

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 . 26- 6182

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 26-01, ADMINISTRATIVE PERMIT NO. 26-12, AND MINOR SITE PLAN REVIEW NO. 26-26 TO ESTABLISH A NEW RESTAURANT USE WITH LIVE ENTERTAINMENT AND ADDITION OF AN ENCLOSED PATIO FOR DINING

WHEREAS, the applicant has submitted applications for a Conditional Use Permit (CUP) No. 26-01, Administrative Permit (AP) No. 26-12, and Minor Site Plan Review (MSPR) No. 26-26 for the operation of Mariscos Choix, a full-service seafood restaurant with live entertainment, alcoholic beverage service, outdoor dining, and associated site improvements for the subject site located at 610 S Sunset Ave, in the City of West Covina, and identified as APN: 8474-003-064; and

WHEREAS, the project is located within the City's Downtown Plan and Code, and zoned General Urban (T4-GU), where restaurants with alcohol service are permitted, and live entertainment in conjunction with a restaurant is permitted subject to approval of a CUP; and

WHEREAS, when multiple applications are submitted for the same project, the application requiring the highest level of review establishes the review process for all applications associated with the project; and

WHEREAS, the CUP requires Planning Commission review and therefore establishes the review process for the AP and MSPR associated with the project; and

WHEREAS, notice of the public hearing was provided in compliance with the applicable provisions of the Municipal Code, including notice to property owners within the required notification area and posting of notice on the project site; and

WHEREAS, the Planning Commission has reviewed all materials pertaining to the subject applications and, at a duly noticed public hearing, considered all testimony, evidence, and materials submitted in connection with the project; and

WHEREAS, the Planning Commission finds that the required findings for approval of the Conditional Use Permit, Administrative Permit, and Minor Site Plan Review can be made, subject to the conditions of approval attached hereto.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF WEST COVINA DOES HEREBY RESOLVE AND DETERMINE AS FOLLOWS:

SECTION 1. The foregoing Recitals are true, correct, and hereby incorporated into the terms of this Resolution by reference.

SECTION 2. Pursuant to the California Environmental Quality Act (CEQA), the proposed project is categorically exempt pursuant to Section 15301 (Class 1, Existing Facilities), in that the project involves the operation of a restaurant with live entertainment within an existing commercial structure, together with minor interior and exterior alterations associated with the proposed use.

SECTION 3. The Planning Commission finds that the facts of the Conditional Use Permit, Administrative Permit, and Minor Site Plan are as follows:

1. 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. The proposed live entertainment is desirable because it will complement the operation of a new full-service restaurant and provide an additional dining and entertainment amenity within the Downtown area. The Downtown Plan and Code encourage a wide variety of commercial uses, including sit-down restaurants, and allow live entertainment within the General Urban (T4-GU) Zone subject to approval of a Conditional Use Permit. The proposed live entertainment will be accessory to the restaurant operation and will provide additional dining and entertainment options for residents and visitors. The proposed use will contribute to the vitality of the Downtown area, complement surrounding commercial uses, and support the City's goal of maintaining and enhancing West Covina's regional appeal.

2. 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. Potential impacts associated with noise, parking, and other operational characteristics of live entertainment have been evaluated. The proposed live entertainment will operate only in conjunction with the full-service restaurant and will be limited to the proposed restaurant's interior and patio dining areas, as shown on the application's floor plan. No permanent stage, permanent DJ booth, or designated dance floor is proposed. Amplified sound will be provided through a management-controlled house sound system, and portable PA speakers, speaker towers, subwoofers, and similar portable sound-reinforcement systems are not permitted under this approval. Conditions of Approval will regulate the location, intensity, amplification, and operation of live entertainment and require compliance with applicable City noise regulations. With the implementation of the Conditions of Approval, the proposed live entertainment is not anticipated to be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity, or to be injurious to surrounding property or improvements.

3. 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. The existing commercial building, proposed outdoor dining areas, and associated site improvements are adequate in size and configuration to accommodate the restaurant and accessory live entertainment. Entertainment will be limited to areas within the restaurant and patios. No permanent stage or dance floor is proposed, and entertainment equipment will be required to maintain all exits, aisles, accessible routes, fire-life-safety equipment, and required clearances. The proposed live entertainment does not independently increase the restaurant's parking requirement. Required parking will be provided through the on-site parking area, which has surplus parking. Therefore, the site is adequate in size and configuration to accommodate the proposed use and associated operational characteristics.

4. 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. The subject property is located at the southeast corner of Sunset Avenue and Plaza Drive and has access from both. The addition of live entertainment as an accessory component of the restaurant is not anticipated to materially increase traffic generation beyond that normally associated with the restaurant use. The streets serving the project site are adequate to accommodate traffic generated by the proposed use, and access to the site does not require directing traffic through local residential streets. Therefore, the surrounding street system is adequate to accommodate the proposed use.

5. That the granting of such a Conditional Use Permit, Administrative Permit, and Minor Site Plan Review will not adversely affect the General Plan of the City, or any other adopted plan of the City. The subject property has a General Plan land use designation of Commercial and is located within the General Urban (T4-GU) Zone of the Downtown Plan and Code. The proposed live entertainment will operate in conjunction with a full-service restaurant and is a conditionally permitted use within the applicable zoning district. Approval of the above-mentioned permit will not conflict with the Commercial General Plan designation or the Downtown Plan and Code and will further General Plan Policy 2.1, which seeks to maintain and enhance the City's tax base, and Policy 2.4, which seeks to build upon and grow West Covina's regional appeal. Therefore, granting the Conditional Use Permit, Administrative Permit, and Minor Site Plan will not adversely affect the West Covina General Plan or other applicable adopted plans of the City.

Section 4. NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of West Covina hereby conditionally approves Conditional Use Permit No. 26-01,

and Administrative Permit No. 26-12 and Minor Site Plan Review No. 26-26, subject to the following conditions:

1. Based on all of the evidence presented, both oral and documentary, and the findings set forth above, Conditional Use Permit No. 26-01, and Administrative Permit No. 26-12 and Minor Site Plan Review No. 26-26, is hereby approved, subject to the provisions of the West Covina Municipal Code and the conditions set forth herein. The physical development of the subject property shall conform to the approved permits and all applicable conditions. Except as otherwise expressly provided herein, all conditions shall be fully performed and completed, or secured by a bank or cash deposit satisfactory to the Community Development Director, prior to commencement of use or occupancy of the property and prior to issuance of a certificate of occupancy.
2. This approval allows for live entertainment as an accessory use to a restaurant.
3. This approval 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 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. The business shall operate substantially in accordance with the site plan, floor plan, seating plan, business operations plan, hours of operation, and other materials approved as part of this CUP.
6. The establishment shall not be operated, maintained, or marketed as a bar, nightclub, lounge, tavern, or similar alcohol-focused establishment. Any substantial change in the character of the operation shall require prior review and approval by the City, and may require the applicant to submit a new CUP application.
7. Food service shall be continuously available during all hours in which live entertainment is taking place and alcoholic beverages are being offered for sale or consumption. The kitchen shall remain fully operational and capable of preparing the approved menu during all hours of operation, with the exception of a reasonable period for closing procedures, cleaning, inventory, or similar

end-of-day activities. The kitchen shall not be routinely closed while live entertainment or alcohol service continues.

8. The restaurant shall not sell tickets or otherwise charge patrons for admission to events that are primarily intended to facilitate the sale or consumption of alcoholic beverages.
9. Private parties or events may be conducted only as an incidental part of the restaurant use, and be subject to all conditions of this CUP. Private event reservations shall not be used to circumvent the prohibition against operating as a nightclub, bar, banquet hall, or admission-based entertainment venue.
10. The operator shall be responsible for maintaining the proper management and security practices to prevent disturbances, fights, disorderly conduct, excessive noise, and other conditions that may adversely affect surrounding properties.
11. Prior to issuance of a Certificate of Occupancy, the operator shall submit a surveillance plan to the City and the West Covina Police Department for review and approval. The plan shall identify the location, orientation, coverage, and specifications of all cameras and shall provide sufficient coverage of the premises, including entrances, exits, parking areas, and other areas identified by the Police Department. The Police Department may require additional or enhanced surveillance measures, including the installation of sufficient cameras or technology such as Flock cameras, as determined necessary for public safety. All video recordings shall be retained for a minimum of 30 days and made available to the City or Police Department upon request. The operator shall promptly preserve and provide requested recordings and shall cooperate fully with the City and Police Department regarding public safety, investigations, complaints, and enforcement matters.
12. A responsible manager who can communicate effectively in English with City staff and police shall be available at all times when live entertainment is occurring on the premises. The manager shall be responsible for ensuring compliance with the CUP, applicable laws, occupancy limits, alcohol regulations, and City requirements.
13. Comply with all requirements of the "General Urban" (T4-GU) Zone and all other applicable standards of the West Covina Municipal Code.
14. 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.
15. Any future expansion to the building footprint that would affect the subject site will require that the applicant file a new Conditional Use Permit.

16. In the event that the availability of parking is negatively impacted due to the live entertainment, the Planning Commission shall review the CUP for live entertainment and may, at its discretion, modify or impose new conditions or suspend or revoke the Conditional Use Permit for live entertainment only, pursuant to, Sec. 26-266 through 26-267 of the West Covina Municipal Code (Revocation Procedures).
17. No more than two live music or DJ presentations shall occur simultaneously. If two presentations occur simultaneously, one shall be located in the enclosed private dining room, with the doors closed except for guest access, service, and emergency egress, and the other shall be located in the main dining room or approved patio entertainment area. Live ensembles shall generally consist of 5 to 8 musicians; no more than 16 live musicians shall perform on the premises at any one time. A mobile DJ shall count as one presentation. If a mobile DJ and live music occur simultaneously, the live music presentation shall be limited to 8 musicians.
18. 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.
19. The approved use shall not create a public nuisance as defined under Section 15-200 of the West Covina Municipal Code.
20. The Conditional Use Permit for live entertainment may be revoked, amended, or suspended by the Planning Commission or City Council under the provisions of Division 12 (Revocation Procedures), Sec. 26-266 through 26-267 of the West Covina Municipal Code. The revocation would apply only to the live entertainment at the restaurant.
21. The permitted occupancy or total number of patrons at any given time in the restaurant shall be restricted by applicable Building and Fire Codes, whichever is less.
22. Live entertainment activities shall be limited to restaurant dining hours from 10:00 a.m. to 2:00 a.m., seven days a week.
23. Comply with all applicable sections of the West Covina Municipal Code.
24. The site shall not create any loud and unnecessary noise and shall be in compliance with Article IV (Noise Regulations), Sec. 15-83 through 15-97 of the West Covina Municipal Code.
25. Pursuant to West Covina Municipal Code Section 26-228, this Conditional Use Permit shall expire if, within two (2) years of its effective date, the approved use

has not been implemented or substantial action has not been taken toward implementation. Where construction is required, permits shall be issued, or construction shall have commenced in order to be considered substantial action, unless other required entitlements must first be obtained and the applicant is diligently pursuing such entitlements. Extension of time in one-year increments, up to a maximum of two (2) additional years, may be granted from the original date of expiration of the conditional use permit by the Community Development Director.

26. The applicant shall indemnify, hold harmless, and defend the City of West Covina (City), its agents, officers, and employees from any claim, action, proceeding, or damages against the City, its agents, officers, or employees to attack, set aside, void, or annul the approval by the City of this project. Further, the applicant shall indemnify, hold harmless, and defend the City Of West Covina (City), its agents, officers, and employees from any claim, action, proceeding or damages against the City, its agents, officers, or employees arising out of the action, inaction, or negligence of the applicant, its employees, officers, agents, contractors, subcontractors, successors, or assigns in planning, engineering, constructing or in any manner carrying out the project or any improvements required for the application. The indemnity shall be contained in a written document approved by the City Attorney.

Building Department Requirements:

- B1. 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.
- B2. All construction plans shall comply with the codes in effect at the time of plan submittal to the Building Division.
- B3. Fees shall be paid to the County of Los Angeles Sanitation District prior to issuance of the building permit.
- B4. The building shall be addressed as 610 S. Sunset Ave., and an application to assign unit numbers shall be filed with the City prior to plan check submittal.
- B5. In accordance with paragraph 5538(b) of the California Business and Professions Code, plans are to be prepared and stamped by a licensed architect.
- B6. Structural calculations prepared under the direction of an architect, civil engineer, or structural engineer shall be provided.

- B7. The owner shall retain the soils engineer preparing the Preliminary Soils and/or Geotechnical Investigation accepted by the City for observation of all grading, site preparation, and compaction testing. Observation and testing shall not be performed by any other soils and/or geotechnical engineer unless the subsequent soils and/or geotechnical engineer submits and has accepted by the City a new Preliminary Soils and/or Geotechnical Investigation.
- B8. A grading and drainage plan shall be approved prior to issuance of the building permit. The grading and drainage plan shall indicate how all storm drainage, including contributory drainage from adjacent lots, is carried to the public way or drainage structure approved to receive stormwater.
- B9. Stormwater Planning Program LID Plan Checklist (MS4-1 FORM) completed by Engineer of Record shall be copied on the first sheet of Building Plans and on the first sheet of Grading Plans. The form can be found at the following link <https://www.dropbox.com/scl/fi/xliqonam5j4jro5oklnw4/MS4-Permit-LID-Determination-Form.pdf?rlkey=zr7tu632u2staheexj6vqvxxvg&dl=0>
- B10. Foundation inspection will not be made until setback of the addition has been surveyed and the setbacks determined to be in accordance with the approved plans by a land surveyor licensed by the State of California. THIS NOTE IS TO BE PLACED ON THE FOUNDATION PLAN IN A PROMINENT LOCATION.
- B11. No formwork or other construction materials will be permitted to encroach into adjacent property without written approval of the affected property owner.
- B12. Prior to the issuance of a building permit, a written consent shall be obtained from the current easement holder(s) for any proposed development encroaching into existing easement(s).
- B13. A reciprocal easement for ingress and egress, sanitary sewer, utility, drainage, water, and shared parking shall be provided for properties that share such services. Utility services to each property shall be underground and shall be located in a trench within this easement.
- B14. Additions, alterations, repairs 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.
- B15. New tenant space adjacent to the proposed restaurant may be required to be separated per Section 508.4 of the Building Code.

- B16. Outdoor occupiable spaces intended for the new tenant space adjacent to the proposed restaurant shall also comply with means of egress requirements per Chapter 10 of the Building Code. The arrangement of fixtures or furniture shall not impede or reduce the minimum required width of the path of egress travel for both tenant spaces in any way, nor shall it impede or reduce the minimum width for accessible routes connecting to the accessible building entrances per Chapter 11B of the Building Code.
- B17. All State of California disability access regulations for accessibility shall be complied with.
- B18. Summary of Accessibility Upgrades for Commercial Projects shall be completed, and the completed form shall be copied on the plans. The form can be found at the following link
<https://www.dropbox.com/s/4xkjyn5fhggpotk/Accessibility%20Upgrade%20Summary%20Form.pdf?dl=0>
- B19. Newly created accessible route connecting the public way to the accessible building entrance along the alleyway at the southerly boundary shall comply with the circulation paths requirements per Section 11B-250 of the Building Code. Pedestrian protection shall be provided to avoid forcing pedestrians to travel in the direction of vehicular travel (e.g., prohibiting vehicular access between the subject property and adjacent property in the south).
- B20. Separate application and plan review is required for Electrical plans.
- B21. Separate application and plan review is required for Mechanical plans.
- B22. Separate application and plan review is required for Plumbing plans.
- B23. Plumbing fixtures shall be provided as required by Chapter 4 of the California Plumbing Code. Additional fixtures may be required if not in compliance.
- B24. Project shall comply with the CalGreen Non-Residential mandatory requirements.
- B25. Electric vehicle (EV) charging facilities shall be provided based on the number of parking spaces added as a result of proposed tenant improvement for both spaces per Section 5.106.5.4 of the CalGreen Code.
- B26. 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 which indicates this information must be stamped by the engineer or the architect and submitted for approval prior to issuance of the building permit.
- B27. A separate permit is required for Fire Sprinklers.

Fire Department requirements:

Based on the preliminary information received, the Fire Department Requirements for the above-noted project are as follows:

1. The Applicant will be required to comply with the 2025 California Fire Code and the West Covina Municipal Code.
2. Commercial buildings shall be provided with address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property.
3. A Knox box with a labeled master key must be maintained and provided for emergency responder access per California Fire Code Section 506.
4. Provide clarity on where the live entertainment will occur (i.e., stage).
5. Any modifications to an existing fire sprinkler/fire alarm system/standpipe system must be first approved and permitted by the Fire Department.
6. Fire Department final inspection and clearance shall be required prior to Conditional Use Permit finalization and prior to facility occupancy, and all fire protection systems and life-safety features shall be installed, tested, and approved.
7. Additional reviews may result in additional requirements.

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 25th day of August 2026, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: August 25, 2026

Nickolas Lewis, Chair
Planning Commission

Arturo Cervantes, Secretary
Planning Commission