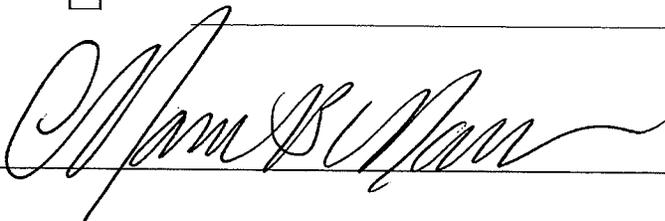


# Hearing Officer Transmittal Checklist

<b>Hearing Date</b> 04/19/2011
<b>Agenda Item Number</b> 3

**Project Number:** 97097-(4)  
**Case(s):** Conditional Use Permit 200900088  
**Contact Person:** Diane Aranda, Regional Planning Assistant II  
 Zoning Permits East

Included	NA/None	Document
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Factual
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Property Location Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Staff Report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Conditions
<input type="checkbox"/>	<input type="checkbox"/>	DPW Letter
<input type="checkbox"/>	<input type="checkbox"/>	FD Letter
<input type="checkbox"/>	<input type="checkbox"/>	Other Department's Letter(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Burden Of Proof Statement(s)
<input type="checkbox"/>	<input type="checkbox"/>	Environmental Documentation (IS, MMP, EIR)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Opponent And Proponent Letters
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Photographs
<input type="checkbox"/>	<input type="checkbox"/>	Resolution (ZC Or PA)
<input type="checkbox"/>	<input type="checkbox"/>	Ordinance with 8.5 X 11 Map (ZC Or PA)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Aerial (Ortho/Oblique) Image(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Land Use Radius Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan And Elevations
<input type="checkbox"/>	<input type="checkbox"/>	

Reviewed By: 



Los Angeles County Department of Regional Planning  
 320 West Temple Street  
 Los Angeles, California 90012  
 Telephone (213) 974-6435  
**PROJECT NUMBER 97097-(4)**  
**RCUP Number 200900088**

<b>PUBLIC HEARING DATE</b> 4/19/2011	<b>AGENDA ITEM</b>
<b>RPC CONSENT DATE</b>	<b>CONTINUE TO</b>

<b>APPLICANT</b> Ian Kim	<b>OWNER</b> Rowland Heights Plaza Inc.	<b>REPRESENTATIVE</b> Sam Youssefian
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**PROJECT DESCRIPTION**  
 The applicant is requesting a Conditional Use Permit to continue the sale of beer, wine and distilled spirits for on-site consumption at an existing restaurant located in a tenant space within the Rowland Heights Commercial Plaza in the C-1 (Restricted Business) Zone in the Puente Zoned District within the unincorporated community of Rowland Heights. The project includes an 828 sq. ft addition to the existing restaurant, and access is from two paved driveways along Colima Road and one driveway off of Desire Avenue. The hours of operation are from 11 a.m. to 11 p.m., seven days a week, with a maximum of five employees, per two shifts.

**REQUIRED ENTITLEMENTS**  
 The applicant is requesting a CUP to authorize the continued sale of beer, wine and distilled spirits for on-site consumption at an existing restaurant, pursuant to Part 1 Section 22.56.195 of Title 22 of the Los Angeles County Code. The project is located in a tenant space within the multi-tenant Rowland Heights Commercial Plaza in the C-1 (Restricted Business) Zone in the Puente Zoned District within the unincorporated community of Rowland Heights.

**LOCATION/ADDRESS**  
 18722 Colima Road, Rowland Heights

**SITE DESCRIPTION**  
 The site plan depicts a multi-tenant commercial center (Rowland Heights Plaza) on a 1.89 acre lot with three buildings located to the west, east and southern portion of the property. The existing restaurant is located in a 4,100 sq. ft. tenant space within a 33,000 sq. ft. building on the eastern portion of the property. The floor plan illustrates an existing dining area with fixed and unfixed seating, kitchen area with a cooler and freezer, restrooms, locker room, cashier and waiting area. There is a new 828 sq. ft. dining area and waiter station to be located within an existing tenant space adjacent to the restaurant. The occupant load is 184 with 61 parking spaces required for the existing restaurant and new addition, and 130 parking spaces provided for the shopping center. Access is from two paved driveways on Colima Road and one paved driveway along Desire Avenue.

<b>ACCESS</b> Colima Road	<b>ZONED DISTRICT</b> Puente
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<b>ASSESSORS PARCEL NUMBER</b> 8272001055	<b>COMMUNITY</b> Rowland Heights
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<b>SIZE</b> 1.89 Acres	<b>COMMUNITY STANDARDS DISTRICT</b> Rowland Heights
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	<b>EXISTING LAND USE</b>	<b>EXISTING ZONING</b>
Project Site	Commercial Center	C-1 (Restricted Business)
North	Retail Center and Multiple Family Residence	RPD-6000-10U (Residential Planned Development) and CPD (Commercial Planned Development)
East	Commercial Center and Multiple Family Residence	C-1 (Restricted Business) and A-1-6000 (Light Agricultural)
South	Vacant Land and Private School	C-2-DP-BE (Neighborhood Commercial-Development Program- Billboard Exclusion)
West	Retail Center and Single Family Residence	C-1 (Restricted Business) and R-3-DP (Limited Multiple Residence)

<b>GENERAL PLAN/COMMUNITY PLAN</b> Rowland Heights Community Plan	<b>LAND USE DESIGNATION</b> Commercial	<b>MAXIMUM DENSITY</b> 0
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**ENVIRONMENTAL DETERMINATION**  
 Class 1 Categorical Exemption- Existing Facilities

**RPC LAST MEETING ACTION SUMMARY**

<b>LAST RPC MEETING DATE</b>	<b>RPC ACTION</b>	<b>NEEDED FOR NEXT MEETING</b>
<b>MEMBERS VOTING AYE</b>	<b>MEMBERS VOTING NO</b>	<b>MEMBERS ABSTAINING/ABSENT</b>

**TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS**

<b>STAFF CONTACT PERSON:</b> Diane Aranda		
<b>RPC HEARING DATE(S)</b>	<b>RPC ACTION DATE</b>	<b>RPC RECOMMENDATION</b>

MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING):		
SPEAKERS* (O) 0            (F) 0	PETITIONS (O) 0            (F) 0	LETTERS (O) 0            (F) 0

\*(O) = Opponents (F) = In Favor



**STAFF ANALYSIS  
PROJECT NUMBER 97097-(4)  
CONDITIONAL USE PERMIT 200900088**

**PROJECT DESCRIPTION**

The applicant is requesting a Conditional Use Permit (CUP) to continue the sale of beer, wine and distilled spirits for on-site consumption at an existing restaurant located in a tenant space within the Rowland Heights Commercial Plaza in the C-1 (Restricted Business) Zone in the Puente Zoned District within the unincorporated community of Rowland Heights. The project includes an 828 sq. ft. proposed addition to the existing restaurant. Access is from two driveways along Colima Road. The hours of operation are from 11 a.m. to 11 p.m., seven days a week, with a maximum of five employees, per two shifts.

**REQUIRED ENTITLEMENTS**

The applicant is requesting a CUP to authorize the continued sale of beer, wine and distilled spirits for on-site consumption at an existing restaurant, pursuant to Part 1 Section 22.56.195 of Title 22 of the Los Angeles County Code. The project is located in a tenant space within the multi-tenant Rowland Heights Commercial Plaza in the C-1 (Restricted Business) Zone in the Puente Zoned District within the unincorporated community of Rowland Heights.

**LOCATION**

The restaurant occupies a tenant space within the eastern portion of an existing multi-tenant shopping center located at 18722 Colima Road within the unincorporated community of Rowland Heights.

**Existing Zoning**

**Subject Property**

The subject property is zoned C-1 (Restricted Business) and located in the Rowland Heights Community Standards District.

**Surrounding Properties**

Surrounding properties are zoned as follows:

- North: RPD-6000-10U (Residential Planned Development) and CPD (Commercial Planned Development)
- South: C-2-DP-BE (Neighborhood Commercial-Development Program- Billboard Exclusion)
- East: C-1 (Restricted Business) and A-1-6000 (Light Agricultural-6,000 Square Foot Lot Minimum)
- West: C-1 (Restricted Business) and R-3-DP (Limited Multiple Residence)

**Existing Land Uses**

**Subject Property**

The subject property is located within an existing shopping center that contains three buildings consisting of retail, restaurants, and office space.

### **Surrounding Properties**

Land uses surrounding the subject property consist of the following:

North: Commercial, retail, multiple-family residences, mobilehome park

South: Vacant, church, high school, private school

East: Single family residences, commercial

West: Commercial, multiple-family residences

### **SITE PLAN DESCRIPTION**

The site plan depicts a multi-tenant commercial center (Rowland Heights Plaza) on a 1.89 acre lot with two buildings located to the west, east and southern portion of the property. The existing restaurant is located in a 4,100 sq. ft. tenant space within a 33,000 sq. ft. building on the eastern portion of the property. The floor plan illustrates an existing dining area with fixed and unfixed seating, kitchen area with a cooler and freezer, restrooms, locker room, cashier and waiting area. There is a new 828 sq. ft. dining area and waiter station to be located within an existing tenant space adjacent to the restaurant. The occupant load is 184 with 61 parking spaces required for the restaurant and 130 parking spaces are provided for the shopping center. Access is from two paved driveways on Colima Road and one paved driveway.

### **ENVIRONMENTAL DETERMINATION**

The Department of Regional Planning has determined that a Categorical Exemption, Class 1 Categorical Exemption- Existing Facilities, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements.

### **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.

### **PREVIOUS CASES/ZONING HISTORY**

Previous cases on the property include the following:

- Plot plan 11374 established the Rowland Heights Commercial Center and associated parking in 1970.
- Plot plan 35518 authorized pole and other various signs and tenant improvements within the commercial center.
- Plot plan 45015 authorized wall signs and tenant improvements for a medical office and restaurant.
- On August 12, 1997, Conditional Use Permit (CUP) 97039 authorized the sale of a full-line of alcohol for on-site consumption at a Korean restaurant within the commercial center.
- On February 19, 1998, CUP 97097 authorized the sale of a full-line of alcoholic beverages for on-site consumption at the subject restaurant.

- A lot line adjustment was recorded on January 16, 2006.
- Zoning conformance review 200700386 authorized a tenant improvement for a Chinese Herb Center and Foot Specialist.
- Plot Plan 200900224 authorized a new sign program for the Rowland Heights Plaza.

## **ROWLAND HEIGHTS COMMUNITY PLAN**

### **Land use Policy Map**

The subject property is located within the Rowland Heights Community Plan land use designation C-Commercial. Areas within this designation are suited for retail, commercial, service and office uses. While there are no specific policies concerning commercial uses in the Rowland Heights Community Plan, the Countywide General Plan defines local commercial uses as individual enterprises, or small-scale multi-use centers, serving the needs of the local community. Examples of such uses include facilities providing neighborhood or community convenience goods and services, and local community/neighborhood-serving office and professional services. The proposed sale of beer and wine within an existing restaurant that serves the surrounding community is compatible with the commercial designation of the General Plan.

## **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE**

### **Rowland Heights Community Standards District**

The subject property is located in the C-1 (Restricted Business) Zone. A restaurant use with on-site alcohol sales and consumption is allowed in C-1 with a Conditional Use Permit. There is no new construction associated with the proposed project.

### Parking

Pursuant to Section 22.28.220-B, parking shall be provided according to Section 22.52.1110 of the Los Angeles County Code. Entertainment, dining, and accessory uses require one space for every three persons based on the occupant load as determined by the County engineer. The Rowland Heights Plaza was originally permitted with a restaurant at the current tenant space. CUP 97097 approved the existing restaurant with an occupant load of 146 persons which resulted in the requirement of 49 parking spaces for the restaurant, and 68 parking spaces for the other commercial uses in the commercial center.

The applicant is proposing to expand the dining area within an existing commercial space immediately to the south and contiguous to the subject restaurant for banquet-style parties to be used on occasion. The 828 sq. ft. addition to the dining area would increase the current occupant load to 184 which results in 61 required parking spaces for the subject restaurant. Currently, the subject property provides 130 parking spaces which meet the required 129 parking spaces (61 parking spaces for the proposed expanded restaurant and 68 for the other tenant uses) for the multi-tenant commercial center. However, it is important to note that currently there are two unoccupied commercial spaces and only four of the current businesses in operation are open in the evening and on Saturday and Sunday.

Signage

Section 22.44.132 of the Rowland Heights Community Standards District, states the requirements for landscaping in a commercial zone.

According to Section 22.44.132 of the Rowland Heights Community Standards District, Sign programs are required for commercial centers consisting of three or more businesses. For existing commercial centers that meet this threshold, the sign program shall be submitted and approved no later than January 1, 2006. Notwithstanding the deadline in the preceding sentence, no new business sign shall be installed in any commercial center that meets this threshold until the required sign program has been approved by the director.

On June 21, 2009, plot plan 200900224 authorized a new sign program for the Rowland Heights Plaza. No new signs are proposed for this project.

Landscaping

Section 22.44.132 of the Rowland Heights Community Standards District, states the requirements for landscaping in a commercial zone.

According to Section 22.44.132 (c) of the Rowland Heights Community Standards District, lots or parcels of land greater than 30,000 square feet shall have a minimum landscaping of 10 percent of the net lot area; all other lots or parcels of land shall have a minimum landscaping of 15 percent of the net lot area. The landscaping shall consist of 24-inch and 36-inch box trees, 5 and 15 gallon-size shrubs, and ground cover, and shall be maintained with regular pruning, weeding, fertilizing, litter removal, and replacement of plants when necessary. Incidental walkways, if needed, may be developed in the landscaped area. Where applicable, landscaping shall be:

- i. Placed around the base of a structure in the area between the structure and the parking area;
- ii. Used to screen trash enclosures, parking areas, storage areas, loading areas, and public utilities from public view, to the extent that the landscaping does not prevent access thereto; and
- iii. Used to create a buffer with a minimum width and height of three feet between parking areas and public rights-of-way.

Parking Lot Landscaping

According to Section 22.44.132 (d) of the Rowland Heights Community Standards District, except for rooftop or interior parking, an existing or proposed parking lot with 20 or more parking spaces shall have a minimum of five percent of the gross area of the parking lot landscaped. This landscaping shall be counted toward the general landscaping requirement set forth in subsection D.2.c. The landscaping shall be spread throughout the parking lot to maximize its aesthetic effect and the parking lot's compatibility with adjoining uses. Where appropriate, all areas of the parking lot not used for vehicle parking, vehicle maneuvering, or pedestrian movement or activity, shall be landscaped.

In 1970, Plot Plan 11374 established the commercial center, parking and landscaping prior to the adoption of the Rowland Heights Community Standards District; therefore, landscaping requirements do not meet current standards.

**Neighborhood Impact/Land Use Compatibility**

The site is currently buffered from single/multiple- family residences by commercial retail to the east, south, and west. There are currently two schools and a church located to the south within a 600 foot radius of the subject property. The subject tenant space is buffered from the sensitive uses by the other commercial uses and vacant land to the south. Furthermore, the schools and church are accessed by secondary roads, whereas the subject restaurant is accessed by Colima Road to the north. There is one establishment that sells a full-line of alcohol for on-site consumption within the subject commercial center and one that sells a full line of alcohol for on-site consumption to the north of Colima Road within 500 feet of the subject property.

Staff is of the opinion that the applicant's request will not have a negative impact on the surrounding area. The request is to authorize the continued sales of a full-line of alcohol for on-site consumption at a family-style restaurant that has been in existence for 19 years within the Rowland Heights Plaza. This use shall be consistent and compatible with the businesses within the commercial center and the surrounding community. The existing restaurant is located at the northeastern corner of the retail center along Colima Road, and does not abut residential properties. The restaurant provides a family-style environment with no live entertainment or Karaoke. The establishment would serve as a public convenience to the surrounding Rowland Heights Community as a restaurant to take their family to after shopping. With appropriate conditions and enforcement, the proposal to allow the continued sales of a full-line of alcohol for on-site consumption will not disrupt the surrounding neighborhood.

**Burden of Proof**

The applicant is required to substantiate all facts identified by Section 22.56.040 and 22.56.195 of the Los Angeles 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.

**STATE AND COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

**California Department of Alcoholic Beverage Control**

Statistical data from the California Department of Alcoholic Beverage Control (ABC) reports that the site of the subject request is not located within a high crime reporting district. The subject property is in Reporting District 2932. The average number of offenses reported per district is 549 and the actual number of crimes reported for 2932 is 164.

ABC data illustrates that the site is within an area that does have an undue concentration of alcohol sales. The subject request is in Census Tract 4087.04 containing a population of 3,148 people. Three ABC licenses are allowed within this census tract. Four licenses currently exist.

**Sheriff's Station**

**Walnut/ Diamond Bar Station**

Captain David E. Halm of the Los Angeles County Walnut/Diamond Bar Sheriff's Department researched the subject property for calls for service for the past five years. The crime report showed four calls for service in the past five years. Two are burglary type of cases and the other two are non-criminal investigations. Captain Halm states that he and his staff have no objections for the request for the sale of a full-line of alcohol at the New Garden Restaurant.

**Rowland Heights Community Coordinating Council**

The Rowland Heights Community Coordinating Council has reviewed the application and has no objections to the granting of the Conditional Use Permit.

**PUBLIC COMMENTS**

At the time of this report, staff has not received correspondence in favor or opposition of the project.

**FEES/DEPOSITS**

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

**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 97097-(4), RCUP 200900088 subject to the attached conditions.

Prepared by Diane Aranda, RPA II, Zoning Permits East Section

Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits East Section

Attachments:

Draft Conditions of Approval

Draft Findings

Applicant's Burden of Proof statement

Site Photographs

Site Plan

Land Use Map

## HEARING OFFICER'S FINDINGS AND ORDER:

PROJECT NUMBER 97097-(4)

CONDITIONAL USE PERMIT 200900088

HEARING DATE: April 19, 2011

### SYNOPSIS:

The applicant is requesting a Conditional Use Permit to continue the sale of beer, wine and distilled spirits for on-site consumption at an existing restaurant located in a tenant space within the Rowland Heights Commercial Plaza in the C-1 (Restricted Business) Zone in the Puente Zoned District within the unincorporated community of Rowland Heights. The project includes an 828 sq. ft. addition to the existing restaurant. The hours of operation are from 11 a.m. to 11 p.m., seven days a week, with a maximum of five employees, per two shifts.

### PROCEEDINGS BEFORE THE HEARING OFFICER

A duly noticed public hearing was held on April 19, 2011 before the Hearing Officer.

### Findings

1. The applicant is requesting a CUP to authorize the continued sale of beer, wine and distilled spirits for on-site consumption at an existing restaurant, pursuant to Part 1 Section 22.56.195 of Title 22 of the Los Angeles County Code. The project is located in a tenant space within the multi-tenant Rowland Heights Commercial Plaza in the C-1 (Restricted Business) Zone in the Puente Zoned District within the unincorporated community of Rowland Heights. The project includes an 828 sq. ft. addition to the existing restaurant.
2. The subject parcel is located at 18740 Colima Road within the Puente Zoned District in the unincorporated community of Rowland Heights.
3. The restaurant occupies 4,928 sq. ft. of total floor area of a 33,000 sq. ft. building located on a 1.89 acre parcel.
4. The subject property is zoned C-1 (Restricted Business) and is located within the Rowland Heights Community Standards District (CSD).
5. The surrounding properties are zoned as follows:
  - North: RPD-6000-10U (Residential Planned Development) and CPD (Commercial Planned Development)
  - South: C-2-DP-BE (Neighborhood Commercial-Development Program- Billboard Exclusion)
  - East: C-1 (Restricted Business) and A-1-6000 (Light Agricultural-6,000 Square Foot Lot Minimum)
  - West: C-1 (Restricted Business) and R-3-DP (Limited Multiple Residence)
6. Land uses surrounding the subject property consist of the following:
  - North: Commercial, retail, multiple-family residences, mobilehome park
  - South: Vacant, church, high school, private school
  - East: Single family residences, commercial

West: Commercial, multiple-family residences

7. Previous cases on the property include the following:
  - Plot plan 11374 established the Rowland Heights Commercial Center and associated parking in 1970.
  - Plot plan 35518 authorized pole and other various signs and tenant improvements within the commercial center.
  - Plot plan 45015 authorized wall signs and tenant improvements for a medical office and restaurant.
  - On August 12, 1997, Conditional Use Permit (CUP) 97039 authorized the sale of a full-line of alcohol for on-site consumption at a Korean restaurant within the commercial center.
  - On February 19, 1998, CUP 97097 authorized the sale of a full-line of alcoholic beverages for on-site consumption at the subject restaurant.
  - A lot line adjustment was recorded on January 16, 2006.
  - Zoning conformance review 200700386 authorized a tenant improvement for a Chinese Herb Center and Foot Specialist.
  - Plot Plan 200900224 authorized a new sign program for the Rowland Heights Plaza.
8. The project is consistent with the adopted general plan land use designation for the area. The land use designation within the Rowland Heights Community Plan for the subject property and surrounding areas is commercial. Areas within this designation are suited for retail, commercial, service and office uses. While there are no specific policies concerning commercial uses in the Rowland Heights Community Plan, the Countywide General Plan defines local commercial uses as individual enterprises, or small-scale multi-use centers, serving the needs of the local community. Examples of such uses include facilities providing neighborhood or community convenience goods and services, and local community/neighborhood-serving office and professional services. The proposed sale of beer and wine within an existing restaurant that serves the surrounding community is compatible with the commercial designation of the General Plan.
9. The project on the subject property will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare. The project is located in an existing commercial center and is consistent with the surrounding area. The sale of alcoholic beverages is consistent with other restaurants in the area and is customary and accompanying service with full service dining.
10. The site plan depicts a multi-tenant commercial center (Rowland Heights Plaza) on a 1.89 acre lot with two buildings located to the west, east and southern portion of the property. The existing restaurant is located in a 4,928 sq. ft. tenant space within a 33,000 sq. ft. building on the eastern portion of the property. The floor plan illustrates an existing dining area with fixed and unfixed seating, kitchen area with a cooler and freezer, restrooms, locker room, cashier

and waiting area. There is a new 828 sq. ft. dining area and waiter station to be located within an existing tenant space adjacent to the restaurant. The occupant load is 184 with 61 parking spaces required for the restaurant and 130 parking spaces are provided for the shopping center. Access is from two paved driveways on Colima Road and one paved driveway.

11. There are 130 parking spaces shown on the site plan for the subject property. The proposed use requires 61 parking spaces. The Rowland Heights Plaza was permitted with a restaurant use in this location, as such the 130 parking spaces currently provided for the shopping plaza include the required for the existing subject restaurant.
12. 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. Access to the commercial center is via Colima Road which is a fully improved arterial street and Desire Avenue, a two lane street. The site is served by all necessary public and private facilities, including water, sewer, electricity and trash collection.
13. The site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
14. Pursuant to Section 22.28.220-B, parking shall be provided according to Section 22.52.1110 of the Los Angeles County Code. Entertainment, dining, and accessory uses require one space for every three persons based on the occupant load as determined by the County engineer. The Rowland Heights Plaza was originally permitted with a restaurant at the current tenant space. CUP 97097 approved the existing restaurant with an occupant load of 146 persons which resulted in the requirement of 49 parking spaces for the restaurant, and 68 parking spaces for the other commercial uses in the commercial center.
15. The applicant is proposing to expand the dining area within an existing commercial space immediately to the south and contiguous to the subject restaurant for banquet-style parties to be used on occasion. The 828 sq. ft. addition to the dining area would increase the current occupant load to 184 which results in 61 required parking spaces for the subject restaurant. Currently, the subject property provides 130 parking spaces which meet the required 129 parking spaces (61 parking spaces for the proposed expanded restaurant and 68 for the other tenant uses) for the multi-tenant commercial center.
16. Currently there are two unoccupied commercial spaces and only four of the current businesses in operation are open in the evening and on Saturday and Sunday.
17. Section 22.44.132 of the Rowland Heights Community Standards District, states the requirements for landscaping in a commercial zone. According to Section 22.44.132 of the Rowland Heights Community Standards District, Sign programs are required for commercial centers consisting of three or more businesses. For existing commercial centers that meet this threshold, the sign program shall be submitted and approved no later than January 1, 2006. Notwithstanding the deadline in the preceding sentence, no new business sign shall be installed in any commercial center that meets this threshold until the required sign program has been approved by the director. On June 21, 2009, plot plan 200900224 authorized a new sign program for the Rowland Heights Plaza. No new signs are proposed for this project.

18. In 1970, Plot Plan 11374 established the commercial center, parking and landscaping prior to the adoption of the Rowland Heights Community Standards District; therefore, landscaping requirements do not meet current standards.
19. A Conditional Use Permit is required in this zone, and all zones, to permit the sale of alcoholic beverages.
20. The project on the subject property will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius because the use has been in existence for over 19 years.
21. The project is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area because the project site is buffered by commercial centers to the east and west, and Colima Road which is four-lane primary highway.
22. The project will not adversely affect the economic welfare of the nearby community because it is located in an existing shopping center and will maintain existing hours of operation and food service and the continued sales of alcoholic beverages will make it consistent with other nearby restaurants and improving its economic welfare.
23. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood because no exterior alterations are being proposed.
24. The Hearing Officer determined that the project qualifies for a Categorical Exemption under Class 1, Existing Facilities, of the CEQA reporting requirements and the Los Angeles County Environmental Document Reporting Guidelines, since the project will not require any addition or significant alteration to the existing facility beyond that which existed at the time of the environmental determination.
25. 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.
26. The Hearing Officer finds that the applicant's request will not have a negative impact on the surrounding area. The request is to authorize the continued sales of a full line of alcoholic beverages for on-site consumption at an existing restaurant. The use has been in existence for 19 years without law enforcement issues or complaints from the surrounding neighborhood.
27. The California Department of Alcoholic Beverage Control data indicates that the subject property is not located in a high crime area. The subject property is in Reporting District 2932. The average number of offenses reported per district is 549 and the actual number of crimes reported for 2932 is 164.
28. ABC data illustrates that the site is within an area that does have an undue concentration of alcohol sales. The subject request is in Census Tract 4087.04 containing a population of 3,148 people. Three ABC licenses are allowed within this census tract. Four licenses currently exist.

29. Captain David E. Halm of the Los Angeles County Walnut/Diamond Bar Sheriff's Department researched the subject property for calls for service for the past five years. The crime report showed four calls for service in the past five years. Two are burglary type of cases and the other two are non-criminal investigations. Captain Halm states that he and his staff have no objections for the request for the sale of a full-line of alcohol at the New Garden Restaurant.
30. The requested use at the proposed location will be located less than 500 feet from two other facilities selling alcoholic for on-site which results in an undue concentration of similar premises according to County Zoning Code (22.56.195 B. 3). Operation of an establishment for the sales of alcoholic beverages for on-site consumption is permissible at this location if the hearing officer finds that the public convenience or necessity for an additional facility selling alcoholic beverages for on-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption.
31. The Hearing Officer finds that with appropriate conditions and enforcement, the request to sell beer and wine for off-site consumption will not disrupt the surrounding neighborhood or conflict with existing land use patterns.
32. Staff has not received correspondence in favor or opposition of the project.
33. 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.
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 the Los Angeles County Department of Regional Planning, 13<sup>th</sup> floor, Hall of Records, 320 W. Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits II Section, Los Angeles County Department of Regional Planning.

**BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:**

- A. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and 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 and general welfare;
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such uses would generate and by other public or private facilities as are required.
- E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius; and

- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area; and
- G. The hearing officer finds that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption; and
- H. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
- I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

**AND, THEREFORE**, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Conditional Use Permit as set forth in Sections 22.56.090 and 22.56.195 of Title 22, of the Los Angeles County Code (Zoning Ordinance).

In view of the findings of fact and conclusions presented above, Conditional Use Permit 200900088, associated with Project 97097-(4) is **APPROVED**, subject to the attached conditions.

MM:DA

04/06/2011

1. This grant authorizes the sale of beer, wine and distilled spirits for on-site consumption at an existing restaurant located in a tenant space within the Rowland Heights Commercial Plaza in the C-1 (Restricted Business) Zone in the Puente Zoned District within the unincorporated community of Rowland Heights. The project includes an 828 sq. ft. addition to the existing restaurant. The use of the subject property as depicted on the approved Exhibit "A" is subject to all of the following conditions:
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. 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 Department of 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. 8, and until all required monies have been paid pursuant to Condition No.16. Notwithstanding the foregoing, this condition No. 3, and Condition Nos. 4, 5, and 6 shall be effective immediately upon final approval of this grant by the County. The recorded affidavit shall be filed and the required monies shall be paid by June 19, 2011.
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. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
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 pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
  - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

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

6. This grant will expire unless used within two years from the date of approval. A single one-year time extension may be requested in writing with the appropriate fee before the expiration date.
7. If material any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the property owner shall promptly provide a copy of the grant and its terms and conditions to the transferee or lessee of the subject property.
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.
10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission 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.
11. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
12. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
13. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the use subject to this grant or that do not provide pertinent information about the premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization. In the event such extraneous markings occur, 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.
14. The subject property shall be developed and maintained in substantial conformance with the approved revised Exhibit "A". If other changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to the Department of Regional Planning within sixty (60) days of the date of approval for

the Conditional Use Permit. All revised plot plans must be accompanied by the written authorization of the property owner.

15. **This grant will terminate on April 19, 2026.**

Entitlement to use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.

16. 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 in violation of any such law, statute, ordinance, or other regulation shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$1,600.00**. The monies shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including conformance with the approved site plan on file. The fund provides for **8 biennial** 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 condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment. The current recovery cost is \$200.00 per inspection.

18. The sale of beer, wine and distilled spirits for on-site consumption at the subject restaurant is subject to the following conditions:

- a. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein;
- b. Loitering shall be prohibited on the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary;
- c. The permittee, and all managers and designated employees of the establishment, who are directly in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs)

Program, or other similar program, provided by the State of California Department of Alcoholic Beverage Control. This training shall be on-going, and all new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request;

- d. The permittee shall not advertise the sale of alcoholic beverages on the exterior walls or windows of the subject building on the subject property. No self-illuminating advertising for alcoholic beverages shall be located on the exterior of buildings or windows;
- e. Temporary window signs shall not exceed 25 percent of the area of any single window or adjoining windows on the same frontage;
- f. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced;
- g. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public;
- h. Any conditions on hours of alcohol sale should be consistent with operating hours. Alcohol sales shall be prohibited between 2 a.m. to 6 a.m. seven days a week, consistent with California state law;
- i. The consumption of alcoholic beverages shall be prohibited outside the subject property. The permittee shall post signage on the premises prohibiting consumption of alcoholic beverages outside the premises. Employees shall be instructed to enforce such restrictions and to call local law enforcement as necessary;
- j. A minimum of 130 on-site parking spaces shall be provided and continuously maintained as shown on the approved revised Exhibit "A", including four spaces accessible to persons with disabilities. The maximum occupancy of the proposed facility shall not exceed 184 persons;
- k. The permittee shall provide adequate lighting above all entrances and exits to the premises. Any exterior lights shall be directed away from adjacent residential properties to prevent direct illumination and glare;

- l. The permittee shall develop and implement a Designated Driver program (i.e. free soft drinks or coffee to a designated driver of a group). The permittee shall submit the program to the Director of Planning for approval prior to the approval of the Exhibit "A". A printed two-sided card explaining this program shall be placed on all tables within the subject property, or an explanation regarding the program shall be printed on the menu;
- m. All servers of alcoholic beverages must be at least 18 years of age;
- n. There shall be no live entertainment, dance floor, Karaoke or other noise audible beyond the restaurant's premises;
- o. Employees on duty after 10:00 pm shall be at least 21 years of age;
- p. The placement of portable signs on sidewalks adjacent to the premise and temporary signs on walls and poles is prohibited; and
- q. The permittee shall maintain the subject property in a neat and orderly fashion. All areas of the premises controlled by the permittee shall be maintained free of litter.

MM:DA  
4/6/2011

23958.4 B & P APPLICATION WORK SHEET

PREMISES ADDRESS:

18740 Colima Rd  
Rowland Heights

LICENSE TYPE: on sale

1. CRIME REPORTING DISTRICT

\_\_\_\_\_ Jurisdiction unable to provide statistical data.

Reporting District: 2932

Total number of reporting districts: 374

Total number of offenses: 26,151

Average number of offenses per district: 549

120% of average number of offenses: 197

Total offenses in district: 164

Location is within a high crime reporting district: Yes /  No

2. CENSUS TRACT / UNDUE CONCENTRATION

Census Tract: 4087.04

Population: 3148 / County Ratio 1.1175

Number of licenses allowed: 3

Number of existing licenses: 4

Undue concentration exists:  Yes / No

Letter of public convenience or necessity required: Governing Body /  Applicant

Three time publication required:  Yes / No

DV  
Person Taking Application

Investigator

Supervisor

Over



Leroy D. Baca, Sheriff

County of Los Angeles  
**Sheriff's Department Headquarters**

4700 Ramona Boulevard  
Monterey Park, California 91754-2169



March 18, 2011

Phillip Estes, Principal Regional Planner  
Los Angeles County Department Regional Planning  
320 West Temple Street  
Los Angeles, California 90012

Dear Mr. Estes:

The information you requested regarding the New Garden Restaurant is enclosed. The request for the conditional use permit has been provided to me by my staff. Upon review I find no objections to the conditional use permit and the addition of a full line of, *on sale person to person*, full line alcohol sales, (ABC Type 48). If you require additional information, please contact Deputy Joe LoMonaco at (909) 595-2264, extension 3043, or at his e-mail at [jnlomona@lasd.org](mailto:jnlomona@lasd.org).

Sincerely,

LEROY D. BACA, SHERIFF

David E. Halm, Captain  
Walnut/Diamond Bar Station

MAR 24 2011

*A Tradition of Service Since 1850*

**CRIME INFORMATION REPORT**  
**INCIDENTS COUNT FOR PRIMARY STAT CODE**

REPORT PERIOD: 01/01/2006 to 03/17/2011

Page 1 of 3

CRIME	STAT CODE SERIES	COUNT
<b>BURGLARY, OTHER STRUCTURE</b>	<b>07-</b>	<b>1</b>
STAT CODE: 077 BURGLARY, OTHER STRUCTURE: Unknown, Entry By Force Count = 1 <u>Year</u> <u>Seq</u> <u>ORI</u> <u>RD</u> <u>Rpt Date</u> <u>Incident Date/Time Range</u> <u>Address</u> <u>Cross Street</u> 2010 05278 CA0190020 2932 07/19/10 07/18/10 23:00 - 07/19/10 13:00 18722 E COLIMA		
<b>VEHICLE BURGLARY</b>	<b>34-</b>	<b>1</b>
STAT CODE: 340 VEHICLE BURGLARY: Auto/Passenger Van Burglary Count = 1 <u>Year</u> <u>Seq</u> <u>ORI</u> <u>RD</u> <u>Rpt Date</u> <u>Incident Date/Time Range</u> <u>Address</u> <u>Cross Street</u> 2006 01202 CA0190020 2932 02/10/06 02/10/06 21:00 - 02/10/06 22:00 18722 COLIMA		
<b>NON-CRIMINAL</b>	<b>44-</b>	<b>1</b>
STAT CODE: 446 NON-CRIMINAL: Liquor And Business License Investigations Count = 1 <u>Year</u> <u>Seq</u> <u>ORI</u> <u>RD</u> <u>Rpt Date</u> <u>Incident Date/Time Range</u> <u>Address</u> <u>Cross Street</u> 2006 05760 CA0190020 2932 07/21/06 07/21/06 00:00 - 07/21/06 00:00 18722 COLIMA #24		
<b>MISCELLANEOUS</b>	<b>50-</b>	<b>1</b>
STAT CODE: 503 MISCELLANEOUS: Stolen/Lost/Found/License Plates Count = 1 <u>Year</u> <u>Seq</u> <u>ORI</u> <u>RD</u> <u>Rpt Date</u> <u>Incident Date/Time Range</u> <u>Address</u> <u>Cross Street</u> 2008 08988 CA0190020 2933 11/08/08 11/08/08 19:58 - 18722 COLIMA		
<b>TOTAL</b>		<b>4</b>

Note: Reported counts reflect actual cases counted by primary statistical codes. Counts do not include adjustments to previously reported crimes and may vary slightly from UCR reports.

**CRIME INFORMATION REPORT**  
**INCIDENTS COUNT FOR PRIMARY STAT CODE**

REPORT PERIOD: 01/01/2006 to 03/17/2011

Page 2 of 3

**REPORT SUMMARY**

<u>CRIME</u>	<u>STAT CODE SERIES</u>	<u>COUNT</u>
BURGLARY, OTHER STRUCTURE	07-	1
VEHICLE BURGLARY	34-	1
NON-CRIMINAL	44-	1
MISCELLANEOUS	50-	1
	<b>TOTAL</b>	<b>4</b>

**Note: Reported counts reflect actual cases counted by primary statistical codes. Counts do not include adjustments to previously reported crimes and may vary slightly from UCR reports.**

**CRIME INFORMATION REPORT  
INCIDENTS COUNT FOR PRIMARY STAT CODE**

REPORT PERIOD: 01/01/2006 to 03/17/2011

>> **REPORT PARAMETERS** <<

REPORT DATE RANGE

START DATE: 01/01/2006

END DATE: 03/17/2011

AGENCY ORI:

REPORTING DISTRICT:

RD GROUP: -

STREET DIRECTION

STREET NUMBER: 18722

STREET NAME: COLIMA

STREET TYPE RD

REPORT GROUPED BY: NO GROUP SELECTED

DISPLAY DETAIL CASES? Y

DISPLAY SUMMARY PAGE? Y

**note: Reported counts reflect actual cases counted by primary statistical codes. Counts do not include adjustments to previously reported crimes and may vary slightly from UCR reports.**

\* Reflects the number of victims associated with the primary statistical codes.

\*\* Reflects the number of stolen vehicles involved with the cases.

97-097

## NEW GARDEN RESTAURANT – 18740 COLIMA ROAD CONDITIONAL USE PERMIT

### PROJECT DESCRIPTION

The New Garden Restaurant has been operating at the subject location for seventeen years. The restaurant occupies 4,100 square feet of space and since 1997 has offered a full line of alcoholic beverages. The conditional use permit request is:

1. Renewal of existing conditional use permit for the sale of alcohol in an existing restaurant.
2. The expansion of the restaurant's dining area to allow for special events such as birthdays and anniversaries.

The existing restaurant has a maximum occupancy of 146 persons which requires the provision of 49 parking spaces. The restaurant has the opportunity to expand its dining area in an existing commercial space immediately south and adjoining the existing restaurant. This space has been historically utilized for retail sales. This space consists of 828 square feet and is contiguous to the restaurant. A six foot wide opening in the common wall would provide a connection between the existing restaurant and the space next door.

Building and Safety has determined a maximum occupant load of 184 persons for the existing restaurant and the additional 828 square foot adjoining space (see occupant load determination). This results in a new parking requirement of 61 parking spaces for the New Garden restaurant. Therefore 12 additional parking spaces must be provided to accommodate the new dining area.

Several years ago (2004) a portion of the existing shopping center (1600 s.f.) was demolished (see demo permit 0301140082). The demolition was performed in order to connect a driveway from the adjacent newly built shopping center with the subject shopping center. This has improved automobile circulation within the shopping centers. The removal of the building square footage resulted in a reduction of the required parking for the existing shopping center by six parking spaces.

The parking summary below provides a description of the parking requirements for the shopping center.

PARKING REQ'D FOR NEW GARDEN RESTAURANT:	61 SPACES
PARKING FOR ALL OTHER USES PER CUP 97-097:	68 SPACES
SUBTOTAL PARKING REQUIRED:	129
BUILDING DEMO – REDUCTION 6 SPACES:	- 6
TOTAL PARKING REQUIRED FOR CENTER:	123 SPACES
TOTAL PARKING PROVIDED WITHIN SHOPPING CENTER:	130 SPACES

It should be noted that the applicant has agreed to only utilize the additional dining area of 828 square feet on Friday, Saturday and Sunday evenings when many other businesses are closed. In fact only four of the eighteen existing businesses within the existing shopping center would be open Friday, Saturday and Sunday evenings. These include the Korean Barbeque restaurant, Video store, foot massage and Chinese Senior Association. The other fourteen businesses would be closed while the New Garden Restaurant would open its 828 square foot addition to diners. However it should also be noted that parking for the entire restaurant is being provided in accordance with county code parking requirements.

The New Garden restaurant is ideally located inside a 33,000 square foot shopping center. It has a loyal customer base and is open for lunch and dinner. The restaurant's operating hours are from 11 am to 10 pm. The restaurant has operated in compliance with all local and state regulations. Although the previous conditional use permit allowed the sale of alcohol up until 11 pm, the operator closes the facility at 10 pm. and is willing to reduce the hours of operation by one hour. The restaurant does not provide a bar area where patrons may have beer or other alcohol without a meal. Alcohol is and will only be served with food orders. No karaoke, pinball machines, video games or other entertainment are offered at the restaurant. The New Garden restaurant is proud to have provided food service to the families of

the Rowland Heights community and adjacent areas for the past seventeen years.

#### CONDITIONAL USE PERMIT BURDEN OF PROOF

- A. The New Garden restaurant has existed at the subject location since 1992 providing a medium to high end food menu. Since 1997 the restaurant has provided a full line of alcoholic beverages in conjunction with the serving of food. The restaurant has been successful in offering a variety of Chinese and Korean meals to the community. During this past seventeen years the restaurant has been operated in a manner that has not had any detrimental effect on surrounding residential properties or businesses. The restaurant has had a beneficial effect by being a good neighbor and by providing a service that is complementary to the other surrounding uses in and around the shopping center. The requested addition will enhance the existing restaurant's operation by allowing it to expand in order to provide an area for the celebration of anniversaries, birthdays and other events.
- B. The subject property is almost two acres in size and all the county zoning code requirements have been satisfied. Parking is provided for the existing restaurant as well as the proposed addition. The restaurant operator proposes that the area of the expansion be utilized on weekends and evenings only when the other uses within the shopping center are closed, including the bank which represents the major anchor in the shopping center.
- C. The site is served by a major highway, Colima and all other public and private facilities are available at the site.

#### ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

- A. The Presbyterian Church of Southern California was located within two hundred feet of the subject restaurant. The Church has been demolished and replaced by a two story shopping center. As a result the church is no longer in proximity to the existing restaurant. Another religious facility, First Christian Church, is located much further south (400 feet) and also buffered by other properties from the New Garden Restaurant. During the past ten years the restaurant has not had an adverse impact on this one remaining religious facility.

There are two schools within the 600 foot radius of the existing property. These schools are located south of the subject property and are not contiguous to the restaurant. Furthermore the schools are accessed by side streets whereas the restaurant has a Colima Road orientation towards the north. During the operation of the restaurant there has never been any concerns or conflicts with the sale of alcohol at the New Garden restaurant. The establishment represents a bona fide restaurant, serving families in the area. The restaurant has integrated well into the community and provides a needed service.

- B. The existing restaurant is buffered from the residential uses to the south and east by other shopping centers. Additionally the existing shopping center provides the main egress and ingress directly from Colima Road a major commercial street.
- C. A liquor store (18716 Colima) was located adjacent to the subject property ten years ago. The liquor store has been removed and replaced by a retail water store located immediately westerly of the subject property. A restaurant with a beer and wine license, (Tofu Village, 1722 Desire) in the adjacent shopping center has also closed. As a result two less alcohol licenses exist in the area. The other two licenses are for a full line of alcohol and beer and wine. One is located in the subject shopping center (Korean Barbeque) and the other license (Curry House, 18865 Colima) is located across the street on the north side of Colima in an existing shopping center. Although these facilities are all located within a five hundred foot radius – they have co-existed peacefully without any adverse impacts and have provided an amenity to the surrounding community. Furthermore the New Garden restaurant caters to a family clientele and has not had any incidents or problems involving law enforcement. The restaurant's track record has been outstanding since its opening seventeen years ago. The proposed request involves a slight expansion of the restaurant's occupancy and a continuation of the sale of alcohol.
- D. The Colima corridor represents a major destination for the surrounding communities' residents, employees and visitors to the area. The area provides a variety of restaurants and dining experiences and has gradually developed over the last decade. As a result the economic welfare of the community has prospered and the Rowland Heights area has become one of the most sought after commercial destinations in the county.
- E. This request does not involve any modifications to the exterior appearance of the property. The existing shopping center is attractive,

well maintained, set back from the street and an asset to the Colima corridor.

SUGGESTED CONDITIONS BY THE APPLICANT

- The use of the 828 square foot dining area expansion shall be restricted to Fridays, Saturdays and Sundays from 6 pm to 10 pm only. The subject dining area will be utilized for special birthdays, anniversary parties and other similar events.
- The operating hours of the restaurant shall be from 11 am to 10 pm Monday through Sunday.

## LOS ANGELES COUNTY LETTERGRAM

<b>TO</b>	Maria Masis Zoning Permits East	<b>FROM</b>	Diane Aranda Zoning Permits East
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**SUBJECT: PROJECT NO. 97097-(4)  
CONDITIONAL USE PERMIT 200900005**

**DATE: 04/06/2011**

This is an application to authorize the continued sale of beer, wine and distilled spirits for on-site consumption at an existing restaurant, pursuant to Part 1 Section 22.56.195 of Title 22 of the Los Angeles County Code. The project is located in a tenant space within the multi-tenant Rowland Heights Commercial Plaza in the C-1 (Restricted Business) Zone in the Puente Zoned District within the unincorporated community of Rowland Heights. There is a new 828 sq. ft. dining area and waiter station to be located within an existing tenant space adjacent to the restaurant.

This request is exempt from the California Environmental Quality Act based on Section 15301 (Chapter 3, Title 14, California Code of Regulations) because the request is to continue an existing use and structure; and as such, it meets the criteria set forth under Class 1 Categorical Exemption-Existing Facilities.

If you have any questions regarding the above determination or environmental document preparation, please contact Diane Aranda of the Zoning Permits II Section at (213) 974-6435

**A NOTICE OF EXEMPTION MAY BE FILED WITH THE COUNTY CLERK UPON APPROVAL OF THIS PROJECT.**

Comments:

The project site is designated as "Commercial" in the Rowland Heights Community Plan. The shopping center is existing and a variety of local serving uses are permitted in the commercial land use classification.

On August 12, 1997, Conditional Use Permit No. 97-039-(4) was approved authorizing the sale of a full-line of alcoholic beverages for on-site consumption and the operation of a full service bar in another existing restaurant within the same shopping center.

Previously, on October 21, 1993, Plot Plan No. 35518 was approved authorizing the expansion of the subject restaurant and requiring the provision of 116 total parking spaces for the shopping center (48 parking spaces for the restaurant and 68 parking spaces for the other uses on the subject property).

The Department of Public Works has determined that the restaurant has an occupancy of 146 persons. According to Section 22.52.1110 of the County Code, 49 parking spaces are required for the restaurant. 68 parking spaces are required for other uses on the subject property.

The subject property is developed with a commercial center which accommodates retail establishments, restaurants and 120 off-street parking spaces.

There are two schools and two churches within 600 ft. of the property.

The nearest residences are located across the street on Colima Road approximately 350 ft. to the north.

There are three establishments within 500 ft. of the site which sell alcoholic beverages: a liquor store which sells a full line of alcoholic beverages for off-site consumption, one restaurant which sells beer and wine for on-site consumption incidental to serving food and one restaurant within the same shopping center which sells a full line of alcoholic beverages for on-site consumption incidental to serving food. The applicant is already licensed by the State of California to sell beer and wine for on-site consumption incidental to food service.

It does not appear that the sale of a full line of alcoholic beverages will adversely affect the economic welfare of the nearby community.

The exterior appearance of the structure will not be inconsistent with exterior appearances of commercial structures within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

The applicant is proposing to sell a full line of alcoholic beverages between the hours of 11:00 a.m. to 11:00 p.m., seven (7) days a week.

The project has been granted a Negative Declaration under California Environmental Quality Act Guidelines.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

REGARDING THE CONDITIONAL USE PERMIT:

- A. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area and 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. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. That, the proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required;
- E. Compatibility with surrounding land use will be ensured through the implementation of the attached conditions;
- F. Establishment of the sale of a full line of alcoholic beverages at such location is in the interest of public health, safety and general welfare and in conformity with good zoning practice;
- G. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius;
- H. The requested use in the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect the same area;

- I. The requested use will not adversely affect the economic welfare of the nearby community;
- J. The requested use at the proposed location will not result in an undue concentration of similar premises;
- K. The sale of a full line of alcoholic beverages at this location will serve the public convenience or necessity and will not tend to create a law enforcement problem;
- L. The exterior appearance of the structure will not be inconsistent with exterior appearances of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a conditional use permit as set forth in Section 22.56.090 of the Los Angeles County Code (Title 22 - Zoning Ordinance).

HEARING OFFICER ACTION:

- 1. I approve the Categorical Exemption for the project, certify that I have reviewed and considered the environmental information contained in the initial study for the proposed project, and determine that the proposed project will not have a significant effect on the environment.
- 2. In view of the findings of fact presented above, Conditional Use Permit Case No. 97-097-(4) is APPROVED.

BY: George Malone  
GEORGE MALONE, HEARING OFFICER  
Department of Regional Planning  
County of Los Angeles

Date: 19 February 1998

RDH:JTM:jtm

Attachment: Conditions  
Affidavit

c: Each Commissioner; Zoning Enforcement; Building and Safety;  
State of California Alcoholic Beverage Control; J. L. Jackson.

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant 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 property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully 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 fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to the permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
  - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

5. This grant will expire unless used within 2 years from the date of approval. A one year time extension may be requested before the expiration date.
6. This grant will terminate on February 17, 2008.

Entitlement to the sale of alcoholic beverages on the property thereafter shall be subject to the regulations then in effect.

7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. 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. The permittee shall deposit with the County of Los Angeles the sum of \$1000.00. The fee shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fee provides for 10 annual inspections.

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 the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.

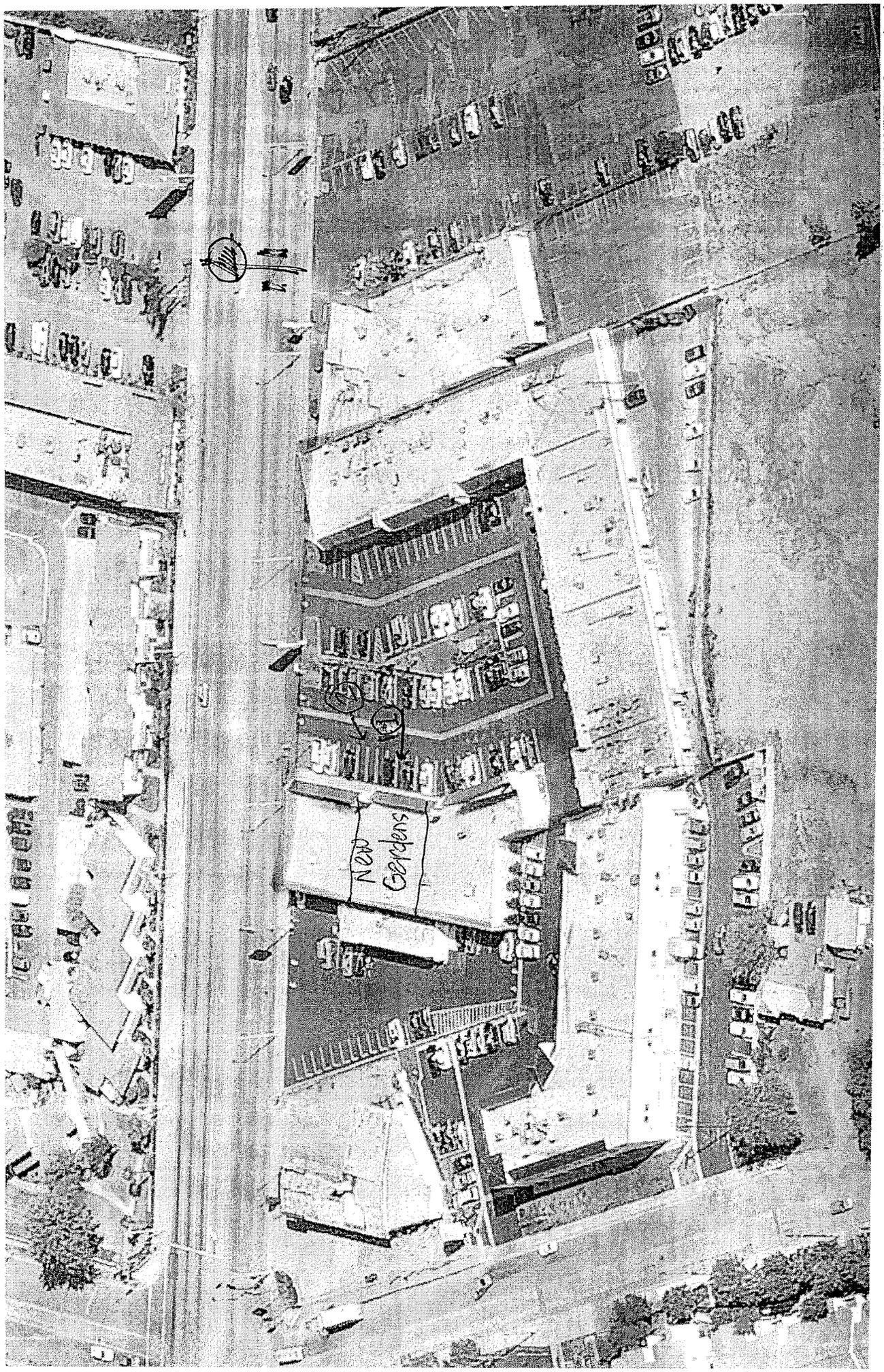
9. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
10. The permittee shall consult with the County Fire Department to determine facilities necessary to protect the property from fire hazard.

11. The subject facility shall be developed and maintained in compliance with requirements of the Los Angeles County Department of Health Services. Adequate water and sewage disposal facilities shall be provided to the satisfaction of said Department.
12. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
13. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. 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.
14. In the event of such 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. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
15. The subject property shall be developed and maintained in substantial compliance with the plans on file marked Exhibit "A". In the event that subsequent revised plans are submitted the written authorization of the property owner is necessary.
16. This grant allows the sale of a full line of alcoholic beverages for on-site consumption, incidental to the operation of an existing restaurant, subject to the following conditions:
  - a. The occupancy of said restaurant shall not exceed 146 persons;
  - b. Alcoholic beverages shall not be sold between the hours of 11:00 p.m. and 11:00 a.m.;
  - c. In order to alleviate traffic congestion in the main parking area off of Fullerton Road, the permittee shall make arrangements for all shopping center employees to park in the rear parking area off of Desire Avenue;
  - d. The permittee has depicted a storage only area on the floor plan which shall be restricted to storage only, no dining;

- e. The permittee shall not advertise the sale of alcoholic beverages on the exterior walls or windows of the subject restaurant;
- f. No alcoholic beverages shall be consumed in open areas adjacent to the subject restaurant under the control of the permittee;
- g. No loitering shall be permitted on the premises parking lot or adjacent property under the control of the permittee;
- h. The permittee shall provide adequate lighting for the parking lot area. This lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot;
- i. The permittee shall provide adequate lighting above the entrance of the premises. This lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons entering or exiting the premises;
- j. No promotional floor displays of alcoholic beverages are permitted in the subject restaurant;
- k. No video games, pinball machines, or other coin-operated amusements shall be maintained on the premises at any time, other than the official State Lottery Machines;
- l. The permittee shall maintain the property in a neat and orderly fashion;
- m. The permittee shall post signage on the premises prohibiting loitering. The signage shall be in English and the predominant second language in the neighborhood;
- n. The permittee shall maintain free of litter all areas of the premises under which the permittee has control;
- o. No karaoke entertainment shall be permitted on the premises at any time.

RDH:JTM:jtm



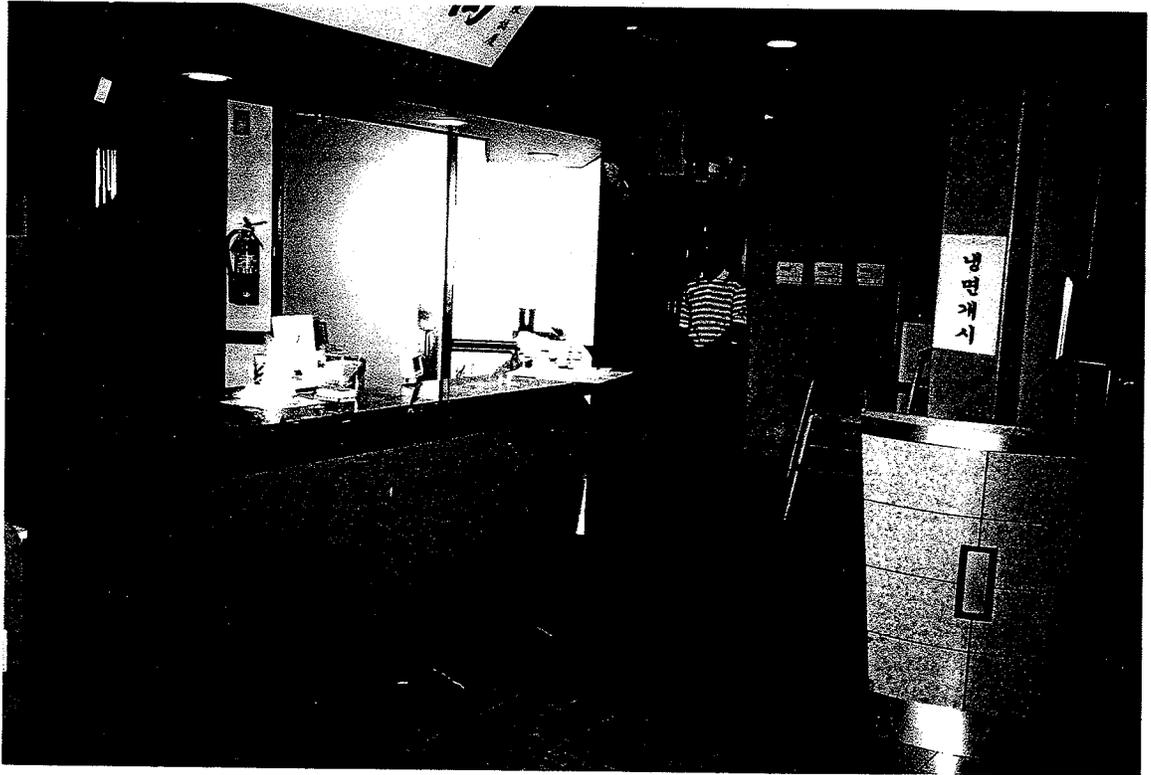




# 1  
EXISTING RESTAURANT.



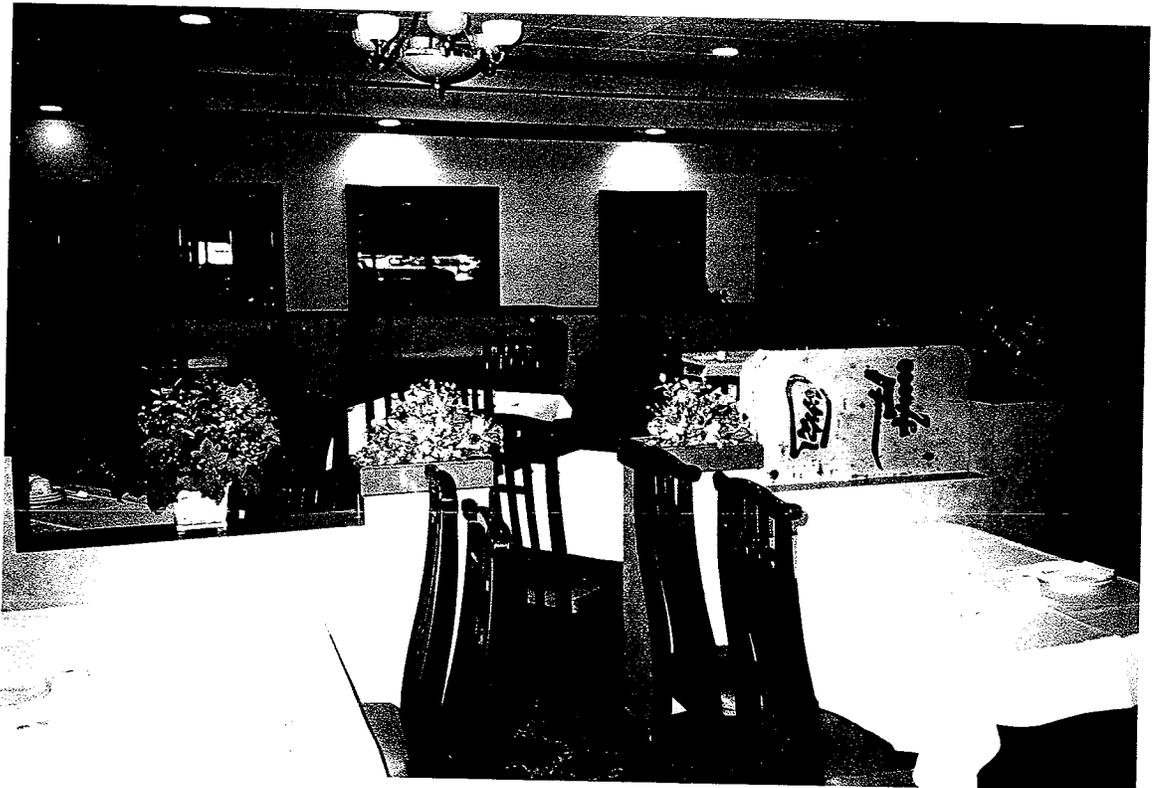
# 2



ENTRY / WAITING AREA / CASHIER # 3



DINING AREA # 4



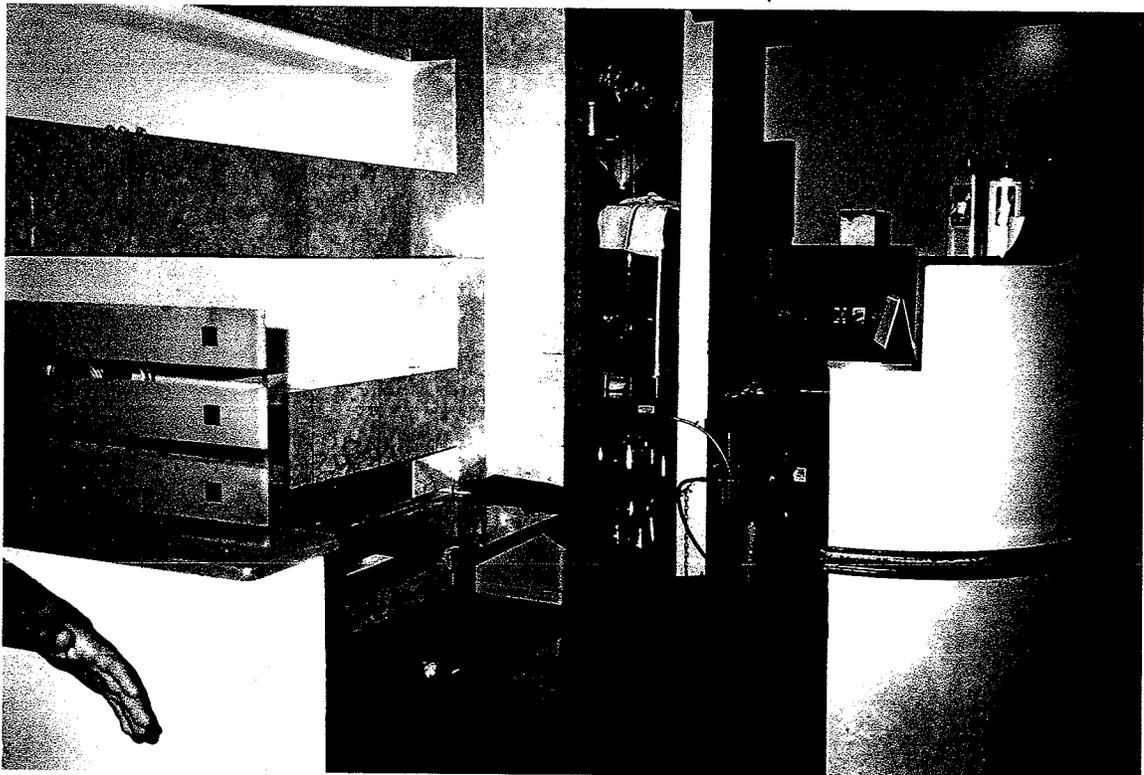
# 5



↑ DINING AREA

# 6

WAITER STATION ↓



# 7

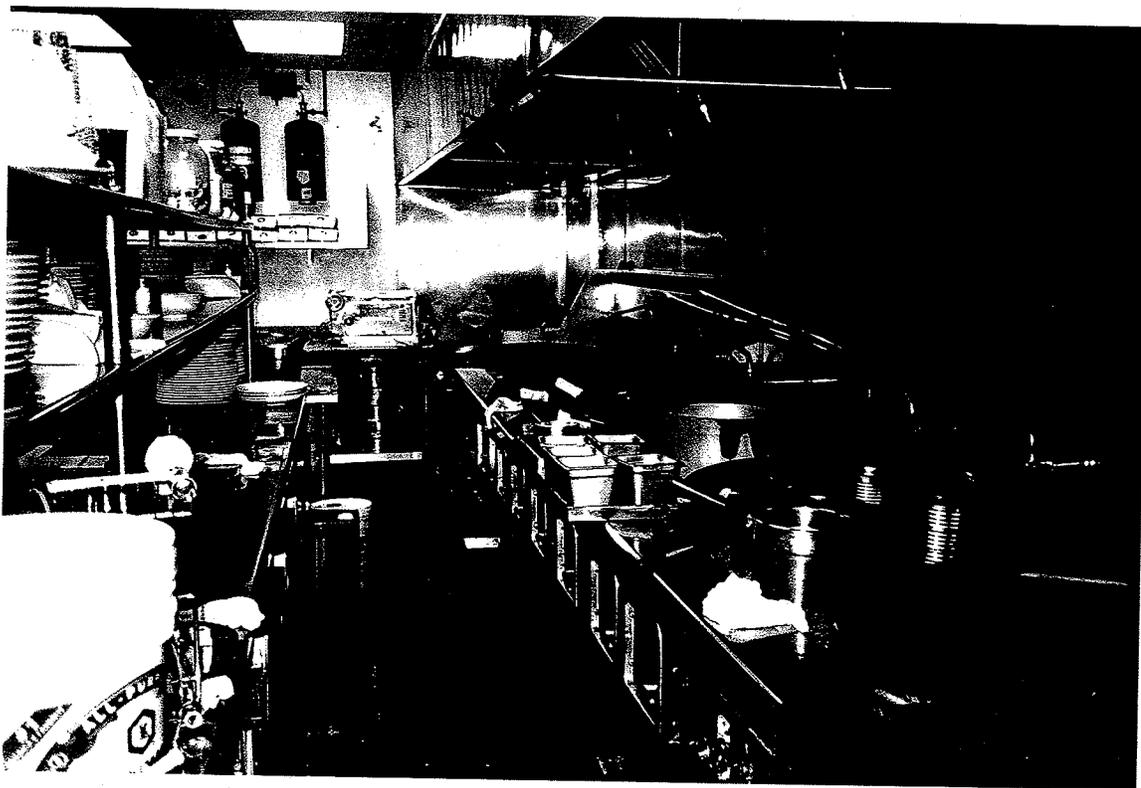


# 8

KITCHEN



# 9



KITCHEN

# 10

**Aranda, Diane**

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**From:** Beth Hojnacke [spunx903@roadrunner.com]  
**Sent:** Saturday, March 26, 2011 2:59 PM  
**To:** Aranda, Diane  
**Cc:** 'Ted Ebenkamp'; syarchitect@gmail.com  
**Subject:** 18722 Colima CUP 200900088  
**Attachments:** project\_97097\_factual.pdf

<<...>>

The Rowland Heights Community Coordinating Council has no objections to the renewal of this CUP 200900088 for the restaurant operating at 18722 Colima Road in Rowland Heights.

**Beth Hojnacke**

**President**

**Rowland Heights Community Coordinating Council, Inc.**

[www.rhccc.netfirms.com](http://www.rhccc.netfirms.com)

562-544-3828