

# Hearing Officer Transmittal Checklist

<b>Hearing Date</b> 2/16/16
<b>Agenda Item No.</b> 7

**Project Number:** R2015-02101-(4)  
**Case(s):** Conditional Use Permit Case No. 201500082  
**Planner:** Richard Claghorn

- 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

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**Reviewed By:**  \_\_\_\_\_



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

**PROJECT NUMBER**  
 R2015-02101-(4)

**HEARING DATE**  
 February 16, 2016

**REQUESTED ENTITLEMENTS**

Conditional Use Permit No. 201500082  
 Environmental Assessment No. 201500140

**PROJECT SUMMARY**

**OWNER / APPLICANT**

Rowland Ranch Properties LLC / The Boiling Crab Restaurant

**MAP/EXHIBIT DATE**

December 22, 2015

**PROJECT OVERVIEW**

The applicant, The Boiling Crab Restaurant, is requesting a Conditional Use Permit ("CUP") to authorize the sale of beer and wine for on-site consumption related to a restaurant within the M-1.5-BE (Restricted Heavy Manufacturing-Billboard Exclusion Zone) Zone. A CUP is required in the M-1.5 Zone for alcoholic beverage sales, pursuant to Section 22.32.140 of the Los Angeles County Code. The Boiling Crab Restaurant has a current CUP for beer and wine for another unit in the same shopping center, but a new CUP is needed because the restaurant is being relocated. The property is located in the Puente Zoned District.

**LOCATION**

18922 East Gale Avenue, Rowland Heights

**ACCESS**

Gale Ave.

**ASSESSORS PARCEL NUMBER(S)**

8264-021-014

**SITE AREA**

6.56 Acres

**GENERAL PLAN / LOCAL PLAN**

Rowland Heights Community Plan

**ZONED DISTRICT**

Puente

**LAND USE DESIGNATION**

Industrial

**ZONE**

M-1.5-BE (Restricted Heavy Manufacturing-Billboard Exclusion Zone)

**PROPOSED UNITS**

N/A

**MAX DENSITY/UNITS**

N/A

**COMMUNITY STANDARDS DISTRICT (CSD)**

Rowland Heights

**ENVIRONMENTAL DETERMINATION (CEQA)**

Class 1 Categorical Exemption – Existing Facilities

**KEY ISSUES**

- Consistency with the Los Angeles County General Plan & Rowland Heights Community 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)
  - 22.56.195 (Alcoholic beverage sales requirements)
  - 22.44.132 (Rowland Heights Community Standards District)

**CASE PLANNER:**

Richard Claghorn

**PHONE NUMBER:**

(213) 974 – 6443

**E-MAIL ADDRESS:**

rclaghorn@planning.lacounty.gov

Rowland Industry Heights

**Project Site**

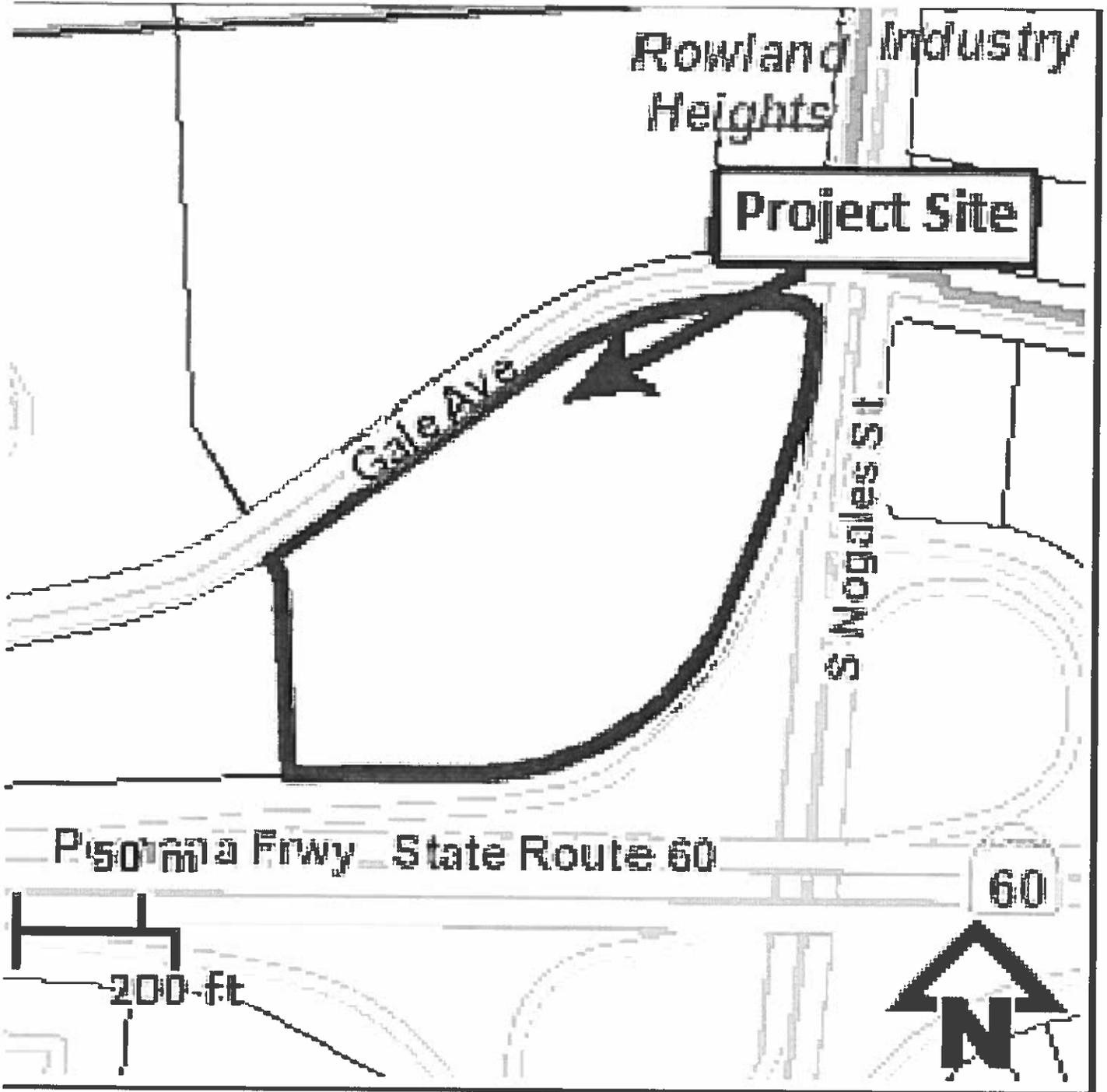
Gale Ave

S Nogales St

Pico Rivera Frwy State Route 60

60

200-ft



### **ENTITLEMENTS REQUESTED**

- Conditional Use Permit 201500082 is required for the sale of beer and wine for on-site consumption in a restaurant in the M-1.5-BE (Restricted Heavy Manufacturing-Billboard Exclusion) Zone. A Conditional Use Permit (“CUP”) is required for the sale of alcoholic beverages in the M-1.5 Zone, pursuant to Sections 22.32.140 and 22.56.195 of the Los Angeles County Code.

### **PROJECT DESCRIPTION**

The permittee, the Boiling Crab restaurant (“permittee”), is requesting authorization for the sale of beer and wine for on-site consumption related to a restaurant (“Project”) located at 18922 East Gale Avenue within the Mandarin Plaza shopping center (“Project Site”), in the unincorporated community of Rowland Heights, within the M-1.5-BE Zone. The proposed restaurant hours are 9:00 a.m. to 12:00 a.m. (midnight), seven days per week. A small narrow strip along Nogales Street in the northeast part of the Project Site is in the B-1 (Buffer) Zone, but the rest of the parcel is in the M-1.5-BE zone, including all of the buildings and all of the parking spaces. A CUP is required in the M-1.5 Zone for alcoholic beverage sales, pursuant to Section 22.32.140 of the Los Angeles County (“County”) Code. A CUP (CUP 201300142) was approved on February 4, 2014 for beer and wine sales at the Boiling Crab’s current location (18902 East Gale Avenue) within the same shopping center, which expires on February 4, 2029. A new CUP is needed because the Boiling Crab restaurant will be relocating to a different unit. The new location of the Boiling Crab was previously a restaurant known as Coconut Bay, which had a license from the Department of Alcoholic Beverage Control (“ABC”) for a full line of alcoholic beverage sales for on-site consumption. ABC records show that Coconut Bay’s ABC license was surrendered as of August 31, 2015.

### **SITE PLAN DESCRIPTION**

The site plan for the Project depicts the Project Site, Assessor’s Parcel Number (“APN”) 8264-021-014, a 6.56 acre parcel which contains the Mandarin Plaza shopping center, which consists of six separate buildings with a total area of 58,546 square feet. The Boiling Crab restaurant will occupy the 11,430 square foot unit at the east end of the largest building, which was previously the Coconut Bay restaurant but is currently vacant. The site plan includes a parking analysis table listing each of the 25 businesses on the property and the area of each in square feet, along with the occupancy loads for each restaurant and the required parking for each business. Thirteen of the 25 businesses are restaurants. The occupancy load of the new Boiling Crab is 345, with 115 required parking spaces. The existing Boiling Crab is in a 6,108 square foot building on the south part of the Project Site which has an occupancy load of 199, with 66 parking spaces required. The new tenant of the existing Boiling Crab unit is not yet known, but it will presumably be another restaurant. The total parking requirement for the entire shopping center is 488. The number of parking spaces provided is 493.

### **EXISTING ZONING**

The Project Site is zoned M-1.5-BE and B-1.

Surrounding properties within 600 feet are zoned as follows:

- North: M-1.5-BE, B-1, City of Industry
- South: C-3-BE (General Commercial-Billboard Exclusion), R-3-12U (Limited Multiple Residence-12 Dwelling Units Per Acre)
- East: M-1.5-BE, B-1
- West: M-1.5-BE

### **EXISTING LAND USES**

The Project Site is developed with the Mandarin Plaza shopping center.

Surrounding properties within 600 feet are developed as follows:

- North: 99 Ranch Market shopping center, recycling center, distribution center
- South: freeway, mobile home park, Pearl of the East shopping center, motel, restaurant, single-family residences
- East: gas station, car wash, mini mart, psychic, auto repair, public storage, warehouse, industrial, utility
- West: motel

### **PREVIOUS CASES/ZONING HISTORY**

The Project Site was zoned A-1-10,000 (Light Agricultural, 10,000 Square Foot Minimum Required Lot Area) by Ordinance 5122, effective June 24, 1948. It was rezoned to M-1.5 by Ordinance 6651, effective May 15, 1955, except for a narrow strip in the northeast part of the site, which was zoned B-1. Ordinance 9388, effective September 1, 1967, slightly expanded the M-1.5 zoned area on the south part of the site based on a change to the freeway alignment and parcel boundary. The shopping center that is now known as Mandarin Plaza was originally approved by the Los Angeles County Department of Regional Planning ("DRP") under Plot Plan 32580 on June 12, 1984. It was then known as Rowland Heights II Shopping Center and was modified through later approvals, although the basic property layout has remained essentially the same. The zoning of the M-1.5 zoned portion of the site was changed to M-1.5-BE under Ordinance 86-00962, effective July 11, 1986. On October 30, 1991, Plot Plan 32580 was approved for a restaurant in the former Coconut Bay unit, which had an occupancy load of 352 persons. CUP 96-024 was approved for beer and wine sales within the restaurant where the current Boiling Crab is now located, at 18902 East Gale Avenue, on July 10, 1996. Tenant improvements and signage to convert this restaurant space into the Boiling Crab were approved under Plot Plan 201000055 on August 31, 2010. CUP 201300142 was approved for continued beer and wine sales in the current Boiling Crab restaurant on February 4, 2014. Plot Plan 201500068 was approved on May 5, 2015 for tenant improvements for the proposed Boiling Crab restaurant in the former Coconut Bay restaurant space, with a floor area of 11,430 square feet and an occupant load of 345. There was no previous CUP for the former Coconut Bay unit, but an ABC license was issued for it before the CUP requirement became effective on October 9, 1992. A full line (Type 47) ABC license was issued on October 6, 1992 for this unit, which remained active until it was recently surrendered and cancelled. It was surrendered as of August 31, 2015 and the business has closed.

## ENVIRONMENTAL DETERMINATION

County Staff recommends that this project qualifies 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. The Project does not involve any expansion of the previous use or any new development and is only to reopen the restaurant and renew the sale of alcoholic beverages.

## STAFF EVALUATION

### General Plan/Community Plan Consistency

The project site is located within the Industrial land use category of the Rowland Heights Community General Plan ("Community Plan"). This designation is intended for manufacturing, warehousing, and heavy commercial uses. The Project involving beer and wine sales within a restaurant is consistent with the Community Plan.

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

- *General Plan Land Use Element Policy 5.2: "Encourage a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs."*

The Boiling Crab restaurant will be relocated to a new and larger unit within the same shopping center which was previously occupied by another restaurant, and it will continue to sell beer and wine for on-site consumption within the larger restaurant. The previous occupant of this space, Coconut Bay, offered a full line of alcoholic beverages, so the Boiling Crab will be a less intense use than the previous tenant in terms of the range of alcoholic beverages offered. This permit would allow the restaurant to continue to offer a wide range of beverage options to its customers in its new location, and will include appropriate conditions.

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

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

The restaurant is located within an established shopping center adjacent to the Pomona Freeway (State Route 60) and Nogales Street, a Major Highway, in a location appropriate for such uses. This location is consistent with the policies of the Community Plan for such uses.

### Zoning Ordinance and Development Standards Compliance

Sales of alcoholic beverages in the M-1.5 Zone are allowed with a CUP, pursuant to Section 22.32.140, subject to the requirements of Section 22.56.195 of the County Code. The restaurant has an occupancy load of 345 persons based on the Building and Safety determination done for Plot Plan 201500068, approved on May 5, 2015 for the

tenant improvements associated with the relocation of the Boiling Crab into its new location. Based on the occupant load, 115 parking spaces are required for this use. Parking for this use is calculated at a ratio of one parking space per 3 occupants, pursuant to Section 22.52.1110 of the County Code. The occupant load of Coconut Bay was 352, so the unit will require two fewer parking spaces than before. The site plan depicts 493 parking spaces on the Project Site. The total number of parking spaces required on the entire Project Site is 488, based on the parking analysis of the current uses of the property, including the Project. Retail and general commercial uses in the shopping center have their parking requirements calculated based on the standards that were in effect when the center was approved in 1984, one parking space per 400 square feet. The existing buildings were established prior to the establishment on October 16, 1988 of the current one space per 250 square foot standard for commercial uses. This permit does not propose any physical changes to the site and is only to authorize sales of beer and wine for on-site consumption within the restaurant.

#### Site Visit

A site visit was conducted on August 6, 2015 by DRP staff. The Project Site was found to be consistent with the site plan.

#### Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.040 and 22.56.195.B of the County Code. The Burden of Proof statements with the applicant's responses are attached. Staff is of the opinion that the applicant has met the burden of proof requirements. The restaurant provides another dining option for the community and will not endanger or jeopardize the general welfare as long as it is operated according to the applicable regulations and requirements, including the CUP conditions, requirements of the Sheriff's Department and requirements of the Department of Alcoholic Beverage Control. 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 restaurant is consistent with other uses in the area and the previous restaurant with a full line of alcohol in the same unit did not adversely affect the surrounding area, nor has the existing Boiling Crab restaurant in the same shopping center, based on the Sheriff's letter. The new tenant will accept and abide by all conditions and requirements. 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 493 parking spaces. The subject parcel is 6.46 acres. The commercial center was legally established in 1984 pursuant to Plot Plan 32580 and met all applicable development features at the time of approval. Based on the analysis of current uses, 488 parking spaces are required for the Project Site, including 115 spaces for the subject restaurant. 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 2012 County Bicycle Master Plan. Sidewalks are located 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 600 feet of the subject property. The Project is buffered from residential uses by the Pomona Freeway and by surrounding commercial and industrial uses, so no residential areas would be adversely impacted by the Project. According to the available records there are six businesses currently selling alcoholic beverages on the subject property or within 500 feet of the property, including four restaurants and two markets. This does not include Coconut Bay, which is currently closed and has a cancelled ABC license. Although there are other businesses with on-site and off-site alcohol sales within 500 feet, it is not considered an undue concentration of establishments selling alcoholic beverages because no off-site sales are proposed. Since another restaurant in the same unit, Coconut Bay, had a full line of alcohol sales at this location for approximately 23 years, the restaurant use with alcohol sales is well established at this site and is suitable for this location. The current Boiling Crab restaurant has also operated without any reported problems or violations. The Sheriff's Department was consulted with regard to this Project and recommends approval of the CUP. The requested use will not adversely affect the economic welfare of the surrounding community. It will provide jobs and will bring tax revenue and income into the community and will reopen a currently vacant establishment. The exterior appearance of the structure will be consistent with the structures in the surrounding area. Tenant improvements are proposed to the existing structure's interior, but the exterior will not change significantly. New signage will be consistent with the approved sign program and Rowland Heights Community Standards District requirements.

#### Neighborhood Impact/Land Use Compatibility

The intended restaurant use is consistent with the existing zoning and land use category and the historic use of this restaurant space, which had a full line of alcohol sales for the previous restaurant tenant beginning in 1992 until about 2015. Relocating of the Boiling Crab restaurant use will allow it to expand, and will give area residents and visitors another place to enjoy beer and wine with their meals. The Pomona Freeway located to the south buffers the site from residential uses. The nearest residential use is a mobile home park approximately 350 feet to the southwest, on the opposite side of the freeway. There is a single-family residential neighborhood over 600 feet to the southeast, also on the opposite side of the freeway. There are no places used exclusively for religious worship, schools, parks, playgrounds, or similar uses within 600 feet of the Project Site.

### **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

Staff received a letter from the Los Angeles County Sheriff ("Sheriff") dated August 7, 2015, which contained a recommendation of approval for this CUP. The letter indicates that the Sheriff has no specific concerns about the property and that there have only been calls for alarm activations and routine calls.

### **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. All neighboring property owners within 500 feet of the Project Site were notified by mail, including 14 different owners. Additionally, the case materials were available on Regional Planning's website and at the Rowland Heights Library. A total of 12 Notices of Public Hearing were mailed to those on the courtesy mailing list for the Puente Zoned District and a notice was sent to the State of California Department of Alcoholic Beverage Control.

### **PUBLIC COMMENTS**

Staff has received no comments from members of the public at this 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 Number R2015-02101, Conditional Use Permit Number 201500082, 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 201500082 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.**

Prepared by Richard Claghorn, Principal Regional Planning Assistant, Zoning Permits North Section

Reviewed by Rob Glaser, Supervising Regional Planner, Zoning Permits North Section

RG:RC  
2/3/16

**DRAFT FINDINGS AND ORDER  
OF THE HEARING OFFICER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2015-02101-(4)  
CONDITIONAL USE PERMIT NO. 201500082**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing on February 16, 2016, in the matter of Project No. R2015-02101-(4), Conditional Use Permit No. 201500082 ("CUP").
2. The permittee, the Boiling Crab restaurant ("permittee"), requests a CUP to authorize the sale of beer and wine for onsite consumption within an existing restaurant unit ("Project") located at 18922 East Gale Avenue in the unincorporated community of Rowland Heights ("Project Site") in the M-1.5-BE (Restricted Heavy Manufacturing-Billboard Exclusion) Zone pursuant to County Code Sections 22.32.140 and 22.56.195. The proposed restaurant hours are 9:00 a.m. to 12:00 a.m. (midnight), seven days per week.
3. The Project Site is a 6.56 acre parcel which contains the Mandarin Plaza shopping center, which consists of six separate buildings with a total area of 58,546 square feet. The Boiling Crab restaurant will occupy the east portion of the main building near Gale Avenue on the north part of the parcel in a unit that was previously the Coconut Bay restaurant but is currently vacant. The Assessor's Parcel Number (APN) is 8264-021-014. The Project Site is irregular in shape and is located at the southwest corner of Gale Avenue and Nogales Street and abuts the Pomona Freeway, which is immediately to the south of the parcel. The site is mostly flat with only a slight slope.
4. The Project Site is located in the Puente Zoned District and is zoned M-1.5-BE, except for a small narrow strip along Nogales Street in the northeast part of the Project Site, which is in the B-1 (Buffer) Zone. The subject restaurant and all buildings and parking spaces on the property are within the M-1.5-BE Zone.
5. The Project Site is located within the Industrial land use category of the Rowland Heights Community General Plan ("Community Plan") Land Use Policy Map.
6. Surrounding Zoning within a 600-foot radius includes:
  - North: M-1.5-BE, B-1 (Buffer)
  - South: C-3-BE (General Commercial-Billboard Exclusion), R-3-12U (Limited Multiple Residence-12 Dwelling Units Per Acre)
  - East: M-1.5-BE, B-1
  - West: M-1.5-BE
7. Surrounding land uses within a 600-foot radius include:
  - North: 99 Ranch Market shopping center, recycling center, distribution center

South: freeway, mobile home park, Pearl of the East shopping center, motel, restaurant, single-family residences  
East: gas station, car wash, mini mart, psychic, auto repair, public storage, warehouse, industrial, utility  
West: motel

8. The Project Site is accessible via Gale Avenue to the north.
9. The Sheriff recommended approval of this Project in a letter from August 7, 2015. The letter indicates that the Sheriff has no specific concerns about the property and that there have only been calls for alarm activations and routine calls.
10. The occupant load for the restaurant, as determined by the Department of Public Works Building and Safety Division, is 345 persons. The occupant load was previously calculated as 352 persons in 1991.
11. The Project Site was zoned A-1-10,000 (Light Agricultural, 10,000 Square Foot Minimum Required Lot Area) by Ordinance 5122, effective June 24, 1948. It was rezoned to M-1.5 by Ordinance 6651, effective May 15, 1955, except for a narrow strip in the northeast part of the site, which was zoned B-1. Ordinance 9388, effective September 1, 1967, slightly expanded the M-1.5 zoned area on the south part of the site based on a change to the freeway alignment and parcel boundary. The zoning of the M-1.5 zoned portion of the site was changed to M-1.5-BE under Ordinance 86-00962, effective July 11, 1986.
12. The shopping center that is now known as Mandarin Plaza was originally approved by the Los Angeles County Department of Regional Planning ("DRP") under Plot Plan 32580 on June 12, 1984. It was then known as Rowland Heights II Shopping Center and was modified through later approvals, although the basic property layout has remained essentially the same. On October 30, 1991, Plot Plan 32580 was approved for a restaurant in the former Coconut Bay unit, which had an occupancy load of 352 persons. CUP 96-024 was approved for beer and wine sales within the restaurant where the current Boiling Crab is now located, at 18902 East Gale Avenue, on July 10, 1996. Tenant improvements and signage to convert this restaurant space into the Boiling Crab were approved under Plot Plan 201000055 on August 31, 2010. CUP 201300142 was approved for continued beer and wine sales in the current Boiling Crab restaurant on February 4, 2014. Plot Plan 201500068 was approved on May 5, 2015 for tenant improvements for the proposed Boiling Crab restaurant in the former Coconut Bay restaurant space, with a floor area of 11,430 square feet and an occupant load of 345. There was no previous CUP for the former Coconut Bay unit, but an ABC license was issued for it before the CUP requirement became effective on October 9, 1992. A full line (Type 47) ABC license was issued on October 6, 1992 for this unit, which remained active until it was recently surrendered and cancelled. It was surrendered as of August 31, 2015 and the business has closed.

13. Regional Planning staff determined that the Project qualifies 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 involves the sale of alcoholic beverages in an existing restaurant.
14. 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 hearing by mail, newspaper, and property posting.
15. No comments have been received from the public at this time.
16. [Hearing Proceedings] *To be inserted after the public hearing to reflect hearing proceedings.*
17. The Hearing Officer finds that the Project is consistent with the goals and policies of the Los Angeles County General Plan ("General Plan"). The Project is located within the Rowland Heights Community General Plan ("Community Plan"), a component of the General Plan. Both the General Plan and the Community Plan contain policies to ensure compatibility of development with the surrounding area. General Plan *Land Use Element Policy 5.2 is to "Encourage a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs."* The Boiling Crab restaurant will be relocated to a new and larger unit within the same shopping center which was previously occupied by another restaurant, and it will continue to sell beer and wine for on-site consumption within the larger restaurant. The previous occupant of this space, Coconut Bay, offered a full line of alcoholic beverages, so the Boiling Crab will be a less intense use than the previous tenant in terms of the range of alcoholic beverages offered. This permit would allow the restaurant to continue to offer a wide range of beverage options to its customers in its new location, and will include appropriate conditions.
18. The Hearing Officer finds that the Community Plan also contains a policy relevant to the Project. Policy No. 2 of the Noise section (Page 29) is to "encourage the location of commercial and industrial structures where appropriate along freeway and highway routes." The restaurant is located adjacent to the Pomona Freeway (State Route 60) and Nogales Street, a Major Highway, in a location appropriate for such uses. This location is consistent with the policies of the Community Plan.
19. The Hearing Officer finds that the proposed use is consistent with the M-1.5-BE zoning classification because the sale of alcoholic beverages is permitted within the M-1.5 Zone with a CUP pursuant to Sections 22.32.140 and 22.56.195 of the County Code.
20. The Hearing Officer finds that the Project satisfies the Conditional Use Permit Burden of Proof findings in Section 22.56.040 and the additional alcohol burden of proof findings in Section 22.56.195B of the County Code.

21. The Hearing Officer finds that the Project will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the Project Site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, and general welfare. The restaurant provides another dining option for the community and will not endanger or jeopardize the general welfare as long as it is operated according to the applicable regulations and requirements, including the CUP conditions, requirements of the Sheriff's Department and requirements of the Department of Alcoholic Beverage Control. 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 restaurant is consistent with other uses in the area and the previous restaurant with a full line of alcohol in the same unit did not adversely affect the surrounding area, nor has the existing Boiling Crab restaurant in the same shopping center, based on the Sheriff's letter. The new tenant will accept and abide by all conditions and requirements.
  
22. The Hearing Officer finds that the Project Site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping, and other development features as is required in order to integrate the Project into the surrounding area. The Boiling Crab restaurant is located in a 58,546-square-foot commercial center with 493 parking spaces. The subject parcel is 6.46 acres. The commercial center was legally established in 1984 pursuant to Plot Plan 32580 and met all applicable development features at the time of approval. Based on the analysis of current uses, 488 parking spaces are required, including 115 spaces for the subject restaurant.
  
23. The Hearing Officer finds that the Project is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such uses would generate, and by other public or private facilities as are required. 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 2012 County Bicycle Master Plan. Sidewalks are located along Gale Avenue and Nogales Street.
  
24. The Hearing Officer finds 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 used exclusively for religious worship, schools, parks, playgrounds, or any similar use within 600 feet of the subject property.
  
25. The Hearing Officer finds 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 Project is buffered from residential uses by the Pomona Freeway and by surrounding commercial and industrial uses, so no residential areas would be adversely impacted by the Project. The nearest residential use is a mobile home park approximately 350 feet to the southwest, on

the opposite side of the freeway. There is a single-family residential neighborhood over 600 feet to the southeast, also on the opposite side of the freeway.

26. The Hearing Officer finds that the requested use at the proposed location will not result in an undue concentration of similar premises. According to the available records there are six businesses currently selling alcoholic beverages on the subject property or within 500 feet of the property, including four restaurants and two markets. This does not include Coconut Bay, which is currently closed and has a cancelled ABC license. Although there are other businesses with on-site and off-site alcohol sales within 500 feet, it is not considered an undue concentration of establishments selling alcoholic beverages because no off-site sales are proposed. Since another restaurant in the same unit, Coconut Bay, had a full line of alcohol sales at this location for approximately 23 years, the restaurant use with alcohol sales is well established at this site and is suitable for this location. The current Boiling Crab restaurant has also operated without any reported problems or violations. The Sheriff's Department was consulted with regard to this Project and recommends approval of the CUP.
27. The Hearing Officer finds that the requested use will not adversely affect the economic welfare of the nearby community. The reopening of this business is expected to have a positive economic effect on the community. It will provide jobs and will bring tax revenue and income into the community and will reopen a currently vacant establishment.
28. The Hearing Officer finds that the exterior appearance of the structure will not be inconsistent with the exterior appearance of other commercial structures in the vicinity, and that it will not cause blight or deterioration or substantially diminish or impair property values in the neighborhood. The exterior appearance of the structure will be consistent with the structures in the surrounding area. Tenant improvements are proposed to the existing structure's interior, but the exterior will not change significantly. New signage will be consistent with the approved sign program and Rowland Heights Community Standards District requirements.
29. The Hearing Officer finds that it is necessary to limit the term of the grant to fifteen (15) years to assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses.
30. The Hearing Officer finds that 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. All neighboring property owners within 500 feet of the Project Site were notified by mail, including 14 different owners. Additionally, the case materials were available on Regional Planning's website and at the Rowland Heights Library. A total of 12 Notices of Public Hearing were mailed to those on the courtesy mailing list for the Puente Zoned District and a notice was sent to the State of California Department of Alcoholic Beverage Control.

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 North 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 and Community 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 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 because the use does not include any sales of alcoholic beverages for off-site consumption.
- H. The requested use at the proposed location will not adversely affect the economic welfare of the nearby 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 the neighborhood.

**THEREFORE, THE HEARING OFFICER:**

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15303 of the State CEQA Guidelines (Class 1, Existing Facilities); and
2. Approves Conditional Use Permit No. 201500082, subject to the attached conditions.

**ACTION DATE: February 16, 2016**

RG:RC  
February 3, 2016

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2015-02101-(4)  
CONDITIONAL USE PERMIT NO. 201500082**

**PROJECT DESCRIPTION**

The project is a Conditional Use Permit to authorize the sale of beer and wine for onsite consumption within a restaurant subject to the following conditions:

**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 Conditions No. 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 10 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 16, 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 CUP 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. For the purposes of this provision, the sale of alcoholic beverages 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 the County Fire Department 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 conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **four (4) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by **May 2, 2016**.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **four (4) copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". 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. This grant shall authorize the sale of beer and wine for on-site consumption in association with a restaurant.
20. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.
21. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Part 10 of Chapter 22.52 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.
22. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control (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.

23. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures.
24. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
25. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public.
26. There shall be no consumption of alcoholic beverages outside the designated areas of the subject restaurant 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.

**PROJECT SITE SPECIFIC CONDITIONS**

30. This grant authorizes the sale of alcoholic beverages from 9:00 a.m. to 12:00 a.m. (midnight) seven days per week. If more restrictive hours of operation requirements are imposed by ABC, then the more restrictive hours shall be observed.
31. Food service shall be continuously provided during operating hours.
32. No live entertainment, dancing, or dance floor is authorized in or outside the premises.



## 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.)*

<p><b>A. That the requested use at the location will not:</b></p> <ol style="list-style-type: none"> <li>1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or</li> <li>2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or</li> <li>3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.</li> </ol>
Please see attached.
<p><b>B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.</b></p>
Please see attached
<p><b>C. That the proposed site is adequately served:</b></p> <ol style="list-style-type: none"> <li>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</li> <li>2. By other public or private service facilities as are required.</li> </ol>
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 proposed Boiling Crab restaurant is in the former Coconut Bay restaurant space at the east end of the main 33,100 square foot building on the north side of the subject property containing a mixture of retail and restaurant uses. It fronts on Gale Avenue and has its entrance on the side oriented toward the parking lot. The total area of all buildings on the lot is 58,546 square feet. Five restaurants are spaced along the curving southerly perimeter of the property in four separate buildings and include, from east to west, a Burger King restaurant, M & T Seafood Village restaurant, The Boiling Crab restaurant's old tenant space from which they are relocating (18902 E. Gale Avenue approved under CUP 201300142), Baek Jeong Korean BBQ (CUP 201100145 at 18900-A E. Gale Avenue), and Kingswood Teppanyaki restaurant (18900-B E. Gale Avenue). Four of these five restaurants sell beer and wine for onsite consumption (all except Burger King). The two restaurants at 18900 E. Gale share the same building.

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 on previous Conditional Use Permits on the site, 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 historic use on the site will have no adverse impacts on said areas.

Note that there have been no violations or citations on the ABC license for Boiling Crab at their current tenant space since 2009. Also please note that there have been no complaints submitted to the Planning Department in all of these years and that the applicant has shown a strong history of quality operation and 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.**

The Boiling Crab received approval for RPP 201500068 under Site Plan Review R2015-00248. Stamped plans are being submitted for this application filing for consistency. There are 488 parking spaces required and 493 provided. The Determination of Occupancy was established at 345 occupants. There were no changes in the 51,018 square-foot of on-site landscaping (18% of the total subject site). The applicant is completing the building permit process currently.

**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.



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

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

Please see attached.

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

Please see attached.

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

Please see attached.

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

Please see attached.

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

Please see attached.

**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 1992 and under The Boiling Crab on the same property since 2009 without incident or negatively impacting the community. Since this application is merely to relocate and expand the existing Boiling Crab with beer and wine sales into the Coconut Bay location which had full liquor, and since the intensity of use on the site will be reduced from full alcohol to just beer and wine, there will be no increase in concentration.

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

18922 E. Gale Ave

Boiling Crab



**APEX LA**

5419 Hollywood Boulevard, Suite C747

Los Angeles, CA 90027

[www.apex-la.com](http://www.apex-la.com)

# Index Map



1. Subject site – new location occupying Coconut Bay tenant space



2. Subject site – corner view.



3. Looking easterly along E. Gale Avenue (proposed tenant space on the right).



4. Driveway entrance into the shopping center (proposed tenant space on right).



5. Looking westerly along Gale (proposed tenant space on the left).



6. Looking north from the site at the shopping center across Gale.



7. Previous tenant space for Boiling Crab on the subject site.



8. Restaurant pad on site – Rowland Palace.



9. Baekjeong restaurant pad on property.



10. Southerly frontage of the commercial building fronting Gale Avenue.



11. 60 Freeway entrance to Nogales. The 60 Freeway abuts the subject site to the south.





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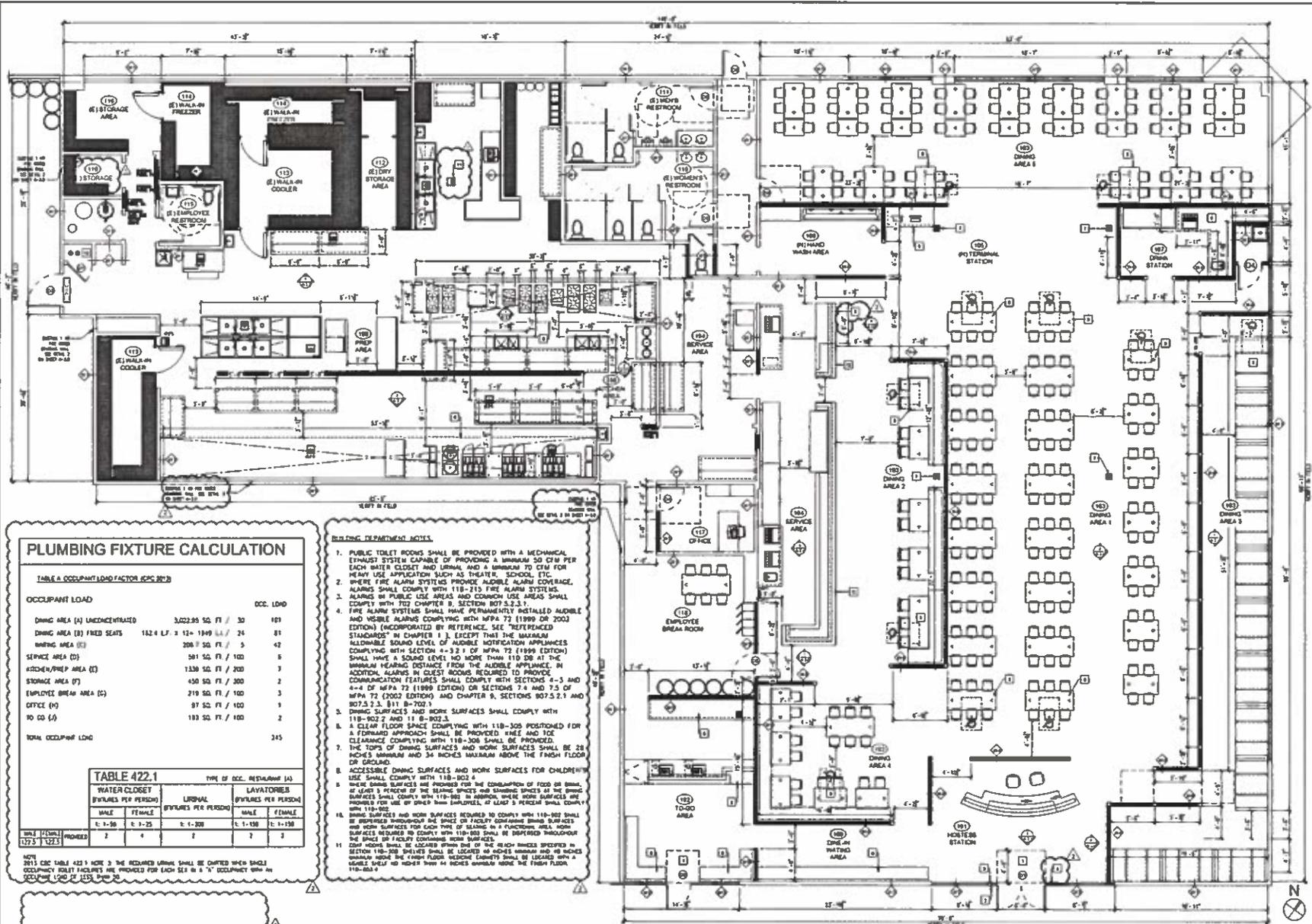
Printed: Jan 26, 2016

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**PLUMBING FIXTURE CALCULATION**

TABLE A OCCUPANT LOAD FACTOR (PLUMBING)

OCCUPANT LOAD	OCC. LOAD	
DINING AREA (A) UNCONCENTRATED	3,022.95 SQ. FT. / 30	101
DINING AREA (B) FIXED SEATS	112.4 LF x 12 = 1349 sq. ft.	47
BAR/GRILL AREA (C)	208.7 SQ. FT. / 5	42
SERVICE AREA (D)	581 SQ. FT. / 100	6
KITCHEN/PAEP AREA (E)	1330 SQ. FT. / 200	7
STORAGE AREA (F)	450 SQ. FT. / 300	2
EMPLOYEE BREAK AREA (G)	219 SQ. FT. / 100	3
OFFICE (H)	87 SQ. FT. / 100	1
TO GO (I)	183 SQ. FT. / 100	2
<b>TOTAL OCCUPANT LOAD</b>		<b>245</b>

**TABLE 422.1** TYPE OF OCC. RESTAURANT (A)

WATER CLOSET (FIXTURES PER PERSON)		LAVATORIES (FIXTURES PER PERSON)	
MALE	FEMALE	MALE	FEMALE
c. 1-30	c. 1-25	c. 1-300	c. 1-150
c. 1-150	c. 1-125	c. 1-150	c. 1-120

NOTE: THIS TABLE APPLIES TO THE REQUIRED NUMBER OF TOILETS WHICH SHALL BE PROVIDED FOR EACH SEX IN A OCCUPANT LOAD OF 100 OR MORE.

**BUILDING DEPARTMENT NOTES**

- PUBLIC TOILET ROOMS SHALL BE PROVIDED WITH A MECHANICAL EXHAUST SYSTEM CAPABLE OF PROVIDING A MINIMUM 50 CFM PER EACH WATER CLOSET AND LAVATORY AND A MINIMUM 75 CFM FOR HEAVY USE APPLICATIONS SUCH AS THEATRE, SCHOOL, ETC.
- WHERE FIRE ALARM SYSTEMS PROVIDE AUDIBLE ALARM COVERAGE, ALARMS SHALL COMPLY WITH 118-215 FIRE ALARM SYSTEMS.
- ALARMS IN PUBLIC USE AREAS AND COMMON USE AREAS SHALL COMPLY WITH 702 CHAPTER 9, SECTION 907.5.2.1.
- FIRE ALARM SYSTEMS SHALL HAVE PERMANENTLY INSTALLED AUDIBLE AND VISIBLE ALARMS COMPLYING WITH NFPA 72 (1999 OR 2003 EDITION) (INCORPORATED BY REFERENCE, SEE "REFERENCED STANDARDS" IN CHAPTER 1.1), EXCEPT THAT THE MAXIMUM ALARMABLE SOUND LEVEL OF AUDIBLE NOTIFICATION APPLIANCES COMPLYING WITH SECTION 9-3.2.1 OF NFPA 72 (1999 EDITION) SHALL HAVE A SOUND LEVEL NO MORE THAN 110 DB AT THE MINIMUM HEARING DISTANCE FROM THE AUDIBLE APPLIANCE. IN ADDITION, ALARMS IN GUEST ROOMS REQUIRED TO PROVIDE COMMUNICATION FEATURES SHALL COMPLY WITH SECTIONS 4-3 AND 4-4 OF NFPA 72 (1999 EDITION) OR SECTIONS 7.4 AND 7.5 OF NFPA 72 (2002 EDITION) AND CHAPTER 9, SECTIONS 907.5.2.1 AND 907.5.2.3. 111 8-702.1
- DINING SURFACES AND WORK SURFACES SHALL COMPLY WITH 118-902.2 AND 11 8-902.3.
- A CLEAR FLOOR SPACE COMPLYING WITH 118-305 POSITIONED FOR A FORWARD APPROACH SHALL BE PROVIDED. FREE AND TIE CLEARANCE COMPLYING WITH 118-308 SHALL BE PROVIDED.
- THE TOPS OF DINING SURFACES AND WORK SURFACES SHALL BE 28 INCHES MAXIMUM AND 34 INCHES MAXIMUM ABOVE THE FINISH FLOOR OR CEILING.
- ACCESSIBLE DINING SURFACES AND WORK SURFACES FOR CHILDREN USE SHALL COMPLY WITH 118-902.3.
- WHERE DINING SURFACES ARE PROVIDED FOR THE CONSUMPTION OF FOOD OR BEVERAGES, AT LEAST 1/3 OF THE DINING SPACES AND DINING SPACES AT THE DINING SURFACES SHALL COMPLY WITH 118-902.3. IN ADDITION, WHERE WORK SURFACES ARE PROVIDED FOR USE OF OTHER THAN EMPLOYEES, AT LEAST 1/3 OF THEM SHALL COMPLY WITH 118-902.
- DINING SURFACES AND WORK SURFACES REQUIRED TO COMPLY WITH 118-902 SHALL BE SPACED THROUGHOUT THE SPACE OF FACILITY CONFORMANCE SURFACES AND WORK SURFACES FOR EACH TYPE OF SEATING IN A FUNCTIONAL AREA. WORK SURFACES REQUIRED TO COMPLY WITH 118-902 SHALL BE SPACED THROUGHOUT THE SPACE OF FACILITY CONFORMANCE WORK SURFACES.
- TOILET ROOMS SHALL BE LOCATED WITHIN ONE OF THE REAR AREAS SPECIFIED IN SECTION 118-208. DRINKING FOUNTAINS SHALL BE LOCATED WITHIN 40 INCHES MAXIMUM FROM THE FRONT FLOOR. MEDICINE CABINETS SHALL BE LOCATED WITHIN 150 INCHES FROM THE FRONT FLOOR.

**NOTE:**  
SEE SCHEDULE AND NOTES AT SHEET A-1.2

**FLOOR PLAN 1**  
SCALE: 3/16"=1'-0" (1)

**PROJECT TITLE / ADDRESS**  
**THE BOILING CRAB**  
ROWLAND HEIGHTS  
18922 E GALE AVE., ROWLAND HEIGHTS, CA 91748

DATE DRAWN	
DRAWN BY	
JOB NUMBER	
REVISION	
SHEET CONTENT	
FLOOR PLAN	
SHEET NUMBER	

**A-1.1**