

SUPPLEMENTAL
REPORT TO THE HEARING OFFICER

DATE ISSUED: November 27, 2024
HEARING DATE: December 3, 2024 AGENDA ITEM: 5
PROJECT NUMBER: PRJ2024-001016-(4)
PERMIT NUMBER(S): Conditional Use Permit RPPL2024001493
SUPERVISORIAL DISTRICT: 4
PROJECT LOCATION: 10506 Whittier Boulevard, Whittier, CA 90606
OWNER: Legend Oil LLC
APPLICANT: Legend Oil LLC
CASE PLANNER: Carl Nadela, AICP, Principal Regional Planner
cnadela@planning.lacounty.gov

RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

LA County Planning staff ("Staff") recommends **APPROVAL** of Project Number PRJ2024-001016-(4), Conditional Use Permit ("CUP") Number RPPL2024001493, based on the Findings (Exhibit C – Findings) contained within this report and subject to the Draft Conditions of Approval (Exhibit D – Conditions of Approval).

Staff recommends the following motion:

CEQA:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.

ENTITLEMENT(S):

I, THE HEARING OFFICER, APPROVE CONDITIONAL USE PERMIT NUMBER RPPL2024001493 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

PROJECT DESCRIPTION

A. Entitlement(s) Requested

Conditional Use Permit (“CUP”) for the sale of beer and wine for off-site consumption at a convenience store associated with an existing gas station in the C-3-BE (General Commercial – Billboard Exclusion) Zone 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).

B. Project

The Project is a request to authorize the sale of beer and wine for off-site consumption at a convenience store associated with an existing gas station. Site Plan Review (“SPR”) RPPL2021010577 was approved on July 10, 2024, which authorized the expansion and remodeling of the existing convenience store as well as the addition of an express car wash at the subject gas station.

C. Project Updates

The Project is scheduled for public hearing before the Hearing Officer on December 3, 2024. On November 26, 2024, Staff received a memo from the Hearing Officer with a few questions. See Attachment.

This Supplemental Report is an initial and partial response to the memo, specifically Item No. 1, where the Hearing Officer requested for copies of the reference documents listed under Exhibit K of the “Report to the Hearing Officer dated November 21, 2024” (“Report”). Responses to the other items on the memo will be presented at the public hearing on December 3, 2024.

Due to the voluminous nature of the Reference Documents listed under Exhibit K of the Report, these documents are not typically incorporated into the Report in its entirety. Instead, links to their respective websites are provided under the “List of Attached Exhibits” on Page 11 of 11 of the Report. These aforementioned links are provided again below.

1. “Effectiveness of Policies Restricting Hours of Alcohol Sales in Preventing Excessive Alcohol Consumption and Related Harms”. US National Library of Medicine National Institutes of Health. 2010. (<https://pubmed.ncbi.nlm.nih.gov/21084080/>)
2. “International alcohol control study: pricing data and hours of purchase predict heavier drinking”. US National Library of Medicine National Institutes of Health. (<https://www.ncbi.nlm.nih.gov/pubmed/24588859>)

3. "How To Use Local and Land Use Powers to Prevent Underage Drinking". Pacific Institute for Research and Evaluation, August 2013 (<https://www.ojp.gov/ncjrs/virtual-library/abstracts/how-use-local-regulatory-and-land-use-powers-prevent-underage>)

If the Hearing Officer desires that these documents be downloaded from their respective websites and provided to the Hearing Officer as attachments, Staff may do so at the Hearing Officer's specific request.

Report
Reviewed By:



Maria Masis, AICP, Supervising Regional Planner

Report
Approved By:



Susan Tae, AICP, Assistant Administrator

Attachment:

Memo from Hearing Officer Gina Natoli to Carl Nadela dated 11/26/2024

26 November 2024

Carl Nadela, Principal Regional Planner
Puente-Whittier Development Services Section

SUBJECT: REQUEST FOR INFORMATION FOR PROJECT NO. PRJ2024-001016-(4), CONDITIONAL USE PERMIT NO. RPPL2024001493

Conditional Use Permit No. RPPL2024001493 is scheduled for public hearing on 3 December 2024. After reviewing the hearing package for the item and conducting a site visit, I have the following questions. Please be prepared to answer these questions at the hearing. I ask that you forward this memo to the applicant/owner and ensure this memo is posted on the public website for the item. It is possible that information presented at the hearing may prompt additional questions.

1. The Staff Report states there are “documented adverse effects” to the “easy availability of alcoholic beverages either too early or too late in the day,” and references Exhibit K. Exhibit K appears in the List of Attached Exhibits, but none of the three listed reference documents is actually in the 87-page hearing package. Please provide the three reference documents for review by the Hearing Officer.
2. The Existing Land Use 600-Foot Radius Map in the Staff Report shows a 7-Eleven convenience store across the street from the Project Site. Does this 7-Eleven sell alcohol for off-site consumption and is that why the Applicant is being restricted to five percent shelf space for alcoholic beverages?
3. Is the intent of the conditions to place all displayed alcohol to the back of the proposed store? If so, why is wine shown on a floor plan within 20 feet of the front of the store?
4. Has the Land Use Regulation Division commented on Draft Condition 9 concerning the spacing of compliance inspections?

Sincerely,



Gina Natoli, MURP, AICP
Hearing Officer