



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

Richard J. Bruckner
Director

February 10, 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Nando Silvestri
22235 Pacific Coast Highway
Malibu, CA 90265

**REGARDING: PROJECT NUMBER 98-135
CONDITIONAL USE PERMIT 200900099
24917 Pico Canyon Road, Stevenson Ranch**

Dear Applicant:

The Regional Planning Commission, by its action of Wednesday, February 10, 2010, **APPROVED** the above described project and entitlements. The attached documents contain the Regional Planning Commission's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 3 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 Regional Planning Commission's decision to the Board of Supervisors through the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Please contact the Executive Office for the amount of the appeal fee at (213) 974-1426. **The appeal period for this project will end at 5:00 p.m. on Wednesday, February 24, 2010.** Any appeal must be delivered in person to the Executive Office by this time. If no appeal is filed during the specified period, the Regional Planning Commission action is final.

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 Anita Gutierrez at (213)974-6443 or e-mail at AGutierrez@planning.lacounty.gov of the Zoning Permits Section I. 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

Mark Child, Supervising Regional Planner
Zoning Permits Section I Section

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

c: Zoning Enforcement, ABC, Meyer Nugit

MC:ag
Hearing Footage: 2/10/2010-Item 7

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

**PROJECT NUMBER 98-135-(5)
CONDITIONAL USE PERMIT NUMBER 200900099**

REQUEST

The applicant, Nando Silvestri requests a conditional use permit to authorize the continued on-site sale of beer and wine at an existing restaurant, (Spumoni) with outdoor dining.

**REGIONAL PLANNING COMMISSION HEARING DATE: January 6, 2010 and
February 10, 2010**

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION

January 6, 2010

All Commissioners were present. Staff informed the Commission that the case needed to be continued due to improper posting of the property. Commissioner Valadez requested pictures of the project site be transmitted to the Commission. The case was continued to February 10, 2010, no testimony was taken.

February 10, 2010

A duly noticed public hearing was held on February 10, 2010 before the Regional Planning Commission. Commissioners Modugno, Rew, Helsley and Bellamy were present. Commissioner Valadez was absent. The applicant or representative, did not attend the hearing. Staff made a presentation to the Commission, recommending approval. The Commission had no additional questions.

There being no further testimony, the Regional Planning Commission closed the public hearing and approved the permit with findings and conditions as agreed to by the applicant.

FINDINGS

1. The subject property is located at 24917 Pico Canyon Road, Stevenson Ranch within the Newhall Zoned District.
2. The project consists of a conditional use permit to authorize the continued sale of beer and wine for on-site consumption at an existing restaurant with indoor and outdoor dining.
3. The project site is designated as Commercial in the Santa Clarita Valley Area Plan. The restaurant use already exists at the location. A variety of uses are permitted in the commercial land use classification. The request is a local serving amenity and is consistent with the Santa Clarita Valley Area Plan.

4. The subject property is located within the C-3-DP (Unlimited Commercial with a Development Program). Parking for the commercial center is based on one automobile parking space for each 250 square feet of floor area of any building or structure so used for retail or office use and 1 space for every 3 persons based on occupant load, (minimum 10 spaces) for dining uses. Spumoni is required to have 48 parking spaces, based on the 145 person occupancy load of the restaurant (145 divided by 3 = 48 spaces). The restaurant is a part of a larger shopping center that has a shared parking lot of 1048 parking spaces. The parking requirements of the shopping center are met with the number of spaces provided.
5. A commercial shopping center is currently located on the subject property. Surrounding land uses consist of commercial and residential uses to the north, commercial uses to the east, commercial and residential uses to the south and commercial and residential uses to the west. The current use provides a needed amenity for the surrounding residential uses.
6. The Department of Alcoholic Beverage control (ABC) reports that there is an over-concentration of licenses within the Census tract. Four (4) on-sale licenses are allowed and sixteen (16) exist. Additionally, ABC reports that the subject site is not located within a high crime reporting district.
7. There are four (4) establishments selling alcoholic beverages within 500 feet of the subject property; one restaurant selling beer and wine only for on-site consumption (Coco's Bakery), one restaurant selling a full line of alcohol for on-site consumption (Yamato Restaurant), a grocery store (Ralph's) selling a full-line of alcoholic beverages for off-site consumption and a hotel (Marriott Residence Inn) selling beer and wine for on-site consumption. There are no sensitive uses within the 600-foot radius of the subject property.
8. The proposed on-sale beer and wine liquor license for Spumoni Restaurant, located at 24917 Pico Canyon Road, Stevenson Ranch does serve the public convenience or necessity.
9. 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.
10. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning Commission determines that it is necessary to limit the term of the grant to 10 years.
11. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- 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.
- 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 adversely affect the economic welfare of the nearby community; and
- H. 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. (Ord. 92-0097 § 4, 1992.)

REGIONAL PLANNING COMMISSION ACTION

- 1. 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.
- 2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 200900099 is Approved subject to the attached conditions.

c: Each Commissioner, Zoning Enforcement, Building and Safety

VOTE: (4-0)

Concurring: Modugno, Rew, Helsley, Bellamy

Dissenting: none

Abstaining: none

Absent: Valadez

Action Date: February 10, 2010

MC:ag
February 10, 2010

This grant authorizes a conditional use permit for the continued sale of beer and wine for on-site consumption at an existing restaurant (Spumoni) with indoor and outdoor dining and is subject to the following conditions of approval;

1. This grant will terminate on **February 10, 2020**. 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, a new conditional use permit application shall be filed, accompanied by required fees, with the Department of Regional Planning prior to the expiration date of this grant. 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.
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. 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.
4. 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. 3, and until all required fees have been paid pursuant to Condition No. 15. Notwithstanding the foregoing, this condition (No. 4), and Condition Nos. 5, 6 and 14 shall be effective immediately upon final approval of this grant by the County.
5. 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.
6. 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.
7. 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.
 8. 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.
 9. 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.
 10. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.

In the event that the county deems it necessary to initiate such proceedings pursuant to Part 13 of Chapter 22.56 of the County Code, the applicant shall compensate the county for all costs incurred in such proceedings.
 11. 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.

12. 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.
13. All landscaped areas shall be continuously and properly maintained in good condition;
14. This grant will expire unless used within 2 years from the date of approval. A one-year time extension may be requested in writing and with payment of the applicable fee.
15. 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 **\$750.00**. 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 a total of five (5) 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 \$150.00 per inspection).

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. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
19. Any sign to be located on the subject property is subject to a separate sign review that shall be filed for review and approval to the Department of Regional Planning;
20. The placement of portable signs on sidewalks adjacent to the subject property and temporary signs on walls and poles is prohibited;
21. The occupancy of the facility shall not exceed 145 persons;
22. The sale of alcohol for on-site consumption at the restaurant is subject to the following conditions:
 - a. The sale of alcohol shall be limited to 11:30 a.m. to 9:30 p.m. Sunday through Thursday and 11:30 a.m. to 10:00 p.m. on Friday and Saturday.
 - b. The permittee shall not advertise the sale of alcoholic beverage on the exterior walls or windows of the building or at any location of the subject property. No self-illuminating advertising for alcoholic beverages shall be located on the buildings or windows;
 - c. The sale of alcoholic beverages for consumption outside of the premises is prohibited;
 - d. The sale of alcoholic beverages is restricted to dine-in customers only and can only be sold in conjunction with food for on-site dining.
 - e. Temporary signs or banners advertising alcoholic beverage "specials" or any similar promotions shall not be displayed on the exterior walls or fascia of the building;
 - f. The permittee shall instruct all employees in the regulations regarding no consumption of alcoholic beverages outside the subject restaurant. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary;
 - g. All servers of alcoholic beverage must be at least of 21 years of age;
 - j. 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 ABC investigator. The manager and all employees of the facility shall be knowledgeable of the conditions herein;

- k. 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 within three months of receiving approval of this permit. This training shall be on-going and all new employees shall be required to attend within 3 months of hire. The applicant shall display a certificate or plaque in the lobby of the establishment indicating its participation in this program;
- l. 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.

MC:ag
February 10, 2010