

April 23, 2025

Solomon Saltsman & Jamieson  
c/o Bruce Evans  
426 Culver Boulevard  
Playa del Rey, CA 90293

**PROJECT NO. 2019-000372-(3)  
CONDITIONAL USE PERMIT NO. RPPL2019000710  
18541 PACIFIC COAST HIGHWAY, MALIBU (APN: 4443-003-010)**

Dear Applicant:

Hearing Officer Pat Hachiya, by her action of **April 22, 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 **May 6, 2025**. Appeals must be submitted to [appeal@planning.lacounty.gov](mailto: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 or 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 Shawn Skeries of the Coastal Development Services Section at (213) 893-7042, or [sseries@planning.lacounty.gov](mailto:sseries@planning.lacounty.gov).

Sincerely,

Bruce Evans  
April 23, 2025  
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AMY J. BODEK, AICP  
Director of Regional Planning

*Rob Glaser*

Robert Glaser, Supervising Regional Planner  
Coastal Development Services Section

RG: SS

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

c: PW (Building and Safety)  
Zoning Enforcement

LOS ANGELES COUNTY  
DEPARTMENT OF REGIONAL PLANNING  
FINDINGS OF THE HEARING OFFICER  
AND ORDER  
PROJECT NO. 2019-000372-(3)  
CONDITIONAL USE PERMIT NO. RPPL2019000710

**RECITALS**

1. **HEARING DATE.** The Los Angeles County ("County") Hearing Officer ("Hearing Officer") conducted a duly noticed public hearing in the matter of Conditional Use Permit ("CUP") No. **RPPL2019000710** on April 22, 2025.
2. **HEARING PROCEEDINGS.** A duly noticed public hearing was held on April 22, 2025, before the Hearing Officer. Staff provided a presentation and recommendation for approval, subject to attached findings and conditions. The agent for the applicant, Bruce Evans, provided testimony and made himself available for questions. There were no other public comments. The Hearing Officer subsequently then closed the public hearing and found the project was categorically exempt from CEQA and approved the CUP.
3. **ENTITLEMENT(S) REQUESTED.** The permittee, Western Refining & Retail, LLC. ("permittee"), requests the CUP to authorize the continued sale of beer and wine (California Department of Alcoholic Beverage Control ("ABC") Type 20 License – Beer and Wine) for off-site consumption at an existing gas station and convenience store ("Project") on a property located at 18541 Pacific Coast Highway ("PCH") in the unincorporated community of Malibu in The Malibu Zoned District ("Project Site") in the C-1 (Restricted Business) Zone pursuant to Los Angeles County Code ("County Code") Sections 22.20.030.C and 22.140.030.
4. **PREVIOUS ENTITLEMENT(S).** Plot Plan No. 31650 authorized sign installation. This plot plan was approved on July 20, 1982.
5. **PREVIOUS ENTITLEMENT(S).** Plot Plan No. 45391 authorized sign installation. This plot plan was approved on August 20, 1997.
6. **PREVIOUS ENTITLEMENT(S).** Zoning Conformance Review No. 200500439 authorized the removal of underground fuel tanks. This review was approved on June 20, 2005.
7. **PREVIOUS ENTITLEMENT(S).** CUP No. 200700217-(3) authorized the sale of beer and wine for off-site consumption at a new gas station and convenience store. This CUP was approved on February 3, 2009, and expired on February 3, 2019.
8. **PREVIOUS ENTITLEMENT(S).** Site Plan Review No. RPPL2021003662 authorized sign installation. This site plan was approved on April 19, 2021.

9. **LAND USE DESIGNATION.** The Project Site is located within the C (Commercial) land use designation of the Santa Monica Mountains Local Coastal Program (“LCP”) Land Use Plan. The principal permitted use in the Commercial land use designation is local-serving retail and service stores.
10. **ZONING.** The Project Site is located in The Malibu Zoned District and is currently zoned C-1 (Restricted Business Zone). Pursuant to County Code Section 22.20.030.C (Accessory Use Regulations for Commercial Zones), a CUP is required for sale of beer and wine for off-site consumption at the Project Site.

**11. SURROUNDING LAND USES AND ZONING**

| <b>LOCATION</b> | <b>GENERAL PLAN<br/>LAND USE<br/>POLICY</b>  | <b>ZONING</b>   | <b>EXISTING USES</b>  |
|-----------------|--|---|---|
| NORTH           | RL20 (Rural Lands -<br>One dwelling unit<br>per 20 acres)<br>U8 (Residential 8 -<br>dwelling units per<br>acre)<br>P (Public and Semi-<br>Public Facilities) | R-C-20 (Rural-<br>Coastal with 20-<br>Acre Minimum Lot<br>Area)<br>R-1 (Single-Family<br>Residential)<br>IT (Institutional) | Residences,<br>Vacant Land, Public<br>Works Maintenance<br>Yard |
| EAST            | RL20<br>U8<br>P<br>OS (Open Space)<br>CR (Visitor-Serving<br>Commercial<br>Recreation-Limited)   | R-C-20<br>R-1<br>IT<br>O-S (Open Space)<br>R-R (Resort and<br>Recreation)   | Residential, Vacant<br>Land, Restaurant                         |
| SOUTH           | OS-P (Open Space<br>– Parks)   | O-S-P (Open<br>Space – Parks)   | Topanga State<br>Beach  |
| WEST            | OS-P   | O-S-P   | Topanga State<br>Park, Restaurant,<br>Mixed Commercial<br>Uses  |

**12. PROJECT AND SITE PLAN DESCRIPTION.**

A. Existing Site Conditions

The Project Site is 2.48 acres in size and consists of one legal lot. The Project Site is irregular in shape with a flat topography where the existing gas station and convenience store are located and slopes steeply upwards to the northeast.

B. Site Access

The Project Site is accessible via PCH, a 90-foot-wide Major Highway on the County Master Plan of Highways, to the south and via Topanga Canyon Boulevard, a 90-foot Secondary Highway on the County Master Plan of Highways, to the west.

**C. Site Plan**

The Site Plan depicts the entire Project Site, which is a mostly irregular-shaped parcel with a flat topography located at the northeast corner of the intersection of PCH and Topanga Canyon Boulevard. The Project Site is developed with an existing gas station and convenience store. The Arco gas station is approximately 1,561 square feet with 12 gasoline dispensers underneath two canopies and has 12 parking spaces, including one parking space that is accessible to people with disabilities. The Site Plan also shows two ingress and egress driveways. One driveway is off PCH on the south side of the Project Site and one driveway is off Topanga Canyon Boulevard on the west side of the Project Site. The Site Plan also shows the landscaping installed at the Project Site.

**D. Parking**

Twelve (12) parking spaces are provided on the Project Site, including one parking space that is accessible to people with disabilities, which complies with the parking requirements for the 1,561-square-foot convenience store.

**13. CEQA DETERMINATION.**

Prior to the Hearing Officer's public hearing on the Project, County Department of Regional Planning ("LA County Planning") staff ("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 continuation of the sale of beer and wine for off-site consumption at an existing gas station and convenience store, with negligible or no expansion of use beyond that which was previously existing. The Project Site is not located within or in close proximity to an environmentally sensitive area, a historical resource, a hazardous waste site. PCH and Topanga Canyon Boulevard are both designated scenic routes in the LCP. However, there is no new development associated with the Project. Therefore, it would not impact either scenic route. No significant effect due to "unusual circumstances" and no cumulative impacts are anticipated. Therefore, no exceptions to the categorical exemption apply to the Project per Section 15300.2 of the California Code of Regulations.

**14. PUBLIC COMMENTS.**

Staff has not received any comments from the public at the time of report preparation.

**15. AGENCY RECOMMENDATIONS.**

The County Sheriff's Department, Malibu / Lost Hills Station: Recommended approval in a letter dated March 4, 2024, with conditions in place regarding "No Loitering" and "No Open Alcohol Containers" signage. These conditions have been incorporated into the CUP.

- 16. LEGAL NOTIFICATION.** Pursuant to Section 22.222.120 (Public Hearing Procedure) of the County Code, the community was properly notified of the public hearing by mail, and newspaper (*Malibu Times*), and property posting. Additionally, the Project was noticed, and case materials were available on LA County Planning's website. On December 9, 2024, a total of 36 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 those on the courtesy mailing list for The Malibu Zoned District and to any additional interested parties.

**GENERAL PLAN CONSISTENCY FINDINGS**

- 17. LAND USE POLICY.** The Hearing Officer finds that the Project is consistent with the goals and policies of the Santa Monica Mountains LCP Land Use Plan because the continued sale of beer and wine for off-site consumption is consistent with the C (Commercial) land use designation. The Project is consistent with the underlying Commercial land use designation because the continued sale of beer and wine for off-site consumption is a permitted accessory use and integrally related to the principal permitted use (local-serving retail stores), is appropriately designed, is located on an existed developed site, and is consistent with all development standards. The Project provides for the general shopping and commercial service needs of local residents, workers, and visitors.
- 18. GOALS AND POLICIES.** The Hearing Officer finds that the Project is consistent with Policies Regarding Community-Serving Uses, LU 5.2, which encourages a diversity of commercial and retail services to meet regional and local needs. Allowing the existing gas station and convenience store to continue to sell beer and wine for off-site consumption will enhance the community's ease of getting these products without traveling out of the area.
- 19. GOALS AND POLICIES.** The Hearing Officer finds that the Project is consistent with Policies regarding Pattern and Character of Development, LU-29, which directs a pattern of land use that promotes social, environmental, and economic well-being while preserving the environmental resources and unique character of the land within the Santa Monica Mountains. The gas station and convenience store is located in a well-established commercial area and offers the nearby semi-rural community residents a location to purchase beer and wine without the need to travel out of the area.
- 20. GOALS AND POLICIES.** The Hearing Officer finds that the Project is consistent with Policies regarding Pattern and Character of Development, LU-45, which directs a concentration of commercial uses along major streets to ensure that each project has

adequate access, can accommodate the traffic, is accessible to essential services, and contains appropriate site design features to enhance community character. The existing gas station and convenience store is located on the major throughfare for the community, has two ingress/egress areas off major throughfares, all other infrastructure is existing, and no new development is proposed.

### **ZONING CODE CONSISTENCY FINDINGS**

21. **PERMITTED USE IN ZONE.** The Hearing Officer finds that the Project is consistent with the C-1 zoning classification as the continued sale of wine and beer for off-site consumption is permitted in such zone with a CUP pursuant to County Code section 22.20.030.C.
22. **REQUIRED YARDS.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.20.050 (Development Standards for Zones C-H, C-1, C-2, C-3, and C-M). While the request is for the continued accessory sale of beer and wine for off-site consumption, there are no required yards for commercial developments in the C-1 Zone.
23. **HEIGHT.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.20.040 (Development Standards for Commercial Zones). While the request is for the continued accessory sale of beer and wine for off-site consumption, the existing commercial structure at the Project Site is single-story, which is well below the maximum height in the C-1 Zone, which is 13 times the buildable area of the subject property.
24. **LANDSCAPING.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.20.040 (Development Standards for Commercial Zones). While the request is for the continued accessory sale of beer and wine for off-site consumption, approximately 84 percent of the total lot area is landscaped, which is in compliance with the required minimum 10 percent of the Project Site.
25. **PARKING.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.112.070 (Required Parking Spaces). While the request is for the continued accessory sale of beer and wine for off-site consumption, there are 12 parking spaces provided at the Project Site, which is the number required for the subject 1,561 square-foot convenience store.
26. **ALCOHOLIC BEVERAGE SALES.** The Hearing Officer finds that the Project is consistent with the development standards for alcoholic beverage sales identified in County Code Section 22.140.030. The Shelf Plan shows that the shelf space dedicated to alcoholic beverages is only 4.96 percent of the convenience store's total shelf space. The Project offers fresh produce and whole grains for sale on a continuous basis. The Project is adequately conditioned to mandate the required participation in a licensed program on the education of alcohol and drugs. The Project adheres to the performance standards as outlined in the County's Safe Access to Alcohol and Food

Establishments Ordinance, as documented by the Sheriff's recommendation of approval and the absence of past or current Zoning Enforcement action taken on Project Site.

Staff typically recommends limiting the hours of alcoholic beverage sales for off-site consumption at retail stores from 10:00 a.m. to 10:00 p.m. seven days a week when the sales have not been previously approved. However, the sale of alcoholic beverages for off-site consumption at this gas station and convenience store was authorized by CUP No. 200700217-(3) on February 3, 2009. In the last 16 years, there have not been any violations of California Department of Alcoholic Beverage Control ("ABC") regulations or the County Code. There is not an undue overconcentration of licenses in the census tract, the sensitive uses located within 600 feet of the Project Site are sufficiently buffered, and the Sheriff's Department has recommended approval of the CUP with conditions. Therefore, the Hearing Officer finds that the sales hours of 10:00 a.m. to 12:00 a.m. (midnight), Sunday through Thursday, and 10:00 a.m. to 1:00 a.m. Friday and Saturday are appropriate.

#### **CONDITIONAL USE PERMIT FINDINGS**

27. **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 existing gas station and convenience store are sufficiently buffered from the adjacent residential areas by the steeply sloped mountainous naturally landscaped area on the Project Site. Beer and wine sales are not the primary goods for sale and are accessory to the sale of gas and other products, including fresh produce and whole grains. Because the Project has been appropriately conditioned, the requested accessory sale of beer and wine for off-site consumption at the existing gas station and convenience store is not expected to result in adverse impacts on the surrounding area.
28. **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.** While the Project is the continued sale of beer and wine for off-site consumption, the Project Site is 2.48 acres in size and mostly rectangular in shape. It is adequate to accommodate the required development standards. Twelve (12) parking spaces are provided at the Project Site, which complies with the parking requirements for the 1,561 square-foot convenience store. Approximately 84 percent of the total lot area is landscaped, which is in compliance with the required minimum 10 percent of the Project Site.
29. **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.** The Project Site has access to PCH, a 90-foot Major Highway per the County Master Plan of Highways, and has access to Topanga Canyon Boulevard, a 90-foot Secondary Highway, per the County Master Plan of Highways, and is adequately served by these thoroughfares.

30. **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**

31. **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.** There is only one sensitive use, a public beach (Topanga State Beach) located within 600 feet of the Project Site. This use is sufficiently buffered by PCH. The sale of beer and wine at the Project Site has been in place for more than 15 years, with no reported complaints or concerns from the community. Also, the continued sale of beer and wine at the Project Site is only accessory to the primary use of a gas station with a convenience store. Therefore, the Project is not expected to result in any adverse effects on this sensitive use.
32. **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.** There is a residential area to the northeast of the Project Site. This is also sufficiently buffered by steeply sloped mountainous natural terrain. The continued sale of beer and wine at the Project Site is only accessory to the primary use of a gas station with a convenience store. Therefore, the Project is not expected to result in any adverse effects on the surrounding residential areas.
33. **The Hearing Officer finds that the requested use at the proposed location will not adversely affect the economic welfare of the nearby community.** The existing gas station and convenience store with the accessory sale of beer and wine have been in place at the Project Site for over 15 years. They are compatible with the surrounding uses in the vicinity of the Project Site and will continue to be a positive contributor to the general economic activity in the area.
34. **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 existing gas station and convenience store has been at the Project Site for more than 15 years and is consistent with the surrounding neighborhood. The exterior of the building is well maintained and is compatible with the general character of the area. No changes are being proposed to the exterior of the existing structure.

35. 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. There are no other establishments selling alcohol for off-site consumption within a 500-foot radius of the Project Site and there is no over concentration of alcoholic beverage sales licenses in the census tract, as ABC, since the subject establishment has the only active license for the sale of alcoholic beverages for off-site consumption in the census tract, and one is allowed by ABC. However, the Project Site is located within a High Crime Reporting District, as determined by ABC. In consideration of the fact that the establishment has been selling beer and wine at the Project Site for over 15 years and that their customers are accustomed to purchasing beer and wine there, and in light of the restrictions imposed by the subject CUP, the public convenience of allowing the customers to continue purchasing beer and wine together with other products at the Project Site may be considered to allow the continued sale of beer and wine at the Project Site.

#### **ENVIRONMENTAL FINDINGS**

36. 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 the continued sale of beer and wine for off-site consumption at an existing gas station and convenience store. No changes are being proposed to the existing structure at the Project Site. The Project Site is not in an environmentally sensitive area, a hazardous waste site, nor a designated historic district. Although PCH and Topanga Canyon Boulevard are both designated scenic routes, the Project does not involve any new development. There are also no significant cumulative impacts nor unusual circumstances associated with the Project. Therefore, there are no exceptions to the proposed exemption and thus, the exemption still applies to the Project.

#### **ADMINISTRATIVE FINDINGS**

37. **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 use with the attached conditions will be consistent with the adopted General Plan.

- B. The 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 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.
- D. The 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 existing use with the attached conditions at the site 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 existing use with the attached conditions at the site is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.
- G. The existing use with the attached conditions at the site will not adversely affect the economic welfare of the surrounding community.
- H. 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.
- I. With the place of a number of conditions pertaining to the sale of off-site alcohol, the public convenience for the store selling alcoholic beverages for off-site consumption outweighs the fact that it is located in a High Crime Reporting District as determined by ABC.

**THEREFORE, THE HEARING OFFICER:**

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15301 (Class 1, Existing Facilities categorical exemption); and
2. Approves **CONDITIONAL USE PERMIT NO. RPPL2019000710**, subject to the attached conditions.

**ACTION DATE: April 22, 2025**

**PROJECT NO. 2019-000372-(3)**  
**CONDITIONAL USE PERMIT NO. RPPL2019000710**

**EXHIBIT C**  
**FINDINGS**  
**PAGE 10 OF 10**

MG:RG:SS

**LOS ANGELES COUNTY  
DEPARTMENT OF REGIONAL PLANNING**

**CONDITIONS OF APPROVAL  
PROJECT NO. 2019-000372-(3)  
CONDITIONAL USE PERMIT NO. RPPL2019000710**

**PROJECT DESCRIPTION**

The project is the continued sale of beer and wine for off-site consumption (California Department of Alcoholic Beverage Control ("ABC") Type 20 License – Beer and Wine) at an existing gas station and convenience store, 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 that the conditions of the grant have been recorded as required by Condition No. 6, and until all required monies have been paid pursuant to Condition No. 9. Notwithstanding the foregoing, this Condition No. 2 and Conditions No. 3, 4, and 8, shall be effective immediately upon the date of final approval of this grant by the County.
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 (10) 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. 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.
7. **This grant shall terminate on April 22, 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 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.
8. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30)-day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued sale of beer and wine at the Project Site and satisfaction of Condition No. 2 shall be considered use of this grant.
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. 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 **\$4,560.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate LA County Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **ten (10)** inspections. Inspections may be unannounced and may be conducted utilizing any available technologies, including, but not limited to, unmanned aircraft systems (UAS).

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 **\$456.00** per inspection, or the current recovery cost 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 ("DPW") 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. All litter and trash shall be collected regularly from the premises and the adjoining right-of-way.
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 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.

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 because of instruction given at the public hearing, a modified Exhibit "A" shall be submitted to LA County Planning within 60 days of the date of final approval.

17. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit 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)**

18. 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, LA County Planning Zoning Enforcement ("Zoning Enforcement") Inspector or California Department of Alcoholic Beverage Control ("ABC") agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.
19. The permittee shall provide adequate lighting in all parking areas and walkways under control of the permittee. All lighting shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons within lighted areas during operating hours.
20. All lighting shall be designed 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. No light shall illuminate adjacent private residences. Neon lighting shall be prohibited.
21. Alcoholic beverages shall not be sold from a drive-in or drive-through window.
22. 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
23. There shall be no wine, except for wine coolers, sold in containers of less than 750 milliliters. Wine coolers shall not be sold in less than four-pack quantities.
24. No miniatures of any type of alcoholic beverages may be sold.
25. The permittee shall display alcoholic beverages only in the cooler or shelving designated for storage of said beverages as depicted on the "shelf plan" labeled Exhibit "A.." No additional display of alcoholic beverages shall be provided elsewhere on the premises. The total shelf space devoted to alcoholic beverages shall be limited to no more than five percent of the total shelf space of the convenience store.



26. 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. The permittee shall instruct all employees regarding these restrictions. Employees shall be instructed to enforce such restrictions and to call local law enforcement as necessary.
27. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Chapter 22.114 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.
28. The permittee, and all managers and designated employees of the establishment who are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by ABC or an equivalent program such as Safe Serve. All newly 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 by the register, 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.
29. 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. Signs advertising brands and types of alcoholic beverages or the availability of alcohol for sale at the subject site shall not be visible from the exterior of the premises.
30. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
31. The licensed premises shall have no amusement rides or games or other similar activities, whether coin-operated or not, such as pool tables, juke boxes, video games, small carousel rides or similar riding machines.

#### **PROJECT SITE-SPECIFIC CONDITIONS**

32. This grant shall authorize the sale of beer and wine for off-site consumption at an existing gas station and convenience store.
33. This grant authorizes the sale of beer and wine from 10:00 a.m. to 12:00 a.m. (midnight), Sunday through Thursday, and 10:00 a.m. to 1:00 am, Friday and Saturday.
34. Beer and wine items shall be stored in lockable coolers, which shall be kept locked except for the hours when alcohol sales are approved by this CUP.
35. Security cameras shall be maintained inside the convenience store and outside facing the parking lot. Video footage shall be retained for at least one month and shall be made available to law enforcement upon request.

36. Security alarms shall be maintained inside the store.
37. There shall be no outdoor sales, storage, or displays of merchandise except for that directly related to automobile accessories and facilities necessary for dispensing petroleum products.
38. No sexually explicit reading material shall be on display or sold on the premises.
39. No beer or wine advertisements shall be displayed at any location on the subject property, including at motor fuel islands and on the exterior walls or windows of the convenience store.
40. The placement of portable signs on sidewalks adjacent to the subject property and temporary signs on walls and poles shall be prohibited.
41. Wall signs and graphic displays shall be confined to the façade surface of the building and the pump island canopy and should not project above the roofline or disrupt the architectural design of the building; such signage shall conform to the requirements of the County Code.
42. Temporary window signs shall not exceed 25 percent of the area of any single window or of adjoining windows on the same frontage.
43. Outdoor advertising signs (billboards) shall be prohibited.
44. Outside storage of trash shall be within an approved trash enclosure.
45. No publicly accessible telephones shall be maintained or permitted on the exterior of the premises.
46. No sales to any person appearing to be or actually being intoxicated shall be allowed.
47. Deliveries shall be limited to non-peak hours, generally between 9 a.m. and 6 p.m.
48. All commercial vehicle delivery trucks shall use commercial streets and/or designated truck routes for deliveries.
49. A numbering address sign shall be maintained 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 LA County Planning.
50. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
51. No alcoholic beverages shall be displayed within five feet of the cash register or the front door.
52. The permittee shall offer 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.

These products shall be displayed in high-visibility areas meeting one or more of the following criteria, as depicted on the approved floor plan and/or shelf plan:

- a. Within ten (10) 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.

- 53. Distilled spirits shall not be sold.
- 54. Alcoholic beverages shall not be displayed within five feet of the cash register or the front door, unless the alcoholic beverages are displayed in a permanently affixed cooler.
- 55. Alcoholic beverages shall not be displayed in an ice tub.
- 56. Alcoholic beverages shall be not sold from a drive-in window.
- 57. Alcoholic beverage advertising shall not be displayed on motor fuel islands, and self-illuminated alcoholic beverage advertising shall be located on buildings or windows.
- 58. Where authorization is specifically granted for alcoholic beverage sales between the hours of 10:00 p.m. and 2:00 a.m., employees on duty shall be at least 21 years of age in order to sell alcoholic beverages.

MG:RG:SS

April 10, 2025