

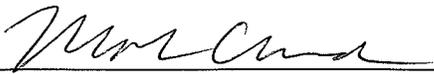
Hearing Officer Transmittal Checklist

Hearing Date
9/1/2009

Agenda Item Number
12

Project Number: R2008-00143-(5)
Case(s): 200800017
Contact Person: Adam Thurtell

Included	NA/None	Document
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Factual
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Property Location Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Staff Report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Conditions
<input type="checkbox"/>	<input checked="" type="checkbox"/>	DPW Letter
<input type="checkbox"/>	<input checked="" type="checkbox"/>	FD Letter
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other Department's Letter(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Burden Of Proof Statement(s)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Documentation (IS, MMP, EIR)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Opponent And Proponent Letters
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Photographs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resolution (ZC Or PA)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance with 8.5 X 11 Map (ZC Or PA)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Aerial (Ortho/Oblique) Image(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Land Use Radius Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan And Elevations
<input type="checkbox"/>	<input type="checkbox"/>	

Reviewed By: 



Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-6443
PROJECT NUMBER R2008-00143-(5)
CONDITIONAL USE PERMIT 200800017

PUBLIC HEARING DATE
 September 1, 2009

AGENDA ITEM
 12

RPC CONSENT DATE

CONTINUE TO

APPLICANT Garfield Beach CVS, LLC	OWNER Garfield Beach CVS, LLC	REPRESENTATIVE Jared Taylor
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PROJECT DESCRIPTION
 The applicant is requesting a conditional use permit to extend operation of a CVS pharmacy to 24 hours and to allow the sale of a full line of liquor for off-site consumption.

REQUIRED ENTITLEMENTS
 Conditional use permit for sale of a full line of liquor for off-site consumption.

LOCATION/ADDRESS
 451 South Sierra Madre Boulevard

SITE DESCRIPTION
 CVS pharmacy.

ACCESS Sierra Madre Boulevard and San Pasqual Street	ZONED DISTRICT San Pasqual
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ASSESSORS PARCEL NUMBER 5330-005-031, 5330-005-032	COMMUNITY San Pasqual
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SIZE 1.72 Acres	COMMUNITY STANDARDS DISTRICT
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	EXISTING LAND USE	EXISTING ZONING
Project Site	CVS Pharmacy	C-2 (Neighborhood Business)
North	Multi-family residence	R-4 (Unlimited Residence)
East	Shopping center, single family residences	C-2 (Neighborhood Business), R-1 (Single Family Residence)
South	R-1 (Single Family Residence)	C-2 (Neighborhood Business), R-1 (Single Family Residence)
West	Single family residences	R-1 (Single Family Residence)

GENERAL PLAN/COMMUNITY PLAN General Plan	LAND USE DESIGNATION 3-Medium Density Residential (12-22 du/ac)	MAXIMUM DENSITY 22 du/ac
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ENVIRONMENTAL DETERMINATION
 Class 1 Categorical Exemption-Existing Facilities

RPC LAST MEETING ACTION SUMMARY

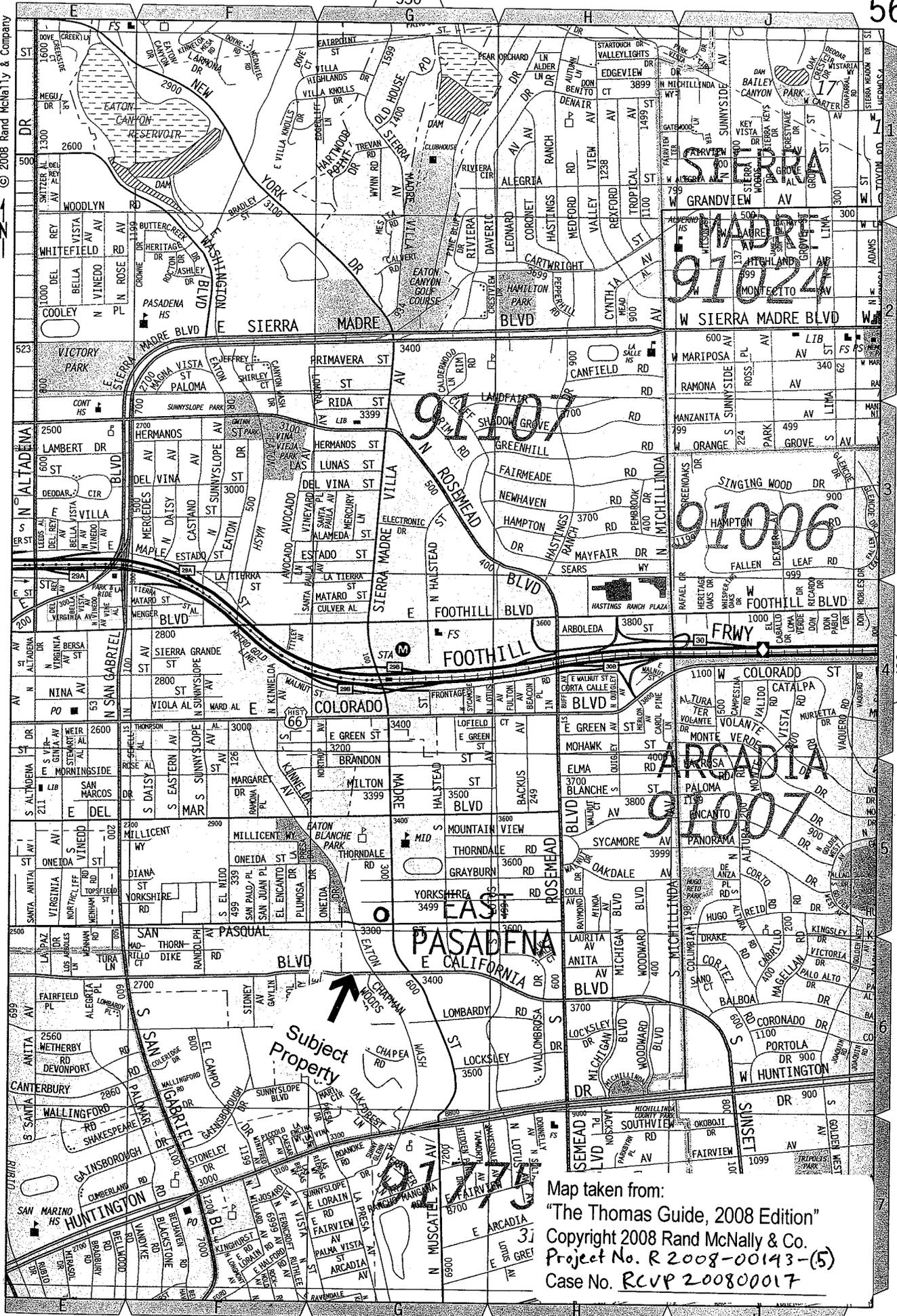
LAST RPC MEETING DATE	RPC ACTION	NEEDED FOR NEXT MEETING
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING/ABSENT

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

STAFF CONTACT PERSON: Adam Thurtell		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING):		
SPEAKERS* (O) 0 (F) 0	PETITIONS (O) 0 (F) 0	LETTERS (O) 0 (F) 0

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

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Subject Property

Map taken from:
 "The Thomas Guide, 2008 Edition"
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 Project No. R 2008-00143-(15)
 Case No. RCV 20080017

STAFF ANALYSIS
PROJECT NUMBER R2008-00143-(5)
CONDITIONAL USE PERMIT 200800017

PROJECT DESCRIPTION

The applicant is proposing a conditional use permit (CUP) to replace a CUP that has expired. The CUP request remains unchanged from the previous permit, which is for off-site alcohol sales of a full line of liquor for a CVS pharmacy in the C-2 (Neighborhood Business) zone.

REQUIRED ENTITLEMENTS

Drugstores are allowed by right in the C-2 zone. A conditional use permit is required for off-site alcohol sales of a full line of liquor in the drugstore.

LOCATION

451 South Sierra Madre Boulevard.

SITE PLAN DESCRIPTION

The site plan depicts a 22,100 square foot CVS pharmacy on a 1.72 acre lot on the northwest corner of Sierra Madre Boulevard and San Pasqual Street. The subject property is zoned C-2 and R-4. The CVS building occupies the C-2 portion and the parking lot occupies the R-4 portion of the subject property. The parking lot consists of 88 parking spaces, four of which are handicap. Ingress to the parking is from Sierra Madre Boulevard and San Pasqual Street, and egress is onto Sierra Madre Boulevard.

ENVIRONMENTAL DETERMINATION

The Department of Regional Planning has determined that a Categorical Exemption, Class 1 – Existing Facilities, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

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

PREVIOUS CASES/ZONING HISTORY

Construction of the existing commercial building was approved under Zone Exception Case No. 6519 on April 16, 1963. In 1997 the premises was converted to a SavOn drugstore, and the premises ceased operations for more than three months, requiring a conditional use permit pursuant to County Zoning Code Section 22.56.195. In 1997, Conditional Use Permit (CUP) No. 97-103-(5) was submitted to Regional Planning to authorize sales for a full line of liquor. According to the staff report for CUP 97-103-(5), a liquor license has been operating at this location since 1964 without complaint. CUP 97-103-(5) was approved January 21, 1998, granting a ten year authorization for off-site

alcohol sales for a full line of liquor, expiring in 2008. The SavOn subsequently converted to a CVS.

STAFF EVALUATION

General Plan Consistency

The applicant is requesting authorization to sell a full line of liquor for off-site consumption. The original application had requested 24 hour operations but has since been amended to keep the present hours of 8 a.m. to 10 p.m. Drugstores are a use allowed by right in the C-2 zone. A conditional use permit is required for the sales of a full line of liquor for off-site consumption, which gives Regional Planning discretion over drugstore operations.

Due to the proximity of single family residences, which border the subject property to the west and are within 200 feet to the north, east, and south, and the existence of a Montessori school within 600 feet, CUP 97-103-(5) restricted the hours of operation to 8 a.m. to 10 p.m. Further restrictions included requirements that all deliveries take place during hours of operation and that delivery trucks turn off engines and refrigeration units.

Since CUP 97-103-(5) was approved, no significant changes have occurred to the surrounding uses or to the subject property. The services provided at the subject property are also provided at other establishments nearby. Establishments with similar services include a CVS Pharmacy at 727 S. Arroyo Parkway, 3.5 miles distance, open 24 hours; a Vons at 2235 East Colorado Boulevard, 0.8 miles distance, open 6 a.m. to midnight; and a Hows Market at 3035 Huntington Drive, 1.5 miles distance, open 24 hours.

The requested use at the proposed location will not adversely affect the use of any place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area. The requested use at the proposed location will not result in an undue concentration of similar premises. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community, 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.

Zoning Ordinance and Development Standards Compliance

The project site is located in the San Pasqual Zoned District and does not fall within a community standards district.

The applicant meets the current development standards.

The proposed project meets parking requirements. Pursuant to County Zoning Code Section 22.52.1100, commercial areas shall provide one parking space for each 250 square feet of floor area. At 22,100 square feet, the structure on the subject property requires 88 parking spaces, four of which shall be handicapped. The site plan depicts 88 parking spaces, four of which are handicap, and staff has confirmed in a site visit that parking shown on the site plan for the proposed CVS site is consistent with parking that exists on site.

Neighborhood Impact/Land Use Compatibility

- The subject property is adjacent to residential uses.
- Six hundred feet is the distance threshold for sensitive uses, and a Montessori school, which serves students in pre-school through sixth grade, is within 600 feet.
- The California Department of Alcoholic Beverage Control data indicates that the subject property is located in a census tract that does not have an undue concentration of alcohol licenses. The CVS pharmacy has been operating without complaint since January 21, 1998. 24 hour operations are not compatible with the residential use of the surrounding neighborhood.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.040, 22.56.195 of the Los Angeles County Code. The Burden of Proof with applicant's responses is attached. The Burden of Proof has been met.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Staff consulted with the Temple Sheriff's Station via fax on March 24, 2009. The Sheriff did not oppose the project.

PUBLIC COMMENTS

More than 55 letters (two example letters attached) and a petition with 26 signatures have been received from the public in opposition, and one letter of support has been received. The letters of opposition were concerned with the applicant's original request to expand operations to 24 hours, and stated the potential problems with vagrancy, increased noise and traffic at all times, proximity to a school and residences, and the fact that similar services exist nearby. The applicant subsequently withdrew the request for expanded hours of operation.

FEES/DEPOSITS

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

STAFF RECOMMENDATION

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

Staff recommends Approval of project number R2008-00143-(5) CONDITIONAL USE PERMIT 200800017 subject to the attached conditions, including conditions that the CVS drugstore not be open between the hours of 10 p.m. and 8 a.m., the use of the loading dock for deliveries be limited to between the hours of 8 a.m. and 10 p.m., and truck engines and refrigeration units on delivery trucks be turned off when the truck is not in motion.

Prepared by Adam Thurtell, RPAII

Reviewed by Mark Child, Supervising Regional Planner, Zoning Permits Section I

Attachments:

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

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

**PROJECT NUMBER R2008-00143-(5)
CONDITIONAL USE PERMIT NUMBER 200800017**

REQUEST:

Conditional use permit (CUP) to replace a CUP that has expired. The CUP request remains unchanged from the previous permit, which is for off-site alcohol sales of a full line of liquor for a CVS pharmacy in the C-2 (Neighborhood Business) zone.

HEARING DATE: September 1, 2009

PROCEEDINGS BEFORE THE HEARING OFFICER:

Findings

1. The applicant, Garfield CVS LLC, is requesting a conditional use permit for the sale of a full line of alcoholic beverages for off-site consumption incidental to the operation of a CVS drugstore in the C-2 (Neighborhood Business) zone.
2. The subject property is located at 451 South Sierra Madre Boulevard in the unincorporated community of San Pasqual within the San Pasqual zoned district.
3. The subject property is currently designated 3-Medium Density Residential (12-22 du/ac), and is directly adjacent to residential property designated 1-Low Density Residential (1-6 du/ac).
4. The subject property is currently zoned C-2 (Neighborhood Business).
5. The surrounding properties are zoned as follows:
North: R-4 (Unlimited Residence)
South: C-2 (Neighborhood Business), R-1 (Single Family Residence)
East: C-2 (Neighborhood Business), R-1 (Single Family Residence)
West: R-1 (Single Family Residence)
6. Surrounding land uses within 1000 include:
North: Multi-family residence
South: R-1 (Single Family Residence)
East: Shopping center, single family residences
West: Single family residences
7. The proposed use would take place in a 22,100 square foot commercial building located on a 1.7 acre parcel.

8. The applicant requests authorization to sell a full line of alcoholic beverages for off-site consumption between the hours of 8 a.m. and 10 p.m., seven (7) days a week.
9. According to County Zoning Code Section 22.28.130 a drugstore is permitted in the C-2 (Neighborhood Business) Zone. Section 22.28.160 requires a conditional use permit for the sale of alcoholic beverages for off-site consumption in the C-2 zone. The applicant is currently in possession of a liquor license from the California Department of Alcoholic Beverage Control.
10. The parking areas for the commercial building are located on property within the R-4 (Unlimited Residence) Zone. On April 16, 1963, the Board of Supervisors approved Zone Exception Case No. 6519 which authorized the construction of a commercial building upon more than 50 percent of the lot in the C-2 (Neighborhood Business) Zone and to develop an off-street parking facility to serve this commercial structure on an adjacent property in the R-4 (Unlimited Residence) Zone.
11. There is a Montessori school (pre-school to 6th grade) located within 100 feet of the subject property. There are no parks, playgrounds, or places used exclusively for religious worship located within 600 feet of the property.
12. The nearest residential properties are located adjacent to the northerly, westerly and southwesterly property boundaries of the project site. A concrete block wall approximately 10 feet in height is located along the north and west property lines.
13. There are no other establishments within 500 feet of the subject property which sell alcoholic beverages either for on-site or off-site consumption.
14. The sale of a full line of alcoholic beverages for off-site consumption incidental to the operation of a drugstore does not adversely affect the economic welfare of the nearby community.
15. The hours of operation will be limited to 8 a.m. to 10 p.m.
16. Deliveries will be limited to the permitted hours of operation. Delivery trucks will turn off their motors and refrigeration units while they are parked.
17. Outdoor sales, storage, or displays of merchandise will not be allowed.
18. Signs advertising the sale of alcoholic beverages on the premises will not be allowed.
19. Liquor sales will be limited to five percent of the floor area and will be located in the rear of the store to minimize contact with children.

20. The drugstore will also have a food mart as part of its operation.
21. The premises will provide adequate lighting for entrances, walkways, and parking areas to ensure safety of patrons. The lighting will be designed to direct light and glare only onto the premises. Lighting and glare will be deflected, shaded and focused away from all adjoining properties.
22. The drug store will have security cameras and a training program to prevent sales of alcoholic beverages to minors.
23. Video or arcade games which could attract children will not be allowed on the premises.
24. Staff has received numerous public comments on this request. Approximately 55 letters and one petition with 26 signatures have been received in opposition to the request by the applicant to expand operations to 24 hours. The applicant subsequently withdrew the request for 24 hour operations. One letter has been received in support of the project.
25. There has been a liquor license on the subject property since 1964 without complaint.
26. The public convenience and necessity will be served by issuing a conditional use permit for off-site alcohol consumption for this project.
27. The California Department of Alcoholic Beverage Control data indicates that the subject property is not located in a census tract where crime is higher than the countywide average.
28. The California Department of Alcoholic Beverage Control data indicates that the subject property is not located in a census tract that has an undue concentration of alcohol licenses. Approval of this permit would not add to the number of licenses because the establishment is already licensed.
29. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to 20 years.
30. 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.
31. The Department of Regional Planning has determined that the applicant's request to allow the continued operation of the existing facility qualifies for a Class 1 Categorical Exemption (existing facilities). Based upon CEQA analysis, the project will have no significant impact on the environment.

32. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use is consistent with the adopted general plan for the area;
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare;
- C. That the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area;
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required;
- E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius;
- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area;
- G. That the public convenience for additional facilities selling alcoholic beverages for off-site and on-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages;
- H. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
- I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

HEARING OFFICER ACTION:

1. The Hearing Officer has considered the Categorical Exemption together with any comments received during the public review process, finds that the Categorical Exemption reflects the independent judgment and analysis of the Hearing Officer, and adopts the Categorical Exemption.
 2. In view of the findings of fact and conclusions presented above, **CONDITIONAL USE PERMIT NUMBER 200800017** is **APPROVED** subject to the attached conditions.
- c: Hearing Officer, Zoning Enforcement, Building and Safety

MC:at
8/19/2009

This grant authorizes a conditional use permit to authorize continued off-site alcohol sales of a full line of liquor for a CVS pharmacy in the C-2 (Neighborhood Business) zone and is 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 and cannot be used until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all conditions of this grant and that the conditions have been recorded as required by Condition No. 6, and until all required fees have been paid pursuant to Condition No. 9. Notwithstanding the foregoing, this condition (No. 2), and Condition Nos. 3, 4, and 5 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.

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.

5. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
6. 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.
7. **This grant will terminate on September 1, 2029.** 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.
8. This grant shall expire unless used within 2 years from the date of final approval by the County. A single one-year time extension may be requested in writing and with the payment of the applicable fee no earlier than 6 months prior to such expiration date.
9. 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 **\$1,500.00**. 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 **ten (10) 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 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 \$150.00 per inspection, or the current recovery cost, whichever is greater.

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
11. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
14. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
15. 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.
16. 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.
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 hours of operation for the permitted establishment shall take place only between 8 a.m. and 10 p.m. daily.

21. Deliveries shall be limited to the permitted hours of operation. Delivery trucks shall turn off motors and refrigeration units while parked.
22. There shall be no signs advertising the sale of alcoholic beverages on the premises.
23. Temporary signs or banners advertising alcoholic beverage "specials" or any similar promotions shall not be displayed on the exterior walls or fascia of the building.
24. Temporary window signs shall not exceed 25 percent of the area of any single window or of adjoining windows on the same frontage.
25. Off-site signs are prohibited, unless approved by the Department of Regional Planning. The placement of portable signs on sidewalks adjacent to the subject property and temporary signs on walls and poles is prohibited.
26. A minimum of 88 parking spaces shall be maintained on site, four of which must be handicap. The required parking spaces shall be continuously available for vehicular parking only and shall not be used for storage, automobile repair, or any other unauthorized use.
27. All structures shall comply with the requirements of the Los Angeles County Department of Health Services.
28. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
29. All employees authorized to sell alcoholic beverages shall participate in the License Education on Alcohol and Drugs (LEAD) Program offered by the California Department of Alcoholic Beverage Control. This training shall be on-going and all new employees shall be required to attend. The applicant shall display a certificate or plaque in the lobby of the establishment indicating its participation in this program.
30. There shall be no loitering permitted on the premises under the control of the permittee. Signage shall be posted on the premises prohibiting loitering.
31. 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.
32. The conditions of this grant shall be retained on the premises at all times and be immediately produced upon request of any County Sheriff, Zoning Inspector or

Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.

33. The permittee shall instruct all employees in the regulations regarding no loitering and no consumption of alcoholic beverages outside the subject property. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.
34. The permittee shall keep telephone numbers of local law enforcement agencies posted in the minimart in plain view near the cashier or similar public service area.
35. Liquor sales shall be limited to five percent of the floor area and shall be located in the rear of the store.
36. The drugstore shall maintain a food mart as part of its operation.
37. The permittee shall display alcoholic beverages only in the cooler or shelving designated for storage of said beverages. No additional display of alcoholic beverages shall be provided elsewhere on the premises.
38. There shall be no beer sold in containers under one quart or in less than six-pack quantities.
39. There shall be no wine, with the exception of wine coolers, sold in containers of less than 750 milliliters. No miniatures of any type may be sold. Wine coolers shall not be sold in less than four-pack quantities.
40. The licensed premises shall have no coin operated amusements, such as pool tables, juke boxes, video games, small carousel rides or similar riding machines, with the exception of official State Lottery machines.
41. The permittee shall provide adequate lighting above all entrances and exits to the premises. The lighting shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons entering or exiting the premises during operating hours and shall be designed so as to direct light and glare only onto the facility premises. Said lighting and glare shall be deflected, shaded and focused away from all adjoining properties. Outdoor lighting shall not exceed an intensity of one foot-candle of light throughout the facility. Only minimal motion-sensor security lighting shall be used later than closing hours nightly.
42. 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 the 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.

43. Exterior security cameras shall be installed which provide coverage of all entrances and exits. A video recording shall be made and maintained for a period of at least two weeks.

FANCHER
LAND DEVELOPMENT CONSULTANTS
SERVICES

CONDITIONAL USE PERMIT CASE – BURDEN OF PROOF
SEC. 22.56.040

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

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

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

The proposed renewal of existing CUP for the CVS Pharmacy will not affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The renewal of CUP 97-103-(5), will allow CVS Pharmacy to continue serving the public as well as provide convenience to the surrounding area by extending its hours of operation to be 24 hours, 7 days a week operating facility. The CVS Pharmacy is located so as to be desirable to the public convenience and welfare by providing the sale of a full line of household products, including alcoholic beverages, in conjunction with the operation of a high quality convenience store and pharmacy.

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

The existing CVS pharmacy will not be detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site. CVS Pharmacy has been designed to serve the needs of local community and local area visitors. The proposed extension of hours of operation to be 24 hour operating facility, seven days a week, will allow CVS pharmacy to continue to serve the community better and provide additional convenience to customers. Current hours of sale of alcoholic beverages will remain the same. The request to increase hours of operation is primarily to serve the community better by providing essential household items and medication any time of the day. CVS Pharmacy's current security plan takes in to account loitering and CVS Pharmacy will continue to work with Temple City Sheriff's Station to ensure that remains at a minimum.

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

The proposed renewal of the existing CUP for the CVS Pharmacy and proposed new extended hours of operation will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare. CVS Pharmacy has been working closely with the Temple City Sheriff's Station, under which our property's jurisdiction falls, to ensure the safety of its customers and surrounding neighborhood. Sufficient lighting as well as security cameras ensures the safety of its customers as well as its employees. Current hours of sale of alcoholic beverages will remain the same. Request to increase hours of operation is only for the store front and pharmacy so as to provide better convenience to customers who don't work the regular day shift and also for emergency necessities.

- 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 proposed site is adequate in size and shape as previously determined by the approved CUP No. 97-103-(5) and upon issuance of building permit approved by the County of Los Angeles. No building changes or renovations proposed, existing to remain "as is."

- 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 proposed site is already built. This application is to renew the CUP to allow for a CVS Pharmacy drugstore with the incidental sale of a full line of alcoholic beverages for off-site consumption and to increase the hours of operation to be a 24 hour, seven days a week operating facility. As previously determined by the approval of CUP No. 97-103-(5), CVS Pharmacy is adequately served by highways and streets of sufficient width and improved as necessary to carry the kind and quantity of traffic as required by the originally approved building permit by the County of Los Angeles. No building changes or renovations proposed, existing to remain "as is."

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

As previously determined by the approval of CUP No. 97-103-(5), CVS Pharmacy is adequately served by public and private service facilities as required by the originally approved building permit by the County of Los Angeles. No building changes or renovations proposed, existing to remain "as is."

ADDENDUM BURDEN OF PROOF, ALCOHOLIC BEVERAGE SALES

Section 22.56.195

- 1. 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 is a Montessori school (pre-school to 6th grade) located within 100 ft. of the subject property. There are no parks, playgrounds, or places used exclusively for religious worship located within 600 ft. of the property. No building changes or renovations proposed, existing to remain "as is."

- 2. 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 nearest residential properties are located adjacent to the northerly, westerly and southwesterly property boundaries of the project site. A concrete block wall approximately 10 feet in height is located along the north and west property lines. No building changes or renovations proposed, existing to remain "as is."

- 3. That the requested use at the proposed location will not result in an undue concentration of similar premises, or that the public convenience or necessity for the proposed facility selling alcoholic beverages for off-site consumption outweighs the fact that it is located within a 500 foot of any other facility selling alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment**

There are no other establishments within 500 ft. of the project site which sell alcoholic beverages either for on-site or off-site consumption. No building changes or renovations proposed, existing to remain "as is."

- 4. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community;**

The sale of a full line of alcoholic beverages for off-site consumption incidental to the operation of a proposed drug store does not appear to adversely affect the economic welfare of the nearby community. No building changes or renovations proposed, existing to remain "as is."

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

The exterior appearance of the structure does not appear to be inconsistent with exterior appearances of commercial structures within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood. No building changes or renovations proposed, existing to remain "as is."



Los Angeles County
Department of Regional Planning
Director of Planning James E. Hartl, AICP



January 22, 1998

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

American Stores Properties, Inc.
c/o LEADS, Mr. Roger Watson
150 El Camino Real, Suite 120
Tustin, CA 92780

RE: CONDITIONAL USE PERMIT CASE NO. ~~97-102~~ (5)
To authorize the sale of a full line of alcoholic beverages
for off-site consumption incidental to the operation of a drug
store on property within Zones C-2 and R-4.
451 South Sierra Madre Boulevard, Pasadena.

Dear Applicant:

The Regional Planning Commission, by its action of January 21, 1998, **APPROVED** the above-described permit request. Documents pertaining to this action are enclosed. **CAREFULLY REVIEW EACH CONDITION.** Condition No. 2 requires that the permittee must file an affidavit accepting the conditions before this grant becomes effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

During the fifteen-day period following your receipt of this letter, the decision may be appealed to the Board of Supervisors through the office of Joanne Sturges, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Contact the Executive Office for the necessary forms and the amount of the appeal fee at (213) 974-1426. The Regional Planning Commission's decision may also be called up for review by the Board of Supervisors during the appeal period.

If you have any questions regarding this matter, please contact the Zoning Permits Section at (213) 974-6443.

Very truly yours,

DEPARTMENT OF REGIONAL PLANNING
James E. Hartl, AICP
Director of Planning

Ronald D. Hoffman, Supervising Regional Planner
Zoning Permits Section

RDH:JTM:jtm

Attachments: Findings of the Regional Planning Commission.
cc: Board of Supervisors; Zoning Enforcement; Building and Safety;
State of California Alcoholic Beverage Control; Richard
Warren, Louis Melillo, Mr. and Mrs. James Ryal, Mary Liz
Burns, Sue Coad, Kenneth Bider, Caryl Calvert, The San Marino
Montessori School.

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

CONDITIONAL USE PERMIT CASE NO. 97-103-(5)

COMMISSION HEARING DATE:

JANUARY 7, 1998

SYNOPSIS:

The applicant has requested a conditional use permit to authorize the sale of a full line of alcoholic beverages for off-site consumption incidental to the operation of a proposed drug store.

PROCEEDINGS BEFORE THE COMMISSION:

January 7, 1998 Public Hearing

On January 7, 1998, a public hearing was held before the Regional Planning Commission. This public hearing is the continuation of a hearing held on November 18, 1997, before a departmental hearing officer. The Hearing Officer referred the case directly to the Regional Planning Commission for their meeting on January 7, 1998. Four Commissioners (Vargo, Feldman, Toy, Russell) were present. Six persons were sworn to testify in favor of the request and three persons in opposition. The applicant's representatives presented testimony in favor of the request. They discussed hours of operation, delivery procedures, parking lot lighting, signs, outreach efforts, the amount of floor area devoted to alcohol sales, and the driveway on San Pasqual Street. Four neighbors also testified in favor of the project if concerns relating to operation hours, parking lot lighting, signs and the San Pasqual driveway were met. Three persons (a resident and two representatives of the San Marino Montessori School) spoke in opposition to liquor sales citing adverse effects on surrounding property, the character of the store and the amount of space devoted to liquor sales.

The Planning Commission closed the public hearing and instructed staff to prepare findings and conditions for approval.

Findings

1. The applicant has requested a conditional use permit to authorize the sale of a full line of alcoholic beverages for off-site consumption incidental to the operation of a proposed drug store.
2. The site is a 22,100 sq. ft. commercial building on an 1.7 acre rectangular-shaped parcel, located at 451 South Sierra Madre Boulevard in unincorporated Pasadena. The site is also located in the San Pasqual Zoned District.

3. The zoning on the subject property is C-2 (Neighborhood Business) and R-4 (Unlimited Residence). Surrounding zoning consists of R-4 (Unlimited Residence) to the north; C-2 (Neighborhood Business), R-3 (Limited Multiple Residence), R-2 (Two-Family Residence), and R-1 (Single-Family Residence) to the south; C-2 (Neighborhood Business) and R-1 (Single-Family Residence) to the east, and R-1 (Single-Family Residence) to the west. The City of San Marino is located further to the south from the subject property.
4. An existing commercial building, the site of a former grocery store, is located on the subject property and is the future location for the Sav-on drug store. The subject property is developed with an existing commercial building and 98 on-site, off-street parking spaces.
5. Surrounding land uses consist of apartments to the north and east; an auto accessories store, offices and residences to the south; a Montessori School, a small shopping center and residences to the east, and single-family residences to the south and west.
6. The site plan depicts an existing commercial building, 22,100 sq.ft. in floor area located on the southeasterly side of a 1.7 acre parcel. The site takes access from Sierra Madre Boulevard to the east and southerly from San Pasqual Street.
7. The applicant requests authorization to sell a full line of alcoholic beverages for off-site consumption between the hours of 8:00 a.m. to 10:00 p.m., seven (7) days a week.
8. The project site is designated as "Low Density Residential" on the Countywide General Plan Land Use Policy Map.
9. Within the generalized residential area mapped, a variety of use types and intensities presently exist. Such uses typically include local-serving/neighborhood businesses and it is not the intent of General Plan policy to preclude the continued use, further development or even expansion of this type of use within areas depicted as residential on the Land Use Policy Map. The proposed use (the sale of a full-line of alcoholic beverages for off-site consumption at a retail store) is well established at this location and, due to the nature and scale of the land use map, parcels less than 50 acres are not shown. Therefore, the proposed use is consistent with the Countywide General Plan.

10. According to Section 22.28.130 of the County Code (Zoning Ordinance) the proposed drug store is permitted in the C-2 (Neighborhood Business) Zone. Section 22.28.160 requires a conditional use permit for the sale of alcoholic beverages for off-site consumption in the C-2 Zone. According to the applicant's statements on the Conditional Use Permit Burden of Proof form, the proposed Sav-on drug store acquired the liquor license (Type 21-Off Sale General) from the former grocery, however the conversion of the grocery facility to the drug store operation requires discontinuation of store operations for more than three months. Such discontinuation of operations requires the applicant to request a conditional use permit under Section 22.56.195 of the County Code to authorize continued alcoholic beverage sales at this location.
11. The parking areas for the commercial building are located on property within the R-4 (Unlimited Residence) Zone. On April 16, 1963, the Board of Supervisors approved Zone Exception Case No. 6519 which authorized the construction of a commercial building upon more than 50 percent of the lot in the C-2 (Neighborhood Business) Zone and to develop an off-street parking facility to serve this commercial structure on an adjacent property in the R-4 (Unlimited Residence) Zone.
12. The subject property is currently under two ownerships: the owner of the property on which the commercial building is located and the owner of the parking areas serving the commercial building. According to Section 22.52.1020, parking must be either owned by the owner of the premises served by such parking or must have the right to use such space for parking by virtue of a recorded lease for a term of not less than 20 years.
13. There is a Montessori school (pre-school to 6th grade) located within 100 ft. of the subject property. There are no parks, playgrounds, or places used exclusively for religious worship located within 600 ft. of the property.
14. The nearest residential properties are located adjacent to the northerly, westerly and southwesterly property boundaries of the project site. A concrete block wall approximately 10 feet in height is located along the north and west property lines.
15. There are no other establishments within 500 ft. of the project site which sell alcoholic beverages either for on-site or off-site consumption.
16. The sale of a full line of alcoholic beverages for off-site consumption incidental to the operation of a proposed drug store does not appear to adversely affect the economic welfare of the nearby community.

17. The exterior appearance of the structure does not appear to be inconsistent with exterior appearances of commercial structures within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.
18. The conditions imposed by Zone Exception Case No. 6519 would still apply, except for any modifications imposed by this grant.
19. Liquor sales will be limited to 8 percent of the floor area and will be located in the rear of the store so children will not have to walk through the liquor sales area to get to other products.
20. The drug store will also have a food mart as part of its operation.
21. There has been a liquor license on the subject property since 1964 and operated without complaints.
22. The drug store will have security cameras and a training program to prevent sales of alcoholic beverages to minors.
23. Video or arcade games which could attract children will not be allowed in the drug store.
24. Signs advertising the sale of alcoholic beverages on the premises will not be allowed.
25. The hours of operation will be limited to 8:00 a.m. to 10:00 p.m.
26. Deliveries will be limited to the permitted hours of operation. Delivery trucks will turn off their motors and refrigeration units while they are parked.
27. The parking lot lighting will be improved and will be designed to prevent glare into surrounding residential areas.
28. The driveway on San Pasqual Street will be used only as an entrance.
29. A neighborhood outreach program, including annual meetings and notification signs, will help resolve problems that may be associated with the proposed use.

30. Staff has received numerous public comments on this request. 22 letters and 17 telephone calls have been received in opposition to the conditional use permit request. An additional 4 opposition letters have been received from the president of the Greenwood Homeowner's Association. A petition supporting the applicant's request and signed by over 100 local residents has been received as well as an opposition petition circulated by the San Marino Montessori School signed by over 100 persons. A letters have also been received from the City of San Marino requesting that the drug store operating hours be limited. The opposition letters received from nearby residents are primarily concerned over the drug store's hours of operation, security issues and the sale of liquor at this location. Only one telephone call was received in favor of the applicant's request.
31. No other establishments sell alcoholic beverages within 500 ft. of the subject property. There is a Montessori school located within 100 ft. of the subject property. The sale of a full line of alcoholic beverages is well established at this location and is incidental to the operation of a future drug store located at a former grocery store site. The proposed use serves the local community.
32. The project was granted a Categorical Exemption under California Environmental Quality Act (CEQA) guidelines.
33. On November 18, 1997, a Hearing Officer held a public hearing on this conditional use permit request. Five persons testified in support of the applicant's request, the applicant's representative and four nearby residents. A petition signed by over 100 persons in support of the project was submitted which included their recommended conditions of approval. Eight persons testified in opposition to the conditional use permit request, including the President of the Greenwood Homeowner's Association, the owner and several teachers from the nearby Montessori School, and an individual representing the San Marino City Council. The Montessori school also presented a petition signed by over 100 persons in opposition to the conditional use permit request.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

REGARDING THE CONDITIONAL USE PERMIT:

The applicant has established:

- A. That the proposed use is consistent with the adopted general plan for the area;

- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare;
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. That 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;
- E. That the compatibility with surrounding land use will be ensured through implementation of the attached conditions;
- F. That the establishment of the sale of alcoholic beverages at such location is in the interest of the public health, safety and general welfare and in conformity with good zoning practice;
- G. 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;
- H. 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 the same area;
- I. That the requested use will not adversely affect the economic welfare of the nearby community;
- J. That the requested use at the proposed location will not result in an undue concentration of similar premises;
- K. That the sale of alcoholic beverages at this location will serve the public convenience or necessity and will not tend to create a law enforcement problem;
- L. 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 for a conditional use permit as set forth in Sections 22.56.090 and 22.56.195, Title 22, of the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

1. The Commission approves the Categorical Exemption for the project, certifying that the Commission has reviewed and considered the environmental information contained in the initial study for the proposed project, and determined that the proposed project will not have a significant effect on the environment.
2. In view of the findings of fact presented above, Conditional Use Permit Case No. 97-103-(5) is APPROVED, subject to the attached conditions.

VOTE

Concurring: Vargo, Feldman, Russell

Dissenting: Toy

Abstaining: Campbell

Absent: None

Action Date: January 21, 1998

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 property involved (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.
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 fully 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.

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.

5. This grant will expire unless used within 2 years from the date of approval. A one year time extension may be requested before the expiration date.
6. This grant will terminate on January 7, 2008.

Entitlement to use of the property for the sale of alcoholic beverages thereafter shall be subject to the regulations then in effect.

7. The subject property shall be developed and maintained in substantial conformance with the site plan marked Exhibit "A".
8. 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 \$1000.00. The fee 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 fee provides for 10 annual inspections.

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.

9. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.

10. The permittee shall consult with the County Fire Department to determine facilities necessary to protect the property from fire hazard.
11. The subject facility shall be developed and maintained in compliance with requirements of the Los Angeles County Department of Health Services. Adequate water and sewage disposal facilities shall be provided to the satisfaction of said Department.
12. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.
13. In the event of such 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.
14. This grant allows the sale of a full line of alcoholic beverages for off-site consumption incidental to the operation of a proposed drug store, subject to the following restrictions as to use:
 - a. All revised plans must be accompanied by the written authorization of the property owner;
 - b. Said drug store shall not be open to the public between the hours of 10:00 p.m. and 8:00 a.m. Said drug store may sell alcoholic beverages between the hours of 8:00 a.m. and 10:00 p.m.;
 - c. The use of the loading dock for deliveries be limited to between the hours of 8:00 a.m. to 10:00 p.m.

The permittee shall ensure that delivery truck engines and the refrigeration units on delivery trucks be turned off when the truck is not in motion;

- d. The floor space dedicated to displaying alcoholic beverages shall not exceed 8 percent of the total floor space within the drug store. The permittee shall submit three copies (3) of the floor plan of the store showing the area designated for liquor sales. Said plans shall be subject to the review and approval of the Planning Director;
- e. The permittee shall not advertise the sale of alcoholic beverages on the exterior walls or windows of the subject drug store or at any location on the subject property. Exterior advertising shall comply with all local sign ordinances;
- f. Submit three (3) copies of a sign plan which depicts all signs proposed on the site and shall conform to the restrictions identified in Condition #14-e prohibiting signs indicating the availability of alcoholic beverages. Said plans are subject to approval by the Director;
- g. The permittee shall not sell domestic beer in containers under one quart in less than six-pack quantities;
- h. The permittee shall maintain the property in a neat and orderly fashion;
- i. Public telephones on the site shall be for outgoing calls only;
- j. There shall be no wine, with the exception of wine coolers, sold in containers of less than 750 milliliters. No miniatures of any type may be sold. Wine coolers shall not be sold in less than four-pack quantities;
- k. The permittee shall provide adequate lighting for the parking lot area. This lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot. Lighting shall be so arranged to prevent glare or direct illumination in adjoining residential properties;
- l. The permittee shall provide adequate lighting above the entrance of the premises. This lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons entering or exiting the premises;

- m. The licensed premises shall have no video games, pinball machines, or other coin operated amusements at any time, other than official State Lottery machines, small carousel rides or similar ride machines;
- n. There shall be no alcoholic beverages consumed in open areas adjacent to the subject drug store under the control of the permittee;
- o. There shall be no loitering permitted on the premises parking lot or adjacent property under the control of the permittee;
- p. The permittee shall post signage on the premises prohibiting consumption of alcoholic beverages on site and prohibiting loitering. The signage shall be in English and the predominant second language in the neighborhood;
- q. Signage shall be posted within the liquor section of the subject drug store notifying the public in both English and the predominant second language in the neighborhood that it is a violation of the California State Vehicle Code to transport open containers of alcoholic beverages within the passenger compartment of a motor vehicle;
- r. No ice in quantities of less than 2 pounds shall be sold, furnished or given away;
- s. Alcoholic beverages shall not be displayed within five feet of the cash register or the front door, unless it is in a permanently affixed cooler;
- t. Alcoholic beverages shall not be displayed from an ice tub;
- u. The permittee shall maintain free of litter all areas of the premises under which the permittee has control;
- v. The drug store shall be equipped with security cameras capable of receiving an image on film or tape that can be made a permanent record and that can be enlarged through projection or other means. Cameras and recorded images shall be subject to periodic inspections by local law enforcement;

- w. The property on which the commercial building is developed shall be under the same ownership as the parking areas serving said commercial use or that the owner of the commercial building shall provide evidence of the right to use such space for parking by virtue of a recorded lease for a term of not less than 20 years.
 - x. The San Pasqual Street driveway shall be revised to accommodate "ingress only". The permittee shall post adequate signage and driveway pavement striping to restrict the driveway to entrance only, no exit.
15. In order to increase the compatibility of the project with the surrounding neighborhood, the permittee agrees to the following:
- a. The permittee shall post a sign at the main entrance of the drug store informing the public of whom to call if there are any complaints. The sign shall be legible and accessible to the public, which identifies the name and telephone number of the store manager as well as the telephone number and address of the district manager and the Department of Regional Planning's Zoning Enforcement Section.
 - b. The permittee shall publish a list of telephone contacts for the drug store, including the name, telephone number and address of both the store manager and the district manager. This list should be provided to local homeowners groups, the San Marino Montessori School, and to all residents, businesses and organizations within a 500 ft. radius of the drug store property boundary. This contact list should be updated regularly and distributed in a timely manner with a copy sent to the Department of Regional Planning. All correspondence should identify the case number (CUP #97-103).
 - c. The permittee shall conduct annual community meetings which shall be coordinated with the San Marino Montessori School and neighboring residents. The purpose of the meetings shall be to resolve any complaints arising from the operation of the proposed use. More frequent community outreach efforts shall be provided as necessary. A copy of the minutes of each meeting shall be sent to the Department of Regional Planning; such correspondence shall also identify the case number (CUP #97-103).

RDH:JTM:jtm

TRANSMISSION VERIFICATION REPORT

TIME : 03/24/2009 17:07
NAME :
FAX :
TEL :
SER.# : BROG5J314880

DATE, TIME	03/24 17:07
FAX NO./NAME	16263097664
DURATION	00:00:19
PAGE(S)	01
RESULT	OK
MODE	STANDARD

Fax Transmission

3/24/2009

TO: Temple Sheriff's Station
ATTN: Crime Analyst & Watch Captain
Phone: (626) 285-7171
FAX: (626) 309-7664

FROM: Adam Thurtell
Los Angeles County Department of Regional Planning
Phone: (213) 974-6443
Fax: (213) 626-0434

Subject: Conditional Use Permit for the Sale of Alcohol
Project: R2008-00143-(5)
Case: RCUP200800017
Establishment: CVS Pharmacy
Location: 451 South Sierra Madre Boulevard

DRP is processing a request to renew a conditional use permit for off-sale of wine and beer.

Crime Analyst: Please provide a service call and crime history report for the project site over the last five years.

Watch Captain: Please provide any comments on or recommendations for the proposed project.

Thank you.

TRANSMISSION VERIFICATION REPORT

TIME : 03/25/2009 16:02
NAME :
FAX :
TEL :
SER.# : BROG5J314880

DATE, TIME	03/25 16:01
FAX NO./NAME	16263574173
DURATION	00:00:28
PAGE(S)	01
RESULT	OK
MODE	STANDARD



Transmittal: Crime & License Statistics Request

TO	ABC Office	Service Area	Phone	Fax
<input type="checkbox"/>	Inglewood	Southern and Western LA County	310-412-6311	310-673-4082
<input type="checkbox"/>	Long Beach/ Lakewood	Southeastern LA County	562-982-1337	562-982-1396
<input type="checkbox"/>	LA Metro	Central LA County		213-736-2053
<input checked="" type="checkbox"/>	Monrovia	Northeastern LA County	626-256-3241	626-357-4173
<input type="checkbox"/>	Van Nuys	North and Northwestern LA County	818-901-5017	818-785-6731

The Dept. of Regional Planning is processing a Conditional Use Permit (CUP) to authorize the sale of alcoholic beverages. Please provide (by fax or e-mail) a "B&P Worksheet" referencing if the subject property is located within a "high-crime reporting district," and indicate if there is an undue concentration of alcoholic beverage licenses within the subject census tract. If you need further information, please contact the case planner. Thank you for your assistance.

	License Type	Description
<input checked="" type="checkbox"/>	Off-Sale Beer and Wine <i>Retail</i>	Sale of beer and wine for consumption off-site.
<input type="checkbox"/>	Off-Sale General <i>Retail</i>	Sale of beer, wine and distilled spirits for consumption off-site.
<input type="checkbox"/>	On-Sale Beer & Wine <i>Bar, Tavern, Club</i>	Sale of beer and wine for consumption on site.
<input type="checkbox"/>	On-Sale General <i>Bar, Tavern, Club</i>	Sale of beer and wine and distilled spirits for consumption on-site.
<input type="checkbox"/>	On-Sale Beer & Wine <i>Restaurant</i>	Sale of beer and wine for consumption on-site.
<input type="checkbox"/>	On-Sale General <i>Restaurant</i>	Sale of beer, wine and distilled spirits for consumption on-site.
<input type="checkbox"/>	Other (Describe)	
DATE:		3/24/09
CASE PLANNER:		Adam Thurtell
E-MAIL:		athurtell@planning.lacounty.gov
		FAX: 213-974-0434
PROJECT NO.:		R2008-00143-(5)
		CUP NO.: 200800017
ESTABLISHMENT:		CVS Pharmacy
LOCATION:		451 South Sierra Madre Blvd
LICENSE OWNER'S NAME(S):		CVS Pharmacy
ABC LICENSE NO.:		21-439559

Correspondence for R2008-00143-(5)

Staff received approximately 55 letters of opposition, multiple emails and phone calls, and two petitions in opposition of 24 hour operations for the CVS pharmacy. The applicant subsequently revised the application to request hours of operation from 8 a.m. to 10 p.m., which were the hours of operation of the expired permit. The letters of opposition were nearly identical; the following two letters are examples of the forms used for letters of opposition.

One letter was written in favor of the approval; this letter was a simple statement in support of the convenience of a local pharmacy with 24 hour operations.

City of San Marino

Police Department



"Pride in Service"

John T. Schaefer
Chief of Police

July 30, 2009

Adam Thurtell
Regional Planning Assistant
Los Angeles County
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Thurtell:

We are writing this letter with regards to project # R2008-00143-(5)/Conditional Use Permit # 200800017. The City of San Marino shares many of the same concerns expressed by our constituents as it pertains to the CVS store and pharmacy at 451 Sierra Madre Blvd. being open 24 hours a day. We believe a 24 hour store, with alcohol sales until 2:00 A.M., will increase traffic and bring additional people and crime into this area which abuts the City of San Marino.

There is a HOWS market open 24 hours and a VONS market open from 6 a.m. until midnight within one mile of this CVS location. These stores can certainly accommodate customers shopping for necessities and liquor late at night. The new CVS store on Arroyo Parkway is open 24 hours and can accommodate any customers needing to fill a prescription after hours.

The CVS at 451 Sierra Madre Blvd. is bordered on three sides by residential properties that will be affected should this modification to the CUP be approved. There is also a Montessori school and a Pediatrician's office nearby.

In the interest of the residents and businesses in the area that surround this site, please deny this request for a modification to the CUP which would extend the hours of operation and the sale of alcohol at CVS.

Sincerely,

John T. Schaefer
Chief of Police

Matthew C. Ballantyne
City Manager

cc: San Marino City Council

July 26, 2009

Adam Thurtell
Regional Planning Assistant
Los Angeles County
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Thurtell,

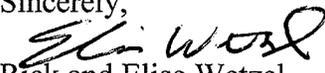
We are extremely distressed to hear that the city is considering allowing our neighborhood CVS store and pharmacy to be open 24 hours a day, and to allow extended liquor sales at this store until 2:00 am (Project # R2008-00143-(5)/Conditional Use Permit # 200800017). A 24 hour store would increase traffic, noise, loitering and crime in our neighborhood, with extended hours and late night liquor sales.

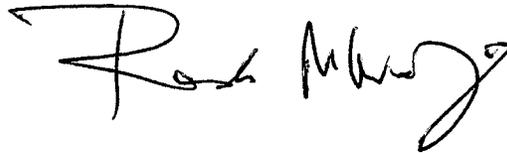
There is a HOWS market open 24 hours and a VONS market open from 6 a.m. until midnight within one mile of this CVS location. These stores can certainly accommodate customers shopping for necessities and liquor late at night. The new CVS store on Arroyo Parkway is open 24 hours and can accommodate any customers needing to fill a prescription after hours.

Our neighborhood CVS at the corner of Sierra Madre Blvd. and San Pasqual Street is bordered on three sides by residential properties. There is a Montessori school and a pediatrician's office nearby.

Please respect the integrity of our neighborhood and the care that the homeowners and property owners in this area take with regards to their neighborhood. **Do not allow this CVS location to be open 24 hours!**

Sincerely,


Rick and Elise Wetzels
1488 San Pasqual Street
Pasadena, CA 91106



JUL 29 2009