

PLANNING COMMISSION

RESOLUTION NO. 18-5971

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF WEST COVINA, CALIFORNIA, AMENDING THE
APPROVAL OF ADMINISTRATIVE USE PERMIT NO. 15-09

ADMINISTRATIVE USE PERMIT NO. 15-09

CATEGORICAL EXEMPTION

APPLICANT: Eric Phillip Roque, Rebel Yell Bar and Steakhouse

LOCATION: 2050 S. Valinda Avenue

WHEREAS, there was filed with this City a verified application on forms prescribed by the Commission, a request for an administrative use permit to allow the on-sale service of alcohol within a full-service restaurant as defined by the State Department of Alcoholic Beverage Control (ABC), on that certain property generally described as:

Assessor's Parcel No. 8746-006-1041 as listed in the records of the office of the Los Angeles County Assessor; and

WHEREAS, in conjunction with this request, a conditional use permit (CUP 15-05) has been submitted to allow the accessory use of live music entertainment; 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 hearing as prescribed by law to consider said application; and

WHEREAS, the Planning Commission on the 11th of December, 2018, considered a request by the applicant to extend the hours of alcohol service from Monday through Sunday from 6:00 a.m. to 12:00 a.m. to 6:00 a.m. to 2:00 a.m. Thursday through Saturday; and

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

1. The applicant is requesting the approval of an administrative use permit to allow the retail off-sale of alcohol within an area of undue concentration as defined by the Department of Alcoholic Beverage Control. The project is located within the "Neighborhood Commercial" (N-C) Zone. There is one existing ABC license in the census tract where the subject restaurant is located, while four licenses are allowed. The Police Department has reviewed the proposal and has provided input. Conditions of approval have been drafted based on the concerns expressed.

2. The applicant received approval for Administrative Use Permit No. 15-09 on October 27, 2015, with limited hours for alcohol sales. The approval allowed for a 3-month review of the business to consider extending alcohol sales hours.
3. On October 4, 2018, the applicant requested an extension of the approved hours for alcohol sales.
4. Appropriate finding for approval of an administrative use permit for on-sale service of alcohol 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. Finding necessary for approval of an administrative use permit for alcohol service:
 - f. That, when considering the proposed operational characteristics of the use and its proximity to residences, parks, schools, preschools, day care facilities, and churches, the use will not create any undue adverse impacts or otherwise be detrimental to the public health, safety, and welfare.
4. 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, 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 regarding the administrative use permit:
 - a. The proposed on-sale service of alcohol with a bona fide restaurant (Type 47 ABC License) in Rebel Yell Bar and Steakhouse, as ancillary to the restaurant, is a desirable service that will contribute to the general well being of the neighborhood and community by offering patrons an additional alternative to purchase alcoholic beverages.
 - b. Due to the location of the proposed restaurant and conditions placed on alcohol sales, the on-sale service of alcohol in conjunction with a full service restaurant, will not 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. The applicant has received few calls for service from the Police Department during its operation and there are no Code Enforcement violations on record.
 - c. The site for the proposed on-sale service of alcohol is adequate in size and shape to accommodate said use, in that the 1,075-square foot tenant space is located within an existing shopping center. Approval of an administrative use permit will only allow the on-sale service of alcohol in conjunction with a bona fide restaurant. The proposed use will not result in an expansion of building area beyond what presently exists. Further, the on-sale service of alcohol will not increase the parking demand beyond the parking supply. The tenant space is directly adjacent to residential uses. Conditions of approval have been included to reduce impacts on the residential uses.
 - d. The proposed use 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 an administrative use permit for on-sale service of alcohol 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. Finding necessary for approval of a conditional use permit for alcohol service:
 - f. The accessory use of on-sale service of alcohol in conjunction with the full service restaurant will not create any undue adverse impacts or be detrimental to public health, safety, or welfare. While the subject property is directly located to residential uses, it is located in a shopping center and it is in a commercial zone. It is not adjacent to parks, schools, preschools, day care facilities, or churches.
3. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Administrative Use Permit No. 15-09 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 Community Development Director, before the use or occupancy of the property is commenced and before the 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.
4. 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. 15-8690.
5. 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.
6. That the approval of the administrative use permit is subject to the following conditions:
 - a. Comply with plans reviewed by the Planning Commission on October 27, 2015.
 - b. That the project comply with all requirements of the “Neighborhood Commercial” (N-C) zone and all other applicable standards of the West Covina Municipal Code.

- c. This development shall conform to all applicable Municipal regulations, Fire, Building, Mechanical, Electrical, Plumbing codes and recognized, approved, standards of installation.
- d. The approved use shall not create a public nuisance as defined under Section 15-200 of the West Covina Municipal Code.
- e. Signs are not part of this approval. Obtain a sign permit from the Building Division subject to approval by the Planning Department.
- 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 Community Development Director prior to implementation.
- i. The on-sale service of alcohol with a full-service restaurant shall be allowed Sunday through Wednesday from 11:00 a.m. to 12:00 p.m., and Thursday through Saturday from 6:00 a.m. to 2:00 a.m.
- j. 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.
- k. The administrative use permit may be revoked, amended and suspended by the Community Development Director under the provisions of Section 26-273 of the West Covina Municipal Code.
- l. 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.
- m. The permitted occupancy or total number of patrons to enter the restaurant shall be restricted per applicable Building and Fire Codes whichever is less.

- n. The proposed restaurant is an allowed use per the Municipal Code. No age restrictions or cover charges are approved as part of the accessory on-sale service of alcohol use.
- o. This approval allows for the on-sale service of alcohol with a bona fide restaurant.
- p. 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.
- q. This Administrative Use Permit approval shall become null and void if a license from ABC is not obtained within one (1) year of the date of this approval.
- r. Security personnel will patrol the surrounding parking lot and vicinity to ensure patrons are neither loitering nor causing undue disturbances.
- s. Employees shall park at the south end of the parking lot, away from neighboring residences, to avoid causing disturbances when leaving work.
- t. All trash will be disposed of in outdoor trash bins and dumpsters prior to 11:00 p.m.
- u. Back door will remain locked and closed after 11:00 p.m. except in case of an emergency.
- v. Designated motorcycle parking spaces, located adjacent to residential homes will be removed.
- w. Review by the Planning Commission of the operation permitted by the administrative use permit is required after one (1) year 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.
- x. 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:

- a. 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 November, 2018, by the following vote:

AYES: HOLTZ, REDHOLTZ

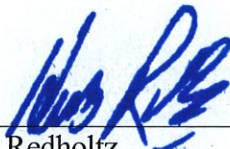
NOES: ROZATTI

ABSENT: HENG

ABSTAIN: NONE

DATE: December 11, 2018

EXPIRES: December 11, 2020, If not used.



Herb Redholtz
Planning Commission



Jeff Anderson, Secretary
Planning Commission