

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. 15-5784

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE
PERMIT NO. 15-05**

CONDITIONAL USE PERMIT NO. 15-05

CATEGORICAL EXEMPTION

APPLICANT: Eric Phillip Roque, Rebel Yell Bar and Steakhouse

LOCATION: 2050 S. Valinda Avenue

WHEREAS, there was filed with this Commission, 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:

Allow the accessory use of live music entertainment in conjunction with a bona fide restaurant.

on that certain property described as:

Assessor's Parcel No. 8743-006-041 as listed in the records of the office of the Los Angeles County Assessor; and

WHEREAS, in conjunction with this request, an administrative use permit (AUP 15-09) has been submitted to allow the on-sale service of alcoholic beverages; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 22nd day of September and the 27th day of October, 2015, conduct a duly advertised public hearings as prescribed by law; and

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

1. The project consists of a conditional use permit to allow the accessory use of live music entertainment within an existing 1,075-square foot restaurant. The project is located in the "Neighborhood Commercial" (N-C) Zone.

2. Findings necessary for approval of a conditional use permit:

- 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 or 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 such use with the land and uses in the neighborhood and make it compatible thereto.
- d. That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed uses and the street patterns of such a nature exist as to guarantee that such generation 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 a Categorical Exemption, pursuant to Section 15301 (Class 1, Existing Facilities) of the California Environmental Quality Act (CEQA) of 1970, in that it consists of minor alterations of the subject structure in order to operate the requested use.

NOW THEREFORE, the Planning Commission of the City of West Covina does resolve as follows:

1. On the basis of the evidence presented, both oral and documentary, the Planning Commission makes the following findings:
 - a) The proposed use is desirable as it provides food and live music entertainment for the surrounding communities and to the City of West Covina. The shopping center in which it is located is 6 acres whereas the restaurant is 1,075-square feet. The proposed use, Rebel Yell Bar and Steakhouse will complement the existing commercial used in the shopping center. The use will provide food and live music entertainment to individuals that patronize the business and will contribute to the well-being of the shopping center and its neighboring communities.

- b) The subject tenant space is located in close proximity to residential uses. The proposed use is for live entertainment in conjunction with a bonafide restaurant. The proposed use would operate in the interior of the tenant space. Hours of operation would be restricted from 7:00 p.m. to 11:00 p.m. Thursday through Saturday. Noise levels will need to be met at all times as required by the West Covina Municipal Code. The proposed live music entertainment use will not be detrimental to the health, safety, peace or general welfare or persons residing or working in the vicinity with the restrictions on alcohol service after 12:00 p.m.
 - c) The site and tenant space for the proposed use is 1,075-square feet and adequate in size to accommodate the proposed restaurant and bar with live music entertainment. The business is located within a shopping center that has adequate parking based upon the parking standards of the West Covina Municipal Code. The proposed use will occupy a tenant space that is on the west side of the shopping center offering visibility from the street. The adjacent tenant spaces are occupied by retail businesses. The site is adequate in size and shape to accommodate the proposed business. The proposed use is compatible with the other uses in the shopping center and surrounding land uses. The tenant space is directly adjacent to residential uses. Conditions of approval have been included to reduce impacts to the residential uses.
 - d) The proposed restaurant and bar with live music entertainment is located in proximity to Valinda Avenue and Amar Road, which are Principal Arterials as defined by the Master Plan of Streets. The existing street network provides adequate capacity to accommodate additional vehicle trips generated by the proposed use. Vehicular access to the subject building is available primarily via Valinda Avenue and Amar Road. Existing conditions also provide efficient and safe public access and circulation.
 - e) The proposed use is consistent with the "Neighborhood Commercial" (N-C) Zone. The proposed restaurant and bar with live music entertainment use is allowed in the N-C zone with the approval of a conditional use permit. The granting of a conditional use permit for a restaurant with live music entertainment is consistent with the General Plan. The Economic Development Element Goal No. 1 of the General Plan states "Develop and expand the local economy in order to create new employment opportunities, attract new investment and strengthen the tax base of the City." As such, the proposed use is consistent with the City's General Plan.
2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, this Conditional Use Permit No. 15-05 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 plan 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 Planning Director, before the use is commenced, 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. That 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 Planning 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. 15-8690.
4. The costs and expenses of any enforcement activities, including, but not limited to attorneys' 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 a conditional use permit is subject to the following conditions:
 - a) Comply with plans reviewed by the Planning Commission on October 27, 2015.
 - b) Comply with all requirements of the "Neighborhood Commercial" (N-C) Zone and all other applicable standards of the West Covina Municipal Code.
 - c) Doors of the building shall be kept closed at all times when entertainment is being provided, except when doors are in use, in order to minimize noise impacts onto adjacent properties.
 - d) Signs are not part of this approval. Obtain a sign permit from the Building Division subject to approval by the Planning Department.
 - e) Prior to the start of operations, obtain a business license for the restaurant use, and for each game of skill and science (including billiard tables) as required by Chapter 14 of the West Covina Municipal Code.
 - f) The business owner and manager of the establishment shall be strictly accountable for compliance with all conditions imposed as part of this conditional use permit, whether or not the owner or manager are personally present at the location.
 - g) A copy of this resolution shall be kept at the front counter at all times and available for review by public safety personnel and other authorized City staff.

- h) Any proposed change to the approved site plan or floor plan must first be reviewed by the Planning, Building, and Fire Departments and shall require the written authorization of the Planning Director prior to implementation.
- i) No dancing was proposed or approved as part of this application.
- j) The approved tenant space for the accessory use of live music entertainment is 1,075-square feet. Any expansion of the tenant space requires a modification to the conditional use permit.
- k) The proposed restaurant is an allowed use per the Municipal Code. No age restrictions or cover charges are approved as part of the live entertainment use.
- l) The approved use shall not create a public nuisance as defined under Section 15-200 of the West Covina Municipal Code.
- m) The conditional use permit may be revoked, amended, or suspended by the Planning Commission under the provisions of Section 26-253 of the West Covina Municipal Code.
- n) A food menu and food service shall be available for customers during all hours of operation. The menu shall consist of a variety of foods including hot entrée items.
- o) The site shall comply with the requirements of the California Department of Alcoholic Beverage Control (ABC) and shall be maintained in a manner consistent with the definition of a "bona fide eating place" as defined by Section 23038 of the California Business and Professions Code.
- p) The site shall not create any loud and unnecessary noise as defined in Section 15-85 of the West Covina Municipal Code.
- q) The applicant shall execute an indemnity agreement, in a form provided by the City and approved by the City Attorney, indemnifying the City against any and all actions brought against the City in connection with the approvals set forth herein.
- r) This approval allows for the accessory use of live music entertainment in conjunction with a bona fide restaurant.
- s) The permitted occupancy or total number of patrons to enter the restaurant shall be restricted per applicable Building and Fire Codes whichever is less.
- t) In the event that the surrounding residents or businesses are is negatively impacted due to the live entertainment, the Planning Commission may review the conditional use permit for live entertainment and may, at its discretion, modify or

impose new conditions or suspend or revoke the conditional use permit to Section 26-253 of West Covina Municipal Code.

- u) Doors of the building shall be kept closed at all times when entertainment is being provided, except when doors are in use, in order to minimize noise impacts onto adjacent properties.
- v) Live music will be limited to three (3) days per week on Thursdays, Fridays, and Saturdays from 7:00 p.m. to 11:00 p.m.
- w) Security personnel will patrol the surrounding parking lot and vicinity to ensure patrons are neither loitering nor causing undue disturbances.
- x) Employees shall park at south end of the parking lot, away from neighboring residences, to avoid causing disturbances when leaving work.
- y) All trash will be disposed of in outdoor trash bins and dumpsters prior to 11:00 p.m.
- z) Back door will remain locked and closed after 11:00 p.m. except in case of an emergency.
- aa) Front door, main entrance, will rest closed after 10:00 p.m.
- bb) Speakers transmitting live music will face opposite direction of main entrance, minimizing sound disturbance when main entrance is used to enter or exit the building.
- cc) Designated motorcycle parking spaces, located adjacent to residential homes will be removed.
- dd) Review by the Planning Commission of the operation permitted by the conditional use permit is required after (6) months of operation from the date of approval and at such time as necessary as specified by the Planning Commission. The review shall involve Planning, Code Enforcement, Police, and neighbor complaints in order to determine compliance with the conditions of approval. At such review, the Planning Commission may consider modification of the conditions of approval or initiation of revocation proceedings due to substantial noncompliance.
- ee) The approval does not include a "dance floor" in the floor plan. A dance floor requires the approval of a conditional use permit and a separate business license shall be obtained.

Police Department Requirements:

ff) The applicant shall install a CCTV monitoring system, which is subject to inspection prior to opening. The requirements are as follows:

- 960H (960 x 480) recording resolution
- H.264 video compression
- Real-time recording 30 fbs per channel @ 960 resolution
- 2048 bit rate
- 1 TB hard disk drive at a minimum and larger if the number of cameras require more storage to meet the 30 day storage minimum
- Fixed cameras with complete coverage of areas that do not infringe on the privacy of patrons, PTZ (pan, tilt, zoom) optional
- Recordings preserved for a minimum of 30 days (30 day loop minimum)
- DVR must contain a USB port for police department personnel to easily access system and download video

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 27th day of October, 2015, by the following votes:

AYES: Blackburn, Castellanos, Holtz, Jimenez

NOES: Jones

ABSTAIN: None

ABSENT: None

DATE: October 27, 2015

EXPIRATION DATE: October 27, 2016, if not used.



Paul Blackburn, Chairman
Planning Commission



Jeff Anderson, AICP, Secretary
Planning Commission