blvd. The site provides parking for nine automobiles. Access to the site is via driveways off of Washington Blvd. and Norwalk Blvd. The shelf plan shows that alcoholic beverages will take up 4.97% of the mini-mart's total shelf space.

10. The Project Site is accessible via Washington Boulevard to the south and Norwalk Boulevard to the east. Primary access to the Project Site will be via an entrance/exit on Washington Blvd. Secondary access to the Project Site will be via an entrance/exit on Norwalk Blvd.
11. The Project provides a total of nine (9) parking spaces.
12. The County of Los Angeles Sheriff's Department, Pico Rivera Station, researched the subject property's calls for service for over the past five years. During that time, the Department responded to 13 calls for service, including robbery alarm – silent, person with a gun – just occurred, person acting suspiciously, petty theft report, and rescue responding. The Sheriff's Department expressed concern for the project's close proximity to Nelson Elementary School, located about 800 ft. from the project site. The Sheriff's Department neither recommended approval nor was opposed to the project.

Statistical data from the California Department of Alcoholic Beverage Control (ABC) report that the site of the subject request is located in a high crime reporting district. The subject property is in Reporting District 1576. The average number of offenses reported per district is 85.7 and the total number of crimes reported for District 1576 is 284.

The subject property lies within Census Tract 5022. There are currently 5 existing alcohol licenses in this census tract and 4 licenses are allowed. Therefore an undue concentration of alcoholic beverages exists within Census Tract 5022. Although this would constitute an undue concentration, the sale of alcoholic beverages for off-site consumption would serve as a public convenience and necessity to the surrounding community by providing products and services that are consistent with products and services provided by other markets in the area

13. Prior to the Commission'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 is a conditional use permit to allow the sale of alcoholic beverages at an existing gas station mini-mart and is not proposing any interior or exterior improvements and there will be no expansion of use beyond that which currently exists on the site.
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 May 27, 2015, before the Regional Planning Commission. Commissioners Valadez, Pincetl, Pedersen, and Modugno were present. Commissioner Louie was absent. The applicant, Sherrie Olsen, testified in favor of the application. Commissioner Pedersen asked for clarification for the location of Nelson Elementary School to which staff replied. Ms. Olsen requested that Condition #42, regarding the purchase of an existing alcohol license, be removed from the draft conditions. Discussion followed in which the Commission stated that Condition #42 should remain in the conditions do to an existing undue concentration of establishments selling alcoholic

beverages in the vicinity. There being no further testimony, the Commission closed the public hearing and approved Conditional Use Permit 201500006.

17. The Commission finds that the project site is located within the 1 – Low Density Residential land use designation of the General Plan. The 1 – Low Density Residential land use designation is intended for areas suitable for low density residential development, in addition to a variety of use types and intensities. Such uses typically include local commercial and industrial services, schools, churches, local parks and other community-serving public facilities. It is not the intent of General Plan policy to preclude further development or expansion of other uses within areas depicted as residential on the Land Use Policy Map. Furthermore, the draft 2035 General Plan designates the project site as being within the CG – General Commercial land use designation intended for areas suitable for local-serving commercial uses. The selling of beer and wine for off-site consumption at a gas station mini-mart does not interfere with the existing residential and commercial land uses of the community and is therefore consistent with the permitted uses of the underlying land use category.
18. The Commission finds that the selling of alcoholic beverages for off-site consumption on the subject property is compatible with the surrounding neighborhood and provides a needed service, because commercial uses of this type are expected in the C-2 Zone and the existing gas station and mini-mart are developed at a scale that is consistent with the scale of surrounding development. Currently, there are four other establishments within a 500-ft. radius of the subject property that sell alcohol. Therefore, there is an undue concentration of alcoholic beverages around the project site under County code. The sale of beer and wine for off-site consumption at the subject property would provide a public convenience and necessity to the neighborhood by providing goods and services that are customarily found at a convenience-type store. The gas station mini-mart is a different type of commercial business than the other four establishments and would be the only gas station mini-mart to sell alcoholic beverages within at least a 500 ft. radius from the project site. The mini-mart's shelf space devoted to the display of alcoholic beverages will be no more than 4.97% of the store's total shelf space. The subject property is located within 600 ft. of one sensitive use (First Fundamental Bible Church). With the proposed draft conditions, the project shall remain consistent and compatible with the surrounding community. The applicant will also be required to purchase an existing or retired alcohol license within the West Whittier – Los Nietos community for its own use.
19. The Commission finds that the sale of beer and wine will be an incidental service to the existing convenience store that sells a variety of products. The project site is located in an urbanized location with a nearby mix of residential, commercial, retail and entertainment uses. The project site will continue to be maintained as a market and enhances the aesthetic environment of the neighborhood and street corner. Residential and other properties are buffered from the site by major streets, sidewalks, landscaping, and a 6' high masonry wall.
20. The Commission finds that the subject site is a newly developed corner that enhances the local community. The existing building on the site has been improved with new interior finishes and there is adequate parking on the site to reduce traffic concerns.
21. The Commission finds that the site is sufficiently served with streets and highways to carry traffic flow to and from the site. The sale of alcoholic beverages is not expected to generate more traffic on the site. The site is currently served by public service facilities and additional facilities are not required.

22. The Commission finds that the project is located within 600 ft of a church. The church is sufficiently buffered from the project site by Washington Blvd. The project will utilize security cameras and have sufficient exterior lighting to mitigate concerns regarding crime from the site.
23. The Commission finds that residential areas adjacent to the site are buffered from the site by block walls.
24. The Commission finds that currently there are four (4) other establishments within 500 ft. of the subject property that sell alcoholic beverages. These establishments include three (3) Type 21 licenses for off-site full line sales and one (1) Type 41 license for on-site beer and wine sales. Therefore there is an undue concentration of establishments that sell alcoholic beverages according to County Code. According to the California Department of Alcoholic Beverage Control, an undue concentration of alcohol serving establishments does exist within the census tract that the subject property is located within. The mini-mart will restrict the shelf space for alcoholic beverage display to 4.97% of the store's total shelf space.
25. The Commission finds that the project will not change the commercial nature of the existing mini-mart and is expected to enhance the economic welfare for the surrounding community.
26. The Commission finds that the exterior appearance of the location will not be inconsistent with the surrounding community and fits in with other commercial development in the neighborhood.
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 West Whittier – Los Nietos community. On April 6, 2015, a total of 59 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 one notice to those on the courtesy mailing list for the Whittier Downs 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 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.
- 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. 201500006, subject to the attached conditions.

ACTION DATE: May 27, 2015

VOTE: 4:0:0:1

Concurring: Valadez, Pincetl, Pedersen, Modugno

Dissenting: 0

Abstaining: 0

Absent: Louie

MM:SM
5/27/15

c: Each Commissioner, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2015-00161-(4)
CONDITIONAL USE PERMIT NO. 201500006**

PROJECT DESCRIPTION

The project is Conditional Use Permit (CUP) to authorize the sale of beer and wine for off-site consumption (Type 20 alcohol license) at an existing gas station mini-mart 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 May 27, 2030.** 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 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 **July 13, 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 - CONDITIONAL USE PERMIT (SALE OF ALCOHOLIC BEVERAGES)

19. The conditions of this grant shall be retained on the premises at all times and shall be made available upon request of any County Sheriff, Zoning Inspector or Department of

Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein;

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. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request;
22. 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;
23. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced;
24. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public;
25. The consumption of alcoholic beverages shall be prohibited on the subject property. The permittee shall post signage on the premises prohibiting consumption of alcoholic beverages on the premises;
26. No sale of alcoholic beverages shall be made from a drive-in window;
27. Any conditions on hours of alcohol sale should be consistent with store operating hours. Alcohol sales shall be prohibited between 2:00 a.m. to 6:00 a.m., seven days a week, consistent with California state law;
28. There shall be no beer sold in containers under 32 fluid ounces (one quart) or in less than six-pack quantities;
29. No display of alcoholic beverages shall be made from an ice tub;
30. The permittee shall display alcoholic beverages only in the cooler or shelving designated for storage of said beverages as depicted on the "shelf plan" labeled Exhibit 'A'. No additional display of alcoholic beverages shall be provided elsewhere on the premises;
31. The licensed premises shall have no coin operated amusements, such as pool tables, juke boxes, video games, small carousel rides or similar riding machines, with the exception of official State Lottery machines;
32. Employees on duty from the hours of 10:00 p.m. and 2 a.m. who sell alcohol shall be at least 21 years old (pursuant to Title 22);

33. No beer or wine advertising shall be located on motor fuel islands (pursuant to Title 22);
34. No alcoholic beverages shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler;
35. Beer in containers of 32 fluid ounces (one quart) 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 of 32 fluid ounces (one quart) or less is prohibited;
36. 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;
37. No malt liquors and/or malt based products with alcoholic content greater than five percent by volume shall be sold;
38. 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;
39. 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;
40. The sale of fortified wines shall be prohibited;
41. All litter and trash shall be collected regularly from the premises and the adjacent right-of-way; and
42. The permittee is required to purchase or to retire, for its own use, an existing alcohol license within the West Whittier – Los Nietos community no later than **August 27, 2015**. If, despite evidence provided to the Director of Regional Planning ("Director") of best efforts to obtain or retire a license, the permittee requires additional time, then the permittee may request additional time in writing from the Director. If the Director determines that the permittee has been unable to acquire or retire a license despite best efforts, the Director shall grant an extension or extensions which cumulatively shall not exceed one year. The rights granted hereunder shall expire and lapse in the event that the permittee fails to acquire a license within the time frame set forth in this condition.