Hearing Officer Transmittal Checklist

Hearing Date
May 15, 2012
Agenda Item No.
6

Project Number: R2012-00058-(4)
Case(s): Conditional Use Permit Case No. 201200009
Planner: Steve Mar

- [x] Factual
- [x] Property Location Map
- [x] Staff Report
- [ ] Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- [x] Draft Findings
- [x] Draft Conditions
- [x] Burden of Proof Statement(s)
- [ ] Environmental Documentation (ND / MND / EIR)
- [ ] Correspondence
- [ ] Photographs
- [ ] Aerial Image(s)
- [ ] Land Use Radius Map
- [ ] Tentative Tract / Parcel Map
- [x] Site Plan / Floor Plans / Elevations
- [ ] Exhibit Map
- [ ] Landscaping Plans
- [x] ABC B&P Worksheet
- [x] Sheriff Letter
- [x] Community Group Email
- [x] Zoning Enforcement Email

Reviewed By: Donna B. Mann

OO Toros

Los Angeles County Department of Regional Planning 320 West Temple Street Los Angeles, California 90012 Telephone (213) 974-6461 **PROJECT NUMBER R2012-00058-(4)** **CONDITIONAL USE PERMIT No. 201200009**	PUBLIC HEARING DATE May 15, 2012	AGENDA ITEM ~~TBA~~ 6.
	RPC CONSENT DATE N/A	CONTINUE TO N/A

APPLICANT	OWNER	REPRESENTATIVE
Kurt Chihwei Chen	Hing Wa Lee Plaza, LLC	Sunny Hsu

PROJECT DESCRIPTION

The applicant, Kurt Chihwei Chen, is requesting a conditional use permit (CUP) for the sale and dispensing of beer and wine for on-site consumption for an existing 2,494 sq. ft restaurant (OO Toros Restaurant) within an existing 1.44 acre shopping center (Hing Wa Lee Plaza) containing 106 parking spaces in the C-2-DP-BE (Neighborhood Business – Development Program - Billboard Exclusion) and P-R (Parking - Restricted) zones in the San Jose Zoned District. There are five other establishments within a 500-ft radius selling alcohol and one sensitive use located within 600 ft of the project site.

REQUIRED ENTITLEMENTS

A conditional use permit is required to allow the sale of beer and wine for on-site consumption in the C-2 (Neighborhood Business) zone pursuant to Los Angeles County Code Sections 22.28.160 and 22.56.195.

LOCATION/ADDRESS

1569 S. Fairway Dr., Suite 126B & 126C, Rowland Heights

SITE DESCRIPTION

The site plan depicts the existing 2,494 sq. ft. restaurant (OO Toros Restaurant) located on the first floor of a 2-story 42,700 sq. ft. shopping center (Hing Wa Lee Plaza) with subterranean parking on a 1.44 acre site. The restaurant lies within the C-2-DP-BE zoned portion of the property and the P-R portion of the property lies to the south of the shopping center and contains parking. A church lies to the north, single-family residential uses and a shopping center to the east, and shopping centers to the south and to the west.

ACCESS via Fairway Drive (& Brea Canyon Cut Off (Emergency Access Only))	**ZONED DISTRICT** San Jose
ASSESSORS PARCEL NUMBER 8762-018-006, -010	**COMMUNITY** Rowland Heights
SIZE 1.44 Acres (site)	**COMMUNITY STANDARDS DISTRICT** Rowland Heights CSD

	EXISTING LAND USE	EXISTING ZONING
Project Site	Shopping plaza w/appurtenant parking	C-2-DP-BE (Neighborhood Business – Development Program - Billboard Exclusion), P-R (Parking - Restricted)
North	Church	A-1-15000 (Light Agricultural – 15,000 sq. ft. Minimum Required Area)
East	Single-family Residences, Shopping Center	R-1-8500 (Single-family Residence – 8,500 sq. ft. Minimum Required Area), C-2-BE (Neighborhood Business – Billboard Exclusion)
South	Shopping Center	C-2-BE (Neighborhood Commercial – Billboard Exclusion)
West	Shopping Center	C-2-BE (Neighborhood Commercial – Billboard Exclusion)

GENERAL PLAN/COMMUNITY PLAN	LAND USE DESIGNATION	MAXIMUM DENSITY
Rowland Heights Community Plan	C - Commercial	N/A

ENVIRONMENTAL DETERMINATION

Categorical Exemption, Class 1 – Existing Facilities

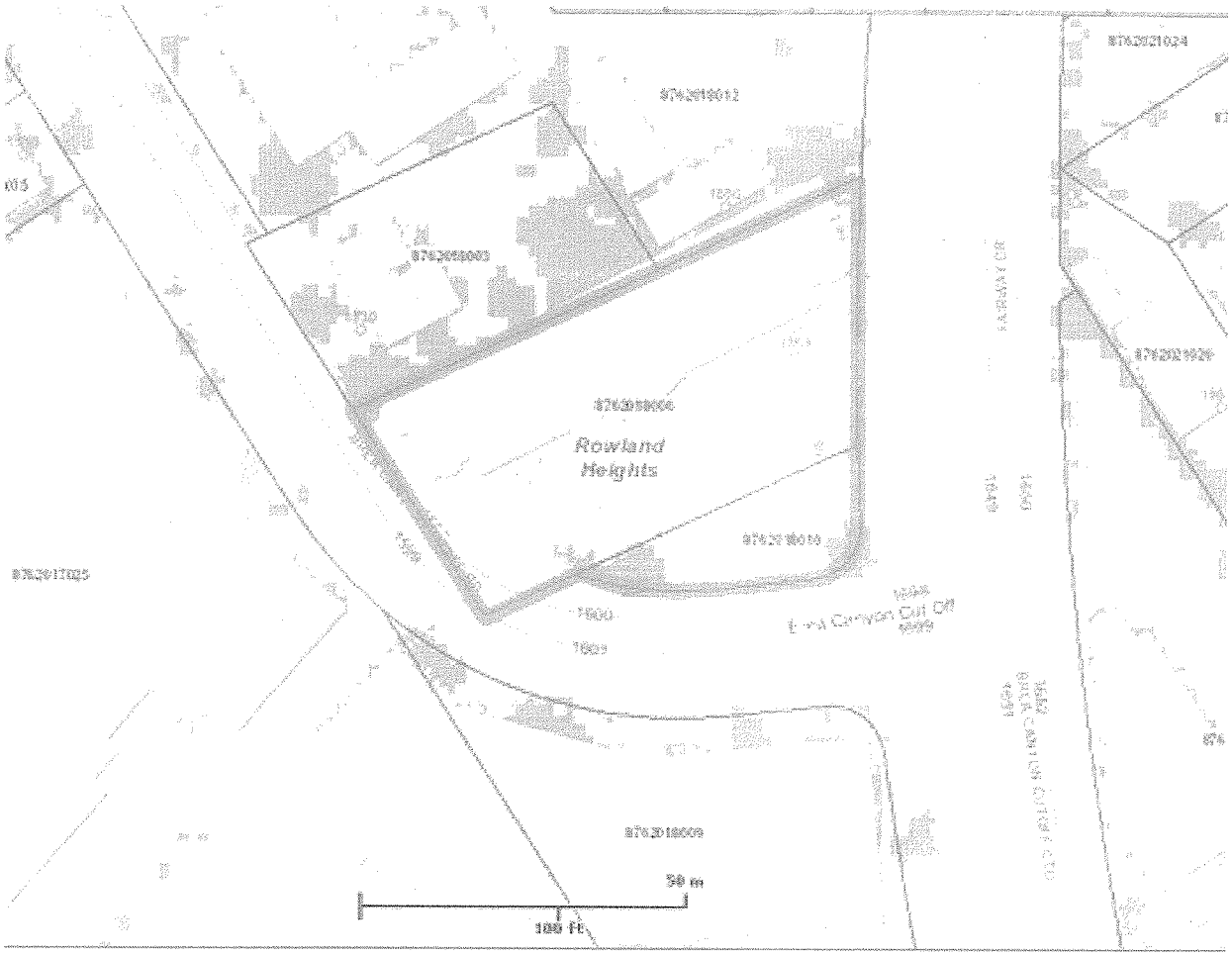
RPC LAST MEETING ACTION SUMMARY

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: Steve Mar		
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

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


Rowland
Heights
50 m
100 ft

STAFF REPORT
PROJECT NUMBER R2012-00058 - (4)
CONDITIONAL USE PERMIT NUMBER 201200009

REQUIRED ENTITLEMENTS
Pursuant to Sections 22.28.160 and 22.56.195 of the Los Angeles County Code, the applicant is requesting a Conditional Use Permit (CUP) to authorize the sale of beer and wine for on-site consumption at an existing restaurant located within an existing shopping center.

REPRESENTATIVE: Sunny Hsu
APPLICANT: Kurt Chihwei Chen
OWNER: Hing Wa Lee Plaza, LLC

SITE PLAN DESCRIPTION
The site plan depicts the existing 2,465 sq. ft. restaurant (OO Toros Restaurant) located in an existing 18,500 sq. ft. shopping center (Hing Wa Lee Plaza) on a 1.44 acre site.

LOCATION
The restaurant occupies a tenant space in an existing multi-tenant shopping center located at 1569 S. Fairway Dr., Suite 126B & 126C in the unincorporated community of Rowland Heights and in the Puente Zoned District.
Assessor's Parcel Number: 8762-018-006, 8762-018-010

EXISTING ZONING
Subject Property Zoning: The subject property is zoned C-2-DP-BE (Neighborhood Business – Development Program - Billboard Exclusion) and P-R (Parking - Restricted).
Surrounding Properties Zoning:
- North: A-1-15000 (Light Agricultural – 15,000 sq. ft. Minimum Required Area) zone.
- East: R-1-8500 (Single-family Residence – 8,500 sq. ft. Minimum Required Area), C-2-BE (Neighborhood Business – Billboard Exclusion) zones.
- South: C-2-BE (Neighborhood Commercial – Billboard Exclusion) zone.
- West: C-2-BE (Neighborhood Commercial – Billboard Exclusion) zone.

EXISTING LAND USE
Subject Property: The subject property is developed as a multi-tenant shopping plaza with appurtenant parking.
Surrounding Land Uses:
- North: Church
- East: Single-family Residences, Shopping Center
- South: Shopping Center
- West: Shopping Center

Community Standards District (CSD): Rowland Heights CSD
Town Council / Homeowners Association: Rowland Heights Community Coordinating Council

STAFF ANALYSIS
Previous Case/Zoning History

The Zoning History of this parcel is as follows: R3 (March 24, 1934), A-1-15,000 (May 27, 1958), C-2-DP-BE (August 29, 1991) on 0.705 acres.

Conditional Use Permit / Zone Change No. 89473 – Approved May 29, 1991 for a development program and zone change.

Plot Plan No. 49899 – Approved June 15, 2004 for the construction of two LED letter signs.

Business License No. 200600574 – Approved November 9, 2006 for a public eating establishment.

No other previous case history was found for the parcel.

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

Zoning Ordinance and Development Standards Compliance
The subject property is located in the C-2-DP-BE (Neighborhood Business – Development Program - Billboard Exclusion) and P-R (Parking - Restricted) zones. Restaurant use with on-site alcohol sales and consumption is allowed in Zone C-2 with a CUP. There is no new construction proposed with this project.

Parking
Pursuant to Section 22.28.170-B, parking shall be provided according to Section 22.52.1110 of the County Code. Entertainment, dining, and accessory uses require one space for every three persons based on the occupant load as determined by the county engineer. The occupant load of the restaurant is 88 persons which would require 29 parking spaces. The 106 parking spaces currently provided for the shopping center include the required parking for the subject restaurant.

Outside Storage
Section 22.28.220-D states the requirements for outside storage in the Zone C-2-DP-BE.

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

Signage
Section 22.52.870 of the County Code, states the requirements for business signs in a commercial zone. No additional signage has been proposed for this project.

Neighborhood Impact/Land Use Compatibility
Staff is of the opinion that approval of the CUP request will not have a negative impact on the surrounding area. The request is to allow for the sale of beer and wine for on-site consumption

in an existing restaurant. With the proposed draft conditions it shall remain consistent and compatible with the surrounding community. The subject property currently has no history of complaints or violations.

The subject property is located within close proximity to one sensitive use; First Chinese Baptist Church. Although the restaurant is located adjacent to the church, the restaurant's operating hours will not conflict with the church's service time (Sunday). There is also no rear access connecting the restaurant to the church property.

There are five other establishments within a 500-ft. radius of the project site that sell alcoholic beverages. The sale of beer and wine for on-site consumption at the existing restaurant is consistent with other neighboring restaurants and establishments in the vicinity that serve alcohol. Therefore the sale of alcohol by the applicant would provide a service that is available at similar establishments in the neighborhood.

The granting of this conditional use permit to sell beer and wine for on-site consumption at an existing restaurant would serve as a public convenience and necessity to the surrounding community.

BURDEN OF PROOF

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

ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

The applicant is required to substantiate all facts identified by Section 22.56.195 of the Los Angeles County Code, in addition to the findings required pursuant to subsection A of Section 22.56.090. The Alcoholic Beverage Sales Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the alcoholic beverage sales burden of proof.

ENVIRONMENTAL DETERMINATION

The Department of Regional Planning has determined that a Class 1 Categorical Exemption - Existing Facilities, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) and the Los Angeles County Environmental Document Reporting Guidelines, since the project will not require any addition or significant alteration to the existing facility beyond that which existed at the time of the environmental determination.

STATE AND COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

California Department of Alcoholic Beverage Control

Statistical data from the California Department of Alcoholic Beverage Control (ABC) report that the site of the subject request is not located in a high crime area. The subject property is in Reporting District 2938. The average number of offenses reported is 151.74 and the actual number of crimes reported for District 2938 is 118. The subject property lies within Census Tract 4082.12. There are currently 10 existing alcohol licenses in this census tract and 3 licenses are allowed.

An undue concentration of alcoholic beverage licenses currently exists within Reporting District 2938 and Census Tract 4082.12, therefore the applicant would require a finding of public convenience and necessity in order to obtain authorization from ABC to allow for alcohol sales.

The granting of this CUP to sell beer and wine for on-site consumption at an existing restaurant would serve as a public convenience to the surrounding neighborhood and would be a complementary use for the restaurant. Neighboring restaurants in the vicinity already serve alcohol as part of their food service. Therefore the sale of alcohol by the applicant would provide a customary accompaniment to full service dining that is available at similar restaurants in the neighborhood.

Sheriff's Station
Deputy Louis Denver of the County of Los Angeles Sheriff's Department, Walnut/Diamond Bar Station researched the database from January 1, 2006, thru February 16, 2012. Upon review of the application, the Sheriff's Department had no objection to the Conditional Use Permit to authorize the sale of alcoholic beverages for on-site consumption (report attached).

Zoning Violations
There are currently no zoning violations reported for the site.

PUBLIC COMMENTS
No public comments has been received at the time of this report.

Rowland Heights Community Coordinating Council
The Rowland Heights Community Coordinating Council has reviewed the application and has no objections to the granting of the Conditional Use Permit with the exception of restricting the hours of alcohol sales to when there are no elementary school students in the vicinity.

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

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 La Opinion, on April 11, 2012 and in the San Gabriel Valley Tribune, on April 12, 2012. A total of 62 public hearing notices regarding the subject application were mailed out to the owners of properties located within a 500-foot radius of the subject property on April 10, 2012. This number also includes notices sent to the local community groups and residents on the Puente Zoned District courtesy list.

Case information materials, including the Notice of Public Hearing, Factual, and Burden of Proof were forwarded to the Hacienda Heights Library on April 6, 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 is required to 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 5, 2012.

STAFF RECOMMENDATION
Staff recommends **APPROVAL** of Project No. R2012-00058 / Conditional Use Permit No. 201200009, subject to the attached draft conditions.

Prepared by Steven Mar, Regional Planning Assistant II, Zoning Permits East
Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits East

Attachments:
Factual
Draft Conditions of Approval
Draft Findings for Approval
Applicant's Burden of Proof and Addendum Burden of Proof statements
California ABC Census Tract Statistics
Sheriff's Letter
Rowland Heights Community Coordinating Council Email

MM:SM
5/15/12

[DRAFT] HEARING OFFICER'S FINDINGS AND ORDER:

PROJECT NO. R2012-00058-(4)

CONDITIONAL USE PERMIT NO. 201200009

HEARING DATE: May 15, 2012

SYNOPSIS:
The applicant, Kurt Chihwei Chen, is requesting a conditional use permit for the sale and dispensing of beer and wine for on-site consumption for an existing 2,465 sq. ft restaurant (OO Toros Restaurant) within an existing shopping center (Hing Wa Lee Plaza) in the C-2-DP-BE (Neighborhood Business – Development Program - Billboard Exclusion) and P-R (Parking - Restricted) zones in the San Jose Zoned District.

PROCEEDINGS BEFORE THE HEARING OFFICER:

Findings

1. The applicant is requesting a conditional use permit ("CUP") for the sale of beer and wine for on-site consumption at an existing restaurant in the C-2 zone.

2. The location of the subject parcel is 1569 S. Fairway Dr., in the unincorporated community of Rowland Heights within the San Jose Zoned District.

3. The restaurant occupies 2,465 sq. ft. of total floor area in an existing 18,500 sq. ft. shopping center situated on a 1.44 acre lot. The subject property is developed with a multi-tenant shopping center comprised of various retail businesses and restaurants.

4. The subject property is zoned C-2-DP-BE (Neighborhood Business – Development Program – Billboard Exclusion) and P-R (Parking – Restricted).

5. Surrounding properties are zoned as follows:

   North: A-1-15000 (Light Agricultural – 15,000 sq. ft. Minimum Required Area) zone.
   East: R-1-8500 (Single-family Residence – 8,500 sq. ft. Minimum Required Area) and C-2-BE (Neighborhood Business – Billboard Exclusion) zones.
   South: C-2-BE (Neighborhood Commercial – Billboard Exclusion) zone.
   West: C-2-BE (Neighborhood Commercial – Billboard Exclusion) zone.

6. Land uses surrounding the property include:

   North: Church
   East: Single-family Residences, Shopping Center
   South: Shopping Center
   West: Shopping Center

7. Previous cases on the property include the following:

The Zoning History of this parcel is as follows: R3 (March 24, 1934), A-1-15,000 (May 27, 1958), C-2-DP-BE (August 29, 1991) on 0.705 acres.

Conditional Use Permit / Zone Change No. 89473 – Approved May 29, 1991 for a development program and zone change.

Plot Plan No. 49899 – Approved June 15, 2004 for the construction of two LED letter signs.

Business License No. 200600574 – Approved November 9, 2006 for a public eating establishment.

No other previous case history was found for the parcel.

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

9. The project on the subject property will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare. The project is located in an existing restaurant in an existing shopping center and is consistent with the surrounding area. The sale of alcoholic beverages is consistent with other restaurants in the area.

10. The site plan depicts the existing 2,465 sq. ft. restaurant (OO Toros) in a multi-tenant shopping center on the 1.44 acre subject property. The applicant is requesting a Conditional Use Permit to allow the sale of beer and wine for on-site consumption.

11. There are 106 parking spaces shown on the site plan for the subject property. The existing supermarket use requires 29 spaces. The shopping center was permitted with a restaurant use in this location, as such the 106 parking spaces currently provided for the shopping center includes the required parking for the supermarket.

12. The subject property is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required. Access to the shopping center is via Fairway Drive and Brea Canyon Cut Off. The site is served by all necessary public and private facilities, including water, sewer, electricity, and trash collection.

13. The site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the

uses in the surrounding area.

14. The project on the subject property will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius because no such uses are found within a 600-foot radius of the project.

15. The project is sufficiently buffered in relation to any residential area or sensitive use within the immediate vicinity so as not to adversely affect said area. The church to the project's north is buffered by fences and lack of access from the subject property to the church. The residential area to the project's east is buffered by Fairway Drive and a wall immediately adjacent to the residential area.

16. The project will not adversely affect the economic welfare of the nearby community because it is located in a space approved for a restaurant and will serve as a public convenience and necessity for the community.

17. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood because no exterior alterations are being proposed.

18. The Hearing Officer determined that the project qualifies for a Categorical Exemption under Class 1, Existing Facilities, of the CEQA reporting requirements and the Los Angeles County Environmental Document Reporting Guidelines, since the project will not require any addition or significant alteration to the existing facility beyond that which existed at the time of the environmental determination.

19. The public was properly noticed of the public hearing for the project. A total of 62 public hearing notices were mailed to property owners within a 500-foot radius of the subject property on April 10, 2012 to notify the surrounding residents regarding the proposal. The hearing notice was also published in the San Gabriel Valley Tribune Newspaper on April 12, 2012, as well as in La Opinion on April 11, 2012. Case-related material, including the hearing notice, factual and burden of proof were sent on April 6, 2012 to the Hacienda Heights County Library located at 16010 La Monde St., Hacienda Heights. The hearing notice has been posted on the property for a minimum of 30 days prior to the public hearing date.

20. No comments were received from the public opposing this proposal.

21. The Rowland Heights Community Coordinating Council reviewed the application and has no objections to the granting of the Conditional Use Permit regarding the sale of beer and wine for on-site consumption with the exception of restricting the hours when alcoholic beverages are served to when there are no elementary school students in the vicinity.

22. According to the California Department of Alcoholic Beverage Control, the requested use at the proposed location will not result in an undue concentration of similar premises within Reporting District 1475 and Census Tract 4085.03. There are currently 2 existing alcohol licenses in this census tract and 4 licenses are allowed. The average number offenses reported in Reporting District 1475 is 151.74 and the actual number of crimes reported for the District is 122.

23. The granting of this conditional use permit to sell beer and wine for on-site consumption at an existing restaurant would serve as a public convenience and necessity to the surrounding community.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

A. That the proposed use is consistent with the adopted general plan for the area; and

B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare; and

C. That the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and

D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required; and

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

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

G. The requested use at the proposed location will result in an undue concentration of similar premises under ABC regulations as currently there are 10 existing licenses in this census tract and 3 are allowed. Therefore the applicant would require a finding of public convenience and necessity in order to obtain authorization from ABC to allow for alcohol sales. The granting of this CUP to sell beer and wine for on-site consumption at an existing restaurant would serve as a public convenience to the surrounding neighborhood and would be a complementary use for the restaurant. Neighboring restaurants in the vicinity already serve alcohol as part of their food service. Therefore the sale of alcohol by the applicant would provide a customary accompaniment to full service dining that is available at similar restaurants in the neighborhood; and

H. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and

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

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

HEARING OFFICER ACTION:

1. The Hearing Officer 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, which have been determined not to have a significant effect on the environment in that it meets the criteria set forth in Section 15303 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 facts and conclusions presented above, Project No. 2011-01307-(4) / Conditional Use Permit 201100123 is **APPROVED**, subject to the attached conditions.

Action Date: May 15, 2012

MM:SM

[DRAFT] CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2012-00058-(4)
CONDITIONAL USE PERMIT NO. 201200009

PROJECT DESCRIPTION

The project is a conditional use permit to authorize the sale of beer and wine for on-site consumption at an existing restaurant located within an existing shopping center 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 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 15, 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. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.

10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **eight (8) biennial (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.

13. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") 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.

14. All development pursuant to this grant shall conform with 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.

17. 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 be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

18. This permit authorizes the sale of beer and wine for on-site consumption at a restaurant.

PROJECT SPECIFIC CONDITIONS

19. This grant authorizes the sale of alcoholic beverages from 11:30 a.m. to 2:00p.m. and from 5:30 p.m. to 10:00 p.m. on Tuesdays to Saturdays and from 5:30 p.m. to 10:00 p.m. on Sundays;

20. 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;

21. 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;

22. 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;

23. 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;

24. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced;

25. 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;

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. No live entertainment, dancing, or dance floor is authorized in or outside the premises;

31. Alcoholic beverages shall be sold to customers only when food is ordered and consumed within the subject restaurant only;

32. The sale and serving of alcoholic beverages for consumption outside the restaurant is prohibited;

33. The business shall employ not less than one full-time cook that is engaged in the preparation of meals for patrons during the permissible hours of operation and;

34. Food service shall be continuously provided during operating hours.

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.

Please see Attachment B.

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.

Please see Attachment B.

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.

please see attachment B.

ATTACHMENT B
Conditional Use Permit Burden of Proof

Proposed for Beer and Wine - OO Toros Restaurant
1569 S. Fairway Dr., Suite 126B and 126C, Walnut, California 91789
(Los Angeles County Unincorporated Area)

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.

The requested use of the proposed location will not have any of the stated negative impacts. On the contrary, granting the Conditional Use Permit (CUP) will give the community such as the local residents, business workers, and visiting tourists access to fresh and high quality seafood paired with exquisite beverages to offer customers a unique fine dining experience.

Although OO Toros Restaurant will not be the only Japanese restaurant within the area (there are approximately two other Japanese restaurants that serve sushi within 5 miles of this site that already have beer and wine licenses), it will be the only Japanese sushi restaurant that will pair fresh, high quality seafood with fine wine as well as the traditional sake and beer that is enjoyed by clientele who consume sushi. This unique experience will enhance the visibility of this area in providing a service that is not normally found in a Japanese restaurant.

Providing OO Toros with a CUP to sell beer and wine will not "adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area." The Applicant is an experienced restaurateur who seeks to sell beer and wine with meals at his sit-down restaurant in a manner which is consistent with responsible and professional restaurant management practices. Therefore, the Applicant does not anticipate negative impacts that may be associated with alcohol sales for other establishments such as bars, liquor stores, or restaurants that promote a high volume of alcoholic consumption.

There is presently one Japanese sushi restaurant within a mile from OO Toros, Niko Niko Sushi, and another over five miles away, Sushi Koyo. Although Niko Niko Sushi also serves Japanese cuisine with beer and wine, it presents a wholly different atmosphere and experience. Niko Niko Sushi restaurant serves customers who order sushi a la carte or rolls and bento boxes. Whereas OO Toros, in addition to providing similar services to Niko Niko, will also be serving upscale items to customers willing to spend more money for a sushi experience called oomakase (otherwise known as chef's special) where the sushi chef chooses and serves the freshest and most diverse kinds

of seafood from the catch of the day similar to the experience that can be found in Beverly Hills and the Westside. Approving the CUP for beer and wine will enhance the dining experience at OO Toros by allowing it to pair its menu with fine wine, beer or sake. The other sushi restaurant, Sushi Koyo, may serve a similar menu as OO Toros, but their experience and clientele more similarly mirrors that of Niko Niko Sushi.

Approval of a CUP for beer and wine will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site. The approval of a CUP for this Applicant will have a positive effect on the community as it will raise the profile of the dining establishments in the area. It will be the only high-end dining establishment within a 5 mile radius of the restaurant. OO Toros will operate as an upscale dining establishment whose mission is to serve a high quality sushi meal which may be accompanied by alcohol.

Although the restaurant is located next door to a church (First Chinese Baptist Church, 1555 S. Fairway Drive.) and near a school (Ybarra Academy of the Arts & Technology, 1300 Brea Canyon Cutoff Road, Walnut, California), the operating hours won't conflict with the main church services (Sunday). Additionally, traffic and circulation patterns for the restaurant will be consistent and unchanged from the existing patterns which are designed to not interfere with church services.

In addition to fulfilling future patrons' desire for an upscale Japanese restaurant, the CUP for beer and wine will ensure that OO Toros will remain economically viable so it can benefit the immediate area. A branch of the Hing Wa Lee Jewelry and boutique store is located in the Hing Wa Lee Plaza, as well as other businesses such as medical offices, a hair salon, and art store, where the proposed restaurant will be located. These businesses would benefit from the synergy of having a fine dining establishment in the same plaza as their offices/stores. If the CUP is not granted and contributes to the financial failure of the restaurant, it may also have a negative impact on the other stores/offices because it would no longer serve as an anchor store to lure customers into the shopping plaza to procure other services found in the plaza.

OO Toros restaurant will not have a detrimental effect on the property or the vicinity of the area. OO Toros is in an existing building formerly operating a Japanese fusion food restaurant called Aoyama Café. The restaurant space and the Site as a whole are currently well-maintained. A profitable restaurant will assist the landlord in keeping the plaza well maintained over time than one that is not able to remain in business. Thus, approval of the requested CUP will have a positive effect on the property values in the vicinity.

Finally, the requested use at the location will not "jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare." OO Toros will be professionally managed by an experienced and reputable restaurateur. There is no additional construction required on the outside of the building, thus there will be no fear of noise, dust, or glare intruding onto other businesses or people. It is located on a Site near other restaurants that serve alcohol with meals. The ability of OO Toros to be truly

a full-service restaurant – which would include freshly prepared meals, a full menu, table service, and the ability to enjoy beer and wine with one's meal pursuant to this CUP request – will help it remain viable over the long run. The ability to serve beer and wine will help the Restaurant fully complement these other uses, and in so doing support the public health, safety, and general welfare of this area.

For the reasons set forth above, because the proposed use is likely to have only positive impacts and is unlikely to evoke controversy, the Applicant would like to request that the public hearing for this Application be waived.

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 site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features required. The request is for an existing restaurant that was fully operational to be able to serve beer and wine with meal service. The previous restaurant served café style food that promoted a younger clientele that would socialize at or near the restaurant for extensive periods of time. The Applicant proposes to open a restaurant that intends to serve a more exclusive clientele who are not likely to wander and loiter around the neighborhood. There will be no physical changes anticipated or requested to the exterior of the building.

The Plaza provides the parking that was required when it was developed, and the proposed project doesn't change the amount of parking required. The shopping center was developed with landscaping along the perimeter of the parking lot which will be continued to be maintained.

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 requested use is immediately off of the South Fairway Drive exit on the 60 Pomona freeway near the 57 freeway. The access roads on and off the freeway and to the restaurant are wide and in good condition. In any case, the Restaurant's customers will be local residents, workers or travelers along the interstate who visit the area for shopping, dining or visiting the church. Therefore, the Applicant believes that the Restaurant will have a negligible impact on traffic.

In terms of public or private service facilities, the Restaurant is already fully operational and is only requesting within the CUP an order to be able to serve beer and wine with

meals. Therefore, granting of the request will not have any impact on public or private service facilities beyond that which the Restaurant currently requests.

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).: Type 41 (e.g. Type 20, Type 41)

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.
Please see Attachment C.

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.
Please see Attachment C.

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.
Please see Attachment C.

D. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.
Please see Attachment C.

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.
Please see Attachment C.

ATTACHMENT C

Alcoholic Beverage Sales Burden of Proof

Proposed for Beer and Wine - OO Toros Restaurant (Restaurant)
1569 S. Fairway Dr., Suite 126B and 126C, Walnut, California 91789
(Los Angeles County Unincorporated Area)

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.

The First Chinese Baptist Church, 1555 Fairway Dr., Walnut, CA 91789 (Church), and the Ybarra Academy of the Arts & Technology, 1300 Brea Canyon Cut-Off Road, Walnut, CA 91789 (school), are located within the 600 foot radius of the proposed location; however, the Restaurant will not adversely affect religious worship at the Church nor will it interfere with the students at the school. Although the restaurant is located next door to the church and near the school, the operating hours won't conflict with the main church services (Sunday), and the access to the shopping center plaza is not on the same street (Fairway Dr.) as the school (Brea Canyon Cutoff Road). Additionally, traffic and circulation patterns for the Restaurant will be consistent and unchanged from the existing patterns which were designed to not interfere with church services or the school.

The Church and the school are also nearby three other restaurants that already serve beer and wine, Michael's Cajun Seafood (19705 E. Colima Rd., Ste. 415, Rowland Heights, CA 91748), Niko Niko Sushi (19705 E. Colima Rd., Ste. 9, Rowland Heights, CA 91748), and Ong Ga Nae Korean BBQ (19745 E. Colima Rd., Rowland Heights, CA 91748) (all located in the Canyon Point Marketplace Shopping Center in Rowland Heights, CA which is located within 600 feet of the Church and school), and there does not appear to have been any issues that have affected the either institutions. Therefore, there is no reason to suggest that the approval of this CUP request will result in a use incompatible with the area.

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.

The Restaurant, including the entire shopping plaza, faces south and abuts the Brea Canyon Cutoff Road as it meets South Fairway Drive. Ingress and egress is accessed on South Fairway Drive which continues southbound and intersects with Colima Road, a main artery in the area. There is a driveway and gate that is accessible on the Brea Canyon Cutoff Road, wherein a vehicle, such as emergency vehicles may have access, however, during all other times access is forbidden. The shopping plaza is located between another shopping plaza, Canyon Point Marketplace Shopping Center, on the south and a church, from the north. Therefore, the requested use at the proposed

location is well buffered in relation to any residential area within the immediate vicinity by South Fairway Drive to the east, by the Canyon Point Marketplace Shopping Center to the south and west, and by the church from the north, so as not to adversely affect the said area.

Moreover, as stated in paragraph A above, there are three other restaurants that serve beer and wine in the neighborhood. No significant issues have arisen due to their operation, and no issues are expected for this Restaurant as the main purpose of this restaurant is to serve high quality Japanese seafood, not to serve liquor or beer as would be the case for bars and lounges.

The Restaurant is clearly buffered from the residential area, and no issues are expected that would adversely affect the immediate vicinity.

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.

Unlike a bar or a lounge, the Restaurant's mission is to serve high quality fresh seafood to its customers and to provide them a unique dining experience. Beer and wine will be an accompaniment to the food served to enhance the dining experience. Additionally, beer and wine sales with restaurant meals is not a use typically considered to have the negative impacts that may be associated with different types of alcohol sales such as at a bar and lounge.

Although there is already a Japanese sushi restaurant in the nearby shopping plaza located in Rowland Heights (Niko Niko Sushi), the Restaurant will be serving upscale customers willing to spend more money for a sushi experience called oomakase (otherwise known as chef's special) where the sushi chef chooses and serves the freshest and most diverse kinds of seafood similar to the experience that can be found in Beverly Hills, Los Angeles' Westside and even in Japan. Approving the CUP for beer and wine will enhance the dining experience at the Restaurant by allowing it to pair its menu with fine wine, beer or sake.

Furthermore, the Applicant, Kurt ChiWei Chen, is an experienced restaurateur who has operated and managed another Japanese sushi sit-down restaurant in a manner which is consistent with professional restaurant management practices. The Applicant's success at managing the Toros Japanese Fusion Seafood restaurant in Alhambra, CA,

provided him with the knowledge and experience to operate a restaurant with a beer and wine license responsibly.

Applicant could not locate other establishments within 1000 feet in Walnut, California that sell alcoholic beverages near the Restaurant. However, there are five establishments, Albertsons, Sav-On Pharmacy, Ong Ga Nae Korean BBQ Restaurant, Niko Niko Sushi, and Michael's Cajun Seafood that have licenses to sell alcohol in the City of Rowland Heights. However, these businesses are located across Brea Canyon Cutoff Road in the Canyon Point Marketplace Shopping Center and are therefore sufficiently separated from the proposed project. Albertsons and Sav-On Pharmacy have licenses to sell alcohol for off-site consumption, while the three restaurants have beer and wine licenses for on-site consumption only. The California Department of Alcoholic Beverage Control has not placed a limitation on the Restaurant to operate with a beer and wine license in this area. Additionally, concerns for "undue concentration" usually pertains to off-site uses and not bona fide restaurants with full kitchens, such as the Restaurant.

The requested use at the proposed location will not result in the undue concentration of similar premises as it pertains to the unincorporated City of Walnut. Furthermore, in taking consideration the three restaurants at the Canyon Point Marketplace Shopping Center adding one more restaurant with a license to sell beer and wine should not be considered an undue concentration especially considering the consumption of alcoholic beverages at the restaurant is merely an accompaniment to a full meal not the basis for the operation of the establishment like a bar or lounge. Additionally, the restaurant provides a public convenience and necessity because it will provide the community an upscale dining experience.

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

The Restaurant will not adversely affect the economic welfare of the surrounding community. Instead, the Restaurant seeks to raise the profile of this community. The Restaurant seeks to be the only Japanese sushi restaurant in the east San Gabriel Valley area to serve omakase sushi meals paired with fine wine. By providing a dining experience that can only be found 30 minutes to an hour west of Walnut, the Restaurant hopes to inspire pride in the community for providing excellent quality food in the City.

One of the many goals of the Restaurant is to benefit other stores within the Hing Wa Lee Plaza. For example, customers at Hing Wa Lee Jewelers, Cindy's Art and Beverly Hair would also benefit with an upscale restaurant in the same shopping plaza the Restaurant seeks to attract the same type of high end customers that would patronize these stores. By allowing the Restaurant to operate with a beer and wine license, the Restaurant is more likely to survive during these economic times when customers are looking for a full service, upscale dining experience which includes alcohol consumption with their meals.

If the Restaurant is not allowed to serve beer and wine to attract upscale diners, their dining experience will be greatly reduced thus causing the restaurant to lose business and not survive economically. Thus, denial of the requested CUP could mean loss of business not only to the Applicant, but also potentially to the businesses surrounding the restaurant. Conversely, approval of the request will have a positive impact on the restaurant and to the other businesses in the area.

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.

The exterior appearance of the structure will not be inconsistent with the existing exterior appearance of the commercial structure. The Restaurant will locate in an existing space previously occupied by a café restaurant called Aoyama Café. The Applicant is underway with remodeling of the existing space to convert the restaurant into a usable space for a Japanese sushi restaurant. The only physical exterior change the Applicant contemplates is a change in the sign to the business name of the Applicant. The shopping plaza building itself is already well-maintained. The Applicant believes that the requested CUP to serve beer and wine with the Restaurant will help ensure its economic viability over the long term, which will in turn contribute to the economic health of the other uses in the vicinity.

The shopping plaza is operated by Hing Wa Lee Plaza, LLC, which is associated with the anchor store, Hing Wa Lee Jewelry. It is expected that a successful restaurant operating in the plaza will promote other businesses in the plaza which will encourage the landlord to keep the building in good conditioned. Furthermore, because the building owner and the anchor store are associated with each other, it is unlikely that the building operator would allow the building to deteriorate.

23958.4 B & P APPLICATION WORK SHEET

PREMISES ADDRESS:

1569 Fairway Dr. Ste 126 B&C

Walnut CA 91789-3418

2/17/12 7:24 Am

LICENSE TYPE: 41 Original

AHN: Planner Steve Max
Via Fax No.
213 626-0434

1. CRIME REPORTING DISTRICT

Walnut Jurisdiction unable to provide statistical data.

✓ Reporting District: 2938

✓ Total number of reporting districts: 374

679-73

✓ Total number of offenses: 23,670

✓ Average number of offenses per district: 151.74

✓ 120% of average number of offenses: 182.1

✓ Total offenses in district: 118

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

2. CENSUS TRACT / UNDUE CONCENTRATION

✓ Census Tract: 4082.12

✓ Population: 4262 /County Ratio 1/147

✓ Number of licenses allowed: 3

✓ Number of existing licenses: 10

679
D-3

Undue concentration exists: Yes / No.

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

Three time publication required: Yes / No

DAlmonte 2/9/12 21442

Person Taking Application Investigator Supervisor

Over

March 8th 2012

To Steve Mar,

Regarding:

"Conditional Use Permit for the Sale of Alcohol" at the "OO Toro Restaurant" , located at Hing Wa Lee Plaza, 1569 S. Fairway Dr., Suite 126b & 126c, Rowland Heights.

Based on the information we researched. We at the Walnut/Diamond Bar Sheriff Station have "No Objection"to the issuance of an alcohol usage permit, and recommend approval.

Sincerely,

Rowland Heights Community Relations Deputy Louis Denver
Walnut/Diamond Bar Sheriff Station
21695 E. Valley Blvd., Walnut, CA. 91789
(626) 913-1715 Ext. 3066

Mar, Steve

From: spunx903@roadrunner.com
Sent: Thursday, March 01, 2012 12:36 PM
To: sunny@sunnycommercial.com
Cc: Kurt; Mar, Steve
Subject: Re: R2012-00058 / CUP201200009 Oo Toro Restaurant alcohol CUP, 1569 S. Fairway Dr., Rowland Heights

In reference to this CUP, the RHCCC has no objections with the exception of perhaps restricting the hours of sale of alcohol to when there are no elementary school students in the vicinity.

Beth Hojnacke
President
Rowland Heights Community Coordinating Council
562-244-3828

---- Sunny <sunny@sunnycommercial.com> wrote:

==========

Mar, Steve

From: Richardson, Anthony
Sent: Thursday, February 23, 2012 11:11 AM
To: Mar, Steve
Cc: Jareb, Steven
Subject: RE: 1569 S. Fairway Dr., Rowland Heights

Hey Steve,

I looked in KIVA and my last inspection was in 2010, and there were no violations I found. Its fine to go ahead and take the case in. I or Steve Jareb will be looking at the property again this year. If you want, it can be sooner rather then latter so that if there are violations, they can be addressed before you process whatever it is you are working on. It's up to you. Let me know how you would like us to handle it.

Anthony Richardson
Zoning Enforcement East Section
213-974-6483