



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

Richard J. Bruckner
Director

August 23, 2010

Barcelona Tapas Lounge
25910 The Old Road, Suite B-1
Valencia, CA 91381

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

REGARDING: **PROJECT NUMBER 97-183-(5)**
RCUP 201000023
25910 The Old Road, Suite B-1, Valencia, CA 91381

Dear Applicant:

Hearing Officer, Mitch Glaser by his/her action of Tuesday, August 17, 2010, **APPROVED** the above described application (***CUP for beer and wine with live entertainment***). 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 the 5:00 p.m. on Tuesday, August 31, 2010.** 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.

The attached documents contain the Hearing Officer's findings and conditions relating to the approval. Please carefully review each condition. A Condition requires that the permittee records an affidavit accepting the conditions before the grants becomes effective.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Adam Thurtell of the Zoning Permits Section I at (213) 974-6443 or e-mail at AThurtell@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner
Director of Planning

Mark Child, Supervising Regional Planner
Zoning Permits Section I Section

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

c: DPW (Building and Safety); Zoning Enforcement
Valencia Marketplace II, LLC

MC:at

**FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES**

**PROJECT NUMBER 97-183-(5)
RCUP 201000023
25910 The Old Road, Suite B-1, Valencia, CA 91381**

HEARING DATE: 8/17/2010

SYNOPSIS:

The applicant proposes the sale of beer and wine for onsite consumption with live entertainment at a 2,875 square foot restaurant within a 14,620 sq foot building within the Valencia Marketplace. Hours of operation would be 11:30 a.m. to 1 a.m. daily and live entertainment would consist of a single pianist from 7 p.m. to 10 p.m. Thursday, Friday, and Saturday. The occupant load was determined by the County Engineer to be 179 fixed seats, and the applicant is proposing 113 indoor dining seats and 60 patio seats.

PROCEEDINGS BEFORE THE HEARING OFFICER:

August 17, 2010 Public Hearing

A duly noticed public hearing was held on August 17, 2010. The applicant was sworn in and testified in favor of the request. The applicant confirmed that he had reviewed the staff report and conditions recommended by staff and concurred with all conditions of approval.

Findings

1. The subject property is located at 25910 The Old Road, Suite B-1, Valencia, CA 91381 in the unincorporated community of Santa Clarita Valley within the Newhall Zone District.
2. The applicant requests a conditional use permit to authorize the sale of beer and wine for on-site consumption and live entertainment.
3. The subject property is designated Commercial under the Santa Clarita Valley Area Plan. The intent of this land use category is to assure that sufficient land is allocated for retail, commercial, service and office uses. The existing commercial development and subject request are compatible with this designation.
4. The subject property is currently zoned C-3-DP (Unlimited Commercial, Development Program).
5. The surrounding properties are zoned as follows:

North: A-2-5 (Heavy Agriculture)
South: C-3-DP (Unlimited Commercial, Development Program)
East: N/A (Interstate 5, Golden State Freeway)
West: C-3-DP (Unlimited Commercial, Development Program)

6. Surrounding land uses within 1,000 feet include:
North: vacant, undeveloped land
South: commercial
East: Interstate 5, Golden State Freeway
West: commercial
7. Conditional Use Permit No. 92-075-(5) approved the development program for the shopping center, with a total of 763,050 square feet of floor area.
8. Conditional Use Permit No. 97-183-(5), which was approved March 3, 1998 and expired March 9, 2008, authorized the sale of beer and wine for on-site consumption in conjunction with a restaurant.
9. The current request is physically similar to the previously approved Conditional Use Permit 92-183, which authorized the sale of beer and wine accessory to a restaurant in the same location, and the restaurant meets all development standards.
10. The majority of the surrounding retail locations are closed by or shortly after 7 p.m., when the applicant proposes to open the restaurant.
11. The nearest residential use is more than 600 feet from the subject property.
12. Restaurants are a use allowed by right in the C-3 zone; a conditional use permit is required for the sale of beer and wine for on-site consumption, and for live entertainment.
13. Pursuant to 22.52.370 D, parking is to be provided as required in Part 11 of Chapter 22.52. County code requires the applicant to provide one parking space per every three persons based on the occupant load for a club with live entertainment. The restaurant has an occupant load of 179 persons. At a ratio of 1:3, 60 parking spaces are required, including two handicap accessible parking spaces.
14. 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. The project site is surrounded by retail and office use.

15. 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.
16. 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 I Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

1. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius;
2. 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;
3. 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;
4. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community;
5. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community;
6. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community;

HEARING OFFICER ACTION:

1. I have/The Commission has 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.

c: Hearing Officer, Each Commissioner, Zoning Enforcement, Building and Safety

This conditional use permit grant authorizes the sale of beer and wine for on-site consumption and live entertainment subject to the following conditions of approval;

1. This grant shall not be effective nor shall any building permit or other approval allowing development of the site pursuant to this grant be issued, including approval of the revised Exhibit "A", until such time that evidence of legal access from any improved public road to the subject property is demonstrated to the satisfaction of the Director of Planning and the Department of Public Works;
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant;
3. This grant shall not be effective for any purpose and cannot be used 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 Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all conditions of this grant and that the conditions have been recorded as required by Condition No. 4, and until all required fees have been paid pursuant to Condition No. 5. Notwithstanding the foregoing, this condition (No. 3), and Condition Nos. 5 and 6 and 7 shall be effective immediately upon final approval of this grant by the County;
4. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property;
5. 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.
Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of \$1,600. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for eight (8) biennial (once per two years) inspections. Inspections shall be unannounced.
The inspection fee shall be paid within 90 days of approval. 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 condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$200.00 per inspection);

6. 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. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully 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;
7. 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 pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs 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 the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010;
8. This grant shall expire unless used within 2 years from the date of final approval by the County. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date;
9. This grant will terminate on August 18, 2025. Entitlement to use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the permittee intends to continue operations after such date, a new Conditional Use Permit

- application shall be filed with the Department of Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time;
10. 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 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;
 11. If any material provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse;
 12. If there are any Changes to the site plan within ninety (90) days of the approval date of this grant, the permittee shall submit to the Director for review and approval, three (3) copies of site plans, similar to Exhibit "A" as presented at the public hearing. The property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A". In the event that subsequent revised plans are submitted, the permittee shall submit three (3) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner. If changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to the Department of Regional Planning within sixty (60) days of the date of approval for the Conditional Use Permit;
 13. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works;
 14. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans;
 15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas on the premises over which the permittee has control;
 16. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. 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;
 17. 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 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. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization;
18. The permittee shall maintain a current contact name, address, and phone number with the Department of Regional Planning at all times;
 19. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced;
 20. This grant authorizes the use of the subject property for the sale of a full line of alcoholic beverages for on-site consumption at an existing 4,605 square foot restaurant, including 1,730 square feet of patio area, as depicted on the approved Exhibit "A". The sale of beer and wine shall be limited to the areas designated on the site plan. This grant is subject to all of the following conditions of approval;
 21. The permittee shall abide by all requirements, licensing or otherwise, established for the sale of alcoholic beverages by the State Department of Alcoholic Beverage Control;
 22. All servers of alcoholic beverages shall be at least 21 years old;
 23. The permittee shall provide adequate lighting above all entrances and exits to the premises. The lighting shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons entering or exiting the premises during operating hours and shall be designed so as to direct light and glare only onto the facility premises. Said lighting and glare shall be deflected, shaded and focused away from all adjoining properties. Outdoor lighting shall not exceed an intensity of one foot-candle of light throughout the facility. Only minimal motion-sensor security lighting shall be used later than closing hours nightly;
 24. The permittee shall develop and implement a Designated Driver program (i.e. free soft drinks or coffee to a designated driver of a group). The permittee shall submit the program to the Director of Planning for approval prior to the approval of the Exhibit "A". A printed two-sided card explaining this program shall be placed on all tables in the restaurant or an explanation regarding the program shall be printed on the menu;
 25. The licensed premises shall have no coin operated amusements, such as pool tables, juke boxes, video games, small carousel rides or similar riding machines, with the exception of official State Lottery machines;

26. Telephone numbers of local law enforcement shall be posted adjacent to the cashier's area and shall be visible to the cashier;
27. The occupancy of the facility shall not exceed 179 persons;
28. The conditions of this grant shall be retained on the premises at all times and be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein;
29. There shall be no loitering permitted on the premises under the control of the permittee. Signage shall be posted on the premises prohibiting loitering;
30. The permittee shall instruct all employees in the regulations regarding no loitering and no consumption of alcoholic beverages outside the subject property. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary;
31. All employees authorized to sell alcoholic beverages shall participate in the License Education on Alcohol and Drugs (LEAD) Program offered by the California Department of Alcoholic Beverage Control. This training shall be on-going and all new employees shall be required to attend. The applicant shall display a certificate or plaque in the lobby of the establishment indicating its participation in this program;
32. A minimum of 60 parking spaces shall be maintained on site, two of which must be handicap. The required parking spaces shall be continuously available for vehicular parking only and shall not be used for storage, automobile repair, or any other unauthorized use;
33. All structures shall comply with the requirements of the Los Angeles County Department of Health Services;
34. The hours of business operation shall be limited to 11:30 a.m. to 1 a.m. The sale of alcoholic beverages shall be limited to these hours;
35. The sale of alcoholic beverages for consumption outside of the premises is prohibited;
36. Live entertainment shall be conducted entirely within the building, and shall be conducted between the hours of 7 p.m. and 10 p.m.

MC:at

Tuesday, August 17, 2010