

Hearing Officer Transmittal Checklist

Hearing Date 3/17/15
Agenda Item No. 4

Project Number: R2008-00758-(4)
Case(s): Conditional Use Permit Case No. 200800081
Planner: Iris Chi

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

Reviewed By: 



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

PROJECT NUMBER
 R2008-00758-(4)

HEARING DATE
 March 17, 2015

REQUESTED ENTITLEMENTS
 Conditional Use Permit No. 200800081

PROJECT SUMMARY

OWNER / APPLICANT

Snyder Investment Trust / JiLong Inc.

MAP/EXHIBIT DATE

December 12, 2007

PROJECT OVERVIEW

The applicant, JiLong Inc., is requesting a Conditional Use Permit for the continued sale of beer and wine for on-site consumption in an existing restaurant in a C-2-BE (Neighborhood Business – Billboard Exclusion) zone. The restaurant is located within an existing retail strip mall. This use was previously permitted by CUP 02-115-(4).

LOCATION

19043-19045 East Colima Rd Rowland Heights, CA 91748

ACCESS

Via Colima Road

ASSESSORS PARCEL NUMBER(S)

8761-014-022

SITE AREA

4.48 Acres

GENERAL PLAN / LOCAL PLAN

Rowland Heights Community Plan

ZONED DISTRICT

Puente

LAND USE DESIGNATION

C - Commerical

ZONE

C-2-BE

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

Rowland Heights

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption – Existing Facilities

KEY ISSUES

- Consistency with the Rowland Heights Community Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
 - 22.44.132 (Rowland Heights CSD requirements)
 - 22.28.170 (C-2 Zone Development Standards)

CASE PLANNER:

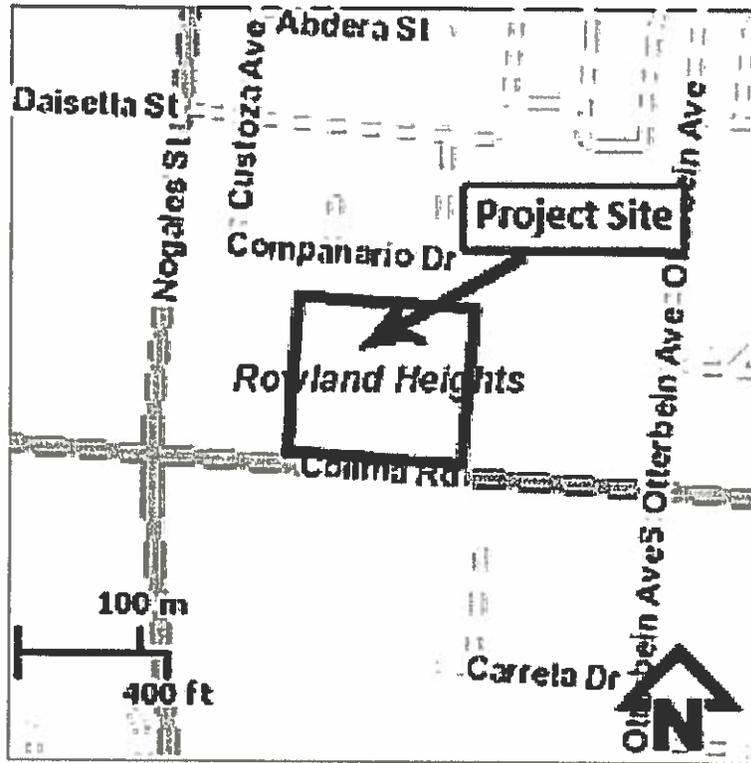
Iris Chi

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ENTITLEMENTS REQUESTED

Conditional Use Permit (CUP) for the continued sale of beer and wine for on-site consumption in an existing restaurant in the C-2-BE (Neighborhood Business – Billboard Exclusion) Zone pursuant to County Code Sections 22.28.160 and 22.40.110.

PROJECT DESCRIPTION

The applicant, JiLong Inc., is requesting a Conditional Use Permit for the continued sale of beer and wine for on-site consumption in an existing restaurant in a C-2-BE (Neighborhood Business – Billboard Exclusion) zone. The restaurant is located within an existing retail strip mall. This use was previously permitted by CUP 02-115-(4). The floor plan depicts a dining area in the eastern portion of the existing 2,108 square foot restaurant. There is a dining area, a kitchen, restrooms, storage area and a changing room for employees.

EXISTING ZONING

The subject property is zoned C-2-BE.

Surrounding properties are zoned as follows:

North: A-1-6000 (Light Agricultural – 6,000 Square Foot Required Minimum Lot Area)

South: C-2-BE, R-2 (Two-Family Residence), A-1-6000

East: C-1 (Restricted Business)

West: C-2-BE

EXISTING LAND USES

The subject property is developed with a retail shopping complex.

Surrounding properties are developed as follows:

North: Single-family residences

South: Apartments, Single-family residences, Retail shopping complex, Churches

East: Retail stores, Storage facility

West: Retail stores, Bank

PREVIOUS CASES/ZONING HISTORY

- CUP 02-115-(4)
 - Approved the sale of beer and wine for on-site consumption in an existing restaurant that expanded by 801 square feet into an adjacent office space and increased its occupancy load from 44 to 90 persons.
 - Approved on 8/14/2003
 - Expired on 8/5/2013

- R2006-03350-(4)
 - Approved a Master Sign Plan for Colima Shopping Center required by Rowland Heights CSD
 - Approved on 2/13/2007

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The project is exempt and is not an exception to the exemption since it is not located in an environmentally sensitive area. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the C – Commercial land use category of the Rowland Heights Community Plan. This designation is intended for retail commercial, service and office uses. The continued sale of beer and wine in an existing restaurant is a retail commercial and service use and is therefore consistent with the permitted uses of the underlying land use category.

The following policies of the General Plan are applicable to the proposed project:

- General Plan Economic Development Policy 60: "Encourage a strong, diversified economy that will provide business opportunities, an adequate number of jobs for this county's labor force and an improved standard of living."

The continued sales of on-site consumption of alcoholic beverages at the existing restaurant not only sustain the business growth of the establishment but enable job creation that comes with the increase of business.

The current use of the subject property satisfies the goals of the Rowland Heights Community Plan and is consistent with the local commercial land use policies in the General Plan.

Zoning Ordinance and Development Standards Compliance

Pursuant to Section 22.28.170 of the County Code, establishments in the C-2 zone are subject to development standards for parking and landscaping. The proposed project is only for the continued sale of beer and wine for on-site consumption. There is no proposed expansion or change of use. The retail complex was developed in 1969 according to Plot Plan No. 30653. The project does not propose expansion or change of use that will change the calculation of parking spaces required for the restaurant. The restaurant parking is calculated based on the occupant load. The restaurant has a square footage of 2,108 and an occupant load of 72 persons which would require not less than 24 spaces are provided for the restaurant.

The current landscaping development standards in a C-2 zone require 10% of the lot area to be landscaped. The retail complex was developed with landscaping on only 7% of the lot area. Plot Plan No. 30653 was approved in 1981 for the commercial development, prior to the adoption of the 10% landscaping requirement in 1983. Therefore, the project site is considered legal nonconforming with respect to landscaping.

Pursuant to Section 22.44.132 of the County Code, establishments in the Rowland Heights Community Standards District (CSD) are subject to development standards regarding business signs in the C-2 zone. There are nonconforming freestanding signs at the retail complex but were allowed to remain per Plot Plan No. 30653. In 2007 a revised Master Sign Plan was approved for Colima Shopping Center as required by the Rowland Heights CSD.

Pursuant to Section 22.40.110 of the County Code, any premises with the -BE (Billboard Exclusion) designated zone cannot be used for billboards or outdoor advertising signs. There are no billboards shown on the applicant's site plan and none are proposed.

Site Visit

Staff visited the project site on February 26, 2015 and found the property in compliance. Staff verified that the bar that was required to be removed in CUP 02-115 has been removed.

Burden of Proof

The applicant is required to substantiate all facts identified by Sections 22.56.040 and 22.56.195 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

That the requested use at the location proposed will not:

- 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or*
 - 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or*
 - 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.*
- The proposed project is an existing use within in an existing restaurant. The sale of alcohol for on-site consumption is not and will not be detrimental to those residing in the surrounding area or the properties nearby. The sale of alcohol is secondary to the consumption of food and does not constitute a menace to public health, safety or general welfare, and the project conditions will be enforced to ensure that the use will remain in compliance.

That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features

prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

- The site is adequate in size and shape to accommodate the proposed use. The project is located within an existing retail complex. The complex was developed and permitted to meet the zoning code and development standards for parking and landscaping. No expansion of the existing restaurant use is proposed, and the occupant load shall remain the same.

That the proposed site is adequately served:

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

- Ingress and egress to and from the property is off of Colima Road. Colima Road is a major highway and is of sufficient width to serve the project site. The restaurant is in an existing retail complex and all service facilities are already in place.

That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school park, playground or any similar use within a 600-foot radius.

- The proposed project is located in an existing restaurant within an existing retail shopping center. There are two churches within a 600-foot radius but the proposed use will not adversely affect the churches since the alcohol sale is only for on-site consumption and only with the consumption of food. The primary use of the project is the restaurant and the sale of alcohol is accessory to the restaurant use. The churches are also not in use during weekday evening hours and are sufficiently buffered from the subject property by adjacent commercial uses, Nogales Street, Colima Road and Otterbein Avenue.

That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

- The project location is sufficiently buffered from the neighboring residential areas. Although there are single-family residences to the north and south, there is no direct access from the restaurant. Colima Road is a major highway and is able to act as a buffer.

That the requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find 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, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.

- There are six other alcohol permits within 500 feet of the restaurant, which constitutes an undue concentration of similar premises according to Section 22.56.195.B.3 of the County Code. Four permits were issued to other restaurants and two permits were issued for the sale of alcoholic beverages for off-site consumption. The continuation of the sale of beer and wine at the proposed project serves a public convenience or necessity as it is secondary to the consumption of food and allows for the restaurant to provide additional services to its customers, which outweighs the fact that is located within 500 feet of other facilities selling alcoholic beverages.

That the requested use at the proposed location will not adversely affect the economic welfare of the nearby community.

- The proposed project will not adversely affect the economic welfare of the surrounding community since the alcohol will be consumed with food at an existing restaurant.

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

- The exterior of the project conforms to the matching aesthetic values of the community and matches the exterior of the existing retail complex that the restaurant is located in. The project will not create blight, deterioration or substantially diminish or impair property values within the neighborhood.

Neighborhood Impact/Land Use Compatibility

The existing restaurant is appropriate for the site and the area. It is located in an established commercial retail center with sufficient parking provided for the patrons. The restaurant is located in an area zoned for the use and has had a previous CUP for on-site alcohol sales. The CUP is up for renewal, but the restaurant currently holds a valid alcohol license from the Alcoholic Beverage Control (ABC). There are no current violations with ABC or the Department of Regional Planning.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Sheriff's Department

Staff received a letter from the Sheriff's Department recommending approval of this CUP. The only service calls have been for alarm activations and routine calls. The Sheriff's Department has no specific concerns. The Sheriff's Department recommends that the locations have security cameras installed inside and outside facing the parking lot. The restaurant's proximity to the 60 Freeway may make it a target for burglaries

and robberies. The Sheriff's Department also recommends burglary and robbery alarms.

OTHER DEPARTMENT COMMENTS AND RECOMMENDATIONS

Alcoholic Beverage Control

Alcoholic Beverage Control (ABC) submitted the B&P form for the proposed project. ABC determined that the census tract is not over concentrated with licenses and the number of existing licenses is lower than the number allowed in the census tract.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

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

PUBLIC COMMENTS

Staff has not received any comments at this time.

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 R2008-00758-(4), Conditional Number 200800081, subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.

I, THE HEARING OFFICER, APPROVE CONDITIONAL USE PERMIT NUMBER 200800081 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Iris Chi, Planner, Zoning Permits North Section
Reviewed by Paul McCarthy, Supervising Regional Planner, Zoning Permits North Section

Attachments:
Draft Findings, Draft Conditions of Approval
Applicant's Burden of Proof statement

PROJECT NO. R2008-00758-(4)
CONDITIONAL USE PERMIT NO. 200800081

STAFF ANALYSIS
PAGE 7 OF 7

Site Photographs, Aerial Image
Site Plan, Land Use Map

PMC:IC
3/5/15

**DRAFT FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2008-00758-(4)
CONDITIONAL USE PERMIT NO. 200800081**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 200800081 ("CUP") on March 17, 2015.
2. The permittee, JiLong, Inc., ("permittee"), requests the CUP to authorize the continued sale of beer and wine for on-site consumption ("Project") on a property located at 19043-45 Colima Road in the unincorporated community of Rowland Heights ("Project Site") in the C-2-BE (Neighborhood Business – Billboard Exclusion) zone pursuant to Los Angeles County Code ("County Code") sections 22.28.160 and 22.40.100.
3. Project Site is 4.48 acres in size and consists of one legal lot. The Project Site is rectangular in shape with flat topography and is developed with retail shopping complex.
4. The Project Site is located in the Puente Zoned District and is currently zoned C-2-BE.
5. The Project Site is located within the C - Commercial land use category of the Rowland Heights Community Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
 - North: A-1-6000 (Light Agricultural – 6,000 Square Foot Required Minimum Lot Area)
 - South: C-2-BE, R-2 (Two-Family Residence), A-1-6000
 - East: C-1 (Restricted Business)
 - West: C-2-BE
7. Surrounding land uses within a 500-foot radius include:
 - North: Single-family residences
 - South: Apartments, Single-family residences, Retail shopping complex, Churches
 - East: Retail stores, Storage facility
 - West: Retail stores, Bank
8. The Project was previously approved by CUP 02-115-(4). It approved the sale of beer and wine for on-site consumption in an existing restaurant that expanded by 801 square feet into an adjacent office space and increased its occupancy load from 44 to 90 persons. It was approved on August 14, 2003 and expired on August 5, 2013. R2006-03350-(4) approved a Master Sign Plan for Colima Shopping Center,

which is the retail complex that the restaurant is located in. It was approved on February 13, 2007.

9. The site plan for the Project depicts a dining area in the eastern portion of the existing 2,108 square foot restaurant. There is a dining area, a kitchen, restrooms, storage area and a changing room for employees.
10. The Project Site is accessible via Colima Road to the south. Primary access to the Project Site will be via an entrance/exit on Colima Road.
11. Prior to the Hearing Officer's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 2100, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involved the continued sale of beer and wine for on-site consumption in an existing restaurant, with negligible or no expansion of use beyond that which was previously existing.
12. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.
13. Prior to the Hearing Officer's public hearing, Regional Planning staff did not receive any public comments regarding the Project.
14. *To be inserted after the public hearing to reflect hearing proceedings.*
15. The Hearing Officer finds that pursuant to Section 22.28.170 of the County Code, establishments in the C-2 zone are subject to development standards for parking and landscaping. The proposed project is only for the continued sale of beer and wine for on-site consumption. There is no proposed expansion or change of use. The retail complex was developed in 1969 according to Plot Plan No. 30653. The project does not propose expansion or change of use that will change the calculation of parking spaces required for the restaurant. The restaurant parking is calculated based on the occupant load. The restaurant has a square footage of 2,108 and an occupant load of 72 persons which would require not less than 24 spaces are provided for the restaurant.

The current landscaping development standards in a C-2 zone require 10% of the lot area to be landscaped. The retail complex was developed with landscaping on only 7% of the lot area. Plot Plan No. 30653 was approved in 1981 for the commercial development, prior to the adoption of the 10% landscaping requirement in 1983. Therefore, the project site is considered legal nonconforming with respect to landscaping.

Pursuant to Section 22.44.132 of the County Code, establishments in the Rowland Heights Community Standards District (CSD) are subject to development standards regarding business signs in the C-2 zone. There are nonconforming freestanding signs at the retail complex but were allowed to remain per Plot Plan No. 30653. In 2007 a revised Master Sign Plan was approved for Colima Shopping Center as required by the Rowland Heights CSD.

Pursuant to Section 22.40.110 of the County Code, any premises with the –BE (Billboard Exclusion) designated zone cannot be used for billboards or outdoor advertising signs. There are no billboards shown on the applicant's site plan and none are proposed.

16. The Hearing Officer finds that the Project is consistent with the goals and policies of the General Plan. The General Plan Land Use Element contains policies to ensure compatibility of development with the surrounding area. The General Plan seeks to "encourage a strong, diversified economy that will provide business opportunities, an adequate number of jobs for this county's labor force and an improved standard of living." (General Plan Economic Development Policy 60.) The continued sales of on-site consumption of alcoholic beverages at the existing restaurant not only sustain the business growth of the establishment but enable job creation that comes with the increase of business. The current use of the subject property satisfies the goals of the Rowland Heights Community Plan and is consistent with the local commercial land use policies in the General Plan.
17. The Hearing Officer finds that the Project will not adversely affect the health, peace, comfort, or welfare of persons residing and 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 Project Site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, and general welfare. The proposed project is an existing use within in an existing restaurant. The sale of alcohol for on-site consumption is not and will not be detrimental to those residing in the surrounding area or the properties nearby. The sale of alcohol is secondary to the consumption of food and does not constitute a menace to public health, safety or general welfare, and the project conditions will be enforced to ensure that the use will remain in compliance.
18. The Hearing Officer finds that the Project Site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping, and other development features as is required in order to integrate the Project into the surrounding area. The site is adequate in size and shape to accommodate the proposed use. The project is located within an existing retail complex. The complex was developed and permitted to meet the zoning code and development standards for parking and landscaping. No expansion of the existing restaurant use is proposed, and the occupant load shall remain the same.
19. The Hearing Officer finds that the Project 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. Ingress and egress to and from the property is off of Colima Road. Colima Road is a major highway and is of sufficient width to serve the project site. The restaurant is in an existing retail complex and all service facilities are already in place.

20. The Hearing Officer finds that the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius. The proposed project is located in an existing restaurant within an existing retail shopping center. There are two churches within a 600-foot radius but the proposed use will not adversely affect the churches since the alcohol sale is only for on-site consumption and only with the consumption of food. The primary use of the project is the restaurant and the sale of alcohol is accessory to the restaurant use. The churches are also not in use during weekday evening hours and are sufficiently buffered from the subject property by adjacent commercial uses, Nogales Street, Colima Road and Otterbein Avenue.
21. The Hearing Officer finds that the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area. The project location is sufficiently buffered from the neighboring residential areas. Although there are single-family residences to the north and south, there is no direct access from the restaurant. Colima Road is a major highway and is able to act as a buffer.
22. The Hearing Officer finds that the requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find 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, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.

There are six other alcohol permits within 500 feet of the restaurant, which constitutes an undue concentration of similar premises according to Section 22.56.195.B.3 of the County Code. Four permits were issued to other restaurants and two permits were issued for the sale of alcoholic beverages for off-site consumption. The continuation of the sale of beer and wine at the proposed project serves a public convenience or necessity as it is secondary to the consumption of food and allows for the restaurant to provide additional services to its customers, which outweighs the fact that is located within 500 feet of other facilities selling alcoholic beverages.

23. The Project Site is located in Census Tract No. 4082.12. The Hearing Officer finds that based on information from ABC, a total of four licenses for the on-sale of alcoholic beverages are permitted within this census tract, and ten such licenses exists. The ratio of licenses to the population in the County is 1:1,047 for on-sale licenses. Therefore, there is not an undue concentration of licenses in the census

tract, and the Project will not create an over-concentration of licenses within the census tract pursuant to the provisions of ABC. However, the Hearing Officer finds that based on the information provided, the Project Site is located within a high-crime reporting district. The crime-reporting district for the subject community is District No. 2934. The average number of offenses per district Countywide was 85.7 criminal offenses. An area is considered "high crime" pursuant to ABC provisions if 120 percent of the average criminal offenses occur, which would be 103 offenses. The reported offenses for this district total 243, which exceeds 120 percent, therefore, making this a high-crime reporting district. As such, ABC would require a finding of public convenience and necessity in order to issue the alcohol license. The Sheriff's Department was consulted and confirmed that the crime incidents reported to the Sheriff's Department are not directly related to the Project, and therefore, did not object to the sale of beer and wine for on-site consumption at this location. The Hearing Officer finds that the Project will provide a public convenience and necessity by providing customers the opportunity to purchase beer and wine in addition to their consumption of food at the Project.

24. The Hearing Officer finds that the requested use at the proposed location will not adversely affect the economic welfare of the nearby community. The proposed project will not adversely affect the economic welfare of the surrounding community since the alcohol will be consumed with food at an existing restaurant.
25. The Hearing Officer finds that the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood. The exterior of the project conforms to the matching aesthetic values of the community and matches the exterior of the existing retail complex that the restaurant is located in. The project will not create blight, deterioration or substantially diminish or impair property values within the neighborhood.
26. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the Conditional Use Permit to fifteen (15) years.
27. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of Rowland Heights community. On February 9, 2015, a total of 97 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as 11 notices to those on the courtesy mailing list for the Puente Zoned District and to any additional interested parties.
28. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of

Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

Regarding the Conditional Use Permit:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

Regarding the Alcohol Permit:

- 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.
- F. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find 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, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.
- G. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.

- H. 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 HEARING OFFICER:

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 2100 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
2. Approves Conditional Use Permit No. 200800081, subject to the attached conditions.

ACTION DATE: March 17, 2015

PMC:IC
3/9/15

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2008-00758-(4)
CONDITIONAL USE PERMIT NO. 200800081**

PROJECT DESCRIPTION

The project is for the continued sale of beer and wine for on-site consumption in an existing restaurant, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

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

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

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on March 17, 2030** 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 six (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 the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the restaurant and sale of beer and wine for on-site consumption and satisfaction of Condition No. 2 shall be considered use of this grant.
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 **fifteen (15) biennial (one 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 any 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 ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal

decorations or signage provided under the auspices of a civic or non-profit organization.

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

17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by **May 17, 2015**.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (SALE OF ALCOHOLIC BEVERAGES)

19. 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.
20. Loitering shall be prohibited on the subject property, including loitering by employees of 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.
21. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control. 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.

22. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures.
23. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
24. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public.
25. This grant authorizes the sale of alcoholic beverages from 11:00 a.m. to 12:00 a.m. (midnight) daily.
26. There shall be no consumption of alcoholic beverages outside the designated areas of the subject facility. The permittee shall instruct all designated employees, who directly serve or are in the practice of selling alcoholic beverages, regarding this restriction. Employees shall be instructed to enforce such restrictions and to call local law enforcement as necessary.
27. 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 in the restaurant or an explanation regarding the program shall be printed on the menu.
28. All servers of alcoholic beverages must be at least 18 years of age.
29. There shall be no music or other noise audible beyond the restaurant premises.
30. Alcoholic beverages shall be sold to customers only when food is ordered and consumed within the subject restaurant only.
31. The sale and serving of alcoholic beverages for consumption outside the restaurant is prohibited.
32. Food service shall be continuously provided during operating hours.
33. The establishment of a bar in the restaurant is prohibited.

PROJECT SITE SPECIFIC CONDITIONS

34. This grant shall authorize the sale of beer and wine for on-site consumption within the existing restaurant.

35. The permittee shall provide parking as required by the County Code, calculated based on the occupant load. The restaurant has a square footage of 2,108 and an occupant load of 72 persons which would require not less than 24 spaces be provided based on the applicable ratio. If the permittee changes the occupant load of restaurant so as to require more or less, the permittee shall submit a Site Plan Review application.

If the restaurant substantially changes its mode or character of operation or if the permittee changes the use or occupancy or otherwise modifies the subject property so as to require parking beyond the minimum requirement, the permittee shall submit an application for a minor parking deviation, parking permit, variance, or other applicable permit, as determined by the Director, within 90 days of such occurrence.

In addition to the information required in the application, the applicant shall substantiate to the satisfaction of the Zoning Board and/or Commission, the following facts:

- A. That the requested use at the location proposed will not:
 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The project requested use of the site proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare of the surrounding area. The proposed project will adhere to the written statement that the owner will respond to the given statement.

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

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

- C. That the proposed site is adequately served:
 1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
 2. By other public or private service facilities as are required

The proposed project site is adequately served by highways or streets of sufficient width & improved as necessary to carry the kind & quantity of traffic such use would generate, & by other public or private service facilities as are required for these areas.

ADDENDUM BURDEN OF PROOF, ALCOHOLIC BEVERAGE SALES Section 22.56.195

1. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school park, playground or any similar use within a 600-foot radius;

The property with the proposed project is existing, just expanding square footage in a commercial developed area with a distance (buffer) not to affect religious worship, school, park, playground within 600-foot radius of our site

2. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area;

There is a sufficient buffer & distance, & only on site-consumption with food, therefore immediate resident adverse affects. I will contribute to the community to have beverages that the community would want with these meals, contribute a need for the community.

3. That the requested use at the proposed location will not result in an undue concentration of similar premises, or that the public convenience or necessity for the proposed facility selling alcoholic beverages for off-site consumption outweighs the fact that it is located within a 500 foot of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment;

The concentration of Alcohol on project site will not concentrate the Area, & shelving percent will be complied, so it will not affect the well being of the surrounding Area.

4. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community;

The project will not affect the economic welfare of the surrounding community, since the Alcohol will be consumed with food at the existing restaurant, it is treated as a beverage.

5. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood;

The exterior of project will conform with the matching aesthetic values of the community, Residential & Commercial, for Everybody to be satisfied in the community.

NOTE: additional sheets may be attached to answer the above statements.

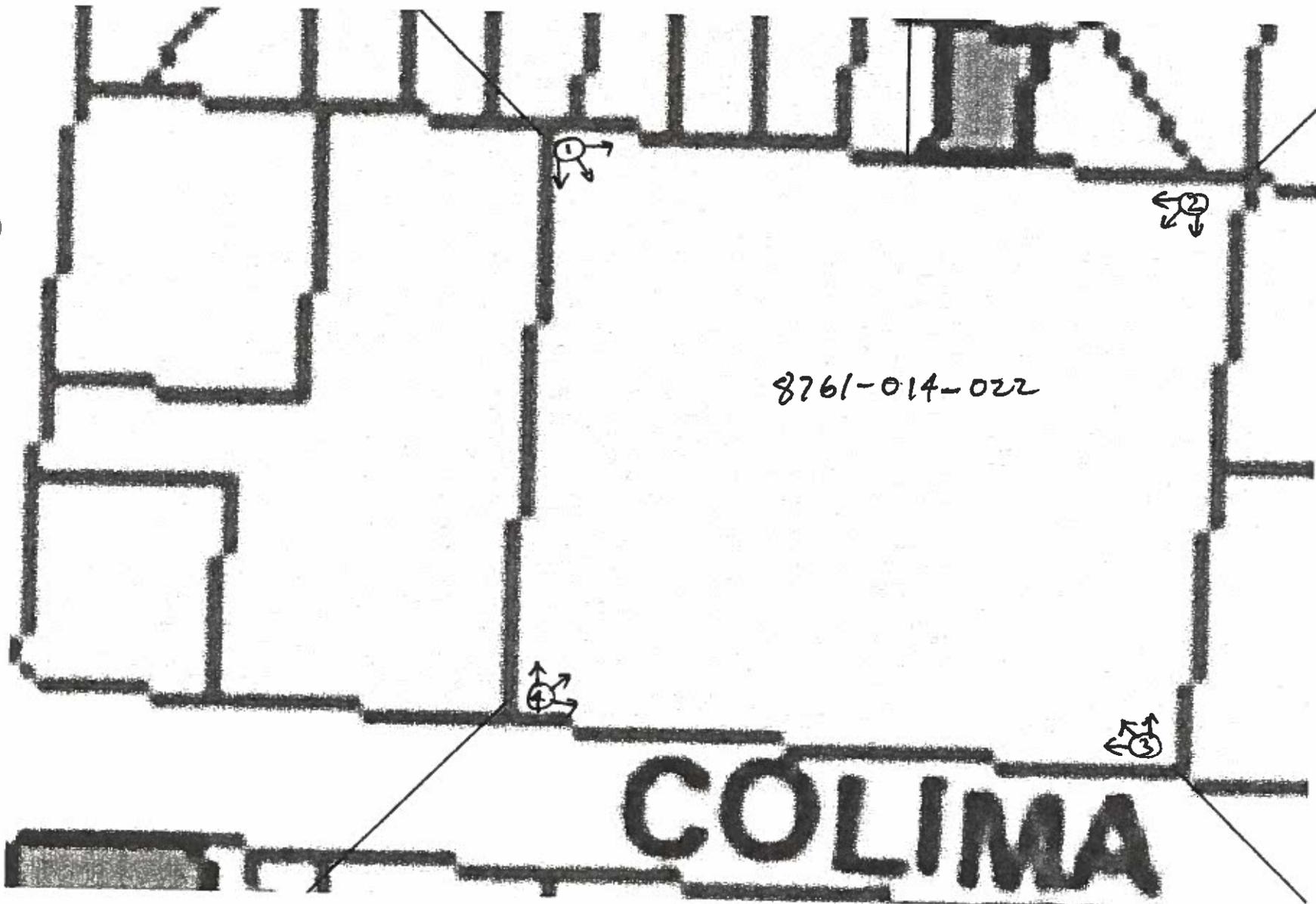


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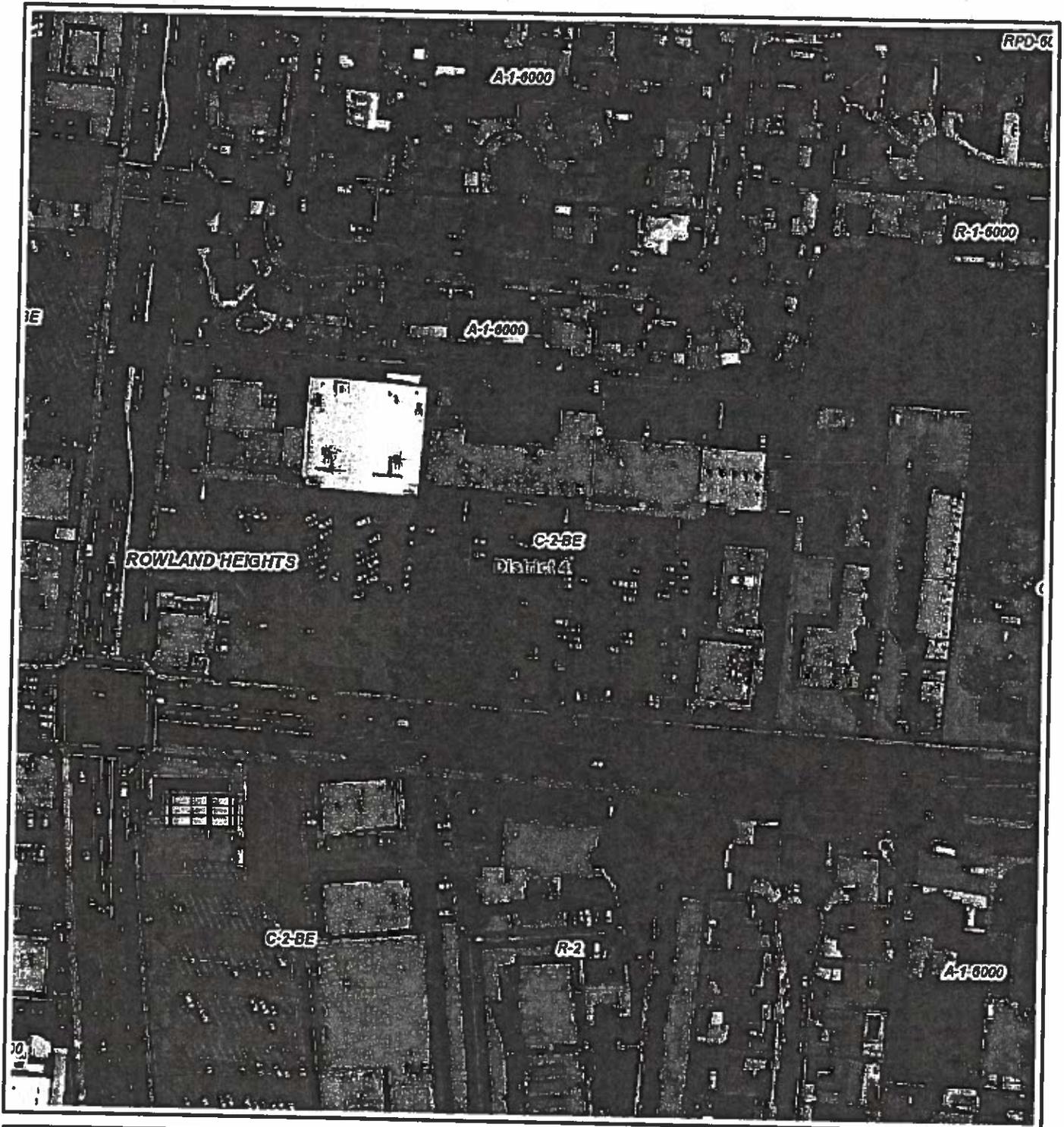


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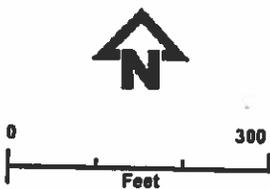
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PERMIT # 200800081

Assigned Planner Kris Chi

LAND USE

