



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

June 7, 2016

Eddie Peng
1221 S. Hacienda Blvd.
Hacienda Heights, CA 91745

**REGARDING: CONDITIONAL USE PERMIT NO. RPPL2015000290
 1380 FULLERTON RD., #104, HACIENDA HEIGHTS
 (APN #8270-002-051)**

Hearing Officer Alex Garcia, by his action of **June 7, 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 **June 21, 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. In addition, any applicable CEQA fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable, must be filed with the County Clerk according to the instructions on the following page. 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 Steve Mar of the Zoning Permits East Section at (213) 974-6435, or by email at smar@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

Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)

c: DPW (Building and Safety); Zoning Enforcement; C.A. State Alcoholic Beverage Control

MM:SM

**FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
CONDITIONAL USE PERMIT NO. RPPL2015000290**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. RPPL2015000290 ("CUP") on May 17, 2016.
2. The permittee, Jun Ka Bok, ("permittee"), requests the CUP to authorize the sale of beer and wine for on-site consumption (Type-41 alcohol license) at an existing restaurant ("Jun Ka Bok") within an existing shopping center ("Project") on a property located at 1380 Fullerton Road, #104, in the unincorporated community of Rowland Heights ("Project Site") in the C-2-DP-BE (Neighborhood Business – Development Program – Billboard Exclusion) zone pursuant to Los Angeles County Code ("County Code") section 22.28.160.
3. The Project Site is 4.33 acres in size and consists of one legal lot. The Project Site is irregular in shape with flat topography and is developed with a multi-tenant shopping center.
4. The Project Site is located in the Puente Zoned District and is currently zoned C-2-DP-BE (Neighborhood Business – Development Program – Billboard Exclusion).
5. The Project Site is located within the C - Commercial land use category of the Rowland Heights Community Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
 - North: N/A (City of Industry)
 - South: R-3-3000-14U-DP (Limited Density Multiple Residence – 3,000 Sq. Ft. Min. Req. Area – 14 Units Per Acre), R-3-20U (Limited Density Multiple Residence – 20 Units Per Acre), A-1-6000 (Light Agricultural Zone – 6,000 Sq. Ft. Min. Req. Area)
 - East: RPD-6000-10U (Residential Planned Development – 6,000 Sq. Ft. Min. Req. Area, 10 Units Per Acre), R-1 (Single-family Residence)
 - West: N/A (City of Industry)
7. Surrounding land uses within a 500-foot radius include:
 - North: Manufacturing, Warehouse, Commercial Retail
 - South: Single-family Residences, Multi-family Residences
 - East: Jellick Elementary School, Options State Preschool, Options Child Development Center, Single-family Residences
 - West: Commercial Retail
8. The Project Site was zoned A1-10,000 in 1948, and rezoned to C-2-DP-BE in 1982. The project site contains various zoning permit approvals pertaining to the shopping center, including tenant improvements, CUPs to allow alcoholic beverage sales at restaurants, and signage.
9. The site plan for the Project depicts the existing 1,601 sq. ft. restaurant located in a tenant space of an existing shopping center.
10. The Project Site is accessible via Fullerton Road to the west. Primary access to the Project Site will be via an entrance/exit on Fullerton Road.

11. The County of Los Angeles Sheriff's Department, Walnut/Diamond Bar Station, researched the subject property's calls for service for the past five years and found only a few calls for disturbance issues outside of the subject restaurant that appear unrelated to the business. The Sheriff's Department recommended that security cameras be installed inside the business and outside facing the parking lot and also recommended that security alarms be installed. The Sheriff's Department had no other specific concerns and recommended approval of the project.

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

The subject property lies within Census Tract 4082.11. There are currently 68 existing alcohol licenses in this census tract and 5 licenses are allowed. Therefore there is an undue concentration of alcoholic beverages exists within Census Tract 4082.11.

12. Prior to the Hearing Officer's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project proposes the sale of beer and wine for on-site consumption at an existing restaurant and is not proposing any physical changes or alterations to the existing restaurant.
13. 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.
14. Prior to the Hearing Officer's public hearing, the Rowland Heights Community Coordinating Council reviewed the project and did not oppose the request.
15. A duly noticed public hearing was held on May 17, 2016, before the Hearing Officer. Hearing Officer Alex Garcia was in attendance for the Public Hearing. The applicant's representative, Eddie Peng, was present at the hearing. Mr. Garcia had questions for staff regarding the project site's permit history, parking, and zoning enforcement history. There being no further testimony, Mr. Garcia moved to continue the hearing to June 7, 2016, to allow staff time to gather additional information in response to Mr. Garcia's questions on the project.

A duly noticed public hearing was held on June 7, 2016, before the Hearing Officer. Hearing Officer Alex Garcia was in attendance for the Public Hearing. The applicant's representative, Eddie Peng, was present at the hearing. Staff presented information that the Project Site's parking and allowed operating hours were established under previous conditional use permits and that the Project would not conflict with these previous approvals. There were no outstanding zoning violations on the property according to the Department's Zoning Enforcement staff. There being no further testimony, Mr. Garcia closed the public hearing and approved the Project.

16. The Hearing Officer finds that the project site is located within the C - Commercial land use category of the Rowland Heights Community Plan. This designation is intended for retail

commercial, service, and office uses. The sale of beer and wine for on-site consumption at an existing restaurant is compatible with the site's commercial land use designation and is therefore consistent with the permitted uses of the underlying land use category.

17. The Hearing Officer finds that the sale of alcoholic beverages at an existing restaurant on the subject property is compatible with the surrounding neighborhood and provides a needed service to the community. Alcoholic beverage sales is a permitted use in the C-2 zone once a CUP is obtained. Currently, there are nine other establishments within a 500-ft. radius of the subject property that sell alcohol. All nine establishments are restaurants with Type 41 licenses for on-site beer and wine sales. Although this constitutes an undue concentration under code, the sale of alcoholic beverages at the restaurant would serve as a public convenience and necessity to the surrounding community by providing products and services that are consistent with other restaurants in the area. With the proposed conditions, the project shall remain consistent and compatible with the surrounding community.

There are three sensitive uses located within a 600-ft. radius of the project site located on a single property immediately to the east of the site. All three uses are educational facilities (Jellick Elementary School, Options State Preschool, Options Child Development Center). The sensitive uses are buffered from the shopping center by fencing surrounding both properties. The portion of the shopping center that faces the three sensitive uses is the rear of the building containing no entrances or exits to the shopping center's tenants.

18. The Hearing Officer finds that the project is to add beer and wine sales for on-site consumption to an existing restaurant. The restaurant operates as a bona fide eating establishment whose primary sales come from the sales of meals during normal operating hours. Alcoholic beverage sales is intended to be an ancillary service to existing meal service.
19. The Hearing Officer finds that the project is located at an existing restaurant in an existing shopping center and does not propose any tenant improvements, physical changes, or expansion as a part of the project. The site accommodates the existing restaurant and other retail businesses at the shopping center.
20. The Hearing Officer finds that the site is easily accessed via a road off of Fullerton Road and is fully equipped with all necessary service facilities.
21. The Hearing Officer finds that there are three sensitive uses within a 600-ft. radius of the project site. The CUP is for a Type 41 beer and wine license where alcohol will be consumed on-site within the restaurant. The restaurant is located in an existing shopping center whose businesses do not front the three sensitive uses.
22. The Hearing Officer finds that the restaurant is located in a commercial shopping center that contains other restaurant and retail commercial uses. Residential areas to the south of the site are buffered from the shopping center by fences and by the orientation of the front of the shopping center facing away from the residences.
23. The Hearing Officer finds that the sale of alcoholic beverages at the restaurant would serve as a public convenience and necessity to the surrounding community by providing products and services that complement the restaurant's regular food service and enhances the social atmosphere of the restaurant.

24. The Hearing Officer finds that the project will continue the restaurant's existing use of providing beverage and dining service to its customers and will not adversely affect the economic welfare of the surrounding community.
25. The Hearing Officer finds that the restaurant is an existing use within the shopping center and conforms to the existing commercial uses on the property. No physical changes are being proposed for the project.
26. 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.
27. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of the Rowland Heights community. On April 8, 2016, a total of 93 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 four notices to those on the courtesy mailing list for the Puente Zoned District and to any additional interested parties.
28. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.
- E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.

- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.
- G. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration.
- H. The requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.
- I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

THEREFORE, THE HEARING OFFICER:

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15301 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
2. Approves Conditional Use Permit No. RPPL2015000290, subject to the attached conditions.

ACTION DATE: June 7, 2016

**MM:SM
6/7/16**

c: Hearing Officer, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
CONDITONAL USE PERMIT NO. RPPL2015000290-(4)**

PROJECT DESCRIPTION

The project is a Conditional Use Permit (CUP) to authorize the sale of beer and wine for on-site consumption (Type-41 alcohol license) at an existing restaurant within an existing shopping center subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and

duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on June 21, 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 County 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.

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, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by **August 7, 2016**.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must 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. 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.

20. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.
21. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.
22. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures.
23. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
24. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public.
25. This grant authorizes the sale of alcoholic beverages from 11:30 a.m. to 10:00 p.m., seven days a week.
26. There shall be no sale or consumption of alcoholic beverages outside of the restaurant. The permittee shall instruct all designated employees, who directly serve or are in the practice of selling alcoholic beverages, regarding this restriction. Employees shall be instructed to enforce such restrictions and to call local law enforcement as necessary.
27. The permittee shall develop and implement a Designated Driver program (i.e. free soft drinks or coffee to a designated driver of a group). The permittee shall submit the program to the Director of Planning for approval prior to the approval of the Exhibit "A". A printed two-sided card explaining this program shall be placed on all tables in the restaurant or an explanation regarding the program shall be printed on the menu.
28. All servers of alcoholic beverages must be at least 18 years of age.
29. There shall be no music or other noise audible beyond the restaurant premises.
30. No live entertainment, dancing, or dance floor is authorized in or outside the premises.
31. Alcoholic beverages shall be sold to customers only when food is ordered and consumed within the subject restaurant only.
32. The business shall employ not less than one full-time cook that is engaged in the preparation of meals for patrons during the permissible hours of operation.
33. Not less than fifty-one percent of the income from the business enterprise shall be derived from the sale of food and non-alcoholic beverages. The business owner shall at all times

maintain records which reflect separately the gross sale of food and the gross sale of alcoholic beverages. Said records shall be made available to the Los Angeles County Department of Regional Planning, the Department of Alcoholic Beverage Control, or the Los Angeles County Sheriff's Department on demand.

34. The permittee shall not advertise or hold any "happy hour" drink specials, "two for one" specials, or similar promotions.
35. Food service shall be continuously provided during operating hours.
36. Payphones shall be prohibited on the premises.
37. All parking lot and other exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot.
38. The permittee shall install security cameras on the inside and outside of the restaurant. Security cameras installed outside of the restaurant shall include a view of the parking lot.
39. The permittee shall install security alarms within the restaurant.