

# Regional Planning Commission Transmittal Checklist

Hearing Date  
9/16/15  
Agenda Item No.  
TBD

Project Number: R2014-02996-(5)  
Case(s): Conditional Use Permit Case No. 201400142  
Planner: Richard Claghorn

- Project Summary
- Property Location Map
- Staff Analysis
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use/Zoning Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans

Reviewed By:  \_\_\_\_\_



Department of Regional Planning  
 320 West Temple Street  
 Los Angeles, California 90012

**PROJECT NUMBER**  
 R2014-02996 - (5)

**HEARING DATE**  
 September 16, 2015

**REQUESTED ENTITLEMENTS**

Conditional Use Permit No. 201400142  
 Environmental Assessment No. 201400237

# PROJECT SUMMARY

**OWNER / APPLICANT**

Brevidoro Family Partnership/First Street Development

**MAP/EXHIBIT DATE**

June 25, 2015

**PROJECT OVERVIEW**

The applicant, First Street Development, is requesting authorization for a Conditional Use Permit (“CUP”) to establish a proposed Taco Bell restaurant, including drive-through facilities, in the C-2-DP (Neighborhood Business-Development Program) Zone. A CUP is required for the use because it is in a -DP special purpose zone, which requires a CUP for uses listed as permitted uses in the basic zone (C-2), pursuant to Sections 22.28.130 and 22.40.040 of the Los Angeles County Code.

**LOCATION**

3771 Sierra Highway, Acton

**ACCESS**

Sierra Highway & Crown Valley Road

**ASSESSORS PARCEL NUMBER(S)**

3217-021-011

**SITE AREA**

1.15 Acres (Net)

**GENERAL PLAN / LOCAL PLAN**

Antelope Valley

**ZONED DISTRICT**

Soledad

**LAND USE DESIGNATION**

Community Commercial

**ZONE**

C-2-DP (Neighborhood Business-Development Program)

**PROPOSED UNITS**

N/A

**MAX DENSITY/UNITS**

N/A

**COMMUNITY STANDARDS DISTRICT (CSD)**

Acton

**ENVIRONMENTAL DETERMINATION (CEQA)**

Class 3 Categorical Exemption – New Construction or Conversion of Small Structures

**KEY ISSUES**

- Consistency with the Los Angeles County General Plan and Antelope Valley Areawide General Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
  - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
  - 22.44.126 (Acton Community Standards District)
  - 22.28.170 (C-2 Zone Development Standards)

**CASE PLANNER:**

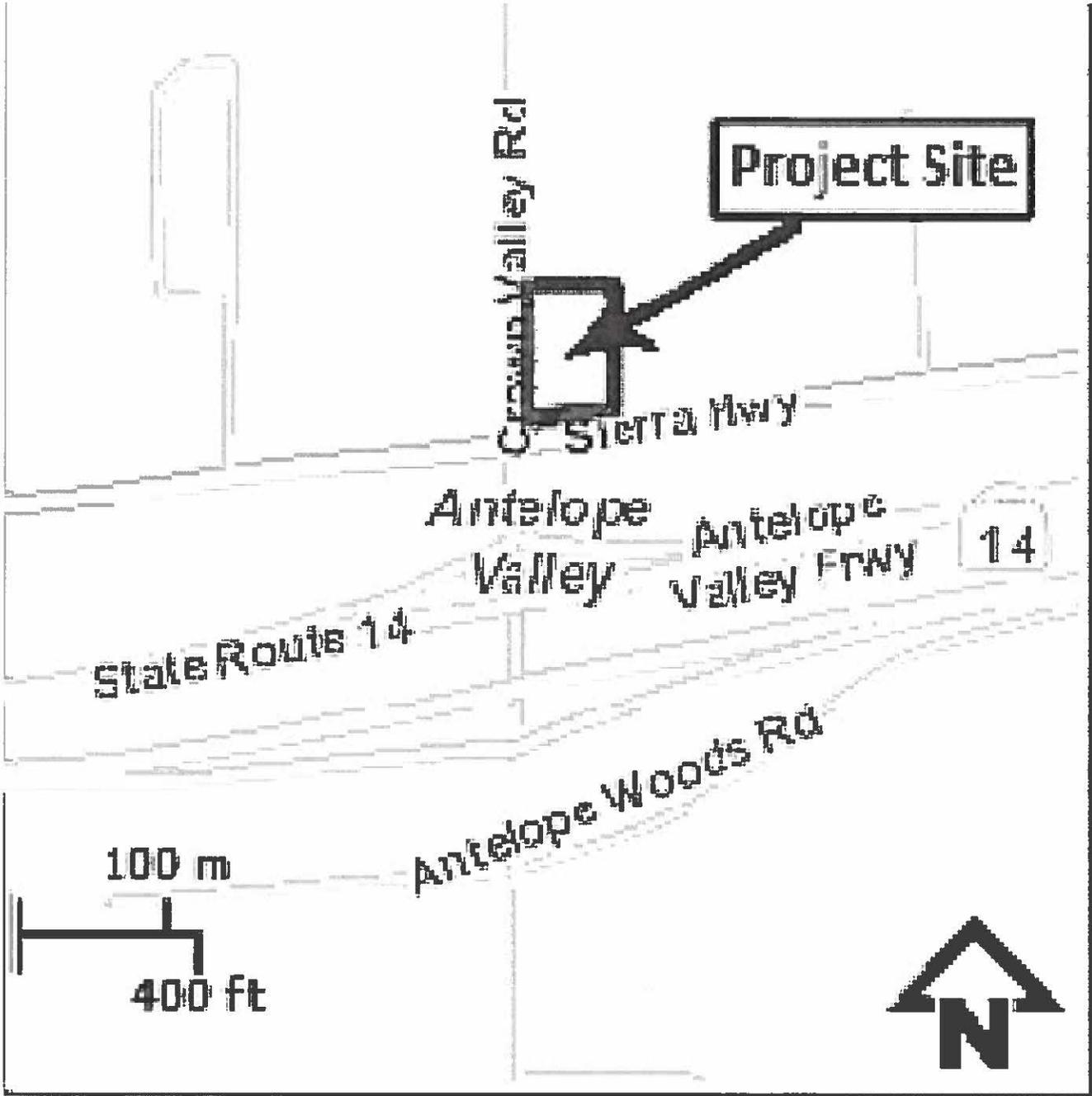
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### **ENTITLEMENTS REQUESTED**

Conditional Use Permit ("CUP") 201400142 is required for the establishment of a proposed restaurant in the C-2-DP (Neighborhood Business-Development Program) Zone. A CUP is required for the use because it is in a -DP combining zone, which requires a CUP for uses listed as permitted uses in the basic zone (C-2), pursuant to Sections 22.28.130 and 22.40.040 of the Los Angeles County Code. Since the application was deemed complete prior to the adoption of the 2015 Antelope Valley Area Plan ("Town & Country Plan"), the Project will be processed under the previous Zoning and the 1986 Antelope Valley Areawide General Plan land use policy.

### **PROJECT DESCRIPTION**

The permittee, First Street Development ("permittee"), is requesting authorization for a new Taco Bell fast food restaurant, including drive-through facilities ("Project"), located at 3771 Crown Valley Road ("Project Site"), in the unincorporated community of Acton, within the C-2-DP Zone. A CUP is required in the C-2-DP Zone for a restaurant, pursuant to Sections 22.28.130 and 22.40.040 of the Los Angeles County ("County") Code. The Project Site is located in the Soledad Zoned District and is within the Acton Community Standards District ("CSD").

### **SITE PLAN DESCRIPTION**

The site plan for the Project, which is dated June 25, 2015, depicts the Project Site, Assessor's Parcel Number ("APN") 3217-021-011, a nearly rectangular parcel with a gross area of 56,775 square feet (1.3 acres) and a net area, after street dedications, of 50,208 square feet (1.15 acres) located at the northeast corner of Sierra Highway and Crown Valley Road. The proposed restaurant is a 2,029 square foot building located in the southwest part of the parcel with a drive-thru lane on the west side. A total of 12 seats and 4 tables are provided in an outdoor dining area south of the restaurant building. The site includes a total of 29 parking spaces, including two Americans with Disabilities Act ("ADA") spaces and 22 standard spaces east of the building and five large angled spaces to the north of the building. Access to the property is provided from a 30-foot wide driveway in the northwest part of the parcel off Crown Valley Road and a 30-foot wide driveway from Sierra Highway on the south side. Landscaping area covers 23,431 square feet, or 46.67% of the net lot area. A septic system is depicted near the northeast corner of the Project Site. A trash enclosure is located to the south of the septic system. Proposed trails are located along Crown Valley Road at the west end of the Project Site and Sierra Highway along the south side. A hitching post near the property's northwest corner will provide a place for equestrian riders to leave their horses. Bicycle parking spaces are located southeast of the building and a bicycle locker is located north of the building. A retaining wall is shown south of the driveway for the drive-through north of the trail along Sierra Highway.

The grading plan, which is dated May 21, 2015, provides the estimated grading quantities for the project, including 3,000 cubic yards of cut and 614 cubic yards of fill. An estimated 2,386 cubic yards of graded material will be exported from the Project Site. The grading plan also depicts a bio-retention basin near the southeastern corner of the property, the proposed building location, parking area, driveways, trails, a retaining wall, the natural and finished grade contour lines, and other features. The

retaining wall has an average height of approximately two feet and does not exceed four feet in height at any point.

### **EXISTING ZONING**

The Project Site was zoned C-2-DP at the time the application was filed, but it was changed to C-RU-DP (Rural Commercial-Development Program) effective July 16, 2015. Because a complete application for this CUP was filed prior to the effective date of the updated Antelope Valley Area Plan adopted on June 16, 2015, and the related zone changes effective on July 16, 2015, this CUP is being reviewed under the C-2-DP zoning which was in effect at the time the application for the CUP was deemed complete on October 8, 2014, pursuant to Section 22.16.225.A.1 of the County Code. This code section allows the applicant to request that the Project be processed under the zoning regulations that were applicable to the project at the time the application was deemed complete, if it was deemed complete prior to the effective date of the 2015 Antelope Valley Ordinance Update. The applicant has opted to have the Project processed under the zoning regulations at the time the CUP application was deemed complete. The CUP is required because of the -DP combining zone, pursuant to Section 22.40.040 of the County Code, which allows any use permitted in the basic zone (C-2) if a CUP has been obtained.

Surrounding properties within 500 feet were zoned, at the time of the CUP application, as follows:

North: C-2-DP  
South: C-3 (Unlimited Commercial)  
East: C-2-DP  
West: C-3, R-3 (Limited Multiple Residence), C-3-DP (Unlimited Commercial-Development Program)

Surrounding properties within 500 feet are currently zoned as follows:

North: A-1-2 (Light Agricultural, One Acre Minimum Required Lot Area)  
South: C-RU-DP  
East: A-1-2  
West: C-RU-DP

### **EXISTING LAND USES**

The Project Site is developed with a small commercial building.

Surrounding properties within 500 feet are developed as follows:

North: library, ranger station  
South: restaurants, gas station  
East: single-family residence, retail  
West: retail, office, gas station, restaurants, single-family residence

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

Assessor's records show that the property contains a 1,248 square foot commercial structure built in 1924. Despite its age, the structure has the appearance of a relatively contemporary structure with no distinctive architectural or historical characteristics. This structure will be demolished as part of the current Project. The existing structure predates building permit records. It is currently used as a feed and supply store.

The Project Site was first zoned as M3 (Unclassified) as part of the Soledad Zoned District with the adoption of Ordinance 7091 on January 22, 1957. On September 30, 1958 Ordinance 7401 was adopted, changing the zone of the Project Site to C-4. The zone was changed to C-2-DP through Ordinance 920080Z, adopted on August 6, 1992. This Zone Change was done as part of Project 90368, which included CUP 90-368, which was approved on March 25, 1992 for a 30,000 square foot retail center on an 8.3 acre site, including the current Project Site. CUP 90-368 was never used and the approved retail center was never built. The CUP expired due to failure to use the permit within the required time period, which was tied to the related Tract Map 49911, and both expired on March 25, 1998. CUP 93-118 was filed in 1993 for a market with beer and wine sales at the current Project Site, but this permit was withdrawn on March 8, 1994.

An unconditional Certificate of Compliance (CC 9867) was recorded on the current Project Site on August 13, 1987. It is a legal lot.

The land use plan category of the Project Site changed to Rural Commercial with the adoption of the 2015 Antelope Valley Area Plan ("Town & Country Plan") by the Los Angeles County Board of Supervisors on June 16, 2015. The zoning of the site changed to C-RU-DP (Rural Commercial-Development Program), effective July 16, 2015, as part of a set of zone changes related to the Town & Country Plan, which took effect 30 days after the plan's adoption. The new C-RU Zone will allow restaurants as a permitted use, and drive-through services will be a use allowed through a CUP in this zone. However, because of the -DP combining zone, a CUP is still required for all uses in the C-RU-DP zone, as it is in the C-2-DP zone. Because a complete application for the Project was submitted prior to adoption of the proposed zone change and the Town & Country Plan, it is being reviewed under the C-2-DP zone requirements.

### **ENVIRONMENTAL DETERMINATION**

County Staff recommends that this project qualifies for a Class 3, New Construction or Conversion of Small Structures, 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. The proposed building area is less than the 2,500 square foot threshold for this exemption that pertains to restaurants and similar structures outside of urbanized areas. It is not located within an environmentally sensitive area, and the project will not result in any significant environmental impacts.

## STAFF EVALUATION

### General Plan/Community Plan Consistency

#### **1986 Antelope Valley Areawide General Plan Consistency**

The project site was located within the Community Commercial land use category of the 1986 Antelope Valley Areawide General Plan ("1986 Area Plan") at the time of project submittal. The Town & Country Plan allows the applicant to opt for a project to be reviewed under the 1986 Area Plan policies if the application was deemed complete prior to the effective date of the Town & Country Plan. Therefore, the Project is being reviewed under the 1986 Area Plan policies and the Project findings are based on this plan. Nevertheless, the Project is consistent with both plans. The Community Commercial designation allows for a broad range of neighborhood-serving commercial uses, including small restaurants, and the subject Taco Bell restaurant is considered to be consistent with this land use category of the 1986 Area Plan.

The proposed use for this location is considered to be consistent with the applicable policies of the 1986 Area Plan, including the land use category, because of the following reasons: the Project Site is located at the intersection of a Major Highway, Sierra Highway, and a Limited Secondary Highway, Crown Valley Road, and is located just over 200 feet from a freeway exit of the Antelope Valley Freeway, State Route 14; the Project is a small restaurant serving the local community and travelers from the adjacent freeway and highways; and there are other existing businesses, including two fast food restaurants with drive-through facilities (McDonald's and Jack-in-the-Box) and two automobile service stations in the immediate vicinity (Union 76 and Shell), which are also in the same land use category, and which serve both local residents and highway travelers. It is considered to be a low-intensity commercial use serving community residents, although it will also serve travelers on State Route 14, as do the other nearby existing businesses.

The 1986 Area Plan contains policies specific to the Acton community (Pages IV-1 to IV-3), including a policy for commercial areas near the Antelope Valley Freeway and Sierra Highway. It states that many of the areas of Acton designated as commercial or industrial areas, including the areas along the Antelope Valley Freeway and Sierra Highway, feature an "Early California" or "Ranch Style" architecture and that "all future development of commercial and industrial lands in Acton should continue to reflect these features". It later states, "In keeping with Acton's rural setting, all future development shall be limited to a maximum height of two stories". The proposed restaurant will be one story in height and it will have an "Old West" or "Early California" inspired design.

The 1986 Area Plan also states that "curbs, gutters and sidewalks will not be required in the Acton community if an acceptable alternative can be developed to the satisfaction of the Director of the Public Works Department to separate vehicular and pedestrian traffic". Standard rural major highway improvements are required by County of Los Angeles Department of Public Works ("Public Works") on Sierra Highway, including a four foot concrete inverted shoulder. Public Works also requires a standard rural section with asphalt concrete (AC) inverted shoulders and applicable pavement widening on Crown Valley Road and a 35-foot curb return radius consisting of barrier

curb and gutter, and a curb ramp at the corner that meets with Americans with Disabilities Act requirements to the satisfaction of Public Works. Additionally, the project is required by Public Works to provide adequate curb and gutter transitions from the required AC inverted shoulder along Crown Valley Road to the full curb face around the curb return to concrete inverted shoulder along Sierra Highway, and to provide street lights on wood poles with overhead wiring at driveways and intersections along the property frontage on Sierra Highway and Crown Valley Road. The improvements required by Public Works for the Project are their standard requirements for rural locations such as this site, and no traffic signal is required. The Public Works requirements are detailed in the letter dated August 6, 2015 from Public Works. The required improvements are suitable for the rural character of the area.

The 1986 Area Plan also discusses the need for a Community Standards District ("CSD") to create the necessary development controls in order to assure that Acton retains its rural, low-density characteristics. The Acton CSD was adopted in 1995, and the Project is consistent with the CSD requirements.

The 1986 Area Plan is the applicable area plan for the Project because it was in effect at the time the application for the Project was deemed complete. However, the Project is also consistent with the policies of the Town & Country Plan.

#### **2015 Antelope Valley Area Plan ("Town & Country Plan") Consistency**

The Project Site is located within the Rural Commercial ("CR") land use category of the recently adopted Town & Country Plan, effective June 16, 2015. The CR land use category's purpose is for "Limited, low-intensity commercial uses that are compatible with rural and agricultural activities, including retail, restaurants, and personal and professional offices". The proposed restaurant use is consistent with this category. The proposed trail easements will provide linkages in the area's network of equestrian trails, which enhances the rural character of the area, and the use is low in intensity and small in scale.

Land Use Policy LU 1.1 of the Town & Country Plan says:

*"Direct the majority of the unincorporated Antelope Valley's future growth to rural town center areas and identified economic opportunity areas, through appropriate land use designations, as indicated on the Land Use Policy Map (Map 2.1) of this Area Plan."*

The Project Site is not located within the rural town center or economic opportunity area designations according to the land use policy map. The Acton rural town center is defined as the area along Crown Valley Road between Soledad Canyon Road and Gillespie Avenue. The Acton town center area is located approximately 1.6 miles south of the Project Site.

Chapter 7 of the Town & Country Plan contains community-specific land use concepts for many different communities in the Antelope Valley, including Acton. The section regarding the Acton community states:

*"Some areas outside the rural town center area have also been designated as Rural Commercial (CR) to acknowledge existing uses and to provide additional commercial services and employment opportunities. The intent of these designations is to allow low-intensity local commercial uses that serve community residents and to prohibit high-intensity regional commercial uses that serve travelers along State Route 14."*

The Town & Country Plan prohibits "high-intensity regional commercial uses" within this area of Acton. However, the Project is not considered to be high-intensity or a regional use. Based on the traffic study, which is dated December 22, 2014, it will not exceed thresholds requiring traffic signals or urban-style off-site improvements. Moreover, it will be small in size, with the 2,029 square foot building occupying only four percent of the Project Site and with landscaping occupying nearly half of the total land area. The project's floor area ratio (FAR) is 0.04, compared with the maximum FAR of 0.5 allowed in the Rural Commercial category of the Town & Country Plan. The proposed use for this location is considered to be consistent with the applicable policies of the Town & Country Plan, including the land use category.

The existing McDonald's restaurant across the street has an approved occupant load of 125 (Plot Plan 40281 approved March 13, 1991) and the existing Jack-in-the-Box restaurant to the southwest was approved with an occupant load of 98 (Plot Plan 42542 approved October 28, 1992). The Taco Bell has an occupant load of 45 persons based on the Building and Safety determination done on August 20, 2014. This calculation did not include the outdoor dining area, which includes 12 seats. The adjusted occupant load with the outdoor seating is 57. It is not a regional use, although due to the location near a freeway exit for State Route 14 it will inevitably be used by travelers from outside the local community. It will also serve the local community. It will provide amenities to the rural community such as trails and hitching posts for equestrian riders as well as bicycle amenities for bicyclists, and is designed at a smaller scale than the other existing fast food uses in the area. It is considered to be consistent with the policies of the Town & Country Plan.

In addition to the previously mentioned fast food restaurants and automobile service stations, the existing surrounding commercial uses within 500 feet include other uses which are much higher in intensity than the proposed Taco Bell. On the parcel to the west there is an existing two-story commercial building and detached building with a combined area of over 41,000 square feet, which also includes the aforementioned Union 76 station. That parcel contains a restaurant with an occupant load of 242, a smaller restaurant with an occupant load of 48, a coffee shop with an occupant load of 29, as well as office space, retail space, and other commercial uses. The parcel to the east of the McDonald's contains a commercial building with an area of over 17,000 square feet, which includes a sushi restaurant having an occupant load of 77. The previously mentioned Shell station at the southwest corner of Sierra Highway and Crown Valley Road also contains a Subway sandwich shop and convenience store. The scale of the Taco Bell Project is much smaller than most of the other existing established uses in the immediate surrounding area and it would not be out of character for the area or significantly change the character of the area.

Chapter 7 of the Town & Country Plan also contains the following policies for the CR area of the Acton community outside the town center:

*“New buildings in these CR designations shall also be limited to two stories in height, shall include Old West design elements with earth tone colors at a pedestrian-oriented scale, and shall be linked to surrounding rural town areas through trails and pedestrian routes. Pedestrian routes shall have permeable paving, consistent with rural community character, instead of concrete sidewalks. Development in these CR designations that would require the installation of urban infrastructure, such as concrete curbs and gutters, street lights, and traffic signals, shall be discouraged, as this does not fit with the community’s unique rural character and identity.”*

The proposed building is only one story in height and includes Old West design elements. It is accessible to pedestrians and equestrians through trails along Sierra Highway and Crown Valley Road. The road improvement requirements for the Project required by Public Works are based on rural highway standards.

Other applicable policies of the Town & Country Plan include:

*Land Use Policy LU 1.4: “Ensure that there are appropriate lands for commercial and industrial services throughout the unincorporated Antelope Valley sufficient to serve the daily needs of rural residents and to provide local employment opportunities.*

The Project Site is appropriate for the proposed use, given the existing uses in the immediate surrounding area and the location at a major intersection near a freeway entrance. It will help to meet the needs of rural residents by providing a new restaurant option and will provide local employment opportunities.

*Land Use Policy LU 4.1: “Direct the majority of the unincorporated Antelope Valley’s future growth to the economic opportunity areas and areas that are served by existing or planned infrastructure, public facilities, and public water systems, as indicated in the land use designations shown on the Land Use Policy Map (Map 2.1) of this Area Plan.”*

The Project Site is suitable for the use due to the existing infrastructure already in place, including the highways and public water system. The Project Site is located within Los Angeles County Waterworks District No. 37, which has issued a conditional will serve letter for the Project.

#### **Countywide General Plan Consistency**

The following policies of the Los Angeles County General Plan are applicable to the proposed project:

*General Plan Land Use Element Policy 9: “Promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design, and locational controls.” (Page III-12)*

The subject restaurant will provide a convenient place for residents of Acton to purchase and eat affordable fast food in a location that is well-suited for this purpose and which is in the midst of similar existing uses. It is designed to conform to the Acton CSD requirements and to blend in with the community. It will increase the dining options available to community residents.

*General Plan Land Use Element Policy 10: "Encourage the clustering of well designed highway oriented commercial facilities in appropriate and conveniently spaced locations." (Page III-12)*

The location of the facility at the intersection of two highways located in close proximity to a freeway exit is appropriate for the intended use and zoned for this type of use. It will serve residents and workers of the Acton community as well as travelers passing through on State Highway 14, Sierra Highway, and Crown Valley Road and is designed to fit in with the Old West architecture of the Acton CSD.

The Project is designed to comply with current standards. The proposed restaurant use is compatible with the Town & Country Plan, the old Antelope Valley Areawide General Plan which was in effect at the time of Project submittal, the Los Angeles County General Plan, and with the existing land uses of the surrounding area.

#### Zoning Ordinance and Development Standards Compliance

Restaurants and other uses allowed in the C-2 Zone are allowed within the C-2-DP zone with approval of a CUP, pursuant to Sections 22.28.130 and 22.40.040 of the County Code. The proposed restaurant has an occupant load of 45 persons based on the Building and Safety determination done on August 20, 2014. This calculation did not include the outdoor dining area, which includes 12 seats. The adjusted occupant load with the outdoor seating is 57. Based on the adjusted occupant load, 19 parking spaces are required for this use. Parking for this use is calculated at a ratio of one parking space per 3 occupants, pursuant to Section 22.52.1110.A1b of the County Code. The site plan depicts 29 parking spaces on the Project Site. A minimum of 10% of the lot area must be landscaped, pursuant to Section 22.28.170 of the County Code. More than 46% of the Project Site contains landscaping area according to the site plan. The outdoor dining area depicted on the site plan complies with the standards in Section 22.28.070.G of the County Code, including a landscaped buffer of more than five feet wide along the edge of the area.

The Project provides two short-term bicycle parking spaces southeast of the building and two long-term bicycle parking spaces in bicycle lockers north of the building as required by Section 22.52.1225 of the County Code.

The Acton CSD requires that all commercial uses shall have a height not exceeding 35 feet. The highest point of the structure is 30'-7" in height. The CSD allows impervious area of up to 90% of the lot area for restaurants. The proposed impervious area is approximately 53%. The CSD requires commercial buildings to be designed in a "Western frontier village, circa 1890s style" in substantial conformance with the architectural guidelines accompanying the CSD. The building exterior has cement

board siding with a wood texture and stone veneer with stucco parapet. Colors are light brown for the siding with dark brown trim and parapet. The stone veneer will consist of Coronado Stone and Idaho Drystack and will also be of a brownish color. Grey corrugated metal roof canopies are located on the south and east elevations and are supported by dark brown columns resembling wood posts. The exterior is intended to resemble an Old West style structure made of wood and stone. Parapet towers rising above the main roofline are located above the entrances on the south and east elevations add another Old West style architectural touch. Signage is externally lit as required by the CSD. Staff believes the plans adequately comply with the architectural style and project design considerations of the CSD.

The Project Site is located within a Rural Outdoor Lighting District. The Project will be required to comply with its requirements, which are designed to avoid excessively bright lighting and to protect surrounding properties from light trespass, thus preserving the dark skies in rural communities. Light fixtures may not exceed 30 feet in height, any light fixtures located more than 15 feet above grade may not exceed 400 lumens, and all outdoor lighting must be fully shielded to prevent any unacceptable light trespass. The applicable standards are found in County Code sections 22.44.500 through 22.44.590.

#### Site Visit

A site visit was conducted on February 5, 2015 by Los Angeles County Department of Regional Planning ("DRP") staff. The Project Site is currently developed with a feed and supply store and incidental outside storage. The existing building and storage will be removed and replaced with the proposed restaurant. Photographs from the site visit are included in the hearing package, as well as additional photographs provided by the applicant.

#### Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.040 of the County Code. The Burden of Proof statements with the applicant's responses are attached. Staff is of the opinion that the applicant has met the burden of proof requirements. The proposed restaurant with drive-through facilities is suitable for the area, which is within 300 feet of a freeway exit, and there are two existing drive-through restaurants within 300 feet of the Project Site. The building is designed to conform to the Acton CSD architectural style guidelines, and the Project will comply with the CSD requirements. It is surrounded by other commercial and government uses, and will not substantially change the character of the area. Therefore, the proposed restaurant 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.

The project site is adequate in size to accommodate the parking spaces required for the use, and provides more than the number of spaces required. The amount of landscaping proposed is far in excess of the minimum requirement. The 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. There is also adequate room for the trails along Crown Valley Road and Sierra Highway required by the Department of Parks and Recreation.

The subject restaurant is accessible from Crown Valley Road and Sierra Highway. A traffic study has been conducted, which determined that traffic impacts from the Project will not significantly affect the level of service of nearby intersections during peak hours. Therefore, the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of pedestrian, bicycle, and vehicle traffic such use would generate. The Traffic and Lighting Division, Traffic Studies Section of Public Works reviewed the traffic report dated December 22, 2014 and agreed with the findings of the traffic study. The Project Site is served by Los Angeles County Waterworks District No. 37, which has issued a conditional will serve letter regarding water availability. The Project Site will have a private septic system, and the Project will comply with the applicable requirements for an Onsite Wastewater Treatment System. Power will be provided by Southern California Edison. The public and private facilities serving the property will be adequate to serve the use.

#### Neighborhood Impact/Land Use Compatibility

The proposed restaurant use is consistent with the C-2-DP zoning and the land use plan category of Community Commercial of the 1986 Area Plan. It is also consistent with surrounding existing land uses within 500 feet, which include McDonald's and Jack-in-the-Box fast food restaurants, both of which have drive-through facilities. These existing uses serve residents of the local community as well as customers travelling on the Antelope Valley Freeway. The location at a major intersection surrounded by other commercial uses and near a freeway exit is well-suited to the restaurant use and will not have any significant adverse effects on the community.

The permittee presented the Project to the Acton Town Council at their meeting on July 21, 2014. Concerns were raised at the meeting regarding the drive-through facilities and increased traffic coming from the freeway. The Town Council requested that the County of Los Angeles Department of Public Works ("Public Works") require a traffic study. Public Works required that a traffic study be done for the Project. The Town Council voted to oppose the project at their meeting on August 4, 2014. They expressed concerns about traffic, opposition to the drive-through, stated that the architectural style is not consistent with Acton's Western motif, and stated their belief that the project is in conflict with the Antelope Valley Area Plan requirement that uses in the area must be community-serving. The applicant revised the architectural plans after the meetings in order to comply with the Old West architectural standards of the CSD. The CUP for the Project was submitted to DRP on October 8, 2014. The Taco Bell Project was again discussed at the Acton Town Council meeting on July 6, 2015. The Town Council again expressed their opposition to the Project and unanimously approved a motion to write a letter to DRP against the drive-through and against freeway-oriented businesses in general. A letter from The Town Council, dated July 23, 2015 and signed by all council members, discussed their concerns with the Project,

including traffic generated by the project, the adequacy of the traffic study, the drive-through facilities, the septic system, and the architectural style. A copy of the Town Council's letter is attached with this report.

A traffic impact analysis study for the Project was completed by Trames Solutions Inc., which is dated December 22, 2014. It projected that the Project would generate approximately 906 net trip ends per day, with 83 vehicles per hour during the AM peak hour and 59 vehicles per hour during the PM peak hour. The existing levels of service at the intersections within the study area are operating at an acceptable level of service during the peak hours, and will remain within acceptable levels after the project is in operation. The study also took into account a proposed Primo Burger restaurant, which also included drive-through facilities, and retail use (Project R2014-00881) located approximately 500 feet west of the Project Site. The traffic study determined that no off-site mitigation measures are required. The queuing analysis showed that the stacking distances provided at the site should adequately accommodate the maximum queues, and that as a margin of safety, vehicles can also stack within the drive aisles, thereby minimizing the potential for vehicles to stack onto the public right-of-way. It provided on-site circulation recommendations, including providing stop sign control for vehicles exiting the site, on-site traffic signing and striping, and verification that minimum sight distance is provided at the project driveways. The Traffic and Lighting Division, Traffic Studies Section of Public Works reviewed the traffic report and agreed with the findings of the traffic study. Public Works provided a list of road requirements along with other Project requirements in a letter dated August 6, 2015, which recommended approval of the CUP.

A Hydrology and Low Impact Development ("LID") Report was prepared by 3 Engineering and was approved by Public Works on May 28, 2015. This report determined that the Project will not result in significant off-site flows and that the proposed bio-retention basin will have a capacity of 3,775 cubic feet, which exceeds the 1,599 cubic feet capacity required to retain the first  $\frac{3}{4}$ " of storm water. The bio-retention basin will be located in the southeastern part of the Project Site. The Project's drainage impacts will be mitigated as demonstrated in the approved Hydrology and LID Report. The August 6, 2015 letter from Public Works includes conditions related to drainage and grading, which are applicable to the Project and are to be required conditions of the CUP.

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

Staff received a letter from the County of Los Angeles Department of Public Health ("Public Health") dated April 15, 2015 which recommended approval of the CUP. The project will need to obtain Public Health approval for the septic system (Onsite Wastewater Treatment System), comply with the Noise Ordinance requirements, obtain and obtain a Public Health operating permit prior to the opening of the restaurant. The conditions in the letter from Public Health shall be included with the project's conditions of approval.

Staff received a letter from the County of Los Angeles Fire Department dated June 10, 2015 which recommended clearance of the project to proceed to public hearing. The letter contains conditions of approval related to access, the water system, and fuel

modification. These conditions shall be included with the project's conditions of approval.

Staff received a letter from the County of Los Angeles Department of Parks and Recreation dated July 9, 2015 which contains conditions of approval for trail easement recordation and trail construction. These conditions shall be included with the project's conditions of approval.

Staff received a letter from the County of Los Angeles Department of Public Works dated August 6, 2015 which recommended approval of the CUP. The letter contains conditions of approval related to road requirements, drainage, grading, and water. These conditions shall be included with the project's conditions of approval.

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

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. All neighboring property owners within 1,000 feet of the Project Site were notified by mail, including 29 different owners. Additionally, the case materials were available on DRP's website and at the Acton Agua Dulce Library. Notices of Public Hearing were also mailed to 21 persons on the courtesy mailing list for the Soledad Zoned District.

### **PUBLIC COMMENTS**

Staff has received one written letter of comment and one email from two Acton residents who are in favor of the Project and one email from a resident who is an opponent of the Project. No other comments regarding the Project from the general public have been received at this time, although the Acton Town Council has submitted a letter raising concerns about the project, as discussed in the Neighborhood Impact section of this report.

### **FEES/DEPOSITS**

If approved, fees identified in the attached project conditions will apply unless modified by the Regional Planning Commission.

### **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 R2014-02996, Conditional Use Permit Number 201400142, subject to the attached conditions.

**SUGGESTED APPROVAL MOTION:**

**I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE CONDITIONAL USE PERMIT NUMBER 201400142 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.**

Prepared by Richard Claghorn, Principal Regional Planning Assistant, Zoning Permits North Section  
Reviewed by Robert Glaser, Acting Supervising Regional Planner, Zoning Permits North Section

**Attachments:**

Draft Findings, Draft Conditions of Approval  
Clearance letters from Fire, Public Works, Public Health, and Parks and Recreation  
Applicant's Burden of Proof statement  
Site Photographs, Aerial Image  
Site Plan, Land Use Map

RG:RC  
8/19/15

**DRAFT FINDINGS OF THE REGIONAL PLANNING COMMISSION AND ORDER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2014-02996 - (5)  
CONDITIONAL USE PERMIT NO. 201400142**

1. The Los Angeles County ("County") Regional Planning Commission ("Commission") conducted a duly-noticed public hearing in the matter of Conditional Use Permit ("CUP") No. 201400142, Project No. R2014-02996, on September 16, 2015.
2. The permittee, First Street Development ("permittee"), requests the CUP to authorize a Taco Bell fast food restaurant, including drive-through facilities ("Project"), on a property located at 3771 Sierra Highway in the unincorporated community of Acton ("Project Site") in the C-2-DP (Neighborhood Business-Development Program) zone pursuant to Los Angeles County Code ("County Code") sections 22.28.130 and 22.40.040.
3. The Project Site is 1.3 gross acres (1.15 net acres) in size and consists of one legal lot. The Project Site is nearly rectangular in shape with gently sloping topography and is currently developed with a feed and supply store with ancillary outside storage, which will be removed and replaced by the proposed restaurant.
4. The Project Site is located in the Acton Community Standards District ("CSD") and the Soledad Zoned District. The Project Site is currently zoned C-RU-DP (Rural Commercial-Development Program).
5. The Project Site was zoned C-2-DP at the time the application was filed. Because a complete application for this CUP was filed prior to the effective date of the updated Antelope Valley Area Plan adopted on June 16, 2015, and the related zone changes effective on July 16, 2015, this CUP is being reviewed under the C-2-DP zoning which was in effect at the time the application for the CUP was deemed complete on October 8, 2014, pursuant to Section 22.16.225.A.1 of the County Code. This code section allows the applicant to request that the Project be processed under the zoning regulations that were applicable to the project at the time the application was deemed complete, if it was deemed complete prior to the effective date of the 2015 Antelope Valley Ordinance Update. The applicant has opted to have the Project processed under the zoning regulations at the time the CUP application was deemed complete. The CUP is required because of the -DP combining zone, pursuant to Section 22.40.040 of the County Code, which allows any use permitted in the basic zone (C-2) if a CUP has been obtained.
6. The Project Site was located within the Community Commercial land use category of the 1986 Antelope Valley Areawide General Plan ("1986 Area Plan") Land Use Policy Map at the time of project submittal.
7. The project site is located within the Rural Commercial land use category of the recently adopted Antelope Valley Area Plan ("Town & Country Plan"), effective June 16, 2015. The Project is being reviewed under the 1986 Area Plan because the application was deemed complete prior to the effective date of the Town & Country

Plan and the applicant has chosen to have the review continue under the old requirements. Nevertheless, the Project is consistent with the policies of both plans.

8. Surrounding properties within 500 feet are currently zoned as follows:

North: A-1-2 (Light Agricultural, One Acre Minimum Required Lot Area)  
South: C-RU-DP (Rural Commercial-Development Program)  
East: A-1-2  
West: C-RU-DP

9. Surrounding properties within a 500-foot radius were zoned as follows at the time of Project submittal:

North: C-2-DP  
South: C-3 (Unlimited Commercial)  
East: C-2-DP  
West: C-3, R-3 (Limited Multiple Residence), C-3-DP (Unlimited Commercial-Development Program)

10. Surrounding land uses within a 500-foot radius include:

North: library, ranger station  
South: restaurants, gas station  
East: single-family residence, retail  
West: retail, office, gas station, restaurants, single-family residence

11. Assessor's records show that the property contains a 1,248 square foot commercial structure built in 1924. Despite its age, the structure has the appearance of a relatively contemporary structure with no distinctive architectural or historical characteristics. This structure will be demolished as part of the current Project. The existing structure predates building permit records. It is currently used as a feed and supply store.

12. The Project Site was first zoned as M3 (Unclassified) as part of the Soledad Zoned District with the adoption of Ordinance 7091 on January 22, 1957. On September 30, 1958 Ordinance 7401 was adopted, changing the zone of the Project Site to C-4. The zone was changed to C-2-DP through Ordinance 920080Z, adopted on August 6, 1992. This Zone Change was done as part of Project 90368, which included CUP 90-368, which was approved on March 25, 1992 for a 30,000 square foot retail center on an 8.3 acre site, including the current Project Site. CUP 90-368 was never used and the approved retail center was never built. The CUP expired due to failure to use the permit within the required time period, which was tied to the related Tract Map 49911, and both expired on March 25, 1998. CUP 93-118 was filed for a market with beer and wine sales at the current Project Site, but this permit was withdrawn on March 8, 1994.

13. An unconditional Certificate of Compliance (CC 9867) was recorded on the current Project Site on August 13, 1987. It is a legal lot.

14. The land use plan category of the Project Site changed to Rural Commercial with the adoption of the Town & Country Plan by the Los Angeles County Board of Supervisors on June 16, 2015. The zoning of the site changed to C-RU-DP (Rural Commercial-Development Program), effective July 16, 2015, as part of a set of zone changes related to the Town & Country Plan, which took effect 30 days after the plan's adoption. Because a complete application for the Project was submitted prior to adoption of the proposed zone change and the Town & Country Plan, it is being reviewed under the C-2-DP zone requirements pursuant to Section 22.16.225.A.1 of the County Code, and it is being reviewed under the policies of the 1986 Area Plan pursuant to the applicability provisions of the Town & Country Plan (Page I-9 of Town & Country Plan).
15. The site plan for the Project, which is dated June 25, 2015, depicts the Project Site, Assessor's Parcel Number ("APN") 3217-021-011, a nearly rectangular parcel with a gross area of 56,775 square feet (1.3 acres) and a net area, after street dedications, of 50,208 square feet (1.15 acres) located at the northeast corner of Sierra Highway and Crown Valley Road. The proposed restaurant is a 2,029 square foot building located in the southwest part of the parcel with a drive-thru lane on the west side. A total of 12 seats and 4 tables are provided in an outdoor dining area south of the restaurant building. The site includes a total of 29 parking spaces, including two Americans with Disabilities Act ("ADA") spaces and 22 standard spaces east of the building and five large angled spaces to the north of the building. Access to the property is provided from a 30-foot wide driveway in the northwest part of the parcel off Crown Valley Road and a 30-foot wide driveway from Sierra Highway on the south side. Landscaping area covers 23,431 square feet, or 46.67% of the net lot area. A septic system is depicted near the northeast corner of the Project Site. A trash enclosure is located to the south of the septic system. Proposed trails are located along Crown Valley Road at the west end of the Project Site and Sierra Highway along the south side. A hitching post near the property's northwest corner will provide a place for equestrian riders to leave their horses. Bicycle parking spaces are located southeast of the building and a bicycle locker is located north of the building. A retaining wall is shown south of the driveway for the drive-through north of the trail along Sierra Highway.
16. The grading plan for the Project, which is dated May 21, 2015, provides the estimated grading quantities for the project, including 3,000 cubic yards of cut and 614 cubic yards of fill. An estimated 2,386 cubic yards of graded material will be exported from the Project Site. The grading plan also depicts a bio-retention basin near the southeastern corner of the property, the proposed building location, parking area, driveways, trails, a retaining wall, the natural and finished grade contour lines, and other features. The retaining wall has an average height of approximately two feet and does not exceed four feet in height at any point.
17. The Project Site is accessible via Crown Valley Road to the west and Sierra Highway to the south. Primary access to the Project Site will be via an entrance/exit on Crown Valley Road. Secondary access to the Project Site will be via an entrance/exit on Sierra Highway.

18. The Project will provide a total of 29 parking spaces. Five of the parking spaces are 12' x 40' angled spaces for large vehicles located at the north of the Project Site. Two 9' x 20' handicapped accessible parking spaces are located east of the restaurant near the building entrance with a 9' x 20' loading area between them. There are also a total of 22 standard parking spaces east of the restaurant building, each of which is 9'-6" x 20'. They are located in two rows separated by a 28' wide driveway aisle.
19. The Project site contains gently sloping land with a gradient of approximately 3.75% rising from south to north. The Project includes proposed grading of 3,000 cubic yards of cut and 614 cubic yards of fill. An estimated 2,386 cubic yards of graded material will be exported from the Project Site. The grading will include excavation for a proposed retention basin near the southeast corner of the site.
20. A Hydrology and Low Impact Development ("LID") Report was prepared by 3 Engineering and was approved by Public Works on May 28, 2015. This report determined that the Project will not result in significant off-site flows and that the proposed bio-retention basin will have a capacity of 3,775 cubic feet, which exceeds the 1,599 cubic feet capacity required to retain the first ¼" of storm water. The bio-retention basin will be located in the southeastern part of the Project Site. The Project's drainage impacts will be mitigated as demonstrated in the approved Hydrology and LID Report.
21. The permittee presented the Project to the Acton Town Council at their meeting on July 21, 2014. Concerns were raised at the meeting regarding the drive-through facilities and increased traffic coming from the freeway. The Town Council requested that the County of Los Angeles Department of Public Works ("Public Works") require a traffic study. Public Works required that a traffic study be done for the Project. The Town Council voted to oppose the project at their meeting on August 4, 2014. They expressed concerns about traffic, opposition to the drive-through, stated that the architectural style is not consistent with Acton's Western motif, and stated their belief that the project is in conflict with the Antelope Valley Area Plan requirement that uses in the area must be community-serving. The applicant revised the architectural plans after the meetings in order to comply with the Old West architectural standards. The CUP for the Project was submitted to the Department of Regional Planning ("DRP") on October 8, 2014. The Taco Bell Project was again discussed at the Acton Town Council meeting on July 6, 2015. The Town Council again expressed their opposition to the Project and unanimously approved a motion to write a letter to DRP against the drive-through and against freeway-oriented businesses in general. A letter from The Town Council, dated July 23, 2015 and signed by all council members, discussed their concerns with the Project, including traffic generated by the project, the adequacy of the traffic study, the drive-through facilities, the septic system, and the architectural style.
22. A traffic impact analysis study for the Project was completed by Trames Solutions Inc., which is dated December 22, 2014. It projected that the Project would generate approximately 906 net trip ends per day, with 83 vehicles per hour during the AM

peak hour and 59 vehicles per hour during the PM peak hour. The existing levels of service at the intersections within the study area are operating at an acceptable level of service during the peak hours, and will remain within acceptable levels after the project is in operation. The study also took into account a proposed Primo Burger restaurant, which also included drive-through facilities, and retail use (Project R2014-00881) located approximately 500 feet west of the Project Site. The traffic study determined that no off-site mitigation measures are required. The queuing analysis showed that the stacking distances provided at the site should adequately accommodate the maximum queues, and that as a margin of safety, vehicles can also stack within the drive aisles, thereby minimizing the potential for vehicles to stack onto the public right-of-way. It provided on-site circulation recommendations, including providing stop sign control for vehicles exiting the site, on-site traffic signing and striping, and verification that minimum sight distance is provided at the project driveways. The Traffic and Lighting Division, Traffic Studies Section of Public Works reviewed the traffic report and agreed with the findings of the traffic study. Public Works provided a list of road requirements along with other Project requirements in a letter dated August 6, 2015, which recommended approval of the CUP.

23. The County of Los Angeles Department of Public Health recommended approval of the Project on April 15, 2015 and has recommended conditions of approval, including conditions related to the septic system (Onsite Wastewater Treatment System), an operating permit for the restaurant establishment, potable water supply, and noise, which are included in the CUP conditions.
24. The County of Los Angeles Fire Department recommended clearance of the project to proceed to public hearing on June 10, 2015 and provided conditions of approval related to access, the water system, and fuel modification, which are included with the CUP conditions.
25. The County of Los Angeles Department of Parks and Recreation recommended conditions of approval for the Project on July 9, 2015 regarding trail easement recordation and trail recordation. These conditions are included with the CUP conditions.
26. The County of Los Angeles Department of Public Works recommended approval of the Project on August 6, 2015 and has recommended conditions of approval, including conditions related to road requirements, drainage/grading, and water. These conditions are included with the CUP conditions.
27. Prior to the Commission's public hearing on the Project, Department of Regional Planning ("Regional Planning") staff determined that the Project qualified for a Class 3, New Construction or Conversion of Small Structures, 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. The Project is less than the 2,500 square foot threshold for this exemption that pertains to restaurants and similar structures outside of urbanized areas. It is not located within an

environmentally sensitive area, and the project will not result in any significant environmental impacts.

28. 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.
29. Staff has received one written letter of comment and one email from two Acton residents who are in favor of the Project and one email from a resident who is an opponent of the Project. Another letter in opposition to the Project has been received from the Acton Town Council. No other comments regarding the Project from the public have been received at this time.
30. [Hearing Proceedings] *To be inserted after the public hearing to reflect hearing proceedings.*
31. The Commission finds that the Project is consistent with the Community Commercial land use category of the 1986 Area Plan, which was the applicable plan at the time of project submittal. The Town & Country Plan allows the applicant to opt for a project to be reviewed under the 1986 Area Plan policies if the application was deemed complete prior to the effective date of the Town & Country Plan. Therefore, the Project is being reviewed under the 1986 Area Plan policies and the Project findings are based on this plan. Nevertheless, the Project is consistent with both plans. The Community Commercial designation allows for a broad range of neighborhood-serving commercial uses, including small restaurants, and the subject Taco Bell restaurant is considered to be consistent with this land use category of the 1986 Area Plan.
32. The Commission finds that the proposed use for this location is considered to be consistent with the applicable policies of the 1986 Area Plan, including the land use category, because of the following reasons: the Project Site is located at the intersection of a Major Highway, Sierra Highway, and a Limited Secondary Highway, Crown Valley Road, and is located just over 200 feet from a freeway exit of the Antelope Valley Freeway, State Route 14; the Project is a small restaurant serving the local community and travelers from the adjacent freeway and highways; and there are other existing businesses, including two fast food restaurants with drive-through facilities (McDonald's and Jack-in-the-Box) and two automobile service stations in the immediate vicinity (Union 76 and Shell), which are also in the same land use category, and which serve both local residents and highway travelers. It is considered to be a low-intensity commercial use serving community residents, although it will also serve travelers on State Route 14, as do the other nearby existing businesses.
33. The Commission finds that the 1986 Area Plan contains policies specific to the Acton community (Pages IV-1 to IV-3), including a policy for commercial areas near the Antelope Valley Freeway and Sierra Highway. It states that many of the areas of Acton designated as commercial or industrial areas, including the areas along the Antelope Valley Freeway and Sierra Highway, feature an "Early California" or

"Ranch Style" architecture and that "all future development of commercial and industrial lands in Acton should continue to reflect these features". It later states, "In keeping with Acton's rural setting, all future development shall be limited to a maximum height of two stories". The proposed restaurant will be one story in height and it will have an "Old West" or "Early California" inspired design.

34. The Commission finds that the 1986 Area Plan also states that "curbs, gutters and sidewalks will not be required in the Acton community if an acceptable alternative can be developed to the satisfaction of the Director of the Public Works Department to separate vehicular and pedestrian traffic". Standard rural major highway improvements are required by County of Los Angeles Department of Public Works ("Public Works") on Sierra Highway, including a four foot concrete inverted shoulder. Public Works also requires a standard rural section with asphalt concrete (AC) inverted shoulders and applicable pavement widening on Crown Valley Road and a 35-foot curb return radius consisting of barrier curb and gutter, and a curb ramp at the corner that meets with Americans with Disabilities Act requirements to the satisfaction of Public Works. Additionally, the project is required by Public Works to provide adequate curb and gutter transitions from the required AC inverted shoulder along Crown Valley Road to the full curb face around the curb return to concrete inverted shoulder along Sierra Highway, and to provide street lights on wood poles with overhead wiring at driveways and intersections along the property frontage on Sierra Highway and Crown Valley Road. The improvements required by Public Works for the Project are their standard requirements for rural locations such as this site, and no traffic signal is required. The Public Works requirements are detailed in the letter dated August 6, 2015 from Public Works. The required improvements are suitable for the rural character of the area.
35. The Commission finds that the 1986 Area Plan also discusses the need for a Community Standards District ("CSD") to create the necessary development controls in order to assure that Acton retains its rural, low-density characteristics. The Acton CSD was adopted in 1995, and the Project is consistent with the CSD requirements.
36. The Commission finds that the Project is consistent with the Rural Commercial land use category of the recently adopted Town & Country Plan. The Rural Commercial land use category's purpose is for *"limited, low-intensity commercial uses that are compatible with rural and agricultural activities, including retail, restaurants, and personal and professional offices"*. The proposed trail easements will provide linkages in the area's network of equestrian trails, which enhances the rural character of the area, and the use is low in intensity and small in scale.
37. The Commission finds that the Project is not a high-intensity regional commercial use. The Town & Country Plan prohibits "high-intensity regional commercial uses" within this area of Acton. However, the Project is not considered to be high-intensity or a regional use. Based on the traffic study, it will not exceed thresholds requiring traffic signals or urban-style off-site improvements. Moreover, it will be small in size, with the 2,029 square foot building occupying only four percent of the Project Site and with landscaping occupying nearly half of the total land area. The project's floor area ratio (FAR) is 0.04, compared with the maximum FAR of 0.5 allowed in the

Rural Commercial category of the Town & Country Plan. The proposed use for this location is considered to be consistent with the applicable policies of the Town & Country Plan, including the land use category.

38. The Commission finds that the Project is not a regional use. The Project has an official occupant load of 45 and adjusted occupant load of 57, which is less than the occupant loads for the existing nearby McDonald's (125 occupant load) and Jack-in-the-Box (98 occupant load) drive-through restaurants. Due to the location near a freeway exit for State Route 14, it will inevitably be used by travelers from outside the local community. It will also serve the local community. It will provide amenities to the rural community such as trails and hitching posts for equestrian riders as well as bicycle amenities for bicyclists, and is designed at a smaller scale than the other existing fast food uses in the area. It is considered to be consistent with the policies of the Town & Country Plan.
39. The Commission finds that the existing commercial uses within 500 feet of the Project Site include other uses which are higher in intensity than the proposed Taco Bell. On the parcel to the west there is an existing two-story commercial building and detached building with a combined area of over 41,000 square feet, which also includes the aforementioned Union 76 station. That parcel contains a restaurant with an occupant load of 242, a smaller restaurant with an occupant load of 48, a coffee shop with an occupant load of 29, as well as office space, retail space, and other commercial uses. The parcel to the east of the McDonald's contains a commercial building with an area of over 17,000 square feet, which includes a sushi restaurant having an occupant load of 77. The previously mentioned Shell station at the southwest corner of Sierra Highway and Crown Valley Road also contains a Subway sandwich shop and convenience store. The scale of the Taco Bell Project is much smaller than most of the other existing established uses in the immediate surrounding area and it would not be out of character for the area or significantly change the character of the area.
40. The Commission finds that the Project is consistent with the Town & Country Plan policies for Acton. The proposed building is only one story in height and includes Old West design elements. It is accessible to pedestrians and equestrians through trails along Sierra Highway and Crown Valley Road. Standard rural major highway improvements are required by Public Works. The required road improvements are suitable for the rural character of the area.
41. The Commission finds that the Project is consistent with the other applicable policies of the Town & Country Plan, including Land Use Policy LU 1.4, which is to *"ensure that there are appropriate lands for commercial and industrial services throughout the unincorporated Antelope Valley sufficient to serve the daily needs of rural residents and to provide local employment opportunities"*, and Land Use Policy LU 4.1, which is to *"direct the majority of the unincorporated Antelope Valley's future growth to the economic opportunity areas and areas that are served by existing or planned infrastructure, public facilities, and public water systems, as indicated in the land use designations shown on the Land Use Policy Map (Map 2.1) of this Area Plan."* The Project Site is appropriate for the proposed use, given the existing uses

in the immediate surrounding area and the location at a major intersection near a freeway entrance. It will help to meet the needs of rural residents by providing a new restaurant option and will provide local employment opportunities. The Project Site is suitable for the use due to the existing infrastructure already in place, including the highways and public water system. The Project Site is located within Los Angeles County Waterworks District No. 37, which has issued a conditional will serve letter for the Project.

42. The Commission finds that the Project is consistent with the policies of the Los Angeles County General Plan, including Land Use Element Policy 9 promoting neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design, and locational controls, and Land Use Element Policy 10 encouraging the clustering of well designed highway oriented commercial facilities in appropriate and conveniently spaced locations.
43. The Commission finds that the Project is compatible with the 1986 Area Plan, which is the applicable local plan for the Project because the application was deemed complete prior to the adoption of the Town & Country Plan. However, it is consistent with both plans, as well as the Los Angeles County General Plan, and with the existing land uses of the surrounding area.
44. The Commission finds that, based on the submitted plans, the Project is consistent with the requirements of the County Code for a use in the C-2-DP Zone, pursuant to Sections 22.28.130.A.2, 22.28.170, and 22.40.040 of the County Code. A minimum of 10% of the net area is required to be landscaped, and the project proposes over 46% landscaping coverage. The proposed building height is 30'-7", which is less than the maximum allowable height of 35 feet. The outdoor dining area depicted on the site plan complies with the standards in Section 22.28.070.G of the County Code, including a landscaped buffer of more than five feet wide along the edge of the area. The proposed restaurant has an occupant load of 45 persons based on the Building and Safety determination done on August 20, 2014. This calculation did not include the outdoor dining area, which includes 12 seats. The adjusted occupant load with the outdoor seating is 57. Based on the adjusted occupant load, 19 parking spaces are required for this use. Parking for this use is calculated at a ratio of one parking space per 3 occupants, pursuant to Section 22.52.1110.A1b of the County Code. The site plan depicts 29 parking spaces on the Project Site. The Project provides two short-term bicycle parking spaces southeast of the building and two long-term bicycle parking spaces in bicycle lockers north of the building as required by Section 22.52.1225 of the County Code.
45. The Commission finds that Project is consistent with the applicable development standards of the Acton CSD in Section 22.44.126.C of the County Code. The CSD allows impervious area of up to 90% of the lot area for restaurants. The proposed impervious area is approximately 53%. The CSD requires commercial buildings to be designed in a "Western frontier village, circa 1890s style" in substantial conformance with the architectural guidelines accompanying the CSD. The building exterior has cement board siding with a wood texture and stone veneer with stucco

parapet. Colors are light brown for the siding with dark brown trim and parapet. The stone veneer will consist of Coronado Stone and Idaho Drystack and will also be of a brownish color. Grey corrugated metal roof canopies are located on the south and east elevations and are supported by dark brown columns resembling wood posts. The exterior is intended to resemble an Old West style structure made of wood and stone. Parapet towers rising above the main roofline are located above the entrances on the south and east elevations add another Old West style architectural touch. Signage is externally lit as required by the CSD. The plans adequately comply with the architectural style and project design considerations of the CSD.

46. The Commission finds that the Project is located within a Rural Outdoor Lighting District. The Project will be required to comply with its requirements, which are designed to avoid excessively bright lighting and to protect surrounding properties from light trespass, thus preserving the dark skies in rural communities. Light fixtures may not exceed 30 feet in height, any light fixtures located more than 15 feet above grade may not exceed 400 lumens, and all outdoor lighting must be fully shielded to prevent any unacceptable light trespass. The applicable standards are found in County Code sections 22.44.500 through 22.44.590.
47. The Commission finds that the proposed use at the site 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. The proposed restaurant with drive through is suitable for the area, which is within 300 feet of a freeway exit, and there are two existing drive through restaurants within 300 feet of the Project Site. The building is designed to conform to the Acton CSD architectural style guidelines, and the Project will comply with the CSD requirements. It is surrounded by other commercial and government uses, and the proposed use will not substantially change the character of the area.
48. The Commission finds 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. The project site is adequate in size to accommodate the parking spaces required for the use, and provides more than the number of spaces required. The amount of landscaping proposed is far in excess of the minimum requirement. There is also adequate room for the trails along Crown Valley Road and Sierra Highway required by the Department of Parks and Recreation.
49. The Commission finds 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. The subject restaurant is accessible from Crown Valley Road and Sierra Highway. A traffic study has been conducted, which determined that traffic impacts from the Project will not significantly affect the level of service of nearby intersections during peak hours. Therefore, the proposed site is adequately served

by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of pedestrian, bicycle, and vehicle traffic such use would generate. The Traffic and Lighting Division, Traffic Studies Section of Public Works reviewed the traffic report dated December 22, 2014 and agreed with the findings of the traffic study. The Project Site is served by Los Angeles County Waterworks District No. 37, which has issued a conditional will serve letter regarding water availability. The Project Site will have a private septic system, and the Project will comply with the applicable requirements for an Onsite Wastewater Treatment System. Power will be provided by Southern California Edison. The public and private facilities serving the property will be adequate to serve the use.

50. The Commission 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 the Acton Agua Dulce Library. On August 10, 2015, a total of 29 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 21 notices to those on the courtesy mailing list for the Soledad Zoned District and to any additional interested parties.

51. 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, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Department of Regional Planning.

**BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES THAT:**

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan and the 1986 Antelope Valley Areawide General Plan.
- B. The proposed use at the site 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. 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.
- D. 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.

**THEREFORE, THE REGIONAL PLANNING COMMISSION:**

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15303 of the State CEQA Guidelines (Class 3, New Construction or Conversion of Small Structures categorical exemption); and
2. Approves Conditional Use Permit No. 201400142, subject to the attached conditions.

**ACTION DATE: September 16, 2015**

RG:RC  
8/19/15

c: Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2014-02996-(5)  
CONDITIONAL USE PERMIT NO. 2014000142**

**PROJECT DESCRIPTION**

The project is a fast food restaurant with drive-through facilities located at 3771 Sierra Highway in Acton. The project is subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, 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 Los Angeles County ("County") Department of Regional Planning ("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 8 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. 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 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. 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 make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses 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 \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
9. 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. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$400.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate 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 **two (2)** inspections. 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 one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

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 ("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, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
11. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the Fire department.
12. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
13. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
14. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by 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. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

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 notification 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.

16. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **four (4) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by **December 1, 2015**.
17. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director

for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

**PROJECT SITE SPECIFIC CONDITIONS**

18. This grant shall authorize the establishment and operation of a fast food restaurant with drive-through facilities.
19. The permittee shall provide parking as required by the County Code, calculated at a parking ratio of one space per 3 occupants. The restaurant has an adjusted occupant load of 57, including the outdoor seating area, and therefore 19 parking spaces are required. The project's site plan shows 29 proposed parking spaces. The total number of parking spaces provided on the Project Site shall remain greater than or equal to the total number of required parking spaces on the Project Site, unless otherwise authorized through a Minor Parking Deviation or Parking Permit.
20. The permittee shall comply with all conditions set forth in the attached County Public Health Department letter dated April 15, 2015.
21. The permittee shall comply with all conditions set forth in the attached County Fire Department letter dated June 10, 2015.
22. The permittee shall comply with all conditions set forth in the attached County Parks and Recreation Department letter dated July 9, 2015.
23. The permittee shall comply with all conditions set forth in the attached County Public Works letter dated August 6, 2015.



CYNTHIA A. HARDING, M.P.H.  
Interim Director

JEFFREY D. GUNZENHAUSER, M.D., M.P.H.  
Interim Health Officer

ANGELO J. BELLOMO, REHS, QEP  
Director of Environmental Health

TERRI S. WILLIAMS, REHS  
Assistant Director of Environmental Health

5050 Commerce Drive  
Baldwin Park, California 91706  
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[www.publichealth.lacounty.gov](http://www.publichealth.lacounty.gov)

BOARD OF SUPERVISORS

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April 15, 2015

TO: Richard Claghorn  
Principal Regional Planning Assistant  
Department of Regional Planning

FROM: Michelle Tsiebos, REHS, DPA (M.T.)  
Environmental Health Division  
Department of Public Health

SUBJECT: CUP CONSULTATION  
PROJECT NO. R2014-02996/ CUP201402996  
Acton Taco Bell  
3771 Sierra Highway, Acton

- Public Health recommends approval of this CUP.
- Public Health does NOT recommend approval of this CUP.

The Department of Public Health – Environmental Health Division has reviewed the CUP request for the above referenced project. The CUP is for the construction of a new Taco Bell Restaurant with drive through service and related site improvement. The Department recommends approval of the CUP contingent upon the conditions mentioned below.

**Restaurant Establishment**

The applicant shall comply with all Public Health requirements relating to the construction and operation of a restaurant establishment. The applicant shall obtain a Public Health operating permit prior to the opening of the restaurant.

This condition shall be cleared at the building permit stage. For questions regarding this condition, please contact the Plan Check Program at (626) 430-5560.

### Wastewater Disposal

The Land Use Program recommends approval of the CUP contingent upon the following requirements being satisfactorily fulfilled following Public Hearing.

**New Onsite Wastewater Treatment System (OWTS)** - A report to determine the feasibility of installing onsite wastewater treatment systems (OWTS) for the new proposed facilities shall be submitted to the DPH's Land Use Program for review and approval. The report shall be prepared in compliance with DPH's "A Professional Guide to Requirements and Procedures for Onsite Wastewater Treatment Systems (OWTS)". The referenced document is available on-line at [www.lapublichealth.org/eh](http://www.lapublichealth.org/eh).

The report shall consist of a soil profile excavation, exploratory boring to determine historic and seasonal high groundwater mark and presence of subsurface water, and percolation testing to confirm that the soil on the property can support the use of OWTS. Testing shall be conducted in an area likely to be utilized as a disposal field.

#### Notes:

- A. The design and installation of OWTS shall conform to the requirements of this Department and other applicable regulatory agencies. **The applicant shall contact the Regional Water Quality Control Board and file necessary document for Waste Discharge Requirement permit in order to obtain authorization before proceeding with this project.**
- B. The required size and capacity of the proposed OWTS shall be determined based on the factors including fixture unit count, number of employees, the type of food facilities and number of customers and meals served in each room, number of parking spaces, restrooms, etc., either individually or in combination of one, two or more factors, whichever method results in the largest system capacity and in accordance with Table K-2 and K-3 of Appendix K of the Plumbing Code and requirements established in the Department's guidelines.

For questions regarding the above conditions, please contact Eric Edwards or Vicente Banada at (626) 430-5380 or at [eedwards@ph.lacounty.gov](mailto:eedwards@ph.lacounty.gov), and [vbanada@ph.lacounty.gov](mailto:vbanada@ph.lacounty.gov).

### Potable Water Supply

The Drinking Water Program recommends approval of the CUP.

The Program has received a conditional will serve letter from the water purveyor (Los Angeles County Waterworks District No. 37) ensuring the availability of a sustainable potable water supply for the project.

For questions regarding the above conditions, please contact Lusi Mkhitarian or Epifanio Braganza at (626) 430-5420 or at [lmkhitarian@ph.lacounty.gov](mailto:lmkhitarian@ph.lacounty.gov), and [ebraganza@ph.lacounty.gov](mailto:ebraganza@ph.lacounty.gov).

**Noise**

The project shall adhere to the Los Angeles County Noise Control Ordinance, as contained in Chapter 12.08 of the Los Angeles County Code, Title 12.

For questions regarding this report, please feel free to contact me at (626) 430-5382 or at [mtsiebos@ph.lacounty.gov](mailto:mtsiebos@ph.lacounty.gov).





**COUNTY OF LOS ANGELES FIRE DEPARTMENT  
FIRE PREVENTION DIVISION**

Land Development Unit  
5823 Rickenbacker Road  
Commerce, CA 90040  
Telephone (323) 890-4243, Fax (323) 890-9783

PROJECT: R2014-02996

MAP DATE: 04/15/15 FD

LOCATION: 3771 Sierra Highway, Acton

PLANNER: Richard Claghorn

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8. Fire Department vehicular access roads shall be provided with a 32 foot centerline turning radius. Fire Code 503.2.4
9. Fire Apparatus Access Roads shall be designed and maintained to support the imposed load of fire apparatus weighing 37 ½ tons and shall be surfaced so as to provide all-weather driving capabilities. Fire apparatus access roads having a grade of 10 percent or greater shall have a paved or concrete surface. Fire Code 503.2.3
10. Provide approved signs or other approved notices or markings that include the words "NO PARKING - FIRE LANE". Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be provided for fire apparatus access roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof and at intervals, as required by the Fire Inspector. Fire Code 503.3
11. A minimum 5 foot wide approved firefighter access walkway leading from the fire department access road to all required openings in the building's exterior walls shall be provided for firefighting and rescue purposes. Fire Code 504.1
12. Fire Apparatus Access Roads shall not be obstructed in any manner, including by the parking of vehicles, or the use of traffic calming devices, including but not limited to, speed bumps or speed humps. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times. Fire Code 503.4
13. Traffic Calming Devices, including but not limited to, speed bumps and speed humps, shall be prohibited unless approved by the fire code official. Fire Code 503.4.1
14. Security barriers, visual screen barriers or other obstructions shall not be installed on the roof of any building in such a manner as to obstruct firefighter access or egress in the event of fire or other emergency. Parapets shall not exceed 48 inches from the top of the parapet to the roof surface on more than two sides. Fire Code 504.5





COUNTY OF LOS ANGELES  
DEPARTMENT OF PARKS AND RECREATION

"Parks Make Life Better!"

Russ Guiney, Director

John Wicker, Chief Deputy Director

July 9, 2015

Sent via e-mail: rclaghorn@planning.lacounty.gov

TO: Richard Claghorn, Principal Planner  
Department of Regional Planning  
Zoning Permits North Section

FROM: Kathline J. King, Chief of Planning  
Department of Parks and Recreation  
Planning Division

SUBJECT: **CONDITIONAL USE PERMIT (CUP) NO. 201402996**  
**TACO BELL RESTAURANT PROJECT**

**NOTICE OF TRAIL CONDITIONS**

The Department of Parks and Recreation (DPR) has completed the review of the proposed project located at the northeast corner of Sierra Highway and Crown Valley Road in the unincorporated County area of Acton. The proposed project includes development of a 2,029 square foot Taco Bell Restaurant with drive-thru. The project site is located within the Acton Community Standards District and is also within the sphere of the Adopted County Trails Master Plan (Trails Plan). Within the Trails Plan is an alignment for the "Vasquez Loop Trail", which is proposed on the west and south side of the project area (see attached "Vasquez Loop Trail" Map).

The "Vasquez Loop Trail" alignment as shown on the revised site plan is approved, releasing the previous trail hold. DPR is requiring the Subdivider to dedicate variable width 10-12 foot wide trail easement(s) and construct a variable-width five to eight foot (5-8)' wide multi-use (hiking, mountain biking, and equestrian) trail(s) to the satisfaction of DPR.

DPR requests that the Department of Regional Planning include the following trail conditions of approval as a component of the conditional use permit:

**Trail Easement Recordation Conditions**

1. Prior to grading plan approval, the Applicant shall:
  - a. Dedicate by separate document to the County of Los Angeles, a twelve foot (12') wide multi-use (hiking, mountain biking, and equestrian) trail easement on

the west side of the project site adjacent to Crown Valley Road, and a ten foot (10') wide multi-use trail easement on the south side of the project site adjacent to Sierra Highway for purposes of the "Vasquez Loop Trail". The trail easement's shall be recorded within the same document and the plat map and legal description shall be attached and submitted to DPR for review and acceptance, prior to recordation.

- b. Dedications and the following language must be shown for trail dedication(s) in the easement document:

We hereby dedicate to the County of Los Angeles a variable width twelve foot (12') wide to ten foot (10') wide multi-use (hiking, mountain biking and equestrian) trail easement, approximate length of 470 linear feet, for the "Vasquez Loop Trail," as legally described and depicted on Exhibit "A". Full public recreation and maintenance access shall be provided in perpetuity within the multi-use trail easement.

### **Trail Construction Conditions**

1. Prior to issuance of any Building or Electrical Permits, the Applicant shall:
  - a. As shown on revised site plan, construct a variable-width five to eight foot (5-8') wide trail within the ten to twelve foot (10-12') wide easement in accordance with trail construction guidelines within the County of Los Angeles Trails Manual (Trails Manual). Significant deviation from the guidelines within the Trails Manual must be approved in writing by DPR. Trail tread to be minimum 4" deep stabilized decomposed granite (DG) with appropriate edge (borders) i.e. redwood, metal, or concrete.
  - b. Subdivider shall include DPR in the transmittal of the project grading plan when submitted to Regional Planning. Grading plan to include detailed grading information for the required segment of the "Vasquez Loop Trail". The detailed grading information for the trail construction, shall include all pertinent information required, per DPR's Trails Manual, and all applicable codes, but not limited to the following:
    - i. Cross slope gradients towards Crown Valley Road and Sierra Highway not to exceed five percent (5%), and longitudinal (running) slope gradients not to exceed twelve percent (12%) for more than fifty feet (50'). DPR will review and may allow running slopes slightly greater than twelve percent (12%), and cross slopes greater than five percent (5%) on a case by case basis.

- ii. Bush Hammer (or equivalent) rough finish at minimum width of eight feet (8') at all driveway trail crossings if concrete surface.
- iii. Install lodgepole fencing on each side of trail with openings for pedestrian crossflow at the intersection of Sierra Highway and Crown Valley Road, two vehicle driveways, and fence opening for access to the proposed hitching post located at the northwest corner of project site for user safety and property security.

Lodgepole pine posts to be treated with Alkaline Copper Quaterly (ACQ) compound wood preservative. The vertical posts are 7 feet in length by 6 ½ inch diameter. For rail installation, the post has 2 holes at 18 inches on center and the top rail is 6 inches from the post top to the centerline of the first rail. The rails are also ACQ treated and they are 8 feet in length by 4 ½ inch diameter with beveled ends. The vertical posts are positioned 54 inches above grade with 30 inches below grade. The posts are set in ¾ inch aggregate base layer at minimum 18 inches deep x 18 inch diameter with minimum 4 inches of compacted natural earth on top.

Note: Contact DPR Trail Section Planner prior to installation of trail fencing.

- iv. Trail easement must be outside of the road right-of-way unless approved by the County Department of Public Works (DPW).
  - v. Any streetlight pole(s) must have cross-walk activation buttons at two heights to accommodate both pedestrian and equestrian traffic. Request coordination with DPW to address crosswalk design standards.
  - vi. Appropriate signage where deemed necessary, for motorist, trail user safety and property security, as approved by DPW.
2. Prior to initiation of trail construction, the Applicant shall:
- a. Submit a preliminary construction schedule showing milestones for completing the trail. The Applicant's representative shall provide updated trail construction schedules to DPR on a monthly basis. Schedule submittals shall include a "Two Week Look-Ahead" schedule, to reflect any modifications to the original schedule.
  - b. Stake the centerline of the trail. The Applicant's representative shall then schedule a site meeting with a representative from DPR's Trails Planning Section for trail alignment inspection and approval.

Richard Claghorn  
July 9, 2015  
Page 4

3. Prior to DPR final acceptance of the constructed trail, the Applicant shall:
  - a. Notify DPR for a Final Inspection "Trail Walk" within five (5) business days of completion of trail construction, including installation of all required amenities. Any portions of the constructed trail not approved, shall be corrected and brought into compliance with DPR's trail construction guidelines within thirty (30) calendar days. Upon completion of the punch list, the Applicant shall contact DPR to schedule another site inspection..
  - b. Submit electronic copies on CD or DVD (AutoCAD 2005 or newer version) of the As-Built Trail, grading and construction drawings to DPR.
  - c. Submit a letter to DPR requesting acceptance of the dedicated constructed trail. DPR will issue a trail acceptance letter only after receiving a written request for final trail approval and as-built trail drawings.

Note: DPR will install appropriate trail signage after final acceptance of the "Vasquez Loop Trail".

For any trail related questions or guidance, please contact Robert Ettleman, Park Planner at (213) 351-5134 or by e-mail at [rettleman@parks.lacounty.gov](mailto:rettleman@parks.lacounty.gov).

KK:FM:RLE:cp R201402996-(5) Taco Bell Project Trail Report

c: Parks and Recreation: (F. Moreno, R. Ettleman, J. Yom)



**Legend**

**LA County DPR Trails**

**Trail\_Type**

- Adopted County Trail System Proposed
- Existing Conservancy Trail
- Existing County Trail
- Federal/National Forest Trails
- Pacific Crest Trail
- Proposed County Trail

eGIS\_Cadastral.EGIS.ASSR\_PARCELS

TB Major Streets

Proposed Taco Bell Project:  
 APN 3717-021-011  
 3771 Sierra Highway  
 Acton, CA 93510-1253

Vasquez Loop Trail

Sierra Hwy

Clanfield St

Antelope Valley Frwy

State Route 14

State Route 14

Antelope Valley Frwy

Antelope Woods Rd

**TRAIL REVIEW: Project #2014-02996 (Taco Bell)**  
 County of Los Angeles | Department of Parks & Recreation



Date: 03/05/  
 Prepared By:



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone (626) 458-5100  
<http://dpw.lacounty.gov>

GAIL FARBER, Director

August 6, 2015

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE

REFER TO FILE: LD-2

TO: Rob Glaser  
Zoning Permits North Section  
Department of Regional Planning

Attention Richard Claghorn

FROM: Art Vander Vis   
Land Development Division  
Department of Public Works

**TACO BELL ACTON-3771 SIERRA HIGHWAY  
CONDITIONAL USE PERMIT (CUP) NO. 201400142  
PROJECT NO. R 2014-02996  
ASSESSOR'S MAP BOOK NO. 3217, PAGE 21, PARCEL NO. 11  
UNINCORPORATED COUNTY COMMUNITY OF ACTON**

We reviewed the site plan for the proposed project located at the northeast corner of Sierra Highway and Crown Valley Road in the unincorporated County community of Acton. The proposed project consists of a 2,029-square-foot Taco Bell Restaurant with a drive-thru. The site is located within the Acton Community Standards District.

- Public Works recommends approval of this CUP.
- Public Works does **NOT** recommend approval of this CUP.

Upon approval of the CUP, we recommend the following conditions:

### Road

1. Dedicate an additional 24 feet of right of way along the property frontage of Sierra Highway to achieve an ultimate width of 54 feet from the street centerline, to the satisfaction of Public Works. A processing fee will be required for the dedication.
2. Dedicate an adequate right-of-way corner cut-off, from the beginning-of-curb return to the end-of-curb return, based on a 35-foot curb return radius, at the northeast corner of Sierra Highway and Crown Valley Road to the satisfaction of Public Works. A processing fee will be required for the dedication.

3. Construct standard, rural, major highway improvements on Sierra Highway, easterly of the proposed catch basin. This section shall consist of a 4-foot concrete inverted shoulder located 42 feet from the street centerline to the edge of pavement/edge of gutter to the satisfaction of Public Works. Relocate all affected utilities.
4. Construct a standard, rural section with asphalt concrete inverted shoulders and applicable pavement widening on Crown Valley Road, 14 feet from the centerline to the flow line, to the satisfaction of Public Works.
5. Construct a 35-foot curb return radius consisting of barrier curb and gutter at the northeast corner of Crown Valley Road and Sierra Highway to the satisfaction of Public Works. Additionally, provide adequate curb and gutter transitions from the required asphalt concrete inverted shoulder along Crown Valley Road to the full curb face around the curb return. The barrier curb and gutter shall then extend easterly along Sierra Highway to the proposed catch basin located approximately 40 feet from the curb return. Adequate curb and gutter transitions shall also be provided from the proposed catch basin to the concrete inverted shoulder along Sierra Highway.
6. Construct a curb ramp at the northeast corner of Crown Valley Road and Sierra Highway to meet current Americans with Disability Act (ADA) guidelines and to the satisfaction of Public Works.
7. Submit street improvement plans and acquire street plan approval before obtaining a grading permit.
8. Execute an Agreement to Improve for the street improvements prior to issuance of a building permit.
9. Comply with all the requirements listed in the attached Public Works' Traffic and Lighting Division letter dated August 5, 2015.
10. Submit a detailed signing and striping plan (scale: 1"=40') for review and approval on Sierra Highway and Crown Valley Road in the vicinity of the property location and acquire approval before obtaining a grading permit.
11. Provide street lights on wood poles with overhead wiring at driveways and intersections along the property frontage on Sierra Highway and Crown Valley Road to the satisfaction of Public Works. Where curb and gutter is present, concrete poles with underground wiring may be required. Submit street lighting plans showing all existing lights along with existing and/or proposed underground utilities plans as soon as possible to Traffic and Lighting Division's Street Lighting Section to allow the maximum time for processing and approval.

12. The proposed project, or portions of the proposed project, are not within an existing lighting district. Annexation to a street lighting district is required.

The applicant shall comply with the conditions of annexation listed below (12.1 and 12.2) in order for the lighting districts to pay for the future operation and maintenance of the street lights. The annexation and the levy of assessment require the approval of the Board of Supervisors prior to Public Works approving street lighting plans. It is the sole responsibility of the owner/developer of the project to have all street lighting plans approved prior to the issuance of building permits or road construction permits, whichever occurs first. The required street lighting improvements must be accepted, per approved plans, prior to the issuance of a Certificate of Occupancy.

- 12.1 Provide the business/property owner name, mailing address, site address, Assessor's parcel number, and parcel boundaries in either Micro Station or Auto CADD format of territory to be developed to the Street Lighting Section.
- 12.2 Submit a map of the proposed project, including any roadways conditioned for street lights, to the Street Lighting Section.

The annexation and assessment balloting process takes approximately 12 months or more to complete once the above information is received and approved. Untimely compliance with the above conditions will result in delay in the annexation of street lighting.

13. The following are conditions of acceptance for street light transfer of billing:

- 13.1 All street lights in the project, or current project phase, must be constructed according to Public Works-approved plans.
- 13.2 The contractor shall submit one complete set of As-built plans.

The lighting district can assume responsibility for the operation and maintenance of the street lights by July 1 of any given year provided the above conditions have been met; all street lights in the project, or approved project phase, have been energized; and the developer has requested a transfer of billing at least by January 1 of the previous year. The transfer of billing could be delayed one or more years if the above conditions are not met.

For questions regarding road conditions 1 through 8, please contact Ed Gerlits of Public Works' Land Development Division at (626) 458-4953 or [egerlits@dpw.lacounty.gov](mailto:egerlits@dpw.lacounty.gov).

For questions regarding road conditions 9 through 10, please contact Jeff Pletyak of Traffic and Lighting Division at (626) 300-4721 or [jpletv@dpw.lacounty.gov](mailto:jpletv@dpw.lacounty.gov).

For questions regarding road conditions 11 through 13, please contact Jeff Chow of Traffic and Lighting Division at (626) 300-4753 or [jchow@dpw.lacounty.gov](mailto:jchow@dpw.lacounty.gov).

#### Drainage/Grading

1. Submit a drainage and grading plan for review and approval that complies with the approved hydrology study dated May 28, 2015 (or the latest revision), to the satisfaction of Public Works. The drainage and grading plans must provide for the proper distribution of drainage and for contributory drainage from adjoining properties by eliminating the sheet overflow, ponding, and high-velocity scouring action to protect the lots. The plans need to call out the construction of at least all drainage devices and details, paved driveways, elevation of all pads, water quality devices, Low-Impact Development (LID) features, and existing easements. Additionally, the applicant is required to obtain the necessary easement holder's approval for the proposed work.
2. Comply with all National Pollutant Discharge Elimination System, Storm Water Management Plan, and Water Quality requirements.
3. Per County Code Section 12.84.440, comply with LID standards in accordance with the LID Standards Manual, which can be found at [http://dpw.lacounty.gov/wmd/LA\\_County\\_LID\\_Manual.pdf](http://dpw.lacounty.gov/wmd/LA_County_LID_Manual.pdf).
4. Comply with the approved hydrology study dated May 28, 2015 (or latest revision), for the design of all drainage facilities to the satisfaction of Public Works.
5. Provide a maintenance agreement/covenant for any privately maintained drainage devices.
6. Obtain soil/geology approval of the drainage/grading plan from Public Works' Geotechnical and Materials Engineering Division.
7. Provide permits and/or letters of non-jurisdiction from all applicable State and Federal agencies. These agencies may include, but may not be limited to, the State of California Regional Water Quality Control Board; State of California Department of Fish and Wildlife; State of California Department of Conservation, Division of Oil, Gas, and Geothermal Resources; and the Army Corps of Engineers.

Rob Glaser  
August 6, 2015  
Page 5

8. Provide a concrete liner or other suitable material approved by Public Works within the proposed on-site detention basin to protect the integrity of Sierra Highway.
9. Submit storm drain plans for review and approval for the proposed catch basin and appurtenant storm drain facilities on Sierra Highway.
10. Execute a maintenance agreement/covenant for the overflow pipe from the proposed retention basin to its junction with the proposed storm drain system on Sierra Highway.

For questions regarding the drainage/grading conditions, please contact Ed Gerlits at (626) 458-4953 or [egerlits@dpw.lacounty.gov](mailto:egerlits@dpw.lacounty.gov).

#### Water

1. Comply with all the requirements stipulated by the local water purveyor. The attached Will Serve letter issued by the Los Angeles County Waterworks District No. 37 will expire on April 13, 2016. It shall be the sole responsibility of the applicant to renew the aforementioned Will Serve letter upon expiration and abide by all requirements of the water purveyor.

For questions regarding the water condition, please contact Tony Khalkhali of Public Works' Land Development Division at (626) 458-4921 or [tkhalkhal@dpw.lacounty.gov](mailto:tkhalkhal@dpw.lacounty.gov).

If you have any other questions or require additional information, please contact Ed Gerlits at (626) 458-4953 or [egerlits@dpw.lacounty.gov](mailto:egerlits@dpw.lacounty.gov).

ECG:tb

P:\dpub\SUBPCHECK\Plan\CUP\CUP 201400142-3771 sierra hwy\TCUP 201400142\2015-08-23 TCUP201400142 submittal\2015-08-06 CUP 201400142.docx



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE

REFER TO FILE: **T-4**

August 5, 2015

Mr. Scott Sato, P.E.  
Trames Solutions Inc.  
Suite 400  
100 East San Marcos Boulevard  
San Marcos, CA 92069

Dear Mr. Sato:

**ACTON TACO BELL PROJECT  
CROWN VALLEY ROAD AT SIERRA HIGHWAY  
TRAFFIC IMPACT ANALYSIS (MARCH 2, 2015)  
UNINCORPORATED ACTON AREA**

As requested, we reviewed your Traffic Impact Analysis (TIA) for the proposed Acton Taco Bell project located at 3771 Sierra Highway in the unincorporated Acton area.

According to the TIA the traffic generated by the project alone, as well as cumulatively with other related projects will not have a significant transportation impact to County roadways or intersections in the area based on our TIA Guidelines. We generally agree with the findings of your TIA.

Currently, the existing painted median at the proposed project driveway on Crown Valley Road would prohibit left-turn ingress and egress movements. Therefore, the project shall modify the roadway striping at this location to accommodate full site access. Accordingly, the project shall submit detailed signing and striping plans to Public Works for review and approval.

We recommend the applicant consult with the State of California Department of Transportation to obtain concurrence with any potential California Environmental Quality Act impacts within its jurisdiction.

Mr. Scott Sato  
August 5, 2015  
Page 2

If you have any questions regarding the review of this document, please contact Mr. Kent Tsujii of Traffic and Lighting Division, Traffic Studies Section, at (626) 300-4776.

Very truly yours,

GAIL FARBER  
Director of Public Works

  
for DEAN R. LEHMAN  
Assistant Deputy Director  
Traffic and Lighting Division

MD:mrh  
P:\TL\STUDIES\ER 14-0275 Action Taco Bell.docx

# LOS ANGELES COUNTY WATERWORKS DISTRICTS \*

P. O. Box 1460  
Alhambra, CA 91802  
Telephone: (626) 300-3306

260 East Avenue K-8  
Lancaster, CA 93535  
Telephone: (661) 942-1157

23533 Civic Center Way  
Malibu, CA 90265  
Telephone: (310) 317-1388

TO:

Los Angeles County  
Department of Health Services  
Environmental Health: Mtn. & Rural/  
Water, Sewage & Subdivision Program  
5050 Commerce Drive  
Baldwin Park, CA 91706-1423

Los Angeles County  
Department of Public Works  
Building & Safety Division

Los Angeles County  
Fire Department

RE: 3771 W Sierra Hwy Acton, CA 93510  
Address City Zip Code  
3127-021-011  
Assessor's Parcel Number

**Los Angeles County Waterworks District No. 37, Acton**  
**Conditional Will serve water to the above *single lot* property subject to the following:**

- Annexation of the property into Los Angeles County Waterworks District is required. Water service to this property will not be issued until the annexation is completed.
- The appropriate fees must be paid to the District and other related water agencies.
- The appropriate connection fees have been paid to Waterworks Districts.
- Water system improvements will be required to be installed by the developer subject to the requirements set by the Fire Department and the District, **which at this time have not been specifically set**. As a condition of receiving water service, the developer shall install such facilities at his expense, pay the District's applicable charges and fees, and dedicate/transfer any necessary right of way to the Waterworks District for ownership upon satisfactory completion of construction.
- Owner may be required to participate in an existing water system improvement per Specs WWD 37-243(PC) installed by others.
- The service connection and water meter serving the property must be installed in accordance with Waterwork's District standards.
- The property has an existing service connection and water meter.
- Public water system and sewage disposal system must be in compliance with Health Department separation requirements.
- A portion of the existing fronting water main may be required to be replaced if the water service tap cannot be made or if damage occurs to the water main.
- Property may experience low water pressure and / or shortage in high demand periods.
- The District **CAN NOT** serve water to this property at this time.

By: Aracely Jaramillo Aracely Jaramillo 626-300-3353 4/13/15  
Signature Print Name Phone Number Date

Rev. 04/15

**\* THIS CONDITIONAL WILL SERVE LETTER WILL EXPIRE ONE YEAR AFTER THE DATE OF ISSUANCE.**

## Taco Bell Acton Burden of Proof

### 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,

The property is located in the C2 Commercial Zone of the County of Los Angeles, which allows drive through restaurants. The project is surrounded by commercial uses. The property to the south, across Sierra Highway is a drive through Mc Donald's Restaurant, approximately 3,000 sf, the property to the west, across Crown Valley Road is a two story commercial building with a mix of restaurant, retail and businesses. The property to the north and west of the subject lot is occupied by the US Forestry Department. There are no residential zones abutting the property. The comfort and welfare of the persons residing or working in the surrounding area is not adversely affected by the proposed development.

2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site

The proposed use is of commercial nature in a commercial zone. It is located in the primary intersection of the town on Acton and surrounded by similar uses. The proposed restaurant will provide another dining option to the drive-by traffic of the neighborhood, and develop the only under-developed lot in said intersection, therefore being an asset to the properties in the vicinity of the site.

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

The Taco Bell restaurant will be located in a site currently used for a retail operation. The proposed use is consistent with the adjacent uses, no alcohol or entertainment will be provided at the premises. The project does not jeopardize, endanger or constitute a menace to the community.

### 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.

The project is located in the C2-DP zone of the County of Los Angeles, and it meets the development requirements set in Title 22.

Please see development analysis below

	Required	Proposed
Permitted use		Yes, with CUP
Min. Required Area	No requirement	Complies
Max. height limit	35 feet	30'-7"
Parking Required	17 spaces	30
Building Setback Side Street	0	32'-0"
Building Setback Street	0	47'-10"
Max. Lot Coverage	90%	4.04%
Min. Landscape Area	10%	47.66%

**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

The site is located at the intersection of Sierra Highway and Crown Valley Road, which is the main intersection and freeway 14 exit in the City of Acton. The intersection has an average daily traffic of 3,697 according to the Los Angeles County Department of Public Works machine count traffic volumes, dated January 15, 2013.

Sierra Highway is 2 lanes each way at the intersection and

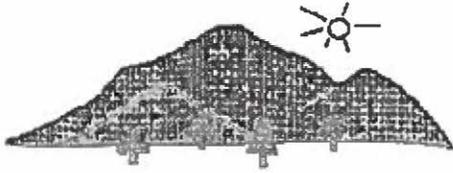
Taco Bell is not considered a "destination restaurant" and it is typically used by the existing drive-by traffic incidental to the adjacent uses.

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

The property is served by the Los Angeles County Waterworks Department. There is no water meter for the property. A new water meter is proposed for the development.

There is no city sewer in the area. A septic tank is proposed.

Power will be provided by Southern California Edison.



**ACTON TOWN COUNCIL  
P.O. BOX 810, ACTON CA. 93510**

Richard Claghorn, Planner  
Los Angeles County Department of Regional Planning  
Electronic Submittal of seven (7) pages  
(sent to RClaghorn@planning.lacounty.gov)

July 23, 2015

and

The Regional Planning Commission  
320 West Temple Street  
Los Angeles, CA 90012  
Electronic Submittal of seven (7) pages  
(sent to Commission Secretary rruiz@planning.lacounty.gov)

**Subject:** Taco Bell/First Street development proposal in Acton

**Reference:** Project Number R2014-02996; RCUP # T2014-00142  
Assessor Parcel No: 3217-021-11

Dear Commissioners and Mr. Claghorn;

It appears from the file that has been compiled by the Department of Regional Planning ("DRP") for the referenced project that no input regarding this project has been received from the Acton Town Council. This letter seeks to rectify the situation.

**BACKGROUND**

In 1992, the Los Angeles County Board of Supervisors approved a Plan Amendment and Zone Change for the referenced parcel. As part of this action, the zoning on the referenced parcel was downgraded from C-3 ("unlimited commercial") to C-2-DP to ensure that any commercial development on this particular parcel would be community-focused and community-based. Among other things, the Regional Planning Commission made the following findings:

"The use of the recommended "DP" addendum along with the required conditional use permit and the recommended change from C-3 on a portion of the property to C-2-DP will ensure development in a manner that is compatible with the surrounding land uses and in accord with the needs and desires of the community." [RPC Zone Change Finding 9]

"The specific use and development of the subject property will be controlled through the related zoning, conditional use permit and tentative tract map, ensuring development in a manner that is compatible with the surrounding land uses and is in accord with the needs and desires of the community." [RPC Plan Amendment Finding 13].

In addition, the Board of Supervisors made a specific finding regarding the General Plan Amendment which states:

"The recommended zoning including the "DP" addendum and the required conditional use permit will ensure development of the project in a manner that will be compatible with surrounding land uses and will not result in a significant environmental impact on the general area." [Finding 9].

Taken together, these findings leave no doubt that any commercial development proposed for the referenced parcel must proceed in a manner that does not pose a significant environmental impact on the area, and must be in accord with the "needs and desires" of the community of Acton. Over the last 10 years, the Acton Community's "needs and desires" have been clearly enumerated throughout the "Antelope Valley [Town and Country] Plan" development process, and are firmly set forth in Chapter 7 of the "Antelope Valley [Town and Country] Plan" that was adopted by the Board of Supervisors just four weeks ago (June 16, 2015). Regarding commercial development near Sierra Highway and the 14 Freeway, the new plan specifically states (with emphasis added):

"The intent of these (CR) designations is to allow low-intensity local commercial uses that serve community residents and to *prohibit high-intensity regional commercial uses that serve travelers along State Route 14.*"

and:

"Development in these CR designations that would require the installation of urban infrastructure, such as concrete curbs and gutters, street lights and *traffic signals*, shall be discouraged as this does not fit with the community's unique rural character and identity."

To facilitate these stated objectives, the new Plan explicitly provides for the implementation of additional commercial development restrictions pertaining to drive-thru developments, Floor-Area Ratios ("FAR") limits, etc.

The "needs and desires" of the Community were also recently affirmed by a community-wide survey that overwhelmingly established Acton's resolved intent to remain an entirely rural community *as a whole*, and to discourage highway- or freeway- serving commercial development everywhere in Acton, particularly along Crown Valley Road between the County library and the High Desert Middle School. The survey was sent to all homes in

Acton; 85 percent of responses indicated opposition to expanding the number of “fast food” restaurants in Acton, and 87 percent opposed additional “drive-through” service in Acton.

## **THE PROPOSED PROJECT**

On July 21, 2014, the referenced project (also referred to as the “Taco Bell” Project) was unveiled to the community of Acton at an Acton Town Council meeting. During the meeting, the developer heard numerous concerns about the proposed project, including architectural deficiencies, traffic impacts and the lack of projected traffic estimates, parking stall size and configuration issues, and the inclusion of a “drive-thru” window.

The project was placed on the agenda for the Acton Town Council meeting for August 4, 2014, and the developer was informed of the schedule. The developer did not provide feedback on proposed project changes before the August 4 meeting, nor did the developer attend the August 4 meeting. Therefore, the Acton Town Council voted to not support the project as proposed, with the proviso that the Acton Town Council would reconsider this position if the developer returned to the community with a modified project that addressed these concerns.

On August 11, 2014, the developer telephoned Mr. Michael Hughes (the then-president of the Acton Town Council) and asked him to refrain from sending the Acton Town Council letter until after a second presentation to the community is made. The developer followed up with a letter sent via email on August 13, 2014, which 1) Requested that the Council refrain from sending a letter to the County of Los Angeles; 2) Clarified that no application had yet been submitted to the County; and 3) Committed to a second presentation to the community within 60 days. Notwithstanding this request, the Acton Town Council sent an email to DRP identifying various project concerns (see attached).

The developer has never returned to the community of Acton, nor has the developer bothered to communicate with the Acton Town Council or provide any additional information after August 13, 2014. The developer failed to meet the 60 day follow-up presentation commitment he made, and (worse yet) it appears that he did in fact submit the project to DRP *before* he informed the Acton Town Council that the application had not yet been submitted. Nonetheless, and despite the absence of Acton Town Council input in the record of the proposed Taco Bell project, the Department of Regional Planning has recommended a hearing be scheduled before the Regional Planning Commission.

## **COMMUNITY CONCERNS WITH THE PROJECT**

The Community of Acton has voiced a number of concerns with the proposed project, including:

- 1) The vast majority of the customers served by the project will be travelers/commuters on the 14 Freeway. The project will draw an estimated 1,006 cars per day off the freeway and into the community in precisely the same location where

traffic is already heavy. Additionally, the Taco Bell project and the freeway ramps are located between the middle school and the local library, which will further endanger the safety of our children. The use of traffic signals to “mitigate” these traffic impacts is contrary to our rural profile and in utter conflict with the stated “Intent and Purpose” of the Acton Community Standards District [see for example section A of Zoning Code Section 22.44.126].

- 2) The inclusion of a “drive thru” window amplifies the commuter/freeway traveler serving aspect of the proposed project. It is also contrary to the community’s “needs and desires” that were clearly enumerated in the recent community-wide survey which established that freeway oriented, drive-thru fast food restaurants are not consistent with Acton’s rural and equestrian profile.
- 3) The architectural aspects of the project are not consistent with the “western” motif required by the Acton CSDs.
- 4) Commercial restaurant septic systems in the vicinity of the proposed project have very high failure rates, and have even caused area restaurants to shut down. These systems pose significant water quality risks in the community.
- 5) The traffic study was conducted in accordance with the County’s standard “Traffic Impact Analysis Report Guidelines” which relies on “Institute of Transportation Engineers Trip Generation” estimates and allows reduction for “pass-by” trips. “Pass-by” trips are made by traffic already using adjacent roadways and enter the site as an intermediate stop on the way from another destination rate. The County allows developers to deduct “pass-by” trips from the total traffic load. However, this approach does not properly represent the traffic circumstances that will be created by the Taco Bell Development. The fact is, nearly all the customers will be “pass-by” customers because they will be commuters and other freeway/highway travelers, and it is precisely these “pass-by customers” that will generate all the traffic problems in the community and endanger the lives of Acton equestrian and pedestrians. The notion that these “pass-by” customer trips are actually *subtracted* from the total traffic load is ABSURD; particularly since they are responsible for the traffic problems in the first place. Another problem is that the generic traffic estimation method is based entirely on the square footage of the fast food drive-thru restaurant, and it fails to consider other key factors such as project location. There is no doubt that a drive-thru Taco Bell located adjacent to a heavily traveled freeway and a major highway will have a much higher trip generation rate than a Taco Bell located in a quiet suburban community. Yet, the County’s trip estimation method fails to account for this fact. This matter is of particular concern for the proposed Taco Bell Drive thru project, which will be located within 250 feet of the on- and off-ramps for the 14 Freeway where on average of 100,000 vehicles travel every day. Yet, the County’s trip estimation method accounts for none of this. It also appears

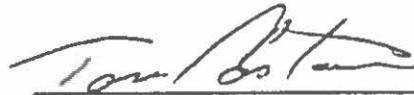
that the Taco Bell traffic study was modeled in part based on a Taco Bell development in San Clemente. It is not clear the extent to which the San Clemente Taco Bell project informed the Acton Taco Bell traffic study, however, it must be noted that the San Clemente Taco Bell is nothing like the Taco Bell project proposed in Acton; it is not visible from the freeway, it predominantly serves the surrounding suburban community, it is not located between a school and a library, and it is not in a rural, equestrian community. These are not the circumstances surrounding the proposed Acton Taco Bell project, which will be highly visible from both the 14 freeway and Sierra Highway, will predominantly serve the commuting/traveling public, is located between the middle school and the library, and is in the heart of a rural, equestrian community.

**CONCLUSIONS**

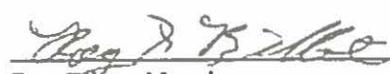
For all these reasons, the Community of Acton requests that the Regional Planning Commission not approve the proposed Taco Bell project until the pedestrian safety concerns and traffic impacts are properly addressed without traffic signals, the drive-thru is eliminated, and the architectural style is commensurate with the conditions established in the Acton Community Standards District. This letter was authorized by a unanimous vote of the Acton Town Council.

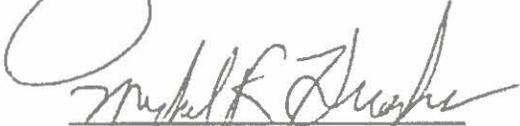
Sincerely;

  
Christopher Croisdale, President

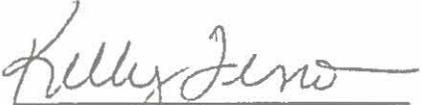
  
Tom Costan, Vice President

  
Jacqueline Ayer, Member

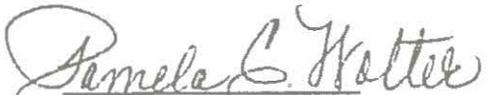
  
Ray Bilet, Member

  
Michael Hughes, Member

  
Thor Merich, Member

  
Kelly Tenb, Member

  
Katherine Tucker, Member

  
Pam Wolter, Member

**ATTACHMENT – PRIOR CORRESPONDENCE SUBMITTED TO THE  
DEPARTMENT OF REGIONAL PLANNING REGARDING THE  
PROPOSED TACO BELL/FIRST STREET DEVELOPMENT.**

Note from Michael Hughes:

The Taco Bell project was presented to the Acton Town Council on July 21, 2014. At that presentation the Council and residents of Acton who were present at the meeting, pointed out numerous areas of the project that were not acceptable to the Community of Acton. The representatives from First Street were notified that the project, along with another project also discussed on the 21<sup>st</sup>, would be placed on the agenda for the next Council meeting on August 4, 2014. First Street indicated they would return to the Council and present an updated project proposal that addressed our concerns.

First Street/Taco Bell did not return on August 4<sup>th</sup>. During the meeting on the 4<sup>th</sup>, the Council voted to oppose the project as it was presented and requested that I submit a letter of opposition to Regional Planning stating our opposition. Subsequently the developer called me on August 11, 2014 and asked that we hold off on sending the letter until they returned to do a 2<sup>nd</sup> presentation. I explained to them that a letter would be sent as the Council had directed that it be done. The specific language in the letter was reviewed with the Council at our August 18, 2014 meeting and the letter (in e-mail format) was sent on August 20, 2014. This is the letter that seems to be missing from the file. Please see the

**From:** m\_r\_hughes@earthlink.net  
**To:** Mitch Glaser  
**Cc:** ATC <atc@actontowncouncil.org>, Ray Billet <BlumRanch@aol.com>, RJ Acosta <rjacosta@actontowncouncil.org>, "Katherine.Tucker@ngc.com" <Katherine.Tucker@ngc.com>, Fred Miller <fredmilleremt@aol.com>, DARVIN WHITE <bluebarnranch@roadrunner.com>, Tami Lambe <lambestew@gmail.com>, Thor Merich <thorx655@earthlink.net>, Mike Hainline <mhainline@earthlink.net>  
**Subject:** Taco Bell project at 3771 Sierra Hwy., Acton, CA 93510  
**Date:** Aug 20, 2014 4:16 PM

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Mitch,

On July 21, 2014 Chris Czyz from First Street Development made a presentation to the Acton Town Council regarding the placement of a Taco Bell at the above address (corner of Sierra Hwy and Crown Valley Road). During that presentation several areas were addressed as areas of concern to the Community of Acton. Some, but not all, of the areas of concern we identified were: parking space size and configuration, traffic flow, increase in overall traffic congestion, safety issues relating to pedestrian and automobile traffic, the plan for a drive through, the style/look of the building, and significant septic problems in the area, the project is located on US Senic Hwy. 6.

It is our understanding that Mr. Czyz will be returning to the Council at a future meeting to discuss his proposed changes to the project. At the July 21st meeting I indicated that his and one other project would be put on the Agenda of the August 4, 2014 Council meeting so the Council could take a position on the projects.

At the August 4th meeting the Council voted to oppose the project as it was proposed on July 21, 2014 and I was directed to submit a letter to Regional Planning stating our position. This e-mail shall serve as that letter.

If you have any additional questions please let me know.

Thank you,

Michael

Michael R. Hughes  
President, Acton Town Council

## **Richard Claghorn**

---

**From:** Teresa Spencer [californiahorsebarns@gmail.com]  
**Sent:** Sunday, July 12, 2015 4:19 PM  
**To:** Richard Claghorn; Rosie Ruiz  
**Subject:** Taco Bell & Primo Burger in Acton, CA

It has come to my attention that "THE COUNTY REGIONAL PLANNING DEPARTMENT" does not consider Sierra Highway (Route 6) corridor at Crown Valley as part of Acton.

Well, Regional planning is in DIRECT conflict with the citizens of Acton. The citizens of Acton that I am aware of consider the Entire Corridor of Sierra Highway from Ward Road to Angeles Forest "PART OF ACTON".

The approval of these projects and others in accordance with the CURRENT - Acton Community Standards is in direct conflict with "Community Serving" businesses. Both of these project are looking to derive business from "passors by" off the 14 Fwy. These businesses will ALSO conflict with the "Country Lifestyle" of Acton and it's ability to remain rural without "Stop lights".

In the last business proposal of a "Drive thru" in this area, Regional planning proposed 4 stop lights in less than 300' (on/off ramps - both north & south bound, Sierra Hwy and Crown Valley AND Antelope Woods and Crown Valley). The congestion that this would cause local residents, the Middle School traffic and "passors by" on the 14 fwy is insurmountable.

How the County Regional planners can even consider the Sierra Hwy corridor as "Not part of Action" seems ludicrous to me. IF you are considering "Acton" as the area where the Store/ post office etc. exists currently on Crown Valley and Smith, then I surmise that this area be called "OleTowne Acton"

Because if you consider Acton as only this small part of the area, then you can ONLY consider Lancaster as Lancaster Blvd. the remaining area then is not Lancaster. This is how I would equate your ludicrous statement.

As a resident of Acton for over 10 years, I am not adverse to business, business growth, however when Government steps in an strong arms a small community, that's when we stand up and fight. Just because the "whole" of Los Angeles county is "overrun" with Chain store businesses does not mean that Regional planning can force these types of businesses on areas that DO NOT want them, just as a whim.

IF anyone in Regional planning understood our "Lifestyle" and bothered to even consider communicating with the Town Council, they would in fact see that when forced, this little community will voice it's opinion and very loudly.

**DO NOT CONSIDER THE PRIMO BURGER "OR" TACO BELL PROJECT FOR OUR TOWN ! WE WILL USE OUR VOICES as has been done in the past.**

*Teresa Spencer*  
Very Concerned Citizen !  
661-269-1375

## **Richard Claghorn**

---

**From:** Laura Sickler [lynnsपो@att.net]  
**Sent:** Friday, August 07, 2015 9:04 AM  
**To:** Richard Claghorn  
**Subject:** Re: Acton Taco Bell project

Thank you. I hope Regional Planning approve the Taco Bell. Numerous people in Acton want the drive thru in Acton. They have horse trailers or animals in their vehicles and can't leave the vehicle to get food, one woman has drug babies foster children who couldn't take them into a restaurant. I'm so disgusted with ATC and the fighting between members I haven't attended a meeting since my meeting with you. The attendance of the meetings have declined to what it was before the Primo Burger issue, maybe 6 or 7 people in the audience.....also added to the equation of ATC, I know my issue to rezone my property was treated improperly by ATC members elect Jacki Ayers, Pam Wolter, etc.

Thank you again for the Taco Bell notification. Lynne Sickler

On Thursday, August 6, 2015 4:44 PM, Richard Claghorn <[rclaghorn@planning.lacounty.gov](mailto:rclaghorn@planning.lacounty.gov)> wrote:

Hello Lynne,

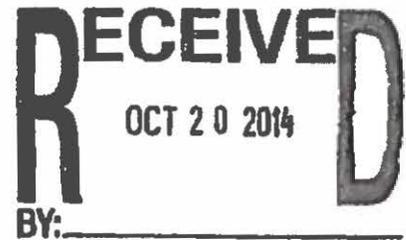
When we spoke at your One-Stop meeting in April, I said I would notify you when the Acton Taco Bell project was scheduled for public hearing. The project has been scheduled for a hearing on September 16, 2015 with the Regional Planning Commission. Details can be found on our website at the following link:

<http://planning.lacounty.gov/case/view/r2014-02996/>

The staff report and additional information will be posted about two weeks before the hearing date or earlier.

**Richard Claghorn**  
Principal Regional Planning Assistant  
Zoning Permits North Section  
Department of Regional Planning  
320 W. Temple Street, Room 1348  
Los Angeles, CA 90012  
Phone: 213-974-6443

Los Angeles County Regional Planning Department  
320 West Temple Street  
Los Angeles, California 90012



October 16, 2014

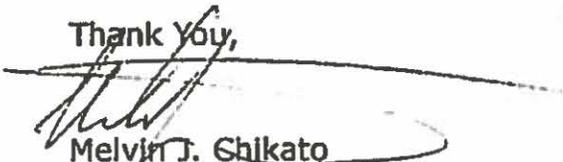
Regarding Doug and Joanna Gaudi's Project #R2014-00881-(5)  
CUP 201400037 APN Vacant 3217-021-022

To Whom It may concern:

I want the County of Los Angeles to know that **I and many others** who choose to remain silent **would like the Gaudi's project to be approved** as they request with a drive thru for the restaurant and the necessary signage to properly advertise their enterprise. I support new business ventures such as the Gaudi's because it serves the residents of Acton and brings jobs to our community. The property they own is zoned C-3 (Unlimited Commercial), surrounded by other businesses, and is adjacent to the 14 Freeway. I do not believe these requests would be detrimental to Acton's rural atmosphere in any way, nor would it set an imaginary precedent for more future development. There already exists a McDonald's and a Jack in the Box, both of which have Drive Thrus and our community shows no obvious signs of harm!

The following is a letter I wrote to our community newspaper last month in regard to the constant road blocks our Town Council continues to put up to block new restaurants from opening. It appears these efforts are directed by mainly one person who is no longer a Council Member, but is very vocal and determined on this matter. Please don't block reasonable projects because of the loud objections of a handful of residents.

Thank You,



Melvin J. Shikato  
Acton Resident

**My letter to the Country Journal:**

**As I read the Country Journal each week, I have been very interested in the new businesses that are attempting to open in our fine little town. Of particular interest is the plight of the several restaurants that are seeking the blessings of the Town Council. I appreciate the hard work and dedication of the council members who seek to protect the rural atmosphere of our unique community. However, it is my opinion that the council is too anti-business-especially towards restaurants.**

**Since I moved here in 2007, I have followed the struggle of the Panda restaurant that wanted to open in town. Today, no Panda. They must have given up. I welcome them as I do the proposed Primo Burger and Taco Bell. I believe any or all of these would be a great addition to our town-benefiting residents and freeway travelers alike. More local jobs and restaurant choices are just two benefits I see. Especially since Don Cucco has closed its doors. I personally don't care if these establishments attract freeway traffic in order to be sustainable. I expect that they must. I also expect that the Town Council will require their buildings to look western and not contribute to light pollution-all of which I agree with.**

**Those of us who have ever ran a business or built something in Los Angeles County know that this is one of the most anti-business and restrictive places in the country. The Acton Town Council should not contribute to this and allow these restaurants to open and enhance our community.**

**Melvin J. Chikato**

**Acton**

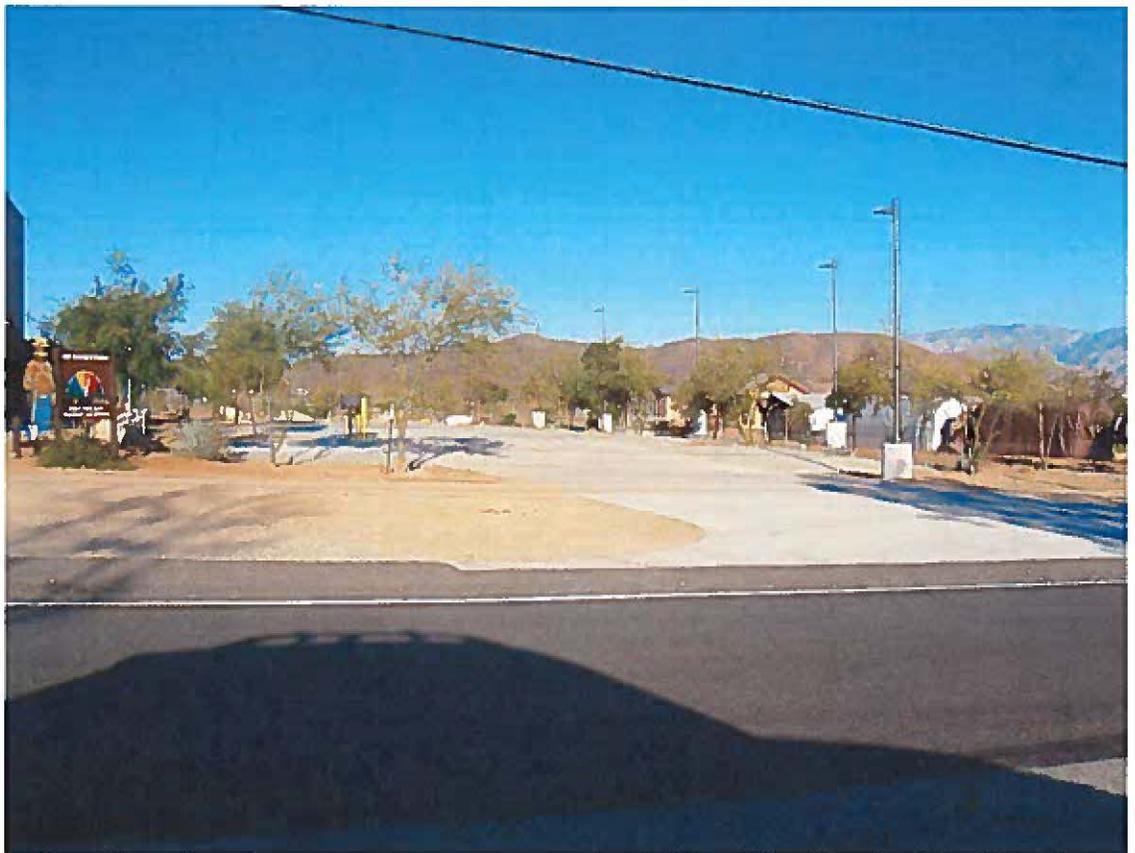
# PHOTO KEY



Note: Photos #11-14 taken by DRP staff on 2/5/15.

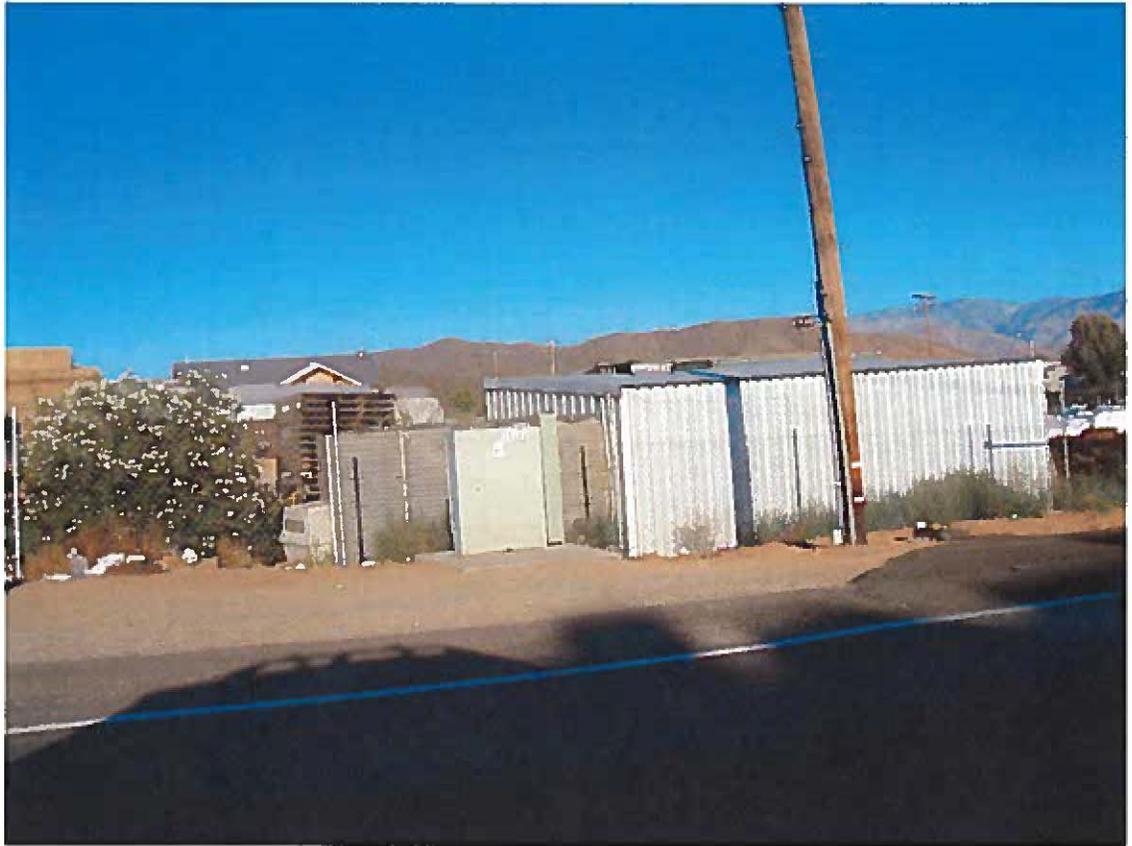


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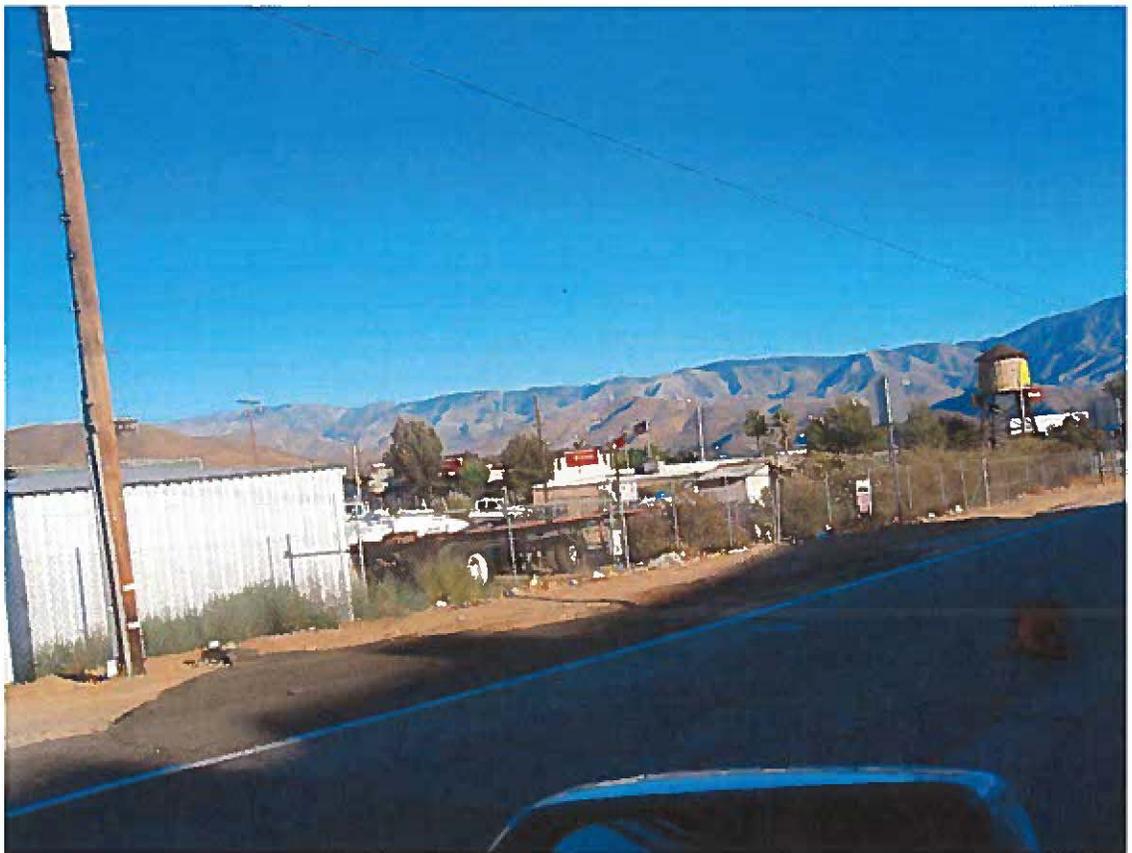


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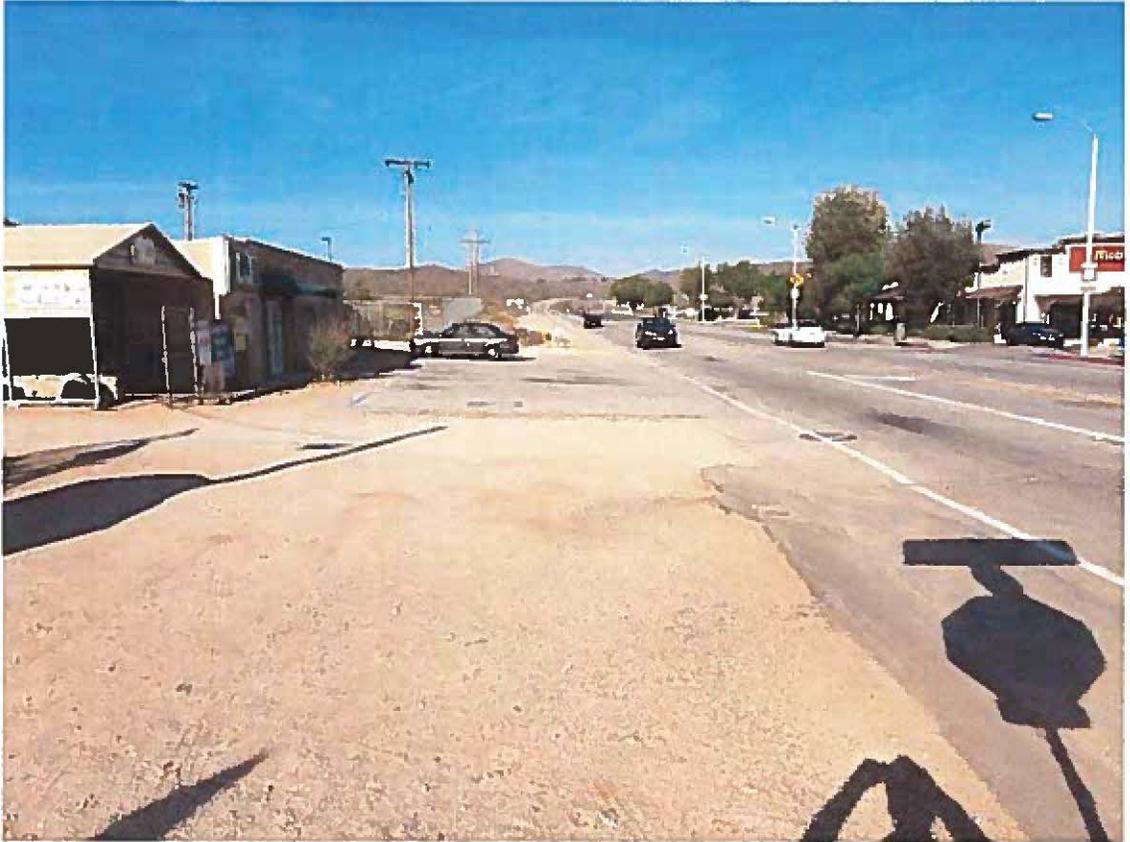


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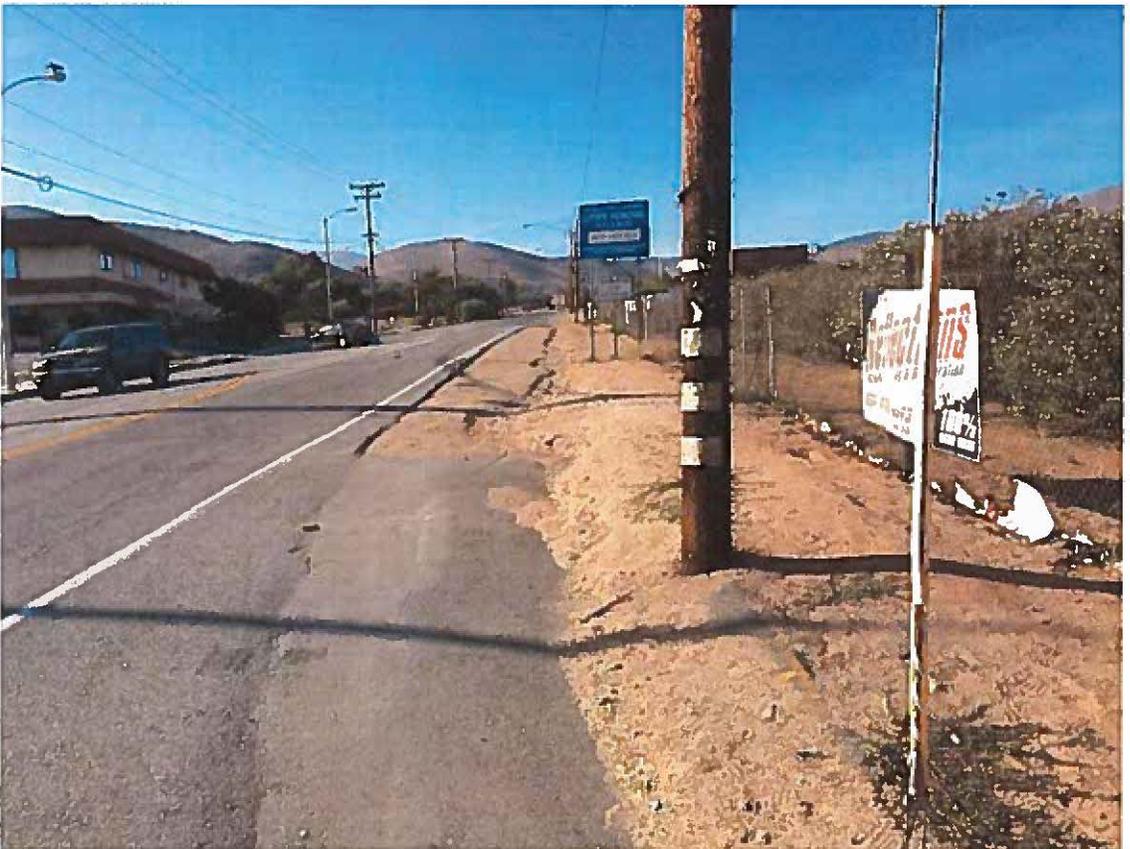


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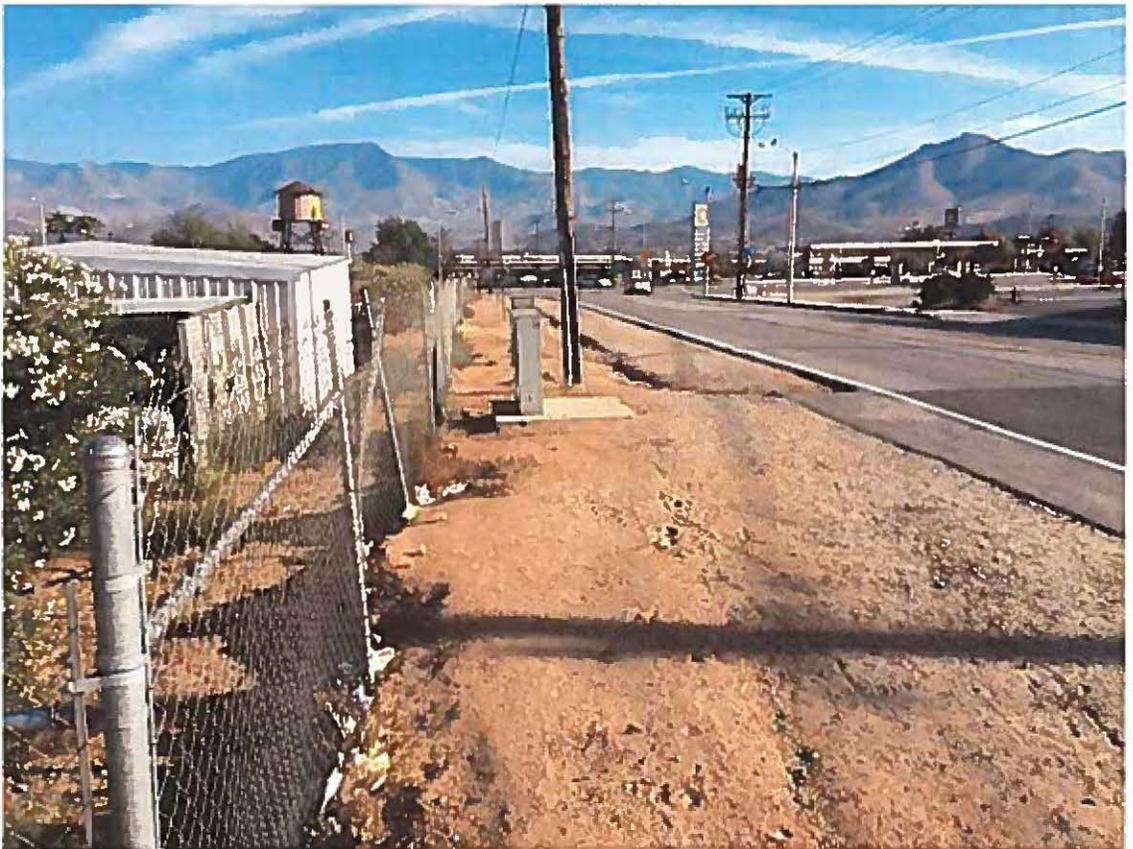


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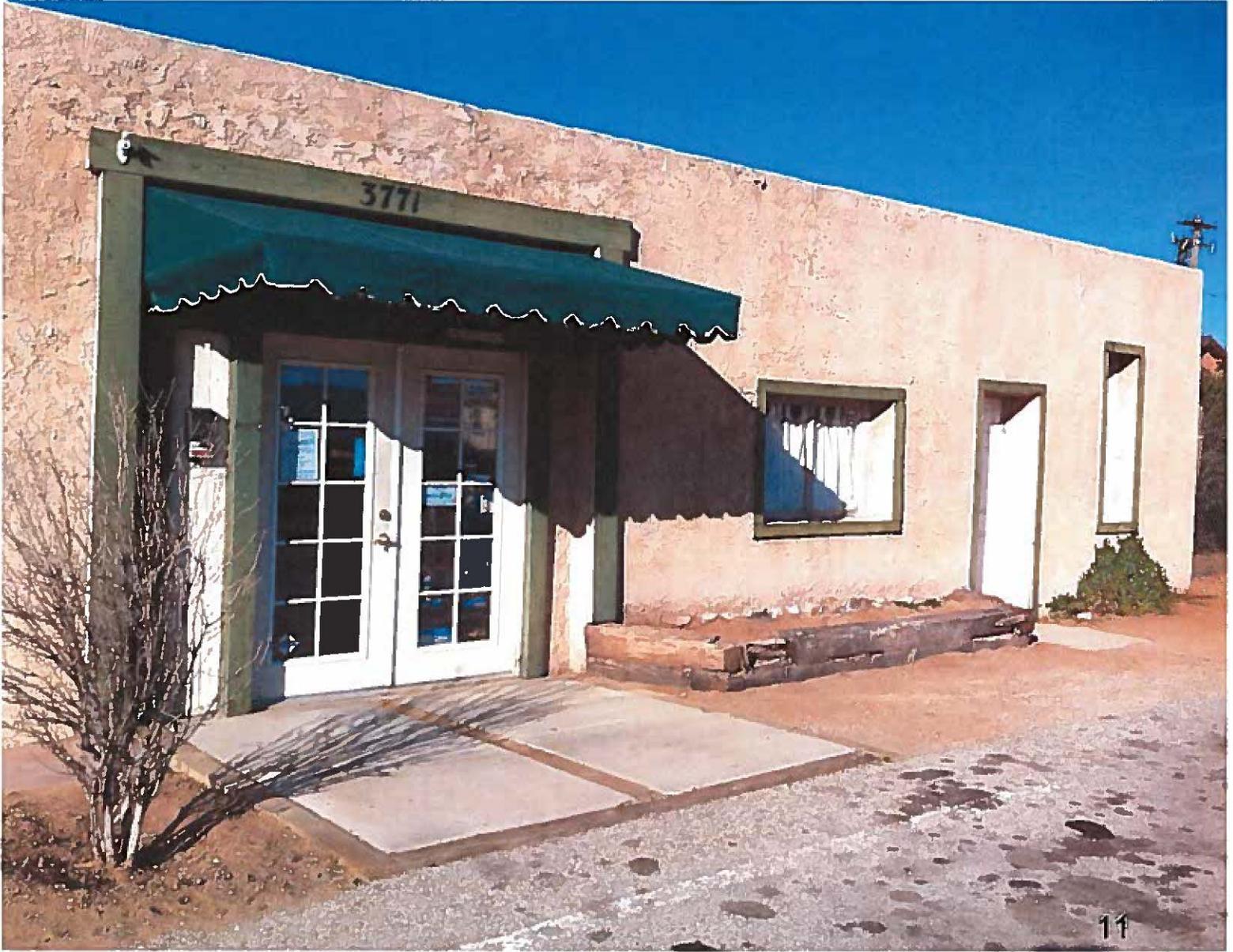




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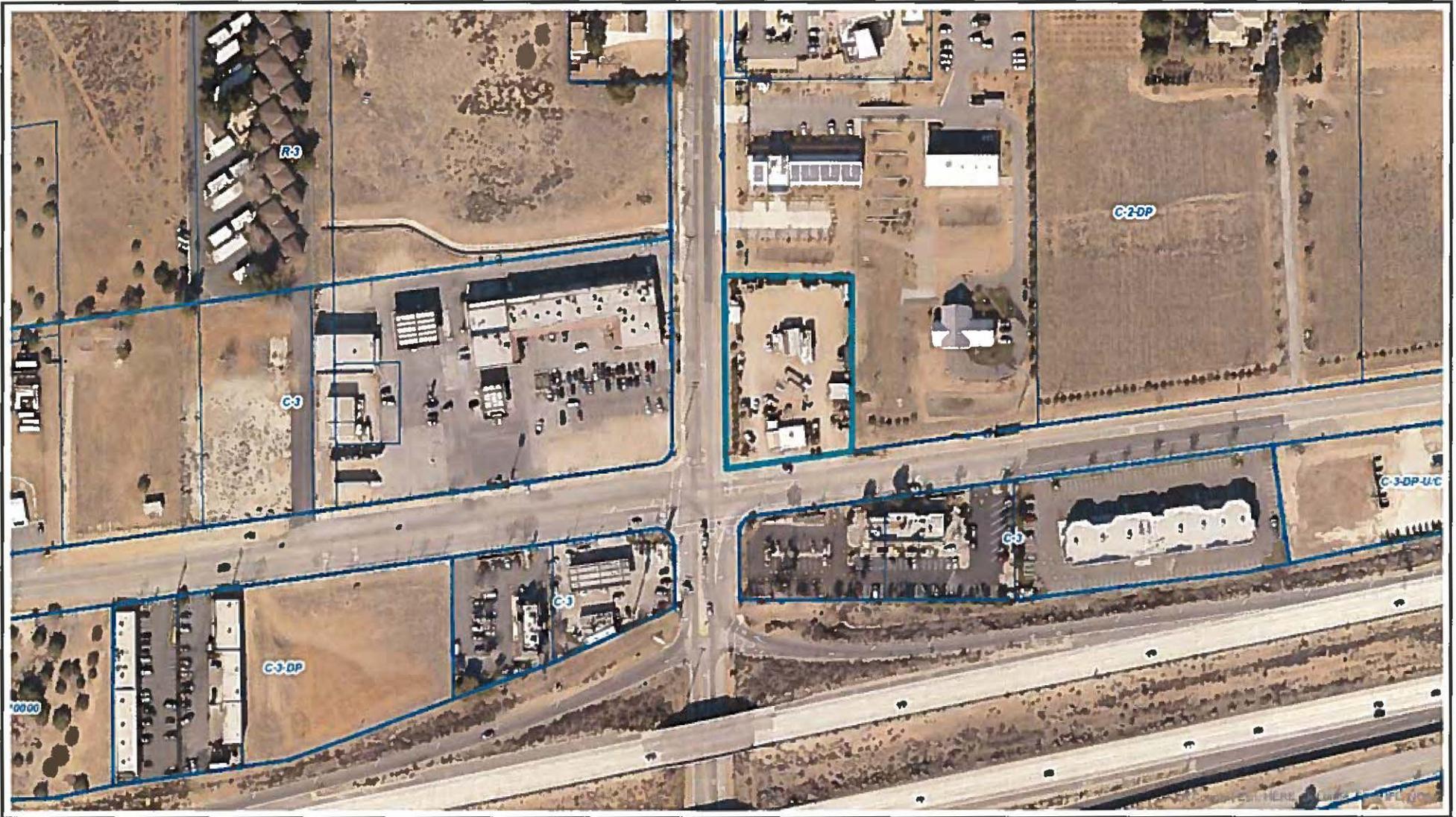
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Created in GIS-NET3

# Acton Taco Bell

Printed: Jul 15, 2015



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TACO BELL  
2017-2018  
MEDIUM 40

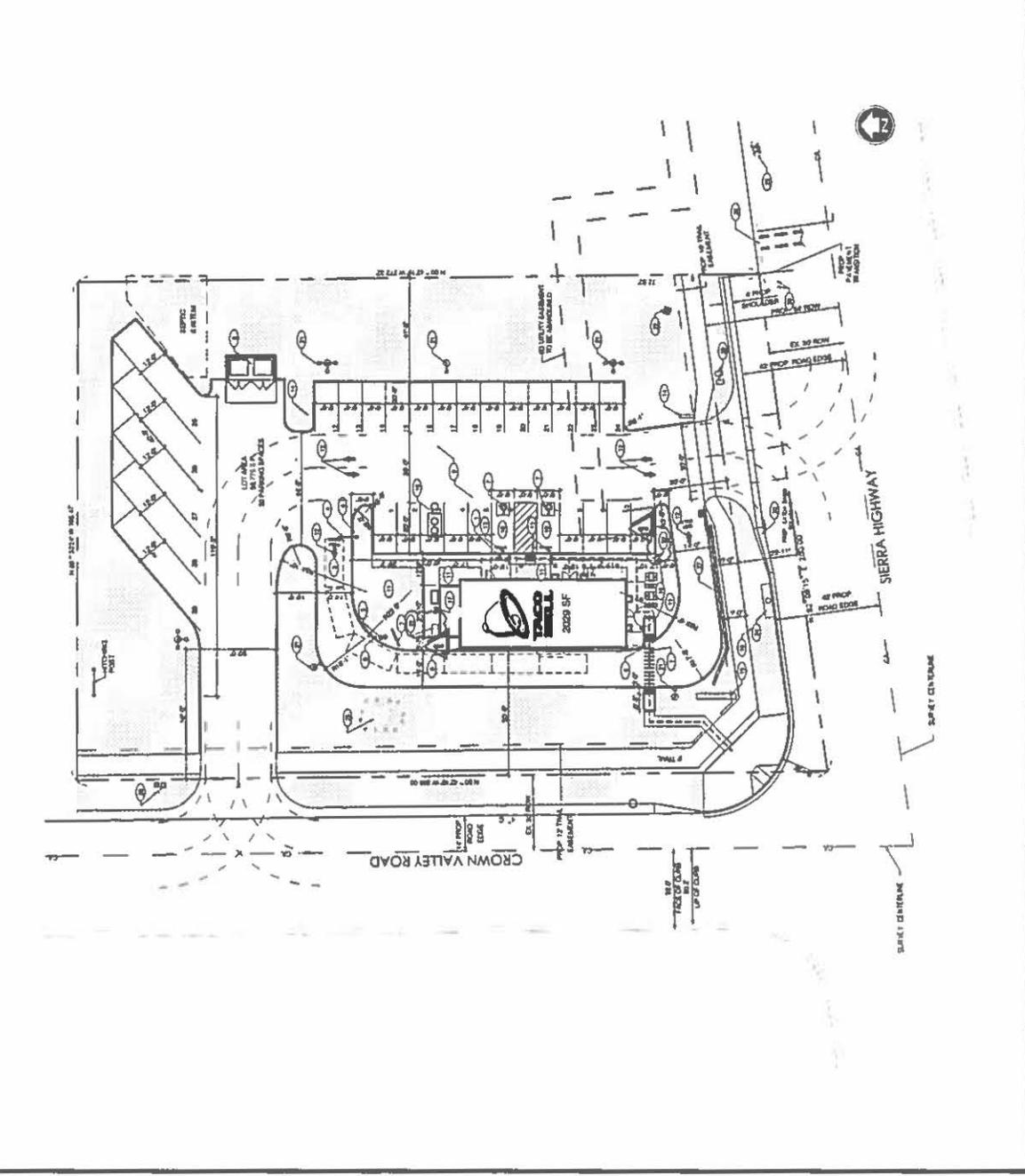
**SITE PLAN**  
**A0.1**

PLAT CONT

**SITE BREAKDOWN** 475 1

LOT AREA	31,172.00 SF
LOT AREA WITH RESERVATIONS	31,100.00 SF
BUILDING AREA	2,582.00 SF
LANDSCAPE AREA	2,181.00 SF
PARKING AREA	23,409.00 SF

- 1. NEW ACCESSIBLE PARKING SPACES, MINIMUM 8' x 12' 6"
- 2. NEW SIGN BOARD
- 3. NEW SIGN BOARD CASE
- 4. NEW CLEARANCE SIGN 12' 0" HIGH OF CURB
- 5. NEW OFFICIAL PAVEMENT MARKINGS
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**KEYNOTES**











