Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

February 10, 2016

Art Rodriguez & Associates
Attn: Art Rodriguez
709 E. Colorado Boulevard, Suite 200
Pasadena, CA 91101

REGARDING: **PROJECT NO. R2015-00840-(5)**
CONDITIONAL USE PERMIT NO. 201500034
3033 E. HUNTINGTON DRIVE (5377-034-029)

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. 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 with the enclosed Affidavit of Acceptance. 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 Michele Bush of the Zoning Permits East Section at (213) 974-6435, or by email at mbush@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 Section

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

c: DPW (Building and Safety); Zoning Enforcement

MM:MRB

CC 060412

FINDINGS OF THE REGIONAL PLANNING COMMISSION
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2015-00840-(5)
CONDITIONAL USE PERMIT NO. 201500034

1. The Los Angeles County ("County") Regional Planning Commission (Commission) conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201500034 ("CUP") on February 10, 2016.

2. The permittee, Boos Development West, LLC ("permittee"), requests the CUP to authorize the sale of a full line of alcoholic beverages for off-site consumption (Type 21 alcohol license) at a proposed CVS store (approval under separate permit), in an existing commercial structure within an existing shopping center ("Project") on a property located at 3033 Huntington Drive in the unincorporated community of East Pasadena ("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 approximately 2.5 acres in size and consists of one legal lot. The Project Site is rectangular in shape with flat topography and is developed with an existing shopping center and surface parking lot.

4. The Project Site is located in the East Pasadena Zoned District and is currently zoned C-3 (General Commercial).

5. The Project Site is located within the 1 – Low Density Residential (1 to 6 du/ac) land use category of the Countywide General Land Use Plan Land Use Policy Map.

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

   North: C-2-DP-U/C (Neighborhood Business-Development Program-Unilateral Contract) and R-1-10,000 (Single-Family Residence-10,000 sq. ft. minimum lot area)
   South: C-2 (Neighborhood Business), R-1 (Single-Family Residence) and City of San Marino
   East: R-1-10,000 and R-1
   West: City of San Marino

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

   North: Single-Family Residential
   South: K.L. Carver Elementary School, Commercial, Masonic Hall, Senior Housing, Single and Multi-Family Residential
   East: Water Reservoir and Single-Family Residences
   West: Commercial, Office, St. Edmund's Episcopal Church & School, and St. Felicitas Perpetua Church & School

8. The Project Site was zoned R-1, C-2, and R-2 in 1931 and was rezoned to its current zoning of C-3 in 1941. On June 21, 1961, Plot Plan No. 10955 was approved for a Ralph's supermarket and a parking lot on the site. Plot Plan No. 47270, approved on June 27, 2001, approved a billboard on the site. On March 18,

2014, Plot Plan No. 201100476 was denied for tenant improvements to the then-existing supermarket and to legalize a recycling collection center. On November 20, 2014, Zoning Conformance Review No. 201401307 was approved to divide the existing retail building into two retail units, to accommodate the new Trader Joe's Market (approved under Project number R2014-03036-(5) / Conditional Use Permit number 201400148) and proposed CVS Store. The sale of alcoholic beverages was approved by the Hearing Officer on December 1, 2015.

9. The site plan for the Project depicts the Project Site with an existing retail structure, consisting of the future CVS Store (14,529 sq. ft.) and Trader Joe's Market (15,318 sq. ft.) and a surface parking lot containing 180 parking spaces. Three driveways are depicted, two along Huntington Drive and the other along San Gabriel Boulevard, each to be used for both ingress and egress. The site plan includes the shelf plan for the proposed display of alcoholic beverages, indicating 4.93 percent reserved as such. The shelf space thereby does not exceed five percent of the total shelf space in the establishment.

10. The Project will provide 180 parking spaces on the existing surface lot. The Project provides seven ADA compliant parking spaces. The parking provided complies with parking requirements in Section 22.52.1100 of the Los Angeles County Code.

11. Based on information from the California Department of Alcoholic Beverages Control (ABC), an undue concentration of licenses existing within the Census Tract. Two alcohol licenses are allowed and nine exist. There is currently one establishment approved to sell alcohol (Type 21 alcohol license) within 500 feet of the Project Site. The adjacent, proposed Trader Joe's Market has been approved for alcohol sales under Project number R2014-03036-(5) / Conditional Use Permit number 201400148.

    Staff received a Business and Practices Worksheet from the ABC, dated September 21, 2015. The worksheet included crime reporting district and Census Tract based statistics on reported criminal activity and existing alcohol licenses. According to the worksheet, the subject Project Site is located within crime reporting district number 0590 where 399 offenses occurred. The average number of offenses per reporting district is 85.7; therefore reporting district 0590 is considered a high crime reporting district. The subject property is located in Census Tract number 4631.02.

12. Staff also received a letter from the County of Los Angeles Sheriff's Department, Temple Station, dated September 23, 2015. The letter stated that calls, over the past five years, have been routine in nature. The Sheriff's Department concluded there is no anticipated impact to law enforcement or other services provided by the Temple Sheriff's Station regarding the project site. The department recommends approval of the Conditional Use Permit.

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 involved the sale of alcoholic beverages in an existing

commercial structure that will be the location of the proposed CVS pharmacy store, 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. Staff received one phone call and one letter from the public, in support of the project request.

16. A duly noticed public hearing was held on December 1, 2015 before Hearing Officer Alex Garcia. The applicant's representative, Art Rodriguez, was present to answer questions regarding the Project. Mr. Rodriguez expressed concern with some of the conditions of approval. Specifically Condition #33 which read: "Employees on duty after 10:00 pm shall be at least 21 years of age."; and Condition #43 which read: "The permittee shall hire a security guard for the premises and the security guard shall be required to be on the premises during all hours of operation." Mr. Rodriguez requested both conditions of approval be removed. Staff indicated the conditions were standard conditions and had been included in keeping with previous approvals of CVS stores within other areas of Los Angeles County.

    The Hearing Officer discussed editorial changes to the findings and conditions and recommended modifications as necessary. The Hearing Officer indicated agreement with the removal on Condition #33. With regard to the request to remove Condition #43, the Hearing Officer expressed concern with not having any security guard on the premises and suggested a modification to the condition to read: "The permittee shall hire a security guard for the premises and the security guard shall be required to be on the premises during the hours of alcohol sales (8:00 a.m. to 10:00 p.m.)." Mr. Rodriguez contested the modification to Condition #43 and indicated he did not agree with the need for the condition. The Hearing Officer indicated the need for a security guard due to the close proximity of residences to the project site. The Hearing Officer indicated the security guard would help control noise and loitering around the property. Following the Hearing Officer's discussion, regarding Condition #43, Mr. Rodriguez indicated agreement with the modified conditions of approval.

    There being no further testimony, the Hearing Officer closed the public hearing and approved the Project with revised Findings and Conditions of Approval as agreed to by the applicant.

    On December 10, 2015, the applicant appealed Condition # 43 requiring the hiring of a security guard during the hours of alcohol sales (8:00 a.m. to 10:00 p.m.), and is requesting that condition be removed.

    A duly noticed public hearing was held on February 10, 2016 before the Regional Planning Commission. The applicant's representatives, Art Rodriguez and David Weissglass, were present to answer questions regarding the Project and appeal. There being no further testimony, the Commission closed the public hearing, moved to grant the appeal and approve the Project with Findings and modified Conditions of Approval, as agreed to by the applicant.

17. The Commission finds that the Project is consistent with the goals and policies of the Countywide General Land Use Plan. The subject property is located within the 1 – Low Density Residential land use category. This designation is intended for single-family detached housing units. However, within the generalized residential areas mapped, a variety of use types and intensities presently exist. Such uses typically include local commercial uses. It is not the intent of General Plan policy to preclude further development or expansion of such uses within areas depicted as residential on the Land Use Policy Map. The proposed CVS is a local commercial use and is therefore consistent with the goals and policies of the Countywide General Land Use Plan.

18. The Commission finds that, based on the response letter from the County of Los Angeles Sheriff's Department, Temple Station, dated September 23, 2015, the proposed project has no anticipated impact to law enforcement or other services provided by the Temple Sheriff's Station regarding the project site. Therefore, the removal of Condition #43 is consistent with the recommendation of the Sheriff's Department and the previously approved Conditional Use Permit for alcohol sales at the adjacent Trader Joe's Market.

19. The Commission finds that the Project is consistent with the Zoning Code. Section 22.28.210 of the County Code permits the sale of alcoholic beverages for either on-site or off-site consumption in the C-3 zone, provided a conditional use permit has first been obtained.

    Section 22.56.195 of the County Code requires that an applicant for a project that does not currently, but proposes to sell alcoholic beverages, for either on-site or off-site consumption must provide information sufficient to substantiate certain findings.

20. The Commission finds that the Project will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the Project Site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, and general welfare.

    The requested use will have no adverse affect on nearby residents or employees. It will serve as a "one-stop" shopping location for daily household goods, pre-packaged food items, medications, and other personal needs. The presence of this kind of use will only serve to improve community health, well-being, enjoyment, and comfort and will eliminate the need for local residents to visit a number of different stores to purchase aforementioned goods. This CVS will uphold the chain's reputation as a well respected seller of a variety of much needed goods for community members in a single location. CVS has a history of maintaining both its interior and exterior environments to ensure that patrons and nearby residents and workers will be served by a safe, well lit, and inviting atmosphere both inside and outside of the store.

21. The Commission finds that the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping

and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The Project site will be located within an existing shopping center, which was built to County specifications regarding necessary walls, fences, parking and loading facilities. The use of the property will not change. No demolition or construction will be occurring that will alter the existing structure.

22. The Commission finds that the Project 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 required.

    The proposed location is within an existing retail center on the corner of two major thoroughfares (Huntington Drive and San Gabriel Boulevard). The former Hows Market, located on the same site, was adequately served by the existing traffic infrastructure and private and public service facilities for many years and it is not expected that CVS will require additional infrastructure improvements.

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

    There are currently seven sensitive uses within a 600-foot radius of the subject property:

    1. St. Edmund's Episcopal Church and School are located approximately 200 feet northwest of the Project Site;
    2-3. St. Felicitas Perpetua Church and School are located approximately 400 feet northwest of the Project Site;
    4. Reading Town San Marino is located approximately 20 feet north of the Project Site;
    5. K.L. Carver Elementary School is located approximately 500 feet south of the Project Site;
    6. Clairbourn: Pasadena Area Private Independent School is located approximately 600 feet southeast of the Project Site; and
    7. Lee Shin Tae Kwon Do studio is located approximately 240 feet south of the Project Site.

    All uses are buffered sufficiently from the proposed use by the parking lot on the Project Site, San Gabriel Boulevard and East Huntington Drive. CVS is a respected and well-managed pharmacy chain that has little to no history of interfering with sensitive uses in its respective communities.

24. The Commission finds that the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

    The proposed CVS will be located in an existing commercially zoned lot, thus traditional methods of buffering associated with retail stores will be utilized. The existing shopping center is buffered from surrounding residential uses by impermeable building walls, alleyways and streets.

25. The Commission finds that 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; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limit to not more than five percent of the total shelf space in the establishment.

    There is currently one establishment approved to sell alcohol (Type 21 alcohol license) within 500 feet of the Project Site. The adjacent, proposed Trader Joe's Market has been approved for alcohol sales under Project number R2014-03036-(5) / Conditional Use Permit number 201400148. If approved, the shopping center's accessible location on two major thoroughfares in a largely residential community with few alternative options for purchasing alcoholic beverages ensures that two alcoholic beverage outlets will serve the public good and will undoubtedly serve public convenience, outweighing the two locations' proximity to each other. The percentage of shelf space devoted to alcohol will fall below five percent (4.93%). Further, CVS will sell a variety of much needed household goods, food items, beauty products and medications. The sale of alcohol will only be supplemental to the sale of these items, and the addition of alcohol sold in a safe manner will only add to public conveniences and serve to additionally benefit residents who wish to shop for their daily products at this location.

26. The Commission finds that the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.

    The previous and proposed use for the subject site will remain the same, so approval of the Type 21 license for CVS will not negatively affect the economic welfare of the surrounding community. Further, employees and residents of Pasadena will have the ability to purchase daily goods, foot items, beauty products, medication and more. Thus the CVS location will only benefit the economic welfare of the surrounding community. Further, the opening of a new CVS Pharmacy will likely generate additional tax revenue for the county.

27. The Commission 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 said neighborhood.

    The exterior of the CVS location will not differ significantly from the appearance of existing businesses in the shopping center nor nearby commercial structures. CVS has a history of paying firm attention to maintenance of its structures and will ensure that the structure will not deteriorate to the point of causing blight or lowering neighboring property values. Rather CVS will ensure that it is well lit and properly maintained.

28. 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.

29. 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 Pasadena-San Gabriel community. On December 28, 2015, a total of 257 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 four notices to those on the courtesy mailing list for the East Pasadena Zoned District and to any additional interested parties.

30. 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 public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption; the shelf space devoted to 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 nearby community.

I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

THEREFORE, THE 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. Grants the Appeal and Approves Conditional Use Permit 201500034, subject to the attached conditions.

ACTION DATE: FEBRUARY 10, 2016

VOTE:
Concurring: Smith, Louie, Modugno, Pedersen

Dissenting:

Abstaining:

Absent: Pincetl

MM:MRB
02/10/16

c: Each Commissioner, Zoning Enforcement,Building and Safety

CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2015-00840-(5)
CONDITIONAL USE PERMIT NO. 201500034

PROJECT DESCRIPTION

The project is a request to authorize the sale of a full line of alcoholic beverages for off-site consumption (Type 21 alcohol license) at a proposed CVS store (approval under separate permit), in an existing commercial structure within an existing 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) (one the first year and seven 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 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 11, 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

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

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

21. The consumption of alcoholic beverages shall be prohibited on the subject property, including interior and exterior locations. The permittee shall post signage on the premises prohibiting consumption of alcoholic beverages on the property.

22. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program, or other similar program, provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.

23. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures, or on the interior of any windows.

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

25. The permittee shall post telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public.

26. This grant authorizes the sale of alcoholic beverages from 8:00 a.m. to 10:00 p.m., during all days of operation.

27. No sale of alcoholic beverages shall be made from a drive-thru window.

28. No display of alcoholic beverages shall be made from a tub or other container containing ice.

29. 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.

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. Shelf space for display of alcoholic beverages shall never exceed five percent of the store's shelf space.

32. 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.

33. The beer in containers of 16 ounces or less shall not be sold by single container, but must be sold in manufacturer pre-packaged multi-unit quantities. The permittee shall post signs on the coolers and cashier station stating the selling of single containers of beer is prohibited.

34. There shall be no beer sold in containers under one quart or in less than six-pack quantities, with the exception of craft or microbrewery beers which can be sold in individual containers of not less than 16 ounces.

35. 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.

36. Malt beverages (e.g. beer, ale, stout and malt liquors) shall not be sold in a bottle or container greater than 750 milliliters or 25.4 ounces.

37. The permittee shall provide adequate lighting to the satisfaction of the Director above all entrances and exits to the premises.

38. The permittee shall provide adequate lighting to the satisfaction of the Director in all parking areas and walkways under control of the permittee.

39. All lighting required by this grant shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons within lighted areas during operating hours and shall be designed so as to direct light and glare only onto the facility premises. Said lighting and glare shall be deflected, shaded and focused away from all adjoining properties.

PROJECT SITE SPECIFIC CONDITIONS

40. This grant shall authorize the sale of a full line of alcoholic beverages for off-site consumption (Type 21 alcohol license).

41. All litter and trash shall be collected regularly from the premises and the adjacent right-of-way.

42. The permittee shall maintain a closed circuit video monitoring system, with cameras located strategically throughout the property.

MM:MRB
02/10/16