Regional Planning Commission Transmittal Checklist

Hearing Date
12/5/2012
Agenda Item No.
9

Project Number: R2012-00243-(5)

Case(s): Conditional Use Permit Case No. 201200023
Environmental Assessment Case No. 201200035

Planner: Andrew Svitek

- ☒ Project Summary
- ☒ Property Location Map
- ☒ Staff Analysis
- ☐ Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- ☒ Draft Findings
- ☒ Draft Conditions
- ☒ Burden of Proof Statement(s)
- ☐ Environmental Documentation (ND / MND / EIR)
- ☒ Correspondence
- ☒ Photographs
- ☒ Aerial Image(s)
- ☒ Land Use/Zoning Map
- ☐ Tentative Tract / Parcel Map
- ☒ Site Plan / Floor Plans / Elevations
- ☐ Exhibit Map
- ☐ Landscaping Plans

Reviewed By: _____

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

PROJECT NUMBER
R2012-00243-(5)

HEARING DATE
12/5/12

REQUESTED ENTITLEMENTS
Conditional Use Permit No. 201200023
Environmental Assessment No. 201200035

PROJECT SUMMARY

OWNER / APPLICANT
Castaic FCG Properties, LLC / Walgreens Co.

MAP/EXHIBIT DATE
11/1/09

PROJECT OVERVIEW
A request for a conditional use permit to authorize the sale of alcoholic beverages (ABC Type-20 license, limited to beer and wine) for off-site consumption in conjunction with an existing drugstore in the C-3 (Unlimited Commercial) Zone within the Castaic Area Community Standards District of the Castaic Canyon Zoned District.

LOCATION
27983 Sloan Canyon Road, Castaic

ACCESS
Sloan Canyon Road

ASSESSORS PARCEL NUMBER(S)
2865-030-012

SITE AREA
1.2 Acres

GENERAL PLAN / LOCAL PLAN
Santa Clarita Valley Area Plan

ZONED DISTRICT
Castaic Canyon

LAND USE DESIGNATION
C (Commercial)

ZONE
CPD (Commercial Planned Development)

PROPOSED UNITS
N/A

MAX DENSITY/UNITS
N/A

COMMUNITY STANDARDS DISTRICT
Castaic Area

ENVIRONMENTAL DETERMINATION (CEQA)
Class 1 Categorical Exemption – Existing Facilities

KEY ISSUES

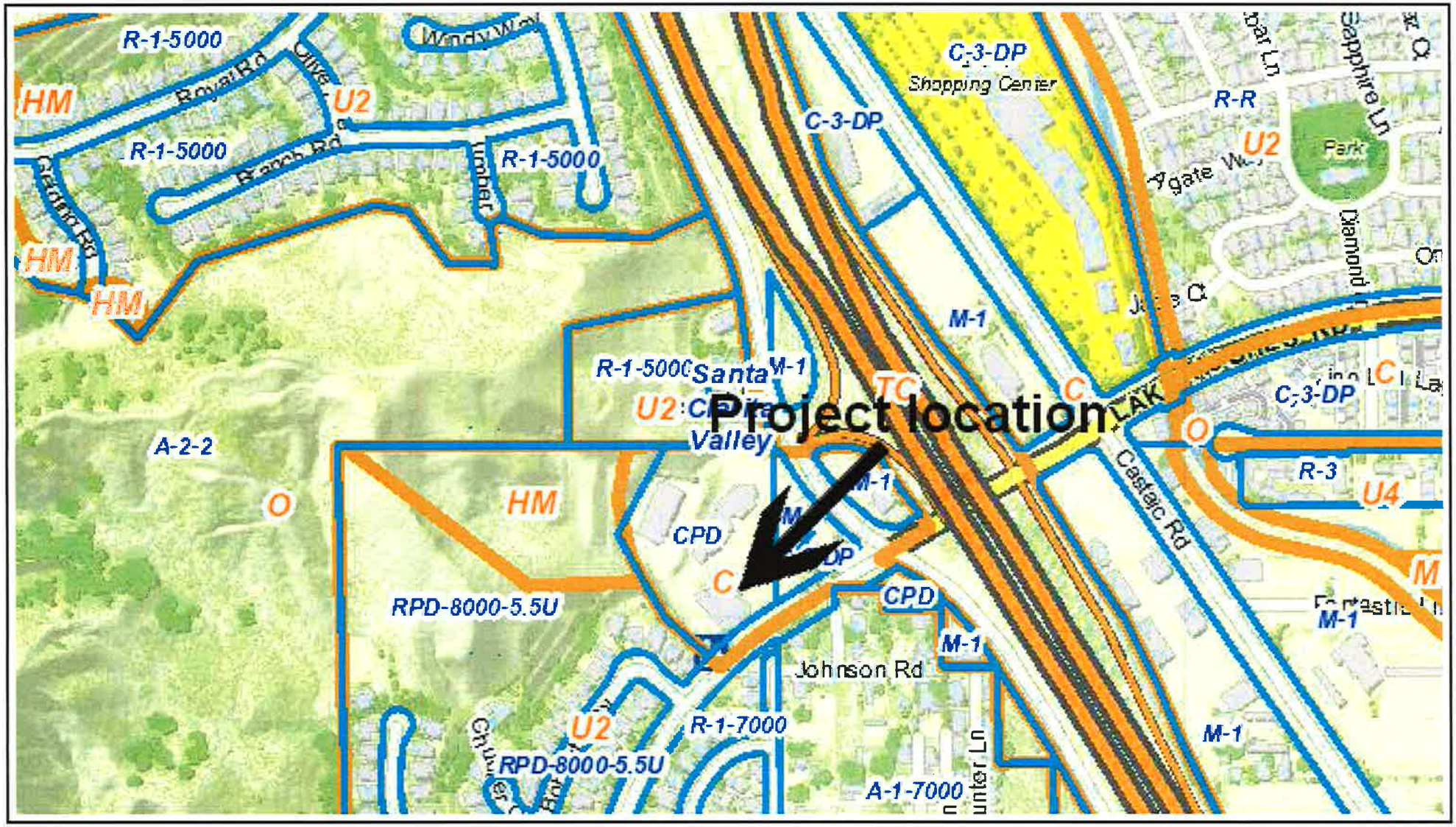
- Consistency with the Los Angeles County General Plan and Santa Clarita Valley Area Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
  - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
  - 22.56.195 (Conditional Use Permit for the Sale of Alcoholic Beverages Burden of Proof Requirements)
  - 22.56.340 (Commercial Planned Development "CPD" Zone)
  - 22.44.137 (Castaic Area Community Standards District)

STAFF RECOMMENDATION
Approval

CASE PLANNER:
Andrew Svitek

PHONE NUMBER:
(213) 974 - 6462

E-MAIL ADDRESS:
asvitek@planning.lacounty.gov



R2012-00243-(5) / CUP No. 201200023

Vicinity Map

Printed: Nov 21, 2012

0 300
Feet

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ENTITLEMENT REQUESTED

The applicant requests a conditional use permit ("CUP") for a license 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.

PROJECT DESCRIPTION

The applicant is requesting a conditional use permit 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 floor area.

EXISTING ZONING

The subject property is zoned CPD (Commercial Planned Development) and is located in the Castaic Canyon Zoned District.

Surrounding properties are zoned as follows:
North: R-1-5000 (Single Family Residence—5,000 Square Feet Minimum Required Lot Area)
South: R-1-7000 (Single Family Residence—7,000 Square Feet Minimum Required Lot Area)
East: C-3-DP (Unlimited Commercial—Development Program), M-1 (Light Manufacturing)
West: RPD-8000-5.5U (Residential Planned Development—8,000 Square Feet Minimum Required Lot Area, 5.5 Dwelling Units per Acre Maximum)

EXISTING LAND USES

The subject property is developed with a commercial building currently operated as a Walgreens drugstore.

Surrounding properties are developed as follows:
North: Commercial shopping center
South: Single-family residences
East: Fast food restaurant
West: Single-family residences

PREVIOUS CASES/ZONING HISTORY

CUP No. 02-0877 approved the development of the existing shopping center in 2004.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The project is a conditional use permit to authorize the sale of alcoholic beverages and does not involve the construction of any new structures, as the merchandise will be delivered to, stored in, and purchased from the existing building, which is located within a developed

urbanized area. Therefore, staff recommends that the Regional Planning Commission determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the Major Commercial category of the Countywide 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 with the surrounding community, as it sells goods primarily to residents within the immediate community. The CUP to authorize the sale of alcoholic beverages in a small portion of the store is consistent with a retail use. The Walgreens drugstore, with alcoholic beverage sales, is therefore consistent with the underlying land use category.

Zoning Ordinance and Development Standards Compliance

The existing Walgreens drugstore is in compliance with the development standards of the CPD Zone, as the existing drugstore was developed as shown on the approved Exhibit "A" of CUP No. 02-0877. The project site is not in an area with an over-concentration of alcoholic beverage sales and therefore the area of shelf space dedicated to alcoholic beverage sales does not need to be restricted according to Section 22.56.195.B.3.

Neighborhood Impact/Land Use Compatibility

Pursuant to County Code Section 22.56.195, 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 applicant is a national company which has developed procedures at all of its locations designed to ensure that store personnel will comply with legal requirements for the sale of alcoholic beverages. These measures include employee training, mandatory cashier prompts for age verification, and security measures to prevent theft of merchandise. 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. This location is not in an area with an over-concentration of alcohol sales. There are no other establishments with a license for the sale of alcoholic beverages within a 500-foot radius.

Burden of Proof

The applicant is required to substantiate all facts identified by Sections 22.56.040, 22.56.090, and 22.56,195 of the County Code. The Burdens of Proof with the applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof for a CUP.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Los Angeles County Sheriff's Department
In a letter dated October 2, 2012, the Sheriff's Department provided a summary of the calls for service at this location for the previous five years. The Sheriff's Department did not object to the approval of this conditional use permit.

OTHER AGENCY COMMENTS AND RECOMMENDATIONS

California Department of Alcoholic Beverage Control
Based on the information provided, the site is not in a census tract with an overconcentration of alcoholic beverage sales as there are no other establishments that have been issued an alcoholic beverage sales license. The area is not located in a high crime reporting district.

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.

PUBLIC COMMENTS
The applicant presented the project at the Castaic Area Town Council on October 17, 2012. The Castaic Area Town Council has provided a letter of support for the approval of this conditional use permit (see attached letter). No other public comments were received at the time of this staff report.

FEES/DEPOSITS
If approved, fees identified in the attached project conditions will apply unless modified by the Regional Planning Commission.

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 R2012-00243-(5), Conditional Use Permit Number 201200023, subject to the attached conditions.

SUGGESTED APPROVAL MOTION

I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING, FIND THE PROJECT CATEGORICALLY EXEMPT UNDER CEQA, AND APPROVE CONDITIONAL USE PERMIT NUMBER 201200023, SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Andrew Svitek, Regional Planning Assistant II

Reviewed by Mi Kim, Supervising Regional Planner, Zoning Permits West

Attachments:
Draft Findings, Draft Conditions of Approval
Applicant's Burden of Proof Statement
Site Photographs, Image
Site Plan, Land Use Map

MK:AS
11/21/12

DRAFT 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. **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.

3. **LOCATION.** 27983 Sloan Canyon Road, Castaic

4. **EXISTING ZONING.** CPD (Commercial Planned Development) Zone

5. **EXISTING LAND USES.** The project site is a freestanding commercial building that is being operated as a Walgreens drugstore.

6. **PREVIOUS CASES/ZONING HISTORY.** The existing shopping center was approved by CUP No. 02-0877 in 2004.

7. **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.

8. **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.

9. **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.

10. **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.

11. **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.

12. **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.

13. **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 supporting the granting of the conditional use permit. No other public comments were received.

CONDITIONAL USE PERMIT FINDINGS

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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

21. 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.

22. 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

23. 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.

24. **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.

25. **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, 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 West Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISION 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:

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date:

MK:AS
11/21/12

c: Each Commissioner, Zoning Enforcement, Building and Safety

DRAFT 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 **$3,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for fifteen **(15) annual** 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;

CONDITIONAL USE PERMIT BURDEN OF PROOF
CONDITIONAL USE PERMIT FOR OFF-SITE SALES OF ALCOHOLIC BEVERAGES
THE WALGREEN COMPANY
27983 SLOAN CANYON, LOS ANGELES COUNTY, CA

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

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

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

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

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

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

   The Applicant proposes to offer a limited selection of beer and wine that will make up a small portion of the existing facility floor area. The modest selection will be tailored to provide a safe, convenient alternative to meet the needs of the Applicant's existing customers. The Applicant will not sell distilled spirits, malt liquor, single servings or any other variation. Beer will occupy a 4.5-foot-wide cooler and wine will make up 12 feet

(width) of the beverage aisle that comprises less than 1% of the total 13,650 square feet of floor area or approximately 140 square feet in the existing Facility. The Applicant has adopted extensive Sales and Security Measures that are designed to protect the customers and the general public in the vicinity of the Facility.

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

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

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

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

The existing Facility site was deemed to be adequate in size and shape to accommodate the Facility and all of the yards, setbacks, walls, fences, landscaping and other features as approved in 2004 by CUP No. 02-0877. The proposed use will not change that approval. The Applicant proposes to offer a limited selection of beer and wine that will make up a small portion of the existing Facility floor area. Beer will occupy a 4.5-foot-wide cooler and wine will make up 12 feet (width) of the beverage aisle that comprises less than 1% of the 13,650 square feet total floor area or approximately 140 square feet in the existing Facility. The proposed CUP for offsite sales of beer and wine involves no structural change to the interior space (other than some minor internal rearrangement of merchandise, shelving and coolers) nor to the building envelope, building exterior, parking or landscaping. These minor interior changes will involve no grading, construction or construction equipment to the exterior of the Facility. It is likely that no one will notice any change without actually entering the Facility to shop.

C. That the proposed site is adequately served:

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

The Facility abuts streets and highways that are properly designed and adequate in width and pavement type to carry the type and quantity of traffic generated by the proposed off-site sales of beer and wine use. There are no proposed changes to the existing floor area or the intensity of uses for the Facility that would cause any additional traffic generation and therefore nictitate any changes to the streets and highways that abut the Facility as originally approved with the CUP No. 02-0877.

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

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

The proposed use does not require any special public or private facilities because the proposed off-site sales of beer and wine will be incorporated into the existing Facility and will require no changes to any of the existing service facilities which were deemed to be adequate at the time the Facility was built in approximately 2004.

ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

CONDITIONAL USE PERMIT APPLICATION FOR OFSITE SALES OF ALCOHOLIC BEVERAGES
THE WALGREEN COMPANY
27983 SLOAN CANYON, LOS ANGELES COUNTY, CA

In addition to the findings required pursuant to subsection A of Section 22.56.040, the planning agency shall approve an application for a conditional use permit for alcoholic beverage sales where the information submitted by the applicant, or presented at public hearing, substantiates the following pursuant to Section 22.56.195:

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

   There does not appear to be any religious facilities, schools, parks, playgrounds or other similar uses within a 600 foot radius of the Facility. Any such uses would not be adversely affected by the sales of such a small amount of beer and wine that is sold only to those of a legal drinking age. Furthermore, the Applicant has in place established strict Sales and Security Measures at its other facilities that sell alcoholic beverages and will implement such measures at this Facility.

2. **The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area; and**

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

   There are residentially zoned single family residences located to the west which are buffered from the Facility by a 35 foot wide, landscaped slope and a solid block wall at the top of the slope. There is no direct access from the residential units to the Facility. There is residential property located to the south of the Facility that is buffered by Sloan Canyon Road and a six foot high solid block wall. There are three residential properties located immediately north of the shopping center. These residences are buffered from the Facility by other buildings in the center, a driveway and a six foot block wall. There is no direct access from these residential properties into the center.

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

3. **The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public**

convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment; and

There appears to be no other similar establishments selling or dispensing alcoholic beverages for off-site consumption within Census Track 9201.04. Although there is the Union 76 Circle K Market at 31786 The Old Road and the Rainbow Market at 31719 The Old Road that have off-site sales of beer and wine within 600 feet, they are both are locate located in another census tract (9201.05). Therefore, based on the ABC standards the Facility is not is not considered to be located in a census tract of undue concentration. Both of these uses are located over 400 feet from the facility.

In 2006, CUP 2006-0230(5) was approved for the Los Rocas Restaurant at 27963 Sloan Canyon for the on-site consumption of alcoholic beverages whose entrance is over 350 feet from the entrance to the Facility in the same commercial shopping center.

The Applicant is proposing to add only 1% of the total shelf area to the off-site sales of beer and wine. Therefore, the addition of this CUP for off-site sales of beer and wine will not result in an undue concentration.

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

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

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

   There will be no change to existing facility as it was approved and built in approximately 2004 pursuant to CUP No. 02-0877. At that time it is assumed that the appearance of the Facility was determined to be consistent with the other commercial facilities within the same C3 zone and provide necessary services to the local neighborhood. The Facility is part of a multi-structure planned commercial development with off-street parking, setbacks and landscaping that is newly constructed within the last five years. Therefore, since the addition of beer and wine for off-site consumption in entirely located within the existing Facility, there are no changes proposed to the structure and appearance that would be inconsistent to the approved Facility that could result in blight or diminish the property values of the neighborhood.

Castaic Area Town Council

November 20, 2012

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

Re: Walgreens CUP Application for Alcohol Sales (beer & wine only) - 27983 Sloan Canyon Rd.

On October 17, 2012, at the regular meeting of the Castaic Area Town Council, the Town Council received a presentation from Matt Dzureck of Ambruster, Goldsmith & Delvac requesting support of a CUP application for beer and wine sales at Walgreens located at 27983 Sloan Canyon Rd, Castaic, CA 91384.

At the end of the presentation and after some discussion among the Council, the Town Council voted in support of the application with the following restrictions:

a.) No sales of Malt Liquor

b.) No beer sales in individual cans or bottles.

Please accept this letter as support for the CUP application at the address listed above and contact me directly with any questions at (661) 205-9245.

Sincerely,

Scott A. Wardle
President
Castaic Area Town Council

Cc: Rosalind Wayman

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169
(661) 255-1121

Leroy D. Baca, Sheriff

October 2, 2012

Subject: **Conditional Use Permit (CUP) Consultation for the Sale of Alcohol**
Project No.: **R2012-00243-(5)**
CUP Permit No.: 20120023
Establishment: Walgreens Drugstore
Location: **27983 Sloan Canyon Rd., Castaic**
Description: **CUP for the sale of alcoholic beverages for offsite consumption at an existing drugstore.**

(1) Summary of service calls and crime history for the project site over the last five years:

The Sheriff's Department has responded to twenty five (25) calls for service at 27983 Sloan Cyn Rd, Castaic in the past five years;

14 calls for petty theft, burglary and forgery calls
5 calls to assist the manager or employees
3 calls for business and/or juvenile disturbances
3 calls for suspicious persons

(2) Comments/recommended conditions:

All calls for service have been routine in nature. This establishment has not been a problem.

(3) Overall recommendation:

☒ Sheriff does not oppose approval of this CUP.

☐ Sheriff does **NOT** recommend approval of this CUP.

Sincerely,

LEROY D. BACA, SHERIFF

Paul Becker, Captain
Santa Clarita Valley Station

BCT/bct

Walgreens @ 29783 Sloan Canyon Road

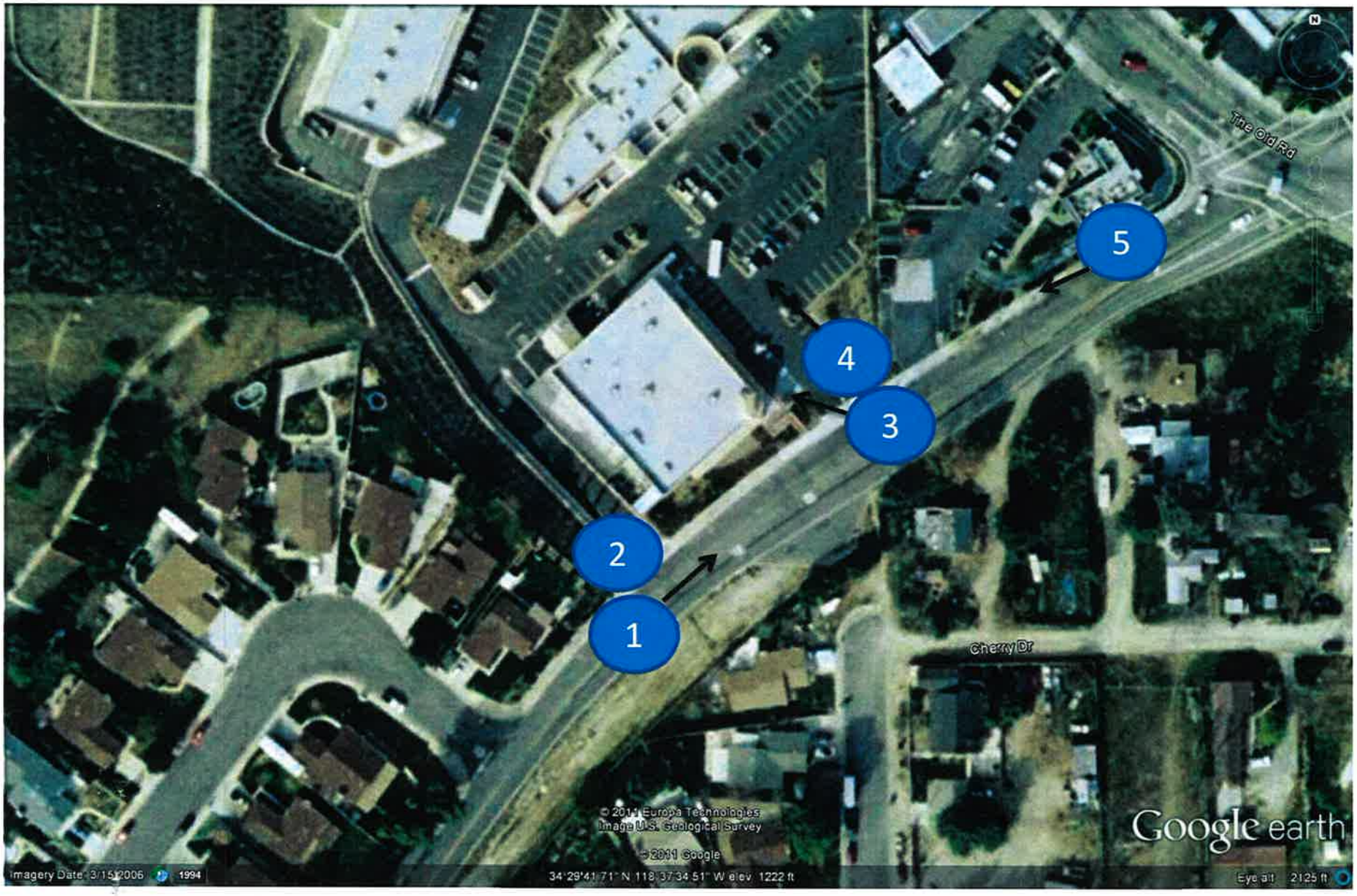


PHOTO 1

PHOTO 2

PHOTO 3

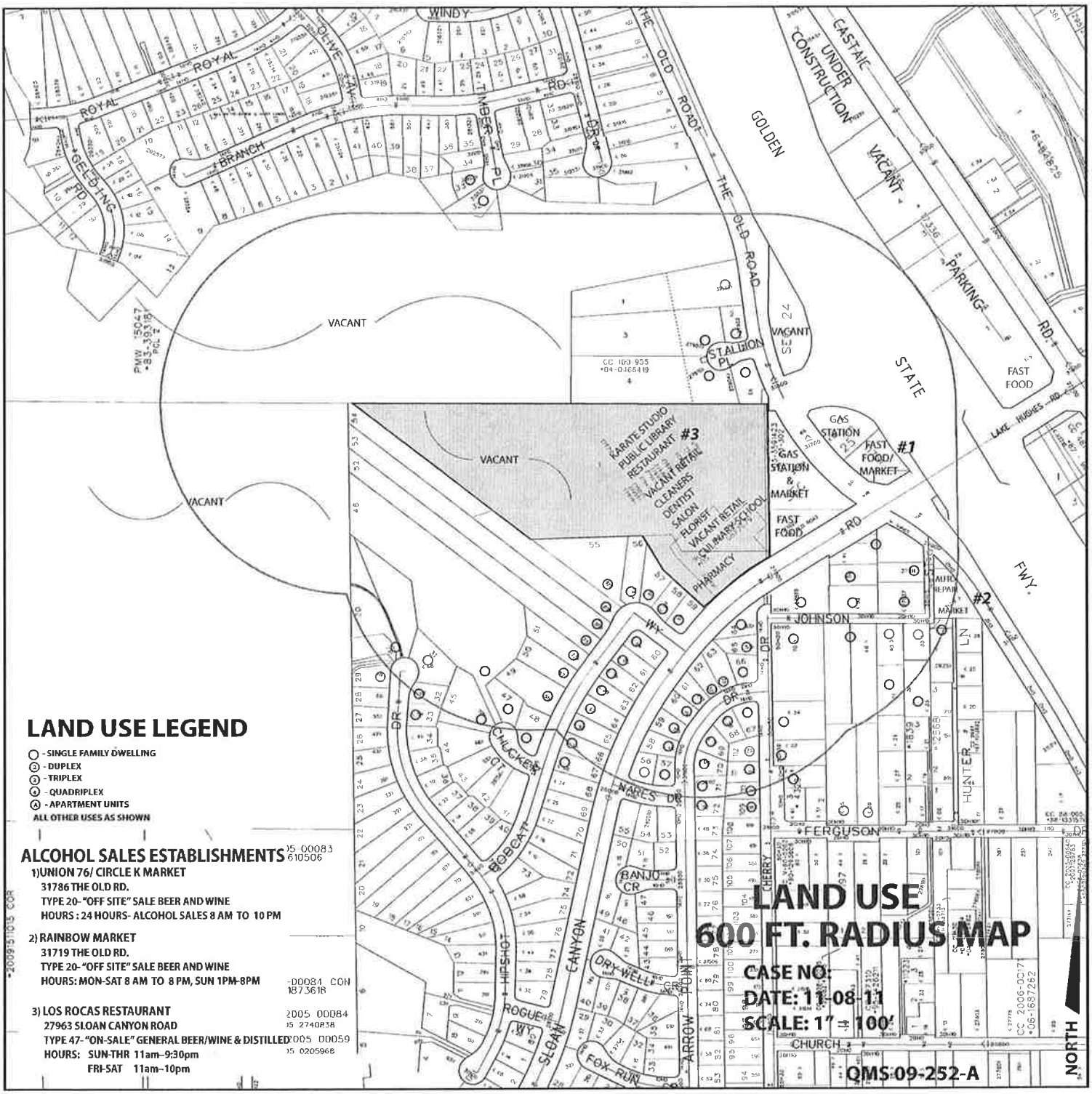
PHOTO 4

PHOTO 5

CALOSA025021NeighObliq4196N_080310.psi

Creation Date: Mar 10, 2008 13:17
Modification Date: Mar 25, 2008 05:53

Distance between tick marks: 209.104658 feet


LAND USE LEGEND
- SINGLE FAMILY DWELLING
- DUPLEX
- TRIPLEX
- QUADRIPLEX
- APARTMENT UNITS
ALL OTHER USES AS SHOWN
ALCOHOL SALES ESTABLISHMENTS
1)UNION 76/ CIRCLE K MARKET
31786 THE OLD RD.
TYPE 20- "OFF SITE" SALE BEER AND WINE
HOURS : 24 HOURS- ALCOHOL SALES 8 AM TO 10 PM
2) RAINBOW MARKET
31719 THE OLD RD.
TYPE 20- "OFF SITE" SALE BEER AND WINE
HOURS: MON-SAT 8 AM TO 8 PM, SUN 1PM-8PM
3) LOS ROCAS RESTAURANT
27963 SLOAN CANYON ROAD
TYPE 47- "ON-SALE" GENERAL BEER/WINE & DISTILLED
HOURS: SUN-THR 11am-9:30pm
FRI-SAT 11am-10pm
LAND USE
600 FT. RADIUS MAP
CASE NO:
DATE: 11-08-11
SCALE: 1" = 100'
QMS 09-252-A
NORTH
VACANT
GOLDEN
STATE
FWY.
THE OLD ROAD
CASTAIC
UNDER CONSTRUCTION
VACANT
PARKING
RD.
FAST FOOD
LAKE HUGHES RD.
GAS STATION
FAST FOOD/ MARKET
#1
GAS STATION & MARKET
FAST FOOD
#2
AUTO REPAIR
MARKET
#3
KARATE STUDIO
PUBLIC LIBRARY
RESTAURANT
VACANT RETAIL
CLEANERS
DENTIST
SALON
FLORIST
VACANT RETAIL
CULINARY SCHOOL
PHARMACY
JOHNSON
FERGUSON
CHURCH
HUNTER
CHERRY
ARROW POINT
SLOAN CANYON
HIPSHOT
BOBCAT
CHUCKER
NARES DR
BANJO CR
DRY WELL
FOX RUN
ROGUE WY
ROYAL
BRANCH
GELDING RD
OLIVE AV
TIMBER PL
WINDY
STALLION PL
CC 100 955
•04-0466419
PMW 15047
•83-39318
PCL 2
CC 2006-0017
•06-1687262
-00084 CON
1873618
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0205968