Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

February 24, 2015

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 R2014-00893-(5)
CONDITIONAL USE PERMIT NO. 201400040
ENVIRONMENTAL ASSESSMENT NO. 201400081
APPLICANT: DOLGEN CALIFORNIA, LLC
ANTELOPE VALLEY EAST ZONED DISTRICT
(FIFTH SUPERVISORIAL DISTRICT) (3-VOTES)

SUBJECT

The proposed project is for a conditional use permit (CUP) to authorize the sale of beer, wine, and distilled spirits (ABC Type 21 License) for off-site consumption from a new market/grocery store (Dollar General). The Dollar General will have a sales floor area of 9,626 square feet in a total 12,337-square-foot building. Alcohol sales will be limited to no more than five percent of shelf space and will be located in an 8-foot-long shelf. The Los Angeles County Sheriff's Department has reviewed the project and does not object to the granting of the CUP. The project qualifies as a Categorical Exemption (Class 1 – Existing Facilities) under the California Environmental Quality Act (CEQA) and County Environmental Guidelines.

The project was approved by the Regional Planning Commission (Commission) on October 15, 2014. The approval is being appealed by Ms. Georgina Buenrostro Belmonte.

IT IS RECOMMENDED THAT THE BOARD:

1. Find that the project is categorically exempt pursuant to State and local California Environmental Quality Act (CEQA) guidelines.

2. Deny the appeal and instruct County Counsel to prepare the necessary findings to affirm the Commission's approval of CUP No. 201400040.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The project is compatible with the surrounding area. The proposed use is consistent with the zoning and land use of the subject site. Surrounding land uses consist of other commercial uses, single-family residential, religious worship uses that are well-buffered from the subject site, and vacant land.

The proposed sale of alcoholic beverages will occur in a commercial structure in an area designated as commercial on the local land use plan, and alcohol sales are appropriate in commercial areas. There are no on-site or off-site alcohol sales within a 500-foot radius of the subject site, and the Dollar General store will limit alcohol sales to five percent of shelf space.

Implementation of Strategic Plan Goals

The proposed project would further County General Plan goals by providing a convenient location for residents and visitors to purchase alcoholic beverages and would add to the commercial diversity of the area.

FISCAL IMPACT/FINANCING

Implementation of the proposed CUP should not result in any new significant costs to Los Angeles County as the proposed project is a private business decision. Operating costs will be borne by the applicant. The applicant will be required to deposit funds with the Commission to cover inspections.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Commission conducted a duly-noticed public hearing at its regularly scheduled meeting of October 15, 2014. One speaker, the applicant's representative, testified in favor of the request and two speakers, including the appellant, testified in opposition. The Commission subsequently voted 5-0 to approve CUP No. 201400040.

Pursuant to subsection A of Section 22.60.230 of the County Code, Georgina Buenrostro Belmonte appealed the Commission's approval to the Board of Supervisors on October 29, 2014. A public hearing is required pursuant to Section 22.60.240 of the County Code and Sections 65335 and 65856 of the Government Code. Notice of the hearing must be given pursuant to the procedures set forth in Section 22.60.174 of the County Code. These procedures exceed the minimum standards of Government Code Sections 6061, 65090, 65355, and 65856 relating to notice of public hearing.

ENVIRONMENTAL DOCUMENTATION

Planning staff recommends that this project qualifies for a Categorical Exemption (Class 1 – Existing Facilities) under CEQA and the County Environmental Guidelines. The proposed sale of alcoholic beverages for off-site consumption would occur in an existing Dollar General store and would not require any expansion of the existing use or additional parking beyond what is provided on-site. Approval of the project proposal requires adoption of the Categorical Exemption.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Action on the proposed CUP is not anticipated to have a negative impact on current services.

For further information, please contact Anthony Curzi, at (213) 974-6443 or by e-mail at acurzi@planning.lacounty.gov.

Respectfully submitted,

Richard J. Bruckner
Director

RJB:SA:PMC:AMC:lm

Attachments: Findings and Conditions, Commission Staff Reports and Correspondence

c: Executive Office, Board of Supervisors
Assessor
Chief Executive Office (Rita Robinson)
County Counsel
Public Works

CP_022415_BL_PROJECT_NO_R2014_00893

LOS ANGELES COUNTY BOARD OF SUPERVISORS

AGENDA ENTRY

DATE OF MEETING:	FEBRUARY 25, 2015
DEPARTMENT NAME:	REGIONAL PLANNING
BOARD LETTERHEAD:	DEPARTMENT
SUPERVISORIAL DISTRICT AFFECTED	5th 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.: R2014-00893-(5)

PUBLIC HEARING

BOARD AGENDA TEXT:

1. De novo hearing on Project No. R2014-00893-(5), and associated Conditional Use Permit No. 201400040, to authorize the sale of beer, wine, and distilled spirits (ABC Type 21 License) for off-site consumption from a new market/grocery store (Dollar General). The project is located at 40360 170th Street East in the Antelope Valley East Zoned District and is applied for by the applicant, Dolgen, California, LLC.

Regional Planning Commission Transmittal Checklist

Hearing Date
October 15, 2014
Agenda Item No.
10

Project Number: R2014-00893-(5)
Case: Conditional Use Permit Case No. 201400040
Planner: Anthony Curzi

- ☒ Project Summary
- ☒ Property Location Map
- ☐ Staff Analysis
- ☐ Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- ☒ Draft Findings
- ☒ Draft Conditions
- ☒ Burden of Proof Statement(s)
- ☐ Environmental Documentation (ND / MND / EIR)
- ☐ Correspondence
- ☒ Photographs
- ☒ Aerial Image(s)
- ☒ Land Use/Zoning Map
- ☐ Tentative Tract / Parcel Map
- ☒ Site Plan / Floor Plans / Elevations
- ☐ Exhibit Map
- ☐ Landscaping Plans

Reviewed By: _____

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

PROJECT NUMBER
R2014-00893-(5)

HEARING DATE
October 15, 2014

REQUESTED ENTITLEMENTS
Conditional Use Permit No. 201400040

PROJECT SUMMARY

OWNER / APPLICANT
Dynamic Real Estate Investments I, Inc./Dolgen California, LLC

MAP/EXHIBIT DATE
May 24, 2013

PROJECT OVERVIEW

The project is for a conditional use permit (CUP) for the sale of beer, wine, and distilled spirits (ABC Type 21 License) for off-site consumption from a new market/grocery store (Dollar General) currently under construction. The Dollar General will have a sales floor area of 9,626 square feet in a total 12,337-square-foot building. Alcohol sales will be limited to no more than five percent of shelf space and will be located in an 8-foot-wide shelf. The Los Angeles County ("County") Sheriff's Department has reviewed the project and does not object to the granting of the CUP.

The Dollar General building has been approved by Plot Plan 201201053 and the structure meets all County zoning and development standards. A total of 50 parking spaces, including two ADA-accessible spaces, will be provided. Landscaping in the amount of 17,469 square feet, or 27 percent of the lot area, will also be provided, exceeding the minimum 10 percent requirement.

Surrounding land uses include other commercial uses, one church, and single-family residential.

LOCATION
40360 170th Street East, Lake Los Angeles

ACCESS
170th Street East and Avenue O

ASSESSORS PARCEL NUMBER
3072-013-033

SITE AREA
1.40 Acres

GENERAL PLAN / LOCAL PLAN
Antelope Valley Areawide General Plan

ZONED DISTRICT
Antelope Valley East

LAND USE DESIGNATION
C (Commercial)

ZONE
C-2 (Neighborhood Business)

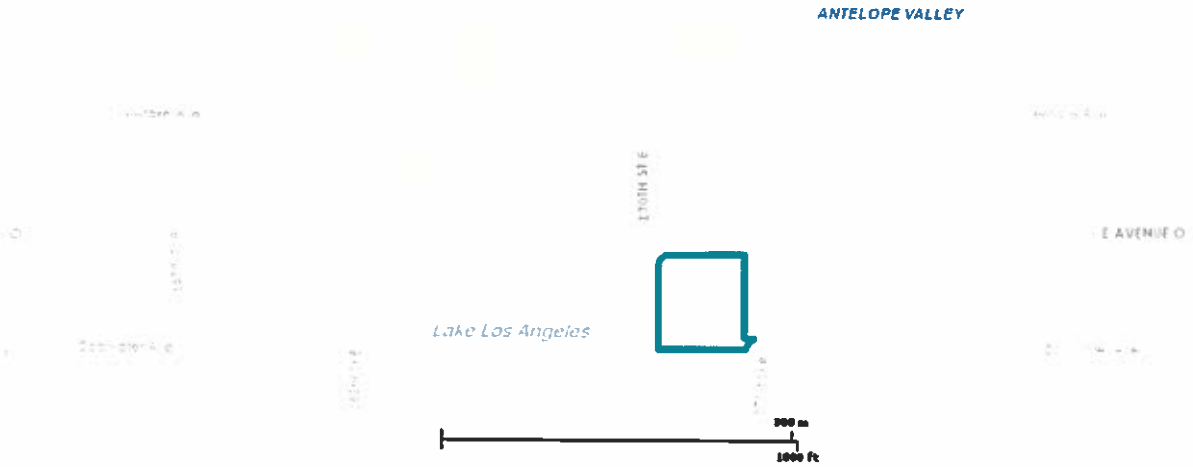
PROPOSED UNITS	MAX DENSITY/UNITS	COMMUNITY STANDARDS DISTRICT
NA	NA	NA

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)
  - 22.56.195 (Alcohol CUP Burden of Proof Requirements)
  - 22.28.170 (C-2 Zone Development Standards)

CASE PLANNER:	PHONE NUMBER:	E-MAIL ADDRESS:
Anthony Curzi	(213) 974 - 6443	acurzi@planning.lacounty.gov


ANTELOPE VALLEY
Lake Los Angeles
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300 m
1000 ft

, COUNTY
FIC OCEAN
ORANGE COUNTY
50 km
40 mi

ENTITLEMENTS REQUESTED

- Conditional Use Permit (CUP) for the sale of beer, wine, and distilled spirits (ABC Type 21 License) for off-site consumption in the C-2 (Neighborhood Business) Zone pursuant to the Los Angeles County ("County") Code Section 22.28.160.

PROJECT DESCRIPTION

The project is for a CUP for the off-site sale of beer, wine, and distilled spirits at a new market/grocery store (Dollar General) currently under construction. The Dollar General will have a sales floor area of 9,626 square feet in a total 12,337-square-foot building. Alcohol sales will be to no more than five percent of shelf space and will be located in an 8-foot-wide shelf. The County Sheriff's Department has reviewed the project and does not object to the granting of the CUP.

The Dollar General building has been approved by Plot Plan 201201053 and the structure meets all County zoning and development standards. A total of 50 parking spaces, including two ADA-accessible spaces, will be provided on site. Landscaping in the amount of 17,469 square feet, or 27 percent of the lot area, will also be provided, exceeding the minimum 10 percent requirement.

SITE PLAN DESCRIPTION

The site plan depicts the subject site with a 12,337-square-foot building housing the Dollar General. Fifty parking spaces are depicted, including two disabled-accessible stalls. Landscaping in the amount of 17,469 square feet is depicted throughout the lot, mostly along the perimeter of the parking lot.

EXISTING ZONING

The subject property is zoned C-2.

Surrounding properties are zoned as follows:
North: C-2, R-A-30,000 (Residential Agricultural – 30,000 Square Foot Minimum Required Lot Area)
South: C-2
East: C-2, R-3-20U (Limited Multiple Residence – 20 Units per Acre)
West: C-2, C-3-DP (Unlimited Commercial – Development Program), R-3-20U

EXISTING LAND USES

The subject property is developed with the under-construction Dollar General market/grocery store and appurtenant parking lot.

Surrounding properties are developed as follows:
North: Grocery store (Saddleback Market), restaurant, public library, hardware store, auto parts store, health clinic, vacant land, single-family residences.
South: Restaurants, party supply store, vacant land, single-family residences.
East: Fast food restaurant (Burger Basket), vacant land, utility facility, church.
West: Vacant land, single-family residences.

PREVIOUS CASES/ZONING HISTORY

- Plot Plan 201400201 approved signs for the subject Dollar General building on March 14, 2014.
- Plot Plan 201201053 approved the subject Dollar General building on November 19, 2013.
- Ordinance No. 9413 established the C-2 zone on the subject property on September 5, 1967.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The Dollar General has been previously approved and has nearly completed construction. Therefore, staff recommends that the Regional Planning Commission determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the "C" (Commercial) land use category of the Antelope Valley Plan ("Community Plan"). This Commercial land use designation of the Community Plan is intended for business and retail uses. The proposed sale of beer and wine as an accessory use at an existing convenience market is an activity that occurs in retail establishments and is, therefore, consistent with the permitted uses of the underlying land use category.

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

- *Land Use and Urban Development Patterns – Policy 17. Promote the efficient use of land through a more concentrated pattern of urban development, including focusing new growth into areas of suitable land.*
  The proposed project for the sale of alcoholic beverages (beer, wine, and distilled spirits) at a new market will ensure that new development will serve the community. The sale of alcoholic beverages will strengthen the market's economic well being, allowing it to operate at the location.

- *Land Use and Urban Development Patterns – Policy 23. Ensure that development in non-urban areas is compatible with rural life styles, does not necessitate the expansion of urban service systems, and does not cause significant negative environmental impacts or subject people and property to serious hazards.*
  Allowing the proposed sale of alcoholic beverages at the location is a use that is compatible with the surrounding commercial uses and will provide a benefit to the larger community by providing a location where residents can purchase such beverages, in addition to food and other goods.

- *Urban Form – Policy 26. Promote the recognition and orderly development of the regional core and linear activity areas.*
  The subject site is located in a linear activity area, and the proposed development will help promote the orderly development of the area by allowing the new market to serve the community.

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

- *Land Use Compatibility – Policy 26. Encourage an appropriate mix of land use types to prevent disharmony and degradation. Residential, commercial, employment, recreational and cultural uses should be integrated using appropriate buffering techniques to create a cohesive community.*
  The proposed sale of beer, wine, and distilled spirits for off-site consumption at a new grocery market is an appropriate activity at the subject site since it is well buffered from sensitive uses like the church and single-family residences by landscaping, fencing, and large tracts of open space. The market is compatible with the mix of uses in this part of Lake Los Angeles.

- *Impact of Transportation on Future Land Use Patterns and Provision of Adequate Transportation Systems – Policy 35. Minimize travel time by centralizing community facilities, intensifying land use densities, minimizing outward expansion, and establishing centralized shopping and industrial facilities.*
  By allowing the sale of alcoholic beverages (beer, wine and distilled spirits) from a new grocery market in an established community, the proposed project will minimize travel time of residents and others who wish to purchase such beverages.

- *Transportation Energy Needs – Policy 218. Encourage development of self-sufficient communities providing housing, employment and other opportunities.*
  The proposed project will help create a self-sufficient community by providing a location where residents and others can purchase beer, wine, and distilled spirits. Furthermore, the economic well-being of the market will be strengthened, allowing it to continue to operate at the location and serve the community.

Zoning Ordinance and Development Standards Compliance

Pursuant to Section 22.28.170 of the County Code, establishments in the C-2 Zone are subject to the following development standards:

- That a minimum 10 percent of the site be landscaped;
- That parking be provided as required per Part 11 of Chapter 22.52;
- That a 35-foot height limit be observed;
- That no outside display be permitted, with the exception of certain uses, or unless otherwise permitted by a temporary use permit;
- That no outside storage be permitted.

The proposed project meets all of the above development standards and was previously approved by a Plot Plan in 2013.

Site Visit
Staff performed a site visit on May 14, 2014. Staff observed the presence of a religious facility within 500 feet of the subject site. However, this facility is well-buffered from the subject site by residences.

Burden of Proof
The applicant is required to substantiate all facts identified by Sections 22.56.040 and 22.56.195 of the County Code. The Burden of Proof with applicant's responses is attached. Staff believes that the applicant has met the burden of proof.

The proposed use is consistent with the adopted plan for the area as the proposed sale of alcoholic beverages for off-site will occur in a commercial structure in an area designated as commercial on the local community land use plan. Alcohol sales are appropriate in commercial areas.

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, fencing, and large tracts of vacant land.

The subject site is adequate in size to accommodate the development standards for the C-2 zone. A plot plan for the Dollar General grocery store/market was approved in 2013.

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 170th Street East and Avenue O. 170th Street East is a 100-foot-wide Highway and Avenue O is also 100 feet wide at the Project site. Two (36- and 35-foot-wide) driveways off of 170th Street East and Avenue O provide access to the subject property.

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 because those uses are adequately buffered from the establishment by roads and other buildings.

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 as the nearest residential area is to the southeast and it is adequately buffered with streets and vacant land.

The requested use at the proposed location will not adversely affect the economic welfare of the surrounding community because the sale of alcohol will occur as an accessory to the sale of groceries and other day-to-day goods. The Dollar General will provide a convenient place for residents and others to purchase beer, wine, and distilled spirits, along with other goods.

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 proposed use would occur in a contemporary and attractively designed building. The building contains ample fenestration and articulations in its façade, and its design is appropriate and compatible with the surrounding area.

Neighborhood Impact/Land Use Compatibility

The proposed use is compatible with the neighborhood. The proposed use is consistent with the zoning and land use designation of the subject site. Surrounding land uses consist of other commercial uses, single-family residences, a religious facility (which is well-buffered from the project site), and vacant land. The sale of alcoholic beverages will occur for off-site consumption from a new market and no more than five percent of the shelf space will be devoted to the sale of alcoholic beverages.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Staff has received comments from the County Sheriff's Department. The Sheriff's Department does not object to the granting of the CUP.

OTHER AGENCY COMMENTS AND RECOMMENDATIONS

The State Department of Alcoholic Beverage Control (ABC) submitted a report regarding the project. The report stated that the subject site is located in a high crime reporting district and in a census tract that does not exceed the number of existing alcoholic beverage licenses allowed. There were a total of 756 reported total number of offenses in the reporting district, over the 104, which is the 120 percent of average number of offenses

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, newspaper, 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 Regional Planning Commission.

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, Conditional Use Permit Number 201400040, 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.

I MOVE THAT THE REGIONAL PLANNING COMMISSION APPROVE CONDITIONAL USE PERMIT NUMBER 201400040 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Anthony Curzi, Regional Planning Assistant II, Zoning Permits North Section
Reviewed by Paul McCarthy, Supervising Regional Planner, Zoning Permits North Section

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

PMC:AMC
October 2, 2014

DRAFT FINDINGS OF THE REGIONAL PLANNING COMMISSION AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2014-00893-(5)
CONDITIONAL USE PERMIT NO. 201400040

1. The Los Angeles County ("County") Regional Planning Commission ("Commission") conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201400040 ("CUP") on October 15, 2014.

2. The permittee, Dolgen California, LLC ("permittee"), requests the CUP to authorize the sale of alcoholic beverages (beer, wine, and distilled spirits) (ABC Type 21 License) for off-site consumption ("Project") on a property located at 40360 170th Street East in the unincorporated community of Lake Los Angeles ("Project Site") in the C-2 (Neighborhood Business) zone pursuant to Los Angeles County Code ("County Code") section 22.28.160.

3. The Project Site is 1.40 gross acres in size and consists of two legal lots. The Project Site is rectangular in shape with flat topography and is developed with a Dollar General market/grocery store.

4. The Project Site is located in the Antelope Valley East Zoned District and is currently zoned C-2.

5. The Project Site is located within the "C" (Commercial) land use category of the Antelope Valley Areawide General Plan Land Use Policy Map.

6. Surrounding Zoning within a 500-foot radius includes:

   North: C-2, R-A-30,000 (Residential Agricultural – 30,000 Square Foot Minimum Required Lot Area)
   South: C-2
   East: C-2, R-3-20U (Limited Multiple Residence – 20 Units per Acre)
   West: C-2, C-3-DP (Unlimited Commercial – Development Program), R-3-20U

7. Surrounding land uses within a 500-foot radius include:

   North: Grocery store (Saddleback Market), restaurant, public library, hardware store, auto parts store, health clinic, vacant land, single-family residences.
   South: Restaurants, party supply store, vacant land, single-family residences.
   East: Fast food restaurant (Burger Basket), vacant land, utility facility, church.
   West: Vacant land, single-family residences.

8. On March 14, 2014 Plot Plan 201400201 was approved for signs for the Dollar General. On November 19, 2013, Plot Plan 201201053 was approved for the Dollar General building. The Project Site was zoned C-2 on September 5, 1967 by Ordinance No. 9413.

9. The site plan for the Project depicts the rectangular-shaped parcel at the intersection of Avenue O and 170th Street East. The Dollar General market/grocery store is depicted set back from both Avenue O and 170th Street East. Vehicular ingress and egress is provided via two driveways, one each on Avenue O and 170th Street East. A walking path is depicted from 170th Street East to the front door of the building. A parking lot containing 50 parking spaces is located between the building and the streets. Landscaping is depicted along the perimeter fronting both Avenue O and 170th Street East. An 18-foot-by-18-foot trash enclosure is depicted along the southern portion of the property near the loading area.

10. The Project Site is accessible via Avenue O to the north and 170th Street East to the west. Primary access to the Project Site will be via an entrance/exit on 170th Street East. Secondary access to the Project Site will be via an entrance/exit on Avenue O.

11. The Project will provide a total of 50 parking spaces, including two ADA-accessible spaces. The parking lot will be located directly off of Avenue O and 170th Street East. The project will also provide six bicycle parking spaces, including three short-term spaces and three long-term spaces.

12. The County Sheriff's Department submitted correspondence regarding the project. The correspondence stated that since the subject property is a vacant lot, no calls for service exist. However, the Sheriff's Department did provide crime data for four surrounding businesses. A total of 347 calls for service over a five-year period were reported. Most of the calls were for traffic violations, property crimes, and narcotic-related offenses.

13. The State Department of Alcoholic Beverage Control (ABC) submitted a report regarding the project. The report stated that the subject site is located in a high crime reporting district and in a census tract that does not exceed the number of existing alcoholic beverage licenses allowed. There were a total of 756 reported total number of offenses in the reporting district, over the 104, which is the 120 percent of average number of offenses.

14. 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 a new Dollar General grocery store under construction that was approved with a plot plan.

15. 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.

16. A duly-noticed public hearing was held on October 15, 2014 before the Commission.

17. The Commission finds that the project site is located within the "C" (Commercial) land use category of the Antelope Valley Plan ("Community Plan"). This Commercial land use designation of the Community Plan is intended for business and retail uses. The proposed sale of beer, wine, and distilled spirits as an accessory use at a new grocery store/market is an activity that occurs in retail establishments and is, therefore, consistent with the permitted uses of the underlying land use category.

18. The Commission finds that Project meets all zoning code as the subject building was previously approved with a plot plan, and meets all setbacks, height requirements, parking requirements, and other development standards.

19. 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 will occur in a commercial structure in an area designated as commercial on the local community land use plan. Alcohol sales are appropriate in commercial areas.

20. 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, fencing, and large tracts of vacant land.

21. The Commission finds that the subject site is adequate in size to accommodate the development standards for the C-2 zone. A plot plan for the Dollar General grocery store/market was approved in 2013.

22. 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 170th Street East and Avenue O. 170th Street East is a 100-foot-wide Highway and Avenue O is also 100 feet wide at the Project site. Two (36- and 35-foot-wide) driveways off of 170th Street East and Avenue O provide access to the subject property.

23. The Commission finds that 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 because those uses are adequately buffered from the establishment by roads and other buildings.

24. The Commission finds that 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 as the nearest residential area is to the southeast and it is adequately buffered with streets and vacant land.

25. The Commission finds that requested use at the proposed location will not adversely affect the economic welfare of the surrounding community because the sale of

alcohol will occur as an accessory to the sale of groceries and other day-to-day goods. The Dollar General will provide a convenient place for residents and others to purchase beer, wine, and distilled spirits, along with other goods.

26. 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 proposed use would occur in a contemporary and attractively designed building. The building contains ample fenestration and articulations in its façade, and its design is appropriate and compatible with the surrounding area.

27. The Commission finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the CUP to ten (10) years.

28. 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, newspaper, 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 Lake Los Angeles community. On August 27, 2014, a total of 125 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as 12 notices to those on the courtesy mailing list for the Antelope Valley East Zoned District and to any additional interested parties.

29. The location of the documents and other materials constituting the record of proceedings upon which the Commission'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 North Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION 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 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.

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

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

THEREFORE, THE REGIONAL PLANNING 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. Approves Conditional Use Permit No. 201400040, subject to the attached conditions.

ACTION DATE:

PMC:AMC
September 30, 2014

c: Each Commissioner, Zoning Enforcement, Building and Safety

DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2014-00893-(5)
CONDITIONAL USE PERMIT NO. 201400040

PROJECT DESCRIPTION

The project is for the sale of alcoholic beverages (ABC Type 21 License: beer, wine, and distilled spirits) from a grocery store/market (Dollar General) for off-site consumption in the C-2 (Neighborhood Business) Zone pursuant to Los Angeles County ("County") Code Section 22.28.160 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 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 October 15, 2024**. 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 two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.

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 **$2,000.00**. 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 **five (5) biennial (one every other year)** 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 said 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.

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 notification 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, **three (3) copies of** a modified Exhibit "A" shall be submitted to Regional Planning by **December 15, 2015**.

18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (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. This grant shall authorize the sale of alcoholic beverages (ABC Type 21 License: beer, wine, and distilled spirits) from a grocery store/market (Dollar General) for off-site consumption in the C-2 Zone.

20. Alcoholic beverages shall be limited to no more than five percent of shelf space in the grocery store/market.

21. 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, Regional Planning Zoning Inspector or State of California Department of Alcoholic Beverage Control ("ABC") agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.

22. 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.

23. The permittee, and all managers and designated employees of the establishment, who are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by ABC. 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 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.

24. 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.

25. The placement of portable signs on the subject property is prohibited.

26. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.

27. This grant authorizes the sale of alcoholic beverages from 10:00 a.m. to 10:00 p.m. daily.

28. 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.

29. No sale of alcoholic beverages shall be made from a drive-thru window.

30. No display of alcoholic beverages shall be made from an ice tub.

31. 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. No alcoholic beverages shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler

32. The licensed premises shall have no coin-operated amusements, such as pool tables, juke boxes, video games, small carousel rides or similar riding machines, with the exception of official State Lottery machines.

33. No alcoholic beverages shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler.

34. There shall be no beer sold in containers under one quart or in less than six-pack quantities. 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. The permittee shall post signs on the coolers and cashier station stating the selling of single containers of beer is prohibited.

35. 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.

36. No malt liquors and/or malt-based products with alcoholic content greater than five percent by volume shall be sold.

37. The permittee shall provide adequate lighting above all entrances and exits to the premises.

38. The permittee shall provide adequate lighting in all parking areas and walkways under control of the permittee or required as a condition of this grant.

39. 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.

40. The sale of fortified wines shall be prohibited.

41. All parking lot and other exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot.

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.

1. Dollar General has implemented security measures as outlined in the project narrative that will prevent any nuisance to the surrounding area.

2. The incidental sale of alcohol along with groceries and day to day consumer goods will not result in any detriment or quiet enjoyment of properties in the vicinity.

3. The sale of alcohol is incidental to the target customer shopping for their family and will not create any nuisance as there will be conditions in place to protect

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.

The building recently went through a comprehensive plot plan review including CEQA analysis (Case PP#201201053). All parking, set backs, walls, etc. were designed and approved to meet or exceed County standards.

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.

1. Dollar General will occupy a building that recently went through a comprehensive plot plan review/approval process that included analysis of ingress egress and traffic. The site is served by Avenue O & 170th Street which have the size and capacity to handle customer traffic.

2. All public and private service facilities are adequately sized and approved for this project site.

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) SEC 170th & Ave O, Lake LA, CA

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.

There are no churches, schools, parks, playgrounds or similar use located within 600 feet of this site.

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.

Dollar General proposes several security measures as outlined in the attached Project Narrative/Operations statement to buffer adjacent residences from any nuisance behavior such as no single sales. in addition, there is a 6' high concrete wall newly installed between the project site and residences.

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.

Dollar General is a grocery store that offers a wide variety of food and consumer goods products that shoppers use on a daily basis. alcohol is a standard product offered by dollar general to its customers for convenience and less than 5% of the shelf space will be dedicated to the display of alcohol.

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

A large, national retailer operating in this neighbor will have a positive affect on the property values as it it will provide a much need large product offering and new investment of nearly $1 million

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.

Dollar General will occupy a new building that recently went through the County of Los Angeles plot plan approval process and elevations were part of the review. this new building will be a positive for property values.

Google

Address 170th St E & E Avenue O
170th St E & E Avenue O
Lake Los Angeles, CA 93591
From intersection of 170th Street & Avenue O - looking SW

Google

Address **40303 170th Street East**

Address is approximate

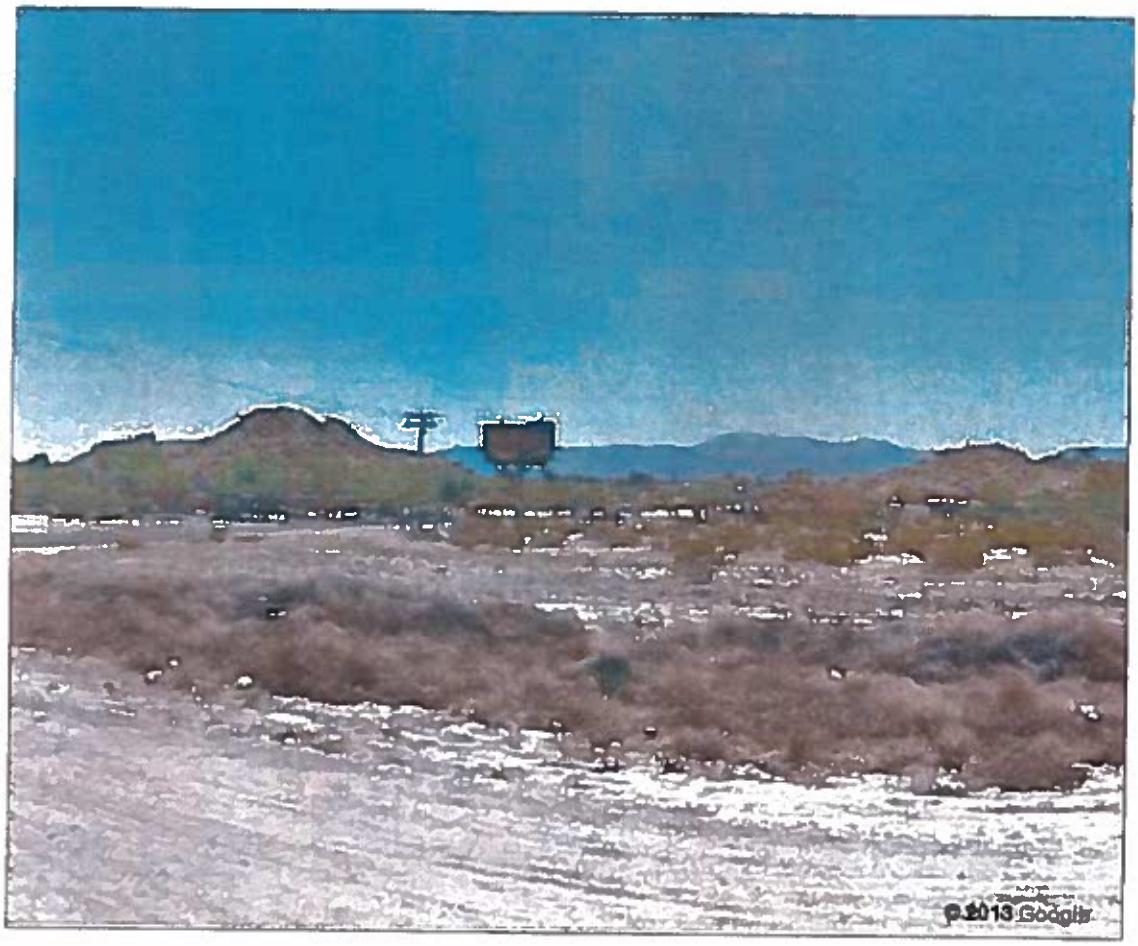
From 170th Street Looking West

Google

Address **16948 East Avenue O**

Address is approximate

From Avenue O - Looking South



Created in GIS-NET3

Aerial Image

Printed: Jul 14, 2014

0 500
Feet

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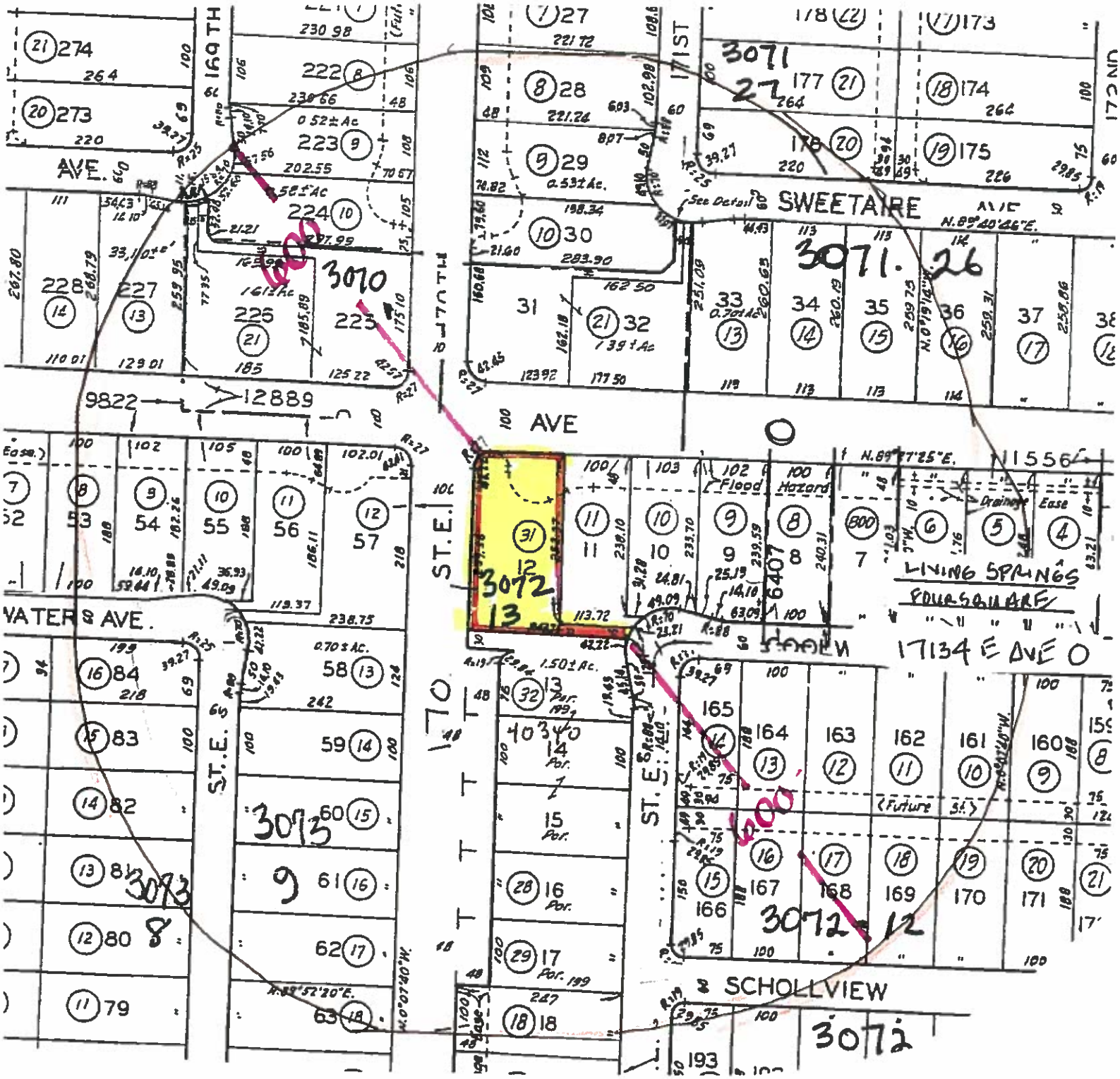
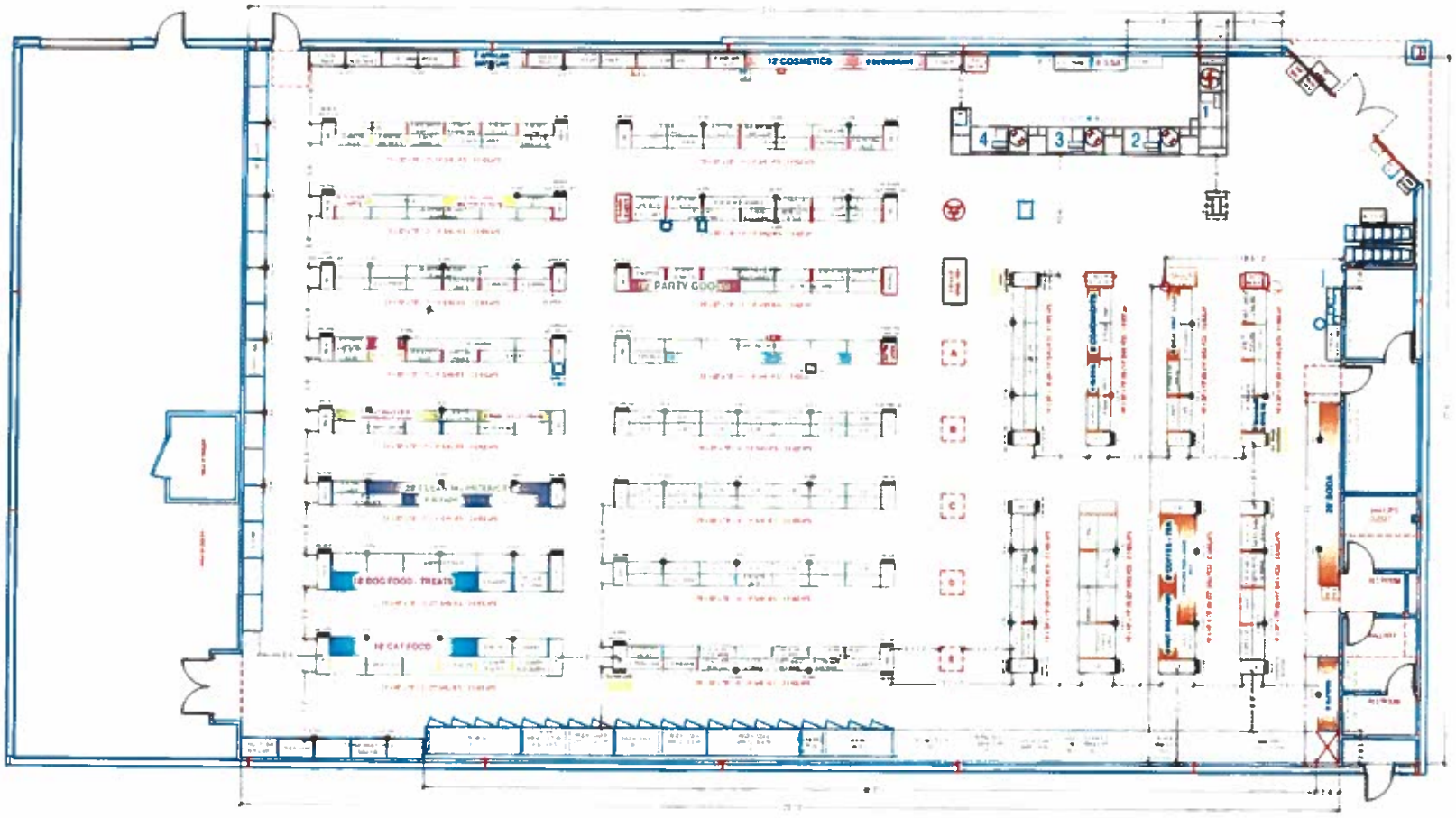


Map Preparer:
SUSAN W. CASE, INC.
917 GLENNEYRE ST #7
LAGUNA BEACH CA 92651
949 494 6105
susancaseinc@yahoo.com

FILE #138956
600' SCHOOLS, PARKS, PLAYGROUNDS
PLACES OF WORSHIP
APN 3072-013-031

SCALE:1"=200'
NORTH
JULY 22 2013



DOLLAR GENERAL

PRELIMINARY

DATE 05/01/13 BY AEM

[1]

[2]

DRAWING HISTORY

	DATE	TYPE	BY
[1]			
[2]			
[3]			
[4]			
[5]			
[6]			

REVISION CODE KEY

[illegible]	REV
[illegible]	FOR
[illegible]	MISC

PROJECT TYPE	NEW
PLAN TYPE	PLAN F
LAYOUT TYPE	DGP13-9
FIXTURE START DATE	
SALES FLOOR SQ FT	9,528
TOTAL STORE SQ FT	12,441
CEILING HEIGHT	10' 0"
SEASONAL LF	192
REMODEL STORES LAST 52 WKS + 4.5%	
NEW STORES 4th YEAR SALES $	$2,270,000

STORE #: 14002

ADDRESS SEC 170TH ST W & AVE Q

CITY,ST ZIP LAKE LOS ANGELES, CA 93591

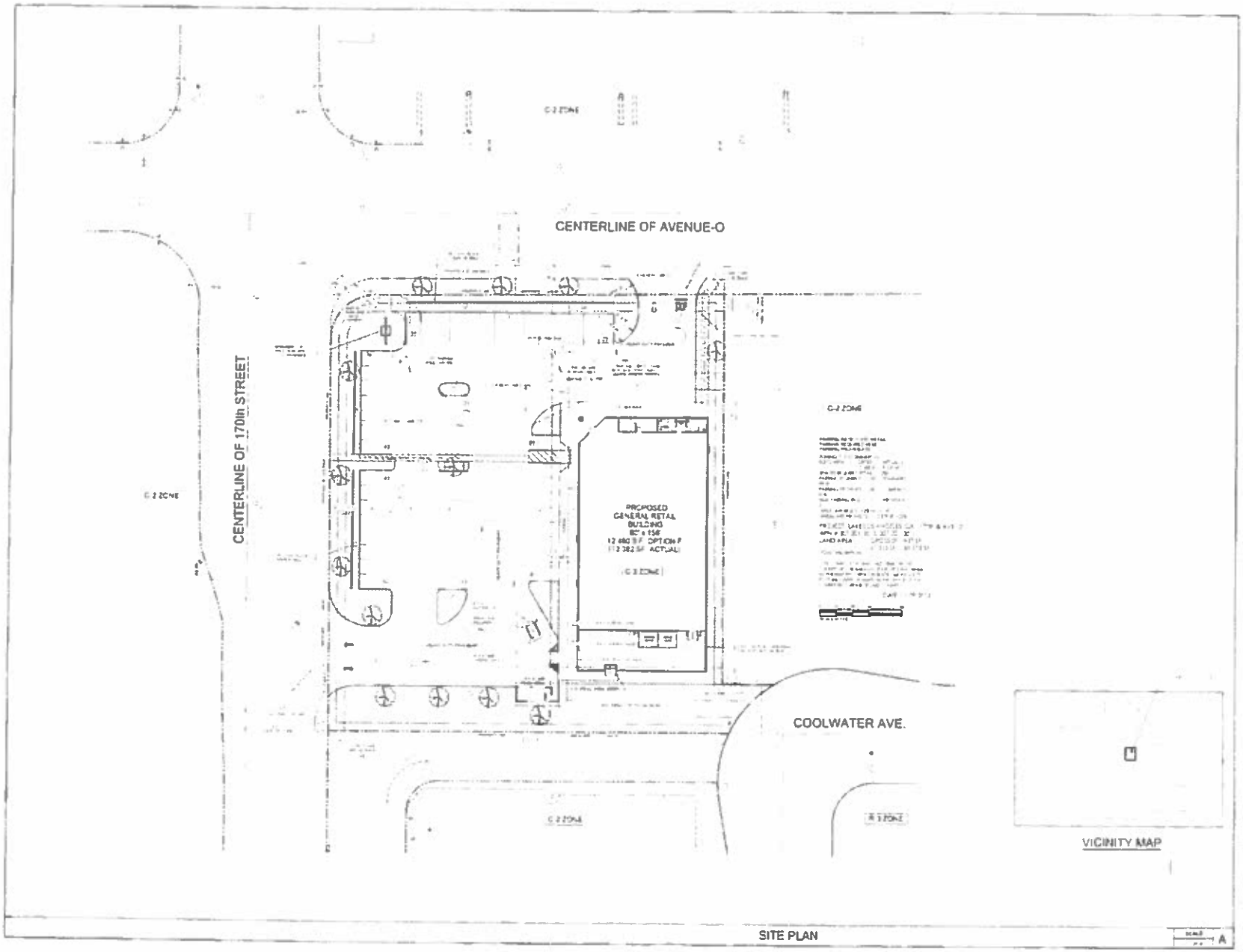
DIVISION # 0010

REGION # 0031

DISTRICT # 0958

NOTE: THE FIXTURE & MERCHANDISE PLAN IS SUBJECT TO CHANGE IF THE STORE DOES NOT FIXTURE WITHIN FOUR (4) WEEKS OF THE LAST ISSUE DATE

STORE PLANNING HOTLINE
(615) 855-5385



SITE PLAN

A1.0

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

October 15, 2014

Steven Rawlings
26023 Jefferson Avenue, Unit B
Murrieta, CA 92562

REGARDING: **PROJECT NO. R2014-00893-(5)**
CONDITIONAL USE PERMIT NO. 201400040
40360 170TH STREET EAST, LAKE LOS ANGELES (APN: 3072-013-033)

The Regional Planning Commission, by its action of **October 15, 2014** 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).

Appeals:

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 **October 29, 2014. Appeals must be delivered in person.**

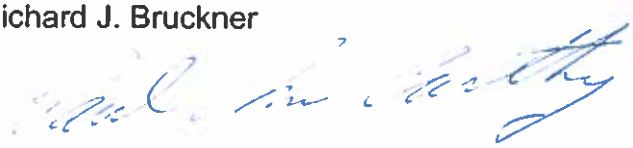
To file an appeal, please contact:
Executive Office of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles, CA 90012
(213) 974-1426

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. 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. 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.

320 West Temple Street • Los Angeles, CA 90012 • 213-974-6411 • Fax: 213-626-0434 • TDD: 213-617-2292

For questions or for additional information, please contact Anthony Curzi of the Zoning Permits North Section at (213) 974-6443, or by email at acurzi@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



Paul McCarthy, Supervising Regional Planner
Zoning Permits North Section

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

PMC:AMC

FINDINGS OF THE REGIONAL PLANNING COMMISSION AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2014-00893-(5)
CONDITIONAL USE PERMIT NO. 201400040

1. The Los Angeles County ("County") Regional Planning Commission ("Commission") conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201400040 ("CUP") on October 15, 2014.

2. The permittee, Dolgen California, LLC ("permittee"), requests the CUP to authorize the sale of alcoholic beverages (beer, wine, and distilled spirits) (ABC Type 21 License) for off-site consumption ("Project") on a property located at 40360 170th Street East in the unincorporated community of Lake Los Angeles ("Project Site") in the C-2 (Neighborhood Business) zone pursuant to Los Angeles County Code ("County Code") section 22.28.160.

3. The Project Site is 1.40 gross acres in size and consists of two legal lots. The Project Site is rectangular in shape with flat topography and is developed with a Dollar General market/grocery store.

4. The Project Site is located in the Antelope Valley East Zoned District and is currently zoned C-2.

5. The Project Site is located within the "C" (Commercial) land use category of the Antelope Valley Areawide General Plan Land Use Policy Map.

6. Surrounding Zoning within a 500-foot radius includes:

   North: C-2, R-A-30,000 (Residential Agricultural – 30,000 Square Foot Minimum Required Lot Area)
   South: C-2
   East: C-2, R-3-20U (Limited Multiple Residence – 20 Units per Acre)
   West: C-2, C-3-DP (Unlimited Commercial – Development Program), R-3-20U

7. Surrounding land uses within a 500-foot radius include:

   North: Grocery store (Saddleback Market), restaurant, public library, hardware store, auto parts store, health clinic, vacant land, single-family residences.
   South: Restaurants, party supply store, vacant land, single-family residences.
   East: Fast food restaurant (Burger Basket), vacant land, utility facility, church.
   West: Vacant land, single-family residences.

8. On March 14, 2014 Plot Plan 201400201 was approved for signs for the Dollar General. On November 19, 2013, Plot Plan 201201053 was approved for the Dollar General building. The Project Site was zoned C-2 on September 5, 1967 by Ordinance No. 9413.

9. The site plan for the Project depicts the rectangular-shaped parcel at the intersection of Avenue O and 170th Street East. The Dollar General market/grocery store is depicted set back from both Avenue O and 170th Street East. Vehicular ingress and egress is provided via two driveways, one each on Avenue O and 170th Street East. A walking path is depicted from 170th Street East to the front door of the building. A parking lot containing 50 parking spaces is located between the building and the streets. Landscaping is depicted along the perimeter fronting both Avenue O and 170th Street East. An 18-foot-by-18-foot trash enclosure is depicted along the southern portion of the property near the loading area.

10. The Project Site is accessible via Avenue O to the north and 170th Street East to the west. Primary access to the Project Site will be via an entrance/exit on 170th Street East. Secondary access to the Project Site will be via an entrance/exit on Avenue O.

11. The Project will provide a total of 50 parking spaces, including two ADA-accessible spaces. The parking lot will be located directly off of Avenue O and 170th Street East. The project will also provide six bicycle parking spaces, including three short-term spaces and three long-term spaces.

12. The County Sheriff's Department submitted correspondence regarding the project. The correspondence stated that since the subject property is a vacant lot, no calls for service exist. However, the Sheriff's Department did provide crime data for four surrounding businesses. A total of 347 calls for service over a five-year period were reported. Most of the calls were for traffic violations, property crimes, and narcotic-related offenses.

13. The State Department of Alcoholic Beverage Control (ABC) submitted a report regarding the project. The report stated that the subject site is located in a high crime reporting district and in a census tract that does not exceed the number of existing alcoholic beverage licenses allowed. There were a total of 756 reported total number of offenses in the reporting district, over the 104, which is the 120 percent of average number of offenses.

14. A duly-noticed public hearing was held on October 15, 2014. Commissioners Valadez, Louie, Shell, Pedersen, and Modugno were present. The applicant's representative, Steven Rawlings, presented testimony in favor of the request, gave a history of Dollar General and its business plan, and answered a question from the Commission regarding the location of the shelf devoted to alcoholic beverages and its proximity to the restroom. Two individuals testified in opposition to the request, citing possible crime and other problems associated with the proposed sales of alcoholic beverages and the presence of other establishments selling alcoholic beverages in the community. There being no further testimony, the Commission closed the public hearing and approved the permit with the revised findings and conditions recommended by staff.

15. 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 a new Dollar General grocery store under construction that was approved with a plot plan.

16. 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.

17. The Commission finds that the project site is compatible within the "C" (Commercial) land use category of the Antelope Valley Plan ("Community Plan"). This Commercial land use designation of the Community Plan is intended for business and retail uses. The proposed sale of beer, wine, and distilled spirits as an accessory use at a new grocery store/market is an activity that occurs in retail establishments and is, therefore, consistent with the permitted uses of the underlying land use category.

18. The Commission finds that the proposed sale of alcoholic beverages will result in a public convenience and necessity as it will provide another location for residents and others to purchase alcoholic beverages for off-site consumption.

19. The Commission finds that Project meets all zoning code as the subject building was previously approved with a plot plan, and meets all setbacks, height requirements, parking requirements, and other development standards.

20. 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 will occur in a commercial structure in an area designated as commercial on the local community land use plan. Alcohol sales are appropriate in commercial areas.

21. 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, fencing, and large tracts of vacant land.

22. The Commission finds that the subject site is adequate in size to accommodate the development standards for the C-2 zone. A plot plan for the Dollar General grocery store/market was approved in 2013.

23. 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 170th Street East and Avenue O. 170th Street East is a 100-foot-wide Highway and Avenue O is also 100 feet wide at the Project site. Two (36- and 35-foot-wide) driveways off of 170th Street East and Avenue O provide access to the subject property.

24. The Commission finds that 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 because those uses are adequately buffered from the establishment by roads and other buildings.

25. The Commission finds that 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 as there are no other establishments within 500 feet that sell alcoholic beverages for either on-site or off-site consumption. The establishment will, nonetheless, be limited to a five percent limitation of shelf space for alcoholic beverages.

26. The Commission finds that 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 as the nearest residential area is to the southeast and it is adequately buffered with streets and vacant land.

27. The Commission finds that requested use at the proposed location will not adversely affect the economic welfare of the surrounding community because the sale of alcohol will occur as an accessory to the sale of groceries and other day-to-day goods. The Dollar General will provide a convenient place for residents and others to purchase beer, wine, and distilled spirits, along with 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 proposed use would occur in a contemporary and attractively designed building. The building contains ample fenestration and articulations in its façade, and its design is appropriate and compatible with the surrounding area.

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 ten (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, newspaper, 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 Lake Los Angeles community. On August 27, 2014, a total of 125 Notices of Public Hearing were mailed to all property owners as identified on the

County Assessor's record within a 1,000-foot radius from the Project Site, as well as 12 notices to those on the courtesy mailing list for the Antelope Valley East 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 Commission'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 North Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION 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 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.

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

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

THEREFORE, THE REGIONAL PLANNING 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. Approves Conditional Use Permit No. 201400040, subject to the attached conditions.

ACTION DATE: October 15, 2014

VOTE: Concurring: Dissenting: Abstaining: Absent, 5:0:0:0
Concurring: Valadez, Shell, Louie, Pedersen, Modugno

Dissenting: 0

Abstaining: 0

Absent: 0

PMC:AMC
October 15, 2014

c: Each Commissioner, Zoning Enforcement, Building and Safety, ABC

CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2014-00893-(5)
CONDITIONAL USE PERMIT NO. 201400040

PROJECT DESCRIPTION

The project is for the sale of alcoholic beverages (ABC Type 21 License: beer, wine, and distilled spirits) from a grocery store/market (Dollar General) for off-site consumption in the C-2 (Neighborhood Business) Zone pursuant to Los Angeles County ("County") Code Section 22.28.160 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 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 October 15, 2024**. 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 two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.

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 **$1,000.00**. 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 **five (5) biennial (one every other year)** 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 said 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.

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 notification 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, **three (3) copies of** a modified Exhibit "A" shall be submitted to Regional Planning by **December 15, 2015**.

18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (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. This grant shall authorize the sale of alcoholic beverages (ABC Type 21 License: beer, wine, and distilled spirits) from a grocery store/market (Dollar General) in the C-2 Zone for off-site consumption.

20. Alcoholic beverages shall be limited to no more than five percent of shelf space in the grocery store/market.

21. This grant authorizes the sale of alcoholic beverages from 6:00 a.m. to 11:00 p.m. daily.

22. 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, Regional Planning Zoning Inspector or State of California Department of Alcoholic Beverage Control ("ABC") agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.

23. 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.

24. The permittee, and all managers and designated employees of the establishment, who are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by ABC. 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 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.

25. 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.

26. The placement of portable signs on the subject property is prohibited.

27. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.

28. 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.

29. No sale of alcoholic beverages shall be made from a drive-thru window.

30. No display of alcoholic beverages shall be made from an ice tub.

31. 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. No alcoholic beverages shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler

32. The licensed premises shall have no coin-operated amusements, such as pool tables, juke boxes, video games, small carousel rides or similar riding machines, with the exception of official State Lottery machines.

33. No alcoholic beverages shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler.

34. There shall be no beer sold in containers under one quart or in less than six-pack quantities. 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. The permittee shall post signs on the coolers and cashier station stating the selling of single containers of beer is prohibited.

35. 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.

36. No malt liquors and/or malt-based products with alcoholic content greater than five percent by volume shall be sold.

37. The permittee shall provide adequate lighting above all entrances and exits to the premises.

38. The permittee shall provide adequate lighting in all parking areas and walkways under control of the permittee or required as a condition of this grant.

39. 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.

40. The sale of fortified wines shall be prohibited.

41. All parking lot and other exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot.