

Hearing Officer Transmittal Checklist

Hearing Date
2/1/2011
Agenda Item No.
7

Project Number: R2005-02749-(4)
Case(s): Conditional Use Permit No. 2010 00099
Planner: Phillip Estes, AICP *pe*

- Factual
- Property Location Map
- Staff Report
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use Radius Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans

Reviewed By: *Mark And*



Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-6438
PROJECT NO. R2005-02749-(5)
CONDITIONAL USE PERMIT 201000099

PUBLIC HEARING DATE
2/1/11

AGENDA ITEM
7

RPC CONSENT DATE

CONTINUE TO

APPLICANT

U.S. Food & Service Co., LLC

OWNER

Rowland Ranch Properties, LLC

REPRESENTATIVE

Susan Zhang, Coconut Station

PROJECT DESCRIPTION

To authorize the sale of alcoholic beverages (Type 41 beer/wine) for on-site consumption in association with an existing restaurant ("Coconut Station") located in the C-3-BE (Unlimited Commercial – Billboard Exclusion) zone, Puente Zoned District.

REQUIRED ENTITLEMENTS

Conditional Use Permit to authorize the sale of alcoholic beverages in the C-3-BE (Unlimited Commercial – Billboard Exclusion) zone, pursuant to Sec. 22.28.210.

LOCATION/ADDRESS

1355 Nogales St., Rowland Heights, CA 91748

SITE DESCRIPTION

The site plan shows an existing one-story restaurant, indoor and outdoor dining areas, 23 parking spaces, including one accessible parking space.

ACCESS

Nogales St. and Labin Ct.

ZONED DISTRICT

Puente Zoned District

ASSESSORS PARCEL NUMBER

8761-011-004

COMMUNITY

Rowland Heights

SIZE

0.6 gross acre

COMMUNITY STANDARDS DISTRICT

Rowland Heights Community Standards Dist.

	EXISTING LAND USE	EXISTING ZONING
Project Site	Restaurant	C-3-BE (Unlimited Commercial – Billboard Exclusion)
North	Commercial, freeway	C-3-BE (Unlimited Commercial – Billboard Exclusion)
East	Residential	A-1-6,000 (Light Agriculture – 6,000 sq. ft. parcels)
South	Commercial, auto body	C-3-BE (Unlimited Commercial – Billboard Exclusion)
West	Recreation, golf	C-3-BE (Unlimited Commercial – Billboard Exclusion)

GENERAL PLAN/COMMUNITY PLAN

Rowland Heights

LAND USE DESIGNATION

C – Commercial

MAXIMUM DENSITY

N/A

ENVIRONMENTAL DETERMINATION

Class 1 Categorical Exemption – Existing Structures

RPC LAST MEETING ACTION SUMMARY

LAST RPC MEETING DATE	RPC ACTION	NEEDED FOR NEXT MEETING
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING/ABSENT

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON: Phillip Estes (pestes@planning.lacounty.gov)		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING):		
SPEAKERS* (O) (F)	PETITIONS (O) (F)	LETTERS (O) (F)

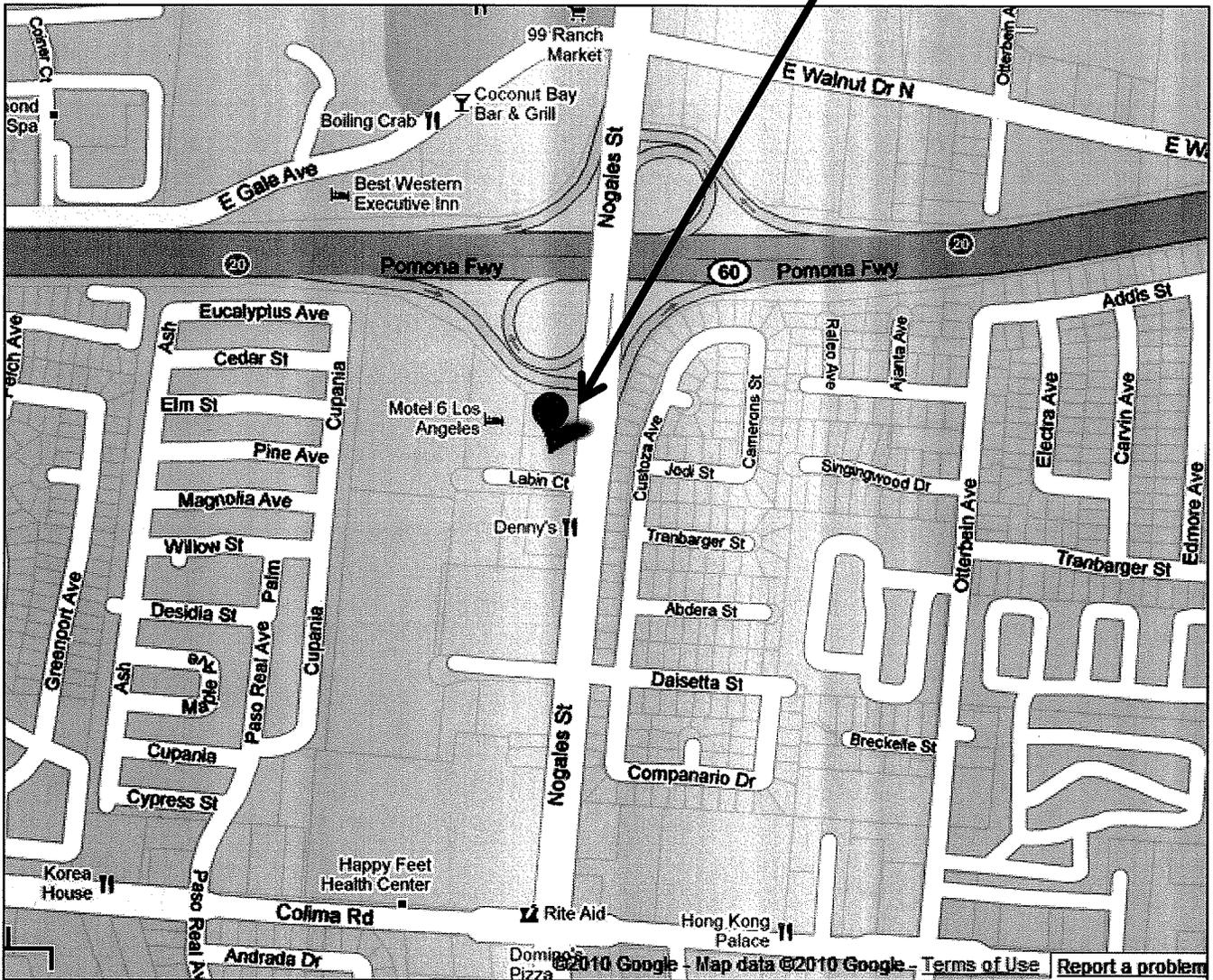
*(O) = Opponents (F) = In Favor

SUBJECT PROPERTY

1355 Nogales St., Rowland Heights

Project No. R2005-02749-(5)

CUP No. 2010 00099



VICINITY MAP

STAFF ANALYSIS

DATE: December 29, 2010

PROJECT NO: R2005-02749-(4)

PERMIT NO: Conditional Use Permit No. 2010 00099

SUBJECT: A conditional use permit (CUP) to authorize the sale of alcoholic beverages for on-site consumption, pursuant to Sec. 22.28.210.

APPLICANT: U.S. Food & Service Company, LLC ("Coconut Station")

SUBJECT PROERTY: 1355 Nogales St., Rowland Heights, Puente Zoned District

ASSESSOR PARCEL NO.: 8761-011-004

ZONING: C-3-BE (Unlimited Commercial – Billboard Exclusion) zone

LAND USE CATEGORY: C – Commercial

PROJECT DESCRIPTION

The applicant requested a conditional use permit, to authorize the sale of alcoholic beverages (beer and wine) for on-site consumption in association with an existing restaurant ("Project"). A restaurant is a permitted use in the C-3-BE zone.

Plot Plan 200900755 authorized the existing restaurant on September 22, 2009. Signage was approved by Plot Plan 200901357 on January 5, 2010. No construction is proposed with this request.

ENVIRONMENTAL DETERMINATION

This Project was determined to be categorically exempted (Class 1, Existing Facilities) under the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA).

LEGAL NOTIFICATION

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of Title 22, the community was adequately notified of the public hearing by mail, newspaper advertisement, hearing notice sign, library package and Regional Planning website posting.

STAFF EVAULATION

The subject property is in substantial compliance with the previously authorized Plot Plan 200900755 and Plot Plan 200901357.

It is staff's opinion that the sale of alcoholic beverages will not adversely affect the health, peace, or welfare of persons residing or working in the surrounding area, or be materially detrimental to the use, enjoyment or valuation of the property, or constitute a menace to public health, safety or general welfare.

Staff analysis concludes the following:

- The Project is consistent with the land use plan category designation.
- There are no known zoning violations associated with the property.
- There is no known opposition to the project.
- The property is in substantial compliance with applicable provisions of Title 22, the zoning ordinance.
- The Project is a reasonable use of the property.
- The Project would not adversely affect or alter the character of the surrounding neighborhood.

BURDEN OF PROOF

The applicant is required to substantiate all facts identified by Sec. 22.56.040 and Sec. 22.56.195 of Title 22 ("Zoning Ordinance"). Staff concludes that the applicant has satisfied the Burden of Proof.

PUBLIC COMMENT

The Rowland Heights Community Coordinating Council has indicated no objection to granting this permit.

SHERIFF COMMENT

The Sheriff has indicated no objection to granting this permit.

FEES / DEPOSITS

If approved, fees identified in the attached conditions will apply unless modified by the Hearing Officer.

STAFF 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:

Staff recommends **APPROVAL** of Conditional Use Permit No. 2010 00099, for a (15) fifteen year term, subject to the attached conditions.

Prepared by Phillip Estes, AICP, Principal Regional Planner
Reviewed by Mark Child, AICP, Supervising Regional Planner

Attachments:

- Draft Conditions of Approval
- Applicant's Burden of Proof statement
- Site Photographs
- Site Plan
- Land Use Map

DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES

PROJECT NO.: R2005-02749-(4)

CONDITIONAL USE PERMIT NO.: 2010 00099

REQUEST: To authorize a Conditional Use Permit (CUP) for the sale of alcoholic beverages (beer and wine) for on-site consumption in the C-3-BE (Unlimited Commercial – Billboard Exclusion) zone, Puente Zoned District.

HEARING DATE: February 1, 2011.

PROCEEDINGS BEFORE THE HEARING OFFICER:

February 1, 2011 Public Hearing

To be completed after the proceedings.

Findings

1. The subject property is located at 1355 Nogales St., Rowland Heights, Puente Zoned District.
2. The Assessor's parcel number is 8761-011-004.
3. The subject property is located in the C-3-BE zone. A restaurant is a permitted use in the C-3-BE zone.
4. The applicant requested a CUP to authorize the sale of alcoholic beverages (beer and wine) for on-site consumption, pursuant to Sec. 22.28.210 and 22.56.195.
5. The property is in substantial compliance with applicable development standards.
6. The property is developed with restaurant. Plot Plan 200900755 authorized the existing restaurant. Plot Plan 200901357 authorized the existing signage.
7. No construction is proposed with this permit.
8. The subject property is located in the Commercial land use plan category of the Rowland Heights Community Plan and is consistent with the goals and policies of the Plan.
9. The proposal does not conflict with surrounding commercial area.
10. Surrounding properties are located in the following zones:
North: C-3-BE (Unlimited Commercial – Billboard Exclusion)
East: A-1-6,000 (Light Agriculture – 6,000 sq. ft. min. parcels)
South: C-3-BE (Unlimited Commercial – Billboard Exclusion)
West: C-3-BE (Unlimited Commercial – Billboard Exclusion)
11. Surrounding land uses within 500 ft. include:
North: Commercial, Pomona Freeway (SR 60)
East: Residential, single-family
South: Commercial, automotive repair

West: Motel, recreation field, golf

12. There are religious facilities or other similar places of worship located within a 600 ft. radius, as indicated on the applicant's land use map.
13. 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.
14. The public convenience and necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that the subject property is located within 500 ft. of other facilities selling alcoholic beverages for on-site consumption.
15. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.
16. The site is consistent with the exterior appearance of existing commercial structures located within the adjacent area. The proposed project will not cause blight, deterioration, or substantially diminish or impair property values within the area.
17. The project is Categorically Exempt Class 1 (Existing Facilities) under the California Environmental Quality Act (CEQA) reporting requirements.
18. Pursuant to Sections 22.60.174 and 22.60.175 of Title 22, the community was adequately notified of the public hearing by mail, newspaper advertisement, hearing notice sign, library package and Regional Planning website posting
19. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determined that it is necessary to limit the term of the grant to fifteen (15) years with biannual inspections.
20. The location of the documents and other materials constituting the record of proceedings upon which the decision is based in this matter is located at the Department of Regional Planning, 320 W. Temple St., Los Angeles, CA 90012. The custodian of such documents and materials shall be the Director of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

CONDITIONAL USE PERMIT – Burden of Proof

1. The proposed use is consistent with the adopted general plan for the area;
2. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding areas, and 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 and general welfare;
3. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;

4. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use 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 22.56.040, 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

CONDITIONAL USE PERMIT – Alcoholic Beverage Sales Burden of Proof

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 public convenience or necessity for an additional facility selling alcoholic beverages for on-site consumption, outweighs the fact that it is located within a 500-foot radius of other facilities selling alcoholic beverages for either on-site or off-site consumption; 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.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a Conditional Use Permit for alcohol sales as set forth in Sec. 22.56.195 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. I have considered the Categorical Exemption Class 1 for this project and certify that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 2010 00099 is **APPROVED** subject to the attached conditions.

cc: Zoning Enforcement, ABC

MC:PE
1/10/11

This grant authorizes the sale of alcoholic beverages (beer and wine only) for on-site consumption in association with a restaurant, subject to the following conditions of approval:

1. 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.
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 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 Number 6, and until all required monies have been paid pursuant to Condition Number 9.

Notwithstanding the foregoing, this condition No. 2, and Condition Nos. 3, 4, and 8 shall be effective immediately upon 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. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate reasonably 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 fully 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 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.
5. The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.
6. 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.

7. Prior to the use of this grant, the property owner or permittee shall **record the terms and conditions** of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant will terminate on January 18, 2026.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.
9. This grant will expire unless used within 2 years from the date of approval. A single, one-year time extension may be requested in writing and with payment of the applicable fee prior to such expiration date. Submittal of the recorded affidavit and payment of all required fees shall constitute use of the permit.
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. The permittee shall deposit with the County of Los Angeles the sum of **\$1,400.00**. The deposit 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. The deposit provides for **seven (7) biannual** inspections. Inspections may be unannounced.
11. 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 the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost, whichever is greater.
12. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is 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's health or safety or so as to be a nuisance.
13. All structures shall conform to the requirements of the Los Angeles County Fire Department, as required.

14. All requirements of Title 22 the County Code ("Zoning Ordinance") shall be complied with unless otherwise set forth in these conditions or shown on the approved plan.
15. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works, as required.
16. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings or signage that was not approved by the Department of Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.
17. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
18. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain all areas free of litter and debris on the premises over which the permittee has control.
19. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to the Department of Regional Planning within sixty (60) days of the date of approval for the Conditional Use Permit.
20. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein;
21. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary;
22. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program (insert other State mandated program if applicable) provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities'

training program by employees, the licensee and all managers shall be available upon request;

23. 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;
24. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced;
25. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public;
26. Alcohol sales shall be prohibited from 2:00 AM to 6:00 AM, as consistent with California state law;
27. Employees on duty from the hours of 10:00 PM and 2 AM, who sell alcoholic beverages, shall be at least 21 years old, pursuant to Title 22;
28. The permittee shall provide adequate lighting above all entrances and exits to the premises, parking areas and walkways under control of the permittee or required as a condition of this grant;
29. All 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 so as to direct light and glare only onto the facility premises. Said lighting and glare shall be deflected, shaded and focused away from all adjoining properties;
30. All parking lot and other exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot;
31. All litter and trash shall be collected regularly from the premises and the adjacent sidewalks or right-of-way.

MM:PE
1/10/11

CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following: *(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)*

A. That the requested use at the location 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.**

The requested use at this location will not adversely affect the health, peace, comfort or welfare of person residing or working in the surrounding area. The restaurant use in this instance will provide convenience to the immediate business community, local residents and visitors, and this request is solely for a bona fide family oriented restaurant. The conditions of approval addressing operational and alcohol related issues have been imposed to ensure safeguard the public health, safety and general welfare. The approval of this conditional use permit will only continuously add economic vigor the local economy by drawing more customers to the area

B. 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 this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The proposed site is adequately in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features. The site along the west side of Nogales Street are similarly built and developed with many other neighboring commercial use properties. It has two loading areas, fifty-five parking spaces, and additional street parking on Labin Ct. The front patio and landscaping segregated the restaurant from the side walk and main street; the front and east side of the property is well paved with glass.

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 proposed site is adequately served by 60 freeway and Nogales Street. Nogales Street is a 6 lane two-ways through street, and both highway and Nogales Street have sufficient width, and improved as necessary to carry the kind and quantity of traffic. The restaurant is also served by Rowland Height Water District, Southern California Edison, Southern California Gas Company, Verizon and other public or private service facilities.



#3

05-02749

05-02749

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.195, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. 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.

See attached

B. 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.

C. 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.

D. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.

E. 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 said neighborhood.

ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

Zoning Code Section 22.56.195

Project request: A Conditional Use to permit the on-site sale of beer and wine in conjunction with a 2,438 sq. ft. restaurant with a 485 sq. ft. outdoor patio, accommodating 100 patrons, and having the hours of operation from 11 a.m. to 2 a.m., daily.

A. 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.

The requested use will not adversely affect the sensitive uses within 600 feet such as schools, parks, religious worship because there are no establishment of such within close proximity from the site.

Also, the subject restaurant with its proposed beer and wine sales is a minor request commonly acknowledge by the general public. This request is not for a night club or a bar, but for a bona fide family oriented restaurant.

B. 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 properties along the west side of Nogales Street are similarly developed with commercial uses including large commercial shopping centers, restaurants, offices and various retail uses. Across from all this commercial activity, which is the south side of Nogales Street are developed with single family residential uses. This distance from the subject location to the existing residential development is well buffered by the width of this existing major highway and the existing brick wall from the residential portion that has served as a barrier from the noise emanating from the adjacent major highway and the busy commercial life. Also, the subject restaurant is well designed to protect any nearby residential uses from any adverse impact that the project might cause. All activities from the site are directed the commercial center. Thus, the approval of the Conditional Use will not detrimentally affect nearby residentially zoned properties.

C. 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.

The restaurant use in this instance will provide convenience to the immediate business community, local residents and visitors. The conditions of approval addressing operational and alcohol related issues have been imposed to ensure safeguard the public welfare and to ensure that the location of the project will be desirable to the public convenience.

Operation of said restaurant would not conflict with other tenants and their patrons; the use including the alcohol sales is compatible with the character of the surrounding uses. The applicant has maintained current operation in compliance with prior requirements established by the City, and has demonstrated that the use will be operated in a responsible manner in relation to adjacent uses and development of the Community.

D. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.

. The approval of this conditional use will only continue to add economic vigor to the local economy by drawing more customers to the area. Also, the applicant will employ the majority of the staff from the local communities. It will contribute to the business tax base, and in turn, will regenerate resources into the community. Therefore, the subject request to sell beer and wine in conjunction with a bona fide restaurant will enhance the economic wellbeing of the community.

E. 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 said neighborhood.

The properties along north side of Nogales Street are similarly developed with various commercial uses including multi tenants shopping centers, restaurants, and many other retail uses. The proposed use is compatible with the development in the surrounding

properties. The subject restaurant will operate in the commercial center and will offer an extensive menu which will become a fixture to this community. Again, the sale of beer and wine will be incidental to food sales. Thus, the proposed request will not be materially detrimental to the character of the development in the immediate neighborhood.

COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT
Patrol Division Investigator's Report
LIQUOR LICENSE APPLICATION INVESTIGATION

File Number: 910-08922-2931-446

"ON SALE"
"BEER AND WINE PERSON TO PERSON TRANSFER"

TYPE OF LICENSE

This Application is for:

- New Location?
- Transfer of Existing License?
- Increase in Authority of Existing License?

Date: 11/29/2010
Assigned to: Deputy LoMonaco
Assigned by: Lieutenant Blasnek
Completion Date: 11/29/2010

APPLICANT / OWNER

Name (Last, First, Middle) / Address		<input checked="" type="checkbox"/> Applicant	<input type="checkbox"/> Owner	Bus Phone.	<u>626-839-8855</u>
Zhang, Shuqi 1409 Bodega Way Unit #2 Rowland Heights, Ca. 91748				Res. Phone	<u>909-539-8781</u>
Birthdate:	<u>03/17/1987</u>	Height:	<u>5' 08"</u>	Weight:	<u>106</u>
		Hair:	<u>BLACK</u>	Eyes:	<u>BLACK</u>

DBA

Name (Last, First, Middle) / Address		<input type="checkbox"/> Applicant	<input type="checkbox"/> Owner	Bus Phone.	_____
				Res. Phone	_____
Birthdate:		Height:		Weight:	
		Hair:		Eyes:	

NEIGHBORHOOD

Firm / Address
Coconut Station 1355 Nogales St. Rowland Heights, Ca. 91748

PREMISES	<input checked="" type="checkbox"/> Business	ENTERTAINMENT	Yes	No
	<input type="checkbox"/> Residential		<input type="checkbox"/> Juke Box?	<input checked="" type="checkbox"/>
	<input type="checkbox"/> Industrial		<input type="checkbox"/> Floor Show?	<input checked="" type="checkbox"/>
	<input type="checkbox"/> Business - Residential		<input type="checkbox"/> Dancing?	<input checked="" type="checkbox"/>
	<input type="checkbox"/> Industrial - Residential		<input type="checkbox"/> Other?	<input checked="" type="checkbox"/>
<input type="checkbox"/> Business - Industrial	(If answer is yes, explain under comments)			

(If answer to any of the following questions is yes, explain under comments)

Yes	No	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1. Does criminal record of applicant or owner indicate that disapproval is warranted? *
<input type="checkbox"/>	<input checked="" type="checkbox"/>	2. Does investigation indicate that a person other than applicant or owner is a party of interest?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	3. Are there any schools, churches, public playgrounds, etc, as defined in Sec. 23789 of the Business & Professions Code in the immediate vicinity?

(If answer to No. 2 is yes, explain under comments)

Yes	No	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1. Do you recommend approval of this application?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	2. Is there a basis for protest concerning this application?

COMMENTS: (Use additional pages if necessary)

Based on the information provided to me by my staff I approve the above Liquor License Application. The location has been redeveloped and there have been no calls for service over the past five years for this location.

DAVID E. HALM, CAPTAIN
COMMANDER, WALNUT/DIAMOND BAR STATION

- 1. Original to Record Bureau
- 4. Copy to License Detail (For info. only)
- 2. Copy to Department of ABC
- 5. Copy to "Contract City" when applicable
- 3. Copy for Station File
- Note: * When checking record of new applicants thru CII include ABC fingerprint card number.

Estes, Phillip

From: Beth Hojnacke [spunx903@roadrunner.com]
Sent: Saturday, December 18, 2010 8:16 AM
To: Estes, Phillip
Cc: coconutstation@hotmail.com
Subject: FW: Coconut Station (R2005-02749)

The Rowland Heights Community Coordinating Council Executive Board has reviewed this application & has no objections.

Beth Hojnacke

President
Rowland Heights Community Coordinating Council, Inc.
www.rhccc.netfirms.com
562-544-3828

From: Coconut Station [<mailto:coconutstation@hotmail.com>]
Sent: Friday, December 03, 2010 3:17 PM
To: spunx903@roadrunner.com
Subject: Coconut Station (R2005-02749)

Hi Beth,

I have forwarded a copy of our beer and wine license application for your reference, please let me know if there is anything we can do for you and please feel free to contact me with any question. Thank you for your kind help.

Best regards,
Susan

Subject: RE: Rowland Heights Community Coordinating Council (R2005-02749)
Date: Thu, 2 Dec 2010 17:05:20 -0800
From: pestes@planning.lacounty.gov
To: coconutstation@hotmail.com

Attached is a copy of your application.

Phillip Estes, AICP
Principal Planner
Zoning Permits I Section
Department of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012
<http://planning.lacounty.gov>
213-974-6435



R2005-02749

PHOTO EXHIBIT
1355 NOGALES ST, ROWLAND HEIGHTS, CA 91748

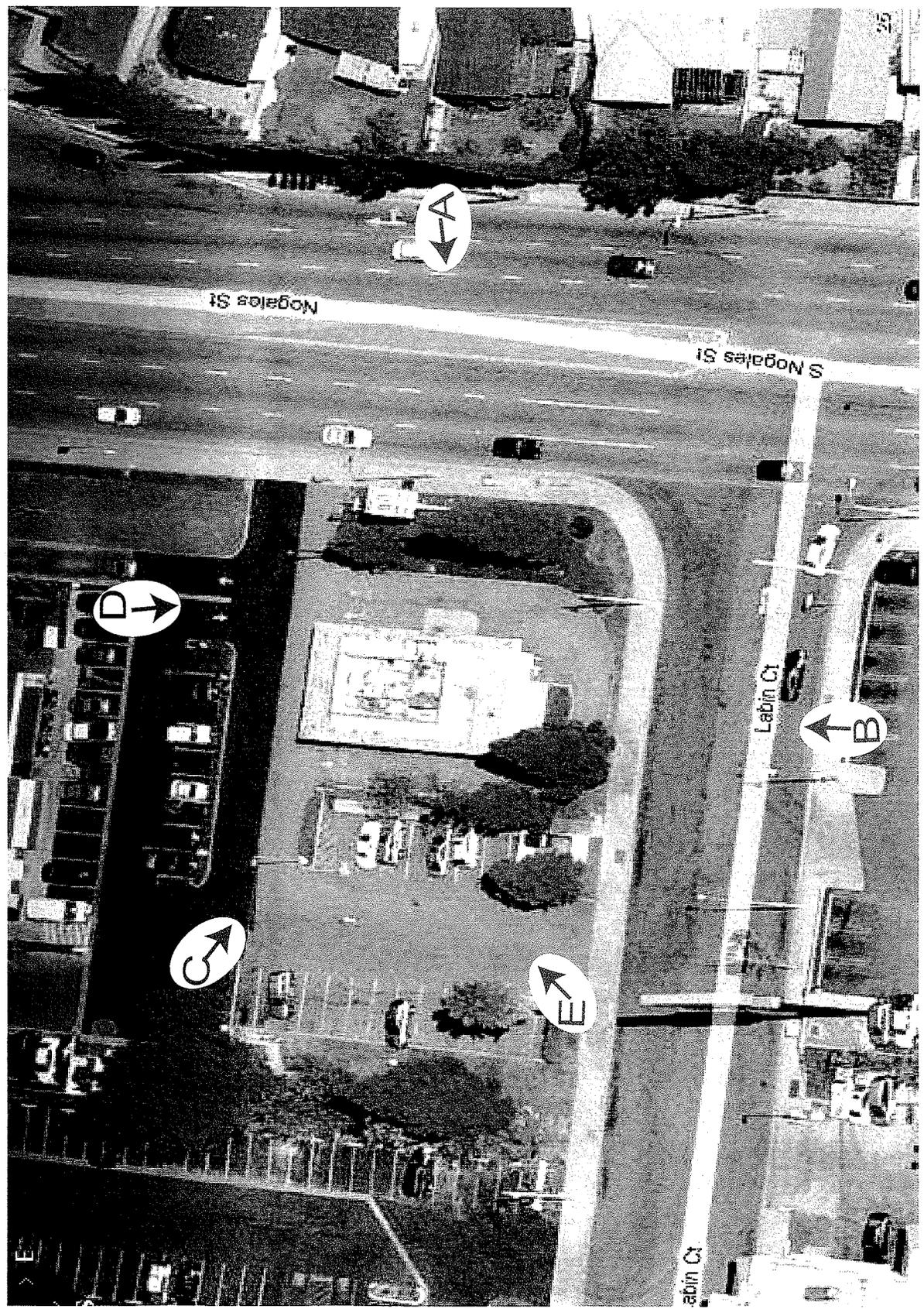


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