Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

June 28, 2016

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

Dear Supervisors:

PROJECT NO. R2014-00881-(5)
CONDITIONAL USE PERMIT NO. 201400037
ENVIRONMENTAL ASSESSMENT NO. 201400078
APPLICANT: ROBERT FRIEDMAN
SOLEDAD ZONED DISTRICT
(FIFTH SUPERVISORIAL DISTRICT) (3-VOTES)

SUBJECT

The proposed project would authorize a development program that includes the construction, operation, and maintenance of a new commercial center in the C-RU-DP (Rural Commercial –Development Program) Zone. The project site is located at Assessor Parcel Number 3217-021-022, a vacant property located approximately 320 feet southwest of the intersection of Crown Valley Road and Sierra Highway in the unincorporated community of Acton of the Antelope Valley. The proposed development program includes a restaurant with drive-through services, a 6,000-square-foot retail building, and an accessory storage structure. The project also proposes a reduction in the number of trees required to be planted along the street frontage to two (2) 24-inch box trees.

The project was approved, without drive-through services, by the Regional Planning Commission (Commission) on April 6, 2016. Condition No. 19 of the approval is being appealed by Mr. Paul Zerounian, the owner of several Primo Burger restaurants.

IT IS RECOMMENDED THAT THE BOARD, AFTER THE PUBLIC HEARING:

1. Indicate its intent to adopt the Negative Declaration associated with Environmental Assessment No. 201400078, finding that the project will not have a significant effect on the environment.

2. Indicate its intent to deny the appeal and instruct County Counsel to prepare the necessary findings to affirm the Commission's approval of Conditional Use Permit (CUP) No. 201400037.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The proposed commercial center is suitable for the Acton community as there are several existing restaurants and other commercial centers within the vicinity of the project site. The building is designed to conform to the Acton Community Standards District (CSD) architectural style guidelines, and the project will comply with applicable zoning requirements, General Plan policies, and Antelope Valley Area Plan (AVAP) policies. The project site is immediately adjacent to other commercial uses and the proposed use without drive-through services will not substantially change the rural character of the area. However, the subject parcel abuts the State-Route 14 Freeway to the south and is located near the Crown Valley Road east-bound off-ramp. The AVAP acknowledges that the intent of the Rural Commercial land use category is to allow low-intensity local commercial uses while prohibiting high-intensity regional commercial uses that serve travelers along State-Route 14. While the project is not considered a high-intensity use, the location of the property being visible and adjacent to the freeway, the drive-through services proposed in conjunction with the restaurant will provide a convenient dining option for travelers along State-Route 14 and will be disruptive to the rural character of the community. Therefore, the drive-through is inconsistent with preserving the rural character for the Acton community. The proposed commercial center without drive-through services is compatible with the surrounding area and suitable for the proposed location.

Implementation of Strategic Plan Goals

The proposed project would help implement the County's Strategic Plan goals of increasing the well-being of County residents. The facility would provide services to the local residents and add to the commercial diversity of the area.

FISCAL IMPACT/FINANCING

Implementation of the proposed CUP should not result in any new significant costs to the County or to the Department of Regional Planning (Department) as the proposed project is a private development. Operating costs will be borne by the applicant.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Commission conducted a duly noticed public hearing at its regularly scheduled meeting of March 9, 2016, and unanimously passed a motion to continue the public hearing to April 6, 2016, at the request of the applicant. At the duly noticed public hearing held on April 6, 2016, the applicant and several of his representatives presented testimony in favor of the request and answered questions presented by the Commission. There were a total of seventeen people that provided testimony at the public hearing; thirteen were in favor of the project with the drive-through and four members of the Acton Town Council (ATC) testified in opposition to the project with the drive-through. The ATC had concerns with the lack of a trail easement on the south side of Sierra Highway, an insufficient traffic study, the lack of a traffic signal analysis, and the incorrect signage depicted on the plans. After the Commission held a discussion on alternatives to the drive-through and received clarification from Public Works that their trip generation calculations do not differentiate between local fast-food restaurants and nationally-known fast-food restaurants, they voted three to one (three concurring, one dissenting, and one absent) to approve CUP No. 201400037 without drive-through services.

Staff has received five letters in support of the project with the drive-through services as well as over 300 additional support form letters. The Acton Town Council has submitted three letters; the most recent of which no longer supports the project due to abovementioned concerns. The Association of Rural Town Councils also submitted a letter mirroring the concerns of the Acton Town Council and did not support the project.

Pursuant to subsection A of Section 22.60.230 of the County Code, Paul Zerounian appealed the Commission's approval to the Board of Supervisors on April 20, 2016. A public hearing is required pursuant to Section 22.60.240 of the County Code and Sections 65335 and 65856 of the Government Code. Notice of the hearing must be given pursuant to the procedures set forth in Section 22.60.174 of the County Code. These procedures exceed the minimum standards of Government Code Sections 6061, 65090, 65355, and 65856 relating to notice of public hearing.

ENVIRONMENTAL DOCUMENTATION

A Negative Declaration is the appropriate environmental document under the California Environmental Quality Act and the County environmental guidelines. The Initial Study concluded that there is no evidence that the project may have a significant impact on the environment.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Action on the proposed CUP is not anticipated to have a negative impact on current services.

For further information, please contact Kristina Kulczycki at (213) 974-6443 or kkulczycki@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.

Respectfully submitted,

Richard J. Bruckner
Director

RJB:SA:RG:KK:lm

Attachments: Findings and Conditions, Commission Staff Reports and Correspondence, Negative Declaration

c: Executive Office, Board of Supervisors
Assessor
Chief Executive Office
County Counsel
Public Works

K_CP_062816_PROJECT_NO_R2014_00881_BL

APPLICANT

Date 4-20-16

Zoning Section
Los Angeles County Board of Supervisors
Room 383, Kenneth Hahn
Hall of Administration
500 West Temple Street
Los Angeles, California 90012

PROJECT NO/CUP NO.: R2014-00881-(5)

APPLICANT: Robert Friedman

LOCATION: Vacant site adj. to Sierra Hwy Acton

APN 3217-021-022

Zoned District

Related zoning matters:

CUP(s) or VARIANCE No. 201400037

Change of Zone Case No.

Other

This is an appeal on the decision of the Regional Planning Commission in the subject case. This form is to be presented with a check or money order, payable to the Board of Supervisors, along with personal identification, prior to the appeal deadline at 5:00 p.m. at the above address. (Appeal fees subject to change) Contact the Zoning section of the Board of Supervisors for more information: (213) 974-1426.

This is to appeal: (Check one)

[ ] The Denial of this request $7,425* OR
[✓] 2 or less conditions of the Project to be listed below: $866.00*

*For Subdivisions $260.00 of this amount is to cover the cost of the hearing by the Board of Supervisors

condition # 19 (drive thru)

Briefly, explain the reason for this appeal is as follows (attach additional information if necessary):

SEE Attached

x
(Signed) Appellant

PAUL ZEROUNIAN
Print Name

18522 Oldenburg Lane
Granada Hills CA. 91344
Street Address

91344
City/Zip

661- 510-6534
Day Time Telephone Number

PRimo210@AOL.com
Email Address

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

April 6, 2016

Robert Friedman
2059 E. Foothill Blvd.
Pasadena, CA 91107

REGARDING: **PROJECT NO. R2014-00881-(5)**
CONDITIONAL USE PERMIT NO. 201400037
VACANT SITE ADJ. TO SIERRA HWY., ACTON (APN: 3217-021-022)

The Regional Planning Commission, by its action of **April 6, 2016,** has **APPROVED** the above-referenced project. Enclosed are the Commission's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

Appeals:

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **April 20, 2016. Appeals must be delivered in person.**

To file an appeal, please contact:
Executive Office of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles, CA 90012
(213) 974-1426

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. In addition, any applicable CEQA fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable, must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Kristina Kulczycki of the Zoning Permits North Section at (213) 974-6443, or by email at kkulczycki@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Rob Glaser, Supervising Regional Planner
Zoning Permits North Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion), Notice of Determination (1 original, 1 copy)
c: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement;

RG:KK

CC 060412

FINDINGS OF THE REGIONAL PLANNING COMMISSION
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2014-00881-(5)
CONDITIONAL USE PERMIT NO. 201400037

1. The Los Angeles County ("County") Regional Planning Commission ("Commission") conducted duly-noticed public hearings in the matter of Conditional Use Permit No. 201400037 ("CUP") on March 9, 2016 and April 6, 2016.

2. The permittee, Robert Friedman ("permittee"), requests the CUP to authorize construction of a 6,000-square-foot retail building containing three tenant spaces, a 3,300-square-foot restaurant with drive-through services, and a 1,600-square-foot accessory storage building as well as a reduction in the number of required trees within the landscaped setback area ("Project") on a property located at Assessor Parcel Number 3217-021-022, a vacant property located approximately 320 feet southwest of the intersection of Crown Valley Road and Sierra Highway in the unincorporated community of Acton ("Project Site") in the C-RU-DP (Rural Commercial-Development Program) Zone pursuant to Los Angeles County Code ("County Code") Sections 22.28.390 and 22.40.040.

3. The CUP is required because of the ()-DP combining zone, pursuant to County Code Section 22.40.040, which allows any use permitted in the basic zone (C-RU) if a CUP has been obtained. Pursuant to County Code Section 22.28.390, a CUP is also required for drive-through services in the C-RU Zone.

4. The Project Site is 1.95 acres in size and consists of one legal lot. The Project Site is irregular in shape with gently-sloping topography and is currently vacant land.

5. The Project Site is located in the Acton Community Standards District ("CSD") and the Soledad Zoned District. The Project Site is currently zoned C-RU-DP (Rural Commercial-Development Program).

6. The Project Site is located within the Rural Commercial ("CR") land use category of the 2015 Antelope Valley Area Plan Land Use Policy Map.

7. Surrounding zoning within a 500-foot radius includes:

   North: A-1-2 (Light Agricultural – Two Acre Minimum Required Lot Area), C-RU (Rural Commercial), and C-RU-DP
   South: A-1-1 (Light Agricultural – One Acre Minimum Required Lot Area) and C-RU
   East: C-RU
   West: A-2-2 (Heavy Agricultural – Two Acre Minimum Required Lot Area) and C-RU-DP

8. Surrounding land uses within a 500-foot radius include:

North: A commercial center, a communication utility site, vacant land, a single-family residence, apartments, a feed and grain sales store, a frame shop, and mobile home sales
South: Antelope Valley Freeway (SR-14) and vacant land
East: Fast-food restaurants and a gas station with mini-market
West: Vacant land, commercial shops, and a restaurant

9. The Project Site was rezoned to A-1-10,000 in 1958 and was rezoned again to C-3-DP in 2007. The Project Site was rezoned to C-RU-DP and the land use plan category was changed to Rural Commercial with the adoption of the 2015 Antelope Valley Area Plan and Ordinance No. 2015-0021Z on June 16, 2015.

10. The site plan for the Project depicts the 1.95-acre property with Sierra Highway to the north and the Antelope Valley Freeway to the south. There are two driveways along the northern property line that are accessible from Sierra Highway. There are three proposed buildings depicted on the site: the 3,300-square-foot restaurant and drive-through near the eastern property line, the 6,000-square-foot commercial building adjacent to the western property line, and a 1,600-square-foot storage building in the southwestern corner. The request includes grading, consisting of 590 cubic yards of cut and 590 cubic yards of fill, as part of the construction activities. The site plan identifies 14,850 square feet of landscaping provided on-site. Customer parking is proposed in front of the retail building as well as to the west of the restaurant. An equestrian hitching post will be located near the northeastern corner of the retail building. Behind the retail building are several additional parking spaces, a loading space, and a trash enclosure. There are several parking spaces, a loading area, and a trash enclosure southwest of the restaurant as well.

11. No bicycle parking is depicted on the site plan and the signage depicted on the plans is incorrect. No signage will be permitted on the storage building. Additionally, the amount of signage on the restaurant and retail building exceeds the allowable area. Internal illumination is proposed but, the Acton Community Standards District prohibits internal illumination. Lastly, the proposed monument sign exceeds the allowed height and area. Therefore, revised plans would need to be submitted following the hearing that depict bicycle parking and signage that meet the development standards listed in the County Code.

12. The grading plan for the Project, which is dated February 19, 2014, provides the estimated grading quantities for the project, including 590 cubic yards of cut and 590 cubic yards of fill.

13. The Project will provide a total of 65 vehicle parking spaces including 57 standard spaces, four compact spaces, and four Americans with Disabilities Act-compliant spaces. A hitching post is proposed in front of the retail building. Two short-term bicycle parking spaces and two long-term bicycle parking spaces are required for the project.

14. Prior to scheduling this case for hearing, the applicant presented the proposed project to the Acton Town Council. Staff has received comments from the Acton Town Council as well as several members of the community.

15. In August of 2014, the Department of Parks and Recreation contacted Regional Planning staff by email and indicated that they suggested the inclusion of a hitching post for equestrian use as part of the project. The applicant revised the plans accordingly to provide a hitching post in front of the retail building. The Department of Public Health issued a letter dated February 25, 2015 which included a recommendation of approval for the project with a list of conditions related to drinking water, wastewater disposal, noise, and food retail facilities requirements. A letter dated September 18, 2015 was submitted by the Fire Department indicating that the project is cleared for public hearing. The letter from the Fire Department included a list of recommended conditions that will be added to the conditions of approval for the project. Staff received a letter from the Department of Public Works dated November 23, 2015 which recommended approval of the conditional use permit. The letter contains conditions of approval related to road requirements, drainage, grading, and water supply. The recommended conditions from each agency shall be included with the conditions of approval for the project.

16. Prior to the Commission's public hearing on the Project, an Initial Study was prepared for the Project in compliance with 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. Based on the Initial Study, staff from Regional Planning determined that a Negative Declaration was the appropriate environmental document for the Project because the Initial Study concluded that there was no substantial evidence that the Project would result in a significant impact on the environment.

17. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.

18. Five letters in support of the project and one letter in opposition to the project have been received. Additionally, the Acton Town Council ("ATC") submitted two letters with comments on the project. The first letter was dated October 6, 2014 and included language in support of the project with the following stipulations: a traffic study should be prepared, no freeway-facing signage should be permitted, the outdoor seating would be removed, no license to sell alcohol would be permitted on the site, the contact information for the applicant would be provided to the ATC, and a hitching post would be included in the design. On October 22, 2014, a second letter was submitted by the ATC which amended the comments of the original letter to state that they are still in support of the project with the exception of the proposed drive-through.

    In addition to the support and opposition letters specified above, the applicant's agent submitted over 300 form letters in support of the project that are posted to the website. Ms. Jacki Ayer, a member of the Acton Town Council, submitted emails following the Acton Town Council meeting in March of 2016 that included concerns that were raised at the meeting. These comments are included in the hearing package.

19. A duly noticed public hearing was held on March 9, 2016 before the Regional Planning Commission. Staff recommended continuance of the hearing to April 6, 2016 in order to provide the applicant with sufficient time to submit additional materials. The motion to continue the hearing to April 6, 2016 passed unanimously.

20. Prior to the April 6, 2016 public hearing, the owner of the Primo Burger restaurants, Mr. Paul Zerounian, provided the average daily transaction counts for his existing restaurants that have a drive-through. The Department of Parks and Recreation ("DPR") also submitted a response, dated March 31, 2016, that addresses concerns related to the location of the Darrell Readmond Trail stating that "DPR has no authority to require a trail easement on the south side of Sierra Highway." The Association of Rural Town Councils also submitted a letter prior to the hearing that mirrors the concerns of the Acton Town Council that was provided to the Commissioners for review prior to the start of the public hearing. Lastly, the Traffic and Lighting Division of the Department of Public Works provided a response, dated April 5, 2016, concluding that "...there is no nexus to require a traffic signal warrant analysis..." and that "...the project is not expected to have a significant transportation impact at the two intersections in accordance with the County's Traffic Impact Analysis Report Guidelines."

21. A duly noticed public hearing was held on April 6, 2016 before the Commission. Commissioners Louie, Pincetl, Pedersen, and Modugno were present. Commissioner Smith was absent. Following a presentation by Regional Planning staff, a total of seventeen members of the public spoke at the hearing and provided testimony in favor of and in opposition to the project, as originally proposed.

    Mr. Zerounian, the owner of four existing Primo Burger restaurants, spoke in favor of the project with the drive-through. He stated that the drive-through is essential for the viability of his business. Mr. Zerounian and Mr. Friedman, the project architect, both mentioned that they have attended multiple Acton Town Council meetings and that the project was designed based on input from those meetings. Mr. Friedman offered an alternative solution to the Commission which would allow the drive-through to be constructed with the caveat that after one year of operation, the impacts from the drive-through would be evaluated. Staff from Passantino Andersen, a firm representing the applicant, indicated that they collected 384 letters in support of the project with the drive-through (over 80 percent of which were from Acton residents) and an additional 115 response cards in support of the project with the drive-through and 31 cards that were either not in favor of the project or did not want the drive-through as part of the proposal. They also provided other sources of outreach to the community including an open house, advertisements and an article in the local paper, and a mail-out to 500 houses along Crown Valley Road near the project.

    Members of the Acton Town Council also provided testimony and clarified that they would be in support of the project if their conditions stipulated in their first letter are met. However, they indicate that those conditions have not been met and they continue to have concerns with the potential increase in traffic to their community. Some concerns that were highlighted include the lack of a trail easement on the south side of Sierra Highway, an insufficient traffic study, the lack of a traffic signal analysis, and the

incorrect signage depicted on the plans. One member of the Acton Town Council also mentioned that they had previously conducted a survey in the local country journal and received responses from community members that expressed a desire to keep the area rural and an opposition to drive-through services in the area.

Additional members of the public came to speak in favor of the project. There were several people that were connected with the current hay and feed store location as well as the new project site, but there were also several community members that came to express their support of the project. Some mentioned that this is a family-owned business that provides "cook-to-order" food from a menu of over 80 items. They stated that the drive-through accounts for approximately 20 percent of their revenue, but is a necessity for the viability of the restaurant. As the wait time in the drive-through is approximately 10 to 12 minutes, according to Maria Zerounian, the testifiers didn't consider Primo Burger to be a fast-food restaurant. Members of the local community stated that they are willing to wait in line for healthier options and the convenience that the drive-through offers to those transporting children and/or animals.

Commissioner Louie asked Paul Zerounian Jr., the son of the Primo Burger restaurant owner, several questions after he provided testimony in favor of the project with the drive-through. Commissioner Louie requested clarification on how they handle queuing in the drive-through with a 15 minute wait per car. Mr. Zerounian Jr. stated that this is not typically an issue as the drive-through only accounts for a portion of their sales. He also clarified that there are not many "first-time" customers, but wasn't sure of the proximity of the project site to the nearest McDonald's restaurant. After closing rebuttal by the applicant and representatives of the applicant, Commissioner Louie asked the Mr. Zerounian if he would go forward with the project if no drive-through was approved. Mr. Zerounian responded by stating that it would be very hard for him to move forward with the project if the drive-through was not approved.

Commissioner Modugno questioned whether they had considered alternative options to the drive-through, such as a drive-up window, because of the extensive number of items on the menu and the longer wait time in the drive-through. Mr. Zerounian responded that the property location is very isolated, especially at night and therefore, it would create a problem for people to leave their car at night. Commissioner Pedersen requested more information on the traffic study and whether it would change if there was a drive-up window. Mr. Jeffrey Pletyak, a Senior Civil Engineer with the Traffic and Lighting Division of the Department of Public Works, responded to questions from the commissioners and indicated that their analysis forecasted the project's trip generation recognizing that the restaurant would have a drive-through. He confirmed that the trip generation calculations do not differentiate between local fast-food restaurants from a high-volume of a nationally-known restaurant with a drive-through.

Commissioner Modugno made a motion to approve the Conditional Use Permit without drive-through services. This motion was seconded by Commissioner Pedersen. Commissioners Modugno, Pedersen, and Pincetl voted in favor of the motion and Commissioner Louie voted no. Commissioner Smith was absent.

22. The subject site is located within close proximity to the Crown Valley Road freeway on-ramps and off-ramps and is adjacent to and visible from the State-Route 14 Freeway. The Antelope Valley Area Plan acknowledges that the intent of the Rural Commercial land use category is to allow low-intensity local commercial uses while prohibiting high-intensity regional commercial uses that serve travelers along State-Route 14. While the project is not considered a high-intensity use, the location of the property being visible and adjacent to the freeway, the drive-through services proposed in conjunction with the restaurant will provide a convenient dining option for travelers along State-Route 14 and will be disruptive to the rural character of the community. Therefore, the Commission finds that the drive-through is inconsistent with preserving the rural character for the Acton community.

23. The purpose of the Rural Commercial (CR) land use category of the Antelope Valley Area Plan is for *"limited, low-intensity commercial uses that are compatible with rural and agricultural activities, including retail, restaurants, and personal and professional offices"*. The commercial center is proposed to contain a feed store, a restaurant, and two other retail uses. The feed store will provide agricultural-related products to the surrounding rural community and both the restaurant and retail uses are listed as commercial uses that are compatible with the CR land use category. Restaurant and retail uses are included and specifically identified as compatible uses within the CR land use category. However, the Antelope Valley Area Plan acknowledges the intent to allow low-intensity local commercial uses while prohibiting high-intensity regional commercial uses that serve travelers along State-Route 14. As mentioned previously, the location of the project site is adjacent to the freeway and is near a freeway off-ramp. As such, the drive-through services provided as part of the restaurant will attract commuters from the State-Route 14 Freeway by providing a convenient dining option. Therefore, the Commission finds that the Project, without the drive-through, is consistent with the CR land use category of the Antelope Valley Area Plan.

24. The Antelope Valley Area Plan prohibits "high-intensity regional commercial uses" within this area of Acton. However, the retail center with restaurant and retail uses is not considered to be high-intensity or a regional use. Based on the Traffic Impact Study dated January 20, 2015 and the evaluation by the Department of Public Works, the traffic generated by this 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. The retail center with restaurant and retail uses is considered to be consistent with the applicable policies of the Antelope Valley Area Plan, including the land use category.

25. The Commission finds that the Project is consistent with the C-RU-DP zoning classification. Restaurants, retail stores, feed and grain sales and hardware stores are permitted uses in the C-RU Zone pursuant to Section 22.28.360 of the County Code. According to Section 22.28.390 of the County Code, drive-through services are permitted in the C-RU-DP Zone with the approval of a CUP. Accessory uses, such as storage buildings, are permitted in the C-RU Zone pursuant to Section 22.28.370. Lastly, property in a ()-DP Zone may be used for any use permitted in the basic zone pursuant to County Code Section 22.40.040. The development program will restrict the uses on the property to a restaurant without drive-through services, a commercial

building containing retail uses permitted in the C-RU zone, and an accessory storage building. Changes to the development program will require a new Conditional Use Permit.

26. The Project will comply with all the development standards that apply to properties in the C-RU Zone, as listed in County Code Section 22.28.400, with the exception of the requirement to plant one 24-inch box tree for every 20 linear feet of street frontage for the parking setback areas. The Commission finds that this requirement should be reduced in light of the current water shortage issue in southern California, particularly in the Antelope Valley. The Commission finds that two 24-inch box trees, as depicted on the landscaping plan, are sufficient within the front setback area as there are other proposed trees within the parking areas and the rear of the property.

27. The Commission finds that Project is consistent with the applicable development standards of the Acton CSD in Section 22.44.126.C of the County Code. The proposed buildings and signage will include design elements that are of the "Western frontier village, circa 1890s style." The buildings will not exceed a height of 35 feet and the total impervious surface area will not exceed 90 percent. The fencing, signage, and outdoor lighting will be designed to comply with the standards listed in the CSD.

28. The Commission finds that the Project is located within a Rural Outdoor Lighting District. The Project will be required to comply with its requirements, which are designed to avoid excessively bright lighting and to protect surrounding properties from light trespass, thus preserving the dark skies in rural communities. Light fixtures may not exceed 30 feet in height, any light fixtures located more than 15 feet above grade may not exceed 400 lumens, and all outdoor lighting must be fully shielded to prevent any unacceptable light trespass. The applicable standards are found in County Code Sections 22.44.500 through 22.44.590.

29. The proposed commercial center is suitable for the area as there are several existing restaurants and other commercial centers within the vicinity of the project site. The building is designed to conform to the Acton CSD architectural style guidelines, and the Project will comply with the CSD requirements. The Project site is immediately adjacent to other commercial uses and the proposed use without the drive-through service will not substantially change the character of the area. However, the subject parcel abuts the State-Route 14 Freeway to the south and is located near the Crown Valley Road east-bound off-ramp. As such, the drive-through will be primarily serving travelers as a convenient dining option along the State-Route 14 Freeway due to the proximity of the site to the freeway. Based on the foregoing, the Commission finds that if the drive-through is not included, then the Project 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.

30. The Project Site is adequate in size to accommodate the parking spaces required for the use. Based on the proposed development, a total of 58 vehicle parking spaces are required and 65 are provided. The site plan depicts 14,850 square feet of landscaping

on-site which exceeds the minimum requirement of 10 percent. Based on the foregoing, the Commission finds that the Project Site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features as are required in order to integrate the Project into the surrounding area.

31. The Project Site is accessible from Sierra Highway via two driveways located along the northern property line. Sierra Highway is classified as an existing Major Highway within the 2015 Master Plan of Highways and is a proposed Class III Bike Path according to the 2012 Bicycle Master Plan. The northern side of Sierra Highway is identified as part of the proposed County Trail System. Furthermore, a Traffic Impact Study ("TIS") was completed for the project and was reviewed by the Traffic and Lighting Division of the Department of Public Works. According to the TIS, the traffic generated by the project along, 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 the Traffic Impact Analysis Guidelines. Based on the foregoing, the Commission finds that 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 by other public or private service facilities as are required.

32. The Commission finds that pursuant to Sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at the Acton Agua Dulce Library. On January 28, 2016, a total of 36 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 29 notices to those on the courtesy mailing list for the Soledad Zoned District and to any additional interested parties.

33. Commission finds that the permittee is subject to payment of the California Department of Fish and Wildlife fees related to the Project's effect on wildlife resources pursuant to section 711.4 of the California Fish and Game Code.

34. After consideration of the Negative Declaration, together with the comments received during the public review process, the Commission finds on the basis of the whole record before it that there is no substantial evidence that the Project as conditioned will have a significant effect on the environment, and further finds that the Negative Declaration reflects the independent judgment and analysis of the Commission.

35. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION 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.

THEREFORE, THE REGIONAL PLANNING COMMISSION:

1. Certifies that the Negative Declaration for the Project was completed in compliance with CEQA and the State and County Guidelines related thereto; certifies that it independently reviewed and considered the Negative Declaration and that the Negative Declaration reflects the independent judgment and analysis of the Commission as to the environmental consequences of the Project; determined that on the basis of the whole record before the Commission that there is no substantial evidence that the Project will have a significant effect on the environment; and adopts the Negative Declaration; and

2. Approves Conditional Use Permit No. 201400037, without a drive-through facility, subject to the attached conditions.

ACTION DATE: April 6, 2016

VOTE: 3:1:0:1
Concurring: Pincetl, Pedersen, and Modugno

Dissenting: Louie

Abstaining: 0

Absent: Smith

RG:KK
4/6/16

c: Each Commissioner, Zoning Enforcement, Building and Safety

CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2014-00881-(5)
CONDITIONAL USE PERMIT NO. 201400037

PROJECT DESCRIPTION

The project is for the construction of a retail center including a 6,000-square-foot retail building, a 3,300-square-foot restaurant without a drive-through, and a 1,600-square-foot accessory storage building. This project also includes a reduction in the required tree planting due to the current drought conditions of the area. The project is subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.

2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 9, and until a new Will Serve Letter has been issued or a time extension has been granted as required by Condition No. 20. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 8 shall be effective immediately upon the date of final approval of this grant by the County.

3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.

4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to $5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the

costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of $5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.

7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

8. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.

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. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **$400.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **two (2)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount

charged for additional inspections shall be $200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

10. Within five (5) working days from the day after your appeal period ends **March 30, 2016**, the permittee shall remit processing fees at the County Registrar-Recorder/County Clerk Office, payable to the County of Los Angeles, in connection with the filing and posting of a Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Wildlife pursuant to Section 711.4 of the California Fish and Game Code, the permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in Section 711.4 of the Fish and Game Code, currently **$2,285.25** ($2,210.25 for a Negative Declaration or Mitigated Negative Declaration plus $75.00 processing fee). No land use project subject to this requirement is final, vested or operative until the fee is paid.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.

12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.

13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.

14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").

15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.

16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." As the plans that were presented at the public hearing do not depict the required bicycle parking spaces and incorrectly depict the signage, **three (3) copies of** a modified Exhibit "A" shall be submitted to Regional Planning by **July 6, 2016**.

18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies of** the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PROJECT SITE SPECIFIC CONDITIONS

19. This grant shall authorize a new development program that restricts the development on the subject property to the construction, operation, and maintenance of a new commercial center that includes one new restaurant without a drive-through, a 6,000-square-foot building containing retail uses that are permitted in the C-RU (Rural Commercial) Zone, and an accessory storage building, as depicted on the Exhibit "A." This grant also authorizes a reduction to the number of trees required to be planted along the street frontage to two (2) 24-inch box trees, as depicted on the Exhibit "A."

20. Prior to construction of the retail center, the permittee shall obtain a current Will Serve letter and/or time extension from the Waterworks Division No. 37 of the Los Angeles County Department of Public Works for the project.

21. The permittee shall provide parking as required by the County Code, calculated at a parking ratio of one space for every 250 square feet of gross floor area used for the commercial buildings. The permittee shall provide parking for the restaurant as required by the County Code, calculated at a parking ratio of one space for each three occupants based on the occupancy load determination from the county engineer. The commercial building and storage structure have a total area of 7,600 square feet which would require not less than 30 spaces be provided based on the applicable ratio. The restaurant received an occupancy load determination of 84 from the Department of Public Works. Therefore, 28 parking spaces are required for the restaurant use and the total number of required parking spaces for the project site is 58 based on the current proposal.

22. The permittee shall provide bicycle parking as required by the County Code, calculated at a parking ratio of one short-term bicycle parking space for each 5,000 square feet of gross floor area with a minimum of two spaces and one long-term

bicycle parking space for each 12,000 square feet of gross floor area with a minimum of two spaces. The commercial buildings have a total square footage of 10,900 square feet which would require not less than two short-term spaces and two long-term spaces be provided based on the applicable ratio and the current proposal.

23. The permittee shall comply with all conditions set forth in the attached County Public Health Department letter dated February 25, 2015.

24. The permittee shall comply with all conditions set forth in the attached County Fire Department letter dated September 18, 2015.

25. The permittee shall comply with all conditions set forth in the attached County Public Works Department letter dated November 23, 2015.

Attachments:
Public Health Department Letter dated February 25, 2015
Fire Department Letter dated September 18, 2015
Public Works Department Letter dated November 23, 2015

Please complete and return to:
Department of Regional Planning
320 West Temple Street, 13th Floor
Los Angeles, California 90012

AFFIDAVIT OF ACCEPTANCE

STATE OF CALIFORNIA }ss
COUNTY OF LOS ANGELES

REGARDING: PROJECT NO. R2014-00881-(5)
CONDITIOINAL USE PERMIT NO. 201400037
VACANT SITE ADJ. TO SIERRA HWY., ACTON
APN(S): 3217-021-022

I/We the undersigned state:

I am/We are the permittee of the above-mentioned permits and/or owner of the real property described above. I am/We are aware of, and accept, all the stated Conditions of Approval for the above-mentioned permit(s).

I/We have enclosed a check in the amount of **$400.00** payable to the County of Los Angeles as required by the Conditions of Approval for regular inspections for compliance. I/We also acknowledge that I/We and my/our successors in interest may be required to reimburse the Department of Regional Planning for any additional enforcement efforts necessary to bring the subject property into compliance.

Executed this _____ day of _____ ,20 _____

I/We declare under the penalty of perjury that the foregoing is true and correct.

Complete both Applicant and Owner sections, even if the same.

Signatures must be acknowledged by a Notary Public. Affix seal or appropriate acknowledgements.

Applicant's Name: _____
Address: _____
City, State, Zip: _____
Signature: _____

Owner's Name: _____
Address: _____
City, State, Zip: _____
Signature: _____

Affidavit of Acceptance Instructions

STEP 1: **NOTARIZE AFFIDAVIT**: In the presence of a Notary Public, sign the Affidavit of Acceptance form. Complete and sign both applicant and owner sections, even if the applicant is the same as the owner.

STEP 2: **COUNTY REGISTRAR-RECORDER**: Visit the Registrar-Recorder's office at 12400 East Imperial Highway, Norwalk, CA 90650 (the following branch offices can also assist you: LAX Courthouse, Lancaster District Office, Van Nuys District Office. For more information call (562) 462-2125 or visit http://www.lavote.net/Recorder/Document_Recording.cfm) to complete the following tasks:

a) **Record Affidavit of Acceptance Form and Conditions of Approval:** Submit the original Affidavit of Acceptance form (wet signature) and Conditions of Approval to the County Registrar-Recorder for recording. If your project has an associated Mitigation Monitoring Reporting Program (MMRP), this document should be recorded as well. Request one certified copy of the recorded Affidavit, Conditions of Approval, and MMRP (if applicable) to submit to the Department of Regional Planning.

b) **Pay CEQA Fees and Post Notice of Determination (NOD):** Environmental filing fees and posting of an NOD are required pursuant to the California Environmental Quality Act (CEQA). This should be completed within five (5) working days from the day after your appeal period ends **April 27, 2016**. Bring two copies of the enclosed NOD along with one check for fees, payable to the "County of Los Angeles", as applicable below:

☐ **Not Required** (Categorically Exempt)

☐ **$75.00 for Notice of Determination (NOD), with original "No Effect" form from the California Department of Fish & Wildlife** (for posting only)

☒ **$2,285.25 for Notice of Determination (NOD) for the issued Negative Declaration or Mitigated Negative Declaration** (Includes $75.00 Registrar-Recorder processing fee).

☐ **$3,145.00 for the Environmental Impact Report** (Includes $75.00 Registrar-Recorder processing fee).

STEP 3: **REGIONAL PLANNING**: Schedule an appointment with the case planner to submit the following items in person:

a) One certified copy of the recorded Affidavit of Acceptance, Conditions of Approval, and MMRP if applicable. The certified copy will have an official document number and a purple recordation stamp from the Registrar-Recorder. Also bring a NOD posting receipt, and CEQA filing fee receipt if applicable. NOD posting receipt, and F & W fee receipt.

b) Three full-sized copies of the final site plans, or as otherwise requested by the planner. Plans must be folded to fit into an 8 ½" x 14" folder. At your final appointment, you will receive a copy of the approved site plan, and approved plans will be routed to the Department of Public Works, Building and Safety, as applicable.

c) One check payable to "County of Los Angeles" for zoning inspection fees*, and MMRP fees if applicable (see Conditions of Approval). Write project number on checks.

STEP 4: **OBTAIN BUILDING PERMITS**: Bring your copy of the approved site plan to the Department of Public Works, Building and Safety office.*

For questions or for additional information, please contact the planner assigned to your case. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

** Does not apply to subdivision cases.*

(F&G Fees effective as of Jan. 1, 2014) CC.03/3/15

Notice of Determination

To:
☐ Office of Planning and Research
U.S. Mail: P.O. Box 3044, Sacramento, CA 95812-3044
Street Address: 1400 Tenth Street, Sacramento, CA 95814

☒ County Clerk
County of: Los Angeles, Environmental Filings
Address: 12400 E. Imperial Hwy., #1201
Norwalk, CA 90650

From:
Public Agency: LA County Regional Planning
Address: 320 W. Temple St., 13th Floor
Los Angeles, CA 90012
Contact:
Phone:

Lead Agency (if different from above):
Address:
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2015121076

Project Title: "Acton Retail Center" / Project No. R2014-00881-(5) . Case No. RCUP 201400037

Project Applicant: Robert Friedman

Project Location (include county): Vacant, south side of Sierra Highway, Acton, Los Angeles County (APN: 3217-021-022)

Project Description:

A currently vacant lot to be developed with a new single-story 6,000-square foot retail building (one 3,000-square foot feed store with two additional attached 1,500-square foot retail spaces) located on the western portion of the lot, a 3,300-square foot restaurant (Primo Restaurant) without drive-through located on the eastern portion of the lot, and a 1,600-square foot accessory storage building.

This is to advise that the Regional Planning Commission has approved the above
(☒ Lead Agency or ☐ Responsible Agency)
described project on April 6, 2016 (date) and has made the following determinations regarding the above described project:

1. The Project [☐ will ☒ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☐ were ☒ were not] made a condition of the approval of the project.
4. A mitigation monitoring and reporting program [☐ was ☒ was not] adopted for this project.
5. A Statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012

Signature (Public Agency): _____ Title: Senior Regional Planning Assistant

Date: April 6, 2016 Date Received for filing at OPR: December 21, 2015

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 3-2016

Notice of Determination

To:
☐ Office of Planning and Research

U.S. Mail: P.O. Box 3044, Sacramento, CA 95812-3044

Street Address: 1400 Tenth Street, Sacramento, CA 95814

☒ County Clerk
County of: Los Angeles, Environmental Filings
Address: 12400 E. Imperial Hwy., #1201
Norwalk, CA 90650

From:
Public Agency: LA County Regional Planning
Address: 320 W. Temple St., 13th Floor
Los Angeles, CA 90012
Contact:
Phone:

Lead Agency (if different from above):

Address:

Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2015121076

Project Title: "Acton Retail Center" / Project No. R2014-00881-(5) . Case No. RCUP 201400037

Project Applicant: Robert Friedman

Project Location (include county): Vacant, south side of Sierra Highway, Acton, Los Angeles County (APN: 3217-021-022)

Project Description:

A currently vacant lot to be developed with a new single-story 6,000-square foot retail building (one 3,000-square foot feed store with two additional attached 1,500-square foot retail spaces) located on the western portion of the lot, a 3,300-square foot restaurant (Primo Restaurant) without drive-through located on the eastern portion of the lot, and a 1,600-square foot accessory storage building.

This is to advise that the Regional Planning Commission (☒ Lead Agency or ☐ Responsible Agency) has approved the above described project on April 6, 2016 (date) and has made the following determinations regarding the above described project:

1. The Project [☐ will ☒ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☐ were ☒ were not] made a condition of the approval of the project.
4. A mitigation monitoring and reporting program [☐ was ☒ was not] adopted for this project.
5. A Statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012

Signature (Public Agency): Title: Senior Regional Planning Assistant

Date: April 6, 2016 Date Received for filing at OPR: December 21, 2015

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 3-2016

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

April 6, 2016

Robert Friedman
2059 E. Foothill Blvd.
Pasadena, CA 91107

REGARDING: **PROJECT NO. R2014-00881-(5)**
CONDITIONAL USE PERMIT NO. 201400037
VACANT SITE ADJ. TO SIERRA HWY., ACTON (APN: 3217-021-022)

The Regional Planning Commission, by its action of **April 6, 2016**, has **APPROVED** the above-referenced project. Enclosed are the Commission's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

Appeals:

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **April 20, 2016. Appeals must be delivered in person.**

To file an appeal, please contact:
Executive Office of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles, CA 90012
(213) 974-1426

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. In addition, any applicable CEQA fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable, must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Kristina Kulczycki of the Zoning Permits North Section at (213) 974-6443, or by email at kkulczycki@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Rob Glaser, Supervising Regional Planner
Zoning Permits North Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion), Notice of Determination (1 original, 1 copy)
c: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement;

RG:KK

CC 060412

FINDINGS OF THE REGIONAL PLANNING COMMISSION
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2014-00881-(5)
CONDITIONAL USE PERMIT NO. 201400037

1. The Los Angeles County ("County") Regional Planning Commission ("Commission") conducted duly-noticed public hearings in the matter of Conditional Use Permit No. 201400037 ("CUP") on March 9, 2016 and April 6, 2016.

2. The permittee, Robert Friedman ("permittee"), requests the CUP to authorize construction of a 6,000-square-foot retail building containing three tenant spaces, a 3,300-square-foot restaurant with drive-through services, and a 1,600-square-foot accessory storage building as well as a reduction in the number of required trees within the landscaped setback area ("Project") on a property located at Assessor Parcel Number 3217-021-022, a vacant property located approximately 320 feet southwest of the intersection of Crown Valley Road and Sierra Highway in the unincorporated community of Acton ("Project Site") in the C-RU-DP (Rural Commercial-Development Program) Zone pursuant to Los Angeles County Code ("County Code") Sections 22.28.390 and 22.40.040.

3. The CUP is required because of the ()-DP combining zone, pursuant to County Code Section 22.40.040, which allows any use permitted in the basic zone (C-RU) if a CUP has been obtained. Pursuant to County Code Section 22.28.390, a CUP is also required for drive-through services in the C-RU Zone.

4. The Project Site is 1.95 acres in size and consists of one legal lot. The Project Site is irregular in shape with gently-sloping topography and is currently vacant land.

5. The Project Site is located in the Acton Community Standards District ("CSD") and the Soledad Zoned District. The Project Site is currently zoned C-RU-DP (Rural Commercial-Development Program).

6. The Project Site is located within the Rural Commercial ("CR") land use category of the 2015 Antelope Valley Area Plan Land Use Policy Map.

7. Surrounding zoning within a 500-foot radius includes:

   North: A-1-2 (Light Agricultural – Two Acre Minimum Required Lot Area), C-RU (Rural Commercial), and C-RU-DP
   South: A-1-1 (Light Agricultural – One Acre Minimum Required Lot Area) and C-RU
   East: C-RU
   West: A-2-2 (Heavy Agricultural – Two Acre Minimum Required Lot Area) and C-RU-DP

8. Surrounding land uses within a 500-foot radius include:

North: A commercial center, a communication utility site, vacant land, a single-family residence, apartments, a feed and grain sales store, a frame shop, and mobile home sales
South: Antelope Valley Freeway (SR-14) and vacant land
East: Fast-food restaurants and a gas station with mini-market
West: Vacant land, commercial shops, and a restaurant

9. The Project Site was rezoned to A-1-10,000 in 1958 and was rezoned again to C-3-DP in 2007. The Project Site was rezoned to C-RU-DP and the land use plan category was changed to Rural Commercial with the adoption of the 2015 Antelope Valley Area Plan and Ordinance No. 2015-0021Z on June 16, 2015.

10. The site plan for the Project depicts the 1.95-acre property with Sierra Highway to the north and the Antelope Valley Freeway to the south. There are two driveways along the northern property line that are accessible from Sierra Highway. There are three proposed buildings depicted on the site: the 3,300-square-foot restaurant and drive-through near the eastern property line, the 6,000-square-foot commercial building adjacent to the western property line, and a 1,600-square-foot storage building in the southwestern corner. The request includes grading, consisting of 590 cubic yards of cut and 590 cubic yards of fill, as part of the construction activities. The site plan identifies 14,850 square feet of landscaping provided on-site. Customer parking is proposed in front of the retail building as well as to the west of the restaurant. An equestrian hitching post will be located near the northeastern corner of the retail building. Behind the retail building are several additional parking spaces, a loading space, and a trash enclosure. There are several parking spaces, a loading area, and a trash enclosure southwest of the restaurant as well.

11. No bicycle parking is depicted on the site plan and the signage depicted on the plans is incorrect. No signage will be permitted on the storage building. Additionally, the amount of signage on the restaurant and retail building exceeds the allowable area. Internal illumination is proposed but, the Acton Community Standards District prohibits internal illumination. Lastly, the proposed monument sign exceeds the allowed height and area. Therefore, revised plans would need to be submitted following the hearing that depict bicycle parking and signage that meet the development standards listed in the County Code.

12. The grading plan for the Project, which is dated February 19, 2014, provides the estimated grading quantities for the project, including 590 cubic yards of cut and 590 cubic yards of fill.

13. The Project will provide a total of 65 vehicle parking spaces including 57 standard spaces, four compact spaces, and four Americans with Disabilities Act-compliant spaces. A hitching post is proposed in front of the retail building. Two short-term bicycle parking spaces and two long-term bicycle parking spaces are required for the project.

14. Prior to scheduling this case for hearing, the applicant presented the proposed project to the Acton Town Council. Staff has received comments from the Acton Town Council as well as several members of the community.

15. In August of 2014, the Department of Parks and Recreation contacted Regional Planning staff by email and indicated that they suggested the inclusion of a hitching post for equestrian use as part of the project. The applicant revised the plans accordingly to provide a hitching post in front of the retail building. The Department of Public Health issued a letter dated February 25, 2015 which included a recommendation of approval for the project with a list of conditions related to drinking water, wastewater disposal, noise, and food retail facilities requirements. A letter dated September 18, 2015 was submitted by the Fire Department indicating that the project is cleared for public hearing. The letter from the Fire Department included a list of recommended conditions that will be added to the conditions of approval for the project. Staff received a letter from the Department of Public Works dated November 23, 2015 which recommended approval of the conditional use permit. The letter contains conditions of approval related to road requirements, drainage, grading, and water supply. The recommended conditions from each agency shall be included with the conditions of approval for the project.

16. Prior to the Commission's public hearing on the Project, an Initial Study was prepared for the Project in compliance with 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. Based on the Initial Study, staff from Regional Planning determined that a Negative Declaration was the appropriate environmental document for the Project because the Initial Study concluded that there was no substantial evidence that the Project would result in a significant impact on the environment.

17. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.

18. Five letters in support of the project and one letter in opposition to the project have been received. Additionally, the Acton Town Council ("ATC") submitted two letters with comments on the project. The first letter was dated October 6, 2014 and included language in support of the project with the following stipulations: a traffic study should be prepared, no freeway-facing signage should be permitted, the outdoor seating would be removed, no license to sell alcohol would be permitted on the site, the contact information for the applicant would be provided to the ATC, and a hitching post would be included in the design. On October 22, 2014, a second letter was submitted by the ATC which amended the comments of the original letter to state that they are still in support of the project with the exception of the proposed drive-through.

    In addition to the support and opposition letters specified above, the applicant's agent submitted over 300 form letters in support of the project that are posted to the website. Ms. Jacki Ayer, a member of the Acton Town Council, submitted emails following the Acton Town Council meeting in March of 2016 that included concerns that were raised at the meeting. These comments are included in the hearing package.

19. A duly noticed public hearing was held on March 9, 2016 before the Regional Planning Commission. Staff recommended continuance of the hearing to April 6, 2016 in order to provide the applicant with sufficient time to submit additional materials. The motion to continue the hearing to April 6, 2016 passed unanimously.

20. Prior to the April 6, 2016 public hearing, the owner of the Primo Burger restaurants, Mr. Paul Zerounian, provided the average daily transaction counts for his existing restaurants that have a drive-through. The Department of Parks and Recreation ("DPR") also submitted a response, dated March 31, 2016, that addresses concerns related to the location of the Darrell Readmond Trail stating that "DPR has no authority to require a trail easement on the south side of Sierra Highway." The Association of Rural Town Councils also submitted a letter prior to the hearing that mirrors the concerns of the Acton Town Council that was provided to the Commissioners for review prior to the start of the public hearing. Lastly, the Traffic and Lighting Division of the Department of Public Works provided a response, dated April 5, 2016, concluding that "...there is no nexus to require a traffic signal warrant analysis..." and that "...the project is not expected to have a significant transportation impact at the two intersections in accordance with the County's Traffic Impact Analysis Report Guidelines."

21. A duly noticed public hearing was held on April 6, 2016 before the Commission. Commissioners Louie, Pinceti, Pedersen, and Modugno were present. Commissioner Smith was absent. Following a presentation by Regional Planning staff, a total of seventeen members of the public spoke at the hearing and provided testimony in favor of and in opposition to the project, as originally proposed.

    Mr. Zerounian, the owner of four existing Primo Burger restaurants, spoke in favor of the project with the drive-through. He stated that the drive-through is essential for the viability of his business. Mr. Zerounian and Mr. Friedman, the project architect, both mentioned that they have attended multiple Acton Town Council meetings and that the project was designed based on input from those meetings. Mr. Friedman offered an alternative solution to the Commission which would allow the drive-through to be constructed with the caveat that after one year of operation, the impacts from the drive-through would be evaluated. Staff from Passantino Andersen, a firm representing the applicant, indicated that they collected 384 letters in support of the project with the drive-through (over 80 percent of which were from Acton residents) and an additional 115 response cards in support of the project with the drive-through and 31 cards that were either not in favor of the project or did not want the drive-through as part of the proposal. They also provided other sources of outreach to the community including an open house, advertisements and an article in the local paper, and a mail-out to 500 houses along Crown Valley Road near the project.

    Members of the Acton Town Council also provided testimony and clarified that they would be in support of the project if their conditions stipulated in their first letter are met. However, they indicate that those conditions have not been met and they continue to have concerns with the potential increase in traffic to their community. Some concerns that were highlighted include the lack of a trail easement on the south side of Sierra Highway, an insufficient traffic study, the lack of a traffic signal analysis, and the

incorrect signage depicted on the plans. One member of the Acton Town Council also mentioned that they had previously conducted a survey in the local country journal and received responses from community members that expressed a desire to keep the area rural and an opposition to drive-through services in the area.

Additional members of the public came to speak in favor of the project. There were several people that were connected with the current hay and feed store location as well as the new project site, but there were also several community members that came to express their support of the project. Some mentioned that this is a family-owned business that provides "cook-to-order" food from a menu of over 80 items. They stated that the drive-through accounts for approximately 20 percent of their revenue, but is a necessity for the viability of the restaurant. As the wait time in the drive-through is approximately 10 to 12 minutes, according to Maria Zerounian, the testifiers didn't consider Primo Burger to be a fast-food restaurant. Members of the local community stated that they are willing to wait in line for healthier options and the convenience that the drive-through offers to those transporting children and/or animals.

Commissioner Louie asked Paul Zerounian Jr., the son of the Primo Burger restaurant owner, several questions after he provided testimony in favor of the project with the drive-through. Commissioner Louie requested clarification on how they handle queuing in the drive-through with a 15 minute wait per car. Mr. Zerounian Jr. stated that this is not typically an issue as the drive-through only accounts for a portion of their sales. He also clarified that there are not many "first-time" customers, but wasn't sure of the proximity of the project site to the nearest McDonald's restaurant. After closing rebuttal by the applicant and representatives of the applicant, Commissioner Louie asked the Mr. Zerounian if he would go forward with the project if no drive-through was approved. Mr. Zerounian responded by stating that it would be very hard for him to move forward with the project if the drive-through was not approved.

Commissioner Modugno questioned whether they had considered alternative options to the drive-through, such as a drive-up window, because of the extensive number of items on the menu and the longer wait time in the drive-through. Mr. Zerounian responded that the property location is very isolated, especially at night and therefore, it would create a problem for people to leave their car at night. Commissioner Pedersen requested more information on the traffic study and whether it would change if there was a drive-up window. Mr. Jeffrey Pletyak, a Senior Civil Engineer with the Traffic and Lighting Division of the Department of Public Works, responded to questions from the commissioners and indicated that their analysis forecasted the project's trip generation recognizing that the restaurant would have a drive-through. He confirmed that the trip generation calculations do not differentiate between local fast-food restaurants from a high-volume of a nationally-known restaurant with a drive-through.

Commissioner Modugno made a motion to approve the Conditional Use Permit without drive-through services. This motion was seconded by Commissioner Pedersen. Commissioners Modugno, Pedersen, and Pinceti voted in favor of the motion and Commissioner Louie voted no. Commissioner Smith was absent.

22. The subject site is located within close proximity to the Crown Valley Road freeway on-ramps and off-ramps and is adjacent to and visible from the State-Route 14 Freeway. The Antelope Valley Area Plan acknowledges that the intent of the Rural Commercial land use category is to allow low-intensity local commercial uses while prohibiting high-intensity regional commercial uses that serve travelers along State-Route 14. While the project is not considered a high-intensity use, the location of the property being visible and adjacent to the freeway, the drive-through services proposed in conjunction with the restaurant will provide a convenient dining option for travelers along State-Route 14 and will be disruptive to the rural character of the community. Therefore, the Commission finds that the drive-through is inconsistent with preserving the rural character for the Acton community.

23. The purpose of the Rural Commercial (CR) land use category of the Antelope Valley Area Plan is for *"limited, low-intensity commercial uses that are compatible with rural and agricultural activities, including retail, restaurants, and personal and professional offices"*. The commercial center is proposed to contain a feed store, a restaurant, and two other retail uses. The feed store will provide agricultural-related products to the surrounding rural community and both the restaurant and retail uses are listed as commercial uses that are compatible with the CR land use category. Restaurant and retail uses are included and specifically identified as compatible uses within the CR land use category. However, the Antelope Valley Area Plan acknowledges the intent to allow low-intensity local commercial uses while prohibiting high-intensity regional commercial uses that serve travelers along State-Route 14. As mentioned previously, the location of the project site is adjacent to the freeway and is near a freeway off-ramp. As such, the drive-through services provided as part of the restaurant will attract commuters from the State-Route 14 Freeway by providing a convenient dining option. Therefore, the Commission finds that the Project, without the drive-through, is consistent with the CR land use category of the Antelope Valley Area Plan.

24. The Antelope Valley Area Plan prohibits "high-intensity regional commercial uses" within this area of Acton. However, the retail center with restaurant and retail uses is not considered to be high-intensity or a regional use. Based on the Traffic Impact Study dated January 20, 2015 and the evaluation by the Department of Public Works, the traffic generated by this 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. The retail center with restaurant and retail uses is considered to be consistent with the applicable policies of the Antelope Valley Area Plan, including the land use category.

25. The Commission finds that the Project is consistent with the C-RU-DP zoning classification. Restaurants, retail stores, feed and grain sales and hardware stores are permitted uses in the C-RU Zone pursuant to Section 22.28.360 of the County Code. According to Section 22.28.390 of the County Code, drive-through services are permitted in the C-RU-DP Zone with the approval of a CUP. Accessory uses, such as storage buildings, are permitted in the C-RU Zone pursuant to Section 22.28.370. Lastly, property in a ()-DP Zone may be used for any use permitted in the basic zone pursuant to County Code Section 22.40.040. The development program will restrict the uses on the property to a restaurant without drive-through services, a commercial

building containing retail uses permitted in the C-RU zone, and an accessory storage building. Changes to the development program will require a new Conditional Use Permit.

26. The Project will comply with all the development standards that apply to properties in the C-RU Zone, as listed in County Code Section 22.28.400, with the exception of the requirement to plant one 24-inch box tree for every 20 linear feet of street frontage for the parking setback areas. The Commission finds that this requirement should be reduced in light of the current water shortage issue in southern California, particularly in the Antelope Valley. The Commission finds that two 24-inch box trees, as depicted on the landscaping plan, are sufficient within the front setback area as there are other proposed trees within the parking areas and the rear of the property.

27. The Commission finds that Project is consistent with the applicable development standards of the Acton CSD in Section 22.44.126.C of the County Code. The proposed buildings and signage will include design elements that are of the "Western frontier village, circa 1890s style." The buildings will not exceed a height of 35 feet and the total impervious surface area will not exceed 90 percent. The fencing, signage, and outdoor lighting will be designed to comply with the standards listed in the CSD.

28. The Commission finds that the Project is located within a Rural Outdoor Lighting District. The Project will be required to comply with its requirements, which are designed to avoid excessively bright lighting and to protect surrounding properties from light trespass, thus preserving the dark skies in rural communities. Light fixtures may not exceed 30 feet in height, any light fixtures located more than 15 feet above grade may not exceed 400 lumens, and all outdoor lighting must be fully shielded to prevent any unacceptable light trespass. The applicable standards are found in County Code Sections 22.44.500 through 22.44.590.

29. The proposed commercial center is suitable for the area as there are several existing restaurants and other commercial centers within the vicinity of the project site. The building is designed to conform to the Acton CSD architectural style guidelines, and the Project will comply with the CSD requirements. The Project site is immediately adjacent to other commercial uses and the proposed use without the drive-through service will not substantially change the character of the area. However, the subject parcel abuts the State-Route 14 Freeway to the south and is located near the Crown Valley Road east-bound off-ramp. As such, the drive-through will be primarily serving travelers as a convenient dining option along the State-Route 14 Freeway due to the proximity of the site to the freeway. Based on the foregoing, the Commission finds that if the drive-through is not included, then the Project 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.

30. The Project Site is adequate in size to accommodate the parking spaces required for the use. Based on the proposed development, a total of 58 vehicle parking spaces are required and 65 are provided. The site plan depicts 14,850 square feet of landscaping

on-site which exceeds the minimum requirement of 10 percent. Based on the foregoing, the Commission finds that the Project Site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features as are required in order to integrate the Project into the surrounding area.

31. The Project Site is accessible from Sierra Highway via two driveways located along the northern property line. Sierra Highway is classified as an existing Major Highway within the 2015 Master Plan of Highways and is a proposed Class III Bike Path according to the 2012 Bicycle Master Plan. The northern side of Sierra Highway is identified as part of the proposed County Trail System. Furthermore, a Traffic Impact Study ("TIS") was completed for the project and was reviewed by the Traffic and Lighting Division of the Department of Public Works. According to the TIS, the traffic generated by the project along, 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 the Traffic Impact Analysis Guidelines. Based on the foregoing, the Commission finds that 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 by other public or private service facilities as are required.

32. The Commission finds that pursuant to Sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at the Acton Agua Dulce Library. On January 28, 2016, a total of 36 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 29 notices to those on the courtesy mailing list for the Soledad Zoned District and to any additional interested parties.

33. Commission finds that the permittee is subject to payment of the California Department of Fish and Wildlife fees related to the Project's effect on wildlife resources pursuant to section 711.4 of the California Fish and Game Code.

34. After consideration of the Negative Declaration, together with the comments received during the public review process, the Commission finds on the basis of the whole record before it that there is no substantial evidence that the Project as conditioned will have a significant effect on the environment, and further finds that the Negative Declaration reflects the independent judgment and analysis of the Commission.

35. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION 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.

THEREFORE, THE REGIONAL PLANNING COMMISSION:

1. Certifies that the Negative Declaration for the Project was completed in compliance with CEQA and the State and County Guidelines related thereto; certifies that it independently reviewed and considered the Negative Declaration and that the Negative Declaration reflects the independent judgment and analysis of the Commission as to the environmental consequences of the Project; determined that on the basis of the whole record before the Commission that there is no substantial evidence that the Project will have a significant effect on the environment; and adopts the Negative Declaration; and

2. Approves Conditional Use Permit No. 201400037, without a drive-through facility, subject to the attached conditions.

ACTION DATE: April 6, 2016

VOTE: 3:1:0:1
Concurring: Pincetl, Pedersen, and Modugno

Dissenting: Louie

Abstaining: 0

Absent: Smith

RG:KK
4/6/16

c: Each Commissioner, Zoning Enforcement, Building and Safety

CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2014-00881-(5)
CONDITIONAL USE PERMIT NO. 201400037

PROJECT DESCRIPTION

The project is for the construction of a retail center including a 6,000-square-foot retail building, a 3,300-square-foot restaurant without a drive-through, and a 1,600-square-foot accessory storage building. This project also includes a reduction in the required tree planting due to the current drought conditions of the area. The project is subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.

2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 9, and until a new Will Serve Letter has been issued or a time extension has been granted as required by Condition No. 20. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 8 shall be effective immediately upon the date of final approval of this grant by the County.

3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.

4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to $5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the

costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of $5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.

7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

8. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.

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. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **$400.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **two (2)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount

charged for additional inspections shall be $200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

10. Within five (5) working days from the day after your appeal period ends **March 30, 2016,** the permittee shall remit processing fees at the County Registrar-Recorder/County Clerk Office, payable to the County of Los Angeles, in connection with the filing and posting of a Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Wildlife pursuant to Section 711.4 of the California Fish and Game Code, the permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in Section 711.4 of the Fish and Game Code, currently **$2,285.25** ($2,210.25 for a Negative Declaration or Mitigated Negative Declaration plus $75.00 processing fee). No land use project subject to this requirement is final, vested or operative until the fee is paid.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.

12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.

13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.

14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").

15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.

16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." As the plans that were presented at the public hearing do not depict the required bicycle parking spaces and incorrectly depict the signage, **three (3) copies of** a modified Exhibit "A" shall be submitted to Regional Planning by **July 6, 2016.**

18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies of** the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PROJECT SITE SPECIFIC CONDITIONS

19. This grant shall authorize a new development program that restricts the development on the subject property to the construction, operation, and maintenance of a new commercial center that includes one new restaurant without a drive-through, a 6,000-square-foot building containing retail uses that are permitted in the C-RU (Rural Commercial) Zone, and an accessory storage building, as depicted on the Exhibit "A." This grant also authorizes a reduction to the number of trees required to be planted along the street frontage to two (2) 24-inch box trees, as depicted on the Exhibit "A."

20. Prior to construction of the retail center, the permittee shall obtain a current Will Serve letter and/or time extension from the Waterworks Division No. 37 of the Los Angeles County Department of Public Works for the project.

21. The permittee shall provide parking as required by the County Code, calculated at a parking ratio of one space for every 250 square feet of gross floor area used for the commercial buildings. The permittee shall provide parking for the restaurant as required by the County Code, calculated at a parking ratio of one space for each three occupants based on the occupancy load determination from the county engineer. The commercial building and storage structure have a total area of 7,600 square feet which would require not less than 30 spaces be provided based on the applicable ratio. The restaurant received an occupancy load determination of 84 from the Department of Public Works. Therefore, 28 parking spaces are required for the restaurant use and the total number of required parking spaces for the project site is 58 based on the current proposal.

22. The permittee shall provide bicycle parking as required by the County Code, calculated at a parking ratio of one short-term bicycle parking space for each 5,000 square feet of gross floor area with a minimum of two spaces and one long-term

bicycle parking space for each 12,000 square feet of gross floor area with a minimum of two spaces. The commercial buildings have a total square footage of 10,900 square feet which would require not less than two short-term spaces and two long-term spaces be provided based on the applicable ratio and the current proposal.

23. The permittee shall comply with all conditions set forth in the attached County Public Health Department letter dated February 25, 2015.

24. The permittee shall comply with all conditions set forth in the attached County Fire Department letter dated September 18, 2015.

25. The permittee shall comply with all conditions set forth in the attached County Public Works Department letter dated November 23, 2015.

Attachments:
Public Health Department Letter dated February 25, 2015
Fire Department Letter dated September 18, 2015
Public Works Department Letter dated November 23, 2015

COUNTY OF LOS ANGELES
Public Health

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

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February 25, 2015

TO: Thuy Hua, AICP
Senior Regional Planner
Department of Regional Planning

FROM: Michelle Tsiebos, REHS, DPA M.T
Environmental Health Division
Department of Public Health

SUBJECT: CUP CONSULTATION
PROJECT NO. R2014-00881/ RCUP 201400037
Acton Feed Store and Primo Restaurant
Crown Valley & Sierra Hwy, Acton

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

The Department of Public Health has reviewed the information provided for the project identified above. The CUP is for the proposed construction of a 6,000 SF retail feed store and a 3,084 SF restaurant with drive-thru in Acton. The Department clears the project, and recommends approval of the CUP contingent upon the observance of the conditions stated below following public hearing.

Potable Water Supply

The Drinking Water Program recommends approval of this CUP.

The project will be served by a public water system (Los Angeles County Waterworks District No. 37). The applicant has submitted a current will serve letter from the water purveyor to this Department to ensure the availability of a potable water supply for the project.

For questions regarding the above requirement, please contact Lusi Mkhitaryan or Epifanio Braganza at (626) 430-5420 or at lmkhitaryan@ph.lacounty.gov and ebraganza@ph.lacounty.gov.

Wastewater Disposal

The Land Use Program recommends approval of this CUP contingent upon the following condition:

Based on the review of the proposed project's Feasibility Report submitted, the percolation test results indicate that a non-conventional system is to be installed due to the percolation rates which are greater than 5.12 gallons/square feet /day. A design for a non-conventional septic system has been submitted based on the manufactures recommendations. At this time the Program recommends conditional approval of the CUP. The Program has not received a copy of the report from the Regional Water Quality Control Board. **The approval of the Regional Water Quality Control Board must be received prior to the issuance of a building permit for the finalization of the Land Use Program's approval of an Onsite Wastewater Treatment System (OWTS) installation.**

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 Los Angeles 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. Note: 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.

C. If a public sewer connection is available within 200 feet of any part of the proposed building or exterior drainage, all future drainage and piping shall be connected to such public sewer.

For question regarding the above section, please contact Eric Edwards or Vicente Banada at (626) 430-5380 or at eedwards@ph.lacounty.gov and vbanada@ph.lacounty.gov.

Noise

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

For question regarding the above section, please contact Evenor Masis or Robert Vasquez at (213) 738-3220 or at emasis@ph.lacounty.gov and rvasquez@ph.lacounty.gov.

Food Retail Facilities

The applicant shall comply with all the Department of Public Health requirements relating to the construction and operation of food establishments. Three sets of construction plans for the proposed food establishment shall be submitted to the Department's Plan Check Program for review and approval prior to issuance of any building permits. The proposed food establishment must be issued a Public Health Permit to operate by this Department after construction.

For questions regarding the above section, please contact the Plan Check Program at (626) 430-5560.

For any other questions regarding this report, please contact me at (626) 430-5382 or at mtsiebos@ph.lacounty.gov.

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

GAIL FARBER, Director

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

November 23, 2015

IN REPLY PLEASE
REFER TO FILE LD-2

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

Attention Kristina Kulczycki

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

CONDITIONAL USE PERMIT (CUP) NO. 201400037
PROJECT NO. R2014-00881-(5)
ACTON FEED STORE AND PRIMO RESTAURANT
ASSESSOR'S MAP BOOK NO. 3217, PAGE 21, PARCEL NO. 22
UNINCORPORATED COUNTY COMMUNITY OF ACTON

Thank you for the opportunity to review the site plan and zoning permit application for the project located on Assessor's Parcel Number 3217-021-022 in the unincorporated County community of Acton. The applicant is requesting authorization for a CUP to allow the construction of a 6,000-square-foot retail feed store, a 3,300-square-foot restaurant with a drive-thru, and a 1,600-square-foot storage building.

☒ 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 following comments have been addressed:

<u>Road</u>

1. Construct both driveways along the property frontage on Sierra Highway to comply with the Americans with Disabilities Act guidelines and to the satisfaction of Public Works. Please note this will require the driveways to be depressed at the back of the walk. Relocate any affected utilities including the existing street light located on the westerly property line.

2. Submit and obtain approval of street lighting plans that show the proposed relocation of the existing street light located on the westerly property line (if affected by the construction of the proposed westerly driveway) by Public Works' Traffic and Lighting Division, Street Lighting Section. The street lighting plans shall show all existing and proposed street lights along the property frontage and be accompanied by plans that show all existing and/or proposed underground utilities.

3. Provide and continuously maintain adequate sight distance (10 feet minimum) from all proposed driveways to the back of the sidewalk to the satisfaction of Public Works. This means there cannot be any obstructions, such as landscaping, above 3.5 feet in height within a 10-foot sight triangle.

4. Comply with all of the requirements listed in the attached Traffic and Lighting Division letter dated October 22, 2105.

5. Submit a detailed signing and striping plan (scale: 1"=40') showing the westerly extension of the existing two-way, left-turn lane, on Sierra Highway near the project's proposed westerly driveway, for review and approval prior to obtaining a grading permit. The proposed striping transition shown on the site plan is not necessarily approved.

6. Provide an adequate pavement transition on the northern side of Sierra Highway to accommodate the extension of the existing two-way, left-turn lane, near the project's proposed westerly driveway, to the satisfaction of Public Works. Although the pavement transition will be located entirely within the existing public right of way, additional off-site grading within the properties, on the north side of Sierra Highway, may be necessary to adequately tie the grades within the parkway area to the new edge of pavement. It shall be the sole responsibility of the applicant to obtain any necessary off-site covenants/permissions from the affected property owners. The proposed pavement transition shown on the site plan is not necessarily approved.

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.

For questions regarding the road conditions, please contact Matthew Dubiel of Public Works' Land Development Division at (626) 458-4921 or mdubiel@dpw.lacounty.gov.

Drainage/Grading

1. Submit a drainage and grading plan for review and approval that complies with the approved hydrology study dated October 15, 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 sheet overflow, ponding, and high-velocity scouring action. 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 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/ldd/lib/fp/Hydrology/Low%20Impact%20Development%20Standards%20Manual.pdf.

4. Comply with the approved hydrology study dated October 15, 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.

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.

For questions regarding the drainage/grading condition, please contact Diego Rivera of Public Works' Land Development Division at (626) 458-4921 or drivera@dpw.lacounty.gov.

Water Supply

1. Comply with all of the requirements stipulated by the local water purveyor. The attached Will Serve letter issued by Waterworks District No. 37 will expire on February 25, 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 supply condition, please contact Toni Khalkhali of Public Works' Land Development Division at (626) 458-4921 or tkhalkh@dpw.lacounty.gov.

If you have any other questions or require additional information, please contact Matthew Dubiel of Public Works' Land Development Division at (626) 458-4921 or mdubiel@dpw.lacounty.gov.

MD:tb
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COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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GAIL FARBER, Director

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

IN REPLY PLEASE
REFER TO FILE: T-4

October 22, 2015

Mr. Robert Kilpatrick
Hall & Foreman
Suite 101
14297 Cajon Avenue
Victorville, CA 92392-2335

Dear Mr. Kilpatrick:

ACTON RETAIL CENTER PROJECT
CONDITIONAL USE PERMIT 201400037
TRAFFIC IMPACT STUDY – AUGUST 4, 2015
UNINCORPORATED ACTON AREA

We reviewed the Traffic Impact Study (TIS) for the proposed Acton Retail Center project to be located on the south side of Sierra Highway approximately 500 feet west of Crown Valley Road in the unincorporated Acton area. The proposed project consists of a feed store and a drive-through restaurant.

According to the TIS, 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 the Traffic Impact Analysis Guidelines. We generally agree with the findings in the TIS.

According to the TIS, the existing two-way left-turn lane on Sierra Highway would need to be extended westerly to accommodate left-turn movements at the project's west driveway. We concur with this improvement. Accordingly, the project applicant 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.

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

Very truly yours,

GAIL FARBER
Director of Public Works

DEAN R. LEHMAN
Assistant Deputy Director
Traffic and Lighting Division

SR:mrb
P:\TLPUB\STUDIES\EIR 15-0133 - ACTON RETAIL CENTER.DOC

bc: Land Development (Narag)

LOS ANGELES COUNTY WATERWORKS DISTRICTS

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

260 E Ave K-8
Lancaster, CA 93535
(661) 940-9270

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

TO:

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

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

☑ Los Angeles County
Department of
Regional Planning

☐ City of Lancaster
Building Department
44933 N Fern Ave
Lancaster, CA 93534

☐ City of Malibu
Building Department
23815 W Stuart Ranch Rd
Malibu, CA 90265

☐ City of Palmdale
Building Department
38300 N Sierra Hwy
Palmdale, CA 93550

RE: 3910 W Sierra Hwy (CUP R2014-00881) — Address | Acton — City | 93510 — Zip

3217-021-022 — Assessor's Parcel Number | PM 21321 — Tract / Parcel Map | 1 — Lot

Los Angeles County Waterworks District No. 37 will serve water to the above single lot property subject to the following conditions:

☐	Annexation of the property into Los Angeles County Waterworks Districts is required. Water service to this property will not be issued until the annexation is complete.
☑	The appropriate connection fees have NOT been paid to Waterworks Districts.
☐	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 Waterworks Districts.
☑	The service connection and water meter serving the property must be installed in accordance with Waterworks Districts' 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 watermain may be required to be replaced if the water service tap cannot be made or if damage occurs to the watermain.
☐	Property may experience low water pressure and/or shortages in high demand periods.
☐	The Waterworks Districts CANNOT serve water to this property at this time.

BY: [signature] — Signature

Sheila Niebla — Print Name

Associate Civil Engineer — Title

(661) 940-9270 — Phone Number

02/25/2015 — Date

** THIS WILL SERVE LETTER WILL EXPIRE ONE (1) YEAR AFTER THE DATE OF ISSUANCE.*

Rev. 02/2013

20103703Tq

FORM 196
Rev. 04/03

COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION

Fire Prevention Engineering
5823 Rickenbacker Road
Commerce, CA 90040
Telephone (323) 890-4125 Fax (323) 890-4129

Information on Fire Flow Availability for Building Permit

For All Buildings Other Than Single Family Dwellings (R-3)

INSTRUCTIONS:

Complete parts I, II (A) when:
Verifying fire flow, fire hydrant location and fire hydrant size.

Complete parts I, II (A), & II (B) when:
For buildings equipped with fire sprinkler systems, and/or private on-site fire hydrants.

PROJECT INFORMATION
(To Be Completed By Applicant)

PART I

LOS ANGELES COUNTY WATERWORKS DISTRICTS
INFORMATION PROVIDED HEREON IS FOR VERIFICATION OF PUBLIC FIRE FLOW AVAILABILITY ONLY. IT IS NOT INTENDED FOR USE IN EVALUATION OF FLOW AVAILABILITY FOR PRIVATE WATER DISTRIBUTION SYSTEMS.

Building Address: 3910 W Sierra Hwy (APN 3217-021-022)

City or Area: Acton, CA 93510

Nearest Cross Street: Crown Valley Rd

Distance of Nearest Cross Street: 200'

Applicant: Robert Friedman Telephone: (626) 484-5251

Address: 2059 E Foothill Blvd

City: Pasadena, CA 91107

Occupancy (Use of Building): B A3 Sprinklered: Yes [X] No [ ]

Type of Construction: V

Square Footage: 6000 + 3300 Number of Stories: 1

Present Zoning: C-3

Applicant's Signature Date

PART II-A **INFORMATION ON FIRE FLOW AVAILABILITY**
(To be completed by Water Purveyor)

Location South side of Sierra Hwy, 372 ft west of Crown Valley Rd

Hydrant Number --

Distance from Nearest Property Line 41' Size of Hydrant 6x4x2-1/2" Size of Water main 12"

Static PSI 210 Residual PSI 107 Orifice size -- Pitot --

Fire Flow at 20 PSI 2000 gpm Duration 2 hrs Flow Test Date / Time --

---

Location South side of Sierra Hwy, 647 ft west of Crown Valley Rd

Hydrant Number --

Distance from Nearest Property Line 97' Size of Hydrant Size of Water main 12"

Static PSI 210 Residual PSI 107 Orifice size -- Pitot --

Fire Flow at 20 PSI 2000 gpm Duration 2 hrs Flow Test Date / Time --

---

~~Location~~

~~Hydrant Number~~

~~Distance from Nearest Property Line~~ ~~Size of Hydrant~~ ~~Size of Water main~~

~~Static PSI~~ ~~Residual PSI~~ ~~Orifice size~~ ~~Pitot~~

~~Fire Flow at 20 PSI~~ ~~Duration~~ ~~Flow Test Date / Time~~

PART II-B **SPRINKLERED BUILDINGS/PRIVATE FIRE HYDRANTS ONLY**

Detector Location (check one) [X] Above Grade [ ] Below Grade [ ] Either

Backflow Protection Required (Fire Sprinklers/Private Hydrant) (check one) [X] Yes [ ] No

Minimum Type of Protection Required (check one) [ ] Single Check Detector Assembly

[ ] Double Check Detector Assembly [X] Reduced Pressure Principle Detector Assembly

LOS ANGELES COUNTY WATERWORKS DISTRICTS
WATER AND POWER PROVIDED TO THE PUBLIC
THE INFORMATION ON THIS DOCUMENT IS FOR VERIFICATION OF FIRE FLOW AVAILABILITY ONLY. ACCEPTANCE OF THIS INFORMATION DOES NOT IMPLY THAT THE DESIGN OF THE WATER DISTRIBUTION SYSTEM IS ADEQUATE

Los Angeles County Waterworks Districts
Water Purveyor

Signature

2/24/2015
Date

Associate Civil Engineer
Title

This Information Is Considered Valid for Twelve Months

Fire Department approval of building plans shall be required prior to the issuance of a Building Permit by the jurisdictional Building Department. Any deficiencies in water systems will need to be resolved by the Fire Prevention Division only prior to this department's approval of building plans.

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: R2014-00881 MAP DATE: February 2, 2015

LOCATION: Sierra Highway, West of Crown Valley Road, Acton

PLANNER: Thuy Hua

REVISED CONDITIONS: Supersedes Fire Dept. Comments Dated 02/06/2015

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 Fire Apparatus Access Roads and designated fire lanes shall be measured from flow line to flow line.

5. 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

6. 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

7. Fire Department vehicular access roads shall be provided with a 32 foot centerline turning radius. Fire Code 503.2.4

Reviewed by: Wally Collins Date: September 18, 2015

8. 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

9. 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

10. 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

11. 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

12. An approved key box, listed in accordance with UL 1037 shall be provided as required by Fire Code 506. The location of each key box shall be determined by the Fire Inspector.

    - All locking devices shall comply with the County of Los Angeles Fire Department Regulation 5, Compliance for Installation of Emergency Access Devices.

13. Gates: When security gates are provided, maintain a minimum access width of 26 feet. The security gate shall be provided with an approved means of emergency operation, and shall be maintained operational at all times and replaced or repaired when defective. Gates shall be of the swinging or sliding type. Construction of gates shall be of materials that allow manual operation by one person. Fire Code 503.6

CONDITIONS OF APPROVAL – WATER STSTEM

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 required fire flow for the public fire hydrants for this project is 2000 gpm at 20 psi residual pressure for 2 hours. Two (2) public fire hydrants flowing simultaneously may be used to achieve the required fire flow. Fire Code 507.3 & Appendix B105.1

    a. The fire flow test for the two (2) existing public fire hydrants noted on the site plan is adequate per the fire flow test dated 02/24/15 by the Los Angeles County Waterworks District.

Reviewed by: Wally Collins Date: September 18, 2015

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: R2014-00881 MAP DATE: February 2, 2015

LOCATION: Sierra Highway, West of Crown Valley Road, Acton

PLANNER: Thuy Hua

CONDITIONS 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. A "Preliminary Fuel Modification Plan" shall be submitted and approved prior to public hearing. For details, please contact the Department's Fuel Modification Unit which is located at Fire Station 32, 605 North Angeleno Avenue in the City of Azusa CA 91702-2904. They may be reached at (626) 969-5205.

    a. The Final Fuel Modification Plan was approved by the Fuel Modification Unit on 06/01/15.

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

Reviewed by: Wally Collins Date: September 18, 2015

Regional Planning Commission Transmittal Checklist

Hearing Date
4/6/2016
Agenda Item No.
6.

Project Number: R2014-00881-(5)
Case(s): Conditional Use Permit Case No. 201400037
Environmental Assessment Case No. 201400078
Planner: Kristina Kulczycki

- ☒ Project Summary
- ☒ Property Location Map
- ☒ Staff Analysis
- ☐ Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- ☒ Draft Findings
- ☒ Draft Conditions + Other department letters of recommended conditions
- ☒ Burden of Proof Statement(s)
- ☒ Environmental Documentation (ND / MND / EIR)
- ☒ Correspondence
- ☒ Photographs
- ☐ Aerial Image(s)
- ☒ Land Use/Zoning Map
- ☐ Tentative Tract / Parcel Map
- ☒ Site Plan / Floor Plans / Elevations
- ☐ Exhibit Map
- ☐ Landscaping Plans

Reviewed By: _____

Department *of* Regional Planning
320 West Temple Street
Los Angeles, California 90012

PROJECT NUMBER
R2014-00881-(5)

HEARING DATE
4/6/16

REQUESTED ENTITLEMENTS
Conditional Use Permit No. 201400037
Environmental Assessment No. 201400078

PROJECT SUMMARY

OWNER / APPLICANT
Joanna and Doug Gaudi / Robert Friedman

MAP/EXHIBIT DATE
10/1/15

PROJECT OVERVIEW
The applicant is requesting a Conditional Use Permit to construct a 6,000-square-foot retail building containing three tenant spaces, a 3,300-square-foot restaurant with a drive-through, and a 1,600-square-foot accessory storage building. The property is currently vacant. The site plan depicts fewer trees than are required by the C-RU zone within the setback area; however, staff recommends a reduction to this requirement in light of the current water shortage issue in southern California, particularly in Antelope Valley.

LOCATION
Vacant Property, Acton

ACCESS
Sierra Highway

ASSESSORS PARCEL NUMBER(S)
3217-021-022

SITE AREA
1.95 Acres

GENERAL PLAN / LOCAL PLAN
Antelope Valley Area Plan

ZONED DISTRICT
Soledad

LAND USE DESIGNATION
CR- Rural Commercial

ZONE
C-RU-DP (Rural Commercial-Development Program)

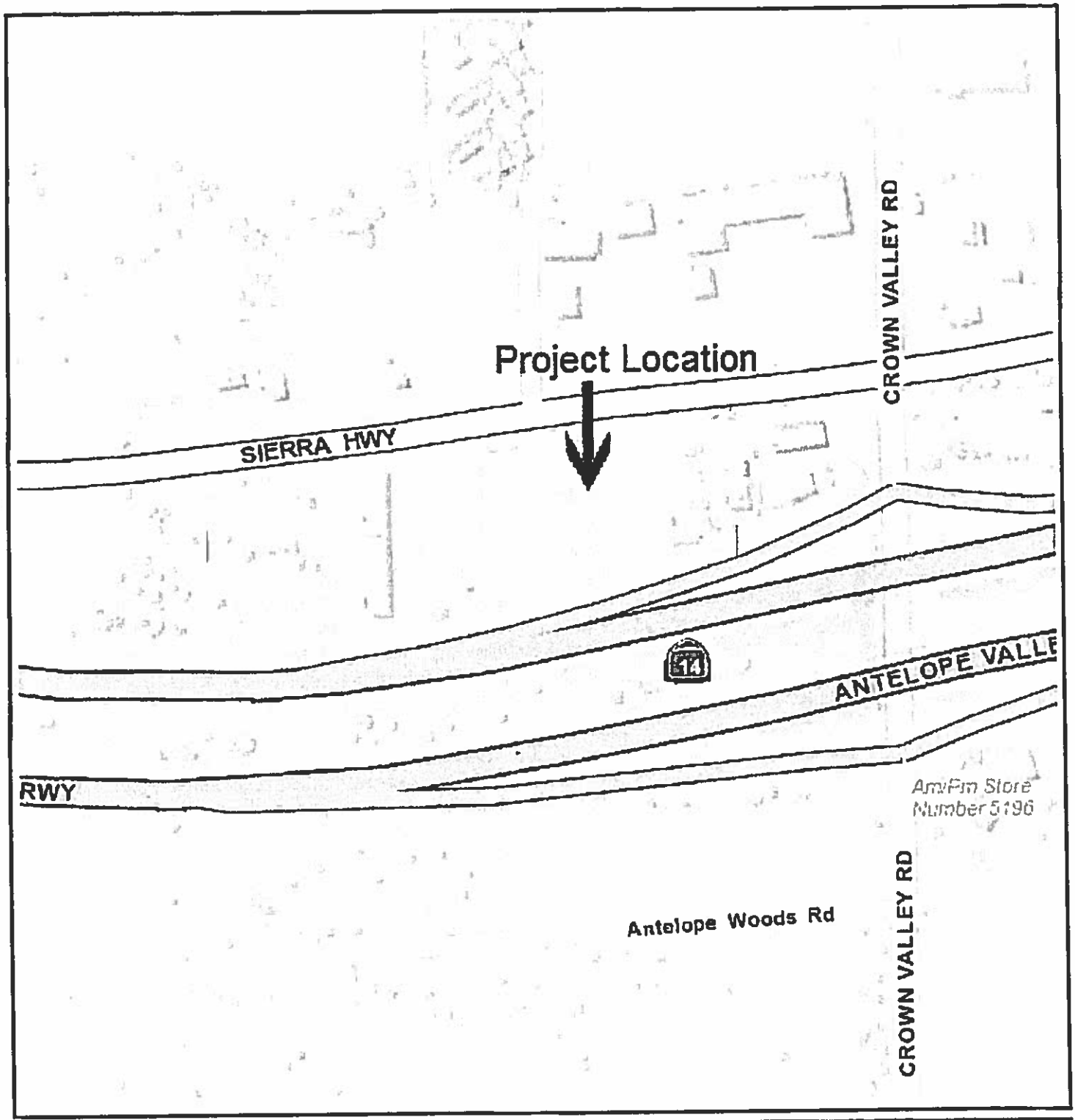
PROPOSED UNITS	MAX DENSITY/UNITS	COMMUNITY STANDARDS DISTRICT
N/A	N/A	Acton

ENVIRONMENTAL DETERMINATION (CEQA)
Negative Declaration

KEY ISSUES

- Consistency with the Los Angeles County General Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
  - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
  - 22.44.126 (Acton CSD requirements)

CASE PLANNER:	PHONE NUMBER:	E-MAIL ADDRESS:
Kristina Kulczycki	(213) 974 - 6443	kkulczycki@planning.lacounty.gov



R2014-00881-(5)

Printed: Mar 16, 2016

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Feet

ENTITLEMENTS REQUESTED

- Conditional Use Permit ("CUP") for the construction of a commercial retail center with a restaurant with a drive-through service in the ()-DP (Development Program) Zone pursuant to County Code Section 22.40.040. A CUP is also required for drive-through services in the C-RU-DP (Rural Commercial-Development Program) Zone pursuant to County Code Section 22.28.390.

PROJECT DESCRIPTION

The project is a request for a Conditional Use Permit to authorize the construction of a commercial center on a vacant parcel zoned ()-DP (Development Program) and to authorize drive-through services in the C-RU (Rural Commercial) Zone. The proposed construction includes a new 6,000-square-foot commercial building containing a 3,000-square-foot feed and hardware store tenant and two additional 1,500-square-foot retail tenant spaces, a 3,300-square-foot restaurant with drive-through services, and a 1,600-square-foot accessory storage building. The property is adjacent and visible from the State-Route 14 Freeway, which abuts the property to the south. The west-bound freeway on-ramp is immediately south of the site, with the entrance located approximately 400 feet to the east of the site and the east-bound off-ramp is located approximately 300 feet south of the site. Based on the location of the property and its visibility and proximity to the freeway, the drive-through service, in conjunction with the restaurant, would make the dining experience convenient and would attract commuters from the freeway and therefore, would be incompatible with the rural character of the community.

The request includes grading, consisting of 590 cubic yards of cut and 590 cubic yards of fill, as part of the construction activities. A landscaping plan was submitted as part of the request, but does not comply with the C-RU zoning requirement which states that the setback area shall be landscaped with at least one 24-inch box tree for every 20 linear feet of street frontage. Fourteen box trees are required along the landscaped setback area and the landscaping plan depicts two 24-inch box trees as well as several other 24-inch box trees within the parking lot area. Staff recommends that this requirement be reduced as part of the development program in light of the current water shortage issue in southern California, particularly in Antelope Valley.

SITE PLAN DESCRIPTION

The site plan depicts the 1.95-acre property with two driveways located along the northern property line that are accessible from Sierra Highway, a 100-foot-wide Major Highway on the County Master Plan of Highways. There are three proposed buildings depicted on the site plan: a 3,300-square-foot restaurant and associated drive-through near the eastern property line, a 6,000-square-foot commercial building adjacent to the western property line, and a 1,600-square-foot accessory storage building in the southwestern corner. The site plan identifies 14,850 square feet of landscaping provided on-site. Customer parking is proposed in front of the retail building as well as to the west of the restaurant. A total of 65 vehicle parking spaces are depicted on the site plan including 57 standard spaces, four compact spaces, and four Americans with Disabilities Act-compliant spaces. An equestrian hitching post will be located near the northeastern corner of the retail building. Behind the retail building are several additional parking spaces, a loading space, and a trash

enclosure. There are several parking spaces, a loading area, and a trash enclosure southwest of the restaurant as well.

No bicycle parking is depicted on the site plan. A revised plan that depicts two short-term bicycle parking spaces and two long-term bicycle parking spaces in accordance with Section 22.52.1225 will be required as a condition of approval. The signage that is depicted on the plans does not meet the current development standards listed in Part 10 of Chapter 22.52 (Signs) or Section 22.44.126 (Acton Community Standards District). Therefore, signage will not be evaluated at this time and the applicant will have to provide revised plans with proposed signage.

EXISTING ZONING
The subject property is zoned C-RU-DP (Rural Commercial-Development Program) and is located within the Acton Community Standards District ("CSD").

Surrounding properties are zoned as follows:
North: A-1-2 (Light Agricultural – Two Acre Minimum Required Lot Area), C-RU (Rural Commercial), and C-RU-DP
South: A-1-1 (Light Agricultural – One Acre Minimum Required Lot Area) and C-RU
East: C-RU
West: A-2-2 (Heavy Agricultural – Two Acre Minimum Required Lot Area) and C-RU-DP

EXISTING LAND USES
The subject property is currently a vacant lot.

Surrounding properties are developed as follows:
North: A commercial center, a communication utility site, vacant land, a single-family residence, apartments, a feed and grain sales store, a frame shop, and mobile home sales
South: Antelope Valley Freeway (SR-14) and vacant land
East: Fast-food restaurants and a gas station with mini-market
West: Vacant land, commercial shops, and a restaurant

PREVIOUS CASES/ZONING HISTORY
Ordinance No. 7091 was adopted by the Board of Supervisors on January 22, 1957 and established the M-3 (Unclassified) Zone on the subject property.

Ordinance No. 7401 was adopted by the Board of Supervisors on September 30, 1958 and rezoned the subject property to A-1-10,000 (Light Agricultural – 10,000 Square Feet Minimum Required Lot Area).

Ordinance No. 2007-0093Z was adopted by the Board of Supervisors on August 28, 2007 and rezoned the subject property to C-3-DP (Unlimited Commercial – Development Program). Zone Change No. 200400004 and Conditional Use Permit No. 200500139 were processed concurrently to rezone the subject property to C-3-DP in order to develop a retail feed store at the subject location. The retail feed store was never constructed.

Ordinance No. 2015-0021Z was adopted by the Board of Supervisors on June 16, 2015 concurrently with the adoption of the 2015 Antelope Valley Area Plan ("Area Plan"). The land use plan category of the project site also changed to Rural Commercial with the adoption of the Antelope Valley Area Plan. The zoning of the site changed to C-RU-DP (Rural Commercial - Development Program).

The Los Angeles 2035 General Plan was adopted by the Board of Supervisors on October 6, 2015.

ENVIRONMENTAL DETERMINATION

The Los Angeles County ("County") Department of Regional Planning recommends that a Negative Declaration is the appropriate environmental document under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The Initial Study concluded that there is no evidence that the project may have a significant impact on the environment.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the Rural Commercial (CR) land use category of the 2015 Antelope Valley Area Plan. This designation is intended for limited, low-intensity commercial uses that are compatible with rural and agricultural activities, including retail, restaurants, and personal and professional offices. The commercial center is proposed to contain a feed store, a restaurant, and two other retail uses. The feed store will provide agricultural-related products to the surrounding rural community. Restaurant and retail uses are included and specifically called out as compatible uses within the CR land use category.

Land use concepts for specific communities, such as Acton, are listed within Chapter 7 of the Antelope Valley Area Plan. Within the Acton "Land Use Concepts" section, there are areas identified that have the CR designation outside of a rural town center. The subject property is included in this category as it is not located along Crown Valley Road, but has the Rural Commercial land use designation. The Area Plan states "The intent of these designations is to allow low-intensity local commercial uses that serve community residents and to prohibit high-intensity regional commercial uses that serve travelers along State Route 14" (COMM-3 and 4). The restaurant without a drive- through service, feed store, and retail uses are compatible with the uses listed in the CR land use category. As mentioned in the project description, the location of the project site with a restaurant with a drive-through servie will make the dining experience more convenient and would attract commuters from the State-Route 14 Freeway.. Therefore, the drive-through component of the restaurant is not consistent with the intended uses within the Rural Commercial land use category within the Acton community.

Countywide General Plan Consistency

The following policies of the **Los Angeles 2035 General Plan** are applicable to the proposed project:

General Plan Land Use Element Policy LU 5.2: "Encourage a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs." (Page 88)

The proposed commercial center will provide an additional restaurant option for the community. Two new retail stores will further diversify the products and options available to the community. The feed store will be relocating from a nearby site to the subject property and will continue to serve the local community.

General Plan Land Use Element Policy LU 10.3: "Consider the built environment of the surrounding area and location in the design and scale of new or remodeled buildings, architectural styles, and reflect appropriate features such as massing, materials, color, detailing or ornament." (Page 90)

The buildings of the commercial center will be designed to meet the architectural style guidelines as specified for development in the Acton Community Standards District. The building facades will have a Western frontier village style design. Fencing, outdoor lighting, and signage will also promote the style of the Western frontier architectural guidelines. The proposed hitching post will further promote the Western frontier motif.

2015 Antelope Valley Area Plan Consistency

The following policies of the Antelope Valley Area Plan are applicable to the proposed project:

The Project Site is located within the Rural Commercial ("CR") land use category of the recently adopted Antelope Valley Area Plan, effective June 16, 2015. The CR land use category's purpose is for "[limited], low-intensity commercial uses that are compatible with rural and agricultural activities, including retail, restaurants, and personal and professional offices". The proposed restaurant and retail uses of the commercial center are consistent with this category.

As mentioned in the project description, the drive-through service proposed in conjunction with the restaurant use will make the dining experience more convenient and would attract commuters from the State-Route 14 Freeway due to the location of the property and its adjacency to the freeway. Therefore, the drive-through service is inconsistent with the rural character of the community and the intended uses of the Rural Commercial land use category.

Land Use Policy LU 1.1 of the Antelope Valley Area Plan:
"Direct the majority of the unincorporated Antelope Valley's future growth to rural town center areas and identified economic opportunity areas, through appropriate land use designations, as indicated on the Land Use Policy Map (Map 2.1) of this Area Plan."

The Project Site is not located within the rural town center or economic opportunity areas as identified on the Antelope Valley Area Plan land use policy map. The Acton rural town

center is defined as the area along Crown Valley Road between Soledad Canyon Road and Gillespie Avenue. The Acton town center area is located approximately 1.5 miles south of the Project Site. Although the project is located outside of the rural town center and the economic opportunity areas, a commercial center is appropriate for this location because restaurants and retail uses are permitted in the C-RU-DP zone with a development program. However, the drive-through service and the proximity to State-Route 14 Freeway is anticipated to primarily attract drivers from the freeway to the Acton community, which conflicts with the Antelope Valley Area Plan policy.

Chapter 7 of the Antelope Valley Area Plan contains community-specific land use concepts for many different communities in the Antelope Valley, including Acton. The section regarding the Acton community states:

"Some areas outside the rural town center area have also been designated as Rural Commercial (CR) to acknowledge existing uses and to provide additional commercial services and employment opportunities. The intent of these designations is to allow low-intensity local commercial uses that serve community residents and to prohibit high-intensity regional commercial uses that serve travelers along State Route 14."

The Antelope Valley Area Plan prohibits "high-intensity regional commercial uses" within this area of Acton. The commercial center with restaurant and retail uses is not considered to be high-intensity or a regional use. Based on the Traffic Impact Study ("TIS") dated January 20, 2015 and the evaluation by the Department of Public Works, the traffic generated by this 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. Moreover, the project is small in size; the project's floor area ratio ("FAR") is 0.13, compared with the maximum FAR of 0.5 allowed in the Rural Commercial category of the Antelope Valley Area Plan.

The restaurant without a drive-through service and retail stores for this location are considered to be consistent with the applicable policies of the Antelope Valley Area Plan and the land use category. The feed store is a use currently occupying a nearby property and serving the local rural community. The other two retail tenants will be limited to 1,500-square-foot tenant spaces and must be uses that are permitted in the C-RU-DP zone. There are several commercial centers and other restaurants within the vicinity of the project site which have similar operations.. For example, there is an existing two-story commercial building and detached building with a combined area of over 41,000 square feet located north of the subject property. That parcel contains a restaurant with an occupant load of 242, a smaller restaurant with an occupant load of 48, a coffee shop with an occupant load of 29, as well as office space, retail space, and other commercial uses. There are also other restaurants within the vicinity of the project site including a Jack-In-The-Box immediately east of the subject property and a McDonald's restaurant on the southeast corner of the intersection of Crown Valley Road and Sierra Highway. The property located in the northeastern corner of the same intersection was recently approved for a Taco Bell restaurant. Furthermore, the parcel to the east of the McDonald's contains a commercial building with an area of over 17,000 square feet, which includes a sushi restaurant having an occupant load of 77. There is also a Subway sandwich shop and

convenience store located on one of the gas station sites. The scale of the project is much smaller than the commercial center across the street and is compatible with most of the other existing established uses in the immediate surrounding area. Therefore, it would not be out of character for the area nor would the addition of another restaurant without a drive-through service and retail space significantly alter the character of the area.

Due to the location near a freeway exit for the State-Route 14 Freeway, the drive-through will inevitably be used by travelers from outside the local community. The drive-through may also serve the local community, but the main function is to allow those in their cars to conveniently pick-up food in order to continue on their journey to their final destination. Drive-through facilities are designed and used as time-savers to avoid the nuisance of parking, dining on-site, and then maneuvering out of the parking lot back into traffic. As such, they mainly serve those in transition between two locations rather than those who are within the local community. Therefore, the drive-through is not consistent with the intended uses for this property as anticipated in the Antelope Valley Area Plan.

Chapter 7 of the Antelope Valley Area Plan also contains the following policies for the CR area of the Acton community outside the town center:

"New buildings in these CR designations shall also be limited to two stories in height, shall include Old West design elements with earth tone colors at a pedestrian-oriented scale, and shall be linked to surrounding rural town areas through trails and pedestrian routes. Pedestrian routes shall have permeable paving, consistent with rural community character, instead of concrete sidewalks. Development in these CR designations that would require the installation of urban infrastructure, such as concrete curbs and gutters, street lights, and traffic signals, shall be discouraged, as this does not fit with the community's unique rural character and identity."

The proposed buildings are only one story in height and include Old West design elements. The project site is accessible to pedestrians, bicyclists and equestrians traveling along Sierra Highway and Crown Valley Road. The road improvement requirements for the project required by Public Works are based on rural highway standards.

Other applicable policies of the Antelope Valley Area Plan include:

Land Use Policy LU 1.4: "Ensure that there are appropriate lands for commercial and industrial services throughout the unincorporated Antelope Valley sufficient to serve the daily needs of rural residents and to provide local employment opportunities.

The project site is appropriate for the proposed use, without drive-through services, given the existing uses in the immediate surrounding area. It will help to meet the needs of rural residents by providing a new restaurant option, additional retail, and a new location for the feed store. Additionally, it will provide local employment opportunities.

The subject site is located within close proximity to the Crown Valley Road freeway on-ramps and off-ramps and is adjacent and visible from the State-Route 14 Freeway. The drive-through use is proposed to be used in conjunction with the restaurant, but will mainly

serve drivers that are in transition to another location. As such, the drive-through would serve both the local community and those travelling on the State-Route 14 Freeway. It would also provide local employment opportunities.

Land Use Policy LU 4.1: "Direct the majority of the unincorporated Antelope Valley's future growth to the economic opportunity areas and areas that are served by existing or planned infrastructure, public facilities, and public water systems, as indicated in the land use designations shown on the Land Use Policy Map (Map 2.1) of this Area Plan."

The Project Site is suitable for the use due to the existing infrastructure already in place, including the highways and public water system. The project includes alternative transportation options for the rural community including the provision of an on-site hitching post for equestrian riders. The project site is accessible from Sierra Highway, a proposed Class III Bike Path as designated by the 2012 Bicycle Master Plan. There will also be on-site short-term and long-term bicycle parking spaces. Furthermore, the Project Site is located within Los Angeles County Waterworks District No. 37, which has issued a conditional will serve letter for the Project.

Zoning Ordinance and Development Standards Compliance

Pursuant to Section 22.28.360 of the County Code, the following are permitted uses in the C-RU Zone: feed and grain sales; hardware stores including the sale of lumber and other building materials and supplies, but excluding milling or woodworking other than incidental cutting of lumber to size; retail stores; and restaurants and other eating establishments including food take-out and outdoor dining, subject to the standards and limitations in subsection G of Section 22.28.070. Pursuant to Section 22.28.370 of the County Code, accessory buildings and structures, such as the proposed storage building, are permitted as accessory uses in the C-RU Zone. Pursuant to Section 22.28.390 of the County Code, drive-through services are permitted with an approved conditional use permit.

Pursuant to Section 22.28.390.B. of the County Code, any use listed in Section 22.28.360 that would generate vehicular traffic requiring the provision of new or additional traffic lights shall be subject to a conditional use permit. Based on the comments from the Department of Public Works identified in the letters dated October 22, 2015 and November 23, 2015, no new or additional traffic lights are required for the project.

Pursuant to Section 22.28.400 of the County Code, establishments in the C-RU Zone are subject to the following development standards:

Floor Area Ratio.

The maximum floor area ratio for non-residential buildings shall be 0.5. The proposed floor area ratio is 0.13.

Height.

The maximum height for a building or structure shall not exceed 35 feet above grade. The retail building is proposed to be 27 feet and 10 inches in height. The building housing the restaurant is proposed to be a maximum height of 35 feet. The storage structure will not exceed 23 feet, seven inches, and 7/8 of an inch in height.

Lot Coverage.
The area of a lot occupied by buildings shall not exceed 50 percent of the net lot area. As all the proposed buildings will be one-story in height, the lot coverage will be 13 percent.

Landscaping.
A minimum of 10 percent of the net lot area devoted to commercial use shall be landscaped with drought tolerant landscaping. The proposed site plan identifies 14,850 square feet of landscaping which is equivalent to 17.5 percent of the net lot area.

Parking.

- Bicycle and vehicle parking facilities shall be provided as required by Part 11 of Chapter 22.52:

  Vehicle Parking. Pursuant to Section 22.52.1100, every lot or parcel of land which is used for a use permitted in Zone C-3 but not permitted in Zone R-4 shall provide an area of sufficient size so that it contains one automobile parking space plus adequate access thereto for each 250 square feet of floor area of any building or structure so used. The retail floor area totals 7,600 square feet; therefore, 30 vehicle parking spaces are required for the retail uses. Pursuant to Section 22.52.1110, every structure used for amusement, assembly, drinking, eating or entertainment shall provide one or more automobile parking space for each three persons based on the occupancy load as determined by the county engineer. On March 13, 2014, staff from the Building and Safety Division of the Department of Public Works ("Building and Safety") determined that the occupancy load determination for the restaurant is 84. Therefore, 28 vehicle parking spaces are required for the restaurant. The floor plan that was analyzed by Building and Safety included an outdoor dining area with 16 seats that has since been removed from the proposal. Therefore, the occupancy load has decreased since the determination from Building and Safety. Based on the proposed development, a total of 58 vehicle parking spaces are required and 65 are provided.

  Bicycle Parking. Pursuant to Section 22.52.1225, the number of bicycle parking spaces for general retail, including restaurants, is one short-term bicycle parking space for each 5,000 square feet of gross floor area with a minimum of two spaces and one long-term bicycle parking space for each 12,000 square feet of gross floor area with a minimum of two spaces. Therefore, two short-term bicycle parking spaces and two long-term bicycle parking spaces are required for the development as the total gross floor area for the site is 10,900 square feet.

- Where a lot fronts on a parkway, highway, or street, vehicle parking and loading zone areas shall be set back not less than five feet from the right of way. The site plan depicts a setback of 16 feet from the front property line adjacent to Sierra Highway to the proposed on-site parking.

- The setback area shall be landscaped with at least one 24-inch box tree for every 20 linear feet of street frontage. The street frontage for the property is 276.54 feet (after removing the frontage along the driveways); therefore, 14 box trees are required along the landscaped setback area. The landscaping plan depicts two 24-inch box trees and a variety of shrubs within the landscaped setback area as well as several other 24-inch box trees within the parking lot area and smaller trees lining the rear of the property adjacent to the Antelope Valley Freeway. The proposed plan does not meet the required development standard for landscaping; however, staff recommends that this requirement be reduced in light of the current water shortage issue in southern California, particularly in Antelope Valley.

Pursuant to Section 22.44.126 of the County Code, establishments in the Acton Community Standards District ("CSD") are subject to the following development standards:

- **Height.** All uses in commercial land classifications shall not exceed a height of 35 feet except for chimneys and pole antennas, which may not exceed a height of 45 feet. The retail building is proposed to be 27 feet and 10 inches in height. The building housing the restaurant is proposed to be a maximum height of 35 feet. The storage structure will not exceed 23 feet, seven inches, and 7/8 of an inch in height.

- **Architectural design.** All uses in commercial land classifications shall be designed in a "Western frontier village, circa 1890s style" in substantial conformance with the architectural style guidelines. The restaurant and retail building both contain architectural elements that are consistent with the "Western frontier village, circa 1890s style" including a façade with stone veneers and a one-story covered porch supported by heavy timber posts. The project also includes a hitching post for equestrian traffic lamp posts and bell-shaped lamp posts.

- **Drainage.** Maximum impervious finished surface areas for nonresidential uses shall not exceed 90 percent for stores and restaurants. As 17.5 percent of the site will be landscaped, the development will not exceed this limitation.

- **Signage.** Signage shall promote the style of the Western frontier architectural guidelines. Lighting shall be external, using fixtures designed to focus all light directly on the sign, and internal illumination shall be prohibited. The plans currently propose internal illumination for the wall signs which is prohibited. The maximum permitted area of wall signage is one and one-half square feet for each one linear foot of building frontage, not to exceed 100 square feet per tenant. The wall signs on the retail building and the restaurant exceed this limitation. Pursuant to Subsection A.1. of Section 22.52.880, no signage should be proposed on the storage building as this building does not contain any public frontages and is accessory to the retail building. Freestanding business signs, typically monument style, shall be limited to a maximum height of five feet and a maximum area of 100 square feet for the combined faces on such signs. The freestanding sign proposed on the plan is six feet in height and exceeds the allowed maximum area. Therefore, the signage depicted on the plans does not comply with the requirements of the Acton Community Standards District or Part 10 of Chapter 22.52 (Signs) and should be revised to comply with these development standards.

- **Fencing.** Only split rail, open wood, wire or wrought iron style or similar open-type perimeter fences shall be permitted. The landscaping plan depicts 30-inch high decorative fencing within the landscaping setback. The fencing consists of two (2) six-inch diameter tree round rails (with bark) with native rock pilasters spaced at approximately 10 feet apart between rail segments.
- **Outdoor lighting.** Where outdoor lights are required, light fixtures shall be provided and shall be required to keep in architectural style with the Western frontier design. The site lighting plan depicts both single and double LED lamp poles with bell-shaped lamps that are directed toward the ground.

Pursuant to Section 22.40.040 of the County Code, if a conditional use permit is first obtained, property in the Zone ()-DP may be used for any use permitted in the basic zone subject to the conditions and limitations of the conditional use permit, including the approved development program which shall be contained therein.

The Project Site is located within a Rural Outdoor Lighting District. The Project will be required to comply with its requirements, which are designed to avoid excessively bright lighting and to protect surrounding properties from light trespass, thus preserving the dark skies in rural communities. Light fixtures may not exceed 30 feet in height, any light fixtures located more than 15 feet above grade may not exceed 400 lumens, and all outdoor lighting must be fully shielded to prevent any unacceptable light trespass. The applicable standards are found in County Code Sections 22.44.500 through 22.44.590.

Site Visit

A site visit was conducted on January 21, 2016 by Los Angeles County Department of Regional Planning ("DRP") staff. The Project Site is currently vacant and there is an existing restaurant adjacent to the site with a drive-through. There are several restaurants located near the project site and the area contains multiple commercial uses.

Burden of Proof

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

Neighborhood Impact/Land Use Compatibility

The proposed commercial center without a drive-through service for the restaurant is compatible with the surrounding community. There are other restaurants and commercial centers within the vicinity of the project site; many of which are similar in operation to that which is proposed. The Traffic Impact Study ("TIS") for the Project was completed by Hall and Foreman and is dated January 20, 2015. According to the TIS, 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. The Department of Public Works and the California Department of Transportation have reviewed the TIS and agree with the conclusions of the study

Although the Project may not create a significant transportation impact, the Project is accessible from Sierra Highway, a Major Highway as designated on the County Master Plan of Highways which is designed to accommodate more traffic. With the location of the project being adjacent to the State-Route 14 Freeway and the Crown Valley Road on-ramp and off-ramps located within 400 feet of the project site, the drive-through is expected to draw travelers from the State-Route 14 Freeway as well as serving the local residents. The Antelope Valley Area Plan indicates that properties with the CR land use category that are outside the rural town center are intended to be local-serving, low-intensity uses and seeks to prohibit high-intensity regional commercial uses that serve travelers along State-Route 14. Although the commercial center is consistent with the neighborhood uses and will not generate enough traffic to cause a significant impact on County roadways or intersections, the drive-through will mainly serve the customers that are en route to another location. Therefore, the drive-through is inconsistent with the Antelope Valley Area Plan and the rural character for the Acton community.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

In August of 2014, the Department of Parks and Recreation contacted Regional Planning staff by email and indicated that they suggested the inclusion of a hitching post for equestrian use as part of the project. The applicant revised the plans accordingly to provide a hitching post in front of the retail building. The Department of Public Health issued a letter dated February 25, 2015 which included a recommendation of approval for the project with a list of conditions related to drinking water, wastewater disposal, noise, and food retail facilities requirements. A letter dated September 18, 2015 was submitted by the Fire Department indicating that the project is cleared for public hearing. The letter from the Fire Department included a list of recommended conditions that will be added to the conditions of approval for the project. Staff received a letter from the Department of Public Works dated November 23, 2015 which recommended approval of the conditional use permit. The letter contains conditions of approval related to road requirements, drainage, grading, and water supply. The recommended conditions from each agency shall be included with the conditions of approval for the project.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

PUBLIC COMMENTS

Five letters in support of the project and one letter in opposition to the project have been received. Additionally, the Acton Town Council ("ATC") submitted two letters with comments on the project. The first letter was dated October 6, 2014 and included language in support of the project with the following stipulations: a traffic study should be prepared, no freeway-facing signage should be permitted, the outdoor seating would be removed, no license to sell alcohol would be permitted on the site, the contact information for the applicant would be provided to the ATC, and a hitching post would be included in the design. On October 22, 2014, a second letter was submitted by the ATC which amended the comments of the original letter to state that they are still in support of the project with the exception of the proposed drive-through.

In addition to the above-mentioned support and opposition letters, Ms. Jacki Ayer, a member of the Acton Town Council, sent two subsequent emails detailing concerns brought up at the Acton Town Council meeting held in March of 2016. These emails were included in the hearing package. Additionally, the applicant's agent submitted over 300 form letters in support of the project that will be posted on the website for review.

FEES/DEPOSITS
If approved, fees identified in the attached project conditions will apply unless modified by the Regional Planning Commission.

STAFF RECOMMENDATION
The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2014-00881-(5), Conditional Use Permit No. 201400037, without a drive-through service subject to the attached findings and conditions.

SUGGESTED APPROVAL MOTION:

I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND ADOPT THE NEGATIVE DECLARATION PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.

I MOVE THAT THE REGIONAL PLANNING COMMISSION APPROVE CONDITONAL USE PERMIT NUMBER 201400037 WITHOUT A DRIVE-THROUGH SERVICE SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Kristina Kulczycki, Regional Planning Assistant II, Zoning Permits North, Section
Reviewed by Robert Glaser, Supervising Regional Planner, Zoning Permits North Section

Attachments:
Draft Findings, Draft Conditions of Approval
Applicant's Burden of Proof statement
Correspondence
Negative Declaration
Site Photographs
Site Plan, Land Use Map

RG:KK
3/24/16

DRAFT FINDINGS OF THE REGIONAL PLANNING COMMISSION
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2014-00881-(5)
CONDITIONAL USE PERMIT NO. 201400037

1. The Los Angeles County ("County") Regional Planning Commission ("Commission") conducted duly-noticed public hearings in the matter of Conditional Use Permit No. 201400037 ("CUP") on March 9, 2016 and April 6, 2016.

2. The permittee, Robert Friedman ("permittee"), requests the CUP to authorize construction of a 6,000-square-foot retail building containing three tenant spaces, a 3,300-square-foot restaurant with drive-through services, and a 1,600-square-foot accessory storage building as well as a reduction in the number of required trees within the landscaped setback area ("Project") on a property located at Assessor Parcel Number 3217-021-022, a vacant property located approximately 320 feet southwest of the intersection of Crown Valley Road and Sierra Highway in the unincorporated community of Acton ("Project Site") in the C-RU-DP (Rural Commercial-Development Program) Zone pursuant to Los Angeles County Code ("County Code") Sections 22.28.390 and 22.40.040.

3. The CUP is required because of the ()-DP combining zone, pursuant to County Code Section 22.40.040, which allows any use permitted in the basic zone (C-RU) if a CUP has been obtained. Pursuant to County Code Section 22.28.390, a CUP is also required for drive-through services in the C-RU Zone.

4. The Project Site is 1.95 acres in size and consists of one legal lot. The Project Site is irregular in shape with gently-sloping topography and is currently vacant land.

5. The Project Site is located in the Acton Community Standards District ("CSD") and the Soledad Zoned District. The Project Site is currently zoned C-RU-DP (Rural Commercial-Development Program).

6. The Project Site is located within the Rural Commercial ("CR") land use category of the 2015 Antelope Valley Area Plan Land Use Policy Map.

7. Surrounding zoning within a 500-foot radius includes:

   North: A-1-2 (Light Agricultural – Two Acre Minimum Required Lot Area), C-RU (Rural Commercial), and C-RU-DP
   South: A-1-1 (Light Agricultural – One Acre Minimum Required Lot Area) and C-RU
   East: C-RU
   West: A-2-2 (Heavy Agricultural – Two Acre Minimum Required Lot Area) and C-RU-DP

8. Surrounding land uses within a 500-foot radius include:

North: A commercial center, a communication utility site, vacant land, a single-family residence, apartments, a feed and grain sales store, a frame shop, and mobile home sales
South: Antelope Valley Freeway (SR-14) and vacant land
East: Fast-food restaurants and a gas station with mini-market
West: Vacant land, commercial shops, and a restaurant

9. The Project Site was rezoned to A-1-10,000 in 1958 and was rezoned again to C-3-DP in 2007. The Project Site was rezoned to C-RU-DP and the land use plan category was changed to Rural Commercial with the adoption of the 2015 Antelope Valley Area Plan and Ordinance No. 2015-0021Z on June 16, 2015.

10. The site plan for the Project depicts the 1.95-acre property with Sierra Highway to the north and the Antelope Valley Freeway to the south. There are two driveways along the northern property line that are accessible from Sierra Highway. There are three proposed buildings depicted on the site: the 3,300-square-foot restaurant and drive-through near the eastern property line, the 6,000-square-foot commercial building adjacent to the western property line, and a 1,600-square-foot storage building in the southwestern corner. The request includes grading, consisting of 590 cubic yards of cut and 590 cubic yards of fill, as part of the construction activities. The site plan identifies 14,850 square feet of landscaping provided on-site. Customer parking is proposed in front of the retail building as well as to the west of the restaurant. An equestrian hitching post will be located near the northeastern corner of the retail building. Behind the retail building are several additional parking spaces, a loading space, and a trash enclosure. There are several parking spaces, a loading area, and a trash enclosure southwest of the restaurant as well.

11. No bicycle parking is depicted on the site plan and the signage depicted on the plans is incorrect. No signage will be permitted on the storage building. Additionally, the amount of signage on the restaurant and retail building exceeds the allowable area. Internal illumination is proposed but, the Acton Community Standards District prohibits internal illumination. Lastly, the proposed monument sign exceeds the allowed height and area. Therefore, revised plans would need to be submitted following the hearing that depict bicycle parking and signage that meet the development standards listed in the County Code.

12. The grading plan for the Project, which is dated February 19, 2014, provides the estimated grading quantities for the project, including 590 cubic yards of cut and 590 cubic yards of fill.

13. The Project will provide a total of 65 vehicle parking spaces including 57 standard spaces, four compact spaces, and four Americans with Disabilities Act-compliant spaces. A hitching post is proposed in front of the retail building. Two short-term bicycle parking spaces and two long-term bicycle parking spaces are required for the project.

14. Prior to scheduling this case for hearing, the applicant presented the proposed project to the Acton Town Council. Staff has received comments from the Acton Town Council as well as several members of the community.

15. In August of 2014, the Department of Parks and Recreation contacted Regional Planning staff by email and indicated that they suggested the inclusion of a hitching post for equestrian use as part of the project. The applicant revised the plans accordingly to provide a hitching post in front of the retail building. The Department of Public Health issued a letter dated February 25, 2015 which included a recommendation of approval for the project with a list of conditions related to drinking water, wastewater disposal, noise, and food retail facilities requirements. A letter dated September 18, 2015 was submitted by the Fire Department indicating that the project is cleared for public hearing. The letter from the Fire Department included a list of recommended conditions that will be added to the conditions of approval for the project. Staff received a letter from the Department of Public Works dated November 23, 2015 which recommended approval of the conditional use permit. The letter contains conditions of approval related to road requirements, drainage, grading, and water supply. The recommended conditions from each agency shall be included with the conditions of approval for the project.

16. Prior to the Commission's public hearing on the Project, an Initial Study was prepared for the Project in compliance with 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. Based on the Initial Study, staff from Regional Planning determined that a Negative Declaration was the appropriate environmental document for the Project because the Initial Study concluded that there was no substantial evidence that the Project would result in a significant impact on the environment.

17. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.

18. Five letters in support of the project and one letter in opposition to the project have been received. Additionally, the Acton Town Council ("ATC") submitted two letters with comments on the project. The first letter was dated October 6, 2014 and included language in support of the project with the following stipulations: a traffic study should be prepared, no freeway-facing signage should be permitted, the outdoor seating would be removed, no license to sell alcohol would be permitted on the site, the contact information for the applicant would be provided to the ATC, and a hitching post would be included in the design. On October 22, 2014, a second letter was submitted by the ATC which amended the comments of the original letter to state that they are still in support of the project with the exception of the proposed drive-through.

    In addition to the support and opposition letters specified above, the applicant's agent submitted over 300 form letters in support of the project that are posted to the website. Ms. Jacki Ayer, a member of the Acton Town Council, submitted emails following the Acton Town Council meeting in March of 2016 that included concerns that were raised at the meeting. These comments are included in the hearing package.

19. A duly noticed public hearing was held on March 9, 2016 before the Regional Planning Commission. Staff recommended continuance of the hearing to April 6, 2016 in order to provide the applicant with sufficient time to submit additional materials. The motion to continue the hearing to April 6, 2016 passed unanimously.

20. *To be inserted after the public hearing to reflect hearing proceedings.*

21. The subject site is located within close proximity to the Crown Valley Road freeway on-ramps and off-ramps and is adjacent to and visible from the State-Route 14 Freeway. The Antelope Valley Area Plan acknowledges that the intent of the Rural Commercial land use category is to allow low-intensity local commercial uses while prohibiting high-intensity regional commercial uses that serve travelers along State-Route 14. While the project is not considered a high-intensity use, the location of the property being visible and adjacent to the freeway, the drive-through services proposed in conjunction with the restaurant will provide a convenient dining option for travelers along State-Route 14 and will be disruptive to the rural character of the community. Therefore, the Commission finds that the drive-through is inconsistent with preserving the rural character for the Acton community.

22. The purpose of the Rural Commercial (CR) land use category of the Antelope Valley Area Plan is for *"limited, low-intensity commercial uses that are compatible with rural and agricultural activities, including retail, restaurants, and personal and professional offices"*. The commercial center is proposed to contain a feed store, a restaurant, and two other retail uses. The feed store will provide agricultural-related products to the surrounding rural community and both the restaurant and retail uses are listed as commercial uses that are compatible with the CR land use category. Restaurant and retail uses are included and specifically identified as compatible uses within the CR land use category. However, the Antelope Valley Area Plan acknowledges the intent to allow low-intensity local commercial uses while prohibiting high-intensity regional commercial uses that serve travelers along State-Route 14. As mentioned previously, the location of the project site is adjacent to the freeway and is near a freeway off-ramp. As such, the drive-through services provided as part of the restaurant will attract commuters from the State-Route 14 Freeway by providing a convenient dining option. Therefore, the Commission finds that the Project, without the drive-through, is consistent with the CR land use category of the Antelope Valley Area Plan.

23. The Antelope Valley Area Plan prohibits "high-intensity regional commercial uses" within this area of Acton. However, the retail center with restaurant and retail uses is not considered to be high-intensity or a regional use. Based on the Traffic Impact Study dated January 20, 2015 and the evaluation by the Department of Public Works, the traffic generated by this 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. The retail center with restaurant and retail uses is considered to be consistent with the applicable policies of the Antelope Valley Area Plan, including the land use category.

24. The Commission finds that the Project is consistent with the C-RU-DP zoning classification. Restaurants, retail stores, feed and grain sales and hardware stores are

permitted uses in the C-RU Zone pursuant to Section 22.28.360 of the County Code. According to Section 22.28.390 of the County Code, drive-through services are permitted in the C-RU-DP Zone with the approval of a CUP. Accessory uses, such as storage buildings, are permitted in the C-RU Zone pursuant to Section 22.28.370. Lastly, property in a ()-DP Zone may be used for any use permitted in the basic zone pursuant to County Code Section 22.40.040.

25. The Project will comply with all the development standards that apply to properties in the C-RU Zone, as listed in County Code Section 22.28.400, with the exception of the requirement to plant one 24-inch box tree for every 20 linear feet of street frontage for the parking setback areas. The Commission finds that this requirement should be reduced in light of the current water shortage issue in southern California, particularly in the Antelope Valley. The Commission finds that two 24-inch box trees, as depicted on the landscaping plan, are sufficient within the front setback area as there are other proposed trees within the parking areas and the rear of the property.

26. The Commission finds that Project is consistent with the applicable development standards of the Acton CSD in Section 22.44.126.C of the County Code. The proposed buildings and signage will include design elements that are of the "Western frontier village, circa 1890s style." The buildings will not exceed a height of 35 feet and the total impervious surface area will not exceed 90 percent. The fencing, signage, and outdoor lighting will be designed to comply with the standards listed in the CSD.

27. The Commission finds that the Project is located within a Rural Outdoor Lighting District. The Project will be required to comply with its requirements, which are designed to avoid excessively bright lighting and to protect surrounding properties from light trespass, thus preserving the dark skies in rural communities. Light fixtures may not exceed 30 feet in height, any light fixtures located more than 15 feet above grade may not exceed 400 lumens, and all outdoor lighting must be fully shielded to prevent any unacceptable light trespass. The applicable standards are found in County Code Sections 22.44.500 through 22.44.590.

28. The proposed commercial center is suitable for the area as there are several existing restaurants and other commercial centers within the vicinity of the project site. The building is designed to conform to the Acton CSD architectural style guidelines, and the Project will comply with the CSD requirements. The Project site is immediately adjacent to other commercial uses and the proposed use without the drive-through service will not substantially change the character of the area. However, the subject parcel abuts the State-Route 14 Freeway to the south and is located near the Crown Valley Road east-bound off-ramp. As such, the drive-through will be primarily serving travelers as a convenient dining option along the State-Route 14 Freeway due to the proximity of the site to the freeway. Based on the foregoing, the Commission finds that if the drive-through is not included, then the Project 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.

29. The Project Site is adequate in size to accommodate the parking spaces required for the use. Based on the proposed development, a total of 58 vehicle parking spaces are required and 65 are provided. The site plan depicts 14,850 square feet of landscaping on-site which exceeds the minimum requirement of 10 percent. Based on the foregoing, the Commission finds that the Project Site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features as are required in order to integrate the Project into the surrounding area.

30. The Project Site is accessible from Sierra Highway via two driveways located along the northern property line. Sierra Highway is classified as an existing Major Highway within the 2015 Master Plan of Highways and is a proposed Class III Bike Path according to the 2012 Bicycle Master Plan. The northern side of Sierra Highway is identified as part of the proposed County Trail System. Furthermore, a Traffic Impact Study ("TIS") was completed for the project and was reviewed by the Traffic and Lighting Division of the Department of Public Works. According to the TIS, the traffic generated by the project along, 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 the Traffic Impact Analysis Guidelines. Based on the foregoing, the Commission finds that 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 by other public or private service facilities as are required.

31. The Commission finds that pursuant to Sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at the Acton Agua Dulce Library. On January 28, 2016, a total of 36 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 29 notices to those on the courtesy mailing list for the Soledad Zoned District and to any additional interested parties.

32. Commission finds that the permittee is subject to payment of the California Department of Fish and Wildlife fees related to the Project's effect on wildlife resources pursuant to section 711.4 of the California Fish and Game Code.

33. After consideration of the Negative Declaration, together with the comments received during the public review process, the Commission finds on the basis of the whole record before it that there is no substantial evidence that the Project as conditioned will have a significant effect on the environment, and further finds that the Negative Declaration reflects the independent judgment and analysis of the Commission.

34. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION 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.

THEREFORE, THE REGIONAL PLANNING COMMISSION:

1. Certifies that the Negative Declaration for the Project was completed in compliance with CEQA and the State and County Guidelines related thereto; certifies that it independently reviewed and considered the Negative Declaration and that the Negative Declaration reflects the independent judgment and analysis of the Commission as to the environmental consequences of the Project; determined that on the basis of the whole record before the Commission that there is no substantial evidence that the Project will have a significant effect on the environment; and adopts the Negative Declaration; and

2. Approves Conditional Use Permit No. 201400037, without a drive-through facility, subject to the attached conditions.

RG:KK
3/24/16

c: Each Commissioner, Zoning Enforcement, Building and Safety

DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2014-00881-(5)
CONDITIONAL USE PERMIT NO. 201400037

PROJECT DESCRIPTION

The project is for the construction of a retail center including a 6,000-square-foot retail building, a 3,300-square-foot restaurant without a drive-through, and a 1,600-square-foot accessory storage building. This project also includes a reduction in the required tree planting due to the current drought conditions of the area. The project is subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.

2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 9, and until a new Will Serve Letter has been issued or a time extension has been granted as required by Condition No. 20. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 8 shall be effective immediately upon the date of final approval of this grant by the County.

3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.

4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to $5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the

costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of $5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.

7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

8. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.

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. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **$400.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **two (2)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount

charged for additional inspections shall be $200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

10. Within five (5) working days from the day after your appeal period ends **March 30, 2016**, the permittee shall remit processing fees at the County Registrar-Recorder/County Clerk Office, payable to the County of Los Angeles, in connection with the filing and posting of a Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Wildlife pursuant to Section 711.4 of the California Fish and Game Code, the permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in Section 711.4 of the Fish and Game Code, currently **$2,285.25** ($2,210.25 for a Negative Declaration or Mitigated Negative Declaration plus $75.00 processing fee). No land use project subject to this requirement is final, vested or operative until the fee is paid.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.

12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.

13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.

14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").

15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.

16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." As the plans that were presented at the public hearing do not depict the required bicycle parking spaces and incorrectly depict the signage, **three (3) copies of** a modified Exhibit "A" shall be submitted to Regional Planning by **July 6, 2016.**

18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies of** the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PROJECT SITE SPECIFIC CONDITIONS

19. This grant shall authorize the construction, operation, and maintenance of a new retail center, including a new restaurant without a drive-through, as depicted on the Exhibit "A."

20. Prior to construction of the retail center, the permittee shall obtain a current Will Serve letter and/or time extension from the Waterworks Division No. 37 of the Los Angeles County Department of Public Works for the project.

21. The permittee shall provide parking as required by the County Code, calculated at a parking ratio of one space for every 250 square feet of gross floor area used for the commercial buildings. The permittee shall provide parking for the restaurant as required by the County Code, calculated at a parking ratio of one space for each three occupants based on the occupancy load determination from the county engineer. The commercial building and storage structure have a total area of 7,600 square feet which would require not less than 30 spaces be provided based on the applicable ratio. The restaurant received an occupancy load determination of 84 from the Department of Public Works. Therefore, 28 parking spaces are required for the restaurant use and the total number of required parking spaces for the project site is 58 based on the current proposal.

22. The permittee shall provide bicycle parking as required by the County Code, calculated at a parking ratio of one short-term bicycle parking space for each 5,000 square feet of gross floor area with a minimum of two spaces and one long-term bicycle parking space for each 12,000 square feet of gross floor area with a minimum of two spaces. The commercial buildings have a total square footage of 10,900 square feet which would require not less than two short-term spaces and two long-term spaces be provided based on the applicable ratio and the current proposal.

23. The permittee shall comply with all conditions set forth in the attached County Public Health Department letter dated February 25, 2015.

24. The permittee shall comply with all conditions set forth in the attached County Fire Department letter dated September 18, 2015.

25. The permittee shall comply with all conditions set forth in the attached County Public Works Department letter dated November 23, 2015.

Attachments:
Public Health Department Letter dated February 25, 2015
Fire Department Letter dated September 18, 2015
Public Works Department Letter dated November 23, 2015

COUNTY OF LOS ANGELES
Public Health

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
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February 25, 2015

TO: Thuy Hua, AICP
Senior Regional Planner
Department of Regional Planning

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

SUBJECT: CUP CONSULTATION
PROJECT NO. R2014-00881/ RCUP 201400037
Acton Feed Store and Primo Restaurant
Crown Valley & Sierra Hwy, Acton

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

The Department of Public Health has reviewed the information provided for the project identified above. The CUP is for the proposed construction of a 6,000 SF retail feed store and a 3,084 SF restaurant with drive-thru in Acton. The Department clears the project, and recommends approval of the CUP contingent upon the observance of the conditions stated below following public hearing.

Potable Water Supply

The Drinking Water Program recommends approval of this CUP.

The project will be served by a public water system (Los Angeles County Waterworks District No. 37). The applicant has submitted a current will serve letter from the water purveyor to this Department to ensure the availability of a potable water supply for the project.

For questions regarding the above requirement, please contact Lusi Mkhitaryan or Epifanio Braganza at (626) 430-5420 or at lmkhitaryan@ph.lacounty.gov and ebraganza@ph.lacounty.gov.

Wastewater Disposal

The Land Use Program recommends approval of this CUP contingent upon the following condition:

Based on the review of the proposed project's Feasibility Report submitted, the percolation test results indicate that a non-conventional system is to be installed due to the percolation rates which are greater than 5.12 gallons/square feet /day. A design for a non-conventional septic system has been submitted based on the manufactures recommendations. At this time the Program recommends conditional approval of the CUP. The Program has not received a copy of the report from the Regional Water Quality Control Board. **The approval of the Regional Water Quality Control Board must be received prior to the issuance of a building permit for the finalization of the Land Use Program's approval of an Onsite Wastewater Treatment System (OWTS) installation.**

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 Los Angeles 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. Note: 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.

C. If a public sewer connection is available within 200 feet of any part of the proposed building or exterior drainage, all future drainage and piping shall be connected to such public sewer.

For question regarding the above section, please contact Eric Edwards or Vicente Banada at (626) 430-5380 or at eedwards@ph.lacounty.gov and vbanada@ph.lacounty.gov.

Noise

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

For question regarding the above section, please contact Evenor Masis or Robert Vasquez at (213) 738-3220 or at emasis@ph.lacounty.gov and rvasquez@ph.lacounty.gov.

Food Retail Facilities

The applicant shall comply with all the Department of Public Health requirements relating to the construction and operation of food establishments. Three sets of construction plans for the proposed food establishment shall be submitted to the Department's Plan Check Program for review and approval prior to issuance of any building permits. The proposed food establishment must be issued a Public Health Permit to operate by this Department after construction.

For questions regarding the above section, please contact the Plan Check Program at (626) 430-5560.

For any other questions regarding this report, please contact me at (626) 430-5382 or at mtsiebos@ph.lacounty.gov.

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

GAIL FARBER, Director

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

November 23, 2015

IN REPLY PLEASE
REFER TO FILE: LD-2

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

Attention Kristina Kulczycki

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

CONDITIONAL USE PERMIT (CUP) NO. 201400037
PROJECT NO. R2014-00881-(5)
ACTON FEED STORE AND PRIMO RESTAURANT
ASSESSOR'S MAP BOOK NO. 3217, PAGE 21, PARCEL NO. 22
UNINCORPORATED COUNTY COMMUNITY OF ACTON

Thank you for the opportunity to review the site plan and zoning permit application for the project located on Assessor's Parcel Number 3217-021-022 in the unincorporated County community of Acton. The applicant is requesting authorization for a CUP to allow the construction of a 6,000-square-foot retail feed store, a 3,300-square-foot restaurant with a drive-thru, and a 1,600-square-foot storage building.

☒ 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 following comments have been addressed:

Road

1. Construct both driveways along the property frontage on Sierra Highway to comply with the Americans with Disabilities Act guidelines and to the satisfaction of Public Works. Please note this will require the driveways to be depressed at the back of the walk. Relocate any affected utilities including the existing street light located on the westerly property line.

2. Submit and obtain approval of street lighting plans that show the proposed relocation of the existing street light located on the westerly property line (if affected by the construction of the proposed westerly driveway) by Public Works' Traffic and Lighting Division, Street Lighting Section. The street lighting plans shall show all existing and proposed street lights along the property frontage and be accompanied by plans that show all existing and/or proposed underground utilities.

3. Provide and continuously maintain adequate sight distance (10 feet minimum) from all proposed driveways to the back of the sidewalk to the satisfaction of Public Works. This means there cannot be any obstructions, such as landscaping, above 3.5 feet in height within a 10-foot sight triangle.

4. Comply with all of the requirements listed in the attached Traffic and Lighting Division letter dated October 22, 2105.

5. Submit a detailed signing and striping plan (scale: 1"=40') showing the westerly extension of the existing two-way, left-turn lane, on Sierra Highway near the project's proposed westerly driveway, for review and approval prior to obtaining a grading permit. The proposed striping transition shown on the site plan is not necessarily approved.

6. Provide an adequate pavement transition on the northern side of Sierra Highway to accommodate the extension of the existing two-way, left-turn lane, near the project's proposed westerly driveway, to the satisfaction of Public Works. Although the pavement transition will be located entirely within the existing public right of way, additional off-site grading within the properties, on the north side of Sierra Highway, may be necessary to adequately tie the grades within the parkway area to the new edge of pavement. It shall be the sole responsibility of the applicant to obtain any necessary off-site covenants/permissions from the affected property owners. The proposed pavement transition shown on the site plan is not necessarily approved.

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.

For questions regarding the road conditions, please contact Matthew Dubiel of Public Works' Land Development Division at (626) 458-4921 or mdubiel@dpw.lacounty.gov.

Drainage/Grading

1. Submit a drainage and grading plan for review and approval that complies with the approved hydrology study dated October 15, 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 sheet overflow, ponding, and high-velocity scouring action. 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 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/ldd/lib/fp/Hydrology/Low%20Impact%20Development%20Standards%20Manual.pdf.

4. Comply with the approved hydrology study dated October 15, 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.

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.

For questions regarding the drainage/grading condition, please contact Diego Rivera of Public Works' Land Development Division at (626) 458-4921 or drivera@dpw.lacounty.gov.

Water Supply

1. Comply with all of the requirements stipulated by the local water purveyor. The attached Will Serve letter issued by Waterworks District No. 37 will expire on February 25, 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 supply condition, please contact Toni Khalkhali of Public Works' Land Development Division at (626) 458-4921 or tkhalkh@dpw.lacounty.gov.

If you have any other questions or require additional information, please contact Matthew Dubiel of Public Works' Land Development Division at (626) 458-4921 or mdubiel@dpw.lacounty.gov.

MD:tb
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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

GAIL FARBER, Director

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

IN REPLY PLEASE
REFER TO FILE: T-4

October 22, 2015

Mr. Robert Kilpatrick
Hall & Foreman
Suite 101
14297 Cajon Avenue
Victorville, CA 92392-2335

Dear Mr. Kilpatrick:

ACTON RETAIL CENTER PROJECT
CONDITIONAL USE PERMIT 201400037
TRAFFIC IMPACT STUDY – AUGUST 4, 2015
UNINCORPORATED ACTON AREA

We reviewed the Traffic Impact Study (TIS) for the proposed Acton Retail Center project to be located on the south side of Sierra Highway approximately 500 feet west of Crown Valley Road in the unincorporated Acton area. The proposed project consists of a feed store and a drive-through restaurant.

According to the TIS, 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 the Traffic Impact Analysis Guidelines. We generally agree with the findings in the TIS.

According to the TIS, the existing two-way left-turn lane on Sierra Highway would need to be extended westerly to accommodate left-turn movements at the project's west driveway. We concur with this improvement. Accordingly, the project applicant 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.

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

DEAN R. LEHMAN
Assistant Deputy Director
Traffic and Lighting Division

SR:mrb
P:\TLPUB\STUDIES\ER 15-0133 - ACTON RETAIL CENTER.DOC

bc: Land Development (Narag)

LOS ANGELES COUNTY WATERWORKS DISTRICTS

P.O. Box 1460 Alhambra, CA 91802 (626) 300-3306	260 E Ave K-8 Lancaster, CA 93535 (661) 940-9270	23533 Civic Center Way Malibu, CA 90265 (310) 317-1388

TO:

- [x] Los Angeles County Department of Health Services Environmental Health: Mtn & Rural/ Water, Sewage, & Subdivision Program 5050 Commerce Dr Baldwin Park, CA 91706-1423
- [x] Los Angeles County Department of Public Works Building & Safety Division
- [x] Los Angeles County Department of Regional Planning
- [ ] City of Lancaster Building Department 44933 N Fern Ave Lancaster, CA 93534
- [ ] City of Malibu Building Department 23815 W Stuart Ranch Rd Malibu, CA 90265
- [ ] City of Palmdale Building Department 38300 N Sierra Hwy Palmdale, CA 93550

RE:

Address	City	Zip
3910 W Sierra Hwy (CUP R2014-00881)	Acton	93510

Assessor's Parcel Number	Tract / Parcel Map	Lot
3217-021-022	PM 21321	1

Los Angeles County Waterworks District No. 37 will serve water to the above single lot property subject to the following conditions:

[ ]	Annexation of the property into Los Angeles County Waterworks Districts is required. Water service to this property will not be issued until the annexation is complete.
[x]	The appropriate connection fees have NOT been paid to Waterworks Districts.
[ ]	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 Waterworks Districts.
[x]	The service connection and water meter serving the property must be installed in accordance with Waterworks Districts' standards.
[ ]	The property has an existing service connection and water meter.
[x]	Public water system and sewage disposal system must be in compliance with Health Department separation requirements.
[x]	A portion of the existing fronting watermain may be required to be replaced if the water service tap cannot be made or if damage occurs to the watermain.
[ ]	Property may experience low water pressure and/or shortages in high demand periods.
[ ]	The Waterworks Districts CANNOT serve water to this property at this time.

BY: [signature] — Signature

Associate Civil Engineer — Title

Shella Niebla — Print Name

(661) 940-9270 — Phone Number

02/25/2015 — Date

** THIS WILL SERVE LETTER WILL EXPIRE ONE (1) YEAR AFTER THE DATE OF ISSUANCE.*

Rev. 02/2013

20103703?a

FORM 196
Rev. 04/03

COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION

Fire Prevention Engineering
5823 Rickenbacker Road
Commerce, CA 90040
Telephone (323) 890-4125 Fax (323) 890-4129

Information on Fire Flow Availability for Building Permit

For All Buildings Other Than Single Family Dwellings (R-3)

INSTRUCTIONS:

Complete parts I, II (A) when:
Verifying fire flow, fire hydrant location and fire hydrant size.

Complete parts I, II (A), & II (B) when:
For buildings equipped with fire sprinkler systems, and/or private on-site fire hydrants.

PROJECT INFORMATION
(To Be Completed By Applicant)

LOS ANGELES COUNTY
WATERWORKS DISTRICTS
INFORMATION PROVIDED HEREON IS FOR VERIFICATION OF PUBLIC FIRE FLOW AVAILABILITY ONLY. IT IS NOT INTENDED FOR USE IN EVALUATION OF FLOW AVAILABILITY FOR PRIVATE WATER DISTRIBUTION SYSTEMS.

PART I

Building Address: 3910 W Sierra Hwy (APN 3217-021-022)

City or Area: Acton, CA 93510

Nearest Cross Street: Crown Valley Rd

Distance of Nearest Cross Street: 200'

Applicant: Robert Friedman Telephone: (626) 484-5251

Address: 2059 E Foothill Blvd

City: Pasadena, CA 91107

Occupancy (Use of Building): B A3 Sprinklered: Yes [X] No [ ]

Type of Construction: V

Square Footage: 6000 + 3300 Number of Stories: 1

Present Zoning: C-3

Applicant's Signature Date

PART II-A

INFORMATION ON FIRE FLOW AVAILABILITY
(To be completed by Water Purveyor)

Location South side of Sierra Hwy, 372 ft west of Crown Valley Rd

Hydrant Number --

Distance from Nearest Property Line 41' Size of Hydrant 6x4x2-1/2" Size of Water main 12"

Static PSI 210 Residual PSI 107 Orifice size -- Pitot --

Fire Flow at 20 PSI 2000 gpm Duration 2 hrs Flow Test Date / Time --

---

Location South side of Sierra Hwy, 647 ft west of Crown Valley Rd

Hydrant Number --

Distance from Nearest Property Line 97' Size of Hydrant Size of Water main 12"

Static PSI 210 Residual PSI 107 Orifice size -- Pitot --

Fire Flow at 20 PSI 2000 gpm Duration 2 hrs Flow Test Date / Time --

---

~~Location~~

~~Hydrant Number~~

~~Distance from Nearest Property Line~~ ~~Size of Hydrant~~ ~~Size of Water main~~

~~Static PSI~~ ~~Residual PSI~~ ~~Orifice size~~ ~~Pitot~~

~~Fire Flow at 20 PSI~~ ~~Duration~~ ~~Flow Test Date / Time~~

PART II-B SPRINKLERED BUILDINGS/PRIVATE FIRE HYDRANTS ONLY

Detector Location (check one) [X] Above Grade [ ] Below Grade [ ] Either

Backflow Protection Required (Fire Sprinklers/Private Hydrant) (check one) [X] Yes [ ] No

Minimum Type of Protection Required (check one) [ ] Single Check Detector Assembly

[ ] Double Check Detector Assembly [X] Reduced Pressure Principle Detector Assembly

LOS ANGELES COUNTY WATERWORKS DISTRICTS

Los Angeles County Waterworks Districts
Water Purveyor

2/24/2015
Date

Signature

Associate Civil Engineer
Title

This Information is Considered Valid for Twelve Months

Fire Department approval of building plans shall be required prior to the issuance of a Building Permit by the jurisdictional Building Department. Any deficiencies in water systems will need to be resolved by the Fire Prevention Division only prior to this department's approval of building plans.

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: R2014-00881 MAP DATE: February 2, 2015

LOCATION: Sierra Highway, West of Crown Valley Road, Acton

PLANNER: Thuy Hua

REVISED CONDITIONS: Supersedes Fire Dept. Comments Dated 02/06/2015

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 Fire Apparatus Access Roads and designated fire lanes shall be measured from flow line to flow line.

5. 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

6. 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

7. Fire Department vehicular access roads shall be provided with a 32 foot centerline turning radius. Fire Code 503.2.4

Reviewed by: Wally Collins Date: September 18, 2015

8. 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

9. 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

10. 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

11. 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

12. An approved key box, listed in accordance with UL 1037 shall be provided as required by Fire Code 506. The location of each key box shall be determined by the Fire Inspector.

    - All locking devices shall comply with the County of Los Angeles Fire Department Regulation 5, Compliance for Installation of Emergency Access Devices.

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: R2014-00881 MAP DATE: February 2, 2015

LOCATION: Sierra Highway, West of Crown Valley Road, Acton

PLANNER: Thuy Hua

13. Gates: When security gates are provided, maintain a minimum access width of 26 feet. The security gate shall be provided with an approved means of emergency operation, and shall be maintained operational at all times and replaced or repaired when defective. Gates shall be of the swinging or sliding type. Construction of gates shall be of materials that allow manual operation by one person. Fire Code 503.6

CONDITIONS OF APPROVAL – WATER STSTEM

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 required fire flow for the public fire hydrants for this project is 2000 gpm at 20 psi residual pressure for 2 hours. Two (2) public fire hydrants flowing simultaneously may be used to achieve the required fire flow. Fire Code 507.3 & Appendix B105.1

    a. The fire flow test for the two (2) existing public fire hydrants noted on the site plan is adequate per the fire flow test dated 02/24/15 by the Los Angeles County Waterworks District.

Reviewed by: Wally Collins Date: September 18, 2015

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: R2014-00881 MAP DATE: February 2, 2015

LOCATION: Sierra Highway, West of Crown Valley Road, Acton

PLANNER: Thuy Hua

CONDITIONS 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. A "Preliminary Fuel Modification Plan" shall be submitted and approved prior to public hearing. For details, please contact the Department's Fuel Modification Unit which is located at Fire Station 32, 605 North Angeleno Avenue in the City of Azusa CA 91702-2904. They may be reached at (626) 969-5205.

    a. The Final Fuel Modification Plan was approved by the Fuel Modification Unit on 06/01/15.

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

Reviewed by: Wally Collins Date: September 18, 2015

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

CONDITIONAL USE PERMIT BURDEN OF PROOF

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

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

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

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

THIS PROJECT IS IN KEEPING WITH THE SURROUNDING AREA COMMERCIAL. TO THE SOUTH IS THE 14 Hwy, EAST JACK IN THE BOX RESTAURANT, WEST COMMERCIAL, NORTH ACROSS SIERRA Hwy COMMERCIAL

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

THE PROPOSED SITE HAS ADEQUATE PARKING WITH OVER SIZED DRIVEWAYS AND DRIVE AISLES. EAST SIDE HAS A LOADING ZONE. THE LANDSCAPE AREA EXCEEDS REQUIREMENTS. SETBACK EXCEED MINIMUM ALLOWED.

C. That the proposed site is adequately served:

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

ACCESS IS BY SIERRA Hwy WHICH IS IMPROVED WITH CURB GUTTERS AND SIDEWALKS, AS WELL STREET LIGHTING.

Environmental Checklist Form (Initial Study)

County of Los Angeles, Department of Regional Planning

Project title: "Acton Retail Center" / Project No. R2014-00881-(5) / Case No. CUP 201400037

Lead agency name and address: Los Angeles County, 320 West Temple Street, Los Angeles, CA 90012

Contact Person and phone number: Kristina Kulczycki, Senior Regional Planning Assistant, (213) 974-6443

Project sponsor's name and address: Robert Friedman, 2059 E. Foothill Blvd., Pasadena, CA 91107

Project location: Vacant, south side of Sierra Highway, third parcel west of Crown Valley Road
APN: 3217-021-022 ***USGS Quad***: Acton

Gross Acreage: 1.95

General plan designation: N/A

Community/Area wide Plan designation: CR (Rural Commercial): Limited, low-intensity commercial uses that are compatible with rural and agricultural activities, including retail, restaurants, and personal and professional offices

Zoning: C-RU-DP (Rural Commercial – Development Program), Acton Community Standards District, Rural Outdoor Lighting District

Description of project: The subject property is located on the south side of Sierra Highway, approximately 385 feet west of the intersection of Sierra Highway and Crown Valley Road. Commercial uses exist to the north, east, and west, including retail uses, gas station, and restaurants. Residential uses exist to the north. The Antelope Valley Freeway exists to the south. A currently vacant lot to be developed with a new single-story 6,000-square foot retail building (one 3,000-square foot feed store with two additional attached 1,500-square foot retail spaces) located on the western portion of the lot, a 3,300-square foot restaurant (Primo Restaurant) with drive-through located on the eastern portion of the lot, and a 1,600-square foot storage building located in the southwest corner of the lot. The site will be accessed via two driveways on Sierra Highway, a street designated by the County as an Existing Major Highway.

Surrounding land uses and setting:

North: CR – Rural Commercial Land Use Designation; C-RU – Rural Commercial Zone; Vacant lot, Gas station, Tack and Feed Store, and Retail Center

East: CR – Rural Commercial Land Use Designation; C-RU – Rural Commercial Zone; Fast Food Restaurant with Drive-Through (Jack in the Box)

South: SR 14 – Antelope Valley Freeway

West: CR – Rural Commercial Land Use Designation; C-RU-DP – Rural Commercial Development Program Zone; Retail Center

The community of Acton is rural and is primarily developed with one-to two-acre sized lots containing residences along with several clusters of higher density residential as well as large lots of 2+ acres closer to the Angeles National Forest. The Antelope Valley Freeway, travels east-west and is a major freeway connecting Metro Los Angeles and Santa Clarita to the High Desert, bisects the community into northern and southern halves. The community is served by three commercial areas. The first small commercial area is located 1.5 miles south of the freeway along Crown Valley Road and contains restaurants, post office, bank, small market, and hardware store. The second larger commercial area where the proposed project is located is immediately north of the freeway along Sierra Highway at the Crown Valley Road intersection and contains drive-through restaurants, gas stations, retail stores, service stores, restaurants, and a market. The third small commercial area is approximately 2.1 miles east of the second commercial area along Sierra Highway and contains two small shopping centers with retail services.

Other public agencies whose approval may be required (e.g., permits, financing approval, or participation agreement):

Public Agency	*Approval Required*
Los Angeles County Department of Public Works	Building Permits
Los Angeles County Fire Department	Fire Flow Requirements, Fuel Modification Plan
Los Angeles County Public Health	Onsite Wastewater Treatment

Major projects in the area:

Project/Case No.	*Description and Status*
R2014-02996 / CUP 201400143	New 2,029-square foot Taco Bell restaurant with drive-through and occupant load of 45. Approved by the Board of Supervisors on November 24, 2015.

Reviewing Agencies:

Responsible Agencies

- ☐ None

Regional Water Quality Control Board:

- ☒ Los Angeles Region
- ☐ Lahontan Region

- ☐ Coastal Commission
- ☐ Army Corps of Engineers

Special Reviewing Agencies

- ☐ None
- ☐ Santa Monica Mountains Conservancy
- ☐ National Parks
- ☐ National Forest
- ☐ Edwards Air Force Base
- ☐ Resource Conservation District of Santa Monica Mountains Area
- ☒ California Department of Transportation

Regional Significance

- ☐ None
- ☐ SCAG Criteria
- ☐ Air Quality
- ☐ Water Resources
- ☐ Santa Monica Mtns. Area
- ☒ South Coast AQMD

Trustee Agencies

- ☒ None
- ☐ State Dept. of Fish and Wildlife
- ☐ State Dept. of Parks and Recreation
- ☐ State Lands Commission
- ☐ University of California (Natural Land and Water Reserves System)

County Reviewing Agencies

- ☒ DPW:
  - Land Development Division (Grading & Drainage)
  - Geotechnical & Materials Engineering Division
  - Watershed Management Division (NPDES)
  - Traffic and Lighting Division
  - Environmental Programs Division
  - Waterworks Division
- ☒ Fire Department
  - Planning Division
  - Land Development Unit
- ☐ Sanitation District
- ☒ Public Health/Environmental Health Division: Land Use Program (OWTS), Drinking Water Program (Private Wells), Toxics Epidemiology Program (Noise)
- ☒ Sheriff Department
- ☒ Parks and Recreation
- ☐ Subdivision Committee

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project.

☐ Aesthetics	☐ Greenhouse Gas Emissions	☐ Population/Housing
☐ Agriculture/Forest	☐ Hazards/Hazardous Materials	☐ Public Services
☐ Air Quality	☐ Hydrology/Water Quality	☐ Recreation
☐ Biological Resources	☐ Land Use/Planning	☐ Transportation/Traffic
☐ Cultural Resources	☐ Mineral Resources	☐ Utilities/Services
☐ Energy	☐ Noise	☐ Mandatory Findings of Significance
☐ Geology/Soils		

DETERMINATION: (To be completed by the Lead Department.)
On the basis of this initial evaluation:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Kristina Kulczycki — 1/28/16

Signature (Prepared by) — Date

Robert Gruner — 1/28/16

Signature (Approved by) — Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources the Lead Department cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the Lead Department has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level. (Mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced.)

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA processes, an effect has been adequately analyzed in an earlier EIR or negative declaration. (State CEQA Guidelines § 15063(c)(3)(D).) In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used. Identify and state where they are available for review.

   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of, and adequately analyzed in, an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

7) The explanation of each issue should identify: the significance threshold, if any, used to evaluate each question, and; mitigation measures identified, if any, to reduce the impact to less than significance. Sources of thresholds include the County General Plan, other County planning documents, and County ordinances. Some thresholds are unique to geographical locations.

8) Climate Change Impacts: When determining whether a project's impacts are significant, the analysis should consider, when relevant, the effects of future climate change on : 1) worsening hazardous conditions that pose risks to the project's inhabitants and structures (e.g., floods and wildfires), and 2) worsening the project's impacts on the environment (e.g., impacts on special status species and public health).

1. AESTHETICS

	Potentially Significant Impact	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒

The project is not located adjacent to or in proximity to any scenic highways, corridors, or resources that have been designated by the County General Plan or Antelope Valley Area Plan. There are no significant ridgelines within 1,000 feet of the project. Therefore with the lack of such resources in the area, there is no substantial adverse effect on a scenic vista.

b) Be visible from or obstruct views from a regional riding or hiking trail?	☐	☐	☒	☐

A proposed County trail is located along the northern side of Sierra Highway. The project is located on the south side of Sierra Highway. After consultation with the County Department of Parks and Recreation (DPR), it was determined that the proposed County trail should remain located along the northern side of Sierra Highway as it is a better suited location for an equestrian trail. While it was not required that the project develop this portion of the proposed trail, it was recommended by DPR that a hitching post be incorporated into the project design for "horse parking" to accommodate equestrian uses.

c) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒

The subject property is currently vacant with flat terrain. It was previously cleared and does not show any trees, rock outcroppings, nor does it contain any historic buildings. No other scenic resources are on the property or within close proximity of the project. All parcels surrounding the subject property has been developed with various uses.

d) Substantially degrade the existing visual character or quality of the site and its surroundings because of height, bulk, pattern, scale, character, or other features?	☐	☐	☐	☒

Other existing commercial uses have been developed on both the east and west side of the subject property. The project has been designed to be consistent with the Acton Community Standards District which is a set of development standards, contained within the Los Angeles County Zoning Code, designed to ensure compatibility with community character.

e) Create a new source of substantial shadows, light, or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

The project proposes three new structures: retail building, restaurant, and storage building at heights of 27'-10", 35'-0", and 23'-8", respectively. All proposed structures are one story and incorporate design elements compatible with the character of surrounding properties and desired community architecture. Given the similarity in height with neighboring properties, the proposed structures would not create a new source of substantial shadows, light, or glare which would adversely affect day or nighttime views in the area.

Additionally, all outdoor lighting will have to comply with the Rural Outdoor Lighting District standards (Los Angeles County Code Part 9 of Chapter 22.44). These standards require lighting design that will minimize adverse offsite impacts of outdoor lighting, such as light trespass, and curtail light pollution.

EVALUATION OF ENVIRONMENTAL IMPACTS:

The proposed project consists of the development of three structures on 1.95 acres of undeveloped land: a 6,000-square foot retail building, a 3,300-square foot restaurant, and a 1,600-square foot storage building. Access to the site is provided from Sierra Highway, a County-designated Existing Major Highway. Surrounding parcels are developed with commercial uses and a freeway.

Within the immediate and peripheral areas surrounding the subject property, there are no designated significant visual resources based on the County General Plan, Antelope Valley Area Plan, and State designations. The subject property is located within a disturbed area with existing development surrounding it. It can be viewed as a commercial infill development. Without designated significant visual resources and being surrounded by existing development, the proposed project will have a limited to no significant impact on visual resources. Any impact on visual resources will stem from the introduction of a new light source will be less than significant through the implementation of the County Rural Outdoor Lighting District standards.

2. AGRICULTURE / FOREST

	Potentially Significant Impact	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒

Pursuant to the 2012 Los Angeles County Farmland Map prepared by the Farmland Mapping and Monitoring Program of the California Department of Conservation, there are no mapped farmlands identified on the subject property.

b) Conflict with existing zoning for agricultural use, with a designated Agricultural Opportunity Area, or with a Williamson Act contract?	☐	☐	☐	☒

The subject property is zoned C-RU-DP, Rural Commercial – Development Program. The zone provides for an appropriate mix of a limited range of commercial uses that are compatible with rural, agricultural, and low-density residential uses. The zone regulates both the type and intensity of development in order to protect natural resources, promote economic self-sufficiency, maintain compatibility with surrounding residential and agricultural zones, and preserve the rural character of the community.

The County Agricultural Opportunity Area Map identifies locations with existing farmland and those well suited for the establishment of farmlands. The subject property is not located within a designated Agricultural Opportunity Area. There is no Williamson Act contract on this property as there are no agricultural or related open space activities performed on the site.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code § 12220 (g)), timberland (as defined in Public Resources Code § 4526), or timberland zoned Timberland Production (as defined in Government Code § 51104(g))?	☐	☐	☐	☒

The subject property is not located within forest land or zoning for forest land or timberland.

d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒

The subject property is not located within forest land or zoning for forest land.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

The subject property does not impact farmland conversion, agricultural use, or conversion of forest land because it is not located within any of these areas.

EVALUATION OF ENVIRONMENTAL IMPACTS:

The proposed project consists of the development of three structures on 1.95 acres of undeveloped land: a 6,000-square foot retail building, a 3,300-square foot restaurant, and a 1,600-square foot storage building. Access to the site is provided from Sierra Highway, a County-designated Existing Major Highway. Surrounding parcels are developed with commercial uses and a freeway.

The environmental/regulatory setting related to agriculture and forestry resources include:

- State Farmland Mapping and Monitoring Program (FMMP): FMMP produces the "Important Farmland Maps" which are a hybrid of soils and land use information with the intent to provide consistent and impartial date for use in assessing present status, reviewing trends, and planning for California's agricultural land resources. Agricultural land is identified and rated according to soil quality and irrigation status.
- Williamson Act: This act provides tax incentives to retain prime agricultural land and open space in agricultural use, with subsequently slows its conversation to development. The overall purpose of the Williamson Act is to protect agricultural lands and open space.
- California Land Evaluation Site Assessment Model (LESA): LESA analyzes soil resource quality, project size, water resource availability, surrounding protected resource lands, and surrounding agricultural lands; the model output is a numerical rating.
- Los Angeles County Agricultural Opportunity Areas: A County identification tool that indicates land where commercial agriculture is taking place and/or is believed to have a future potential based on the presence of prime agricultural soils, compatible adjacent land uses, and existing County land use policy.

The subject property is not located within areas impacted by any of the above referenced environmental or regulatory settings. Therefore, the proposed project will not have an impact on agricultural or forest resources.

3. AIR QUALITY

Would the project:	*Potentially Significant Impact*	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
a) Conflict with or obstruct implementation of applicable air quality plans of either the South Coast AQMD (SCAQMD) or the Antelope Valley AQMD (AVAQMD)?	☐	☐	☐	☒

The proposed project is located within the boundaries of the South Coast AQMD (SCAQMD). The proposed project is consistent with the underlying land use category of Rural Commercial. Land use categories are assessed by the SCAQMD when analyzing impacts for their air quality plans. When a project is consistent with the underlying land use category, it generally does not have a significant impact. In this case, since the proposed project is consistent with the underlying land use category, it will not conflict with or obstruct implementation of the SCAQMD air quality plan.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐

SCAQMD developed localized significance thresholds (LST) and calculate Particulate Matter 2.5 (PM2.5) and PM2.5 significance thresholds. LSTs apply to the following criteria pollutants: oxides of nitrogen (NOx), carbon monoxide (CO), particulate matter less than 10 microns in aerodynamic diameter (PM10), and particulate matter less than 2.5 microns in aerodynamic diameter (PM2.5). LSTs represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard. Based on the two-acre site scenario that represents a broad range of project types that include commercial, the proposed project will not exceed the LST. Conformity with growth forecasts can be established by demonstrating that the project is consistent with the land use plan that was used to generate the growth forecast. The proposed project is consistent with the underlying land use category of Rural Commercial.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐

See b) above.

d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒

The proposed project consists of a retail building, drive-through restaurant, and storage building. While the High Desert Middle School is located 0.25 miles to the east of the subject property, the proposed project is not a project type that must be evaluated for its proximity to sensitive uses. Based on the AVAQMD California Environmental Quality Act and Federal Conformity Guidelines (August 2011), only the following project types proposed for sites within the specified distance to an existing or planned sensitive receptor land use must be evaluated using significance threshold criteria number 4: any industrial project within 1,000 feet; a distribution center (40 or more trucks per day) within 1,000 feet; a dry cleaner using perchloroethylene within 500 feet; or a gasoline dispensing facility within 300 feet.

e) Create objectionable odors affecting a substantial number of people? ☐ ☐ ☒ ☐

The proposed project includes the development of a drive-through restaurant. There would potentially be food odors related to the preparation of the items sold at the restaurant. Such odors could be objectionable but is also subjective relative to the preferences of individuals smelling those odors. There are two other similar establishments in the area, McDonald's and Jack-in-the-Box, which have been operating without issues. It is not foreseeable that any odors would affect a substantial number of people.

EVALUATION OF ENVIRONMENTAL IMPACTS:

The proposed project consists of the development of three structures on 1.95 acres of undeveloped land: a 6,000-square foot retail building, a 3,300-square foot restaurant, and a 1,600-square foot storage building. Access to the site is provided from Sierra Highway, a County-designated Existing Major Highway. Surrounding parcels are developed with commercial uses and a freeway.

The environmental/regulatory setting related to air quality includes:

- Federal and California Clean Air Acts: Three categories of air pollutants are monitored and regulated under these acts: criteria air pollutants, toxic air contaminants, and global warming and ozone-depleting gases. The Federal government and the State of California have established air quality standards designed to protect public health from these criteria pollutants. Among the federally identified criteria pollutants, the levels of ozone, particulate matter, and carbon monoxide in Los Angeles County continually exceed federal and state health standards and the County is considered a non-attainment area for these pollutants.
- South Coast Air Quality Management District: This agency is responsible for monitoring air quality as well as planning, implementing, and enforcing programs designed to attain and maintain state and federal ambient air quality standards in the region.

The subject property is not located within areas impacted by any of the above referenced environmental or regulatory settings. The proposed project is small in scope and will be required to comply with all of the applicable air quality regulations during construction and operation. Therefore, the proposed project will have a less than significant impact on air quality.

4. BIOLOGICAL RESOURCES

	Potentially Significant Impact	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?	☐	☐	☒	☐

Based on the California Natural Diversity Database, the subject property does not contain any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.

Approximately 2,850 feet to the south of the subject property, there is a possible occurrence of the Townsend's big-eared bat, a threatened candidate species under the California Endangered Species Act.

b) Have a substantial adverse effect on any sensitive natural communities (e.g., riparian habitat, coastal sage scrub, oak woodlands, non-jurisdictional wetlands) identified in local or regional plans, policies, regulations or by CDFW or USFWS?	☐	☐	☐	☒

The County designates areas of biological importance as Significant Ecological Areas (SEA). Sensitive natural communities are included in mapped SEAs. The subject property is not located within a SEA. The edge boundary of the closest SEA is located approximately 8,500 feet south of the subject property.

c) Have a substantial adverse effect on federally or state protected wetlands (including, but not limited to, marshes, vernal pools, coastal wetlands, and drainages) or waters of the United States, as defined by § 404 of the federal Clean Water Act or California Fish & Game code § 1600, et seq. through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒

The subject property is not located within or in proximity of federally or stated protected wetlands, vernal pools, coastal wetlands, or waters. Based on 2014 aerial imagery, there are no visible natural drainages within 1,000 feet from the boundaries of the subject property. Additionally, the U.S. Fish and Wildlife Service National Wetlands Inventory does not identify any wetlands across or in close proximity of the

subject property.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? ☐ ☐ ☐ ☒

Wildlife corridors and habitat linkages are mapped as a part of the County Significant Ecological Areas (SEA). These corridors and linkages are identified as areas where wildlife is able to move from one open space area or SEA to another. The subject property is not located within or in close proximity of a SEA. Properties surrounding the subject property are developed. Additionally, the California Audubon does not identify the subject property or its surrounding properties as an Important Bird Area.

e) Convert oak woodlands (as defined by the state, oak woodlands are oak stands with greater than 10% canopy cover with oaks at least 5 inch in diameter measured at 4.5 feet above mean natural grade) or otherwise contain oak or other unique native trees (junipers, Joshuas, southern California black walnut, etc.)? ☐ ☐ ☐ ☒

The location of oaks and oak woodlands has been identified as part of the Los Angeles County Significant Ecological Areas (SEA). The subject property is not located within a SEA. Additionally, based on aerial imagery it has been observed that the site does not contain any trees.

f) Conflict with any local policies or ordinances protecting biological resources, including Wildflower Reserve Areas (L.A. County Code, Title 12, Ch. 12.36), the Los Angeles County Oak Tree Ordinance (L.A. County Code, Title 22, Ch. 22.56, Part 16), the Significant Ecological Areas (SEAs) (L.A. County Code, Title 22, § 22.56.215), and Sensitive Environmental Resource Areas (SERAs) (L.A. County Code, Title 22, Ch. 22.44, Part 6)? ☐ ☐ ☐ ☒

It has been determined that the subject property will not conflict with any local policies or ordinances protecting biological resources given that it does not contain any biological resources as presented in the responses above.

g) Conflict with the provisions of an adopted state, regional, or local habitat conservation plan? ☐ ☐ ☐ ☒

There are no habitat conservation plans covering the subject property. As of the date of the completion of this document, the only active habitat conservation plan exists in the Santa Clarita Valley. The draft Desert Renewable Energy Conservation Plan maps areas for conservation of which this subject property is not

identified as a conservation area.

EVALUATION OF ENVIRONMENTAL IMPACTS:

The proposed project consists of the development of three structures on 1.95 acres of undeveloped land: a 6,000-square foot retail building, a 3,300-square foot restaurant, and a 1,600-square foot storage building. Access to the site is provided from Sierra Highway, a County-designated Existing Major Highway. Surrounding parcels are developed with commercial uses and a freeway.

The environmental/regulatory setting related to biological resources include:

- California Natural Diversity Database (CNDDB): The federal Endangered Species Act and the California Endangered Species Act state that animals and plants that are threatened with extinction or are in a significant decline will be protected and preserved. The California Natural Diversity Database is a program that inventories the status and locations of rare animals and plants in California.
- California Audubon Important Bird Areas: Important Bird Areas identify sites that provide essential habitat for birds. As such they establish a useful framework for helping guide efforts to conserve birds statewide.
- Los Angeles County Significant Ecological Areas (SEA): A County identification tool and planning overlay that maps ecologically important land and water systems that are valuable as plant and/or animal communities, often integral to the preservation of threatened or endangered species, and conservation of biological diversity in the County.

The subject property is not located within areas impacted by any of the above referenced environmental or regulatory settings. While the subject property is not located within areas impacted by the above reference environmental or regulatory settings, it is identified by the California Natural Diversity Database that there is an occurrence of a threatened candidate species south of the subject property. Given the ability of this species to traverse the distance between its possible occurrence location and the subject property, they could potentially be drawn to the area to feed on insects which are attracted to the lights found in developed areas. They may also find areas that structurally resemble caves to nest in. Implementing measures to reduce the light pollution and eliminating cave-like structures can help mitigate any impacts on the species. Therefore, the proposed project will not have or have less than a significant impact on biological resources.

5. CULTURAL RESOURCES

Would the project:	*Potentially Significant Impact*	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines § 15064.5?	☐	☐	☐	☒

Pursuant to the List of Historic Places designated by the State of California and the List of National Historic Landmarks, there are no recognized structures on-site nor is the site itself designated as historic. No designated structures or sites of historic significance are in close proximity of the subject property.

Under the CEQA guidelines, a structure must be at least 50 years old to meet the minimum threshold as a historical resource. There are no structures on-site that are at least 50 years old. There are no structures currently existing on the subject property.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines § 15064.5?	☐	☐	☒	☐

There are no known archaeological resources on the subject property. There is no proposal for significant grading as a part of the project. Conditions of approval will address unanticipated archaeological discoveries and development of specific mitigation measures if resources are encountered during any development activity.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, or contain rock formations indicating potential paleontological resources?	☐	☐	☒	☐

There are no known paleontological resources or sites or unique geologic features on the subject property. There is no proposal for significant grading as a part of the project. Conditions of approval will address unanticipated paleontological discoveries and development of specific mitigation measures if resources are encountered during any development activity.

d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

The subject property is not presently a cemetery nor is it located adjacent to or near a cemetery. The project does not require a plan amendment or the adoption or amendment of a specific plan. The proposed project is in conformance with the adopted zoning and area plan land use designation. Surrounding properties have been developed without known occurrences of human remains.

EVALUATION OF ENVIRONMENTAL IMPACTS:

The proposed project consists of the development of three structures on 1.95 acres of undeveloped land: a 6,000-square foot retail building, a 3,300-square foot restaurant, and a 1,600-square foot storage building. Access to the site is provided from Sierra Highway, a County-designated Existing Major Highway. Surrounding parcels are developed with commercial uses and a freeway.

The environmental/regulatory setting related to cultural resources include:

- California Environmental Quality Act Guidelines § 15064.5(a): This section provides eligibility criteria for historic resources.
- State of California List of Historical Landmarks and Points of Historical Interest: California Historical Landmarks are buildings, structures, sites, or places that have been determined to have statewide historical significance by meeting certain criteria. California Points of Historical Interest are sites, buildings, features, or events that are of local significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other value.
- California Health and Safety Code Section 7050.5: This section states that in the event of the discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of this identification.

The subject property does not contain any historical resources pursuant to any of the above referenced environmental or regulatory settings. The surrounding properties are developed with a freeway, drive-through restaurant, gas station, and retail commercial with no known archaeological or paleontological resources. There is minor grading proposed. Should there be any discovery of unanticipated archaeological or paleontological resources during any part of the grading or construction process, development activities will be halted in order to carry out proper consultation, identification, and removal actions. Therefore, the proposed project will have a less than significant impact on cultural resources.

6. ENERGY

Would the project:	*Potentially Significant Impact*	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
a) Conflict with Los Angeles County Green Building Ordinance (L.A. County Code Title 22, Ch. 22.52, Part 20 and Title 21, § 21.24.440) or Drought Tolerant Landscaping Ordinance (L.A. County Code, Title 21, § 21.24.430 and Title 22, Ch. 22.52, Part 21)?	☐	☐	☒	☐

The project is subject to County Title 31 – Green Building Standards Code and will satisfy all applicable standards to the satisfaction of the Department of Public Works who administers that title.

b) Involve the inefficient use of energy resources (see Appendix F of the CEQA Guidelines)?	☐	☐	☒	☐

The project is subject to County Title 31 – Green Building Standards Code and will satisfy all applicable standards to the satisfaction of the Department of Public Works who administers that title.

EVALUATION OF ENVIRONMENTAL IMPACTS:

The proposed project consists of the development of three structures on 1.95 acres of undeveloped land: a 6,000-square foot retail building, a 3,300-square foot restaurant, and a 1,600-square foot storage building. Access to the site is provided from Sierra Highway, a County-designated Existing Major Highway. Surrounding parcels are developed with commercial uses and a freeway.

The environmental/regulatory setting related to energy includes:

- Los Angeles County Code Title 31 Green Building Standards Code: The purpose of the County's Green Building Program is to establish green building development standards for new projects with the intent to conserve water, conserve energy, conserve natural resources, divert waste from landfills, minimize impacts to existing infrastructure, and promote a healthier environment.
- *CAL*GREEN Building Code: The State of California adopted a set of mandatory measures that establish a minimum for green construction practices.

The proposed project is required to comply with the above referenced regulatory codes. Therefore, the proposed project will have a less than significant impact on energy resources.

7. GEOLOGY AND SOILS

	Potentially Significant Impact	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known active fault trace? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐

The entirety of Los Angeles County is part of the seismically active region of Southern California. No known surface traces of active faults traverse the subject property. The subject property is not located within an Alquist Priolo Earthquake Fault Zone. The closest major seismic source is the San Andreas Fault located approximately six miles north of the subject property.

A geotechnical report has been prepared for the subject property. Based on the geotechnical report, the subject property is considered to be suitable from a soil and engineering standpoint for construction of a commercial building and restaurant provided recommendations for any potential geologic disturbances that may occur during the construction phase.

ii) Strong seismic ground shaking?	☐	☐	☒	☐

Given that the entirety of Los Angeles County is located in a seismically active region, ground shaking resulting from earthquakes common to Southern California can be expected within the lifespan of the structures. As noted in 7.a.i, there are no known surface traces on the subject property nor is it located within a Fault Zone. No major problems are anticipated as a result of fault displacement or ground lurching resulting from earthquakes provided the foundation system is constructed according to seismic design factors outlined in the California Building Code.

iii) Seismic-related ground failure, including liquefaction and lateral spreading?	☐	☐	☐	☒

Soils subject to liquefaction are water-saturated soils, frequently loosely packed and granular in nature, that when subjected to seismic activity lose their cohesion and act like a fluid. The subject property is not located within a designated liquefaction zone as determined by the California Department of Conservation. The soil condition that occurs at the site is one of thick dense older alluvium underlain by bedrock. The observed conditions are not considered to be conducive to seismic-related ground failure.

iv) Landslides? ☐ ☐ ☐ ☒

A landslide is the movement or flow of soil, rocks, earth, water, or debris down a slope. The subject property is not located within a designated landslide area as mapped by the California Geologic Survey.

b) Result in substantial soil erosion or the loss of topsoil? ☐ ☐ ☒ ☐

The subject property was previously cleared and does not contain any structures. There are no indications that the site was previously developed. The project includes 590 cubic yards of cut and 590 cubic yards of fill grading that will be balanced on-site, as well as 12,945 cubic yards of over-excavation grading (8,718 cubic yards for the building and 4,227 cubic yards for the parking lot). A geotechnical report has been prepared and includes construction standards to address any soil issues that may arise from construction activities.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? ☐ ☐ ☒ ☐

A geotechnical report has been prepared for this subject property. The soil conditions that occur at the site is one of thick dense older alluvium underlain by bedrock. No groundwater was encountered. The observed conditions are not considered to be conducive to liquefaction. Based on the report, soil instability is not expected to occur at the subject property during the lifespan of the project.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? ☐ ☐ ☒ ☐

Soils on the site are generally granular and have a low expansion potential. Selective grading is recommended such that granular soils are blended with the clayey soils to reduce the potential of expansivity.

e) Have soils incapable of adequately supporting the use of onsite wastewater treatment systems where sewers are not available for the disposal of wastewater? ☐ ☐ ☒ ☐

The project will be installing an onsite wastewater treatment system. A Feasibility Report of the onsite wastewater treatment system was submitted for consultation with the Department of Public Health and it was determined that the percolation test results were acceptable for the installation of such system but that approval from the Regional Water Quality Control Board must be received prior to the issuance of a building permit.

f) Conflict with the Hillside Management Area Ordinance (L.A. County Code, Title 22, § 22.56.215) or hillside design standards in the County General Plan Conservation and Open Space Element?	☐	☐	☐	☒

The subject property is not located within a designated Hillside Management Area. The subject property is relatively flat with no slopes above 25%.

EVALUATION OF ENVIRONMENTAL IMPACTS:

The proposed project consists of the development of three structures on 1.95 acres of undeveloped land: a 6,000-square foot retail building, a 3,300-square foot restaurant, and a 1,600-square foot storage building. Access to the site is provided from Sierra Highway, a County-designated Existing Major Highway. Surrounding parcels are developed with commercial uses and a freeway.

The environmental/regulatory setting related to geology and soils include:

- Seismic Hazards Mapping Act: This act requires the California Geological Survey to prepare Seismic Hazard Zone Maps that show areas where earthquake induced liquefaction or landslides have historically occurred, or where there is a high potential for such occurrences.
- Hillside Management Area Ordinance: This ordinance regulates development in hillsides of 25 percent slope or greater to address these potential hazards.

The subject property is not located within areas impacted by any of the above referenced environmental or regulatory settings. While the subject property is not located within areas impacted by the above reference environmental or regulatory settings, it is determined that seismic activity from the San Andreas fault located six miles north of the subject property could impact the site but is not unique to this particular site as all of Los Angeles County is subject to seismic activity. Therefore, the proposed project will not have an impact or have less than a significant impact on geology and soils.

8. GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
Would the project:				
a) Generate greenhouse gas (GHGs) emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐

The project will generate GHGs though it should be less than significant given the scale. Various plans have analyzed the effects on GHG emissions based on this site being developed as a commercial use. The Southern California Association of Government's 2012 Regional Transportation Plan / Sustainable Communities Strategy was adopted pursuant to the requirements of Senate Bill 375. It targets per capita GHG reduction from passenger vehicles and light duty trucks, incorporating projected land uses, in the Southern California region. Overall growth and development is directed towards rural town center areas and rural towns. Development of a balanced mix of uses and services that would accommodate the local populace would be emphasized. This project is located within a rural town area.

b) Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

The project does not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. The subject property is located in an area with existing commercial uses within an established community. It primarily serves the local community offering services that local residents would otherwise have to drive further distances to obtain. Policies within the Antelope Valley Area Plan direct development to rural town areas and rural town centers where development already exists; the subject property is located within a rural town area.

EVALUATION OF ENVIRONMENTAL IMPACTS:

The proposed project consists of the development of three structures on 1.95 acres of undeveloped land: a 6,000-square foot retail building, a 3,300-square foot restaurant, and a 1,600-square foot storage building. Access to the site is provided from Sierra Highway, a County-designated Existing Major Highway. Surrounding parcels are developed with commercial uses and a freeway.

While the proposed project is a new use being introduced to the community and will emit some level of GHGs, the impacts of such GHG emissions have been analyzed in the Southern California Association of Government's 2012 Regional Transportation Plan/ Sustainable Communities Strategy (SCS) as well as the Antelope Valley Area Plan, both of which analyzed the impacts of this property being used for commercial purposes. The SCS outlines a development pattern for the region which when integrated with the transportation network and other transportation measures and policies, would reduce GHG emissions from transportation.

9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	*Potentially Significant Impact*	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
a) Create a significant hazard to the public or the environment through the routine transport, storage, production, use, or disposal of hazardous materials?	☐	☐	☒	☐

Hazardous materials are not proposed as part of the use on the subject property. The subject property consists of a drive-through restaurant and retail services.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials or waste into the environment?	☐	☐	☒	☐

Hazardous materials are not proposed as part of the use on the subject property. The subject property consists of a drive-through restaurant and retail services. Cleaning solvents and cooking oil will be used as a part of the proposed uses but not in sufficient quantities to warrant a significant hazard.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of sensitive land uses?	☐	☐	☒	☐

Within one-quarter mile of the subject property, a library, a school, and residences exist. Despite the proximity to these sensitive uses, there are no hazardous materials that are proposed to be used in sufficient quantities.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒

Based on the California Department of Toxic Substances Control Envirostor database, the subject property is not known to contain previous or existing contaminants. There are no sites within 1,000 feet of the subject property known to contain contaminants.

e) For a project located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

The project is not located within an airport land use plan or close to a public airport. The closest airport, Agua Dulce Airport, is located approximately six miles west of the subject property.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

The Agua Dulce Airport, located six miles west of the subject property, is a public-use airport. It will not be affected by the project or pose a safety hazard for people in that area.

g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐

The County's Operational Area Emergency Response Plan (OAERP), identifies emergency procedures and emergency management routes in Los Angeles County. The subject property is located on Sierra Highway, which is identified as a Highway Disaster Route. The development of the project will not impede upon the existing use of Sierra Highway as a Highway Disaster Route. The project will not block access to this route.

h) Expose people or structures to a significant risk of loss, injury or death involving fires, because the project is located:				
i) within a Very High Fire Hazard Severity Zones (Zone 4)?	☐	☐	☒	☐
ii) within a high fire hazard area with inadequate access?	☐	☐	☒	☐
iii) within an area with inadequate water and pressure to meet fire flow standards?	☐	☐	☒	☐
iv) within proximity to land uses that have the potential for dangerous fire hazard?	☐	☐	☒	☐

The proposed project is located within a Very High Fire Hazard Severity Zone but has adequate access as it is located on Sierra Highway which is a County-designated Existing Major Highway.

Fire flow availability was completed for the project and verified by the Los Angeles County Waterworks Districts. Los Angeles County Waterworks District No. 37 will serve water to the project. The size of the water main is 12". The size of each of the hydrants is 6x4x2-1/2". The fire flow available is 2,000 gallons per minute for two hours. One hydrant is located 41 feet from the northeast corner of the property and another hydrant is located 97 feet from the northwest corner of the property.

Based on the California Department of Toxic Substances Control Envirostor database, the subject property is not known to contain previous or existing contaminants. There are no land uses within 1,000 feet of the subject property known to contain contaminants that have the potential for dangerous fire hazard.

A fuel modification plan is required as a part the proposed project. Compliance with the County Fire Code

will ensure that any potential impacts can be mitigated to less than significant.

i) Does the proposed use constitute a potentially dangerous fire hazard?	☐	☐	☒	☐

The project includes a drive-through restaurant. As a part of the operations of the restaurant, there are materials that may be used that could constitute a potentially dangerous fire hazard, such as cooking oil and cleaning agents. It is anticipated that these materials will be safely handled to limit the risk of fire.

EVALUATION OF ENVIRONMENTAL IMPACTS:

The proposed project consists of the development of three structures on 1.95 acres of undeveloped land: a 6,000-square foot retail building, a 3,300-square foot restaurant, and a 1,600-square foot storage building. Access to the site is provided from Sierra Highway, a County-designated Existing Major Highway. Surrounding parcels are developed with commercial uses and a freeway.

The environmental/regulatory setting related to hazards and hazardous materials include:

- California Health and Safety Code §25501(o): The California Department of Toxic Substances is responsible for classifying hazardous materials in the state of California. Hazardous materials are generally defined as any material that because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or future hazard to human health and safety or to the environment, if released into the workplace or the environment.
- Los Angeles Health Hazardous Materials Division (HHMD): HHMD is the Certified Unified Program Agency for Los Angeles County. It is responsible for issuing permits and inspects hazardous material handling and hazardous waste generating businesses to ensure compliance with federal, state, and local laws and regulations. It oversees the proper handling, treatment, transportation, and disposal of hazardous wastes generated by many industries.
- Operational Area Emergency Response Plan (OAERP): This plan strengthens short and long-term emergency response and recovery capability, and identifies emergency procedures and emergency management routes in the County.
- General Plan Safety Element: Fire Disaster Routes and Disaster Routes are identified showing the routes that emergency responders are likely to take when responding to an emergency scenario, the routes that residents will be funneled toward to exit an area affected by a disaster, and the field facilities that will be used by emergency responders to coordinate their activities.

There are four issues covered under this section and include hazardous materials, airport land use, emergency response, and fire risk. The uses proposed do not include hazardous material production such as oil refinery but the proposed project is likely to use materials such as cooking oil and cleaning solvents. These materials will not be used in substantive abundance to qualify them as hazardous materials though they will have to be properly contained, transported, and stored. The subject property is not located within an airport land use plan. Sierra Highway is identified as a Highway Disaster Route though the proposed project will not reduce the travel lanes for such evacuation. The subject property is located in a Very High Fire Hazard Severity Zone and will be required to incorporate a fuel modification plan and ensure adequate water for fire flow. Therefore, the proposed project will have a less than significant impact on hazards and hazardous materials.

10. HYDROLOGY AND WATER QUALITY

Would the project:	*Potentially Significant Impact*	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒

The proposed project will not be connecting to the municipal wastewater system but will be installing an Onsite Wastewater Treatment System to contain waste discharge. A permit, as required by the Regional Water Quality Control Board and the Department of Public Health, will have to comply with all applicable wastewater treatment standards. Clearance for the installation is contingent upon complying with conditions required by the Department of Public Health and the Regional Water Quality Control Board.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐

The proposed project's water supply will be provided by Los Angeles County Waterworks District No. 37. No well is proposed to be installed as part of this project and no water will be drawn from groundwater. The total area of the subject parcel is 1.95 acres which is currently vacant and undeveloped with 100% of the ground being pervious. As currently proposed, 1.24 acres will become impervious and 0.71 acres will remain pervious. The project will be subject to the Low Impact Development ordinance.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐

There are no existing streams or rivers crossing the subject property. The subject property is flat with a 5% southwestward down slope. Sierra Highway borders the north boundary of the subject property and the Antelope Valley Freeway borders the southern boundary. Properties directly to the west and east of the subject property are fully developed and no off-site drainage runs onto the subject property from these adjoining properties.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase	☐	☐	☒	☐

the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

There are no existing streams or rivers crossing the subject property. The subject property is flat with a 5% southwestward down slope. Sierra Highway borders the north boundary of the subject property and the Antelope Valley Freeway borders the southern boundary. Properties directly to the west and east of the subject property are fully developed and no off-site drainage runs onto the subject property from these adjoining properties. There is no off-site drainage onto the site. The proposed project has two drainage areas. The entire site is paved with landscaped planters throughout. The eastern part of the property drains by surface runoff and enters the infiltration basin on the south close to the eastern property line. The western part of the property has several planter areas used for minor infiltration, de-silting and debris capture prior to entering the infiltration basin. The southwest portion of the property is not paved and is proposed to be an open graded area of decomposed granite or a fine grade rock surface. This allows infiltration for the entire back portion of the property. Roof drains will be directed underground and outlet into the infiltration basin along the south property line. A catch basin located at the southwest corner of the building will capture the runoff from the parking lot. The catch basin will outlet into the infiltration basin.

e) Add water features or create conditions in which standing water can accumulate that could increase habitat for mosquitoes and other vectors that transmit diseases such as the West Nile virus and result in increased pesticide use? ☐ ☐ ☒ ☐

There are two proposed storage ponds above ground at the southeast and southwest areas of the site that will serve as infiltration basins for Low Impact Development. However, they are designed to drain in less than 48 hours, thus, there is no concern that standing water could accumulate.

f) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? ☐ ☐ ☒ ☐

The catch basin located on southwestern side of the subject property will be designed for a 25-year frequency storm and the pipe slope will be close to a 5% grade. The outlet will be non-erosive and will disperse in the easterly end of the basin. This is designed to be infiltrated into the basin. Both drainage areas on the subject property do not have a restriction on the outlet from the site. The infiltration basins will have a non-erosive overflow system design over the concrete curbs that outline the basins. Each drainage area will have a system to filter sediment, trash, and debris prior to outlet into the infiltration basins.

g) Generate construction or post-construction runoff that would violate applicable stormwater NPDES permits or otherwise significantly affect surface water or groundwater quality? ☐ ☐ ☒ ☐

The project includes 590 cubic yards of cut and 590 cubic yards of fill grading that will be balanced on-site, as well as 12,945 cubic yards of over-excavation grading (8,718 cubic yards for the building and 4,227 cubic yards for the parking lot). Construction runoff is regulated by the National Pollutant Discharge Elimination System (NPDES) Construction General Permit. This permit applies to all construction that disturbs an area

of at least one acre. By complying with the regulations of this permit, the proposed project will not violate the NPDES stormwater regulations.

h) Conflict with the Los Angeles County Low Impact Development Ordinance (L.A. County Code, Title 12, Ch. 12.84 and Title 22, Ch. 22.52)? ☐ ☐ ☒ ☐

The proposed project is required to comply with the Los Angeles County Low Impact Development (LID) Ordinance and thus will not conflict with it. A LID plan will must be submitted to the Department of Public Works for approval.

i) Result in point or nonpoint source pollutant discharges into State Water Resources Control Board-designated Areas of Special Biological Significance? ☐ ☐ ☐ ☒

According to the State Water Resources Control Board-designated Areas of Special Biological Significance, there are six designated areas in the County of Los Angeles: Mugu Lagood to Latigo Point, San Clemente Island, and four locations on Santa Catalina Island. None of these areas are located in the North County or in close proximity to the subject property.

j) Use onsite wastewater treatment systems in areas with known geological limitations (e.g. high groundwater) or in close proximity to surface water (including, but not limited to, streams, lakes, and drainage course)? ☐ ☐ ☒ ☐

The proposed project does include the installation of an onsite wastewater treatment system although the subject property is not in an area with known geological limitations or in close proximity to surface water. A septic system report was completed for the proposed project exploring subsurface conditions and testing of percolation rates to evaluate the feasibility of a new onsite wastewater treatment system. Test holes were drilled and found that no groundwater was observed. No evidence of staining, mottling or weathering consistent with higher groundwater levels was observed. Regionally, historic high groundwater levels are in the <40 feet below surface range as suggested by the State of California. It is believed that groundwater will not rise to within 10 feet of the proposed onsite wastewater treatment system.

k) Otherwise substantially degrade water quality? ☐ ☐ ☒ ☐

It is not anticipated that there are additional impacts from the project that would substantially degrade water quality.

l) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, or within a floodway or floodplain? ☐ ☐ ☐ ☒

The proposed project does not include any housing.

m) Place structures, which would impede or redirect flood flows, within a 100-year flood hazard area, floodway, or floodplain? ☐ ☐ ☐ ☒

The subject property is not located within a 100-year flood hazard area, floodway, or floodplain.

n) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒

The subject property is not located within a dam inundation area.

o) Place structures in areas subject to inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

The subject property is not located within an area subject to inundation by seiche, tsunami, or mudflow.

EVALUATION OF ENVIRONMENTAL IMPACTS:

The proposed project consists of the development of three structures on 1.95 acres of undeveloped land: a 6,000-square foot retail building, a 3,300-square foot restaurant, and a 1,600-square foot storage building. Access to the site is provided from Sierra Highway, a County-designated Existing Major Highway. Surrounding parcels are developed with commercial uses and a freeway.

The environmental/regulatory setting related to hydrology and water quality includes:

- National Pollutant Discharge Elimination System (NPDES): This permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Point sources are discrete conveyances such as pipers or manmade ditches. Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need an NPDES permit; however, industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters.
- California Code Title 23, Division 3 - California Waste Discharge Requirements: State regulations governing state water resources control boards.
- Los Angeles County Stormwater Ordinance: The purpose of this ordinance is to protect the health and safety of residents by protecting the beneficial uses, marine habitats, and ecosystems of receiving waters within the county from pollutants carried by the stormwater and nonstormwater discharges.
- Los Angeles County Low Impact Development Ordinance: The low impact development standards are intended to distribute stormwater and urban runoff across development sites to help reduce adverse water quality impacts and help replenish groundwater supplies.
- Federal Emergency Management Agency (FEMA) Flood Zones: FEMA performs hydrologic and hydraulic studies that identify flood-prone areas and provide flood risk data. An area that has been designated a 100-year flood plain is considered likely to flood under the 100-year storm event.

Los Angeles County is split between two water quality regions: the Los Angeles Region and the Lahontan Region. Each regional board prepares and maintains a Basin Plan which identifies narrative and numerical water quality objectives to protect all beneficial uses of the waters of that region. The Basin Plans achieve the identified water quality objectives through implementation of Waste Discharge Requirements (WDRs) and by employing three strategies for addressing water quality issues: control of point source pollutants, control of nonpoint source pollutants, and remediation of existing contamination. The subject property is located in the Regional Water Quality Control Board Los Angeles Region.

During the construction phase of a proposed project, the pollutants of greatest concern are sediment, which may run off the subject property due to site grading or other site preparation activities, and hydrocarbon or fossil fuel remnants from the construction equipment. Construction runoff is regulated by the National Pollutant Discharge Elimination System (NPDES) Construction General Permit. This permit applies to all construction which disturbs an area of at least one acre.

Because all projects are required to comply with all of the above-mentioned regulations and the proposed project is not a point source producer, the proposed project will have a less than significant impact on hydrology and water quality.

11. LAND USE AND PLANNING

	Potentially Significant Impact	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒

The proposed project is located within Acton proper on Sierra Highway west of Crown Valley Road and developed on a parcel that conforms to the existing street pattern. While there are no definitive legal boundaries between communities in the Antelope Valley, the community of Acton is located on the southwestern boundary of the Antelope Valley Area Plan. On the west side of Acton is the Santa Clarita Valley Area Plan and the community of Agua Dulce. The demarcation of those two plans is approximately 3.25 miles to the west of the subject property. There are no developments such as constructing new freeways and flood control channels, as a part of the proposed project that will divide the community of Acton.

b) Be inconsistent with the applicable County plans for the subject property including, but not limited to, the General Plan, specific plans, local coastal plans, area plans, and community/neighborhood plans?	☐	☐	☐	☒

The subject property has a land use designation of CR (Rural Commercial). The proposed use is consistent with the land use designation as this category allows for limited, low-intensity commercial uses that are compatible with rural and agricultural activities, including retail, restaurants, and personal and professional offices.

c) Be inconsistent with the County zoning ordinance as applicable to the subject property?	☐	☐	☐	☒

The subject property is zoned C-RU-DP (Rural Commercial – Development Program). The proposed use is consistent with the zoning as this zone allows for the development of retail uses and restaurants. The project will also have to comply with the requirements in the Acton Community Standards District. Such requirements include but are not limited to a 35-foot height restriction, western frontier design, and concealment of external utilities.

d) Conflict with Hillside Management criteria, Significant Ecological Areas conformance criteria, or other applicable land use criteria?	☐	☐	☐	☒

The subject property is not located in a Hillside Management or Significant Ecological Area.

EVALUATION OF ENVIRONMENTAL IMPACTS:

The proposed project consists of the development of three structures on 1.95 acres of undeveloped land: a 6,000-square foot retail building, a 3,300-square foot restaurant, and a 1,600-square foot storage building. Access to the site is provided from Sierra Highway, a County-designated Existing Major Highway. Surrounding parcels are developed with commercial uses and a freeway.

The proposed project is consistent with the Antelope Valley Area Plan. The subject property is located in an area of the community intended for commercial use. It is compatible with the existing development and development pattern surrounding which includes a freeway, drive-through restaurant, retail commercial, and gas station. The base zoning of the subject property, C-RU (Rural Commercial) allows retail stores and restaurants as permitted uses. The combining zone of –DP (Development Program) requires the proposed project to obtain a conditional use permit. The proposed project is consistent with all requirements of the County zoning ordinance. Therefore, the proposed project will not have an impact on land use and planning.

12. MINERAL RESOURCES

Would the project:	*Potentially Significant Impact*	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒

The proposed project is not located in an area designated as a Mineral Resource Zone as mapped by the California Geological Survey.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

The proposed project is not located in an area designated as a Mineral Resource Zone as mapped by the California Geological Survey which is the source used by the County to identify mineral resource areas.

EVALUATION OF ENVIRONMENTAL IMPACTS:

The proposed project consists of the development of three structures on 1.95 acres of undeveloped land: a 6,000-square foot retail building, a 3,300-square foot restaurant, and a 1,600-square foot storage building. Access to the site is provided from Sierra Highway, a County-designated Existing Major Highway. Surrounding parcels are developed with commercial uses and a freeway.

The environmental/regulatory setting related to mineral resources includes:

- California Surface Mining and Reclamation Act of 1975 (SMARA): This act was adopted to encourage the production and conservation of mineral resources, prevent or minimize adverse effects to the environment, and protect public health and safety.
- Mineral Resource Zones (MRZ-2s): The State of California's Geological Survey Division of Mines and Geology identify deposits of regionally significant aggregate resources. These clusters or belts of mineral deposits are designated as MRZ-2s. There are four major MRZ-2s designated in the County: the Little Rock Creek Fan, Soledad Production Area, Sun Valley Production Area, and Irwindale Production Area. The California Department of Conservation protects mineral resources to ensure adequate supplies for future production.
- Title 22 of the Los Angeles County Code (Part 9 of Chapter 22.56): This section requires that applicants of surface mining projects submit a Reclamation Plan prior to receiving a permit to mine, which must describe how the excavated site will ultimately be remediated and transformed into another use.

The subject property is not located within an MRZ-2s nor is it mapped as a site containing locally-important

mineral resource recovery site. Therefore, the proposed project will not have an impact on mineral resources.

13. NOISE

Would the project result in:	*Potentially Significant Impact*	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
a) Exposure of persons to, or generation of, noise levels in excess of standards established in the County General Plan or noise ordinance (Los Angeles County Code, Title 12, Chapter 12.08), or applicable standards of other agencies?	☐	☐	☒	☐

The proposed project consists of a retail building, drive-through restaurant, and storage building. The subject property is zoned for these types of uses. Similar uses on either side of the subject property currently exist and have not exhibited activities that generate noise levels in excess of the standards. The proposed project will be conditioned so that ambient noise associated with construction will be limited to hours according to the noise ordinance so as to not affect residences located 465 feet north of the subject property.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐

The proposed project consists of a retail building, drive-through restaurant, and storage building. The subject property is zoned for these types of uses. Similar uses on either side of the subject property currently exist and have not exhibited activities that generate noise levels in excess of the standards. The proposed project will be conditioned so that ambient noise associated with construction will be limited to hours according to the noise ordinance so as to not affect residences located 465 feet north of the subject property.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project, including noise from parking areas?	☐	☐	☒	☐

The subject property is currently vacant with no development on it. Any development on the property will increase the ambient noise level for the lifetime of the use. Temporary noise sources will include those related to construction on the property. Permanent noise sources include cars entering and exiting the property when patronizing the retail stores or restaurant. These noise sources will be permanent but not constantly sustained throughout the day and night. While there will be an increase in the noise level simply by introduction of a new use on previously vacant land, there are surrounding uses of similar capacity. Additionally, the Antelope Valley Freeway is located directly south of the subject property. Noise from the freeway may exceed any ongoing increase in noise resulting from the proposed project. The proposed project will be required to comply with the Los Angeles County Noise Control Ordinance, as contained in Chapter 12.08 of the Los Angeles County Code, Title 12.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project, including noise from amplified sound systems?	☐	☐	☒	☐

The proposed project includes a drive-through restaurant which will use an amplified noise system to take orders from vehicles. This new periodic noise source is not considered substantial and similar uses are located in the area and adjacent to the subject property.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

The proposed project is not located within an airport land use plan or within two miles of a public airport or public use airport. The closest airport is Agua Dulce Airport located six miles west of the subject property.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

The proposed project is not located within the vicinity of a private airstrip. The closest airport is Agua Dulce Airport located six miles west of the subject property.

EVALUATION OF ENVIRONMENTAL IMPACTS:

The proposed project consists of the development of three structures on 1.95 acres of undeveloped land: a 6,000-square foot retail building, a 3,300-square foot restaurant, and a 1,600-square foot storage building. Access to the site is provided from Sierra Highway, a County-designated Existing Major Highway. Surrounding parcels are developed with commercial uses and a freeway.

The environmental/regulatory setting related to noise includes:

- Los Angeles County Code Title 12, Chapter 12.08 (Noise Control Ordinance):

The proposed project will comply with the Noise Control Ordinance and County Code Section 12.12. Noise generated by construction equipment during the construction phase of the project may result in a substantial temporary increase in ambient noise levels. Construction activities will be conducted according to best management practices, including maintaining construction vehicles and equipment in good working order by using mufflers where applicable, limiting the hours of construction, and limiting the idle time of diesel engines. Noise from construction equipment will be limited by compliance with the Los Angeles County Noise Control Ordinance, as contained in Chapter 12.08 of the Los Angeles County Code, Title 12. The subject property is not within two miles of an airport or located with an airport land use compatibility plan. With the required compliance with the County's Noise Control Ordinance, the noise from construction will have a less than significant impact.

14. POPULATION AND HOUSING

	Potentially Significant Impact	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒

It is anticipated that there will be a maximum of six restaurant employees per shift with a maximum of four restaurant shifts and a maximum of two retail employees with a maximum of two retail shifts. This yields a total of 28 employees cycling through the property in one day. The number of employees on-site at a time does not constitute a substantial population growth as they may be existing local residents. There is no indirect population growth as there is no extension of roads or other major infrastructure required as a condition of the development of this proposed project.

b) Displace substantial numbers of existing housing, especially affordable housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

The proposed project involves the development of commercial uses on an existing commercially-zoned vacant parcel. There will be no impact to existing housing nor will it necessitate the construction of replacement housing elsewhere.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

The proposed project involves the development of commercial uses on an existing commercially-zoned vacant parcel. There will be no displacement of people nor will it necessitate the construction of replacement housing elsewhere.

d) Cumulatively exceed official regional or local population projections?	☐	☐	☐	☒

The proposed project involves the development of commercial uses on an existing commercially-zoned vacant parcel. The use may attract visitors looking to patronize the services offered, but it is not the type or scale of service that will induce population growth.

EVALUATION OF ENVIRONMENTAL IMPACTS:

The proposed project consists of the development of three structures on 1.95 acres of undeveloped land: a 6,000-square foot retail building, a 3,300-square foot restaurant, and a 1,600-square foot storage building. Access to the site is provided from Sierra Highway, a County-designated Existing Major Highway. Surrounding parcels are developed with commercial uses and a freeway.

The unincorporated areas of Los Angeles County are projected to climb to a population of 1,052,800 people in 2008 to 1,399,500 people in 2035, a 33-percent increase (Source: Southern California Association of Governments 2012-2035 Regional Transportation Plan / Sustainable Communities Strategy). For the 2014-2021 Housing Element planning period, the unincorporated areas have been assigned a Regional Housing Needs Assessment allocation of 30,145 units (Source: Los Angeles County Housing Element, 2014-2021). It is not foreseeable that the type of use as proposed by this project will induce substantial growth or concentration of a population or housing beyond the projections stated here. The commercial use proposed will not affect the County's ability to meet housing objectives as set forth in the Housing Element.

15. PUBLIC SERVICES

	Potentially Significant Impact	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
a) Would the project create capacity or service level problems, or result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	☐	☐	☒	☐

County Fire Station #80 is located in Acton approximately 3.5 miles from the subject property. The proposed project will be required to comply with the requirements of the Fire Code (Title 32). Initial consultation with the Los Angeles County Fire Department resulted in the requirement that the project provides fire flow data to demonstrate viability of existing fire hydrants and to provide a fuel modification plan since the subject property is located in the Very High Fire Hazard Severity Zone. Additional requirements from Fire Department to meet the Fire Code will be added as conditions of the project.

Sheriff protection?	☐	☐	☒	☐

The Palmdale Station of the Los Angeles County Sheriff's Department is located at 750 East Avenue Q and serves the community of Acton. It is estimated that the proposed project will generate 1,713 trips daily, of which 196 trips made during the AM peak hour and 168 trips during the PM peak hour, based on the 9th Edition of the Institute of Transportation Engineers trip generation report data for a Specialty Retail Center and Fast-Food Restaurant with Drive-Through Window.

Schools?	☐	☐	☒	☐

The proposed project is a commercial use and will not increase the permanent population, including those who would be enrolled in the local schools. The closest schools to the site are High Desert Middle School (0.25 miles away), Vasquez High School (1.4 miles away), and Acton Elementary School (1.4 miles away).

Parks?	☐	☐	☒	☐

The closest park is Acton Park, located 1.25-miles south of the subject parcel. It is a 12.5-acre passive community park serving the community with seasonal programming. Community parks typically support four acres of parkland per 1,000 people and range in size from 10 to 20 acres, servicing a one- to two-mile radius.

There is no projected population change deriving from the development of the proposed project. As noted in Section 14 - Population and Housing of this Initial Study, the proposed project would not create a

substantial permanent residential population increase. It is anticipated that there will be a maximum of six restaurant employees per shift with a maximum of four restaurant shifts and a maximum of two retail employees with a maximum of two retail shifts. This yields a total of 28 employees cycling through the property in one day. Given the small quantity of persons employed and the limited amount of time available for them to visit the park, the number of employees working at this site will not impact the park. While patrons of the restaurant may purchase items to take to the community park, it is unlikely that the existence of this service will encourage the patrons to frequent the park.

Libraries? ☐ ☐ ☒ ☐

The Acton Agua Dulce Library is located 0.25 miles away from the subject property. It is anticipated that there will be a maximum of six restaurant employees per shift with a maximum of four restaurant shifts and a maximum of two retail employees with a maximum of two retail shifts. This yields a total of 28 employees cycling through the property in one day. This constitutes a minimal increase in the number of patrons potentially using the library at lunch or before/after work.

Other public facilities? ☐ ☐ ☐ ☒

EVALUATION OF ENVIRONMENTAL IMPACTS:

The proposed project consists of the development of three structures on 1.95 acres of undeveloped land: a 6,000-square foot retail building, a 3,300-square foot restaurant, and a 1,600-square foot storage building. Access to the site is provided from Sierra Highway, a County-designated Existing Major Highway. Surrounding parcels are developed with commercial uses and a freeway.

The environmental/regulatory setting related to public services includes:

- Los Angeles County General Plan, Safety Element:
- Los Angeles County General Plan, Public Services and Facilities Element:

There are special development fees and legal requirements in place to address the provision of services or facilities and infrastructure for large projects. For smaller projects, many of the impacts are assessed through the respective agencies' long term plans which take into account projections based on land use designations and growth trends. The subject property has been zoned for a commercial use and would have been factored into the aforementioned plans. Therefore, the proposed project will have a less than significant impact on public services.

16. RECREATION

	Potentially Significant Impact	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐

The closest park is Acton Park, located 1.25-miles south of the subject parcel. It is a 12.5-acre passive community park serving the community with seasonal programming. Community parks typically support four acres of parkland per 1,000 people and range in size from 10 to 20 acres, servicing a one- to two-mile radius.

There is no projected population change deriving from the development of the proposed project. As noted in Section 14 - Population and Housing of this Initial Study, the proposed project would not create a substantial permanent residential population increase. It is anticipated that there will be a maximum of six restaurant employees per shift with a maximum of four restaurant shifts and a maximum of two retail employees with a maximum of two retail shifts. This yields a total of 28 employees cycling through the property in one day. Given the small quantity of persons employed and the limited amount of time available for them to visit the park, the number of employees working at this site will not impact the park. While patrons of the restaurant may purchase items to take to the community park, it is unlikely that the existence of this service will encourage the patrons to frequent the park.

b) Does the project include neighborhood and regional parks or other recreational facilities or require the construction or expansion of such facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

The proposed project consists of commercial uses and does not include the development of a park.

c) Would the project interfere with regional open space connectivity?	☐	☐	☐	☒

The proposed project is being developed on land that has been designated as suitable for commercial development as noted by its land use designation and zoning.

EVALUATION OF ENVIRONMENTAL IMPACTS:

The proposed project consists of the development of three structures on 1.95 acres of undeveloped land: a 6,000-square foot retail building, a 3,300-square foot restaurant, and a 1,600-square foot storage building.

Access to the site is provided from Sierra Highway, a County-designated Existing Major Highway. Surrounding parcels are developed with commercial uses and a freeway.

Given that the proposed project consists of commercial uses, it is not likely that a significant number of people working at or frequently the commercial services would also all visit the local parks, unlike the case of a residential development. Therefore, the proposed project will have a less than significant impact on recreation.

17. TRANSPORTATION/TRAFFIC

	Potentially Significant Impact	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
Would the project:				
a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐

The subject parcel is located on Sierra Highway, a County-designated Existing Major Highway. A traffic study was prepared to identify traffic impacts and provide mitigation measures, as necessary. It is estimated that the proposed project will generate 1,713 trips daily, of which 196 trips made during the AM peak hour and 168 trips during the PM peak hour, based on the 9th Edition of the Institute of Transportation Engineers trip generation report data for a Specialty Retail Center and Fast-Food Restaurant with Drive-Through Window. According to the traffic study, 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 the Traffic Impact Analysis Guidelines. The existing two-way left-turn lane on Sierra Highway would need to be extended westerly to accommodate left-turn movements at the project's west driveway. The extension of the auxiliary lane may require additional pavement transitions within the dedicated public right-of-way along the northern side of Sierra Highway in the vicinity of the project.

There is a proposed trail located along the northern alignment of Sierra Highway. It was recommended by the Department of Parks and Recreation that the project includes a hitching post to accommodate equestrian riders and support such non-automotive modes of transportation.

b) Conflict with an applicable congestion management program (CMP), including, but not limited to, level of service standards and travel demand measures, or other standards established by the CMP for designated roads or highways?	☐	☐	☒	☐

Sierra Highway is a Principal Arterial between State Route 126 and State Route 14 (at Red Rover Mine Road) as designated by the 2010 Congestion Management Program (CMP) for Los Angeles County. The subject parcel is located 1-mile east of Red Rover Mine Road outside of the segment identified as a Principal Arterial by the CMP. Between 1992 and 2007, the level of service for the intersection of Sierra Highway and Red Rover Road, closest to the subject parcel, has improved from a Level of Service (LOS) B to LOS A in the morning and LOS C to LOS A in the evening.

c) Result in a change in air traffic patterns, including	☐	☐	☐	☒

either an increase in traffic levels or a change in location that results in substantial safety risks?

The proposed project consists of a retail building, drive-through restaurant, and storage building. There are no vertical protrusions that would affect air traffic. The tallest structure reaches 35'.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? ☐ ☐ ☐ ☒

The proposed project does not introduce any design features that would substantially increase hazards. Structures are adequately set back from the street to provide sufficient sightlines for vehicles exiting the parcel. Vehicular access points are located along the straight section of Sierra Highway with no dangerous curves within close proximity that could pose a hazardous condition.

e) Result in inadequate emergency access? ☐ ☐ ☐ ☒

The proposed project has been reviewed by County Fire Department and it was determined that the proposed project would not block or provide inadequate emergency access for the project or make existing emergency access to off-site properties inadequate. The proposed project is subject to the Fire Code which would not allow for the development to result in inadequate emergency access.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? ☐ ☐ ☐ ☒

In the 2012 Los Angeles County Bicycle Master Plan, Sierra Highway is identified as a proposed Class III Bike Route in the vicinity of the project. Additionally, a proposed Class III Bike Route on Crown Valley Road from Sierra Highway to Soledad Canyon Road is identified in the Master Plan. A Class III Bike Route provides shared use with motor vehicle traffic within the same travel lane. Designated by signs, bike routes provide continuity to other bike facilities or designate preferred routes through corridors with high demand. The Bicycle Master Plan proposes several hundred miles of Class III bicycle routes along rural roadways; however, the Bicycle Master Plan also recognizes that most of these facilities require widening and/or shoulder improvements to provide adequate room for bicyclists to ride.

Additionally, Sierra Highway contains a proposed County trail. In consultation with the Department of Parks and Recreation, it was determined that the preferred alignment of the trail is along the northern side of Sierra Highway and no trail improvements are being required of the proposed project since it is located along the southern side of Sierra Highway. A hitching post is a recommended installation as a part of the proposed project to accommodate equestrian uses.

Per the County Healthy Design Ordinance, bicycle parking must be provided. For general retail commercial, including restaurants, one short-term bicycle parking space must be provided per each 5,000 square feet of gross floor area, with a minimum of two spaces. One long-term bicycle parking space must be provided per each 12,000 square feet of gross floor area, with a minimum of two spaces. A total of four bicycle parking spaces must be provided for this proposed project.

EVALUATION OF ENVIRONMENTAL IMPACTS:

The proposed project consists of the development of three structures on 1.95 acres of undeveloped land: a 6,000-square foot retail building, a 3,300-square foot restaurant, and a 1,600-square foot storage building. Access to the site is provided from Sierra Highway, a County-designated Existing Major Highway. Surrounding parcels are developed with commercial uses and a freeway.

The environmental/regulatory setting related to transportation and traffic includes:

- Southern California Association of Governments Regional Transportation Plan (RTP): The RTP provides a vision for transportation investments throughout the region. Using growth forecasts and economic trends that project out over a 20-year period, the RTP considers the role of transportation in the broader context of economics, environmental, and quality-of-life goals for the future, identifying regional transportation strategies to address mobility needs.
- Antelope Valley Area Plan, Circulation Element: This element outlines goals and policies for transportation and traffic movement within the Antelope Valley. As a component of the General Plan, it also maps the existing and proposed highway plan.
- Metro Congestion Management Program (CMP): The CMP links local land use decisions with their impacts on regional transportation and air quality.
- Los Angeles County Bicycle Master Plan: This document provides guidance on implementing proposed bikeways as well as various bicycle-friendly policies and programs to promote bicycle ridership.

The proposed project has been required to complete a traffic study to assess the amount of traffic that will be generated based on the uses that are proposed. According to the traffic study, 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 the Traffic Impact Analysis Guidelines. Non-vehicular traffic has been taken into account in the design of the project, whereby the multi-modal trail will remain on the northern side of Sierra Highway opposite the subject property but the proposed project will incorporate a hitching post and bike parking into the design to accommodate non-vehicular patrons. Therefore, the proposed project will have a less than significant impact on transportation and traffic.

18. UTILITIES AND SERVICE SYSTEMS

Would the project:	*Potentially Significant Impact*	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
a) Exceed wastewater treatment requirements of either the Los Angeles or Lahontan Regional Water Quality Control Boards?	☐	☐	☒	☐

Based on the Department of Public Health's review of the proposed project's Feasibility Report, the percolation test results indicate that a non-conventional wastewater disposal system is to be installed due to the percolation rates which are greater than 5.12 gallons/square feet/day. A design for a non-conventional septic system has been submitted based on the manufacturer's recommendations. A copy of the report from the Regional Water Quality Control Board has not yet been received. The approval of the Regional Water Quality Control Board must be received prior to the issuance of a building permit for final approval from the Department of Public Health for the Onsite Wastewater Treatment System (OWTS) installation. The design and installation of the OWTS shall conform to the requirements of all applicable regulatory agencies.

b) Create water or wastewater system capacity problems, or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐

An Onsite Wastewater Treatment System will be required to be developed and installed in accordance with the requirements of all applicable regulatory agencies. Wastewater generated by the proposed project will not be routed through any municipal wastewater treatment systems. No construction of a new water treatment facility will be necessary.

c) Create drainage system capacity problems, or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐

A Hydrology Report and Low Impact Development Plan was reviewed and approved by the Department of Public Works. These documents indicate that the proposed project has two drainage areas. The eastern part of the property drains by surface runoff and enters an infiltration basin on the south end of the property. The western part of the property has several planter areas used for minor infiltration, de-silting, and debris capture prior to entering the infiltration basin. The southwest portion of the property is not paved and is proposed to be an open graded area of decomposed granite or a fine grade rock surface. This allows infiltration for the entire back portion of the property. The drainage design features identified in these documents will be incorporated into the project's construction plans.

d) Have sufficient reliable water supplies available to serve the project demands from existing entitlements and resources, considering existing and projected water demands from other land uses? ☐ ☐ ☒ ☐

The project has received a will-serve letter from the Los Angeles County Waterworks District No. 37.

e) Create energy utility (electricity, natural gas, propane) system capacity problems, or result in the construction of new energy facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? ☐ ☐ ☒ ☐

The proposed project will not impact utility capacity due to its relatively small scale. Energy demand from this project should be sufficiently provided for by supplies from existing infrastructure.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? ☐ ☐ ☒ ☐

The Los Angeles County Integrated Waste Management Plan (IWMP), which is compiled by the interagency Integrated Waste Management Task Force and updated annually, has identified landfills with sufficient disposal capacity for the next 15 years, assuming current growth and development patterns remain the same. All projects must also comply with other documents required by the California Integrated Waste Management Act of 1989 (AB 939). Additionally, Assembly Bill 341 (2011) and Assembly Bill 1826 (2014) require certain businesses to set up recycling services for recyclables and organic waste. Therefore, impacts are expected to be less than significant.

The closest landfill to the subject property is the Antelope Valley Public Landfill. It is currently has a permitted regulatory status with a cease operation date of 2042. The landfill is permitted 3,564 tons of trash per day. Additionally, the Lancaster Landfill was approved in 2011 to increase its allowable daily volume of municipal solid waste disposal from 1,700 per day to 3,000 tons per day. Alternative solid waste disposal includes the waste-by-rail system, which is a remote disposal program for Los Angeles County that is currently being developed.

g) Comply with federal, state, and local statutes and regulations related to solid waste? ☐ ☐ ☒ ☐

The proposed project will be required to obtain approvals and building permits. As a part of that process, the proposed project will have to comply with all applicable solid waste regulations including regulations stipulated in the IWMP, the County's Green Building Program, and all federal, state, and local statutes. Therefore, impacts are expected to be less than significant.

EVALUATION OF ENVIRONMENTAL IMPACTS:

The proposed project consists of the development of three structures on 1.95 acres of undeveloped land: a 6,000-square foot retail building, a 3,300-square foot restaurant, and a 1,600-square foot storage building. Access to the site is provided from Sierra Highway, a County-designated Existing Major Highway. Surrounding parcels are developed with commercial uses and a freeway.

The environmental/regulatory setting related to utilities and service systems includes:

- Los Angeles County Low Impact Development Ordinance: The low impact development standards are intended to distribute stormwater and urban runoff across development sites to help reduce adverse water quality impacts and help replenish groundwater supplies.
- Los Angeles County Integrated Waste Management Plan (IWMP): The California Integrated Waste Management Act of 1989 mandates jurisdictions to meet a diversion goal of 50 percent. In addition, each county is required to prepare and administer a Countywide Integrated Waste Management Plan. This Plan is comprised of the County's and the cities' solid waste reduction planning documents.

The proposed project is required to obtain permits for all of the utilities and service systems. Therefore, the proposed project will have a less than significant impact on utilities and service systems.

19. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐

The subject property does not contain the resources identified through CEQA as those that will significantly impact the environment, special species, plant communities, or historic resources.

b) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	☐	☐	☒	☐

The proposed project involves the development of structures and commercial uses with design features intended to mitigate any potential issues that may arise. Included in the design will be catch basins for water percolation. The short-term environmental benefits of this include the catching of run-off to eliminate pollution into the watershed and to direct water into appropriate areas on the site rather than off-site. The long-term benefit of these design features is that it will allow for the recharge of the water basin and to limit the amount of debris and pollution seeping into the water.

c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐

According to the traffic study completed for this project, 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 the Traffic Impact Analysis Guidelines. Although Sierra Highway is designated as an Existing Major Highway, parts of Sierra Highway contain one travel lane in each direction. In front of the subject property, the road widens to accommodate two lanes traveling east, one two-way left-turn lane, and one lane traveling west. As properties are developed along Sierra Highway, there may need to be additional street improvements.

d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

During the construction phase of the proposed project, there may be air quality impacts although the proposed project will have to obtain permits and comply with the regulatory agency's construction management practices.

Kristina Kulczycki

From:	Jacki Ayer [airspecial@aol.com]
Sent:	Wednesday, March 23, 2016 10:16 AM
To:	Kristina Kulczycki
Cc:	evizcarra@lacbos.org; cborzaga@lacbos.org; atc@actontowncouncil.org; Robert Glaser
Subject:	Re: R2014-00881_zoningapp
Attachments:	IMG_4881.JPG

Thanks for that clarification. However, it is not true that "any use that is permitted in this zone can occupy the proposed vacant retail spaces". In fact, uses permitted in DP zones are subject to any and all conditions appropriate to ensure that these uses are consistent with the approved DP program. Section 22.40.040 states "property in Zone ( )-DP may be used for any use permitted in the basic zone *subject to the conditions and limitations of the conditional use permit, including the approved development program which shall be contained therein."*

Now I am going to get really deep in the weeds on this thing, because DRP needs to understand the nature and extent of the limitations that various planning documents and the code imposes on commercial development in Acton in general, and on this project in particular.

First, please be advised that the Exhibit "A" approved by the RPC and the BOS as part of the -DP zone change under 11.40.030 specifically identifies the uses that can be constructed on the property, AND IT HAS RESTAURANTS, CAFES, FOOD TAKE OUT AND CATERING USES CROSSED OUT (see attached). Second, ZC approval condition 1 states "This grant authorizes the use of the subject property for any use permitted in the C-3 zone as depicted on the approved Exhibit "A" subject to all the following conditions of approval" and Condition 14 states "The property shall be developed and maintained in substantial compliance with the approved Exhibit "A".

The fact is, only the uses identified in "Exhibit A" are allowed on the property, ***and restaurants are not allowed.***.

Moreover, RPC Zone Change Case Finding #7 establishes that the purpose of the zoning and DP designation placed on this property was "to provide convenient local shopping opportunities to the neighboring communities". Notably, it was not established to (and therefore cannot be used for) freeway serving businesses.

Furthermore, the newly adopted Rural Commercial ordinance further conditions any and all commercial uses if they create traffic issues.

As I have previously pointed out to you, the traffic study that was done assumes a "specialty retail" trip generation profile which shows that very little traffic will occur. However, at this point it does not appear that DRP is imposing any limitation on what retail shops can be constructed on the site. So, the traffic analysis is inconsistent with the project that DRP intends to approve.

To be honest, I would rather not bring all of this up at either the RPC hearing or the BOS hearing, but I will not hesitate to do so if DRP fails to recognize the very real and substantive limitations that are imposed on this project site. There were a lot of people at the ATC meeting on Monday, and the Primo Burger project was discussed at length. NOT ONE PERSON VOICED SUPPORT. Many expressed serious concerns about what the site plans depict, and everyone recognized the "bait and switch" that has been perpetrated. Ten years ago, this town came together and supported a zone change to build a community-oriented project, but now the developer is hell-bent on building (yet another) fast food burger joint that will rely entirely on freeway business.

The ATC has received one email in support of the project; it was submitted by a person who owns A-1 land adjacent to the freeway and who has asked the ATC to support a zone change request to convert it to unrestricted commercial. Obviously, the ATC has denied that request.

Hope this clarifies things.

Thanks

Jacki

-----Original Message-----
From: Kristina Kulczycki <kkulczycki@planning.lacounty.gov>
To: Jacki Ayer <airspecial@aol.com>
Cc: Robert Glaser <rglaser@planning.lacounty.gov>
Sent: Wed, Mar 23, 2016 8:12 am
Subject: RE: R2014-00881_zoningapp

Good morning Jacki,

Thank you for your email. I will include your comments in the hearing package that will be available later this week.

1. In response to your concerns about the trail, I've attached an email chain from the Department of Parks and Recreation. In their emails, staff from the Department of Parks and Recreation map the location of the trail and depict it across the street from this project site.

2.) and 3.) The signage depicted on the plans does not meet development standards and will need to be revised. I have noted these discrepancies in my staff report and findings.

4.) The subject property is zoned C-RU-DP and any use that is permitted in this zone can occupy the proposed vacant retail spaces. The applicant has identified that the feed store will be occupying the larger tenant space in the retail building, but there are two tenant spaces that are currently identified as "retail" spaces because no specific use is proposed.

I hope this helps to clarify some of the issues.

Regards,

Kristina

Kristina Kulczycki
Senior Regional Planning Assistant
Zoning Permits North
Department of Regional Planning
http://planning.lacounty.gov
213-974-6443

From: Jacki Ayer [mailto:airspecial@aol.com]
Sent: Tuesday, March 22, 2016 2:18 PM

To: Kristina Kulczycki
Subject: Re: R2014-00881_zoningapp

Thank you very much for the site plan. There were some concerns discussed at the ATC meeting last night;

1) This project is located on the dedicated Darrell Redmond Trail, but no trail is indicated on the site plan. I think I spoke with Parks and Rec about this trail requirement and the fact that the project is on the trail nearly 2 years ago, and I thought it had been fixed, but it does not appear that is the case. The trail proceeds along the south side of Sierra Highway, then turns right and goes down Crown Valley (on the west side) all the way to the Acton Park (which is also on the west side).

2) The lights are all back-lit, which doesn't comply with the CSD. The lights they propose will require a variance.

3) There are signs on every side of every building, which does not comply with the code either. The proposed placements for nearly all the wall signs will require a variance, and if the project uses the bright and garish colors typical of Primo Burger projects, that will required a variance as well.

4) The applicant's original site plan and proposed commercial development constituted a critical factor in both the ATC's 2007 decision to support the original rezone request, and the RPC's 2008 approval of the original rezone request. Pursuant to 22.40.030 *et seq*, the site plan becomes part of the approved project under the -DP zoning designation. It was noted last night that the site plans submitted to DRP indicate a "Nail Salon", a "Goodwill" store, a "Hardware" store and a "Feed" store. Will these businesses categories be specifically identified and included as part of the project approval? If so, will the project be constrained to these types of retail businesses? Or will DRP allow any commercial development in (like Starbucks or Chick Fil A Baja Fresh, all of which will be freeway dependent). I ask because under 22.40.030 commercial uses in -DP zones are not unbounded and in fact must be consistent with the development program that was contemplated and approved when the zone change was processed nearly 10 years ago. This issue is of significant importance to the community of Acton, because both the county and the property owner made commitments to the ATC and the community of Acton that only community-serving businesses (and not freeway serving businesses) would be constructed on the site, and it was on that basis that the ATC supported the zone change and the RPC approved it.

Thanks!

Jacki

-----Original Message-----
From: Kristina Kulczycki <kkulczycki@planning.lacounty.gov>
To: Jacki Ayer <airspecial@aol.com>
Sent: Mon, Mar 21, 2016 4:15 pm
Subject: RE: R2014-00881_zoningapp

Hi Jacki,

Glad we found the application! I've attached the plans as well.

Regards,

Kristina

Kristina Kulczycki
Senior Regional Planning Assistant
Zoning Permits North
Department of Regional Planning
http://planning.lacounty.gov
213-974-6443

From: Jacki Ayer [mailto:airspecial@aol.com]
Sent: Monday, March 21, 2016 2:41 PM
To: Kristina Kulczycki
Subject: Re: R2014-00881_zoningapp

thank you; that is exactly the app I was looking for; could not remember if it was 2014 or 2015.

Thanks again
Jacki

-----Original Message-----
From: Kristina Kulczycki <kkulczycki@planning.lacounty.gov>
To: Jacki Ayer <airspecial@aol.com>
Sent: Mon, Mar 21, 2016 1:56 pm
Subject: R2014-00881_zoningapp

Hi Jacki,

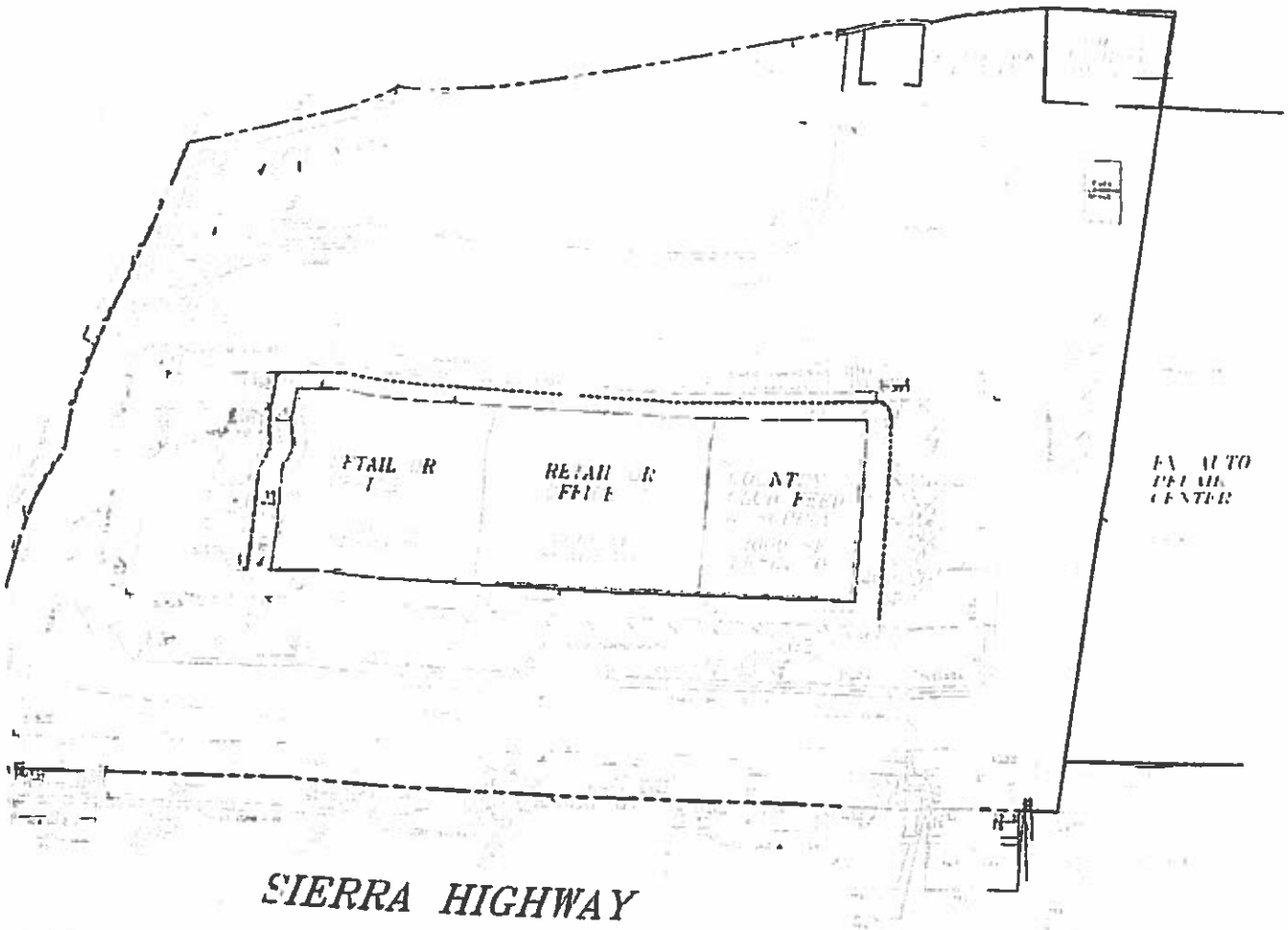
I could only find the attached application in our files and this appears to be the application that was sent out with referral forms. The burden of proof is included in this PDF. I checked with the previous planner assigned to this case and she said that she doesn't remember another application being submitted, but does remember that they revised the Environmental Assessment form (which has signatures dated 5-28-14). I've attached a copy as well. It may take a little time to have the plans scanned and sent to you so I am going to send this email along first and send a second email with the plans once I receive them.

Hope this helps,

Kristina

Kristina Kulczycki
Senior Regional Planning Assistant
Zoning Permits North
Department of Regional Planning
http://planning.lacounty.gov
213-974-6443

COUNTRY CLUB FEED & SUPPLY
3910 SIERRA HWY. ACTON, CA



LIST OF PERMITTED USES

EARTHWORK QUANTITIES

EXHIBIT A

ENGINEERING, INC.

1-21-0

LIST OF PERMITTED USES

ANTIQUE SHOP
APPLIANCE SHOPS
ART SUPPLY STORES
BAKERY SHOPS
BICYCLE SHOPS
BOOKSTORES
CLOTHING STORES
CONFECTIONARY OR CANDY STORES
DELICATESSENS
DRESS SHOP
DRUGSTORES
FEED AND GRAIN SALES
FLORIST SHOPS
GIFT SHOPS
BANKS, SAVINGS AND LOANS, CREDIT
UNIONS AND FINANCE COMPANIES
BARBER SHOPS
BEAUTY SHOPS
~~CATERING SERVICES~~
COSTUME RENTALS
DENTAL CLINICS
ELECTRICIANS' SHOPS
INTERIOR DECORATING STUDIOS
OFFICES, BUSINESS OR PROFESSIONAL
PET GROOMIN, EXCLUDING BOARDING
PHOTOGRAPHY STUDIOS
PLUMBING SHOPS
POST OFFICES
PRINTERS OR PUBLISHERS
REAL ESTATE OFFICES
HEALTH FOOD STORES
HOBBY SUPPLY STORES
ICE CREAM SHOPS
JEWELRY STORES
LEATHER GOOD STORES
MUSIC STORES
PAINT AND WALLPAPER STORES
PET STORES, WITHIN AN ENCLOSED BUILDING ONLY PET SUPPLY STORES
PHOTOGRAPHIC EQUIPMENT AND SUPPLY STORES
RADIO AND TELEVISION STORES
RETAIL STORES
SHOE STORES RESTAURANTS AND OTHER EATING ESTABLISHMENTS, INCLUDING FOOD TAKE-OUT
SHOE REPAIR SHOPS
TAILOR SHOPS
TOOL RENTAL, INCLUDING ROTOTILLERS, POWER MOWER, SANDER AND SAWS, CEMENT MIXERS AND OTHER EQUIPMENT, BUT EXCLUDING HEAVY MACHINERY OR TRUCKS EXCEEDING TWO TONS' CAPACITY
VETERINARY CLINICS, SMALL ANIMALS
WATCH REPAIR SHOPS
SILVER SHOPS
SPORTING GOOD STORES
STATIONARY STORES
TOY STORES
YARN AND YARDAGE STORES

From: Julie Yom
To: Thuy Hua; Olga Ruano
Subject: RE: Project No. R2014-00881: Permit Consultation - **DUE 8/21/14
Date: Monday, August 18, 2014 9:28:47 AM

We are okay with this. Thanks!

Julie Yom
County of Los Angeles
Department of Parks and Recreation | Planning Division
510 South Vermont Avenue
Los Angeles, CA 90020
Tel. 213) 351-5127 | Fax 213) 639-3959
jyom@parks.lacounty.gov
Please note that our offices are closed on Fridays.

From: Thuy Hua
Sent: Monday, August 18, 2014 9:26 AM
To: Julie Yom; Olga Ruano
Subject: RE: Project No. R2014-00881: Permit Consultation - **DUE 8/21/14

Hi Julie,

As long as your department is okay with this format should any questions come up in the future, I am fine with it as well.

Thank you,
Thuy

From: Julie Yom
Sent: Monday, August 18, 2014 9:24 AM
To: Thuy Hua; Olga Ruano
Subject: RE: Project No. R2014-00881: Permit Consultation - **DUE 8/21/14

Hi Thuy,

Besides the hitching post comment for trails, our Department does not have any further comments. Would you prefer a formal no comment response/memo on letter head or would this suffice?

Thanks,

Julie Yom
County of Los Angeles
Department of Parks and Recreation | Planning Division
510 South Vermont Avenue
Los Angeles, CA 90020
Tel. 213) 351-5127 | Fax 213) 639-3959

jyom@parks.lacounty.gov
Please note that our offices are closed on Fridays.

From: Thuy Hua
Sent: Monday, August 18, 2014 9:21 AM
To: Olga Ruano
Cc: Julie Yom
Subject: RE: Project No. R2014-00881: Permit Consultation - **DUE 8/21/14

Thank you, Olga. I am in receipt of your recommendation and will relay this to the applicant.

From: Olga Ruano
Sent: Monday, August 18, 2014 9:09 AM
To: Thuy Hua
Cc: Julie Yom
Subject: FW: Project No. R2014-00881: Permit Consultation - **DUE 8/21/14

Hello Thuy,

We don't have trail requirements for the subject project (Acton Feed Store and Primo Restaurant). However, we would like to suggest that the applicant consider incorporating a hitching post for "horse parking" into the project design.

Thanks,
Olga

Olga Ruano | County of Los Angeles – Department of Parks and Recreation | Planning & Development Agency
(213) 738-2014 | oruano@parks.lacounty.gov
M-Th 7:00 am – 5:30 pm

From: Lorrie Bradley
Sent: Monday, August 18, 2014 8:53 AM
To: Olga Ruano
Cc: Frank Moreno; Robert Ettleman
Subject: RE: Project No. R2014-00881: Permit Consultation - **DUE 8/21/14 to Environmental Section

Olga,

This project came up at the last Acton Town Council meeting. They are having some trouble getting through the town council because of the drive thru aspect of the project. Although we aren't requiring a trail, we may want to recommend a horse tie be incorporated into the project design,

but we have no nexus to require it.

Lorrie

Lorrie Bradley, Park Planner
County of Los Angeles
Department of Parks and Recreation
Planning Division -Trails and Research
510 S. Vermont Ave.
Los Angeles, CA 90020
Direct Line (213) 738-2812
Fax (213) 639-3959
lbradley@parks.lacounty.gov

"Please note that our office is closed on Fridays."

From: Olga Ruano
Sent: Monday, August 18, 2014 8:28 AM
To: Lorrie Bradley
Cc: Frank Moreno; Robert Ettleman
Subject: RE: Project No. R2014-00881: Permit Consultation - **DUE 8/21/14 to Environmental Section

Lorrie,

We have determined that there will be no trail requirements for the subject project. However, Robert and I were discussing last week and were thinking that perhaps we can suggest the applicant consider installing a horse tie. Did the Acton group mention a need for a horse tie or any other trail related amenities?

Thank you,
Olga

Olga Ruano | County of Los Angeles – Department of Parks and Recreation | Planning & Development Agency
(213) 738-2014 | oruano@parks.lacounty.gov
M-Th 7:00 am – 5:30 pm

From: Robert Ettleman
Sent: Tuesday, August 12, 2014 12:58 PM
To: Olga Ruano; Lorrie Bradley
Cc: Frank Moreno

Subject: RE: Project No. R2014-00881: Permit Consultation - **DUE 8/21/14 to Environmental Section

Acton Town Council: What exactly did the Acton Trail Group mention, that there was a proposal for a new development, and/or a verbal request for either a trail and/or horse tie?

Rob

From: Olga Ruano
Sent: Tuesday, August 12, 2014 11:37 AM
To: Robert Ettleman
Cc: Lorrie Bradley; Frank Moreno
Subject: FW: Project No. R2014-00881: Permit Consultation - **DUE 8/21/14 to Environmental Section

Robert,

This is the project I had just began to review this morning (please see project link in the email below from Regional Planning and refer to the G drive for application materials). If you could review/crosscheck and **send a response to Julie by Aug 21st** that would be great.

Lorrie, I believe this is the project application the Acton trails group mentioned to you a couple of weeks ago re: a drive-thru restaurant.

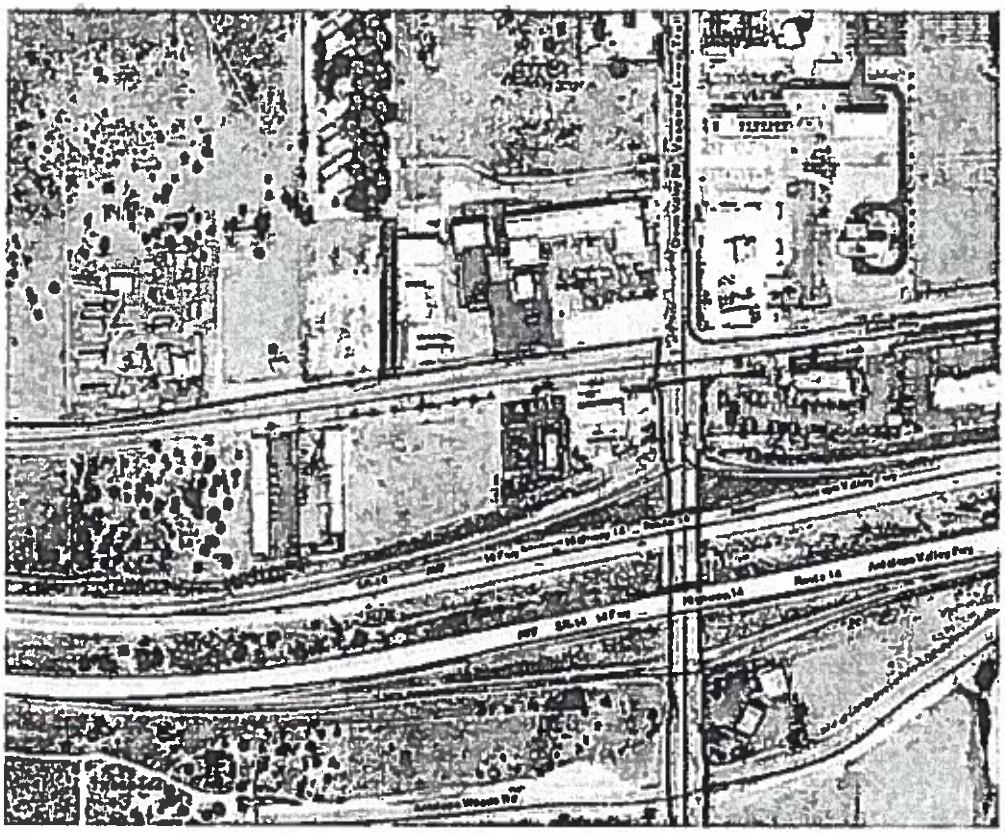
Based on a desktop review and review of the application, I would recommend that we not condition this project for trail requirements based on the following:

- The proposed trail would be more suitable on the north side of Sierra Hwy due to less development (more vacant lots that will likely be developed in the future, thus opportunities to acquire more easement length versus the approximately 330-ft we would acquire if we were to condition this project).
- The project site is located on the south side of Sierra Hwy, which is improved with curb, gutters, sidewalks, and street lighting.
- The project description includes a retail store and a drive-thru restaurant; drive-thru and recreational trail are not the most compatible uses (not to mention the oversized driveways and the 66 parking spaces) from a vehicle/pedestrian safety standpoint. There will have to be some creative design work to make these two work together.
- I followed the entirety of the proposed (SCVTAC) trail heading west until the proposed trail connects with the proposed Darrell Readmond Trail (at Red Rover Mine Rd intersection), and once again, confirmed that there is less development on the north side of the highway. The trail location would be more suitable on the north side—perhaps this explains why SCVTAC GPS'ed the trail on the north side of the Sierra Hwy as well.

If we were to condition the project for a trail easement and construction, the GIS trails database will need to be updated to note that this proposed trail segment should be shifted to the south side of

Sierra Hwy for future project reviews.

Here's a screenshot. The project site highlighted in turquoise.



From: Zachary T. Likins
Sent: Wednesday, July 30, 2014 3:05 PM
To: Lorrie Bradley; Olga Ruano
Subject: RE: Project No. R2014-00881: Permit Consultation - **DUE 8/29/14**

Logged and mapped.

Olga, this is one you'll need to take a look at. I'll put it up on the board in a minute.

From: Lorrie Bradley
Sent: Wednesday, July 30, 2014 12:12 PM
To: Olga Ruano; Zachary T. Likins
Subject: FW: Project No. R2014-00881: Permit Consultation - **DUE 8/29/14**

Lorrie Bradley, Park Planner

County of Los Angeles
Department of Parks and Recreation
Planning Division -Trails and Research
510 S. Vermont Ave.
Los Angeles, CA 90020
Direct Line (213) 738-2812
Fax (213) 639-3959
lbradley@parks.lacounty.gov

Please note that our office is closed on Fridays.

From: Thuy Hua
Sent: Wednesday, July 30, 2014 11:28 AM
To: Matthew Dubiel; 'Padilla, Juan'; 'tle@fire.lacounty.gov'; Joan Rupert; Lorrie Bradley; Clement Lau; Michelle Tsiebos
Cc: 'Collins, Wally'; Amir Ibrahim; Ruben Cruz; Robert Vasquez; Evenor Masis; Julie Yom; Juan Sarda
Subject: Project No. R2014-00881: Permit Consultation - **DUE 8/29/14**

CUP Coordinator,

The consultation package for this project is available at the website below. Please review and provide comments by the date specified above.
Employee ID & unique password are required to enter the site. If you have any technical issues please contact webadmin@planning.lacounty.gov.

Project link: http://10.2.8.130/content/r2014-00881-cup-201400037-acton-feed-store-and-primo-restaurant

Referral fees collected to date:

	Fees	Required?	Paid?	Receipt Date
Fire				
Initial Review	$263	Y	Y	06/05/14
2nd Review	$143			
3rd Review	$143			
Parks & Recreation				
Initial Review	$498	Y	Y	06/05/14
2nd Review	$282			
3rd Review	$282			
Public Health				
Public water / sewer available	$175			

Private water / sewer proposed	$593	Y	Y	06/05/14
Noise review	$969			

Fees Effective March 1 2014

Thank you.

Thuy Hua, AICP
Senior Regional Planner
Zoning Permits North Section
Department of Regional Planning
320 W Temple St
Los Angeles CA 90012
http://planning.lacounty.gov
213-974-6443

Kristina Kulczycki

From: Jacki Ayer [airspecial@aol.com]
Sent: Monday, February 29, 2016 2:55 PM
To: Emiko Thompson; Robert Glaser; Kristina Kulczycki
Cc: atc@actontowncouncil.org
Subject: Traffic study done for the Primo Burger project in Acton

Follow Up Flag: Follow up
Flag Status: Completed

Dear Ms. Thompson;

I have reviewed portions of the traffic study conducted for the proposed Primo Burger drive thru project in Acton, and have some concerns. First, I noted that the traffic consultant uses a "Specialty Retail" trip generation factor even though the project application does not reflect any "specialty retail" uses. The "Specialty Retail" trip generation factor results in a daily trip projection of only 266, while the standard "Retail" trip generation factor results in a daily trip projection of nearly 1,100. This assumption substantially underpredicts the traffic profile and provides an inaccurate traffic impact assessment. As I understand it, DRP does not intend to condition the project for any "Special Retail" uses, therefore DPW cannot approve a traffic study that assumes a "Specialty Retail" trip generation factor. I spoke with the planner (Ms. Kulczycki) regarding this issue in early February; she was under the impression that the applicant planned to open a feed store. However, I pointed out that (while the original 2006 application was for a feed store) the current application now pending before the county does not include any specific retail businesses at all.

I am also concerned that the traffic study ignores the recorded tract map creating 120+ residential lots on Crown Valley just down the street from the Primo Burger project. I mentioned this to Ms. Kulczycki in early February as well, but do not know if she has raised this issue with you yet.

It also appears that the consultant simply "assumed" that peak AM traffic occurs between 7-9 and peak PM occurs between 4-6 and did not collect any data to confirm this assumption.

Additionally, the applicant made a commitment to the ATC in 2014 that the traffic study prepared for the proposed Primo Burger project would consider the intersection of Antelope Woods and Crown Valley (adjacent to the High Desert Middle School). However, the traffic study for the Primo Burger project that was approved by DPW omitted this crucial intersection.

For these reasons, I urge DPW to rescind its approval of the Primo Burger traffic study and direct the consultant to prepare a proper traffic study that relies on 1) accurate trip generation factors which actually represent the unlimited retail project being considered by the RPC; 2) accurate peak AM and PM traffic conditions that are confirmed by a complete dataset collected over a 24 hour period; 3) a cumulative traffic impact analysis of the 120+ residential lots created by the recorded Casden Tract Map; and 4) properly considers that Antelope Woods/Crown Valley intersection.

Thank you

Jacqueline Ayer
Acton resident

Thuy Hua

From: Richard Claghorn
Sent: Monday, July 13, 2015 6:49 AM
To: Robert Glaser; Thuy Hua
Subject: FW: Taco Bell & Primo Burger in Acton, CA

FYI

From: Teresa Spencer [mailto:californiahorsebarns@gmail.com]
Sent: Sunday, July 12, 2015 4:19 PM
To: Richard Claghorn; Rosie Ruiz
Subject: Taco Bell & Primo Burger in Acton, CA

It has come to my attention that "THE COUNTY REGIONAL PLANNING DEPARTMENT" does not consider Sierra Highway (Route 6) corridor at Crown Valley as part of Acton.

Well, Regional planning is in DIRECT conflict with the citizens of Acton. The citizens of Acton that I am aware of consider the Entire Corridor of Sierra Highway from Ward Road to Angeles Forest "PART OF ACTON".

The approval of these projects and others in accordance with the CURRENT - Acton Community Standards is in direct conflict with "Community Serving" businesses. Both of these project are looking to derive business from "passors by" off the 14 Fwy. These businesses will ALSO conflict with the "Country Lifestyle" of Acton and it's ability to remain rural without "Stop lights".

In the last business proposal of a "Drive thru" in this area, Regional planning proposed 4 stop lights in less than 300' (on/off ramps - both north & south bound, Sierra Hwy and Crown Valley AND Antelope Woods and Crown Valley). The congestion that this would cause local residents, the Middle School traffic and "passors by" on the 14 fwy is insurmountable.

How the County Regional planners can even consider the Sierra Hwy corridor as "Not part of Action" seems ludicrous to me. IF you are considering "Acton" as the area where the Store/ post office etc. exists currently on Crown Valley and Smith, then I surmise that this area be called "OleTowne Acton"

Because if you consider Acton as only this small part of the area, then you can ONLY consider Lancaster as Lancaster Blvd. the remaining area then is not Lancaster. This is how I would equate your ludicrous statement.

As a resident of Acton for over 10 years, I am not adverse to business, business growth, however when Government steps in an strong arms a small community, that's when we stand up and fight. Just because the "whole" of Los Angeles county is "overrun" with Chain store businesses does not mean that Regional planning can force these types of businesses on areas that DO NOT want them, just as a whim.

IF anyone in Regional planning understood our "Lifestyle" and bothered to even consider communicating with the Town Council, they would in fact see that when forced, this little community will voice it's opinion and very loudly.

DO NOT CONSIDER THE PRIMO BURGER "OR" TACO BELL PROJECT FOR OUR TOWN ! WE WILL USE OUR VOICES as has been done in the past.

Teresa Spencer
Very Concerned Citizen !
661-269-1375

November 6, 2014

RECEIVED
NOV 10 2014
BY:_____

Los Angeles City Dept. of Regional Planning
320 West Temple St.
Los Angeles, CA 90012

Re: Country Feed Store Project in Acton, CA and
the newly elected Acton Town Council

I am a 10 year resident of Acton, CA. I work full time and keep to myself, not getting very involved in local issues.

There is one issue I am steaming mad about. The Country Feed Store/Primo Burger drive-thru project is being voted down by some of the Acton Town Council members, due to some "for me" unknown vendetta. Two members of community take over the council meetings, Pam Wolter and Jackie Ayer. They are so against this project, they mock resident that are for the project and actually yell at people when the meetings are over. They want Acton to remain rural and they want nothing built. Well, a lot of us here in Acton don't mind having some more restaurants or drive-thrus.

The election for Acton Town Council was held there are five (5) candidates that banded together (Pam Wolter, Jackie Ayer, Tom Costan, Chris Croisdale and Katherine Sky-Tucker) for the five (5) open seats. They got in. So now it will be their voice running the Acton Town Council, and not the majority of Acton resident's voices.

Please listen to all of Acton's wishes and not the few who are loud and overbearing and now in control.

Please allow Country Feed to proceed with their project and have Primo Burgers with a drive-thru ASAP.

Thank you.

Sincerely,

Kathy Bellenfant

Kathy Bellenfant
5120 Clayvale Rd.
Acton, CA 93510
(310) 717-8876

Cc: Norm Hickling, LA County Supervisor Michael Antonovich's Office

L A City Dept of Regional Planning

320 W Temple Street

Los Angeles, CA 90012

October 28, 2014

RE:

Doug and Joanna Gaudi
Project R2014-00881-(5)
CUP No. 201400037
APN Vacant (3217-021-022)

Dear DRP,

I wish to advise you of my support for the Primo Burger/Country Club Feed project pending in Acton California.

Despite some negative feedback from select members of the community, I believe the majority of the community supports the project as voted on and recently approved by the Acton Town Council. I fully support the drive through as well.

Sincerely,

Colin O'Reilly

Colin O'Reilly

32210 Angeles Forest Hwy

Palmdale (Acton) CA, 93510

(818) 929-7848

cc Norm Hickling

RECEIVED
NOV 03 2014
BY:_____

L A City Dept of Regional Planning

320 W Temple Street

Los Angeles, CA 90012

October 28, 2014

RE:

Doug and Joanna Gaudi
Project R2014-00881-(5)
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Sincerely,

Karen O'Reilly

Karen O'Reilly

3807 W Sierra Highway

Acton, CA 93510

661-236-5967

cc Norm Hickling

RECEIVED
NOV 03 2014
BY:_____

RECEIVED
DEC 02 2014
BY:

October 24, 2014

Los Angeles City Dept. of Regional Planning
320 West Temple St.
Los Angeles, CA 90012

Re: Country Feed Store Project in Acton, CA

I am a 10 year resident of Acton and I fully support the Country Feed/Primo Burger Restaurant project on Sierra Hwy.

I spend a lot of time driving my handicapped son around and when it gets late, I need to feed him. Currently my choices to eat are McDonalds and Jack-in-the-Box. The food is horrible.

Having another restaurant in Acton with a drive thru would be a god send. It is hard for my child to get out of the car and go into a restaurant. I cannot leave him in the car unattended. I would love a Primo Burger Restaurant. They offer a wholesome variety of good food to eat.

I recently attended an Acton Town Council meeting and I was going to speak about this. A woman got up before me and she also was in the same situation. She has three foster children that are handicapped and she cannot take them into a restaurant. And she cannot leave them in her car. She wanted a drive thru.

Certain members in the audience, Pam Wolter and Jackie Ayers to be specific, started speaking up and down right bullied her. I felt so intimidated, I did not get up and speak. I talk to other mothers and to people around town, and they feel the way I do.

Do not let the voice of the Acton Town Council stop this project. They only speak for a few of the resident, not the majority, who remain silent out of fear and ridicule.

Sincerely,

Kathy Bellenfant

Kathy Bellenfant
5120 Clayvale Rd.
Acton, CA 93510
(310) 717-8876

Cc: Norm Hickling, LA County Supervisor Michael Antonovich's Office

Los Angeles County Regional Planning Department
320 West Temple Street
Los Angeles, California 90012

RECEIVED
OCT 20 2014
BY:_____

October 16, 2014

Regarding Doug and Joanna Gaudi's Project #R2014-00881-(5)
CUP 201400037 APN Vacant 3217-021-022

To Whom it may concern:

I want the County of Los Angeles to know that **I and many others** who choose to remain silent **would like the Gaudi's project to be approved** as they request with a drive thru for the restaurant and the necessary signage to properly advertise their enterprise. I support new business ventures such as the Gaudi's because it serves the residents of Acton and brings jobs to our community. The property they own is zoned C-3 (Unlimited Commercial), surrounded by other businesses, and is adjacent to the 14 Freeway. I do not believe these requests would be detrimental to Acton's rural atmosphere in any way, nor would it set an imaginary precedent for more future development. There already exists a McDonald's and a Jack in the Box, both of which have Drive Thrus and our community shows no obvious signs of harm!

The following is a letter I wrote to our community newspaper last month in regard to the constant road blocks our Town Council continues to put up to block new restaurants from opening. It appears these efforts are directed by mainly one person who is no longer a Council Member, but is very vocal and determined on this matter. Please don't block reasonable projects because of the loud objections of a handful of residents.

Thank You,

Melvin J. Shikato
Acton Resident

My letter to the Country Journal:

As I read the Country Journal each week, I have been very interested in the new businesses that are attempting to open in our fine little town. Of particular interest is the plight of the several restaurants that are seeking the blessings of the Town Council. I appreciate the hard work and dedication of the council members who seek to protect the rural atmosphere of our unique community. However, it is my opinion that the council is too anti-business-especially towards restaurants.

Since I moved here in 2007, I have followed the struggle of the Panda restaurant that wanted to open in town. Today, no Panda. They must have given up. I welcome them as I do the proposed Primo Burger and Taco Bell. I believe any or all of these would be a great addition to our town-benefiting residents and freeway travelers alike. More local jobs and restaurant choices are just two benefits I see. Especially since Don Cucco has closed it's doors. I personally don't care if these establishments attract freeway traffic in order to be sustainable. I expect that they must. I also expect that the Town Council will require their buildings to look western and not contribute to light pollution-all of which I agree with.

Those of us who have ever ran a business or built something in Los Angeles County know that this is one of the most anti-business and restrictive places in the country. The Acton Town Council should not contribute to this and allow these restaurants to open and enhance our community.

Melvin J. Chikato

Acton

ACTON TOWN COUNCIL

P.O. Box 810 Acton, California 93510

Michael R. Hughes
President
R.J. Acosta
Vice President
Thor Merich
Treasure
Katherine Tucker
Recording Secretary
Members
Ray Billet
Mike Hainline
Tami Lambe
Fred Miller
Darvin White

October 22, 2014

Doug & Joanna Gaudi

Country Club Feed

3771 West Sierra Hwy.

Acton, CA 93510

RE: Country Club Feed Store Project

Dear Doug & Joann:

During the Acton Town Council meeting of October 20, 2014, the Council voted to amend its previously recommended approval of your project. The Council voted to remove the project's recommended approval "with a drive-thru" at the proposed Primo Restaurant. The Council's recommended approval now states "without a drive-thru" at the proposed Primo Restaurant. All other stipulations noted in the letter of October 6, 2014 remain unchanged.

If I can offer further clarification regarding the Council's position on your project please let me know.

Sincerely,

Michael R. Hughes

President

Cc: Robert Friedman

LA County Regional Planning

Norm Hickling

ACTON TOWN COUNCIL

P.O. Box 810 Acton, California 93510

Michael R. Hughes
President
R.J. Acosta
Vice President
Thor Merich
Treasure
Katherine Tucker
Recording Secretary
Members
Ray Billet
Mike Hainline
Tami Lambe
Fred Miller
Darvin White

October 6, 2014

Doug & Joann Gaudi

Country Club Feed

3771 West Sierra Hwy.

Acton, CA 93510

RE: Country Club Feed Store Project

Dear Doug & Joann:

The Acton Town Council has worked with you and Mr. Friedman for the last several months on your project to assure that it meets the requirements of the Acton CSD. During the Acton Town Council meeting of August 4, 2014, the Council voted to approve your proposed project contingent on the several stipulations made by you and your representative Robert Friedman.

The stipulations are as follows:

- A traffic study will be performed by the developer to determine the impact on the area immediately adjacent to and areas near to the project. The adjacent area is to include the intersection of Crown Valley Road and Sierra Hwy, adjacent off and on ramps for the 14 Freeway and the intersection of Crown Valley Road and Antelope Woods Road. If the Traffic Study shows that there will be a negative impact on or impediment to vehicular, pedestrian or equestrian traffic, then the Acton Town Council reserves the right to rescind their approval of a drive thru for the restaurant.

- **There will be No Freeway Sign or any signs on the freeway facing side of the buildings.**
- **The outdoor seating will be removed.**
- **At no time, now or in the future, will any business on the property apply for or be granted an ABC License.**
- **You will provide the name(s) and contact information of the owners of the Primo Restaurant to the ATC.**
- **The developer will place a Hitching Post and designated area for horses to stand at the Primo Restaurant.**

If you have any questions regarding the above, please feel free to contact me.

Sincerely,

Michael R. Hughes

President

Cc: Robert Friedman

LA County Regional Planning

Norm Hickling

Doug and Joanna Gaudi
Project R2014-00881-(5)
CUP No. 201400037
APN Vacant (3217-021-022)

9/8/14

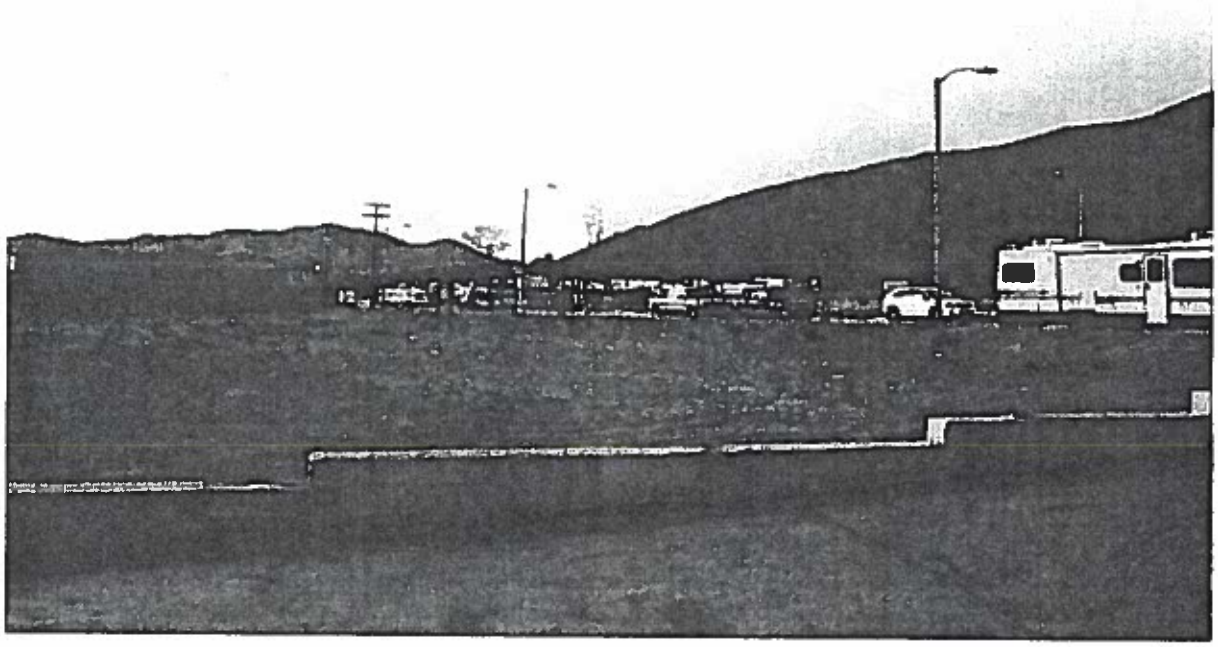
To whom it concerns,

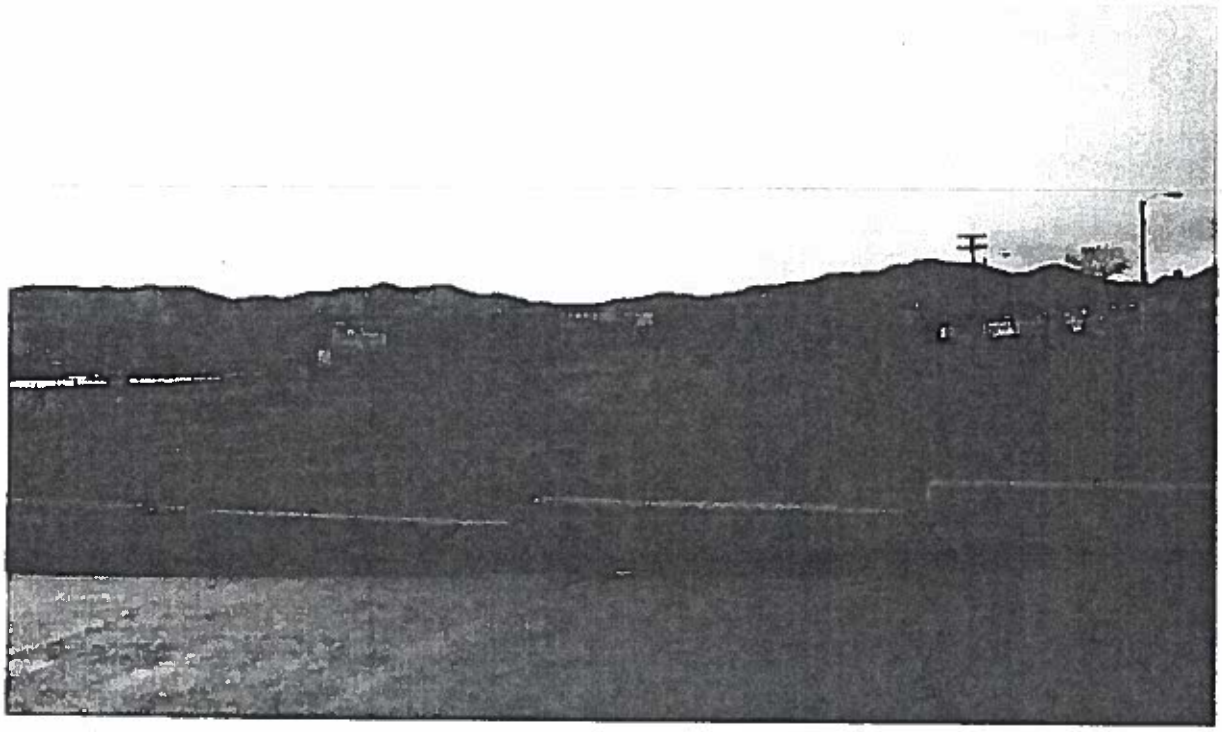
This effects us here in Acton. So I am writing you to let you know of our thoughts & prospective on the drive-thru. There are already 2 drive thru's at Crown Valley exit. 3 gas stations + truck stop. One more drive-thru restaurant will have minimal impact on the traffic count. The only thing I see another drive thru restaurant bringing to Acton is a much needed variety. It would seem no problem for the fast food restaurant regarding impact compared to when a smaller local business attempts the same it is task of trying the burden of its much larger competition. Regardless if you allow drive-thru or not the traffic pattern between Sierra Hwy & Antelope Woods on Crown Valley Rd need to be changed before someone is killed.

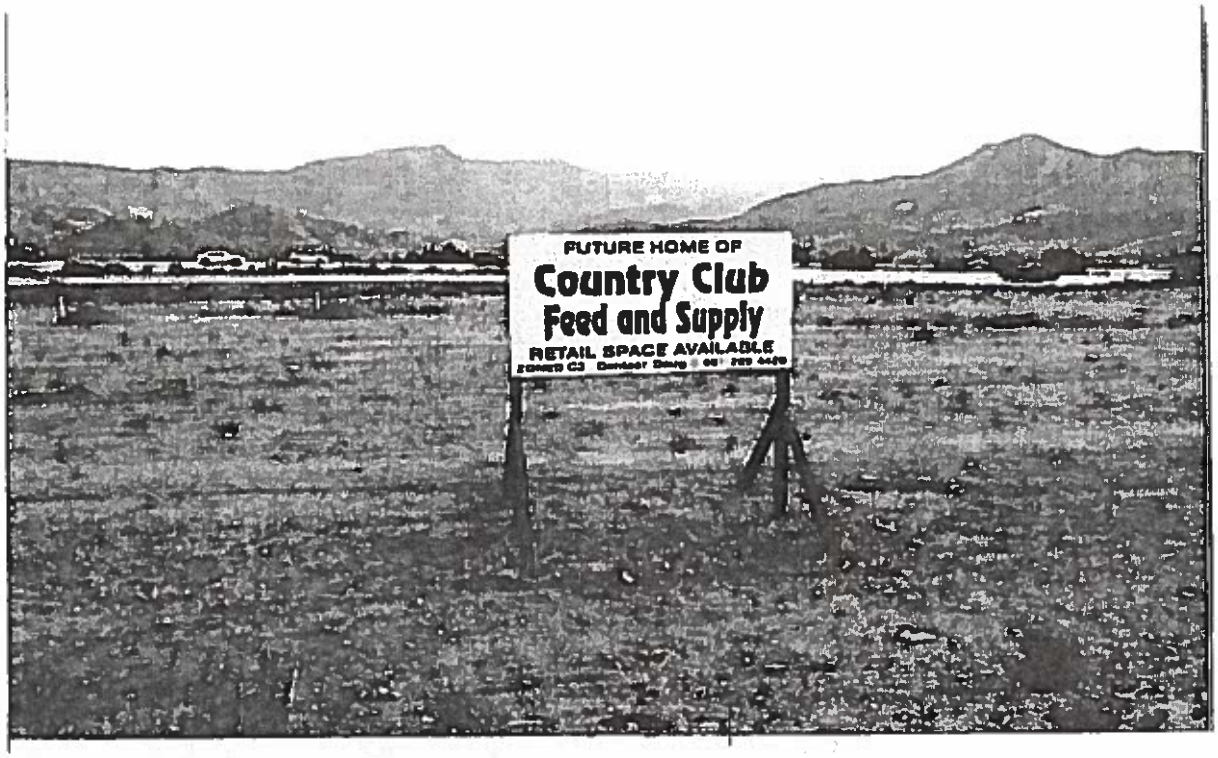
Sincerely,
Acton Residence
Jeff & Susan Moore
Tel-810-0702

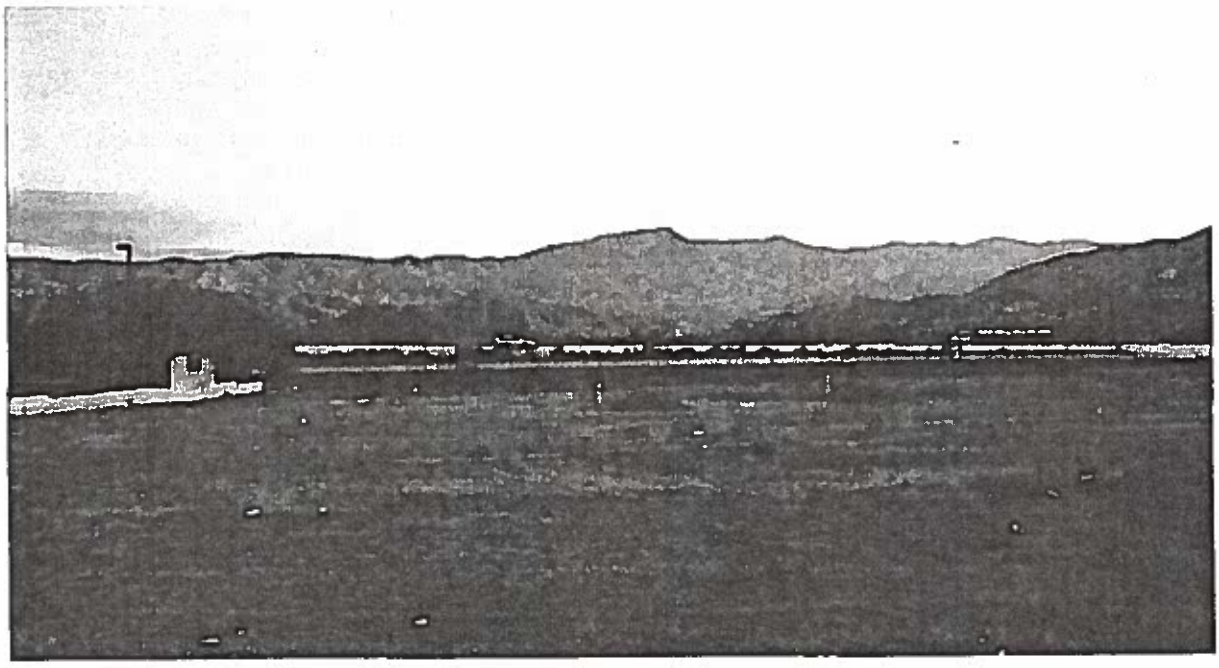
RECEIVED
SEP 16 2014
BY:

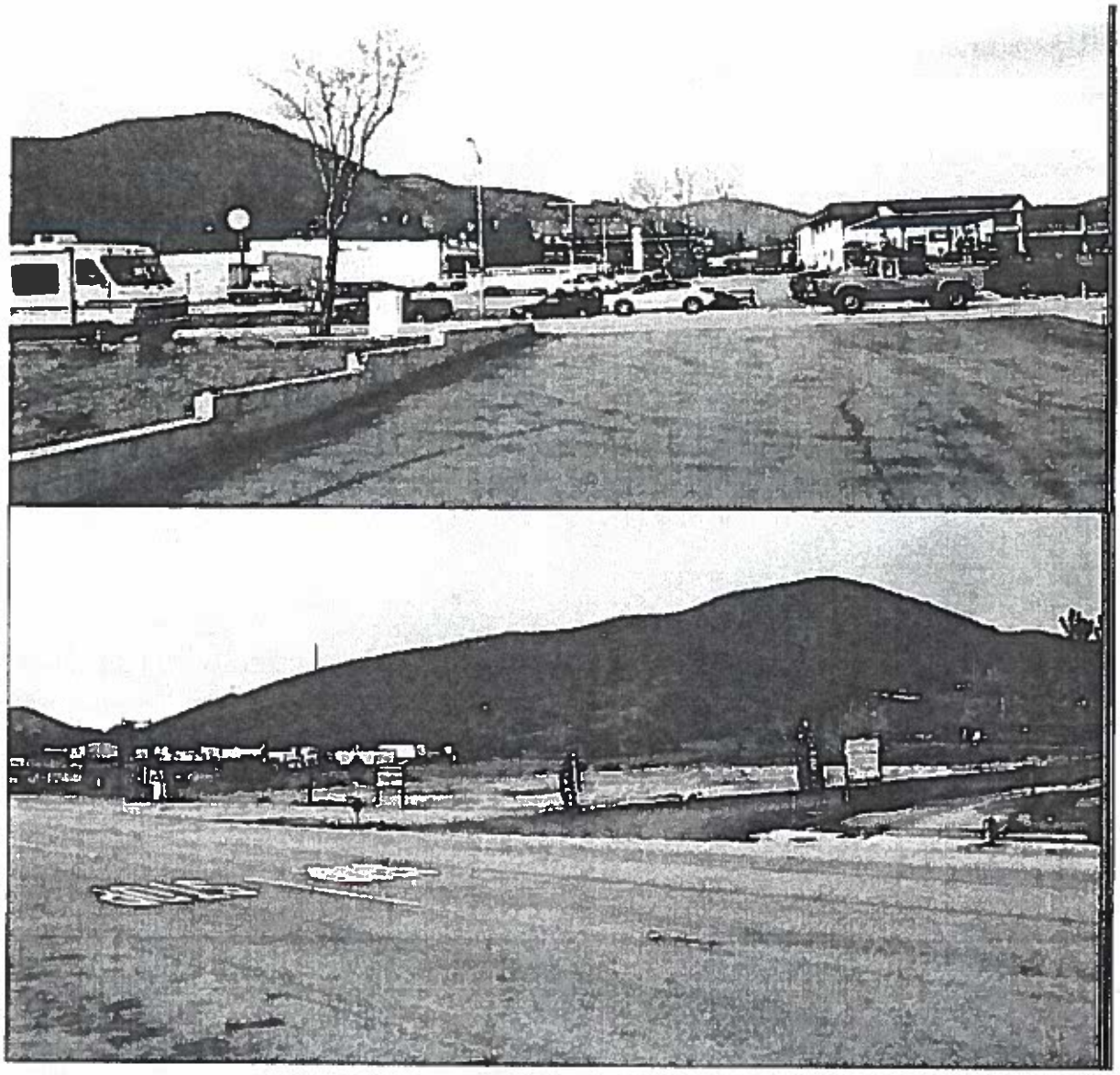
Site Visit Photos (1-21-16)

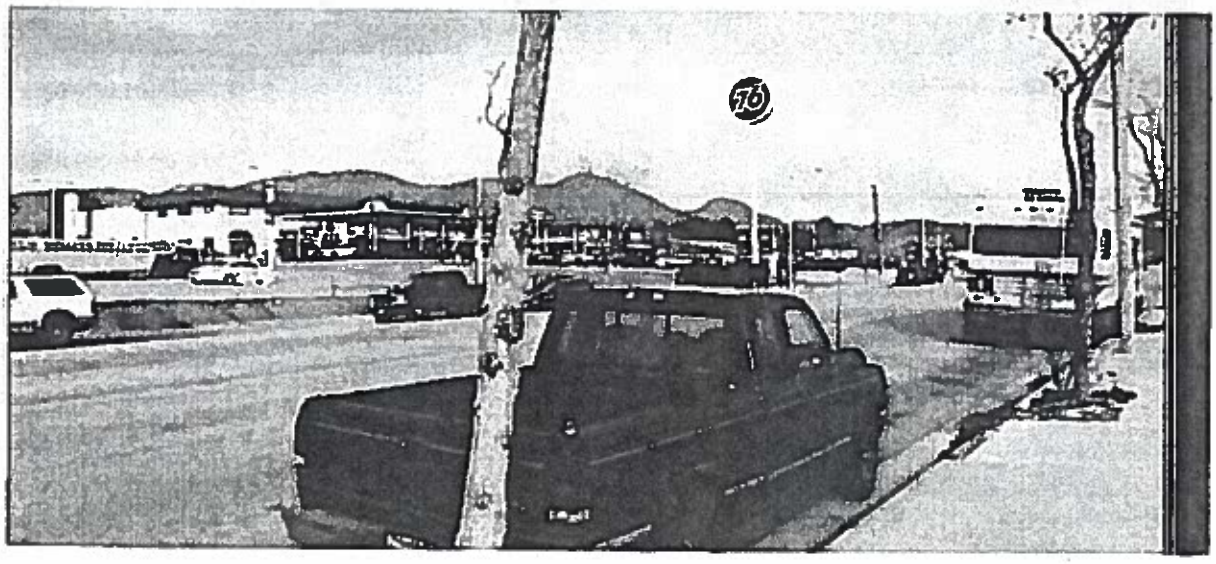




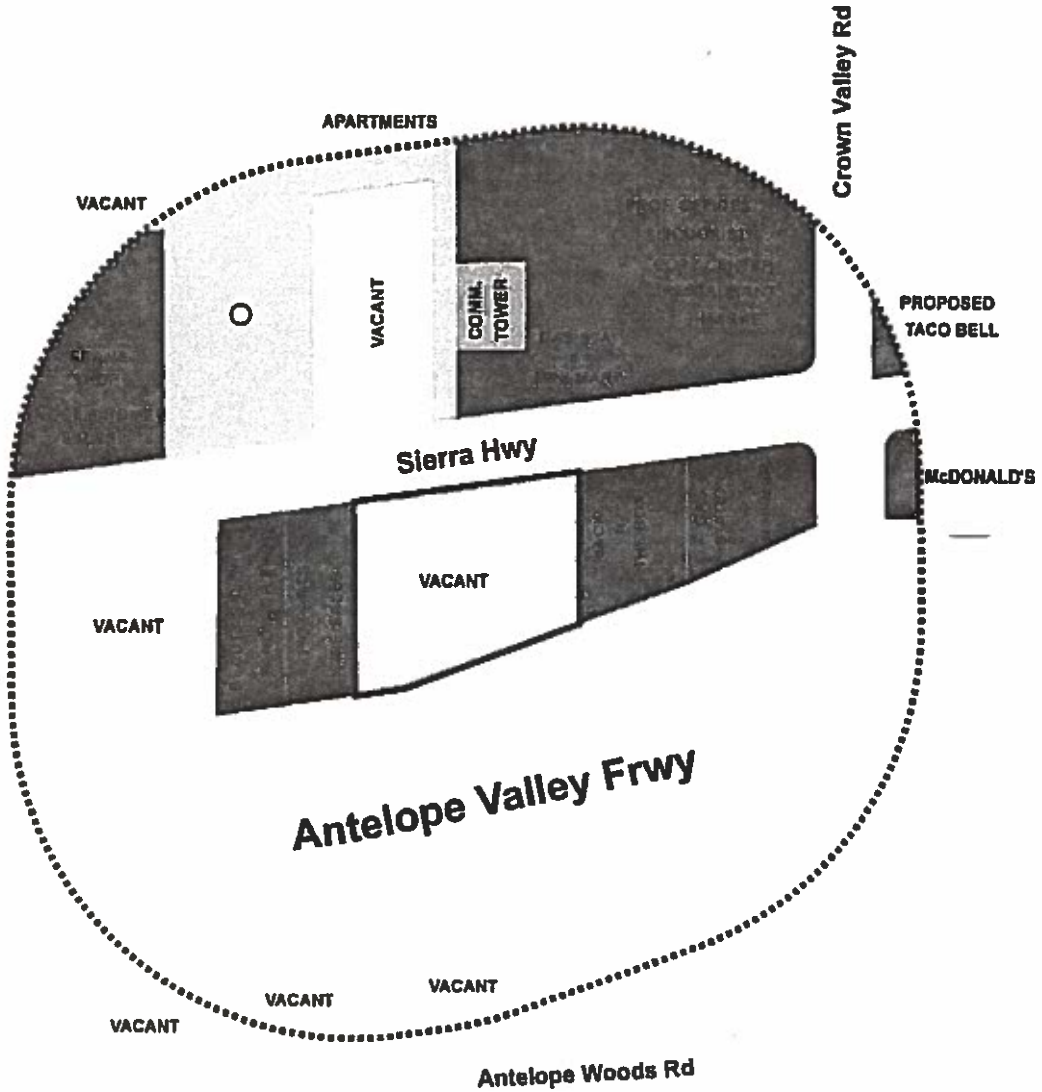

FUTURE HOME OF
Country Club
Feed and Supply
RETAIL SPACE AVAILABLE






76

LAND USE



LAND USE
500 FOOT RADIUS MAP

Proj. R2014-00881 (5)
RCUP 2014-00037

Legend

- SINGLE-FAMILY RESIDENCE
- SINGLE-FAMILY RESIDENCE
- MULTI-FAMILY RESIDENCE
- COMMERCIAL
- PUBLIC UTILITY
- VACANT

VICINITY MAP

0 40 80 160 240 320 Feet

N

LOS ANGELES COUNTY
Department of Regional Planning
320 W. Temple St.
Los Angeles, CA 90012

Kristina Kulczycki

From:	Kristina Kulczycki
Sent:	Wednesday, April 13, 2016 7:48 AM
To:	'Jacki Ayer'
Cc:	Robert Glaser; Mitch Glaser; Sorin Alexanian; Vizcarra, Edel; 'Borzaga, Christine'; Jeff Pletyak; atc@actontowncouncil.org; 'cchroisdale@actontowncouncil.org'
Subject:	RE: Approved package on the Acton Primo Burger project

Hi Jacki,

Thank you for your email. Responses to your questions are listed below in **blue**:

Condition 9 states that DRP shall inspect the project "to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file". Is the "approved site plan on file" the same as the site plan that was included in the hearing package?

No. The site plan included in the hearing package does not comply with the Zoning Code and the terms and conditions of the grant. Therefore the site plan must be revised prior to approval. Per condition 17, the revised site plan shall be submitted to Regional Planning by July 6, 2016.

If not, can you please provide a copy of the "approved site plan on file"?

Not at this time. The revised site plan has not been submitted to Regional Planning. Per condition 17, the revised site plan shall be submitted to Regional Planning by July 6, 2016. A copy of the revised site plan will be provided to you after it is approved.

If so, does that mean that DRP will inspect development to ensure it is consistent with page 7 of the "approved site plan on file"?

Yes. Per condition 9, Regional Planning Zoning Enforcement staff will conduct inspections to ensure compliance with the approved revised site plan. In accordance with condition 9, the permittee shall deposit $400 to compensate Regional Planning for two inspections. If additional inspections are required, including but not limited to inspections necessary to investigate constituent complaints, the permittee shall be responsible for compensating Regional Planning for those inspections.

Condition 14 refers to "approved Exhibit 'A " . Where is "approved Exhibit 'A' " ? Can you please send me a copy of it? I did not see it in the approved package.

The approved Exhibit A will be the approved plans, including the revised site plan and the revised signage plan. A copy cannot be provided at this time because the revised site plan and the revised signage plan have not been submitted to Regional Planning. Per condition 17, the revised site plan and the revised signage plan shall be submitted to Regional Planning by July 6, 2016. A copy of the revised plans, including the revised site plan and the revised signage plan (also known as the Exhibit A), will be provided to you after they are approved.

Condition 17 states that the plans presented in the public hearing "incorrectly depict the signage". This does not clarify what was incorrect nor does it indicate what must be corrected. What specific signage elements will be modified?

Per the staff analysis (see page 2) and Regional Planning Commission finding 11, the following corrections must be made to the signage plan:

1) The signage plan proposes internal illumination for the wall signs. Internal illumination is prohibited by the Zoning Code. Therefore the signage plan must be corrected to no longer propose internal illumination for the wall signs;

2) The signage plan proposes wall signs that exceed Zoning Code wall sign area requirements. Specifically, the Zoning Code allows a maximum wall sign area of one and one-half square feet for each one linear foot of building frontage, not to exceed 100 square feet per tenant. Therefore the signage plan must be corrected to no longer propose wall signs that exceed Zoning Code wall sign area requirements;

3) The signage plan proposes signage on the accessory storage building. Signage on accessory storage buildings is prohibited by the Zoning Code. Therefore the signage plan must be corrected to no longer propose signage on the accessory storage building; and

4) The signage plan proposes a freestanding sign that exceeds Zoning Code freestanding sign area and height requirements. Specifically, the Zoning Code allows a maximum freestanding sign area of 100 square feet for

the combined faces on such sign and a maximum freestanding sign height of five feet. Therefore the signage plan must be corrected to no longer propose a freestanding sign that exceeds Zoning Code freestanding sign area and height requirements.

Per condition 17, the revised signage plan shall be submitted to Regional Planning by July 6, 2016.

Condition 19 authorizes a development program that "includes one new restaurant without a drive-through" and a "6,000 square foot building containing retail uses that are permitted in the C-RU zone." However, the C-RU zoning ordinance does not identify permitted "retail uses", it only identifies permitted "Sales Uses" (see 22.28.360 A.1), permitted "Service Uses" (see 22.28.360 A.2), permitted "Recreation and Amusement Uses" (see 22.28.360.B), permitted "Agricultural Uses" (see 22.28.360.C), and permitted "Residential Uses" (see 22.28.360.D). . What uses identified in the C-RU zoning ordinance are actually allowed in the retail building? (Note: I have found no definition for "Retail" or "Retail Uses" anywhere in Title 22)

None of the uses listed under Zoning Code Section 22.28.360.D are retail uses.

None of the uses listed under Zoning Code Section 22.28.360.C are retail uses.

None of the uses listed under Zoning Code Section 22.28.360.B are retail uses.

None of the uses listed under Zoning Code Section 22.28.360.A.2 are retail uses. "Restaurants and other eating establishments including food take-out and outdoor dining" is listed under Zoning Code Section 22.28.360.A.2 and is therefore not a retail use.

Most, but not all, of the uses listed under Zoning Code Section 22.28.360.A.1 are retail uses. "Retail stores" is listed under Zoning Code Section 22.28.360.A.1. Other uses listed that are retail uses include (but are not limited to) antique shops; appliance stores; bookstores; clothing stores; feed and grain sales; health food stores; radio and television stores; shoe stores; and toy stores. Other uses listed that are not retail uses include (but are not limited to) delicatessens and ice cream shops. Although the term "retail" is not defined in the Zoning Code, Regional Planning's understanding of its meaning is consistent with the dictionary.com definition of the term, which specifies "the sale of goods to ultimate consumers, usually in small quantities" wherein the term "goods" is further defined by dictionary.com as "articles of trade; wares; merchandise."

Some of the services listed under Zoning Code Section 22.28.360.A.2 may be acceptable when operated in conjunction with, and accessory to, a retail use. For example, party equipment rentals may be acceptable when accessory to a party equipment retail store, or watch repairs may be acceptable when accessory to a watch store.

Based on your testimony, we understand that the Town Council is concerned that restaurants and other eating establishments including food take-out and outdoor dining (e.g. Starbucks, Baja Fresh, Togo's) could be established in the retail building. Per the Zoning Code Sections above and the conditions of the grant, that is not possible. Restaurants and other eating establishments including food take-out and outdoor dining, as well as delicatessens and ice cream shops, are not retail uses.

While it is possible for a future applicant to seek a modification of the conditions of the grant to allow restaurants in the retail building, such a modification does not fall within the confines of Zoning Code Section 22.56.1600, which states that "such modification or elimination of conditions will not result in a substantial alteration or material deviation from the terms and conditions of the previously approved conditional use permit and is necessary to allow the reasonable operation and use previously granted." Therefore a new Conditional Use Permit (CUP) would be required to allow restaurants in the building containing retail uses.

Condition 21 only requires one parking space for every 250 square feet in the commercial building, which is insufficient for many of the commercial uses authorized under the C-RU zoning ordinance.

Please see Zoning Code Section 22.52.1100, which requires a minimum of one automobile parking space for every 250 square feet of building area for commercial uses (including but not limited to retail uses) throughout the unincorporated County. Condition 21 references this minimum automobile parking space requirement in the Zoning Code. Please note that entertainment, assembly, and dining uses have a different minimum automobile parking space requirement, which is provided in Zoning Code 22.52.1110.

How does DRP intend to ensure that sufficient parking will be provided for the commercial uses that are constructed if the site plan (with modifications) is already deemed approved?

The automobile parking spaces shown on the site plan included in the hearing package comply with the Zoning Code, including the minimum automobile parking space requirement for commercial uses, which pertains to the retail building (Zoning Code Section 22.52.1100) and the minimum automobile parking space requirement for entertainment, assembly, and dining uses, which pertains to the restaurant building (Zoning Code Section 22.52.1110).

When approving the project, the Regional Planning Commission determined that compliance with the relevant minimum automobile parking space requirements in the Zoning Code was sufficient (see Regional Planning Commission finding 30). However, please note that the staff analysis (see page 8) states that 65 automobile parking spaces will be provided although only 58 automobile parking spaces are required, so the project exceeds the relevant minimum automobile parking space requirements in the Zoning Code.

The C-RU ordinance requires a conditional use permit for "Any use listed in Section 22.28.360 that would generate vehicular traffic requiring the provision of new or additional traffic lights". How will DRP implement this zoning condition that requires a traffic analysis on businesses that are built in the retail building BEFORE they are constructed?

Per the email from Jeff Pletyak to you dated April 5, 2016, the project's Traffic Impact Analysis calculated trips generated by the retail building using the trip rates for the Specialty Retail Center land use (Code 826) included in the Institute of Transportation Engineers (ITE) Trip Generation Manual, Ninth Edition. The aforementioned ITE Trip Generation Manual defines a Specialty Retail Center as a generally small strip shopping center that contains a variety of retail shops and specializes in quality apparel, hard goods, and services such as real estate offices, dance studios, florists, and small restaurants. This definition is consistent with the retail uses allowed by Zoning Code Section 22.28.360.A.1 and the terms of the grant as well as the size of the retail building itself. Therefore the retail uses allowed by the terms of the grant were analyzed by the project's Traffic Impact Analysis and no further traffic analysis is required to establish a retail use allowed by the terms of the grant within the retail building. As previously mentioned, any future request to allow restaurants in the retail building will require a new CUP. A new Traffic Impact Analysis will need to be prepared if and when a new CUP is filed in the future to ensure compliance with Zoning Code Section 22.28.360.

I hope this information is helpful. A copy of this email will be placed in the project file for future reference.

Regards,

Kristina

Kristina Kulczycki
Senior Regional Planning Assistant
Zoning Permits North
Department of Regional Planning
http://planning.lacounty.gov
213-974-6443

From: Jacki Ayer [mailto:airspecial@aol.com]
Sent: Monday, April 11, 2016 8:12 AM
To: Kristina Kulczycki
Subject: Approved package on the Acton Primo Burger project

Hello Kristine;

I have reviewed the approved package on the Acton Primo Burger project, and there are a few things that I do not understand. I would appreciated it if you could clarify the following:

Thank you
Jacki Ayer

Here are the clarifications that I am requesting:
Condition 9 states that DRP shall inspect the project "to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file". Is the "approved site plan on file" the same as the site plan that was included in the hearing package? If not, can you please provide a copy of the "approved site plan on file"? If so, does that mean that DRP will inspect development to ensure it is consistent with page 7 of the "approved site plan on file"?

Condition 14 refers to "approved Exhibit 'A " . Where is "approved Exhibit 'A' " ? Can you please send me a copy of it? I did not see it in the approved package.

Condition 17 states that the plans presented in the public hearing "incorrectly depict the signage". This does not clarify what was incorrect nor does it indicate what must be corrected. What specific signage elements will be modified?

Condition 19 authorizes a development program that "includes one new restaurant without a drive-through" and a "6,000 square foot building containing retail uses that are permitted in the C-RU zone." However, the C-RU zoning ordinance does not identify permitted "retail uses", it only identifies permitted "Sales Uses" (see 22.28.360 A.1), permitted "Service Uses" (see 22.28.360 A.2), permitted "Recreation and Amusement Uses" (see 22.28.360.B), permitted "Agricultural Uses" (see 22.28.360.C), and permitted "Residential Uses" (see 22.28.360.D). . What uses identified in the C-RU zoning ordinance are actually allowed in the retail building? (Note: I have found no definition for "Retail" or "Retail Uses" anywhere in Title 22)

Condition 21 only requires one parking space for every 250 square feet in the commercial building, which is insufficient for many of the commercial uses authorized under the C-RU zoning ordinance. How does DRP intend to ensure that sufficient parking will be provided for the commercial uses that are constructed if the site plan (with modifications) is already deemed approved?

The C-RU ordinance requires a conditional use permit for "Any use listed in Section 22.28.360 that would generate vehicular traffic requiring the provision of new or additional traffic lights". How will DRP implement this zoning condition that requires a traffic analysis on businesses that are built in the retail building BEFORE they are constructed?

Agenda Item #6
RPC 4/6/16

Kristina Kulczycki

From: Jeff Pletyak
Sent: Tuesday, April 05, 2016 6:25 PM
To: Jacki Ayer; Kristina Kulczycki
Cc: atc@actontowncouncil.org; Robert Glaser; evizcarra@lacbos.org; cborzaga@lacbos.org; Emiko Thompson; Dean Lehman; Pat Proano; Andrew Ngumba; Kent Tsujii
Subject: RE: Traffic study done for the Primo Burger project in Acton
Attachments: Primo project description.pdf; Counts.pdf

Jacki

We conferred with the Department of Regional Planning (DRP) regarding the project's proposed land use. DRP provided us with the attached project summary which is accessible by the public at http://planning.lacounty.gov/assets/upl/case/r2014-00881_hearing_package.pdf .

Retail Trip Generation

Upon comparing the attached project summary to the project's Traffic Impact Analysis (TIA), we have the following:

- The TIA forecasted the project's trip generation based on the land use and size described in the attached project summary.
- The Institute of Transportation Engineers (ITE) Trip Generation Manual, Ninth Edition, defines a Specialty Retail Center land use (Code 826) as generally small strip shopping centers that contain a variety of retail shops and specialize in quality apparel, hard goods, and services such as real estate offices, dance studios, florists, and small restaurants.
- To calculate the trips generated by the proposed 6,000 square-foot retail building, the TIA utilized the trip rates for the Specialty Retail Center land use (Code 826) included in the ITE Trip Generation Manual, Ninth Edition.
- Based on our research of all retail-related land-use codes within the ITE Trip Generation Manual, we concur the use of Specialty Retail center land use (Code 826) to be appropriate.

Traffic Signal Warrant Analysis

The TIA determined there is no nexus to require a traffic signal warrant analysis, based on the following:

- The project is not expected to have a significant transportation impact at the study intersections in accordance with the County's Traffic Impact Analysis Report Guidelines.
- The nexus for requiring a project to conduct a traffic signal warrant analysis is based on the following process:
    - A finding is made that the project is expected to have a significant transportation impact.
    - A conceptual design plan is prepared to provide the additional capacity at the intersection to mitigate the project's significant transportation impact (i.e., restripe roadway to provide more travel and/or turning lanes).
    - A review of the conceptual signing/striping design plan is conducted to analyze the need for additional traffic control devices (ie. stop signs, traffic signals, or roundabouts).

Peak-Hour Traffic Counts

Attached for your reference are 12-hour traffic volume counts taken at the intersection of Crown Valley Road at Antelope Woods Road in September 2015, and at Crown Valley Road at Sierra Highway in December 2012 . Please note the attached counts identified the a.m. peak hour for both intersections as 7:30 to 8:30 a.m., and the p.m. peak hour for both intersections as 2:15 p.m. to 3:15 p.m. To address your concerns about peak hour traffic conditions in the Acton area, we conducted a level of service at the two above-mentioned intersections which analyzed potential traffic impacts with the peak level of project-generated trips and other related project-generated trips distributed during p.m. peak hour of 2:15 to 3:15 p.m. Based on these level of service analyses, the project is not expected to have a significant transportation impact at the two intersections in accordance with the County's Traffic Impact Analysis Report Guidelines.

If you have any follow up questions or would like to meet in person to discuss further, please reply back to me or contact me at (626) 300-4721.

Jeffrey Pletyak
Traffic Studies, Section Head
Traffic and Lighting Division
(626) 300-4721

From: Jacki Ayer [mailto:airspecial@aol.com]
Sent: Monday, April 04, 2016 11:25 AM
To: Emiko Thompson; Kristina Kulczycki
Cc: atc@actontowncouncil.org; Robert Glaser; Jeff Pletyak; evizcarra@lacbos.org; cborzaga@lacbos.org
Subject: Re: Traffic study done for the Primo Burger project in Acton

Dear Ms. Thompson and Ms. Kulczycki;

This email is being submitted on behalf of the Acton Town Council

It has been more than 5 weeks since you were notified regarding the errors in the Primo Burger traffic study and its fundamental inconsistency with DRP's analysis of the project. Yet, none of these concerns are reflected in the records compiled for this project, and they have certainly not been addressed by any county staff member. In case it was not clear, here are the issues:

DPW assumed a "specialty retail" traffic profile for the retail space (see page 10) apparently based on the assumption that a "feed store" would be operated in the retail space. HOWEVER, DRP REFUSES to condition the retail space accordingly. THEREFORE, the traffic impact analysis DOES NOT represent the actual project that is being approved.

IN ADDITION, DPW refuses to prepare a Traffic Signal Warrant Analysis that is REQUIRED by the County's own Traffic Impact Analysis Guidelines Document.

These concerns were publicly discussed at length at the Acton Town Council meeting on March 15, and the community was informed that these issues would be properly addressed by county staff. It is disappointing to see that they appear to have been entirely ignored.

Given that the hearing for this project is scheduled for Wednesday, I trust that these issues will be addressed ***forthwith*** and that the record will clearly articulate and properly reflect these concerns

Regards

Jacqueline Ayer
Correspondence Secretary
The Acton Town Council

—Original Message—
From: Emiko Thompson <ETHOMP@dpw.lacounty.gov>
To: Jacki Ayer <airspecial@aol.com>
Cc: atc <atc@actontowncouncil.org>; Robert Glaser <rglaser@planning.lacounty.gov>; Kristina Kulczycki <kkulczycki@planning.lacounty.gov>; Jeff Pletyak <JPLETY@dpw.lacounty.gov>
Sent: Mon, Feb 29, 2016 3:11 pm
Subject: RE: Traffic study done for the Primo Burger project in Acton

Jacki,

We'll look into the concerns you expressed below regarding the traffic study for the proposed Primo Burger drive thru in Acton, and get back to you.

Thank you.

Emiko Thompson
Principal Engineer
County of Los Angeles Dept of Public Works
Traffic & Lighting Division
(626) 300-4713
ethomp@dpw.lacounty.gov

From: Jacki Ayer [mailto:airspecial@aol.com]
Sent: Monday, February 29, 2016 2:55 PM
To: Emiko Thompson; Robert Glaser; Kristina Kulczycki
Cc: atc@actontowncouncil.org
Subject: Traffic study done for the Primo Burger project in Acton

Dear Ms. Thompson;

I have reviewed portions of the traffic study conducted for the proposed Primo Burger drive thru project in Acton, and have some concerns. First, I noted that the traffic consultant uses a "Specialty Retail" trip generation factor even though the project application does not reflect any "specialty retail" uses. The "Specialty Retail" trip generation factor results in a daily trip projection of only 266, while the standard "Retail" trip generation factor results in a daily trip projection of nearly 1,100. This assumption substantially underpredicts the traffic profile and provides an inaccurate traffic impact assessment. As I understand it, DRP does not intend to condition the project for any "Special Retail" uses, therefore DPW cannot approve a traffic study that assumes a "Specialty Retail" trip generation factor. I spoke with the planner (Ms. Kulczycki) regarding this issue in early February; she was under the impression that the applicant planned to open a feed store. However, I pointed out that (while the original 2006 application was for a feed store) the current application now pending before the county does not include any specific retail businesses at all.

I am also concerned that the traffic study ignores the recorded tract map creating 120+ residential lots on Crown Valley just down the street from the Primo Burger project. I mentioned this to Ms. Kulczycki in early February as well, but do not know if she has raised this issue with you yet.

It also appears that the consultant simply "assumed" that peak AM traffic occurs between 7-9 and peak PM occurs between 4-6 and did not collect any data to confirm this assumption.

Additionally, the applicant made a commitment to the ATC in 2014 that the traffic study prepared for the proposed Primo Burger project would consider the intersection of Antelope Woods and Crown Valley (adjacent to the High Desert Middle School). However, the traffic study for the Primo Burger project that was approved by DPW omitted this crucial intersection.

For these reasons, I urge DPW to rescind its approval of the Primo Burger traffic study and direct the consultant to prepare a proper traffic study that relies on 1) accurate trip generation factors which actually represent the unlimited retail project being considered by the RPC; 2) accurate peak AM and PM traffic conditions that are confirmed by a complete dataset collected over a 24 hour period; 3) a cumulative traffic impact analysis of the 120+ residential lots created by the recorded Casden Tract Map; and 4) properly considers that Antelope Woods/Crown Valley intersection.

Thank you

Jacqueline Ayer
Acton resident

Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

PROJECT SUMMARY

PROJECT NUMBER	HEARING DATE
R2014-00881-(5)	4/6/16

REQUESTED ENTITLEMENTS
Conditional Use Permit No. 201400037
Environmental Assessment No. 201400078

OWNER / APPLICANT
Joanna and Doug Gaudi / Robert Friedman

MAP/EXHIBIT DATE
10/1/15

PROJECT OVERVIEW
The applicant is requesting a Conditional Use Permit to construct a 6,000-square-foot retail building containing three tenant spaces, a 3,300-square-foot restaurant with a drive-through, and a 1,800-square-foot accessory storage building. The property is currently vacant. The site plan depicts fewer trees than are required by the C-RU zone within the setback area; however, staff recommends a reduction to this requirement in light of the current water shortage issue in southern California, particularly in Antelope Valley.

LOCATION	**ACCESS**
Vacant Property, Acton	Sierra Highway
ASSESSORS PARCEL NUMBER(S)	**SITE AREA**
3217-021-022	1.95 Acres
GENERAL PLAN / LOCAL PLAN	**ZONED DISTRICT**
Antelope Valley Area Plan	Soledad
LAND USE DESIGNATION	**ZONE**
CR- Rural Commercial	C-RU-DP (Rural Commercial-Development Program)

PROPOSED UNITS	MAX DENSITY/UNITS	COMMUNITY STANDARDS DISTRICT
N/A	N/A	Acton

ENVIRONMENTAL DETERMINATION (CEQA)
Negative Declaration

KEY ISSUES
- Consistency with the Los Angeles County General Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
  - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
  - 22.44.126 (Acton CSD requirements)

CASE PLANNER:	PHONE NUMBER:	E-MAIL ADDRESS:
Kristina Kulczycki	(213) 974 - 6443	kkulczycki@planning.lacounty.gov

CC 021313

Los Angeles County Department of Public Works

Turning Movement Count

Run Date: 4/5/16 4:14 PM
Report ID: 857
Count Date: 9/22/2015 Tuesday
Conditions:
Int.: CROWN VALLEY ROAD at ANTELOPE WOODS ROAD

North Approach:	CROWN VALLEY ROAD	South Approach:	CROWN VALLEY ROAD
East Approach:	ANTELOPE WOODS ROAD	West Approach:	ANTELOPE WOODS ROAD

Peak Time: 7:30 AM Intersection Peak Volume Total: 564

App	Veh	Vol		Left Turns		Through		Right Turns	
N	Car	231	92%	135	58%	96	42%	0	0%
	Trk	20	8%	12	60%	8	40%	0	0%
	Tot	251	100%	147	59%	104	41%	0	0%
S	Car	180	95%	9	5%	129	72%	42	23%
	Trk	9	5%	0	0%	9	100%	0	0%
	Tot	189	100%	9	5%	138	73%	42	22%
E	Car	108	92%	21	19%	0	0%	87	81%
	Trk	9	8%	1	11%	1	11%	7	78%
	Tot	117	100%	22	19%	1	1%	94	80%
W	Car	7	100%	2	29%	0	0%	5	71%
	Trk	0	0%	0		0		0	
	Tot	7	100%	2	29%	0	0%	5	71%

Six-Hour Average Hourly Volume Total: 310

App	Veh	Vol		Left Turns		Through		Right Turns	
N	Car	129	91%	66	51%	63	49%	0	0%
	Trk	13	9%	6	46%	6	46%	1	8%
	Tot	142	100%	72	51%	69	49%	1	1%
S	Car	108	93%	2	2%	91	84%	15	14%
	Trk	8	7%	0	0%	8	100%	0	0%
	Tot	116	100%	2	2%	99	85%	15	13%
E	Car	45	94%	9	20%	0	0%	36	80%
	Trk	3	6%	0	0%	0	0%	3	100%
	Tot	48	100%	9	19%	0	0%	39	81%
W	Car	3	75%	1	33%	0	0%	2	67%
	Trk	1	25%	1	100%	0	0%	0	0%
	Tot	4	100%	2	50%	0	0%	2	50%

Peak Time: 7:30 AM North Approach Total Intersection: 564

App	Veh	Vol		Left Turns		Through		Right Turns	
N	Car	231	92%	135	58%	96	42%	0	0%
	Trk	20	8%	12	60%	8	40%	0	0%
	Tot	251	100%	147	59%	104	41%	0	0%
S	Car	180	95%	9	5%	129	72%	42	23%
	Trk	9	5%	0	0%	9	100%	0	0%
	Tot	189	100%	9	5%	138	73%	42	22%
E	Car	108	92%	21	19%	0	0%	87	81%
	Trk	9	8%	1	11%	1	11%	7	78%
	Tot	117	100%	22	19%	1	1%	94	80%
W	Car	7	100%	2	29%	0	0%	5	71%
	Trk	0	0%	0		0		0	
	Tot	7	100%	2	29%	0	0%	5	71%

Peak Time: 7:00 AM East Approach Total Intersection: 542

App	Veh	Vol		Left Turns		Through		Right Turns	
N	Car	218	91%	136	62%	82	38%	0	0%
	Trk	21	9%	11	52%	9	43%	1	5%
	Tot	239	100%	147	62%	91	38%	1	0%
S	Car	156	94%	9	6%	103	66%	44	28%
	Trk	10	6%	0	0%	10	100%	0	0%
	Tot	166	100%	9	5%	113	68%	44	27%
E	Car	125	96%	20	16%	0	0%	105	84%
	Trk	3	2%	0	0%	0	0%	3	100%
	Tot	128	100%	20	16%	0	0%	108	84%
W	Car	9	100%	3	33%	0	0%	6	67%
	Trk	0	0%	0		0		0	
	Tot	9	100%	3	33%	0	0%	6	67%

Peak Time: 7:30 AM South Approach Total Intersection: 564

App	Veh	Vol		Left Turns		Through		Right Turns	
N	Car	231	92%	135	58%	96	42%	0	0%
	Trk	20	8%	12	60%	8	40%	0	0%
	Tot	251	100%	147	59%	104	41%	0	0%
S	Car	180	95%	9	5%	129	72%	42	23%
	Trk	9	5%	0	0%	9	100%	0	0%
	Tot	189	100%	9	5%	138	73%	42	22%
E	Car	108	92%	21	19%	0	0%	87	81%
	Trk	9	8%	1	11%	1	11%	7	78%
	Tot	117	100%	22	19%	1	1%	94	80%
W	Car	7	100%	2	29%	0	0%	5	71%
	Trk	0	0%	0		0		0	
	Tot	7	100%	2	29%	0	0%	5	71%

Peak Time: 7:00 AM West Approach Total Intersection: 542

App	Veh	Vol		Left Turns		Through		Right Turns	
N	Car	218	91%	136	62%	82	38%	0	0%
	Trk	21	9%	11	52%	9	43%	1	5%
	Tot	239	100%	147	62%	91	38%	1	0%
S	Car	156	94%	9	6%	103	66%	44	28%
	Trk	10	6%	0	0%	10	100%	0	0%
	Tot	166	100%	9	5%	113	68%	44	27%
E	Car	125	96%	20	16%	0	0%	105	84%
	Trk	3	2%	0	0%	0	0%	3	100%
	Tot	128	100%	20	16%	0	0%	108	84%
W	Car	9	100%	3	33%	0	0%	6	67%
	Trk	0	0%	0		0		0	
	Tot	9	100%	3	33%	0	0%	6	67%

Pedestrian Volumes 6-Hour Total

Ped	N	S	Tots N-S	E	W	Tots E-W	Total
Adult	3	1	4	0	0	0	4

Left Turn Peak Quarter

App	Began	Tot Left
N	7:30 AM	83
S	7:30 AM	7
E	7:30 AM	12

Los Angeles County Department of Public Works

Turning Movement Count

Run Date: 4/5/16 5:10 PM — Report ID: 858

Count Date: 9/21/2015 Monday

Conditions:

Int.: CROWN VALLEY ROAD at ANTELOPE WOODS ROAD

North Approach:	CROWN VALLEY ROAD	South Approach:	CROWN VALLEY ROAD
East Approach:	ANTELOPE WOODS ROAD	West Approach:	ANTELOPE WOODS ROAD

Peak Time: 2:15 PM Intersection Peak Volume Total: 502

App	Veh	Vol		Left Turns		Through		Right Turns	
N	Car	191	92%	66	35%	123	64%	2	1%
	Trk	17	8%	4	24%	13	76%	0	0%
	Tot	208	100%	70	34%	136	65%	2	1%
S	Car	165	92%	1	1%	147	89%	17	10%
	Trk	14	8%	0	0%	13	93%	1	7%
	Tot	179	100%	1	1%	160	89%	18	10%
E	Car	100	90%	33	33%	1	1%	66	66%
	Trk	11	10%	0	0%	0	0%	11	100%
	Tot	111	100%	33	30%	1	1%	77	69%
W	Car	4	100%	2	50%	0	0%	2	50%
	Trk	0	0%	0		0		0	
	Tot	4	100%	2	50%	0	0%	2	50%

Six-Hour Average Hourly Volume Total: 428

App	Veh	Vol		Left Turns		Through		Right Turns	
N	Car	199	93%	82	41%	116	58%	1	1%
	Trk	15	7%	4	27%	10	67%	1	7%
	Tot	214	100%	86	40%	126	59%	2	1%
S	Car	151	94%	1	1%	134	89%	16	11%
	Trk	10	6%	0	0%	9	90%	1	10%
	Tot	161	100%	1	1%	143	89%	17	11%
E	Car	46	90%	15	33%	0	0%	31	67%
	Trk	5	10%	0	0%	0	0%	5	100%
	Tot	51	100%	15	29%	0	0%	36	71%
W	Car	1	50%	0	0%	0	0%	1	100%
	Trk	1	50%	1	100%	0	0%	0	0%
	Tot	2	100%	1	50%	0	0%	1	50%

Peak Time: 4:30 PM North Approach Total Intersection: 439

App	Veh	Vol		Left Turns		Through		Right Turns	
N	Car	227	93%	98	43%	127	56%	2	1%
	Trk	16	7%	7	44%	9	56%	0	0%
	Tot	243	100%	105	43%	136	56%	2	1%
S	Car	146	97%	0	0%	136	93%	10	7%
	Trk	5	3%	0	0%	5	100%	0	0%
	Tot	151	100%	0	0%	141	93%	10	7%
E	Car	38	86%	14	37%	0	0%	24	63%
	Trk	6	14%	0	0%	0	0%	6	100%
	Tot	44	100%	14	32%	0	0%	30	68%
W	Car	0	0%	0		0		0	
	Trk	1	100%	1	100%	0	0%	0	0%
	Tot	1	100%	1	100%	0	0%	0	0%

Peak Time: 2:00 PM East Approach Total Intersection: 496

App	Veh	Vol		Left Turns		Through		Right Turns	
N	Car	203	92%	87	43%	114	56%	2	1%
	Trk	18	8%	6	33%	12	67%	0	0%
	Tot	221	100%	93	42%	126	57%	2	1%
S	Car	142	92%	1	1%	122	86%	19	13%
	Trk	12	8%	0	0%	11	92%	1	8%
	Tot	154	100%	1	1%	133	86%	20	13%
E	Car	106	90%	33	31%	1	1%	72	68%
	Trk	12	10%	0	0%	0	0%	12	100%
	Tot	118	100%	33	28%	1	1%	84	71%
W	Car	3	100%	1	33%	0	0%	2	67%
	Trk	0	0%	0		0		0	
	Tot	3	100%	1	33%	0	0%	2	67%

Peak Time: 2:45 PM South Approach Total Intersection: 432

App	Veh	Vol		Left Turns		Through		Right Turns	
N	Car	186	94%	55	30%	129	69%	2	1%
	Trk	11	6%	2	18%	9	82%	0	0%
	Tot	197	100%	57	29%	138	70%	2	1%
S	Car	194	96%	1	1%	174	90%	19	10%
	Trk	9	4%	0	0%	8	89%	1	11%
	Tot	203	100%	1	0%	182	90%	20	10%
E	Car	26	90%	9	35%	0	0%	17	65%
	Trk	3	10%	0	0%	0	0%	3	100%
	Tot	29	100%	9	31%	0	0%	20	69%
W	Car	3	100%	1	33%	0	0%	2	67%
	Trk	0	0%	0		0		0	
	Tot	3	100%	1	33%	0	0%	2	67%

Peak Time: 2:15 PM West Approach Total Intersection: 502

App	Veh	Vol		Left Turns		Through		Right Turns	
N	Car	191	92%	66	35%	123	64%	2	1%
	Trk	17	8%	4	24%	13	76%	0	0%
	Tot	208	100%	70	34%	136	65%	2	1%
S	Car	165	92%	1	1%	147	89%	17	10%
	Trk	14	8%	0	0%	13	93%	1	7%
	Tot	179	100%	1	1%	160	89%	18	10%
E	Car	100	90%	33	33%	1	1%	66	66%
	Trk	11	10%	0	0%	0	0%	11	100%
	Tot	111	100%	33	30%	1	1%	77	69%
W	Car	4	100%	2	50%	0	0%	2	50%
	Trk	0	0%	0		0		0	
	Tot	4	100%	2	50%	0	0%	2	50%

Pedestrian Volumes 6-Hour Total

Ped	N	S	Tots N-S	E	W	Tots E-W	Total
Adult	1	2	3	0	4	4	7
Child	0	0	0	0	0	0	0

Left Turn Peak Quarter

App	Began	Tot Left
N	2:00 PM	39
S	4:00 PM	4
E	2:15 PM	27
W	4:30 PM	1

Run Date: 4/5/2016 Los Angeles C[illegible]y Department of Public Works Manual Tr[illegible] Count Summary Report ID: 1921

Run Time: 5:31 PM Count Date: 12/20/2012 Thursday Conditions: Int: SIERRA HIGHWAY at CROWN VALLEY ROAD

North Approach: SIERRA HIGHWAY South Approach: SIERRA HIGHWAY

East Approach: CROWN VALLEY ROAD West Approach: CROWN VALLEY ROAD

Peak time: 07:30 am Intersection Peak Volume Total: 869

App	Veh	Vol		Left Turns		Through		Right Turns	
N	Car	283	92%	131	46%	143	51%	9	3%
N	Trk	24	8%	11	46%	12	50%	1	4%
N	Tot	307	100%	142	46%	155	50%	10	3%
S	Car	151	92%	16	11%	55	36%	80	53%
S	Trk	14	8%	0	0%	3	21%	11	79%
S	Tot	165	100%	16	10%	58	35%	91	55%
E	Car	264	86%	134	51%	28	11%	102	39%
E	Trk	42	14%	21	50%	8	19%	13	31%
E	Tot	306	100%	155	51%	36	12%	115	38%
W	Car	83	91%	10	12%	52	63%	21	25%
W	Trk	8	9%	1	13%	5	63%	2	25%
W	Tot	91	100%	11	12%	57	63%	23	25%

Six-Hour Average Hourly Volume Total: 447

App	Veh	Vol	High 6	%	Left Turns		Through		Right Turns	
N	Car	164		90%	73	45%	82	50%	9	5%
	Trk	19		10%	9	49%	8	43%	1	5%
	Tot	182			82	46%	90	49%	9	5%
S	Car	63		88%	6	10%	21	33%	36	56%
	Trk	9		12%	1	11%	2	23%	5	57%
	Tot	72			7	10%	23	32%	40	56%
E	Car	172		87%	87	51%	22	13%	63	37%
	Trk	25		13%	12	49%	5	20%	7	28%
	Tot	197			99	50%	27	14%	70	36%
W	Car	54		84%	11	21%	31	58%	12	21%
	Trk	10		16%	2	20%	6	60%	2	20%
	Tot	64			13	20%	37	58%	13	20%

Peak time: 07:00 am North Approach Total Intersection: 783

App	Veh	Vol		Left Turns		Through		Right Turns	
N	Car	334	94%	124	37%	202	60%	8	2%
N	Trk	20	6%	10	50%	10	50%	0	0%
N	Tot	354	100%	134	38%	212	60%	8	2%
S	Car	104	93%	13	13%	38	37%	53	51%
S	Trk	8	7%	0	0%	2	25%	6	75%
S	Tot	112	100%	13	12%	40	36%	59	53%
E	Car	205	89%	113	55%	21	10%	72	35%
E	Trk	26	11%	12	46%	8	31%	6	23%
E	Tot	231	100%	124	54%	29	13%	78	34%
W	Car	75	87%	11	15%	45	60%	19	25%
W	Trk	11	13%	3	27%	6	55%	2	18%
W	Tot	86	100%	14	16%	51	59%	21	24%

Peak time: 07:30 am East Approach Total Intersection: 869

App	Veh	Vol		Left Turns		Through		Right Turns	
N	Car	283	92%	131	46%	143	51%	9	3%
N	Trk	24	8%	11	46%	12	50%	1	4%
N	Tot	307	100%	142	46%	155	50%	10	3%
S	Car	151	92%	16	11%	58	36%	80	53%
S	Trk	14	8%	0	0%	3	21%	11	79%
S	Tot	165	100%	16	10%	58	35%	91	55%
E	Car	264	86%	134	51%	28	11%	102	39%
E	Trk	42	14%	21	50%	8	19%	13	31%
E	Tot	306	100%	155	51%	36	12%	115	38%
W	Car	83	91%	10	12%	52	63%	21	25%
W	Trk	8	9%	1	13%	5	63%	2	25%
W	Tot	91	100%	11	12%	57	63%	23	25%

Peak time: 07:30 am South Approach Total Intersection: 869

App	Veh	Vol		Left Turns		Through		Right Turns	
N	Car	283	92%	131	46%	143	51%	9	3%
N	Trk	24	8%	11	46%	12	50%	1	4%
N	Tot	307	100%	142	46%	155	50%	10	3%
S	Car	151	92%	16	11%	58	36%	80	53%
S	Trk	14	8%	0	0%	3	21%	11	79%
S	Tot	165	100%	16	10%	58	35%	91	55%
E	Car	264	86%	134	51%	28	11%	102	39%
E	Trk	42	14%	21	50%	8	19%	13	31%
E	Tot	306	100%	155	51%	36	12%	115	38%
W	Car	83	91%	10	12%	52	63%	21	25%
W	Trk	8	9%	1	13%	5	63%	2	25%
W	Tot	91	100%	11	12%	57	63%	23	25%

Peak time: 07:15 am West Approach Total Intersection: 837

App	Veh	Vol		Left Turns		Through		Right Turns	
N	Car	312	95%	135	43%	171	55%	7	2%
N	Trk	18	5%	10	56%	8	44%	0	0%
N	Tot	331	100%	145	44%	179	54%	7	2%
S	Car	125	91%	14	11%	45	37%	67	52%
S	Trk	13	9%	0	0%	3	23%	10	77%
S	Tot	142	100%	14	10%	51	36%	77	54%
E	Car	232	87%	124	53%	19	8%	89	38%
E	Trk	34	13%	14	41%	9	26%	11	32%
E	Tot	266	100%	138	52%	28	11%	100	38%
W	Car	85	91%	11	12%	57	64%	21	24%
W	Trk	9	9%	2	22%	5	56%	2	22%
W	Tot	94	100%	13	13%	62	63%	23	23%

Pedestrian Volumes 6-Hour Total

Ped	N	S	Tot N-S	E	W	Tot E-W	Total
Adult	3	3	6	4	1	5	11
Child	0	1	1	0	0	0	1

Crossing Guard Study Data

Appr	Peak Hr	Adults	Childs	Appr Total
N-S	10:30 am	3	1	65
E-W	9:15 am	4	0	54

Left Turn Peak Quarter

App	Began	Tot Left
N	07:30 am	45
S	07:30 am	6
E	07:45 am	73
W	10:00 am	9

Estimated 24 Hour Volumes

	North Bd	South Bd	Total		East Bd	West Bd	Total
North Leg	1947	3336	5282	East Leg	2957	3711	6668
South Leg	1306	3838	5144	West Leg	1167	779	1947

Run Date: 4/5/2016 Los Angeles County Department of Public Works Manual Traffic Count Summary Report ID: 1920
Run Time: 5:32 PM Count Date: 12/19/2012 Wednesday Conditions: Int: SIERRA HIGHWAY at CROWN VALLEY ROAD

North Approach:	SIERRA HIGHWAY	South Approach:	SIERRA HIGHWAY
East Approach:	CROWN VALLEY ROAD	West Approach:	CROWN VALLEY ROAD

Peak time: 02:15 pm Intersection Peak Volume Total: 935

App	Veh	Vol		Left Turns		Through		Right Turns	
N	Car	204	92%	92	45%	90	44%	22	11%
N	Trk	18	8%	8	44%	9	50%	1	6%
N	Tot	222	100%	100	45%	99	45%	23	10%
S	Car	172	91%	18	10%	82	48%	72	42%
S	Trk	18	9%	0	0%	5	28%	13	72%
S	Tot	190	100%	18	9%	87	46%	85	45%
E	Car	356	91%	183	51%	58	16%	115	32%
E	Trk	34	9%	16	56%	10	29%	5	15%
E	Tot	390	100%	202	52%	68	17%	120	31%
W	Car	116	87%	31	27%	64	55%	21	18%
W	Trk	17	13%	4	24%	12	71%	1	6%
W	Tot	133	100%	35	26%	76	57%	22	17%

Six-Hour Average Hourly Volume Total: 609

App	Veh	Vol	High 8	%	Left Turns		Through		Right Turns	
N	Car	150		92%	69	46%	60	40%	21	13%
	Trk	13		8%	6	47%	5	40%	1	8%
	Tot	162			75	46%	65	40%	21	13%
S	Car	141		91%	11	8%	73	52%	57	40%
	Trk	14		9%	1	7%	6	42%	7	49%
	Tot	155			12	8%	79	51%	63	41%
E	Car	263		91%	124	47%	52	20%	87	33%
	Trk	28		9%	16	58%	6	22%	5	18%
	Tot	291			140	48%	58	20%	92	32%
W	Car	81		86%	20	25%	50	62%	11	12%
	Trk	13		14%	2	16%	9	71%	1	8%
	Tot	94			22	24%	59	63%	11	12%

Peak time: 02:15 pm North Approach Total Intersection: 935

App	Veh	Vol		Left Turns		Through		Right Turns	
N	Car	204	92%	92	45%	90	44%	22	11%
N	Trk	18	8%	8	44%	9	50%	1	6%
N	Tot	222	100%	100	45%	99	45%	23	10%
S	Car	172	91%	18	10%	82	48%	72	42%
S	Trk	18	9%	0	0%	5	28%	13	72%
S	Tot	190	100%	18	9%	87	46%	85	45%
E	Car	356	91%	183	51%	58	16%	115	32%
E	Trk	34	9%	16	56%	10	29%	5	15%
E	Tot	390	100%	202	52%	68	17%	120	31%
W	Car	116	87%	31	27%	64	55%	21	18%
W	Trk	17	13%	4	24%	12	71%	1	6%
W	Tot	133	100%	35	26%	76	57%	22	17%

Peak time: 02:15 pm East Approach Total Intersection: 935

App	Veh	Vol		Left Turns		Through		Right Turns	
N	Car	204	92%	92	45%	90	44%	22	11%
N	Trk	18	8%	8	44%	9	50%	1	6%
N	Tot	222	100%	100	45%	99	45%	23	10%
S	Car	172	91%	18	10%	82	48%	72	42%
S	Trk	18	9%	0	0%	5	28%	13	72%
S	Tot	190	100%	18	9%	87	46%	85	45%
E	Car	356	91%	183	51%	58	16%	115	32%
E	Trk	34	9%	16	56%	10	29%	5	15%
E	Tot	390	100%	202	52%	68	17%	120	31%
W	Car	116	87%	31	27%	64	55%	21	18%
W	Trk	17	13%	4	24%	12	71%	1	6%
W	Tot	133	100%	35	26%	76	57%	22	17%

Peak time: 02:45 pm South Approach Total Intersection: 842

App	Veh	Vol		Left Turns		Through		Right Turns	
N	Car	166	92%	78	47%	67	41%	20	12%
N	Trk	14	8%	7	50%	5	36%	2	14%
N	Tot	178	100%	85	47%	72	40%	22	12%
S	Car	194	91%	23	11%	104	53%	69	35%
S	Trk	18	9%	1	5%	7	37%	11	58%
S	Tot	214	100%	23	11%	111	52%	80	37%
E	Car	294	92%	146	51%	51	17%	94	32%
E	Trk	27	8%	12	44%	9	33%	6	22%
E	Tot	321	100%	161	50%	60	19%	100	31%
W	Car	113	88%	33	28%	61	54%	20	18%
W	Trk	15	12%	3	20%	11	73%	1	7%
W	Tot	128	100%	36	27%	72	56%	21	16%

Peak time: 02:15 pm West Approach Total Intersection: 935

App	Veh	Vol		Left Turns		Through		Right Turns	
N	Car	204	92%	92	45%	90	44%	22	11%
N	Trk	18	8%	8	44%	9	50%	1	6%
N	Tot	222	100%	100	45%	99	45%	23	10%
S	Car	172	91%	18	10%	82	48%	72	42%
S	Trk	18	9%	0	0%	5	28%	13	72%
S	Tot	190	100%	18	9%	87	46%	85	45%
E	Car	356	91%	183	51%	58	16%	115	32%
E	Trk	34	9%	16	56%	10	29%	5	15%
E	Tot	390	100%	202	52%	68	17%	120	31%
W	Car	116	87%	31	27%	64	55%	21	18%
W	Trk	17	13%	4	24%	12	71%	1	6%
W	Tot	133	100%	35	26%	76	57%	22	17%

Pedestrian Volumes 6-Hour Total

Ped	N	S	Tot N-S	E	W	Tot E-W	Total
Adult	3	3	6	3	8	11	17
Child	39	0	39	0	0	0	39

Crossing Guard Study Data

Appr	Peak Hr	Adults	Childs	Appr Total
N-S	2:15 pm	0	33	166
E-W	2:45 pm	5	0	132
E-W	12:30 pm	5	0	132

Left Turn Peak Quarter

App	Began	Tot Left
N	02:15 pm	30
S	02:45 pm	9
E	02:15 pm	68
W	12:00 pm	13

Estimated 24 Hour Volumes

	North Bd	South Bd	Total		East Bd	West Bd	Total
North Leg	3505	2917	6422	East Leg	3582	5227	8809
South Leg	2790	3930	6721	West Leg	1719	1635	3354

Agenda Item #6
RPC 4/6/16

Association of Rural Town Councils
C/O Three Points-Liebre Mountain Town Council
P. O. Box 76
Lake Hughes, CA 93532
ourartc@gmail.com
661.724.2043

5 April 2016

SENT VIA EMAIL

Los Angeles County Planning Commission
320 W. Temple St. 13th Floor
Planner Kristina Kulczycki
213.974.6443
E-mail: kkulczycki@planning.lacounty.gov

Dear Commissioners Pincetl, Smith, Louie, Pedersen, Modugno, and Ms. Kulczycki,

RE: Project No. R2014-00881-(5), CUP 201400037

At our March 31st Association of Rural Town Councils meeting, a motion was passed to support Acton Town Council's concerns regarding this project, especially as they involve Community Standards Districts (CSD) and the Antelope Valley Area Plan (AVAP). Back in November of 2015, the Acton Town Council appealed a case previously approved by your commission, regarding interpretation and application of CSD documents and the AVAP, and with regard to a high-intensity, freeway serving business in their council area—a Taco Bell restaurant with drive-through—contraindicating Community Commercial zoning requirements for "community serving" businesses and low-intensity use. The Board of Supervisors subsequently approved the project without the drive-through portion, respecting Acton's request for prohibiting "high-intensity" use intending to support a freeway-serving business.

The Association of Rural Town Councils vigorously supports the low-intensity community-serving development desires of the Acton community, applied through community standards and the Northern County's AVAP, and consistently interpreted by Regional Planning. The association supports the preservation of the rural, equestrian, and agricultural aspects of the lifestyle chosen by its residents, not corporate interests who build and leave. The decision by the Board of Supervisors to restrict high-intensity use for the Taco Bell Project has set a precedent that should apply to all future commercial development within the Acton Town Council area, including this Primo Burger/Retail Store Project.

I have attached the ARTC's letter to the Board of Supervisors regarding the Taco Bell Project. It enumerates many points valid and applicable to the project now being heard, since it is in direct proximity to the currently proposed project, and will produce the same effects, i.e., traffic affecting young pedestrians traveling to and from the Acton Library and middle school; underestimation of traffic impacts; its actual "high intensity" use, not community-serving business; and inconsistent interpretation of CSDs and the AVAP meant to preserve the unique character and the rural qualities of the community of Acton. Please take time to read the last paragraph of the attached letter. It especially hones in on the perspective of the ARTC and town councils and their relationships with planning documents that intend protection and preservation of rural communities.

We appreciate the opportunity to comment and respectfully request that the Primo Burger Project and drive-through be denied a Conditional Use Permit, unless the project can be further revised to adhere to the Acton CSD, and the zoning and AVAP protections from high-intensity uses.

Sincerely,

Susan Zahnter

Susan Zahnter
Interim Director

CC: 5th District Planning Deputy Edel Vizcarra, Antelope Valley Field Deputy Christine Borzaga, Assistant Deputy Richard Grooms.

• According to the Institute of Traffic Engineers, fast food "drive-through" businesses generate the highest possible traffic loads per unit area, and are second only to convenience stores. The fast food "drive through" business approved by the Commission is a "high intensity use", and it violates provisions of the Plan that prohibit "high-intensity commercial uses" in Acton (page COMM-4).

• According to the developer, the fast food "drive-through" business is intended to serve travelers on the 14 Freeway, and is specifically located in Acton for this purpose. The project will serve regional customers traveling to and from urban areas in the Antelope Valley, Santa Clarita Valley, and the greater Los Angeles basin. It is clearly a "regional" use and therefore violates provisions of the Antelope Valley Area Plan that prohibit "regional" commercial uses in Acton (page COMM-4).

Town councils, their constituents, and residents from the unincorporated communities of the Antelope Valley worked very hard over the last 10 years to ensure that the "Town and Country"--Antelope Valley Area Plan would provide the guidelines necessary to direct future development in a manner that preserves community identity, protects community residents, and enhances community lifestyles. If Regional Planning's approval is maintained by the Board of Supervisors, statements used by Planning to prove compatibility of the project will also assure the time and effort put forth by town councils and unincorporated area residents working for protection and preservation of their unique rural communities and rural lifestyles will be for naught. Please do not allow the plain, unambiguous language of the Plan to be misinterpreted in order to approve this project, which will allow high-intensity commercial developments now, and may open the door for other "regional" projects. Town Councils also deserve to know the true intent and interpretation of language in the Plan, and if such language will actually provide any consistency with regard to this project, future projects, and Community Standards Districts, when applied to planning review. For these reasons, the Association of Rural Town Councils supports the Acton Town Council's appeal and respectfully asks that the permit for the proposed project be denied.

Yours truly,

Susan Zahnter

Susan Zahnter
Interim Director

CC: 5th District Planning Deputy Edel Vizcarra, Antelope Valley Field Deputy Christine Borzaga, Antelope Valley Staff Assistant Deputy Richard Grooms

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

April 5, 2016

TO: Stephanie Pincetl, Chair
Doug Smith, Vice Chair
David W. Louie, Commissioner
Curt Pedersen, Commissioner
Pat Modugno, Commissioner

FROM: Kristina Kulczycki KK
Zoning Permits North Section

Project No. R2014-00881– Conditional Use Permit No. 201400037 - RPC Meeting: April 6, 2016 - Agenda Item: 6

The above-mentioned item is a request to construct a commercial center in the C-RU-DP (Rural Commercial- Development Program) zone consisting of a 6,000-square-foot retail building, a 3,300-square-foot restaurant with drive-through services, and a 1,600-square-foot accessory storage building.

A revised set of form letters were received subsequent to the hearing package submittal to the Regional Planning Commission. Please find an enclosed example of the form letters that were provided by the applicant's agent in support of the project for the above referenced item. These letters will be posted on the website at: http://planning.lacounty.gov/case/view/r2014-00881/ and a hardcopy is available at: Los Angeles County Department of Regional Planning, Room 1348, Hall of Records, 320 West Temple Street, Los Angeles, California 90012 for review upon request.

Also, please find the following enclosures for your review: a letter from Mr. Paul Zerounian, a response from the Department of Parks and Recreation regarding the trail in question, emails from Ms. Ayer, and a revised recommendation letter from the Acton Town Council.

If you need further information, please contact Kristina Kulczycki at (213) 974-6443 or kkulczycki@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

RG:KK

Enclosures: Form letter example, Acton Town Council letter, emails from Ms. Ayer, the Department of Parks and Recreation response, and Mr. Zerounian's letter

Supervisor Michael D. Antonovich
The Los Angeles County Board of Supervisors – 5th District
500 West Temple Street, Room 869
Los Angeles, CA 90012

Subject: New Local Acton Primo Burger with Drive-Through for Local Convenience

Reference: Project R2014-00881

Dear Supervisor Antonovich:

I support a new Primo Restaurant with a Drive-Through in Acton, because this is the kind of local project that serves local Acton residents and not freeway commuters, and:

- In order to cater to Acton residents, local restaurant Primo Burger and lot owner Country Club Feed have designed the drive-through with a 15-foot wide clearance to accommodate trucks and large vehicles that are common to Acton residents.
- The new Primo Burger will also cater to local Acton customers by NOT having any freeway signage.
- The Primo Burger will also have hitching posts for Acton's vibrant equestrian community.
- The traffic study shows that the project will have NO significant impact on Sierra Highway or surrounding streets.
- Unlike previously proposed projects, the local Primo Burger with drive-through is consistent with the AV ("Town and Country") Plan.
- The project is consistent with the Acton Community Standards District and the County Zoning Code.
- The Primo Burger drive-through is a convenience to the Acton community, especially local Acton workers, parents of children with special needs, and residents with pets.
- Primo Burger will bring another high quality option for Acton residents and families.
- Primo Burger is a family-owned business, starting in 1992, with just five locations throughout the Antelope Valley—and soon a 6th in Acton!

For these and other reasons, I support the location of a new, local Primo Restaurant in Acton, and ask that you approve this project.

Sincerely: 2-21-16

[signature]
Signature

Address: 34727 Lillianne St
Acton 93510

Thomas Zullo
Name

ACTON TOWN COUNCIL
P.O. BOX 810, ACTON CA. 93510

April 4, 2016

Kristina Kulczycki
Senior Regional Planning Assistant
Los Angeles County Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012
Electronic Submittal of six (6) pages to KKulczycki@planning.lacounty.gov

And

The Regional Planning Commission
Sent to Commission Secretary RRuiz@planning.lacounty.gov

Los Angeles County Supervisor Michael Antonovich
Sent to fifthdistrict@lacbos.org

Subject: Primo Burger/Acton Retail Development Proposal

Reference: Project Number Project No. R2014-00881-(5) / CUP # 201400037

Dear Commissioners, Supervisor Antonovich, and Ms. Kulczycki;

The Acton Town Council appreciates the recommendation made by staff from the Department of Regional Planning ("DRP") that the "drive-through" portion of the referenced project not be approved. Nonetheless, and for reasons set forth below, the Acton Town Council opposes the referenced project

THE APPLICANT HAS FAILED TO MEET THE FOLLOWING COMMITMENTS

The traffic study prepared for the project does not analyze or even consider traffic impacts on Antelope Woods adjacent to the High Desert Middle School. This violates the Acton Town Council's Stipulation #1 to which the applicant agreed in October, 2014.

The traffic study is also deficient because it assumes a "specialty retail" traffic profile for the retail portion of the project, even though DRP will not impose any limitations or conditions regarding the "specialty" uses to which the retail space will be put. This assumption significantly underestimates the traffic impacts that will be created by the proposed project and it fails to properly consider the safety of school-aged children walking from the High Desert Middle School to the Acton-Agua Dulce Library.

The traffic study is also deficient because it assumes peak traffic hours (i.e. 7-9 AM) without collecting any data to confirm whether these assumed "peak" traffic hours are indeed "peak" traffic hours.

The traffic study is also deficient because it does not comply with the County's Traffic Impact Analysis standards because it does not include the Traffic Signal Warrant Analysis that is ***required.***

The traffic study is also deficient because it does not consider the cumulative traffic impacts of nearby residential development authorized pursuant to ***recorded*** tract maps. According to the most recent Site Plan filed with DRP, the applicant proposes to construct freeway-oriented signage. This violates the Acton Town Council's Stipulation #2 to which the applicant agreed in October, 2014.

In addition, the signage is backlit, it is not demonstrably shown to be of earthtones, and it occurs on all 4 sides of both proposed buildings. Therefore, it violates the Acton CSD.

The applicant has never provided the name or contact information for the Primo Burger owner. This violates the Acton Town Council's Stipulation #5 to which the applicant agreed in October, 2014.

The project includes a "drive through", which violates stipulations expressed in the ATC letter dated October 22, 2014.

OTHER CONCERNS

Some years before an application was submitted for the proposed project, Supervisor Antonovich dedicated the Darrell Readmond Multi-Use Trail (which extends north from Vasquez Rocks along Agua Dulce Canyon Road, then turns east along Sierra Highway to Crown Valley Road in Acton, then turns south and proceeds to the Acton Park). Although the proposed project is located on the mapped Darrell Readmond trail, staff from the County's Department of Parks and Recreation ("DPR") have concluded (without substantive basis) that the Darrell Readmond Trail is located only on the north side of Sierra Highway, therefore, DRP is not conditioning the proposed project with a trail dedication. Notably, DPR's untoward conclusion does not account for the fact that there are no stop signs or cross walks anywhere on Sierra Highway between Agua Dulce Canyon Road and the proposed project, therefore, it is *impossible* for a pedestrian or equestrian to safely or legally cross to the north side of Sierra Highway to access the Darrell Readmond trail at the location where DPR claims it occurs. This renders the Darrell Readmond trail in the vicinity of the proposed project completely inaccessible. Moreover, the proposed project is conditioned to provide hitching posts, but such posts are useless without a trail to access them. DRP ***must*** condition the proposed project with a trail dedication.

The Acton Town Council is aware that the applicant recently provided DRP with 337 letters of support for the proposed project that were ostensibly signed by "Acton Area Residents". Notably, it appears that at least 110 of them identify addresses that are ***not*** Acton residences, and as such, they should be accorded less weight.

The Staff Report prepared by DRP does not address the configuration and conditional uses imposed on the project that are clearly shown on the "Exhibit A" (see attached) that was adopted when the zone change and –DP designation were approved in 2007. In fact, the approved conditional uses specifically excluded restaurants, cafes, and catering businesses. Section 22.40.030 of the County Code clearly states that any CUP issued pursuant to a DP zoning program must comply with the elements identified in the exhibits that were adopted when the zone change was approved if such exhibits were crucial in determining whether the zone change should be approved. There is no doubt that the "Exhibit A" adopted with the zone change was the ***KEY ELEMENT*** in approving the 2007 zone change, and it was based on "Exhibit A" that the Acton Town Council supported the applicant's zone change request in 2006. Therefore, the proposed project must be modified to be reasonably consistent with the "Exhibit A" adopted in 2007.

The applicant has told the community that the fast food business portion of the proposed project would operate between 6:00 AM and 10:00 PM, however this condition appears nowhere in the DRP staff report. The project must be conditioned to limit the hours of operation from 6:00 AM and 10:00 PM.

CONCLUSIONS

For all these reasons, the Acton Town Council opposes the referenced project. Furthermore, the Acton Town Council respectfully requests that the Regional Planning Commission not issue an approval for ***any portion*** of the proposed project until the concerns enumerated above are addressed and fully mitigated. This letter was authorized by a unanimous vote of the Acton Town Council.

Sincerely;

Christopher Croisdale, President

Tom Costan, Vice President

Jacqueline Ayer, Member

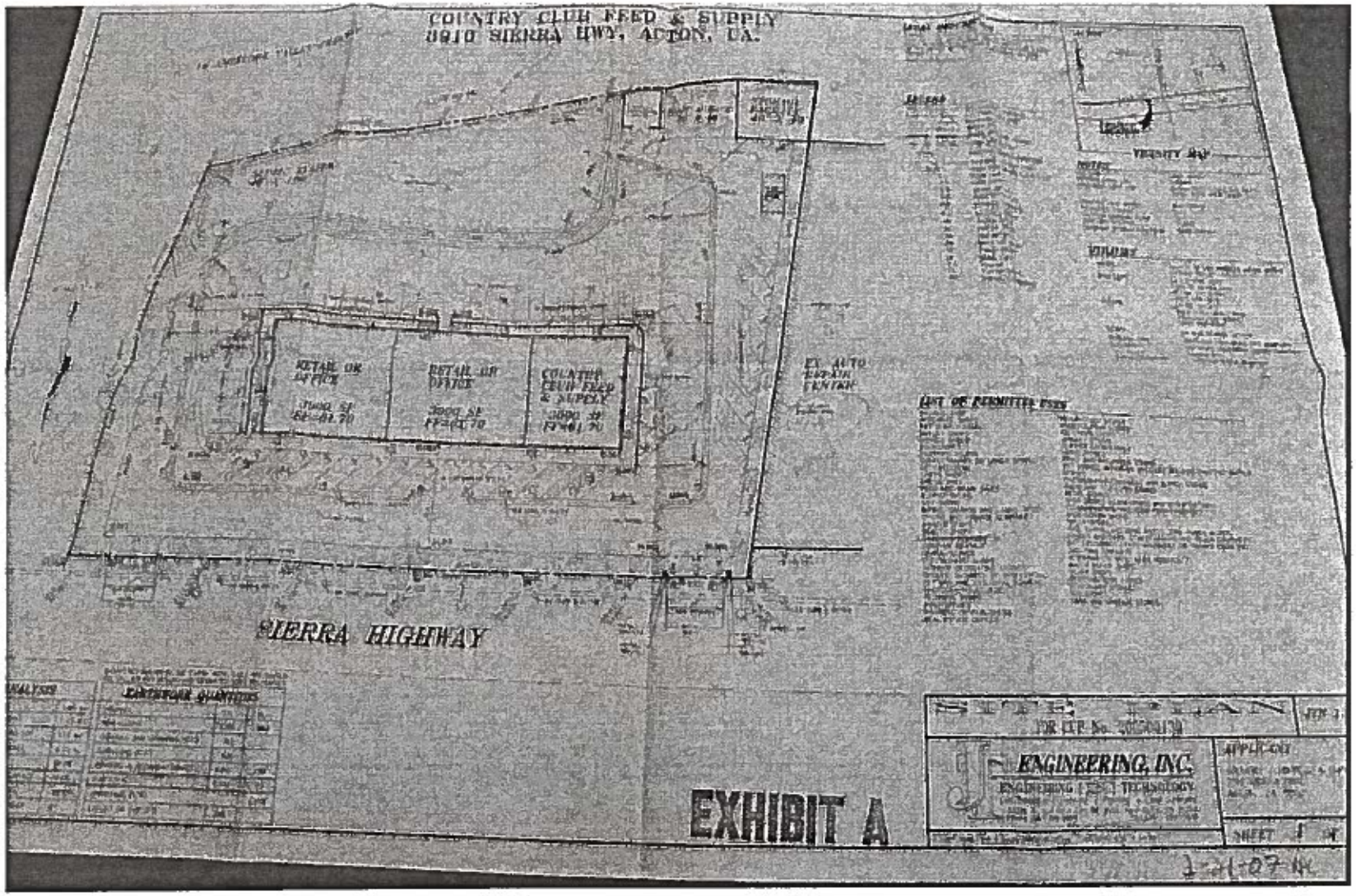
Ray Billet, Member

Kelly Teno, Member

Katherine Tucker, Member

Pam Wolter, Member

ATTACHMENT – EXHIBIT "A" FROM THE 2007 ZONE CHANGE CASE UNDERLYING THE PROPOSED PROJECT


COUNTRY CLUB FEED & SUPPLY
0810 SIERRA HWY, ACTON, CA.
SIERRA HIGHWAY
EXHIBIT A
ENGINEERING, INC.

NATURAL GAS — SOUTHERN CALIFORNIA GAS COMP
ELECTRICITY — SOUTHERN CALIFORNIA EDISON CO
TELEPHONE — PACIFIC BELL
CABLE TELEVISION — ANTELOPA CABLE COMPANY

LIST OF PERMITTED USES

ANTIQUE SHOP
APPLIANCE SHOPS
ART SUPPLY STORES
BAKERY SHOPS
BICYCLE SHOPS
BOOKSTORES
CLOTHING STORES
CONFECTIONARY OR CANDY STORES
DELICATESSENS
DRESS SHOP
DRUGSTORES
FEED AND GRAIN SALES
FLORIST SHOPS
GIFT SHOPS
BANKS, SAVINGS AND LOANS, CREDIT UNIONS AND FINANCE COMPANIES
BARBER SHOPS
BEAUTY SHOPS
CATERING SERVICES
COSTUME RENTALS
DENTAL CLINICS
ELECTRICIANS' SHOPS
INTERIOR DECORATING STUDIOS
OFFICES, BUSINESS OR PROFESSIONAL
PET GROOMIN, EXCLUDING BOARDING
PHOTOGRAPHY STUDIOS
PLUMBING SHOPS
POST OFFICES
PRINTERS OR PUBLISHERS
REAL ESTATE OFFICES
HEALTH FOOD STORES
HOBBY SUPPLY STORES
ICE CREAM SHOPS
JEWELRY STORES
LEATHER GOOD STORES
MUSIC STORES
PAINT AND WALLPAPER STORES
PET STORES, WITHIN AN ENCLOSED BUILDING ONLY PET SUPPLY STORES
PHOTOGRAPHIC EQUIPMENT AND SUPPLY STORES
RADIO AND TELEVISION STORES
RETAIL STORES
SHOE STORES RESTAURANTS AND OTHER EATING ESTABLISHMENTS, INCLUDING FOOD TAKE-OUT
SHOE REPAIR SHOPS
TAILOR SHOPS
TOOL RENTAL, INCLUDING ROTOTILLERS, POWER MOWER, SANDER AND SAWS, CEMENT MIXERS AND OTHER EQUIPMENT, BUT EXCLUDING HEAVY MACHINERY OR TRUCKS EXCEEDING TWO TONS' CAPACITY
VETERINARY CLINICS, SMALL ANIMALS
WATCH REPAIR SHOPS
SILVER SHOPS
SPORTING GOOD STORES
STATIONARY STORES
TOY STORES
YARN AND YARDAGE STORES

Kristina Kulczycki

From: Jacki Ayer [airspecial@aol.com]
Sent: Tuesday, April 05, 2016 9:51 AM
To: fifthdistrict@lacbos.org; Kristina Kulczycki; Rosie Ruiz
Cc: atc@actontowncouncil.org
Subject: Acton Town Council's opposition to Project No. R2014-00881-(5) / CUP # 201400037
Attachments: Primo Burger Letter - all ATC members signatures FINAL.pdf

Categories: Red Category

Dear Commissioners, Supervisor Antonovich, and Ms. Kulczycki;

Attached please find the Acton Town Council's letter opposing the referenced project which sets forth the reasons for such opposition. Several Town Council members plan to attend the hearing tomorrow to re-iterate the community's concerns regarding the project in general, and the substantially deficient traffic study in particular. In the 6 weeks since DRP made the traffic study available to the public, Acton Town Council members have worked diligently to communicate with the Department of Public Works to resolve these traffic study concerns, but other than acknowledging receipt of such communications, DPW has ***NEVER*** responded. Therefore, the Acton Town Council's concerns remain entirely unaddressed. Since DRP's CEQA analysis and its conclusion that this proposed project poses no environmental impacts turns largely on the deficient traffic study, the Acton Town Council challenges DRP's CEQA analysis and conclusions. Additionally, the Acton Town Council challenges staff's conclusion that the project does not require a multi-use trail dedication and further points out that such a conclusion violates the Acton CSD. Therefore, the Acton Town Council respectfully requests that the Commission not approve any portion of the proposed project until the traffic study deficiencies, trail concerns, and other issues enumerated in the attached are addressed and fully mitigated.

Regards

Jacqueline Ayer
Correspondence Secretary for the Acton Town Council

Kristina Kulczycki

From: Jacki Ayer [airspecial@aol.com]
Sent: Monday, April 04, 2016 11:25 AM
To: Emiko Thompson; Kristina Kulczycki
Cc: atc@actontowncouncil.org; Robert Glaser; Jeff Pletyak; evizcarra@lacbos.org; cborzaga@lacbos.org
Subject: Re: Traffic study done for the Primo Burger project in Acton

Dear Ms. Thompson and Ms. Kulczycki;

This email is being submitted on behalf of the Acton Town Council

It has been more than 5 weeks since you were notified regarding the errors in the Primo Burger traffic study and its fundamental inconsistency with DRP's analysis of the project. Yet, none of these concerns are reflected in the records compiled for this project, and they have certainly not been addressed by any county staff member. In case it was not clear, here are the issues:

DPW assumed a "specialty retail" traffic profile for the retail space (see page 10) apparently based on the assumption that a "feed store" would be operated in the retail space. HOWEVER, DRP REFUSES to condition the retail space accordingly. THEREFORE, the traffic impact analysis DOES NOT represent the actual project that is being approved.

IN ADDITION, DPW refuses to prepare a Traffic Signal Warrant Analysis that is REQUIRED by the County's own Traffic Impact Analysis Guidelines Document.

These concerns were publicly discussed at length at the Acton Town Council meeting on March 15, and the community was informed that these issues would be properly addressed by county staff. It is disappointing to see that they appear to have been entirely ignored.

Given that the hearing for this project is scheduled for Wednesday, I trust that these issues will be addressed ***forthwith*** and that the record will clearly articulate and properly reflect these concerns

Regards

Jacqueline Ayer
Correspondence Secretary
The Acton Town Council

----Original Message----
From: Emiko Thompson <ETHOMP@dpw.lacounty.gov>
To: Jacki Ayer <airspecial@aol.com>
Cc: atc <atc@actontowncouncil.org>; Robert Glaser <rglaser@planning.lacounty.gov>; Kristina Kulczycki <kkulczycki@planning.lacounty.gov>; Jeff Pletyak <JPLETY@dpw.lacounty.gov>
Sent: Mon, Feb 29, 2016 3:11 pm
Subject: RE: Traffic study done for the Primo Burger project in Acton

Jacki,

We'll look into the concerns you expressed below regarding the traffic study for the proposed Primo Burger drive thru in Acton, and get back to you.

Thank you.

Emiko Thompson
Principal Engineer
County of Los Angeles Dept of Public Works

Traffic & Lighting Division
(626) 300-4713
ethomp@dpw.lacounty.gov

From: Jacki Ayer [mailto:airspecial@aol.com]
Sent: Monday, February 29, 2016 2:55 PM
To: Emiko Thompson; Robert Glaser; Kristina Kulczycki
Cc: atc@actontowncouncil.org
Subject: Traffic study done for the Primo Burger project in Acton

Dear Ms. Thompson;

I have reviewed portions of the traffic study conducted for the proposed Primo Burger drive thru project in Acton, and have some concerns. First, I noted that the traffic consultant uses a "Specialty Retail" trip generation factor even though the project application does not reflect any "specialty retail" uses. The "Specialty Retail" trip generation factor results in a daily trip projection of only 266, while the standard "Retail" trip generation factor results in a daily trip projection of nearly 1,100. This assumption substantially underpredicts the traffic profile and provides an inaccurate traffic impact assessment. As I understand it, DRP does not intend to condition the project for any "Special Retail" uses, therefore DPW cannot approve a traffic study that assumes a "Specialty Retail" trip generation factor. I spoke with the planner (Ms. Kulczycki) regarding this issue in early February; she was under the impression that the applicant planned to open a feed store. However, I pointed out that (while the original 2006 application was for a feed store) the current application now pending before the county does not include any specific retail businesses at all.

I am also concerned that the traffic study ignores the recorded tract map creating 120+ residential lots on Crown Valley just down the street from the Primo Burger project. I mentioned this to Ms. Kulczycki in early February as well, but do not know if she has raised this issue with you yet.

It also appears that the consultant simply "assumed" that peak AM traffic occurs between 7-9 and peak PM occurs between 4-6 and did not collect any data to confirm this assumption.

Additionally, the applicant made a commitment to the ATC in 2014 that the traffic study prepared for the proposed Primo Burger project would consider the intersection of Antelope Woods and Crown Valley (adjacent to the High Desert Middle School). However, the traffic study for the Primo Burger project that was approved by DPW omitted this crucial intersection.

For these reasons, I urge DPW to rescind its approval of the Primo Burger traffic study and direct the consultant to prepare a proper traffic study that relies on 1) accurate trip generation factors which actually represent the unlimited retail project being considered by the RPC; 2) accurate peak AM and PM traffic conditions that are confirmed by a complete dataset collected over a 24 hour period; 3) a cumulative traffic impact analysis of the 120+ residential lots created by the recorded Casden Tract Map; and 4) properly considers that Antelope Woods/Crown Valley intersection.

Thank you

Jacqueline Ayer
Acton resident

Kristina Kulczycki

Subject: FW: Darrell Readmond trail

From: Olga Ruano
Sent: Thursday, March 31, 2016 5:42 PM
To: Frank Moreno; Nemer, Sussy; Borzaga, Christine
Cc: Vizcarra, Edel; Norma E. Garcia; Kristina Kulczycki
Subject: RE: Darrell Readmond trail

All,

According to the LA County Trails data, the subject adopted proposed trail alignment is on the northern side of the Sierra Hwy. DPR has no authority to require a trail easement on the south side of Sierra Hwy. For questions or concerns pertaining to roadway crossings, please contact Department of Public Works.

Please let me know if I can be of additional assistance.

Thank you,
Olga

Olga Ruano
County of Los Angeles | Department of Parks and Recreation | Planning Division | Trails Planning Section
(213) 351-5141 | oruano@parks.lacounty.gov
M-Th 7:00 am – 5:30 pm *Please note our offices are closed on Fridays.*

March 31, 2016

Ms. Kristina Kulczycki
Senior Regional Planer
County of Los Angeles
320 W. Temple Street, 13th Flr.
Los Angeles CA 90012

Re: Primo Burger and drive-thru business

Dear Ms. Kulczycki,
Per our discussion we have pulled all the transactions from one of our stores for the months of December 2015, January, and February 2016 that has a drive through. The average daily count is 75 cars. This is far less than a national food chain, we do not have the traffic impact of these chains. However for a local business such as ours, 75 orders in a day means a great deal, and is a necessary component to help ensure our success.

Sincerely,

Paul Zerounian
Owner Primo Burger
661-510-6534

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

March 24, 2016

TO: Stephanie Pincetl, Chair
Doug Smith, Vice Chair
David W. Louie, Commissioner
Curt Pedersen, Commissioner
Pat Modugno, Commissioner

FROM: Kristina Kulczycki KK
Zoning Permits North Section

Project No. R2014-00881– Conditional Use Permit No. 201400037 - RPC Meeting: April 6, 2016 - Agenda Item: 6

The above-mentioned item is a request to construct a retail center in the C-RU-DP (Rural Commercial- Development Program) zone consisting of a 6,000-square-foot retail building, a 3,300-square-foot restaurant with drive-through services, and a 1,600-square-foot accessory storage building.

Please find enclosed example of the form letters that were provided by the applicant's agent in support of the project for the above referenced item. These letters will be posted on the website at: http://planning.lacounty.gov/case/view/r2014-00881/ and a hardcopy is available at: Los Angeles County Department of Regional Planning, Room 1348, Hall of Records, 320 West Temple Street, Los Angeles, California 90012 for review upon request.

If you need further information, please contact Kristina Kulczycki at (213) 974-6443 or kkulczycki@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

RG:KK

Enclosure(s): Form Letter Example

Supervisor Michael D. Antonovich
The Los Angeles County Board of Supervisors – 5th District
500 West Temple Street, Room 869
Los Angeles, CA 90012

Subject: New Local Acton Primo Burger with Drive-Through for Local Convenience

Reference: Project R2014-00881

Dear Supervisor Antonovich:

I support a new Primo Restaurant with a Drive-Through in Acton, because this is the kind of local project that serves local Acton residents and not freeway commuters, and:

- In order to cater to Acton residents, local restaurant Primo Burger and lot owner Country Club Feed have designed the drive-through with a 15-foot wide clearance to accommodate trucks and large vehicles that are common to Acton residents.
- The new Primo Burger will also cater to local Acton customers by NOT having any freeway signage.
- The Primo Burger will also have hitching posts for Acton's vibrant equestrian community.
- The traffic study shows that the project will have NO significant impact on Sierra Highway or surrounding streets.
- Unlike previously proposed projects, the local Primo Burger with drive-through is consistent with the AV ("Town and Country") Plan.
- The project is consistent with the Acton Community Standards District and the County Zoning Code.
- The Primo Burger drive-through is a convenience to the Acton community, especially local Acton workers, parents of children with special needs, and residents with pets.
- Primo Burger will bring another high quality option for Acton residents and families.
- Primo Burger is a family-owned business, starting in 1992, with just five locations throughout the Antelope Valley—and soon a 6th in Acton!

For these and other reasons, I support the location of a new, local Primo Restaurant in Acton, and ask that you approve this project.

Sincerely:

Signature

Name

Address: 3089 Westcott St
Acton CA 93510

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

February 24, 2016

TO: Stephanie Pincetl, Chair
Doug Smith, Vice Chair
David W. Louie, Commissioner
Curt Pedersen, Commissioner
Pat Modugno, Commissioner

FROM: Kristina Kulczycki
Zoning Permits North Section

Project No. R2014-00881 – Conditional Use Permit No. 201400037 - RPC Meeting: March 9, 2016 - Agenda Item: 6

The above-mentioned item is a request to construct a retail center in the C-RU-DP (Rural Commercial- Development Program) zone consisting of a 6,000-square-foot retail building, a 3,300-square-foot restaurant with drive-through, and a 1,600-square-foot accessory storage building.

The applicant has requested to continue the public hearing in order to provide additional materials for the hearing; therefore, staff recommends that the public hearing be continued to April 6, 2016.

SUGGESTED MOTION:

I MOVE THAT THE REGIONAL PLANNING COMMISSION CONTINUE THE PUBLIC HEARING TO APRIL 6, 2016.

If you need further information, please contact Kristina Kulczycki at (213) 974-6443 or kkulczycki@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

RG:KK