



**CITY OF WEST COVINA**

**PLANNING COMMISSION**

**APRIL 11, 2023, 7:00 PM  
REGULAR MEETING**

**CITY HALL COUNCIL CHAMBERS  
1444 W. GARVEY AVENUE SOUTH  
WEST COVINA, CALIFORNIA 91790**

**Nickolas Lewis, Chair  
Brian Gutierrez, Vice Chair  
Shelby Williams, Commissioner  
Sheena Heng, Commissioner  
Livier Becerra, Commissioner**

*Please turn off all cell phones and other electronic devices prior to entering the Council Chambers*

***AMERICANS WITH DISABILITIES ACT***

The City complies with the Americans with Disabilities Act (ADA). If you need special assistance at Planning Commission meetings, please call (626) 939-8433 (voice) or (626) 960-4422 (TTY) from 8 to 5 Monday through Thursday. Please call at least one day prior to the meeting date to inform us of your particular needs and to determine if accommodation is possible. For sign language interpreter services at Planning Commission meetings, please request no less than four working days prior to the meeting.

***PUBLIC COMMENTS/ADDRESSING THE COMMISSION***

Any person wishing to address the Planning Commission on any matter listed on the agenda or on any other matter within their jurisdiction is asked to complete a speaker card that is provided on the speaker podium and submit the card to a Planning Division staff member.

***Please identify on the speaker card whether you are speaking on an agenda item or non-agenda item.*** Requests to speak on non-agenda items will be heard during "Oral Communications" before the Public Hearing section of the agenda. Generally, comments are limited to five minutes per speaker unless further time is granted by the Chairperson. ***The Chairperson may also, at his or her discretion, further limit the time of each speaker in order to accommodate a large number of speakers and/or to ensure that the business of the Planning Commission is effectively conducted.***

Any testimony or comments regarding a matter set for Public Hearing will be heard during the public hearing for that item.

**MOMENT OF SILENT PRAYER/MEDITATION**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**APPROVAL OF MINUTES**

1. Minutes, February 28, 2023  
Minutes, March 28, 2023

## ORAL COMMUNICATIONS

This is the time when any member of the public may speak to the Commission on any matter within the scope of duties assigned to the Commission relating to non-agendized or consent calendar items. Other matters included on this agenda may be addressed when that item is under consideration. For all oral communications, the chairperson may impose reasonable limitations on public comments to assure an orderly and timely meeting. The Ralph M. Brown Act limits the Planning Commission and staff's ability to respond to public comments at this meeting. Thus, your comments may be agendized for a future meeting or referred to staff. The Commission may ask questions for clarification, if desired, at this time.

By policy of the Commission, Oral Communications at this time on the agenda is limited to a total of 15 minutes.

## PUBLIC HEARINGS

2. **CONDITIONAL USE PERMIT NO. 23-02**  
**ADMINISTRATIVE USE PERMIT NO. 23-01**  
**CATEGORICAL EXEMPTION**  
**APPLICANT:** Charina Vergara for Tito's Pizza Bistro Brews  
**LOCATION:** 2520 S Azusa Avenue  
**REQUEST:** The applicant is requesting the approval of a Conditional Use Permit (CUP) and an Administrative Use Permit (AUP) to authorize live entertainment within a defined 80 square foot area inside, outdoor dining, and to authorize the on-sale of beer and wine within the existing restaurant.
3. **CONDITIONAL USE PERMIT NO. 22-09**  
**CATEGORICAL EXCEPTION**  
**APPLICANT:** Peter Fung (Living Grace Alliance)  
**LOCATION:** 2133 W Garvey Avenue N  
**REQUEST:** The applicant is requesting the approval of a Conditional Use Permit (CUP) to allow for a 4,298 square foot expansion of an existing church. The new construction would primarily consist of a new sanctuary building with one (1) office space, two (2) instrument rooms, and restrooms. The scope of work will also include a small demolition of an existing structure to accommodate the new sanctuary building.

## NON-HEARING ITEMS

***TEN-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.*

## COMMISSION REPORTS/COMMENTS AND MISCELLANEOUS ITEMS

This is the time when any member of the Commission may bring a matter to the attention of the full Commission that is within the scope of duties assigned to the Commission. Any item that was considered during the Agenda is not appropriate for discussion in this section of the agenda. **NO COMMISSION DISCUSSION OR ACTION CAN BE CONSIDERED AT THIS TIME.** If the Commission desires to discuss an issue raised by a speaker or take an action, the Commission may vote to agendize the matter for a future meeting.

4. **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:**

- a. Forthcoming, April 25, 2023

5. **CITY COUNCIL ACTION:**

This is an oral presentation of City Council matters and actions, which are in the Commission's area of interest

**ADJOURNMENT**

**ITEM NO. 1.**  
**DATE: April 11, 2023**

**TO:** Planning Commission  
**FROM:** Planning Division  
**SUBJECT:** Minutes, February 28, 2023  
Minutes, March 28, 2023

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**Attachments**

Minutes 2.28.23  
Minutes 3.28.23

# DRAFT

## MINUTES REGULAR MEETING OF THE PLANNING COMMISSION CITY OF WEST COVINA Tuesday, February 28, 2023

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the West Covina City Council Chambers, 1444 West Garvey Avenue, West Covina, California.

### MOMENT OF SILENT PRAYER/MEDITATION

The Commission observed a moment of silent prayer/meditation.

### PLEDGE OF ALLEGIANCE

Commissioner Becerra led the Pledge of Allegiance.

### ROLL CALL

Present: Lewis, Williams, Becerra, Heng  
Absent: Gutierrez (excused)  
City Staff Present: Bettenhausen, Morales, Burns, Machado

#### 1. APPROVAL OF MINUTES

Regular meeting, February 14, 2023

The minutes were approved as submitted.

### ORAL COMMUNICATIONS

This is the time when any member of the public may speak to the Commission on any matter within the scope of duties assigned to the Commission relating to non-agendized or consent calendar items. Other matters included on this agenda may be addressed when that item is under consideration. For all oral communications, the chairperson may impose reasonable limitations on public comments to assure an orderly and timely meeting. The Ralph M. Brown Act limits the Planning Commission and staff's ability to respond to public comments at this meeting. Thus, your comments may be agendized for a future meeting or referred to staff. The Commission may ask questions for clarification, if desired, at this time.

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None

## **PUBLIC HEARINGS**

**2. ADMINISTRATIVE USE PERMIT NO. 22-14  
SUBCOMMITTEE DESIGN REVIEW NO. 22-124  
CATEGORICAL EXEMPTION**

**APPLICANT: K.C. Fong**

**LOCATION: 345 S. Grand Avenue**

**REQUEST: The applicant is requesting the approval of an Administrative Use Permit (AUP) to construct a new 3,000 square foot two-story single-family residence with an attached 400 square foot two-car garage on a 22,196 square foot vacant lot. This is a continued public hearing item from the February 14, 2023 Planning Commission meeting.**

Associate Planner Miriam Machado presented the staff report and recommended approval.

City Attorney Bettenhausen commented regarding state-mandated guidelines for housing,

Chairman Lewis opened the public hearing.

**PROPONENTS:**

KC Fong, applicant and architect, spoke regarding the location of story poles. Joe Torrecillas, resident of the subject location, spoke in favor of the project.

**OPPONENTS:**

Delores and Chris Haddow, Linda and Richard Klein spoke in opposition.

**REBUTTAL:**

Joe Torrecillas rebutted testimony in opposition..

Chairman Lewis closed the public hearing.

Discussion by the Commission.

Chairman Lewis reopened the Public Hearing.

Joe Torrecillas, property owner, agreed to conditions of approval as set forth by the Planning Commission.

Chairman Lewis closed the public hearing.

Motion by Heng, seconded by Lewis, to approve Administrative Use Permit No. 22-14, Design Review Subcommittee No. 22-124, subject to conditions of approval set for by the Planning Commission.

Motion carried 4-1 (Gutierrez absent, excused).

## NON-HEARING ITEMS

### 3. ART IN PUBLIC PLACES NO. 22-01 1115 S. SUNSET AVENUE - EMANATE HEALTH (QUEEN OF THE VALLEY)

Planning Manager Jo-Anne Burns presented the staff report and said Hearst Ranch and Lark Ellen palm trees were incorporated into the mural design as requested by the Planning Commission.

Kent Kuller spoke regarding redesign.

Discussion by the Commission.

Motion by Lewis, seconded by Williams, to approve mural subject to direction by the Planning Commission.

Motion carried 3-0 (Heng, Gutierrez absent, excused).

### 4. DEVELOPMENT CODE UPDATE PRESENTATION

John Moreland, consultant, TG&Y - presented Development Code Update.

Discussion by the Commission.

**TEN-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.*

## COMMISSION REPORTS/COMMENTS AND MISCELLANEOUS ITEMS

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None

### 5. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:

Centennial Celebrations; and Fourth of July event

### 6. CITY COUNCIL ACTION:

This is an oral presentation of City Council matters and actions, which are in the Commission's area of interest

Moratorium on Drive-through Restaurants and Shopping Cart Containment Ordinance introduced at the February 21, 2023 meeting. Second reading - March 7, 2023

## **ADJOURNMENT**

Chairman Lewis adjourned the meeting at 8:37 p.m.

Respectfully submitted:

Lydia de Zara  
Senior Administrative Assistant



# DRAFT

## MINUTES REGULAR MEETING OF THE PLANNING COMMISSION CITY OF WEST COVINA Tuesday, March 28, 2023

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the West Covina City Council Chambers, 1444 West Garvey Avenue, West Covina, California.

Vice-Chairman Gutierrez called the meeting to order at 7:00 p.m.

### MOMENT OF SILENT PRAYER/MEDITATION

The Commission observed a moment of silent prayer and meditation.

### PLEDGE OF ALLEGIANCE

Commissioner Williams led the Pledge of Allegiance.

### ROLL CALL

Present: Heng, Becerra, Gutierrez, Williams

Absent: Lewis

City Staff Present: Bettenhausen, Morales, Burns, Machado

### APPROVAL OF MINUTES - None

### ORAL COMMUNICATIONS

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None

### CONSENT CALENDAR

*All matters listed under CONSENT CALENDAR are considered to be routine and can be acted on by one roll call vote. There will be no separate discussion of these items unless members of the Planning Commission request specific items to be removed from the Consent Calendar for separate discussion or action.*

1. **Extension of Time for Administrative Use Permit (AUP) Nos. 19-31 and 20-31, and Subcommittee for Design Review Nos. 19-49 and 20-12 at 2445 Rio Verde Drive**

Motion by Williams, seconded by Becerra, to approve the extension of time for Administrative Use Permit Nos. 19-31 and 20-31, and Subcommittee for Design Review Nos. 19-49 and 20-12 at 2445 Rio Verde Drive.

Motion carried 4-0, (Lewis absent, excused).

## **PUBLIC HEARINGS**

2. **CONDITIONAL USE PERMIT NO. 22-11  
CATEGOTICAL EXEMPTION  
APPLICANT: Brooke Richards (Options For Youth)  
LOCATION: 131 N. Azusa Avenue**

**REQUEST: The applicant is requesting the approval of a Conditional Use Permit (CUP) to allow for the operation of a charter school within a 6,878 square foot commercial tenant space. The charter school would serve as an independent study learning center.**

Associate Planner Miriam Machado presented the staff report.

### **PROPONENTS:**

Brooke Richards, Richard Moreno (applicants), Aura Alicia Aquino, and Ivan Figueroa spoke in favor of the project.

### **OPPONENTS:**

None

Vice-Chairman Gutierrez closed the public hearing.

Discussion by the Commission.

Motion by Gutierrez, seconded by Heng, to waive further reading and adopt Resolution No. 23-6122, approving Conditional Use Permit No. 22-11. Motion carried 4-0 (Lewis absent, excused).

Vice-Chairman Gutierrez said this action may be appealed to the City Council within ten days.

## **NON-HEARING ITEMS - None**

**TEN-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.**

## **COMMISSION REPORTS/COMMENTS AND MISCELLANEOUS ITEMS**

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Williams - League of California Cities Planning Commissioner's Academy, March 29, 2023

### **3. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:**

Chick-Fil-A, Garvey Avenue N. near Barranca Street, opening on April 6, 2023

Mangosteen Vietnamese Kitchen, Glendora Avenue, opening on April 7, 2023

### **4. CITY COUNCIL ACTION:**

This is an oral presentation of City Council matters and actions, which are in the Commission's area of interest

## **ADJOURNMENT**

Vice-Chairman Gutierrez adjourned the meeting at 7:42 p.m.

Respectfully submitted:

Lydia de Zara  
Senior Administrative Assistant

**PLANNING DEPARTMENT STAFF REPORT**

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**SUBJECT**

**CONDITIONAL USE PERMIT NO. 23-02**

**ADMINISTRATIVE USE PERMIT NO. 23-01**

**CATEGORICAL EXEMPTION**

**APPLICANT:** Charina Vergara for Tito's Pizza Bistro Brews

**LOCATION:** 2520 S Azusa Avenue

**REQUEST:** The applicant is requesting the approval of a Conditional Use Permit (CUP) and an Administrative Use Permit (AUP) to authorize live entertainment within a defined 80 square foot area inside, outdoor dining, and to authorize the on-sale of beer and wine within the existing restaurant.

**BACKGROUND**

The applicant is requesting approval of Conditional Use Permit (CUP) for live entertainment (80 square foot area) and for outdoor dining. The applicant is also requesting an Administrative Use Permit (AUP) to authorize the on-sale of beer and wine within the existing restaurant. The project site is located on the southeast corner of South Azusa Avenue and Amar Road.

ITEM	DESCRIPTION
<b>Zoning and General Plan</b>	Zoning: Heavy Commercial (C-3) General Plan: Commercial (C)
<b>Surrounding Land Uses and Zoning</b>	North: Planned Community Development (PCD-1), Neighborhood Commercial (N-C) East: Service Commercial (S-C), Planned Community Development (PCD-1) South: Planned Community Development (PCD-1) West: City of La Puente
<b>Current Development</b>	Island Plaza (Shopping Center)
<b>Legal Notice</b>	Public Hearing Notices have been sent to 345 owners and occupants of properties within 300 feet of the subject site.

**DISCUSSION**

The restaurant Tito's Pizza Bistro Brews is locating into the former Shakey's restaurant tenant space, which has been closed since July 2022. The existing space is 10,000 square feet. Tito's Pizza Bistro Brews is seeking approval for live entertainment (inside the restaurant), onsite alcohol sales, and outdoor dining.

The initial restaurant hours of operation are 11:00 a.m. to 10:00 p.m., seven (7) days a week. Future operating hours will be 11:00 a.m. to 10:00 p.m. Monday, Thursday and Sunday; Friday and Saturday hours are 11:00 a.m. to 1:00 a.m.. The restaurant will initially have twelve (12) employees. The number of employees may change and will get adjusted depending on the restaurant's popularity and peak hours. The interior of the restaurant will accommodate forty-three (43) tables and two hundred and eight (208) seats, while the outdoor dining area will accommodate eighteen (18) tables and fifty-nine (59) seats.

**Alcohol Sales**

Alcohol sales within a restaurant requires an AUP which typically does not require Planning Commission review unless a) a public hearing is requested by a member of the public, or b) it is requested with another

use/entitlement that requires Planning Commission level review. In this case, the proposed beer and wine sales/service is being processed with the proposed live-entertainment use, which requires a CUP.

Since most restaurants in the vicinity include alcohol on their menus, the on-sale of beer and wine would be necessary to the success of Tito's Pizza because it would provide the restaurant an equal opportunity to compete. As a restaurant, on-sale of beer and wine is an accessory use and is expected to enhance the dining experience by offering a variety of beverage options for its customers. Tito's Pizza would be required to obtain a Type 41 alcohol license from the California Department of Alcoholic Beverage Control (ABC) and would be required to comply with all ABC's standards and regulations.

### **Live Entertainment and Outdoor Dining**

The applicant is requesting approval of live entertainment and outdoor dining. The proposed live entertainment includes acoustic nights, Bossa Nova nights, hosted karaoke nights and stand-up comedy to name a few. The live entertainment would be limited to the 80 square-foot single step platform, located on the northwest side of the restaurant. Live entertainment will not be allowed within the outdoor dining area.

To address potential noise concerns, the following conditions of approval has been included in the draft resolution:

1. Amplified sound shall not exceed levels that are plainly audible, or vibrations felt on the outside of the tenant space.
2. The exterior doors of the restaurant shall be kept closed at all times, except when doors are in use, in order to minimize noise impacts onto adjacent properties.
3. Any speakers inside the restaurant shall be directed toward the front of the tenant space.
4. The Community Development Director shall monitor whether the business generates excessive complaints. If the business operation results in excessive issues or complaints at any time, the Director shall initiate a review of the CUP by the Planning Commission. The Commission shall determine if additional restrictions, conditions, or physical changes are needed in order to address the issues or concerns.

### **REQUIRED FINDINGS**

Findings necessary for the approval of the Conditional Use and Administrative Use Permits are as follows:

**a. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community.**

The existing facility which was previously used as Shakey's restaurant, has been closed since July 2022. The on-sale of beer and wine, outdoor dining, and the live-entertainment would be necessary to the success of Tito's Pizza because it would provide the restaurant an equal opportunity to compete with other restaurants in the area and would provide residents additional dining and entertainment options.

**b. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

There is no evidence that any detrimental effects such as: noise, litter, or other nuisances would occur. The on-sale of beer and wine, outdoor dining, and live-entertainment use will be in conjunction with the operation of a restaurant. The tenant space is existing, and no additional square footage would be added to the building. With appropriate conditions of approval, the proposed on-sale of alcohol, outdoor dining, and live-entertainment use will not be detrimental to the health, safety, peace, or general welfare of surrounding residents or business owners. The conditions of approval regulate the use to have minimal impacts.

**c. That the site for the proposed use is adequate in size and is so shaped as to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to adjust said use to the land and uses in the neighborhood and make it compatible therewith.**

The tenant space and building are adequate in size to accommodate the proposed use. Furthermore, no changes in square footage are proposed for the tenant space and/or building. The proposed use will integrate well with the surrounding uses. The parking spaces onsite have been adequate for the site and the proposed use would not affect demand.

**d. That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed use and that street patterns of such a nature exist as to guarantee that such generations will not be channeled through residential areas on local residential streets.**

The proposed on-sale of alcohol, outdoor dining, and live-entertainment use in conjunction with the restaurant is not anticipated to generate a substantial amount of vehicular traffic nor alter present circulation pattern. No effect on required infrastructure will result from the proposed use. The adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are provided for the existing use and will not adversely affect traffic in residential areas.

**e. That the granting of such a conditional/administrative use permit will not adversely affect the general plan of the city, or any other adopted plan of the city.**

The granting of the Administrative Use and Conditional Use Permits to allow the on-sale of beer and wine, outdoor dining, and live-entertainment in conjunction with the operation of a restaurant will not adversely affect the West Covina General Plan, since the proposed use does not conflict with the site's "Commercial" land use designation which allows for a mix of functions including commercial, entertainment, office and housing. The project is consistent with the following General Plan policies: Policy 2.1 Maintain and enhance the City's current tax base and Policy 2.4 Build on and grow West Covina's regional appeal.

## **GENERAL PLAN CONSISTENCY**

The City's General Plan Land Use Element designates the subject property for Commercial Uses. The project is consistent with the following General Plan policies:

- Policy 2.1 Maintain and enhance the City's current tax base.
- Policy 2.4 Build on and grow West Covina's regional appeal.

## **ENVIRONMENTAL DETERMINATION**

Pursuant to the California Environmental Quality Act (CEQA), the proposed project is considered to be categorically exempt, pursuant to Section 15301 (Class 1, Existing Facilities) in that it consists of minor alterations of the existing structure in order to operate the requested use.

## **STAFF RECOMMENDATIONS**

Staff recommends adopting Resolution No. 23-6123 approving Conditional Use Permit No. 23-02 and Resolution No. 23-6124 approving Administrative Use Permit No. 23-01.

## **LARGE ATTACHMENTS**

Plans may be viewed at the West Covina City Hall Planning Division Counter at 1444 W. Garvey Avenue South, 2nd floor- Room 208, West Covina CA 91790.

**Submitted by:** Jerry Rivera, Assistant Planner

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### **Attachments**

- Attachment No. 1 - Resolution of Conditional Use Permit
- Attachment No. 2 - Resolution of Administrative Use Permit
- Attachment No. 3 - Business Operations Plan



**P L A N N I N G   C O M M I S S I O N**

**R E S O L U T I O N   N O . 23-6123**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 23-02**

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**CONDITIONAL USE PERMIT NO. 23-02**

**CATEGORICAL EXEMPTION**

**APPLICANT:** Charina Vergara

**LOCATION:** 2520 S Azusa Avenue

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WHEREAS, there was filed with the City, a verified application on the forms prescribed in Chapter 26, Article VI of the West Covina Municipal Code, requesting approval of a Conditional Use Permit to:

Authorize live entertainment within a defined 80-square foot area as an accessory to a restaurant located within a certain property described as follows:

Assessor Parcel No. 8730-004-029 as shown on the latest rolls of the Los Angeles County Tax Assessor; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 11th day of April 2023, conduct a duly advertised public hearing as prescribed by law to consider said application; and

WHEREAS, studies and investigations made by this Commission and in its behalf reveal the following facts:

1. The applicant is requesting approval of a Conditional Use Permit to authorize entertainment within a defined 80 square foot area as an accessory to a restaurant (Titos Pizza Bistro Brews) and is located within an existing 10,000 square-foot tenant space in the "Heavy Commercial " (C-3).
2. Findings necessary for approval of a Conditional Use Permit are as follows:
  - a. *That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community.*



- b. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.*
  - c. That the site for the proposed use is adequate in size and is so shaped as to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to adjust said use to the land and uses in the neighborhood and make it compatible therewith.*
  - d. That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed use and that street patterns of such a nature exist as to guarantee that such generations will not be channeled through residential areas on local residential streets.*
  - e. That the granting of such conditional use permit will not adversely affect the general plan of the city, or any other adopted plan of the city.*
- 3. Pursuant to the California Environmental Quality Act (CEQA), the proposed project is considered to be categorically exempt (Class 1, Existing Facilities)

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of West Covina as follows:

- 1. On the basis of evidence presented, both oral and documentary, the Planning Commission makes the following findings for approval of a Conditional Use Permit:
  - a. The existing facility, which was previously used as Shakey's restaurant, has been closed since July 2022. The live entertainment would be necessary to the success of Tito's Pizza because it would provide the restaurant an equal opportunity to compete with other restaurants in the area and would provide residents additional dining and entertainment options.
  - b. There is no evidence that any detrimental effects such as: noise, litter, or other nuisances would occur. The live-entertainment use will be in conjunction with the operation of a restaurant. The tenant space is existing, and no additional square footage would be added to the building. With appropriate conditions of approval, the proposed live-entertainment use will not be detrimental to the health, safety, peace, or general welfare of surrounding residents or business owners. The conditions of approval regulate the use to have minimal impacts.
  - c. The tenant space and building are adequate in size to accommodate the proposed use. Furthermore, no changes in square footage are proposed for the tenant space and/or building. The proposed use will integrate well with the surrounding uses. The parking spaces onsite have been adequate for the site and the proposed use would not affect demand.

- d. The proposed live-entertainment use in conjunction with the restaurant is not anticipated to generate a substantial amount of vehicular traffic nor alter present circulation pattern. No effect on required infrastructure will result from the proposed use. The adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are provided for the existing use and will not adversely affect traffic in residential areas.
  - e. The granting of the Conditional Use Permits to allow live-entertainment in conjunction with the operation of a restaurant will not adversely affect the West Covina General Plan, since the proposed use does not conflict with the site's "Commercial" land use designation which allows for a mix of functions including commercial, entertainment, office and housing. The project is consistent with the following General Plan policies: Policy 2.1 Maintain and enhance the City's current tax base and Policy 2.4 Build on and grow West Covina's regional appeal.
2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Conditional Use Permit No. 23-02 is approved subject to the provisions of the West Covina Municipal Code provided that the physical development of the herein described property shall conform to said Conditional Use Permit and the conditions set forth herein which, except as otherwise expressly indicated, shall be fully performed and completed or shall be secured by bank or cash deposit satisfactory to the Community Development Director before the use or occupancy of the property is commenced and before a certificate of occupancy is issued, and the violation of any of which shall be grounds for revocation of said conditional use permit by the Planning Commission or City Council.
3. The Conditional Use Permit shall not be effective for any purpose until the owner of the property involved (or his duly authorized representative) has filed at the office of the Community Development Director his affidavit stating he is aware of, and accepts, all conditions of this conditional use permit as set forth below. Additionally, no permits shall be issued until the owner of the property involved (or a duly authorized representative) pays all costs associated with the processing of this application pursuant to City Council Resolution No. 8690.
4. The costs and expenses of any enforcement activities, including, but not limited to attorney's fees, caused by the applicant's violation of any condition imposed by this approval or any provision of the West Covina Municipal Code shall be paid by the applicant.
5. That the approval of the Conditional Use Permit is subject to the following conditions:
  - a. Comply with the plans reviewed and approved by the Planning Commission on April 11, 2023.

- b. Comply with all applicable sections of the West Covina Municipal Code.
- c. Comply with all requirements of the “Heavy Commercial” Zone.
- d. Live entertainment shall be limited to the 80 square-foot area identified on the approved floor plan. Live entertainment shall not be conducted within the outdoor dining area.
- e. Live entertainment shall only be allowed in conjunction with the operation of the restaurant during business hours.
- f. The restaurant is approved to operate 11:00 am to 10:00 pm Monday-Thursday and Sundays, and 11:00 am to 1:00 am Friday-Saturday.
- g. The live entertainment use is approved for a defined area within Titos Pizza Bistro Brews. Any addition or modification of the use shall require the submittal of a new Conditional Use Permit.
- h. Amplified sound shall not exceed levels that are plainly audible, or vibrations felt on the outside of the tenant space.
- i. Amplified sound shall not be used within the exterior/outdoor dining area after 10:00 p.m. Fridays and Saturdays; and shall not be used at all Sunday through Thursday.
- j. The exterior doors of the restaurant shall be kept closed at all times, except when doors are in use, in order to minimize noise impacts onto adjacent properties.
- k. Any speakers inside the restaurant shall be directed toward the front of the tenant space.
- l. The Community Development Director shall monitor whether the business generates excessive complaints. If the business operation results in excessive issues or complaints at any time, the Director shall initiate a review of the CUP by the Planning Commission. The Commission shall determine if additional restrictions, conditions, or physical changes are needed in order to address the issues or concerns.
- m. During construction, the delivery of materials and equipment, outdoor operations of equipment and construction activity shall be limited to the hours between 7:00 a.m. and 8:00 p.m.
- n. All construction equipment, stationary or mobile, shall be equipped with properly operating and maintained mufflers.

- o. That any proposed change to the approved site plan, floor plan, or elevations be reviewed by the Planning, Building, Fire, and Police Departments and the Community Development Commission, and that the written authorization of the Community Development Director shall be obtained prior to implementation.
- p. The operation of the facility shall comply with the West Covina Noise Ordinance.
- q. This approval does not include the approval of signs; a separate sign permit shall be obtained. All signs shall be required to comply with the City of West Covina Sign Code.
- r. That any proposed change to the approved site plan, floor plan, or elevations be reviewed by the Planning, Building, Fire, and Police Departments and the Community Development Commission, and that the written authorization of the Planning Director shall be obtained prior to implementation.
- s. The Conditional Use Permit may be revoked, amended and suspended by the Planning Commission under the provisions of Section 26-253 of the West Covina Municipal code.

#### BUILDING DEPARTMENT

1. The second sheet of building plans is to list all conditions of approval and to include a copy of the Planning Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
2. South Coast Air Quality Management District must be contacted prior to any demolition or renovation. Call (909) 396-2000 for further information. Failure to comply with the provisions of Rule 1403 may result in a penalty of up to \$25,000 per day.
3. All State of California disability access regulations for accessibility and adaptability shall be complied with.
4. Approval is required from the Los Angeles County Health Department for restaurants.

#### 5. FIRE DEPARTMENT

1. NFPA 72 – Fire Alarm/Fire Sprinkler Monitoring System.
2. NFPA 10 – Portable Fire Extinguishers.
3. A Knox box with a labeled master key must be maintained and provided for emergency responder access.
4. Any modifications to an existing fire sprinkler/fire alarm system must be first approved and permitted by the fire department.

5. Hood suppression system permit required.
6. Illuminated exit signage with emergency lighting.
7. Where a fire hydrant is located on a fire access road the minimum road width shall be 26 feet, exclusive of shoulders. All fire access roads shall have red curbing and be stenciled "No Parking Fire Lane" and have fire lane signs reading "No Parking Fire Lane" every 75'.
8. Panic hardware where required.

**NOTE: \*Additional Fire Department requirements may be set upon future review of a full set of architectural plans.**

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a regular meeting held on the 11<sup>th</sup> day of April 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: April 11, 2023

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Nickolas Lewis, Chair  
Planning Commission

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Paulina Morales, Secretary  
Planning Commission

PLANNING COMMISSION

RESOLUTION NO. 23-6124

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING ADMINISTRATIVE USE PERMIT NO. 23-01

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ADMINISTRATIVE USE PERMIT NO. 23-01

CATEGORICAL EXEMPTION

**APPLICANT:** Charina Vergara

**LOCATION:** 2520 S Azusa Avenue

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WHEREAS, there was filed with the City, a verified application on the forms prescribed in Chapter 26, Article VI of the West Covina Municipal Code, requesting approval of a Administrative Use Permit to:

Authorize the on-site sale of beer and wine for consumption (Type 41) in conjunction with a bona fide eating place (restaurant) and outdoor dining on certain property described as follows:

Assessor Parcel No. 8730-004-029 as shown on the latest rolls of the Los Angeles County Tax Assessor; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 11th day of April 2023, conduct a duly advertised public hearing as prescribed by law to consider said application; and

WHEREAS, studies and investigations made by this Commission and in its behalf reveal the following facts:

1. The applicant is requesting approval of an Administrative Use Permit to authorize on-site sale of beer and wine for consumption (type 41) in conjunction with the operation of a bona fide eating place (restaurant) and outdoor dining for Titos Pizza Bistro Brews, an existing 10,000 square-foot tenant space in the “Heavy Commercial” (C-3).
2. Findings necessary for approval of Administrative Use Permit are as follows:
  - a. *That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community.*

- b. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.*
  - c. That the site for the proposed use is adequate in size and is so shaped as to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to adjust said use to the land and uses in the neighborhood and make it compatible therewith.*
  - d. That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed use and that street patterns of such a nature exist as to guarantee that such generations will not be channeled through residential areas on local residential streets.*
  - e. That the granting of such conditional use permit will not adversely affect the general plan of the city, or any other adopted plan of the city.*
- 3. Pursuant to the California Environmental Quality Act (CEQA), the proposed project is considered to be categorically exempt (Class 1, Existing Facilities)

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of West Covina as follows:

- 1. On the basis of evidence presented, both oral and documentary, the Planning Commission makes the following findings for approval of an Administrative Use Permit:
  - a. The existing facility, which was previously used as Shakey's restaurant, has been closed since July 2022. The on-sale of beer and wine, and outdoor dining would be necessary to the success of Tito's Pizza because it would provide the restaurant an equal opportunity to compete with other restaurants in the area and would provide residents additional dining and entertainment options.
  - b. There is no evidence that any detrimental effects such as: noise, litter, or other nuisances would occur. The on-sale of beer and wine and outdoor dining will be in conjunction with the operation of a restaurant. The tenant space is existing, and no additional square footage would be added to the building. With appropriate conditions of approval, the proposed on-sale of alcohol and outdoor dining will not be detrimental to the health, safety, peace, or general welfare of surrounding residents or business owners. The conditions of approval regulate the use to have minimal impacts.
  - c. The tenant space and building are adequate in size to accommodate the proposed use. Furthermore, no changes in square footage are proposed for the tenant space and/or building. The proposed use will integrate well with the surrounding uses.

The parking spaces onsite have been adequate for the site and the proposed use would not affect demand.

- d. The proposed on-sale of alcohol and outdoor dining in conjunction with the restaurant is not anticipated to generate a substantial amount of vehicular traffic nor alter present circulation pattern. No effect on required infrastructure will result from the proposed use. There are adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are provided for the existing use and will not adversely affect traffic in residential areas.
  - e. The granting of the Administrative Use Permit to allow the on-sale of beer and wine, and outdoor dining in conjunction with the operation of a restaurant will not adversely affect the West Covina General Plan, since the proposed use does not conflict with the site's "Commercial" land use designation which allows for a mix of functions including commercial, entertainment, office and housing. The project is consistent with the following General Plan policies: Policy 2.1 Maintain and enhance the City's current tax base and Policy 2.4 Build on and grow West Covina's regional appeal.
2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Administrative Use Permit No. 23-01 is approved subject to the provisions of the West Covina Municipal Code provided that the physical development of the herein described property shall conform to said Administrative Use Permit and the conditions set forth herein which, except as otherwise expressly indicated, shall be fully performed and completed or shall be secured by bank or cash deposit satisfactory to the Community Development Director before the use or occupancy of the property is commenced and before a certificate of occupancy is issued, and the violation of any of which shall be grounds for revocation of said Administrative use permit by the Planning Commission or City Council.
  3. The Administrative Use Permit shall not be effective for any purpose until the owner of the property involved (or his duly authorized representative) has filed at the office of the Community Development Director his affidavit stating he is aware of, and accepts, all conditions of this administrative use permit as set forth below. Additionally, no permits shall be issued until the owner of the property involved (or a duly authorized representative) pays all costs associated with the processing of this application pursuant to City Council Resolution No. 8690.
  4. The costs and expenses of any enforcement activities, including, but not limited to attorney's fees, caused by the applicant's violation of any condition imposed by this approval or any provision of the West Covina Municipal Code shall be paid by the applicant.
  5. That the approval of the Administrative Use Permit is subject to the following conditions:



- a. Comply with the plans reviewed by the Planning Commission on April 11, 2023.
- b. Comply with all applicable sections of the West Covina Municipal Code.
- c. Comply with all requirements of the “Heavy Commercial” Zone.
- d. This approval allows for the on-sale service of beer and wine (Type 41) and outdoor dining as an ancillary use to a full-service restaurant.
- e. All rules and regulations of the California Department of Alcoholic Beverage Control (ABC) shall be complied with at all times.
- f. The use is approved within Titos Pizza Bistro Brews. Any addition or modification of the use shall require the submittal of a new Administrative Use Permit.
- g. The restaurant is approved to operate 11:00 am to 10:00 pm Monday-Thursday and Sundays, and 11:00 am to 1:00 am Friday-Saturday.
- h. Amplified sound shall not exceed levels that are plainly audible, or vibrations felt on the outside of the tenant space.
- i. The exterior doors of the restaurant shall be kept closed at all times, except when doors are in use, in order to minimize noise impacts onto adjacent properties.
- j. Any speakers inside the restaurant shall be directed toward the front of the tenant space.
- k. All exterior furniture (table, chairs, umbrella, et cetera) shall either be fixed (secured and bolted to the ground) or be stored securely within the interior of the building after restaurant business hours.
- l. The Community Development Director shall monitor whether the business generates excessive complaints. If the business operation results in excessive issues or complaints at any time, the Director shall initiate a review of the CUP by the Planning Commission. The Commission shall determine if additional restrictions, conditions, or physical changes are needed in order to address the issues or concerns.
- m. During construction, the delivery of materials and equipment, outdoor operations of equipment and construction activity shall be limited to the hours between 7:00 a.m. and 8:00 p.m.
- n. All construction equipment, stationary or mobile, shall be equipped with properly operating and maintained mufflers.

- o. That any proposed change to the approved site plan, floor plan, or elevations be reviewed by the Planning, Building, Fire, and Police Departments and the Community Development Commission, and that the written authorization of the Community Development Director shall be obtained prior to implementation.
- p. The operation of the facility shall comply with the West Covina Noise Ordinance.
- q. This approval does not include the approval of signs; a separate sign permit shall be obtained. All signs shall be required to comply with the City of West Covina Sign Code.
- r. That any proposed change to the approved site plan, floor plan, or elevations be reviewed by the Planning, Building, Fire, and Police Departments and the Community Development Commission, and that the written authorization of the Planning Director shall be obtained prior to implementation.
- s. The Administrative Use Permit may be revoked, amended and suspended by the Planning Commission under the provisions of Section 26-253 of the West Covina Municipal code.
- t. The Community Development Director shall monitor whether the business generates excessive complaints. If the business operation results in excessive issues or complaints at any time, the Director shall initiate a review of the AUP by the Planning Commission. The Commission shall determine if additional restrictions, conditions, or physical changes are needed in order to address the issues or concerns.
- u. During construction, the delivery of materials and equipment, outdoor operations of equipment and construction activity shall be limited to the hours between 7:00 a.m. and 8:00 p.m.
- v. All construction equipment, stationary or mobile, shall be equipped with properly operating and maintained mufflers.
- w. That any proposed change to the approved site plan, floor plan, or elevations be reviewed by the Planning, Building, Fire, and Police Departments and the Community Development Commission, and that the written authorization of the Community Development Director shall be obtained prior to implementation.
- x. The operation of the facility shall comply with the West Covina Noise Ordinance.
- y. This approval does not include the approval of signs; a separate sign permit shall be obtained. All signs shall be required to comply with the City of West Covina Sign Code.

- z. That any proposed change to the approved site plan, floor plan, or elevations be reviewed by the Planning, Building, Fire, and Police Departments and the Community Development Commission, and that the written authorization of the Planning Director shall be obtained prior to implementation.
- aa. The Administrative Use Permit may be revoked, amended and suspended by the Planning Commission under the provisions of Section 26-253 of the West Covina Municipal code.

## BUILDING DEPARTMENT

- a. The second sheet of building plans is to list all conditions of approval and to include a copy of the Planning Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
- b. South Coast Air Quality Management District must be contacted prior to any demolition or renovation. Call (909) 396-2000 for further information. Failure to comply with the provisions of Rule 1403 may result in a penalty of up to \$25,000 per day.
- c. All State of California disability access regulations for accessibility and adaptability shall be complied with.
- d. Approval is required from the Los Angeles County Health Department for restaurants.

## FIRE DEPARTMENT

- a. NFPA 72 – Fire Alarm/Fire Sprinkler Monitoring System.
- b. NFPA 10 – Portable Fire Extinguishers.
- c. A Knox box with a labeled master key must be maintained and provided for emergency responder access.
- d. Any modifications to an existing fire sprinkler/fire alarm system must be first approved and permitted by the fire department.
- e. Hood suppression system permit required.
- f. Illuminated exit signage with emergency lighting.
- g. Where a fire hydrant is located on a fire access road the minimum road width shall be 26 feet, exclusive of shoulders. All fire access roads shall have red

curbing and be stenciled “No Parking Fire Lane” and have fire lane signs reading “No Parking Fire Lane” every 75’.

- h. Panic hardware where required.

**NOTE: \*Additional Fire Department requirements may be set upon future review of a full set of architectural plans.**

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a regular meeting held on the 11<sup>h</sup> day of April 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: April 11, 2023

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Nickolas Lewis, Chair  
Planning Commission

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Paulina Morales, Secretary  
Planning Commission

## **Titos Pizza Bistro Brews**

### **Operations Plan**

Titos Pizza Bistro Brews is located in the old Shakey's Pizza restaurant in the southeast corner of Azusa Avenue and Amar Road. Shakey's which occupied the same spot for 20 years, built a strong and loyal clientele and undeniably, a part of West Covina history. Titos will pick up where Shakey's left off. We will be keeping the same food concept and in addition, Titos will serve moderately priced simple meals of international flavors, and beer and wine in the future.

The new restaurant will consist of 235 indoor seats and about 60 outdoor seats. The patio dining will receive a make-over with a privacy screen, new tables and chairs, and shade sail to provide a comfortable outdoor dining experience during the day; heat lamps will be used in cool evenings and/or cold days and string lights for added ambience. Initially, It will be open daily from 11am to 10pm and future operating hours will be 11am-10 pm Monday to Thursday and Sunday; and 11am-1am Friday and Saturday.

The lobby and the main dining area was repainted to a new color scheme. The small private room will be called function room to host business luncheons and meetings. The main dining room shall have a small area with a mini stage for live entertainment such as Acoustic nights, Bossa Nova nights, hosted Karaoke nights and Stand up Comedy to name a few. What used to be an arcade or game room will be transformed into a banquet room for private events and live entertainment. The banquet room's concrete walls and drywall finish shall contain the noise inside, making it sound-proofed. A projector screen will be installed to accommodate Sports fans during seasons.

The day-to-day operations will include a focus on providing the best customer service as well as a fun casual dining atmosphere.

The purpose of the business is to offer the people in our community a space where they can relax and unwind after a hard day's work; and for family and friends to celebrate special milestones and events. This facility will also serve as a place where people can gather together regularly thus fostering camaraderie while strengthening the diverse community of West Covina.

We will also remain focused on using our many resources to provide a variety of entertainment choices and curate unique events for our clientele.

To this end, a big part of our operations plan is to continue to attract the best in local and regional talents. Not only will we provide quality entertainment and unique events to our clientele but we will also create regular gigs or jobs for these performers.

Live music is a huge selling point in this type of business, and we intend to use the drawing power of local and regional performers to bring new people through our doors.

We have, for instance, established a number of mutually beneficial relationships with local talents and organizers that have provided us with some of our most memorable live show and unique event experiences.

We feel that these relationships are mutually beneficial, providing the best local performers while at the same time providing our customers with the finest in entertainment at a price they can afford.

Special theme nights and curated events are another big part of our operations plan, and we continue to use these promotional techniques to bring new customers through our doors.



# PLANNING COMMISSION MEETING

## APRIL 11, 2023

ITEM #2– 2520 S. AZUSA AVENUE

CONDITIONAL USE PERMIT NO. 23-02 & ADMINISTRATIVE USE PERMIT NO. 23-01

Planning Division

# BACKGROUND



- **Titos Pizza Bistro Brews**
- **Conditional Use Permit No. 23-02**
  - Live Entertainment
- **Administrative Use Permit No. 23-01**
  - On-site sale of beer and wine
  - Outdoor Dining
- **Zone:** Heavy Commercial (C-3)
- **Location:** Southwest corner of South Azusa Avenue and Amar Road within the southwest side of the Island Plaza Shopping Center.
- **Surrounding Uses:** PCD-I, S-C and N-C.
- **Lot Size:** 7.40 Acres



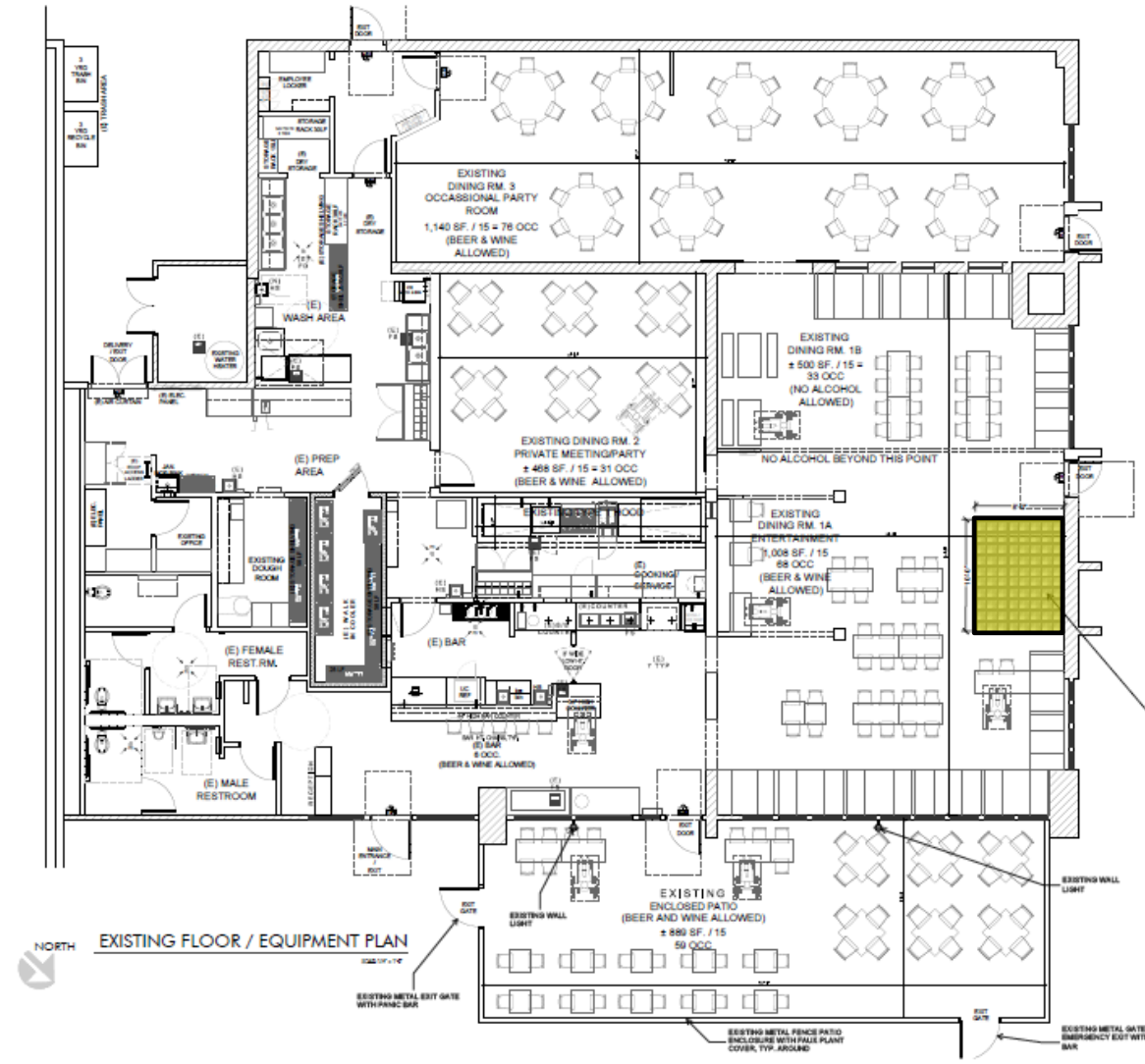


EXISTING BUILDING






# SITE PLAN



# FLOOR PLAN

 Space for Live Entertainment  
(80 square feet)

# BUSINESS OPERATION PLAN

## Operation

- The initial hours of operation are 11am to 10pm, 7 days a week.
- The restaurant will initially have 12 employees

## Live Entertainment

- Amplified sound only indoors within 80 sq. ft. area
- Events
  - Acoustic Nights
  - Bossa Nova Nights
  - Hosted Karaoke Nights
  - Stand Up Comedy

## Alcohol Sales and Outdoor Dining

- On-site beer & wine sales
- The restaurant would obtain a Type-41 ABC License
- Outdoor furniture is required to be bolted to ground or stored in building after business hours

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# STAFF RECOMMENDATION

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- Planning Staff recommends adopting Resolution No. 22-6123 approving Conditional Use Permit No. 23-02 and Resolution No. 22-6124 approving Administrative Use Permit No. 23-01.

**PLANNING DEPARTMENT STAFF REPORT**

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**SUBJECT**

**CONDITIONAL USE PERMIT NO. 22-09**

**CATEGORICAL EXCEPTION**

**APPLICANT:** Peter Fung (Living Grace Alliance)

**LOCATION:** 2133 W Garvey Avenue N

**REQUEST:** The applicant is requesting the approval of a Conditional Use Permit (CUP) to allow for a 4,298 square foot expansion of an existing church. The new construction would primarily consist of a new sanctuary building with one (1) office space, two (2) instrument rooms, and restrooms. The scope of work will also include a small demolition of an existing structure to accommodate the new sanctuary building.

**BACKGROUND**

The applicant is requesting the approval of a Conditional Use Permit (CUP) to allow a 4,298 square foot extension to an existing 6,344 square foot church building located at 2133 W Garvey Avenue North, known as Living Grace Alliance. The existing church currently operates with one (1) multipurpose room, two (2) bible study rooms, one (1) youth fellowship hall, two (2) foyers, a kitchen area, two (2) offices, and seven (7) restrooms. The proposed 4,298 square foot extension to the church would consist of a new sanctuary, two (2) instrument rooms, one (1) women's restroom, one (1) men's restroom, and one (1) office space. With the addition, the church would total 8,993 square feet.

The subject property is located in the Neighborhood Commercial Zone and is located along West Garvey Avenue North, and is north of the Interstate 10 Freeway.

ITEM	DESCRIPTION
<b>Zoning &amp; General Plan</b>	Zoning: Neighborhood Commercial (N-C) General Plan: Civic: Public Institution (PI)
<b>Surrounding Land Uses Zoning</b>	North: Residential Single Family (R-1), Residential Agriculture (R-A) East: Neighborhood Commercial (N-C), Residential Single Family (R-1) South: Interstate 10 Freeway, Residential Single Family (R-1) West: Neighborhood Commercial (N-C), Service Commercial (S-C), Residential Single Family (R-1)
<b>Legal Notice</b>	Notices of a Public Hearing have been mailed to twenty-seven (27) owners and occupants of properties within 300 feet of the subject site. In addition, the Public Hearing notice was published in the San Gabriel Valley Tribune at least ten (10) days prior to the meeting.

**DISCUSSION**

The 4,298 square foot extension would consist of a sanctuary building, an office space, two instrument rooms, a women's restroom, and a men's restroom. The Municipal Code requires a CUP for the operation and/or expansion of a church in the Neighborhood Commercial Zone. The church is currently in operation and is seeking the opportunity to expand to further serve its community.

**Business Operation:**

The applicant has indicated that the church will be open four (4) days a week. The operation hours for the church will be Wednesday from 8:00 p.m. to 9:00 p.m., Friday from 9:00 a.m. to 11:00 a.m., Saturday from 3:00 p.m. to 5:00 p.m., and Sunday from 9:30 a.m. to 12:15 p.m. There is a total of four (4) staff members who currently serve the church. Church activities include the following: prayer meetings, staff meetings, group sessions, Sunday school, as well as language classes. The number of participants per service/class would be approximately 12 to 70 people, depending on the time and day. The sanctuary would only be used during the Sunday church service. The existing church area will be used for smaller classes and group sessions.

### **Parking:**

The required number of parking spaces for the church is seventy-seven (77). The church currently provides thirty-seven (37) on-site parking spaces. In order to meet the required parking spaces, churches are able to supply up to one hundred (100) percent of the required parking facilities on an off-site property if that use is considered to be primary daytime use and there is no substantial conflict in the principal operating hours for the buildings or uses for which the joint use of off-street parking facilities is proposed.

The neighboring parcel is Southwest College, located at 2121 W Garvey Avenue N, which has a total of ninety-seven (97) parking spaces, which would be used by the church via a parking lot agreement to meet the minimum parking requirements during the church's Sunday business hours when the sanctuary will be utilized. The proposed sanctuary alone would require seventy-two (72) parking spaces based on a calculation of one (1) parking space per every 2.5 seats and one (1) parking space for every 40 square feet of assembly area. Both parties have come to an agreement regarding parking facility use (Attachment No. 3). The parking agreement is valid for 36 months and expires on December 31, 2026. A condition of approval has been included in the draft resolution requiring the church to work with Northwest College in renewing the parking agreement prior to agreement expiration and submit a copy of the up-to-date agreement to the Planning Division. Planning Commission review and reconsideration of the CUP for the church use will be required to approve any alternative parking options if the renewal of the agreement is no longer feasible. In addition, to address any potential parking concerns the following conditions of approval has also been included in the draft CUP resolution:

1. Staff shall closely monitor any parking complaints or concerns filed regarding the church. The applicant and/or business operator shall work with staff to address any parking issues. In the event where issues remain unresolved, the Planning Commission shall review the Conditional Use Permit for the use and may, at its discretion, modify or impose new conditions.
2. The church shall not hold or operate any classes, bible study groups, or utilize the multipurpose room concurrently with the Sunday church service or whenever the sanctuary is in use.

### **REQUIRED FINDINGS**

Findings necessary for the approval of a Conditional Use Permit are as follows:

***a. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community.***

The proposed use is consistent with the Neighborhood Commercial Zone. The Neighborhood Commercial Zone is comprised primarily of retail and service commercial uses and is generally adjacent to or within close proximity to residential zoning or development. The church would be located near single-family residences where it would be a convenience for the neighboring communities and families who would like to participate. The church would meet all applicable requirements of the Neighborhood Commercial Zone.

***b. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.***

The proposed expansion to the church will not be detrimental to the health, safety, peace or general welfare of surrounding residents or business owners, as the use is already existing.

*c. That the site for the proposed use is adequate in size and is so shaped as to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to adjust said use to the land and uses in the neighborhood and make it compatible there with.*

The existing building with the proposed expansion is adequate in size and is designed to accommodate the church. As conditioned, sufficient parking exists on the subject site and adjacent parcel to serve the church participants.

*d. That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed use and that street patterns of such a nature exist as to guarantee that such generations will not be channeled through residential areas on local residential streets.*

The subject property abuts West Garvey Avenue North. The site can be accessed via West Garvey Avenue North and North Willow Avenue. The church would not generate a substantial amount of vehicular traffic nor alter the present circulation patterns.

*e. That the granting of such Conditional Use Permit will not adversely affect the general plan of the City, or any other adopted plan of the City.*

The granting of the CUP for the proposed church expansion would allow the opportunity for the surrounding community to have access to a place of assembly if they so desired. The church would not compromise the character of the surrounding neighborhood, nor be detrimental to the surrounding land uses.

## **GENERAL PLAN CONSISTENCY**

The City's General Plan Land Use Element designates the subject property for Commercial Uses. The project is consistent with the following General Plan policies:

Policy 2.4: Building on and grow West Covina's regional appeal.

## **ENVIRONMENTAL DETERMINATION**

Pursuant to the California Environmental Quality Act (CEQA), the proposed project is considered to be categorically exempt, pursuant to Section 15303 (Class 3, New Construction) in that it consists of the construction of a minor structure in order to operate the requested use.

## **STAFF RECOMMENDATIONS**

Staff recommends that the Planning Commission adopt Resolution No. 23-6125 approving Conditional Use Permit No. 22-09.

## **LARGE ATTACHMENTS**

Plans may be viewed at the West Covina City Hall Planning Division Counter at 1444 W. Garvey Avenue South, 2nd Floor - Room 208, West Covina CA 91790.

**Submitted by:** Miriam Machado, Associate Planner

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## **Attachments**

Attachment No. 1 - Resolution of Approval

Attachment No. 2 - Business Operation Plan

Attachment No. 3 - Parking Agreement

Attachment No. 4 - Presentation

**P L A N N I N G   C O M M I S S I O N**

**R E S O L U T I O N   N O . 23-6125**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 22-09**

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**CONDITIONAL USE PERMIT NO. 22-09**

**CATEGORICAL EXEMPTION**

**APPLICANT:**        Peter Fung (Living Grace Alliance)

**LOCATION:**         2133 W. Garvey Avenue N.

---

WHEREAS, there was filed with the City, a verified application on the forms prescribed in Chapter 26, Article VI of the West Covina Municipal Code, requesting approval of a Conditional Use Permit to:

Allow a 4,298 square foot expansion to an existing 6,344 square foot church on certain property described as follows:

Assessor Parcel No. 845-902-3026 as shown on the latest rolls of the Los Angeles County Tax Assessor; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 11th day of April 2023, conduct a duly advertised public hearing as prescribed by law to consider said application; and

WHEREAS, studies and investigations made by this Commission and in its behalf reveal the following facts:

1.     The applicant is requesting approval of a Conditional Use Permit to allow for a 4,298 square foot expansion to an existing 6,344 square foot church in the “Neighborhood Commercial” Zone.
2.     Findings necessary for approval of a Conditional Use Permit are as follows:
  - a.     *That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community.*



- b. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.*
  - c. That the site for the proposed use is adequate in size and is so shaped as to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to adjust said use to the land and uses in the neighborhood and make it compatible therewith.*
  - d. That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed use and that street patterns of such a nature exist as to guarantee that such generations will not be channeled through residential areas on local residential streets.*
  - e. That the granting of such a conditional use permit will not adversely affect the general plan of the city, or any other adopted plan of the city.*
3. Pursuant to the California Environmental Quality Act (CEQA), the proposed project is considered to be categorically exempt (Class 3, New Construction).

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of West Covina as follows:

1. On the basis of evidence presented, both oral and documentary, the Planning Commission makes the following findings for approval of a Conditional Use Permit:
- a. The proposed use is consistent with the Neighborhood Commercial Zone. The Neighborhood Commercial Zone is comprised primarily of retail and service commercial uses and is generally adjacent to or within close proximity to residential zoning or development. The church would be located near single-family residences where it would be a convenience for the neighboring communities and families who would like to participate. The church would meet all applicable requirements of the Neighborhood Commercial Zone.
  - b. The proposed expansion to the church will not be detrimental to the health, safety, peace or general welfare of surrounding residents or business owners, as the use is already existing.
  - c. The existing building with the proposed expansion is adequate in size and is designed to accommodate the church. As conditioned, sufficient parking exists on the subject site and adjacent parcel to serve the church participants.

- d. The subject property abuts West Garvey Avenue North. The site can be accessed via West Garvey Avenue North and North Willow Avenue. The church would not generate a substantial amount of vehicular traffic nor alter the present circulation patterns.
  - e. Granting the Conditional Use Permit for the proposed church expansion would allow the opportunity for the surrounding community to have access to a place of assembly if they so desired. The church would not compromise the character of the surrounding neighborhood, nor be detrimental to the surrounding land uses.
2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Conditional Use Permit No. 22-09 is approved subject to the provisions of the West Covina Municipal Code provided that the physical development of the herein described property shall conform to said Conditional Use Permit and the conditions set forth herein which, except as otherwise expressly indicated, shall be fully performed and completed or shall be secured by bank or cash deposit satisfactory to the Community Development Director before the use or occupancy of the property is commenced and before a certificate of occupancy is issued, and the violation of any of which shall be grounds for revocation of said conditional use permit by the Planning Commission or City Council.
3. The Conditional Use Permit shall not be effective for any purpose until the owner of the property involved (or his duly authorized representative) has filed at the office of the Community Development Director his affidavit stating he is aware of, and accepts, all conditions of this Conditional Use Permit as set forth below. Additionally, no permits shall be issued until the owner of the property involved (or a duly authorized representative) pays all costs associated with the processing of this application pursuant to City Council Resolution No. 8690.
4. The costs and expenses of any enforcement activities, including, but not limited to attorney's fees, caused by the applicant's violation of any condition imposed by this approval or any provision of the West Covina Municipal Code shall be paid by the applicant.
5. That the approval of the Conditional Use Permit is subject to the following conditions:
  - a. Comply with the plans reviewed by the Planning Commission on April 11, 2023.
  - b. Comply with all applicable sections of the West Covina Municipal Code.
  - c. Comply with all requirements of the "Neighborhood Commercial" Zone.
  - d. The approval is to allow for the following:

1. The demolition of 1,649 square feet of the existing church building in order to accommodate the new extension.
  2. The construction of a 4,298 square foot extension to an existing 6,344 square foot church building. The extension will consist of a new sanctuary building, one (1) office space, two (2) instrument rooms, a women's restroom, and a men's restroom.
- e. Staff shall closely monitor any parking complaints or concerns filed regarding the church. The applicant and/or business operator shall work with staff to address any parking issues. In the event where issues remain unresolved, the Planning Commission shall review the Conditional Use Permit for the use and may, at its discretion, modify or impose new conditions.
  - f. The church shall not hold or operate any classes, bible study groups, or utilize the multipurpose room concurrently with the Sunday church service or whenever the sanctuary is in use.
  - g. The parking lot swap/use agreement with Northwest College shall be renewed prior to its expiration and shall be maintained in perpetuity with the church use. The Church shall submit a copy of the up-to-date parking agreement to the Planning Division for every term. Planning Commission review and reconsideration of the CUP for the church use shall be required in order to approve any alternative parking options if the renewal of the parking swap/use agreement with Northwest College is no longer feasible.
  - h. During construction, the delivery of materials and equipment, outdoor operations of equipment and construction activity shall be limited to the hours between 7:00 a.m. and 8:00 p.m.
  - i. All construction equipment, stationery or mobile, shall be equipped with properly operating and maintained mufflers.
  - j. The operation of the facility shall comply with the West Covina Noise Ordinance.
  - k. This approval does not include the approval of signs; a separate sign permit shall be obtained if desired. All signs shall be required to comply with the City of West Covina Sign Code.
  - l. That any proposed change to the approved site plan, floor plan, or elevations be reviewed by the Planning, Building, Fire, and Police Departments and the Community Development Commission, and that the written authorization of the Planning Director shall be obtained prior to implementation.

- m. The Conditional Use Permit may be revoked, amended, and/or suspended by the Planning Commission under the provisions of Section 26-253 of the West Covina Municipal code.

n. **BUILDING DEPARTMENT**

1. The project shall be designed to comply with the allowable area calculations per Section 508, considering frontage increase provisions in Section 506.3 and/or the insertion of a Fire Wall complying with Section 706, or installation of new NFPA-13 fire sprinklers system.
2. The second sheet of building plans is to list all conditions of approval and to include a copy of the Planning Commission Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
3. Public Works Construction Tax per Section 21.89 of municipal code is required to be paid for all commercial additions.
4. Fees shall be paid to the County of Los Angeles Sanitation District prior to issuance of the building permit.
5. In accordance with paragraph 5538(b) of the California Business and Professions Code, plans are to be prepared and stamped by a licensed architect.
6. Structural calculations prepared under the direction of an architect, civil engineer or structural engineer shall be provided.
7. South Coast Air Quality Management District must be contacted prior to any demolition or renovation. Call (909) 396-2000 for further information. Failure to comply with the provisions of Rule 1403 may result in a penalty of up to \$25,000 per day.
8. A geotechnical and soils investigation report is required, the duties of the soils engineer of record, as indicated on the first sheet of the approved plans, shall include the following:
  - a. Observation of cleared areas and benches prepared to receive fill;
  - b. Observation of the removal of all unsuitable soils and other materials;
  - c. The approval of soils to be used as fill material;
  - d. Inspection of compaction and placement of fill;
  - e. The testing of compacted fills; and
  - f. The inspection of review of drainage devices.
9. The owner shall retain the soils engineer preparing the Preliminary Soils and/or Geotechnical Investigation accepted by the City for observation of all grading, site preparation, and compaction testing. Observation and testing shall not be performed by other soils and/or geotechnical engineer unless the subsequent

soils and/or geotechnical engineer submits and has accepted by the Public Works Department, a new Preliminary Soils and/or Geotechnical Investigation.

10. Prior to permit issuance, the PDF copy of the soils report shall be provided by the applicant.
11. A grading and drainage plan shall be approved by the Engineering Division prior to the issuance of the building permit. The grading and drainage plan shall indicate how all storm drainage including contributory drainage from adjacent lots is carried to the public way or drainage structure approved to receive storm water.
12. Projects shall comply with the requirements of the NPDES (NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM) prior to issuance of a Demolition, Grading & Building permit. These include requirements for sediment control, erosion control, and construction activities control to be implemented on the project site.
13. Foundation inspection will not be made until setback on all sides of the addition has been surveyed and the setbacks determined to be in accordance with the approved plans by a land surveyor licensed by the State of California. THIS NOTE IS TO BE PLACED ON THE FOUNDATION PLAN IN A PROMINENT LOCATION.
14. Two exits or exit access doorways are required in the sanctuary and shall be arranged per Section 1007.1.1 of the Building Code. If one of the required exits is placed on the east side of the addition, it shall comply with the requirements for accessible means of egress per Section 1009. The path of egress travel shall be continuous to a public way.
15. A new corridor serving existing classroom, Fellowship Hall, and kitchen of occupant load greater than 30 in a non-sprinklered building shall of 1-hour fire-resistance rating per Table 1020.2, constructed with fire partitions on both sides complying with Section 708. Openings in the corridor shall be protected per Section 716.
16. All State of California disability access regulations for accessibility shall be complied with.
17. The path of travel requirement per Section 11B-202.4 shall be satisfied by providing an accessible path of travel from public streets and sidewalks, and from accessible parking spaces as site arrival points per Section 11B-206.2.1 to the accessible entrance of the addition. If an existing path is to be extended to connect with the new so as to serve the addition, the entire path, including exterior gates, shall comply with the current accessibility standards.

18. A chancel and its accompanying changing room as well as the adjacent office are considered to be performance area and/or employee work area and shall connect to an accessible route per Section 11B-206.2.6 and Section 11B-206.2.8, respectively. A portable ramp shall not be used to satisfy this requirement.
19. Electrical Vehicle Charging Stations (EVCS) are not parking spaces for the purposes of Section 11B-208. Accessible EVCS shall not be used to satisfy accessible parking space requirements.
20. EV chargers shall be adjacent to, and within the projected width of, the vehicle space being served per Section 11B-812.10.4.
21. Electrical plan check is required.
22. Mechanical plan check is required.
23. Plumbing plan check is required.
24. Plumbing fixtures shall be provided as required by Chapter 4 of the California Plumbing Code. Additional fixtures may be required if not in compliance.
25. Project shall comply with the CalGreen Non-Residential requirements.
26. When required by the Fire Department, all fire sprinkler hangers must be designed, and their location approved by an engineer or an architect. Calculations must be provided indicating that the hangers are designed to carry the tributary weight of the water filled pipe plus a 250-pound point load. A plan indication this information must be stamped by the engineer or the architect and submitted for approval prior to issuance of the building permit.
27. Separate permit is required for Fire Sprinklers as required by Fire Department.

**o. ENGINEERING DIVISION:**

1. Should the proposed work generate a cut into any public right of way infrastructure (street, sidewalk, driveway, curb & gutter, etc.):
  - i. street paving shall be along the length of the property frontage to the centerline of the street as directed by the City Engineer or his/her designee.
  - ii. sidewalk reconstruction shall be in accordance with SPPWC Standard Plan 113-2, and as directed by the City Engineer and/or his/her designee.
  - iii. driveway apron reconstruction shall be in accordance with SPPWC Standard Plan 110-2, and as directed by the City Engineer or his/her designee.

- iv. curb and gutter reconstruction shall be in accordance with SPPWC Standard Plan 111-5 and as directed by the City Engineer or his/her designee.
- 2. If any, all existing street tree(s) in the parkway along the frontage of the property through shall be protected and maintained for the duration of construction.
- 3. If any, all construction graffiti shall be removed (any underground utility identifying spray paint markings on the sidewalk and pavement related to excavation due to construction).

p. **FIRE DEPARTMENT**

- 1. NFPA 13D/13R/13 Fire Sprinkler System.
- 2. NFPA 72 – Fire Alarm/Fire Sprinkler Monitoring System.
- 3. NFPA 10 – Portable Fire Extinguishers.
- 4. New Fire Flow Test Required.
- 5. A knox box with a labeled master key must be maintained and provided for emergency responder access.
- 6. Any modifications to an existing fire sprinkler/fire alarm system must be first approved and permitted by the Fire Department.
- 7. Illuminated exit signage with emergency lighting required.
- 8. Where a fire hydrant is located on a fire access road, the minimum road width shall be 26 feet, exclusive of shoulders.
- 9. All fire access roads shall have red curbing and be stenciled “**No Parking Fire Lane**” and have fire lane signs reading “**No Parking Fire Lane**” every 75 feet.
- 10. Panic hardware where required.

**NOTE:** \*Additional Fire Department requirements may be set upon future review of a full set of architectural plans.

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a regular meeting held on the 11th day of April, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: April 11, 2023

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Nickolas Lewis, Chair  
Planning Commission

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Paulina Morales, Secretary  
Planning Commission



## **Organization Operation Plan**

Operation hours at 2133 West Garvey Ave North, West Covina, CA 91803 as follows:

A. Saturday small groups: 3-5 p.m. (40 persons, mostly are couples)

The Age range of the persons who will attending Saturday small group are 30-50 years old and the employees that will be present during this time are two (2).

B. Sunday School: 9:30-10:30 a.m. (around 25 persons)

The Age range of the persons who will attending Sunday School are 30-50 years old and the employees that will be present during this time are Four (4).

C. Sunday English & Kids Service: 10:30 a.m. - 12:15 p.m. (Less than 12 Kids)

The Age range of the students who will attending Sunday English & Kids Service are 1-9 years old and the employees that will be present during this time are Two (2).

D. Friday staff meeting: 9-11 a.m. (4 persons)

The overall number of employees are Four (4).

E. Prayer meeting: Wednesday 8-9 p.m. (15 to 20 persons)

The Age range of the persons who will attending Wednesday Prayer meeting are 30-50 years old and the employees that will be present during this time are 2.

F. Sunday Cantonese Service: 11 a.m. - 12:15 p.m. (around 70 persons)

The Age range of the persons who will attending Sunday Cantonese Service are 30-70 years old and the employee that will be present during this time is One (1) Pastor.



**PARKING SWAP AGREEMENT**

This Parking Swap Agreement ("Agreement") is made by and between Southwest College of Medical-Dental and Practical Nurses, Inc. dba North-West College and/or Success Education Colleges ("The School"), with offices at 2121 West Garvey Ave. North, West Covina, CA 91790 and Grace Chinese Alliance Church, located at 2133 West Garvey Ave. North, West Covina, CA 91790 ("The Church"), and is effective as of Jan 01, 2023 ("Effective Date").

**RECITALS**

WHEREAS, the School owns and operates two private parking facilities located at 2121 West Garvey Ave. North, West Covina, CA 91790 and 2101 West Garvey Ave. North, West Covina, CA 91790 with a total of 97 parking spots.

WHEREAS, the Church owns and operates a private parking facility located at 2133 West Garvey Ave. North, West Covina, CA 91790, with a total of 27 parking spots,

WHEREAS, the School and the Church wish to allow access and use to each other's parking lots during certain days of the week.

WHEREAS, the term of this Agreement shall be valid for 36 months, commencing on the Effective Date (the "Agreement Term"). Unless either party notifies the other in writing at least thirty (30) days prior to the end of the then-current term, the Agreement will renew for an additional twelve months. Notwithstanding the same, either Party may terminate this Agreement, for any reason, at any time upon thirty (30) days written notice to the other Party.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained in this Agreement, the adequacy and sufficiency of which are hereby acknowledged, the Parties agree as follows:

**1. USE OF PARKING LOTS.**

1.1 The School agrees to allow access and use of its parking lot and the Gate code by the Church for its members, extended congregation, and any other party related to the Church every Sunday beginning from 9:00AM and ending at 4:00PM. Advance notice and agreement for Saturday usage will be required to obtain from school. For special occasions such as Christian festivals, usage is only allowed upon the advance written agreement of the School.

1.2 The Church agrees to allow access to the gate code and their north side and west side parking lot (except the parking space next to the trash room at the north side parking lot, which shall be accessed by the trash pickup and gardening crew) by the School for its employees and/or students related to the School on every Monday through Thursday beginning from 8:00AM up until 1:00PM. For special occasions at the school, usage is only allowed upon the advance written agreement of the Church.

1.3 In no event shall either party revoke or restrict the use of their parking lots during the other party's allotted day(s), unless otherwise agreed upon in writing by both parties.

1.4 Both parties agree to carry at least \$1,000,000 of insurance coverage for their respective property to include coverage for personal injury. Each Party shall also name the other Party as an additional insured.



1.5 Each Party agrees to provide a security force, watchmen or caretakers and such other staff as shall be determined by the Parties in their reasonable discretion and to maintain security for their parking lot in the Church or School during the allotted usage times. .

2. **NO ASSIGNMENT.** Neither party may assign this Agreement without the other party's prior written consent, except that either party without such consent may assign this Agreement to any subsidiary of that party or to another entity in connection with a reorganization, merger, consolidation, acquisition, or other restructuring involving all or substantially all of such party's voting securities or assets. Non-permitted assignments are void.

3. **INDEMNIFICATION.** Each party shall indemnify, defend and hold harmless the other party and its affiliates (including its and their respective directors, officers, employees and agents) from and against any Claims arising from or relating to personal injury or tangible property damage resulting from such party's or its personnel's negligence or willful misconduct. The indemnified party will give the indemnifying party prompt written notice of any Claim and will cooperate in relation to the Claim at the indemnifying party's expense. The indemnifying party will have the exclusive right to control and settle any Claim, except that the indemnifying party may not settle a Claim without the indemnified party's prior written consent (not to be unreasonably withheld) if the settlement requires the Indemnified party to admit any liability or take any action or refrain from taking any action. The Indemnified party may participate in defense of any Claim at its expense.

4. **ENTIRE AGREEMENT.** This Agreement contains the entire Agreement between the parties. There are no promises, contracts, terms, conditions, undertakings, understandings, warranties, covenants or representations, oral or written, express or implied, among them other than as set forth in this Agreement. This Agreement may not be modified, orally or in any manner other than by an Agreement in writing signed by both parties and their respective successors in interest.

5. **DELIVERY; COUNTERPARTS.** To facilitate execution, this Agreement may be executed in as many counterparts as may be required; and it shall not be necessary that the signatures of, or on behalf of, each party, or that the signatures of all persons required to bind any party, appear on each counterpart; but it shall be sufficient that the signature of, or on behalf of, each party, appear on one or more of the counterparts. All counterparts shall collectively constitute a single Agreement. It shall not be necessary in making proof of this Agreement to produce or account for more than a number of counterparts containing the respective signature of, or on behalf of, all of the parties hereto. This Agreement may be executed by electronic signature.

Accepted and agreed to as of the Effective Date by the authorized representative of each party:

Southwest College of Medical-Dental and Practical  
Nurses, Inc.

By: [Signature] 1/20/2023

Name: JASON LI

Title: CFO

Contact Person: Aldwin Daus  
Phone Number: 626-960-5046  
Email: AldwinD@success.edu  
Notices Address: Same as above

Grace Chinese Alliance Church

By: [Signature]

Name: Joanne Tang

Title: Vice Chair

1/20/2023  
Contact Person: Rev. Will Law  
Phone Number: 650-438-2579  
Email: iamlaw2@gmail.com  
Notices Address:



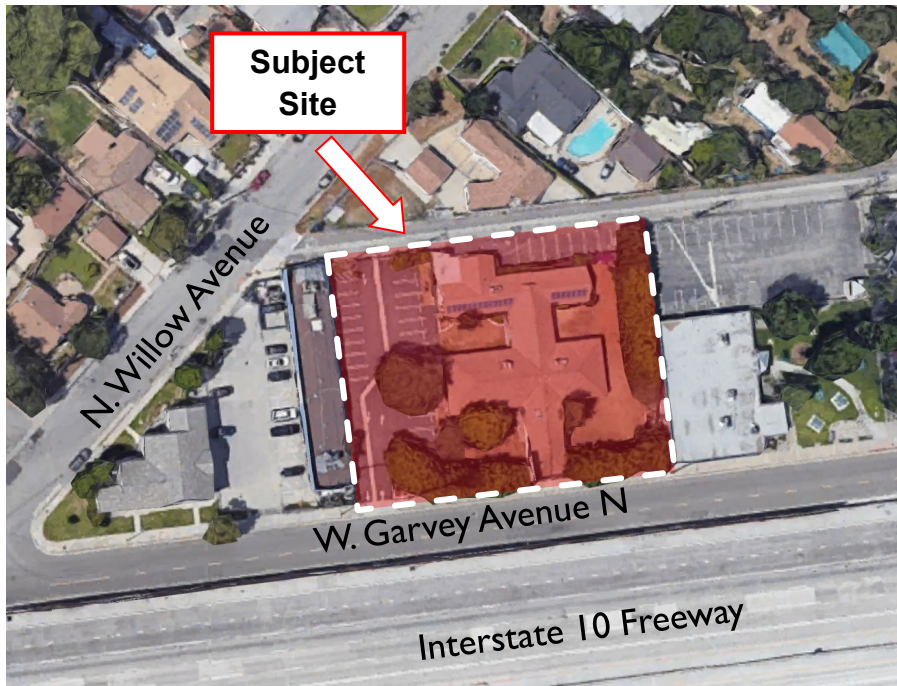
## PLANNING COMMISSION MEETING APRIL 11, 2023

ITEM #3 – CONDITIONAL USE PERMIT NO. 22-09

2133 W GARVEY AVENUE N (LIVING GRACE ALLIANCE)

Planning Division

# OVERVIEW



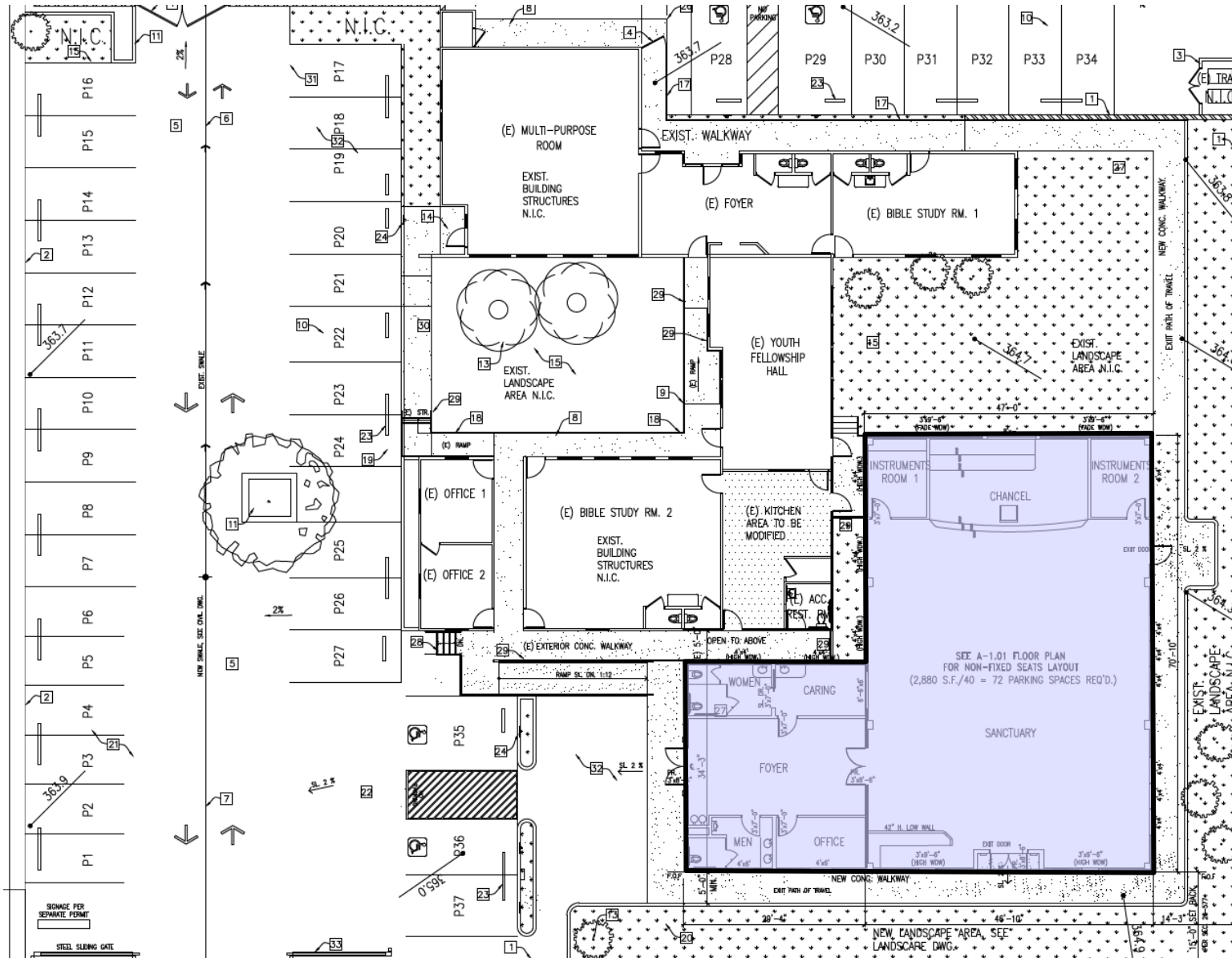
- **Conditional Use Permit No. 22-09**
  - To allow the expansion of an existing church building.
- **Lot Size:** 31,600 SF
- **Zone:** Neighborhood Commercial (N-C)
- **Location:** Along W. Garvey Avenue N and Near Interstate 10 West
- **Surrounding Uses:** Single-Family Residential, Residential Agriculture, and Neighborhood Commercial





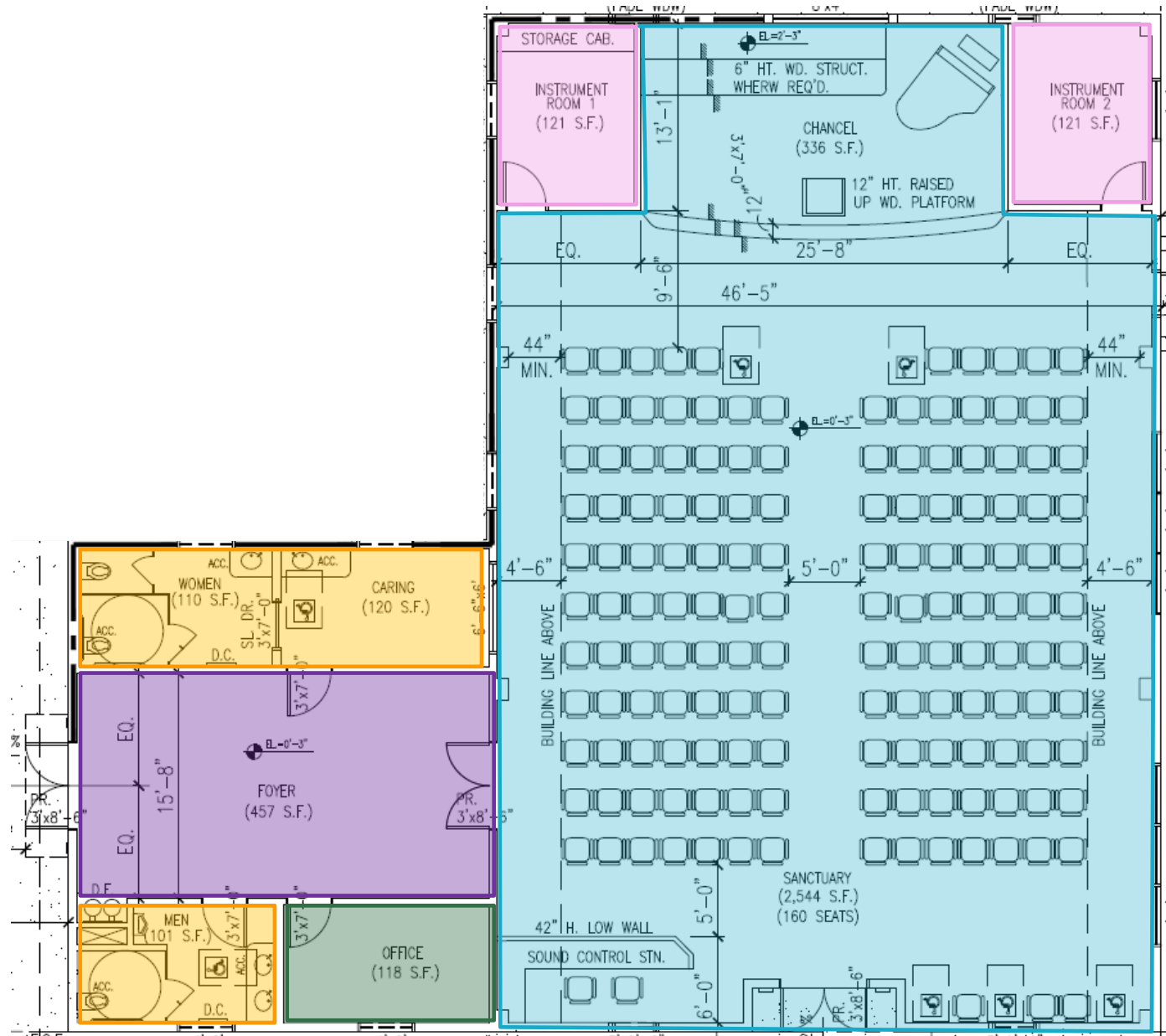
EXISTING SITE:

2133 W. GARVEY  
AVENUE NORTH



# SITE PLAN

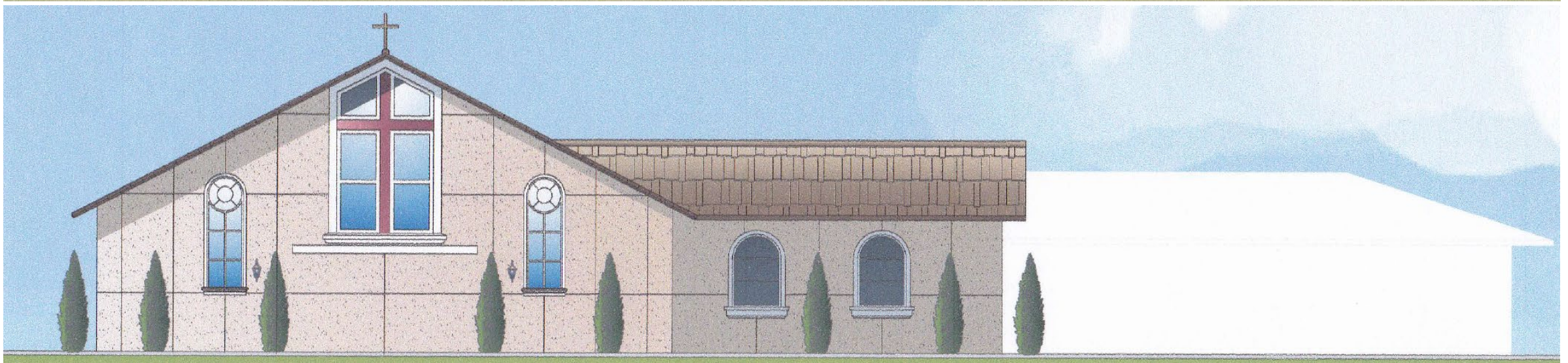
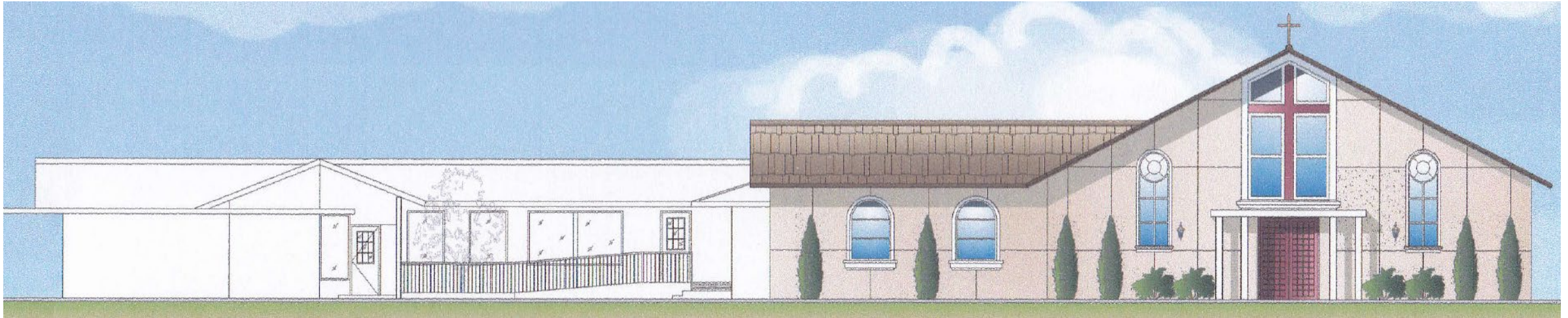




# FLOOR PLAN

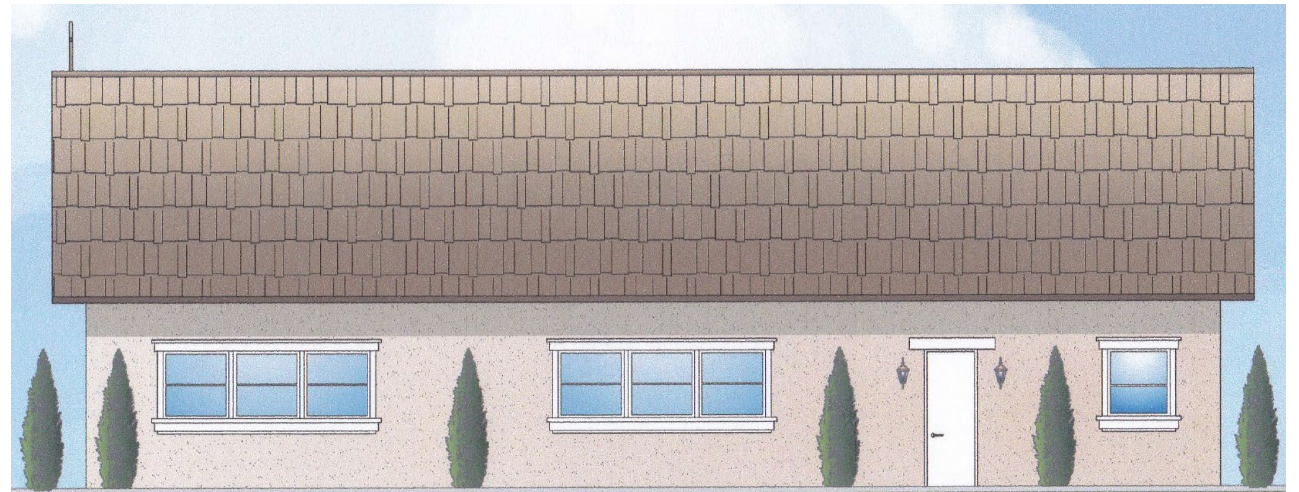
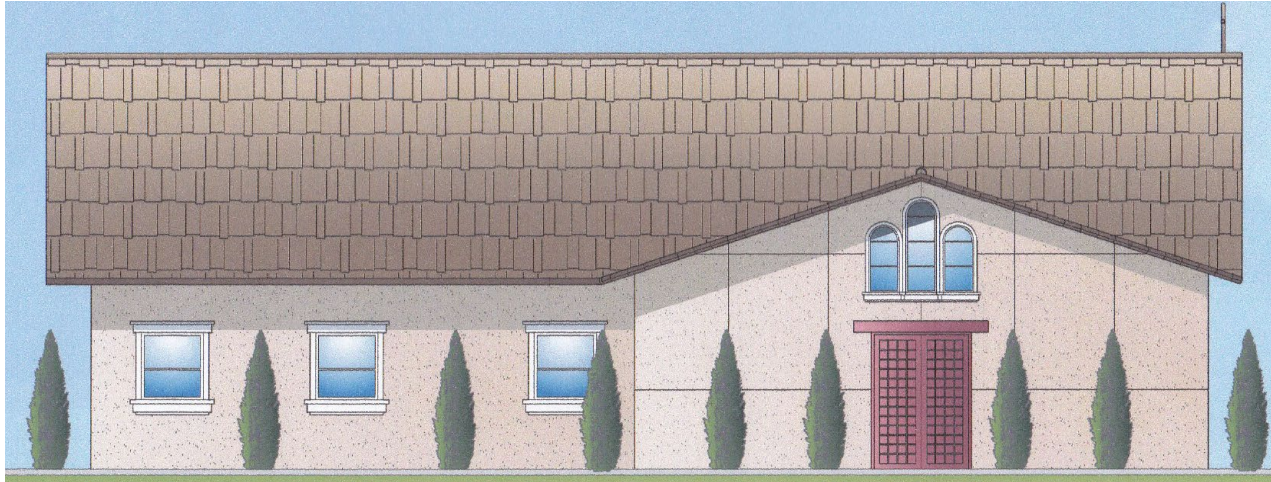


# FRONT & REAR ELEVATIONS





# SIDE ELEVATIONS



# BUSINESS OPERATION PLAN

## Operation

- Services Include:
  - Sunday Service
  - Sunday School
  - Prayer Meetings
  - Small Group Sessions

## Staff

- There are four (4) current staff members.

## Clients

- Clients range in age from 1 to 70 depending on the day and event.
- Number of participants varying on the day would range from 12 to 70.

## Business Hours

- Wednesday  
8PM – 9PM
- Friday  
9AM – 11AM
- Saturday  
3PM – 5PM
- Sunday  
9:30AM – 12:15PM

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# STAFF RECOMMENDATION

- 
- Planning Staff recommends adopting Resolution No. 23-6125 approving Conditional Use Permit No. 22-09.

**ITEM NO. 4.**

**DATE: April 11, 2023**

**TO:** Planning Commission

**FROM:** Planning Division

**SUBJECT: COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:**

- a. Forthcoming, April 25, 2023

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### **Attachments**

Forthcoming 4.25.23

AGENDA NO. 4. a.  
DATE: April 11, 2023

**FORTHCOMING PLANNING COMMISSION MEETING**

**April 25, 2023**

A. CONSENT CALENDAR

None

B. PUBLIC HEARINGS

(1)

CODE AMENDMENT NO. 23-02

SALES OF BEER AND WINE AT SERVICE STATIONS

CITY-WIDE

C. NON-HEARING ITEMS

None

**May 9, 2023**

A. CONSENT CALENDAR

None

B. PUBLIC HEARINGS

None

C. NON-HEARING ITEMS

None