

Hearing Officer Transmittal Checklist

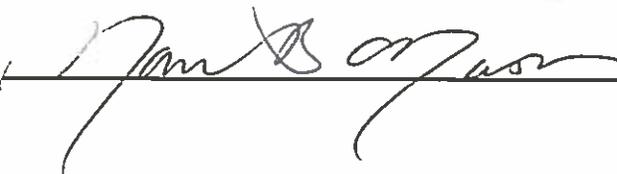
Hearing Date 03/01/2016
Agenda Item No. 10

Project Number: R2015-02747-(4)

Case(s): Conditional Use Permit Case No. 201500111

Planner: Carl Nadela

- 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
- Previous Permit Approval

Reviewed By: 



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

PROJECT NUMBER **HEARING DATE**
 R2015-02747-(4) 3/1/2016
REQUESTED ENTITLEMENTS
 RCUP 201500111

PROJECT SUMMARY

OWNER / APPLICANT

JWL Associates Inc.

MAP/EXHIBIT DATE

8/3/2015

PROJECT OVERVIEW

The applicant is requesting a Conditional Use Permit for the sale and dispensing of beer and wine for on-site consumption in conjunction with a restaurant.

LOCATION

18932 E. Gale Avenue, Rowland Heights, CA

ACCESS

E. Gale Avenue

ASSESSORS PARCEL NUMBER(S)

8264-021-014

SITE AREA

6.6 ac

GENERAL PLAN / LOCAL PLAN

ROWLAND HEIGHTS COMMUNITY PLAN

ZONED DISTRICT

PUENTE

LAND USE DESIGNATION

I (Industrial)

ZONE

M-1.5-BE (RESTRICTED HEAVY
 MANUFACTURING ZONE – BILLBOARD
 EXCLUSION)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

ROWLAND HEIGHTS

ENVIRONMENTAL DETERMINATION (CEQA)

Class 3 Categorical Exemption – New Construction or Conversion of Small Structures

KEY ISSUES

- Consistency with the Rowland Heights Community Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Zoning Code:
 - 22.56.040 (Conditional Use Permit Burden of Proof)
 - 22.56.195 (Alcoholic Beverage Sales Burden of Proof)
 - 22.32.150 (M-1.5 Zone Development Standards)
 - 22.44.132 (Rowland Heights Community Standards District)

STAFF RECOMMENDATION

Approval

CASE PLANNER:

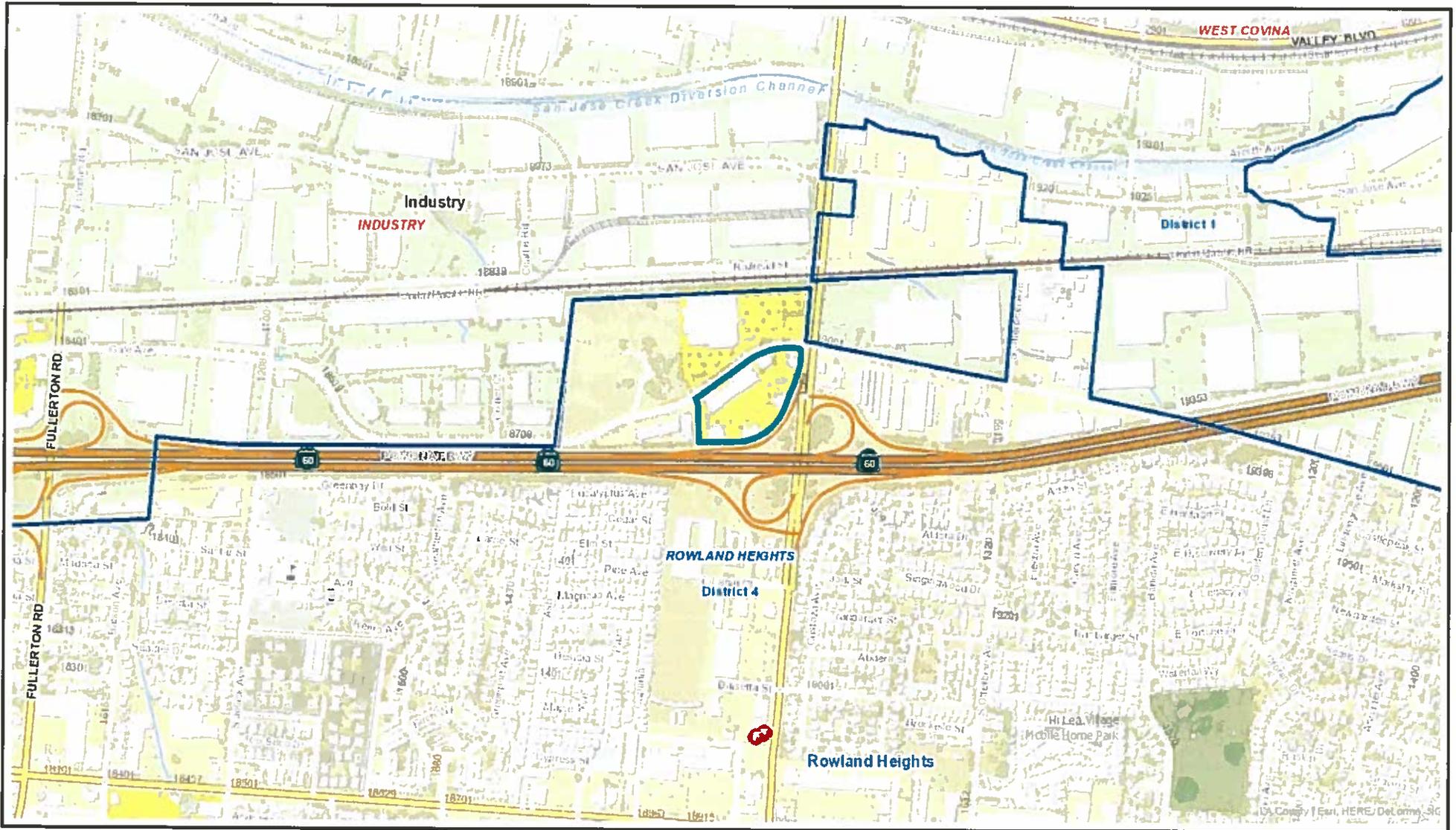
Carl Nadela

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cnadela@planning.lacounty.gov



R2015-02747-(4)

Property Location Map

Printed: Oct 05, 2015

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ENTITLEMENTS REQUESTED

- The applicant is requesting a Conditional Use Permit for the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed restaurant.

PROJECT DESCRIPTION

The applicant is requesting a Conditional Use Permit for the sale and dispensing of beer and wine for on-site consumption in conjunction with a restaurant in the Restricted Heavy Manufacturing (M-1.5) Zone. The restaurant is located at 18932 E. Gale Avenue, Rowland Heights, CA.

SITE PLAN DESCRIPTION

The project site is an irregularly shaped parcel developed with six single-story structures used for various commercial uses. The subject restaurant is located on the northeastern part of the parcel. The site plan also depicts the appurtenant parking spaces serving the various commercial uses on site. The commercial complex and the restaurant can be accessed through E. Gale Avenue to the south.

EXISTING ZONING

The subject property is zoned M-1.5-BE (Restricted Heavy Manufacturing – Billboard Exclusion).

Surrounding properties are zoned as follows:

North: M-1.5-BE, B-1 (Buffer Strip Zone), City of Industry

South: C-3 (General 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

EXISTING LAND USES

The subject property is currently developed with six single story structures used for various commercial uses and appurtenant parking spaces.

Surrounding properties are developed as follows:

North: Shopping center

South: SR-60, shopping center

East: Gas station, car wash, auto-repair

West: Shopping center, motel

PREVIOUS CASES/ZONING HISTORY

Ordinance 1494 was adopted on May 21, 1927, which established the different zoning designations for the unincorporated areas of Los Angeles County.

Ordinance 5122 was adopted on May 25, 1948, which established the A-1-10000 zone on the subject property.

Ordinance 5214 was adopted on October 19, 1948, which maintained the A-1-10000 zone on the subject property.

Ordinance 10877p was adopted on April 9, 1974, which created the Puente Zoned District encompassing the subject property.

Plot Plan 32580 was approved on June 17, 1984, which established the commercial center in which the restaurant is located on the subject property. This approval already indicated the zoning on the subject property as M-1.5.

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.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 3 Exemption, New Construction and Conversion of Small Structures) under the California Environmental Quality Act (CEQA) and the County environmental guidelines since this project does not increase the existing building footprint at the site and only proposes to add the sale of alcohol to a use that is allowed at the site. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the Industrial (I) land use category of the Rowland Heights Community Plan ("Community Plan"), a component of the Los Angeles Countywide General Plan ("General 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.

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

- *General Policy 44: Preserve sound residential areas and protect them from intrusion of incompatible uses.*
- *Land Use Policy 7: Assure that new development is compatible with the natural and manmade environment by implementing appropriate location controls and high quality design standards.*
- *Land Use Policy 8: Protect the character of residential neighborhoods by preventing the intrusion of incompatible uses that would cause environmental degradation such as excessive noise, noxious fumes, glare, shadowing and traffic.*

There are a number of very dense residential developments in the vicinity of the site to the south. Thus, it is important to preserve this character and ensure that the commercial uses in this area do not have significant adverse impacts on the residential neighborhood. Since the proposed restaurant is smaller in scale than other similar uses in the vicinity and the site is separated from the residential areas by State Route-60, it will not have any significant adverse impacts on these residential neighborhoods.

- *Land Use Policy 9: Promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design and location controls.*

The area is primarily Asian in character and the proposed Hot Pot restaurant, as well as the sale of beer and wine in conjunction with this, is consistent with the general character of the neighborhood. The sale of beer and wine also provides a convenience to the restaurant's customers since it is common for beer and wine to be consumed together with the menu items that will be served by the restaurant.

The following goals and policies of the Community Plan are applicable to the proposed project:

- *Policy LU 1.1: Maintain the single family character of the community.*

As mentioned above, the sale of beer and wine in conjunction with the proposed restaurant still maintains the single family character of the residential areas located to the south of the project site. The proposed restaurant is small in scale and operation and do not attract a large amount of traffic. It is appropriately set back and buffered from the surrounding residential uses and do not create any significant adverse effects on the surrounding neighborhoods.

- *Policy LU 2.3: Maintain and improve existing commercial areas.*

The proposed restaurant will take over and existing tenant space that had been vacated by Burger King. The establishment of this new restaurant at the currently vacant tenant space, and the sale of beer and wine in conjunction with it, is consistent with the Community Plan's policy above of maintaining and improving existing commercial areas.

Zoning Ordinance and Development Standards Compliance

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. Furthermore, pursuant to Section 22.32.150 of the County Code, the establishments in the existing shopping center are subject to the M-1.5 development standards. While this shopping center itself is not the subject of this permit, a review of previous permits and records show that the physical configuration of the site is not being proposed to be changed by this project and thus continue to be in compliance with the requirements of the zone. A Parking Summary of the shopping center also

indicates that while a total of 483 parking spaces are required for all the uses currently present in the shopping center, 493 parking spaces have been provided. These include the 27 parking spaces required for the proposed restaurant, which has a calculated occupancy load of 79 people.

Site Visits

A site visit was conducted by staff on October 29, 2015. The proposed tenant space for the restaurant was vacant at that time. The general area of the subject site was well-maintained and free of graffiti. The area is not intensely developed, with the commercial buildings consisting mostly of single-story structures.

Burden of Proof

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

Neighborhood Impact/Land Use Compatibility

The proposed project is for the sale of beer and wine at a proposed restaurant. Surrounding land uses consist primarily of low-intensity commercial uses and single family residences. The restaurant with the sale of beer and wine is consistent with the general character of the neighborhood. It is in the vicinity of similar commercial uses and is sufficiently buffered from the residential areas. It will not have any significant adverse impacts on the surrounding neighborhood.

A review of the California Department of Alcoholic Beverage Control (ABC) database indicates that there are 68 and 18 active licenses for alcohol sales for both on-site and off-site consumption, respectively in this census tract, even though only five and three licenses have been authorized for each. This indicates an over-concentration of alcohol sales in this area. This is confirmed in the B&P Worksheet received from ABC on January 14, 2016. 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.

Also, 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. 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.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

On January 5, 2016, staff received a letter from the Walnut/Diamond Bar Station of the Los Angeles County Sheriff Department indicating that they have no specific concerns with the project. They recommended burglary alarms and exterior lighting at the site, which have been incorporated into the Condition's of Approval for this permit.

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, library posting and DRP website posting.

PUBLIC COMMENTS

On December 16, 2015, staff received an email from the Rowland Heights Community Coordinating Council that they do not oppose the project.

On January 13, 2016, staff received an email from the public supporting approval of the project.

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 R2015-02747-(4), Conditional Use Permit Number 201500111, 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 201500111 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Carl Nadela, AICP, Zoning Permits East Section
Reviewed by Maria Masis, AICP, Supervising Regional Planner, Zoning Permits East

- Attachments:
Draft Findings, Draft Conditions of Approval
Applicant's Burden of Proof statement
Correspondence
Site Photographs, Aerial Image
Site Plan, Land Use Map

MM: CN
1/6/2016

**DRAFT 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. *To be inserted after the public hearing to reflect hearing proceedings.*

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 permit with the attached findings and conditions will satisfy this requirement.

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

**DRAFT 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 of the premises. 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. Security cameras shall be installed inside the restaurant and outside facing the parking lot.
33. Burglary and robbery alarms shall be installed inside the restaurant.



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



CONDITIONAL USE PERMIT BURDEN OF PROOF

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

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

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

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

TYPE 41 CON-SALE BEER (wine at bonafide eating place) authorizes the sale of beer and wine for consumption on the premise where it's sold. This restaurant must be operated and maintained on the licensed property as a bonafide eating place; therefore, the proposed use should affect items 1, 2 and 3 listed above.

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 proposed site's size, shape & topography are adequate to accommodate a restaurant with alcohol sales. The proposed use will not increase the floor area of the existing restaurant. The site has adequately accommodated a restaurant without any negative impacts; therefore, the proposed use will not lessen the suitability of any nearby commercially zoned properties for commercial use.

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.

Shancheng Lameizi is located in the plaza at the corner of Gale Ave and Nogales St. that provides sufficient/adequate street access to and from the restaurant. The street access to and from the restaurant are provided by means of two accessible driveways on Gale Avenue. Due to this, no hazardous traffic jams/conditions are to be generated/caused for the sale of alcohol.



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.

There are no sensitive uses within 600 ft of the property. ABC type #41 authorizes the sale of beer and wine for consumption on property where sold. The restaurant is in an existing plaza and won't adversely affect surrounding area. The owner will operate in a responsible manner to avoid detrimental effects.

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 restaurant is located in a commercial zone. The adjacent uses are restaurants, retail, office/banks. It is located in an existing commercial plaza. There are no residences within 100 ft. of proposed premises.

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

The proposed alcohol sales (type 41) should be less than 5% of the total sales of the restaurant.

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

This restaurant must operate and maintain the license premise as a bonafide eating place. The use will not affect the economic welfare of the surrounding community. The restaurant will provide a needed and valuable service to its customers as well as customer satisfaction.

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 restaurant is currently under tenant improvement remodeling work as well as exterior facade renovation. It will be consistent with the other commercial restaurants within the commercial plaza such as M&T southold village inc. It will not cause blight, deterioration, or impair property values within the neighborhood.

Gale/ Nogales

Department of Alcoholic Beverage Control

State of California
Edmund G. Brown Jr., Governor

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

- Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.
- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
 - Part 2 is to be completed by the applicant, and returned to ABC.
 - Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME

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

18932 E Gale Ave Rowland Heights, CA 91748-1334

3. LICENSE TYPE

41

4. TYPE OF BUSINESS

- | | | | |
|---|--|--|--|
| <input checked="" type="checkbox"/> Full Service Restaurant | <input type="checkbox"/> Hofbrau/Cafeteria | <input type="checkbox"/> Cocktail Lounge | <input type="checkbox"/> Private Club |
| <input type="checkbox"/> Deli or Specialty Restaurant | <input type="checkbox"/> Comedy Club | <input type="checkbox"/> Night Club | <input type="checkbox"/> Veterans Club |
| <input type="checkbox"/> Cafe/Coffee Shop | <input type="checkbox"/> Brew Pub | <input type="checkbox"/> Tavern: Beer | <input type="checkbox"/> Fraternal Club |
| <input type="checkbox"/> Bed & Breakfast: | <input type="checkbox"/> Theater | <input type="checkbox"/> Tavern: Beer & Wine | <input type="checkbox"/> Wine Tasting Room |
| <input type="checkbox"/> Wine only <input type="checkbox"/> All | | | |
| <input type="checkbox"/> Supermarket | <input type="checkbox"/> Membership Store | <input type="checkbox"/> Service Station | <input type="checkbox"/> Swap Meet/Flea Market |
| <input type="checkbox"/> Liquor Store | <input type="checkbox"/> Department Store | <input type="checkbox"/> Convenience Market | <input type="checkbox"/> Drive-in Dairy |
| <input type="checkbox"/> Drug/Variety Store | <input type="checkbox"/> Florist/Gift Shop | <input type="checkbox"/> Convenience Market w/Gasoline | |
| <input type="checkbox"/> Other - describe: | | | |

6. COUNTY POPULATION

6. TOTAL NUMBER OF LICENSES IN COUNTY

7. RATIO OF LICENSES TO POPULATION IN COUNTY

On-Sale Off-Sale 1:1,048 On-Sale Off-Sale

8. CENSUS TRACT NUMBER

8. NO. OF LICENSES ALLOWED IN CENSUS TRACT

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

4082.11

5

60

On-Sale Off-Sale

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

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

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

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

13. CRIME REPORTING DISTRICT NUMBER

14. TOTAL NUMBER OF REPORTING DISTRICTS

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

2931

557

47,758

16. AVERAGE NO. OF OFFENSES PER DISTRICT

17. 120% OF AVERAGE NUMBER OF OFFENSES

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

85.7

103

310

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

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

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

- a. If "No" is checked in both Item #11 and Item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.
- b. If "Yes" is checked in either Item #11 or Item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.18(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.
- c. If "Yes" is checked in either Item #11 or Item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

CA 9124115 Original given to applicant.



Los Angeles County
 DEPARTMENT OF REGIONAL PLANNING
 320 West Temple Street, 13th Floor
 Los Angeles, CA 90012
 Fax: (213) 626-0434



FROM

Transmittal: B&P Application Worksheet Request

TO	ABC Office	Service Area	Fax	E-Mail
<input type="checkbox"/>	Long Beach/ Lakewood	Southeastern	562-982-1396	LBH.Direct@abc.ca.gov
<input type="checkbox"/>	LA Metro	Central	213-833-6058	LAM.Direct@abc.ca.gov
<input checked="" type="checkbox"/>	Monrovia	Northeastern	626-357-4173	MNR.Direct@abc.ca.gov
<input type="checkbox"/>	Van Nuys	North and Northwestern	818-785-6731	VNY.Direct@abc.ca.gov

The Department of Regional Planning is processing a Conditional Use Permit (CUP) to authorize the sale of alcoholic beverages. Please provide (by fax or e-mail) a "B&P Worksheet" referencing if the subject property is located within a "high-crime reporting district," and indicate if there is an undue concentration of alcoholic beverage licenses within the subject census tract. If you need further information, please contact the case planner. Thank you for your assistance.

ABC License Type	Description
<input type="checkbox"/> Type 20	Beer and wine, off-site consumption (retail)
<input type="checkbox"/> Type 21	Full-line (beer, wine, distilled spirits), off-site consumption (retail)
<input checked="" type="checkbox"/> Type 41	Beer and wine, on-site consumption (restaurant)
<input type="checkbox"/> Type 42	Beer and wine, on-site consumption (bar, tavern)
<input type="checkbox"/> Type 47	Full-line (beer, wine, distilled spirits), on-site consumption (restaurant)
<input type="checkbox"/> Type 48	Full-line (beer, wine, distilled spirits), on-site consumption (bar, night club)
<input type="checkbox"/> Other:	

DATE OF REQUEST: December 9, 2015	<input checked="" type="checkbox"/> 1st Request <input type="checkbox"/> 2nd Request <input type="checkbox"/> 3rd Request
PROJECT NO.: R2015-02747-(4)	CUP NO. 201500111
ESTABLISHMENT: Schancheng Lameizi Hot Pot (new)	
LOCATION: 18932 E. Gale Avenue, Rowland Heights, CA 91748	
LICENSE OWNER'S NAME(S): N/A	ABC LICENSE NO.: N/A
CRIME REPORTING DISTRICT NO.:	CENSUS TRACT NO.: 4082.11
CASE PLANNER: Carl Nadela	PLANNER'S PHONE: 213-974-6435
E-MAIL: cnadela@planning.lacounty.gov	FAX: 213-626-0434

TO:



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF

(909) 595-2264



Subject: Conditional Use Permit (CUP) Consultation for Sale of Alcohol
Project No.: R2015-02747-(4)
Permit No.: CUP 201500111
Establishment: Shancheng Lameizi Hot Pot
Location: 18932 Gale Avenue, Rowland Heights, CA 91748
Description: Sale of beer and wine for on-site consumption at a proposed restaurant.

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

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

There have been only a few calls for disturbance issues outside of the restaurant that appear to be unrelated to the business. At this time we have no specific concerns as this is a new business.

(2) Comments/recommended conditions:

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

We recommend that the locations have security cameras installed inside and outside facing the parking lot. The location is also close to the 60 freeway which could make it a target for burglaries and robberies. We recommend burglary and robbery alarms. We also recommend Alcohol for sale is kept in the back away from the front doors. Measures should be taken to prevent burglaries since the location is easily accessible from the front and the rear. There has also been a concern with transient activity in the area. We suggest lighting at the exterior of the location and parking areas.

(3) Overall recommendation:

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

Sincerely,

JIM McDONNELL, SHERIFF

Jeffrey L. Scroggin, Captain
Walnut/Diamond Bar Station

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

A Tradition of Service
— Since 1850 —

CC04122012

Carl Nadela

From: Ted Ebenkamp [te44444@hotmail.com]
Sent: Wednesday, December 16, 2015 5:58 PM
To: Carl Nadela; eddiepeng@jwdesign.net
Subject: RE: CUP Application- 18932 E Gale Ave Rowland Heights R2015-02747/ CUP 201500111

12/16/15

Hi Carl,

Our board meeting had to be cancelled this evening due to some members traveling for the holidays and others unable to attend due to illness. However, I was able to survey the board via email. The RHCCC does not oppose the issuance of the license at this time. This could change if substantial community opposition arises as more information becomes available. (We do not however expect that to happen).

Ted Ebenkamp
President, Rowland Heights Community Coordinating Council
909 594-0429

Carl Nadela

From: MnJGrant@aol.com
Sent: Wednesday, January 13, 2016 3:25 PM
To: Carl Nadela
Subject: Public Hearing Vote

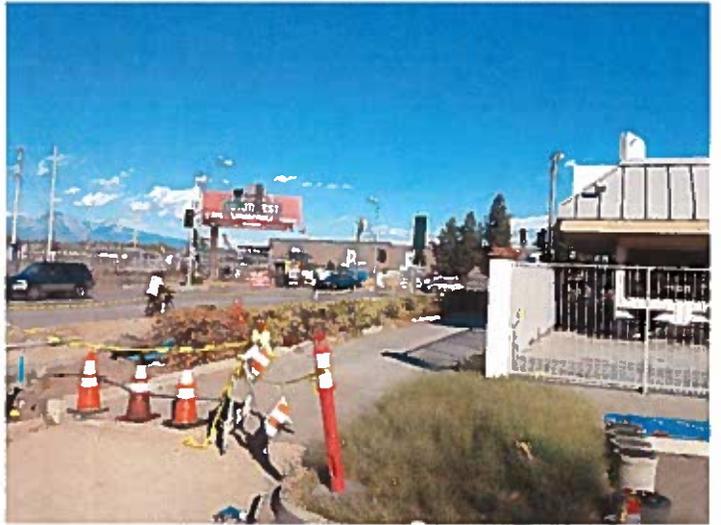
Carl,
I vote YES on Project No. R2015-02747-(4), CUP 201500111.
Thank you.
John Grant

Photographs for R2015-02747 / CUP No. 201500111

**Exterior view of existing structure
from the west**



**View of ongoing construction
on Gale Avenue and Colima Road**



**Exterior view of existing structure and drive-
through from the south**



**Exterior view of existing structure and drive-
through from the southeast**

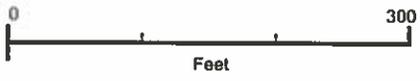




R2015-02747-(4)

Aerial Image

Printed: Oct 05, 2015



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