

HEARING OFFICER'S FINDINGS AND ORDER:

REQUEST: To authorize the sale of beer and wine for on-site consumption at an existing restaurant.

PROCEEDINGS BEFORE THE HEARING OFFICER:

October 7, 2008 Public Hearing

The applicant's representative, Eric Lu, was sworn in and testified in favor of the project. The applicant representative confirmed that he had reviewed the staff report and conditions recommended by staff and concurred with all conditions of approval.

The Hearing Officer asked staff to revise the address of the subject property in order to match the correct parcel number, and to make changes to reflect that action. There being no further testimony, the Hearing Officer closed the public hearing, expressed her intent to approve the subject project, subject to the conditions recommended by staff, and directed staff to prepare the findings and conditions for approval.

Findings

1. The applicant is requesting a conditional use permit for the sale of beer and wine for the on-site consumption at an existing 1,800 square foot restaurant.
2. The location of the subject parcel is 18162 Colima Road, Rowland Heights, within the Puente Zoned District in the unincorporated portion of Los Angeles County.
3. The restaurant occupies 1,800 square feet in a 26,830 sq. ft. retail center that contains four buildings consisting of restaurants, retail and financial institutions.
4. The subject property is zoned C-2-BE (Neighborhood Business- Billboard Exclusion) in the unincorporated portion of the Puente Zoned District.
5. Surrounding properties are zoned as follows:
 - North: C-1 (Restricted Business Zone) & A-1-6000 (Light Agricultural Zone)
 - South: C-2-BE (Commercial Neighborhood Business Zone, Billboard Exclusion Zone), R-3-30U (Limited Multiple Residence)
 - East: C-2-BE (Commercial Neighborhood Business Zone-Billboard Exclusion Zone), R-3-30U (Limited Multiple Residence), C-3 (Unlimited Commercial)
 - West: R-3-30U (Limited Multiple Residence), R-1-10,000 (Single-family residences)
6. Land uses surrounding the property include:
 - North: Commercial, retail, single family residences
 - South: Commercial, retail
 - East: Single family residences,
 - West: Single Family Residences, retail, church
7. Previous cases on the property include the following:

Plot Plan 27578 authorized the construction of the existing commercial center approved on April 24, 1985. RPP 200501303 authorized the conversion of the existing commercial unit

into a restaurant on August 18, 2005.

8. The land use designation within the Rowland Heights Community Plan for the subject property and surrounding area is Commercial. Areas within this designation are suited for retail, commercial, service and office uses. While there are no specific policies concerning commercial uses in the Rowland Heights Plan, the Countywide General Plan defined local commercial uses as individual enterprises, or small scale multi-use centers, serving the needs of the local community. Examples of such uses include facilities providing neighborhood or community convenience goods and services and local community/neighborhood-serving office and professional services.
9. The site plan illustrates the approved conversion of an existing commercial unit to a restaurant in an existing shopping center. The subject restaurant encompasses 1,800 square feet and is located in the northern most area of the commercial center. The restaurant was previously approved with an occupant load of thirty-seven with a minimum parking requirement of thirteen spaces. RPP200501303 was approved with a total of 253 parking spaces required for the commercial center and 268 parking spaces exist. A maximum of ten employees will work one shift, from 4 p.m. to 10:30 p.m., Tuesday through Sunday six days a week. Access to the subject property is from Colima Road and Fullerton Road.
10. Unless specifically modified by a conditional use permit during the discretionary review process, development in Zone C-2 shall be subject to the following Rowland Heights Community Standards District requirements:
 - A. Parking. Pursuant to Section 22.28.220-B, parking shall be provided according to Section 22.52.1110 of the County Code. Entertainment, dining, and accessory uses require one space for every three person based on the occupant load as determined by the county engineer.

As determined by the Building and Safety Division of Public Works, the occupant load for the restaurant is 37 persons. The restaurant requires the provision of 13 parking spaces. The restaurant was previously approved under Plot Plan 200501303. According to Plot Plan 27578, the uses in the commercial center required 253 parking spaces and 268 parking spaces were provided. The applicant's site plan complies with this requirement.

- B. Signage. Section 22.44.132 of the Rowland Heights Community Standards District, states the requirements for business signs in a commercial zone.

According to Section 22.44.132 of the Rowland Heights Community Standards District, Sign programs are required for commercial centers consisting of three or more businesses. For existing commercial centers that meet this threshold, the sign program shall be submitted and approved no later than January 1, 2006. Notwithstanding the deadline in the preceding sentence, no new business sign shall be installed in any commercial center that meets this threshold until the required sign program has been approved by the director.

RPP200501303 was approved prior to the Rowland Heights Community Standards District; therefore, the sign is non-conforming. There is one sign at the front of the

restaurant.

- C. Outside Storage. Section 22.28.220-D states the requirements for outside storage in the Zone C-2.

No outside storage is shown on the site plan. The site plan complies with this requirement. No outside storage is proposed.

11. The Department of Regional Planning staff has determined that the project qualifies for a Categorical Exemption under Class 1, Existing Facilities, of the CEQA reporting requirements.
12. A total of 305 public hearing notices were mailed to property owners within a 500-foot radius of the subject property on August 27, 2008 to notify the surrounding residents regarding the proposal. The hearing notice was also published in the San Gabriel Tribune Newspaper, as well as the La Opinion on September 3, 2008. Case-related material, including the hearing notice, factual and burden of proof were sent on September 10, 2008 to the Rowland Heights Library located at 1850 Nogales Street, Rowland Heights. The hearing notice has been posted on the property for a minimum of 30 days prior to the public hearing date and staff received photo documentation. No comments were received from the public opposing this proposal.
13. A site visit was conducted on August 4, 2008 to confirm the site plan and posting of public notice.
14. According to ABC, the requested use at the proposed location will not result in an undue concentration of similar premises within census tract 4086.26.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

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

5. 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.
6. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such uses would generate and by other public or private facilities as are required.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a conditional use permit as set forth in Sections 22.56.090 and 22.56.195, Title 22, of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer finds that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). The project is within a class of projects, which have been determined not to have a significant effect on the environment in that it meets the criteria set forth in section 15301 of the State CEQA Guidelines and Class 1 Existing Facilities Categorical Exemption of the County Environmental Document Reporting Procedures and Guidelines, Appendix G.
2. In view of the findings of facts presented above, Project No. 2006-00324-(4) / Conditional Use Permit 200600256 is **APPROVED**, subject to the attached conditions.

Attachments: Conditions
Affidavit

c: Zoning Enforcement, Building and Safety