

REPORT TO THE HEARING OFFICER

DATE ISSUED: November 21, 2024

HEARING DATE: December 3, 2024 AGENDA ITEM: 6

PROJECT NUMBER: 2020-000436-(3)

PERMIT NUMBER(S): Conditional Use Permit ("CUP") RPPL2020000759
Parking Permit ("PP") RPPL2021010465

SUPERVISORIAL DISTRICT: 3

PROJECT LOCATION: 128 Old Topanga Canyon Road, Topanga
Assessor's Parcel Number ("APN"): 4445-006-023

OWNER: Ralph and Lucile Yaney

APPLICANT: Ronald Mass

CASE PLANNER: William Chen, AICP, Senior Regional Planner
wchen@planning.lacounty.gov

RECOMMENDATION

LA County Planning staff ("Staff") recommends **APPROVAL** of Project Number R2011-01126-(3), CUP Number RPPL2020000759 and PP Number RPPL2021010465, based on the Findings (Exhibit C – Findings) contained within this report and subject to the Draft Conditions of Approval (Exhibit D – Conditions of Approval).

Staff recommends the following motions:

CEQA:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.

ENTITLEMENTS:

I, THE HEARING OFFICER, APPROVE CONDITIONAL USE PERMIT NUMBER RPPL2020000759 AND PARKING PERMIT NUMBER RPPL2021010465, SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

PROJECT DESCRIPTION

A. Entitlements Requested

- CUP to authorize the sale of a full line of alcoholic beverages [California Department of Alcoholic Beverage Control ("ABC") Type 47 License] for onsite consumption at an

existing restaurant in the C-1 (Restricted Business) Zone pursuant to County Code Table 22.20.030-B and County Code Section 22.140.030.

- PP to authorize onsite tandem parking with valet parking services and to reduce the number of required parking spaces pursuant to County Code Section 22.44.1415.

B. Project

The applicant, Ronald Mass (“Permittee”), is requesting the following entitlements (collectively, the “Project”):

- A CUP to authorize the sale of a full line of alcoholic beverages for onsite consumption at an existing restaurant called Inn of the Seventh Ray, located at 128 Old Topanga Canyon Road (“Project Site”).
- A PP to reduce the required minimum of 42 automobile parking spaces down to 34 (a 19% reduction) and to authorize tandem parking with valet parking services.

The Project Site is comprised of one parcel (APN: 4445-006-023) located at the northwest corner of the intersection of Old Topanga Canyon Road and North Topanga Canyon Boulevard. The Project Site is accessible from Old Topanga Canyon Road. The Project Site contains two existing buildings. One building is an existing restaurant and the other building is a retail bookstore.

The Project Site is located within the Santa Monica Mountains Coastal Zone and is therefore regulated by the Santa Monica Mountains Local Coastal Program (“LCP”), which includes the Santa Monica Mountains Local Land Use Plan (“LUP”) and the Santa Monica Mountains Local Implementation Program (“LIP”). Although the Project Site is regulated by the LCP, the CUP request and the PP request are not “development,” as defined in County Code Sections 22.44.630 and 22.44.1410. Therefore, the CUP request is not being processed pursuant to the LIP and is instead being processed through a Title 22 entitlement mechanism, which includes County Code Section 22.140.030, that is not unique to the Santa Monica Mountains Coastal Zone. Although the PP request is not “development,” it is being processed pursuant to the PP entitlement mechanism in the LIP because County Code Section 22.44.1415 states, in pertinent part, “A parking permit can be applied for independently from a CDP where no development, as defined in Section 22.44.630, including but not limited to, a change in the density or intensity of use for either the parcel containing the use requiring the permit or any identified location for off-site parking, is proposed.”

CUP

The existing restaurant currently sells beer and wine for onsite consumption. The sale of beer and wine for onsite consumption was never approved by the County and is considered “deemed-approved” per County Code Section 22.140.030.H. The existing ABC Type 41 License (On-Sale Beer and Wine for Bona Fide Public Eating Place) was

issued on January 1, 1976, before the County required a CUP for alcoholic beverage sales. The current CUP request involves replacing the existing ABC Type 41 License with an ABC Type 47 License (On-Sale General for Bona Fide Public Eating Place), which would allow the restaurant to sell a full line of alcoholic beverages for onsite consumption.

A condition of Project approval will limit the restaurant's sale of alcoholic beverages from 10 a.m. to 11 p.m. on weekdays and from 9 a.m. to 11 p.m. on weekends and holidays. No tenant improvements are proposed as part of the Project. The County Sheriff's Department ("Sheriff's Department") reviewed the recommended approval of the CUP.

PP

Based on the most recent LA County Department of Public Works' ("DPW") Building and Safety Division occupancy load calculation for the existing restaurant, 42 automobile parking spaces are now required on the Project Site. The PP will reduce the required minimum of 42 automobile parking spaces down to 34 (a 19% reduction).

A total of 32 automobile parking spaces are currently provided on the Project Site, including 17 standard-sized parking spaces, 13 compact-sized parking spaces, one (1) standard-sized parking space that is accessible to people with disabilities in compliance with the Americans with Disabilities Act ("ADA"), and one (1) van-sized parking space that is accessible to people with disabilities in compliance with the ADA. A total of four bicycle parking spaces, consisting of two short-term bicycle parking spaces and two long-term bicycle parking spaces, are also currently provided on the Project Site. Pursuant to County Code Section 22.112.110.B, the provision of four bicycle parking spaces is equivalent to the provision of two automobile parking spaces. Therefore, the provision of 32 automobile parking spaces and four bicycle parking spaces on the Project Site complies with the reduced minimum of 34 automobile parking spaces required by the PP. Of the total automobile parking spaces provided, five (5) will be tandem parking spaces, which the PP seeks to authorize with valet parking services. The offsite automobile parking spaces discussed below are no longer being used.

The current onsite parking configuration is inconsistent with the parking configuration previously authorized by Approval In Concept No. RPP-200500217, issued by LA County Planning on September 14, 2005, and by California Coastal Commission ("Coastal Commission") Exemption No. 4-07-052-X, issued on August 27, 2007, which required a combined total of 41 automobile parking spaces onsite and offsite. The offsite automobile parking spaces, which are no longer being used, were located on an adjacent County-owned property south of the Project Site (APN: 4445-006-900).

After the Coastal Commission Exemption was issued, the parking spaces were reconfigured in a manner which was inconsistent with the site plan approved in 2007. This

inconsistency was due to the presence of a septic filtration system which rendered portions of the parking area unusable. It is not possible to have 42 automobile parking spaces on the Project Site because of its physical site constraints. Furthermore, DPW concluded, after consultation review, that a traffic line-of-sight be permanently maintained along the western frontage of the Project Site and the adjacent County-owned property where the offsite parking was located, which consequently eliminated the possibility of using some automobile parking spaces on the Project Site and using all of the automobile parking spaces on the adjacent County-owned property. The offsite automobile parking spaces are no longer being used.

Due to the confluence of constraints on the Project Site and the adjacent County-owned property where the offsite parking was located, a PP is requested to reduce the required minimum of 42 automobile parking spaces down to 34 (a 19% reduction) and to authorize tandem parking with valet parking services. As noted above, the provision of 32 automobile parking spaces and four bicycle parking spaces on the Project Site complies with the reduced minimum of 34 automobile parking spaces required by the PP.

C. Project Background

The Project initially consisted of only the CUP. The CUP application was submitted on February 11, 2020. The Project was scheduled for a public hearing before the Hearing Officer on August 3, 2021. On July 26, 2021, prior to the public hearing, Staff received a request for information from the Hearing Officer regarding the parking conditions on the Project Site. At the August 3, 2021, public hearing, Staff presented the Project and responded to the Hearing Officer's inquiries. The Hearing Officer stated that parking irregularities existed onsite and continued the public hearing to November 2, 2021, to provide time for the applicant to submit a PP application. The applicant submitted a PP application on October 21, 2021.

Prior to the continued public hearing on November 2, 2021, Staff requested that the public hearing be further continued to January 4, 2022, to provide sufficient time for Staff to prepare a new Staff Report and to distribute new public hearing notices. A new Staff Report and new public hearing notices were required because the scope of the Project had expanded to include a PP in addition to the CUP.

Prior to the continued public hearing on January 4, 2022, Staff requested that the public hearing be further continued to April 5, 2022, to provide sufficient time for the applicant to revise the parking layout and for consultation review by DPW.

Prior to the continued public hearing on April 5, 2022, Staff provided the Hearing Officer with a report related to the applicant's offsite parking arrangement. This report described the history of the property used as offsite parking, how the offsite parking was authorized by the Coastal Commission, and how such use was permitted. The offsite parking was located on an adjacent County-owned property south of the Project Site, which was zoned

O-S (Open Space) and was leased from the County. In 2022, the O-S Zone did not allow offsite parking as a permitted use. Coastal Commission Exemption No. 4-07-052-X, issued on August 27, 2007, authorized the offsite parking. When the County lease agreement was executed and the Coastal Commission land use entitlement was authorized, offsite parking was allowed on the adjacent County-owned property without the need for a PP by means of a recorded lease with a term of at least 20 years. Prior to the continued public hearing on April 5, 2022, Staff also recommended that the applicant revert back to the parking layout approved by the Coastal Commission and requested that the public hearing be further continued to May 3, 2022.

Prior to the continued public hearing on May 3, 2022, Staff provided the Hearing Officer with a report indicating that Staff would likely receive consultation comments from DPW because this was the first time that they were reviewing the parking layout. The prior parking layout was approved as part of a prior project that was subject to a ministerial process instead of a discretionary process, which meant that DPW was not consulted and did not have an opportunity to review it. Staff requested that the public hearing be further continued to August 2, 2022, to provide sufficient time for consultation review by DPW.

Prior to the continued public hearing on August 2, 2022, Staff requested that the public hearing be further continued to December 6, 2022, to provide sufficient time for consultation review by DPW.

Prior to the continued public hearing on December 6, 2022, Staff requested that the public hearing be further continued to March 7, 2023, to provide sufficient time for the applicant to address technical comments from DPW regarding the need for a line-of-sight analysis.

Prior to the continued public hearing on March 7, 2023, Staff recommended that the Project be taken off calendar due to the uncertainty regarding the time the applicant needed to adequately resolve the comments from DPW. At the continued public hearing on March 7, 2023, the applicant stated that they had encountered difficulties in establishing contact with DPW staff. The Hearing Officer further continued the public hearing to June 6, 2023.

Prior to the continued public hearing on June 6, 2023, Staff provided the Hearing Officer with a report detailing the challenges the applicant was facing in preparing a suitable line-of-sight analysis, and in proposing a feasible parking layout. Staff requested that the public hearing be further continued to October 3, 2023.

Prior to the continued public hearing on October 3, 2023, Staff provided the Hearing Officer with a report recommending approval of the Project, which included a clearance letter from DPW and revised findings and conditions. At the continued public hearing on October 3, 2023, Staff advised the Hearing Officer that the applicant was requesting to

extend the grant term to 20 years, to allow the sale of alcoholic beverages starting at 8 a.m. instead of 9 a.m. on weekends and holidays as part of the restaurant's brunch menu, and to allow live entertainment as an accessory use. The Hearing Officer stated that she needed additional time to evaluate the clearance letter from DPW and the revised findings and conditions. The Hearing Officer further continued the public hearing to November 7, 2023.

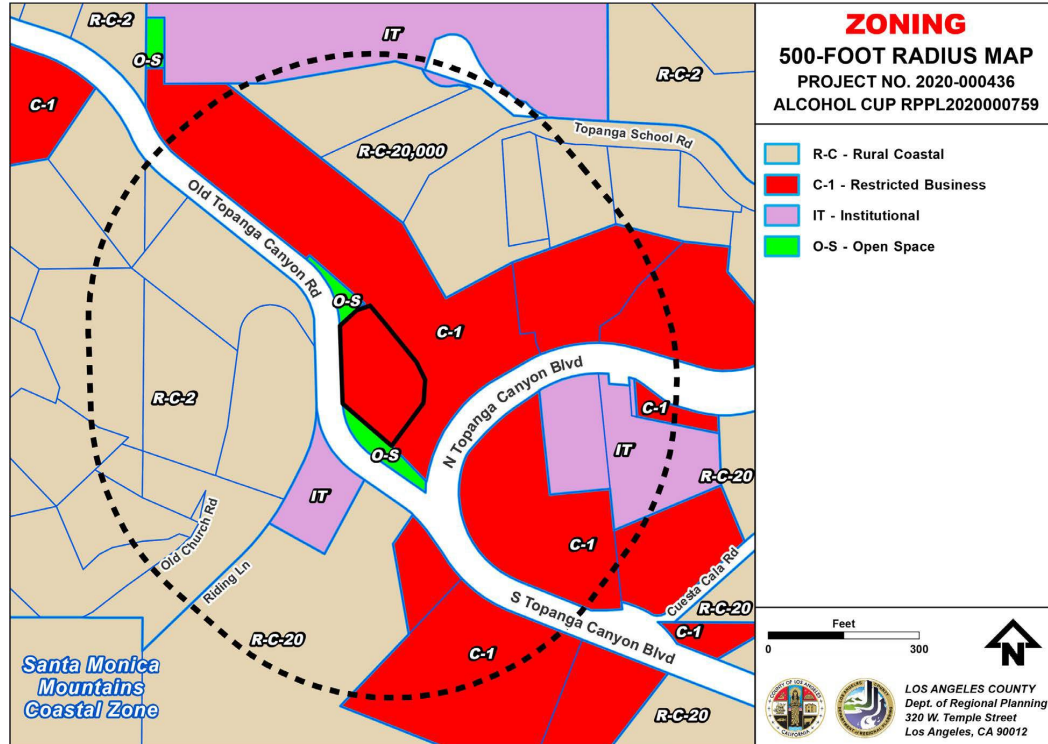
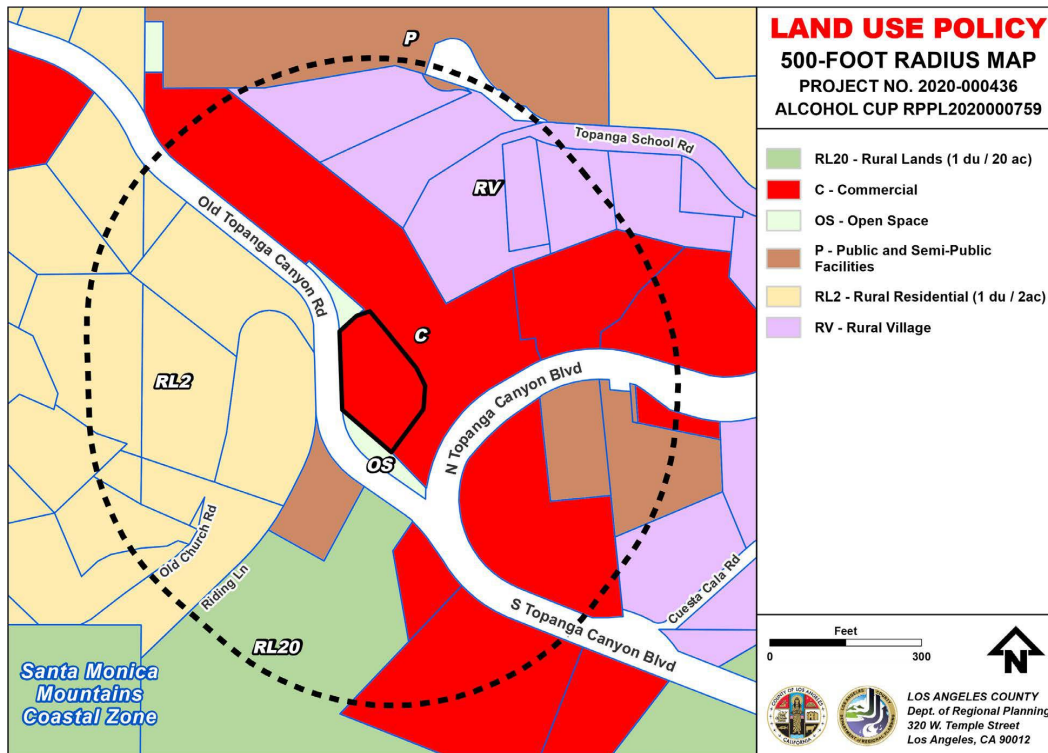
On October 11, 2023, prior to the continued public hearing on November 7, 2023, Staff received a request for information from the Hearing Officer. The request for information addressed matters of offsite parking within the O-S Zone, the reasoning for a 20-year grant term, whether the PP would expire, under what circumstances live entertainment would be allowed at a restaurant, and whether sufficient onsite parking can be provided if the parking lease were cancelled or terminated. At the continued public hearing on November 7, 2023, Staff responded to the request for information and recommended that the Project be taken off calendar to provide the applicant time to submit a revised Project scope to address the parking deficiency and to incorporate accessory live entertainment. The Hearing Officer took the Project off calendar.

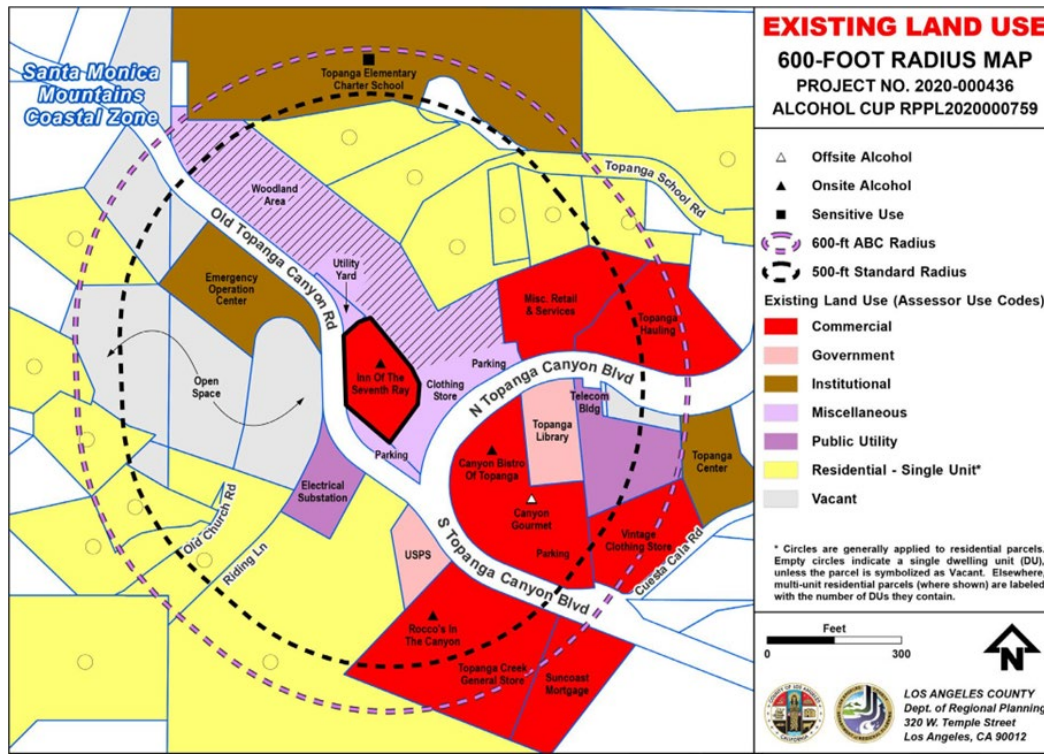
After the continued public hearing on November 7, 2023, the applicant decided to not pursue a CUP for accessory live entertainment pursuant to County Code Section 22.140.330 D.2.

SUBJECT PROPERTY AND SURROUNDINGS

The following chart provides property data within a 500-foot radius:

| LOCATION | LAND USE POLICY | ZONING | EXISTING USES |
|------------------|-------------------|-----------------------|-------------------|
| SUBJECT PROPERTY | C (Commercial) | C-1 | Commercial Retail |
| NORTH | OS (Open Space) | O-S (Open Space) | Government |
| EAST | C | C-1 | Commercial Retail |
| SOUTH | OS | O-S | Vacant |
| WEST | RL2 (Rural Lands) | R-C-2 (Rural Coastal) | Utilities |





PROPERTY HISTORY

A. Zoning History

| ORDINANCE NO. | ZONING | DATE OF ADOPTION |
|---------------|--------|-------------------|
| 20140055 | C-1 | 2014 |
| 7276 | C-4 | December 24, 1957 |

B. Previous Cases

| CASE NO. | REQUEST | DATE OF ACTION |
|---------------|---|-----------------------------|
| RPP-200801462 | Approval In Concept – Single Family Residence | Approved December 2, 2008 |
| RPP-200500217 | Addition to restaurant and bookstore | Approved September 12, 2005 |
| RPP-44822 | Trash building for restaurant | Denied January 11, 1999 |
| RPP-27757 | Parking and outdoor dining | Approved September 16, 1985 |

C. Violations

| CASE NO. | VIOLATION | CLOSED/OPEN |
|----------------|------------------------------|--------------------------|
| RPCE2020004301 | Unpermitted camping business | Closed November 12, 2020 |
| 12-0001805 | Oak tree encroachment | Closed October 15, 2012 |
| 04-0049497 | Inoperable vehicles | Closed August 19, 1998 |

ANALYSIS

A. Land Use Compatibility

The Project Site is a 0.71-acre parcel located within the Santa Monica Mountains Coastal Zone and is therefore regulated by the LCP, which includes the LUP and the LIP. The Project Site is in the LUP's Commercial land use designation. Allowable uses within this designation include general commercial activities, retail, and personal services. Specific allowable uses and development standards are determined by the LIP. Restaurants are categorized as an additional allowable use within the LUP's Commercial land use designation and within the C-1 Zone.

Although the Project Site's land use policy is regulated through the LCP, the CUP request and the PP request are not "development," as defined in County Code Sections 22.44.630 and 22.44.1410. Therefore, the CUP request is not being processed pursuant to the LIP and is instead being processed through a Title 22 entitlement mechanism, which includes County Code Section 22.140.030, that is not unique to the Santa Monica Mountains Coastal Zone. Although the PP request is not "development," it is being processed pursuant to the PP entitlement mechanism in the LIP because County Code Section 22.44.1415 states, in pertinent part, "A parking permit can be applied for independently from a CDP where no development, as defined in Section 22.44.630, including but not limited to, a change in the density or intensity of use for either the parcel containing the use requiring the permit or any identified location for off-site parking, is proposed."

The Project does not propose any physical development, including any changes that would modify the existing buildings or any changes that would fundamentally alter the nature of the existing restaurant. The restaurant has operated with an ABC Type 41 License, which allows the restaurant to sell beer and wine for onsite consumption, since 1976. Replacing this license with an ABC Type 47 License, which would allow the restaurant to sell a full line of alcoholic beverages for onsite consumption, would not change the nature of the present use. The restaurant would continue to operate in a manner which does not negatively impact or impose new burdens on the surrounding community.

B. Neighborhood Impact (Need/Convenience Assessment)

CUP

The sale of a full line of alcoholic beverages for onsite consumption at the existing restaurant is appropriate for this type of use and is unlikely to create a nuisance to the surrounding neighborhood. A full line of alcoholic beverages is customarily available at restaurants and the sale of alcoholic beverages for onsite consumption is secondary to the restaurant's primary function of food service. The Project proposes no new

development and no physical changes to the existing new building footprint. The restaurant, which provides services to local customers and visitors from a wide geographic area, has been in operation since 1976 in a commercially zoned area. The restaurant offers a full-service dining experience, and its customers generally expect alcoholic beverages as a service option.

Per ABC, the Project Site's Census Tract does not have an overconcentration of licenses for the sale of alcoholic beverages for onsite consumption and the Project Site is not located within a high crime reporting district. There are currently two other restaurants with licenses for the sale of alcoholic beverages for onsite consumption within a 500-foot-radius of the Project Site. There is one sensitive use, the Topanga Elementary Charter School, within 600 feet of the Project Site. This school is not directly accessible from the Project Site and is buffered by multiple parcels.

Staff typically recommends limiting the hours of alcoholic beverage sales for onsite consumption at a restaurant from 10 a.m. to 10 p.m. However, Staff recommends that this CUP allow alcoholic beverage sales for onsite consumption at a restaurant from 10 a.m. to 11 p.m. Monday through Friday, and from 9 a.m. to 11 p.m. on weekends and holidays. Staff believes that it is appropriate to allow sales before 10 a.m. on weekends and holidays, and after 10 p.m. every day, due to the nature of the business, the Project Site, and the surrounding area, as described below.

The restaurant is located in a commercially designated area that provides goods and services for both residents and visitors. Due to the rural nature of the Santa Monica Mountains, along with the coastal resource protections in place, there are limited opportunities for additional commercial development. This creates a greater need to increase the availability of goods and services in existing commercially designed areas with existing infrastructure. The Project seeks to maintain the existing development footprint, while diversifying consumer options to residents and visitors. Only two other businesses that sell alcohol beverages for onsite consumption are located within 500 feet of the Project Site. The Project Site is not located in a census tract that is in an area of undue concentration and is not in a high crime reporting district. This establishment has been in operation with "deemed-approved" alcoholic beverage sales for onsite consumption since 1976, and the Sheriff's Department states that the business has been operating without any issues.

PP

While the primary component of the Project is the CUP request for the sale of a full line of alcoholic beverages for onsite consumption, the restaurant must comply with all relevant development standards, including minimum automobile parking requirements. As explained above, the restaurant does not currently provide the minimum number of required automobile parking spaces. For this reason, the Project includes a PP request to

allow tandem parking with valet parking services and to authorize less than the number of required parking spaces. The goal of these parking modifications is to ensure proper management of vehicular traffic circulation and to limit the queueing of customers seeking available parking spaces. The reduction in the number of required parking spaces would allow the restaurant to operate with the number of parking spaces that can be physically accommodated on the Project Site.

C. Design Compatibility

Per Assessor's records, the structures on the Project Site were constructed around 1947. Since then, building permits have been issued for minor improvements and expansions. The exteriors of the structures consist of stucco and wood siding. The structures are mostly shrouded by vegetation, are recessed from the roadway, are one-story in height, and are not visually intrusive. The Project Site remains compatible with the rural, developed community landscape and blends into the surrounding background.

GENERAL PLAN/COMMUNITY PLAN CONSISTENCY

The Project is consistent with applicable goals and policies of the General Plan and Santa Monica Mountains LUP. Consistency findings can be found in the attached Findings (Exhibit C – Findings).

ZONING ORDINANCE CONSISTENCY

The proposed project complies with all applicable zoning requirements. Consistency findings can be found in the attached Findings (Exhibit C – Findings).

BURDEN OF PROOF

The applicant is required to substantiate all facts identified by County Code Sections 22.140.030, 22.158.050, and 22.176.030. The Burden of Proof with applicant's responses is attached (Exhibit E – Applicant's Burden of Proof). Staff is of the opinion that the applicant has met the burden of proof.

ENVIRONMENTAL ANALYSIS

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 involves the sale of alcoholic beverages for onsite consumption in an existing restaurant, minor alterations to the interior of the existing restaurant building, and the establishment of tandem automobile parking spaces with valet parking services. The Project does not include any expansion of the existing use. Therefore, Staff recommends that the Hearing Officer determine that the Project is categorically exempt from CEQA. An environmental determination (Exhibit F – Environmental Determination) was issued for the Project.

COMMENTS RECEIVED

A. County Department Comments and Recommendations

The Department of Public Works, in a letter dated September 20, 2023, recommended that the Project proceed to public hearing.

The Sheriff's Department, in a letter dated February 4, 2021, recommended approval of the Project.

B. Other Agency Comments and Recommendations

Staff has not received any comments at the time of report preparation.

C. Public Comments

Staff has not received any comments at the time of report preparation.

Report
Reviewed By: M. Glaser for Robert Glaser
Robert Glaser, Supervising Regional Planner

Report
Approved By: M. Glaser
Mitch Glaser, Assistant Deputy Director

LIST OF ATTACHED EXHIBITS

| | |
|-----------|-----------------------------|
| EXHIBIT A | Plans |
| EXHIBIT B | Project Summary Sheet |
| EXHIBIT C | Findings |
| EXHIBIT D | Conditions of Approval |
| EXHIBIT E | Applicant's Burden of Proof |
| EXHIBIT F | Environmental Determination |
| EXHIBIT G | Informational Maps |
| EXHIBIT H | Photos |
| EXHIBIT I | Agency Correspondence |

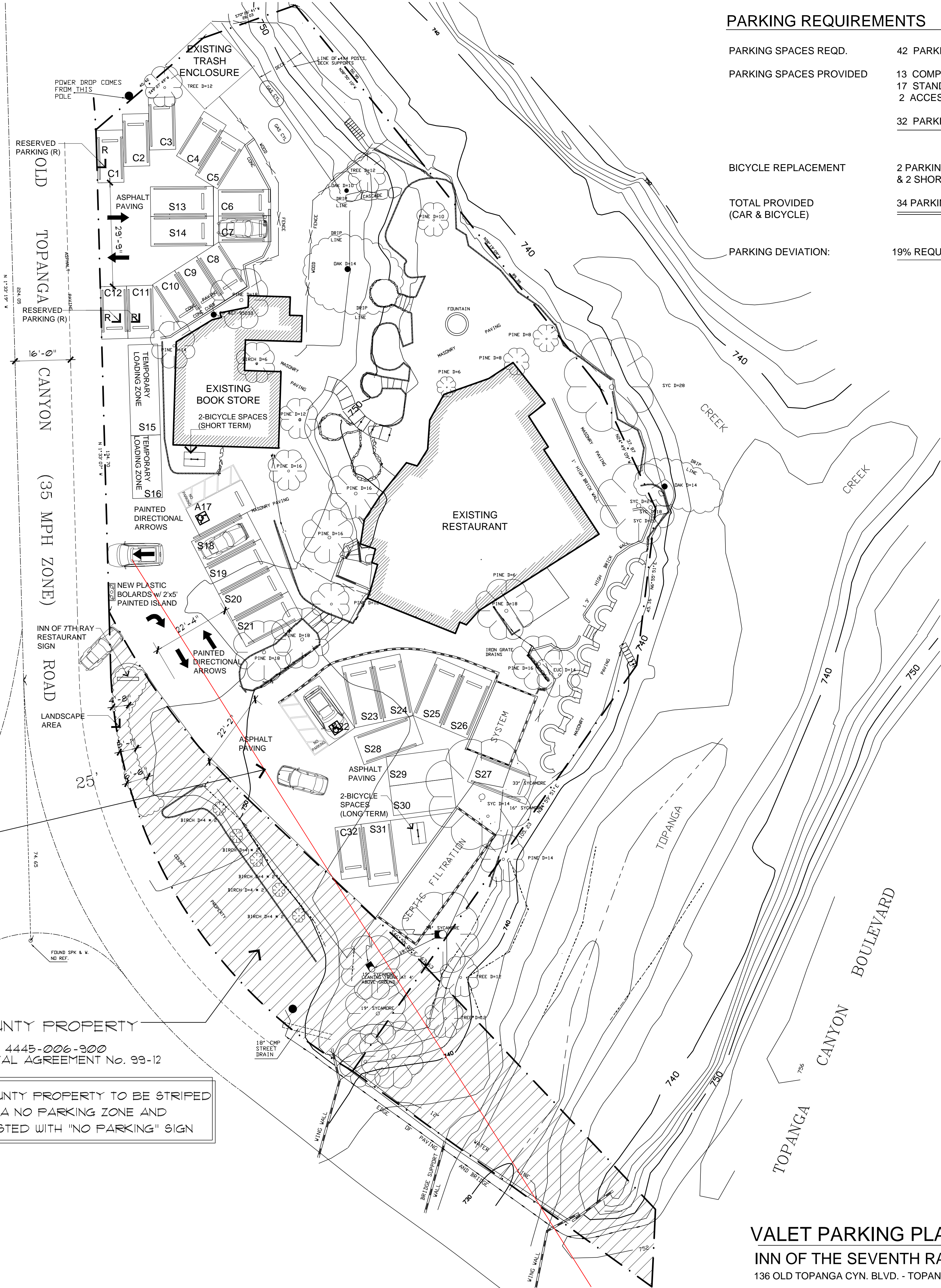


RESTAURANT SIGN PHOTOGRAPH

250 FT. LINE OF SIGHT FOR
35 M.P.H. STOPPING SIGHT DISTANCE

COUNTY PROPERTY
APN: 4445-006-900
RENTAL AGREEMENT No. 99-12

COUNTY PROPERTY TO BE STRIPED
AS A NO PARKING ZONE AND
POSTED WITH "NO PARKING" SIGN



PARKING REQUIREMENTS

| | |
|-----------------------------------|--|
| PARKING SPACES REQD. | 42 PARKING SPACES |
| PARKING SPACES PROVIDED | 13 COMPACT SPACES (40% OF TOTAL.) 17 STANDARD SPACES 2 ACCESSIBLE SPACES |
| | 32 PARKING SPACES PROVIDED |
| BICYCLE REPLACEMENT | 2 PARKING SPACES w/ 2 LONG TERM & 2 SHORT TERM |
| TOTAL PROVIDED (CAR & BICYCLE) | 34 PARKING SPACES |
| PARKING DEVIATION: | 19% REQUESTED |



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Sheet Title

PARKING
PLAN
1"=40'-0"

Job Name

INN OF THE
SEVENTH RAY
PARKING LAYOUT
136 OLD TOPANGA CANYON BLVD.
TOPANGA, CA 90230

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OF EVIDENCE OF THE ACCEPTANCE OF THESE RESTRICTIONS.

Date-Revs.

3-21-2023
8-01-2023
9-21-2023
10-23-2023

Sheet

A-1

VALET PARKING PLAN
INN OF THE SEVENTH RAY
136 OLD TOPANGA CYN. BLVD. - TOPANGA .

SCALE: 1/16" = 1'-0"
NORTH

INN OF THE SEVENTH RAY

**PROJECT NUMBER**

2020-000436-(3)

HEARING DATE

December 3, 2024

REQUESTED ENTITLEMENT(S)

Conditional Use Permit ("CUP") No. RPPL2020000759

Parking Permit ("PP") No. RPPL2021010465

PROJECT SUMMARY

OWNER / APPLICANT

Ralph and Lucile Yaney

MAP/EXHIBIT DATE

10/23/23

PROJECT OVERVIEW

The Project includes a CUP to authorize the sale of a full line of alcoholic beverages [California Department of Alcoholic Beverage Control Type 47 License] for onsite consumption at an existing restaurant and a PP to reduce the required minimum of 42 automobile parking spaces down to 34 (a 19% reduction) and to authorize tandem parking with valet parking services.

LOCATION

128 Old Topanga Canyon Road, Topanga

ACCESS

Old Topanga Canyon Road

ASSESSORS PARCEL NUMBER

4445-006-023

SITE AREA

0.71 Acres

GENERAL PLAN / LOCAL PLANSanta Monica Mountains Local Coastal Program
Land Use Plan**ZONED DISTRICT**

The Malibu

LAND USE DESIGNATION

C (Commercial)

ZONE

C-1 (Restricted Business Zone)

PROPOSED UNITS

0

MAX DENSITY/UNITS

0.5 FAR

COMMUNITY STANDARDS DISTRICT

N/A

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption – Existing Facilities

KEY ISSUES

- Consistency with the Los Angeles County General Plan
- Satisfaction of the following portions of Title 22 of the Los Angeles County Code:
 - Section 22.158.050 (Conditional Use Permit Findings and Decision Requirements)
 - Section 22.140.030 (Alcoholic Beverage Sales)
 - Section 22.44.1410 (Vehicle Parking Space)
 - Section 22.44.1415 (Parking Permits)

CASE PLANNER:

William Chen, AICP

PHONE NUMBER:

(213) 974 - 0051

E-MAIL ADDRESS:

wchen@planning.lacounty.gov

**LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
FINDINGS OF THE HEARING OFFICER
AND ORDER
PROJECT NO. 2020-000436-(3)
CONDITIONAL USE PERMIT NO. RPPL2020000759
PARKING PERMIT NO. RPPL2021010465**

RECITALS

1. **HEARING DATE(S).** The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. **RPPL2020000759** ("CUP"), and Parking Permit No. **RPPL2021010465** ("PP") on December 3, 2024. The CUP and PP are referred to collectively as the "Project Permits." The Hearing Officer previously conducted a duly-noticed public hearing on November 7, 2023, October 3, 2023, June 6, 2023, March 7, 2023, December 12, 2022, August 2, 2022, May 3, 2022, April 5, 2022, January 4, 2022, November 2, 2021, and August 3, 2021.
2. **HEARING PROCEEDINGS.** *Reserved.*
3. **ENTITLEMENTS REQUESTED.** The permittee, Ronald Mass ("permittee"), requests the Project Permits to authorize the sale of a full line of alcoholic beverages [California Department of Alcoholic Beverage Control ("ABC") Type 47 License] for onsite consumption at an existing restaurant and to authorize onsite tandem parking with valet parking services and to reduce the number of required parking spaces ("Project") on a property located at 128 Old Topanga Canyon Road (Assessor's Parcel Number: 4445-006-023) in the unincorporated community of Topanga ("Project Site").
4. **ENTITLEMENTS REQUIRED.** The CUP is a request to authorize the sale of a full line of alcoholic beverages for onsite consumption in the C-1 (Restricted Business) Zone pursuant to County Code Table 22.20.030-B and County Code Section 22.140.030.

The PP is a request to authorize onsite tandem parking with valet parking services and to reduce the number of required parking spaces in the C-1 (Restricted Business) Zone pursuant to County Code Section 22.44.1415.

The Project Site is located within the Santa Monica Mountains Coastal Zone and is therefore regulated by the Santa Monica Mountains Local Coastal Program ("LCP"), which includes the Santa Monica Mountains Local Land Use Plan ("LUP") and the Santa Monica Mountains Local Implementation Program ("LIP"). Although the Project Site is regulated by the LCP, the CUP request and the PP request are not "development," as defined in County Code Sections 22.44.630 and 22.44.1410. Therefore, the CUP request was processed pursuant to the LIP and was instead processed through a Title 22 entitlement mechanism, which includes County Code Section 22.140.030, that is not unique to the Santa Monica Mountains Coastal Zone. Although the PP request is not "development," it was processed pursuant to the PP entitlement mechanism in the LIP because County Code Section 22.44.1415 states, in

pertinent part, “A parking permit can be applied for independently from a CDP where no development, as defined in Section 22.44.630, including but not limited to, a change in the density or intensity of use for either the parcel containing the use requiring the permit or any identified location for off-site parking, is proposed.”

5. **PREVIOUS ENTITLEMENTS.** Approval in Concept Site Plan Review No. RPP-200801462 authorized the construction of a new single-family residence. Site Plan Review No. RPP-200500217 authorized an addition to an existing restaurant and bookstore. Site Plan Review No. RPP-PP27757 authorized parking and outdoor dining. Approval in Concept Site Plan Review No. RPP-200500217 and California Coastal Commission (“Coastal Commission”) Exemption No. 4-07-052-X authorized modifications to the existing restaurant and established the parking layout.
6. **LAND USE DESIGNATION.** The Project Site is located within the Commercial land use designation of the LCP’s Land Use Policy Map.
7. **ZONING.** The Project Site is located in the Malibu Zoned District and is currently zoned C-1.

8. PROJECT AND SITE PLAN DESCRIPTION.

A. Existing Site Conditions

The Project Site is 0.71 gross acres in size and consists of one legal lot. The Project Site is irregular in shape with gentle sloping topography and is developed with two commercial structures.

B. Site Access

The Project Site is accessible via Old Topanga Road to the west. Primary access to the Project Site will be via an entrance/exit on Old Topanga Road.

C. Site Plan

The site plan depicts two existing irregularly shaped commercial structures. The structure on the western portion of the Project Site is a bookstore measuring approximately 43 feet and three inches by 35 feet and seven inches. The structure on the eastern portion of the Project Site is a restaurant measuring approximately 73 feet and six inches by 57 feet and six inches. The request to authorize the sale of a full line of alcoholic beverages for onsite consumption is for the existing restaurant.

D. Parking

A total of 32 automobile parking spaces are provided on the Project Site, including 17 standard-sized parking spaces, 13 compact-sized parking spaces, one (1) standard-sized parking space that is accessible to people with disabilities in compliance with the Americans with Disabilities Act (“ADA”), one (1) van-sized parking space that is accessible to people with disabilities in compliance with the ADA. A total of four bicycle parking spaces, consisting of two short-term bicycle parking spaces and two long-term bicycle parking spaces, are also currently provided on the Project Site. Pursuant to County Code Section 22.112.110, the

provision of four bicycle parking spaces is equivalent to the provision of two automobile parking spaces. Therefore, the provision of 32 automobile parking spaces and four bicycle parking spaces on the Project Site complies with the reduced minimum of 34 automobile parking spaces required by the PP. Of the total automobile parking spaces provided, five (5) are tandem parking spaces, which the PP authorized with valet parking services. No off-site parking spaces are proposed on the adjacent parcel (Assessor's Parcel Number: 4445-006-900).

9. CEQA DETERMINATION.

Prior to the Hearing Officer's public hearing on the Project, County Department of Regional Planning ("LA County Planning") staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involves the sale of alcoholic beverages for onsite consumption in an existing restaurant, minor alterations to the interior of the existing restaurant building, and the establishment of tandem automobile parking spaces with valet parking services. The Project does not include any expansion of the existing use.

10. COMMUNITY OUTREACH. No community outreach was conducted prior to the Hearing Officer's public hearing on the Project.

11. PUBLIC COMMENTS. *Reserved.*

12. AGENCY RECOMMENDATIONS.

- A. County Sheriff's Department ("Sheriff's Department"): Recommended approval in a letter dated February 4, 2021.
- B. County Department of Public Works ("DPW"): Recommended that the Project proceed to public hearing with required conditions of approval in a letter dated September 20, 2023.

13. LEGAL NOTIFICATION OF CUP. The Hearing Officer finds that pursuant to County Code Sections 22.222.150, 22.222.170, and 22.222.180, the community was properly notified of the public hearing by mail, the Malibu Times newspaper, and property posting. Additionally, the Project was noticed and case materials were available on LA County Planning's website and at libraries located in the vicinity of the Topanga community. On October 10, 2024, a total of 52 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 20 notices to those on the courtesy mailing list for the Malibu Zoned District and to any additional interested parties.

14. LEGAL NOTIFICATION OF PP. The Hearing Officer finds that pursuant to County Code Sections 22.222.150, 22.222.170, and 22.222.180, the community was properly notified of the public hearing by mail, the Malibu Times newspaper, and property posting. Additionally, the Project was noticed and case materials were available on LA

County Planning's website and at libraries located in the vicinity of the Topanga community. On October 10, 2024, a total of 52 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 20 notices to those on the courtesy mailing list for the Malibu Zoned District and to any additional interested parties.

GENERAL PLAN CONSISTENCY FINDINGS

15. **LAND USE POLICY.** The Hearing Officer finds that the Project is consistent with the LUP's land use policy because the Commercial land use designation is intended for general commercial activities, retail, and personal services, such as restaurants. The Project is consistent with these intended uses because the restaurant on the Project Site offers full-service dining with the option of alcoholic beverage service and is located within a commercially designated area that provides services to local residents and visitors from outside the immediate vicinity.

16. **GOALS AND POLICIES.** The Hearing Officer finds that the following policies of the LUP are applicable to the Project:

- *LU-2 Retain the area's natural setting, rural and semi-rural character, and scenic features.*

The Project does not propose any physical changes to the Project Site that would alter its existing appearance, character, or features.

- *LU-45 Concentrate commercial, office, and other higher-intensity uses along major streets and ensure that each project has adequate access, can accommodate the traffic, is accessible to essential services, and contains appropriate site design features to enhance community character.*

The Project is located within a commercially designated area with surrounding commercial uses that are accessed by North Topanga Canyon Highway, a designated Secondary Highway that provides a connection to the 101 Ventura Freeway.

- *General Plan Land Use Policy LU 5.2: "Encourage a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs."*

The Project serves local residents in the immediate vicinity and regional visitors because it is a restaurant that offers full-service dining with the option of alcoholic beverage service. This use contributes to the diversity of commercial services in the area.

ZONING CODE CONSISTENCY FINDINGS

17. **PERMITTED USE IN ZONE.** The Hearing Officer finds that the Project is consistent with the C-1 zoning classification because alcoholic beverage sales for onsite

consumption is permitted in such zone with a CUP pursuant to County Code Table 22.20.030-B. Although the Project Site is regulated by the LCP, the CUP request is not “development,” as defined in County Code Sections 22.44.630 and 22.44.1410. Therefore, the CUP was not processed pursuant to the LIP and was instead processed through a Title 22 entitlement mechanism, which includes County Code Section 22.140.030, that is not unique to the Santa Monica Mountains Coastal Zone.

18. PARKING STANDARDS. The Hearing Officer finds that the Project is not consistent with the standards identified in County Code Chapter 22.112 et. seq. The Project does not provide the minimum required number of automobile parking spaces but this inconsistency is remedied by the PP, as discussed below.

19. PARKING PERMIT. The PP authorizes onsite tandem parking spaces with valet parking services and a reduction in the number of required parking spaces pursuant to County Code Section 22.44.1415. Although the Project Site is regulated by the LCP, the PP request is not “development,” as defined in County Code Sections 22.44.630 and 22.44.1410. Although the PP request is not “development,” it was processed pursuant to the PP entitlement mechanism in the LIP because County Code Section 22.44.1415 states, in pertinent part, “A parking permit can be applied for independently from a CDP where no development, as defined in Section 22.44.630, including but not limited to, a change in the density or intensity of use for either the parcel containing the use requiring the permit or any identified location for off-site parking, is proposed.”

The Hearing Officer finds that the Project Site has constraints that require the use of onsite tandem parking spaces with valet parking services, pursuant to County Code Section 22.44.1415, in order for the restaurant to provide additional parking spaces to be more consistent with the standards identified in County Code Chapter 22.112 et. seq.

The Hearing Officer also finds that reducing the number of parking spaces required will allow the restaurant to continue operating. The PP will reduce the required minimum of 42 automobile parking spaces down to 34 (a 19% reduction). A total of 32 automobile parking spaces are provided on the Project Site, including 17 standard-sized parking spaces, 13 compact-sized parking spaces, one (1) standard-sized parking space that is accessible to people with disabilities in compliance with the ADA, and one (1) van-sized parking space that is accessible to people with disabilities in compliance with the ADA. A total of four bicycle parking spaces, consisting of two short-term bicycle parking spaces and two long-term bicycle parking spaces, are also currently provided on the Project Site. Per County Code Section 22.112.110, the provision of four bicycle parking spaces is equivalent to the provision of two automobile parking spaces. Therefore, the provision of 32 automobile parking spaces and four bicycle parking spaces on the Project Site complies with the reduced minimum of 34 automobile parking spaces required by the PP. Of the total automobile parking spaces provided, five (5) are tandem parking spaces, which the PP authorized with valet parking services, as noted above. No offsite parking spaces are proposed on the adjacent parcel (Assessor’s Parcel Number: 4445-006-900).

20. **ALCOHOLIC BEVERAGE SALES.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.140.030, which regulates the sale of alcoholic beverages. Although the Project Site is regulated by the LCP, the CUP request is not “development,” as defined in County Code Sections 22.44.630 and 22.44.1410. Therefore, the CUP was not processed pursuant to the LIP and was instead processed through a Title 22 entitlement mechanism, which includes County Code Section 22.140.030, that is not unique to the Santa Monica Mountains Coastal Zone.

CONDITIONAL USE PERMIT FINDINGS

21. **The Hearing Officer 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 restaurant has operated with “deemed-approved” alcoholic beverage sales for onsite consumption since 1976 without problems. The Sheriff’s Department recommended approval of the CUP. The alcoholic beverage sales will occur within the restaurant premises along with food service.
22. **The Hearing Officer 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 Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.** With authorization of the PP, the Project Site provides sufficient parking for the existing uses. There are no proposed changes or modifications to the existing structures.
23. **The Hearing Officer 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 Project Site is adjacent to North Topanga Highway, a designated Secondary Highway that connects to the 101 Ventura Freeway.
24. **Grant Term for CUP.** The Hearing Officer finds that to ensure continued compatibility between the sale of alcoholic beverages for onsite consumption and the surrounding land uses, it is necessary to limit the CUP to 10 years.

PARKING PERMIT FINDINGS

25. **The Hearing Officer finds that there is a need for the number of vehicle parking spaces required by Chapter 22.112 (Parking).** The Project will provide the necessary parking spaces for the existing commercial uses by means of a tandem parking arrangement with valet parking services, which ensures the functional operation of the onsite parking spaces. With the reduction in the number of required automobile parking spaces, the Project will provide the quantity of automobile parking

spaces that can be physically accommodated on the Project Site while adhering to parking design development standards.

26. **The Hearing Officer finds that there are no conflicts arising from special parking arrangements allowing shared vehicle parking facilities, tandem spaces, or compact spaces.** The Project will employ valets to ensure the functional operation of the onsite tandem parking spaces. With the reduction in the number of required automobile parking spaces, the Project avoids a crowding of vehicles beyond the capacity of the Project Site.
27. **The Hearing Officer finds that off-site facilities, leases of less than 20 years, rear lot transitional parking lots, and uncovered residential vehicle parking spaces will not adequately provide the required parking for uses.** The restaurant previously used offsite automobile parking spaces on an adjacent County-owned property south of the Project Site (APN: 4445-006-900) that was leased from the County. Coastal Commission Exemption No. 4-07-052-X authorized the offsite parking.

DPW concluded, after reviewing the PP application, that a traffic line-of-sight be permanently maintained along the western frontage of the Project Site and the adjacent County-owned property where the offsite parking was located, which consequently eliminated the possibility of using all the automobile parking spaces on the adjacent County-owned property. Therefore, the offsite automobile parking spaces are no longer being used.

Due to the confluence of constraints on the Project Site and the adjacent County-owned property where the offsite parking was located, the PP, which reduces the required minimum of 42 automobile parking spaces down to 34 (a 19% reduction) and authorizes tandem parking with valet parking services, is necessary to ensure the continued operation of the restaurant.

28. **The Hearing Officer finds that the requested Parking Permit at the location proposed will not result in traffic congestion, excessive off-site parking, or unauthorized use of parking facilities developed to serve surrounding property.** The Project proposes tandem parking in a location adjacent to the primary access driveway aisle that will be managed by valet parking services. The Project is an existing operation that will not generate traffic or result in offsite parking impacts to the surrounding properties. The Project will only accommodate the number of patrons that can be accommodated by the quantity of available parking onsite and the Project will ensure that the flow of vehicular traffic is managed so as to ensure safety and convenience for the general public.
29. **The Hearing Officer finds that the proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping, and other development features prescribed in this Title 22.** The Project supports existing commercial uses by providing necessary parking for patrons, residents, and visitors of the subject establishment. Without the availability of parking, the operation of the use would be severely impacted. The Project does not propose changes to the physical

development of the Project Site. The parking layout includes the maximum number of automobile parking spaces that can be physically accommodated on the Project Site while adhering to parking design development standards.

30. **Grant term for PP.** The Hearing Officer finds that to ensure continued compatibility between the parking layout and the surrounding land uses, it is not necessary to impose a grant term on the PP.

ALCOHOLIC BEVERAGE SALES FINDINGS

31. **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.** The Project is located within 600 feet of Topanga Elementary Charter School, but it is separated from the school several parcels. The school does not share a road with the school.
32. **The Hearing Officer finds 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 Project Site is buffered from nearby residential uses by Old Topanga Canyon Road to the west and parcels in the O-S (Open Space) and C-1 (Restricted Commercial) zones to the north, east, and south.
33. **The Hearing Officer finds that the requested use at the proposed location will not adversely affect the economic welfare of the nearby community.** The Project will provide more consumer options for local residents and all visitors to the area.
34. **The Hearing Officer finds 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 the neighborhood.** The Project proposes no physical changes that will alter the exterior appearance of the existing structures or overall site.
35. **The Hearing Officer finds that the proposed sale of alcohol would not occur at a site within a high crime reporting district or in an area of undue concentration, pursuant to the California Alcoholic Beverage Control Act and the regulations adopted under that Act, or that the use selling alcoholic beverages for off-site consumption is proposed within a 500-foot radius of another use selling alcoholic beverages for off-site consumption, the sale of alcohol at the subject property contributes to the public convenience or necessity.** A finding of public convenience or necessity is not required. The use does not sell alcoholic beverages for offsite consumption, so the portion of the finding related to another use selling alcoholic beverages for offsite consumption within a 500-foot radius does not apply. The Project Site is not located in a census tract that is in an area of undue concentration and is not in a high crime reporting district.

Although a finding of public convenience or necessity is not required, the Sheriff's Department recommended approval of the CUP because the restaurant has been in operation with "deemed-approved" alcoholic beverage sales for onsite consumption since 1976 without any issues.

Staff typically recommends limiting the hours of alcoholic beverage sales for onsite consumption at a restaurant from 10 a.m. to 10 p.m. However, Staff recommended that this CUP allow alcoholic beverage sales for onsite consumption at a restaurant from 10 a.m. to 11 p.m. Monday through Friday, and from 9 a.m. to 11 p.m. on weekends and holidays. The Hearing Officer accepted Staff's recommendation and finds that it is appropriate to allow sales before 10 a.m. on weekends and holidays, and after 10 p.m. every day, due to the nature of the business, the Project Site, and the surrounding area, as described below.

The restaurant is located in a commercially designated area that provides goods and services for both residents and visitors. Due to the rural nature of the Santa Monica Mountains, along with the coastal resource protections in place, there are limited opportunities for additional commercial development. This creates a greater need to increase the availability of goods and services in existing commercially designed areas with existing infrastructure. The Project maintains the existing development footprint, while diversifying consumer options to residents and visitors. Only two other businesses that sell alcohol beverages for onsite consumption are located within 500 feet of the Project Site. As noted above, the Project Site is not located in a census tract that is in an area of undue concentration and is not in a high crime reporting district. As also noted above, this establishment has been in operation with "deemed-approved" alcoholic beverage sales for onsite consumption since 1976, and the Sheriff's Department stated that the business has been operating without any issues.

ENVIRONMENTAL FINDINGS

36. The Hearing Officer finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15301 (Class 1, Existing Facilities, categorical exemption) because the Project involves the sale of alcoholic beverages for onsite consumption in an existing restaurant, minor alterations to the interior of the existing restaurant building, and the establishment of tandem automobile parking spaces with valet parking services. The Project does not include any expansion of the existing use.

ADMINISTRATIVE FINDINGS

37. **LOCATION OF DOCUMENTS.** 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 LA County 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 Coastal Development Services Section, LA County Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT, WITH REGARD TO THE CONDITIONAL USE PERMIT:

- A. The proposed use with the attached conditions will be consistent with the adopted 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 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.

WITH REGARD TO THE PARKING PERMIT:

- E. There is no need for the number of vehicle parking spaces required by County Code Section 22.44.1410 (Vehicle Parking Space).
- F. There are no conflicts arising from special parking arrangements allowing shared vehicle parking facilities, tandem spaces, or compact spaces.
- G. Offsite facilities, leases of less than 20 years, rear lot transitional parking lots, and uncovered residential vehicle parking spaces will not provide the required parking for uses.
- H. The requested Parking Permit at the location proposed will not result in traffic congestion, excessive off-site parking, or unauthorized use of parking facilities developed to serve surrounding property.

WITH REGARD TO ALCOHOLIC BEVERAGE SALES:

- I. 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.
- J. 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.
- K. 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.

- L. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.
- M. 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.
- N. The proposed sale of alcohol would not occur at a site within a high crime reporting district or in an area of undue concentration, pursuant to the California Alcoholic Beverage Control Act and the regulations adopted under that Act, or that the use selling alcoholic beverages for off-site consumption is proposed within a 500-foot radius of another use selling alcoholic beverages for off-site consumption, the sale of alcohol at the subject property does not require a public convenience or necessity.

THEREFORE, THE HEARING OFFICER:

- 1. Finds that the Project is exempt from CEQA pursuant to State CEQA Guidelines section 15301 (Class 1, Existing Facilities categorical exemption); and
- 2. Approves **CONDITIONAL USE PERMIT NO. RPPL2020000759**, and **PARKING PERMIT NO. RPPL2021010465** subject to the attached conditions.

ACTION DATE: December 3, 2024

MG:RG:WCC

November 21, 2024

c: Hearing Officer, Zoning Enforcement, Building and Safety

**LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING**

**CONDITIONS OF APPROVAL
PROJECT NO. 2020-000436-(3)
CONDITIONAL USE PERMIT NO. RPPL2020000759
PARKING PERMIT NO. RPPL2021010465**

PROJECT DESCRIPTION

The project is a Conditional Use Permit to authorize the sale of a full line of alcoholic beverages [California Department of Alcoholic Beverage Control Type 47 License] for onsite consumption at an existing restaurant, and a Parking Permit to authorize onsite tandem parking with valet parking services and to reduce the number of required parking spaces, on a property located at 128 Old Topanga Canyon Road in the C-1 (Restricted Business) Zone, 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 (“LA County 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. 6, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 3, 4, 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009 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.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with LA County 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 LA County 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.

5. 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.
6. 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.
7. **The Conditional Use Permit shall terminate on December 3, 2034.** Entitlement to use of the property for the sale of alcoholic beverages for onsite consumption shall thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations 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 LA County Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least twelve 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.
8. **The Parking Permit shall not terminate unless the existing use materially changes so as to require a different amount of parking or is abandoned.**
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day 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, continued operation of the continued 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. No provision of any easement of any other encumbrance on the property shall exempt the permittee and/or property owner from compliance with these conditions and applicable regulations. 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 **\$2,205**, which shall be placed in a performance fund and be used exclusively to reimburse LA County Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of this grant. The fund provides for **five (5)** inspections.

Inspections may be unannounced. Inspections may be conducted utilizing any available technologies, including, but not limited to, unmanned aircraft systems (UAS). Use of a UAS requires the approval of the Permittee pursuant to LA County Planning's UAS Policy, which may be updated from time to time, and which shall be provided to the Permittee upon request.

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 LA County Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$441.00 per inspection, or the current recovery cost established by LA County Planning 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 County Code Chapter 22.238.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works ("Public Works") to the satisfaction of said department. The permittee shall adhere to all conditions provided in the attached Public Works letter dated September 20, 2023.
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 LA County 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 48 hours of such notification, 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, **a digital copy** of a modified Exhibit "A" shall be submitted to LA County Planning by **March 3, 2025**.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **a digital copy** 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.

GENERAL CONDITIONS FOR ALCOHOLIC BEVERAGE SALES

19. The conditions of this grant shall always be retained on the premises and shall be immediately produced upon request of any County Sheriff, Zoning Enforcement inspector, or State of California Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein. Violation of the conditions herein may subject the use to the provisions of County Code Chapter 22.238 (Modifications and Revocations).
20. Loitering, including loitering by employees of the subject property, shall be prohibited on or within the immediate vicinity of the subject property, including adjacent public and private parking lots, public sidewalks, alleys, and other public rights-of-way. Signage in compliance with County Code Chapter 22.114 (Signs) shall be placed on the exterior of the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary. If loitering occurs on a continuous basis, as determined by the County Sheriff, a security guard shall be required during business hours at the discretion of the Director.
21. All employees who directly serve or are in the practice of selling alcoholic beverages, including managers and security personnel, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control, or a similar program, such as STAR

(Standardized Training for Alcohol Retailers) or another comparable State of California-certified program. 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, indicated they have participated in this program. Proof of completion of the facility's training program by employees, the licensee, and all managers shall be provided to Zoning Enforcement within 90 days of the effective date of this Conditional Use Permit, and subsequently within 90 days of the hire date of all new employees and/or managers.

22. The permittee and all managers and employees shall not allow the sale of alcoholic beverages to any intoxicated person, any person appearing to be intoxicated, or any person exhibiting behaviors associated with being intoxicated.
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, or within any portion of the interior of any structure that is visible from the outside.
24. No publicly accessible telephones shall be maintained or permitted on the exterior of the premises. Any existing publicly accessible telephones shall be removed within 90 days of the effective date of this Conditional Use Permit.
25. Alcoholic beverages shall only be sold or served to patrons age 21 or older.
26. The permittee shall post the telephone numbers of local law enforcement agencies and shall post the telephone numbers of taxicab companies or a sign promoting ridesharing options, at or near the cashier or within a similar public service area. Such telephone numbers shall be visible by, and available to, the public.
27. The permittee shall provide adequate exterior lighting above all entrances and exits to the premises and in all public and private parking lots and walkways under control of the permittee or required as a condition of this grant. All exterior lighting required by this grant shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons within lighted areas during operating hours and shall be designed to direct light and glare only onto the premises. All exterior lighting by this grant shall also be hooded and directed away from neighboring residences to prevent direct illumination and glare, shall comply with County Code Chapter 22.80 (Rural Outdoor Lighting District) if applicable, and shall be turned off within thirty minutes after conclusion of activities, except for sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from public and private parking lots.
28. A numbering address sign, in compliance with County Code Chapter 22.114 (Signs), shall be located at the front of the building in a location clearly visible from the property grounds and the nearest public street, to the satisfaction of the Director.
29. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.

30. The premises, including exterior facades, adjacent public and private parking lots, fences, and adjacent sidewalks, alleys, and other public rights-of-way, shall be maintained in a neat and orderly condition and be free of garbage, trash, debris, or junk and salvage, except in designated trash collection containers and enclosures. All garbage, trash, debris, or junk and salvage shall be collected, and disposed of, daily.
31. The permittee shall maintain active and functional surveillance recording equipment which captures video recordings of adjacent public and private parking lots, public sidewalks, alleys, and other public rights-of-way on a continuous loop. Recordings shall be retained for a minimum of 30 days and shall be immediately produced upon request of any County Sheriff or Zoning Enforcement Inspector.
32. This grant authorizes the sale of alcoholic beverages from 10:00 a.m. to 11:00 p.m., Monday through Friday, and from 9:00 a.m. to 11:00 p.m. on Saturdays, Sundays, and Holidays.

GENERAL CONDITIONS FOR ALCOHOLIC BEVERAGE SALES FOR ON-SITE CONSUMPTION

33. There shall be no consumption of alcoholic beverages outside the designated areas of the subject facility, as depicted on the site and floor plans labeled Exhibit "A." The permittee shall instruct all designated employees, who directly serve or are in the practice of selling alcoholic beverages, regarding this restriction. Employees shall be instructed to enforce such restrictions and to call local law enforcement as necessary.
34. The permittee shall develop and implement a Designated Driver program (e.g. free soft drinks or coffee to a designated driver of a group). A printed two-side card explaining this program shall be placed on all tables in the facility or an explanation regarding this program shall be printed on the menu.
35. Music or other audible noise at the premises shall comply with Title 12 to the satisfaction of the County Department of Public Health.

SPECIFIC CONDITIONS FOR THIS CONDITIONAL USE PERMIT

The operation of the facility Inn of The Seventh Ray is further subject to the following conditions:

36. No live entertainment, dancing, or dance floor is authorized in or outside the premises unless authorized by LA County Planning.
37. Employees aged 18 or older may serve alcoholic beverages in an area primarily designed and used for the sale and service of food for consumption on the premises as an incidental part of their overall duties. Bartenders and cocktail waiters and waitresses shall be age 21 or older.
38. Alcoholic beverages shall be sold to customers only when food is ordered and consumed within the subject restaurant only.

39. The sale and serving of alcoholic beverages for consumption is prohibited outside the designated areas of the restaurant [including patios, sidewalks, porches, etc.], as depicted on the site and floor plans labeled Exhibit "A."
40. The business shall employ not less than one full-time cook that is engaged in the preparation of meals for patrons during the permissible hours of operation.
41. The permittee may hold "happy hour" drink specials, specials or similar promotions only in conjunction with food.
42. Food service shall be continuously provided during operating hours.

SPECIFIC CONDITIONS FOR THIS PARKING PERMIT

43. Since tandem parking is authorized, valets or other persons employed to assist in the parking of automobiles shall be used during all hours of business operation. The parking of automobiles by valets on public streets shall be prohibited. Each tandem parking space shall be eight feet wide; the length of the parking space shall be 18.5 feet for each automobile parked in tandem. Parking bays shall contain only two parking spaces where access is available from only one end. Bays of four parking spaces may be permitted where access is available from both ends.
44. In the event that the permittee or property owner is unable to comply with the provisions of the Parking Permit, the use for which the permit has been granted shall be terminated, reduced, or removed, unless some other alternative method to provide the required parking is approved by the Director.
45. The permittee shall provide 32 automobile parking spaces and four bicycle parking spaces (two short-term bicycle parking spaces and two long-term bicycle parking spaces) on the subject property, as depicted on the approved Exhibit "A." If the permittee changes the uses on the subject property, changes the occupancy of the uses on the subject property, or otherwise modifies the subject property so as to provide less parking than the minimum required by this condition, the permittee shall submit an application for a Parking Permit, Variance, or other applicable permit, as determined by the Director, within 90 days of such occurrence. If the permittee changes the uses on the subject property, changes the occupancy of the uses on the subject property, or otherwise modifies the subject property so as to provide more parking than the minimum required by this condition, the permittee shall submit an application for a Revised Exhibit "A" or other applicable permit, as determined by the Director, within 90 days of such occurrence.
46. The striping for the offsite parking spaces that were previously used by the restaurant shall be removed and the parking spaces shall be made unavailable for customer parking by use of natural barriers or other methods acceptable to the Director.

Attachment:
Public Works Letter dated September 20, 2023



MARK PESTRELLA, 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

September 20, 2023

IN REPLY PLEASE

REFER TO FILE:

LD-4

TO: Rob Glaser
Coastal Development Services
Department of Regional Planning

Attention William Chen

FROM: James Chon 
Land Development Division

PARKING PERMIT (RPPL2021010465)
128 OLD TOPANGA CANYON
ASSESSOR'S MAP BOOK 4450, PAGE 6, PARCEL 23
UNINCORPORATED SANTA MONICA MOUNTAINS

As requested, Public Works reviewed the zoning permit application and site plan for the proposed valet parking project associated with an existing restaurant.

- ☒ Public Works recommends that the conditions shown below be applied to the project if ultimately approved by the advisory agency.
- ☐ Public Works has comments on the submitted documents; therefore, a Public Hearing shall **NOT** be scheduled until the comments have been addressed.

1. Street

- 1.1. Provide and continuously maintain the stopping line of sight, commensurate with a design speed of 35 miles per hour (250 feet), in both directions on Old Topanga Canyon Road per the approved Line-of-Sight Exhibit. Any obstruction such as walls and landscaping or parked vehicles along the property frontage affecting the line of sight shall be limited to a maximum of 3.5 feet high. The line of sight should be shown on the site plan, landscape plan, and grading plan.
- 1.2. Submit street improvement plans, through EPIC-LA under "Public Improvement Plans: Street Plans," to Public Works for review and approval for work within the public right of way relating to the proposed modified driveway approach as depicted in the approved site plan.

Rob Glaser
September 20, 2023
Page 2

For questions regarding the street condition, please contact Sam Richards of Public Works, Land Development Division, at (626) 458-4921 or srich@pw.lacounty.gov.

If you have any questions or require additional information, please contact Ed Gerlits of Public Works, Land Development Division, at (626) 458-4953 or egerlits@pw.lacounty.gov.

DK:la

P:\dpub\SUBPCHECK\Plan Checking Files\CUP\RPPL2021010465 - 128 Old Topanga Canyon\2023-09-20 Submittal\DPW_Cleared_2023-09-20_RPPL2021010465.docx



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

ALCOHOLIC BEVERAGE SALES FINDINGS

In addition to the Conditional Use Permit Findings required pursuant to Section 22.158.050 (Findings and Conditions), pursuant to Section 22.140.030 (Alcoholic Beverage Sales), the applicant shall substantiate the following:

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

ABC License Type Requested(s): 47 (e.g. Type 20, Type 41)

F.1.a. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.

See Attached

F.1.b. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity, so as not to adversely affect said area.

See Attached

F.1.c. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.

See Attached

F.1.d. 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.

See Attached

Rev. 03/2019

Additional findings for a modification request to requirement to carry a minimum of three varieties of fresh produce.

For a request to modify the requirement to carry a minimum of three varieties of fresh produce pursuant to Section 22.140.030.E.2, the applicant shall address the findings, in accordance with Section 22.140.030.F.3.b, below:

| |
|--|
| i. The requested use is not a general purpose retailer and is located in an area with sufficient access to fresh produce and whole grains. |
|--|

| |
|-----|
| N/A |
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| |

ADDENDUM BURDEN OF PROOF, ALCOHOLIC BEVERAGE SALES Section 22.56.195

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

The instant request is merely an upgrade in licensing privileges from beer and wine to full line alcoholic beverages. There is no change in the mode and character of the operation. There is one sensitive use Topanga Elementary Charter School, within a 600 foot radius of the premise. However, the School is over 500 feet away and north of the premise that is separated by the Topanga Creek as well as several retail commercial and residential properties.

- 2] That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area ?**

The requested use is accessory in nature and an added amenity to the primary restaurant establishment. The proposed use will merely be incorporated into the existing operation. The instant request is merely an upgrade in licensing privileges from beer and wine to full line alcoholic beverages. There is no change in the mode and character of the operation.

The requested use is sufficiently separated from the nearest residential structure with surface parking in front of the building oriented towards the street. The property is located in a rural setting within the Santa Monica Mountains and next to the Topanga Creek. It is surrounded by rural openland, much of it County owned, to the north, south and east. There are no residential structures adjacent to or very near the subject property that would be adversely affected by its location. In addition, the instant request is an upgrade of licensing privileges from beer and wine to full line alcoholic beverages. There is no change in the mode and character of the operation.

- 3] That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community ?**

The existing restaurant premise, Inn of the Seventh Ray, has been in existence at this location since 1973. Its presence in the area has been well established and its impact has proven beneficial to the area. This well loved restaurant has served breakfast, lunch and dinner and hosted countless events such as weddings and milestone events in a convenient serene rural corner location for many years and has become a vital part of the area's infrastructure. The proposed project seeks to expand its offerings by adding full-line alcoholic beverages to its menu.

Land use development in the immediate neighborhood is a mix of retail commercial, institutional and professional office uses; and single-family residential dwellings. The existence of a restaurant with full line alcoholic beverages is a convenience which will have a beneficial impact to these areas, as residents, employees, visitors and their guests will benefit from having this use located within close proximity. A full line of alcoholic beverages for a restaurant of this stature is expected with meals by patrons rather than having to drive and seek these amenities at other far flung neighborhoods.

To allow uses such as that of the proposed project fosters a more neighborhood-focused approach for residents, workers and visitors who can rely on nearby resources for their dining and entertainment needs rather than traveling outside the area. In addition, the instant request is merely an upgrade in licensing privileges from beer and wine to full line alcoholic beverages. There is no change in the mode and character of the operation.

- 4] 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 ?**

There is no change in the mode and character of the operation nor will there be any alterations to the existing structures. Originally, the Inn's location was rumored to have first been a meeting place of the

Chumash Indians at the sacred intersection of 2 creeks. Then it may have been Aimee Semple McPherson's private retreat in the 1930's, later becoming the site for Topanga's first church. Afterwards, it became a feed store, then a gas station/garage and auto junk yard, an eyesore on Topanga's crossroads of an eclectic culture of artists, musicians and hippies, counter culture lifestyle seekers, along with families just wanting to live having the energy of nature around their family.

In 1973 the property was discovered by the present owners and restored to its natural beauty. Over the passing years, the Inn became a place to retreat and a must go destination restaurant. The existing 2,978 square foot restaurant is existing and was originally conceived in 1973. The original building was built in 1947. The existing restaurant is aesthetically pleasing tucked away in a rural setting and in character with the serene nature of the surrounding neighborhood. The restaurant will not deteriorate as a result of the granting of the proposed use.

The requested use is an accessory use to the main restaurant operation. In addition, the instant request is merely an upgrade in licensing privileges from beer and wine to full line alcoholic beverages. There is no change in the mode and character of the operation.

- 5] That the requested use at the proposed location will not result in an undue concentration of similar premises, or that the public convenience or necessity for the proposed facility selling alcoholic beverages for off-site consumption outweighs the fact that it is located within 500 feet of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment ?**

The instant request is for an on-sale license only. There is no off sale component attached to this request. In addition, the instant request is merely an upgrade of licensing privileges from beer and wine to full line alcoholic beverages. There is no change in the mode and character of the operation.

According to ABC statistics Census Tract No 8001.02, of which the subject premises is a part of, allows seven on sale licenses and only four presently exist. One of the four on sale licenses is presently utilized by the Inn of the Seventh Ray as a Type 41 Beer and Wine license. The existing Type 41 license will be exchanged for a Type 47 full line alcohol license, so in effect, there will be no net increase in the number of liquor licenses in the area.

ADDITIONAL QUESTIONS CONCERNING REQUESTED USE AT PROPOSED LOCATION

- A] What are the proposed hours of operation and which days of the week will the establishment be open?
What are the proposed hours of alcohol sales ?**
8:00 AM until 11:00 PM daily.
- B] Is parking available on the site ? (If so how many spaces ?) If spaces are not available on the site, have arrangements been made for off-site parking by lease or covenant ? Where ? How many off site spaces ?**
Forty parking on-site parking spaces are provided.
- C] Is a full line of alcoholic beverages to be served or just beer and/or wine ?**
The existing Type 41 Beer and Wine license will be converted into a Type 47 Full Line alcohol license.
- D] Will cups, glasses or other similar containers be sold which might be used for the consumption of liquor on the premises ?**
N/A.
- E] Has the owner or lessee of the subject property been suspended from the sale of alcoholic Beverages on the subject property or fined by the Alcoholic Beverage Control Department (ABC) in the last 365 days and if so, for what reasons ?**

No. Owner/Lessee has never been cited.

- F] Will video game machines be available for use on the subject property and if so, how many such machines will be in use ?**

No video game machines will be available within the premises.

- G] Will you have signs visible on the outside which advertise the availability of alcohol ?**

Yes.

- H] Will beer/wine coolers be sold in single cans or wine sold containers less than 1 liter (750 ml) ?**

Yes. Alcohol will be sold in a customary fashion for a restaurant operation.

- I] Will "fortified" wine (greater than 16% alcohol) be sold ?**

Yes.

- J] Will security guards be provided and if so, when and how many ?**

No security guards.

- K] Will alcohol be allowed to be consumed on any adjacent property under the control of the applicant ?**

No.

- L] Will the gross sale of alcohol exceed the gross sale of food items on a quarterly basis ?**

No.

- M] How many employees will you have on the site at any given time ?**

Ten employees per shift.

- N] What security measures will be taken including:**

(1) Posting of Rules and Regulations on the premises.

Yes.

(2) To prevent such problems as gambling, loitering, theft, vandalism and truancy.

Management supervision and video surveillance.

(3) Will security guards be provided and if so, how many ?

None provided.

(4) Other measures.

Management Supervision and video surveillance.

- O] Will there be minimum age requirements for patrons ? If so, how will this be enforced ?**

Yes. ID required for alcoholic beverage purchases.



California Department of Alcoholic Beverage Control

Save As CSV

Active On-Sale Retail Licenses

For the Census Tract of 8001.02

Report as of: 03/28/2019

Rows Per Page: 25

Total Licenses: 4

Page 1 of 1

Click on column header to sort

| | <u>License Number</u> | <u>Status</u> | <u>License Type</u> | <u>Orig. Iss. Date</u> | <u>Expir. Date</u> | <u>Primary Owner</u> | <u>Business Name</u> | <u>Premises Addr.</u> | <u>Geo Code</u> |
|---|------------------------|---------------|---------------------|------------------------|--------------------|------------------------------------|------------------------------------|---|-----------------|
| 1 | 54188 | ACTIVE | 41 | 01/01/1976 | 08/31/2019 | INN OF THE SEVENTH RAY | INN OF SEVENTY RAY | 128 OLD TOPANGA CANYON RD TOPANGA, CA 90290-3807 Census Tract: 8001.02 | 1900 |
| 2 | 295753 | SUREND | 41 | 04/24/1995 | 08/31/2019 | ROWBOAT FISH MARKET RESTAURANT INC | ROWBOAT FISH MARKET RESTAURANT INC | 1105 N TOPANGA CANYON BLVD TOPANGA, CA 90290 Census Tract: 8001.02 | 1900 |
| 3 | 438966 | ACTIVE | 41 | 07/20/2006 | 07/31/2019 | ROCCOS IN THE CANYON INC | | 123 S TOPANGA CANYON BLVD TOPANGA, CA 90290 Census Tract: 8001.02 | 1900 |
| 4 | 467434 | ACTIVE | 41 | 07/31/2008 | 06/30/2019 | EVENTFUL PRODUCTIONS INC | CANYON BISTRO IN TOPANGA THE | 120 N TOPANGA CANYON BLVD, STE 119 TOPANGA, CA 90290-3852 Census Tract: 8001.02 | 1900 |

CALIFORNIA DEPARTMENT OF
Alcoholic Beverage Control

Search

**Report Date:** Tuesday, November 19, 2019**LICENSE INFORMATION**

License Number: 54188
Primary Owner: INN OF THE SEVENTH RAY
Office of Application: 05 - VAN NUYS

BUSINESS NAME

INN OF SEVENTY RAY

BUSINESS ADDRESS

128 OLD TOPANGA CANYON RD , TOPANGA, CA, 90290
County: LOS ANGELES
Census Tract: 8001.02

LICENSEE INFORMATION

Licensee:
INN OF THE SEVENTH RAY

Company Information

OFFICER: YANEY, LUCILE (PRESIDENT)
OFFICER: YANEY, LUCILE (SECRETARY TREASURER)
STOCKHOLDER: YANEY, LUCILE

LICENSE TYPES**41 - ON-SALE BEER AND WINE - EATING PLACE**

License Type Status: ACTIVE
Status Date: 19-NOV-2007
Term: 12 Month(s)
Original Issue Date: 01-JAN-1976
Expiration Date: 31-AUG-2020
Master: Y
Duplicate: 0
Fee Code: P0
Transfers:
Conditions: CODE 8 - SELF-INCORPORATION -
HISTORICAL VALUE

OPERATING RESTRICTIONS:

No Operating Restrictions found

DISCIPLINARY ACTION:

No Active Disciplinary Action found

DISCIPLINARY HISTORY:

No Disciplinary History found.

HOLDS:

No Active Holds found

ESCROWS:

No Escrow found



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

CONDITIONAL USE PERMIT FINDINGS

Pursuant to Section 22.158.050 (Findings and Conditions), the applicant shall substantiate the following:

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

B.1 The proposed use will be consistent with the adopted General Plan for the area.

See Attached

B.2 The requested use at the location proposed will not:

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

See Attached

B.3 The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

See Attached

REV. 02/2009

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| |
|---|
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| |
| B.4 The proposed site is adequately served: a. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate; and b. By other public or private service facilities as are required. |
| See Attached |
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CONDITIONAL USE PERMIT-ALCOHOL (CUP)
INN OF THE SEVENTH RAY
128 OLD TOPANGA CANYON ROAD

INTRODUCTION

BACKGROUND

The subject site, located on Old Topanga Canyon Road, consists of several one-story wood and masonry structures originally built in 1947 and added onto over the years (Portion of the SW¼ of Section T, T1S, R16, WSBM). The property is a sloping, irregular-shaped parcel of land consisting of one lot of approximately 30,833 square feet, having a frontage of 288.68 feet along Old Topanga Canyon Road and a varying depth of 68.05 to 150.39 feet.

The subject site is bounded to the rear by the Old Topanga Creek. The location of the Inn of the Seventh Ray with its rural creek side backdrop harkens back to a slower paced time. Its secluded and serene country/creekside setting is sought after for breakfast, brunches, romantic lunches and dinner. In addition, the existing venue hosts many special events such as weddings, anniversaries, birthdays and other major milestone social gatherings. Its quality food, attentive staff, ambiance and alcohol list is internationally recognized. The restaurant chef is well known and has accumulated many extremely favorable reviews and accolades.

The applicant, Inn of the Seventh Ray, is the only tenant occupying the restaurant space. The owner is desirous of upgrading the existing beer and wine licensing privileges to full line alcoholic beverages. The proposed hours of operation are from 8:00 am until 11:00 pm, daily. The restaurant has a total seating capacity of 105 patrons many of which are located in an outdoor patio setting. The site accommodates forty (40) on-site surface parking spaces.

SURROUNDING PROPERTIES

Adjoining properties to the north includes County Owned vacant land and the Topanga Creek zoned C-1 and O-S.

Adjoining properties to the east include various retail uses and parking zoned C-1.

Adjoining properties to the south include a County owned Utility Yard and properties zoned O-S, IT & R-C-20.

Adjacent properties to the west, across Old Topanga Canyon Road, is zoned R-C-2 and developed with an Equestrian Center.

CIRCULATION

Old Topanga Canyon Road, adjoining the subject property to the west is designated as an Rural Country road dedicated to a width of 50 feet.

PROPOSED REQUEST

A CUP to allow an upgrade in licensing privileges from beer and wine to full line alcohol for on-site consumption, as an accessory use, in conjunction with an existing 2,978 sq ft restaurant with 10 interior seats and 95 exterior patio seats having proposed hours of operation from 8:00 a.m. until 11:00 p.m. daily. The existing restaurant facility also includes an accessory Art Gallery, Bookstore and Meeting Room.



Los Angeles County Department of Regional Planning



Planning for the Challenges Ahead

PARKING PERMIT FINDINGS

Pursuant to Section 22.178.050 (Findings and Conditions), the applicant shall substantiate the following:

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

- B.1 There is no need for the number of vehicle parking spaces required by Chapter 22.112 (Parking) because of any of the following:
- a. The age and/or physical condition of the residents is such that the use of automobiles is unlikely.
 - b. The nature of the use is such that there is a reduced occupancy.
 - c. The business or use has established a viable transportation program for its employees and/or customers to use transportation modes other than the single-occupant automobile. Such a program shall include positive incentives such as van pools, transit fare subsidies, commuter travel allowances, car pools, or bicycle commuter facilities. Where appropriate, proximity to freeways with high-occupancy vehicle (HOV) lanes, bus routes, park-and-ride facilities, people-movers, rapid transit stations, bikeways, or other similar facilities shall be a factor in this consideration.
 - d. Sufficient land area is reserved or an alternative arrangement is approved to insure that the parking requirements may be complied with should the use, occupancy, or transportation program change. Such reservation or alternative may be waived for certain housing developments for senior citizens and persons with disabilities, where the Commission or Hearing Officer finds that it is unnecessary because of the anticipated permanent nature of such use. If required, the reserved land area shall be so located and developed in such a manner that it can be feasibly converted to parking if needed.
 - e. The reduction in the number of vehicle parking spaces will be offset by the provision of bicycle parking spaces, at a minimum ratio of two bicycle spaces for every one vehicle parking space above the minimum number of bicycle parking spaces otherwise required under Section 22.112.100 (Bicycle Parking Spaces and Related Facilities).

The parking requirement for the existing restaurant can be met through the utilization of a valet service that will coordinate traffic and circulation into the establishment and provide a more cohesive and increased parking arrangement. vehicles will be driven by the valet attendants and arranged in a manner that will better utilize the parking lot to maximize available parking by positioning vehicles closer together and in a tandem and triple tandem arrangement in a supervised manner.

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- B.2 There are no conflicts arising from special parking arrangements allowing shared vehicle parking facilities, tandem spaces, or compact spaces because:
- a. Uses sharing parking facilities operate at different times of the day or days of the week;
 - b. Parking facilities using tandem spaces will employ valets or will utilize other means to insure a workable plan; or
 - c. Apartment houses using compact spaces for a portion of the required parking have a management program or homeowners' association to assure an efficient distribution of all parking spaces.
- b. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and
- c. Jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.

The proposed valet service parking arrangement for the existing restaurant will allow for patrons to enter and exit the establishment in a more cohesive manner and allow valet staff to physically park cars in a more condensed manner to augment existing parking arrangements.

Valet staff will be able to park cars much more closely together, and park cars in tandem and triple tandem arrangements and in other areas of the existing parking lot to allow maximization of available parking in a coordinated fashion. the proposed valet service can at least double the amount of the proposed valet service can at least double the available parking on the lot which help to eliminate spillover onto the streets and the surrounding residential/rural area.

- B.3 Off-site facilities, leases of less than 20 years, rear lot transitional parking lots, and uncovered residential vehicle parking spaces will provide the required parking for uses because:
- a. Such off-site facilities are controlled through ownership, leasing or other arrangement by the owner of the use for which the site serves and are conveniently accessible to the main use;
 - b. Such leases are written in such a way as to prevent multiple leasing of the same spaces or cancellation without providing alternate spaces; such leases shall contain other guarantees assuring continued availability of the spaces;
 - c. Such transitional lots are designed to minimize adverse effects on surrounding properties; or
 - d. Uncovered parking for low and moderate income residential developments will be appropriately screened and compatible with the surrounding neighborhood.

| |
|---|
| The existing restaurant has entered into a recurring yearly lease arrangement with the County of LA |
| Public Works Department to secure an adjacent right of way portion of Old Topanga Canyon Rd for added |
| area to accommodate a row of parking spaces that were deficient in required vehicle space size. |

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B.4 The requested Parking Permit at the location proposed will not result in traffic congestion, excessive off-site parking, or unauthorized use of parking facilities developed to serve surrounding property.

The requested Parking Permit will allow for an increase in available parking for the restaurant facility through the utilization of a valet service with parking attendants to maximize parking arrangements. The leasing of the county right of way portion will allow added parking area to help traffic and parking controls, circulation, traffic congestion and excessive off- site parking. this results in a safer environment for restaurant patrons, employees, commuters, passerbys, pedestrians and for the surrounding residents and neighborhood in general.

B.5 The proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping, and other development features prescribed in this Title 22.

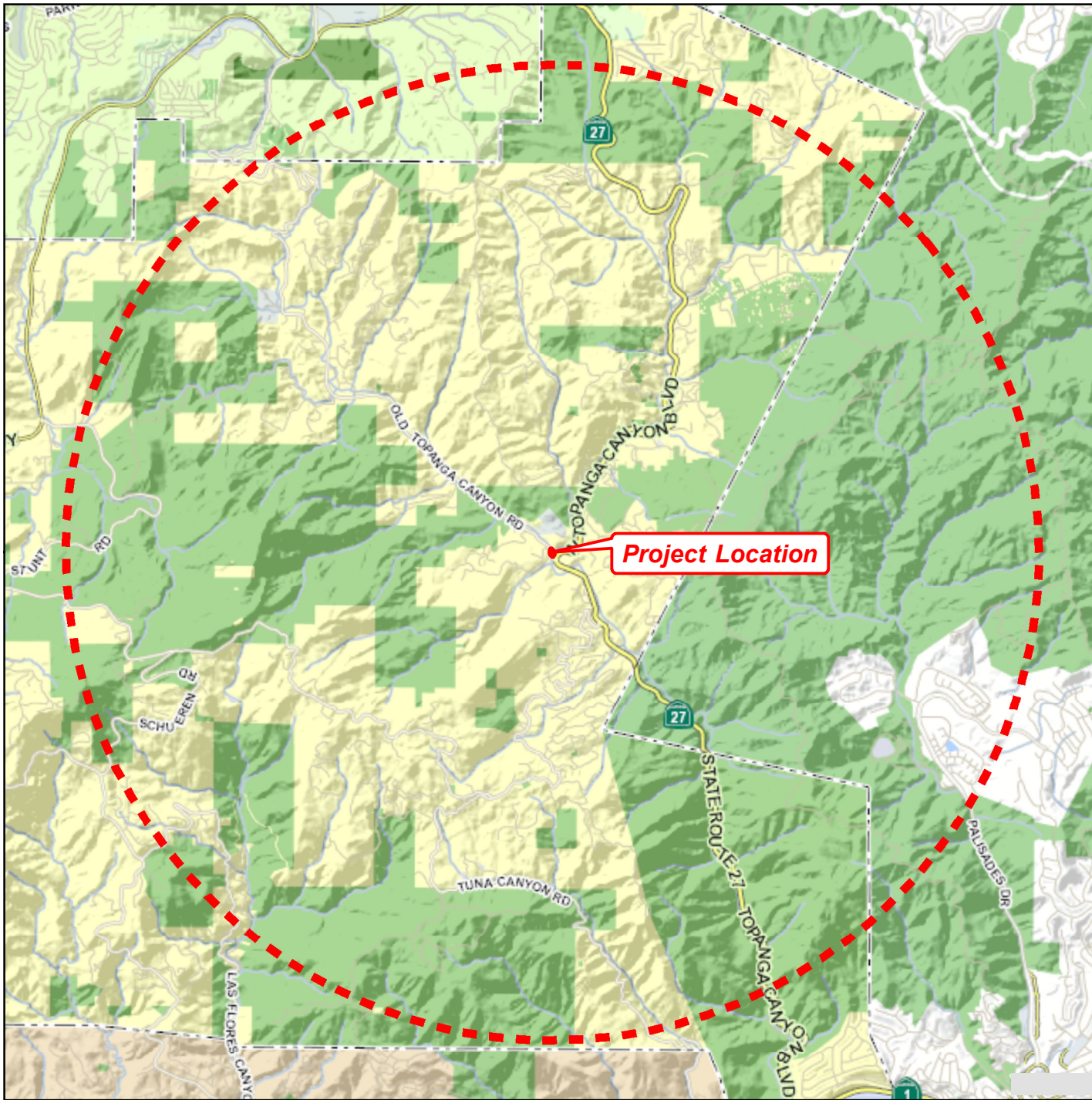
The proposed site is adequate in size and shape to accommodate all development features as prescribed as depicted in the site and floor plans that were submitted as part of the record file. the existing restaurant has existed for may years without harm to the area and is a beloved member of the community the proposed parking permit will solidify and legalize existing parking features that have always been a part of the restaurant operations.

PROPOSED ENVIRONMENTAL DETERMINATION

DETERMINATION DATE: November 21, 2024
PROJECT NUMBER: 2020-000436-(3)
PERMIT NUMBER(S): Conditional Use Permit No. RPPL2020000732
Parking Permit No. RPPL2021010465

SUPERVISORIAL DISTRICT: 3
PROJECT LOCATION: 128 Old Topanga Canyon Road, Topanga
Assessor's Parcel Number: 4445-006-023
OWNER: Ralph and Lucile Yaney
APPLICANT: Ronald Mass
CASE PLANNER: William Chen, AICP, Senior Regional Planner
wchen@planning.lacounty.gov

Los Angeles County ("County") completed an initial review for the above-mentioned Project. Based on examination of the Project proposal and the supporting information included in the application, the County proposes that an Exemption is the appropriate environmental documentation under the California Environmental Quality Act (CEQA). The Project qualifies for a Class 1, Existing Facilities, Categorical Exemption under State CEQA Guidelines Section 15301 because the project involves the sale of alcoholic beverages for onsite consumption in an existing restaurant, minor alterations to the interior of the existing restaurant building, and the establishment of tandem automobile parking spaces with valet parking services. The Project does not include any expansion of the existing use.



3-MILE RADIUS

LOCATOR MAP

PROJECT NO. 2020-000436

ALCOHOL CUP RPPL2020000759



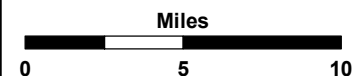
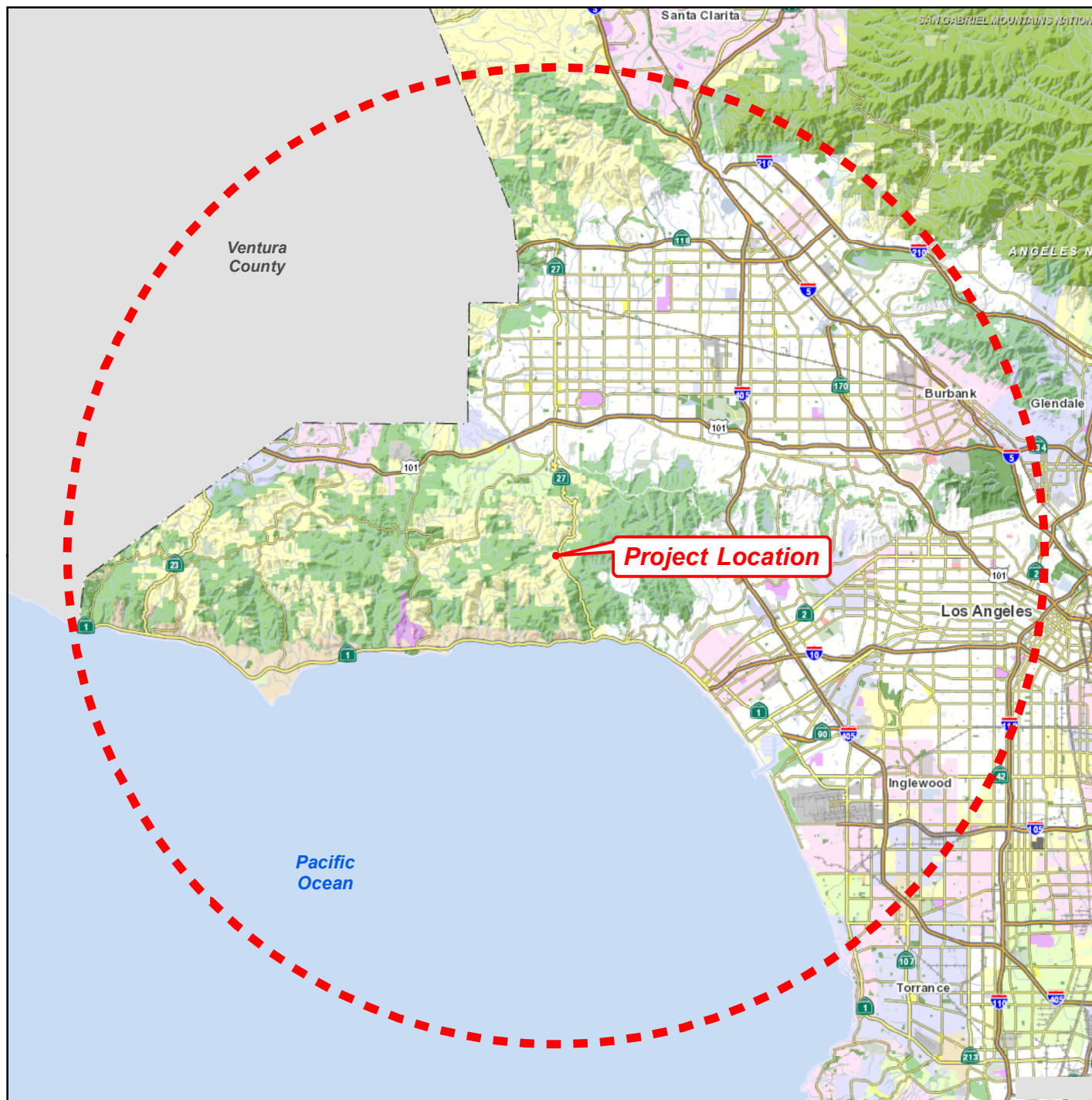
LOS ANGELES COUNTY
Dept. of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012

20-MILE RADIUS

LOCATOR MAP

PROJECT NO. 2020-000436

ALCOHOL CUP RPPL2020000759



LOS ANGELES COUNTY
Dept. of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012



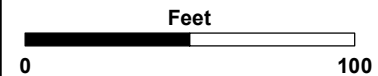
AERIAL IMAGERY

SITE-SPECIFIC MAP

PROJECT NO. 2020-000436

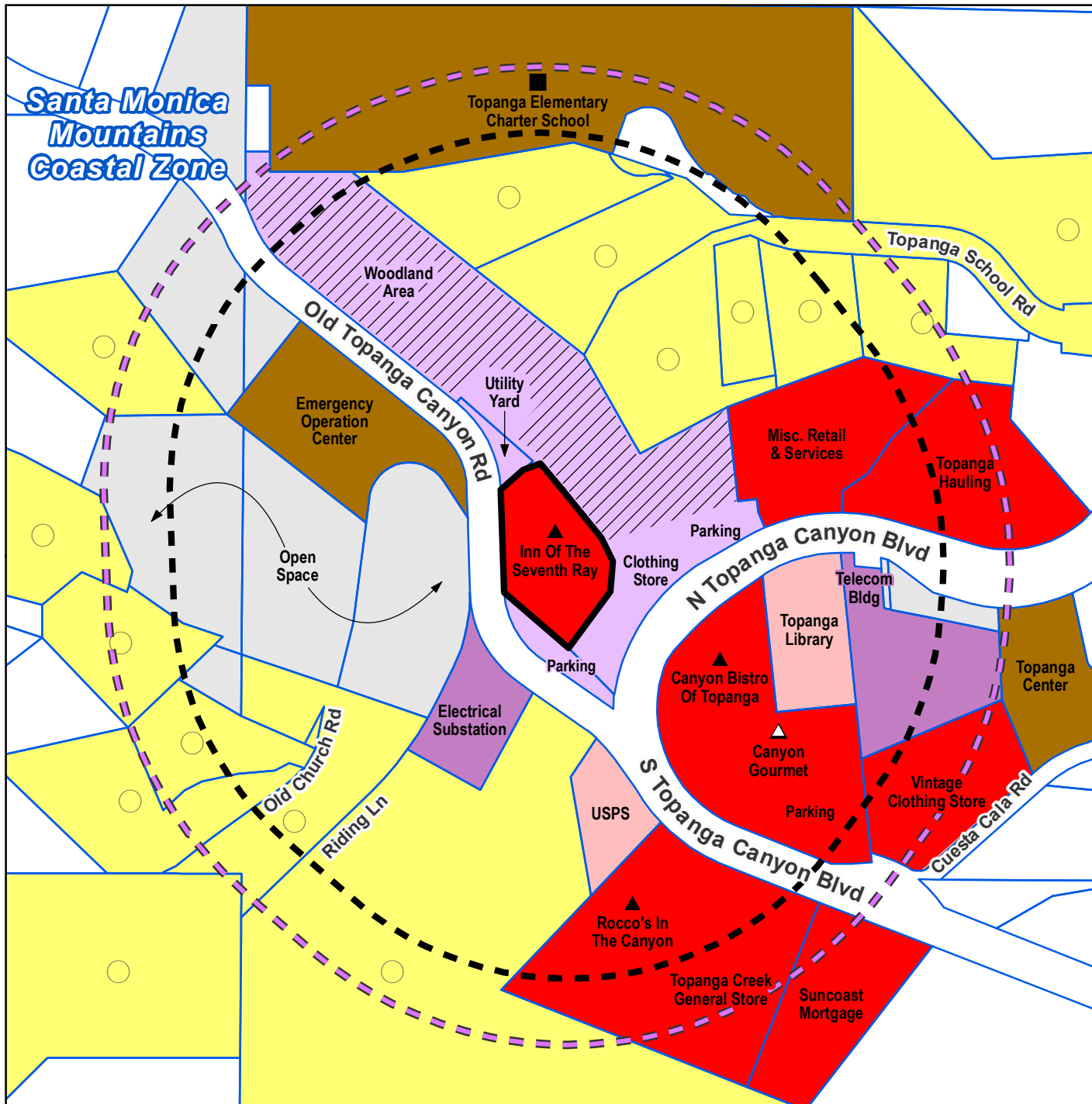
ALCOHOL CUP RPPL2020000759

Digital Ortho Aerial Imagery:
Los Angeles Region Imagery
Acquisition Consortium (LARIAC)
2020



LOS ANGELES COUNTY
Dept. of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012

**Santa Monica
Mountains
Coastal Zone**



EXISTING LAND USE

600-FOOT RADIUS MAP

PROJECT NO. 2020-000436

ALCOHOL CUP RPPL2020000759

△ Offsite Alcohol

▲ Onsite Alcohol

■ Sensitive Use

600-ft ABC Radius

500-ft Standard Radius

Existing Land Use (Assessor Use Codes)

Commercial

Government

Institutional

Miscellaneous

Public Utility

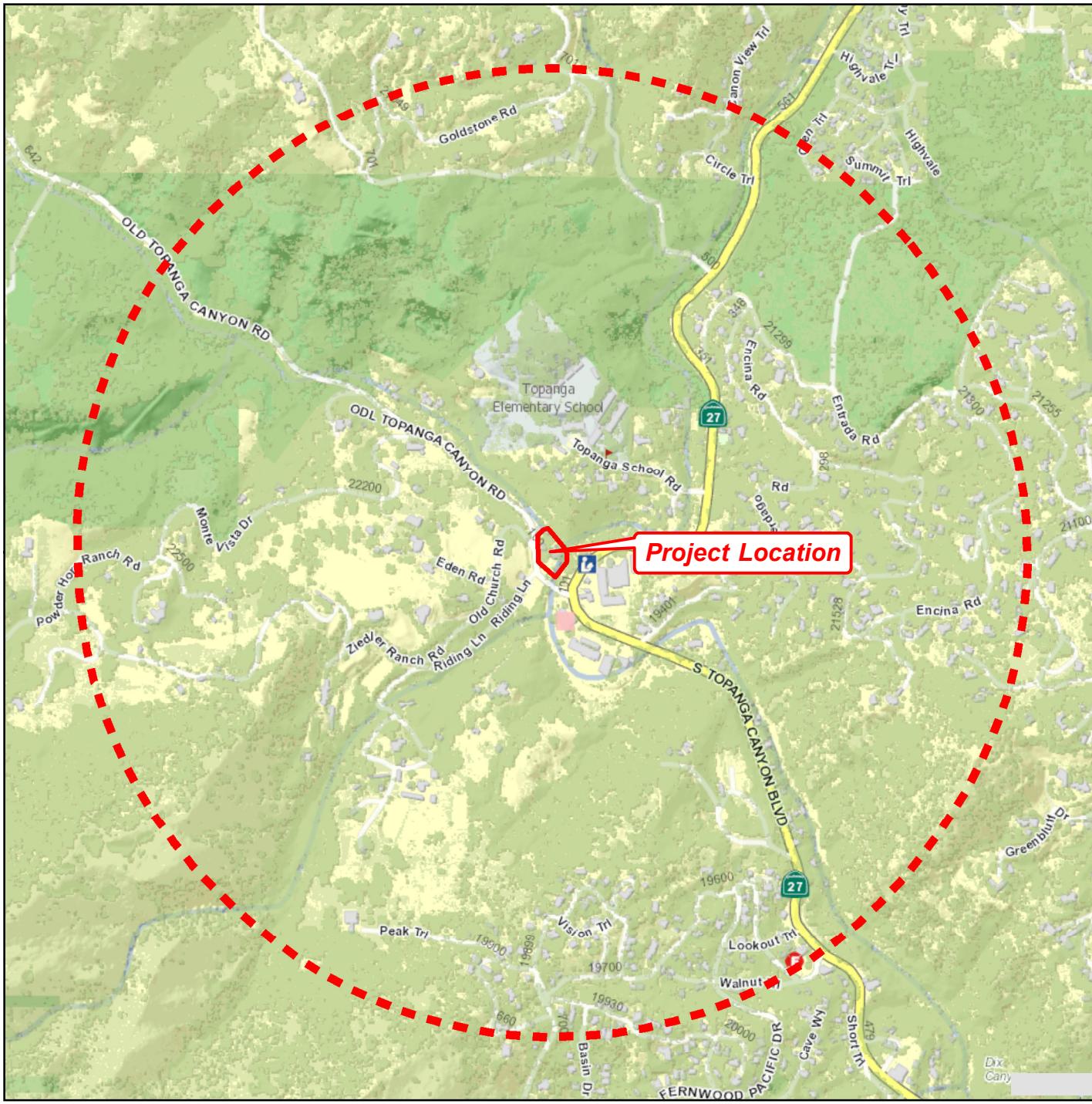
Residential - Single Unit*

Vacant

* Circles are generally applied to residential parcels. Empty circles indicate a single dwelling unit (DU), unless the parcel is symbolized as Vacant. Elsewhere, multi-unit residential parcels (where shown) are labeled with the number of DUs they contain.



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HALF-MILE RADIUS

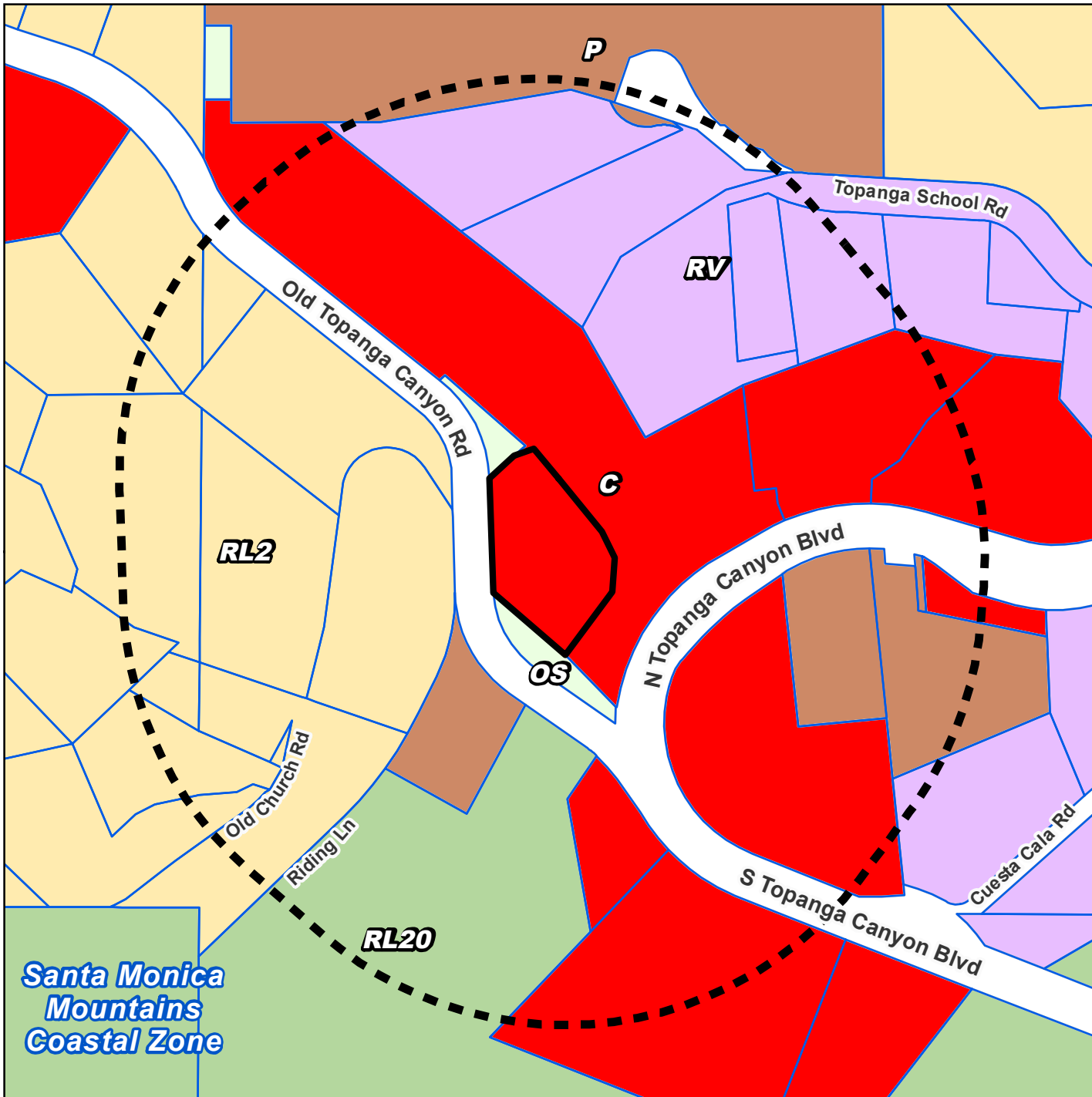
LOCATOR MAP

PROJECT NO. 2020-000436
ALCOHOL CUP RPPL2020000759



Miles
0 0.25

LOS ANGELES COUNTY
Dept. of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012



LAND USE POLICY

500-FOOT RADIUS MAP

PROJECT NO. 2020-000436

ALCOHOL CUP RPPL2020000759

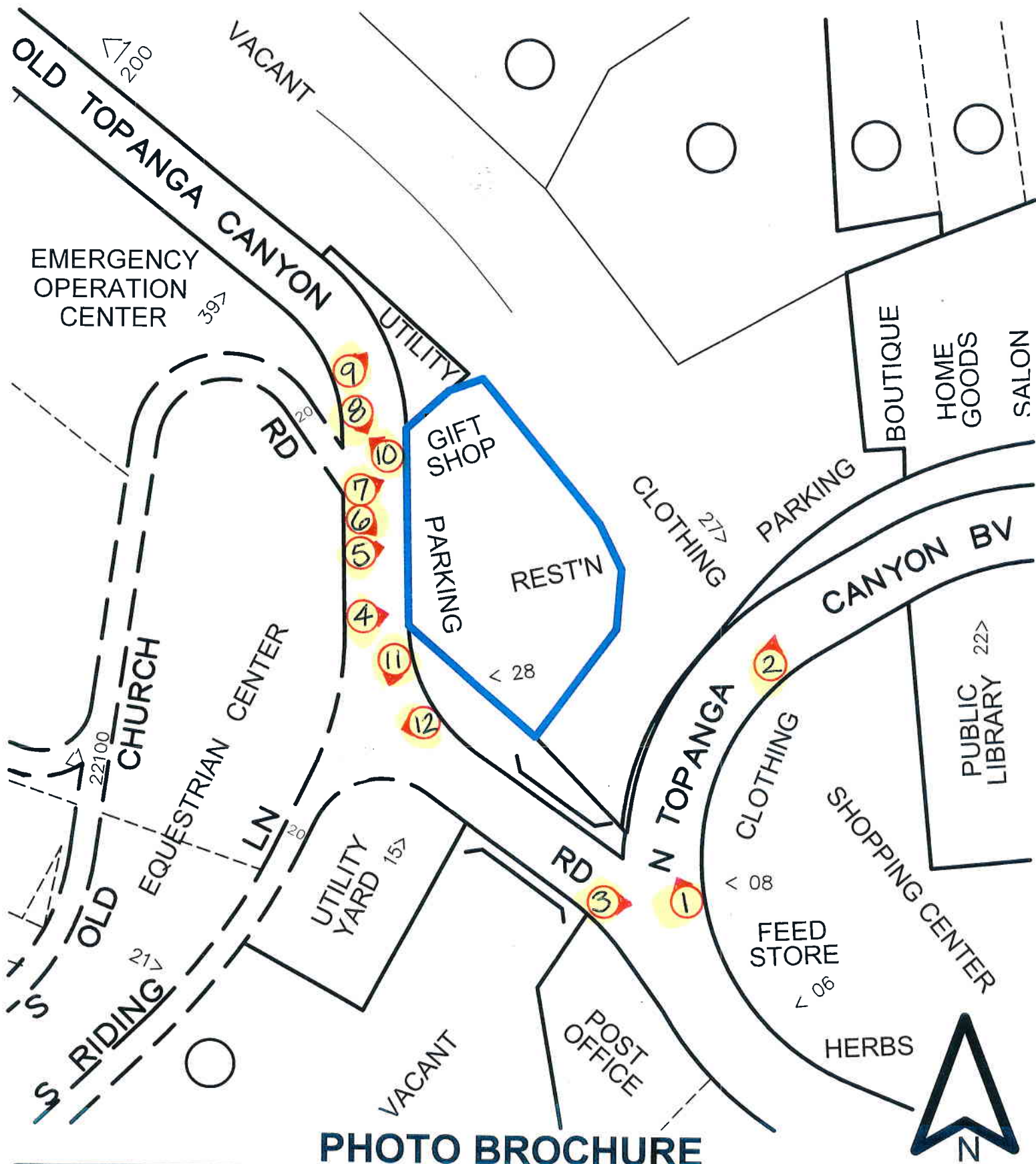
-  RL20 - Rural Lands (1 du / 20 ac)
-  C - Commercial
-  OS - Open Space
-  P - Public and Semi-Public Facilities
-  RL2 - Rural Residential (1 du / 2 ac)
-  RV - Rural Village



**Santa Monica
Mountains
Coastal Zone**



LOS ANGELES COUNTY
Dept. of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012



ALCOHOLIC BEVERAGE LICENSING CO

11500 W. OLYMPIC BOULEVARD, STE 400
LOS ANGELES, CA 90064

SITE LOCATION:

128 OLD TOPANGA CANYON RD
TOPANGA CA 90290

CASE NO.

DATE: 03 - 29 - 2019
SCALE: 1" = 100'
T.B. PAGE: 590 GRID: A-6
APN: 4445-006-023



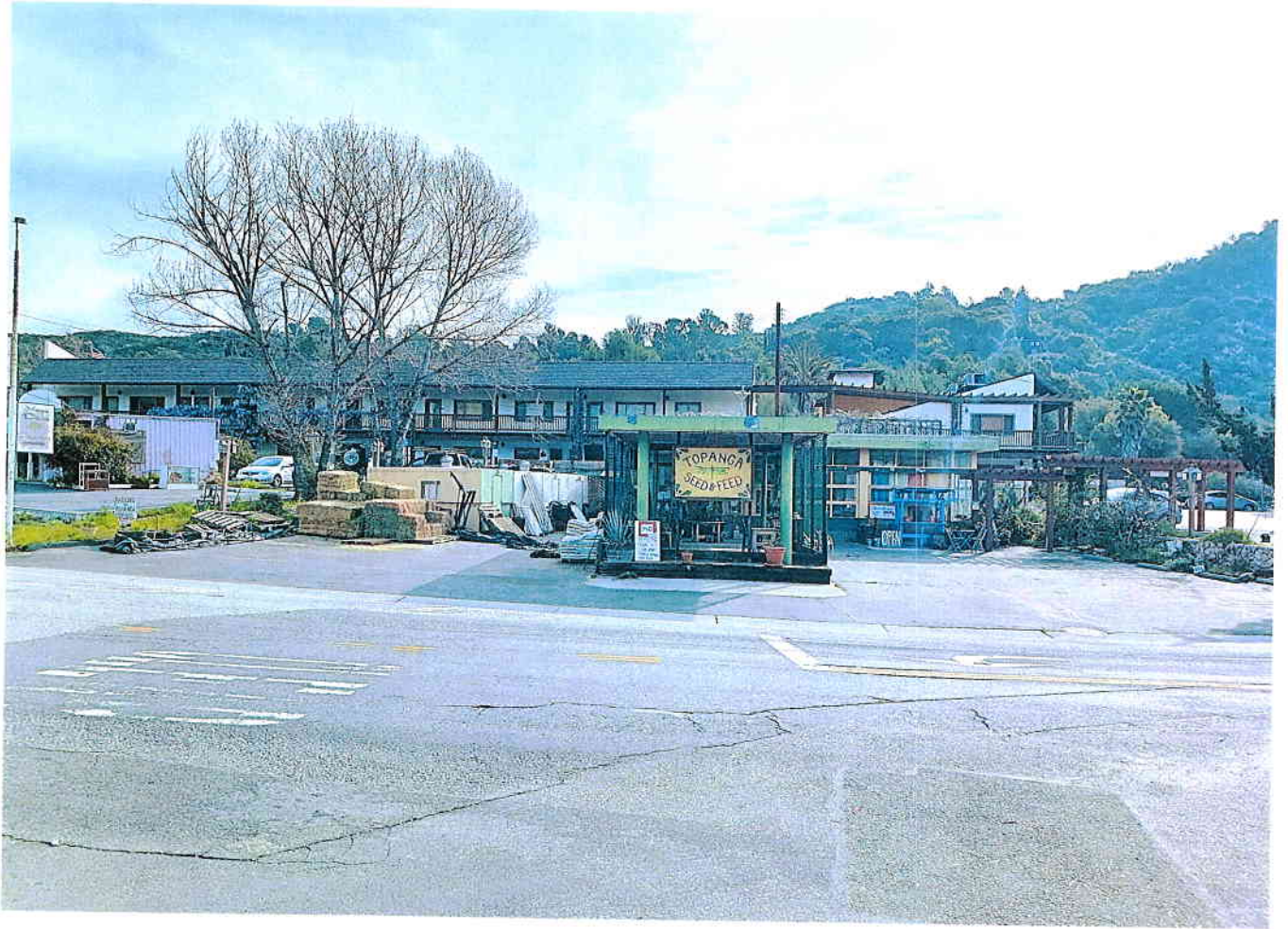
1.



2.



3.



4.



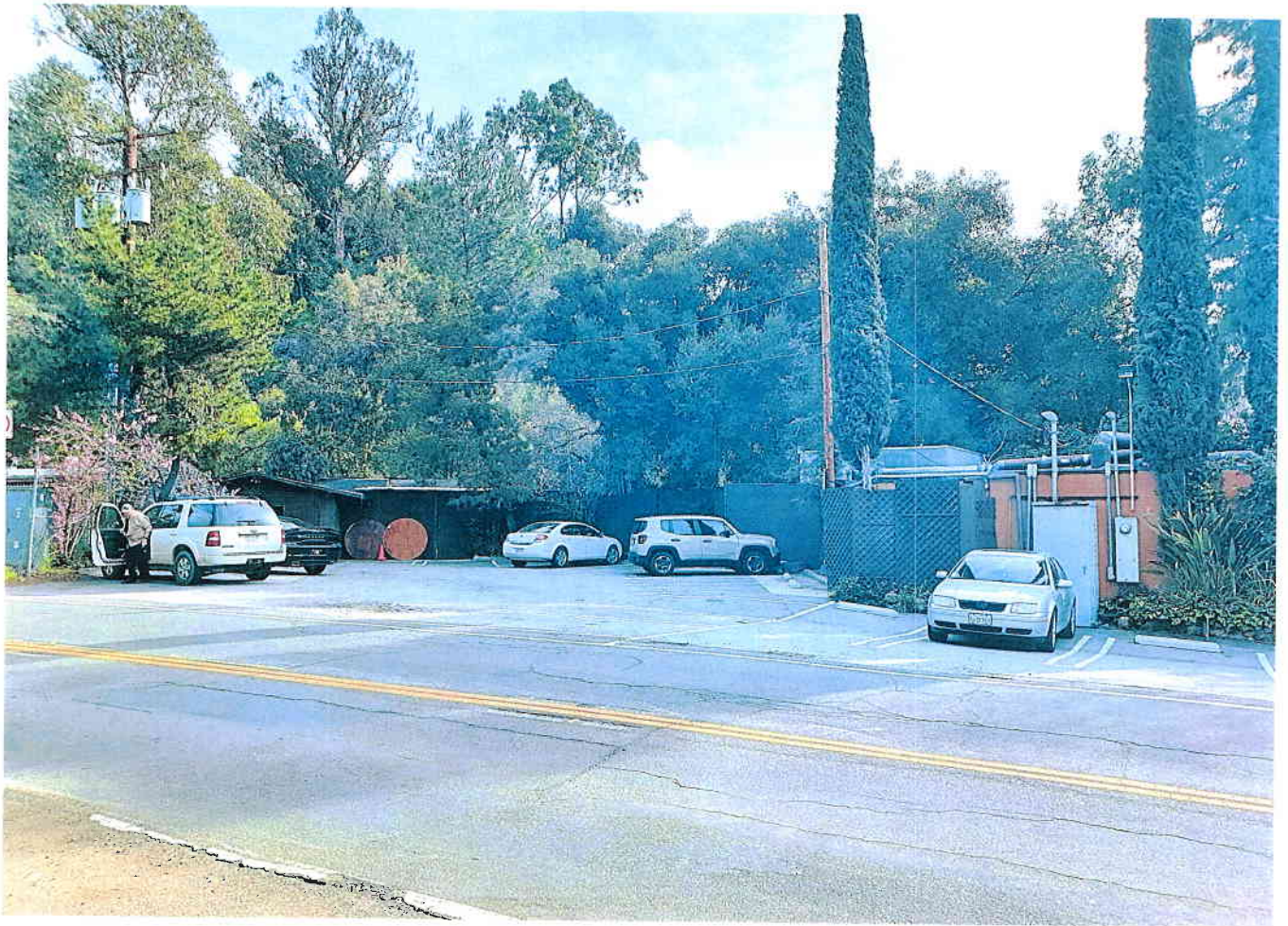
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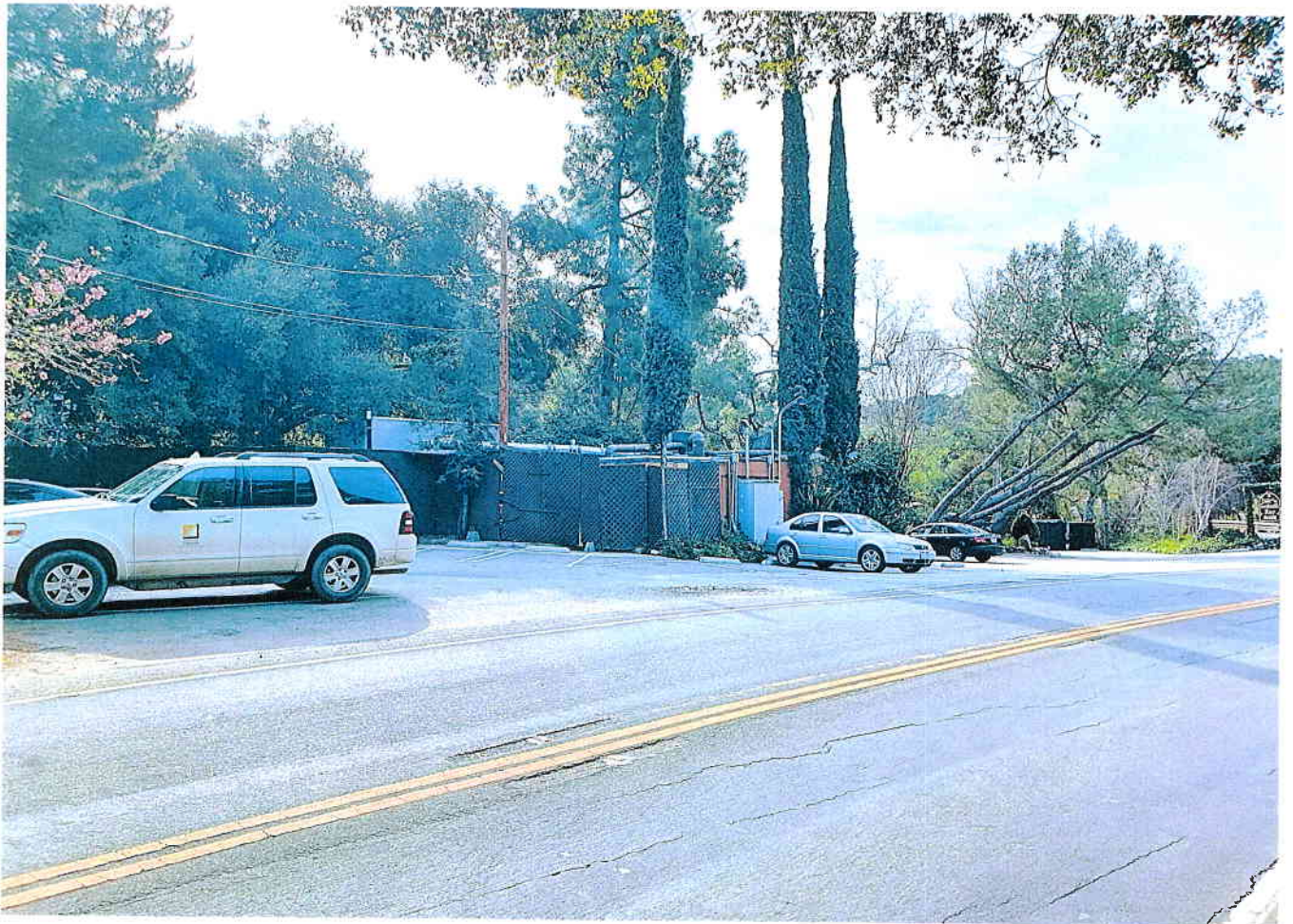
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7.



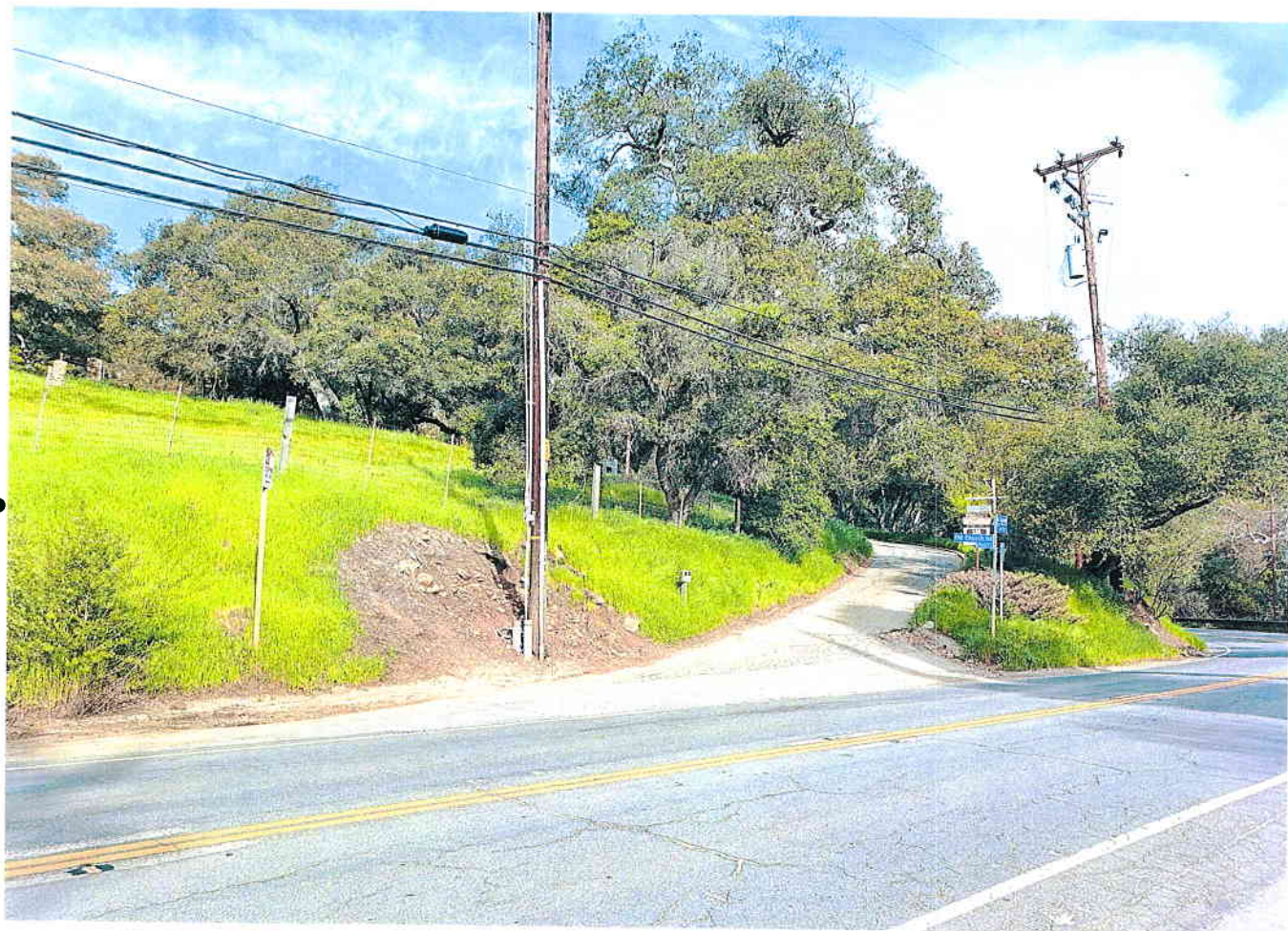
8.



9.



10.

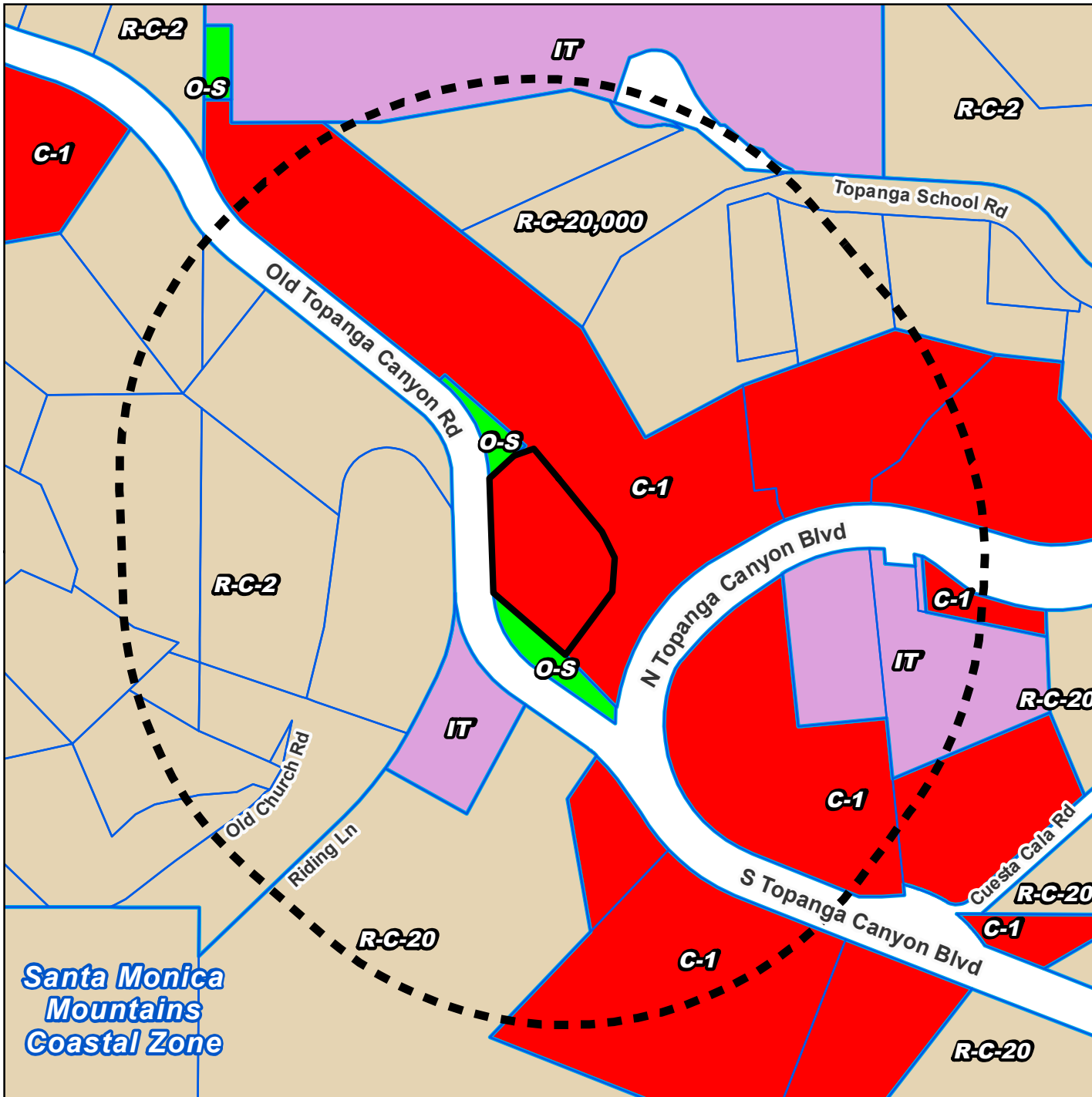


11.



12.







ZONING

500-FOOT RADIUS MAP

PROJECT NO. 2020-000436

ALCOHOL CUP RPPL2020000759

-  R-C - Rural Coastal
-  C-1 - Restricted Business
-  IT - Institutional
-  O-S - Open Space

**Santa Monica
Mountains
Coastal Zone**



LOS ANGELES COUNTY
Dept. of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012

Malibu/Lost Hills Sheriff Station
27050 Agoura Road
Agoura CA 91301

Subject: Conditional Use Permit (CUP) Consultation for Sale of Alcohol
Project No.: 2020-000436
Permit No.: ...
Establishment: ...
Location: ...
Description: ...

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

In the last 5 years, The Lost Hills Sheriff Department has responded to routine calls for service, such as after hour alarm calls. There were no crimes committed at this property.

(2) Comments/recommended conditions:

This establishment has not been a problem.

(3) Overall recommendation:

☒ Sheriff recommends approval of this CUP.

☐ Sheriff does **NOT** recommend approval of this CUP.

Deputy Brian Knott
Malibu/Lost Hills Sheriff Station
818 878-5559