

CITY OF COVINA  
PLANNING COMMISSION AGENDA  
REGULAR MEETING, TUESDAY, MAY 27, 2014  
COUNCIL CHAMBER, CITY HALL, 125 EAST COLLEGE STREET  
7:00 P.M.

PLEASE NOTE: THOSE WHO WISH TO ADDRESS THE PLANNING COMMISSION ON ANY ITEM ARE REQUESTED TO FILL OUT A SPEAKER'S CARD AND LEAVE IT WITH A MEMBER OF THE STAFF PRIOR TO THE ITEM BEING CALLED. THE PURPOSE OF THIS IS TO ENSURE THAT YOUR NAME AND ADDRESS ARE CORRECTLY IDENTIFIED IN THE MINUTES OF THE PLANNING COMMISSION.

1. Opening Matters
  - A. Pledge of Allegiance.
  - B. Roll Call of Commissioners: Connors, Hodapp, Manning, McMeekin and Patterson.
  - C. Amendments to the Agenda.
  - D. Minutes of the Regular Meeting of May 13, 2014
  - E. Public Comment:  
Citizens wishing to address the Commission on any matter **not** on the agenda may do so at this time. Citizens wishing to be heard on any matter on the agenda, please wait until that point on the agenda. **Please keep your comments to five minutes or less and try not to be repetitive.**

Under the provisions of the Brown Act, the Commission is prohibited from taking action on oral requests but may refer the matter to staff or to a subsequent meeting.

**CONTINUED PUBLIC HEARINGS**

2. Continued Public Hearing to consider Application PCD 13-001, a request to establish a Planned Community Development (PCD) overlay zone on two currently industrial properties zoned "M-1/Light Manufacturing," at 1566-1600 West San Bernardino Road, a) to allow, as a permitted use, wineries; and b) to allow, under the Conditional Use Permit process, on-site wine tasting and on-site beer tasting with, respectively, a winery and a brewery; and
3. Continued Public Hearing to consider Application CUP 13-012, a request for a Conditional Use Permit to allow on-site wine tasting and on-site beer tasting with, respectively, a winery and a brewery at 1580 West San Bernardino Road, Suites H and I.

- Staff Report
  - Questions of staff from Commission
  - Receive testimony in favor of and in opposition to the items
  - Recommend continuing of applications to the Planning Commission meeting of June 24, 2014.
  - Roll Call Vote
4. Continued Public Hearing to consider Application GPA 14-001, an amendment to the Circulation Element of the Covina General Plan to change the required right of way width for the segment of West Puente Street between Third and Fourth Avenues from 80 feet to 73 feet by not requiring the dedication of 7 feet of right-of-way for street widening purposes along the southern side of this portion of West Puente Street to accommodate the relocation of and improvement to the existing abutting Covina Valley Unified School District "District Field" complex. **(Under this proposal, there would be no physical change in the existing configuration of West Puente Street in this area.)** A Negative Declaration of Environmental Impact will be considered with the aforementioned application.
- Staff Report
  - Questions of staff from Commission
  - Receive testimony in favor and in opposition of the item
  - Close the public hearing
  - Roll Call Vote
5. Continued Public Hearing to consider Application 14-004, a request to sell beer and wine for on-site consumption in an existing sit-down restaurant (Bronco's Mexican Grill), located within a shopping center at 960 East Badillo Street.
- Staff Report
  - Questions of staff from Commission
  - Receive testimony in favor and in opposition of the item
  - Close the public hearing
  - Roll Call Vote

**PUBLIC HEARINGS**

6. CUP 14-008 – A request for a Conditional Use Permit (CUP) to operate a new nail salon, within a multiple tenant commercial building, at 1663 West San Bernardino Road; and
- Staff Report
  - Questions of staff from Commission
  - Open the public hearing
  - Receive testimony in favor and in opposition of the item
  - Close the public hearing
  - Roll Call Vote

7. CUP 14-009 & VAR 14-001 – A request for a Conditional Use Permit (CUP) to sell beer and wine for on-site consumption with a future sit-down restaurant (The Artist Pizzeria), and a Variance to permit an interior customer seating area that is deficient in size, in a commercial building, at 113 North Citrus Avenue.
  - Staff Report
  - Questions of staff from Commission
  - Open the public hearing
  - Receive testimony in favor and in opposition of the item
  - Close the public hearing
  - Roll Call Vote

### GENERAL MATTERS

8. Planning Commission consideration of proposed policy to continue items no more than three total times.
  - Staff Report
  - Questions of staff from Commission
  - Adopt **Resolution 2014-005 PC** determining that items cannot be continued more than three total times.
  - Roll Call Vote

### ADMINISTRATIVE ITEMS

9. INFORMATION

10. COMMISSION COMMENTS

11. ADJOURNMENT

Adjourn to the regular meeting of the Planning Commission on June 10, 2014 at 7:00 p.m.

*Additional information on any agenda item can be obtained by contacting the Planning Division at 125 East College Street, Covina, or by telephoning (626) 384-5450.*

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Planning Division office at (626) 384-5450 or the California Relay Service. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.*



**MINUTES OF THE MAY 13, 2014 REGULAR MEETING OF THE  
COVINA PLANNING COMMISSION HELD IN THE COUNCIL  
CHAMBERS OF CITY HALL, 125 EAST COLLEGE STREET AT 7:00  
P.M.**

**CALL TO ORDER**

Chairman Manning called the Planning Commission meeting to order at 7:00 p.m.

**ROLL CALL**

Commission Members Present: Connors, Hodapp, Manning, McMeekin, Patterson

Commission Members Absent: None

Staff Members Present: City Planner, Assistant City Attorney

**PLEDGE OF ALLEGIANCE**

Chairman Manning led the Pledge of Allegiance.

**AMENDMENTS TO THE AGENDA**

None.

**MINUTES OF THE REGULAR MEETING OF APRIL 22, 2014**

A motion was made and seconded to approve the Minutes of the Regular Meeting of April 22, 2014.

**The motion carried 3 – 0 with 2 abstentions as follows:**

AYES: HODAPP, MANNING, PATTERSON

NOES: NONE

ABSTAIN: CONNORS, MCMEEKIN

ABSENT: NONE

After the vote Commissioner McMeekin requested an explanation as to what constituted an “excused” absence from a meeting (which is sometimes noted next to the name of an absent Commission Member), and the City Planner said the designation applies when the staff is informed in advance of a Commission Member’s absence.

**PUBLIC COMMENT**

None.

**CONTINUED PUBLIC HEARINGS**

**ITEM NO. 2**

Application GPA 14-001, an amendment to the Circulation Element of the Covina General Plan to change the required right of way width for the segment of West Puente Street between Third and Fourth Avenues from 80 feet to 73 feet by not requiring the dedication of 7 feet of right-of-way for street widening purposes along the southern side of this portion of West Puente Street to accommodate the relocation of and improvement to the existing abutting Covina Valley Unified School District "District Field" complex. **(Under this proposal, there would be no physical change in the existing configuration of West Puente Street in this area.)** A Negative Declaration of Environmental Impact will be considered with the aforementioned application.

City Planner Alan Carter presented the report and answered the Commissioners' questions.

There were no speakers.

A motion was made to continue the item to the May 27, 2014 Planning Commission meeting.

**The motion carried 5-0 as follows:**

AYES: CONNORS, HODAPP, MANNING, MCMEEKIN, PATTERSON

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

## **PUBLIC HEARINGS**

### **ITEM NO. 3**

Application CUP 14-004, a request to sell beer and wine for on-site consumption in an existing sit-down restaurant (Bronco's Mexican Grill), located within a community shopping center, at 960 East Badillo Street.

City Planner Alan Carter presented the report, answered the Commissioners' questions, and noted certain recommended changes to the Conditions of Approval. In addition, the Commission made certain recommended changes to the Conditions. All recommended changes to the Conditions are noted below (in numerical order):

Condition 2.7: Add the following sentence at the end: "In addition, no alcohol of any type shall be permitted to be served or consumed in the outside area under this approval unless a new CUP would also be granted by the City. If the applicant pursues outdoor seating at a future date but does not wish to pursue a new CUP for alcohol service in the outside area, then conspicuous signage shall be posted at all property-related entrance/exits informing patrons of this restriction."<sup>2</sup> (omit closed parenthesis)

Condition 2.27.2: Modify as follows: Any live entertainment shall be prohibited at any time. "Live entertainment" includes music provided by a "live entertainer", music played in combination with a disc jockey, karaoke, or televised major sporting events (defined as special

events advertised in advance to attract a larger number of people), and similar activities. Live entertainment does not include music from a stereo system or typical programming from a television system.

Condition 2.27.10 Strike the words “and bar”

Condition 2.27.11: Strike the condition in its entirety

Condition 2.27.13 : Strike the condition in its entirety

Condition 2.27.14 Strike the words “and bar”

Condition 2.27.16: In the last line: strike the words “and bar”

Condition 2.27.18: In the first line: strike the words “and bar”

Condition 4.7: Add at the end: “(Also see Condition 2.7 concerning this restriction.)”

Condition 4.8: Typo: should say “see Condition 2.27”, not 2.28

Chairman Manning opened the public hearing.

Carlos Corral, applicant, spoke in favor of the item and answered the Commissioners’ questions.

The public hearing was closed.

A motion was made and seconded to continue the item to the meeting of May 27, 2014.

**The motion carried 5-0 as follows:**

AYES: CONNORS, HODAPP, MANNING, MCMEEKIN, PATTERSON

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

## **GENERAL MATTERS**

None.

## **ADMINISTRATIVE ITEMS**

None.

## INFORMATION

### ITEM NO. 6

#### COMMISSION COMMENTS

- Commissioner McMeekin asked about the status of a proposed Planning Commission meeting with the Police Department, which was referenced in the minutes, regarding alcohol-serving establishments, primarily in the Downtown. Mr. Carter answered that within two-to-three months a presentation will be made by the Police Department to the Planning Commission, followed by an informational item to the City Council.
- Commissioner Patterson noted that he will be traveling back to Covina from Northern California on May 27 and intends to be at the Planning Commission meeting that evening, unless traffic issues or other circumstances that may arise prevent him from returning on time.

### ITEM NO. 7

#### ADJOURNMENT

At 8:16 p.m. Chairman Manning adjourned the Planning Commission meeting to a meeting to be held on May 27, 2014 at 7:00 p.m.

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Secretary



# CITY OF COVINA

## PLANNING COMMISSION MEMORANDUM

ITEM NOS. 2 & 3

**TO:** PLANNING COMMISSION

**FROM:** LISA BRANCHEAU, ASSISTANT TO THE CITY MANAGER  
ALAN CARTER, CITY PLANNER *a.c.*

**DATE:** MAY 27, 2014

**SUBJECT:** (ITEM 2) APPLICATION PCD 13-001, A REQUEST TO ESTABLISH A PLANNED COMMUNITY DEVELOPMENT (PCD) OVERLAY ZONE ON TWO CURRENTLY INDUSTRIAL PROPERTIES ZONED "M-1/LIGHT MANUFACTURING," AT 1566-1600 WEST SAN BERNARDINO ROAD, A) TO ALLOW, AS A PERMITTED USE, WINERIES; AND B) TO ALLOW, UNDER THE CONDITIONAL USE PERMIT PROCESS, ON-SITE WINE TASTING AND ON-SITE BEER TASTING WITH, RESPECTIVELY, A WINERY AND A BREWERY; AND (ITEM 3) APPLICATION CUP 13-012, A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW ON-SITE WINE TASTING AND ON-SITE BEER TASTING WITH, RESPECTIVELY, A WINERY AND A BREWERY AT 1580 WEST SAN BERNARDINO ROAD, SUITES H AND I. (CONTINUED FROM PLANNING COMMISSION MEETINGS ON NOVEMBER 12, 2013, DECEMBER 10, 2013, JANUARY 14, 2014, MARCH 11, 2014 & APRIL 22, 2014)

### APPLICANTS:

(ITEM 2) COVINA INDUSTRIAL PARK & (ITEM 3) REV WINERY

### LOCATIONS:

(ITEM 2) 1566-1600 WEST SAN BERNARDINO ROAD & (ITEM 3) 1580 WEST SAN BERNARDINO ROAD, SUITES H AND I

### BACKGROUND:

The Planning staff requests that these applications be continued, for what the Planning Commission may believe should be the last time, to June 24, 2014. We are including with this report a copy of the latest application-related letter (dated May 2, 2014), of which no response

has been submitted to Planning as of report printing (May 22<sup>nd</sup>). We will review the letter and provide further comments on the status of the applications at the meeting.

**RECOMMENDATION:**

The staff recommends that the Planning Commission continue with its consideration of and raise any questions on the applications, re-open the public hearing for any comments, and then continue applications PCD 13-001 and CUP 13-012 to the Commission meeting on June 24, 2014.



# CITY OF COVINA

125 East College Street • Covina, California 91723-2199

Community Development Department  
Planning Division

Telephone (626) 384-5450  
Fax (626) 384-5479

## THIRD COMMENTS & INCOMPLETENESS DETERMINATION

May 2, 2014

Mr. Edward A. Romero  
Romero Estate Vineyard  
dba REV Winery - Brewery  
1580 W San Bernardino Rd, Suite H & I  
Covina, CA 91722

**SUBJECT:** **Third Comments and Incompleteness Determination for 1) PCD 13-001, a proposal to create a Planned Community Development Ordinance (PCD) on property located at 1566-1600 West San Bernardino Road, encompassing an existing development commonly referred to as the Covina Industrial Park, to allow sale and consumption of alcoholic beverages on-site; and 2) Conditional Use Permit (CUP 13-012) a proposal to allow tenant improvements for the purposes of on-site beer brewing and wine/beer-tasting with various related educational and retail activities, as well as “special events”, in conjunction with an existing wholesale winery operation, located at 1580 West San Bernardino Road, within Suites H & I.**

Dear Mr. Romero:

Thank you for your submittal of revised floor and plot plans, a report entitled “Parking Data Collection at REV WINERY” dated 2/17/14 (prepared by the Institute of Transportation Engineers - Cal Poly Pomona), and a completed matrix illustrating your proposed daily operations.

The project scope is understood to be a request to entitle the entire Covina Industrial Park with a new Planned Community Development (PCD) Overlay Zone to allow sale and consumption of alcoholic beverages subject to Conditional Use Permit approval. In addition, a Conditional Use Permit is requested to make tenant improvements to two existing industrial suites (Suites H and I) in order to establish a micro-brewery for crafted beers with on-site tasting rooms for both beer and wine (which is presently made at the subject property). The requested facility would also incorporate “educational classes” and “private events”. There is to be no entertainment component involved in the proposed project, or any associated activities.

## PLANNING DIVISION COMMENTS

The subject property is located in an older existing light industrial complex comprised of twenty-eight suites housed within four single story buildings. Various light industrial businesses, some of which entail accessory retail components, presently exist within the complex. Wineries and brewing facilities are allowed within the M-1 Light Industrial Zone. However, the City's Zoning Ordinance does not presently permit on-site consumption of alcoholic beverages within the M-1 zone. As such, it has been determined that enactment of a PCD Overlay zone is needed to allow the proposed use. Further, it is Staff's position that the proposal must include the requirement of a Conditional Use Permit (CUP) for the intended uses within Suites H and I. Staff has reviewed the additional information submitted on February 18, 2014, and has found your response incomplete with regard to questions previously asked pertaining to the provision of a complete parking analysis, as well as a few other concerns.

The parking report submitted unfortunately does not address the critical parking and circulation concerns which were previously identified to you. Our earlier letters clearly stated that the proposed project is what must be analyzed. The report you submitted addresses only the current REV Winery operations, which obviously are not what is under consideration for approval. The table you provided illustrating the hypothetical loading of the proposed business expansion should be used as the basis for the revised parking and circulation analysis. The analysis must address the worst case scenario for occupancy of the proposed REV Winery operation during the busiest timeframe for parking demand from other tenants in the complex. Because you are requesting a change in land use to what is considered a commercial use as well as a corresponding intensification of activity, this analysis is necessary.

In reviewing the information you provided on planned operations and special events, it appears that the worst case scenario would be a "special event" (which you have defined as involving up to 25 guests) held on a weekday during daytime business hours. Although you have indicated that most "special events" would more likely occur on weekend days or evenings, the information provided states that weekday events are also possible. The analysis should also indicate whether or not planned "educational classes" would have an adverse impact on other tenants.

*In order to avoid the repetition of an inadequate analysis, we suggest that the report author submit a statement of the revised study scope, including a full description of the parking demand scenario(s) to be analyzed, to the City for our approval before initiating additional work. Please note that the City also requested analysis of the adequacy of site access to/from San Bernardino Road and of on-site alleyways/driveways under the same worst case scenario used for parking demand analysis.*

Staff is ready to move forward with processing the PCD and CUP upon receipt of items listed below. Until that time, however, the application will remain in active status but is considered "INCOMPLETE." It will not be scheduled for any public hearings until all requested has been revived and found adequate. Please submit the following:

1. On the updated Floor Plan:

- Please include the project case numbers as listed at the beginning of this letter
- Please tabulate square footage planned for various activities (e.g. seating, beer and wine tasting, shipping, beer and wine manufacturing, administration, etc.)
- Please tabulate the total seating planned;
  
- Please indicate the location of planned security cameras or other devices;
- Please correct spelling errors;

- Please provide 3 sets of corrected plans at full scale and pdfs of plans reduced to 8.5 x11 inches.
2. On the updated Plot Plan:
    - Please include the project case numbers as listed at the beginning of this letter;
    - Please indicate the location of planned security cameras or other devices;
    - Please correct spelling errors;
    - The revised Plot Plan labels a number of parking spaces as "Non-designated spaces". Please define this term.
    - Please provide 3 sets of corrected plans at full scale and pdfs of plans reduced to 8.5 x11 inches.
  3. Please provide a detailed written description of the security system that presently exists at the subject property so that public safety staff can determine whether it meets requirements for the proposed operations. If a new system is proposed, please describe that in detail and include any available exhibits or specification sheets.
  4. Please review and confirm (or correct) the summary description of planned operations and of "special events" which is attached to this letter. This description has been extracted from information you provided to us in your last submittal. We noted discrepancies between the information contained in the table submitted and in your response to other questions asked. In order to complete analysis of the proposed expansion, we must have clarity and concurrence on the specific characteristics of the operations you are proposing.
  5. Please provide a written description of proposed "educational classes", including:
    - What days might these classes occur?
    - How long would classes typically run?
    - How many people would typically attend?
    - Would classes overlap with "special events"?
    - Please describe typical subjects which you expect and any associated activities.
  6. As discussed in detail above, and in our letters to you dated 11/5 and 12/31/2013, provide a parking and circulation study evaluating the adequacy of existing facilities (e.g. site access to/from San Bernardino Rd, adequacy of alleyways/driveways and parking) to service the proposed use and related activities, based on the worst case scenario, and description of any measures that may be necessary to avoid adversely affecting existing uses within the subject complex. Please provide 3 hard copies and an electronic file of this analysis.

Upon submittal of all above information and studies, Planning Staff will re-route the Project to obtain any further comments from other city staff and will move towards deeming the applications complete. As a consequence of the need for further information described herein, the project will not be scheduled for Planning Commission hearing(s).

Upon a public hearing(s) with the Planning Commission, a recommendation will be made to the City Council, and a separate hearing will be scheduled for first reading of the new PCD/M-1 ordinance and approval of the CUP. After the first reading, a hearing for the second reading of the ordinance will be scheduled within 3 to 4 weeks. If adopted, the ordinance will become effective 30 days later. The entire process is anticipated to take 4 to 5 months from the time the required supplemental information is submitted and determined adequate. The number of public comments received during the noticing process may also affect this estimated timeframe.

REV Winery- Third Comments & Incompleteness Determination  
PCD 13-001, CUP 13-012  
May 2, 2014

Please respond to the comments contained herein as soon as possible in order to continue processing your request in a timely manner. Of utmost importance to City Staff is making sure there are no communication gaps in order to help you quickly resolve any issues that may arise. To that end, please feel free to contact me with any questions regarding information requested or the review process. I can be reached directly at 626/384-5454 (phone), 626/ 384-5479 (fax), or email at [acarter@covinaca.gov](mailto:acarter@covinaca.gov). Thank you for your cooperation.

Respectfully,



Alan Carter  
City Planner

Copy: Daryl Parrish, City Manager  
Lisa Brancheau, Assistant to the City Manager  
John Curley, Covina Police Department  
Gus Romo, Marie Gilliam - Planning Consultants to the City of Covina



# CITY OF COVINA

## PLANNING COMMISSION MEMORANDUM

ITEM NO. 4

**TO:** PLANNING COMMISSION

**FROM:** LISA BRANCHEAU, ASSISTANT TO THE CITY MANAGER  
ALAN CARTER, CITY PLANNER *a.c.*

**DATE:** MAY 27, 2014

**SUBJECT:** APPLICATION GENERAL PLAN AMENDMENT (GPA) 14-001, AN AMENDMENT TO THE CIRCULATION ELEMENT OF THE COVINA GENERAL PLAN TO CHANGE THE REQUIRED RIGHT OF WAY WIDTH FOR THE SEGMENT OF WEST PUENTE STREET BETWEEN THIRD AND FOURTH AVENUES FROM 80 FEET TO 73 FEET BY NOT REQUIRING THE DEDICATION OF 7 FEET OF RIGHT-OF-WAY FOR STREET WIDENING PURPOSES ALONG THE SOUTHERN SIDE OF THIS PORTION OF WEST PUENTE STREET TO ACCOMMODATE THE RELOCATION OF AND IMPROVEMENT TO THE EXISTING ABUTTING COVINA VALLEY UNIFIED SCHOOL DISTRICT "DISTRICT FIELD" COMPLEX. *(UNDER THIS PROPOSAL, THERE WOULD BE NO PHYSICAL CHANGE IN THE EXISTING CONFIGURATION OF WEST PUENTE STREET IN THIS AREA.)* A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT WILL BE CONSIDERED WITH THE AFOREMENTIONED APPLICATION (CONTINUED FROM PLANNING COMMISSION MEETINGS ON MARCH 25, 2014, APRIL 8, 2014, AND MAY 13, 2014)

**APPLICANT:**

City of Covina (on behalf of Covina Valley Unified School District)

**LOCATION:**

Portion of West Puente Street, between Third and Fourth Avenues (South Side)

**BACKGROUND:**

The Planning staff requests that this application and the associated Initial Study and recommended Mitigated Negative Declaration of Environmental Impact be terminated because we were recently informed by the Covina Valley Unified School District (see attached letter) that the District Field project could be constructed (in its currently proposed location) with the 7-foot land dedication along Puente Street (again, for street widening purposes) occurring. The staff will elaborate on the current overall situation here for the Commission at the meeting, and a representative of the School District will also be in attendance.

**RECOMMENDATION:**

The staff recommends that the Planning Commission ask any final questions on application GPA 14-001, re-open the public hearing for any comments, and then terminate the application and the associated Initial Study and recommended Mitigated Negative Declaration of Environmental Impact.



# **COVINA-VALLEY**

## **UNIFIED SCHOOL DISTRICT**

**District Superintendent**  
Catherine J. Nichols, Ed.D.

**Board of Education**  
Charles M. Kemp  
William L. Knoll  
Sue L. Maulucci  
Darrell A. Myrick  
Richard M. White

May 13, 2014

Alan Carter, City Planner  
City of Covina  
125 East College Street  
Covina, CA 91723-2199

Re: Application GPA 14-001

Dear Mr. Carter:

Covina-Valley Unified School District does not object to the 7' right of way. We would like to opt out of our previous application number GPA 14-001 that we submitted earlier this year to amend the dedication.

If you have any questions, please don't hesitate to contact me at (626) 974-7076. Thank you.

Sincerely,



Jeff Bloedorn  
Chief Facilities Officer

**CITY OF COVINA**

**STAFF REPORT**

**MAY 27, 2014**

**ITEM NUMBER 5**

**TO: PLANNING COMMISSION**  
**FROM: LISA BRANCHEAU, ASSISTANT TO THE CITY MANAGER**  
**COORDINATOR: VIDAL MÁRQUEZ, PLANNING TECHNICIAN**  
**SUBJECT: APPLICATION CUP 14-004**

**APPLICANT:**

Carest Inc. dba Broncos Mexican Grill

**REQUEST:**

Application CUP 14-004, a Conditional Use Permit to allow beer and wine sales for on-site consumption in an existing sit-down restaurant (Bronco's Mexican Grill), located within a commercial shopping center (**continued from May 13, 2014 Planning Commission meeting**)

**LOCATION:**

960 East Badillo Street

**SURROUNDING LAND USES AND ZONING:**

	<b>EXISTING LAND USE</b>	<b>ZONING</b>
Site	Commercial-Retail Tenant Space Within Community Shopping Center	C-3A (PCD) (Regional or Community Shopping Center with a Planned Community Development overlay zone)
North	Commercial Real Estate Office and Bank	C-P Commercial Professional Zone
South	Apartments	RD-1250 Multiple Family

East	Royal Oak Intermediate School	R-1-8500 (Residential – Single Family)
West	Single family residences	R-1-7500 (Residential – Single Family)

**GENERAL PLAN DESIGNATION:**

General Commercial

**NOTIFICATION OF APPLICANT AND ADJACENT PROPERTY OWNERS:**

The applicant has been sent a copy of the staff report. All property owners within a radius of 300 feet from the subject site were mailed notices of the Planning Commission public hearing on May 1, 2014.

**ENVIRONMENTAL DETERMINATION:**

The proposal is categorically exempt pursuant to Class 1, Section 15301(a) of the California Environmental Quality Act (CEQA) Guidelines.

**PROJECT DATA:**

**PROJECT DATA TABLE**

Development Standard	Proposed
Site Area	7.0 acres
Total Building Area in Shopping Center	29,525 square feet (approximately, consisting of various retail and service businesses)
Building Area of Appurtenant Restaurant	1,750 square feet
Estimated Numbers of Employees (excluding any security personnel) and Customers (when dining) in Restaurant at Peak Periods	3-5 employees; 38 customers (based on seating number and configuration shown on submitted plans)
Hours of Operation of Restaurant	8:00 a.m. – 10:00 p.m., all days

<p>Provided and Required Numbers of Parking Spaces for Restaurant in Shopping Center</p>	<p>Approximately 308 total parking spaces (including parking for disabled) currently exist on the property; the restaurant with beer and wine sales is considered to meet the applicable parking requirement 18 parking spaces--based on the restaurant-oriented standard of "1 stall per 100 square feet of gross floor area" for subject tenant space.</p>
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**BACKGROUND:**

The applicant, Carest Inc. dba Broncos Mexican Grill, proposes to sell beer and wine for on-site consumption in an existing sit-down restaurant. The restaurant is located among several in-line tenant spaces within a typical community shopping center. No live entertainment or other activities triggering further conditional use permit-related review is proposed at this time other than what is mentioned from the Police Department in reference to "Televised Sporting Events". For clarification on all facets of the proposed business, the Planning Commission should refer to the Project Data Table; to all Report-related Exhibits; and to the project plans. The Planning staff will again summarize all salient elements of the proposal at the Planning Commission meeting.

This application was continued from the previous Commission meeting primarily to enable the staff to seek input from the Police Department on changes to Police-related conditions 2.27.2 (concerning the prohibition of live entertainment) and 2.27.11 through 2.27.15 (regarding the requirement to provide security) that were considered at the meeting and, secondarily, to provide an opportunity for the staff to "clean up" certain conditions that warranted varying degrees of clarification or correction. Since the last meeting, the staff made the necessary modifications to several of the conditions and conferred with representatives of the Police Department on proposed modifications to conditions 2.27.2 and 2.27.11 through 2.27.15, which the representatives indicated would be acceptable. Police will further be present at the meeting to address any Commission-related questions regarding its conditions.

**COMMENT ON APPLICATION FROM POLICE DEPARTMENT TO PLANNING COMMISSION:** *The Covina Police Department, while not wanting to deter business development, strongly encourages members of the Planning Commission to evaluate the impact that current and future restaurants and bars with high occupancy limits and live entertainment will have in regards to increased demand of police services.*

**ANALYSIS AND FINDINGS:**

Based upon an analysis of the proposed Conditional Use Permit request, the staff recommends that the Planning Commission make the following findings for the application:

1. That the site for the use is adequate in size and shape to accommodate the proposed use.

Fact: Both the overall 7.0-acre commercial center and the 1,750-square foot tenant space in which the restaurant and beer and wine sales activities would function appear to be large enough to accommodate the proposed business/uses. In addition, the property is flat and rectangular in shape, and the improvements on the site are situated in generally a conventional fashion, notably concerning the relation of the appurtenant tenant space to the adjacent on-site parking facility. No parking-related issues were identified with respect to the review of this application or the recollection of past eating establishments operating on the premises. And under the conditions of approval, among other requirements, the establishment will be required to meet the occupancy limit(s) of the Los Angeles County Fire Department.

2. That the streets adjacent to the use are adequate to handle the traffic generated.

Fact: The Planning staff believes that the surrounding streets, notably Badillo Street and Grand Avenue have sufficient widths and capacities to safely accommodate the relatively minor additional daily trips that the restaurant with beer and wine sales would generate. And once more, these trips should be adequately handled in the on-site parking facility.

3. That the use will have no adverse effect on abutting properties.

Fact: The commercial space in which the restaurant with beer and wine sales would function is sufficiently buffered from the closest residential properties (apartments, to the south and residences to west) by the walls and window elements of the appurtenant building, by different sections of the parking facility, and by the surrounding public streets. In addition, the conditions of approval of the Conditional Use Permit application will provide the City and, in particular, the Police Department, with adequate safeguards for preventing potential negative impacts, such as illicit activities, noise, loitering, parking incursion, and drop-off- and pickup-associated problems.

4. That the proposed use does not affect the public health, safety, and general welfare of the community.

Fact: The proposed use under the submitted CUP application would only involve beer and wine sales associated with a (permitted by right) typical sit-down restaurant. The overall business would comply with the required Bona Fide Eating Establishment criteria under Section 17.04.100 of the Covina Municipal Code (CMC) (which generally calls for eating establishments with related beer, wine, and/or liquor sales for on-site

consumption to be designed and to function as a restaurant, as opposed to a bar or cocktail lounge). In addition, no major public health- or safety-related impacts have been identified during project review. The Police Department, for example, has reviewed the proposal and does not oppose the approval of the application request, subject to the business operators complying with all of the associated conditions of approval.

**STAFF RECOMMENDATION:**

The Planning staff recommends that the Planning Commission approve application CUP 14-004, subject to the attached conditions of approval.

**EXHIBITS:**

- A. 300-Foot Radius Mailing Map
- B. Area Map
- C. Project Plans (under separate cover)

**CITY OF COVINA  
APPLICATION CONDITIONS OF APPROVAL  
CONDITIONAL USE PERMIT (CUP) NO. 14-004  
AS RECOMMENDED FOR APPROVAL TO THE PLANNING COMMISSION  
ON MAY 27, 2014**

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The Conditional Use Permit (CUP) application shall permit beer and wine sales for on-site consumption in an existing sit-down restaurant (Bronco's Mexican Grill), located within a commercial shopping center at 960 East Badillo Street.

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**1.0 TIME LIMITS:**

- 1.1 The approval of the Conditional Use Permit (CUP) application shall be subject to revocation one year from the date of the affirmation of the application by the Planning Commission if the approved use(s) has not commenced.

**2.0 GENERAL REQUIREMENTS:**

- 2.1 The Conditional Use Permit (CUP) application shall permit 1) the operation of a food service establishment (not a bar, cocktail lounge, night club, or similar use) with beer and wine sales for on-site. The property shall be operated/used and remodeled/improved in accordance with all application-related information; all representations of record made by the applicant; the approved project plans and design details (including any necessary or required revisions thereto), as approved by the Planning Commission; the Conditions of Approval contained herein; and the Covina Municipal Code and the Covina Design Guidelines. Prior to the completion of the approved improvements, all Conditions of Approval shall be complied with to the satisfaction of the City Planner or his/her designee.
- 2.2 Minor modifications to this approval that are determined by the City Planner or his/her designee to be in substantial conformance with the approved project plans and that do not intensify or change the use or require any deviations from adopted standards may be approved by the City Planner upon submittal of an administrative application and required fee.
- 2.3 Failure to comply with any of the Conditions of Approval noted herein shall be deemed just cause for the revocation of the approval of the CUP by the Planning Commission.
- 2.4 Final or construction plans incorporating all Conditions of Approval and any plan-related changes required in the approval process shall be submitted for review to and approval by the City Planner or his/her designee prior to building permit

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issuance in conjunction with the Plan Check process of the Building Division (see also Condition 2.28 or applicable attachment). All final or construction plans and documents shall conform to the plans approved by the Planning Commission. The Conditions listed herein shall further be printed upon the face of and included as part of these plans.

- 2.5 Any previously existing zoning entitlements for the property shall remain in effect, except for the provisions thereof that have been expressly superseded by the Conditions of Approval and the associated approved project plans of this CUP application.
- 2.6 Under certain provisions of the California Environmental Quality Act (CEQA), the project proposal has been determined to be categorically exempt from environmental review. If a Notice of Exemption is filed with the City, then the period during which legal challenges can be filed based upon violations of CEQA is reduced from 180 days to 35 days. To file the Notice of Exemption, please contact the Planning Division.
- 2.7 ***(AS MODIFIED BY PLANNING COMMISSION ON 5-27-14)*** Approval from the Planning Division shall be obtained to allow for any food service establishment-related seating in the outside area, and all applicable requirements would need to be met. **In addition, no alcohol of any type shall be permitted to be served or consumed in the outside area under this approval unless a new CUP would also be granted by the City. If the applicant pursues outdoor seating at a future date but does not wish to pursue a new CUP for alcohol service in the outside area, then conspicuous signage shall be posted at all property-related entrance/exits informing patrons of this restriction.**
- 2.8 An Encroachment Permits from the Engineering Division shall be obtained for any building or business-related elements that would project into the public right-of-way.
- 2.9 The business shall have access to an on-site trash bin.
- 2.10 Any construction-related grading and all drainage on and leaving the site shall conform to the applicable requirements of the Covina Public Works Department, Engineering Division.
- 2.11 Any new exterior ground-, wall-, or roof-mounted mechanical and/or utility equipment (and any communication-related facilities that are not exempt from local regulation) shall be screened from all views by building features, the elements of which must match the style and color of the building, and/or landscaping. The method of screening shall be identified on the construction plans and is subject to staff approval (see also Condition 2.28 or applicable attachment).

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- 2.12** Any required site features for the disabled, including, but not limited to, property access identification, parking stall and unloading area dimensions, path of travel, and building access, must comply with all applicable State Codes and must be reviewed by the Building Division (contact the Building Division for specific requirements).
- 2.13** In accordance with Chapter 11.36 of the Covina Municipal Code, no street trees adjacent to the property shall be cut or trimmed in any manner by any persons associated with management, operational, or maintenance activities on the site without first obtaining a permit from the Covina Public Works Department.
- 2.14** Any new exterior lighting associated with the building shall conform to the building architecture and shall be located and oriented in a manner that would not generate any glare onto any adjacent business or property or onto any surrounding public street or alley, while meeting the applicable foot-candle standards of the City to maintain safety and security.
- 2.15** The applicant or his associates shall perform any project- or use-related construction work that could be heard by any residents of the nearby residential properties only between the hours of 7:00 a.m. and 8:00 p.m., Monday through Saturday (excluding legal holidays), unless a special permit is obtained from the City.
- 2.16** The approval of this request shall not waive compliance with all other applicable sections of the Covina Municipal Code, the Covina Design Guidelines, and all other associated plans and non-City laws and regulations that are in effect at the time of Building Permit issuance or the approval of this application.
- 2.17** The City shall have the reasonable right of entry to inspect the improvements on the property to verify compliance with the Conditions of Approval.
- 2.18** The permittee shall defend, indemnify and hold harmless the City, its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this grant, which action is brought within the applicable time period of Government Code Section 65009. The City must promptly notify the permittee of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the permittee of any claim, action or proceeding, or if the City fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
- 2.19** The permittee shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought against the City because of this grant. Although the permittee is the real party in interest in an action, the City may, at its sole discretion, participate at its own expense in the

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defense of the action, but such participation shall not relieve the permittee of any obligation under this Condition.

- 2.20** If any provision of this grant is held or declared to be invalid, then the application approval shall be void and the privileges granted hereunder shall lapse.
- 2.21** The costs and expenses of any code enforcement activities, including, but not limited to, attorneys' fees, caused by the applicant/property owner's violation of any Condition imposed by this approval or any provision of the Covina Municipal Code shall be paid by the applicant/property owner.
- 2.22** Any new and changing ordinances adopted prior to the final approval of the project may warrant new review.
- 2.23** All proposed permanent exterior signage for the property is subject to a separate, follow-up review and approval process, and all applicable codes and requirements shall be met. Also, sign permits must be obtained from the City prior to the installation of any new permanent or temporary signs. And all illuminated signage shall be prohibited from generating any glare or imposing any other negative impacts onto any adjacent properties or onto the adjoining sidewalks and streets.
- 2.24** An administrative Site Plan Review (SPR) application was not needed for this use.
- 2.25** The installation of a new or the modification of any existing security system(s) in the appurtenant building, as addressed under Chapter 8.20 of the Covina Municipal Code, shall be coordinated with the Covina Police Department. Please determine at the earliest possible time whether a security system will be installed or altered, as failure to inform Police of security system installation plans may impact the commencement of the business and/or delay building permit issuance relating to the Plan Check process (see Condition 2.28).
- 2.26** The following item is required in order to comply with the Los Angeles County Fire Department code requirements as they pertain to this proposal: More detailed project plans shall be submitted to the Los Angeles County Fire Department in order for the Department to determine a) the occupancy limit(s) for the overall establishment; and a) whether fire sprinklers will be required. Please contact the Fire Department staff for any questions.
  - 2.26.1** All outside food preparation facilities or outside fire related elements shall meet all applicable standards of the City, Los Angeles County Fire Department and if applicable the Air Quality Management District (AQMD).

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- 2.27 The following items are required in order to comply with the Police Department code requirements as they pertain to this proposal:
- 2.27.1 The hours of operation will be no earlier than 6:00 am and no later than 2:00 a.m.
  - 2.27.2 ***(AS MODIFIED BY PLANNING COMMISSION ON 5-27-14)*** Any live entertainment shall be prohibited at any time. "Live entertainment" includes music provided by a "live entertainer(s);" music played in combination with a disc-jockey, karaoke, or similar person; or **(EXCEPT WHERE SECURITY IS PROVIDED IN ACCORDANCE WITH THE PROVISIONS OF CONDITIONS 2.27.11 THROUGH 2.27.15 BELOW)** televised major sporting or other events (defined as any televised event advertised or otherwise promoted in advance to attract a larger number of patrons to the establishment than typical conditions).
  - 2.27.3 All service of alcoholic beverages will cease at 1:30 a.m.
  - 2.27.4 No alcoholic beverages or their containers, such as bottles and glasses will be present other than stored behind the bar or in the trash receptacles after 2:00 a.m.
  - 2.27.5 Only on-duty employees will be allowed inside the restaurant between the hours of 2:00 a.m. and 6:00 a.m.
  - 2.27.6 The rear or south facing doors shall be utilized only for emergency exits, deliveries and for employee arrival and departure from work.
  - 2.27.7 The owners, operators, managers and all employees shall adhere to and obey all State laws and City ordinances relating to the service, consumption and possession of alcoholic beverages. Any violations of State laws or City ordinances will be presented to the District Attorney's office for prosecution and will be grounds for revocation or modification of this permit.
  - 2.27.8 The owners or operators will be responsible for ensuring they are in compliance with the restrictions, provisions and guidelines of their license from the State of California Alcoholic Beverage Control Board in regards to the ratio of alcoholic beverages sales to food sales.
  - 2.27.9 The owners, operators, management staff and employees shall allow inspection of the premises by members of the Covina Police Department at any time when there are employees present inside the location.

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- 2.27.10 (AS MODIFIED BY PLANNING COMMISSION ON 5-27-14)** The owners, operators, managers or employees shall not permit any type of activity where persons are compensated, either by the business or by a customer, for dancing, conversation or anything other than bona-fide service consistent with a restaurant.
- 2.27.11 (AS MODIFIED BY PLANNING COMMISSION ON 5-27-14)** The owner or operator shall contract with a security company for security personnel or hire security personnel as employees. **(Condition applicable only when a Condition 2.27.2-defined “special event” is occurring.)**
- 2.27.12 (AS MODIFIED BY PLANNING COMMISSION ON 5-27-14)** In the event the owner or operator provide their own security personnel, all personnel must be employed only as security personnel and not have other responsibilities while acting in that capacity. Additionally, all employees acting as security personnel must be licensed and in good standing with the State of California throughout their time of employment. **(Condition applicable only when a Condition 2.27.2-defined “special event” is occurring.)**
- 2.27.13 (AS MODIFIED BY PLANNING COMMISSION ON 5-27-14)** The restaurant and bar will have no less than two personnel assigned for security purposes, with valid guard cards issued by the State of California, on duty at all times when any type of entertainment is taking place or during televised sporting events. **(Condition applicable only when a Condition 2.27.2-defined “special event” is occurring.)**
- 2.27.14 (AS MODIFIED BY PLANNING COMMISSION ON 5-27-14)** The Police Department may, after meeting with the owners or managers of the restaurant, increase the number of required security personnel for planned events or incidents where the police department determines that the number of on-duty security personnel is deficient. **(Condition applicable only when a Condition 2.27.2-defined “special event” is occurring.)**
- 2.27.15 (AS MODIFIED BY PLANNING COMMISSION ON 5-27-14)** At no time will any security personnel, whether employed by a private company or licensed by the City or employed by the restaurant, be armed with any type of firearm. **(Condition applicable only when a Condition 2.27.2-defined “special event” is occurring.)**
- 2.27.16 (AS MODIFIED BY PLANNING COMMISSION ON 5-27-14)** The owners, operators or managers of the location, subject to the approval of the Police Department, will develop a plan for staging customers outside the restaurant on the sidewalk (public right of way) who wish to enter the restaurant and cannot be accommodated inside the location.

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- 2.27.17** In the event patrons waiting to enter the location are lined up outside, the owners or operators will work in conjunction with the Police Department to ensure the waiting area is properly illuminated during hours of darkness.
- 2.27.18** *(AS MODIFIED BY PLANNING COMMISSION ON 5-27-14)* In the event patrons waiting to enter the restaurant are lined up outside the restaurant, the owner, operator or manager shall assign at least one security person to monitor the conduct of all customers waiting in line.
- 2.27.19** The owners, operators or managers of the location shall not conduct any type of valet parking unless they have received prior approval pursuant to City of Covina Municipal Code 10.64.040.
- 2.27.20** The owners, operators or managers will, subject to approval of the Police Department, ensure that the location has, upon opening for business, a video security system that includes digital cameras and a quality recording system that covers all major interior and exterior areas of concern to the police department.
- 2.27.21** The owners, operators or managers shall cooperate with all police investigations regarding crimes that occur at the location or are as a result of conduct while at the location. This cooperation includes, but is not limited to, allowing access to view video images and providing recordings of video images of any activity deemed important by any officer of the department investigating a crime that is alleged to have occurred on the premises or as a result of conduct occurring at the premises.
- 2.27.22** The owners, operators or managers shall preserve the video security system's recorded information of each business day for a period of not less than ten (10) business days thereafter for the Police Department's review in connection with a criminal investigation.
- 2.27.23** The owners, operators or managers shall, subject to approval of the Police Department, develop a plan to monitor the area surrounding the location for trash and other discarded items that impact public health and the cleanliness of the parking lots, sidewalks and the property of adjacent business owners.
- 2.27.24** The owners, operators or managers shall, subject to approval of the Police Department, develop a plan to monitor adjacent parking areas for activity that is detrimental to public safety or public health.
- 2.27.25** The owners, operators or managers shall, subject to approval of the Police Department, develop a plan to ensure the front and back of the location are adequately and safely illuminated during hours of darkness.

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**2.27.26** The owners, operators or managers shall ensure that all occupancy levels are strictly adhered to. At any time, the Police Department Watch Commander can cease all operations of the business in order to determine if the occupancy level is over the allowed number of occupants. The Watch Commander, in addition to a representative from the Los Angeles County Fire Department, will also have the authority to close the business if he feels the occupancy levels are jeopardizing public safety.

**2.27.27** PLEASE TAKE FURTHER NOTICE your business license is subject to revocation, amendment, modification or conditions pursuant to Section 5.04.035 B. of the Covina Municipal Code, if the City Council determines your establishment is being operated in a manner that is contrary to, or inimical to the preservation of the public peace, safety or welfare, or it is otherwise detrimental to other properties or businesses in the vicinity.

**2.27.28** PLEASE TAKE FURTHER NOTICE a breach of any condition of this Permit constitutes a public nuisance pursuant to Chapter 8.40 of the Covina Municipal Code. Pertinent provisions in that chapter are as follows:

**“8.40.030 Prohibited public nuisance conditions.**

The city council finds and declares that, notwithstanding any other provision of the Covina Municipal Code, it is a public nuisance and unlawful for any person to allow, cause, create, maintain, or suffer, or permit others to cause, create, or maintain, the following:

G. Any building, structure, or use of real property that violates or fails to comply with (1) any applicable approval, permit, license, or entitlement or condition relating thereto, (2) any ordinance of the city, including, but not limited to, any provision of this code, or (3) any applicable county, state, or federal law or regulation.”

**“8.40.040 Penalty.**

A. Notwithstanding any other provision of the Covina Municipal Code to the contrary, any person who causes, permits, suffers, or maintains a public nuisance, or any person who violates any provision of this chapter, or who fails to comply with any obligation or requirement of this chapter, is guilty of a misdemeanor offense punishable in accordance with CMC 1.16.010(A). A criminal prosecution and/or civil litigation may be initiated without the commencement of the “nuisance abatement” procedures

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outlined in Article II of this chapter.

- B. Each person shall be guilty of a separate offense for each and every day, or part thereof, during which a violation of this chapter, or of any law or regulation referenced herein, is allowed, committed, continued, maintained or permitted by such person, and shall be punishable accordingly.”

**2.27.29** PLEASE TAKE FURTHER NOTICE that if a breach of a condition of this Permit (which is a public nuisance – see above) results in an imminent hazard to persons or property, the Police Chief or other authorized official may, if necessary to summarily abate the nuisance, require a cessation of your business operations or a closure of the Premises pursuant to Section 8.40.180 [Emergency Action to Abate an Imminent Hazard] of the Covina Municipal Code. That section states in part as follows:

- A. “Notwithstanding any provision of the Covina Municipal Code to the contrary, the police chief, the fire chief, or the building official, or any of their designees, may cause a public nuisance to be summarily abated if it is determined that the nuisance creates an imminent hazard to a person or persons, or to other real or personal property.”

**2.28** The following items are required in order to comply with the Building Division code requirements as they pertain to this proposal: refer to applicable attachment.

**2.29** The following items are required in order to comply with the Environmental Services Division code requirements as they pertain to this proposal: refer to applicable attachment.

**3.0 PRIOR TO THE GRANTING OF FINAL APPROVAL OF THE BUILDING IMPROVEMENTS OR THE CONDITIONAL USE OR THE COMMENCEMENT OF OPERATIONS OF THE APPROVED CONDITIONAL USE ON THE SITE:**

**3.1** All site, building, and any landscape improvements shall be constructed or installed in a good workmanlike manner, consistent with the standard best practices of the subject trades and in a manner acceptable to the City.

**3.2** The Conditional Use Permit (CUP) approval shall not be effective until such time as the applicant/owner of the property obtains an Inspection and Verification Permit (IVP) and the City Planner or his/her designee certifies on said Permit that the premises and uses comply with all of the Conditions of Approval.

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- 3.3 This grant shall not be effective for any purposes until the applicant/owner of the property has filed with the Planning Division an affidavit stating that he is aware of, and agrees to accept, all of the Conditions of Approval.
  - 3.4 The required trash bin enclosure (see Condition No. 2.9) shall be completely installed or otherwise addressed in a manner that is acceptable to the City.
  - 3.5 All exterior lighting fixtures on the property shall be installed in accordance with the approved plans on file with the Planning and Building Divisions and shall be fully operational.
  - 3.6 The applicant shall obtain all necessary approvals and permits from the State Department of Alcoholic Beverage Control regarding the sale of the beer and wine in the food service establishment.
  - 3.7 The applicant shall obtain all necessary licenses and permits from the Finance Department (e.g., a general Business License) and the Police Department (e.g., an Entertainment Permit) concerning the business.
  - 3.8 The applicant shall obtain all necessary approvals from the Los Angeles County Fire Department for the establishment.
- 4.0 THE APPROVED CONDITIONAL USE AND THE OVERALL PROPERTY SHALL BE OPERATED IN ACCORDANCE WITH THE FOLLOWING:**
- 4.1 THE APPLICANT SHALL COMPLY WITH ALL OPERATIONAL REQUIREMENTS OF THE POLICE DEPARTMENT (SEE CONDITION 2.27).
  - 4.2 All business activities or uses on the property shall conform to the permitted uses of the underlying "C-3A (PCD)" zoning district.
  - 4.3 The operational and other Conditions of Approval that are listed herein shall apply to all periods that the entire food service establishment and approved ancillary functions are permitted to be open to the general public and are used by private groups that are invited by the applicant or an associate in conjunction with special events, including, but not limited to, receptions and parties. Not more than twenty-four (24) applicant-coordinated special events (**not open to the public**) shall be permitted in any one calendar year, and such special events shall not occur on more than thirty (30) total days in any one calendar year.
  - 4.4 All areas of the eating establishment that are components of the principal use and the ancillary uses (i.e., the dining, any future patio, hallway, and food preparation and storage areas) shall function in an integral manner, as illustrated on the approved project plans, and none of the areas or components of the eating

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establishment (or portions of the areas) shall operate on an independent basis or as a separate use/business.

- 4.5 Any food service establishment-related activities and any legal or permitted special events occurring on the property shall be conducted in a manner that does not disturb adjacent businesses and residences, relative to excessive noise and vibrations, and that conforms to the provisions of Sections 9.40 (Noise) and 9.42 (Environmental Disturbances) of the Covina Municipal Code.
- 4.6 Full food service or the complete business-related menu of cooked meals and related food items shall be offered to all customers in all portions of the eating establishment during all hours that the establishment is open to the public.
- 4.7 ***(AS MODIFIED BY PLANNING COMMISSION ON 5-27-14)*** The serving of beer and wine shall be for on-site, inside-of-the-building consumption only and may occur in all sections of the business where customers are seated for food service. In addition, the applicant shall continually comply with all requirements of the State Department of Alcoholic Beverage Control in providing this service. ***(Also see Condition 2.7 concerning this restriction.)***
- 4.8 ***(AS MODIFIED BY PLANNING COMMISSION ON 5-27-14)*** The hours of operation of the various components of the food service establishment (i.e., general business hours, beer and wine sales, televised sporting events) shall comply with the requirements of the Police Department (see Condition 2.27). (Activities pertaining to the general repair, servicing, or maintenance of legal or permitted improvements on the property or general business-related administrative functions may occur at any time, providing that the activities or functions conform to the provisions of the Chapter 9.40 (Noise Ordinance) and other applicable Chapters of the Covina Municipal Code.)
- 4.9 No outside speakers pertaining to the business shall be permitted.
- 4.10 The maximum number of employees, entertainers, and customers that may be in the eating establishment at any one time shall conform to the occupancy limit(s) of the Los Angeles County Fire Department.
- 4.11 All portions of the food service establishment shall be continuously supervised by business management or employees. At least one supervisor that is at least 21 years of age shall be on duty at all times that the business is operating. This supervision shall further function to ensure a) that customers in any interior or outside areas of the overall business do not exhibit any behavior that disturbs either other establishment customers or passers-by on the sidewalk; b) that any customers that are awaiting to enter the food service use by standing on the public sidewalk are doing so in an orderly manner and not exhibiting any behavior that disturbs either other establishment customers, persons associated with other

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businesses, or passers-by on the sidewalk; and c) that any loitering either on the public sidewalk or in areas immediately around the business is prevented.

- 4.12 When any lines of customers that seek to enter the eating establishment form on the outside of the appurtenant building, security and/or other personnel employed by the restaurant shall ensure that there is adequate, legally-sufficient room on all portions of the sidewalk where the customers are standing (including portions thereof that are not directly in front of the appurtenant building, if applicable) for non-customer-associated passers-by and the disabled to safely walk or maneuver by the lines (or, without having to go into the adjoining streets or feeling compelled to go into the adjoining streets to avoid the lines of persons). Also, whether or not the customer-related lines form, either at the close of business on the same day or prior to the opening of the restaurant on the following day, the security and/or other personnel employed by the restaurant shall inspect all portions of the sidewalk, notably areas where the customers were standing (including, if applicable, portions that do not directly front on the appurtenant building) and shall immediately and completely remove any and all litter, trash, and waste (including, but not limited to, food, drinks, cups, bottles, cans, papers, cigarette butts, gum, and bodily fluids (including, but not limited to, blood, vomit, and urine)) from the sidewalk, and, if necessary, the adjoining streets.
- 4.13 The applicant shall provide sufficient security for the entire business, conforming to the requirements of the Police Department (refer to Condition 2.27 or applicable attachment).
- 4.14 No pool tables are permitted in conjunction with the operations of any section of the business.
- 4.15 Not more than three video, mechanical, and/or other arcade games may be used in conjunction with the operations in any section of the food service establishment. If the applicant wishes to have more than three such games, then a new CUP shall be obtained and certain new requirements shall be met.
- 4.16 The business shall publicize to its customers through its internet page, social media, and/or other generally accepted methods the location of available parking in the shopping center.
- 4.17 No valet parking of any type is permitted in conjunction with the operations of any section of the establishment unless the applicant obtains from the City all required Valet Parking Permits (under the provisions of the Covina Valet Parking Rules and Regulations). If the required Valet Parking Permits are obtained, the applicant shall further abide by all applicable requirements of the City concerning valet parking.
- 4.18 To avoid any potential on-street, on-site, or circulation-related issues, any "take-out"-associated curbside service that is proposed for the food service

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establishment shall be reviewed and approved by the Engineering Division of the Public Works Department.

- 4.19** Any loading and unloading activities concerning any facet of the business shall conform to the City of Covina Noise Ordinance (Chapter 9.40 of the Covina Municipal Code) and to any other applicable provisions of the Covina Municipal Code. In addition, the loading and unloading activities shall be conducted in a manner that does not interfere with the operations or any other on-site businesses or any surrounding property/uses and that minimizes vehicle access-related disruptions in the appurtenant alley.
- 4.20** No trash or discarded items shall be placed in the outside portion of the property, except in the business-related refuse bin.
- 4.21** The Covina Police Department reserves the right to modify the hours of operation, cease any type of entertainment, or close the business altogether at any time should, in the opinion of the on-duty Watch Commander or his designee, the operation of the business impact normal police operations to the extent that public safety has been jeopardized.
- 4.22** If, in the opinion of the Chief of Police or his designee, there is or may be a need to change or modify the Conditions of this Conditional Use Permit, the Chief of Police or his designee may initiate a public hearing before the Planning Commission. After due notice, which affords the applicant an opportunity to be heard, the Planning Commission may, but is not obligated to, change or modify the Conditions stated herein.
- 4.23** Any subsequent change(s) in the uses or improvements on the property or operational activities (including, but not limited to, the size or layout of the interior of the building; the building architecture and/or features; and/or the type and/or intensity of the permitted uses) beyond what is permitted under this CUP application shall not proceed without further City review and approval to ensure compliance with the applicable codes and requirements and, if necessary, the mitigation of any identified impacts (such as design, noise, traffic, and parking). A new zoning application(s) and possibly an impact-related study(ies) may be required for such future change(s) or improvements.
- 4.24** Any outdoor storage pertaining to the business is prohibited.
- 4.25** The site, building, signage, and any landscape improvements shall be maintained in a sound and attractive condition, free of weeds, trash or debris, visible deterioration, graffiti, or other conditions that violate the Covina Municipal Code. The City may require that the applicant/property owner pay the actual and reasonable cost for code compliance services needed to address any problem conditions.



# CITY OF COVINA

## INTER-OFFICE MEMORANDUM

Date: 03/19/2014  
To: Planning Division  
From: Vijay Mepani, Building Inspector II  
Subject: CUP 14-004  
Applicant: Carest Inc. DBA Broncos Mexican Grill

After you have successfully completed the Planning Division's plan review process your plans should be ready for submitting to the Building Section for review of State and local Building Code requirements. These are general comments intended to prepare the applicant for a successful and expeditious plan review through the Building Section. Please be prepared to address the following checked items:

- Please submit 6 sets of complete plans including any proposed utilities and earthwork; two sets shall be "stamped approved" by the Covina Planning Division and include the Building Section's comments for consultant review. This project must comply with the 2013 California Building Standards and 2013 energy code.
- Two sets each of any structural and energy calculations shall be submitted with the above mentioned plans. All calculations must bear an original signature from the documented author.
- This project must comply with Federal and State Accessibility requirements to and throughout the building. Include compliance methods and structural details on the plans.
- Demolition and renovations activities require an asbestos containing materials (ACM) survey. (SCAQMD RULE 1403) The ACM report shall be prepared by an accredited testing laboratory in accordance with SCAQMD rules and regulations. Proof of notification to the South Coast Air Quality Management District (SCAQMD), Office of Operations, shall be submitted to the Building Division with your permit application for all renovations and demolition activities. Contact the SCAQMD at the address or number below for more information. Once any demolition activity has been approved by the SCAQMD, a formal demolition plan and permit must be obtained from the Building Division.  
**SCAQMD Headquarters; 21865 Copley Drive, Diamond Bar, CA, (909) 396-2381**
- The Los Angeles County Fire Department needs to review your construction plans, to expedite this process you will need to contact one or more of their Regional plan check office(s): Appointments to discuss Fire Department requirements may be made between 7:30 a.m. and 10:30 a.m. The main office is located at 5823 Rickenbacker Road, Commerce, CA 90040-3027. Phone number is (323) 890-4125.

Regional plan check offices for the Los Angeles County Fire Department:

Glendora Office, Building Plan Review Only  
231 W. Mountain View Avenue  
Glendora, CA 91740  
(626) 963-0067

Commerce Office, Sprinkler & Alarm Plan Review  
5823 Rickenbacker Road  
Commerce, CA 90040-3027  
(323) 890-4125

Commerce Office, Land Development / Access  
5823 Rickenbacker Road  
Commerce, CA 90040-3027  
(323) 890-4243

- Please provide an additional digital copy (pdf preferred) of the building floor plan, elevations, and site plan to be submitted to the LA County Assessor. This copy should be in sufficient detail to allow the assessor to determine the square footage of the building and, in the case of residential buildings, the intended use of each room.

-For additional information, please contact the LA County Assessor's, Public Service Desk at 888-807-2111.

- Construction activity within 500' of a residential zone is prohibited between the hours of 8:00pm and 7:00am and on Sundays and Holidays unless otherwise permitted by the City.
- The Building Section plan check process may address additional concerns.

**ENVIRONMENTAL SERVICES SECTION  
PLAN REVIEW COMMENTS**

Project Address: 960 E Badillo Project #: CUP 14-04  
Date Due: Rec'd 3/12/14 Date Returned: 3/25/14 Reviewed By: Vivian Castro  
Description: onsite beer and wine at existing restaurant

*After initial review of your project, it has been determined that that your project requires submission of the following items and estimated fees.*

**Required Documents**

Three (3) reports of each of the items noted below, including plans, must be submitted to Environmental Services. All signatures and stamps must have wet-ink application.

- Storm Water Pollution Prevention Plan (SWPPP - The project area is 1 acre or greater. A SWPPP must be provided for this project as required by the State Water Resources Control Board.
- Standard Urban Stormwater Mitigation Measure (SUSMP) - The project meets the Los Angeles Regional Water Quality Control Board's criteria for a Priority Planning Project. A SUSMP must be provided for this project.
- Site-Specific SUSMP - The project falls into a category specified by the Los Angeles Regional Water Quality Control Board as requiring a Site-Specific Mitigation Review.

**Required Forms**

All signatures and stamps must have wet-ink application.

- Form OC1 / OC1-A (must also attach copy onto field plans)
- Form P1
- Form PC
- Form P2
- Form LSWPPP (Local Stormwater Pollution Prevention Plan). If project area is acre or greater.
- Maintenance Covenant. See template and instructions.
- Construction and Demolition Debris Recycling MAY / WILL be required for this project. Please see forms and instructions.

**Estimated Plan Review Costs** – Total Estimated Environmental Review Fees \$ 40.00  
May be more if SUSMP requires multiple reviews by Stormwater Consultant.

- Initial Plan Review by Environmental Services - \$40, now due.
- Review of subsequent submissions to Environmental Services - \$40 (per subsequent submission). Estimated 4 reviews
- SWPPP - \$600, plus fees for additional review or consultation with City stormwater consultant, if requested. If 1 acre or more.
- SUSMP - New development or redevelopment projects that meet redevelopment thresholds in the following project categories. Base cost, plus fees for additional review or consultation with City stormwater consultant , if requested.
  - o Single-family hillside home - \$300
  - o Ten or more unit homes - \$1,200 . May be more if SUSMP requires multiple reviews by Stormwater Consultant.
  - o Industrial/Commercial development with 10,000 or more square feet of impervious surface area- \$1,200
  - o Automotive service facility- \$1,200
  - o Retail gasoline outlet - \$1,200
  - o Restaurant - \$1,200
  - o Parking lot (5,000 square feet or more surface area or 25 or more parking spaces) - \$1,200
  - o Other development - \$600
- Construction site stormwater compliance inspection and reinspection fees of \$75 - \$125 per inspection may apply. (Estimated 18 inspections/yr)
- Site Specific Mitigation Review - \$600 for projects with any of the following characteristics:
  - o Vehicle or equipment fueling areas
  - o Vehicle or equipment maintenance areas, including washing and repair
  - o Commercial or industrial waste handling or storage
  - o Outdoor handling or storage of hazardous materials
  - o Outdoor manufacturing areas
  - o Outdoor food handling or processing
  - o Outdoor animal care, confinement, or slaughter
  - o Outdoor horticultural activities

**Additional Comments**

Industrial Waste Permit may be required. Please check with Building Section.  
Other Verify applicant has IWP. Verify applicant has paid annual Stormwater Facility Inspection fee.

*OK currently both*

You are hereby advised that only Athens Services/Covina Disposal (888-336-6100), the City's exclusive franchise trash hauler, is allowed to provide bins and pick up and dispose of trash and recyclables, including all construction and demolition projects. The ONLY exception is that the project contractor, using his own equipment and staff, can take recyclables to a recycling facility.

**ENVIRONMENTAL SERVICES FEES**

LOCATION: 960 E Badillo

Project# CUP 14-04

Fee Description	Fee	Account Number	Munis Code	V
<b>NPDES</b>				
Hazardous Material/Illicit Discharge Response - Cleanup and Disposal Fee	Actual cost	6200555043160	ESSITE	
Hazardous Material/Illicit Discharge Response - Material Fee	Actual cost	6200555043160	ESSITE	
Hazardous Material/Illicit Discharge Response (per hour) 7:00am-6:00pm Monday - Thursday	\$ 75.00	6200555043160	ESSITE	
Hazardous Material/Illicit Discharge Response (per hour) 6:00pm-7:00am; Friday; Saturday; Sunday & Holidays	\$ 125.00	6200555043160	ESSITE	
NPDES Construction Site Inspection	\$ 75.00	6200555043262	ESMITA	
NPDES Construction Site Inspection - Violation follow-up (per incident)	\$ 125.00	6200555043262	ESMITA	
NPDES Site Specific Mitigation Review	\$ 600.00	6200555043262	ESMITA	
NPDES SUSMP and Site Specific Mitigation Review - 10 or more units, =>10,000 sf commercial/industrial; automotive shops or restaurants, =>5,000 sf or 25 spaces parking lot	\$ 1,200.00	6200555043262	ESMITA	
NPDES SUSMP Review - Hillside Residential	\$ 300.00	6200555043262	ESMITA	
NPDES SUSMP Review - Other Development	\$ 600.00	6200555043262	ESMITA	
Environmental Impact Report - Initial Study (per application)	\$ 610.00	6200555043290	ESEIR	
Environmental Impact Report - Review and Admin of EIR	\$ 610.00	6200555043290	ESEIR	
NPDES WDI and SWPPP verification (document review)	\$ 25.00	6200555043290	ESEIR	
Environmental Plan Review - Initial Study (3 reviews)	\$ 40.00	6200555043400	ESPLAN	✓
Environmental Plan Review - Additional Study (per review)	\$ 40.00	6200555043400	ESPLAN	
NPDES Permit Inspection - Commercial/Industrial (business License - annual)	\$ 85.00	6200555046385	ESNPDE	
NPDES Permit Inspection - Restaurants (business License annual)	\$ 50.00	6200555046385	ESNPDE	
NPDES - Environmental Compliance Fee (charged to all businesses with business license application)	\$ 15.00	6200555046387	ESENVF	
<b>INDUSTRIAL WASTE</b>				
Industrial Waste - Permit Application/Issuance Fee	\$ 15.00	6200557041190	ESIWAP	
Industrial Waste - Permit, Annual Inspection Fee	See IW Fee Sheet	6200557041990	ESIWIP	
<b>MISCELLANEOUS</b>				
Promotion Supplies	Enter Amt.	6200555046390	ESPRMO	
<b>REFUSE</b>				
Refuse - large event and venue waste reduction & recycling plan review	\$ 50.00	6200558046390	ESLARG	
Illegal Recycling Container Impound Fee	\$ 500.00	6200558046395	ESIMP	

ES Staff Vivian Castro

Date 3/25/14

Revised 11-30-11

Take this invoice to the Covina Finance Department to make your payment. You will be provided a receipt that must be shown at the Building and Engineering counters as proof of payment prior to any permit being issued.

More Services

SUE MORENO  
(626) 350-5944

OWNERSHIP / OCCUPANTS LIST  
RADIUS MAPS - LAND USE - PLANS  
MUNICIPAL COMPLIANCE CONSULTING

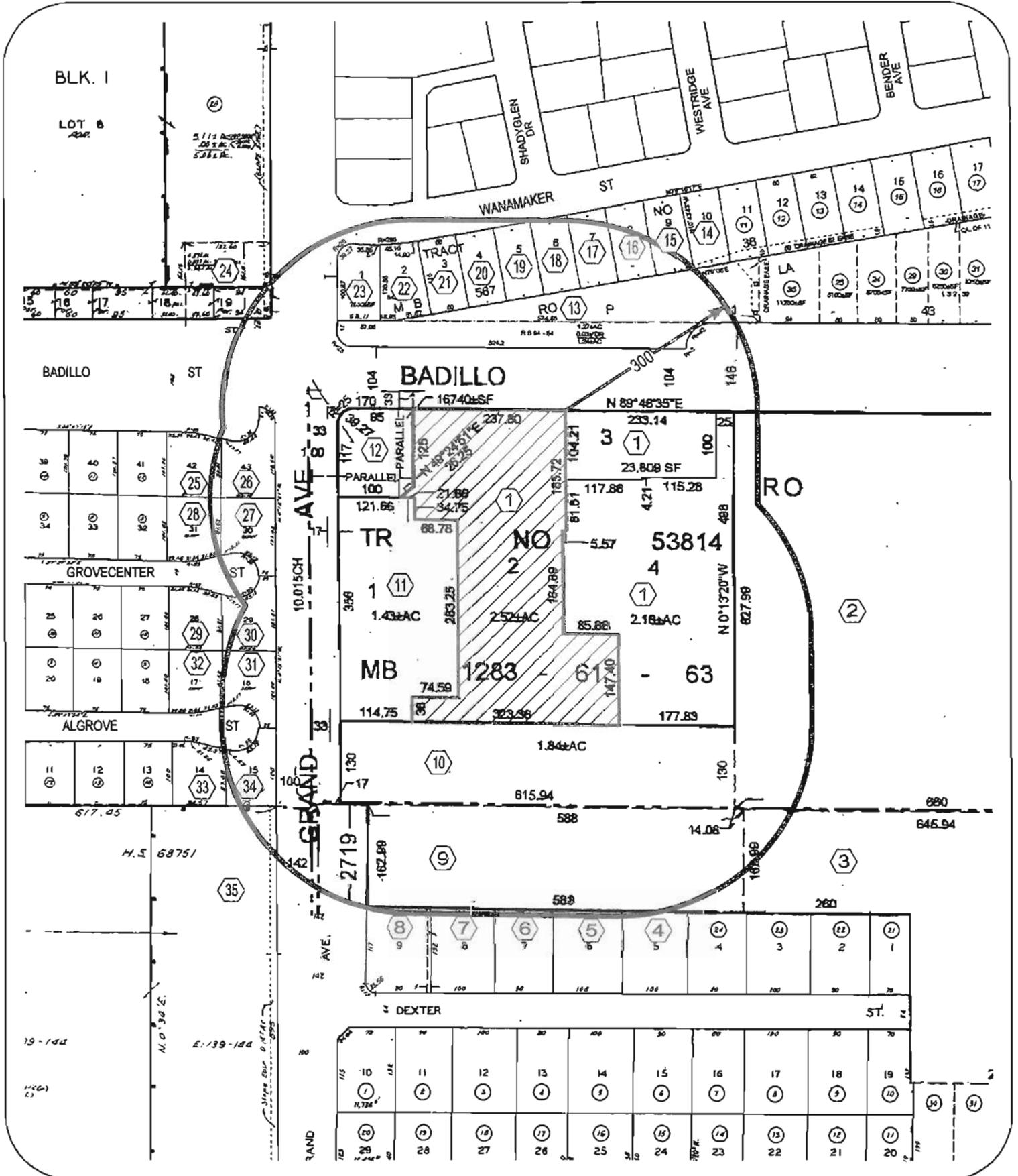
12106 LAMBERT AVE. EL MONTE, CA 91732 - FAX (626) 350-1532

# PROJECT INFORMATION

932 E. BADILLO ST.  
COVINA, CA.  
13-477



SCALE 1" = 200'



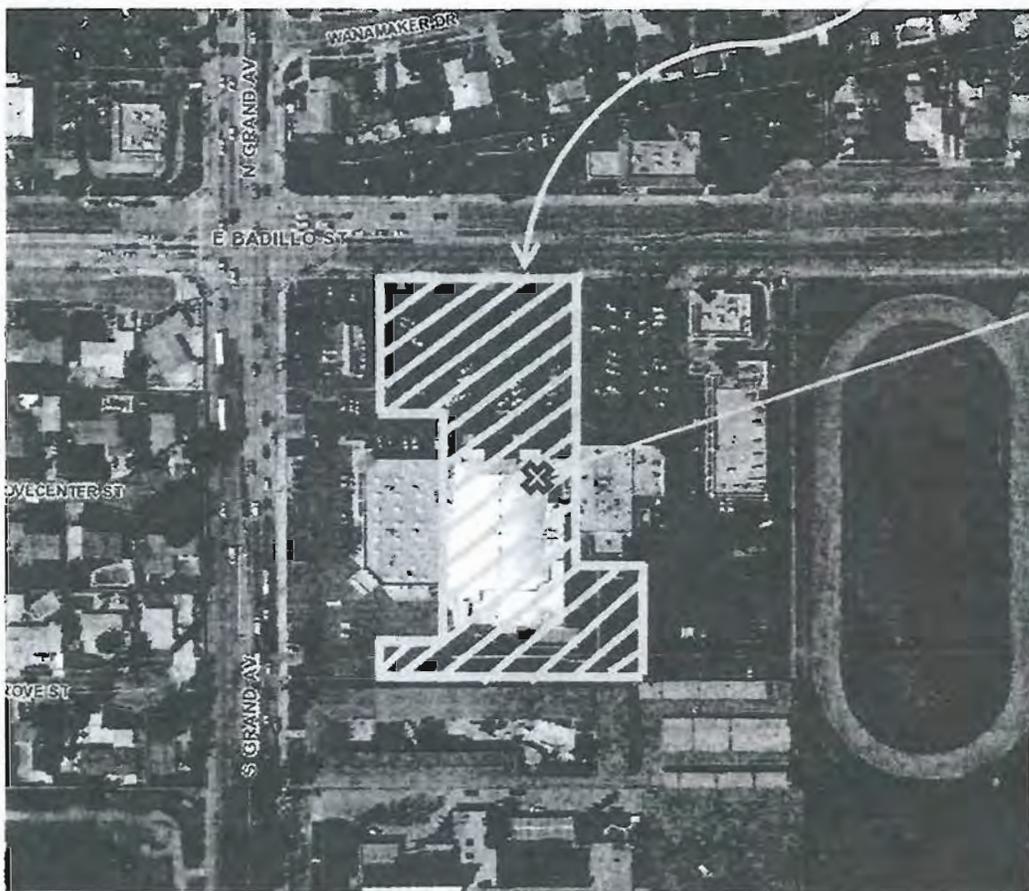
CITY OF COVINA

NOTICE OF PUBLIC HEARING

960 EAST BADILLO STREET, SUITE B

CUP 14-004

Subject Site



Suite Location







A DRAFTING ASSOCIATE

IN A POSITION OF RESPONSIBILITY  
FOR THE PREPARATION OF  
DRAWINGS FOR THE PROJECT

DATE: 11/15/13

PROJECT TITLE / ADDRESS

BRONCOS  
MEXICAN GRILL  
960 E BARDILLO ST  
COWANA, CA 91724

DATE DRAWN

DRAWN BY

FILED IN

SCALE

CHECKED BY

OWNER

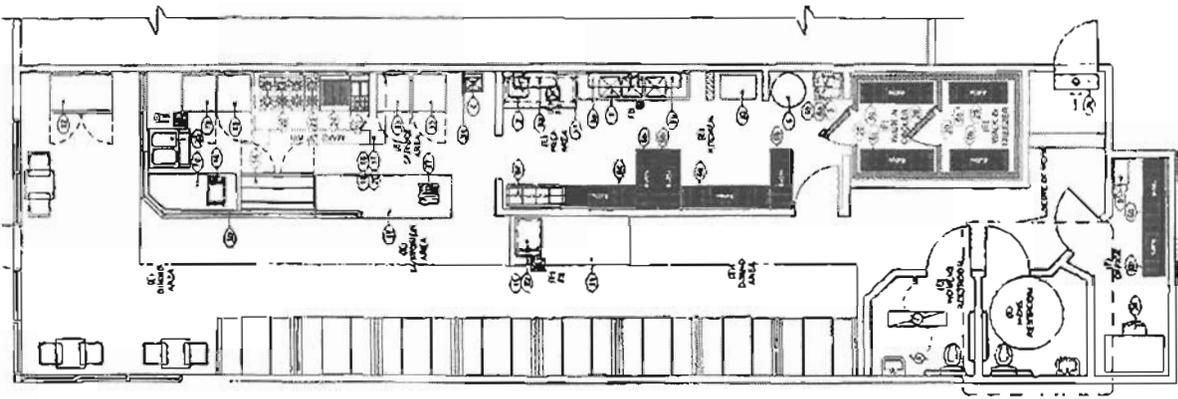
PERMIT NO.

SHEET TITLE

FLOOR PLAN

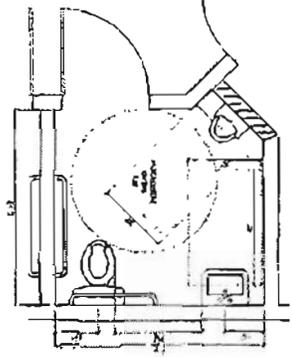
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A-1



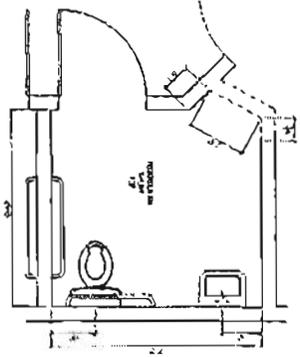
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EXISTING FLOOR PLAN



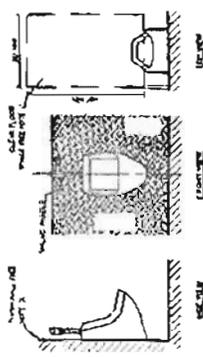
SCALE: 1/8" = 1'-0"

PROPOSED RESTROOM



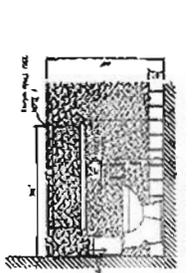
SCALE: 1/8" = 1'-0"

DEMO PLAN



SCALE: 1/8" = 1'-0"

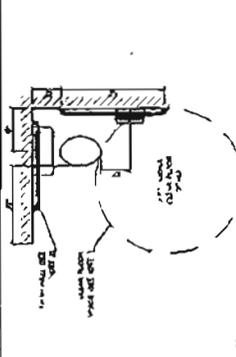
WC - LAVATORY ELEVATION



SCALE: 1/8" = 1'-0"

WC - LAVATORY ELEVATION

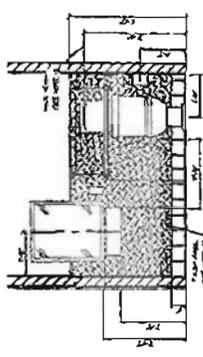
ACCESSIBLE COMPLIANCE REQ'TS. FOR URINAL



SCALE: 1/8" = 1'-0"

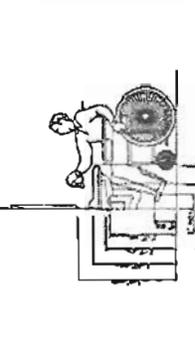
WC - LAVATORY ELEVATION

ACCESSIBLE COMPLIANCE REQ'TS. FOR URINAL



SCALE: 1/8" = 1'-0"

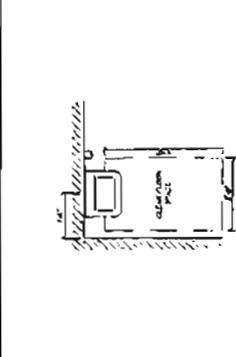
WC - LAVATORY ELEVATION



SCALE: 1/8" = 1'-0"

WC - LAVATORY ELEVATION

ACCESSIBLE COMPLIANCE REQ'TS. FOR URINAL



SCALE: 1/8" = 1'-0"

WC - LAVATORY ELEVATION

ACCESSIBLE COMPLIANCE REQ'TS. FOR URINAL

REACH RANGE @ WATER CLOSET (SIDE DETAIL)

CLEAR FLOOR SPACE AT LAVATORY

CLEAR FLOOR SPACE AT WC

**CITY OF COVINA**  
**STAFF REPORT**

**MAY 27, 2014**

**ITEM NO. 6**

**TO:** PLANNING COMMISSION

**FROM:** ALAN CARTER, CITY PLANNER

**COORDINATOR:** VIDAL F. MARQUEZ, PLANNING TECHNICIAN

**COPY:** LISA BRANCHEAU, ASSISTANT TO THE CITY MANAGER

**SUBJECT:** APPLICATION CUP 14-008

**APPLICANT:**

Tai Truong, Tenant

**REQUEST:**

Application CUP 14-008, a Conditional Use Permit to operate a nail salon in a currently vacant tenant space within a multi-tenant commercial building.

**LOCATION:**

1663 West San Bernardino Road

**SURROUNDING LAND USES AND ZONING:**

	<b>EXISTING LAND USE</b>	<b>ZONING</b>
Site	Vacant commercial space (within multiple tenant building)	C-4 (Commercial Zone-Highway)
North	Commercial Building	M-1 (Light Industrial)
South	Commercial Building	M-1 (Light Industrial)
East	Auto Service Commercial Building	C-4 (Commercial Zone-Highway)
West	Burger King Restaurant	C-4 (Commercial Zone-Highway)

## **SUMMARY**

The applicant is proposing to establish a nail salon (1600 sq. ft. tenant space) within an existing multi-tenant building; the adjacent businesses are "Pizza Hut" and "Johnny's Liquor & Deli". The applicant proposes to provide manicure and pedicure services, uses permitted subject to a conditional use permit (CUP) and considered as a "Barber and/or Beauty Shop" under the Covina Municipal Code (CMC). The tenant space will consist of a customer waiting area, eight (8) pedicure spa chairs, eight (8) manicure tables, one (1) hand sink, a storage area, a break room and an existing restroom. No other changes to the site are proposed other than the minor improvements.

Signage may also be requested by the applicant but is not a part of this approval. A separate sign permit application and plans will be required showing compliance with the City's sign ordinance for property.

No issues or concerns arose during the project review. The business is compatible with its surroundings and typical of other similar establishments.

## **GENERAL PLAN DESIGNATION:**

General Commercial

## **NOTIFICATION OF APPLICANT AND ADJACENT PROPERTY OWNERS:**

The applicant was given a copy of the staff report with associated attachments. All property owners within a radius of 300 feet of the subject site were mailed notices of the Planning Commission public hearing on May 14, 2014, a minimum of ten (10) days before the public hearing as required by law. In addition, the public hearing notice was published in the San Gabriel Valley Examiner newspaper on May 15, 2014.

## **ENVIRONMENTAL DETERMINATION:**

Pursuant to the provisions of the California Environmental Quality Act (CEQA) and State Guidelines, the project is categorically exempt based on CEQA Section 15301, which includes existing facilities seeking minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The applicant is proposing alterations pertaining to items such as plumbing and electrical conveyances.

## **ANALYSIS AND FINDINGS**

Based on an analysis of the proposed project, the Planning Commission must determine that the following findings for the conditional use permit can be made:

1. That the site for the use is adequate in size and shape to accommodate the proposed use.

Fact: The project entails minor tenant improvements only to an existing commercial building. No expansion of the building is proposed and the use will abide by the occupancy limits of the Fire Department and Building and Safety Division. The business is required to have 8 parking spaces from a total of 50 available spaces. Therefore, the site is adequate in size and shape to accommodate the proposed use.

2. That the streets adjacent to the use are adequate to handle the traffic generated.

Fact: The existing adjacent streets currently handle the traffic generated by the commercial uses. Therefore, the re-occupancy of a vacant lease space will not cause a significant impact on the adjacent streets.

3. That the use will have no adverse effect on abutting properties.

Fact: The commercial building in which the site is located is currently occupied by a retail liquor store and small delivery or pick up "Pizza Hut". As such, the nail salon use is compatible with its surroundings and typical of other similar establishments. Therefore, it will have no adverse effect on abutting properties.

4. That the proposed use does not affect the public health, safety and general welfare of the community.

Fact: No issues or concerns arose during the project review. The business is compatible with its surroundings and typical of other similar establishments. It has also been conditioned to ensure no potential impacts arise during its operation. Further, the proposed use will fill a vacant commercial space and promote business for the subject site to prevent blight from affecting the public health, safety and general welfare of the community.

### **SUBSEQUENT ACTIONS REQUIRED**

Should the Planning Commission approve the CUP, the applicant would then proceed to apply for and obtain a new certificate of occupancy following any required or requested tenant improvements. This would take place following the 10-day Planning Commission appeal period.

### **STAFF RECOMMENDATION**

Based upon all of the evidence, Staff recommends that the Planning Commission approve CUP 14-008, subject to the proposed conditions of approval.

## EXHIBITS

1. 300-foot Radius Map & Area Map
2. Conditions of Approval
3. Site Plan & Floor Plan (under separate cover)

**CITY OF COVINA  
APPLICATION CONDITIONS OF APPROVAL  
APPLICATION CONDITIONAL USE PERMIT (CUP) 14-008  
AS RECOMMENDED FOR APPROVAL TO THE PLANNING COMMISSION  
ON MAY 27, 2014**

---

The Conditional Use Permit (CUP) shall authorize the operation of a nail salon on property located at 1663 West San Bernardino Road.

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**1.0 TIME LIMIT:**

- 1.1 The approval of the application shall be subject to revocation one year from the date of the affirmation of the application by the Planning Commission if the approved use has not commenced.

**2.0 GENERAL REQUIREMENTS:**

- 2.1 Failure to comply with any conditions of approval noted herein shall be deemed just cause for revocation of application approval by the Planning Commission.
- 2.2 The approved Conditional Use Permit (CUP) application is categorically exempt pursuant to the California Environmental Quality Act (CEQA). If a Notice of Exemption is filed with the City, then the period during which legal challenges can be filed based upon violations of CEQA is reduced from 180 days to 35 days. To file the Notice of Exemption, please contact the Planning Division.
- 2.3 The use shall be constructed and operated in accordance with all design details as approved by the Planning Commission, the approved plans on file with the City, all representations of record made by the applicant, the conditions contained herein, the Covina Municipal Code (CMC), and the Covina Design Guidelines (CDG). Prior to completion of the approved improvements and the opening of the business to the public, all conditions of approval shall be complied with to the satisfaction of the City Planner or his/her designee.
- 2.4 Final or construction plans, incorporating all conditions of approval and any plan-related changes required in the approval process, shall be submitted for review to and approval by the City Planner or his/her designee prior to building permit issuance in conjunction with the Plan Check process of the Building Division. All construction/final plans and documents shall conform to the plans approved by the

Planning Commission. The conditions of approval listed herein shall be printed upon the face of and included as part of the construction/final plans.

- 2.5 Minor modifications to this approval that are determined by the City Planner or his/her designee to be in substantial conformance with the approved project plans and that do not intensify or change the use or require any deviations from adopted standards may be approved by the City Planner or his/her designee upon submittal of an administrative application and required fee.
- 2.6 Any proposed new or modified site features for the disabled that are associated with this project approval, including, but not limited to, property access identification, parking stall and unloading area dimensions, path of travel, and building access, must comply with all applicable State Codes and must first be reviewed and approved by the Building Division (please contact the Building Division for specific requirements and refer to Condition 2.24).
- 2.7 All current zoning-related entitlements pertaining to the appurtenant property shall remain in effect, except where any provisions of the entitlements have been expressly superseded by this Conditional Use Permit application.
- 2.8 All on-site parking spaces to the front and rear of the property shall remain completely accessible to all vehicles associated with the activities on the site.
- 2.9 No parking stalls or drive aisles shall be modified or removed under this application (except where possibly necessary to conform to applicable Building Division and/or related requirements).
- 2.10 Any future expansion of services shall be limited to beauty services such as hair or facial treatments without having to amend this CUP. All other additional personal service uses, including, but not limited to, personal services such as full-body massage, shall require a CUP modification and/or shall meet all associated requirements. In addition, massage services must be approved through the State's CAMTC (California Massage Therapy Council).
- 2.11 At all times when outside lighting typically operates, the exterior lighting on the property shall be fully functional, and it shall meet the design and minimum foot-candle standards of the City to sustain public safety (or, 1.0 foot-candle of illumination). If necessary, additional exterior lighting on the property shall be installed, prior to the opening of the business to meet this requirement. In addition, all exterior lighting on the site shall not generate any glare onto adjacent properties or public right-of-ways.

- 2.12 All drainage on the site shall meet the applicable requirements of the Public Works Department.
- 2.13 Any new exterior wall-, ground-, and/or roof-mounted mechanical and utility equipment associated with the approved uses must be screened from view by building features or other elements or by painting that match the style and/or color of the building and/or landscaping. The method of screening shall be identified on the applicable construction or other plans and is subject to staff approval.
- 2.14 In accordance with Chapter 11.36 of the Covina Municipal Code, no street trees adjacent to the appurtenant site shall be cut or trimmed in any manner by any persons associated with property unless a written permit from the Public Works Department is first obtained.
- 2.15 Typical permanent and temporary exterior signage displaying the name of the subject business is not a part of this Conditional Use Permit application. All such signage requests are subject to a separate application process, whereby all applicable requirements shall be met and all necessary permits shall be obtained.
- 2.16 Approval of this request shall not waive compliance with all other sections of the Covina Municipal Code, the Covina Design Guidelines, and all other applicable plans and non-City laws and regulations that are in effect at the time of application approval by the Planning Commission and at the time of building permit issuance(s) by the Covina Building Division.
- 2.17 The City shall have the reasonable right of entry to inspect the immediate premises and the overall property to verify compliance with the Conditions of Approval.
- 2.18 Permittee shall defend, indemnify and hold harmless the City, its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The City must promptly notify the permittee of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the permittee of any claim, action or proceeding, or if the City fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
- 2.19 The permittee shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought against the City because of this grant. Although the permittee is the real party in interest in an action, the City may, at its sole discretion, participate at its own expense in the

defense of the action, but such participation shall not relieve the permittee of any obligation under this condition.

- 2.20** If any provision of this grant is held or declared to be invalid, then the entire approval shall be void and the privileges granted hereunder shall lapse.
- 2.21** The costs and expenses of any code enforcement activities, including, but not limited to, attorneys' fees, caused by applicant's or the property owner's violation of any condition imposed by this Conditional Use Permit or any provision of the Covina Municipal Code or the Covina Design Guidelines shall be paid by the applicant and/or the property owner.
- 2.22** Any construction work that could be heard by any adjacent residents must conform to the provisions of Chapter 7 (Noise) of the Covina Municipal Code, which prohibits construction between 8:00 p.m. and 7:00 a.m. on any day and on Sundays and legal holidays (except by special permit).
- 2.23** The comments from the Covina Police Department shall apply:
  - 2.23.1** Permittee shall, at all times, maintain video security system in proper working order
  - 2.23.2** The video security system shall be on and operating at all times during business hours.
  - 2.23.3** Permittee shall, at all times during business hours, ensure that at least one employee or other person is present on the premises with the necessary knowledge and skills to operate the video security system so that he or she is able to provide the Police Department with the cooperation required.
  - 2.23.4** The owners, operators or managers shall cooperate with all police investigations regarding crimes that occur at the location or are as a result of conduct while at the location. This cooperation includes, but is not limited to, allowing access to view video images and providing recordings of video images of any activity deemed important by any officer of the department investigating a crime that is alleged to have occurred on the premises or as a result of conduct occurring at the premises.
  - 2.23.5** Permittee shall preserve the video security system's recorded information of each business day for a period of not less than ten (10) business days thereafter for the Police Department's review in connection with a criminal investigation.
  - 2.23.6** These conditions will assist in not only crime prevention measures, but will also assist in crime solvability, if required.

- 2.24 The following item is required in order to comply with the Public Works Department, Building and Safety Section requirements as they pertain to this proposal: please refer to attachment for conditions.
  - 2.25 The following items are required in order to comply with the Public Works Department, Environmental Services Section requirements as they pertain to this proposal: please refer to attachment for conditions.
- 3.0 PRIOR TO THE GRANTING OF FINAL APPROVAL OF THE NEW, APPROVED USE OR THE COMMENCEMENT OF OPERATIONS OF THE NEW, APPROVED USE:**
- 3.1 All project-related building, structural, parking, lighting, and landscape improvements shall be constructed or installed in a good workmanlike manner, consistent with the standard best practices of the subject trades and in a manner acceptable to the City.
  - 3.2 Any project-related damages to any improvement(s) on the site shall be repaired or replaced, conforming to existing conditions.
  - 3.3 This permit shall not be effective until such time as the applicant and the property owner each obtain an Inspection and Verification Permit and the City Planner or his/her designee certifies on said permits that the premises and use complies with all of the terms and conditions of this grant of approval.
  - 3.4 This grant shall not be effective for any purposes until the applicant and the property owner have each filed at the office of the Planning Division certain affidavits stating that they are aware of, and agree to accept, all of the conditions of this grant.
  - 3.5 The installation of any security system that is associated with the business or uses, as addressed under Chapter 8.20 of the Covina Municipal Code, shall first be coordinated with the Covina Police Department. Please determine at the earliest possible time whether a security system is to be utilized, as failure to inform Police of security system installation plans may delay building permit issuance relating to the Plan Check process.
  - 3.6 All exterior lighting on the property shall be fully operable, in accordance with the requirements listed under Condition 2.11 above, and, as further addressed in Condition 2.11, any additionally needed lighting shall be installed.

3.7 The business shall obtain and maintain a valid City business license and pay the required fee(s) in compliance with the provision of Section 5.04.060 of the Covina Municipal Code.

**4.0 THE APPROVED USE SHALL BE OPERATED IN ACCORDANCE WITH THE FOLLOWING:**

4.1 The business/uses that have been approved under this Conditional Use Permit application shall be limited to manicure and pedicure nail services.

4.2 Any future-proposed new business types (other than a nail salon offering manicure and pedicure nail treatments), tenant improvements, building or interior business expansions, and/or site improvement modifications shall first be reviewed and approved by the City staff for conformance with this Conditional Use Permit, the Covina Municipal Code and the Covina Design Guidelines, and the applicable permit issuance processes. If determined by the Planning staff to exceed the scope or intent of this Conditional Use Permit or in any way conflict with the appurtenant conditions, then the City may require the approval of a new Conditional Use Permit, the approval of an additional zoning application (if needed), and/or the submittal of certain use- or impact-related studies to address any identified concerns.

4.3 The management of the business shall ensure that all business-related activities occur fully within the appurtenant building on the property, in a manner whereby all business-related patrons entering or leaving the building would do so by using the door on the frontward or eastern side of the structure only, and in a manner whereby all doors and any windows would be kept completely closed.

4.4 The overall operations of the business shall be conducted in a manner that at all times conforms to all requirements of the Police Department.

4.5 The business-related activities shall comply with all applicable requirements of the City and the State.

4.6 All activities associated with the business shall be conducted in a manner that meets the provisions of Chapters 9.40 (Noise—which seeks to prevent unusual noises and vibrations on the surroundings) and 9.42 (Environmental Disturbances—which seeks to prevent issues such as odors, fumes, smoke, dust, temperature change, and electrical interference on the surroundings) of the Covina Municipal Code.

- 4.7 The hours of all activities associated with the business shall be limited from 7:00 a.m. to 10:00 p.m. on any day. Administrative, cleaning, maintenance, and repair activities may occur during all other periods.
- 4.8 The maximum number of business-related employees, patrons, and others on the premises at any one time shall not exceed the maximum associated occupancy(ies) established by and shall meet any other requirements of the Los Angeles County Fire Department.
- 4.9 Concerning the patrons and prospective patrons of the business and any other persons associated with the facility (e.g., staff and administrative or maintenance personnel), the management of the business shall at all times take reasonable steps a) to prevent any outside loitering and b) to encourage all individuals to be courteous with neighboring businesses and residences.
- 4.10 The management of the business shall at all times ensure that all patrons, prospective patrons, staff, and others associated with the business that drive to the facility park only in the appurtenant on-site parking lot or in the adjacent/westerly public parking lot and do so by fully pulling into legal, designated parking spaces; in legal on-street parking spaces and in a manner obeying all applicable traffic laws; or under an alternate arrangement that does not violate any laws of the City or of any other governmental or quasi-governmental entity.
- 4.11 The management of the business shall ensure that all persons dropping off and picking up patrons around the facility property do so only by fully pulling into legal, designated parking spaces (or, not by idling in the frontward street or in any drive aisle or alley).
- 4.12 Any loading or unloading activities pertaining to the business on the property shall be conducted in a manner that does not interfere with general operations pertaining to the subject business, with surrounding businesses and residences, and with adjacent streets.
- 4.13 The outside storage of any business-related items shall be prohibited, unless all applicable standards of the Planning Division concerning location, screening, enclosure materials, and related items are met.
- 4.14 The site-, building-, signage-, and landscape-related improvements on the property shall be maintained in a sound and attractive condition, free of weeds, trash or debris, visible deterioration, graffiti, or other conditions that violate the Covina Municipal Code. The City may require that the applicant and/or the property owner pay the actual and reasonable cost for code compliance services needed to address any identified problem conditions.

- END OF CONDITIONS -



# CITY OF COVINA

## INTER-OFFICE MEMORANDUM

To: Planning Division  
From: Vijay Mepani, General Building Inspector II  
Subject: CUP 14-008, (Nail Salon)  
Location: 1663 West San Bernardino Rd.

After you have successfully completed the Planning Division's plan review process your plans should be ready for submitting to the Building Section for review of State and local Building Code requirements. These are general comments intended to prepare the applicant for a successful and expeditious plan review through the Building Section. Please be prepared to address the following checked items:

- Please submit 6 sets of complete plans including any proposed utilities and earthwork; two sets shall be "stamped approved" by the Covina Planning Division and include the Building Section's comments for consultant review. This project must comply with the 2010 California Building Standards and 2008 energy code.
- Two sets each of any structural and energy calculations shall be submitted with the above mentioned plans. All calculations must bear an original signature from the documented author.
- This project must comply with Federal and State Accessibility requirements to and throughout the building. Include compliance methods and structural details on the plans.
- Demolition and renovations activities require an asbestos containing materials (ACM) survey. (SCAQMD RULE 1403) The ACM report shall be prepared by an accredited testing laboratory in accordance with SCAQMD rules and regulations. Proof of notification to the South Coast Air Quality Management District (SCAQMD), Office of Operations, shall be submitted to the Building Division with your permit application for all renovations and demolition activities. Contact the SCAQMD at the address or number below for more information. Once any demolition activity has been approved by the SCAQMD, a formal demolition plan and permit must be obtained from the Building Division.  
**SCAQMD Headquarters; 21865 Copley Drive, Diamond Bar, CA, (909) 396-2381**
- The Los Angeles County Fire Department needs to review your construction plans, to expedite this process you will need to contact one or more of their Regional plan check office(s): Appointments to discuss Fire Department requirements may be made between 7:30 a.m. and 10:30 a.m. The main office is located at 5823 Rickenbacker Road, Commerce, CA 90040-3027. Phone number is (323) 890-4125.

Regional plan check offices for the Los Angeles County Fire Department:

Glendora Office, Building Plan Review Only  
231 W. Mountain View Avenue  
Glendora, CA 91740  
(626) 963-0067

Commerce Office, Sprinkler & Alarm Plan Review  
5823 Rickenbacker Road  
Commerce, CA 90040-3027  
(323) 890-4125

Commerce Office, Land Development / Access  
5823 Rickenbacker Road  
Commerce, CA 90040-3027  
(323) 890-4243

- Please provide an additional digital copy (pdf preferred) of the building floor plan, elevations, and site plan to be submitted to the LA County Assessor. This copy should be in sufficient detail to allow the assessor to determine the square footage of the building and, in the case of residential buildings, the intended use of each room.

**-For additional information, please contact the LA County Assessor's, Public Service Desk at 888-807-2111.**

- Construction activity within 500' of a residential zone is prohibited between the hours of 8:00pm and 7:00am and on Sundays and Holidays unless otherwise permitted by the City.
- The Building Section plan check process may address additional concerns.

**ENVIRONMENTAL SERVICES SECTION  
PLAN REVIEW COMMENTS**

Project Address: 1663 E San Bernardino Rd. Project #: CUP 14-008

Date Due: Rec'd 3/24/14 Date Returned: 3/24/14 Reviewed By: Vivian Castro

Description: CUP to operate new nail salon

*After initial review of your project, it has been determined that that your project requires submission of the following items and estimated fees.*

**Required Documents**

Three (3) reports of each of the items noted below, including plans, must be submitted to Environmental Services. All signatures and stamps must have wet-ink application.

- Storm Water Pollution Prevention Plan (SWPPP - The project area is 1 acre or greater. A SWPPP must be provided for this project as required by the State Water Resources Control Board.
- Standard Urban Stormwater Mitigation Measure (SUSMP) - The project meets the Los Angeles Regional Water Quality Control Board's criteria for a Priority Planning Project. A SUSMP must be provided for this project.
- Site-Specific SUSMP - The project falls into a category specified by the Los Angeles Regional Water Quality Control Board as requiring a Site-Specific Mitigation Review.

**Required Forms**

All signatures and stamps must have wet-ink application.

- Form OC1 / OC1-A (must also attach copy onto field plans)  Form P1
- Form PC  Form P2
- Form LSWPPP (Local Stormwater Pollution Prevention Plan). If project area is acre or greater.  Maintenance Covenant. See template and instructions.
- Construction and Demolition Debris Recycling MAY / WILL be required for this project. Please see forms and instructions.

**Estimated Plan Review Costs** - Total Estimated Environmental Review Fees \$ 40.00  
May be more if SUSMP requires multiple reviews by Stormwater Consultant.

- Initial Plan Review by Environmental Services - \$40, now due.
- Review of subsequent submissions to Environmental Services - \$40 (per subsequent submission). Estimated 4 reviews
- SWPPP - \$600, plus fees for additional review or consultation with City stormwater consultant, if requested. If 1 acre or more.
- SUSMP - New development or redevelopment projects that meet redevelopment thresholds in the following project categories. Base cost, plus fees for additional review or consultation with City stormwater consultant, if requested.
  - o Single-family hillside home - \$300
  - o Ten or more unit homes - \$1,200. May be more if SUSMP requires multiple reviews by Stormwater Consultant.
  - o Industrial/Commercial development with 10,000 or more square feet of impervious surface area- \$1,200
  - o Automotive service facility- \$1,200
  - o Retail gasoline outlet - \$1,200
  - o Restaurant - \$1,200
  - o Parking lot (5,000 square feet or more surface area or 25 or more parking spaces) - \$1,200
  - o Other development - \$600
- Construction site stormwater compliance inspection and reinspection fees of \$75 - \$125 per inspection may apply. (Estimated 18 inspections/yr).
- Site Specific Mitigation Review - \$600 for projects with any of the following characteristics:
  - o Vehicle or equipment fueling areas
  - o Vehicle or equipment maintenance areas, including washing and repair
  - o Commercial or industrial waste handling or storage
  - o Outdoor handling or storage of hazardous materials
  - o Outdoor manufacturing areas
  - o Outdoor food handling or processing
  - o Outdoor animal care, confinement, or slaughter
  - o Outdoor horticultural activities

**Additional Comments**

Industrial Waste Permit may be required. Please check with Building Section.

Other Industrial Waste Permit is required and IWP fees will apply.

You are hereby advised that only Athens Services/Covina Disposal (888-336-6100), the City's exclusive franchise trash hauler, is allowed to provide bins and pick up and dispose of trash and recyclables, including all construction and demolition projects. The ONLY exception is that the project contractor, using his own equipment and staff, can take recyclables to a recycling facility.

**ENVIRONMENTAL SERVICES FEES**

LOCATION: 1663 E San Bernardino Rd.

Project# CUP 14-008

Fee Description	Fee	Account Number	Munis Code	V
<b>NPDES</b>				
Hazardous Material/Illicit Discharge Response - Cleanup and Disposal Fee	Actual cost	6200555043160	ESSITE	
Hazardous Material/Illicit Discharge Response - Material Fee	Actual cost	6200555043160	ESSITE	
Hazardous Material/Illicit Discharge Response (per hour) 7:00am-6:00pm Monday - Thursday	\$ 75.00	6200555043160	ESSITE	
Hazardous Material/Illicit Discharge Response (per hour) 6:00pm-7:00am; Friday; Saturday; Sunday & Holidays	\$ 125.00	6200555043160	ESSITE	
NPDES Construction Site Inspection	\$ 75.00	6200555043262	ESMITA	
NPDES Construction Site Inspection - Violation follow-up (per incident)	\$ 125.00	6200555043262	ESMITA	
NPDES Site Specific Mitigation Review	\$ 600.00	6200555043262	ESMITA	
NPDES SUSMP and Site Specific Mitigation Review - 10 or more units, =>10,000 sf commercial/Industrial; automotive shops or restaurants, =>5,000 sf or 25 spaces parking lot	\$ 1,200.00	6200555043262	ESMITA	
NPDES SUSMP Review - Hillside Residential	\$ 300.00	6200555043262	ESMITA	
NPDES SUSMP Review - Other Development	\$ 600.00	6200555043262	ESMITA	
Environmental Impact Report - Initial Study (per application)	\$ 610.00	6200555043290	ESEIR	
Environmental Impact Report - Review and Admin of EIR	\$ 610.00	6200555043290	ESEIR	
NPDES WDID and SWPPP verification (document review)	\$ 25.00	6200555043290	ESEIR	
Environmental Plan Review - Initial Study (3 reviews)	\$ 40.00	6200555043400	ESPLAN	✓
Environmental Plan Review - Additional Study (per review)	\$ 40.00	6200555043400	ESPLAN	
NPDES Permit Inspection - Commercial/Industrial (business License - annual)	\$ 85.00	6200555046385	ESNPDE	
NPDES Permit Inspection - Restaurants (business License annual)	\$ 50.00	6200555046385	ESNPDE	
NPDES - Environmental Compliance Fee (charged to all businesses with business license application)	\$ 15.00	6200555046387	ESENVF	
<b>INDUSTRIAL WASTE</b>				
Industrial Waste - Permit Application/Issuance Fee	\$	6200557041190	ESIWAP	✓ 348.00
Industrial Waste - Permit, Annual Inspection Fee	See IW Fee Sheet	6200557041990	ESIWP	✓ 226.00
<b>MISCELLANEOUS</b>				
Promotion Supplies	Enter Amt.	6200555046390	ESPRMO	
<b>REFUSE</b>				
Refuse - large event and venue waste reduction & recycling plan review	\$ 50.00	6200558046390	ESLARG	
Illegal Recycling Container Impound Fee	\$ 500.00	6200558046395	ESIMP	

40.00

\$ 614.00

ES Staff Vivian Castro

Date 3/24/14

Revised 11-30-11

Take this invoice to the Covina Finance Department to make your payment. You will be provided a receipt that must be shown at the Building and Engineering counters as proof of payment prior to any permit being issued.

R INDUSTRIAL PARK 8434 | 19

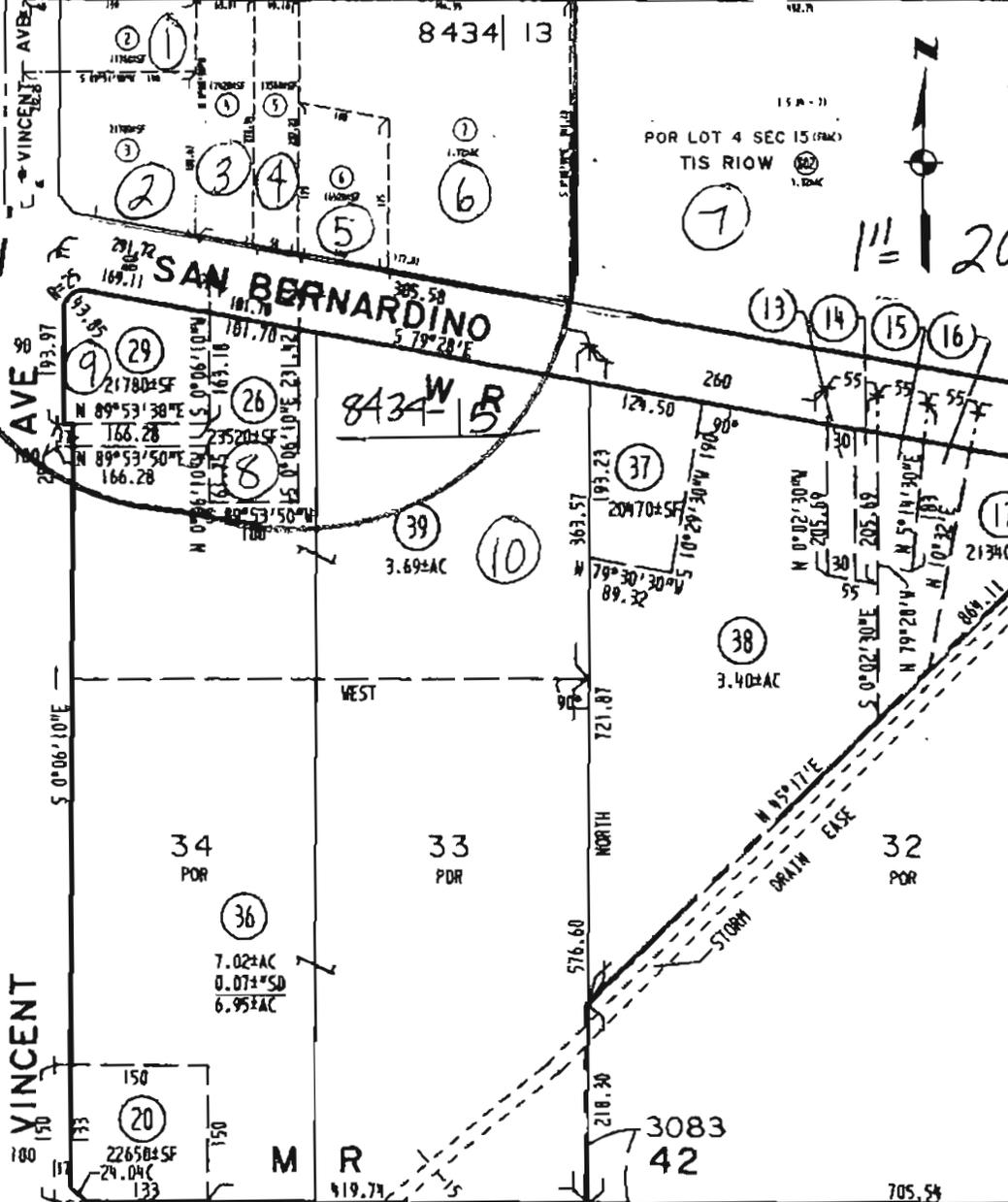
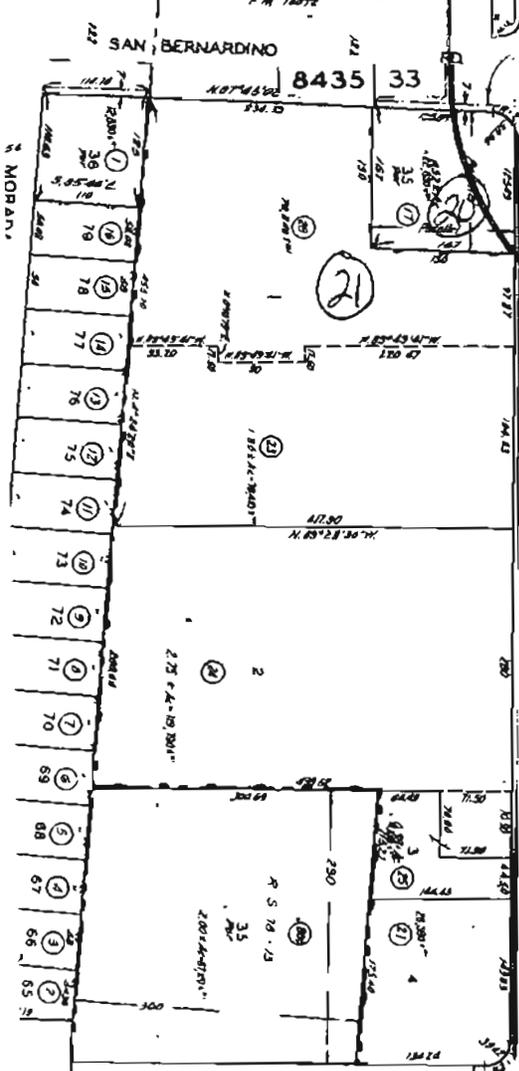
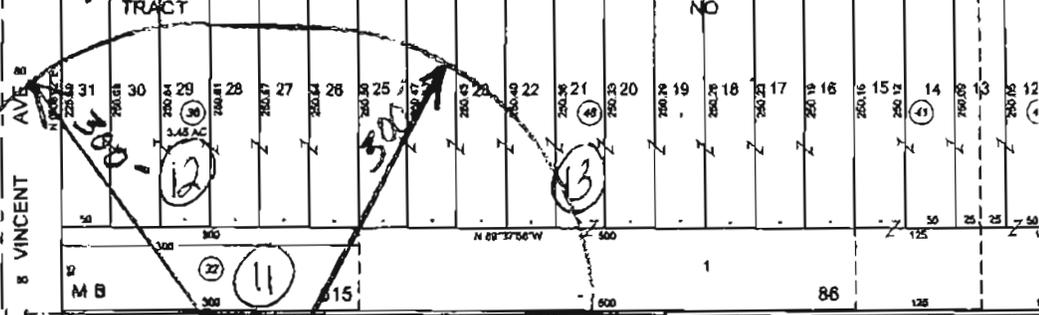
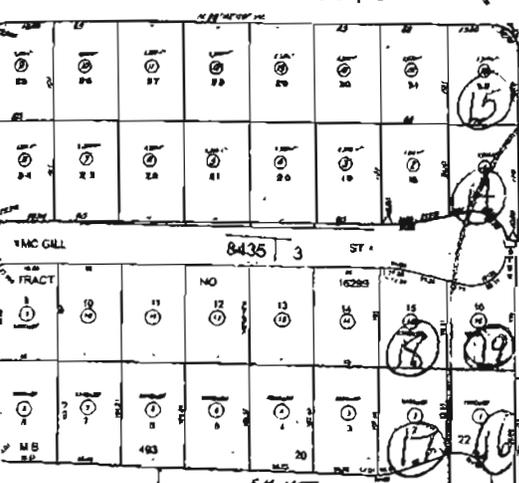
BRIDGER

8435 | 2

ST.

TRACT

S 89°35'30"E



POR LOT 4 SEC 15 (FRAC)  
TIS RIOW



'S RADIUS MAPS  
2-21-2019  
ENTRY LANE  
IM CA 92807  
1-2921

BADILLO

C/L PER CF 2357-1.2

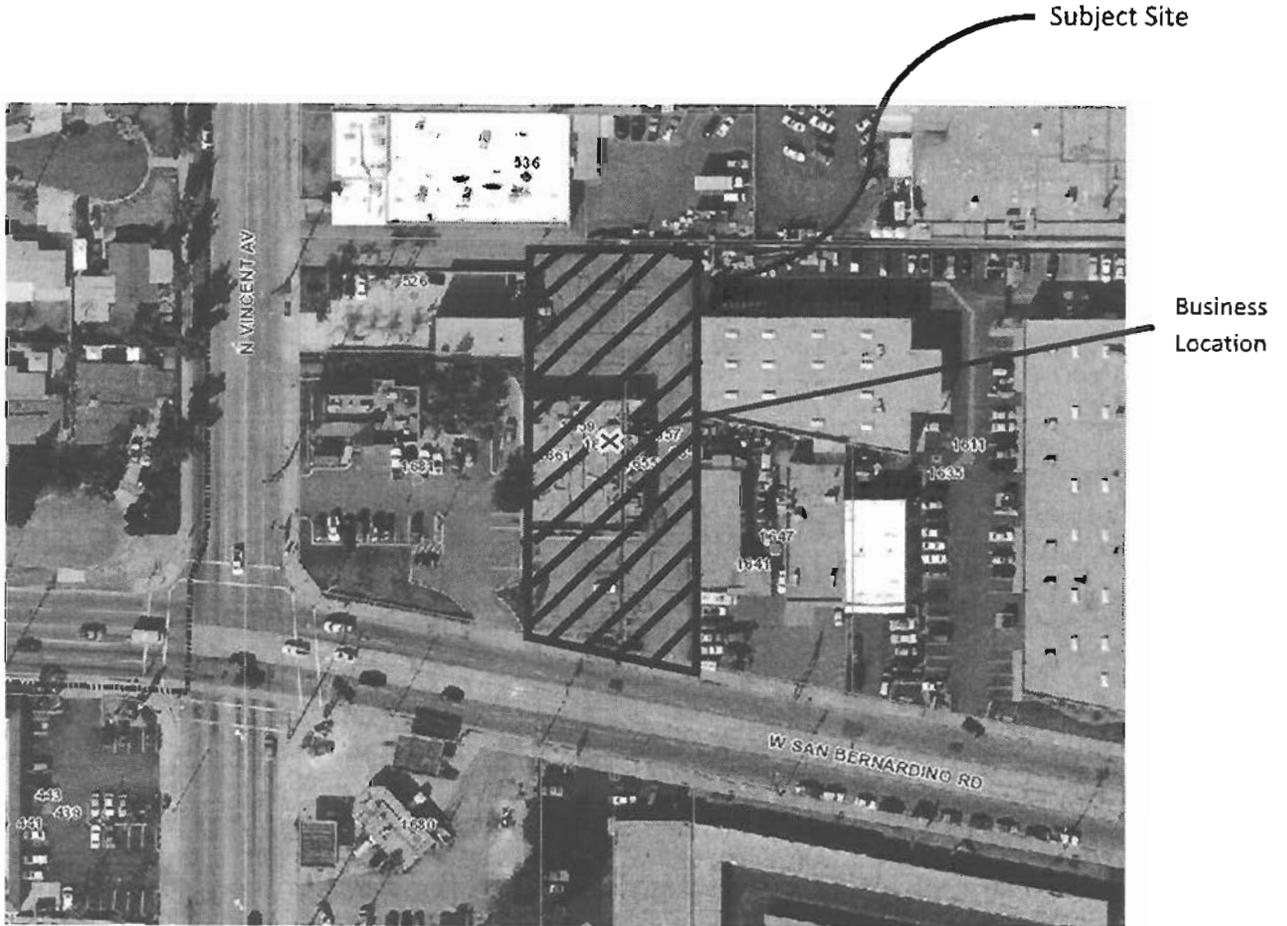
VARIABLES

CITY OF COVINA

NOTICE OF PUBLIC HEARING

1663 WEST SAN BERNARDINO ROAD

CUP 14-008



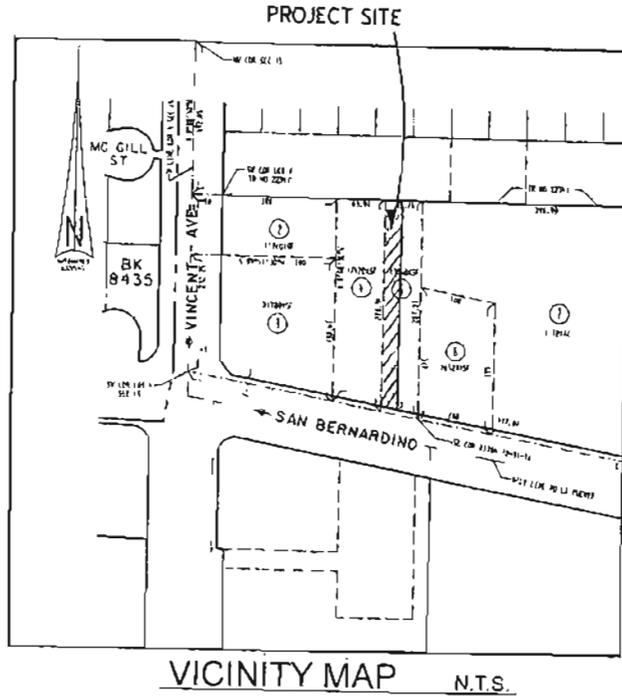
**PROJECT**

SCOPE OF WC

TYPE OF OCCU  
TYPE OF CON  
APPLICABLE C  
ZONE  
BUILDING SIZE

**NOTES:**

(NO) FIRE SPRIN  
EXIT DOORS SH  
KEYS, SPECIAL  
ALL HARDWARE  
EXIT DOORS SH  
NOT MORE THAN



**WALL-SIGN**



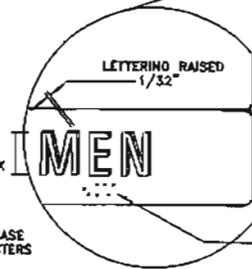
**DOOR MOUNTED**

NOTE: PICTOGRAMS AND/  
REQUIRED ON DOOR-MOU

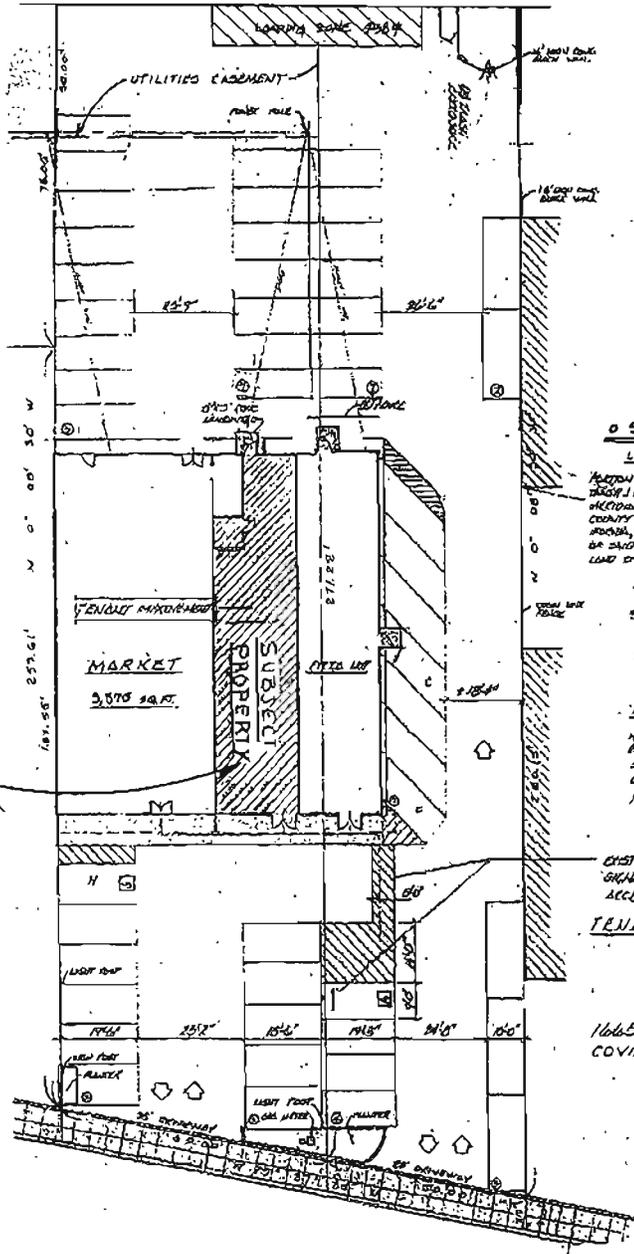
WALL MOUNTED SIGNAGE TO BE  
LOCATED ON LATCH SIDE OF  
DOOR CLEAR OF DOOR-SWING.  
MOUNT AT 60" TO CENTERLINE  
OF SIGN FROM FLOOR.

HEIGHT OF  
LETTERING  
5/8" MIN TO 2" MAX

UPPERCASE  
CHARACTERS



**Fig. 8**  
**IDENTIFICATION SYMBOLS F**



PROPOSED:  
CHANEL HAIR & SPA

**SITE PLAN**

**LEGAL DESCRIPTION**

PORTION OF DEVELOPMENT LOT 4 SECTION 15, TOWNSHIP 10 S., RANGE 10 WEST, SAN BERNARDINO COUNTY, IN THE CITY OF COVINA, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ACCORDING TO THE CORRECT PLAN OF SAID LAND FILED IN THE DISTRICT LAND OFFICE ON APRIL 01, 1977.

**SITE AREA**

50,515.55 SQ. FT. (70 AC.)

**BUILDING AREA**

6,769 SQ. FT.

**PARKING SPACES**

HANDICAPPED (SEE PLAN SET)	2
STANDARD	48
CONTACT	2
<b>TOTAL</b>	<b>50 SPACES</b>

**ZONE: C-1**

EXISTING 100% ACCESSIBLE PARKING, SIGNAGE, AND 3 FT. PAVED (BASE) ACCESSIBLE PATH OF TRAVEL

**TENANT IMPROVEMENT (NEW SPA)**

1665 W. SAN BERNARDINO ROAD  
COVINA CALIFORNIA 91722

(E) MAIN ENTRANCE  
(2) 3'W x 6'8" TEMP. GL. DOOR

**PROJECT SCOPE OF WORK**

TYPE OF OCCUPANCY  
TYPE OF CONSTRUCTION  
APPLICABLE CODES  
ZONE  
BUILDING SIZE

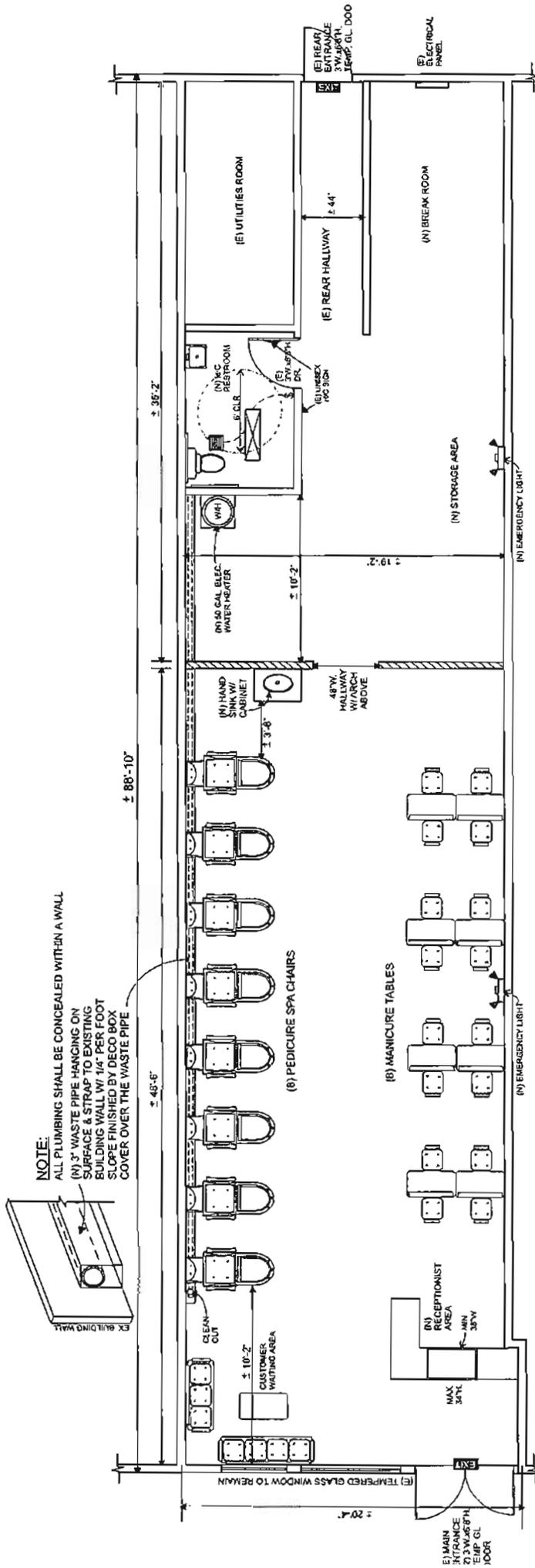
DESIGN & PLANNING  
**TERRY McNAMARA**  
TIM McNAMARA  
21515 DEERPATH LANE  
MALIBU CALIFORNIA 90265-5105  
310.456.0570 FAX 310.317.0790

TERRY McNAMARA 10.03.2005  
REV. 10 MAR 2005

SAN BERNARDINO ROAD

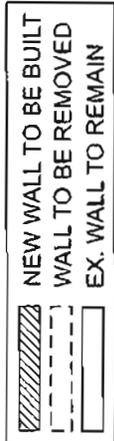
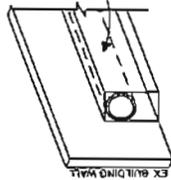
SITE PLAN NOT TO SCALE

**NOTES:**  
(NO) FIRE SPRINKLER  
EXIT DOORS SHALL BE KEYS, SPECIAL K  
ALL HARDWARE SHALL BE EXIT DOORS SHALL NOT MORE THAN



**NOTE:**

ALL PLUMBING SHALL BE CONCEALED WITHIN A WALL  
 (N) 3" WASTE PIPE HANGING ON SURFACE & STRAP TO EXISTING BUILDING WALL W/ 1/4" PER FOOT SLOPE FINISHED BY DECO BOX COVER OVER THE WASTE PIPE



**PROPOSED FLOOR PLAN**  
 (TENANT IMPROVEMENT WORK ONLY)



SCALE: 1/4" = 1'-0"

PROPERTY ADDRESS: <b>CHANEL NAIL &amp; SPA</b> 1663 SAN BERNARDINO RD. COVINA, CA 91723	DESIGNER: SIMON CHAN 5338 N. BURTON AVE. SAN GABRIEL, CA 91776 TEL: 626-318-9839	SHEET <b>A-1</b> OF
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**CITY OF COVINA**

**STAFF REPORT**

**MAY 27, 2014**

**ITEM NO. 7**

**TO: PLANNING COMMISSION**  
**FROM: ALAN CARTER, CITY PLANNER**  
**COORDINATOR: GUS ROMO, PROJECT PLANNER**  
**COPY: LISA BRANCHEAU, ASSISTANT TO THE CITY MANAGER**  
**SUBJECT: APPLICATIONS CUP 14-009 AND VAR 14-001**

**APPLICANT**

Paul G. Volk for The Artist Pizzeria

**REQUEST**

1. Application CUP 14-009, a Conditional Use Permit to permit a Type 41 On-sale Beer and Wine license for a bona fide eating establishment; and
2. Application VAR 14-001, a Variance to allow a reduction in the required 50% gross interior seating area required for bona fide eating establishments.

**LOCATION**

113 North Citrus Avenue (Town Center).

**SURROUNDING LAND USES AND ZONING**

Table 1: Surrounding Land Uses and Zoning

AREA	EXISTING LAND USE	ZONING
Site	Vacant; Formerly office/retail/personal service (in-line shops)	TC-C (Town Center Commercial)
North	Office/retail/personal service (in-line shops)	TC-C
South	Office/retail/personal service (in-line shops)	TC-C
East	Citrus Avenue & office/retail/personal service (in-line shops)	TC-C

West	Alley, public parking lot, office/retail/personal service (in-line shops)	TC-C
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### **SUMMARY & BACKGROUND**

The applicant is proposing to establish a pizza restaurant with a Type 41 on-sale beer and wine ABC (Alcoholic Beverage Control) license for a bona fide eating establishment within an existing building on Citrus Avenue. The project includes tenant improvements to convert the former office space into the restaurant. The majority of the seating will be established as outdoor patio dining.

Upon review of the preliminary plans initially submitted as Site Plan Review No. 14-005 for the proposed tenant improvements, staff discovered that the pizzeria's planned interior seating area is proposed with less than the 50% gross floor area required for bona fide eating establishments per the City's definition (Covina Municipal Code Section 17.04.100). In order to be considered a bona fide eating establishment for the purposes of approving the Type 41 beer and wine license, the applicant submitted a variance application to allow the reduced interior seating area.

The reduced interior seating area was the result of occupancy limitations by fire and building codes based on the age of the structure and the City's desire to not install a fire hydrant on Citrus Avenue. The applicant initially was prepared to provide more than 50% interior seating but had to reconfigure the floor plan to keep the majority of the seating outdoors and maintain the upstairs mezzanine clear of any use, including storage.

### **GENERAL PLAN DESIGNATION**

TCSP (Town Center Specific Plan)

### **NOTIFICATION TO APPLICANT AND ADJACENT PROPERTY OWNERS**

The applicant was given a copy of the staff report with associated attachments, including conditions of approval. All property owners within a radius of 300 feet of the subject property were mailed notices of the Planning Commission public hearing on May 15, 2014, a minimum of ten (10) days before the public hearing as required by law. In addition, the public hearing notice was published in the San Gabriel Valley Examiner newspaper on May 15, 2014.

### **ENVIRONMENTAL DETERMINATION**

Pursuant to the provisions of the California Environmental Quality Act (CEQA) and State Guidelines, the project is categorically exempt based on CEQA Section 15301, which includes existing facilities seeking minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The applicant is proposing interior tenant improvements involving such things as interior partitions, plumbing, and electrical conveyances and, therefore, qualifies for this exemption.

## CONDITIONAL USE PERMIT ANALYSIS

Conditional Use Permits (CUPs) are intended to establish controls over land uses that could have the potential to cause negative impacts to a community or may be desired in a particular area but not another. CUPs can also provide flexibility to a zoning ordinance by requiring special conditions applicable to the proposed use in addition to, or in lieu of, the standard requirements. Because of the historic impacts associated with alcoholic beverage sales uses, communities have often requested that a CUP be required. As a conditional use, the proposed beer and wine license will be required to comply with various physical and operational conditions of approval associated with similar establishments in the City as well as the State Department of Alcoholic Beverage Control requirements. These conditions include specific operating hours, parking parameters, noise ordinance adherence, lighting and signage specifications, and anti-loitering provisions.

### Existing Site Description/Conditions

The site is in good condition and served by street parking on Citrus Avenue and a public parking lot to the rear behind a public alley. It is part of several in-line shops sharing common walls within the City's downtown. The building currently has a total area of 5,800 square feet, with a 4,400 SF ground level and 1,400 SF mezzanine. The parcel measures 44 feet in width by 100 feet in depth. The applicant is proposing to open the front 21 x 44 feet of building area for the purpose of creating an outdoor patio within the building envelope. Therefore, the building area will be reduced by 924 SF (i.e., reduced to 4,876 SF). In addition, the mezzanine will be closed off completely and conditioned to be left unused until such time the applicant is ready to make the necessary improvements to meet building and fire code requirements to allow its re-use. This further reduces the building floor area for the purposes of parking to 3,476 SF (Refer to Exhibit 2, Condition No. 2.22).

Besides the interior improvements required for the restaurant and outdoor façade modifications, no other changes to the site are proposed. Signage may also be requested by the applicant but is not a part of this approval. A separate sign permit application and plans will be required showing compliance with the City's sign ordinance (Refer to Exhibit 2, Condition No. 2.19).

### Issues During Project Review

#### **1. Type 41 ABC License (Bona Fide Eating Place) vs. Type 48 License (Bar, Nightclub)**

The applicant is in the process of obtaining a Type 41 ABC license from the California State Department of Alcoholic Beverage Control as a "bona fide eating establishment." This license is intended for sit-down restaurants. However, as previously stated, per the City's definition of a bona fide eating establishment the proposal must have a minimum of 50% of its interior dedicated to seating. As proposed, the pizzeria is designed with approximately 26% of its interior as seating area. The applicant has applied for a variance from the City's standard to allow the reduced interior seating area and still be considered a bona fide eating establishment. The variance is analyzed further following the CUP analysis. Without the variance, the use would fall under the definition of a Type 48 license for bars and nightclubs.

## 2. Parking

With the change of use from office to restaurant, the parking requirements result in an increase of 15 parking spaces. A total of 35 spaces are required for the proposed 3,476 SF restaurant (i.e., 5,800 SF existing bldg. – 1400 SF closed-off mezzanine – 924 SF new outdoor seating) in comparison to the 20 spaces required for the previous 5,800 SF office use. This is based on the Covina Zoning Code's office parking ratio of 1 space per 300 SF of gross floor area and restaurant ratio of 1 space per 100 SF of gross floor area (1,000 to 4,000 SF restaurant category).

A total of 5 (five) parking credits have been assigned to the project by the City's Engineering Division based on the project's location within the Downtown Parking District, leaving 10 additional spaces to contend with. The additional 10 spaces will be covered through the applicant's payment of in-lieu fees associated with the Parking District, which pay for future parking improvements. Therefore, all required parking for the proposed restaurant has been determined to be met. The business will have access to public parking on the street directly in front of the building and to the rear of the building within an existing public parking lot.

## 3. Police Services

**The Covina Police Department, while not wanting to deter business development in the downtown area, has asked that members of the Planning Commission continue to evaluate the impact that current and future restaurants and bars with high occupancy limits and live entertainment will have in regards to increased demand of police services.**

**Since the proposed use has limited occupancy and no bar area or live entertainment, staff does not believe the proposed restaurant will impact the demand of police services in the town center but wanted to share these general comments as requested by the Police Department.**

### **CONDITIONAL USE PERMIT FINDINGS OF FACT**

Based on an analysis of the proposed project, the Planning Commission must determine that the following findings for the conditional use permit can be made:

- A. The site for the proposed use is adequate in size and shape to accommodate the use.

Fact: The project entails tenant improvements to an existing commercial building. Sufficient parking, access, and area are being provided in compliance with current City code requirements to accommodate the use as discussed in the body of this staff report.

- B. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.

Fact: As stated in Finding A above, the project entails tenant improvements to an existing commercial building. Adequate street widths and pavement exists to carry the quantity and traffic generated by the proposed use in that the use is

located in the City's downtown and surrounded by other similar land uses. The building's occupancy limitations will ensure no additional impacts to the City's streets above and beyond that which already exists.

- C. The proposed use will have no adverse effects on abutting property or the permitted use thereof.

Fact: The restaurant is permitted by right in the subject land use district. The CUP will ensure the proposed ABC license will have no adverse effects on abutting property or the permitted use thereof with the incorporation of various conditions of approval.

- D. The approval of such application shall be made subject to conditions deemed necessary to protect the public health, safety, and general welfare. Such conditions include but are not limited to:

1. Regulation of use.
2. Regulation of points of vehicular ingress and egress.
3. Requiring maintenance of the grounds.
4. Regulation of noise, vibration, odors, etc.
5. Regulation of time and date of operation, setup, and maintenance.
6. Any such other conditions as will ensure the protection of adjacent property and the public health, safety, and general welfare.

Fact: Conditions of approval have been included to address all of the items listed within this finding. These conditions include the prohibition of gatherings outside of the building, exterior speakers, live entertainment, and games (Refer to Exhibit 2, Condition Nos. 2.23 and 4.3).

### **PUBLIC CONVENIENCE OR NECESSITY (PCN) ANALYSIS**

Pursuant to ABC's statistics, the site is located in Census Tract No.4061.01, which has a total of 12 existing on-sale licenses and is allowed to have 2 on-sale licenses without being considered over-concentrated. However, as a full-service sit-down restaurant, the beer and wine service is considered an incidental yet critical part of the business necessary to compete with other restaurants in the area. Without the beer and wine service, the business would be at an unfair disadvantage and the general public would be inconvenienced. In addition, no undue concentration of criminal activities exists within this census tract to consider an additional on-sale license a threat to the neighborhood. Therefore, staff finds that the Type 41 on-sale beer and wine license is warranted for both the public's convenience and necessity.

### **VARIANCE ANALYSIS**

Because of the business and site characteristics, staff was able to make the required findings of fact for the proposed variance to recommend approval.

Based on the large outdoor dining area that results in over 40% seating area when combined with the interior of the pizzeria, staff finds no issue with the proposed variance. The business will operate as a full-fledged restaurant. No bar area or live entertainment are being proposed to indicate the restaurant is intended for any other purpose. The following findings explain staff's conclusions.

### **VARIANCE FINDINGS OF FACT**

Pursuant to Section 17.78.020 of the Covina Municipal Code (CMC), before a variance may be granted, the Planning Commission must determine that the following findings for the variance can be made:

- A. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the same vicinity and zone.

Fact: The property represents a re-use of a vacant office building. The applicant intends to create a unique outdoor patio with the majority of the seating area. Although previously existing as part of the building's interior, the relocation of the front entry wall further into the building transforms a portion of the interior into an alfresco courtyard for a unique dining experience. Further, the age of the building and current occupancy limitations by the building and fire codes prevent the applicant from adding the interior seating that could otherwise be accommodated. These extraordinary conditions do not generally apply to other property in the same vicinity and zone.

- B. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the same vicinity and zone, and the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other property in the same vicinity and zone.

Fact: Other properties with restaurant uses currently enjoy the right of outdoor dining and indoor seating with less than 50% seating areas. Further, some of the existing uses have bars and live entertainment. The variance is, therefore, necessary for the preservation and enjoyment of a substantial property right of the applicant and granting of the variance does not constitute a grant of special privilege.

- C. The granting of the variance will not be materially detrimental to the public health, safety, convenience and welfare or injurious to property and improvement in the same vicinity and zone in which the property is located.

Fact: The applicant will be required to obtain building permits following the land use entitlement action to further ensure the structures meet all life and safety concerns of the California Building Code. Therefore, granting of the variance

will not be materially detrimental to the public health, safety, convenience and welfare or injurious to property and improvement.

- D. The granting of such a variance will not be contrary to the objectives of the general plan.

Fact: The variance grants a modification to a development standard but does not detract from the permitted commercial uses on the property or within the subject General Plan land use designation or zoning district. As such, it is not contrary to the objectives of the General Plan but, rather, supports the Town Center Specific Plan and General Plan Policies by promoting the reuse and revitalization of the downtown area and allowing slightly higher intensities in the downtown and along various portions of major streets as stated on page V-3, Section B, "Key Relevant Policies from the General Plan" of the Town Center Specific Plan.

### **SUBSEQUENT ACTIONS REQUIRED**

None.

### **RECOMMENDATION**

Based upon all of the evidence presented and testimony submitted, Staff recommends that the Planning Commission:

1. Approve CUP 14-009, subject to the proposed conditions of approval; and
2. Approve VAR 14-001, subject to the proposed conditions of approval.

### **ALTERNATIVE ACTIONS**

3. Deny CUP 14-009 and VAR 14-001; or
4. Direct the applicant to revise the project and/or provide additional information, based on the comments/concerns presented at the public hearing, and continue the hearing to a future date.

## EXHIBITS

1. 300-foot Radius Map & Notification
2. Conditions of Approval
3. Site Plan, Floor Plan & Elevations

**CITY OF COVINA  
CONDITIONS OF APPROVAL  
CONDITIONAL USE PERMIT (CUP) NO. 14-009 &  
VARIANCE (VAR) NO. 14-001  
AS PROPOSED FOR THE PLANNING COMMISSION MEETING  
ON MAY 27, 2014**

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This Conditional Use Permit (CUP) authorizes a Type 41 On-Sale Beer and Wine ABC license and approval of a variance from the required 50% interior seating area for a bona fide eating establishment on property located at 113 N. Citrus Avenue, Covina CA.

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**1.0 TIME LIMITS:**

- 1.1 The approval of the Conditional Use Permit (CUP) shall be subject to revocation one year from the date of the affirmation of the application by the Planning Commission if the approved use(s) has not commenced. Revocation of the CUP shall, in turn, make the variance null and void.

**2.0 GENERAL REQUIREMENTS:**

- 2.1 The Conditional Use Permit (CUP) application shall authorize a Type 41 on-sale beer and wine ABC license for a bona fide eating establishment. The property shall be operated/used and remodeled/improved in accordance with all application-related information; all representations of record made by the applicant; the approved project plans and design details (including any necessary or required revisions thereto), as approved by the Planning Commission; the Conditions of Approval contained herein; and the Covina Municipal Code and the Covina Design Guidelines. Prior to the completion of the approved improvements, all Conditions of Approval shall be complied with to the satisfaction of the City Planner or his/her designee.
- 2.2 Minor modifications to this approval that are determined by the City Planner or his/her designee to be in substantial conformance with the approved project plans and that do not intensify or change the use or require any deviations from adopted standards may be approved by the City Planner upon submittal of an administrative application and required fee.
- 2.3 Approval from the Planning Division under an Outdoor Dining Permit shall be obtained to allow for any food service establishment-related seating in the frontward outside patio area, and all applicable requirements would need to be met. Beer and wine may be served and consumed in this area, subject to all City and State Department of Alcoholic Beverage Control (ABC) requirements.

- 2.4 Failure to comply with any of the Conditions of Approval noted herein shall be deemed just cause for the revocation of the approval of the CUP by the Planning Commission.
- 2.5 Final or construction plans incorporating all Conditions of Approval and any plan-related changes required in the approval process shall be submitted for review to and approval by the City Planner or his/her designee prior to building permit issuance in conjunction with the Plan Check process of the Building Division. All final or construction plans and documents shall conform to the plans approved by the Planning Commission. The Conditions listed herein shall further be printed upon the face of and included as part of these plans.
- 2.6 Any previously existing zoning entitlements for the property shall remain in effect, except for the provisions thereof that have been expressly superseded by the Conditions of Approval and the associated approved project plans of this CUP application.
- 2.7 Under certain provisions of the California Environmental Quality Act (CEQA), the project proposal has been determined to be categorically exempt from environmental review. If a Notice of Exemption is filed with the City, then the period during which legal challenges can be filed based upon violations of CEQA is reduced from 180 days to 35 days. To file the Notice of Exemption, please contact the Planning Division.
- 2.8 A joint-use trash bin enclosure for the eating establishment and for certain adjacent businesses shall be constructed in the easterly public parking area. The trash bin enclosure shall conform to all applicable requirements of the City, the Los Angeles County Fire Department, Parking District No. 1, and the local refuse disposal company. If the applicant is unable to build a trash bin enclosure in this area, then the applicant shall develop a trash bin enclosure in another location that would be accessible to and that would meet the standards of all of the aforementioned entities, notably the Planning Division and the Public Works Department. Until a trash bin enclosure for the appurtenant building/business is built and granted final approval by the City and any other applicable entities, the applicant and/or eating establishment operator shall utilize a trash bin on a temporary basis for refuse disposal. The applicant shall ensure that any trash bin utilized on a short-term basis, and, if approved by the Public Works Department, that is temporarily placed on any publicly-owned property, such as the rearward alley, is done so in a manner that conforms to applicable Public Works requirements.
- 2.9 Any construction-related grading and all drainage on and leaving the site shall conform to the applicable requirements of the Covina Public Works Department, Engineering Division.

- 2.10** Any new exterior ground-, wall-, or roof-mounted mechanical and/or utility equipment (and any communication-related facilities that are not exempt from local regulation) shall be screened from all views by building features, the elements of which must match the style and color of the building, and/or landscaping. The method of screening shall be identified on the construction plans and is subject to staff approval.
- 2.11** Any required site features for the disabled, including, but not limited to, property access identification, parking stall and unloading area dimensions, path of travel, and building access, must comply with all applicable State Codes and must be reviewed by the Building Division (contact the Building Division for specific requirements).
- 2.12** In accordance with Chapter 11.36 of the Covina Municipal Code, no street trees adjacent to the property shall be cut or trimmed in any manner by any persons associated with management, operational, or maintenance activities on the site without first obtaining a permit from the Covina Public Works Department.
- 2.13** Any new exterior lighting associated with the building shall conform to the building architecture and shall be located and oriented in a manner that would not generate any glare onto any adjacent business or property or onto any surrounding public street or alley, while meeting the applicable foot-candle standards of the City to maintain safety and security.
- 2.14** The applicant or his associates shall perform any project- or use-related construction work that could be heard by any residents of the nearby residential properties only between the hours of 7:00 a.m. and 8:00 p.m., Monday through Saturday (excluding legal holidays), unless a special permit is obtained from the City.
- 2.15** The approval of this request shall not waive compliance with all other applicable sections of the Covina Municipal Code, the Covina Design Guidelines, and all other associated plans and non-City laws and regulations that are in effect at the time of Building Permit issuance or the approval of this application.
- 2.16** The City shall have the reasonable right of entry to inspect the improvements on the property to verify compliance with the Conditions of Approval.
- 2.17** The permittee shall defend, indemnify and hold harmless the City, its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this grant, which action is brought within the applicable time period of Government Code Section 65009. The City must promptly notify the permittee of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the permittee of any claim, action or proceeding, or if the City

fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

- 2.18 The permittee shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought against the City because of this grant. Although the permittee is the real party in interest in an action, the City may, at its sole discretion, participate at its own expense in the defense of the action, but such participation shall not relieve the permittee of any obligation under this Condition.
- 2.19 If any provision of this grant is held or declared to be invalid, then the application approval shall be void and the privileges granted hereunder shall lapse.
- 2.20 The costs and expenses of any code enforcement activities, including, but not limited to, attorneys' fees, caused by the applicant/property owner's violation of any Condition imposed by this approval or any provision of the Covina Municipal Code shall be paid by the applicant/property owner.
- 2.21 Any new and changing ordinances adopted prior to the final approval of the project may warrant new review.
- 2.22 All proposed permanent exterior signage for the property is subject to a separate, follow-up review and approval process, and all applicable codes and requirements shall be met. Also, sign permits must be obtained from the City prior to the installation of any new permanent or temporary signs. And all illuminated signage shall be prohibited from generating any glare or imposing any other negative impacts onto any adjacent properties or onto the adjoining sidewalks and streets.
- 2.23 The installation of a new or the modification of any existing security system(s) in the appurtenant building, as addressed under Chapter 8.20 of the Covina Municipal Code, shall be coordinated with the Covina Police Department. Please determine at the earliest possible time whether a security system will be installed or altered, as failure to inform Police of security system installation plans may impact the commencement of the business and/or delay building permit issuance relating to the Plan Check process.
- 2.24 The following item is required in order to comply with the Los Angeles County Fire Department code requirements as they pertain to this proposal: More detailed project plans shall be submitted to the Los Angeles County Fire Department in order for the Department to determine a) the occupancy limit(s) for the overall establishment; and a) whether fire sprinklers will be required. Please contact the Fire Department staff for further details.

- 2.25 The mezzanine shall be closed off completely and left unused until such time the applicant is ready to make the necessary improvements to meet building and fire code requirements to allow its re-use. If the mezzanine is ever converted to usable floor area, the parking requirements shall be re-evaluated.
- 2.26 Applicant and/or business operator shall ensure maintenance of the grounds and regulation of noise, vibration, odors, and general safety of the public while at the establishment through proper training of staff and procurement of security personnel as needed (as addressed in Condition 2.27).
- 2.27 The following items are required in order to comply with the Police Department code requirements as they pertain to this proposal:
- A. The hours of operation will be no earlier than 6:00 a.m. and no later than 2:00 a.m.
  - B. Any live entertainment shall be prohibited at any time. "Live entertainment" includes music provided by a "live entertainer(s)," music played in combination with a disc-jockey, karaoke, or similar person; or **(EXCEPT WHERE SECURITY IS PROVIDED IN ACCORDANCE WITH THE PROVISIONS OF CONDITIONS 2.27.K THROUGH 2.27.P BELOW)** televised major sporting or other events (defined as any televised event advertised or otherwise promoted in advance to attract a larger number of patrons to the establishment than typical conditions).
  - C. All service of alcoholic beverages will cease at 1:30 a.m.
  - D. No alcoholic beverages or their containers, such as bottles and glasses will be present other than stored behind the bar or in the trash receptacles after 2:00 a.m.
  - E. Only on-duty employees will be allowed inside the restaurant between the hours of 2:00 a.m. and 6:00 a.m.
  - F. All customers shall enter the establishment through either the east or west facing doors.
  - G. The owners, operators, managers and all employees shall adhere to and obey all State laws and City ordinances relating to the service, consumption and possession of alcoholic beverages. Any violations of State laws or City ordinances will be presented to the District Attorney's office for prosecution and will be grounds for revocation or modification of this permit.
  - H. The owners or operators will be responsible for ensuring they are in compliance with the restrictions, provisions and guidelines of their license from the State of California Alcoholic Beverage Control Board in regards to the ratio of alcoholic beverages sales to food sales.
  - I. The owners, operators, management staff and employees shall allow inspection of the premises by members of the Covina Police Department at any time when there are employees present inside the location.

- J. The owners, operators, managers or employees shall not permit any type of activity where persons are compensated, either by the business or by a customer, for dancing, conversation or anything other than bona-fide service consistent with a restaurant.
- K. The owner or operator shall contract with a security company for security personnel or hire security personnel as employees. **(Condition applicable only when a Condition 2.27.B-defined "special event" is occurring.)**
- L. If the owner or operator chooses to hire a security company, the security company must be licensed to operate in both the State of California and the City of Covina. Additionally, all employees who are assigned to work at the premises must be licensed by the State of California as security guards and be in good standing throughout their time of employment. **(Condition applicable only when a Condition 2.27.B-defined "special event" is occurring.)**
- M. In the event the owner(s), operator or manager provide their own security personnel, all personnel must be employed **only** as security personnel and not have other responsibilities while acting in that capacity. Additionally, all employees acting as security personnel must be licensed and in good standing with the State of California throughout their time of employment. **(Condition applicable only when a Condition 2.27.B-defined "special event" is occurring.)**
- N. The restaurant will comply with the Covina Police Department in its Dance and Entertainment Permit process, specifically as it related to **any** type of entertainment taking place or during televised sporting events. The Dance and Entertainment Permit process would then outline specific security conditions (i.e., number of guards). **(Condition applicable only when a Condition 2.27.B-defined "special event" is occurring.)**
- O. The Police Department, after meeting with the owners or managers of the restaurant, increase the number of required security personnel for planned events or incidents where the Police Department determines that the number of on-duty security personnel is deficient. **(Condition applicable only when a Condition 2.27.B-defined "special event" is occurring.)**
- P. At no time will any security personnel, whether employed by a private company or licensed by the City or employed by the restaurant, be armed with any type of firearm. **(Condition applicable only when a Condition 2.27.B-defined "special event" is occurring.)**
- Q. The owners, operators or managers of the location, subject to the approval of the Police Department, will develop a plan for staging customers outside the restaurant on the sidewalk (public right of way) who wish to enter the restaurant and cannot be accommodated inside the location.
- R. In the event patrons waiting to enter the location are lined up outside, the owners or operators will work in conjunction with the Police Department to ensure the waiting area is properly illuminated during hours of darkness.

- S. In the event patrons waiting to enter the restaurant are lined up outside the restaurant, the owner, operator or manager shall assign at least one security person to monitor the conduct of all customers waiting in line.
- T. The owners, operators or managers of the location shall not conduct any type of valet parking unless they have received prior approval pursuant to City of Covina Municipal Code 10.64.040.
- U. The owners, operators or managers will, subject to approval of the Police Department, ensure that the location has a video security system that includes digital cameras and a quality recording system that covers all major interior and exterior areas of concern to the Police Department.
- V. The video security system shall be on and operating at all times during business hours.
- W. The owners, operators or managers shall, at all times during business hours, ensure that at least one employee or other person is present on the Premises with the necessary knowledge and skills to operate the video security system so that he or is able to provide the necessary assistance to the Police Department.
- X. The owners, operators or managers shall preserve the video security system's recorded information of each business day for a period of not less than ten (10) business days thereafter for the Police Department's review in connection with a criminal investigation.
- Y. The owners, operators or managers shall, subject to approval of the Police Department, develop a plan to monitor the area surrounding the location for trash and other discarded items that impact public health and the cleanliness of the parking lots, sidewalks and the property of adjacent business owners.
- Z. The owners, operators or managers shall, subject to approval of the Police Department, develop a plan to monitor adjacent parking areas for activity that is detrimental to public safety or public health.
- AA. The owners, operators or managers shall, subject to approval of the Police Department, develop a plan to ensure the front and back of the location are adequately and safely illuminated during hours of darkness.
- BB. The owners, operators or managers shall ensure that all occupancy levels mandated by the Los Angeles County Fire Department are strictly enforced and adhered to. At any time the occupancy is in question, the Police Department Watch Commander can contact the Los Angeles County Fire Department in order to determine if the occupancy level is over the allowed number of occupants.
- CC. The owners, operators or managers shall cooperate with all police investigations regarding crimes that occur at the location or are as a result of conduct while at the location. This cooperation includes, but is not limited to, allowing access to the video images and providing recordings of video images of any activity deemed important by any officer of the department investigating a crime that is alleged to have**

**occurred on the premises or as a result of conduct occurring at the premises.**

DD. The following Covina Municipal Code sections shall apply:

**8.40.030 Prohibited public nuisance conditions.**

The city council finds and declares that, notwithstanding any other provision of the Covina Municipal Code, it is a public nuisance and unlawful for any person to allow, cause, create, maintain, or suffer, or permit others to cause, create, or maintain, the following:

G. Any building, structure, or use of real property that violates or fails to comply with (1) any applicable approval, permit, license, or entitlement or condition relating thereto, (2) any ordinance of the city, including, but not limited to, any provision of this code, or (3) any applicable county, state, or federal law or regulation.

**8.40.040 Penalty.**

A. Notwithstanding any other provision of the Covina Municipal Code to the contrary, any person who causes, permits, suffers, or maintains a public nuisance, or any person who violates any provision of this chapter, or who fails to comply with any obligation or requirement of this chapter, is guilty of a misdemeanor offense punishable in accordance with CMC 1.16.010 (A). A criminal prosecution and/or civil litigation may be initiated without the commencement of the “nuisance abatement” procedures outlined in Article II of this chapter.

B. Each person shall be guilty of a separate offense for each and every day, or part thereof, during which a violation of this chapter, or of any law or regulation referenced herein, is allowed, committed, continued, maintained or permitted by such person, and shall be punishable accordingly.

EE. PLEASE TAKE FURTHER NOTICE that if a breach of a condition of this Permit (which is a public nuisance – see above) results in an imminent hazard to persons or property, the Police Chief or other authorized official may, if necessary to summarily abate the nuisance, require a cessation of your business operations or a closure of the Premises pursuant to Section 8.40.180 [Emergency Action to Abate an Imminent Hazard] of the Covina Municipal Code. That section states in part as follows:

- A. Notwithstanding any provision of the Covina Municipal Code to the contrary, the police chief, the fire chief, or the building official, or any of their designees, may cause a public nuisance to be summarily abated if it is determined that the nuisance creates an imminent hazard to a person or persons, or to other real or personal property.

- 2.28 The following items are required in order to comply with the Building Division code requirements as they pertain to this proposal: refer to applicable attachment.
  - 2.29 The following items are required in order to comply with the Engineering Division code requirements as they pertain to this proposal: refer to applicable attachment.
  - 2.30 The following items are required in order to comply with the Environmental Services Division code requirements as they pertain to this proposal: refer to applicable attachment.
  - 2.31 The following items are required in order to comply with the Water Division code requirements as they pertain to this proposal: refer to applicable attachment.
- 3.0 PRIOR TO THE GRANTING OF FINAL APPROVAL OF THE BUILDING IMPROVEMENTS OR THE CONDITIONAL USE OR THE COMMENCEMENT OF OPERATIONS OF THE APPROVED CONDITIONAL USE ON THE SITE:**
- 3.1 All site, building, and any landscape improvements shall be constructed or installed in a good workmanlike manner, consistent with the standard best practices of the subject trades and in a manner acceptable to the City.
  - 3.2 The Conditional Use Permit (CUP) approval shall not be effective until such time as the applicant/owner of the property obtains an Inspection and Verification Permit (IVP) and the City Planner or his/her designee certifies on said Permit that the premises and uses comply with all of the Conditions of Approval.
  - 3.3 This grant shall not be effective for any purposes until the applicant/owner of the property has filed with the Planning Division an affidavit stating that he is aware of, and agrees to accept, all of the Conditions of Approval.
  - 3.4 All exterior lighting fixtures on the property shall be maintained and kept fully operational at all times.
  - 3.5 The applicant shall obtain all necessary approvals and permits from the State Department of Alcoholic Beverage Control regarding the sale of beer and wine and appropriate Type 41 license.

- 3.6 The applicant shall obtain any necessary licenses and permits from the Finance Department (e.g., a general Business License) and the Police Department concerning the business.
- 3.7 The applicant shall obtain all necessary approvals from the Los Angeles County Fire Department for the establishment.
- 4.0 **THE APPROVED CONDITIONAL USE AND THE OVERALL PROPERTY SHALL BE OPERATED IN ACCORDANCE WITH THE FOLLOWING:**
  - 4.1 THE APPLICANT SHALL COMPLY WITH ALL OPERATIONAL REQUIREMENTS OF THE POLICE DEPARTMENT (SEE CONDITION 2.27).
  - 4.2 All business activities or uses on the property shall conform to the permitted uses of the underlying "TCSP-5" zoning district.
  - 4.3 The operational and other Conditions of Approval that are listed herein shall apply to all periods that the entire food service establishment and approved ancillary functions are permitted to be open to the general public and are used by private groups that are invited by the applicant or an associate in conjunction with special events, including, but not limited to, receptions and parties. Not more than twenty-four (24) applicant-coordinated special events (**not open to the public**) shall be permitted in any one calendar year, and such special events shall not occur on more than thirty (30) total days in any one calendar year.
  - 4.4 All areas of the eating establishment that are components of the principal use and the ancillary uses (i.e., the dining, outside patio, hallway, and food preparation and storage areas) shall function in an integral manner, as illustrated on the approved project plans, and none of the areas or components of the eating establishment (or portions of the areas) shall operate on an independent basis or as a separate use/business.
  - 4.5 Any food service establishment-related activities and any legal or permitted special events occurring on the property shall be conducted in a manner that does not disturb adjacent businesses and residences, relative to excessive noise and vibrations, and that conforms to the provisions of Sections 9.40 (Noise) and 9.42 (Environmental Disturbances) of the Covina Municipal Code.
  - 4.6 Full food service or the complete business-related menu of cooked meals and related food items shall be offered to all customers in all portions of the eating establishment during all hours that the establishment is open to the public.
  - 4.7 The serving and consumption of beer and wine shall be for on-site consumption only and may occur both inside the building and within the frontward outside patio seating area. The applicant shall continually comply with all requirements

of the State Department of Alcoholic Beverage Control in providing this service with respect to all areas of the establishment.

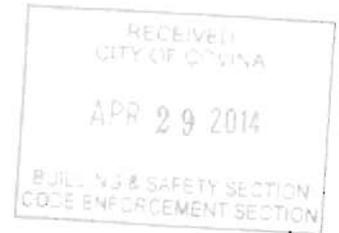
- 4.8 The following activities shall be strictly prohibited: Exterior speakers, live entertainment, pool tables, loitering on property or neighboring property, and any conduct that results in disturbance to the neighborhood.
- 4.9 The maximum number of employees and customers that may be in the establishment at any one time shall conform to the occupancy limit(s) of the Los Angeles County Fire Department.
- 4.10 All portions of the food service establishment shall be continuously supervised by business management or employees. At least one supervisor that is at least 21 years of age shall be on duty at all times that the business is operating. This supervision shall further function to ensure a) that customers in any interior or outside areas of the overall business do not exhibit any behavior that disturbs either other establishment customers or passers-by on the sidewalk; b) that any customers that are awaiting to enter the food service use by standing on the public sidewalk are doing so in an orderly manner and not exhibiting any behavior that disturbs either other establishment customers, persons associated with other businesses, or passers-by on the sidewalk; and c) that any loitering either on the public sidewalk or in areas immediately around the business is prevented.
- 4.11 When any lines of customers that seek to enter the eating establishment form on the outside of the appurtenant building, security and/or other personnel employed by the restaurant shall ensure that there is adequate, legally-sufficient room on all portions of the sidewalk where the customers are standing (including portions thereof that are not directly in front of the appurtenant building, if applicable) for non-customer-associated passers-by and the disabled to safely walk or maneuver by the lines (or, without having to go into the adjoining streets or feeling compelled to go into the adjoining streets to avoid the lines of persons). Also, whether or not the customer-related lines form, either at the close of business on the same day or prior to the opening of the restaurant on the following day, the security and/or other personnel employed by the restaurant shall inspect all portions of the sidewalk, notably areas where the customers were standing (including, if applicable, portions that do not directly front on the appurtenant building) and shall immediately and completely remove any and all litter, trash, and waste (including, but not limited to, food, drinks, cups, bottles, cans, papers, cigarette butts, gum, and bodily fluids (including, but not limited to, blood, vomit, and urine)) from the sidewalk, and, if necessary, the adjoining streets.
- 4.12 Not more than three video, mechanical, and/or other arcade games may be used in conjunction with the operations in any section of the food service establishment. If the applicant wishes to have more than three such games, then a new CUP shall be obtained and certain new requirements shall be met.

- 4.13 The business shall publicize to its customers through its internet page, social media, and/or other generally accepted methods the location of available parking in the shopping center.
- 4.14 Any loading and unloading activities concerning any facet of the business shall conform to the City of Covina Noise Ordinance (Chapter 9.40 of the Covina Municipal Code) and to any other applicable provisions of the Covina Municipal Code. In addition, the loading and unloading activities shall be conducted in a manner that does not interfere with the operations or any other on-site businesses or any surrounding property/uses and that minimizes vehicle access-related disruptions in the appurtenant alley.
- 4.15 No trash or discarded items shall be placed in the outside portion of the property, except in the business-related refuse bin.
- 4.16 No valet parking of any type is permitted in conjunction with the operations of any section of the establishment unless the applicant obtains from the City all required Valet Parking Permits (under the provisions of the Covina Valet Parking Rules and Regulations). If the required Valet Parking Permits are obtained, the applicant shall further abide by all applicable requirements of the City concerning valet parking.
- 4.17 The Covina Police Department reserves the right to modify the hours of operation, cease any type of entertainment, or close the business altogether at any time should, in the opinion of the on-duty Watch Commander or his designee, the operation of the business impact normal police operations to the extent that public safety has been jeopardized.
- 4.18 If, in the opinion of the Chief of Police or his designee, there is or may be a need to change or modify the Conditions of this Conditional Use Permit, the Chief of Police or his designee may initiate a public hearing before the Planning Commission. After due notice, which affords the applicant an opportunity to be heard, the Planning Commission may, but is not obligated to, change or modify the Conditions stated herein.
- 4.19 Any subsequent change(s) in the uses or improvements on the property or operational activities (including, but not limited to, the size or layout of the interior of the building; the building architecture and/or features; and/or the type and/or intensity of the permitted uses) beyond what is permitted under this CUP application shall not proceed without further City review and approval to ensure compliance with the applicable codes and requirements and, if necessary, the mitigation of any identified impacts (such as design, noise, traffic, and parking). A new zoning application(s) and possibly an impact-related study(ies) may be required for such future change(s) or improvements.

- 4.20 Any outdoor storage pertaining to the business is prohibited.
- 4.21 Any building awnings or similar features or portions of the outside seating area encroaching into the public right-of-way shall require an annual encroachment permit from the Public Work Department and shall meet all applicable requirements.
- 4.22 The site, building, signage, and any landscape improvements shall be maintained in a sound and attractive condition, free of weeds, trash or debris, visible deterioration, graffiti, or other conditions that violate the Covina Municipal Code. The City may require that the applicant/property owner pay the actual and reasonable cost for code compliance services needed to address any problem conditions.

- END OF CONDITIONS -

CITY OF COVINA  
INTEROFFICE MEMORANDUM



DATE: April 28, 2014

TO: \*Detective Bureau Lieutenant, Covina Police Department  
\*James Barnes, Inspector, Fire Department  
\*Amy Hall-McGrade, Parks & Recreation Director  
\*Lisa Brancheau, Community Development Department  
\*\*Public Works Department:  
    Building and Safety Section  
    Engineering Section  
    Environmental Services Section  
    Water Division  
\*Risk Management Division  
\*Administration  
\*Finance/Housing, Dilu De Alwis & Nuala Gasser



FROM: PLANNING DIVISION

SUBJECT: CUP 14-009 (MUNIS 434) & VAR 14-001 (MUNIS 435)

APPLICANT: PAUL G. VOLK

REQUEST: A CUP TO SELL BEER AND WINE WITH A SIT-DOWN RESTAURANT AND A VAR TO PERMIT A SEATING AREA THAT IS DEFICIENT IN SIZE.

ADDRESS: 113 NORTH CITRUS AVENUE

It is requested that all comments and requirements for the above project be submitted to the Planning Division no later than the date listed below. If responses can be made sooner, it would be greatly appreciated.

DUE NO LATER THAN: MAY 13, 2014

COMMENTS:

BB for JM

Name

04-29-14

Date

\*SEE ATTACHED COMMENTS

COMMENTS ATTACHED TO MUNIS FILE.



# CITY OF COVINA

## INTER-OFFICE MEMORANDUM

To: Planning Division

From: Vijay Mepani, General Building Inspector II

Subject: CUP 14-009(Munis #434) and Variance 14-001(Munis #435)-

Address: 113 N. Citrus, The Artist Pizzeria

After you have successfully completed the Planning Division's plan review process your plans should be ready for submitting to the Building Section for review of State and local Building Code requirements. These are general comments intended to prepare the applicant for a successful and expeditious plan review through the Building Section. Please be prepared to address the following checked items:

- Please submit 6 sets of complete plans including any proposed tenant improvements, utilities, and earthwork. Two sets shall be "stamped approved" by the Covina Planning Division and include the Building Section's comments for consultant review. This project must comply with the 2013 California Building Standards and 2013 energy code.
- Two sets each of any structural and energy calculations shall be submitted with the above mentioned plans. All calculations must bear an original signature from the documented author.
- This project must comply with Federal and State Accessibility requirements to and throughout the building. Include compliance methods and structural details on the plans.
- Demolition and renovations activities require an asbestos containing materials (ACM) survey. (SCAQMD RULE 1403) The ACM report shall be prepared by an accredited testing laboratory in accordance with SCAQMD rules and regulations. Proof of notification to the South Coast Air Quality Management District (SCAQMD), Office of Operations, shall be submitted to the Building Division with your permit application for all renovations and demolition activities. Contact the SCAQMD at the address or number below for more information. Once any demolition activity has been approved by the SCAQMD, a formal demolition plan and permit must be obtained from the Building Division.  
**SCAQMD Headquarters; 21865 Copley Drive, Diamond Bar, CA, (909) 396-2381**
- The Los Angeles County Fire Department needs to review your construction plans, to expedite this process you will need to contact one or more of their Regional plan check office(s): Appointments to discuss Fire Department requirements may be made between 7:30 a.m. and 10:30 a.m. The main office is located at 5823 Rickenbacker Road, Commerce, CA 90040-3027. Phone number is (323) 890-4125.

Regional plan check offices for the Los Angeles County Fire Department:

Glendora Office, Building Plan Review Only  
231 W. Mountain View Avenue  
Glendora, CA 91740  
(626) 963-0067

Commerce Office, Sprinkler & Alarm Plan Review  
5823 Rickenbacker Road  
Commerce, CA 90040-3027  
(323) 890-4125

Commerce Office, Land Development / Access  
5823 Rickenbacker Road  
Commerce, CA 90040-3027  
(323) 890-4243

- Los Angeles County Environmental Health (LACEH) plan approval for “food establishments” is required before permit issuance. Contact the Los Angeles County Environmental Health at 626-430-5560 for more information on submittal and the plan check process. The Health Department must approve the location of a grease interceptor.
  
- Please provide an additional digital copy (pdf preferred) of the building floor plan, elevations, and site plan to be submitted to the LA County Assessor. This copy should be in sufficient detail to allow the assessor to determine the square footage of the building and, in the case of residential buildings, the intended use of each room.  
  

-For additional information, please contact the LA County Assessor's, Public Service Desk at 888-807-2111.
  
- A valid City wastewater permit and properly sized interceptor will be required at permit application unless otherwise approved.
  
- Construction activity within 500' of a residential zone is prohibited between the hours of 8:00pm and 7:00am and on Sundays and Holidays unless otherwise permitted by the City.
  
- The Building Section plan check process may address additional concerns.

CITY OF COVINA  
INTEROFFICE MEMORANDUM

DATE: April 28, 2014

TO: \*Detective Bureau Lieutenant, Covina Police Department  
\*James Barnes, Inspector, Fire Department  
\*Amy Hall-McGrade, Parks & Recreation Director  
\*Lisa Brancheau, Community Development Department  
\*\*Public Works Department:  
    Building and Safety Section  
    Engineering Section  
    Environmental Services Section  
    Water Division  
\*Risk Management Division  
\*Administration  
\*Finance/Housing, Dilu De Alwis & Nuala Gasser



Received, Public Works

APR 29 2014

Eng/Env IP

FROM: PLANNING DIVISION

SUBJECT: CUP 14-009 (MUNIS 434) & VAR 14-001 (MUNIS 435)

APPLICANT: PAUL G. VOLK

REQUEST: A CUP TO SELL BEER AND WINE WITH A SIT-DOWN RESTAURANT AND A VAR TO PERMIT A SEATING AREA THAT IS DEFICIENT IN SIZE.

ADDRESS: 113 NORTH CITRUS AVENUE

It is requested that all comments and requirements for the above project be submitted to the Planning Division no later than the date listed below. If responses can be made sooner, it would be greatly appreciated.

DUE NO LATER THAN: MAY 13, 2014

COMMENTS: ANNEXES ENCRUACHING INTO THE PUBLIC RIGHT OF WAY WILL REQUIRE AN ANNUAL PERMIT.

LAURA LARA

Name

5/8/14

Date

SEE ENGINEERING, IF APPLICABLE AT A LATER TIME



CITY OF COVINA  
INTEROFFICE MEMORANDUM

DATE: April 28, 2014

TO: \*Detective Bureau Lieutenant, Covina Police Department  
\*James Barnes, Inspector, Fire Department  
\*Amy Hall-McGrade, Parks & Recreation Director  
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\*Administration  
\*Finance/Housing, Dilu De Alwis & Nuala Gasser

Received, Public Works  
APR 29 2014  
Eng/Env IP

*Artist Pizzeria*

FROM: PLANNING DIVISION

SUBJECT: CUP 14-009 (MUNIS 434) & VAR 14-001 (MUNIS 435)

APPLICANT: PAUL G. VOLK

REQUEST: A CUP TO SELL BEER AND WINE WITH A SIT-DOWN RESTAURANT AND A VAR TO PERMIT A SEATING AREA THAT IS DEFICIENT IN SIZE.

ADDRESS: 113 NORTH CITRUS AVENUE

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DUE NO LATER THAN: MAY 13, 2014

COMMENTS: *Please see comments in remarks*

*Vivian Castro*  
Name

4/30/14  
Date



Dept 2100

Reviewer

Rev# 1

Due Date

Completed 05/08/2014

Time .00

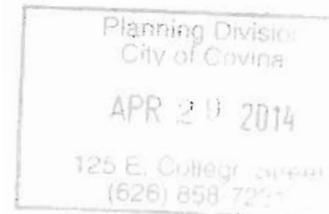
# 435

Nothing to encroach onto public right of way without prior and separate approval, please see Engineering.

CITY OF COVINA  
INTEROFFICE MEMORANDUM

DATE: April 28, 2014

TO: \*Detective Bureau Lieutenant, Covina Police Department  
\*James Barnes, Inspector, Fire Department  
\*Amy Hall-McGrade, Parks & Recreation Director  
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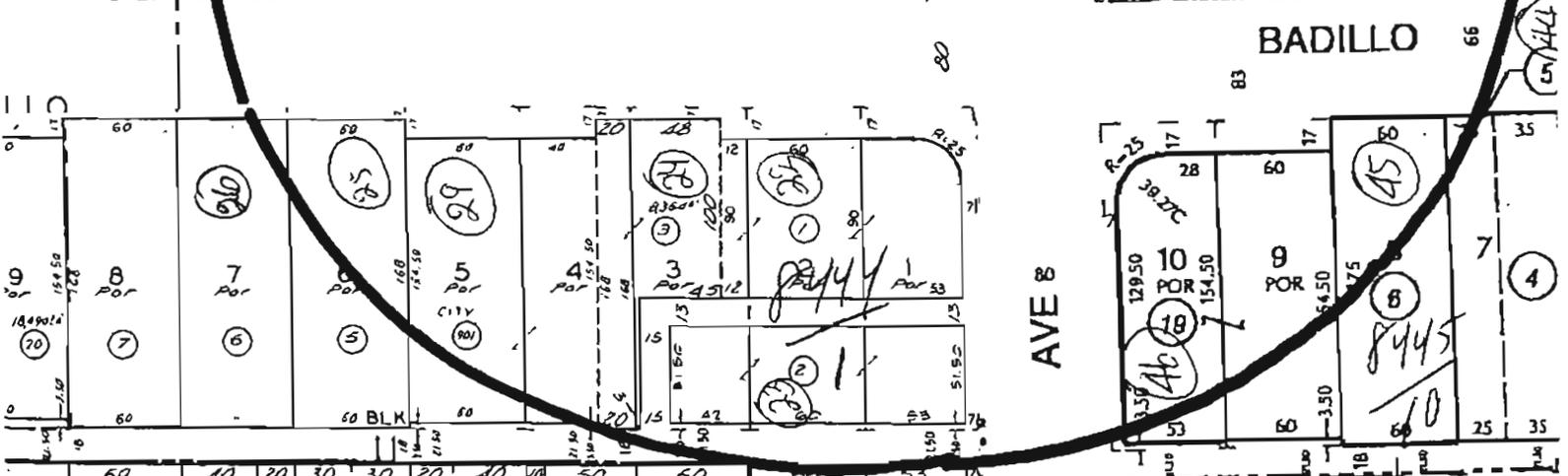
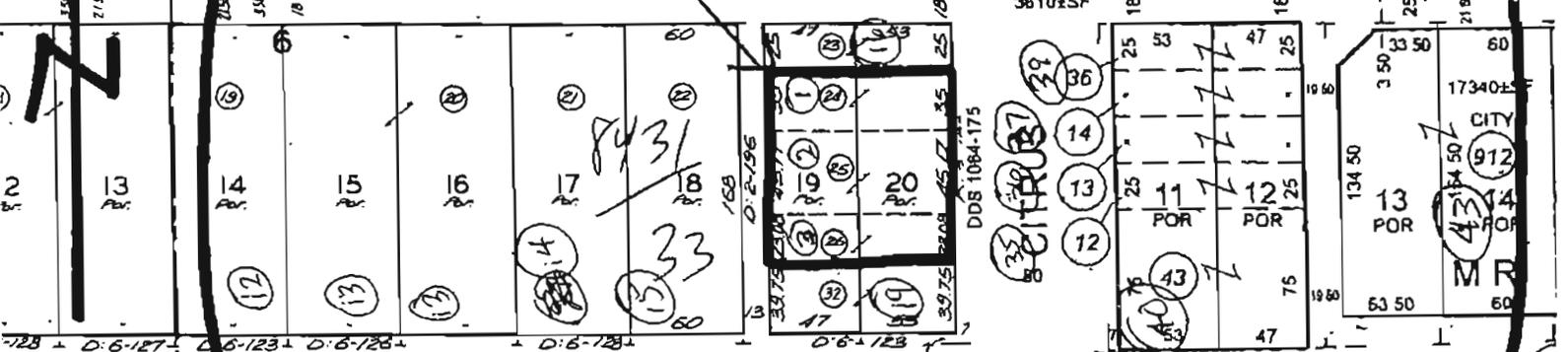
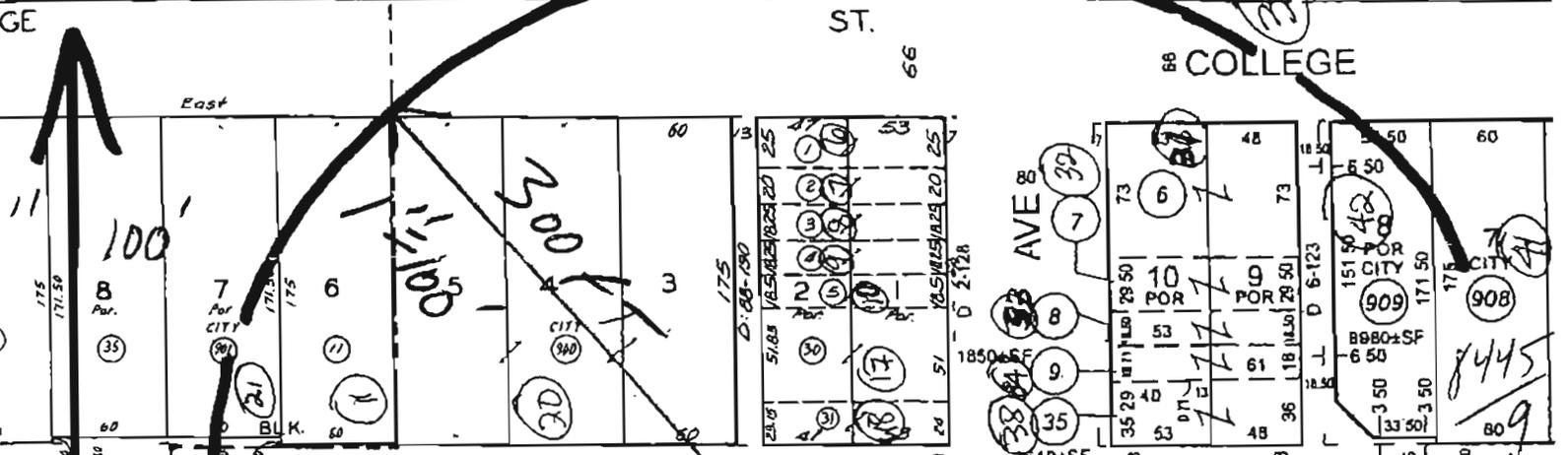
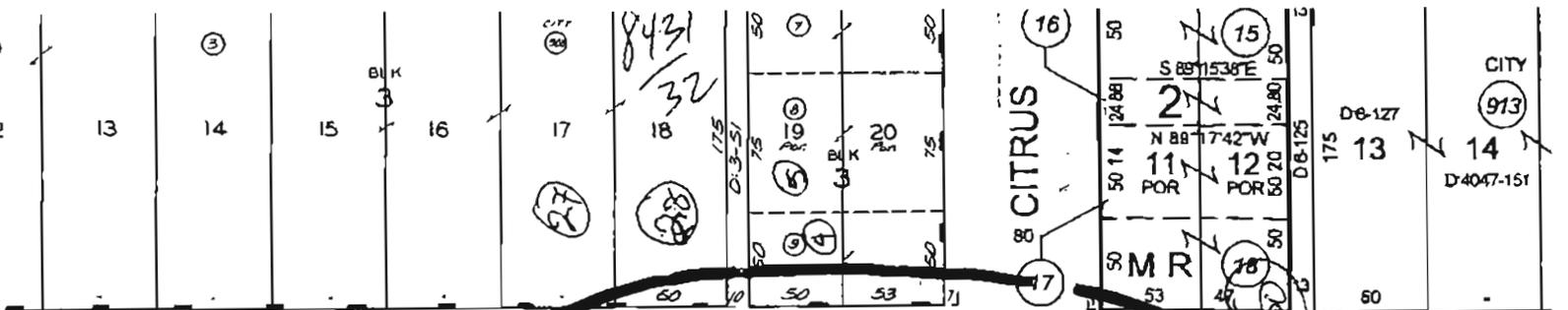
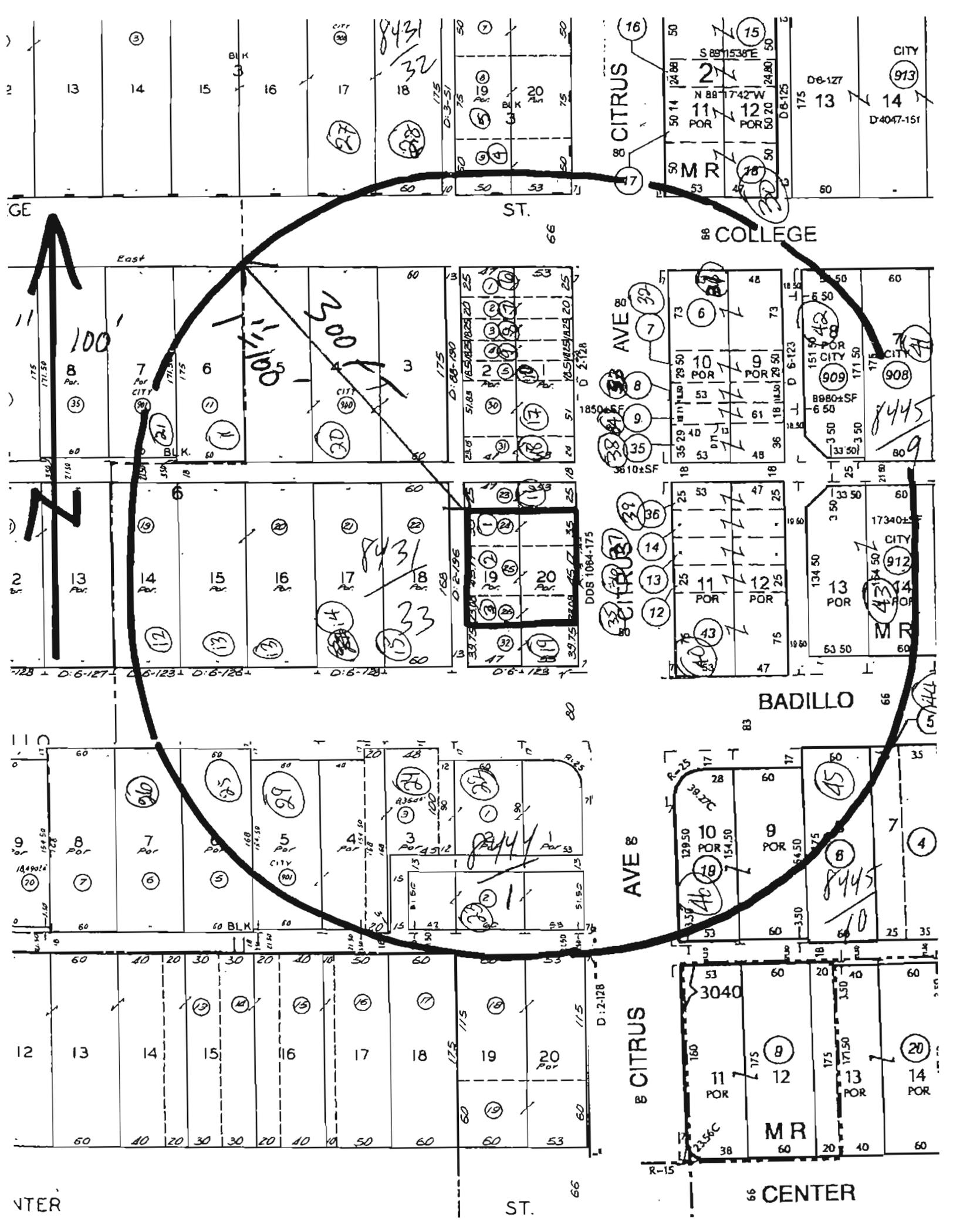
DUE NO LATER THAN: MAY 13, 2014

COMMENTS: *NOTES FOR FIRE DEPT. SAYING FIRE SINKERS REQUIRED.  
I would like to see more information on the size & time required.*

*RECEIVED - 4/29/14*

*Dean [Signature]*  
\_\_\_\_\_  
Name

*4/29/14*  
\_\_\_\_\_  
Date



CITY OF COVINA

NOTICE OF PUBLIC HEARING

113 NORTH CITRUS AVENUE

CUP 14-009 and VAR 14-001

Subject Site







# CITY OF COVINA

## PLANNING COMMISSION MEMORANDUM

ITEM NO. 8

**TO:** PLANNING COMMISSION

**FROM:** LISA BRANCHEAU, ASSISTANT TO THE CITY MANAGER  
ALAN CARTER, CITY PLANNER *A.C.*

**DATE:** MAY 27, 2014

**SUBJECT:** CONSIDERATION OF PROPOSED POLICY TO CONTINUE ITEMS NO MORE THAN THREE TOTAL TIMES.

### BACKGROUND:

In light of a recent multiple application request that has been continued several times by the Planning Commission, the Planning staff believes that it would be appropriate to have a policy limiting such continuations to no more than three. It is believed that this policy would improve overall planning operations in the City by providing an impetus to applicants to address any identified project-related issues or concerns to the staff's satisfaction as quickly as possible, by allowing for application reviews to be completed within reasonable periods, and, therefore, by minimizing any unnecessary confusion for the public. We will provide further comments on the proposal at the meeting. A Planning Commission-related Resolution has been prepared to best implement this new policy.

### RECOMMENDATION:

The staff recommends that the Planning Commission adopt Resolution No. 2014-005 PC, which would limit any continuations to no more than three total times.

**RESOLUTION NO. 2014-005 PC**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COVINA, CALIFORNIA DETERMINING THAT ANY CONTINUATIONS REGARDING ANY PRIVATE PARTY-INITIATED APPLICATION OR REQUEST SHALL NOT OCCUR MORE THAN THREE TOTAL TIMES**

WHEREAS, the City of Covina Planning Commission Handbook dated February 25, 2003 lists various protocols and procedures for the conducting of Planning Commission Meetings, though the Handbook does not limit the maximum number of times that an application or request submitted by a member(s) of the general public may be continued;

WHEREAS, the Planning Commission is concerned that an excessive number of continuations on applications or requests submitted by a member(s) of the general public may create confusion for the overall community and, absent the existence of a policy limiting the number of such continuations, could enable project applicants to unreasonably delay addressing City-related issues or concerns and, therefore, could result in unnecessarily delaying final decision-making by the Commission; and

WHEREAS, the Planning Commission believes that it would be in the public interest to have a reasonable limit on the maximum number of total times that an application submitted by the a member of the general public can be continued by the Commission.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF COVINA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. Beginning with the July 8, 2014 Planning Commission meeting, no current or future application or request submitted by any member of the general public shall be continued by the Commission more than three total times (whether or not the continuations are consecutive).

**PASSED AND ADOPTED** by the members of the Planning Commission of the City of Covina at a regular meeting thereof held on the 27<sup>th</sup> day of May, 2014.

---

CHAIRMAN BRADLEY MANNING  
CITY OF COVINA PLANNING COMMISSION

I hereby certify that the foregoing is a true copy of a resolution adopted by the Planning Commission of the City of Covina at a regular meeting thereof held on the 27<sup>th</sup> day of May, 2014, by the following vote of the Planning Commission:

AYES:

NOES:

ABSENT:

ABSTAIN:

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COVINA PLANNING COMMISSION SECRETARY