



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: March 23, 2010

SUBJECT: Conditional Use Permit No. 787-10

APPLICANT: CVS Pharmacy, Attention: R. Bruce Evans
426 Culver Boulevard
Playa Del Rey, California 90293

REQUEST: To approve a Conditional Use Permit for the off-site sale of alcoholic beverages at an existing CVS Pharmacy located within the CG-D (Commercial General-Design Overlay) zone district

PROPERTY INVOLVED: 23806 Main Street

COMMISSION ACTION

☐ Concurred with staff

☐ Did not concur with staff

☐ Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Graber
		Vice-Chair Saenz			Park
		Brimmer			Schaefer
		Diaz			Verrett
		Gordon			

Item No. 11-A

I. Introduction

Date Application Received

- January 21, 2010: Conditional Use Permit No. 787-10

Applicant/Property Owner

- Amity Del, LLC
152 W. 57th Street, 12th Floor
New York, New York 10019

Project Address

- 23806 Main Street, Carson, CA 90745

Project Description

- The proposal is to consider a conditional use permit (CUP) for the off-site sale of alcoholic beverages within an existing CVS Pharmacy within the CG-D (Commercial General-Design Overlay) zone district.
- The project site is located on a 53, 866 square-foot parcel with an existing CVS Pharmacy building totaling approximately 11,945 square feet.

▪ **Background**

History of Property

- The existing CVS Pharmacy building was built in 2003.
- From 1983 to 1996, the property was used as a supermarket. Subsequently, it was used as a Christmas tree lot.

Previously Approved Discretionary Permits

- The Planning Commission recommended approval to the Redevelopment Agency of DOR No. 747-01 on February 12, 2002 to construct the existing CVS Pharmacy building. On March 5, 2002, the Redevelopment Agency approved DOR NO. 747-01.

Public Safety Issues

- There are no known open Code Enforcement cases on the subject property.

II. Analysis/Findings

Location/Site Characteristics/Existing Development

- The subject property is located at 23806 S. Main Street. The subject site is compatible with surrounding commercial and residential single family uses.
- Surrounding the subject property to the north, south and west are general commercial uses zoned CG-D (Commercial General – Design Overlay) and single family residential uses to the east zoned RS (Residential, Single-Family).
- The applicant is applying for a conditional use permit pursuant to Section No. 9131.1, 9133 and 9138.5 of the Carson Municipal Code (CMC) to facilitate the sale of alcoholic beverages within an existing CVS Pharmacy.



- The Los Angeles County Sheriff's office has reviewed the proposed CUP No. 787-10 and has written a letter in support of said application (attached).
- The State Department of Alcoholic Beverage Control (ABC) identified that for the site's Census Tract No. 5437.02 only four (4) off-sale licenses type 21 are permitted. ABC further indicated that only two (2) off-sale licenses exist within said census tract. Therefore, the proposed off-sale license would be permitted.
- The applicant has submitted an operational statement which indicates:
 1. Alcoholic beverages will not be sold during late night hours as the store operating hours are from 7:00 a.m. to 10:00 p.m.
 2. No malt liquor or fortified wine products shall be sold with an alcoholic content of greater than 15 percent by volume.
 3. No beer in 16-ounce or less cans or bottles shall be sold.
 4. The sales floor space allocated to alcoholic beverages shall not exceed 10% percent of the total sales floor area.
 5. There shall be no illuminated advertising or signs of any kind placed in the exterior windows or door of the premises promoting or indicating the availability of alcoholic beverages.
 6. The licensee shall regularly police the area under its control to prevent the loitering of persons about the premises.
 7. The licensee shall post signs in the with regard to prohibition of open containers.
 8. There shall be no coin operated video or arcade games, adult magazines or videos sold.
 9. Sales of distilled spirits shall not be in containers less than 750 ml.
 10. Sale of wine shall not be in containers less than 375 ml.
 11. Digital security cameras shall be installed to monitor the interior and exterior of the premises. Cameras will be maintained in proper working order at all times and surveillance footage shall be maintained for a minimum of 30 days on digital media and shared with law enforcement upon request.

Zoning/General Plan/Redevelopment Area Designation

- The subject property is zoned CG-D (Commercial, General – Design Overlay) with the adjacent properties to the north, south, and west sharing the same the zoning designation and RS (Residential, Single-Family) zoning to the east.
- The zoning designation for the subject property is consistent with the General Plan Land Use designation of General Commercial.

Required Findings: Conditional Use Permit No. 787-10

Pursuant to Section 9172.21, Conditional Use Permit, the Planning Commission may approve the proposal only if the following findings can be made in the affirmative



- a. The proposed use and development will be consistent with the General Plan.
- b. The site is adequate in size, shape, topography, location, utilities and other factors to accommodate the proposed use and development.
- c. There will be adequate street access and traffic capacity.
- d. There will be adequate water supply for fire protection.
- e. The proposed use and development will be compatible with the intended character of the area.

In addition to the general criteria for the approval of a Conditional Use Permit, Section 9138.5 outlines special criteria and limitations as indicated below that shall be considered in acting upon a conditional use permit to allow for alcoholic beverage sales in a commercial zone intended for off-site consumption:

1. No off-sale business (incidental) shall be established within three hundred (300) feet of any school or park, and no off-sale business (primary) shall be established within three hundred (300) feet of any school, park or church. The distances set forth in the preceding sentence shall be determined by measuring from lot line to lot line;
2. The total number of on-sale businesses shall not exceed 85; and
3. The total number of off-sale businesses shall not exceed 70.

The nearest school, park and church are: Catskill School/Scott Park approximately 1,600 feet away and the Zion Korean Church is over 3,000 feet away.

The existing off-sale businesses in Carson total 49, therefore the proposed off-sale business license would not exceed the 70 permitted. There are 49 on-sale businesses in Carson.

All of the required findings pursuant to Section 9172.21(d), "Conditional Use Permit, Approval Authority and Findings and Decision", can be made in the affirmative, if conditions of approval are implemented. Specific details regarding the applicable findings are incorporated in the attached resolution.

Issues of Concern / Proposed Condition/Change: Conditional Use Permit No. 787-10

- **ISSUE – Determination of Public Convenience or Necessity:** Pursuant to California Business and Professions Code Section 23958.4, the local government body must make a finding of "public convenience or necessity" when the applicant premises for a retail off sale alcoholic beverage license is located within a crime reporting district that has 20 percent greater number of crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency. ABC identified that reporting district for this site (No. 1624) reports that this site has a crime rate greater than 20 percent of the average number of reported crimes.



Therefore, in accordance to Sections 9172.21 of the CMC, (Conditional Use Permit) the following conditions of approval are recommended:

- **Conditions of Approval:**

1. Digital security cameras shall be installed to monitor the interior and exterior of the premises. Cameras shall be maintained in proper working order and surveillance footage shall be maintained for a minimum of 30 days on digital media and shared with law enforcement upon request. The digital security cameras shall be equipped with internet remote access approved by the LA County Sheriff's Department.
2. No illuminated advertising signs shall be permitted on any exterior window or doors promoting the sale of alcoholic beverages.
3. No single cans or single bottles of beer shall be sold.
4. Hours of operation shall not exceed 10:00 p.m.
5. No loitering signs to be placed on the parking lot areas.

III. Environmental Review

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15301, Existing Structures or Facilities, the City's approval of a Conditional Use Permit (CUP) for the proposed project is "Categorically Exempt".

IV. Recommendation

That the Planning Commission:

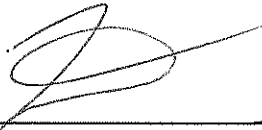
- **APPROVE** the Categorical Exemption;
- **APPROVE** Conditional Use Permit No. 787-10 subject to the conditions of approval attached as Exhibit "B" to the Resolution; and
- **WAIVE** further reading and **ADOPT** Resolution No._____, entitled, "A resolution of the Planning Commission of the City of Carson approving Conditional Use Permit No. 787-10 for the off-site sale of alcoholic beverages located at 23806 S. Main Street ."

V. Exhibits

1. Resolution
2. Applicant's Operational Statement
3. Development Plans
4. California Business and Professions Code Section 23958.4




Prepared by:


Zak Gonzalez II, Planner

Reviewed by:


John F. Signo, AICP, Senior Planner

Approved by:


Sheri Repp, Planning Officer

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 10-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT
NO. 787-10 FOR THE OFF-SITE SALE OF ALCOHOLIC
BEVERAGES AT AN EXISTING CVS PHARMACY LOCATED AT
23806 S. MAIN STREET**

**THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA,
HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:**

Section 1. An application was duly filed by the applicant, CVS Pharmacy, with respect to real property located at 23806 S. Main Street, and described in Exhibit "A" attached hereto, requesting the approval of off-sale alcoholic beverages for an existing CVS Pharmacy located within the CG-D (Commercial, General – Design Overlay) zoning district.

A public hearing was duly held on March 23, 2010, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

Section 3. Pursuant to CMC Section 9131.1, a conditional use permit (CUP) is required for the issuance of a license to sell alcoholic beverages intended for off-site consumption. Pursuant to Section 9172.21 (D), Conditional Use Permit-Commission Findings and Decision, and Section 9138.5, Alcoholic Beverages Sales and Service, the Planning Commission finds that:

- a) The proposed license to sell alcoholic beverages intended for off-site consumption is consistent with the General Plan Land Use Designation of General Commercial and the CG-D (Commercial General-Design Overlay) zoning district which are intended to provide for a full range of commercial uses which are acceptable within the community.
- b) The surrounding properties to the north, south and west are developed with general commercial uses; to the east are residential single family homes.
- c) The proposed off-sale of alcoholic beverages would facilitate an incidental use to the existing CVS Pharmacy.
- d) Pursuant to CMC Section No. 9138.5, the subject property is located more than 300 feet from any school, church or park, measured from lot line to lot line. The total number of existing off-sale alcohol business within the city is 49, which does not exceed the 70 allowed by said ordinance section.
- d) The State Department of Alcohol Beverage Control (ABC) has identified the subject site as being within a high crime area, therefore pursuant to Business and Professions Code Section 23958.4 a "determination of public convenience



or necessity" is required. ABC has determined that only four (4) off-sale licenses (type 21) would be permitted within the site's Census Tract No. 5437.02. ABC has confirmed that only two (2) off-sale licenses exist within Census Tract 5437.02. Furthermore, the Los Angeles County Sheriff's Office has provide a written letter in support of the proposed off-sale alcohol license request in acknowledgement of the security mitigation proposed by the applicant including and not limited to: installation of digital security cameras with remote internet access to monitor the interior and exterior of the premises; hours of operation shall not exceed 10:00 p.m.; no illuminated signs shall be permitted on any exterior window or door promoting the sales of alcoholic beverages; and no single cans or bottles of beer shall be sold to the public.

- e) All of the required findings pursuant to Section 9171.21(d) and 9138.5 "Conditional Use Permit, Approval Authority and Findings and Decision" can be made in the affirmative. Furthermore, pursuant to California Business and Professions Code Section No. 23958.4 and based on the site security mitigation proposed and written documented support from the LA County Sheriff's Office for an off-sale alcohol business type 21 license at 23806 S. Main Street a finding of "public convenience or necessity" is therefore made.

Section 4. The Planning Commission further finds that the proposed use will not have a significant effect on the environment. The proposed use will not significantly impact the surrounding area and meets or exceeds all City standards for protection of the environment. Therefore, the proposed project is found to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines, Section 15301 (Existing Structures or Facilities).

Section 5. Based on the aforementioned findings, the Commission hereby approves the categorical exemption and grants Conditional Use Permit No. 787-10 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

Section 6. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

Section 7. This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

PASSED, APPROVED AND ADOPTED THIS 23rd DAY OF MARCH, 2010.

CHAIRMAN

ATTEST:

SECRETARY



LEGAL DESCRIPTION

PARCEL A:

THAT PORTION OF LOT 9 OF MARIA MACHADO DE ROCHA SUBDIVISION, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 6, PAGE 161, MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A 4 INCH IRON PIPE ON THE EAST LINE OF MAIN STREET, AS SAID MAIN STREET IS SHOWN ON MAP C.S. 8497 ON FILE IN THE OFFICE OF THE COUNTY SURVEYOR OF LOS ANGELES COUNTY, AT THE INTERSECTION OF SAID EAST LINE WITH THE NORTH LINE OF ROCHA STREET (NOW SEPULVEDA BOULEVARD) AS IT NOW EXISTS UPON THE GROUND 50 FEET WIDE;

THENCE FROM SAID POINT OF BEGINNING NORTHERLY ALONG THE EAST LINE OF MAIN STREET, NORTH $0^{\circ} 29' 00''$ EAST 299.06 FEET;

THENCE PERPENDICULAR TO SAID LINE SOUTH $89^{\circ} 31' 00''$ EAST 208.63 FEET TO A LINE PARALLEL WITH AND DISTANT, 208.79 FEET EASTERLY FROM SAID EAST LINE OF MAIN STREET, MEASURED ALONG A LINE PARALLEL WITH SAID NORTH LINE OF ROCHA STREET (NOW SEPULVEDA BOULEVARD);

THENCE ALONG SAID LINE, PARALLEL WITH THE EAST LINE OF MAIN STREET, SOUTH $0^{\circ} 29' 00''$ WEST 290.86 FEET TO A POINT IN THE NORTH LINE OF SAID ROCHA STREET,

THENCE WESTERLY ALONG THE NORTH LINE OF SAID ROCHA STREET SOUTH $88^{\circ} 14' 01''$ WEST 208.79 FEET TO THE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION DESCRIBED IN DEED TO COUNTY OF LOS ANGELES, RECORDED JUNE 30, 1965 AS INSTRUMENT NO. 5430 AND DESCRIBED AS FOLLOWS:

THE MOST SOUTHERLY 25 FEET OF THAT CERTAIN PARCEL OF LAND IN LOT 9 OF THE 760 ACRE TRACT OF MARIA MACHADO DE ROCHA, AS SHOWN ON MAP RECORDED IN BOOK 6, PAGE 161, OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED IN DEED TO PARTSOL PROPERTIES, RECORDED AS DOCUMENT NO. 1986, ON JUNE 16, 1961 IN BOOK 7329, PAGES 19 TO 24, INCLUSIVE OF OFFICIAL RECORDS, AND IN BOOK D1255, PAGE 628, OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY. TO BE KNOWN AS SEPULVEDA BOULEVARD.

ALSO EXCEPT THEREFROM THE MOST WESTERLY 25 FEET OF THE ABOVE MENTIONED CERTAIN PARCEL OF LAND IN ABOVE MENTIONED LOT.

EXCEPT THEREFROM THAT PORTION THEREOF WHICH LIES NORTHERLY OF A STRAIGHT LINE WHICH BEARS AT RIGHT ANGLES TO A LINE PARALLEL WITH AND 40 FEET WESTERLY MEASURED AT RIGHT ANGLES, FROM THE MOST WESTERLY LINE IN THE WESTERLY BOUNDARY OF SAID CERTAIN PARCEL OF LAND, AND WHICH PASSES THROUGH A POINT IN SAID PARALLEL LINE DISTANT NORTHERLY THEREON 293.27 FEET FROM A LINE PARALLEL WITH AND 25 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM THE MOST SOUTHERLY LINE IN THE SOUTHERLY BOUNDARY OF SAID CERTAIN PARCEL OF LAND, AND

9

LEGAL DESCRIPTION
(continued)

ALSO EXCEPT THEREFROM THAT PORTION THEREOF WHICH LIES SOUTHERLY OF A LINE PARALLEL WITH THE NORTH LINE OF SAID ROCHA STREET (NOW SEPULVEDA BOULEVARD), DISTANT 117.58 NORTHERLY, MEASURED ALONG SAID EASTERLY LINE OF MAIN STREET, FROM THE SAID NORTH LINE OF ROCHA STREET. TO BE KNOWN AS MAIN STREET.

ALSO EXCEPT AND RESERVING ALL OIL, GAS, MINERAL AND OTHER HYDROCARBON SUBSTANCES IN, UNDER OR THAT MAY BE PRODUCED AND SAVED FROM THOSE PORTIONS OF THE HEREINABOVE DESCRIBED LANDS LOCATED FIVE HUNDRED (500) FEET, OR MORE, BELOW THE SURFACE THEREOF,

TOGETHER WITH ALL RIGHTS OF EVERY KIND AND DESCRIPTION WHATSOEVER TO DRILL FOR OR THROUGH, DEVELOP, TAKE, REMOVE AND SEVER THE SAME, OR ANY PART THEREOF, FROM SAID LANDS, PROVIDED THAT GRANTOR SHALL NOT HAVE THE RIGHT TO USE THE SURFACE OF SAID LANDS, OR ANY PORTION THEREOF LESS THAN FIVE HUNDRED (500) FEET BELOW THE SURFACE IN CONNECTION WITH THE DEVELOPMENT OR REMOVAL OF SAID OIL, GAS, MINERALS AND OTHER HYDROCARBON SUBSTANCES, AS RESERVED BY GRANTOR MCCOY'S MARKETS, INC., A CALIFORNIA CORPORATION, IN DEED RECORDED MAY 25, 1982 AS INSTRUMENT NO. 82-1067704.

PARCEL B:

THAT PORTION OF LOT 9 OF MARIA MACHADO DE ROCHA SUBDIVISION, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 6, PAGE 161, MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF MAIN STREET AND SEPULVEDA BOULEVARD AS SHOWN ON MAP NO. C.S. 8497 ON FILE IN THE OFFICE OF THE COUNTY SURVEYOR OF LOS ANGELES COUNTY;

THENCE ALONG SAID CENTERLINE OF MAIN STREET NORTH 0° 29' 00" EAST 293.27 FEET;

THENCE PERPENDICULAR TO SAID CENTERLINE SOUTH 89° 31' 00" EAST 50.00 FEET TO A LINE PARALLEL WITH AND DISTANT 50.00 FEET EASTERLY, MEASURED AT RIGHT ANGLES FROM SAID CENTERLINE OF MAIN STREET, SAID POINT BEING THE TRUE POINT OF BEGINNING;

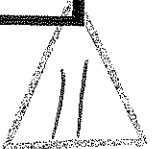
THENCE CONTINUING ALONG SAID PERPENDICULAR LINE SOUTH 89° 31' 00" EAST 15.00 FEET TO A LINE PARALLEL WITH AND DISTANT 65.00 FEET EASTERLY, MEASURED AT RIGHT ANGLES FROM SAID CENTERLINE OF MAIN STREET;

THENCE ALONG SAID PARALLEL LINE SOUTH 0° 29' 00" WEST 148.12 FEET TO A LINE PARALLEL WITH AND DISTANT 142.49 FEET NORTHERLY, MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF SAID SEPULVEDA BOULEVARD;

LEGAL DESCRIPTION
(continued)

THENCE ALONG SAID PARALLEL LINE SOUTH $88^{\circ} 14' 01''$ WEST 15.01 FEET TO A LINE
PARALLEL WITH AND DISTANT 50.00 FEET EASTERLY, MEASURED AT RIGHT ANGLES
FROM THE CENTERLINE OF SAID MAIN STREET;
THENCE ALONG SAID PARALLEL LINE NORTH $0^{\circ} 29' 00''$ EAST 148.71 FEET TO THE TRUE
POINT OF BEGINNING.

END OF LEGAL DESCRIPTION



CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "B"

CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 787-10

GENERAL CONDITIONS

1. If Conditional Use Permit No. 787-10 is not used within one year of its effective date, said permit shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
2. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
3. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review and approval by the Planning Commission.
4. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval to be reviewed and approved by the Planning Division prior to the issuance of a building permit.
5. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
6. It is further made a condition of this approval that if any condition is violated or if any law, statute, or ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.
7. The Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceedings against the City or its agents, officers, or employees to attack, set aside, void or annul, an approval of the City, its advisory agencies, appeal boards, or legislative body concerning Conditional Use Permit No. 787-10. The City will promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. The City will cooperate fully in the defense. Notwithstanding



the foregoing, the City retains the right to settle or abandon the matter without the Applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

SECURITY MEASURES AND OFF-SALE BUSINESS LICENSE PUBLIC SAFETY

8. Digital security cameras with remote internet access approved by the LA County Sheriff's Office shall be installed to monitor the interior and exterior of the premises. Cameras shall be maintained in working order and surveillance footage shall be maintained for a minimum of 30 days on digital media and shared with law enforcement up request.
9. Alcoholic beverages shall not be sold after 10:00 p.m.
10. No malt liquor or fortified wine products shall be sold with an alcoholic content greater than 15 percent by volume.
11. No beer bottles/cans shall be sold containing 16 ounces or less.
12. Sales of distilled spirits shall not be in containers less than 750 ml.
13. Sale of wine shall not be in containers less than 375 ml.
14. There shall be no illuminated advertising or signs of any kind placed in windows or doors promoting the sale of alcoholic beverages.

PARKING

15. There shall be no loitering in the parking lot. No loitering signs shall be posted outside the building walls facing the parking lot areas.

BUILDING & SAFETY

16. All building improvements shall comply with City of Carson Building and & Safety Division requirements.

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

17. All requirements by the Los Angeles County Fire Department shall be complied with.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

18. Per section 6310 of the Carson Municipal Code, all parties involved in the project, including but not limited to contractors and subcontractors, will need to obtain a City Business License.

CITY OF CARSON - ATTACHMENT TO APPLICATION FOR CONDITIONAL USE PERMIT

Garfield Beach CVS, LLC doing business as CVS Pharmacy #5012 located at 23806 Main St., Carson, CA is pleased to submit this Application for a Conditional Use Permit authorizing the sale of alcoholic beverages for off-site consumption.

The CVS Pharmacy is a full service drug store offering thousands of household items. Store hours are from 7:00 am to 10:00 pm. Alcoholic beverages are a small part of CVS's diverse product mix that serves the shopping needs of their customers and no more than 10% of the floor area will be devoted to the display of alcoholic beverages.

The Store has been open since 2002 and there is no reason the addition of offering alcoholic beverages for sale will result in any adverse impacts from this facility with a proven track record of being a good operator. Moreover, CVS has corporate policies in place regarding responsible retailing of alcoholic beverages. All CVS employees complete training segments on customer service, personnel management, facility maintenance and operations, responsible retailing of age restricted alcoholic beverage and tobacco products and workplace safety.

CVS is proud of its record as an employer that values its associates. All CVS Associates have health insurance and the average compensation is \$13.08 per hour.

Moreover, CVS is cognizant of the need to make sure the sale alcoholic beverages does not result in negative impacts to the surrounding neighborhood. Alcoholic beverages will not be sold during late night hours as the store operating hours are from 7 am to 10 pm.

CVS is also willing to volunteer the following conditions into the Conditional Use Permit presently at issue to address any potential concerns of the City and surrounding community:

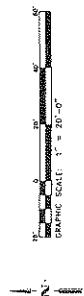
- (1) No malt liquor or fortified wine products shall be sold with an alcoholic content of greater than 15% by volume.
- (2) No beer in 16-ounce or less cans or bottles, which is normally sold in multi-package containers, shall be sold individually.
- (3) The sales floor space allocated to alcoholic beverages shall not exceed 10% of the total sales floor area.

- (4) There shall be no illuminated advertising or signs of any kind or type placed in the exterior windows or door of the premises promoting or indicating the availability of alcoholic beverages.
- (5) The licensee shall regularly police the area under its control to prevent the loitering of persons about the premises.
- (6) The Licensee shall post signs in the area under its control with regard to prohibitions of open containers and loitering at the location, and no loitering will be tolerated.
- (7) There shall be no coin operated video or arcade games and no adult magazines or videos shall be sold.
- (8) Sales of distilled spirits shall not be in containers less than 750 ml.
- (9) Sale of wine shall not be in containers less than 375 ml.
- (10) Digital Security cameras shall be installed to monitor the interior and exterior of the premises. Cameras will be maintained in proper working order at all times and surveillance footage shall be maintained for a minimum of 30 days on digital media and shared with law enforcement upon request.

Request for Determination of Public Convenience or Necessity

The site sits within Census Tract 5437.02. There are only two existing licenses in this tract and four are permitted according to the ABC. The site sits within Crime Reporting District 1624 and we are advised this district is statutorily high crime. Accordingly, the Applicant request a determination of Public Convenience or Necessity under B & P Code Section 23958.4

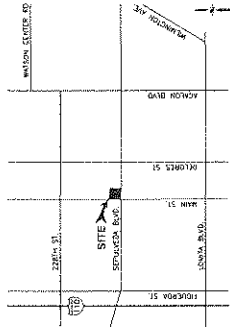
Approval of this application is consistent with maintaining a viable local economy for businesses that provide tax revenue and jobs. Thank you for your consideration.



NOTE NOTES

- 1 EXISTING CVS BUILDING
- 2 EXISTING ONE-STORE BUILDING - NOT A PART

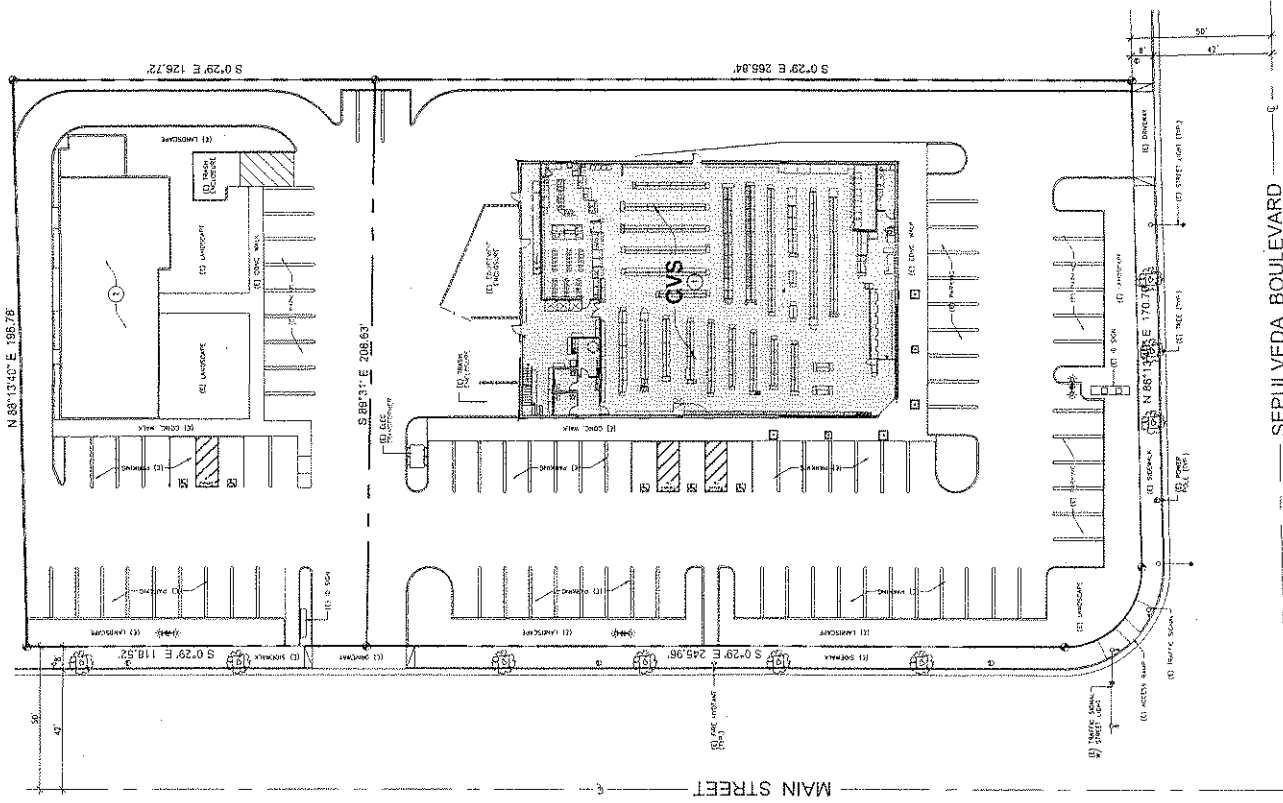
VICINITY MAP



PROPERTY	BOUNDARY DESCRIPTION

U. S. R. 6-151 LAND DES. IN DOC. NO. 570, 021210 NOR OF LCI 9

SITE INFORMATION

[illegible]

SEPULVEDA BOULEVARD

[illegible][illegible]

CVS
CENTREMENT ENDRYS

23800 MAIN STREET
3 SEPTEMBER BLVD
CARSON, CA 90745

STORE #5012

25. 2017	25. 2017
26. 2017	26. 2017

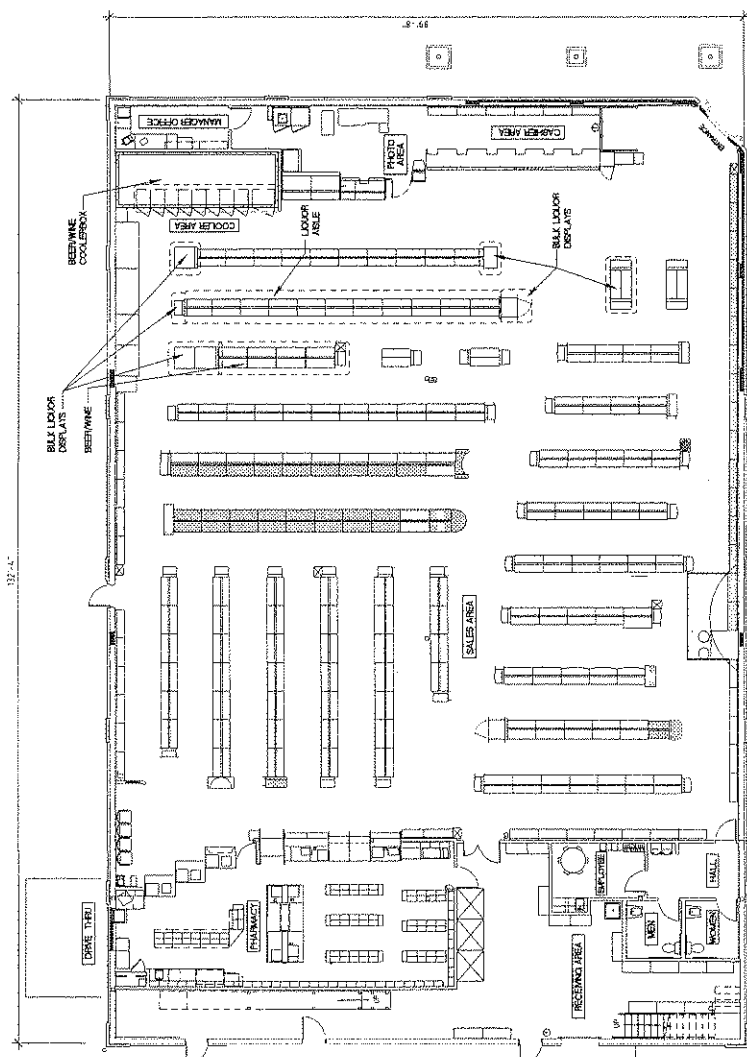
[illegible]

11/25/09	13192
----------	-------

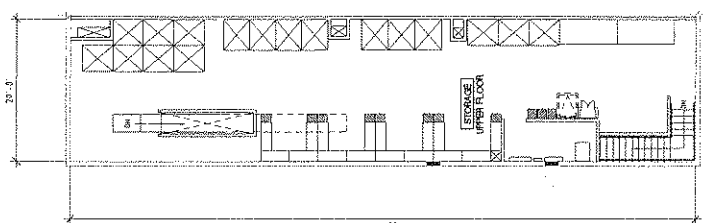
BUILDING
THE CODES

FLOOR PLAN

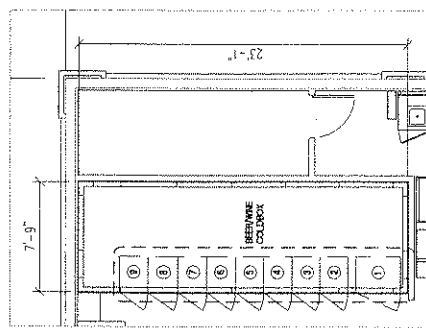
00000000000000000000000000000000



FLOOR PLAN



UPPER FLOOR PLAN



ENLARGED COOLER PLAN

Exhibit 3

2

BUSINESS AND PROFESSIONS CODE

SECTION 23950-23962

23950. Application for a license shall be made to the department upon a form prescribed by the department and shall be accompanied by such other information as the department may require to assist it in determining whether the applicant and the premises qualify for a license.

23951. The application shall contain the following information:

- (a) The name of the applicant.
- (b) For a general partnership, the names of the individual partners.
- (c) For a limited partnership, limited liability company, or a corporation, the name of the entity.
- (d) The location of the premises for which the license is applied.

23952. The application shall also contain a statement to the effect that the applicant has not been convicted of a felony and has not violated and will not violate or cause or permit to be violated any of the provisions of this division or any rule of the department applicable to the applicant or pertaining to the manufacture, sale, or distribution of alcoholic beverages, particularly any of the provisions of Sections 25500 to 25504, inclusive, or Sections 25611 to 25615, inclusive. If the applicant cannot make this statement the application shall contain a statement of the violation, if any, or reasons which will prevent the applicant from being able to comply with the requirements with respect to the statement.

23953. (a) The application shall be signed by the applicant.

(b) For a general partnership, the application shall be signed by each of the partners, and for the purposes of this division the partners shall be deemed the applicant for any license and the licensees under any license issued pursuant to that application.

(c) For a limited partnership, the application for any license shall be signed by each of the general partners.

(d) For a limited liability company that has elected to be managed by its members, the application shall be signed by each member or by an officer authorized by the articles of organization or the operating agreement to bind the company. In the case of a limited liability company that has elected to be managed by a manager or managers, the application shall be signed by the manager or managers or by an officer authorized by the articles of organization or the operating agreement to bind the company.

(e) For a corporation, the application shall be signed by two officers of the corporation, one from each of the following categories:

- (1) The chairperson of the board, the president, or a vice

EXHIBIT NO. 4

president.

(2) The secretary, assistant secretary, chief financial officer, or assistant treasurer.

23954. The application shall be verified under oath and accompanied by the license fee.

23954.5. (a) An applicant for an original on-sale general license shall, at the time of filing the application for the license, accompany the application with a fee as determined by the department pursuant to subdivision (b) of this section. At the time of filing an application for a license, an applicant for an original on-sale general license for seasonal business shall accompany the application with a fee as determined by the department pursuant to subdivision (b) of this section. An applicant for an original on-sale beer and wine license shall accompany the application with a fee of three hundred dollars (\$300). An applicant for an original on-sale beer license shall accompany the application with a fee of two hundred dollars (\$200). An applicant for an original off-sale general license shall, at the time of filing the application for the license, accompany the application with a fee as determined by the department pursuant to subdivision (b) of this section. An applicant for an original off-sale beer and wine license or an original license not specified in this section, shall accompany the application with a fee of one hundred dollars (\$100).

"Original on-sale general license," "original on-sale general license for seasonal business," "original on-sale beer and wine license," "original on-sale beer license," "original off-sale general license," and "original off-sale beer and wine license," as used in this division, do not include a license issued upon renewal or transfer of a license.

(b) The fee for an original on-sale general license or an original off-sale general license shall be twelve thousand dollars (\$12,000).

(c) All money collected from the fees provided for in this section shall be in the Alcohol Beverage Control Fund as provided in Section 25761.

23954.6. As used in Section 23954.5, "original onsale general license" includes an original special onsale general license; provided, that the fee prescribed in Section 23954.5 shall not be required in connection with the exchange of an onsale general license for a special onsale general license, or for the exchange of a special onsale general license for an onsale general license.

23954.7. An applicant for an original on-sale general bona fide public eating place intermittent dockside license for vessels of more than 7,000 tons displacement shall, at the time of filing the application for the license, accompany the application with a fee of two thousand dollars (\$2,000), but such fee shall not be payable upon the renewal or transfer of such license.



23955. Any applicant for a wine grower's license shall, at the time of filing application for license, accompany the application with a license fee based upon a reasonable estimate of the amount of wine gallonage to be produced by the applicant.

23956. Any applicant for an offsale general license shall, at the time of filing application for such license, accompany the application with the minimum license fee required or such larger fee as the applicant elects.

23957. Applications for licenses for the retail sale of alcoholic beverages for premises which are to be constructed or which are in the process of construction shall contain the information required by this article and such other information concerning the proposed premises as the department may require to assist it in determining whether the proposed premises will qualify for a license.

23958. Upon receipt of an application for a license or for a transfer of a license and the applicable fee, the department shall make a thorough investigation to determine whether the applicant and the premises for which a license is applied qualify for a license and whether the provisions of this division have been complied with, and shall investigate all matters connected therewith which may affect the public welfare and morals. The department shall deny an application for a license or for a transfer of a license if either the applicant or the premises for which a license is applied do not qualify for a license under this division.

The department further shall deny an application for a license if issuance of that license would tend to create a law enforcement problem, or if issuance would result in or add to an undue concentration of licenses, except as provided in Section 23958.4.

23958.1. Notwithstanding the provisions of Section 23958, the department is not required to investigate the personal qualifications of a licensed beer and wine wholesaler who applies for additional beer and wine wholesaler licenses.

23958.2. Notwithstanding the provisions of Section 23958, the department is not required to investigate the personal qualifications or premises of a currently licensed person when a license is being transferred between partners and no new partner is being licensed.

23958.4. (a) For purposes of Section 23958, "undue concentration" means the case in which the applicant premises for an original or premises-to-premises transfer of any retail license are located in an area where any of the following conditions exist:

(1) The applicant premises are located in a crime reporting district that has a 20 percent greater number of reported crimes, as



defined in subdivision (c), than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency.

(2) As to on-sale retail license applications, the ratio of on-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of on-sale retail licenses to population in the county in which the applicant premises are located.

(3) As to off-sale retail license applications, the ratio of off-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of off-sale retail licenses to population in the county in which the applicant premises are located.

(b) Notwithstanding Section 23958, the department may issue a license as follows:

(1) With respect to a nonretail license, a retail on-sale bona fide eating place license, a retail license issued for a hotel, motel, or other lodging establishment, as defined in subdivision (b) of Section 25503.16, a retail license issued in conjunction with a beer manufacturer's license, or a winegrower's license, if the applicant shows that public convenience or necessity would be served by the issuance.

(2) With respect to any other license, if the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. The 90-day period shall commence upon receipt by the local governing body of (A) notification by the department of an application for licensure, or (B) a completed application according to local requirements, if any, whichever is later.

If the local governing body, or its designated subordinate officer or body, does not make a determination within the 90-day period, then the department may issue a license if the applicant shows the department that public convenience or necessity would be served by the issuance. In making its determination, the department shall not attribute any weight to the failure of the local governing body, or its designated subordinate officer or body, to make a determination regarding public convenience or necessity within the 90-day period.

(c) For purposes of this section, the following definitions shall apply:

(1) "Reporting districts" means geographical areas within the boundaries of a single governmental entity (city or the unincorporated area of a county) that are identified by the local law enforcement agency in the compilation and maintenance of statistical information on reported crimes and arrests.

(2) "Reported crimes" means the most recent yearly compilation by the local law enforcement agency of reported offenses of criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny theft, and motor vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors, except traffic citations.

(3) "Population within the census tract or census division" means the population as determined by the most recent United States decennial or special census. The population determination shall not operate to prevent an applicant from establishing that an increase of resident population has occurred within the census tract or census division.

(4) "Population in the county" shall be determined by the annual population estimate for California counties published by the



Population Research Unit of the Department of Finance.

(5) "Retail licenses" shall include the following:

(A) Off-sale retail licenses: Type 20 (off-sale beer and wine) and Type 21 (off-sale general).

(B) On-sale retail licenses: All retail on-sale licenses, except Type 43 (on-sale beer and wine for train), Type 44 (on-sale beer and wine for fishing party boat), Type 45 (on-sale beer and wine for boat), Type 46 (on-sale beer and wine for airplane), Type 53 (on-sale general for train and sleeping car), Type 54 (on-sale general for boat), Type 55 (on-sale general for airplane), Type 56 (on-sale general for vessels of more than 1,000 tons burden), and Type 62 (on-sale general bona fide public eating place intermittent dockside license for vessels of more than 15,000 tons displacement).

(6) A "premises to premises transfer" refers to each license being separate and distinct, and transferable upon approval of the department.

(d) For purposes of this section, the number of retail licenses in the county shall be determined by the most recent yearly retail license count published by the department in its Procedure Manual.

(e) The enactment of this section shall not affect any existing rights of any holder of a retail license issued prior to April 29, 1992, whose premises were destroyed or rendered unusable as a result of the civil disturbances occurring in Los Angeles from April 29 to May 2, 1992, to reopen and operate those licensed premises.

(f) This section shall not apply if the premises have been licensed and operated with the same type license within 90 days of the application.

23959. If an application is denied or withdrawn, one-fourth of the license fee paid, or not more than one hundred dollars (\$100), shall be deposited in the Alcohol Beverage Control Fund as provided in Section 25761. The balance of this amount shall be credited on any taxes then due from the applicant under Part 14 (commencing with Section 32001) of Division 2 of the Revenue and Taxation Code or the Sales and Use Tax Law, and the remaining portion shall be returned to the applicant.

23961. (a) If, at the conclusion of the period prescribed by the department for the filing of applications for issuance or transfer of onsale general licenses or offsale general licenses in any county in its notice of intention to receive applications therefor published pursuant to Sections 23821 and 24070, the department finds that there are more applicants for the particular type of license than there are licenses available for issuance or transfer under Sections 23821 and 24070 the department shall, within 60 days following the conclusion of said period, conduct a drawing to determine the priority in which all of such applications filed with it shall be considered. No more than one such drawing shall be made in any county in any one year, and no person will be entitled to more than one opportunity to participate in such a drawing in any county with respect to an application for issuance or transfer of any one type of license. The number drawn by any applicant shall indicate the priority to be given to the consideration of his application but shall not insure the issuance of a license by the department.

(b) If a drawing is not conducted as provided in subdivision (a) of this section, applications for issuance of original onsale general licenses and offsale general licenses in a county or transfer of



such licenses into such county shall be made and considered as otherwise provided in this article.

(c) No person shall be qualified to participate in such a drawing unless such applicant is a resident of California for at least 90 days prior to the drawing. Prior to the issuance of any license, pursuant to such a drawing, the applicant shall present proof of such residency status. A corporation incorporated in a state other than California, but registered with the Secretary of State to do business in California for 90 days, shall be deemed to have satisfied the residency requirement for the purpose of this section.

(d) The department shall advertise, in connection with a drawing conducted pursuant to this section, that participation in such a drawing is available only to California residents.

23962. Notwithstanding the provisions of subdivision (b) of Section 23961, if at the conclusion of the period prescribed by the department for the filing of applications for issuance or transfer of on-sale general licenses in any county in its notice of intention to receive applications therefor published pursuant to Sections 23821 and 24070, the department finds there are less applicants than there are on-sale general licenses available for issuance or transfer under Sections 23821 and 24070, the department may, within 90 days of the conclusion of the period, publish pursuant to Section 6061 of the Government Code in the county where such new original on-sale general licenses may be issued or into which on-sale general licenses may be transferred, notice of the department's intention to receive applications for the issuance of such new original licenses or for the intercounty transfer of such licenses, setting forth the date, time, manner, and place of acceptance of such applications within the county.

If at the conclusion of the period prescribed by the department pursuant to this section, the department finds there are more applicants for such licenses than there are licenses available for issuance or transfer under Sections 23821 and 24070, the provisions of subdivision (a) of Section 23961 requiring priority drawings shall apply.

No person who has applied in any county for a new original on-sale general license or for intercounty transfer of an on-sale general license during the period prescribed by the department in its notice of intention to receive applications therefor published pursuant to Sections 23821 and 24070, shall be permitted to file application for such new original license or for the intercounty transfer of such license in that county during the period prescribed for receiving applications pursuant to this section.

