

PLANNING COMMISSION

RESOLUTION NO. 23-6140

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 23-07

CONDITIONAL USE PERMIT NO. 23-07

CATEGORICAL EXEMPTION

APPLICANT: Louis Velasquez (At Bat Athletic Training Facility)

LOCATION: 410 N. 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 Conditional Use Permit to:

Allow the use of a Baseball and Softball performance training facility within an existing 3,340-square foot tenant space within a certain property described as follows:

Assessor Parcel No. 8454-014-011 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 12th day of December 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 allow the use of a baseball and softball performance training facility within an existing 3,340 square foot tenant space located in the “Neighborhood Commercial” (N-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 a 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) in that it consists of minor modifications 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 proposed use is consistent with the "Commercial" General Plan designation and the "Neighborhood Commercial" Zone. A "Neighborhood Commercial" Zone is intended to provide a wide range of shopping facilities and goods, professional and administrative offices, and entertainment establishments, and are generally within close proximity to residential zoning. The proposed use is a Baseball and Softball performance training facility with a floor area of 3,340 square feet. The proposed use is on the corner of N. Azusa Ave and E. Rowland Ave within the Varney Center. The proposed athletic facility complies with all applicable requirements of the "Neighborhood Commercial" Zone.
 - b. The proposed athletic facility use will occupy an existing vacant tenant space. The business hours are Monday through Friday, 10:00 a.m. to 9:00 p.m. and Saturday to Sunday, 9:00 a.m. to 6:00 p.m. With the conditions of approval, the proposed athletic facility will not be detrimental to the health, safety, peace or general welfare of surrounding residents or business owners.

- c. The existing building and site are adequate in size and designed to accommodate the proposed facility use. As conditioned, sufficient parking exists on the site to accommodate the facility use and the other tenants within the shopping center.
- d. The site abuts E. Rowland Avenue and N. Azusa Avenue. The site can be accessed via N. Azusa Ave and E. Rowland Avenue. The proposed athletic facility will not generate a substantial amount of vehicular traffic nor alter present circulation patterns.
- e. Granting the Conditional Use Permit for the proposed athletic training facility would allow the opportunity for the surrounding community to have access to world class baseball knowledge and develop their skills. The proposed athletic training facility use would not compromise the character of the surrounding neighborhood nor be detrimental to the surrounding land use. Allowing the proposed use is consistent with the following policies and actions of the General Plan:

Policy 2.1: Maintain and enhance the City's current tax base.

Policy 2.4: Building 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. 23-07 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 a duly authorized representative) has filed at the office of the Community Development Director his/her affidavit stating he/she 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 December 12, 2023.
- b. Comply with all applicable sections of the West Covina Municipal Code.
- c. Comply with all requirements of the “Neighborhood Commercial” (N-C) Zone.
- d. The athletic training facility is approved to operate from 10:00 am to 9:00 pm, Monday through Friday and 9:00 am to 6:00 pm, Saturday and Sunday.
- e. Staff shall closely monitor any parking complaints or concerns filed regarding the athletic training facility use. The applicant and/or business operator shall work with the staff to address any parking issues. In the event where issues remain unresolved, the Planning Commission shall review the Conditional Use Permit for the use and may, at its discretion, modify or impose new conditions.
- f. The athletic training facility is approved for 3,340 square feet. Any addition or modification of the use shall require the submittal and approval of a new Conditional Use Permit.
- g. 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.
- h. All construction equipment, stationery or mobile, shall be equipped with properly operating and maintained mufflers.
- i. That any proposed change to the approved site plan, floor plan, or elevations shall be reviewed by the Planning Division, Building Division, Fire Department, and the Planning Commission, and that the written authorization of the Community Development Director shall be obtained prior to implementation.
- j. The operation of the facility shall comply with the West Covina Noise Ordinance.
- k. Amplified sound shall not exceed levels that are plainly audible, or vibrations felt on the outside of the tenant space.
- l. No noise amplifier shall be used at any time.
- m. Noise levels shall not exceed the ambient noise level by more than (5) five decibels as measured outside of the tenant space.
- n. Doors of the building shall be kept closed at all times, except when doors are in use, in order to minimize noise impacts onto adjacent properties.

- o. Any speakers inside the tenant space shall be directed toward the front of the tenant space (west).
- p. 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.
- 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 and Sign Criteria for the Valley Nogales Center.
- r. 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 Commission Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
2. Plans prepared in compliance with the current Building Code shall be submitted to Building Division for review prior to permit issuance.
3. Buildings or tenant spaces that contain exercise rooms of use for gymnasium or fitness shall be classified as Assembly A-3 Group Occupancy. If the existing space was previously used for retail purposes under Mercantile M Group Occupancy, occupying the space as a fitness training facility would constitute as change of use or occupancy.
4. To maintain the current M or Business B Group occupancy, the total occupant load of the tenant space shall not exceed 49 as allowed per Section 303.1.1. An occupant load analysis based on Chapter 10 of the Building Code shall be submitted along the tenant improvement plans to provide justification and determine compliance.
5. Alterations and changes of use or occupancy in all buildings and structures shall comply with the provisions for new buildings and structures except as otherwise provided in the California Existing Building Code in effect.
6. When there is an increase in occupant load due to alteration to or change of use of the tenant space, an analysis to determine minimum quantity of plumbing fixtures shall be provided as required by the Chapter 4 of the

California Plumbing Code. Additional fixtures may be required if not in compliance.

7. Separate application and plan review is required for Plumbing plans. Electrical plan check is required.
8. Fees shall be paid to the County of Los Angeles Sanitation District prior to issuance of the building permit.
9. If the existing space was previously used for retail purposes under Mercantile M Group Occupancy, the existing ventilation shall be upgraded to have capacity meeting the minimum ventilation air rate for a gym or sports area as specified in the current Mechanical Code. The design of the new mechanical system shall meet the Energy Code requirements as well.
10. Separate application and plan review is required for Mechanical plans.
11. When new lighting is proposed within the tenant space, it shall comply with the indoor lighting requirements of the current Energy Code. Compliance forms for indoor lighting shall be submitted along with tenant improvement plans.
12. Separate application and plan review is required for Electrical plans.
13. All State of California disability access regulations for accessibility shall be complied with.
14. The Summary of Accessibility Upgrades for Commercial Projects form shall be completed and copied on the plans. The applicant shall obtain the form from the Building Division.
15. Project shall comply with the CalGreen Non-Residential mandatory requirements.
16. All fire sprinkler hangers must be designed, and their location approved by an engineer or an architect. Calculations must be provided indicating that the hangers are designed to carry the tributary weight of the water filled pipe plus a 250-pound point load. A plan indication this information must be stamped by the engineer or the architect and submitted for approval prior to issuance of the building permit.
17. Separate permit is required for Fire Sprinklers.

FIRE DEPARTMENT

1. Shall comply with all 2022 California Building Code, California Mechanical Code, California Fire Code, and requirements based on occupancy classification.
2. Proof of hood system bi-annual testing and certification required prior to Final Inspection, if system is present.
3. New signage will be required for the Fire Riser room/FACP room.
4. Existing red curbs must be repainted, and “NO PARKING” signage shall be installed or updated in Fire Lane Access areas.
5. Knox box is required, if one is present, it shall be updated with current business keys.
6. Monitored fire sprinkler system(s) may be required for the proposed building(s) and or any alterations. Plans shall be submitted prior to construction and permits shall be applied for prior to construction.
 - a. Proof of fire sprinkler 5-year test and certification prior to Final Inspection, if occupancy has existing sprinkler system installed.
 - b. All modifications/ additions to existing Sprinkler System shall be submitted for plan review and approval.
7. Monitored fire alarm system(s) may be required for proposed building(s) and or any alterations. Plans shall be submitted prior to construction and permits shall be applied for prior to construction.
 - a. Proof of Fire Alarm Annual test and certification shall be submitted prior to final inspection if occupancy has an existing Fire Alarm System installed.
 - b. Interconnection of Emergency Shutdown devices/ Heat Detection devices may be required.
 - c. Plans shall be submitted and approved prior to construction. Pre-Wire Inspection and function testing with AHJ shall be conducted.
 - d. Listing and all data sheets shall be provided to the Fire Official, and on-site for review when needed.

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 12th day of December 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: December 12, 2023

Brian Gutierrez, Chair
Planning Commission

Paulina Morales, Secretary
Planning Commission