

REPORT TO THE HEARING OFFICER

DATE ISSUED: April 24, 2025

HEARING DATE: May 6, 2025 AGENDA ITEM: 4

PROJECT NUMBER: R2013-03298-(1)

PERMIT NUMBER(S): Minor Modification or Elimination of Conditional Use Permit Conditions ("CUP Modification") RPPL2023003172

SUPERVISORIAL DISTRICT: 1

PROJECT LOCATION: 18888 Labin Court, C209, Rowland Heights

OWNER: Rowland Ranch Pearl of the East

APPLICANT: Philip Hou

CASE PLANNER: Steve Mar, Senior Regional Planner
smar@planning.lacounty.gov

This agenda item is a request to authorize a condition modification to an existing conditional use permit ("CUP") to eliminate a condition that prohibits live entertainment at an existing restaurant ("Chuan Men Chuan Ba") with beer and wine service for on-site consumption in the unincorporated of Rowland Heights.

Staff has prepared findings for denial for the case as instructed by the Hearing Officer at the April 15, 2025, Hearing Officer meeting.

SUGGESTED MOTION (CEQA):

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS STATUTORILY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.

SUGGESTED MOTION (DENIAL):

I, THE HEARING OFFICER, DENY CONDITIONAL USE PERMIT MODIFICATION NUMBER 2023003172 SUBJECT TO THE ATTACHED FINDINGS.

Report

Reviewed By:

Maria Masis

Maria Masis, AICP, Supervising Regional Planner

PROJECT NO. R2013-03298-(1)
MINOR MODIFICATION OR ELIMINATION OF CONDITIONAL USE
PERMIT CONDITIONS NO. RPPL2023003172

May 6, 2025

PAGE 2 OF 2

Report

Approved By:

A handwritten signature in blue ink, appearing to read "Susan Tae", is written over a horizontal line.

Susan Tae, AICP, Assistant Administrator

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
DRAFT FINDINGS OF THE HEARING OFFICER
AND ORDER

PROJECT NO. R2013-03298-(1)
MINOR MODIFICATION OR ELIMINATION OF CONDITIONAL USE PERMIT
CONDITIONS NO. RPPL2023003172

RECITALS

1. **HEARING DATE(S).** The Los Angeles County (“County”) Hearing Officer conducted a duly noticed public hearing in the matter of Minor Modification of Conditional Use Permit Conditions (“CUP Modification”) No. **RPPL2023003172**, to modify a condition of Conditional Use Permit (“CUP”) No. 201300164, on April 15 and May 6, 2025.
2. **HEARING PROCEEDINGS.** A duly noticed public hearing was held on April 15, 2025, before the Hearing Officer. Hearing Officer Ms. Thuy Hua was in attendance for the public hearing. The applicant, Mr. Ping Sun, and the applicant’s representative, Mr. Lufing Bai, were present and provided testimony in favor of the Project. Staff presented background information where the subject restaurant received a business license violation letter in May 2023 from the County Treasurer and Tax Collector for providing live entertainment in violation of both their business license and of their CUP. The Hearing Officer asked staff questions regarding the establishment’s current CUP conditions, the County Sheriff’s Department’s (“Sheriff”) comments regarding crime, and the Rowland Heights Community Coordinating Council’s decision not to support the Project. The applicant stated that the live entertainment consisted of karaoke performed on a stage by restaurant patrons and that no outside performers are hired to sing at the restaurant. The Hearing Officer asked the applicant if he was familiar with the current CUP conditions, to which he responded that he was familiar with the conditions. The Hearing Officer expressed concerns that the restaurant’s operating hours went beyond the allowed alcohol sales hours of up to 11:00 p.m. and that, based on online photos of the restaurant, there appeared to be bar equipment and seating around the central service area in violation of the CUP conditions. The applicant stated that the central service area stopped being a bar space in 2021. The Hearing Officer asked if music can be audible from outside the restaurant. The applicant stated that no music can be heard when the restaurant’s door is closed. Given the testimony presented by the applicant in regards to compliance with the CUP’s conditions, the Sheriff’s crime concerns regarding the property, and the Rowland Heights Community Coordinating Council’s lack of support for the request, the Hearing Officer stated that the Project did not meet the CUP Modification Findings. There being no further testimony, the Hearing Officer moved to deny the Project, and directed staff to draft findings for denial to be considered on May 6, 2025.
3. **MODIFICATION REQUESTED.** The applicant requests to eliminate a condition of approval to previously approved CUP No. 201300164 (“ABC CUP”). The Hearing Officer approved the ABC CUP on December 6, 2016, to authorize the sale of beer and wine for on-site consumption for a new restaurant (known as “NYC Café” at the time)

located in a shopping center in the C-3 (General Commercial) zone. The requested modification would eliminate condition number 31, which reads as follows:

“No live entertainment, dancing, or dance floor is authorized in or outside the premises.”

The modification would allow live entertainment music and singing performances as an accessory use to the current restaurant’s food and drink service. Some of the restaurant’s existing dining tables and chairs would be removed to accommodate a new designated performance stage within the restaurant’s dining area. The current restaurant located in the tenant space is named “Chuan Men Chuan Ba.”

4. **LOCATION.** The Project is located at 18888 Labin Court, Suite C209 within the Puente Zoned District and East San Gabriel Valley Planning Area.
5. **PREVIOUS ENTITLEMENTS.** Plot Plan (“PP”) No. 200800405, approved July 23, 2009, authorized the construction of the existing commercial shopping center. PP No. 201000908, approved March 7, 2012, authorized the construction of a new four-level parking structure for the shopping center. PP No. 205100292, approved July 26, 2016, approved an updated parking plan with 386 on-surface parking spaces and 244 parking spaces within the parking structure, for a total of 630 parking spaces (552 parking spaces were required at the time of approval based on the tenant makeup at the time). The ABC CUP, approved December 6, 2016, authorized the sale of beer and wine for on-site consumption at a restaurant (known as “NYC Café” at the time) in the subject tenant space.
6. **LAND USE DESIGNATION.** The Project Site is located within the C (Commercial) land use category of the East San Gabriel Valley Area Plan (“Area Plan”) Land Use Policy Map, a component of the General Plan.
7. **ZONING.** The Project Site is located in the Puente Zoned District and the Rowland Heights Community Standards District (“CSD”) and is currently zoned C-3.
8. **CEQA DETERMINATION.** The Hearing Officer finds that this project is Statutorily Exempt from CEQA (Projects Which Are Disapproved) pursuant to State CEQA Guidelines Section 15270 and the County’s Environmental Document Reporting Procedures and Guidelines.
9. **PUBLIC COMMENTS.** The Rowland Heights Community Coordinating Council, in a letter dated March 18, 2024, indicated they do not support the request on the grounds that the establishment was already providing live entertainment in violation of its approved CUP. Staff had instructed the applicant to immediately cease providing live entertainment on the premises.
10. **LEGAL NOTIFICATION.** Pursuant to Section 22.222.120 (Public Hearing Procedure) of the County Code, the community was properly notified of the public hearing by mail and newspaper posting. Additionally, the Project was noticed and case materials were available on LA County Planning’s website. On February 25, 2025, a total of

145 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as 11 notices to those on the courtesy mailing list for the Puente Zoned District and to any additional interested parties.

CONDITIONAL USE PERMIT MODIFICATION FINDINGS

- 11. The Hearing Officer finds that the Findings and Decision in Section 22.158.050 (Findings and Decision) for the CUP as modified has not been satisfied.** The applicant's request to eliminate condition no. 31 to allow accessory live entertainment for a restaurant, conflicts with the Findings and Decision of the establishment's ABC CUP which allows for the sale of beer and wine for on-site consumption at the subject restaurant.

The Project has the potential to adversely affect the health, peace, comfort, or welfare of the community. The condition prohibiting live entertainment is a standard condition for alcohol-related CUPs for bona fide restaurants. Accessory live entertainment for an alcohol-serving establishment is more appropriate for non-restaurants such as special event facilities or bars. The addition of accessory live entertainment at the restaurant that serves beer and wine for on-site consumption can potentially increase noise and change the establishment's atmosphere from a bona fide restaurant to a bar or night club.

- 12. The Hearing Officer finds that the modified CUP will materially deviate from the terms and conditions imposed in the previously approved CUP.** The elimination of condition No. 31 of the ABC CUP is a significant deviation from the terms and conditions imposed in the previously approved CUP. The condition prohibiting live entertainment is a standard condition for alcohol-related CUPs for bona fide restaurants whereas accessory live entertainment would not be prohibited for an alcohol-related CUP if the establishment were a banquet hall, special event facility, a bar, or a nightclub. Allowing accessory live entertainment would be a material deviation from the establishment's intended use as a bona fide restaurant with beer and wine service by altering the ambiance of the establishment to more of a bar or nightclub environment.

- 13. The Hearing Officer finds that the approval of the application is not necessary to allow the reasonable operation and use granted in the CUP.** Accessory live entertainment in the form of karaoke for the restaurant patrons is not necessary or vital for the restaurant's operations and for its ability to serve beer and wine for on-site consumption.

ENVIRONMENTAL FINDINGS

- 14. The Hearing Officer finds that the Project is Statutorily Exempt from CEQA (Projects Which Are Disapproved) pursuant to State CEQA Guidelines Section 15270 and the County's Environmental Document Reporting Procedures and Guidelines.**

ADMINISTRATIVE FINDINGS

15. LOCATION OF DOCUMENTS. 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 LA County 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 Puente Whittier Development Services Section, LA County Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. The Findings and Decision in Section 22.158.050 (Findings and Decision) for the CUP as modified has not been satisfied.
- B. The modified CUP will materially deviate from the terms and conditions imposed in the previously approved CUP.
- C. Approval of the application is not necessary to allow the reasonable operation and use granted in the CUP.

THEREFORE, THE HEARING OFFICER:

- 1. Finds that the Project is Statutorily Exempt from CEQA (Projects Which Are Disapproved) pursuant to State CEQA Guidelines Section 15270 and the County's Environmental Document Reporting Procedures and Guidelines, and
- 2. Denies **MINOR MODIFICATION OR ELIMINATION OF CONDITIONAL USE PERMIT CONDITIONS NO. RPPL2023003172.**

ACTION DATE: May 6, 2025

MM:SM
5/06/2025