

**STAFF ANALYSIS**  
**PROJECT NO. R2006-00324-(4)**  
**CONDITIONAL USE PERMIT NO. 200600256-(4)**

**ENTITLEMENT REQUESTED**

Pursuant to Section 22.56.195 of the Los Angeles County Planning and Zoning Code (Title 22), the applicant is requesting a Conditional Use Permit to authorize the sale of beer and wine for on-site consumption at a restaurant located at an existing shopping center within the Puente Zoned District.

**PROJECT DESCRIPTION**

The applicant, Shabu-Shabu Restaurant, is requesting a conditional use permit for the sale of beer and wine for on-site consumption at an existing restaurant within the C-2-BE (Neighborhood Commercial-Billboard Exclusion) Zone. The restaurant will employ up to 10 persons per one shift between the hours of 4:30 p.m. to 10:30 p.m., Tuesday thru Sunday, six days a week.

**DESCRIPTION OF SUBJECT PROPERTY**

**Location**

The restaurant occupies a tenant space in an existing multi-tenant (YES Shopping Plaza) commercial center located at 18184 Colima Road, Rowland Heights, within the Puente Zoned District.

**Physical Features**

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. The subject property is situated on a leveled, paved and regular shaped parcel. A total of 268 parking spaces are located within the retail center.

**EXISTING ZONING**

**Subject Property**

The subject property is zoned C-2-BE (Neighborhood Business-Billboard Exclusion) zone and located in the Rowland Heights Community Standards District.

**Surrounding Properties**

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-BE (Unlimited Commercial Zone- Billboard Exclusion Zone)

West: R-3-30U (Limited Multiple Residence), R-1-10,000 (Single-family residences)

**EXISTING LAND USES**

**Subject Property**

The subject property is located within an existing shopping center that contains four buildings with a total floor area 26,830 square feet consisting of retail, restaurants, and office space. Currently, there is one business with a license for the off-site consumption of a full-line of

alcohol, one restaurant for the on-site consumption of a full-line of alcohol and two restaurants with beer and wine licenses for onsite consumption.

**Surrounding Properties**

Land uses within the subject property consist of the following:

North: Commercial, retail, single family residences  
South: Commercial, retail  
East: Single family residences,  
West: Single family residences, retail, church

**PREVIOUS CASES/ZONING HISTORY**

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.

**ROWLAND HEIGHTS COMMUNITY PLAN**

**Land Use Policy Map**

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. The plan provides guidelines for the location, scale, design and circulation characteristics of local commercial services. These guidelines include:

**Location:**

1. The proposed use should be easily accessible and should be situated at community focal points such as major intersections and established neighborhood shopping facilities.
2. The proposed use should be located so as not to invade or disrupt sound existing residential neighborhoods nor conflict with established community land use, parking and circulations patterns.

**Scale:**

1. The scale of local service uses should not to exceed 10 acres in size.
2. The height of the proposed facilities should not to exceed the general profile established by existing uses.
3. The overall scale and intensity should be in keeping with the surrounding neighborhood or community setting.

**Design:**

1. Compatible in design with surrounding uses.
2. Reflect locally recognized architectural themes.
3. Confining signs and displays to the building façade and not project above the roofline.
4. Discourage free-standing signs.
5. Prohibit off-site signs.

**Access and Traffic:**

1. Anticipated traffic should not adversely affect conditions on adjacent streets and highways.
2. Provide access, egress and onsite parking in a manner that maximizes safety and convenience, and minimizes impacts on surrounding land uses.

The current use of the subject property satisfies the goals of the Rowland Heights Community Plan and is consistent with the commercial land use policies in the Countywide General Plan. The subject property is an existing restaurant in an existing shopping plaza. The applicant's request to serve beer and wine for on-site consumption at an existing restaurant can be found compatible with this land use classification. The requested use will occur in an existing structure that will not expand in size and affect the surrounding environment or community character.

The subject property is located in a multi-tenant commercial center that is situated on the main thoroughfare Colima Road. With appropriate conditions and enforcement, the proposal to serve alcoholic beverages for on-site consumption will not disrupt the surrounding neighborhood or conflict with existing land use patterns. The commercial center has existed in the community for many years, and is not expected to generate additional traffic to the property, or adversely affect existing street conditions.

**SITE PLAN**

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.

**COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS  
ROWLAND HEIGHTS COMMUNITY STANDARDS DISTRICT**

The subject and surrounding properties are located in the C-2-BE (Neighborhood Business-Billboard Exclusion) zone. Surrounding properties are commercially developed, except for the adjacent properties to the west, which are residentially developed properties. There is no new construction proposed with this project.

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.

Outside Storage

Section 22.28.220-D states the requirements for outside storage in the Zone C-3-BE.

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

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 adoption of the Rowland Heights Community Standards District; therefore, the sign is legal non-conforming. There is one sign at the front of the restaurant.

**Billboard Exclusion**

Per Section 22.40.110 of the County Code, Zone (Billboard Exclusion)-BE shall, in addition to the requirements of Part 1 Chapter 22.40, ( Billboard Exclusion)-BE is established to provide for certain commercial and industrial areas within the county to be free from outdoor advertising signs where such signs could cause hazards to pedestrians and motorists, detract from the appearance of such areas as places to shop and work, or be detrimental to an important aspect of the economic base of such areas by detracting from the natural beauty and environment of such areas.

The subject property is located in a Billboard Exclusion Zone. Plot Plan 200501303 complies with this requirement.

**Neighborhood Impact/Land Use Compatibility**

Staff is of the opinion that the authorized CUP will not have a negative impact on the surrounding area. The request is to authorize the sale of beer and wine for on-site consumption and shall remain consistent and compatible with the surrounding community. The subject property is not located within close proximity to sensitive uses. The existing subject property has single family residences within 600-ft and has operated successfully with no history of complaints or violations.

**BURDEN OF PROOF**

As required by Section 22.56.040 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of the Hearing Officer and/or the Commission, the following facts:

- A. That the requested use at the location proposed will not:
  - 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; or
  - 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or

3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- B. That the proposed site is adequate in size and shape to accommodate the yards, wells, fence, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area.
  - C. That the proposed site is adequately served:
    1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
    2. By other public or private service facilities as are required.

The applicant's Burden of Proof responses are attached to this document.

**ADDENDUM BURDEN OF PROOF**

Per Section 22.56.195 of the Los Angeles County Code, in addition to the findings required pursuant to subsection A of Section 22.56.090, the applicant shall also substantiate to the Hearing Officer and/or Commission the following facts:

- A. 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' radius; and
- B. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500' 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' 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 5% of the total shelf space in the establishment; and
- C. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
- D. 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 applicant's Burden of Proof responses are attached to this document.

**ENVIRONMENTAL DOCUMENTATION**

This project has been determined to be categorically exempt under the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA). If approved, the proposed alcohol permit will be issued to a restaurant that is located in an existing facility and qualifies for a Class 1, Existing Facilities Categorical Exemption.

**STATE AND COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

**California Department of Alcoholic Beverage Control**

Statistical data from the California Department of Alcoholic Beverage Control (ABC) report that the site of the subject request is located within a high crime reporting district. The subject property is in Reporting District 2930. The average number of offenses reported for all districts is 150.74 and the actual number of crimes reported for District 2930 is 338.

ABC data illustrates that the site is within an area that does not have an undue concentration of alcohol sales. The subject request is in Census Tract 4086.26 containing a population of 5,225 people. Five ABC licenses for on-site consumption and four for off-site consumption are allowed within this census tract. Three licenses currently exist.

**Sheriff's Station**

Lieutenant Bill Song researched the database from January 1, 2003 thru June 5, 2008 and reported only one call for service made to the shopping center. The call for service did not involve Shabu-Shabu Restaurant.

**PUBLIC COMMENTS**

**Legal Notification/Community Outreach**

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.

**Rowland Heights Community Coordinating Council**

Staff received a phone call by The Rowland Heights Community Coordinating Council voicing their approval of the proposed project on August 19, 2008.

**STAFF EVALUATION**

The subject restaurant is located within an existing shopping center currently containing retail and restaurant establishments. The restaurant has been in operation for approximately two years with no history of complaints or zoning violations. Currently, there are three (3) other restaurants within 600 feet of the project that have a license to sell beer and wine for on-site consumption, and three (3) businesses have alcohol licenses.

The project is located within a high crime reporting district. The calls for service were mostly not crime related and did not involve the subject property. In addition, the project does not have an undue concentration of ABC licenses for on-site consumption within the census tract. There are also no sensitive uses situated within 600 feet of the subject property that will be adversely affected by the sale of alcoholic beverages for on-site consumption at this location. The impact of the project would also be mitigated by the fact that the license would be for on-site consumption only, and then only in conjunction with food served in a restaurant.

The granting of this Conditional Use Permit to sell beer and wine for on-site consumption at an existing restaurant would serve as a public convenience to the surrounding community that reside in the Rowland Heights Community, as currently there are only three (3) restaurants that serve alcohol within the immediate area.

**STAFF RECOMMENDATION**

Staff recommends approval of Project No. R2006-00324-(4) / Conditional Use Permit 200600256, subject to the attached conditions.

**FEES/DEPOSITS**

If approved, the following fees will apply unless modified by the Hearing Officer:

Zoning Enforcement

1. Inspection fees of \$750.00 to cover the costs of 5 recommended biennial zoning enforcement inspections.

Prepared by Diane Aranda, Regional Planning Assistant II  
Reviewed by Maria Masis, Supervising Regional Planner,  
Zoning Permits II

Attachments:

Draft Conditions of Approval  
Applicant's Burden of Proof and Addendum Burden of Proof statements  
Environmental Documentation  
California ABC Census Tract Statistics  
Site Photographs  
Findings

MM:DA  
9/18/08