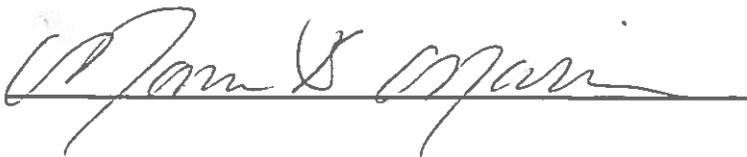


Hearing Officer Transmittal Checklist

Hearing Date
9/20/2016
Agenda Item No.
5

Project Number: R2013-03298-(4)
Case(s): Conditional Use Permit Case No. 201300164
Planner: Steve Mar

- 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
- Sheriff Department's Comment Letter
- ABC B&P Worksheet
- Rowland Heights Community Coordinating Council Comment Letter

Reviewed By: 



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

PROJECT NUMBER

See Below.

HEARING DATE

September 20, 2016

REQUESTED ENTITLEMENTS

See Below.

PROJECT SUMMARY

OWNER / APPLICANT

Rowland Ranch Properties LLC / Monica Wu

MAP/EXHIBIT DATE

n/a

PROJECT OVERVIEW

The applicant is requesting two Conditional Use Permits (CUPs) to authorize the sale of alcoholic beverages for on-site consumption at two new restaurants ("NYC Lounge" – Type 47, on-site full line and "Cape 7" – Type 41, on-site beer and wine) at an existing shopping center ("Pearl of the East Plaza") in the C-3-BE (Unlimited Commercial – Billboard Exclusion) zone pursuant to Los Angeles County Code Section 22.28.210. The two requested entitlements are as follows:

Project No.	Conditional Use Permit No.	Business Name	Unit No.	Area (Sq. Ft.)	Occupant Load	Required Parking
2013-03298-(4)	201300164	"NYC Lounge"	C-209	2,988	66	22
2014-01243-(4)	201400053	"Cape 7"	B-109	5,823	201	67

LOCATION

18888 Labin Court, Rowland Heights

ACCESS

via Labin Court

ASSESSORS PARCEL NUMBER(S)

8761-011-020

SITE AREA

5.98 Acres

GENERAL PLAN / LOCAL PLAN

Rowland Heights Community Plan

ZONED DISTRICT

Puente ZD

LAND USE DESIGNATION

C (Commercial)

ZONE

C-3-BE (General Commercial, Billboard Exclusion)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

Rowland Heights CSD

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption – Existing Facilities

KEY ISSUES

- Consistency with the Rowland Heights Community Plan & Countywide General Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.56.040 (Conditional Use Permit burden of proof requirements)
 - 22.28.210 (C-3 Zone - Uses Subject to Permits)

CASE PLANNER:

Steve Mar

PHONE NUMBER:

(213) 974 - 6435

E-MAIL ADDRESS:

smar@planning.lacounty.gov



ENTITLEMENTS REQUESTED

- Two Conditional Use Permits (CUP) for a Type 47 license (full line alcohol for on-site consumption) and a Type 41 license (beer and wine for on-site consumption) at two new restaurants located in an existing shopping center in the C-3-BE (Unlimited Commercial – Billboard Exclusion) Zone pursuant to County Code Section 22.28.210.

PROJECT DESCRIPTION

The applicants, NYC Lounge and Cape 7 Restaurant, Inc. are requesting Conditional Use Permits (CUPs) for a Type 47 license (full line alcohol for on-site consumption) and a Type 41 alcohol license (beer and wine for on-site consumption) at two new restaurants (“NYC Lounge” and “Cape 7”) located in an existing shopping center (Pearl of the East Plaza) in the C-3-BE (Unlimited Commercial – Billboard Exclusion) zone. The Type 47 license is requested by NYC Lounge (Project No. R2013-03298 / CUP No. 201300164) and the Type 41 license is requested by Cape 7 (Project No. R2014-01243 / CUP No. 201400053). The subject site is developed with two (2) two-story retail/office buildings with 58 tenant spaces and one (1) four-story parking structure on a six acre rectangular-shaped parcel. There are 630 total parking spaces on the property. Access to the site is via a driveway off of Labin Court.

A table summarizing the projects is provided below:

Project No.	CUP No.	Business Name	Unit No.	Area (Sq. Ft.)	Occupant Load	Required Parking
2013-03298	201300164	“NYC Lounge”	C-209	2,988	66	22
2014-01243	201400053	“Cape 7”	B-109	5,823	201	67

EXISTING ZONING

The subject property is zoned C-3-BE (Unlimited Commercial – Billboard Exclusion).

Surrounding properties are zoned as follows:

North: M-1.5-BE (Restricted Heavy Manufacturing – Billboard Exclusion)

South: C-3-BE (Unlimited Commercial – Billboard Exclusion)

East: C-3-BE (Unlimited Commercial – Billboard Exclusion), C-3 (Unlimited Commercial),
A-1-6,000 (Light Agricultural – 6,000 sq. ft. Minimum Lot Size)

West: R-3-12U (Limited Multiple Residence – 12 du/ac Maximum Density)

EXISTING LAND USES

The subject property is developed with a shopping center.

Surrounding properties are developed as follows:

North: SR-60 Freeway (Pomona Freeway), Motel, Shopping Center

South: Golf Driving Range

East: Motel, Restaurant, Commercial, Automobile Repair, Single-Family Residences

West: Mobile Home Community

PREVIOUS CASES/ZONING HISTORY

The previous zoning history of the subject parcel is as follows: A1-10000 (5/25/48), C-3 (5/11/65), C-3-BE (5/25/80).

- **Plot Plan No. 200800405** – Approved 7/23/09 for the construction of the shopping center.
- **Plot Plan No. 201000980** – Approved 3/7/12 for the construction of a new 4-level parking structure.
- **Plot Plan No. 201500292** – Approved 7/26/16 for an updated parking plan with 386 on-surface parking and 244 parking spaces within the parking structure, for a total of 630 parking spaces (552 parking spaces required at the time of approval based on tenant makeup).

Several Plot Plan and Conditional Use Permit cases on the site have been approved for businesses located in the shopping center to authorize tenant improvements for restaurants and other businesses and to authorize the sale of on-site beer and wine sales at these on-site restaurants.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that these projects qualify for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The proposed projects are located within an existing shopping center and would not require any new construction or expansion. 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 C – Commercial land use category of the Rowland Heights Community Plan. This land use designation is intended for retail commercial, service, and office uses. The sale of alcoholic beverages for on-site consumption at a restaurant is consistent with the permitted uses of the underlying land use category.

The following policies of the General Plan are applicable to the proposed projects:

- *Place major emphasis on channeling new intensive commercial development into multipurpose centers.*
- *Encourage the clustering of well designed highway oriented commercial facilities in appropriate and conveniently spaced locations.*

The proposed projects are located within an existing multi-tenant shopping center located along a major highway.

- *Promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design and locational controls.*

The proposed projects provide convenience services of alcoholic beverage service in conjunction with restaurant service. The projects complement the community character through appropriate locational controls.

The following policies of the Rowland Heights Community Plan are applicable to the proposed project:

- *Encourage the beautification of new and existing commercial areas.*

The proposed projects are located within an existing shopping center that provides the required amount of landscaping under County Code. Landscaping is provided around the perimeter of the property and throughout the parking area. The projects are not proposing any new freestanding portable signs and the businesses' façades will not be incompatible with the other businesses in the shopping center.

Zoning Ordinance and Development Standards Compliance

Pursuant to Section 22.28.220 of the County Code, establishments in the C-3 Zone are subject to the following development standards:

- **Building and Landscaping Area** – The project site does not exceed the maximum amount of net area occupied by buildings. The project provides the minimum required amount of landscaping for the site.
- **Parking requirements** for the shopping center are determined by the tenant use, square footage, and/or occupancy load for dining uses. Plot Plan No. 201500292, approved on July 26, 2016, approved a total of 630 surface lot and parking structure parking spaces on the site with a parking requirement of 552 parking spaces based on the tenant makeup at the time of approval. This Plot Plan approval takes into account the parking requirements for the two subject restaurants.

Pursuant to Section 22.44.132 of the County Code, establishments in the Rowland Heights Community Standards District (CSD) are subject to the following development standards:

- **Structure Height** – Structures in the C-3 zone shall not exceed a height of 45 feet above grade. The existing shopping center meets this requirement.
- **Buffers** – A 74 ft. setback buffer separates the shopping center from the neighboring mobile home community to the west of the property. This exceeds the 30 ft. 9in. setback required by the CSD.

Neighborhood Impact/Land Use Compatibility

The sale of alcoholic beverages at the proposed restaurants on the subject property is compatible with the surrounding neighborhood and provides alcoholic beverage services with dining to the community. Alcoholic beverage sales is a permitted use in the C-3 zone once a CUP is obtained. Currently, there are eight other establishments within a 500-ft. radius of the subject property that sell alcohol. These licenses include seven Type 41 licenses for on-site beer and wine sales and one Type 47 license for on-site general alcohol sales. Although this constitutes an undue concentration under County Code, the sale of alcoholic beverages at the restaurant would serve as a public convenience and necessity to the surrounding community by providing products and services that are consistent with other restaurants in the area. With the proposed draft conditions, the project shall remain consistent and compatible with the surrounding community.

There are no sensitive uses within 600 feet of the project site.

The applicant carries the Burden of Proof to substantiate all facts as follows:

- A. That the requested use at the location proposed 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 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.

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

Development on the subject property was established through previous zoning approvals and meets all development standards of the County Code.

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 site is serviced by one access point for ingress/egress off of Labin Court, a fully-improved public right of way.

Additionally, the applicant carries the Burden of Proof to substantiate all facts as related to Alcoholic Beverage Sales as follows:

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

The subject property is not located within a 600 ft. radius of any of these identified sensitive uses.

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 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.

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.

Currently there are eight other establishments within 500 ft. of the subject property that sell alcoholic beverages. All eight establishments are restaurants that sell alcoholic beverages for on-site consumption. According to the California Department of Alcoholic Beverage Control, 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.

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

The proposed sale of alcoholic beverages is a common ancillary service to restaurant businesses.

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.

There is no proposed work to be done on the exterior of the structure.

Burden of Proof

The applicant is required to substantiate all facts identified by Section(s) 22.56.040 and 22.56.195 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Sheriff's Department

The County of Los Angeles Sheriff's Department's Walnut/Diamond Bar Station researched the crimes database for the subject property and found only a few calls for service at the project site due to its relatively new construction. According to the Sheriff's report, the calls for service include alarm activations, one vehicle theft report, and a few disorderly patrons. The Sheriff's Department had no issues with granting the conditional use permits to authorize the sale of alcoholic beverages for on-site consumption at the project site and recommends the installation of security alarms and installing security cameras inside the proposed establishment and outside facing any adjacent parking areas.

OTHER AGENCY COMMENTS AND RECOMMENDATIONS

California Department of Alcoholic Beverage Control

Statistical data from the California Department of Alcoholic Beverage Control (ABC) report that the site of the subject request is located in a high crime reporting district, defined by having a 20 percent greater number of reported crimes than the average number of reported crimes in the Reporting District. The subject property is located in Reporting District #2931. The average number of offenses reported per district is 85.7 and the total number of crimes reported for District #2931 is 303.

The subject property lies within Census Tract 4082.11. There are currently 67 existing alcohol licenses in this census tract and 5 licenses are allowed. Therefore an undue concentration of alcoholic beverage licenses will exist within Census Tract 4082.11 if the projects are approved. Although this would constitute an undue concentration, the sale of alcoholic beverages for on-site consumption would serve as a public convenience and necessity to the surrounding community by providing a service that is consistent with other restaurants in the area.

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.

PUBLIC COMMENTS

Staff has received 13 letters in opposition specifically against the Type 47 on-site full line alcohol service proposed by "NYC Lounge" (Project No. R2013-03298 / CUP No. 201300164) and no specific opposition letters to the Type 41 on-site beer and wine license for "Cape 7 Restaurant" (Project No. R2014-01243 / CUP No. 201400053). All 13 letters of opposition are identical, dated December 19, 2014, and come from residents who live in the Rowland Heights Mobile Estate Park adjacent to the Pearl of the East Plaza.

Rowland Heights Community Coordinating Council

The Rowland Heights Community Coordinating Council has reviewed the applications and recommended that the two establishments proposing to serve alcoholic beverages be allowed to serve alcoholic beverages up to one hour before their normal closing time.

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 Numbers R2013-03298-(4) and R2014-01243-(4), Conditional Use Permit Numbers 201300164 and 201400053, 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 NUMBERS 201300164 AND 201400053 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

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

Attachments:
Draft Findings, Draft Conditions of Approval

PROJECT NOS. R2013-03298-(4), R2014-01243-(4)
CONDITIONAL USE PERMIT NOS. 201300164, 201400053

STAFF ANALYSIS
PAGE 7 OF 7

Applicant's Burden of Proof statement
Correspondence
Site Plan, Land Use Map

MM:SM
9/20/16

**DRAFT FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2013-03298-(4)
CONDITIONAL USE PERMIT NO. 201300164**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201300164 ("CUP") on January 20, 2015, February 3, 2015, April 21, 2015, June 16, 2015, and September 20, 2016.
2. The permittee, NYC Lounge ("permittee"), requests the CUP to authorize a Type 47 license (full line alcohol for on-site consumption) at a new restaurant ("NYC Lounge") ("Project") at an existing shopping center (Pearl of the East Plaza) located at 18888 Labin Court in the unincorporated community of Rowland Heights ("Project Site") in the C-3-BE zone pursuant to Los Angeles County Code ("County Code") section 22.28.210.
3. The Project Site is 5.9 acres in size and consists of one legal lot. The Project Site is semi-rectangular in shape with flat topography and is developed with two (2) two-story multi-tenant retail/office buildings and one four-story parking structure.
4. The Project Site is located in the Puente Zoned District and is currently zoned C-3-BE (Unlimited Commercial – Billboard Exclusion).
5. The Project Site is located within the C (Commercial) land use category of the Rowland Heights Community Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
 - North: M-1.5-BE (Restricted Heavy Manufacturing – Billboard Exclusion)
 - South: C-3-BE (Unlimited Commercial – Billboard Exclusion)
 - East: C-3-BE (Unlimited Commercial – Billboard Exclusion), C-3 (Unlimited Commercial), A-1-6,000 (Light Agricultural – 6,000 sq. ft. Minimum Lot Size)
 - West: R-3-12U (Limited Multiple Residence – 12 du/ac Maximum Density)
7. Surrounding land uses within a 500-foot radius include:
 - North: SR-60 Freeway (Pomona Freeway), Motel, Shopping Center
 - South: Golf Driving Range
 - East: Motel, Restaurant, Commercial, Automobile Repair, Single-Family Residences
 - West: Mobile Home Community
8. The Project Site was zoned A1-10000 on May 25, 1948. The Project site was rezoned to C-3 on May 11, 1965, and rezoned to C-3-BE on May 25, 1980.

On July 23, 2009, Plot Plan No. 200800405 approved the construction of the existing retail/office buildings. On March 7, 2012, Plot Plan No. 201000980 approved the construction of a new 4-level parking structure for the retail/office buildings. On July 26, 2016, Plot Plan No. 201500292 approved an updated parking plan with 386 on-surface parking and 244 parking spaces within the parking structure, for a total of 630 parking spaces (552 parking spaces required at the time of approval based on tenant makeup). Several Plot Plan and Conditional Use Permit cases on the site have been approved for businesses located in the shopping center to authorize tenant improvements for restaurants

and other businesses and to authorize the sale of on-site beer and wine sales at these on-site restaurants.

9. The site plan for the Project depicts the Project Site with two office/retail buildings, surface parking lot areas, and a 4-story parking structure. The proposed Project will be located in Unit C209 consisting of 2,988 sq. ft. of floor space and an occupancy load of 66 persons. Patrons of the restaurant will be accommodated in a main dining area and a bar area.
10. The Project Site is accessible via Labin Court to the south. Primary access to the Project Site will be via an entrance/exit on Labin Court. The Project does not provide any secondary access to the Project Site.
11. The Project provides 630 parking spaces on surface parking lots and in a 4-story parking structure. The site requires 552 parking spaces based on the tenant makeup at the time of approval of Plot Plan No. 201500292 and provides adequate parking. The Project has an occupancy load of 66 persons, as approved by the County Department of Public Works ("Public Works"), and would require 22 parking spaces.
12. The County of Los Angeles Sheriff's Department's Walnut/Diamond Bar Station researched the crimes database for the subject property and found only a few calls for service at the project site due to its relatively new construction. According to the Sheriff's report, the calls for service include alarm activations, one vehicle theft report, and a few disorderly patrons. The Sheriff's Department had no issues with granting the conditional use permit to authorize the sale of alcoholic beverages for on-site consumption at the proposed establishment and recommends the installation of security alarms and installing security cameras inside the proposed establishment and outside facing any adjacent parking areas.
13. Statistical data from the California Department of Alcoholic Beverage Control (ABC) report that the site of the subject request is located in a high crime reporting district, defined by having a 20 percent greater number of reported crimes than the average number of reported crimes in the Reporting District. The subject property is located in Reporting District #2931. The average number of offenses reported per district is 85.7 and the total number of crimes reported for District #2931 is 303.

The subject property lies within Census Tract 4082.11. There are currently 67 existing alcohol licenses in this census tract and 5 licenses are allowed. Therefore an undue concentration of alcoholic beverage licenses will exist within Census Tract 4082.11 if the projects are approved. Although this would constitute an undue concentration, the sale of alcoholic beverages for on-site consumption would serve as a public convenience and necessity to the surrounding community by providing a service that is consistent with other restaurants in the area.

14. Prior to the Hearing Officer's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project is located within an existing shopping center and would not require any new construction or expansion.
15. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.

16. Staff has received 13 letters in opposition to the Type 47 on-site full line alcohol service proposed by the applicant. All 13 letters of opposition are identical, dated December 19, 2014, and come from residents who live in the Rowland Heights Mobile Estate Park adjacent to the Pearl of the East Plaza.
17. Prior to the Hearing Officer's public hearing, the Rowland Heights Community Coordinating Council reviewed the application and recommended that the subject establishment be allowed to serve alcoholic beverages up to one hour before their normal closing time.
18. [Hearing Proceedings] *To be inserted after the public hearing to reflect hearing proceedings.*
19. The Hearing Officer finds that the Project Site is located within the C – Commercial land use category of the Rowland Heights Community Plan. This land use designation is intended for retail commercial, service, and office uses. The sale of alcoholic beverages for on-site consumption at a restaurant is consistent with the permitted uses of the underlying land use category.
20. The Hearing Officer finds that the Project complies with the zoning and development standards prescribed in the C-3 Zone and in the Rowland Heights Community Standards District. The sale of alcoholic beverages at the proposed restaurant on the subject property is compatible with the surrounding neighborhood and provides alcoholic beverage services with dining to the community. Alcoholic beverage sales is a permitted use in the C-3 zone once a CUP is obtained. Currently, there are eight other establishments within a 500-ft. radius of the subject property that sell alcohol. These licenses include seven Type 41 licenses for on-site beer and wine sales and one Type 47 license for on-site general alcohol sales. Although this constitutes an undue concentration under County Code, the sale of alcoholic beverages at the restaurant would serve as a public convenience and necessity to the surrounding community by providing products and services that are consistent with other restaurants in the area. With the proposed draft conditions, the project shall remain consistent and compatible with the surrounding community.
21. The Hearing Officer finds that 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.
22. The Hearing Officer finds that development on the subject property was established through previous zoning approvals and meets all development standards of the County Code.
23. The Hearing Officer finds that the site is serviced by one access point for ingress/egress off of Labin Court, a fully-improved public right of way.
24. The Hearing Officer finds that the subject property is not located within a 600 ft. radius of any of these identified sensitive uses.
25. The Hearing Officer finds that there are no tenant spaces oriented toward the western property boundary, facing the mobile home community.

26. The Hearing Officer finds that currently there are eight (8) other establishments within 500 ft. of the subject property that sell alcoholic beverages. All eight establishments are restaurants that sell alcoholic beverages for on-site consumption. According to the California Department of Alcoholic Beverage Control, 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.
27. The Hearing Officer finds that the proposed sale of alcoholic beverages is a common ancillary service to restaurant businesses.
28. The Hearing Officer finds that there is no proposed work to be done on the exterior of the structure.
29. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the CUP to 15 years.
30. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of the Rowland Heights community. On August 10, 2016, a total of 24 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as 13 notices to those on the courtesy mailing list for the Puente Zoned District and to any additional interested parties.
31. 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, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. The proposed use at the site 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.
- C. 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.
- D. 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.

- E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.
- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.
- G. 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.
- H. The requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.
- 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 said neighborhood.

THEREFORE, THE HEARING OFFICER:

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15301 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
2. Approves Conditional Use Permit No. 201300164, subject to the attached conditions.

**[DRAFT] CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2013-03298-(4)
CONDITIONAL USE PERMIT NO. 201300164**

PROJECT DESCRIPTION

The project is a Conditional Use Permit request to authorize a Type 47 license (full line alcohol for on-site consumption) at a new restaurant (NYC Lounge) at an existing shopping center (Pearl of the East Plaza) 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. 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 September 20, 2031.** 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 made available 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 (insert other State mandated program if applicable) provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment 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 11:00 a.m. to 11:00 p.m., seven days a week. Alcoholic beverage sales shall end one hour before normal closing time;
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. The sale and serving of alcoholic beverages for consumption outside the restaurant is prohibited;
32. The business shall employ not less than one full-time cook that is engaged in the preparation of meals for patrons during the permissible hours of operation;

33. Not less than fifty-one percent of the income from the business enterprise shall be derived from the sale of food and non-alcoholic beverages. The business owner shall at all times maintain records which reflect separately the gross sale of food and the gross sale of alcoholic beverages. Said records shall be made available to the Los Angeles County Department of Regional Planning, the Department of Alcoholic Beverage Control, or the Los Angeles County Sheriff's Department on demand;
34. The permittee shall not advertise or hold any "happy hour" drink specials, "two for one" specials, or similar promotions;
35. Food service shall be continuously provided during operating hours;
36. Payphones shall be prohibited on the premises;
37. All parking lot and other exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot;

PROJECT SITE SPECIFIC CONDITIONS

38. Security cameras and alarm systems shall be installed on the premises of the subject establishment. Security cameras shall be installed inside the establishment and outside facing any adjacent parking areas.



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.

The use of the permit at 18888 Labrin Ct # C209 Rowland Heights will not affect the comfort or welfare of anyone in the vicinity. Nor will it put the public at risk in any way shape or form.

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

The site, 18888 Labrin Ct. # C209, Rowland Heights, is ample enough to facilitate visiting customers and complies with city ordinance for such development.

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 proposed site has sufficient streets and highways that route the public to the site. The site does not impede on traffic or create traffic in any way due to the sufficient roads leading it.



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

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

ABC License Type No(s): 47 (e.g. Type 20, Type 41)

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

The proposed location will not affect any place of worship, school, park, or the community. The location is to serve on the premises and follow strict municipal guidelines so that no public entity or location is affected.

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 location is safeguarded in relation to any residential area by strictly complying with municipal guidelines.

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.

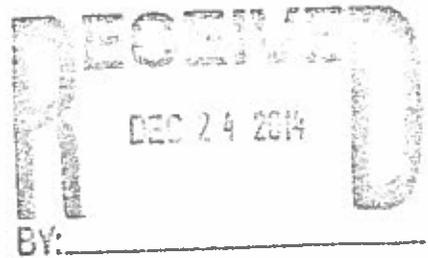
The proposed location is not surrounded by other facilities selling alcohol. The devoted shelf space percentile will be followed.

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

The proposed location will scarcely impinge on the financial welfare of the community.

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 site will rather enhance the appearance of the exterior by improving the aesthetics and design of the building. It will not be inconsistent with existing or new construction, but a compliment to such surrounding buildings.



To: Mr. Steve Mar
Los Angeles County Department Of Regional Planning
320 W Temple St. , Los Angeles, CA 90012
From: Hannah Chi, Case No. KC066768 in Pomona Court
Space No. 6, 1441 S. Paso Real Avenue, Rowland Heights, CA 91748

Re: Opposition to the Request for Type 47 Alcohol License by NYC Lounge at 18888 Labin Court, Unit C209, Rowland Heights within the Punte Zoned District, at Pearl of the East Plaza

Date: December 19, 2014

We, 15 residents in Rowland Heights Mobile Estate Park adjacent to Pearl of the East Plaza have filed complaints against Pearl of the East and the landlord Rowland Ranch Properties to the Pomona Courthouse in the East District of Superior Court of California, County of Los Angeles on April 1st, April 2nd, April 3rd, April 4th, Oct 22nd and Oct 24. 14 lawsuits (Case Nos. KC066767, KC066768, KC066771, KC066774, KC066775, KC066776, KC066786, KC066787, KC066788, KC066789, KC066799, KC067235, and KC067236, KC067241 are consolidated with Lead Case KC066761.

We are also suing Department of Regional Planning for allowing Pearl of the East and Rowland Ranch Properties to change project plan resulting in adversely impacting residents' rights to peaceful and safe living. Among other things, one of our concerns is there are already too many restaurants at Pearl of the East Plaza selling alcoholic beverage. The association of alcohol consumption with drunken driving and other suspicious behavior will endanger the safety and security of our community. We hereby express our strong opposition to any new request of alcohol license by any new restaurant at Pearl of the East Plaza, the reason of which is specified in the above mentioned complaints and claims, until the judge makes final decisions on the above mentioned cases.

Please deny Project No. R2013-03298-(4), Conditional Use Permit No. 201300164 so as not to further inflict adverse impact on adjacent residents' peaceful living.

Signature 

Hannah Chi

To: Mr. Steve Mar
Los Angeles County Department Of Regional Planning
320 W Temple St. , Los Angeles, CA 90012
From: Lili Wang, Case No. KC066775 in Pomona Court
Space No. 58, 1441 S. Paso Real Avenue, Rowland Heights, CA 91748

Re: Opposition to the Request for Type 47 Alcohol License by NYC Lounge at 18888 Labin Court, Unit C209, Rowland Heights within the Punte Zoned District, at Pearl of the East Plaza

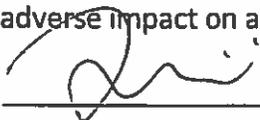
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Signature



Lili Wang

To: Mr. Steve Mar
Los Angeles County Department Of Regional Planning
320 W Temple St. , Los Angeles, CA 90012
From: Wen-Tzu Davis, Case No. KC066761 in Pomona Court
Space No. 59, 1441 S. Paso Real Avenue, Rowland Heights, CA 91748

Re: Opposition to the Request for Type 47 Alcohol License by NYC Lounge at 18888 Labin Court, Unit C209, Rowland Heights within the Punte Zoned District, at Pearl of the East Plaza

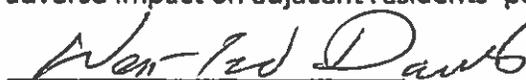
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Signature



Wen-Tzu Davis

To: Mr. Steve Mar
Los Angeles County Department Of Regional Planning
320 W Temple St. , Los Angeles, CA 90012
From: Manyin Li, Case No. KC066767 in Pomona Court
Space No. 61, 1441 S. Paso Real Avenue, Rowland Heights, CA 91748

Re: Opposition to the Request for Type 47 Alcohol License by NYC Lounge at 18888 Labin Court, Unit C209, Rowland Heights within the Punte Zoned District, at Pearl of the East Plaza

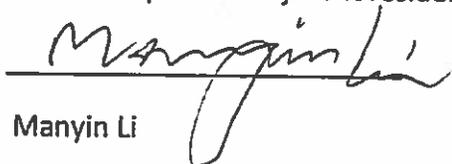
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Signature



Manyin Li

To: Mr. Steve Mar
Los Angeles County Department Of Regional Planning
320 W Temple St. , Los Angeles, CA 90012
From : George Sin, Case No. KC066786 in Pomona Court
Space No. 62 1441 S. Paso Real Avenue, Rowland Heights, CA 91748

Re: Opposition to the Request for Type 47 Alcohol License by NYC Lounge at 18888 Labin Court, Unit C209, Rowland Heights within the Punte Zoned District, at Pearl of the East Plaza

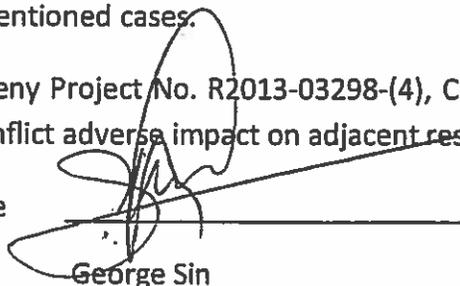
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Signature



George Sin

To: Mr. Steve Mar
Los Angeles County Department Of Regional Planning
320 W Temple St. , Los Angeles, CA 90012
From : Jin-Hua Zhang, Case No. KC066788 in Pomona Court
Space No. 63 1441 S. Paso Real Avenue, Rowland Heights, CA 91748

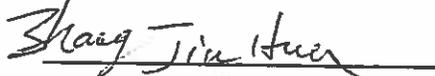
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Signature 

Jin-Hua Zhang

To: Mr. Steve Mar
Los Angeles County Department Of Regional Planning
320 W Temple St. , Los Angeles, CA 90012
From : Shang Ju Yang, Case No. KC067235 in Pomona Court
Space No. 67 1441 S. Paso Real Avenue, Rowland Heights, CA 91748

Re: Opposition to the Request for Type 47 Alcohol License by NYC Lounge at 18888 Labin Court, Unit C209, Rowland Heights within the Punte Zoned District, at Pearl of the East Plaza

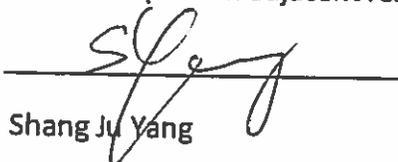
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Signature


Shang Ju Yang

To: Mr. Steve Mar
Los Angeles County Department Of Regional Planning
320 W Temple St. , Los Angeles, CA 90012
From: KunLi Wang, Case No. KC066774 in Pomona Court
Space No. 93, 1441 S. Paso Real Avenue, Rowland Heights, CA 91748

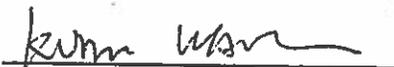
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Please deny Project No. R2013-03298-(4), Conditional Use Permit No. 201300164 so as not to further inflict adverse impact on adjacent residents' peaceful living.

Signature 

KunLi Wang

To: Mr. Steve Mar
Los Angeles County Department Of Regional Planning
320 W Temple St. , Los Angeles, CA 90012
From: XiuQing Jiang, Case No. KC066787 in Pomona Court
Space No. 159, 1441 S. Paso Real Avenue, Rowland Heights, CA 91748

Re: Opposition to the Request for Type 47 Alcohol License by NYC Lounge at 18888 Labin Court, Unit C209, Rowland Heights within the Punte Zoned District, at Pearl of the East Plaza

Date: December 19, 2014

We, 15 residents in Rowland Heights Mobile Estate Park adjacent to Pearl of the East Plaza have filed complaints against Pearl of the East and the landlord Rowland Ranch Properties to the Pomona Courthouse in the East District of Superior Court of California, County of Los Angeles on April 1st, April 2nd, April 3rd, April 4th, Oct 22nd and Oct 24. 14 lawsuits (Case Nos. KC066767, KC066768, KC066771, KC066774, KC066775, KC066776, KC066786, KC066787, KC066788, KC066789, KC066799, KC067235, and KC067236, KC067241 are consolidated with Lead Case KC066761.

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XiuQing Jiang

To: Mr. Steve Mar
Los Angeles County Department Of Regional Planning
320 W Temple St. , Los Angeles, CA 90012
From: ZhiMiao Pan, Case No. KC066799 in Pomona Court
Space No. 164, 1441 S. Paso Real Avenue, Rowland Heights, CA 91748

Re: Opposition to the Request for Type 47 Alcohol License by NYC Lounge at 18888 Labin Court, Unit C209, Rowland Heights within the Punte Zoned District, at Pearl of the East Plaza

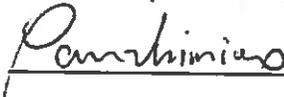
Date: December 19, 2014

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Signature


ZhiMiao Pan

To: Mr. Steve Mar
Los Angeles County Department Of Regional Planning
320 W Temple St. , Los Angeles, CA 90012
From : Lily Chen, Case No. KC067241 in Pomona Court
Space No. 192, 1441 S. Paso Real Avenue, Rowland Heights, CA 91748

Re: Opposition to the Request for Type 47 Alcohol License by NYC Lounge at 18888 Labin Court, Unit C209, Rowland Heights within the Punte Zoned District, at Pearl of the East Plaza

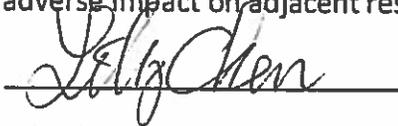
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Signature



Lily Chen

To: Mr. Steve Mar
Los Angeles County Department Of Regional Planning
320 W Temple St. , Los Angeles, CA 90012
From : Yi Yu, Case No. KC066776 in Pomona Court
Space No. 246, 1441 S. Paso Real Avenue, Rowland Heights, CA 91748

Re: Opposition to the Request for Type 47 Alcohol License by NYC Lounge at 18888 Labin Court, Unit C209, Rowland Heights within the Punte Zoned District, at Pearl of the East Plaza

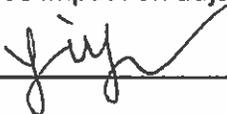
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Signature



Yi Yu

To: Mr. Steve Mar
Los Angeles County Department Of Regional Planning
320 W Temple St. , Los Angeles, CA 90012
From : Wan Ha Tse Ching, Case No. KC067236 in Pomona Court
Space No. 306, 1441 S. Paso Real Avenue, Rowland Heights, CA 91748

Re: Opposition to the Request for Type 47 Alcohol License by NYC Lounge at 18888 Labin Court, Unit C209, Rowland Heights within the Punte Zoned District, at Pearl of the East Plaza

Date: December 19, 2014

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Signature Wan Ha Tse Ching
Wan Ha Tse Ching



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF



Subject: Conditional Use Permit (CUP) Consultation for Sale of Alcohol
Project No.: R2013-03298-(4)
Permit No.: CUP201300164
Establishment: "NYC Lounge"
Location: 18888 Labin Court, Rowland Heights (Pearl of the East Plaza), Unit C209
Description: The applicant is requesting a Conditional Use Permit (CUP) for a Type 47 alcohol license (full line alcohol for on-site consumption) at a restaurant (Eastern Melody) located in an existing shopping center (Pearl of the East Plaza).

(1) Summary of service calls and crime history for the project site over the last five years:

Please provide a summary of service calls and crime history for the project site over the last five years. Provide the total number of service calls, and summarize the types of calls (violent crimes by type, property crimes by type, other activities, etc.). When providing a CFS (Call for Service)/Incident Event report, please provide a redacted version. (These documents are kept in our case files and are subject to public records act requests.)

This is a relatively new location. There have been only calls for alarm activations, one vehicle theft report, and a few disorderly patrons. At this time we have no specific concerns.

(2) Comments/recommended conditions:

Please provide any comments or recommend conditions of approval you feel are necessary to maintain public safety at the project site.

This location is located next to a Motel 6. The motel has been a consistent source of narcotic and criminal activity. We recommend that the locations have security cameras installed inside and outside facing the parking lot. The location is also adjacent to the 60 freeway which could make it a target for burglaries and robberies. We recommend burglary and robbery alarms. We also recommend that if the locations are used in a night club or bar setting in the later hours that a security guard be hired for those evenings.

(3) Overall recommendation (Please check one):

- Sheriff recommends approval of this CUP.
- Sheriff does **NOT** recommend approval of this CUP.

Sincerely,

JIM McDONNELL, SHERIFF

Jeffrey L. Scroggin, Captain
Walnut/Diamond Bar Station

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

A Tradition of Service
— Since 1850 —

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.

- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
- Part 2 is to be completed by the applicant, and returned to ABC.
- Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

(out)

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME

NYC Lounge

2. PREMISES ADDRESS (Street number and name, city, zip code)

18888 Cabin Ct, Ste C208-C209, Rowland Heights

3. LICENSE TYPE

47

4. TYPE OF BUSINESS

- | | | | |
|---|--|--|--|
| <input checked="" type="checkbox"/> Full Service Restaurant | <input type="checkbox"/> Hofbrau/Cafeteria | <input type="checkbox"/> Cocktail Lounge | <input type="checkbox"/> Private Club |
| <input type="checkbox"/> Deli or Specialty Restaurant | <input type="checkbox"/> Comedy Club | <input type="checkbox"/> Night Club | <input type="checkbox"/> Veterans Club |
| <input type="checkbox"/> Cafe/Coffee Shop | <input type="checkbox"/> Brew Pub | <input type="checkbox"/> Tavern: Beer | <input type="checkbox"/> Fraternal Club |
| <input type="checkbox"/> Bed & Breakfast: | <input type="checkbox"/> Theater | <input type="checkbox"/> Tavern: Beer & Wine | <input type="checkbox"/> Wine Tasting Room |
| <input type="checkbox"/> Wine only | <input type="checkbox"/> All | | |

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> Supermarket | <input type="checkbox"/> Membership Store | <input type="checkbox"/> Service Station | <input type="checkbox"/> Swap Meet/Flea Market |
| <input type="checkbox"/> Liquor Store | <input type="checkbox"/> Department Store | <input type="checkbox"/> Convenience Market | <input type="checkbox"/> Drive-in Dairy |
| <input type="checkbox"/> Drug/Variety Store | <input type="checkbox"/> Florist/Gift Shop | <input type="checkbox"/> Convenience Market w/Gasoline | |
| <input type="checkbox"/> Other - describe: | | | |

5. COUNTY POPULATION

6. TOTAL NUMBER OF LICENSES IN COUNTY

7. RATIO OF LICENSES TO POPULATION IN COUNTY

On-Sale Off-Sale 1:7005109 On-Sale Off-Sale

8. CENSUS TRACT NUMBER

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

4082.11 5 On-Sale Off-Sale 67 On-Sale Off-Sale

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

- Yes, the number of existing licenses exceeds the number allowed
 No, the number of existing licenses is lower than the number allowed

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

- Yes (Go to Item #13) No (Go to Item #20)

Warrent SS

13. CRIME REPORTING DISTRICT NUMBER

14. TOTAL NUMBER OF REPORTING DISTRICTS

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

29.31 557 47,758

16. AVERAGE NO. OF OFFENSES PER DISTRICT

17. 120% OF AVERAGE NUMBER OF OFFENSES

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

85.7 103 303

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

- Yes, the total number of offenses in the reporting district equals or exceeds the total number in Item #17
 No, the total number of offenses in the reporting district is lower than the total number in Item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

- a. If "No" is checked in both Item #11 and Item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.
- b. If "Yes" is checked in either Item #11 or Item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.
- c. If "Yes" is checked in either Item #11 or Item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Signature and date: 5/3/16

Governing Body/Designated Subordinate Name:

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

DW 5/19/16



ROWLAND HEIGHTS COMMUNITY COORDINATING COUNCIL

"IMPROVING OUR COMMUNITY"

WWW.ROWLAND-HEIGHTS.ORG

August 30, 2014

P.O. Box 8171
Rowland Heights
California 91748
Email:
rhccc4RH@gmail.com

County of Los Angeles | Department of Regional Planning
Zoning Permits East Section
320 West Temple Street, Room 1346
Los Angeles, CA 90012

President
Kingdon Chew

Attn: Mr. Steve Mar

Vice President
David Koo
Henry Woo

Re:

Recording secretary
DeAnn Joyce

CUP 201300281: ~~Easton Melody~~ Restaurant – CUP for on-site full line
alcohol (NYC Lounge)

Corresp. Secretary
John Grant

Dear Mr. Mar:

Treasurer
Carla Sanchez

After the owner's representative presented to the RHCCC, we would like to make our recommendation to the County that the subject establishment be allowed to serve alcoholic beverage up to one hour before their normal closing time as permitted by County.

Historian
Charles Liu

Past President
Ted Ebenkamp

Henry Woo
Community Improvement & Development Committee
RHCCC