



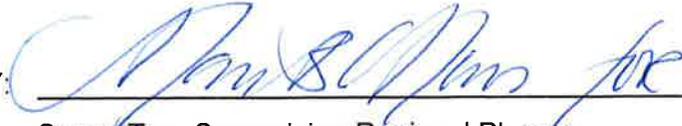
**REGIONAL PLANNING COMMISSION  
HEARING PACKAGE  
PROJECT NUMBER 92075-(5)  
CONDITIONAL USE PERMIT NUMBER 201100126**

**HEARING DATE  
March 21, 2012  
ITEM  
6  
CONTINUED TO**

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**PREPARED BY:** Dean Edwards, Senior Regional Planning Assistant  
Zoning Permits North Section  
(213) 974-4443, ComLine 288, dedwards@planning.lacounty.gov

**REVIEWED BY:**   
Susan Tae, Supervising Regional Planner  
Zoning Permits North Section

**STAFF REPORT**  
**PROJECT NUMBER 92075-(5)**  
**CONDITIONAL USE PERMIT NUMBER 201100126**

**REQUEST**

**Walmart Stores Incorporated** is requesting a Conditional Use Permit for the sale of a full-line of alcohol for off-site consumption (California Department of Alcoholic Beverage Control license type 21) at an existing Walmart Store located in the **C-3-DP (Unlimited Commercial – Development Program) zone**.

**Representative:** Lisa Kolieb

**Owner:** Valencia Market Place, LLC

**PROJECT DESCRIPTION**

The proposed project includes converting 62 linear feet of existing shelf space to 30 linear feet of refrigerated display and 32 linear feet of shelf space for alcohol sales (0.72 percent of total shelf space). No exterior improvements or other alterations to the existing store are proposed. The current store hours are 7:00 AM to 12:00 midnight, and the operating hours will remain unchanged. The store employs 275 people with a maximum of 50 employees per shift.

**LOCATION**

The subject property is located at **25450 The Old Road** in the unincorporated area **Santa Clarita Valley** and **Newhall Zoned District**.

**Assessor's Parcel Number(s):** 2826-096-013

**Santa Clarita Valley (Area Plan) Land Use Designation:** C (Commercial)

**SITE DESCRIPTION**

The **10.33 acre** subject property is developed with 149,938 square foot store that is located on the south side of a shopping center and that includes a 3,845 space parking lot on the west side of the complex. The site is minimally landscaped with trees and shrubs, and is accessed by two driveways off of The Old Road (a designated major highway).

**ENVIRONMENTAL DETERMINATION**

The proposed project eligible for **Class 1 Categorical Exemption** from the California Environmental Quality Act for an existing facility because there is negligible construction, expansion of the establishment or intensification of the existing use.

**PREVIOUS CASE/ZONING HISTORY**

Parcel Map Number 8676 for 21 commercial lots; Zone Change Number 92-075 for a zone change from A-2-5 (Heavy Agricultural – 5 Acres Minimum Required Lot Area) to C-3-DP (Unlimited Commercial – Development Program); Oak Tree Permit Number 92-075 for the removal of 105 oak trees; Plan Amendment Number 92-075 to change the Santa Clarita Valley (Area Plan) land use designation from Non-Urban 1, Low Density Residential and Open Space to Major Commercial; and Conditional Use Permit Number 92075 for a Development Program was approved by the Board of Supervisors (BOS) on August 23, 1994. The aforementioned entitlements are for a large scale commercial shopping center.

Revised Exhibit A Number 200800049 for a wall sign was approved by Staff on October 7, 2008.

**COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

The Sheriff's Department submitted a crime statistics report for January 2006 through November 2011. Seven hundred fifty (750) calls for service were taken resulting in 404 crime reports. None

of those reports were specifically categorized as alcohol-related in the crime statistics report. The Sheriff's Department did not make a recommendation regarding the pending CUP.

**PUBLIC COMMENTS**

To date, no comments from the public have been received.

**ANALYSIS**

**General Plan Consistency**

The Santa Clarita Valley Area Plan, a component of the Los Angeles County General Plan, designation of the subject property is C (Commercial). The sale of products, including alcohol is appropriate for land designated Commercial by the Plan. There are no policies in the Plan that specifically promote or discourage the sale of alcoholic beverages. The proposed project is consistent with the Commercial land use designation and policies of the Santa Clarita Valley Area Plan.

**Zoning Ordinance and Development Standards Compliance**

The subject property is zoned C-3-DP (Unlimited Commercial – Development Program). Pursuant to Section 22.28.210 of the Los Angeles County Code, the sale of alcoholic beverages is a use that is subject to permit in the C-3 Zone.

Staff did not observe any zoning violations when the site was inspected on January 26, 2012. The shopping center was built in compliance with applicable Code requirements and is consistent with the applicable development standards. The project does not propose any changes to the exterior of the establishment. The proposed project does not trigger any new development standards and therefore continues to comply with Title 22 of the County Code.

**Neighborhood Impact/Land Use Compatibility**

The subject property is surrounded by the following adjacent land uses and zoning:

	<u>Land Use</u>	<u>Zoning</u>
North:	Commercial	C-3-DP (Unlimited Commercial – Development Program)
East:	Interstate 5 Freeway	Not Applicable
South:	Commercial	C-3-DP (Unlimited Commercial – Development Program)
West:	Commercial	C-3-DP (Unlimited Commercial – Development Program)

The sale of alcohol is a retail use and is therefore compatible with the surrounding commercial uses.

One grocery store, four restaurants and a golf course that sell alcohol are located within 500 feet of the subject property. The applicant states that there are no sensitive uses located within 600 feet of the subject property.

Because the establishment is located in a commercial area and there are no sensitive uses near the subject property, Staff has determined that that the proposed use is compatible with the surrounding area.

**Burden of Proof**

The applicant is required to substantiate all facts identified by Section 22.56.040 and 22.56.195 of the Los Angeles County Code. The Burdens of Proof with applicant's responses are attached.

Conditional Use Permit

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

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

Store security and training of sales personnel are intended to minimize alcohol-related incidents on the property. It is unlikely that the sale of alcohol for off-site consumption from a large retailer will result in alcohol-related crime because alcohol will be a small percentage of the stores total shelf space.

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

No physical improvements are proposed that would require analysis of the physical aspects of the site. The only alterations to the existing building are to convert 62 linear feet of interior shelf space to the display and sale of alcohol. The establishment complies with code requirements. Because no changes are being proposed, the project doesn't trigger any further compliance with development standards.

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

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

The establishment is existing and therefore no improvements to the circulation system or service facilities are required. Commercial center vehicle access to be provided by a 35 foot wide driveway. No physical changes to the establishment, that would that would require access improvements or additional parking, are proposed. Sufficient vehicle access and parking is provided.

Alcoholic Beverage Sales

D. *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.*

The subject property is surrounded by the following land uses:

North: Commercial

East: Interstate 5 Freeway

South: Commercial

West: Commercial

The applicant states that there are no sensitive uses located within 600 feet of the subject property.

*E. 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 subject property is buffered by commercial uses and the Interstate 5 Freeway. Senior residences are located within 500 feet of the subject property but are not adjacent to the property.

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

On October 20, 2011, the California Department of Alcohol Beverage Control submitted a B&P Application Worksheet (attached) stating that the establishment is not within a high crime reporting district and that there is an undue concentration of alcohol selling establishments in the area because six ABC licenses exist in the census tract but only three are allowed. There are six establishments that sell alcohol within 500 feet of the subject property. Only one of the six existing licenses is for off-site consumption. Staff concludes that 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. Shelf space to be devoted to alcohol is 0.72 percent of the store's total shelf space, which is below 5 percent maximum allowable amount.

Staff analysis concludes that the applicant has met the burden of proof for a CUP for alcoholic beverage sales.

### **RECOMMENDATION**

Staff recommends **APPROVAL** of Conditional Use Permit Number 201100126 with a grant term of 15 years and 8 biennial inspections because:

- Prior to the hearing, there was no opposition to the project.
- The proposed project is consistent with the Santa Clarita Valley Area Plan
- No zoning violations were found on the subject property during the site inspection.
- The proposed project is compatible with surrounding land uses.
- The applicant has met the required burdens of proof.

### **SUGGESTED APPROVAL MOTIONS**

*I move that the Regional Planning Commission close the public hearing, acknowledge the Categorical Exemption from the California Environmental Quality Act and approve Conditional Use Permit number 201100126 with findings & conditions.*

**DRAFT FINDINGS AND ORDER OF THE  
REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES  
PROJECT NUMBER 92075-(5)  
CONDITIONAL USE PERMIT NUMBER 201100126**

**REQUEST**

Walmart Stores Incorporated is requesting a Conditional Use Permit for the sale of a full-line of alcohol for off-site consumption (California Department of Alcoholic Beverage Control license type 21) at an existing Walmart Store located in the C-3-DP (Unlimited Commercial – Development Program) zone.

**HEARING DATE:** March 21, 2011

**FINDINGS**

1. The subject property is located at 25450 The Old Road in the unincorporated area Santa Clarita Valley and Newhall Zoned District.
2. The proposed project includes converting 62 feet of existing shelf space to 30 linear feet of refrigerated display and 32 linear feet of shelf space for alcohol sales (.72 percent of total shelf space). No external improvements are proposed. The current store hours are 7:00 AM to 12:00 AM. The store employs 275 people with a maximum of 50 employees per shift.
3. The Santa Clarita Valley Area Plan, a component of the Los Angeles County General Plan, designation of the subject property is C (Commercial). The sale of products, including alcohol is appropriate for land designated Commercial by the Plan. There are no policies in the Plan that specifically promote or discourage the sale of alcoholic beverages. The proposed project is consistent with the Commercial land use designation and policies of the Santa Clarita Valley Area Plan.
4. The subject property is zoned C-3-DP (Unlimited Commercial – Development Program). Pursuant to Section 22.28.210 of the Los Angeles County Code, the sale of alcoholic beverages is a use that is subject to permit in the C-3 Zone.
5. Staff did not observe any zoning violations when the site was inspected on January 26, 2012. The shopping center was built in compliance with applicable Code requirements and is consistent with the applicable development standards. The project does not propose any changes to the exterior of the establishment. The project does not trigger any new development standards and therefore continues to comply with Title 22 of the County Code.
6. The subject property is surrounded by the following land uses:

<u>Land Use</u>	<u>Zoning</u>
North: Commercial	C-3-DP (Unlimited Commercial – Development Program)
East: Interstate 5 Freeway	Not Applicable
South: Commercial	C-3-DP (Unlimited Commercial – Development Program)
West: Commercial	C-3-DP (Unlimited Commercial – Development Program)
7. One grocery store, four restaurants and a golf course that sell alcohol are located within 500 feet of the subject property. The applicant states that there are no sensitive uses located within 600 feet of the subject property.

8. Because the establishment is located in a commercial area and there are no sensitive uses near the subject property, the proposed use is compatible with the surrounding area.
9. Store security and training of sales personnel are intended to minimize alcohol-related incidents on the property. It is unlikely that the sale of alcohol for off-site consumption from a large retailer will result in alcohol-related crime.
10. The establishment is existing and therefore no improvements to the circulation system or service facilities are required. The commercial center's vehicle access to be provided by a 35 foot wide driveway. No physical changes to the establishment, that would that would require access improvements or additional parking, are proposed. Sufficient vehicle access and parking is provided.
11. Commercial center vehicle access to be provided by a 35 foot wide driveway. No physical changes to the establishment, that would that would require access improvements or additional parking, are proposed. Sufficient vehicle access and parking is provided.
12. The subject property is buffered by commercial uses and the Interstate 5 Freeway. Senior residences are located within 500 feet of the subject property but are not adjacent to the subject property.
13. The California Department of Alcohol Beverage Control's B&P Application Worksheet states that the establishment is not within a high crime reporting district.
14. The California Department of Alcohol Beverage Control's B&P Application Worksheet states that the establishment is within a census tract with an undue concentration of alcohol selling businesses because three licenses are allowed but there are six existing licenses within the tract. Only one of the six existing licenses is for off-site consumption.
15. 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.
16. Shelf space to be devoted to alcohol is 0.72 percent of the store's total shelf space, which is below the 5 percent maximum allowable amount.
17. Alcohol sales hours are required to comply with California State law.
18. 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 and property posting.
19. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning Commission determines that it is necessary to limit the term of the grant to 15 years.
20. 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, CA 90012. The custodian of such documents and materials shall be the Section

Head of the Zoning Permits North Section, Los Angeles County Department of Regional Planning.

**CONCLUSION:**

- A. That the requested use at the location will not:
  - 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
  - 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
  - 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
  
- B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
  
- C. That the proposed site is adequately served:
  - 1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
  - 2. By other public or private service facilities as are required.
  
- D. 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.
  
- E. 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.
  
- F. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.

**ACTION**

- 1. The Commission has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
- 2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 201100126 is APPROVED subject to the attached conditions.

**VOTE**

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date: March 21, 2011

**DRAFT CONDITIONS OF APPROVAL  
DEPARTMENT OF REGIONAL PLANNING  
PROJECT NUMBER 92075-(5)  
CONDITIONAL USE PERMIT NUMBER 201100126**

**REQUEST**

Conditional Use Permit for the sale of a full-line of alcohol for off-site consumption (California Department of Alcoholic Beverage Control license type 21) at an existing Walmart Store located in the C-3-DP (Unlimited Commercial – Development Program) zone is 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 and until all required monies have been paid. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5 and 9, shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term “date of final approval” shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully 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 fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

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

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and

duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on March 21, 2027.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within one (1) year from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1,600.00**. 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 **8 biennial (one every other year)** inspections. Inspections shall be unannounced.

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

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission

("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.

12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. All requirements of Title 22 of the County Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.
14. All development pursuant to this grant shall conform to the requirements of County Department of Public Works.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

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

16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

#### PERMIT SPECIFIC CONDITIONS

17. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Regional Planning Zoning Inspector or California Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.
18. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 (Part 10) of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.
19. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.

20. 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.
21. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
22. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public.
23. The consumption of alcoholic beverages shall be prohibited on the subject property. The permittee shall post signage on the premises prohibiting consumption of alcoholic beverages on the premises.
24. Hours of alcohol sales shall be consistent with California state law.
25. No display of alcoholic beverages shall be made from an ice tub.
26. 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.
27. No more than 5 percent of total shelf space shall be devoted to alcohol.



Los Angeles County  
Department of Regional Planning

Planning for the Challenges Ahead



## CONDITIONAL USE PERMIT BURDEN OF PROOF

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

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

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

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

See Attachment C.

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

See Attachment C.

C. That the proposed site is adequately served:

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

See Attachment C.

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**CONDITIONAL USE PERMIT APPLICATION FOR SALE OF ALCOHOLIC  
BEVERAGES AT EXISTING WALMART STORE**

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**ATTACHMENT C: CONDITIONAL USE PERMIT BURDEN OF PROOF**

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

1. *Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or*

The sale of alcoholic beverages at the existing Walmart store will not adversely affect public health, safety or general welfare of residents or businesses in the surrounding community. Walmart and the Shopping Center have already implemented four site-specific security measures to keep their shoppers safe. First, Walmart employs undercover security guards (called Loss Prevention Associates) that monitor the store and ensure the customers' safety during business hours. Second, in all of its stores that sell alcoholic beverages, Walmart cashiers are specially trained with respect to the sale of alcoholic beverages to ensure compliance with the law and the safety and security of patrons. Walmart closely monitors alcohol purchases and ensure that minors and intoxicated shoppers do not purchase or otherwise gain possession of the alcoholic beverages. Third, the Shopping Center provides security guards to monitor Shopping Center and parking lot. These security guards patrol the stores and parking lot in order to prevent loitering or other nuisances to adjacent uses and/or residential neighborhoods and prevent such problems as gambling, theft, vandalism and truancy. Finally, there is ample night lighting to prevent unwanted or illegal behavior outside the store.

In addition to these physical security measures, Walmart has well-established policies in place to monitor the sale of alcohol and ensure that the sale of alcohol will preserve the community's public health, safety and general welfare. In all of its stores that sell alcohol, Walmart implements an alcohol sales training program called Techniques of Alcohol Management ("TAM"). The training program focuses on recognizing and preventing sales of alcohol that may be detrimental to the public welfare (i.e., the sale of alcohol to minors and intoxicated persons). The California Coordinated Council of Beverage Service (the group authorized by the ABC to certify training programs for the sale of alcohol) has certified the TAM program for use by Walmart. Implementation of the TAM program at the Stevenson Ranch Walmart will ensure that the sale of alcohol at the store will not be detrimental to residents or businesses in the area.

2. *Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or*

The sale of a full line of alcoholic beverages at the existing Walmart store will not be detrimental to the character of development in the area. Approval of the CUP application will have no effect on the exterior of the building or parking areas, as the alcoholic beverages will be located in the store's food and beverage section.

Adding the sale of alcoholic beverages to the existing store will enhance the neighborhood and will not disturb Walmart's neighbors. The area to the north of the store is also zoned C-3-DP and contains the remainder of the Shopping Center. The area to the south of the store is also zoned C-3-DP and contains additional shops from the shopping center, as well as additional retailers across Pico Canyon Road. The area to the west of the store contains the parking lot for the store, and additional properties zoned C-3-DP across The Old Road. The properties to the north and west of the store are zoned RPD-5000-32U and contain a residential planned development. The area to the east of the store contains the Golden State (5) Freeway. The location of Walmart and the surrounding uses make it an appropriate, convenient and safe location for the sale of alcoholic beverages without negative impacts on neighbors.

The proposed alcoholic beverages sales will be proper in relation to adjacent uses. The Walmart store is located within the Valencia Marketplace shopping center, which includes more than 70 shops, restaurants and services, including Barbeques Galore, Bed, Bath & Beyond, Sport Chalet, Staples, Old Navy, Party City, smaller retail stores, several banks and numerous restaurants. Thus, the requested CUP for the sale and dispensing of alcoholic beverages for off-site consumption inside the existing Walmart will not only be consistent with the services currently available to area residents, but also a great addition to the current services. The requested permit will allow Walmart to provide shoppers with increased amenities and convenience consistent with the character of development in the immediate neighborhood and particularly within the Shopping Center.

The existing Walmart store is conveniently located to Stevenson Ranch residents living in the residential areas beyond the commercial district. Local residents will benefit from the store's ample on-site parking and security-patrolled parking lot. They will also benefit from the ability to purchase a full line of alcoholic beverages at the same location where they currently shop for retail items and food. The sale of alcoholic beverages at the existing store will both increase convenience for local residents and businesses and decrease the need for shoppers to make multiple car trips to other neighborhoods to meet their shopping needs. In addition, the current use of the site is appropriately set up for convenient, safe, and monitored alcohol sales.

*3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.*

The addition of alcoholic beverages at the existing Walmart store will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare of residents or businesses in the surrounding community. As stated above, Walmart and the Shopping Center have already implemented four site-specific security measures to keep their shoppers safe. First, Walmart employs undercover security guards that monitor the store and ensure the customers' safety during business hours. Second, in all of its stores that sell alcoholic beverages, Walmart cashiers are specially trained with respect to the sale of alcoholic beverages to ensure compliance with the law and the safety and security of patrons. Walmart closely monitors alcohol purchases and ensure that minors and intoxicated shoppers do not purchase or otherwise gain possession of the alcoholic beverages. Third, the Shopping Center provides security guards to monitor the Shopping Center and parking lot. These security guards patrol the stores and parking lot in order to prevent loitering or other nuisances to adjacent uses and/or residential neighborhoods. Finally, there is ample night lighting to prevent unwanted or illegal behavior outside the store.

In addition to these physical security measures, Walmart has well-established policies in place to monitor the sale of alcohol and ensure that the sale of alcohol will preserve the community's public health, safety and general welfare. As discussed above, Walmart will implement its TAM alcohol sales training program, which focuses on recognizing and preventing sales of alcohol that may be detrimental to the public welfare (i.e., the sale of alcohol to minors and intoxicated persons).

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

The store is adequate in size and shape to accommodate the sale of alcoholic beverages. Accordingly, the addition of alcoholic beverages at the existing store will not require any external modifications to the store. In addition, Walmart provides ample parking. Therefore, no changes need to be made to the yards, walls, fences, parking and loading facilities, landscaping, or other developmental features in connection with the sale of the alcoholic beverages.



Los Angeles County  
Department of Regional Planning

Planning for the Challenges Ahead



### ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

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

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

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

See Attachment B.

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.

See Attachment B.

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

See Attachment B.

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

See Attachment B.

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

See Attachment B.

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**CONDITIONAL USE PERMIT APPLICATION FOR SALE OF ALCOHOLIC  
BEVERAGES AT EXISTING WALMART STORE**

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**ATTACHMENT B: ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF**

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

There are no religious institutions, schools, parks, playgrounds or similar uses within a 600-foot radius of the site.

- B. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

The approval of a CUP allowing Walmart to sell a full line of alcoholic beverages at the existing Stevenson Ranch store will not adversely affect nearby residential areas and will add an additional convenience for Stevenson Ranch residents and businesses. Walmart is located within the Valencia Marketplace, which serves as Stevenson Ranch's community center, and is surrounded by commercial establishments. The addition of alcoholic beverages at the existing store will not require any external modifications to the store, as the alcoholic beverages will be placed within the existing food and beverage section of the store. In addition, Walmart provides ample parking. The closest residential areas are located beyond the parking lot and across either The Old Road or Pico Canyon Road and are therefore sufficiently buffered from the commercial uses in the Shopping Center.

Rather than adversely affecting the area, the approval of Applicant's CUP will provide a benefit to nearby residentially zoned properties because residents will be able to complete all of their shopping in one convenient, close, and safe location. The secure and convenient sale of alcoholic beverages at Walmart will result in increased efficiency for shoppers and may also decrease traffic congestion throughout the area by reducing car trips by residents and visitors who currently have to go to multiple stores to meet their shopping needs. Further, permitting alcoholic beverage sales at the existing store will provide nearby residents with a safe and convenient location in which they can purchase alcoholic beverages. Shopping Center security guards patrol the stores and parking lot in order to prevent loitering or other nuisances to adjacent uses and/or residential neighborhoods and prevent such problems as gambling, theft, vandalism and truancy.

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

The requested CUP will not result in an undue concentration of similar premises. There are no similar premises that sell alcoholic beverages within 500 feet of the Walmart store. While the boundary line of the Walmart parcel is within 500 feet of the Ralph's grocery store, the store itself is more than 500 feet from the Ralph's. The boundary of the Walmart parcel is also within 500 feet of several restaurants that serve alcoholic beverages, including Wood Ranch Grill, Yamato, Spumoni, Coco's, and Vista Valencia Golf Course. However, neither the grocery store nor the restaurants should not be considered similar premises. Nevertheless, the public convenience of alcohol sales at Walmart outweighs the fact that is located near other facilities selling alcoholic beverages, and consistent with County policy, the proposed alcoholic beverages *will take up less than one percent of total shelf space* within the Walmart store.

The concentration of alcohol licenses is consistent with the County's goal and policy to concentrate commercial uses into commercial centers that serve the neighboring community. Consistent with that goal, most of Stevenson Ranch's commercial uses are concentrated within the Valencia Marketplace, which spans nearly a mile adjacent (west) of Interstate 5 on The Old Road. According to ABC statistics, three off-sale licenses are allowed in the census tract, but six have been issued. Many of these licenses are in or adjacent to the Shopping Center. However, according to ABC licensing reports, there are only two other off-sale licenses within the census tract that are also located in Stevenson Ranch – the Vons grocery store and Cost Plus World Market. In addition, the Ralph's grocery store across the street has a Type 21 license and the AM/PM south of the Shopping Center on Pico Canyon Road has a Type 20 license. None of those stores should be considered a "similar premise" to Walmart, as they are either traditional grocery stores, specialty stores or convenience stores. Walmart, on the other hand is more similar to a department store. In addition, even though there are additional facilities that sell alcoholic beverages within the Shopping Center, they all sell alcoholic beverages for on-site consumption.

Despite the statistical overconcentration, the sale of a full line of alcoholic beverages at the existing Walmart store is desirable to the public convenience of people

who reside and work in the surrounding community because they will be able meet all their shopping needs in a single convenient and safe location. Shoppers expect to be able to meet all of their retail shopping needs at a Walmart store and accordingly have been requesting that Walmart add alcoholic beverages to its existing sales offerings. Permitting the sale of alcoholic beverages will allow Walmart to meet the needs of its customers while, as the same time, reduce the need for local residents and visitors to drive to multiple locations to satisfy all of their shopping needs. Additionally, the convenience of being able to purchase a full line of alcoholic beverages at Walmart may encourage shoppers to spend their money directly in their neighborhood rather than traveling to surrounding areas, thus increasing sales tax revenue in the County of Los Angeles.

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

The sale of alcoholic beverages at the existing Walmart store will not adversely affect the economic welfare of residents or businesses in the surrounding community. Rather, the sale of a full line of alcoholic beverages will benefit Stevenson Ranch by encouraging consumers to shop within the neighborhood and providing convenience for local shoppers. The surrounding businesses and their employees, as well as people commuting on adjacent streets, will benefit from the convenience of being able to purchase alcoholic beverages for business-related or personal needs at the same time and place they meet other retail needs within the neighborhood's commercial center. This will encourage residents and businesses to do their shopping for their basic retail needs in Stevenson Ranch, rather than traveling to other areas to shop at large retail stores. Keeping shoppers in Stevenson Ranch will keep tax dollars in the County of Los Angeles.

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

No exterior modifications to the store are required in connection with the sale of alcoholic beverages.

C. That the proposed site is adequately served:

*1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quality of traffic such use would generate, and*

The addition of alcoholic beverages will not require any exterior or structural modifications to the store and will not require any changes to the streets and highways around the store. The site is adequately served by streets and highways of sufficient width. In fact, the addition of alcoholic beverages to Walmart's already extensive selection of retail goods will reduce customers' need to drive to multiple locations around the area to obtain various products, which may decrease traffic congestion.

*2. By other public or private service facilities as are required.*

The store is adequately served by public and private service facilities including, but not limited to, police and fire protection, storm drainage, sewerage, water, power and waste collection, and the addition of alcoholic beverages will not affect the level of service provided by the public and private service facilities.

300252806.1



**LOS ANGELES COUNTY SHERIFF'S DEPARTMENT  
CRIME ANALYSIS UNIT**

Santa Clarita Valley Station  
23740 MAGIC MOUNTAIN PARKWAY  
VALENCIA, CA 91355  
661-255-1121 ext. 5157

November 17, 2011

Los Angeles County Department of Regional Planning  
ATTN: Dean Edwards

Project: 92-075 / RCUP201100126 - Walmart

This letter is in response to your request for calls for service and crime reports at the location of **25450 The Old Road, Stevenson Ranch**. The time frame is January 2006 thru November 2011. There were 750 Calls for Service with 404 resulting in a crime report being taken. The results are the following:

Report Type	Total
Grand Theft Auto	5
Vehicle Burglary	7
Assault	9
Narcotics	9
Vandalism	9
Robbery	13
Traffic	16
Lost/Found Property	18
Misc Reports	22
Forgery/Fraud	62
Theft	234
<b>Grand Total</b>	<b>404</b>

If you have any questions, you can contact me at 661-799-5157.

Thank you,

Yvette McClain  
Crime Analyst

Department of Alcoholic Beverage Control  
Van Nuys District Office  
6150 Van Nuys Blvd, Room 220  
Van Nuys, CA 91401  
Phone: 818-901-5017  
Fax: 818-785-6731

92075



# FAX TRANSMISSION

Total Number of Pages 3 (Including this cover sheet)

Original:  To follow by regular mail  Will not follow

To:

*Dean Edward - Senior Planner*

Firm/Office:

*Dept of Regional Planning*

Fax:

*213/626-0434* Date: *10/20/11* Time: *1040am*

cc('s):

From:

**Vilma V. Rivera**

Phone:

*818/901-5010*

Subject:

*Stats Request*

Comments:

*25450 The Old Rd  
Sturmeron Ranch, CA 91381*



Vilma V. Rivera  
Licensing Representative  
Department of Alcoholic Beverage Control  
6150 Van Nuys Boulevard, Room 220  
Van Nuys, CA 91401  
(818) 901-5010  
(818) 785-6731 Fax  
vilma.rivera@abc.ca.gov



### NOTICE

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"Be Energy Efficient"

23958.4 B & P APPLICATION WORK SHEET

APPLICANT: Wal Mart Stores Inc

PREMISES ADDRESS: 25450 The Old Rd

LICENSE TYPE: Stevenson Ranch, CA 91381

LA Sheriff's Department CRIME REPORTING DISTRICT

Jurisdiction is able to provide statistical data for the year 2009

Reporting District: 664 \* Unincorporated area

Total number of reporting districts: 374

Total number of offenses: 56,953

Average number of offenses per district: 151.74

120% of average number of offenses: 182.1

Total offenses in district: 273

Location is within a high crime reporting district: YES (NO)

CENSUS TRACT / UNDUE CONCENTRATION - Year 2010

Census Tract: 9203.26

Population: 3666 County Ratio: ON SALE: 1:1147

OFF SALE: 1: 1635

Number of licenses allowed:	<del>_____</del>	<u>3</u>
Number of existing licenses:	<del>_____</del>	<u>6</u>
Undue concentration exists:	<del>_____</del>	<u>Yes</u>
Letter of public convenience or necessity required:	<del>_____</del>	<u>Issuing Body</u>
Three time publication required:	<del>_____</del>	<u>3X / publication</u>

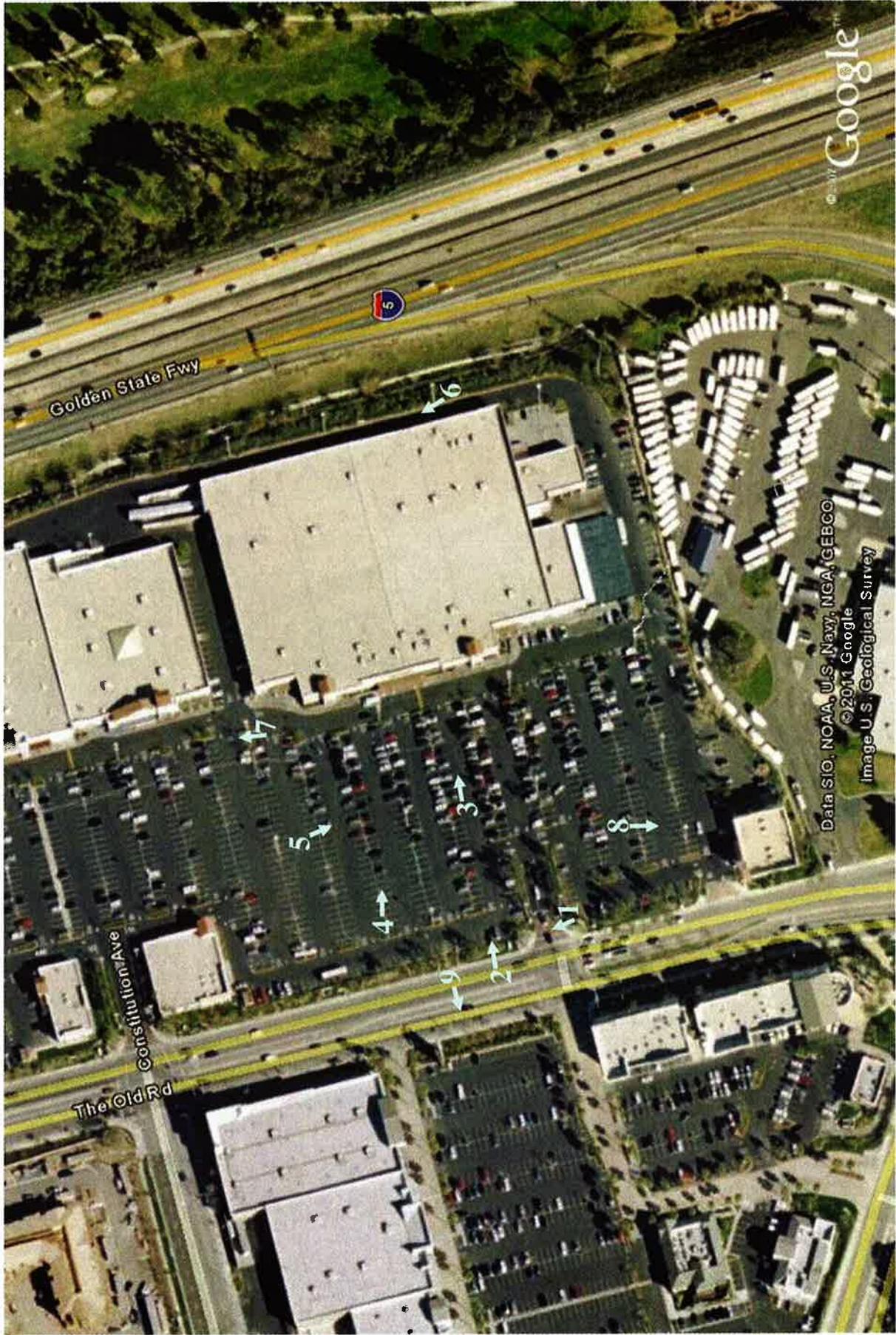
Person Preparing Data \_\_\_\_\_ Date 10/20/11 Supervisor \_\_\_\_\_  
VP



**California Department of  
 Alcoholic Beverage Control  
 License Query System Summary  
 as of 10/19/2011**

<b>License Information</b>
<b>License Number:</b> 507707
<b>Primary Owner:</b> WAL MART STORES INC
<b>ABC Office of Application:</b> 05 - VAN NUYS
<b>Business Name</b>
<b>Doing Business As:</b> WAL MART STORE 2297
<b>Business Address</b>
<b>Address:</b> 25450 THE OLD ROAD <b>Census Tract:</b> 9203.26
<b>City:</b> STEVENSON RANCH <b>County:</b> LOS ANGELES
<b>State:</b> CA <b>Zip Code:</b> 91381
<b>Licensee Information</b>
<b>Licensee:</b> WAL MART STORES INC
<b>Company Information</b>
Officer: DUKE, MICHAEL ALEXANDER (PRESIDENT)
Officer: COTTRELL, LORI LEE (SECRETARY/ASST SEC)
Officer: FARRAR, TIM (SECRETARY/ASST SEC)
Officer: THRASHER, AMY YVONNE (SECRETARY/ASST SEC)
Officer: HOLLEY, CHARLES MURPHY JR (TREASURER)
Officer: ROBERTS, KAREN LYNN (VICE PRESIDENT)
<b>License Types</b>
1) <b>License Type:</b> 21 - OFF-SALE GENERAL
<b>License Type Status:</b> PENDING
<b>Status Date:</b> 28-JAN-2011 <b>Term:</b> 12 Month(s)
<b>Original Issue Date:</b> <b>Expiration Date:</b>
<b>Master:</b> Y <b>Duplicate:</b> 0 <b>Fee Code:</b> P0
<b>License Type was Transferred On:</b> <b>FROM:</b> 21-455630
<b>Current Disciplinary Action</b>
. . . No Active Disciplinary Action found . . .
<b>Disciplinary History</b>

# Site Photographs Index





**Image 1: Entrance to the Valencia Marketplace in front of the existing Walmart store.**



**Image 2: View of the frontage of the Walmart store on The Old Road .**



**Image 3: View of the Walmart store from the parking lot.**



**Image 4: View of the parking lot in front of the Walmart store.**



**Image 5: View of the parking lot in front of the Walmart store.**



**Image 6: View of the rear of the Walmart store.**



**Image 7: View of adjacent commercial uses to the north.**



**Image 8: View of adjacent commercial uses to the south.**



**Image 9: View of adjacent commercial uses to the west across The Old Road.**

PROJECT NUMBER 92075-(5)



**ALCOHOL ESTABLISHMENTS  
WITHIN 500 FT.  
25450 THE OLD RD.**

1. OFF-SITE / FULL ALCOHOL      RALPH'S SUPERMARKET  
24975 PICO CANYON RD.  
DAILY                                  6:00AM - 12:00PM
  
2. ON-SITE / FULL ALCOHOL      YAMATO  
24947 PICO CANYON RD.  
MON - THURS                      11:30AM - 10:00PM  
FRI & SAT                            11:30AM - 10:30PM  
SUNDAY                                11:30AM - 9:30PM
  
3. ON-SITE / BEER & WINE      SPUMONI  
24917 PICO CANYON RD.  
SUN - THURS                        11:30AM - 9:30PM  
FRI & SAT                             11:30AM - 10:00PM
  
4. ON-SITE / BEER & WINE      COCO'S  
24930 PICO CANYON RD.  
MON - THURS                        6:30AM - 9:30PM  
FRI & SAT                             6:30AM - 10:00PM  
SUNDAY                                7:00AM - 9:30PM
  
5. ON-SITE / FULL ALCOHOL      WOODRANCH BAR & GRILL  
25580 THE OLD RD.  
MON - THURS                        11:30AM - 10:00PM  
FRI & SAT                             11:30AM - 11:00PM  
SUNDAY                                11:30AM - 9:30PM
  
6. ON-SITE / FULL ALCOHOL      VISTA VALENCIA GOLF COURSE  
24700 TREVINO DR.  
DAILY                                    6:00AM - 9:00PM

**SENSITIVE USES 500 FT.**

**25450 THE OLD RD.**

**NONE**