

December 3, 2024

Nieves And Associates
Attn: Wil Nieves
21250 Hawthorne Blvd., #500
Torrance, CA 90503

PROJECT NO. 2020-000436-(3)
CONDITIONAL USE PERMIT NO. RPPL2020000759
PARKING PERMIT NO. RPPL2021010465
128 OLD TOPANGA CANYON ROAD, TOPANGA (APN: 4445-006-023)

Dear Mr. Nieves:

Hearing Officer Natoli, by her action of December 3, 2024, has approved the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to LA County Planning (see enclosed Affidavit of Acceptance Instructions).

Appeals: The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **December 17, 2024**. Appeals must be submitted to appeal@planning.lacounty.gov before the end of the appeal period.

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

In addition, any applicable California Environmental Quality Act fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. A Notice of Exemption, if applicable, may also be filed according to the instructions in the enclosed Affidavit of Acceptance.

Project Representative Name

Date

Page 2

For questions or for additional information, please contact William Chen of the Coastal Development Services Section at (213) 893-1090, or wchen@planning.lacounty.gov.

Sincerely,

AMY J. BODEK, AICP
Director of Regional Planning



Robert Glaser, Supervising Regional Planner
Coastal Development Services Section

RG:wc

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

c: PW (Building and Safety)
Zoning Enforcement
Others as applicable

**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 6, 2022, August 2, 2022, May 3, 2022, April 5, 2022, January 4, 2022, November 2, 2021, and August 3, 2021.
2. **HEARING PROCEEDINGS.** A duly noticed public hearing was held on December 3, 2024 before the Hearing Officer. Staff provided a presentation and recommendation for approval, subject to attached findings and conditions. The applicant's agent, Wil Nieves, provided testimony and made themselves available for questions. One member of the public then provided testimony in opposition to the project, citing concerns regarding parking and traffic congestion generated by the existing use. The applicant's agent then provided a rebuttal to the testimony. The Hearing Officer made inquiries with the applicant's agent and staff about the stated concerns. Following response, the Hearing Officer subsequently closed the public hearing concerns and incorporated changes to the findings and conditions and approved the project.
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 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 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. 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/storage measuring approximately 43 feet and three inches by 35 feet and seven inches, (approximately 1,104 sq. ft. in floor area). 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 (approximately 2,862 sq. ft. in floor area). 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. No comments were received prior to the hearing.

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 Boulevard, 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 are 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 minimum required automobile parking spaces for the Project are based on an occupancy of 125, as determined by DPW. 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 or approved on any other parcel.

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 Canyon Boulevard, 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. The PP will terminate if the existing use materially changes so as to require a different amount of parking or is abandoned.

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 by 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: Zoning Enforcement, Building and Safety

**LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING**

**CONDITIONS OF APPROVAL
PROJECT NO. 2020-000436-(3)
PROJECT NO. 2020-000436-(3) NO. 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 Conditions No. 3, 4, and 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, 2029.** 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 12 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 or 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 **\$2,205.00**, 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 **February 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, and open space 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 30 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, dining 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 dining 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

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