# Hearing Officer Transmittal Checklist

**Hearing Date**
3/1/2011
**Agenda Item No.**
5

**Project Number:** R2006-01439-(5)
**Case(s):** Conditional Use Permit No. 2010 00061
**Planner:** Phillip Estes, AICP PE

- ☒ Factual
- ☒ Property Location Map
- ☒ Staff Report
- ☐ Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- ☒ Draft Findings
- ☒ Draft Conditions
- ☒ Burden of Proof Statement(s)
- ☐ Environmental Documentation (ND / MND / EIR)
- ☒ Correspondence
- ☒ Photographs
- ☒ GIS-Net Map
- ☒ Aerial Image(s)
- ☒ Land Use Radius Map
- ☐ Tentative Tract / Parcel Map
- ☒ Site and Elevation Plans
- ☐ Exhibit Map
- ☐ Landscaping Plans

**Reviewed By:** _____

| | | | |
|---|---|---|---|
| Los Angeles County Department of Regional Planning<br>320 West Temple Street<br>Los Angeles, California 90012<br>Telephone (213) 974-6435<br>**PROJECT NO. R2006-01439-(5)**<br>**CONDITIONAL USE PERMIT 2010 00061** | | PUBLIC HEARING DATE<br>3/1/11 | AGENDA ITEM<br>5 |
| | | RPC CONSENT DATE | CONTINUE TO |

| APPLICANT | OWNER | REPRESENTATIVE |
|---|---|---|
| Walgreen Co. | Alfieri Properties, LLC | Armbruster, Goldsmith & Delvac |

**PROJECT DESCRIPTION**
To authorize the sale of alcoholic beverages (beer/wine) for off-site consumption in association with an existing pharmacy ("Walgreens"), located in the C-2-DP (Neighborhood Business – Development Program) zone, Newhall Zoned District.

**REQUIRED ENTITLEMENTS**
Conditional Use Permit to authorize the sale of alcoholic beverages located in the C-2 (Neighborhood Business) zone, pursuant to Sec. 22.28.160.

**LOCATION/ADDRESS**
28460 Haskell Canyon Rd., Saugus, CA 91390.

**SITE DESCRIPTION**
The site plan shows an existing multi-tenant 18,320 sq. ft. one-story commercial building, a 13,650 sq. ft. Walgreens pharmacy with a drive-through service window, 80 parking stalls, and perimeter landscaping. The floor plan shows 97 sq. ft. of area for the sale of alcoholic beverages.

| | |
|---|---|
| **ACCESS**<br>Copper Hill Dr. and Old Spanish Trail | **ZONED DISTRICT**<br>Newhall Zoned District |
| **ASSESSORS PARCEL NUMBER**<br>3244-119-054 | **COMMUNITY**<br>Saugus |
| **SIZE**<br>2 acres | **COMMUNITY STANDARDS DISTRICT**<br>N/A |

| | EXISTING LAND USE | EXISTING ZONING |
|---|---|---|
| Project Site | Commercial (Walgreens pharmacy) | C-2-DP |
| North | Residential | RPD-6,000-4U, R-1-3,000-DP |
| East | Residential | RPD-6,000-4U, R-1-3,000-DP |
| South | Residential, commercial | RPD-1-11U, C-2-DP |
| West | Residential | R-1-3,000-DP, A-2-2 |

| GENERAL PLAN/COMMUNITY PLAN | LAND USE DESIGNATION | MAXIMUM DENSITY |
|---|---|---|
| Santa Clarita Valley Area Plan | W – Floodway/Floodplain<br>U2 – Urban 2 (6.6 units max) | N/A |

**ENVIRONMENTAL DETERMINATION**
Class 1 Categorical Exemption – Existing Structures

**RPC LAST MEETING ACTION SUMMARY**

| LAST RPC MEETING DATE | RPC ACTION | NEEDED FOR NEXT MEETING |
|---|---|---|
| MEMBERS VOTING AYE | MEMBERS VOTING NO | MEMBERS ABSTAINING/ABSENT |

**TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS**

| STAFF CONTACT PERSON: Phillip Estes (pestes@planning.lacounty.gov) | | |
|---|---|---|
| RPC HEARING DATE(S) | RPC ACTION DATE | RPC RECOMMENDATION |
| MEMBERS VOTING AYE | MEMBERS VOTING NO | MEMBERS ABSTAINING |
| STAFF RECOMMENDATION (PRIOR TO HEARING): | | |
| SPEAKERS*<br>(O) (F) | PETITIONS<br>(O) (F) | LETTERS<br>(O) (F) |

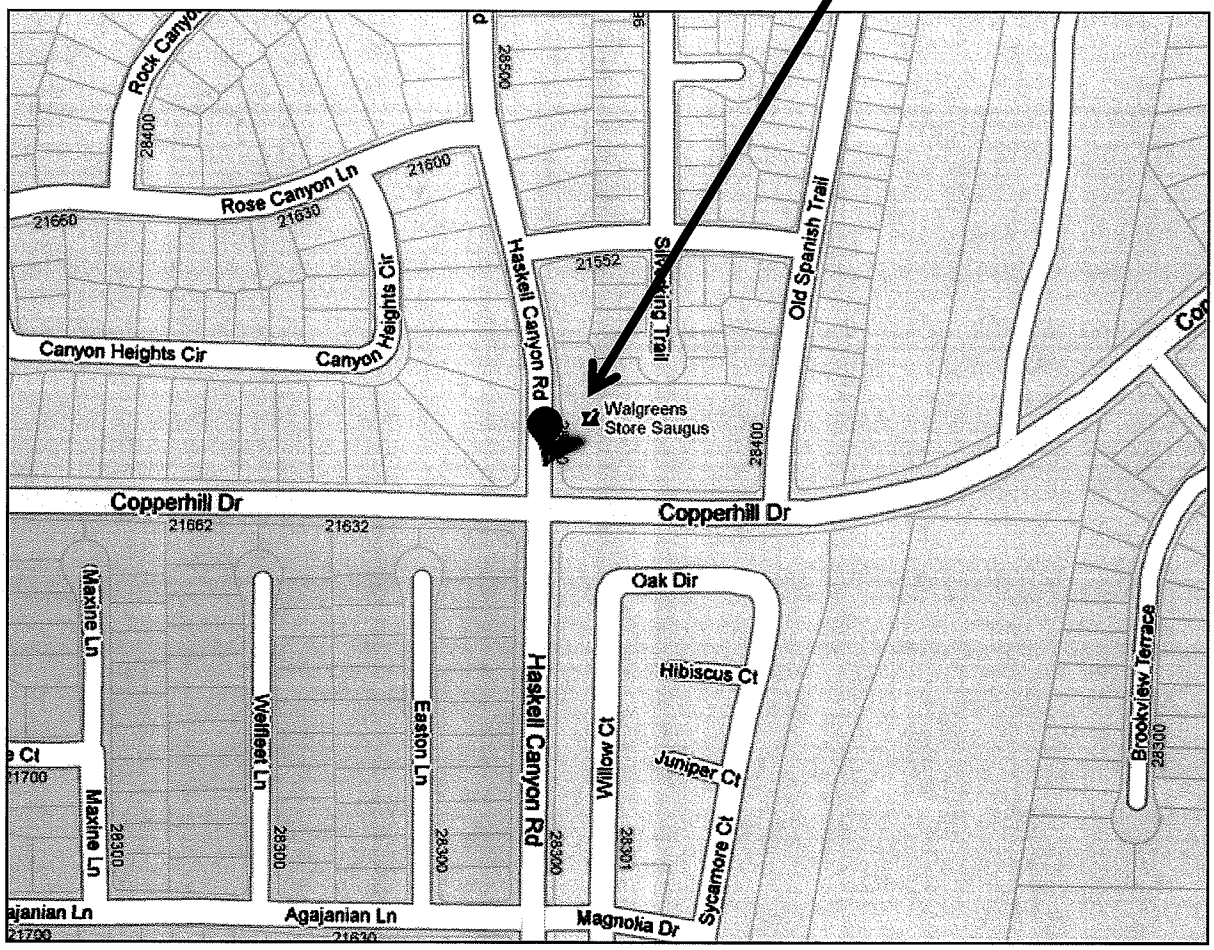
*(O) = Opponents (F) = In Favor

**SUBJECT PROPERTY**

28460 Haskell Canyon Rd., Saugus

Project No. R2006-01439-(5)

CUP No. 2010 00061




**VICINITY MAP**

# STAFF ANALYSIS

| | |
|---|---|
| **DATE:** | February 14, 2011 |
| **APPLICANT:** | Walgreen Co. |
| **SUBJECT:** | A conditional use permit (CUP) to authorize the sale of alcoholic beverages for off-site consumption, pursuant to Sec. 22.28.260. |
| **PROJECT NO:** | R2006-01439-(5) |
| **PERMIT NO:** | Conditional Use Permit No. 2010 00061 |
| **SUBJECT PROERTY:** | 28460 Haskell Canyon Road, Newhall Zoned District. |
| **ASSESSOR PARCEL NO.:** | 3244-119-054 |
| **ZONING:** | C-2-DP (Neighborhood Business – Development Program) zone |
| **LAND USE CATEGORY:** | U2 (Urban 6.6 units max.), W – Floodway, |

## PROJECT DESCRIPTION

The applicant requested a CUP, to authorize the sale of alcoholic beverages (beer and wine) for off-site consumption in association with an existing pharmacy ("Project"). A pharmacy is a permitted use in the C-2-DP zone, with an authorized CUP.

CUP 98-170 and Plot Plan 200600659 authorized the pharmacy. No construction is proposed with this request. The property is in substantial compliance with the conditions of CUP 98-170.

## ENVIRONMENTAL DETERMINATION

This Project was determined to be categorically exempted (Class 1, Existing Facilities) under the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA).

## LEGAL NOTIFICATION

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of Title 22, the community was adequately notified of the public hearing by mail, newspaper advertisement, hearing notice sign, library package and Regional Planning website posting.

## STAFF EVAULATION

The subject property is in substantial compliance with the applicable development standards of Title 22, the zoning ordinance.

It is staff's opinion that the sale of alcoholic beverages will not adversely affect the health, peace, or welfare of persons residing or working in the surrounding area, or be materially detrimental to the use, enjoyment or valuation of the property, or constitute a menace to public health, safety or general welfare.

Staff analysis concludes the following:

- The Project is consistent with the land use plan category designation.
- There are no known zoning violations associated with the property.
- The property is in substantial compliance with applicable provisions of Title 22, the Zoning Ordinance.
- The Project is a reasonable use of the property.
- The Project would not adversely affect or alter the character of the surrounding neighborhood.

**BURDEN OF PROOF**

The applicant is required to substantiate all facts identified by Sec. 22.56.040 and Sec. 22.56.195 of Title 22 ("Zoning Ordinance"). Staff concludes that the applicant has satisfied the Burden of Proof.

**PUBLIC COMMENTS**

To date, staff has received no comments.

**FEES / DEPOSITS**

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

**STAFF RECOMMENDATION**

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

Staff recommends **APPROVAL** of Conditional Use Permit No. 2010 00061, for a fifteen (15) year term, subject to the attached conditions.

Prepared by Phillip Estes, AICP, Principal Regional Planner
Reviewed by Mark Child, AICP, Supervising Regional Planner

Attachments:
Draft Conditions of Approval
Applicant's Burden of Proof statement
Site Photographs
Site Plan
Land Use Map

# DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER
# COUNTY OF LOS ANGELES

**PROJECT NO.:** R2006-01439-(5)

**CONDITIONAL USE PERMIT NO.:** 2010 00061

**REQUEST:** To authorize a conditional use permit (CUP) for the sale of alcoholic beverages (beer and wine) for off-site consumption at an existing pharmacy, located in the C-2-DP (Neighborhood Business – Development Program) zone, Newhall Zoned District.

**HEARING DATE:** March 1, 2011.

**PROCEEDINGS BEFORE THE HEARING OFFICER:**
March 1, 2011 Public Hearing
*To be completed after the proceedings.*

Findings

1. The subject property is located at 28460 Haskell Canyon Rd., Saugus, Newhall Zoned District.

2. The Assessor's parcel number is 3244-119-054.

3. The subject property is located in the C-2-DP (C-2-DP (Neighborhood Business – Development Program) zone. A pharmacy is a permitted use in the C-2-DP zone, with an authorized CUP.

4. The proposed use is consistent with the designated land use plan category of the Santa Clarita Valley Area Plan.

5. The applicant requested a CUP to authorize the sale of alcoholic beverages (beer and wine) for off-site consumption, pursuant to Sec. 22.28.260.

6. The property is in substantial compliance with applicable development standards.

7. The property is developed with a pharmacy, which was authorized by CUP 98-170 and Plot Plan 200600659.

8. No construction is proposed with this permit.

9. The proposal does not conflict with surrounding land uses.

10. Surrounding properties are located in the following zones:
    North: RPD-6,000-4U, R-1-3,000-DP
    East: RPD-6,000-4U, R-1-3,000-DP
    South: RPD-1-11U, C-2-DP
    West: R-1-3,000-DP, A-2-2

11. Surrounding land uses within 500 ft. include:
    North: Residential
    East: Residential

South: Residential, commercial
West: Residential

12. There is a recreational center located within 600 ft. of the subject property. There are no other sensitive land uses, religious facilities or other similar uses located within a 600 ft. radius, as indicated on the applicant's land use map.

13. There are no establishments that sell alcoholic beverages located within 500 ft. of the subject property, as indicated on the applicant's land use map.

14. 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.

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

16. The site is consistent with the exterior appearance of existing commercial structures located within the adjacent area. For this reason, the project will not cause blight, deterioration, or substantially diminish or impair property values within the area.

17. The project is Categorically Exempt Class 1 (Existing Facilities) under the California Environmental Quality Act (CEQA) reporting requirements.

18. Pursuant to Sections 22.60.174 and 22.60.175 of Title 22, the community was adequately notified of the public hearing by mail, newspaper advertisement, hearing notice sign, library package and the Dept. of Regional Planning website posting.

19. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determined that it is necessary to limit the term of the grant to fifteen (15) years with biannual inspections.

20. The location of the documents and other materials constituting the record of proceedings upon which the decision is based in this matter is located at the Department of Regional Planning, 320 W. Temple St., Los Angeles, CA 90012. The custodian of such documents and materials shall be the Director of Regional Planning.

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

**CONDITIONAL USE PERMIT – Burden of Proof**

1. The proposed use is consistent with the adopted general plan for the area;

2. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding areas, and 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 and general welfare;

3. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;

4. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required.

**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 22.56.040, 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

**CONDITIONAL USE PERMIT – Alcoholic Beverage Sales Burden of Proof**

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

2. 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; and

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

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

**AND, THEREFORE,** the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a Conditional Use Permit for alcohol sales as set forth in Sec. 22.56.195 of the Los Angeles County Code (Zoning Ordinance).

**HEARING OFFICER ACTION:**

1. I have considered the Categorical Exemption Class 1 for this project and certify 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 2010 00061 is **APPROVED** subject to the attached conditions.

cc: Zoning Enforcement, ABC

MC:PE
2/14/11

This grant authorizes the sale of alcoholic beverages (beer and wine only) for off-site consumption, subject to the following conditions of approval:

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 Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition Number 7, and until all required monies have been paid pursuant to Condition Number 10.

   Notwithstanding the foregoing, this condition No. 2, and Condition Nos. 3, 4, and 9 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. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate reasonably 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.

4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of $5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

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

   b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

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

6. 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.

7. Prior to the use of this grant, the property owner or permittee shall **record the terms and conditions** of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

8. **This grant will terminate on March 1, 2026**. Entitlement to use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.

9. This grant will expire unless used within 2 years from the date of approval. A single, one-year time extension may be requested in writing and with payment of the applicable fee prior to such expiration date. Submittal of the recorded affidavit and payment of all required fees shall constitute use of the permit.

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. The permittee shall deposit with the County of Los Angeles the sum of **1,400.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for **seven (7)** biannual inspections. Inspections may 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 the Department of Regional Planning for all additional 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 $200.00 per inspection, or the current recovery cost, whichever is greater.

12. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is given that the Regional Planning Commission or a Hearing Officer

may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.

13. All structures shall conform to the requirements of the Los Angeles County Fire Department, as required.

14. All requirements of Title 22 the County Code ("Zoning Ordinance") shall be complied with unless otherwise set forth in these conditions or shown on the approved plan.

15. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works, as required.

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.

18. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain all areas free of litter and debris on the premises over which the permittee has control.

19. 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, a Revised Exhibit "A" shall be submitted to the Department of Regional Planning within sixty (60) days of the date of approval for the Conditional Use Permit.

20. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and employees of the facility shall be knowledgeable of the conditions herein;

21. Loitering shall be prohibited on the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed and visible on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary;

22. Designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in State of California mandated alcoholic beverage education programs, as applicable. All new designated employees shall be required to attend said programs. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment, indicating participation in said program. Proof of completion said program shall be available upon request;

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;

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

25. 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;

26. The consumption of alcoholic beverages shall be prohibited on the subject property. The permittee shall post at least one publicly visible sign on the premises stating that the consumption of alcoholic beverages on the premises is prohibited;

27. Alcohol sales shall be prohibited from 2:00 AM to 6:00 AM, pursuant to California state law;

28. There shall be no beer sold in containers under one quart or in less than six-pack quantities;

29. The sale or display of alcoholic beverages from an ice tub is prohibited;

30. The permittee may display alcoholic beverages only in the cooler or shelving area designated for storage of said alcoholic beverages as depicted on the "shelf plan" labeled on the approved Exhibit 'A'. No other display of alcoholic beverages shall be permitted;

31. The licensed premises shall have no coin operated amusements, such as pool tables, juke boxes, video games, carousel rides or other similar riding machines, with the exception of official lottery machines;

32. Designated employees who sell alcoholic beverages, shall be at least 21 years of age, pursuant to Title 22;

33. No alcoholic beverages shall be displayed within five feet of the cash register or the front door unless located within permanently installed refrigerated cooler;

34. No alcoholic beverage "miniatures" may be sold. Wine coolers not be sold in less than four-pack quantities;

35. The sale of malt liquors or malt-based products with alcoholic content greater than five percent by volume is prohibited;

36. The sale of "fortified" wine is prohibited;

37. The permittee shall provide adequate lighting above all entrances and exits to the premises, parking areas and walkways under control of the permittee or required as a condition of this grant;

38. All lighting required by this grant shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons within lighted areas during operating hours and shall be designed so as to direct light and glare only onto the facility premises. Said lighting and glare shall be deflected, shaded and focused away from all adjoining properties;

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

40. All litter and trash shall be regularly collected from the premises and the adjacent sidewalks or right-of-way.

MM:PE
2/14/11

**EXHIBIT A**
**CONDITIONAL USE PERMIT FOR OFF-SITE SALES OF BEER AND WINE**
**THE WALGREEN COMPANY**
**28460 HASKELL CANYON, LOS ANGELES COUNTY, CA**

## THE APPLICANT

This application is made by The Walgreen Company (the "**Applicant**"). The Applicant is the second largest drugstore chain in the country and operates 7,000 stores in all 50 states, the District of Columbia and Puerto Rico. The Applicant provides access to consumer goods and services and pharmacy, health and wellness services through its retail drugstores, Walgreens Health Services division and Walgreens Health and Wellness division. These drugstores sell prescription and non-prescription drugs, and general merchandise. The Applicant's general merchandise comprises beauty care, personal care, household items, candy, photofinishing, greeting cards, seasonal items, and convenience food. The Applicant is an active member in each community performing outreach that revolves around access to health services and education. In 2008, the Applicant worked with the nation's largest network of food banks to provide $24 million worth of products and provided more than a million free health screenings as part of the Take Care Health Tour 2008. The Applicant was founded in 1901 and is based in Deerfield, Illinois.

## PROJECT DESCRIPTION

The Applicant seeks a Conditional Use Permit ("**CUP**") pursuant to Title 22, Section 22.56 of the Los Angeles County Code ("**LACC**") for the existing Walgreens store located at 28460 Haskell Canyon (the "**Store**") in the unincorporated area of the County of Los Angeles (the "**County**"). The Store has been operating at the current location since approximately April 2005. The Applicant proposes to offer a limited selection of beer and wine that will make up a small portion of the existing Store floor area (the "**Project**"). The modest selection will be tailored to provide a safe, convenient alternative to meet the needs of the Applicant's existing customers. The Applicant will not sell distilled spirits, malt liquor, single servings or any other variation. Sales and storage areas for beer and wine will occupy only 66 square feet of the floor area which comprises less than 1% of the total 13,650 square feet of floor area. The Project involves no structural change to the interior space (other than some minor internal rearrangement of merchandise, shelving and coolers) nor to the building envelope, building exterior, parking or landscaping. These minor interior changes will involve no grading, construction or construction equipment to the exterior of the Store.

## LOCATION

The Store is a building with associated parking, physically located on the northeast corner of Haskell Canyon and Copper Hill Drive in a small neighborhood commercial center.

## ZONING AND GENERAL PLAN DESIGNATION

The Store is zoned C-2-DP Unlimited Commercial with a Development Plan combining zone and the land use designation is W-Floodplain in the General Plan.

Burden of Proof

**SURROUNDING ZONING/LAND USE**

- North: RPD-6000-4U Residential Planned Development. The land use designation is U2.0 Urban (3.4 to 6.6 du/ac) and development consists of single family residences.

- South: RPD-1-11U Residential Planned Development and C-2-DP Commercial with Development Plan – The land use is C Commercial and consists of single family residences.

- East: R-1-3000 DP Single Family Residential with a Development Plan combining Zone– The land use designation is W Floodplain and consists of a neighborhood park.

- West: RPD-6000-4U Residential Planned Development – The land designation is U1.0 Urban (1.1 to 3.3 du/ac) and development consists of single family residences.

**SALES POLICIES AND SECURITY MEASURES**

As in hundreds of locations across the country where the Applicant currently sells beer and wine, beer and wine will be merchandised and sold with a high degree of responsibility and conscientiousness. As a pharmacy, the Applicant possesses significant experience selling regulated products and complying with laws governing them. This expertise will ensure lawful and responsible beer and wine sales. Detailed policies and procedures are already in place and are strictly enforced without exception. The Applicant's employees for each eligible store must undergo extensive training prior to beer and wine availability at an individual location. Once trained, all employees regardless of age must sign a Sale of Alcoholic Beverages Policy acknowledgement letter at the beginning of each shift. All employees will also complete any local or state required training before they can sell beer or wine. Alcohol sales training and policy acknowledgements are conducted annually every March. Employees are automatically enrolled in these training courses and new employees also will complete the alcohol sales training and policy procedures on their first day of employment. The Applicant's established policy states that employees must request identification for any customer attempting to purchase alcohol who appears to be under the age of 40. The register prompts the employee before proceeding with the transaction and all under age employees are required to seek the assistance of a manager.

The Applicant uses a variety of security strategies at other store with sales of alcohol to ensure the safety of their customers as well as the security of their merchandise. Security cameras and public view monitors are installed to deter criminal activity and promote a safe environment. The digital images captured from these devices are stored for up to 90 days on a Digital Video Recorder and give Loss Prevention the capability to share images of thieves with the Applicants stores and local law enforcement agencies. Additionally, beer and wine will be positioned on the opposite end of the store from where the entrance is located. This will force customers to walk the length of the store serving as an additional deterrent.

**CUP FINDINGS**

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

**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 Project proposes to add beer and wine to an existing Walgreens store that features thousands of products. The addition of beer and wine will be an incidental use similar to a grocery store and would provide convenience for the store's existing customers. Any adverse affects to the health, peace, comfort or welfare to the people living or working in the surrounding area are minimized through the sales and security measures utilized by Walgreens. As in hundreds of locations across the country where Walgreens currently sells beer and wine, beer and wine will be merchandised and sold with a high degree of responsibility and conscientiousness. As a pharmacy, Walgreens possesses significant experience selling regulated products and complying with laws governing them. This expertise will ensure lawful and responsible beer and wine sales. Detailed policies and procedures are already in place and are strictly enforced without exception. Walgreens employees for each eligible store must undergo extensive training prior to beer and wine availability at an individual location. Once trained, all employees regardless of age must sign a Sale of Alcoholic Beverages Policy acknowledgement letter at the beginning of each shift. All employees will also complete any local or state required training before they can sell beer or wine. Alcohol sales training and policy acknowledgements are conducted annually every March. Employees are automatically enrolled in these training courses and new employees also will complete the alcohol sales training and policy procedures on their first day of employment. Walgreens established policy states that employees must request identification for any customer attempting to purchase alcohol who appears to be under the age of 40. The register prompts the employee before proceeding with the transaction and all under age employees are required to seek the assistance of a manager.

Walgreens uses a variety of security strategies at other store with sales of alcohol to ensure the safety of their customers as well as the security of their merchandise. Security cameras and public view monitors are installed to deter criminal activity and promote a safe environment. The digital images captured from these devices are stored for up to 90 days on a Digital Video Recorder and give Loss Prevention the capability to share images of thieves with the stores and local law enforcement agencies. Additionally, beer and wine will be positioned on the opposite end of the store from where the entrance is located. This will force customers to walk the length of the store serving as an additional deterrent.

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

The Project proposes to offer a limited selection of beer and wine that will make up a small portion of the existing Store floor area. The modest selection will be tailored to provide a safe, convenient alternative to meet the needs of the Applicant's existing customers. The Applicant will not sell distilled spirits, malt liquor, single servings or any other variation. Beer and wine will occupy only 66 square foot which comprises less than 1% of the total 13,650 square feet of floor area. The Applicant has adopted extensive Sales and Security Measures that are designed to protect the customers and the general public in the vicinity of the Store.

There will be no material detriment to the use, enjoyment or valuation of the property in the vicinity because of the secure method sales of alcoholic beverages and the onsite security measures that will assure that there will be no onsite consumption, loitering, littering, noise or other activities that might disrupt the neighborhood.

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

   The selling of a limited selection of beer will make up a small portion of the overall store floor area and sales and is tailored to provide a safe, convenient alternative to meet the needs for existing customers of the Store. The safest and most desirable manner of selling beer and wine is from within a larger store whose merchandise is varied, thereby precluding some of the loitering and public safety issues that can arise with liquor sales. The modest selection of beer and wine will add to the variety of products available to customers that include non-prescription and prescription drugs, and general merchandise that includes beauty care, personal care, household items, candy and convenience food, photofinishing, and greeting cards. The addition of beer and wine will add a desired amenity sold in a safe, convenient location by a trusted brand with over 100 years of experience. As conditioned herein, operational and alcohol-related issues have been comprehensively addressed to safeguard and insure the public welfare and to provide for their convenience.

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

The existing site has been developed with adequate yards, setbacks, walls, fences, landscaping and other features. The proposed addition of beer and will not change the exterior appearance of the site development. The Applicant proposes to offer a limited selection of beer and wine that will make up a small portion of the existing Store floor area. Sales and storage areas for beer and wine will occupy only 66 square feet of the floor area which comprises less than 1% of the total 13,650 square feet of floor area. The proposed CUP for offsite sales of beer and wine involves no structural change to the interior space (other than some minor internal rearrangement of merchandise, shelving and coolers) nor to the building envelope, building exterior, parking or landscaping. These minor interior changes will involve no grading, construction or construction equipment to the exterior of the Store. It is likely that no one will notice any change without actually entering the Store to shop.

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**

   The streets and highways that serve the site are properly designed and adequate in width and pavement type to carry the type and quantity of traffic generated by the proposed off-site sales of beer and wine use. There are no proposed changes to the existing floor area or the intensity of uses for the Store that would cause any additional traffic generation and therefore result in any changes to the streets and highways that serve the Store.

   The same customers who currently shop at the Store will continue to shop there, with the new option of being able to purchase beer and wine at the Store as opposed to some other possibly more distant and inconvenient location. As such, the sale of beer and wine for off-site consumption will not change the existing numbers of customers at the store and because of the volume of goods the Store sells on a daily basis, devoting this small amount

ABC BOP

of shelf and refrigerator space to sell beer and wine will not materially increase the number of truck deliveries or vehicles that currently come to the store. In addition, there will be no additional traffic generated by the addition of beer and wine, and as a result, there will be no need for additional parking or loading spaces.

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

   The proposed use does not require any special public or private facilities because the proposed off-site sales of beer and wine will be incorporated into the existing Store and will require no changes to any of the existing service facilities.

**Additional Findings Prerequisite to Permit.**

In addition to the findings required pursuant to subsection A of Section 22.56.090, the planning agency shall approve an application for a conditional use permit for alcoholic beverage sales where the information submitted by the applicant, or presented at public hearing, substantiates the following findings:

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

   There appears to be a small neighborhood pocket park and playground approximately 200 feet to the east from the Store. Any such uses would not be adversely affected by the sales of such a small amount of beer and wine that is sold only as a convenience those customers shopping at the Store.

   The intent behind offering beer and wine at this store fulfills Walgreens' commitment to save its customers time and money with the convenience of one-stop shopping. Thus, the same customers who currently shop at Walgreens will continue to shop there, with the new option of being able to purchase beer and wine at Walgreens as opposed to some other possibly more distant and inconvenient location. As such, the sale of beer and wine for off-site consumption will not change the existing numbers of customers at the store and because of the volume of goods Walgreens sells on a daily basis, devoting this small amount of shelf and refrigerator space to sell beer and wine will not materially increase the number of truck deliveries or vehicles that currently come to the store. In addition, there will be no additional traffic generated by the addition of beer and wine, and as a result, there will be no need for additional parking or loading spaces.

   Walgreens employs a variety of security strategies to ensure the safety of their customers as well as the security of their merchandise. Security cameras and public view monitors are installed to deter criminal activity and promote a safe environment. The digital images captured from these devices are stored for up to 90 days on a Digital Video Recorder and give Loss Prevention the capability to share images of thieves with the Applicants stores and the local law enforcement agencies. Additionally, Beer and Wine will be positioned on the opposite end of the store from where the entrance is located. This will force customers to walk the length of the store serving as an additional deterrent.

Beer and wine will be merchandised and sold with a high degree of responsibility and conscientiousness. Detailed policies and procedures are already in place, and are strictly enforced without exception. Walgreens employees for each eligible store must undergo extensive training prior to beer and wine availability at an individual location. Once trained, all employees regardless of age must sign a Sale of Alcoholic Beverages Policy acknowledgement letter at the beginning of each shift. All employees will also complete any local or state required training before they can sell beer or wine. Alcohol sales training and policy acknowledgements are conducted annually every March. Employees are automatically enrolled in these training courses and new employees also will complete the alcohol sales training and policy procedures on their first day of employment. Walgreens established policy states that employees must request identification for any customer attempting to purchase alcohol who appears to be under the age of 40. The register prompts employees to ensure compliance before proceeding with the transaction and all under age employees are required to seek the assistance of a manager.

2. **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; and**

   The proposed off-site sales of beer and wine will be conducted within the Store and will be positioned on the opposite end of the store from where the entrance is located. This will force customers to walk the length of the store serving as an additional deterrent. There will be no external evidence that alcoholic beverages are sold at the Store. Otherwise, there will be no on-site consumption, loitering or littering permitted in connection with the sales of alcoholic beverages. There will be no exterior indication that alcoholic beverages are sold at the Store. Access to the Store is obtained through the driveways and sidewalks located in the public rights of ways.

   There are single family residences located to the west that are completely buffered from the Store by a four lane roadway and a 50 foot high sloped and landscaped hillside that is topped off by a six foot solid block wall.

   There are single family residences located to the south of the Store that are buffered by the approximately 75 foot wide Sloan Canyon Road, a 70 foot building setback of the Store and six foot high solid block wall that is backed up by large street trees adjacent to the residences.

   There are single family residences immediately to the north that are buffered by a six foot solid block wall and driveway.

   Although these buffers will serve protect the residential areas in the vicinity, the proposed modest selection of beer and wine for off-site consumption is such that it is a convenience for the customers shopping at the pharmacy and not the principal use and purpose of the Store. Based on the modest quantity and the nature of how the alcoholic beverages are sold for off-site consumption, there would be no adverse affect to the surrounding area.

3. **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 Store selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other Store**

**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; and**

There are no establishments selling or dispensing alcoholic beverages for on-site or off-site consumption within a 600-foot radius of the Store. Therefore, approval of the CUP will not result in any undue concentration at the Store. Also, according the State Alcoholic Beverage Control agency, 5 licenses are allowed in the census tract with 2 existing. Therefore, the additional of beer and wine at the existing Walgreens will not result in an undue concentration of licenses. Lastly, according to the Los Angeles County Sheriff's Department, the site is not located within a high crime reporting district.

4. **The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and**

   The approval of the CUP for off-site sales of beer and wine will not adversely affect the economic welfare of the community because the addition of such products for sale will serve to strengthen the financial well-being of the existing store. The use will further the economic welfare of the community by generating additional sales tax which will also contribute positively to the economic welfare of the community.

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

   There will be no change to the existing Store that was already approved and built. The appearance of the Store is consistent with the other commercial facilities within the same C2 zone and provides necessary services to the local neighborhood. The Store is part of a small planned neighborhood commercial development with off-street parking, setbacks and landscaping that is newly constructed within the last five years. Therefore, since the addition of beer and wine for off-site consumption in entirely located within the existing Store, there are no changes proposed to the structure and appearance that would be inconsistent to the approved Store that could result in blight or diminish the property values of the neighborhood.

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# PHOTO KEY

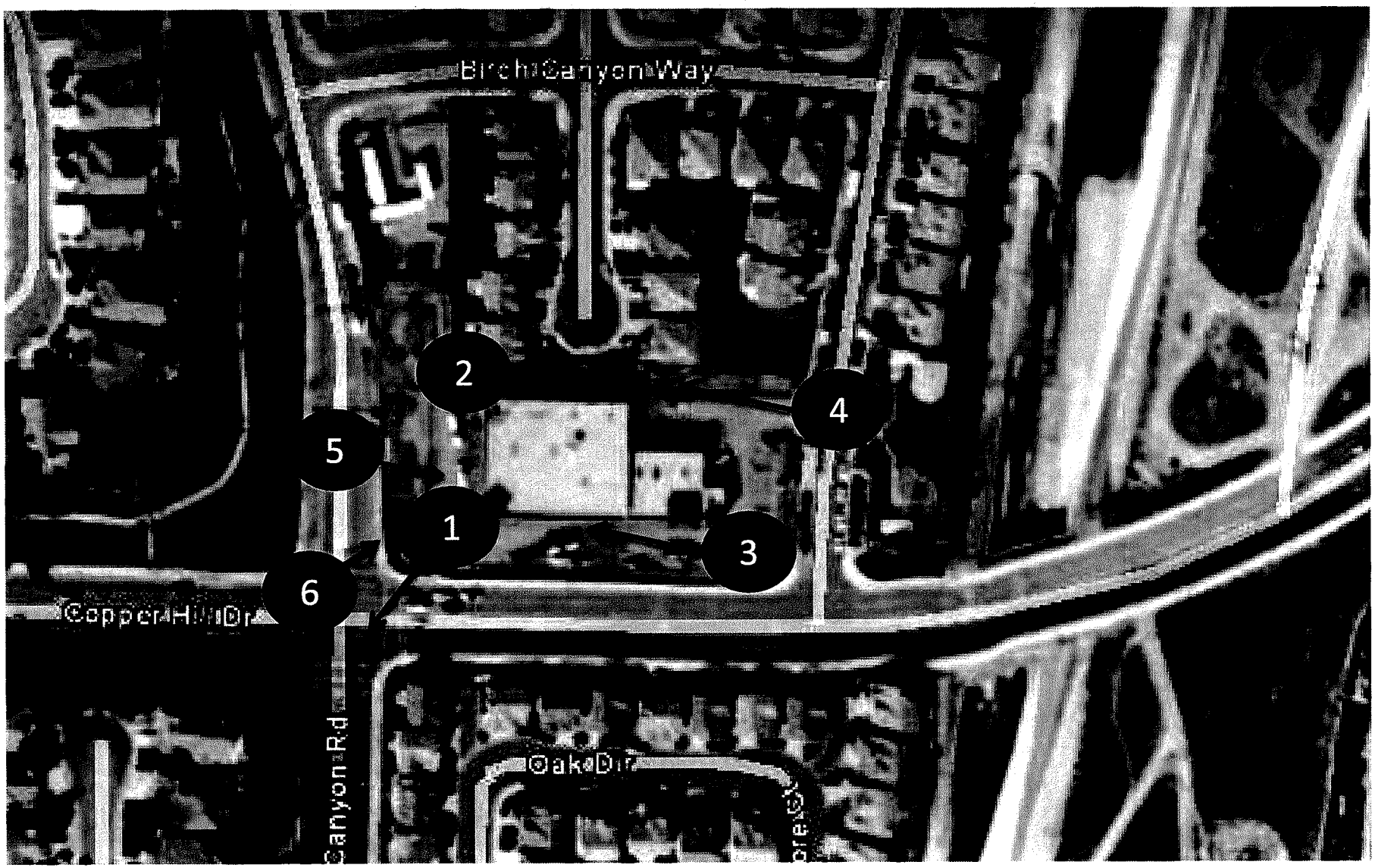

PHOTO 1

PHOTO 2

PHOTO 3

PHOTO 4

PHOTO 5

PHOTO 6

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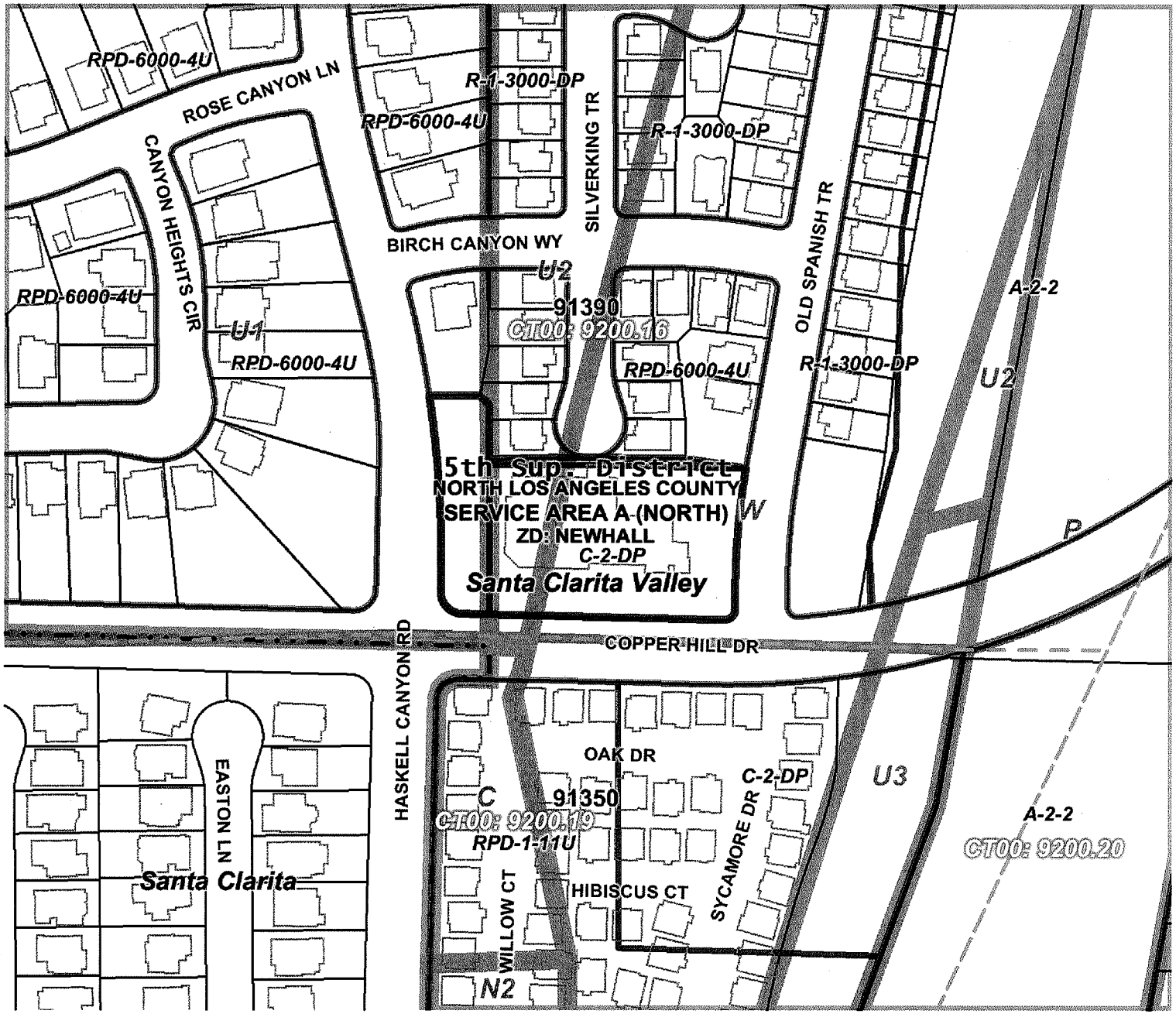



## Legend

- Parcel Boundary
- Arterial Street
- Highway
- Freeway

Master Plan of Highways
- Expressway - (e)
- Expressway - (p)
- Ltd. Secondary Highway - (e)
- Ltd. Secondary Highway - (p)
- Parkway - (e)
- Parkway - (p)
- Major Highway - (e)
- Major Highway - (p)
- Secondary Highway - (e)
- Secondary Highway - (p)
- (e)-Existing (p)-Proposed

Railroad or Rapid Transit
- Railroad
- Rapid Transit
- Underground Rapid Transit

Significant Ridgelines
- Castaic CSD Primary
- Castaic CSD Secondary
- SMMNA Significant

- Census Tract (2000)
- Assessor Map Book (AMB) Bdy
- Zoning Index Map Grid
- Zoning Map Grid
- USGS Quad Sheet Grid
- The Thomas Guide Grid
- TB Internal Page Grid
- Very High Fire Hazard Severity Zone
- Community Standards District (CSD)
- CSD Area Specific Boundary
- ESHA (Coast Only)
- Significant Ecological Area (SEA)
- Section Line
- Township and Range
- National Forest
- Equestrian District (EQD)
- Transit Oriented District (TOD)
- Setback District
- Zoned District (ZD)
- Supervisorial District Boundary

Safety Related Stations (From TB)
- Fire Station
- Highway Patrol
- Police Station
- Ranger Station
- Sheriff Station

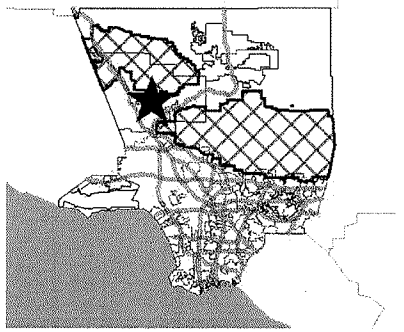
- Zoning (Boundary)

Zoning
- Zone A-1
- Zone A-2
- Zone B-1
- Zone B-2
- Zone C-1
- Zone C-2
- Zone C-3
- Zone C-H
- Zone C-M
- Zone CPD
- Zone C-R
- Zone D-2
- Zone IT
- Zone M-1
- Zone M-1.5
- Zone M-2
- Zone M-3
- Zone MPD
- Zone MXD
- Zone O-S
- Zone P-R
- Zone R-1
- Zone R-2
- Zone R-3-( )U
- Zone R-4-( )U
- Zone R-A
- Zone RPD
- Zone R-R
- Zone SP
- Zone SR-D
- Zone W

Landuse Policy (Not In Comm / Area Plan)
- 1 - Low Density Residential (1 to 6 du/ac)
- 2 - Low/Medium Density Residential (6 to 12 du/ac)
- 3 - Medium Density Residential (12 to 22 du/ac)
- 4 - High Density Residential (22 or more du/ac)
- C - Major Commercial
- I - Major Industrial
- O - Open Space
- P - Public and Semi-Public Facilities
- RC - Rural Communities
- R - Non-Urban
- TC - Transportation Corridor

Inland Waterbody
- Perennial
- Intermittent
- Dry

*Note: This is a static legend, which includes only a portion of layers. To get full legend, please use "Display Map Legend tab" on the top left side of screen.*



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