

# Transmittal Checklist

Hearing Date

11/03/2009

Agenda Item Number

6

**Project Number:** R2008-01851-(5)  
**Case(s):** CUP No. 200800151  
**Contact Person:** Maral M. Tashjian

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 checked="" type="checkbox"/>	DPW Letter
<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Documentation (IS, MMP, EIR)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Written Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Photographs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resolution (ZC Or PA)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance with 8.5 X 11 Map (ZC Or PA)
<input checked="" 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 checked="" type="checkbox"/>	

Reviewed By:







Los Angeles County Department of Regional Planning  
320 West Temple Street, Los Angeles, California 90012  
Telephone (213) 974-1516

**PUBLIC HEARING DATE**  
11/3/2009

**AGENDA ITEM**  
6

**PROJECT NUMBER R2008-01851-(5)**  
**Conditional Use Permit No. 200800151**

RPC CONSENT DATE

CONTINUE TO

**APPLICANT**  
Jun Young Lee

**OWNER**  
Elizabeth H. Lee

**REPRESENTATIVE**  
Lyn Spees

**REQUIRED ENTITLEMENTS**

The applicant is requesting a Conditional Use Permit to authorize the sale of beer and wine for onsite consumption at a proposed 2,100 sq. ft. restaurant, in the C-3 (Unlimited Commercial) zone of the Soledad Zoned District.

**PROJECT DESCRIPTION**

The applicant, Jun Young Lee, is requesting a Conditional Use Permit to authorize the sale of beer and wine for onsite consumption in a proposed 2,100 sq. ft. restaurant, Miso Sushi, located within an existing multi-tenant commercial center. The restaurant will operate daily from 10 a.m. until 10 p.m.

**LOCATION/ADDRESS**

Miso Sushi, 3720 Sierra Highway, Acton

**SITE DESCRIPTION**

The site plan depicts an 18,880 sq. ft. multi-tenant commercial building with 6,875 sq. ft. of landscaping and 130 parking spaces on a rectangular-shaped, level, 1.78 acre parcel. The restaurant, Miso Sushi, has an occupancy load of 77 and requires 26 parking spaces.

**ACCESS**  
Sierra Highway

**ZONED DISTRICT**  
Soledad

**ASSESSORS PARCEL NUMBER**  
3217-021-026

**COMMUNITY**  
Antelope Valley

**SIZE**  
1.78 acre

**COMMUNITY STANDARDS DISTRICT**  
Acton Community Standards District

**EXISTING LAND USE**

**EXISTING ZONING**

	EXISTING LAND USE	EXISTING ZONING
<b>Project Site</b>	Multi-Tenant Commercial Center	C-3 (Unlimited Commercial)
<b>North</b>	Sierra Highway, Vacant Land, Single-Family Residence	C-2-DP (Neighborhood Commercial – Development Program)
<b>East</b>	Commercial	C-3-DP-U/C (Unlimited Commercial - Development Program)
<b>South</b>	Antelope Valley Freeway (14 Freeway), Vacant Land, Vasquez High School	C-2 (Neighborhood Commercial), A-1-10,000 (Light Agriculture, 10,000 sq. ft. minimum lot area), A-1-1 (Light Agriculture, one acre minimum lot area)
<b>West</b>	Commercial	C-3

**GENERAL PLAN/COMMUNITY PLAN**  
Antelope Valley Areawide General Plan

**LAND USE DESIGNATION**  
C (Community Commercial)

**MAXIMUM DENSITY**  
N/A

**ENVIRONMENTAL DETERMINATION**

Class 1 Categorical Exemption - Existing Facilities

**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**

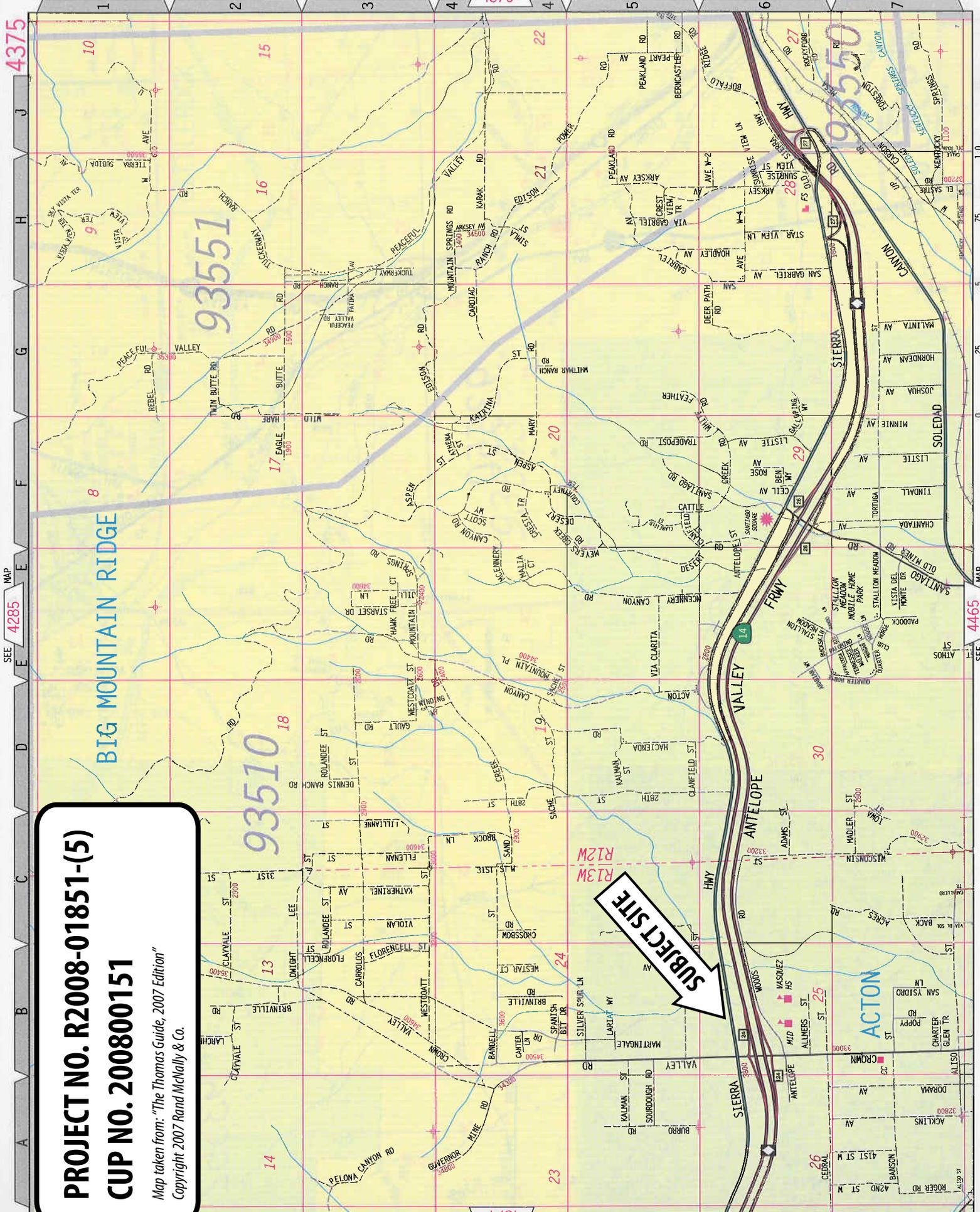
**STAFF CONTACT PERSON:** Maral Tashjian

RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING

STAFF RECOMMENDATION (PRIOR TO HEARING):

SPEAKERS*	PETITIONS	LETTERS
(O) 0 (F) 0	(O) 0 (F) 0	(O) 0 (F) 0

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



**PROJECT NO. R2008-01851-(5)**  
**CUP NO. 200800151**

Map taken from: "The Thomas Guide, 2007 Edition"  
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**SUBJECT SITE**

## **STAFF ANALYSIS**

PROJECT NUMBER R2008-01851-(5)

CONDITIONAL USE PERMIT NUMBER 200800151

## **PROJECT DESCRIPTION**

The applicant, Jun Young Lee, is requesting a Conditional Use Permit to authorize the sale of beer and wine for onsite consumption in a proposed 2,100 square foot restaurant, Miso Sushi, located within an existing multi-tenant commercial center. The restaurant use was approved by plot plan number RPP200701850, but has not yet been established. The restaurant will operate daily from 10 a.m. until 10 p.m.

## **ENTITLEMENT REQUESTED**

The applicant, Jun Young Lee, is requesting a Conditional Use Permit to authorize the sale of beer and wine for onsite consumption in accordance with Sections 22.28.210 and 22.56.195 at a proposed 2,100 sq. ft. restaurant in the C-3 (Unlimited Commercial) zone of the Soledad Zoned District.

## **LOCATION**

The subject property is located at 3720 Sierra Highway, Acton, within the unincorporated community of Acton in Antelope Valley, in the Soledad Zoned District. The Assessor Parcel Number of the subject property is 3217-021-026.

## **SITE PLAN DESCRIPTION**

The site plan depicts an 18,880 sq. ft. multi-tenant commercial building with 7,956 sq. ft. of landscaping and 130 parking spaces on a rectangular-shaped, level, 1.78 acre (77,537 square feet) parcel. Access to the site is provided by Sierra Highway to the north via two 26-foot wide driveways.

## **EXISTING ZONING**

### **Subject Property:**

The project site is zoned C-3 (Unlimited Commercial).

### **Surrounding Properties:**

Surrounding properties are zoned as follows:

North: C-2-DP (Neighborhood Commercial – Development Program)

South: C-2 (Neighborhood Commercial), A-1-10,000 (Light Agriculture, 10,000 sq. ft. minimum lot area), A-1-1 (Light Agriculture, one acre minimum lot area)

East: C-3-DP-U/C (Unlimited Commercial - Development Program)

West: C-3

## **EXISTING LAND USES**

### **Subject Property:**

The 1.78 acre subject property is developed with a multi-tenant commercial center.

### **Surrounding Properties:**

Surrounding land uses are as follows:

North: Sierra Highway, Vacant Land, Single-Family Residence

South: Antelope Valley Freeway (14 Freeway), Vacant Land, Vasquez High School

East: Commercial

West: Commercial

### **ENVIRONMENTAL DOCUMENTATION**

The Department of Regional Planning has determined this project to be Categorically Exempt (Class 1 Exemption - Minor Alteration to Existing Facilities) under the California Environmental Quality Act (CEQA) and the Los Angeles County environmental guidelines.

### **LEGAL NOTIFICATION AND PUBLIC OUTREACH**

Pursuant to the provisions of Section 22.60.174 of the County Code, the Notice of Public Hearing was advertised in La Opinion on October 1, 2009 and The Signal on September 30, 2009. A total of 44 public hearing notices regarding the subject application were mailed out to the owners of properties located within a 1,000-foot radius of the subject property on September 24, 2009. This number also includes notices sent to the local community groups and residents on the Soledad Zoned District courtesy list.

Case information materials, including the Notice of Public Hearing, Factual Sheet, and Site Plans were forwarded to the Palmdale City Library at 700 East Palmdale Boulevard, on September 24, 2009. The same materials were also posted on the Department of Regional Planning's website.

Pursuant to Section 22.60.175 of the County Code, the applicant shall post the public hearing notice on the property no less than 30 days prior to the public hearing date. Staff received the Certificate of Posting stating that the Notice of Public Hearing was posted on October 2, 2009, along with photos of the posting provided by the applicant's agent.

### **PREVIOUS CASES/ZONING HISTORY**

The existing commercial center was established by Plot Plan number RPP200400322. The restaurant was approved by Plot Plan number RPP200701850 on February 14, 2008. Signage for the restaurant was approved by an amendment to Plot Plan RPP200701850 on January 27, 2009.

### **PUBLIC COMMENTS**

Staff received a letter, dated August 10, 2009, from the Acton Town Council indicating support for the project (**Attachment A**).

### **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

Staff received correspondence from the Los Angeles Sheriff Department Palmdale Station dated February 16, 2009 (**Attachment B**). According to the letter, the Sheriff's Department has no objection to the issuance of a conditional use permit for alcohol beverage sales as long as the sales occur in a restaurant as specified in the application. The letter also disclosed that five calls for service have occurred on the property in the past five years, resulting in five crimes reported. These crimes included burglary, theft, and vandalism.

### **OTHER AGENCY COMMENTS AND RECOMMENDATIONS**

Staff received a B&P Worksheet from the Department of Alcoholic Beverage Control, Van Nuys District Office, on February 2, 2009 (**Attachment C**). The worksheet includes crime reporting district- and census tract-based statistics on reported criminal activity

and existing alcohol licenses. According to the worksheet, the subject property is located in crime reporting district number 2646 where 317 offenses occurred in 2007. The average number of offenses in Los Angeles County is 154 per reporting district, therefore district 2646 is deemed a high crime reporting district. The subject property is located in census tract number 9108.04 where three alcohol licenses are allowed, and three exist. Therefore the census tract number 9108.04 has an undue concentration of alcohol permits exists.

### **STAFF EVALUATION**

#### **General Plan Consistency**

The subject property is located within the Community Commercial land use category of the Antelope Valley Areawide General Plan. The Community Commercial land use designation is intended for uses such as supermarkets, drug stores, small clothing stores and gift shops, hardware stores, shoe stores, jewelry stores, specialty shops, ice cream parlors, candy stores, coffee shops, small restaurants, donut shops, branch banks and savings and loan firms, etc. The selling of alcoholic beverages is ancillary to restaurant operations, and is therefore consistent with the allowed uses of the underlying land use category.

#### **The following policies of the Countywide General Plan are applicable to the subject project:**

- *Promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design and locational controls. (Land Use Element: Ensure Compatibility of Development - Policy No. 9, Page III-12)*

The operation of a local serving restaurant with onsite alcohol sales can be found appropriate with this designation, with appropriate conditions.

- *Ensure continuing opportunity for citizen involvement in the land use decision-making process. (Land Use Element: Improve Land Use Decision-Making Process - Policy No. 28, Page III-15)*

The applicant presented the proposed project proposal to the Acton Town Council on August 3, 2009. The meeting provided another opportunity for the public to participate in the decision-making process in addition to the scheduled hearing to be held on November 3, 2009.

#### **Compliance with the Zoning Ordinance and the Acton Community Standards District (Section 22.44.126)**

Unless specifically modified by a conditional use permit during the discretionary review process, premises in Zone C-3 shall be subject to the following development standards under Part 5 of Chapter 22.28 of the Los Angeles County Code:

Lot Coverage

According to Section 22.28.220 (A), no more than 90 percent of the net area may be occupied by buildings, with a minimum of 10 percent of the net area landscaped with a lawn, shrubbery, flowers and/or trees.

The existing multi-tenant commercial building on-site is 18,880 square feet, which occupies 24% of the 1.78 acre (77,537 square feet) parcel. 7,956 square feet of the property is landscaped, which amounts to 10% of the property.

Parking

Section 22.28.220 (B) refers to Part 11 of Chapter 22.52 for parking requirements. Per Section 22.52.1110, for entertainment, assembly, and dining uses, one automobile parking space plus adequate access thereto shall be provided for each three persons based on the occupant load as determined by the County Engineer.

The Department of Public Works has determined that the occupant load for the proposed 2,100 square foot restaurant is 77 persons, requiring 26 parking spaces. The retail units require 59.7 parking spaces, and the office unit requires 0.3 parking spaces, resulting in a total of 86 required parking spaces. 130 parking spaces are provided for the entire site.

**Neighborhood Impact/Land Use Compatibility**

The subject property is located between Sierra Highway, a county-designated major highway, and the Antelope Valley Freeway (14 Freeway), and is surrounded by commercial uses, vacant land, and single family residences. Sensitive uses within a 600-foot radius of the property include a single-family residence to the north and Vasquez High School of the Acton-Agua Dulce Unified School District to the south. Sierra Highway separates the subject property from the residence to the north, and the 14 Freeway separates the subject property from the school to the south. It is staff's opinion that the adjacent freeway and highway sufficiently buffer the sensitive uses located to the north and south of the project site.

The subject property is located within a high crime reporting district, however, the Sheriff Department expressed no objection to the proposed use, and the five crimes reported at the site were not alcohol-sales related. Staff is of the opinion that the proposed use will not negatively contribute to criminal activity at the site.

Currently there is one existing establishment, a gas station with a convenience store, that sells alcoholic beverages for off-site consumption approximately 500 feet southwest of the subject property. According to the Department of Alcoholic Beverage Control, there is an undue concentration of alcohol serving establishments within the census tract that the subject property is located within, however, due to the rural character of the census tract area, sparse development, and limited proximity of the public to convenience goods and services, staff is of the opinion that public convenience outweighs the undue concentration. A full service restaurant serving beer and wine accompanying a meal can be considered an amenity to surrounding residents.

It is staff's opinion that the proposed use is compatible with the surrounding neighborhood, with appropriate conditions.

**BURDEN OF PROOF**

The applicant is required to substantiate all facts identified by Sections 22.56.040 and 22.56.195 of the Los Angeles County Code. The Conditional Use Permit Burden of Proof and the Addendum Burden of Proof for alcoholic beverage sales with applicant's responses are attached (**Attachment D**). Staff is of the opinion that the applicant has met the burdens of proof.

**FEES/DEPOSITS**

If approved, the following fees will apply unless modified by the Hearing Officer:

**Zoning Enforcement:**

Inspection fees of \$750.00 to cover the costs of five (5) recommended biennial zoning enforcement inspections.

**STAFF RECOMMENDATION**

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 Project Number R2008-01851-(5), Conditional Use Permit Number 200800151, subject to the attached conditions.

Prepared by Maral Tashjian, Regional Planning Assistant II

Reviewed by Samuel Dea, Supervising Regional Planner, Special Projects

**Attachments:**

Draft Conditions of Approval  
Applicant's Burden of Proof statement  
Site Plan  
Land Use Map  
Aerial Photograph  
Site Photographs

SD:mt

10/19/2009



**PROJECT NUMBER R2008-01851-(5)  
CONDITIONAL USE PERMIT NUMBER 200800151**

**HEARING OFFICER'S DRAFT FINDINGS AND ORDER:**

**REQUEST:** The applicant, Jun Young Lee, is requesting a Conditional Use Permit to authorize the sale of beer and wine for onsite consumption in a proposed 2,100 square foot restaurant, Miso Sushi, located within an existing multi-tenant commercial center. The restaurant use was approved by plot plan number RPP200701850, but has not yet been established. The restaurant will operate daily from 10 a.m. until 10 p.m.

**PROCEEDINGS BEFORE THE HEARING OFFICER:**

November 3, 2009 Public Hearing

*To be inserted to reflect hearing proceedings.*

Findings

1. The subject property is located at 3720 Sierra Highway, Acton, within the unincorporated community of Acton in Antelope Valley, in the Soledad Zoned District. The Assessor Parcel Number of the subject property is 3217-021-026.
2. The subject property is zoned C-3 (Unlimited Commercial). Surrounding properties are zoned as follows:
  - North: C-2-DP (Neighborhood Commercial – Development Program)
  - South: C-2 (Neighborhood Commercial), A-1-10,000 (Light Agriculture, 10,000 sq. ft. minimum lot area), A-1-1 (Light Agriculture, one acre minimum lot area)
  - East: C-3-DP-U/C (Unlimited Commercial - Development Program)
  - West: C-3
3. The subject property is currently developed with a multi-tenant commercial center. Surrounding land uses are as follows:
  - North: Sierra Highway, Vacant Land, Single-Family Residence
  - South: Antelope Valley Freeway (14 Freeway), Vacant Land, Vasquez High School
  - East: Commercial
  - West: Commercial
4. The site plan depicts an 18,880 sq. ft. multi-tenant commercial building with 7,956 sq. ft. of landscaping and 130 parking spaces on a rectangular-shaped, level, 1.78 acre (77,537 square feet) parcel. Access to the site is provided by Sierra Highway to the north via two 26-foot wide driveways.
5. The existing commercial center was established by Plot Plan number RPP200400322. The restaurant was approved by Plot Plan number RPP200701850 on February 14, 2008. Signage for the restaurant was approved by an amendment to Plot Plan RPP200701850 on January 27, 2009.
6. General Plan Consistency: The subject property is located within the Community Commercial land use category of the Antelope Valley Areawide General Plan. The Community Commercial land use designation is intended for uses such as

supermarkets, drug stores, small clothing stores and gift shops, hardware stores, shoe stores, jewelry stores, specialty shops, ice cream parlors, candy stores, coffee shops, small restaurants, donut shops, branch banks and savings and loan firms, etc. The selling of alcoholic beverages is ancillary to restaurant operations, and is therefore consistent with the allowed uses of the underlying land use category.

7. The following policies of the Countywide General Plan are applicable to the subject project:

A. *Promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design and locational controls. (Land Use Element: Ensure Compatibility of Development - Policy No. 9, Page III-12)*

The operation of a local serving restaurant with onsite alcohol sales can be found appropriate with this designation, with appropriate conditions.

B. *Ensure continuing opportunity for citizen involvement in the land use decision-making process. (Land Use Element: Improve Land Use Decision-Making Process - Policy No. 28, Page III-15)*

The applicant presented the proposed project proposal to the Acton Town Council on August 3, 2009. The meeting provided another opportunity for the public to participate in the decision-making process in addition to the scheduled hearing to be held on November 3, 2009.

8. Compliance with the Zoning Ordinance and the Acton Community Standards District (Section 22.44.126):

Unless specifically modified by a conditional use permit during the discretionary review process, premises in Zone C-3 shall be subject to the following development standards under Part 5 of Chapter 22.28 of the Los Angeles County Code:

A. Lot Coverage

According to Section 22.28.220 (A), no more than 90 percent of the net area may be occupied by buildings, with a minimum of 10 percent of the net area landscaped with a lawn, shrubbery, flowers and/or trees.

The existing multi-tenant commercial building on-site is 18,880 square feet, which occupies 24% of the 1.78 acre (77,537 square feet) parcel. 7,956 square feet of the property is landscaped, which amounts to 10% of the property.

B. Parking

Section 22.28.220 (B) refers to Part 11 of Chapter 22.52 for parking requirements. Per Section 22.52.1110, for entertainment, assembly, and dining uses, one

automobile parking space plus adequate access thereto shall be provided for each three persons based on the occupant load as determined by the County Engineer.

The Department of Public Works has determined that the occupant load for the proposed 2,100 square foot restaurant is 77 persons, requiring 26 parking spaces. The retail units require 59.7 parking spaces, and the office unit requires 0.3 parking spaces, resulting in a total of 86 required parking spaces. 130 parking spaces are provided for the entire site.

9. Neighborhood Impact/Land Use Compatibility

The subject property is located between Sierra Highway, a county-designated major highway, and the Antelope Valley Freeway (14 Freeway), and is surrounded by commercial uses, vacant land, and single family residences. Sensitive uses within a 600-foot radius of the property include a single-family residence to the north and the Vasquez High School of the Acton-Agua Dulce Unified School District to the south. Sierra Highway separates the subject property from the residence to the north, and the 14 Freeway separates the subject property from the school to the south. The adjacent freeway and highway can sufficiently buffer the sensitive uses located to the north and south of the project site.

The subject property is located within a high crime reporting district, however, the Sheriff Department expressed no objection to the proposed use, and the five crimes reported at the site were not alcohol-sales related. The proposed use will not negatively contribute to criminal activity at this site.

Currently there is one existing establishment, a gas station with a convenience store, that sells alcoholic beverages for off-site consumption approximately 500 feet southwest of the subject property. According to the Department of Alcoholic Beverage Control, there is an undue concentration of alcohol serving establishments within the census tract that the subject property is located within, however, due to the rural character of the census tract area, sparse development, and limited proximity of the public to convenience goods and services, public convenience outweighs the undue concentration. A full service restaurant serving beer and wine accompanying a meal can be considered an amenity to surrounding residents. The proposed use is compatible with the surrounding neighborhood as conditioned.

10. County Departments and Outside Agency Comments and Recommendations:

- A. A letter, dated August 10, 2009, was received from the Acton Town Council indicating support for the project.
- B. Correspondence was received from the Los Angeles Sheriff Department Palmdale Station dated February 16, 2009. According to the letter, the Sheriff's Department has no objection to the issuance of a conditional use permit for alcohol beverage sales as long as the sales occur in a restaurant as specified in the application. The letter also disclosed that five calls for service have occurred

on the property in the past five years, resulting in five crimes reported. These crimes included burglary, theft, and vandalism.

C. A B&P Worksheet was received from the Department of Alcoholic Beverage Control, Van Nuys District Office, on February 2, 2009. The worksheet includes crime reporting district- and census tract-based statistics on reported criminal activity and existing alcohol licenses. According to the worksheet, the subject property is located in crime reporting district number 2646 where 317 offenses occurred in 2007. The average number of offenses in Los Angeles County is 154 per reporting district, therefore district 2646 is deemed a high crime reporting district. The subject property is located in census tract number 9108.04 where three alcohol licenses are allowed, and three exist. Therefore the census tract number 9108.04 has an undue concentration of alcohol permits exists.

11. 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, property posting, library posting and DRP website posting.
12. The applicant has provided the required Burden of Proof to substantiate all facts identified by Section 22.56.040 of the Los Angeles County Code.
13. The Department of Regional Planning has determined this project to be Categorically Exempt (Class 1 Exemption - Minor Alteration to Existing Facilities) under the California Environmental Quality Act (CEQA) and the Los Angeles County environmental guidelines.
14. The project is consistent with the Los Angeles Countywide General Plan, Antelope Valley Areawide General Plan, and the provisions of the Zoning Code.
15. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to impose **five (5)** biennial inspections.
16. The location of documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is 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 FORGOING, THE HEARING OFFICER CONCLUDES:**

- A. That the proposed use will be consistent with the adopted general plan for the area;
- B. That the requested use at the location proposed 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;

- C. 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;
- 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;
- 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 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.

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, Title 22, of the Los Angeles County Code (Zoning Ordinance).

**HEARING OFFICER ACTION:**

1. The Hearing Officer finds that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). The project is within a class of projects, which have been determined not to have a significant effect on the environment in that it meets the criteria set forth in section 15303 of the State CEQA Guidelines and Class 1 of the County Environmental Document Reporting Procedures and Guidelines, Appendix G.
2. In view of the findings of facts presented above, Conditional Use Permit Number 200800151 is **APPROVED**, subject to the attached conditions.

Attachments: Conditions  
Affidavit

c: Hearing Officer, Zoning Enforcement, Building and Safety



This grant authorizes the sale of alcoholic beverages (beer and wine) for on-site consumption at a proposed 2,100 square foot restaurant, Miso Sushi, located within an existing multi-tenant commercial center.

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. All facilities shall be maintained as depicted on the approved Exhibit "A", subject to all of the following conditions of approval:
  - a. The sale of alcoholic beverages shall be permitted between the hours of 10:00 a.m. to 10:00 p.m. Monday through Sunday;
  - b. The permittee shall not advertise the sale of alcoholic beverages on the exterior walls or windows of the subject restaurant or at any location on the subject property. No self-illuminating advertising for alcoholic beverages shall be located on the buildings or windows;
  - c. Telephone numbers of local law enforcement shall be posted adjacent to the cashier's areas within the bar and service area of the restaurant;
  - d. There shall be no alcoholic beverages consumed in open areas adjacent to the subject restaurant under the control of the permittee;
  - e. There shall be no loitering permitted on the premises under the control of the permittee;
  - f. The permittee shall provide adequate lighting above the entrance of the premises. This lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons entering or exiting the premises;
  - g. The permittee shall instruct all employees in the regulations regarding no loitering and 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;
  - h. The permittee shall maintain the property in a neat and orderly fashion and maintain free of litter all areas on the premises under which the permittee has control;
  - i. The permittee shall not install or maintain video games, pool tables, or similar game activities or equipment on site;
  - j. 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;
  - k. No dancing or dance floor is permitted;

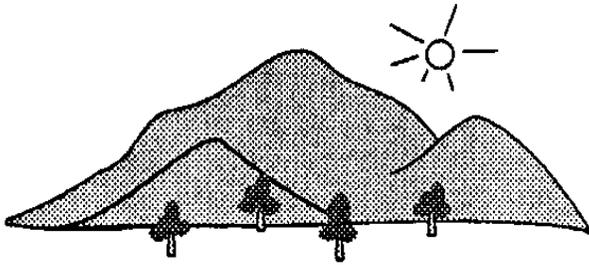


- b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

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.

6. 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.
7. 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.
8. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee, as applicable, of the subject property.
9. **This grant will terminate on November 3, 2019.** 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 with the Department of Regional Planning at least six (6) months prior to the termination date of this permit, whether or not any modification of the use is requested at that time.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. 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 **five (5) biennial (once every two years)** inspections. Inspections shall be unannounced.
11. If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse 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 per inspection).

12. 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.
13. 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.
14. The subject property shall be maintained in substantial conformance with the plans marked Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit four (4) 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.
15. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of Los Angeles County 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.
16. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
17. The permittee shall maintain all landscaping in a neat, clean and healthy condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary. Water facilities shall consist of a permanent water-efficient irrigation system, such as "bubblers" or drip irrigation, for irrigation of all landscaped areas except where there is turf or other ground cover.
18. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings or signage that was not approved by the Department of Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.
19. 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.



# ACTON TOWN COUNCIL

P.O. BOX 810 ACTON, CALIFORNIA 93510

August 10, 2009

Los Angeles Dept. of Regional Planning  
320 W. Temple St.  
Los Angeles, Cal; 90012

Attn: Maral Tashjian  
Email: MTashjian@planning.lacounty.gov

Subject: R2008-01851  
CUP: T200800151

Good Morning,

The Acton Town Council has reviewed the request for a C.U.P. to sell beer, wine and sake. Their application doesn't give the hours of operation for Saturday. We assume that it will be the same as Friday. If that is the case, we approve their application.

The Acton Town Council would also like to point out that, contrary to what the applicant has indicated in their CUP application, the 13 acre parcel located across the street from the proposed project is an existing residence. The Council has not heard from this property owner, so it is assumed that he/she does not oppose the project. In addition, there is a school located less than 500 feet from the project. However the 14 freeway separates the two uses, so there is no direct access between the school and the restaurant. For these reasons, the Acton Town Council supports this project.

Thank you,

Dick Morris  
Vice President

*President*  
Ray Garwacki Jr.  
269-8080

*Vice-President*  
Dick Morris  
547-5273

*Secretary*  
Michael Hughes  
269-1342

*Treasurer*  
Jim Connelly  
269-5675

Jacki Ayer  
269-1981

Ray Billet  
947-2796

Bill Davis  
269-3682

Mike Foster  
714-3349

Carl Young  
342-1983

**ATTACHMENT A**





Leroy D. Baca, Sheriff

County of Los Angeles  
**Sheriff's Department Headquarters**

4700 Ramona Boulevard  
Monterey Park, California 91754-2169



February 16, 2009

Phillip Estes, Principal Planner  
Department of Regional Planning  
300 West Temple Street, #1346  
Los Angeles, California 90012

Dear Mr. Estes:

Your requested comments and service information for a proposed Conditional Use Permit for the Sale of Alcoholic Beverages, project #R2008-01851, Case #CUP200800151. This project involves a restaurant located at 3720 Sierra Highway, Acton requesting a conditional use permit to allow the sale of beer and wine for on site consumption. After reviewing the proposal and the history of crimes reported in the area, the Sheriff's Department has no objection to the issuance of the conditional use permit provided the location is a bona fide restaurant as specified in their application.

The proposed restaurant is located in a shopping center at Sierra Highway and Crown Valley Road. The Sheriff's Department has responded to five calls for service in that center in the past five years, resulting in five crimes being reported. Attached is a synopsis of those calls for your review.

If you have any further questions, please call Lieutenant Don Ford of my staff at (661) 272-2541.

Sincerely,

LEROY D. BACA, SHERIFF

  
Bobby D. Denham, Captain  
Palmdale Station

FEB 23 2009

*A Tradition of Service Since 1850*

**ATTACHMENT B**

FEB 23 2009

- 10/26/05 Tag PLM05299-0092 - Deputies investigated a burglary where tools were stolen from a construction site. Case #405-19403-2646-077.
- 03/07/07 Tag PLM07066-0160 - Deputies investigated the theft of tools and materials from a construction site. Case #407-04758-2646-077
- 08/13/08 Tag PLM08226-0218 - Deputies investigated the burglary of a furniture store. Case #408-15283-2646-073.
- 10/29/08 Tag PLM08303-0325 - Deputies investigated a vandalism at a furniture store. Case #408-20579-2646-263
- 12/13/08 Tag PLM08348-0214 - Deputies investigated a vandalism and detained a mentally ill person at the furniture store. Case #108-23388-2646-261 and 108-23389-2646-461.

**ATTACHMENT B**





## CONDITIONAL USE PERMIT CASE-BURDEN OF PROOF

Applicant Jun Young Lee  
Project Address 3720 Sierra Highway Suit D  
Acton, California

### Request:

The applicant is seeking a conditional use permit pursuant of Section 22.56 .01.195 of the Los Angeles County Title 22 Planning and Zoning Code to allow the sale and dispensing for consideration of alcohol beverages (general, on-sale) in conjunction with the use, maintenance and operation of a Sushi Restaurant.

---

### Project Description

The subject property is located at 3720 Sierra Hwy. In an unincorporated section of Los Angeles County. One recorded lot totaling 74,880 square-feet entirely classified as C-3. Said property is developed with a one story 18,880 square-foot structure with 127 off-street surface parking spaces and 6875 square feet of landscaping. Currently the only other tenant is High Desert Medical Group.

Currently the applicant owns and operates a Sushi Restaurant on Ave J-2 in West Lancaster and has an existing on sale beer and wine license and has operated such for several years. Now the applicant wishes to open another Sushi Restaurant in Acton. Currently there is not a Sushi Restaurant in Acton or a 20 mile radius. Also this location would attract more business, as the Restaurant can be seen from the freeway. Additionally, the existing property and the proposed property are under different ownership. Therefore, to accommodate the proposed project, the applicant is seeking a conditional use permit pursuant to the provisions of Section 22.56 Part 1.195 of the Los Angeles County title 22 Planning and Zoning Code to allow the sale and dispensing for consideration of alcoholic beverages in conjunction with the use, maintenance and operation of a Sushi Restaurant.

*In addition to the information required in the application, the applicant shall substantiate to the satisfaction of the Zoning Board and/or 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**

# **ATTACHMENT D**

**3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.**

Commercial zoned and developed properties adjoin the subject site. Adjoining Commercial properties are classified C-3 and are developed with one story structures.

As previously noted, the applicant currently owns and operates a Sushi Restaurant in Lancaster that has on sale license. The proposed new Restaurant in Acton will provide the community with a different choice and style of fine dining than it has now.

The applicant has operated a Sushi Restaurant for several years and under the applicants management, the existing restaurant has operated harmoniously and without friction with the surrounding neighborhood. This restaurant offers a style of eating that isn't conveniently obtained at other restaurants.

**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 uses in the surrounding area.**

The proposed property is generally flat, rectangular totaling 74,880 square feet in size. As previously noted, the subject property is currently developed as a single-story 18,880 square-foot building with 127 off street surface parking spaces. The existing unit will be built to accommodate the proposed restaurant: all exterior features, including parking layout, will remain as it currently exists. Further, vehicular access is primarily from Sierra Highway consistent with the pattern of development along the portion of said major highway. Subject site design has incorporated all the requisites for the successful operation of a restaurant. Here, site development plans were constructed to Code or will abide by conditions set forth by the Planning Department. The subject site, then, is adequate in size and shape to accommodate any required or requested improvements.

**C. That the proposed site is adequately served:**

**1. By highways or streets of sufficient width and improvement as necessary to carry the kind and quality of traffic such use would generate, and**

**2. By other public or private service facilities as are required.**

The subject property has commercial frontage on Sierra Highway, a major thoroughfare. Here, the subject property, and surrounding developments, are well served by a fully improved 100 foot

wide portion of Sierra Highway affording good traffic circulation necessary for proper commercial development . The proposed establishment would generate traffic from customer traffic and scheduled restaurant inventory deliveries. Moreover, on-site parking will be provided to Code. The proposed project site design arranges site ingress and egress at points of good vehicular access primarily on Sierra Highway, where they will not interfere with the flow of traffic. Further, the proposed project has all utilities and sewer services. Therefore, the proposed project is adequately served by a sufficiently wide highway and by other public and private service facilities.

**ADDENDUM BURDEN OF PROFF, ALCOHOLIC BEVERAGE SALES Section 22.56.195**

**1. That 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 600 feet radius:**

The applicant has owned and operated a restaurant harmoniously and without friction to the surrounding community for several years

There is one church, a park, at least two miles away on Crown Valley Way, and will not adversely affect places used exclusively for worship or playgrounds.

**2. That 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:**

There are no residential residence with in 600 feet of proposed restaurant.

**3. That the requested use at the proposed location will not result in an undue concentration of similar premises, or the public convenience or necessity for the proposed 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.**

The proposed Shushi Restaurant is the only establishment in a 600 hundred foot radius that is selling on site alcohol.

**4. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community:**

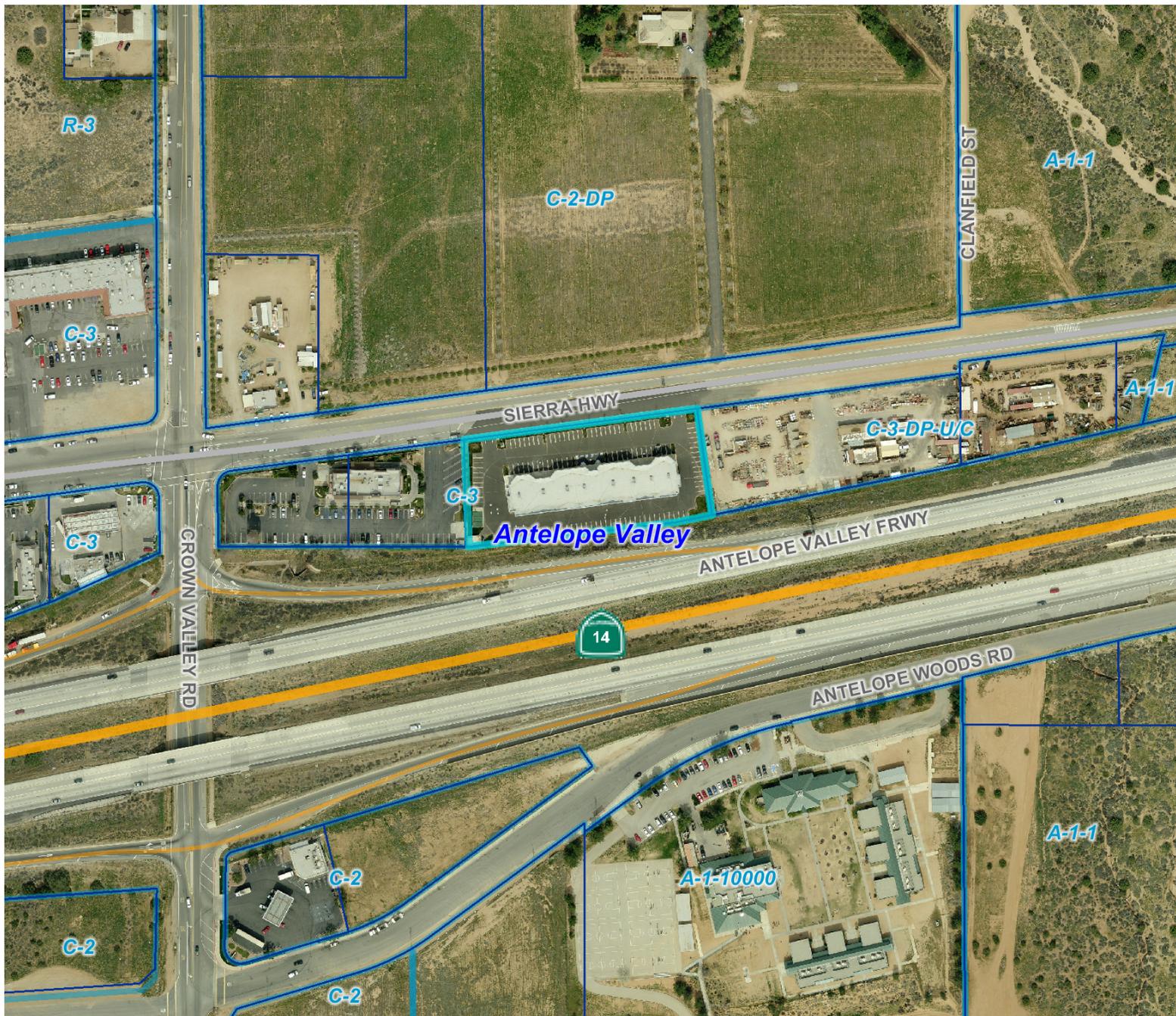
An approval of the requested entitlement will not adversely affect the economic welfare of the surrounding community. The applicants restaurant will provide the community with fine dining, in a quiet and clean atmosphere. The applicant intends to operate this commercially zoned property with commercial uses that will provide services desired by the community. The proposed project will provide services to the community and generate tax dollars for the county.

**5. That 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 said neighborhood:**

**Again, the proposed structure is an existing well maintained, single story 18,880 squar feet retail building with adequate surface parking. The exterior is attractively designed and landscaped such that the exterior appearance blends harmoniously with the surrounding commercial developments, and is approved by the Acton Community Standards .**







**Legend**

- Parcel Boundary
- Arterial Street
- Highway
- Freeway
- Master Plan of Highways
  - Expressway - (e)
  - Expressway - (p)
  - Ltd. Secondary Highway - (e)
  - Ltd. Secondary Highway - (p)
  - Parway - (e)
  - Parway - (p)
  - Major Highway - (e)
  - Major Highway - (p)
  - Secondary Highway - (e)
  - Secondary Highway - (p)
  - (e)-Existing (p)-Proposed
- Railroad or Rapid Transit
  - Railroad
  - Rapid Transit
  - Underground Rapid Transit
- Significant Ridgelines
  - Castaic CSD Primary
  - Castaic CSD Secondary
  - SMMNA Significant
- Census Tract (2000)
- Assessor Map Book (AMB) Bdy
- Zoning Index Map Grid
- Zoning Map Grid
- USGS Quad Sheet Grid
- The Thomas Guide Grid
- TB Internal Page Grid
- Very High Fire Hazard Severity Zone
- Community Standards District (CSD)
- CSD Area Specific Boundary
- ESHA (Coast Only)
- Significant Ecological Area (SEA)
- Section Line
- Township and Range
- National Forest
- Equestrian District (EOD)
- Transit Oriented District (TOD)
- Setback District
- Zoned District (ZD)
- Supervisor District Boundary
- Safety Related Stations (From TB)
  - Fire Station
  - Highway Patrol
  - Police Station
  - Ranger Station
  - Sheriff Station
- Inland Waterbody
- Perennial
- Intermittent
- Dry

Note: This is a static legend, which includes only a portion of layers. To get full legend, please use "Display Map Legend tab" on the top left side of screen.

