



CITY OF WEST COVINA

PLANNING COMMISSION

**DECEMBER 8, 2020, 7:00 PM
REGULAR MEETING**

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

**Sheena Heng, Chair
Don Holtz, Vice Chair
Gregory Jaquez, Commissioner
Glenn Kennedy, Commissioner
Herb Redholtz, Commissioner**

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 17, 2020, Governor Newsom issued Executive Order N-29-20, suspending certain requirements of the Brown Act relating to the conduct of public meetings. Pursuant to the Executive Orders, Planning Commission members may attend Planning Commission meetings telephonically and the Commission is not required to make available a physical location from which members of the public may observe the meeting and offer public comment.

On June 18, 2020, the California Department of Public Health issued guidance mandating that people in California wear cloth face coverings in specified circumstances, including when they are inside, or in line to enter, any indoor public space.

Due to the ongoing COVID-19 emergency and pursuant to State and County public health directives, the City Council Chambers will have limited seating available on a first-come, first-served basis for members of the public to attend and participate in the Planning Commission meeting in person. All persons attending the meeting are required to wear cloth face coverings and observe social distancing protocols.

Members of the public may also watch Planning Commission the meeting live on the City's website at: <https://www.westcovina.org/departments/city-clerk/agendas-and-meetings/current-meetings-and-agendas> under the "Watch Live" tab or through the West Covina City YouTube channel at www.westcovina.org/LIVE.

If you are experiencing symptoms such as fever or chills, cough, shortness of breath or difficulty breathing, fatigue, or sore throat, the City requests that you participate in the meeting from home by watching the meeting live via the links set forth above.

REMOTE PUBLIC PARTICIPATION: In lieu of attending the meeting in person, members of the public can submit public comments via email or address the Planning Commission by telephone using the methods described below.

EMAILED PUBLIC COMMENT: Members of the public can submit public comments to the City Clerk via e-mail at City_Clerk@westcovina.org. The subject line should specify either “Oral Communications or Public Hearing – 12/8/2020”. Please include your full name and address in your e-mail. All emails received by 4:00 P.M. on the day of the Commission meeting will be posted to the City’s website under “Current Meetings and Agendas” and provided to the Planning Commission prior to the meeting. No comments will be read out loud during the meeting. All comments received by the start of the meeting will be made part of the official public record of the meeting.

TELEPHONIC ACCESSIBILITY: Members of the public that wish to address the Council by telephone during Oral Communications or a public hearing may contact the City Clerk by email City_Clerk@westcovina.org or by telephone (626) 939-8433 by 5:30 P.M. on the day of the Commission meeting for instructions regarding addressing the Planning Commission by telephone during the meeting.

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. Oral Communications are limited to thirty (30) minutes. 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. Regular meeting, November 24, 2020

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. Persons who are not afforded the opportunity to speak at this time may do so under "Continuation of Oral Communications" later on the agenda.

PUBLIC HEARINGS

2. **CONDITIONAL USE PERMIT NO. 20-07**
 SLIGHT MODIFICATION NO. 20-01
 SUBCOMMITTEE FOR DESIGN REVIEW NO. 20-36
 CATEGORICAL EXEMPTION
 APPLICANT: Gerardo Limon
 LOCATION: 1208 S. Hollencrest Drive
 REQUEST: The applicant is requesting a Conditional Use Permit to allow for the construction of a 1,868-square foot second-story addition, a 734-square foot single-story addition, 952-square foot 3-car garage to replace the existing 2-car garage, and a 520-square foot balcony to the existing 4,344-square foot second-story single-family residence. The proposed house will have a total floor area of 7,465-square feet exceeding the 5,000-square foot maximum unit size. The applicant is also requesting a Slight Modification to exceed the maximum 25-foot building height by 2 feet.

3. **CODE AMENDMENT NO. 19-06**
 STATUTORY EXEMPTION
 APPLICANT: City of West Covina
 LOCATION: Citywide
 REQUEST: The proposed code amendments consist of certain amendments to the Zoning section of the West Covina Municipal Code to modify standards for Accessory Dwelling Units. The proposed code amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) and 15282(h).

4. **CONDITIONAL USE PERMIT 20-03**
 CATEGORICAL EXEMPTION
 APPLICANT: James Lee - International Theological Seminary
 LOCATION: 1128 S California Avenue
 REQUEST: The applicant is requesting a Conditional Use Permit to allow the use of a rooming house within an existing residential single-family home.

5. **CONDITIONAL USE PERMIT 20-14**
 CATEGORICAL EXEMPTION
 APPLICANT: James Lee - International Theological Seminary
 LOCATION: 1212 S California Avenue
 REQUEST: The applicant is requesting a conditional use permit to allow the use of a rooming house within an existing residential single-family home.

6. **CONDITIONAL USE PERMIT NO. 20-08**
SUBCOMMITTEE FOR DESIGN REVIEW NO. 20-54
CATEGORICAL EXEMPTION
APPLICANT: Miguel Romero
LOCATION: 1436 S Alpine Drive
REQUEST: The applicant is requesting a conditional use permit to allow the construction of a new one-story 5,946 square foot home exceeding the 5,000-square foot maximum unit size. The applicant is also proposing an attached veranda to the rear with a viewing deck on top.

7. **PRECISE PLAN NO. 20-07**
CONDITIONAL USE PERMIT NO. 20-11
ADMINISTRATIVE USE PERMIT NO. 20-22
CATEGORICAL EXEMPTION
APPLICANT: Nina Raey with RSI Group, Inc. for Jollibee
LOCATION: 147 N. Barranca Street
REQUEST: The applicant is requesting a precise plan and conditional use permit to allow the construction of a new 2,925-square foot restaurant with a drive-through. The administrative use permit is required for outdoor seating.

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

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.

8. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:

- a. Forthcoming - January 12, 2021
- b. Subcommittee for Design Review Minutes - October 27, 2020

9. CITY COUNCIL ACTION:

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

ADJOURNMENT

City of West Covina
A G E N D A

ITEM NO. 1.

DATE: December 8, 2020

TO: Planning Commission
FROM: Planning Division
SUBJECT: Regular meeting, November 24, 2020

Attachments

Minutes 11.24.20

**These minutes are preliminary and are considered unofficial
until adopted at the next Planning Commission meeting.**

A G E N D A

DATE: December 8, 2020

ITEM NO.: 1.

**MINUTES
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF WEST COVINA
Tuesday, November 24, 2020**

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the West Covina Council Chambers. The Commission observed a moment of silent prayer/meditation and Commissioner Holtz lead the Pledge of Allegiance.

ROLL CALL

Present: Heng, Holtz, Jaquez, Kennedy and Redholtz

Absent: None

City Staff Present: Bettenhausen, Persico, Burns, Aguilar

APPROVAL OF MINUTES:

1. Regular meeting, November 10, 2020

The minutes were approved as submitted.

OTHER MATTERS OR ORAL COMMUNICATIONS

None

PUBLIC HEARINGS

2. TENTATIVE PARCEL MAP NO. 83155
PRECISE PLAN NO. 19-03
CONDITIONAL USE PERMIT NO. 20-06
ADMINISTRATIVE USE PERMIT NO. 20-06
TREE PERMIT NO. 20-12
MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMACT
APPLICANT: Jeff Tuck
LOCATION: 2539/2505 E. Garvey Avenue North
REQUEST: The applicant is requesting approval to construct three new single-story commercial buildings totaling 46,955 square feet on the 3.67-acre project site. The three new commercial buildings would include one 34,860 square foot retail space for the major tenant, one 7,595 square foot building that would house multi-tenant retail uses with five storefronts, and one 4,500 square foot restaurant with a 525-square foot patio and drive-through.

Assistant Planner Rene Aguilar presented the staff report. During his presentation he spoke about the requested entitlements, the request for the sale of alcoholic beverages for off-site consumption and a drive-through restaurant. Mr. Aguilar also told the Commission that Rincon had prepared the environmental documents for this project. Staff recommended approval of the project.

There was a short discussion by the Commission regarding the location, orientation of the project, the prospective tenants, and the current tenants on the site. The Commission also discussed the proposed landscape plan, and asked Mr. Tuck various questions about the proposed development and possible tenants.

Chairperson Heng opened the public hearing.

PROPONENT:

Jeff Tuck, applicant, Hany Malak, architect for the project and Andrew McIntyre, President of the McIntyre Company spoke in favor of the project. Mr. Tuck spoke to the Commission regarding the history of the property and the new development. In addition, Mr. Tuck reviewed the proposed development and landscape plans.

Mr. Malak answered questions by the Commission regarding the design and aesthetics of the proposed building.

Mr. McIntyre expressed his support of the new development.

OPPONENTS:

No one came forward.

Chairperson Heng closed the public hearing.

The Commission discussed the proposed signs and their orientation. In addition they discussed the improvements to the property and the proposed drive-through window for the restaurant. At the end of the discussion the Commission concurred this project would be a much-needed improvement to the freeway corridor and very beneficial to West Covina.

Chairperson Heng said she was happy with the project but expressed her concern with the size of the signs, and the number of large signs along the freeway in West Covina.

Motion by Redholtz, seconded by Holtz, to waive further reading and adopt Resolution No. 20-6050 approving Tentative Parcel Map No. 83155. Motion carried 4-1 (Heng opposed.)

Motion by Redholtz, seconded by Holtz, to waive further reading and adopt Resolution No. 20-6051 approving Precise Plan No. 19-03. Motion carried 4-1 (Heng opposed.)

Motion by Redholtz, seconded by Holtz, to waive further reading and adopt Resolution No. 20-6052 approving Conditional Use Permit No. 20-06. Motion carried 4-1 (Heng opposed.)

Motion by Redholtz, seconded by Holtz, to waive further reading and adopt Resolution No. 20-6053 approving Administrative Use Permit No. 20-06. Motion carried 4-1 (Heng opposed.)

Motion by Redholtz, seconded by Holtz, to approve Tree Permit No. 20-12. Motion carried 4-1 (Heng opposed.)

Motion by Redholtz, seconded by Holtz, to waive further reading and adopt Resolution No. 20-6054 adopting the Mitigated Negative Declaration of Environmental Impact. Motion carried 4-1 (Heng opposed.)

Chairperson Heng said these actions are final unless appealed to the City Council within ten days.

3. CONDITIONAL USE PERMIT NO. 20-12

CODE AMENDMENT INITIATION

CATEGORICAL EXEMPTION

APPLICANT: McIntyre Company

LOCATION: 2640 East Garvey Avenue South

REQUEST: The applicant is requesting a conditional use permit to allow a 60'-0" tall electronic reader board oriented toward the freeway (the freeway project site is with 300 feet of freeway centerline). The proposed electronic reader board would have 672 square feet of sign area. The CUP for the freeway bonus will only allow an electronic reader board with 394 square feet of sign area. Therefore, the applicant is requesting that the Planning Commission consider initiating a code amendment to allow commercial properties that are directly abutting the freeway to have an electronic reader board with at least 673 square feet in sign area.

Planning Manager Jo-Anne Burns presented the staff report. She told the Commission that the applicant was requesting a 672-foot reader board sign to be located near the I-10 San Bernardino Freeway and added the sign as proposed is currently not allowed by the Municipal Code.

In addition she told the Commission the applicant is requesting the initiation of a code amendment allowing businesses located near the freeway to have larger signs. She told the Commission she had received five emails from residents in opposition to the code amendment and the large reader board sign. Staff recommended that the Planning Commission approve the conditional use permit with a condition of approval that the reader board size is reduced to comply with the current code. There was a discussion by the Commission regarding the requested code amendment.

Chairperson Heng opened the public hearing.

PROPOSERS:

Andrew McIntyre, President of the McIntyre Company, and Drew Salome spoke in favor of the project. Mr. McIntyre told the Commission how they acquired the office building and their work to improve the function and aesthetics of the building. In addition, he spoke to the Commission about the need for a reader board sign to attract tenants to the building. He also expressed his hope to be able to use the reader board sign to display public service announcements. He told the Commission that the office building and the site were unique to the city.

Drew Salome spoke regarding the size of the proposed sign telling the Commission it is standard size. In addition he explained that signs are necessary to attract tenants and advertise businesses. He also answered questions regarding the current technology for reader board signs and codes to regulate them.

OPPOSERS:

Angie Gillingham said residents are not supportive of large signs. She expressed her opposition to a digital reader board sign that is 60-feet tall and urged the Commission to allow the sign to be built according to current code and be appropriately sized for the building.

REBUTTAL:

Mr. McIntyre rebutted the testimony in opposition by saying this is a unique property and the sign will help them attract tenants. In addition he told the Commission that the latest technology will help the sign's clarity and help reinforce that West Covina is very business-friendly.

Chairperson Heng closed the public hearing.

There was a discussion by the Commission regarding other reader boards along the freeway and the proposed code amendment. Commissioner Holtz asked about the reader board sign at Doctor's Hospital. Commissioner Redholtz commented that the commercial properties along the I-10 freeway have experienced a renaissance and expressed his opinion that the signage along the freeway helps to attract traffic to businesses to the city.

Chairperson Heng said she is willing to help businesses in the city and expressed her appreciation of what McIntyre has done. However, she stated her opinion that large signs will not attract businesses. She cited examples of other cities having good, well-run businesses without allowing large reader board signs and expressed her opposition to allowing large signs along the freeway corridor in West Covina.

Commissioners Kennedy and Jaquez expressed their support of the proposed sign.

Motion by Kennedy, seconded by Jaquez, to waive further reading and adopt Resolution No. 20-6055 approving Conditional Use Permit No. 20-12. Motion carried 4-1 (Heng opposed.)

Motion by Kennedy, seconded by Jaquez, to waive further reading and adopt Resolution No. 20-6056 initiating Code Amendment No. 20-09, Development Standards Pertaining to Digital Reader Boards and Detached Business Identification Signs. Motion carried 4-1 (Heng opposed.)

NON-HEARING ITEMS - None

COMMISSION REPORTS/COMMENTS AND MISCELLANEOUS ITEMS

Commissioner Redholtz wished everyone a Happy and healthy Thanksgiving. Chairperson Heng concurred with Commissioner Redholtz.

5. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:

a. Forthcoming – December 8, 2020

Community Development Director Mark Persico reviewed the items scheduled for hearing before the Planning Commission at their December 8, 2020 regular meeting.

6. CITY COUNCIL ACTION:

None

ADJOURNMENT

Chairperson Heng adjourned the meeting at 9:23 p.m.

Respectfully submitted:

Lydia de Zara
Senior Administrative Assistant

ADOPTED AS SUBMITTED ON:

ADOPTED AS AMENDED ON:

PLANNING DEPARTMENT STAFF REPORT

SUBJECT

CONDITIONAL USE PERMIT NO. 20-07

SLIGHT MODIFICATION NO. 20-01

SUBCOMMITTEE FOR DESIGN REVIEW NO. 20-36

CATEGORICAL EXEMPTION

APPLICANT: Gerardo Limon

LOCATION: 1208 S. Hollencrest Drive

REQUEST: The applicant is requesting a Conditional Use Permit to allow for the construction of a 1,868-square foot second-story addition, a 734-square foot single-story addition, 952-square foot 3-car garage to replace the existing 2-car garage, and a 520-square foot balcony to the existing 4,344-square foot second-story single-family residence. The proposed house will have a total floor area of 7,465-square feet exceeding the 5,000-square foot maximum unit size. The applicant is also requesting a Slight Modification to exceed the maximum 25-foot building height by 2 feet.

BACKGROUND

This project was initially reviewed by the Planning Commission on November 10, 2020. During the public hearing one neighbor spoke in opposition to the project with concerns pertaining to the size of the proposed house, the requested height modification, and potential view impacts. The Planning Commission continued the item to December 8, 2020 with direction to the applicant to install story poles and to provide a line of sight view property cross-section to show that the project will not obstruct any neighboring views.

Immediately after the Planning Commission meeting, staff sent the applicant an email with specific instructions and deadlines indicating that story poles are required to be installed and complete sets of plans are required to be submitted by November 24, 2020. The plans that the applicant submitted were not complete and the story poles were not installed by the deadline. Staff worked with the applicant to extend the deadline to November 30, 2020 to no avail.

DISCUSSION

Staff is requesting that the Planning Commission continue this item to a date uncertain to provide the applicant more time to install the story poles and submit complete sets of plans. The project would be required to be re-noticed for the public hearing.

Submitted by: Jo-Anne Burns, Planning Manager

PLANNING DEPARTMENT STAFF REPORT

SUBJECT

CODE AMENDMENT NO. 19-06

STATUTORY EXEMPTION

APPLICANT: City of West Covina

LOCATION: Citywide

REQUEST: The proposed code amendments consist of certain amendments to the Zoning section of the West Covina Municipal Code to modify standards for Accessory Dwelling Units. The proposed code amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) and 15282(h).

BACKGROUND

In September 2019 the State Legislature adopted Senate Bill (SB) 13 and Assembly Bills (AB) 68, 670, and 881 which were signed by Governor Newsom in October 2019 and took effect January 1, 2020. Cities that do not adopt an ordinance pertaining to accessory dwelling units (ADUs) in compliance with State law were required to follow the standards described in the Government Code. Based on the actions of the state, on November 26, 2019, the Planning Commission initiated Code Amendment 19-06 on a 3-2 vote (Kennedy and Redholtz opposed).

Due to time constraints, the City Council adopted the Urgency Ordinance on December 17, 2019, which went into effect January 1, 2020.

The Urgency Ordinance reflected the City's best interpretation, keeping in mind previous directives from the Department of Housing and Community Development ("HCD") with the intent that the City will revise the Ordinance once comments and feedback are received from HCD.

On October 5, 2020, the City conducted a virtual meeting with HCD and were informed that the Ordinance addressing ADUs was inconsistent with State Law. Staff prepared a draft revision to the ADU Ordinance, which was also submitted for HCD review.

This item was originally scheduled for the November 10, 2020 Planning Commission meeting. However, staff did not receive comments from HCD until November 9, 2020; therefore the item was continued to December 8, 2020.

DISCUSSION

The Ordinance before the Commission has been reviewed by HCD and is fully compliant with State law. The following is a summary of the proposed changes:

- Clarifies that ADUs are allowed on all properties with single-family and multi-family uses, and not limited to residential zones.
- Deleted limitations regarding the number of bedrooms allowed within an ADU. The City is not allowed to limit the number of bedrooms allowed in ADUs.
- Clarifies that all properties are allowed to have at least an 800 square foot attached ADU and that

there is not a limitation on floor area for ADUs created by converting existing habitable and/or nonhabitable floor area.

- Deleted references to not allowing a separate address.
- Clarifies that ADUs and JADUs are accessory to the primary residential use and are required to share utility connections with the primary use.
- Clarifies that detached ADUs on multifamily residential properties are limited to 1,200 square feet.
- Clarifies that new or upgraded utility connections are not required for existing structures converted into ADUs.
- Deleted references to reverse corner lots. The City is not allowed to require side setbacks greater than 4 feet, no matter how the lot is configured.
- Deleted provisions regulating the location of the ADU front entry, windows, and doors. The City is not allowed to regulate the location of the front entry, nor limit the floor plan by regulating the location of doors and windows.
- Deleted requirements for fences/walls. The City is not allowed to require fences or walls because the requirement is an additional expense that may make it financially feasible for the property owner to construct an ADU.
- Deleted requirement for the lien holder's signature on covenants.
- Clarifies that ADUs up to 16 feet in height may be constructed.
- Clarifies that second floor additions and new two-story homes require the approval of an administrative use permit.
- Clarifies that exterior stairs are not allowed to be located between the house and the property line.
- Deleted requirements for accessibility. ADUs are exempt from the Americans with Disabilities Act requirements.
- Clarifies that an attached garage is a part of the residence when determining whether a Junior Accessory Dwelling Unit is attached to the primary residence.

ENVIRONMENTAL DETERMINATION

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and is found to be exempt pursuant to CEQA Guidelines Section 15061(b)(3), as this ordinance cannot create any significant effect on the environment and pursuant to 15282(h), which states that "the adoption of an ordinance regarding second units in a single-family or multifamily zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code" are Statutorily Exempt from the requirements of CEQA.

STAFF RECOMMENDATIONS

Staff recommends that the Planning Commission adopt Resolution No. 20-6063, recommending that the City Council approve Code Amendment No. 19-06

Submitted by: Jo-Anne Burns, Planning Manager

Attachments

Attachment No. 1 - Resolution of Approval

PLANNING COMMISSION
RESOLUTION NO. 20-6063

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
WEST COVINA, CALIFORNIA, RECOMMENDING TO THE CITY
COUNCIL APPROVAL OF CODE AMENDMENT NO. 19-06, CODE
AMENDMENT RELATED TO ACCESSORY DWELLING UNITS
STANDARDS

CODE AMENDMENT NO. 19-06

STATUTORY EXEMPTION

APPLICANT: City of West Covina

LOCATION: Citywide

WHEREAS, effective January 1, 2020 multiple new housing laws relating to accessory dwelling units (ADUs) will become law, including AB 68, AB 881, SB 13, AB 587, and AB 670, AB 671; and

WHEREAS, effective January 1, 2021, AB 3182, a new housing law which includes certain standards relating to ADUs, will become law; and

WHEREAS, to preserve what limited authority the city has remaining to regulate ADUs, it is desirable that the City update its laws consistent with State law.

WHEREAS, December 8, 2020, the Planning Commission conducted a duly noticed public hearing as prescribed by law regarding proposed Code Amendment No. 19-06. At the conclusion of the public hearing, the Planning Commission approved Planning Commission Resolution No. _____, recommending that the City Council approve Code Amendment No. 19-06 and

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

1. The City's ADU Urgency Ordinance was adopted by the City Council on December 17, 2020.
2. It is necessary to amend the municipal code in order to make the City's ADU standards consistent with State Law.

3. The proposed action is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3), as this ordinance cannot create any significant effect on the environment and pursuant to 15282(h), which states that “the adoption of an ordinance regarding second units in a single-family or multifamily zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code” are Statutorily Exempt from the requirements of CEQA.

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

SECTION NO. 1: The above recitals are true and correct and are incorporated herein as if set forth herein in full.

SECTION NO. 2: Based on the evidence presented and the findings set forth, Code Amendment No. 19-06 is hereby found to be consistent with the West Covina General Plan and the implementation thereof, and that the public necessity, convenience, general welfare, and good zoning practices require Code Amendment No. 19-06.

SECTION NO. 3: Based on the evidence presented and the findings set forth, the Planning Commission of the City of West Covina hereby recommends to the City Council of the City of West Covina that it approves Code Amendment No. 19-06 to amend Chapter 26 (Zoning) of the West Covina Municipal Code as shown on Exhibit “A.”

SECTION NO. 4: The Secretary is instructed to forward a copy of this Resolution to the City Council for their attention in the manner as prescribed by law and this Resolution shall go into force and effect upon its adoption.

[continued on next page]

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 8th day of December, 2020, by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: December 8, 2020

Sheena Heng, Chairperson
Planning Commission

Mark Persico, Secretary
Planning Commission

EXHIBIT A

ORDINANCE NO.

**AN ORDINANCE OF THE WEST COVINA CITY COUNCIL TO
AUTHORIZE ACCESSORY DWELLING UNITS AND JUNIOR
ACCESSORY DWELLING UNITS CONSISTENT WITH STATE LAW
REQUIREMENTS BY AMENDING PORTIONS OF CHAPTER 26 OF THE
MUNICIPAL CODE**

WHEREAS, effective January 1, 2020 multiple new housing laws relating to accessory dwelling units (ADUs) will become law, including AB 68, AB 881, SB 13, AB 587, and AB 670, AB 671; and

WHEREAS, effective January 1, 2021, AB 3182, a new housing law which includes certain standards relating to ADUs, will become law; and

WHEREAS, to preserve what limited authority the city has remaining to regulate ADUs, it is desirable that the City update its laws consistent with State law.

WHEREAS, _____, 2020, the Planning Commission conducted a duly noticed public hearing as prescribed by law regarding proposed Code Amendment No. 19-06. At the conclusion of the public hearing, the Planning Commission approved Planning Commission Resolution No. _____, recommending that the City Council approve Code Amendment No. 19-06 and

WHEREAS, on _____, 2020, the City Council conducted a duly noticed public hearing as prescribed by law regarding this ordinance approving Code Amendment No. 19-06 and ; and

WHEREAS, the City Council has duly considered all information presented to it, including written staff reports and any testimony provided at the public hearing, with all testimony received being made a part of the public record.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA DOES HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Code Amendment. Division 11 (Accessory Dwelling Units) of Article XII (Special Regulations for Unique Uses) of Chapter 26 (Zoning) of the West Covina Municipal Code is hereby amended to read as follows:

Division 11. Accessory Dwelling Units

26-685.10 Accessory dwelling units and junior accessory dwelling units —Purpose, definitions, occupancy.

1. **Purpose and Interpretation.** The intent of this Section is to ensure that accessory dwelling units and junior accessory dwelling units remain as an accessory use to a single-family and multifamily residential uses~~residence~~, that the structures on parcels are organized to accommodate an accessory dwelling unit and/or junior accessory dwelling unit, and that such dwelling units do not adversely impact surrounding residents or the community. This Division is intended to retain the maximum ability of the city to regulate accessory dwelling units and to comply with the requirements of state law, ~~but only to the extent the city is required to do so. Notwithstanding any other provision of this Division to the contrary, nothing in this Division shall be interpreted to allow any accessory dwelling unit or junior accessory dwelling unit except to the extent required by state law.~~
2. **Definitions.**
 - a. The terms “accessory dwelling unit”, “public transit”, “passageway” and “tandem parking” all have the same meaning as that stated in Government Code section 65852.2 as that section may be amended time to time.
 - b. “Junior accessory dwelling unit” shall have same meaning as that stated in Government Code section 65852.22(h)(1) as that section may be amended time to time.
3. **Occupancy.** Except as otherwise provided by law (e.g., Government Code section 65852.26), accessory dwelling units and junior accessory dwelling units may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

26-685.20 Accessory dwelling units—Application for accessory dwelling unit permit.

1. Accessory dwelling units are permitted only in ~~residential zones~~ areas zoned to allow multifamily and single family residential, subject to the issuance of a building permit. Any application for an accessory dwelling unit that meets the unit size standards and development standards contained in Sections 26-685.30 or 26-685.40 of this division, or is the type of accessory dwelling unit described in Subsection 26-685.50 of this division, shall be approved ministerially by the city by applying the standards herein and without a public hearing.
2. An application for an accessory dwelling unit permit shall be made by the owner of the parcel on which the primary unit sits and shall be filed with the city on a city-approved application form and subject to the established fee set by city council resolution as it may be amended from time to time.

3. Applications for accessory dwelling units shall conform to the requirements for, and shall obtain, a building permit consistent with the requirements of Chapter 7 (Buildings and Building Regulations) of the Municipal Code.

26-685.30 Accessory dwelling units—Unit size standards. Except as otherwise provided in Section 26-685.50 of this division, ~~below~~, all accessory dwelling units shall not exceed the size standards listed below. ~~No accessory dwelling unit may contain more than two (2) bedrooms.~~

1. Attached accessory dwelling units: The maximum floor area of an attached accessory dwelling unit shall be the higher of:
 - a. 850 square feet for an accessory dwelling unit with 0-1 bedrooms or 1,000 square feet for an accessory dwelling unit with two (2) or more bedrooms; or
 - b. If there is an existing primary single-family dwelling, 50% of the square footage of the existing primary single family dwelling; or
 - c. All properties developed with a residential use shall be allowed to construct at least an 800-square foot accessory dwelling unit with four-foot side and rear setbacks; or
 - d. Existing habitable and/or nonhabitable areas may be converted into an attached accessory dwelling unit without any size and/or setback limitations.
2. Detached Units. A detached accessory dwelling unit shall not have more than one thousand two hundred (1,200) square feet of living area.
3. Setback requirements.
 - a. No setbacks are required for: either (i) those portions of accessory dwelling units that are created by converting existing living area or existing accessory structures to new accessory dwelling units or (ii) constructing new accessory dwelling units in the same location and to the same dimensions as an existing structure.
 - b. For all other accessory dwelling units, there must be a minimum of four (4) feet of setbacks from side and rear lot lines and comply with all applicable front yard setbacks.
 - c. The minimum required distance between a detached accessory dwelling unit and the primary dwelling unit, and all other structures, including garages, on the property, shall be ten (10) feet.

26-685.40 Accessory dwelling units—Development standards.

Any permit for an accessory dwelling unit shall be subject to the development standards listed below.

1. Legal lot/residence. An accessory dwelling unit shall only be allowed on a lot within the city that contains a legal, single-family or multi-family residence as an existing or proposed primary unit on a lot.

2. Accessory dwelling units and junior accessory dwelling units are accessory to the primary use.~~dwelling unit~~. Therefore, accessory dwelling units shall not have its own separate utility meter and shall share utility connections with the primary use. ~~shall not be assigned an address separate from the primary dwelling unit, unless the accessory dwelling unit is accessory to a multifamily residential use.~~ For multi family residential dwellings, ~~the project plans and application shall clearly identify the unit the proposed accessory dwelling unit is accessory to.~~
3. Number of accessory dwelling units per lot.
 - a. For lots with proposed or existing single-family residences, no more than one (1) accessory dwelling unit and one (1) junior accessory dwelling unit may be on the lot.
 - b. For lots with existing multi-family residential dwellings:
 - i. No more than twenty-five percent (25%) of the number of the existing units, but at least one (1) unit, shall be permitted as accessory dwelling units constructed within the non-livable space (e.g., storage rooms, boiler rooms, hallways, attics, basements, or garages) of the existing multifamily dwelling structure provided that applicable building codes are met; or
 - ii. No more than two (2) detached accessory dwelling units, provided that no such unit shall be more than sixteen (16) feet in height, and each such unit complies with front yard setbacks, and meets rear-yard and side yard setbacks of four feet. The maximum square footage of detached accessory dwelling units on lots with existing multi-family residential dwellings shall ~~comply with the limits set forth in subsection C (or E, if applicable) of this section.~~ be limited to one thousand two hundred (1,200) square feet of living area.
4. Building Code Compliance. All new accessory dwelling units must comply with Chapter 7 of the Municipal Code (“Buildings and Building Regulations”) and any other applicable provisions of the California Building Standards Code. However, fire sprinklers shall not be required if they are not required for the primary residence.
5. Utilities.
 - a. All accessory dwelling units and junior accessory dwelling units must be connected to public utilities (or their equivalent), including water, electric, and sewer services. Accessory dwelling units and junior accessory dwelling units shall not have its own separate utility meter and shall share utility connections with the primary use.
 - b. All accessory dwelling units and junior accessory dwelling units shall have adequate water supply and sewer service.
 - c. No overhead utility lines are to be relocated or otherwise modified to permit construction of an accessory dwelling unit or junior accessory dwelling unit. If

existing overhead utility lines are to be relocated or otherwise modified to permit construction of an accessory unit, such lines shall be converted to underground services.

- d. ~~Except as provided in subsection e below,~~ the City may require the installation of a new or upgraded utility connection for the a new accessory dwelling unit structure ~~junior accessory dwelling unit and~~ and/or the existing house to accommodate the additional burden of the proposed accessory dwelling unit on the existing utility infrastructure. The connection fee or capacity charge shall be proportionate to the burden of the proposed accessory dwelling unit based on either its square feet or number of drainage fixture unit values. New or upgraded utility connection shall not be required for existing structures converted into accessory dwelling units.
- e. ~~No separate connection between the accessory dwelling unit and the utility shall be required~~

6. Parking.

- a. The City shall require the owner to provide one (1) parking space unless the accessory dwelling unit has no bedrooms (e.g., a studio), in which case no space is required. The required parking space shall have a minimum dimension of 10 feet in width and 20 feet in depth. The required parking space may be provided as:
 - i. Tandem parking on an existing driveway in a manner that does not encroach onto a public sidewalk and otherwise complies with city parking requirements; or
 - ii. Within a setback area or as tandem parking in locations determined feasible by the City for such use. Locations will be determined infeasible based upon specific site or regional topographical or fire and life safety conditions, or that such parking is not permitted anywhere else in the City.
- b. Notwithstanding the foregoing, no parking space shall be required for an accessory dwelling unit if:
 - i. It is located within one-half mile walking distance of public transit;
 - ii. It is located within an architecturally and historically significant district;
 - iii. It is part of a proposed or existing primary residence or accessory structure;
 - iv. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or
 - v. Where there is a car share vehicle located within one block of the accessory dwelling unit.
- c. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the off-street parking spaces do not have to be replaced.

- 7. Siting. Detached accessory dwelling units may not be located within the area between the front property line and the line parallel to, and touching, the back of the primary residence. ~~For reversed corner lots where a house is facing and located fronting on a street~~

~~side property line, an accessory dwelling unit shall not be located within the area between the street side property line and a line parallel to the most distant part of the house from the street side property line.~~

8. Exterior Access. The entrance to an accessory dwelling unit shall be separate from the entrance to the primary dwelling unit, ~~and shall not be on the front elevation. If topography restricts access from all side and rear elevations, the accessory dwelling unit door may be on the front elevation provided it is not prominently visible from the right of way.~~

- ~~9. Wall and/or Fence Requirement. A six (6) foot high wall or solid fence shall be provided and maintained on the rear yard boundary of any lot containing an accessory dwelling unit. Said wall or solid fence shall comply with this Code in relation to height and location as approved by the planning director.~~

- ~~10. Windows and doors along the side and/or rear property lines. No windows and/or doors shall be located within 10 feet from the side and/or rear property lines.~~

- ~~11.10. Recorded Covenants. Before obtaining a permit for an accessory dwelling unit, the property owner shall file with the county recorder a declaration or agreement of restrictions and an agreement to subordinate executed by all senior lienholders on title to prevent extinguishment of the easement via foreclosure which has been approved by the city attorney as to its form and content, describing restrictions that allows for and the continued use of the accessory dwelling as follows:~~

- a. the accessory dwelling unit shall not be sold separately from the primary residence;
- b. the accessory second unit is restricted to the maximum size allowed per the development standards set forth in this section;
- c. ~~starting in January 1, 2025, the accessory dwelling unit shall be considered legal only as long as either the primary residence or the accessory dwelling unit is occupied by the owner of record or state law is amended to prohibit such requirements; and~~
- d. the restrictions shall be binding upon any successor in ownership of the property, and lack of compliance shall result in legal action against the property owner for noncompliance with the requirements for an accessory dwelling unit. In the event of violation, the property owner shall be responsible for all fees and penalties, as well as the city's enforcement costs.

- ~~12.11. Conversion of existing primary unit. An existing primary dwelling may be converted to an accessory dwelling unit if it complies with all applicable requirements of this ordinance. If so, a new, larger primary residence may be constructed.~~

- ~~13.12. Design requirements for new units. All new accessory dwelling units must comply with the following design requirements:~~

- a. The exterior materials, colors, roof pitch and architecture shall match the primary unit.
- b. Accessory dwelling units shall not exceed 16 feet in height, unless the accessory dwelling unit is a conversion of an existing second floor area, a second-story addition to an existing residence, or is located on the second-floor of a new two-story house. the height level of the tallest existing structure on the parcel, or as required in the base zoning district, whichever is less.
 - i. All second-story additions to an existing residence, and/or new two-story homes shall require the approval of an administrative use permit per Section 26-270 of the West Covina Municipal Code.
 - ii. Exterior staircases serving second-floor accessory dwelling units shall not be located in between the property line and the existing building.
- c. Lighting shall not ~~spill~~ be directed on to neighboring lots.
- d. Any attached accessory dwelling unit shall be attached to the living area of the primary dwelling unit by a common wall or floor/ceiling, and not simply by an attached breezeway, porch, or patio.

~~14. Accessibility standards. New construction of any ground level accessory dwelling unit shall be designed and constructed to allow for disability/accessibility standards. Plans shall demonstrate future entrance capability and actual construction shall include adequate door and hallway widths, maneuvering space in kitchens and bathrooms, and structural reinforcements for grab bars.~~

~~13.~~ 13. Passageway. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

26-685.50 Accessory Dwelling Unit and Junior Accessory Dwelling Unit Exceptions.

1. Accessory dwelling units shall be approved for the following types of accessory dwelling units, regardless of whether the applicant meets the development standards contained in this Title. ~~In no event may any parcel with a single family dwelling have more than one accessory dwelling unit on site or more than one junior accessory dwelling unit per site. In no event may any parcel with a multi family housing unit have more than two accessory dwelling units or any junior accessory dwelling units on site.~~ Accessory dwelling units and junior accessory dwelling units are accessory to the primary use dwelling unit. Therefore, accessory dwelling units and junior accessory dwelling units shall not have its own utility meter and shall share utility connections with the primary use. ~~not be assigned an address separate from the primary dwelling unit. For multi family residential dwellings, the project plans and application shall clearly identify the unit the proposed accessory dwelling unit is accessory to.~~

- a. For Single Family Dwelling lots in residential zones, either:
 - i. One accessory dwelling unit and one junior accessory dwelling unit per lot may be constructed. ~~within an existing or proposed single family dwelling. Alternatively, the accessory dwelling unit may be constructed within an existing accessory structure (as that term is defined in Government Code section 65852.2) and such proposal may include an expansion of not more than 150 square feet beyond the physical dimensions of the existing accessory structure to accommodate ingress and egress.~~ Each accessory dwelling unit and junior accessory dwelling unit must have exterior access and side and rear setbacks sufficient for fire safety and comply with all other setback requirements. If the unit is a junior accessory dwelling unit, it must also comply with the requirements of Section 26-685.70 below; or
 - ii. One detached, new construction, accessory dwelling unit with setbacks of at least four (4) feet from side and rear yards and in compliance with front yard setbacks, no more than eight hundred (800) square feet floor area, and a height not exceeding sixteen (16) feet on a lot with an existing or proposed single family dwelling. ~~No windows and/or doors shall be located within 10 feet from the side and/or rear property lines.~~
 - b. On a lot with an existing multifamily residential use ~~dwelling within a residential zone~~:
 - i. Accessory dwelling units may be constructed in areas that are not used as livable space within an existing multi-family dwelling structure (e.g., storage rooms, boiler rooms, passageways, attics, basements, or garages), provided the spaces meet state building standards for dwellings. The number of interior accessory dwelling units permitted on the lot shall not exceed twenty-five percent (25%) of the current number of units of the multi-family complex on the lot and at least one such unit shall be allowed; and
 - ii. Up to two (2) detached accessory dwelling units may be constructed, provided they are no taller than sixteen (16) feet, and they have at least four (4) feet of side and rear yard setbacks. Detached accessory dwelling units constructed pursuant to this subsection (b) shall not exceed ~~eight hundred one thousand two hundred~~ (1,200) square feet in floor area.
2. Accessory dwelling units approved under this Section 26-685.50 shall not be rented for a term of 30 days or less.
 3. Accessory dwelling units or junior accessory dwelling units approved under this Section 26-685.50 shall not be required to correct legal nonconforming zoning conditions as a pre-condition to obtaining this authorization.

26-685.60 Accessory dwelling units—General plan consistency.

In adopting these standards, the city recognizes that the approval of dwelling units may, in some instances, result in dwelling densities exceeding the maximum densities prescribed by the general plan. The city finds that this occurrence is consistent with the general plan, as dictated under state planning and zoning law applicable to accessory dwelling units.

26-685.70 Junior Accessory Dwelling Units.

1. Purposes: This section provides standards for the establishment of junior accessory dwelling units. Junior accessory dwelling units will typically be smaller than an accessory dwelling unit, will be constructed within the walls of an existing or proposed single family residence and requires owner occupancy in the single-family residence where the unit is located.
2. Size: A junior accessory dwelling unit shall not exceed 500 square feet in size.
3. Owner Occupancy: The owner of a parcel proposed for a junior accessory dwelling unit shall occupy as a primary residence either the primary dwelling or the junior accessory dwelling. Owner-occupancy is not required if the owner is a governmental agency, land trust, or "housing organization" as that term is defined in Government Code Section 65589.5(k)(2), as that section may be amended from time to time.
4. Sale Prohibited: A junior accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.
5. Short term rentals: The junior accessory dwelling unit shall not be rented for periods of 30 days or less.
6. Location of Junior Accessory Dwelling Unit: A junior accessory dwelling unit shall be entirely within a single-family residence; an attached garage is considered a part of the residence.
7. Kitchen Requirements: The junior accessory dwelling unit shall include an efficiency kitchen, including a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
8. Parking. No additional parking is required beyond that already required for the primary dwelling.
9. Fire Protection; Utility Service. For the purposes of any fire or life protection ordinance or regulation or for the purposes of providing service for water, sewer, or power, a junior accessory dwelling unit shall not be considered a separate or new unit, unless the junior accessory dwelling unit was constructed in conjunction with a new single-family dwelling. No separate connection between the junior accessory dwelling unit and the utility shall be required for units created within a single-family dwelling, unless the junior accessory dwelling unit is being constructed in connection with a new single-family dwelling.
10. Deed Restriction. Prior to the issuance of a building permit for a junior accessory dwelling unit, the owner shall record a deed restriction in a form approved by the city that includes a prohibition on the sale of the junior accessory dwelling unit separate from

the sale of the single-family residence, requires owner-occupancy consistent with subsection (3) above, does not permit rentals for periods 30 days or shorter, and restricts the size and attributes of the junior dwelling unit to those that conform with this section.

SECTION 2. Compliance with CEQA. Adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") under Public Resources Code section 21080.17 [statutory exemption for second unit ordinances]; CEQA Guidelines sections 15282(h) [statutory exemption for second unit ordinances]; 15303 [new construction or small structures] and 15305 [minor alterations to land]. This ordinance is also exempt under CEQA Guidelines section 15061, because this ordinance will not have a significant effect on the environment, because ADUs will largely constitute infill housing which is exempt from CEQA.

SECTION 3. Inconsistencies. Any provision of this ordinance which is inconsistent with state law shall be interpreted in a manner to be consistent with state law. Any provision of the West Covina Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of West Covina hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 5. Effective Date. This Ordinance shall take effect and be in force thirty (3) days from and after the date of its passage.

SECTION 6. Certification. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

SECTION 7. Transmit Ordinance to HCD. The City Clerk is directed to send a copy of this ordinance to the Department of Housing and Community Development within 60 days of the adoption of this ordinance.

PASSED, APPROVED AND ADOPTED this ____ day of _____ 2020.

Tony Wu, Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherick
Assistant City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF WEST COVINA)

I, Lisa Sherick, Assistant City Clerk, of the City of West Covina, custodian of the original records, which are public records which I maintain custody and control for the City of West Covina do hereby certify the foregoing Ordinance, being **Ordinance No. ____** as passed by the City Council of the City of West Covina, signed by the Mayor of said Council, and attested by the Assistant City Clerk, at a regular meeting of the City Council held on the _____, and that the same was passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINED:

Lisa Sherick
Assistant City Clerk

PLANNING DEPARTMENT STAFF REPORT

SUBJECT

CONDITIONAL USE PERMIT 20-03

CATEGORICAL EXEMPTION

APPLICANT: James Lee - International Theological Seminary

LOCATION: 1128 S California Avenue

REQUEST: The applicant is requesting a Conditional Use Permit to allow the use of a rooming house within an existing residential single-family home.

BACKGROUND

The project site is an 8,204 square foot lot located on the northeast corner of California Avenue and Merced Avenue. The site is developed with a 1,962 square foot two-story house with a two-car garage.

ITEM	DESCRIPTION
ZONING AND GENERAL PLAN	"Residential Single Family" (R-1) and "Neighborhood - Low-Density Residential"
SURROUNDING LAND USES AND ZONING	North-West: Residential Single Family (R-1); Residential Home South-West: Residential Agricultural (R-A); Residential Home North-East: Residential Single Family (R-1); Residential Home and Wescove Elementary School South-East: Residential Single Family (R-1); Residential Home
CURRENT DEVELOPMENT	Single Family Home
LEGAL NOTICE	Legal Notice was published in the San Gabriel Valley Tribune, and was mailed to 41 owners and occupants of the properties located within 300 feet of the subject site.

The applicant was granted Conditional Use Permit No. 19-03 on April 23, 2019 to allow the use of a theological school to train pastors and church leaders for the International Theological Seminary, located within an existing church property at 540 E Vine Avenue. The applicant wishes to use the subject property to provide housing to its students.

DISCUSSION

The applicant is requesting a conditional use permit to allow the use of a rooming house within an existing 1,962 square foot two-story single-family residential home.

The West Covina Municipal Code (WCMC) defines a roominghouse as: *a residence or dwelling, other than a hotel, motel or rest home, wherein either three (3) or more rooms are rented, or housing is provided to three (3) or more individuals, under three or more separate written or oral rental*

agreements, lodger agreements, leases or subleases or combination thereof, regardless of whether the owner, agent or rental manager resides within the residence.

The school, International Theological Seminary, shares the site with the Community Presbyterian Church at 540 E Vine Avenue. Some students rely on the school to help them find a place to live and because of this, the applicant is requesting a conditional use permit for a rooming house. A condition of approval has been added to the resolution requiring all residents to be students or employees of the International Theological Seminary and no short term rentals (terms less than 31 days) will be allowed.

Proposed Use

The existing residence is a two-story house with a wrap-around rear patio. The first floor has a two-car garage, a family room, a kitchen, a powder room, a dining area, and a living room. The second floor has three (3) bedrooms, two (2) bathrooms, an office, and a storage room. No additional construction is being proposed.

The rooming house will have approximately 8-10 students when the school is in session from September to June. The students are expected to go back to their permanent residence (hometown) during summer break with less than five students anticipated to stay. The students come from different parts of the world and are committed to becoming church leaders.

Parking

The students living within the home primarily travel to the school by carpool, walking, or biking, as the majority of the students, will not have a car. Therefore, the parking demand in the residential area will not be affected. The school is approximately 1/2 mile away from the residence.

The existing residence has a two-car garage and three available parking spaces on the driveway with a potential for a total of five on-site parking spaces, if needed.

REQUIRED FINDINGS

Before an application for a conditional use permit can be approved, the following finding shall be made:

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

The proposed rooming house will help contribute to the community by providing a walkable place to live for the students attending the International Theological Seminary. The proposed rooming house is well suited to coincide with the surrounding residential neighborhood. The proposed use is located on the northeast corner of California Avenue and W Merced Avenue. The site is located in the "Single Family Residential" (R-1) Zone. The proposed rooming house complies with all the applicable requirements of the "Residential" land designation.

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

The proposed rooming house will not result in the expansion of the existing home and will utilize the existing residence. As conditioned the proposed use will not be detrimental to the health, safety, peace, or general welfare of surrounding residents or business owners. Furthermore, the site will remain primarily unchanged from its present condition.

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

The existing home and site are adequate in size and design to accommodate the proposed rooming house. Sufficient parking exists on the site to accommodate the few vehicles the students may have. The proposed use is compatible with the other surrounding land uses.

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

The proposed rooming house will not generate a substantial amount of vehicular traffic nor alter present circulation patterns. The site is accessed via California Avenue and W Merced Avenue. The subject site's abutting streets are adequate in width and improvements to accommodate the proposed use. Existing conditions also provide efficient and safe public access and circulation.

5. 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 conditional use permit to allow the operation of a rooming house will not adversely affect the West Covina General Plan, since the proposed use does not conflict with the site's land use designation of "Residential". In the General Plan Part 2, Goal 6 "Our Prosperous Community" (Economic Development Element) it states to "Create a diversity of housing options." As such, the proposed use is consistent with the City's General Plan.

GENERAL PLAN CONSISTENCY

The proposed project is consistent with the General Plan. The proposal is consistent with the following General Plan Policies and Actions:

- a. Policy 2.6: Create a diversity of housing options
- b. Policy 2.7: Attract education institution

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) as the proposal does not involve any proposed construction.

STAFF RECOMMENDATIONS

Staff recommends that the Planning Commission adopt a Resolution No. 20-6057 approving Conditional Use Permit No. 20-03.

LARGE ATTACHMENTS

Due to Covid-19, a set of plans are available for review with a scheduled appointment. Please contact the Planning Division at (626) 939-8422 to schedule an appointment.

Submitted by: Camillia Martinez, Assistant Planner

Attachments

Attachment No. 1 - Resolution

Attachment No. 2 - Business Operations Plan

PLANNING COMMISSION

RESOLUTION NO. 20-6057

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 20-03

CONDITIONAL USE PERMIT NO. 20-03

CATEGORICAL EXEMPTION

APPLICANT: James Lee - International Theological Seminary

LOCATION: 1128 S California Avenue

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 the use of a rooming house within an existing residential single-family home described as follows:

Assessor Parcel No. 8469-021-044 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 8th day of December 2020, 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 a Conditional Use Permit to allow the use of a rooming house within an existing residential single-family home located in the "Single Family Residential" (R-1) 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 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) as the proposal does not involve any proposed 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 rooming house will help contribute to the community by providing a walkable place to live for the students attending the International Theological Seminary. The proposed rooming house is well suited to coincide with the surrounding residential neighborhood. The proposed use is located on the northeast corner of California Avenue and W Merced Avenue. The site is located in the "Single Family Residential" (R-1) Zone. The proposed rooming house complies with all the applicable requirements of the "Residential" land designation.
 - b. The proposed rooming house will not result in the expansion of the existing home and will utilize the existing residence. As conditioned the proposed use will not be detrimental to the health, safety, peace, or general welfare of surrounding residents or business owners. Furthermore, the site will remain primarily unchanged from its present condition.
 - c. The existing home and site are adequate in size and design to accommodate the proposed rooming house. Sufficient parking exists on the site to accommodate the few vehicles the students may have. The proposed use is compatible with the other surrounding land uses.

- d. The proposed rooming house will not generate a substantial amount of vehicular traffic nor alter present circulation patterns. The site is accessed via California Avenue and W Merced Avenue. The subject site's abutting streets are adequate in width and improvements to accommodate the proposed use. Existing conditions also provide efficient and safe public access and circulation.
 - e. The granting of the conditional use permit to allow the operation of a rooming house will not adversely affect the West Covina General Plan, since the proposed use does not conflict with the site's land use designation of "Residential". In the General Plan Part 2, Goal 6 "Our Prosperous Community" (Economic Development Element) it states to "Create a diversity of housing options." As such, the proposed use is consistent with the City's General Plan.
2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Conditional Use Permit No. 20-03 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 Planning 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 December 8, 2020.
 - b. Comply with all applicable sections of the West Covina Municipal Code.
 - c. Comply with all requirements of the "Residential Single-Family" zone.
 - d. All residents of the roominghouse shall be students or employees of the International Theological Seminary.
 - e. No portion of the roominghouse shall be rented or leased for terms less than 31 days.

- f. The roominghouse shall not have more than 10 residents at any one time.
- g. The proposed business shall not constitute a public nuisance as defined under Section 15-200 of the West Covina Municipal Code.
- h. In the event that the availability of parking is negatively impacted, the Planning Commission shall review the conditional use permit for the use and may, at its discretion, modify or impose new conditions or suspend or revoke the conditional use permit pursuant to Section 26-253 of West Covina Municipal Code.
- i. The conditional use permit may be revoked, amended or suspended by the Planning Commission under the provisions of Section 26-253 of the West Covina Municipal Code.
- j. The applicant shall defend, indemnify, and hold harmless the City of West Covina, its agents, officers, and employees from any claim, action or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, approval of this Conditional Use Permit. The City will promptly notify the applicant of any such claim, action or proceeding against the City and will cooperate fully in the defense.
- k. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant agrees to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.
- l. The applicant shall comply with maximum occupancy (total number of persons allowed to occupy the facility) requirements, pursuant to applicable Fire and Building Codes.
- m. The operation of the roominghouse shall comply with the West Covina Noise Ordinance.
- n. Licenses and permits as required by the West Covina Municipal Code shall be obtained prior to the state of the operation of the use for appropriate cause.
- o. The applicant shall follow all Building Division and Fire Department requirements.

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a special meeting held on the 8th day of December, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: December 8, 2020

Sheena Heng, Chairperson
Planning Commission

Mark Persico, Secretary
Planning Commission



International Theological Seminary

540 E. Vine Ave., West Covina, CA 91790

Tel (626) 653-9547

www.itsla.edu

Business and Operation Plan

I. Corporate Membership

ITS is an accredited graduate theological institution that accepts students of any race, color, national, and ethnic origin.



Approved by the **Bureau for Postsecondary Private Education (BPPE)** of the State of California to issue advanced theological degrees. The address of BPPE is 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833. BPPE's toll-free number is 888-370-7589.



Accredited by the Commission on Accrediting of the Association of Theological Schools in the United States and Canada (ATS) and the following degree programs are approved:

- Master of Arts (Theological Studies)
- Master of Divinity
- Master of Theology
- Doctor of Ministry

The Commission contact information is:

The Commission on Accrediting
of the Association of Theological Schools in the United States and Canada

10 Summit Park Drive

Pittsburgh, PA 15275

Telephone: 412-788-6505 Fax: 412-788-6510

Website: www.ats.edu



Accredited by Asia Theological Association. The Association's contact information is:

Asia Theological Association

54 Sct Madrinan St
Quezon City 1103 Philippines
Telephone: +632-410-0312
Website: www.ataasia.com

II. School Daily Operation

A. Faculty and Staff

The Seminary has 5 full time and 7 part time faculty. It has 5 administrative staff.

B. Operation Hours

a. Library Hours

Monday-Friday 8:30 a.m.-6:00 p.m.

Closed during chapel time 11:50 a.m. –12:30 p.m. (Tuesday & Thursday)

Closed on Saturday and Sunday.

b. Office Hours

Monday-Friday 8:00 a.m.-4:00 p.m.

Closed on Saturday and Sunday.

C. Class Hours

Monday-Friday 8:00 a.m.-5:10 p.m.

No classes on Saturday and Sunday.

III. Proposed Dormitory Use and Hours at 1128 S. California Ave., West Covina, CA 91790

A. Residents

The Dorm will have 8-10 students during the school in session from September to June. The students will go back to their own countries during summer break with less than five students staying. Students are worldwide representing different races and cultures, who are all dedicated church leaders from countries.

B. Residence Hours

Monday-Sunday 24 hrs

During the school operations hours, the students will be mostly on campus at 540 E. Vine Ave., West Covina, CA 91790

Daily Schedule of ITS Students Residing at
1128 South California Avenue, West Covina, CA 91790.

Rise-up:	7:00 AM
Freshen-up & Prayer:	7:00 – 7:30 AM
Breakfast:	7:30 – 8:00 AM
Classes:	8:00 – 12:30 PM
Lunch:	12:30 – 1:30 PM
Classes:	1:30 – 4:30 PM
Cleaning & Gardening:	4:30 – 6:30 PM
Dinner:	6:30 – 7:30 PM
Prayer:	7:30 – 8:00 PM
Study Time:	8:00 – 10:00 PM
Relax & Go to bed	

Note: Classes are conducted on campus at 540 E. Vine Ave., West Covina, CA 91790. Under the Covid-19 Pandemic situation, students who reside at the dorm take classes virtually through internet.

PLANNING DEPARTMENT STAFF REPORT

SUBJECT

CONDITIONAL USE PERMIT 20-14

CATEGORICAL EXEMPTION

APPLICANT: James Lee - International Theological Seminary

LOCATION: 1212 S California Avenue

REQUEST: The applicant is requesting a conditional use permit to allow the use of a rooming house within an existing residential single-family home.

BACKGROUND

The project site is a 9,076 square foot lot located on the southeast side of California Avenue, between Merced Avenue and Pine Street. The site is developed with a 1,875 square foot single-story house with a two-car garage.

ITEM	DESCRIPTION
ZONING AND GENERAL PLAN	"Residential Single Family" (R-1) and "Neighborhood - Low-Density Residential"
SURROUNDING LAND USES AND ZONING	North-West: Residential Agricultural (R-A); Residential Home South-West: Residential Single Family (R-1); Residential Home North-East: Residential Single Family (R-1); Residential Home South-East: Residential Single Family (R-1); Residential Home
CURRENT DEVELOPMENT	Single Family Home
LEGAL NOTICE	Legal Notice was published in the San Gabriel Valley Tribune, and was mailed to 49 owners and occupants of the properties located within 300 feet of the subject site.

The applicant was granted a Conditional Use Permit No. 19-03 on April 23, 2019 to allow the use of a theological school to train pastors and church leaders for the International Theological Seminary, located within an existing church property at 540 E Vine Avenue. The applicant wishes to use the subject property to provide housing to its students.

DISCUSSION

The applicant is requesting a conditional use permit to allow the use of a rooming house within an existing 1,875 square foot single-family residential home.

The West Covina Municipal Code (WCMC) defines a roominghouse as: a residence or dwelling, other than a hotel, motel or rest home, wherein either three (3) or more rooms are rented, or housing is provided to three (3) or more individuals, under three or more separate written or oral rental agreements, lodger agreements, leases or subleases or combination thereof, regardless of whether the owner, agent or rental manager resides within the residence.

The school, International Theological Seminary, shares the site with the Community Presbyterian Church at 540 E Vine Avenue. Some students rely on the school to help them find a place to live and because of this, the applicant is requesting a conditional use permit for a rooming house. A condition of approval has been added to the resolution requiring all residents to be students or employees of the International Theological Seminary and no short term rentals (terms less than 31 days) will be allowed.

Proposed Use

The existing residence is a single-story house with a 2-car garage, a family room, a kitchen, a dining area, a living room, three (3) bedrooms, and two (2) bathrooms. No additional construction is being proposed. The rooming house will have approximately 8-10 students when the school is in session from September to June. The students are expected to go back to their permanent residence (hometown) during summer break with less than five students anticipated to stay. The students come from different parts of the world and are committed to becoming church leaders.

Parking

The students living within the home primarily travel to the school by carpool, walking, or biking, as the majority of the students, will not have a car. Therefore, the parking demand in the residential area will not be affected. The school is approximately 1/2 mile away from the residence.

The existing residence has a two-car garage and three available parking spaces on the driveway with a potential five on-site parking spaces, if needed.

REQUIRED FINDINGS

Before an application for a conditional use permit can be approved, the following findings shall be made:

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

The proposed rooming house will help contribute to the community by providing a walkable place to live for the students attending the International Theological Seminary. The proposed rooming house is well suited to coincide with the surrounding residential neighborhood. The proposed use is located on the southeast side of California Avenue, between Merced Avenue and Pine Street. The site is located in the "Single Family Residential" (R-1) Zone. The proposed rooming house complies with all the applicable requirements of the "Residential" land designation.

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

The proposed rooming house will not result in the expansion of the existing home and will utilize the existing residence. As conditioned the proposed use will not be detrimental to the health, safety, peace, or general welfare of surrounding residents or business owners. Furthermore, the site will remain primarily unchanged from its present condition.

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

The existing home and site are adequate in size and design to accommodate the proposed rooming house. Sufficient parking exists on the site to accommodate the few vehicles the students may have. The proposed use is compatible with the other surrounding land uses.

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

The proposed rooming house will not generate a substantial amount of vehicular traffic nor alter present circulation patterns. The site is accessed via California Avenue. The subject site's abutting streets are adequate in width and improvements to accommodate the proposed use. Existing conditions also provide efficient and safe public access and circulation.

5. 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 conditional use permit to allow the operation of a rooming house will not adversely affect the West Covina General Plan, since the proposed use does not conflict with the site's land use designation of "Residential". In the General Plan Part 2, Goal 6 "Our Prosperous Community" (Economic Development Element) it states to "Create a diversity of housing options." As such, the proposed use is consistent with the City's General Plan.

GENERAL PLAN CONSISTENCY

The proposed project is consistent with the General Plan. The proposal is consistent with the following General Plan Policies and Actions:

- a. Policy 2.6: Create a diversity of housing options
- b. Policy 2.7: Attract education institution

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) as the proposal does not involve any proposed construction.

STAFF RECOMMENDATIONS

Staff recommends that the Planning Commission adopt a Resolution No. 20-6058, approving Conditional Use Permit No. 20-14.

LARGE ATTACHMENTS

Due to Covid-19, the set of plans are available for review with a scheduled appointment. Please contact the Planning Division at (626) 939-8422 to schedule an appointment.

Submitted by: Camillia Martinez, Assistant Planner

Attachments

Attachment No. 1 - Resolution

Attachment No. 2 - Business Operations Plan

PLANNING COMMISSION

RESOLUTION NO. 20-6058

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 20-14

CONDITIONAL USE PERMIT NO. 20-14

CATEGORICAL EXEMPTION

APPLICANT: James Lee - International Theological Seminary

LOCATION: 1212 S California Avenue

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 the use of a rooming house within an existing residential single-family home described as follows:

Assessor Parcel No. 8470-042-011 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 8th day of December 2020, 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 a Conditional Use Permit to allow the use of a rooming house within an existing residential single-family home located in the "Single Family Residential" (R-1) 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 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) as the proposal does not involve any proposed 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 rooming house will help contribute to the community by providing a walkable place to live for the students attending the International Theological Seminary. The proposed rooming house is well suited to coincide with the surrounding residential neighborhood. The proposed use is located on the southeast side of California Avenue, between Merced Avenue and Pine Street. The site is located in the "Single Family Residential" (R-1) Zone. The proposed rooming house complies with all the applicable requirements of the "Residential" land designation.
 - b. The proposed rooming house will not result in the expansion of the existing home and will utilize the existing residence. As conditioned the proposed use will not be detrimental to the health, safety, peace, or general welfare of surrounding residents or business owners. Furthermore, the site will remain primarily unchanged from its present condition.
 - c. The existing home and site are adequate in size and design to accommodate the proposed rooming house. Sufficient parking exists on the site to accommodate the few vehicles the students may have. The proposed use is compatible with the other surrounding land uses.

- d. The proposed rooming house will not generate a substantial amount of vehicular traffic nor alter present circulation patterns. The site is accessed via California Avenue. The subject site's abutting streets are adequate in width and improvements to accommodate the proposed use. Existing conditions also provide efficient and safe public access and circulation.
 - e. The granting of the conditional use permit to allow the operation of a rooming house will not adversely affect the West Covina General Plan, since the proposed use does not conflict with the site's land use designation of "Residential". In the General Plan Part 2, Goal 6 "Our Prosperous Community" (Economic Development Element) it states to "Create a diversity of housing options." As such, the proposed use is consistent with the City's General Plan.
2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Conditional Use Permit No. 20-14 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 Planning 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 December 8, 2020.
 - b. Comply with all applicable sections of the West Covina Municipal Code.
 - c. Comply with all requirements of the "Residential Single-Family" zone.
 - d. All residents of the roominghouse shall be students or employees of the International Theological Seminary.
 - e. No portion of the roominghouse shall be rented or leased for terms less than 31 days.

- f. The roominghouse shall not have more than 10 residents at any one time.
- g. The proposed business shall not constitute a public nuisance as defined under Section 15-200 of the West Covina Municipal Code.
- h. In the event that the availability of parking is negatively impacted, the Planning Commission shall review the conditional use permit for the use and may, at its discretion, modify or impose new conditions or suspend or revoke the conditional use permit pursuant to Section 26-253 of West Covina Municipal Code.
- i. The conditional use permit may be revoked, amended or suspended by the Planning Commission under the provisions of Section 26-253 of the West Covina Municipal Code.
- j. The applicant shall defend, indemnify, and hold harmless the City of West Covina, its agents, officers, and employees from any claim, action or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, approval of this Conditional Use Permit. The City will promptly notify the applicant of any such claim, action or proceeding against the City and will cooperate fully in the defense.
- k. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant agrees to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.
- l. The applicant shall comply with maximum occupancy (total number of persons allowed to occupy the facility) requirements, pursuant to applicable Fire and Building Codes.
- m. The operation of the roominghouse shall comply with the West Covina Noise Ordinance.
- n. Licenses and permits as required by the West Covina Municipal Code shall be obtained prior to the state of the operation of the use for appropriate cause.
- o. The applicant shall follow all Building Division and Fire Department requirements.

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a special meeting held on the 8th day of December, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: December 8, 2020

Sheena Heng, Chairperson
Planning Commission

Mark Persico, Secretary
Planning Commission



International Theological Seminary

540 E. Vine Ave., West Covina, CA 91790

Tel (626) 653-9547

www.itsla.edu

Business and Operation Plan

I. Corporate Membership

ITS is an accredited graduate theological institution that accepts students of any race, color, national, and ethnic origin.



Approved by the **Bureau for Postsecondary Private Education (BPPE)** of the State of California to issue advanced theological degrees. The address of BPPE is 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833. BPPE's toll-free number is 888-370-7589.



Accredited by the Commission on Accrediting of the Association of Theological Schools in the United States and Canada (ATS) and the following degree programs are approved:

- Master of Arts (Theological Studies)
- Master of Divinity
- Master of Theology
- Doctor of Ministry

The Commission contact information is:

**The Commission on Accrediting
of the Association of Theological Schools in the United States and Canada**

10 Summit Park Drive

Pittsburgh, PA 15275

Telephone: 412-788-6505 Fax: 412-788-6510

Website: www.ats.edu



Accredited by Asia Theological Association. The Association's contact information is:

Asia Theological Association

54 Sct Madrinan St
Quezon City 1103 Philippines
Telephone: +632-410-0312
Website: www.ataasia.com

II. School Daily Operation

A. Faculty and Staff

The Seminary has 5 full time and 7 part time faculty. It has 5 administrative staff.

B. Operation Hours

a. Library Hours

Monday-Friday 8:30 a.m.-6:00 p.m.

Closed during chapel time 11:50 a.m. –12:30 p.m. (Tuesday & Thursday)

Closed on Saturday and Sunday.

b. Office Hours

Monday-Friday 8:00 a.m.-4:00 p.m.

Closed on Saturday and Sunday.

C. Class Hours

Monday-Friday 8:00 a.m.-5:10 p.m.

No classes on Saturday and Sunday.

III. Proposed Dormitory Use and Hours at 1212 S. California Ave., West Covina, CA 91790

A. Residents

The Dorm will have 8-10 students during the school in session from September to June. The students will go back to their own countries during summer break with less than five students staying. Students are worldwide representing different races and cultures, who are all dedicated church leaders from countries.

B. Residence Hours

Monday-Sunday 24 hrs

During the school operations hours, the students will be mostly on campus at 540 E. Vine Ave., West Covina, CA 91790

Daily Schedule of ITS Students Residing at
1212 South California Avenue, West Covina, CA 91790.

Rise-up:	7:00 AM
Freshen-up & Prayer:	7:00 – 7:30 AM
Breakfast:	7:30 – 8:00 AM
Classes:	8:00 – 12:30 PM
Lunch:	12:30 – 1:30 PM
Classes:	1:30 – 4:30 PM
Cleaning & Gardening:	4:30 – 6:30 PM
Dinner:	6:30 – 7:30 PM
Prayer:	7:30 – 8:00 PM
Study Time:	8:00 – 10:00 PM
Relax & Go to bed	

Note: Classes are conducted on campus at 540 E. Vine Ave., West Covina, CA 91790. Under the Covid-19 Pandemic situation, students who reside at the dorm take classes virtually through internet.

PLANNING DEPARTMENT STAFF REPORT

SUBJECT

CONDITIONAL USE PERMIT NO. 20-08

SUBCOMMITTEE FOR DESIGN REVIEW NO. 20-54

CATEGORICAL EXEMPTION

APPLICANT: Miguel Romero

LOCATION: 1436 S Alpine Drive

REQUEST: The applicant is requesting a conditional use permit to allow the construction of a new one-story 5,946 square foot home exceeding the 5,000-square foot maximum unit size. The applicant is also proposing an attached veranda to the rear with a viewing deck on top.

BACKGROUND

The project site is a 19,840 square foot lot located on the east side of Alpine Drive, south of its intersection with Highspire Drive in the "Single-Family Residential" (R-1) zone, Area District IV. The neighborhood is characterized by one-story and two-story homes on hillside lots. The lot is currently improved with a tennis court and is being utilized as additional yard area by the adjacent parcel to the south, on 1444 S Alpine Drive.

ITEM	DESCRIPTION
ZONING AND GENERAL PLAN	"Residential Single Family" (R-1) and "Neighborhood - Low-Density Residential"
SURROUNDING LAND USES AND ZONING	North: Residential Single Family (R-1); Residential Home West: Residential Single Family (R-1); Residential Home East: Residential Single Family (R-1); Residential Home South: Residential Single Family (R-1); Residential Home
CURRENT DEVELOPMENT	Tennis court utilized by 1444 S. Alpine Drive
LEGAL NOTICE	Legal Notice was published in the San Gabriel Valley Tribune, and was mailed to 35 owners and occupants of the properties located within 300 feet of the subject site.

DISCUSSION

The project involves the removal of a tennis court and the construction of a 5,946 square foot home single-story home.

The proposed house requires a Conditional Use Permit because it exceeds the 3,999 square-foot maximum unit size (for lots under 20,000 square feet) by more than 25-percent.

The proposed addition features large exterior windows, a stone tile front portico, an eldorado stone veneer, a 3-car garage, and an elevated veranda to the rear of the property. The interior layout would

provide a foyer, one office, five bedrooms, four bathrooms, one pool bathroom accessible from the exterior, a dining room, a great room, a laundry room, and a kitchen. The office provides exterior access in front of the house to/from a front courtyard area that may give the appearance of the house having two front entries. A condition of approval has been added to the resolution requiring the courtyard to be completely enclosed with a 3'-0" tall wall, the removal of any gates/exterior access to the courtyard area, and the exterior office door to be limited to a French door or patio door that is only lockable from the interior and can not be opened with a key. As an alternative, the Planning Commission may also require that the proposed exterior office doors be revised/changed to windows.

Although the roof heights range from 16 to 23 feet the proposed home is one-story and provides the required second-story setbacks due to the home's proposed high ceiling.

Staff Survey of Surrounding Residences

Staff review of the neighborhood surrounding the subject property found that the area consists of single-story and second-story houses that were constructed from 1968 to 1981. Staff conducted a survey of 15 homes surrounding the subject property. The houses in the survey are located on Alpine Drive, Hollencrest Drive, and Highspire Drive.

The following chart shows the mean and median lot size, square footage of the homes, and floor area ratio of the surveyed homes. The mean is the average of all 15 homes, and the median is the number that falls directly in the middle of listed in numerical order.

	LOT SIZE	FLOOR AREA	FLOOR AREA RATIO
MEAN	21,398 sq ft	3,935 sq ft	19%
MEDIAN	19,896 sq ft	3,434 sq ft	17%
SUBJECT PROPERTY	19,840 sq ft	5,946 sq ft	30%

Although the proposed home would be approximately 51% larger than the average size house within the surveyed area, the house on the adjacent property to the north of the site is the largest house in the surveyed area with approximately 7,075 square feet in floor area. In addition, the adjacent home to the north and the home directly across Alpine Drive are comparable in floor area and floor area ratio to the proposed house (28% floor area ratio with 5,814 square foot house for 1428 S. Alpine Drive; 31% floor area ratio with 5,898 square foot house for 1435 S. Alpine Drive). The floor area ratio for the surveyed properties range from 6% to 36%. While the floor area range from 2,019 to 7,075 square feet.

Provided that the proposed house is single-story and would not be out of scale in size and floor area with the adjacent two-story homes, the size of the proposed house is reasonable for the site.

Subcommittee for Design Review

Since the Conditional Use Permit application requires Planning Commission review and approval, the design review aspect of the project has been forwarded to the Planning Commission to promote efficiency in project review. The following is a discussion of Subcommittee Guidelines for new two-story additions:

1. The front elevation of houses should be designed to engage the street through the placement of a door, windows and the front porch as well as other architectural features that define the elevation as the front of the house.

The proposed home is designed to have a portico on the front elevation that defines the main entrance of the home.

2. Design the house so that all setbacks have been met.

The proposed house complies with all setback requirements. The proposed first story of the house will be 25 feet 6 inches from the front property line, 10 feet from both side property lines, and 58 feet 8 inches from the north rear property line.

3. Design the front and any other visible elevations especially corner houses with a variety of materials. Most houses have the exterior elevations that are primarily stucco. Providing an alternative material such as stone, wood (or simulated wood product) or brick will provide a more aesthetic elevation. (Where alternative material is at the corner, material should wrap around 24 inches on the side.)

The front of the house is proposing to have hewn stone tile on the portico and an eldorado stone veneer on two of the front walls.

4. Design the house to fit into the architectural context of the surrounding neighborhood.

The homes along Alpine Drive vary in architectural style and are eclectic, ranging from Colonial to Mediterranean. The modern style of the proposed home will fit within the different architectural landscape of the neighborhood.

5. Front porch rooflines should be lower in height than the main portion of the roof.

The proposed portico is proposed lower in height than the main roofline.

6. Window treatment on windows are encouraged including stucco popouts, wood trim, potshelves, shutters, recessed windows, etc. or provide a variety of window types (bay windows, octagonal windows, other shapes, etc.) Consider painting window treatment in contrasting color to the house.

The windows are proposed to have horizontal trim consistent with the proposed architectural style.

7. Provide the City-owned parkway width for the strip of property between the private property and the street. (This area is to allow for sidewalks or the widening of the street.)

The applicant has illustrated the city-owned parkway width on the site plan.

8. A water heater enclosure should be constructed to match the colors and materials of the house. (Especially for water heaters added outside of the house located on a corner lot.)

No water heaters are being proposed at this time.

9. If the roof pitch is being raised, consider designing the new pitch to allow the attic space to accommodate a central air conditioning/heating system.

The proposed roof design will provide an attic space.

10. Landscaping that is removed or destroyed during the construction process shall be replaced prior to final inspection.

The proposal is not removing landscaping.

11. In an area that is predominantly developed with rear-entry garages, no garage doors should be installed on the front of the house.

The proposed 3-car garage will have a front entry as all the homes along South Alpine Drive have their garages facing the front.

REQUIRED FINDINGS

Conditional Use Permit

1. The lot and proposed development is consistent with the general plan, zoning, and meets all other applicable code requirements.

The lot and proposed building are consistent with the Residential Low (1.1-2.0 dwelling units per acre) General Plan designation and "Single Family Residential" (R-1) zoning in that it consists of an addition to an existing single-family home. The project meets all applicable requirements of the "Single Family Residential" (R-1) Zone, Area District IV.

2. The development utilizes building materials, color schemes and a roof style which blend with the existing structure, if any, and results in a development which is harmonious in scale and mass with the surrounding residences.

The property is currently vacant and the proposed new home is in line with the different architectural styles of the existing homes in the neighborhood. The scale and massing are harmonious with the surrounding residences, which comprise of both one and two stories homes.

3. The development is sensitive and not detrimental to convenience and safety of circulation for pedestrians and vehicles.

The proposed house will be accessible from Alpine Drive and will not negatively impact circulation or safety for pedestrians and vehicles. The subject property is developed with setbacks greater than or equal to the minimum required by the Municipal Code. The proposed house does not have any effect on the convenience and safety of circulation for pedestrians or vehicles in that it will not result in any visual obstructions adjacent to a right-of-way that would affect convenience and safety of circulation for pedestrians and vehicles.

4. The development can be adequately served by existing or required infrastructure and services.

The lot is adequately served by the required infrastructure (streets, sewer, water, etc.). The proposed home is not anticipated to require additional infrastructure or services beyond that provided for the existing residences nearby. Therefore, the development can be adequately served by existing infrastructure and services.

5. The design of the structure has given consideration to the privacy of surrounding properties through the usage and placement of windows and doors, cantilevers, decks, balconies, minimal retaining walls, trees and other buffering landscaping materials.

The design of the house has given consideration to the privacy of the surrounding properties in that the area. The area consists of both single-story and two-story homes on hillside lots with sloped topography. The majority of all large windows on the proposed addition are facing the front and rear of the house which overlooks the street and hillside views, respectively.

6. The development is sensitive to the natural terrain, minimizes necessary grading, de-emphasizes vertical massing which could disrupt the profile of a natural slope, and does not impede any scenic vistas or views open to the public or surrounding properties.

The proposal is sensitive to the natural terrain in that there are no major terrain modifications. Any necessary precise grading for construction will require that a grading permit be obtained from the Engineering Division. The proposed house is single-story and will be constructed on a legal lot. Therefore, will not unnecessarily impede on public views and views from neighboring properties. There are no known or locally identified scenic vistas in the area.

ENVIRONMENTAL DETERMINATION

The proposal is considered to be categorically exempt, pursuant to Section 15303 (Class 1, New Construction), as the proposal involves the construction of new single-family dwelling unit.

STAFF RECOMMENDATIONS

Planning Staff recommends that the Planning Commission adopt Resolution No. 20-6059, approving Conditional Use Permit No. 20-08 and Subcommittee for Design Review No. 20-54.

LARGE ATTACHMENTS

Due to Covid-19, the set of plans are available for review with a scheduled appointment. Please contact the Planning Division at (626) 939-8422 to schedule an appointment.

Submitted by: Camillia Martinez, Assistant Planner

Attachments

Attachment No. 1 - Conditional Use Permit Resolution

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. 20-6059

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE
PERMIT NO. 20-08**

CONDITIONAL USE PERMIT NO. 20-08

CATEGORICAL EXEMPTION

APPLICANT: Miguel Romero

LOCATION: 1436 S Alpine Drive

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

A “Large Home” that exceeds the maximum unit size by more than 25 percent

On that certain property described as follows:

Assessor's Parcel No. 8493-028-012, as listed in the records of the office of the Los Angeles County Assessor; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 8th day of December, 2020, 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 proposing to construct a one-story 5,946 square foot home exceeding the 5,000-square foot maximum unit size. The home is also proposing an attached veranda to the rear with a viewing deck on top.
2. Findings necessary for approval of a Conditional Use Permit for a “Large Home” as follows:

- a. The lot and proposed development is consistent with the general plan, zoning and meets all other applicable code requirements.
 - b. The development utilizes building materials, color schemes and a roof style which blend with the existing structure, if any, and results in a development which is harmonious in scale and mass with surrounding residences.
 - c. The development is sensitive and not detrimental to convenience and safety of circulation for pedestrians and vehicles.
 - d. The development can be adequately served by existing or required infrastructure and services.
 - e. The design of the structure has given consideration to the privacy of surrounding properties through the usage and placement of windows and doors, cantilevers, decks, balconies minimal retaining walls, trees and other buffering landscaping materials.
 - f. The development is sensitive to the natural terrain, minimizes necessary grading, de-emphasizes vertical massing which could disrupt the profile of a natural slope and does not impede any scenic vistas or views open to the public or surrounding properties.
3. The proposal is considered to be categorically exempt, pursuant to Section 15303 (Class 1, New Construction) of the California Environmental Quality Act (CEQA) as the proposal involves the construction of new single-family dwelling unit.

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 lot and proposed building are consistent with the Residential Low (1.1-2.0 dwelling units per acre) General Plan designation and "Single Family Residential" (R-1) zoning in that it consists of an addition to an existing single-family home. The project meets all applicable requirements of the "Single Family Residential" (R-1) Zone, Area District IV.
 - b. The property is currently vacant and the proposed new home is in line with the different architectural styles of the existing homes in the neighborhood. The scale and massing are harmonious with the surrounding residences, which comprise of both one and two stories homes.

- c. The proposed house will be accessible from Alpine Drive and will not negatively impact circulation or safety for pedestrians and vehicles. The subject property is developed with setbacks greater than or equal to the minimum required by the Municipal Code. The proposed house does not have any effect on the convenience and safety of circulation for pedestrians or vehicles in that it will not result in any visual obstructions adjacent to a right-of-way that would affect convenience and safety of circulation for pedestrians and vehicles.
 - d. The lot is adequately served by the required infrastructure (streets, sewer, water, etc.). The proposed home is not anticipated to require additional infrastructure or services beyond that provided for the existing residences nearby. Therefore, the development can be adequately served by existing infrastructure and services.
 - e. The design of the house has given consideration to the privacy of the surrounding properties in that the area. The area consists of both single-story and two-story homes on hillside lots with sloped topography. The majority of all large windows on the proposed addition are facing the front and rear of the house which overlooks the street and hillside views, respectively.
 - f. The proposal is sensitive to the natural terrain in that there are no major terrain modifications. Any necessary precise grading for construction will require that a grading permit be obtained from the Engineering Division. The proposed house is single-story and will be constructed on a legal lot. Therefore, will not unnecessarily impede on public views and views from neighboring properties. There are no known or locally identified scenic vistas in the area.
2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Conditional Use Permit No. 20-08 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 plan 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 Planning Director, before the use or occupancy of the property is commenced and before the Certificate of Occupancy or final approval 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 Planning 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 for a Large Home that exceeds the maximum unit size by more than 25 percent and is subject to the following conditions:
 - a. Comply with plans reviewed by the Planning Commission on December 8, 2020.
 - b. That the project comply with all requirements of the "Single-Family Residential" (R-1) Zone, Area District IV, and all other applicable standards of the West Covina Municipal Code.
 - c. This approval allows for the construction of a new 5,946 square foot one-story single-family residence. The house will include a foyer, 5 bedrooms, 1 office, 4 bathrooms, 1 pool bathroom accessible from the exterior, a dining room, a great room, a laundry room, and a kitchen, and a 3-car garage.
 - d. Final plans shall include the location of the water heater. Water heater enclosures, if proposed, must be consistent with the house in materials and colors. Mechanical equipment is not permitted on the roof.
 - e. Air conditioning and heating ducting shall not be exposed on roofs per WCMC Sec. 26-409. Roof-mounted mechanical equipment is not permitted.
 - f. That any proposed changes to the approved site plan, floor plan or elevations be reviewed by the Planning Department, and the written authorization of the Planning Director shall be obtained prior to implementation.
 - g. This development shall conform to all applicable Municipal regulations, Fire, Building, Mechanical, Electrical, Plumbing codes and recognized, approved, standards of installation.
 - h. Prior to requesting a final inspection by the Building Division, the Planning Division shall inspect the house.
 - i. The approved use shall not create a public nuisance as defined in the West Covina Municipal Code Section 26-416 regarding landscape maintenance and property maintenance.
 - j. The applicant shall sign an affidavit accepting all conditions of this approval.
 - k. All outstanding fees and any required development impact fees shall be paid prior to the issuance of a building permit.

- l. The front courtyard area shall be enclosed with a 3'-0" tall wall. The proposed gate and/or any other exterior access to the front courtyard shall be removed and enclosed. The exterior office door shall be limited to a French door or a patio door that is only lockable from the interior and can not be opened with a key. The project plans shall be revised to indicate these changes prior to building plan check submittal and building permit issuance.
- m. The applicant shall defend, indemnify, and hold harmless the City of West Covina, its agents, officers, and employees from any claim, action or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, approval of this Conditional Use Permit. The City will promptly notify the applicant of any such claim, action or proceeding against the City and will cooperate fully in the defense.
- n. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant agrees to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.
- o. That prior to final building permit issuance, a detailed landscape and irrigation plan in compliance with AB 1881 and Executive Order B-29-15 shall be submitted for the front yard. Plans shall include type, size and quantity of landscape materials and irrigation equipment. All vegetation areas shall be automatically irrigated and a detailed watering program and water budget shall be provided. All damaged vegetation shall be replaced and the site shall be kept free of diseased or dead plant materials and litter at all times. The applicant shall coordinate with the applicable water district to determine if the water district has any specific requirements for water efficient landscaping.
- p. All landscaping per the approved landscape plan shall be installed prior to Building permit final inspection. A licensed landscape architect shall certify that all plantings are installed according to the approved landscape plans.
- q. Any graffiti that appears on the property during construction shall be cleaned or removed on the same business day.
- r. This approval is effective for a period of two (2) years. All applicable building permits must be obtained within two (2) years of project approval.
- s. Prior to requesting a final inspection by the Building Division, the Planning Division shall inspect the development.

- t. The Zoning Code gives provisions for up to two one-year extensions to keep entitlements active. Therefore, prior to December 8, 2021, (if building permits have not been obtained) you are urged to file a letter with the department requesting a one-year extension of time. The required submittal is a letter stating the reasons why an extension is needed, as well as an applicable processing fee. **Please be advised that the applicant will not be notified by the Planning Division about the pending expiration of the subject entitlement.**
- u. FIRE DEPARTMENT:
 - 1. NFPA 13D/13R/13 Fire Sprinkler System
 - 2. New Fire Flow Test Required
 - 3. Required Fire Flow of 1,00 GPM @ 20 psi for 2 hours
 - 4. Ensure 1 fire hydrant within 600 feet of the property line
 - 5. Hard-wired smoke and carbon monoxide detectors with battery back-up required.

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

- v. ENGINEERING DIVISION:
 - 1. The second sheet of building plans, grading plans and/or offsite improvement 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.
 - 2. The building shall be addressed as 1436 Alpine Dr.
 - 3. Remove and replace broken and off grade curb and gutter in accordance with SPPWC Standard Plan 120-2, and as directed by the City Engineer or his/her designee.
 - 4. Install new driveway approach in accordance with SPPWC Standard Plan 110-2, and as directed by the City Engineer or his/her designee.
 - 5. The approved building addresse(s) shall be painted on the curb to the City's standards as required by the Public Works Inspector prior to final inspection.
 - 6. Rehabilitate existing AC street pavement along the length of the property frontage to the centerline of the street as indicated below, and as directed by the City Engineer or his/her designee:

7. Underground all utility services to the property.
 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 another 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. A grading and drainage plan shall be approved prior to issuance of the building permit. The grading and drainage plan shall indicate how all storm drainage including contributory drainage from adjacent lots is carried to the public way or drainage structure approved to receive storm water.
 11. Stormwater Planning Program LID Plan Checklist (Form PC) completed by Engineer of Record shall be copied on the first sheet of Grading Plans. The form can be found at the following link
<https://www.westcovina.org/home/showdocument?id=18427>
 12. Comply with all regulations of the Los Angeles Regional Water Quality Control Board and Article II of Chapter 9 of the West Covina Municipal Code concerning Stormwater/Urban Run-off Pollution control.
 13. LID review shall be completed prior submitting grading plans for plan review. Grading plans shall be submitted including the proof of approval of LID or exemption of LID.
 14. Prior final of the building permit(s), inspection required by Public Works inspector.
- w. BUILDING DIVISION:

1. All Conditions of Approval as approved by the Planning Commission shall appear as notes on the plans submitted for building plan check and permits.
2. Building design shall comply with the 2020 County of Los Angeles Building Codes. Plans shall be submitted for plan check and required permits shall be obtained from the Building & Safety Division prior to start of construction.
3. Separate application(s), plan check(s), and permit(s) is/are required for:
 - a. Grading (*see Engineering Division for requirements*)
 - b. Demolition work
 - c. Retaining walls (*see Engineering Division for requirements*)
 - d. Masonry walls exceeding six (6) feet high measured from the lowest adjacent grade.
 - e. Fire sprinkler/Alarm systems (*see Fire Department Prevention Bureau for requirements*)
4. A soils and geology report will be required to address the potential for and the mitigation measures of any seismic induced landslide/liquefaction. Soils report shall address foundation design and site preparation requirements.
5. Photovoltaic system is required in compliance with the 2019 California Energy Code.
6. The dwelling shall be equipped with a fire sprinkler system in accordance with the California Residential Code and City of West Covina Municipal Code.
7. All on-site utility service lines shall be placed underground in accordance with the City of West Covina Municipal Code.
8. The building sanitary system shall be connected to a public sewer. A separate permit shall be obtained from the Engineering Division for any work within the public right-of-way.
9. Proof of payment of Sanitation District connection fee or waiver is required. Please contact (562) 699-7411, Ext 2727 for additional information.
10. Proof of payment of School Development Fees required prior to permit issuance.
11. A Prior to issuance of building permits, the applicant shall submit and obtain approval for a Waste Management Plan (WMP) for Construction and Demolition providing:

- a. Estimated volume or weight of materials that can be reused or recycled.
 - b. Estimated maximum volume or weight of materials that can be reused or recycled
 - c. Identify the vendor or facility that the applicant proposes to use to collect and receive the materials.
 - d. Estimated volume of waste materials that will be landfilled.
 - e. Identify any special or specific activities that will be used to comply with the Recycling and Disposal requirements.
 - f. Submit Security Deposit.
12. Prior to final inspection and approvals, the applicant shall submit documentation and obtain approval from the WMP Compliance Official showing that the Waste Diversion Requirement has been met, and shall include the following information:
 - a. Receipts from the vendor and/or facility that collected and received each material, showing the actual volume or weight of that material.
 - b. A copy of the previously approved WMP for the project adding the actual volume or weight of each material diverted or disposed of at a landfill.
 - c. Security Deposit will not be returned until this has been accomplished
 - d. Any additional information the applicant believes is relevant to assist in making the determination that the necessary efforts to comply have been achieved.
13. All work shall be completed with a valid permit and in accordance with applicable Building Regulations. Final building inspection and approvals shall be completed prior to the occupancy of the building.

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 8th day of December, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATE: December 8, 2020

Sheena Heng, Chairperson
Planning Commission

Mark Persico, Secretary
Planning Commission

PLANNING DEPARTMENT STAFF REPORT

SUBJECT

PRECISE PLAN NO. 20-07

CONDITIONAL USE PERMIT NO. 20-11

ADMINISTRATIVE USE PERMIT NO. 20-22

CATEGORICAL EXEMPTION

APPLICANT: Nina Raey with RSI Group, Inc. for Jollibee

LOCATION: 147 N. Barranca Street

REQUEST: The applicant is requesting a precise plan and conditional use permit to allow the construction of a new 2,925-square foot restaurant with a drive-through. The administrative use permit is required for outdoor seating.

BACKGROUND

The Eastland Shopping Center was constructed through Precise Plan No. 17 in the 1950's and subsequently enclosed in the late 1970's as part of a mall modernization program. On April 25, 1995, the Planning Commission approved Precise Plan No. 17, Revision 25 to allow a substantial remodel of the center, including the conversion of the indoor mall into a "power center" by providing exclusive exterior entrances for tenants in the main building. On June 17, 2003, the City Council approved Precise Plan No. 03-03 to allow the construction of three restaurant buildings and accompanying parking lot on the northwest side of the Eastland Center, named "The Curve."

The project site is located within the Eastland Center and is part of the group of restaurants within the Curve.

ITEM	DESCRIPTION
ZONING AND GENERAL PLAN	"Regional-Commercial" (R-C) and "Commercial"
SURROUNDING LAND USES AND ZONING	North: Regional-Commercial" (R-C); shopping center South: Regional-Commercial" (R-C); shopping center East: Regional-Commercial" (R-C); office building West: Regional-Commercial" (R-C); shopping center
CURRENT DEVELOPMENT	The project site is within the Eastland Center. The subject parcel is developed with three restaurant buildings.
LEGAL NOTICE	Notices of Public Hearing have been mailed to 135 owners and occupants of properties within 300 feet of the subject site. The Public Hearing Notice was also published in the newspaper and the City's website.

DISCUSSION

Precise Plan

The project involves the demolition of an existing 6,842 square foot restaurant building (previously occupied by a Korean barbeque restaurant) located within the easterly most portion of the Curve, and the construction of a 2,925 square foot fast food restaurant with a drive-through and outdoor seating. The other two restaurant buildings within the Curve will remain and are not proposed to be modified. A 198 square foot trash enclosure designed to match the existing trash enclosure would be constructed on the east side of the lot, north of the existing enclosure.

The proposed new restaurant building would be located approximately within the same area as the existing Korean barbeque restaurant building and would comply with the 5-foot minimum, 15-foot average setback requirement (30 feet setback from the east property line, adjacent to Barranca Street and 38 feet setback from the south property line, adjacent to E. Garvey Avenue North). The restaurant building would be 25'-5" in height, as measured from the lowest adjacent grade to the height point.

The proposed building is contemporary in style and includes stone, concrete, plaster, longboard/wood tile, and aluminum panels. According to the applicant, the proposed architectural style is directed by the restaurant's branding and corporate design. The front elevation would have floor to ceiling glass windows with aluminum panels framed with longboard wood tile material on the sides and concrete details along the top and side of the front elevation. The glass windows are present on the proposed east and west elevations along with the longboard wood tile material, aluminum composite panels, concrete, and stone veneer. The front and west side of the building is enhanced with a metal patio cover to accommodate the front entry and the outdoor dining area on the west side of the building. The drive-thru existing along the east elevation would have a metal porte-cochere over the drive-through lane held up by a red tall aluminum composite post, referred to as the "Jollibee tower" on the plans.

Staff has some concerns that the proposed building's contemporary architectural style is not consistent with the Mediterranean/Spanish architectural elements of the other restaurant buildings within the Curve. However, each individual building was originally designed to be consistent with each individual restaurant's corporate look/theme when it was initially constructed. A condition of approval has been added to the resolution requiring the applicant to continue the stone veneer along the rear elevation and to change the colors of the building walls so that it more closely matches the colors of the existing restaurant buildings. If the Planning Commission feels strongly about incorporating Mediterranean/Spanish architectural elements to the proposed building, the Planning Commission may continue the item with direction to the applicant to redesign the project.

Parking

Access to the site is not being proposed to change. The site is not directly accessible from Barranca Street, and is accessible only within the Eastland Center via Eastland Center Drive.

The Eastland Center currently has a total of 3,450 parking spaces (including the parking spaces within the Curve), with 231 parking spaces provided within the Curve. The total parking requirement for the Eastland Center is 3,359 parking spaces. The project would eliminate 6 parking spaces onsite. Section 26-582 of the West Covina Municipal Code (WCMC), requires parking for restaurants to be calculated based on:

- 1 space for every 3.5 permanent indoor seats
- 1 space for every 40 square feet of assembly area not occupied by seats
- 1 space for every 5 fixed outdoor seats

The new fast food restaurant building would require 31 parking spaces. With the proposed restaurant, the parking demand for the Curve area would be 125 parking spaces, which results in a surplus of 100 parking spaces for the Curve area. With the proposed restaurant, the parking demand for the Eastland Center would be 3,326 parking spaces, which results in a surplus of 124 parking spaces for the Eastland Center.

Landscaping

The majority of the existing landscaping will remain and any landscaping that is damaged or destroyed during construction would be replaced. The project will require the removal of 4 palm trees (not protected). New landscaping in the form of two date palm trees, shrubs, and vines will be installed to enhance and supplement the existing landscaping. A condition of approval has been added to the resolution requiring hedge screening shrubs to be installed along the west side of the drive-through lane in order to provide a buffer between the proposed drive-through and the outdoor dining area to the west.

Conditional Use Permit

The use of a drive-through facility in a “Regional Commercial” (R-C) Zone requires the approval of a conditional use permit. The proposed drive-through use will be associated with the proposed 2,925-square foot building. The applicant has provided a Business Operations Plan that includes information on the proposed operation of the fast food restaurant and drive-through. Jollibee's proposed hours of operation is 7:00 am to 10:00 pm, daily. Approximately 10-12 employees are expected to be present per shift.

The fast food restaurant is an allowed use and therefore does not require any approval by the Planning Commission for hours of operation. However, the operation of a drive-through requires the approval of a conditional use permit. The Planning Commission does have the ability to place conditions on the drive-through hours of operation.

Patrons of the drive-through use would enter primarily from the northwestern corner of the building, with the drive-through lane wrapping around the building in a counter clockwise direction, and exist at the northeastern corner of the building. The drive-through would provide one entry lane and order board before reaching the pay/pick-up window.

Drive-through Queuing Analysis

The applicant has prepared a focused traffic and drive-through queuing analysis. The drive-through aisle can accommodate stacking up to 9 vehicles at a time without interfering with on-site circulation.

The Queuing Analysis includes queue observations conducted at two Jollibee locations (West Covina - 1561 Amar Road and Los Angeles - 3821 Beverly Boulevard). Based on those surveyed locations, West Covina had a maximum vehicle queue observed of 10, and Los Angeles had 17. The Analysis concludes that with the proposed drive-through queuing capacity of 9 vehicles, the proposed drive-through queue may spill over outside the drive-through lane during peak periods. The Analysis recommends the following to maintain the drive-through queue within the site and not conflict with parking lot circulation for the adjacent restaurant (incorporated into conditions of approval):

1. Provide extra ordering point to alleviate ordering placement at the actual drive-through window point. This will be a mobile order-taking point using a tablet or mobile device.
2. Direct drive-through customer to 3 designated parking slots when there is a need to have additional time to the designated 120 second turn-around time at the pick up window.
3. General drive-through car line management and pedestrian circulation by designated restaurant crew to ensure proper circulation around the center.

Section 26-685.3400(a) of the Municipal Code establishes performance standards for the Planning Commission to determine if there is adequate separation between residential development and a drive through. These performance standards would not be applicable to the project because the closest residential development is greater than 800 feet from the site.

Administrative Use Permit

The proposed development includes a 279 square foot covered patio along the west side of the building with two tables and 4 seats, and an additional 333 square foot detached covered patio outdoor dining area west of the drive-through lane with six tables and 12 seats. The applicant is proposing a total of 16 outdoor seats and 8 tables.

The West Covina Municipal Code requires the approval of an administrative use permit (WCMC Section 26-597) for a restaurant with outdoor seating. While an administrative use permit (AUP) can be approved by staff, this AUP was forwarded to the Planning Commission as part of the development package.

REQUIRED FINDINGS

Findings are required to allow the Planning Commission to approve the precise plan, conditional use permit, and administrative use permit. Findings are required to be made for each of these individual entitlements. The findings for entitlements are included in each individual resolution (Attachment Nos. 1, 2, and 3) and are also presented below.

Precise Plan

1. The proposed development plans and the uses proposed are consistent with the General Plan and any applicable specific plan.

The project is a request for a Precise Plan to allow for the construction of a new 2,925-square foot restaurant with a drive-through and other related site improvements. The project site is designated as "Commercial" in the City's General Plan and is zoned "Regional-Commercial" (R-C). The proposed project is consistent with the following General Plan policies:

Our Prosperous Community P2.1. Maintain and enhance the City's current tax base.
Our Prosperous Community P2.4 Build on and grow West Covina's regional appeal.
Our Prosperous Community P2.9 Support local businesses.

2. The proposed development is consistent with adopted development standards for the zone and complies with all other applicable provisions of the Municipal Code.

The project consists of a proposal to construct a new 2,925-square foot restaurant with a drive-through and other related site improvement. The proposed project includes parking lot and landscaping

improvements. The proposal complies with the requirements and development standards of the "Regional-Commercial" (R-C) Zone. Applicable development standards in the Zoning Code include but are not limited to screening requirements; building colors, materials, finishes and exterior design; landscape criteria; building coverage; setbacks and off-street parking requirements.

3. Granting the permit would not be detrimental to the public interest, health, safety, and welfare and would not unreasonably interfere with the use or enjoyment of property in the vicinity of the subject property.

The project site is adjacent to the Eastland Center to the north, south and west, and a high-rise office building to the south. The project will include landscaping and parking lot improvements. As conditioned, project is designed to be compatible with the structures and uses within the vicinity and would not be detrimental to the public interest, health, safety, and general welfare and would not unreasonably interfere with the use and enjoyment of property.

4. The site is physically suitable for the type, density and intensity of the development being proposed, including vehicle access and circulation, utilities, and the absence of physical constraints.

The "Regional-Commercial" (R-C) zoning designation sets standards for a regional business center which provides for a complete line of shop and store types, eating and entertainment facilities, and financial and business services. The proposed development will be accessible from within the Eastland Shopping Center via Eastland Center Drive and will be primarily visible from Barranca Street, Garvey Avenue North, and within the interior of the shopping center parking lot. As conditioned, the site is physically suitable for the proposed project and adequate to accommodate the size and shape of the building, parking and all required development standards set forth in the West Covina Municipal Code. The project is an infill development and is located within an urbanized area where utility connections are readily available.

5. The architecture, site layout, location, shape, bulk and physical characteristics of the proposed development are compatible with the existing and future land uses, and do not interfere with orderly development in the vicinity.

As conditioned, all aspects of the site development are compatible with the existing and future land uses and do not interfere with orderly development in the vicinity. The building is contemporary in style and includes stone, concrete, plaster, longboard/wood tile, and aluminum panels. The architectural style is directed by the restaurant's branding and corporate design. The front elevation would have floor to ceiling glass windows with aluminum panels framed with longboard wood tile material on the sides and concrete details along the top and side of the front elevation. The glass windows are present on the proposed east and west elevations along with the longboard wood tile material, aluminum composite panels, concrete, and stone veneer. The front and west side of the building is enhanced with a metal patio cover to accommodate the front entry and the outdoor dining area on the west side of the building. The drive-thru existing along the east elevation would have a metal porte-cochere over the drive-through lane held up by a red tall aluminum composite post, referred to as the "Jollibee tower" on the plans. All site improvements and proposed landscaping will enhance the overall appearance of the streetscape.

Conditional Use Permit

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

The proposed drive through use is consistent with the "Commercial" General Plan designation and zoning designation of "Commercial". A "Commercial" zone classifies and set standards for a regional business center that facilities a variety of services, eating, and entertainment facilities, and specialty shops. The proposed drive-through will provide a service of convenience that will contribute to the general well-being of the neighborhood and the community.

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

The proposed drive through will be a part of the new 2,925 square foot restaurant building. The site is accessible from within the Eastland Shopping Center via Eastland Center Drive. As conditioned, the drive-through will not be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity, or injurious to the property or improvements in the vicinity. Landscape screening will be installed to provide buffering between the drive-through lane and the outdoor dining area to the west. The restaurant operator will adopt practices that will ensure that vehicle queuing will not conflict with parking lot circulation and the operations of other restaurants within the Curve.

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

The drive-through use will be incidental to a 2,925 square foot fast-food restaurant. The restaurant building complies with all setback requirements. Existing landscaping will be enhanced with new landscaping that will be installed surrounding the building and provide screening of the drive-through lane from the outdoor dining area to the west.

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

The subject property abuts streets and highways adequate in width and improvements to carry the traffic generated by the proposed use. The project site is located west of Barranca Street and north of E. Garvey Avenue North. The site is accessible within the Eastland Shopping Center via Eastland Center Drive. The drive-through will not channel traffic through residential areas provided that the closest residential neighborhood is more than 800 feet from the site.

5. 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.

Granting the conditional use permit for the proposed drive-through will provide the community with convenient service. The proposed drive-through restaurant would not compromise the character of the surrounding neighborhood nor be detrimental to the surrounding land uses. Allowing the proposed use is consistent with the improvements on the site and with the goals and objectives of the current General Plan. The current General Plan states that the City shall arrange land uses with regard to the health, safety, convenience, and welfare of the residents of the city.

Administrative Use Permit

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

The proposed outdoor dining use is consistent with the "Commercial" General Plan designation and zoning designation of "Commercial". A "Commercial" zone classifies and set standards for a regional business center that facilities a variety of services, eating, and entertainment facilities, and specialty shops. The outdoor dining will provide dining options that will contribute to the general well-being of the neighborhood and the community.

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

The proposed outdoor dining use would be an incidental use to a 2,925 square foot fast-food restaurant building and would not disrupt the safety and peace or general welfare or persons residing or working in the vicinity.

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

The outdoor dining use would be incidental to a 2,925 square foot fast-food restaurant. The restaurant building complies with all setback requirements. Existing landscaping would be enhanced with new landscaping that would be installed surrounding the building.

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

The subject property abuts streets and highways adequate in width and improvements to carry the traffic generated by the proposed use. The project site is located west of Barranca Street and north of E. Garvey Avenue North. The site is accessible within the Eastland Shopping Center via Eastland Center Drive. The drive-through would not channel traffic through residential areas provided that the closest residential neighborhood is more than 800 feet from the site.

- 5. That the granting of such 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 permit will not adversely affect the General Plan of the City, or any adopted plan of the City. The proposed outdoor dining use is consistent with the General Plan of the City since it will enhance revenue tax base.

ENVIRONMENTAL DETERMINATION

Pursuant to Section 15303 of the California Environmental Quality Act (CEQA), the proposed project is considered to be Categorically Exempt (Class 3, New Construction of Small New Facilities) in that it consists of the construction of a 2,925-square foot drive-through restaurant.

STAFF RECOMMENDATIONS

Staff recommends that the Planning Commission adopt Resolutions Nos. 20-6060, 20-6061, and 20-6062, approving Precise Plan No. 20-07, Conditional Use Permit No. 20-11, and Administrative Use Permit No. 20-22.

LARGE ATTACHMENTS

The plans, business operation plan, and traffic/queuing analysis are available to the public for review at West Covina City Hall. Since City Hall is currently closed to the public due to COVID-19, please contact (626) 939-8422 to make an appointment with staff to view the plans.

Submitted by: Jo-Anne Burns, Planning Manager

Attachments

Attachment No. 1 - Precise Plan Resolution

Attachment No. 2 - Conditional Use Permit Resolution

Attachment No. 3 - Administrative Use Permit Resolution

Attachment No. 4 - Letter of Support

PLANNING COMMISSION

RESOLUTION NO. 20-6060

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING PRECISE PLAN NO. 20-07

PRECISE PLAN NO. 20-07

CATEGORICAL EXEMPTION

APPLICANT: Jollibee

LOCATION: 147 N Barranca Street

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 precise plan to:

Construct a 2,925-square foot restaurant with a drive-through on a 50,557-square foot parcel. On that certain property described as:

Assessor's Parcel No. 8451-012-054, in the records of the Los Angeles County Assessor; and

WHEREAS, the Planning Commission upon giving the required notice did on the 8th day of December 2020, conduct a duly advertised public hearing as prescribed by law to consider said application.

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

1. The project consists of a proposal to construct a new 2,925-square foot restaurant with a drive-through and other related site improvements on a 50,557-square foot parcel. The site is located on the southeast side of the Eastland Center.
2. Appropriate findings for approval of a precise plan of design are as follows:
 - a. *The proposed development plans and the uses proposed are consistent with the General Plan and any applicable specific plan.*
 - b. *The proposed development is consistent with adopted development standards for the zone and complies with all other applicable provision of the Municipal Code.*

- c. Granting the permit would not be detrimental to the public interest, health, safety, and welfare and would not unreasonably interfere with the use or enjoyment of property in the vicinity of the subject property.*
 - d. The site is physically suitable for the type, density and intensity of the development being proposed, including vehicle access and circulation, utilities, and the absence of physical constraints.*
 - e. The architecture, site layout, location, shape, bulk and physical characteristics of the proposed development are compatible with the existing and future land uses, and do not interfere with orderly development in the vicinity.*
- 3. The proposal is considered to be categorically exempt, pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA), in that the project site is located in an area where all public services and facilities are available to allow for maximum development allowed in the General Plan, the cumulative area proposed is less than 10,000 square feet, and the project site is not located in an environmentally sensitive area.

NOW, THEREFORE, the Planning Commission of the City of West Covina does resolve as follows:

- 1. On the basis of the evidence presented, both oral and documentary, the Planning Commission makes the following findings:
 - a. The project is a request for a Precise Plan to allow for the construction of a new 2,925-square foot restaurant with a drive-through and other related site improvements. The project site is designated as “Commercial” in the City’s General Plan and is zoned “Regional-Commercial” (R-C). The proposed project is consistent with the following General Plan policies:
Our Prosperous Community P2.1. Maintain and enhance the City’s current tax base.
Our Prosperous Community P2.4 Build on and grow West Covina's regional appeal.
Our Prosperous Community P2.9 Support local businesses.
 - b. The project consists of a proposal to construct a new 2,925-square foot restaurant with a drive-through and other related site improvement. The proposed project includes parking lot and landscaping improvements. The proposal complies with the requirements and development standards of the “Regional-Commercial” (R-C) Zone. Applicable development standards in the Zoning Code include but are not limited to screening requirements; building colors, materials, finishes and exterior design; landscape criteria; building coverage; setbacks and off-street parking requirements.

- c. The project site is adjacent to the Eastland Center to the north, south and west, and a high-rise office building to the south. The project will include landscaping and parking lot improvements. As conditioned, project is designed to be compatible with the structures and uses within the vicinity and would not be detrimental to the public interest, health, safety, and general welfare and would not unreasonably interfere with the use and enjoyment of property.
 - d. The "Regional-Commercial" (R-C) zoning designation sets standards for a regional business center which provides for a complete line of shop and store types, eating and entertainment facilities, and financial and business services. The proposed development will be accessible from within the Eastland Shopping Center via Eastland Center Drive and will be primarily visible from Barranca Street, Garvey Avenue North, and within the interior of the shopping center parking lot. As conditioned, the site is physically suitable for the proposed project and adequate to accommodate the size and shape of the building, parking and all required development standards set forth in the West Covina Municipal Code. The project is an infill development and is located within an urbanized area where utility connections are readily available.
 - e. As conditioned, all aspects of the site development are compatible with the existing and future land uses and do not interfere with orderly development in the vicinity. The building is contemporary in style and includes stone, concrete, plaster, longboard/wood tile, and aluminum panels. The architectural style is directed by the restaurant's branding and corporate design. The front elevation would have floor to ceiling glass windows with aluminum panels framed with longboard wood tile material on the sides and concrete details along the top and side of the front elevation. The glass windows are present on the proposed east and west elevations along with the longboard wood tile material, aluminum composite panels, concrete, and stone veneer. The front and west side of the building is enhanced with a metal patio cover to accommodate the front entry and the outdoor dining area on the west side of the building. The drive-thru existing along the east elevation would have a metal porte-cochere over the drive-through lane held up by a red tall aluminum composite post, referred to as the "Jollibee tower" on the plans. All site improvements and proposed landscaping will enhance the overall appearance of the streetscape.
- 2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Precise Plan No. 20-07 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 plan 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 the Certificate of Occupancy is issued.

3. That the precise plan shall not be effective for any purpose until the applicant (or a 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 precise plan as set forth below. Additionally, no permits shall be issued until the applicant (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 attorneys' 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 precise plan is subject to the following conditions:

PLANNING DIVISION

- a) Comply with plans reviewed by the Planning Commission on December 8, 2020.
- b) These conditions of approval shall be printed on or attached to the working drawings submitted to the Building Division for approval.
- c) That the project complies with all requirements of the "Regional-Commercial" Zone and all other applicable standards of the West Covina Municipal Code.
- d) The approved use shall not create a public nuisance as defined under Section 15-200 of the West Covina Municipal Code.
- e) The approved use shall be in compliance with the Noise Ordinance (Chapter 15).
- f) This precise plan approval shall become null and void if building permit is not obtained within two (2) years of the date of this approval.
- g) The applicant shall sign an affidavit accepting all conditions of this approval.
- h) That any proposed change to the approved site plan, floor plan or elevations be reviewed by the Planning Division, Building Division, and Fire and Police Departments and that the written authorization of the Community Development Director shall be obtained prior to implementation.
- i) All outstanding fees and Development Impact Fees will be due at the time of building permit issuance.
- j) In order for the proposed building to be more compatible with the architectural style of the other restaurant buildings within the Curve, the applicant shall continue the stone veneer along the rear elevation and change colors of the building wall so that it more closely matches the colors of the other restaurant

onsite. The revised plans and color samples shall be submitted to the Planning Division for the approval of the Community Development Director prior to building plan check submittal.

- k) The landscape plans shall be revised to show that hedge screening scrubs will be installed along the west side of the drive-through to provide a separation between the outdoor dining area to the and the drive-through lane. Revised landscape plans shall be submitted prior to building permit issuance.
- l) Prior to the issuance of building permits the applicant shall demonstrate, to the satisfaction of the Community Development Director, that all roof mounted mechanical equipment is placed behind a permanent parapet wall and is completely restricted from all ground level views, pursuant to Section 26-568 of the Municipal Code.
- m) The location of new electrical transformers, vaults, antennas, mechanical and all other equipment not indicated on the approved plans must be approved by the Community Development Director prior to the issuance of building permit. Provide construction details prior to issuance of a building permit.
- n) All new ground-mounted, wall-mounted and/or roof-mounted equipment shall be screened from all views, in a manner that is architecturally compatible with the main building. Plans and elevations indicating the type of equipment and method of concealment shall be submitted to the Community Development Director for review and approval prior to the issuance of building permits.
- o) All new pole mounted parking lot lighting shall be accurately indicated on the grading plan and shall be located within landscaped or hardscaped area. Pole locations shall be accurately staked prior to installation by the Engineer.
- p) An outdoor lighting plan showing electrolier types and locations, average illumination levels, points of minimum illumination and photometric data in conformance with Planning Commission Resolution No. 2513 and as requested shall be submitted to and approved by the Planning Division and the City Engineer.
- q) A parking lot lighting plan showing electrolier types and locations, average illumination levels, points of minimum illumination and photometric data in conformance with Planning Commission Resolution No. 2513 and as requested shall be submitted to and approved by the City Engineer.
- r) Building and parking lot lighting is required to be architecturally integrated with the building design. Standard security wall packs are not acceptable unless they are provided with hooding that is architecturally compatible with the building.

- s) That prior to final building permit approval, a detailed landscape and irrigation plan in compliance with AB 1881 shall be submitted for all planted areas to be affected by project. Plans shall include type, size and quantity of landscape materials and irrigation equipment. All vegetation areas shall be automatically irrigated and a detailed watering program and water budget shall be provided. All damaged vegetation shall be replaced and the site shall be kept free of diseased or dead plant materials and litter at all times. The applicant shall coordinate with the applicable water district to determine if the water district has any specific requirements for water efficient landscaping.
- t) All landscape areas shall be maintained at all times. Damaged vegetation shall be replaced and the site shall be kept free of diseased or dead plant materials and litter at all times.
- u) Clinging vines shall be installed on all retaining or freestanding walls to assist in deterring graffiti.
- v) Graffiti-resistant coatings shall be used on all walls, fences, sign structures, or similar structures to assist in deterring graffiti.
- w) Any graffiti that appears on the property during construction shall be cleaned or removed on the same business day.
- x) All outdoor trash areas shall be screened on all sides from public view by a minimum 5'6" high decorative block wall with a gate constructed of durable materials per the standard Engineering Division plans. If the trash enclosure is visible from a public right-of-way, an architectural cover shall be required. If an architectural cover or an alternate design is required or preferred, then approval of construction details by the Building Division is required prior to construction.
- y) This approval does not include 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 and the sign criteria of the shopping center.
- z) A revised Sign Criteria establishing consistent sign standards for the center shall be submitted prior to the issuance of building permits. The Sign Criteria shall be approved prior to the issuance of building permits.
- aa) Any sidewalk, hardscape or parking facility, with potholes, broken, raised or depressed sections, large cracks, mud and/or dust, accumulation of loose material, faded or illegible pavement striping or other deterioration shall be repaired.
- bb) Parking lots or other paved areas with a cracked, broken or otherwise deteriorating surface, in excess of ten (10) percent of the surface area shall be considered a nuisance and shall be repaired.

- cc) The paved areas at the site shall be maintained clean and free of oil stains. All paved areas shall be pressure washed as needed to maintain the site in a clean and orderly manner.
- dd) All new utilities shall be placed underground prior to issuance of Certificate of Occupancy. All relocated on-site utility service lines shall be underground when the cost or square footage of an addition or alteration exceeds 50% of the existing value or area. WCMC 23-273.
- ee) The applicant shall indemnify, hold harmless and defend the City Of West Covina (City), its agents, officers, and employees from any claim, action, proceeding or damages against the City, its agents, officers, or employees to attack, set aside, void, or annul the approval by the City of this case file. Further, the applicant shall indemnify, hold harmless and defend the City Of West Covina (City), its agents, officers, and employees from any claim, action, proceeding or damages against the City, its agents, officers, or employees arising out of the action, inaction or negligence of the applicant, its employees, officers, agents, contractors, subcontractors, successors or assigns in planning, engineering, constructing or in any manner carrying out the file or any improvements required for the case file. The indemnity shall be contained in a written document approved by the City Attorney.
- ff) Comply with all requirements of the “Art in Public Places” ordinance (WCMC Chapter 17), prior to the issuance of building permits. Artwork shall be installed or required fee paid prior to issuance of Certificate of Occupancy.
- gg) 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 Redevelopment Agency and that the written authorization of the Planning Director shall be obtained prior to implementation.
- hh) Prior to requesting a final inspection by the Building Division, the Planning Division shall inspect the development.
- ii) All approved materials and colors shall be clearly indicated on the plans.
- jj) All parking facilities shall comply with the “Parking Lot Design and Lighting Standards.”
- kk) The Zoning Code gives provisions for up to two one-year extensions to keep entitlements active. Therefore, prior to final approval, (if building permits have not been obtained) you are urged to file a letter with the department requesting a one-year extension of time. The required submittal is a letter stating the reasons why an extension is needed, as well as an applicable processing fee. Please be

advised that the applicant will not be notified by the Planning Division about the pending expiration of the subject entitlement.

ll) The new development shall comply with the Development Impact Fees (Ordinance No. 2286 and Resolution No. 2015-81). Development Impact Fees for non-residential development are calculated at \$1.51 per square foot. The code allows for a credit for existing structures to be demolished.

mm) 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.

nn) BUILDING DIVISION

1. All Conditions of Approval as approved by the Planning Commission shall appear as notes on the plans submitted for building plan check and permits.

2. Building design shall comply with the 2020 County of Los Angeles Building Codes and 2019 California Energy and Green Building Standards Codes. Plans shall be submitted for plan check and required permits shall be obtained from the Building & Safety Division prior to start of construction.

3. Separate application(s), plan check(s), and permit(s) is/are required for:

- Tenant Improvements not included in original design submittals.
- Grading (*see Engineering Division for requirements*)
- Demolition work
- Retaining walls (*see Engineering Division for requirements*)
- Required masonry or concrete perimeter walls or trash enclosures
- Signs
- Fire sprinkler/Alarm systems (*see Fire Department Prevention Bureau for requirements*)
- Plumbing
- Mechanical
- Electrical

4. A soils and geology report will be required to address the potential for and the mitigation measures of any seismic induced landslide/liquefaction. Soils report shall address foundation design and site preparation requirements.

5. Los Angeles County Health Department approval is required. - Phone (626) 430-5560.

6. Sanitation District Industrial Waste approval required for grease interceptor. Please contact (562) 699-7411, Ext 2900 for additional information.

7. The building sanitary system shall be connected to a public sewer. A separate permit shall be obtained from the Engineering Division for any work within the public right-of-way.
8. Proof of payment of Sanitation District connection fee or waiver is required. Please contact (562) 699-7411, Ext 2727 for additional information.
9. All new on-site utility service lines shall be placed underground.
10. Proof of payment of School Development Fees required prior to permit issuance.
11. A Prior to issuance of building permits, the applicant shall submit and obtain approval for a Waste Management Plan (WMP) for Construction and Demolition providing:
 - Estimated volume or weight of materials that can be reused or recycled.
 - Estimated maximum volume or weight of materials that can be reused or recycled
 - Identify the vendor or facility that the applicant proposes to use to collect and receive the materials.
 - Estimated volume of waste materials that will be landfilled.
 - Identify any special or specific activities that will be used to comply with the Recycling and Disposal requirements.
 - Submit Security Deposit.
12. Prior to final inspection and approvals, the applicant shall submit documentation and obtain approval from the WMP Compliance Official showing that the Waste Diversion Requirement has been met, and shall include the following information:
 - Receipts from the vendor and/or facility that collected and received each material, showing the actual volume or weight of that material.
 - A copy of the previously approved WMP for the project adding the actual volume or weight of each material diverted or disposed of at a landfill.
 - Security Deposit will not be returned until this has been accomplished
 - Any additional information the applicant believes is relevant to assist in making the determination that the necessary efforts to comply have been achieved.
13. All work shall be completed with a valid permit and in accordance with applicable Building Regulations. Final building inspection and approvals shall be completed prior to the occupancy of the building.
14. All Conditions of Approval as approved by the Planning Commission shall appear as notes on the plans submitted for building plan check and permits.

15. Building design shall comply with the 2020 County of Los Angeles Building Codes. Plans shall be submitted for plan check and required permits shall be obtained from the Building & Safety Division prior to start of construction.

16. Separate application(s), plan check(s), and permit(s) is/are required for:

- New Fuel Island Canopy
- New Underground Fuel Storage Tanks
- Grading (*see Engineering Division for requirements*)
- Demolition work
- Retaining walls (*see Engineering Division for requirements*)
- Required masonry or concrete perimeter walls or trash enclosures
- Signs
- Fire sprinkler/Alarm systems (*see Fire Department Prevention Bureau for requirements*)
- Plumbing
- Mechanical
- Electrical

oo) ENGINEERING DIVISION

1. The second sheet of building plans, grading plans and/or offsite improvement 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.
2. Replace existing curb ramp with new curb ramp in accordance with SPPWC Standard Plan 111-5 and as directed by the City Engineer or his/her designee.
3. The required street improvements shall include those portions of roadways contiguous to the subject property and include:
 - a. Remove and reconstruct existing driveway approaches shall be removed and reconstructed to meet current ADA requirements.
 - b. Repair all damaged and off-grade curbs, gutters and sidewalks. Install trash grates on all street catch basins adjacent to the project (type per City standard).
4. The developer shall either pay an in-lieu fee equal to the estimated cost of street rehabilitation based on Los Angeles County Land Development Division Bond Calculation Sheets prior to the issuance of building permits or provide street rehabilitation work up to centerline of all streets contiguous to subject property.
5. Underground all utility services to the property.

6. 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 and review of drainage devices.
7. 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 another soil 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.
8. A grading and drainage plan shall be approved 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 stormwater.
9. Stormwater Planning Program LID Plan Checklist (Form PC) completed by Engineer of Record shall be copied on the first sheet of Grading Plans. The form can be found at the following link
<https://www.westcovina.org/home/showdocument?id=18427>
10. Comply with all regulations of the Los Angeles Regional Water Quality Control Board and Article II of Chapter 9 of the West Covina Municipal Code concerning Stormwater/Urban Run-off Pollution control.
11. LID review shall be completed prior submitting grading plans for plan review. Grading plans shall be submitted including the proof of approval of LID or exemption of LID.
12. Project shall be reviewed and approved by the City Traffic Engineer, prior to the issuance of permits. Any improvement measures needed as a result of findings from the traffic study shall be made at the sole cost to the property owner/developer.
13. Prior to the final of the building permit(s), inspection approval is required by the Public Works inspector to the satisfaction of the City Engineer.

pp) POLICE DEPARTMENT

1. Install CCTV system with the following specifications:
 - 960H (960 X 480) recording resolution
 - H.264 video compression
 - Real-time recording 30 fbs per channel @ 960 H resolution
 - 2048 bit rate
 - Hard disk drive with sufficient number of TB to capture and retain data for the minimum 30 day preservation period.
 - Fixed cameras with complete coverage of areas that do not infringe on the privacy of citizens, PTZ (pan, tilt, zoom) optional, but no more than 180 degrees. Coverage to minimally include all common areas inside and outside the physical buildings, stairwells and parking areas.
 - Recordings preserved for a minimum of 30 days (30 day loop minimum)
 - DVR must contain a USB port for police department personnel to easily access system and download video

qq) FIRE DEPARTMENT

1. NFPA 13D/13R/13 Fire Sprinkler System
2. NFPA 72 – Fire Alarm/Fire Sprinkler Monitoring System
3. NFPA 17/17A – Dry/Wet Chemical Extinguishing System
4. NFPA 10 – Portable Fire Extinguishers
5. New Fire Flow Test Required
6. Required Fire Flow of 1,000 GPM @ 20 psi for 2 hours
7. Ensure 1 fire hydrant within 250 feet of the property line
8. Provide/Maintain 20ft Fire Apparatus Access Road
9. **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 8th day of December, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATE: December 8, 2020

Shenna Heng, Chairperson
Planning Commission

Mark Persico, Secretary
Planning Commission

PLANNING COMMISSION

RESOLUTION NO. 20-6061

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 20-11

CONDITIONAL USE PERMIT NO. 20-11

CATEGORICAL EXEMPTION

APPLICANT: Jollibee

LOCATION: 147 N Barranca Street

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 for the operation of a drive-through for the proposed 2,925-square foot restaurant. On certain property described as follows:

Assessor Parcel No. 8451-012-054 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 8th day of December 2020, 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 drive-through associated with the proposed restaurant.
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, pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures), in that the project site is located in an area where all public services and facilities are available to allow for maximum development allowed in the General Plan, the cumulative area proposed is less than 10,000 square feet, and the project site is not located in an environmentally sensitive area.

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 drive through use is consistent with the "Commercial" General Plan designation and zoning designation of "Commercial". A "Commercial" zone classifies and set standards for a regional business center that facilities a variety of services, eating, and entertainment facilities, and specialty shops. The proposed drive-through will provide a service of convenience that will contribute to the general well-being of the neighborhood and the community.
 - b. The proposed drive through will be a part of the new 2,925 square foot restaurant building. The site is accessible from within the Eastland Shopping Center via Eastland Center Drive. As conditioned, the drive-through will not be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity, or injurious to the property or improvements in the vicinity. Landscape screening will be installed to provide buffering between the drive-through lane and the outdoor dining area to the west. The restaurant operator will adopt practices that will ensure that vehicle queuing will not conflict with parking lot circulation and the operations of other restaurants within the Curve.

- c. The drive-through use will be incidental to a 2,925 square foot fast-food restaurant. The restaurant building complies with all setback requirements. Existing landscaping will be enhanced with new landscaping that will be installed surrounding the building and provide screening of the drive-through lane from the outdoor dining area to the west.
 - d. The subject property abuts streets and highways adequate in width and improvements to carry the traffic generated by the proposed use. The project site is located west of Barranca Street and north of E. Garvey Avenue North. The site is accessible within the Eastland Shopping Center via Eastlant Center Drive. The drive-through will not channel traffic through residential areas provided that the closest residential neighborhood is more than 800 feet from the site.
 - e. Granting the conditional use permit for the proposed drive-through will provide the community with convenient service. The proposed drive-through restaurant would not compromise the character of the surrounding neighborhood nor be detrimental to the surrounding land uses. Allowing the proposed use is consistent with the improvements on the site and with the goals and objectives of the current General Plan. The current General Plan states that the City shall arrange land uses with regard to the health, safety, convenience, and welfare of the residents of the city.
2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Conditional Use Permit No. 20-11 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 December 8, 2020.
 - b. These conditions of approval shall be printed on or attached to the working drawings submitted to the Building Division for approval.
 - c. That the project complies with all requirements of the “Regional-Commercial” Zone and all other applicable standards of the West Covina Municipal Code.
 - d. Directional signs shall be installed within the parking lot directing patrons to utilize the second drive-aisle to access the drive-through as to not block the frontage of the other restaurant buildings during peak drive-through hours.
 - e. The restaurant operator shall provide extra ordering points during peak hours as to alleviate ordering placement at the actual drive-through window point. This shall be a mobile order-taking point using a tablet or mobile device.
 - f. Restaurant employees shall direct drive-through customers to 3 designated parking slots when there is a need to have additional time to the designated 120 second turn-around time at the pick up window.
 - g. Restaurant employees shall ensure proper circulation around the center by managing the drive-through car line so that vehicle queuing does not block parking spaces and does not block the front of the other restaurants within the center.
 - h. The paved areas at the site shall be maintained clean and free of oil stains. All paved areas shall be pressure washed as needed to maintain the site in a clean and orderly manner.
 - i. 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.
 - j. In the event that noise issues negatively impact neighboring properties or businesses the Planning Commission shall review the conditional use permit for the use and may, at its discretion, modify or impose new conditions or suspend or revoke the conditional use permit pursuant to Section 26-253 of the West Covina Municipal Code.
 - k. In the event that availability of traffic/circulation is negatively impacted, the Planning Commission shall review the conditional use permit for the use and may, at its discretion, modify or impose new conditions or suspend or revoke the

conditional use permit pursuant to Section 26-253 of the West Covina Municipal Code.

- l. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant agrees to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.
- m. The approved use shall not create a public nuisance as defined under Section 15-200 of the West Covina Municipal Code.
- n. The approved use shall be in compliance with the Noise Ordinance (Chapter 15).
- o. This conditional use permit approval shall become null and void if building permit is not obtained within two (2) years of the date of this approval.
- p. The applicant shall sign an affidavit accepting all conditions of this approval.
- q. That any proposed change to the approved site plan, floor plan or elevations be reviewed by the Planning Division, Building Division, and Fire and Police Departments and that the written authorization of the Community Development Director shall be obtained prior to implementation.
- r. All outstanding fees and Development Impact Fees will be due at the time of building permit issuance.
- s. Comply with all applicable sections of the West Covina Municipal Code.
- t. BUILDING DIVISION
 1. All Conditions of Approval as approved by the Planning Commission shall appear as notes on the plans submitted for building plan check and permits.
 2. Building design shall comply with the 2020 County of Los Angeles Building Codes and 2019 California Energy and Green Building Standards Codes. Plans shall be submitted for plan check and required permits shall be obtained from the Building & Safety Division prior to start of construction.
 3. Separate application(s), plan check(s), and permit(s) is/are required for:
 - Tenant Improvements not included in original design submittals.
 - Grading (*see Engineering Division for requirements*)

- Demolition work
 - Retaining walls (*see Engineering Division for requirements*)
 - Required masonry or concrete perimeter walls or trash enclosures
 - Signs
 - Fire sprinkler/Alarm systems (*see Fire Department Prevention Bureau for requirements*)
 - Plumbing
 - Mechanical
 - Electrical
4. A soils and geology report will be required to address the potential for and the mitigation measures of any seismic induced landslide/liquefaction. Soils report shall address foundation design and site preparation requirements.
 5. Los Angeles County Health Department approval is required. - Phone (626) 430-5560.
 6. Sanitation District Industrial Waste approval required for grease interceptor. Please contact (562) 699-7411, Ext 2900 for additional information.
 7. The building sanitary system shall be connected to a public sewer. A separate permit shall be obtained from the Engineering Division for any work within the public right-of-way.
 8. Proof of payment of Sanitation District connection fee or waiver is required. Please contact (562) 699-7411, Ext 2727 for additional information.
 9. All new on-site utility service lines shall be placed underground.
 10. Proof of payment of School Development Fees required prior to permit issuance.
 11. A Prior to issuance of building permits, the applicant shall submit and obtain approval for a Waste Management Plan (WMP) for Construction and Demolition providing:
 - Estimated volume or weight of materials that can be reused or recycled.
 - Estimated maximum volume or weight of materials that can be reused or recycled
 - Identify the vendor or facility that the applicant proposes to use to collect and receive the materials.
 - Estimated volume of waste materials that will be landfilled.
 - Identify any special or specific activities that will be used to comply with the Recycling and Disposal requirements.
 - Submit Security Deposit.

12. Prior to final inspection and approvals, the applicant shall submit documentation and obtain approval from the WMP Compliance Official showing that the Waste Diversion Requirement has been met, and shall include the following information:
 - Receipts from the vendor and/or facility that collected and received each material, showing the actual volume or weight of that material.
 - A copy of the previously approved WMP for the project adding the actual volume or weight of each material diverted or disposed of at a landfill.
 - Security Deposit will not be returned until this has been accomplished
 - Any additional information the applicant believes is relevant to assist in making the determination that the necessary efforts to comply have been achieved.
13. All work shall be completed with a valid permit and in accordance with applicable Building Regulations. Final building inspection and approvals shall be completed prior to the occupancy of the building.
14. All Conditions of Approval as approved by the Planning Commission shall appear as notes on the plans submitted for building plan check and permits.
15. Building design shall comply with the 2020 County of Los Angeles Building Codes. Plans shall be submitted for plan check and required permits shall be obtained from the Building & Safety Division prior to start of construction.
16. Separate application(s), plan check(s), and permit(s) is/are required for:
 - New Fuel Island Canopy
 - New Underground Fuel Storage Tanks
 - Grading (*see Engineering Division for requirements*)
 - Demolition work
 - Retaining walls (*see Engineering Division for requirements*)
 - Required masonry or concrete perimeter walls or trash enclosures
 - Signs
 - Fire sprinkler/Alarm systems (*see Fire Department Prevention Bureau for requirements*)
 - Plumbing
 - Mechanical
 - Electrical

u. ENGINEERING DIVISION

1. The second sheet of building plans, grading plans and/or offsite improvement 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.

2. Replace existing curb ramp with new curb ramp in accordance with SPPWC Standard Plan 111-5 and as directed by the City Engineer or his/her designee.
3. The required street improvements shall include those portions of roadways contiguous to the subject property and include:
 - a. Remove and reconstruct existing driveway approaches shall be removed and reconstructed to meet current ADA requirements.
 - b. Repair all damaged and off-grade curbs, gutters and sidewalks. Install trash grates on all street catch basins adjacent to the project (type per City standard).
4. The developer shall either pay an in-lieu fee equal to the estimated cost of street rehabilitation based on Los Angeles County Land Development Division Bond Calculation Sheets prior to the issuance of building permits or provide street rehabilitation work up to centerline of all streets contiguous to subject property.
5. Underground all utility services to the property.
6. 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 and review of drainage devices.
7. 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 another soil 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.
8. A grading and drainage plan shall be approved 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 stormwater.
9. Stormwater Planning Program LID Plan Checklist (Form PC) completed by Engineer of Record shall be copied on the first sheet of Grading Plans. The

form can be found at the following link
<https://www.westcovina.org/home/showdocument?id=18427>

10. Comply with all regulations of the Los Angeles Regional Water Quality Control Board and Article II of Chapter 9 of the West Covina Municipal Code concerning Stormwater/Urban Run-off Pollution control.
11. LID review shall be completed prior submitting grading plans for plan review. Grading plans shall be submitted including the proof of approval of LID or exemption of LID.
12. Project shall be reviewed and approved by the City Traffic Engineer, prior to the issuance of permits. Any improvement measures needed as a result of findings from the traffic study shall be made at the sole cost to the property owner/developer.
13. Prior to the final of the building permit(s), inspection approval is required by the Public Works inspector to the satisfaction of the City Engineer.

v. **TRAFFIC COMMENTS**

Business Operations Plan

14. The current circulation of the drive-thru queue as shown on the drive -thru control plan should show pavement arrows and drive thru stencil showing the path to the queue.
15. Employees of Jollibee should park along Barranca or in the outer parts of the parking lot. at this time these spaces are heavily used by customers to the other existing restaurants. If the queue lines consistently block the parking then a discussion with all existing tenants should be initiated. At this time, customers should still be allowed to pull in and back out of the parking spaces. If there are Jollibee crew processing orders from the queue than they can also assist.
16. KEEP CLEAR stencil should be painted so that the queue does not extend across the lane and block the overall circulation of the parking lot.

w. **POLICE DEPARTMENT**

1. Install CCTV system with the following specifications:
 - 960H (960 X 480) recording resolution
 - H.264 video compression
 - Real-time recording 30 fbs per channel @ 960 H resolution
 - 2048 bit rate
 - Hard disk drive with sufficient number of TB to capture and retain data for the minimum 30 day preservation period.

- Fixed cameras with complete coverage of areas that do not infringe on the privacy of citizens, PTZ (pan, tilt, zoom) optional, but no more than 180 degrees. Coverage to minimally include all common areas inside and outside the physical buildings, stairwells and parking areas.
- Recordings preserved for a minimum of 30 days (30 day loop minimum)
- DVR must contain a USB port for police department personnel to easily access system and download video

x. FIRE DEPARTMENT

1. NFPA 13D/13R/13 Fire Sprinkler System
2. NFPA 72 – Fire Alarm/Fire Sprinkler Monitoring System
3. NFPA 17/17A – Dry/Wet Chemical Extinguishing System
4. NFPA 10 – Portable Fire Extinguishers
5. New Fire Flow Test Required
6. Required Fire Flow of 1,000 GPM @ 20 psi for 2 hours
7. Ensure 1 fire hydrant within 250 feet of the property line
8. Provide/Maintain 20ft Fire Apparatus Access Road
9. 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 special meeting held on the 8th day of December, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: December 8, 2020

Shenna Heng, Chairperson
Planning Commission

Mark Persico, Secretary
Planning Commission

PLANNING COMMISSION

RESOLUTION NO. 20-6062

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING ADMINISTRATIVE USE PERMIT NO. 20-22

ADMINISTRATIVE USE PERMIT NO. 20-22

CATEGORICAL EXEMPTION

APPLICANT: Jollibee

LOCATION: 147 N Barranca Street

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:

Allow for outdoor dining/seating at the proposed 2,925-square foot restaurant. On certain property described as follows:

Assessor Parcel No. 8451-012-054 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 8th day of December 2020, 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 administrative use permit to allow for outdoor dining/seating with the proposed restaurant.
2. Findings necessary for approval of an 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 administrative 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, pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) in that the project site is located in an area where all public services and facilities are available to allow for maximum development allowed in the General Plan, the cumulative area proposed is less than 10,000 square feet, and the project site is not located in an environmentally sensitive area.

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 proposed outdoor dining use is consistent with the "Commercial" General Plan designation and zoning designation of "Commercial". A "Commercial" zone classifies and sets standards for a regional business center that facilitates a variety of services, eating, and entertainment facilities, and specialty shops. The outdoor dining will provide dining options that will contribute to the general well-being of the neighborhood and the community.
 - b. The proposed outdoor dining use would be an incidental use to a 2,925 square foot fast-food restaurant building and would not disrupt the safety and peace or general welfare or persons residing or working in the vicinity.
 - c. The outdoor dining use would be incidental to a 2,925 square foot fast-food restaurant. The restaurant building complies with all setback requirements. Existing landscaping would be enhanced with new landscaping that would be installed surrounding the building.
 - d. The subject property abuts streets and highways adequate in width and improvements to carry the traffic generated by the proposed use. The project site is

- located west of Barranca Street and north of E. Garvey Avenue North. The site is accessible within the Eastland Shopping Center via Eastland Center Drive. The drive-through would not channel traffic through residential areas provided that the closest residential neighborhood is more than 800 feet from the site.
- e. The granting of the administrative use permit will not adversely affect the General Plan of the City, or any adopted plan of the City. The proposed outdoor dining use is consistent with the General Plan of the City since it will enhance revenue tax base.
2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Administrative Use Permit No. 20-11 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 December 8, 2020.
 - b. These conditions of approval shall be printed on or attached to the working drawings submitted to the Building Division for approval.
 - c. That the project complies with all requirements of the "Regional-Commercial" Zone and all other applicable standards of the West Covina Municipal Code.

- d. The approved use shall not create a public nuisance as defined under Section 15-200 of the West Covina Municipal Code.
- e. Approval of the administrative use permit is contingent upon the approval of the precise plan.
- f. The outdoor dining area shall be maintained and kept in a good state of repair.
- g. The outdoor dining furniture shall be kept clean and well maintained. Worn or damaged furniture shall be replaced.
- h. The type of outdoor dining furniture used shall match the architectural style of the building. Photographs of the type of furniture proposed shall be submitted to the Planning Division and approved by the Community Development Director prior to building permit final.
- i. The approved use shall be in compliance with the Noise Ordinance (Chapter 15).
- j. This administrative use permit approval shall become null and void if building permit is not obtained within two (2) years of the date of this approval.
- k. The applicant shall sign an affidavit accepting all conditions of this approval.
- l. That any proposed change to the approved site plan, floor plan or elevations be reviewed by the Planning Division, Building Division, and Fire and Police Departments and that the written authorization of the Community Development Director shall be obtained prior to implementation.
- m. All outstanding fees and Development Impact Fees will be due at the time of building permit issuance.
- n. Comply with all applicable sections of the West Covina Municipal Code.
- o. A total of 16 outdoor seats and 8 tables will be allowed.
- p. Noise levels shall not exceed the ambient noise level by more than (5) five decibels as measured outside of the tenant space.
- q. 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.
- r. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant agrees to pay any and all costs of such legal action, including reasonable

attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.

- s. The approved use shall not create a public nuisance as defined under Section 15-200 of the West Covina Municipal Code.
- t. The operation of the facility shall comply with the West Covina Noise Ordinance.
- u. 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.
- v. This approval shall become null and void if the building permit is not obtained within two (2) years of the date of this approval.

w. BUILDING DIVISION

1. All Conditions of Approval as approved by the Planning Commission shall appear as notes on the plans submitted for building plan check and permits.
2. Building design shall comply with the 2020 County of Los Angeles Building Codes and 2019 California Energy and Green Building Standards Codes. Plans shall be submitted for plan check and required permits shall be obtained from the Building & Safety Division prior to start of construction.
3. Separate application(s), plan check(s), and permit(s) is/are required for:
 - Tenant Improvements not included in original design submittals.
 - Grading (*see Engineering Division for requirements*)
 - Demolition work
 - Retaining walls (*see Engineering Division for requirements*)
 - Required masonry or concrete perimeter walls or trash enclosures
 - Signs
 - Fire sprinkler/Alarm systems (*see Fire Department Prevention Bureau for requirements*)
 - Plumbing
 - Mechanical
 - Electrical
4. A soils and geology report will be required to address the potential for and the mitigation measures of any seismic induced landslide/liquefaction. Soils report shall address foundation design and site preparation requirements.

5. Los Angeles County Health Department approval is required. - Phone (626) 430-5560.
6. Sanitation District Industrial Waste approval required for grease interceptor. Please contact (562) 699-7411, Ext 2900 for additional information.
7. The building sanitary system shall be connected to a public sewer. A separate permit shall be obtained from the Engineering Division for any work within the public right-of-way.
8. Proof of payment of Sanitation District connection fee or waiver is required. Please contact (562) 699-7411, Ext 2727 for additional information.
9. All new on-site utility service lines shall be placed underground.
10. Proof of payment of School Development Fees required prior to permit issuance.
11. A Prior to issuance of building permits, the applicant shall submit and obtain approval for a Waste Management Plan (WMP) for Construction and Demolition providing:
 - Estimated volume or weight of materials that can be reused or recycled.
 - Estimated maximum volume or weight of materials that can be reused or recycled
 - Identify the vendor or facility that the applicant proposes to use to collect and receive the materials.
 - Estimated volume of waste materials that will be landfilled.
 - Identify any special or specific activities that will be used to comply with the Recycling and Disposal requirements.
 - Submit Security Deposit.
12. Prior to final inspection and approvals, the applicant shall submit documentation and obtain approval from the WMP Compliance Official showing that the Waste Diversion Requirement has been met, and shall include the following information:
 - Receipts from the vendor and/or facility that collected and received each material, showing the actual volume or weight of that material.
 - A copy of the previously approved WMP for the project adding the actual volume or weight of each material diverted or disposed of at a landfill.
 - Security Deposit will not be returned until this has been accomplished
 - Any additional information the applicant believes is relevant to assist in making the determination that the necessary efforts to comply have been achieved.

13. All work shall be completed with a valid permit and in accordance with applicable Building Regulations. Final building inspection and approvals shall be completed prior to the occupancy of the building.
14. All Conditions of Approval as approved by the Planning Commission shall appear as notes on the plans submitted for building plan check and permits.
15. Building design shall comply with the 2020 County of Los Angeles Building Codes. Plans shall be submitted for plan check and required permits shall be obtained from the Building & Safety Division prior to start of construction.
16. Separate application(s), plan check(s), and permit(s) is/are required for:
 - New Fuel Island Canopy
 - New Underground Fuel Storage Tanks
 - Grading (*see Engineering Division for requirements*)
 - Demolition work
 - Retaining walls (*see Engineering Division for requirements*)
 - Required masonry or concrete perimeter walls or trash enclosures
 - Signs
 - Fire sprinkler/Alarm systems (*see Fire Department Prevention Bureau for requirements*)
 - Plumbing
 - Mechanical
 - Electrical

x. ENGINEERING DIVISION

1. The second sheet of building plans, grading plans and/or offsite improvement 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.
2. Replace existing curb ramp with new curb ramp in accordance with SPPWC Standard Plan 111-5 and as directed by the City Engineer or his/her designee.
3. The required street improvements shall include those portions of roadways contiguous to the subject property and include:
 - a. Remove and reconstruct existing driveway approaches shall be removed and reconstructed to meet current ADA requirements.
 - b. Repair all damaged and off-grade curbs, gutters and sidewalks. Install trash grates on all street catch basins adjacent to the project (type per City standard).

4. The developer shall either pay an in-lieu fee equal to the estimated cost of street rehabilitation based on Los Angeles County Land Development Division Bond Calculation Sheets prior to the issuance of building permits or provide street rehabilitation work up to centerline of all streets contiguous to subject property.
5. Underground all utility services to the property.
6. 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 and review of drainage devices.
7. 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 another soil 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.
8. A grading and drainage plan shall be approved 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 stormwater.
9. Stormwater Planning Program LID Plan Checklist (Form PC) completed by Engineer of Record shall be copied on the first sheet of Grading Plans. The form can be found at the following link
<https://www.westcovina.org/home/showdocument?id=18427>
10. Comply with all regulations of the Los Angeles Regional Water Quality Control Board and Article II of Chapter 9 of the West Covina Municipal Code concerning Stormwater/Urban Run-off Pollution control.
11. LID review shall be completed prior submitting grading plans for plan review. Grading plans shall be submitted including the proof of approval of LID or exemption of LID.

12. Project shall be reviewed and approved by the City Traffic Engineer, prior to the issuance of permits. Any improvement measures needed as a result of findings from the traffic study shall be made at the sole cost to the property owner/developer.

13. Prior to the final of the building permit(s), inspection approval is required by the Public Works inspector to the satisfaction of the City Engineer.

y. POLICE DEPARTMENT

1. Install CCTV system with the following specifications:

- 960H (960 X 480) recording resolution
- H.264 video compression
- Real-time recording 30 fps per channel @ 960 H resolution
- 2048 bit rate
- Hard disk drive with sufficient number of TB to capture and retain data for the minimum 30 day preservation period.
- Fixed cameras with complete coverage of areas that do not infringe on the privacy of citizens, PTZ (pan, tilt, zoom) optional, but no more than 180 degrees. Coverage to minimally include all common areas inside and outside the physical buildings, stairwells and parking areas.
- Recordings preserved for a minimum of 30 days (30 day loop minimum)
- DVR must contain a USB port for police department personnel to easily access system and download video

z. FIRE DEPARTMENT

1. NFPA 13D/13R/13 Fire Sprinkler System
2. NFPA 72 – Fire Alarm/Fire Sprinkler Monitoring System
3. NFPA 17/17A – Dry/Wet Chemical Extinguishing System
4. NFPA 10 – Portable Fire Extinguishers
5. New Fire Flow Test Required
6. Required Fire Flow of 1,000 GPM @ 20 psi for 2 hours
7. Ensure 1 fire hydrant within 250 feet of the property line
8. Provide/Maintain 20ft Fire Apparatus Access Road

9. 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 special meeting held on the 8th day of December, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: December 8, 2020

Shenna Heng, Chairperson
Planning Commission

Mark Persico, Secretary
Planning Commission



100 N Barranca St. Suite 200, West Covina CA 91791 | Tel: (626) 430-9066

December 1, 2020

RE: Jollibee
Precise Plan No. 20-07
Conditional Use Permit No. 20-11
Administrative Use Permit No. 20-22

Dear Commissioners:

On behalf of Barranca Tower LLC, owner of the 13-story commercial office building located at 100 N. Barranca Street, West Covina, CA 91791, we support the approval of Jollibee's requested plans and permits.

We are located directly across the street from the proposed site location of Jollibee's new drive-thru restaurant. This restaurant will improve the area by providing a new drive-thru location to serve the surrounding vicinity, including the tenants at Barranca Tower. Having a fast, easy, efficient way to purchase a delicious meal is an important amenity to the building, and Jollibee's drive-thru restaurant will prove to be a highlight for the building's marketability.

Jollibee is a current tenant of Barranca Tower, and they have been excellent to work with. Jollibee is a multi-national company and will be a valuable addition to the Eastland Center. They have excellent credit and will ensure stability in this particular location where many other restaurants have come and gone. They will provide high quality meals at affordable prices with the convenience of a drive-thru.

By allowing Jollibee's project, you will see jobs created, revenue generated, and economic growth for the City. Please approve the above precise plan, conditional use permit and administrative use permit.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Magi Martinez'.

Magi Martinez
Executive Supervisor

City of West Covina
A G E N D A

ITEM NO. 8. a.

DATE: December 8, 2020

TO: Planning Commission
FROM: Planning Division
SUBJECT: Forthcoming - January 12, 2021

Attachments

Forthcoming - January 12, 2021

FORTHCOMING PLANNING COMMISSION HEARING

December 22, 2020 Happy Holidays!

A. CONSENT CALENDAR

None

B. PUBLIC HEARINGS

None

C. NON-HEARING ITEMS

None

January 12, 2021

A. CONSENT CALENDAR

None

B. PUBLIC HEARINGS

None

C. NON-HEARING ITEMS

(1)

CODE AMENDMENT NO. 20-06

WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT OF WAY

APPLICANT:

City Initiated

LOCATION:

Citywide

City of West Covina
A G E N D A

ITEM NO. 8. b.

DATE: December 8, 2020

TO: Planning Commission

FROM: Planning Division

SUBJECT: Subcommittee for Design Review Minutes - October 27, 2020

Attachments

Subcommittee Mins. 10.27.20

**WEST COVINA PLANNING COMMISSION
SUBCOMMITTEE DESIGN REVIEW BOARD
PLANNING CONFERENCE ROOM – ROOM 208
REGULAR MEETING
Tuesday, October 27, 2020
6:30 p.m.**

MINUTES

- 1. ROLL CALL** - Commissioners Kennedy and Redholtz were present.
- 2. APPROVAL OF MINUTES** – October 13, 2020
- 3. OTHER MATTERS OR ORAL COMMUNICATIONS** - None
- 4. REVIEW ITEMS**

(A) APPLICANT: Sandra Flores
 LOCATION: 310 S Glendora St
 PROPOSAL: Subcommittee Design Review No. 20-37;
 The applicant is requesting to construct a 49 square foot front
 addition and a 518 square foot side and rear addition to the
 existing single-story single-family residence.

Motion by Redholtz seconded by Kennedy that the proposed house is in accordance with the Subcommittee Design Review Board Guidelines.

(B) APPLICANT: Jorge Rivas
 LOCATION: 1018 S Sunkist Ave
 PROPOSAL: Subcommittee Design Review No. 20-79;
 The applicant is requesting to construct a 475 square foot
 garage and a 479 square foot addition to the existing single-
 family residence single-family residence. Also, a conversion
 of the existing 342 square foot garage into a JADU, a new
 1,200 square foot detached ADU with a 600 square foot
 attached garage.

Motion by Redholtz seconded by Redholtz that the proposed house is in accordance with the Subcommittee Design Review Board Guidelines.

AGENDA NO. 8. b.

DATE: December 8, 2020

- (C) APPLICANT: Nilo C
 LOCATION: 2505 E Marlena Street
 PROPOSAL: Subcommittee Design Review No. 20-46;
 The applicant is requesting to construct a 727 square foot
 two-story addition to the existing single-story single-family
 residence. The addition shall feature a sitting area and a
 walk-in closet. For reference only, there is also an
 Administrative Use Permit for this proposal (AUP No. 20-
 12)

Motion by Kennedy seconded by Redholtz that the proposed house is in accordance with the Subcommittee Design Review Board Guidelines.

5. ADJOURNMENT - Adjourn at 6:50 p.m.