



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

April 6, 2011

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Justin Kim
Seo & Company
3450 Wilshire Blvd., #402
Los Angeles, CA 90010

**REGARDING: PROJECT NUMBER R2006-03880-(1)
CASE: CONDITIONAL USE PERMIT NO. 200900140**

Dear Applicant:

The Regional Planning Commission, by its action on April 6, 2011, **APPROVED** the above described project and entitlement. The attached documents contain the Regional Planning Commission's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 3 requires that the permittee file an affidavit accepting the conditions before the grant becomes effective.

The applicant or/and other interested person may appeal the Regional Planning Commission's decision to the Board of Supervisors at the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Please contact the Executive Office for the amount of the appeal fee at (213) 974-1426. The **appeal period for the project will end at 5:00 p.m. on April 20, 2011**. Any appeal must be delivered in person to the Executive Office by this time. If no appeal is filed during the specific period, the Regional Planning Commission's action is final.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Steve Mar of my staff at (213) 974-6461 or email at smar@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
Director

Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)
c: Commission Services, ABC, Sheriff, Zoning Enforcement

RJB:MM:sm

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

REQUEST: To authorize the sale of beer and wine for on-site consumption at an existing restaurant.

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:

A duly noticed public hearing was held on April 6, 2011, before the Regional Planning Commission. Commissioners Helsley, Valadez, Modugno, and Bellamy were present. Commissioner Pedersen was absent. The applicant's agent, Justin Kim, testified in favor of the application. No further public testimony was heard for the application.

Commissioner Valadez moved that the case be approved. Commissioner Modugno seconded the motion with Commissioners Helsley and Bellamay voting in favor of the motion. Commissioner Modugno closed the public hearing and approved Conditional Use Permit 200900140.

Findings

1. The applicant is requesting a conditional use permit ("CUP") for the sale of beer and wine for on-site consumption at an existing restaurant in the C-1 zone, which allows for the sale of alcohol for on-site consumption with a CUP.
2. The location of the subject parcel is 18333 Colima Rd., #B, in Rowland Heights within the Puente Zoned District in the unincorporated portion of Los Angeles County.
3. The restaurant occupies 1,176 sq. ft. of a total floor area of 31,500 sq. ft. situated on a paved, 5.02 acre irregular shaped parcel. The subject property is developed with a multi-tenant shopping center comprised of various retail businesses and restaurants.
4. The subject property is zoned C-1 (Restricted Business).
5. Surrounding properties are zoned as follows:
 - North: A-1-6000 (Light Agricultural – 6,000 sq. ft. Minimum Required Area)
 - South: C-2-BE (Neighborhood Commercial – Billboard Exclusion Zone)
 - East: A-1-6000 (Light Agricultural – 6,000 sq. ft. Minimum Required Area)
 - West: C-1 (Restricted Business), A-1-6000 (Light Agricultural – 6,000 sq. ft. Minimum Required Area)
6. Land uses surrounding the property include:
 - North: Single-family Residences
 - South: Retail, Office
 - East: Single-family Residences
 - West: Retail, Office, Single-family Residences
7. Previous cases on the property include the following:

Over 30 permits are listed on the subject property for tenant improvements, alcoholic beverage sales, and business license referrals.

8. The project is consistent with the adopted general plan for the area. The land use designation within the Rowland Heights Community Plan for the subject property and surrounding area 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 Plan, the Countywide General Plan defined 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 plan provides guidelines for the location, scale, design and circulation characteristics of local commercial services. The proposed sales 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 be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare. The project is located in an existing shopping center and is consistent with the surrounding area, The sale of alcoholic beverages is consistent with other restaurants in the area and is a customary and accompanying service with full service dining.
10. The site plan depicts the 31,500 sq ft existing multi-tenant shopping plaza (Rowland Heights Shopping Center) on the 5.02 acre subject property. The subject request is for a Conditional Use Permit (Alcoholic Beverage Consumption – Type 41) to allow the sale of beer and wine for on-site consumption in an existing 1,176 sq ft restaurant located in the shopping center.
11. There are 393 parking spaces shown on the site plan for the subject property. The proposed use requires 20 parking spaces. The Rowland Heights Shopping Center was permitted with a restaurant use in this location, as such the 393 parking spaces currently provided for the shopping center include the required for the existing subject restaurant.
12. The subject property 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 shopping center is via Colima Road, Fullteron Road, both fully improved arterial streets, and Baston 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 proposed 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. Unless specifically modified by a conditional use permit during the discretionary review process, the project shall be subject to the following development standards:
 - A. Parking. Pursuant to Section 22.28.120-B, parking shall be provided according to Section 22.52.1110 of the County Code. Entertainment, dining, and accessory uses require one space for every three person based on the occupant load as determined by the county engineer.

As determined by the Building and Safety Division of Public Works, the occupant load for the restaurant is 60 persons. The existing restaurant requires the provision of 20 parking spaces. The commercial center provides 393 parking spaces and complies with this requirement.

- B. Signage. Section 22.52.870 of the County Code, states the requirements for business signs in a commercial zone.

No additional signage has been proposed as part of the project.

- C. Outside Storage. Section 22.28.120-G states the requirements for outside storage in the Zone C-1.

No outside storage is shown on the site plan. The site plan complies with this requirement. No outside storage is proposed.

14. 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 no such uses are found within a 600' radius of the project.
15. 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 a wall on its northern property line and by an adjacent multi-story office building and parking structure on its eastern boundary.
16. 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 additional sale of alcoholic beverages will make it consistent with other nearby restaurants and improving its economic welfare.
17. 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.
18. The Regional Planning Commission 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.
19. The public was properly noticed of the public hearing for the project. A total of 153 public hearing notices were mailed to property owners within a 500-foot radius of the subject property on March 1, 2011 to notify the surrounding residents regarding the proposal. The hearing notice was also published in the San Gabriel Valley Tribune Newspaper on March 3, 2011, as well as in La Opinion on March 2, 2011. Case-related material, including the hearing notice, factual and burden of proof were sent on March 1, 2011 to the Rowland Heights

Library located at 1850 Nogales St., Rowland Heights. The hearing notice has been posted on the property for a minimum of 30 days prior to the public hearing date.

20. No comments were received from the public opposing this proposal.
21. According to the California Department of Alcoholic Beverage Control, the requested use at the proposed location will result in an undue concentration of similar premises within Reporting District 2931 and Census Tract 4082.11. There are currently 55 existing and 3 pending alcohol licenses in this census tract and 6 licenses are allowed. The average number offenses reported in Reporting District 2931 is 164.56 and the actual number of crimes reported for the District is 357. Therefore, the applicant would require a finding of public convenience and necessity in order to obtain authorization from ABC to allow for alcohol sales. The granting of this CUP to sell beer and wine for on-site consumption at an existing restaurant would serve as a public convenience to the surrounding neighborhood and would be a complementary use for the restaurant. Neighboring restaurants in the vicinity already serve alcohol as part of their food service. Therefore the sale of alcohol by the applicant would provide a customary accompaniment to full service dining that is available at similar restaurants in the neighborhood.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the proposed use is consistent with the adopted general plan for the area; and
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed 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; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required; and
- 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 requested use at the proposed location will result in an undue concentration of similar premises under ABC regulations as currently there are 55 existing licenses and 6 are allowed. Therefore, the approval of the permit requires a finding of public convenience and necessity. There is need for another license as a public convenience to the community. Under County code, there is no undue concentration of alcohol licenses because the project is for on-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.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a Conditional Use Permit for alcohol sales as set forth in Sections 22.56.040 and 22.56.195, Title 22, of the Los Angeles County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. The Commission has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
2. In view of the findings of facts and conclusions presented above, Project No. 2006-03880-(1) / Conditional Use Permit 200900140 is **APPROVED**, subject to the attached conditions.

Attachments: Conditions
Affidavit

VOTE: 4-0-0-1

Concurring: **Modugno, Valadez, Bellamy, Helsley**

Dissenting:

Abstaining:

Absent: **Pedersen**

Action Date: April 6, 2011

MM:SM

This grant allows for the sale of beer and wine for on-site consumption at an existing restaurant, as depicted on the approved Exhibit "A". This grant is subject to all of the following conditions of approval.

1. This grant authorizes the sale of beer wine for on-site consumption at an existing restaurant, as depicted on the approved Exhibit "A". This grant is subject to all of the following conditions of approval.
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 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. 8, and until all required fees have been paid pursuant to Condition No. 10. The recorded affidavit shall be filed and the required monies shall be paid by June 6, 2011. Notwithstanding the foregoing, this condition (No.3), and Condition Nos. 4 5, and 6 shall be effective immediately upon the date of final approval of this grant by the County. The date of final approval is 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. The County shall 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.
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 according to Los Angeles County Code Section 2.170.010.

6. This grant shall expire unless used within two (2) years from the date of final approval by the County. A single one-year time extension may be requested in writing with payment of the applicable fee before the expiration date.
7. 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.
8. Prior to the use of this grant, the permittee, or property owner if other than the permittee, shall record the terms and conditions of the grant in the office of the County Clerk/Registrar-Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or property owner 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.
9. **This grant shall terminate on April 6, 2026.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new conditional use permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least 6 months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to then-applicable regulations.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. 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 **\$1,600.00**. 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 eight (8) biennial (once every other year) 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 such additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission 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.
12. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said Department.
13. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in the conditions or as shown on the approved plans.
14. The permittee shall comply with all applicable requirements of the County Department of Public Health. Adequate water and sewage facilities shall be provided to the satisfaction of said department.
15. All structures, walls, and fences open to public view shall remain free of graffiti or other 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. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization. In the event such graffiti or other 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.
16. A copy of these conditions shall be kept in the office and shall be made available to all enforcement personnel upon request.

17. The operation of this restaurant, including the sale of beer and wine for on-site consumption, is subject to the following conditions:
- a. The sale of beer and wine for on-site consumption shall be limited from 11 a.m. to 2 a.m., 7 days a week;
 - b. The occupancy of the restaurant is limited to a maximum of 60 patrons;
 - c. The sale of alcoholic beverages shall be in conjunction with food ordered and consumed and within the subject restaurant only. The sale and serving of alcoholic beverages for consumption outside the restaurant is prohibited;
 - d. 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 prohibiting loitering. The signage shall be in English and the predominant second language in the neighborhood (Korean). Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary;
 - e. The permittee shall post signage on the premises in both English and the predominant second language in the neighborhood (Korean), which is clearly visible to members and guests, prohibiting the consumption of alcohol outside of said facility;
 - f. 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 Regional Planning for review and approval prior to the effective date of the permit. A printed two-sided card explaining this program shall be placed on all tables in the restaurant or an explanation regarding the program shall be printed on the menu;
 - g. 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 of 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;
 - h. All servers of alcoholic beverages shall be a minimum of 18 years of age;
 - i. The permittee shall not advertise the sale of alcoholic beverages on the exterior walls or windows of the subject building or at any location on the subject

- property. No self-illuminating advertising for alcoholic beverages shall be located on the exterior of buildings or windows;
- j. The permittee shall provide adequate lighting above all entrances and exits to the restaurant premises. The lighting shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons entering or exiting the premises during operating hours and shall be designed so as to direct light and glare only onto the facility premises. Said lighting and glare shall be deflected, shaded and focused away from all adjoining properties;
 - k. The licensed premises shall have no coin operated amusements, such as pool tables, juke boxes, video games, or other similar equipments at any time;
 - l. No live entertainment, dancing, or dance floor is authorized in or outside the premises;
 - m. 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.
 - n. The placement of portable signs on sidewalks adjacent to the subject property and temporary signs on walls and poles is prohibited;
 - o. Temporary window signs shall not exceed 25 percent of the area of any single window or of adjoining windows on the same frontage;
 - p. The permittee shall abide by all requirements, licensing or otherwise, established for the sale of alcoholic beverages by the State Department of Alcoholic Beverage Control;
 - q. The permittee shall keep telephone numbers of local law enforcement agencies posted in the restaurant in plain view near the cashier's or similar public service area;
 - r. The permittee shall provide and continuously maintain on file with Regional Planning a contact name and phone number for the current owner of the property and operator of the restaurant in the event that communication by the County is warranted relative to these conditions; and
18. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted Regional Planning within sixty (60) days of the date of final approval of this grant. In the event the subsequent revised plans are submitted, the permittee shall submit three (3) copies of the proposed plans to the director for review and

approval. All revised plans must be accompanied by written authorization of the property owner.

MM:SM
3-28-11