

Hearing Officer Transmittal Checklist

Hearing Date
February 4, 2014
Agenda Item No.
3

Project Number: R2013-002714-(4)
Case(s): Conditional Use Permit Case No. 201300142
Planner: Anthony Curzi



- Project Summary
- Property Location Map
- Staff Analysis
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use/Zoning Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans

Reviewed By: _____



Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012

PROJECT NUMBER

R2013-02714-(4)

HEARING DATE

February 4, 2014

REQUESTED ENTITLEMENTS

Conditional Use Permit No. 201300142

PROJECT SUMMARY

OWNER / APPLICANT

The Boiling Crab / Dada Ngo

MAP/EXHIBIT DATE

June 25, 2009

PROJECT OVERVIEW

The applicant, Dada Ngo, requests a conditional use permit to authorize the continued sale of alcoholic beverages (ABC Type 41 – beer and wine) for on-site consumption at an existing restaurant in the M-1.5-BE (Restricted Heavy Manufacturing–Billboard Exclusion) zone, pursuant to Section 22.32.130 of the Los Angeles County Code. The use was previously established through CUP No. 96024-(4) in 1996. That permit expired in 2006. In 2010, the applicant combined two restaurants into the one existing location in 2010 under Plot Plan No. 201000055. As such, the current approval to sell alcoholic beverages does not extend into the addition.

The restaurant, the Boiling Crab, measures 5,901 square feet and contains an occupant load of 199. Parking for 496 vehicles is provided on-site as the restaurant is part of a larger commercial center (Mandarin Plaza) with other restaurant and retail uses. The Boiling Crab requires 66 parking stalls, which are provided on-site.

LOCATION

18902 East Gale Avenue, Rowland Heights, CA 91748

ACCESS

East Gale Avenue

ASSESSORS PARCEL NUMBER

8264-021-014

SITE AREA

6.46 Acres

GENERAL PLAN / LOCAL PLAN

Rowland Heights Community General Plan

ZONED DISTRICT

Puente

LAND USE DESIGNATION

'I (Industrial)

ZONE

M-1.5-BE

PROPOSED UNITS

NA

MAX DENSITY/UNITS

NA

COMMUNITY STANDARDS DISTRICT

Rowland Heights

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption–Existing Facilities

KEY ISSUES

- Consistency with the Rowland Heights Community General Plan
- Satisfaction of the following Sections of Title 22 of the Los Angeles County Code:
 - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
 - 22.44.132 (Rowland Heights CSD requirements)
 - 22.32.140 (M-1.5 Development Standards)

CASE PLANNER:

Anthony Curzi

PHONE NUMBER:

(213) 974-6443

E-MAIL ADDRESS:

acurzi@planning.lacounty.gov

ENTITLEMENTS REQUESTED

- The applicant, Dada Ngo, is requesting a Conditional Use Permit (“CUP”) to authorize the sale of alcoholic beverages (beer and wine for on-site consumption) in the M-1.5-BE (Restricted Heavy Manufacturing – Billboard Exclusion) Zone pursuant to the Los Angeles County (“County”) Code Section 22.32.130.

PROJECT DESCRIPTION

The applicant is requesting a CUP to authorize the continued sale and serving of beer and wine in a 5,901-square-foot restaurant (the Boiling Crab) located in a commercial center (Mandarin Plaza) with other restaurant and retail uses. The use was previously established through CUP 96024-(4) in 1996, which expired in 2006. A subsequent Plot Plan in 2010 combined the Boiling Crab with an adjacent restaurant space, resulting in an expanded restaurant. As the original CUP only applied to the original restaurant space, the California Department of Alcoholic Beverage Control (“ABC”) is currently limiting alcohol sales to only the original 3,254-square-foot portion of the establishment.

SITE PLAN DESCRIPTION

The site plan depicts the subject restaurant toward the rear of the 6.46-acre property. Four driveways from Gale Avenue provide ingress and egress to the commercial center. There are 496 parking spaces, including 14 disabled-accessible spaces, and 183 compact spaces. A total of 51,018 square feet, or 18 percent of the total site, is comprised of landscaping. A floor plan of the restaurant depicts the dining room, kitchen, employee areas, restrooms and to-go area of the establishment.

EXISTING ZONING

The subject property is zoned M-1.5-BE in the Puente Zoned District.

Surrounding properties are zoned as follows:

North: M-1.5-BE, City of Industry

South: C-3-BE (Unlimited Commercial – Billboard Exclusion) zone, R-3-12U (Unlimited Multiple Residence – 12 Units per Acre), A-1-6,000 (Light Agricultural – 6,000 Square Foot Minimum Required Lot Area)

East: M-1.5-BE

West: M-1.5-BE, City of Industry

EXISTING LAND USES

The subject property is developed with the existing restaurant in a commercial center.

Surrounding properties are developed as follows:

North: Restaurants, banks, supermarket, bakery, mobile phone provider sales center

South: Pomona (SR-60) Freeway, offices, motel, mobilehome park

East: Automobile service station, auto repair, public storage facility, parking lot, Edison Facility, vacant land

West: Motel, building under construction

PREVIOUS CASES/ZONING HISTORY

- Ordinance No. 5214 established the A-1-10,000 (Light Agricultural – 10,000 Square Foot Minimum Required Lot Area) zone on October 19, 1948.
- Ordinance No. 86-0096Z established the M-1.5-BE zone on June 10, 1986.
- Plot Plan 32580 established the subject commercial center in which the restaurant is located on June 17, 1984.
- Plot Plan 201000055 authorized the 2,647-square-foot expansion of the subject restaurant on August 31, 2010.
- CUP 96-024-(4) established alcohol sales at the subject site on 1996. That permit expired on June 12, 2006.

ENVIRONMENTAL DETERMINATION

This project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act ("CEQA") and the County environmental guidelines. No physical changes are proposed to the restaurant, and there are no physical effects from the continued sale of alcoholic beverages. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the "I" (Industrial) land use category of the Rowland Heights Community General Plan ("Community Plan"). The Industrial land use designation of the Community Plan allows for industrial-type uses but also permits commercial uses.

The project is a restaurant in a multi-tenant commercial center. The addition of alcoholic beverages to the menu will contribute to the viability of the restaurant and help activate the shopping center by attracting visitors seeking a full-service dining experience throughout the day, including evening hours when the retail establishments are closed. In addition, the commercial center houses various other existing restaurants that sell alcoholic beverages. Therefore, the proposed project is consistent with, and will enhance, the uses intended in the underlying land use category.

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 operation of an established local-serving restaurant with on-site alcohol sales, a convenience service, can complement community character, with appropriate conditions.

- 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 (“RHCC”). The RHCC submitted comments on the hours of operation to staff, which were incorporated into the project’s Conditions of Approval.

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

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

The project is located directly north of the Pomona (SR-60) Freeway and is accessible from Gale Avenue, which is connected to Nogales Street, an existing 100-foot-wide major highway.

Zoning Ordinance and Development Standards Compliance

Pursuant to Section 22.32.140 of the County Code, establishments in the M-1.5-BE zone are subject to the following applicable development standards:

- Parking shall be provided as required by the County Code.
- Signs shall comply with the requirements of the County Code.

Both parking and sign requirements are met by the proposed project.

Pursuant to Section 22.44.132 of the County Code, establishments in the Rowland Heights CSD are subject to the following applicable development standards:

- Uses in Zone M-1.5 that are otherwise authorized in Zone C-3 shall be subject to the standards and review provisions prescribed for Zone C-3, as contained in subsection D.4.

There are limitations on structure height and number of stories. The Boiling Crab is a single-story structure and complies with the Rowland Heights CSD.

Site Visit

Staff conducted a site visit on November 13, 2013. Staff observed that the restaurant was clean and well maintained. Alcohol was only being served in the original dining room and not in the addition.

Burden of Proof

The applicant is required to substantiate all facts identified by Sections 22.56.040 and 22.56.090 of the County Code. The Burden of Proof with applicant’s responses is attached. Staff believes that the applicant has met the Burden of Proof.

The proposed use is consistent with the adopted plan for the area as the proposed continued sale of alcoholic beverages for off-site will occur in a commercial center. Alcohol sales are appropriate in commercial areas. Although designated industrial on the local community land use plan, the Community Plan provides that industrially designated properties may have contain "heavy commercial uses."

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

The subject restaurant is well buffered from surrounding residential areas to the south and all immediately surrounding land uses are either commercial or industrial. The proposed use is for the sale and serving of alcoholic beverages in an existing restaurant—as is currently operating—that is well-maintained and professionally managed. Alcohol sales for on-site consumption are appropriate in commercial areas.

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.

The Boiling Crab restaurant is located in a 58,546-square-foot commercial center with 496 parking spaces. The subject parcel is 6.46 acres. The commercial center was legally established and met all development features at the time of approval. Subsequently, a 2010 plot plan combined the existing restaurant with another restaurant, resulting in the 5,901-square-foot restaurant currently operating.

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.

The subject restaurant is in a commercial center accessible from Gale Avenue, a 66-foot-wide street, which is accessible from Nogales Street, a 100-foot-wide Major Highway as designated on the County Master Plan of Highways. Nogales Street is proposed to have Class II Bike Lanes as part of the 2011 County Bicycle Master Plan. Sidewalks are along Gale Avenue and Nogales Street.

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 pedestrian, bicycle, and vehicle traffic such use would generate, and by other public or private service facilities as are required.

There are no places used exclusively for religious worship, schools, parks, playgrounds or any similar use within a 600-foot radius of the subject site.

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.

The proposed use is for the sale of alcoholic beverages (beer and wine) for on-site consumption only. There are three establishments that sell alcoholic beverages for on-site consumption and two establishments that sell alcoholic beverages for off-site consumption within 600 feet. Allowing the continued sale of alcoholic beverages at the subject site will provide a convenience to the community by making available another location where diners can consume such beverages with meals.

Therefore, the requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.

The requested use has been in operation and has been selling and serving alcoholic beverages for a number of years without incident and without adverse economic affects. The sale of alcoholic beverages for on-site consumption to accompany meals is appropriate for the area as it is well buffered from residential areas. Alcoholic beverage sales at the subject location contribute to the economic well-being of the restaurant and generate sales taxes for the County, benefitting the overall community.

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

The exterior appearance of the subject restaurant is well-maintained and attractive and is consistent with the appearance of nearby structures. The building complies with design standards, has ample fenestration, and maintains a professional appearance.

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 said neighborhood.

Neighborhood Impact/Land Use Compatibility

The proposed project is for the continued sale of beer and wine, and expansion of alcohol sales into the new addition, in an existing restaurant. Alcohol sales have existed at the subject site since 1996. The restaurant is located in a commercial center with other restaurant and retail uses and contains adequate parking for all uses on-site. The restaurant is well buffered from surrounding residential areas by the Pomona (SR-60) Freeway. As such, the presence of the restaurant and the sale and serving of alcohol within it does not negatively impact the surrounding neighborhood.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

A report from the County Sheriff's Department ("Sheriff's Department") was received. The report stated that the Sheriff's Department has responded to routine service calls at

the subject location and recommends the installation of surveillance cameras as the subject site. The Sheriff's Department recommends approval of the CUP

OTHER AGENCY COMMENTS AND RECOMMENDATIONS

A report from ABC was received. The report stated that the subject location is in a high crime reporting district, is in an area with an undue concentration, and that a letter of public convenience or necessity is required.

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, property posting, library posting and DRP website posting.

The applicant discussed the project with representatives of the Rowland Heights Coordinating Committee (RHCC).

PUBLIC COMMENTS

The RHCC requested that alcohol sales be limited to 10:00 p.m. on Sunday through Thursday and to 12:00 a.m. on Friday and Saturday.

FEES/DEPOSITS

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

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2013-02714-(4), CUP Number 201300142, subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE CONDITIONAL USE PERMIT NUMBER 201300142 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Anthony Curzi, Regional Planning Assistant II, Zoning Permits North Section

Reviewed by Paul McCarthy, Supervising Regional Planner, Zoning, Permits North Section.

Attachments:

Draft Findings, Draft Conditions of Approval

Applicant's Burden of Proof statement

PROJECT NO.R2013-02714-(4)
CONDITIONAL USE PERMITNO. 201300142

STAFF ANALYSIS
PAGE 7 OF 7

Correspondence
Site Photographs, Aerial Image
Site Plan, Land Use Map

PM:AMC
February 4, 2014

**DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2013-02714-(4)
CONDITIONAL USE PERMIT NO. 201300142**

1. **ENTITLEMENT REQUESTED.** The applicant, Dada Ngo, is requesting a Conditional Use Permit (“CUP”) to authorize the sale of alcoholic beverages (ABC Type 41 – beer and wine) in the M-1.5-BE (Restricted Heavy Manufacturing – Billboard Exclusion) Zone pursuant to the Los Angeles County (“County”) Code Section 22.32.130.
2. **HEARING DATE.** February 4, 2014.
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** A duly-noticed public hearing was held before the Hearing Officer.
4. **PROJECT DESCRIPTION.** The applicant is requesting a CUP to authorize the continued sale and serving of beer and wine in a 5,901-square-foot restaurant (the Boiling Crab) located in a commercial center (Mandarin Plaza) with other restaurant and retail uses. The use was previously established through CUP 96024-(4) in 1996, which expired in 2006. A subsequent Plot Plan in 2010 combined the Boiling Crab with an adjacent restaurant space, resulting in an expanded restaurant. As the original CUP only applied to the original restaurant space, the California Department of Alcoholic Beverage Control (“ABC”) is currently limiting alcohol sales to only the original 3,254-square-foot portion of the establishment.
5. **LOCATION.** The project site is located at 18902 East Gale Avenue, Rowland Heights, CA 91748 in the Fourth Supervisorial District and within the Puente Zoned District and the Rowland Heights Community Standards District (“CSD”). The Assessor’s Parcel Number is 8264-021-014.
6. **SITE PLAN DESCRIPTION.** The site plan depicts the subject restaurant toward the rear of the 6.46-acre property. Four driveways from Gale Avenue provide ingress and egress to the commercial center. There are 496 parking spaces, including 14 disabled-accessible spaces, and 183 compact spaces. A total of 51,018 square feet, or 18 percent of the total site, is comprised of landscaping. A floor plan of the restaurant depicts the dining room, kitchen, employee areas, restrooms and to-go area of the establishment.
7. **EXISTING ZONING.** The subject site is zoned M-1.5-BE, in the Puente Zoned District.

Surrounding properties are zoned as follows:
North: M-1.5-BE, City of Industry

South: C-3-BE (Unlimited Commercial – Billboard Exclusion) zone, R-3-12U (Unlimited Multiple Residence – 12 Units per Acre), A-1-6,000 (Light Agricultural – 6,000 Square Foot Minimum Required Lot Area)

East: M-1.5-BE

West: M-1.5-BE, City of Industry

8. **EXISTING LAND USES.** The subject site is developed with the existing restaurant (the Boiling Crab) in a commercial center (Mandarin Plaza).

Surrounding properties are developed as follows:

North: Restaurants, banks, supermarket, bakery, mobile phone provider sales center.

South: Pomona (SR-60) Freeway, offices, motel, mobilehome park.

East: Automobile service station, auto repair, public storage facility, parking lot, Edison Facility, vacant land.

West: Motel, building under construction.

9. **PREVIOUS CASES/ZONING HISTORY.** Ordinance No. 5214 established the A-1-10,000 (Light Agricultural – 10,000 Square Foot Minimum Required Lot Area) zone on October 19, 1948. Ordinance No. 86-0096Z established the M-1.5-BE zone on June 10, 1986. Plot Plan 32580 established the subject commercial center in which the restaurant is located on June 17, 1984. Plot Plan 201000055 authorized the 2,647-square-foot expansion of the subject restaurant on August 31, 2010. CUP 96-024-(4) established alcohol sales at the subject site on 1996. That permit expired on June 12, 2006.

10. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the "I" (Industrial) land use category of the Rowland Heights Community General Plan ("Community Plan"). The Industrial land use designation of the Community Plan allows for industrial-type uses but also permits commercial uses.

The project is a restaurant in a multi-tenant commercial center. The addition of alcoholic beverages to the menu will contribute to the viability of the restaurant and help activate the shopping center by attracting visitors seeking a full-service dining experience throughout the day, including evening hours when the retail establishments are closed. In addition, the commercial center houses various other existing restaurants that sell alcoholic beverages. Therefore, the proposed project is consistent with, and will enhance, the uses intended in the underlying land use category.

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 operation of an established local-serving restaurant with on-site alcohol sales, a convenience service, can complement community character, with appropriate conditions.

- 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 (“RHCC”). The RHCC submitted comments on the hours of operation to staff, which were incorporated into the project’s Conditions of Approval.

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

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

The project is located directly north of the Pomona (SR-60) Freeway and is accessible from Gale Avenue, which is connected to Nogales Street, an existing 100-foot-wide major highway.

11. ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE. Pursuant to Section 22.32.140 of the County Code, establishments in the M-1.5-BE zone are subject to the following applicable development standards:

- Parking shall be provided as required by the County Code.
- Signs shall comply with the requirements of the County Code.
Both parking and sign requirements are met by the proposed project.

Pursuant to Section 22.44.132 of the County Code, establishments in the Rowland Heights CSD are subject to the following applicable development standards:

- Uses in Zone M-1.5 that are otherwise authorized in Zone C-3 shall be subject to the standards and review provisions prescribed for Zone C-3, as contained in subsection D.4.

There are limitations on structure height and number of stories. The Boiling Crab is a single-story structure and complies with the Rowland Heights CSD.

12. NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY. The proposed project is for the continued sale of beer and wine, and expansion of alcohol sales into the new addition, in an existing restaurant. Alcohol sales have existed since at the subject site since 1996. The restaurant is located in a commercial center with

other restaurant and retail uses and contains adequate parking for all uses on-site. The restaurant is well buffered from surrounding residential areas by the Pomona (SR-60) Freeway. As such, the presence of the restaurant and the sale and serving of alcohol within it does not negatively impact the surrounding neighborhood.

13. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** A report from the County Sheriff's Department ("Sheriff's Department") was received. The report stated that the Sheriff's Department has responded to routine service calls at the subject location and recommends the installation of surveillance cameras as the subject site. The Sheriff's Department recommends approval of the CUP.
14. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** A report from ABC was received. The report stated that the subject location is in a high crime reporting district, is in an area with an undue concentration, and that a letter of public convenience or necessity is required.
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 Committee requested that alcohol sales be limited to 10:00 p.m. on Sunday through Thursday and to 12:00 a.m. on Friday and Saturday.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

17. The proposed use is consistent with the adopted plan for the area as the proposed continued sale of alcoholic beverages for off-site will occur in a commercial center. Alcohol sales are appropriate in commercial areas. Although designated industrial on the local community land use plan, the Community Plan provides that industrially designated properties may have contain "heavy commercial uses."

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

18. The subject restaurant is well buffered from surrounding residential areas to the south and all immediately surrounding land uses are either commercial or industrial. The proposed use is for the sale and serving of alcoholic beverages in an existing restaurant—as is currently operating—that is well-maintained and professionally managed. Alcohol sales for on-site consumption are appropriate in commercial areas.

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. The Boiling Crab restaurant is located in a 58,546-square-foot commercial center with 496 parking spaces. The subject parcel is 6.46 acres. The commercial center was legally established and met all development features at the time of approval. Subsequently, a 2010 plot plan combined the existing restaurant with another restaurant, resulting in the 5,901-square-foot restaurant currently operating.

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. The subject restaurant is in a commercial center accessible from Gale Avenue, a 66-foot-wide street, which is accessible from Nogales Street, a 100-foot-wide Major Highway as designated on the County Master Plan of Highways. Nogales Street is proposed to have Class II Bike Lanes as part of the 2011 County Bicycle Master Plan. Sidewalks are along Gale Avenue and Nogales Street.

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 pedestrian, bicycle, and vehicle traffic such use would generate, and by other public or private service facilities as are required.

21. There are no places used exclusively for religious worship, schools, parks, playgrounds or any similar use within a 600-foot radius of the subject site.

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 use is for the sale of alcoholic beverages (beer and wine) for on-site consumption only. There are three establishments that sell alcoholic beverages for on-site consumption and two establishments that sell alcoholic beverages for off-site consumption within 600 feet. Allowing the continued sale of alcoholic beverages at the subject site will provide a convenience to the community by making available another location where diners can consume such beverages with meals.

Therefore, the requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site

consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.

23. The requested use has been in operation and has been selling and serving alcoholic beverages for a number of years without incident and without adverse economic affects. The sale of alcoholic beverages for on-site consumption to accompany meals is appropriate for the area as it is well buffered from residential areas. Alcoholic beverage sales at the subject location contribute to the economic well-being of the restaurant and generate sales taxes for the County, benefitting the overall community.

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

24. The exterior appearance of the subject restaurant is well-maintained and attractive and is consistent with the appearance of nearby structures. The building complies with design standards, has ample fenestration, and maintains a professional appearance.

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 said neighborhood.

ENVIRONMENTAL DETERMINATION

25. The project is for the sale of alcoholic beverages for on-site consumption at an existing restaurant in a commercial center. No physical changes are proposed to the restaurant, and there are no physical effects from the continued sale of alcoholic beverages.

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.

26. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to fifteen (15) years.
27. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area; and
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, 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 pedestrian, bicycle, and vehicle traffic such use would generate, and by other public or private service facilities as are required.
- 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.
- F. That the requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.
- G. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.
- H. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a CUP as set forth in Section 22.56.090 of the County Code ("Zoning Ordinance").

HEARING OFFICER ACTION:

1. The Hearing Officer 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. 201300142 is approved subject to the attached conditions.

ACTION DATE: February 4, 2014

SMT:amc
January 21, 2014

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2013-02714-(4)
CONDITIONAL USEPERMIT NO. 201300142**

PROJECT DESCRIPTION

The project is a request for a conditional use permit ("CUP") to authorize the continued sale and serving of alcoholic beverages (beer and wine) for on-site consumption at an existing restaurant ("The Boiling Crab"), 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 February 4, 2029.** 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 ninety (90) days from the date of final approval of the grant. A single thirty- (30-) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the restaurant and satisfaction of Condition No. 2 shall be considered use of this grant.
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 State of California Department of Alcoholic Beverage Control ("ABC") 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 by ABC. 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. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar

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

24. The permittee shall 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.
25. There shall be no music or other noise audible beyond the restaurant premises.
26. No promotional floor displays of alcoholic beverages are permitted in the subject restaurant.

PROJECT SITE SPECIFIC CONDITIONS

27. This grant shall authorize the sale and serving of beer and wine for on-site consumption at an existing restaurant located in a commercial center from 9:00 a.m. to 10:00 p.m. on Sunday through Thursday and from 9:00 a.m. to 12:00 a.m. (midnight) on Friday and Saturday.
28. There shall be no consumption of alcoholic beverages outside the designated areas of the subject facility. The permittee shall instruct all designated employees, who directly serve or are in the practice of selling alcoholic beverages, regarding this restriction. Employees shall be instructed to enforce such restrictions and to call local law enforcement as necessary.
29. No live entertainment, dancing, or dance floor is authorized in or outside the premises.
30. Food service shall be continuously provided during operating hours.
31. The permittee shall install CCTV surveillance cameras on the subject site within 90 days of project approval.
32. 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 199 persons which would require not less than 66 spaces be provided based on the applicable ratio. If the permittee changes the operation of the 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.



CONDITIONAL USE PERMIT BURDEN OF PROOF

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

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

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

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

Please see attached.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

Please see attached

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

Please see attached.

**CONDITIONAL USE PERMIT
BURDEN OF PROOF**

A. That the requested use will not:

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

The subject site is developed with a commercial shopping center. The largest block of commercial/retail uses are situated in an approximately 206,000 square-foot building fronting Gale Avenue, oriented toward the interior of the parking lot and includes a mixture of retail and restaurant uses, as well as the Coconut Bay Bar and Grill which serves a full line of alcoholic beverages for on-site consumption. Five stand-alone restaurants are spaced along the curving southerly perimeter of the property and include, from east to west, a Burger King restaurant, a restaurant currently under remodel, The Boiling Crab restaurant (the applicant in this case) and Rowland Palace restaurant. Both The Boiling Crab and Rowland Palace restaurants sell beer and wine for on-site consumption.

The existing zoning is M 1.5-BE and surrounding properties to the north, west and east are all also zoned M 1.5-BE.

As found under the original Conditional Use Permit, the subject property is very well buffered from any residential area (the closest of which are across the 60 Pomona freeway) and continuation of the use will have no adverse impacts on said areas.

Note that there have been no violations or citations on the ABC license since 2009. Also please note that there have been no complaints submitted to the Planning Department in all of these years and that the subject application is not being filed due to a citation or violation from the City or the State, but through the applicant's own attempts to be diligent in their compliance.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

In 2010, The Boiling Crab filed and received approval for RPP 2010 00055. At that time the applicant combined 2 restaurants (Buildings A and B) into 1 restaurant creating the 5,901 square-foot subject site, as well as installing a new walk-in freezer, a new drink station, a To Go area and employee restrooms. Under RPP 2007 02020 there were 489 parking spaces required, and 496 were provided. The 2010 modifications resulted in a reduction of 2 required parking spaces for a revised total of 487 required parking spaces, with 496 provided. At that time, a landscape plan was submitted and approved showing no changes in the 51,018 square-feet of on-site landscaping (18% of the total subject site). Occupancy for The Boiling Crab was established to be 199 occupants, with an A-2 Occupancy. The applicant legally permitted these improvements under BL 1006300018.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

The subject site is an irregularly-shaped, level 283,140 square-foot parcel located in the Puente Zoned District within the Rowland Heights community. The property is bound by E. Gale Avenue abutting to the north, S. Nogales Street abutting to the east, the on-ramp from Nogales Street onto the 60 Pomona Freeway abutting to the south and commercial property abutting to the west. The subject site has four access points from E. Gale Avenue providing adequate access to the subject site. No further improvements are required.



ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

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

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

<p>A. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.</p> <p>Please see attached.</p>
<p>B. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.</p> <p>Please see attached.</p>
<p>C. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.</p> <p>Please see attached.</p>
<p>D. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.</p> <p>Please see attached.</p>
<p>E. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.</p> <p>Please see attached.</p>

**ALCOHOLIC BEVERAGE SALES
BURDEN OF PROOF**

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

There are no places of religious worship, schools, parks, playgrounds, or any similar use within the 600-foot radius.

- B. *That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.*

The nearest residential uses are across the 60 Pomona Freeway to the south. All surrounding uses to the subject site are in the M zones and are developed with retail, restaurant or regional-oriented uses such as the hotel to the west. Even the hotel is adequately buffered from the subject site due to the large size of each parcel, the multiple access points to the subject site coming directly from Gale Avenue, and the large size, orientation and landscaping of the hotel property.

- C. *The requested use at the proposed location will not result in an undue concentration of similar premises.*

Restaurant uses have existed on site with beer and wine sales since 1996 and under The Boiling Crab since 2009 without incident or negatively impacting the community. Since this application is merely to continue the existing beer and wine sales, there will be no net increase in the number of licenses.

The subject restaurant is located in an area which is planned and designed to provide regional retail, entertainment, and dining experiences for the Rowland Heights community. As this center planning concept has been implemented, the area has grown in activity as well as population density. In concert with this growth, the area has become a popular destination for shopping and dining. The number of existing restaurants in the area serves as a commentary as to the success of the community plan. Furthermore, it is good planning policy to concentrate the sales and consumption of alcoholic beverages in a commercial center that has been planned, zoned and developed for commercial uses, thereby protecting sensitive land uses while providing services desired by the neighborhood.

Therefore, Conditional Use Permit approval of continuation of this license at the subject site does not unduly concentrate licenses for the sale of alcoholic beverages.

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

Management has a proven track record in the food service industry and the expectation for continuing the same level of operation at this location should allay any concerns that the establishment will become a impactful gathering place or generate vice-related problems. Management operates with a mandate of being family friendly, environmentally and community enhancing, with a corporate image to protect. They have established operating procedures and guidelines which ensure consistency in their service. Alcohol sales are provided at the request and convenience of their customers. Beer and wine sales are secondary to the primary service of food with a substantial menu which is central to their restaurant history, brand and identity. The continued use is compatible with the reasonable concerns and policies of the Los Angeles County Regional Planning Department and the California State Alcohol Beverage Control Board, and within current operating guidelines, have been and will continue to be provided in a responsible manner.

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

The Boiling Crab has been a highly-valued member of the community. They took over a less successful enterprise and completely revitalized the location. As shown on the submitted photo exhibit, The Boiling Crab maintains a clean, creative exterior which matches a fun-filled, professional and family-friendly interior dining experience.

For these reasons, the applicant respectfully requests approval of the Conditional Use Permit.

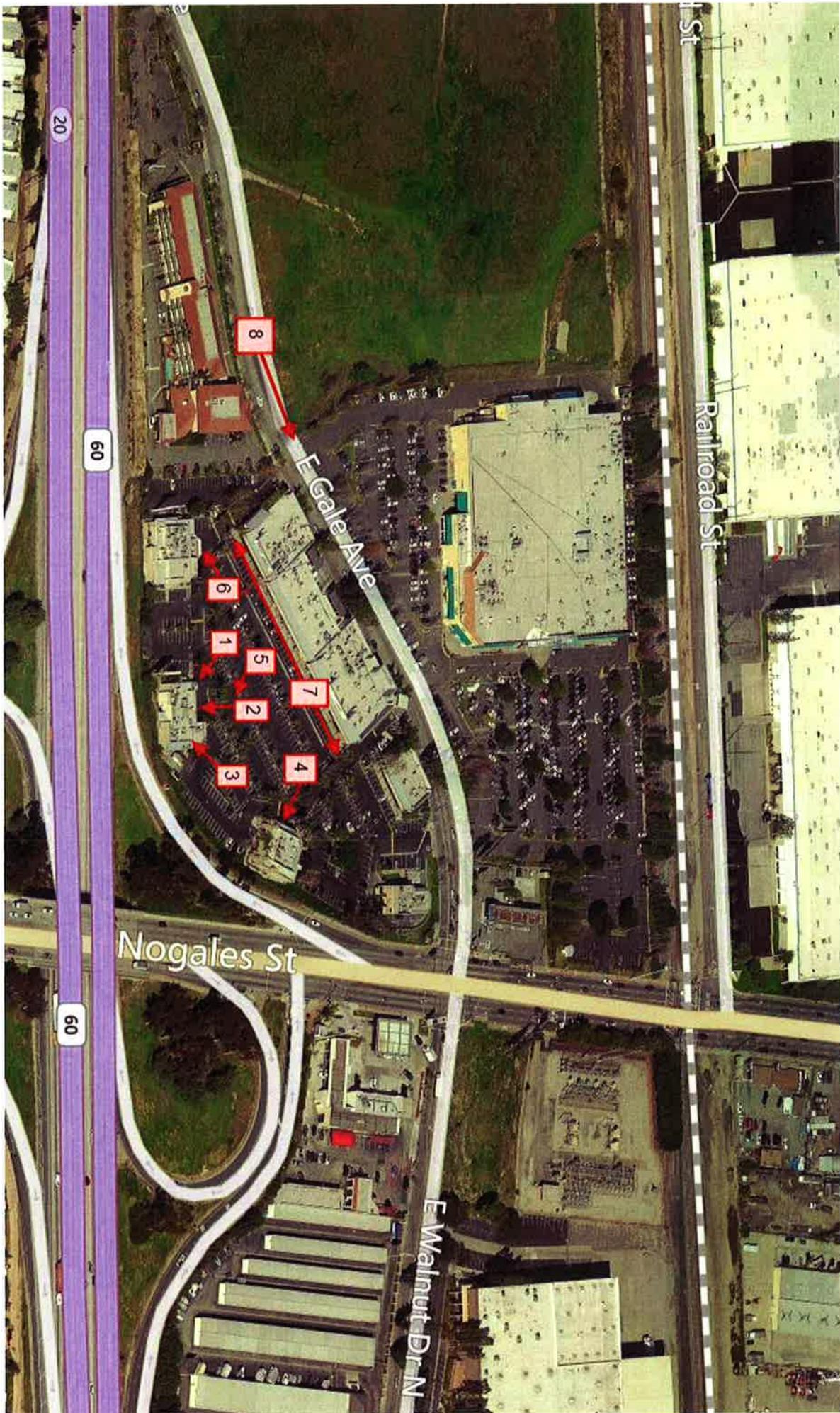
PHOTO EXHIBIT

18902 E. Gale Ave #A

Boiling Crab



APEX LA
1303 Wellesley Ave Suite 402
Los Angeles, CA 90025
www.apex-la.com



St

Railroad St

E Gale Ave

Nogales St

E Walnut Dr N

20

60

60

8

6

1

5

7

2

4

3

1. Subject site



2. Subject site front



Front entrance



3. To Go entrance



4. Abutting west



5. Freeway entrance abutting to rear



6. Abutting east



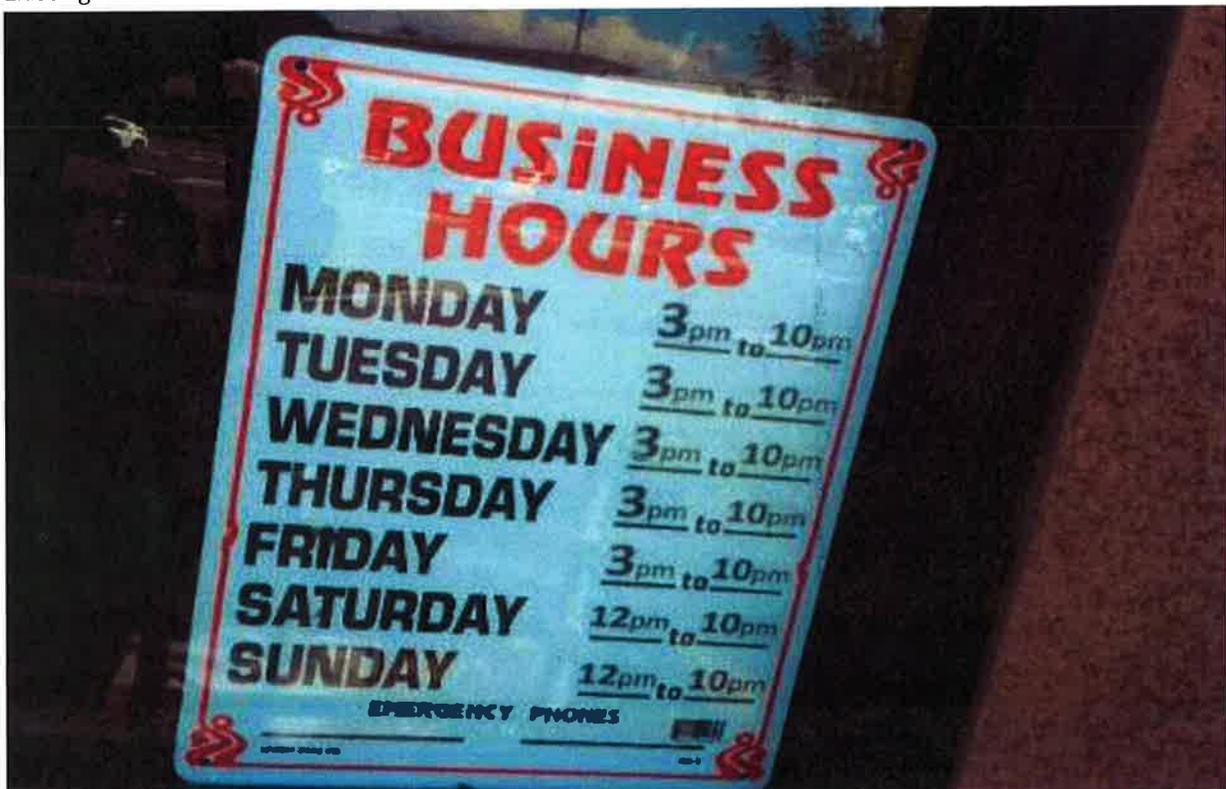
7. Commercial to south

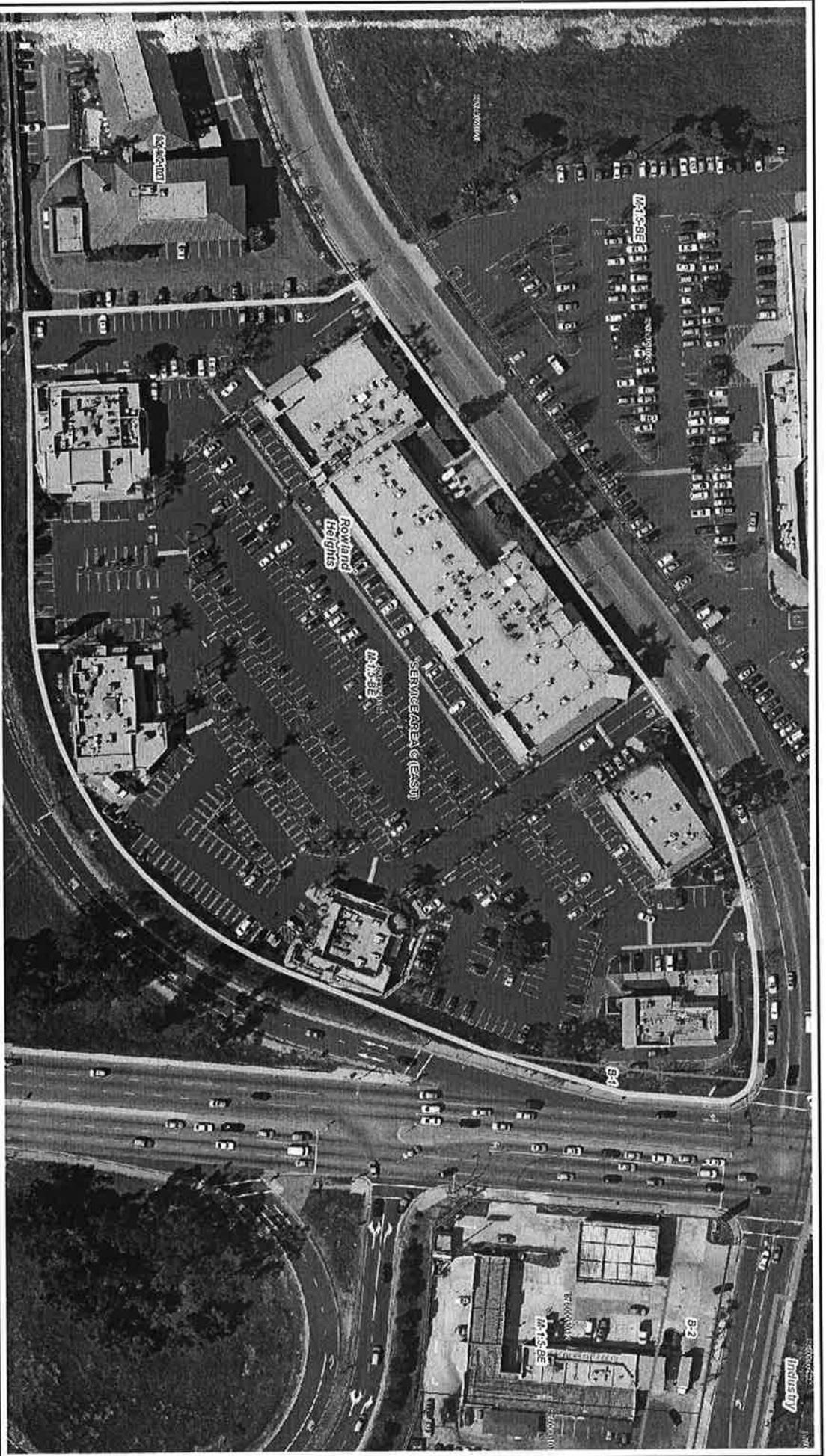


8. Across street



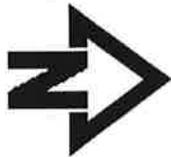
Existing hours





Department of Regional Planning Aerial Image

Printed: Jan 23, 2014



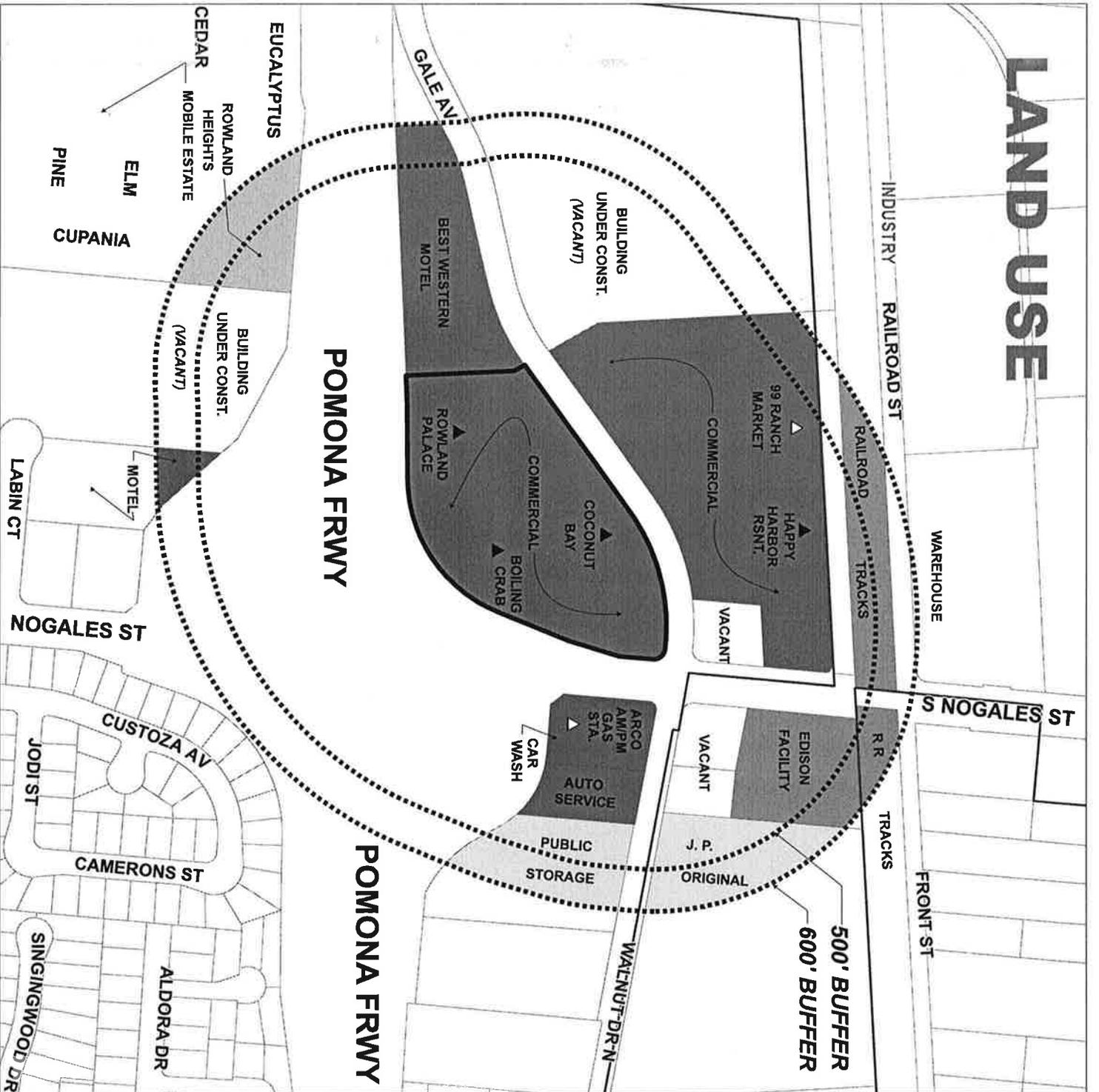
Feet

300

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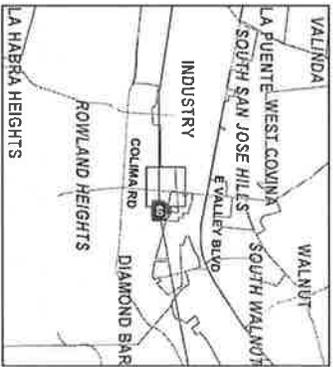
LAND USE



LAND USE 500 FT. RADIUS MAP / SENSITIVE USES - 600 FT. RADIUS
 Proj. R2013-02714 (4)
 RCUP 2013-00142

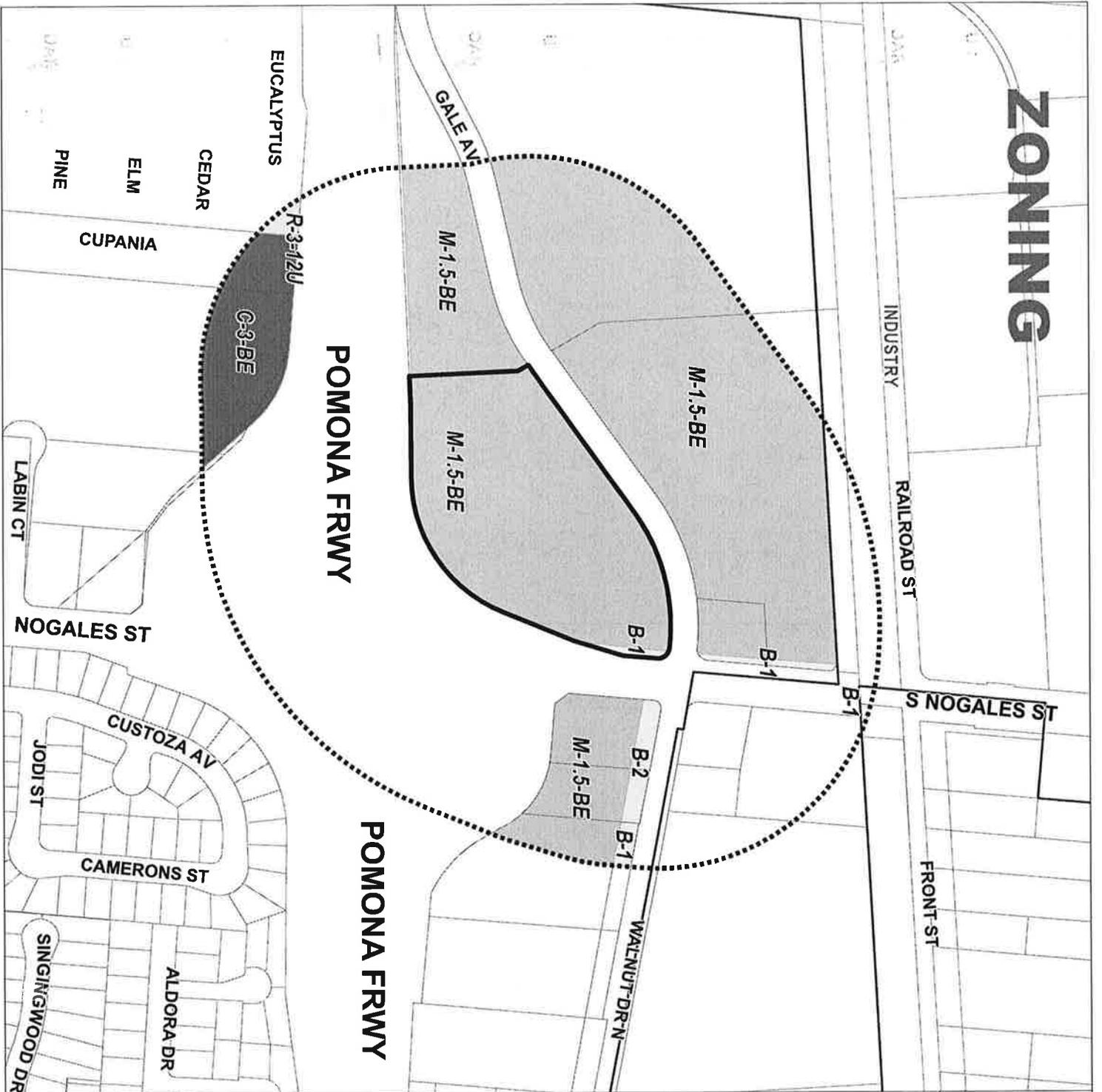
- Legend**
- △ OFF-SITE ALCOHOL CONSUMPTION
 - ▲ ON-SITE ALCOHOL CONSUMPTION
 - MULTI-FAMILY RESIDENCE
 - COMMERCIAL
 - LIGHT INDUSTRY
 - PUBLIC UTILITY
 - VACANT

VICINITY MAP



LOS ANGELES COUNTY
 Department of Regional Planning
 320 W. Temple St.
 Los Angeles, CA 90012

ZONING



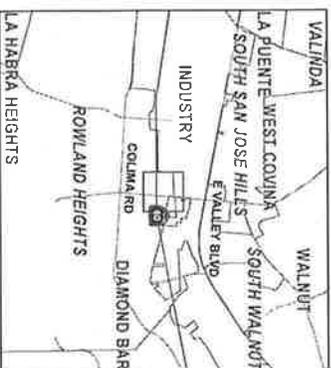
ZONING 500 FOOT RADIUS MAP

Proj. R2013-02714 (4)
RCUP 2013-00142

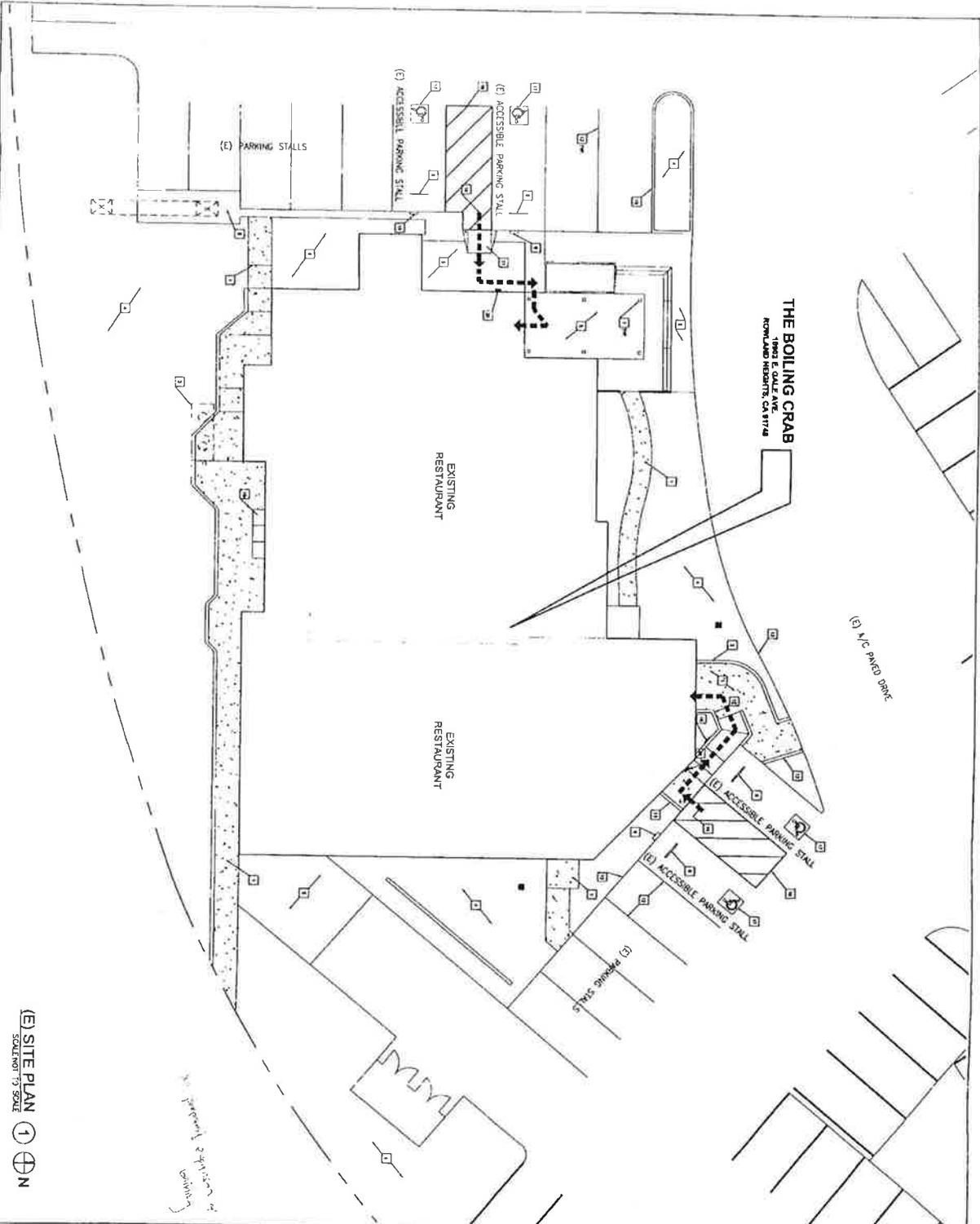
Legend

- R-3-0U - LIMITED MULTIPLE RESIDENCE
- C-3 - UNLIMITED COMMERCIAL
- M-1.5 - RESTRICTED HEAVY MANUFACTURING
- B-1 - BUFFER STRIP
- B-2 - CORNER BUFFER

VICINITY MAP



LOS ANGELES COUNTY
Department of Regional Planning
220 N. Temple St.
Los Angeles, CA 90012



(E) SITE PLAN ① ⊕ N

THE BOILING CRAB
 18902 E. GALE AVE.
 ROWLAND HEIGHTS, CA 91748

(E) N/C PARK DRIVE

EXISTING RESTAURANT

EXISTING RESTAURANT

(E) ACCESSIBLE PARKING STALL
 (E) ACCESSIBLE PARKING STALL
 (E) ACCESSIBLE PARKING STALL

(E) PARKING STALLS

(E) PARKING STALLS

(E) ACCESSIBLE PARKING STALL
 (E) ACCESSIBLE PARKING STALL

- CONSTRUCTION NOTES:**
1. EXISTING 4" THICK CONCRETE SLAB.
 2. EXISTING PER. GRABBAR.
 3. EXISTING BRICK SIDEWALK.
 4. EXISTING LANDSCAPE AREA.
 5. EXISTING BRICK PAVEMENT.
 6. EXISTING CONCRETE SLAB.
 7. EXISTING 4000 PSI.
 8. EXISTING PER-FAB CONCRETE WALL, 20" THICK.
 9. EXISTING ACCESSIBLE WALKING SURFACE.
 10. EXISTING ELECTRICAL SYMBOLICAL.
 11. EXISTING CONCRETE FLOOR.
 12. EXISTING 4" THICK PER-FAB CONCRETE WALKING SURFACE.
 13. EXISTING CONCRETE CURB.
 14. 6" DIA. MANHOLE.
 15. EXISTING ACCESSIBLE PARKING STALL SIGN.
 16. 4" WIDE STRIPS AT 2'-0" O.C. IN BLUE COLOR, SHOWN ON DRAWING OR OTHERWISE SPECIFIED.
 17. ACCESSIBLE PARKING STALL.

COUNTY OF LOS ANGELES
 Department of Public Works
 Engineering Division
 475 North Main Street
 Los Angeles, CA 90012

DATE DRAWN: 09/09/11
 DRAWN BY: [Signature]
 JOB NUMBER: [Number]

PROJECT TITLE / ADDRESS
THE BOILING CRAB
 18902 E. GALE AVE.
 ROWLAND HEIGHTS, CA 91748

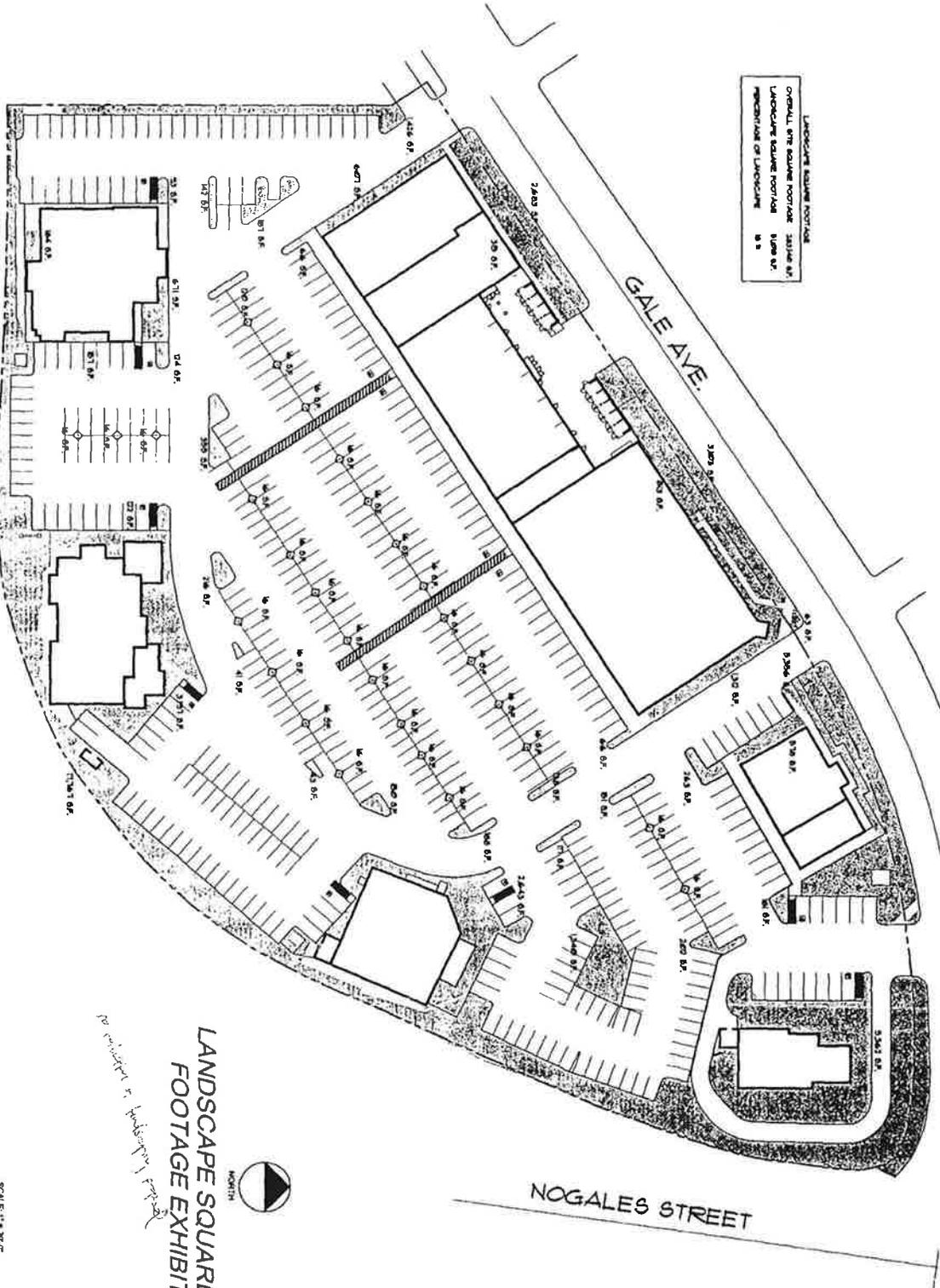
GARY WANG & ASSOCIATES, INC.
 475 North Main Street, 2nd Floor
 Los Angeles, CA 90012
 Phone: (213) 291-7777
 Fax: (213) 291-7778
 www.garywang.com

COMMERCIAL - RESIDENTIAL - RESTAURANT

T-1.1

MANDARIN PLAZA
 ROWLAND HEIGHTS, CA
 ARCHITECTS ORANGE

EDWARD PROPERTIES



LANDSCAPE SQUARE FOOTAGE
 OVERALL SITE SQUARE FOOTAGE 2,311,847
 LANDSCAPE SQUARE FOOTAGE 1,008,000
 PERCENTAGE OF LANDSCAPE 43.6%

LANDSCAPE SQUARE
 FOOTAGE EXHIBIT

See exhibit to landscaping proposal



PROJECT OWNER:
 EDWARD PROPERTIES
 125 W. CENTRAL AVENUE
 SUITE 1000
 ORANGE, CA 92667-1377
 (714) 941-1928

PROJECT ADDRESS:
 1000 N. GALE AVENUE
 SUITE 1000
 ORANGE, CA 92667-1377
 (714) 941-1928



R. DALE HADFIELD
 LANDSCAPE ARCHITECT
 2001 TRINITY LANE
 LAJUN, CALIFORNIA 92037
 (949) 441-4141

ARCHITECTS ORANGE
 125 W. CENTRAL AVENUE
 SUITE 1000
 ORANGE, CA 92667-1377
 (714) 941-1928