



Los Angeles County  
Department of Regional Planning



*Planning for the Challenges Ahead*

**Amy J. Bodek, AICP**  
Director of Regional Planning

**Dennis Slavin**  
Chief Deputy Director,  
Regional Planning

February 23, 2021

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

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

4 February 23, 2021

CELIA ZAVALA  
EXECUTIVE OFFICER

Dear Supervisors:

**HEARING ON APPEAL OF PROJECT 2019-003550-(4)  
CONDITIONAL USE PERMIT NO. RPPL2019006263  
APPLICANT: MARKET ONE  
HACIENDA HEIGHTS ZONED DISTRICT  
(FOURTH SUPERVISORIAL DISTRICT) (3-VOTES)**

**SUBJECT**

This item is an appeal by Market One related to the Regional Planning Commission's (Commission) approval of Conditional Use Permit (CUP) RPPL2019006263 to authorize the continued sale of a full line of alcoholic beverages for off-site consumption in conjunction with an existing convenience store within the unincorporated community of Hacienda Heights at 16038 E. Gale Avenue. The property is zoned C-1 (Restricted Commercial) and is designated CG (General Commercial) by the Hacienda Heights Community Plan, a component of the Los Angeles County (County) General Plan. The property is developed with an existing commercial complex and the convenience store is in the northeastern-most tenant space of the commercial complex.

This Project was first approved by the County Hearing Officer on August 25, 2020. The CUP included conditions which limited the grant term to 10 years, restricted the size of alcoholic beverage containers that can be sold individually, and limited the sale of alcoholic beverages to the hours of 10:00 a.m. to 10:00 p.m. daily.

On September 4, 2020, Market One appealed the Hearing Officer's decision to include these conditions in the CUP. The Commission held a de-novo public hearing regarding the Project on November 18, 2020, and approved the CUP as it was previously approved by the Hearing Officer, with a revised condition restricting the size of alcoholic beverage containers that can be sold individually.

On November 30, 2020, Market One appealed the Commission's decision to include the revised condition restricting the size of alcoholic beverage containers that can be sold individually and the condition limiting the sale of alcoholic beverages to the hours of 10:00 a.m. to 10:00 p.m. daily.

**IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING,**

1. Indicate its intent to determine that the project is categorically exempt pursuant to Section 15301 of the State California Environmental Quality Act (CEQA) Guidelines, Class 1, Existing Facilities Categorical Exemption; and
2. Indicate its intent to deny the appeal and instruct County Counsel to prepare the necessary findings to affirm the Commission's approval of CUP No. RPPL2019006263.

**PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The existing convenience store is a permitted use but the accessory sale of a full line of alcoholic beverages requires a CUP. The sale of a full line of alcoholic beverages at the convenience store was originally authorized by the approval of CUP 99121 on December 4, 1999. This CUP expired on December 7, 2009. The continued sale of a full line of alcoholic beverages at the convenience store was authorized by the approval of CUP 200900037 on January 20, 2010. This CUP included conditions of approval limiting the grant term to 10 years; prohibiting the individual sale of containers of beer of 16 ounces or less and containers of wine of 750 milliliters or less; and limiting the sale of alcoholic beverages to the hours of 6:00 a.m. to 12:00 a.m. on Mondays through Thursdays, and to the hours of 6:00 a.m. to 1:00 a.m. on Fridays and Saturdays. CUP 200900037 expired on January 20, 2020. The subject CUP application, requesting the continued sale of a full line of alcoholic beverages, was filed on October 31, 2019.

With regard to the condition restricting the size of alcoholic beverage containers that can be sold individually, the Department of Regional Planning (Department) does not object to the minor language modification requested by Market One.

With regard to the condition limiting the sale of alcoholic beverages to the hours of 10 a.m. to 10 p.m. daily, the Department recommends maintaining the language approved by the Commission. California Department of Alcoholic Beverage Control (ABC) records indicate that the property is located within a Census Tract that is overconcentrated with ABC

licenses and within a High Crime Reporting District, as defined and determined by ABC. Pursuant to County Code Section 22.140.030 and California Business and Professions Code Section 23958.4, the County must make a Finding of Public Convenience or Necessity before it approves a CUP for the sale of a full line of alcoholic beverages at this location. In the time since the previous CUP was approved in 2010, the County has obtained increased awareness of, and new knowledge regarding, the negative effects of alcohol sales for off-site consumption, particularly in small convenience stores. Therefore, the public convenience or necessity of allowing customers of the subject convenience store to purchase alcohol together with their regular purchases can only be established between the hours of 10:00 a.m. to 10:00 p.m.

A number of reference materials which document the harmful effects of increased availability of alcohol in communities have already been incorporated into the public record as part of the County's adoption of the Safe Access to Alcohol and Food Establishments (SAAFE) Ordinance in 2017. Aside from these, a study conducted by the U.S. National Library of Medicine at the National Institutes of Health indicate that it is "reasonable to expect that reducing hours of sale (of alcohol) would also reduce alcohol-related harms" (see Exhibit M1 of the Report to the Commission dated November 5, 2020 (Commission Report)). Another study conducted in New Zealand found that drinkers purchasing alcohol at later times had higher odds of consuming six or more drinks on a typical occasion and were more likely to be daily drinkers (see Exhibit M2 of the Commission Report). Consistent with these research findings, one of the recommendations of the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention to reduce alcohol availability to young people was to restrict the hours of the sale of alcohol (see Exhibit M3 of the Commission Report). Furthermore, based on research conducted by the market research firm, NPD Group (See Exhibit M4 of the Commission Report), customers of convenience stores and gas stations are most likely to purchase alcoholic beverages during the evening commute, which they identified as between 4 p.m. and 8 p.m. These materials support that Department's position that the public convenience and necessity of a full line of alcoholic beverage sales at this location can only be established between the hours of 10:00 a.m. to 10:00 p.m.

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

The approval of the CUP supports the County Strategic Plan, Goal II, Foster Vibrant and Resilient Communities. The convenience store is located at the edge of a residential neighborhood and provides area residents with convenient access to grocery items within walking or biking distance to their homes. The accessory sale of a full line of alcoholic beverages for off-site consumption is an integral part of the business model of the convenience store and allows customers to purchase these products along with the other items that they buy at the store.

However, this convenience needs to be balanced with the potential adverse impacts that alcoholic beverage sales can have on a community. The imposition of several conditions

of approval will ensure that there are no adverse effects from the Project on the surrounding neighborhood. Examples of these conditions include the limit of the sale of alcoholic beverages at the site to the hours of 10:00 a.m. to 10:00 p.m. daily and the installation of security cameras both inside and outside the convenience store facing the parking lot.

### **FISCAL IMPACT/FINANCING**

The approval of the CUP should not result in any new significant costs to the County.

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

This Project was first considered by the Hearing Officer on August 25, 2020. The Hearing Officer heard a presentation from staff as well as testimony from the applicant and the applicant's representative. After some discussion, the Hearing Officer closed the public hearing and approved the CUP, which included conditions that limited the grant term to 10 years, restricted the size of alcoholic beverage containers that can be sold individually, and limited the sale of alcoholic beverages to the hours of 10:00 a.m. to 10:00 p.m. daily.

An appeal of the Hearing Officer's decision to include the aforementioned conditions in the CUP was filed by Market One on September 4, 2020. The Commission held a de-novo public hearing regarding the Project on November 18, 2020. The Commission heard a presentation from staff as well as testimony from the applicant and the applicant's representative. After some discussion, the Commission closed the public hearing and approved the CUP as it was previously approved by the Hearing Officer, with a revised condition restricting the size of alcoholic beverage containers that can be sold individually.

This appeal of the Commission's decision was filed by Market One on November 30, 2020. This appeal is limited to the revised condition restricting the size of alcoholic beverage containers that can be sold individually and the condition limiting the sale of alcoholic beverages to the hours of 10:00 a.m. to 10:00 p.m. daily.

### **ENVIRONMENTAL DOCUMENTATION**

The Department determined that the Project qualified for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under CEQA and the County environmental guidelines because this Project is limited to the continued sale of a full line of alcoholic beverages at an existing convenience store. No exterior modifications are being proposed to the existing structures at the site.

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

Approval of the CUP is not anticipated to have a negative impact on current services.

The Honorable Board of Supervisors  
February 23, 2021  
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For further information, please contact Carl Nadela at (213) 974-6435 or [cnadela@planning.lacounty.gov](mailto:cnadela@planning.lacounty.gov).

Respectfully submitted,



AMY J. BODEK, AICP  
Director of Regional Planning

AJB:DD:MG:MM:CN:Im

Attachments:

Findings and Conditions  
Commission Staff Reports and Correspondence

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

K\_CP\_02232021\_HEARING\_ON\_APPEAL\_OF\_PROJECT\_2019\_003550



# Los Angeles County Department of Regional Planning

*Planning for the Challenges Ahead*



**Amy J. Bodek, AICP**  
Director of Regional Planning

**Dennis Slavin**  
Chief Deputy Director,  
Regional Planning

November 18, 2020

Market One  
c/o Charanjit Singh  
16052 E. Gale Ave.  
Hacienda Heights, CA 91745

**PROJECT NO. 2019-003550-(5)**  
**CONDITIONAL USE PERMIT NO. RPPL2019006263**  
**16052 E. GALE AVE., HACIENDA HEIGHTS, CA 91745**  
**APN: 8245-025-015**

The Regional Planning Commission (Commission), by its action of **November 18, 2020**, has **APPROVED** the above-referenced project. Enclosed are the Commission's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Commission's decision. The appeal period for this project will end at 5:00 p.m. on **December 2, 2020**.

**Appeals: To file an appeal, please contact:**  
Executive Office of the Board of Supervisors  
Room 383, Kenneth Hahn Hall of Administration  
500 West Temple Street, Los Angeles, CA 90012  
(213) 974-1426 or [FGaribay@bos.lacounty.gov](mailto:FGaribay@bos.lacounty.gov).

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

Market One  
November 18, 2020  
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In addition, any applicable CEQA fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. A Notice of Exemption, if applicable, may also be filed according to the instructions in the enclosed Affidavit of Acceptance.

For questions or for additional information, please contact Carl Nadela of the Zoning Permits East Section at (213) 974-6435, or by email at [cnadela@planning.lacounty.gov](mailto:cnadela@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,  
AMY J. BODEK, AICP  
Director of Regional Planning



Maria Masis, Supervising Regional Planner  
Zoning Permits East Section

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

MM:CN

**LOS ANGELES COUNTY  
DEPARTMENT OF REGIONAL PLANNING  
FINDINGS OF THE REGIONAL PLANNING COMMISSION  
AND ORDER  
PROJECT NO. 2019-003550-(4)  
CONDITIONAL USE PERMIT NO. RPPL2019006263**

**RECITALS**

1. **HEARING DATE(S).** The Los Angeles County (“County”) Regional Planning Commission (“Commission”) conducted a duly-noticed public hearing on November 18, 2020, in the matter of Project No. 2019-003550-(4), Conditional Use Permit (CUP) No. RPPL2019006263 (“CUP”).
2. **ENTITLEMENT(S) REQUESTED.** The permittee, Market 1 (“permittee”), requests the CUP to authorize the sale of a full line of alcohol for off-site consumption at an existing mini-market in an existing commercial complex (“Project”) on a property located at 16038 E. Gale Ave. in the unincorporated community of Hacienda Heights in the Hacienda Heights Zoned District (“Project Site”) in the C-1 (Restricted Commercial) Zone pursuant to Los Angeles County Code (“County Code”) Section 22.20.030.
3. **PREVIOUS ENTITLEMENT(S).** The sale of a full line of alcohol at the site was first authorized by the approval of CUP 99121 on December 14, 1999. This CUP expired on December 7, 2009. The continuation of the sale of alcohol at the site was authorized by the approval CUP 200900037 on January 20, 2010. This CUP expired on January 20, 2020 and is being replaced by this CUP application.
4. **LAND USE DESIGNATION.** The Project Site is located within the CG (General Commercial) land use category of the Hacienda Heights Community Plan (“Community Plan”), a component of the Los Angeles County General Plan (“General Plan”).
5. **ZONING.** The Project Site is located in the Hacienda Heights Zoned District and is currently zoned C-1. Pursuant to County Code Section 22.20.030, a CUP is required for the sale of alcohol for off-site consumption at the site.
6. **PROJECT AND SITE PLAN DESCRIPTION.**

A. Existing Site Conditions

The Project Site is 1.39 acres in size and consists of one legal lot. The Project Site is mostly trapezoidal in shape with a flat topography and is currently developed with a commercial complex with various office and commercial uses at the site. The subject mini market is located in a tenant space on the eastern portion of the commercial complex.



**B. Site Access**

The Project Site is accessible via Gale Ave. to the north. Primary access to the Project Site is via an ingress/egress driveway to and from Gale Ave. leading to a shared parking lot for the commercial complex. The subject market is accessible through a public entrance/exit on the western side of the tenant space.

**C. Site Plan**

The Site Plan indicates the whole Project Site, with the existing commercial complex covering the southern, western and eastern portions of the lot. It also shows the appurtenant parking spaces located in the middle and the northern portion of the site. The Site Plan also indicates the subject market located in the eastern portion of the commercial complex. The ingress/egress driveway to Gale Ave. to the north is also shown. A separate Floor Plan and Shelf Plan show the interior layout of the market and the shelf space devoted to the display of alcohol at the site.

**D. Parking**

Seventy-four parking spaces are indicated in a shared parking lot for the commercial complex located in the middle portion of the property.

**7. PUBLIC COMMENTS.**

Staff received an email from Scott Martin, President of the Hacienda Heights Improvement Association, dated July 30, 2020, indicating that they see no concerns related to the continuation of alcohol sales at the subject mini-market.

Staff also received additional correspondence from the applicant with an attached petition signed by 200 members of the public in favor of the Project.

**8. AGENCY RECOMMENDATIONS.**

Los Angeles County Sheriff's Department, Industry Station: clearance to public hearing with no conditions in an e-mail dated June 17, 2020.

**9. CEQA DETERMINATION.**

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 is for the sale of alcohol for off-site consumption in conjunction with an existing market, with no modifications proposed to the existing structure at the site.

**GENERAL PLAN CONSISTENCY FINDINGS**

10. **LAND USE POLICY.** The Commission finds that the Project is consistent with the CG (General Commercial) Land Use Designation and the Goals and Policies of the Community Plan because the CG designation is intended for local serving commercial, office and professional businesses, retail and service establishments, categories into which this Project falls.

**11. GOALS AND POLICIES CONSISTENCY FINDINGS.**

The following goals and policies of the General Plan are applicable to the existing Project:

- *Goal LU 5: Vibrant, livable and healthy communities with a mix of land uses, services and amenities.*
- *Policy LU 5.2: Encourage a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs.*
- *Policy LU 5.4: Encourage community-serving uses, such as early care and education facilities, grocery stores, farmers markets, markets, and banks to locate near employment centers.*

A variety of commercial and office uses have been established along Gale Ave., which is a heavily travelled transportation corridor. The existing market and accessory alcohol sales for off-site consumption contribute to the variety and diversity of community-serving uses in the area.

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

While the areas to the north of the Project Site within the City of Industry have been developed with various commercial and office uses, the general neighborhood within the unincorporated areas to the south is still predominantly single-family residential. Thus, it is important to preserve this character and ensure that the commercial uses that locate around this intersection do not have significant adverse impacts on the residential neighborhood.

In addition, a number of reference materials have already been incorporated into the public record as part of the County's adoption of the Safe Access to Alcohol and Food Establishments (SAAFE) Ordinance in 2017, which document the harmful effects of increased availability of alcohol in communities. Aside from these, a study conducted by the US National Library of Medicine at the National Institutes of Health indicated that it is "reasonable to expect that reducing hours of sale (of alcohol) would also reduce alcohol-related harms (see Exhibit M1). Another study conducted in New Zealand found that (alcohol) drinkers purchasing alcohol at later times had higher

odds of consuming 6+ drinks on a typical occasion and were more likely to be daily drinkers (see Exhibit M2). Consistent with these research findings, one of the recommendations of the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice on how to reduce alcohol availability to young people was to restrict the hours of sale of alcohol (see Exhibit M3).

To address these concerns, conditions have been added to the CUP to ensure that the sale of alcohol at the site remains an accessory to the primary use at the site, which is a mini-market. Alcohol display will be limited to only five percent of the total shelf space of the store. Also, to ensure that alcohol is not sold at the site in the early mornings and late nights, staff is proposing to limit the sale of alcohol at the site to the hours of 10:00 am to 10:00 pm only.

With proper operational controls, such as these, the continuation of the sale of a full line of alcohol in conjunction with the existing mini-market can be consistent with the general residential character of the neighborhood. This use has also been operating at the site for more than 20 years with no problems associated with the establishment reported from either Zoning Enforcement or the Sheriff's Department. Thus, with the addition of these operational controls, the project is not expected to result in any adverse effects on the surrounding areas.

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

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

As mentioned above, with proper operational controls, the continuation of the sale of a full-line of alcohol in conjunction with the existing mini market can still maintain the single-family character of the community. The mini-market is small in scale and operation and does not attract a large amount of traffic. It is appropriately set back and buffered from the surrounding residential uses and does not create any significant adverse effects on the surrounding neighborhoods.

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

The subject property has been zoned commercial since 1956. This continuation of the sale of a full-line of alcohol at the existing mini market is consistent with the Community Plan's policy of maintaining and improving existing commercial areas.

## **ZONING CODE CONSISTENCY FINDINGS**

**12. PERMITTED USE IN ZONE.** The Commission finds that the Project is consistent with the C-1 zoning classification as the sale of a full line of alcohol for off-site consumption is permitted in such zone with a CUP pursuant to County Code Section 22.20.030.

**CONDITIONAL USE PERMIT FINDINGS**

13. **The Commission finds that the existing use at the site will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.** There are several similar commercial and office uses in the vicinity of the site and the existing market complements these uses. While most of the parcels along Gale Ave. have been developed with commercial and office uses, the neighborhoods to the immediate south, east and west of the site are still predominantly single-family residential. It is important to preserve this character and ensure that the commercial uses that locate around this area do not have significant adverse impacts on the residential neighborhood. The existing market and commercial complex are sufficiently buffered from the residential areas by the existing structure as it is oriented inwards towards the parking lot in the middle. With proper operational controls, the requested accessory sale of a full-line of alcohol for off-site consumption at the existing market is not expected to result in any adverse impacts on these surrounding areas.
14. **The Commission finds that the existing site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.** The Project Site is 1.39 acres in size and mostly trapezoidal in shape. It is adequate to accommodate the required development standards.
15. **The Commission finds that the existing site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.** The Project Site has access to Gale Ave., a public roadway, and is adequately served by this roadway.
16. The Commission finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the CUP to 10 years.

**SUPPLEMENTAL FINDINGS**

17. **The Commission finds that the requested use at the existing location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.** There are four sensitive uses located within a 600-foot radius of the site, which are three schools and one church. These are sufficiently buffered from the subject market by a number of existing structures, parking lots, public streets, private driveways and landscaped areas.

18. **The Commission finds that the requested use at the existing location is sufficiently buffered in relation to any residential area within the immediate vicinity, so as not to adversely affect said area.** There are some residential neighborhoods in the vicinity of the Project Site, particularly to the immediate south, east and west, that are primarily developed with single-family residences. The existing market and commercial complex are sufficiently buffered from the residential areas by the existing structure itself as it is oriented inwards towards the parking lot in the middle. The requested continued accessory sale of a full-line of alcohol for off-site consumption at the existing market is not expected to result in any adverse impacts on these surrounding areas.
  
19. **The Commission finds that the requested use at the existing location will not adversely affect the economic welfare of the nearby community.** The existing market with the accessory sale of a full-line of alcohol for off-site consumption is compatible with the other commercial and office uses in the vicinity of the site and will be a positive contributor to the general economic activity in the area.
  
20. **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 the neighborhood.** The existing tenant space and commercial complex has been at the site for over 20 years and is consistent with the surrounding commercial, office and institutional uses. The exterior of the building and the landscaping at the site are well maintained and are compatible with the general character of the area. No changes are being proposed to the exterior of the existing structure.
  
21. **The Commission finds that even though the existing sale of alcohol would occur at a site within a high crime reporting district or in an area of undue concentration, pursuant to the California Alcoholic Beverage Control Act and the regulations adopted under that Act, or that the use selling alcoholic beverages for off-site consumption is existing within a 500-foot radius of another use selling alcoholic beverages for off-site consumption, the sale of alcohol at the subject property contributes to the public convenience or necessity.** A review of the website of the California Department of Alcoholic Beverage Control (“ABC”) indicated that one alcohol license for off-site sale is allowed in the Census Tract where the site is located (CT 4086.30) and two such licenses are currently active, including the one owned by the subject market. ABC also indicated that the site is in a High Crime Reporting District (“HCRD”). There are also six other establishments within 500 feet of the site that sell alcohol for either on-site or off-site consumption. However, the public convenience of allowing the market’s customers to purchase alcohol along with other staple items in a market may be considered to allow approval of the CUP.

**ENVIRONMENTAL FINDINGS**

22. The Commission finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15301 (Class 1, Existing Facilities categorical exemption). The Project is for the sale of alcohol for off-site consumption in conjunction with an existing market. No modifications are being proposed to the existing structure at the site.

**ADMINISTRATIVE FINDINGS**

**23. HEARING PROCEEDINGS.**

The Project was first heard by the Hearing Officer on August 25, 2020 through an online video-conferencing meeting. On this date, the Hearing Officer heard presentation from Staff. The applicants and the applicants' representative provided testimony and requested that the sale of alcohol at the site be allowed beyond the hours of 10:00 am to 10:00 pm recommended by Staff. The Hearing Officer indicated that he was not granting the request for extended hours of alcohol sales at the site and provided his reasoning for the decision. The Hearing Officer also instructed Staff to make several minor modifications to the draft Conditions of Approval. The Hearing then closed the public hearing and approved the Project, subject to the attached conditions as modified.

On September 4, 2020, an appeal was received from the applicant appealing Condition No. 38, which restricted the hours of alcohol sales at the site to the hours of 10:00 am to 10:00 pm. The applicant also sought clarification of Condition No. 33, which prohibits the sale of malt beverages in single bottles or containers less than 16 ounces or greater than 750 milliliters or 25.4 ounces. Please see also Exhibit L for details.

The Project and the appeal were heard by the Commission on November 18, 2020. On this date, the Commission heard a presentation from staff as well as testimony from the applicant/appellant. After some discussion, the Commission closed the public hearing, denied the appeal, found that the Project was categorically exempt pursuant to state and local CEQA guidelines and approved the CUP, with minor modifications to Condition No. 33 to further clarify the intent of this condition.

24. **LEGAL NOTIFICATION.** The Commission finds that pursuant to Sections 22.222.150, 22.222.170 and 22.222.180 of the County Code, the community was properly notified of the public hearing by mail, newspaper (La Opinion and San Gabriel Valley Tribune) and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website. On October 8, 2020, a total of 104 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as to those on the courtesy mailing list for the Puente Zoned District and to any additional interested parties.

**25. LOCATION OF DOCUMENTS.** 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 East Section, Department of Regional Planning.

**BASED ON THE FOREGOING, THE COMMISSION CONCLUDES THAT:**

- A. The existing use with the attached conditions will be consistent with the adopted Community Plan and General Plan.
- B. The existing use with the attached conditions at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The existing site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The existing site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.
- E. The existing use with the attached conditions at the site will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius.
- F. The existing use with the attached conditions at the site is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.
- G. With the imposition of a number of conditions, the public convenience for the market selling alcoholic beverages for on-site consumption outweighs the fact that it is located in an area with an over-concentration of alcohol licenses as well as a High Crime Reporting District as determined by ABC.
- H. The existing use with the attached conditions at the site will not adversely affect the economic welfare of the surrounding community.
- I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction

within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

**THEREFORE, THE COMMISSION:**

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15301 (Class 1, Existing Facilities) categorical exemption); and
2. Approves **CONDITIONAL USE PERMIT NO. RPPL2019006263**, subject to the attached conditions.

**ACTION DATE: November 18, 2020**

MM:CN

10/13/2020



**LOS ANGELES COUNTY  
DEPARTMENT OF REGIONAL PLANNING**

**CONDITIONS OF APPROVAL  
PROJECT NO. 2019-003550-(4)  
CONDITIONAL USE PERMIT NO. RPPL2019006263**

**PROJECT DESCRIPTION**

The project is an authorization for the continued sale of a full-line of alcohol for off-site consumption at an existing mini-market, subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term “permittee” shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning (“Regional Planning”) their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Conditions No. 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 22.222.230 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 (10) 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 November 18, 2030.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new conditional use permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30)-day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued sale of alcohol at the site and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these

conditions. No provision of any easement of any other encumbrance on the property shall exempt the permittee and/or property owner from compliance with these conditions and applicable regulations. 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)** inspections. Inspections may be unannounced and may be conducted utilizing any available technologies, including, but not limited to, unmanned aircraft systems (UAS).

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse 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 established by Regional Planning 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 22.238 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works (DPW) 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 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 because of instruction given at the public hearing, a modified Exhibit "A" shall be submitted to Regional Planning within 60 days of the approval date of the permit.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

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

19. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Department of Regional Planning Staff or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein. The manager and all employees of the facility shall be knowledgeable of the conditions herein. Violation of the conditions herein may subject the use to the provisions of County Code Chapter 22.238 (Modifications and Revocations).
20. Loitering, including loitering by employees of the subject property, shall be prohibited on or within the immediate vicinity of the subject property, including adjacent public and private parking lots, public sidewalks, alleys, and other public rights-of-way. Signage in compliance with County Code Chapter 22.114 (Signs) shall be placed on the exterior of the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary. If loitering occurs on a continuous basis, as determined by the County Sheriff, a security guard shall be required during business hours at the discretion of the Director of Regional Planning.
21. All employees who directly serve or are in the practice of selling alcoholic beverages, including managers, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control, or a similar program, such as STAR (Standardized Training for Alcohol Retailers) or another comparable State of California-certified program. All

new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment, such as the lobby, indicated they have participated in this program. Proof of completion of the facility's training program by employees, the licensee, and all managers shall be provided to Zoning Enforcement within 90 days of the effective date of this Conditional Use Permit, and subsequently within 90 days of the hire date of all new employees and/or managers.

22. The permittee and all managers and employees shall not allow the sale of alcoholic beverages to any intoxicated person, any person appearing to be intoxicated, or any person exhibiting behaviors associated with being intoxicated.
23. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property, including windows, walls, fences or similar structures, or within any portion of the interior of any structure that is visible from the outside.
24. No publicly accessible telephones shall be maintained or permitted on the exterior of the premises.
25. Alcoholic beverages shall only be sold or served to patrons age 21 or older.
26. The permittee shall post the telephone numbers of local law enforcement agencies and shall post the telephone numbers of taxicab companies or a sign promoting ridesharing options, at or near the cashier or within a similar public service area. Such telephone numbers shall be visible by, and available to, the public.
27. The permittee shall provide adequate exterior lighting above all entrances and exits to the premises and in all public and private parking lots and walkways under control of the permittee or required as a condition of this grant. All exterior 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 to direct light and glare only onto the premises. All exterior lighting by this grant shall also be hooded and directed away from neighboring residences to prevent direct illumination and glare, shall comply with County Code Chapter 22.80 (Rural Outdoor Lighting District) if applicable, and shall be turned off within thirty minutes after conclusion of activities, except for sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from public and private parking lots.
28. A numbering address sign, in compliance with County Code Chapter 22.114 (Signs), shall be located at the front of the building in a location clearly visible from the property grounds and the nearest public street, to the satisfaction of the Director of Regional Planning.
29. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.

30. The premises, including exterior facades, adjacent public and private parking lots, fences, and adjacent sidewalks, alleys, and other public rights-of-way, shall be maintained in a neat and orderly condition and be free of garbage, trash, debris, or junk and salvage, except in designated trash collection containers and enclosures. All garbage, trash, debris, or junk and salvage shall be collected and disposed of daily.
31. The permittee shall maintain active and functional surveillance recording equipment which captures video recordings of adjacent public and private parking lots, public sidewalks, alleys, and other public rights-of-way on a continuous loop. Recordings shall be retained for a minimum of 30 days and shall be immediately produced upon request of any County Sheriff or Department of Regional Planning Staff.
32. 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.
33. Malt beverages (e.g. beer, ale, stout, and malt liquors) shall not be sold in a single bottle or container less than 750 milliliters or 25.4 ounces. The permittee shall post signs on the coolers and cashier station stating that the selling of single bottles or containers of malt beverages (e.g. beer, ale, stout, and malt liquors) less than 750 milliliters or 25.4 ounces is prohibited. Notwithstanding this condition, malt beverages (e.g. beer, ale, stout, and malt liquors) in single bottles or containers less than 750 milliliters or 25.4 ounces may be sold in manufacturer pre-packaged multi-unit quantities, such as a six-pack of 12-ounce bottles or containers or a three-pack of 24-ounce bottles or containers.
34. There shall be no wine, except for 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.
35. Alcoholic beverages shall not be displayed in an ice tub.
36. The licensed premises shall have no coin operated amusements, such as pool tables, juke boxes, video games, small carousel rides or similar riding machines, except for official State Lottery machines.

**PROJECT SITE-SPECIFIC CONDITIONS**

37. This grant shall authorize the continued sale of a full-line of alcohol for off-site consumption at an existing mini-market.
38. This grant authorizes the sale of alcoholic beverages from 10:00 a.m. to 10:00 p.m. every day. Alcoholic beverage sales shall be prohibited, and all coolers and refrigerators containing alcoholic beverages shall be locked, between 10:00 p.m. and 10:00 a.m. every day.

39. The permittee shall display alcoholic beverages only in the cooler or shelving designated for storage of said beverages as depicted on the "shelf plan" labeled Exhibit 'A'. No additional display of alcoholic beverages shall be provided elsewhere on the premises. The total shelf space devoted to alcoholic beverages shall be limited to no more than five percent of the total shelf space of the market.
40. Security alarms shall be installed inside the store.
41. The placement of portable signs at the site or on sidewalks adjacent to the subject property and temporary signs on walls and poles is prohibited.
42. Temporary window signs shall not exceed 25 percent of the area of any single window or of adjoining windows on the same frontage.
43. Outside storage of trash shall be within an approved trash enclosure.
44. The permittee shall offer a minimum of three varieties of fresh produce free from spoilage and a minimum of two whole grain items for sale on a continuous basis. For purposes of the condition, "fresh produce" shall be defined as any edible portion of a fresh fruit or vegetable, whether offered for sale whole or pre-sliced, and "whole grain items" shall be defined as any food from either:
  - a. A single ingredient product of the seed or fruits of various food plants, such as brown rice, whole oats, quinoa, or barley; or
  - b. A pre-packaged grain product, such as whole wheat bread or whole wheat crackers, in which the word "whole" appears first in the ingredients list of the product.

These products shall be displayed in high-visibility areas meeting one or more of the following criteria, as depicted on the approved floor and shelf plans labeled Exhibit "A":

- a. Within ten feet of the front door;
- b. Within five feet of a cash register;
- c. At eye-level on a shelf or within a cooler, refrigerator, or freezer case;
- d. On an end cap of an aisle; or
- e. Within a display area dedicated to produce that is easily accessible to customers.



# Los Angeles County Department of Regional Planning

*Planning for the Challenges Ahead*



**Amy J. Bodek, AICP**  
Director of Regional Planning

**Dennis Slavin**  
Chief Deputy Director,  
Regional Planning

## **SUPPLEMENTAL REPORT TO THE REGIONAL PLANNING COMMISSION**

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DATE ISSUED: November 17, 2020

HEARING DATE: November 18, 2020                      AGENDA ITEM: 6

PROJECT NUMBER: 2019-003550-(4)

PERMIT NUMBER(S): Conditional Use Permit (CUP) RPPL2019006263

SUPERVISORIAL DISTRICT: 4

PROJECT LOCATION: 16038 E. Gale Ave., Hacienda Heights, CA 91745

OWNER: E and K Investment Hong Kong Corp

APPLICANT: Market 1

CASE PLANNER: Carl Nadela, AICP  
cnadela@planning.lacounty.gov

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### **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:*

**This is an appeal of the Hearing Officer’s approval on August 25, 2020.** The Department of Regional Planning staff (“Staff”) recommends **DENIAL** of the appeal and **APPROVAL** of Project Number 2019-003550-(4), CUP Number RPPL2019006263, based on the Findings (Exhibit C – Findings) contained within this report and subject to the Draft Conditions of Approval (Exhibit D – Conditions of Approval).

Staff recommends the following motion:

**I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING, DENY THE APPEAL, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES AND APPROVE CONDITIONAL USE PERMIT NUMBER RPPL2019006263 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS, AS APPROVED BY THE HEARING OFFICER.**



**Public Comments**

Since the submission of the Staff Report to the Regional Planning Commission on November 5, 2020, Staff has received additional correspondence from the applicant with an attached petition signed by 200 members of the public in favor of the Project. The correspondence and signed petition are attached.

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Report  
Reviewed By:



\_\_\_\_\_  
Maria Masis, AICP, Supervising Regional Planner

Report  
Approved By:



\_\_\_\_\_  
Mitch Glaser, AICP, Assistant Administrator

---

**From:** [Wil Nieves](#)  
**To:** [Carl Nadela](#); [Mari Kernezyan](#)  
**Cc:** [Mitch Glaser](#); [Wilson, Jayme](#)  
**Subject:** Re: 2019-003550-(4) CUP RPPL 2019006263  
**Date:** Tuesday, November 17, 2020 9:24:12 AM  
**Attachments:** [CUP Petition 2020.pdf](#)

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**CAUTION: External Email. Proceed Responsibly.**

Carl,

Greetings....

I've attached a pdf copy of signed petitions from the local Community regarding our position for tomorrow's appeal hearing with the Regional Planning Commission.

Wil Nieves  
Principal Planner, M.U.R.P.  
Nieves and Associates  
Cell 310-634-4553  
[Nievesasoc@aol.com](mailto:Nievesasoc@aol.com)

# PETITION

We, the undersigned state that we are in favor of the renewal of a Conditional Use Permit for off-site sales of full line alcohol by the County of Los Angeles Regional Planning Department and the Planning Commission. The market has been in operation for many years without detriment to the area. The market has relied on the previously approved conditions.

The imposition of changed conditions for reduced hours for alcohol sales significantly reduces the economic viability of the market. The owner's livelihood is at risk without justification since they have a proven track record as a good operator with no harm to the area. Please reinstate the previously approved hours of operation to Charinjit Singh and Mandeep Kaur, owners of "Market One" located at 16052 Gale Avenue, Hacienda Heights, CA 91745.

It is our understanding that the market would like to remain open with the previously approved hours of operation which included alcohol sales from 6:00 AM until 12:00 AM Midnight Monday through Thursday and until 1:00 AM on Friday and Saturday for the enjoyment and convenience of the surrounding community.

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE AND/OR E-MAIL</u>
1) Leo Knipf	1426 Barford Ave #H	626 333-3340
2) Anthony Nunez	1338 Lancewood W #H	626 217574
3) SEVEN SANCHEZ	1614 DENLEY ST. H.H.	626 3414159
4) IVAN MACAM	(714) 293-4077	
5) Art Hill	2309 CHERYONE WAY H.C.	626-32-1028
6) JOSE L. CORONADO	626-977-0622	
7) Sergio Mejia	714 770 6329	
8) Maud Pedraza	1415 FINNEY AVE	626 362-4849
9) Evangelina Martinez	(626) 226-6524	
10) Julian Martinez	1430 Lyndhurst	(626) 602-6731
11) Anna Mendez	2525 Cranbury Ln Hacienda Heights	626 374 5418
12) MARIKU FOX		909 282 6696
13) Lorenzo Avila	Murillo	(626) 638 2624
14) Wyatt Martinez		(626) 664-1890
15) CAM LAMARCO	(323) 899-9228	
16) Mickey Hernandez	(562) 399-3718	
17) Yalemor Ruiz	(626) 925 9162	
18) Manuel Martinez	909 964 6898	
19) Alfonso Aquino	(626) 620 2718	
20) Janny Pastor	341-9807	
21) MARCELO ANTONIO ZELAYA	14715 FAIRBURY ST - HACIENDA HEIGHTS	
22) Jasmin Padilla	1430 N. CIRRUS AVE	626 392 0332
23) Nancy Pena	6022 Gale Ave	626 820 8453
24) Juan Rivas	16120 Denley St	626-109-8332
25) Rigo Casillas	1480 Forest Glen Dr Hacienda HTS	(626) 771-5050

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<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE AND/OR E-MAIL</u>
26) Maria Reyes	16022 Fulger St Hacienda Hts. CA 91745	562 6745255
27) Marco Lopez	1114 TORRES W. Canyon	(626) 475-55-53
28) Peter	16034 Gale Ave Hacienda Hts	(626) 9682279
29) M. Hobson	12205 Remington St PAC.	818-700-0880
30) L. Hobson	1620 N. Long Beach BLVD Compton	310-3236744
31) Danny	1102 Granddell AVE	626 421-2736
32) Mandeep Kaur	15450 BENWAY ST HILLS	626 541-2836
33) Gladys Gomez	16043 Fulger St Hacienda Hts CA 91745	(626) 3697097
34) Patrick Miranda	1025 N. OXFORD AVE LA CA 90029	(323) 3272897
35) RAY TILX	16008 GALE AVE CA 91745	626 923-4072
36) WILMAR TEJEIRA	16800 GALE AVE CA 91745	626 2061580
37) Abraham Albu	10127 Shadybent DR CA 91745	714-727-7230
38) Hector Garcia	1703 MATCHLER	626 4859405
39) Micaela Hernandez	8243 Gardendel Downey	562-399-3718
40) David Ruiz	307 Common Ave La Puente CA 91747	626-510-0414
41) Armand Inoué	562577 6981 Hacienda Hts CA 91745	
42) Andy Guzman	17800 Colima CA Rowland Hts CA 91748	
43) Marco Salgado		626 3257 1671
44) A Villan		(626) 773-6662
45) Phil Ruiz		626-329-8582
46) Yleana Vizcarra		(626) 993-1275
47) Angelica Gonzalez		(626) 827-3058
48) Sofia Vizcarra		626-271-1451
49) Michoy Hernandez	567 399 3718	
50) Diana Sanchez	323 278 3730	

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<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE AND/OR E-MAIL</u>
51) <u>Hilary Arteaga</u>	<u>17140 Ector</u>	<u>760) 604-2198</u>
52) <u>JOSE L. Carreras</u>		<u>626-9770627</u>
53) <u>Freida Thompson</u>		<u>626 364-4878</u>
54) <u>Ronald Salas</u>		<u>(626) 422-8911</u>
55) <u>Ricardo Ramirez Valde</u>		<u>(714) 7197624</u>
56) <u>CHEN CHEN</u>		<u>626-498-5759</u>
57) <u>AMAPOR CASTILLO</u>		<u>626-525-2828</u>
58) <u>Juan Cruz</u>		<u>(626) 217-8337</u>
59) <u>Vicente Lopez</u>		<u>626-255-9710</u>
60) <u>Samuel Aguilar</u>		<u>626 391-6225</u>
61) <u>Jenny Schlar</u>		<u>323 909 3153330</u>
62) <u>Maria Rivera</u>		<u>626 393 9536</u>
63) <u>Yanira Ruiz</u>		<u>626-315-2014</u>
64) <u>Rafael Jimenez</u>		<u>626-966-5586</u>
65) <u>Ronald Jimenez</u>		<u>626 255 9710</u>
66) <u>Ricardo Solis</u>		<u>(626) 465-5353</u>
67) <u>Alonso Toranzo</u>		<u>(626) 538-5898</u>
68) <u>Ricardo Gutierrez</u>		<u>323 570 6608</u>
69) <u>Leiza Roldo</u>		<u>(562) 336 6502</u>
70) <u>Judy</u>		<u>(626) 333 8607</u>
71) <u>Scott Muth</u>		<u>(626) 392-8207</u>
72) <u>[Signature]</u>		<u>626-465-5857</u>
73) <u>Jess</u>		<u>626 652 1102</u>
74) <u>[Signature]</u>		<u>626 369 7269</u>
75) <u>Mario Selgado</u>		<u>626 443 1133</u>

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	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE AND/OR E-MAIL</u>
76)	Rolando Vargas		(714) 656-6076
77)	Paul Gomez		(626) 905-2306
78)	Edgar Diaz		626 242 8283
79)	Diane Herrera		626-780 4581
80)	JUAN RAMIREZ		562 688 7090
81)	Vericity Martinez		(714) 548-0495
82)	Amy Diaz P		626-627-1452
83)	Jessica		(29) 674-1339
84)	Raulo Sotomayor		626 281 9488
85)	Patrick Miranda		323 570 6608
86)	MANUEL PEDROZA III		(323) 327 2897
87)	Alan Nguyen		626 536 1762
88)			(657) 206 9248
89)			(626) 715, 4912
90)			6
91)	John Lee La Torre		626-241-8322
92)	Nancy Mameter		626-336-1082
93)	Jose		626-652-1102
94)	Efrain Ramos		(424) 220-0266
95)	Andy Pany		909-569-4763
96)	Fernando Aguilera		626-688-9595
97)	Jesse Lubrick		909 545-0344
98)	SCOTT MONAHAN		(323) 690-9734
99)			(626) 310-5202
100)	Isabel Jimenez		

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	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE AND/OR E-MAIL</u>
101)	SCOTT MONAHAN		(323) 690-9734
102)	MIGUEL CISNEROS		(818) 857-0976
103)	Luis MARTINEZ		(626) 602-6731
104)	Abraham sanchez		623) 712-5088
105)	Jessica Vizcaino	1503 hinnen Ave	(626) 393-1275
106)	Ohman Gavage	1408 charlemont Ave	(626) 494-2712
107)	Jofia Vizcaino	1977 W. Walnut Creek	(626) 393-9171
108)	Angelica Vizcaino	1977 E. Walnut Creek	(626) 371-7491
109)	Abraham Alva	1627 Shadyland	(714) 727-7230
110)	Jose Sanchez	1211 charlemont ave	(323) 894-8140
111)	Alejandra		(323) 894-8954
112)	EDUARDO J	10222 CHARLEMONA AV 8	(323) 320-0738
113)	Alfonso		6-ck 362-6524
114)	Pamela	(2)	2 382-9515
115)	Fernando R		323 696-6760
116)	Jose		323 810-6472
117)	Dylan D		(626) 695-2598
118)	Sebastian J		(951) 235-3974
119)	Jephany P		562-884-5103
120)	Brian Flores		562-341-2211
121)	Jose		909 545-0344
122)	Richard Cruff		562 330 6221
123)	OSCAR ABELINE		323-670-1260
124)	Cerihna Lopez		626-522-6846
125)	Ricardo Lopez		626 209 3206

## PETITION

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	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE AND/OR E-MAIL</u>
126)	Gabriel Molina	918 Duff Ave	Gabe.2324@yahoo.com
127)	Danny Patten	16006 Gale Ave	626-341-0807
128)	Saraswati K. Kumar		626-652-1102
129)	MAISSA RODRIGUEZ	11618 Binney St	(626) 435-4694
130)	Walter Curry	116182 Binney St	(626) 407-6960
131)	ANEAL Shorts	6179-24A AVE	626-854-4582
132)	Janett Jimenez	Cherokee	(626) 324-3218
133)	Marilyn Rojas	6239 Corona Ave.	323) 560-4992
134)	Brenda Reyna		(626) 781-3904
135)	Manuel Pedrosa	6241	626 536 1762
136)	Amanda Ambriz	11029 EVINE	(626) 731-0200
137)	Armando J Ambriz		(626) 626 1809
138)	Armando Ambriz Jr		(626) 435-7490
139)	Lisa Fisher		626 483 1592
140)	marco Salgado		626 493 9633
141)	bonessa Lopez		626-3846173
142)	Juan cruz	420 Deepmead AV.	(626) 217-8337
143)	PRIK Saldana		(626) 725-5634
144)	Michelle Ingard		(626) 418-9957
145)	Germain Tejeda		(626) 715-4747
146)	JOHN DOUGHI		(626) 111-2322
147)	JOSEPH DE LA VERA		626 311 6231
148)	Valerie Lopez		(626) 638-2780
149)	Virginia Lopez		(626) 500-3400
150)	Carlos Aguilar		(626) 734 2502



# PETITION

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	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE AND/OR E-MAIL</u>
151)	JAMES ALMON		626 336-2143
152)	Searn Reyes		626-411-8965
153)	OSCAR VASQUEZ		626) 636-8616
154)	Alejandro H.		(626) 4-88-97-85
155)	JESUS HERRANDEZ		523 353-6918
156)	<del>John</del>		626) 941-4762
157)	Edgar		626 393 89 97
158)	ART		(562) 375-2103
159)	Juan Luis	1200 Raymond Av	(626) 277-8337
160)	RW Sullivan		626 715-1177
161)	John Douglas		626 411 2222
162)	FRANK JOSEMA		626 333-9557
163)	JOSE SANCHEZ		(323) 278-3739
164)	JUANA SANCHEZ		(823) 278-3739
165)	ADAM DELAET		(626) 875-7887
166)	PEI JIMENEZ		626 777-2905
167)	Aaron Rodriguez		(626) 362 2389
168)	MICHAEL GRANIN		562 318-9657
169)	Armedio Lopez		626 38 0909
170)	Veronica Orellana		676-628 2127
171)	Juan Ramos	16120 Denby St	626 309 8332
172)	JOSE TORIBIO		(626) 223-0405
173)	Ruben Carrillo		626 33696857
174)	NICOLE LOUVEL	P.O. Box 5453	(626) 806-4068
175)	Juan Chavez	113 Calhoun St. 12pm	562 691 1620

# PETITION

We, the undersigned state that we are in favor of the renewal of a Conditional Use Permit for off-site sales of full line alcohol by the County of Los Angeles Regional Planning Department and the Planning Commission. The market has been in operation for many years without detriment to the area. The market has relied on the previously approved conditions.

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	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE AND/OR E-MAIL</u>
176)	Maria Lina	3359 Harold	626 8934406
177)	<del>Deborah S</del>		(323) 535-3684
178)	Delfino Castellano		562-6911680
179)	<del>Debra Clark</del>		<del>562</del> 562-6911680
180)	MARCO PEREZ		424-370-4197
181)	Ricardo Gutierrez		323 5706608
182)	Robert Lewis		626 255 9710
183)			626 255 9710
184)	Ricardo Solis		626-466-7013
185)	Jorge Romero		626-777 3977
186)	JULIO VALLADARES		626) 536 6450
187)	Tommy Salazar		909 571 4023
188)	Angela H. Martinez		909 571 4923
189)	Reynaldo Martinez	15815 Clarkgrove St	(773) 916-0792
190)	Isaac Meraz	15815 Clarkgrove St	(773) 916-0773
191)	Enrique Rosales Sr	15821 Clarkgrove St	(562) 781-3848
192)	Jimmy Ricardo		626 500 3869
193)	Paul Gomez		(626) 905-2808
194)	PANCIANO ELEGINA II		(626) 372-1365
195)	zheng Chang Cao		(626) 202-7883
196)	Jerry Dillard		(562) 205-5164
197)	Shea Jack		714 342 1501
198)	Roben Gwella		562 351-0168
199)	Tommas Romero		626 533 8024
200)	Martena Calleja		626 330 1520



# Los Angeles County Department of Regional Planning

*Planning for the Challenges Ahead*



**Amy J. Bodek, AICP**  
Director of Regional Planning

**Dennis Slavin**  
Chief Deputy Director,  
Regional Planning

## REPORT TO THE REGIONAL PLANNING COMMISSION

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DATE ISSUED: November 5, 2020

HEARING DATE: November 18, 2020                      AGENDA ITEM: 6

PROJECT NUMBER: 2019-003550-(4)

PERMIT NUMBER(S): Conditional Use Permit (CUP) RPPL2019006263

SUPERVISORIAL DISTRICT: 4

PROJECT LOCATION: 16038 E. Gale Ave., Hacienda Heights, CA 91745

OWNER: E and K Investment Hong Kong Corp

APPLICANT: Market 1

CASE PLANNER: Carl Nadela, AICP  
cnadela@planning.lacounty.gov

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### **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:*

**This is an appeal of the Hearing Officer’s approval on August 25, 2020.** The Department of Regional Planning staff (“Staff”) recommends **DENIAL** of the appeal and **APPROVAL** of Project Number 2019-003550-(4), CUP Number RPPL2019006263, based on the Findings (Exhibit C – Findings) contained within this report and subject to the Draft Conditions of Approval (Exhibit D – Conditions of Approval).

Staff recommends the following motion:

**I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING, DENY THE APPEAL, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES AND APPROVE CONDITIONAL USE PERMIT NUMBER RPPL2019006263 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS, AS APPROVED BY THE HEARING OFFICER.**

**PROJECT DESCRIPTION**

**A. Entitlement(s) Requested**

- CUP to authorize the continued sale of a full-line of alcohol for off-site consumption in conjunction with an existing market in the C-1 (Restricted Commercial) Zone pursuant to County Code Section 22.20.030.

**B. Project**

The Project is the continued sale of a full line of alcohol for off-site consumption at an existing market. No physical improvements or additional development is proposed.

**C. Project Background**

The Project is the continued sale of a full line of alcohol for off-site consumption at an existing market. The sale of a full line of alcohol at the site was first authorized by the approval of CUP 99121 on December 14, 1999. This CUP expired on December 7, 2009. The continuation of the sale of alcohol at the site was authorized by the approval CUP 200900037 on January 20, 2010. This CUP expired on January 20, 2020 and is being replaced by this CUP application.

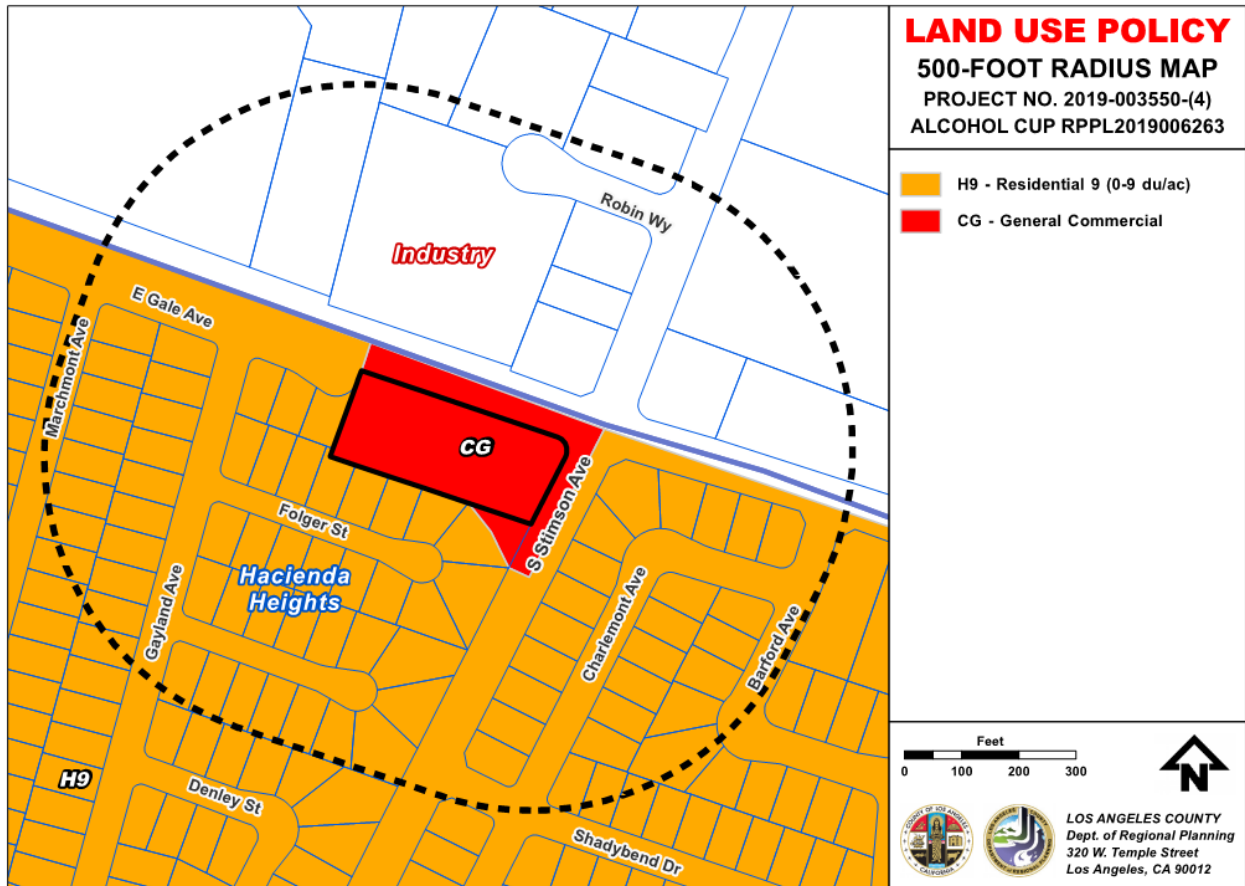
The Project was first heard by the Hearing Officer on August 25, 2020 through an online video-conferencing meeting. On this date, the Hearing Officer heard presentation from Staff. The applicants and the applicants' representative provided testimony and requested that the sale of alcohol at the site be allowed beyond the hours of 10:00 am to 10:00 pm, as recommended by Staff. The Hearing Officer indicated that he was not granting the request for extended hours of alcohol sales at the site and provided his reasoning for the decision. The Hearing Officer also instructed Staff to make a number of minor modifications to the draft Conditions of Approval. The Hearing Officer then closed the public hearing and approved the Project, subject to the attached conditions as modified.

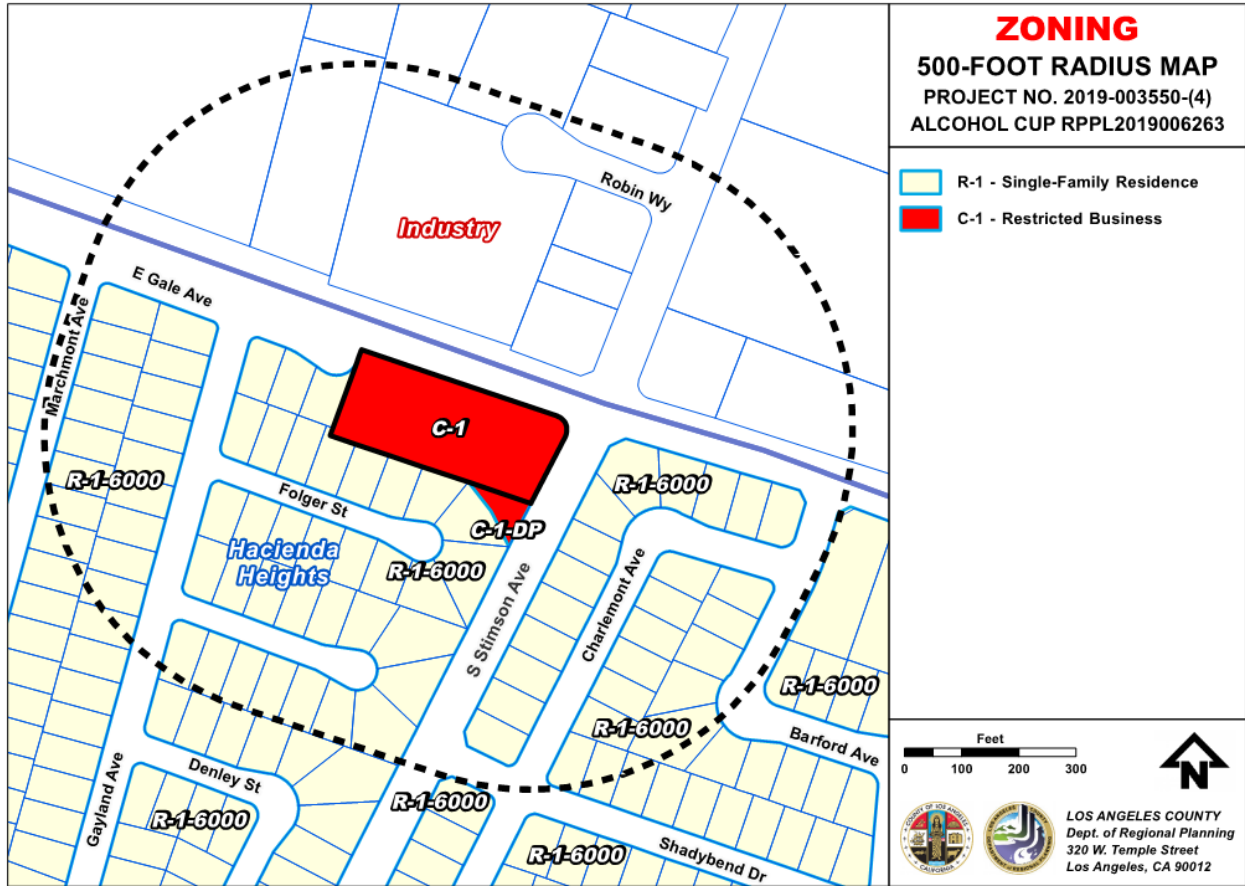
On September 4, 2020, an appeal was received from the applicant appealing Condition No. 38, which restricted the hours of alcohol sales at the site to the hours of 10:00 am to 10:00 pm. The applicant also sought clarification of Condition No. 33, which prohibits the sale of malt beverages in single bottles or containers less than 16 ounces or greater than 750 milliliters or 25.4 ounces. Please see also Exhibit L for details.

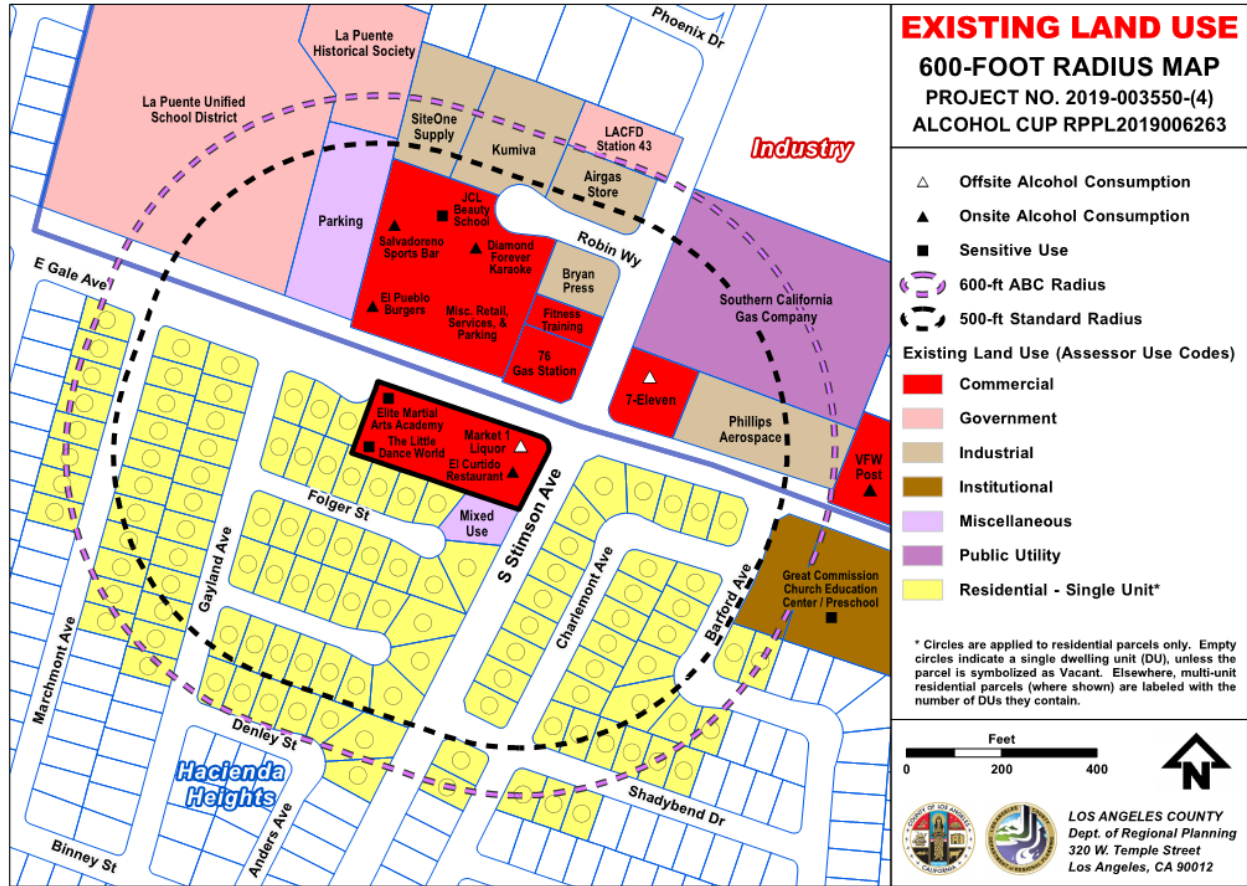
**SUBJECT PROPERTY AND SURROUNDINGS**

The following chart provides property data within a 500-foot radius:

LOCATION	LAND USE POLICY	ZONING	EXISTING USES
SUBJECT PROPERTY	CG (General Commercial)	C-1	Various commercial uses in a strip mall
NORTH	City of Industry	City of Industry	Various commercial uses
EAST	H9 (Residential 9)	R-1-6000 (Single-Family Residence with a Minimum Lot Size of 6,000 square feet)	Single-family residences
SOUTH	H9	R-1-6000	Single-family residences
WEST	H9	R-1-6000	Single-family residences







**PROPERTY HISTORY**

**A. Zoning History**

ORDINANCE NO.	ZONING	DATE OF ADOPTION
5122	A-1-10000	5/25/1948
6629	R-1-6000	2/8/1955
6894	C-1	3/13/1956
201000004z	C-1	5/24/2011

**B. Previous Cases**

CASE NO.	REQUEST	DATE OF ACTION
Plot Plan (PP) 15907	Development of commercial center	1/25/1985
CUP 99121	Sale of full-line of alcohol at existing mini-market	12/14/1999
CUP 200900037	Continued sale of full-line of alcohol for off-site consumption at existing mini-market	1/20/2010

## C. Violations

Zoning Violations on record are not related to the subject use under review.

## ANALYSIS

### A. Land Use Compatibility

The Project Site is located within the CG (General Commercial) land use category of the Hacienda Heights Community Plan (“Community Plan”), a component of the Los Angeles Countywide General Plan (“General Plan”). This designation is intended for local serving commercial, office and professional businesses, retail and service establishments. The proposed continued sale of a full-line of alcohol for off-site consumption at an existing mini-market is consistent with this designation.

The following goals and policies of the General Plan are applicable to the proposed Project:

- *Goal LU 5: Vibrant, livable and healthy communities with a mix of land uses, services and amenities.*
- *Policy LU 5.2: Encourage a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs.*
- *Policy LU 5.4: Encourage community-serving uses, such as early care and education facilities, grocery stores, farmers markets, markets, and banks to locate near employment centers.*

A variety of commercial and office uses have been established along Gale Ave., which is a heavily travelled transportation corridor. The existing market and accessory alcohol sales for off-site consumption contribute to the variety and diversity of community-serving uses in the area.

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

While the areas to the north of the Project Site within the City of Industry have been developed with various commercial and office uses, the general neighborhood within the unincorporated areas to the south is still predominantly single-family residential. Thus, it is important to preserve this character and ensure that the commercial uses that locate around this intersection do not have significant adverse impacts on the residential neighborhood.

In addition, a number of reference materials have already been incorporated into the public record as part of the County’s adoption of the Safe Access to Alcohol and Food Establishments (SAAFE) Ordinance in 2017, which document the harmful effects of



increased availability of alcohol in communities. Aside from these, a study conducted by the US National Library of Medicine at the National Institutes of Health indicated that it is “reasonable to expect that reducing hours of sale (of alcohol) would also reduce alcohol-related harms (see Exhibit M1). Another study conducted in New Zealand found that (alcohol) drinkers purchasing alcohol at later times had higher odds of consuming 6+ drinks on a typical occasion and were more likely to be daily drinkers (see Exhibit M2). Consistent with these research findings, one of the recommendations of the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice on how to reduce alcohol availability to young people was to restrict the hours of sale of alcohol (see Exhibit M3).

To address these concerns, conditions have been added to the CUP to ensure that the sale of alcohol at the site remains an accessory to the primary use at the site, which is a mini-market. Alcohol display will be limited to only 5 percent of the total shelf space of the store. Also, to ensure that alcohol is not sold at the site in the early mornings and late nights, staff is proposing to limit the sale of alcohol at the site to the hours of 10:00 am to 10:00 pm only.

With proper operational controls, such as these, the continuation of the sale of a full line of alcohol in conjunction with the existing mini-market can be consistent with the general residential character of the neighborhood. This use has also been operating at the site for more than 20 years with no problems associated with the establishment reported from either Zoning Enforcement or the Sheriff’s Department. Thus, with the addition of these operational controls, the project is not expected to result in any adverse effects on the surrounding areas.

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

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

As mentioned above, with proper operational controls, the continuation of the sale of a full-line of alcohol in conjunction with the existing mini-market can still maintain the single-family character of the community. The mini-market is small in scale and operation and does not attract a large amount of traffic. It is appropriately set back and buffered from the surrounding residential uses and does not create any significant adverse effects on the surrounding neighborhoods.

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

The subject property has been zoned commercial since 1956. This continuation of the sale of a full-line of alcohol at the existing mini-market is consistent with the Community Plan’s policy of maintaining and improving existing commercial areas.

**B. Neighborhood Impact (Need/Convenience Assessment)**

The proposed Project is for the continuation of the sale of a full line of alcohol for off-site consumption at an existing mini-market. Surrounding land uses consist primarily of low-intensity commercial uses and single-family residences. With adequate operational controls, the mini-market with the sale of a full line of alcohol for off-site consumption can be consistent with the general character of the neighborhood. It has been operating as is for more than 20 years with no problems reported regarding the operation of the establishment.

According to a document received from the California Department of Alcoholic Beverage Control (ABC), the Project Site is located in a Census Tract overconcentrated with alcohol licenses as only one off-sale license is allowed by ABC in the Census Tract, while two such licenses currently exist. The subject mini-market currently owns one of the two active off-sale alcohol licenses in the Census Tract and will continue to operate under such license. Furthermore, ABC records also indicate that the premises are located within a High Crime Reporting District as defined and determined by ABC. Because of this, pursuant to County Code Section 22.140.030, a Finding of Public Convenience or Necessity is required before the CUP can be approved.

The subject mini-market has been operating and continually selling a full-line of alcohol at the site for more than 20 years, the public convenience and necessity of allowing the market to continue offering the same service to its customers may be considered in approving such a request. However, based on research conducted by the market research firm, NPD Group (See Exhibit M4), customers of convenience stores are most likely to purchase alcoholic beverages during the evening commute, which they identified as 4:00 to 8:00 pm. Because of this, staff believes that the public convenience and necessity of selling beer and wine at the site can only be reasonably established for the hours of 10:00 am to 10:00 pm.

**C. Design Compatibility**

Pursuant to Section 22.20.050 of the County Code, the Project Site is subject to the development standards of the C-1 Zone. The existing commercial building was built in 1986 through a ministerial approval (PP 15907) that determined its compliance with the development standards required by Title 22 at that time. The Project does not include any proposed physical development, whether in the interior of the subject tenant space or exterior of the existing commercial building.

**GENERAL PLAN/COMMUNITY PLAN CONSISTENCY**

The Project is consistent with applicable goals and policies of the General Plan and Community Plan. Consistency findings can be found in the attached Findings (Exhibit C – Findings).

**ZONING ORDINANCE CONSISTENCY**

The proposed Project complies with all applicable zoning requirements. Consistency findings can be found in the attached Findings (Exhibit C – Findings).

**BURDEN OF PROOF**

The applicant is required to substantiate all facts identified by Sections 22.158.050 and 22.140.030 of the County Code. The Burden of Proof with applicant's responses is attached (Exhibit E – Applicant's Burden of Proof). Staff is of the opinion that the applicant has met the burden of proof.

**ENVIRONMENTAL ANALYSIS**

Staff recommends that this Project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The Project is for the continued sale of a full line of alcohol for off-site consumption at an existing market. Therefore, staff recommends that the Hearing Officer determine that the Project is categorically exempt from CEQA. An environmental determination (Exhibit F – Environmental Determination) was issued for the Project.

**COMMENTS RECEIVED**

**A. County Department Comments and Recommendations**

The Sheriff's Department, Industry Station, in an email dated June 17, 2020, indicated that they have nothing significant on record to provide any negative feedback about the site or the Project.

**B. Other Agency Comments and Recommendations**

The California Alcoholic Beverage Control, in an email dated January 23, 2020, provided information that indicated that the Project Site is located in a Census Tract overconcentrated with alcohol licenses and in a High Crime Reporting District.

**C. Public Comments**

Staff received an email from Scott Martin, President of the Hacienda Heights Improvement Association, dated July 30, 2020, indicating that they see no concerns related to the continuation of alcohol sales at the subject mini-market.

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Report  
Reviewed By:   
Maria Masis, AICP, Supervising Regional Planner

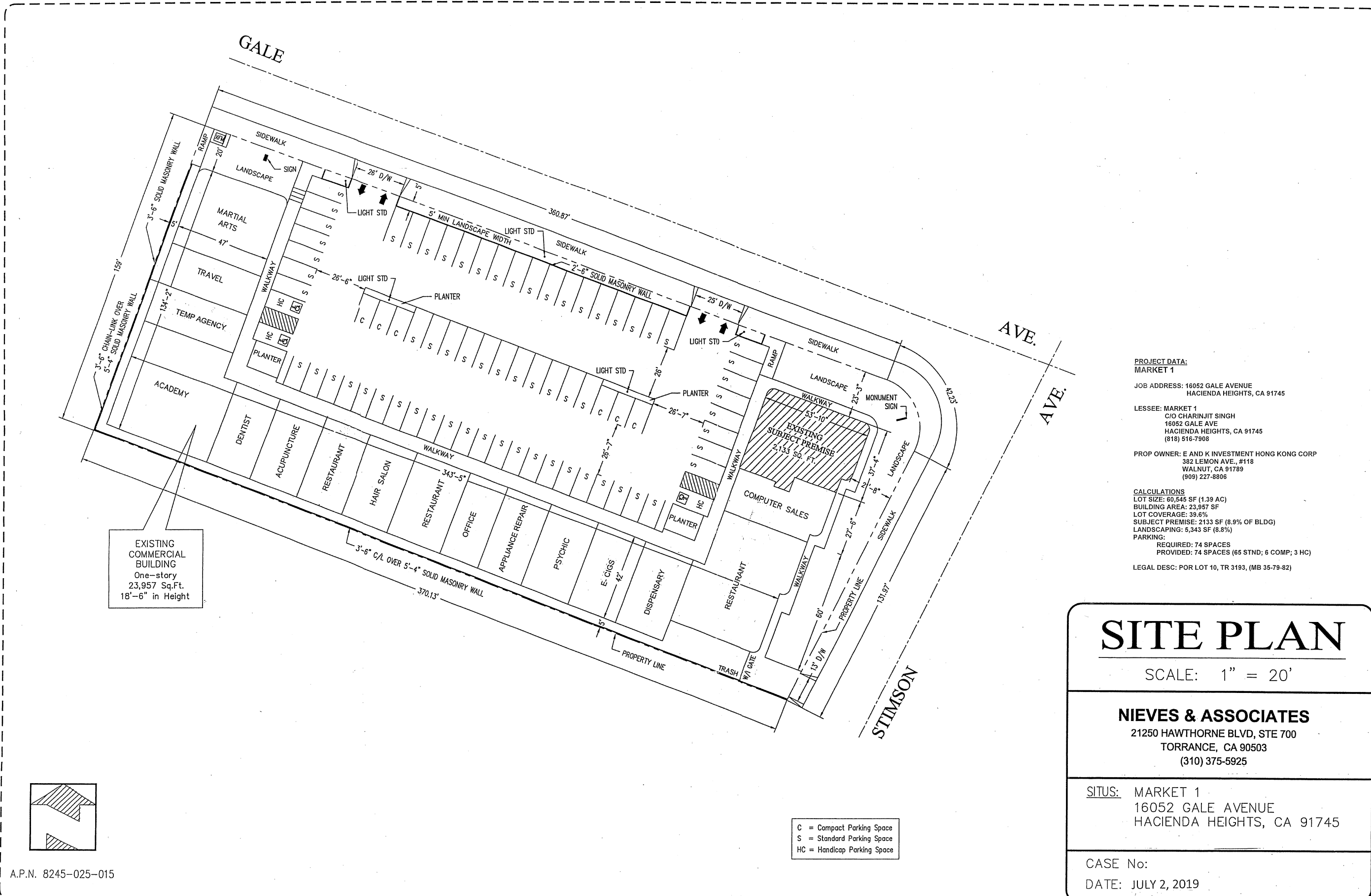
Report  
Approved By:   
Mitch Glaser, AICP, Assistant Administrator

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LIST OF ATTACHED EXHIBITS	
EXHIBIT A	Plans
EXHIBIT B	Project Summary Sheet
EXHIBIT C	Findings
EXHIBIT D	Conditions of Approval
EXHIBIT E	Applicant's Burden of Proof
EXHIBIT F	Environmental Determination
EXHIBIT G	Informational Maps
EXHIBIT H	Photos
EXHIBIT I	Agency Correspondence
EXHIBIT J	Public Correspondence
EXHIBIT K	Previous Findings and Conditions (CUP 200900037)
EXHIBIT L	Appeal of HO Approval dated September 4, 2020
EXHIBITS M1 to M4	Reference Documents

# EXHIBIT A

## *Site Plans*



EXISTING COMMERCIAL BUILDING  
 One-story  
 23,957 Sq.Ft.  
 18'-6" in Height

**PROJECT DATA:**  
 MARKET 1  
 JOB ADDRESS: 16052 GALE AVENUE  
 HACIENDA HEIGHTS, CA 91745  
 LESSEE: MARKET 1  
 C/O CHARINJIT SINGH  
 16052 GALE AVE  
 HACIENDA HEIGHTS, CA 91745  
 (818) 516-7908  
 PROP OWNER: E AND K INVESTMENT HONG KONG CORP  
 382 LEMON AVE., #118  
 WALNUT, CA 91789  
 (909) 227-8806  
 CALCULATIONS  
 LOT SIZE: 60,845 SF (1.39 AC)  
 BUILDING AREA: 23,957 SF  
 LOT COVERAGE: 39.6%  
 SUBJECT PREMISE: 2,133 SF (8.9% OF BLDG)  
 LANDSCAPING: 5,343 SF (8.8%)  
 PARKING:  
 REQUIRED: 74 SPACES  
 PROVIDED: 74 SPACES (65 STND; 6 COMP; 3 HC)  
 LEGAL DESC: POR LOT 10, TR 3193, (MB 35-79-82)

# SITE PLAN

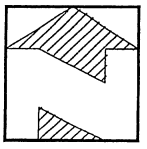
SCALE: 1" = 20'

**NIEVES & ASSOCIATES**  
 21250 HAWTHORNE BLVD, STE 700  
 TORRANCE, CA 90503  
 (310) 375-5925

SITUS: MARKET 1  
 16052 GALE AVENUE  
 HACIENDA HEIGHTS, CA 91745

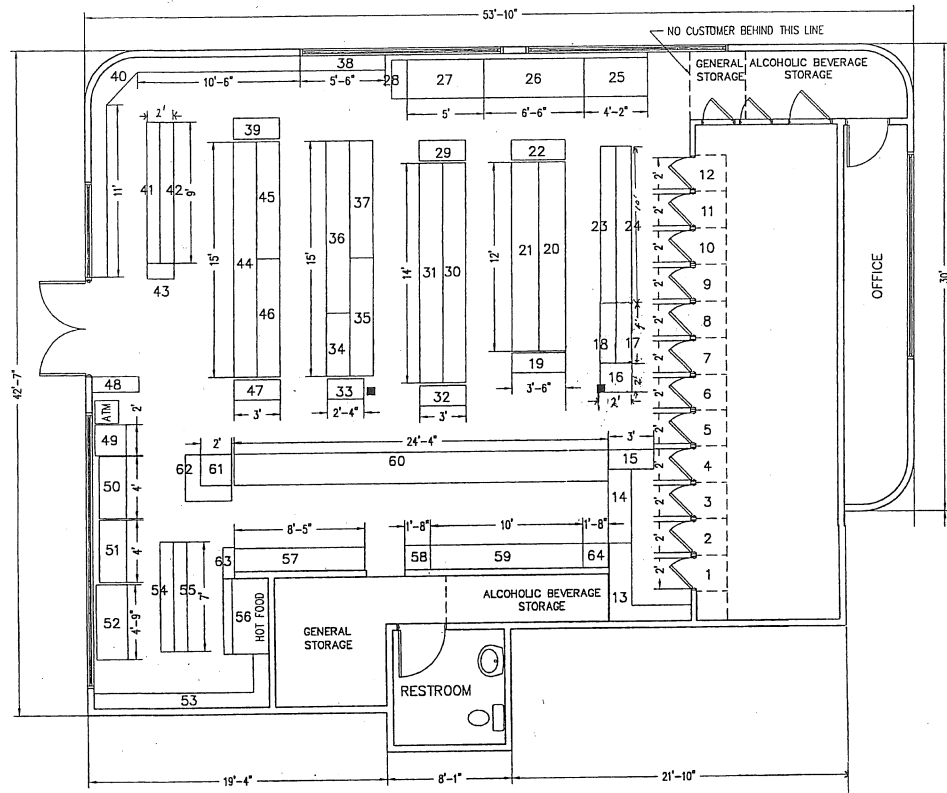
CASE No:  
 DATE: JULY 2, 2019

C = Compact Parking Space  
 S = Standard Parking Space  
 HC = Handicap Parking Space



**Market 1 Alcoholic Beverage Shelf Space Calculation Table:**

Cabinet key number	Length (L) - inches	Total number of shelves	Number of shelves devoted to alcoholic beverages	Total linear inches of shelves	Total linear inches of shelves devoted to alcoholic beverages	Percentage of shelf space devoted to alcoholic beverages
1	24	6	6	144	144	-
2	24	6	6	144	144	-
3	24	6	6	144	144	-
4	24	6	6	144	144	-
5	24	6	6	144	144	-
6	24	5	5	120	120	-
7	24	5	5	120	120	-
8	24	5	5	120	120	-
9	24	7	0	168	0	-
10	24	8	0	192	0	-
11	24	8	0	192	0	-
12	24	8	0	192	0	-
13	96	15	0	1440	0	-
14	56	7	0	392	0	-
15	36	5	0	180	0	-
16	24	6	0	144	0	-
17	48	4	4	192	192	-
18	48	8	0	384	0	-
19	36	6	0	216	0	-
20	144	8	0	1152	0	-
21	144	8	0	1152	0	-
22	42	7	0	294	0	-
23	120	8	0	960	0	-
24	120	8	0	960	0	-
25	50	10	0	640	0	-
26	78	8	0	624	0	-
27	60	8	0	480	0	-
28	30	8	0	240	0	-
29	36	6	0	216	0	-
30	168	8	0	1344	0	-
31	168	8	0	1344	0	-
32	36	8	0	288	0	-
33	28	7	0	196	0	-
34	48	12	0	576	0	-
35	90	8	0	720	0	-
36	132	9	0	1188	0	-
37	90	8	0	720	0	-
38	66	6	0	396	0	-
39	36	9	0	324	0	-
40	282	16	0	4512	0	-
41	108	8	0	864	0	-
42	108	8	0	864	0	-
43	21	6	0	126	0	-
44	180	8	0	1440	0	-
45	90	8	0	720	0	-
46	90	8	0	720	0	-
47	36	8	0	288	0	-
48	36	7	0	252	0	-
49	24	8	0	192	0	-
50	48	9	0	432	0	-
51	48	9	0	432	0	-
52	57	8	0	456	0	-
53	153	14	0	2042	0	-
54	84	9	0	756	0	-
55	84	9	0	756	0	-
56	54	7	0	378	0	-
57	101	16	0	1616	0	-
58	20	14	0	280	0	-
59	120	10	7	1200	840	-
60	292	14	0	4088	0	-
61	24	7	0	168	0	-
62	72	6	0	432	0	-
63	48	10	0	480	0	-
64	20	10	0	200	0	-
<b>TOTAL</b>	-	581	56	42,280	2,112	4.99%



## SHELF PLAN

SCALE: 3/16" = 1'-0"

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SITUS: MARKET 1  
16052 GALE AVENUE  
HACIENDA HEIGHTS, CA 91745

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CASE No:  
DATE: JULY 2, 2019

**NIEVES & ASSOCIATES**  
 21250 HAWTHORNE BLVD, STE 700  
 TORRANCE, CA 90503  
 (310) 375-5925

# EXHIBIT B

## *Project Summary Sheet*





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

**PROJECT NUMBER**      **HEARING DATE**  
 2019-003550-(4)      11/18/2020

**REQUESTED ENTITLEMENTS**

Conditional Use Permit (CUP) No.  
 RPPL2019006263

**PROJECT SUMMARY**

**OWNER / APPLICANT**

Market 1

**MAP/EXHIBIT DATE**

7/2/2019

**PROJECT OVERVIEW**

CUP to authorize the continued sale of a full line of alcohol for off-site consumption in conjunction with an existing market

**LOCATION**

16038 E. Gale Ave., Hacienda Heights, CA 91745

**ACCESS**

E Gale Ave and S Stimson Ave

**ASSESSORS PARCEL NUMBER(S)**

8245-025-015

**SITE AREA**

1.39 Acres

**GENERAL PLAN / LOCAL PLAN**

Hacienda Heights Community Plan

**ZONED DISTRICT**

Hacienda Heights

**LAND USE DESIGNATION**

CG (General Commercial)

**ZONE**

C-1 (Restricted Commercial)

**PROPOSED UNITS**

0

**MAX DENSITY/UNITS**

N/A

**COMMUNITY STANDARDS DISTRICT (CSD)**

N/A

**ENVIRONMENTAL DETERMINATION (CEQA)**

Class 1 Categorical Exemption – Existing Facilities

**KEY ISSUES**

- Consistency with the Los Angeles County General Plan and the Hacienda Heights Community Plan
- Satisfaction of the following Chapters and/or Sections of Title 22 of the Los Angeles County Code:
  - 22.158.050 (Conditional Use Permit Required Findings)
  - 22.140.030 (Alcohol Sales Required Findings)
  - 22.20.040 (Development Standards for Commercial Zones)

**CASE PLANNER:**

Carl Nadela

**PHONE NUMBER:**

(213) 974 - 6435

**E-MAIL ADDRESS:**

cnadela@planning.lacounty.gov

# EXHIBIT C

## *Findings*

**LOS ANGELES COUNTY  
DEPARTMENT OF REGIONAL PLANNING  
FINDINGS OF THE REGIONAL PLANNING COMMISSION  
AND ORDER  
PROJECT NO. 2019-003550-(4)  
CONDITIONAL USE PERMIT NO. RPPL2019006263**

**RECITALS**

1. **HEARING DATE(S).** The Los Angeles County (“County”) Regional Planning Commission (“Commission”) conducted a duly-noticed public hearing on November 18, 2020, in the matter of Project No. 2019-003550-(4), Conditional Use Permit (CUP) No. RPPL2019006263 (“CUP”).
2. **ENTITLEMENT(S) REQUESTED.** The permittee, Market 1 (“permittee”), requests the CUP to authorize the sale of a full line of alcohol for off-site consumption at an existing mini-market in an existing commercial complex (“Project”) on a property located at 16038 E. Gale Ave. in the unincorporated community of Hacienda Heights in the Hacienda Heights Zoned District (“Project Site”) in the C-1 (Restricted Commercial) Zone pursuant to Los Angeles County Code (“County Code”) Section 22.20.030.
3. **PREVIOUS ENTITLEMENT(S).** The sale of a full line of alcohol at the site was first authorized by the approval of CUP 99121 on December 14, 1999. This CUP expired on December 7, 2009. The continuation of the sale of alcohol at the site was authorized by the approval CUP 200900037 on January 20, 2010. This CUP expired on January 20, 2020 and is being replaced by this CUP application.
4. **LAND USE DESIGNATION.** The Project Site is located within the CG (General Commercial) land use category of the Hacienda Heights Community Plan (“Community Plan”), a component of the Los Angeles County General Plan (“General Plan”).
5. **ZONING.** The Project Site is located in the Hacienda Heights Zoned District and is currently zoned C-1. Pursuant to County Code Section 22.20.030, a CUP is required for the sale of alcohol for off-site consumption at the site.
6. **PROJECT AND SITE PLAN DESCRIPTION.**

A. Existing Site Conditions

The Project Site is 1.39 acres in size and consists of one legal lot. The Project Site is mostly trapezoidal in shape with a flat topography and is currently developed with a commercial complex with various office and commercial uses at the site. The subject mini market is located in a tenant space on the eastern portion of the commercial complex.

**B. Site Access**

The Project Site is accessible via Gale Ave. to the north. Primary access to the Project Site is via an ingress/egress driveway to and from Gale Ave. leading to a shared parking lot for the commercial complex. The subject market is accessible through a public entrance/exit on the western side of the tenant space.

**C. Site Plan**

The Site Plan indicates the whole Project Site, with the existing commercial complex covering the southern, western and eastern portions of the lot. It also shows the appurtenant parking spaces located in the middle and the northern portion of the site. The Site Plan also indicates the subject market located in the eastern portion of the commercial complex. The ingress/egress driveway to Gale Ave. to the north is also shown. A separate Floor Plan and Shelf Plan show the interior layout of the market and the shelf space devoted to the display of alcohol at the site.

**D. Parking**

Seventy-four parking spaces are indicated in a shared parking lot for the commercial complex located in the middle portion of the property.

**7. PUBLIC COMMENTS.**

Staff received an email from Scott Martin, President of the Hacienda Heights Improvement Association, dated July 30, 2020, indicating that they see no concerns related to the continuation of alcohol sales at the subject mini-market.

**8. AGENCY RECOMMENDATIONS.**

Los Angeles County Sheriff's Department, Industry Station: clearance to public hearing with no conditions in an e-mail dated June 17, 2020.

**9. CEQA DETERMINATION.**

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 is for the sale of alcohol for off-site consumption in conjunction with an existing market, with no modifications proposed to the existing structure at the site.

**GENERAL PLAN CONSISTENCY FINDINGS**

10. **LAND USE POLICY.** The Commission finds that the Project is consistent with the CG (General Commercial) Land Use Designation and the Goals and Policies of the Community Plan because the CG designation is intended for local serving commercial, office and professional businesses, retail and service establishments, categories into which this Project falls.

**11. GOALS AND POLICIES CONSISTENCY FINDINGS.**

The following goals and policies of the General Plan are applicable to the existing Project:

- *Goal LU 5: Vibrant, livable and healthy communities with a mix of land uses, services and amenities.*
- *Policy LU 5.2: Encourage a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs.*
- *Policy LU 5.4: Encourage community-serving uses, such as early care and education facilities, grocery stores, farmers markets, markets, and banks to locate near employment centers.*

A variety of commercial and office uses have been established along Gale Ave., which is a heavily travelled transportation corridor. The existing market and accessory alcohol sales for off-site consumption contribute to the variety and diversity of community-serving uses in the area.

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

While the areas to the north of the Project Site within the City of Industry have been developed with various commercial and office uses, the general neighborhood within the unincorporated areas to the south is still predominantly single-family residential. Thus, it is important to preserve this character and ensure that the commercial uses that locate around this intersection do not have significant adverse impacts on the residential neighborhood.

In addition, a number of reference materials have already been incorporated into the public record as part of the County's adoption of the Safe Access to Alcohol and Food Establishments (SAAFE) Ordinance in 2017, which document the harmful effects of increased availability of alcohol in communities. Aside from these, a study conducted by the US National Library of Medicine at the National Institutes of Health indicated that it is "reasonable to expect that reducing hours of sale (of alcohol) would also reduce alcohol-related harms (see Exhibit M1). Another study conducted in New Zealand found that (alcohol) drinkers purchasing alcohol at later times had higher

odds of consuming 6+ drinks on a typical occasion and were more likely to be daily drinkers (see Exhibit M2). Consistent with these research findings, one of the recommendations of the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice on how to reduce alcohol availability to young people was to restrict the hours of sale of alcohol (see Exhibit M3).

To address these concerns, conditions have been added to the CUP to ensure that the sale of alcohol at the site remains an accessory to the primary use at the site, which is a mini-market. Alcohol display will be limited to only five percent of the total shelf space of the store. Also, to ensure that alcohol is not sold at the site in the early mornings and late nights, staff is proposing to limit the sale of alcohol at the site to the hours of 10:00 am to 10:00 pm only.

With proper operational controls, such as these, the continuation of the sale of a full line of alcohol in conjunction with the existing mini-market can be consistent with the general residential character of the neighborhood. This use has also been operating at the site for more than 20 years with no problems associated with the establishment reported from either Zoning Enforcement or the Sheriff's Department. Thus, with the addition of these operational controls, the project is not expected to result in any adverse effects on the surrounding areas.

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

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

As mentioned above, with proper operational controls, the continuation of the sale of a full-line of alcohol in conjunction with the existing mini market can still maintain the single-family character of the community. The mini-market is small in scale and operation and does not attract a large amount of traffic. It is appropriately set back and buffered from the surrounding residential uses and does not create any significant adverse effects on the surrounding neighborhoods.

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

The subject property has been zoned commercial since 1956. This continuation of the sale of a full-line of alcohol at the existing mini market is consistent with the Community Plan's policy of maintaining and improving existing commercial areas.

## **ZONING CODE CONSISTENCY FINDINGS**

**12. PERMITTED USE IN ZONE.** The Commission finds that the Project is consistent with the C-1 zoning classification as the sale of a full line of alcohol for off-site consumption is permitted in such zone with a CUP pursuant to County Code Section 22.20.030.

**CONDITIONAL USE PERMIT FINDINGS**

13. **The Commission finds that the existing use at the site will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.** There are several similar commercial and office uses in the vicinity of the site and the existing market complements these uses. While most of the parcels along Gale Ave. have been developed with commercial and office uses, the neighborhoods to the immediate south, east and west of the site are still predominantly single-family residential. It is important to preserve this character and ensure that the commercial uses that locate around this area do not have significant adverse impacts on the residential neighborhood. The existing market and commercial complex are sufficiently buffered from the residential areas by the existing structure as it is oriented inwards towards the parking lot in the middle. With proper operational controls, the requested accessory sale of a full-line of alcohol for off-site consumption at the existing market is not expected to result in any adverse impacts on these surrounding areas.
14. **The Commission finds that the existing site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.** The Project Site is 1.39 acres in size and mostly trapezoidal in shape. It is adequate to accommodate the required development standards.
15. **The Commission finds that the existing site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.** The Project Site has access to Gale Ave., a public roadway, and is adequately served by this roadway.
16. The Commission finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the CUP to 10 years.

**SUPPLEMENTAL FINDINGS**

17. **The Commission finds that the requested use at the existing location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.** There are four sensitive uses located within a 600-foot radius of the site, which are three schools and one church. These are sufficiently buffered from the subject market by a number of existing structures, parking lots, public streets, private driveways and landscaped areas.

18. **The Commission finds that the requested use at the existing location is sufficiently buffered in relation to any residential area within the immediate vicinity, so as not to adversely affect said area.** There are some residential neighborhoods in the vicinity of the Project Site, particularly to the immediate south, east and west, that are primarily developed with single-family residences. The existing market and commercial complex are sufficiently buffered from the residential areas by the existing structure itself as it is oriented inwards towards the parking lot in the middle. The requested continued accessory sale of a full-line of alcohol for off-site consumption at the existing market is not expected to result in any adverse impacts on these surrounding areas.
  
19. **The Commission finds that the requested use at the existing location will not adversely affect the economic welfare of the nearby community.** The existing market with the accessory sale of a full-line of alcohol for off-site consumption is compatible with the other commercial and office uses in the vicinity of the site and will be a positive contributor to the general economic activity in the area.
  
20. **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 the neighborhood.** The existing tenant space and commercial complex has been at the site for over 20 years and is consistent with the surrounding commercial, office and institutional uses. The exterior of the building and the landscaping at the site are well maintained and are compatible with the general character of the area. No changes are being proposed to the exterior of the existing structure.
  
21. **The Commission finds that even though the existing sale of alcohol would occur at a site within a high crime reporting district or in an area of undue concentration, pursuant to the California Alcoholic Beverage Control Act and the regulations adopted under that Act, or that the use selling alcoholic beverages for off-site consumption is existing within a 500-foot radius of another use selling alcoholic beverages for off-site consumption, the sale of alcohol at the subject property contributes to the public convenience or necessity.** A review of the website of the California Department of Alcoholic Beverage Control (“ABC”) indicated that one alcohol license for off-site sale is allowed in the Census Tract where the site is located (CT 4086.30) and two such licenses are currently active, including the one owned by the subject market. ABC also indicated that the site is in a High Crime Reporting District (“HCRD”). There are also six other establishments within 500 feet of the site that sell alcohol for either on-site or off-site consumption. However, the public convenience of allowing the market’s customers to purchase alcohol along with other staple items in a market may be considered to allow approval of the CUP.



**ENVIRONMENTAL FINDINGS**

22. The Commission finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15301 (Class 1, Existing Facilities categorical exemption). The Project is for the sale of alcohol for off-site consumption in conjunction with an existing market. No modifications are being proposed to the existing structure at the site.

**ADMINISTRATIVE FINDINGS**

**23. HEARING PROCEEDINGS.**

The Project was first heard by the Hearing Officer on August 25, 2020 through an online video-conferencing meeting. On this date, the Hearing Officer heard presentation from Staff. The applicants and the applicants' representative provided testimony and requested that the sale of alcohol at the site be allowed beyond the hours of 10:00 am to 10:00 pm recommended by Staff. The Hearing Officer indicated that he was not granting the request for extended hours of alcohol sales at the site and provided his reasoning for the decision. The Hearing Officer also instructed Staff to make several minor modifications to the draft Conditions of Approval. The Hearing then closed the public hearing and approved the Project, subject to the attached conditions as modified.

On September 4, 2020, an appeal was received from the applicant appealing Condition No. 38, which restricted the hours of alcohol sales at the site to the hours of 10:00 am to 10:00 pm. The applicant also sought clarification of Condition No. 33, which prohibits the sale of malt beverages in single bottles or containers less than 16 ounces or greater than 750 milliliters or 25.4 ounces. Please see also Exhibit L for details.

*Reserved for Commission hearing proceedings*

24. **LEGAL NOTIFICATION.** The Commission finds that pursuant to Sections 22.222.150, 22.222.170 and 22.222.180 of the County Code, the community was properly notified of the public hearing by mail, newspaper (La Opinion and San Gabriel Valley Tribune) and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website. On October 8, 2020, a total of 104 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as to those on the courtesy mailing list for the Puente Zoned District and to any additional interested parties.

25. **LOCATION OF DOCUMENTS.** 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 East Section, Department of Regional Planning.

**BASED ON THE FOREGOING, THE COMMISSION CONCLUDES THAT:**

- A. The existing use with the attached conditions will be consistent with the adopted Community Plan and General Plan.
- B. The existing use with the attached conditions at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The existing site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The existing site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.
- E. The existing use with the attached conditions at the site will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius.
- F. The existing use with the attached conditions at the site is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.
- G. With the imposition of a number of conditions, the public convenience for the market selling alcoholic beverages for on-site consumption outweighs the fact that it is located in an area with an over-concentration of alcohol licenses as well as a High Crime Reporting District as determined by ABC.
- H. The existing use with the attached conditions at the site will not adversely affect the economic welfare of the surrounding community.
- I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

**THEREFORE, THE COMMISSION:**

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15301 (Class 1, Existing Facilities) categorical exemption); and
2. Approves **CONDITIONAL USE PERMIT NO. RPPL2019006263**, subject to the attached conditions.

**ACTION DATE: November 18, 2020**

MM:CN

10/13/2020

# EXHIBIT D

## *Conditions of Approval*

**LOS ANGELES COUNTY  
DEPARTMENT OF REGIONAL PLANNING**

**CONDITIONS OF APPROVAL  
PROJECT NO. 2019-003550-(4)  
CONDITIONAL USE PERMIT NO. RPPL2019006263**

**PROJECT DESCRIPTION**

The project is an authorization for the continued sale of a full-line of alcohol for off-site consumption at an existing mini-market, subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term “permittee” shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning (“Regional Planning”) their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Conditions No. 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 22.222.230 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 (10) 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 November 18, 2030.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new conditional use permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30)-day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued sale of alcohol at the site and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these

conditions. No provision of any easement of any other encumbrance on the property shall exempt the permittee and/or property owner from compliance with these conditions and applicable regulations. 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)** inspections. Inspections may be unannounced and may be conducted utilizing any available technologies, including, but not limited to, unmanned aircraft systems (UAS).

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse 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 established by Regional Planning 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 22.238 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works (DPW) 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 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 because of instruction given at the public hearing, a modified Exhibit "A" shall be submitted to Regional Planning within 60 days of the approval date of the permit.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

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

19. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Department of Regional Planning Staff or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein. The manager and all employees of the facility shall be knowledgeable of the conditions herein. Violation of the conditions herein may subject the use to the provisions of County Code Chapter 22.238 (Modifications and Revocations).
20. Loitering, including loitering by employees of the subject property, shall be prohibited on or within the immediate vicinity of the subject property, including adjacent public and private parking lots, public sidewalks, alleys, and other public rights-of-way. Signage in compliance with County Code Chapter 22.114 (Signs) shall be placed on the exterior of the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary. If loitering occurs on a continuous basis, as determined by the County Sheriff, a security guard shall be required during business hours at the discretion of the Director of Regional Planning.
21. All employees who directly serve or are in the practice of selling alcoholic beverages, including managers, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control, or a similar program, such as STAR (Standardized Training for Alcohol Retailers) or another comparable State of California-certified program. All



new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment, such as the lobby, indicated they have participated in this program. Proof of completion of the facility's training program by employees, the licensee, and all managers shall be provided to Zoning Enforcement within 90 days of the effective date of this Conditional Use Permit, and subsequently within 90 days of the hire date of all new employees and/or managers.

22. The permittee and all managers and employees shall not allow the sale of alcoholic beverages to any intoxicated person, any person appearing to be intoxicated, or any person exhibiting behaviors associated with being intoxicated.
23. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property, including windows, walls, fences or similar structures, or within any portion of the interior of any structure that is visible from the outside.
24. No publicly accessible telephones shall be maintained or permitted on the exterior of the premises.
25. Alcoholic beverages shall only be sold or served to patrons age 21 or older.
26. The permittee shall post the telephone numbers of local law enforcement agencies and shall post the telephone numbers of taxicab companies or a sign promoting ridesharing options, at or near the cashier or within a similar public service area. Such telephone numbers shall be visible by, and available to, the public.
27. The permittee shall provide adequate exterior lighting above all entrances and exits to the premises and in all public and private parking lots and walkways under control of the permittee or required as a condition of this grant. All exterior 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 to direct light and glare only onto the premises. All exterior lighting by this grant shall also be hooded and directed away from neighboring residences to prevent direct illumination and glare, shall comply with County Code Chapter 22.80 (Rural Outdoor Lighting District) if applicable, and shall be turned off within thirty minutes after conclusion of activities, except for sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from public and private parking lots.
28. A numbering address sign, in compliance with County Code Chapter 22.114 (Signs), shall be located at the front of the building in a location clearly visible from the property grounds and the nearest public street, to the satisfaction of the Director of Regional Planning.
29. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.

30. The premises, including exterior facades, adjacent public and private parking lots, fences, and adjacent sidewalks, alleys, and other public rights-of-way, shall be maintained in a neat and orderly condition and be free of garbage, trash, debris, or junk and salvage, except in designated trash collection containers and enclosures. All garbage, trash, debris, or junk and salvage shall be collected and disposed of daily.
31. The permittee shall maintain active and functional surveillance recording equipment which captures video recordings of adjacent public and private parking lots, public sidewalks, alleys, and other public rights-of-way on a continuous loop. Recordings shall be retained for a minimum of 30 days and shall be immediately produced upon request of any County Sheriff or Department of Regional Planning Staff.
32. 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.
33. Malt beverages (e.g. beer, ale, stout, and malt liquors) shall not be sold in a single bottle or container less than 16 ounces or greater than 750 milliliters or 25.4 ounces. The permittee shall post signs on the coolers and cashier station stating that the selling of single bottles or containers of malt beverages (e.g. beer, ale, stout, and malt liquors) less than 16 ounces or greater than 750 milliliters or 25.4 ounces is prohibited. Notwithstanding this condition, malt beverages (e.g. beer, ale, stout, and malt liquors) in single bottles or containers less than 16 ounces or greater than 750 milliliters or 25.4 ounces may be sold in manufacturer pre-packaged multi-unit quantities, such as a six-pack of 12-ounce bottles or containers or a three-pack of 24-ounce bottles or containers.
34. There shall be no wine, except for 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.
35. Alcoholic beverages shall not be displayed in an ice tub.
36. The licensed premises shall have no coin operated amusements, such as pool tables, juke boxes, video games, small carousel rides or similar riding machines, except for official State Lottery machines.

**PROJECT SITE-SPECIFIC CONDITIONS**

37. This grant shall authorize the continued sale of a full-line of alcohol for off-site consumption at an existing mini-market.
38. This grant authorizes the sale of alcoholic beverages from 10:00 a.m. to 10:00 p.m. every day. Alcoholic beverage sales shall be prohibited, and all coolers and refrigerators containing alcoholic beverages shall be locked, between 10:00 p.m. and 10:00 a.m. every day.

39. The permittee shall display alcoholic beverages only in the cooler or shelving designated for storage of said beverages as depicted on the "shelf plan" labeled Exhibit 'A'. No additional display of alcoholic beverages shall be provided elsewhere on the premises. The total shelf space devoted to alcoholic beverages shall be limited to no more than five percent of the total shelf space of the market.
40. Security alarms shall be installed inside the store.
41. The placement of portable signs at the site or on sidewalks adjacent to the subject property and temporary signs on walls and poles is prohibited.
42. Temporary window signs shall not exceed 25 percent of the area of any single window or of adjoining windows on the same frontage.
43. Outside storage of trash shall be within an approved trash enclosure.
44. The permittee shall offer a minimum of three varieties of fresh produce free from spoilage and a minimum of two whole grain items for sale on a continuous basis. For purposes of the condition, "fresh produce" shall be defined as any edible portion of a fresh fruit or vegetable, whether offered for sale whole or pre-sliced, and "whole grain items" shall be defined as any food from either:
  - a. A single ingredient product of the seed or fruits of various food plants, such as brown rice, whole oats, quinoa, or barley; or
  - b. A pre-packaged grain product, such as whole wheat bread or whole wheat crackers, in which the word "whole" appears first in the ingredients list of the product.

These products shall be displayed in high-visibility areas meeting one or more of the following criteria, as depicted on the approved floor and shelf plans labeled Exhibit "A":

- a. Within ten feet of the front door;
- b. Within five feet of a cash register;
- c. At eye-level on a shelf or within a cooler, refrigerator, or freezer case;
- d. On an end cap of an aisle; or
- e. Within a display area dedicated to produce that is easily accessible to customers.

# EXHIBIT E

## *Applicant's Burden of Proof*



# Los Angeles County Department of Regional Planning



*Planning for the Challenges Ahead*

## ALCOHOLIC BEVERAGE SALES FINDINGS

In addition to the Conditional Use Permit Findings required pursuant to Section 22.158.050 (Findings and Conditions), pursuant to Section 22.140.030 (Alcoholic Beverage Sales), the applicant shall substantiate the following:

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

ABC License Type Requested(s):   21   (e.g. Type 20, Type 41)

**F.1.a. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.**

See Attached

**F.1.b. 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.**

**F.1.c. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.**

**F.1.d. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood, so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.**

Rev. 03/2019

**Additional findings of public convenience or necessity.**

Findings of public convenience or necessity, in accordance with Section 22.140.030.F.2.a, shall be made when:

- i. The requested use is located in a high crime reporting district or in an area of undue concentration, pursuant to the California Alcoholic Beverage Control Act and the regulations adopted under that Act; or
- ii. A use selling alcoholic beverages for off-site consumption is proposed within a 500-foot radius of another use selling alcoholic beverages for off-site consumption.

Findings of public convenience or necessity shall be based upon review and consideration of relevant factors, which shall include, in accordance with Section 22.140.030.F.2.b, but not be limited to, the following, as applicable:

<ul style="list-style-type: none"><li>i. The extent to which the requested use would duplicate services and, therefore, contribute to an over-concentration of similar uses.</li><li>ii. The extent to which alcoholic beverage sales are related to the function of the requested use, and the possibility of the use operating in a viable manner without alcohol sales.</li><li>iii. The extent to which the requested use will enhance the economic viability of the area.</li><li>iv. The extent to which the requested use will enhance recreational or entertainment opportunities in the area.</li><li>v. The extent to which the requested use compliments the established or proposed businesses within a specific area.</li><li>vi. The ability of the requested use to serve a portion of the market not served by other uses in the area.</li><li>vii. The convenience of purchasing alcoholic beverages at the requested use in conjunction with other specialty food sales or services.</li><li>viii. The aesthetic character and ambiance of the requested use.</li><li>ix. The extent to which the requested use, location, and/or operator has a history of law enforcement problems.</li></ul>
N/A

**Additional findings for a modification request to the shelf space limitations.**

For a request to modify the shelf space limitation pursuant to Section 22.140.030.E.1, the applicant shall address at least one of the findings, in accordance with Section 22.140.030.F.3.b, below:

<ul style="list-style-type: none"><li>i. The requested use is not located in a high crime reporting district, as described in the California Alcoholic Beverage Control Act and the regulations adopted under that Act;</li><li>ii. The requested use is a specialty retailer with a unique product mix that requires a greater allocation of shelf space to alcoholic beverages than would be the case for a general purpose retailer; or</li><li>iii. The requested use involves the relocation of a use that was not previously subject to the alcoholic beverage shelf space limitation provided in Section 22.140.030.E.1, above, and the new location will allocate less shelf space to alcoholic beverages than was the case at the previous location.</li></ul>
N/A

**Additional findings for a modification request to requirement to carry a minimum of three varieties of fresh produce.**

For a request to modify the requirement to carry a minimum of three varieties of fresh produce pursuant to Section 22.140.030.E.2, the applicant shall address the findings, in accordance with Section 22.140.030.F.3.b, below:

i. The requested use is not a general purpose retailer and is located in an area with sufficient access to fresh produce and whole grains.
N/A

**ADDENDUM BURDEN OF PROOF, ALCOHOLIC BEVERAGE SALES**

**Section 22.158.050 and 22.140.030**

**F.1.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?**

Sensitive land uses within a 600 foot radius of the subject property include the United Christian Education Center and Great Commission Church International. The instant request is a renewal of a previously approved CUP for the same requested entitlement. There is no change in the mode and character of the operation.

**F.1.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 ?**

The requested use is accessory in nature to the primary market facility and is incorporated into the operation of the existing 2,133 square foot market. The market is located within an existing retail commercial shopping plaza that is situated at the southwest intersection of Gale and Stimson Avenues.

The requested use is sufficiently separated from the nearest residential structure by an enclosed building with surface parking in front of the building oriented towards the street; behind the enclosed building which is closest to the nearest residential area is a six foot high block masonry block wall. The nearest residential structure is also separated by an additional fifteen feet beyond the aforementioned property line block wall. In addition, the instant request is a renewal of a previously approved CUP for the same requested entitlement. There is no change in the mode and character of the operation.

**F.1.c] That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community ?**

The market will benefit other businesses in the shopping plaza and the surrounding area by bringing patrons into the community who may patronize nearby businesses. In addition, the instant request is a renewal of a previously approved CUP for the same requested entitlement. There is no change in the mode and character of the operation.

**F.1.d] 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 ?**

The requested use is an accessory use to the main market operation. The existing 2,133 square foot market is a part of an existing retail commercial shopping plaza that was constructed in 1985. The existing retail commercial structure and the existing market are aesthetically pleasing. The market will not deteriorate as a result of the granting of the proposed use. In addition, the instant request is a renewal of a previously approved CUP for the same requested entitlement. There is no change in the mode and character of the operation.

**That the requested use at the proposed location will not result in an undue concentration of similar premises, or that the public convenience or necessity for the proposed facility selling alcoholic beverages for off-site consumption outweighs the fact that it is located within 500 feet 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 ?**

According to ABC statistics Census Tract 4086.30, of which the subject premises is a part of, allows one off sale license and two presently exist. In addition, there are two on sale licenses allowed and four on sale licenses presently exist within the census tract.

The public convenience will be served since there are no other market facilities of this size anywhere in the area. The shelf space devoted to alcoholic beverages in the market will be less than five percent. See floor plan for the exact location and percentage calculation. In addition, the instant request is a renewal of a previously approved CUP for the same requested entitlement. There is no change in the mode and character of the operation. The requested full line alcohol use will be an accessory use to the primary 2,133 square foot market.



## ADDITIONAL QUESTIONS CONCERNING REQUESTED USE AT PROPOSED LOCATION

- A] **What are the proposed hours of operation and which days of the week will the establishment be open? What are the proposed hours of alcohol sales ?**  
6 AM until 12 AM Monday through Thursday and 6:00 AM until 1:00AM Friday and Saturday.
- B] **Is parking available on the site ? (If so how many spaces ?) If spaces are not available on the site, have arrangements been made for off-site parking by lease or covenant ? Where ? How many off-site spaces ?**  
Eighty five parking spaces are provided on-site.
- C] **Is a full line of alcoholic beverages to be served or just beer and/or wine ?**  
Full line alcoholic beverages.
- D] **Will cups, glasses or other similar containers be sold which might be used for the consumption of liquor on the premises ?**  
Yes. Cups, glasses and containers will be sold in pre-packaged quantity packs.
- E] **Has the owner or lessee of the subject property been suspended from the sale of alcoholic beverages on the subject property or fined by the Alcoholic Beverage Control Department (ABC) in the last 365 days and if so, for what reasons ?**  
No. Lessee has never been cited.
- F] **Will video game machines be available for use on the subject property and if so, how many such machines will be in use ?**  
No video games within the premises.
- G] **Will you have signs visible on the outside which advertise the availability of alcohol ?**  
Yes.
- H] **Will beer/wine coolers be sold in single cans or wine sold containers less than 1 liter (750 ml) ?**  
Yes.
- I] **Will "fortified" wine (greater than 16% alcohol) be sold ?**  
Yes.
- J] **Will security guards be provided and if so, when and how many ?**  
No security guards.
- K] **Will alcohol be allowed to be consumed on any adjacent property under the control of the applicant ?**  
No.
- L] **Will the gross sale of alcohol exceed the gross sale of food items on a quarterly basis ?**  
No.
- M] **How many employees will you have on the site at any given time ?**  
Two employees.
- N] **What security measures will be taken including:**  
(1) Posting of Rules and Regulations on the premises? Yes.  
(2) To prevent such problems as gambling, loitering, theft, vandalism and truancy? Management supervision and video surveillance.  
(3) Will security guards be provided and if so, how many ? None provided.  
(4) Other measures? Management Supervision and video surveillance.
- O] **Will there be minimum age requirements for patrons ? If so, how will this be enforced ?**  
Yes. ID required for all type of alcohol purchases.



# Los Angeles County Department of Regional Planning



*Planning for the Challenges Ahead*

## CONDITIONAL USE PERMIT FINDINGS

Pursuant to Section 22.158.050 (Findings and Conditions), the applicant shall substantiate the following:

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

<p><b>B.1</b> The proposed use will be consistent with the adopted General Plan for the area.</p>
<p>See Attached</p>
<p><b>B.2</b> The requested use at the location proposed will not:</p> <ul style="list-style-type: none"> <li>a. Adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area;</li> <li>b. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and</li> <li>c. Jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.</li> </ul>
<p><b>B.3</b> 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.</p>

Rev. 03/2014

B.4 The proposed site is adequately served:

a. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate; and

b. By other public or private service facilities as are required.

**In addition to the information required in the application, the applicant shall substantiate to the satisfaction of the Zoning Board and/or Commission, the following facts:**

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

The request is merely a renewal of a previously approved CUP for the same requested entitlement.

There is no change in the mode and character of the operation. The requested use is accessory in nature to the market facility. The market is located within an existing retail commercial shopping plaza that is situated at the southwest intersection of Gale and Stimson Avenues.

The requested use is sufficiently separated from the nearest residential structure by an enclosed building with surface parking in front of the building oriented towards the street; behind the enclosed building which is closest to the nearest residential zone is a four foot high block masonry block wall. The nearest residential structure is also separated by an additional fifteen feet beyond the aforementioned property line block wall.

- B. That the proposed site is adequate in size and shape to accommodate the yard, 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 site is 1.389 acres in size and accommodates walls, fences, parking, loading and other development features as prescribed by Code. See plans for details. The market will benefit other businesses in the shopping plaza and the surrounding area by bringing patrons into the community who may patronize the nearby businesses

- C. That the proposed use is adequately served:**
  - 1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and**
  - 2. By other public or private service facilities as are required.**

The site is at the southwest intersection of Gale and Stimson Avenues. All public and private service facilities and infrastructure are existing and in place.

# EXHIBIT F

## *Environmental Determination*



# Los Angeles County Department of Regional Planning

*Planning for the Challenges Ahead*



**Amy J. Bodek, AICP**  
Director of Regional Planning

**Dennis Slavin**  
Chief Deputy Director,  
Regional Planning

## PROPOSED ENVIRONMENTAL DETERMINATION

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DETERMINATION DATE: November 5, 2020  
PROJECT NUMBER: 2019-003550-(4)  
PERMIT NUMBER(S): Conditional Use Permit No. RPPL2019006263  
SUPERVISORIAL DISTRICT: 4  
PROJECT LOCATION: 16038 Gale Avenue, Hacienda Heights, CA 91745  
  
OWNER: E and K Investment Hong Kong Corp  
APPLICANT: Market 1  
CASE PLANNER: Carl Nadela, AICP  
cnadela@planning.lacounty.gov

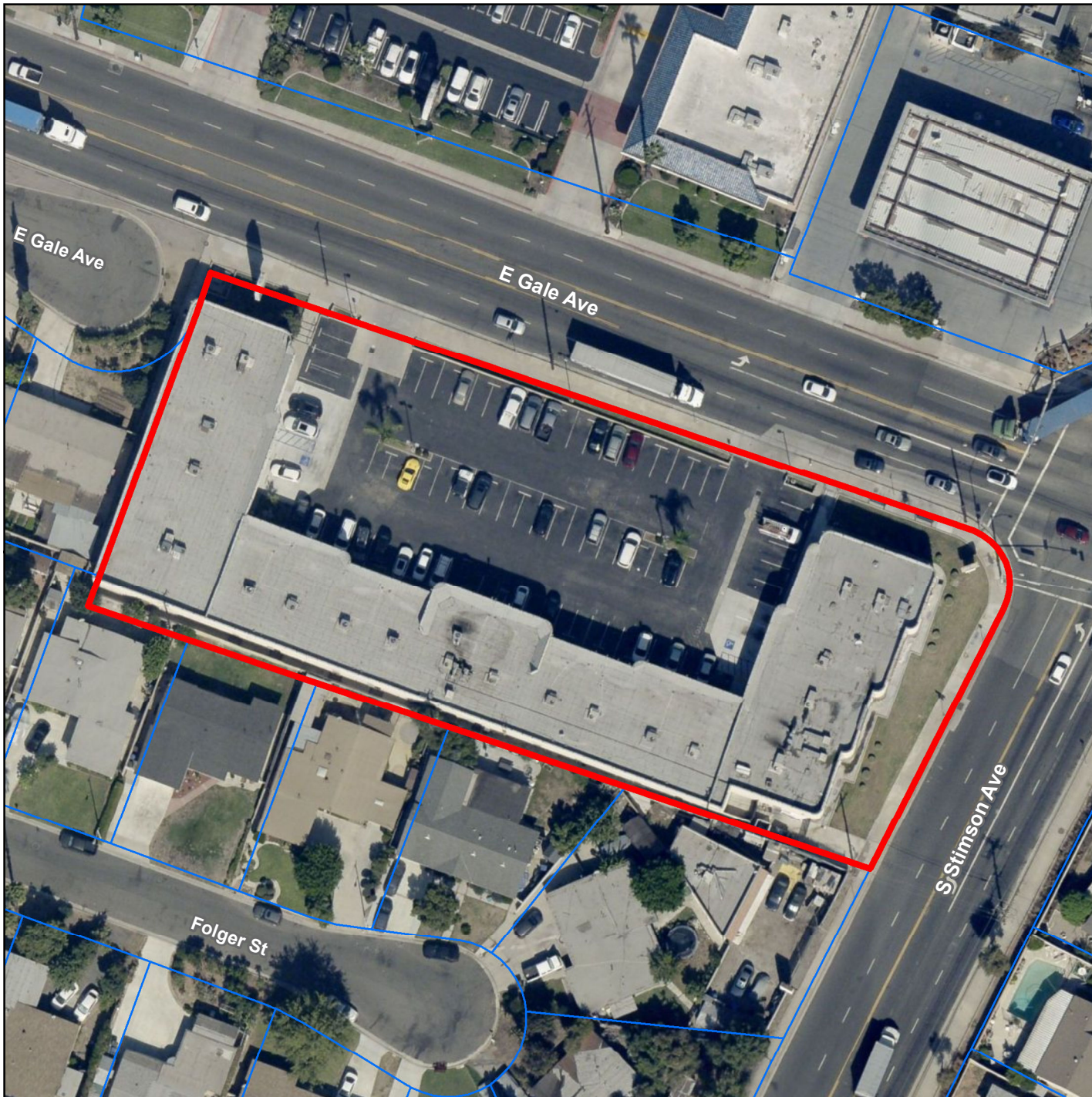
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Los Angeles County ("County") completed an initial review for the above-mentioned Project. Based on examination of the project proposal and the supporting information included in the application, the County proposes that an Exemption is the appropriate environmental documentation under the California Environmental Quality Act (CEQA). The Project qualifies as a Class 1 Categorical Exemption under State CEQA Guidelines Section 15301 because the Project is for the accessory sale of alcohol for off-site consumption at an existing mini market in an existing commercial complex. No changes are being proposed to the existing structure at the site.

# EXHIBIT G

*Informational*

*Maps*

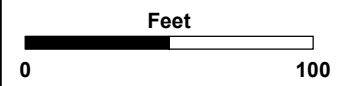


# AERIAL IMAGERY

## SITE-SPECIFIC MAP

PROJECT NO. 2019-003550-(4)  
ALCOHOL CUP RPPL2019006263

Digital Ortho Aerial Imagery:  
Los Angeles Region Imagery  
Acquisition Consortium (LARIAC)  
2019



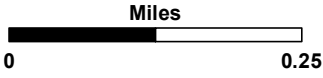
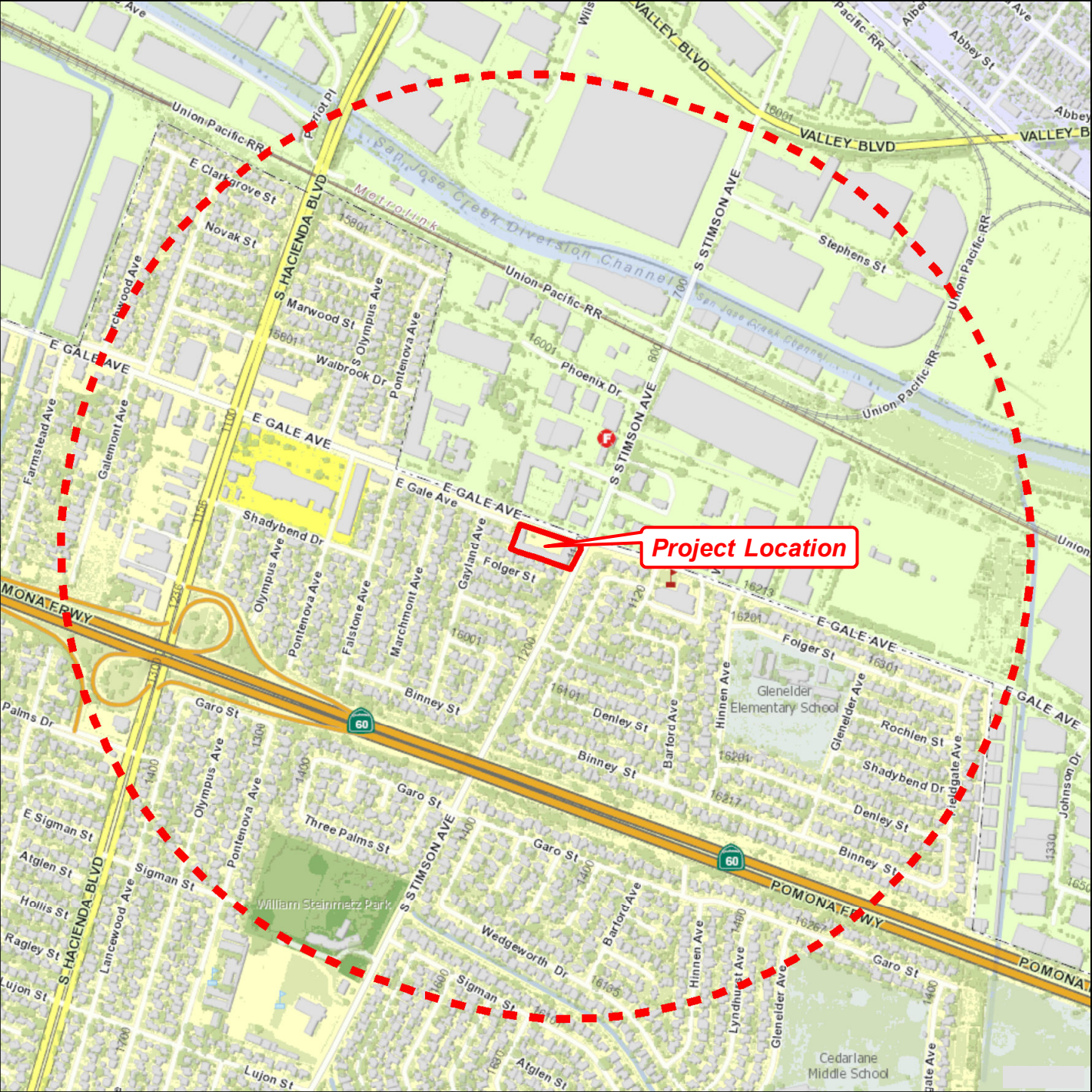
LOS ANGELES COUNTY  
Dept. of Regional Planning  
320 W. Temple Street  
Los Angeles, CA 90012



# HALF-MILE RADIUS

## LOCATOR MAP

PROJECT NO. 2019-003550-(4)  
ALCOHOL CUP RPPL2019006263

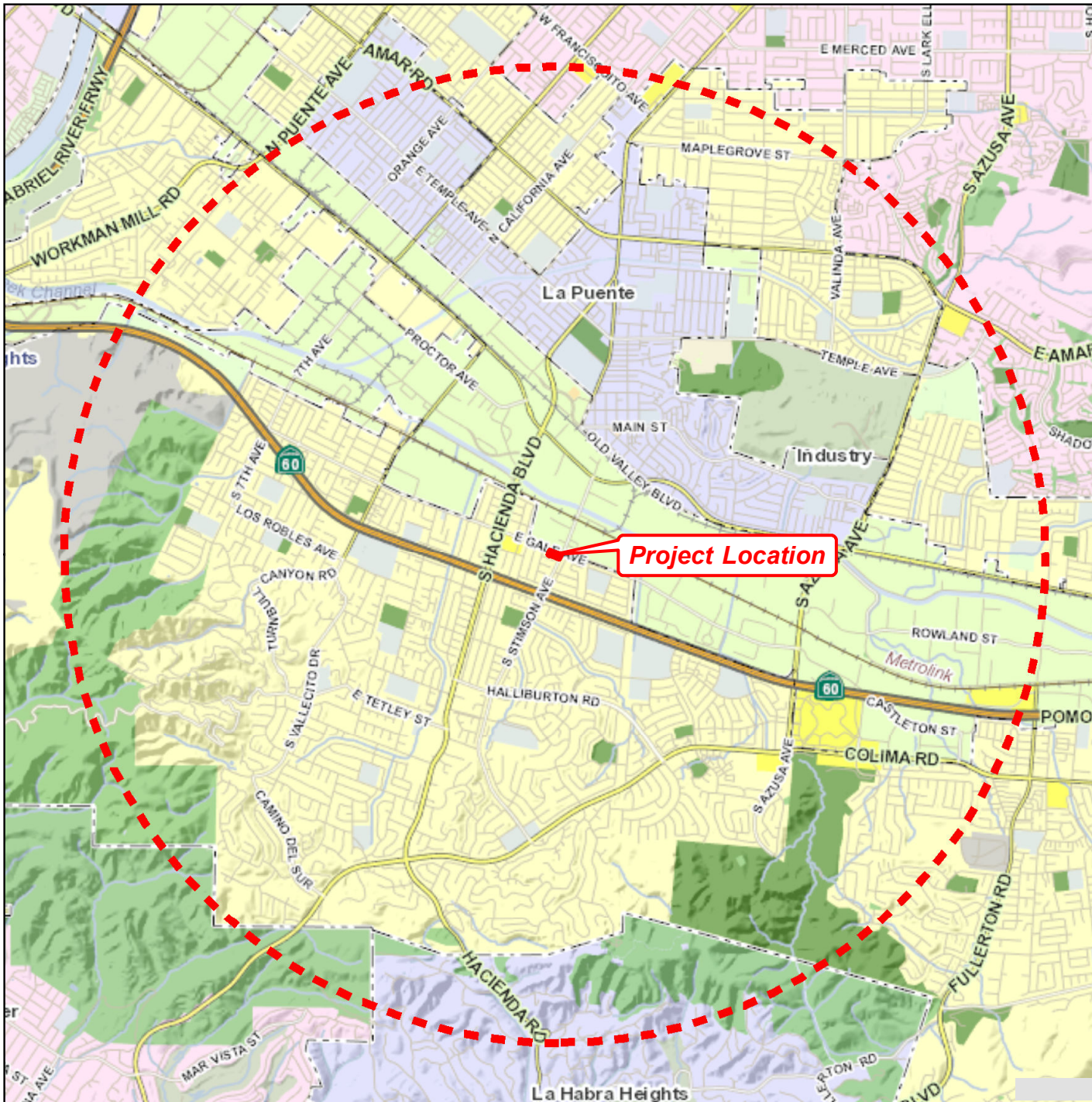


LOS ANGELES COUNTY  
Dept. of Regional Planning  
320 W. Temple Street  
Los Angeles, CA 90012

# 3-MILE RADIUS

## LOCATOR MAP

PROJECT NO. 2019-003550-(4)  
ALCOHOL CUP RPPL2019006263

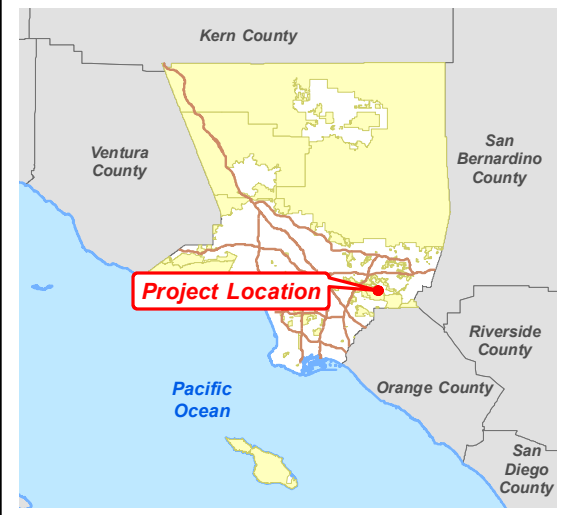
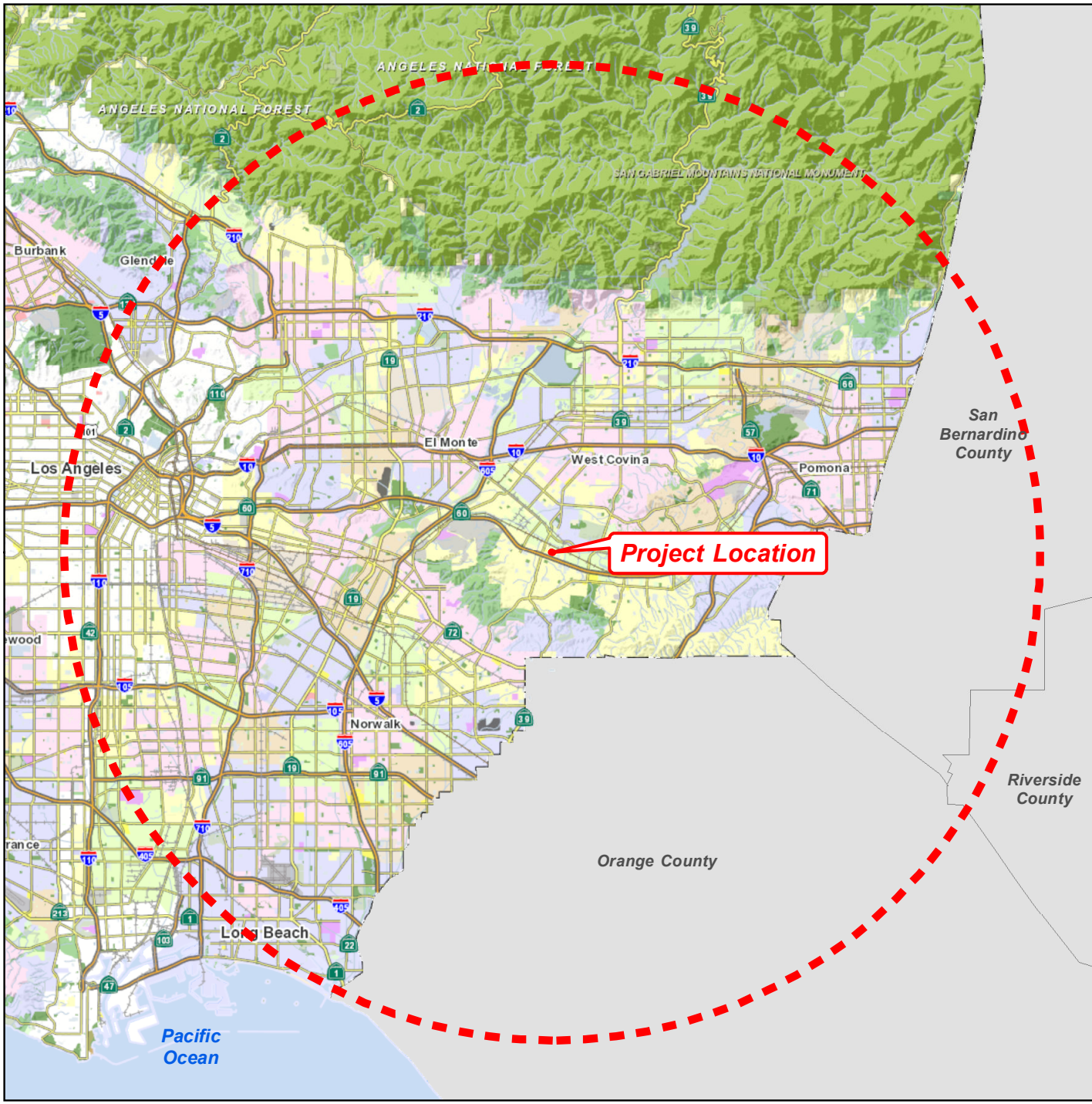


LOS ANGELES COUNTY  
Dept. of Regional Planning  
320 W. Temple Street  
Los Angeles, CA 90012

# 20-MILE RADIUS

## LOCATOR MAP

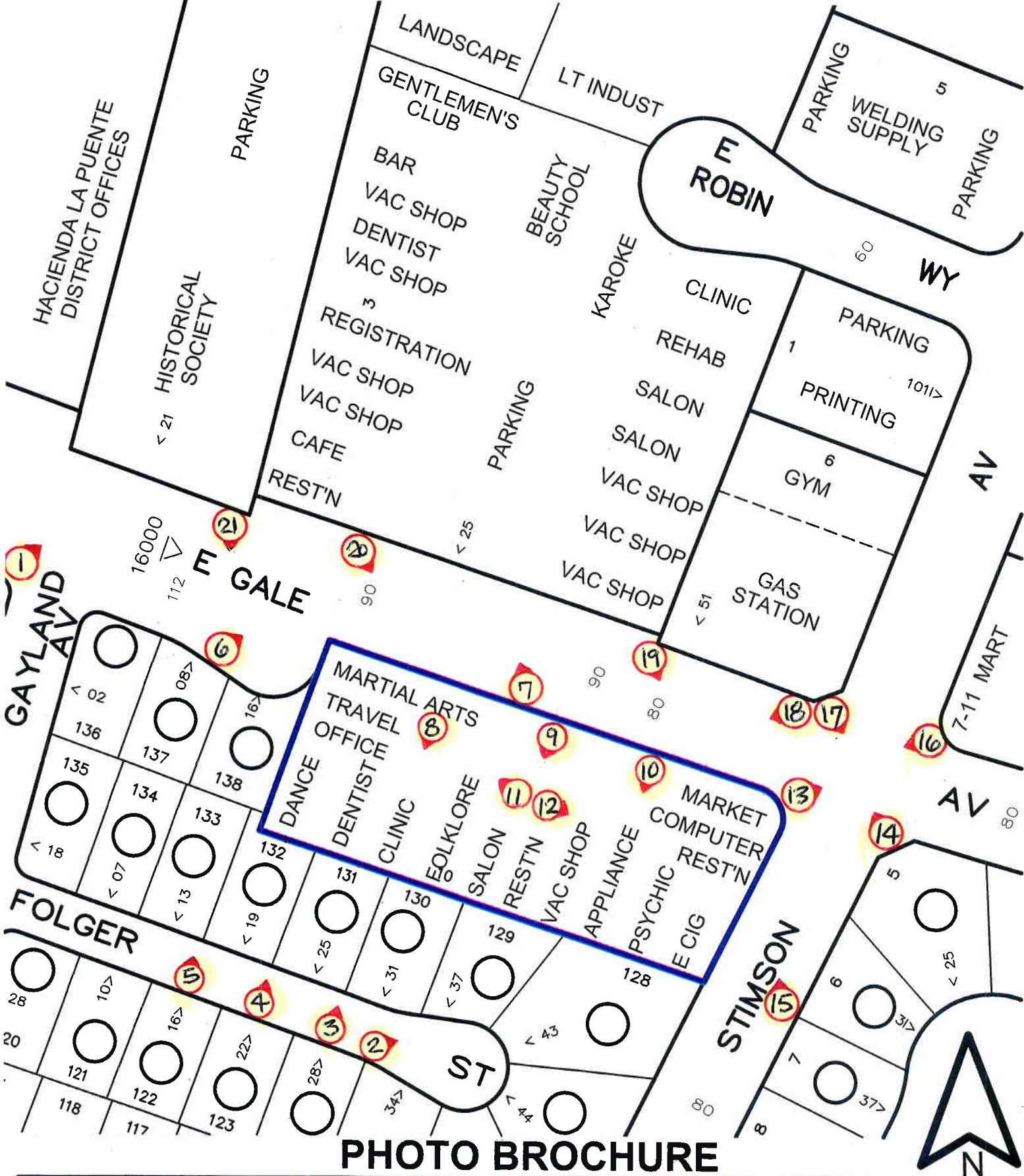
PROJECT NO. 2019-003550-(4)  
ALCOHOL CUP RPPL2019006263



LOS ANGELES COUNTY  
Dept. of Regional Planning  
320 W. Temple Street  
Los Angeles, CA 90012

# EXHIBIT H

## *Photographs*



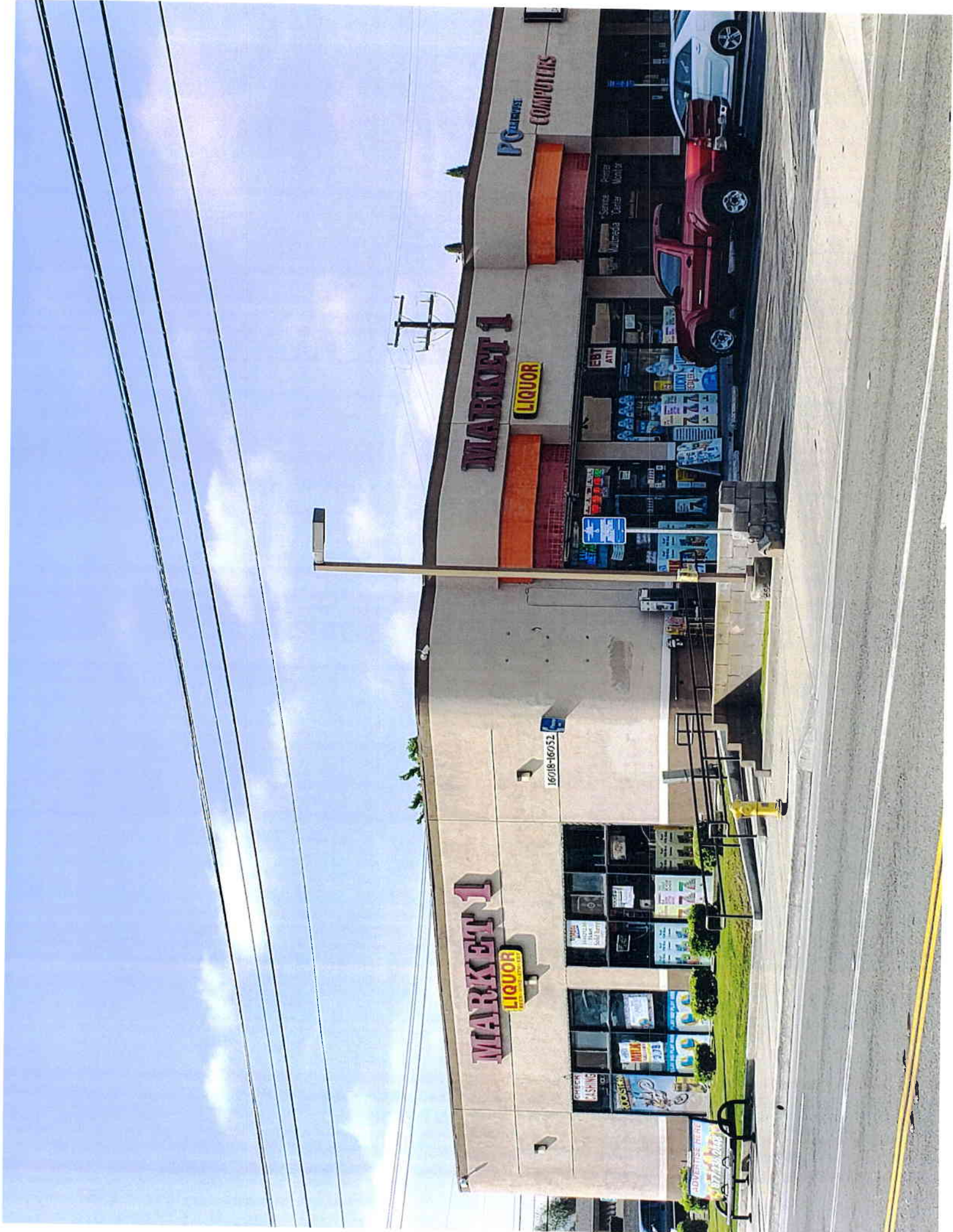
**PHOTO BROCHURE**



**NIEVES & ASSOCIATES**  
 21250 HAWTHORNE BLVD, STE 700  
 TORRANCE, CA 90503  
 (310) 375-5925

**SITE LOCATION:**  
 16052 S. GALE AVENUE  
 HACIENDA HEIGHTS, CA 91745

**CASE NO.:**  
 DATE: 07 - 05 - 2019  
 T.B. PAGE: 678 GRID: D-2  
 APN: 8245-025-015



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3.



4.





5.



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13.



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19.



20.





21.



# EXHIBIT I

## *Agency Correspondence*

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

- Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.
- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
- Part 2 is to be completed by the applicant, and returned to ABC.
- Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

1 APPLICANT'S NAME

2 PREMISES ADDRESS (Street number and name, city, zip code)

16038 Gale Ave, Hacienda Heights (CA) 91745-1605

3 LICENSE TYPE

21

4 TYPE OF BUSINESS

- Full Service Restaurant Hofbrau/Cafeteria Cocktail Lounge Private Club
- Deli or Specialty Restaurant Comedy Club Night Club Veterans Club
- Cafe/Coffee Shop Brew Pub Tavern: Beer Fraternal Club
- Bed & Breakfast: Theater Tavern: Beer & Wine Wine Tasting Room
- Wine only All
- Supermarket Membership Store Service Station Swap Meet/Flea Market
- Liquor Store Department Store Convenience Market Drive-in Dairy
- Drug/Variety Store Florist/Gift Shop Convenience Market w/Gasoline
- Other - describe:

5 COUNTY POPULATION

N/A

6 TOTAL NUMBER OF LICENSES IN COUNTY

N/A

7 RATIO OF LICENSES TO POPULATION IN COUNTY

1: 1,618

8 CENSUS TRACT NUMBER

4086.30

9 NO OF LICENSES ALLOWED IN CENSUS TRACT

1

10 NO OF LICENSES EXISTING IN CENSUS TRACT

2

11 IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

Yes, the number of existing licenses exceeds the number allowed

No, the number of existing licenses is lower than the number allowed

578-D2/63

12 DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

Yes (Go to Item #13)

No (Go to Item #20)

Industry SS

13 CRIME REPORTING DISTRICT NUMBER

1473

14 TOTAL NUMBER OF REPORTING DISTRICTS

555

15 TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

48,107

16 AVERAGE NO. OF OFFENSES PER DISTRICT

85.1

17 120% OF AVERAGE NUMBER OF OFFENSES

102.2

18 TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

236

19 IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17

No, the total number of offenses in the reporting district is lower than the total number in item #17

20 CHECK THE BOX THAT APPLIES (check only one box)

a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.

b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.

c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

LAC Regional Planning

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

1/23/20

## Carl Nadela

---

**From:** Ruano, Jose A. <jaruano@lasd.org>  
**Sent:** Wednesday, June 17, 2020 4:07 PM  
**To:** Carl Nadela  
**Cc:** Maria Masis  
**Subject:** RE: CUP No. RPPL2019006263 - Consultation for the Sale of Alcohol

My apologies Carl,

Here is what we found. Nothing significant to provide negative feedback.

Calls for service attached.

Just two reports taken at area

- 03/13/2015; traffic violation
- 05/19/2016; stolen or recovered license plate

### **Deputy Jose A. Ruano**

Industry Sheriff Station  
150 N. Hudson Avenue,  
Industry Ca. 91744  
jaruano@lasd.org  
(626)934-3052

---

**From:** Carl Nadela [mailto:cnadela@planning.lacounty.gov]  
**Sent:** Wednesday, June 17, 2020 4:00 PM  
**To:** Ruano, Jose A. <jaruano@lasd.org>  
**Cc:** Maria Masis <mmasis@planning.lacounty.gov>  
**Subject:** RE: CUP No. RPPL2019006263 - Consultation for the Sale of Alcohol

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This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments

---

Hello Jose,

Any updates on this request? This case has been pending for a while so I really need to get this moving as soon as possible.

Thanks!

### **Carl Vincent Nadela, AICP**

Zoning Permits East  
Los Angeles County Department of Regional Planning  
213-974-6435

# EXHIBIT J

*Public*

*Correspondence*

## Carl Nadela

---

**From:** Scott Martin <swmartin.hhia@gmail.com>  
**Sent:** Thursday, July 30, 2020 12:36 PM  
**To:** Carl Nadela  
**Cc:** Ryan (HHIA) Kelley; Adriana (HHIA) Quinones; Andrea (HHIA) Gordon; Randy (HHIA) Black; Maury (HHIA) Edwards; diego.hhia@gmail.com; Ted - HHIA Chang; Geri (HHIA) Kleinpell; Shou-Jen - HHIA Kuo; Eleanor (HHIA) Haan; Lucy - HHIA Pedregon; Ruano, Jose A.  
**Subject:** CUP RRPL2019006263-Market 1

**CAUTION:** External Email. Proceed Responsibly.

Carl,

The HHIA Board of Directors sees no concerns related to Market 1 continuing their sale of alcohol. Research concluded that there appears to be no past safety concerns or violations of their ABC License including input from Deputy Ruano, Industry Station, sharing he could not find calls for service that would relate to their selling of alcohol. Thank you for allowing the HHIA to have input into this matter.

Scott Martin, President - HHIA  
[swmartin.hhia@gmail.com](mailto:swmartin.hhia@gmail.com)  
[www.hhia.net](http://www.hhia.net)

## Carl Nadela

---

**From:** Wil Nieves <nieveasoc@aol.com>  
**Sent:** Wednesday, August 19, 2020 11:24 AM  
**To:** Carl Nadela  
**Cc:** Maria Masis  
**Subject:** Re: 2019-003550-(4) / RPPL2019006263

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**CAUTION:** External Email. Proceed Responsibly.

Carl,  
Thanks for responding.....I don't understand how the Department can say someone is a good operator, have a great track record and then reduce the hours of operation for the market, etc. My client has had no problems and has relied on the previous CUP. With no supporting negative reports he is being unjustly penalized. In addition, with the Covid-19 pandemic looming over us the reduction in hours will be a great setback to the business. I will discuss this with my clients. Thank You again for responding. I do understand that you are just the messenger. I will also discuss this with the Hearing Officer at the public hearing.

Wil Nieves  
Principal Planner, M.U.R.P.  
Nieves and Associates  
Cell 310-634-4553  
Nievesasoc@aol.com

-----Original Message-----

From: Carl Nadela <cnadela@planning.lacounty.gov>  
To: Wil Nieves <nieveasoc@aol.com>  
Cc: Maria Masis <mmasias@planning.lacounty.gov>  
Sent: Wed, Aug 19, 2020 9:17 am  
Subject: RE: 2019-003550-(4) / RPPL2019006263

Hi Will,

Thanks for sending your comments below. I will send these over to the Hearing Officer for his consideration.

Just to let you know, though, these are standard conditions that the Department is applying to all CUP's for off-site alcohol sales, regardless of whether the establishment is new or existing. Just based on past cases of a similar nature, I think it's pretty unlikely that the Hearing Officer will change any of these. Just a heads up.

Thanks!

**Carl Vincent Nadela, AICP**  
Zoning Permits East  
Los Angeles County Department of Regional Planning  
213-974-6435

*In response to the evolving coronavirus emergency, Los Angeles County facilities are closed to the public at this time. For the most current information about available services, public meeting schedules, and planning projects, please visit [planning.lacounty.gov](http://planning.lacounty.gov).*

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**From:** Wil Nieves <nievesasoc@aol.com>  
**Sent:** Tuesday, August 18, 2020 1:48 PM  
**To:** Carl Nadela <cnadela@planning.lacounty.gov>; Jessica Phillips <JPhillips@planning.lacounty.gov>  
**Subject:** Re: 2019-003550-(4) / RPPL2019006263

**CAUTION:** External Email. Proceed Responsibly.

Carl,  
Greetings, I never got a response back from you regarding a possible site visit. Wanted to coordinate a day/time if you're still coming out.

Also, I wanted to make sure these additional items get addressed. Due to the Zoom virtual hearings it will be more difficult to convey this information at that time. I'd like to address them now for the modification of proposed conditions. They are as follows:

Condition #8....request 20 year grant term. The findings of the instant case state that the market has operated without any incidents and has been a good operator. This is the second CUP request. Typically, a second entitlement request justifies a longer term period if its established that there have been no problems. The findings support this. It is very costly to renew a CUP. The costs are well over \$20K to file a new CUP and it would be fair to lengthen the CUP term limit in light of the operators excellent track record.

Condition #23 and #34 thru #36....request the deletion of these conditions. Based on the operators track record and the fact that competitors in the area have unrestricted conditions the applicant respectfully requests the deletion of these conditions.

Condition #39....request hours of operation from 6 am until 2 am daily. The previous CUP approval (CUP #200900037) as per Condition #8h allowed the market to operate from 6 am -12 am Sunday through Thursday and until 1 am on Friday and Saturday. It would be fair to at least continue those same hours based on the operators reliance of the previous grant and his good track record. The findings of the instant case state that the market has operated without any incidents and has been a good operator. It doesn't make sense to unfairly reduce the existing hours of operation.

Wil Nieves  
Principal Planner, M.U.R.P.  
Nieves and Associates  
Cell 310-634-4553  
[Nievesasoc@aol.com](mailto:Nievesasoc@aol.com)

-----Original Message-----

From: Wil Nieves <[nievesasoc@aol.com](mailto:nievesasoc@aol.com)>  
To: Carl Nadela <[cnadela@planning.lacounty.gov](mailto:cnadela@planning.lacounty.gov)>  
Cc: Jessica Phillips <[JPhillips@planning.lacounty.gov](mailto:JPhillips@planning.lacounty.gov)>  
Sent: Wed, Jul 22, 2020 9:43 am  
Subject: Re: 2019-003550-(4) / RPPL2019006263

Your welcome. Will you be coming out to inspect?

Sent from my iPhone

On Jul 22, 2020, at 9:14 AM, Carl Nadela <[cnadela@planning.lacounty.gov](mailto:cnadela@planning.lacounty.gov)> wrote:



# EXHIBIT K

*Previous  
Findings and  
Conditions –  
CUP  
200900037*



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Jon Sanabria  
Acting Director of Planning

January 19, 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Charanjit Singh & Mandeep Kaur  
16052 Gale Avenue  
Hacienda Heights, CA 91745

Dear Applicants:

**SUBJECT: PROJECT NUMBER 99-121 – (4)  
CONDITIONAL USE PERMIT CASE NO. 200900037  
Request to authorize the sale of beer, wine, and distilled spirits for off-site  
consumption at 16052 Gale Avenue, Hacienda Heights.**


This is to inform you that the above-described application has been **APPROVED** by the Los Angeles County Regional Planning Commission ("Commission") on January 6, 2010, per Section 22.56.195 of the Los Angeles County Code. Documents pertaining to this permit are enclosed.

Your attention is called to the following:

1. Condition No. 2, requiring acceptance by the owner of the property of all conditions of this permit. The affidavit accepting those conditions must be returned to the Department of Regional Planning, along with evidence that the conditions have been recorded in the Los Angeles County Recorder's office, within 60 days of the date of approval;
2. Condition No. 9, imposing expiration date for this grant;
3. That during the 14 day period ending at 5:00 p.m. on January 20, 2010, the action of the Commission may be appealed by any dissatisfied person to the Los Angeles County Board of Supervisors at the Office of the Clerk of the Board, Room 303, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California, 90012, telephone (213) 974-1432.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING  
Jon Sanabria  
Acting Director of Planning

  
Mark Child  
Supervising Regional Planner  
Zoning Permits I Section  
JS: MC:dck

Enclosures: Conditions, Findings, Affidavit (for permittee's completion).

c: Zoning Enforcement.

**FINDINGS AND ORDER OF  
THE REGIONAL PLANNING COMMISSION, COUNTY OF LOS ANGELES**

**PROJECT NO. 99121 – (4)  
CONDITIONAL USE PERMIT CASE NO. 200900037**

**REQUEST:**

The applicants, Charanjit Singh and Mandeep Kaur, are requesting a conditional use permit to authorize the sale of beer, wine, and distilled spirits for off-site consumption in the C-1 (Restricted Business) Zone within the unincorporated community of Hacienda Heights.

Findings

1. The subject property is located at 16052 Gale Avenue, Hacienda Heights, within the unincorporated community of Hacienda Heights. The Assessor Parcel Number of the subject property is 8245-025-015.
2. The subject property is zoned C-1 (Restricted Business). Surrounding properties are zoned as follows:  
  
North: City of Industry  
East: R-1-6,000 (Single-Family Residential - 6,000 Square Feet Minimum Required Lot Area.)  
South: C-1-DP (Restricted Commercial - Development Program); R-1-6,0000  
West: R-1-6,000
3. The subject property is currently developed with a multi-tenant commercial center. Surrounding land uses are as follows:  
  
North: City of Industry  
East: Single-family residences; church and school  
South: Single-family residences  
West: Single-family residences
4. The site plan depicts a 2,133 square foot market, located within an existing 23,957 square-foot, single-story shopping center which includes 18 leaseable units, two of which are currently vacant. The site plan depicts 74 parking spaces for the shopping center. Access to the site is provided by Gale Avenue to the north.
5. Previous zoning cases on the subject property include Plot Plan No. 15907, which approved the shopping center on January 25, 1985, a 40-person occupant load restaurant on July 8, 1986, a 77-person occupant load restaurant on July 29, 1986, a 32-foot high freestanding, illuminated business sign on October 5, 1988, and a 30-foot high, freestanding, illuminated business sign on March 17, 2003; and CUP Case No. 99121 which authorize the sale of distilled spirits at the subject mini-market on December 14, 1999.
6. Community Plan Consistency: The subject property is located within the Commercial land use category of the Hacienda Heights Community Plan. The Commercial land use designation is intended for retail commercial, service, and office uses. The selling of alcoholic beverages is a retail commercial use, and is therefore consistent with the

allowed uses of the underlying land use category. The Hacienda Heights Community Plan does not include specific policies for the sale of alcoholic beverages or development along Gale Avenue.

**7. Compliance with the Zoning Ordinance**

Unless specifically modified by a conditional use permit during the discretionary review process, premises in Zone C-1 shall be subject to the following development standards under Part 3 of Chapter 22.28 of the Los Angeles County Code ("County Code"):

**A. Lot Coverage**

According to Section 22.28.120 (A), no more than 90 percent of the net area may be occupied by buildings, with a minimum of 10 percent of the net area landscaped with a lawn, shrubbery, flowers and/or trees.

The existing multi-tenant commercial building on-site occupies 23,957 square feet or approximately 39% of the 1.39 acre (60,548 square foot) parcel.

**B. Parking**

Section 22.28.120 (B) refers to Part 11 of Chapter 22.52 for parking requirements. Per Section 22.52.1100, for commercial uses, one automobile parking space plus adequate access thereto shall be provided for each 250 square feet of floor area of any building so used.

The subject market has 2,133 square feet of floor area, so nine parking spaces are required, based on square footage. The alcohol CUP does not require additional parking.

The shopping center which includes the subject market was approved in 1985 with 85 parking spaces, based on a requirement of one parking space per 400 square feet of floor area. These 85 spaces included 34 compact spaces, three handicapped-accessible spaces, and 48 standard parking spaces. The shopping center currently has 74 parking spaces—six compact parking spaces, three handicapped-accessible parking spaces, and 65 standard parking spaces. The shopping center owner must provide the 85 spaces the shopping center which were originally approved for the shopping center.

**8. Neighborhood Impact/Land Use Compatibility**

The subject property is located at the southwest corner of the intersection of Gale Avenue, a limited secondary highway, and Stimson Avenue, a limited secondary highway, and is surrounded by commercial uses, single-family residences, and the City of Industry to the north. Sensitive uses within a 600-foot radius of the property include the United Christian Education Center and Great Commission Church International to

the east, at 16152 Gale Avenue. This education center and church are separated from the subject property by one block. Single-family residences adjoin the shopping center to the south.

The subject property is located within a high crime reporting district, and the Los Angeles County Sheriff's Department ("Sheriff") indicated that there were two crime reports taken in the period June 1, 2004 to June 1, 2009. One report was for a hit-and-run on March 27, 2005 and the other report was for a burglary on April 15, 2009. The proposed use will not contribute or generate potential criminal activity at the site.

Currently there is one establishment within the subject shopping center which includes the subject market that sells alcoholic beverages. This establishment, El Curtido Salvadorean and Mexican Food, sells beer and wine for on-site consumption. According to the California State Department of Alcoholic Beverage Control ("ABC"), there is not an undue concentration of alcohol serving establishments within the census tract that the subject market is located within.

There are four establishments within 500 feet of the subject property which sell alcoholic beverages. These four establishments are located in the City of Industry, in a different census tract than the subject market. Directly across Gale Avenue, there are two eating establishments which sell beer and wine for on-site consumption and one which sells a full line of alcoholic beverages for on-site consumption. Diagonally across Gale Avenue there is one establishment which sells beer and wine for off-site consumption.

The subject market has been operating at its current location selling a full line of alcoholic beverages since 1999 and is compatible with the existing neighborhood. The applicant's ABC license was renewed on August 26, 2009.

**9. County Departments and Outside Agency Comments and Recommendations:**

- A. Staff received a letter from Kenneth G. Bryan, whose printing business, Bryan Press, is located within 500 feet of the subject property. Mr. Bryan opposed the proposed project based on concerns that the project could disrupt the safety and peacefulness of the area and bring an increase of an undesirable element into the area; that patrons of a gentlemen's club located in the shopping center across the street from the subject property, which does not sell alcoholic beverages, would buy alcoholic beverages at the subject property; and that the proposed project is across Gale Avenue from the Hacienda La Puente Unified School District offices.
- B. Staff received a letter from the Hacienda Heights Improvement Association, Incorporated ("Association"), which stated the applicant had met with the Association's board on November 16, 2009 to review the subject project. The letter stated the Association had no objections to the subject project.
- C. Staff received correspondence from the Sheriff's City of Industry Station dated June 1, 2009. According to the letter, 32 calls for service "of a routine nature" have occurred on the subject property between June 1, 2004 and June 1, 2009. In that

time period, two crime reports were taken. One report was for a hit-and-run on March 27, 2005 and the other report was for a burglary on April 15, 2009.

D. Staff received a B&P Worksheet from the California State Department ABC, Monrovia District Office, on June 8, 2009. The worksheet includes crime reporting district- and census tract-based statistics on reported criminal activity and existing alcohol licenses. According to the worksheet, the subject property is located in crime reporting district number 1473 where 355 offenses occurred in 2007. The average number of offenses in Los Angeles County is 164 per reporting district, therefore district 1473 is considered a high crime reporting district. The subject property is located in census tract number 4086.01 where five (5) alcohol licenses that allow the sale of alcoholic beverages for off-site consumption are allowed, and one (1) exists. Therefore the census tract number 4086.01 does not have an undue concentration of alcohol permits.

10. 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.
11. The applicant has provided the required Burden of Proof to substantiate facts identified by Section 22.56.040 of the Los Angeles County Code.
12. The Los Angeles County Department of Regional Planning (“Regional Planning”) has determined this project to be Categorically Exempt (Class 1 Exemption - Minor Alteration to Existing Facilities) under the California Environmental Quality Act (CEQA) and the Los Angeles County environmental guidelines.
13. The project is consistent with the Hacienda Heights Community Plan and the provisions of the Zoning Code.
14. During the January 6, 2010 Los Angeles County Regional Planning Commission (“Commission”) public hearing, the case planner made a presentation which included a description of the subject property and its surroundings and a summary of correspondence received from agencies and private individuals.
15. During the January 6, 2010 Commission public hearing, the Commission directed the case planner to correct the wording of Condition No. 8(r) to correctly identify the subject property as a market.
16. During the January 6, 2010 Commission public hearing, the Commission discussed whether a restriction of shelf space for the display of alcoholic beverages to five percent of the total shelf space was required. County Counsel clarified that County Code Section 22.56.195(B)(3) requires a restriction of shelf space for the display of alcoholic beverages to five percent of the total shelf space if the Commission finds that approval of the requested use at the proposed location would result in an undue concentration of similar premises, with another facility selling alcoholic beverages within a 500-foot radius, and that a finding of public convenience must also be made.

17. During the January 6, 2010 Commission public hearing, the Commission found that the requested use at the proposed location will result in an undue concentration of similar premises, and that the public convenience 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, and that the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.
18. During the January 6, 2010 Commission public hearing, the Commission discussed Condition Nos. 8(a) and 8(q) regarding the tenant's responsibility for number of parking spaces in the shopping center parking lot and the tenant's responsibility for the timing of the lighting control of the shopping center.
19. During the January 6, 2010 Commission public hearing, the applicant's representative testified. She stated the applicant concurred with the staff report, and noted there were several vacancies in the shopping center and that the parking lot appeared to her to be about 65 percent empty much of the time. She noted the applicant did not have control of the parking lot lighting but could talk to the owner about the timing of the lighting. Ms. Olson also testified that shelf space for the display of alcoholic beverages in the subject market is currently over eight percent, and the applicant would like to keep that percentage.
20. During the January 6, 2010 Commission public hearing, the Commission noted that the Exhibit "A" for the CUP depicted 4.8 percent of the shelf space would be available for the display of alcoholic beverages.
21. During the January 6, 2010 Commission public hearing, the Commission discussed whether a remodeling of the current market, which would result in a change in the percentage of shelf space available for the display of alcoholic beverages, would need to come back to the Commission for review or whether the Director of Regional Planning ("Director") could approve a Revised Exhibit "A". Staff clarified that the Director could approve a Revised Exhibit "A", as long as the Revised Exhibit "A" depicted five percent or less of the total shelf space as being available for the display of alcoholic beverages.
22. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Commission determined that it is necessary to impose **ten (10)** annual inspections.
23. The location of documents and other materials constituting the record of proceedings upon which the Regional Planning Commission's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits Section, Regional Planning.

**BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION  
CONCLUDES:**

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

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a conditional use permit as set forth in Sections 22.56.090 and 22.56.195, Title 22, of the County Code.



REGIONAL PLANNING COMMISSION ACTION:

1. The Commission finds that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). The project is within a class of projects, which have been determined not to have a significant effect on the environment in that it meets the criteria set forth in section 15303 of the State CEQA Guidelines and Class 1 of the County Environmental Document Reporting Procedures and Guidelines, Appendix G.
2. In view of the findings of facts presented above, Conditional Use Permit Case Number 200900037 is **APPROVED**, subject to the attached conditions.

Attachments: Conditions

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

This grant authorizes the sale of a full line of alcoholic beverages for off-site consumption at an existing 2,133 square foot market, Market 1 Liquor, located within an existing multi-tenant commercial center.

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County 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. 3, 4, and 6 shall be effective immediately upon final approval of this grant by the County.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten (10) days of the filing pay Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
  - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

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

5. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
6. This grant shall expire unless used within 90 days from the date of final approval by the county. A single 30-day time extension may be requested in writing and with payment of

the applicable fee. For purposes of this grant, the recordation of the terms and conditions of approval shall constitute the use of this grant.

7. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the Los Angeles County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee, as applicable, of the subject property.
8. All facilities shall be maintained as depicted on the approved Exhibit "A", subject to all of the following conditions of approval:
  - a. The conditions of this grant shall be retained on the premises at all times and be immediately produced upon request of any Los Angeles County Sheriff, Zoning Inspector or California State Department of Alcoholic Beverage Control ("ABC") agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein;
  - b. The permittee shall adhere to all State of California ABC regulations;
  - c. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced;
  - d. The licensee, and all managers and employees of the establishment shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by ABC. This training shall be on-going and all new employees shall be required to attend. The licensee shall display a certificate or plaque in the lobby of the establishment indicating they have participated in this program. Proof of completion of the facilities' training program by employees shall be available upon request;
  - e. Any person under the age of 18 years whom the licensee employs or uses the services of for the sale of alcoholic beverages must be under the continuous supervision of a person 21 years of age or older;
  - f. Loitering shall be prohibited on the subject property, including 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. The permittee shall instruct all employees in the regulations regarding no loitering on the property of the subject market. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary. Well-defined written procedures and employee training shall be established by the applicant for promptly handling loitering violations should they occur. Copies of said procedure shall be made available upon request by Zoning Enforcement staff;
  - g. No self-illuminating advertising for alcoholic beverages shall be located on the exterior of buildings or windows;

- h. The subject market may sell alcoholic beverages from 6:00 a.m. until 12:00 a.m., Monday through Thursday, and 6:00 a.m. until 1:00 a.m. Friday and Saturday;
  - i. The permittee shall display alcoholic beverages only in the cooler or shelving designated for storage of said beverages as depicted on the "shelf plan" labeled Exhibit 'A'. No additional display of alcoholic beverages shall be provided elsewhere on the premises. The Director of Regional Planning may approve a Revised Exhibit "A" with shelf space for alcoholic beverages not to exceed five percent of the total shelf space of the subject market;
  - j. No display of alcoholic beverages shall be made from an ice tub;
  - k. No alcoholic beverages shall be displayed within five feet of the cash register or the front door;
  - l. 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;
  - m. 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;
  - n. The permittee shall keep telephone numbers of local law enforcement agencies posted in the market in plain view near the cashier's area, or similar public service area, which shall be visible to the general public;
  - o. The permittee shall provide adequate lighting above all entrances and exits to the premises. The lighting shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons entering or exiting the premises 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. Outdoor lighting shall not exceed an intensity of one foot-candle of light throughout the facility. Only minimal motion-sensor security lighting shall be used later than closing hours nightly;
  - p. The permittee shall make available not less than nine parking spaces for the market; and
  - q. The permittee shall maintain a current contact name, address, and phone number on file with the Regional Planning at all times.
9. **This grant will terminate on January 20, 2020.** 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, a new conditional use permit application shall be filed

with the Regional Planning at least six (6) months prior to the termination date of this permit, whether or not any modification of the use is requested at that time.

10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$1,500.00**. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for **ten (10) annual** inspections. Inspections shall be unannounced.
11. 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 inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150 per inspection).
12. 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.
13. All requirements of County Code Title 22 (Zoning Ordinance) and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
14. The subject property shall be maintained in substantial conformance with the plans marked Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit four copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.
15. All structures shall conform with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
16. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings or signage that was not approved by the Department of 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.

17. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

MC:SMT;dck  
1/19/2010

# EXHIBIT L

Appeal of  
Hearing  
Officer's  
Approval



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Amy J. Bodek, AICP  
Director

**REGIONAL PLANNING COMMISSION  
APPEAL FORM**

DATE: 09-04-2020

TO: Ms. Rosie Ruiz  
Regional Planning Commission Secretary  
Department of Regional Planning  
County of Los Angeles  
320 W. Temple Avenue, Room 1350  
Los Angeles, California 90012

FROM: Wil Nieves  
Name

SUBJECT: Project Number(s): 2019-003550-(4)  
Case Number(s): CONDITIONAL USE PERMIT NO. RPPL2019006263  
Case Planner: Carl Nadela  
Address: 16052 Gale Ave., Hacienda Heights, CA 91745  
Assessors Parcel Number: 8245-025-015  
Zoned District: Hacienda Heights

Entitlement Requested:

CUP to authorize the sale of a full line of alcohol for off-site  
consumption at an existing mini market in an existing commercial  
complex

Related Zoning Matters:

Tentative Tract/Parcel Map No.	
CUP, VAR or Oak Tree No.	
Change of Zone Case No.	
Other	

I am appealing the decision of (check one and fill in the underlying information):



Director

Hearing Officer

Decision Date: 08/25/2020

Public Hearing Date: 08/25/2020

Hearing Officer's Name: Alex Garcia  
Agenda Item Number: 5

The following decision is being appealed (check all that apply):

- The Denial of this request  
 The Approval of this request  
 The following conditions of approval:

#8 (Length of CUP Term) and #38 (Hours of Alcohol Sales); Clarification on #33

List conditions here

The reason for this appeal is as follows:

Applicant is not operating a liquor store, but is in fact, a convenience store with only 5% limited shelf space for alcohol display and has established a long track record with no problems as evidenced by the Regional Planning Department record/findings. The applicant should be given a longer term in light of the excellent track record. Applicant has substantial reliance on the previously granted CUP that allowed longer hours of operation. Applicant is, in effect, being penalized by having to start alcohol sales later in the day and shut down earlier in the night. The imposition of the stricter condition amounts to an unreasonable public restraint of business trade due to an arbitrary alcohol policy with no nexus to the premise and the applicant's substantial reliance on the previous grant. There is no nexus to reduce hours of alcohol sales since it has not been established that the premise has had significant crime related incidents or detrimental impacts to the neighborhood. On the contrary, the premise has had an exemplary track record without harm to the surrounding community. The Regional Planning Department's own findings have attested and established beyond reasonable doubt that the applicant has been a good operator. All other conditions have remained intact. Applicants like this should be rewarded by at least continuing existing conditions rather than having the business hours dialed back based on an Alcohol Policy that isn't applicable to the premise.

Condition #33 is very confusing the way it's worded, need clarification of what is conditioned.

Are you the applicant for the subject case(s) (check one)?  YES  NO

Submitted herewith is a check or money order for the amount due, as indicated on the Fee Schedule on the Los Angeles County Department of Regional Planning's website.



---

Appellant (Signature)

Wil Nieves , Agent/Rep  
Print Name

---

21250 Hawthorne Blvd., #700, Torrance, CA 90503  
Address

---

310-634-4553; Email is nievesasoc@aol.com  
Day Time Telephone No.

\*Fee subject to change.

September 4, 2020

Planning Commission  
Los Angeles County Department of Regional Planning

RE: PROJECT NUMBER: 2019-003550-(4)  
Conditional Use Permit (CUP) No. RPPL2019006263

Respected Commissioners:

We are respectfully requesting the Planning Commission to consider the following circumstances and reconsider the following conditions:

- **Condition # 8 - This grant shall terminate on August 25, 2030.**
- **Condition # 33 – Need Clarification on its meaning...Malt beverages (e.g. beer, ale, stout, and malt liquors) shall not be sold in a single bottle or container less than 16 ounces or greater than 750 milliliters or 25.4 ounces.**
- **Condition # 38 - This grant authorizes the sale of alcoholic beverages from 10 a.m. to 10 p.m. every day.**

These conditions will adversely affect the establishments ability to survive and force us to shut down the business. Kindly consider the following and provide support for the off-site sale of alcoholic beverages from 6:00 am to 12:00 am and sale of single bottle or container Malt beverages (e.g. beer, ale, stout, and malt liquors) less than 16 ounces or greater than 750 milliliters or 25.4 ounces:

1. **Market 1 has a spotless reputation as a responsible business and community member over the past 12 years.**
2. **The market has large number of customers working in the industry area and most of them work non-conventional hours. After long hours of work, they stop by and shop at the Market 1 for their groceries including beer and wine.**
3. **Change to the current hours of beer and wine sales at the site will cause the establishment to lose customers and harm the business as a whole.**
4. **The establishment has never had any issues which are detrimental to the surrounding community in either the commercial or the residential areas.**
5. **Covid-19 adversely effected the business and we are barley making living with the current hours of operation and if the hours of operation are cut down by the new proposed conditions, it will be impossible for the business to survive and the owner to make living.**

Kindly take this request in consideration and permit the establishment to sell the off-site sale of alcoholic beverages from 6:00 am to 12:00 am and sale of single bottle or container Malt beverages (e.g. beer, ale, stout, and malt liquors) less than 16 ounces or greater than 750 milliliters or 25.4 ounces.

We shall be very thankful to you for your time and consideration on this matter.

Regards,

Charanjit Singh

# EXHIBIT M

*Reference*

*Documents*

# Effectiveness of Policies Restricting Hours of Alcohol Sales in Preventing Excessive Alcohol Consumption and Related Harms

Robert A. Hahn, PhD, MPH, Jennifer L. Kuzara, MA, MPH, Randy Elder, PhD,  
Robert Brewer, MD, MSPH, Sajal Chattopadhyay, PhD,  
Jonathan Fielding, MD, MPH, MBA, Timothy S. Naimi, MD, MPH, Traci Toomey, PhD,  
Jennifer Cook Middleton, PhD, Briana Lawrence, MPH, the Task Force on Community  
Preventive Services

**Abstract:** Local, state, and national policies that limit the hours that alcoholic beverages may be available for sale might be a means of reducing excessive alcohol consumption and related harms. The methods of the *Guide to Community Preventive Services* were used to synthesize scientific evidence on the effectiveness of such policies. All of the studies included in this review assessed the effects of increasing hours of sale in on-premises settings (in which alcoholic beverages are consumed where purchased) in high-income nations. None of the studies was conducted in the U.S. The review team's initial assessment of this evidence suggested that changes of less than 2 hours were unlikely to significantly affect excessive alcohol consumption and related harms; to explore this hypothesis, studies assessing the effects of changing hours of sale by less than 2 hours and by 2 or more hours were assessed separately.

There was sufficient evidence in ten qualifying studies to conclude that increasing hours of sale by 2 or more hours increases alcohol-related harms. Thus, disallowing extensions of hours of alcohol sales by 2 or more should be expected to prevent alcohol-related harms, while policies decreasing hours of sale by 2 hours or more at on-premises alcohol outlets may be an effective strategy for preventing alcohol-related harms. The evidence from six qualifying studies was insufficient to determine whether increasing hours of sale by less than 2 hours increases excessive alcohol consumption and related harms.

(Am J Prev Med 2010;39(6):590–604) Published by Elsevier Inc. on behalf of American Journal of Preventive Medicine

## Introduction

Excessive alcohol consumption is responsible for approximately 79,000 deaths per year in the U.S., making it the third-leading cause of preventable death.<sup>1</sup> Binge drinking (consuming five or more drinks per occasion for men and four or more drinks per occasion for women) is reported by approximately 15% of U.S. adults aged  $\geq 18$  years and by approximately 29% of high school students in the U.S.<sup>2,3</sup> The direct and indirect economic costs of excessive drinking in 1998 were \$184.6 billion.<sup>4</sup> The reduction of excessive alcohol consumption

in general and binge drinking in particular are thus matters of major public health and economic interest. Reducing binge drinking among U.S. adults has been a public health objective in *Healthy People 2010*.<sup>5</sup>

In the U.S., local control of the total or specific hours during which alcoholic beverages may be sold (hereafter referred to as “hours of sale”) varies from one state to another. Some states allow cities, counties, and other local jurisdictions to enact their own alcohol control policies, and in these states, restrictions on hours of sale can vary from one location to another. In other states, local control may be pre-empted by state regulations that prohibit local authorities from enacting alcohol control regulations stricter than those that apply to the rest of the state.<sup>6,7</sup> As of 1953, American Indian reservations have the authority to establish their own alcohol-related policies, prior to which alcohol was formally prohibited.<sup>8</sup>

There is also wide variation among states in the specific restrictions they place on the hours of sale by retail setting (i.e., on- or off-premises) and by the day of the week.<sup>9</sup> For on-premises alcohol outlets, states allow facilities to serve alcohol for a median of 19 hours a day on weekdays and

From the Community Guide Branch of the Epidemiology and Analysis Program Office (Hahn, Kuzara, Elder, Chattopadhyay, Middleton, Lawrence), National Center for Chronic Disease Prevention and Health Promotion (Brewer, Naimi), CDC, Atlanta, Georgia; Los Angeles County Department of Public Health (Fielding), Los Angeles, California; University of Minnesota School of Public Health (Toomey), Minneapolis, Minnesota

The names and affiliations of the Task Force members are listed at [www.thecommunityguide.org/about/task-force-members.html](http://www.thecommunityguide.org/about/task-force-members.html).

Address correspondence to: Robert A. Hahn, PhD, MPH, Community Guide Branch, Epidemiology and Analysis Program Office, CDC, 1600 Clifton Road, Mailstop E-69, Atlanta GA 30333. E-mail: [rhahn@cdc.gov](mailto:rhahn@cdc.gov).

0749-3797/\$17.00

doi: 10.1016/j.amepre.2010.09.016

Saturdays. Nine states (Alabama, Florida, Georgia, Illinois, Louisiana, Maryland, Nevada, New Jersey, and South Carolina) have no limits on hours of sale for on-premises alcohol outlets.<sup>9</sup> On Sundays, alcohol may be served for a median of 17 hours at on-premises facilities, with seven states placing no restrictions on Sunday on-premises sales; four states allow no sales of alcohol at on-premises facilities on Sundays. In off-premises settings, hours of sale are limited to a median of 18 hours on weekdays and Saturdays. Restrictions range from no limits on hours of sale in Alabama, Florida, Georgia, Illinois, Louisiana, Maryland, and Nevada to 8 hours of sale allowed in Idaho. On Sundays, states allow a median of 13 hours of alcohol sales at off-premises facilities, with five states having no restrictions; 18 states with “blue laws” allow no off-premises sales.

This review uses the methods of the *Guide to Community Preventive Services (Community Guide)*<sup>10</sup> to assess the effects of changes in the hours during which alcohol is served on excessive alcohol consumption and related harms. A separate review published in this issue assesses the effects of changing days of sale on excessive alcohol consumption and related harms and concludes that increasing days of sale leads to increased consumption and related harms. The focal question of the present review is how, within allowable days of sale, the number of hours available for acquisition and service of alcohol affects excessive alcohol consumption and related harms.

### Findings and Recommendations from Other Reviews and Advisory Groups

Several scientific reviews<sup>11–14</sup> have concluded that restricting the hours when alcohol may be sold is an effective strategy for reducing excessive alcohol consumption and related harms. One review,<sup>11</sup> funded by the Center for Substance Abuse Prevention (CSAP), found substantial evidence of harms associated with expanding the hours and days of alcohol sales. This conclusion was based on previous empirical research indicating that the expansion of the hours and days of sale increased prevalence of excessive alcohol consumption and alcohol-related problems. Most prior reviews have combined findings on days and hours and none have examined a threshold effect. The CSAP review included studies prior to 1999; a recent review<sup>14</sup> includes studies published between 2000 and 2008. The present review covers both periods using the systematic methods of the *Community Guide* described below.

Several international bodies have also recommended the control of hours or days of sale, or both as means of reducing excessive alcohol consumption and related harms.<sup>15</sup> For example, a recent review<sup>16</sup> of alcohol control strategies by the WHO found that limiting of hours of sale was an effective method for reducing alcohol-related

harms. In Ireland, the Department of Health and Children’s Strategic Task Force on Alcohol<sup>17</sup> concluded (p. 30) that “restricting any further increases in the physical availability of alcohol (number of outlets and times of sales)” is among the most effective policy measures for influencing alcohol consumption and related harms.

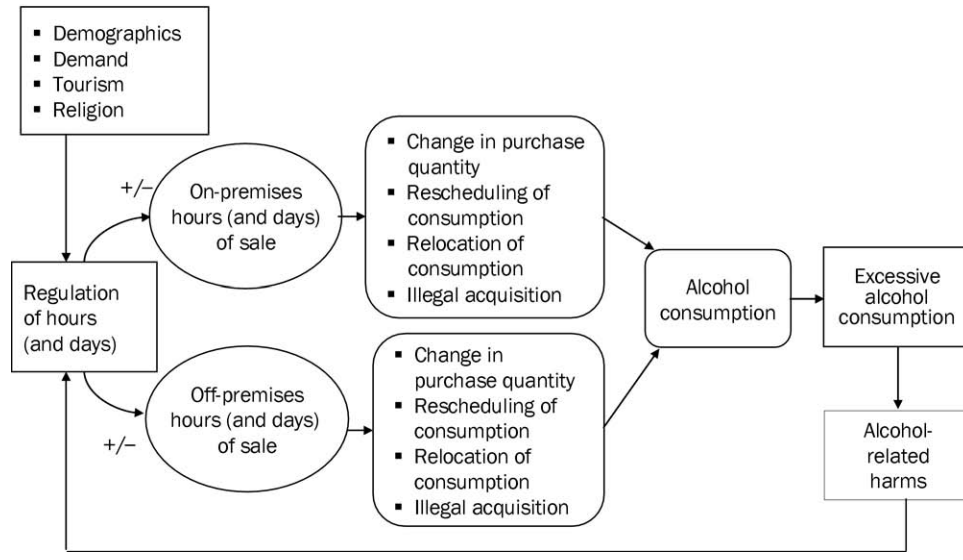
### Methods

The methods of the *Community Guide* were used to systematically review scientific studies that have evaluated the effectiveness of limiting or maintaining existing limits on the hours of sale for preventing excessive alcohol consumption and related harms.<sup>10</sup> In brief, the *Community Guide* process involves forming a systematic review development team (review team), consisting of subject matter and methodology experts from other parts of the CDC, other federal agencies, and academia, and the Task Force on Community Preventive Services (Task Force); developing a conceptual approach for organizing, grouping, and selecting interventions; selecting interventions to evaluate; searching for and retrieving available research evidence on the effects of those interventions; assessing the quality of and abstracting information from each study that meets inclusion criteria; assessing the quality of and drawing conclusions about the body of evidence on intervention effectiveness; and translating the evidence on effectiveness into recommendations. Evidence is collected and summarized on (1) the effectiveness of reviewed interventions in altering selected health-related outcomes and (2) positive or negative effects of the intervention on other health and nonhealth outcomes. When an intervention is shown to be effective, information is also included about (3) the applicability of evidence (i.e., the extent to which available effectiveness data might generalize to diverse population segments and settings); (4) barriers to implementation; and (5) the economic impact of the intervention. To help ensure objectivity, the review process is typically led by scientists who are not employed by a program that might be responsible for overseeing the implementation of the intervention being evaluated.

The results of this review process are then presented to the Task Force, an independent scientific review board that objectively considers the scientific evidence on intervention effectiveness presented to them and then determines, with the guidance of a translation table, whether the evidence is sufficient to warrant a recommendation on intervention effectiveness.<sup>10</sup> Evidence can be found to be strong, sufficient, or insufficient. Sufficient or strong evidence may indicate benefit, harm, or ineffectiveness of the intervention whereas insufficient evidence indicates more research is needed.

### Conceptual Approach and Analytic Framework

The premise of this review is that increased availability of alcoholic beverages through any mechanism facilitates increases in excessive consumption and related harms, and that limiting hours of sale of alcoholic beverages is one way to reduce availability. The limitation of hours of sale of alcoholic beverages was defined as “applying regulatory authority to limit the hours that alcoholic beverages may be sold at on- and off-premises alcoholic beverage outlets.” *Limiting* may refer to either *maintaining existing limits* in response to efforts to expand hours of sale or *reducing current limits on hours of sale*. Hours of sale may be regulated at the national, state, or local level or some combination of these. *Off-premises retailing* refers to



**Figure 1.** Effects of regulation of hours (and days) of alcohol sales on excessive alcohol consumption and related harms

the sale of contained alcoholic beverages, for instance, at package stores, liquor stores, grocery stores, or convenience stores, for consumption elsewhere. *On-premises retailing* refers to the sale of alcoholic beverages for consumption at the point of sale, for example, at bars, restaurants, or clubs.

Policies that regulate the hours of sale may be influenced by various characteristics of the affected population, including the demand for alcoholic beverages, the age distribution of the population, the religious affiliation and involvement of residents, and the amount of tourism the area attracts. Policies reducing or expanding hours of sale are hypothesized to affect alcohol consumption and alcohol-related harms through the following means (Figure 1). First, increases or decreases in the hours of sale affect consumers' ability to purchase alcohol by changing its availability. Second, when access to alcoholic beverages changes, consumers may alter their purchasing habits in several ways, including changing their purchase volume, rescheduling their purchases, relocating their purchases, or obtaining alcoholic beverages illegally. Changes in their purchasing habits may then affect their drinking patterns or overall levels of alcohol use, resulting in changes in alcohol-related problems.

Changes in the hours of sale may also affect alcohol-related health outcomes by other means. For example, increases in the hours that alcohol is available at on-premises outlets may be associated with increased social aggregation, which, in turn, may increase aggressive behaviors that are exacerbated by alcohol consumption.<sup>18</sup> Increases or decreases in the hours that alcohol is available in one jurisdiction may also increase or decrease alcohol consumption in adjacent jurisdictions if consumers travel from a jurisdiction with fewer hours to one with greater hours. This may also affect the number of miles traveled to purchase alcohol, and therefore the probability of alcohol-related motor vehicle crashes.

The present review addresses the following research question: what are the effects on excessive alcohol consumption and related harms of changing the hours of sale at on- or off-premises outlets? It was hypothesized that there would be a dose-response relationship related to the magnitude of the change in hours (i.e., the amount by which hours of sale are increased or decreased). Based on this hypothesis, the body of evidence for this review was strati-

fied into studies examining changes of  $\geq 2$  hours and  $< 2$  hours per day. This cut point was chosen by the judgment of the review team that 2 hours might be a reasonable threshold for a substantial effect and on the distribution of available studies.

The process by which hours of alcohol sale are changed in different settings may also be an important variable to consider in evaluating the effects of such changes. In some settings in which the allowable hours of sale are increased, any licensed facility may extend hours. In others, facilities must apply for an extension and meet certain criteria, such as demonstrating a lack

of facility crowding in a neighborhood. It was hypothesized that the additional level of regulation required to apply for extended opening hours might reduce the potential harm from greater access by restricting the implementation and extent of added hours.

### Inclusion and Exclusion Criteria

To be included as evidence in this review, studies had to meet certain criteria. First, studies that assessed short-term changes in alcohol availability (e.g., alcohol sales related to a special event such as a sports competition) were not included. Second, eligible studies needed to assess the specific impact of changes in the hours of sale on excessive alcohol consumption, related harms, or both, as opposed to evaluating the effect of change in combination with other interventions. Studies of combined interventions may obscure the effects attributable specifically to changes in hours. Third, because the current focus was on the effects of changes in hours of sale in jurisdictions where these changes occurred, no review was made of studies that examined the effects of changes in hours in one jurisdiction on consumption elsewhere, for example, in neighboring jurisdictions or across a border. Fourth, to increase the applicability of the findings to the U.S., studies had to be conducted in countries with high-income economies<sup>a</sup> according to the World Bank.<sup>19</sup> Fifth, studies had to present primary research findings, not just review other research findings. Sixth, studies had to be published in English. Seventh, studies had to have a comparison group

<sup>a</sup>World Bank High-Income Economies (as of May 5, 2009): Andorra, Antigua and Barbuda, Aruba, Australia, Austria, The Bahamas, Bahrain, Barbados, Belgium, Bermuda, Brunei Darussalam, Canada, Cayman Islands, Channel Islands, Cyprus, Czech Republic, Denmark, Equatorial Guinea, Estonia, Faeroe Islands, Finland, France, French Polynesia, Germany, Greece, Greenland, Guam, Hong Kong (China), Hungary, Iceland, Ireland, Isle of Man, Israel, Italy, Japan, Republic of Korea, Kuwait, Liechtenstein, Luxembourg, Macao (China), Malta, Monaco, Netherlands, Netherlands Antilles, New Caledonia, New Zealand, Northern Mariana Islands, Norway, Oman, Portugal, Puerto Rico, Qatar, San Marino, Saudi Arabia, Singapore, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Trinidad and Tobago, United Arab Emirates, United Kingdom, U.S., Virgin Islands (U.S.).

or, at a minimum, compare outcomes of interest before and after a change in the policy related to hours of sale.

Specific types of alcohol-related harms of interest were alcohol-related diseases (e.g., liver cirrhosis), alcohol-impaired driving, alcohol-related crashes, unintentional or intentional injuries, and violent crime. When studies assessed multiple outcomes of interest, those outcomes with the strongest known association with excessive alcohol consumption were selected. Outcome measures that had the strongest known association with excessive alcohol consumption included binge drinking, heavy drinking, liver cirrhosis mortality, alcohol-related medical admissions, and alcohol-related motor vehicle crashes, including single-vehicle night-time crashes (which are widely used to indicate the involvement of excessive drinking).<sup>20</sup> Less-direct measures included per capita ethanol consumption, a recognized proxy for estimating the number of heavy drinkers in a population<sup>21</sup>; unintentional injuries; suicide; and crime, such as homicide and aggravated assault.

## Search for Evidence

The following databases were searched: Econlit, PsycINFO, Sociology Abstracts, MEDLINE, Embase, and EtOH. All years of records available on the databases were searched up to February 2008. Although the systematic search ended at this date, the review team is not aware of additional hours of sale research published since this time. (The search strategy will be available on the Community Guide website.) The reference lists of articles reviewed were also searched as well as reference lists from other systematic reviews. Government reports were considered for inclusion, but unpublished papers were not. Subject matter experts were also consulted to identify studies that might have been missed.

## Assessing the Quality and Summarizing the Body of Evidence on Effectiveness

Each study that met the inclusion criteria was read by two reviewers who used standardized criteria to assess the suitability of the study design and threats to validity.<sup>10</sup> Uncertainties and disagreements between the reviewers were reconciled by consensus among the review team members. Classification of the study designs accords with the standards of the *Community Guide* review process and may differ from the classification reported in the original studies.

Studies were evaluated based on their design and execution. Those that collected data on exposed and control populations prospectively were classified as having the greatest design suitability. Those that collected data retrospectively or lacked a comparison group, but that conducted multiple pre- and post-measurements on their study population(s), were rated as having moderate design suitability. Finally, cross-sectional studies, those without a comparison group, and those that involved only a single pre- or post-measurement in the intervention population were considered to have the least suitable design. Quality of execution was assessed by examining potential threats to study validity, including an inadequate description of the intervention or of the study population(s), poor measurement of the exposure or outcome, failure to control for potential confounders, and a high attrition rate among study participants. Based on these criteria, studies were characterized as having good quality of execution if they had at most one threat to validity; fair execution if they had two to four threats to validity, and limited quality of execution if they had five or more threats to validity. For example, studies that used only proxy outcome measures were assigned a penalty for this threat to validity. Only studies

with good or fair quality of execution were included in the body of evidence; studies with any level of design suitability were included, other than those with cross-sectional design.

Effect estimates were calculated as relative percentage change in the intervention population compared with the control population using the following formulas:

1. For studies with pre- and post-measurements and concurrent comparison groups:

$$\text{Effect estimate} = (I_{\text{post}}/I_{\text{pre}})/(C_{\text{post}}/C_{\text{pre}}) - 1,$$

where:

$I_{\text{post}}$  = last reported outcome rate or count in the intervention group after the intervention;

$I_{\text{pre}}$  = reported outcome rate or count in the intervention group before the intervention;

$C_{\text{post}}$  = last reported outcome rate or count in the comparison group after the intervention;

$C_{\text{pre}}$  = reported outcome rate or count in the comparison group before the intervention.

2. For studies with pre- and post-measurements but no concurrent comparison:

$$\text{Effect estimate} = (I_{\text{post}} - I_{\text{pre}})/I_{\text{pre}}$$

All studies included in this review assessed the effects of *increasing* hours of sale, and the control condition was *not increasing* hours of sale. Although the analysis here accordingly assesses the effects of increasing hours, the public health intervention of interest is the control condition, (i.e., *limiting or not increasing hours of sale*). This approach rests on the assumption that increasing availability by increasing hours is likely to increase excessive consumption and related harms, and thus not increasing hours when proposed is the public health intervention. For each body of evidence, the review reports a number of *events* of policy changes in hours in a given jurisdiction, each of which may have been the subject of more than one *study* (a research investigation carried out by a single researcher or research group), each of which, in turn, may have been reported in more than one *paper or report*.

## Results on Intervention Effectiveness

### Studies of Changes of >2 Hours in Hours of Sale

Ten studies<sup>22–31</sup> of six events that resulted in a change of  $\geq 2$  hours in the hours of alcohol sales met the inclusion criteria. Only one study<sup>22</sup> was of greatest design suitability; however, the principal analysis in this study was presented graphically and did not allow the estimation of a numeric effect size. One study<sup>23</sup> was of moderate design suitability and eight<sup>24–31</sup> were of least suitable design. All studies had fair quality of execution. (A summary evidence table [Table 1]<sup>22–40</sup> accompanies this review.)

Four of the six events studied occurred in Australia (in 1966, 1977, 1984, and 1998–2000); one in London, England (in 2005); and one in Reykjavik, Iceland (in 2005). All of the events led to increased hours of sale at on-premises alcohol outlets.

In Victoria, Australia, weekday and Saturday hours were extended from 6:00 PM to 10:00 PM in 1966. Hours allowed prior to this change were not reported. One



**Table 1.** Evidence of the effects of limits of alcohol hours of sale on excessive alcohol consumption and related harm

Study/design/ execution	Population/study time period	Intervention/comparison	Analysis/outcome	Reported findings	Review/effect size
<b>Policies allowing a change of <math>\geq 2</math> hours—Increasing hours</b>					
El-Maaytah (2008) <sup>29</sup> Design suitability: Least Pre/post, no control Quality of execution: Fair (4 limitations)	Location: University College Hospital, London, England, and Wales Dates: Intervention: November 24, 2005 Pre-intervention: November 24, 2004–April 30, 2005 Post-intervention: November 24, 2005–April 30, 2006	Intervention: Flexible opening hours: Potentially 24-hour opening, 7 days a week, dependent on special license Note: Granting of licenses subject to consideration of impact on local residents, businesses, and expert opinion Control: None	Analysis: Chi-square Outcome: ARMT (6 months before compared to 6 months after)	ARMT Pre: 1102 Post: 730	Relative % change (95% CI): –33.8% (–39.7, –27.3)
Newton (2007) <sup>27</sup> Design suitability: Least Pre/post, no comparison Quality of execution: Fair (3 limitations)	Location: London Dates: Intervention: November 2005 Pre-intervention: March 2005 (9:00PM–9:00AM) Post-intervention: March 2006 (9:00PM–9:00AM)	Intervention: Experimental unrestricted hours Control: None	Analysis: Mann–Whitney <i>U</i> test for differences in proportions Outcomes: Numbers and percentages of “alcohol-related” ER admissions, injuries, and hospital referrals	Significant increases in number of alcohol-related admissions, alcohol-related assault, alcohol-related injury, and alcohol-related hospital admissions	Relative % change (95% CI): Alcohol-related assault: 129.6 (46.1, 260.8) Alcohol-related injury: 193.2 (108.2, 312.8)
Babb (2007) <sup>28</sup> Design suitability: Least Pre/post, no comparison Quality of execution: Fair (3 limitations)	Location: London Dates: Intervention: November 2005 Pre-intervention: December 2004–November 2005 (9:00PM–9:00AM) Post-intervention: December 2005–November 2006 (9:00PM–9:00AM)	Intervention: Experimental unrestricted hours, along with fines/penalties for service to drunk clients and children Control: None	Analysis: 30 of 43 home office police forces provide data on arrests for serious and less-serious violent crimes. Offenses not specified as alcohol-related	Moving averages calculated for nighttime arrests, 6:00PM to 5:59AM	Relative % change: Serious offenses (including homicide and manslaughter): –9.5% Less-serious offenses (with wounding): –5.4% Less-serious offenses (with wounding) in city centers and near licensed premises: –4.3% Assault without injury: –2.7% Assault without injury in city centers and near licensed premises: 3.1%
Ragnarsdottir (2002) <sup>26</sup> Design suitability: Least Pre/post, no comparison Quality of execution: Fair (3 limitations)	Location: “relatively small” city center, Reykjavik Dates: Intervention: July 1999–July 2000 Pre-intervention: March 1999–April 1999 (8 weekend nights) Post-intervention: March 2000–April 2000 (8 weekend nights)	Intervention: Experimental unrestricted hours Control: Unchanged hours	Analysis: Percentages; no tests of significance Outcomes: ● Emergency ward admissions (not specific to city center) ● Suspected drunk driving cases	For all outcomes, location not specified as city center (the location of intervention) or outside city center. Emergency ward admissions: Weekend nights: 31% increase All-day: 3% increase Weekends (all day):	Relative % change: Weekend emergency ward admissions: 20%* Accidents and other mishaps: 23%* Fighting: 34%* Suspected drunk driving: 79.3% (13.8, 182.4)

(continued on next page)

Table 1. (continued)

Study/design/execution	Population/study time period	Intervention/comparison	Analysis/outcome	Reported findings	Review/effect size
	*Weekend nights defined as Saturday or Sunday from 12:00 MN to 7:00AM			20% increase Weekdays: 2% decrease Reasons for admission include incidents often related to drinking: Accidents and other mishaps: 23% increase Fighting: 34% increase Non-alcohol-related admission types: No change Suspected drunk driving: 1999: 29 2000: 52	
Smith (1988) <sup>25</sup> Design suitability: Least Pre/post, no comparison group Quality of execution: Fair (3 limitations)	Location: Tasmania, Australia Dates: Intervention: August 10, 1977 Pre-intervention: July 1, 1971–June 30, 1977 Follow-up: October 1, 1977–September 30, 1978	Intervention: Unrestricted hours allowed throughout week. Smith reports numbers of actual hours did not change, but hours shifted to later times. Exceptions (mandatory closing): Sundays 5:00 AM–12:00NOON Sundays 8:00PM–12:00MN Good Friday Prior hotel opening hours: Monday–Saturday: 10:00 AM–10:00PM Sunday: 12:00NOON–8:00PM Control: Number of injury crash from 6:00 PM to 10:00PM	Analysis: Chi-square Outcome: Crash injury between 10:00PM and 6:00AM	Traffic injury crash: Increased between 10:00PM and 6:00AM. Although the number occurring directly after the former closing time decreased, both the proportion and the absolute number of traffic injury crash from 12:00MN to 6:00AM increased, for a total overall increase.	Relative % change (95% CI): Traffic injury crash: 10.8% (–1.5, 21.2)
Raymond (1969) <sup>22</sup> Design suitability: Greatest Pre/post, no comparison. Quality of execution: Fair (3 limitations)	Location: Melbourne, Victoria (Australia) Dates: Intervention: February 1, 1966 Pre-intervention: 1964–1965 Follow-up: 1966–1967 after period Note: data collection begins January 1, 1966	Intervention: Closing time extended from 6:00PM to 10:00PM Control: Sundays	Analysis: Outcomes: ● Casualty accidents ● Total accidents ○ Pedestrian accidents ○ Single-vehicle accidents ○ Multi-vehicle accidents	Summary of major findings: Total accidents: No change Hourly distribution of accidents occurring from 6:00PM to 11:00PM changed significantly: Sharp decrease from 6:00PM to 7:00PM and an increase from 10:00PM to 11:00PM.	Graphical comparison of weekdays and Saturday with hours change vs Sunday without change: No effect
Williams (1972) <sup>23</sup> Design suitability: Moderate Interrupted time series	Location: Victoria, Australia Dates: Intervention:	Intervention: Closing time extended from 6:00PM to 10:00PM Control: None	Analysis: Maximum likelihood estimates Outcome:	Sales increase \$1.9 per quarter due to 10:00PM closing Equivalent to 12% increase	Consumption change: 12% (ns)* *CIs not calculable because of lack of data

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**Table 1.** Evidence of the effects of limits of alcohol hours of sale on excessive alcohol consumption and related harm (*continued*)

Study/design/execution	Population/study time period	Intervention/comparison	Analysis/outcome	Reported findings	Review/effect size
Quality of execution: Fair (2 limitations)	January 2, 1966 Pre-intervention: 1958–1966 Follow-up: 1966–1969		Consumption of alcohol in Aus\$ sales per capita controlled for price of beer and consumer price index	Note: Author reports no significant effect because SEs are large	
Smith (1988) <sup>24</sup>	Location: Victoria, Australia Dates: Intervention: January 2, 1966	Intervention: Closing time extended from 6:00PM to 10:00PM Control: None	Injury crash change: Yearly vehicle crashes 3 years before and 1 year after the change in hours. No assessment of alcohol-relatedness of crashes	An increase of 11.5% in automobile crash injuries associated with the change in hours (not taking entire day into account)	Relative % change (95% CI): 3.6% (–16.6, 28.8)
Smith (1990) <sup>30</sup> Design suitability: Least Pre/post, no comparison Quality of execution: Fair (3 limitations)	Location: Victoria, Australia Dates: Intervention: (1) July 13, 1983 (2) November 1984 Pre-intervention: January 1, 1980–December 31, 1983 Follow-up (1): January 1, 1984–December 31, 1984 Follow-up (2): January 1, 1985–December 31, 1985	Intervention: (1) Two 2-hour periods allowed on Sundays between 12:00NOON and 8:00PM (2i) Full hours allowed between 12:00NOON and 8:00PM on Sunday (2ii) Monday to Saturday sales extended from 10:00PM to 12:00MN (2iii) Sunday restaurant hours increased to 12:00 NOON to 11:30PM (12:00NOON–4:00PM and 6:00PM–10:00PM) Control: None	Analysis: Chi-squares Outcome: Traffic crash injury	Injury crash during the 4 hours after 8-hour Sunday session	Relative % change (95% CI): 8.5 (2.2, 15.2)
Briscoe (2003) <sup>31</sup> Design suitability: Least Cross-sectional Quality of execution: Fair (3 limitations)	Location: Victoria, Australia Dates: Intervention: July 1998–June 2000	Intervention: 24-hour permit granted to some on-premises alcohol outlets	Analysis: descriptive statistics Outcomes: Number of assaults within outlets during study period	Summary of major findings: Authors claim that there is an association between 24-hour permits and high rates of assaults. However, findings appear contradictory and do not allow re-evaluation.	Inconclusive
<b>Policies allowing a change of &lt;2 hours</b>					
Chikritzhs (1997) <sup>32–35</sup> Design suitability: Greatest Before and after design with comparison Quality of execution: Fair (3 penalties)	Location: Perth, Western Australia (WA) Dates: Data collected from July 1, 1991 to June 30, 1995 for: ● Assaults Data collected from July 1, 1990 to June 30, 1996 for: ● Road-block breath testing ● Accidents	Intervention (1988): ETPs only (until 1:00AM instead of 12MN) Control: Hotels that served in standard hours (until 12:00MN) throughout study period (non-ETPs)	Analysis to test for ETP association: ● Paired t-tests ● Repeated measures analysis ● Multiple Linear Regression Outcomes: ● Monthly assault rates ● Impaired driver BAL	Monthly assaults per hotel: ETP hotels: Pre: 0.121; Post: 1.87 Non-ETP hotels: Pre: 0.112; Post: 0.133 *Adjusting for alcohol sales eliminated effect of ETPs (e.g., increased consumption accounted for increased harm)	Relative % change: Monthly assaults per hotel: 30.1% Wholesale alcohol purchases: 10.5% Alcohol-related road crashes: 51.3%

*(continued on next page)*

Table 1. (continued)

Study/design/execution	Population/study time period	Intervention/comparison	Analysis/outcome	Reported findings	Review/effect size
	<ul style="list-style-type: none"> <li>Routine police patrols</li> </ul>		<ul style="list-style-type: none"> <li>Alcohol-related crashes</li> <li>Wholesale alcohol purchase</li> </ul>	ETP hotels: Pre: 670,403; Post: 881,048 Non-ETP hotels: Pre: 686,094; Post: 815,822 Alcohol-related road crashes: ETP hotels: Pre: 0.0781; Post: 0.0808 Non-ETP hotels: Pre: 0.0731; Post: 0.0503	
Smith (1987) <sup>36</sup> Design suitability: Least Before and after design, no comparison Quality of execution: Fair (3 penalties)	Location: New South Wales, Australia Dates: Intervention: Weekday/Saturday closing hours: changed from 10:00PM to 11:00PM Pre-intervention: 1976–1979 Follow-up: 1980–1981	Intervention: Hours: Weekday/Saturday evening closing hours extended from 10:00PM to 11:00PM December 1979 Sunday hours and outlet types also expanded December 1980 BAC levels lowered from 0.08% to 0.05% Control: No comparison group	Analysis: Percentage change Outcomes: Motor vehicle fatalities	Summary of major findings: Findings on this outcome not considered	Relative % change in motor vehicle fatalities: –2.7%
Knight (1980) <sup>37</sup> Design suitability: Least Before and after study without comparison Quality of execution: Fair (4 limitations)	Location: 4 major cities and central belt of Scotland Dates: Intervention: Hours: December 13, 1976 Pre-intervention: October–November 1976 Follow-up: March 1977	Intervention: Hours: Evening closing hours extended from 10:00PM to 11:00PM in December 1977 (Sunday licenses issued October 1977) Control: No comparison group	Analysis: Percentage changes Outcomes: Consumption and patterns of consumption	Change in consumption (in standard units) from before to after the time change: Men: –0.9 units/week Women: 0.2 units/week	Relative % change in consumption following extended hour: Men: –4.9% Women: 3.8%
Bruce (1980) <sup>38</sup> Design suitability: Least Before and after study with no comparison Quality of execution: Fair (2 limitations)	Location: 4 major cities and central belt of Scotland Dates: Intervention: Hours: December 13, 1976 Pre-intervention: October–November 1976 Follow-up: March 1977	Intervention: Hours: Evening closing hours extended from 10:00PM to 11:00PM in December 1977 (Sunday licenses issued October 1977) Control: No comparison group	Analysis: Percentage changes Outcomes: Beer sales in bulk barrels	Beer sales in bulk barrels Mean 1970–1976/1977 3,7856,143/40,262,000 3,264,000/366,800	Relative % change: Beer sales in bulk barrels 5.7%
De Moira (1995) <sup>39</sup> Duffy (1996) <sup>40</sup> Design suitability: Greatest	Location: England/Wales Dates: Intervention:	Intervention: Extension of opening and Sunday hours <ul style="list-style-type: none"> <li>Opening hour changed from            11:00AM to 10:00AM</li> </ul>	Analysis: Logistic linear regression, analysis of deviance Outcomes:	Summary of major findings: Mortality: No increase in: <ul style="list-style-type: none"> <li>Liver disease and cirrhosis</li> </ul>	Relative % changes (95% CI): Mortality from diverse alcohol-related diseases: no effect Convictions for sales to underage patrons:

(continued on next page)

**Table 1.** Evidence of the effects of limits of alcohol hours of sale on excessive alcohol consumption and related harm (continued)

Study/design/execution	Population/study time period	Intervention/comparison	Analysis/outcome	Reported findings	Review/effect size
Prospective data collection with intervention and control populations Quality of execution: Fair (2 limitations)	August 1988 Pre-intervention: 1980–1988 Follow-up: 1988–1991	<ul style="list-style-type: none"> <li>● Extra hour on Sunday (hours allowed from 12:00NOON until 10:30PM, with a mandatory break of 4 hours beginning at 3:00PM)</li> <li>● Drinking-up time increased from 10 to 20 minutes (weekdays only)</li> <li>● Off-premises sales allowed from 8:00AM</li> </ul> Control: Scotland (positive control, having already extended hours several years previously)	<ul style="list-style-type: none"> <li>● Liver disease and Cirrhosis Mortality</li> <li>● Pancreatitis mortality</li> <li>● Alcohol poisoning</li> <li>● Alcohol-dependent syndrome</li> <li>● Alcohol psychosis</li> <li>● Workplace absenteeism</li> <li>● Workplace accidents</li> <li>● Road accidents</li> <li>● Positive breath tests</li> <li>● Drunk driving convictions</li> <li>● Drunkenness offenses</li> <li>● Crimes of violence</li> <li>● Underage drinking</li> </ul>	<ul style="list-style-type: none"> <li>● Pancreatitis</li> <li>● Alcohol poisoning</li> <li>● Alcohol-dependent syndrome</li> <li>● Alcohol psychosis</li> </ul> Workplace: No increase in: <ul style="list-style-type: none"> <li>● Workplace absenteeism</li> <li>● Serious or fatal workplace accidents</li> </ul> Increase in: <ul style="list-style-type: none"> <li>● Slight workplace accidents</li> </ul> RR Scotland: 1.34 RR E and E: 1.01 Motor vehicle: No increase in: <ul style="list-style-type: none"> <li>● Drunk driving convictions</li> <li>● Positive breath tests</li> <li>● Fatal and serious road accidents</li> </ul> Increase in: <ul style="list-style-type: none"> <li>● Slight road accidents</li> </ul> Relative % change: 3.5% Public order: No increase in: <ul style="list-style-type: none"> <li>● Drunkenness offenses</li> <li>● Crimes of violence</li> <li>● Underage drinking</li> </ul>	64.1% (21.2%, 99.0%) Purchases by minors: –62.4% (72.9%, 46.5%) Recorded violent crime: 15.5% (14.0%, 17.0%)
Vingilis (2005) <sup>41</sup> Design suitability: Greatest Prospective data collection with intervention and control populations Quality of execution: Fair (3 limitations)	Intervention: May 1996 Pre-intervention: 1992–1996 Follow-up: 1996–1999	Intervention: On May 1, 1996, Ontario, Canada, amended the Liquor License Act to extended closing hours for alcohol sales and service in licensed establishments from 1:00AM to 2:00AM Control: Michigan and New York states, in which similar changes did not occur	Analysis: Supposedly interrupted time series, but results not given. Graphical analyses. Outcomes: Motor vehicle fatalities, alcohol-related and all Consumption	Summary of major findings: No significant change relative to controls Declines in consumption reported	Findings: No significant change relative to controls

\*CIs not calculable due to the lack of data.

ARMT, alcohol-related maxillofacial trauma; ETP, extended trading permit

study<sup>22</sup> compared trends in motor vehicle–related outcomes on weekdays and Saturdays before and after the hours of alcohol sales at on-premises alcohol outlets in Victoria, Australia, were extended, to the same outcomes on Sundays, when there was no change in hours. The author found that the increase in hours of sales on weekdays and Saturday did not significantly affect the number of crashes that occurred on these days. However, she observed a change in the timing of crashes corresponding to the change in the closing time of the on-premises alcohol outlets. Thus, in this study, it appeared that although the number of events may not have been affected by the change in the closing time of alcohol outlets, their timing was affected. In contrast to this study's findings, two subsequent analyses of the same event concluded that the increase in hours was associated with increases in consumption<sup>23</sup> and motor vehicle crash injuries.<sup>24</sup>

In 1984, hours available for alcohol service in Victoria were extended from 10:00PM until 12:00MN on weekdays and Saturdays and in length of time open from 4 hours to 8 hours on Sundays (a day on which alcohol sales had been previously allowed). Information on hours prior to the weekday and Saturday extension is not given. A study of this event<sup>30</sup> found an increase in motor vehicle crash injuries associated with these increases in hours.

Between July 1998 and June 2000, Victoria granted 24-hour permits to some on-premises alcohol outlets. A cross-sectional study comparing rates of assaults in outlets granted and not granted 24-hour permits is inconclusive.<sup>31</sup> Although authors claim that higher rates of assault are associated with 24-hour facilities, their statements describing results are inconsistent, and the authors do not provide data to allow re-evaluation.

In Tasmania (Australia), licensed premises were allowed to stay open until any hour in 1977. Prior Monday–Saturday opening hours were 10:00AM–10:00PM; Sunday hours, 12NOON–8:00PM. The assumption by policymakers underlying unrestricted closing times was that possibly intoxicated clients would not be exiting the facilities at the same time, potentially decreasing risks, because different outlets would choose different closing hours. A study of this event<sup>25</sup> found an increase in motor vehicle crash injuries associated with these increases in hours.

In Reykjavik, licensed premises were allowed to stay open until any hour in the year 1999 on an experimental basis. Prior closing requirements were 11:30 PM on weekdays and 2:00 AM on weekends. Researchers found increases in emergency room admissions, injuries, fighting, and suspected driving while intoxicated.<sup>26</sup>

Finally, the United Kingdom's Licensing Act of 2003 allowed sales of alcoholic beverages 24 hours a day in England and Wales, beginning in November 2005, subject to local licensing requirements. Three studies assess-

ing the impact of this increase in hours of sale produced mixed results.<sup>27–29</sup> Two studies<sup>28,29</sup> found a relative decrease in harms (violent criminal offenses and alcohol-related maxillofacial trauma, respectively), whereas a third study<sup>27</sup> found a relative increase in harms (alcohol-related assault and injury) subsequent to this increase in hours of sale.

Among the ten studies in this body of evidence,<sup>22–31</sup> two studies<sup>28,29</sup> found that an increase of  $\geq 2$  hours in the hours of sale led to decreased alcohol-related harms (i.e., injury and serious violent crime), and six studies<sup>23–27,30</sup> found an increase in alcohol-related harms relative to the period before the increase in hours of sale took place (Figure 2). The study by Raymond<sup>22</sup> found no effect. One study<sup>23</sup> found a nonsignificant increase in alcohol consumption associated with the increase in hours in Victoria, Australia, in 1966.

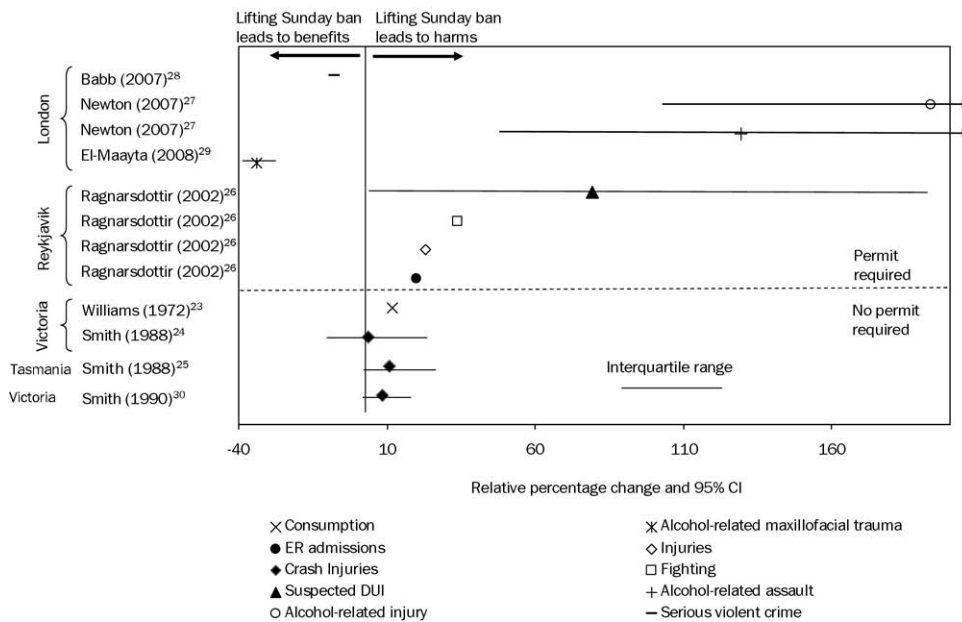
Information on the requirement that premises seek permits prior to expanding hours may not have been complete in the studies reviewed. To the extent that stated permit requirements accurately reflect the expansion process, there appears to be no systematic effect of permitting. Although the harmful effects of permitted expansions appear to be larger than those in which permits were not required (Figure 2) there were also effects in the opposite direction for studies of permitted settings.

### Studies of Changes of <2 Hours in Hours of Sale

Six studies of five events (reported in ten papers<sup>32–41</sup>) that resulted in a change of <2 hours of sale met the inclusion criteria. All studies were of on-premises alcohol outlets. Three studies (seven papers<sup>32–35,39–41</sup>) were of greatest design suitability, three<sup>36–38</sup> were of least suitable design; all were of fair quality of execution. One study (two papers<sup>39,40</sup>) of the extension of opening hours in England and Wales in 1988 did not allow the calculation of effects for several outcomes, but it reported small and inconsistent results on multiple alcohol-related outcomes. One<sup>41</sup> provides graphics and report using interrupted time series but does not report numeric results.

In 1993, Perth, Australia allowed on-premises outlets to extend their closing time from 12:00MN to 1:00AM.<sup>32–35</sup> Findings were inconsistent, with a reported increase of alcohol wholesale but a decline in drunk driving and an increase in assaults and in alcohol-related crashes. None of these findings was significant.

In December 1979, the state of New South Wales in Australia expanded on-premises alcohol outlet closing hours from 10:00PM to 11:00PM, at the same time expanding Sunday hours and outlet settings. A study of these events<sup>36</sup> proposed using the weekdays as the control in an assessment of the effects of increased Sunday sales on



**Figure 2.** Relative percentage change in diverse outcomes associated with increases of  $\geq 2$  hours  
DUI, driving under the influence

motor vehicle fatalities. However, this comparison is biased toward a null effect, given the change in weekday hours. A comparison of weekday fatalities before and after the weekday expansion indicates a reduction of 2.7% in motor vehicle fatalities over the study period associated with the weekday increase of 1 hour in closing time. However, this outcome may be confounded by a reduction from 0.08% to 0.05% in maximum legal blood alcohol levels in December 1980, which would have been expected to deter drunk driving and reduce motor vehicle injuries.

In 1976, Scotland allowed on-premises outlets to extend their closing time from 10:00PM to 11:00PM.<sup>37,38</sup> Reported changes were small and not consistent in direction. Knight found increased consumption for women and decreased consumption for men, and Bruce reported a small increase in the per capita consumption of beer.

In 1988, England and Wales extended the closing hours at on-premises outlets from 10:30PM to 11:00PM and moved the opening time from 11:00AM to 10:00AM.<sup>39,40</sup> The outcomes, including mortality from liver disease and cirrhosis, pancreatitis, alcohol poisoning, “alcohol-dependent syndrome,” alcohol psychosis, workplace absenteeism and injury, and various motor vehicle–related outcomes) assessed in these studies were heterogeneous and included the seemingly contradictory findings that in comparison with changes in the control setting (Scotland), convictions for sales to underage patrons increased by 64.1% (95% CI=21.2%, 99.0%), whereas sales to minors fell substantially. Another finding was

an increase in recorded violent crime of 15.5% (95% CI=14.0%, 17.0%). (See Table 1.)

Finally, in 1996, Ontario Province extended closing hours in on-premises alcohol outlets from 1:00AM to 2:00AM. A study<sup>41</sup> of this event used graphics and interrupted time series to assess the effects of this change on all and alcohol-related fatal motor vehicle crashes. Changes in Ontario were compared with changes in Michigan and New York, neither of which changed hours

of sale during the same period. The study also assessed changes in the sales of beer, wine, and spirits in Ontario from the period before to the period following the policy change. Numeric results are not reported. Beer consumption declined over the study period, whereas the consumption of wine and spirits declined in the early 1990s and then increased in the later 1990s. The authors conclude that changes in motor vehicle outcomes are “minimal.” Their graphics suggest a shift of the timing of alcohol-related fatalities to later hours following the extension of hours of sale.

This small body of evidence indicates no consistent effects of changes of  $< 2$  hours on alcohol-related outcomes. Four events of increases in hours of sale were studied. Only one study of increased hours of sale in Perth, Australia, reported substantial increases in wholesale alcohol purchases, assaults, and motor vehicle crashes. Two studies (of events in England and Wales and in Ontario, Canada) did not provide numeric results but reported small and inconsistent changes in alcohol-related outcomes including alcohol consumption, multiple alcohol-related causes of mortality, and motor vehicle crashes. Two studies of increased hours of sale in Scotland also reported small and inconsistent changes in alcohol sales and consumption.

Again, information on the requirement that premises seek permits prior to expanding hours may not have been complete in the studies reviewed. To the extent that stated permit requirements accurately reflect the expansion

process, there appears to be no systematic effect of permitting (Figure 3).

### Applicability

The studies in this review were conducted in a variety of settings outside the U.S. and during a wide range of time periods. Nonetheless, the association between restrictions on the hours when alcohol may be sold and alcohol-related harms was consistent across most geographic locations (all in high-income countries) and time periods, and the findings of this review are likely to be relevant for considering the potential impact of modifying the number of hours when alcohol may be sold in the U.S.

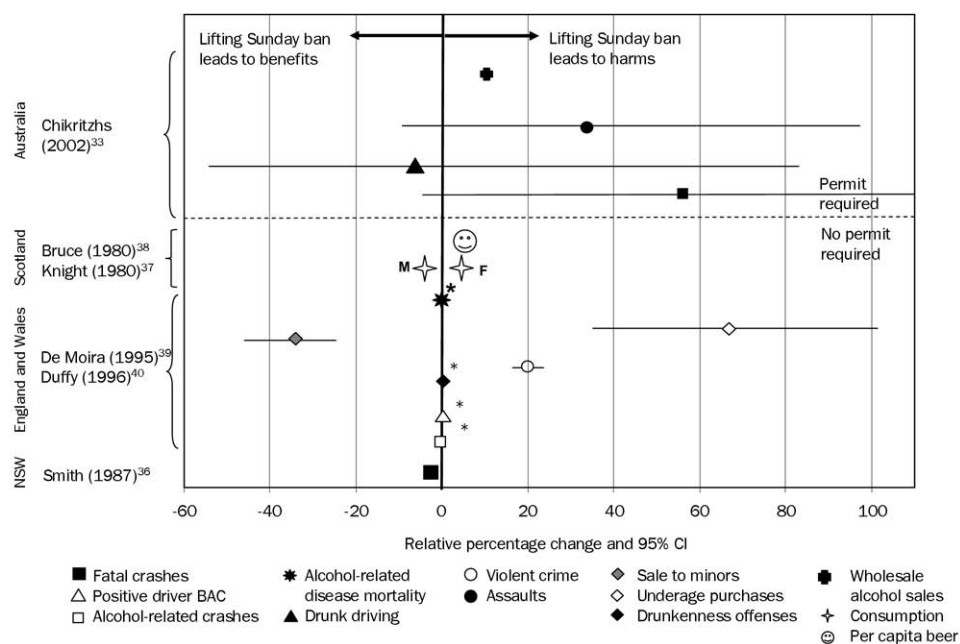
### Other Harms and Benefits

Maintaining hours of sale may sustain quality of life in communities by controlling alcohol availability, excessive alcohol consumption, and health and social harms resulting from excessive alcohol use (e.g., public drunkenness); evidence of effects on quality of life were not provided by the studies reviewed. Although it is possible that crimes such as illicit alcohol sales may increase in localities where the hours of sale are limited, no evidence of such effects was found in any of the studies evaluated. One study<sup>26</sup> noted increased workload among law enforcement personnel associated with expanded hours of sale.

### Barriers

The maintenance and reduction in the number of hours when alcohol may be sold may affect overall alcohol sales and may thus be opposed by commercial interests involved in manufacture, distribution, and sale of alcoholic beverages. The alcohol industry has generally supported policies that remove restrictions on the access to alcohol.<sup>42</sup>

State pre-emption laws (i.e., state laws that prevent the implementation and enforcement of local policies more restrictive than statewide regulations) can also under-



**Figure 3.** Relative percentage change in diverse outcomes associated with increases of <2 hours NSW, New South Wales

mine efforts by local governments to regulate hours of sale.<sup>6</sup> Indeed, the elimination of pre-emption laws related to the sale of tobacco products is one of the health promotion objectives in *Healthy People 2010*.<sup>5</sup> However, there is no similar objective in *Healthy People 2010* related to the local sale of alcoholic beverages.

### Economics

No studies were identified that assessed the economic impact of reducing the number of hours when alcohol may be sold. No study was found that specifically estimated the magnitude of commercial losses in sales and tax revenues because of a policy of restricting hours of alcohol sales.

### Summary

This review found that increasing the hours when alcohol may be sold by  $\geq 2$  hours increased alcohol-related harms. Evidence supporting this conclusion was based on studies conducted in on-premises settings outside the U.S. According to *Community Guide* rules of evidence, these findings provided sufficient evidence for the effectiveness of maintaining limits on hours of sale for the reduction of alcohol-related harms when efforts are made to increase hours by  $\geq 2$ .<sup>10</sup> Because no qualifying study assessed the effects of reducing hours of sale, the only direct inference that can be made is that reducing hours of sale by  $\geq 2$  is likely to avert alcohol-related harms. How-



ever, it may also be reasonable to expect that reducing hours of sale would also reduce alcohol-related harms.

Because there was no consistent effect on excessive alcohol consumption or related harms of increasing hours of sales by  $<2$  hours, according to *Community Guide* rules of evidence, there was insufficient evidence that this intervention had a meaningful effect.<sup>10</sup> Insufficient evidence means that it is not possible to determine from the available evidence whether this policy change had a meaningful effect.

## Research Gaps

All existing research on hours of sale to date has been conducted in nations other than the U.S. It would be useful to have studies of changes in hours of sale in U.S. settings to confirm results from other settings. In addition, all research thus far has assessed the effects of *increasing* hours of sale. Although it may be a less-frequent event, evaluating the effects of *reducing* hours of sale for preventing excessive alcohol consumption and related harms would be useful. Evidence on changes in hours of sale of  $<2$  hours is currently insufficient because of inconsistent findings. Thus, when such changes occur, it may be worthwhile to assess the effects of smaller changes in hours of sale on excessive alcohol consumption and related harms to improve our understanding of the “dose–response” and “threshold” relationships between changes in hours of sale and public health outcomes.

Additional research is also needed to more fully assess the costs and benefits of restricting the number of hours when alcohol is sold. From a societal perspective, economic elements should include intervention costs; loss in sales, tax revenues, and employment; reductions in fatal and nonfatal injuries, crime, and violence; gains in safety and public order; and averted loss of household and workplace productivity.

Finally, no studies were found that assessed the effects of changes in hours of sale in off-premises settings. Although consumers at off-premises settings are less likely to be directly affected by the effects of excessive consumption at the place of purchase, it is nevertheless possible that changes in availability in these settings may also affect alcohol-related harms. This issue merits investigation.

## Discussion

Based on a systematic review of qualifying studies, this review confirms the findings of previous reviews and adds details regarding a possible dose or threshold effect. Evidence of the effects of changes in hours of sale of  $<2$  hours was insufficient to determine effectiveness because of inconsistency among findings in the body of evidence,

leaving unanswered the question of the effects of small increases in hours of sale. Data are not sufficient to allow systematic assessment of the relative percentage increase in hours (over a baseline) or the placement of the hours within the day.

All of the studies included in this review assessed the effects of increasing hours of sale at on-premises outlets, consistent with the international trend toward expanding the availability of alcoholic beverages. Further scientific evidence is needed to fully assess the symmetry between the effects of maintaining existing limits on the hours of sale compared with reducing hours of sale.

The only available evidence of the effects of reducing hours of sale was from a study in Brazil,<sup>43</sup> which did not qualify for inclusion in the review because Brazil is not a high-income nation, and, in general, studies of alcohol consumption from middle- and lower-income nations are thought not to be directly applicable to the contemporary U.S. context. In 1999, the city of Diadema had very high homicide rates; 65% of these were alcohol-related. Most of the homicides occurred between 11:00PM and 6:00AM. Diadema law allowed 24-hour opening of alcohol outlets. In July 2002, a new city law required bars to close at 11:00PM. From 2002 to 2005, homicide rates in the city declined by 44% (95% CI=27%, 61%), controlling for mortality trends. During this time period, there was also a 17% decline in assaults against women (the only additional outcome assessed); this finding, however, was not significant.

In addition to the lack of studies that assessed the effect of stricter limits on the hours when alcohol may be sold, the body of qualifying studies in this review had several other limitations. First, some studies did not directly assess the impact of relaxing restrictions on the hours of sales on excessive alcohol consumption and alcohol-related harms, but rather relied on proxy measures of these effect outcomes (e.g., criminal arrest rates). Second, nearly all of the studies relied on population-based data from public health surveillance systems that did not capture information on alcohol control policies. As a result, many of these studies were unable to control for some potential confounding factors. However, these studies generally assessed changes in the same geographic area before and after the implementation of changes in hours of sale over a fairly short time period. Other contextual factors that could also influence alcohol sales and consumption (e.g., changes in alcohol excise taxes) at the country, state, or community levels were likely to have remained fairly constant during the study periods, allowing for a valid assessment of the impact of changing hours of sale, independent of other factors, on alcohol-related harms.

The findings in this review support the potential value of allowing local communities to maintain restrictions on hours of sale. If further research supports the effectiveness of local restrictions on hours of sale, it would also argue for eliminating state pre-emption laws that prohibit local governments from enacting alcohol control policies more restrictive than those that exist statewide.

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The findings and conclusions in this report are those of the authors and do not necessarily represent the official position of the CDC.

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**Format:** Abstract

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## International alcohol control study: pricing data and hours of purchase predict heavier drinking.

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### Abstract

**BACKGROUND:** This study reports findings from the International Alcohol Control (IAC) study that assesses the impact of alcohol control policy on consumption and policy-related behaviors. Modeled on the International Tobacco Control study that uses longitudinal surveys with comparison between countries, the baseline survey was carried out in New Zealand. This study reports analysis of the purchasing behavior respondents report separately for on- and off-premise outlets, providing validation data for both alcohol consumption and reported prices.

**METHODS:** New Zealand is a high-income country with an adult per capita alcohol consumption (as of 2011) of 9.5 l. The survey was carried out among a nationally representative sample of drinkers. Interview data on place and time of purchase, amounts purchased, price paid, and consumption (beverage and location specific) was collected. Relationships between policy relevant variables and consumption were modeled taking into account demographic variables. Validation was provided by government data on alcohol available for consumption, aggregate expenditure and prices from the Consumer Price Index.

**RESULTS:** Drinkers paying low prices at on- or off-licensed premises had higher odds of consuming 6+ drinks on a typical occasion, as did drinkers purchasing alcohol at later times. Regarding frequency, drinkers purchasing at later times were more likely to be daily drinkers. Lower price in off licenses but not on licenses predicted daily drinking. The data collected accounted for approximately 96% of alcohol available for consumption and the prices accounted for 98% of aggregate expenditure.

**CONCLUSIONS:** Valid survey data were collected to give an accurate picture of alcohol consumption and prices paid by drinkers. Heavy drinkers were more likely to buy cheaper alcohol and purchase at later times; 2 policy issues under discussion in many settings. This analysis suggests the IAC study that has the potential to provide data to contribute to the debate on appropriate policy responses to reduce alcohol-related harm.

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**KEYWORDS:** Alcohol Consumption; Alcohol-Pricing Policy; Trading Hours; Validation Survey Instruments

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U.S. Department of Justice  
Office of Justice Programs  
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# How To Use Local Regulatory and Land Use Powers To Prevent Underage Drinking

## What do local regulatory and land use powers have to do with preventing underage drinking?

Communities all over the country are concerned about underage drinking and the many serious problems that go along with alcohol consumption by young people. Whether and how much young people drink depends to a large extent on community norms and expectations about drinking. These norms and expectations emerge from and reflect the community *alcohol landscape* or *alcohol environment*, including such elements as messages regarding alcohol use in the media and elsewhere; the ease with which young people can obtain alcohol through commercial and noncommercial sources; and the role of alcohol in community events. This landscape can be shaped by local regulations and land use ordinances, which are forms of *alcohol policy*.

Often communities take their alcohol landscape as a given or as the sole province of state and federal lawmakers. But many communities now are challenging these assumptions, developing local alcohol policies that have had impressive results. Local governments in most states do not have to wait for state legislatures or Congress to act to reshape their alcohol environments. This fact sheet gives a menu of local alcohol policy options that can reduce youthful drinking in our communities.

## What are local regulatory and land use powers?

Local governments have the responsibility and authority to protect the public's general health, safety, and welfare. They fulfill this responsibility in part through their land use powers—by determining what activities may occur on the land within their jurisdiction. Both commercial and noncommercial activities associated with alcohol fall within these broad powers. Unless preempted by state or federal law (see “Beware of Preemption,” below), local communities can rely on land use zoning to determine where alcohol may be sold or consumed and how it is distributed and marketed. Some states allow local

governments to license commercial alcohol establishments. Licensing amplifies local zoning powers as a means to shape the local alcohol environment.

Community zoning ordinances identify the type of development that is permitted within a geographical area. For example, an R-1 zone typically identifies an area where construction of single family residences are permitted as a matter of right – no special license or public hearing is required to build a single family home in an R-1 zone. In addition to such permitted uses, however, other uses might also be permitted, but only after they have been reviewed for potential negative impacts on the area and special conditions placed on the development to minimize these negative impacts. For instance, in an R-1 zone, communities will often permit development of child care centers, schools, parks, and senior housing projects, but only after conditions have been placed on these developments to respond to concerns about the traffic, noise, and other potential negative impacts such developments might pose to the quality of life people expect in a single family neighborhood.

Although the exact term and approval process may differ from state to state, these *Conditional Use Permits* (CUPs) are a central feature of zoning laws in most states. Zoning ordinances specify which land uses require a CUP, and specify the public notice and hearing process that will be conducted to identify potential negative impacts and to decide the specific conditions that will be required to mitigate these negative impacts.

Zoning ordinances can require that any given land use, including retail alcohol outlets, must obtain a conditional use permit in order to conduct business. CUPs serve as a useful adjunct to other types of regulations and allow for specific and public consideration of each business development proposing to sell alcohol. A very important aspect of the CUP requirement is that municipalities may revoke the CUP at some later date should the required conditions be violated. This opportunity to monitor the continuing operation of an alcohol outlet, and to take

corrective action if necessary, is an important feature supporting community zoning ordinances that require that all alcohol outlets be subject to a conditional use permit.

## How do local regulatory and land use powers influence the alcohol environment over time?

Specific regulatory and land use provisions affect how alcohol is made available in the community. Sales practices change over time as marketers and retailers develop innovative strategies and tactics for attracting new customers and increasing sales among current users. Once the changes occur, they become part of the community's landscape and are very difficult to reverse. For example, in the early 1980s, oil companies aggressively entered the convenience store industry, converting gas stations from auto repair centers to mini-marts that rely heavily on alcohol sales. This new marketing concept raises public health concerns because it increases the availability of alcohol (particularly in residential areas and near schools, where children are likely to be present) and combines the sales of alcohol and gasoline (possibly sending an unhealthy message about drinking and driving). Yet today, these alcohol/gas outlets are an accepted part of many communities' alcohol environment. Some entrepreneurs are now introducing alcohol to fast food outlets, beauty salons, and laundromats, marketing plans that raise similar public health and safety concerns.

If communities do not use their regulatory and land use provisions, changes such as these in their alcohol environments will respond solely to economic considerations, without attention to potential public health and safety costs. If, for example, a local jurisdiction had enacted in 1980 a land use restriction that prohibited alcohol and gasoline sales at the same retail outlet, then this marketing scheme would not have taken hold in that locality. Communities should be alert to the health and safety concerns raised by alcohol sales practices and anticipate potential problems. They can then act early to prevent these problems through regulation.

## What is the relationship of local regulatory and land use powers to state regulation?

The 21st Amendment to the U.S. Constitution, enacted at the repeal of Prohibition, gives the state the primary authority for regulating alcoholic beverages. States vary widely in the degree to which they have handed this authority to local jurisdictions. In a few cases, states have given local government the primary authority for regulating alcohol, providing only minimal statewide standards. At the opposite end of the spectrum, a few states exercise exclusive authority over alcohol commerce, taking

away (or *preempting*) related local regulatory and land use powers. The large majority of states fall between these extremes, establishing overlapping (or *concurrent*) local and state regulatory powers. States are most likely to allow at least some forms of local land use zoning powers, with local licensing authority a less common practice. Ideally, the state establishes minimum standards for regulating alcohol use and distribution and allows localities wide discretion in developing additional standards to meet their particular needs and circumstances. This is the case in many states.

Concerned citizens and groups who wish to make maximum use of local power should research state and local laws. Local officials and attorneys who specialize in these issues can be good resources for information.

### Beware of Preemption

The state and federal preemption doctrine refers to the authority of higher levels of government to mandate the practices of lower levels of government. Preemption is the rule of law that if the state government enacts legislation on a subject matter it shall be controlling over local laws or ordinances and/or preclude the community from enacting laws on the same subject if the legislature has specifically declared it has "occupied the field." If the legislature has not clearly claimed preemption, a court may examine legislative history to determine the lawmakers' intent toward preemption. The fact that states can take away local powers raises a note of caution: A common strategy of commercial alcohol interests is to seek state preemption in order to eliminate local regulatory and land use policies they oppose. These preemption proposals are sometimes couched in public health terms, mandating relatively weak state controls but eliminating the possibility of more stringent local ordinances.

## How do regulatory and land use policies respond to alcohol marketing practices?

A helpful typology for categorizing regulatory and land use policies is the four *P*'s of marketing—**product**, **place**, **promotion** and **price**. Marketers use these four elements to develop "total marketing" campaigns that target specific demographic groups. For example, specific *products* have been developed that appeal to young college students (e.g., 40-ounce beer containers and sweetened alcohol products). They are made available in *places* frequented by students and are offered at discount *prices* (recognizing that students have limited discretionary income). They are *promoted* using messages and images with youthful, college themes. Marketing campaigns targeting older, affluent, white males; inner-city African American youth; suburban "soccer moms," or any other demographic group will have a very different marketing mix. Unchecked, these marketing tactics can create unsafe alcohol environments

for youth. Many college communities, for example, have college bars and drinking events as the primary venue for entertainment and are saturated with promotions and low price offerings that encourage heavy drinking.

Communities can use these same marketing strategies to develop alcohol-safe environments for young people. Each of the four P's has a set of corresponding preventive responses. These responses should be coordinated with each other and applied in a comprehensive manner, targeting specific demographic groups. At stake is the shape of the alcohol environment and the level of risk to which a given population group is exposed. Here is a checklist of possible community policy options, using the four P's typology.

## What specific *place* regulations can be used to reduce alcohol availability to young people?

### 1. Restrict the location/number of commercial alcohol outlets.

- Prohibit alcohol outlets within specified distances from schools, child care centers, youth centers, and other locations where children congregate.
- Prohibit alcohol outlets from locating within specific distances of other alcohol outlets.
- Restrict the total number of alcohol outlets based on a population ratio.

### “Community alcohol outlet density and underage drinking”

PIRE researchers Joel Grube and Paul Gruenewald examined how community alcohol outlet density may be associated with drinking among youths. Their finding suggests higher initial levels of drinking and excessive drinking were observed among youths living in communities with higher alcohol outlet densities. Their conclusion was that alcohol outlet density may play a significant role in initiation of underage drinking during early teenage years, especially when youths have limited mobility.

Source: Grube, J. W.; Gruenewald, P. J.; and Chen, M. J. *Addiction*, volume. 105, pages 270-278 (2010)

The reduction of excessive alcohol consumption is thus a matter of major public health and economic interest. In a 2009 report found in the *American Journal of Preventive Medicine* a comprehensive analysis of alcohol licensing policy regulations from inside and outside the U.S. suggests the regulation of alcohol outlet density may be a useful public health tool for the reduction of excessive alcohol consumption and related harms. In 2010 the Washington State legislature created a framework by which The purpose of the rules concerning chronic public inebriation and alcohol impact areas is to establish a framework under which the Washington State Liquor Control Board (WSLCB), in partnership with local government and community organizations, may act to mitigate negative impacts on a community's welfare, health, peace or safety that result from the presence of chronic public inebriation.

Source: (Am J Prev Med 2009;37(6):556–569)  
Published by Elsevier Inc. on behalf of American Journal of Preventive Medicine  
<http://www.liq.wa.gov/licensing/alcohol-impact-areas>

### 2. Restrict the types of commercial alcohol outlets.

- Restrict/prohibit concurrent sales of alcohol and gasoline.
- Restrict alcohol sales at mini-marts.
- Prohibit alcohol sales in non-traditional outlets (e.g., laundromats, movie theaters, beauty salons).
- Clearly distinguish between bars/nightclubs and restaurants (e.g., by limiting restaurants' alcohol sales to a maximum of 40 percent of their receipts; restricting late hour operations; prohibiting separate bar areas), and permit bars only in “adult” zoned areas.
- In restaurants, require that all alcohol sales be made only in conjunction with food service and sales.



### 3. Require commercial alcohol outlets to use responsible serving/sales practices.

- Require good management policies and training to ensure that servers and clerks routinely and effectively check age identification.
- Require minimum age of 21 for all servers and clerks.
- Prohibit employee alcohol consumption while on duty.
- Prohibit minors' access to bars and nightclubs.
- Prohibit video games and other forms of entertainment popular with teenagers in alcohol establishments where minors can be present.
- Limit the amount of square footage and shelf space dedicated to alcohol sales in retail outlets.
- Restrict home delivery sales.
- Restrict hours of sale.
- Require adequate lighting to enable staff to discern easily the appearance and conduct of persons in the outlet and adjacent areas.
- Prohibit all public nuisance activities in and around alcohol outlets, including loitering, littering, harassment of passersby, graffiti, loud noise, violations of state ABC code provisions, and criminal conduct.
- Restrict/prohibit public telephones (to deter drug dealing).
- Require adequate security, including, if warranted, the employment of a security guard.
- Conduct routine, effective compliance checks.

Underage drinking parties are common across the United States and the U.S. Territories. Regardless of whether the alcohol is either provided or brought by the underage participants many communities are taking the danger posed by these parties and the adults who permit or fail to prevent them very seriously. As of January 1, 2012, 30 states have adopted either general or specific provision to address this issue commonly referred to a "social host."

Source: Alcohol Policy Information System  
[http://alcoholpolicy.niaaa.nih.gov/Prohibitions\\_Against\\_Hosting\\_Underage\\_Drinking\\_Parties.html](http://alcoholpolicy.niaaa.nih.gov/Prohibitions_Against_Hosting_Underage_Drinking_Parties.html)

### 4. Restrict minors' access to noncommercial sources of alcohol.

- Restrict alcohol service at community events such as fairs and holiday celebrations.
- Create alcohol-safe community events.
- Restrict the availability of alcohol in public settings such as parks and recreation centers.
- Enact keg registration and teen party ordinances to reduce the availability of alcohol to young people in noncommercial settings.
- Enact teen party ordinances that hold adults accountable for hosting teen parties.

Iowa's Alcohol Law Enforcement/Retailer Training (I-ALERT) tool was designed to support retailers in reducing youth alcohol consumption and is used in all fourteen patrol districts. Iowa's online alcohol policy tool is a standalone site from which involved departments can link to their agencies' Web pages. Iowa's Alcoholic Beverages Division has written and modified specific sections of the Iowa code to include on the Web site, and the tool provides guidelines to establishing in-store policies for retailers. With the provided guidelines, users can create a policy to either post and/or review with their employees.

Source: Success Stories News from the Field, 2011  
[http://www.udetc.org/documents/success\\_stories/ia0411.pdf](http://www.udetc.org/documents/success_stories/ia0411.pdf)

## What specific *promotion* regulations can be used to reduce minors' exposure to alcohol advertising/promotions?

- Prohibit outdoor advertising and billboards in areas where children are present (including residential zones and within 1,000 feet of schools, playgrounds and other child-oriented facilities).
- Restrict alcohol advertising to the interior of commercial alcohol outlets, and prohibit advertising inside the store that is visible from outside.
- Require signs prominently posted in commercial establishments regarding minimum age for alcohol purchase.
- Require signs prominently posted in public parks/ facilities stating that it is illegal to consume alcoholic beverages.
- Prohibit the use of cartoon characters and other child oriented images and slogans in alcohol advertising.
- Prohibit alcohol advertising by local retailers on television or radio programs with underage audiences exceeding 25 percent.
- Place limitations on the percentage of store window space devoted to advertising.
- Prohibit distribution or sale of any alcohol industry promotional materials to minors (e.g., as prizes at local fairs).
- Restrict alcohol industry sponsorship of any event sponsored or cosponsored by local government, any youth event (e.g., youth athletic events), or any event located on public property.

## Study Associates Alcohol Advertising with Brand Preference among Underage Drinkers

NIAAA-supported researchers asked 2699 youth aged 16-20 about their alcohol use and alcohol brand preference as part of a long-term telephone survey of U.S. adolescents and media use. Their report shows that a majority of underage drinkers in the study identified a preference for a specific brand of alcoholic beverage, that the most-preferred brands included both distilled spirits and beer, and that brand preferences correlated with levels of brand-specific advertising expenditures. This correlation suggests that alcoholic beverage marketing efforts may be reaching and influencing underage audiences. The researchers also found that young drinkers who identified a preferred brand were also more likely to engage in binge drinking.

Author: Tanski SE, McClure AC, Jernigan DH, Sargent JD.

Date: July 04, 2011

Source: *Arch Pediatr Adolesc Med.* 2011 Jul;165(7):675-6. doi: 10.1001/archpediatrics.2011.113.

## What specific *product* regulations can be used to reduce minors' exposure to alcohol marketing that encourages overconsumption or appeals especially to youth?

- Require that 12-ounce or smaller containers of beer be sold in six-packs only – no single can sales (which encourage street drinking).
- Restrict the size of single beer containers to no more than one quart.
- Require that wine be sold in containers of at least 750 milliliters in volume or in minimum four-pack cooler containers.
- Permit corked wine containers only – prohibit screw-top wine bottles.
- Prohibit sales of distilled spirits in mini-bottles unless sold in multiples.
- Prohibit/restrict sales of fortified wine and malt liquors (at least in residential areas) or specify that these products may not be chilled for sale.
- Prohibit sales of “alcopops” and other alcoholic products with characteristics that clearly appeal to youth (e.g., sweet taste; cartoon characters on packaging).

## What specific *price* regulations can be used to deter discounting and to increase the cost of alcohol to minors?

- Impose fees on all commercial alcohol outlets to cover local code and law enforcement costs.
- Impose/increase alcohol taxes (if local option available), and encourage increased taxes at state and federal levels.
- Prohibit discounted alcohol prices that are lower than standard prices in the community.
- Prohibit price promotions, such as flat fee “drink and drown” night.

In 2012 Wisconsin’s Alcohol Policy Project produced a summary of various social host ordinances that exist within Wisconsin. The document distinguishes the various ordinances developed in different communities and provides the penalties for 5 Wisconsin communities highlighting the differences of ordinance language and penalties.

Two Rivers, Prairie du Chien and Manitowoc: A forfeiture of \$1,000-\$5,000 together with the costs of prosecution added

Village of Oregon:  
\$100 to \$1,000 with municipal court policy requiring a court appearance.

Village of North Fond du Lac:  
Not to exceed \$1,000, no minimum amount

Source: University of Wisconsin School of Law  
[http://law.wisc.edu/wapp/comparisonsocial\\_host62612.pdf](http://law.wisc.edu/wapp/comparisonsocial_host62612.pdf)

The Community Preventive Services Task Force (Task Force) is an independent, nonfederal, unpaid panel of public health and prevention experts that provides evidence-based findings and recommendations about community preventive services, programs, and policies to improve health. In 2010, the Task Force recommends increasing taxes on the sale of alcoholic beverages, on the basis of strong evidence of the effectiveness of this policy in reducing excessive alcohol consumption and related harms. Public health effects are expected to be proportional to the size of the tax increase. In formulating this recommendation, the Task Force considered several aspects of the effects of this policy intervention.

<http://www.thecommunityguide.org/alcohol/IncreasingAlcoholBeverageTaxesRecommendedReduceExcessiveAlcoholConsumptionRelatedHarms.pdf>

## Best Practices for Implementation

- Alcohol is a legal but potentially hazardous product that requires special regulatory and planning attention. To the extent permitted by law in each state, local governments should retain oversight and promote public involvement to ensure a safe alcohol environment. This means that communities should maintain an *active* regulatory posture regarding land use controls for alcohol outlets. Permits should not be issued automatically based on an unvarying set of criteria. Each case should be considered individually based on its potential to be an asset to the community rather than a liability.
- State alcohol licensing agencies usually examine the character and business history of the applicant in making decisions about granting a license. In order to complement the state review, community planning and land use decisions about alcohol outlets should focus on the nature of the business activity and its community impacts. Business owners come and go, but an alcohol outlet once approved is often a permanent fixture in a community. Land use permits should include conditions that define business practices and the manner and mode of business operations consistent with community values and standards, independent of the qualifications of current or future business owners.

- No local planning process can predict the problems or conditions that may occur in the future. As a consequence, when there is a proposed change in ownership or in the manner and mode of operation of an alcohol outlet, local governments should require a new public hearing to review the conditions placed on the alcohol outlet. The sale of alcohol is a regulated public privilege, and land use ordinances provide important opportunities to bring and retain balance between public and private interests.

## Conclusions

In most states, communities have the power to establish local regulations and land use policies. These policies can help create and maintain an environment with regard to alcohol that protects public health and safety and that, in particular, protects young people from underage drinking. Communities should explore the scope of the powers they have in their particular state and use policy to control the place, product, pricing, and promotion practices used to sell alcohol. These actions can be extremely effective in reducing underage alcohol use and the serious problems related to alcohol.

### Where can I get more information?

**Other publications from the Office of Juvenile Justice and Delinquency Prevention's Underage Drinking Laws Program (Available by contacting the Underage Drinking Enforcement Training Center at 11140 Rockville Pike, 6th floor Rockville, MD 20852. 1-800-335-1287):**

*The Los Angeles Lawyer: Local Regulation of Alcohol Licensees*

This article from a California legal journal provides a comprehensive overview of the alcohol regulatory environment in California and explores the topic of preemption as it relates to state regulation and local ordinances on alcohol.

<http://www.lacba.org/Files/LAL/Vol29No8/2292.pdf>

*Regulatory Strategies for Preventing Youth Access to Alcohol: Best Practices (1999).*

This publication reviews 22 regulatory options for reducing youth access to alcohol, assessing available research on their effectiveness and presenting criteria for prioritizing their implementation.

*Strategies To Reduce Underage Alcohol Use: Typology and Brief Overview*

This document provides a summary of the various

strategies commonly used to reduce underage drinking and indicates the level of effect that might be expected from each strategy. The information is designed to assist states in setting priorities for activities to be funded with block grant money.

*Guide to Conducting Alcohol Purchase Surveys*

*Guide to Conducting Youth Surveys*

These two documents provide step-by-step information for data collection efforts that can be undertaken by states or localities to identify specific problem areas and to measure and monitor changes over time in alcohol use, sources of alcohol, and merchant compliance with the law.

*The Cost of Underage Drinking*

This document provides information on the various health and social problems related to underage drinking and can be used by state coordinators and others to generate support for enforcement of underage drinking laws.

*Strategic Media Advocacy for Enforcement of Underage Drinking Laws*

The vast majority of states identified media campaigns as a major component of their state action plans. In addition, media coverage is an essential component of enforcement. This guide provides state coordinators and others with practical information on using the media efficiently and effectively to bring about better enforcement of underage drinking laws.

*Tips for Soliciting Cohesive Program Plans (Writing Effective RFPs for the Sub-granting Process)*

This brief document provides state coordinators with a format for constructing requests for proposals that are likely to elicit cohesive and effective plans from local communities.

*Preventing Sales of Alcohol to Minors: What You Should Know About Merchant Education Programs*

This fact sheet defines merchant education and distills current research knowledge on the effectiveness of merchant education programs, the components they should include, and how these programs fit within a larger community effort.

*Campbell, Carla Alexia, et al.* "The effectiveness of limiting alcohol outlet density as a means of reducing excessive alcohol consumption and alcohol-related harms." *American journal of preventive medicine* 37.6 (2009): 556-569.

Sparks, M., Jernigan, D. H., Mosher, J. F., Community Anti-Drug Coalitions of America (CADCA), & United States of America. (2011). *Regulating Alcohol Outlet Density: An Action Guide*.

Gruenewald, Paul J., and Lillian Remer. "Changes in outlet densities affect violence rates." *Alcoholism: Clinical and Experimental Research* 30.7 (2006): 1184-1193.

Britt, Heather R., et al. "Neighborhood level spatial analysis of the relationship between alcohol outlet density and criminal violence." *Environmental and Ecological Statistics* 12.4 (2005): 411-426.

Scribner, R., Mason, K., Theall, K., Simonsen, N., Schneider, S. K., Towvim, L. G., & DeJong, W. (2007). The contextual role of alcohol outlet density in college drinking. *Journal of Studies on Alcohol and Drugs*, 69(1), 112.

### **Publications on land use controls and their application to alcohol availability:**

Wittman, F. and Shane, P. *Manual for Community Planning to Prevent Problems of Alcohol Availability*, Berkeley, CA: CLEW Associate, 1988.

Wittman, F. *Development and Use of Conditional Use Permits to Prevent Problems Related to Retail Alcohol Outlets: An Overview*. University of California at Berkeley, Institute for the Study of Social Change, 1994.

These two publications provide an excellent overview of community zoning principles and applications to alcohol land uses. Although they focus particularly on California law (which has state preemption statutes that are unique to that state), the presentations of land use concepts and strategies are applicable to communities in other states. Contact: Community Prevention Planning Program, Institute for the Study of Social Change, 837 Folger Ave., Berkeley, CA 94710, 510-540-4717.

Sparks, M. *The Conditional Use Permit as a Prevention Tool. The Alcohol and Other Drug Prevention Extension*. Folsom, CA: The EMT Group, Inc. 1998.

This is the workbook used for a one-day training with the same title developed by the EMT Group under the auspices of the California Department of Alcohol and Drug Programs. It also focuses on California law but is a useful tool for those from other states. For information on the training and manual availability contact: The EMT Group, Inc., 771 Oak Avenue Parkway, Suite 2, Folsom, CA 95630, 916-983-6680.

### **Publications reviewing specific land use/local regulatory options:**

Pratt, L., Rothstein, C., Meath, J., and Toomey, T. *Keeping Alcohol Away from Underage Youth: Policy Solutions*. Minneapolis, MN: Alcohol Epidemiology Program, University of Minnesota, 1997.

La Fond, C., Klaudt, K., Toomey, T., and Gehan, J. *Model Alcohol Ordinances*. Minneapolis, MN: Alcohol Epidemiology Program, University of Minnesota, 1998.

These two publications provide background information on and sample ordinance language for 12 specific local policy options for reducing youth access to alcohol. Available on the Internet at <http://www.epi.umn.edu/alcohol/default.htm> or contact: Alcohol Epidemiology Program, School of Public Health, University of Minnesota, 1300 South Second Street, #300, Minneapolis, MN 55454-1015, 612-626-9070.

### **Resources on Environmental Prevention Strategies for Preventing Alcohol-Related Problems:**

Center for Substance Abuse Prevention, Environmental Prevention Strategies: Putting Theory into Practice. *Training and Resource Guide*. Rockville, MD: CSAP, 1999.

This guide includes a 30-minute video, research review, and resource materials. It is an excellent tool for introducing environmental prevention concepts and strategies, including local land use/regulatory strategies, to community groups and policy makers. Materials may be ordered from NCADI via mail, fax, telephone, or email. Phone (toll free) 800-729-6686 to speak to an information specialist, or write to The National Clearinghouse for Alcohol and Drug Information, PO Box 2345, Rockville, MD 20847-2345. Fax 301-468-6433. E-mail: [info@health.org](mailto:info@health.org)

Marin Institute for the Prevention of Alcohol and Other Drug Problems, The Alcohol Policy Slide Set Series: Resources for Organizing and Advocacy, *Marin Institute: San Rafael, CA*, 1997.

This compilation of six sets of scripted slides (with topics including alcohol and violence, alcohol outlets and community economic development, alcohol availability regulatory options, and alcohol advertising) is an additional resource for introducing environmental strategies to community groups and policy makers. Contact: Marin Institute, 24 Belvedere Street, San Rafael, CA 94901, 415-456-5692.

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## Peak Visit Times at Convenience Stores Vary Depending on Level of Consumer Usage; Super Users Visit Most During Morning and Evening Commutes, Reports NPD

-Opportunities exist to convert light/moderate users to heavy users

**Houston, Texas, March 22, 2011** - Morning and evening commutes are a peak time for super heavy users of convenience stores to visit, while moderate and light users tend to visit more during the evening commute, according to convenience store (c-store) research by [The NPD Group](#), a leading market research company.

NPD's [Convenience Store Monitor](#), which tracks the consumer purchasing behavior of more than 51,000 convenience store shoppers in the U.S., identifies super heavy users as those who visit c-stores an average of 22.0 times a month, heavy users visiting 9.6 times a month, moderate shoppers visiting 5.0 times a month and light users with 1.9 times a month.

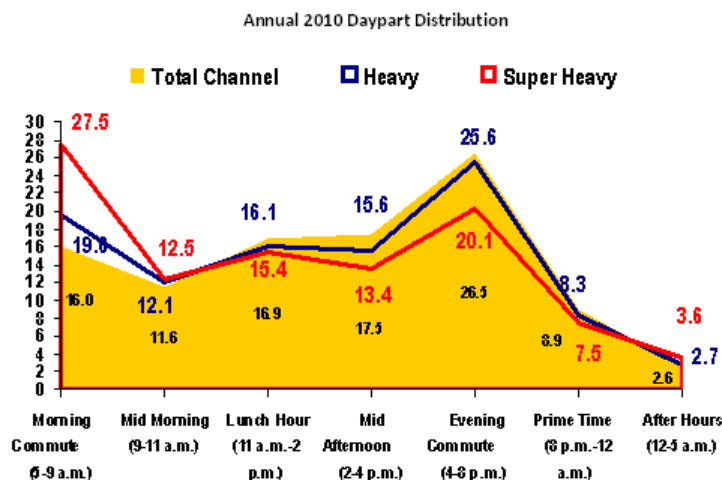
Super heavy and heavy shoppers typically have blue collar occupations and are 35-54 years old; Moderate shoppers are slightly more likely to be between 55 and 64 and slightly more likely to have incomes between \$45K and \$75K. Light c-store shoppers skew younger at 18-24, and older at 65 years-old or more and are more likely to be students or retired from the workforce.

According to NPD's [Convenience Store Monitor](#), super heavy users have the highest incidence of visits during the morning and evening commutes (5 a.m. to 9 a.m. and 4 p.m. to 8 p.m., respectively). Super heavy users tend to purchase coffee, carbonated soft drinks, and newspapers or magazines in the morning and are more likely to purchase cigarettes or tobacco products, lottery tickets, and alcoholic beverages in the evening.

A quarter of heavy c-store consumers visit c-stores during the evening commute while one in five visit c-stores during the morning commute. These shoppers tend to buy sweet snacks in the morning and cigarettes and alcoholic beverages in the evening. Dairy products are popular during prime time with heavy c-store shoppers.

Evening commute is a popular day segment for moderate and light c-store shoppers. Light shoppers are more likely than average to purchase frozen/slushy drinks and water during the evening commute. Slightly more than half of both light and moderate c-store shoppers make product only purchases and are less likely to purchase products on sale than their super heavy and heavy shopper counterparts.

### Daypart Distribution of Heavy and Super Heavy C-Store Shoppers



Source: The NPD Group/Convenience Store Monitor, year ending December 2010

"The amount of traffic and dollars attributed to higher frequency groups continues to distinguish their importance to the industry as a whole," says David Portalatin, convenience store analyst at NPD. "However, opportunities exist to convert light and moderate to more visits and food and snack purchases."



**About The NPD Group, Inc.**

The NPD Group is the leading provider of reliable and comprehensive consumer and retail information for a wide range of industries. Today, more than 1,800 manufacturers, retailers, and service companies rely on NPD to help them drive critical business decisions at the global, national, and local market levels. NPD helps our clients to identify new business opportunities and guide product development, marketing, sales, merchandising, and other functions. Information is available for the following industry sectors: [automotive](#), beauty, commercial technology, consumer technology, entertainment, fashion, food and beverage, foodservice, home, office supplies, software, sports, toys, and wireless. For more information, [contact us](#), visit <https://www.npd.com/wps/portal/npd/us/home/>, or join the Linked in [NPD Aftermarket Discussion Group](#).

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