

January 21, 2025

Maria Impala
Art Rodriguez Associates
444 E Huntington Drive, Suite 208
Arcadia, CA 91006

PROJECT NO. PRJ2022-001917-(2)
CONDITIONAL USE PERMIT NO. RPPL2022005808
4148 VIA MARINA, MARINA DEL REY (APN: 4224-004-901)

Dear Ms. Impala:

Hearing Officer Patricia Hachiya, by her action of **January 21, 2025**, has approved the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to LA County Planning (see enclosed Affidavit of Acceptance Instructions).

Appeals:

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **February 4, 2025**. Appeals must be submitted to appeal@planning.lacounty.gov before the end of the appeal period.

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.

In addition, any applicable California Environmental Quality Act 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. A Notice of Exemption, if applicable, may also be filed according to the instructions in the enclosed Affidavit of Acceptance.

For questions or for additional information, please contact Nathan M. Merrick of the Coastal Development Services Section at (213) 974-0051, or NMerrick@planning.lacounty.gov.

Maria Impala
January 21, 2025
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Sincerely,

AMY J. BODEK, AICP
Director of Regional Planning

Rob Glaser

Robert Glaser, Supervising Regional Planner
Coastal Development Services Section

RG:NMM

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

c: PW (Building and Safety)
Zoning Enforcement

CP_01212025_FINAL LETTER

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
FINDINGS OF THE HEARING OFFICER
AND ORDER
PROJECT NO. PRJ2022-001917-(2)
CONDITIONAL USE PERMIT NO. RPPL2022005808

RECITALS

1. **HEARING DATE(S).** The Los Angeles County (“County”) Hearing Officer conducted a duly noticed public hearing in the matter of Conditional Use Permit (“CUP”) No. RPPL2022005808 on January 21, 2024.
2. **HEARING PROCEEDINGS.** A duly noticed public hearing was held on January 21, 2025 before the Hearing Officer. Staff presented the project and stated it was consistent with applicable policies and development standards in the Marina del Rey Local Coastal Program and recommended approval. The applicant, Art Rodriguez Associates, presented testimony in favor of the request and made themselves available for questions. There being no further testimony, the Hearing Officer closed the public hearing and adopted the recommended findings and conditions of approval.
3. **ENTITLEMENT REQUESTED.** The permittee, Marina Liquor Mart ("Permittee"), requests the CUP to authorize the retail sale of a full line of alcoholic beverages (i.e., beer, wine, and distilled spirits) for offsite consumption (California Department of Alcoholic Beverage Control (“ABC”) Type 21 License) in association with an existing legally established market with an accessory delicatessen (“Project”) on a property located at 4148 Via Marina, Leased Parcel 22, in the unincorporated community of Marina del Rey ("Project Site") in the SP (Specific Plan) Zone pursuant to Los Angeles County Code ("County Code") Section 22.140.030 (Alcoholic Beverage Sales).
4. **PREVIOUS ENTITLEMENT.** Ministerial Site Plan Review No. RPPL2024001436, approved on March 27, 2024, authorized the re-establishment of a market use onsite, which ceased operations due to the COVID-19 pandemic, and authorized the establishment of an accessory delicatessen.
5. **LAND USE DESIGNATION.** The Project Site is located within the H (Hotel) land use designation of the Marina del Rey Land Use Plan (“Land Use Plan”) Land Use Policy Map.
6. **ZONING.** The Project Site is located in the Playa del Rey Zoned District and is currently zoned SP (Specific Plan). Pursuant to County Code Section 22.140.030 (Alcoholic Beverage Sales), a CUP is required for the sale of alcoholic beverages for offsite consumption.

7. SURROUNDING LAND USES AND ZONING

LOCATION	MARINA DEL REY LAND USE POLICY	ZONING	EXISTING USES
NORTH	P (Parking) OS (Open Space) H (Hotel)	SP	Park, parking, hotels
EAST	OS (Open Space) W (Water)	SP	Beach/park, marina, boat slips/boat parking
SOUTH	P (Parking) RIV (Residential – IV) W (Water)	SP	Parking, apartments, marina, boat slips/boat parking
WEST	RV (Residential – V)	SP	Apartments

8. PROJECT AND SITE PLAN DESCRIPTION.

A. Existing Site Conditions

The Project Site is 20.30 gross acres (1.72 net acres) in size and consists of one legal lot and one leased parcel (Leased Parcel 22). The Project Site is rectangular in shape with flat topography and is developed with an existing hotel, restaurant, dry cleaner, parking lots, and a market with an accessory delicatessen.

B. Site Access

The Project Site is accessible via Via Marina to the west, Admiralty Way to the north, and Panay Way to the south. Primary access to the Project Site is via multiple entrances/exits on Via Marina.

C. Site Plan

The Site Plan depicts the Project Site with the existing hotel, restaurant, dry cleaner, market with an accessory delicatessen, landscaping, and parking. The Permittee utilizes a 4,352-square-foot portion of an existing building that contains 2,926 square feet of market space, 1,050 square feet of backroom/storage space, and 376 square feet of delicatessen space. Parking is provided to the north and south of the subject building and a total of 94 spaces are depicted. The shelf plan depicts a total of 21.8% of shelf space devoted to the sale of alcoholic beverages for offsite consumption.

9. CEQA DETERMINATION. Prior to the Hearing Officer’s public hearing on the Project, County Department of Regional Planning (“LA County Planning”) staff (“Staff”) determined the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (“CEQA”) (Public Resources Code Section 21000, et seq.), the State CEQA Guidelines, and the Environmental Document reporting Procedures and Guidelines for the County, because the Project involves the sale of a full line of alcoholic beverages for offsite consumption in association with an

existing market with an accessory delicatessen with no expansion of the previously permitted use and structures. Moreover, there are no anticipated cumulative impacts due to successive projects of the same type in the same place as no additional projects of a similar type have recently been proposed onsite. Additionally, there are no unusual circumstances associated with the Project that would necessitate a finding of a reasonable possibility that the proposed activity will have a significant effect on the environment. Finally, the Project is not associated with any scenic highways, hazardous waste sites, or historical resources.

10. **COMMUNITY OUTREACH.** Community outreach was conducted for the existing market use and the request for the sale of a full line of alcoholic beverages for offsite consumption, which included the Permittee contacting and discussing the Project with nearby residents and the office of the member of the County Board of Supervisors who represents the unincorporated community of Marina del Rey.

11. **PUBLIC COMMENTS.** Prior to the publication of the Report to the Hearing Officer dated January 8, 2025, Staff received no correspondence from the public regarding the Project.

12. AGENCY RECOMMENDATIONS.

A. The County Sheriff's Department, in a letter received July 3, 2023, recommended approval of the CUP.

B. ABC provided a completed Worksheet with relevant information on November 15, 2023.

13. **LEGAL NOTIFICATION.** Pursuant to County Code Section 22.222.120 (Public Hearing Procedure), the community was properly notified of the public hearing by mail, newspaper (*The Argonaut*), and property posting. Additionally, the Project was noticed and case materials were available on LA County Planning's website. On November 25, 2024, a total of three 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 33 notices to those on the courtesy mailing list for the Playa del Rey Zoned District and to any additional interested parties.

GENERAL PLAN CONSISTENCY FINDINGS

14. **LAND USE POLICY.** The Hearing Officer finds that the Project is consistent with the goals and policies of the Land Use Plan because the H (Hotel) land use designation, coupled with the Waterfront Overlay Zone, is intended to provide flexibility for development on waterfront parcels and allows for various visitor-serving/convenience commercial uses, including a market with an accessory delicatessen and the associated sale of a full line of alcoholic beverages for offsite consumption, such as this Project.

15. **GOALS AND POLICIES.** The Hearing Officer finds that the Project is consistent with the applicable goals and policies of the General Plan and Land Use Plan as follows:

General Plan:

- A. **Policy LU 5.2: Encourage a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs.** Authorizing the existing market to sell a full line of alcoholic beverages for offsite consumption encourages a diversity of commercial and retail services to meet local needs because there are no existing markets in the immediate vicinity of the Project Site that sell alcoholic beverages for offsite consumption, the market is appropriately scaled to fit in with the community aesthetic, and the alcoholic beverage sales will serve the needs of nearby residents, visitors, and the greater Marina del Rey community.
- B. **Policy LU 5.3: Support a mix of land uses that promote bicycling and walking and reduce vehicle miles traveled.** The market is located near existing residential, commercial, and recreation uses and will provide residents and visitors with the opportunity to purchase alcoholic beverages for offsite consumption without having to drive or leave Marina del Rey to do so.
- C. **Policy LU 9.3: Encourage patterns of development that increase convenient, safe access to healthy foods, especially fresh produce, in all neighborhoods.** As conditioned, the Project is required to provide a minimum of three varieties of fresh produce free from spoilage and a minimum of two whole grain items for sale on a continuous basis. The products are required to be displayed in high-visibility areas as depicted on the Project's floor plan/shelf plan.

Land Use Plan:

- A. **Element A.1 Policy 14: Public opportunities for viewing the Marina's scenic elements, particularly the small craft harbor water areas, shall be enhanced and preserved.** By authorizing the sale of a full line of alcoholic beverages for offsite consumption in conjunction with an existing market, the Project will entice visitation to the area and will enhance opportunities for public access and viewing of Marina del Rey's various scenic elements and water areas, particularly given the Project Site's location directly adjacent to Mother's Beach and Basin D.
- B. **Element A.2 Policy 6: All projects shall be subject to the applicable parking requirements set forth in County Code Title 22.** The previously authorized market use with an accessory delicatessen, which is related to the Project, complies with Title 22 parking requirements and all parking spaces are depicted on the Project's Site Plan.
- C. **Element C.9 Policy 2: On-premise signs shall be restrained in size and color and subordinated to the setting.** The signage associated with the Project is the minimum amount necessary to provide important use-related information and is required to comply with all relevant permitting requirements and development standards found in the Marina del Rey Specific Plan.

ZONING CODE CONSISTENCY FINDINGS

- 16. PERMITTED USE IN ZONE.** The Hearing Officer finds that the Project is consistent with the H (Hotel) land use district and Waterfront Overlay Zone classifications as markets and are permitted in such classifications with a Ministerial Site Plan Review pursuant to County Code Section 22.46.1710 (Waterfront Overlay Zone – Permitted Uses). The market use with an accessory delicatessen, which is related to the Project, was previously legally authorized by Ministerial Site Plan Review No. RPPL2024001436. Additionally, the Project is consistent with alcoholic beverage sale regulations because the sale of a full line of alcoholic beverages for offsite consumption that is accessory to one or more uses is permitted within the H (Hotel) land use district and Waterfront Overlay Zone with a CUP pursuant to County Code Section 22.140.030.
- 17. PARKING.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Chapter 22.52, Part 11, as that chapter has been incorporated into the Marina del Rey Specific Plan. The County Department of Public Works' Building and Safety Division has determined that the market and accessory delicatessen have an overall occupancy of 54 persons. The Project's Site Plan indicates the total square footage associated with the market and accessory delicatessen is 4,352 square feet. Based on the occupancy load and square footage of the market and accessory delicatessen, 17 parking spaces are required, one of which must be accessible to persons with disabilities in compliance with the Americans with Disabilities Act. All 17 required parking spaces are available on the Project Site and are shown on the Project's Site Plan. An additional 77 parking spaces are also provided on the Project Site and are shown on the Project's Site Plan.
- 18. SIGNS.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.46.1060 (Communitywide Design Guidelines) and all sign proposals required as part of the Project must comply with those standards.
- 19. OPERATING REGULATIONS FOR ALCOHOL USES.** The Hearing Officer finds that the Project is consistent with the applicable standards identified in County Code Section 22.140.030.E. The Project is not required to limit shelf space devoted to the sale of alcoholic beverages to 5% because the Project proposes the sale of alcoholic beverages for offsite consumption, is not located within a 500-foot radius of another use selling alcoholic beverages for offsite consumption, and is not associated with an automobile service station. The Project has been conditioned to require the offering of at least three varieties of fresh produce free from spoilage and a minimum of two whole grain items for sale on a continuous basis to be displayed in high-visibility areas as depicted on the Project's floor plan/shelf plan. Additionally, the Project has been conditioned to require all employees of the underlying use who directly serve or are in the practice of selling alcoholic beverages to participate in the License Education on Alcohol and Drugs Program provided by ABC or a similar program. The Permittee is also required to display a certificate or plaque indicating participation in the training program in a publicly accessible area of the market. Proof of employees' completion of the training program is also required to be made available upon request. Lastly, the Project has been conditioned to limit the sale of a full line of alcoholic beverages for

offsite consumption to between the hours of 8:00 a.m. to 10:00 p.m. Sunday through Thursday and between the hours of 8:00 a.m. to 11:00 p.m. Friday and Saturday. More information regarding this condition of Project approval is provided in Finding 28, below.

CONDITIONAL USE PERMIT FINDINGS

20. The Hearing Officer finds that 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. The operation of a market with an accessory delicatessen and the associated sale of alcoholic beverages for offsite consumption presents minimal risk of adversely affecting the health, peace, comfort, or welfare of persons residing or working in the area because it will not create negative impacts to the circulation, aesthetic, or environmental conditions in Marina del Rey. As conditioned, the authorization of the sale of alcoholic beverages for offsite consumption in association with the Permittee's market will contribute to an active and vibrant urban milieu enjoyed by residents and visitors of Marina del Rey and in no way constitutes a menace to the public health, safety, or general welfare.

A condition of Project approval limits the sale of a full line of alcoholic beverages for offsite consumption from 8:00 a.m. to 10:00 p.m. Sunday through Thursday and from 8:00 a.m. to 11:00 p.m. on Friday and Saturday. More information regarding this condition of Project approval is provided in Finding 28, below.

21. The Hearing Officer 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 Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area. The Project will be located on Leased Parcel 22 in Marina del Rey, which represents only a small part of a larger parcel occupied by other commercial, recreational, and residential uses. The Project does not propose any additions to the previously approved market with an accessory delicatessen.

22. The Hearing Officer finds that 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. Via Marina is an arterial roadway with multiple lanes in each direction. The Project does not propose any changes to the existing entrances to Leased Parcel 22. The operation of a market with an accessory delicatessen and the associated sale of a full line of alcoholic beverages for offsite consumption will not generate any additional need for public or private services.

23. GRANT TERM. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the CUP to 10 years.

SUPPLEMENTAL FINDINGS

- 24. The Hearing Officer finds that the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.** While the Project is located within 600 feet of Mother's Beach, the Mother's Beach playground, and an unnamed park, the Project's immediate surroundings include a hotel, a dry cleaner, Via Marina, various parking lots, and physical barriers (e.g., walls and dense landscaping). Therefore, the use selling alcoholic beverages for offsite consumption is appropriately buffered so as not to adversely affect any sensitive uses in the area.
- 25. The Hearing Officer finds that the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity, so as not to adversely affect said area.** The Project Site is buffered to the west by Via Marina, a highly trafficked arterial roadway, which separates the use selling alcoholic beverages for offsite consumption from a neighboring apartment complex. Additionally, the Project Site is buffered to the south by multiple parking lots and Panay Way, a well-traveled road, all of which separate the use selling alcoholic beverage sales for offsite consumption from a neighboring apartment complex. Therefore, the Project is sufficiently buffered so as not to adversely affect the residential uses in the vicinity.
- 26. The Hearing Officer finds that the requested use at the proposed location will not adversely affect the economic welfare of the nearby community.** The market with an accessory delicatessen and its associated sale of a full line of alcoholic beverages for offsite consumption is located on a leased parcel within a larger County-owned parcel. The Project includes an existing market as the primary use with the sale of alcoholic beverages for offsite consumption as a supplemental activity to the primary activities associated with the market (e.g., the retail sale of goods and the accessory operation of a delicatessen). It is not anticipated that the sale of alcoholic beverages for offsite consumption will create any identifiable negative economic impacts to the nearby community.
- 27. The Hearing Officer finds that the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood, so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.** The Project does not propose any physical changes to the existing building being utilized by the Permittee.
- 28. The Hearing Officer finds that even though the proposed sale of alcohol would occur at a site within a high crime reporting district or in an area of undue concentration, pursuant to the California Alcoholic Beverage Control Act and the regulations adopted under that Act, or that the use selling alcoholic beverages for off-site consumption is proposed within a 500-foot radius of another use selling alcoholic beverages for off-site consumption, the sale of alcohol at the subject property contributes to the public convenience or necessity.** The Project is located in an existing structure and there are no other uses within 500 feet selling

alcoholic beverages for offsite consumption. The Project is located in a community categorized by ABC as a high crime reporting district and an area of undue concentration. Although the Project's Census Tract has a high concentration of ABC licenses authorizing the sale of alcoholic beverages for offsite consumption (seven existing where seven are allocated by ABC), the Project is in Marina del Rey, a community widely considered to be densely populated and often visited. Therefore, the high concentration of uses authorizing the sale of alcoholic beverages for offsite consumption is warranted given the number of people working, playing, and living in the area.

The sale of alcoholic beverages for offsite consumption is related and essential to the associated market with an accessory delicatessen, which cannot operate in a viable manner without the inclusion of alcoholic beverage sales. The requested sale of alcoholic beverages for offsite consumption will enhance the economic viability of Marina del Rey by adding to its critical mass of convenience commercial uses. The requested sale of alcoholic beverages for offsite consumption compliments the established businesses in the area by providing a convenient location where patrons of nearby hotels, and residents of nearby apartments, can purchase these products.

Given that the existing uses onsite include a market with an accessory delicatessen, the Project's sale of alcoholic beverages for offsite consumption provides patrons with a convenient opportunity to purchase a number of related goods in one spot, thereby reducing the need to travel to multiple locations, which could create increased traffic in the area and the emission of additional greenhouse gases.

When a CUP includes the sale of alcoholic beverages for offsite consumption, Staff typically recommends a condition of Project approval limiting sales from 10 a.m. to 10 p.m. every day. However, for this CUP, Staff recommended a condition of Project approval that allowed the sale of a full line of alcoholic beverages for offsite consumption from 8:00 a.m. to 10:00 p.m. Sunday through Thursday and from 8:00 a.m. to 11:00 p.m. on Friday and Saturday. The Hearing Officer finds that this condition of Project approval is appropriate due to the following factors.

A market previously operated at this location that sold alcoholic beverages for offsite consumption without a CUP pursuant to a "deemed-approved" status in accordance with County Code Section 22.140.030.H.1 because the sales were legally established before a CUP was required. However, the market ceased operations due to the COVID-19 pandemic and was closed for more than three consecutive months, so this CUP was required pursuant to County Code Section 22.140.030.H.3.c. The condition of Project approval allowing the sale of a full line of alcoholic beverages for offsite consumption from 8:00 a.m. to 10:00 p.m. Sunday through Thursday and from 8:00 a.m. to 11:00 p.m. on Friday and Saturday identifies hours that are similar to the hours when the market that previously operated at this location sold alcoholic beverages for off-site consumption, as evidenced by the Permittee's search of ABC records. As noted above, the previous sale of alcoholic beverages for off-site consumption only ceased due to the COVID-19 pandemic and as noted below, Staff was not aware of any

issues related to the previous sale of alcoholic beverages for off-site consumption at this location and, as also noted below and in Finding 12, above, the Sheriff's Department recommended approval of this CUP. Additionally, the Permittee's requested hours of alcoholic beverage sales for offsite consumption, which are consistent with the market's hours of operation, are critical to providing an expected convenience to patrons of Marina del Rey, particularly within the boating community. The market is located near various marina basins and is frequented by boaters to purchase food and beverages before departing.

The Sheriff's Department, in a letter received on July 3, 2023, stated they had 16 calls for service at the Project Site in the five-year period preceding the letter's issuance and that the calls for service have been routine in nature, stated that the establishment has not been a problem, and recommend approval of this CUP. There have been no issues with the market and the previous sale of alcoholic beverages for offsite consumption at this location according to records maintained by the Sheriff's Department and LA County Planning's Land Use Regulation Division, which handles zoning enforcement activities.

ENVIRONMENTAL FINDINGS

29. The Hearing Officer finds that the Project is exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Class 1, Existing Facilities Categorical Exemption). The Project is located in an existing structure and involves the retail sale of a full line of alcoholic beverages for offsite consumption in association with an existing market with no expansion of the previously permitted use and structures.

ADMINISTRATIVE FINDINGS

30. **LOCATION OF DOCUMENTS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at LA County 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 Coastal Development Services Section, LA County Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted Land Use 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 use is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features

prescribed by County Code Title 22, or as is otherwise required to integrate said use with the uses in the surrounding area.

- D. The proposed site is adequately served by highways or streets improved as necessary to shorten trip length and reduce vehicle miles traveled for 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 adversely affect the economic welfare of the nearby community.
- H. The exterior experience 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 impar property values within the neighborhood.
- I. The requested use at the proposed location would contribute to the public's convenience or necessity and the Project has been conditioned to ensure compatibility with the surrounding area given the Project Site's location in a high crime reporting district and an area of undue concentration.

THEREFORE, THE HEARING OFFICER:

- 1. Finds that the Project is exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Class 1, Existing Facilities Categorical Exemption); and
- 2. Approves **CONDITIONAL USE PERMIT NO. RPPL2022005808**, subject to the attached conditions.

ACTION DATE: January 21, 2025

MG:RG:NMM

January 21, 2025

c: Hearing Officer, Zoning Enforcement, Building and Safety

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING

CONDITIONS OF APPROVAL
PROJECT NO. PRJ2022-001917-(2)
CONDITIONAL USE PERMIT NO. RPPL2022005808

PROJECT DESCRIPTION

The project is a request to authorize the retail sale of beer, wine, and distilled spirits for offsite consumption (California Department of Alcoholic Beverage Control (“ABC”) Type 21 License) in association with an existing legally established market located at 4148 Via Marina, Leased Parcel 22, in Marina del Rey 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 (“LA County Planning”) their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and until all required monies have been paid pursuant to Condition No. 9. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 3, 4, and 8 shall be effective pursuant to Section 22.222.230 of the County Code.
3. 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.
4. 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 LA County 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 LA County 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.

5. 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.
6. 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.
7. **This grant shall terminate on January 21, 2035.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the Permittee intends to continue operations after such date, whether or not the Permittee proposes any modifications to the use at that time, the Permittee shall file a new Conditional Use Permit application with LA County Planning or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least twelve 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.
8. 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.
9. 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. No provision of any easement of or any other encumbrance on the property shall exempt the Permittee and/or property owner from compliance with these conditions and applicable regulations. 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 **\$2,205.00**, which shall be placed in a performance fund and be used exclusively to reimburse LA County Planning for all expenses incurred while inspecting the premises to determine the Permittee's compliance with the conditions of this grant. The fund provides for **five (5)** inspections.

Inspections may be unannounced. Inspections may be conducted utilizing any available technologies, including, but not limited to, unmanned aircraft systems (“UAS”). Use of the UAS requires the approval of the Permittee pursuant to LA County Planning’s UAS Policy, which may be updated from time to time, and which shall be provided to the Permittee upon request.

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 LA County Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be **\$441.00** per inspection, or the current recovery cost established by LA County Planning at the time any additional inspections are required, whichever is greater.

10. 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 22.238 of the County Code.
11. 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.
12. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
13. 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 LA County Planning (“Director”).
14. 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.
15. 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 LA County 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 48 hours of such

notification, 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.

16. 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, **one (1) digital copy, in PDF format**, of a modified Exhibit "A" shall be submitted to LA County Planning by **March 18, 2025**.
17. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the Permittee shall submit **one (1) digital copy, in PDF format**, 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.
18. The conditions of this grant shall always be retained on the premises and shall be immediately produced upon request by any County Sheriff, LA County Planning Zoning Enforcement ("Zoning Enforcement") inspector, or ABC agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein. Violation of the conditions herein may subject the use to the provisions of County Code Chapter 22.238 (Modifications and Revocations).

PERMIT-SPECIFIC CONDITIONS – CONDITIONAL USE PERMIT

19. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with County Code Section 22.46.1060 (Communitywide Design Guidelines) 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. If loitering occurs on a continuous basis, as determined by the County Sheriff, a security guard shall be required during business hours at the discretion of the Director.
20. All employees who directly serve or are in the practice of selling alcoholic beverages, including managers and security personnel, shall participate in the Licensee Education on Alcohol and Drugs (LEAD) Program provided by the ABC, or a similar program, such as Standardized Training for Alcohol Retailers (STAR) or another comparable State of California-certified program. 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, indicated they have participated in this program. Proof of completion of the facility's training program by employees, the licensee, and all managers shall be provided to Zoning Enforcement within 90 days of the effective date of this Conditional Use Permit, and subsequently within 90 days of the hire date of all new employees and/or managers.
21. The Permittee and all managers and employees shall not allow the sale of alcoholic beverages to any intoxicated person, any person appearing to be intoxicated, or any person exhibiting behaviors associated with being intoxicated.

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, or within any portion of the interior of any structure that is visible from the outside.
23. No publicly accessible telephones shall be maintained or permitted on the exterior of the premises. Any existing publicly accessible telephones shall be removed within 90 days of the effective date of this Conditional Use Permit.
24. Alcoholic beverages shall only be sold or served to patrons aged 21 or older.
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. Alcoholic beverages shall not be sold from a drive-in or drive-through window.
27. Malt beverages (e.g., beer, ale, stout, and malt liquors) shall not be sold in a single bottle or container less than 16 ounces or greater than 750 milliliters or 25.4 ounces. The Permittee shall post signs on the coolers and cashier station stating that the selling of single bottles or containers of malt beverages (e.g., beer, ale, stout, and malt liquors) less than 16 ounces or greater than 750 milliliters or 25.4 ounces is prohibited. Notwithstanding this condition, malt beverages (e.g., beer, ale, stout, and malt liquors) in single bottles or containers less than 16 ounces or greater than 750 milliliters or 25.4 ounces may be sold in manufacturer pre-packaged multi-unit quantities, such as a six-pack of 12-ounce bottles or containers or a three-pack of 24-ounce bottles or containers.
28. There shall be no wine, except for 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.
29. Alcoholic beverages shall not be displayed in 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 floor plan and shelf plans 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, except for official State Lottery machines.
32. The Permittee shall offer a minimum of three (3) varieties of fresh produce free from spoilage and two (2) whole grain items for sale on a continuous basis. For purposes of this condition, "fresh produce" shall be defined as any edible portion of a fresh fruit or vegetable, whether offered for sale whole or pre-sliced, and "whole grain items" shall be defined as any food from either:

- a. A single ingredient product of the seed or fruits of various food plants, such as brown rice, whole oats, quinoa, or barley; or
- b. A pre-packaged grain product, such as whole wheat bread or whole wheat crackers, in which the word “whole” appears first in the ingredients list of the product.

These products shall be displayed in high-visibility areas meeting one or more of the following criteria, as depicted on the approved floor and shelf plans labeled Exhibit “A:”

- a. Within ten feet of the front door;
 - b. Within five feet of a cash register;
 - c. At eye-level on a shelf or within a cooler, refrigerator, or freezer case;
 - d. On an end cap of an aisle; or
 - e. Within a display area dedicated to produce that is easily accessible to customers.
33. The Permittee is required to purchase an existing ABC License for offsite consumption within the Second Supervisorial District no later than December 17, 2026. If the Permittee needs additional time, after providing evidence of best efforts to obtain an existing alcohol license for offsite consumption to the Director, then the Permittee may request additional time from the Director in writing. If the Director determines that the Permittee has been unable to acquire an existing alcohol license for offsite consumption 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 if the Permittee fails to acquire an ABC License for offsite consumption within the timeframe set forth in this condition.
34. Deliveries shall be limited to non-peak hours, generally between 9:00 a.m. and 6:00 p.m.
35. All commercial delivery trucks shall use commercial streets, routes depicted on the adopted Highway Plan Map in the General Plan, and/or designated truck routes for deliveries.
36. The Permittee shall provide adequate exterior 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 exterior 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 to direct light and glare only onto the premises. All exterior lighting by this grant shall also be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty minutes after the conclusion of activities, except for sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot.
37. A numbering address sign, in compliance with County Code Section 22.46.1060 (Communitywide Design Guidelines), shall be located at the front of the building in a

location clearly visible from the property grounds and the nearest public street to the satisfaction of the Director.

38. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
39. The premises, including exterior facades, designated parking areas, fences, and adjacent sidewalks and other public rights-of-way, shall be maintained in a neat and orderly condition and be free of garbage, trash, debris, or junk and salvage, except in designated trash collection containers and enclosures. All garbage, trash, debris, or junk and salvage shall be collected, and disposed of, daily.
40. This grant authorizes the sale of alcoholic beverages from 8:00 a.m. to 10:00 p.m. Sunday through Thursday and 8:00 a.m. to 11:00 p.m. on Friday and Saturday.

PROJECT SITE-SPECIFIC CONDITIONS

41. This grant shall authorize the retail sale of beer, wine, and distilled spirits for offsite consumption (ABC Type 21 License) in association with an existing legally established market located at 4148 Via Marina, Leased Parcel 22, in Marina del Rey.