

**SUPPLEMENTAL
REPORT TO THE HEARING OFFICER**

DATE ISSUED:	October 2, 2023	
HEARING DATE:	October 3, 2023	AGENDA ITEM: 5
PROJECT NUMBER:	2020-000436-(3)	
PERMIT NUMBER(S):	Conditional Use Permit RPPL2020000759 Parking Permit RPPL2021010465	
SUPERVISORIAL DISTRICT:	3	
PROJECT LOCATION:	128 Old Topanga Canyon Road, Topanga	
OWNER:	Ralph and Lucile Yaney	
APPLICANT:	Ronald Mass	
CASE PLANNER:	William Chen, AICP, Senior Regional Planner wchen@planning.lacounty.gov	

This agenda item is a request to expand existing alcohol sales from beer and wine to a full line of beer, wine, and spirits and to authorize tandem parking with valet service at Inn of the Seventh Ray, an existing restaurant located in the Santa Monica Mountains Coastal Zone.

Staff has updated the findings and conditions that were last provided to the Hearing Officer on July 20, 2021, which are enclosed for your review.

If you have any questions or need additional information, please contact William Chen at wchen@planning.lacounty.gov.

Staff recommends the following motion:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES AND APPROVE CONDITIONAL USE PERMIT NUMBER RPPL2020000759 AND PARKING PERMIT NUMBER RPPL2021010465 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

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

Report
Approved By: M. Glaser
Mitch Glaser, Assistant Administrator

LIST OF ATTACHED EXHIBITS	
EXHIBIT A	Draft Findings
EXHIBIT B	Draft Conditions

**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 October 3, 2023. The CUP and PP are referred to collectively as the "Project Permits." The Hearing Officer previously conducted a duly-noticed hearing on 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.
1. **HEARING PROCEEDINGS.** *Reserved.*
2. **ENTITLEMENTS REQUESTED.** The permittee, Ronald Mass ("permittee"), requests the Project Permits to authorize the sale of a full-line alcoholic beverages [California Department of Alcoholic Beverage Control ("ABC") Type 47 License] for on-site consumption at an existing restaurant ("Project") and nonresidential tandem parking 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").
3. **ENTITLEMENTS REQUIRED.** The CUP is a request to authorize the sale of a full-line of alcoholic beverages for on-site consumption in the C-1 (Restricted Business) Zone pursuant to County Code Section 22.20.030.B.
4. **ENTITLEMENTS REQUIRED.** The PP is a request to authorize nonresidential tandem parking within the C-1 (Restricted Business) Zone pursuant to County Code Section 22.112.080.B.c.ii.
5. **PREVIOUS ENTITLEMENT(S).** 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-PP27757-766-41056 authorized parking and outdoor dining. Approval in Concept Site Plan Review No. RPP-200500217 and California Coastal Commission Exemption 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 category of the Santa Monica Mountains Local Coastal Program ("LCP") Land Use Policy Map.

7. **ZONING.** The Project Site is located in the Malibu Zoned District and is currently zoned C-1. Pursuant to County Code Section 22.20.030.B, a CUP is required for alcoholic beverage sales for on-site consumption and a PP is required for nonresidential tandem parking.

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 to the west of the Project Site is comprised of a bookstore measuring approximately 43' – 3" by 35' – 7". The structure to the east of the Project Site is comprised of a restaurant measuring approximately 73' – 6" by 57' – 6". The request to authorize the sale of a full line of alcoholic beverages for on-site consumption is for the existing restaurant.

D. Parking

A total of 42 parking spaces are provided. 19 are compact sized, 21 are standard sized, and two (2) are accessible to persons with disabilities in compliance with the Americans with Disabilities Act. Of the total parking spaces provided, ten (10) are tandem parking spaces, which the PP seeks to authorize with valet service. Of the total parking spaces provided, five (5) are located off-site 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 continued sale of alcoholic beverages in an existing restaurant, minor interior alteration, and the establishment of tandem parking with no expansion of use beyond which was previously existing.

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: Recommended approval in a letter dated February 4, 2021.
- B. County Department of Public Works: 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 Sections 22.222.150 and 22.222.170 of the County Code, 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 June 23, 2021, 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 PARKING PERMIT.** The Hearing Officer finds that pursuant to Sections 22.222.150 and 22.222.170 of the County Code, 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 November 29, 2021, 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 goals and policies of the Santa Monica Mountains LUP because the Commercial land use designation is intended for general commercial activities, retail, and personal services, which are categories into which this Project falls. As the Project offers a full-service dining with alcoholic beverage service option and is located within a commercially designated area that provides services to local residents and visitors from outside the immediate vicinity, the Project falls within the uses envisioned by the LUP.

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 development which 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 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 the immediate vicinity for local residents and regional visitors as a restaurant offering full-service dining with alcoholic beverage options. 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 as a use with the C-1 zoning classification because alcoholic beverage sales for on-site consumption is permitted in such zone with a CUP pursuant to County Code Section Table 22.20.030.B.
18. **PARKING STANDARDS.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Chapter 22.112 et seq.
19. **PARKING PERMITS.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Chapter 22.178 et seq.
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.

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 the sale of alcoholic beverages for many years without problems. The sales will occur within the restaurant premises along with the 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. 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 which connects to the 101 Ventura Freeway.
24. The Hearing Officer finds that to ensure continued compatibility between the Project 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 services to ensure functionality and operation of on-site parking spaces.
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 proposed tandem parking will employ valets to ensure the functionality and operation of on-site parking uses.
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 provide the required parking for uses.** The Project currently utilizes off-site parking on a County owned parcel which was authorized under the California Coastal Commission's ("CCC") land use authority on August 27, 2007. Prior to adoption of the County's Title 22 Technical Update in 2019, County Code Section 22.52.1020 authorized the use of a premises as parking by virtue of a recorded lease for a term of not less than 20 years. The owner initially entered into Rental Agreement No. 06-26 with the County on November 1, 2006, which was then replaced with Rental Agreement No. 17-11 on December 11, 2017, for a period not to exceed 10 years. The establishment of the off-site parking was accomplished through the County-issued Approval in Concept Site Plan Review No. RPP-200500217 and subsequent CCC Exemption 4-07-052-X since a Parking Permit was not needed for off-site parking at the time of entitlement pursuant to County Code Section 22.52.1020 (as it existed prior to the Title 22 Technical Update in 2019).

To ensure continuity of the vested parking rights established under Section 22.52.1020 (as it existed prior to the Title 22 Technical Update in 2019), the Project is conditioned to require the property to be brought into compliance with prevailing parking requirements should the parking agreement lease expire without renewal.

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 and will be managed by valet services. The Project is an existing operation which will not generate traffic or off-site parking impacts to the surrounding property.
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.
30. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is not necessary to limit the PP with an expiration.

SUPPLEMENTAL 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 separated by several land parcels. The school does not share a road with the establishment.
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 with Old Topanga Canyon Road to the west and Open Space and Restricted Commercial zones on all other sides.
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 which 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. The Project is located within 500-feet of two existing on-site alcoholic beverage consumption uses; however, the Project is not located within a census tract that is in an area of undue concentration and not located within a high crime reporting district. A finding of public convenience or necessity is not required.

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 continued sale of alcoholic beverages in an existing restaurant, minor interior alteration, and the establishment of tandem parking with no expansion of use beyond which was previously existing.

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:

- 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.
- E. The Hearing Officer finds that there is a need for the number of vehicle parking spaces required by Chapter 22.112 (Parking).

- F. The Hearing Officer finds that there are no conflicts arising from special parking arrangements allowing shared vehicle parking facilities, tandem spaces, or compact spaces.
- G. 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 provide the required parking for uses.
- H. 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.
- I. 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.
- 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 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.
- L. 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.
- M. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.
- N. 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.
- O. 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 the California Environmental Quality Act pursuant to State CEQA Guidelines section 15301 (Class 1, Existing Facilities categorical exemption); and

PROJECT NO. 2020-000436-(3)
CONDITIONAL USE PERMIT NO. RPPL2020000759
PARKING PERMIT NO. RPPL2021010465

EXHIBIT C
FINDINGS
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2. Approves **CONDITIONAL USE PERMIT NO. RPPL2020000759**, and **PARKING PERMIT NO. RPPL2021010465** subject to the attached conditions.

ACTION DATE: October 3, 2023

MG:WCC

10/03/23

c: Hearing Officer, Zoning Enforcement, Building and Safety

**LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING

DRAFT 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 (“CUP”) to authorize the sale of a full-line of alcoholic beverages [California Department of Alcoholic Beverage Control (“ABC”) Type 47 License] for on-site consumption at an existing restaurant and a Parking Permit (“PP”) to authorize tandem parking with valet service 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. 9. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 3, 4, 8 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 October 3, 2033.** Entitlement to use of the property for the sale of alcoholic beverages for off-site 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. **The Parking Permit shall not terminate.**
8. 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.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. 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 \$1,400, 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 seven (7) inspections. Inspections may be unannounced and may be conducted utilizing any available technologies, including, but not limited to, unmanned aircraft systems (UAS).

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 \$200.00 per inspection, or the current recovery cost established by LA County Planning at the time any additional inspections are required, whichever is greater.

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.238 of the County Code.
11. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
12. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department. The permittee shall adhere to all conditions provided in the attached Department of Public Works letter dated September 20, 2023.
13. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
14. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by 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.

16. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **a digital copy of a modified Exhibit "A" shall be submitted to LA County Planning by December 4, 2023.**
17. 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 ALL ALCOHOLIC BEVERAGE SALES CUPs

18. 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).
19. 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 .
20. 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.

21. 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.
22. 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.
23. 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.
24. Alcoholic beverages shall only be sold or served to patrons age 21 or older.
25. 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.
26. 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.
27. 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.
28. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
29. 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.

30. 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.
31. This grant authorizes the sale of alcoholic beverages from 11:00 a.m. to 11:00 p.m., Monday through Sunday.

GENERAL CONDITIONS FOR ON-SITE ALCOHOLIC BEVERAGE SALES CUPS

32. 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.
33. 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.
34. Music or other audible noise at the premises shall comply with Title 12 to the satisfaction of the Department of Public Health.

SPECIFIC CONDITIONS FOR ON-SITE ALCOHOLIC BEVERAGE SALES CUP

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

35. No live entertainment, dancing, or dance floor is authorized in or outside the premises.
36. Employees age 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.
37. Alcoholic beverages shall be sold to customers only when food is ordered and consumed within the subject restaurant only.
38. 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."
39. 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.

- 40. The permittee may hold "happy hour" drink specials, specials or similar promotions only in conjunction with food.
- 41. Food service shall be continuously provided during operating hours.

PERMIT SPECIFIC CONDITIONS – PARKING PERMIT

- 42. The permittee shall provide parking as required by the County Code. The commercial uses on-site require at least 42 parking spaces based on the applicable ratios. If the permittee changes the commercial uses or occupancy or otherwise modifies the subject property so as to provide less parking than the minimum requirement, the permittee shall submit an application for a Minor Parking Deviation, Parking Permit, Variance, or other applicable permit, as determined by the Director, within 90 days of such occurrence. If the permittee changes the commercial uses or occupancy or otherwise modifies the subject property so as to provide more parking than the minimum requirement, 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.
- 43. As tandem parking is proposed, 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 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. Where the leasing of parking facilities is proposed for any period of less than 20 years, the permittee shall guarantee that the leased spaces are available for their sole use, the lease shall be recorded with the Registrar-Recorder/County Clerk, and the permittee shall demonstrate that they have the ability to provide the required number of spaces should the lease be cancelled or terminated. Except for the term of the lease, the provisions of Subsection B (Alternative Compliance) of County Code Section 22.112.050 relating to leases shall apply. A copy of such lease shall be submitted to the Director and County Counsel for review and approval. Other conditions including, but not limited to, requiring title reports, covenants, and bonding may also be imposed where necessary to ensure the continued availability of leased parking spaces.
- 45. In the event that the permittee or property owner is unable to comply with the provisions of the Parking Permit, the use for which 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.

Attachment:

Department of 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