



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

August 1, 2017

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**PROJECT NO. R2014-01046-(2)  
CONDITIONAL USE PERMIT NO. 201400048  
APPLICANT: HENRY TRAN  
WEST ATHENS - WESTMONT ZONED DISTRICT  
(SECOND SUPERVISORIAL DISTRICT) (3-VOTES)**

On May 9, 2017, the Board of Supervisors (Board) initiated a call for review relating to Conditional Use Permit 201400048 (CUP) for the continued sale of a full line of alcoholic beverages for off-site consumption at an existing market within the West Athens-Westmont community. On May 3, 2017, the Regional Planning Commission (Commission) heard and approved CUP 201400048.

**SUBJECT**

The applicant, Henry Tran, requested a CUP to authorize the continued sale of beer, wine, and spirits for off-site consumption at a market located at 10537 South Vermont Avenue within the unincorporated community of West Athens-Westmont in the C-3 (General Commercial) Zone pursuant to Los Angeles County Code Section 22.28.210. Sale of beer, wine and spirits was previously approved at the subject property by CUP 03-341 on June 15, 2004.

On May 3, 2017, the Commission held a public hearing for CUP 201400048 considering the staff analysis, draft findings, and draft conditions prepared by the Department of Regional Planning (Department). The reports discussed that according to the South Los Angeles Sheriff's station, the project site is located within a high-crime area and also per the State Department of Alcoholic Beverage Control (ABC), there is an over-concentration of alcohol sales both within the 500-foot radius of the project site and census tract where the site is located. The reports also discussed the presence of numerous sensitive uses including educational facilities, religious institutions, and a community park in the vicinity of the project site.

The Department recommended a number of conditions intended to mitigate the potential negative impacts in light of the aforementioned factors. The recommended Draft Conditions included the majority of the conditions from CUP 03-341, as well as new restrictions on the hours of alcohol sales. CUP 03-341 conditioned the hours of alcohol sales between 6:00 a.m. to 2:00 a.m. The Department recommended limiting the hours of alcohol sales from 6:00 a.m. to 10:00 p.m., instead. The Department also recommended conditions to restrict the sale of beer containers to no more than 750 milliliters (25.4 oz.) and to require that beer containers of 16 oz or less be sold in manufacturer pre-packaged multi-unit quantities. In addition, staff recommended that wine shall not be sold in containers of less than 750 milliliters (25.4 oz.), except for wine coolers, which are to be sold in packages of four or more. Also included was a recommendation to restrict the sale of miniature bottles of alcoholic beverages.

Following the Department's presentation and testimony by the applicant's representative, the Commission deliberated the Department's recommended conditions and changed the hours of sales back to 6:00 a.m. to 2:00 a.m., citing the current operator's good track records and lack of zoning violations. It should be noted that land use entitlements run with the land irrespective of the owner/operator. The Commission however, stated that should there be any issues raised by the community and the Sheriff's Department, the Department's Director has the discretion to change the hours of alcohol sales to 6:00 a.m. to 10:00 p.m. and require the applicant to hire a licensed security guard onsite.

Furthermore, the Commission modified Condition 41 to require at least two security cameras for the exterior of the market and two security cameras for the interior. Finally, the Commission modified Condition 51 to require the applicant to submit a modified version of the business sign exhibit to list "Fresh Produce" before "Liquor," "Beer," and "Wine."

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

Based on information contained in the June 15, 2004, approval of CUP 03-341, the market had been operating since 1968 and selling alcoholic beverages since at least 1986, before the sale of alcoholic beverages required a CUP. However, in October 2002, the market's operators were cited for operating a market with liquor sales without a CUP (since the market had ceased operation for more than 90 days), and applied for a permit. After the CUP was approved in 2004, the market was issued two zoning violations for selling individual containers of beer, in violation of the CUP conditions.

On December 18, 2012, a modification to CUP 03-341 was approved by the Hearing Officer authorizing the sale of beer in individual containers greater than 16 oz. and limiting the alcohol content in malt liquors and malt-based products to a maximum of

five percent. In addition, the modification allowed the sale of wine coolers in no less than four-pack quantities and restricted any sale of alcoholic beverages in miniature sizes. The market was issued a zoning violation for selling individual containers of malt liquor with greater than five percent alcohol content in August 2013. The market was purchased by the current operator and applicant in November 2013. All zoning violations cases were closed.

The market has been operating under current ownership with no zoning violations on record.

The Department recommended a condition to limit the sale of alcohol from 6:00 a.m. to 10:00 p.m. The high crime rate in the area, the over-concentration of alcoholic beverage sales, and the presence of multiple sensitive uses justified the imposition of further limitation of alcohol sales hours. The condition coincides with the Board's vote to adopt the Alcohol Sales Use Ordinance (SAAFE) ordinance at the May 2, 2017, hearing. The Board, in making this decision, cited studies that have shown a strong link between excessive alcohol availability and all types of undesirable activities, particularly acts of violence. Staff also included a condition for the store to provide fresh and healthy food, as is required by the SAAFE ordinance.

The Commission modified Draft Condition 30 to allow the sale of alcoholic beverages between 6:00 a.m. and 2:00 a.m., for as long as there is no increase in the level of crime. Further, prompted by Mr. Henry Porter's comments about security cameras, Draft Condition 41 was modified to require two additional security cameras on the exterior of the market. Finally, Draft Condition 51 was modified to require the applicant to resubmit a sign exhibit to feature the words "Fresh Produce" before "Liquor," "Beer," and "Wine."

Subsequent to the Commission public hearing, the Department requested more detailed information on crime statistics from the South LA Sheriff's Station and received a time-of-day crime report on June 27, 2017. The attached annual report details the crime incidents from June 1, 2016 to May 31, 2017.

### **Implementation of Strategic Plan Goals**

The project promotes Strategy II.1, Drive Economic and Workforce Development in the County. The project enhances the opportunities for the business community, including small businesses and supports private investment in the community. Moreover, the project contributes to the local tax base.

### **FISCAL IMPACT/FINANCING**

The approval of the project would not result in significant costs to the County. There are no infrastructure improvements that are required by the County to complete the project, and the review cost is built into the application fee.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

On June 15, 2004, CUP 03-341 was approved by the Hearing Officer, and authorized the sale of alcoholic beverages at the market. A modification to the CUP was approved by the Hearing Officer on December 18, 2012. The CUP Expired on June 28, 2014.

The applicant filed for a new CUP on April 16, 2014, prior to the expiration of CUP 03341. A duly noticed hearing was held on May 3, 2017, before the Commission. The Department received one letter of support with conditions from the Southwest Community Association. There were two speakers at the public hearing who expressed support for the project.

Based on testimony given at the May 3, 2017, public hearing, the Commission approved CUP 201300048 with modified conditions.

### **ENVIRONMENTAL DOCUMENTATION**

On May 3, 2017, the Commission certified that the project qualified for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act and County environmental guidelines. The project was approved to authorize the continued sale of alcoholic beverages for at an existing facility, as was previously allowed by CUP 03-341, approved in 2004.

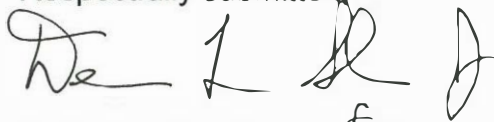
### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

Action on the project is not anticipated to have a negative impact on current services as the project is for the continued sale of alcoholic beverages at an existing market for the same hours of alcoholic beverage sales as previously approved.

The Honorable Board of Supervisors  
August 1, 2017  
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For further information, please contact Greg Mirza-Avakyan at (213) 974-6462 or [gmirza-avakyan@planning.lacounty.gov](mailto:gmirza-avakyan@planning.lacounty.gov).

Respectfully submitted,

  
Richard J. Bruckner *for*  
Director *RJB*

RJB:SA:GAM:lm

Attachments: Commission Conditions  
Commission Staff Reports and Correspondence

c: Executive Office, Board of Supervisors  
Assessor  
Chief Executive Office  
County Counsel  
Public Works

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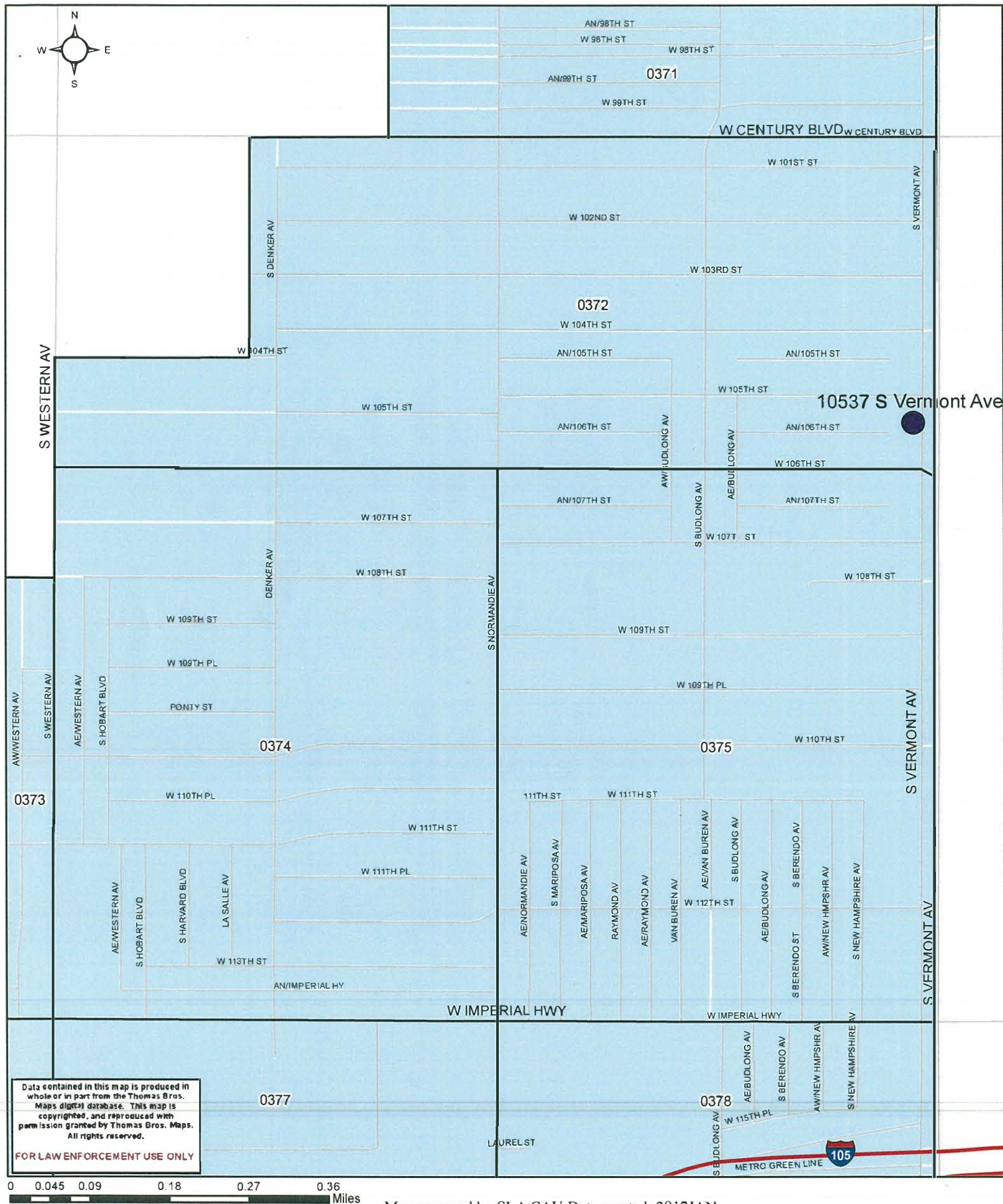




# LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

## SOUTH LA STATION

10537 S Vermont Avenue

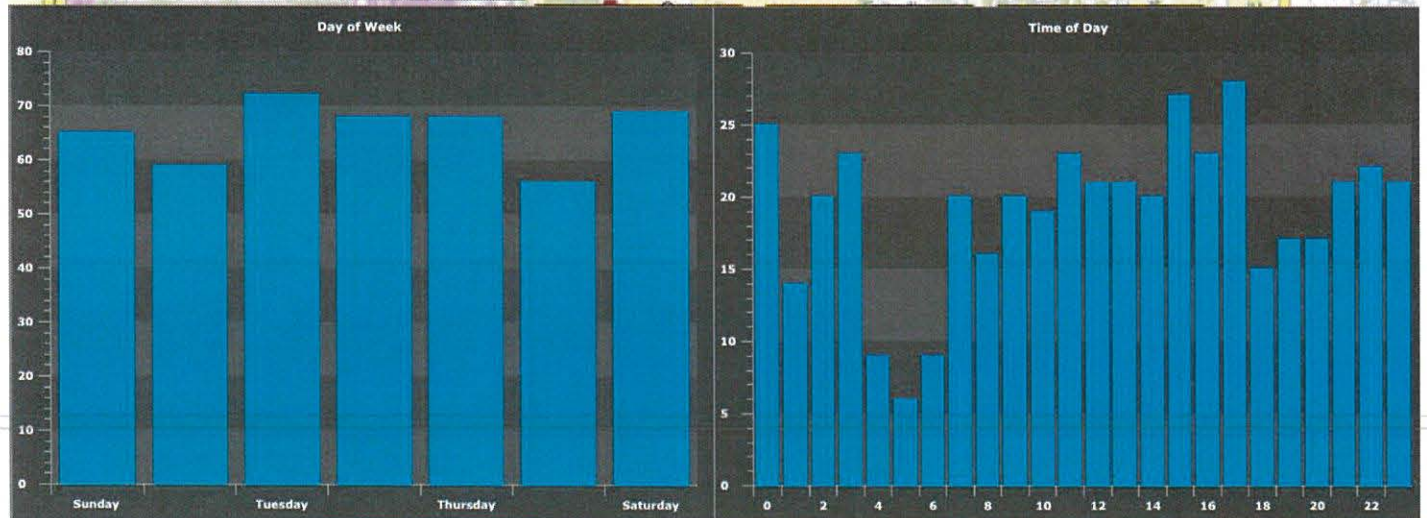
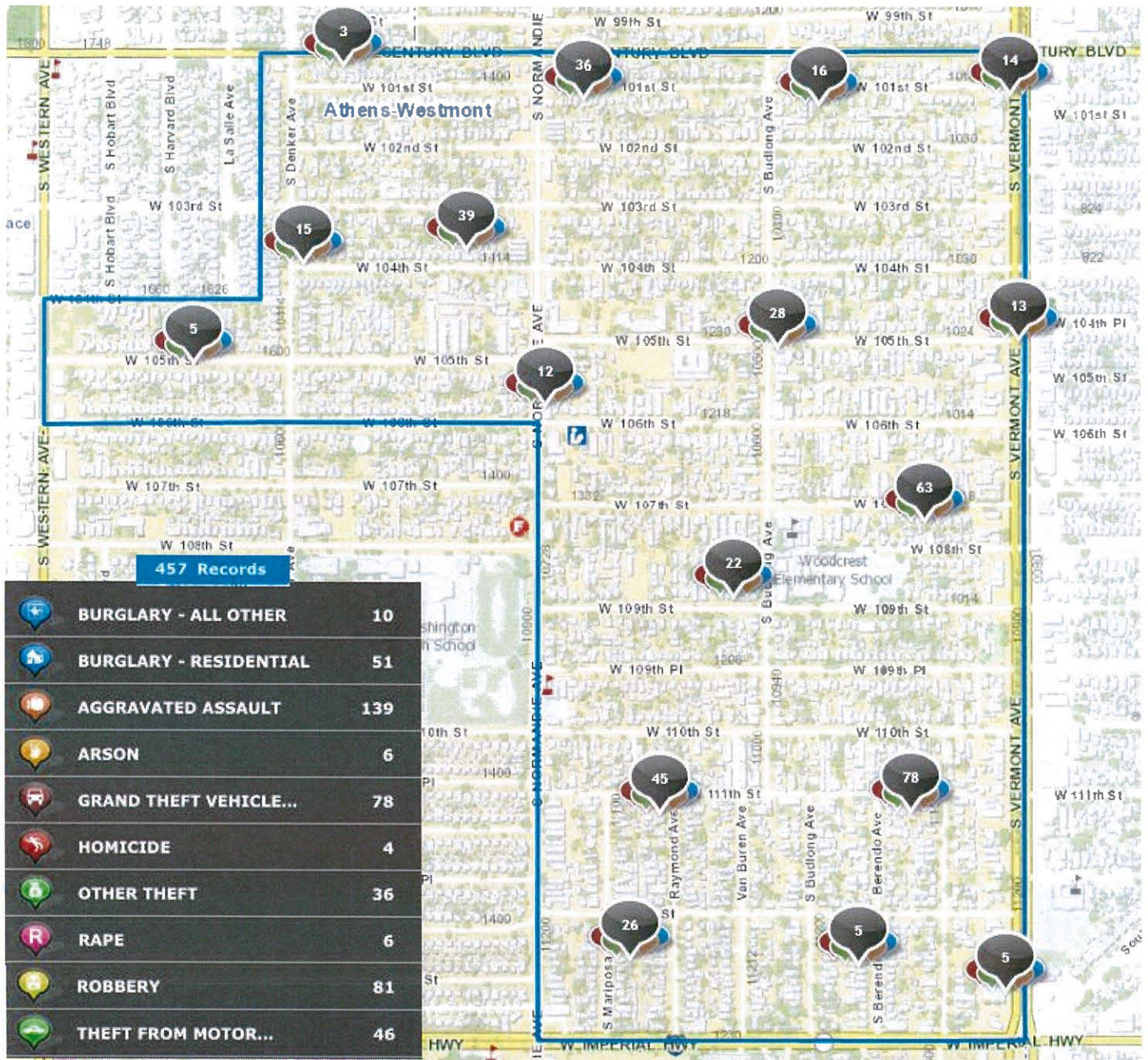


Map prepared by SLA CAU Date created: 2017JAN

INFORMATION IS TIME SENSITIVE AND SUBJECT TO CHANGE. ALL INCIDENTS MAY NOT BE PLOTTED DUE TO LARCIS.

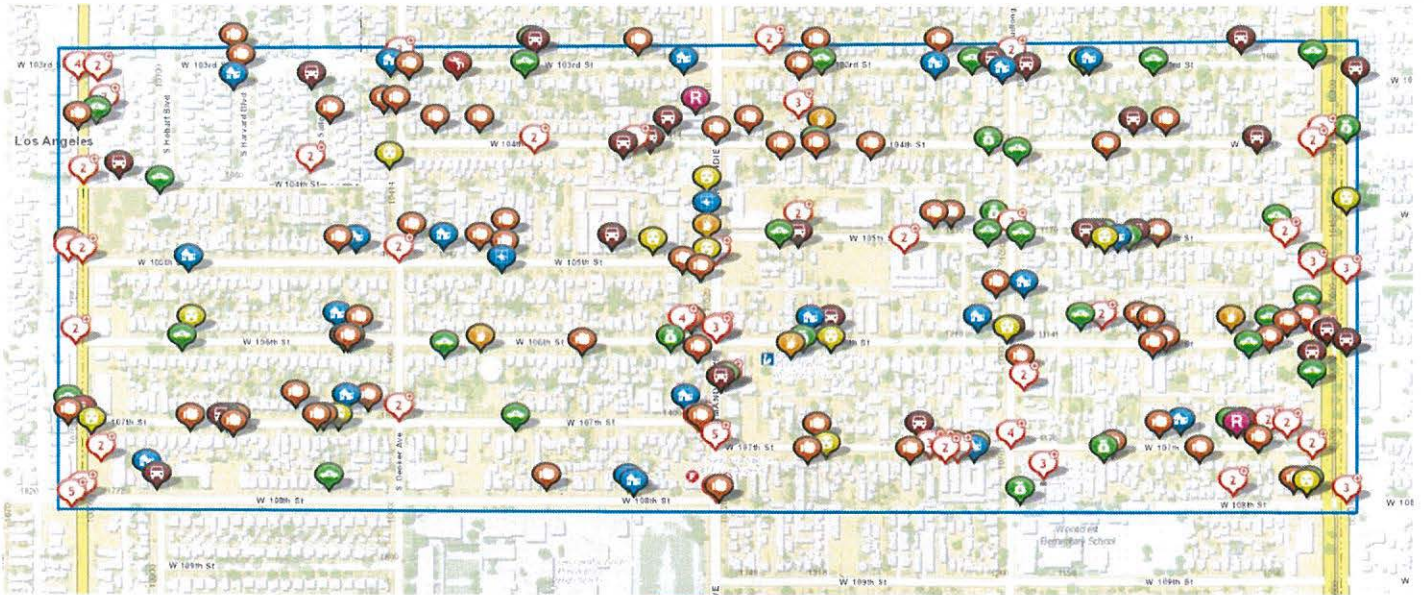


# Vermont RDs 0372 & 0375, June 1, 2016 - May 31, 2017 Part I incidents



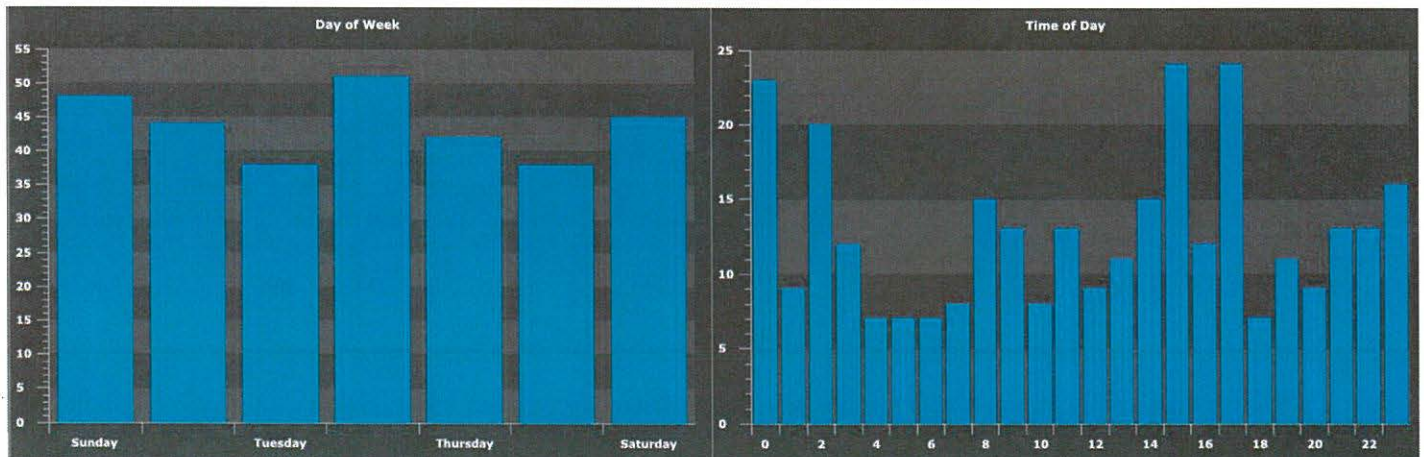


# Area around 10537 Vermont Ave, June 1, 2016 - May 31, 2017 Part I incidents



306 Records

	BURGLARY - ALL OTHER	6
	BURGLARY - RESIDENTIAL	24
	AGGRAVATED ASSAULT	98
	ARSON	6
	GRAND THEFT PERSON	1
	GRAND THEFT VEHICLE...	41
	HOMICIDE	5
	OTHER THEFT	23
	RAPE	5
	ROBBERY	53
	THEFT FROM MOTOR...	44







# Los Angeles County Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

May 4, 2017

Henry Tran  
12815 Cantreze Street  
Cerritos, CA 90703

**REGARDING: PROJECT NO. R2014-01046-(2)  
CONDITIONAL USE PERMIT NO. 201400048  
10537 SOUTH VERMONT AVENUE (6060-018-026)**

The Regional Planning Commission, by its action of **May 3, 2017**, has **APPROVED** the above-referenced project. Enclosed are the Commission's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **May 17, 2017. Appeals must be delivered in person.**

**Appeals:** To file an appeal, please contact:  
Executive Office of the Board of Supervisors  
Room 383, Kenneth Hahn Hall of Administration  
500 West Temple Street, Los Angeles, CA 90012  
(213) 974-1426

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. 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 CEQA fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. 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 Greg Mirza-Avakyan of the Zoning Permits West Section at (213) 974-6462, or by email at [gmirza-avakyan@planning.lacounty.gov](mailto:gmirza-avakyan@planning.lacounty.gov). Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,  
DEPARTMENT OF REGIONAL PLANNING  
Richard J. Bruckner

*Nooshin Paidar*  
Nooshin Paidar, Supervising Regional Planner  
Zoning Permits West Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)  
c: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement;  
NP:GAM

CC.060412

**FINDINGS OF THE HEARING OFFICER  
AND ORDER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2014-01046-(2)  
CONDITIONAL USE PERMIT NO. 201400048**

1. The Los Angeles County ("County") Regional Planning Commission ("Commission") conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201400048 ("CUP") on May 3, 2017.
2. The permittee, Henry Tran ("permittee"), requests the CUP to authorize the continued sale of beer, wine, and spirits for off-site consumption ("Project") on a property located at 10537 South Vermont Avenue in the unincorporated community of West Athens - Westmont ("Project Site") in the C-3 (General Commercial) zone pursuant to Los Angeles County Code ("County Code") section 22.28.210.
3. The Project Site is 0.17 gross acres in size and consists of one legal lot. The Project Site is irregular in shape with flat topography and is developed with a single-story commercial building. The subject property is currently occupied by a market.
4. The Project is located at the intersection of South Vermont Avenue and 106<sup>th</sup> Street in the West Athens – Westmont Zoned District and is currently zoned C-3 (General Commercial).
5. The Project Site is located within the C.1 (Regional Commercial) land use category of the West Athens – Westmont Community Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:  
  
North: C-3 (General Commercial)  
South: C-3 (General Commercial)  
East: City of Los Angeles  
West: R-2 (Two Family Residential)
7. Surrounding land uses within a 500-foot radius include:  
  
North: Schools, churches, multi-family residential uses, and a hotel.  
South: Churches, multi-family residential uses, and a hotel.  
East: Retail, restaurant, alcohol sales, and single-family residential uses.  
West: Single- and multi-family residential uses.
8. Ordinance No. 1561 was adopted on September 12, 1927, establishing the 5 (General Commercial) zone on the Subject Property. The zone was changed to C-3 with the adoption of Ordinance No. 1924 in 1931.
9. Conditional Use Permit No. 03-341 was approved by a Hearing Officer on June 15, 2004, with final grant approval on July 15, 2004 for the authorization to sell a full line of alcoholic beverages for off-site consumption at the existing market. On December



18, 2012, a modification to the CUP was approved by the Hearing Officer. The change to the conditions authorized the market to sell beer in individual containers greater than 16 ounces and limited the alcoholic content in malt liquors and malt-based products to a maximum of five percent. In addition, the modification allowed the sale of wine coolers in no less than four-pack quantities, and restricted any sale of alcoholic beverages in miniature sizes. The applicant filed a CUP for the continued sale of alcoholic beverages on April 16, 2014, prior to the expiration date of June 28, 2014 for CUP No. 03-341.

10. The site plan for the Project depicts a 3,317 square foot building on an irregularly shaped, 7,550 square foot lot on the corner of 106<sup>th</sup> Street and Vermont Avenue. There are eight parking spaces depicted on the plan. There is a 42-inch-tall block wall on the east side of the property, which partially separates the parking area from the sidewalk to the east. On the southwest side of the property, an eight-foot tall wrought-iron fence surrounds a 387 square foot trash enclosure area.
11. The Floor Plan depicts a total of 2,845 linear feet of shelf space. Alcohol will be displayed on a total of 88 linear feet of shelving in the walk-in cooler, and 48 linear feet of display shelves behind the counter. The total area devoted to the display of alcohol is 136 linear feet, or approximately 4.8 percent of the total display shelf space in the market. Healthy food is depicted on multiple shelves towards the center of the market, in an easily accessible location. Shelves 22, 32, 40, and 49-51 contain healthy food and produce.
12. The Project Site is accessible via 106<sup>th</sup> Street to the South and via South Vermont Avenue to the East. Primary access to the Project Site will be via an entrance/exit on South Vermont Avenue. Secondary access to the Project Site will be via an entrance/exit on 106<sup>th</sup> Street.
13. The Project Site will provide a total of eight parking spaces, one of which is an ADA-compliant disabled parking space. Four of the spaces are accessible via the driveway off 106<sup>th</sup> street, and four spaces will be accessible from the South Vermont Avenue driveway.
14. The applicant has volunteered to change the face of existing signage onsite to the Director's satisfaction, as reflected on the Exhibit "A." The dimensions of the signage will not change.
15. There is one other establishment in the vicinity of 500-feet of the Project Site that sells alcoholic beverages for off-site consumption. Therefore, there is undue concentration of establishments selling alcoholic beverages and thus shelf space devoted to alcoholic beverages in the subject property must to be limited to five percent of the total.
16. Information from California Department of Alcoholic Beverage Control (ABC) indicates the site is within a census tract that has an overconcentration of alcohol sales. There are six active ABC licenses for "off-sale" alcohol sales in Census Tract is 6002.02, where only three "off-sale" licenses are allowed. ABC requires a finding of public

convenience or necessity in order to issue authorization to allow for alcohol sales. The granting of this CUP to sell beer and alcohol for off-site consumption at an existing market will serve as a public convenience to the surrounding neighborhood and patrons of the establishment, and is a complementary use for the market.

17. The South Los Angeles Sheriff's Station submitted a report in a letter dated November 17, 2015. The report identifies the project location as a high crime area and lists the crime history for the project site over the last six years. The crimes include five petty theft violations, four narcotics sales, four burglaries, three robberies, one assault, one weapons violation, and one homicide. The report states that the Sheriff does not object to the granting of the CUP with the inclusion of four recommended conditions for safety. The letter is attached to the Project's conditions.
18. Prior to the Commission's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involves the sale of alcoholic beverages in an existing market.
19. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.
20. Staff received one letter of support from Mr. Henry Porter of the Southwest Community Association. Mr. Porter recommended that all of the Sheriff's recommendations be adopted as part of the approval. He also recommended the addition of a condition to prohibit the sale of beer in 16 oz. or larger containers if such containers are packaged in six packs during the life of the approval.
21. The Commission held a duly-noticed public hearing on the Project Permit on May 3, 2017. Commissioners Smith, Louie, Shell, Moon, and Modugno were present. The Commission heard a presentation from Regional Planning staff and testimony from representatives of the permittee and members of the public. A number of issues were raised.
  - a. Commissioner Louie asked if staff can be notified when a transfer of ownership occurs on an active CUP in order to prevent bad operators from using the CUP. Staff indicated that the CUP "runs with the land," regardless of change of ownership.
  - b. Commissioner Louie expressed interest in seeing the calls for service as well as actual crime statistics for the project. Staff noted that calls for service were not available.
  - c. Commissioner Louie asked staff to explain why staff supports the CUP despite the overconcentration of alcohol sales in the Census Tract. Staff responded that the finding of Convenience and Necessity allows staff to support the use despite overconcentration.
  - d. Commissioner Moon requested that the CUP include a condition for the operators to hire security and employees from the community. Both County



Counsel and DRP staff provided input and indicated that such a requirement cannot be placed on the operators; however, a security guard may be required as a condition of approval. Finding 22 below is modified to remove the reference to local employment.

- e. Commissioner Moon inquired whether the number of parking spaces is adequate. Staff replied that the project is nonconforming due to parking; however, because it was legally established previously and no new construction is currently proposed, the new parking requirement will not be enforced.
- f. Commissioner Louie asked the applicant how the market has improved since the new operator took over in 2013. The applicant's representative indicated that the market now provides healthy food and that the heavy surveillance (14 cameras) at the market has contributed to the decrease of loitering and crime on the premises.
- g. Commissioner Louie requested that the wording on the business sign be changed to place "healthy produce" before "liquor," "beer," and "wine." The applicant concurred that they are open to that change.
- h. Commissioner Shell asked the applicant if they agreed with the hours of sales in the Draft Conditions (6a.m. – 10p.m.). The applicant indicated that the sales between the hours of 10p.m. – 2a.m., as permitted by the prior CUP, account for 30% of all alcohol sales, and prohibiting sales at these hours would be a hardship for the operator. Commissioner Shell contemplated whether extending the hours to 2 a.m. would create the need for a security guard. Commissioner Louie stated that a security guard may not be necessary since the current applicant has been a good operator. Commissioner Louie asked the applicant if alcohol sales between 6 a.m. to 10 a.m. were important to the applicant. The applicant responded that these accounted for a significant number of sales for individuals seeking to purchase alcohol after a graveyard shift.
- i. The applicant's representative asked to remove Condition 36, which prohibits the sale of malt beverages larger than 750 milliliters. Staff commented that this is a standard condition. The Condition was not removed.
- j. A member of the community testified in favor of the Project, stating that this market is safe and convenient relative to other markets that sell alcoholic beverages in the area, and that he would like to have the option of purchasing alcohol at early hours as well as after midnight.
- k. Mr. Henry Porter testified in favor of the project. However, he asked that Condition 35 be modified to prohibit the sale of individual 16 oz. or larger containers of beer as they are increasingly sold in six-packs. The applicant's representative indicated that larger beers are already being sold in packages. The Condition was not changed.
- l. The permittee's representatives followed with a rebuttal, in which they stated that most of their sales of hard liquor are from smaller containers, and that they would be open to hiring a security guard for the late hours of 10 p.m. to 2 a.m. if they had to, despite the burden it would create.
- m. The Commission summarized the desired changes to the following Conditions of Approval:

- n. Condition 30: To change the hours of alcohol sales from 6 a.m. to 10 p.m. to 6 a.m. to 2 a.m. Should the market experience elevated levels of crime, the operators would either have to hire a security guard, or revert to the 6 a.m. to 10 p.m. alcohol sale hours.
  - o. Condition 41: to require at least two surveillance cameras for the exterior and two cameras for the interior of the market.
  - p. Condition 51: To require the permittee to submit a new business sign exhibit that lists "fresh produce" before "liquor," "beer," and "wine."
  - q. There being no further testimony, the Commission closed the public hearing and approved CUP No. 201400048 with modified conditions.
22. The Commission finds that the proposed use is consistent with the Employment Generating Uses policies of the General Plan. The proposed use will maintain the store's economic vitality. The market was granted a conditional use permit for the sale of alcohol in July 2004. There is a residential neighborhood adjacent to the subject property, and employment by the market is a potential opportunity for the nearby residents. Therefore, the proposal is consistent with the policy encouraging employment opportunities near housing.
23. The Commission finds that the proposed use is consistent with the adopted plan for the area as the proposed sale of alcoholic beverages for off-site consumption will occur in a commercial structure in an area designated as C.1 (Regional Commercial) on the West Athens – Westmont Community Plan Land Use Element. Alcohol sales are consistent with commercial land use.
24. The Commission finds that the proposed use is consistent with the C-3 zoning classification because the sale of alcohol in conjunction with the use as a market is permitted in the C-3 zone with a CUP pursuant to Section 22.28.210 of the County Code. The approval of this permit with the attached findings and conditions will satisfy this requirement.
25. The Commission finds that the proposed use will not adversely affect the health, peace, comfort or welfare of others in the surrounding area or be materially detrimental to the surrounding community or jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare because the use will occur in a commercial area and surrounding uses will be adequately buffered by other buildings, streets, landscaping, and fencing.
26. The Commission finds that the subject site is adequate in size to accommodate the development features prescribed in Title 22 for the C-3 zone. The property was developed with ADA accessibility. The project site is not conforming to current development standards for the C-3 zone contained within the Los Angeles County Code in regards to parking and landscaping. However, the previously adopted Conditional Use Permit 03-341 identified the market as legally non-conforming in regards to development standards. No new construction is proposed as a part of this permit.



27. The Commission finds that the subject site is adequately served by highways, driveways, and parking lots necessary to accommodate the quantity and type of traffic generated by the project. The project site is located at the intersection of South Vermont Avenue and 106<sup>th</sup> Street and is within close proximity to the 110 and 105 Freeways. Access to the site is via two driveways - one located off of South Vermont Avenue to the East of the subject property, and the other to the south, accessible from 106<sup>th</sup> street. Adequate sidewalks exist on both South Vermont and 106<sup>th</sup>. The parking lot on the subject property provides sufficient parking for the market.
28. The Commission finds that the sale of alcohol at the proposed location will not adversely affect a park, playground, or other sensitive use within a 600-foot radius. There are nine potentially sensitive uses located within 600 feet of the subject property: four religious establishments, four educational institutions, and a park. All of the aforementioned sensitive uses are sufficiently buffered from the market. The closest sensitive use to the Project Site is a school located across 106<sup>th</sup> street to the south. The use is buffered from the liquor store by the street. In addition, multiple digital surveillance cameras will be operating on site at all times to mitigate potential effects on the sensitive uses nearby.
29. The Commission finds that the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area. The site is adequately buffered by streets to the south and east, by a fence to the north, and by an alley to the west. The public entrance to the market is from the east side of the building, the furthest area from the residential uses to the west of the subject parcel on the same block. Furthermore, the nearest residential area is buffered from the shopping center by an alley.
30. The Commission finds that the public convenience of selling alcohol in conjunction with a retail market outweighs the fact that another market sells alcohol for off-site consumption within 500 feet of the Project Site.

The Project will provide the public with a convenient location to shop for any number of items, including a full line of alcoholic beverages, in a safe and well-lit environment. The market has been operating in good faith, and has complied with the conditions required by the prior CUP, and it is appropriately located on a major thoroughfare. Allowing the sale of a full line of alcoholic beverages incidental to the on-going operations enhances the economic vitality of the existing business.

In compliance with County Code provisions, the Project is limited to having a maximum of five percent of the shelf space in the store devoted to the sale of alcoholic beverages. The permittee has submitted a site plan that shows a total of 4.78 percent of the shelf space devoted to alcohol sales, and therefore, the site plan confirms compliance with this requirement.

31. The Commission finds that requested use at the proposed location will not adversely affect the economic welfare of the surrounding community because the proposed use will provide another amenity, among the other goods sold at this market. The market

will provide a convenient place for residents and others to purchase alcoholic beverages, among other goods.

32. The Commission finds that the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood because the design of the building is appropriate and compatible with the surrounding area in terms of architectural style, scale, and color. The external appearance of the building kept up, and will not contribute to blight in the neighborhood.
33. The Commission finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the CUP to 10 years.
34. The Commission finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, La Opinion and Our Weekly newspapers, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of the West Athens - Westmont community. On March 16, 2017, a total of 93 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as six notices to those on the courtesy mailing list for the West Athens - Westmont Zoned District and to any additional interested parties.
35. 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 the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits West Section, Department of Regional Planning.

**BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:**

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.
- E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius.
- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.
- G. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.
- H. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.
- I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

**THEREFORE, THE COMMISSION:**

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15301 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
- 2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 201400048, associated with Project R2014-01046-(2) is **APPROVED**, subject to the attached conditions.

**ACTION DATE: May 3, 2017**

**VOTE: 4:1:0:0**

Concurring: Smith, Louie, Shell, Modugno

Dissenting: Moon



Abstaining: 0

Absent: 0

NP:GAM  
May 3, 2017

c: Commissioner Doug Smith, Commissioner David W. Louie, Commissioner Laura Shell, Commissioner Elvin W. Moon, Commissioner Pat Modugno, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2014-01046-(2)  
CONDITIONAL USE PERMIT NO. 201400048**

**PROJECT DESCRIPTION**

The applicant is requesting a conditional use permit (CUP) for the sale of beer, wine, and spirits for off-site consumption (ABC License Type 21) at an existing market in the C-3 (General Commercial) Zone within the unincorporated community of West Athens – Westmont subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term “permittee” shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County (“County”) Department of Regional Planning (“Regional Planning”) their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9, shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term “date of final approval” shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but

not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on May 3, 2027.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within 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 sales of alcoholic beverages and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of

this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of \$2000.00. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for ten annual inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control. All litter and trash shall be collected regularly from the premises and the adjacent right-of-way.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.



In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **3 copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **3 copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

**PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (SALE OF ALCOHOLIC BEVERAGES)**

19. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.
20. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.
21. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program (or other State mandated program) provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.
22. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures.
23. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.

24. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public.
25. The consumption of alcoholic beverages shall be prohibited on the subject property. The permittee shall post signage on the premises prohibiting consumption of alcoholic beverages on the premises.
26. The permittee shall provide adequate lighting above all entrances and exits to the premises.
27. The permittee shall provide adequate lighting in all parking areas and walkways under control of the permittee or required as a condition this grant. All lighting required by this grant shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons within lighted areas during operating hours and shall be designed so as to direct light and glare only onto the facility premises. Said lighting and glare shall be deflected, shaded and focused away from all adjoining properties.
28. The permittee shall maintain a current contact name, address, and phone number on file with the Department of Regional Planning at all times.

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

29. This grant shall authorize the sale of beer, wine, and spirits for off-site consumption in an existing market.
30. This grant shall authorize the sale of alcoholic beverages from 6 a.m. to 2 a.m. daily subject to further review depending on changing circumstances related to crime.
31. During the hours of alcohol sales, any employees on duty who sell alcohol should be at least 21 years of age.
32. 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 in the establishment.
33. The permittee shall display, on a continuous basis, a minimum of five varieties of fresh produce, and a minimum of three varieties of whole grains in high-visibility areas, as depicted on Exhibit "A." "Fresh produce" shall mean any edible portion of a fresh fruit or vegetable, whether offered for sale whole or pre-sliced. The produce offered for sale shall be free from spoilage. "Whole grains" shall mean any food from either: a single ingredient produce, such as brown rice, whole oats, quinoa, or

barley; or a pre-packaged grain product, such as bread, crackers, or cereal, in which the word "whole" appears first in the ingredients list of the product.

34. No display of alcoholic beverages shall be made from an ice tub.
35. The beer in containers of 16 ounces or less shall not be sold by single container, but must be sold in manufacturer pre-packaged multi-unit quantities.
36. Malt beverages (e.g. beer, ale, stout and malt liquors) shall not be sold in a bottle or container greater than 750 milliliters or 25.4 ounces.
37. There shall be no wine, with the exception of wine coolers, sold in containers of less than 750 milliliters. No miniatures of any type may be sold. Wine coolers shall not be sold in less than four-pack quantities.
38. No single cups shall be sold, furnished, or given away.
39. No ice in quantities of less than two pounds shall be sold, furnished, or given away.
40. The coolers designated for the storage of alcoholic beverages as shown on the Exhibit 'A' shall be locked during non-sale hours.
41. At least four on-site 24-hour security cameras shall be maintained in good operating condition and shall be in operation at all times. At least two cameras shall be maintained within the market and at least two cameras shall be maintained on the exterior of the market. Footage from the security cameras shall be retained for at least 30 days, during which time it shall be made available to law enforcement upon request.
42. The permittee shall not provide any type of seating or structure which could be used as seating on the exterior of the building.
43. Public payphones shall be prohibited on the premises.
44. The licensed premises shall have no coin operated amusements, such as pool tables, juke boxes, video games, small carousel rides or similar riding machines, with the exception of official State Lottery Machines.
45. The permittee shall continuously maintain not less than eight parking spaces as shown on the approved Exhibit "A." A minimum of one (1) space shall be reserved for disabled persons.
46. If the market substantially changes its mode or character of operation or if the permittee changes the use or occupancy or otherwise modifies the subject property so as to require parking beyond the minimum requirement, the permittee shall submit an application for a minor parking deviation, parking permit, variance, or other applicable permit, as determined by the Director, within 90 days of such occurrence.

47. Outside display and storage is prohibited.
48. The trash storage area shall be located so as not to result in noise or odor impacts on adjacent uses. Trash shall be picked up on a regular basis and not be allowed to accumulate to the point of overflow beyond the enclosure.
49. The placement of portable signs on sidewalks adjacent to the subject property, and temporary signs on walls and poles, is prohibited.
50. Permitted commercial signs and graphic displays shall be confined to the façade surface of the market, and shall not project above the roofline or disrupt the architectural design of the building
51. The permittee shall replace the existing signage with new signage of the same dimensions in accordance with an updated Exhibit "A" displaying the phrase "fresh produce" before "liquor, beer, wine" within sixty (60) days of the date of final approval. Any additional signage shall comply with Part 10, Chapter 22.52 of the Los Angeles County Code.

Attachments:

Sheriff letter dated November 17, 2015.

Service Calls made by Sheriff to 10537 South Vermont Avenue (May 2010 – May 2016)





# OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF



November 17, 2015

Mr. Greg Mirza-Avakyan  
Los Angeles County Department of Regional Planning  
320 West Temple Street, 13<sup>th</sup> Floor  
Los Angeles, California 90012

Dear Mr. Mirza-Avakyan:

**CONDITIONAL USE PERMIT 201400048  
MY VERMONT LIQUOR  
10537 SOUTH VERMONT AVENUE, LOS ANGELES**

The business owners at My Vermont Liquor have requested a permit for the continued sale of alcoholic beverages for offsite consumption at their existing location.

The area surrounding this establishment is a high-crime area. A review of crime statistics at that location for the past five years has revealed the following: 1-homicide in 2011; 3-robberies; 1-assault; 4-burglaries; 1-weapons violation; 4-narcotics sales; 5-petty theft violation. I recommend this business for approval of an alcohol permit with the following stipulations:

- Do not allow alcohol consumption in parking lot of business
- Bi-annual inspections
- Monitor crime rates for one year
- Install recorded video system with 24-hour monitoring

These stipulations will both deter criminal and nuisance activity and aid in the investigation of any crimes committed on site.

Thank you for the opportunity to provide input, and please do not hesitate to contact me or my staff at (323) 820-6716 if you need any additional information.

Sincerely,

JIM McDONNELL, SHERIFF

Steven J. Sciacca, Captain  
South Los Angeles Sheriff's Station

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

*A Tradition of Service*  
— Since 1850 —

10537 Vermont Ave, Los Angeles, May 2010 - May 2016 Incidents

Case_URN	Primary_Stat_Code	Primary_Stat_Code_Description	Report_Date
011-10568-0372-011	11	CRIMINAL HOMICIDE: Murder	11/28/2011
912-00795-0372-041	41	ROBBERY, STRONG-ARM: Highway, Etc.	1/29/2012
911-06472-0375-042	42	ROBBERY, STRONG-ARM: Store, Business, Hotel, Motel, Etc.	7/20/2011
014-09755-0372-044	44	ROBBERY, STRONG-ARM: Convenience Store, Fast Food, Restaurant	10/23/2014
011-08859-0372-051	51	ASSAULT, AGGRAVATED: ADW - GUN	10/1/2011
914-09956-0372-072	72	BURGLARY, OTHER STRUCTURE: Night, Entry No Force	10/30/2014
912-82063-0372-075	75	BURGLARY, OTHER STRUCTURE: Day, Entry No Force	11/22/2012
912-82064-0372-075	75	BURGLARY, OTHER STRUCTURE: Day, Entry No Force	11/22/2012
913-04954-0372-075	75	BURGLARY, OTHER STRUCTURE: Day, Entry No Force	6/9/2013
910-04097-0372-091	91	GRAND THEFT VEHICLE (GTA): Automobile/Passenger Van	5/4/2010
015-08745-0375-146	146	ASSAULT, NON-AGGRAVATED: DOMESTIC VIOLENCE	10/6/2015
914-01268-0375-151	151	WEAPON LAWS: Felony	2/9/2014
912-02713-0372-181	181	Felony Transport. &/or Sale of Controlled Substance(excpt Marijuana)	4/8/2012
912-04070-0372-181	181	Felony Transport. &/or Sale of Controlled Substance(excpt Marijuana)	5/21/2012
913-05513-0372-181	181	Felony Transport. &/or Sale of Controlled Substance(excpt Marijuana)	6/26/2013
913-10393-0372-181	181	Felony Transport. &/or Sale of Controlled Substance(excpt Marijuana)	11/30/2013
912-05245-0372-183	183	NARCOTICS: Under The Influence Of Narcotic (11550 H+S)	6/23/2012
916-03085-0372-185	185	Misdemeanor Possessn of a Controlled Substance (excluding Marijuana)	4/8/2016
916-00379-0372-198	198	LIQUOR LAWS: All Other Liquor Law Violations	1/13/2016
916-04648-0372-198	198	LIQUOR LAWS: All Other Liquor Law Violations	5/21/2016
915-07770-0372-201	201	DRUNK: Alcohol	9/8/2015
911-09840-0371-339	339	FELONIES, MISCELLANEOUS: All Other Felonies	11/1/2011
910-05552-0372-342	342	VEHICLE BURGLARY: Truck/Cargo Van Burglary	6/11/2010
911-03440-0375-383	383	THEFT, PETTY: Shoplifting (From Dept Store, Mkt, Etc)	4/16/2011
912-10243-0372-383	383	THEFT, PETTY: Shoplifting (From Dept Store, Mkt, Etc)	11/18/2012
912-10260-0372-383	383	THEFT, PETTY: Shoplifting (From Dept Store, Mkt, Etc)	11/18/2012
914-02879-0372-389	389	THEFT, PETTY: Other (From Prvt Res, Boat, Plane,Yard)	3/30/2014
914-11499-0372-389	389	THEFT, PETTY: Other (From Prvt Res, Boat, Plane,Yard)	12/23/2014
916-02995-0372-444	444	NON-CRIMINAL: Suspicious Circumstances, Possible Criminal Activity	4/5/2016
010-05088-0372-607	607	REASONABLE CAUSE ARRESTS: Grand Theft Auto Or Motorcycle	5/30/2010

# Regional Planning Commission Transmittal Checklist

Hearing Date  
05/03/2017  
Agenda Item No.  
**6**

**Project Number:** R2014-01046  
**Case(s):** Conditional Use Permit No. RCUP201400048  
Environmental Assessment No. ENV201400090  
**Planner:** Greg Mirza-Avakyan

**DRP COPY**  
**DO NOT REMOVE**

- ☒ Project Summary
- ☒ Property Location Map
- ☒ Staff Analysis
- ☒ Draft Findings
- ☒ Draft Conditions + Other department letters of recommended conditions
- ☒ Previous CUP Conditions of Approval
- ☒ Burden of Proof Statement(s)
- ☒ Photographs
- ☒ Aerial Image(s)
- ☒ Land Use/Zoning Map
- ☒ Site Plan / Floor Plans / Elevations
- ☒ Exhibit Map

**Reviewed By:** Nooshin Faidar



Department of Regional Planning  
320 West Temple Street  
Los Angeles, California 90012

**PROJECT NUMBER**

R2014-01046

**HEARING DATE**

May 3, 2017

**REQUESTED ENTITLEMENTS**

Conditional Use Permit No. 201400048

Environmental Assessment No. 201400090

# PROJECT SUMMARY

**OWNER / APPLICANT**

Henry Tran / Nanami Corporation

**MAP/EXHIBIT DATE**

07/01/16

**PROJECT OVERVIEW**

The applicant, Henry Tran, requests authorization to continue the sale of a full line of alcoholic beverages for off-site consumption (ABC License Type 21) at an existing market. The use was previously established by Conditional Use Permit No. 03-341 in July 2004, and modified conditions in December 2012. The project site is a 3,386 square foot building on 0.18 acre lot in the C-3 Zone, within the West Athens-Westmont Community Plan area. The market provides a total of eight parking spaces. The hours of operation will be between 6:00 a.m. – 10:00 p.m., seven days a week. The project falls within the West Athens – Westmont Community Standards District.

**LOCATION**

10537 South Vermont Avenue, Los Angeles, CA 90044

**ACCESS**

Vermont Avenue and 106<sup>th</sup> Street

**ASSESSORS PARCEL NUMBER(S)**

6060-018-026

**SITE AREA**

0.18 Acres

**GENERAL PLAN / LOCAL PLAN**

West Athens / Westmont Community Plan

**ZONED DISTRICT**

West Athens – Westmont

**LAND USE DESIGNATION**

C.1 (Regional Commercial)

**ZONE**

C-3 (Unlimited Commercial)

**PROPOSED UNITS**

N/A

**MAX DENSITY/UNITS**

N/A

**COMMUNITY STANDARDS DISTRICT**

West Athens – Westmont CSD

**ENVIRONMENTAL DETERMINATION (CEQA)**

Class 1 Categorical Exemption – Existing Facilities

**KEY ISSUES**

- Consistency with the Los Angeles County General Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
  - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
  - 22.44.120 (West Athens - Westmont CSD requirements)
  - 22.28.220 (C-3 Zone Development Standards)

**CASE PLANNER:**

Greg Mirza-Avakyan

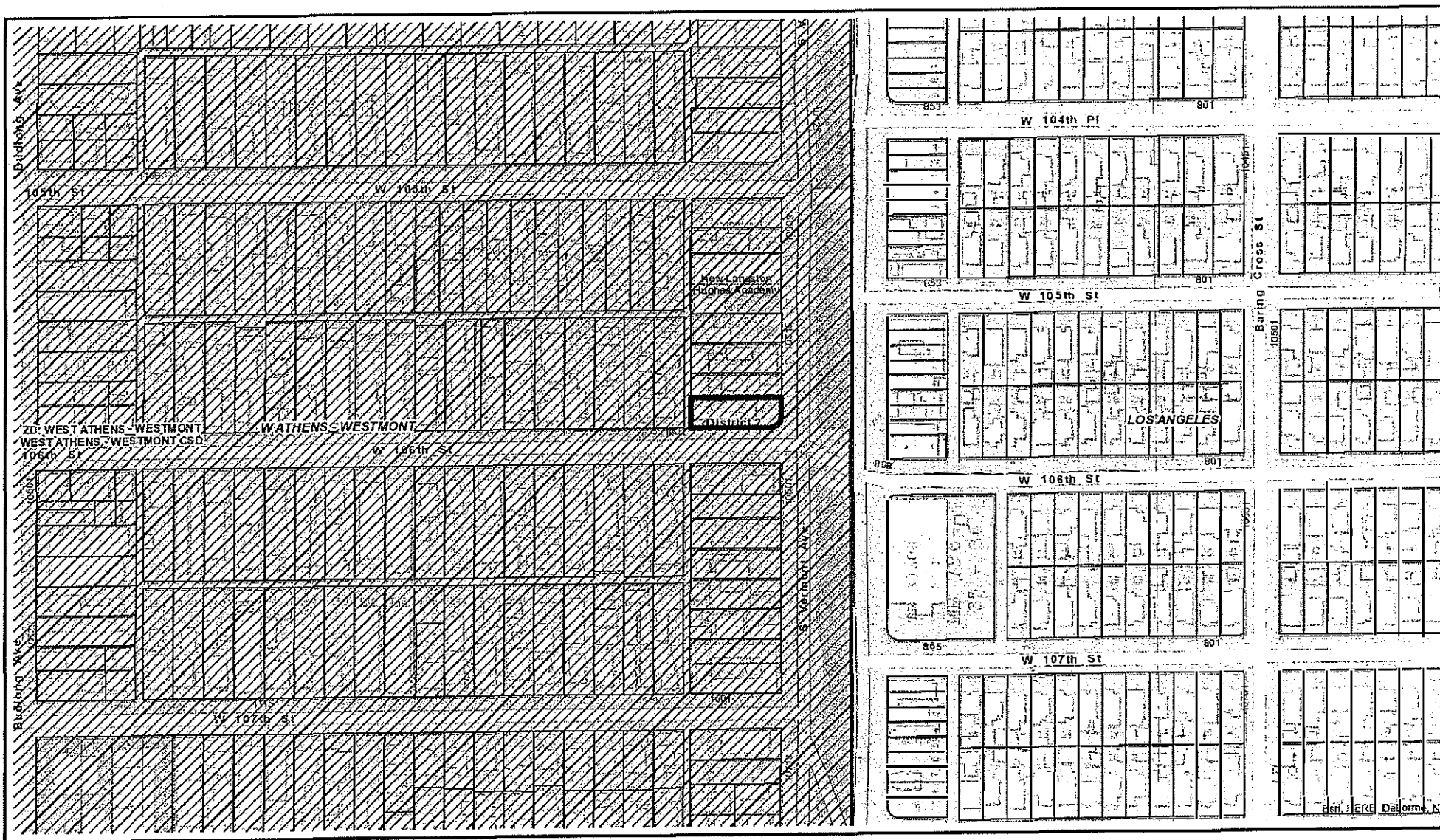
**PHONE NUMBER:**

(213) 974 – 6462

**E-MAIL ADDRESS:**

Gmirza-avakyan@planning.lacounty.gov





**10537 South Vermont Ave**

**Community & CSD**

Printed: Dec 29, 2015



0 600

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### **ENTITLEMENTS REQUESTED**

- Conditional Use Permit (CUP) for the continued sale of beer, wine, and spirits for off-site consumption (ABC License Type 21) at an existing market in the C-3 (General Commercial) Zone pursuant to County Code Section 22.28.210.

### **PROJECT DESCRIPTION**

The applicant, Henry Tran, requests the authorization to continue the sale of a full line of alcoholic beverages for off-site consumption (ABC License Type 21) at an existing market ("Project"). The Project is located in the C-3 Zone, within the West Athens-Westmont Community Plan and Community Standards District. The market is located at 10537 South Vermont Avenue in the unincorporated community of West Athens – Westmont ("Project Site").

The use was previously established by Conditional Use Permit No. 03-341 in July 2004, and expired on June 28, 2014. The market is located in a high-crime area and is in a census tract that has an over-concentration of alcohol sales per the California Department of Alcohol and Beverage Control. The conditions of approval for this permit will ensure that the potential impacts from the sale of alcohol are mitigated. The hours of alcoholic beverage sales will be between 6:00 a.m. and 10:00 p.m. seven days a week. Alcohol sales will constitute five percent of shelf space in the market. County Code Section 22.56.195 limits shelf space dedicated to the sale of alcohol to not more than 5% if there is undue concentration, defined as the presence of another establishment selling alcohol within 500-foot radius of the Project Site. Because another establishment selling alcohol is within the 500-foot radius, the market is subject to this limitation.

### **SITE PLAN DESCRIPTION**

The site plan depicts a 3,317 square foot building on an irregularly shaped, 7,550 square foot lot on the corner of 106<sup>th</sup> Street and Vermont Avenue. There are eight standard parking spaces depicted on the plan, one of which is ADA compliant. There is a three-foot-tall block wall on the east side of the property, which partially separates the parking area from the sidewalk to the east for approximately 16 feet. The same wall continues around the corner to the north for approximately 43 feet on the boundary line. On the southwest side of the property, an eight-foot tall wrought-iron fence surrounds a 387 square foot trash enclosure area.

The floor plan shows multiple merchandise shelves in the center of the store, including an isle stocked with healthy food, a walk-in cooler in the center-back, storage and office spaces in the back of the store, and shelves along the southern and northern walls of the store. Three cabinets are stocked with produce. Alcohol will be displayed on the shelves behind the counter on the southern side, and in a portion of the walk-in cooler. A total of 136 feet of linear shelf space will have alcohol displayed, which constitutes 4.78% of the publicly visible shelf space in the store.

**EXISTING ZONING**

The subject property is zoned C-3 (General Commercial).

Surrounding properties are zoned as follows:

North: C-3 (General Commercial)  
South: C-3 (General Commercial)  
East: City of Los Angeles  
West: R-2 (Two Family Residential)

**EXISTING LAND USES**

The subject property is developed with an existing market.

Surrounding properties are developed as follows:

North: Schools, churches, multi-family residential uses, and a hotel.  
South: Churches, multi-family residential uses, and a hotel.  
East: Retail, restaurant, alcohol sales, and single-family residential uses.  
West: Single- and multi-family residential uses.

**PREVIOUS CASES/ZONING HISTORY**

Ordinance No. 1561 was adopted on September 12, 1927, establishing the 5 (General Commercial) zone on the subject property. Ordinance No. 1924 was approved on March 26, 1931, which changed the zoning of the subject property to C-3.

Based on the Assessor's records, the building which houses the market was legally constructed in 1968. The market had been selling alcoholic beverages since at least 1986, before the sale of alcohol required a CUP. However, in October of 2002 the market's operators were cited for operating a market with liquor sales without a CUP. On June 15, 2004 Conditional Use Permit No. 03-341 was approved by the Hearing Officer for the authorization to sell a full line of alcoholic beverages for off-site consumption at the existing market.

The market was subsequently issued two zoning violations for selling individual containers of beer (in violation of Condition 18i) in 2007 and 2009. On December 18, 2012 a modification to the CUP was approved by the Hearing Officer. The change to the conditions authorized the market to sell beer in individual containers greater than 16 ounces and limited the alcoholic content in malt liquors and malt-based products to a maximum of five percent. In addition, the modification allowed the sale of wine coolers in no less than four-pack quantities, and restricted any sale of alcoholic beverages in miniature sizes. The market was issued a violation of Modified Condition 18i for selling individual containers of malt liquor with greater than five percent alcohol content in August 2013. The violation case has since been closed, and the market was purchased by the current owner in November 2013. The applicant filed for this CUP on April 16, 2014, prior to the expiration of CUP No. 03-341 on June 28, 2014.

**ENVIRONMENTAL DETERMINATION**

Los Angeles County ("County") Staff recommends that the Project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California

Environmental Quality Act (CEQA) and the County environmental guidelines. The applicant proposed to continue the sale of alcohol at an existing market, which is located in an urbanized area with no proposed physical changes to the structure. There are no unusual circumstances or activities at this project site that may have significant impact on the environment. The project site is not located in a scenic area and does not contain sensitive environmental or historic resources. The project is not located in a hazardous waste site. Therefore, staff recommends that the Hearing Officer determine that the Project is categorically exempt from CEQA.

### STAFF EVALUATION

#### General Plan / Community Plan Consistency

The Project Site is located within the C.1 (Regional Commercial) land use category of the West Athens-Westmont Community Plan ("Community Plan"). A neighborhood market with the sale of alcohol among other goods is a use consistent with this land use designation. The sale of alcoholic beverages is an appropriate use because it is but one among a variety of products available at the store. It is an existing use, and is appropriately located on a major commercial thoroughfare. However, the proliferation of markets that sell alcoholic beverages was identified as a problem in the Community Plan in 1990. The market was granted Conditional Use Permit No. 03-341 for the sale of alcoholic beverages in 2004 with conditions intended to diminish any negative impacts to the neighborhood. The market has had three zoning violations during the prior grant term. However, these violation cases are closed, and the ownership was changed in 2013. The current operator has not had any zoning violations.

The following policies of the General Plan are applicable to the proposed project:

- *Policy LU 5.48 Encourage farmers markets, community gardens and proximity to other local food sources that provide access to healthful and nutritious foods.*

The provision of healthy food and fresh produce within the market is an asset to the community, where healthy, nutritious food is scarce. The subject market will sell such products as required by the Conditions of Approval for this CUP.

- *Policy LU 5.2: Encourage a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs.*

The subject market is located in a commercial area with a variety of uses, including restaurants, religious institutions, educational facilities, retail, and residential uses. The continued sale of alcoholic beverages as one of the products offered to customers shopping at the market will add to the diversity of retail offerings and will strengthen the economic vitality of the market.

#### Zoning Ordinance and Development Standards Compliance

Pursuant to Section 22.28.210 of the County Code, establishments in the C-3 Zone that sell alcohol require a conditional use permit. Therefore, the filing for a conditional use permit for the continued sales of alcoholic beverages is in compliance with the Zoning Ordinance.

Pursuant to Section 22.28.220 of the County Code, all properties in the C-3 zone is subject to the following development standards:

- *Area occupied by buildings is not to exceed 90 percent of net area, and landscaping shall constitute ten percent or more of the net area.*

The existing building occupies approximately 43 percent of the subject site. Therefore, the Project complies with this standard. The landscaping shown on the site plan does not meet the ten percent requirement. However, Conditional Use Permit No. 03-341 identified the existing building as legal non-conforming in regards to landscaping.

- *That there shall be adequate parking as required by the County Code.*

If built today, the number of parking spaces required for this property would be 13. However, at the time of construction in 1968, the number of provided parking spaces complied with the requirement of eight spaces. Therefore, the Project is legally nonconforming in regards to the required parking standard.

Pursuant to Section 22.44.120 of the County Code, the applicable development standards for establishments in the West Athens – Westmont Community Standards District (CSD) include:

- The maximum height of any structure shall be 40 feet.

The existing building's height is 16 feet. Therefore, the Project is consistent with the development standards of the West Athens – Westmont CSD.

#### **SITE VISIT**

A site visit was conducted by staff on October 14, 2015, which revealed that the conditions depicted on plans and described in the materials submitted by the applicant are consistent with the existing conditions on location. The shelf space dedicated to the display of alcohol on the site did not reflect the five percent maximum conditioned under CUP No. 03-341. The applicant has since remedied the noncompliance and modified their shelf plan meet the five percent condition. The site was clean, well-maintained, and free of litter. There was a number of unpermitted banners that have since been removed, as verified by a follow-up site visit on March 14, 2017.

#### **BURDENS OF PROOF**

##### **Conditional Use Permit**

As required by Section 22.56.040 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of Hearing Officer, the following facts:

- A. That the requested use at the location proposed will not:
1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; or
  2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
  3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

- B. That the proposed site is adequate in size and shape to accommodate the yards, wells, fence, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area.
- C. That the proposed site is adequately served:
  - 1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
  - 2. By other public or private service facilities as are required.

The sale of alcohol in the market will not adversely affect the health, peace, comfort or welfare of the surrounding community. The market is an existing use that has been legally selling alcoholic beverages for over a decade without major incident since the change of ownership in 2013. There are currently no zoning violations on the property, and the sale of alcohol is an incidental use to the services and goods provided by the market. The sale of alcohol at the market will not jeopardize or endanger the safety of the community because a number of conditions are included that will continue to promote safety, such as the condition for at least two 24-hour surveillance cameras, and the requirement for adequate lighting on the premises

The market is located at the intersection of 106<sup>th</sup> Street and Vermont Avenue, a major thoroughfare, and is within close proximity to the 110 and 105 Freeways. Adequate sidewalks exist on both Vermont Avenue and 106<sup>th</sup> Street. The parking lot on the subject property includes an ADA-compliant space and provides sufficient parking. There is no new construction proposed at the site. The Project is legally non-conforming in relation to the development standards for landscaping and parking prescribed in Title 22 for retail use in the C-3 Zone. Because no improvements are proposed to the structure, the existing property is adequately served by exiting utility and street infrastructure.

The applicant's Burden of Proof Statement is attached. Staff is of the opinion that the applicant has met the burden of proof.

#### **Alcoholic Beverages Permit**

As required by Section 22.56.195 (Findings for Alcoholic Beverages Sales) of the Los Angeles County Code, in addition to the findings required pursuant to subsection A of Section 22.56.090 (CUP Findings), the applicant must also substantiate the following findings:

- A. 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; and
- B. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500' shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located



within a 500' radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than 5% of the total shelf space in the establishment; and

- C. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
- D. 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.

There are nine sensitive uses located within 600 feet of the subject property: four religious establishments, four educational institutions, and a park. The sale of alcohol at the market is not expected to adversely affect the neighborhood because the market has been operating under a prior CUP with conditions intended to mitigate the negative impacts of alcohol sales. While there have been zoning violations and calls for service to the South Los Angeles Sheriff Station, the majority have occurred under the prior ownership. The sale of alcohol is an incidental use to the market. Additionally, multiple digital surveillance cameras are to be located on the site at all times. The use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area. The site is adequately buffered by streets to the south and east, by a fence to the north, and by an alley to the west.

Per staff research, the License Query System made available by the California Department of Alcoholic Beverage Control (ABC) indicates that the site is within a census tract that has an overconcentration of alcohol sales. There are six active ABC licenses for "off-sale" alcohol sales in Census Tract 6002.02, where only three "off-sale" licenses are allowed.

Per the County's Alcoholic Beverage Burden of Proof B, above, the requested use will result in an undue concentration of similar premises, as defined in section 22.56.195 of the County Code, because there is another market selling alcohol within the 500-foot radius of the Project Site. The other market is located at 10466 South Vermont Avenue within the City of Los Angeles, approximately 320 feet from the subject property. Despite undue concentration, staff believes that the proposed use will continue to provide a convenient place for residents and others to purchase alcoholic beverages, among other goods. As was true for the previous CUP, the display of alcoholic beverages will be limited to a maximum of 5% of total shelf space.

The proposed use will not adversely affect the economic welfare of the nearby community because it will provide a public convenience and will maintain an active business that attracts pedestrian traffic and discourages the appearance of blight and abandonment, which is often associated with economic distress.

The proposed use would occur in an existing building. The design of the building is appropriate and compatible with the surrounding area in terms of architectural style, scale, and color. The external appearance of the building will continue to be a good fit for the community, and will not contribute to blight in the neighborhood.

The applicant's Burden of Proof Statement is attached.

**Neighborhood Impact/Land Use Compatibility**

The market has been selling alcoholic beverages at the subject site for over a decade. There have been some zoning violations at the site during the previous CUP grant term, but currently there are no open enforcement cases. The current owners have had no zoning violations.

The commercial use at the site is consistent with the Land Use designation, and follows the policies of the Land Use Element in the General Plan.

The community is a mix of residential and locally serving commercial uses. The market serves the surrounding neighborhood in an area that has a dearth of services and provides an opportunity for the local residents to walk to a neighborhood market. There is one other convenience store within 500 feet that sells alcoholic beverages. However, the availability of alcoholic beverages at the existing convenience store selling other goods is compatible with the retail nature of the store and is a convenience to the community.

**COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

Staff has received two reports from the County Sheriff's South Los Angeles Department. The first, a letter dated November 17, 2015, includes recommended conditions from the Sheriff, as well as crime statistics from the five years prior to the issuance of the letter. The letter also characterizes the area surrounding the establishment as a high crime area. The second report from the Sheriff, from July 2016, includes a detailed report of the service calls to the address of the store from May 2010 to May 2016.

The calls include four sales of controlled substances, five petty theft violations, four burglaries, three robberies, two liquor law violations, one homicide, one aggravated assault, one non-aggravated assault, one grand theft auto, one drunk in public, and one under the influence of narcotics violations. It should be noted that the homicide occurred in 2011, prior to the current ownership. There has not been a violent crime on the site since a robbery occurred on October 23, 2014. The report does not specify the listed crimes occurred inside the store or on the premises.

The report states that the Sheriff does not object to the granting of the CUP with the inclusion of four recommended conditions for safety. The conditions are to prohibit the consumption of alcohol in the parking lot of the business; to conduct bi-annual inspections; to monitor crime rates for one year; and to install a 24-hour video monitoring system.

**LEGAL NOTIFICATION AND PUBLIC OUTREACH**

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, Our Weekly and La Opinion newspapers, property posting, library posting and DRP website posting.

**PUBLIC COMMENTS**

Staff has not received any comments at this time.

**FEES/DEPOSITS**

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

**STAFF 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:

Staff recommends **APPROVAL** of Project Number R2014-01046, Conditional Use Permit No. 201400048 subject to the attached conditions.

**SUGGESTED APPROVAL MOTION:**

**I MOVE THAT THE REGIONAL PLANNING COMMISSION, CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES AND APPROVE CONDITIONAL USE PERMIT NUMBER 201400048 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.**

Prepared by Greg Mirza-Avakyan, Regional Planning Assistant II, Zoning Permits West Section.

Reviewed by Nooshin Paidar, Supervising Regional Planner, Zoning Permits West Section.

**Attachments:**

Draft Findings, Draft Conditions of Approval  
Applicant's Burden of Proof statement  
Correspondence  
Site Photographs, Aerial Image  
Site Plan, Land Use Map

NP:GAM  
04/13/2017

**DRAFT FINDINGS OF THE HEARING OFFICER  
AND ORDER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2014-01046-(2)  
CONDITIONAL USE PERMIT NO. 201400048**

1. The Los Angeles County ("County") Regional Planning Commission ("Commission") conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201400048 ("CUP") on May 3, 2017.
2. The permittee, Henry Tran ("permittee"), requests the CUP to authorize the continued sale of beer, wine, and spirits for off-site consumption ("Project") on a property located at 10537 South Vermont Avenue in the unincorporated community of West Athens - Westmont ("Project Site") in the C-3 (General Commercial) zone pursuant to Los Angeles County Code ("County Code") section 22.28.210.
3. The Project Site is 0.17 gross acres in size and consists of one legal lot. The Project Site is irregular in shape with flat topography and is developed with a single-story commercial building. The subject property is currently occupied by a market.
4. The Project is located at the intersection of South Vermont Avenue and 106<sup>th</sup> Street in the West Athens – Westmont Zoned District and is currently zoned C-3 (General Commercial).
5. The Project Site is located within the C.1 (Regional Commercial) land use category of the West Athens – Westmont Community Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
  - North: C-3 (General Commercial)
  - South: C-3 (General Commercial)
  - East: City of Los Angeles
  - West: R-2 (Two Family Residential)
7. Surrounding land uses within a 500-foot radius include:
  - North: Schools, churches, multi-family residential uses, and a hotel.
  - South: Churches, multi-family residential uses, and a hotel.
  - East: Retail, restaurant, alcohol sales, and single-family residential uses.
  - West: Single- and multi-family residential uses.
8. Ordinance No. 1561 was adopted on September 12, 1927, establishing the 5 (General Commercial) zone on the Subject Property. The zone was changed to C-3 with the adoption of Ordinance No. 1924 in 1931.
9. Conditional Use Permit No. 03-341 was approved by the Hearing Officer on June 15, 2004, with final grant approval on July 15, 2004 for the authorization to sell a full line of alcoholic beverages for off-site consumption at the existing market. On December

18, 2012 a modification to the CUP was approved by the Hearing Officer. The change to the conditions authorized the market to sell beer in individual containers greater than 16 ounces and limited the alcoholic content in malt liquors and malt-based products to a maximum of five percent. In addition, the modification allowed the sale of wine coolers in no less than four-pack quantities, and restricted any sale of alcoholic beverages in miniature sizes. The applicant filed a CUP for the continued sales of alcoholic beverages on April 16, 2014, prior to the expiration of CUP No. 03-341 on June 28, 2014.

10. The site plan for the Project depicts a 3,317 square foot building on an irregularly shaped, 7,550 square foot lot on the corner of 106<sup>th</sup> Street and Vermont Avenue. There are eight parking spaces depicted on the plan, one of which is ADA compliant. There is a 42-inch-tall block wall on the east side of the property, which partially separates the parking area from the sidewalk to the east. On the southwest side of the property, an eight-foot tall wrought-iron fence surrounds a 387 square foot trash enclosure area.
11. The Floor Plan depicts a total of 2845 linear feet of shelf space. Alcohol will be displayed on a total of 88 linear feet of shelving in the walk-in cooler, and 48 linear feet of display shelves behind the counter. The total area devoted to the display and sales of alcohol is 136 linear inches, or approximately 4.8 percent of the total shelf space in the market. Healthy food is depicted on multiple shelves towards the center of the market, in an easily accessed location. Shelves 22, 32, 40, and 49-51 contain healthy food and produce.
12. The Project Site is accessible via 106<sup>th</sup> Street to the South and via South Vermont Avenue to the East. Primary access to the Project Site will be via an entrance/exit on South Vermont Avenue. Secondary access to the Project Site will be via an entrance/exit on 106<sup>th</sup> Street.
13. The Project Site will provides a total of eight parking spaces, one of which is an ADA-compliant disabled parking space. Four of the spaces are accessible via the driveway off 106<sup>th</sup> street, and four spaces will be accessible from the South Vermont Avenue driveway.
14. The applicant has volunteered to change the face of existing signage onsite to the Director's satisfaction, as reflected in the Exhibit 'A.' The dimensions of the signage will not change.
15. There is one other establishment in the vicinity of 500-feet that sells alcoholic beverages for on-site or off-site consumption. Therefore there is undue concentration of establishments selling alcoholic beverages, and thus shelf space devoted to alcoholic beverages in the subject property must to be limited to five percent of the total.
16. Information from California Department of Alcoholic Beverage Control (ABC) indicates the site is within a census tract that has an overconcentration of alcohol sales. There are six active ABC licenses for "off-sale" alcohol sales in Census Tract is 6002.02,

where only three "off-sale" licenses are allowed. ABC requires a finding of public convenience or necessity in order to issue authorization to allow for alcohol sales. The granting of this CUP to sell beer and alcohol for off-site consumption at an existing market will serve as a public convenience to the surrounding neighborhood and patrons of the establishment, and is a complementary use for the store.

17. The South Los Angeles Sheriff's Station submitted a report in a letter dated November 17, 2015. The report identifies the project location as a high crime area and lists the service calls and crime history for the project site over the last six years. The calls include five petty theft violations, four narcotics sales, four burglaries, three robberies, one assault, one weapons violation, and one homicide. The report states that the Sheriff does not object to the granting of the CUP with the inclusion of four recommended conditions for safety. The letter is attached to the Project's conditions.
18. Prior to the Commission's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involves the sale of alcoholic beverages in an existing 7-Eleven convenience store.
19. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.
20. Staff has not received any comments from the public at this time.
21. [Reserved for Hearing Proceedings]
22. The Commission finds that the proposed use is consistent with the Employment Generating Uses policies of the General Plan. The proposed use will maintain the store's economic vitality. The market was granted a conditional use permit for the sale of alcohol in July 2004. There is a residential neighborhood adjacent to the subject property, and employment by the market is a potential opportunity for the nearby residents. Therefore, the proposal is consistent with the policy encouraging employment opportunities near housing.
21. The Commission finds that the proposed use is consistent with the adopted plan for the area as the proposed sale of alcoholic beverages for off-site consumption will occur in a commercial structure in an area designated as C.1 (Regional Commercial) on the West Athens – Westmont Community Plan Land Use Element. Alcohol sales are consistent with commercial land use.
23. The Commission finds that the proposed use is consistent with the C-3 zoning classification because the sale of alcohol in conjunction with the use as a market is permitted in the C-3 zone with a CUP pursuant to Section 22.28.210 of the County Code. The approval of this permit with the attached findings and conditions will satisfy this requirement.



22. The Commission finds that the proposed use will not adversely affect the health, peace, comfort or welfare of others in the surrounding area or be materially detrimental to the surrounding community or jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare because the use will occur in a commercial area and surrounding uses will be adequately buffered by other buildings, streets, landscaping, and fencing.
23. The Commission finds that the subject site is adequate in size to accommodate the development features prescribed in Title 22 for the C-3 zone. The property was developed with ADA accessibility. The project site is not conforming to current development standards for the C-3 zone contained within the Los Angeles County Code in regards to parking and landscaping. However, the previously adopted Conditional Use Permit 03-341 identified the market as legally non-conforming in regards to development standards. No new construction is proposed as a part of this permit.
24. The Commission finds that the subject site is adequately served by highways, driveways, and parking lots necessary to accommodate the quantity and type of traffic generated by the project. The project site is located at the intersection of South Vermont Avenue and 106<sup>th</sup> Street and is within close proximity to the 110 and 105 Freeways. Access to the site is via two driveways - one located off of South Vermont Avenue to the East of the subject property, and the other to the south, accessible from 106<sup>th</sup> street. Adequate sidewalks exist on both South Vermont and 106<sup>th</sup>. The parking lot on the subject property provides sufficient parking for the market.
24. The Commission finds that the sale of alcohol at the proposed location will not adversely affect a park, playground, or other sensitive use within a 600-foot radius. There are nine potentially sensitive uses located within 600 feet of the subject property: four religious establishments, four educational institutions, and a park. All of the aforementioned sensitive uses are sufficiently buffered from the market. The closest sensitive use to the Project Site is a school located across 106<sup>th</sup> street to the south. The use is buffered from the liquor store by the street. In addition, multiple digital surveillance cameras will be operating on site at all times to mitigate potential effects on the sensitive uses nearby.
25. The Commission finds that the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area. The site is adequately buffered by streets to the south and east, by a fence to the north, and by an alley to the west. The public entrance to the market is from the east side of the building, the furthest area from the residential uses to the west of the subject parcel on the same block. Furthermore, the nearest residential area is buffered from the shopping center by an alley.
26. The Commission finds that the public convenience of selling alcohol in conjunction with a retail market outweighs the fact that another market sells alcohol for off-site consumption within 500 feet of the Project Site.

The Project will provide the public with a convenient location to shop for any number of items, including a full line of alcoholic beverages, in a safe and well-lit environment. The market has been operating in good faith, and has complied with the conditions required by the prior CUP, and it is appropriately located on a major thoroughfare. Allowing the sale of a full line of alcoholic beverages incidental to the on-going operations enhances the economic vitality of the existing business.

In compliance with County Code provisions, the Project is limited to having a maximum of five percent of the shelf space in the store devoted to the sale of alcoholic beverages. The permittee has submitted a site plan that shows a total of 4.78 percent of the shelf space devoted to alcohol sales, and therefore, the site plan confirms compliance with this requirement.

27. The Commission finds that requested use at the proposed location will not adversely affect the economic welfare of the surrounding community because the proposed use will provide another amenity, among the other goods sold at this market. The market will provide a convenient place for residents and others to purchase alcoholic beverages, among other goods.
28. The Commission finds that the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood because the design of the building is appropriate and compatible with the surrounding area in terms of architectural style, scale, and color. The external appearance of the building kept up, and will not contribute to blight in the neighborhood.
29. The Commission finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the CUP to 10 years.
30. The Commission finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, La Opinion and Our Weekly newspapers, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of the West Athens - Westmont community. On March 16, 2017, a total of 93 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as six notices to those on the courtesy mailing list for the West Athens - Westmont Zoned District and to any additional interested parties.
31. 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 the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits West Section, Department of Regional Planning.

**BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:**

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.
- E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius.
- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.
- G. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.
- H. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.
- I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

**THEREFORE, THE COMMISSION:**

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15301 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 201400048, associated with Project R2014-01046-(2) is **APPROVED**, subject to the attached conditions.

**ACTION DATE: May 3, 2017**

NP:GAM  
April 13, 2017



**DRAFT CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2014-01046-(2)  
CONDITIONAL USE PERMIT NO. 201400048**

**PROJECT DESCRIPTION**

The applicant is requesting a conditional use permit (CUP) for the sale of beer, wine, and spirits for off-site consumption (ABC License Type 21) at an existing market in the C-3 (General Commercial) Zone within the unincorporated community of West Athens – Westmont subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9, shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but



not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on May 3, 2027.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within 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 sales of alcoholic beverages and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of

this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of \$2000.00. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for ten annual inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control. All litter and trash shall be collected regularly from the premises and the adjacent right-of-way.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **3 copies of a modified Exhibit "A"** shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **3 copies of the proposed plans** to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

**PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (SALE OF ALCOHOLIC BEVERAGES)**

19. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.
20. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.
21. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program (or other State mandated program) provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.
22. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures.
23. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.

24. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public.
25. The consumption of alcoholic beverages shall be prohibited on the subject property. The permittee shall post signage on the premises prohibiting consumption of alcoholic beverages on the premises.
26. The permittee shall provide adequate lighting above all entrances and exits to the premises.
27. The permittee shall provide adequate lighting in all parking areas and walkways under control of the permittee or required as a condition this grant. All lighting required by this grant shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons within lighted areas during operating hours and shall be designed so as to direct light and glare only onto the facility premises. Said lighting and glare shall be deflected, shaded and focused away from all adjoining properties.
28. The permittee shall maintain a current contact name, address, and phone number on file with the Department of Regional Planning at all times.

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

29. This grant shall authorize the sale of beer, wine, and spirits for off-site consumption in an existing market.
30. This grant shall authorize the sale of alcoholic beverages for 6 a.m. to 10 p.m. daily.
31. During the hours of alcohol sales, any employees on duty who sell alcohol should be at least 21 years of age.
32. 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 in the establishment.
33. The permittee shall display, on a continuous basis, a minimum of five varieties of fresh produce, and a minimum of three varieties of whole grains in high-visibility areas, as depicted on Exhibit "A." "Fresh produce" shall mean any edible portion of a fresh fruit or vegetable, whether offered for sale whole or pre-sliced. The produce offered for sale shall be free from spoilage. "Whole grains" shall mean any food from either: a single ingredient produce, such as brown rice, whole oats, quinoa, or barley; or a pre-packaged grain product, such as bread, crackers, or cereal, in which the word "whole" appears first in the ingredients list of the product.

34. No display of alcoholic beverages shall be made from an ice tub.
35. The beer in containers of 16 ounces or less shall not be sold by single container, but must be sold in manufacturer pre-packaged multi-unit quantities.
36. Malt beverages (e.g. beer, ale, stout and malt liquors) shall not be sold in a bottle or container greater than 750 milliliters or 25.4 ounces.
37. There shall be no wine, with the exception of wine coolers, sold in containers of less than 750 milliliters. No miniatures of any type may be sold. Wine coolers shall not be sold in less than four-pack quantities.
38. No single cups shall be sold, furnished, or given away.
39. No ice in quantities of less than two pounds shall be sold, furnished, or given away.
40. The coolers designated for the storage of alcoholic beverages as shown on the Exhibit 'A' shall be locked during non-sale hours.
41. At least two on-site 24-hour security cameras shall be maintained in good operating condition within the market and shall be in operation at all times. Footage from the security cameras shall be retained for at least 30 days, during which time it shall be made available to law enforcement upon request.
42. The permittee shall not provide any type of seating or structure which could be used as seating on the exterior of the building.
43. Public payphones shall be prohibited on the premises.
44. The licensed premises shall have no coin operated amusements, such as pool tables, juke boxes, video games, small carousel rides or similar riding machines, with the exception of official State Lottery Machines.
45. The permittee shall continuously maintain not less than eight parking spaces as shown on the approved Exhibit "A." A minimum of one (1) space shall be reserved for disabled persons.
46. If the market substantially changes its mode or character of operation or if the permittee changes the use or occupancy or otherwise modifies the subject property so as to require parking beyond the minimum requirement, the permittee shall submit an application for a minor parking deviation, parking permit, variance, or other applicable permit, as determined by the Director, within 90 days of such occurrence.
47. Outside display and storage is prohibited.

48. The trash storage area shall be located so as not to result in noise or odor impacts on adjacent uses. Trash shall be picked up on a regular basis and not be allowed to accumulate to the point of overflow beyond the enclosure.
49. The placement of portable signs on sidewalks adjacent to the subject property, and temporary signs on walls and poles, is prohibited.
50. Permitted commercial signs and graphic displays shall be confined to the façade surface of the market, and shall not project above the roofline or disrupt the architectural design of the building
51. The permittee shall replace the existing signage with new signage of the same dimensions in accordance with the approved Exhibit "A" within sixty (60) days of the date of final approval. Any additional signage shall comply with Part 10, Chapter 22.52 of the Los Angeles County Code.

**Attachments:**

Sheriff letter dated November 17, 2015.

Service Calls made by Sheriff to 10537 South Vermont Avenue (May 2010 – May 2016)







# OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF



November 17, 2015

Mr. Greg Mirza-Avakyan  
Los Angeles County Department of Regional Planning  
320 West Temple Street, 13<sup>th</sup> Floor  
Los Angeles, California 90012

Dear Mr. Mirza-Avakyan:

CONDITIONAL USE PERMIT 201400048  
MY VERMONT LIQUOR  
10537 SOUTH VERMONT AVENUE, LOS ANGELES

The business owners at My Vermont Liquor have requested a permit for the continued sale of alcoholic beverages for offsite consumption at their existing location.

The area surrounding this establishment is a high-crime area. A review of crime statistics at that location for the past five years has revealed the following: 1-homicide in 2011; 3-robberies; 1-assault; 4-burglaries; 1-weapons violation; 4-narcotics sales; 5-petty theft violation. I recommend this business for approval of an alcohol permit with the following stipulations:

- Do not allow alcohol consumption in parking lot of business
- Bi-annual inspections
- Monitor crime rates for one year
- Install recorded video system with 24-hour monitoring

These stipulations will both deter criminal and nuisance activity and aid in the investigation of any crimes committed on site.

Thank you for the opportunity to provide input, and please do not hesitate to contact me or my staff at (323) 820-6716 if you need any additional information.

Sincerely,

JIM McDONNELL, SHERIFF

Steven J. Sciacca, Captain  
South Los Angeles Sheriff's Station

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

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— Since 1850 —

Case_URN	Primary_Stat_Code	Primary_Stat_Code_Description	Report_Date
011-10568-0372-011	11	CRIMINAL HOMICIDE: Murder	11/28/2011
912-00795-0372-041	41	ROBBERY, STRONG-ARM: Highway, Etc.	1/29/2012
911-06472-0375-042	42	ROBBERY, STRONG-ARM: Store, Business, Hotel, Motel, Etc.	7/20/2011
014-09755-0372-044	44	ROBBERY, STRONG-ARM: Convenience Store, Fast Food, Restaurant	10/23/2014
011-08859-0372-051	51	ASSAULT, AGGRAVATED: ADW - GUN	10/1/2011
914-09956-0372-072	72	BURGLARY, OTHER STRUCTURE: Night, Entry No Force	10/30/2014
912-82063-0372-075	75	BURGLARY, OTHER STRUCTURE: Day, Entry No Force	11/22/2012
912-82064-0372-075	75	BURGLARY, OTHER STRUCTURE: Day, Entry No Force	11/22/2012
913-04954-0372-075	75	BURGLARY, OTHER STRUCTURE: Day, Entry No Force	6/9/2013
910-04097-0372-091	91	GRAND THEFT VEHICLE (GTA): Automobile/Passenger Van	5/4/2010
015-08745-0375-146	146	ASSAULT, NON-AGGRAVATED: DOMESTIC VIOLENCE	10/6/2015
914-01268-0375-151	151	WEAPON LAWS: Felony	2/9/2014
912-02713-0372-181	181	Felony Transport. &/or Sale of Controlled Substance(excpt Marijuana)	4/8/2012
912-04070-0372-181	181	Felony Transport. &/or Sale of Controlled Substance(excpt Marijuana)	5/21/2012
913-05513-0372-181	181	Felony Transport. &/or Sale of Controlled Substance(excpt Marijuana)	6/26/2013
913-10393-0372-181	181	Felony Transport. &/or Sale of Controlled Substance(excpt Marijuana)	11/30/2013
912-05245-0372-183	183	NARCOTICS: Under The Influence Of Narcotic (11550 H+S)	6/23/2012
916-03085-0372-185	185	Misdemeanor Possessn of a Controlled Substance (excluding Marijuana)	4/8/2016
916-00379-0372-198	198	LIQUOR LAWS: All Other Liquor Law Violations	1/13/2016
916-04648-0372-198	198	LIQUOR LAWS: All Other Liquor Law Violations	5/21/2016
915-07770-0372-201	201	DRUNK: Alcohol	9/8/2015
911-09840-0371-339	339	FELONIES, MISCELLANEOUS: All Other Felonies	11/1/2011
910-05552-0372-342	342	VEHICLE BURGLARY: Truck/Cargo Van Burglary	6/11/2010
911-03440-0375-383	383	THEFT, PETTY: Shoplifting (From Dept Store, Mkt, Etc)	4/16/2011
912-10243-0372-383	383	THEFT, PETTY: Shoplifting (From Dept Store, Mkt, Etc)	11/18/2012
912-10260-0372-383	383	THEFT, PETTY: Shoplifting (From Dept Store, Mkt, Etc)	11/18/2012
914-02879-0372-389	389	THEFT, PETTY: Other (From Prvt Res, Boat, Plane,Yard)	3/30/2014
914-11499-0372-389	389	THEFT, PETTY: Other (From Prvt Res, Boat, Plane,Yard)	12/23/2014
916-02995-0372-444	444	NON-CRIMINAL: Suspicious Circumstances, Possible Criminal Activity	4/5/2016
010-05088-0372-607	607	REASONABLE CAUSE ARRESTS: Grand Theft Auto Or Motorcycle	5/30/2010



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

December 19, 2012

Justin Kim  
SEO & Co.  
3450 Wilshire Blvd., Suite 108-4A  
Los Angeles, CA 90010

**REGARDING: PROJECT NO. 03-341-(2)  
MODIFICATION TO CONDITIONAL USE PERMIT NO. 03-341  
10537 S. VERMONT AVE., LOS ANGELES**

Hearing Officer Gina Natoli, by her action of **December 18, 2012**, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Modified 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 Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

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 **January 2, 2013**. **Appeals must be delivered in person.**

**Appeals:** To file an appeal, please contact:  
Regional Planning Commission, Attn: Commission Secretary  
Room 1350, Hall of Records  
320 West Temple Street, Los Angeles, CA 90012  
(213) 974-6409

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.

For questions or for additional information, please contact Rudy Silvas of the Zoning Permits West Section at (213) 974-6462, or by email at [rsilvas@planning.lacounty.gov](mailto:rsilvas@planning.lacounty.gov). Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,  
DEPARTMENT OF REGIONAL PLANNING  
Richard J. Bruckner

Mi Kim, Supervising Regional Planner  
Zoning Permits West Section

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

c: Board of Supervisors; DPW (Building and Safety); Fire (Fire Prevention Bureau), Zoning Enforcement West

MKK:RS

**FINDINGS AND ORDER OF THE HEARING OFFICER  
COUNTY OF LOS ANGELES  
PROJECT NO. 03-341-(2)  
MODIFICATION OF CONDITIONS TO  
CONDITIONAL USE PERMIT NO. 03-341**

1. **ENTITLEMENT(S) REQUESTED.** Modification of Conditions to Conditional Use Permit (CUP) for the sale of alcoholic beverages at an existing liquor store in the C-3 (Unlimited Commercial) Zone pursuant to County Code Section 22.56.1600.
2. **HEARING DATE:** November 6, 2012

**PROCEEDINGS BEFORE THE HEARING OFFICER.** A duly noticed hearing on the application was held on November 6, 2012, before the Hearing Officer Gina Natoli. Staff gave a presentation recommending denial of the application for the Elimination of Conditions to CUP 03-341.

The applicant's representative testified before the hearing officer that Condition No. 18 (i) was of special concern to them, referring to a section of Finding No. 11 which stated that the County's standard conditions for the sale of alcoholic beverages strictly prohibit the sale of beer in single containers of 16 ounces or less. The representative stated that they are not interested in selling beer singles of 16 ounces or less, but in selling singles of 24, 32 and 40 ounce sized containers.

The representative also questioned if Condition No. 18 (j) could be modified to allow wine to be sold in containers less than 750 milliliters in size if sold in four-packs. The applicant referred to the section in Finding No. 11 that stated that the County's standard conditions for the sale of alcoholic beverages strictly prohibited the sale of wine sold in containers of less than 750 milliliters, with the exception of wine coolers sold in four-pack quantities. The representative asked if the rule for the exception on wine coolers could also be applied for regular wine bottles under 750 milliliters sold in four-pack quantities.

Staff stated before the Hearing Officer that the applicant's representative was informed, prior to the scheduling of the hearing on the application, that they could apply for a new CUP and ask for a new condition to allow the sale of 24-ounce singles of beer. Condition 18 (i) simply stated that the permittee could not sell beer in less than six-pack quantities, regardless of what size the beer container was. Staff stated that Condition 18 (i) could not be modified with the current application.

Mr. Henry Porter, the Southwest Community Association representative, testified before the Hearing Officer that they objected to the granting of the elimination of the conditions identified for the application.

The Hearing Officer stated that there were no findings that could substantiate eliminating Conditions No. 18 (g), 18 (i), and 18 (j). The representative, in his rebuttal statement, stated that they understood that Condition No. 18 (g) could not

be eliminated, but asked for some latitude in allowing Conditions No. 18 (i) and 18 (j) to be modified so that singles of beer greater than 16 ounces could be sold, and to also allow wine coolers less than 750 milliliters to be sold in four-pack quantities only.

The Hearing Officer allowed the applicant the opportunity to return with the application requesting modification of Conditions No. 18 (i) and 18 (j) on December 18, 2012, and instructed Staff to work with the community and with the applicant on the modification of Conditions No. 18 (i) and 18 (j). Staff stated that the hearing of the application would have to be re-noticed. The hearing was continued to December 18, 2012.

**3. HEARING DATE:** December 18, 2012

Staff appeared before the Hearing Officer Gina Natoli for the continued hearing on December 18, 2012. Staff reported that the modified application was re-noticed to the Community for modification of Conditions No. 18 (i) and 18 (j). No protests to the application were received and Staff found that the modified Burdens of Proof for the Conditional Use Permit and Alcoholic Beverage Sales were now found to be acceptable in accordance with the modified conditions. Staff recommended approval for the Modification to Conditional Use Permit No. 03-341.

The applicant's agent testified before the Hearing Officer that they found acceptable the language contained in the modification to Conditions No. 18 (i) and No. 18 (j). The agent ensured the Hearing Officer that the business will be run efficiently.

Mr. Henry Porter of the Southwest Community Association appeared before the Hearing Officer and testified that no problem was found with the modification to Conditions Nos. 18 (i) and 18 (j). Mr. Porter emphasized that the health and welfare of the Community is of the utmost importance. The conditions as modified would not create a problem.

The Hearing Officer directed that a finding of public convenience be added for the store, and that Findings No. 14, No. 17, No. 18, and No. 23 be updated with minor wording for clarification purposes.

The Hearing Officer closed the public hearing, and determined that the project was categorically exempt under California Environmental Quality Act (CEQA) reporting requirements, under a Class 1 Categorical Exemption for Existing Facilities, and approved the Modification to Conditional Use Permit No. 03-341, Project No. 03-341-(2); subject to the attached findings and conditions of approval.

**4. PROJECT DESCRIPTION.** Application filed for a modification to conditions to CUP No. 03-341 for an existing liquor store. Original request to eliminate Condition No.

18 (g) "Display of alcoholic beverages shall be limited to five (5) percent of the total merchandising shelf space or 25 percent of the store's floor space, whichever is less"; Condition No. 18 (i) "The permittee shall not sell beer in less than six-pack quantities"; and Condition No. 18 (j) "There shall be no wine sold in containers of less than 750 milliliters, and no miniatures of any type shall be sold", was withdrawn and application modified for modification to Conditions Nos. 18 (i) and 18 (j), to allow the sale of single beer containers greater than 16 ounces and sale of wine-coolers in four-pack quantities .

5. **LOCATION.** 10537 S. Vermont Ave., Westmont
6. **SITE PLAN DESCRIPTION.** Site plan depicts liquor store on corner property, driveway access from Vermont Avenue and 106<sup>th</sup> Street, parking stalls, and liquor store floor plan depicting storage shelves, cooler area and cashier counter.
7. **EXISTING ZONING.** C-3, West Athens/Westmont Community Standards District (CSD)
8. **EXISTING LAND USES.** Liquor Store
9. **PREVIOUS CASES/ZONING HISTORY.** CUP 03-341 was approved by a Hearing Officer on June 15, 2004, with final grant approval on July 15, 2004, for authorization to sell a full line of alcoholic beverages for off-site consumption at the existing liquor store/market, and in compliance with the code sections cited above. CUP 03-341 expires on June 28, 2014.
10. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the Regional Commercial (C.1) land use category of the West Athens/Westmont Community Plan. The Regional Commercial land use category designation is consistent with the C-3 Zone and is intended to allow commercial development in West Athens/Westmont. The existing liquor store, as approved by CUP 03-341 does serve a commercial purpose and does not conflict with the permitted uses of the underlying land use category, but liquor stores have been identified as a problem in past community meetings when excessive in number. The basis for the goals and objectives for the Community Plan are the comments and suggestions made at community meetings.
11. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** Pursuant to Section 22.28.210 of the County Code, establishments in the C-3 Zone which sell alcoholic beverages for either on-site or off-site consumption require a CUP and are subject to the requirements of Section 22.56.195, which requires additional findings for the sale of alcoholic beverages. The applicant initially proposed to eliminate Conditions No. 18 (g), (i) and (j) of CUP 03-341, and subsequently proposed to only modify Conditions No. 18 (i) and No. 18 (j) with this application.



The proposed elimination of Conditions No. 18 (g); (i); and (j) would be inconsistent with the County Code and the County's standard conditions for the sale of alcoholic beverages. Those conditions strictly prohibit the expansion of shelving and floor space used to sell alcoholic beverages; the sale of beer in single containers of 16 ounces or less; the sale of wine sold in containers of less than 750 milliliters, with the exception of wine coolers sold in four-pack quantities; and no miniature alcoholic beverage sales of any kind.

The applicant's request to eliminate Condition 18 (g), which regulates the display of alcoholic beverages to five (5) percent of the total merchandising shelf space, conflicts with findings required to allow the sale of alcoholic beverages in an area of undue concentration of similar premises. This finding is required pursuant to County Code Section 22.56.195-B.3, and states that a separation of not less than 500 feet shall not be construed as undue concentration. However, to the northeast across Vermont Avenue from the subject liquor store, there is a second liquor store within a 500-foot radius (E&O Liquor). No finding could be justified to allow the elimination of Condition 18 (g) and still maintain that the liquor store is a public convenience or necessity in an area of undue concentration of alcohol sales.

**NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** Pursuant to County Code Section 22.56.1620 for noticing requirements on this application, the surrounding community was notified of the applicant's request for the elimination of conditions 18 (g), (i) and (j) of CUP 03-341. The Southwest Community Association submitted a letter with their concerns about allowing the elimination of the proposed conditions. The letter states that the elimination of those conditions may affect the stability, integrity and quality of life within the community. The Southwest Community Association does not support this Modification or Elimination of Conditions.

The elimination of the highlighted conditions for the existing liquor store would conflict with the permitted use of the underlying land use category of Regional Commercial (C.1) of the West Athens/Westmont Community Plan. A liquor store which exceeds five percent of its shelf space devoted to alcoholic beverages in an area of undue concentration selling small-size wine bottles or other miniature-sized liquor bottles or beer containers in less than six-pack quantities contributes to a category of liquor stores that have a potential to become a problem in the community. Because the basis for the goals and objectives of the Community Plan are the comments and suggestions made at community meetings, and because past community meetings have identified a concern for liquor stores when excessive in number, any elimination of the highlighted conditions could set the precedent for allowing businesses without restrictions on sale of alcoholic beverages. This is inconsistent with the goals and objectives of the Community Plan.

12. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** Staff consulted with the County Sheriff Department's South Los Angeles Station during the processing of this application. The Sheriff Department reported that there have been no recent calls related to public drunkenness, or other closely-related incidents at or around the existing liquor store.
13. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** No other agencies were consulted during the processing of this application.
14. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Sections 22.56.1620 of the County Code, the community was appropriately notified of the application to go before the hearing officer by mail, newspaper, property posting, library posting and DRP website posting.

In order to ensure a 15-day comment period upon receipt of the notice, prior to the scheduled hearing date of November 6, 2012, and in accordance with the above provision, a total of 103 hearing notices were mailed out on September 26, 2012 to all property owners within a 500-foot radius of the subject property.

Also in compliance with the noticing requirement, the Notice of Hearing was published and advertised in *The Sentinel* newspaper on October 4, 2012, and was also sent on September 25, 2012, to the AC Bilbrew County Library located at 150 E. El Segundo Boulevard, Los Angeles, along with the Factual Sheet.

Staff verified that the Notice of Application Hearing was posted at the site in accordance with Section 22.56.1620 of the County Code.

The same procedure identified above was utilized to re-notify the Community for the modification to the application and its hearing on December 18, 2012. Notices of the hearing were sent out on November 8, 2012, and publication of the hearing appeared in *The Sentinel* newspaper on November 15, 2012.

15. **PUBLIC COMMENTS.** The Southwest Community Association responded in writing to Regional Planning stating that they did not support the original application for Elimination of Conditions to CUP 03-341. They also requested that a public hearing be conducted so that the surrounding community may have input on the total scope of the applicant's proposal and intentions.

The Southwest Community Association did not oppose the subsequent application changing the applicant's request from elimination to modification of conditions.

**MODIFICATION OF CONDITIONS TO CONDITIONAL USE PERMIT NO. 03-341  
SPECIFIC FINDINGS**

16. The applicant's initial request, to allow the existing liquor store to expand the total shelf space devoted to display of alcoholic beverages beyond five (5) percent of the total merchandising shelf space, conflicts with findings required to allow the sale of alcoholic beverages in an area of undue concentration of similar premises, as required in County Code Section 22.56.195-B.3.

Therefore, the finding of the applicant's request to eliminate Condition No. 18 (g) "Display of alcoholic beverages shall be limited to five (5) percent of the total merchandising shelf space or 25 percent of the store's floor space, whichever is less", cannot be substantiated. Elimination of Condition No. 18 (g) would be inconsistent with County Code Section 22.56.195-B.3, which limits shelf space in an area with undue concentration of similar premises. In addition, the request to eliminate this condition would not satisfy the Burden of Proof Sections 22.56.040 and 22.56.195 of the County Code. The proposed elimination of Condition No. 18 (g) has the potential to adversely affect the health, peace, comfort and welfare of persons residing or working in the surrounding area; may be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site; and may jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare of the community. Elimination of Condition No. 18 (g) also has the potential for the subject use to adversely affect the use of a place used exclusively for religious worship, a school, park, playground, or any similar use within a 600-foot radius. New West Technical Academy, a private school for children in grades seven through twelve, adjoins the subject property directly to the north. Opportunity Baptist Church is located directly north of the Academy, with Greater Faith Baptist Church located further north across 105<sup>th</sup> Street, and a preschool with playground across 106<sup>th</sup> Street to the south of the subject property and all within a 600-foot radius.

17. The applicant's initial request to allow the existing liquor store to sell beer in less than six-pack quantities, without restriction, conflicts with the County's standard conditions of approval for alcoholic beverage sales. The County's standard condition prohibits the sale of beer in single containers of 16 ounces or less.

Therefore, the finding of the applicant's request to eliminate Condition No. 18 (i), "The permittee shall not sell beer in less than six-pack quantities", cannot be substantiated. To support the elimination of Condition No. 18 (i) would be inconsistent with the County's policies for Standard Permit Specific Conditions on CUPs for Alcoholic Beverage Sales, and would not satisfy the modified Burdens of Proof per Section(s) 22.56.040 and 22.56.195 of the County Code. The proposed elimination of Condition No. 18 (i) has the potential to adversely affect the health, peace, comfort and welfare of persons residing or working in the surrounding area; may be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site; and may jeopardize, endanger or

otherwise constitute a menace to the public health, safety or general welfare of the community. Elimination of Condition No. 18 (i) also has the potential for the subject use to adversely affect the use of a place used exclusively for religious worship, a school, park, playground, or any similar use within a 600-foot radius. New West Technical Academy, a private school for children in grades seven through twelve, adjoins the subject property directly to the north. Opportunity Baptist Church is located directly north of the Academy, with Greater Faith Baptist Church located further north across 105<sup>th</sup> Street, and a preschool with playground across 106<sup>th</sup> Street to the south of the subject property and all within a 600-foot radius.

18. The applicant's initial request to allow the existing liquor store to sell wine in containers less than 750 milliliters in size, which could include the sale of miniature containers of distilled spirits, would conflict with findings required to show compliance and consistency with the County's standard conditions of approval for the sale of alcohol. Those conditions strictly prohibit the sale of wine sold in containers of less than 750 milliliters, without restriction, with the exception of wine coolers sold in four-pack quantities; and prohibits miniature alcoholic beverage sales of any kind.

Therefore, the finding of the applicant's request to eliminate Condition No. 18 (j) of CUP 03-341, "There shall be no wine sold in containers of less than 750 milliliters, and no miniatures of any type shall be sold", cannot be substantiated. To support the elimination of Condition No. 18 (j) would be inconsistent with the County's policies for Standard Permit Specific Conditions on CUPs for Alcoholic Beverage Sales, and would not satisfy the modified Burdens of Proof per Section(s) 22.56.040 and 22.56.195 of the County Code. The proposed elimination of Condition No. 18 (j) has the potential to adversely affect the health, peace, comfort and welfare of persons residing or working in the surrounding area; may be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site; and may jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare of the community. Elimination of Condition No. 18 (j) also has the potential for the subject use to adversely affect the use of a place used exclusively for religious worship, a school, park, playground, or any similar use within a 600-foot radius. New West Technical Academy, a private school for children in grades seven through twelve, adjoins the subject property directly to the north. Opportunity Baptist Church is located directly north of the Academy, with Greater Faith Baptist Church located further north across 105<sup>th</sup> Street, and a preschool with playground across 106<sup>th</sup> Street to the south of the subject property and all within a 600-foot radius.

19. The applicant's initial request to allow the existing liquor store to eliminate Conditions No. 18 (g), 18 (i) and 18 (j) of CUP 03-341 would conflict with findings required to show compliance and consistency with the West Athens-Westmont Community Plan.

The West Athens-Westmont Community Plan discourages the proliferation of liquor stores in the community. To support the elimination of the highlighted conditions would be counter to the goals and objectives of the Community Plan to prevent an excessive number of liquor stores in the community. Any elimination of the highlighted conditions could set the precedent for allowing similar types of businesses within the community, with less restriction on the quantity and sale of a full line of alcoholic beverages. This is inconsistent with the goals and objectives of the Community Plan.

20. At the conclusion of the initial hearing of November 6, 2012, the applicant was granted an opportunity by the Hearing Officer to change his application request from an elimination of Conditions No. 18 (g), No. 18 (i) and No. 18 (j), to a modification of Conditions No. 18 (i) and 18 (j) to allow the applicant the ability to sell single beer containers greater than 16 ounces, and to sell wine cooler bottles less than 750 milliliters in four-packs only. The change in the application was re-noticed to the Westmont community for comments. Although Staff received several phone calls from community members inquiring about the application, no protests to the application for modification of the conditions were received. In addition, following the conclusion of the initial hearing, Staff was provided a set of petitions by the applicant containing 572 original signatures supporting the liquor store's application to sell beer in single containers over 16 ounces.
21. Staff, after further review, has concluded that the modification to Condition No. 18 (i) "The permittee shall not sell beer in less than six-pack quantities", in order to allow the sale of beer in single containers greater than 16 ounces would be consistent with the County's policies for Standard Permit Specific Conditions on CUPs for Alcoholic Beverage Sales. However, no singles of malt liquor and/or malt-based products with alcoholic content greater than five percent by volume shall be sold in single containers, regardless of size. This language shall be incorporated into the modified condition. The modified Burdens of Proof per Section(s) 22.56.040 and 22.56.195 of the County Code are found to be acceptable for the modified Condition No. 18 (i). The proposed modification of Condition No. 18 (i) would not adversely affect the health, peace, comfort and welfare of persons residing or working in the surrounding area; or be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site; or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare of the community. Modification of Condition No. 18 (i) would not adversely affect the use of a place used exclusively for religious worship, a school, park, playground, or any similar use within a 600-foot radius.
22. Staff, after further review, has also concluded that the modification to Condition No. 18 (j) "There shall be no wine sold in containers of less than 750 milliliters, and no miniatures of any type shall be sold", in order to allow the sale of wine coolers in containers of less than 750 milliliters, in four-packs only, would be consistent with

the County's policies for Standard Permit Specific Conditions on CUPs for Alcoholic Beverage Sales. However, no miniature alcoholic beverages of any type are allowed to be sold. This language shall be incorporated into the modified condition. The modified Burdens of Proof per Section(s) 22.56.040 and 22.56.195 of the County Code are found to be acceptable for the modified Condition No. 18 (j). The proposed modification of Condition No. 18 (j) would not adversely affect the health, peace, comfort and welfare of persons residing or working in the surrounding area; or be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site; or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare of the community. Modification of Condition No. 18 (j) would not adversely affect the use of a place used exclusively for religious worship, a school, park, playground, or any similar use within a 600-foot radius.

23. Staff has determined that the subject liquor store in an area of overdue concentration with similar-type uses, with its off-site sale of a full line of alcoholic beverages, still provides a public convenience to the community if operated in accordance and compliance with the existing and modified conditions attached. Although the store is also located within a 600-foot radius of surrounding sensitive uses, the modification to the Conditions Nos. 18 (i) and 18 (j) will not have an adverse effect on the public health and welfare of the community.

#### ENVIRONMENTAL DETERMINATION

24. Staff of the Los Angeles County Department of Regional Planning (DRP) has recommended that a Categorical Exemption, Class 1 – Existing Facilities, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements. The project is to modify conditions at an existing facility for the sale of beer and wine, and the modifications do not alter the intensity or density of the existing use.
25. **RECORD OF PROCEEDINGS.** 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 the Los Angeles County Department of Regional Planning, 13<sup>th</sup> Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits West Section, Los Angeles County Department of Regional Planning.

#### BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. Modification of Conditions No. 18 (i), and No. 18 (j) of Conditional Use Permit No. 03-341, which would allow the applicant to sell single beer containers greater than 16 ounces, and to sell wine cooler containers less than 750 milliliters in no less than four-packs only, with no sales of single-malt liquor containers and/or malt-based products with alcoholic content greater than five percent by volume in any size or sale of miniature alcoholic beverages, would be consistent with the

County's policies for Standard Permit Specific Conditions on CUPs for Alcoholic Beverage Sales. The modification of the two conditions would not conflict with the adopted West Athens-Westmont Community Plan; and

- B. The modification of Conditions No. 18 (i), and No. 18 (j), would not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, would not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and would not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare. The applicant now meets the required Burdens of Proof of County Code Sections 22.56.040 and 22.56.195.
- C. Modification of Conditions No. 18 (i) and No. 18 (j) of Conditional Use Permit No. 03-341, which would allow the applicant to sell single beer containers greater than 16 ounces, and to sell wine cooler containers less than 750 milliliters in no less than four-packs only, with no sales of single-malt liquor containers and/or malt-based products with alcoholic content greater than five percent by volume in any size or sale of miniature alcoholic beverages, would not substantially alter or materially deviate from the terms and conditions imposed in the granting of the previously-approved conditional use permit, and would not conflict with the County's standard conditions for sale of alcoholic beverages.

THEREFORE, the information submitted by the applicant and presented at the hearing substantiates the required findings for an **APPROVAL** of the application for Modification of Conditions to Conditional Use Permit No. 03-341, as set forth in Section 22.56.1630 of the Los Angeles County Code (Zoning Ordinance).

**HEARING OFFICER ACTION:**

1. The Hearing Officer has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
2. In view of the findings of fact and conclusions presented above, Modification of Conditions to Conditional Use Permit Number 03-341 is Approved.

MKK:RS  
12/19/12

c: Zoning Enforcement West, Building and Safety



**MODIFIED CONDITIONAL USE PERMIT CASE NO. 03-341-(2) Page 1 of 5**  
**CONDITIONS**

1. This grant authorizes the use of the subject property for the sale of a full line of alcoholic beverages at an existing liquor store/market, as depicted in the approved Exhibit "A", subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. 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 Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Conditions No. 10.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs 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 the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
  - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with to Los Angeles County Code Section 2.170.010.
6. This grant will expire unless used within 2 years from the date of approval. A one-year time extension may be requested, in writing with payment of the applicable fee,

at least six months before the expiration date.

7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
9. **This grant will terminate June 28, 2014.** Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue the sale of beer and wine after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six months prior to the expiration of this permit, whether or not any modification of the use is requested at that time.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$1,500.00**. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for 10 annual inspections. Inspections shall be unannounced.  
  
If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150.00 per inspection).
11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission 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 health or safety or so as to be a nuisance.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject

**MODIFIED CONDITIONAL USE PERMIT CASE NO. 03-341-(2) Page 3 of 5**  
**CONDITIONS**

property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.

13. The subject property shall be developed and maintained in substantial compliance with the approved revised Exhibit "A." All revised plot plans must be accompanied by the written authorization of the property owner.
14. Any new or additional signage shall comply with Part 10, Chapter 22.52 of the Los Angeles County Code.
15. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works, the Forester and Fire Warden, and the Department of Health Services.
16. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. 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.
17. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
18. The sale of a full line of alcoholic beverages shall be further subject to the following conditions:
  - a. The permittee shall maintain all areas of the premises over which the permittee has control in a neat and orderly fashion, free of litter and debris;
  - b. The placement of portable signs on sidewalks adjacent to the subject property, and temporary signs on walls and poles, is prohibited;
  - a. Permitted commercial signs and graphic displays shall be confined to the facade surface of the convenience store building, and shall not project above the roofline or disrupt the architectural design of the building;
  - b. Outside display and storage is prohibited;
  - c. The permittee shall not advertise the sale of alcoholic beverages on the exterior walls or fascia of the building;
  - d. Telephone numbers of the Sheriff's Department, the permittee, and the Department of Regional Planning Enforcement Section (213-974-6453) shall

**MODIFIED CONDITIONAL USE PERMIT CASE NO. 03-341-(2) Page 4 of 5**  
**CONDITIONS**

- be posted in the store adjacent to the cashier's area;
- e. The permittee shall maintain a current contact name, address and phone number on file with the Department of Regional Planning at all times.
- f. No telephones shall be installed on the exterior of the building nor on the perimeter boundaries of the property;
- g. Display of alcoholic beverages shall be limited to five (5) percent of the total merchandising shelf space or 25 percent of the store's floor space, whichever is less;
- h. No display or sale of alcoholic beverages shall be made from an ice tub;
- i. No beer in containers of 16 ounces or less shall be sold by single container, but must be sold in manufacturer pre-packaged multi-unit quantities but no less than six-pack quantities, and no malt liquors and/or malt-based products with alcoholic content greater than five percent by volume shall be sold in single containers of any size;
- j. There shall be no wine sold in containers of less than 750 milliliters, with the exception of wine coolers sold in no less than four-pack quantities only, and no miniature alcoholic beverages of any type shall be sold;
- k. No ice in quantities of less than two pounds shall be sold, furnished, or given away;
- l. No single cups shall be sold, furnished, or given away;
- m. The permittee shall not provide any type of seating or structure which could be used as seating on the exterior of the building;
- n. Hours of operation for the store shall be 6:00a.m. – 2:00a.m., seven days a week;
- o. Permittee or an employee 21 years or older shall be present in the store at all times during business hours;
- p. All employees shall be instructed and trained on the regulations prohibiting loitering and consumption of alcoholic beverages on the premises, and they shall be required to enforce the subject conditions and call local law enforcement if necessary;
- q. There shall be no loitering or alcohol consumption permitted on the premises under the control of the permittee. Signage prohibiting loitering shall be posted on the premises in English and in the predominant second language

in the neighborhood;

- r. The permittee shall provide adequate lighting above the entrance of the store and in the parking lot. This lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons entering or exiting the premises. Lighting shall be illuminated in such a ways as to prevent glare on nearby residential property;
- s. A licensed security guard shall be hired or security cameras shall be installed and maintained on the premises to ensure that loitering and alcohol consumption does not occur on the premises;
- t. The permittee shall not install or maintain video games, pool tables, or similar game activities or equipment on the subject property;
- u. The permittee shall not allow any other coin-operated amusements, such as small carousel rides or similar riding machines, at any time, with the exception of official State Lottery machines;
- v. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon the request of any County Sheriff, Zoning Inspector, or ABC investigator. All employees of the subject convenience store and gas station shall be knowledgeable about the conditions contained herein;
- w. A minimum of 8 parking spaces shall be provided, including at least one (1) that is accessible to persons with disabilities

KC:PH: 6-28-04

MK:RS: Modified 12-19-12



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



James E. Hartl, AICP  
Director of Planning

July 8, 2004

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Min Yun  
10537 S. Vermont Ave.  
Los Angeles, CA 90004

RE: CONDITIONAL USE PERMIT CASE NO. 03-341-(2)  
To authorize the sale of a full line of alcoholic beverages for off-site consumption at an existing liquor store/market

Dear Applicant:

PLEASE NOTE: This document contains the Hearing Officer's findings and order and conditions relating to **APPROVAL** of the above referenced case. **CAREFULLY REVIEW EACH CONDITION.**

Condition 3 requires that the permittee must file an affidavit accepting the conditions before this grant becomes effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Hearing Officer's decision to the Regional Planning Commission at the office of the commission's secretary, Room 170, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Contact the commission's secretary for the amount of the appeal fee at (213) 974-6409. The appeal must be postmarked or delivered in person within 15 days after this notice is received by the applicant. The Hearing Officer's decision may also be called up for review by the Regional Planning Commission during the appeal period.

For further information on appeal procedures or any other matter pertaining to this approval, please contact the Zoning Permits Section II at (213) 974-6435.

**HEARING OFFICER'S FINDINGS AND ORDER:**

**REQUEST:** The applicant is requesting a conditional use permit to authorize the sale of a full line of alcoholic beverages for off-site consumption at an existing liquor store/market

**PROCEEDINGS BEFORE THE HEARING OFFICER:**

June 15, 2004 Public Hearing

On June 15, 2004 a duly noticed public hearing was held before the Hearing Officer. Three people, the applicant, his representative, and a community representative testified in favor of the project.

The Hearing Officer stated that she was familiar with the property as it had been cited for a zoning violation. Although the subject liquor store/market was an existing use on the property since 1968, because the business had been closed for more than 30 days, the current owner was required to file for a conditional use permit in accordance with Zoning Code requirements.

The applicant testified that the business had been closed for more than three months prior to his purchase. It took much longer than he anticipated to transfer the license because the previous owner had filed bankruptcy. Since he took the business, he has improved the liquor store/market both internally and externally. He agreed with the conditions as proposed by the local community organization and requested to be able to sell alcohol from 6am – 2am, seven days a week.

The applicant's representative testified that only 3.6% of the store shelves will be devoted to alcohol sales and the applicant already had a license from the Department of Alcoholic Beverage Control. Furthermore, the subject application had received no complaints from the Sheriff's Department or the Second Supervisorial District Officer and has received a letter of support from the Southwest Community Association.

The President of the Southwest Community Association spoke in support of the application. He said that after talking with the Board office, community members, and the Sheriff's station, he felt that it would be punitive to the applicant to oppose the subject permit. He looked at the subject application as an opportunity to place conditions of approval on the property owner. He had met with the property owner and felt that he understood the community's perspective and desires. Although there were complaints on the subject property under the previous owner, he was not aware of any complaints under the current ownership.

There being no further testimony, the Hearing Officer closed the public hearing, indicated her intent to approve the conditional use permit, and directed staff to prepare the final findings and conditions for approval.



Findings:

1. The applicant is requesting a conditional use permit to authorize the sale of a full line of alcoholic beverages at an existing liquor store/market.
2. The subject property is located at 10537 S. Vermont Ave. in the West Athens-Westmont Zoned District.
3. The subject site totals 0.17 acre. Access to the subject property is from Vermont Ave.
4. Zoning on the subject property is C-3 (Unlimited Commercial).
5. Surrounding zoning consists of the following:  
North and South: C-3  
East: City of Los Angeles  
West: R-2 (Two Family Residences)
6. The subject property is currently occupied by an existing liquor store/market.
7. Surrounding land uses include the following:  
North and South: Schools, churches, and apartments;  
East: Retail, liquor store, utility company, apartments; and  
West: Single-family residences and apartments.
8. There is an open enforcement case, EF020015, on the property. The zoning violation was filed due to the operation of a liquor store on the property without a conditional use permit.
9. The project site is classified "Regional Commercial" under the West Athens-Westmont Community Plan of the Los Angeles County General Plan.
10. Although there are no specific policies addressing the sale of alcoholic beverages in the West Athens-Westmont Community Plan, the plan identified the proliferation of liquor stores as a major problem with the community.
11. The site plan depicts the 31'X106' (3,286 sq. ft.) building housing the market on the northwest corner of the site. There is an 8' tall wrought iron fence surrounding the trash enclosure in the southwest corner of the property. Four compact sized parking spaces are in front of the market building along 106<sup>th</sup> Street and three compact sized and one handicapped accessible parking space are along the west side of the market. There is an 8' tall wrought iron fence along the northern property line. There is a 42" tall block wall partially along the property line parallel to Vermont Avenue. There is an alley behind the market perpendicular to 106<sup>th</sup> Street.
12. The floor plan shows five main shelves for merchandise in the center of the store, and display shelves along the walls to either side of the entrance. Directly opposite

entrance along the wall is a cooler with some alcohol. Caddy-come from this cooler is another beverage cooler. Alcohol is also displayed along one of the walls of the store. A total of 70.25 sq. ft. of shelf space is devoted to alcohol display (3.6% of merchandising shelf space.)

13. Pursuant to Section 22.28.210 of the Los Angeles County Code (Zoning Ordinance), a conditional use permit is required to authorize the sale of a full line of alcoholic beverages in the C-3 zone.
14. Pursuant to Section 22.28.220, premises in the C-3 Zone must comply with the following development standards:

- No more than 90 percent of the net area shall be occupied by buildings.

Only about 43 percent (3,286 sq. ft.) of the subject site is occupied by structures. The applicant's site plan complies with this requirement.

- A minimum of 10 percent of the net area shall be landscaped with a lawn, shrubbery, flowers and/or trees, which shall be continuously maintained in good condition.

No landscaping is shown on the site plan. The applicant's site plan does not comply with this requirement. Since the building was originally constructed in 1968, the market/liquor store may be considered legally non-conforming with regards to the landscaping standard.

- Parking facilities shall be provided in accordance with Part 11, Chapter 22.52 of the County Code.

Since there is a commercial use on the subject property, Section 22.52.1100 applies, requiring a minimum of thirteen (13) parking spaces, including one for handicapped parking. However, since the building was constructed in 1968, the parking standards applicable at the time required only eight (8) parking spaces. Therefore the applicant's site plan showing only eight parking spaces; including one for handicapped parking, is legally non-conforming.

- Outside storage is permitted on the rear of a lot or parcel of land in the C-3 zone when such storage is strictly incidental to the permitted use existing in a building on the front portion of the same lot or parcel of land, and provided no storage is higher than the enclosure surrounding it nor nearer than 50 feet to the front property line. Any outdoor area used for storage shall be completely enclosed by a solid masonry wall and solid gate, not less than five feet nor more than six feet in height, except that the director may approve the substitution of a fence or decorative wall where, in his opinion, such wall or fence will adequately comply with the provisions of this section.

There is an outside storage area in the southwest corner of the property used for the trash container and storage of crates. It is shown on the site plan as being blocked off by an 8' tall wrought iron fence.

15. There are four churches, three schools, and a child care facility located within the 600-foot radius.
16. There are single -family homes within the 600' radius. Immediately west of the property are apartments and single-family residences separated from the property by an alley.
17. The Department of Alcoholic Beverages (ABC) has reported that an undue concentration of alcoholic beverages sales licenses does exist in the census tract where the subject site is located. Five (5) licenses for off-site consumption are allowed and seven (7) currently exist.
18. The subject property is located within a high crime-reporting district.
19. The requested use is primarily a market and liquor store and does not appear to have a negative impact on the economic welfare of the nearby community.
20. The immediate vicinity of the subject site contains a mix of commercial and residential land uses.
21. The applicant requests authorization to sell a full line of alcohol for off-site consumption 6am-2am, seven days a week.
22. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). As the commercial building on the property is an existing use, the project is within a class of projects which have been determined not to have a significant effect on the environment in that it meets the criteria set forth in section 15301 of the State CEQA Guidelines and Class 1 of the County Environmental Document Reporting Procedures and Guidelines, Appendix G.
23. No comments were received from the Sheriff's Department with regards to this application.
24. A letter of support for the proposed application was received from the Southwest Community Association.
25. During staff's site visit, staff verified the land uses in the area and the existing land use on the property.
26. Although the subject property is located in a high crime-reporting district, and an undue concentration of alcoholic sales licenses was reported by ABC, the subject

property has an existing ABC license and could not be characterized as contributing to a proliferation of such uses in the area. No complaints were received from the Sheriff's Department or the sensitive uses in the area and less than 4% of the merchandising shelf space will be used to display alcohol for sale. Therefore no finding for public convenience and necessity is required in approving this application.

27. The proposed use as conditioned is consistent with the local plan and zoning, and is compatible with surrounding land uses.

**BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:**

- A. That the proposed use is consistent with the adopted general plan for the area;
- B. That the requested use at the proposed location 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. That the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area;
- D. 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;
- E. 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;
- F. 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;
- G. That the requested use at the proposed location will not result in an undue concentration of similar premises;
- H. That the requested use at the proposed location will not adversely affect the economic welfare of the nearby community;
- I. 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.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a conditional use permit as set forth in Sections 22.56.090 and 22.56.195 of the Los Angeles County Code.

HEARING OFFICER ACTION:

1. After consideration of the Categorical Exemption together with any comments received during the public review process, the Hearing Officer finds on the basis of the whole record before the Hearing Officer that there is no substantial evidence that the project will have a significant effect on the environment; finds that the Categorical Exemption reflects the independent judgment and analysis of the Hearing Officer; and, adopts the Categorical Exemption for the project.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 03-341-(2) is **APPROVED** subject to the attached conditions.

BY: Rose Hamilton  
Rose Hamilton, HEARING OFFICER  
Department of Regional Planning  
County of Los Angeles

DATE: 7-15-04

Attachments: Conditions and Affidavit

c: Each Commissioner, Zoning Enforcement, Building and Safety

6/28/04  
KC:PH



**CONDITIONAL USE PERMIT CASE NO. 03-341-(2)  
CONDITIONS**

**Page 1 of 5**

1. This grant authorizes the use of the subject property for the sale of a full line of alcoholic beverages at an existing liquor store/market, as depicted in the approved Exhibit "A", subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. 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 Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Conditions No. 10.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs 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 the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
  - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with to Los Angeles County Code Section 2.170.010.

6. This grant will expire unless used within 2 years from the date of approval. A one-

year time extension may be requested, in writing with payment of the applicable fee, at least six months before the expiration date.

7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
9. This grant will terminate June 28, 2014. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue the sale of beer and wine after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six months prior to the expiration of this permit, whether or not any modification of the use is requested at that time.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of \$1,500.00. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for 10 annual inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150.00 per inspection).

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission 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 health or safety or so as to be a nuisance.



12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
13. The subject property shall be developed and maintained in substantial compliance with the approved revised Exhibit "A." All revised plot plans must be accompanied by the written authorization of the property owner.
14. Any new or additional signage shall comply with Part 10, Chapter 22.52 of the Los Angeles County Code.
15. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works, the Forester and Fire Warden, and the Department of Health Services.
16. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. 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.
17. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
18. The sale of a full line of alcoholic beverages shall be further subject to the following conditions:
  - a. The permittee shall maintain all areas of the premises over which the permittee has control in a neat and orderly fashion, free of litter and debris;
  - b. The placement of portable signs on sidewalks adjacent to the subject property, and temporary signs on walls and poles, is prohibited;
  - a. Permitted commercial signs and graphic displays shall be confined to the facade surface of the convenience store building, and shall not project above the roofline or disrupt the architectural design of the building;
  - b. Outside display and storage is prohibited;
  - c. The permittee shall not advertise the sale of alcoholic beverages on the exterior walls or fascia of the building;

- d. Telephone numbers of the Sheriff's Department, the permittee, and the Department of Regional Planning Enforcement Section (213-974-6453) shall be posted in the store adjacent to the cashier's area;
- e. The permittee shall maintain a current contact name, address and phone number on file with the Department of Regional Planning at all times.
- f. No telephones shall be installed on the exterior of the building nor on the perimeter boundaries of the property;
- g. Display of alcoholic beverages shall be limited to five (5) percent of the total merchandising shelf space or 25 percent of the store's floor space, whichever is less;
- h. No display or sale of alcoholic beverages shall be made from an ice tub;
- i. The permittee shall not sell beer in less than six-pack quantities;
- j. There shall be no wine sold in containers of less than 750 milliliters, and no miniatures of any type shall be sold;
- k. No ice in quantities of less than two pounds shall be sold, furnished, or given away;
- l. No single cups shall be sold, furnished, or given away;
- m. The permittee shall not provide any type of seating or structure which could be used as seating on the exterior of the building;
- n. Hours of operation for the store shall be 6:00a.m. – 2:00a.m., seven days a week;
- o. Permittee or an employee 21 years or older shall be present in the store at all times during business hours;
- p. All employees shall be instructed and trained on the regulations prohibiting loitering and consumption of alcoholic beverages on the premises, and they shall be required to enforce the subject conditions and call local law enforcement if necessary;
- q. There shall be no loitering or alcohol consumption permitted on the premises under the control of the permittee. Signage prohibiting loitering shall be posted on the premises in English and in the predominant second language in the neighborhood;

- r. The permittee shall provide adequate lighting above the entrance of the store and in the parking lot. This lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons entering or exiting the premises. Lighting shall be illuminated in such a ways as to prevent glare on nearby residential property;
- s. A licensed security guard shall be hired or security cameras shall be installed and maintained on the premises to ensure that loitering and alcohol consumption does not occur on the premises;
- t. The permittee shall not install or maintain video games, pool tables, or similar game activities or equipment on the subject property;
- u. The permittee shall not allow any other coin-operated amusements, such as small carousel rides or similar riding machines, at any time, with the exception of official State Lottery machines;
- v. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon the request of any County Sheriff, Zoning Inspector, or ABC investigator. All employees of the subject convenience store and gas station shall be knowledgeable about the conditions contained herein;
- w. A minimum of 8 parking spaces shall be provided, including at least one (1) that is accessible to persons with disabilities



Los Angeles County  
Department of Regional Planning  
Planning for the Challenges Ahead



## CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

**A. That the requested use at the location will not:**

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

*This is not a new use for this location.  
The applicant has been at this location  
since 9/2003*

**B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.**

*This location is fully in compliance  
with all local and state agencies*

**C. That the proposed site is adequately served:**

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

*This location is on a major thoroughfare*



Los Angeles County  
Department of Regional Planning

Planning for the Challenges Ahead



## ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.195, the applicant shall substantiate the following:  
(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

ABC License Type No(s): 21 (e.g. Type 20, Type 41)

A. 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.

*This location is currently licensed with a cup and is not creating any problems for the area.*

B. 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.

*Current location is sufficiently buffered*

C. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.

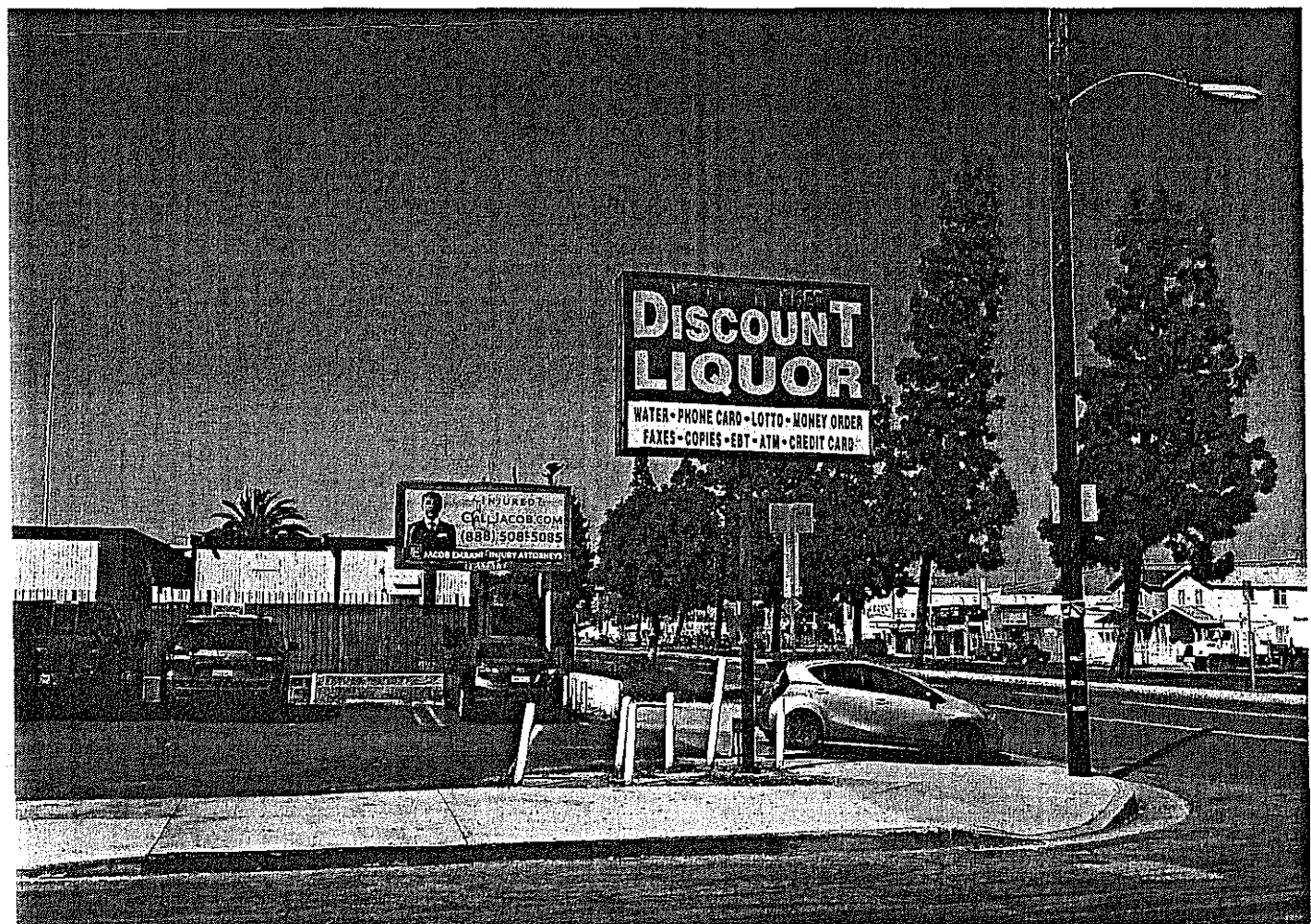
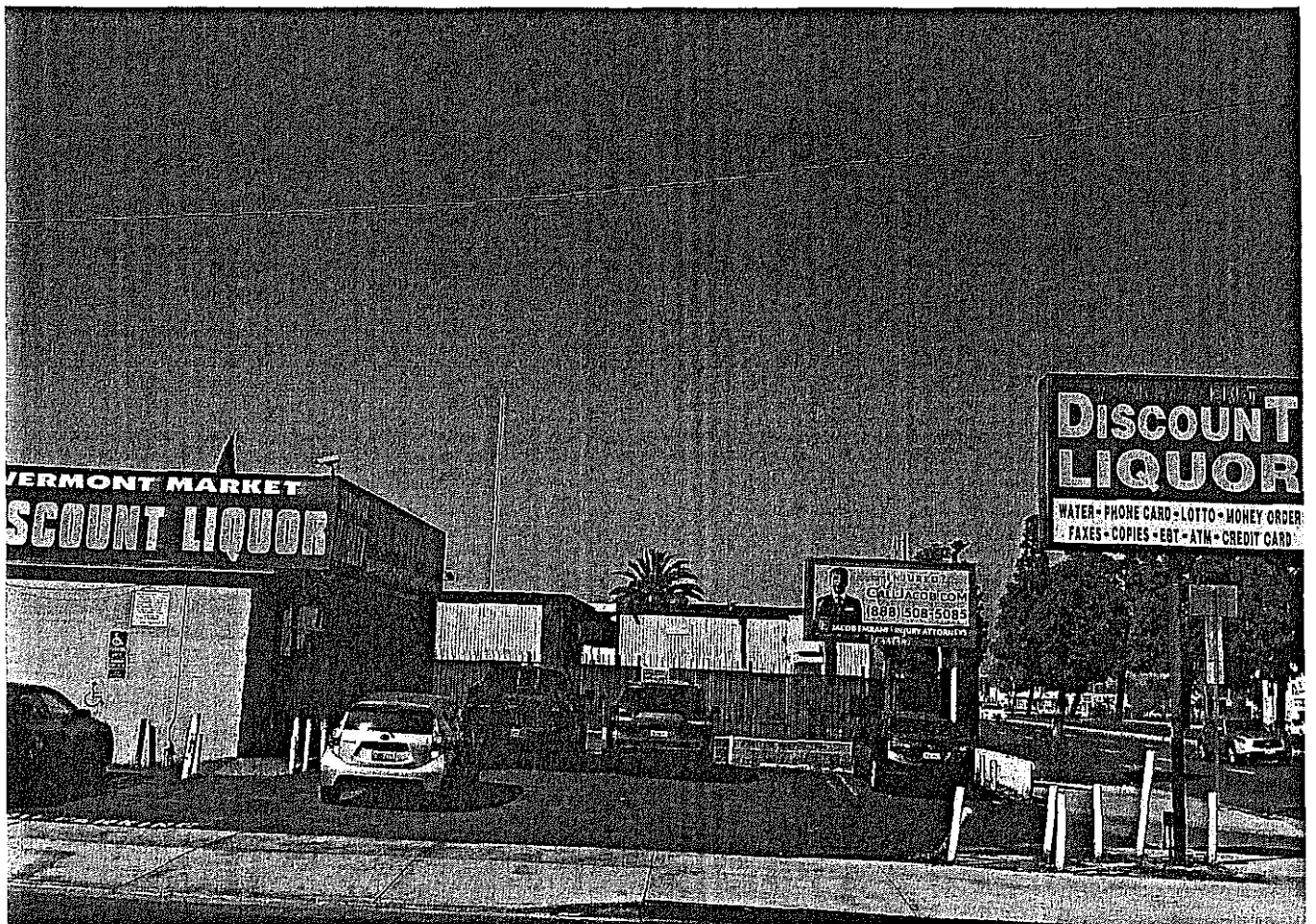
*We are not adding to concentration. Location currently licensed*

D. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.

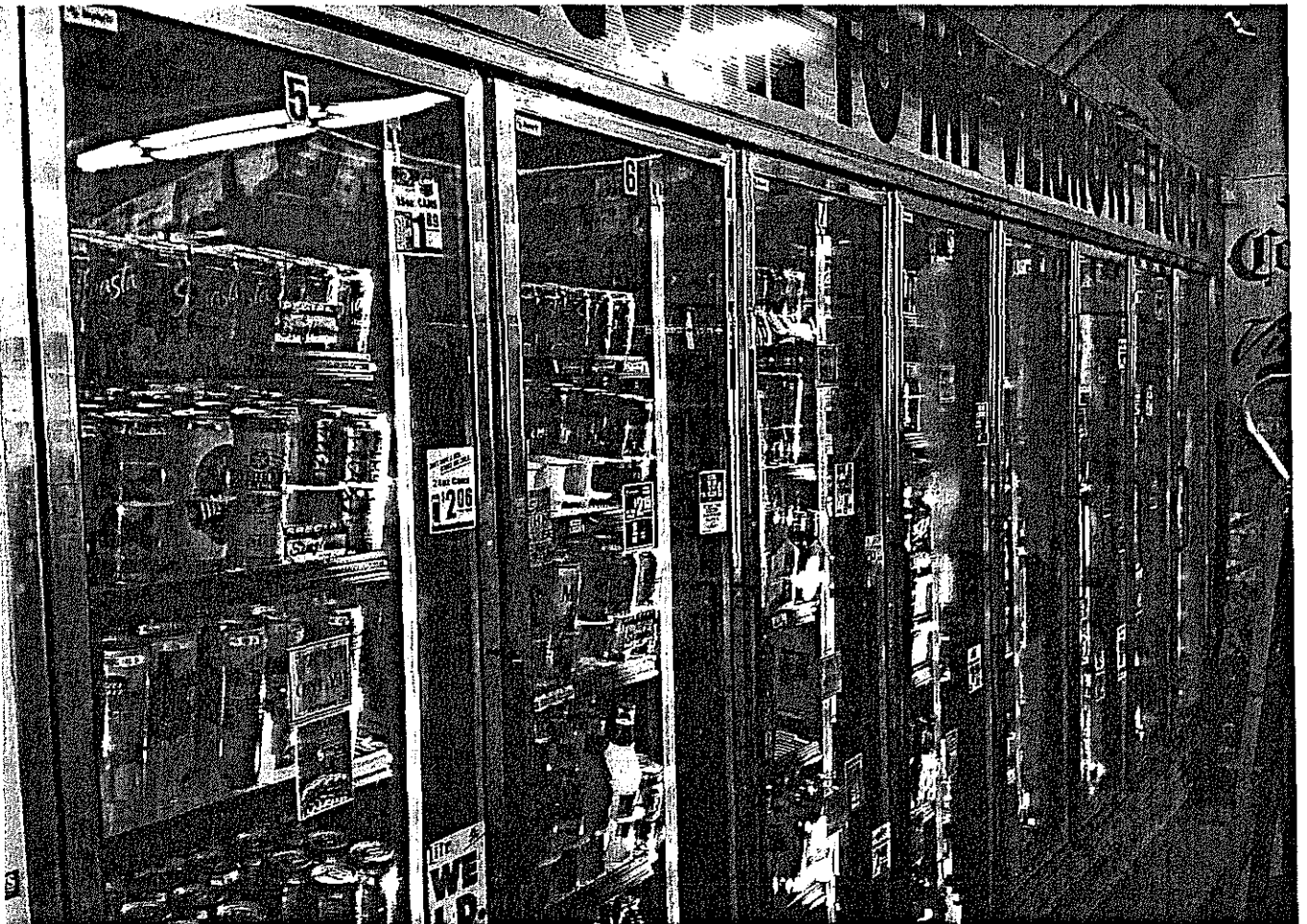
*We are in good standing with ABC & Community*

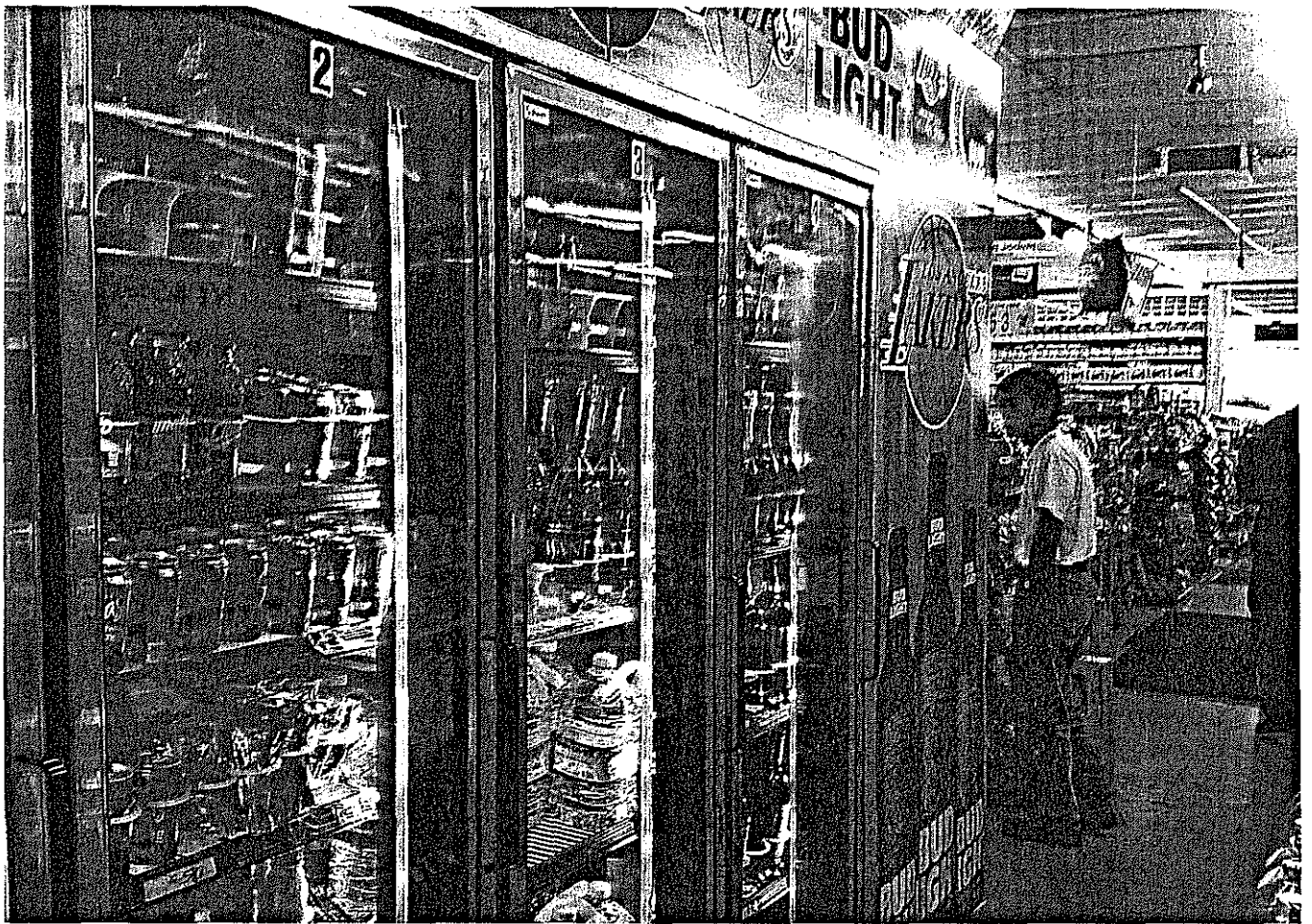
E. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within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

*Current location is consistent with neighborhood*



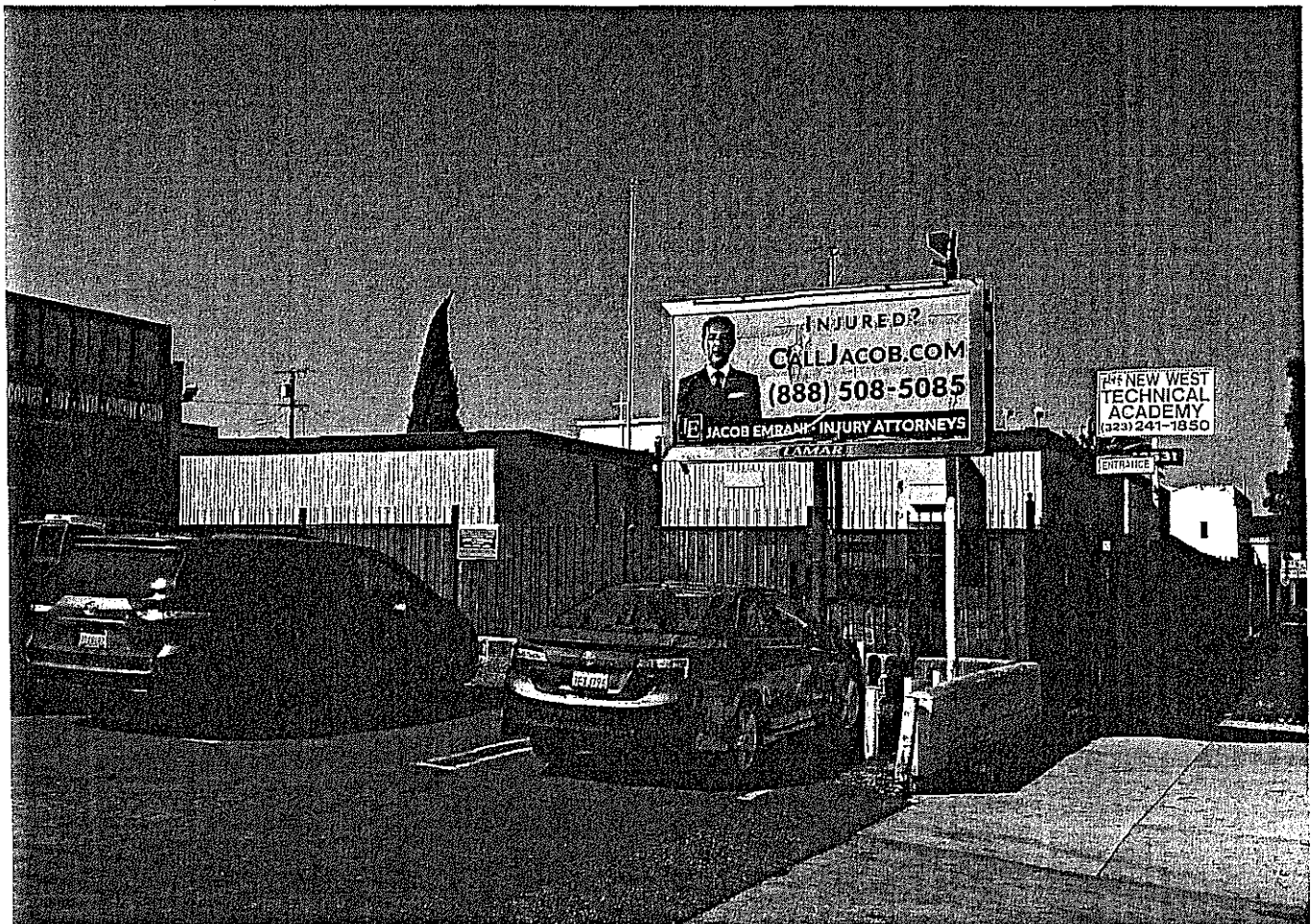
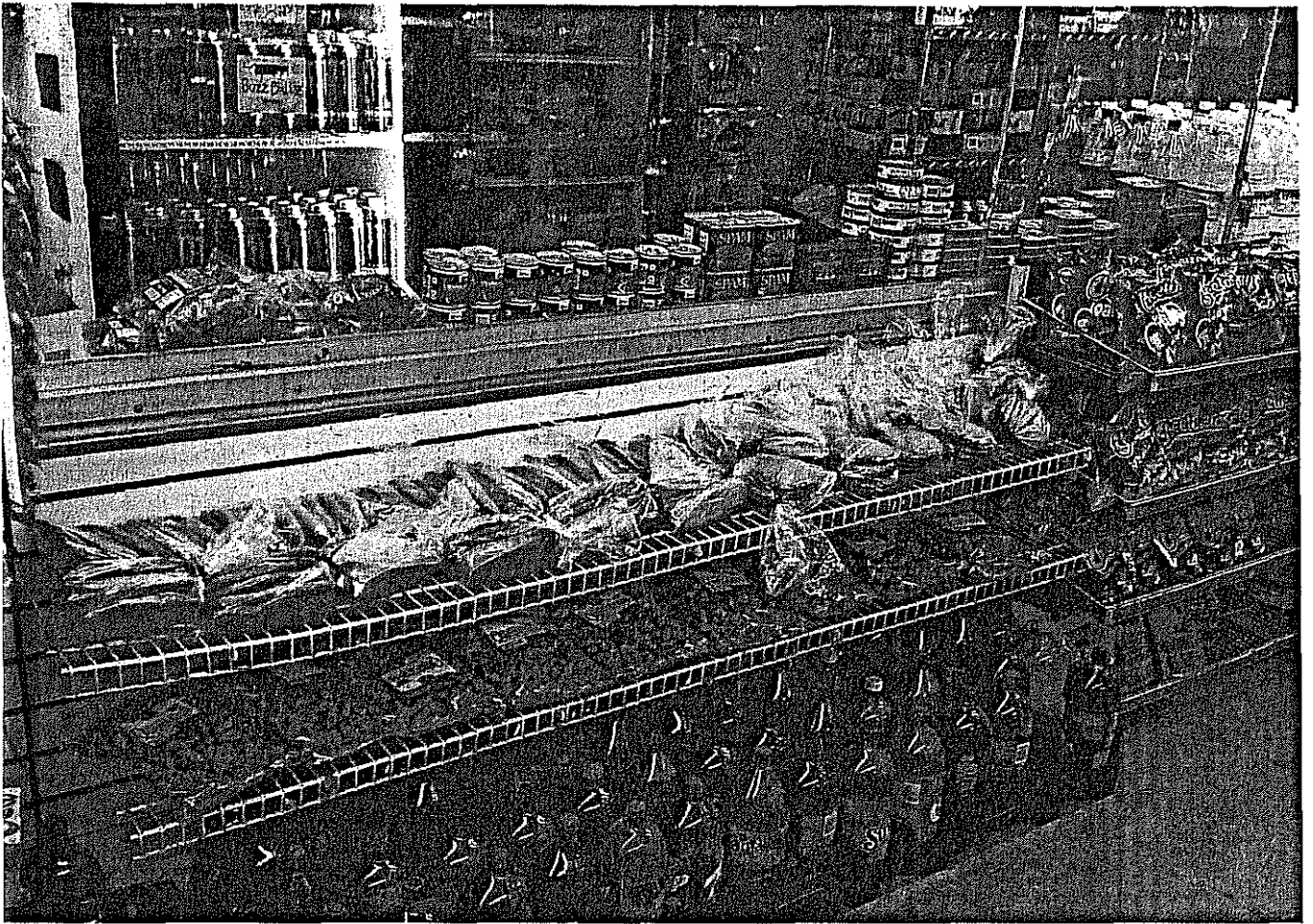
















**10537 South Vermont Ave**

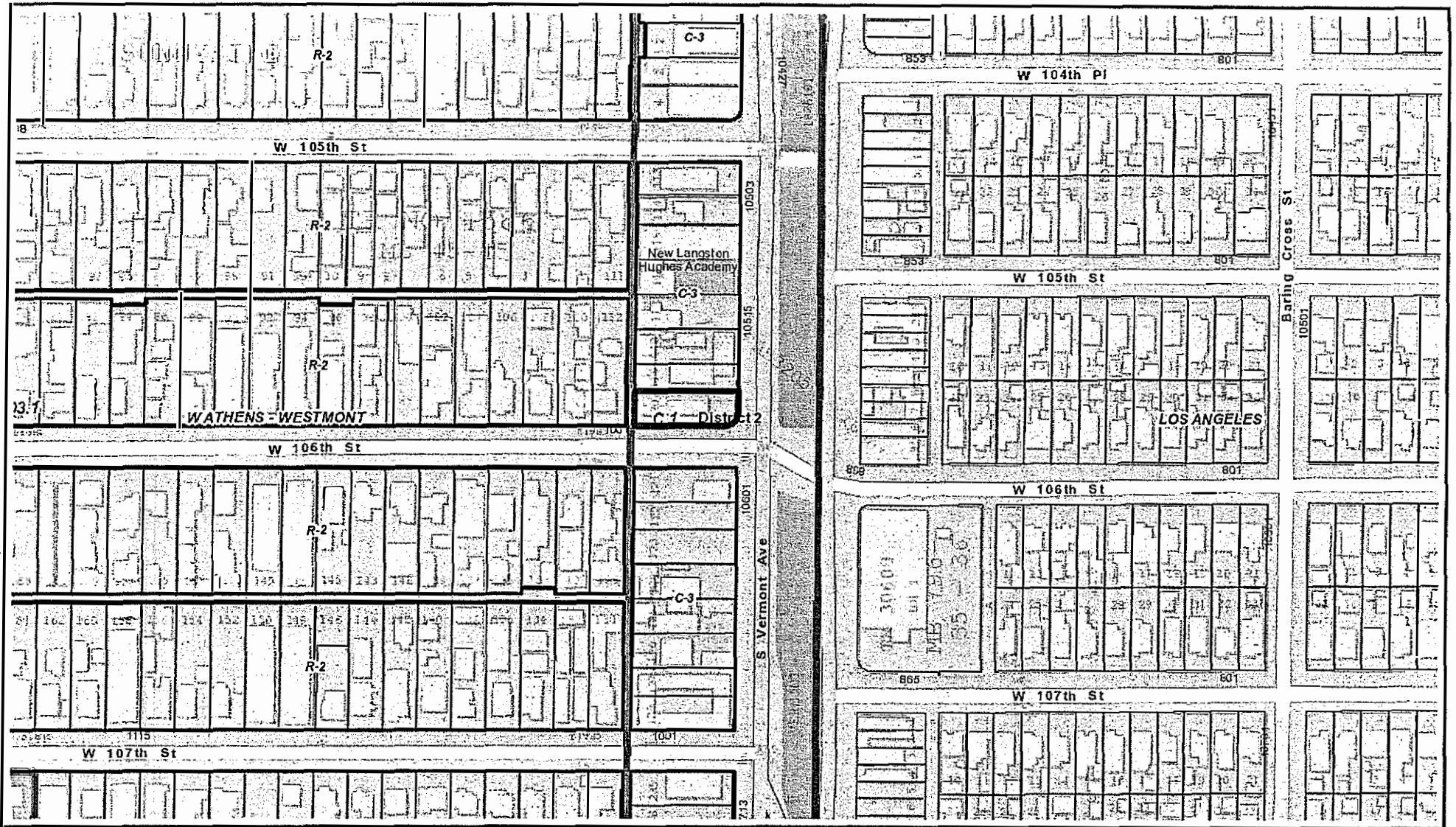
**Aerial**

**Printed: Dec 29, 2015**



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**10537 South Vermont Ave**

**Land Use & Zoning**

Printed: Dec 29, 2015

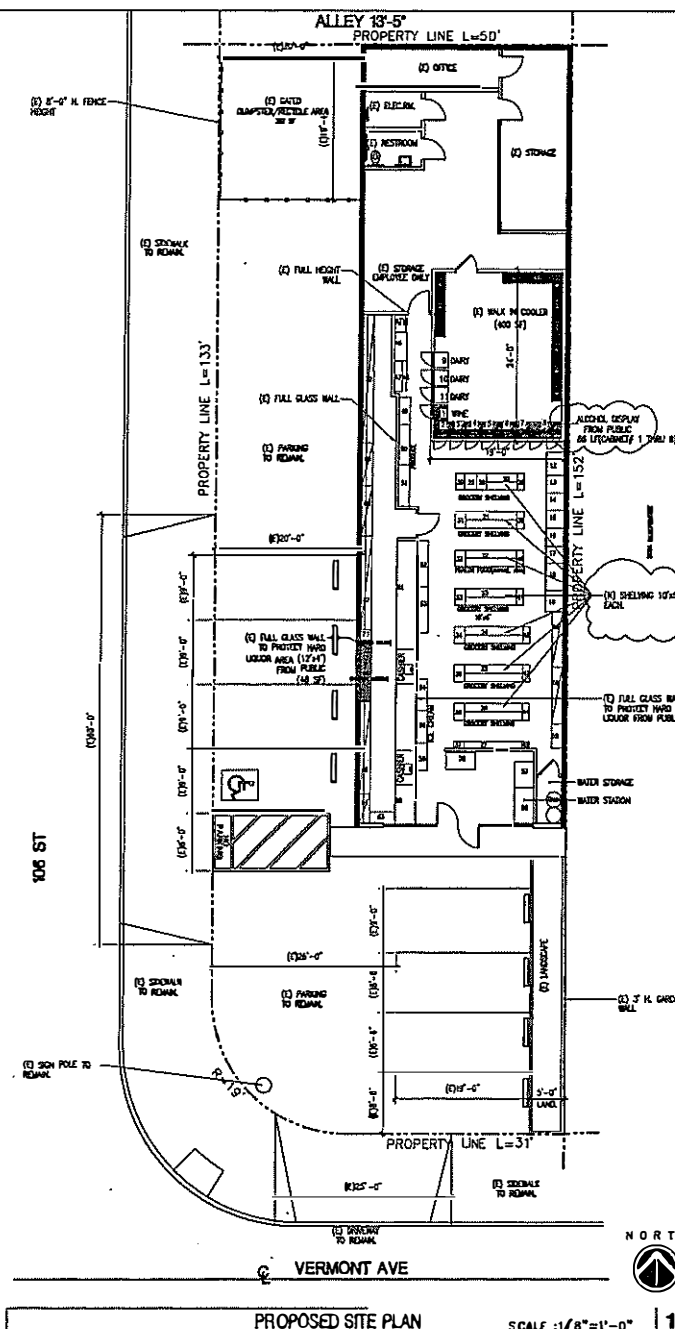


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Cabinet #	Length (LF)	Total # of Shelves	Total # of shelves devoted to alcoholic beverages	Total linear feet of shelves	Total linear feet of shelves devoted to alcoholic beverages	Percentage of shelf space devoted to alcoholic beverages
1	2	4	4	8	8	100
2	2	5	5	10	10	100
3	2	5	5	10	10	100
4	2	5	5	10	10	100
5	2	5	5	10	10	100
6	2	5	5	10	10	100
7	2	5	5	10	10	100
8	2	10	10	20	20	100
9	2	5	0	10	0	
10	2	5	0	10	0	
11	2	5	0	10	0	
12	3	5	0	15	0	
13	2	6	0	12	0	
14	4	7	0	18	0	
15	6	7	0	42	0	
16	6	7	0	42	0	
17	3	6	0	18	0	
18	19	7	0	133	0	
19	4	5	0	20	0	
20	6	12	0	72	0	
21	10	12	0	120	0	
22	10	12	0	120	0	
23	10	12	0	120	0	
24	10	12	0	120	0	
25	10	12	0	120	0	
26	10	12	0	120	0	
27	10	6	0	60	0	
28	5	7	0	35	0	
29	5	7	0	35	0	
30	3	6	0	18	0	
31	4	6	0	24	0	
32	4	5	0	10	0	
33	3	6	0	18	0	
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37	3	6	0	18	0	
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41	3	6	0	18	0	
42	3	6	0	18	0	
43	3	6	0	18	0	
44	3	6	0	18	0	
45	2	6	0	12	0	
46	2	1	0	2	0	
47	8	3	0	24	0	
48	8	4	0	32	0	
49	5	4	0	20	0	
50	5	4	0	20	0	
51	2	7	0	14	0	
52	5	7	0	35	0	
53	5	4	0	20	0	
54	4	4	0	16	0	
55	5	7	0	35	0	
56	5	7	0	35	0	
57	4	15	0	60	0	
58	6	1	0	6	0	
59	4	5	0	20	0	
60	40	4	0	160	0	
61	11	3	0	33	0	
62	47	3	0	141	0	
63	4	8	0	32	0	
64	4	8	0	32	0	
65	13	6	0	78	0	
66	10	3	0	30	0	
67	13	6	0	78	0	
68	7	6	0	42	0	
69	6	8	0	48	0	
70	21	7	0	147	0	
71	12	4	4	48	48	100
Total LF		460	48	2845	136	4.78%

CALCULATION TABLE



# **VERMONT LIQUOR** 10537 SOUTH VERMONT AVE LOS ANGELES CA 90044

## **PROJECT INFORMATION**

### **PROPERTY INFORMATION:**

OWNER: Henry Tran  
ADDRESS: 10537 S. Vermont Ave  
Los Angeles, CA 90044  
CONTACT: Henry Tran  
TELEPHONE: 323.756.9300

### **PROJECT DATA**

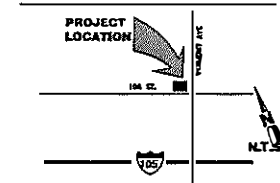
ASSESSOR'S PARCEL #: 6060-018-026  
TRACT NO.: 4666  
LOT #: 110  
ZONE: C-3

LOT SIZE (GROSS): EXISTING 7,550 sf.  
LANDSCAPE AREA: EXISTING 190 SF  
BUILDING HEIGHT: EXISTING 16'-0"  
BUILDING USE EXISTING: M - MARKET  
TYPE OF CONSTRUCTION: TYPE V - NONRATED  
SPRINKLERED: NO - SPRINKLERED  
NUMBER OF STORIES: 1 STORY

PARKING PROVIDED: 1 VAN ACCESSIBLE PARKING  
7 STANDARD PARKINGS

TOTAL 8 STALLS  
EXISTING FLOOR AREA: 3,317 SF  
SALES AREA (PUBLIC): 2,456 SF  
ALCOHOL DISPLAY (WALK IN COOLER) PRIVATE AREA: 400 SF  
ALCOHOL DISPLAY (HARD LIQUOR) PRIVATE SERVING AREA: 48 LF (12' LONG x 4' SHELVES)  
ALCOHOL DISPLAY - WALK IN COOLER FROM PUBLIC ACCESS AREA: 88 LF (ADD UP CABINET # 1 THRU 8)  
TOTAL ALCOHOL DISPLAY: 136 LF  
SALES AREA - GROCERY INCREASE GROCERY SHELVING: 2,845 SF  
TOTAL: 2,845 SF  
ALLOWABLE SQ. OF ALCOHOL DISPLAY AREA: 142 SF

## **VICINITY MAP**



Archidas

Archidas Development Inc.  
10000 WILSON BLVD  
LOS ANGELES, CA 90024

**VERMONT LIQUOR**

10537 S. VERMONT LOS ANGELES, CA 90044

By: [Signature]  
DATE: 06/11/16  
PROJECT: 10537 S. VERMONT AVE, LOS ANGELES, CA 90044

Project No.: 10537-01046  
Scale: 1/8" = 1'-0"  
Drawing Title: site plan

G-01

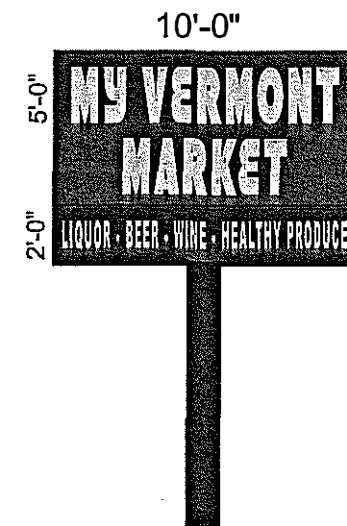
Color Yellow #3630-015 Translucent 3m Vinyl  
 Color Black #3630-22 Translucent 3m Vinyl  
 Color White #3630-20 Translucent 3m Vinyl  
 1/2 Black Outline  
 Yellow Let. Size 2'-5"  
 White Let. Size 1'-2"  
 Font: Strenuous And Helvetica Black



Color Yellow #3630-015 Translucent 3m Vinyl  
 Color Black #3630-22 Translucent 3m Vinyl  
 Color White #3630-20 Translucent 3m Vinyl  
 1/2 Black Outline  
 Yellow Let. Size 2'-5"  
 White Let. Size 1'-2"  
 Font: Strenuous And Helvetica Black



Color BLUE #3630-337 Translucent 3m Vinyl  
 Color Yellow #3630-015 Translucent 3m Vinyl  
 Color Black #3630-22 Translucent 3m Vinyl  
 Color White #3630-20 Translucent 3m Vinyl  
 1/2 Black Outline  
 Yellow Let. Size 1'-10"  
 White Let. Size 1'-2"  
 Font: Strenuous And Helvetica Black



PLASTIC COLOR WHITE  
 3/16 OF AN INCH

## LOS ANGELES COUNTY BOARD OF SUPERVISORS

### AGENDA ENTRY

DATE OF MEETING:	AUGUST 1, 2017
DEPARTMENT NAME:	REGIONAL PLANNING
BOARD LETTERHEAD:	DEPARTMENT
SUPERVISORIAL DISTRICT AFFECTED	SECOND DISTRICT
VOTES REQUIRED	3-VOTE
CHIEF INFORMATION OFFICER'S RECOMMENDATION	NONE

**\*\*\* ENTRY MUST BE IN MICROSOFT WORD \*\*\***

---

Instructions: To comply with the Brown Act requirement the reader should fully understand what the department is asking the Board to approve. The recommendation must describe what the action is for; with whom the action is being taken; fiscal impact, including money amounts, funding sources, and effective dates. Also, include an instruction for the Chair(man) or Director to sign when such signature is required on a document.

PROJECT NO.: R2014-01046-(2)

CASE NO.: Conditional Use Permit No. 201400048

PUBLIC HEARING

BOARD AGENDA TEXT:

1. Hearing on Project No. R2014-01046-(2), Conditional Use Permit No. 201400048, to authorize the continued sale of beer, wine, and spirits for off-site consumption at an existing market, and to find that the project is exempt from the California Environmental Quality Act (CEQA). The project is located at 10537 South Vermont Avenue in the West Athens – Westmont Zoned District within the West Athens – Westmont Community Standards District and is applied for by the applicant, Henry Tran. The project was approved by the Regional Planning Commission on May 3, 2017, and the Board of Supervisors initiated a call for review for this item at the May 9, 2017, Board of Supervisors meeting. (Department of Regional Planning)

AGN. NO. \_\_\_\_\_

**MOTION BY SUPERVISOR MARK RIDLEY-THOMAS**

**MAY 9, 2017**

**Conditional Use Permit No. RCUP201400048 for Sale of Alcoholic Beverages at 10537 South Vermont Avenue**

On May 3, 2017, the Regional Planning Commission approved Conditional Use Permit No. RCUP201400048 for the continued sale of a full line of alcoholic beverages for off-site consumption (Alcohol Beverage Control (ABC) License Type 21) at an existing market located at 10537 South Vermont Avenue in the C-3 (General Commercial) zone in the unincorporated community of West Athens-Westmont.

The subject property is located within 600 feet of nine sensitive uses (four religious establishments, four educational institutions and a public park). The subject property is also located within a census tract that has an over-concentration of alcohol sales. There are six (6) ABC licenses within the census tract for "off-sale" alcohol sales where only three (3) "off-sale" licenses are allowed. Given these facts, appropriate conditions of approval should be considered to ensure that the continued operation of the business does not impose an undue burden on the community.

(MORE)

**MOTION**

Solis	_____
Kuehl	_____
Hahn	_____
Barger	_____
Ridley-Thomas	_____



**MOTION BY SUPERVISOR RIDLEY-THOMAS**

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**May 9, 2017**

**I THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:**

1. Initiate a call for review relating to Conditional Use Permit No. RCUP201400048 for the continued sale of a full line of alcoholic beverages;
2. Direct the Director of Regional Planning to transmit the necessary information to the Executive Officer of the Board of Supervisors; and
3. Direct the Executive Officer of the Board to set the matter for public hearing.

## ##

(DR/CT)



PUBLIC NOTICES OF THE BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Lori Glasgow, Executive Officer-  
Clerk of the Board of Supervisors  
383 Kenneth Hahn Hall of Administration  
Los Angeles, California 90012

2017 JUL -3 PM 5:36

**NOTICE OF PUBLIC HEARING CONCERNING**  
**PROJECT NO. R2014-01046-(2),**  
**CONDITIONAL USE PERMIT NO. RCUP201400048-(2),**  
**ENVIRONMENTAL ASSESSMENT NO. 201400090-(2)**

Notice is hereby given that the Board of Supervisors requested a call for review from the Regional Planning Commission's approval of the above referenced project and will conduct a public hearing on **Tuesday, August 1, 2017 at 9:30 a.m.**, in Room 381B of the Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Interested persons will be given an opportunity to testify.

The Board will also consider the Categorical Exemption (Class 1-Existing Facilities) associated with this project.


**Property Location:** The project site is located at 10537 South Vermont Avenue in the West Athens - Westmont Community Standards District, within the West Athens - Westmont Zoned District.

**General Description of Proposal:** To authorize the continued sale of a full line of alcoholic beverages for off-site consumption (ABC License Type 21) at an existing market in the General Commercial (C-3) zone pursuant to Section 22.28.210 of the Los Angeles County Code.

Contact the Department of Regional Planning, **Greg Mirza-Avakyan** at (213) 974-6462 between 7:30 a.m. and 5:30 p.m., Monday through Thursday (office is closed Fridays) or [gmirza-avakyan@planning.lacounty.gov](mailto:gmirza-avakyan@planning.lacounty.gov) directly for questions or additional information. Selected materials are available at <http://planning.lacounty.gov/case>. **Si necesita más información en Español, por favor llame al (213) 974-6466.**

If you are unable to attend the public hearing, written documents in favor or opposed to the project may be submitted to the Public Hearing/Zoning Section, Executive Office of the Board of Supervisors, Room 383, 500 West Temple Street, Los Angeles, CA 90012 or at [PublicHearing@bos.lacounty.gov](mailto:PublicHearing@bos.lacounty.gov) with the Project No. in the "Subject". Project status and information can be obtained online at: <http://bos.co.la.ca.us/Board-meeting/Public-Hearings> or you may also call (213) 974-1426.

If you need reasonable accommodations, such as assistive listening devices, agenda in Braille, interpreters, disability-related accommodations or other auxiliary aids, please contact the Executive Office of the Board at (213) 974-1411 or (213) 974-1707 (TTY), Monday through Friday from 8:00 a.m. to 5:00 p.m., at least three business days prior to the Board meeting. Later requests will be accommodated to the extent feasible. Máquinas de traducción están disponibles o si necesita intérprete para las juntas del Condado de Los Angeles, por favor llame al (213) 974-1426, de lunes a viernes de 8:00 a.m. a 5:00 p.m., con tres días de anticipación. **Si no entiende este aviso o necesita más información, por favor llame al (213) 974-1426.**

  
LORI GLASGOW  
EXECUTIVE OFFICER OF THE  
BOARD OF SUPERVISORS