

REPORT TO THE HEARING OFFICER

DATE ISSUED: October 3, 2024

HEARING DATE: October 15, 2024 AGENDA ITEM: 5

PROJECT NUMBER: PRJ2023-004185-(1)

PERMIT NUMBER(S): Conditional Use Permit (“CUP”) RPPL2023006192

SUPERVISORIAL DISTRICT: 1

PROJECT LOCATION: 1722 Desire Avenue, Suite 108, Rowland Heights

OWNER: Rowland Height Plaza Inc

APPLICANT: Kyungran Chang

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

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:

LA County Planning staff (“Staff”) recommends **APPROVAL** of Project Number PRJ2023-004185-(1), CUP Number RPPL2023006192, based on the Findings (Exhibit C – Findings) contained within this report and subject to the Draft Conditions of Approval (Exhibit D – Conditions of Approval).

Staff recommends the following motion:

CEQA:

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

ENTITLEMENT:

I, THE HEARING OFFICER APPROVE CONDITIONAL USE PERMIT NUMBER RPPL2023006192 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

PROJECT DESCRIPTION

A. Entitlement Requested

- CUP for the sale of beer and wine for on-site consumption at an existing restaurant in the C-1 (Restricted Business) Zone pursuant to County Code Section 22.20.030.C (Land Use Regulations for Commercial Zones).

B. Project

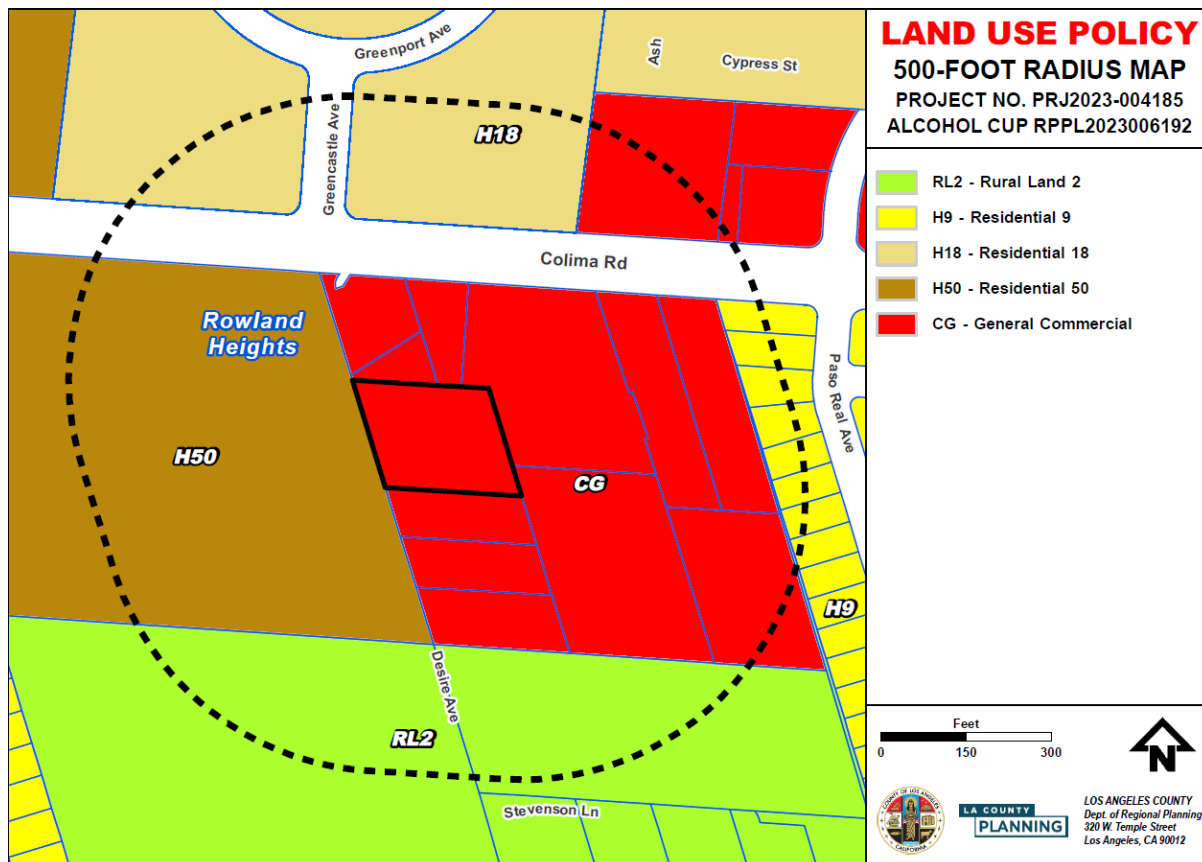
The applicant, Kyungran Chang, is requesting a CUP to authorize the sale of beer and wine for on-site consumption at an existing restaurant (“Jang Ga Nae”) located in a commercial shopping center in the C-1 Zone pursuant to Los Angeles County Code Section 22.20.030.C (Land Use Regulations for Commercial Zones). The restaurant’s hours of operation are 11:30 a.m. to 2:30 p.m., 5:00 p.m. to 9:00 p.m. Monday to Friday, and 11:30 a.m. to 9:00 p.m. on Saturdays. Alcohol sales shall be limited to 10:00 a.m. to 10:00 p.m., seven days a week.

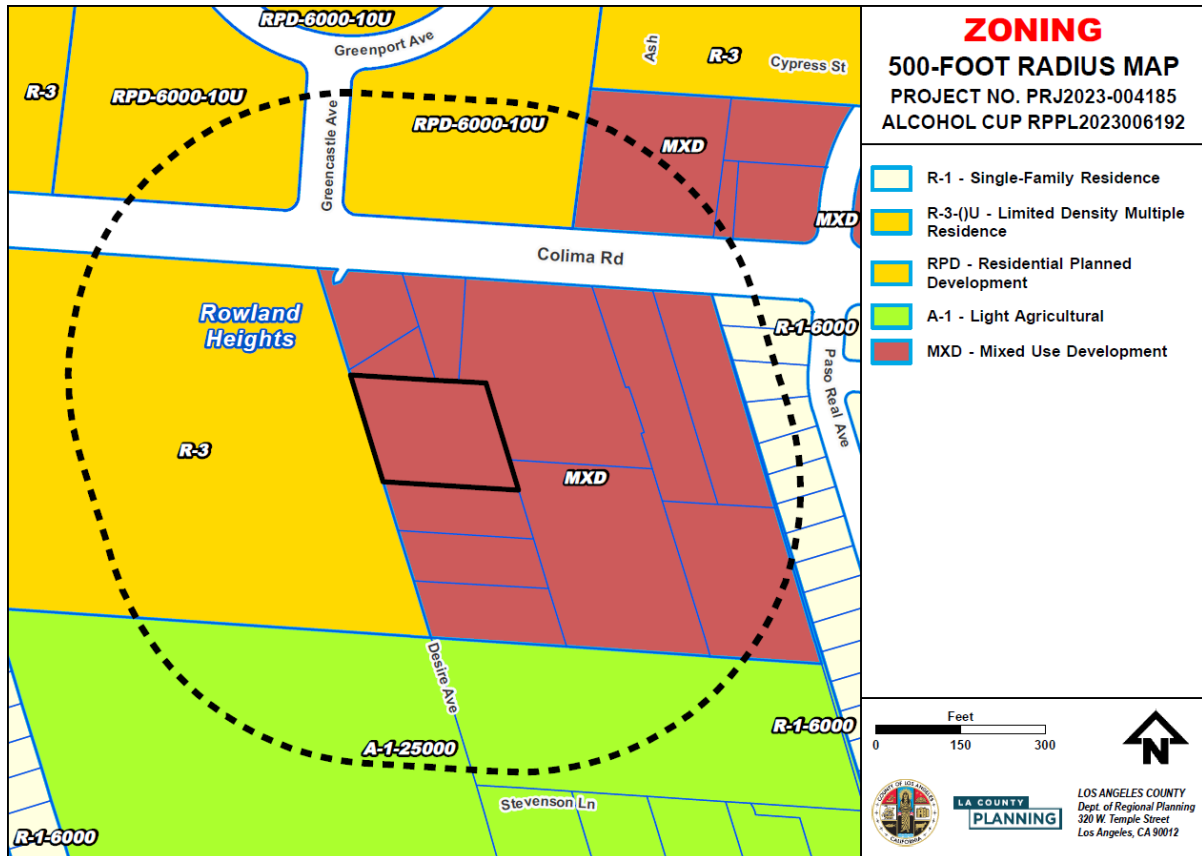
SUBJECT PROPERTY AND SURROUNDINGS

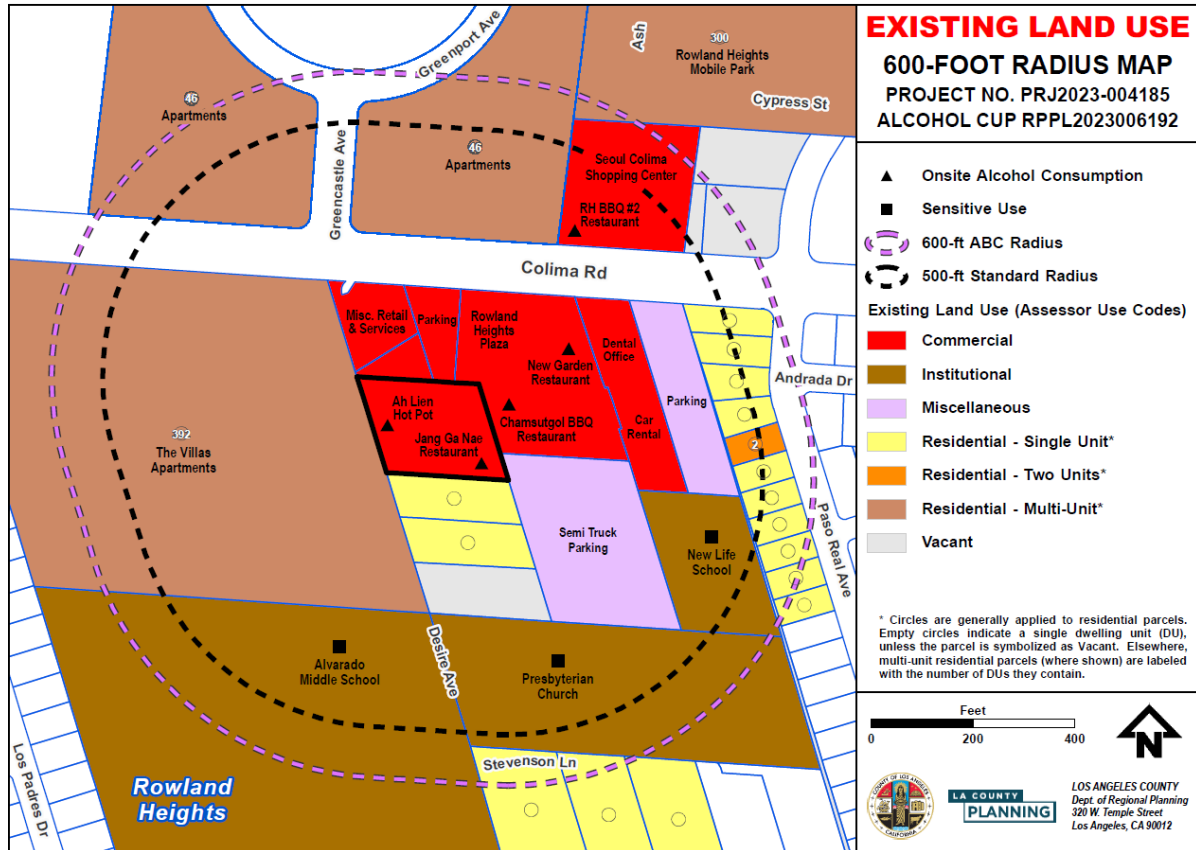
The following chart provides property data within a 500-foot radius:

LOCATION	ROWLAND HEIGHTS COMMUNITY PLAN LAND USE POLICY*	ZONING	EXISTING USES
SUBJECT PROPERTY	C (Commercial)	C-1	Shopping Center
NORTH	C, U3 (Urban 3 – 6.1 to 12.0 dwelling units per acre)	C-1, RPD-6,000-10U (Residential Planned Development – 6,000 Square Feet Minimum Required Lot Area – 10 Units Per Acre)	Commercial, Apartments
EAST	C, U2 (Urban 2 – 3.3 to 6.0 dwelling units per acre)	C-1	Commercial, Vacant, School, Single-Family Residences
SOUTH	C, N2 (Non-Urban 2 – 0.3 to 1.0 dwelling units per acre)	C-2-BE (Neighborhood Business – Billboard Exclusion)	Single-Family Residences, Vacant, Church, School
WEST	U5 (Urban 5 – 22.1 to 35.0 dwelling units per acre)	R-3 (Limited Density Multiple Residence)	Apartments

* Note: On May 21, 2024, the Rowland Heights Community Plan (“Community Plan”) was rescinded with the adoption of the East San Gabriel Valley Area Plan (“Area Plan”). However, since the subject CUP application was deemed complete prior to the adoption of the Area Plan, the CUP is still being reviewed and analyzed under the Community Plan.







PROPERTY HISTORY

A. Zoning History

ORDINANCE NO.	ZONING	DATE OF ADOPTION
5122	A-1-10,000 (Light Agricultural – 10,000 Square Feet Minimum Required Lot Area)	5/25/1948
5901 Part D	C-1	1/29/1952

B. Previous Cases

CASE NO.	REQUEST	DATE OF ACTION
CUP No. 03-066	On-site beer and wine for an existing restaurant.	Approved 10/29/2003 (expired 12/17/2018)

C. Violations

On June 8, 2021, LA County Planning Zoning Enforcement staff conducted an inspection of the subject establishment and observed alcohol being sold with an expired CUP.

ANALYSIS

A. Land Use Compatibility

The sale of alcoholic beverages (beer and wine) for on-site consumption at the subject restaurant is compatible with the surrounding neighborhood and serves the community by providing a beverage service that complements the restaurant's food and dining service. Alcoholic beverage sales is a permitted use in the C-1 zone once a CUP is obtained. Currently there are four other establishments within a 500-foot radius of the subject shopping center that have alcohol licenses. All four establishments are restaurants. Two restaurants sell beer and wine for on-site consumption and two restaurants sell full line alcohol for on-site consumption. Three of the establishments are located within the same shopping center as the subject restaurant and one establishment is located in a shopping center across the street from the subject shopping center. Additionally, the County Sheriff's Department ("Sheriff") reviewed the subject restaurant's crime history and stated that there have only been alarm activations and routine calls to the subject restaurant and had no specific concerns regarding the CUP request. There are two sensitive uses within 600 feet of the subject property identified as a church and an intermediate school located to the south of the subject shopping center.

B. Neighborhood Impact (Need/Convenience Assessment)

Statistical data from the California Department of Alcoholic Beverage Control ("ABC") report that the subject shopping center is not located in a census tract with an overconcentration of on-site alcohol licenses. Five on-site alcohol licenses exist in the census tract and six licenses are allowed; granting of this CUP would be the sixth on-site alcohol license. The subject shopping center is located in a high crime reporting district, defined as having a 20 percent greater number of reported crimes than the average number of reported crimes of other reporting districts. Although located in a high crime reporting district, the sale of beer and wine for on-site consumption would serve as a public convenience to the surrounding community by providing beverage services that are customary to and expected at a restaurant and supports the restaurant's economic viability. This public convenience and necessity needs to be balanced with the potential adverse effects of the easy availability of alcoholic beverages either too early or too late in the day (see Exhibit M). Because of these potential adverse effects, alcoholic beverage sales at the establishment shall be limited to the hours of 10:00 a.m. to 10:00 p.m. daily. Additionally, the Sheriff has reviewed the subject restaurant's crime history and had no specific concerns and recommended approval of the CUP.

The subject restaurant is located within a multi-tenant shopping center with other restaurants, retail stores, and commercial services. The shopping center serves as an activity hub and community focal point with multiple options for shopping, dining, and other commercial services. The sale of beer and wine for on-site consumption at the subject restaurant will continue to support the subject shopping center's economic vitality for the surrounding neighborhood.

C. Design Compatibility

The sale of beer and wine for on-site consumption on the premises does not affect the physical design of the establishment. This is an existing restaurant in a tenant space within an existing shopping center. No physical alterations are proposed with this CUP request. The subject restaurant is located within the Rowland Heights Community Standards District (“CSD”). The sale of beer and wine for on-site consumption does not conflict with any design standards of the CSD.

GENERAL PLAN/COMMUNITY PLAN CONSISTENCY

The Project is consistent with applicable goals and policies of the General Plan and the Community Plan. Consistency findings can be found in the attached Findings (Exhibit C – Findings).

ZONING ORDINANCE CONSISTENCY

The Project complies with all applicable zoning requirements. Consistency findings can be found in the attached Findings (Exhibit C – Findings).

BURDEN OF PROOF

The applicant is required to substantiate all facts identified by Sections 22.158.050 (CUP Findings and Decision) and 22.140.030 (Alcoholic Beverage Sales Findings and Decision) of the County Code. The Burden of Proof with applicant’s responses is attached (Exhibit E – Applicant’s Burden of Proof). Staff is of the opinion that the applicant has met the burden of proof.

ENVIRONMENTAL ANALYSIS

Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (“CEQA”) and the County environmental guidelines. The sale of on-site beer and wine for on-site consumption at an existing restaurant will be an accessory service to the restaurant's food service and does not change the restaurant's current operations. Additionally, the Project Site is not located within or in close proximity to an environmentally sensitive area, a hazardous waste site, nor designated historic district. There are also no significant or unusual environmental impacts associated with the Project. The size and scope of the Project will not cause any cumulative environmental impacts to the area. Thus, there are no exceptions to the identified exemption. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA. An environmental determination (Exhibit F – Environmental Determination) was issued for the project.


COMMENTS RECEIVED

A. County Department Comments and Recommendations

1. The County of Los Angeles Sheriff’s Department, in a letter received March 26, 2024, recommended that the Project proceed to public hearing.

B. Public Comments

1. The Rowland Heights Community Coordinating Council, in a letter dated February 8, 2024, recommended approval of the Project.
2. Staff has received 51 signatures in support of the Project.

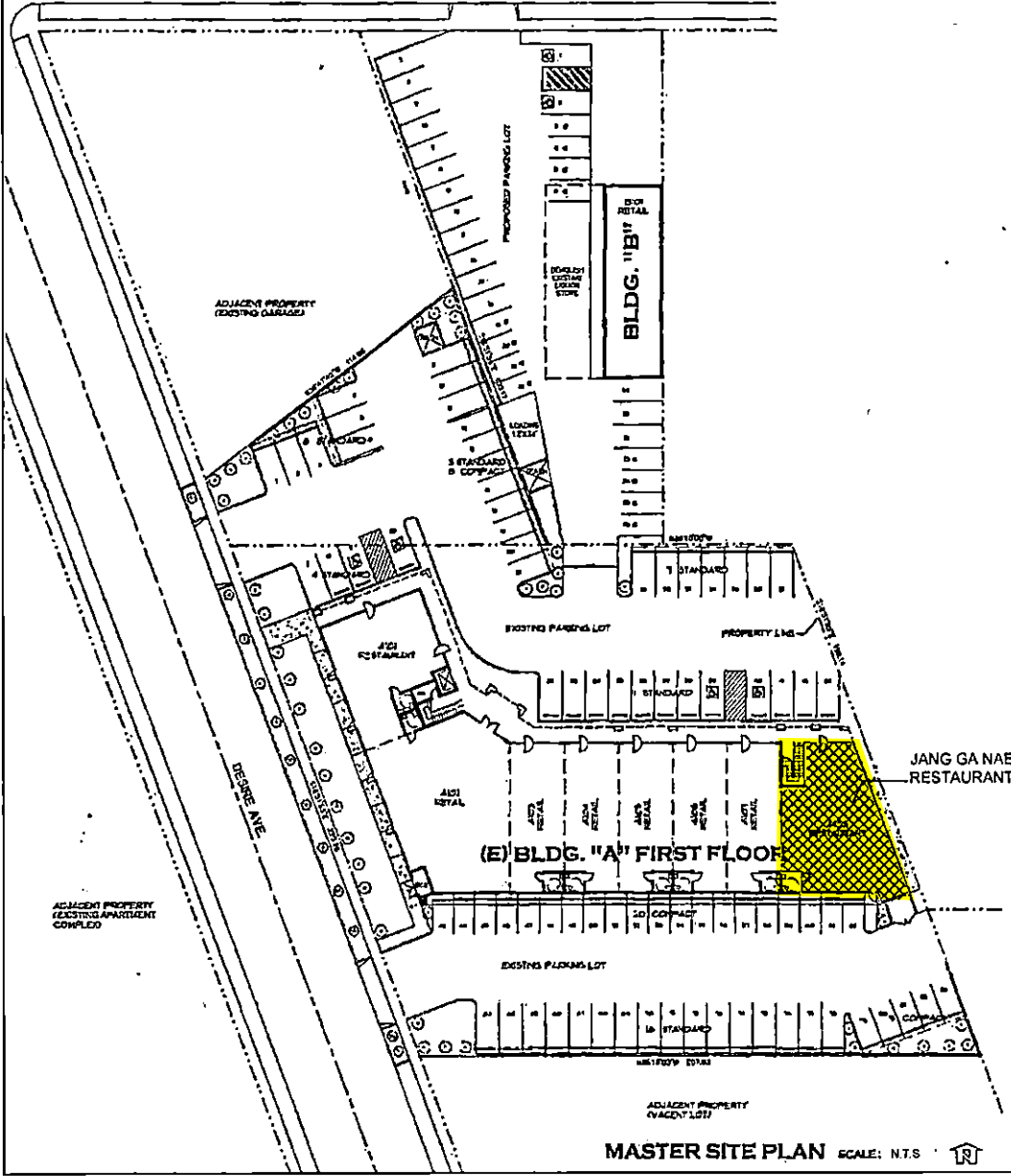
Report
Reviewed By: 
Maria Masis, AICP, Supervising Regional Planner

Report
Approved By: 
Susan Tae, AICP, Assistant Administrator

LIST OF ATTACHED EXHIBITS	
EXHIBIT A	Plans
EXHIBIT B	Project Summary Sheet
EXHIBIT C	Draft Findings
EXHIBIT D	Draft Conditions of Approval
EXHIBIT E	Applicant's Burden of Proof
EXHIBIT F	Environmental Determination
EXHIBIT G	Informational Maps
EXHIBIT H	Sheriff's Comment Letter
EXHIBIT I	ABC B&P Worksheet
EXHIBIT J	RHCCC Letter
EXHIBIT K	Support Petition
EXHIBIT L	CUP no. 03-066
EXHIBIT M	Reference Documents
<ol style="list-style-type: none">1. "Effectiveness of Policies Restricting Hours of Alcohol Sales in Preventing Excessive Alcohol Consumption and Related Harms". US National Library of Medicine National Institutes of Health. 2010. https://www.ncbi.nlm.nih.gov/pubmed/210840802. "International alcohol control study: pricing data and hours of purchase predict heavier drinking". US National Library of Medicine National Institutes of Health. https://www.ncbi.nlm.nih.gov/pubmed/245888593. "How To Use Local and Land Use Powers to Prevent Underage Drinking". Pacific Institute for Research and Evaluation, August 2013 (https://www.ojp.gov/ncjrs/virtual-library/abstracts/how-use-local-regulatory-and-land-use-powers-prevent-underage)	

COLIMA RD.

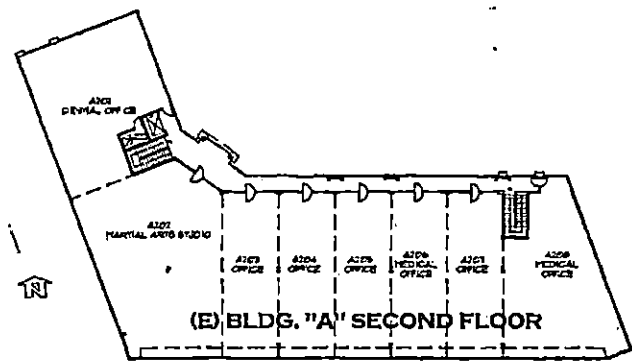
EXISTING SITE PLAN



BUILDING ANALYSIS AND PARKING ANALYSIS

EXISTING BUILDING "A"		ROOM NUMBER	USE	ARCA	TOTAL ARCA	OCCUPANTS	PARKING REQUIRED			
FIRST FLOOR	A101	RESTAURANT	689	1650	3	34	12			
		KITCHEN	507							
		DINING RM	454							
		TOILET/STORAGE								
	A102	RETAIL						2598		10
	A103	RETAIL						1080		4
	A104	RETAIL						1080		4
	A105	RETAIL						1080		4
	A106	RETAIL						1080		4
	A107	RETAIL						1080		4
FIRST FLOOR	A108	RESTAURANT		1900	3	37	13			
		KITCHEN	668							
		DINING RM	551							
		TOILET/STORAGE	661							
FIRST FLOOR	A201	MEDICAL OFFICE		2014		8.05				
	A202	PROFESSIONAL OFFICE		2785		7				
	A203	PROFESSIONAL OFFICE		1160		3				
	A204	PROFESSIONAL OFFICE		1160		3				
	A205	PROFESSIONAL OFFICE		1160		3				
	A206	MEDICAL OFFICE		1160		4.84				
	A207	PROFESSIONAL OFFICE		1160		3				
	A208	PROFESSIONAL OFFICE		1045		7.78				
				TOTAL	24095		95			
EXISTING BUILDING "B"		B101	RETAIL		1470		6			
				TOTAL	1470		6			
				TOTAL REQUIRED			101			
				PARKING PROVIDED						
				STANDARD (8'-6" X 18'-0")			60			
				VAN ACCESSIBLE (8'-0" X 18'-0")			6			
				COMPACT (8'-0" X 15'-0")			45			
				TOTAL PROVIDED			111			

LOT AREA: 60,200 SF. (1.38 ACRES)
 APN'S: 8272 001 007
 8272 001 005
 8272 001 054

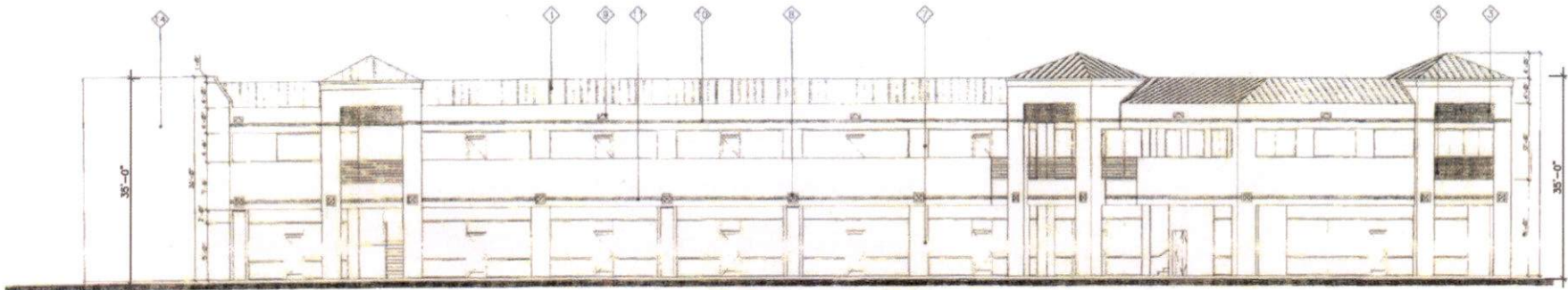


MASTER SITE PLAN SCALE: N.T.S.

APPLICANT: KYUNGRAN CHANG
 1722 DESIRE AVE. UNIT 108
 ROWLAND HEIGHTS 91748
 626-839-7977

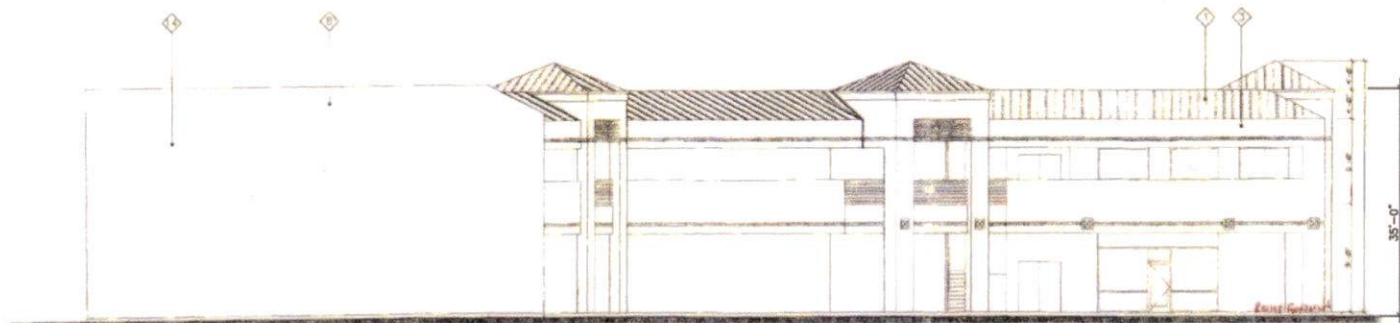
EXISTING SITE PLAN

ROWLAND HEIGHTS PLAZA
 1722-1740 DESIRE AVE.
 ROWLAND HEIGHTS, CA



1. NORTH ELEVATION

SCALE: N.T.S.



2. EAST ELEVATION

SCALE: N.T.S.

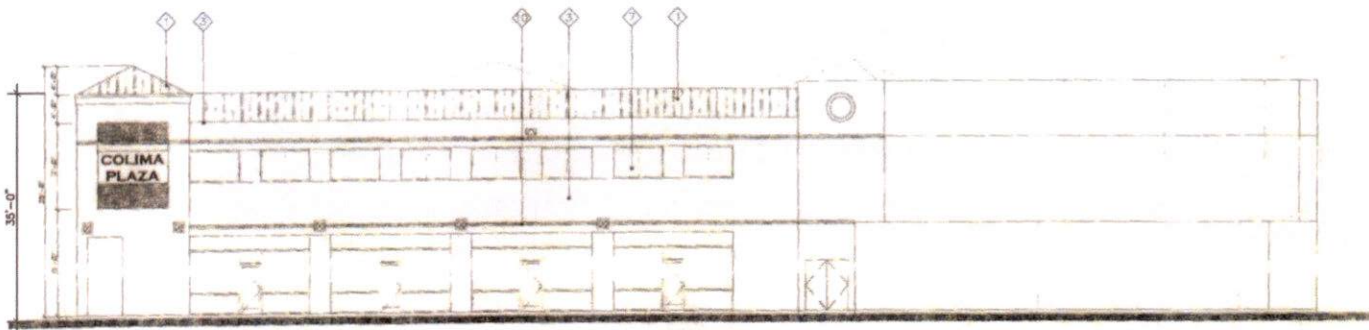
LEGEND

- ◇ CERAMIC ROOF TILE (BLUE)
- ◇ STUCCO WALL (LA HABRA X 50 CRYSTAL WHITE)
- ◇ STUCCO WALL (LA HABRA X 60 CRYSTAL WHITE)
- ◇ STUCCO WALL (LA HABRA X 50 CRYSTAL WHITE)
- ◇ STUCCO WALL (LA HABRA X 50 CRYSTAL WHITE)
- ◇ C.M.L. WALL (LA HABRA X 50 CRYSTAL WHITE)
- ◇ TEMPERED GLASS STOREFRONT
- ◇ EXTERIOR SECURITY LIGHT
- ◇ SECURITY LIGHT
- ◇ 6" REVEAL (BLUE)
- ◇ 6" REVEAL (BLUE)
- ◇ 2" ALUMINUM REVEAL
- ◇ KNOB OVERFLOW
- ◇ PAINT STRIP

APPLICANT: KYUNGRAN CHANG
 1722 DESIRE AVE. UNIT 108
 ROWLAND HEIGHT 91748
 626-839-7977

ELEVATIONS

ROWLAND HEIGHTS PLAZA
 1722-1740 DESIRE AVE.
 ROWLAND HEIGHTS, CA

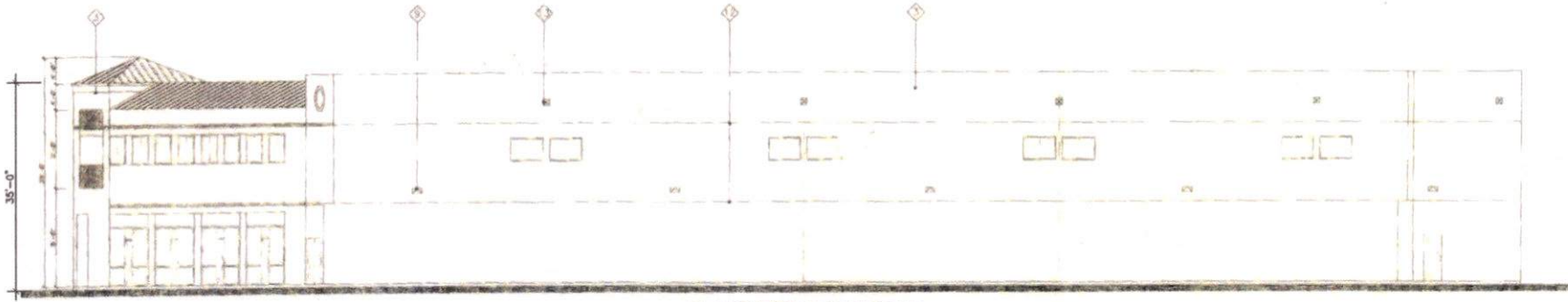


1. WEST ELEVATION

SCALE: N.T.S.

LEGEND

- ◇ CERAMIC ROOF TILE (BLUC)
- ◇ STUCCO WALL (LA HABRA X-50 CRYSTAL WHITE)
- ◇ STUCCO WALL (LA HABRA X-50 CRYSTAL WHITE)
- ◇ STUCCO WALL (LA HABRA X-50 CRYSTAL WHITE)
- ◇ STUCCO WALL (LA HABRA X-50 CRYSTAL WHITE)
- ◇ CALU. WALL (LA HABRA K-50 CRYSTAL WHITE)
- ◇ TEMPERED GLASS STOREFRONT
- ◇ EXTERIOR SECURITY LIGHT
- ◇ SECURITY LIGHT
- ◇ 6" REVEAL (BLUE)
- ◇ 6" REVEAL (BLUE)
- ◇ 2" ALUMINUM REVEAL
- ◇ ROOF OVERFLOW
- ◇ PANEL STRIP



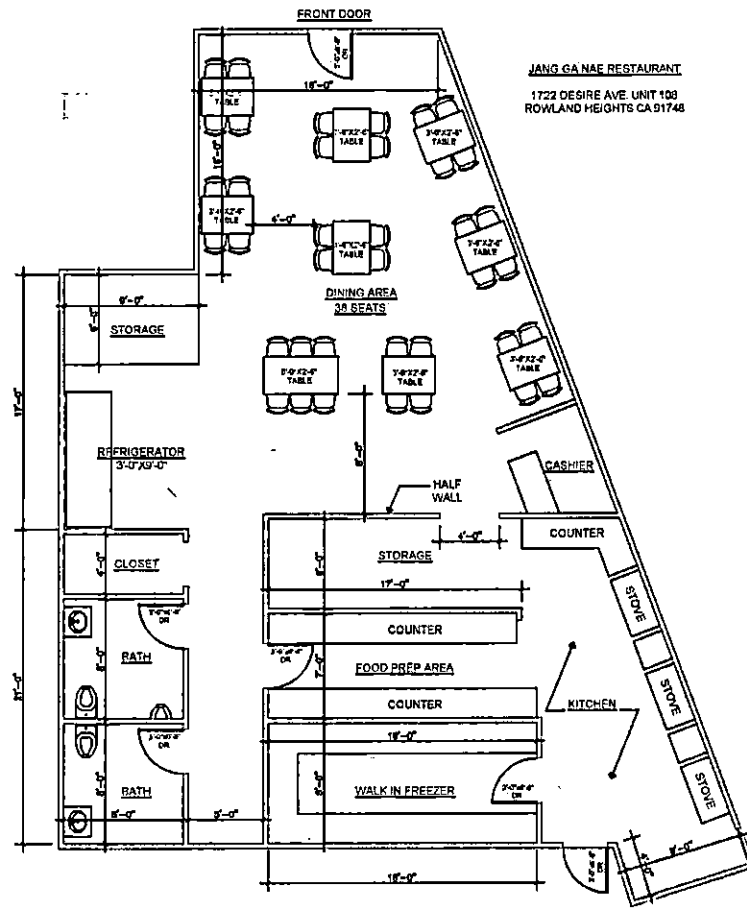
2. SOUTH ELEVATION

SCALE: N.T.S.

APPLICANT: KYUNGRAN CHANG
 1722 DESIRE AVE. UNIT 108
 ROWLAND HEIGHT 91748
 626-839-7977

ELEVATIONS

ROWLAND HEIGHTS PLAZA
 1722-1740 DESIRE AVE.
 ROWLAND HEIGHTS, CA



JANG GA NAE RESTAURANT
 1722 DESIRE AVE UNIT 108
 ROWLAND HEIGHTS CA 91748

EXISTING FLOOR PLAN
 SCALE: N.T.S.

APPLICANT: KYUNGRAN CHANG
 1722 DESIRE AVE. UNIT 108
 ROWLAND HEIGHT 91748
 626-839-7977

ROWLAND HEIGHTS PLAZA
 1722-1740 DESIRE AVE.
 ROWLAND HEIGHTS, CA



PROJECT NUMBER PRJ2023-004185-(1)
HEARING DATE October 15, 2024
REQUESTED ENTITLEMENT(S)
 Conditional Use Permit No. RPPL2023006192

PROJECT SUMMARY

OWNER / APPLICANT Rowland Height Plaza Inc / Kyungran Chang	MAP/EXHIBIT DATE 11/16/2023
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PROJECT OVERVIEW

The applicant, Kyungran Chang, is requesting a conditional use permit (“CUP”) to authorize the sale of beer and wine for on-site consumption at an existing restaurant (“Jang Ga Nae”) located in a commercial shopping center in the C-1 (Restricted Business) Zone pursuant to Los Angeles County Code Section 22.20.030.C (Land Use Regulations for Commercial Zones).

LOCATION 1722 Desire Avenue, Suite 108, Rowland Heights	ACCESS via Colima Road
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ASSESSORS PARCEL NUMBER(S) 8272-001-007	SITE AREA 1.02 Acres
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GENERAL PLAN / LOCAL PLAN Rowland Heights Community Plan*	ZONED DISTRICT Puente	PLANNING AREA East San Gabriel Valley
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LAND USE DESIGNATION C (Commercial)	ZONE C-1
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PROPOSED UNITS N/A	MAX DENSITY/UNITS N/A	COMMUNITY STANDARDS DISTRICT Rowland Heights
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ENVIRONMENTAL DETERMINATION (CEQA)
 Class 1 Categorical Exemption – Existing Facilities

KEY ISSUES

- Consistency with the Los Angeles County General Plan and Rowland Heights Community Plan
- Satisfaction of the following portions of Title 22 of the Los Angeles County Code:
 - Section 22.158.050 (Conditional Use Permit Findings and Decision Requirements)
 - Section 22.140.030.F (Alcoholic Beverage Sales Burden of Proof Requirements)
 - Chapter 22.332 (Rowland Heights CSD Requirements)
 - Section 22.20.040 (Development Standards for Commercial Zones)
 - Section 22.20.050 (Development Standards for Zones C-H, C-1, C-2, C-3, and C-M)

* Note: On May 21, 2024, the Rowland Heights Community Plan (“Community Plan”) was rescinded with the adoption of the East San Gabriel Valley Area Plan (“Area Plan”). However, since the subject CUP application was deemed complete prior to the adoption of the Area Plan, the CUP is still being reviewed and analyzed under the Community Plan.

CASE PLANNER: Steve Mar	PHONE NUMBER: (213) 893-7009	E-MAIL ADDRESS: smar@planning.lacounty.gov
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LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
DRAFT FINDINGS OF THE HEARING OFFICER
AND ORDER
PROJECT NO. PRJ2023-004185-(1)
CONDITIONAL USE PERMIT NO. RPPL2023006192

RECITALS

1. **HEARING DATE.** The Los Angeles County (“County”) Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit (“CUP”) No. **RPPL2023006192** on October 15, 2024.
2. **HEARING PROCEEDINGS.** *Reserved.*
3. **ENTITLEMENT REQUESTED.** The permittee, Kyungran Chang ("permittee"), requests the CUP to authorize the sale of on-site beer and wine for on-site consumption ("Project") at an existing restaurant (“Jang Ga Nae”) located in a commercial shopping center at 1722 Desire Avenue, Suite 108 in the unincorporated community of Rowland Heights ("Project Site") in the C-1 (Restricted Business) zone pursuant to Los Angeles County Code ("County Code") Section 22.20.030.C (Land Use Regulations for Commercial Zones). The restaurant’s hours of operation are 11:30 a.m. to 2:30 p.m., 5:00 p.m. to 9:00 p.m. Monday to Friday, and 11:30 a.m. to 9:00 p.m. on Saturdays. Alcohol sales shall be limited to 10:00 a.m. to 10:00 p.m., seven days a week.
4. **PREVIOUS ENTITLEMENT(S).** CUP No. 03-066, approved October 29, 2003, and expired December 17, 2018, authorized the sale of beer and wine for on-site consumption at an existing restaurant.
5. **LAND USE DESIGNATION*.** The Project Site is located within the C (Commercial) land use category of the Rowland Heights Community Plan (“Community Plan”) Land Use Policy Map, a component of the Los Angeles County General Plan (“General Plan”). On May 21, 2024, the Community Plan was rescinded with the adoption of the East San Gabriel Valley Area Plan (“Area Plan”). However, since the subject CUP application was deemed complete prior to the adoption of the Area Plan, the CUP is still being reviewed and analyzed under the Community Plan.
6. **ZONING.** The Project Site is located in the Puente Zoned District and the Rowland Heights Community Standards District (“CSD”) and is currently zoned C-1. Pursuant to County Code Section 22.20.030.C (Land Use Regulations for Commercial Zones), a CUP is required for the sale of alcoholic beverages for on-site consumption.

7. SURROUNDING LAND USES AND ZONING

LOCATION	ROWLAND HEIGHTS COMMUNITY PLAN LAND USE POLICY*	ZONING	EXISTING USES
NORTH	C, U3 (Urban 3 – 6.1 to 12.0 dwelling units per acre)	C-1, RPD-6,000-10U (Residential Planned Development – 6,000 Square Feet Minimum Required Lot Area – 10 Units Per Acre)	Commercial, Apartments
EAST	C, U2 (Urban 2 – 3.3 to 6.0 dwelling units per acre)	C-1	Commercial, Vacant, School, Single-Family Residences
SOUTH	C, N2 (Non-Urban 2 – 0.3 to 1.0 dwelling units per acre)	C-2-BE (Neighborhood Business – Billboard Exclusion)	Single-Family Residences, Vacant, Church, School
WEST	U5 (Urban 5 – 22.1 to 35.0 dwelling units per acre)	R-3 (Limited Density Multiple Residence)	Apartments

* Note: On May 21, 2024, the Rowland Heights Community Plan (“Community Plan”) was rescinded with the adoption of the East San Gabriel Valley Area Plan (“Area Plan”). However, since the subject CUP application was deemed complete prior to the adoption of the Area Plan, the CUP is still being reviewed and analyzed under the Community Plan.

8. PROJECT AND SITE PLAN DESCRIPTION.

A. Existing Site Conditions

The Project Site consisting of the subject shopping center is 1.02 acres in size and consists of one legal lot. The Project Site is rectangular in shape with flat topography and is developed with a multi-tenant shopping center.

B. Site Access

The Project Site is accessible via Colima Road, a 100-foot wide Major Highway on the County Master Plan of Highways to the north. Primary access to the Project Site is via entrances/exits on Colima Road. Secondary access to the Project Site is via entrances/exits on Desire Avenue, a 39-foot private street on the County Master Plan of Highways.

C. Site Plan

The site plan depicts the subject restaurant located at the southeast corner of Colima Road and Desire Avenue as a multi-tenant shopping center consisting of two buildings. Parking is provided by surface parking lots in front of and behind the shopping center structure. The subject restaurant is located in a tenant space within the shopping center. The restaurant's floor plan depicts the dining area where food and beverage service occur.

D. Parking

The subject shopping center provides 111 parking spaces on a surface parking lot. The restaurant requires 13 parking spaces.

9. CEQA DETERMINATION.

Prior to the Hearing Officer's public hearing on the Project, LA County 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 involved the sale of on-site beer and wine for on-site consumption at an existing restaurant which will be an accessory service to the restaurant's food service and does not change the restaurant's current operations. Additionally, the Project Site is not located within or in close proximity to an environmentally sensitive area, a hazardous waste site, nor designated historic district. There are also no significant or unusual environmental impacts associated with the Project. The size and scope of the Project will not cause any cumulative environmental impacts to the area. Thus, there are no exceptions to the identified exemption.

10. PUBLIC COMMENTS.

Prior to the publication of the Report to the Hearing Officer, LA County Planning staff received a petition with 51 signatures in support of the Project.

Rowland Heights Community Coordinating Council

The Rowland Heights Community Coordinating Council has reviewed the Project and had recommended approval of the CUP request.

11. AGENCY RECOMMENDATIONS.

A. County Sheriff's Department: Recommended approval in a letter received March 26, 2024.

12. 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, newspaper (*San Gabriel Valley Tribune*), and property posting. Additionally, the Project was noticed and case materials were available on LA County Planning's website. On August 28, 2024, a total of 118 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 11 notices to those on the courtesy mailing list for the Puente Zoned District and to any additional interested parties.

GENERAL PLAN CONSISTENCY FINDINGS

13. **LAND USE POLICY.** The Hearing Officer finds that the Project is consistent with the goals and policies of the Community Plan because the C - Commercial land use designation is intended for manufacturing, warehousing, and heavy commercial uses. The sale of beer and wine for on-site consumption at an existing restaurant supports the continued commercial use of the property.

14. **GOALS AND POLICIES.** The Hearing Officer finds that the Project is consistent with the following the goals and policies:

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

- *(Policy LU 4.4) Encourage mixed use development along major commercial corridors in urban and suburban areas.*
- *(Policy LU 5.2) Encourage a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs.*

The Project allows for the sale of beer and wine for on-site consumption at an existing restaurant located in a shopping center along the major commercial corridor of Colima Road. The Project allows the restaurant to provide beer and wine service with its dining services and will help maintain an existing commercial service in the neighborhood.

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

- *(Policy 8.g) All businesses in a center (three establishments or more) should present a general harmony of facades.*

The sale of beer and wine for on-site consumption at an existing restaurant will not affect existing signs or facades of the shopping center. The shopping center currently provides adequate signage and façade appearances.

ZONING CODE CONSISTENCY FINDINGS

15. **PERMITTED USE IN ZONE.** The Hearing Officer finds that the Project is consistent with the C-1 zoning classification as alcoholic beverage sales for on-site consumption is permitted in such zone with a CUP pursuant to County Code Section 22.20.030.C (Land Use Regulations for Commercial Zones).

16. **REQUIRED YARDS.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.20.050 (Development Standards for Zone C-1). While the Project is a request for the sale of beer and wine for on-site consumption at an existing restaurant, the subject shopping center provides the required 20-foot front yard setback for the C-1 zone and no physical changes are proposed.

17. **HEIGHT.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.20.040 (Development Standards for Commercial Zones). While the Project is a request for the sale of beer and wine for on-site consumption at an existing restaurant, the existing commercial structures do not exceed the maximum height of 35 feet allowed in the C-1 zone.
18. **PARKING.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.112.070 (Required Parking Spaces). While the Project is a request for the sale of beer and wine for on-site consumption at an existing restaurant, there are a total of 111 parking spaces provided on a surface parking lot. The subject restaurant requires 13 parking spaces which can be accommodated by the existing parking spaces provided.

CONDITIONAL USE PERMIT FINDINGS

19. **The Hearing Officer finds that 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.** The sale of beer and wine for on-site consumption at an existing restaurant will not be detrimental to the surrounding area. The restaurant is located in a multi-tenant, commercial shopping center and the subject restaurant does not directly face any nearby residences and is buffered from nearby residences by landscaping, streets, and parking lots.
20. **The Hearing Officer finds 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 Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area.** The Project Site is located in an existing shopping center that has been previously approved in conformance with all development standards prescribed under Title 22 (Planning and Zoning) of the County Code. No physical expansion or changes are proposed as part of the Project.
21. **The Hearing Officer finds that 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.** The Project Site is located along Colima Road which can handle all vehicular traffic generated by the businesses in the shopping center. The Project Site is serviced by all necessary public services and utilities that are needed for the Project Site's tenants.
22. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the CUP to 10 years.

SUPPLEMENTAL FINDINGS

23. **The Hearing Officer finds that the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.** There is one church and one school located within a 600-foot radius of the Project Site. The front entrances of the subject restaurant and shopping center are oriented away from these sensitive uses and there is no direct access between the shopping center and these sensitive uses.
24. **The Hearing Officer finds that the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity, so as not to adversely affect said area.** The front entrances of the shopping center and the subject restaurant do not directly face any adjacent residences. The subject restaurant is buffered from nearby residences by landscaping, streets, and parking lots.
25. **The Hearing Officer finds that the requested use at the proposed location will not adversely affect the economic welfare of the nearby community.** The project will enhance the economic welfare of the restaurant and will provide a complementary beverage service that is customary at a restaurant. Other restaurants in the shopping center also serve alcoholic beverages for on-site consumption and the Project contributes to creating a vibrant shopping center.
26. **The Hearing Officer finds 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 the neighborhood.** The sale of beer and wine for on-site consumption at the restaurant would not alter the existing exterior appearance of the shopping center's structure.
27. **The Hearing Officer finds that even though the proposed sale of alcohol would occur at a site within a high crime reporting district, pursuant to the California Alcoholic Beverage Control Act and the regulations adopted under that Act, the sale of alcohol at the subject property contributes to the public convenience or necessity.** Statistical data from the California Department of Alcoholic Beverage Control ("ABC") report that the subject shopping center is located in a high crime reporting district, defined as having a 20 percent greater number of reported crimes than the average number of reported crimes of other reporting districts. The sale of beer and wine for on-site consumption at the restaurant is a complementary and expected service for the type of cuisine being served at the restaurant. Other restaurants within the subject shopping center and adjacent shopping centers also serve alcoholic beverages for on-site consumption as part of their dining service. By providing beer and wine for on-site consumption, the restaurant can provide a public convenience to its customers by offering beverage service that is similar to other nearby restaurants. The subject shopping center is not located in a census tract with an overconcentration

of on-site alcohol licenses. Five on-site alcohol licenses exist in the census tract and six licenses are allowed; granting of this CUP would be the sixth on-site alcohol license.

ENVIRONMENTAL FINDINGS

28. The Hearing Officer finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15301 (Class 1, Existing Facilities categorical exemption). The sale of on-site beer and wine for on-site consumption at an existing restaurant will be an accessory service to the restaurant's food service and does not change the restaurant's current operations. Additionally, the Project Site is not located within or in close proximity to an environmentally sensitive area, a hazardous waste site, nor designated historic district. There are also no significant or unusual environmental impacts associated with the Project. The size and scope of the Project will not cause any cumulative environmental impacts to the area. Thus, there are no exceptions to the identified exemption.

ADMINISTRATIVE FINDINGS

29. **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 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 site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The 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 continuation of the existing 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 existing 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 continuation of the existing use at the proposed location will not adversely affect the economic welfare of the nearby community.
- H. The exterior appearance of the structure is not inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood, so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.
- I. Even though the proposed sale of alcohol would occur at a site within a high crime reporting district, pursuant to the California Alcoholic Beverage Control Act and the regulations adopted under that Act, the sale of alcohol at the subject property contributes to the public convenience or necessity.

THEREFORE, THE HEARING OFFICER:

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15301 (Class 1, Existing Facilities categorical exemption); and
- 2. Approves **CONDITIONAL USE PERMIT NO. RPPL2023006192**, subject to the attached conditions.

ACTION DATE: October 15, 2024

MM:SM

10/15/2024

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING

DRAFT CONDITIONS OF APPROVAL
PROJECT NO. PRJ2023-004185-(1)
CONDITIONAL USE PERMIT NO. RPPL2023006192

PROJECT DESCRIPTION

The project is to authorize the sale of beer and wine for on-site consumption at an existing 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 (“LA County 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. 6, and until all required monies have been paid pursuant to Condition No. 9. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 3, 4, and 8 shall be effective immediately upon the date of final approval of this grant by the County.
3. 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.
4. 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 LA County 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 LA County 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.

5. 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.
6. 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.
7. **This grant shall terminate on October 15, 2034.** 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 LA County Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least twelve 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.
8. 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.
9. 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. No provision of any easement of any other encumbrance on the property shall exempt the permittee and/or property owner from compliance with these conditions and applicable regulations. 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 **\$2,205.00**, which shall be placed in a performance fund and be used exclusively to reimburse LA County Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of this grant. The fund provides for **five (5)** inspections. Inspections may be unannounced and may be conducted utilizing any available technologies, including, but not limited to, unmanned aircraft systems (UAS).

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 LA County Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$441.00 per inspection, or the current recovery cost established by LA County Planning at the time any additional inspections are required, whichever is greater.

10. 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 22.238 of the County Code.
11. 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.
12. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
13. 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 LA County Planning ("Director").
14. 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.
15. 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 LA County 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 48 hours of such notification, 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.

16. 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, a modified Exhibit "A" shall be submitted to LA County Planning by **November 15, 2024**.
17. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit revised 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.
18. The conditions of this grant shall always be retained on the premises and shall be immediately produced upon request by any County Sheriff, LA County Planning Zoning Enforcement ("Zoning Enforcement") inspector, or State of California Department of Alcoholic Beverage Control ("ABC") agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein. Violation of the conditions herein may subject the use to the provisions of County Code Chapter 22.238 (Modifications and Revocations).

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

19. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with County Code Chapter 22.114 (Signs) 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. If loitering occurs on a continuous basis, as determined by the County Sheriff, a security guard shall be required during business hours at the discretion of the Director.
20. All employees who directly serve or are in the practice of selling alcoholic beverages, including managers and security personnel, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by ABC, or a similar program, such as STAR (Standardized Training for Alcohol Retailers) or another comparable State of California-certified 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, indicated they have participated in this program. Proof of completion of the facility's training program by employees, the licensee, and all managers shall be provided to Zoning Enforcement within 90 days of the effective date of this Conditional Use Permit, and subsequently within 90 days of the hire date of all new employees and/or managers.
21. The permittee and all managers and employees shall not allow the sale of alcoholic beverages to any intoxicated person, any person appearing to be intoxicated, or any person exhibiting behaviors associated with being intoxicated.
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, or within any portion of the interior of any structure that is visible from the outside.

23. No publicly accessible telephones shall be maintained or permitted on the exterior of the premises. Any existing publicly accessible telephones shall be removed within 90 days of the effective date of this Conditional Use Permit.
24. Alcoholic beverages shall only be sold or served to patrons age 21 or older.
25. The permittee shall provide adequate exterior lighting above all entrances and exits to the premises and in all parking areas and walkways under control of the permittee or required as a condition of this grant. All exterior lighting required by this grant shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons within lighted areas during operating hours and shall be designed to direct light and glare only onto the premises. All exterior lighting by this grant shall also be hooded and directed away from neighboring residences to prevent direct illumination and glare, shall comply with County Code Chapter 22.80 (Rural Outdoor Lighting District) if applicable, and shall be turned off within thirty minutes after conclusion of activities, except for sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot.
26. A numbering address sign, in compliance with County Code Chapter 22.114 (Signs), shall be located at the front of the building in a location clearly visible from the property grounds and the nearest public street, to the satisfaction of the Director.
27. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
28. The premises, including exterior facades, designated parking areas, fences, and adjacent sidewalks and other public rights-of-way, shall be maintained in a neat and orderly condition and be free of garbage, trash, debris, or junk and salvage, except in designated trash collection containers and enclosures. All garbage, trash, debris, or junk and salvage shall be collected, and disposed of, daily.
29. This grant authorizes the sale of alcoholic beverages from 10:00 a.m. to 10:00 p.m., seven days a week.
30. There shall be no consumption of alcoholic beverages outside the designated dining areas of the subject facility, as depicted on the site and floor plans labeled Exhibit "A." 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.
31. The permittee shall develop and implement a Designated Driver program (e.g. free soft drinks or coffee to a designated driver of a group). A printed two-side card

explaining this program shall be placed on all tables in the facility or an explanation regarding this program shall be printed on the menu.

32. Music or other audible noise at the premises shall comply with Title 12 of the County to the satisfaction of the County Department of Public Health.
33. The permittee shall post the telephone numbers of local law enforcement agencies and shall post the telephone numbers of taxicab companies or a sign promoting ridesharing options, at or near the cashier or within a similar public service area. Such telephone numbers shall be visible by, and available to, the public.
34. Employees age 18 or older may serve alcoholic beverages in an area primarily designed and used for the sale and service of food for consumption on the premises as an incidental part of their overall duties. Bartenders and cocktail waiters and waitresses shall be age 21 or older.
35. Alcoholic beverages shall be sold to customers only when food is ordered and consumed within the subject restaurant only.
36. 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.
37. The permittee shall not advertise or hold any "happy hour" drink specials, "two for one" specials, or similar promotions.
38. Food service shall be continuously provided during operating hours.

1722 DESIRE AVE. UNIT 108. ROWLAND HEIGHTS

JANG GA NAE RESTAURANT

CONDITIONAL USE PERMIT RENEWAL FOR BEER AND WINE IN AN EXISTING RESTAURANT

The proposed conditional use permit would authorize the continued sale of beer and wine for on site consumption in an existing restaurant located at 1722 Desire Ave. Unit 108. The Jang Ga Nae restaurant has been located in the Rowland Heights Plaza since 2003. CUP case no 03-066-4 (beer and wine) was approved in December, 2003 to permit the sale of beer and wine in the existing 1,828 square foot restaurant with an occupant load of 40 persons.

A restaurant has been operating at this location since 2003 when the two story shopping center was constructed. The current business owner, Kyungran Chang has been operating the restaurant since 2003. The restaurant is family oriented, specializes in Chinese and Korean cuisine and is moderately priced. The restaurant is well known for its steam pork and hot pot specialties.

The Jang Na Nae restaurant currently maintains a 41 ABC license – beer and wine in a restaurant. There have been no violations or any disciplinary actions lodged against the restaurant.

The restaurant only serves alcohol with a meal and does not maintain bar service.

CUP FINDINGS

B.1 The continued use of a restaurant with accessory beer and wine has been and will continue to be consistent with the General Plan's

Commercial land use designation. Restaurants such as Jang Ga Nae in shopping centers are suitable for the GP commercial designation.

B.2 The sale of beer and wine with meals in the Jang Ga Nae, a bona fide restaurant will not affect the health, peace, comfort or welfare of residents in the surrounding area because the history of the restaurant use with beer and wine does not indicate any problems or issues. The restaurant is located in a medium sized shopping center, adjacent to a major commercial corridor and is well insulated from sensitive uses by major streets, walls and parking lots.

B.3 The restaurant is located in a medium sized shopping center and the site conforms to all zoning standards such as walls, landscaping and parking. Existing shopping center features will remain and no changes are proposed in the shopping center or existing restaurant.

B.4 As indicated above the site is well served by a major highway, Colima Rd. and Desire Ave. All public and private facilities are provided at the subject site. The property is adequate in size and shape to accommodate all zoning requirements and development features.

ALCOHOLIC BEVERAGE SALES FINDINGS

F.1.a The continued sale of beer and wine at the subject restaurant will not affect the use of a place used exclusively for religious purposes, school, park or similar use within 600 feet because the location of the restaurant is well buffered and separated by parking lots, walls and landscaping.

F.1.b The continued sale of beer and wine at the subject restaurant will not affect any residential use because the subject shopping center is located adjacent to a major commercial highway and there are adjoining commercial properties which buffer the site from residential

use. The shopping center is oriented northerly towards the main parking lot and Colima Rd. and away from residential use to the south.

F.1.c The continued sale of beer and wine in the Jang Ga Nae restaurant will not have a negative economic impact on the community – quite the contrary, the restaurant has been an asset and provides a great service to the Rowland Heights community.

F.1.d The exterior appearance of the subject restaurant is consistent with other commercial buildings in the area. The restaurant is located on the first floor of the Rowland Heights Plaza shopping center. It is surrounded by other complementary commercial uses. The entire shopping center is well maintained and provides essential community services.

There is only one other restaurant serving beer and wine in the Rowland Heights Plaza – Ah Lien restaurant located at the other end of the two story shopping center. Looking at the other alcohol licenses within 500 feet there are only two more for a total of four licenses. This does not constitute an overconcentration as defined by ABC.

The serving of beer or wine with meals in the existing restaurant constitutes a public convenience and requirement for Jang Ga Nae restaurant. This service has been available at the restaurant for twenty years without any negative incidents or impacts on the community or surrounding uses.

Beer and wine has complemented the operation of the restaurant by giving patrons the ability to have a glass of wine or beer with the specialty Asian cuisine offered.

The applicant has complied with all of the conditions stipulated in CUP 03-066-4 over the past 20 years. Beer and wine sales are permitted with the serving of meals only. There is no bar inside the restaurant

and there are no advertisements for alcohol on the exterior walls of the facility. The restaurant has a history of being well maintained and operated by the Chang family.

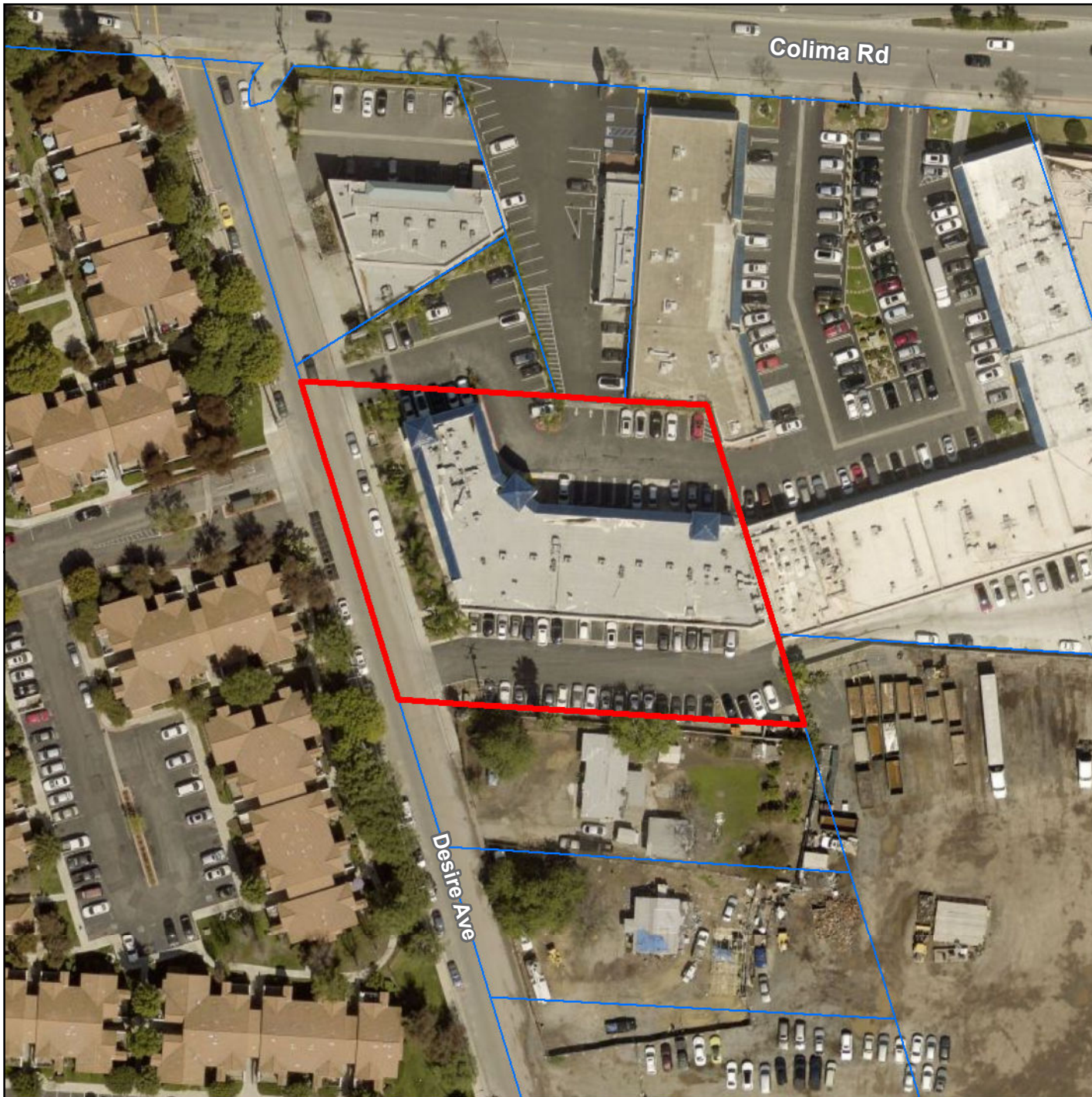
In conclusion the cup request is to allow the Jang Ga Nae restaurant to continue providing an important service by offering great food to the surrounding community.

The applicant requests limited hours for the restaurant's operating hours. Therefore, the restaurant operating hours/alcohol sales would be limited to 11:30 am to 9:30 pm seven days a week.

PROPOSED ENVIRONMENTAL DETERMINATION

DETERMINATION DATE: October 3, 2024
PROJECT NUMBER: PRJ2023-004185-(1)
PERMIT NUMBER(S): CUP RPPL2023006192
SUPERVISORIAL DISTRICT: 1
PROJECT LOCATION: 1722 Desire Avenue, Suite 108, Rowland Heights
OWNER: Rowland Height Plaza Inc
APPLICANT: Kyungran Chang
CASE PLANNER: Steve Mar, Senior Regional Planner
smar@planning.lacounty.gov

Los Angeles County (“County”) completed an initial review for the above-mentioned project. Based on examination of the project proposal and the supporting information included in the application, the County proposes that an Exemption is the appropriate environmental documentation under the California Environmental Quality Act (CEQA). The project qualifies as a Class 1, Existing Facilities categorical exemption under State CEQA Guidelines Section 15301 because the sale of beer and wine for on-site consumption at an existing restaurant will be an accessory service to the restaurant's food service and does not change the restaurant's current operations. Additionally, the Project Site is not located within or in close proximity to an environmentally sensitive area, a hazardous waste site, nor designated historic district. There are also no significant or unusual environmental impacts associated with the Project. The size and scope of the Project will not cause any cumulative environmental impacts to the area. Thus, there are no exceptions to the identified exemption.

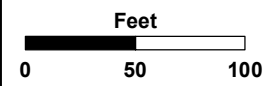


AERIAL IMAGERY

SITE-SPECIFIC MAP

PROJECT NO. PRJ2023-004185
ALCOHOL CUP RPPL2023006192

Digital Ortho Aerial Imagery:
Los Angeles Region Imagery
Acquisition Consortium (LARIAC)
2023



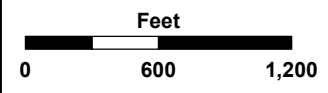
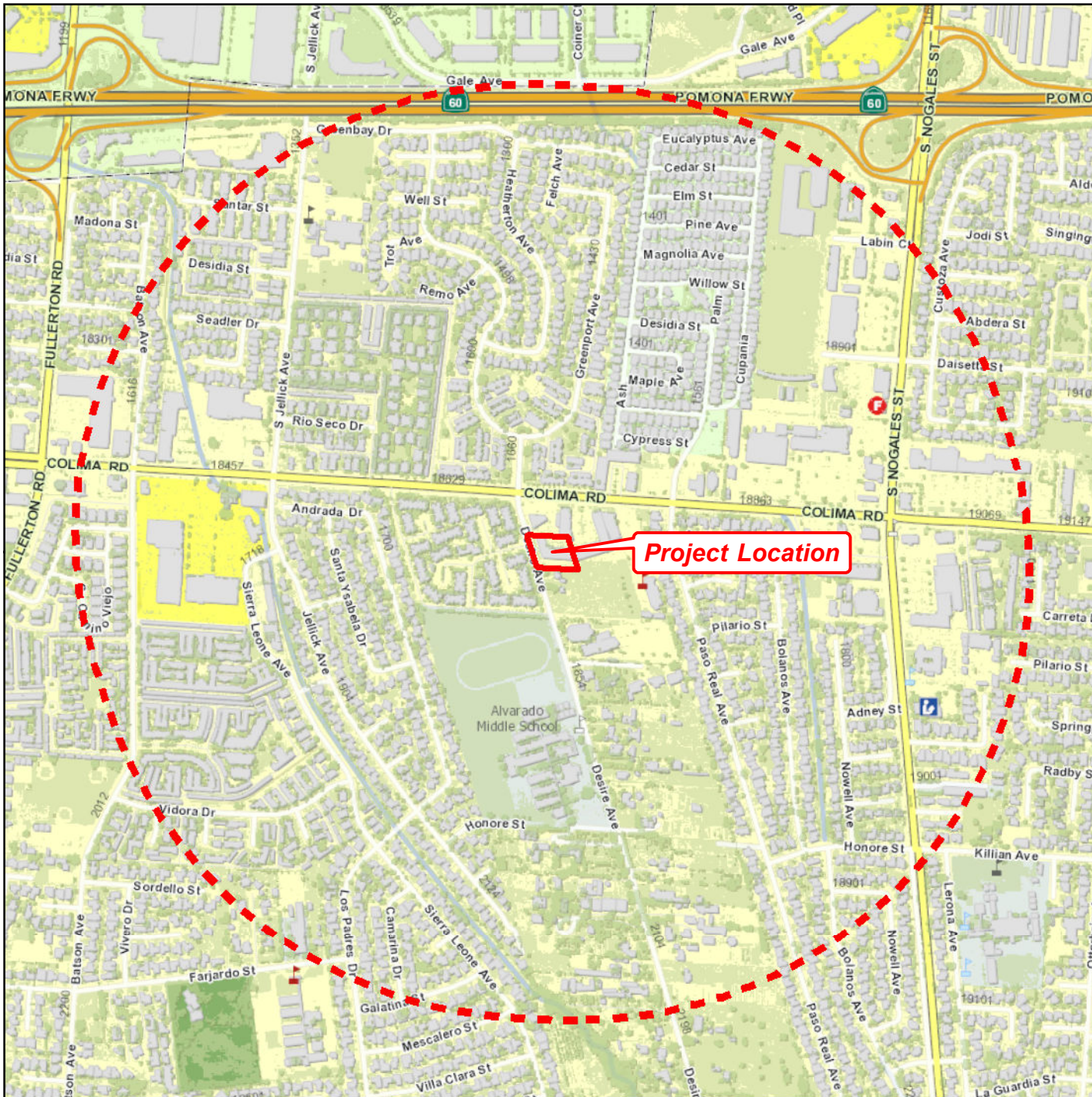
LA COUNTY
PLANNING

LOS ANGELES COUNTY
Dept. of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012

HALF-MILE RADIUS

LOCATOR MAP

PROJECT NO. PRJ2023-004185
ALCOHOL CUP RPPL2023006192



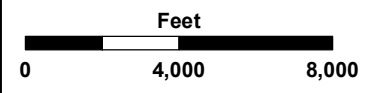
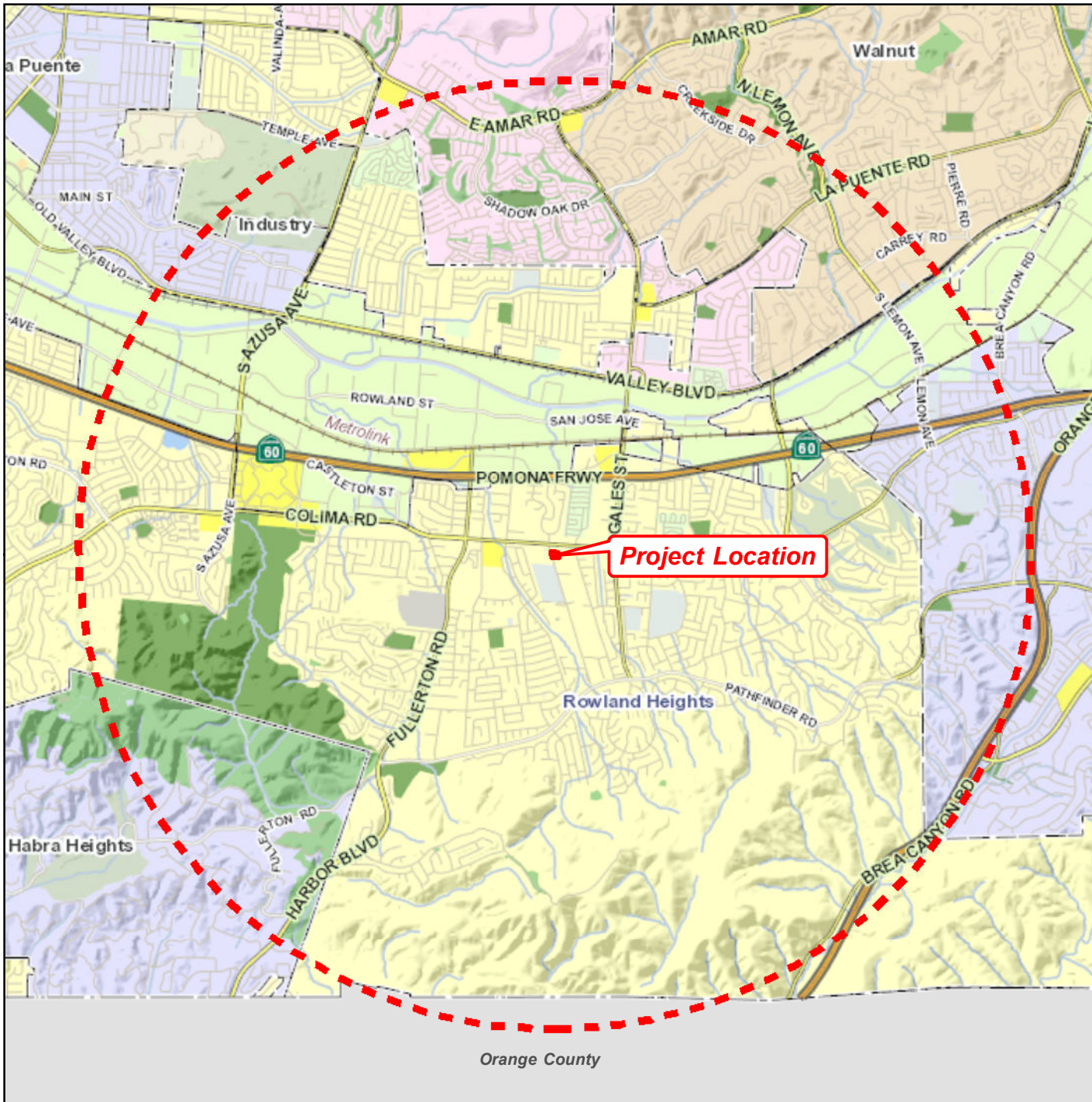
LA COUNTY
PLANNING

LOS ANGELES COUNTY
Dept. of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012

3-MILE RADIUS

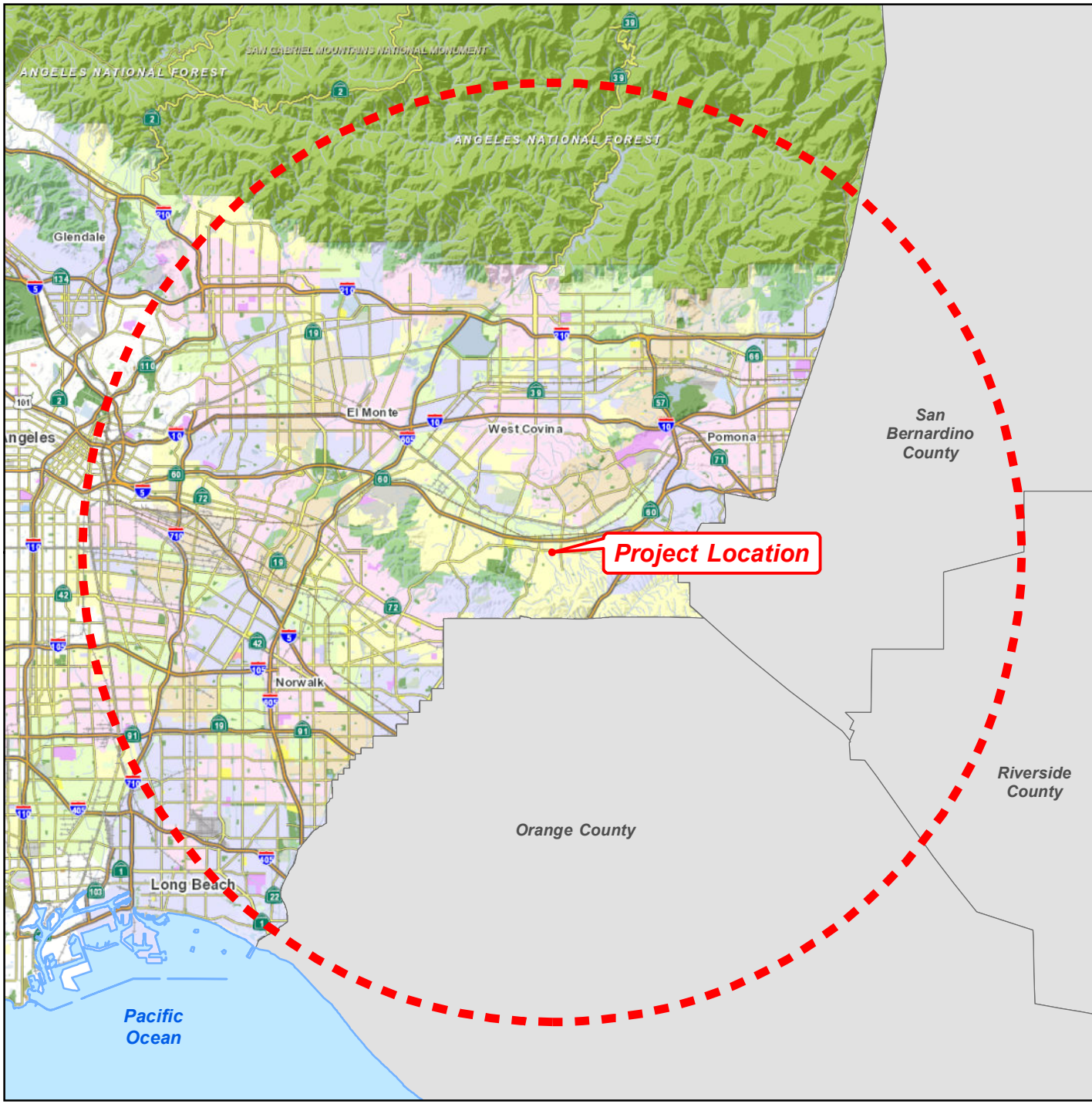
LOCATOR MAP

PROJECT NO. PRJ2023-004185
ALCOHOL CUP RPPL2023006192

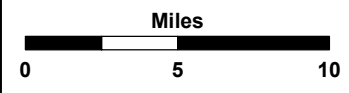


LA COUNTY
PLANNING

LOS ANGELES COUNTY
Dept. of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012



**20-MILE RADIUS
LOCATOR MAP**
PROJECT NO. PRJ2023-004185
ALCOHOL CUP RPPL2023006192



**LA COUNTY
PLANNING**

LOS ANGELES COUNTY
Dept. of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ROBERT G. LUNA, SHERIFF



Subject: Conditional Use Permit (CUP) Consultation for Sale of Alcohol
Project No.: PRJ2023-004185-(1)
Permit No.: Conditional Use Permit (CUP) No. RPPL2023006192
Establishment: Jang Ga Nae Restaurant
Location: 1722 Desire Avenue, Suite 108, Rowland Heights
Description: CUP application for beer and wine sales for on-site consumption at an existing restaurant.

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

There have been only calls for alarm activations and routine calls. At this time we have no specific concerns.

(2) Comments/recommended conditions:

We recommend that the locations have security cameras installed inside and outside facing the parking lot. The location is also nearby the 60 freeway which could make it a target for burglaries and robberies. The location is also located near an Apartment community that does have gang activity. We recommend burglary and robbery alarms. We also recommend that if the location is used in a nightclub or bar setting in the later hours, a security guard be hired for those evenings.

(3) Overall recommendation:

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

Sincerely,

ROBERT G. LUNA, SHERIFF

Steven H. Tousey, Captain
Walnut/Diamond Bar Sheriff's Station

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

A Tradition of Service
— Since 1850 —

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)

1722 Desire Ave, ste 108, Rowland Heights 91748-2969
(COURT)

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: | | | |

5. COUNTY POPULATION

N/A

6. TOTAL NUMBER OF LICENSES IN COUNTY

N/A

7. RATIO OF LICENSES TO POPULATION IN COUNTY

1: 944

On-Sale Off-Sale

On-Sale Off-Sale

8. CENSUS TRACT NUMBER

4087.25

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

6

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

5

On-Sale Off-Sale

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

679-B5

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

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

walnut ss

13. CRIME REPORTING DISTRICT NUMBER

2932

14. TOTAL NUMBER OF REPORTING DISTRICTS

572

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

43,839

16. AVERAGE NO. OF OFFENSES PER DISTRICT

76.6

17. 120% OF AVERAGE NUMBER OF OFFENSES

91.9

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

487

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 25503.16(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)

 02/01/24

Steven Mar

From: Cary Chen
Sent: Thursday, February 8, 2024 10:01 PM
To: Steven Mar; sorinalex
Subject: Re: Jang Ga Nae restaurant - 1722 Desire Ave, Rowland Heights











CAUTION: External Email. Proceed Responsibly.

RHCCC had voted and the decision is to support this CUP for Jang Ga Nae restaurant - 1722 Desire Ave, Rowland Heights. I thought I have sent the message to Steven the next day, let me check my email record. However, this email serves the purpose of notifying you and Steven Mar this CUP is supported by RHCCC.

Cary Chen



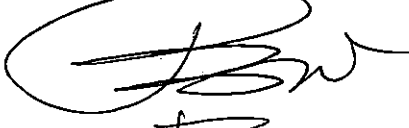

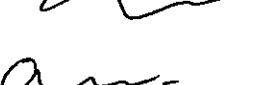








**JANG GA NAE RESTAURANT CONDITIONAL USE PERMIT APPLICATION
FOR THE SALE OF ALCOHOL – 1722 DESIRE AVE. UNIT 108**






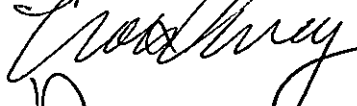











WE, THE NEIGHBORS OF THE JANG GA NAE RESTUARANT SUPPORT THE RESTAURANT’S REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCOHOL WITH THE SERVING OF FOOD. THE RESTAURANT IS AN ASSET TO THE COMMUNITY.

	NAME/BUSINESS	SIGNATURE	DATE
1	Tiffany Wong		10/23/2023
2	Amy Chang		10/23/23.
3	State Farm Insurance		10/23/23
4	Jin Yu		10/24/23
5	Jenny Kang		10/24/23.
6	Seokmin Kim		10/24/23
7	Soo Lee		10/24/23.
8	DAVID KIM		10/24/23
9	JANET KIM		10/20/23
10	NEW GARDEN		10/28/23

**JANG GA NAE RESTAURANT CONDITIONAL USE PERMIT APPLICATION
FOR THE SALE OF ALCOHOL – 1722 DESIRE AVE. UNIT 108**

WE, THE CUSTOMERS OF THE RESTAURANT SUPPORT THE RESTAURANT'S REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCOHOL WITH THE SERVING OF FOOD. THE RESTAURANT PROVIDES AN IMPORTANT SERVICE AND GREAT MEALS FOR THE ROWLAND HEIGHTS AND ADJOINING COMMUNITIES.

	NAME	SIGNATURE	DATE
1	SOO YEON CHOI		10/23/2023
2	Debbie Lee		10/23/2023
3	Brian		10/23/2023
4	Bo Ra Lee		10/23/2023
5	No. Jang ae		10/23/2023
6	Christin		10/23/2023
7	grace		10/23/2023
8	hong Susan		10/23/2023
9	hena		10/23/2023
10	YOUNGNAE Lee		10/23/2023
11	Myung Jim		10/23/2023
12	na Young		10/23/2023
13	Sophia Noh		10/23/2023

14	Kai Cheng		10/24/2023
15	David Huang		10/24/2023
16	DIANA PUN		10/24/2023
17	Jessica Cheng		10/24/2023
18	April Zhou		10/24/2023
19	LOTS Chiang		10/24/2023
20	Roger Zhang		10/24/2023
21	Leslie Sun		10/24/2023
22	Alyan MIT OH		10/24/23
23	William Jung		10/24/2023
24	BING KHO		10/28/2023
25	Michael Tang		10/28/23
26	William Tsai		10/28/23
27	Michael Tang		10/28/23
28	Jacky Weng		10/28/23
29	HeeJeong Cho		10/28/23
30	SeoJeong Jung		10/28/23

JANG GA NAE RESTAURANT HAS APPLIED FOR A CONDITIONAL USE PERMIT APPLICATION TO ALLOW THE CONTINUED SALE OF BEER AND WINE WITH FOOD AT 1722 DESIRE AVE - UNIT 108, ROWLAND HEIGHTS

THE OWNERS OF JANG GA NAE RESTAURANT HAVE CONDUCTED AN OUTREACH TO COMMERCIAL BUSINESSES NEAR THE RESTAURANT AND OBTAINED SUPPORT SIGNATURES FROM THE FOLLOWING BUSINESSES:

NAME OF BUSINESS	LOCATION	SIGNATURE	DATE
1. Johnin Medical Group Inc.	1722 Desire Ave, Ste 202 Rowland Hts, CA 91748		5/21/2024
2. Acuzen inc	1722 Desire Ave. ste 205 Rowland Hts, CA 91748		5/21/2024
3. Colohudo	18720 Colima Rd. Rowland Heights, CA 91748		5/21/2024
4. Harvard optometric Center	18742 E Colima Rd Rowland Hts CA 91748		5/21/2024
5. New Garden (M)	18740 Colima Rd. Rowland Heights CA 91748		5/21/2024
6. Farmers Insurance	18726 Colima Rd R. Hts CA 91748		5/21/24
7. Mark Lee state farm	18702 Colima Rd #203 R. Hts CA 91748		5/21/24
8. Mrs. Construction Inc	4280 Tauxam Dr Chino Hills CA 91709		5/21/24
9. Pure life	18702 Colima Rd Rowland Hts CA 91748		5/21/24
10. Bada Sushis	18732 Colima Rd Rowland Heights CA 91748		5/21/24
11. lajole	1722 Desire Ave #107		5/21/2024

June 04



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



James E. Hartl, AICP
Director of Planning

December 17, 2003

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Yang Pyung Restaurant
1722-40 Desire Avenue
Rowland Heights, CA 91748

RE: **CONDITIONAL USE PERMIT CASE NO. 03-066-(4)**
A request to authorize the sale of beer and wine for on-site consumption in an existing restaurant at 1722-40 Desire Avenue, Rowland Heights.

Dear Applicant:

PLEASE NOTE: This document contains the Regional Planning Commission's findings relating to **APPROVAL** of the above referenced case.

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Regional Planning Commission's decision to the Board of Supervisors through the office of Violet Varona-Lukens, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California, 90012. Contact the Executive Office for the necessary forms and the amount of the appeal fee at (213) 974-1426. The appeal must be post marked or delivered in person within fifteen days after this notice is received by the applicant.

If no appeal is made during this fifteen-day period, the Regional Planning Commission action is final. If you have any questions regarding this matter, please contact the Zoning Permits Section at (213) 974-6443.

Very truly yours,

Department of Regional Planning
James E. Hartl, AICP
Director of Planning

A handwritten signature in cursive script that reads "Russell J. Fricano".

Russell J. Fricano, Ph.D., AICP
Section Head
Zoning Permits Section

RJF:KJ

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion).

Conditional Use Permit Case No. 03-066-(4)

c: Board of Supervisors; Department of Public Works (Building and Safety); Department of Public Works (Subdivision Mapping); Zoning Enforcement; ABC El Monte.

**CONDITIONAL USE PERMIT NO. 03-066-(4)
FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES**

REGIONAL PLANNING COMMISSION HEARING DATE: October 29, 2003

SYNOPSIS:

The applicant is requesting a Conditional Use Permit to authorize the sale of beer and wine for on-site consumption at an existing restaurant at 1722 – 1740 Desire Avenue, Rowland Heights.

PROCEEDINGS BEFORE THE COMMISSION:

October 29, 2003 Public Hearing

A duly noticed public hearing was held on October 29, 2003 before the Regional Planning Commission. Commissioners Valadez, Helsley, Bellamy and Rew were present. One person testified: the applicant's representative, Mr. Steve Choe. Mr. Choe presented testimony in favor of the request and requested changes to some of the proposed conditions of approval.

The Commission discussed the excess compact parking and inadequate landscaping currently provided on the subject property and concluded that the property owner, rather than the applicant, is responsible for compliance with the conditions of approval relating to parking and landscaping on the property.

There being no further testimony, the Regional Planning Commission closed the public hearing, indicated its intent to approve the permit, and directed staff to prepare the final environmental documentation and findings and conditions for approval, including changes to the conditions as discussed and as agreed to by the applicant.

Findings

1. The applicant is requesting a Conditional Use Permit to authorize the sale of beer and wine for on-site consumption at an existing restaurant. The site is located at 1722 – 1740 Desire Avenue, Rowland Heights, in the Puente Zoned District and in the Rowland Heights Community Standards District.
2. Zoning on the site is C-1 (Restricted Business). Pursuant to Section 22.28.110 of the Los Angeles County Code, premises in the C-1 zone may be used for the sale of alcoholic beverages, subject to the requirements of Section 22.56.195 of the County Code, provided a conditional use permit is obtained.
3. The surrounding properties are zoned as follows:

North: RPD-6000-10U (Residential Planned Development, 6,000 square foot minimum lot size, 10 units per acre)
South: C-2-BE (Neighborhood Business, Billboard Exclusion), A-1-2500 (Light Agricultural, 2,500 square foot minimum lot size)
East: C-1 (Restricted Business), A-1-6000 (Light Agricultural, 6,000 square foot minimum lot size)
West: R-3-DP (Limited Multiple Residence, Development Program)

4. The subject property consists of three adjacent parcels currently developed with a retail shopping center consisting of retail and office establishments and two restaurants. A freestanding liquor store is also located on the subject property.
5. Surrounding properties contain the following land uses:
North: Multi Family Residences
South: Single Family Residences, Church, Jr. High School, Vacant Land
East: Commercial Shopping Centers, School, Single Family Residences
West: Multi Family Residences
6. The subject property is depicted within the Commercial land use classification on the land use policy map of the Rowland Heights Community General Plan. This designation allows retail commercial, service, and office uses. The sale of alcoholic beverages is consistent with this designation. There are no other general plan policies applicable to the proposed project.
7. The site plan submitted by the applicant depicts the three adjacent subject parcels containing the existing two-story shopping center located toward the southern end of the property with the subject restaurant located on the ground floor at the eastern end of the building in space #A108. A separate retail building is also depicted toward the northern end of the property in place of the liquor store that previously existed at that location. The site plan also depicts provision of 111 parking spaces to accommodate the two shopping center buildings as well as landscaping, trash receptacles and access driveways from both Desire Avenue and Colima Road.
8. The proposed use will comply with all applicable development standards of the C-1 zone, as provided in Section 22.28.120 of the County Code, as follows:
 - a. A total of 13,018 square feet of the 50,530-square foot property is covered by buildings, or 26% of the property. This is in compliance with the maximum lot coverage of 90%. A total of 4,059 square feet of landscaping is provided, or 8% of the property. The original plot plan that was approved for this site did not include the northerly property which takes access from Colima Road. The addition of this property allows the parking requirement to be met; however this

property does not contain any landscaping. The property owner will be required to submit revised plans depicting the appropriate amount of landscaping required on the property to meet the 10% landscaping requirement.

- b. The shopping center contains 14,587 square feet of retail and medical office space for a requirement of 58 parking spaces, a total of 7,428 square feet of general office space for a requirement of 19 spaces and two restaurants totaling 77 occupants for a requirement of 26 spaces. The total number of parking spaces required is 103, three of which must be accessible to disabled persons (one of the three must be van accessible) and 41 of which may be compact. The site plan depicts provision of 111 total parking spaces, 6 of which are van accessible for disabled persons and 45 of which are compact. As there are excess compact spaces, staff recommends that the applicant be required to submit a revised plot plan, both for this project and for PP45015, depicting a reduction in compact spaces from 45 to 41.
 - c. The required 20-foot front yard setback is provided.
 - d. The appearance of the existing shopping center is consistent with other development in the vicinity.
 - e. All buildings and structures on the subject property comply with the 35-foot height limit.
 - f. With the exception of parking, there is no outside display on the property.
 - g. Outdoor storage is not proposed.
9. The conditions of approval of this grant will ensure that the project is in compliance with all applicable development standards of the Rowland Heights Community Standards District as provided in Section 22.44.132.C and D.2 of the County Code, which relate to proper site maintenance and restrictions on signage
 10. The subject restaurant is currently operating between the hours of 6:00 a.m. and 12:00 a.m. The proposed sale of beer and wine would take place between 5:00 p.m. and 12:00 a.m. with meals only, and food service will continue to be the principal use in the restaurant.
 11. There are currently three establishments within 500 feet of the subject property that sell alcoholic beverages, two restaurants in the shopping center directly east of the subject property, both of which sell a full-line of alcoholic beverages for on-site consumption; and one restaurant in an

adjacent shopping center to the northeast which sells beer and wine for on-site consumption. As the subject restaurant will offer drinks with meals only and will not contain a bar or sell alcohol to take-out customers, the Commission finds that the addition of beer and wine sales at this establishment will not result in an undue concentration of similar premises.

12. There are two schools and one church located within 600 feet of the subject property: Alvarado Junior High School and Good Shepherd Presbyterian Church are both located south of the subject property and Oxford School is located east of the subject property. All of these uses are buffered from the subject property by roadways and/ other properties. No evidence has been submitted that the church or school will be adversely affected by the proposed sale of beer and wine at the subject restaurant. There are no other churches or schools and no parks, playgrounds or any similar use within a 600-foot radius of the subject property.
13. The adjacent multi-family residential community to the west of the subject property is adequately buffered from the site by Desire Avenue. The existing single-family residences to the south of the subject property are adequately buffered from the site by a parking area at the rear of the subject property. In addition, the conditions of approval will ensure that restaurant noise and headlight glare will not adversely affect these neighboring residences.
14. Statistics provided by the Department of Alcoholic Beverage Control (ABC) indicate that no undue concentration of alcohol sales exists within the census tract, but the subject property is located in a high crime reporting district. In its letter dated April 18, 2003, however, the Sheriff's Department raised no objection to the approval of the requested permit and indicated that the project will not impact police services in the area.
15. The approval of the requested permit at this location will contribute to the public convenience by allowing consumption of beer and wine with meals at the subject restaurant and it will not adversely affect the economic welfare of the community. The exterior appearance of the subject restaurant is consistent with other commercial buildings in the vicinity and will not impair property values in the neighborhood.
16. An Initial Study was prepared for this project and circulated for public review in compliance with the California Environmental Quality Act (California Public Resources Code Section 21000 *et seq.*) ("CEQA"), the State CEQA Guidelines, and the environmental document reporting procedures and guidelines of the County of Los Angeles. The Initial Study showed that there is no substantial evidence that the project may have a significant effect on the environment. Based on the Initial Study, the Department of Regional Planning has prepared a Negative Declaration for this project. The project is *de minimus* in its effect on fish and wildlife resources.

Therefore, the project is exempt from California Department of Fish and Game fees pursuant to Section 711.4 of the California Fish and Game Code.

17. The only public comment received in relation to this request was from the Rowland Heights Community Coordinating Council, indicating that the Council did not object to the issuance of the permit.
18. The Commission finds that, with appropriate restrictions on its operation as set forth in the conditions of approval, the existing restaurant with sales of beer and wine for onsite consumption will be compatible with surrounding land uses.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area;
- B. That the requested use at the proposed location 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. That the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area;
- D. That 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. 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;
- F. 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;
- G. That the requested use at the proposed location will not result in an undue concentration of similar premises;

- H. That the requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
- I. 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 the neighborhood;

AND, THEREFORE, the information submitted by the applicant and presented at the hearing substantiates the required findings for a conditional use permit as set forth in Sections 22.56.090 and 22.56.195 of the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

1. The Regional Planning Commission has considered the Negative Declaration together with any comments received during the public review process, finds on the basis of the whole record before the Regional Planning Commission that there is no substantial evidence the project will have a significant effect on the environment, finds that the Negative Declaration reflects the independent judgment and analysis of the Commission, and adopts the Negative Declaration.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit Case No. 03-066-(4) is **APPROVED** subject to the attached conditions.

VOTE **4-0**

Concurring: **Valadez, Bellamy, Helsley, Rew**

Dissenting: **0**

Abstaining: **Modugno**

Absent: **0**

Action Date: **12/17/03**

1. This grant authorizes the use of the subject property for the sale of beer and wine for on-site consumption, as depicted on the approved Exhibit "A", subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. 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 Department of 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. 8, and until all required monies have been paid pursuant to Conditions No. 10 and 11.
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 limitation period. The County shall notify the permittee of any such claim, action, or proceeding and the County shall reasonably cooperate in the defense.
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 pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs 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 the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Section 2.170.010 of the Los Angeles County Code.

6. This grant shall expire unless used within 2 years from the date of approval. A one-year time extension may be requested, in writing with payment of the applicable fee, at least six (6) months before the expiration date.

7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee, as applicable, of the subject property.
9. **This grant will terminate on December 17, 2018.** Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue the sale of beer and wine for on-site consumption after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six months prior to the termination of this permit, whether or not any modification of the use is requested at that time.
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. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$2,250.00**. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including conformance with the approved site plan on file. The fund provides for **fifteen (15) inspections to be conducted annually**. 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 condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150.00 per inspection).

11. Within fifteen (15) days of the approval date of this grant, the permittee shall remit a \$25.00 processing fee payable to the County of Los Angeles in connection with the filling and posting of a Notice of Determination in compliance with Section 21152 of the Public Resources Code.
12. 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 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 health or safety or so as to be a nuisance.

13. All requirements of Title 22 of the Los Angeles County Code (Zoning Ordinance) and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
14. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
15. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. 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.
16. In the event such extraneous markings occur, 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 facility shall be developed and maintained in compliance with the requirements of the Los Angeles County Department of Health Services. Adequate water and sewage disposal facilities shall be provided to the satisfaction of said Department.
18. Prior to the use of this grant, the property owner shall submit to the Director for review and approval, three (3) copies of revised plans, similar to Exhibit "A" as presented at the public hearing, that depict all project changes required by these conditions of approval, including a reduction in the number of compact parking spaces from 45 to 41 and appropriate landscaping in compliance with condition no. 46. Plot Plan Review case number PP45015 shall also be revised to reflect these changes. The subject property shall be developed and maintained in substantial compliance with the approved Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit three (3) copies of the proposed plans to the Director for review and approval. All revised plot plans must be accompanied by the written authorization of the property owner.
19. Prior to the use of this grant, the permittee shall submit to the Director for review and approval three (3) copies of signage plans depicting the size and height of all existing and proposed signage, developed in accordance with the requirements of Section 22.44.132.D.2 of the County Code.

20. The subject property shall be neatly maintained, and yard areas that are visible from the street shall be free of debris, trash, lumber, overgrown or dead vegetation, broken or discarded furniture, and household equipment such as refrigerators, stoves, and freezers.
21. The permittee shall adhere to all State of California Department of Alcoholic Beverage Control regulations.
22. The sale of beer and wine for consumption outside the subject restaurant is prohibited. Beer and wine are permitted to be sold only to patrons of the subject restaurant in conjunction with meal orders and shall not be sold to take-out patrons.
23. The sale of beer and wine is permitted only between the hours of 5:00 pm and 12:00 am.
24. The subject restaurant shall not contain a bar or establish a bar area for consumption of beer and wine.
25. The permittee shall not advertise the sale of alcoholic beverages on the exterior walls or windows of the subject restaurant or at any location on the restaurant premises visible from outside the restaurant. No self-illuminating advertising for alcoholic beverages shall be located on the building walls or windows.
26. There shall be no loitering permitted outside the subject restaurant.
27. The permittee shall post signage on the premises prohibiting consumption of alcoholic beverages outside the restaurant and prohibiting loitering. The signage shall be in English and the predominant second language in the neighborhood.
28. The property owner shall provide adequate lighting for the parking lot area. Said lighting shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the parking lot. Lighting shall be of low intensity and directed downward to minimize impacts to adjacent properties.
29. The permittee shall provide adequate lighting above the entrance of the restaurant. Said lighting shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons entering or exiting the premises.
30. Telephone numbers of local law enforcement shall be posted adjacent to the cashier's area(s) in the restaurant.
31. The permittee shall not permit consumption of alcoholic beverages outside of the subject restaurant.

32. The permittee shall instruct all employees in the regulations prohibiting loitering and consumption of alcoholic beverages outside the subject restaurant. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.
33. The permittee shall not install or maintain video games, pool tables, or similar game activities or equipment in the subject restaurant.
34. The subject restaurant shall have no coin-operated amusements, such as small carousel rides or similar riding machines, with the exception of official State Lottery machines.
35. No dancing or dance floor is permitted.
36. The total occupancy of the restaurant shall not exceed 40 persons.
37. There shall be no cover charge or prepayment fee for food and/or beverage service required for admittance to the subject restaurant.
38. The restaurant shall not be booked by one party or used exclusively for private parties.
39. 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, Department of Regional Planning zoning inspector or Department of Alcoholic Beverage Control (ABC) investigator. The restaurant manager and all employees of the restaurant shall be knowledgeable of the conditions herein.
40. All servers of alcoholic beverages must be at least 21 years old.
41. Outdoor advertising signs (billboards) are prohibited.
42. The placement of portable signs on sidewalks adjacent to the licensed premises is prohibited.
43. The permittee shall not advertise or hold any "happy hour" drink specials, "2 for 1" specials, or similar promotions.
44. The three lots that are the subject of this request shall be held as one parcel. Prior to the commencement of alcohol sales on the property, the property owner shall submit to the Director for review and approval and shall record in the office of the County Recorder an agreement as a covenant running with the land for the benefit of the County of Los Angeles, providing that the three lots shall be kept and sold as one single property, unless the County subsequently releases the property owner from the covenant.

45. The property owner shall ensure that a minimum of 103 parking spaces are provided on the subject property. Three (3) of the required spaces must be accessible to, designated and reserved for disabled persons, one (1) of which must be van-accessible. A maximum of 41 spaces may be compact spaces. All required parking spaces shall remain free and clear of debris, shall be continuously maintained for vehicular parking only, and shall not be used for storage, vehicular repair, or any other unauthorized uses. No inoperable vehicles shall be parked or stored in any required parking spaces.
46. A minimum of 10% of the subject property shall contain landscaping consisting of grass, shrubs, trees, and other similar plant materials, and the landscaping shall be maintained in a neat, clean and healthy condition, including proper pruning, weeding, litter removal, fertilizing and replacement of plants when necessary. Watering facilities shall consist of a permanent water-efficient irrigation system, such as "bubblers" or drip irrigation, for irrigation in all areas except where there is turf or other groundcover
47. To prevent interior noise from migrating to the residential property to the south, the rear door of the restaurant shall be affixed with a self-closing device and this door shall be the only opening in the south exterior wall belonging to the restaurant.
48. The licensee, and all managers and employees of the establishment 18 years of age or older shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the California Department of Alcoholic Beverage Control. This training shall be on-going and all new employees shall be required to attend. The licensee shall display a certificate or plaque in the lobby of the establishment indicating its participation in this program.
49. The restaurant 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 for approval prior to or concurrent with the approval of Exhibit "A". A printed two-sided card explaining this program shall be placed on all tables in the restaurant or an explanation explaining the program shall be printed on the menu.
50. All outdoor trash containers shall be covered and all trash enclosure areas shall be screened from public and private view corridors by landscaping, berms, compatible structures, or a combination of these.
51. Outside display is prohibited on the property except for parking lots or as authorized by a temporary use permit. Outside storage is prohibited on the property.
52. The permittee shall maintain a current contact name, address, and phone number on file with the Department of Regional Planning at all times.