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May 3, 2016 **ADOPTED**

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

#24 OF MAY 03, 2016

Agenda No. 8  
11/24/15

  
LORI GLASGOW  
EXECUTIVE OFFICER

Re: **PROJECT NO. R2014-02996-(5)**  
**CONDITIONAL USE PERMIT NO. 2014-00142-(5)**  
**FIFTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:


Your Board previously conducted a duly-noticed public hearing on the above-referenced project to authorize the construction and operation of a Taco Bell fast food restaurant at 3771 Sierra Highway, in the unincorporated County community of Acton, applied for by First Street Development/Brevidoro Family Partnership. At the conclusion of the hearing, you indicated your intent to approve the conditional use permit for the project, with a condition prohibiting a drive-through facility, and instructed our office to prepare appropriate findings and conditions for your consideration. Enclosed are the findings and conditions for your consideration.

Very truly yours,

MARY C. WICKHAM  
County Counsel

By   
JOSEPH M. NICCHITTA  
Deputy County Counsel

APPROVED AND RELEASED:

  
THOMAS J. FAUGHNAN  
Senior Assistant County Counsel

JMN:ph

Enclosures

c: Sachi A. Hamai, Chief Executive Officer  
Lori Glasgow, Executive Officer, Board of Supervisors  
Richard J. Bruckner, Director, Department of Regional Planning

**FINDINGS OF THE BOARD OF SUPERVISORS  
AND ORDER  
PROJECT NO. R2014-02996-(5)  
CONDITIONAL USE PERMIT NO. 2014-00142-(5)**

1. The Los Angeles County ("County") Board of Supervisors ("Board") conducted a duly-noticed public hearing on November 24, 2015, in the matter of Project No. R2014-02996-(5), consisting of Conditional Use Permit No. 2014-00142-(5) ("CUP"). The County Regional Planning Commission ("Commission") previously conducted a duly-noticed public hearing on the project on September 16, 2015.
2. The permittee, First Street Development/Brevidoro Family Partnership ("permittee"), requests the CUP to authorize the construction and operation of a Taco Bell fast food restaurant and drive-through at 3771 Sierra Highway, in the unincorporated County community of Acton ("Project"). The CUP is required to authorize the construction and operation of the Taco Bell because it is located in a –DP (Development Program) zone.

The Project Is Being Considered Under the 1986 Antelope Valley Areawide General Plan

3. On June 16, 2015, the Board adopted General Plan Amendment No. 2007-00019-(5), which repealed the 1986 Antelope Valley Areawide General Plan ("1986 AVAP") and adopted the updated 2015 Antelope Valley Area Plan ("2015 AVAP"). The 2015 AVAP became effective as of June 16, 2015. Under the 2015 AVAP, an applicant who filed a complete application with the Department of Regional Planning ("Regional Planning") prior to the effective date of the 2015 AVAP can elect to have the application considered instead under the 1986 AVAP. The permittee filed a complete application prior to the effective date of the 2015 AVAP and elected to have the Project considered under the 1986 AVAP. Accordingly, these Findings consider the Project in relation to the policies and provisions of the 1986 AVAP.

Details of the Project

4. The Project site ("Project site") consists of one legal lot approximately 1.3 gross acres (1.15 net acres) in size. The site is rectangular, with gently sloping topography, and is currently developed with a feed and supply store and associated improvements and facilities. The site is bordered by Sierra Highway to the south and Crown Valley Road to the west. The California State Route 14 ("Antelope Valley Freeway") is located approximately 200 feet south of the Project site.
5. The 2015 AVAP Land Use Policy Map designates the Project site as "rural commercial." The 1986 AVAP Land Use Policy Map designated the Project site as "community commercial."

6. The Project site is currently zoned C-RU-DP (Rural Commercial – Development Program Zone). Under the 1986 AVAP, the Project site was zoned C-2-DP (Neighborhood Commercial – Development Program Zone). The –DP zone designation became effective in 1992, in connection with the adoption by the Board of Zone Change No. 90-368, which rezoned the Project site from C-3 (Unlimited Commercial) to C-2–DP to ensure consistency of a then-proposed retail center with the 1986 AVAP and to require the approval of a conditional use permit prior to commercial development on the Project site. The retail center was approved but never built.
7. Currently, and under the 1986 AVAP, the Project site is located in the Soledad Zoned District. The site is also located within the Acton Community Standards District ("Acton CSD").
8. Surrounding zoning within a 500-foot radius includes:  
  
North: A-1-2 (Light Agricultural – Two Acre Minimum Required Lot Area);  
South: C-RU-DP;  
East: A-1-2; and  
West: C-RU-DP.
9. Surrounding land uses within a 500-foot radius include:  
  
North: A library and a ranger station;  
South: Restaurants and a gas station;  
East: A single-family residence and retail; and  
West: Retail, offices, a gas station, restaurants, and a single-family residence.
10. The site plan for the Project depicts:
  - A. One fast food restaurant building approximately 2,029 square feet in size and approximately 30 feet 7 inches in height, located roughly in the southwestern portion of the parcel. The site plan depicts a single drive-through lane adjacent to the building. Patrons would enter the drive-through to the north of the building, proceed through the drive-through along the west of the building, and exit the drive-through to the south of the building.
  - B. An outdoor seating area with four tables and 12 seats located adjacent to the building to the south.
  - C. Twenty-nine parking spaces, consisting of 22 standard-sized spaces located to the east of the building, five large angled spaces to the north of the building to accommodate recreational vehicles and other oversized vehicles, and two disabled/accessible spaces in compliance with the Americans with Disabilities Act ("ADA") to the east of the building near the

restaurant's entrance. A van-accessible loading area is depicted near the restaurant's entrance to the east between the disabled/accessible spaces.

- D. Two 30-foot-wide driveways on Sierra Highway and Crown Valley Road, respectively, which will provide ingress and egress to the Project site.
  - E. Landscaping throughout the Project site, covering approximately 23,431 square feet, which is equal to approximately 46.67 percent of the Project site's net area.
  - F. A septic system located roughly at the northeast corner of the Project site, and a trash enclosure located south of the septic system.
  - G. A trail along the entire length of the Project site's frontage on Crown Valley Road and Sierra Highway, which is part of the Vasquez Loop Trail, a multi-use trail. The trail varies from five to eight feet in width.
  - H. A hitching post for horses located roughly at the northwest corner of the Project site.
  - I. Two short-term bicycle parking spaces located southeast of the restaurant building, and two long-term bicycle lockers located north of the building.
  - J. A retaining wall approximately 65 feet long and less than four feet in height in all places, with an average height of two feet, located along the southern perimeter of the Project site between the drive-through and the trail along Sierra Highway.
11. The grading plan for the Project provides for 3,000 cubic yards of cut and 614 cubic yards of fill. Approximately 2,386 cubic yards of graded material will be exported from the Project site. Grading includes the excavation of a bio-retention basin located roughly in the southeastern portion of the Project site.
12. The signage plan for the Project depicts:
- A. Three wall signs totaling approximately 91 square feet, and consisting of an approximately 27.59-square-foot sign area on the south elevation of the restaurant building, an approximately 33.14-square-foot sign area on the west elevation of the restaurant building, and an approximately 30.34-square-foot sign area on the east elevation of the restaurant building.
  - B. A monument sign of unspecified dimensions at the southwest corner of the Project site, near the intersection of Crown Valley Road and Sierra Highway.
13. The Project site will take its primary access from an entrance/exit driveway on Crown Valley Road to the west. The Project site will take secondary access from an entrance/exit driveway on Sierra Highway to the south.

14. A hydrology and low impact development ("LID") report prepared for the Project and approved by the County Department of Public Works ("Public Works") determined that Project will not result in significant off-site storm water flows.
15. A traffic impact analysis study ("Traffic Study") prepared for the Project and approved by Public Works estimated the Project would generate approximately 906 net trips per day, with 83 vehicles during the AM peak hour and 59 vehicles during the PM peak hour. The Traffic Study concluded that existing levels of service at the intersections within the study area are operating at an acceptable level of service during the peak hours, and will remain within acceptable levels after the Project is in operation. The Traffic Study further concluded that vehicle stacking distances provided at the site should adequately accommodate maximum drive-through queues, and that vehicles can also stack within the drive aisles on the Project site, thereby minimizing the potential for vehicles to stack onto adjacent streets.
16. The Traffic Study analyzed the origination of trips generated by the Project, including trips to and from the Project site. The Traffic Study concluded that 80 percent of total trips generated by the Project would be to or from the Antelope Valley Freeway south of the Project site. The remaining 20 percent of total trips generated by the Project would be to or from Acton or surrounding communities.

#### Commission Proceedings

17. Prior to the Commission's public hearing on the Project, Regional Planning staff determined the Project was exempt from the environmental review procedures of the California Environmental Quality Act (California Public Resources Code sections 21000, et seq.) ("CEQA") pursuant to State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, sections 15000, et seq.) section 15303, which exempts from CEQA review the construction of a new restaurant containing less than 2,500 square feet in floor area.
18. Also prior to the Commission's public hearing on the Project, on July 21, 2014, the permittee presented the Project to the Acton Town Council. Town Council members and members of the public raised concerns, among others, regarding the drive-through and increased traffic coming from the Antelope Valley freeway. At its meeting on August 4, 2014, the Acton Town Council voted to oppose the Project, concluding the Project was not consistent with the 1986 AVAP requirement that uses on the site be community-serving. The permittee presented revised Project plans to the Town Council on July 6, 2015. The Town Council again voted to oppose the Project, again citing concerns, among others, regarding the drive-through facility, the Project's traffic study, and the freeway-serving nature of the Project.

19. The Commission held a duly-noticed public hearing on the Project on September 16, 2015. Regional Planning staff gave a presentation regarding the Project. The permittee's representative testified in favor of the Project, and submitted a petition with approximately 78 signatures from Acton and surrounding communities expressing support for the Project's proposed drive-through. Two members of the Acton Town Council testified in opposition to the Project, arguing, among other things, the Project with a drive-through was not consistent with the surrounding rural community or the 1986 AVAP. Town Council members also presented approximately 132 letters from area residents opposing the Project. At the conclusion of the public testimony and after Commission discussion, the Commission closed the public hearing, found the Project exempt from CEQA, and approved the CUP, including the drive-through aspect of the Project.

#### Appeal to the Board

20. Pursuant to Los Angeles County Code ("County Code") Section 22.60.230, a member of the Acton Town Council appealed the Commission's approval of the CUP to the Board.
21. Prior to the Board's public hearing on the appeal, Regional Planning staff submitted a letter to the Board responding to the points raised in the appeal. Regional Planning staff recommended the Board deny the appeal and approve the CUP.
22. The Board conducted a duly-noticed public hearing on the appeal on November 24, 2015. Regional Planning staff gave a brief presentation regarding the Project, explained that the Commission had approved the CUP and that its approval was appealed to the Board, and recommended the Board deny the appeal and approve the Project.
23. The appellant testified in opposition to the Project. The appellant stated the Acton community and the Acton Town Council were opposed to the Project's drive-through, but were not opposed to a Taco Bell restaurant without a drive-through. The appellant further testified, among other things, that: (a) the Traffic Study was flawed because it did not take into account gridlock on Sierra Highway near the Project site during the early morning hours; (b) the Project would predominately serve Antelope Valley freeway commuters and would not serve the local community; and (c) the traffic generated by the Project would result in the need for traffic signals at nearby intersections. The appellant submitted approximately 860 signed letters opposing the Project.
24. The permittee's representative testified in favor of the Project, stating, among other things: (a) the Project would not be a freeway-oriented use, and that signage would be kept to five feet in height as opposed to 25 to 50 feet; (b) the Project is consistent with surrounding development, including two fast food restaurants and two gas stations; (c) the building's architecture is consistent with

the frontier style required by the Acton CSD; (d) the Project would create 30 new jobs; and (e) the Project would have little to no increased impact on traffic. The permittee's representative also referenced the signatures of support submitted in connection with the Commission's public hearing on the Project.

25. Members of the community testified both in favor of and in opposition to the Project. Project proponents testified, among other things, that the Project would: (a) serve the local community; (b) provide additional food alternatives to area residents; and (c) create jobs for the local community. Project opponents testified, among other things, that the Project: (a) would primarily serve commuters and travelers on the nearby Antelope Valley Freeway; (b) is inconsistent with Acton's rural character; (c) does not comply with the 1986 AVAP or the Acton CSD; and (d) would worsen already bad traffic near the Project site.
26. During the public hearing, the Board questioned Regional Planning staff and the Director of Regional Planning ("Director") about the Project's traffic impacts and the character and intensity of the use. The Board also questioned the traffic engineer for the Project regarding the Project's traffic impacts and the Traffic Study's conclusions regarding the drive-through.
27. At the conclusion of testimony, the Board discussed the Project's proposed drive-through facility and highlighted the community's concerns regarding the traffic the Project would generate, the freeway-serving nature of the Project, and the impact the Project would have on the rural character of Acton. The Board then denied the appeal, determined the Project was exempt from CEQA, and instructed County Counsel to prepare for the Board's consideration the necessary findings and conditions to approve the Project, but with a new condition prohibiting a drive-through.

#### Response to Specific Grounds Identified as the Basis for the Appeal

28. The appellant appealed the Project on the grounds that: (a) the 1986 AVAP does not permit "highway-oriented" uses in the "community commercial" land use category; (b) the Project is inconsistent with the 1986 AVAP because it would require the need for two new traffic signals; (c) the Project's architectural design does not conform to applicable requirements of the Acton CSD; (d) the Project must comply with the "rural commercial" land use category established for the site under the 2015 AVAP; (e) the Project is inconsistent with the -DP zone; (f) the Project constitutes a high-intensity regional use which is precluded under the 1986 AVAP; (g) the Traffic Study did not consider all future projects in the area; (h) the Project's trails are inadequate; (i) the Project will generate significant cumulative traffic and is therefore not exempt from CEQA; and (j) the Project's septic system is not sufficiently set back from an established water course.

29. With respect to the appellant's contentions described in Finding No. 28(a), the Board declines to find that "highway-oriented" uses are *per se* prohibited by the 1986 AVAP in the "community commercial" land use category. The "community commercial" land use category in the 1986 AVAP allows for a variety of uses, and does not differentiate between uses which may be utilized predominately by travelers along freeways or highways.
30. With respect to the appellant's contentions described in Finding No. 28(b), the Board finds the Project will not require the installation of any traffic signals. Public Works evaluated the Traffic Study and concluded no traffic signals were necessary.
31. With respect to the appellant's contentions described in Finding No. 28(c), the Board finds the Project's proposed architectural and signage design conforms to the requirements of the Acton CSD, in particular County Code Section 22.44.126.C.3.a.ii requiring that all uses in commercial land classifications under the 1986 AVAP be designed in a "Western frontier village, circa 1890s style" in substantial conformance with architectural style guidelines maintained by Regional Planning. Regional Planning staff reviewed the architectural and signage design and determined the design conforms with the Acton CSD architectural style guidelines.
32. With respect to the appellant's contentions described in Finding No. 28(d), the Board finds the Project is not subject to the 2015 AVAP and therefore not subject to the "rural commercial" land use category established for the Project site under the 2015 AVAP. The permittee elected to proceed with the Project pursuant to the policies and provisions of the 1986 AVAP, in accordance with the Applicability section of the 2015 AVAP (page I-9) and County Code Section 22.16.225.A.1.
33. Except as stated in Finding Nos. 40 through 47, inclusive, below, with respect to the appellant's contentions described in Finding No. 28(e), the Board finds the Project is not inconsistent with the –DP zone on the Project site. The –DP zone was established in connection with Zone Change No. 90-368, which changed the zoning on the Project site and other surrounding sites from C-3 (Unlimited Commercial) to C-2–DP. Consistent with County Code Section 22.40.040, the –DP zone ensured that a conditional use permit would be obtained prior to development on the sites subject to Zone Change No. 90-368, including the Project site. The –DP zone on the Project site allows the development of the Taco Bell restaurant proposed on the Project site. However, for the reasons stated in Finding Nos. 40 through 47, inclusive, below, the drive-through proposed as part of the Project is not consistent with the –DP zone.
34. With respect to appellant's contentions described in Finding No. 28(f), the Board finds the Project is not a "high intensity regional use." The Director and Regional Planning staff described "high intensity regional uses" as those uses constituting a regional draw, such as a Costco or other big box retail chain, or a large car



dealership. Although the Project, as proposed with a drive-through, will predominately serve persons traveling to and from the Antelope Valley Freeway, the Project would not constitute a regional draw such that persons from surrounding communities would travel to Acton solely or primarily to patronize the Project.

35. With respect to appellant's contentions described in Finding No. 28(g), the Board finds the Traffic Study appropriately considered future development within the affected area.
36. With respect to appellant's contentions described in Finding No. 28(h), the Board finds the Project will provide appropriate multi-use trails, which have been reviewed and approved by Regional Planning and the County Department of Parks and Recreation ("Parks and Recreation").
37. With respect to appellant's contentions described in Finding No. 28(i), the Board finds the Project is exempt from CEQA for the reasons set forth in Finding No. 59, below. The Board finds the traffic which will be generated by the Project does not constitute "unusual circumstances" pursuant to CEQA Guidelines section 15300.2.
38. With respect to appellant's contentions described in Finding No. 28(j), the Board finds the Project's septic system is appropriately located on the Project site. The Project's septic system, including its location, has been reviewed and approved by the County Department of Public Health ("Public Health").
39. In making Finding Nos. 28 through 39, the Board relies on appropriate portions of Regional Planning's response to the appeal, the testimony presented during the Board's public hearing on the appeal, and the full record presented to the Board by Regional Planning in connection with the appeal.

The Project's Drive-Through Is Inconsistent with the –DP Zone

40. Although the Board denies the appeal for the reasons stated in Finding Nos. 28 through 39, above, the Board nevertheless finds the Project's drive-through is inconsistent with the Project site's –DP zone.
41. Pursuant to County Code Section 22.40.030, the –DP zone ensures that property rezoned pursuant to a zone change application will be developed in a manner consistent with the development proposed as part of the zone change application. Stated differently, the –DP zone is intended in part to avoid a "bait-and-switch" in which a project applicant proposes one type of development, obtains a zone change from the County to accommodate the proposed development, but proceeds with a completely different development which is inappropriate for the site and would not have been allowed but for the zone change. The mechanism to ensure compliance with the –DP zone is the requirement that all development in a –DP zone obtain a conditional use permit.

42. Pursuant to County Code Section 22.40.060, development in a –DP zone must not be contrary to the public convenience, welfare, or development needs of the area.
43. The Board finds the Project, with a drive-through, is not consistent with the public convenience, welfare, or development needs of the Acton community.
44. First, the Board finds the Project, with a drive-through, will be predominately commuter/freeway serving and, as such, is not consistent with Acton's rural character.

The Project is located approximately 200 feet north of the Antelope Valley freeway, near the Crown Valley Road/Sierra Highway off- and on-ramps. The Traffic Study concluded that 80 percent of total trips generated by the Project would be to or from the Antelope Valley freeway south of the Project site. The Project's drive-through will provide a convenience to commuters and increase the likelihood that commuters would exit the freeway for the sole purpose of utilizing the Project's drive-through.

Acton is a designated rural community under the 1986 AVAP. The 1986 AVAP implements goals and policies for Acton to preserve such rural character. Acton remains a rural town today, as reflected by the 2015 AVAP which continues to implement goals and policies to protect that rural character. The Board heard the testimony of numerous community members and members of the Acton Town Council emphasizing the importance of Acton's rural character, and testifying that the Project's drive-through would detract from such rural character.

The Board agrees with community members, and finds the Project, with a drive-through, will not be consistent with the rural character of Acton, but instead will provide a freeway-centric use, result in increased area traffic, and detract from the overall rural nature of the local community.

45. Second, the Board finds the Project, with a drive-through, is not consistent with the development needs of Acton.

As stated above, many community members testified in opposition to the Project, and in particular to the Project's drive-through. The appellant, a member of the Acton Town Council, testified that the community "welcomed" the Taco Bell restaurant, but opposed the drive-through. The Board finds that this community testimony and the opinion of the Acton Town Council, which represents the Acton community, best reflects the development needs of the area in this case. Such testimony indicated that the majority of the Acton community opposed, and did not want, a fast food restaurant with a drive-through on the Project site.

As a separate and independent reason for finding the Project, with a drive-through, is not consistent with the development needs of Acton, many community members also testified they had observed negative traffic conditions at the intersection of Sierra Highway and Crown Valley Road adjacent to the Project

site. The Traffic Study, while indicating that levels of service at the intersection will remain acceptable after Project implementation, also concluded the Project would reduce current levels of service at adjacent Project intersections. The permittee did not present any evidence regarding trips associated only with the proposed drive-through – it is the permittee's burden to present such information and prove the compatibility of the Project with –DP zone's requirements – but it is reasonable to conclude based on the information and testimony in the record that the elimination of the drive-through will reduce the convenience to freeway commuters and eliminate some peak hour trips from the freeway to the Project site and from the site to the freeway, which will reduce the Project's traffic impacts to nearby intersections.

46. The Board acknowledges that, in the early 1990s, Regional Planning approved two fast food restaurants with drive-throughs near the Project site. These include a McDonald's restaurant located at 3750 Sierra Highway, approved on March 13, 1991, and a Jack in the Box restaurant approved on October 28, 1992. However, both restaurants were approved pursuant to a ministerial site review process. They were not located in the current –DP zone and are not subject to the restrictions of the –DP zone. Therefore, the Board concludes that the ministerial approval of those restaurants with drive-through facilities is not inconsistent with the Board's finding that the Project, with a drive-through, is not consistent with the –DP zone on the Project site.
47. For these reasons, the Board finds the Project is appropriately conditioned to prohibit a drive-through. The Board refers to the Project, without a drive-through, as the "Modified Project."

#### Conditional Use Permit

48. For the reasons stated in Finding No. 32, above, the Board finds the Project is subject to the provisions of the 1986 AVAP.
49. The Board finds the Modified Project is consistent with the "community commercial" land use category of the 1986 AVAP, which allows for a broad range of neighborhood-serving commercial uses, including small restaurants.
50. The Board finds the Modified Project is consistent with the applicable policies of the 1986 AVAP. The Modified Project will serve the local community, provide a new restaurant option in the area, and increase employment opportunities for area residents. The Modified Project will feature an "Old West" or "Early California" design and, in keeping with Acton's rural setting, will be limited to a single story in height.
51. Consistent with the 1986 AVAP standards for curbs, gutters, and sidewalks in Acton, the Board finds the Modified Project is appropriately conditioned to provide improvements along the Project site's frontage along Sierra Highway and Crown Valley Road which are suitable for the area's rural character, including but

not limited to inverted shoulders and street lights on wooden poles with overhead wiring.

52. The Board finds the Modified Project is consistent with the Los Angeles County General Plan adopted in 1980 ("1980 General Plan"). The Modified Project provides convenience goods and services to area residents and complements community character through appropriate scale, design, and locational controls.
53. The Board finds the Modified Project is consistent with the development standards of the C-2-DP zone. Specifically:
  - A. Approximately 46.67 percent of the net lot area will be landscaped in compliance with County Code Section 22.28.130.A, which requires the Modified Project to provide landscaping on a minimum 10 percent of the Project site's net area.
  - B. As required by County Code Section 22.28.130.B, the Modified Project will provide parking in compliance with Chapter 22.52 of Title 22 of the County Code (Title 22 of the County Code is hereinafter referred to as the "Zoning Code"). As determined by the Building and Safety division of Public Works, the occupant load for the Modified Project is 57, consisting of a maximum occupancy of 45 persons for the proposed restaurant building and 12 persons for the outdoor seating and dining area. Pursuant to County Code Section 22.52.1110.A.1.b, the permittee is required to provide one parking space for every three occupants, for a total parking requirement of 19 spaces. The Modified Project will provide 29 parking spaces, which exceeds the minimum number of required spaces. In addition, the Modified Project will provide two short-term bicycle parking spaces and two long-term bicycle parking spaces as required by County Code Section 22.52.1225, which requires a minimum of two short-term and two long-term bicycle parking spaces for the Modified Project.
  - C. The Modified Project's proposed building height is 30 feet 7 inches, which is less than the maximum 35-foot building height set forth in County Code Section 22.28.130.C.
  - D. As required by County Code Section 22.28.130.D, the Modified Project's outdoor dining and seating area is appropriately conditioned to comply with the requirements of County Code Section 22.28.070.G.
54. The Board finds the Modified Project complies with applicable community development standards of the Acton CSD, as set forth in County Code Section 22.44.126.C. Specifically:
  - A. The design of the restaurant building is consistent with the County Code Section 22.44.126.C.3 requirement that commercial buildings be designed in a "Western frontier village, circa 1890s style" and in substantial conformance with the architectural guidelines of the Acton CSD. The

building exterior is comprised of light brown cement board siding with a wood texture; a stone veneer consisting of brown "dry stack" style stone; a dark brown stucco parapet; dark brown trim; and corrugated metal roof canopies supported by dark brown columns resembling wood posts.

- B. The Modified Project is limited to an impervious area of approximately 53 percent of the Project site, which is consistent with the County Code Section 22.44.126.C.4 requirement limiting impervious area to 90 percent of the lot.
  - C. Signage for the Modified Project is appropriately conditioned to comply with the requirements of County Code Section 22.44.126.C.6, including but not limited to, the requirement that the Modified Project's signage be externally lit.
  - D. Outdoor lighting for the Modified Project is appropriately conditioned to comply with the requirements of County Code Section 22.44.126.C.8 and Part 9 of Chapter 22.44 of the Zoning Code.
55. The Board finds the Modified Project will not adversely affect the health, peace, comfort, or welfare of persons residing or working in and around the Project site. The Modified Project is consistent with surrounding uses, including gas stations and other fast food restaurants, and with the existing rural community character. The Modified Project will provide additional food options in Acton, as well as employment opportunities for area residents. The Modified Project will revitalize the Project site and provide new buildings designed to comply with the western architectural themes required by the 1986 AVAP and the Acton CSD. The Modified Project will provide additional multi-use trails along the Project site's frontage, which will increase recreational opportunities for local residents. For these reasons, the Board further finds the Modified Project will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the Project site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.
56. The Board finds the Modified Project is accessible via Sierra Highway to the south, an existing fully-improved major highway, and Crown Valley Road to the west, an existing, fully-improved limited secondary highway.
57. The Board finds the Modified Project is adequately served by public or private utilities and systems. The Project site is served by existing services and infrastructure, including water, electricity, police, and fire services. The permittee will develop a private septic system on the Project site.
58. The Board finds the Modified Project is adequate in size and shape to accommodate development of the Modified Project. The Project site adequately accommodates more than the required amount of parking spaces and

landscaping, in addition to multi-use trails along the Project site's frontage along Sierra Highway and Crown Valley Road.

### CEQA

59. The Board finds the Modified Project is exempt from CEQA pursuant to Class 3 – New Construction or Conversion of Small Structures, as set forth in CEQA Guidelines section 15303. The Class 3 exemption applies to the construction of limited numbers of new, small facilities or structures. Pursuant to CEQA Guidelines section 15303(c), examples of development covered by the Class 3 exemption includes "[a] store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area." The Modified Project consists of one restaurant building approximately 2,029 square feet in floor area. Hazardous substances are not expected to be used in connection with the Project, except in negligible amounts consistent with accepted restaurant industry practice.
60. The Board has duly considered all of the issues and information contained in the oral testimony and written correspondence given to the Board in opposition to and in favor of the Project, as well as the issues and information contained in the oral testimony and written correspondence given to the Board in response thereto by Regional Planning staff and the permittee. The Board finds the opposition testimony and written correspondence do not identify substantial evidence that the environmental review process for the Project violated CEQA. The Board further finds no evidence that the Class 3 exemption should not apply to the Project.
61. The location of the documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials is the Section Head of the Zoning Permits North Section, Los Angeles County Department of Regional Planning.

### **BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:**

- A. The proposed use with the attached conditions and restrictions will be consistent with the General Plan and the 1986 AVAP.
- B. With the attached conditions and restrictions, the requested use at the proposed location 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 Project site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.
- C. The Project site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development

features prescribed in the Zoning Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

- D. The Project 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 is adequately served by other public or private service facilities as are required.

**THEREFORE, THE BOARD OF SUPERVISORS:**

1. Determines that the Modified Project is exempt from CEQA pursuant to CEQA Guidelines sections 15061(b)(1) and 15303, and the County CEQA Guidelines related thereto; and
2. Approves Conditional Use Permit No. 2014-00142-(5), subject to the attached conditions.

**CONDITIONS OF APPROVAL  
PROJECT NO. R2014-02996-(5)  
CONDITIONAL USE PERMIT NO. 2014-00142-(5)**

1. This grant authorizes the development, construction, and operation of a Taco Bell fast food restaurant at 3771 Sierra Highway, in the unincorporated Los Angeles County ("County") community of Acton, within the –DP (Development Program) zone. The above improvements are as depicted on the approved Exhibit "A" on file at the County Department of Regional Planning ("Regional Planning") and are subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, the owners of the property, and any other person, corporation, or other entity making use of this grant.
3. As used in this grant, the term "date of final approval" shall mean the date the approval of this grant becomes effective pursuant to Los Angeles County Code ("County Code") Section 22.60.260.
4. This grant shall not be effective for any purpose until the permittee has filed at Regional Planning its affidavit stating that it is aware of, and agrees to accept, all of the conditions of this grant, until the conditions have been recorded as required by Condition No. 5, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 4 and Condition Nos. 3, 5, 6, 7, 8, 10, and 27 shall become immediately effective upon final approval by the County.
5. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Registrar-Recorder/County Clerk ("Recorder"). Upon recordation, an official copy of the recorded conditions shall be provided to the Director of Regional Planning ("Director"). In addition, upon any transfer of any interest in the property, or in the event of any lease or sublease of the property during the term of this grant, the permittee shall promptly provide a copy of this grant and its terms and conditions to the transferee, lessee, or sublessee.
6. 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 grant, which action is brought within the applicable time period of California Government Code section 65009, or any other applicable limitation period. The County shall promptly notify the permittee of any such 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.



7. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing pay Regional Planning an initial deposit of \$5,000 from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, attorneys' fees and expenses, including but not limited to County Counsel fees and expenses, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - A. If during the litigation process, actual costs incurred reach 80 percent of the amount of the initial deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
  - B. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents shall be paid by the permittee in accordance with County Code Section 2.170.010.

8. This grant shall expire unless used within two years from the date of final approval of this grant. The permittee may seek a single one-year extension pursuant to County Code Section 22.56.140.A.1, with the payment of the applicable fee.
9. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, this grant shall be void and the privileges granted hereunder shall lapse.
10. The project site shall be developed, 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 project site. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County the sum of \$400. These monies shall be placed in a performance fund which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for two annual inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be

financially responsible and shall reimburse Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file at Regional Planning. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$200 per inspection).

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 County Regional Planning Commission ("Commission") or a County 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 health or safety, or so as to be a nuisance. In the event that the County deems it necessary to initiate such proceedings pursuant to Part 13 of Chapter 22.56 of Title 22 of the County Code (Title 22 of the County Code is hereinafter referred to as the "Zoning Code"), the permittee shall compensate the County for all costs incurred in such proceedings.
12. The project site shall be developed and maintained in substantial compliance with the approved site plan, dimensioned building elevations and sections, parking plans, and other plans kept on file at Regional Planning, marked Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit three copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by all applicable fees and the written authorization of the property owner(s) for such revisions.
13. All development pursuant to this grant shall comply with the requirements of the Zoning Code and the specific zoning of the subject property unless specifically modified by this grant, as set forth in these conditions or as shown on the approved Exhibit "A" or a revised Exhibit "A" approved by the Director.
14. All structures and other development pursuant to this grant shall be kept in full compliance with the County Fire Code, to the satisfaction of the County Fire Department ("Fire Department"), and shall conform to the requirements of the County Departments of Public Works ("Public Works") and Public Health ("Public Health"), to the satisfaction of those departments.
15. The permittee shall maintain the subject property in a neat and orderly fashion and free of litter. Yard areas that are visible from the street shall be free of debris, trash, lumber, overgrown or dead vegetation, broken or discarded furniture, and household equipment such as refrigerators, stoves, and freezers.
16. Except for seasonal decorations or signage provided by or for a civic or non-profit organization, all structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage that do not directly relate to

the use of the property or provide pertinent information about the premises. In the event any such extraneous markings or graffiti become visible, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of their visibility, 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. Prior to obtaining any building or grading permit for the project, the permittee shall submit to the Director for review and approval three copies of a revised Exhibit "A" which contains a full set of site plans, floor plans, parking plans, signage plans, building elevations, and building cross-sections which conform to the conditions of this grant, including but not limited to Condition No. 21, below, prohibiting drive-through facilities or services.
18. The permittee shall not maintain fewer parking spaces than required by the Zoning Code, and shall comply with all parking standards therein.
19. The permittee shall provide disabled/accessible parking spaces in compliance with the Americans with Disabilities Act ("ADA").
20. The permittee shall provide on-site not less than two short-term and two long-term bicycle parking spaces in compliance with County Code Section 22.52.1225.
21. No drive-through facility or service is permitted on-site.
22. All outdoor dining and seating areas shall comply with the requirements of County Code Section 22.28.070.G.
23. All project signage shall comply with County Code Section 22.44.126.C.6.
24. All outdoor lighting for the project shall comply with County Code Section 22.44.126.C.8 and Part 9 of Chapter 22.44 of the Zoning Code.
25. The permittee shall keep a copy of these conditions in any management office it maintains on the site. The permittee shall immediately provide a copy of these conditions to law enforcement, Regional Planning, and other County staff upon request.
26. Except with respect to references to drive-through facilities or services, which are prohibited on the site as set forth in Condition No. 21, above, the permittee shall comply with all conditions of the Public Health approval letter dated April 15, 2015, the Fire Department approval letter dated June 10, 2015, the County Department of Parks and Recreation ("Parks and Recreation") approval letter dated July 9, 2015, and the Public Works approval letter dated September 10, 2015, each of which is attached to these conditions and incorporated herein by this reference as though set forth in full.

27. In the event the permittee continues to maintain the project or any component thereof after the expiration or termination of this grant, the permittee shall be bound by and comply with the conditions set forth herein, as though the grant remains in full force and effect, unless at the time of expiration or termination the project is permitted to remain pursuant to then-applicable Zoning Code requirements, in which case the permittee shall comply with the applicable requirements of the Zoning Code. Nothing in this condition is intended to grant the permittee or any person or entity the right to maintain any use on the subject property without a valid grant, permit, or other approval, and nothing in this condition shall prevent the County from taking any action to abate uses on the site which are being maintained without necessary grants, permits, or approvals, or which are otherwise being maintained in violation of the Zoning Code. This condition shall survive the expiration or termination of this grant.
28. The aforementioned conditions shall run with the land and shall be binding on all owners of the project site.

Attachments:

Public Health Conditions of Approval (Pages 1-3)

Fire Department Conditions of Approval (Pages 1-3)

Parks and Recreation Conditions of Approval (Pages 1-5)

Public Works Conditions of Approval (Pages 1-7)



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

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

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

**TERRI S. WILLIAMS, REHS**  
Assistant Director of Environmental Health

5050 Commerce Drive  
Baldwin Park, California 91706  
TEL (626) 430-8100 • FAX (626) 813-3000

[www.publichealth.lacounty.gov](http://www.publichealth.lacounty.gov)



**BOARD OF SUPERVISORS**

Hilda Solis  
First District  
Mark Ridley-Thomas  
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Fourth District  
Michael D. Antonovich  
Fifth District

April 15, 2015

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

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

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

☒ Public Health recommends approval of this CUP.  
☐ Public Health does NOT recommend approval of this CUP.

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

**Restaurant Establishment**

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

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

### **Wastewater Disposal**

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

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

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

#### **Notes:**

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

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

### **Potable Water Supply**

**The Drinking Water Program recommends approval of the CUP.**

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

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

**Noise**

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

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



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

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

**PROJECT:** R2014-02996

**MAP DATE:** 04/15/15 FD

**LOCATION:** 3771 Sierra Highway, Acton

**PLANNER:** Richard Claghorn

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**REVISED CONDITIONS:** Supersedes Fire Dept. Conditions Dated 04/15/15

**THE FIRE DEPARTMENT RECOMMENDS CLEARANCE OF THIS PROJECT TO  
PROCEED TO PUBLIC HEARING AS PRESENTLY SUBMITTED WITH THE  
FOLLOWING CONDITIONS OF APPROVAL.**

**CONDITIONS OF APPROVAL – ACCESS**

1. All on-site Fire Department vehicular access roads shall be labeled as "Private Driveway and Fire Lane" on the site plan along with the widths clearly depicted on the plan. Labeling is necessary to assure the access availability for Fire Department use. The designation allows for appropriate signage prohibiting parking.
2. Fire Department vehicular access roads must be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4
3. All fire lanes shall be clear of all encroachments, and shall be maintained in accordance with the Title 32, County of Los Angeles Fire Code.
4. The edge of the fire access roadway shall be located a minimum of 5 feet from the building or any projections there from.
5. The Fire Apparatus Access Roads and designated fire lanes shall be measured from flow line to flow line.
6. Provide a minimum unobstructed width of 26 feet, exclusive of shoulders and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the building, as measured by an approved route around the exterior of the building. Fire Code 503.1.1 & 503.2.2
7. The dimensions of the approved Fire Apparatus Access Roads shall be maintained as originally approved by the fire code official. Fire Code 503.2.2.1

Reviewed by: Wally Collins

Date: June 10, 2015

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

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

**PROJECT:** R2014-02996

**MAP DATE:** 04/15/15 FD

**LOCATION:** 3771 Sierra Highway, Acton

**PLANNER:** Richard Claghorn

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

Reviewed by: Wally Collins

Date: June 10, 2015

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FIRE DEPARTMENT CONDITION OF APPROVAL

CUP 2014-00142-(5)

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

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

PROJECT: R2014-02996

MAP DATE: 04/15/15 FD

LOCATION: 3771 Sierra Highway, Acton

PLANNER: Richard Claghorn

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15. Approved building address numbers, building numbers or approved building identification shall be provided and maintained so as to be plainly visible and legible from the street fronting the property. The numbers shall contrast with their background, be Arabic numerals or alphabet letters, and be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Fire Code 505.1

**CONDITIONS OF APPROVAL – WATER SYSTEM**

1. All fire hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal, and shall be installed in accordance with the County of Los Angeles Fire Department Regulation 8.
2. All required PUBLIC fire hydrants shall be installed, tested and accepted prior to beginning construction. Fire Code 501.4
3. The fire flow for the proposed project is adequate per the flow test of two (2) existing public fire hydrants performed by the Los Angeles County Water Works dated 04/01/15.

**CONDITION OF APPROVAL – FUEL MODIFICATION**

1. This property is located within the area described by the Fire Department as the Very High Fire Hazard Severity Zone. The "Preliminary Fuel Modification Plan" has been "approved" by the Department's Fuel Modification Unit. The Final Fuel Modification Plan will be reviewed by the Fuel Modification Unit during the building plan check process.

The building plans shall be submitted to the Department's Lancaster Fire Prevention Office, (661) 949-6319, for review.

For any questions regarding the report, please contact FPEA Wally Collins at (323) 890-4243 or at [Wally.Collins@fire.lacounty.gov](mailto:Wally.Collins@fire.lacounty.gov).

Reviewed by: Wally Collins

Date: June 10, 2015

Page 3 of 3



COUNTY OF LOS ANGELES  
DEPARTMENT OF PARKS AND RECREATION

"Parks Make Life Better!"

Russ Guiney, Director

John Wicker, Chief Deputy Director

July 9, 2015

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

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

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

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

**NOTICE OF TRAIL CONDITIONS**

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

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

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

**Trail Easement Recordation Conditions**

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

Planning and Development Agency • 510 South Vermont Avenue • Los Angeles, CA 90020-1975 • (213) 351-5198

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

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

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

#### **Trail Construction Conditions**

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

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

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

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

- iv. Trail easement must be outside of the road right-of-way unless approved by the County Department of Public Works (DPW).
- v. Any streetlight pole(s) must have cross-walk activation buttons at two heights to accommodate both pedestrian and equestrian traffic. Request coordination with DPW to address crosswalk design standards.
- vi. Appropriate signage where deemed necessary, for motorist, trail user safety and property security, as approved by DPW.

2. Prior to initiation of trail construction, the Applicant shall:

- a. Submit a preliminary construction schedule showing milestones for completing the trail. The Applicant's representative shall provide updated trail construction schedules to DPR on a monthly basis. Schedule submittals shall include a "Two Week Look-Ahead" schedule, to reflect any modifications to the original schedule.
- b. Stake the centerline of the trail. The Applicant's representative shall then schedule a site meeting with a representative from DPR's Trails Planning Section for trail alignment inspection and approval.

Richard Claghorn  
July 9, 2015  
Page 4

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

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

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

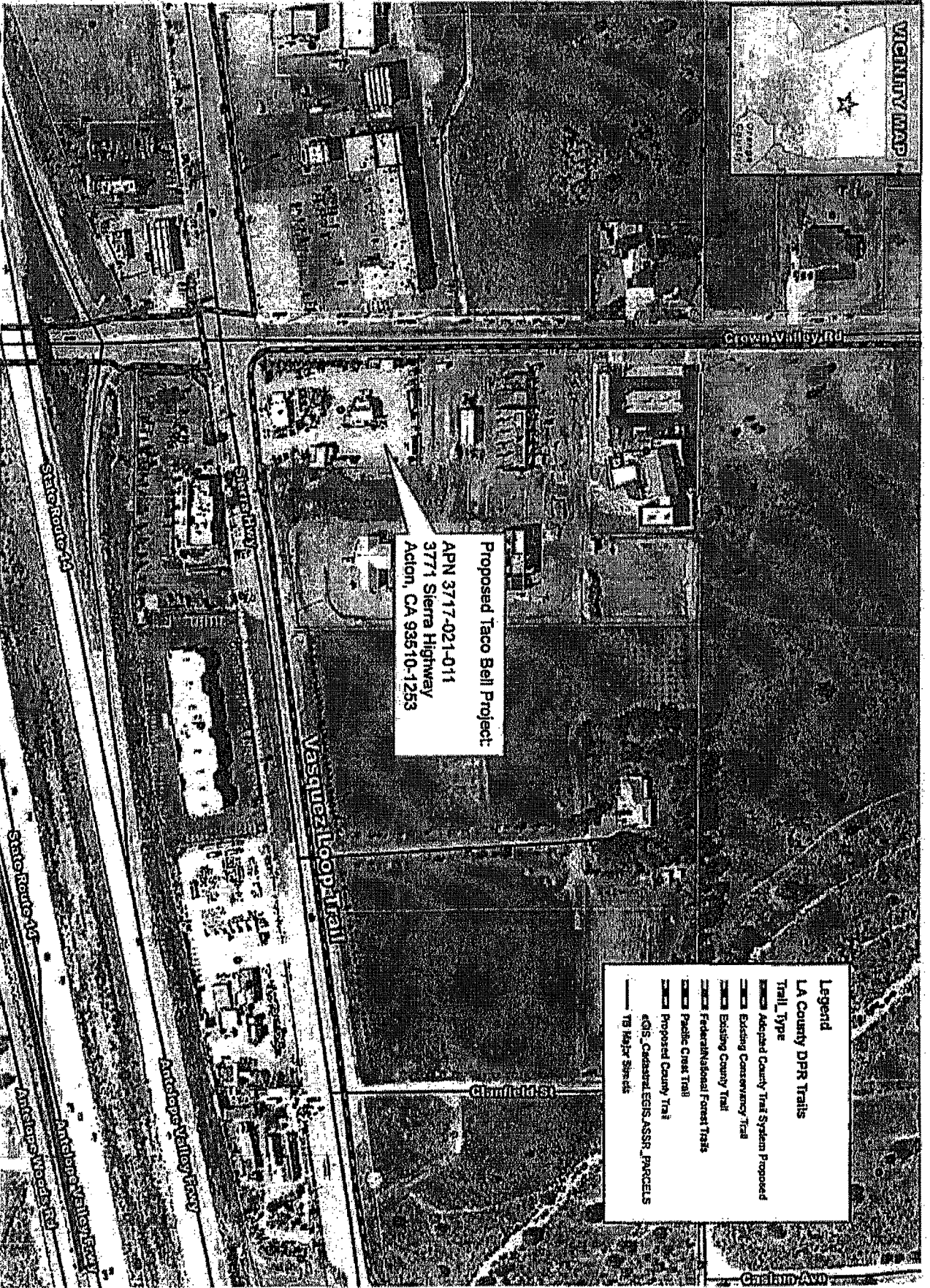
KK:FM:RL:cp R201402996-(5) Taco Bell Project Trail Report

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



**TRAIL REVIEW: Project #2014-02996 (Taco Bell)**

County of Los Angeles | Department of Parks & Recreation





GAIL FARDER, Director

## COUNTY OF LOS ANGELES

### DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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

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

IN REPLY PLEASE  
REFER TO FILE: LD-2

September 10, 2015

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

Attention Richard Claghorn

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

**TACO BELL ACTON-3771 SIERRA HIGHWAY  
CONDITIONAL USE PERMIT (CUP) NO. 201400142  
PROJECT NO. R2014-02996  
ASSESSOR'S MAP BOOK NO. 3217, PAGE 21, PARCEL NO. 11  
UNINCORPORATED COUNTY COMMUNITY OF ACTON**

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

This memo will supersede our previous memo dated August 6, 2015 (attached), and is being issued to reflect the elimination of our original recommended street lighting conditions. The request to eliminate these conditions came from a member of the Acton Town Council, who indicated they did not feel the street lighting requirement was in keeping with the dark skies ordinance. After further review by Public Works' Traffic and Lighting Division, it was determined that street lights should no longer be a recommended requirement.

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



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

Road

1. Dedicate an additional 24 feet of right of way along the property frontage of Sierra Highway to achieve an ultimate width of 54 feet from the street centerline, to the satisfaction of Public Works. A processing fee will be required for the dedication.
2. Dedicate an adequate right-of-way corner cut-off, from the beginning-of-curb return to the end-of-curb return, based on a 35-foot curb return radius, at the northeast corner of Sierra Highway and Crown Valley Road to the satisfaction of Public Works. A processing fee will be required for the dedication.
3. Construct standard, rural, major highway improvements on Sierra Highway, easterly of the proposed catch basin. This section shall consist of a 4-foot concrete inverted shoulder located 42 feet from the street centerline to the edge of pavement/edge of gutter to the satisfaction of Public Works. Relocate all affected utilities.
4. Construct a standard, rural section with asphalt concrete inverted shoulders and applicable pavement widening on Crown Valley Road, 14 feet from the centerline to the flow line, to the satisfaction of Public Works.
5. Construct a 35-foot curb return radius consisting of barrier curb and gutter at the northeast corner of Crown Valley Road and Sierra Highway to the satisfaction of Public Works. Additionally, provide adequate curb and gutter transitions from the required asphalt concrete inverted shoulder along Crown Valley Road to the full-curb face around the curb return. The barrier curb and gutter shall then extend easterly along Sierra Highway to the proposed catch basin located approximately 40 feet from the curb return. Adequate curb and gutter transitions shall also be provided from the proposed catch basin to the concrete inverted shoulder along Sierra Highway.
6. Construct a curb ramp at the northeast corner of Crown Valley Road and Sierra Highway to meet current Americans with Disability Act (ADA) guidelines and to the satisfaction of Public Works.
7. Submit street improvement plans and acquire street plan approval before obtaining a grading permit.
8. Execute an Agreement to Improve for the street improvements prior to issuance of a building permit.

Rob Glaser  
September 10, 2015  
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9. Comply with all the requirements listed in the attached letter dated August 5, 2015, from Public Works' Traffic and Lighting Division.
10. Submit a detailed signing and striping plan (scale: 1"=40') for review and approval on Sierra Highway and Crown Valley Road in the vicinity of the property location and acquire approval before obtaining a grading permit.

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

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

#### Drainage/Grading

1. Submit a drainage and grading plan for review and approval that complies with the approved hydrology study dated May 28, 2015 (or the latest revision), to the satisfaction of Public Works. The drainage and grading plans must provide for the proper distribution of drainage and for contributory drainage from adjoining properties by eliminating the sheet overflow, ponding, and high-velocity scouring action to protect the lots. The plans need to call out the construction of at least all drainage devices and details and paved driveways; elevation of all pads, water quality devices, Low-Impact Development (LID) features; and any existing easements. Additionally, the applicant is required to obtain the necessary easement holder's approval for the proposed work.
2. Comply with all National Pollutant Discharge Elimination System, Storm Water Management Plan, and Water Quality requirements.
3. Per County Code Section 12.84.440, comply with LID standards in accordance with the LID Standards Manual, which can be found at [http://dpw.lacounty.gov/wmd/LA\\_County\\_LID\\_Manual.pdf](http://dpw.lacounty.gov/wmd/LA_County_LID_Manual.pdf).
4. Comply with the approved hydrology study dated May 28, 2015 (or latest revision), for the design of all drainage facilities to the satisfaction of Public Works.
5. Provide a maintenance agreement/covenant for any privately maintained drainage devices.
6. Obtain soil/geology approval of the drainage/grading plan from Public Works' Geotechnical and Materials Engineering Division.

Rob Glaser  
September 10, 2015  
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7. Provide permits and/or letters of nonjurisdiction from all applicable State and Federal agencies. These agencies may include, but may not be limited to, the State of California Regional Water Quality Control Board; State of California Department of Fish and Wildlife; State of California Department of Conservation, Division of Oil, Gas, and Geothermal Resources; and the Army Corps of Engineers.
8. Provide a concrete liner or other suitable material approved by Public Works within the proposed on-site detention basin to protect the integrity of Sierra Highway.
9. Submit storm drain plans for review and approval for the proposed catch basin and appurtenant storm drain facilities on Sierra Highway.
10. Execute a maintenance agreement/covenant for the overflow pipe from the proposed retention basin to its junction with the proposed storm drain system on Sierra Highway.

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

#### Water

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

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

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

ECG:tb

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GAIL FARBER, Director

## COUNTY OF LOS ANGELES

### DEPARTMENT OF PUBLIC WORKS

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

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

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

IN REPLY PLEASE  
REFER TO FILE: **T-4**

August 5, 2015

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

Dear Mr. Sato:

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

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

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

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


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

Mr. Scott Sato  
August 5, 2015  
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If you have any questions regarding the review of this document, please contact Mr. Kent Tsujii of Traffic and Lighting Division, Traffic Studies Section, at (626) 300-4776.

Very truly yours,

GAIL FARBER  
Director of Public Works

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

MD:mrb  
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## LOS ANGELES COUNTY WATERWORKS DISTRICTS \*

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

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

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

TO:

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

☒ Los Angeles County  
Department of Public Works  
Building & Safety Division

☒ Los Angeles County  
Fire Department

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

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

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

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

Rev. 04/15

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