

Transmittal Checklist

Hearing Date

1/13/2010

Agenda Item Number

6

Project Number: R2009-01100

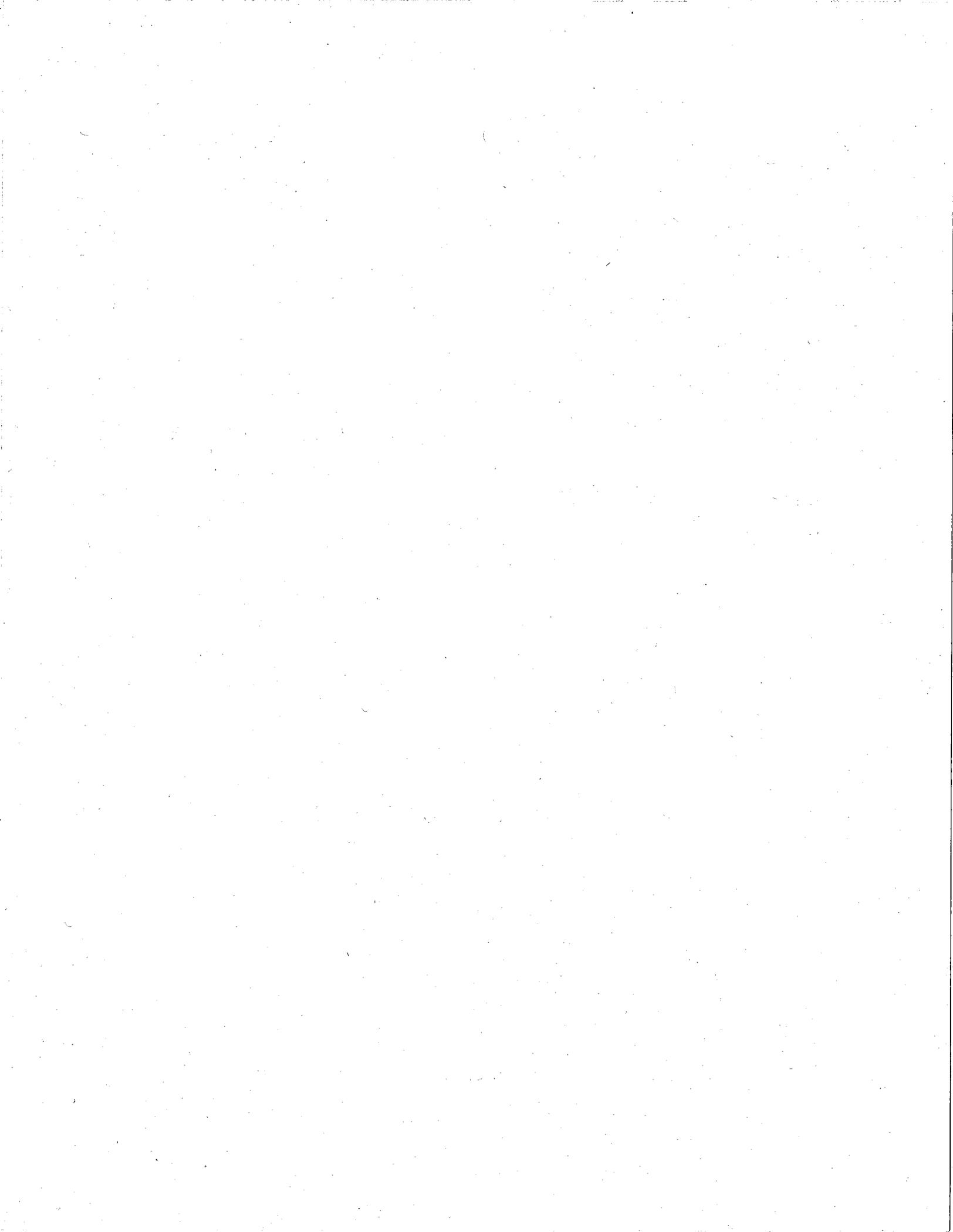
Case(s): CUP200900076

Contact Person: Carolina Blengini / Special Projects

Included	NA/None	Document
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Factual
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Property Location Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Staff Report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Conditions
<input type="checkbox"/>	<input type="checkbox"/>	DPW Letter
<input type="checkbox"/>	<input type="checkbox"/>	FD Letter
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Other Department's Letter(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Burden Of Proof Statement(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Environmental Documentation (IS, MMP, EIR)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Opponent And Proponent Letters
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Photographs
<input type="checkbox"/>	<input type="checkbox"/>	Resolution (ZC Or PA)
<input type="checkbox"/>	<input type="checkbox"/>	Ordinance with 8.5 X 11 Map (ZC Or PA)
<input type="checkbox"/>	<input type="checkbox"/>	Aerial (Ortho/Oblique) Image(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Land Use Radius Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan And Elevations
<input type="checkbox"/>	<input type="checkbox"/>	

Reviewed By: _____







Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-1522

PROJECT NUMBER R2009-01100
CONDITIONAL USE PERMIT NUMBER 200900076

PUBLIC HEARING DATE
 January 13, 2010

AGENDA ITEM

RPC CONSENT DATE

CONTINUE TO

APPLICANT Flying W. INC.	OWNER Lang Ranch Properties, INC.	REPRESENTATIVE Pittman Group Architects
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PROJECT DESCRIPTION
 The applicant is requesting authorization to expand an existing restaurant that currently sells a full line of alcoholic beverage for on-site consumption. The existing restaurant has 1,850 square feet and has been operating and selling alcoholic beverages since 1989 (type 47 license). The restaurant recently expanded its area to 2,575 square feet (40 percent increase). The applicant is also requesting approval to allow live entertainment.

REQUIRED ENTITLEMENTS
 Conditional Use Permit to authorize the expansion of an existing restaurant that sells a full line of alcoholic beverage for on-site consumption and live entertainment.

LOCATION/ADDRESS
 33310 Agua Dulce Canyon Rd, Agua Dulce, CA 91390

SITE DESCRIPTION
 The approximately 2.63-acre rectangular subject property (APN No. 3212-010-038) is partially developed with a 7,500 square foot commercial building, six accessory storage buildings, two water towers and 23 paved parking spaces. The southern portion of the property is vacant. The existing commercial building consists of three suites with the following tenants: 2,605 square foot hardware store, 1,512 square foot gift shop, and a 2,575 square foot restaurant. The height of the building varies from one to two stories. The hardware store is located in the two-story portion of the building. The accessory structures are located at the rear of the commercial building and are used exclusively for storage related to the commercial tenants. Access to the site is provided from Agua Dulce Canyon Road.

ACCESS Agua Dulce Canyon Road	ZONED DISTRICT Soledad
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ASSESSORS PARCEL NUMBER 3212-010-038	COMMUNITY Agua Dulce
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SIZE 2.63 Acres	COMMUNITY STANDARDS DISTRICT Agua Dulce
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	EXISTING LAND USE	EXISTING ZONING
Project Site	Commercial	C-1 (Restricted Business), R-3 (Limited Multiple Residence), A-1-10,000 (Light Agricultural – 10,000 min. lot size)
North	Commercial, Residential	C-3 (Unlimited Commercial), A-1-10000 (Light Agricultural – 10,000 minimum lot size)
East	Residential	A-1-10000 (Light Agricultural – 10,000 min. lot size)
South	Residential	R-3 (Limited Multiple Residence), A-1-10000 (Light Agricultural – 10,000 min. lot size)
West	Commercial, Residential, Agricultural	C-3 (Unlimited Commercial, A-1-2-P (Light Agricultural – 2 acre min. lot size – Parking), A-1-10,000 (Light Agricultural – 10,000 min. lot size)

GENERAL PLAN/COMMUNITY PLAN Santa Clarita Valley Area Plan	LAND USE DESIGNATION N1 – Non-Urban 1'	MAXIMUM DENSITY 0.5 dwelling units per acre
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ENVIRONMENTAL DETERMINATION
 Categorical Exempt Class 3 (New Construction or Conversion of Small Structures)

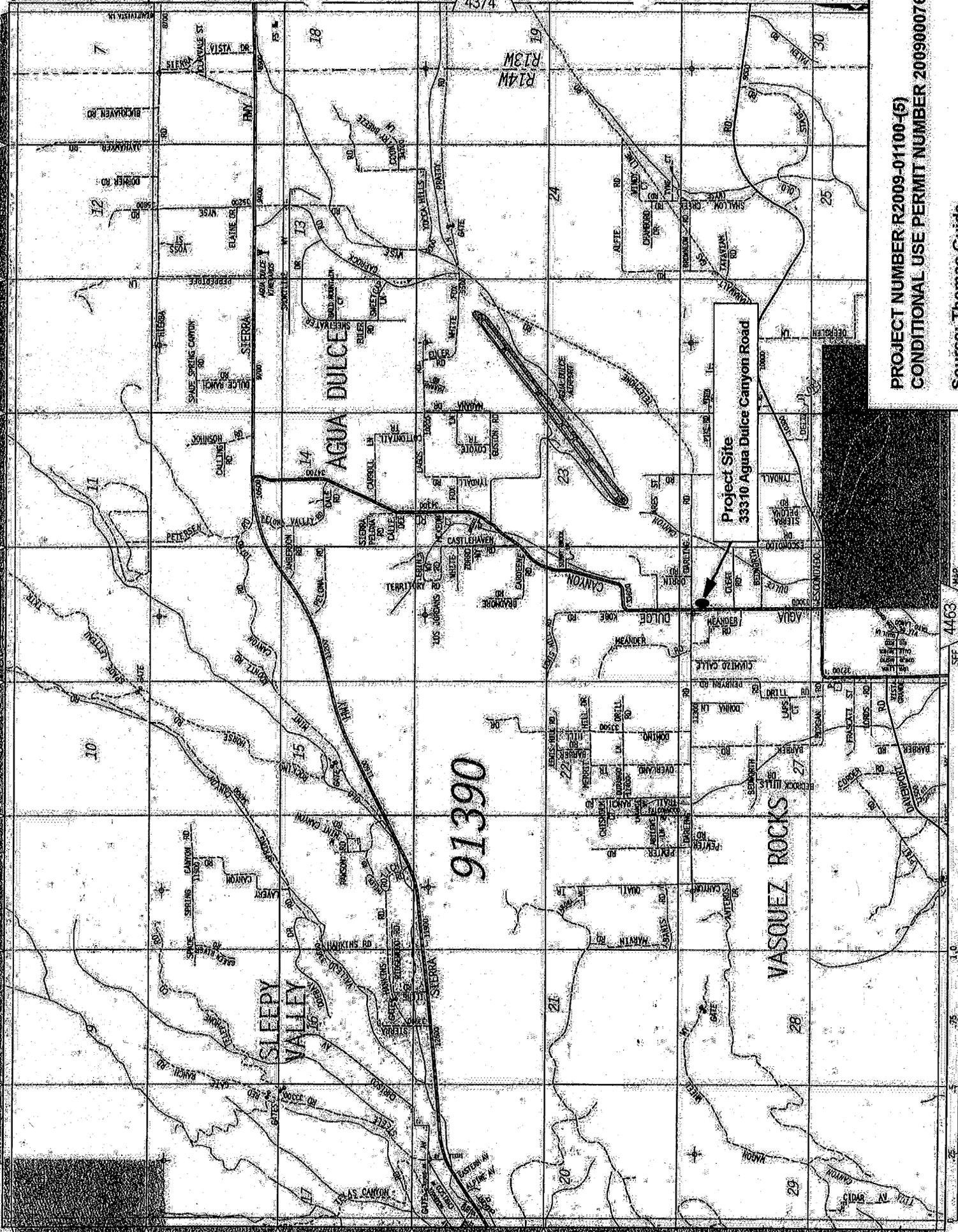
RPC LAST MEETING ACTION SUMMARY

LAST RPC MEETING DATE	RPC ACTION	NEEDED FOR NEXT MEETING
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING/ABSENT

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON:		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING):		
SPEAKERS* (O) (F)	PETITIONS (O) (F)	LETTERS (O) (F)

*(O) = Opponents (F) = In Favor



Project Site
 33310 Agua Dulce Canyon Road

PROJECT NUMBER R2009-01100-(5)
CONDITIONAL USE PERMIT NUMBER 2009000076

Source: Thomas Guide

STAFF ANALYSIS

PROJECT NUMBER

R2009-01100-(5)

CASE NUMBER

Conditional Use Permit Case No 200900076-(5)

OVERVIEW OF THE PROPOSED PROJECT

The applicant, Flying W. Inc., is requesting authorization to expand an existing full service restaurant that currently sells a full line of alcoholic beverage for on-site consumption. The restaurant has been operating and selling alcoholic beverages with a type 47 license since 1989. The restaurant recently expanded from 1,850 square feet to 2,575 square feet (40 percent increase). In addition to the expansion, the applicant is also requesting approval to allow live entertainment.

DESCRIPTION OF SUBJECT PROPERTY

Location

The subject property is located at 33310 Agua Dulce Canyon Road in the unincorporated community of Agua Dulce, in the Soledad Zoned District.

Physical Features

The rectangular shaped subject property (APN No. 3212-010-038) is approximately 2.62-acre (114,478 square feet) in size and it is partially developed with a 7,500 square foot commercial building, six accessory storage buildings, one wireless and telecommunications facility, two water towers, one storage container, and 23 paved parking spaces. The southern portion of the property (approximately 0.8 acres) is vacant. The existing commercial building consists of three suites with the following tenants: 2,605 square foot hardware store, 1,512 square foot gift shop, and a 2,575 square foot restaurant. The height of the building varies from one to two stories. The hardware store is located in the two-story portion of the building. The accessory structures are located at the rear of the commercial building and are used exclusively for storage related to the commercial tenants.

Access

Access to the site is provided from Agua Dulce Canyon Road to the west, a designated secondary highway.

Current Operation

The restaurant is currently open from 7a.m. to 2p.m. on Mondays; from 7a.m. to 10 p.m. on Tuesdays, Wednesdays and Thursdays; and from 7a.m. to 12a.m. on Fridays, Saturdays and Sundays. The facility currently employs 18 people and has 3 shifts with a maximum of 5 persons per shift.

Services Available

All required services are in place for the existing uses. Water is provided by private well and sewer disposal is handled through a private septic system.

REQUIRED ENTITLEMENTS

Pursuant to Section 22.56.010 of the County Code, the applicant has requested a Conditional Use Permit to authorize the expansion of an existing full serve restaurant that sells a full line of alcoholic beverage for on-site consumption and live entertainment.

EXISTING ZONING

Subject Property

The subject property is zoned C-1 (Restricted Business), R-3 (Limited Multiple Residence), and A-1-10,000 (Light Agricultural – 10,000 minimum lot size). Approximately 0.4 acre of the site is zoned C-1, 1.74 acre is zoned R-3, and 0.49 acre is zoned A-1-10,000. The commercial building and the accessory structures are located within the portion of the property zoned C-1. The parking lot is located within the portion of the property zoned R-3.

Surrounding Properties

Surrounding zoning consists of:

North: C-3 (Unlimited Commercial)

A-1-10,000 (Light Agricultural – 10,000 minimum lot size)

South: R-3 (Limited Multiple Residence)

A-1-10,000 (Light Agricultural – 10,000 minimum lot size)

East: A-1-10,000 (Light Agricultural – 10,000 minimum lot size)

West: C-3-U/C (Unlimited Commercial)

A-1-2-P (Light Agricultural – 2 acre minimum lot size - Parking)

A-1-10,000 (Light Agricultural – 10,000 minimum lot size)

EXISTING LAND USES

Subject Property

The subject property is currently developed with a commercial building and appurtenant structures.

Surrounding Properties

Surrounding land uses consist of:

North: Commercial, Residential

South: Residential

East: Residential

West: Commercial, Residential, Agricultural

ALCOHOL SALES AND SENSITIVE UNSEES IN THE VICINITY

In addition to the subject restaurant, there are four other establishments licensed to sell alcoholic beverages within 500 feet of the subject property:

- Agua Dulce general Store, full license, off-site consumption
- Sweetwater Market, full license, off-site consumption
- Maria Bonita Restaurant, full license, on-site consumption
- Vincenzo's Pizza, Beer and Wine, on-site consumption

There are no sensitive uses within 600 feet of the subject property.

PREVIOUS CASES/ZONING HISTORY

RPP200901327 – Plot Plan for four accessory sheds in the rear of the property. Approved 12/1/2009.

RCOC200900144 – Certificate of Compliance. Application filed on 8/27/09. Currently in process.

RTUP200400001 – Temporary Use Permit for the Agua Dulce Fair on 10/2/04. Completed on 9/27/04.

CP04-135 – Conditional Use Permit to authorize an unmanned wireless telecommunications facility to be installed on the rooftop of the existing commercial building on the subject property. Application filed on 4/26/04. Approved on 10/25/04

RTUP04-231 – Temporary Use Permit for the Chamber of Commerce Merchants Fair. Application received on 8/4/04. Approved.

RPP14124 – Plot Plan application received on 2/16/95. Denied due to inactivity. Last action on 4/1/1998. Comments: Location, size, wording of signs, etc. Inactivity since 3/22/95.

RPP29160 – Plot Plan for new full serve restaurant. Approved on 4/12/1988.

ZC86007 – Zone Change from C-1 to C-3 on 0.6 acres and from R-3 to C-3 on 2 acres. Application filed on 01/09/86. Case withdrawn on 7/27/89

GENERAL PLAN CONSISTENCY

The subject property is within the Santa Clarita Valley Area Plan. The Plan policies related to the unincorporated community of Agua Dulce states that existing commercial areas along Agua Dulce Canyon Road in the center of the community are to be retained.

The land use category of the subject property in the Plan is N1 (Non Urban 1). Although the N1 is primarily a rural residential land use designation since it represents the dominant use of the area, the Plan allows local and highway oriented commercial uses to serve the needs of local residents and travelers in non-urban areas. However, such development is subject to applicable General Conditions for Development of Non-Residential Uses in Non-Urban Areas. The restaurant is located in a commercial complex within an established community and the subject property has access to available public services. The commercial development existing on the property has been present on the property since 1989 and is consistent with the applicable General Conditions for Development that includes the following:

- a. The proposed use should be located and designed so as not to conflict with established or planned community land use and circulation patterns.

- b. The necessary public services and infrastructure should be in or readily available, including appropriate sewage disposal facilities and water for domestic use as well as firefighting.
- c. The proposed use shall be located in areas deemed suitable from an ecologic, geologic and topographic standpoint.
- d. Access, egress and onsite parking should be provided in a manner which maximizes safety and minimizes adverse impacts in surrounding land use patterns.
- e. The proposed site should be appropriately landscaped, fenced and screened to minimize the visual impact on surrounding and overlooking residences.
- f. Consideration should be given to appropriate hours of operation.
- g. Outdoor advertising should be designed in such a way as to minimize negative impact on adjacent properties.

SITE PLAN

The applicant's site plan depicts a 7,500 square feet commercial building, five accessory structures which include one wireless facility, one storage container, landscaped areas and 48 paved parking spaces. The commercial building, which is located on the northwest portion of the property, facing Agua Dulce Canyon Road, consists of three suites with the following tenants: 2,605 square foot hardware store, 1,512 square foot gift shop, and a 2,575 square foot restaurant. The height of the building varies from one to two stories (6,550 square feet on the first floor and 950 square feet on the second floor). The hardware store is located in the two-story portion of the building. The accessory structures are located at the rear of the commercial building and are used exclusively for storage related to the commercial tenants. The storage container is located on the northwestern portion of the parcel and used for storage related to agricultural use.

The floor plan depicts a 2,575 square foot restaurant which consists of a 1,125 square foot kitchen, 240 square foot office and a 1,210 square foot dining area.

Compliance with Applicable Development Standards

The subject property is zoned C-1 (0.4 acre), R-3 (1.74 acre) and A-1-10,000 (0.49 acre). The commercial building and accessory facilities are located within the portion of the subject property that is zoned C-1. The parking area and is located within the portion of the property that is zoned R-3. The storage container is located within the portion of the property zoned A-1-10,000. The subject property is also located within the Agua Dulce Community Standard District.

- Pursuant to Section 22.44.113 of the County Code, only parcels that are less than two gross acres and are located within a hillside management area are subject to the Agua Dulce Community Standards District Community Wide Development Standards.

The Agua Dulce CSD Community Wide Development Standards do not apply since the subject property is approximately 2.62 acres and does not contain slopes over 25 percent.

- Pursuant to section 22.28.110 of the County Code, sales of beer, wine and distilled spirits for either on-site or off-site consumption are uses subject to permit in the C-1 zone, and are subject to the requirements of Section 22.56.195.
- Pursuant to section 22.28.110 of the County Code, live entertainment, accessory, in a legally established bar, cocktail lounge or restaurant having an occupant load of less than 200 people where the conditions of Section 22.56.1754 have not or cannot be met. This provision shall not be construed to authorize the modification of development standards required for establishment of such bar, cocktail lounge or restaurant, except as otherwise provided by Part 2 of Chapter 22.56.
- Pursuant to section 22.28.090 of the County Code, accessory buildings and structures are allowed and subject to the same limitations and conditions provided in Section 22.28.040 (Zone C-H).

Currently six accessory structures exist in the property. The applicant is proposing to remove two of the six structures to accommodate the required parking spaces and retain four accessory storage structures located on the rear of the commercial building. These accessory structures are used exclusively for storage related to the commercial tenants and are essential for the viability of the businesses. The four remaining structures were approved by Plot Plan RPP200901327 on 12/1/2009.

- Unless specifically modified by a conditional use permit during the discretionary review process, premises in Zone C-1 shall be subject to the following development standards per Section 22.28.120 of the County Code:

A. Landscaping: That not to exceed 90 percent of the net area be occupied by buildings, with a minimum of 10 percent of the net area landscaped with a lawn, shrubbery, flowers and/or trees, which shall be continuously maintained in good condition. Incidental walkways, if needed, may be developed in the landscaped area.

The existing 6,550 square foot building occupies approximately 38 percent of the portion of the property that is zoned C-1 (0.4 acre) and six percent of the entire property (2.62 acres).

The portion of the property zoned C-1 currently has approximately 1,700 square feet of landscaping which represents 10 percent of the net area of the project site in the C-1 zone.

- B. Parking: That there be parking facilities as required by Part 11 of Chapter 22.52. Per Section 22.52.1100 of the County Code, one automobile parking space shall be provided per each 250 square feet of commercial floor area or for each 400 square feet of office space. Per Section 22.52.1110 of the County Code, one parking space shall be provided for each three persons in a structure used for

drinking, eating or entertainment, based on the occupant load as determined by the county engineer.

An Occupant Load approved by the Division of Building and Safety on May 4, 2009 indicated that the restaurant has a maximum capacity of 88 persons: 29 parking spaces are required

Other spaces within the building are:

- **Gift Shop (1,512 square feet): 6 parking spaces required**
- **Hardware Store (3,413 square feet): 13 parking spaces required**
- **Handicapped: 1 parking space required**

A total of 48 parking spaces, which includes one handicapped parking spaces, are required by the Code. The site plan depicts 48 parking spaces. Therefore, the site plan is consistent with the parking requirement.

- C. Yards: That front and/or corner side yards be provided equal to a distance of 20 feet where property adjoins a parkway, major or secondary highway.
The existing commercial building that faces Agua Dulce Canyon Road is a pre-existing structure approved by plot plan number RPP29160 with a 27 foot front setback. The front yard setback for the commercial building is in compliance with the required 20 feet front yard required.
- D. Architectural appearance: That the architectural and general appearance of all such commercial buildings and grounds be in keeping with the character of the neighborhood and such as not to be detrimental to the public health, safety and general welfare of the community in which such use or uses are located.
The existing commercial building is in character with the community as approved by plot plan number RPP29160. The applicant is not proposing to alter the external appearance of the building.
- E. Height: That a building or structure shall not exceed a height of 35 feet above grade, excluding signs which are permitted by Part 10 of Chapter 22.52, chimneys, and rooftop antennas.
The existing building is consistent with the requirement since it is 24'5" in height. The applicant is not proposing to alter the height of the building.
- F. Outside Display: Except for the following uses, all display in Zone C-1 shall be located entirely within an enclosed building unless otherwise authorized by a temporary use permit: Automobile sales, limited to automobiles and trucks under two tons, held for sale only. Automobile service stations, limited to automobile accessories and facilities necessary to dispensing petroleum products only; Carnivals, temporary; Christmas trees and wreaths, the sale of; Crops--field, tree, bush, berry and row, including nursery stock; Electric distribution substations; Gas metering and control stations, public utility; Parking lots; -- Restaurants and other eating establishments, including food take-out, subject to the standards specified by subsection G of Section 22.28.070.
No outside display is proposed.

- Pursuant to the DRP Subdivision and Zoning Interpretation and Procedures Manual, page 22, Cargo Storage Containers (Reference: 22.28.220.D), one cargo storage container is allowed as an accessory use in the A-1 zone.

The existing cargo storage container is a permitted use on the property.

- Pursuant to Section 22.56.195 (B) of County Code, the following findings must be made for the approval of a conditional use permit for alcoholic beverage sales:

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.

There are no schools, parks, playgrounds, places used exclusively for religious worship or other similar uses within 600' of the project site.

2. 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.

The requested use is located approximately 470 feet southeast of the closest residential building. The use is buffered from residential uses by vacant land, commercial, agricultural uses and the Agua Dulce Canyon Road.

3. The requested use at the proposed location will not result in an undue concentration of similar premises.

According to the ABC report dated October 6, 2009, the census tract has undue concentration of licenses for on-site consumption. The number of licenses allowed for the sale of alcoholic beverages for on-site consumption in this area is three and five currently exists, which includes the license for the subject restaurant that has been selling full line of alcoholic beverages for on-site consumption since 1989.

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

The restaurant has been operating and selling full line of alcoholic beverages since 1989 without any apparent adverse affects on the nearby community while providing convenience services to local residents and travelers. The restaurant has been operating for 20 years without violations. The applicant described the restaurant as a venue for live entertainment as local musicians who will play within the restaurant.

Staff has included provisions in the recommended conditions of approval addressing the proposed live entertainment at this location.

Therefore the expansion of the existing restaurant and addition of live entertainment will not adversely affect the economic welfare or health and safety of the community of Agua Dulce.

5. 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.
- The existing commercial building, within which the subject use is located, was constructed in 1989 and approved by plot plan number RPP29160 and determined to be consistent with the neighborhood. Since the applicant is not proposing any change on the exterior appearance of the building, the continued operation and expansion of the subject uses will not cause blight, deterioration or substantially diminish or impair property values within the neighborhood.***

BURDENS OF PROOF

Conditional Use Permit

As required by Section 22.56.040 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of the Hearing Officer and/or the Commission, the following facts:

- A. That the requested use at the location proposed will not:
1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area.
- C. That the proposed site is adequately served:
1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
 2. By other public or private service facilities as are required.

Alcohol Sales

Pursuant to Section 22.56.195 of the County Code, in addition to the findings required for every Conditional Use Permit, the applicant is also required to substantiate the following burden of proof for requests for alcohol sales:

- A. 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

- B. 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
- C. 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
- D. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
- E. 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.

The applicant's Burden of Proof responses are attached to this document (**Attachment A**).

ENVIRONMENTAL DETERMINATION

This project has been determined to be Categorically Exempt from the California Environmental Quality Act and Environmental Guideline of Los Angeles County pursuant to the Class 3 Categorical Exemption (conversion of small structures) (**Attachment B**).

OTHER AGENCIES COMMENTS AND RECOMMENDATIONS

Alcohol Beverage Control – Van Nuys District Office (Attachment C)

Report received by fax on October 6, 2009, states that the Census Tract in which the subject property is located (Number 9108.03, with population of 3,342 persons) has undue concentration of licenses for on-site consumption. The number of licenses allowed for the sale of alcoholic beverages for on-site consumption in this area is three and five currently exists.

Crime report date for the year of 2008 was provided indicating that the total number of offences in the reporting district was 129 and that the location is not within a high crime reporting district.

Los Angeles Sheriff's Department – Santa Clarita

Several attempts were made to contact the Sheriff's Department Santa Clarita Office without success.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to County policy, the legal notification process for public hearings involves mailing of notices to all property owners within 1,000 feet of the subject property and others requesting notification for projects in the area; placement of a legal advertisement in the local newspaper; posting of a sign on the subject property; and placement of material in the local public library, 30 days prior to the date of the hearing. For this request, a total of 75 notices were mailed on December 7, 2009. Advertisements were published on December 14, 2009 in the Acton Agua Dulce Weekly and on December 10, 2009 in La Opinion. Case materials were available for public review at the Canyon Country Jo Anne Darcy Library beginning on December 13, 2009. The Notice of Public Hearing was posted on the site December 13, 2009.

PUBLIC COMMENTS

One phone call was received on November 5, 2009, regarding this case from an Agua Dulce Town Council member requesting more information about the request.

A letter was received from the Agua Dulce Town Council on November 20, 2009, expressing support to the project (**Attachment D**).

STAFF EVALUATION

The applicant is requesting authorization to expand an existing restaurant that currently sells a full line of alcoholic beverage for on-site consumption. The existing restaurant has 1,850 square feet and has been operating and selling alcoholic beverages since 1989 (type 47 license). The restaurant recently expanded its area to 2,575 square feet (40 percent increase). The applicant is also requesting approval to allow live entertainment.

The property is designated as Non-Urban 1 in the Santa Clarita Valley Area Plan and the request will not conflict with the provisions of the Plan. The nearest residence is located approximately 470 feet southwest of the commercial building that accommodates the proposed uses and it is buffered by vacant and agricultural land that minimizes potential impacts to the nearby residence.

Staff determined that the addition of live entertainment is incidental to the existing restaurant. Considering that the sound will be limited to the interior of the building, and that the building is immediately surrounded by vacant, commercial and agricultural uses, the addition of live entertainment will not be a menace to the residential areas in the nearby community.

The subject restaurant has been operating and selling general line of alcoholic beverages since 1989 without any apparent adverse affects on the nearby community or known violations while providing convenience services to local residents and travelers. The expansion of the restaurant floor area to sell alcoholic beverages will not compromise or change the character of the establishment that has been operating within an established community for the past 20 years.

The applicant has satisfied the required Burdens of Proof findings for a conditional use permit to authorize the expansion of an existing restaurant that currently sells a full line of alcoholic beverage for on-site consumption, and the addition of live entertainment. Staff has determined that the proposed project, with the recommended conditions, will not adversely affect the health, peace, comfort or welfare of persons residing and working in the surrounding area, or, be materially detrimental to the use, enjoyment or valuation of other individuals' properties located in the vicinity of the site, or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

If approved, staff recommends a **ten (10)** year term for the requested Conditional Use Permit. This is based on the need to reevaluate the compatibility of the project with the surrounding community. Staff also recommends that the project be inspected annually to ensure compliance with the final conditions of approval.

FEES/DEPOSITS

If approved as recommended by staff, the following will apply:

Zoning Enforcement

1. Inspection fees of \$1,500.00 to cover the costs of 10 annual zoning enforcement inspections.

STAFF RECOMMENDATIONS

Approval

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing. Staff recommends **APPROVAL** of Conditional Use Permit Case No. 200900076-(5), subject to the attached draft conditions.

SUGGESTED MOTION

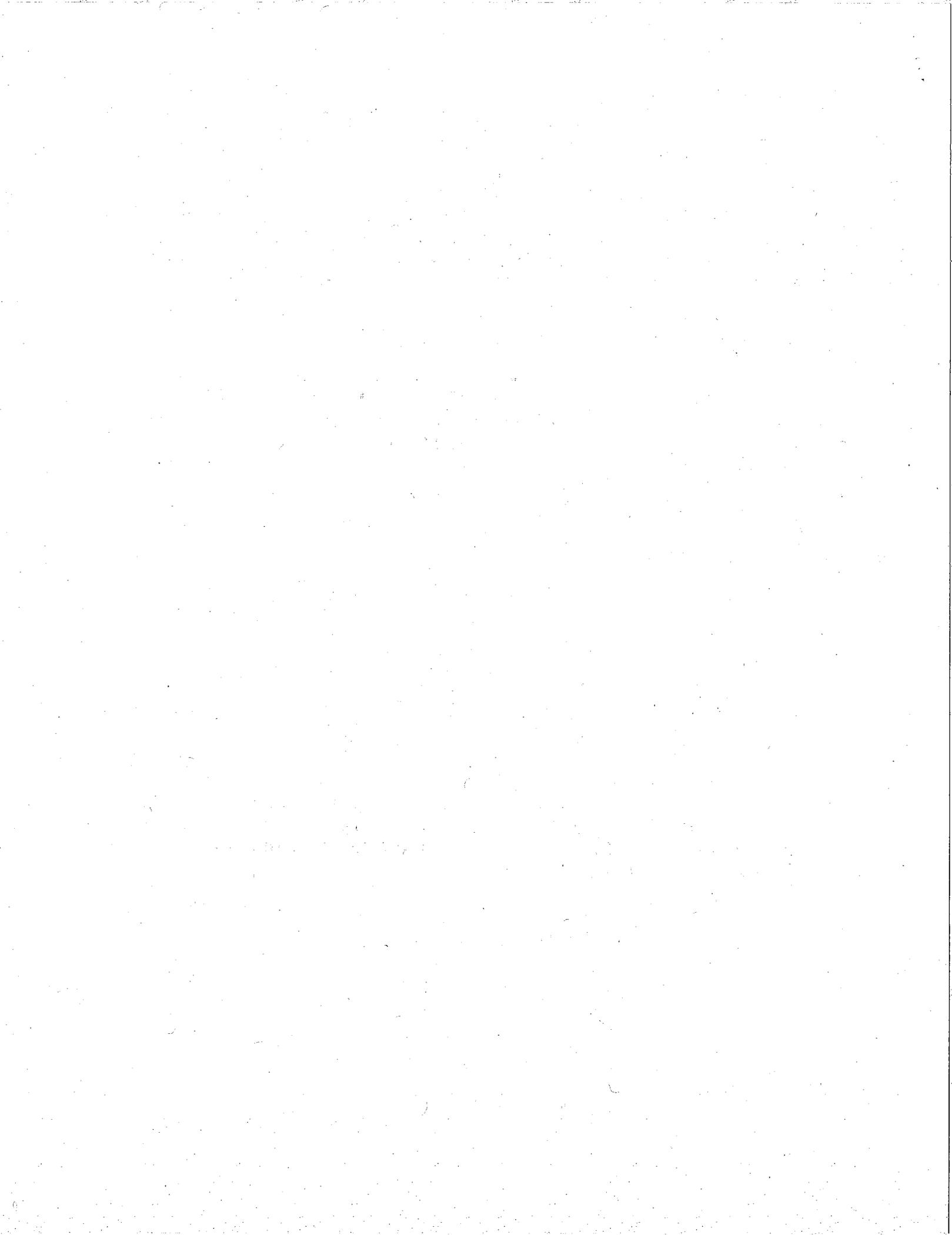
"I MOVE THE PUBLIC HEARING BE CLOSED AND THAT THE REGIONAL PLANNING COMMISSION APPROVE CONDITIONAL USE PERMIT CASE NO. 200900076-(5) WITH THE ATTACHED FINDINGS AND CONDITIONS, AND ADOPT THE CATEGORICAL EXEMPTION."

Report prepared by Carolina Santoro Blengini, Regional Planning Assistant II
Reviewed by Samuel Dea, Section Head of Special Projects Section.

Attachments:

Burdens of Proof
Environmental Documentation
Correspondence
Draft Findings and Conditions
Vicinity Map
Land Use Map
Site Plan

SD:CB:cb



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

**PROJECT NUMBER R2009-01100-(5)
CONDITIONAL USE PERMIT 200900076**

HEARING DATE: 1/13/2010

SYNOPSIS:

The applicant, Flying W. Inc., is requesting authorization to expand an existing full service restaurant that currently sells a full line of alcoholic beverage for on-site consumption. The restaurant has been operating and selling alcoholic beverages with a type 47 license since 1989. The restaurant recently expanded from 1,850 square feet to 2,575 square feet (40 percent increase). In addition to the expansion, the applicant is also requesting approval to allow live entertainment.

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:

January 13, 2010 – Public Hearing

To be inserted after the hearing.

Findings

1. Pursuant to Section 22.56.010 of the County Code, the applicant, Flying W. Inc., has requested a Conditional Use Permit to authorize the expansion of an existing full serve restaurant that sells a full line of alcoholic beverage for on-site consumption and live entertainment.
2. The subject restaurant has been operating and selling alcoholic beverages with a type 47 license since 1989. The restaurant recently expanded from 1,850 square feet to 2,575 square feet (40 percent increase).
3. The subject property is located at 33310 Agua Dulce Canyon Road in the unincorporated community of Agua Dulce, in the Soledad Zoned District, in unincorporated Los Angeles County.
4. The rectangular shaped subject property (APN No. 3212-010-038) is approximately 2.62-acre (114,478 square feet) in size and it is partially developed with a 7,500 square foot commercial building, six accessory storage buildings, one wireless and telecommunications facility, two water towers, one storage container, and 23 paved parking spaces. The southern portion of the property (approximately 0.8 acres) is vacant. The existing commercial building consists of three suites with the following tenants: 2,605 square foot hardware store, 1,512 square foot gift shop, and a 2,575 square foot restaurant. The height of the building varies from one to two stories. The hardware store is located in the two-story portion of the building. The accessory

structures are located at the rear of the commercial building and are used exclusively for storage related to the commercial tenants.

5. Access to the subject property is provided from Agua Dulce Canyon Road to the west, a designated secondary highway. No change in existing access is proposed.
6. The restaurant is currently open from 7a.m. to 2p.m. on Mondays; from 7a.m. to 10 p.m. on Tuesdays, Wednesdays and Thursdays; and from 7a.m. to 12a.m. on Fridays, Saturdays and Sundays. the facility currently employs 18 people and has 3 shifts with a maximum of 5 persons per shift.
7. All required services are in place for the existing uses. Water is provided by private well and sewer disposal is handled through a private septic system.
8. The subject property is within the Santa Clarita Valley Area Plan. The Plan policies related to the unincorporated community of Agua Dulce states that existing commercial areas along Agua Dulce Canyon Road in the center of the community are to be retained.
9. The land use category of the subject property in the Plan is N1 (Non Urban 1). Although the N1 is primary a rural residential land use designation since it represents the dominant use of the area, the Plan allows local and highway oriented commercial uses to serve the needs of local residents and travelers in non-urban areas. However, such development is subject to applicable General Conditions for Development of Non-Residential Uses in Non-Urban Areas. The restaurant is located in a commercial complex within an established community and the subject property has access to available public services. The commercial development existing on the property has been present on the property since 1989 and is consistent with the applicable General Conditions for Development that includes the following:
 - a. The proposed use should be located and designed so as not to conflict with established or planned community land use and circulation patterns.
 - b. The necessary public services and infrastructure should be in or readily available, including appropriate sewage disposal facilities and water for domestic use as well as firefighting.
 - c. The proposed use shall be located in areas deemed suitable from an ecologic, geologic and topographic standpoint.
 - d. Access, egress and onsite parking should be provided in a manner which maximizes safety and minimizes adverse impacts in surrounding land use patterns.
 - e. The proposed site should be appropriately landscaped, fenced and screened to minimize the visual impact on surrounding and overlooking residences.
 - f. Consideration should be given to appropriate hours of operation.

- g. Outdoor advertising should be designed in such a way as to minimize negative impact on adjacent properties.
10. The subject property is zoned C-1 (Restricted Business), R-3 (Limited Multiple Residence), and A-1-10,000 (Light Agricultural – 10,000 minimum lot size). Approximately 0.4 acre of the site is zoned C-1, 1.74 acre is zoned R-3, and 0.49 acre is zoned A-1-10,000. The commercial building is located within the portion of the property zoned C-1. The accessory structures and parking lot are located within the portion of the property zoned R-3. The Surrounding Properties are zoned as follows:
- North: C-3 (Unlimited Commercial) , A-1-10,000 (Light Agricultural – 10,000 minimum lot size)
- South: R-3 (Limited Multiple Residence), A-1-10,000 (Light Agricultural – 10,000 minimum lot size)
- East: A-1-10,000 (Light Agricultural – 10,000 minimum lot size)
- West: C-3-U/C (Unlimited Commercial), A-1-2-P (Light Agricultural – 2 acre minimum lot size - Parking), A-1-10,000 (Light Agricultural – 10,000 minimum lot size)
11. The subject property is currently developed with a commercial building and appurtenant structures.
- Surrounding land uses consist of:
- North: Commercial, Residential
- South: Residential
- East: Residential
- West: Commercial, Residential, Agricultural
12. The commercial use of the subject property has been established in 1989 through the approved plot plan number RPP29160 for the construction of a commercial building with a restaurant. The subject restaurant has been operating and selling general line of alcoholic beverages since the approval without any apparent adverse affects on the nearby community or known violations while providing convenience services to local residents and travelers. The expansion of the restaurant floor area to sell alcoholic beverages will not compromise or change the character of the establishment that has been operating within an established community for the past 20 years.
13. The applicant's site plan depicts a 7,500 square feet commercial building, five accessory structures which include one wireless facility, one storage container, landscaped areas and 48 paved parking spaces. The commercial building, which is located on the northwest portion of the property, facing Agua Dulce Canyon Road, consists of three suites with the following tenants: 2,605 square foot hardware store,

1,512 square foot gift shop, and a 2,575 square foot restaurant. The height of the building varies from one to two stories (6,550 square feet on the first floor and 950 square feet on the second floor). The hardware store is located in the two-story portion of the building. The accessory structures are located at the rear of the commercial building and are used exclusively for storage related to the commercial tenants. The storage container is located on the northwestern portion of the parcel and used for storage related to agricultural use.

The floor plan depicts a 2,575 square foot restaurant which consists of a 1,125 square foot kitchen, 240 square foot office and a 1,210 square foot dining area.

14. The subject property is zoned C-1 (0.4 acre), R-3 (1.74 acre) and A-1-10,000 (0.49 acre). The commercial building and accessory facilities are located within the portion of the subject property that is zoned C-1. The parking area and is located within the portion of the property that is zoned R-3. The storage container is located within the portion of the property zoned A-1-10,000. The subject property is also located within the Agua Dulce Community Standard District.
15. Pursuant to Section 22.44.113 of the County Code, only parcels that are less than two gross acres and are located within a hillside management area are subject to the Agua Dulce Community Standards District Community Wide Development Standards. The Agua Dulce CSD Community Wide Development Standards do not apply since the subject property is approximately 2.62 acres and does not contain slopes over 25 percent.
16. Pursuant to section 22.28.110 of the County Code, sales of beer, wine and distilled spirits for either on-site or off-site consumption are uses subject to permit in the C-1 zone, and are subject to the requirements of Section 22.56.195.
17. Pursuant to section 22.28.110 of the County Code, live entertainment, accessory, in a legally established bar, cocktail lounge or restaurant having an occupant load of less than 200 people where the conditions of Section 22.56.1754 have not or cannot be met. This provision shall not be construed to authorize the modification of development standards required for establishment of such bar, cocktail lounge or restaurant, except as otherwise provided by Part 2 of Chapter 22.56.
18. The existing 6,550 square foot building occupies approximately 38 percent of the portion of the property that is zoned C-1 (0.4 acre) and six percent of the entire property (2.62 acres).
19. The portion of the property zoned C-1 currently has approximately 1,700 square feet of landscaping which represents 10 percent of the net area of the project site in the C-1 zone.
20. An Occupant Load approved by the Division of Building and Safety on May 4, 2009 indicated that the restaurant has a maximum capacity of 88 persons: 29 parking spaces are required

Other spaces within the building are:

- Gift Shop (1,512 square feet): 6 parking spaces required
- Hardware Store (3,413 square feet): 13 parking spaces required
- Handicapped: 1 parking space required

A total of 48 parking spaces, which includes one handicapped parking spaces, are required by the Code. The site plan depicts 48 parking spaces. Therefore, the site plan is consistent with the parking requirement.

21. The existing commercial building is in character with the community as approved by plot plan number RPP29160 and in compliance with the requirements of the Zoning Code. The applicant is not proposing to alter the external appearance of the building.
22. No outside display is proposed as part of this request.
23. In addition to the subject restaurant, there are four other establishments licensed to sell alcoholic beverages within 500 feet of the subject property:
 - Agua Dulce general Store, full license, off-site consumption
 - Sweetwater Market, full license, off-site consumption
 - Maria Bonita Restaurant, full license, on-site consumption
 - Vincenzo's Pizza, Beer and Wine, on-site consumption
24. There are no sensitive uses within 600 feet of the subject property.
25. There are no schools, parks, playgrounds, places used exclusively for religious worship or other similar uses within 600' of the project site.
26. The requested use is located approximately 470 feet southeast of the closest residential building. The use is buffered from residential uses by vacant land, commercial, agricultural uses and the Agua Dulce Canyon Road.
27. According to the ABC report dated October 6, 2009, the census tract has undue concentration of licenses for on-site consumption. The number of licenses allowed for the sale of alcoholic beverages for on-site consumption in this area is three and five currently exists, which includes the license for the subject restaurant that has been selling full line of alcoholic beverages for on-site consumption since 1989.
28. The site has been operating and selling full line of alcoholic beverages since 1989 without any apparent adverse affects on the nearby community while providing convenience services to local residents and travelers. The restaurant has been operating for 20 years without violations.
29. The applicant described the restaurant as a venue for live entertainment as local musicians who will play within the restaurant. Conditions of approval addressing the proposed live entertainment at this location have been included. Therefore the expansion of the existing restaurant and addition of live entertainment will not adversely affect the economic welfare or health and safety of the community of Agua Dulce.

30. The existing commercial building on the subject property was established in 1989 and approved by Plot Plan Number RPP29160. The applicant is not proposing any change on the exterior appearance of the building. The continued operation and expansion of the restaurant will not cause blight, deterioration or substantially diminish or impair property values within the neighborhood.
31. An Alcohol Beverage Control report received by fax on October 6, 2009, states that the Census Tract in which the subject property is located (Number 9108.03, with population of 3,342 persons) has undue concentration of licenses for on-site consumption. The number of licenses allowed for the sale of alcoholic beverages for on-site consumption in this area is three and five currently exists.

Crime report date for the year of 2008 was provided indicating that the total number of offences in the reporting district was 129 and that the location is not within a high crime reporting district.
32. Several attempts were made to contact the Sheriff's Department Santa Clarita Office without success.
33. Pursuant to County policy, the legal notification process for public hearings involves mailing of notices to all property owners within 1,000 feet of the subject property and others requesting notification for projects in the area; placement of a legal advertisement in the local newspaper; posting of a sign on the subject property; and placement of material in the local public library, 30 days prior to the date of the hearing. For this request, a total of 75 notices were mailed on December 7, 2009. Advertisements were published on December 14, 2009 in the Acton Agua Dulce Weekly and on December 10, 2009 in La Opinion. Case materials were available for public review at the Canyon Country Jo Anne Darcy Library beginning on December 13, 2009. The Notice of Public Hearing was posted on the site December 13, 2009.
34. This project has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) and Environmental Guideline of Los Angeles County pursuant to the Class 3 Categorical Exemption (conversion of small structures).
35. 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.
36. 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.
37. 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 Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE PLANNING COMMISSION CONCLUDES

- A. That the proposed use is consistent with the adopted general plan for the area;
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and 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 and general welfare;
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, landscaping and other development features;
- D. That the proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private 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;
- 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;
- G. The requested use at the proposed location will not result in an undue concentration of similar premises;
- 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 is not 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.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Conditional Use Permit as set forth in Sections 22.56.090 and 22.56-195, Title 22, of the Los Angeles County Code (Zoning Ordinance)

PLANNING COMMISSION ACTION:

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.

In view of the findings of fact and conclusions presented above, Conditional Use Permit 200900076 is approved subject to the attached conditions.

VOTE:

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date:

c: Commissioner, Zoning Enforcement, Building and Safety

SD:CB:cb

This grant authorizes to authorize the expansion of an existing restaurant that sells a full line of alcoholic beverage for on-site consumption and live entertainment as depicted on the approved Exhibit "A", subject to all of the following conditions of approval:

1. 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.
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 Department of 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 No. 7, and until all required monies have been paid pursuant to Condition No. 9. Notwithstanding the foregoing, this condition (No. 2), and Condition Nos. 4, 5, and 6 shall be effective immediately upon final approval of this grant by the County.
3. 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 notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
4. 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.
5. This grant shall expire unless used within two (2) years from the date of final approval by the county. A single one-year time extension may be requested in writing and with payment of the applicable fee.

6. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
7. 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 subject property during the term of this grant, the property owner shall promptly provide a copy of the grant and its terms and conditions to the transferee or lessee of the subject property. Upon recordation, an official copy of the recorded conditions shall be provided to the Director
8. **This grant will terminate on January 13, 2020.** 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, whether or not any modification of the use is requested at that time.

Upon termination of this grant, entitlement to the use of the property shall be subject to the regulations then in effect. If permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six months prior to the termination of this permit, whether or not any modification of the use is requested at that time.

9. 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 **\$1,500.00**. These monies shall be placed in a performance fund that 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. The fund provides for **ten (10)** inspections. The first inspection shall occur within one year after the approval date of this grant and each subsequent inspection shall occur at a year interval. 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 condition of this grant, the permittee shall be financially responsible 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. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. 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).

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 health or safety or so as to be a nuisance. 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. Upon approval of this grant, 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 to the satisfaction of and within the time periods established by said Department.
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 structures shall comply with the requirements of the Los Angeles County Department of Health Services.
15. 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.
16. In the event such extraneous markings occur, 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.
17. The operation of the restaurant including the sale of full line of alcoholic beverages for on-site consumption shall be further subject to all of the following restrictions:
 - a. The conditions of this grant shall be retained on the premises at all times and be immediately produced upon request of any County Sheriff, Department of Regional Planning Zoning Enforcement Inspector or ABC investigator. The restaurant manager and all employees of the restaurant shall be knowledgeable of the conditions herein;
 - b. Hours of operation for the restaurant shall be limited from 7a.m. to 2p.m. on Mondays; from 7a.m. to 10 p.m. on Tuesdays, Wednesdays and Thursdays; and from 7a.m. to 12a.m. on Fridays, Saturdays and Sundays.
 - c. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced;

- d. The permittee shall display alcoholic beverages only on the shelving designated for storage of said beverages as depicted on the approved Exhibit "A". No additional display of alcoholic beverages shall be provided elsewhere on the premises;
- e. All servers of alcoholic beverages must be at least 18 years old. The licensee, all managers and present and future employees of the establishment 18 years of age or older shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the California Department of Alcoholic Beverage Control. This training shall be on-going and all new employees shall be required to attend. The licensee shall display a certificate or plaque in the lobby of the establishment indicating they have participated in this program;
- f. The permittee shall not advertise the sale of alcoholic beverages on the exterior walls or windows of the building or at any location on the subject property. No self-illuminating advertising for alcoholic beverages shall be located on the buildings or windows;
- g. Off-site signs are prohibited, unless approved by the Department of Regional Planning. The placement of portable signs on sidewalks adjacent to the subject property and temporary signs on walls and poles is prohibited;
- h. Temporary window signs shall not exceed 25 percent of the area of any single window or of adjoining windows on the same frontage;
- i. 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;
- j. The permittee shall post signage on the premises which is clearly visible to customers, prohibiting the consumption of alcohol outside of said restaurant's eating area;
- k. Telephone numbers of local law enforcement shall be posted adjacent to the cashier's areas of the convenience store and service areas of the restaurant;
- l. 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;
- m. There shall be no cover charge or prepayment fee for food and/or beverage service required for admission to the restaurant;

- n. 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;
 - o. Any music (including live entertainment) accompanying the diners shall be sufficiently regulated so as to not be audible beyond the subject property;
 - p. The permittee shall not install or maintain video games, pool tables, or similar game activities or equipment on site;
 - q. The licensed premises shall have no other coin-operated amusements at any time, other than official State Lottery machines, such as small carousel rides or similar riding machines;
 - r. The permittee shall maintain the property in a neat and orderly fashion and maintain free of litter all areas of the premises under which the permittee has control;
 - s. There shall be no loitering permitted on the premises under the control of the permittee. Signage shall be posted on the premises prohibiting loitering. The signage shall be in English and the predominant second language in the neighborhood;
 - t. The permittee shall instruct all employees in the regulations regarding no loitering and no consumption of alcoholic beverages outside the subject facility. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary;
 - u. There shall be no outdoor sales, storage, or displays of merchandise; and
 - v. 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.
18. A minimum of 48 parking spaces shall be maintained on site, one of which must be reserved for people with disabilities. 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.
19. All parking lot and other exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot.
20. The occupancy of the restaurant's area shall not exceed 88 persons.
21. There shall be no outdoor public address system or other sound amplification, or similar acoustical devices audible beyond the property boundaries.
22. The permittee shall maintain a current contact name, address, and phone number with the Department of Regional Planning at all times.

PROJECT NUMBER R2009-01100
CONDITIONAL USE PERMIT 200900076

CONDITIONS
Page 6 of 6

SD:CB:cb



ATTACHMENT A
 Los Angeles County
 Department of Regional Planning
Planning for the Challenges Ahead



CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

SEE ATTACHED

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

SEE ATTACHED

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

SEE ATTACHED

ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF:

A. Proposed Location is not within 600 feet of any place of religious worship, school, park, playground or any similarly used facility. Therefore, Proposed Location poses no hindrance whatsoever to any community churches, schools, parks, playgrounds, etc.

B. The only structures within 600 feet of Proposed Location are other businesses, which are closed during hours of entertainment. Proposed Location does not amplify music onto the outside of restaurant, including no amplification onto proposed location's own patio. Tenants living nearest to proposed location report not being able to hear the music at all from said residences.

C. Proposed Location is nestled in a town that is very small and family oriented. "Agua Dulce" boasts just two sit-down eating establishments (including proposed location) within its borders. There is no reason, nor cause to determine at this time that any other similar premise would become a factor. Proposed Location will adhere to all rules with regard to storage and serving of alcoholic beverages.

Other ABC permit holders within 500 feet of the project are

Agua Dulce General Store, Full license, Off-site sales

Sweetwater Market, Full License, Off- site sales

Maria Bonita Restaurant, full license, On-site sales

Vincenzo's Pizza, Beer & Wine, On-site consumption licence (the restaurant has been closed since September of 2009)

D. The existence of Proposed Location does not in any way adversely affect the economic welfare of surrounding community. Contrarily, Proposed Location provides job opportunities for local people including teens in high school, young adults in college, working parents of small children and local seniors. Owners of Proposed Location further stimulate the local economy by buying many of their consumables from small local businesses.

E. No change to outside front façade or landscaping of Proposed Location. Removal of sheds in rear of property to accommodate county policy.



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

SEE ATTACHED

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

SEE ATTACHED

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

SEE ATTACHED

CONDITIONAL USE PERMIT BURDEN OF PROOF

A1. Proposed Project is an expansion of existing use that has responsibly served beer, wine and other alcoholic beverages to its adult clientele for over 20 years. In recent years there has been live entertainment sporadically consisting of one or two people from the local community strumming guitar and singing. To date we have never received a complaint about the music. There are no outside amplifiers, in fact the neighbors report that they have never heard anything unless they intentionally came to the proposed project.

The projected project is a place for families to gather to listen to local children sing choral songs, community clubs to gather, such as the local book club, local fund raiser for not for profit purpose, and school booster clubs, etc. There is no fee paid or charged for these activities. Alcohol sales are limited to weekends and evenings.

A2. Proposed project annexes a retail unit within an existing building envelope. Additional parking will be provided by removing storage sheds from the existing pavement in the rear of the property. The lot is elevated above adjacent properties on that side of the property. Visual impact is minimal.

A3. Proposed project shall conform to existing building codes, fire codes, community standards and ABC regulations.

B. Proposed location, in existence since 1989, consistently maintains landscaped areas, patio space and all other areas under its control to a high standard of cleanliness and regard for public health. Proposed Location offers ample space for parking and safe passage for pedestrian traffic to entrances and exits of same.

C. Proposed Location sits in the center of a small town on a wide street with acres of blank land surrounding it. Long time residents report never having seen traffic of more than 3 or 4 cars come through at a time. Proposed Location's effect on traffic will be negligible at best. The proposed project shall not require additional deliveries or waste pick-ups. The additional seating capacity and corresponding increase in parking shall not have a significant impact on local traffic.

ATTACHMENT B

LOS ANGELES COUNTY LETTERGRAM

TO	File	FROM	Carolina Blengini
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**SUBJECT: ENVIRONMENTAL DETERMINATION
PROJECT R2009-01100
CONDITIONAL USE PERMIT NUMBER 200900076**

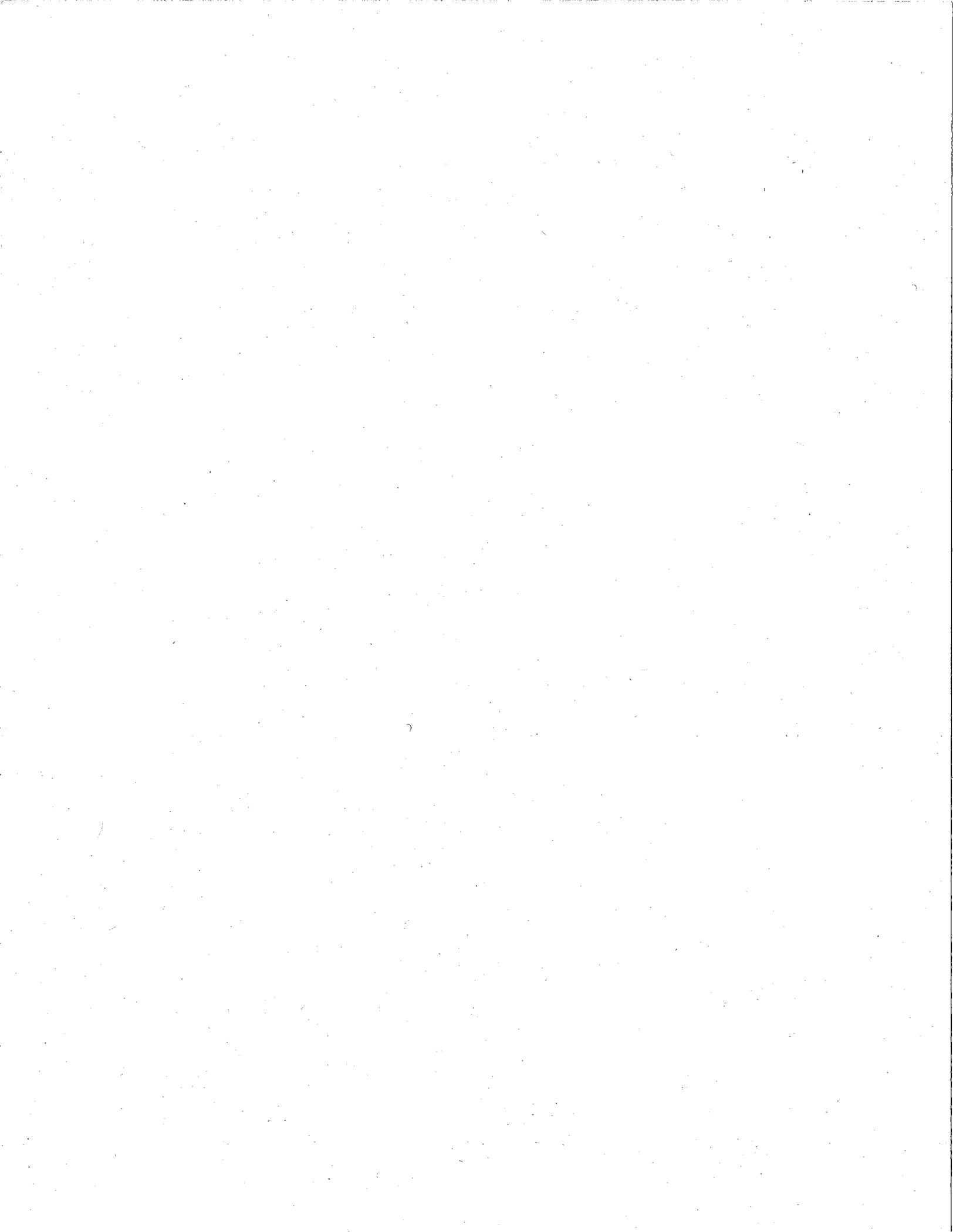
DATE: 10/06/09

The applicant is requesting authorization to expand an existing restaurant that currently sells a full line of alcoholic beverage for on-site consumption. The existing restaurant has 1,850 square feet and has been operating and selling alcoholic beverages since 1989 (type 47 license). The restaurant recently expanded its area to 2,575 square feet (40 percent increase). The applicant is also requesting approval to allow live entertainment.

As such, this project qualifies for:
Class 3 Categorical Exemption – New Construction or Conversion of Small Structures.

The staff of the Special Projects Section recommends a Categorical Exemption since it meets the criteria set forth in Class 3 of the State EIR Guidelines (Article 19, Categorical Exemptions) and Class 3 of the County Guidelines (Appendix G, Categorical Exempt Projects).

A NOTICE OF EXEMPTION MAY BE FILED WITH THE COUNTY CLERK UPON APPROVAL OF THIS PROJECT.



ATTACHMENT C



FAX TRANSMISSION

Total Number of Pages 3 (Including this cover sheet)

Original: To follow by regular mail Will not follow

To: Carolina Blengini

Firm/Office: _____

Fax: 213-626-0434 Date: 10-6-09 Time: _____

cc('s): _____

From: Paula Phone: _____

Subject: _____

Comments: _____

NOTICE

This communication is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address.



"Be Energy Efficient"

23958.4 B & P APPLICATION WORK SHEET

APPLICANT: _____

PREMISES ADDRESS: 33314 Agua Dulce Cyn Rd, San

LICENSE TYPE: _____

1. CRIME REPORTING DISTRICT

LA SO

Jurisdiction is able to provide statistical data for the year 2008

Reporting District: 2645

Total number of reporting districts: 374

Total number of offenses: 61546

Average number of offenses per district: 164

120% of average number of offenses: 197

Total offenses in district: 129

Location is within a high crime reporting district: NO

2. CENSUS TRACT / UNDUE CONCENTRATION: 2008

Census Tract: 9108-03

ON-SALE

OFF-SALE

Population: 3342 County Ratio

1: 1159

1: 1618

Number of licenses allowed: 3

3

3

Number of existing licenses: 5

5

3

Undue concentration exists: Y

Y

Y

Letter of public convenience or necessity required: Y Applicant

Y Applicant

Y Governing Body

Three time publication required: Y

Y

Y

PA
Person Preparing Data

10-6-09
Date

Supervising Investigator

Fax Transmission

To:	<u>ABC Office</u>	<u>Service Area</u>	<u>Phone</u>	<u>Fax</u>
	Southern Division	Southern CA	(562) 402-0659	
<input type="checkbox"/>	Inglewood	S & W LA County	(310) 412-6311	(310) 673-4082
<input type="checkbox"/>	Long Beach/Lakewood	SE LA County	(562) 982-1337	(562) 982-1396
<input type="checkbox"/>	Monrovia	NE LA County	(626) 256-3241	(626) 357-4173
<input checked="" type="checkbox"/>	Van Nuys	N & NW LA County	(818) 901-5017	(818) 785-6731

From: Carolina Blengini- Assistant Regional Planning II

Fax: (213) 626-0434

Pages: 1

Date: 10/06/09

RE: Crimes and License Statistics

Project: 2009-01100-(5)

Case: RCUP200900076

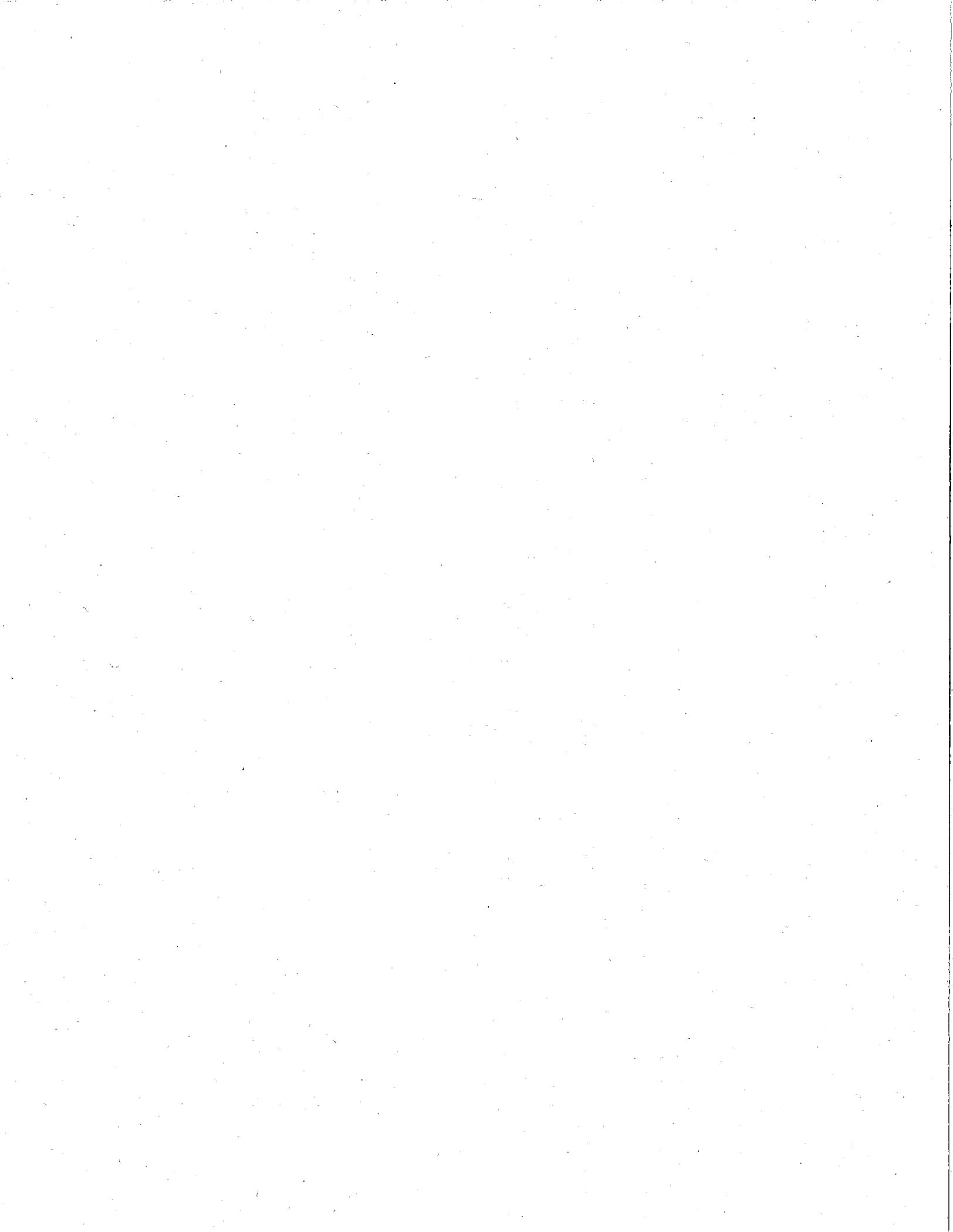
Establishment: Sweetwater Cafe

Location: 33314 Agua Dulce Canyon Rd, Agua Dulce, CA 91390

The Los Angeles County Department of Regional Planning is processing a conditional use permit for the subject restaurant to authorize the sale of beer and wine for on-site consumption (License Code 41).

Please fax a completed B&P application worksheet to determine if this property is located in a high crime reporting district and if there is an undue concentration in the census tract of establishments with either existing or pending on and off-site alcohol sales.

If there are any questions regarding this request, please call 213-974-1522. Thank you.



ATTACHMENT D

AGUA DULCE TOWN COUNCIL

33201 Agua Dulce Canyon Road * Box Number 8 * Agua Dulce, CA 91390

Website: www.AguaDulce-ca.com

November 20, 2009

Ms. Carolina Blengini cblengini@planning.lacounty.gov
Department of Regional Planning
Hall of Records, Room 1348
320 West Temple Street
Los Angeles, CA 90012

**RE: Sweetwater Cafe—ABC Permit for Bar Expansion
CUP No. 2009-00076-(5)**

Dear Ms. Blengini:

At the November 11, 2009 regular Agua Dulce Town Council meeting, Mr. Matt Wooten, the applicant for Conditional Use Permit Number 2009-00076-(5), presented and explained his proposed CUP required for obtaining his Alcohol Beverage Control (ABC) permit to serve alcohol in the expanded area of his restaurant at 33310 Agua Dulce Canyon Road in Agua Dulce. The project was duly noticed on the Council's agenda and properly posted. The Council has confirmed the project is within the Agua Dulce Community Standards District.

Mr. Wooten indicated the 750 square foot expansion of his restaurant requires a CUP for modification of his ABC license. The proposed CUP received unanimous support from the community members in attendance at the meeting. Several community members voiced the following comments on the proposed CUP:

- Costs incurred by Sweetwater Café—CUP filing cost of \$5546, consultant fees of \$2500, \$1100 monthly rent on unusable expanded restaurant area. In these rough economic times, a struggling business with these additional costs encumbers the business.
- Timeline for approval—Mr. Wooten indicated his Regional Planning Commission hearing date is tentatively scheduled for January 13, 2010. The community supports adhering to this schedule in an effort to expedite the permit.
- Economics of our local community—Agua Dulce has already seen one of our three restaurants in town go out of business. The restaurant provides employment for local residents and offers the community a choice to dine locally.

Based on the comments received by the community, the Agua Dulce Town Council fully supports the proposed CUP and requests the application be expedited to the greatest extent possible.

- Mary Johnson, President
(661) 268-8804
maryjohnson@cwaveisp.net
- Lorene Cangiano, Secretary
(805) 358-0239
lcangiano@chomg.com
- Don Henry, Treasurer
(661) 268-1731
BH33605@aol.com
- David Aiello, Member
(661) 714-7647
davidaello@sbcglobal.net
- Annette Fortuna, Member
(661) 268-8877
A42na@aol.com
- Gary Heddon, Member
(661) 268-1162
heb@thevine.net
- Donal MacAdam, Member
(661) 268-7402
janicepeterson@aguadulcevineyards.com

The Agua Dulce Town Council appreciates the opportunity to comment on this project. Please include this letter as part of the record of public comments received for this proposed project.

Respectfully,

Mary Johnson

Mary Johnson, President
Agua Dulce Town Council – 2009

Cc: Mr. Matt Wooten matt.sb.wooten@gmail.com
Ms. Kimberle Wooten kimberle.wooten@yahoo.com
Rosalind Wayman rwayman@lacbos.org



