



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

March 1, 2016

JWL Associates (Attention: Eddie Peng)
1221 Hacienda Boulevard
Hacienda Heights, CA 91745

**REGARDING: PROJECT NO. R2015-02747-(4)
CONDITIONAL USE PERMIT NO. 201500111
18932 GALE AVENUE, ROWLAND HEIGHTS, CA (8264-021-014)**

Hearing Officer, Susan Tae, by her action of **March 1, 2016**, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **March 15, 2016**. **Appeals must be delivered in person.**

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

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

For questions or for additional information, please contact Carl Nadela of the Zoning Permits East Section at (213) 974-6475, or by email at cnadela@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner


Marja Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance

c: DPW (Building and Safety); Zoning Enforcement

MM:CN

**FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2015-02747-(4)
CONDITIONAL USE PERMIT NO. 201500111**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201400183 ("CUP") on March 1, 2016.
2. The permittee, JWL Associates, Inc. ("permittee"), requests the CUP to authorize the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed restaurant ("Project") on a property located at 18932 E. Gale Avenue in the unincorporated community of Rowland Heights ("Project Site") in the M-1.5-BE zone pursuant to Los Angeles County Code ("County Code") section 22.32.140.
3. The Project Site is 6.6 gross acres in size and consists of one legal lot. The Project Site is irregular in shape with flat topography and is developed with six single-story commercial buildings and an appurtenant parking lot.
4. The Project Site is located in the Puente Zoned District and is currently zoned M-1.5-BE (Restricted Heavy Manufacturing Zone – Billboard Exclusion).
5. The Project Site is located within the Industrial (I) 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, B-1 (Buffer Strip Zone), City of Industry
 - South: C-3 (Unlimited Commercial Zone, C-3-BE (C-3 Billboard Exclusion), A-1-6000 (Light Agricultural with a Minimum Lot Size of 6000 sq ft), R-3-12U (Limited Multiple Residence Zone with a Maximum Density of 12 units per acre)
 - East: M-1.5-BE, B-2 (Corner Buffer Zone)
 - West: M-1.5-BE, City of Industry
7. Surrounding land uses within a 500-foot radius include:
 - North: Shopping center
 - South: Shopping center, SR-60
 - East: Gas Station, car wash, auto-repair
 - West: Shopping center, motel
8. Ordinance 1494 was adopted in May 21, 1927, which established the different zoning designations for the unincorporated areas of Los Angeles County.

Ordinance 5122 was adopted in May 25, 1948, which established the A-1-1 zone on the subject property.

Ordinance 860096z was adopted in June 10, 1986, which established the M-1.5-BE zone on the subject property.

Plot Plan R2015-02673/RPP 201500848 was approved on September 21, 2015, which approved the tenant improvements for the subject restaurant (Hot Pot) to replace the Burger King restaurant that had previously occupied the space.

9. The site plan for the Project depicts the whole commercial complex and the location of the proposed restaurant within this complex. The floor plan indicates the interior layout of the restaurant.
10. The Project Site is accessible via Gale Avenue to the north. Primary access to the Project Site is through several ingress/egress driveways to and from Gale Avenue to the north.
11. The restaurant is part of a bigger commercial complex that provides a total of 493 parking spaces at the site.
12. In an email dated January 5, 2016, the County Sheriff Department Walnut/Diamond Bar Station indicated that very few calls for service were received for this area and that they have no objection to the approval of this permit.
13. A review of the California Department of Alcoholic Beverage Control database indicates that there is an over-concentration of alcohol sales for both on-site and off-site consumption in this census tract. However, since the primary use of this project is a restaurant and the sale of beer and wine will only be a small component of their business, the proposed project will not result in any negative impacts to the surrounding areas.
14. There are eight and two establishments within a 500 foot radius of the site that sells alcohol for on-site and off-site consumption, respectively. However, most of these are similar restaurants or markets where the sale of alcohol is only a small part of their business.
15. There is also only one sensitive use within a 600 foot radius, which is the American English College located at Pearl of the East Commercial complex on the other side of SR-60. Being on the other side of the freeway, this is sufficiently buffered from the project site and will not be negatively affected by the project.
16. Prior to the Hearing Officer's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 3, New Construction or Conversion of Small Structures, 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 proposed sale of beer and wine in conjunction with a small restaurant taking over an existing tenant space previously vacated by a similar restaurant.

17. 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.
18. In an email dated December 16, 2015, the Rowland Heights Community Coordinating Council indicated that they do not oppose the issuance of this CUP. On January 13, 2016, an email was also received from a member of the public indicating support for the project.
19. The Hearing Officer held a duly-noticed public hearing on the Conditional Use Permit on March 1, 2016. The Hearing Officer heard a presentation from Regional Planning staff. The permittee's representative was present at the hearing to answer any questions but did not provide additional testimony. The Hearing Officer proposed a number of changes to the proposed findings and conditions of the permit. The permittee's representative indicated that they accept the findings and conditions, including the proposed changes. The Hearing Officer closed the public hearing, determined the project to be categorically exempt from the California Environmental Quality Act requirements and approved the Conditional Use Permit subject to the attached findings and conditions, as revised.
20. The Hearing Officer finds that the proposed sale of beer and wine in conjunction with a new restaurant at the subject site is consistent with the Industrial (I) land use designation of the Rowland Heights Community Plan.

This designation is intended for manufacturing, warehousing, and heavy commercial uses. The proposed sale of beer and wine for on-site consumption at a restaurant is consistent with this designation, as well as a number of Goals and Policies of the Plan.

21. The Hearing Officer finds that finds that the proposed sale of beer and wine in conjunction with a new restaurant at the subject site is consistent with the requirements and development standards of the M-1.5-BE zone.

Pursuant to Section 22.32.140 of the County Code, the sale of alcoholic beverages in the M-1.5 zone, whether for on-site or off-site consumption, requires a conditional use permit. The approval of this grant, with its conditions, including conditions regarding burglary alarms and exterior lighting, will satisfy this requirement. No other requirements or development standards of the zone apply to the sale of beer and wine for onsite consumption at the project site.

22. The Hearing Officer finds that the Conditional Use Permit Burden of Proof requirements have been met pursuant to section 22.56.040 of the County Code.

The subject site is in the middle of a commercial and industrial area. While there are residential developments to the south, these are sufficiently buffered by State Route-60. Thus, the project is not expected to have any adverse impacts on the surrounding neighborhood. The project site is also located in a larger commercial

complex that has a total area of 6.6 ac. This provides ample space and buffer for this establishment. The site is also served by Gale Avenue, a major roadway, which adequately serves the needs of the establishment.

23. The Hearing Officer finds that Burden of Proof requirements for the sale of alcoholic beverages have been met pursuant to section 22.56.195 of the County Code.

While there is a sensitive use, the American English College, within a 600-foot radius of the restaurant, this is located on the other side of the SR-60 freeway and is sufficiently buffered from the restaurant. The sale of alcohol is only a small part of the operation of the restaurant and thus will not have any adverse effects on these sensitive uses. Aside from the proposed project, two other sites sell alcohol for off-site consumption and eight other sites sell alcohol for on-site consumption within a 600-foot radius. However, the public convenience of selling alcohol in conjunction with the restaurant outweighs the fact that a number of establishments already sell alcohol in the area. The restaurant, as well as its proposed alcohol sales, also provide a needed service to the area and will not have any adverse effects on the economic welfare of the community. Finally, since the project is located in a tenant space as part of a larger commercial complex, its exterior appearance is consistent with its surrounding structures and areas.

24. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the Conditional Use Permit to 15 years.

25. 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 the Rowland Heights Library. On January 7, 2016, a total of 14 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 12 notices to those on the courtesy mailing list for the Puente Zoned District and to any additional interested parties.

26. 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 proposed use at the site 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 proposed use at the site is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.
- G. The public convenience for the restaurant selling alcoholic beverages for off-site consumption outweighs the fact that it is located within a 500-foot radius of other facilities selling alcoholic beverages for either on-site or off-site consumption.
- H. The proposed use at the site 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 15303 of the State CEQA Guidelines (Class 3, New Construction or Conversion of Small Structures categorical exemption); and
2. Approves Conditional Use Permit No. 201500111, subject to the attached conditions.

ACTION DATE: [March 1, 2016]

CN:MM
1/6/2016

c: Hearing Officer, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2015-02747-(4)
CONDITIONAL USE PERMIT NO. 201500111**

PROJECT DESCRIPTION

The project is for the sale of beer and wine for on-site consumption in conjunction with an proposed restaurant, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and 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 March 1, 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 the Fire 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 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.

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

17. 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.
18. 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.
19. 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, or any equivalent program. 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.
20. 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 or so as to be visible from the exterior of the establishment.
21. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
22. 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.
23. This grant authorizes the sale of alcoholic beverages at the subject site from 10:00 am to 9:00 pm every day.
24. The permittee shall provide adequate lighting above the entrance and at the rear of the premises prior to certificate of occupancy. The lighting shall be of sufficient

power to illuminate and make easily discernible the appearance and conduct of all persons entering or exiting the premises.

25. The permittee shall maintain the property in a neat and orderly fashion and maintain free of litter all areas on the premises under which the permittee has control.
26. The permittee shall not install or maintain video games, pool tables or similar game activities or equipment on site.
27. All sellers of alcoholic beverages must be at least 21 years old.

PROJECT SITE-SPECIFIC CONDITIONS

28. This grant shall authorize the sale of beer and wine for on-site consumption in conjunction with a proposed restaurant.
29. The consumption of alcoholic beverages shall be prohibited outside the enclosed building. The permittee shall post signage in clearly visible locations both inside and outside the building indicating such prohibition.
30. The sale of alcoholic beverages for consumption off the premises is prohibited.
31. No sale of alcoholic beverages shall be made from a drive-in window.
32. Alcoholic beverages shall be sold to customers only when food is ordered and consumed within the subject restaurant.
33. Security cameras shall be installed inside the restaurant and outside facing the parking lot, prior to the certificate of occupancy.
34. Burglary and robbery alarms shall be installed inside the restaurant, prior to the certificate of occupancy.