Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

November 4, 2015

TO: Gina Natoli
Hearing Officer

FROM: Steve Mar
Regional Planning Assistant II
Zoning Permits East Section

SUBJECT: PROJECT NO. R2012-01149-(4)
MODIFICATION TO CONDITIONAL USE PERMIT 201200073
November 17, 2015 Discussion & Possible Action
Agenda Item No. 9

The applicant requests to modify conditions of approval to previously approved Conditional Use Permit (CUP) No. 201200073. The Hearing Officer approved this Conditional Use Permit on November 6, 2012. The CUP authorized the operation of a new karaoke center within an existing multi-tenant shopping center. The project site is located at 18888 Labin Court, Unit #C-201 in the unincorporated community of Rowland Heights in the Puente Zoned District.

The purpose of the requested condition modification is to allow an additional eleven entertainment rooms (26 rooms total) for the karaoke center by adding additional square footage and reconfiguring the existing fifteen (15) rooms. The original approved occupant load of 191 persons will remain unchanged as determined by the Department of Public Works, Building and Safety Division.

The applicant proposes modifying the following conditions, which as currently approved, read as follows:

> *"This grant shall authorize a karaoke center with fifteen (15) entertainment rooms. No consolidation of rooms is permitted."*

With the requested modification, these conditions will read as follows:

> *"This grant shall authorize a karaoke center with twenty-six (26) entertainment rooms. No consolidation of rooms is permitted."*

As required by Section 22.56.1620 of the County Code, notices of request for modification were mailed to all property owners within the 500-foot radius and other

interested parties on October 15, 2015. The notice was also published in the San Gabriel Valley Tribune and La Opinion on October 22, 2015 and posted at the project site for at least 15 days.

According to Section 22.56.1630 of the County Code, "The hearing officer shall approve an application to modify or eliminate any condition(s) of a previously approved conditional use permit only upon a finding by the hearing officer that (1) not more than one protest to the granting of the application is received within the specified protest period; and (2) the information submitted by the applicant substantiates the following findings:

1. That the burden of proof for the conditional use permit as modified has been satisfied as required by Section 22.56.040;

2. That approval of the application will not substantially alter or materially deviate from the terms and conditions imposed in the granting of the previously approved conditional use permit; and,

3. That approval of the application is necessary to allow the reasonable operation and use granted in the conditional use permit."

Staff has received an opposition petition containing six signatures and an opposition letter from the Rowland Heights Community Coordinating Council to the proposed modification of the conditions of approval for this project.

Due to the aforementioned factors, staff recommends that the Hearing Officer DENY the Modification to Conditional Use Permit No. 201200073.

SUGGESTED DENIAL MOTION:

I, THE HEARING OFFICER, DENY THE CONDITION MODIFICATION OF CONDITION NO. 19 FOR CONDITIONAL USE PERMIT NUMBER 201200073 SUBJECT TO THE ATTACHED FINDINGS.

Attachments:
Draft Findings
Applicant's Burden of Proof statement
Opposition Correspondence
Original Findings & Conditions of Approval for Conditional Use Permit No. 201200073

11/17/15
MM:SM

DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES

PROJECT NUMBER R2012-01149-(4)
CONDITIONAL USE PERMIT NUMBER 201200073

REQUEST: Modification to conditions of approval to previously approved Conditional Use Permit No. 201200073. Condition No. 19 as modified, shall read as follows:

"This grant shall authorize a karaoke center with twenty-six (26) entertainment rooms. No consolidation of rooms is permitted."

HEARING DATE: November 17, 2015

PROCEEDINGS BEFORE THE HEARING OFFICER:

Findings

1. The project site is located at 18888 Labin Court, Unit #C-201 in the unincorporated community of Rowland Heights.

2. Zoning on the subject property is C-3-BE (Unlimited Commercial – Billboard Exclusion) zone.

3. The project was originally approved on November 6, 2012 by the Hearing Officer to authorize the operation of a new karaoke center within an existing multi-tenant shopping center.

4. The applicant has requested a modification to the conditions of approval for Conditional Use Permit No. 201200073 to allow the establishment to operate a total of twenty-six entertainment rooms to accommodate the establishment's high customer demand during peak weekend periods.

5. The request would change the approved Exhibit "A" to include an additional eleven entertainment rooms to the existing fifteen rooms for a total of twenty-six rooms.

6. Pursuant to Section 22.56.1600, the modification to previously approved conditions is allowed for modifications that will not result in a substantial alteration or material deviation from the terms and conditions of the previously approved permit. This project requests to add eleven entertainment rooms to an existing karaoke center for a total of twenty-six rooms. As the original approved occupant load of 191 persons will remain unchanged as determined by the Department of Public Works, Building and Safety, there is not a substantial alteration or material deviation from the previously approved conditions.

7. The proposed condition modification was requested to allow the establishment to accommodate additional customer demand during peak weekend periods.

8. With the requested modification, Condition No. 19 would have read as follows:

   "This grant shall authorize a karaoke center with twenty-six (26) entertainment rooms. No consolidation of rooms is permitted."

9. Pursuant to the provisions of Sections 22.56.1620 of the County Code, the community was appropriately notified of the request by mail, newspaper and property posting.

10. The project has been granted a Class 1 Categorical Exemption under CEQA reporting requirements categorized as "Existing Facilities".

11. Pursuant to the provisions of Section 22.56.1630 of the County Code, if more than one protest to the request for a minor modification to a conditional use permit is not received during the appeal period the Hearing Officer may approve the request.

12. Staff has received an opposition petition containing six signatures and an opposition letter from the Rowland Heights Community Coordinating Council to the proposed modification of the conditions of approval for this project.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

REGARDING THE MODIFICATION OF THE CONDITIONAL USE PERMIT:

A. Pursuant to the provisions of Section 22.56.1630 of the County Code, if more than one protest to the granting of the application was received within the specified protest period, the hearing officer shall deny the application.

HEARING OFFICER ACTION:

1. In view of the findings of facts presented above, the requested Modification to Conditional Use Permit 201200073 is **DENIED**.

Attachments:

Original Findings & Conditions of Approval for CUP 201200073

c: Zoning Enforcement, Building and Safety (San Gabriel Valley Office)

11/17/15

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

CONDITIONAL USE MODIFICATION PERMIT
BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.1630.A, the applicant shall substantiate the following:

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

A. That the modified conditional use permit will not materially deviate from the terms and conditions imposed in the previously approved conditional use permit:

Requesting the adjustment to add an additional (11) rooms to 15 existing rooms (26 total) Ever since we opened the business for year, we have had numerous request of expanding more karaoke rooms due to more customers visit our business during the weekend. We would consistent with good planning practice that imposed in the previously approved permit. And there is NO any forms impact of the proposed use on surrounding properties. This request to allow 26 rooms is very crucial for us to stay competitive and become profitable.

B. That approval of the application is necessary to allow the reasonable operation and use granted in the conditional use permit:

The expanding of business should benefit our customers. The approval of the requesting is essential to allow the operation and use be granted. We want to provide more desirable and convenience for our customers.

To: Director of Planning, Department of Regional Planning, County of Los Angeles

Re: Request for Modification to the Conditions of Approval for Conditional Use Permit 201200073

Date: October 26, 2015

Dear Director of Planning:

We are a group of residents in the RHME Mobilehome Park located at 1441 Paso Real Avenue in Rowland Heights, adjacent to Pearl of the East Plaza at 18888 Labin Court. We are writing to protest the Request for Modification to the Conditions of Approval for Conditional Use Permit 201200073.

The purpose of the requested condition modification is to allow an additional eleven entertainment rooms (26 rooms total) for the karaoke center by adding additional square footage and reconfiguring the existing fifteen (15) rooms. As residents adjacent to the Plaza, we strongly oppose to this request due to the following reasons:

First, we have learned that this Karaoke Center had violated the conditional use permit by reconfiguring the existing rooms without permit. This request seems to legitimize their previous violation.

Second, even though "the original approved occupant load of 191 persons will remain unchanged," the total number of customers will be increased by shifts of customers. This will increase the cars parked on the plaza, especially in the evening, including late evening, and disturb the Park residents. In fact, the Department of Regional Planning cannot always be there to check the total number of customers at the Karaoke Center.

Third, Karaoke Centers are notorious for their secret violations, such as allowing drug taking and/or alcohol drinking. The smaller the rooms are, the more secret dealings will happen. Even though this Karaoke is not permitted to sell alcohol, but a store next to it, owned by the same owner of the Karaoke Center, has the permit to sell alcohol. Young people can get alcoholic beverage easily next door and drink at the Karaoke Center. So, they tend to more disturbing than other customers. Our motivation to oppose to this request is not only to protect our quiet enjoyment of life but also for the good of the youngsters. We hope fewer young people would go to the Karaoke Center to indulge in unhealthy or even unlawful activities.

We do not always oppose to any requests to modify conditions. For instance, we first opposed to the request to modify the condition of business hours from 12 hours to 24 hours by an Internet café, but later we withdrew hour opposition when the requested business hours changed to 11 am to 2 am. However, for this request by the Karaoke Center, we express our strongest opposition, and we urge the Hearing Officer not to grant this request in order to protect both the residents and the young people.

Mobilehome Park Residents:

Space Number	Print name	Signature
6	Hannah Chi	Hannah Chi
59	Cheng-Feng Lin	Cheng-Feng Lin
59	Wen-Tzu Davis	Wen-Tzu Davis
61	Manyin Li	Manyin Li
159	XiuQing Jiang	XiuQing Jiang
246	Yi Yu	Yi Yu

ROWLAND HEIGHTS
COMMUNITY COORDINATING COUNCIL

"IMPROVING OUR COMMUNITY"

WWW.ROWLAND-HEIGHTS.ORG

P.O. Box 8171
Rowland Heights
California 91748

Email:
rhccc4RH@gmail.com

President
Ted Ebenkamp

First Vice President Programs
Deborah Enos

Second Vice President Membership
Roland Sanchez

Third Vice President Community Improvement
Henry Woo

Recording Secretary
DeAnn Joyce

Corresponding Secretary
David Koo

Treasurer
Carla Sanchez

Historian
Charles Liu

Past President
Kingdon Chew

October 26, 2015

Mr. Steve Mar
c/o Director of Planning
320 West Temple Street, Room 1348
Los Angeles, CA 90012

Re: REQUEST TO MODIFY THE CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT 201200073

The Rowland Heights Community Coordinating Council (RHCCC) strongly opposes the request to modify Condition Number 19 to allow additional square footage and another eleven entertainment rooms in the karaoke center located at 18888 Labin Court, Unit #C-201.

The commercial center in which this facility is located is adjacent to the Rowland Heights Mobile Estates, a large mobile home park on its west boundary. The RHCCC was concerned when the karaoke center was originally proposed due to its close proximity to the mobile home park and the possibility the late hours of operation and large crowd of young adults it would attract might interfere with the mobile home park tenants quiet enjoyment of their properties. **This has in fact been the case.**

Residents from the Rowland Heights Mobile Estates regularly attend our monthly RHCCC community meetings and periodically lodge complaints regarding the late night noise levels emanating from this commercial center and likewise complain to the local sheriff's station and the Rowland Heights field office of Supervisor Don Knabe. For the most part they are elderly individuals in their twilight years and it is not practical for them to move to escape the unwanted intrusion into their lives. If anything, the number of entertainment rooms in the karaoke facility should be reduced, not expanded. Please deny this application.

Ted Ebenkamp

Ted Ebenkamp
President
Rowland Heights Community Coordinating Council
(562) 631-8920

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

November 6, 2012

C. C. Chang
JWL Associates, Architectural & Engineering
1221 South Hacienda Boulevard
Hacienda Heights, CA 91745

REGARDING: PROJECT NO. R2012-01149-(4)
CONDITIONAL USE PERMIT NO. 201200073
18888 LABIN COURT, UNIT #C-201, ROWLAND HEIGHTS
(APN: 8761-011-020)

Hearing Officer Patricia Hachiya, by her action of **November 6, 2012,** has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **November 20, 2012. Appeals must be delivered in person.**

Appeals: **To file an appeal, please contact:**
Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Maral Tashjian of the Zoning Permits East Section at (213) 974-6435, or by email at mtashjian@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)
c: DPW (Building and Safety); Zoning Enforcement
MM:MT

CC 060417

FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2012-01149-(4)
CONDITIONAL USE PERMIT NO. 201200073

1. **ENTITLEMENT REQUESTED.** The applicant, Chao Chen & Peng Zhu, is requesting a Conditional Use Permit (CUP) to authorize a karaoke center pursuant to County Code Section 22.28.210 in the C-3-BE (Unlimited Commercial, Billboard Exclusion) Zone.

2. **HEARING DATE.** November 6, 2012

3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** The applicant's representative, Peter Wang, presented testimony in favor of the request and answered questions presented by the Hearing Officer. There being no further testimony, the Hearing Officer closed the public hearing and approved the project subject to the conditions recommended by staff and agreed to by the applicant's representative.

4. **PROJECT DESCRIPTION.** The proposed project is to authorize a karaoke center within a newly established two-story, multi-tenant commercial center (authorized by Plot Plan No. 200800405). The proposed 6,800 square foot facility would have fifteen individual entertainment rooms and an occupant load of 191 persons and would require 64 parking spaces. Food and beverages would be served incidental to the primary karaoke use. Operating hours would be from 10 a.m. to 2 a.m., seven days a week.

5. **LOCATION.** 18888 Labin Court, Unit #C-201, Rowland Heights

6. **EXISTING ZONING.** The subject property is zoned C-3-BE (Unlimited Commercial, Billboard Exclusion), in the Puente Zoned District. Surrounding properties are zoned as follows:

   North: M-1.5-BE (Restricted Heavy Agricultural, Billboard Exclusion)
   South: C-3-BE
   East: C-3-BE, C-3, A-1-6,000 (Light Agricultural, 6,000 sq. ft. minimum lot size)
   West: R-3-12U (Limited Multiple Residence, 12 dwelling unit/acre maximum density)

7. **EXISTING LAND USES.** The subject property is developed with a commercial center. Surrounding properties are developed as follows:

   North: State Route 60 (Pomona Freeway), Motel, Shopping Center
   South: Driving Range
   East: Motel, Restaurant, Commercial, Automobile Repair, Single-Family Residences
   West: Mobile Home Community

8. **PREVIOUS CASES/ZONING HISTORY.**
   - Plot Plan No. 200800405 to authorize the original construction of the shopping center was approved on July 23, 2009.
   - Plot Plan No. 201000980 to authorize a new 4-level parking structure was approved on March 7, 2012.
   - (Pending) Conditional Use Permit No. 201200087 to establish a 3,900 square foot Billiard Hall with an occupant load of 62 persons.

9. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.**
   The project site is located within the Commercial (C) land use category of the Rowland Heights Community Plan. The proposed project is consistent with the permitted uses of the underlying land use category which is intended for retail commercial, service and office uses.

   The following policy of the General Plan is applicable to the proposed project:

   - Promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design and locational controls. (Land Use Element: Ensure Compatibility of Development - Policy No. 9, Page III-12)

   The proposed project provides a convenience service to the surrounding community and complements the community character through appropriate locational controls.

   The following policy of the Rowland Heights Community Plan is applicable to the proposed project:

   - Encourage the location of commercial and industrial structures where appropriate along freeway and highway routes. (Noise – Policy No. 2, Page 29)

   The project site is located directly south of the State Route 60 Pomona Freeway and is located off of Nogales Street, an existing major highway.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.**
    A karaoke facility use is not specified in Title 22 of the Los Angeles County Code (Zoning Code). The use that is most closely related to a karaoke facility specified in the Code is a Bowling Alley or Billiard Hall. Bowling Alley or Billiard Hall are permitted in the C-3 (Unlimited Commercial) Zone under Section 22.28.210 of the Zoning Code, subject to the issuance of a conditional use permit pursuant to the provisions of Part 1 of Chapter 22.56.

    Per Section 22.52.1110, entertainment, assembly, and dining uses require one automobile parking space for each three persons based on the occupant load as determined by the County Engineer.

The Building and Safety Division of the Department of Public Works has determined that the occupant load for the karaoke facility is 191 persons. Therefore 64 parking spaces are required. These parking spaces are available among the 618 existing and proposed parking spaces at the site.

11. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The proposed karaoke facility is located within a commercial center which is located adjacent to the 60 Pomona Freeway to the north, commercial uses to the west, open space (driving range) to the south, and a mobile home community to the west. A 74-foot 3-inch setback (which exceeds the 30-foot 9-inch setback required by the CSD) separates the commercial center from the neighboring mobile home community. This setback, along with the location and orientation of the proposed use within the interior of the commercial center ensures that the use will not create a noise nuisance to the surrounding residences.

    The parking spaces at the rear of the building, nearest to the mobile home community, are primarily used for employees and deliveries. Use of this portion of the parking lot by patrons of the proposed use could potentially create a nuisance (light and noise) if cars are entering and exiting that portion of the parking lot until 2 a.m. A condition of approval is included in this permit to prohibit the use of these parking spaces by patrons of the proposed use to prevent such nuisance.

    The shopping center's location and design which buffers the proposed use from the adjacent residences, and the proposed use's consistency with the Rowland Heights Community Plan and Countywide General Plan, make it compatible with the surrounding neighborhood, with appropriate conditions.

    If approved, a ten (10) year term is recommended for the requested Conditional Use Permit. This is based on the need to reevaluate the compatibility of the project with the surrounding community. It is also recommended that the project be inspected annually for compliance with the final conditions of approval.

12. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.

13. **PUBLIC COMMENTS.** No comments were received.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

14. The proposed project is consistent with the permitted uses of the designated land use category and supports policies of the Rowland Heights Community Plan and Countywide General Plan.

Therefore, the proposed use will be consistent with the adopted general plan for the area.

15. The proposed project's orientation and location within the commercial center, the significant side yard setback of the commercial center, and the proposed project conditions regarding the operation of the facility reduce the likelihood that the project will negatively affect the persons residing in the neighboring residences. Therefore, the requested use at the location proposed 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.

16. The existing commercial center was constructed in compliance of the development standards in the County Zoning Code.

    Therefore, 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, of as is otherwise required in order to integrate said use with the uses in the surrounding area.

17. The site is served by Labin Court, a fully improved collector street. Under the previous approval of the commercial center plot plan, the applicant is required to comply with the conditions of approval by the County Department of Public Works for any necessary street improvements to accommodate the traffic generated by the commercial center.

    Therefore, 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.

ENVIRONMENTAL DETERMINATION

18. The project proposed is to authorize a karaoke center within an existing structure which has adequate parking to accommodate the use. There is no expansion or new construction proposed apart from minor interior tenant improvements. The project is not an exception to any categorical exemptions

    Therefore, the project qualifies as a Categorical Exemption (Class 1 – Existing Facilities) and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

19. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to ten (10) years.

20. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

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

B. That the requested use at the location proposed 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 yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of 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.

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 Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201200073 is Approved subject to the attached conditions.

ACTION DATE: November 6, 2012

c: Zoning Enforcement, Building and Safety

CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2012-01149-(4)
CONDITIONAL USE PERMIT NO. 201200073

PROJECT DESCRIPTION

The project is a new karaoke center within an existing multi-tenant commercial building 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 November 6, 2022**. 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 **$2,000.00**. 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 **ten (10) annual** 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 pursuant to this grant shall conform with the requirements of the County Department of Public Works ("Public Works").

14. All development pursuant to this grant 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 of Regional Planning ("Director").

15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.

16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

    In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings

shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial 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.

18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies of** the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PROJECT SITE SPECIFIC CONDITIONS

19. This grant shall authorize a karaoke center with fifteen (15) entertainment rooms. No consolidation of rooms is permitted.

20. Total occupancy of the use shall not exceed 191 persons.

21. The permittee shall provide parking as required by the County Code, calculated at a parking ratio of 3:1. The karaoke center has an occupant load of 191 persons which would require not less than 64 spaces be provided based on the applicable ratio. If the permittee changes the operation of the karaoke center so as to require less parking than the minimum requirement, the permittee shall submit an application for a Revised Exhibit "A" within 90 days of such occurrence.

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

22. Parking on the western portion of the property adjacent to the residences shall not be used by patrons of the karaoke center.

23. No signage is approved by this grant. A separate sign review shall be filed for review and approval by Regional Planning.

24. Operating hours shall be between the hours of 10 a.m. to 2 a.m. seven days a week.

25. Any noise associated with the karaoke center shall not be audible from the nearest residential use.

26. There shall be no loitering permitted on the premises under the control of the permittee.

27. No dancing or dance floor is permitted.

28. There shall be no cover charge or prepayment fee for food and/or beverage service required for admission to the karaoke center.

29. The permittee shall comply with all conditions set forth in the attached Public Works letter dated March 29, 2010.

Attachments:
Public Works Letter dated March 29, 2010

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

GAIL FARBER, Director

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
http://dpw.lacounty.gov

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

CERTIFIED MAIL–RETURN RECEIPT REQUESTED

IN REPLY PLEASE REFER TO FILE: LD-3

March 29, 2010

Mr. Bobby Liu
Pearl of the East, LLC
18401 East Arenth Avenue
City of Industry, CA 91748

Dear Mr. Liu:

18888 LABIN COURT
ASSESSOR'S MAP BOOK NO. 8761, PAGE 11, PARCEL 18
PROJECT NO. R2008-00516
IN THE UNINCORPORATED COUNTY AREA OF ROWLAND HEIGHTS
TWO 2-STORY BUILDINGS FOR RETAIL AND OFFICE USE

The Zoning Ordinance (Title 22 of the Los Angeles County Code) requires street dedication and improvements before any building or structure can be used on a lot that adjoins a highway, street, or alley. As part of the building permit, any right of way necessary for road widening of the half of the road adjoining the lot must be dedicated and any necessary road improvements must be constructed in conformity with the County of Los Angeles Department of Public Works' standards.

Your application on file for the construction of two 2-story buildings for retail and office use is subject to the provisions of the Zoning Ordinance. Therefore, before this site can be used, the requirements on the enclosed Agreement to Improve must be satisfied.

Please execute and return the enclosed Agreement to Improve to Public Works' Building and Safety Division (Southwest District office) prior to the issuance of your building permit. The signature on the document must be notarized. Please send a copy of the signed agreement to Public Works' Land Development Division, Subdivision Management Section.

A copy of this letter has been sent to our Building and Safety Division and the Department of Regional Planning to clear the Agency Referral form for the requested road requirements for your building application.

A permit from Public Works' Construction Division and a street improvement plan will be required for any road work. It is suggested that any plans needed for obtaining the permit be submitted to Land Development Division, Road and Grading Section, as soon as possible to allow the maximum time for processing and approval. Additional information regarding procedures and requirements may be obtained by contacting Mrs. Patricia Constanza at (626) 458-4921 or by e-mail at pconstan@dpw.lacounty.gov.

Very truly yours,

GAIL FARBER
Director of Public Works

DENNIS HUNTER, PLS PE
Assistant Deputy Director
Land Development Division

PC:ca
P:LDPUB\SUBMGT\ PERMITS\R-3\LABINCT ATI.DOC

cc: Department of Regional Planning (Annie Lin)

March 29, 2010

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION
AGREEMENT TO IMPROVE
ADJACENT HIGHWAYS, STREETS, OR ALLEYS

The undersigned certifies that he/she is the owner in fee simple of the property described:

Assessor's Map Book No. 8761, page 11, Parcel 18

Legal Description

18888 Labin Court, in the unincorporated County area of Rowland Heights

Street Address

Project No. R2008-00516–Two 2-story Buildings for Retail and Office Use

Project Description

and hereby agrees to construct the following road improvements as specified in the Zoning Ordinance in accordance with the standards of Public Works

1. Dedicate right of way for an off-set cul-de-sac bulb with a 53–foot radius along the property frontage on Labin Court to the satisfaction of Public Works. A processing fee is required.

2. Permission is granted to vacate excess right of way along the cul-de-sac bulb, along the property frontage on Labin Court to the satisfaction of Public Works. An application and fee must be submitted to Public Works to initiate the process.

3. Execute an encroachment covenant for the private maintenance of the catch basin lateral on Labin Court.

4. Construct an off-set cul-de-sac bulb with a 45-foot curb radius along the property frontage on Labin Court to the satisfaction of Public Works.

5. Construct concrete sidewalk on Labin Court along the property frontage to the satisfaction of Public Works.

6. Construct new driveways along Labin Court to meet current Americans with Disabilities Act requirements to the satisfaction of Public Works.

7. Plant street trees on Labin Court along the property frontage to the satisfaction of Public Works.

March 29, 2010

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION
AGREEMENT TO IMPROVE
ADJACENT HIGHWAYS, STREETS, OR ALLEYS

The undersigned certifies that he/she is the owner in fee simple of the property described:

Assessor's Map Book No. 8761, page 11, Parcel 18

Legal Description

18888 Labin Court, in the unincorporated County area of Rowland Heights

Street Address

Project No. R2008-00516–Two 2-story Buildings for Retail and Office Use

Project Description

8. As a condition to the approval of the subdivision of Parcel Map No. 26789, an updated traffic study is required upon the development of this parcel. Therefore, an approved traffic study is required and shall be submitted directly to Public Works for review and approval along with a review fee. For additional information, please contact Jeff Pletyak at (626) 300-4721 of Public Works' Traffic and Lighting Division. Comply with any additional requirements, if any, as a means of mitigating any traffic impacts as identified in the traffic study approved by Public Works.

9. Provide street lights on concrete poles, with underground wiring, along the property frontage on Labin Court, per approved Street Lighting Plans No. L 031-2009, to the satisfaction of Public Works.

    a. The applicant shall comply with the conditions listed below in order for the lighting districts to pay for the future operation and maintenance of the street lights. The street lights shall be installed per approved plans prior to issuance of Certificate of Occupancy.

    b. All street light in the project, or approved project phase, must be constructed according to Public Works-approved plans. The contractor shall submit one complete set of As-built plans. Provided the above conditions are met, the lighting district can assume responsibility for the operation and maintenance of the street lights by July 1 of any given year, provided all street lights have been energized and the developer has requested a transfer of billing at least by January 1 of the previous year. The transfer of billing could be delayed one or more year if the above conditions are not met.

March 29, 2010

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION
AGREEMENT TO IMPROVE
ADJACENT HIGHWAYS, STREETS, OR ALLEYS

The undersigned certifies that he/she is the owner in fee simple of the property described:

Assessor's Map Book No. 8761, page 11, Parcel 18
Legal Description

18888 Labin Court, in the unincorporated County area of Rowland Heights
Street Address

Project No. R2008-00516–Two 2-story Buildings for Retail and Office Use
Project Description

10. Repair and replace any improvements damaged during construction to the satisfaction of Public Works.

It is further agreed that the occupancy of building(s) to be constructed, altered, or enlarged, as shown on plans filed with Public Works' Building and Safety Division, will not be granted until all requirements are met and the required deeds have been executed and recorded. The owner also agrees to enter into a new secured agreement to guarantee the aforementioned road improvements should the County agree to issue occupancy prior to the completion of said road improvements.

Owner(s)

ALL SIGNATURES TO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC

Mailing Address