Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

April 18, 2012

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Pilot Travel Center
5508 Lonas Road
Knoxville, TN 37909

REGARDING: PROJECT NUMBER 98111-(5)
CONDITIONAL USE PERMIT NUMBER 201100047

Dear Applicant:

Hearing Officer Mitch Glaser, by his action of April 17, 2012, **APPROVED** the above described project and entitlements. The attached documents contain the Hearing Officer's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 2 requires that the permittee file an affidavit accepting the conditions before the grants becomes effective.

The applicant or and other interested person may appeal the Hearing Officer's decision to the Regional Planning Commission at the office of the Commission secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission secretary for the appeal procedures and fee at (213) 974-6409. **The appeal period for this project will end at 5:00 p.m. on May 1, 2012**. Any appeal must be delivered in person to the commission secretary by this time. If no appeal is filed during the specified period, the Hearing Officer's action is final.

Upon completion of the appeal period, hand deliver a notarized affidavit of acceptance form, a certified copy of the recorded findings and conditions of approval, and any other required fees or materials to the planner assigned to your case (see attached instructions for more information). Please make an appointment with the case planner to ensure that processing will be completed expeditiously. If the required documents and fees are not received within 60 days of this final letter's date, this permit will be transferred to Zoning Enforcement for further action.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Dean Edwards of the Zoning North Section at (213) 974-6443 or e-mail at dedwards@planning.lacounty.gov. Our office hours are Monday through Thursday, 9:00 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner
Director

Susan Tae, AICP, Supervising Regional Planner
Zoning North Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)

c: DPW (Building and Safety), Zoning Enforcement, Testifier, California Department of Alcoholic Beverage Control

ST:de

FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NUMBER 98111-(5)
CONDITIONAL USE PERMIT NUMBER 201100047

REQUEST
The applicant, Pilot Travel Centers LLC, is requesting a conditional use permit to allow the continued sales of beer and wine, for off-site consumption, from an existing truck-stop/gas-station in the M-1 (Light Manufacturing) zone and Castaic Area (Trucking District) Community Standards District ("CSD").

HEARING DATE: April 17, 2012

PROCEEDINGS
A duly noticed public hearing was held before Hearing Officer Mitch Glaser. The Hearing Officer confirmed that the conditions require that the applicant submit updated site plans, for approval, that depict required handicap accessible parking. The applicant's representative, Mathew Pilot stated that the applicant concurs with the project conditions. There were no speakers from the public for this case. There being no further comments, the Hearing Officer closed the matter and approved the permit.

FINDINGS
1. The subject property is located at 31642 Castaic Road in the unincorporated area of Santa Clarita Valley and Castaic Canyon Zoned District.

2. The 2.97 acre property is developed with a truck stop, gas station, convenience store and restaurant with a drive-through located on the north side of the property. All buildings are single-story. Auto fueling islands are located on the west side of the property and truck fueling islands are located on the east side of the property. Auto parking spaces are provided on the west and east sides of the property. A truck parking lot is located on the south side of the property. The site is minimally landscaped. Access to the property is off Castaic Road to the west and Fantastic Lane to the north.

3. Plot Plan Number 45434 authorizing the construction of a travel center was approved on September 9, 1998.

4. Plot Plan Number 200500339 to expand a restaurant was approved on March 10, 2005.

5. Plot Plan Number 200800477 to replace a drive-through restaurant sign was approved on April 28, 2008.

6. Conditional Use Permit Number 98111 authorizing the sale of beer and wine for offsite consumption was approved by the Los Angeles County ("County") Board of Supervisors on September 25, 2000. The grant terminated on May 1, 2010.

7. A Notice of Violation was issued on August 16, 2010 for the expiration of Conditional Use Permit 98111.

8. Plot Plan Number 201100391 for tenant improvements to a travel center was approved on April 28, 2011.

9. The project site is designated Commercial in the Santa Clarita Valley Area Plan which permits a wide variety of local and regional serving commercial uses. The project is consistent the provisions of this category.

10. The County Sheriff's Department submitted a letter dated May 25, 2011, stating that there were 227 calls for service and 69 crime reports taken at the subject property between January 1, 2006 and April 30, 2011. Six of the crime reports were for narcotics and/or alcohol. The Sheriff's Department did not provide a recommendation.
11. The California Department of Alcoholic Beverage Control (ABC) submitted a B&P Worksheet dated June 30, 2011 that states that the establishment is not located in a high crime reporting district.

12. One hundred and twenty-two parking spaces are provided which is sufficient to accommodate trucks, recreational vehicles and automobiles.

13. The American Disability Act requires three handicap accessible parking spaces for the facility but only two are provided. With one additional handicap accessible space to be depicted on the required revised site plan, sufficient parking will be provided.

14. The existing freestanding business sign located on the northwest side of the property complies with County Code requirements for area and height.

15. A proliferation of illegal signs were discovered during Staff's December 19, 2011 site inspection. Subsequently, the applicant submitted photographic evidence of removal of the signs. To discourage future illegal signs, annual inspections by County Department of Regional Planning's Zoning Enforcement are required.

16. The subject property is surrounded by the following adjacent land uses:

    North: Restaurant and Storage Yard
    East: Storage Yard and Multi-family Residences
    South: Bar and Pallet Yard
    West: Single and Multi-family Residences

    The incidental sale of beer and wine from a convenience store is compatible with the surrounding land uses.

17. It is unlikely that the continuation of incidental sale of beer and wine from a convenience store would adversely affect the surrounding area and existing uses.

18. The site is adequate in size and shape to accommodate all the existing development features and the two additional required handicap accessible parking spaces.

19. No sensitive uses are located within 600 feet of the subject property.

20. The residences to the west are buffered by 85 foot wide Castaic Road. The residences to the east are buffered by the Violin Canyon Channel. The restaurant located to the north and the bar located to the south, do not require buffering.

21. There are five establishments (three restaurants, one bar and one market) that sell alcohol within 500 feet of the subject property. ABC determined that there is an undue concentration of establishments selling alcohol in the area because two licenses are

allowed in the census tract but eight licenses exist 14. Public convenience for this establishment to continue to sell beer and wine for off-site consumption outweighs the fact that it is located within a 500-foot radius of any other establishment selling alcoholic beverages for either on-site or off-site consumption.

22. One and one tenth (1.10) percent of total shelf space is devoted to alcohol.

23. The incidental sales of beer and wine from the existing establishment will not likely have a negative effect on the economic welfare of the community.

24. The establishment is well maintained and free of blight or deterioration that could impair property values within the neighborhood.

25. The Castaic Area Town Council submitted a letter dated June 22, 2011 that states the applicant does not need to present their project before the Council.

26. The Board of Supervisors previously required that the establishment provide adequate security by using a video monitoring system in the trucker's lounge area. This requirement has been included in the current conditions.

27. 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.

28. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to 15 years.

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

CONCLUSION

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

B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare; and

C. That the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; 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; and

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

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

G. 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

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

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

J. Public convenience for this establishment to continue to sell beer and wine for off-site consumption outweighs the fact that it is located within a 500-foot radius of any other establishment selling alcoholic beverages for either on-site or off-site consumption.

Therefore, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a Conditional Use Permit for alcohol sales as set forth in Sections 22.56.040 and 22.56.195 of the Los Angeles County Code.

ACTION

1. I have considered the Categorical Exemption for this project and certify 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 is **approved**, subject to the attached conditions.

CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NUMBER 98111-(5)
CONDITIONAL USE PERMIT NUMBER 201100047

REQUEST

The applicant, Pilot Travel Centers LLC, requested a conditional use permit to allow the continued sales of beer and wine, for off-site consumption, from an existing truck-stop/gas-station in the M-1 (Light Manufacturing) zone and Castaic Area (Trucking District) Community Standards District ("CSD").

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 7 and until all required monies have been paid pursuant to Condition 10. Notwithstanding the foregoing, this Conditions 2, 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 April 17, 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 ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued sales of beer and wine for off-site consumption and satisfaction of Conditions 2 and 32 shall be considered use of this grant.

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 **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 requirements of Title 22 of the County Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.

14. All development pursuant to this grant shall conform to 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.

16. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of 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.

17. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A."

PERMIT SPECIFIC CONDITIONS

18. The consumption of alcoholic beverages shall be prohibited on the subject property. The permittee shall post signage on the premises prohibiting consumption of alcoholic beverages on the premises.

19. No sale of alcoholic beverages shall be made from a drive-in window.

20. There shall be no beer sold in containers under one quart or in less than six-pack quantities.

21. No display of alcoholic beverages shall be made from an ice tub.

22. The permittee shall display alcoholic beverages only in the cooler or shelving designated for storage of said beverages as depicted on the "shelf plan" labeled Exhibit 'A'. No additional display of alcoholic beverages shall be provided elsewhere on the premises.

23. No alcoholic beverages shall be displayed within five feet of the cash register or the front door unless the beverages are in a permanently affixed cooler.

24. The advertising of alcoholic beverages is prohibited on the property.

25. The sale of alcoholic beverages shall be limited to 9:00 AM to 9:00 PM.

26. Employees on duty between the hours of 9:00 AM to 9:00 PM who sell alcohol shall be at least 21 years old.

27. The beer in containers of 16 ounces or less shall not be sold by single container, but must be sold in manufacturer pre-packaged multi-unit quantities. The permittee shall post signs on the coolers and cashier station stating the selling of single containers of beer is prohibited.

28. There shall be no wine, with the exception of wine coolers, sold in containers of less than 750 milliliters. No miniatures of any type or fortified wine may be sold. Wine coolers shall not be sold in less than four-pack quantities.

29. Shelf space devoted to alcohol shall be limited to not more than five percent of the total shelf space in the establishment.

30. Clear and visible signage shall be provided which inform customers of applicable open container laws, display the phone number of the local County Sheriff's station and which prohibits loitering on the subject property.

31. To provide adequate security, a video monitoring system shall be used to monitor the trucker's lounge area.

32. Within 30 days of approval, three full size copies (folded to 8 ½ X 14 inches) of the site plan, revised to include the following corrections, shall be submitted to the Zoning Permits North Section of the Department of Regional Planning.
    - Depict three handicap accessible parking spaces.
    - Label percentage of the site that is landscaped (minimum 10 percent required by the Castaic Area CSD).