

October 15, 2024

Mr. Steven Sadalla
15906 E. Gale Ave.,
Hacienda Heights, CA 91745

PROJECT NO. PRJ2024-000094-(1)
CONDITIONAL USE PERMIT NO. RPPL2024000134
15906 E. Gale Ave., Hacienda Heights, CA 91745 (8245-013-002)

Dear Mr. Sadalla:

Hearing Officer Gina Natoli, by her action of **October 15, 2024**, 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 **October 29, 2024**. 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.

Mr. Steven Sadalla
October 15, 2024
Page 2

For questions or for additional information, please contact Carl Nadela of the Puente Whittier Development Services Section at (213) 974-6411, or cnadela@planning.lacounty.gov.

Sincerely,

AMY J. BODEK, AICP
Director of Regional Planning

A handwritten signature in black ink that reads "Maria Masis". The signature is written in a cursive, flowing style.

Maria Masis, AICP, Supervising Regional Planner
Puente Whittier Development Services Section

MM:CN

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

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING

FINDINGS OF THE HEARING OFFICER
AND ORDER

PROJECT NO. PRJ2024-000094-(1)
CONDITIONAL USE PERMIT NO. RPPL2024000134

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. **RPPL2024000134** on October 15, 2024.
2. **HEARING PROCEEDINGS.** A duly noticed public hearing was conducted for the Project via video conferencing and in-person on October 15, 2024. On this date, the Hearing Officer heard a presentation from Staff. The applicant’s representative was present and explained that the business owner had acquired the business only in the last year and was not aware of the previous CUP nor its requirements, but was willing to accept the proposed conditions of approval for the new CUP, including the modifications directed by the Hearing Officer. There being no other speakers, the Hearing Officer closed the public hearing, determined that the Project was exempt from the California Environmental Quality Act (CEQA) and approved the Project.
3. **ENTITLEMENT REQUESTED.** The permittee, SH Tobacco Beer Wine ("Permittee"), requests the CUP to authorize the continued sale of beer and wine for off-site consumption at an existing retail store (“Project”) on a property located at 15906 East Gale Avenue in the unincorporated community of Hacienda Heights ("Project Site") in the C-2 (Neighborhood Commercial) zone pursuant to Los Angeles County Code ("County Code") Section 22.20.030 (Zones C-H, C-1, C-2, C-3, C-M, C-MJ, and C-R).
4. **PREVIOUS ENTITLEMENT(S).** CUP No. 200800141 was approved on January 19, 2011 and authorized the sale of beer and wine for off-site consumption in association with a retail store. CUP 200800141 expired on January 18, 2021. CUP 200800141 allowed the sale of beer and wine at the Project Site from 6:00 am to 2:00 am daily and required that the shelf space for beer and wine display be limited to a maximum of five percent of the total shelf space of the store. The restrictions imposed by CUP 200800141, including the hours of alcohol sales and the limit of beer and wine display, will be maintained in the new CUP as conditions of approval as the retail store has been selling beer and wine for off-site consumption for more than 10 years with no reported zoning violations or complaints from the community nor concerns from the Los Angeles County Sheriff’s Department (Sheriff).
5. **LAND USE DESIGNATION.** The Project Site is located within the CG (General Commercial) land use category of the Hacienda Heights Community Plan (“Community Plan”) Land Use Policy Map, a component of the General Plan. On May 21, 2024, the Community Plan was rescinded with the adoption of the East San Gabriel Valley Area Plan (“Area Plan”). However, as the subject CUP application was deemed

complete prior to the adoption of the Area Plan, it is still being reviewed and analyzed under the applicable Community Plan.

6. **ZONING.** The Project Site is located in the Hacienda Heights Zoned District and is currently zoned C-2. Pursuant to County Code Section 22.20.030 (Land Use Regulations for Zones C-H, C-1, C-2, C-3, C-M, C-MJ, and C-R), a CUP is required for the sale of beer and wine for off-site consumption at the Project Site.

7. SURROUNDING LAND USES AND ZONING.

LOCATION	COMMUNITY PLAN LAND USE POLICY	ZONING	EXISTING USES
NORTH	CG (General Commercial)	C-2	Commercial complex
EAST	CG, H9 (Residential 9 – 0 to 9 dwelling units per acre)	C-2, C-1 (Restricted Commercial), R-1 (Single-Family Residence)	Commercial complex, Single-Family Residences (“SFRs”)
SOUTH	CG	C-2	Various commercial uses
WEST	H9	R-1-6,000 (Single-Family Residence – 6,000 Square Feet Minimum Required lot Area)	SFRs

8. PROJECT AND SITE PLAN DESCRIPTION.

A. Existing Site Conditions

The Project Site is an 8.10-acre lot, which is one of two parcels that together is developed with an existing commercial center comprised of five single-story commercial buildings located on the eastern, western and middle portions of the combined property. The subject retail store is located in a rectangular tenant space in the commercial building at the eastern portion of the property. The northern and southern portions of the combined property are developed with a common parking lot serving the various tenants of the commercial center.

B. Site Access

The Project Site is accessible via East Gale Avenue, a 100-foot-wide Secondary Highway as identified by the County Master Plan of Highways to the north; South Hacienda Boulevard, a 100-foot-wide Major Highway to the west; and Shadybend Drive, a 60-foot-wide public street to the south. Primary access to the Project Site is via three ingress/egress driveways on East Gale Avenue to the north and another ingress/egress driveway on South Hacienda Boulevard to the west. Secondary access is via three ingress/egress driveways on Shadybend Drive to the south.

C. Site Plan

The Site Plan depicts the entire commercial complex where the Project Site is located with the subject tenant space identified. It depicts the existing commercial structures located on the eastern, western and middle portions of the combined properties that compose the commercial complex. A common parking lot with 442 parking spaces is depicted in the northern and southern portions of the property. Ingress and egress to the Project Site is provided by three driveways on East Gale Avenue to the north, another driveway on Hacienda Boulevard to the west and three driveways on Shadybend Drive to the south.

A separate Floor Plan shows the interior layout of the subject retail store and a shelf space summary table indicates that the shelf space for beer and wine is limited to 4.18% of the shelf space of the entire retail store.

D. Parking

There are a total of 486 parking spaces in a common parking lot located in the northern portion of the subject property. Four parking spaces are required for the subject retail store, based on the existing area of 840 square feet of the tenant space. A total of 457 parking spaces are required for the whole commercial complex as per the Parking Matrix submitted by the Permittee as part of this CUP application.

9. CEQA DETERMINATION.

Prior to the Hearing Officer's public hearing on the Project, LA County Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project is for the proposed sale of beer and wine for off-site consumption at an existing retail store. No modifications or physical development are being requested at this time. The Project Site is not in an environmentally sensitive area, a hazardous waste site, nor a designated historic district. There are also no significant cumulative impacts nor unusual circumstances associated with the Project. Thus, there are no exceptions to the identified exemption.

10. COMMUNITY OUTREACH.

On June 17, 2024, prior to the Hearing Officer's public hearing on the Project, the Permittee provided information about the Project to the President of the Board of the Hacienda Heights Improvement Association ("HHIA") to ask if they had any comments on the Project.

11. PUBLIC COMMENTS.

The HHIA President, in a letter dated July 27, 2024, indicated that the HHIA Board felt that there is no compelling reason why the sale of beer and wine cannot continue at the Project Site.

12. AGENCY RECOMMENDATIONS.

- A. County Sheriff's Department ("Sheriff"): Recommended approval with no conditions in a letter received on July 17, 2024.
- B. California Department of Alcoholic Beverage Control ("ABC") Business and Practice Worksheet sent to Staff on June 6, 2024, reports that the Project Site is located in a high crime reporting district, where 290 offenses occurred in the Crime Reporting District where the Project Site is located (Crime Reporting District 1473) and the average number of offenses per district is 91.9. There is also an overconcentration of on-sale licenses in Census Tract where the Project Site is located (Census Tract No. 4091.00), as three off-sale licenses are allowed and seven off-sale licenses are currently active, including the license for the subject existing retail store.

13. 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, newspaper (San Gabriel Valley Tribune), and property posting. Additionally, the Project was noticed and case materials were available on LA County Planning's website. On September 10, 2024, a total of 164 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 to those on the courtesy mailing list for the Puente 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 Community Plan because the CG land use category is intended for retail, commercial, service and office uses, categories into which this Project falls.

15. GOALS AND POLICIES. The Hearing Officer finds that the Project is consistent with the following goals and policies of the General Plan and Community Plan.

General Plan

- *Goal LU 5: Vibrant, livable and healthy communities with a mix of land uses, services and amenities.*
- *Policy LU 5.2: Encourage a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs.*

- *Policy LU 5.4: Encourage community-serving uses, such as early care and education facilities, grocery stores, farmers markets, restaurants, and banks to locate near employment centers.*

A variety of commercial and office uses have been established along East Gale Avenue and South Hacienda Boulevard, which are both heavily travelled transportation corridors. The existing retail store and existing sale of beer and wine for off-site consumption contribute to the variety and diversity of community-serving uses in the area.

- *Goal LU 7: Compatible land uses that complement neighborhood character and the natural environment.*
- *Policy LU 7.1: Reduce and mitigate the impacts of incompatible land uses, where feasible, using buffers and other design techniques.*

There are a number of commercial uses in the vicinity of the Project Site and the existing retail store with beer and wine sales for off-site consumption complements these uses as well as the other surrounding commercial, office and institutional uses. While most of the parcels along East Gale Avenue and South Hacienda Boulevard have been developed with commercial and office uses, the neighborhoods to the south, east and northeast of the Project Site are still predominantly single-family residential. It is important to preserve this character and ensure that the commercial uses that locate around this area do not have significant adverse impact on the residential neighborhood. The existing retail store and commercial complex are sufficiently buffered from the surrounding residential areas by concrete block walls, landscaping, existing structures, parking lots and the widths of East Gale Avenue, Falstone Avenue, and Shadybend Drive to the north, east, and south, respectively, of the Project Site. The subject retail store has been selling beer and wine at the Project Site for over 10 years with no reported zoning violations or complaints from the community. The Sheriff's Department did not report any concerns about the establishment. Since its approval in 2011, the subject retail store has been allowed to sell beer and wine at the Project Site from 6 am to 2 am daily. There is no compelling reason to modify these hours for the new CUP. With the continuation of adequate operational controls such as hours of alcohol sales and prohibition of on-site consumption of alcohol, the requested sale of beer and wine for off-site consumption at the existing retails is not expected to result in any adverse impacts on these surrounding areas.

Community Plan

- *Policy LU 2.3: Maintain and improve existing commercial areas.*

The existing retail store has been selling beer and wine for off-site consumption at the Project Site since 2011, with no reported complaints or violations. Allowing the continuance of the sale of beer and wine for off-site consumption at the Project Site will allow the subject retail store to continue to contribute to the vitality of the existing

shopping center and will preserve the diverse mix of businesses in the existing shopping center.

- *Policy LU 1.1: Maintain the single-family character of the community*

The Project involves no physical construction or alteration that may produce adverse effects on the nearby single-family communities to the south, east and northeast of the Project Site. These residential communities are sufficiently buffered from the Project Site by concrete block walls, landscaping, existing structures, parking lots and the widths of East Gale Avenue, Falstone Avenue, and Shadybend Drive to the north, east, and south, respectively, of the Project Site. The subject retail store has been selling beer and wine at the Project Site for over 10 years with no reported zoning violations or complaints from the community. The Sheriff's Department did not report any concerns about the establishment. Since its approval in 2011, the subject retail store has been allowed to sell beer and wine at the Project Site from 6 am to 2 am daily. There is no compelling reason to modify these hours for the new CUP. With the continuation of adequate operational controls such as hours of alcohol sales and prohibition of on-site consumption of alcohol, the proposed sale of beer and wine for off-site consumption at the existing retail store at the subject location is compatible and will not have any negative impacts on these residential neighborhoods.

ZONING CODE CONSISTENCY FINDINGS

- 16. PERMITTED USE IN ZONE.** The Hearing Officer finds that the Project is consistent with the C-2 zoning classification as the existing retail store use is permitted by right and beer and wine alcoholic beverage sales for off-site consumption is permitted when a CUP is obtained pursuant to County Code Section 22.20.030 (Land Use Regulations for Zone C-2).
- 17. 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 Zone C-2). While the Project is a request for the sale of beer and wine for off-site consumption at an existing retail store, there are no required yards for Zone C-2 and no physical changes are proposed.
- 18. 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 Project is a request for the sale of beer and wine for off-site consumption at an existing retail store, the existing commercial structure at the Project is only single-story, which is well below the maximum height of 35 feet in the C-2 zone.
- 19. 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 Project is a request for the sale of beer and wine for off-site consumption at an existing retail store, there are a total of 486 parking spaces in a common parking lot located in the northern portion of the subject property. Four parking spaces are required for the

subject retail store, based on the existing area of 840 square feet of the tenant space. A total of 457 parking spaces are required for the whole commercial complex as per the Parking Matrix submitted by the Permittee as part of this CUP application.

20. **SIGNS.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Chapter 22.114 (Signs). While the Project is a request for the sale of beer and wine for off-site consumption at an existing retail store, an existing 13 feet by 2 feet business sign at the Project Site is in compliance with County Code Section 22.114.100 (Business Signs – In Commercial and Industrial Zones).
21. **ALCOHOLIC BEVERAGE SALES.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.140.030 (Alcoholic Beverage Sales). The operating regulations required by this Section have been incorporated into the CUP as conditions of approval. This includes limiting the shelf space for alcohol display to a maximum of five percent, requiring the offering of fresh produce and requiring the participation of employees in relevant training on alcohol sales, among others.

CONDITIONAL USE PERMIT FINDINGS

22. **The Hearing Officer finds that the proposed continuation of the use at the existing 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 Project provides the retail store customers with a continued convenient option to purchase beer and wine with their other purchases. This use is also consistent with the surrounding commercial and office uses and is sufficiently buffered from the residential neighborhoods to the south, east and northeast. The sale of wine and beer at the existing retail store will not adversely affect these uses because the beer and wine will not be allowed to be consumed within the premises. Several conditions of approval, such as hours of alcohol sales and prohibition of on-site consumption, have been incorporated into the CUP to ensure that potential negative impacts to nearby sensitive uses and the surrounding residential areas are avoided.
23. **The Hearing Officer finds that the existing 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 existing retail store is located within a fully developed one-story commercial building within a larger commercial complex. The current Project proposes no physical tenant improvements. The subject property as well as the overall commercial complex was developed in accordance with the development standards prescribed under Title 22 (Planning and Zoning) of the County Code at the time. No physical changes are proposed to the buildings, landscaping, parking, or walls.

24. **The Hearing Officer finds that the existing 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.** Vehicular access is provided by East Gale Avenue, a 100-foot-wide Secondary Highway as identified by the County Master Plan of Highways, to the north; South Hacienda Boulevard, a 100-foot-wide Major Highway to the west; and Shadybend Drive, a 60-foot-wide public street to the south. They are of sufficient width to provide public access to the Project Site and accommodate traffic generated by the Project. The Project is a request to continue to provide sale of beer and wine for off-site consumption at an existing retail store and is not anticipated to generate additional traffic trips from the sale of these alcoholic beverages.
25. 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

26. **The Hearing Officer finds that the requested continuation of the existing use at the existing location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.** There are two churches to the northwest and southwest of the Project Site. These churches are sufficiently buffered from the Project Site by block walls, existing structures, parking lots and the width of South Hacienda Boulevard. The continuation of the beer and wine sales at the existing retail store will not adversely affect these sensitive uses.
27. **The Hearing Officer finds that the requested continuation of the existing use at the existing location is sufficiently buffered in relation to any residential area within the immediate vicinity, so as not to adversely affect said area.** The Project involves no physical construction or alteration that may produce adverse effects on the nearby single-family communities to the south, east and northeast of the Project Site. These residential communities are sufficiently buffered from the Project Site by concrete block walls, landscaping, existing structures, parking lots and the widths of East Gale Avenue, Falstone Avenue, and Shadybend Drive to the north, east, and south, respectively, of the Project Site. With the continuation of adequate operational controls such as hours of alcohol sales and prohibition of on-site consumption of alcohol, the proposed continuing sale of beer and wine for off-site consumption at the existing retail store at the subject location is compatible and will not have any negative impacts on these residential neighborhoods.
28. **The Hearing Officer finds that the requested continuation of the existing use at the existing location will not adversely affect the economic welfare of the nearby community.** The existing retail store has been selling beer and wine for off-site consumption at the Project Site since 2011, with no reported complaints or violations. Allowing the continuance of the sale of beer and wine for off-site consumption at the Project Site will allow the subject retail store to continue to contribute to the vitality of the existing shopping center and will preserve the diverse mix of businesses in the

existing shopping center. There is no evidence that the store has or would adversely affect the economic welfare of the surrounding community.

29. **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 continuing sale of beer and wine for off-site consumption inside an existing retail store will not change the exterior appearance of the existing commercial building. The Project does not propose any physical changes to the existing commercial building. The continuing sale of beer and wine at the existing retail store will not cause blight, deterioration, or substantially diminish or impair property values within the community.
30. **The Hearing Officer finds that even though the proposed continuation of the existing 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.** According to ABC, three licenses for alcohol sales for offsite consumption are allowed in the Census Tract where the Project Site is located (4091.00), while seven such off-site licenses are currently active, including the license for the existing retail store. This indicates that there is an overconcentration of alcohol sales in this Census Tract as defined and determined by ABC. ABC also indicates that the Project Site is located in a High Crime Reporting District. However, the public convenience of allowing the patrons of the subject retail store to continue to purchase beer and wine together with their other items at the store outweighs these facts.

ENVIRONMENTAL FINDINGS

31. The Hearing Officer 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). The Project will allow the continuation of the sale of beer and wine for off-site consumption at an existing retail store. No physical modifications or alterations are proposed to the existing commercial building. The Project Site is not in an environmentally sensitive area, a hazardous waste site, nor a designated historic district. 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

32. **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 Puente Whittier Development Services Section, LA County Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. The proposed continuation of the existing use with the attached conditions will be consistent with the adopted General Plan and Community Plan.
- B. The proposed continuation of the existing 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 existing 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 proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.
- E. The proposed continuation of the existing sale of beer and wine at 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. With the imposition of a number of conditions, the public convenience for the retail store selling alcoholic beverages for off-site consumption outweighs the fact that it is located in a High Crime Reporting District and in an area of undue concentration as determined by ABC.
- H. There is no evidence that the proposed continuation of the existing sale of beer and wine at the existing use with the attached conditions at the site will not adversely affect the economic welfare of the surrounding community.
- I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

THEREFORE, THE 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. RPPL2024000134**, subject to the attached conditions.

ACTION DATE: October 15, 2024

MM:CN
9/5/2024

**LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING**

**CONDITIONS OF APPROVAL
PROJECT NO. PRJ2024-000094-(1)
CONDITIONAL USE PERMIT NO. RPPL2024000134**

PROJECT DESCRIPTION

The project is a conditional use permit to authorize the continued sale of beer and wine for off-site consumption at an existing retail 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 October 15, 2034.** 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 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 **\$3,528.00**. 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 eight **(8) biennial** inspections, five inspections in the first five years of the CUP and three inspections in the next five years. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse 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 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 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.
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. Malt beverages (e.g., beer, ale, stout, and malt liquors) shall not be sold in a single bottle or container less than 16 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 is prohibited. Notwithstanding this condition, malt beverages (e.g., beer, ale, stout, and malt liquors) in single bottles or containers less than 16 ounces may be sold in manufacturer pre-packaged multi-unit quantities, such as a six-pack of 12-ounce bottles.
19. 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.
20. No miniatures of any type may be sold.
21. Alcoholic beverages shall not be displayed in an ice tub.
22. 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 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 store.
23. 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.
24. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with County Code Chapter 22.114 (Signs) 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.
25. All employees who directly serve or are in the practice of selling alcoholic beverages, including managers and security personnel, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control, or a similar program, such as STAR (Standardized Training for Alcohol Retailers) 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 LA County Planning 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.

26. Alcoholic beverages shall only be sold or served to patrons age 21 or older. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
27. 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.
28. 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. The subject property shall be brought into compliance with this Condition within six months of the date of final approval of the CUP.
29. A numbering address sign, in compliance with County Code Chapter 22.114 (Signs), 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.
30. The permittee shall post telephone numbers of local law enforcement agencies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by the general public.
31. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
32. The licensed premises shall have no coin-operated amusements, such as pool tables, juke boxes, video games, small carousel rides or similar riding machines, except for official State Lottery machines.
33. No publicly accessible telephones shall be maintained or permitted on the exterior of the premises.

PROJECT SITE-SPECIFIC CONDITIONS

34. This grant shall authorize the sale of beer and wine for off-site consumption at an existing retail store.
35. This grant authorizes the sale of beer and wine from 6:00 a.m. to 2:00 a.m. daily.
36. 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.

37. 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.
38. Security alarms shall be maintained inside the store.
39. There shall be no outdoor sales, storage, or displays of merchandise.
40. Temporary window signs shall not exceed 25 percent of the area of any single window or of adjoining windows on the same frontage.
41. Outdoor advertising signs (billboards) shall be prohibited.
42. Outside storage of trash shall be within an approved trash enclosure.
43. No alcoholic beverages shall be displayed within five feet of the cash register or the front door.
44. 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 the 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 (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.