



**CITY OF COVINA
PLANNING COMMISSION AGENDA
REGULAR MEETING, TUESDAY, OCTOBER 11, 2016
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.

CALL TO ORDER

- A. Pledge of Allegiance.
- B. Roll Call of Commissioners: Connors, Hodapp, Manning, McMeekin and Patterson.
- C. Amendments to the Agenda.

PUBLIC COMMENTS

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.

CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine, and will be enacted by one motion. There will be no separate discussion on these items prior to the time the Planning Commission votes on them, unless a member of the Planning Commission requests that a specific item be removed from the Consent Calendar for discussion.

- 1. Approval of Minutes of the Regular Meeting of September 27, 2016.

CONTINUED PUBLIC HEARINGS

None

PUBLIC HEARINGS

The Planning Commission will address the below-listed item in the following sequence:

- Staff Report
- Questions of staff from Commission
- Open the public hearing
- Receive testimony in favor of and in opposition to the item
- Close the public hearing
- Commission comments and discussion

- Motion to approve, deny, or continue application
 - Roll Call Vote
1. Public Hearing to consider Conditional Use Permit (CUP) 16-015 and Site Plan Review (SPR) 16-021 for a request to upgrade to a full liquor service (Type 48) for on-site consumption, add restaurant use and expand outdoor patio within the existing Azo Vino Art Gallery in the Town Center Specific Plan-5 Retail and Core Focused Activity Area, located at 144 W. Badillo Street- APN: 8444-001-005.

Staff Recommendation: Adopt **Resolution No. 2016-027PC** approving CUP 16-015 and SPR 16-021.

Pursuant to and in accordance with the provisions of the California Environmental Quality Act (CEQA) Guidelines, the City has analyzed the proposed project and concluded that it will not have the potential for causing a significant effect on the environment. Therefore, it has been determined that the proposed project would be categorically exempt in accordance with Section 15301(a), Class 1 of the CEQA Guidelines. Staff's recommendation will be that the Planning Commission approve CUP 16-015 (subject to the proposed conditions of approval).

10-day appeal period: Actions taken by the Planning Commission that are not recommendations to the City Council will become final after ten (10) calendar days unless a written appeal with the appropriate fee is lodged with the City Clerk's office before close of business on the tenth day.

NEW BUSINESS

None

GENERAL MATTERS

None

ADMINISTRATIVE ITEMS

1. Information and Announcements
2. Commission Comments

ADJOURNMENT

Adjourn to a regular meeting of the Planning Commission at 7:00 p.m. on October 25, 2016 in the Council Chamber of Covina City Hall.

1. Alan Carter, City Planner of the City of Covina, or his designee, hereby declare that a true and accurate copy of the forgoing agenda was posted on October 6, 2016 near the front entrance of City Hall, 125 East College Street, Covina, and on the City's official Internet Website, in accordance with Governmental Code Section 54954.2(a.)

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 SEPTEMBER 27, 2016 REGULAR MEETING OF
THE COVINA PLANNING COMMISSION HELD IN THE COUNCIL
CHAMBER OF CITY HALL, 125 EAST COLLEGE STREET AT 7:00 P.M.**

CALL TO ORDER

Chairman Hodapp called the Planning Commission meeting to order at 7:01 p.m.

A. PLEDGE OF ALLEGIANCE

Chairman Hodapp led the Pledge of Allegiance.

B. ROLL CALL

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

Commission Members Absent: None

Staff Members Present: Director of Community Development, Assistant City Attorney

C. AMENDMENTS TO THE AGENDA

None

PUBLIC COMMENTS

None

CONSENT CALENDAR

1. Approval of Minutes of the Regular Meeting of September 13, 2016

A motion was made and seconded to approve the Minutes of the Regular Meeting of September 13, 2016.

The motion carried 5-0 as follows:

AYES: CONNORS, HODAPP, MANNING, MCMEEKIN, PATTERSON

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

PUBLIC HEARINGS

1. Public Hearing to consider Conditional Use Permit (CUP) 16-012 and Site Plan Review (SPR) 15-031 Amendment #1. a request to operate on-site tasting composed of a 1,140 square-foot tasting room and 250 square-foot outdoor patio area in conjunction with an existing microbrewery, located at 720 E. Arrow Hwy, Units C, E, and F (Arrow Grand Business Park).

Director of Community Development Brian Lee presented the report and answered the Commissioners' questions.

The public hearing was opened.

Andrew McIntyre of Covina spoke in favor of the item.

Victor Linares of Covina spoke in favor of the item.

The public hearing was closed.

A motion was made and seconded to adopt **Resolution No. 2016-026 PC**, approving CUP 16-012 and SPR 15-031, with the following changes to the Conditions of Approval:

- Condition 4 under "B. Operational Conditions" was changed to read, "The hours of the on-site tasting and sale for off-site consumption of alcohol shall be no earlier than 5:00 p.m. and no later than 10:00 p.m. Monday – Thursday; 5:00 p.m. until 12:00 a.m. of the following day on Friday; 11:00 a.m. until 12:00 a.m. of the following day on Saturday; and 11:00 a.m. until 10:00 p.m. on Sunday."
- Condition 8 under "C. Police Department" which read, "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." was stricken.
- Condition 8 under "E. General Requirements" which read, "Except for the new double exit doors at the southern end of the west elevation of the building, any exterior changes to the building shall be subject separate site Plan Review application for Director or his designee review and approval, prior to Plan Check process." was stricken.

The motion carried 5-0 as follows:

AYES: CONNORS, HODAPP, MANNING, MCMEEKIN, PATTERSON

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

NEW BUSINESS

None

GENERAL MATTERS

None

ADMINISTRATIVE ITEMS

1. INFORMATION AND ANNOUNCEMENTS

None

2. COMMISSION COMMENTS

None

ADJOURNMENT

Chairman Hodapp adjourned the Planning Commission meeting at 7:32 p.m. to a regular meeting of the Planning Commission at 7:00 p.m. on October 11, 2016 in the Council Chamber of Covina City Hall.

Secretary



CITY OF COVINA

PLANNING COMMISSION AGENDA REPORT ITEM NUMBER PH 1 OCTOBER 11, 2016

TO: Chairman and Members of the Planning Commission

FROM: Brian Lee, AICP, Director of Community Development

SUBJECT: Conditional Use Permit (CUP) 16-015 and Site Plan Review (SPR) 16-021 for a request to upgrade to full liquor service (Type 48) for on-site sale and consumption, add restaurant use and expand outdoor patio for an existing art gallery located at 144 W. Badillo Street.

SITE AND PROJECT DESCRIPTION

A. Project Information:

Request: To upgrade to a full liquor service (Type 48) for on-site consumption, add restaurant use and expand outdoor patio for an existing Azo Vino Art Gallery.

Applicant: Galen Metz, and Valerie Totty

Property Owner: Hesketh Family Trust co/ Tom Hesketh

Location: 144 Badillo Street

Assessor Parcel

Map Number: 8444-001-005

B. Site and Surrounding Land Uses

Table 1: Site and Surrounding Land Uses

	General Plan	Zoning	Existing Uses
Site	Town Center Specific Plan	TSCP-5 (Retail and Service Core Focused Activity Area)	Azo Vino Gift Gallery and Wine Tasting, Wine Bar
North	Town Center Specific Plan	TSCP-5 (Retail and Service Core Focused Activity Area)	Existing small commercial
South	High Density Residential (HDR)	RD – 1,250	Existing residential building built ca. 1906

East	Town Center Specific Plan	TSCP-5 (Retail and Service Core Focused Activity Area)	Portraits by Kathy art store and public parking lot
West	Town Center Specific Plan	TSCP-5 (Retail and Service Core Focused Activity Area)	Inter Community Church

- C. Site Characteristics: The site is 10,080 square feet or 0.23 acres rectangular lot abutting the Inter Community Church to the west. The project site is located within the same one-story 5,100 square-foot building as the portrait store (Portraits by Kathy). Abutting the building to the west is the Inter Community Church. A public parking lot with 32 parking spaces abuts the building to the east, and at the rear of the building are six striped parking spaces. The proposed tenant space is approximately 4,000 square feet. The existing business is an art gallery with a CUP to serve beer and wine. The business has an enclosed outdoor patio adjacent to the sidewalk fronting Badillo Street, and a covered patio located at the rear of the building.

ANALYSIS

- A. Background: On July 22, 2008, the Planning Commission approved Conditional Use Permit 08-005 to allow Azo Vno Art Gallery to sell beer and wine for both on- and off-site consumption. The application intended to provide patrons with an enhanced experienced in viewing and conversing about the various works of art on display. The CUP allowed for the business to serve beer and wine for both on- and off-site consumption from Tuesday through Sunday from 10:00 a.m. until 1:00 a.m. At its January 13, 2015 meeting, the Planning Commission reconfirmed to the ABC the hours of operations. The applicant has an active ABC License Type 42 – (On-Sale Beer and Wine for Public Premises), which allows it to serve beer and wine for on- and off-site consumption. The current CUP application will add liquor and distilled spirits to the type of alcohol drinks served by the business, which requires a Type 48 (On Sale General – Public Premises – (Bar, Night Club)) from the ABC. Both license types prohibit those who are under 21 from entering the premises, allow for alcohol service without food service, and allow the sale of alcohol for off-site consumption.

The establishment currently has dining areas, bar area, and wine tasting. Displays of art such as paintings and examples of glasswork are mounted on the walls, windows, and display cases found throughout the interior of the establishment. The business also has a retail component selling small gift items such as glassware and cigars.

Per the hours of operation information posted on the door of the business, the business is closed Sundays and Mondays, and open from 2 p.m. to 10 p.m. Tuesday through Saturday.

Live music currently is advertised to occur on Friday and Saturday nights, 8 p.m. to 11 p.m., with last call at half an hour before closing. (Note that the approved closing hour for CUP 08-005 is up until 1 a.m.)

- B. Applicable Regulations: Requests for alcohol service are analyzed for their compliance with both the underlying zoning regulations of the project site and with Chapter 17.62.026 (Sales – Uses permitted subject to conditional use permit – Liquor, on-sale and off-sale) of the Covina Municipal Code (CMC). The zone TCSP – 5 allows with approval of a CUP alcohol service in conjunction with any permissible use in the zone. The permitted use in this case approved under CUP 08-005 is that of the continued operation of the existing art gallery, outdoor patio, and dining area. CMC 17.62.026 places additional restrictions on the placement of “liquor” establishments in relation to sensitive uses such as residences and places of worship, and distance to another liquor establishment. The definition of “liquor” pursuant to CMC 17.04.349 includes beer and wine as well as hard spirits. The approval of a CUP 08-005 for beer and wine established the operation of the business as an on-sale liquor establishment adjacent to sensitive uses such as the abutting Inter Community Church, and other liquor serving establishments as defined by CMC 17.04.349.

The business is not expanding the interior floor area, and will maintain its current mix of approved and permitted uses. such as live entertainment, art gallery, outdoor patio, and dining area. The addition of areas for kitchen, food preparation, and restroom expansion will significantly decrease the areas previously devoted to the sale and consumption of alcohol approved under CUP 08-005. The proposed hours of operations will maintain the existing closing time of 1 a.m. on weekends and will eliminate all morning hours. The business’ CUP 08-005 has not lapsed, or has been revoked. The business has kept the CUP and Type 42 ABC license in continuous operation in good standing. The CUP application is to approve the addition of services and renovation of floor space described in Section C. (Proposed Upgrades) not included in CUP 08-005.

- C. Proposed Upgrades:

Interior

- Addition of dining area with built in banquet, kitchen and food preparation area, restrooms, hallways, and private dining/bar room (“speakeasy”).
- Addition of a 200 square foot raised platform/stage primarily for the display of art, and dining area. During approved times for entertainment, it will be used as a stage for performers.

Exterior

- Reconfiguration of outdoor patio facing Badillo Street for sidewalk dining by decreasing interior floor area. and fully enclosing the outdoor patio.
- Façade renovation that includes the installation of a door canopy over the front entrance, new outdoor railing, new wood door, and new exterior glass façade

separating the outdoor patio with the building interior. Façade renovations and outdoor sidewalk is subject to the requirements of the Design Guidelines. Minor changes are proposed to the exterior, and the characteristic stone pilaster will be preserved.

The business will be renamed Lincoln House, and the interior décor will reflect rustic furniture, lighting, atmosphere, and clothing during the former President Lincoln's presidency. Table 2 below provides an overview of the business activities and uses along with the proposed hours of operation. As noted earlier, CUP 08-005 permitted hours of operation for alcohol sale and service from Tuesday through Sunday from 10:00 a.m. until 1:00 a.m. The proposed hours of operation will have later opening hours to begin at noon with the same closing time of 1:00 a.m.

Table 2: Proposed Hours of Operation for the Uses and Activities

Uses and Activities	Size (square feet)	Proposed Hours of Operation	Recommended Hours of Operation
Art gallery and Retail - includes dual purpose stage and wall displays	N/A	Monday thru Sunday 12:00 p.m. to 1:00 a.m. Stage area to be used for live entertainment function Thursday thru Sunday 8 p.m. to 12 a.m.	As proposed with conditions
Dining areas			
<i>Dining room</i>	900	Monday thru Sunday 12:00 p.m. to 1:00 a.m.	As proposed with conditions
<i>Outdoor sidewalk dining</i>	380	Monday thru Sunday 12:00 p.m. to 1:00 a.m.	Monday thru Sunday 12:00 p.m. to 11:00 p.m. consistent with CMC 11.26.080(D)
<i>Private Dining Room</i>	420	Monday thru Sunday 12:00 p.m. to 1:00 a.m.	As proposed with conditions
Bar areas	410	Monday thru Sunday 12:00 p.m. to 1:00 a.m.	As proposed with conditions
Kitchen and Food Prep Areas	455	Monday thru Sunday 12:00 p.m. to 1:00 a.m.	As proposed with conditions

Other Areas (Restrooms, Hallways, Storage, Rear Covered Patio, Vestibule)	1,070	Monday thru Sunday 12:00 p.m. to 1:00 a.m.	As proposed with conditions
Live entertainment	180 (on 15' x 12' stage)	Thursday thru Sunday 8 p.m. to 12 a.m.	As proposed with conditions and must be consistent with CMC 11.26 (Outdoor Sidewalk Dining). At the discretion of the Police Department pursuant to its authority under CMC Ch. 5.28 (Entertainment) to impose stricter hours, and prohibit/restrict activities occurring in conjunction with an Entertainment Permit

1. Entertainment

The applicant is proposing to have live entertainment within the establishment. Live music, jazz, piano, one man band, solo singer, and bands are proposed as the forms of entertainment. Entertainment will be scheduled on Thursdays – Sundays, 8 p.m. to 12 a.m. At the middle of the tenant space at the main dining room area is a 15' x 12' stage for the live performers. The stage when not in use will function as a display area of art. All entertainment activities are subject to CMC Ch. 5.28 (Entertainment) requiring review and approval of Entertainment Permits by the Police Department, and such activities shall be consistent with the land use entitlement conditions approved for the business. Pursuant to CMC 11.26.100, live entertainment and amplified music for any outdoor sidewalk dining areas is prohibited.

2. Art Gallery and Retail

The business currently operates an art gallery. The art gallery provides business patrons an opportunity to view and purchase several types of art displayed on the walls and display cases. The main types of art currently present within the tenant spaces are paintings, and glasswork. The performance stage will also be used occasionally to display works of art, including installation of a picture of Abraham Lincoln as a center piece. The proposed conditions will ensure to retain the arts and culture-oriented of the establishment through the display of artwork at the stage area outside live entertainment hours.

3. Dining Area and Kitchen

The dining room will have seating for 60 persons. Behind the performance stage is the location of the approximately 420 square-foot private dining room also called the “speakeasy”. This enclosed area contains a small dining space for eight patrons, and an eight-seat bar. Access to this room is located adjacent to the rear entrance. The

approximately 600 square-foot kitchen and food preparation area are separated by a vestibule and will be located at the rear of the building on the western side.

Bar Areas

Two (2) bar areas are proposed within the proposed tenant space. The larger bar area is located adjacent to the front entry near the easterly wall of the tenant space. The 34-foot long bar has seating for 14 patrons. Within the “speakeasy” is a 15-foot long bar with seating for nine patrons.

4. Outdoor Patios

The CUP application proposes to reconfigure the existing 184 square-foot outdoor patio for dining. The expansion is oriented towards the building by reducing the existing interior floor space once dedicated to the sale and consumption of alcohol by approximately 172.5 square feet. The portion of encroaching on to the sidewalk will expand by 24 square feet to fully enclose the entire outdoor sidewalk dining area. The outdoor area will feature dining tables and furniture. Internal access through a door between the outdoor and indoor dining areas is proposed. At the rear of the building is a covered patio, but no dining or alcohol service is proposed in this back area.

D. Parking. The 5,100 square-foot building is provided with six existing parking spaces located at the rear of the property and accessible via the abutting alley. A 32-space public parking lot abuts the building the east. The proposed CUP application is comprised of tenant interior improvements and upgrades pursuant to its uses and activities allowed under CUP 08-005 and no addition of floor area is being proposed. CUP 08-005 permitted the site located within the Parking District No. 1 to provide for 1 stall for each 330 square feet of gross floor area for a minimum of 15 parking stalls. The project will reduce the gross floor area eligible for parking, and therefore, it will operate consistent with its permitted parking allotment.

E. Findings for Conditional Use Permit:

1. That the site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this title to adjust the use with land and uses in the neighborhood.

Findings of Fact: The establishment is currently operating to serve alcohol pursuant to CUP 08-005 approved in 2008. The CUP allowed it also operate with live entertainment, outdoor dining, on-site tasting with bar in conjunction with the art gallery. CUP 08-005 allowed it to operate up to 1 a.m. on weekends. The proposed business upgrades such as the addition of kitchens, and restroom expansion, will reduce the areas devoted to alcohol service. The business continues to operate in good standing with its approved CUP and ABC License. Its operations and proposed

upgrades will not lead to the requirements of additional yards, spaces, walls and fences, parking, loading, landscaping and other features required by the zoning code. Therefore, the business will continue to operate consistent with its original approval.

2. That 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.

Findings of Fact: The site fronts Badillo Street and the rear of the property is provided with an alley to access the back parking lot. The proposed CUP application is comprised of tenant interior improvements and upgrades pursuant to its uses and activities allowed under CUP 08-005 and no addition of floor area is being proposed. Therefore, the business will have no traffic impact on surrounding streets and roadways.

3. That the proposed use will have no adverse effect on abutting property or the permitted use thereof.

Findings of Fact: The property is abutted by Inter Community Church to the east and a public parking lot to the east. The church's hours of operation are Sunday mornings starting at 9 a.m. with the latest activity on Sunday starting at 11:15 a.m. for a youth-oriented bible study. Weekday bible studies are typically 7 p.m. on Tuesdays, 2:30 p.m. on Wednesdays, and 7:00 p.m. on Fridays. At least since the approval of CUP 08-005 in 2008 that permitted Azo Vino Gallery and Wine Tasting for the consumption and sale of alcohol as early as 10 a.m. on Tuesdays to Sundays, there have been no known incompatibilities between any of the abutting uses. The proposed hours will further reduce any potential adverse effects to abutting permitted uses by eliminating all morning hours.

4. That the conditions stated in the decision are deemed necessary to protect the public health, safety and general welfare:

Findings of Fact: During the course of application review, no concerns regarding the public health, safety, and general welfare were identified. The Police Department has reviewed the project, and proposes conditions of approval commensurate with the business upgrades. Since there is alcohol use proposed, the proposed conditions of approval are necessary to protect the public health, safety and general welfare for the known and anticipated impacts of alcohol usage. These conditions primarily are on the land use and activities, hours of operation, and the prevention of nuisance and public disturbance.

PUBLIC HEARING NOTICE AND NOTIFICATION

The applicant was given a copy of the staff report with associated attachments. The public hearing notice was published in the San Gabriel Examiner newspaper on September 22, 2016. Also, all property owners and occupants within a radius of at least 300 feet from the project site were mailed notices of the Planning commission public hearing on October 11, 2016 a minimum of ten (10) days before the hearing as required by law.

ENVIRONMENTAL DETERMINATION

Community Development Department staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The project qualifies under the Class 1 exemption pursuant to CEQA Guidelines Section 15301(a) because the project consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of an existing private structure and facility, involving negligible or no expansion of use beyond that existing at the time of this determination of exemption, including interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances. The Planning Commission has reviewed the Community Development Department's determination of exemption, and based on its own independent judgment, concurs in the staff's determinations of exemption. The Planning Commission further determines that there is no substantial evidence that the project will have a significant effect on the environment.

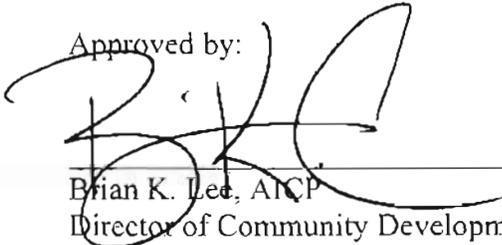
RECOMMENDATION

Staff recommends the approval of the amendment Conditional Use Permit CUP 16-015 and Site Plan Review SPR 16-021 and through the adoption of Resolution No. 2016-27 PC.

Prepared by:

Bryan Fernandez
Consultant Planner

Approved by:



Brian K. Lee, AICP
Director of Community Development

EXHIBITS

- A. Area Map
- B. Application Materials
- C. Project Plans
- D. Staff Report General Matters Item No.1 January 13, 2015 PC Public Hearing
- E. Resolution 2016-27 PC with Conditions of Approval

CITY OF COVINA
CONDITIONAL USE PERMIT (CUP) 16-015

SUBJECT SITE



EXHIBIT A

LINCOLN HOUSE

August 12, 2016

Azo Vino Wine Bar & Gallery
144 W. Badillo St.
Covina, CA 91723

APPLICANT: Galen Metz, Valerie Totty

REGARDING: Proposal of a "business upgrade"

Proposed changes:

- Additional dining areas with built in banquets, kitchen & prep area, private dining room
- Business will continue to remain an Art Gallery: Art will remain on the walls and be displayed as it is currently and on the stage during events
- Relocate and addition of restrooms
- Enlarge outside patio at the front of building (on Badillo St.)
- Enhance front façade (on Badillo St.)
- Upgrade Privileges (type 48)
- Name change: Lincoln House
- Hours of Operation: Monday thru Sunday 12:00pm to 1:00am
- Additional employees will be required
- Continued entertainment permit: live music, jazz, piano, one man band, solo singer, 2- 4 musicians. Entertainment will be scheduled on Thursday, Friday, Saturday & Sunday from 8pm to 12am- (does not mean that it will be every week)
- Removable raised platform/ stage: focal point for special events
- Creation of an earlier time in our history: rustic furniture, lighting, atmosphere, dress, one of a kind artwork, graphic center piece: large picture of former President Lincoln

Galen Metz- (626) 732-9827

Valerie Totty- (714) 376-5663

*Thank you,
Valerie Totty*



Standard Application Form – 1

Community Development Department – Planning Division

125 East College Street • Covina, California 91723 • (626) 384-5450 / Fax: (626) 384-5479

Applicant Information

Name of Proposed Project: <u>Lincoln House</u>	STAFF USE ONLY MUNIS NO: <u>6708</u> <u>CU P16-015</u> FILE NO: <u>SPR 16-021d</u>
Project Address: <u>144 W. Badillo Covina, CA. 91723</u>	
Assessor's Parcel Number: <u>8444-001-005</u>	
Phone: <u>(626) 732-9827</u> E-Mail: <u>Galen@Azogallery.com</u>	
Applicant Name: <u>Galen Metz • Valerie Totty 5705 Londerly Ln. Anaheim, CA 92807</u>	
Applicant Address: <u>415 W. Palm Drive Covina, CA 91723</u>	
Property Owner Name: <u>Hesketh Family Trust (Tom Hesketh)</u>	
Property Owner Address: <u>73-4334 Papaana Place • Kailuakona, HI 96740</u>	

Project Type

Please check the type of project review requested. If you are applying for more than one review you may check all that apply

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> PCD Amendment | <input type="checkbox"/> Tree Preservation Permit
<input type="checkbox"/> Minor |
| <input type="checkbox"/> Development Agreement | <input type="checkbox"/> Public Convenience or necessity (ABC) | <input type="checkbox"/> Vacation of Alley, Easement, Street |
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Site Plan Review-Major | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Historic Structure Designation | <input type="checkbox"/> Site Plan Review-Minor (Residential) | <input checked="" type="checkbox"/> Variance (Minor) |
| <input type="checkbox"/> Lot Line Adjustment | <input checked="" type="checkbox"/> Site Plan Review-Minor (Non-Residential) | <input type="checkbox"/> Zoning Code Amendment/ Zone Change |
| <input type="checkbox"/> Pre-Application Review | <input type="checkbox"/> Tentative Parcel Map
<input type="checkbox"/> Time Extension | <input type="checkbox"/> _____
(Other) |
| <input type="checkbox"/> Planned Community Development (PCD) | <input type="checkbox"/> Tentative Tract Map
<input type="checkbox"/> Time Extension | <input type="checkbox"/> _____
(Other) |

Project Description

Detailed Description of Proposed Project (Attach Additional Sheets if Necessary)

Modify existing CUP, adding a food preparation area to floor, and upgrade ABC license privilege.

Owner Certification

I certify that I am presently the legal owner of the above described property. Further, I acknowledge the filing of this application and certify that all of the above information is true and correct. If applicant is different from the legal property owner, a property owner's authorization form must accompany this application.

Date: 8-5-16 Signature: [Signature] Trustee Hesketh Family Trust
 Print Name and Title: Tom Hesketh Trustee Hesketh Family Trust

STAFF USE ONLY

Date Received: <u>8-10-16</u>	Received by: <u>[Signature]</u>	Fees: <u>\$3,467.00</u>	Receipt No: <u>105866</u>
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Standard Application – 2

Property Owner's Authorization Form

Community Development Department – Planning Division
 125 East College Street • Covina, California 91723 • (626) 384-5450 / Fax: (626) 384-5479

List the name(s) and address(es) of all property owner(s).

- Owner Name: Hesketh Family Trust (Tom Hesketh)
 Complete Address: 73-4334 Papaana Pl. Kailua-Kona, HI 96740
 Email: Hesketh+001@hawaii.rr.com Phone: (808) 325-7585
- Owner Name: N/A
 Complete Address: _____
 Email: _____ Phone: _____
- Owner Name: N/A
 Complete Address: _____
 Email: _____ Phone: _____

Certification Statement

This letter shall serve to notify you and certify that I/we am/are the legal owner(s) of the property described in the attached application and do hereby authorize:

Applicant's Name: Galen Metz • Valerie Totty Phone: (626) 922-3209
 Applicant's Complete Address: 415 W Palm Drive Email: Galen@azogallery.com
Covina • CA • 91723

To file and present my/our interest for the referenced application(s): Standard Application

Name (printed): Tom Hesketh
 Title: Trustee Hesketh Family Trust Date: 8-6-16

Signature: [Handwritten Signature]

• Valerie Totty (E Mail) (valtotty@yahoo.com)
570 S. Londerry Ln.
Anaheim CA. 92807
(714) 376-5663



Standard Application – 3 Project Description Form

Community Development Department – Planning Division

125 East College Street • Covina, California 91723 • (626) 384-5450 / Fax: (626) 384-5479

The following information must be completed and submitted with new applications: (Print or type all information entered)

A. General Information

Project Address or Assessor's Parcel Number: 8444-001-005

Site Area: 10,021 sq ft Building Area: 5100 sq ft Building Height: 15 ft. No. of Floors: 1

Total anticipated number of employees: 10 Max shift: 8 hour Hours of operation: M-Th 11:00 am to 12:00 pm, Fri, Sat, Sun 11:00 am to 1:00 pm

Does the business involve the sale of any food or beverages? No Yes

Will the project be built in phases? No Yes If YES, a phasing plan is required to be submitted.

Will any permits be required from agencies other than the City (including a Hazardous Materials Business Plan)? No Yes If yes, list: _____

Will the project use, store, or dispose of potentially hazardous chemicals, materials, toxic substances, flammables or explosives? No Yes If yes, describe: _____

If any of the above answers are YES, please describe in detail on a separate sheet.

B. Existing Land Uses of the Subject and Surrounding Properties

Subject property: Art Gallery / Wine Bar

North: General Retail

East: City lot, Red Devil Pizza

South: 2 vacant lots, + 1 Residential

West: General Retail, Church

C. Physical Site

Will the project modify existing natural features? No Yes If YES, please describe in detail on a separate sheet?

Estimated cubic yards of grading involved in the project: None Cut = _____ Fill = _____

What is the maximum height and grade of constructed slopes? N/A

D. Archaeological/Historical

Is the project located in an area of archaeological or historical sensitivity as identified in the Covina General Plan?

No Yes If YES, please describe in detail on a separate sheet.

E. Flora and Fauna

Describe the types of vegetation and trees in the project area: None to be described.

Number of Oak trees on the site: 0 Number of Oak trees to be removed: 0 a Tree Permit application must be obtained

Describe the types of wildlife found in the project area: None

F. Noise

Will the project increase noise levels within the project area of surrounding neighborhood?

No Yes If YES, please describe in detail on a separate sheet

Decrease, Music being moved to middle of room

Will the project increase the amount of light, vibration, dust, ash, smoke, or odors during construction or after development? No Yes If YES, please describe in detail on a separate sheet.

G. List of Attached Environmental Reports

N/A

Contact person for environmental: N/A Phone: _____

Environmental firm: N/A E-mail: _____

Mailing Address: _____

H. Certifications

Government Code Section 65962.5 requires the Planning Division to make available to applicants the most current list of "Identified Hazardous Waste Sites" from the State Office of Planning and Research. The list is available on the web at <http://www.dtsc.ca.gov/under> Mandated Web Site Postings.

All applicants must complete and sign the following statement in order for the Planning Division to deem the application complete.

"I, Valerie Totty, certify that I have reviewed the list of "Identified Hazardous Waste Sites" from the Office of Planning and Research and have determined that the site that is the subject of this application is not on said list."

I hereby certify that to the best of my ability, the statements furnished above and the exhibits submitted with this application present the data and information required for this initial evaluation and that the facts, statements, and information presented are true and correct to the best of my knowledge. Furthermore, I understand that failure to provide the plans and information required may result in this application not being accepted as complete for planning and processing.

Name (printed): Valerie Totty Date: 8-9-2016

Signature: VL

Representative for: _____

Title: _____



Standard Application Project Contact List

Community Development Department – Planning Division

125 East College Street • Covina, California 91723 • (626) 384-5450 / Fax: (626) 384-5479

The following information must be completed and submitted with new applications: (Print or type all information entered)

Project Location: 144 W. Badillo St Covina, CA. 91723		STAFF USE ONLY FILE NO.:
Applicant: AZO VINO INC.		MUNIS:
Primary Contact Person: Galen Metz		RELATED FILES:
Address: 415 W. Palm Drive Covina, CA. 91723		
Phone: (626) 732-9827	Fax:	E-mail Address: Galen@azogallery.com
Secondary Contact Person: (Please Specify Name, Company, Title) Valerie Totty		
Address: 570 S. Londerry Lane Anaheim, CA 92807		
Phone: (714) 376-5663	Fax: ☐	E-mail Address: Val.totty@yahoo.com
Legal Property Owner: Hesketh Family Trust (Tom Hesketh)		
Address: 73 Paapaana Place Kailua Kona, HI. 92740		
Phone: (808) 325-7585	Fax:	E-mail Address: HeskethT001@hawaii.rr.com
Architect: Workshop Architecture Design	Contact Person: Chad or Silke Edgley	info@Workshopinc.com
Address: 118 Reunion Irvine, CA. 92603		
Phone: (949) 910-0788 (949) 280-3793	Fax:	E-mail Address: info@Workshopinc.com
Engineer: McDuer Enterprises LLC	Contact Person: Brian McTeggart	
Address: 17785 Sky Park Circle Ste. K Irvine, CA. 92614		
Phone: (949) 542-2577	Fax:	E-mail Address: Brian@mcduerenterprises.biz
Landscape Architect: N/A	Contact Person:	
Address:		
Phone:	Fax:	E-mail Address:



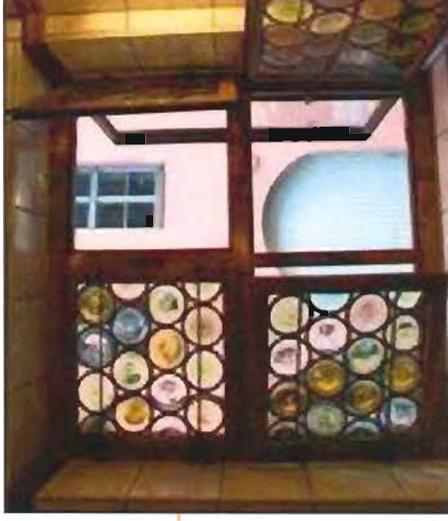
Street View 1

144 Badillo Street, Covina California 91723



144 Badillo Street, Covina California 91723

Street View 2



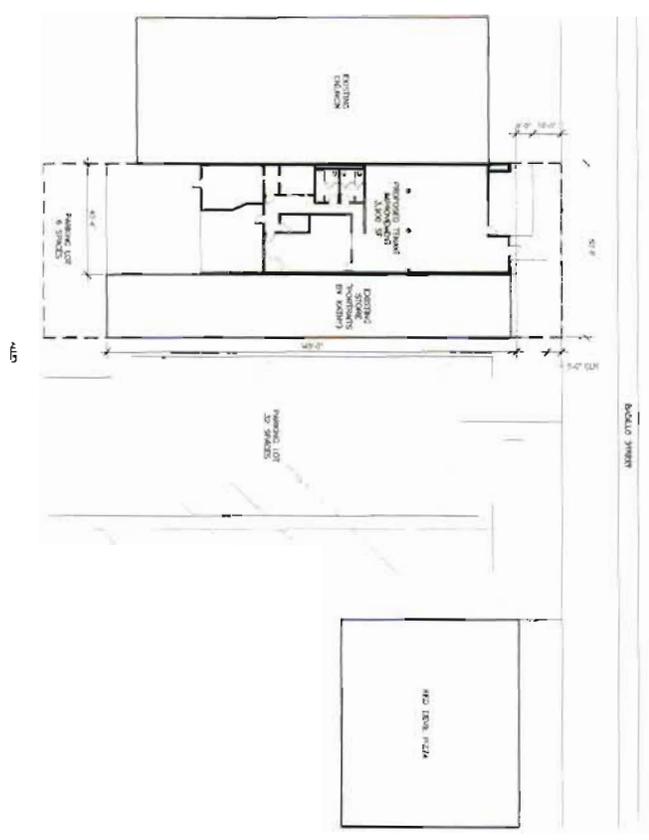
144 Badillo Street, Covina California 91723

North Elevation



144 Badillo Street, Covina California 91723

View 6



BUILDING INFORMATION

GENERAL NOTES:
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SITE PLAN

Project Name	Lincoln House Bar & Restaurant
Client	App Vino Wine Bar / Valens Totty
Location	144 Badillo Street, Covina, CA 91723
Scale	1" = 30'
Date	03/20/17

**LINCOLN HOUSE
 BAR & RESTAURANT**
 144 Badillo Street
 Covina, CA 91723
 Developed for
 App Vino Wine Bar / Valens Totty

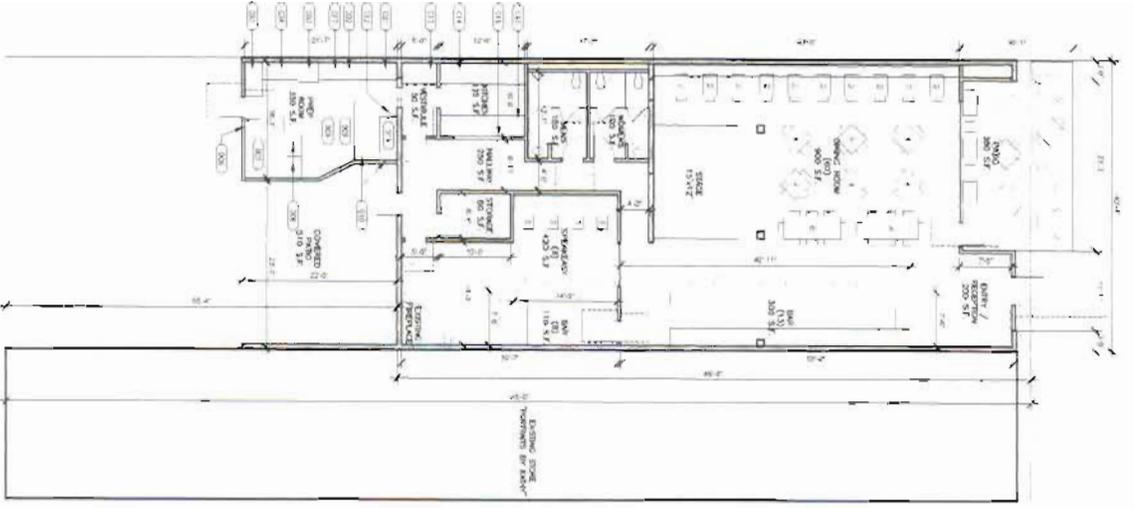
Architect:
 Workshop
 118 Reunion
 Irvine, CA 92603
 www.workshopinc.com
 949-910-0788

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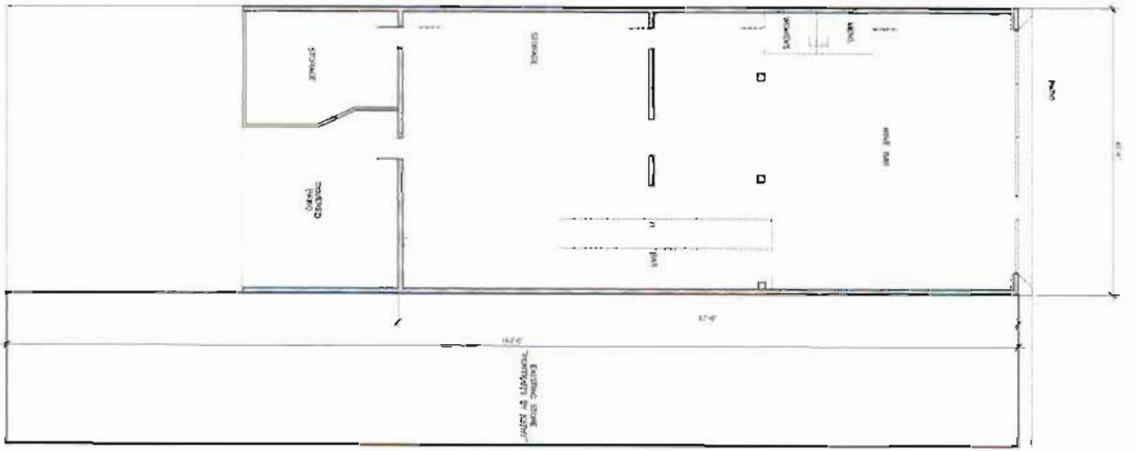
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FLOOR PLAN

02



DEMOLITION PLAN

01

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REMARKS

LEGEND

DESIGN BY: [Name], [Firm]
 CHECKED BY: [Name], [Firm]
 DATE: [Date]

GENERAL NOTES

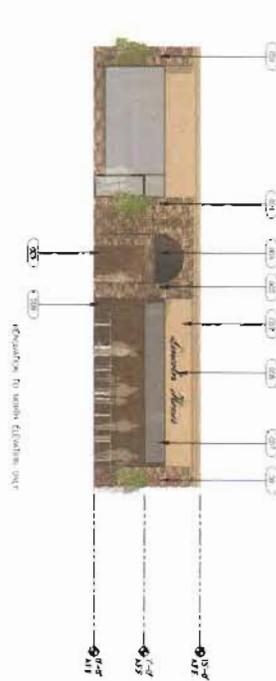
workshop
 architecture design development
 118 Reunion
 Irvine, CA 92603
 www.workshopinc.com
 949-910-0788

**LINCOLN HOUSE
 BAR & RESTAURANT**
 144 Badillo Street
 Covina, CA 91723
 Designed for
 Azo Vito Wine Bar / Valerie Tully

Revision	Date	By	Checked



NORTH EXISTING EXTERIOR ELEVATION - STREET VIEW 1" = 12" 05



NORTH PROPOSED EXTERIOR ELEVATION - STREET FRONT 1" = 8" 04

- 01 GENERAL STONE FINISHES AND PATTERNS
- 02 STONE IN VERTICAL STRIPES
- 03 BRICK TO MATCH EXISTING
- 04 BLACK COGNAC GROUT
- 05 1/2" X 1/2" X 1/2" BRICK
- 06 1/2" X 1/2" X 1/2" BRICK
- 07 SPACER TO BE STRIPPED
- 08 1/2" X 1/2" X 1/2" BRICK

KEYNOTES



NORTH PROPOSED EXTERIOR VIEWS FOR REFERENCE 1" = 8" 03



EAST EXTERIOR ELEVATION - PLANNING LOT VIEW 1" = 12" 02



SOUTH EXTERIOR ELEVATION - ALLEY VIEW 1" = 8" 01

GENERAL NOTES

EXTERIOR ELEVATIONS

A3

NO.	DATE	DESCRIPTION	BY	CHKD.
1	10/15/2020	ISSUE FOR PERMIT	MM	MM
2	10/15/2020	ISSUE FOR PERMIT	MM	MM
3	10/15/2020	ISSUE FOR PERMIT	MM	MM
4	10/15/2020	ISSUE FOR PERMIT	MM	MM

**LINCOLN HOUSE
BAR & RESTAURANT**
144 Badillo Street
Covina, CA 91723
Developed for
Azo Vino Wine Bar / Valerie Tully

WORKSHOP ARCHITECTURE, INC.
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CITY OF COVINA

PLANNING COMMISSION AGENDA REPORT GENERAL MATTERS ITEM NUMBER 1 JANUARY 13, 2015

TO: Chairman and Members of the Planning Commission

FROM: Alan Carter, City Planner

SUBJECT: A request to confirm that Condition of Approval 2.3 for Conditional Use Permit (CUP) 08-005 was intended to include the sale of beer and wine for on- and off-site consumption until 1:00 a.m., consistent with the business hours of the establishment, Azo Vino Art Gallery, located at 144 West Badillo Street, APN: 8444-001-005

BACKGROUND AND ANALYSIS

On July 22, 2008, the Planning Commission approved a Conditional Use Permit to allow Azo Vino Art Gallery to sell beer and wine for both on- and off-site consumption as an ancillary use to the art gallery. As indicated in the attached 2008-staff report (Exhibit 1), in requesting the Conditional Use Permit application, the applicant intended to provide patrons with an enhanced experience in viewing and conversing about the various works of art on display. In approving the Conditional Use Permit, the Planning Commission imposed a Condition of Approval 2.3 (Exhibit 2), which states that "the art gallery's hours of operation shall be Tuesday through Sunday from 10:00 a.m. until 1:00 a.m."

Since Azo Vino opened in 2008, in accordance with the terms and conditions of its State Alcoholic Beverage Control (ABC) license to sell beer and wine, the business has been limited to selling beer and wine to 10:00 p.m. Recently, Azo Vino petitioned ABC to expand its authorized hours of beer and wine sales to 1:00 a.m. to coincide with the approved Conditional Use Permit business hours. Although this Condition of Approval 2.3 does not expressly state that the art gallery's permitted business hours include the beer and wine sales during the same period, based on the above-noted intent of the Conditional Use Permit application, staff believes that it was the intent of the Commission in approving this Condition.

Should the Commission concur that the hours listed under Condition 2.3 were in fact intended to include the beer and wine sales, no action on the Conditional Use Permit CUP 08-005 need be taken at this time. Staff would simply inform ABC that it has no issue with the requested change in Azo Vino's State Liquor License, and we would subsequently note the Commission's determination in the CUP file. On the other hand, should the Commission feel that the operational hours in Condition 2.3 did not include the beer and wine sales, the staff would

formally amend the Conditional Use Permit to expressly change the liquor-related sales from 10 p.m. to 1 a.m. at a later Planning Commission meeting.

ENVIRONMENTAL REVIEW

This request of the Planning Commission is not subject to the California Environmental Quality Act (CEQA) Guidelines per Section 15378 in that it is not a project as defined by CEQA.

RECOMMENDATION

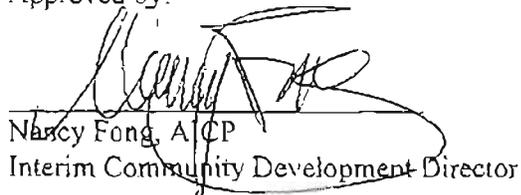
Staff recommends that the Planning Commission confirm that the Condition of Approval 2.3 of Conditional Use Permit (CUP) 08-005 include the sale of beer and wine for both on and off-site consumption until 1:00 a.m. consistent with the business hours of the establishment, Azo Vino Art Gallery, through the minute action.

Prepared by:



Alan Carter, City Planner

Approved by:



Nancy Fong, AICP
Interim Community Development Director

EXHIBITS

1. Planning Commission Staff Report on Application CUP 08-005 from July 22, 2008.
2. Planning Commission Affidavit Containing Final/Approved Conditions of Approval of Application CUP 08-005.

CITY OF COVINA

STAFF REPORT

JULY 22, 2008

ITEM NUMBER 2

TO: PLANNING COMMISSION
FROM: ROBERT NEUBER, COMMUNITY DEVELOPMENT DIRECTOR
COORDINATOR: SHELBY WILLIAMS, CITY PLANNER *SW*
SUBJECT: APPLICATION CONDITIONAL USE PERMIT 08-005

APPLICANT:

Galen Metz

REQUEST:

A conditional use permit to conduct on-sale of beer and wine and also the display and sale of beer and wine for off-site consumption with an art gallery

LOCATION:

144 West Badillo Street

SURROUNDING LAND USES AND ZONING:

	EXISTING LAND USE	ZONING
Site	Existing commercial store space/Portraits by Kathy	TCSP-5 (Retail and Service Core)
North	Existing small commercial businesses	TCSP-5(Retail and Service Core)
South	An existing house circa 1906	RD-1250(Multiple Family Residential)
East	Public parking lot	TCSP-5 (Retail and Service Core)
West	Inter Community Church	TCSP-5(Retail and Service Core)

GENERAL PLAN DESIGNATION:

General Commercial

NOTIFICATION OF APPLICANT AND ADJACENT PROPERTY OWNERS:

The applicant has been mailed a copy of the staff report. All property owners within a radius of 300 feet were mailed notices of the public hearing on July 10, 2008.

ENVIRONMENTAL DETERMINATION:

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

PROJECT DATA:

PROJECT DATA TABLE

DATA ITEM	CORRESPONDING FACT
Site Area:	10,080 square feet or .23 acres
Number of Buildings:	One commercial building, one story in height.
Applicant's floor area:	3,320 square feet
Total building floor area:	5,100 square feet in area and year built 1951.
Provided Parking	Five (5) stalls located at the rear of the applicant's building, and a public parking lot abutting the existing photography studio to east of the subject building, for a total of 37 parking spaces, approximately.
Required Parking:	City Code for sites located in Parking District No. 1 requires one stall for each 330 square feet of gross floor area, a minimum of 15 parking stalls are required for the applicant's use. The subject building benefits from its location in that there are exceptions provided by the Covina Town Center Specific Plan and Parking District No. 1 that permits reduction in the required amount of parking providing certain conditions are met.
Applicant's site improvements:	The applicant has submitted plans noting various interior improvements, including new tile flooring, window display shelves, and bottle racking, exposed ceiling, bar

EXHIBIT 1

	with seating and nicely appointed wall mounted paintings and art pedestals with ceramics, mouth blown glass and imported crystals, etc. In addition, the applicant intends to sell beer and wine to his customers. The alcoholic beverages will be for on-site and off-site consumption.
Proposed Art Gallery Services	The applicant wishes to create an environment that will draw art lovers and wine tasters to Covina to browse through the art gallery while enjoying a glass of wine or beer. He also plans to schedule featured artists and wines from various wineries in California and micro brewery beers.
Proposed Outdoor Seating :	6'-0" by 20'-0" outdoor seating area scheduled to open in October 2008.
Proposed Sculpture & Wine Garden:	A 1,501 square foot sculpture & wine garden scheduled to open in January 2009.
Number of Employees:	One employee plus owner may borrow employee(s) from the photography business next door as needed.
Hours of Operation:	The art gallery currently is open Tuesdays through Saturdays from 12 Noon until 6:00 PM and Fridays from 12 Noon until 9:00 PM. In the near future the art gallery hours will change to Tuesdays through Saturdays from 2:00 PM until 10:00 PM and open on Sundays from 12 Noon until 5:00 PM.

BACKGROUND:

The applicant is requesting a conditional use permit to conduct on-sale of beer and wine and also the display and sale of beer and wine for off-site consumption with an art gallery. The applicant has recently remodeled the interior of a portion of an existing commercial building located along the 100 block of West Badillo Street. The applicant's space was previously occupied by the business named Lighting Elegance. They sold lighting fixtures. The current proposal is an art gallery named AZO. The subject art gallery started business in October of 2001 at the location of 316 North Citrus Avenue. They have relocated to a larger retail space with better street visibility. For clarification on certain key aspects of the prospective operation, the Commission may refer to the above project data section and to the applicant's accompanying drawings.

According to Covina's Town Center Specific Plan, an approved conditional use permit must be obtained to allow the sale of alcohol for on-site consumption, including in conjunction with

Exhibit 1

entertainment uses that are not part of a food service establishment. Additionally, the display and sale of beer and wine for off-site consumption for establishments located in the TCSP-5 focused activity area, such as the applicant's business, which also requires an approved conditional use permit. The Commission may be aware that in November of 2007 the City Council adopted Resolution No. 07-6618 amending the Covina Town Center Specific Plan to allow the off-site sale of beer and wine within certain focused activity areas of the specific plan area.

During staff's review of this application, we found several deficiencies that will require the applicant to make site improvements necessary to bring the subject property into compliance with City Codes and regulations. The deficiencies are listed as follows:

1. The plans submitted by the applicant lack several items, such as the outdoor seating area details, handicapped accessibility requirements, and a trash bin enclosure as required by City Code. The applicant will be required to submit a revised plan showing compliance with the previously mentioned items.
2. There is an existing covered patio attached to the rear of the building and a chain link fence approximately 10'-0" high extending along the rear property line of the site; both items under normal conditions would require approved building permits. However, City records do not include any permits for the covered patio or the chain link fence. The applicant may wish to have the property owner remove both items, then obtain the necessary permits to install a new covered patio and approved fencing per City Code.
3. The five (5) parking spaces shown at the rear of the applicant's business shall be striped per City Code. The parking spaces shall be 9'-0" by 19'-0".

If the Planning Commission is able to make all the required conditional use permit findings, then the applicant's request may be approved.

ANALYSIS AND FINDINGS:

Based upon an analysis of the proposed conditional use permit request, staff recommends that the Planning Commission make the following findings for the application:

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

Fact: The subject property totals 10,080 square feet in land area. It appears large enough to support the proposed art gallery and the two new outdoor areas. The applicant will be required to submit revised plans prior to constructing the new outdoor areas and any future fencing on the site in compliance with City Code. At this time a condition shall be provided requiring the removal of the illegal covered patio and the 10'-0" high chain link fencing.

EXHIBIT 1

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

Fact: Badillo Street is the roadway that will provide access to the applicant's new gift gallery and wine tasting business. It should be sufficient to handle traffic generated by the proposal. It has a minimum width of 80 feet of right-of-way and it has at least two lanes of travel. A minimum of 141 vehicle trips are anticipated to be generated on a daily basis to the site.

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

Fact: Staff believes the applicant's art gallery will be compatible with the surrounding businesses. Additionally, since the mailing of the public notice on July 10, 2008, our office has not received any comments.

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

Fact: Based upon the applicant's description of his art gallery and wine tasting activities, etc. staff does not expect there to be any public health or other conditions which may negatively impact the community. Later in this report staff has provided conditions requiring that appropriate handicapped accessibility requirements are met and that a trash bin enclosure is constructed in compliance with City Codes.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission approve Conditional Use Permit 08-005, subject to the attached conditions of approval.

Attachments:

- Site Map
- Plot plan of project site

Exhibit 1

CITY OF COVINA
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT APPLICATION NO. 08-005
AS RECOMMENDED FOR APPROVAL TO THE PLANNING COMMISSION
ON JULY 22, 2008

The Conditional Use Permit Application No. 08-005 will allow the on-sale of beer and wine and also the display and sale of beer and wine for off-site consumption with an art gallery upon property located at 144 West Badillo Street in Covina, subject to the approved plans and conditions of approval listed below

1.0 TIME LIMITS

- 1.1 The approval of this application will expire one-year from the date of the application affirmation by the Planning Commission if the approved use has not commenced. The Planning Commission may extend the approval for a period not to exceed one-year upon written request by the applicant to the City Planner. The written request must be submitted at least thirty days prior to expiration of the application.
- 1.2 Should the use for which this approval is granted cease to exist or function for 90 or more consecutive days, this permit shall be deemed null and void.

2.0 GENERAL REQUIREMENTS

- 2.1 The applicant shall submit a revised plot plan showing the dimensioned parking spaces behind the subject building, and detailed information about the outdoor seating area and the outdoor sculpture & wine garden, applicable handicapped accessible requirements, and a new trash bin enclosure that comply with Section 17.72.020 Off-street parking general requirements, and 17.72.030 Off-street parking improvements required of the Covina Municipal Code and obtain approval from the Planning Division
- 2.2 A minimum of 15 parking spaces shall be available during the art gallery's hours of operation
- 2.3 The art gallery's hours of operation shall be Tuesdays through Saturday from 2:00 PM until 10:00 PM and open on Sundays from 12 Noon until 5:00 PM
- 2.4 The applicant shall obtain a City business license and pay the required fee(s) in compliance with the provision of Section 5.04.060 of the Covina Municipal Code.

Exhibit 1

JULY 12, 2008

- 2.5 The applicant shall obtain a sidewalk dining/display permit prior to setting out any tables or chairs, furniture or serving beer or wine outside of the art gallery.
- 2.6 The applicant shall obtain the necessary license(s) from the State of California Alcohol Beverage Control prior to selling beer or wine to his customers inside of the art gallery or outdoors in the front seating area or in the sculpture & wine garden.
- 2.7 The applicant shall comply with the following comments from the Covina Building Division:
 - a. It is unclear whether this use is temporary or permanent by the plans
 - b. Please be prepared to submit four sets of complete plans for any tenant improvements subsequent to this Conditional Use Permit (CUP); two sets of plans shall be "stamped approved" by our Planning Division. Please contact the Building Division at (626) 858-7236 if there are any questions on what types of improvements would invoke City review, approvals, and permits.
 - c. Most exterior and interior improvements require a proportionate investment towards making the facility accessible. Please be prepared to identify areas of barrier removal to meet these potential requirements for tenant improvement.
 - d. Additional comments may be generated during the Building Division plan review process.
- 2.8 The applicant shall comply with the following condition(s) from the Covina Police Department:
 - a. Adhere to all Alcohol Beverage Control (ABC) rules and regulations.
 - b. Adhere to local regulations, Covina Municipal Code, and no "live" DJ or entertainment
- 2.9 The applicant or property owner shall obtain an approved building permit to maintain the 10'-0" high chain link located in the rear portion of the subject property.
- 2.10 Handicapped requirements, including site access identification, parking requirements, path of travel and building access, shall comply with all State of California and Federal Government regulations. Please contact the Covina Building Division for specific handicapped requirements pertaining to this project.
- 2.12 Ordinance requirements not herein listed are still applicable.

Exhibit 1

JULY 22, 2008

- 2.13 Sign permits are required for all new signs and /or modification of any existing signs. The proposed signs for this project are subject to a separate plan review. Submit proposed plans to the Planning Division for plan check and approval.
- 2.14 Screen from view all new roof, wall, or ground mounted mechanical equipment, utility equipment or utility meters. Locate, identify and provide cross-sectional details of screening material in the construction documents.
- 2.15 A trash bin enclosure shall be installed in accordance with the normal requirements for the City of Covina which call for block construction with solid metal self-closing gates.
- 2.16 Parking lot illumination shall comply with the standards of the Covina Design Guidelines which require a minimum of 1.0 foot-candle of illumination in parking areas.
- 2.17 The site, landscaping and all improvements shall be maintained in a sound, healthy and attractive condition free of weeds, visible deterioration, graffiti or other conditions which violate the Municipal Code
- 2.18 The City has the right of entry to inspect the premises to verify compliance with the conditions of approval and the Covina Municipal Code at any time.
- 2.19 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.
- 2.20 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.
- 2.21 If any provision of this grant is held or declared to be invalid, the entire approval shall be void and the privileges granted hereunder shall lapse.
- 2.22 This grant shall not be effective for any purposes until the permittee and the owner of the property (if other than the permittee) have filed at the office of the

Exhibit 1

JULY 22, 2008

Planning Division their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.

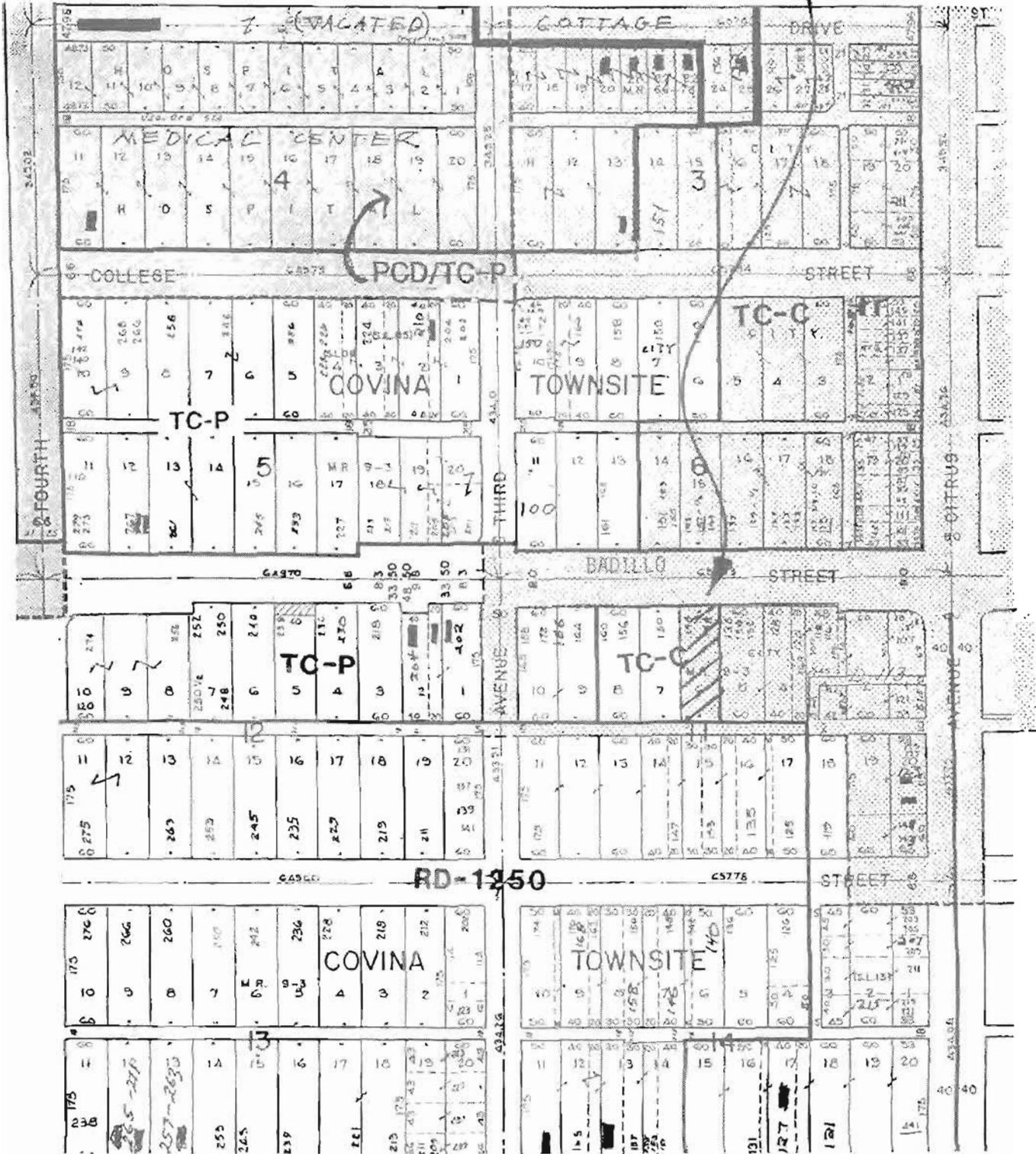
- 2.23 The applicant's subject property shall be developed and operated in accordance with the TCSP-5 (Retail and Service Core) zoning designation as approved by the City Council, the approved plan on file with the City, all representations of record made by the applicant, the conditions contained herein, and the Covina Municipal Code and Covina Design Guidelines. Prior to commencement of the approved use, all conditions of approval shall be complied with to the satisfaction of the City Planner.
- 2.24 This project 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 30 days. To file the Notice of Exemption, please contact the Planning Division.
- 2.25 The costs and expenses of any code enforcement activities, including, but not limited to, attorney's fees, caused by applicant's violation of any condition imposed by this Conditional Use Permit or any provision of Covina's Municipal Code shall be paid by the applicant.
- 2.26 The applicant or property owner shall obtain an approved building permit to maintain the illegal covered patio, or shall remove the illegal covered patio from the site.

EXHIBIT 1

CUP 08-005

144 WEST BADILLO STREET

Subject Site





CITY OF COVINA

INTER-OFFICE MEMORANDUM

To: Planning Division

From: Trent McClain, Building and Code Enforcement Coordinator *TM*

Date: July 3, 2008

Subject: CUP 08-005

Address: 144 West Badillo Street

The following comments are intended to provide the applicant with the general knowledge necessary for maintaining compliance with Building Division concerns.

- It is unclear whether this use is temporary or permanent by way of the plans.
- Please be prepared to submit four sets of complete plans for any tenant improvements subsequent to this Conditional Use Permit (CUP); two sets of plans shall be "stamped approved" by our Planning Division. Please contact the Building Division at 626-858-7236 if there are any questions on what types of improvements would invoke City review, approvals, and permits.
- Most exterior and interior improvements require a proportionate investment towards making the facility accessible. Please be prepared to identify areas of barrier removal to meet these potential requirements for tenant improvement.
- Additional comments may be generated during the Building Division plan review process.

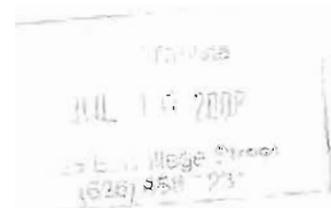


EXHIBIT 1

CITY OF COVINA
INTEROFFICE MEMORANDUM

DATE: JULY 2, 2008

TO: Sergeant Jim McDonough, Police Department
Robert Neuber, Community Development Director
Jenry Cantu, Inspector, Fire Department
Fleint McClam, Building and Code Enforcement Coordinator
Public Works Department.
Engineering Division
Environmental Division
Water Division

FROM: Planning Division

SUBJECT: CUP 08-005

APPLICANT: GALEN METZ

REQUEST: TO CONDUCT ON-SALE OF BEER AND WINE AND ALSO
THE DISPLAY AND SALE OF BEER AND WINE FOR OFF-SITE
CONSUMPTION WITH AN ART GALLERY.

ADDRESS: 144 WEST BADILLO STREET

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: JULY 15, 2008

COMMENTS. None
Vivian Castro
Name

7/2/08
Planning Division
Date
JUL 15 2008
- 2 -
62282280 271

Exhibit 1

CITY OF COVINA
INTEROFFICE MEMORANDUM

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TO: Sergeant Jim McDonough, Police Department
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Jerry Cantu, Inspector, Fire Department
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COMMENTS:

Name	Date

Exhibit 1

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ADDRESS: 144 WEST BADILLO STREET

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: JULY 15, 2008

COMMENTS: *Eng's name.*
Leo Tolosa
Name



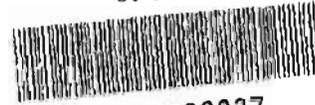
7-3-08
Date

Exhibit 1

RECORDING REQUESTED BY

The City of Covina
125 East College Street
Covina, CA 91723-2199

09/03/08



20081588837

and when recorded mail to

The City of Covina
125 East College Street
Covina, CA 91723-2199

SPACE ABOVE THIS LINE FOR RECORDER'S USE

ACCEPTANCE OF TERMS, COVENANTS AND CONDITIONS

WHEREAS, the Planning Commission of the City of Covina held a public hearing on July 22, 2008 to receive, hear and consider oral and written testimony concerning an application for a Conditional Use Permit (CUP 08-005) in regards to the real property commonly known as 144 West Badillo Street, Los Angeles County, Covina, California 91723 and having parcel number 8444-001-005;

Whereas, Galen Metz is the lessee of the real property commonly known as 144 West Badillo Street;

WHEREAS, the Planning Commission, having received, heard and considered all of the oral and written testimony made certain findings, and

WHEREAS, the Planning Commission, after having received, heard and considered all of the oral and written testimony approved the application for the conditional use permit, subject to the attached terms, covenants and conditions.

CITY OF COVINA
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT APPLICATION NO. 08-005
AS APPROVED BY THE PLANNING COMMISSION
ON JULY 22, 2008

The Conditional Use Permit Application No. 08-005 will allow the on-sale of beer and wine and also the display and sale of beer and wine for off-site consumption with an art gallery upon property located at 144 West Badillo Street in Covina, subject to the approved plans and conditions of approval listed below.

1.0 TIME LIMITS

- 1.1 The approval of this application will expire one-year from the date of the application affirmation by the Planning Commission if the approved use has not commenced. The Planning Commission may extend the approval for a period not to exceed one-year upon written request by the applicant to the City Planner. The written request must be submitted at least thirty days prior to expiration of the application.
- 1.2 Should the use for which this approval is granted cease to exist or function for 90 or more consecutive days, this permit shall be deemed null and void.

2.0 GENERAL REQUIREMENTS

- 2.1 The applicant shall submit a revised plot plan showing the dimensioned parking spaces behind the subject building, and detailed information about the outdoor seating area and the outdoor sculpture & wine garden, applicable handicapped accessible requirements, and a new trash bin enclosure that comply with Section 17.72.020 Off-street parking general requirements, and 17.72.030 Off-street parking improvements required of the Covina Municipal Code and obtain approval from the Planning Division.
- 2.2 A minimum of 15 parking spaces shall be available during the art gallery's hours of operation.
- 2.3 (As modified by the Planning Commission on July 22, 2008) The art gallery's hours of operation shall be ~~Tuesdays through Saturday from 2:00 PM until 10:00 PM and open on Sundays from 12 Noon until 5:00 PM.~~ Tuesday through Sunday from 10:00 a.m. until 1:00 a.m.
- 2.4 The applicant shall obtain a City business license and pay the required fee(s) in compliance with the provision of Section 5.04.060 of the Covina Municipal Code.

EXHIBIT 2

JULY 22, 2008

- 2.5 The applicant shall obtain a sidewalk dining/display permit prior to setting out any tables or chairs, furniture or serving beer or wine outside of the art gallery
- 2.6 The applicant shall obtain the necessary license(s) from the State of California Alcohol Beverage Control prior to selling beer or wine to his customers inside of the art gallery or outdoors in the front seating area or in the sculpture & wine garden.
- 2.7 The applicant shall comply with the following comments from the Covina Building Division:
 - a. (As modified by the Planning Commission on July 22, 2008) The applicant's plans shall make clear whether this use is temporary or permanent by the plans.
 - b. Please be prepared to submit four sets of complete plans for any tenant improvements subsequent to this Conditional Use Permit (CUP); two sets of plans shall be "stamped approved" by our Planning Division. Please contact the Building Division at (626) 858-7236 if there are any questions on what types of improvements would invoke City review, approvals, and permits.
 - c. Most exterior and interior improvements require a proportionate investment towards making the facility accessible. Please be prepared to identify areas of barrier removal to meet these potential requirements for tenant improvement.
 - d. Additional comments may be generated during the Building Division plan review process.
- 2.8 The applicant shall comply with the following condition(s) from the Covina Police Department:
 - a. Adhere to all Alcohol Beverage Control (ABC) rules and regulations.
 - b. (As modified by the Police Department on July 22, 2008) Adhere to local regulations, Covina Municipal Code, and no "live" DJ or entertainment, except with an approved Entertainment Permit from the Police Department.
- 2.9 The applicant or property owner shall obtain an approved building permit to maintain the 10'-0" high chain link located in the rear portion of the subject property.
- 2.10 Handicapped requirements, including site access identification, parking requirements, path of travel and building access, shall comply with all State of California and Federal Government regulations. Please contact the Covina

Exhibit 2

JULY 22, 2008

- Building Division for specific handicapped requirements pertaining to this project.
- 2.12 Ordinance requirements not herein listed are still applicable.
 - 2.13 Sign permits are required for all new signs and /or modification of any existing signs. The proposed signs for this project are subject to a separate plan review. Submit proposed plans to the Planning Division for plan check and approval.
 - 2.14 Screen from view all new roof, wall, or ground mounted mechanical equipment, utility equipment or utility meters. Locate, identify and provide cross-sectional details of screening material in the construction documents.
 - 2.15 A trash bin enclosure shall be installed in accordance with the normal requirements for the City of Covina which call for block construction with solid metal self-closing gates.
 - 2.16 Parking lot illumination shall comply with the standards of the Covina Design Guidelines which require a minimum of 1.0 foot-candle of illumination in parking areas.
 - 2.17 The site, landscaping and all improvements shall be maintained in a sound, healthy and attractive condition free of weeds, visible deterioration, graffiti or other conditions which violate the Municipal Code.
 - 2.18 The City has the right of entry to inspect the premises to verify compliance with the conditions of approval and the Covina Municipal Code at any time.
 - 2.19 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.
 - 2.20 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.

EXHIBIT 2

JULY 22, 2008

- 2.21 If any provision of this grant is held or declared to be invalid, the entire approval shall be void and the privileges granted hereunder shall lapse.
- 2.22 This grant shall not be effective for any purposes until the permittee and the owner of the property (if other than the permittee) have filed at the office of the Planning Division their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.
- 2.23 The applicant's subject property shall be developed and operated in accordance with the TCSP-5 (Retail and Service Core) zoning designation as approved by the City Council, the approved plan on file with the City, all representations of record made by the applicant, the conditions contained herein, and the Covina Municipal Code and Covina Design Guidelines. Prior to commencement of the approved use, all conditions of approval shall be complied with to the satisfaction of the City Planner.
- 2.24 This project 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 30 days. To file the Notice of Exemption, please contact the Planning Division.
- 2.25 The costs and expenses of any code enforcement activities, including, but not limited to, attorney's fees, caused by applicant's violation of any condition imposed by this Conditional Use Permit or any provision of Covina's Municipal Code shall be paid by the applicant.
- 2.26 The applicant or property owner shall obtain an approved building permit to maintain the illegal covered patio, or shall remove the illegal covered patio from the site.
- 2.27 (As added by the Planning Commission on July 22, 2008) If the location becomes a high gathering spot, the management shall comply with any request by the Police Department to close down the location for the remainder of the day or any particular day that the Department feels necessary in order to keep the peace. Furthermore, should these problems become ongoing, the city reserves the right to establish or to modify the business hours to prevent any future recurrence.
- 2.28 (As added by the Planning Commission on July 22, 2008) 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.

Exhibit 2

RESOLUTION NO. 2016-027 PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COVINA, CALIFORNIA APPROVING A CONDITIONAL USE PERMIT (CUP 16-015) AND SITE PLAN REVIEW (SPR 16-021) TO UPGRADE TO A FULL LIQUOR SERVICE (TYPE 48) FOR ON-SITE SALE AND CONSUMPTION OF ALCOHOL, ADD RESTAURANT USE AND EXPAND OUTDOOR PATIO FOR AN EXISTING ART GALLERY WITH ON AND OFF SITE SALE OF BEER AND WINE WITHIN THE TOWN CENTER SPECIFIC PLAN LOCATED AT 144 W. BADILLO STREET (APN: 8444-001-005) – PREVIOUSLY APPROVED AS CUP 08-005

WHEREAS, Galen Metz, the Applicant has filed an application for approval of Site Plan Review (SPR 16-021) and a Conditional Use Permit (CUP 16-015), to upgrade to full liquor service (Type 48) for on-site sale and consumption of alcohol, add restaurant use and expand outdoor patio for an existing art gallery located at 144 W. Badillo Street, Covina, California, 91723; and

WHEREAS, on October 11, 2016, the Planning Commission conducted a duly noticed public hearing, at which time oral and written evidence along with a written recommendation from the Planning Division was presented to the Planning Commission. The Planning Commission concluded said hearing on that date.

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

SECTION 1. The foregoing recitals are true and correct and are incorporated herein and made an operative part of this Resolution.

SECTION 2. Based upon the entire record made available at the September 27, 2016 public hearing, the staff report, the oral presentation, and related documents submitted to the Planning Commission prior to and at the public hearing, the Planning Commission hereby finds and determines as follows:

a. Conditional Use Permit

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

Findings of Facts: The establishment is currently operating to serve alcohol pursuant to CUP 08-005 approved in 2008. The CUP allowed it also operate with live entertainment, outdoor dining, on-site tasting with bar in conjunction with the art gallery. CUP 08-005 allowed it to operate up to 1 a.m. on weekends. The proposed business upgrades such as the addition of kitchens, and restroom

expansion, will reduce the areas devoted to alcohol service. The business continues to operate in good standing with its approved CUP and ABC License. Its operations and proposed upgrades will not lead to the requirements of additional yards, spaces, walls and fences, parking, loading, landscaping and other features required by the zoning code. Therefore, the business will continue to operate consistent with its original approval.

2. That the use will have no adverse effects on the abutting properties.

Findings of Facts: The site fronts Badillo Street and the rear of the property is provided with an alley to access the back parking lot. The proposed CUP application is comprised of tenant interior improvements and upgrades pursuant to its uses and activities allowed under CUP 08-005 and no addition of floor area is being proposed. Therefore, the business will have no traffic impact on surrounding streets and roadways.

3. That the approval of such application shall be made subject to conditions of approval deemed necessary to ensure the protection of adjacent property and the public health, safety and general welfare.

Findings of Fact: The property is abutted by Inter Community Church to the east and a public parking lot to the east. The church's hours of operation are Sunday mornings starting at 9 a.m. with the latest activity on Sunday starting at 11:15 a.m. for a youth-oriented bible study. Weekday bible studies are typically 7 p.m. on Tuesdays, 2:30 p.m. on Wednesdays, and 7:00 p.m. on Fridays. At least since the approval of CUP 08-005 in 2008 that permitted Azo Vino Gallery and Wine Tasting for the consumption and sale of alcohol as early as 10 a.m. on Tuesdays to Sundays, there have been no known incompatibilities between any of the abutting uses. The proposed hours will further reduce any potential adverse effects to abutting permitted uses by eliminating all morning hours.

4. That the conditions stated in the decision are deemed necessary to protect the public health, safety and general welfare. Such conditions may include:

1. Regulation of use.
2. Special yards, spaces and buffers,
3. Fences and walls,
4. Surfacing of parking areas subject to city specifications.
5. Requiring street, service road or alley dedications and improvements or appropriate bonds,
6. Regulation of points of vehicular ingress and egress,
7. Regulation of signs.
8. Requiring landscaping and maintenance thereof,

9. Requiring maintenance of the grounds,
10. Regulation of noise, vibration, odors, etc.,
11. Regulation of time for certain activities.
12. Time period within which the proposed use shall be developed,
13. Duration of use,
14. And such other conditions as will make possible the development of the city in an orderly and efficient manner and conformity with the intent and purposes set forth in this title.

Findings of Fact: During the course of application review, no concerns regarding the public health, safety, and general welfare were identified. The Police Department has reviewed the project, and proposes conditions of approval commensurate with the business upgrades. Since there is alcohol use proposed, the proposed conditions of approval are necessary to protect the public health, safety and general welfare for the known and anticipated impacts of alcohol usage. These conditions primarily are on the land use and activities, hours of operation, and the prevention of nuisance and public disturbance.

b. Site Plan Review

1. All provisions of the Zoning Ordinance are complied with.

Facts: The site improvements under consideration herein, the key elements of which would be structure size/location, vehicle accessibility, parking areas, and landscaping, satisfy the development standards of the TSCP-5 zone and other provisions of the Covina Municipal Code (CMC).

2. The basic project elements are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, and no adverse effects will occur on surrounding properties.

Facts: The project proposes no additional floor area, and the proposed project elements would have no adverse impacts on the pedestrian and vehicular safety and on the surrounding properties.

3. The project design conforms to the General Plan and any Design Guidelines or Specific Plan that may be applicable to the project.

Facts: The project would comply with the goals, policies, and objects of both the General Plan and the Covina Design Guidelines. This will be achieved through the implementation of certain Conditions of Approval regarding limits on permitted uses and activities, and the requirement for any exterior work, including the outdoor patio to comply with the Design Guidelines.

4. The project design is harmonious, consistent and complete within itself and functionally and visually compatible with neighboring structures and the area in which it is located.

Facts: There is no substantial exterior work being proposed by the applicant except for the façade upgrades and the expansion of outdoor sidewalk dining. The expansion of the outdoor dining area is directed towards the existing building rather than to adjacent neighbors. Upon approval of the proposed conditions, the proposed project would be functionally and visually compatible with other developments within the immediate vicinity.

5. The development will constitute an adequate environment for the intended use by sustaining the desirability and stability of the neighborhood and community.

Facts: The establishment is currently operating to serve alcohol pursuant to CUP 08-005 approved in 2008. The CUP allowed it also operate with live entertainment, outdoor dining, on-site tasting with bar in conjunction with the art gallery. CUP 08-005 allowed it to operate up to 1 a.m. on weekends. The proposed business upgrades such as the addition of kitchens, restrooms, and would reduce the areas devoted to alcohol service. The business continues to operate in good standing with its approved CUP and ABC License.

6. Proposed lighting is so arranged as to reflect the light away from adjoining properties.

Facts: New exterior lighting during nighttime will be required for the outdoor patio area. All exterior lighting is required to comply with the design-related provisions of the Zoning Code and the Design Guidelines. A detailed lighting plan will be submitted, as conditioned, to ensure compliance with applicable safety and security requirements.

7. Proposed signs will not, by size, location, color, or lighting, interfere with traffic or limit visibility.

Facts: Any new or modified signage will be reviewed separately for compliance with applicable Zoning Code requirements.

SECTION 3. Community Development Department staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The project qualifies under the Class 1 exemption pursuant to CEQA Guidelines Section 15301(a) because the project consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of an existing private structure and facility, involving negligible or no expansion of use beyond that existing at the time of this determination of exemption, including interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances. The Planning

Commission has reviewed the Community Development Department's determination of exemption, and based on its own independent judgment, concurs in the staff's determinations of exemption. The Planning Commission further determines that there is no substantial evidence that the project will have a significant effect on the environment.

SECTION 4. Based upon the findings and conclusion set forth in Sections 1, 2, and 3 above, the Planning Commission hereby approves the application:

- a. The Conditional Use Permit, CUP 16-015, is hereby approved, subject to the Conditions of Approval set forth in the written record before the Commission incorporated here and attached hereto as Exhibit "A."
- b. The amendment to Site Plan Review, SPR 16-021 is hereby approved, subject to the Conditions of Approval set forth in the written record before the Commission incorporated here and attached hereto as Exhibit "A."
- c. The Secretary of the Planning Commission is directed to serve, by first-class mail, written notice of this decision to the Applicant within five (5) days.

SECTION 5. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED by the members of the Planning Commission of the City of Covina at a regular meeting thereof held on the 11th day of October 2016.

CHAIRMAN CHARLES HODAPP
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 11th day of October 2016, by the following vote of the Planning Commission:

AYES:
NOES:
ABSENT:
ABSTAIN:

COVINA PLANNING COMMISSION SECRETARY

EXHIBIT E
Page 5 of 13

EXHIBIT A
RESOLUTION NO. 2016-027 PC AND CONDITIONS OF APPROVAL FOR
SITE PLAN REVIEW (SPR) 16-021 AND CONDITIONAL USE PERMIT (CUP) 16-015
AS RECOMMENDED FOR APPROVAL TO THE PLANNING COMMISSION ON
OCTOBER 11, 2016
APN: 8444-001-005

CONDITIONS OF APPROVAL

Development Applications:

1. Resolution No 2016-027 PC, approving SPR 16-021, and CUP 16-015, to upgrade to full liquor service (Type 48) for on-site sale and consumption, add restaurant use and expand outdoor patio within art gallery located at 144 Badillo Street, Covina, California, 91723.
-

ALL OF THE FOLLOWING CONDITIONS APPLY TO THE PROJECT

A. TIME LIMITS:

1. **Conditional Use Permit (CUP) 16-015 and Site Plan Review (SPR) 16-021:** The approvals shall expire one year from the date of application approvals by the Planning Commission if the approved use has not commenced. The use shall be considered to have commenced, when, after meeting all applicable requirements of the conditions of approval and the relevant codes, a valid building permit has been issued by the City of Covina to perform the tenant improvements proposed under CUP 16-015 and SPR 16-021.

B. OPERATIONAL REQUIREMENTS:

1. This approval will not be effective for any purposes until the Applicant and the Property Owner have filed with the Planning Division an affidavit stating that they are aware of and agree to accept all of the conditions of this grant.
2. The approval granted for SPR 16-021 is for related interior tenant improvement required for the activities and uses approved under CUP 16-015. The approval of SPR 16-021 shall be contingent upon the approval of CUP 16-015.
3. The approval granted for CUP 16-015 as conditioned is for the on-site sale and consumption of alcohol (beer, wine, and distilled spirits) for consumption within the tenant space, and for sale of beer and wine for off-site consumption in conjunction with an art gallery pursuant to the Type 48 license issued by the California

Department of Alcoholic Beverage Control (ABC). The sale of distilled spirits and liquor for off-site consumption is prohibited.

4. All permitted alcohol service shall be allowed only in conjunction with the operation of an art gallery. The applicant shall reserve the stage area for the display of art during the times when live entertainment is not occurring. Art shall include but not limited to original multiple or singular production and/or installation of paintings, illustrations, digital and or mechanical art, mural, reproductions of existing artwork, and glass and crystal work. Art for this purpose shall not include any signs and advertisements of commercially available products served or sold by the business outside of the artwork themselves.
5. Live performances and similar activities shall be subject to the requirements of CMC Ch. 5.28 (Entertainment) and shall not be considered artwork for the purpose of meeting the requirements of Resolution No. 16-027 PC. Live entertainment may only occur Thursdays thru Sundays 8 p.m. to 12 a.m. These hours and any activity permitted under Resolution No. 16-027 PC shall be subject to further restrictions including reduction of hours or prohibition of the issuance of an Entertainment Permit at the discretion of the Covina Police Department pursuant to its authority under CMC 5.28 (Entertainment).
6. The permitted hours of operation shall be no earlier than 12 p.m. and no later than 1 a.m. Mondays through Sundays for the permitted alcohol service pursuant to Condition No. 3.
7. If the establishment engages in activities not permitted by this CUP or by the zone regardless of the activities allowed by the ABC license, the CUP will be either subject to revocation, require a new CUP application, or be prohibited outright unless the code is amended.
8. All plans submitted for building permits shall be consistent with the plans reviewed and conditionally approved by the Planning Commission on the date stated on this Resolution.
9. The applicant shall obtain an outdoor dining/display permit prior to setting out any tables or chairs, furniture, or serving alcohol beverages in the proposed outdoor dining areas. The outdoor area shall be consistent with Chapter 11.26 (Sidewalks) and 17.57 (Outdoor Dining and Display). All outdoor furniture, menus and advertisements must be cleared out and stored inside or disposed of every night at closing. No live entertainment or amplified music is allowed on the outdoor patio area.
10. The outdoor patio area shall be designed to the satisfaction of the Director of Community Development that is compatible with the Covina Design Guidelines, and consistent with the Covina Municipal Code regulations on walkway widths, ADA accessibility, and dimensions. The patio enclosure shall be well-designed, and that

the enclosure shall be built to provide sufficient transparency so as not to conceal activities behind the enclosure or the tenant space.

11. All service of alcoholic beverages will cease 30 minutes prior to any closing time, or as set forth in an applicable license issued by the Department of Alcohol and Beverage Control ("ABC"), whichever is more restrictive.
12. The sale of more than two alcoholic beverages (including "beer buckets") to a single patron at one time for on-site consumption, without satisfactory verification that the purchase is for a group of adults physically present at the time of the sale, is prohibited.
13. The establishment shall maintain a valid Type 48 California Alcohol and Beverage Control (ABC) license at all times to serve alcohol. Any action taken by the ABC that would render the establishment unable to serve or manufacture alcohol shall cause to be null and void any entitlements approved herein.
14. All customers shall enter the establishment through front doors facing Badillo Street. The rear facing doors shall be utilized only for emergency exits, deliveries and for employee arrival and departure from work.
15. The establishment shall post clearly on the entrances, at the bar, and within the restrooms the following information on a single notice: the numbers of locally-serving taxicab companies, the location of the closest car-sharing or taxicab pick-up and drop-off areas, the hours of services of locally-serving public transportation, and the names of locally-serving transportation network companies with available online dispatch capabilities.
16. A valid Type 48 ABC license shall be obtained prior to the Time Limit outlined in Condition A.1. The status of the Type 48 ABC license within that Time Limit must allow the establishment to serve alcohol consistent with this CUP.
17. Façade modifications shall be in conformance with Covina Design Guidelines so that the building style and signage convey the site as one unit. If façade changes require a building or any other City department review of permits, then those must be obtained and completed to their satisfaction. A separate sign permit shall be required.

C. POLICE DEPARTMENT:

1. 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 ordinance will be presented to the District Attorney's office for prosecution and will be grounds for revocation or modification of this permit.

2. The establishment shall comply with the Covina Police Department in its Entertainment Permit process, specifically as it relates to any type of live or non-live entertainment taking place.
3. No alcoholic beverages or their containers, such as bottles and glasses, will be present other than in the storage area after 1:00 a.m. every day.
4. Only on-duty employees will be allowed inside the establishment during non-operating hours.
5. 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 (ABC) Board in regards to the ratio of alcoholic beverage sales to food sales.
6. 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 or applicable prosecuting entity, for prosecution and will be grounds for revocation or modification of this permit.
7. 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 result of conduct occurring at the premises.
8. The owners, operators, management staff, and employees shall allow for the inspection of the premises by members of the Covina Police Department at any time when there are employees present inside the location.
9. 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.
10. 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 to maintain the cleanliness of the parking lots, sidewalks, and the property of adjacent business owners.
11. The owners, operators, or managers shall, subject to approval of the Police Department, develop a plan to ensure that all exterior locations are adequately and safely illuminated during hours of darkness.

12. The owners, operators, or managers shall ensure that all occupancy levels mandated by the Los Angeles County Fire Department and the Covina Building Division are strictly enforced and adhered to. At any time that the occupancy is in question, the Police Department Watch Commander can contact the Los Angeles County Fire Department and/or the Covina Building Division in order to determine if the occupancy level is over the allowed number of occupants.
13. When applicable, the owner or operator shall contract with a security company for security personnel or hire security personnel as employees.
 - a. 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 the premises must be licensed by the State of California as security guards and be in good standing throughout their time of employment.
 - b. In the event the owner or 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 through their time of employment.
14. The Police Department may, after meeting with owners or managers of the establishment, increase the number of required security personnel or planned events or incidents where the police department determines that the number of on-duty security personnel is deficient.
15. At no time will any security personnel, whether employed by a private company or licensed by the City or employed by the establishment, be armed with any type of firearm.
16. The Covina Police Department requests the following language be placed into the Conditional Use Permit:

PLEASE TAKE FURTHER NOTICE that if a breach of a condition of this Permit (which is a public nuisance – pursuant to Chapter 8.40 of the Covina Municipal Code) 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.

D. FIRE DEPARTMENT:

1. Occupancy load shall be posted. CFC Section 1004.3.
2. Exit signs shall be internally or externally illuminated at all times. CFC Section 1011.3.
3. Exit signs shall be connected to an emergency power system that provides illumination for not less than 90 minutes in case of primary power loss. CFC 1011.6.3.
4. (In a power failure) the means of egress, including the exit discharge, shall be illuminated at all times the building space served by the means of egress is occupied. CFC Section 1006.1.

E. GENERAL REQUIREMENTS:

1. Applicant shall, at its own expense and with counsel selected by City, fully defend, indemnify and hold harmless City, its officials, officers, employees, and agents ("Indemnified Parties"), from and against any and all claims, suits, causes of action, fines, penalties, proceedings, damages, injuries or losses of any name, kind or description, specifically including attorneys' fees, ("Liabilities"), arising in any way out of City's approval of the Applications or the Project. Applicant's indemnification obligation shall include, but not be limited to, actions to attack, set aside, void, or annul the City's approval of the Applications, and Liabilities premised on, related to or invoking CEQA, including those arising out of City's decisions related to the Project's CEQA documents. City shall promptly notify Applicant of any such claim, action or proceeding, and shall cooperate fully in the defense of such claim, action, or proceeding. Applicant's indemnification obligations shall not be limited to the amount of insurance coverage that may be available to Applicant, and shall not otherwise be restricted or confined by the presence or absence of any policy of insurance held by City or Applicant.
2. The property and all improvements, including landscaping, must be maintained in a sound, healthy, and attractive condition free of weeds, visible deterioration, graffiti, debris and/or other conditions that violate the Covina Municipal Code.
3. The costs and expenses of any code enforcement activities, including, but not limited to, attorneys' fees, caused by applicant's violation of any condition or mitigation measure imposed by this application or any provision of the Covina Municipal Code must be paid by the applicant.
4. 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 building permit issuance.

5. The site shall be developed and maintained in accordance with the approved plans on file with the Community Development Department, all representations of record made by the applicant(s), the conditions contained herein, the Covina Municipal Code, and the Covina Design Guidelines. In addition, any future proposed changes or modifications in the design of any site component approved herein shall not proceed without City approval.
6. If new exterior lighting is proposed, a detailed lighting plan shall be submitted to the Director of Community Development for review and approval prior to issuance of permits and installation.
7. Final plans incorporating all conditions of approval and any plan-related changes required in the approval process shall be submitted for the Director or his designee review and approval, prior to submittal for Plan Check process.
8. The project site must be clean and free of trash and construction debris, and all construction equipment must be removed from the site, prior to the issuance of the Certificate of Occupancy.
9. All graffiti shall be removed within 72 hours.
10. The City has the right of entry to inspect the premises to verify compliance with the conditions of approval and the Covina Municipal Code at any time.

F. BUILDING AND SAFETY DIVISION

1. ADA Path of Travel must be provided around the outdoor patio area.
2. Submit 6 sets of complete plans including any proposed utilities and earthwork/grading. The project must comply with the 2013 California Building Standards and 2013 energy code.
3. 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.
4. This project must comply with Federal and State Accessibility requirements to and throughout the building. Include compliance methods and structural details on the plans.
5. 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 and Safety Division.

- **SCAQMD Headquarters; 21865 Copley Drive, Diamond Bar, CA, (909) 396-2381**

6. 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.**
7. Construction activity within 500' of a residential zone is prohibited between the hours of 6:00 pm and 7:00 am on Monday through Friday and between 5 pm and 8 am on Saturday and all day on Sunday and Holidays unless otherwise permitted.

G. PUBLIC WORKS - ENGINEERING DIVISION

1. An encroachment permit must be obtained for outdoor dining.

H. PUBLIC WORKS – ENVIRONMENTAL SERVICES DIVISION

1. A \$40 initial application review shall be paid to the Environmental Services Division.
2. Contact Athens Services to establish trash service by calling 888-336-6100. All trash areas must be maintained on a regular basis. All trash must be securely stored in the trash enclosure.
3. No trash/debris or wash water is to go into the public right-of-way (sidewalk, street, gutter, storm drain).
4. Complete, sign, return original, and attach copy to field plans of the OC1A form.

I. COMMUNITY DEVELOPMENT – HOUSING

1. Landscape District and Lighting District annexation may apply.

END OF CONDITIONS