



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

September 10, 2015
Margaret Taylor
APEX LA
5419 Hollywood Blvd Ste C747
Los Angeles, CA 90027

**REGARDING: PROJECT NO. R2013-01945-(5)
CONDITIONAL USE PERMIT NO. 201300097 Condition Modification
25910 The Old Road, Suite B-1, Valencia, CA
APN: 2826-095-003**

Hearing Officer Ales Garcia, by his action of **September 1, 2015** has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

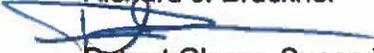
The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **September 15, 2015. Appeals must be delivered in person.**

Appeals: To file an appeal, please contact:
Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. In addition, any applicable CEQA fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable, must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Gretchen Siemers of the Zoning Permits North Section at (213) 974-6443 or by email at gsiemers@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner


Robert Glaser, Supervising Regional Planner
Zoning Permits North Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)

c: DPW (Building and Safety); Zoning Enforcement;

RG:GS

CC 060412

**FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2013-01945-(5)
CONDITIONAL USE PERMIT NO. 201300097**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public meeting on September 1, 2015, in the matter of Project No. R2013-01945-(5), consisting of the modification of conditions of the previously approved Conditional Use Permit (CUP) No. 201300097.
2. The permittee, MOD Pizza ("permittee"), requests the CUP to authorize the sale and consumption of alcoholic beverages on an exterior patio, which is a part of the existing restaurant ("Project") on a property located at 25910 The Old Road in the unincorporated community of Valencia in the Newhall Zoned District, in the C-3-DP (Unlimited Commercial—Development Program) Zone, pursuant to Part 11 of Chapter 22.56 of the Los Angeles County Code ("County Code").
3. The existing condition (No. 32), which prohibits the sale of alcoholic beverages, reads as follows:

"The sale and serving of alcoholic beverages for consumption outside the restaurant is prohibited including patios, sidewalks, porches, etc."
4. The CUP was approved on November 19, 2013.
5. The CUP Modification or Elimination is a request to allow for the sale and consumption of alcoholic beverages for on-site consumption (beer and wine only) in the outdoor seating area of the restaurant due to the applicant's request that the elimination of this prohibition is necessary for the economic sustainability of their business.
6. The existing outdoor seating area of the restaurant was approved as a part of the CUP and is designated on the Exhibit "A"; no additional seating areas would be authorized with the approval of this Condition Modification. Therefore, a revised occupancy load is not required, and the required number of parking spaces will remain the same as previously authorized.
7. The sale and consumption of alcoholic beverages in the outdoor seating area was not specifically addressed in the staff analysis of the original CUP, nor was it discussed during the public hearing.
8. The subject property is zoned C-3-DP in the Newhall Zoned District. Surrounding properties are zoned as follows:

North: C-3-DP, O-S (Open Space)
South: C-3-DP; RPD-1-1.4U (Residential Planned Development—One Acre Minimum Required Lot Area—1.4 Dwelling Units per Acre)

East: C-3-DP
West: RPD-1-1.4U

9. The subject property is developed with a large multi-tenant commercial center and associated parking. Nearby tenants include a real estate office, bank, beauty salon, clothing stores, childcare center, and two additional restaurants that sell beer and wine. A grocery store (Vons) also sells a full line of alcohol for off-site consumption. There are a total of 20 restaurants in the shopping center, 8 of which sell alcoholic beverages for on-site consumption, as detailed in the table below.

Restaurant	Beer Wine	& Distilled Spirits
MOD Pizza	x	
Cabo Cabana Grill	x	
Chili's Grill & Bar	x	x
Chuck E. Cheese	x	
Claim Jumper Restaurant	x	x
Kyoto Sushi	x	
Romano's Macaroni Grill	x	x
Wood Ranch Barbecue	x	x

Surrounding properties are developed as follows:

North: Hotels, fast-food restaurants, gas station
South: Single-family residential, hotel
East: Fast-food restaurants, Interstate 5
West: Single-family residential

10. The Project Site is located within the CM (Major Commercial) land use category of the Santa Clarita Valley Land Use Policy Map.
11. CUP 86294 established the use of this parcel and surrounding parcels for the shopping center, as a part of the Stevenson's Ranch Project. Since then, there have been a number of modifying permits regarding tenant and parking changes. In 2010, CUP No. 201000023 was approved for the sale of beer and wine in association with the restaurant that was previously located within the same tenant space as the restaurant that is the subject of this application. On November 19, 2013, the subject CUP was approved authorizing the sale of beer and wine in association with MOD Pizza, the existing tenant. The CUP included the condition (No. 32) prohibiting the sale of alcoholic beverages on the patio area of the restaurant.
12. On October 20, 2014 Zoning Enforcement Case No. 14-0006727 was opened on the restaurant for violations of Conditions Nos. 19, 20, 21, 24, and 27. On February 9, 2015, the Zoning Enforcement file for the property was closed.
13. The site plan for the Project depicts the existing restaurant, which includes seven (7) tables on the outdoor seating area, which was previously authorized. No new seating areas will be added with the elimination of Condition No. 32.

14. The California Department of Alcoholic Beverage Control was consulted on the Project and do not have any concerns regarding the sale or consumption of alcoholic beverages on the exterior patio area.
15. Prior to the Hearing Officer's public meeting on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involved the continued sale of alcoholic beverages in an existing restaurant, with negligible or no expansion of use beyond that which was previously existing.
16. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.
17. Prior to the Hearing Officer's public meeting, the Regional Planning staff received one letter in opposition to the Project. No other correspondence was received from the public regarding the Project.
18. The Hearing Officer finds that The Project is consistent with the goals, policies, and mapped land use designations in the County General Plan (General Plan) and the Santa Clarita Valley Areawide Plan (SCV Plan). The Project site is located within the "CM" (Major Commercial) category of the SCV Plan, a component of the General Plan. The CM land use designation is intended for a wide range of commercial and visitor-serving uses. The use is a small restaurant in a multi-tenant commercial center, and the previous establishment within this tenant space had a license to sell beer and wine with food. The addition of alcoholic beverages to the menu will contribute to the viability of the restaurant and help activate the shopping center by attracting visitors seeking a full-service dining experience throughout the day, including evening hours when the retail establishments are closed. In addition, the commercial center houses various other existing restaurants that sell alcoholic beverages. Therefore, the proposed Project is consistent with, and will enhance, the uses intended in the underlying land use category.

The following land policies of the General Plan are applicable to the subject property and serve as a guideline for land use and development:

General development policy 64: Promote jobs within commuting range of urban residential areas in order to reduce commuting time, save energy, reduce air pollution, and improve public convenience.

The Project is located within the vicinity of residential areas, offices and recreational uses. As a restaurant, the Project will employ a number of individuals who may live or work in the nearby residential areas, thereby reducing commuting times to and from the restaurant to home, work, and recreation.

The following policies of the SCV Plan are applicable to the proposed Project and serve a guideline for land use and development:

Land Use Element Policy 6.1: Encourage the appropriate mix of land use types to prevent disharmony and degradation. Residential, commercial, employment, recreational, and cultural uses should be integrated using appropriate buffering techniques to create a cohesive community.

The Project is consistent with the above policy. A restaurant serving alcoholic beverages adds to diversity of the commercial center with a variety of uses, including, retail, restaurants and hotels, as well as residential uses and recreational uses. Although the uses are close in proximity, the retail is adequately buffered from the residential to prevent disharmony. Specifically, the restaurant is over 200 feet from the nearest residential use, and Hazelcrest Lane and Sagecrest Circle separate the shopping center from the residences.

Land Use Element Policy 12.1, Lifestyle Options: Promote and support efforts by public and private agencies and citizen groups to provide the opportunity for a choice of living, working, recreation, and cultural pursuits for all ages, incomes, and ethnic groups. This variety of choice includes: housing densities, types, prices, rents, configurations, and sizes; employment opportunities (commerce, manufacturing, sales, professional, etc); recreational activities (parks, theaters, indoor sports, amusement parks, bike paths, equestrian trails, etc.); and cultural facilities (museums, libraries, schools, etc.).

The addition of beer and wine sales on the patio of the existing restaurant gives patrons a greater choice in beverage consumption with their dining experience. Furthermore, the restaurant proposes to sell beer, which is typical in traditional pizza restaurants and a lifestyle option for residents and visitors.

19. The Hearing Officer finds that the existing restaurant is in compliance with the existing, effective Conditional Use Permit and the restaurant is subject to the permit requirements of Section 22.56.195 of the County Code, which requires a CUP with additional findings for establishments that propose to sell alcoholic beverages.

Pursuant to Section 22.28.210 of the County Code, establishments in the C-3 Zone are subject to the zone's basic development standards, which include a net area maximum, minimum parking, and limits on outside display and storage. Specifically, the net area occupied by buildings shall not exceed 90 percent of the net lot area, with 10 percent of the net area landscaped with a lawn, shrubbery, flowers and/or trees, which are required to be continuously maintained in good condition. The subject site is adequately landscaped with shrubbery and trees on all sides, and the net area occupied by structures is less than 90 percent.

Pursuant to Part 11 of 22.52, parking facilities shall be provided for a restaurant at a ratio of one space for every three occupants. According to the County Department of Public Works, the restaurant has an occupant load of 138 persons and requires 46

parking spaces to accommodate patrons and staff, including one handicapped-accessible parking space. The majority of the shopping center is subject to a reciprocal parking agreement, tying the parcels together to combine parking resources. The total required spaces in the reciprocal parking area are 3269, and the total provided parking spaces are 3625.

Prior to the establishment of the shopping center on the subject site, the zoning was changed from A-1 (Light Agricultural) to C-3, and a Development Program (DP) overlay zone designation was placed on the property. The DP restricts the type and intensity of use on the subject parcel to minimize potential impacts on neighboring properties. The restaurant was established in accordance with the underlying DP-CUP; the addition of alcohol sales is not in conflict with the intent of the DP-CUP. The addition of alcohol sales at the subject site is consistent with the DP's conditions on this parcel.

20. The Hearing Officer finds that, based on the factual information provided, as well as the analysis of consistency with current adopted plans and ordinances, the proposed sale of alcoholic beverages at the established restaurant will not have a negative impact on the community. The location of the subject site is well-suited for the restaurant use, and has been used as a restaurant without complaint. The sale of beer and wine to be served with meals is an asset to the commercial center and to the neighborhood.

Currently, the restaurant closes at 10:00 P.M. on weeknights and 11:00 P.M. on weekends. The majority of the surrounding retail locations are closed around 7:00 P.M., except for the other existing restaurants. Because of the hours, as well as the significant separation and buffering of the shopping center from the residential areas, there will be little-to-no impact of noise and traffic on the surrounding properties.

21. The Hearing Officer finds that the Project is consistent with the goals, policies, and mapped land use designations in the County General Plan (General Plan) and the Santa Clarita Valley Areawide Plan (SCV Plan), as discussed in Finding No. 9, above. Therefore, the proposed use will be consistent with the adopted general plan for the area.
22. The Hearing Officer finds that the proposed sale and consumption of alcoholic beverages at the existing outdoor seating area of the existing restaurant is justified at the current location because the addition of beer and wine to the menu on the existing patio will not generate negative impacts on the surrounding properties. The restaurant does not create noticeable noise, or attract criminal elements. In fact, the option to consume beer and wine with meals will enhance the dining experience. Therefore the use will not be materially detrimental to residents in the vicinity.
23. The site is adequate in size and shape to accommodate all development features related to the sale of alcoholic beverages for on-site consumption in the existing outdoor seating area. The restaurant and the shopping center in which it is located

meet all standards and requirements of the zone. The facility will continue to operate in a manner that is consistent and compatible with the surrounding area.

24. The Hearing Officer finds that the use is adequately served by The Old Road, an existing Secondary Highway on the County Master Plan of Highways, and Stevenson Ranch (McBean) Parkway, an existing Major Highway. The Old Road is an existing Class III Bike Path on the County Master Plan of Bikeways, and is proposed as a Class II. Stevenson Ranch Parkway is an existing Class II Bike Path. The use is also served by public utility infrastructure already in place, such as water and sewer services. The use is not expected to generate additional need for these road or utility networks. The sale of beer and wine for on-site consumption is ancillary to the restaurant, and the existing roads and parking are sufficient to accommodate any increase in patronage that the addition of alcoholic beverage sales may generate.
25. The Hearing Officer finds that the burden of proof for the Conditional Use Permit as modified has been satisfied as required by Section 22.56.040;
26. The Hearing Officer finds that approval of the application will not substantially alter or materially deviate from the terms and conditions imposed in the granting of the previously approved Conditional Use Permit; and,
27. The Hearing Officer finds that approval of the application is necessary to allow the reasonable operation and use granted in the Conditional Use Permit.
28. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of Valencia community. On July 23, 2015, a total of 201 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as 24 notices to those on the courtesy mailing list for the Newhall Zoned District and to 4 additional interested parties.
29. The Hearing Officer finds that the location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Department of Regional Planning.
30. A duly noticed public meeting was held on September 1, 2015 before the Hearing Officer. The applicant's representative, Margaret Taylor presented testimony in favor of the request and answered questions presented by the Hearing Officer. There being no further testimony, the Hearing Officer found the Project to be exempt from CEQA and approved the Project.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES that:

- A. That not more than one protest to the granting of the application was received within the specified protest period;
- B. That the burden of proof for the Conditional Use Permit as modified has been satisfied as required by Los Angeles County Code Section 22.56.040;
- C. That approval of the application will not substantially alter or materially deviate from the terms and conditions imposed in the granting of the previously approved Conditional Use Permit; and
- D. That approval of the application is necessary to allow the reasonable operation and use granted in the Conditional Use Permit.

HEARING OFFICER ACTION:

- a. The Hearing Officer finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15301 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
- b. In view of the findings of facts presented above, the requested Minor Modification to Conditional Use Permit 201300097 is **APPROVED**.

ACTION DATE: September 1, 2015

RG:GS
August 20, 2015

c: Zoning Enforcement, Building and Safety

**MODIFIED CONDITIONS ADDENDUM
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2013-01945-(5)
CONDITIONAL USE PERMIT NO. 201300097**

**MODIFICATION OF CONDITION NO. 32 OF CONDITIONAL USE PERMIT NUMBER
201300097**

Pursuant to Section 22.56, Part 11 of the County Zoning Ordinance (Conditional Use Permit – Modification or Elimination of Conditions), and in conformance with the Hearing Officer approval action regarding modification to Conditional Use Permit No. **201300097** on September 1, 2015, Condition No. 32 of the originally approved Conditional Use Permit No. **201300097** is hereby eliminated.

August 17, 2015
RG:GS