

P L A N N I N G C O M M I S S I O N

R E S O L U T I O N N O . 22-6116

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 22-05

CONDITIONAL USE PERMIT NO. 22-05

CATEGORICAL EXEMPTION

APPLICANT: Haven City Market (David Ly)

LOCATION: 993 S Glendora Ave

WHEREAS, there was filed with the City, a verified application on the forms prescribed in Chapter 26, Article VI of the West Covina Municipal Code, requesting approval of a Conditional Use Permit to:

Authorize live entertainment within a defined map for Haven City Market on certain property described as follows:

Assessor Parcel No. 8469-019-017 as shown on the latest rolls of the Los Angeles County Tax Assessor; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 13th day of December 2022, conduct a duly advertised public hearing as prescribed by law to consider said application; and

WHEREAS, studies and investigations made by this Commission and in its behalf reveal the following facts:

1. The applicant is requesting approval of a Conditional Use Permit to authorize entertainment within a defined map and is located within an existing 20,000 square-foot tenant space in the “Neighborhood Commercial Zone” (N-C).
2. Findings necessary for approval of a Conditional Use Permit are as follows:
 - a. *That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community.*

- b. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.*
 - c. That the site for the proposed use is adequate in size and is so shaped as to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to adjust said use to the land and uses in the neighborhood and make it compatible therewith.*
 - d. That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed use and that street patterns of such a nature exist as to guarantee that such generations will not be channeled through residential areas on local residential streets.*
 - e. That the granting of such conditional use permit will not adversely affect the general plan of the city, or any other adopted plan of the city.*
3. Pursuant to the California Environmental Quality Act (CEQA), the proposed project is considered to be categorically exempt (Class 1, Existing Facilities)

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of West Covina as follows:

1. On the basis of evidence presented, both oral and documentary, the Planning Commission makes the following findings for approval of a Conditional Use Permit:
 - a. The proposed use is consistent with the Commercial General Plan designation and the Neighborhood Commercial Zone. The proposed live-entertainment use will be in conjunction with the operation of a bonafide restaurant. As conditioned, the proposed use will be compatible and complement the surrounding uses within Hong Kong Plaza. The live entertainment will allow Haven City Management the ability to provide the community with entertainment options that will increase West Covina's regional appeal.
 - b. There is no evidence that any detrimental effects such as: noise, litter, or other nuisances would occur. The live entertainment will be in conjunction with the operation of a food hall/group of restaurants. The food hall area is an existing structure that is currently undergoing renovation. With appropriate conditions of approval, the proposed live entertainment will not be detrimental to the health, safety, peace, or general welfare of surrounding residents or business owners. The conditions of approval regulate the use to have minimal impacts.
 - c. The existing building and site are adequate in size and design to accommodate the proposed use. The proposed use will integrate well with the surrounding uses. The proposed use would not impact the parking requirements for the site.
 - d. The subject property is located on the Northwest corner of S Glendora Avenue and E Vine Avenue. The site can be accessed via S Glendora Avenue. No effect on the

required infrastructure will result from the proposed use. The subject site's abutting streets are adequate in width to accommodate the proposed use. The proposed use will not change traffic and circulation on the site.

- e. Granting the Conditional Use Permit to allow the live entertainment in conjunction with the operation of a food hall/group of restaurants will not adversely affect the West Covina General Plan, since the proposed use does not conflict with the site's "Commercial" land use designation. The use is consistent with General Plan Policies 2.1 (maintain and enhance the City's current tax base) and 2.4 (building on and grow West Covina's regional appeal).
2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Conditional Use Permit No. 22-05 is approved subject to the provisions of the West Covina Municipal Code provided that the physical development of the herein described property shall conform to said Conditional Use Permit and the conditions set forth herein which, except as otherwise expressly indicated, shall be fully performed and completed or shall be secured by bank or cash deposit satisfactory to the Community Development Director before the use or occupancy of the property is commenced and before a certificate of occupancy is issued, and the violation of any of which shall be grounds for revocation of said conditional use permit by the Planning Commission or City Council.
 3. The Conditional Use Permit shall not be effective for any purpose until the owner of the property involved (or his duly authorized representative) has filed at the office of the Community Development Director his affidavit stating he is aware of, and accepts, all conditions of this conditional use permit as set forth below. Additionally, no permits shall be issued until the owner of the property involved (or a duly authorized representative) pays all costs associated with the processing of this application pursuant to City Council Resolution No. 8690.
 4. The costs and expenses of any enforcement activities, including, but not limited to attorney's fees, caused by the applicant's violation of any condition imposed by this approval or any provision of the West Covina Municipal Code shall be paid by the applicant.
 5. That the approval of the Conditional Use Permit is subject to the following conditions:
 - a. Comply with the plans reviewed by the Planning Commission on December 13, 2022.
 - b. Comply with all applicable sections of the West Covina Municipal Code.
 - c. Comply with all requirements of the "Neighborhood Commercial" Zone.
 - d. The approved use allows for live entertainment within a defined map.

- e. Live entertainment shall only be allowed in conjunction with the operation of the food hall while the restaurants are open to serve food.
- f. The live entertainment use is approved for a defined map within Haven City Market. Any addition or modification of the use shall require the submittal of a new Conditional Use Permit.
- g. The approved CUP shall be limited to events held within the confines of the food hall. Any event held on the parking lot and/or outside of the food hall area shall require a Temporary Use Permit for the event per occurrence in compliance with the West Covina Municipal Code.
- h. Amplified sound shall not exceed levels that are plainly audible, or vibrations felt on the outside of the tenant space.
- i. Amplified sound shall not be used within the exterior/outdoor dining area after 10:00 p.m. Fridays and Saturdays; and shall not be used at all Sunday through Thursday.
- j. The northwest doors of the food hall shall be kept closed at all times, except when doors are in use, in order to minimize noise impacts onto adjacent properties.
- k. Any speakers inside the food hall shall be directed toward the front of the tenant space.
- l. The Community Development Director shall monitor whether the business generates excessive complaints. If the business operation results in excessive issues or complaints at any time, the Director shall initiate a review of the CUP by the Planning Commission. The Commission shall determine if additional restrictions, conditions, or physical changes are needed in order to address the issues or concerns.
- m. During construction, the delivery of materials and equipment, outdoor operations of equipment and construction activity shall be limited to the hours between 7:00 a.m. and 8:00 p.m.
- n. All construction equipment, stationary or mobile, shall be equipped with properly operating and maintained mufflers.
- o. That any proposed change to the approved site plan, floor plan, or elevations be reviewed by the Planning, Building, Fire, and Police Departments and the Community Development Commission, and that the written authorization of the Community Development Director shall be obtained prior to implementation.
- p. The operation of the facility shall comply with the West Covina Noise Ordinance.

- q. This approval does not include the approval of signs; a separate sign permit shall be obtained. All signs shall be required to comply with the City of West Covina Sign Code.
- r. That any proposed change to the approved site plan, floor plan, or elevations be reviewed by the Planning, Building, Fire, and Police Departments and the Community Development Commission, and that the written authorization of the Planning Director shall be obtained prior to implementation.
- s. The Conditional Use Permit may be revoked, amended and suspended by the Planning Commission under the provisions of Section 26-253 of the West Covina Municipal code.

BUILDING DEPARTMENT

1. The second sheet of building plans is to list all conditions of approval and to include a copy of the Planning Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
2. Fees shall be paid to the County of Los Angeles Sanitation District prior to issuance of the building permit.
3. Each food tenant shall be individually assigned with an address, and an application to assign address shall be filed with Engineering Division prior to plan check submittal.
4. In accordance with paragraph 5538(b) of the California Business and Professions Code, plans are to be prepared and stamped by a aad architect.
5. Structural calculations prepared under the direction of an architect, civil engineer or structural engineer shall be provided.
6. South Coast Air Quality Management District must be contacted prior to any demolition or renovation. Call (909) 396-2000 for further information. Failure to comply with the provisions of Rule 1403 may result in a penalty of up to \$25,000 per day.
7. The owner shall retain the soils engineer preparing the Preliminary Soils and/or Geotechnical Investigation accepted by the City for observation of all grading, site preparation, and compaction testing. Observation and testing shall not be performed by another soils and/or geotechnical engineer unless the subsequent soils and/or geotechnical engineer submits and has accepted by the Public Works Department, a new Preliminary Soils and/or Geotechnical Investigation.
8. Prior to permit issuance, a PDF copy of the soils report shall be provided by the applicant.
9. A geotechnical and soils investigation report is required, the duties of the soils engineer of record, as indicated on the first sheet of the approved plans, shall include the following:
 - a. Observation of cleared areas and benches prepared to receive fill;
 - b. Observation of the removal of all unsuitable soils and other materials;
 - c. The approval of soils to be used as fill material;

- d. Inspection of compaction and placement of fill;
 - e. The testing of compacted fills; and
 - f. The inspection of review of drainage devices.
10. A grading and drainage plan shall be approved by Engineering Division prior to issuance of the building permit. The grading and drainage plan shall indicate how all storm drainage including contributory drainage from adjacent lots is carried to the public way or drainage structure approved to receive storm water.
11. Projects shall comply with the requirements of the NPDES (NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM) prior to issuance of a Demolition, Grading & Building permit. These include requirements for sediment control, erosion control, and construction activities control to be implemented on the project site.
12. Redevelopment projects are required to comply with standard urban stormwater mitigation plan ("SUSMP") conditions per Section 9-36 of the City Ordinance. Redevelopment means land-disturbing activity that results in the creation, addition, or replacement of five thousand (5,000) square feet or more of impervious surface area on an already developed site. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of a routine maintenance activity; and land disturbing activities related to structural or impervious surfaces.
13. Approval is required from the Los Angeles County Health Department for restaurants.
14. An change in the purpose of, or a change in the level of activity within, a building or structure where the applicable Building Code requires a greater degree of safety, accessibility, structural strength, fire protection, means of egress, ventilation or sanitation than is existing in the building or structure is considered as change of occupancy.
15. Additions, alterations, repairs and changes of use or occupancy in all buildings and structures shall comply with the provisions for new buildings and structures except as otherwise provided in the Existing Building Code in effect.
16. An analysis shall be provided to justify the requirements for building area limitations within the type of construction of which the existing building was previously assigned by the Building Official are met per Chapter 5 of the applicable Building Code due to the proposed change of occupancy.
17. The analysis for verification of compliance with applicable sections of Chapter 5 of the Building Code shall also include the mixed use occupancy determination and the separation between the occupancy of the food court and that of adjacent tenant space, including the existing supermarket of Merchantile Occupancy.
18. Accordion or folding doors when used as a component of a means of egress shall comply with Section 1010.1.2 and 1010.3.3 of the Building Code.
19. All State of California disability access regulations for accessibility shall be complied with.

20. Angled accessible parking space shall comply with Section 11B-502.2, including Figure 11B-502.2. Such parking configuration generally demands greater dimensional requirements than those for non-angled accessible parking space.
21. Electrical plan check is required.
22. Mechanical plan check is required.
23. Plumbing plan check is required.
24. Plumbing fixtures shall be provided as required by the Chapter 4 of the California Plumbing Code. Additional fixtures may be required if not in compliance.
25. Project shall comply with the CalGreen nonresidential requirements.
26. Separate permit is required for Fire Sprinklers alteration.
27. All fire sprinkler hangers must be designed, and their location approved by an engineer or an architect. Calculations must be provided indicating that the hangers are designed to carry the tributary weight of the water filled pipe plus a 250 pound point load. A plan indication this information must be stamped by the engineer or the architect and submitted for approval prior to issuance of the building permit.

FIRE DEPARTMENT

1. Proof of fire sprinkler 5-year test and certification prior to final
2. Proof of fire alarm annual test and certification prior to final
3. Proof of hood system bi-annual test and certification prior to final
4. New signage will be required for fire riser room/FACP room
5. Existing red curbs must be repainted and striped prior to final
6. Knox Box required for each unit
7. A labeled key for each unit, along with a labeled master for exterior doors must be provided prior to final
8. **Any alteration to the existing fire protection systems will require a separate deferred submittal. Any non-permitted work may cause delay of final approval and issuance of Certificate of Occupancy.**
9. Illuminated exit signage with emergency lighting
10. Panic hardware where required

NOTE: *Additional Fire Department requirements may be set upon future review of a full set of architectural plans.

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a regular meeting held on the 13^h day of December 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: December 13, 2022

Nickolas Lewis, Chair
Planning Commission

Paulina Morales, Secretary
Planning Commission