



**CITY OF COVINA  
PLANNING COMMISSION AGENDA  
REGULAR MEETING, TUESDAY, DECEMBER 13, 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 November 8, 2016.
- 2. Approval of Minutes of the Regular Meeting of November 22, 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. Conditional Use Permit (CUP) 16-017, a request to operate a youth and children counseling facility, within a vacant building located in the RD-8,500/PCD Residential (Multiple-Family)/Planned Community Development Zone, at 1650 Old Badillo Street. APN: 8426-012-014.

Staff Recommendation: Adopt **Resolution No. 2016-038 PC**, approving Conditional Use Permit (CUP) 16-017.

*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 15332, Class 32 (Infill Development) of the CEQA Guidelines. Staff's recommendation will be that the Planning Commission approve CUP 16-017 (subject to the proposed conditions of approval).*

2. Site Plan Review (SPR) 16-035 and Conditional Use Permit (CUP) 16-018, a request to operate a beauty salon (Flora Total Beauty) and to conduct a minor tenant improvement to an existing 815-square foot space, within a multi-tenant commercial building, at 336 E. Rowland Street. APN: 8451-007-053.

Staff Recommendation: Adopt **Resolution No. 2016-036 PC**, approving Site Plan Review (SPR) 16-035 and Conditional Use Permit (CUP) 16-018.

*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 Categorical Exempt in accordance with Section 15301(a), Class 1 (Minor Interior Alterations) of the CEQA Guidelines. Staff's recommendation will be that the Planning Commission approve SPR 16-035 and CUP 16-018 (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**

1. Public Convenience or Necessity (PCN) Determination for Conditional Use Permit (CUP) 16-015 and Site Plan Review (SPR) 16-021, 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.

Staff Recommendation: Adopt **Resolution No 2016-037PC** approving a request of public convenience determination 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.

## **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 January 10, 2017 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 December 8, 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 NOVEMBER 8, 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 7:00 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, City Planner, Community Development Consultant, Assistant City Attorney

C. AMENDMENTS TO THE AGENDA

None

**PUBLIC COMMENTS**

None

**CONSENT CALENDAR**

1. Approval of Minutes of the Regular Meeting of October 25, 2016.

A motion was made and seconded to approve the Minutes of the Regular Meeting of October 11, 2016.

The motion carried 5-0 as follows:

AYES: CONNORS, HODAPP, MANNING, MCMEEKIN, PATTERSON

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

2. Approval of Minutes of the Study Session of September 13, 2016.

A motion was made and seconded to approve the Minutes of the Study Session 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 recommendations to the City Council on the following Applications:
  - a. **Environmental Impact Report (EIR):** Certify Environmental Impact Report, SCH 2016051053 as adequately prepared in accordance with the California Environmental Quality Act and adopt the Mitigation Monitoring And Reporting Program and to take actions related thereto, General Plan Amendment (GPA) 16-001, Covina Forward Specific Plan (SP) 16-001, Zone Change (ZCH) 16-002, Vesting Tentative Tract Map (TTM) 74512, Site Plan Review (SPR) 16-023, Site Plan Review (SPR) 16-033 and Development Agreement (DA) 16-001, for the proposed iTEC Transit Oriented Mixed-Use Development. The project site is approximately 10.66 acres and generally located at 1162 North Citrus Avenue and 117 East Covina Boulevard - APN: 8406-019-019, 8406-019-020 And 8406-019-17.
  - b. **General Plan Amendment (GPA) 16-001:** A General Plan Amendment (GPA) 16-001 to amend the Land Use Map changing the land use designation for the 10.66-acre project site from the General Commercial (GC) designation to the "Covina Forward Specific Plan (CFSP)" with 6.12 acres for "High Density Residential (HDR - 15 to 22 dwelling units per acre)" and 4.54 acres for "General Commercial (GC)."
  - c. **Covina Forward Specific Plan (SP) 16-001:** A Covina Forward Specific Plan (SP) 16-001 to establish the "Covina Forward Specific Plan (CFSP)" with 6.12 acres for "CFSP - RD (Multi-Family)" and 4.54 acres for "CFSP - I (Institutional Use/Zone)"; and to establish special development standards and design guidelines for facilitating the proposed iTEC Transit Oriented Mixed-Use development.
  - d. **Zone Change (ZCH) 16-002:** A Zone Change (ZCH) 16-002 to amend the Official Zoning Map changing the zoning designation for 10.66-acre project site from the "C-3A Commercial Zone (Regional or Community Shopping Center)" and "CR Commercial Zone (Recreation)" to the "Covina Forward Specific Plan (CFSP)" with 6.12 acres for "CSFP - RD (Multi-Family)" and 4.54 acres for "CFSP - I (Institutional Use/Zone)."
  - e. **Vesting Tentative Tract Map (TTM) 74512:** A Vesting Tentative Tract Map (TTM) 74512 for dividing the 10.66-acre project site into 23 lots with 21 lots and 12

letters lots on approximately 6.12 acres for the residential development of 117 for-sale townhouse units, private drive aisles, recreation facilities and common open space areas; and, 2 lots (lots 22 and 23) on approximately 4.54 acres for public/transit and public/civic uses.

- f. **Site Plan Review (SPR) 16-023:** A Site Plan Review (SPR) 16-023 for the construction of 117 for-sale townhouse units with private drive aisles, recreation facilities and common open space area.
- g. **Site Plan Review (SPR) 16-033:** A Site Plan Review (SPR) 16-033 for the construction of a transit center up to a six-bay bus plaza, a "Park and Ride" vehicle parking structure accommodating between 350 and 400 vehicles, and a retail building of up to 4,800 square feet.
- h. **Development Agreement (DA) 16-001:** A Development Agreement (DA) 16-001 between MLC and COVINA where MLC shall convey 1.11 acres of the project site to COVINA, a parkland conveyance of 0.351 acres of the project site to COVINA and the development of 117 for-sale townhouse units with private drive aisles, recreation facilities and common open spaces area on approximately 6.12 acres.

Director of Community Development Brian Lee presented the report, gave the background and an overview of the project, and answered the Commissioners' questions. Staff members and consultants also presented various components of the project.

Ruta Thomas of Dudek presented the Draft Environmental Impact Report (EIR), the impacts that were identified, and the mitigation measures that were proposed to address the impacts.

Liz Ramirez and Peter Whittingham of Curt Pringle & Associates presented the Public Community Outreach program that was implemented for the project. Approximately 500 residents, business owners and community members were contacted over several months, via print and electronic media, public workshops, neighborhood canvassing, community meetings, regional group meetings, and one-on-one resident meetings. An onsite public community event was also held with project representatives, City staff, and the Police Department present to answer questions for residents and members of the public.

Lieutenant Ric Walczak of the Covina Police Department addressed the public safety aspect of the project. Lt. Walczak described the surveillance camera system that will provide the ability for live monitoring in selected areas to increase public safety. Similar cameras are already in place in the Downtown and other areas of the City, and the monitoring takes place at the Police Department 24 hours a day. Audio intervention by the Police Department is also available in conjunction with the cameras for added security. The cameras also provide the ability to monitor traffic in the area.

Director of Community Development Lee discussed project design solutions or modifications, which were the result of meetings and concerns of residents in relation to design and operational components of the project, including project elements such as the relationship of the parking structure to the adjacent residents, landscape setbacks, transit center definition, and design modifications to the proposed residential townhomes.

Lester Tucker of MLC Holdings presented the residential portion of the project.

Charlaine Bailey of Foothill Transit and Architect William Todd from RNL presented the transit center portion of the project, which includes a retail component.

Community Development Director Lee noted that the civic component of the project will be presented as a separate project proposal at a later date.

The public hearing was opened.

John Brittain, Chairman of the Covina Chamber of Commerce, spoke in favor of the project.

Deborah Moraza of Covina spoke in favor of the project.

Maria Timpani of Covina spoke in opposition to the project.

Mitch Brown of Covina spoke neither in favor nor against the project, but expressed concerns.

Richard Hernandez Jr. of Covina spoke in opposition to the project.

David Briones of Covina spoke in opposition to the project.

Luis Galivez of Covina spoke in favor of the project.

Joan Weisner of Covina spoke in opposition to the project.

Richard Scobey of Covina spoke in opposition to the project.

Blaine Lasater of Covina spoke in opposition to the project.

Marilyn Lewis of Covina spoke in opposition to the project.

Blanca Cochere of Covina spoke in opposition to the project.

Thomas Nass, Jr. of Covina spoke in favor of the project.

The public hearing was closed.

A motion was made and seconded to adopt **Resolution No. 2016-029PC** recommending to the City Council certification of the Environmental Impact Report.

The motion carried 5-0 as follows:

AYES: CONNORS, HODAPP, MANNING, MCMEEKIN, PATTERSON  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE

A motion was made and seconded to adopt **Resolution No. 2016-030PC** recommending that the City Council approve the land use entitlements including General Plan Amendment 16-001, Covina Forward Specific Plan 16-001, Zone Change 16-002, Tentative Tract Map 74512, Site Plan Review 16-023, Site Plan Review 16-033, and Development Agreement 16-001, with, in response to certain public comments made at the meeting, the further recommendation to the City Council that it consider an additional condition requiring a physical barrier parallel with the eastern property line of the overall site near Covina Boulevard, where buses would be circulating just prior to leaving the property, as an added measure for noise and glare reduction.

The motion carried 5-0 as follows:

AYES: CONNORS, HODAPP, MANNING, MCMEEKIN, PATTERSON  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE

Community Development Director Lee noted that these items will be forwarded to the City Council for their review and consideration at a noticed public hearing at a Special City Council Meeting scheduled for November 29, 2016.

#### **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 10:00 p.m. to a regular meeting of the Planning Commission at 7:00 p.m. on November 22, 2016 in the Council Chamber of Covina City Hall.

---

Secretary



**MINUTES OF THE NOVEMBER 22, 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 7:00 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, City Planner, Assistant City Attorney

C. AMENDMENTS TO THE AGENDA

None

**PUBLIC COMMENTS**

None

**CONSENT CALENDAR**

None

**CONTINUED PUBLIC HEARINGS**

1. Continued Public Hearing to consider Conditional Use Permit (CUP) 16-007, a request to sell beer and wine for on-site consumption in conjunction with an existing sit-down restaurant, within a community shopping center in the "C-2/Neighborhood Shopping Center" zone, at 423 N. Vincent Avenue, APN: 8435-033-028.

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

Commissioner Connors noted that on page 3 of the staff report, a beauty salon is referenced rather than a restaurant, and in Exhibit E, the incorrect address of 423 N. Citrus should be corrected to 423 N. Vincent.

The public hearing was reopened. There were no speakers.

A motion was made and seconded to adopt **Resolution 2016-028PC** approving CUP 16-007, subject to the corrections noted to the final staff report and the address in the first recital of the Resolution.

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) 16-016, a request to operate a beauty salon in a vacant tenant space, within a multi-tenant commercial building in the "C-3A/Regional or Community Shopping Center" zone, at 519 S. Second Avenue, APN: 8445-029-011.

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

Commissioner Connors noted that on page 2, Section 3 of the Resolution, a sentence states, "The project consists of on-sale beer and wine in conjunction with a sit-down restaurant." Mr. Carter noted that this will be corrected. Assistant City Attorney Serita Young also stated that staff will revise Section 3 of the Resolution to reflect a Class 1 exemption.

The public hearing was opened.

Mercedes Garrett of Covina spoke in favor of the item.

The public hearing was closed.

A motion was made and seconded to adopt **Resolution 2016-013PC** approving CUP 16-016, subject to the corrections noted above.

The motion carried 5-0 as follows:

AYES: CONNORS, HODAPP, MANNING, MCMEEKIN, PATTERSON  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE

2. Public Hearing to consider Conditional Use Permit (CUP) 16-006 and Site Plan Review (SPR) 16-006, a request to construct a concealed wireless communication facility and associated equipment, on a church property in the "RD-1,250/Residential – Multiple Family and Condominium" zone, at 165 W. Dexter Street, APNs: 8444-008-029 & 030.

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

The public hearing was opened.

There were no speakers.

A motion was made and seconded to adopt **Resolution 2016-032PC** approving SPR 16-006 AND CUP 16-006.

The motion carried 5-0 as follows:

AYES: CONNORS, HODAPP, MANNING, MCMEEKIN, PATTERSON  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE

## **NEW BUSINESS**

1. A request to consider the Site Plan Review (SPR) 16-003, for the construction of two new apartment buildings with a total of five apartments units on an existing lot located at 308 S. Barranca Avenue – APN: 8446-012-003

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

Victor Lockett of Long Beach, project designer, spoke in favor of the item.

A motion was made and seconded to adopt **Resolution 2016-033PC** approving SPR 16-003. The Commission also reaffirmed that the project is exempt from CEQA Category 32.

The motion carried 5-0 as follows:

AYES: CONNORS, HODAPP, MANNING, MCMEEKIN, PATTERSON  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE

2. A request to consider the re-approval of Site Plan Review (SPR) 13-015 and Minor Variance (MV) 13-006 for the development of three residential dwelling units located at 276 W. Dexter St – APN: 8444-010-011

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

A motion was made and seconded to adopt **Resolution 2016-034PC** approving SPR 13-015 and MV 13-006.

The motion carried 5-0 as follows:

AYES: CONNORS, HODAPP, MANNING, MCMEEKIN, PATTERSON  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE

3. Application Site Plan Review (SPR) 16-009, for the development of a two-story, 28-unit skilled nursing and memory care facility totaling 39,644 square feet on Masonic Homes Covina campus Parcel D, located at 1650 East Old Badillo Street – APN: 8426-012-012.

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

Alexis Dentin of San Francisco, the project architect, spoke in favor of the item and answered the Commissioners' questions.

A motion was made and seconded to adopt **Resolution 2016-035PC** approving SPR 16-009.

The motion carried 5-0 as follows:

AYES: CONNORS, HODAPP, MANNING, MCMEEKIN, PATTERSON  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE

## **GENERAL MATTERS**

None

## **ADMINISTRATIVE ITEMS**

1. **INFORMATION AND ANNOUNCEMENTS**

Director of Community Development Brian Lee noted that the Covina City Council will consider the Covina Forward Project at a Special City Council Meeting on November 29, 2016 at 6:00 p.m. in the Council Chamber.

2. COMMISSION COMMENTS  
None

**ADJOURNMENT**

Chairman Hodapp adjourned the Planning Commission meeting at 8:10 p.m. to a regular meeting of the Planning Commission at 7:00 p.m. on December 13, 2016 in the Council Chamber of Covina City Hall.

---

Secretary



# CITY OF COVINA

## PLANNING COMMISSION AGENDA REPORT ITEM NUMBER PH 1 DECEMBER 13, 2016

**TO:** Chairman and Members of the Planning Commission

**FROM:** Brian Lee, AICP, Director of Community Development

**SUBJECT:** Conditional Use Permit (CUP) 16-017, a request to operate a youth and family counseling facility within a vacant building located at 1650 Old Badillo Street (APN: 8426-012-014).

### SITE AND PROJECT DESCRIPTION

#### A. Project Information:

Request: To operate a youth and family counseling facility within a vacant building located within the Masonic Center campus.

Applicant: Todd Spiegel

Property Owner: Masonic Homes of California

Location: 1650 Old Badillo Street

Assessor Parcel

Map Number: 8426-012-014

#### B. Site and Surrounding Land Uses

Table 1: Site and Surrounding Land Uses

	General Plan	Zoning	Existing Uses
Site	LDR – Low Density Residential	R-D-8,500/PCD Residential (Multiple Family)/Planned Community Development	Masonic Homes Campus
North	LDR – Low Density Residential and S - School	R-1-7,500 Residential (Single-Family)	Industrial-type building
South	LDR – Low Density Residential and P - Park	A-2 Agricultural and Residential (Single-Family)	Industrial-type building
East	City of San Dimas	City of San Dimas	Houses and Walnut

			Creek Trail
West	LDR – Low Density Residential	R1-8,500 Residential (Single-Family), and R-1-10,000 (Single-Family)	Houses

- C. Site Characteristics: The site contains the Masonic Homes campus, an established complex center of supportive services for adults and youths. The proposed location of youth and adult counseling facility is located in Building B3, one of the 10 existing group homes located on the southern portion of the campus, specifically, located within “Parcel C” (APN: 8462-012-014). Building B3 is a two-story building approximately 6,128 square-feet on the 13.12-acre site of Parcel C.

**ANALYSIS**

- A. Background: On October 22, 2013, the Planning Commission approved CUP 13-014 allowing a children’s interview facility operated by the Children’s Advocacy Center (CAC) to operate within the Masonic Homes campus. That and the proposed project do not affect the existing Development Agreement approved under Ordinance 08-1944. The CAC will remain within the Masonic Homes campus. The proposed project will be a separate facility to be operated by the Masonic Center for Youth and Families (MCYAF) to complement the youth- and children-focused serviced provided by CAC. However, the proposed MCYAF facility operates as a stand-alone institution with the ability to provide services for youth and children independently from CAC.

The building used to contain a children’s group home with bedrooms and restrooms. Tenant improvements will be minimal comprised mainly of widening interior doorways. Access to the Masonic Homes campus is through guarded entrance gates.

- B. Applicable Regulations: The business operates similarly to the CAC facility. The CAC was approved under CUP 13-014 as a governmental/educational use under CMC 17.28.030.
- C. Proposed Uses and Activities: The Masonic Center for Youth and Families (MCYAF) provides counseling services to children and youth. The services it will provide will complement CAC operations as MYCAF will provide counseling specifically to help children with initial stages of trauma. In addition to counseling service, MCYAF will also provide therapy for children and families. These therapy sessions occur once or twice a week for an hour each visit. Sessions will primarily consist of sit-down conversations with therapists certified by the California Board of Behavioral Sciences. No medication will be prescribed. The building will not house residents, and there are no bedrooms. No physical changes to the exterior of the building are proposed.

The hours of operation for the business will be 9 a.m. to 8p.m., Monday through Friday, and 9 a.m. to 2 p.m., Saturdays. The applicant expects that there could be anywhere between one and six families receiving services simultaneously. Six employees will be on-site during the hours of operations.

The proposed floor plan includes two-stories. The first story will contain five offices, two kitchens, two lounge areas and several restrooms. The second story will contain six offices, lounge areas and restrooms.

D. Parking. The Masonic Homes Campus site is provided with 169 parking spaces, including 24 spaces located adjacent to the group homes. Five new parking spaces are being built as approved under SPR 16-015 to accommodate tenant improvements for senior living facilities. Building B3 contains a three-car garage. The site is not open to the general public without authorization from Masonic Homes. The population serviced by the proposed counseling facility, youth and children, by and large do not drive. Parking demand is minimal for a youth-centered use proposed by MYCAF with little potential to exceed the required number of parking spaces for the uses and activities on-site.

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 proposed youth and children counseling facility will occupy one of the existing children's group homes within the Masonic Homes campus. The campus has provided supportive services for all ages, including youth and children for 30 years within its verdant gated grounds. The type of use will not necessitate the construction of new floor area, and the current improvements such as yards, spaces, walls and fences, parking loading, and landscaping are sufficient for the scope of the project.

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 proposed counseling facility will provide services and serve a population who do not drive and that will not create an additional burden to the adjacent roadways. No streets or highways will be impact by approving the Conditional Use Permit.

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

Findings of Fact: The location of the proposed youth and children counseling facility is located in one of the group home buildings of the Masonic Homes campus. The campus houses a complex of supportive facilities. The buildings on-site are separated by landscaping, greenery, and open spaces. The location of the building behind the gated campus is more than 500 feet from the closet streets and residences. Due to its location and low-scale nature of the facility, no adverse impacts are anticipated on any of the neighboring uses.

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 proposed conditions of approval are necessary to protect the public health, safety and general welfare. The conditions are imposed on the relevant and applicable topics to address known issues, and these conditions would sufficiently control the activities proposed by the CUP.

### **PUBLIC HEARING NOTICE AND NOTIFICATION**

The applicant was given a copy of the staff report with associated attachments. 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 November 28, 2016 a minimum of ten (10) days before the hearing as required by law. In addition, the public hearing notice was published in the San Gabriel Examiner newspaper on November 28, 2016.

### **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 utilizes an existing building for the proposed use and the improvements proposed are limited to widening indoor doorways. 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. Community Development Department staff has 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 Conditional Use Permit CUP 16-017 through the adoption of Resolution No. 2016-038 PC.

Prepared by:

Approved by:

\_\_\_\_\_  
Bryan Fernandez  
Consultant Planner

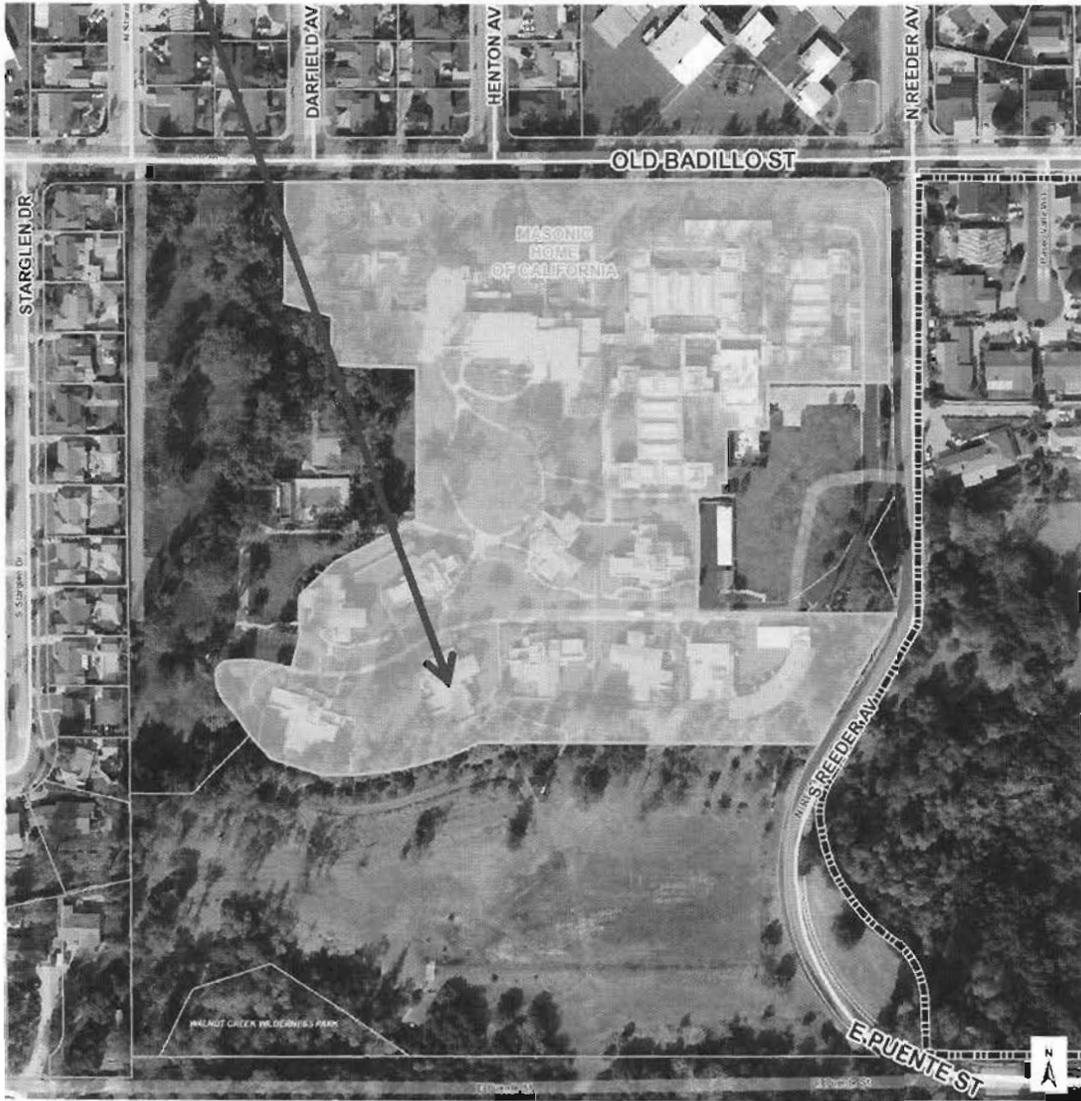
\_\_\_\_\_  
Brian K. Lee, AICP  
Director of Community Development

**EXHIBITS**

- A. Area Map
- B. Application Materials
- C. Project Plans
- D. Resolution 2016-038 PC with Conditions of Approval

AREA MAP  
1650 OLD BADILLO STREET, BUILDING B3  
CONDITIONAL USE PERMIT CUP 16-017

SUBJECT SITE



500.00 Feet



EXHIBIT A



# 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		Staff Use Only
Name of Proposed Project: Masonic Homes Covina		MUNIS NO: 7206 FILE NO: CUP 16-017
Project Address: 1650 East Old Badillo, Covina, CA		
Assessor's Parcel Number: 8426-012-014		
Phone: 818-879-6175	E-Mail: tspiegel@condocs.com	
Applicant Name: Todd B. Spiegel, AIA		
Applicant Address: 31822 Village Center Rd #202 Westlake Village CA 91361		
Property Owner Name: Masonic Homes of California		
Property Owner Address: 1111 California St., San Francisco, CA 94108		

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

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

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: 10/26/2016 Signature: <i>[Signature]</i>
Print Name and Title: Gary Charland, Executive Vice President

STAFF USE ONLY			
Date Received: 10/16/2016	Received by: <i>[Signature]</i>	Fees: \$8,867	Receipt No: 109602

+ 40  
385  
\$ 3,292

Planning\FORMS\Checklist

8/2015



**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).

1. Owner Name: Masonic Homes of California, Gary Charland, Executive Vice President  
 Complete Address: 1111 California Street, San Francisco, CA 94108  
 Email: gcharland@mhcuc.org Phone: 510-476-6347
  
2. Owner Name: \_\_\_\_\_  
 Complete Address: \_\_\_\_\_  
 Email: \_\_\_\_\_ Phone: \_\_\_\_\_
  
3. Owner Name: \_\_\_\_\_  
 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: Todd B. Spiegel, AIA Phone: 818-879-6175  
 Applicant's Complete Address: 31822 Village Cntr Rd. Westlake Village, CA Email: tspiegel@condocs.com

To file and present my/our interest for the referenced application(s): Masonic Homes Covina

Name (printed): Gary Charland  
 Title: Executive Vice President, Masonic Homes of CA Date: \_\_\_\_\_

Signature: 



# 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: 8426-012-014

Site Area: 13.12 ac Building Area: 6,128 sf Building Height: 28'-0" No. of Floors: 2

Total anticipated number of employees: 6 Max shift: 8 Hours of operation: 9-8pm M-F

Does the business involve the sale of any food or beverages?  No  Yes 9-2pm Sat.

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: Group Home Facility

North: Houses and Elementary School

East: Houses and Walnut Creek Trail

South: Walnut Creek Regional Park

West: Houses

### 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? No Grading to be done

### 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: No changes to flora or fauna.

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: Possum, coyotes, squirrels, skunks. Nothing out of the ordinary.

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

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

Not Applicable

Contact person for environmental: \_\_\_\_\_ Phone: \_\_\_\_\_

Environmental firm: \_\_\_\_\_ 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 [www.dtcs.ca.gov](http://www.dtcs.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, Todd B. Spiegel, AIA, 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): Todd B. Spiegel, AIA Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Representative for: Masonic Homes of California

Title: Architect



# 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)

<b>Project Location:</b> APN: 8426-012-014		<b>Staff Use Only</b> <b>FILE NO.:</b>
<b>Applicant:</b> Todd B. Spiegel, AIA		<b>MUNIS:</b>
<b>Primary Contact Person:</b>  Todd B. Spiegel, AIA		<b>RELATED FILES:</b>
<b>Address:</b> 31822 Village Cntr Rd #202 Westlake Village, CA 91361		
<b>Phone:</b> 818-879-6175	<b>Fax:</b> 818-879-0339	<b>E-mail Address:</b> tspiegel@condocs.com

**Secondary Contact Person: (Please Specify Name, Company, Title)**  
David Powers, Sares-Regis Group, Senior Vice President

**Address:**  
Sares-Regis Group, 18825 Bardeen Avenue, Irvine, CA 92612

<b>Phone:</b> 949-809-2502	<b>Fax:</b> 949-833-7742	<b>E-mail Address:</b> dpowers@sares-regis.com
-------------------------------	-----------------------------	---

**Legal Property Owner:**  
Gary Charland, Masonic Homes of California, Executive Vice President

**Address:**  
1111 California Street, San Francisco, CS 94108

<b>Phone:</b> 510-476-6347	<b>Fax:</b>	<b>E-mail Address:</b> gcharland@mhcuc.org
-------------------------------	-------------	---

<b>Architect:</b> ?	<b>Contact Person:</b> ?	
<b>Address:</b> ?		
<b>Phone:</b> ?	<b>Fax:</b>	<b>E-mail Address:</b> ?

**Engineer** **Contact Person:**

**Address:**

<b>Phone:</b>	<b>Fax:</b>	<b>E-mail Address:</b>
---------------	-------------	------------------------

**Landscape Architect** **Contact Person:**

**Address:**

<b>Phone:</b>	<b>Fax:</b>	<b>E-mail Address:</b>
---------------	-------------	------------------------

## PROJECT DESCRIPTION

### Masonic Center for Youth and Families

10.16.16

#### Summary

Masonic Homes Covina is requesting a Conditional Use Permit to operate a Youth and Family Counseling Center run by the Masonic Center for Youth and Families ("MCYAF") in a now-vacant building within the Masonic Homes Covina Complex.

#### Project Description

The Masonic Center for Youth and Families provides counseling services to children and youth. The MCYAF will primarily be working with the Children's Advocacy Center (CAC) which is directly across the street. The CAC provides forensic interviews for children who have been abused. The CAC has recognized an unmet need for the children they serve and has requested counseling services to help the children with the initial stages of trauma they are facing. MCYAF will provide those services. Counseling services will also be available to families outside the CAC.

MCYAF will be providing therapy for children and families. These sessions happen once or twice a week for one hour each visit. Sessions will primarily consist of sitting in rooms talking with people. Younger children will be playing with toys and art materials during their visits. The therapy will be provided by therapists who are licensed by the state of California. They are regulated by the Board of Behavioral Sciences. No medication will be prescribed.

Business hours will be 9-8pm Monday - Friday and Saturdays 9-2pm. During business hours there could be anywhere between 1 and 6 families being seen at one given time.

No physical changes to the exterior of the building are proposed. Widening of interior doorways is the only physical change currently anticipated for the project.

#### Project and Operations Data

- a. Lot B Site Area – 13.12 ac (includes multiple structures)
- b. Building gross square footage – 6,128 sf on 2 stories (4 half-stories)
- c. Number of Parking Spaces on Campus – 157 including 24 driveway spaces at 8 Group Homes
- d. Number of Parking Spaces at Subject Building – 3 Garage + 3 Driveway
- e. Number of employees – 6
- f. Types of employees – full time exempt, administrator, director, therapist
- g. Number of families served – 1 to 6 per session; 1 session at a time
- h. Hours of Operation – 9am to 8pm M-F; 9am to 2pm Saturday







**MASONIC  
CENTER FOR  
YOUTH AND  
FAMILIES**  
1405 Franklin  
Madison Square  
Oakland, CA 94612

**Todd B.  
SPIEGEL  
architects**  
37142 Via Vista Center Drive #202  
Westlake Village, CA 91381-1875



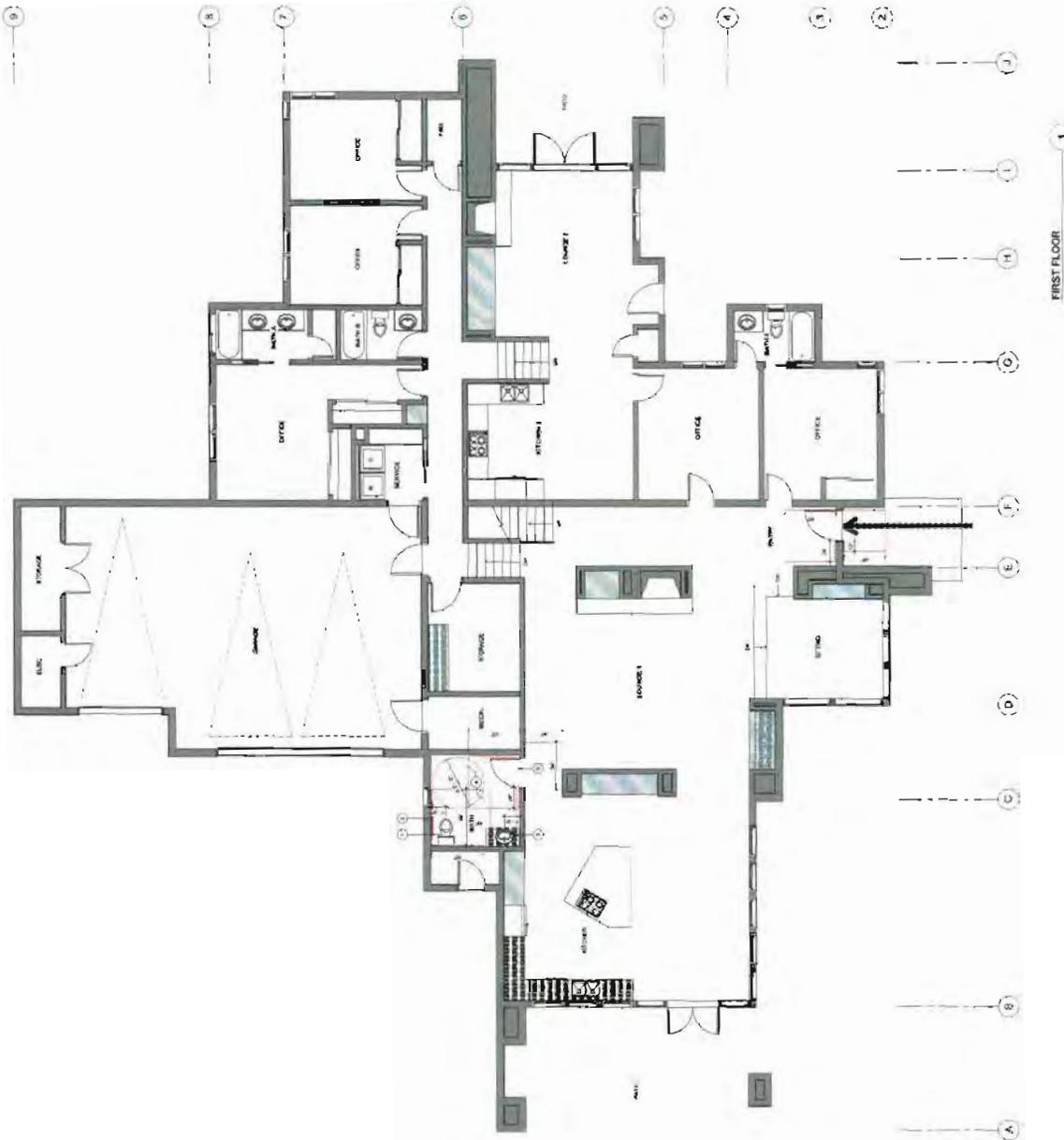
**FLOOR PLAN - FIRST  
LEVEL**  
SCALE: 1/8" = 1'-0"  
PROJECT NUMBER: 1411  
DATE: 10/22/14  
SHEET: A2.1

**SHEET NOTES**

**KEYED NOTES**

1. ACCESSIBLE TOILET, RESTROOM, SHOWERS, ELEVATOR
2. GLASS CURTAIN WALL, GLASS PARTITION WALLS (1:0.00)
3. EXTERIOR PAINT (PER ARCH. SPEC.)
4. EXTERIOR PAINT (PER ARCH. SPEC.)
5. EXTERIOR PAINT (PER ARCH. SPEC.)

**LEGEND**



**FIRST FLOOR**  
SCALE: 1/8" = 1'-0"



**MASONIC  
CENTER FOR  
YOUTH AND  
FAMILIES**

1850 East 10th  
Berkeley, CA 94710

**Todd B. SPIEGEL**  
architects

31822 Mission College Blvd., Suite 402  
Fremont, CA 94538



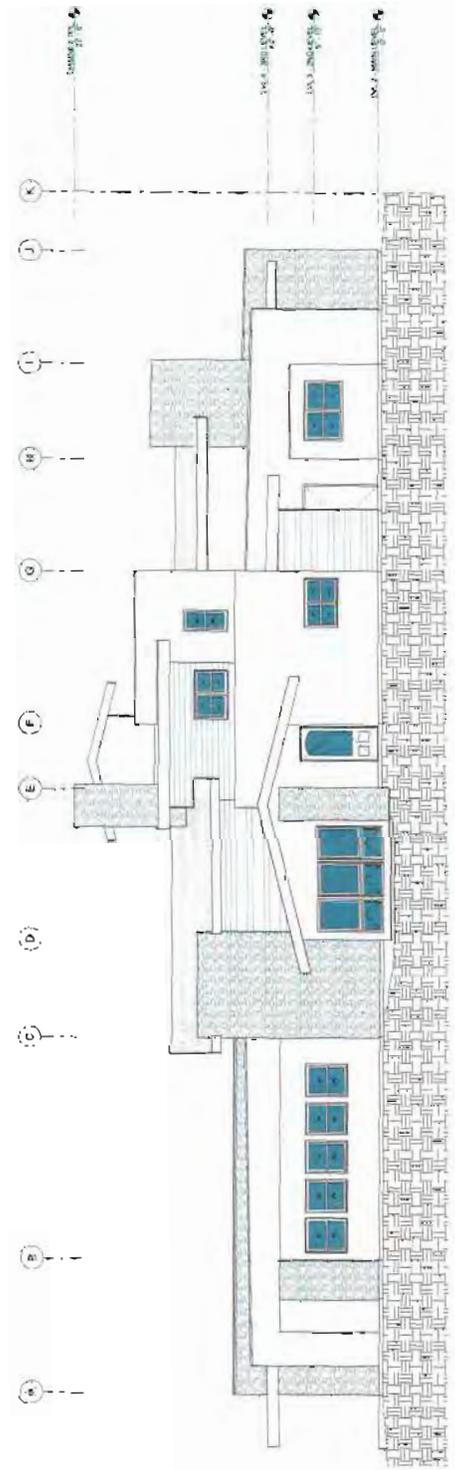
PROJECT NO.	1850 EAST 10TH
DATE	10/15/10
SCALE	AS SHOWN
BY	TBS



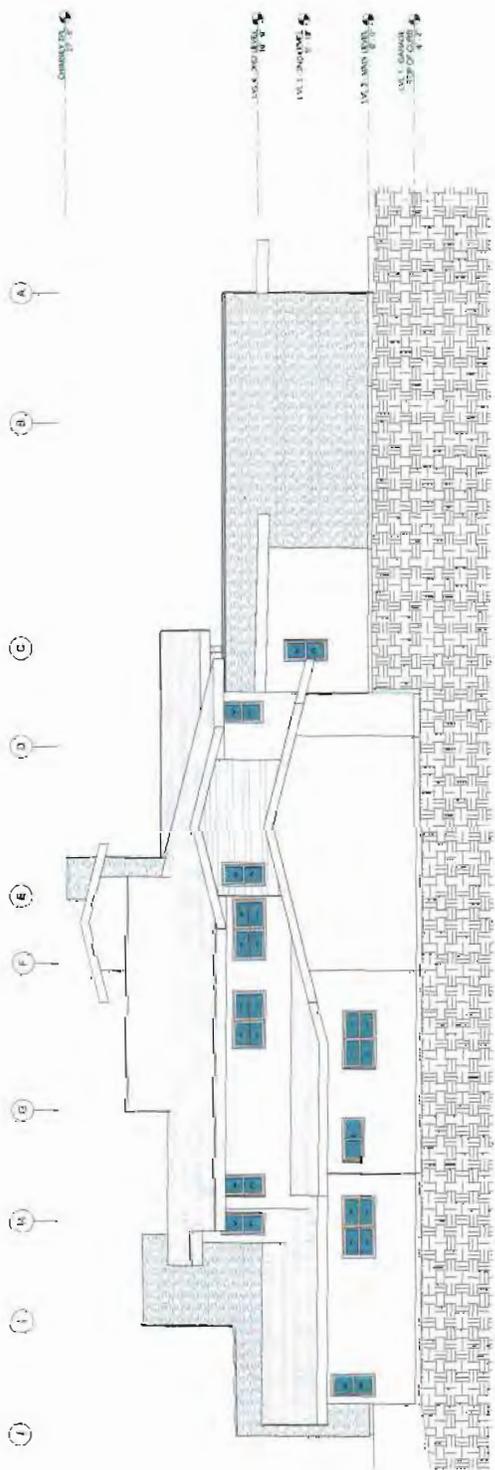
**ELEVATIONS**

DATE: 10/15/10  
PROJECT: 1850 EAST 10TH

**A5.1**



**ELEVATION - NORTH**  
SCALE: 1/8" = 1'-0"  
NOT TO SCALE



**ELEVATION - SOUTH**  
SCALE: 1/8" = 1'-0"  
NOT TO SCALE

**MASONIC  
CENTER FOR  
YOUTH AND  
FAMILIES**

1000 E. 10th St.  
Denver, CO 80202

**Todd B.  
SPIEGEL  
architects**

2020 N. High Street, Suite 402  
Westminster, CO 80234



PROJECT NO.	10000
DATE	10/15/10
SCALE	1/4" = 1'-0"
DESCRIPTION	ELEVATIONS

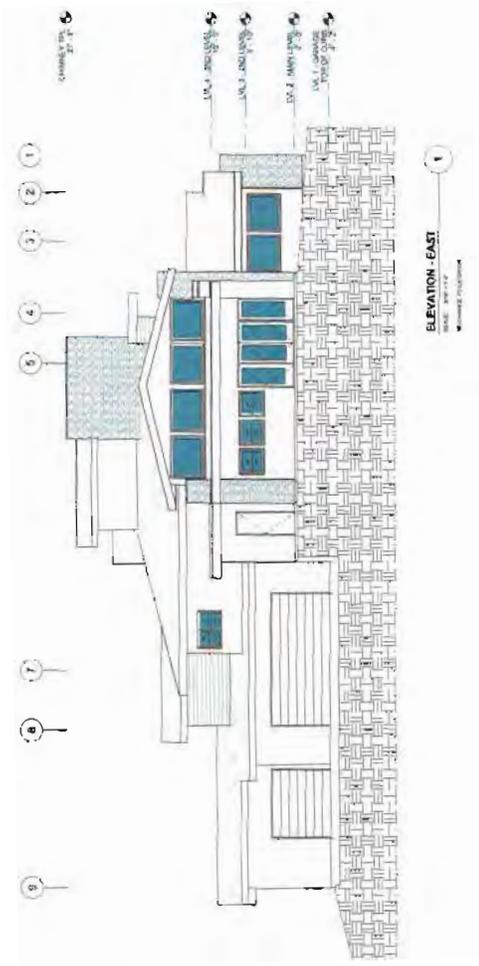
**ELEVATIONS**

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

PROJECT NUMBER: 10000

DATE: 10/15/10

**A5.2**



**RESOLUTION NO. 2016-038 PC**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COVINA, CALIFORNIA APPROVING A CONDITIONAL USE PERMIT (CUP 16-017) TO ALLOW THE OPERATION OF CHILDREN AND YOUTH COUNSELING FACILITY LOCATED AT 1650 OLD BADILLO STREET (APN: 8426-012-014)**

WHEREAS, Todd Spiegel, the Applicant has filed an application for approval of Conditional Use Permit (CUP) 16-017 to operate a youth and family counseling facility within Building B3 of Parcel C located within the Masonic Center campus located at 1650 Old Badillo Street, Covina, California, 91723; and

WHEREAS, on December 13, 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 December 13, 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:

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 proposed youth and children counseling facility will occupy one of the existing children's group homes within the Masonic Homes campus. The campus has provided supportive services for all ages, including youth and children for 30 years within its verdant gated grounds. The type of use will not necessitate the construction of new floor area, and the current improvements such as yards, spaces, walls and fences, parking loading, and landscaping are sufficient for the scope of the project.

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 proposed counseling facility will provide services and serve a

population who do not drive and will not create an additional burden to the adjacent roadways. No streets or highways will be impacted by approving the Conditional Use Permit.

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

Findings of Fact: The location of the proposed youth and children counseling facility is located in one of the group home buildings of the Masonic Homes campus. The campus houses a complex of supportive facilities. The buildings on-site are separated by landscaping, greenery, and open spaces. The location of the building behind the gated campus is more than 500 feet from the closest streets and residences. Due to its location and low-scale nature of the facility, no adverse impacts are anticipated on any of the neighboring uses.

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 proposed conditions of approval are necessary to protect the public health, safety and general welfare. The conditions are imposed on the relevant and applicable topics to address known issues, and these conditions would sufficiently control the activities proposed by the CUP.

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 utilizes an existing building for the proposed use and the improvements proposed are limited to widening indoor doorways. 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, the environmental document, 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:

- a. Approves the application for Conditional Use Permit (CUP) 16-017, subject to the Conditions of Approval set forth in the written record before the Commission incorporated here and attached hereto as Exhibit "A."

- b. Directs the Secretary of the Planning Commission 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 13<sup>th</sup> day of December, 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 13<sup>th</sup> day of December 2016, by the following vote of the Planning Commission:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

COVINA PLANNING COMMISSION SECRETARY

**EXHIBIT A**  
**RESOLUTION NO. 2016-038 PC AND CONDITIONS OF APPROVAL FOR**  
**CONDITIONAL USE PERMIT (CUP) 16-017**  
**AS RECOMMENDED FOR APPROVAL TO THE PLANNING COMMISSION ON**  
**DECEMBER 13, 2016**  
**APN: 8426-012-014**

**CONDITIONS OF APPROVAL**

---

Development Applications:

1. Resolution No 2016-038 PC, approving CUP 16-017 to operate a youth and family counseling facility within Building B3 of Parcel C located within the Masonic Center campus located at 1650 Old Badillo Street, Covina, California 91723.
- 

**ALL OF THE FOLLOWING CONDITIONS APPLY TO THE PROJECT**

**A. TIME LIMITS:**

1. **Conditional Use Permit (CUP) 16-017:** The approvals shall expire one year from the date of application approval by the Planning Commission if the approved use has not commenced. The applicant may apply to extend the expiration for a maximum period allowed by Chapter 17.62 of the Covina Municipal Code. 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 16-017.

**B. GENERAL 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 approval.
2. The approval granted for CUP 16-017 is to operate a youth and family counseling facility within Building B3 of Parcel C located within the Masonic Homes campus.
3. The uses approved under this Conditional use Permit approval shall operate consistent with the Development Agreement approved through Ordinance No. 08-1945. All prior entitlements approved on the Masonic Homes campus shall remain in effect, except where any provisions of the entitlements have been expressly superseded by the approval of Conditional Use Permit CUP 16-017.

4. Building B3 shall not be used as a dwelling unit or as a residential care facility without an approved amendment to the CUP or Ordinance No. 08-1945.
5. 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.
6. 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.
7. 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. All graffiti shall be removed within 72 hours.
8. 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 on this application or by any provision of the Covina Municipal Code must be paid by the applicant.
9. 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.
10. Applicant's obligations, as set forth above, shall survive the completion or abandonment of the Project or the issuance of a certificate of occupancy with respect thereto. However, Applicant's obligations after the issuance of a certificate of compliance for the Project shall be limited to indemnifying and defending the Indemnified Parties from legal challenges filed to set aside any part of the Project or its related components. The provisions of this condition are intended by the Parties to be interpreted and construed to provide the fullest protection possible under the law to

the City. Further, all obligations and Liabilities under this Agreement are to be paid by the Applicant as they are incurred. Applicant's obligations to indemnify under this Agreement shall include the obligation of the Applicant to defend City with legal counsel of City's own choosing. In the event City elects not to select such counsel, the designation of such counsel shall be made by the Applicant but shall be subject to prior approval.

11. The Applicant shall reimburse the City for all fees and costs for special review of this application by both (i) the City's retained planning, engineering, and related consultants and (ii) the Covina City Attorney's Office. Such special review includes, but is not limited to, review of the Project's compliance with conditions of approval, plan check process, review of CC&Rs, etc. City shall invoice the Applicant for said fees and costs and the Applicant shall pay the invoiced amount not later than sixty (60) calendar days following Applicant's receipt of the invoice.
12. 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.
13. 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.
14. All site, grading, landscape, irrigation, and street improvement plans shall be coordinated for consistency, prior to issuance of any permits or Conditional Use Permit approval, whichever comes first.
15. All ground mounted utility appurtenance, such as transformers, AC condensers, etc., shall be located out of public view and adequately screened using a combination of concrete or masonry walls, and/or landscaping to the satisfaction of the Community Development Director, or his or her designee.
16. 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 release of the Certificate of Occupancy.
17. 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. All lighting shall be covered from above or pointed downwards, and shall not reflect light to adjoining properties.
18. Final plans incorporating all conditions of approval and any plan-related changes required in the approval process shall be submitted to the Director of Community

Development, or his or her designee, for review and approval, prior to submittal for Plan Check process.

19. 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.

### C. BUILDING AND SAFETY DIVISION

1. Submit 6 sets of complete plans including any proposed utilities. The project must comply with the 2013 California Building Standards and 2013 energy code. If building plans are submitted any time during the year 2017, the project must comply with the 2016 California Building Standards and Energy Code.
2. 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.
3. This project must comply with Federal and State Accessibility requirements to and throughout the building. Include compliance methods and structural details on the plans.
4. 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.
  - o **SCAQMD Headquarters; 21865 Copley Drive, Diamond Bar, CA, (909) 396-2381**
5. 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.**
6. The City of Covina has formally adopted a public noticing program for residential construction projects to provide the public with an opportunity to verify the validity of construction within their neighborhoods. This program requires the property owner and/or contractor to place a sign 14" high x 22" wide using a minimum black 24 point font (Arial) on a white background. The noticing sign must be suitable for outdoor use

and placed within the front yard where it is clearly visible from the public right-of-way. The following items must be included on the residential noticing sign:

- a. Address of construction project
  - b. Type of construction project
  - c. Name of contractor/owner
  - d. Telephone number of contact person
  - e. Contractor's license number
  - f. Permit number with date of issuance
  - g. City of Covina Building Division telephone number
  - h. Construction activity prohibited Monday through Saturday from 6:00 pm-7:00 am and all day on Sundays or Holidays unless otherwise permitted.
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.
  8. School District application and approval including related fees must be provided prior to building permit issuance.

**D. FIRE DEPARTMENT:**

1. Conditions of Approval and Verification for compliance will be performed during the architectural plan review prior to building permit issuance.

**E. PUBLIC WORKS – ENVIRONMENTAL SERVICES DIVISION**

1. Only Athens Services/Covina Disposal is allowed to provide bins and pickup and dispose of trash and recyclables, including all Construction and Demolition (C&D) projects. 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. Contractor may use own equipment and staff to take recyclables to a recycling facility.
2. Complete, sign, return original, and attach copy to field plans of the OCIA form during the building permitting process.

**F. COMMUNITY DEVELOPMENT – HOUSING**

1. Property Tax In-Lieu Fee as agreed to under the Development Agreement applies to the structure.
2. Landscape District and Lighting District annexation may apply.

END OF CONDITIONS



# CITY OF COVINA

## PLANNING COMMISSION AGENDA REPORT ITEM NUMBER PH 2 DECEMBER 13, 2016

**TO:** Chairman and Members of the Planning Commission

**FROM:** Brian K. Lee, AICP, Director of Community Development

**SUBJECT:** Conditional Use Permit (CUP) 16-018 and Site Plan Review (SPR) 16-035 - A request to operate a beauty salon (Flora Total Beauty) and to conduct a minor tenant improvement to an existing 815-square foot space, within a multi-tenant commercial building, at 336 E. Rowland Street

### PROJECT AND SITE DESCRIPTION

A. Project Information:

**Request:** To allow the establishment of a beauty salon and to conduct an associated minor tenant improvement in an existing 815-square foot tenant space.

**Applicant:** Flora Low

**Property Owner:** Zella Vesta Trust, Joyce Chapman, Trustee

**Location:** 336 E. Rowland Street

**Assessor Parcel No.:** 8451-007-052

B. Site and Surrounding Land Uses-Table 1:

	General Plan	Zoning	Existing Uses
Site	General Commercial	C-3A - Commercial Zone (Regional or Community Shopping Center)	Beauty Salon
North	General Commercial	C-P - Commercial Zone (Administrative and Professional Office)	World Financial Group
South	General Commercial	C-P - Commercial Zone (Administrative and Professional Office)	Acupressure & Massage Therapy

	General Plan	Zoning	Existing Uses
East	General Commercial	C-3A - Commercial Zone (Regional or Community Shopping Center)	Gateway – Montessori and Preschool
West	General Commercial	C-3A - Commercial Zone (Regional or Community Shopping Center)	Multi-tenant space (Personal Trainer/Insurance/Mortgage)

- C. Site Characteristics: The project site consists of an existing multi-tenant commercial building measuring approximately 2,400 square-feet, located just east of the southeast corner of Rowland Street and First Avenue. The proposed Beauty Salon will be occupying one of the tenant spaces located in the east side of the building. The nearest available parking is street parking adjacent to the main entrance of the building at Rowland Street (two-hour parking), and on-site parking is located at the rear of the property, adjacent to a rearward public entrance.

**ANALYSIS**

- A. Background: Previously, a plumbing company occupied the premises, performing both administrative and retail functions. The proposed beauty salon, “Floral Total Beauty,” in occupying this space, will modify the interior area to best serve business-related customers. Floral Total Beauty specializes in cosmetology services offering permanent makeup, waxing, skincare procedures, and eyelash extensions. As noted in Exhibit C, applicant Floral Low has extensive experience in this business sector and believes that operating the proposed specialized beauty salon at this location would create a new viable enterprise for her and her customers.
- B. Proposed Use: As stated previously, the proposed use will consist of a beauty salon, and a minor business-accommodating interior improvement to the appurtenant 815-square-foot tenant space would be performed. The beauty salon would offer specialized, generally appointment-based services, including permanent makeup, waxing, skincare procedures, eyelash extensions, and limited skincare products would be offered for sale. According to the applicant, not more than 3 customers and 4 employees would be on premises at one time. The floor area is primarily comprised of three areas where the principal services would be performed, a waiting area, and a rearward storage area and restroom. The first facial room (Facial Room 1) near the north side or frontward portion of the building will have a 6-foot high wall facing the entrance to provide privacy and to

create a pleasant, welcoming environment for customers in the waiting area. The last facial room (Facial Room 3), near the south side or rearward portion of the building, where waxing and other services warranting customer privacy will be provided, will keep its existing 6-foot high walls. All other interior walls, except for the front-most interior wall, will have a maximum height of 4-feet. The hours of operation of the business would be Tuesday, Wednesday, and Sunday from 10:00am-6:00pm; Thursday and Friday from 9:00am-7:00pm; and Saturday from 7:00am-6:00pm.

- C. Applicable Regulations: Under Covina Municipal Code (CMC) Section 17.42.030, a conditional use permit is required when operating a “barber and/or beauty shop” in the C-3A Commercial Zone, where personal grooming services are performed.
- D. Compatibility of Land Use: As a tenant within the above-described building, the proposed beauty salon would be compatible with all surrounding uses. In addition, the business would conform to the underlying General Commercial designation of the Covina General Plan.
- E. Access and Circulation: The public will have access to the beauty salon main entrance off Rowland Avenue as well as the back entrance adjacent to the associated parking lot. There is one drive-way leading to current parking spaces off First Avenue.
- F. Parking: The total parking required for the beauty salon is 4 parking stalls. As previously stated, off-street parking is provided at the rear of building, adjacent to the back entrance, and additional “two hour” street parking is available along Rowland Avenue. The appurtenant multi-tenant, 2,400-sqaure foot building parcel provides 7 total off-street parking spaces in the rearward area. The required on-site parking for the businesses and the overall building is considered to be non-conforming under Covina Municipal Code (CMC) Chapter 17.70. The staff believes that to best accommodate the proposed use and to ensure that no parking issues develop, the beauty salon should operate with not more than 7 total persons on the premises (3 customers and 4 employees) at any one time. This number is believed to be the same maximum number of customers and employees at any one time that occupied the prior business at this location. Therefore, despite the partial change in use on the premises associated with this request, the current on-site parking should adequately serve the proposed specialized beauty salon. To provide proper safeguards for ensuring that parking associated with beauty salon operations would impact the surroundings, the staff has included conditions requiring a) that the business provide the aforementioned specialized services only (not hair, nail, or eyebrow threading-related services, which generally involve more (walk-up) customers and have create higher parking demands); and b) that the business provide the aforementioned specialized services to not more than 3 customers at any one time (referring to the three service areas noted on the submitted floor plan) and have not more

than 4 employees on site at any one time. The staff notes that these proposed restrictions were raised with the applicant, and she had no issues with them.

- G. Public Safety and Welfare: The Police Department does not oppose the establishment of this beauty salon as long as the business complies with all of the associated conditions of approval. Any future proposed change in the mode or character of operation of the establishment, as addressed in the condition below, would warrant a new CUP and further Police review.

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

In order to approve the Conditional Use Permit (CUP) application, the Planning Commission must make the findings listed under CMC 17.62.120 and as listed below:

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

Fact: The project would involve a minor tenant improvement to an existing multi-tenant commercial building, and, as illustrated on the project plans, the tenant space can accommodate the various proposed elements of the beauty salon. Reasonable conditions will be applied to the use to further ensure operational adequacy.

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

Fact: The surrounding streets, Rowland Street and First Avenue, have sufficient widths and capacities to safely accommodate the proposed use. The proposed business, operating within an 815-square-foot tenant space, would have a maximum of 4 employees and 3 customers at one time. The staff believes that the relatively low-intensity nature of the proposed beauty salon, which would offer only specialized services only, such as permanent makeup application and skin care procedures, would have relatively limited customers and, therefore, should not affect the surrounding roadway system.

3. The use will have no adverse effects on the abutting properties.

Fact: The focus of the project would be a "specialty" beauty salon. As noted herein, with certain reasonable conditions of approval applied to the CUP and SPR applications, the staff believes that the use would operate effectively at the underlying location. Furthermore, there is no evidence

to indicate that, again, with the applicable conditions, the use would generate any negative impacts on adjacent properties.

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

Fact: The relevant development services departments were provided an opportunity to review and comment on the application. The Planning staff did not receive any concerns regarding the proposal by other departments or by the public. The proposed use, a service-type activity, would conform to the surroundings. In addition, no major public health- or safety-related impacts were identified during project review. The draft Resolution with the Conditions of Approval is attached. As indicated in other findings, the conditions have been formulated to ensure that the proposed use would operate in a manner consistent with the CMC and that the business would not negatively affect the public health, safety, and general welfare of the community.

#### **FINDINGS OF FACT FOR SITE PLAN REVIEW**

In order to approve the Site Plan Review (SPR) application, the Planning Commission must make the findings listed under CMC 17.64.070 and as listed below:

- I. All provisions of the Zoning Ordinance are complied with.

Fact: The project would involve a minor tenant improvement to an existing multi-tenant commercial building to accommodate a small-scale, specialized beauty salon. All key elements of the proposal would meet the development standards of the underlying "C-3A" commercial 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.

Fact: The project would have no negative impacts on adjacent streets and sidewalks. The beauty salon, as noted in the report, would have not more than 7 total persons on the premises (3 customers and 4 employees) at any one time. This number is believed to be the same maximum number of customers and employees that occupied the prior business at this location at any one time, and no issues were reported with that use.

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

Fact: The proposed project would occupy an existing tenant space. No exterior modifications are proposed. The project would comply with the goals, policies and objects of the Covina General Plan, which encourages new code-complying business activities in vacant tenant spaces.

4. The project design is harmonious, consistent, and complete within itself and functionally and visually compatible with neighboring land uses.

Fact: The exterior design of the multi-tenant building will remain the same. Only minor interior alterations would be conducted. Therefore, the proposed project would be functionally and visually compatible with neighboring structures and other commercial land uses in the vicinity.

5. The project design is harmonious, consistent, and complete within itself and functionally and visually compatible with neighboring land uses.

Fact: The (interior) design of the proposed beauty salon is harmonious, consistent, and complete within itself. Furthermore, the proposed project, which does not involve any exterior work, would be functionally and visually compatible with the surrounding neighborhood.

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

Fact: The use will be required to have exterior lighting to maintain safety and security, meeting the applicable provisions of the Covina Design Guidelines. The Design Guidelines also calls for exterior lighting to be installed and oriented in a manner that would not produce any glare on adjacent properties or streets.

### **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 Valley Examiner on December 1, 2016. Also, all property owners (and occupants—the applicant submitted an expanded notification) within a radius of at least 300 feet from the project site were mailed notices of the Planning commission public hearing on November 29, 2016, a minimum of ten days before the hearing, as required by law.

**ENVIRONMENTAL DETERMINATION**

The staff has determined that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines. The project qualified as a Class 1 exemption under State CEQA Guidelines Section 15301, which covers the permitting and minor alterations of existing structures that involve negligible or no expansion of a use beyond that existing at the time of the lead agency’s original determination. The staff finds that there is no substantial evidence that the project will have a significant effect on the environment.

**RECOMMENDATION**

The Planning staff recommends that the Planning Commission approve applications Conditional Use Permit (CUP) 16-016 and Site Plan Review (SPR) 16-035 and adopt **Resolution No. 2016-036 PC**, which lists the conditions of approval for the applications.

Prepared by:



---

Edgar Gonzalez, Contract Planner

Reviewed by:



---

Alan Carter, City Planner

Approved by:

---

Brian K. Lee, AICP  
Community Development Director

**EXHIBITS**

- A. Area Map
- B. 300-foot Radius Map
- C. Application Materials
- D. Project Site and Floor Plans (and larger plans provided at Commission meeting)
- E. **Resolution 2016-036 PC** with Conditions of Approval

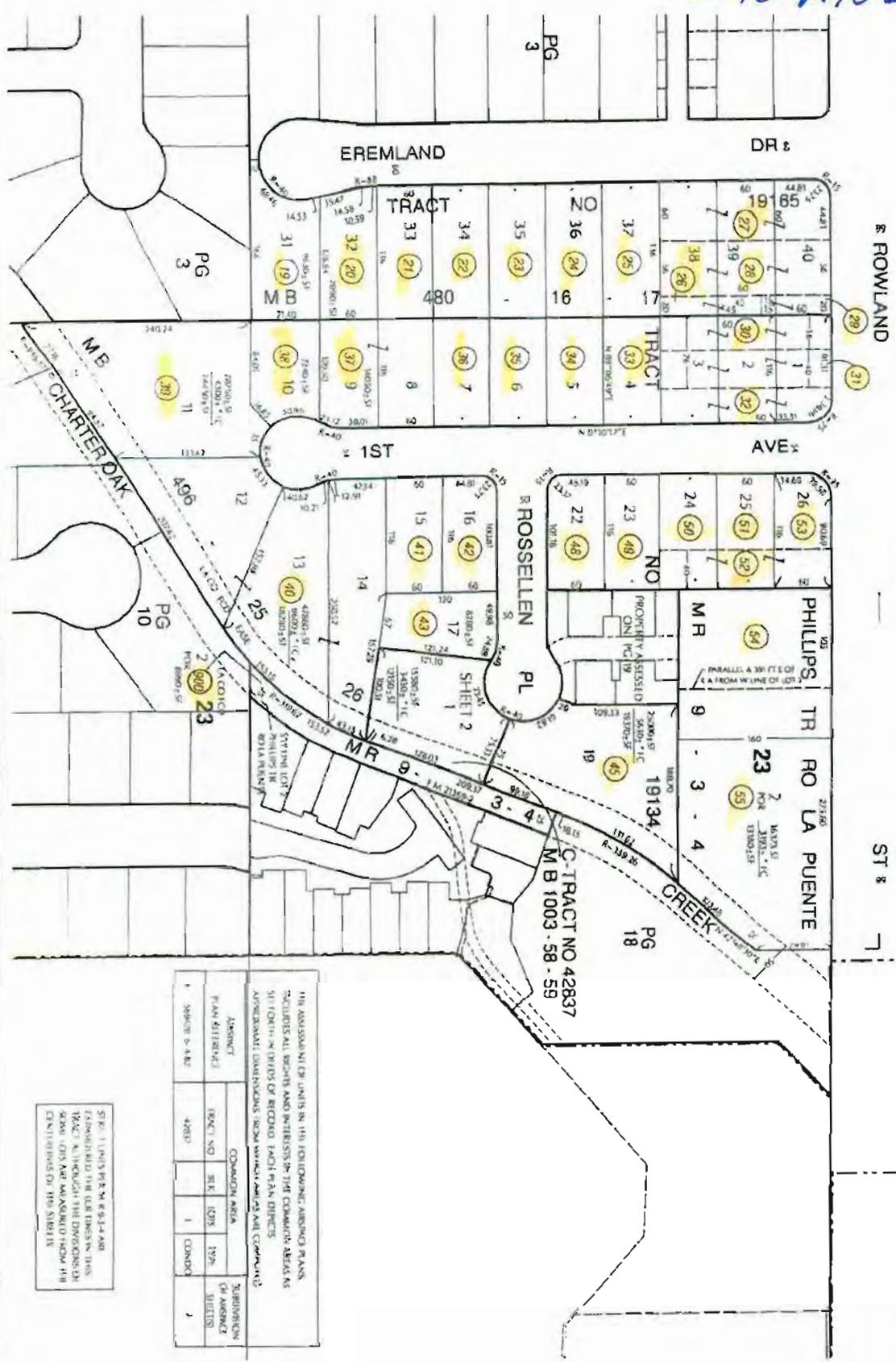
CITY OF COVINA  
CONDITIONAL USE PERMIT (CUP) 16-018 AND  
SITE PLAN REVIEW (SPR) 16-035  
336 E. ROWLAND AVENUE

**SUBJECT SITE**



EXHIBIT B  
- 10 PAGES

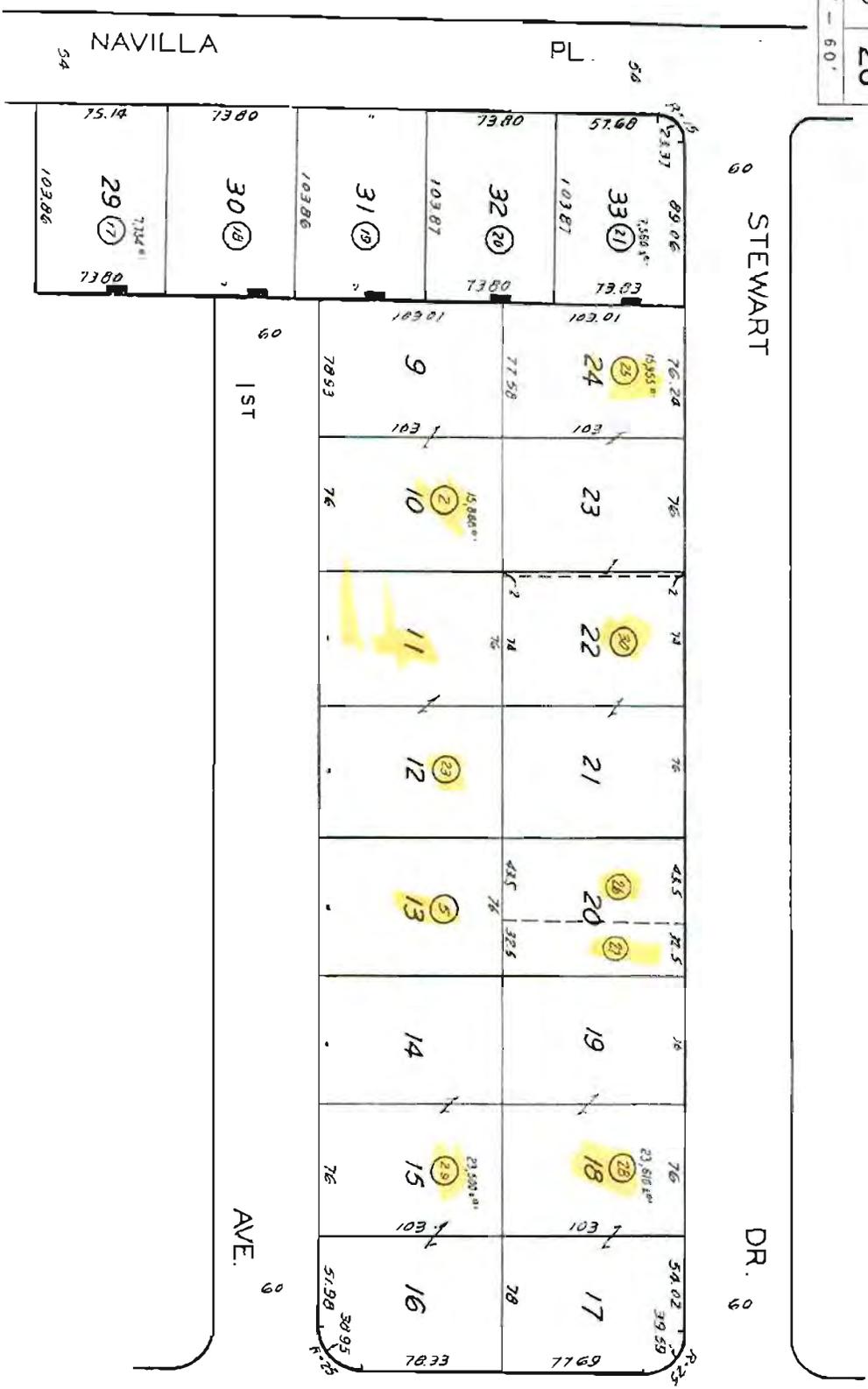
EXHIBIT B



THE ASSASSINATED UNITS IN THIS EXHIBIT ARE SHOWN IN BOLD TYPE. THIS INCLUDES ALL RIGHTS AND INTERESTS IN THE COMMON AREAS AS SET FORTH IN DEEDS OF RECORD. EACH PLAN DEPICTS APPROPRIATE DIMENSIONS, BEARINGS, AND CORNERS.

AMOUNT	COMMON AREA	SUBDIVISION
PLAN REFERENCE	EXCL. NO.	SEC. 1025
1	42837	1
2		2

STREET UNITS IN THIS EXHIBIT ARE SHOWN IN BOLD TYPE. THIS INCLUDES ALL RIGHTS AND INTERESTS IN THE COMMON AREAS AS SET FORTH IN DEEDS OF RECORD. EACH PLAN DEPICTS APPROPRIATE DIMENSIONS, BEARINGS, AND CORNERS.



9-22-80  
2-2-86  
4-8-86  
GROSS 80.3

REVISED  
3-17-86  
6-21-86  
3-12-88  
10-9-88  
12-19-88  
12-16-89  
12-22-89  
2-26-89  
691115704

TRACT NO. 17368      TRACT NO. 21655

M. B. 477-6-7

M. B. 591-21-22

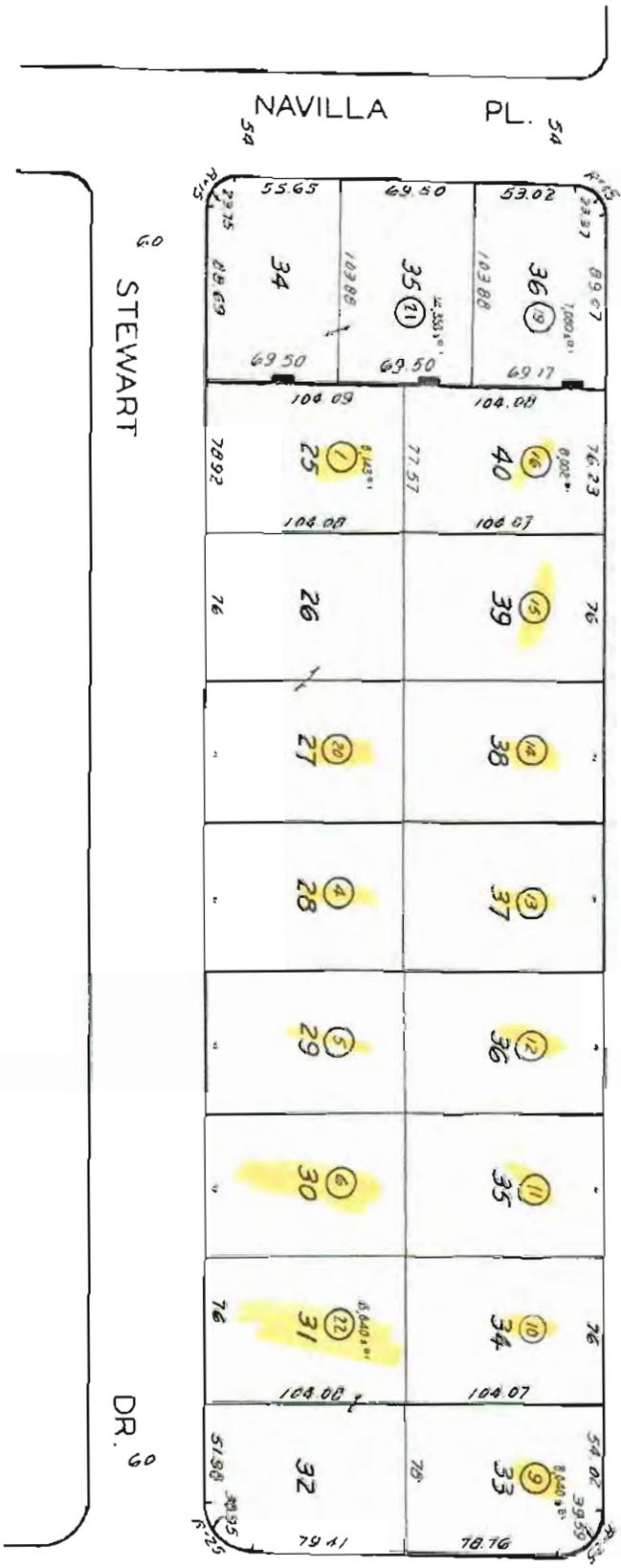
CODE  
3045

FOR PREV. ASSMT. SEE: 1511-26

8445 25  
 SCALE 1" = 60'

60 SAN JOSE

AVE. 9



54 NAVILLA PL. 54

0 STEWART

99 ROWLAND ST.

CODE  
 3045

TRACT NO. 17368

M. B. 477-6-7

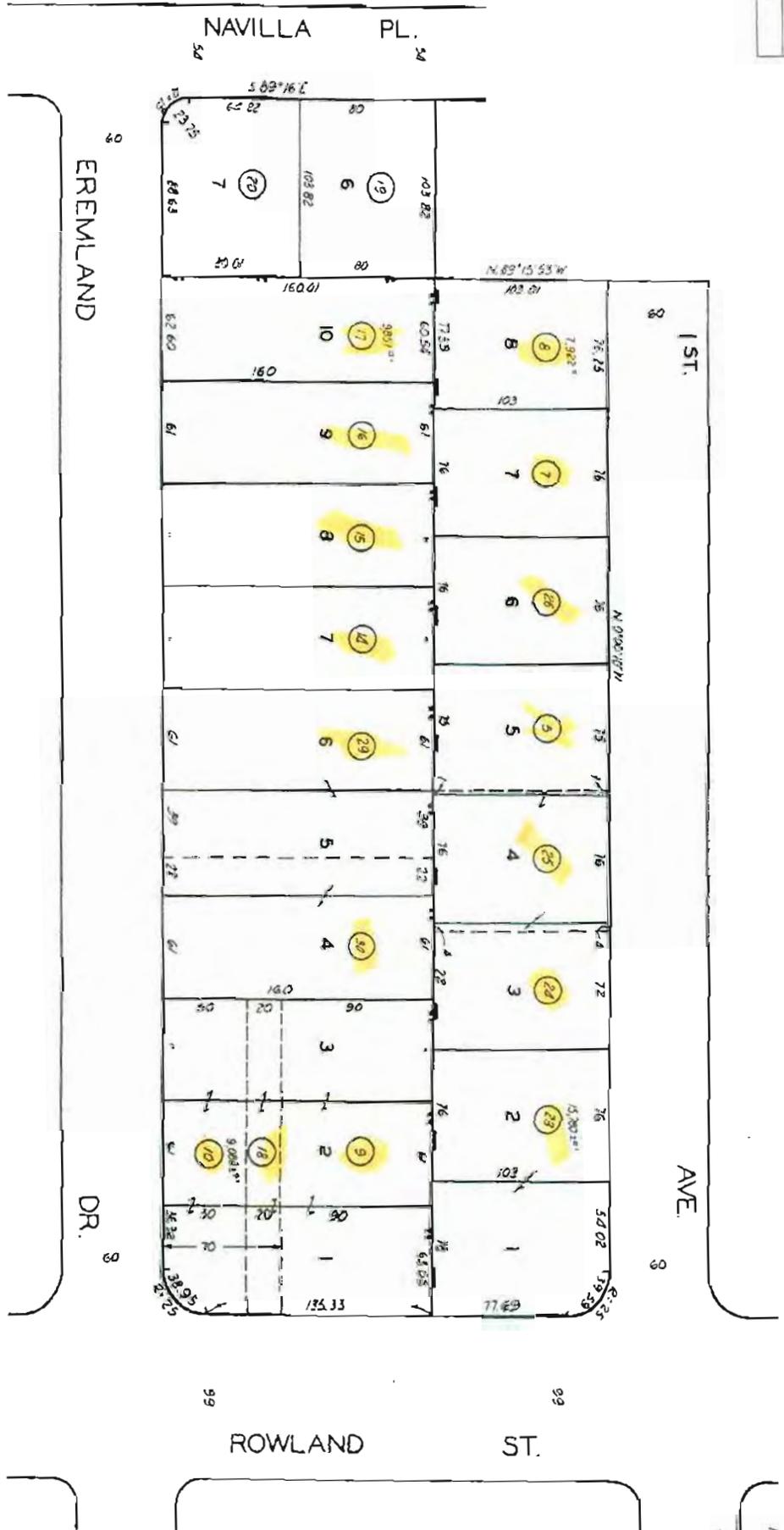
TRACT NO. 21655

M. B. 591-21-22

FOR PREV. ASSAULT SEE 511-25

REVISIONS  
 3-17-56  
 6-21-56  
 12-19-58  
 2-16-59  
 2-24-60  
 3-14-65  
 3-23-65

EXHIBITOR'S MAP  
 COUNTY OF LOS ANGELES, CALIF.



CODE  
3045

TRACT NO. 17008    TRACT NO. 17368    TRACT NO. 24044  
M. B. 475-19-20    M. B. 477-6-7    M. B. 628-35

FOR PREV. ASSMT. SEE 1511-27

ASSISTOR'S MAP  
COUNTY OF LOS ANGELES, CALIF.

5-12-56  
12-19-56  
12-7-57  
5-16-58  
5-14-58  
2-14-58  
2-12-58

ROBEL, ROBERT & WOOD, CARLA  
324 E. MOORE LN.  
SAN DIMAS, CA 91773-2727  
8445-025-001-2

CHRISTIAN FAMILY TRUST  
1349 S. GOLDEN VISTA DR.  
WEST COVINA, CA 91791-3701  
8445-025-005-8

WLM RSJ LLC  
370 E. ROWLAND ST.  
COVINA, CA 91723-3154  
8445-025-009-4

FU TSAI HUANG  
545 S. SAN JOSE AVE.  
COVINA, CA 91723-3145  
8445-025-012-9

WLM RSJ LLC  
370 E. ROWLAND ST.  
COVINA, CA 91723-3154  
8445-025-010-1

GRAVES TRUST  
1000 WILSHIRE BLVD., STE 620  
LOS ANGELES, CA 90017-2463  
8445-025-004-9

WLM RSJ LLC  
370 E. ROWLAND ST.  
COVINA, CA 91723-3154  
8445-025-011-0

SIMONIAN TRUST  
1117 PROMONTORY PL.  
WEST COVINA, CA 91791-3462  
8445-025-020-9

LU, YUAN  
404 S. SAN JOSE AVE.  
COVINA, CA 91723-3145  
8445-025-016-5

MEZA JANELLE  
515 S. SAN JOSE AVE.  
COVINA, CA 91723-3145  
8445-025-013-6

PUENTE HILLS BAPTIST CHURCH  
363 E. ROWLAND ST.  
COVINA, CA 91723-3155  
8445-025-006-7

PUENTE HILLS BAPTIST CHURCH  
564 STEWART DR.  
COVINA, CA 91723-3155  
8445-025-022-7

WEEKS, AARON & CAROLYN  
525 S. SAN JOSE AVE.  
COVINA, CA 91723-3145  
8445-025-014-7

DOMINGUEZ, GILDA & RICARDO  
535 S. SAN JOSE AVE.  
COVINA, CA 91723-3145  
8445-025-013-8

STAPLES

TRIPLE M ENTERPRISES LP  
26895 ALISO CREEK RD. STE. 413  
ALISO VIEJO, CA 92656-5307  
8445-026-025-2

**Flora Low**  
16304 Halliburton Rd  
Hacienda Heights  
CA 91745

8445-026

HOLGUIN TRUST  
1343 BANNON AVE.  
LA PUENTE, CA 91744-1613  
8445-026-023-4

**Alan Carter**  
125 East College St  
Covina, CA 91723-2199

ASC II  
1253 PORTO GRANDE, NO. 4.  
DIAMOND BAR, CA 91765-5426  
8445-026-26-1

ASC II  
1253 PORTO GRANDE, NO. 4.  
DIAMOND BAR, CA 91765-5426  
8445-026-030-5

SUSAN HENSLEY TRUST  
544 S. FIRST AVE., APT. 3  
COVINA, CA 91723-3165  
8445-026-005-6

TANNA REAL ESTATE INC.  
325 E. ROWLAND ST.  
COVINA, CA 91723-3153  
8445-026-029-8

PUZIA, BEATRICE  
3785 S. CHEROKEE WAY  
MILWAUKEE, WI 53221-5752  
8445-026-002-9

345-BB LLC  
370 E. ROWLAND ST.  
COVINA, CA 91723-3154  
8445-026-028-9

STAPLES



FIRST AVENUE APARTMENTS LLC  
2159 E. BELLBROOK ST.  
COVINA, CA 91724-2347  
8445-027-025-0

HERNANDEZ FAMILY TRUST  
PO BOX 621  
SAN DIMAS, CA 91773-0000  
8445-027-005-4

8445-027

309-BB LLC  
370 E. ROWLAND ST.  
COVINA, CA 91724-3154  
8445-027-023-2

BONSANGUE FAMILY TRUST  
1219 VASSAR LN.  
WALNUT, CA 91789-1241  
8445-027-012-9

309-BB LLC  
370 E. ROWLAND ST.  
COVINA, CA 91724-3154  
8445-027-024-1

BROBERG, R. SCOTT & KAREN L.  
560 S. EREMLAND DR.  
COVINA, CA 91723-3100  
8445-027-030-3

AK REAL ESTATE HOLDING LLC  
951 SKY MEADOW PL  
WALNUT, CA 91789-5225  
8445-027-009-0

CENTER FOR INTEGRATED FAMILY &  
HEALTH SERVICES INC.  
560 S. SAN JOSE AVE.  
COVINA, CA 9723-3144  
8445-027-029-6

GONZALES, ALFONSO  
872 S. GARFIELD AVE.  
MONTEREY PARK, CA 91754-3906  
8445-027-017-0

LIN, SU & DEBBY  
453 S. RANCHO ALEGRE DR.  
COVINA, CA 91387-0000  
8445-027-10-9

KERMANI, FRED & MEHRNAZ  
35 N. BALDWIN AVE.  
SIERRA MADRE, CA 91024-1903  
8445-027-008-1

LIN, SU & DEBBY  
453 S. RANCHO ALEGRE DR.  
COVINA, CA 91387-0000  
8445-027-18-9

TRIPLE M. ENTERPRISES LP  
26895 ALISO CREEK RD., STE 413  
ALISO VIEJO, CA 92656-5307  
8445-027-007-2

FORGETTE FAMILY TRUST  
1109 W. SAN BERNARDINO RD., STE 120,  
COVINA, CA 91722-4165  
8445-027-026-9

RAVEN HILLS LIMITED  
PARTNERSHIP  
2250 E. TROPICANA, #19321  
LAS VEGAS, NV 89119-0000  
8445-027-015-2

RAVEN HILLS LIMITED  
PARTNERSHIP  
2250 E. TROPICANA, #19321  
LAS VEGAS, NV 89119-0000  
8445-027-016-1

BONSANGUE FAMILY TRUST  
1219 VASSAR LN.  
WALNUT, CA 91789-1241  
8445-027-014-3



HENDERSON, KEITH & PATRICIA  
PO BOX 154  
OCCOQUAN, VA 222125-0154  
8451-007-019-1

STEWART, DAVID L AND CAROLYND  
1432 S. MONTEZUMA WAY  
WEST COVINA, CA 91791  
8451-007-029-9

HILBERT FAMILY TRUST  
1300 BRISTOL N., STE. 190  
NEWPORT BEACH, CA 92660-2991  
8451-007-039-7

NAGLE TRUST  
247 S. ASHDALE ST.  
WEST COVINA, CA 91790  
8451-007-020-8

THOMAS TRUST  
2586 AMHERST ST.  
LA VERNE, CA 91750-3055  
8451-007-030-6

KAMLA LLC  
334 E. ROWLAND ST.  
COVINA, CA. 91723-3510  
8451-007-040-4

LOREY, DONALD R. & ANNAMARIE  
307 VERDUGO AVE.  
GLEN DORA, CA 91741-3977  
8451-007-021-7

RP PRUDENCIO TRUST  
1051 E. ROWLAND ST.  
WALNUT, CA 91789-1270  
8451-007-031-5

JNP INVESTMENTS LLC  
2227 WEST PARK ROW DR. STE A.  
PANTEGO, TX. 76013-3485  
8451-007-041-3

BOBAK, SUSAN  
5725 VENTANA PL.  
FONTANA, CA 92336-5600  
8451-007-023-5

BLAKELY, GLADYS & MARK  
PO BOX 391  
COVINA, CA 91723-0391  
8451-007-031-2

HOURLY, LIANA AND SAMIA  
650 S. FIRST AVE.  
COVINA, CA 91723-3510  
8451-007-042-2

DYCOCO ESGUERRA, YOLAND  
1923 PALOMINO DR.  
WEST COVINA, CA 91791  
8451-007-024-4

JNJ PROPERTIES INC.  
314 E. ROWLAND ST.  
COVINA, CA 91722  
8451-007-032-4

VILLA MIA LLC  
C/O CAROL BARBATA  
21 S. CHARVERS AVE.  
WEST COVINA, CA 91723-3006  
8451-007-043-1

SIKH CENTER OF SOUTHERN  
CALIFORNIA INCORPORATION  
625 S. EREMLAND DR.  
COVINA, CA 91722  
8451-007-025-3

MAGNA INCORPORATED  
627 S. FIRST AVENUE  
COVINA, CA 91722  
8451-007-033-3

JP AND SJ DESAI TRUST  
1900 CALLE CANDELA  
FULLERTON, CA., 92833-1539  
8451-007-045-9

STEWART, DAVID L AND CAROLYND  
1432 S. MONTEZUMA WAY  
WEST COVINA, CA 91791  
8451-007-026-2

MARTINEZ, MARK  
1014 SERVICE AVE.  
WEST COVINA, CA 91790-3659  
8451-007-035-1

DONG, LIRONG  
411 DANIMERE AVENUE  
ARCADIA, CA., 91006-4858  
8451-007-048-6

BARGHAER, ANTON  
PO BOX 1617  
COVINA, CA 91722-0000  
8451-007-027-1

BARAY, RICHARD  
100 S. FIRST AVE., STE. 104  
COVINA, CA 91723-2681  
8451-007-036-0

JOYCE M. CHAPMAN TRUST  
100 N. CITRUS ST., UNIT 520  
WEST COVINA, CA 91791-1694  
8451-007-049-5

EBINER LAW  
100 N. CITRUS ST. UNIT 520  
WEST COVINA, CA 91791-1694  
8451-007-028-0

LEE FAMILY TRUST  
2603 NW RIMROCK RD., STE. 2  
REDMOND, OR 97756-8567  
8451-007-037-9

JOYCE CHAPMAN TRUST  
100 N. CITRUS ST. UNIT 520  
WEST COVINA, CA 91791-1694  
8451-007-050-1

BARGAEHR TRUST  
PO BOX 1617  
COVINA, CA 91722-0000  
8451-007-027-1

MICHAEL & MAGGIE LEIGH TRUST  
424 RODARTE PL.  
PLACENTIA, CA 92870-8238  
8451-007-038-8

GCJC & VLO TRUST  
C/O EBINER LAW OFFICE  
100 N. CITRUS ST. UNIT 520  
WEST COVINA, CA 91791-1694  
8451-007-052-9

JOYCE CHAPMAN TRUST  
100 N. CITRUS ST. UNIT 520  
WEST COVINA, CA 91791-1694  
8451-007-051-0

8451-7

JOYCE CHAPMAN TRUST  
100 N. CITRUS ST. UNIT 520  
WEST COVINA, CA 91791-1694  
8451-007-053-8

COVINA GATEWAY MONTESSORI SCHOOL  
334 E. ROWLAND ST.  
COVINA, CA 91723-3510  
8451-007-054-7

MC INTYRE ENTERPRISES  
370 E. ROWLAND ST.  
COVINA, CA., 91723-3510  
8451-007-055-6

LA COUNTY FLOOD CONTROL DISTRIBUTION  
900 S. FREMONT AVE.  
ALHAMBRA, CA 91803-1331  
8451-007-900-3

**Pioneer Real**  
274 E. Rowland St  
Covina, CA 91723

**24 Hour Caregiver**  
274 E. Rowland St  
Covina, CA 91723

**ABC Color TV Repair**  
274 E. Rowland St  
Covina, CA 91723

**Go Pro Transit**  
274 E. Rowland St  
Covina, CA 91723

**First Love Ministries**  
274 E. Rowland St  
Covina, CA 91723

**Ruiz Construction**  
274 E. Rowland St  
Covina, CA 91723

**S & S Aesthetics LLC**  
278 E. Rowland St  
Covina, CA 91723

**Anton W. Kerckhoff**  
280 E. Rowland St  
Covina, CA 91723

**Daniel Rodriguez  
Alexus Andujar**  
284 E. Rowland St  
Covina, CA 91723

**Détente Escrow**  
288 E. Rowland St  
Covina, CA 91723

**Eastland Escrow**  
302 E. Rowland St  
Covina, CA 91723

**Dan I. Annison**  
310 A E. Rowland St  
Covina, CA 91723

**Holy Family Hospice Care, Inc**  
310 B E. Rowland St  
Covina, CA 91723

**Malik Freeman**  
Premier Funding Team  
314 E. Rowland St  
Covina, CA 91723

**Janelle Huerta**  
322 E. Rowland St  
Covina, CA 91723  
8451-007-053-8

**Stephanos Bratakos**  
324 E. Rowland St  
Covina, CA 91723  
8451-007-053-8

**Sunkist Valley Insurance Agency**  
326 E. Rowland St  
Covina, CA 91723  
8541-007-053-8

**Kevin C. McGrade**  
328 E. Rowland St  
Covina, CA 91723  
8541-007-053-8

**Envoy Mortgage**  
330 E. Rowland St  
Covina, CA 91723  
8541-007-053-8

**Linda Evans**  
332,334 E. Rowland St  
Covina, CA 91723  
8451-007-053-8

**First Stop Street**  
624 S. First Street  
Covina, CA 91723  
8451-007-053-8



# 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>FLORA TOTAL BEAUTY</u>		STAFF USE ONLY
Project Address: <u>336 E. Rowland Ave. Covina, CA 91723</u>		MUNIS NO: <u>7299</u>
Assessor's Parcel Number: <u>8451-007-053-0</u>		FILE NO: <u>CLP 16-018</u> <u>SPR 16-035</u>
Phone: <u>(626) 9-0000</u>	E-Mail: <u>lowflora@hotmail.com</u>	
Applicant Name: <u>Flora Low</u>		
Applicant Address: <u>16304 Halliburton Road, Hacienda Heights, CA 91745</u>		
Property Owner Name: <u>Zella Vesta Trust, Joyce Chapman, Trustee</u>		
Property Owner Address:		

## 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<br><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 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<br><input type="checkbox"/> Time Extension | <input type="checkbox"/> _____<br>(Other)   |
| <input type="checkbox"/> Planned Community Development (PCD) | <input type="checkbox"/> Tentative Tract Map<br><input type="checkbox"/> Time Extension  | <input type="checkbox"/> _____<br>(Other)   |

## Project Description

Detailed Description of Proposed Project (Attach Additional Sheets if Necessary)  
Beauty salon specialize permanent make up.. lashes extension.. skin care wax.  
Use of existing office space.  
(the attorney of the)

## 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: 10-31-16 Signature: [Signature]  
Print Name and Title: Anton W. Kerckhoff, Attorney for Joyce Chapman, Trustee of the Zella Vesta Chapman Trust

## STAFF USE ONLY

Date Received: <u>11-2-16</u>	Received by: <u>[Signature]</u>	Fees: <u>\$2,867</u>	Receipt No: <u># 110137</u>
-------------------------------	---------------------------------	----------------------	-----------------------------

(SPR-11-16-16 - a.c. - \$500 - # 110365)



# 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: Zella Vesta Chapman Trust, Joyce Chapman, Trustee  
 Complete Address: c/o: 280 E. Rowland Ave. Covina, CA 91723  
 Email: tony.kerckhoff@gmail.com Phone: 626 331-8291
- Owner Name: \_\_\_\_\_  
 Complete Address: \_\_\_\_\_  
 Email: \_\_\_\_\_ Phone: \_\_\_\_\_
- Owner Name: \_\_\_\_\_  
 Complete Address: \_\_\_\_\_  
 Email: \_\_\_\_\_ Phone: \_\_\_\_\_

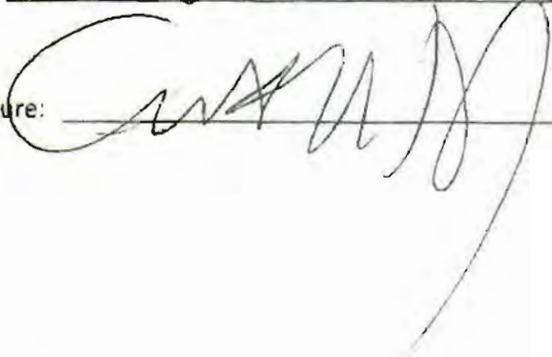
### Certification Statement

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: Flora Low Phone: 626 833-8920  
 Applicant's Complete Address: 16304 Halliburton Road, Email: lowflora@hotmail.com  
Hacienda Heights, CA 91745

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

Name (printed): Anton W. Kerckhoff  
 Title: Approved for Owner Date: 10-30-16

Signature: 



# 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: 336 E. Rowland Ave. Covina, CA 91723

Site Area: 775 Sq. Ft Building Area: \_\_\_\_\_ Building Height: \_\_\_\_\_ No. of Floors: 1

Total anticipated number of employees: 3 Max shift: \_\_\_\_\_ Hours of operation: \_\_\_\_\_

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: Dept of Public Health

Will the project use, store, or dispose of potentially hazardous chemicals, materials, toxic substances, flammables or explosives?  No  Yes If yes, describe: Sharp Container contract with GRP & Gas when full

If any of the above answers are YES, please describe in detail on a separate sheet. (see ~~add~~ invoice)

### B. Existing Land Uses of the Subject and Surrounding Properties

Subject property: Commercial Office and Business

North: Office

East: Montessori School

South: Massage, Multiple housing

West: Office, Clothing Store, Beauty Salon

### 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: Sidewalk, Trees

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

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: \_\_\_\_\_ Phone: \_\_\_\_\_  
Environmental firm: \_\_\_\_\_ E-mail: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_

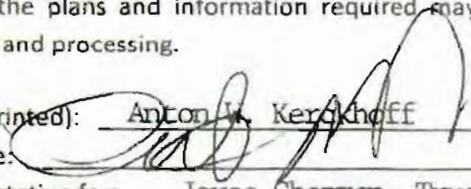
H. Certifications

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, Anton W. Kerckhoff, 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): Anton W. Kerckhoff Date: Oct. 31, 2016  
Signature:   
Representative for: Joyce Chapman, Trustee of the Zella Vesta Chapman Trust  
Title: Attorney



# 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)

<b>Project Location:</b> 336 E. Rowland Ave. Covina, CA 91723	<b>STAFF USE ONLY</b> FILE NO.:  MUNIS:  RELATED FILES:
<b>Applicant:</b> Flora Low	
<b>Primary Contact Person:</b> Flora Low	

**Address:**  
16304 Halliburton Road, Hacienda Heights, CA 91745

<b>Phone:</b> 626 833-8920	<b>Fax:</b>	<b>E-mail Address:</b>
-------------------------------	-------------	------------------------

**Secondary Contact Person: (Please Specify Name, Company, Title)**  
Anton W. Kerckhoff

**Address:**  
280 E. Rowland Ave. Covina, CA 91723

<b>Phone:</b> 626 331-8291	<b>Fax:</b> 626 331-4900	<b>E-mail Address:</b> tony.kerckhoff@gmail.com
-------------------------------	-----------------------------	--

**Legal Property Owner:**  
Zella Vesta Chapman Trust, Joyce Chapman, Trustee

**Address:**  
c/o: 280 E. Rowland Ave. Covina, CA 91723

<b>Phone:</b> 626 331-8291	<b>Fax:</b> 626 331-4900	<b>E-mail Address:</b> tony.kerckhoff@gmail.com
-------------------------------	-----------------------------	--

**Architect:** none **Contact Person:**

**Address:**

<b>Phone:</b>	<b>Fax:</b>	<b>E-mail Address:</b>
---------------	-------------	------------------------

**Engineer:** none **Contact Person:**

**Address:**

<b>Phone:</b>	<b>Fax:</b>	<b>E-mail Address:</b>
---------------	-------------	------------------------

**Landscape Architect:** none **Contact Person:**

**Address:**

<b>Phone:</b>	<b>Fax:</b>	<b>E-mail Address:</b>
---------------	-------------	------------------------

FLORA LOW

## FLORA TOTAL BEAUTY

November 9, 2016

To Whom It May Concern,

I am a permanent makeup artist and an aesthetician with over twenty years of experience in the beauty industry. From the year 2000 to 2014 I managed my own spa and salon business in West Covina, California. I actively learned more about new skincare procedures and products and was able to influence a lot of my employees to do the same. Even today, I take partake in occasional training to be able to stay ahead of modern skincare regimen, products, and other demands. While it was a difficult decision to make, I decided to start slowing down to be able to make more time to focus on my own work without having to run an entire business. After fourteen years of building, Flora Day Spa, I eventually sold my business and started renting my own work space. While I am no longer a business owner, I have continued to work in the beauty industry with an emphasis in permanent makeup and skincare. I currently rent three small rooms for skincare services including facials and body waxing as well as continuing my work in permanent makeup. However, I have found that my current workspace does not provide enough room for me to be able to efficiently utilize.

When I found out about the availability at 336 E. Rowland St. in Covina, I saw a lot of potential for the currently unoccupied space. I believe that I can build the place into a beauty salon specializing on my work in permanent makeup, skincare, waxing, and eyelash extensions. I also believe that I would be able to benefit the neighboring salon in referring my clients to be able to explore new and convenient hair stylists situated just next door to my own studio. While I would be able to continue my work I would also have an extra of up to two other aestheticians who would focus on skincare as well as a receptionist. There wouldn't be more than four employees at a time. Having visited this property I see room for so much potential. Several clients of mine have stayed with me over fifteen years. I believe that the amount of space can really be refurbished into a place that would be more welcoming and comfortable for my clients and the neighboring businesses as well as hosting much more work space that will be convenient for my loyal clients and self. I plan to open six days a week. Tuesdays and Wednesdays from 10am-6pm, Thursdays and Fridays from 9am-7pm, Saturdays 7am-6pm, and Sundays 10am-6pm.

Sincerely yours,

Flora Low

FLORA LOW

## FLORA TOTAL BEAUTY



November 16, 2016

To Whom It May Concern,

I recently showed my interest in turning the space at 336 East Rowland Street into a Beauty Salon. My intentions were to add six foot walls to separate rooms for different skincare services. I originally intended to have full sized walls built in but wanted to compromise so I suggested that we have shorter dividing walls. I turned in these plans along with my Statement of Intent for this property. While I am still interested in renovating this location and building it into a beauty salon, someone suggested that the walls be four feet in height.

I understand that beauty parlors can arouse suspicion just as they are subject to entertaining rumors of obscure services. I am not a stranger to hearing rumors but I trust in my work ethics. I've kept a clean business and will continue to do so. I will be more than happy to have some of my clients write a statement on behalf of their continuing business with me. Having worked in the beauty industry for over twenty years, I know and I understand that clients look for a place that is inviting, relaxing, and private. I firmly believe that a four foot wall will not provide the feeling of relaxation or privacy for my clients during their services. I understand that there are plenty of other salons and spas that my clients can explore but they have stayed with me out of loyalty and because they trust my work. Several clients have stayed with me from the start of my career in the beauty industry and I genuinely value their business. I want to be able to provide space for them to be able to unwind and fully experience the services that they pay for.

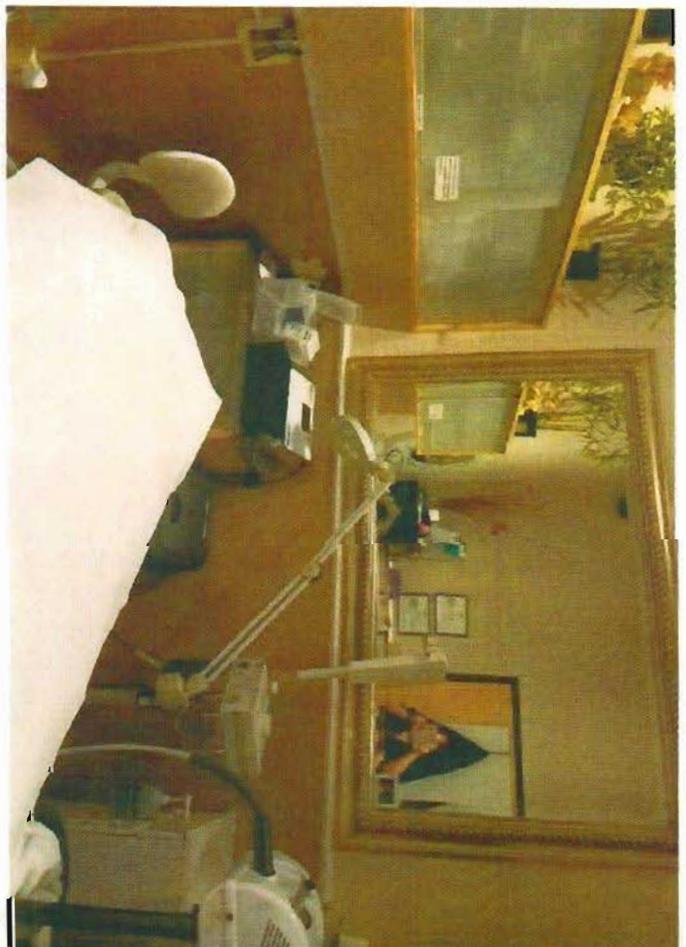
Had I known that I wouldn't be able to build a wall more than four feet I would not have invested so much time and money. I want to have a salon not an office. All of this has been very time consuming and costly for me but I did it because I really believe that the place could be built into a stable business that could benefit our neighboring salon. Four feet is shorter than the average male and female. I do not see how a wall at this height could be worked around to provide a room that offers any sort of privacy or comfort for any type of service. Enclosed are some photos of the rooms that I am currently renting to work in, all of which have full sized walls and room for cabinets.

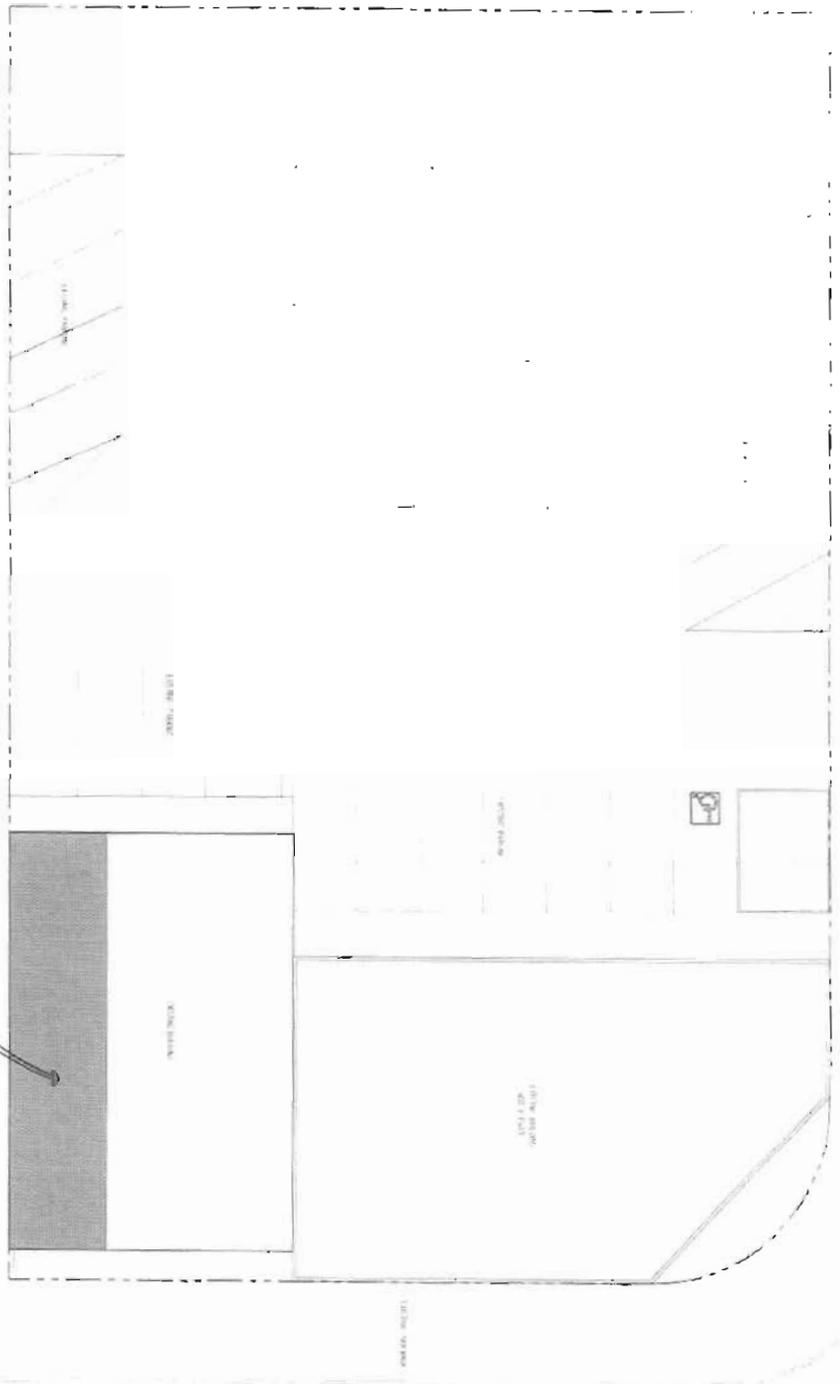
Sincerely yours,

Flora Low



Old Location





**LOCATION**  
1100 N. CALABAZA  
SUITE 100, SAN JOSE, CA 95128  
(408) 251-9722

**SITE PLAN**  
DATE: 08/11/11

EAST ROWLAND STREET

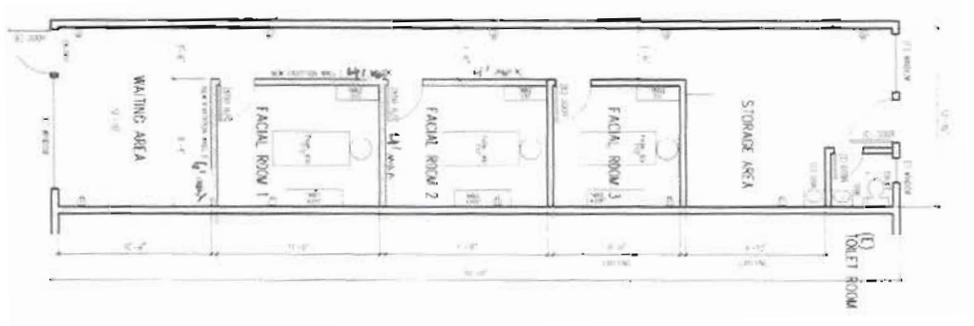
**REYNOSO**  
design studio

101 N. CALABAZA  
SUITE 100, SAN JOSE, CA 95128  
408.251.9722  
reynoso@reynoso.com

PROJECT NO. 1100N  
DATE: 08/11/11  
SCALE: AS SHOWN  
DRAWN BY: J. L. LEE  
CHECKED BY: J. L. LEE

**CLIENT**  
1100 N. CALABAZA  
SUITE 100, SAN JOSE, CA 95128  
408.251.9722

SP1



**AREA ANALYSIS**

AREA NAME	AREA (SQ. FT.)
WAITING AREA	144.0
FACIAL ROOMS	144.0
STORAGE AREA	144.0
TOILET ROOM	144.0
TOTAL CHANGEROOM AREA	576.0

**AREA LEGEND**

1. WAITING AREA

2. FACIAL ROOMS

3. STORAGE AREA

4. TOILET ROOM

**NOTE:**

1. ALL DIMENSIONS ARE IN FEET AND INCHES.

2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.

4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.

5. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.

6. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.

7. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.

8. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.

9. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.

10. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.

**FLOOR PLAN**

DATE: 01/15/2015

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

PROJECT: 1000 S. GARDEN AVENUE

OWNER: WILLIAM CALABRANO

ARCHITECT: RYNOSO ARCHITECTURE

1000 S. GARDEN AVENUE  
ANN ARBOR, MI 48106  
www.rynosostudio.com

**RESOLUTION NO. 2016-036 PC**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COVINA, CALIFORNIA APPROVING A CONDITIONAL USE PERMIT, CUP 16-018, AND A SITE PLAN REVIEW, SPR 16-035, TO OPERATE A BEAUTY SALON AND TO CONDUCT A TENANT IMPROVEMENT AT 336 EAST ROWLAND STREET – APN: 8451-007-052**

WHEREAS, on November 9, 2016, Flora Low (Applicant), on behalf of the property owner, Zella Vesta Trust, Joyce Chapman, Trustee, filed Conditional Use Permit (CUP) and Site Plan Review (SPR) applications (Project) to permit a beauty salon and to conduct a tenant improvement within a vacant commercial tenant space at 336 East Rowland Street, Covina, California 91723 (Property); and

WHEREAS, on December 13, 2016, the Planning Commission conducted a duly noticed public hearing, at which time oral and written comments received prior to or at the public hearing together with a written recommendation from the Planning Division were presented to the Planning Commission. The Planning Commission concluded said hearing on that date.

WHEREAS, all legal prerequisite prior to the adoption of this Resolution have occurred.

**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 December 13, 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. CUP Findings (CMC Section 17.62.120):

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

Fact: The project would involve a minor tenant improvement to an existing multi-tenant commercial building, and, as illustrated on the project plans, the tenant space can accommodate the various proposed elements of the beauty salon. Reasonable conditions will be applied to the use to further ensure operational adequacy.

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

Fact: The surrounding streets, Rowland Street and First Avenue, have sufficient widths and capacities to safely accommodate the proposed use. The proposed business, operating within an 815-square-foot tenant space, would have a maximum of 4 employees and 3 customers at one time. The staff believes that the relatively low-intensity nature of the proposed beauty salon, which would offer only specialized services only, such as permanent makeup application and skin care procedures, would have relatively limited customers and, therefore, should not affect the surrounding roadway system.

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

Fact: The focus of the project would be a “specialty” beauty salon. As noted herein, with certain reasonable conditions of approval applied to the CUP and SPR applications, the staff believes that the use would operate effectively at the underlying location. Furthermore, there is no evidence to indicate that, again, with the applicable conditions, the use would generate any negative impacts on adjacent properties.

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

Fact: The relevant development services departments were provided an opportunity to review and comment on the application. The Planning staff did not receive any concerns regarding the proposal by other departments or by the public. The proposed use, a service-type activity, would conform to the surroundings. In addition, no major public health- or safety-related impacts were identified during project review. The draft Resolution with the Conditions of Approval is attached. As indicated in other findings, the conditions have been formulated to ensure that the proposed use would operate in a manner consistent with the CMC and that the business would not negatively affect the public health, safety, and general welfare of the community.

B. SPR Findings (CMC Section 17.64.070):

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

Fact: The project would involve a minor tenant improvement to an existing multi-tenant commercial building to accommodate a small-scale, specialized beauty salon. All key elements of the proposal would meet the development standards of the underlying “C-3A” commercial 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.

Fact: The project would have no negative impacts on adjacent streets and sidewalks. The beauty salon, as noted in the report, would have not more than 7 total persons on the premises (3 customers and 4 employees) at any one time. This number is believed to be the same maximum number of customers and employees that occupied the prior business at this location at any one time, and no issues were reported with that use.

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

Fact: The proposed project would occupy an existing tenant space. No exterior modifications are proposed. The project would comply with the goals, policies and objects of the Covina General Plan, which encourages new code-complying business activities in vacant tenant spaces.

4. The project design is harmonious, consistent, and complete within itself and functionally and visually compatible with neighboring land uses.

Fact: The exterior design of the multi-tenant building will remain the same, only minor interior modifications will be conducted. Therefore, the proposed project would be functionally and visually compatible with neighboring structures and other residential land uses in the vicinity.

5. The project design is harmonious, consistent, and complete within itself and functionally and visually compatible with neighboring land uses.

Fact: The (interior) design of the proposed beauty salon is harmonious, consistent, and complete within itself. Furthermore, the proposed project, which does not involve any exterior work, would be functionally and visually compatible with the surrounding neighborhood.

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

Fact: The use will be required to have exterior lighting to maintain safety and security, meeting the applicable provisions of the Covina Design Guidelines. The Design Guidelines also calls for exterior lighting to be installed and oriented in a manner that would not produce any glare on adjacent properties or streets.

SECTION 3. The Planning Commission, based on its own independent judgement, has determined that this Project is categorically exempt pursuant to CEQA Guidelines Section 15301, Class 1. The Project consists of a lower intensity beauty salon and associated generally minor tenant improvement only. The Planning Commission further finds, again based on its own independent judgement, 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 16-018, and the Site Plan Review, SPR 16-035, are 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 Secretary of the Planning Commission is directed to serve, by first-class mail, a written notice of this decision to the Applicant within five (5) days.

SECTION 5. This Resolution shall become effective immediately upon its adoption, subject to a 10 calendar-day appeal period

**PASSED AND ADOPTED** by the members of the Planning Commission of the City of Covina at a regular meeting thereof held on the 13<sup>th</sup> day of December 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 13th day of December 2016, by the following vote of the Planning Commission:

AYES: CONNORS, HODAPP, MANNING, MCMEEKIN, PATTERSON  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

---

COVINA PLANNING COMMISSION SECRETARY

**EXHIBIT "A"**  
**CONDITIONAL USE PERMIT (CUP) 16-018**  
**SITE PLAN REVIEW (SPR) 16-035**  
**CONDITIONS OF APPROVAL**  
**AS APPROVED BY THE PLANNING COMMISSION**  
**ON DECEMBER 13, 2016**

The Conditional Use Permit (CUP) and the Site Plan Review (SPR) shall permit the operation of a beauty salon and the conducting of a business-accommodating tenant improvement at 336 East Rowland Street. – APN: 8451-007-052

**1.0 TIME LIMITS:**

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

**2.0 GENERAL REQUIREMENTS:**

- 2.1 Failure to comply with any of the Conditions of Approval noted herein shall be deemed just cause for the revocation of the approval of the CUP and the SPR by the Planning Commission.
- 2.2 Under certain provisions of the California Environmental Quality Act (CEQA), the project proposal has been determined to be categorically exempt from environmental review under CEQA Guidelines Section 15301, Class 1. If a Notice of Exemption is filed with the City, then the period during which legal challenges can be filed based upon violations of CEQA is reduced from 180 days to 35 days. To file the Notice of Exemption, please contact the Planning Division.
- 2.3 Any previously existing zoning entitlements for the property shall remain in effect, except for the provisions thereof that have been expressly superseded by the Conditions of Approval and the associated approved project plans of these CUP and SPR applications.
- 2.4 The beauty salon shall obtain and maintain a valid city business license and pay the required fee(s) in compliance with the provision of Section 5.04.060 of the Covina Municipal Code.

- 2.5 The following interior walls of the business may be 6 feet in height or higher (meeting applicable Building Code requirements): a) all 3 walls surrounding the northernmost or rearward service area, defined on the project plans as “Facial Room 3”; and b) the northernmost wall (facing or parallel to the front wall of the tenant space) of “Facial Room 1” on the project plans. All other interior walls shall be no higher than 4 feet. In addition, any construction plans submitted to the Building Division shall reflect these limitations.
- 2.6 Final or construction plans, incorporating all Conditions of Approval and any plan-related changes required in the approval process, shall be submitted for review to and approval by the City Planner or his/her designee prior to any Building Permit issuance in conjunction with the Plan Check process of the Building and Safety Division. Any final or construction plans and documents shall conform to the project plans approved by the Planning Commission.
- 2.7 The installation of a new or the modification of any existing security system(s) in the appurtenant building, as addressed under Chapter 8.20 of the Covina Municipal Code, shall be coordinated with the Covina Police Department.
- 2.8 The business shall have access to a trash bin to address its refuse disposal needs.
- 2.9 The business shall maintain exterior lighting. This lighting shall be located and oriented in a manner that would not generate any glare onto any adjacent business or property or onto any surrounding public street, while meeting the applicable minimum foot-candle standards of the Covina Design Guidelines to maintain safety and security.
- 2.10 Any new exterior ground-, wall-, or roof-mounted mechanical and/or utility equipment (and any communication-related facilities that are exempt from local regulation) associated with the project shall be screened from all views by building features, the elements of which must match the style and color of the building, and/or landscaping.
- 2.11 All proposed permanent exterior signage for the property is subject to a separate, follow-up review and approval process, and all applicable codes and requirements shall be met. Also, sign permits must be obtained from the City prior to the installation of any new permanent or temporary signs. In addition, all illuminated signage shall be prohibited from generating any glare or imposing any other negative impacts onto any adjacent properties or onto the adjoining sidewalks and streets.
- 2.12 Any required site features for the disabled, including, but not limited to, property access identification, parking stall and unloading area dimensions, path of travel, and building access, must comply with all applicable State Codes and must be reviewed by the Building Division (contact the Building Division for specific requirements).

- 2.13** The approval of this request shall not waive compliance with all other applicable sections of the Covina Municipal Code, the Covina Design Guidelines, and all other associated plans and non-City laws and regulations that are in effect at the time of Building Permit issuance or the approval of this application.
- 2.14** In accordance with Chapter 11.36 of the Covina Municipal Code, no street trees adjacent to the property shall be cut or trimmed in any manner by any persons associated with management, operational, or maintenance activities on the site without first obtaining a permit from the Covina Public Works Department.
- 2.15** The applicant 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 shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
- 2.16** The applicant 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 applicant 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 applicant of any obligation under this condition.
- 2.17** If any provision of this grant is held or declared to be invalid, then the application approval shall be void and the privileges granted hereunder shall lapse.
- 2.18** The costs and expenses of any code enforcement activities, including, but not limited to, attorneys' fees, caused by the applicant or property owner's violation of any Condition imposed by this approval or any provision of the Covina Municipal Code shall be paid by the property owner.
- 2.19** Any new and changing ordinances adopted prior to the final approval of the project may warrant new review.
- 2.20** The City shall have the reasonable right of entry to inspect the immediate premises and the overall property to verify compliance with the Conditions of Approval.

**3.0 COMMUNITY DEVELOPMENT DEPARTMENT, BUILDING AND SAFETY DIVISION REQUIREMENTS AS THEY PERTAIN TO ANY CONSTRUCTION OR TENANT IMPROVEMENT WORK:**

- 3.1 Submit 6 sets of complete plans including any proposed utilities and earthwork; two sets shall be “stamped approved” by the Covina Planning Division and include the Building Section’s comments for consultant review. This project must comply with the 2013 California Building Standards and 2013 energy code.
- 3.2 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.
- 3.3 This project must comply with Federal and State Accessibility requirements to and throughout the building. Include compliance methods and structural details on the plans. Demolition and renovations activities require an asbestos containing materials (ACM) survey. (SCAQMD RULE 1403) The ACM report shall be prepared by an accredited testing laboratory in accordance with SCAQMD rules and regulations. Proof of notification to the South Coast Air Quality Management District (SCAQMD), Office of Operations, shall be submitted to the Building Division with your permit application for all renovations and demolition activities. Contact the SCAQMD at the address or number below for more information. Once any demolition activity has been approved by the SCAQMD, a formal demolition plan and permit must be obtained from the Building Division. **Contact:** SCAQMD Headquarters; 21865 Copley Drive, Diamond Bar, CA, (909) 396-2381.
- 3.4 The Los Angeles County Fire Department needs to review your construction plans, to expedite this process you will need to contact one or more of their Regional plan check office(s): Appointments to discuss Fire Department requirements may be made between 7:30 a.m. and 10:30 a.m. The main office is located at 5823 Rickenbacker Road, Commerce, CA 90040-3027. Phone number is (323) 890-4125.
- 3.5 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.
- 3.6 For additional information, please contact the LA County Assessor’s, Public Service Desk at 888-807-2111.
- 3.7 Construction activity within 500 feet of a residential zone is prohibited between the hours of 8:00 pm and 7:00 am and on Sundays and Holidays unless otherwise permitted by the City.

3.8 There may be additional comments or concerns from Building and Safety Division during the plan check process.

**4.0 COVINA POLICE DEPARTMENT REQUIREMENTS:**

4.1 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.

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

5.1 The applicant shall comply with the operational requirements of the Covina Police Department (see section 4.0).

5.2 The beauty salon shall provide the following specialized services only: permanent makeup, waxing, skincare procedures, eyelash extensions, and the sale of limited skincare products (not hair, nail, or eyebrow threading-related services).

5.3 Only facial permanent makeup (or permanent makeup applied above the neck) shall be allowed. The application of body art or tattoos, as defined under CMC Chapter 17.67, is prohibited. In addition, massage-related activities, as defined under CMC Chapter 5.36, are prohibited.

5.4 The beauty salon shall serve (in the three service areas only) not more than three (3) customers at any one time and shall have not more than four (4) employees on site at any one time.

5.5 The business hours of the beauty salon shall be limited to 7:00 am to 7:00 pm on any day.

5.6 All doors and windows associated with the premises shall remain closed during business hours.

- 5.7 Any subsequent change(s) in the uses or improvements on the property or operational activities (including, but not limited to, the size or layout of the interior of the building; the building architecture and/or features; and/or the type and/or intensity of the permitted uses) beyond what is permitted under these CUP and SPR applications shall not proceed without further City review and approval to ensure compliance with the applicable codes and requirements and, if necessary, the mitigation of any identified impacts (such as design, noise, traffic, and parking). A new zoning application(s) and possibly an impact-related study(ies) may be required for such future change(s) or improvements.
- 5.8 No outside speakers pertaining to the business shall be permitted.
- 5.9 Any outdoor storage pertaining to the business is prohibited.
- 5.10 The site, building, signage, and any landscape improvements shall be maintained in a sound and attractive condition, free of weeds, trash or debris, visible deterioration, graffiti, or other conditions that violate the Covina Municipal Code. The City may require that the applicant or the property owner pay the actual and reasonable cost for code compliance services needed to address any problem conditions.

- **END OF CONDITIONS** -



# CITY OF COVINA

**PLANNING COMMISSION AGENDA REPORT  
ITEM NUMBER NB 1  
DECEMBER 13, 2016**

**TO:** Chairman and Members of the Planning Commission

**FROM:** Brian Lee, AICP, Director of Community Development

**SUBJECT:** Public Convenience or Necessity (PCN) Determination for Conditional Use Permit (CUP) 16-015 and Site Plan Review (SPR) 16-021, a request to upgrade to full liquor service (Type 48) for on-site sale and consumption for an existing art gallery located at 144 W. Badillo Street.

## SITE AND PROJECT DESCRIPTION

### A. Project Information:

**Request:** A public convenience or necessity (PCN) request to upgrade to full liquor service (Type 48) for on-site sale and consumption 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 subject site is a 10,080 square foot or 0.23 acre rectangular lot abutting the Inter Community Church to the west. The subject tenant space is located in the same one-story 5,100 square-foot building as the art store (Portraits by Kathy). Abutting the building to the west is the Inter Community Church. A 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 subject 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 October 11, 2016, the Planning Commission approved Resolution No. 16-027 for CUP 16-015 and Site Plan Review SPR 16-021 with Conditions of Approval to upgrade the existing alcohol license to Type 48. Type 48 allows for the service of hard liquor and distilled spirits. The California Alcoholic Beverage Control (ABC) is requesting from the City a determination of public convenience or necessity (PCN) pursuant to Section 23958.4 of the Business and Professional Code. The Covina Municipal Code (CMC) gives the Planning Commission the authority to review and make the determination for public convenience or necessity.

The staff report and exhibits presented during the October 11, 2016 Planning Commission public hearing is attached to this report as Exhibit A. The application request, project description, and the hours of operation have not changed.

B. Applicable Regulations: Section 23958.4 of the Business and Professional Code requires a determination of ‘public convenience or necessity’ under two circumstances prior to the ABC approving liquor license: due to concentration of liquor licenses within one census tract and/or due to crime reports. The ABC has determined that the former applies to the location within the Census Tract 4061.02. Based on ABC’s records, 15 on-sale licenses are located in the census tract, which is above the 5 maximum allowed without a PCN determination (see Exhibit D). CMC Section 17.62(B)(4) specifies the conditions on which a determination of PCN must be made for liquor on-sale establishments.

C. Determination of Public Convenience: CMC Section 17.62.026(B)(4) allows the determination of convenience in that the immediate neighborhood requires and needs such services. The services as conditionally approved under Resolution No. 16-027 PC include dining, entertainment, retail, and arts with hours approved until 1 a.m. every day. The site is currently occupied by Azo Vino, which has operated with its approved CUP 08-005 and Type 42 ABC license in continuous operation in good standing. The selection of uses and activities typical of upmarket restaurants similar to what is being provided by Azo Vino is currently limited in Downtown Covina, and approval of the PCN request will expand those options.

The determination of public convenience will require no amendment to the approved Conditions of Approval.

D. Findings for Public Convenience or Necessity:

1. That the requested use at the proposed location will not adversely affect the economic welfare of the nearby community.

Findings of Fact: The nearby community is composed of the retail and entertainment district of Downtown Covina, specifically, located in the Retail and Services Zone of the Town Center Specific Plan (TSCP-5). The property is abutted by Inter Community Church to the west and a public parking lot to the east. The establishment is currently operating to serve alcohol pursuant to CUP 08-005 approved in 2008, and was approved in 2016 for CUP 16-015. CUP 08-005 and CUP 16-015 allowed it to operate with live entertainment, outdoor dining, and on-site tasting with bar in conjunction with the art gallery. 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 CUPs and ABC License. The Findings of Facts approved under Resolution No. 16-027 PC for CUP 16-015 established the compatibility of the business with the adjacent neighborhood. The requested use will improve the surrounding neighborhood due to the unique type of service it offers, and will not adversely affect the economic welfare of the nearby community.

2. That the exterior appearance of the structure of the proposed use will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight or deterioration, or substantially diminish or impair the property values within the neighborhood.

Findings of Fact: Exterior design is an important consideration when reviewing projects located in Downtown. Part of the Planning Commission and staff review of

the project included the elevations as proposed by the applicant. The site fronts Badillo Street and the rear of the property is provided with an alley to access the back parking lot. The request is comprised of tenant interior improvements and upgrades pursuant to its uses and activities allowed under CUP 16-015 and no addition of floor area was proposed. Through the building permit plan check process, the Conditions of Approval approved under Resolution No. 16-027 PC requiring review for conformance with the Covina Design Guidelines will be enforced.

3. The immediate neighborhood requires and needs such services.

Findings of Fact: The immediate neighborhood is Downtown Covina. The site is currently occupied by Azo Vino, which has operated continuously with a CUP and ABC license in good standing. The services as conditionally approved under Resolution No. 16-027 PC include dining, entertainment, retail, and arts with late night weekend hours approved until 1 a.m. every day. The selection of uses and activities typical of upmarket restaurants similar to what is being provided by Azo Vino is currently limited in Downtown Covina. Due to that relative scarcity, the determination of public convenience for the business would encourage such businesses within short distance of the neighborhood and would be a distinctive asset for Downtown as conditioned.

The Findings of Facts made for CUP 16-015 is attached to Exhibit A.

### **PUBLIC HEARING NOTICE AND NOTIFICATION**

The applicant was given a copy of the staff report with associated attachments. Public hearing notification of adjacent properties is not required for the determination of Public Convenience or Necessity.

### **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 City has analyzed the request for a Determination of Public Convenience or Necessity and concluded that it is not a project under CEQA.

**RECOMMENDATION**

Staff recommends that the Planning Commission make a Determination of Public Convenience of Necessity by adoption of Resolution No. 2016-037 PC.

Prepared by:

Approved by:

\_\_\_\_\_  
Bryan Fernandez  
Consultant Planner

\_\_\_\_\_  
Brian K. Lee, AICP  
Director of Community Development

**EXHIBITS**

- A. Staff Report and Resolution 2016-27 PC with Conditions of Approval
- B. Resolution 2016-037 PC
- C. Letter of PCN requested dated November 12, 2016



# 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 Vino 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 – S 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
<b>Dining areas</b>			
<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 abuted 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.

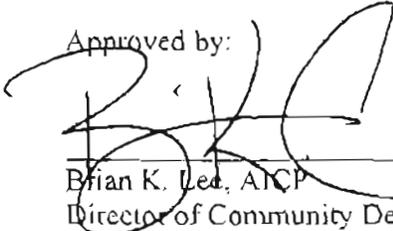
## RECOMMENDATION

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

EXHIBIT B (10 Pages)



# 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) 932-9827</u>	E-Mail: <u>Galen@Azogallery.com</u>	
Applicant Name: <u>Galen Metz • Valerie Toftm 5705 Lendery 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 Pupuana 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<br><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 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<br><input type="checkbox"/> Time Extension | <input type="checkbox"/> _____<br>(Other)   |
| <input type="checkbox"/> Planned Community Development (PCD) | <input type="checkbox"/> Tentative Tract Map<br><input type="checkbox"/> Time Extension  | <input type="checkbox"/> _____<br>(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>
-------------------------------	---------------------------------	-------------------------	---------------------------



# 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 Pappana Pl. Kailua, Kona, HI 96740  
 Email: Hesketh+001@hawaii.rr.com Phone: (808) 325-9565
- 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) 922-5204  
 Applicant's Complete Address: 715 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 (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: 0.02154 Fr 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 am  
Fri, Sat, Sun  
 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: 11:00 am TO 1:00 am  
 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: \_\_\_\_\_ 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: AzoVino Inc.	MUNIS:	
Primary Contact Person: Galen Metz	RELATED FILES:	
Address: 415 W. Palm Drive Covina, CA 91723		
Phone: (626) 732-4827	Fax:	E-mail Address: Galen@azovino.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: valtotty@yahoo.com
Legal Property Owner: Hesketh Family Trust (Tom Hesketh)		
Address: 73 Papaana 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 SkyPark Circle Ste. K Irvine, CA. 92614		
Phone: (949) 542-2577	Fax:	E-mail Address: Brian@mcduerenterprises.com
Landscape Architect: N/A	Contact Person: DIZ	
Address:		
Phone:	Fax:	E-mail Address:

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

- Instructions
- This form is to be used for all applications for original issuance or premises to premises transfer of licenses.
  - Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
  - Part 2 is to be completed by the applicant, and returned to ABC.
  - Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME  
**AZO VINO Inc.**

2. PREMISES ADDRESS (Street number and name, city, ZIP code)  
**144 W. Badillo St., Covina, 91723-2015**

3. LICENSE TYPE  
**4B**

4. TYPE OF BUSINESS

<input type="checkbox"/> Full Service Restaurant	<input type="checkbox"/> Hofbrau/Cafeteria	<input type="checkbox"/> Cocktail Lounge	<input type="checkbox"/> Private Club
<input type="checkbox"/> Deli or Specialty Restaurant	<input type="checkbox"/> Comedy Club	<input type="checkbox"/> Night Club	<input type="checkbox"/> Veterans Club
<input type="checkbox"/> Cafe/Coffee Shop	<input type="checkbox"/> Brew Pub	<input type="checkbox"/> Tavern: Beer	<input type="checkbox"/> Fraternal Club
<input type="checkbox"/> Bed & Breakfast:	<input type="checkbox"/> Theater	<input type="checkbox"/> Tavern: Beer & Wine	<input type="checkbox"/> Wine Tasting Room
<input type="checkbox"/> Wine only	<input type="checkbox"/> All		

Supermarket     Membership Store     Service Station     Swap Meet/Flea Market

Liquor Store     Department Store     Convenience Market     Drive-in Dairy

Drug/Variety Store     Florist/Gift Shop     Convenience Market w/Gasoline

Other - describe:

5. COUNTY POPULATION    6. TOTAL NUMBER OF LICENSES IN COUNTY    7. RATIO OF LICENSES TO POPULATION IN COUNTY

8. CENSUS TRACT NUMBER    9. NO. OF LICENSES ALLOWED IN CENSUS TRACT    10. NO. OF LICENSES EXISTING IN CENSUS TRACT

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

Yes, the number of existing licenses exceeds the number allowed

No, the number of existing licenses is lower than the number allowed

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

Yes (Go to Item #13)     No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER    14. TOTAL NUMBER OF REPORTING DISTRICTS    15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

16. AVERAGE NO. OF OFFENSES PER DISTRICT    17. 120% OF AVERAGE NUMBER OF OFFENSES    18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17

No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.

b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.

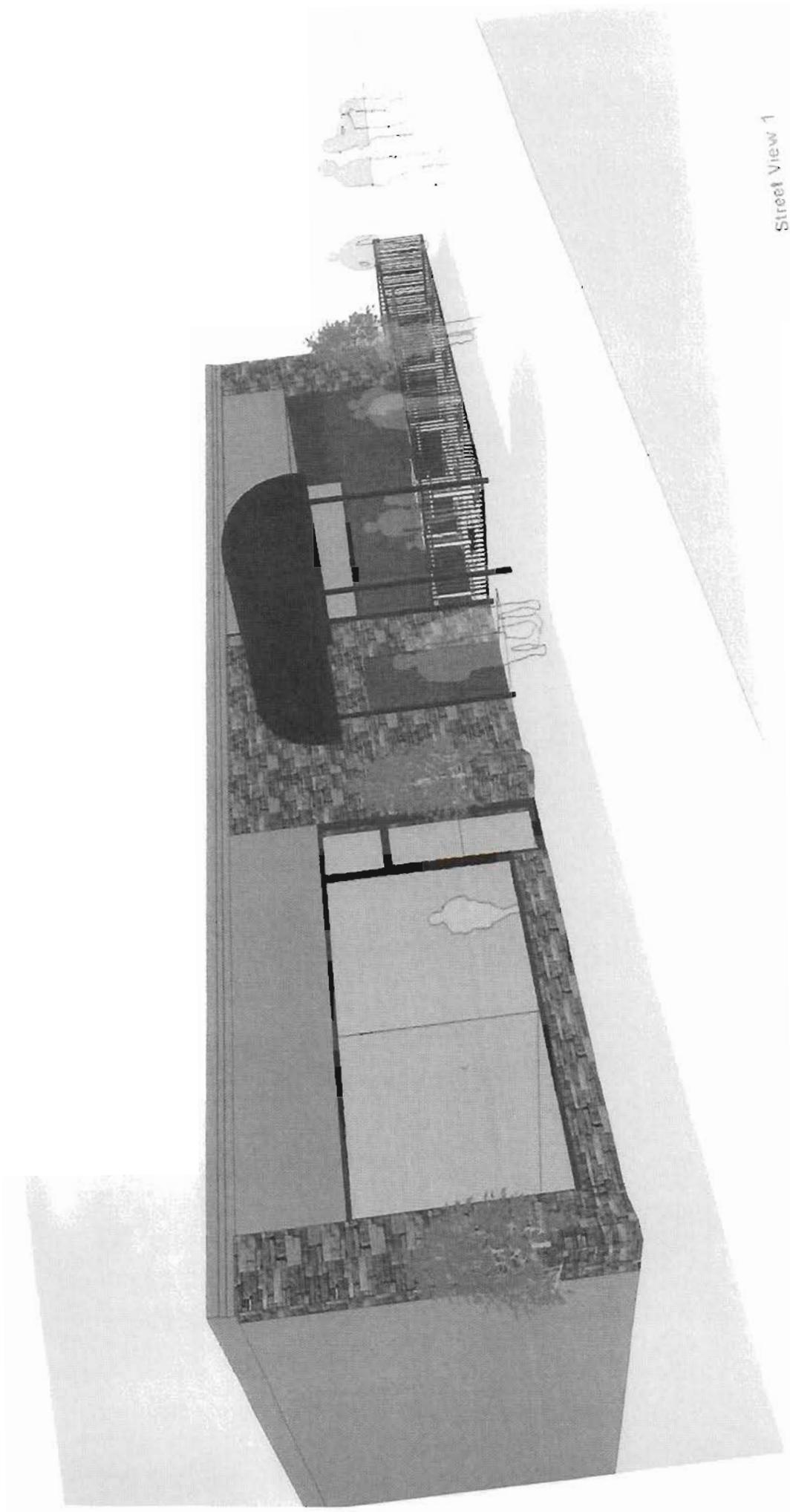
c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

FOR DEPARTMENT USE ONLY

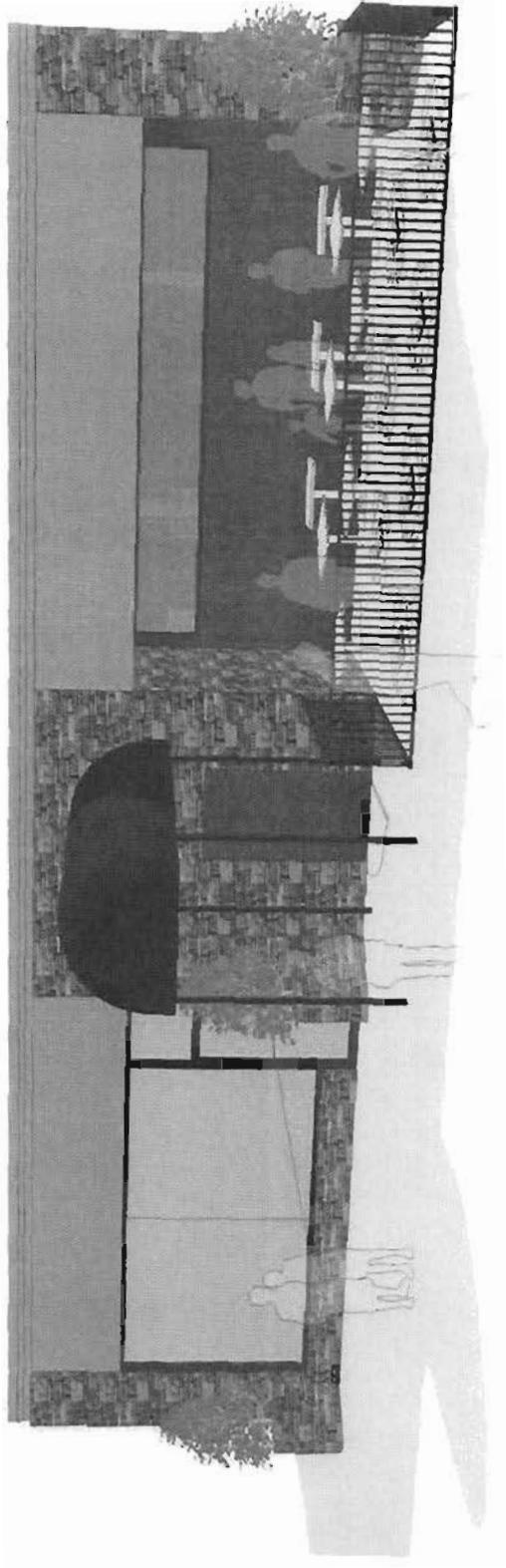
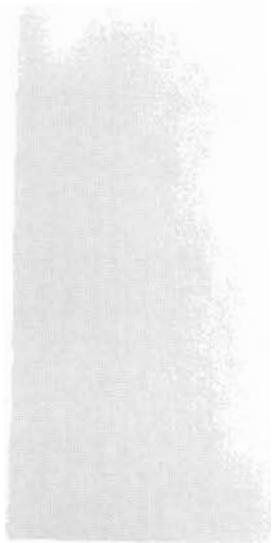
PREPARED BY (Name of Department employee)





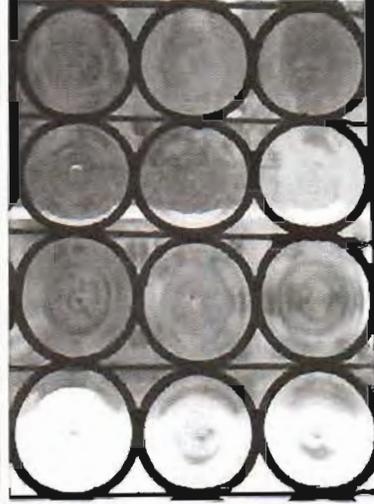
Street View 1

144 Baditto Street, Covina California 91723

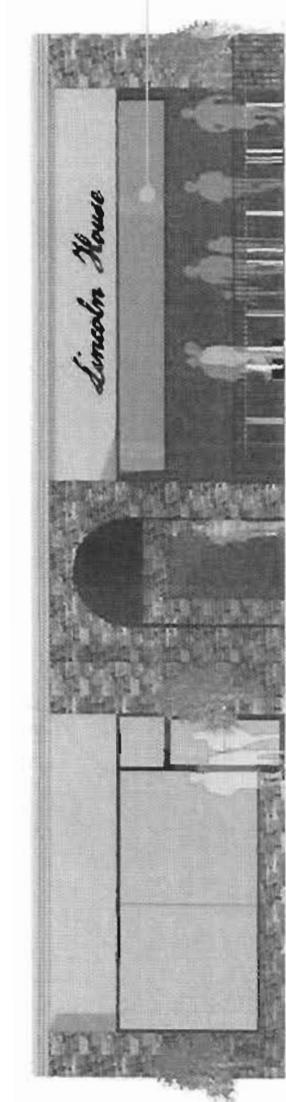


144 Badillo Street, Covina California 91723

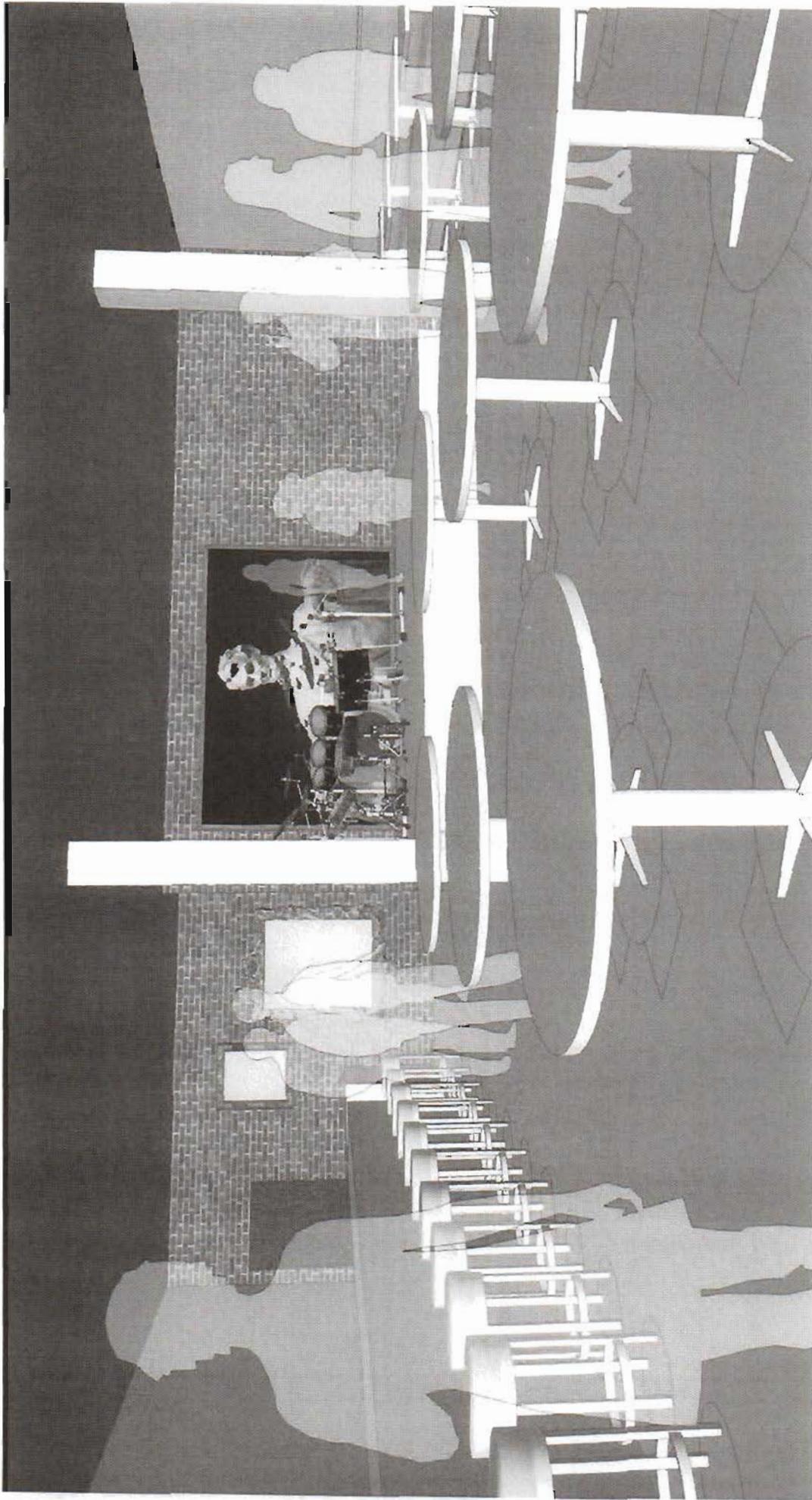
Street View 2



North Elevation



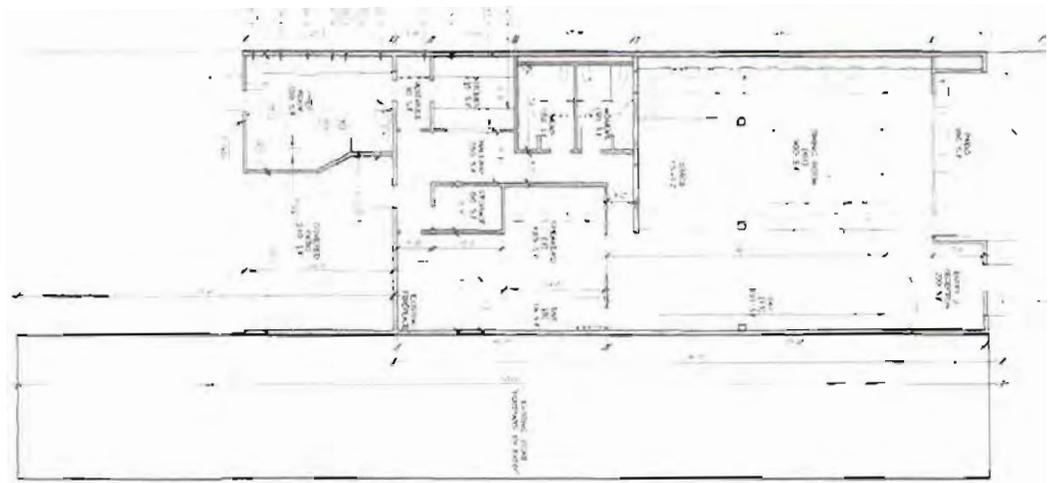
144 Badillo Street, Covina California 91723



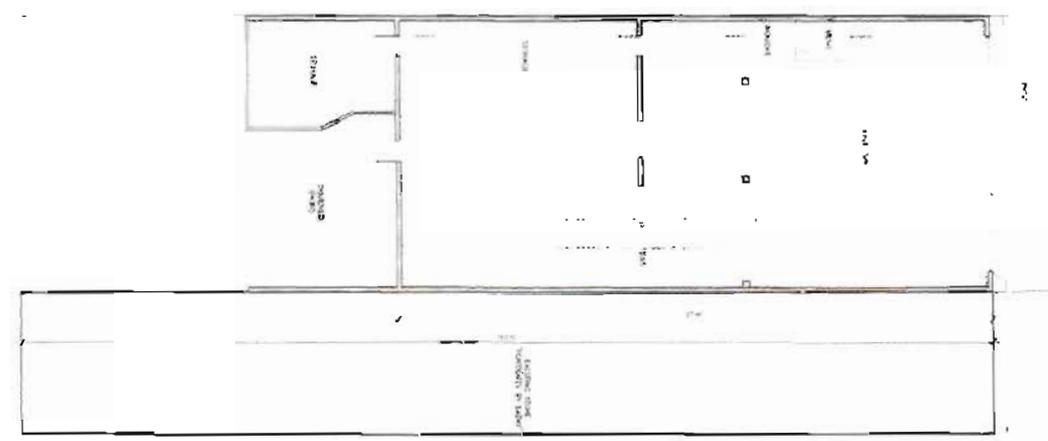
144 Badillo Street, Covina California 91723

View 6





FLOOR PLAN 02



DEMOLITION PLAN 01

- 1.01 1st Floor Plan
- 1.02 2nd Floor Plan
- 1.03 3rd Floor Plan
- 1.04 4th Floor Plan
- 1.05 5th Floor Plan
- 1.06 6th Floor Plan
- 1.07 7th Floor Plan
- 1.08 8th Floor Plan
- 1.09 9th Floor Plan
- 1.10 10th Floor Plan
- 1.11 11th Floor Plan
- 1.12 12th Floor Plan
- 1.13 13th Floor Plan
- 1.14 14th Floor Plan
- 1.15 15th Floor Plan
- 1.16 16th Floor Plan
- 1.17 17th Floor Plan
- 1.18 18th Floor Plan
- 1.19 19th Floor Plan
- 1.20 20th Floor Plan

REVISIONS

LEGEND

GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

4. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE APPLICABLE AGENCIES.

5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.

6. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

7. THE CONTRACTOR SHALL MAINTAIN A NEAT AND SAFE WORK SITE AT ALL TIMES.

8. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.

9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.

10. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.

**workshop**  
architecture design development

118 Republic  
Irvine, CA 92618  
www.workshop75.com  
949-910-0788

**LINCOLN HOUSE  
BAR & RESTAURANT**

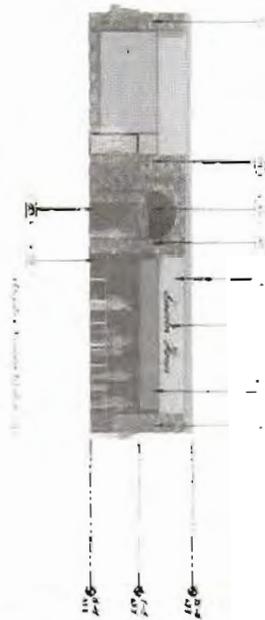
144 Badillo Street  
Covina, CA 91723

Designed by  
App Viro Viro Inc / Viro Viro Today



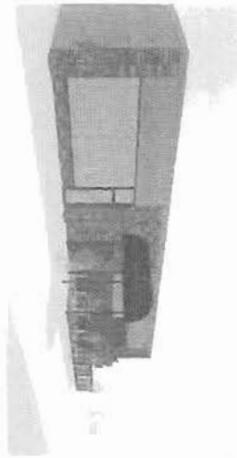
NORTH EXISTING EXTERIOR ELEVATION - STREET VIEW

02



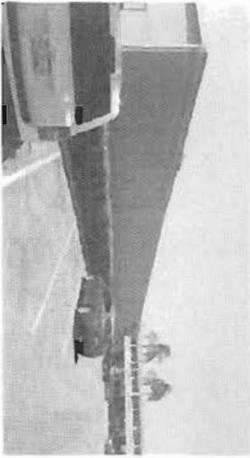
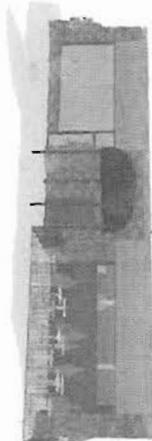
NORTH PROPOSED EXTERIOR ELEVATION - STREET FRONT

03



NORTH PROPOSED EXTERIOR VIEWS FOR REFERENCE

04



EAST EXTERIOR ELEVATION - PARKING LOT VIEW

01



SOUTH EXTERIOR ELEVATION - ALLEY VIEW

02

- 01. CONSULTING ENGINEER: WILSON TAYLOR
- 02. ARCHITECT: WILSON TAYLOR
- 03. ARCHITECT: WILSON TAYLOR
- 04. ARCHITECT: WILSON TAYLOR
- 05. ARCHITECT: WILSON TAYLOR
- 06. ARCHITECT: WILSON TAYLOR
- 07. ARCHITECT: WILSON TAYLOR
- 08. ARCHITECT: WILSON TAYLOR
- 09. ARCHITECT: WILSON TAYLOR
- 10. ARCHITECT: WILSON TAYLOR

REVISIONS

NO.	DATE	DESCRIPTION

GENERAL NOTES

NO.	DESCRIPTION

**LINCOLN HOUSE  
BAR & RESTAURANT**  
144 Badho Street  
Covina, CA 91723  
Sponsored by  
New Wine Bar & Restaurant

**workshop**  
architecture design development  
118 Reywood  
Irvine, CA 92603  
www.lincolnhouse.com  
949-210-0780



# 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

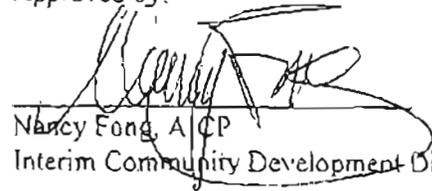
Staff recommends that the Planning Commission confirm that the Condition of Approval 2.3 of Conditional Use Permit (CUP) 08-005 include the sale of beer and wine for both on and off-site consumption until 1:00 a.m. consistent with the business hours of the establishment, Azo Vino Art Gallery, through 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  
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 A70. 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 adjoining 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 23, 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.

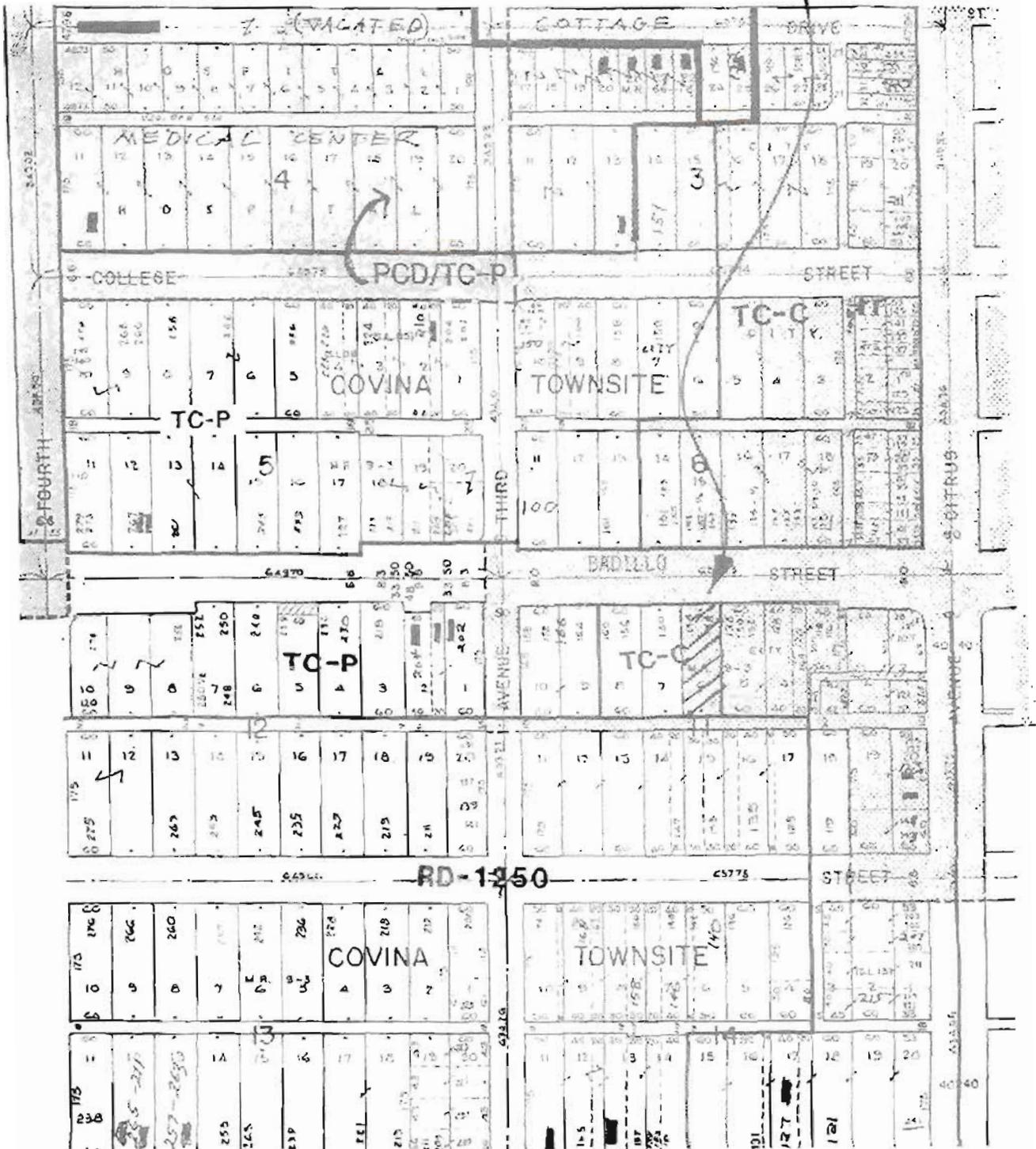
- 2.23 The applicant's subject property shall be developed and operated in accordance with the TCSP-5 (Retail and Service Core) zoning designation as approved by the City Council, the approved plan on file with the City, all representations of record made by the applicant, the conditions contained herein, 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: Elent McClain, Building and Code Enforcement Coordinator  
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  
Jenny Canto, Inspector, Fire Department  
Blent McClain, 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: ADHERE TO ALL ABC PROVISIONS AND LAWS. ADHERE  
TO COVINA MUNICIPAL CODE 113.040.05 OR RESTAURANT.

[Signature]  
Name

7/14/08  
Date

Exhibit 1

CITY OF COVINA  
INTEROFFICE MEMORANDUM

DATE: JULY 2, 2008

TO: Sergeant Jim McDonough, Police Department  
Robert Neuber, Community Development Director  
Jeny Cantu, Inspector, Fire Department  
Fleat 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*

Jeny Cantu 7/2/08  
Name Date

EXHIBIT 1

CITY OF COVINA  
INTRA-OFFICE MEMORANDUM

DATE JULY 2, 2008

TO: Sergeant Jim McDonough, Police Department  
Robert Neiber, Community Development Director  
Jerry Canro, Inspector, Fire Department  
Flent McClain, Building and Code Enforcement Coordinator  
Public Works Department:  
Engineering Division  
Environmental Division  
Water Division

FROM: Planning Division

SUBJECT: CTP 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:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

*Exhibit 1*

CITY OF COVINA  
INTEROFFICE MEMORANDUM

DATE:      JULY 2, 2008

TO: Sergeant Jim McDonough, Police Department  
Robert Neuber, Community Development Director  
Joseph Cantu, Inspector, Fire Department  
Fient McClain, 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: *Eng'g none*  
    Leo Tolson      
Name

    7-3-08      
Date

*Exhibit 1*

RECORDING REQUESTED BY

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



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;

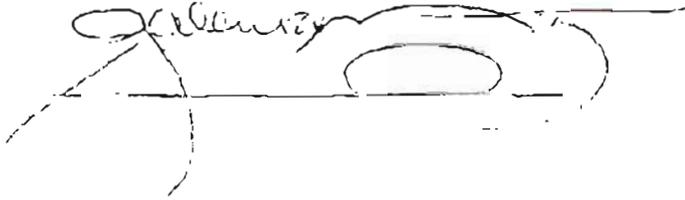
WHEREAS, the Planning Commission, having received, heard and considered all of the oral and written testimony made certain findings, and

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.

Now, therefore, the undersigned having read and considered each listed term, covenant and condition does hereby approve, consent to and agrees to abide by each of the attached listed terms, covenants and conditions.

Executed this 18 day of August, 2008, at Carlin, California.

Galen Metz  
Lessee



State of California )  
  )  
County of Los Angeles )

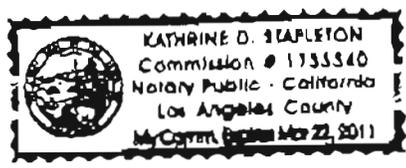
On Augst 18, 2008 before me,  
Kathrine D Stapleton Notary Public  
personally appeared Galen Metz

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS by hand and official seal.

Signature Kathrine D Stapleton



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 shall 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.  
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

EXHIBIT E

Page 1 of 13

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-S 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 11<sup>th</sup> 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 11<sup>th</sup> 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.

- o 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

**RESOLUTION NO. 2016-037 PC**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COVINA, CALIFORNIA, MAKING A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY TO ALLOW AN UPGRADE TO FULL-LIQUOR SERVICE (TYPE 48) FOR ON-SITE SALE AND CONSUMPTION OF ALCOHOL AT 144 W. BADILLO STREET**

WHEREAS, Galen Metz, the Applicant has requested a Determination of Public Convenience or Necessity to upgrade to full-liquor service (Type 48) for on-site sale and consumption of alcohol at an existing art gallery located at 144 W. Badillo Street, Covina, California 91723; and

WHEREAS, on October 11, 2016, the Planning Commission approved CUP 16-015 and SPR 16-021 under Resolution No. 16-027 with Conditions of Approval to allow an existing alcohol license to upgrade to full-liquor service (Type 48) for on-site sale and consumption of alcohol within an existing art gallery and dining establishment.

WHEREAS, on November 28, 2016, the Planning Commission conducted a duly noticed public hearing regarding the proposed Determination of Public Convenience or Necessity, 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 December 13, 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:

1. That the requested use at the proposed location will not adversely affect the economic welfare of the nearby community.

Findings of Fact: The nearby community is composed of the retail and entertainment district of Downtown Covina, specifically, located in the Retail and Services Zone of the Town Center Specific Plan (TSCP-5). The property is abutted by Inter Community Church to the east and a public parking lot to the east. The establishment is currently operating to serve alcohol pursuant to CUP 08-005 approved in 2008, and was approved in 2016 for CUP 16-015. CUP 08-005 and CUP 16-015 allowed it to

operate with live entertainment, outdoor dining, and on-site tasting with bar in conjunction with the art gallery. 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 CUPs and ABC License. The Findings of Facts approved under Resolution No. 16-027 PC for CUP 16-015 established the compatibility of the business with the adjacent neighborhood. The requested use will improve the surrounding neighborhood due to the unique type of service it offers, and will not adversely affect the economic welfare of the nearby community.

2. That the exterior appearance of the structure of the proposed use will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight or deterioration, or substantially diminish or impair the property values within the neighborhood.

Findings of Fact: Exterior design is an important consideration when reviewing projects located in Downtown. Part of the Planning Commission and staff review of the project included the elevations as proposed by the applicant. The site fronts Badillo Street and the rear of the property is provided with an alley to access the back parking lot. The request is comprised of tenant interior improvements and upgrades pursuant to its uses and activities allowed under CUP 16-015 and no addition of floor area was proposed. Through the building permit plan check process, the Conditions of Approval approved under Resolution No. 16-027 PC requiring review for conformance with the Covina Design Guidelines will be enforced.

3. The immediate neighborhood requires and needs such services.

Findings of Fact: The immediate neighborhood is Downtown Covina. The site is currently occupied by Azo Vino, which has operated continuously with a CUP and ABC license in good standing. The services as conditionally approved under Resolution No. 16-027 PC include dining, entertainment, retail, and arts with late night weekend hours approved until 1 a.m. every day. The selection of uses and activities typical of upmarket restaurants similar to what is being provided by Azo Vino is currently limited in Downtown Covina. Due to that relative scarcity, the determination of public convenience for the business would encourage such businesses within short distance of the neighborhood and would be a distinctive asset for Downtown as conditioned.

SECTION 3. The Planning Commission has determined, based on its own independent judgement, that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The Planning Commission, based on its own independent judgement, has analyzed the request for a Determination of Public Convenience or Necessity and concluded that it is not a project under CEQA.

SECTION 4. Based upon the findings and conclusion set forth in Sections 1 through 3 above, the Planning Commission hereby makes a Determination of Public Convenience or Necessity for the issuance of an On Sale General – Public Premises (Type 48) license by the California Department of Alcoholic Beverage Control for the existing art gallery located at 144 W. Badillo Street, Covina, California 91723, and directs the Secretary of the Planning Commission 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 13<sup>th</sup> day of December 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 13<sup>th</sup> day of December 2016, by the following vote of the Planning Commission:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

COVINA PLANNING COMMISSION SECRETARY

Azo Vino, Inc  
144 W. Badillo Street  
Covina, CA 91723

November 12, 2016

City of Covina, Planning  
125 E. College Street  
Covina, CA 91723

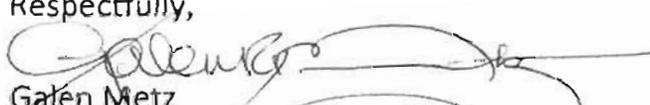
Dear Alan;

This letter is a request from the Planning Department, requesting that the City determine that "Public Convenience or Necessity" has been met under the City's recent approval of Azo Vino's CUP that allowed for a change in the business's liquor sales category,

This request is made by (ABC) Alcohol Beverage Control on "ABC" form 245. I have enclosed a copy of the form for your review and completion.

Thank you for your cooperation in this matter. If you have any questions, please do not hesitate to call. I would like to get this to the ABC office in Monrovia as soon as possible as I am waiting for approval. All other matters regarding the upgrade have been successfully submitted.

Respectfully,

  
Galen Metz  
For Azo Vino

