



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

May 16, 2012

Richard J. Bruckner
Director

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Thidarat Poohirun
1675 Azusa Avenue
Hacienda Heights, CA 91745

REGARDING: PROJECT NUMBER R2008-01089-(4)
CONDITIONAL USE PERMIT NUMBER 200900118
1675 S. Azusa Avenue

Dear Applicant:

The Regional Planning Commission, by its action of Wednesday, May 16, 2012, **APPROVED** the above described application for **((Conditional Use Permit for the sales of beer and wine for on-site consumption))**. 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 grants becomes effective.

The applicant or/ and other interested person may appeal the Regional Planning Commission's decision to the Board of Supervisors through 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 this project will end at 5:00 p.m. on Wednesday, May 30, 2012.** Any appeal must be delivered in person to the Executive Office by this time. If no appeal is filed during the specified period, the Regional Planning Commission action is final.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Diane Aranda at (213)974-6435 or e-mail at DAranda@planning.lacounty.gov of the Zoning Permits East Section. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

Richard J. Bruckner
Director


Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings

c: BOS, Zoning Enforcement, ABC, Testifiers, Sheriff,

MM: DA, Hearing Footage: 2/29/2012-Item

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

PROJECT NUMBER R2008-01089-(4)

CONDITIONAL USE PERMIT NUMBER 200900118

HEARING DATE: May 16, 2012

SYNOPSIS:

The applicant is requesting a Conditional Use Permit (CUP) for the continued sale of beer and wine (Type 41) for on-site consumption in conjunction with an existing restaurant (Thai Specialty 2) located in a multi-tenant commercial center at 1675 S. Azusa Avenue in the C-2-BE (Neighborhood Commercial-Billboard Exclusion) Zone within the Hacienda Heights Zoned District. No new construction or expansion is proposed with this application.

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION

A duly noticed public hearing was held on May 16, 2012 before the Regional Planning Commission. All Commissioners were present. The owner of the restaurant, Phisit Bunyaprayun, testified in favor of the proposed project.

Commissioner Louie asked staff if the restaurant was allowed to sell beer and wine with an expired CUP. Staff stated that the applicant may continue to operate under the expired CUP if the applicant is actively pursuing the project and complying with the conditions of approval from the previous CUP. There being no further testimony, the Regional Planning Commission closed the public hearing, indicated its intent to approve project R2008-01089-(4) with attached findings and conditions.

Findings

1. The applicant is requesting a CUP for the sale of beer and wine for on-site consumption in conjunction with an existing restaurant (Thai Specialty 2) in the unincorporated community of Hacienda Heights. A CUP is required to sell alcohol in the C-2 Zone, pursuant to Sections 22.56.195 and 22.32.070 of the Los Angeles County Code.
2. The restaurant is located in a multi-tenant commercial center at 1675 S. Azusa Avenue in the C-2-BE (Neighborhood Commercial-Billboard Exclusion) Zone within the Hacienda Heights Zoned District.
3. Plot Plan 34164 approved the multi-tenant commercial center in 1977.
4. Conditional Use Permit 95061 originally authorized the sale of beer and wine for on-site consumption at the subject restaurant on October 16, 1995.
5. The surrounding properties are developed as residential to the north and west, the City of Industry to the east, and commercial to the south and east.
6. Surrounding properties are zoned R-A (Residential Agricultural) and IT (Institutional) to the north and west, C-2 (Neighborhood Commercial) to the south, and the City of Industry (commercial zone) to the east.
7. The site plan depicts a multi-tenant commercial center with a total of six buildings located on a 12.8-acre lot. The 1,680-square foot tenant space is located within a one-story 81,349

- building on the western portion of the property. The maximum occupancy load for the restaurant is for 50 patrons.
8. There is adequate parking on the site for all existing uses in the commercial center including the restaurant. There are a total of 703 uncovered parking spaces, including 15 handicap spaces that are provided for the multi-tenant commercial buildings on the project site.
 9. The project is to allow the sales of alcohol at a restaurant and qualifies for a Class 1 Categorical Exemption under CEQA reporting requirements categorized as "Existing Facilities".
 10. There is currently an active alcohol license on record with the California Department of Alcoholic Beverage Control for the restaurant.
 11. The land use designation within the Hacienda Heights Community Plan is Commercial. Areas located in this land use designation are generally suitable for retail commercial, service, and office use developments. The subject property is developed as a multi-tenant commercial center, which is consistent with the land use designation.
 12. There is no history of zoning violations or complaints for the subject restaurant.
 13. The project is compatible with the existing land use pattern in the area. The project is adjacent to other commercial and retail uses, is located along a well travelled, major road in the community, and provides essential goods and services to the community.
 14. The project supports the Hacienda Heights Community Plan's policy to ensure compatibility of development policy by promoting neighborhood commercial facilities that complements the community's character through appropriate scale, design and location control. The subject property is a restaurant that is located within an existing multi-tenant commercial center and provides convenient services to the surrounding community.
 15. The subject site meets all the development requirements for the C-2-BE Zone.
 16. The sensitive uses within 600 feet of the project site will not be adversely affected by the sale of alcohol at the subject restaurant. There are four sensitive uses located within 600 feet of the subject property: two businesses that have dance and athletic classes that include youths, the Puente Hills Medical Center and Schabarum Regional Park. The restaurant is also in proximity to residential uses to the north and west. The character of the neighborhood is a dense mix of commercial, employment and residential uses, and the sensitive uses within 600 feet of the restaurant are well-integrated into the development pattern.
 17. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and Department of Regional Planning website posting.
 18. 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. ABC data illustrates that the site is within an area that does have an undue concentration of alcohol sales. The subject request Census Tract is 4086.23, and three ABC licenses are allowed within this census tract and four currently exist.

19. The Commission finds that the applicant's current alcohol license is one of the four existing in the census tract, so approval of this CUP would not result in an increase in licenses in the census tract. Therefore, there is a need for a finding of public convenience and necessity by a governing body.
20. The Commission finds that the subject property is appropriately located in a densely developed area with a number of commercial uses that serve nearby residents and employees who work in the neighborhood. For this reason, the project will serve as a convenience and a public necessity.
21. The Commission finds that the burden of proof has been met by the applicant and the CUP approval will allow the existing restaurant to continue the sale of alcohol and provide a full service dining experience consistent with past operations and the operations of the other restaurants within the subject shopping center.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION 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 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; 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).

REGIONAL PLANNING COMMISSION'S ACTION:

1. The Regional Planning Commission finds that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). The project is within a class of projects that has been determined to not have a significant effect on the environment. The project meets the criteria set forth in Section 15301 of the State CEQA Guidelines and Class 1 - Existing Facilities, Categorical Exemption of the County Environmental Document Reporting Procedures and Guidelines, Appendix G.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 200900118, associated with Project R2008-01089-(4) is **APPROVED**, subject to the attached conditions.

MM: DA

04/30/2011

REGIONAL PLANNING COMMISSION ACTION:

VOTE: 5-0

Concurring: Valadez, Louie, Helsley, Pedersen and Modugno

Dissenting:

Abstaining:

Absent:

Action Date: May 16, 2012

**CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NUMBER R2008-01089-(4)
CONDITIONAL USE PERMIT NUMBER 200900118**

PROJECT DESCRIPTION

The project authorizes the continued sale of beer and wine for on-site consumption (Type 41 license) at an existing restaurant in the C-2-BE (Neighborhood Business – Billboard Exclusion) Zone, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term “permittee” shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning (“Regional Planning”) their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 9. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 16, 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 fully 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 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 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 May 16, 2027.** 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. 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 inspections (once every other year). Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this

grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

10. 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.
11. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
12. All requirements of Title 22 of the County Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.
13. All development pursuant to this grant shall conform to the requirements of County Department of Public Works.
14. 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.

15. 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, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval. In the event that subsequent revised plans are submitted, the permittee shall submit three (3) copies of the revised Exhibit "A" for approval to the Director of Planning. All revised site plans must be accompanied by the written authorization of the property owner.

16. 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 with the sales of beer and wine for on-site consumption and satisfaction of Condition No. 2 shall be considered use of this grant.

PERMIT SPECIFIC CONDITIONS

17. 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.
18. 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.
19. 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 (insert other State mandated program if applicable) 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, 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.
20. 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.
21. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
22. 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.
23. The permittee shall provide adequate lighting above all entrances and exits to the premises.
24. The permittee shall provide adequate lighting in all parking areas and walkways under control of the permittee or required of this grant.

25. All lighting required by this grant shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons within lighted areas 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.
26. The operating hours of the restaurant are 11a.m.-10 p.m., seven days a week. Alcohol may only be served during the aforementioned operating hours.
27. 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;
28. 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;
29. All servers of alcoholic beverages must be at least 18 years of age;
30. There shall be no music or other noise audible beyond the restaurant premises, beyond noise levels established by the County Noise Ordinance.
31. No live entertainment, dancing, or dance floor is authorized in or outside the premises.
32. Employee parking shall be provided on-site. Employees shall not park on adjacent residential streets during the hours they are working on the property.
33. Trash pick-up from and deliveries to the site shall be limited to the hours of 7:30 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturdays. No pick-ups or deliveries shall be permitted on Sundays or on legal holidays.
34. All signage shall comply with the zoning ordinance.

MM:DA