



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



December 6, 2012

Richard J. Bruckner  
Director

Matt Dzurec  
Armbruster, Goldsmith & Delvac, LLP  
11611 San Vicente Blvd., Suite 900  
Los Angeles, CA 90049

**REGARDING: PROJECT NO. R2012-00243-(5)  
CONDITIONAL USE PERMIT NO. 201200023  
27983 Sloan Canyon Road, Castaic (2865-030-012)**

The Regional Planning Commission, by its action of **December 5, 2012**, has **APPROVED** the above-referenced project. Enclosed are the Commission's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **December 19, 2012**. **Appeals must be delivered in person.**

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

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

For questions or for additional information, please contact Andrew Svitek of the Zoning Permits West Section at (213) 974-6462, or by email at [asvitek@planning.lacounty.gov](mailto:asvitek@planning.lacounty.gov). Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,  
DEPARTMENT OF REGIONAL PLANNING  
Richard J. Bruckner

Mi Kim, Supervising Regional Planner  
Zoning Permits West Section

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

c: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement  
MK:AS

CC.060412

**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES  
PROJECT NO. R2012-00243-(5)  
CONDITIONAL USE PERMIT NO. 201200023**

1. **ENTITLEMENT REQUESTED.** The applicant, Walgreens Co., is requesting a conditional use permit ("CUP") to authorize the sale of beer and wine for off-site consumption in the CPD (Commercial Planned Development) Zone pursuant to County Code Section 22.28.210.
2. **HEARING DATE:** December 5, 2012
3. **PROCEEDINGS BEFORE THE PLANNING COMMISSION:** A duly noticed public hearing was held on December 5, 2012, before the Regional Planning Commission. Commissioners Louie, Helsley and Pedersen were present. Commissioners Valadez and Modugno were absent. The applicant's representative, Matt Dzurec of Armbruster, Goldsmith & Delvac, LLP, presented testimony in favor of the request and answered questions presented by the Commission regarding Walgreens store policies for compliance with alcoholic beverage sales laws and regulations. There being no further testimony, the Commissioners closed the public hearing, and approved the conditional use permit request.
4. **PROJECT DESCRIPTION.** The applicant is requesting a CUP to authorize the sale of alcoholic beverages (Type-20 license for the sale of beer and wine for off-site consumption) at an existing Walgreens drugstore. The site plan shows a 1.2 acre site with a commercial building of 13,650 square feet, a total of 4,229 square feet of landscaped areas, and 55 vehicle parking spaces. The proposed shelf plan shows that the beer and wine display area measures 87 square feet, which is 1% of the total shelf area.
5. **LOCATION.** 27983 Sloan Canyon Road, Castaic
6. **EXISTING ZONING.** CPD (Commercial Planned Development) Zone
7. **EXISTING LAND USES.** The project site is a freestanding commercial building that is being operated as a Walgreens drugstore.
8. **PREVIOUS CASES/ZONING HISTORY.** The existing shopping center was approved by CUP No. 02-0877 in 2004.
9. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the Major Commercial category of the General Plan. The Major Commercial land use designation is intended for retail stores such as the existing Walgreens drugstore. The existing drugstore is compatible in scale to the surrounding community, as it sells goods to residents in the immediate community. The sale of alcoholic beverages within a small portion of the store is consistent

with a retail use. The continued operation and maintenance of the Walgreens drugstore, with alcoholic beverage sales, is therefore consistent with the underlying land use category.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The existing Walgreens drugstore is in compliance with the development standards of the CPD (Commercial Development Program) Zone. The CPD Zone requires that all new uses obtain a CUP, and the existing drugstore was developed as shown on the approved Exhibit "A" of CUP No. 02-0877. There is no overconcentration of establishments with alcoholic beverage sales as there are no other establishments with the sale of alcoholic beverage sales within a 500-foot radius.
11. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** There are no religious facilities, schools, parks, playgrounds, or other similar uses within a 600-foot radius of the site. The permittee will implement sales and security measures to ensure that alcoholic beverages are sold only as permitted by law. The residential area to the west is buffered from the site by a 35-foot-wide landscaped slope and a masonry wall. The residential property located to the south is buffered by Sloan Canyon Road and a six-foot-high block wall. The three residences to the north of the shopping center are buffered by other commercial buildings within the shopping center, a driveway, and a six-foot block wall.
12. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** The County of Los Angeles Sheriff's Department has no objections to the approval of the requested conditional use permit.
13. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** The California Department of Alcoholic Beverage Sales provided information that there are no other licenses for the sale of alcohol in the census tract. The area is not a high crime reporting district.
14. **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 and property posting.
15. **PUBLIC COMMENTS.** The applicant presented the project at the Castaic Town Council on October 17, 2012. The Castaic Town Council provided a letter dated November 12, 2012 in support of the conditional use permit request. No other public comments were received.

#### **CONDITIONAL USE PERMIT FINDINGS**

- .16. The conditional use permit authorizes the sale of alcohol within an established commercial area and is consistent with the policies for commercial areas within the adopted general plan.

17. The permittee follows practices and policies to ensure that the operations of the store will be in compliance with the California laws regarding the sale of alcoholic beverages. The site is adequately buffered with the adjacent areas to minimize impacts of the store operations on the surrounding area. Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
18. The existing drugstore was constructed and is being maintained in conformance with Conditional Use Permit No. 02-0877, and the site complies with all applicable development standards. Therefore, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area.
19. The project site has access to Sloan Canyon Road, which is a major arterial street. Therefore, 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.
20. The proposed use will not adversely affect any sensitive uses within 600 feet of the project site. There are no religious facilities, schools, parks, playgrounds, or other similar uses within a 600-foot radius of the site. The permittee will implement sales and security measures to ensure that alcoholic beverages are sold only as permitted by law. The residential area to the west is buffered from the site by a 35-foot wide landscaped slope and a solid masonry wall. The residential property located to the south is buffered by Sloan Canyon Road and a six foot high solid block wall. The three residences to the north of the shopping center are buffered by other commercial buildings within the shopping center, a driveway, and a six foot block wall. Therefore, 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.
21. The existing drugstore was constructed and is being maintained in conformance with Conditional Use Permit No. 02-0877. The site complies with all requirements related to landscaped areas, vehicle parking spaces and fencing. Therefore, 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.
22. There are no other locations within 500 feet that provide alcoholic beverage sales. Therefore, the requested use at the proposed location will not result in an undue concentration of similar premises

23. The site is sufficiently buffered from the adjacent residential areas and the permittee is required to comply with all laws and regulations regarding the sale of alcoholic beverages. Therefore, the requested use at the proposed location will not adversely affect the economic welfare of the nearby community.
24. The existing commercial building was developed as approved by Conditional Use Permit No. 02-0877. The building was developed concurrently with the adjacent commercial structures, and the exterior design was made consistent with the other structures in the same shopping center. Therefore, the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

#### ENVIRONMENTAL DETERMINATION

25. The project is a request for the sale of alcoholic beverages at an existing pharmacy. The project does not involve any new construction, as it utilizes the existing facilities of the drugstore and does not increase requirements for parking spaces or other facilities.

Therefore, the project qualifies as a Categorical Exemption and 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.

26. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning Commission determines that it is necessary to limit the term of the grant to 15 years.
27. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Regional Planning Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13<sup>th</sup> 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 West Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area; and
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other

persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and

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

THEREFORE, the information submitted by the applicant and presented at the public hearing/meeting substantiates the required findings for a Conditional Use Permit as set forth in Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

**REGIONAL PLANNING COMMISSION ACTION:**

- 1. The Regional Planning Commission has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
- 2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201200023 is approved subject to the attached conditions.

**VOTE: 3-0**

Concurring: Pederson, Helsley, Louie

Dissenting: None

Abstaining: None

Absent: Valadez, Madugno

Action Date: December 5, 2012

MK:AS  
12/5/12

c: Each Commissioner, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2012-00243-(5)  
CONDITIONAL USE PERMIT NO. 201200023**

**PROJECT DESCRIPTION**

This permit authorizes a conditional use permit ("CUP") for the sale of beer and wine for off-site consumption in the CPD (Commercial Planned Development) Zone, pursuant to County Code Sections 22.28.210 and 22.56.195, subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5 and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense,

including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

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

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on December 5, 2027.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The

permittee shall deposit with the County the sum of \$1,600.00. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for fifteen (8) biennial (once every other year) inspections. Inspections shall be unannounced.

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

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director.
14. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

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

16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **four (4) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
17. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **four (4) copies** of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

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

18. 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 all employees of the facility shall be knowledgeable of the conditions herein.
19. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.
20. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.
21. 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.
22. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
23. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public.

24. There shall be no beer or malt beverages, wine coolers, or beer coolers sold in quantities of less than manufacturer pre-packaged unit quantities of four (4) or more
25. No malt liquors and/or malt based beverage products with alcoholic content greater than five percent (5%) by volume shall be sold, except for microbrews, craft brews, organic and specialty malt products sold under such designations as stout, porter, IPA and ESB;
26. 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;