Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

December 11, 2013

Monica Wu
18888 Labin Court, #B-213
Rowland Heights, CA 91748

REGARDING: **PROJECT NO. R2013-02230-(4)**
CONDITIONAL USE PERMIT NO. 201300116
18888 LABIN COURT, #C-113, ROWLAND HEIGHTS
(APN NO. 8761-011-020)

The Regional Planning Commission, by its action of **December 11, 2013,** has **APPROVED** the above-referenced project. Enclosed are the Commission'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 the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **December 26, 2013. Appeals must be delivered in person.**

Appeals: **To file an appeal, please contact:**
Executive Office of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles, CA 90012
(213) 974-1426

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: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement
MM:MT

CC.060412

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. R2013-02230-(4)
CONDITIONAL USE PERMIT NO. 201300116

1. **ENTITLEMENT REQUESTED.** The applicant, Monica Wu, requests a Conditional Use Permit (CUP) for the sale of alcoholic beverages (beer and wine) for on-site consumption in the C-3-BE (Unlimited Commercial, Billboard Exclusion) Zone pursuant to Los Angeles County ("County") Code section 22.28.210.

2. **HEARING DATE.** December 11, 2013.

3. **PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION.** A duly noticed public hearing was held on December 11, 2013 before the Regional Planning Commission ("Commission"). Commissioners Valadez, Louie, Helsley, and Pedersen were present. Commissioner Modugno was absent. Commissioner Valadez left the hearing early and was not present at the time the motion and decision were carried out. The applicant's representative, Monica Wu, presented testimony in favor of the request and answered questions presented by the Commission. Eight members of the community were present and spoke in opposition of the project. The concerns and complaints raised were mainly regarding the construction of the commercial center and the parking structure. As these concerns were not related to the applicant's request, staff indicated that Zoning Enforcement and the Department of Public Works Building & Safety division would be directed to look into the issues raised. The Commission recommended the addition of one condition, to limit the dumping of bottles after 10 p.m., in order to address one of the community members' concerns related to the proposed request. There being no further testimony, the Commission 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 the sale of alcoholic beverages (beer and wine) for on-site consumption at a new 1,747 square foot restaurant in an existing multi-tenant commercial center known as the "Pearl of the East." The subject site is developed with two (2) two-story retail/office buildings with 58 tenant spaces and one (1) four-story parking structure (under construction) on a six acre rectangular-shaped parcel. There are 618 total existing and proposed parking spaces on the property and one access point onto Labin Court. The proposed hours of alcohol service would be from 8 a.m. to 10 p.m. Sunday through Thursday, and 8 a.m. to 12 a.m. (midnight) on Friday and Saturday.

5. **LOCATION.** The subject property is located at 18888 Labin Court, Unit C-113, Rowland Heights (APN No. 8761-011-020).

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

   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 multi-tenant 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.** Zoning cases for the subject property include:

   - 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.
   - Plot Plan No. 201201148, to authorize tenant improvements of Unit C-113 to establish a new 1,747 square foot seafood restaurant ("Seafood King") associated with pending CUP No. 201300116 was approved on April 25, 2013.
   - Plot Plan No. 201301102, to authorize an amendment to Plot Plan No. 201201148 was approved on November 25, 2013.

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 policies of the General Plan are 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.

Ensure continuing opportunity for citizen involvement in the land use decision-making process. (Land Use Element: Improve Land Use Decision-Making Process - Policy No. 28, Page III-15)

The project was presented to the Rowland Heights Coordinating Council on October 16, 2013. This meeting provided an additional opportunity for the public to participate in the decision-making process before the scheduled public hearing on December 11, 2013.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The sale of alcoholic beverages for either on-site or off-site consumption is 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 and section 22.56.195.

    Per section 22.52.1110 of the Zoning Code, 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. Parking for proposed project was assessed during the plot plan application review process and was deemed adequate at time of plot plan permit approval.

11. **SITE VISIT.** A site visit was conducted on October 10, 2013. No violations were observed at the subject property. Staff observed construction activity associated with the tenant improvements approved by Plot Plan No. 201201148.

12. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The proposed use is located within an existing commercial center which is situated 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 setback (which exceeds the 30-foot 9-inch setback required by the CSD) separates the commercial center from the neighboring mobile home community. All tenant spaces in the commercial center are oriented toward the interior courtyard or toward the eastern property boundary. There are no tenant spaces oriented toward the western property boundary, facing the mobile home community. The building setback, along with the location and orientation of the tenant spaces away from the mobile home community ensures that the proposed use will not create a noise nuisance to the surrounding residences.

    The subject property is located within a high crime reporting district, however the Sheriff's Department indicated that there is generally no significant criminal activity at the site and expressed support for the project. At present there are no open zoning violations on the subject property. Therefore it is not likely that the proposed use would contribute or generate to potential criminal activity at the site.

At present there are two (2) establishments within six hundred feet of the subject property that sell alcoholic beverages. Both establishments are restaurants that sell beer and wine for on-site consumption. According to ABC, an undue concentration of alcohol serving establishments does exist within the census tract that the subject property is located within. However, alcohol service in conjunction with food sales can be considered a public convenience and therefore outweighs the undue concentration.

13. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** Correspondence was received on October 1, 2013 from the County Sheriff Department expressing support for the project. The sheriff reported that since the site is newly developed, the few calls for service received in the last five years were for "alarm activations and one vehicle theft report." The sheriff expressed "no specific concerns" associated with the site and recommended that burglary and robbery alarms be installed, as well as security cameras inside and outside the establishment due to the proximity to the freeway and the Motel 6. In the event that the restaurants convert to a bar or night club use, the sheriff recommended a security guard for the later hours of operation. These recommendations were incorporated into the project Conditions of Approval.

14. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** A report from the State Department of Alcoholic Beverage Control (ABC) was received on September 11, 2013 which includes crime reporting district and census tract-based statistics on reported criminal activity and existing alcohol licenses. According to the report, the subject property is located in a high crime reporting district. District number 2931 experienced 301 offenses in 2012 which is above the average number of occurring offenses per district (90.9 offenses). The subject property is also located in a census tract where an undue concentration of alcohol permits exists. Census tract number 4082.11 permits a maximum of five (5) alcohol licenses; sixty (60) currently exists.

15. **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.

16. **PUBLIC COMMENTS.** The Rowland Heights Coordinating Council submitted a letter, dated November 6, 2013, in which they expressed "no opposition" to the proposed uses if the hours of alcohol service were limited to no later than 10 p.m. Sunday through Thursday, and no later than 12 a.m. (midnight) Saturday and Sunday.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

17. The project site is located within the "C" (Commercial) land use category of the Rowland Heights Community General Plan. This designation is intended for retail commercial, service and office uses. The proposed sale of alcoholic beverages for on-site consumption at a restaurant is a typical commercial use.

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

18. The subject property is situated 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 setback (which exceeds the 30-foot 9-inch setback required by the CSD) separates the commercial center from the neighboring mobile home community. All tenant spaces are oriented toward the interior courtyard of the commercial center or toward the eastern property boundary. There are no tenant spaces oriented toward the western property boundary, facing the mobile home community.

    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.

19. Development on the subject property was established through previous zoning approvals and meets all development standards of the County 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, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

20. There is one access point on the property for ingress/egress to Labin Court, a fully-improved public right of way.

    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.

21. There are no sensitive uses within a 600-foot radius of the property.

    Therefore, 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.

22. The proposed project is located within an existing commercial center which is situated 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 setback separates the commercial center from the neighboring mobile home community. All tenant spaces are oriented toward the interior courtyard of the commercial center or toward the eastern property boundary. There

are no tenant spaces oriented toward the western property boundary, facing the mobile home community.

Therefore, 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.

23. At present there are two (2) establishments within six hundred feet of the subject property that sell alcoholic beverages. Both establishments are restaurants that sell beer and wine for on-site consumption. According to ABC, an undue concentration of alcohol serving establishments does exist within the census tract that the subject property is located within. However, alcohol service in conjunction with food sales can be considered a public convenience and therefore outweighs the undue concentration.

    Therefore, the requested use at the proposed location will result in an undue concentration of similar premises; however 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.

24. The proposed sale of alcoholic beverages is a common ancillary service to commercial business.

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

25. The proposed project does not authorize any new construction.

    Therefore, 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.

ENVIRONMENTAL DETERMINATION

26. The proposed sale of alcohol is accessory to the restaurant. No new construction or intensification of the use is proposed.

    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.

27. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning

Commission determines that it is necessary to limit the term of the grant to fifteen (15) years.

28. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Regional Planning Commission'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 REGIONAL PLANNING COMMISSION 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, 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. 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; and

F. 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; and

G. That the requested use at the proposed location will result in an undue concentration of similar premises; however 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; 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/meeting substantiates the required findings for a Conditional Use Permit as set forth in Section 22.56.090 and 22.56.195 of the County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. Regional Planning Commission determines that the project is exempt from the California Environmental Quality Act pursuant to the Class 1 – Existing Facilities categorical exemption.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201300116 is Approved subject to the attached conditions.

Action Date: December 11, 2013

VOTE: 3:0:0:2

Concurring: Louie, Helsley, Pedersen

Dissenting: 0

Abstaining: 0

Absent: Valadez, Modugno

MM:MT
11/25/13

c: Commissioners, Zoning Enforcement, Building and Safety

CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2013-02230-(4)
CONDITIONAL USE PERMIT NO. 201300116

PROJECT DESCRIPTION

The project is for the sale of beer and wine for on-site consumption at a new 1,747 square foot restaurant located within an existing multi-tenant commercial 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 reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to $5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

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

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

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.

7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

8. **This grant shall terminate on December 11, 2028**. 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 to the satisfaction of said department.

13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.

14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").

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

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

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

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

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

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

19. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.

20. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.

21. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.

22. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures.

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

24. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar

public service area. Such telephone numbers shall be visible by and available to the general public.

25. This grant authorizes the sale of alcoholic beverages from 8:00 a.m. to 10 p.m. Sunday through Thursday, and 8:00 a.m. to 12 a.m. (midnight) Friday and Saturday.

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. Food service shall be continuously provided during operating hours.

PROJECT SITE SPECIFIC CONDITIONS

32. This grant shall authorize the sale of alcoholic beverages (beer and wine) for on-site consumption at the subject restaurant.

33. The permittee shall provide parking as required by the County Code, calculated at a parking ratio of 3:1. The restaurant has an occupant load of 39 persons which would require not less than 13 spaces be provided based on the applicable ratio. If the permittee changes the operation of restaurant 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 restaurant substantially changes its mode or character of operation or if the permittee changes the use or occupancy or otherwise modifies the subject property so as to require parking beyond the minimum requirement, the permittee shall submit an application for a minor parking deviation, parking permit, variance, or other applicable permit, as determined by the Director, within 90 days of such occurrence.

34. The permittee shall install a burglary and robbery alarm system at the subject restaurant.

35. The permittee shall install security cameras inside and outside of the restaurant.

36. There shall be no audible noise beyond the property boundary from the dumping of bottles after 10 p.m.

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

December 11, 2013

Monica Wu
18888 Labin Court, #B-213
Rowland Heights, CA 91748

REGARDING: **PROJECT NO. R2013-02231-(4)**
CONDITIONAL USE PERMIT NO. 201300117
18888 LABIN COURT, #B-101, ROWLAND HEIGHTS
(APN NO. 8761-011-020)

The Regional Planning Commission, by its action of **December 11, 2013,** has **APPROVED** the above-referenced project. Enclosed are the Commission'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 the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **December 26, 2013. Appeals must be delivered in person.**

Appeals: **To file an appeal, please contact:**
Executive Office of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles, CA 90012
(213) 974-1426

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: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement
MM:MT

CC.060412

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. R2013-02231-(4)
CONDITIONAL USE PERMIT NO. 201300117

1. **ENTITLEMENT REQUESTED.** The applicant, Monica Wu, requests a Conditional Use Permit (CUP) for the sale of alcoholic beverages (beer and wine) for on-site consumption in the C-3-BE (Unlimited Commercial, Billboard Exclusion) Zone pursuant to Los Angeles County ("County") Code section 22.28.210.

2. **HEARING DATE.** December 11, 2013.

3. **PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION.** A duly noticed public hearing was held on December 11, 2013 before the Regional Planning Commission ("Commission"). Commissioners Valadez, Louie, Helsley, and Pedersen were present. Commissioner Modugno was absent. Commissioner Valadez left the hearing early and was not present at the time the motion and decision were carried out. The applicant's representative, Monica Wu, presented testimony in favor of the request and answered questions presented by the Commission. Eight members of the community were present and spoke in opposition of the project. The concerns and complaints raised were mainly regarding the construction of the commercial center and the parking structure. As these concerns were not related to the applicant's request, staff indicated that Zoning Enforcement and the Department of Public Works Building & Safety division would be directed to look into the issues raised. The Commission recommended the addition of one condition, to limit the dumping of bottles after 10 p.m., in order to address one of the community members' concerns related to the proposed request. There being no further testimony, the Commission 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 the sale of alcoholic beverages (beer and wine) for on-site consumption at a new 4,865 square foot restaurant in an existing multi-tenant commercial center known as the "Pearl of the East." The subject site is developed with two (2) two-story retail/office buildings with 58 tenant spaces and one (1) four-story parking structure (under construction) on a six acre rectangular-shaped parcel. There are 618 total existing and proposed parking spaces on the property and one access point onto Labin Court. The proposed hours of alcohol service would be from 8 a.m. to 10 p.m. Sunday through Thursday, and 8 a.m. to 12 a.m. (midnight) on Friday and Saturday.

5. **LOCATION.** The subject property is located at 18888 Labin Court, Unit B-101, Rowland Heights (APN No. 8761-011-020).

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

   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 multi-tenant 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.** Zoning cases for the subject property include:

   - 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.
   - Plot Plan No. 201300315, to authorize tenant improvements of Unit B-101 to establish a new 4,865 square foot Mexican restaurant ("El Pueblito") associated with pending CUP No. 201300117 was approved on June 26, 2013.

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 policies of the General Plan are 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.

Ensure continuing opportunity for citizen involvement in the land use decision-making process. (Land Use Element: Improve Land Use Decision-Making Process - Policy No. 28, Page III-15)

The project was presented to the Rowland Heights Coordinating Council on October 16, 2013. This meeting provided an additional opportunity for the public to participate in the decision-making process before the scheduled public hearing on December 11, 2013.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The sale of alcoholic beverages for either on-site or off-site consumption is 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 and section 22.56.195.

    Per section 22.52.1110 of the Zoning Code, 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. Parking for proposed project was assessed during the plot plan application review process and was deemed adequate at time of plot plan permit approval.

11. **SITE VISIT.** A site visit was conducted on October 10, 2013. No violations were observed at the subject property. Staff observed construction activity associated with the tenant improvements approved by Plot Plan No. 201300315.

12. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The proposed use is located within an existing commercial center which is situated 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 setback (which exceeds the 30-foot 9-inch setback required by the CSD) separates the commercial center from the neighboring mobile home community. All tenant spaces in the commercial center are oriented toward the interior courtyard or toward the eastern property boundary. There are no tenant spaces oriented toward the western property boundary, facing the mobile home community. The building setback, along with the location and orientation of the tenant spaces away from the mobile home community ensures that the proposed use will not create a noise nuisance to the surrounding residences.

    The subject property is located within a high crime reporting district, however the Sheriff's Department indicated that there is generally no significant criminal activity at the site and expressed support for the project. At present there are no open zoning violations on the subject property. Therefore it is not likely that the proposed use would contribute or generate to potential criminal activity at the site.

    At present there are two (2) establishments within six hundred feet of the subject property that sell alcoholic beverages. Both establishments are restaurants that sell beer and wine for on-site consumption. According to ABC, an undue concentration of alcohol serving establishments does exist within the census tract

that the subject property is located within. However, alcohol service in conjunction with food sales can be considered a public convenience and therefore outweighs the undue concentration.

13. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** Correspondence was received on October 1, 2013 from the County Sheriff Department expressing support for the project. The sheriff reported that since the site is newly developed, the few calls for service received in the last five years were for "alarm activations and one vehicle theft report." The sheriff expressed "no specific concerns" associated with the site and recommended that burglary and robbery alarms be installed, as well as security cameras inside and outside the establishment due to the proximity to the freeway and the Motel 6. In the event that the restaurants convert to a bar or night club use, the sheriff recommended a security guard for the later hours of operation. These recommendations were incorporated into the project Conditions of Approval.

14. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** A report from the State Department of Alcoholic Beverage Control (ABC) was received on September 11, 2013 which includes crime reporting district and census tract-based statistics on reported criminal activity and existing alcohol licenses. According to the report, the subject property is located in a high crime reporting district. District number 2931 experienced 301 offenses in 2012 which is above the average number of occurring offenses per district (90.9 offenses). The subject property is also located in a census tract where an undue concentration of alcohol permits exists. Census tract number 4082.11 permits a maximum of five (5) alcohol licenses; sixty (60) currently exists.

15. **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.

16. **PUBLIC COMMENTS.** The Rowland Heights Coordinating Council submitted a letter, dated November 6, 2013, in which they expressed "no opposition" to the proposed uses if the hours of alcohol service were limited to no later than 10 p.m. Sunday through Thursday, and no later than 12 a.m. (midnight) Saturday and Sunday.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

17. The project site is located within the "C" (Commercial) land use category of the Rowland Heights Community General Plan. This designation is intended for retail commercial, service and office uses. The proposed sale of alcoholic beverages for on-site consumption at a restaurant is a typical commercial use.

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

18. The subject property is situated 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 setback (which exceeds the 30-foot 9-inch setback required by the CSD) separates the commercial center from the neighboring mobile home community. All tenant spaces are oriented toward the interior courtyard of the commercial center or toward the eastern property boundary. There are no tenant spaces oriented toward the western property boundary, facing the mobile home community.

    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.

19. Development on the subject property was established through previous zoning approvals and meets all development standards of the County 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, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

20. There is one access point on the property for ingress/egress to Labin Court, a fully-improved public right of way.

    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.

21. There are no sensitive uses within a 600-foot radius of the property.

    Therefore, 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.

22. The proposed project is located within an existing commercial center which is situated 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 setback separates the commercial center from the neighboring mobile home community. All tenant spaces are oriented toward the interior courtyard of the commercial center or toward the eastern property boundary. There are no tenant spaces oriented toward the western property boundary, facing the mobile home community.

Therefore, 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.

23. At present there are two (2) establishments within six hundred feet of the subject property that sell alcoholic beverages. Both establishments are restaurants that sell beer and wine for on-site consumption. According to ABC, an undue concentration of alcohol serving establishments does exist within the census tract that the subject property is located within. However, alcohol service in conjunction with food sales can be considered a public convenience and therefore outweighs the undue concentration.

    Therefore, the requested use at the proposed location will result in an undue concentration of similar premises; however 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.

24. The proposed sale of alcoholic beverages is a common ancillary service to commercial business.

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

25. The proposed project does not authorize any new construction.

    Therefore, 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.

ENVIRONMENTAL DETERMINATION

26. The proposed sale of alcohol is accessory to the restaurant. No new construction or intensification of the use is proposed.

    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.

27. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning Commission determines that it is necessary to limit the term of the grant to fifteen (15) years.

28. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Regional Planning Commission'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 REGIONAL PLANNING COMMISSION 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, 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. 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; and

F. 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; and

G. That the requested use at the proposed location will result in an undue concentration of similar premises; however 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; and

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

l. 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/meeting substantiates the required findings for a Conditional Use Permit as set forth in Section 22.56.090 and 22.56.195 of the County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. Regional Planning Commission determines that the project is exempt from the California Environmental Quality Act pursuant to the Class 1 – Existing Facilities categorical exemption.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201300117 is Approved subject to the attached conditions.

MM:MT
11/25/13

c: Commissioners, Zoning Enforcement, Building and Safety

CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2013-02231-(4)
CONDITIONAL USE PERMIT NO. 201300117

PROJECT DESCRIPTION

The project is for the sale of beer and wine for on-site consumption at a new 4,865 square foot restaurant located within an existing multi-tenant commercial 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 reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to $5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

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

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

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.

7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

8. **This grant shall terminate on December 11, 2028**. 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 to the satisfaction of said department.

13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.

14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").

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

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

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

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

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

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

19. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.

20. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.

21. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.

22. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures.

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

24. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar

public service area. Such telephone numbers shall be visible by and available to the general public.

25. This grant authorizes the sale of alcoholic beverages from 8:00 a.m. to 10 p.m. Sunday through Thursday, and 8:00 a.m. to 12 a.m. (midnight) Friday and Saturday.

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. Food service shall be continuously provided during operating hours.

PROJECT SITE SPECIFIC CONDITIONS

32. This grant shall authorize the sale of alcoholic beverages (beer and wine) for on-site consumption at the subject restaurant.

33. The permittee shall provide parking as required by the County Code, calculated at a parking ratio of 3:1. The restaurant has an occupant load of 136 persons which would require not less than 45 spaces be provided based on the applicable ratio. If the permittee changes the operation of restaurant 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 restaurant substantially changes its mode or character of operation or if the permittee changes the use or occupancy or otherwise modifies the subject property so as to require parking beyond the minimum requirement, the permittee shall submit an application for a minor parking deviation, parking permit, variance, or other applicable permit, as determined by the Director, within 90 days of such occurrence.

34. The permittee shall install a burglary and robbery alarm system at the subject restaurant.

35. The permittee shall install security cameras inside and outside of the restaurant.

36. There shall be no audible noise beyond the property boundary from the dumping of bottles after 10 p.m.

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

December 11, 2013

Jonathan Pae
672 S. Lafayette Park Place, Unit 42
Los Angeles, CA 90057

REGARDING: **PROJECT NO. R2013-02516-(4)**
CONDITIONAL USE PERMIT NO. 201300123
18888 LABIN COURT, #A-209, ROWLAND HEIGHTS
(APN NO. 8761-011-020)

The Regional Planning Commission, by its action of **December 11, 2013,** has **APPROVED** the above-referenced project. Enclosed are the Commission'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 the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **December 26, 2013. Appeals must be delivered in person.**

Appeals: **To file an appeal, please contact:**
Executive Office of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles, CA 90012
(213) 974-1426

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: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement
MM:MT

CC.060412

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. R2013-02516-(4)
CONDITIONAL USE PERMIT NO. 201300123

1. **ENTITLEMENT REQUESTED.** The applicant, Kevin Zhang, requests a Conditional Use Permit (CUP) for the sale of alcoholic beverages (beer and wine) for on-site consumption in the C-3-BE (Unlimited Commercial, Billboard Exclusion) Zone pursuant to Los Angeles County ("County") Code section 22.28.210.

2. **HEARING DATE.** December 11, 2013.

3. **PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION.** A duly noticed public hearing was held on December 11, 2013 before the Regional Planning Commission ("Commission"). Commissioners Valadez, Louie, Helsley, and Pedersen were present. Commissioner Modugno was absent. Commissioner Valadez left the hearing early and was not present at the time the motion and decision were carried out. The applicant's representative, Jonathan Pae, presented testimony in favor of the request and answered questions presented by the Commission. Eight members of the community were present and spoke in opposition of the project. The concerns and complaints raised were mainly regarding the construction of the commercial center and the parking structure. As these concerns were not related to the applicant's request, staff indicated that Zoning Enforcement and the Department of Public Works Building & Safety division would be directed to look into the issues raised. The Commission recommended the addition of one condition, to limit the dumping of bottles after 10 p.m., in order to address one of the community members' concerns related to the proposed request. There being no further testimony, the Commission 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 the sale of alcoholic beverages (beer and wine) for on-site consumption at a new 4,000 square foot restaurant in an existing multi-tenant commercial center known as the "Pearl of the East." The subject site is developed with two (2) two-story retail/office buildings with 58 tenant spaces and one (1) four-story parking structure (under construction) on a six acre rectangular-shaped parcel. There are 618 total existing and proposed parking spaces on the property and one access point onto Labin Court. The proposed hours of alcohol service would be from 8 a.m. to 10 p.m. Sunday through Thursday, and 8 a.m. to 12 a.m. (midnight) on Friday and Saturday.

5. **LOCATION.** The subject property is located at 18888 Labin Court, Unit A-209, Rowland Heights (APN No. 8761-011-020).

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

   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 multi-tenant 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.** Zoning cases for the subject property include:

   - 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.
   - Plot Plan No. 201300156, to authorize tenant improvements of Unit 209 to establish a new 4,000 square foot BBQ restaurant ("Gui Street") associated with pending CUP No. 201300123 was approved on June 6, 2013. 4,000 square foot

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 policies of the General Plan are 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.

Ensure continuing opportunity for citizen involvement in the land use decision-making process. (Land Use Element: Improve Land Use Decision-Making Process - Policy No. 28, Page III-15)

The project was presented to the Rowland Heights Coordinating Council on November 13, 2013. This meeting provided an additional opportunity for the public to participate in the decision-making process before the scheduled public hearing on December 11, 2013.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The sale of alcoholic beverages for either on-site or off-site consumption is 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 and section 22.56.195.

    Per section 22.52.1110 of the Zoning Code, 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. Parking for proposed project was assessed during the plot plan application review process and was deemed adequate at time of plot plan permit approval.

11. **SITE VISIT.** A site visit was conducted on October 10, 2013. No violations were observed at the subject property. Staff observed construction activity associated with tne tenant improvements approved by Plot Plan No. 201300156.

12. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The proposed use is located within an existing commercial center which is situated 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 setback (which exceeds the 30-foot 9-inch setback required by the CSD) separates the commercial center from the neighboring mobile home community. All tenant spaces in the commercial center are oriented toward the interior courtyard or toward the eastern property boundary. There are no tenant spaces oriented toward the western property boundary, facing the mobile home community. The building setback, along with the location and orientation of the tenant spaces away from the mobile home community ensures that the proposed use will not create a noise nuisance to the surrounding residences.

    The subject property is located within a high crime reporting district, however the Sheriff's Department indicated that there is generally no significant criminal activity at the site and expressed support for the project. At present there are no open zoning violations on the subject property. Therefore it is not likely that the proposed use would contribute or generate to potential criminal activity at the site.

    At present there are two (2) establishments within six hundred feet of the subject property that sell alcoholic beverages. Both establishments are restaurants that sell beer and wine for on-site consumption. According to ABC, an undue

concentration of alcohol serving establishments does exist within the census tract that the subject property is located within. However, alcohol service in conjunction with food sales can be considered a public convenience and therefore outweighs the undue concentration.

13. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** Correspondence was received on October 1, 2013 from the County Sheriff Department expressing support for the project. The sheriff reported that since the site is newly developed, the few calls for service received in the last five years were for "alarm activations and one vehicle theft report." The sheriff expressed "no specific concerns" associated with the site and recommended that burglary and robbery alarms be installed, as well as security cameras inside and outside the establishment due to the proximity to the freeway and the Motel 6. In the event that the restaurants convert to a bar or night club use, the sheriff recommended a security guard for the later hours of operation. These recommendations were incorporated into the project Conditions of Approval.

14. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** A report from the State Department of Alcoholic Beverage Control (ABC) was received on September 11, 2013 which includes crime reporting district and census tract-based statistics on reported criminal activity and existing alcohol licenses. According to the report, the subject property is located in a high crime reporting district. District number 2931 experienced 301 offenses in 2012 which is above the average number of occurring offenses per district (90.9 offenses). The subject property is also located in a census tract where an undue concentration of alcohol permits exists. Census tract number 4082.11 permits a maximum of five (5) alcohol licenses; sixty (60) currently exists.

15. **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.

16. **PUBLIC COMMENTS.** The Rowland Heights Coordinating Council submitted a letter, dated November 6, 2013, in which they expressed "no opposition" to the proposed uses if the hours of alcohol service were limited to no later than 10 p.m. Sunday through Thursday, and no later than 12 a.m. (midnight) Saturday and Sunday.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

17. The project site is located within the "C" (Commercial) land use category of the Rowland Heights Community General Plan. This designation is intended for retail commercial, service and office uses. The proposed sale of alcoholic beverages for on-site consumption at a restaurant is a typical commercial use.

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

18. The subject property is situated 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 setback (which exceeds the 30-foot 9-inch setback required by the CSD) separates the commercial center from the neighboring mobile home community. All tenant spaces are oriented toward the interior courtyard of the commercial center or toward the eastern property boundary. There are no tenant spaces oriented toward the western property boundary, facing the mobile home community.

    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.

19. Development on the subject property was established through previous zoning approvals and meets all development standards of the County 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, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

20. There is one access point on the property for ingress/egress to Labin Court, a fully-improved public right of way.

    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.

21. There are no sensitive uses within a 600-foot radius of the property.

    Therefore, 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.

22. The proposed project is located within an existing commercial center which is situated 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 setback separates the commercial center from the neighboring mobile home community. All tenant spaces are oriented toward the interior courtyard of the commercial center or toward the eastern property boundary. There are no tenant spaces oriented toward the western property boundary, facing the mobile home community.

Therefore, 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.

23. At present there are two (2) establishments within six hundred feet of the subject property that sell alcoholic beverages. Both establishments are restaurants that sell beer and wine for on-site consumption. According to ABC, an undue concentration of alcohol serving establishments does exist within the census tract that the subject property is located within. However, alcohol service in conjunction with food sales can be considered a public convenience and therefore outweighs the undue concentration.

    Therefore, the requested use at the proposed location will result in an undue concentration of similar premises; however 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.

24. The proposed sale of alcoholic beverages is a common ancillary service to commercial business.

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

25. The proposed project does not authorize any new construction.

    Therefore, 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.

ENVIRONMENTAL DETERMINATION

26. The proposed sale of alcohol is accessory to the restaurant. No new construction or intensification of the use is proposed.

    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.

27. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning Commission determines that it is necessary to limit the term of the grant to fifteen (15) years.

28. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Regional Planning Commission'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 REGIONAL PLANNING COMMISSION 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, 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. 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; and

F. 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; and

G. That the requested use at the proposed location will result in an undue concentration of similar premises; however 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; 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/meeting substantiates the required findings for a Conditional Use Permit as set forth in Section 22.56.090 and 22.56.195 of the County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. Regional Planning Commission determines that the project is exempt from the California Environmental Quality Act pursuant to the Class 1 – Existing Facilities categorical exemption.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201300123 is Approved subject to the attached conditions.

MM:MT
10/31/13

c: Commissioners, Zoning Enforcement, Building and Safety

CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2013-02516-(4)
CONDITIONAL USE PERMIT NO. 201300123

PROJECT DESCRIPTION

The project is for the sale of beer and wine for on-site consumption at a new 4,000 square foot restaurant located within an existing multi-tenant commercial 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 reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to $5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

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

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

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.

7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

8. **This grant shall terminate on December 11, 2028**. 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 to the satisfaction of said department.

13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.

14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").

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

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

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

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

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

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

19. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.

20. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.

21. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.

22. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures.

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

24. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar

public service area. Such telephone numbers shall be visible by and available to the general public.

25. This grant authorizes the sale of alcoholic beverages from 8:00 a.m. to 10 p.m. Sunday through Thursday, and 8:00 a.m. to 12 a.m. (midnight) Friday and Saturday.

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. Food service shall be continuously provided during operating hours.

PROJECT SITE SPECIFIC CONDITIONS

32. This grant shall authorize the sale of alcoholic beverages (beer and wine) for on-site consumption at the subject restaurant.

33. The permittee shall provide parking as required by the County Code, calculated at a parking ratio of 3:1. The restaurant has an occupant load of 161 persons which would require not less than 54 spaces be provided based on the applicable ratio. If the permittee changes the operation of restaurant 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 restaurant substantially changes its mode or character of operation or if the permittee changes the use or occupancy or otherwise modifies the subject property so as to require parking beyond the minimum requirement, the permittee shall submit an application for a minor parking deviation, parking permit, variance, or other applicable permit, as determined by the Director, within 90 days of such occurrence.

34. The permittee shall install a burglary and robbery alarm system at the subject restaurant.

35. The permittee shall install security cameras inside and outside of the restaurant.

36. There shall be no audible noise beyond the property boundary from the dumping of bottles after 10 p.m.

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

December 11, 2013

Monica Wu
18888 Labin Court, #B-213
Rowland Heights, CA 91748

REGARDING: **PROJECT NO. R2013-02610-(4)**
CONDITIONAL USE PERMIT NO. 201300131
18888 LABIN COURT, #C-105, ROWLAND HEIGHTS
(APN NO. 8761-011-020)

The Regional Planning Commission, by its action of **December 11, 2013,** has **APPROVED** the above-referenced project. Enclosed are the Commission'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 the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **December 26, 2013. Appeals must be delivered in person.**

Appeals: **To file an appeal, please contact:**
Executive Office of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles, CA 90012
(213) 974-1426

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: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement
MM:MT

CC.060412

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. R2013-02610-(4)
CONDITIONAL USE PERMIT NO. 201300131

1. **ENTITLEMENT REQUESTED.** The applicant, Monica Wu, requests a Conditional Use Permit (CUP) for the sale of alcoholic beverages (beer and wine) for on-site consumption in the C-3-BE (Unlimited Commercial, Billboard Exclusion) Zone pursuant to Los Angeles County ("County") Code section 22.28.210.

2. **HEARING DATE.** December 11, 2013.

3. **PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION.** A duly noticed public hearing was held on December 11, 2013 before the Regional Planning Commission ("Commission"). Commissioners Valadez, Louie, Helsley, and Pedersen were present. Commissioner Modugno was absent. Commissioner Valadez left the hearing early and was not present at the time the motion and decision were carried out. The applicant's representative, Monica Wu, presented testimony in favor of the request and answered questions presented by the Commission. Eight members of the community were present and spoke in opposition of the project. The concerns and complaints raised were mainly regarding the construction of the commercial center and the parking structure. As these concerns were not related to the applicant's request, staff indicated that Zoning Enforcement and the Department of Public Works Building & Safety division would be directed to look into the issues raised. The Commission recommended the addition of one condition, to limit the dumping of bottles after 10 p.m., in order to address one of the community members' concerns related to the proposed request. There being no further testimony, the Commission 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 the sale of alcoholic beverages (beer and wine) for on-site consumption at a new 1,514 square foot restaurant in an existing multi-tenant commercial center known as the "Pearl of the East." The subject site is developed with two (2) two-story retail/office buildings with 58 tenant spaces and one (1) four-story parking structure (under construction) on a six acre rectangular-shaped parcel. There are 618 total existing and proposed parking spaces on the property and one access point onto Labin Court. The proposed hours of alcohol service would be from 8 a.m. to 10 p.m. Sunday through Thursday, and 8 a.m. to 12 a.m. (midnight) on Friday and Saturday.

5. **LOCATION.** The subject property is located at 18888 Labin Court, Unit C-105, Rowland Heights (APN No. 8761-011-020).

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

   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 multi-tenant 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.** Zoning cases for the subject property include:

   - 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.
   - Plot Plan No. 201300909, to authorize tenant improvements of Unit C-105 to establish a new 1,514 square foot Chinese restaurant ("Stone Age") associated with pending CUP No. 201300131 was approved on October 3, 2013.

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 policies of the General Plan are 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.

Ensure continuing opportunity for citizen involvement in the land use decision-making process. (Land Use Element: Improve Land Use Decision-Making Process - Policy No. 28, Page III-15)

The project was presented to the Rowland Heights Coordinating Council on October 16, 2013. This meeting provided an additional opportunity for the public to participate in the decision-making process before the scheduled public hearing on December 11, 2013.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The sale of alcoholic beverages for either on-site or off-site consumption is 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 and section 22.56.195.

    Per section 22.52.1110 of the Zoning Code, 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. Parking for proposed project was assessed during the plot plan application review process and was deemed adequate at time of plot plan permit approval.

11. **SITE VISIT.** A site visit was conducted on October 10, 2013. No violations were observed at the subject property. Staff observed construction activity associated with the tenant improvements approved by Plot Plan No. 201300909.

12. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The proposed use is located within an existing commercial center which is situated 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 setback (which exceeds the 30-foot 9-inch setback required by the CSD) separates the commercial center from the neighboring mobile home community. All tenant spaces in the commercial center are oriented toward the interior courtyard or toward the eastern property boundary. There are no tenant spaces oriented toward the western property boundary, facing the mobile home community. The building setback, along with the location and orientation of the tenant spaces away from the mobile home community ensures that the proposed use will not create a noise nuisance to the surrounding residences.

    The subject property is located within a high crime reporting district, however the Sheriff's Department indicated that there is generally no significant criminal activity at the site and expressed support for the project. At present there are no open zoning violations on the subject property. Therefore it is not likely that the proposed use would contribute or generate to potential criminal activity at the site.

    At present there are two (2) establishments within six hundred feet of the subject property that sell alcoholic beverages. Both establishments are restaurants that sell beer and wine for on-site consumption. According to ABC, an undue concentration of alcohol serving establishments does exist within the census tract

that the subject property is located within. However, alcohol service in conjunction with food sales can be considered a public convenience and therefore outweighs the undue concentration.

13. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** Correspondence was received on October 1, 2013 from the County Sheriff Department expressing support for the project. The sheriff reported that since the site is newly developed, the few calls for service received in the last five years were for "alarm activations and one vehicle theft report." The sheriff expressed "no specific concerns" associated with the site and recommended that burglary and robbery alarms be installed, as well as security cameras inside and outside the establishment due to the proximity to the freeway and the Motel 6. In the event that the restaurants convert to a bar or night club use, the sheriff recommended a security guard for the later hours of operation. These recommendations were incorporated into the project Conditions of Approval.

14. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** A report from the State Department of Alcoholic Beverage Control (ABC) was received on September 11, 2013 which includes crime reporting district and census tract-based statistics on reported criminal activity and existing alcohol licenses. According to the report, the subject property is located in a high crime reporting district. District number 2931 experienced 301 offenses in 2012 which is above the average number of occurring offenses per district (90.9 offenses). The subject property is also located in a census tract where an undue concentration of alcohol permits exists. Census tract number 4082.11 permits a maximum of five (5) alcohol licenses; sixty (60) currently exists.

15. **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.

16. **PUBLIC COMMENTS.** The Rowland Heights Coordinating Council submitted a letter, dated November 6, 2013, in which they expressed "no opposition" to the proposed uses if the hours of alcohol service were limited to no later than 10 p.m. Sunday through Thursday, and no later than 12 a.m. (midnight) Saturday and Sunday.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

17. The project site is located within the "C" (Commercial) land use category of the Rowland Heights Community General Plan. This designation is intended for retail commercial, service and office uses. The proposed sale of alcoholic beverages for on-site consumption at a restaurant is a typical commercial use.

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

18. The subject property is situated 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 setback (which exceeds the 30-foot 9-inch setback required by the CSD) separates the commercial center from the neighboring mobile home community. All tenant spaces are oriented toward the interior courtyard of the commercial center or toward the eastern property boundary. There are no tenant spaces oriented toward the western property boundary, facing the mobile home community.

    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.

19. Development on the subject property was established through previous zoning approvals and meets all development standards of the County 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, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

20. There is one access point on the property for ingress/egress to Labin Court, a fully-improved public right of way.

    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.

21. There are no sensitive uses within a 600-foot radius of the property.

    Therefore, 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.

22. The proposed project is located within an existing commercial center which is situated 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 setback separates the commercial center from the neighboring mobile home community. All tenant spaces are oriented toward the interior courtyard of the commercial center or toward the eastern property boundary. There are no tenant spaces oriented toward the western property boundary, facing the mobile home community.

Therefore, 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.

23. At present there are two (2) establishments within six hundred feet of the subject property that sell alcoholic beverages. Both establishments are restaurants that sell beer and wine for on-site consumption. According to ABC, an undue concentration of alcohol serving establishments does exist within the census tract that the subject property is located within. However, alcohol service in conjunction with food sales can be considered a public convenience and therefore outweighs the undue concentration.

    Therefore, the requested use at the proposed location will result in an undue concentration of similar premises; however 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.

24. The proposed sale of alcoholic beverages is a common ancillary service to commercial business.

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

25. The proposed project does not authorize any new construction.

    Therefore, 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.

ENVIRONMENTAL DETERMINATION

26. The proposed sale of alcohol is accessory to the restaurant. No new construction or intensification of the use is proposed.

    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.

27. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning Commission determines that it is necessary to limit the term of the grant to fifteen (15) years.

28. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Regional Planning Commission'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 REGIONAL PLANNING COMMISSION 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, 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. 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; and

F. 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; and

G. That the requested use at the proposed location will result in an undue concentration of similar premises; however 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; and

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

l. 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/meeting substantiates the required findings for a Conditional Use Permit as set forth in Section 22.56.090 and 22.56.195 of the County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. Regional Planning Commission determines that the project is exempt from the California Environmental Quality Act pursuant to the Class 1 – Existing Facilities categorical exemption.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201300131 is Approved subject to the attached conditions.

MM:MT
10/31/13

c: Commissioners, Zoning Enforcement, Building and Safety

CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2013-02610-(4)
CONDITIONAL USE PERMIT NO. 201300131

PROJECT DESCRIPTION

The project is for the sale of beer and wine for on-site consumption at a new 1,514 square foot restaurant located within an existing multi-tenant commercial 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 reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to $5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

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

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

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.

7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

8. **This grant shall terminate on December 11, 2028**. 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 to the satisfaction of said department.

13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.

14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").

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

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

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

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

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

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

19. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.

20. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.

21. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.

22. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures.

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

24. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar

public service area. Such telephone numbers shall be visible by and available to the general public.

25. This grant authorizes the sale of alcoholic beverages from 8:00 a.m. to 10 p.m. Sunday through Thursday, and 8:00 a.m. to 12 a.m. (midnight) Friday and Saturday.

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. Food service shall be continuously provided during operating hours.

PROJECT SITE SPECIFIC CONDITIONS

32. This grant shall authorize the sale of alcoholic beverages (beer and wine) for on-site consumption at the subject restaurant.

33. The permittee shall provide parking as required by the County Code, calculated at a parking ratio of 3:1. The restaurant has an occupant load of 27 persons which would require not less than 9 spaces be provided based on the applicable ratio. If the permittee changes the operation of restaurant 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 restaurant substantially changes its mode or character of operation or if the permittee changes the use or occupancy or otherwise modifies the subject property so as to require parking beyond the minimum requirement, the permittee shall submit an application for a minor parking deviation, parking permit, variance, or other applicable permit, as determined by the Director, within 90 days of such occurrence.

34. The permittee shall install a burglary and robbery alarm system at the subject restaurant.

35. The permittee shall install security cameras inside and outside of the restaurant.

36. There shall be no audible noise beyond the property boundary from the dumping of bottles after 10 p.m.

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

December 11, 2013

Monica Wu
18888 Labin Court, #B-213
Rowland Heights, CA 91748

REGARDING: **PROJECT NO. R2013-02611-(4)**
CONDITIONAL USE PERMIT NO. 201300132
18888 LABIN COURT, #C-110, ROWLAND HEIGHTS
(APN NO. 8761-011-020)

The Regional Planning Commission, by its action of **December 11, 2013,** has **APPROVED** the above-referenced project. Enclosed are the Commission'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 the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **December 26, 2013. Appeals must be delivered in person.**

Appeals: **To file an appeal, please contact:**
Executive Office of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles, CA 90012
(213) 974-1426

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: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement
MM:MT

CC 060412

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. R2013-02611-(4)
CONDITIONAL USE PERMIT NO. 201300132

1. **ENTITLEMENT REQUESTED.** The applicant, Monica Wu, requests a Conditional Use Permit (CUP) for the sale of alcoholic beverages (beer and wine) for on-site consumption in the C-3-BE (Unlimited Commercial, Billboard Exclusion) Zone pursuant to Los Angeles County ("County") Code section 22.28.210.

2. **HEARING DATE.** December 11, 2013.

3. **PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION.** A duly noticed public hearing was held on December 11, 2013 before the Regional Planning Commission ("Commission"). Commissioners Valadez, Louie, Helsley, and Pedersen were present. Commissioner Modugno was absent. Commissioner Valadez left the hearing early and was not present at the time the motion and decision were carried out. The applicant's representative, Monica Wu, presented testimony in favor of the request and answered questions presented by the Commission. Eight members of the community were present and spoke in opposition of the project. The concerns and complaints raised were mainly regarding the construction of the commercial center and the parking structure. As these concerns were not related to the applicant's request, staff indicated that Zoning Enforcement and the Department of Public Works Building & Safety division would be directed to look into the issues raised. The Commission recommended the addition of one condition, to limit the dumping of bottles after 10 p.m., in order to address one of the community members' concerns related to the proposed request. There being no further testimony, the Commission 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 the sale of alcoholic beverages (beer and wine) for on-site consumption at a new 2,279 square foot restaurant in an existing multi-tenant commercial center known as the "Pearl of the East." The subject site is developed with two (2) two-story retail/office buildings with 58 tenant spaces and one (1) four-story parking structure (under construction) on a six acre rectangular-shaped parcel. There are 618 total existing and proposed parking spaces on the property and one access point onto Labin Court. The proposed hours of alcohol service would be from 8 a.m. to 10 p.m. Sunday through Thursday, and 8 a.m. to 12 a.m. (midnight) on Friday and Saturday.

5. **LOCATION.** The subject property is located at 18888 Labin Court, Unit C-110, Rowland Heights (APN No. 8761-011-020).

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

   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 multi-tenant 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.** Zoning cases for the subject property include:

   - 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.
   - Plot Plan No. 201300792, to authorize tenant improvements of Unit C-110 to establish a new 2,279 square foot Japanese restaurant ("ISHI Sushi") associated with pending CUP No. 201300132 was approved on October 3, 2013.

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 policies of the General Plan are 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.

Ensure continuing opportunity for citizen involvement in the land use decision-making process. (Land Use Element: Improve Land Use Decision-Making Process - Policy No. 28, Page III-15)

The project was presented to the Rowland Heights Coordinating Council on October 16, 2013. This meeting provided an additional opportunity for the public to participate in the decision-making process before the scheduled public hearing on December 11, 2013.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The sale of alcoholic beverages for either on-site or off-site consumption is 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 and section 22.56.195.

    Per section 22.52.1110 of the Zoning Code, 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. Parking for proposed project was assessed during the plot plan application review process and was deemed adequate at time of plot plan permit approval.

11. **SITE VISIT.** A site visit was conducted on October 10, 2013. No violations were observed at the subject property. Staff observed construction activity associated with the tenant improvements approved by Plot Plan No. 201300792.

12. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The proposed use is located within an existing commercial center which is situated 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 setback (which exceeds the 30-foot 9-inch setback required by the CSD) separates the commercial center from the neighboring mobile home community. All tenant spaces in the commercial center are oriented toward the interior courtyard or toward the eastern property boundary. There are no tenant spaces oriented toward the western property boundary, facing the mobile home community. The building setback, along with the location and orientation of the tenant spaces away from the mobile home community ensures that the proposed use will not create a noise nuisance to the surrounding residences.

    The subject property is located within a high crime reporting district, however the Sheriff's Department indicated that there is generally no significant criminal activity at the site and expressed support for the project. At present there are no open zoning violations on the subject property. Therefore it is not likely that the proposed use would contribute or generate to potential criminal activity at the site.

    At present there are two (2) establishments within six hundred feet of the subject property that sell alcoholic beverages. Both establishments are restaurants that sell beer and wine for on-site consumption. According to ABC, an undue

concentration of alcohol serving establishments does exist within the census tract that the subject property is located within. However, alcohol service in conjunction with food sales can be considered a public convenience and therefore outweighs the undue concentration.

13. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** Correspondence was received on October 1, 2013 from the County Sheriff Department expressing support for the project. The sheriff reported that since the site is newly developed, the few calls for service received in the last five years were for "alarm activations and one vehicle theft report." The sheriff expressed "no specific concerns" associated with the site and recommended that burglary and robbery alarms be installed, as well as security cameras inside and outside the establishment due to the proximity to the freeway and the Motel 6. In the event that the restaurants convert to a bar or night club use, the sheriff recommended a security guard for the later hours of operation. These recommendations were incorporated into the project Conditions of Approval.

14. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** A report from the State Department of Alcoholic Beverage Control (ABC) was received on September 11, 2013 which includes crime reporting district and census tract-based statistics on reported criminal activity and existing alcohol licenses. According to the report, the subject property is located in a high crime reporting district. District number 2931 experienced 301 offenses in 2012 which is above the average number of occurring offenses per district (90.9 offenses). The subject property is also located in a census tract where an undue concentration of alcohol permits exists. Census tract number 4082.11 permits a maximum of five (5) alcohol licenses; sixty (60) currently exists.

15. **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.

16. **PUBLIC COMMENTS.** The Rowland Heights Coordinating Council submitted a letter, dated November 6, 2013, in which they expressed "no opposition" to the proposed uses if the hours of alcohol service were limited to no later than 10 p.m. Sunday through Thursday, and no later than 12 a.m. (midnight) Saturday and Sunday.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

17. The project site is located within the "C" (Commercial) land use category of the Rowland Heights Community General Plan. This designation is intended for retail commercial, service and office uses. The proposed sale of alcoholic beverages for on-site consumption at a restaurant is a typical commercial use.

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

18. The subject property is situated 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 setback (which exceeds the 30-foot 9-inch setback required by the CSD) separates the commercial center from the neighboring mobile home community. All tenant spaces are oriented toward the interior courtyard of the commercial center or toward the eastern property boundary. There are no tenant spaces oriented toward the western property boundary, facing the mobile home community.

    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.

19. Development on the subject property was established through previous zoning approvals and meets all development standards of the County 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, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

20. There is one access point on the property for ingress/egress to Labin Court, a fully-improved public right of way.

    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.

21. There are no sensitive uses within a 600-foot radius of the property.

    Therefore, 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.

22. The proposed project is located within an existing commercial center which is situated 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 setback separates the commercial center from the neighboring mobile home community. All tenant spaces are oriented toward the interior courtyard of the commercial center or toward the eastern property boundary. There are no tenant spaces oriented toward the western property boundary, facing the mobile home community.

Therefore, 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.

23. At present there are two (2) establishments within six hundred feet of the subject property that sell alcoholic beverages. Both establishments are restaurants that sell beer and wine for on-site consumption. According to ABC, an undue concentration of alcohol serving establishments does exist within the census tract that the subject property is located within. However, alcohol service in conjunction with food sales can be considered a public convenience and therefore outweighs the undue concentration.

    Therefore, the requested use at the proposed location will result in an undue concentration of similar premises; however 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.

24. The proposed sale of alcoholic beverages is a common ancillary service to commercial business.

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

25. The proposed project does not authorize any new construction.

    Therefore, 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.

ENVIRONMENTAL DETERMINATION

26. The proposed sale of alcohol is accessory to the restaurant. No new construction or intensification of the use is proposed.

    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.

27. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning Commission determines that it is necessary to limit the term of the grant to fifteen (15) years.

28. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Regional Planning Commission'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 REGIONAL PLANNING COMMISSION 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, 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. 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; and

F. 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; and

G. That the requested use at the proposed location will result in an undue concentration of similar premises; however 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; and

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

l. 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/meeting substantiates the required findings for a Conditional Use Permit as set forth in Section 22.56.090 and 22.56.195 of the County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. Regional Planning Commission determines that the project is exempt from the California Environmental Quality Act pursuant to the Class 1 – Existing Facilities categorical exemption.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201300132 is Approved subject to the attached conditions.

MM:MT
10/31/13

c: Commissioners, Zoning Enforcement, Building and Safety

CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2013-02611-(4)
CONDITIONAL USE PERMIT NO. 201300132

PROJECT DESCRIPTION

The project is for the sale of beer and wine for on-site consumption at a new 2,279 square foot restaurant located within an existing multi-tenant commercial 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 reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to $5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

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

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

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.

7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

8. **This grant shall terminate on December 11, 2028**. 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 to the satisfaction of said department.

13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.

14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").

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

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

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

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

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

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

19. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.

20. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.

21. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.

22. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures.

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

24. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar

public service area. Such telephone numbers shall be visible by and available to the general public.

25. This grant authorizes the sale of alcoholic beverages from 8:00 a.m. to 10 p.m. Sunday through Thursday, and 8:00 a.m. to 12 a.m. (midnight) Friday and Saturday.

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. Food service shall be continuously provided during operating hours.

PROJECT SITE SPECIFIC CONDITIONS

32. This grant shall authorize the sale of alcoholic beverages (beer and wine) for on-site consumption at the subject restaurant.

33. The permittee shall provide parking as required by the County Code, calculated at a parking ratio of 3:1. The restaurant has an occupant load of 50 persons which would require not less than 17 spaces be provided based on the applicable ratio. If the permittee changes the operation of restaurant 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 restaurant substantially changes its mode or character of operation or if the permittee changes the use or occupancy or otherwise modifies the subject property so as to require parking beyond the minimum requirement, the permittee shall submit an application for a minor parking deviation, parking permit, variance, or other applicable permit, as determined by the Director, within 90 days of such occurrence.

34. The permittee shall install a burglary and robbery alarm system at the subject restaurant.

35. The permittee shall install security cameras inside and outside of the restaurant.

36. There shall be no audible noise beyond the property boundary from the dumping of bottles after 10 p.m.

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

December 11, 2013

Monica Wu
18888 Labin Court, #B-213
Rowland Heights, CA 91748

REGARDING: **PROJECT NO. R2013-02789-(4)**
CONDITIONAL USE PERMIT NO. 201300147
18888 LABIN COURT, #C-101, ROWLAND HEIGHTS
(APN NO. 8761-011-020)

The Regional Planning Commission, by its action of **December 11, 2013,** has **APPROVED** the above-referenced project. Enclosed are the Commission'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 the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **December 26, 2013. Appeals must be delivered in person.**

Appeals: **To file an appeal, please contact:**
Executive Office of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles, CA 90012
(213) 974-1426

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: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement
MM:MT

CC.060412

CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2013-02789-(4)
CONDITIONAL USE PERMIT NO. 201300147

PROJECT DESCRIPTION

The project is for the sale of beer and wine for on-site consumption at a new 2,400 square foot restaurant located within an existing multi-tenant commercial 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 reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to $5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

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

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

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.

7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

8. **This grant shall terminate on December 11, 2028**. 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 to the satisfaction of said department.

13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.

14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").

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

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

    In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification

of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

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

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

19. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.

20. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.

21. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.

22. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures.

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

24. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar

public service area. Such telephone numbers shall be visible by and available to the general public.

25. This grant authorizes the sale of alcoholic beverages from 8:00 a.m. to 10 p.m. Sunday through Thursday, and 8:00 a.m. to 12 a.m. (midnight) Friday and Saturday.

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. Food service shall be continuously provided during operating hours.

PROJECT SITE SPECIFIC CONDITIONS

32. This grant shall authorize the sale of alcoholic beverages (beer and wine) for on-site consumption at the subject restaurant.

33. The permittee shall provide parking as required by the County Code, calculated at a parking ratio of 3:1. The restaurant has an occupant load of 91 persons which would require not less than 30 spaces be provided based on the applicable ratio. If the permittee changes the operation of restaurant 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 restaurant substantially changes its mode or character of operation or if the permittee changes the use or occupancy or otherwise modifies the subject property so as to require parking beyond the minimum requirement, the permittee shall submit an application for a minor parking deviation, parking permit, variance, or other applicable permit, as determined by the Director, within 90 days of such occurrence.

34. The permittee shall install a burglary and robbery alarm system at the subject restaurant.

35. The permittee shall install security cameras inside and outside of the restaurant.

36. There shall be no audible noise beyond the property boundary from the dumping of bottles after 10 p.m.

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. R2013-02789-(4)
CONDITIONAL USE PERMIT NO. 201300147

1. **ENTITLEMENT REQUESTED.** The applicant, Monica Wu, requests a Conditional Use Permit (CUP) for the sale of alcoholic beverages (beer and wine) for on-site consumption in the C-3-BE (Unlimited Commercial, Billboard Exclusion) Zone pursuant to Los Angeles County ("County") Code section 22.28.210.

2. **HEARING DATE.** December 11, 2013.

3. **PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION.** A duly noticed public hearing was held on December 11, 2013 before the Regional Planning Commission ("Commission"). Commissioners Valadez, Louie, Helsley, and Pedersen were present. Commissioner Modugno was absent. Commissioner Valadez left the hearing early and was not present at the time the motion and decision were carried out. The applicant's representative, Monica Wu, presented testimony in favor of the request and answered questions presented by the Commission. Eight members of the community were present and spoke in opposition of the project. The concerns and complaints raised were mainly regarding the construction of the commercial center and the parking structure. As these concerns were not related to the applicant's request, staff indicated that Zoning Enforcement and the Department of Public Works Building & Safety division would be directed to look into the issues raised. The Commission recommended the addition of one condition, to limit the dumping of bottles after 10 p.m., in order to address one of the community members' concerns related to the proposed request. There being no further testimony, the Commission 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 the sale of alcoholic beverages (beer and wine) for on-site consumption at a new 2,400 square foot restaurant in an existing multi-tenant commercial center known as the "Pearl of the East." The subject site is developed with two (2) two-story retail/office buildings with 58 tenant spaces and one (1) four-story parking structure (under construction) on a six acre rectangular-shaped parcel. There are 618 total existing and proposed parking spaces on the property and one access point onto Labin Court. The proposed hours of alcohol service would be from 8 a.m. to 10 p.m. Sunday through Thursday, and 8 a.m. to 12 a.m. (midnight) on Friday and Saturday.

5. **LOCATION.** The subject property is located at 18888 Labin Court, Unit C-101, Rowland Heights (APN No. 8761-011-020).

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

   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 multi-tenant 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.** Zoning cases for the subject property include:

   - 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.
   - Plot Plan No. 201201104, to authorize tenant improvements of Unit C-101 to establish a new 2,400 square foot Japanese restaurant ("Mala") associated with pending CUP No. 201300147 was approved on April 25, 2013.
   - Plot Plan No. 201301103, to authorize an amendment to Plot Plan No. 201201104 was approved on November 25, 2013.

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 policies of the General Plan are 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.

Ensure continuing opportunity for citizen involvement in the land use decision-making process. (Land Use Element: Improve Land Use Decision-Making Process - Policy No. 28, Page III-15)

The project was presented to the Rowland Heights Coordinating Council on October 16, 2013. This meeting provided an additional opportunity for the public to participate in the decision-making process before the scheduled public hearing on December 11, 2013.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The sale of alcoholic beverages for either on-site or off-site consumption is 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 and section 22.56.195.

    Per section 22.52.1110 of the Zoning Code, 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. Parking for proposed project was assessed during the plot plan application review process and was deemed adequate at time of plot plan permit approval.

11. **SITE VISIT.** A site visit was conducted on October 10, 2013. No violations were observed at the subject property. Staff observed construction activity associated with the tenant improvements approved by Plot Plan No. 201201104.

12. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The proposed use is located within an existing commercial center which is situated 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 setback (which exceeds the 30-foot 9-inch setback required by the CSD) separates the commercial center from the neighboring mobile home community. All tenant spaces in the commercial center are oriented toward the interior courtyard or toward the eastern property boundary. There are no tenant spaces oriented toward the western property boundary, facing the mobile home community. The building setback, along with the location and orientation of the tenant spaces away from the mobile home community ensures that the proposed use will not create a noise nuisance to the surrounding residences.

    The subject property is located within a high crime reporting district, however the Sheriff's Department indicated that there is generally no significant criminal activity at the site and expressed support for the project. At present there are no open zoning violations on the subject property. Therefore it is not likely that the proposed use would contribute or generate to potential criminal activity at the site.

At present there are two (2) establishments within six hundred feet of the subject property that sell alcoholic beverages. Both establishments are restaurants that sell beer and wine for on-site consumption. According to ABC, an undue concentration of alcohol serving establishments does exist within the census tract that the subject property is located within. However, alcohol service in conjunction with food sales can be considered a public convenience and therefore outweighs the undue concentration.

13. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** Correspondence was received on October 1, 2013 from the County Sheriff Department expressing support for the project. The sheriff reported that since the site is newly developed, the few calls for service received in the last five years were for "alarm activations and one vehicle theft report." The sheriff expressed "no specific concerns" associated with the site and recommended that burglary and robbery alarms be installed, as well as security cameras inside and outside the establishment due to the proximity to the freeway and the Motel 6. In the event that the restaurants convert to a bar or night club use, the sheriff recommended a security guard for the later hours of operation. These recommendations were incorporated into the project Conditions of Approval.

14. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** A report from the State Department of Alcoholic Beverage Control (ABC) was received on September 11, 2013 which includes crime reporting district and census tract-based statistics on reported criminal activity and existing alcohol licenses. According to the report, the subject property is located in a high crime reporting district. District number 2931 experienced 301 offenses in 2012 which is above the average number of occurring offenses per district (90.9 offenses). The subject property is also located in a census tract where an undue concentration of alcohol permits exists. Census tract number 4082.11 permits a maximum of five (5) alcohol licenses; sixty (60) currently exists.

15. **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.

16. **PUBLIC COMMENTS.** The Rowland Heights Coordinating Council submitted a letter, dated November 6, 2013, in which they expressed "no opposition" to the proposed uses if the hours of alcohol service were limited to no later than 10 p.m. Sunday through Thursday, and no later than 12 a.m. (midnight) Saturday and Sunday.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

17. The project site is located within the "C" (Commercial) land use category of the Rowland Heights Community General Plan. This designation is intended for retail commercial, service and office uses. The proposed sale of alcoholic beverages for on-site consumption at a restaurant is a typical commercial use.

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

18. The subject property is situated 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 setback (which exceeds the 30-foot 9-inch setback required by the CSD) separates the commercial center from the neighboring mobile home community. All tenant spaces are oriented toward the interior courtyard of the commercial center or toward the eastern property boundary. There are no tenant spaces oriented toward the western property boundary, facing the mobile home community.

    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.

19. Development on the subject property was established through previous zoning approvals and meets all development standards of the County 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, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

20. There is one access point on the property for ingress/egress to Labin Court, a fully-improved public right of way.

    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.

21. There are no sensitive uses within a 600-foot radius of the property.

    Therefore, 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.

22. The proposed project is located within an existing commercial center which is situated 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 setback separates the commercial center from the neighboring mobile home community. All tenant spaces are oriented toward the interior courtyard of the commercial center or toward the eastern property boundary. There

are no tenant spaces oriented toward the western property boundary, facing the mobile home community.

Therefore, 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.

23. At present there are two (2) establishments within six hundred feet of the subject property that sell alcoholic beverages. Both establishments are restaurants that sell beer and wine for on-site consumption. According to ABC, an undue concentration of alcohol serving establishments does exist within the census tract that the subject property is located within. However, alcohol service in conjunction with food sales can be considered a public convenience and therefore outweighs the undue concentration.

    Therefore, the requested use at the proposed location will result in an undue concentration of similar premises; however 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.

24. The proposed sale of alcoholic beverages is a common ancillary service to commercial business.

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

25. The proposed project does not authorize any new construction.

    Therefore, 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.

ENVIRONMENTAL DETERMINATION

26. The proposed sale of alcohol is accessory to the restaurant. No new construction or intensification of the use is proposed.

    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.

27. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning

Commission determines that it is necessary to limit the term of the grant to fifteen (15) years.

28. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Regional Planning Commission'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 REGIONAL PLANNING COMMISSION 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, 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. 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; and

F. 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; and

G. That the requested use at the proposed location will result in an undue concentration of similar premises; however 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; 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/meeting substantiates the required findings for a Conditional Use Permit as set forth in Section 22.56.090 and 22.56.195 of the County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. Regional Planning Commission determines that the project is exempt from the California Environmental Quality Act pursuant to the Class 1 – Existing Facilities categorical exemption.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201300147 is Approved subject to the attached conditions.

MM:MT
10/31/13

c: Commissioners, Zoning Enforcement, Building and Safety

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

December 11, 2013

Monica Wu
18888 Labin Court, #B-213
Rowland Heights, CA 91748

REGARDING: **PROJECT NO. R2013-02790-(4)**
CONDITIONAL USE PERMIT NO. 201300148
18888 LABIN COURT, #A-105, ROWLAND HEIGHTS
(APN NO. 8761-011-020)

The Regional Planning Commission, by its action of **December 11, 2013,** has **APPROVED** the above-referenced project. Enclosed are the Commission'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 the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **December 26, 2013. Appeals must be delivered in person.**

Appeals: **To file an appeal, please contact:**
Executive Office of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles, CA 90012
(213) 974-1426

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: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement
MM:MT

CC 060412

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. R2013-02790-(4)
CONDITIONAL USE PERMIT NO. 201300148

1. **ENTITLEMENT REQUESTED.** The applicant, Monica Wu, requests a Conditional Use Permit (CUP) for the sale of alcoholic beverages (beer and wine) for on-site consumption in the C-3-BE (Unlimited Commercial, Billboard Exclusion) Zone pursuant to Los Angeles County ("County") Code section 22.28.210.

2. **HEARING DATE.** December 11, 2013.

3. **PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION.** A duly noticed public hearing was held on December 11, 2013 before the Regional Planning Commission ("Commission"). Commissioners Valadez, Louie, Helsley, and Pedersen were present. Commissioner Modugno was absent. Commissioner Valadez left the hearing early and was not present at the time the motion and decision were carried out. The applicant's representative, Monica Wu, presented testimony in favor of the request and answered questions presented by the Commission. Eight members of the community were present and spoke in opposition of the project. The concerns and complaints raised were mainly regarding the construction of the commercial center and the parking structure. As these concerns were not related to the applicant's request, staff indicated that Zoning Enforcement and the Department of Public Works Building & Safety division would be directed to look into the issues raised. The Commission recommended the addition of one condition, to limit the dumping of bottles after 10 p.m., in order to address one of the community members' concerns related to the proposed request. There being no further testimony, the Commission 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 the sale of alcoholic beverages (beer and wine) for on-site consumption at a new 2,392 square foot restaurant in an existing multi-tenant commercial center known as the "Pearl of the East." The subject site is developed with two (2) two-story retail/office buildings with 58 tenant spaces and one (1) four-story parking structure (under construction) on a six acre rectangular-shaped parcel. There are 618 total existing and proposed parking spaces on the property and one access point onto Labin Court. The proposed hours of alcohol service would be from 8 a.m. to 10 p.m. Sunday through Thursday, and 8 a.m. to 12 a.m. (midnight) on Friday and Saturday.

5. **LOCATION.** The subject property is located at 18888 Labin Court, Unit A-105, Rowland Heights (APN No. 8761-011-020).

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

   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 multi-tenant 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.** Zoning cases for the subject property include:

   - 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.
   - Plot Plan No. 201200747, to authorize tenant improvements of Unit A-105 to establish a new 2,392 square foot Chinese restaurant ("Noodle House") associated with pending CUP No. 201300148 was approved on November 11, 2012.

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 policies of the General Plan are 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.

Ensure continuing opportunity for citizen involvement in the land use decision-making process. (Land Use Element: Improve Land Use Decision-Making Process - Policy No. 28, Page III-15)

The project was presented to the Rowland Heights Coordinating Council on October 16, 2013. This meeting provided an additional opportunity for the public to participate in the decision-making process before the scheduled public hearing on December 11, 2013.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The sale of alcoholic beverages for either on-site or off-site consumption is 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 and section 22.56.195.

    Per section 22.52.1110 of the Zoning Code, 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. Parking for proposed project was assessed during the plot plan application review process and was deemed adequate at time of plot plan permit approval.

11. **SITE VISIT.** A site visit was conducted on October 10, 2013. No violations were observed at the subject property. Staff observed construction activity associated with the tenant improvements approved by Plot Plan No. 201200747.

12. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The proposed use is located within an existing commercial center which is situated 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 setback (which exceeds the 30-foot 9-inch setback required by the CSD) separates the commercial center from the neighboring mobile home community. All tenant spaces in the commercial center are oriented toward the interior courtyard or toward the eastern property boundary. There are no tenant spaces oriented toward the western property boundary, facing the mobile home community. The building setback, along with the location and orientation of the tenant spaces away from the mobile home community ensures that the proposed use will not create a noise nuisance to the surrounding residences.

    The subject property is located within a high crime reporting district, however the Sheriff's Department indicated that there is generally no significant criminal activity at the site and expressed support for the project. At present there are no open zoning violations on the subject property. Therefore it is not likely that the proposed use would contribute or generate to potential criminal activity at the site.

    At present there are two (2) establishments within six hundred feet of the subject property that sell alcoholic beverages. Both establishments are restaurants that sell beer and wine for on-site consumption. According to ABC, an undue

concentration of alcohol serving establishments does exist within the census tract that the subject property is located within. However, alcohol service in conjunction with food sales can be considered a public convenience and therefore outweighs the undue concentration.

13. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** Correspondence was received on October 1, 2013 from the County Sheriff Department expressing support for the project. The sheriff reported that since the site is newly developed, the few calls for service received in the last five years were for "alarm activations and one vehicle theft report." The sheriff expressed "no specific concerns" associated with the site and recommended that burglary and robbery alarms be installed, as well as security cameras inside and outside the establishment due to the proximity to the freeway and the Motel 6. In the event that the restaurants convert to a bar or night club use, the sheriff recommended a security guard for the later hours of operation. These recommendations were incorporated into the project Conditions of Approval.

14. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** A report from the State Department of Alcoholic Beverage Control (ABC) was received on September 11, 2013 which includes crime reporting district and census tract-based statistics on reported criminal activity and existing alcohol licenses. According to the report, the subject property is located in a high crime reporting district. District number 2931 experienced 301 offenses in 2012 which is above the average number of occurring offenses per district (90.9 offenses). The subject property is also located in a census tract where an undue concentration of alcohol permits exists. Census tract number 4082.11 permits a maximum of five (5) alcohol licenses; sixty (60) currently exists.

15. **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.

16. **PUBLIC COMMENTS.** The Rowland Heights Coordinating Council submitted a letter, dated November 6, 2013, in which they expressed "no opposition" to the proposed uses if the hours of alcohol service were limited to no later than 10 p.m. Sunday through Thursday, and no later than 12 a.m. (midnight) Saturday and Sunday.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

17. The project site is located within the "C" (Commercial) land use category of the Rowland Heights Community General Plan. This designation is intended for retail commercial, service and office uses. The proposed sale of alcoholic beverages for on-site consumption at a restaurant is a typical commercial use.

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

18. The subject property is situated 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 setback (which exceeds the 30-foot 9-inch setback required by the CSD) separates the commercial center from the neighboring mobile home community. All tenant spaces are oriented toward the interior courtyard of the commercial center or toward the eastern property boundary. There are no tenant spaces oriented toward the western property boundary, facing the mobile home community.

    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.

19. Development on the subject property was established through previous zoning approvals and meets all development standards of the County 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, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

20. There is one access point on the property for ingress/egress to Labin Court, a fully-improved public right of way.

    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.

21. There are no sensitive uses within a 600-foot radius of the property.

    Therefore, 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.

22. The proposed project is located within an existing commercial center which is situated 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 setback separates the commercial center from the neighboring mobile home community. All tenant spaces are oriented toward the interior courtyard of the commercial center or toward the eastern property boundary. There are no tenant spaces oriented toward the western property boundary, facing the mobile home community.

Therefore, 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.

23. At present there are two (2) establishments within six hundred feet of the subject property that sell alcoholic beverages. Both establishments are restaurants that sell beer and wine for on-site consumption. According to ABC, an undue concentration of alcohol serving establishments does exist within the census tract that the subject property is located within. However, alcohol service in conjunction with food sales can be considered a public convenience and therefore outweighs the undue concentration.

    Therefore, the requested use at the proposed location will result in an undue concentration of similar premises; however 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.

24. The proposed sale of alcoholic beverages is a common ancillary service to commercial business.

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

25. The proposed project does not authorize any new construction.

    Therefore, 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.

ENVIRONMENTAL DETERMINATION

26. The proposed sale of alcohol is accessory to the restaurant. No new construction or intensification of the use is proposed.

    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.

27. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning Commission determines that it is necessary to limit the term of the grant to fifteen (15) years.

28. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Regional Planning Commission'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 REGIONAL PLANNING COMMISSION 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, 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. 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; and

F. 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; and

G. That the requested use at the proposed location will result in an undue concentration of similar premises; however 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; and

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

l. 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/meeting substantiates the required findings for a Conditional Use Permit as set forth in Section 22.56.090 and 22.56.195 of the County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. Regional Planning Commission determines that the project is exempt from the California Environmental Quality Act pursuant to the Class 1 – Existing Facilities categorical exemption.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201300148 is Approved subject to the attached conditions.

MM:MT
10/31/13

c: Commissioners, Zoning Enforcement, Building and Safety

CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2013-02790-(4)
CONDITIONAL USE PERMIT NO. 201300148

PROJECT DESCRIPTION

The project is for the sale of beer and wine for on-site consumption at a new 2,392 square foot restaurant located within an existing multi-tenant commercial 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 reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to $5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

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

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

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.

7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

8. **This grant shall terminate on December 11, 2028**. 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 to the satisfaction of said department.

13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.

14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").

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

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

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

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

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

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

19. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.

20. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.

21. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.

22. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures.

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

24. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar

public service area. Such telephone numbers shall be visible by and available to the general public.

25. This grant authorizes the sale of alcoholic beverages from 8:00 a.m. to 10 p.m. Sunday through Thursday, and 8:00 a.m. to 12 a.m. (midnight) Friday and Saturday.

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. Food service shall be continuously provided during operating hours.

PROJECT SITE SPECIFIC CONDITIONS

32. This grant shall authorize the sale of alcoholic beverages (beer and wine) for on-site consumption at the subject restaurant.

33. The permittee shall provide parking as required by the County Code, calculated at a parking ratio of 3:1. The restaurant has an occupant load of 98 persons which would require not less than 33 spaces be provided based on the applicable ratio. If the permittee changes the operation of restaurant 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 restaurant substantially changes its mode or character of operation or if the permittee changes the use or occupancy or otherwise modifies the subject property so as to require parking beyond the minimum requirement, the permittee shall submit an application for a minor parking deviation, parking permit, variance, or other applicable permit, as determined by the Director, within 90 days of such occurrence.

34. The permittee shall install a burglary and robbery alarm system at the subject restaurant.

35. The permittee shall install security cameras inside and outside of the restaurant.

36. There shall be no audible noise beyond the property boundary from the dumping of bottles after 10 p.m.