

PLANNING COMMISSION

RESOLUTION NO. 23-6124

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING ADMINISTRATIVE USE PERMIT NO. 23-01

ADMINISTRATIVE USE PERMIT NO. 23-01

CATEGORICAL EXEMPTION

APPLICANT: Charina Vergara

LOCATION: 2520 S Azusa Avenue

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 Administrative Use Permit to:

Authorize the on-site sale of beer and wine for consumption (Type 41) in conjunction with a bona fide eating place (restaurant) and outdoor dining on 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 an Administrative Use Permit to authorize on-site sale of beer and wine for consumption (type 41) in conjunction with the operation of a bona fide eating place (restaurant) and outdoor dining for Titos Pizza Bistro Brews, an existing 10,000 square-foot tenant space in the “Heavy Commercial” (C-3).
2. Findings necessary for approval of Administrative 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 an Administrative Use Permit:
 - a. The existing facility, which was previously used as Shakey's restaurant, has been closed since July 2022. The on-sale of beer and wine, and outdoor dining 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 on-sale of beer and wine and outdoor dining 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 on-sale of alcohol and outdoor dining 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 on-sale of alcohol and outdoor dining 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. There are 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 Administrative Use Permit to allow the on-sale of beer and wine, and outdoor dining 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, Administrative Use Permit No. 23-01 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 Administrative 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 Administrative use permit by the Planning Commission or City Council.
 3. The Administrative 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 administrative 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 Administrative Use Permit is subject to the following conditions:

- a. Comply with the plans reviewed 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. This approval allows for the on-sale service of beer and wine (Type 41) and outdoor dining as an ancillary use to a full-service restaurant.
- e. All rules and regulations of the California Department of Alcoholic Beverage Control (ABC) shall be complied with at all times.
- f. The use is approved within Titos Pizza Bistro Brews. Any addition or modification of the use shall require the submittal of a new Administrative Use Permit.
- g. 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.
- h. Amplified sound shall not exceed levels that are plainly audible, or vibrations felt on the outside of the tenant space.
- i. 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.
- j. Any speakers inside the restaurant shall be directed toward the front of the tenant space.
- k. All exterior furniture (table, chairs, umbrella, et cetera) shall either be fixed (secured and bolted to the ground) or be stored securely within the interior of the building after restaurant business hours.
- 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 Administrative 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.
- t. 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 AUP 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.
- u. 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.
- v. All construction equipment, stationary or mobile, shall be equipped with properly operating and maintained mufflers.
- w. 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.
- x. The operation of the facility shall comply with the West Covina Noise Ordinance.
- y. 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.

- z. 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.
- aa. The Administrative 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

- a. 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.
- b. 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.
- c. All State of California disability access regulations for accessibility and adaptability shall be complied with.
- d. Approval is required from the Los Angeles County Health Department for restaurants.

FIRE DEPARTMENT

- a. NFPA 72 – Fire Alarm/Fire Sprinkler Monitoring System.
- b. NFPA 10 – Portable Fire Extinguishers.
- c. A Knox box with a labeled master key must be maintained and provided for emergency responder access.
- d. Any modifications to an existing fire sprinkler/fire alarm system must be first approved and permitted by the fire department.
- e. Hood suppression system permit required.
- f. Illuminated exit signage with emergency lighting.
- g. 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’.

- h. 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^h day of April 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: April 11, 2023

Nickolas Lewis, Chair
Planning Commission

Paulina Morales, Secretary
Planning Commission