



## CITY OF CARSON

### PLANNING COMMISSION STAFF REPORT

CONTINUED PUBLIC HEARING: May 26, 2015

SUBJECT: Conditional Use Permit No. 971-15

PROPERTY OWNER: VCG SouthBay Pavilion, LLC  
Attn: Jerry N. Garner  
11611 San Vicente Boulevard, 10<sup>th</sup> Floor  
Los Angeles, CA 90049

REQUEST: Approval to sell beer and wine for onsite consumption  
within a movie theater at the SouthBay Pavilion

PROPERTY INVOLVED: 20700 S. Avalon Boulevard

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#### COMMISSION ACTION

☐ Concurred with staff

☐ Did not concur with staff

☐ Other

#### COMMISSIONERS' VOTE

<u>AYE</u>	<u>NO</u>		<u>AYE</u>	<u>NO</u>	
		Diaz			Schaefer
		Faletogo			Thomas
		Madrigal			
		Mitoma			
		Post			

## **I. Introduction**

### *Property Owner*

VCG-SouthBay Pavilion, LLC

11611 San Vicente Boulevard, #1000, LA, CA 90049

### *Applicant*

Century Theatres, Inc., Attn: Robert Copple

3900 Dallas Parkway, Ste. 500, Plano, TX 75093

### *Project Address*

20700 S. Avalon Boulevard, Ste. 285, Carson CA 90746

### *Approved Project*

On September 24, 2013, the Planning Commission approved the construction of a 57,352-square-foot, 13-screen movie theater for Cinemark (Century) Theaters. The project included demolition of 41,433 square feet of existing mall space and a modification to Sign Program No. 8-11 for the SouthBay Pavilion. The project resulted in a net increase of 15,919 square feet.

### *Proposed Project*

The applicant is now requesting approval of Conditional Use Permit (CUP) No. 971-15 to sell beer and wine for onsite consumption within the movie theater. The maximum number of drinks allowed per person is 3; the applicant is willing to consider selling only one drink per person per visit to the retail stand. Wrist bands are given to keep track of how many drinks a person has had.

According to the applicant, based on other movie theaters that sell beer and wine, about 10% of adult patrons purchase 1 drink and about 1% of adult patrons purchase 2 drinks.

## **II. Background**

This item was continued from the April 28, 2015 Planning Commission meeting.

### *Location/Site Characteristics/Existing Development*

The Cinemark movie theater is currently under construction at the SouthBay Pavilion regional mall. The mall is bounded by Del Amo Boulevard to the north, Leapwood Avenue to the east, Dominguez Street to the south, and Avalon Boulevard to the west. The properties included in the SouthBay Pavilion are part of a reciprocal easement agreement (REA) which covers the entire regional mall. The REA includes provisions for common driveways, parking, and maintenance requirements.

The properties to the north include Del Amo Park, a smaller shopping center, and single-family residences; to the east are apartments and light industrial uses; to the south are commercial businesses and a hotel; and to the west are offices and commercial uses.

### *Zoning/General Plan/Redevelopment Area Designation*

The SouthBay Pavilion shopping center is zoned CR-MUR-D (Commercial, Regional – Mixed Use Residential – Design Overlay). The subject property is designated under the General Plan Land Use as Mixed Use-Residential. Properties to the south and west are designated Regional Commercial; properties to the east are designated Light Industrial; and properties to the north are designated Regional Commercial, Recreational Open Space, and Low Density Residential.

### *Public Safety Issues*

The South Bay Pavilion has its own security team that patrols the mall. Major code enforcement issues have not been reported by the City's Public Safety Division. The Sheriff's Department reports that crimes have been reported at the SouthBay Pavilion (mostly grand theft, petty theft, and auto burglary), but these crimes are not unusual for a shopping mall of this size. Conditions of approval were included for the movie theater that requires installation of security cameras in coordination with the Los Angeles Sheriff's Department, and payment of fair share funding for a new retail enforcement car.

## **III. Analysis**

### *Required Findings*

Pursuant to Section 9172.21(D), Conditional Use Permit, Commission Findings and Decision, the Planning Commission may grant approval of the proposal only if certain findings can be made in the affirmative. Those findings are included in the proposed resolution.

### Issue

Security-Mall management provides security guards and surveillance cameras throughout the mall. However, a new movie theater would increase the need for added security, especially during later hours. Remote access and additional service from the Sheriff's Department is necessary to provide adequate responsiveness prior to arriving at the scene. It should be noted that previous discussions were made with the mall owner regarding providing a Sheriff's substation within the mall, but this was not recommended by the Sheriff's Department in their review and, as such, not included as a condition.

### Solution

Conditions have been included at the request of the Sheriff's Department.

### Issue

Hours of Operation-The movie theater will be open from 11 a.m. to 1 a.m. daily. In order to prevent patrons from leaving the movie theater intoxicated, no sale of beer and wine should be permitted after 11 p.m.

#### Solution

Include a condition of approval requiring that the retail stand not sell beer and wine after 11 p.m.

#### Issue

Consumption-To prevent over-intoxication and sale to minors, the applicant is willing to limit patrons to one drink per person per trip to the retail stand. This means two individuals in the same group cannot send one person to get two beers; both would have to go to the retail stand and purchase their own. It is expected that most people would not leave their seats once a movie has started.

#### Solution

Limit patrons to one drink per person per trip to the retail stand, and no more than three drinks while at the movie theater.

### **IV. Environmental Review**

An Initial Study for the movie theater was prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines. After reviewing the Initial Study and any applicable mitigating measures for the project, the Planning Division has determined that this project will not have a significant effect on the environment. Accordingly, a Mitigated Negative Declaration was adopted pursuant to California Public Resources Code Section 15070. Mitigation measures were included to address air quality, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, public services, and transportation and traffic impacts (see Exhibit 3).

### **V. Recommendation**


That the Planning Commission:

- **APPROVE** Conditional Use Permit No. 971-15 for onsite beer and wine sales and consumption at a movie theater subject to the conditions 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. 971-15 FOR ONSITE BEER AND WINE SALES AND CONSUMPTION AT A MOVIE THEATER LOCATED AT 20700 S. AVALON BOULEVARD."

**VI. Exhibits**

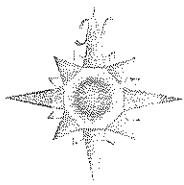
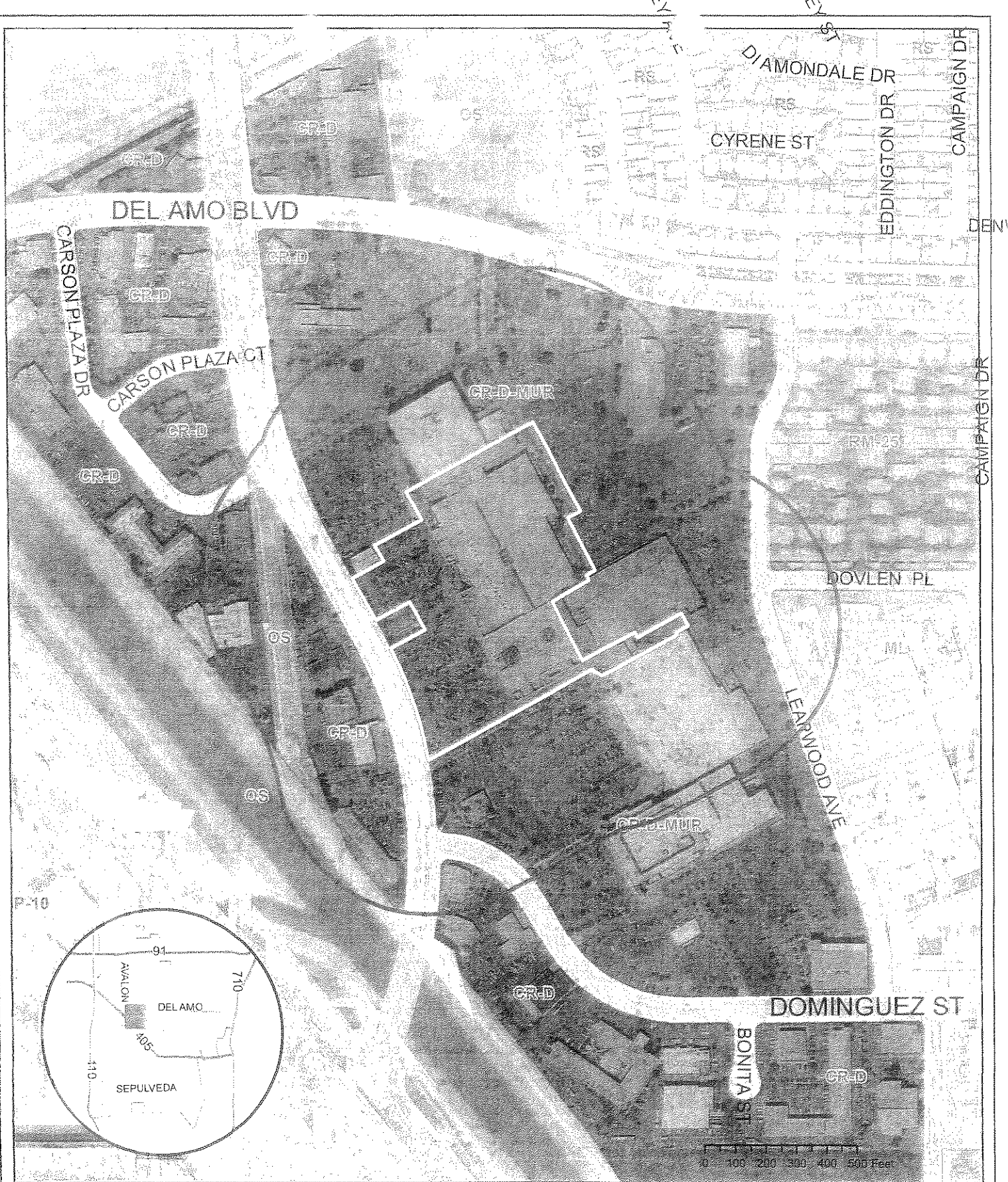
1. Zoning Map
2. Proposed Resolution
3. Correspondences from the applicant
4. Letter from the Sheriff's Department
5. Development Plans (under separate cover)

Prepared by:

  
John F. Signo, AICP, Senior Planner

Approved by:

  
Saied Naaseh, Planning Manager



City of Carson  
 500 Foot Radius Map  
 20700 South Avalon Blvd.

EXHIBIT NO. 1

CITY OF CARSON

PLANNING COMMISSION

RESOLUTION NO. 15-2540

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT  
NO. 971-15 FOR ONSITE BEER AND WINE SALES AND  
CONSUMPTION AT A MOVIE THEATER LOCATED AT 20700 S.  
AVALON BOULEVARD

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

Section 1. An application was duly filed by the applicant, Robert Copple representing Century Theatres, Inc., on behalf of the property owner, VCG SouthBay Pavilion, LLC, with respect to real property located at 20700 S. Avalon Boulevard and described in Exhibit "A" attached hereto, requesting approval of a conditional use permit to sell beer and wine for onsite consumption within a movie theater at the SouthBay Pavilion. The subject property is zoned CR-MUR-D (Commercial, Regional – Mixed Use Residential – Design Overlay) and has a General Plan land use designation of Regional Commercial.

A public hearing was duly held on April 28, 2015 and continued to May 26, 2015 at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California to consider the above-mentioned project. 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. The Planning Commission finds that:

a) The proposed use is consistent with the CR-MUR-D zone and the General Plan, which designates the subject property for Regional Commercial uses. The proposed use is compatible with surrounding uses in that it is for onsite consumption of beer and wine at a movie theater located within a regional mall. The proposed use is part of a planned development known as the SouthBay Pavilion and is consistent and compatible with existing and anticipated development for the area.

b) The movie theater is 57,352 square feet and located within the South Bay Pavilion regional mall, which includes additional tenants, department stores, and stand-alone buildings. The movie theater is designed to be compatible architecturally to existing development. The sale of beer and wine within the movie theater is compatible with other uses at the site.

c) The surrounding area is developed and adequate street circulation to and from the movie theater is provided. The SouthBay Pavilion is subject to a reciprocal easement agreement (REA) for maintenance of common areas and parking lots. There will be adequate parking available, which will be shared between all uses at the regional mall including the movie theater. Therefore, no impacts to parking or circulation will be made.

d) The movie theater building has been reviewed by the Building and Safety Division and the Fire Department for adequate water supply for fire protection. The project site is developed with existing utilities and the proposed use will be compatible with existing development.

e) The proposed sale of beer and wine will be an ancillary use for the movie theater. The use will be compatible with the intended character of the area as a regional shopping mall.

f) The project involves no potential for any adverse effect, either individually or cumulatively, on wildlife resources and therefore a De Minimis Impact Finding is made relative to AB 3158, Chapter 1706, Statutes of 1990.

**Section 4.** The Planning Commission further finds that the proposed use will not have a significant effect on the environment and is consistent with the analysis included in the adopted Mitigated Negative Declaration for the movie theater. The proposed use will not alter the character of the movie theater or surrounding area and meets or exceeds all City standards for protection of the environment.

**Section 5.** Based on the aforementioned findings, the Commission hereby approves Conditional Use Permit No. 971-15 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 26<sup>th</sup> DAY OF MAY, 2015.**

\_\_\_\_\_  
**CHAIRMAN**

**ATTEST:**

\_\_\_\_\_  
**SECRETARY**



CITY OF CARSON  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION

EXHIBIT "A"

LEGAL DESCRIPTION

MODIFICATION NO. 1 TO CONDITIONAL USE PERMIT NO. 232-83

Property Address: 20700 S. Avalon Boulevard

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL A:

PARCEL 5, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON A PARCEL NO. 2328 FILED IN BOOK 37 PAGES 4 TO 6 INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 7381-024-010

PARCEL B:

PARCEL 5 OF PARCEL MAP NO. 060509 IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON A MAP FILED IN BOOK 328, PAGES 87 THROUGH 94, INCLUSIVE, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM, ALL (100 PERCENT) OF THE OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES WHICH LIE BELOW A PLANE PARALLEL TO AND 500 FEET BELOW THE NATURAL SURFACE OF SAID LAND WITHOUT HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF SAID LAND TO EXPLORE FOR, DEVELOP, OR REMOVE SAID SUBSTANCES, RECORDED NOVEMBER 8, 1963 IN BOOK D-2250 PAGE 752, OFFICIAL RECORDS, AS INSTRUMENT NO. 5444.

APN: 7381-024-024

PARCEL C:

PARCELS 3 AND 5 OF PARCEL MAP NO. 062572, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 351 PAGES 94 TO 100 INCLUSIVE, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM, ALL (100 PERCENT) OF THE OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES WHICH LIE BELOW A PLANE PARALLEL TO AND 500 FEET BELOW THE NATURAL SURFACE OF SAID LAND WITHOUT

HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF SAID LAND TO EXPLORE FOR, DEVELOP, OR REMOVE SAID SUBSTANCES, RECORDED NOVEMBER 8, 1963 IN BOOK D-2250 PAGE 752, OFFICIAL RECORDS, AS INSTRUMENT NO. 5444.

APN: 7381-024-028 (Pcl 3) and 7381-024-030 (Pcl 5)

PARCEL D:

PORTION OF PARCEL 1 OF PARCEL MAP NO. 062572, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 351 PAGES 94 TO 100 INCLUSIVE, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS PARCEL 1 AS SHOWN ON EXHIBIT "B" IN THAT CERTIFICATE OF COMPLIANCE NO. 226-08, RECORDED MARCH 4, 2008, INSTRUMENT NO. 08-375614, OFFICIAL RECORDS.

EXCEPT THEREFROM, ALL (100 PERCENT) OF THE OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES WHICH LIE BELOW A PLANE PARALLEL TO AND 500 FEET BELOW THE NATURAL SURFACE OF SAID LAND WITHOUT HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF SAID LAND TO EXPLORE FOR, DEVELOP, OR REMOVE SAID SUBSTANCES, RECORDED NOVEMBER 8, 1963 IN BOOK D-2250 PAGE 752, OFFICIAL RECORDS, AS INSTRUMENT NO. 5444.

APN: (portion of) 7381-024-026 (aka 7381-024-032)

PARCEL E:

PORTION OF PARCEL 1 OF PARCEL MAP NO. 062572, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 351 PAGES 94 TO 100 INCLUSIVE, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS PARCEL 3 AS SHOWN ON EXHIBIT "B" IN THAT CERTIFICATE OF COMPLIANCE NO. 226-08, RECORDED MARCH 4, 2008, INSTRUMENT NO. 08-375614, OFFICIAL RECORDS.

EXCEPT THEREFROM, ALL (100 PERCENT) OF THE OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES WHICH LIE BELOW A PLANE PARALLEL TO AND 500 FEET BELOW THE NATURAL SURFACE OF SAID LAND WITHOUT HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF SAID LAND TO EXPLORE FOR, DEVELOP, OR REMOVE SAID SUBSTANCES, RECORDED NOVEMBER 8, 1963 IN BOOK D-2250 PAGE 752, OFFICIAL RECORDS, AS INSTRUMENT NO. 5444.

APN: (portion of) 7381-024-026 (aka 7381-024-034)

PARCEL F:

NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS, THE PASSAGE AND PARKING OF VEHICLES, THE PASSAGE AND ACCOMMODATION OF PEDESTRIANS AND FOR THE INSTALLATION, OPERATION, MAINTENANCE, REPAIR, RELOCATION AND REMOVAL OF SEWERS, WATER, AND GAS MAINS, ELECTRICAL POWER LINES, TELEPHONE LINES AND OTHER UTILITY LINES, AND FOR FOOTINGS, SUPPORTS, CANOPIES, FLAG POLES, ROOF, BUILDING AND OTHER OVER-HANGS, AWNINGS, ALARM BELLS, SIGNS, LIGHTS AND LIGHTING DEVICES, AND OTHER SIMILAR APPURTENANCES OVER AND

ACROSS THOSE PORTIONS OF PARCELS 1, 3 AND 4 IN THE CITY OF CARSON, AS SHOWN ON PARCEL MAP NO. 2328 FILED IN BOOK 37, PAGES 4 TO 6 INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, INCLUDED WITHIN THE "COMMON AREA", ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT B OF THAT CERTAIN INSTRUMENT CAPTIONED "CONSTRUCTION, OPERATION AND RECIPROCAL EASEMENT AGREEMENT" DATED FEBRUARY 25, 1972, EXECUTED BY DUNN CONSTRUCTION COMPANY, A CALIFORNIA PARTNERSHIP, BROADWAYHALE STORES, INC., A CALIFORNIA CORPORATION, NOW KNOWN AS CARTER HAWLEY HALE STORES, INC., A DELAWARE CORPORATION, J.C. PENNEY PROPERTIES, INC., A DELAWARE CORPORATION, AND SEARS, ROEBUCK AND CO., A NEW YORK CORPORATION, RECORDED MARCH 28, 1972, IN BOOK D-5407 PAGE 122, OFFICIAL RECORDS AS DOCUMENT NO. 2971 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND AS SET FORTH IN AND CREATED BY SAID INSTRUMENT, AND AS MODIFIED BY AN INSTRUMENT ENTITLED "FIRST AMENDMENT TO CONSTRUCTION, OPERATION AND RECIPROCAL EASEMENT AGREEMENT" DATED FEBRUARY 6, 1992 AS INSTRUMENT NO. 92-206068, OFFICIAL RECORDS, AND AS AMENDED BY SECOND AMENDMENT RECORDED JANUARY 27, 2005 AS INSTRUMENT NO. 05-0197780 AND THIRD AMENDMENT RECORDED JANUARY 27, 2005 AS INSTRUMENT NO. 05-0197784 BOTH OF OFFICIAL RECORDS.

EXCEPT ANY PORTION THEREOF, INCLUDED WITHIN PARCELS A, B, C HERETOFORE MENTIONED.

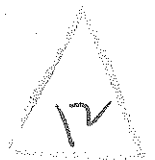
APN: 7381-024-028,030,032,034,022,020,026

**CITY OF CARSON**  
**DEVELOPMENT SERVICES**  
**PLANNING DIVISION**  
**EXHIBIT "B"**

**CONDITIONAL USE PERMIT NO. 971-15**

**GENERAL CONDITIONS**

1. If the Conditional Use Permit No. 971-15 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 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.
4. 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 by the Planning Commission.
5. All buildings, grounds, parking areas and landscaping shall be maintained in a neat and orderly manner at all times.
6. Decision of the Planning Commission shall become effective and final 15 days after the date of its action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.
7. A modification of the conditions of this permit, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.
8. It is further made a condition of this approval that if any condition is violated or if any law, statute 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.
9. Precedence of Conditions. If any of the Conditions of Approval alter a commitment made by the applicant in another document, the conditions enumerated herein shall take precedence unless superseded by a Development Agreement, which shall govern over any conflicting provisions of any other approval.



10. City Approvals. All approvals by City, unless otherwise specified, shall be by the department head of the department requiring the condition. All agreements, covenants, easements, deposits and other documents required herein where City is a party shall be in a form approved by the City Attorney. The Developer shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.
11. Covenant, Conditions, and Restrictions (CC&Rs). Covenants, Conditions, and Restrictions (CC&Rs) shall be established for the project. The applicant or successor in interest shall pay for the cost of review and approval of the CC&Rs by the City Attorney. The CC&Rs shall provide for proper maintenance of the property and include other necessary conditions to carry out the terms herein, and shall be enforceable by City, and recorded prior to development of any parcels. An initial deposit of \$5,000 is required to cover processing costs. The applicant shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.
12. Deposit Account. A trust deposit account shall be established for all deposits and fees required in all applicable conditions of approval of the project. The trust deposit shall be maintained with no deficits. The trust deposit shall be governed by a deposit agreement. The trust deposit account shall be maintained separate from other City funds and shall be non-interest bearing. City may make demands for additional deposits to cover all expenses over a period of 60 days and funds shall be deposited within 10 days of the request therefore, or work may cease on the Project.
13. Indemnification. The applicant shall indemnify the City and its elected boards, commissions, officers, agents and employees and will hold and save them and each of them harmless from any and all actions, suites, claims, liabilities, losses, damages, penalties, obligations and expenses (including but not limited to attorneys' fees and costs) against the City and/or Agent for any such Claims or Litigation and shall be responsible for any judgment arising therefrom. The City shall provide the applicant with notice of the pendency of such action and shall request that the applicant defend such action. The applicant may utilize the City Attorney's office or use legal counsel of its choosing, but shall reimburse the City for any necessary legal cost incurred by City. The applicant shall provide a deposit in the amount of 100% of the City's estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorney's fees, and shall make additional deposits as requested by City to keep the deposit at such level. The City may ask for further security in the form of a deed of trust to land of equivalent value. If the applicant fails to provide or maintain the deposit, the City may abandon the action and the applicant shall pay all costs resulting therefrom and City shall have no liability to the applicant. The applicant's obligation to pay the cost of the action, including judgment, shall extend until judgment. After judgment in a trial court, the parties must mutually agree as to whether any appeal will be taken or defended. The applicant shall have the right, within the first 30 days of the service of the complaint, in its sole and absolute discretion, to determine that it does not want to defend any litigation

attacking the City's approvals in which case the City shall allow the applicant to settle the litigation on whatever terms the applicant determines, in its sole and absolute discretion, but applicant shall confer with City before acting and cannot bind City. In that event, the applicant shall be liable for any costs incurred by the City up to the date of settlement but shall have no further obligation to the City beyond the payment of those costs. In the event of an appeal, or a settlement offer, the Parties shall confer in good faith as to how to proceed. Notwithstanding the applicant's indemnity for claims and litigation, the City retains the right to settle any litigation brought against it in its sole and absolute discretion and the applicant shall remain liable.

14. *No beer and wine shall be sold after 11 p.m.*
15. *The applicant shall only sell one beer or wine drink per person per trip to the retail stand, and shall ensure that no single patron purchases more than three beer or wine drinks per visit to the theater.*

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

16. Per Section 6310 of the Carson Municipal Code, all parties involved in the construction project, including but not limited to contractors and subcontractors, shall obtain a City Business License.

SHERIFF'S DEPARTMENT – COUNTY OF LOS ANGELES

17. *The operator shall demonstrate an ability to prevent problems related to potential noise, litter, loitering, crowd control and parking, including, but not limited to, the provision of a uniformed security guard at the site to the satisfaction of the Sheriff's Department if the Sheriff's Department determines it to be necessary due to increased police activity or calls for service at the site.*
18. *The applicant and mall owner shall provide digital security cameras at the area of the exterior doors with remote internet access by the LA County Sheriff's Office. 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 upon request.*
19. *Provide a security plan that shows security measures including the number of security guards at the mall. The security plan shall be reviewed and approved by the Sheriff's Department prior to opening of the movie theater.*
20. *On-site security within the movie theater shall be provided when alcoholic beverages are served.*
21. *Provide increased law enforcement staffing by providing funding for two deputy sheriff's overtime pay on each Friday and Saturday evening for the first two months of service upon opening for business, and during periods of documented incidents of alcohol-related disturbances or crimes as determined by the Sheriff's Department.*

22. *Prior to certificate of occupancy, the applicant shall pay fair share funding for a new retail enforcement car as determined by the Sheriff's Department and the City. Payment may occur at a later time as deemed necessary for the fair share funding formula to be approved by the City Council. Upon final approval by the City Council, payments shall be made in a timely manner and in full compliance with applicable requirements to be established in the fair share agreement.*



John Signo

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From: Mike Murchison <mike@murchisonconsulting.net>  
Sent: Thursday, March 12, 2015 8:28 PM  
To: John Signo  
Subject: FW: need carson info

Mr. Signo,

Hi, sorry I didn't get back to you sooner from our previous conversation on what my client is willing to do and give you some more ammunition for planning commission hearing re selling alcohol in theatres.

According to Century/Cinemark Theatres internal statics, only 10% of adult patrons will purchase 1 drink and only 1% of adult patrons will purchase 2 drinks.

The Cinemark Theatre in Playa Vista opens on Thursday and serves alcohol.

Cinemark and Century are the same company.

They are willing to limit it to one drink per person per trip to the retail stand, so if two individuals that were seeing the movie sent out one to get two beers that would not be allowed. As you can imagine most people don't leave the movie once they are in their seats.

Let me know what else you may need – important that they get it on the april planning commission agenda.

Regards,

Mike Murchison

EXHIBIT NO. 3

16



# Alcoholic Beverage Consulting

February 10, 2015

Planning Department  
City of Carson  
701 East Carson Street  
Carson, CA 90745

RE: Condition Use Permit Application to Sell Beer and Wine (ABC Type 41 License)  
Century Theatre – 20700 Avalon Blvd.

Dear Planner:

Enclosed are the following materials that John Signo stated would be required for initial submission of the CUP package:

- Completed and Signed Development Application;
- Copy of the recorded Grant Deed;
- Check #155585 in the amount of \$2,850.00 payable to "City of Carson";
- Cinemark/Century Theatre Alcohol Service Operations Plan;
- Copy of ABC Standard Conditions for movie theatre licenses;
- Copy of Concession Menu
- 8 full sized copies of the site and floor plan.

Please note that the theatre hours of operation are daily from 11:00 am to 1:00 am. Also, it is important to point out that the Alcohol Service Plan that is implemented by Century Theatre is more restrictive than the standard conditions of approval that ABC places on licenses issued to theatres.

The theatre is scheduled to open in June and we hope that we can have our hearing on this application in April. We looking forward to working with you.

Sincerely,



Steve Rawlings

SE.Rawlings@Verizon.net

## Alcohol Service Policy - 12/1/14

Our attempt to maximize the movie-going experience includes the integration of alcoholic beverage service and consumption. While the overall sales process is similar to any concessions purchase, we are adopting additional sales requirements commonly required at other alcohol service establishments. Diligent adherence to the company policy and proper staff training is vital to maintaining a safe environment for all of our Customers.

1. Age Identification: All Guests who appear under the age of 40 must present proper government issued age identification with photographic image, at the point of sale prior to purchasing or being served any alcoholic beverage. Proper identification consists of:

- A valid state driver's license, with driver's photograph, state seal, and expiration date;
- A valid state ID card;
- Military ID;
- Passport;
- No school ID's, birth certificates or temporary or expired driver's licenses qualify.

2. Movie Ticket and Valid ID: Guests must have a valid ticket to a movie showing to purchase alcoholic beverage drinks for in-auditorium consumption. After both movie ticket and ID have been checked, Customer's must be fitted with a marked wristband. There are 5 unique wristband design/colors rotating daily to avoid attempts to reuse, share or unauthorized use.

3. Monitoring Guest Alcohol Purchases: Service Staff shall stamp the wristband at the point of sale with a small unique stamp to denote each sale of an alcoholic drink. This will effectively allow the Staff to monitor the number of drinks any one Customer has purchased.

- Staff will check ID prior to completing each transaction, each time a patron purchases an alcoholic beverage.
- Only one drink per Customer may be taken to an auditorium during one transaction. This rule is not negotiable in any way. Be courteous, but firm. If there is an ongoing issue, alert a Manager immediately.
- Drinks will be served in distinguishable plastic containers. NO GLASS BOTTLES/GLASSWARE MAY BE TAKEN INTO AUDITORIUMS!

4. All usher Staff working the ticket podium must be trained to monitor the following in regards to all Guests with alcoholic beverages:

The Guest has the proper wristband for that day.

The beverage is in the appropriate plastic container.

REPORT ANY ISSUES TO MANAGEMENT IMMEDIATELY

5. Maximum Alcohol Beverage Purchases: A limit of THREE (3) alcoholic beverages may be purchased by a Guest during their visit to Cinemark. It is still at the discretion of Staff and Management to deny

service to an impaired Customer at any time regardless of whether a Customer has reached the maximum drink limitations. For Guests returning from the auditorium to purchase another drink:

- Check the stamp on the wristband to ensure that the wristband hasn't been tampered with (i.e. removed from one patron and given to another).
- Check the number of stamps on the wristband denoting how many drinks the Customer has already purchased. Excess purchases could be a sign of a Guest purchasing items for other people or could lead to a problem/impaired Customer.
- Closely monitor all Guests returning to purchase additional drinks.
- If the Customer has purchased an excess number of drinks notify a Manager immediately.
- If you notice that a Guest is returning to purchase a drink frequently notify a Manager immediately.

6. Added State Regulatory Requirements: In California locations, at all times when the sale of alcoholic beverages is available, a trained theater Employee shall enter and monitor the activity within the auditoriums no less than once every 30 minutes. The monitoring Employee should observe for Customer compliance of the wristband requirements and drink possession restrictions as well as overall crowd behavior and orderly conduct. **Any observed noncompliance or disorderly conduct should be reported to a manager immediately.**

7. All Staff members involved in the service, sale, transportation or monitoring of alcoholic beverages will be at least twenty one (21) years of age.

8. Staff Training: All Staff members involved in the service, sale, transportation or monitoring of alcoholic beverages will be certified in an accredited Responsible Beverage Service (RBS) program. Staff will wear identifying badges indicating the following:

- Purple Badge: All employees under the age of 18.
- Yellow Badge: All employees age 21+ and completed alcohol server training.
- Red: Employee is 18+ but has not completed alcohol server training.



## MEMO

TO: CITY OF CARSON  
DATE: FEBRUARY 10, 2015  
SUBJECT: FOOD MENU - #1016 CARSON, CA

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### CONCESSION MENU

- Orville Redenbacher's Popcorn & Kettle Korn - \$4.95/\$5.95/\$6.75/\$7.50
- Coca-Cola Fountain Beverages - \$4.10/\$4.75/\$5.25
- ICEE Frozen Beverages - \$4.75/\$5.25
- Gold Peak Dispensed Iced Tea - \$4.10/\$4.75/\$5.25
- Bottled Coca-Cola Beverages - \$4.00/\$4.60
- Dasani Bottled Water - \$3.85/\$4.35
- Nestlé Frozen Ice Cream Novelties - \$4.25/\$4.75
- Rico's Nacho Chips w/ Rico's Nacho Cheese Sauce - \$2.80
- Eisenberg All Beef & Black Angus Hotdogs - \$4.25/\$5.25
- Jumbo Packaged Pickles - \$2.35
- Bulk Candy - \$3.05/ 1/4LB.
- Regular Packaged Candy - \$2.10/\$3.35/\$3.85
- Freschetta Fire-Baked Pizzas (Cheese and Pepperoni) - \$6.50
- Pretzel Bites w/ Rico's Nacho Cheese Sauce - \$3.05
- Dreyer's Hand Scooped Ice Cream Milkshakes & Floats - \$3.75/\$4.25/\$4.75
- Starbucks Hot and Iced Coffee Beverages - \$3.00/\$4.50/\$4.75
- Super Nachos - \$6.75
- Otis Spunkmeyer Cookies - \$2.00
- Otis Spunkmeyer Muffins - \$3.75
- Hot Spot Foods
  - Chicken Tenders & Wedge Fries - \$7.85
  - Buffalo Wings & Wedge Fries - \$7.85
  - Shrimp Jammers & Wedge Fries - \$7.85
  - Mini Cheeseburgers & Wedge Fries - \$8.35
  - Jalapeno Poppers & Wedge Fries - \$7.85
  - Mini Chicken Sandwich & Wedge Fries - \$8.35
  - Wedge Fries - \$6.35

California Department of Alcoholic Beverage Control  
Theatre Standard Conditions  
Revised 2013

WHEREAS, the proposed premises operates as a (multi-theater movie complex) or (single-theater) which contains general spectator seating; and,

WHEREAS, the privilege conveyed with the applied-for license requires that the petitioner(s) operate(s) the premises, in good faith, as a Bona Fide Public Eating Place; and,

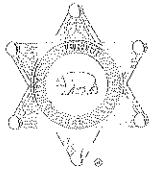
WHEREAS, the issuance of an unrestricted license would be contrary to public welfare or morals;

NOW THEREFORE, the undersigned petitioner(s) do/does hereby petition for a conditional license as follows, to-wit:

01. At all times when the premises is exercising the privileges of their license, the sale of food, in compliance with Section 23038 of the Business and Professions Code, shall be offered and available for purchase.
02. All sales and service of alcoholic beverages for consumption in the general spectator seating areas shall be made only from concession stands, portable stands or bars, or fixed bars, and shall not be sold, served, or delivered to customers by individual ambulatory vendors, commonly known as "hawkers".
03. Points of sale of alcoholic beverages shall not be maintained within the theater auditoriums.
04. Notwithstanding conditions #2 & #3, above, alcoholic beverages may be sold or served by waiters or waitresses in the general spectator seating areas under the following conditions:
  - a. Only persons occupying seats in the designated theaters shall be permitted to order and be served alcoholic beverages.
  - b. Orders from patrons seated in these theaters must be made to the waiter or waitress serving that area, and the alcoholic beverages must be personally delivered to the patron by the waiter or waitress who took the order.
  - c. The waiter or waitress serving in the theaters shall not carry a supply of unordered alcoholic beverages.
05. No more than two (2) alcoholic beverages shall be sold or served to any one (1) person during any transaction.
06. Alcoholic beverages shall be served in containers which significantly differ in appearance from those containers utilized for non-alcoholic beverages. Containers for beer shall not

exceed 16 ounces. This condition does not preclude the service of alcoholic beverages in their original containers.

07. At all times when the premises is exercising the privileges of their license, an employee of the premises shall enter and monitor the activity within the theaters on a regular basis, but no less than once every 30 minutes.



Jim McDonnell, Sheriff

*County of Los Angeles*  
 SHERIFF'S DEPARTMENT  
 4700 Ramona Boulevard  
 Monterey Park, California 91754-2103



(310) 830-1123

March 31, 2015

John F. Signo, Senior Planner  
 City of Carson  
 701 East Carson Street  
 Carson, California 90745

Dear Mr. Signo:

**CONDITIONAL USE PERMIT 971-15  
 20700 SOUTH AVALON BOULEVARD, SUITE 285  
 MOVIE THEATER AT THE SOUTHBAY PAVILION**

I have reviewed the application to permit on-site consumption of beer and wine (ABC Type 41 License) inside the movie theater.

A review of complaints and calls for service at this address, and the Reporting District for the South Bay Pavilion, show the crime rate statistics are relatively low compared to the previous years. Furthermore, the South Bay Pavilion and the city of Carson are in the process of entering into a contract for the addition of two full-time deputy sheriffs to provide additional law enforcement services.

I have reviewed the Cinemark Alcohol Service Policy dated December 1, 2014. I find the policy to meet our requirements. We request consultation with Cinemark prior to any change in the provided policy.

We would make the recommendation of having on-site security and the installation of a recorded video system with 24-hour monitoring, if not in place already. This will serve as a deterrent to criminal and nuisance activity. It will also aid in the investigation of any crimes committed on site.

In addition, we would make the recommendation that Cinemark Theaters meet and discuss the need to increase law enforcement staffing by hiring deputies on overtime for any possible showings which might attract street racers, and/or gang members.

Lastly, we would recommend the hiring of two deputies on overtime on each Friday and Saturday evening for the first two months of service upon opening for business. Any continuance of the additional law enforcement would be based on documented incidents of alcohol related disturbances or crimes.

EXHIBIT 190-51

*A Tradition of Service Since 1850*

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John F. Signo

-2-

March 31, 2015

Thank you for the opportunity to provide input and please do not hesitate to contact me or a member of my staff at (310) 847-8379 if you need additional information.

Sincerely,

JIM McDONNELL, SHERIFF

A handwritten signature in dark ink, appearing to read "Chris E. Marks". The signature is stylized with a large, sweeping initial "C" and "M".

Chris E. Marks, Captain  
Commander, Carson Station