

**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 . 23-6123**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 23-02**

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**CONDITIONAL USE PERMIT NO. 23-02**

**CATEGORICAL EXEMPTION**

**APPLICANT:** Charina Vergara

**LOCATION:** 2520 S Azusa Avenue

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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 80-square foot area as an accessory to a restaurant located within a certain property described as follows:

Assessor Parcel No. 8730-004-029 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 11th day of April 2023, 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 80 square foot area as an accessory to a restaurant (Titos Pizza Bistro Brews) and is located within an existing 10,000 square-foot tenant space in the “Heavy Commercial ” (C-3).
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 existing facility, which was previously used as Shakey's restaurant, has been closed since July 2022. The live entertainment would be necessary to the success of Tito's Pizza because it would provide the restaurant an equal opportunity to compete with other restaurants in the area and would provide residents additional dining and entertainment options.
  - b. There is no evidence that any detrimental effects such as: noise, litter, or other nuisances would occur. The live-entertainment use will be in conjunction with the operation of a restaurant. The tenant space is existing, and no additional square footage would be added to the building. With appropriate conditions of approval, the proposed live-entertainment use 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 tenant space and building are adequate in size to accommodate the proposed use. Furthermore, no changes in square footage are proposed for the tenant space and/or building. The proposed use will integrate well with the surrounding uses. The parking spaces onsite have been adequate for the site and the proposed use would not affect demand.

- d. The proposed live-entertainment use in conjunction with the restaurant is not anticipated to generate a substantial amount of vehicular traffic nor alter present circulation pattern. No effect on required infrastructure will result from the proposed use. The adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are provided for the existing use and will not adversely affect traffic in residential areas.
  - e. The granting of the Conditional Use Permits to allow live-entertainment in conjunction with the operation of a restaurant will not adversely affect the West Covina General Plan, since the proposed use does not conflict with the site's "Commercial" land use designation which allows for a mix of functions including commercial, entertainment, office and housing. The project is consistent with the following General Plan policies: Policy 2.1 Maintain and enhance the City's current tax base and Policy 2.4 Build 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. 23-02 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 and approved by the Planning Commission on April 11, 2023.

- b. Comply with all applicable sections of the West Covina Municipal Code.
- c. Comply with all requirements of the “Heavy Commercial” Zone.
- d. Live entertainment shall be limited to the 80 square-foot area identified on the approved floor plan. Live entertainment shall not be conducted within the outdoor dining area.
- e. Live entertainment shall only be allowed in conjunction with the operation of the restaurant during business hours.
- f. The restaurant is approved to operate 11:00 am to 10:00 pm Monday-Thursday and Sundays, and 11:00 am to 1:00 am Friday-Saturday.
- g. The live entertainment use is approved for a defined area within Titos Pizza Bistro Brews. Any addition or modification of the use shall require the submittal of a new Conditional Use Permit.
- 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 exterior doors of the restaurant 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 restaurant 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. 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.
3. All State of California disability access regulations for accessibility and adaptability shall be complied with.
4. Approval is required from the Los Angeles County Health Department for restaurants.

#### 5. FIRE DEPARTMENT

1. NFPA 72 – Fire Alarm/Fire Sprinkler Monitoring System.
2. NFPA 10 – Portable Fire Extinguishers.
3. A Knox box with a labeled master key must be maintained and provided for emergency responder access.
4. Any modifications to an existing fire sprinkler/fire alarm system must be first approved and permitted by the fire department.

5. Hood suppression system permit required.
6. Illuminated exit signage with emergency lighting.
7. Where a fire hydrant is located on a fire access road the minimum road width shall be 26 feet, exclusive of shoulders. All fire access roads shall have red curbing and be stenciled "No Parking Fire Lane" and have fire lane signs reading "No Parking Fire Lane" every 75'.
8. 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 11<sup>th</sup> day of April 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: April 11, 2023

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Nickolas Lewis, Chair  
Planning Commission

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Paulina Morales, Secretary  
Planning Commission