

PLANNING COMMISSION

RESOLUTION NO. 23-6127

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

CONDITIONAL USE PERMIT NO. 23-03

CATEGORICAL EXEMPTION

APPLICANT: Jeremy Yeh

LOCATION: 3223 E. Garvey Avenue North

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:

Expand the existing hotel ballroom and alcohol service in conjunction with a bona fide eating place (restaurant) located within a certain property described as follows:

Assessor's Parcel No. 8451-016-035, in the records of the Los Angeles County 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 expand the existing hotel ballroom and alcohol service in conjunction with a bona fide eating place (restaurant) located within an existing hotel in the "Regional Commercial" (R-C) zone.
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. The proposal is considered to be categorically exempt, pursuant to the California Environmental Quality Act (CEQA), the proposed project is considered to be categorically exempt, pursuant to Section 15303 (Class 3, New Construction) in that it consists of the construction of a minor structure/addition in order to operate the requested use.

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 ballroom expansion is necessary in order to allow for the rebranding of the existing hotel. The ballroom is an accommodation that contributes to the general well-being of the community in that it offers an option for another location/place to celebrate milestones and important events.
 - b. There is no evidence that any detrimental effects such as: noise, litter, or other nuisances would occur. The alcohol service will be in conjunction with the operation of a restaurant/ballroom. The hotel and alcohol license are existing. With appropriate conditions of approval, the proposed on-sale of alcohol 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 site is able to sufficiently accommodate the proposed use. Furthermore, the change in square footage is minimal. The proposed use will integrate well with the surrounding uses. The hotel complies with onsite parking requirements.

- d. The proposed on-sale of alcohol in conjunction with the restaurant/ballroom 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 alcohol sales/service with the operation of a restaurant/ballroom 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. 23-03 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 August 8, 2023.
 - b. Comply with all applicable sections of the West Covina Municipal Code.

- c. Comply with all requirements of the “Regional Commercial” Zone.
- d. This approval allows for the expansion of the ballroom and alcohol service (Type 47 ABC License) in conjunction with a bona fide eating place (restaurant).
- e. Approval of this Conditional Use Permit is contingent upon, and shall not become effective unless and until, approval of Precise Plan No. 23-04.
- f. The ballroom, at any time, shall not be occupied by greater than 175 seats and/or greater than 175 people (excluding hotel employees), and/or the maximum capacity determined by the Fire Department, whichever is less.
- g. Comply with all the California Department of Alcoholic Beverage Control rules and regulations and obtain/update the necessary licenses.
- h. Comply with all Health Department regulations and obtain required permits.
- i. Amplified sound shall not exceed levels that are plainly audible, or vibrations felt on the outside of the tenant space.
- j. Amplified sound shall not be used within the exterior of the building.
- k. 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.
- l. 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.
- m. All construction equipment, stationery or mobile, shall be equipped with properly operating and maintained mufflers.
- n. The operation of the facility shall comply with the West Covina Noise Ordinance.
- o. 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.
- p. 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.

- q. 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.

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 8th day of August 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: August 8, 2023

Brian Gutierrez, Chairperson
Planning Commission

Paulina Morales, Secretary
Planning Commission