

Regional Planning Commission Transmittal Checklist	Hearing Date 05/16/2012
	Agenda Item Number 8

Project Number: R2008-01089-(4)
Case(s): Conditional Use Permit 200900118
Contact Person: Diane Aranda, Regional Planning Assistant II
 Zoning Permits East

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

Reviewed By: 



Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-6435

PROJECT NUMBER R2008-01089-(4)
CONDITIONAL USE PERMIT NUMBER 200900118

PUBLIC HEARING DATE
5/16/2012

AGENDA ITEM

RPC CONSENT DATE

CONTINUE TO

APPLICANT Phisit Bunyaprayun	OWNER Pacific Castle Colima L.P	REPRESENTATIVE N/A
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PROJECT DESCRIPTION
 The applicant, Phisit Bunyaprayun, is requesting a Conditional Use Permit (CUP) for the continued sale of beer and wine for on-site consumption (Type 41 License) at an existing restaurant in the C-2-BE (Neighborhood Commercial-Billboard Exclusion) Zone within the Hacienda Heights Zoned District within the unincorporated community of Hacienda Heights. The occupancy load of the restaurant was determined to be 51 by the Department of Public Works. A maximum of six employees work in two shifts from 11 a.m. to 10 p.m., seven days a week.

REQUIRED ENTITLEMENTS
A CUP is requested to authorize the sale of beer and wine for on-site consumption at an existing restaurant in the C-2-BE (Neighborhood Commercial-Billboard Exclusion) Zone within the Hacienda Heights Zoned District, pursuant to Sections 22.56.195 and 22.32.070 of the Los Angeles County Code.

LOCATION/ADDRESS
 1675 S. Azusa Avenue, Hacienda Heights

SITE DESCRIPTION
 The site plan depicts a multi-tenant commercial center with six building on a 12.8 acre lot. The subject restaurant is located within a 1,680 square foot tenant space in a one-story 81,349 square foot building on the western portion of the property. There are 703 on-site parking spaces and access is from multiple paved driveways along Colima Road, Azusa Avenue and Pepper Brook Way.

ACCESS Colima Road and S. Azusa Avenue	ZONED DISTRICT Hacienda Heights
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ASSESSORS PARCEL NUMBER 8209020023	COMMUNITY Hacienda Heights
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SIZE 12.8 Acres	COMMUNITY STANDARDS DISTRICT N/A
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	EXISTING LAND USE	EXISTING ZONING
Project Site	Commercial Center	C-2-BE (Neighborhood Commercial-Billboard Exclusion) Zone
North	Single Family Residential	R-A (Residential Agriculture) Zone
East	Commercial retail and restaurants	City of Industry
South	Commercial retail and offices	C-2 (Neighborhood Commercial) Zone
West	Single Family residential	IT (Institutional) and R-A (Residential Agriculture) Zone

GENERAL PLAN/COMMUNITY PLAN CG-General Commercial	LAND USE DESIGNATION Hacienda Heights Community Plan	MAXIMUM DENSITY N/A
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ENVIRONMENTAL DETERMINATION
 Class 1 Categorical Exemption-Existing Facilities

RPC LAST MEETING ACTION SUMMARY

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

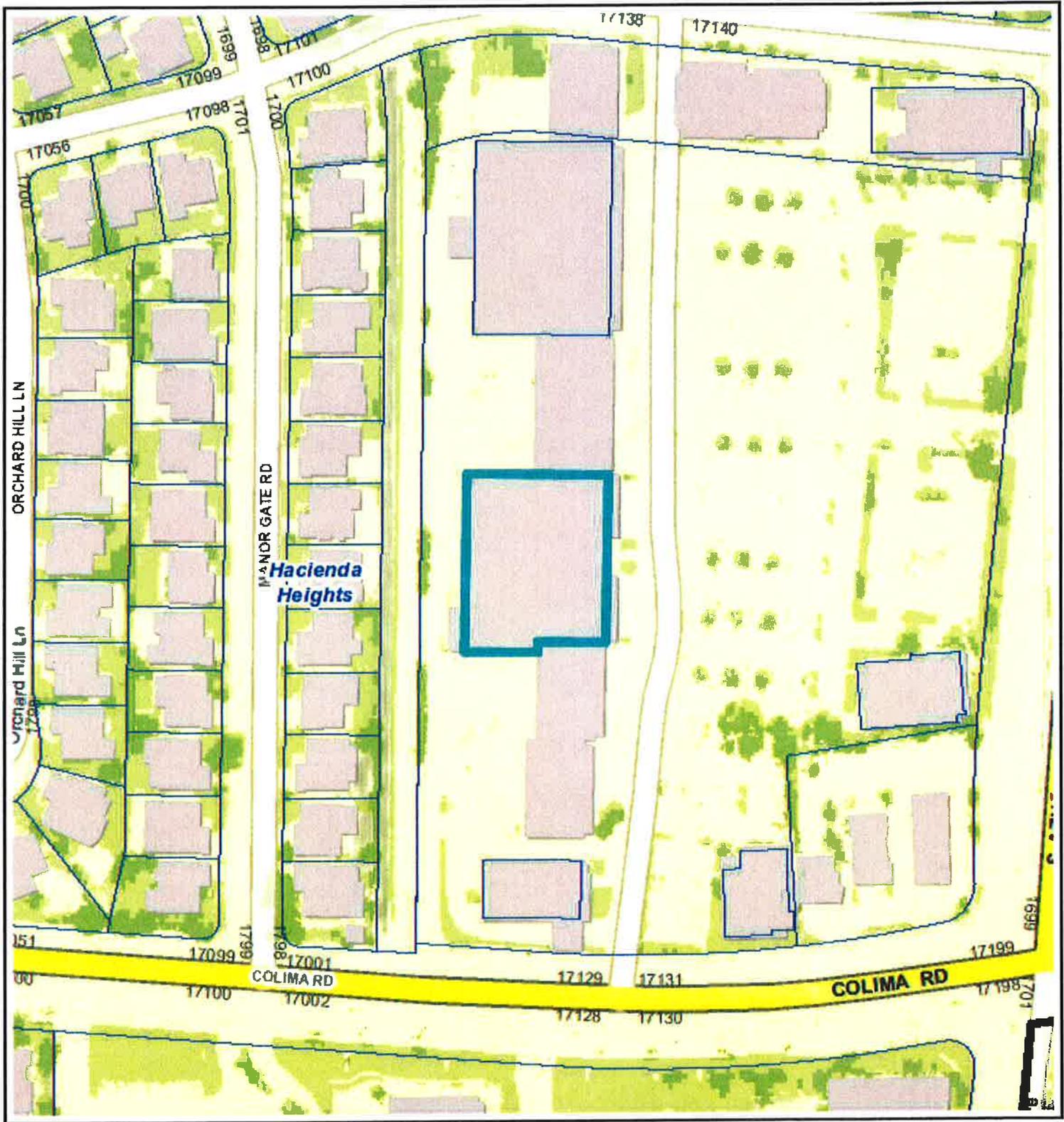
TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON: Diane Aranda		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING

STAFF RECOMMENDATION (PRIOR TO HEARING):

SPEAKERS* (O) 0 (F) 0	PETITIONS (O) 0 (F) 0	LETTERS (O) 0 (F) 0
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*(O) = Opponents (F) = In Favor



1675 S. Azusa Ave., Hacienda Heights

Location Map

Printed: Feb 16, 2012



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STAFF ANALYSIS
PROJECT NUMBER R2008-01089-(4)
CONDITIONAL USE PERMIT NUMBER 200900118

PROJECT DESCRIPTION

The applicant, Phisit Bunyaprayun, is requesting a Conditional Use Permit (CUP) for the continued sale of beer and wine for on-site consumption (Type 41 License) at an existing restaurant in the C-2-BE (Neighborhood Commercial-Billboard Exclusion) Zone within the Hacienda Heights Zoned District within the unincorporated community of Hacienda Heights. The occupancy load of the restaurant was determined to be 50 by the Department of Public Works. The restaurant operates with a maximum of six employees working two shifts from 11 a.m. to 10 p.m., seven days a week.

The restaurant was originally authorized to sell beer and wine for on-site consumption on October 16, 1995 with a ten year grant term. The CUP expired on October 16, 2005 and due to an enforcement violation for selling beer and wine with an expired CUP, the permittee applied for a CUP renewal on October 13, 2009 to comply with Sections 22.56.195 and 22.32.070 of the Los Angeles County Code. After initial review, the case was deemed incomplete due to lack of pertinent materials. Since then, staff repeatedly attempted to contact the applicant to request the necessary materials needed to proceed processing the application with no response from the applicant. On December 6, 2011, the Hearing Officer denied project R2008-01089-(4) due to inactivity and lack of information.

On December 20, 2011, the new owner, Thidarat Pochirun, filed an appeal with the Commission's secretary to rescind the Hearing Officer's decision to deny CUP 200900118. The new owner requested to reactivate the project in order to take over the application and submit the requested materials to enable staff to process the project. The appellant claimed that the previous owners did not disclose information regarding the pending CUP. The appeal was granted by the Regional Planning Commission on February 29, 2012. Since the granting of the appeal, the new applicant has submitted all requested materials and updated all documents to reflect the change in ownership.

There was one zoning violation on the property issued on April 18, 2012 regarding banners and portable signs that is not related to the subject restaurant. The banners and portable signs have been removed and the enforcement case is closed.

REQUIRED ENTITLEMENTS

The applicant is requesting a CUP to authorize the sale of beer and wine for on-site consumption at an existing restaurant in the C-2-BE (Neighborhood Commercial-Billboard Exclusion) Zone within the Hacienda Heights Zoned District, pursuant to Sections 22.56.195 and 22.32.070 of the Los Angeles County Code.

LOCATION

The subject property is located at 1675 S. Azusa Avenue within the unincorporated community of Hacienda Heights in the Fourth Supervisorial District.

Existing Zoning
Subject Property

The subject property is zoned C-2-BE (Neighborhood Commercial-Billboard Exclusion).

Surrounding Properties

Surrounding properties are zoned as follows:

North: R-A (Residential Agriculture) Zone
South: C-2 (Neighborhood Commercial) Zone
East: City of Industry (commercial zone)
West: IT (Institutional) and R-A (Residential Agriculture) Zone

Existing Land Uses

Subject Property

The subject property is a 1,680 square foot restaurant located in an 81,349-square foot one-story multi-tenant commercial building within a commercial center.

Surrounding Properties

Land uses surrounding the subject property consist of the following:

North: Single Family Residential
South: Commercial Retail, Offices
East: Commercial Retail, Restaurants
West: Single-Family Residential

SITE PLAN DESCRIPTION

The site plan depicts a multi-tenant commercial center with a total of six buildings located on a 12.8-acre lot. The subject restaurant is located within a 1,680 square-foot tenant space in a one-story 81,349-square foot building on the western portion of the property. There are two commercial buildings to the eastern and western portion of the property and one commercial building to the southern portion of the property. There are 703 uncovered on-site parking spaces and access is from multiple paved driveways along Colima Road, Azusa Avenue and Pepper Brook Way.

FLOOR PLAN DESCRIPTION

The floor plan depicts 1,680 square-feet of total floor area. The front entrance is at the western portion of the restaurant adjacent to the parking area. The restaurant has a maximum occupancy load of 50 patrons. Alcohol is proposed to be sold throughout the restaurant and will be kept in the walk-in cooler area.

PREVIOUS CASES/ZONING HISTORY

Previous cases on the property include the following:

- Plot Plan 34164 approved the multi-tenant commercial center in 1977.
- Conditional Use Permit 95061 authorized the sale of beer and wine in an existing restaurant. Approved on September 5, 1995.

- Conditional Use Permit 97136 authorized the sale of beer and wine for on-site consumption at another restaurant located within the same commercial center. Approved in 1998.
- Conditional Use Permit 201100008 authorized beer and wine for on-site consumption at a restaurant within a different tenant space in the same commercial center. Approved on November 1, 2011.
- Conditional Use Permit 200900118 denied on December 6, 2011 due to inactivity.
- Appeal of the denial of Conditional Use Permit 200900118 was approved on February 29, 2012.

STAFF EVALUATION

Hacienda Heights Community Plan

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. The CUP request for the sale of beer and wine for on-site consumption at a restaurant in the multi-tenant commercial center is compatible with this land use classification. In addition to being consistent with the Hacienda Heights Community Plan, the project also supports the following general goals and policies of the General Plan, including:

Ensure Compatibility of Development Policy: Encourage the clustering of well designed highway oriented commercial facilities in appropriate and conveniently spaced locations.

The subject property is located within an existing, large multi-tenant commercial center along two highly travelled thoroughfares in the community, Colima Road and Azusa Avenue.

Ensure Compatibility of Development Policy: Promote neighborhood commercial facilities which provide convenience goods and services and complement community 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.

ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE

The subject property is located in the C-2-BE Zone. The subject restaurant is located in a multi-tenant commercial center, and the site was approved by Plot Plan 34164 in 1977 and therefore complies with the development standards for projects in the C-2 Zone. There are no plans for construction or expansion of the existing restaurant.

Neighborhood Impact/Land Use Compatibility

The restaurant is located in a multi-tenant commercial center on a large parcel that is adjacent to other large-scale commercial activities to the south and to the east in the City of Industry.

The commercial center is also appropriately located at the intersection of two major thoroughfares in the community, Colima Road and Azusa Avenue. The restaurant is compatible with the existing community character and development pattern in the area. The commercial center was built in the late 1970s and is well maintained. The restaurant has existed for over 20 years and will provide convenient and necessary public goods and services to local residents and employees who work in the area.

The subject use shall remain consistent and compatible with the businesses within the surrounding community and will not adversely affect economic welfare of the nearby community. The exterior appearance of the existing structure is not inconsistent with exterior appearances of commercial structures and warehouses within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

Staff is of the opinion that the applicant's request for the continued sale of beer and wine for on-site consumption will not have a negative impact on the surrounding area. The approval of the CUP would not add another alcohol license into the community but renew an existing license. The sale of alcoholic beverages (beer and wine) for on-site consumption is customary to the operation of the existing restaurant and would not adversely affect the economic welfare or safety of the nearby neighborhood if appropriately conditioned. The applicant is proposing to sell beer and wine between the hours of 11:00 a.m. and 10:00 p.m., seven (7) days a week.

There are eight establishments that are located within 500 feet of the subject site that sell alcohol: three stores have off-site sales of alcohol, one just for beer and wine and the other two for a full line of alcohol; the other five establishments are restaurants with on-site sales of alcohol. 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 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.

Staff is of the opinion that the subject property and the request to sell beer and wine at the restaurant will not adversely affect the neighborhood. The approval of the CUP would not add another alcohol license into the community but renew an existing license. The granting of the CUP would provide a public convenience and necessity to residents and workers in the area. The applicant has met the required Burden of Proof for the CUP and for alcoholic beverage sales. The applicant's Burdens of Proof are attached to this report. The subject project 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. The project is compatible with the surrounding commercial uses concentrated within the Colima Road commercial corridor. The restaurant's full service dining, including alcohol sales, is appropriate to encourage prosperity in the large commercial centers as seen in the area.

Burden of Proof

The applicant is required to substantiate the burdens of proof identified by Section 22.56.040 of the Zoning Code for CUPs in general and Section 22.56.195 for the sale of alcoholic beverages in particular. The two Burden of Proof statements relating to the CUP and Alcoholic Beverage

Sales, with the applicant's responses, are attached (**Attachment A**). Staff is of the opinion that the applicant has met both Burdens of Proof.

STATE AND COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

California Department of Alcoholic Beverage Control

Statistical data from the California Department of Alcoholic Beverage Control (ABC) reports that the site of the subject request is not located within a high crime reporting district. 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. The applicant's current alcohol license (Type 41) 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. Due to the existing undue concentration, there is a need for a finding of public convenience and necessity by a governing body (**Attachment B**).

Sheriff's Station

Staff contacted the Industry Sheriff's Station to request a service call and crime history report for the project site over the last five years. Captain Michael R. Claus stated in a letter dated April 17, 2012 that there were three calls for service over the last five years and none were associated with the Thai Specialty 2 restaurant. The letter did not state whether the Sheriff's were opposed or in favor of the proposed project (**Attachment C**).

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Section 22.60.174 of the County Code, the Notice of Public Hearing was advertised in the San Gabriel Tribune and La Opinion, on April 12, 2012 and April 13, 2012 respectively. A total of 117 public hearing notices regarding the subject application were mailed out to the property owners located within a 500-foot radius of the subject property and local community groups and residents on the courtesy list.

Case information materials, including the Notice of Public Hearing, Factual Sheet, Site Plan and environmental documentation were forwarded to the Hacienda Heights Library at 16010 La Monde Street Hacienda Heights, CA 91745 on April 12, 2012. The same materials were also posted on the Department of Regional Planning's website.

Pursuant to Section 22.60.175 of the County Code, the applicant shall post the public hearing notice on the property no less than 30 days prior to the public hearing date. Staff received the Certificate of Posting and photos from the applicant's agent stating that the Notice of Public Hearing was posted on April 18, 2012.

Hacienda Heights Improvement Association

The Hacienda Heights Improvement Association has reviewed the application and has no objections to the granting of the CUP with the stipulation that the permittee maintains the current hours of operation 11 a.m. to 10 p.m. (**Attachment D**).

PUBLIC COMMENTS

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

ENVIRONMENTAL DETERMINATION

The Department of Regional Planning has determined that a Categorical Exemption, Class 1 - Existing Facilities, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements because there is no new construction or expansion of use proposed as part of this project.

FEES/DEPOSITS

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

If approved as recommended by staff, the following fees will apply:

Zoning Enforcement

- Inspection fees of \$1,600.00 to cover the costs of 8 biennial zoning enforcement inspections.

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 Conditional Use Permit No. 200900118, subject to the attached draft conditions.

SUGGESTED APPROVAL MOTION

"I MOVE THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING, DETERMINE THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO THE CLASS 1 CATEGORICAL EXEMPTION AND THAT THE REGIONAL PLANNING COMMISSION APPROVE CONDITIONAL USE PERMIT CASE NO. 200900118 WITH THE ATTACHED FINDINGS AND CONDITIONS."

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

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

Attachments:

Draft Conditions of Approval, Draft Findings, Applicant's Burden of Proof statement
Site Photographs, Site Plan, Land Use Map

**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.

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 500-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:**

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date: May 16, 2012

**DRAFT 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. 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.

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 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 9 and 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 \$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. 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 sales of beer and wine for on-site consumption at the subject restaurant and satisfaction of Condition No. 2 shall be considered use of this grant.
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.
13. 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.
14. All development pursuant to this grant shall conform to the requirements of County Department of Public Works.
15. 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.

16. 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.

PERMIT SPECIFIC CONDITIONS

17. This grant approves the sales of beer and wine for on-site consumption at an existing restaurant located at 1675 S. Azusa Avenue in the unincorporated community of Hacienda Heights.
18. 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.
19. 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.
20. 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.
21. 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.
22. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.

23. 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.
24. The permittee shall provide adequate lighting above all entrances and exits to the premises.
25. The permittee shall provide adequate lighting in all parking areas and walkways under control of the permittee or required of this grant.
26. 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.
27. 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.
28. 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;
29. 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;
30. All servers of alcoholic beverages must be at least 18 years of age;
31. There shall be no music or other noise audible beyond the restaurant premises, beyond noise levels established by the County Noise Ordinance.
32. No live entertainment, dancing, or dance floor is authorized in or outside the premises.
33. Employee parking shall be provided on-site. Employees shall not park on adjacent residential streets during the hours they are working on the property.
34. 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.

35. All signage shall comply with the zoning ordinance.



HACIENDA HEIGHTS IMPROVEMENT ASSOCIATION, INC.

POST OFFICE BOX 5235 • HACIENDA HEIGHTS, CA 91745

March 12, 2012

Ms. Diane Aranda, Planner
Department of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012

Subject: **Conditional Use Permit Application for Specialty Thai 2 Restaurant**

Dear Ms. Aranda:

The Hacienda Heights Improvement Association is a California chartered, mutual benefit corporation dealing in matters concerning Hacienda Heights. We serve as an advisory board to Supervisor Knabe on issues related to Hacienda Heights. We have been serving the community for over 60 years.

At our February 27th regular monthly meeting, Mr. Lex Petchara of Remax Elite, made a presentation detailing the CUP Application for Specialty Thai 2 Restaurant located at 1675 S. Azusa Ave., Hacienda Heights, CA 91745. It is our understanding that the Planning Commission was conducting a hearing on an appeal of the decision to deny the CUP due to a lack of activity and incomplete documentation, mainly due to the change in ownership of the restaurant. We support the commission granting the appeal and reconsidering the conditional use permit. We also support the conditional use permit request for the continued sale of beer and wine with meals for on-site consumption.

The Board voted to support this conditional use application assuming that what Mr. Petchara presented, outlined above, is accurate. We also want to stress that we do not support a change in their operating hours. Our support is contingent on the restaurant's operating hours remaining unchanged.

We appreciate the opportunity to submit input into the CUP application process for the Specialty Thai 2 Restaurant. If you have any questions, please feel free to contact me at (626) 543-8087 or by Email at John.Eckman@sce.com.

Sincerely,

John M. Eckman
President, HHIA

cc: HHIA Board
Mr. Lex Petchara, Remax Elite
Mr. Dickie Simmons, Field Deputy, 4th Supervisorial District





CONDITIONAL USE PERMIT BURDEN OF PROOF

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

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

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

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

This conditional use permit request is for the continued sale of beer and wine with meals at an existing family-style restaurant for on-site consumption. The restaurant is located within a multi-tenant commercial center with the security guards providing protection and ensuring safety within the plaza. The restaurant operates during a limited hours between 11am-10pm and complies with all alcohol license laws pertaining to the service of alcoholic beverage.

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 commercial center where the restaurant is located was designed and constructed to meet a standard and all requirements relating to the gross acreage, parking and site design of commercial center.

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 project site is located within an area classified as "CG - General Commercial" within the Hacienda Heights Community Plan, which is described as an area suited for local serving commercial, office and professional businesses, retail and service establishments. The commercial center is served by major public streets and other public and private service facilities.



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.195, the applicant shall substantiate the following:
(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

ABC License Type No(s): 41 (e.g. Type 20, Type 41)

<p>A. 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.</p>
<p>The restaurant is located within a commercial center surrounded by residential to the north and west, city of Industry to the east, and commercial to the south. There are no religious, nor educational facilities nearby.</p>
<p>B. 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.</p>
<p>The commercial center where the restaurant is located has a concrete block wall and a parking area along the west side of the plaza served as a sufficient buffer to block any adverse effect for residential area behind the plaza.</p>
<p>C. 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.</p>
<p>All of the restaurant's clients come to enjoy the Thai food. Based on the sale report, more than 95% of sales are from food and non-alcoholic drinks. Therefore high volume of alcoholic beverages is not expected in the restaurant.</p>
<p>D. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.</p>
<p>This conditional use permit request is for the continued sale of beer and wine with meals per California Department of Alcoholic Beverage Control for the existing restaurant. There is no history of zoning violations or complaints for the subject restaurant and the requested use will not affect the economic welfare of the community.</p>
<p>E. 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.</p>
<p>The nice and clean look of both interior and exterior design of the subject restaurant is currently consistent with the exterior appearance of commercial structures and will remain unchanged.</p>

LOS ANGELES COUNTY LETTERGRAM

TO	Maria Masis Zoning Permits East	FROM	Diane Aranda Zoning Permits East
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**SUBJECT: PROJECT NO. R2008-01089-(4)
CONDITIONAL USE PERMIT 200900118**

DATE: 05/03/2012

This is an application to authorize the sale of beer and wine for on-site consumption at an existing restaurant in the C-2-BE (Neighborhood Commercial-Billboard Exclusion) Zone within the Hacienda Heights Zoned District within the unincorporated community of Hacienda Heights, pursuant to Section 22.56.195 of the Los Angeles County Code.

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

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

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

Comments:

23958.4 B & P APPLICATION WORK SHEET

PREMISES ADDRESS:

1675 S Azusa Ave. Hacienda Hts.

LICENSE TYPE: 41

1. CRIME REPORTING DISTRICT

LASD Jurisdiction unable to provide statistical data.

Reporting District: 1472

Total number of reporting districts: 374

Total number of offenses: 56753

Average number of offenses per district: ~~151~~ 151.74

120% of average number of offenses: 182.1

Total offenses in district: 169

Location is within a high crime reporting district: Yes No

2. CENSUS TRACT / UNDUE CONCENTRATION

Census Tract: 4086.23

Population: 3117 / County Ratio 1:1147

Number of licenses allowed: 3

Number of existing licenses: 4

Undue concentration exists: Yes / No

Letter of public convenience or necessity required: Governing Body Applicant

Three time publication required: Yes / No

Person Taking Application

Shu Xu

Investigator

Supervisor

Over



**California Department of Alcoholic Beverage
Control
For the County of LOS ANGELES - (On-Sale
Licenses)
and Census Tract = 4086.23**

Report as of 1/9/2012

License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1) 13162	SUREND	47	10/23/1978	12/31/2011	EL TORITO RESTAURANTS INC 1697 S AZUSA AVE HACIENDA HEIGHTS, CA 91745-3852 Census Tract: 4086.23	EL TORITO	5660 KATELLA AVE, STE 100 C/O PROPERTY MANAGEMENT CYPRESS, CA 90630-5058	1900
2) 439368	ACTIVE	41	8/20/2006	5/31/2012	KO, JOONG HO 1683 S AZUSA AVE HACIENDA HEIGHTS, CA 91745-3832 Census Tract: 4086.23	TOKYO LOBBY		1900
3) 483881	ACTIVE	41	11/24/2009	10/31/2012	BUNYAPRAYUN, PHISIT 1675 S AZUSA AVE HACIENDA HEIGHTS, CA 91745-3832 Census Tract: 4086.23	THAI SPECIALTY 2		1900
4) 507614	ACTIVE	41	11/23/2011 9:26:36 AM	10/31/2012	GUANGYANG INTERNATIONAL INVESTMENT INC 1655 S AZUSA AVE, STE E HACIENDA HEIGHTS, CA 91745-3829 Census Tract: 4086.23	LITTLE SHEEP MONGOLIAN HOT POT	13030 AQUAMARINA PT SAN DIEGO, CA 92128-1522	1900

--- End of Report ---

For a definition of codes, view our glossary.

Industry Station

150 N. Hudson Avenue
City of Industry, California 91744
(626) 330-3322
Fax: (626) 333-9154



FAX TRANSMISSION COVER SHEET

Date: April 17, 2012
To: Diane Aranda, Assistant Regional Planner
Fax: (213) 626-0434
Re: Conditional Use Permit Application, R2008-01089
Sender: Michael R. Claus, Captain (by Armida)

YOU SHOULD RECEIVE 3 PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL (626) 330-3322 ext. 3005

If you have any questions, please contact Armida Molina at (626) 934-3009. Thank you.



Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters

*4700 Ramona Boulevard
Monterey Park, California 91754-2169*



April 17, 2012

Ms. Diane Aranda, Assistant Regional Planner
Los Angeles County Department
of Regional Planning
320 W. Temple Street, #1346
Los Angeles, CA 90012

Dear Ms. Aranda:

In response to your request dated April 2, 2012, I have enclosed the information requested regarding "Thai Specialty 2," which is located at 1675 S. Azusa Avenue, Hacienda Heights. The information you requested is for the time period beginning April 17, 2007, through April 17, 2012.

If you have any questions or need further information, please feel free to contact Lieutenant Victor Sotelo at (626) 330-3322.

Sincerely,

LEROY D. BACA, SHERIFF

Michael R. Claus, Captain
Industry Station

ABC Permit Inquiry for:
1675 S. Azusa Ave; Hacienda Heights "Thai Specialty 2"
Date range: 04/17/2007 to 04/17/2012 (5 years)

Reports at location: None

Calls-for-Service: 3

- 02/14/10: call for Fire; customer unconscious; assisted Fire
- 09/30/10: burglary to vehicle; victim was gone prior to arrival
- 05/19/11: stolen vehicle; call cancelled by informant

