

Hearing Officer Transmittal Checklist

Hearing Date 7/5/16
Agenda Item No. 4

Project Number: ---
Case(s): Conditional Use Permit No. RPPL2016000766-(5)
Planner: Thuy Hua

- 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

—

HEARING DATE

July 5, 2016

REQUESTED ENTITLEMENTS

Conditional Use Permit No. RPPL2016000766

PROJECT SUMMARY

OWNER / APPLICANT

Castaic Zamin LLC / Massoud Azizi

MAP/EXHIBIT DATE

N/A

PROJECT OVERVIEW

The applicant is requesting a Conditional Use Permit (CUP) to authorize the continued sale of beer and wine (Type 20 License) for off-site consumption at the existing gas station mini-market (Unocal 76) in the M-1 (Light Manufacturing) Zone pursuant to Los Angeles County Code Section 22.32.070 and 22.56.195. The parking layout for the property is being updated to reflect moving two parking spaces that have previously been replaced by an ATM machine.

LOCATION

31786 The Old Road

ACCESS

The Old Road

ASSESSORS PARCEL NUMBER(S)

2865-017-002

SITE AREA

0.91 Acres

GENERAL PLAN / LOCAL PLAN

Santa Clarita Valley Area Plan

ZONED DISTRICT

Castaic Canyon

LAND USE DESIGNATION

IL (Light Industrial)

ZONE

M-1 (Light Manufacturing)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

Castaic Area

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1: Categorical Exemption – Existing Facilities

KEY ISSUES

- Consistency with the Los Angeles County General Plan
- Consistency with the Santa Clarita Valley Area 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)
 - 22.56.195 (Alcoholic Beverage Sales)
 - 22.32.080 (M-1 Development Standards)

CASE PLANNER:

Thuy Hua

PHONE NUMBER:

(213) 974 - 6443

E-MAIL ADDRESS:

thua@planning.lacounty.gov

ENTITLEMENTS REQUESTED

- Conditional Use Permit (“CUP”) to authorize the sale of beer and wine (Type 20 License) for off-site consumption at the existing gas station mini-market in the M-1 (Light Manufacturing) Zone pursuant to Los Angeles County Code Sections 22.32.070 and 22.56.195.

PROJECT DESCRIPTION

The applicant, Massoud Azizi, is requesting authorization for the continued sale of beer and wine (Type 20 License) for off-site consumption at the mini-market (“Project”) of an existing gas station located at 31786 The Old Road (APN 2865-017-002) (“Project Site”) in the unincorporated community of Castaic within the M-1 Zone pursuant to Los Angeles County Code Sections 22.32.070 and 22.56.195. Additionally, the parking layout for the property is being updated to reflect moving two parking spaces that have previously been replaced by an ATM kiosk.

SITE PLAN DESCRIPTION

The site plan depicts the Project Site as a 0.91 acre site containing the 1,890-square foot canopy, fuel pump stations, and 1,178-square foot auto repair building on the northwest side of the Project Site; one ATM kiosk in the far northwest corner; and one single-story 3,600-square foot mini-market in the southeastern corner of the Project Site. All structures are existing. Interstate 5 runs along the eastern boundary of the Project Site while The Old Road bounds the western side and Sloan Canyon along the southern side. Access to the Project Site is provided through two driveways off The Old Road. The site plan depicts 22 parking spaces, two of which are handicap spaces.

EXISTING ZONING

The subject property is zoned M-1.

Surrounding properties are zoned as follows:

North: M-1, C-3 (Unlimited Commercial)

South: M-1, CPD (Commercial Planned Development), R-1 (Single-Family Residence)

East: M-1, C-3

West: C-3-DP (Unlimited Commercial - Development Program), R-1-5,000 (Single-Family Residence with 5,000 Square Foot Required Minimum Lot Size), R-1-7,000 (Single-Family Residence with 7,000 Square Foot Required Minimum Lot Size)

EXISTING LAND USES

The subject property is developed with a gas station and mini-market.

Surrounding properties are developed as follows:

North: Vacant, single-family residential, retail, freeway

South: Vacant, single-family residential, neighborhood market
 East: Restaurants, retail
 West: Single-family residential, fast-food restaurant, gas station, restaurant, retail

PREVIOUS CASES/ZONING HISTORY

The Project Site was zoned M-1, adopted by Ordinance 7486 on March 3, 1959.

The following permits have previously been approved for the Project Site:

CASE NUMBER	PROJECT SCOPE
CP 94102	New 3,600-square foot mini-market building and off-site beer and wine sales. Approved February 8, 1995.
CUP 200500212	Continued off-site beer and wine sales. Approved September 19, 2006.
PP 200600414	Addition of ATM kiosk. Approved April 27, 2006.
PP 200600546	New free-standing price sign. New 76 logos and graphics on canopies, valances, canopy columns, and around building. Re-face existing pole sign. Approved August 9, 2006.

ENVIRONMENTAL DETERMINATION

Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The Project does not involve any expansion of the previous use or any new development and is for the sale of alcoholic beverages within the existing gas station mini-market. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the IL (Light Industrial) land use category of the Santa Clarita Valley Area Plan. This designation is provides for industrial districts in areas with adequate access, infrastructure, and services and is intended to accommodate the most intensive types of industrial uses allowed in the planning area. Allowable uses in this designation include storage and distribution of goods; vehicle storage; contractor's storage facilities; batch plants; heavy equipment repair and sales; wholesale sales; heavy vehicle repair; and supportive commercial uses. The sale of beer and wine at the existing gas station mini market is a compatible supportive commercial use and is therefore consistent with the permitted uses of the underlying land use category.

The following policy of the General Plan is 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 mini-market with beer and wine sales for off-site consumption will enhance the community by providing residents and visitors the convenience of purchasing beer or wine on their way to their final destination. The availability of these goods will complement the community character by providing a convenience service to members of the public with appropriate conditions.

The following policy of the Santa Clarita Valley Area Plan is applicable to the proposed project:

- *Policy No. LU-4.12: "Promote creation of village commercial centers throughout the Santa Clarita Valley to meet the local and convenience needs of residents."*

The gas station provides a convenient one stop location for residents and visitors to refuel their vehicles and purchase beer and wine. There are three other locations within a 500-foot radius of the Project Site that also sell on-site or off-site alcohol.

Zoning Ordinance and Development Standards Compliance

Sales of alcoholic beverages in the M-1 Zone is allowed with a CUP, pursuant to Los Angeles County Code Section 22.32.070, subject to the requirements of Sections 22.56.195 and 22.56.245. Additionally, the Project is required to comply with the development standards cited in County Code Section 22.32.080 for the M-1 zone as follows:

- A. According to Section 22.32.080.A, the maximum allowable floor area ratio ("FAR") shall be 1.0. The Project's FAR at 0.17 does not exceed the maximum.
- B. According to Section 22.32.080.B, any property used for the outside storage or display of raw materials, equipment, or finished products shall comply with the requirements of Part 7 of Chapter 22.52. No outside storage is proposed.
- C. Section 22.32.080.C refers to Part 11 of Chapter 22.52 for parking requirements. Per Section 22.52.1100 of the County Code, every lot or parcel of land which is used for a use permitted in Zone C-3 but not permitted in Zone R-4-()U, except an electrical substation or similar public utility in which there are no offices or other places visited by the public, shall provide an area of sufficient size so that it contains one automobile parking space plus adequate access thereto for each 250 square feet of floor area of any building or structure so used. Dining uses, including fast food, require that one parking space be provided based on the occupant load, or a minimum of 10 parking spaces.

The 3,600-square foot mini-market has a 175-square foot seating area for dining. The dining area requires a minimum of 10 parking spaces. The remaining 3,423-

square feet of the mini-market and 1,178-square foot auto service station require a total of 14 parking spaces. A total of 24 parking spaces are required. Twenty-two parking spaces have been provided as approved through Conditional Use Permits No. 94102 and 200500212.

- D. According to Section 22.32.080.D, signs shall comply with the requirements of Part 10 of Chapter 22.52. No new signage is proposed under this request.

The Project Site is located within the Castaic Area Community Standards District ("CSD"). Section 22.44.137.C.3.a exempts existing buildings or structures from the CSD as long as any change to such building or structure after the effective date of this CSD does not result in an increase in the occupancy load or parking requirement for the existing use. There are no changes being proposed as a part of the renewal of the off-site alcohol sales. The existing mini-market was approved in 1995, prior to the adoption of the CSD in 2004. As such the Project is exempt from the CSD.

Burden of Proof

The applicant is required to substantiate all facts identified by Sections 22.56.040 and 22.56.195.B of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

The requested use at the location will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; or be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site; or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare. The gas station mini-market has been selling off-site beer and wine since 1995 with an approved renewal for continued alcohol sales in 2005. There are no current open zoning violations. As such, the operators of the Project has demonstrated their ability to successfully sell off-site alcohol sales without adversely affecting persons residing or working in the surrounding area.

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 Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area. The Project Site is 0.91 acres in size and provides adequate space and shape for all the requirements prescribed in Title 22. There are no structural changes being proposed as a part of the Project.

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 Old Road is an existing Secondary Highway providing two travel lanes in each direction with a center left turn lane. This type of highway adequately serves the Project.

The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use

within a 600-foot radius. A library is located 460 feet west of the Project Site. However, it is buffered by two commercial parcels containing a restaurant and gas station. Additionally, the library moved to the existing location in 2008, subsequent to the Project obtaining their first approval for off-site alcohol sales in 1995. There are no other sensitive uses within the 600-foot radius. The Project has operated the site in a responsible manner.

The requested use at the proposed location is sufficiently buffered in relation to any residential area with the immediate vicinity so as not to adversely affect said area. There are residences on the property adjoining the northern boundary of the Project Site. The closest residence is located 250 feet to the south of the mini-market building and is buffered by the gas station parking lot and the major intersection of The Old Road and Sloan Canyon Road. The next closest residence is located 395 feet northwest of the mini-market building and buffered by the gas station parking lot, The Old Rd, and a freeway off-ramp.

The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment. Properties within a 500-foot radius of the Project Site is a part of two census tracts: 9201.04 and 9201.16. As such, a maximum total of seven on-site and four off-site licenses are allowed. Records from the Department of Alcoholic Beverage Control (ABC) show that there have been four licenses issued to sell alcoholic beverages between the two census tracts. Consistent with the licenses that have been issued, there are four establishments including the Project that are currently selling on-site or off-site alcohol. There are three other establishments within a 500-foot radius of the Project that sells alcohol. As such a five percent shelf space limit will be imposed as a condition of the sales of beer and wine at the Project Site.

The requested use at the proposed location will not adversely affect the economic welfare of the surrounding community. The existing gas station, auto service station, and mini-market will continue to be an added service that will increase the economic revenue of the community.

The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood. There are no changes proposed to the existing structures. The applicant will ensure that the exterior appearance of the Project Site will remain in a suitable state, with no blight or disrepair.

Neighborhood Impact/Land Use Compatibility

The sale of beer and wine at the gas station mini-market is compatible with the existing retail services currently found in the surrounding neighborhood.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Staff received a letter from the Los Angeles County Sheriff's Department ("Sheriff's Department") dated May 20, 2016, which did not oppose approval for this CUP. A summary of service calls and crime history for the previous five years was provided. Over the course of five years, there were a total of 29 service calls: 2 for theft, 2 were business disputes (1 of those for drunk persons), 3 for domestic violence or assaults, 9 for burglary alarm activations, and 13 to check the location or to assist a citizen, fire department or manager with various issues. Despite these calls, the Sheriff's Department stated that the calls for service were routine in nature and that the establishment has not been a problem.

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 121 different property owners. A total of 25 Notices of Public Hearing were mailed to those on the courtesy mailing list for the Castaic Canyon Zoned District and a notice was sent to the State of California Department of Alcoholic Beverage Control. Additionally, the case materials were available on Regional Planning's website and at the Castaic Library.

PUBLIC COMMENTS

Staff has received no comments from members of the public at this time.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

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 Conditional Use Permit Number RPPL2016000766, subject to the attached findings and conditions.

SUGGESTED APPROVAL MOTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE CONDITIONAL USE PERMIT NUMBER RPPL2016000766 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Thuy Hua, Senior Regional Planner, Zoning Permits North Section
Reviewed by Robert Glaser, Supervising Regional Planner, Zoning Permits North Section

Attachments:

Draft Findings

Draft Conditions of Approval

Applicant's Burden of Proof Statement

Letter from Los Angeles County Sheriff's Department dated May 20, 2016

Site Photographs

Aerial Image

Site Plan

Land Use Map

RG:TH

6/23/16

**DRAFT FINDINGS AND ORDER
OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
CONDITIONAL USE PERMIT NO. RPPL2016000766-(5)**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing on July 5, 2016, in the matter of Conditional Use Permit No. RPPL2016000766 ("CUP").
2. The permittee, Castaic Zamin LLC ("permittee"), requests a CUP to authorize the continued sale of beer and wine for off-site consumption (Type 20 License) at an existing gas station mini-market ("Project") located at 31786 The Old Road (APN 2865-017-002) ("Project Site") in the unincorporated community of Castaic in the M-1 (Light Manufacturing) Zone pursuant to Los Angeles County Code Sections 22.32.070 and 22.56.195.
3. The Project Site is a 0.91 acre property and contains a 1,890-square foot canopy, fuel pump stations, and 1,178-square foot auto repair building on the northwest side of the Project Site; one ATM kiosk in the far northwest corner; and one single-story 3,600-square foot mini-market in the southeastern corner of the Project Site. All structures are existing. Interstate 5 runs along the eastern boundary of the Project Site while The Old Road bounds the western side and Sloan Canyon along the southern side. Access to the Project Site is provided through two driveways off The Old Road.
4. The Project Site is located in the Castaic Canyon Zoned District and is zoned M-1 (Light Manufacturing).
5. The Project Site is located within the IL (Light Industrial) land use category of the Santa Clarita Valley Area Plan Land Use Policy Map.
6. Surrounding Zoning within a 600-foot radius includes:
 - North: M-1, C-3 (Unlimited Commercial)
 - South: M-1, CPD (Commercial Planned Development), R-1 (Single-Family Residence)
 - East: M-1, C-3
 - West: C-3-DP (Unlimited Commercial - Development Program), R-1-5,000 (Single-Family Residence with 5,000 Square Foot Required Minimum Lot Size), R-1-7,000 (Single-Family Residence with 7,000 Square Foot Required Minimum Lot Size)
7. Surrounding land uses within a 600-foot radius include:
 - North: Vacant, single-family residential, retail, freeway
 - South: Vacant, single-family residential, neighborhood market
 - East: Restaurants, retail

West: Single-family residential, fast-food restaurant, gas station, restaurant, retail

8. The Project Site is accessible via The Old Road to the west.
9. The Los Angeles County Sheriff's Department issued a letter dated May 20, 2016 which stated that it does not oppose approval of this Project. A summary of service calls and crime history for the previous five years was provided. Over the course of five years, there were a total of 29 service calls: 2 for theft, 2 were business disputes (1 of those for drunk persons), 3 for domestic violence or assaults, 9 for burglary alarm activations, and 13 to check the location or to assist a citizen, fire department or manager with various issues. Despite these calls, the Sheriff's Department stated that the calls for service were routine in nature and that the establishment has not been a problem.
10. The Project's floor area ratio at 0.17 does not exceed the maximum of 1.0.
11. No outside storage is proposed as a part of this Project.
12. The 3,600-square foot mini-market has a 175-square foot seating area for dining. The dining area requires a minimum of 10 parking spaces. The remaining 3,423-square feet of the mini-market and 1,178-square foot auto service station require a total of 14 parking spaces. A total of 24 parking spaces are required. Twenty-two parking spaces have been provided as approved through Conditional Use Permits No. 94102 and 200500212.
13. No new signage is proposed as a part of the Project.
14. Conditional Use Permit No. 94102 approved on February 8, 1995 a new 3,600-square foot mini-market building and authorized off-site beer and wine sales. Conditional Use Permit No. 200500212 approved on September 19, 2006 authorized the continued sales of off-site beer and wine. Plot Plan 200600414 approved on April 27, 2006 authorized the addition of an ATM kiosk. Plot Plan 200600546 approved on August 9, 2006 authorized new signage.
15. Regional Planning staff determined that the Project qualifies for a Class 1 (Existing Facilities) categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involves the sale of alcoholic beverages in an existing mini-market.
16. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearing by mail, newspaper, and property posting.
17. No comments have been received from the public at this time.

18. [Hearing Proceedings] *To be inserted after the public hearing to reflect hearing proceedings.*

The Hearing Officer finds that the Project is consistent with the goals and policies of the Los Angeles County General Plan ("General Plan"). The Project is located within the Santa Clarita Valley Area Plan ("Area Plan"), a component of the Los Angeles County General Plan. Both the General Plan and the Area Plan contain policies to ensure compatibility of development with the surrounding area. The General Plan seeks to "promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design, and locational controls" (General Plan Land Use Element, pgs. III-12). The mini-market with beer and wine sales for off-site consumption will enhance the community by providing residents and visitors the convenience of purchasing beer or wine on their way to their final destination. The availability of these goods will complement the community character by providing a convenience service to members of the public with appropriate conditions.

The Area Plan also contains policies relevant to the Project. Area Plan Policy No. LU-4.12 says: "Promote creation of village commercial centers throughout the Santa Clarita Valley to meet the local and convenience needs of residents." The gas station provides a convenient one stop location for residents and visitors to refuel their vehicles and purchase beer and wine. There are three other locations within a 500-foot radius of the Project Site that also sell on-site or off-site alcohol.

19. The Hearing Officer finds that the proposed use is consistent with the M-1 zoning classification because the sale of alcoholic beverages is permitted within the M-1 Zone with a CUP pursuant to Sections 22.28.160 and 22.56.195 of the County Code.
20. The Hearing Officer finds that the Project satisfies the Conditional Use Permit Burden of Proof findings in Section 22.56.040 and the additional Alcohol Sales Burden of Proof findings in Section 22.56.195B of the County Code.

The requested use at the location will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; or be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site; or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare. The gas station mini-market has been selling off-site beer and wine since 1995 with an approved renewal for continued alcohol sales in 2005. There are no current open zoning violations. As such, the operators of the Project has demonstrated their ability to successfully sell off-site alcohol sales without adversely affecting persons residing or working in the surrounding area.

21. The Hearing Officer finds that the Project Site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area. The Project Site is

0.91 acres in size and provides adequate space and shape for all the requirements prescribed in Title 22. There are no structural changes being proposed as a part of the Project.

22. The Hearing Officer finds that the Project 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 Old Road is an existing Secondary Highway providing two travel lanes in each direction with a center left turn lane. This type of highway adequately serves the Project.
23. The Hearing Officer finds that the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius. A library is located 460 feet west of the Project Site. However, it is buffered by two commercial parcels containing a restaurant and gas station. Additionally, the library moved to the existing location in 2008, subsequent to the Project obtaining their first approval for off-site alcohol sales in 1995. There are no other sensitive uses within the 600-foot radius. The Project has operated the site in a responsible manner.
24. The Hearing Officer finds that the requested use at the proposed location is sufficiently buffered in relation to any residential area with the immediate vicinity so as not to adversely affect said area. There are residences on the property adjoining the northern boundary of the Project Site. The closest residence is located 250 feet to the south of the mini-market building and is buffered by the gas station parking lot and the major intersection of The Old Road and Sloan Canyon Road. The next closest residence is located 395 feet northwest of the mini-market building and buffered by the gas station parking lot, The Old Rd, and a freeway off-ramp.
25. The Hearing Officer finds that the requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment. Properties within a 500-foot radius of the Project Site is a part of two census tracts: 9201.04 and 9201.16. As such, a maximum total of seven on-site and four off-site licenses are allowed. Records from the Department of Alcoholic Beverage Control (ABC) show that there have been four licenses issued to sell alcoholic beverages between the two census tracts. Consistent with the licenses that have been issued, there are four establishments including the Project that are currently selling on-site or off-site alcohol. There are three other establishments within a 500-foot radius of the Project that sells alcohol. As such a five percent shelf space limit will be imposed as a condition of the sales of beer and wine at the Project Site.

26. The Hearing Officer finds that the requested use will not adversely affect the economic welfare of the surrounding community. The existing gas station, auto service station, and mini-market will continue to be an added service that will increase the economic revenue of the community.
27. The Hearing Officer finds that the exterior appearance of the structure will not be inconsistent with the exterior appearance of other commercial structures in the vicinity, and that it will not cause blight or deterioration or substantially diminish or impair property values in the neighborhood. There are no changes proposed to the existing structures. The applicant will ensure that the exterior appearance of the Project Site will remain in a suitable state, with no blight or disrepair.
28. The Hearing Officer finds that it is necessary to limit the term of the grant to ten (10) years to assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses.
29. The Hearing Officer finds that 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 121 different property owners. A total of 25 Notices of Public Hearing were mailed to those on the courtesy mailing list for the Castaic Canyon Zoned District and a notice was sent to the State of California Department of Alcoholic Beverage Control. Additionally, the case materials were available on Regional Planning's website and at the Castaic Library.
30. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan and the Santa Clarita Valley Area 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 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.
- E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius.
- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.
- G. The requested use at the proposed location will not result in an undue concentration of similar premises because the use does not include any sales of alcoholic beverages for off-site consumption.
- H. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.
- I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

THEREFORE, THE HEARING OFFICER:

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15303 of the State CEQA Guidelines (Class 1, Existing Facilities); and
- 2. Approves Conditional Use Permit No. RPPL2016000766, subject to the attached conditions.

ACTION DATE: JULY 5, 2016

RG:TH
6/23/16

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
CONDITIONAL USE PERMIT NO. 2016000766**

PROJECT DESCRIPTION

The project is a Conditional Use Permit ("CUP") to authorize the sale of beer and wine (Type 20 License) for off-site consumption at an existing gas station mini-market 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. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 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 terminate on July 5, 2026.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue beer and wine sales after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. 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. For the purposes of this provision, the sale of alcoholic beverages and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. 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 **\$1,000.00**. 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 **five (5) biennial (one every other year)** 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.

11. 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.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the Fire Department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. 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").
15. 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.
16. 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 such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The 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, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by **September 6, 2016**.
18. 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.

PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (SALE OF ALCOHOLIC BEVERAGES)

19. This grant allows the sale of beer and wine for off-site consumption at an existing gas station mini-market.
20. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.
21. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.
22. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.

23. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures.
24. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
25. The consumption of alcoholic beverages shall be prohibited on the subject property, including the dining area within the mini-market. The permittee shall post signage on the premises prohibiting the consumption of alcoholic beverages on the premises and loitering. The signage shall be in English and the predominant second language in the neighborhood.
26. The licensed premises shall have no coin operated amusements, such as pool tables, juke boxes, video games, small carousel rides or similar riding machines, with the exception of official State Lottery machines.
27. The permittee shall keep telephone numbers of local law enforcement agencies posted in the mini-market in plain view near the cashier or similar public service area.
28. The permittee shall maintain a current contact name, address, and phone number on file with the Department of Regional Planning at all times.
29. This grant authorizes the sale of beer and wine for off-site consumption within the gas station mini-market from 6:00 a.m. to 2:00 a.m. daily.
30. No beer or wine shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler.
31. No advertisement of alcoholic beverages shall be displayed at motor fuel islands.
32. No sale of alcoholic beverages shall be made from a drive-in window.
33. No display or sale of beer or wine shall be made from an ice tub.
34. No beer or wine advertising shall be located on motor fuel islands and no self-illuminated advertising for beer or wine shall be located on buildings or windows.
35. Employees on duty shall be at least 21 years of age in order to sell beer or wine between the hours of 10:00 p.m. and 2:00 a.m.
36. The permittee shall display alcoholic beverages only in the cooler or shelving designated for storage of said beverages as depicted on the "shelf plan" labeled Exhibit 'A'. No additional display of alcoholic beverages shall be provided elsewhere on the premises.

37. There shall be no beer sold in containers under one quart or in less than six-pack quantities.
38. There shall be no wine, with the exception of wine coolers, sold in containers of less than 750 milliliters. No miniatures of any type may be sold. Wine coolers shall not be sold in less than four-pack quantities.
39. The permittee shall provide adequate lighting above all entrances and exits to the premises.
40. The permittee shall provide adequate lighting in all parking areas and walkways under control of the permittee or required as a condition of this grant.

PROJECT SITE SPECIFIC CONDITIONS

41. A minimum of 22 parking spaces shall be maintained on site. The required parking spaces shall be continuously available for vehicular parking only and shall not be used for storage, automobile repair, or any other unauthorized use.
42. All parking lot and other exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot.



OFFICE OF THE SHERIFF



COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF
(661) 286-1121

May 20, 2016

Subject: Conditional Use Permit (CUP) Consultation for Sale of Alcohol
 Project No.: N/A
 CUP Permit No.: RPPL2016000766
 Establishment: Unocal 76 Gas Station
 Location: 31786 The Old Rd, Castaic
 Description: CUP for the continued sale of alcoholic beverages for offsite consumption at an existing gas station.

(1) Summary of service calls and crime history for the project site over the last five years:

The Sheriff's Department has responded to twenty nine (29) incidents at 31786 The Old Rd, Castaic in the past five years;

- 3 were for domestic violence or assaults
- 2 were for thefts
- 2 were business disputes or disturbances (1 of those for drunk persons or under the influence)
- 9 were for a burglary alarm activations
- 13 were to check the location or to assist a citizen, fire department or manager with various issues.

(2) Comments/recommended conditions:

All calls for service have been routine in nature. This establishment has not been a problem.

(3) Overall recommendation:

- Sheriff does not oppose approval of this CUP.
- Sheriff does NOT recommend approval of this CUP.

Sincerely,

JIM McDONNELL, SHERIFF

Roosevelt Johnson, Captain
Santa Clarita Valley Station

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

A Tradition of Service
— Since 1850 —



CONDITIONAL USE PERMIT BURDEN OF PROOF

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

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

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

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

As you know, this is existing location and we had
 permit for last 20 years with no problem at this
 location.

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.

This is existing business.
 Yes, this site is adequate in size and shape
 and had been approved for last 2 times.

C. That the proposed site is adequately served:

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

This is existing business for more than 40 years
 and for last 20 years with no problem at this
 location



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.195, the applicant shall substantiate the following:
(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

ABC License Type No(s): 20 (e.g. Type 20, Type 41)

A. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.

There will be NO adverse affect with in 600-foot AS there are no places of worship, school, park, playground

B. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

The requested use is buffered from the Residential area by a shipping center. A large intersection & a built up area there NO Adverse effect is expected

C. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.

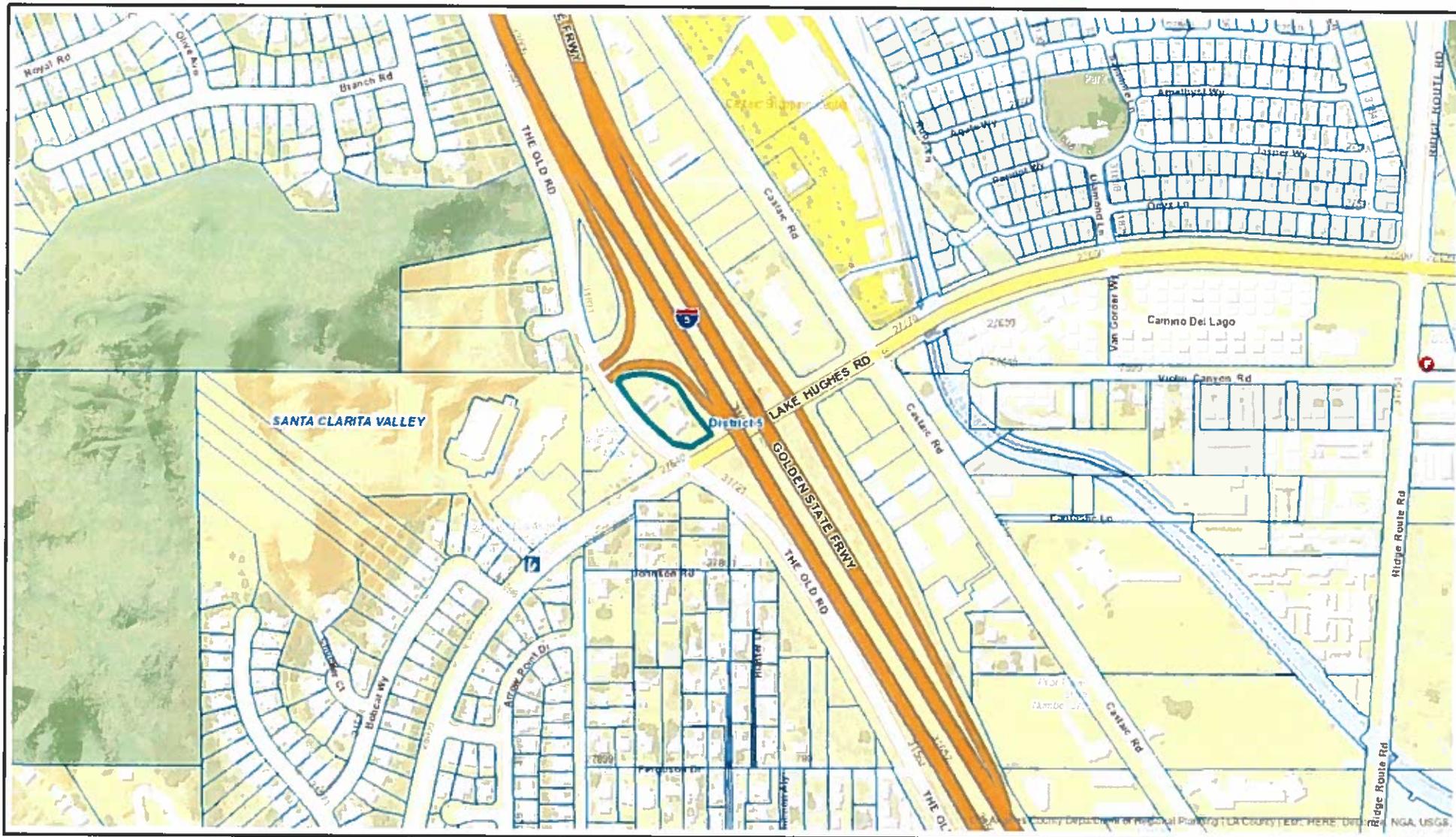
there is one other off-site sales at approx 450' location is a small market

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

There has been an operational Gas station & mini market and is not expected to affect the Economic welfare of the community.

E. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

As seen in the file photos this existing structure is appealing to the eye and is not expected to be negatively impact property values in the area. there are no impending external architectural changes.



RPPL2016000766

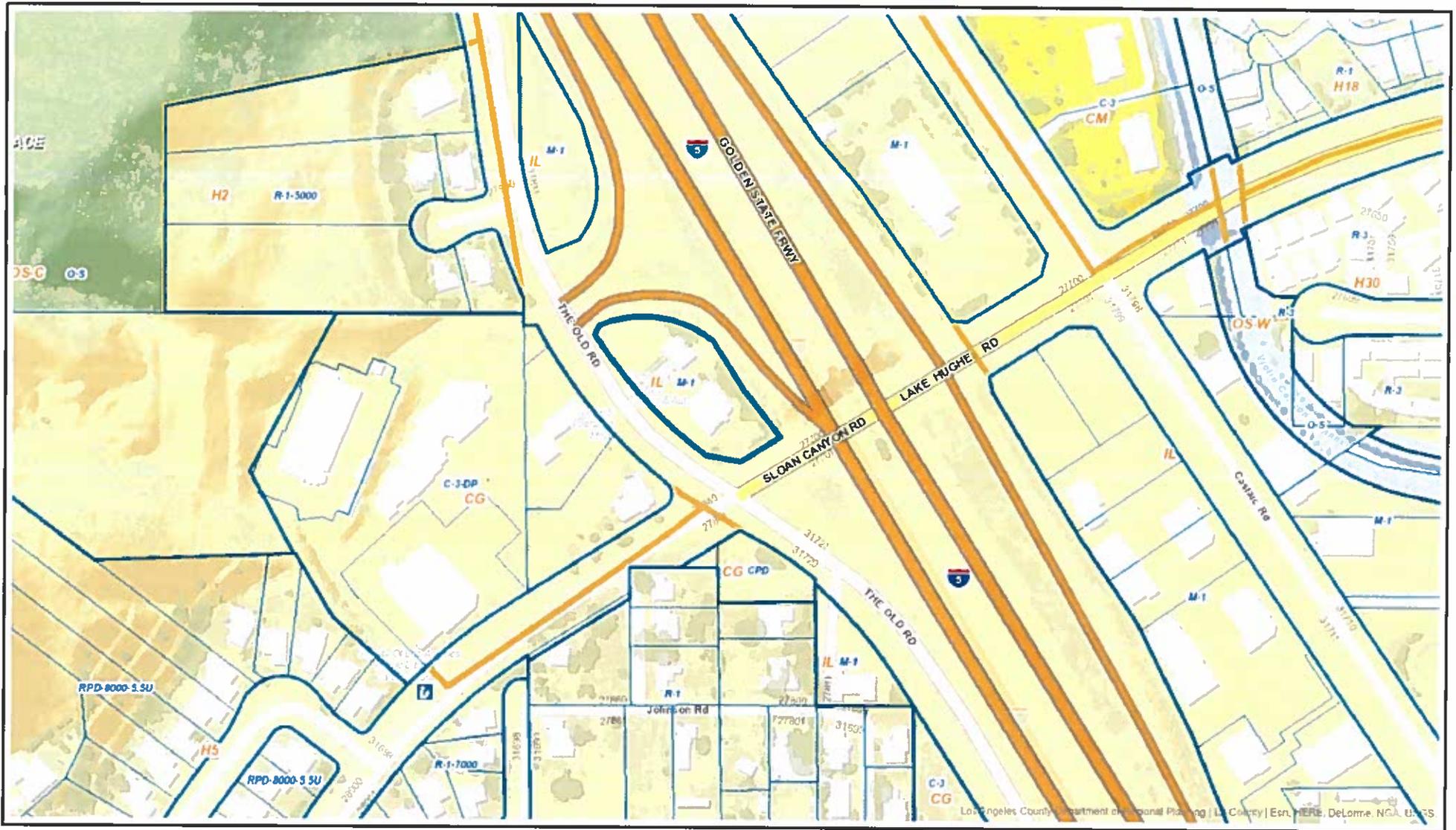
Property Location Map

Printed: Jun 23, 2016



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RPPL2016000766

Land Use and Zoning

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RPPL2016000766

Aerial

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←

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ROCKSTAR
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THANK YOU