



CITY OF WEST COVINA

PLANNING COMMISSION

JULY 13, 2021, 7:00 PM
REGULAR MEETING

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

Livier Becerra, Chair
Nickolas Lewis, Vice Chair
Brian Gutierrez, Commissioner
Shelby Williams, Commissioner
Sheena Heng, 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 Commissioners may attend Planning Commission meetings telephonically and the Planning 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 of, 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 the Planning Commission 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.

EMAILED PUBLIC COMMENT:

Members of the public can submit public comments to the Planning Commission via e-mail at Planning_Dept@westcovina.org. The subject line should specify "Oral Communications – 7/13/2021" or "Public Hearing Item # - 7/13/2021". Please include your full name and address in your e-mail. All emails received by 5:00 P.M. on the day of the Planning 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.

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. Do 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 Department 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, June 22, 2021

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.

CONSENT CALENDAR

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

2. **First One-Year Extension of Time for Precise Plan No. 18-02 and Conditional Use Permit No. 18-02 at 1415 W Garvey Avenue N.**

PUBLIC HEARINGS

3. **PRECISE PLAN NO. 21-01**
 CONDITIONAL USE PERMIT NO. 21-01
 ADMINISTRATIVE USE PERMIT NO. 21-07
 TREE PERMIT NO. 21-07
 CATEGORICAL EXEMPTION
 APPLICANT: Jennifer Daw for Chick Fil A
 LOCATION: 3041 E Garvey Avenue North
 REQUEST: The applicant is requesting approval of a precise plan to construct a new fast-food restaurant (Chick Fil A) with a drive-through. The project also requires the approval of a conditional use permit for the drive-through, an administrative use permit allowing outdoor dining, and a tree permit allowing for the removal of various trees on site. The proposed fast-food restaurant would be 5,001 square feet.

NON-HEARING ITEMS

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

COMMISSION REPORTS/COMMENTS AND MISCELLANEOUS ITEMS

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

4. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:

- a. Forthcoming -

5. CITY COUNCIL ACTION:

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

ADJOURNMENT

ITEM NO. 1.
DATE: July 13, 2021

TO: Planning Commission
FROM: Planning Division
SUBJECT: Regular meeting, June 22, 2021

Attachments

Draft Minutes 6.22.21

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

A G E N D A

DATE: July 13, 2021
ITEM NO.: 1

**MINUTES
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF WEST COVINA
Tuesday, June 22, 2021**

Regular meeting of the Planning Commission – Called to order at 7:00 p.m.in the West Covina Council Chambers.

The Commission observed a moment of silent prayer/meditation.

Commissioner Williams lead the Pledge of Allegiance.

ROLL CALL

Present: Heng, Becerra, Gutierrez, Williams, Lewis

Absent: None

City Staff Present: Tsai, Morales, Hamilton and Burns

APPROVAL OF MINUTES:

1. Regular meeting, June 8, 2021

The minutes were approved as submitted.

OTHER MATTERS OR ORAL COMMUNICATIONS

None

PUBLIC HEARINGS

2. GENERAL PLAN AMENDMENT NO. 20-04
PRECISE PLAN NO. 20-09
TENTATIVE TRACT MAP NO. 83216
TREE REMOVAL PERMIT NO. 21-03
MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT
APPLICANT: Aaron Talarico, Mertiage Land Company
LOCATION: 1600 – 1660 W. Cameron Avenue
REQUEST: The project consists of a request for the approval of a precise plan, and vesting tentative tract map to demolish all existing buildings/uses on the site and construct 84 residences (attached three-story townhome style units, ranging from 1,210 sq. ft. to 1,796 sq. ft.), internal drive aisles, common open space, guest parking spaces, and other associated incidental improvements on a 3.25 acre site. A

tree removal permit is required to remove 5 significant trees on the site, (3 Little Figs, and 2 Banyon Figs.)

The project also involves a request for a General Plan Amendment to change the general plan land-use from Neighborhood Medium to Neighborhood High.

Staff report presented by Contract Planner Jeff Hamilton.

Public hearing opened.

PROPOSERS:

Matt Mahara, Project Manager for Meritage Homes.

OPPOSERS:

Tom Jewik, Caroline Martinez, Kenneth Pad

REBUTTAL:

Aaron Talarico, Project Manager of Cameron 56 and Matt Mahara, Project Manager, Peter Duarte, Landscape Architect.

Public hearing closed.

Discussion by the Commission.

Motion by Gutierrez, seconded by Lewis, to waive further reading and adopt Resolution No. 21-6084, recommending to the City Council certification of the Mitigated Negative Declaration of Environmental Impact for General Plan Amendment No 20-04, Precise Plan No. 20-09, and vesting Tentative Tract Map No. 83216 pursuant to the California Environmental Quality Act of 1970, as amended. Motion carried 5-0.

Motion by Gutierrez, seconded by Lewis, to waive further reading and adopt Resolution No. 21-6085, recommending to the City Council approval of General Plan Amendment No. 20-04. Motion carried 5-0.

Motion by Gutierrez, seconded by Lewis, to waive further reading and adopt Resolution No. 21-6086 recommending to the City Council approval of Precise Plan No. 20-09, as amended. Motion carried 5-0.

Motion by Gutierrez, seconded by Lewis, to waive further reading and adopt Resolution No. 21-6087, recommending to the City Council approval of Tentative Tract Map No. 83216. Motion carried 5-0.

Chairperson Becerra said final action on the matter will be taken at a public hearing before the City Council on a date to be determined.

NON-HEARING ITEMS

None

COMMISSION REPORTS/COMMENTS AND MISCELLANEOUS ITEMS

None

5. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:

July 3, 2021 – Fourth of July Event at Sportsplex.

City Hall will be closed on July 5, 2021 in observance of the Fourth of July Holiday.

Summer Concert Series resumes at City Hall on Saturday evenings.

6. CITY COUNCIL ACTION:

None

ADJOURNMENT

Chairperson Becerra adjourned the meeting at 9:13 p.m.

Respectfully submitted:

Lydia de Zara
Senior Administrative Assistant

ADOPTED AS SUBMITTED ON:

ADOPTED AS AMENDED ON:

City of West Covina
Memorandum
A G E N D A

ITEM NO. 2.

DATE: July 13, 2021

TO: Planning Commission

FROM: Planning Division

SUBJECT: First One-Year Extension of Time for Precise Plan No. 18-02 and Conditional Use Permit No. 18-02 at 1415 W Garvey Avenue N.

BACKGROUND:

The applicant is requesting the first one (1)-year extension for Precise Plan No. 18-02 (PP 18-02) and Conditional Use Permit No. 18-02 (CUP 18-02).

At its meeting of August 13, 2019, the Planning Commission approved PP 18-02 and CUP 18-02 which allowed the construction of an 80,086 square-foot assisted living and memory care facility.

DISCUSSION:

The approved entitlements are valid for a two-year time period from the approval date and are due to expire on August 13, 2021, unless an extension of time is granted.

On June 26, 2021, Jeffrey T. Harlan, representing the owner, submitted a letter requesting an extension of time for the two approved entitlements due to delays in securing the design, engineering, and construction consultants to finalize the building plans, as well as the unexpected economic challenges from COVID-19 to carry out the project. The granting of this request will extend approval until August 13, 2022. The City of West Covina's Municipal Code allows for two separate one (1) -year extensions.

While there have been changes to the West Covina Municipal Code after the project was approved, it does not impact the validity of the project. The project would still comply to the current Municipal Code standards, and the reasons for the delay stated in the letter requesting the extension are valid, staff regards the granting of a one (1)-year extension reasonable.

RECOMMENDATION:

Staff recommends that the Planning Commission approve the first one-year extension of time for PP 18-02 and CUP 18-02.

Submitted by: Camillia Martinez, Assistant Planner

Attachments

Attachment No. 1 - Extension of Time Request

Attachment No. 2 - Staff Report 8-13-2019

Attachment No. 3 - Resolution (PP)

Attachment No. 4 - Resolution (CUP)

ERVIN COHEN & JESSUP^{LLP}

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File 17119.1

June 29, 2021

VIA E-MAIL

Ms. Camillia Martinez
Assistant Planner
City of West Covina, Planning Division
1444 W Garvey Ave S, Room 208
West Covina, CA 91790

Email: cmartinez2@westcovina.org

Re: **Permit Extension Request – 1415 W. Garvey Ave. N (Resolutions No. 19-5998 and 19-5999)**

Dear Ms. Martinez:

Our firm represents the owner of 1415 W. Garvey Ave. N, who received City approval of the abovementioned City Council resolutions on August 13, 2019 for land use entitlements to develop a 92-unit licensed residential care facility for the elderly. Based on our discussions with City staff, these approvals remain in effect through August 13, 2021 per City Council Resolution 2021-07. This letter serves as our formal request for both entitlements to be extended pursuant to West Covina Municipal Code Sections 26-235 (Precise Plan) and 26-252 (Conditional Use Permit).

In March 2020, as part of its diligent pursuit of implementing the approvals, the owner submitted a Planning Approval Submittal Set to the City. Unfortunately, the COVID-19 pandemic began at precisely that time and upended normal business operations for the next 14 months. Despite its continued efforts and investment of resources, our client's plans to construct the project were significantly delayed; specifically, it has been increasingly difficult to secure the design, engineering, and construction consultants to finalize the building plans and begin development on-site within our original time frame. Further, the pandemic has created additional, unexpected economic challenges for all construction projects (especially residential developments) that are only now abating.

Ms. Camillia Martinez
June 29, 2021
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ERVIN COHEN & JESSUP^{LLP}

Even in these extenuating circumstances, we have continued to invest in this project and bring it to fruition, but require additional time to commence construction. The approved project—a licensed, residential care facility for the elderly—fills an important void in the City’s housing portfolio, offers much-needed aesthetic improvements to the area, and provides significant development impact fees to the City. Therefore, pursuant to West Covina Municipal Code Sections 26-235 and 26-252, we respectfully request the City grant a two-year extension (in one-year increments) of the current approvals.

Sincerely,

A handwritten signature in black ink, reading "Jeffrey T. Harlan". The signature is written in a cursive, flowing style with a large initial "J".

Jeffrey T. Harlan

jth:JTH

AGENDA**ITEM NO. 3.****DATE: August 13, 2019****PLANNING DEPARTMENT STAFF REPORT****SUBJECT****PRECISE PLAN NO. 18-02 AND CONDITIONAL USE PERMIT NO. 18-02****CATEGORICAL EXEMPTION****APPLICANT:** 1415 Garvey, LLC**LOCATION:** 1415 W. Garvey Avenue North**REQUEST:** The applicant is requesting approval of a precise plan to construct an 80,086 square-foot 5-story assisted living/memory care facility. The applicant is also requesting the approval of a Conditional Use Permit (CUP) for the operation of an assisted living/memory care facility.**BACKGROUND**

The project site is a 48,020 square foot lot located on the north side of W. Garvey Avenue North, west of N. Sunset Avenue. The site consists of the 34,834 square feet parcel and 13,186 square feet of City-owned land that will be vacated as a part of this project. The site is currently developed with a one-story, 8,029 square-foot office building that was constructed in 1956. The building was previously occupied by a dental office. Currently, one suite is occupied by a massage business, and all others are vacant. The existing structure and parking lot will be demolished. The site is designated for commercial land uses by the General Plan and is zoned "Neighborhood Commercial" (N-C).

ITEM	DESCRIPTION
ZONING AND GENERAL PLAN	"Neighborhood Commercial" (N-C) and "Commercial"
SURROUNDING LAND USES AND ZONING	North: Multifamily Residential Apartment Complex; MF-45 South: Interstate 10 Freeway; Across I-10 FWY - West Covina Civic Center and Porto's Bakery; "Civic Zone" and T-4 General Urban Zone East: Hustler Hollywood (retail store); "Service-Commercial" (SC) West: Wayside Motel; "Service Commercial" (SC)
CURRENT DEVELOPMENT	8,029 square-foot office building
LEGAL NOTICE	Notices of Public Hearing have been mailed to 301 owners and occupants of properties located within 300 feet of the subject site.

DISCUSSION

Precise Plan:

The project involves the demolition of the existing 8,029 square foot office building and paved parking lot, and the construction of an 80,086 square foot 5-story assisted living/memory care facility with a basement and subterranean parking.

The facility will provide a total of 92 units with a total of 107 beds including 15 memory care units with a total of 20 beds. A total of 77 assisted living units will be provided. Each memory care unit features a bathroom, closet, and bedroom, while each assisted living unit features a bathroom, living room, bedroom, closet, and kitchenette. The unit types and capacity are shown below.

UNIT TYPE	QUANTITY	NUMBER OF BEDS
Memory Care - Private Suite (390 sf)	10	10
Memory Care - Semi Private (435 sf)	5	10
Assisted Living Studio (410 sf)	33	33
Assisted Living One Bedroom (565 sf)	34	34
Assisted Living Two Bedrooms (790 sf)	10	20
TOTAL	92 suites	107 beds

The building is accessible from the first floor entry along the front of the building, and through the subterranean parking. The basement level consists of a parking garage accommodating 55 parking spaces, a maintenance room, service elevator, trash chute, laundry room, restrooms, stairs, a theater, and two elevators. The first floor features the reception area, lounge, a bistro, a dining room, administrative offices, kitchen, stairs, elevators, trash chutes, 10 memory care private suites, 5 memory care semi private suites, and memory care courtyard. The second floor includes a gym, the activity director's office, a common area, elevators, trash chute, stairs, 7 assisted living studios, 8 assisted living one bedroom units, and 1 assisted living two bedroom unit. The third floor consists of the physical therapy office, the assisted living director's office, medicine/charting room, elevator, trash chute stairs, 8 assisted living studios, 9 assisted living one bedroom suites, and 4 assisted living two bedroom suites. The fourth floor features a multipurpose common area, storage room, stairs, elevator, trash chute, 8 assisted living studios, 9 assisted living one bedroom suites, and 4 assisted living two bedroom suites. The fifth floor contains a multipurpose room, storage room, janitor closet, elevators, stairs, trash chute, a common area, 7 assisted living studios, 8 assisted living one bedroom suites, and 4 assisted living two bedroom suites. The roof top features a dining area, barbeque grills, a bar, a community garden, dog park, trash chute, elevators, stairs, and mechanical equipment enclosures.

Siting and Landscaping

The project site would have 113'-0" of street frontage along W. Garvey Avenue North and 327'-0" of street frontage along Sunset Avenue (includes City-owned land to be vacated). The site is primarily accessible from the W. Garvey Avenue North driveway, and is accessible by emergency vehicles only from the Sunset Avenue driveway located on the northeasterly corner of the lot. The required front setback for the N-C zone for structures adjacent to residential is 15'-0". The project far exceeds the minimum front setback requirement and provides a 37'-0" front setback as measured from the property line to the arbor (closest structure) and 91'-0" as measured to the primary building. The project also

exceeds the required 10'-0" east side setback, providing a 23'-0" setback as measured from the property line to the arbor (closest structure) and 32'-0" as measured to the primary building. The project meets the required 15'-0" rear setback and 10'-0" west side setback.

Landscaping would be installed along the perimeter of the property (except driveway and walkway areas) and within the common open space recreation areas throughout the lot. The proposed landscaping incorporates ground cover, shrubs, trees, and architectural features such as wooden arbors and water fountains. In addition, the project will include a rooftop deck with a dog park and community farm. The rooftop deck will be landscaped with trees and low growing shrubs. The WCMC requires a minimum of eight percent (8%) of the area to be landscaped, which equals to a 3,842 square foot minimum landscape area requirement for the site. The applicant is proposing to landscape 20.8% of the site (a total of 9,999 square feet of landscaping). This figure does not include landscaping on the rooftop deck, the strip of landscaping along Sunset Avenue between the fence and the sidewalk, and any landscaped area less than 3'-0" wide or less than 24 square feet in area within the lot.

An arborist report was prepared by an International Society of Arboriculture (ISA) certified arborist for the project. The arborist report identifies all on site and off site trees, and discusses the impact (if any) the project would have on the trees. The arborist report identified 14 City trees (13 Peruvian Pepper: 39.5", 19.5", 32", 15", 34.5", 25", 31.5", 24", 36", 40.5", 18.5" DBH; 1 Knife acacia: 21" DBH; and 2 Palo verde: 52", 21" DBH) that are impacted by the project and would have to be removed. These trees are located along the publicly owned greenway on the east side of the lot. The greenway will be vacated by the City and will be incorporated into the lot in the future. Since the 14 trees required to be removed to accommodate the project are currently located on the public right-of-way, a tree removal permit is required to be approved by the Community Development Director and the City's Maintenance Division per Section 26-293 (c)(1) of the WCMC. A condition of approval has been included in the Precise Plan Resolution requiring the applicant to apply for a tree removal permit and obtain approval from both the Community Development Director and the City's Maintenance Division. The installation of replacement trees will be required at a 2:1 ratio (two replacement trees for every one tree removed). All other trees not identified to be removed located on the public greenway will be preserved and supplemented with additional landscaping.

The table below summarizes how the project compares with WCMC standards:

	PROPOSED	REQUIRED/ ALLOWED
Lot Area	48,020 sf	---
Building Area Total	80,086 sf	---
Basement	3,200 sf	
1st Floor	16,922 sf	
2nd Floor	13,908 sf	
3rd Floor	15,352 sf	
4th Floor	15,352 sf	
5th Floor	15,352 sf	
Height	60'-0" (from grade to top of parapet) 75'-0" (from grade to top of elevator shaft)	No height limit
Lot Coverage	0.385 = 38.5% 18,500 sf	0.50 = 50% 24,010 sf
Landscaping	9,999 sf	3,842 sf

Setbacks		
Front (south)	37'-0" (arbor) / 91'-0" (primary building)	15'-0"
Rear (north)	15'-0"	15'-0"
West Side	10'-0"	10'-0"
East Side	23'-0" (arbor) / 32'-0" (primary building)	10'-0"

Architecture

The architectural style of the building is modern. The proposed modernist architectural style is well represented in the detailing and building materials utilized, which include: a two-story glass entry focal point, light wood details, metal window mullion/muntins, stone, and beige/creme colored stucco walls. The exterior of the building will include a mixture of light brown and beige/creme colors. The five-story building is v-shaped, emulating the shape of the lot with the narrow portion facing the street and a centralized open courtyard area at the rear. The building design is supplemented with both organic and inorganic landscaping consisting of wood arbors, water fountains, sculptures, concrete pavers, ground cover, shrubs, and trees that create sitting and recreation areas surrounding the building.

The project also includes the construction of concrete block perimeter walls along the west and north property lines, and at the top of the slope along the east side of the lot. The proposed walls will be finished with stucco and are required to match the color of the building. In addition, a retaining wall with a decorative fence on top will be installed at the bottom of the slope proximate to the Sunset Avenue sidewalk. A condition of approval has been included in the precise plan resolution requiring a detailed wall/fence plan be approved by the Community Development Director prior to building permit issuance.

Staff has a minor concern that the proposed building will be the only five-story building in the area and is approximately 35-50 percent taller than the surrounding buildings. However, given its generous front and street side setback, combined with existing and proposed trees that provides buffering from Garvey Avenue North and Sunset Avenue, the project would provide improvements to the overall appearance of the streetscape. The Municipal Code does not have a height limit for buildings more than 100 feet from single-family residential zones, except in the Downtown Area.

A Shade/Shadow Study was completed to determine if the proposed building would cast shadows on any adjacent shade-sensitive uses. Shade-sensitive uses are considered to include routinely useable outdoor spaces associated with residential, recreational, or institutional uses, pedestrian-oriented outdoor space, restaurant outdoor seating areas, nurseries, and solar collectors. These uses are considered shade-sensitive because sunlight is essential to their function. Staff's main concern in regard to the project is its impact on the neighboring multifamily residential apartment complex to the north of the site. According to the Shade/Shadow Study, the proposed building would not cast any shadows on the apartment complex's outdoor pool and recreation area. Shadows cast on this outdoor pool and recreation area are from the existing apartment building itself. Although shadows will be cast on the south side of apartment complex by the proposed five-story building, blocking sunlight during the spring equinox, fall equinox, and winter solstice between 8 am to 4 pm, shadows are only casted for 2-3 hours at a time in each area during the 8 hour time frame (with the exception of the winter solstice in which the proposed building is responsible for casting shadows during the entire morning and early afternoon hours).

Parking

The parking requirements for convalescent facilities was used to determine the number of spaces

needed (WCMC Section 26-582). The parking requirement is one space for every two beds. There will be a total of 107 beds in this facility. Therefore, 54 parking spaces are required; the project provides 55 parking spaces (3 of which are designated as handicap parking).

Development Impact Fees

The City adopted Development Impact Fees in December 2015. The current fee is \$1.51 per net square foot of new building area (his fee may change in the future and the applicant would be required to pay the new fee):

Total square footage of the proposed project	80,086
Total square footage of existing buildings on the site	<u>-8,029</u>
Total net new square footage	72,057

The estimated cost for the development impact fee is \$108,806.07

Community Outreach

Although Community Outreach is not required by the West Covina Municipal Code, Community Outreach is recommended because it allows applicants to discover overlooked or unknown issues, and opportunities to address these issues prior to the public hearing through open dialogue with neighborhood stakeholders. The applicant held a community meeting on February 28, 2018.

Conditional Use Permit:

Approval of a CUP is required for a skilled nursing and assisted living facilities. As part of the CUP application, the applicant submitted a Summary Business Plan. According to the business plan, the target market for the assisted living facility are seniors approximately 80 years old (average age) that need assistance from caregivers for one or more activities of daily living (eating, dressing, bathing, taking medications), and the target market for the memory care facility are typically approximately 70 years old and need 24 hour supervised care for diagnosed memory impairment. Assisted living services include: three meals per day plus snacks and beverages, weekly housekeeping, personal laundry service, 24-hour health monitoring, home maintenance assistance, scheduled transportation services, assistance with daily activities, and dining/recreation facilities. Memory care services include: three meals per day plus snacks, weekly housekeeping, daily tidying/bed making, personal laundry service, 24-hour health monitoring, assistance with daily living activities, secured unit, secured courtyards, and specialized activities and dining services.

The facility will have a total of 50 full time employees, with varying staff shifts where approximately 8 employees will be arriving and departing during business hours. The facility will have approximately 25 employees present at its peak during normal business hours.

REQUIRED FINDINGS

Findings are required to allow the Planning Commission to approve the precise plan and conditional 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 and 2) and are also presented below.

Findings necessary for the approval of a **Precise Plan** are as follows:

a. 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 an 80,086 square-foot five-story assisted living/memory care facility. The site will be improved with a subterranean parking structure accommodating 55 parking spaces. The applicant is also requesting approval of a Conditional Use Permit for the operation of an assisted living/memory care facility. The project site is designated as “Commercial” in the City’s General Plan and is zoned “Neighborhood Commercial” (N-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 P2.6 Create a diversity of housing options.

Our Well Planned Community P3.4 Direct new growth to downtown area and the corridors. Adapt economically underused and blighted buildings, consistent with the character of surrounding districts and neighborhoods, to support new uses that can be more successful. Provide opportunities for healthy living, commerce, employment, recreation, education, culture, entertainment, civic engagement, and socializing.

b. 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 80,086 square-foot five-story story assisted living/memory care facility. The applicant is also requesting approval of a Conditional Use Permit for the operation of an assisted living/memory care facility. The proposed project includes subterranean parking and landscaping improvements. The proposal complies with the requirements of the “Neighborhood Commercial” (N-C) Zone. The project complies with all applicable development standards for the N-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. 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 a three-story multifamily residential apartment complex to the north and commercial uses to the east, west, and south. The project will include landscaping throughout the site, as well as gardens and seating areas for residents, including a rooftop recreation area with a dog park, community garden, and dining tables. The 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 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 Neighborhood Commercial zoning designation allows for a wide array of uses including assisted living/memory care facilities. The proposed development will be primarily accessible from W. Garvey Avenue North with emergency vehicle only access from a driveway on Sunset Avenue. The site is 48,020 square feet and, as conditioned, 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. 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.

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 architectural style of the building is modern. The proposed modernist architectural style is well represented in the detailing and building materials utilized, which include: a two-story glass entry focal point, light wood details, metal window mullion/muntins, stone, and beige/creme colored stucco walls. The exterior of the building will include a mixture of light brown and beige/creme colors. The five-story building is v-shaped, emulating the shape of the lot with the narrow portion facing the street and a centralized open courtyard area at the rear. The building design is supplemented with both organic and inorganic landscaping consisting of wood arbors, water fountains, sculptures, concrete pavers, ground cover, shrubs, and trees that create sitting and recreation areas surrounding the building. Given its generous front and street side setback, combined with existing and proposed trees that provides buffering from Garvey Avenue North and Sunset Avenue, the project would provide improvements to the overall appearance of the streetscape.

Findings necessary for the approval of a **conditional use permit** are as follows:

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

The proposed facility is both necessary and desirable at the subject location in order to offer a needed service to West Covina senior citizens. The subject property is adjacent to a three-story multifamily residential apartment complex to the north, and commercial uses to the south, east, and west. The development will provide a needed service to the community, and will be aesthetically and functionally compatible with nearby developments.

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

The proposed use is compatible with surrounding commercial and residential uses. The site plan is designed to accommodate efficient vehicular circulation on-site without creating impacts on adjacent properties. Conditions have been placed to ensure the proposed use does not result in impacts to adjacent properties.

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 with the land and uses in the neighborhood and make it compatible thereto.

The existing site is adequate in size to accommodate the proposed project. The proposed site plan provides sufficient landscaping around the perimeter of the building. Sufficient parking is proposed on the site to accommodate the use. The proposed use can be accommodated on the subject property in such a way that it will be compatible with surrounding uses.

d. That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed use and the 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 project will not generate a substantial amount of vehicular traffic nor alter present circulation patterns. The subject site's abutting streets are adequate in width and improvements to accommodate the proposed use. The existing street patterns will not necessitate channeling traffic generated by the proposed use through residential areas.

KOA prepared a traffic analysis for the project to assess traffic impacts. The traffic analysis evaluated potential project-related traffic impacts at seven (7) key intersections in the vicinity of the project site (Sunset Avenue/Workman Avenue E. Leg; Sunset Avenue/W. Garvey Avenue North; Sunset Avenue/Plaza Drive; Sunset Avenue/West Covina Parkway; West Covina Parkway/W. Garvey Avenue South/I-10; Pacific Avenue/West Garvey Avenue North/I-10; Sunset Avenue/Workman Avenue W. Leg). The traffic impact analysis determined that the addition of project-related trips to existing traffic levels would not create any significant impacts during the weekday a.m. or p.m. peak hours. Therefore, the traffic impact study did not recommend any mitigation measures for future conditions.

e. That the granting of such conditional use permit will not adversely affect the General Plan of the City, or any other adopted plan of the City.

The granting of the Conditional Use Permit to allow the operation of an assisted living/memory care facility will not adversely affect the West Covina General Plan, since the proposed use does not conflict with the site's "Commercial" land use designation. The 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 P2.6 Create a diversity of housing options.

Our Well Planned Community P3.4 Direct new growth to downtown area and the corridors. Adapt economically underused and blighted buildings, consistent with the character of surrounding districts and neighborhoods, to support new uses that can be more successful. Provide opportunities for healthy living, commerce, employment, recreation, education, culture, entertainment, civic engagement, and socializing.

GENERAL PLAN CONSISTENCY

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

Our Prosperous Community P2.1. Maintain and enhance the City's current tax base.

Our Prosperous Community P2.6 Create a diversity of housing options.

Our Well Planned Community P3.4 Direct new growth to downtown area and the corridors. Adapt economically underused and blighted buildings, consistent with the character of surrounding districts and neighborhoods, to support new uses that can be more successful. Provide opportunities for healthy living, commerce, employment, recreation, education, culture, entertainment, civic engagement, and socializing.

ENVIRONMENTAL DETERMINATION

Terry A. Hayes Associates, Inc. (TAHA) completed the initial study and environmental analysis for the project, and determined that the proposed project qualifies for a Class 32 Categorical Exemption pursuant to Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act ("CEQA") Guidelines, Title 14, Chapter 3 of the California Code of Regulation and is thereby exempt from CEQA, Public Resources Code Sections 21000 et seq.

The following analysis describes how the proposed project meets the requirements for a Class 32 "In-Fill Development" exemption. The statutory language of each requirement is printed in bold italics below, followed by the project-related analysis for each requirement:

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies, as well as with applicable zoning designation and regulations.

The proposed project meets this requirement. The project site is designated as "Commercial".

- The purpose of the General Plan Commercial land use designation is to encourage wide range of building types depending on neighborhood characteristics that house a mix of functions.
- Policies 2.3, 2.5 and 5.4 of City's General Plan's Housing Element encourage senior and alternative housing models to address the City's growing senior population, including assisted living facilities such as the proposed project. The project site is zoned as "Neighborhood-Commercial" (N-C) per the West Covina Municipal Code (WCMC).
- According to the WCMC, the purpose of the N-C zone is to set standards for retail and service commercial uses. With approval of the CUP to allow residential care facilities to be constructed within a commercial zone, the proposed project would be consistent with the City's General Plan and Zoning Code. Therefore, the proposed project would be consistent with requirement "a".

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban areas.

The proposed project meets this requirement. The 48,020-square-foot (1.10-acre) project site is located at 1415 West Garvey Avenue North in an urbanized area of the City. The project site is currently

developed with a one-story, dental office building and is predominately surrounded by commercial and residential uses. As shown in Figure 2 above, the project site is located immediately adjacent to a two-story motel to the west and a two-story multi-family apartment building to the north. A commercial retail building is located to the east across Sunset Avenue, and I-10 freeway is located to the south of the project. Therefore, due to the size and urban setting of the project site within City limits, the proposed project would be consistent with requirement “b”.

(c) The project site has no value as habitat for endangered, rare, or threatened species.

The proposed project meets this requirement. As discussed above, the project site is located in an urbanized area of the City predominantly surrounded by commercial and residential uses. The project site is currently developed with an 8,029-square-foot dental office building with surface parking. Plant life is limited to non-native and ornamental species used for landscaping. Animal life is comprised of common bird, insect, reptile, and small mammal species. The project site does not contain any riparian habitat and does not contain any streams or water courses necessary to support riparian habitat. Similarly, the project site is not located within or adjacent to the boundaries of any adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan. Therefore, the proposed project has no value as habitat for endangered, rare, or threatened species, and the proposed project would be consistent with requirement “c”.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, water quality, or historic resources.

The proposed project meets this requirement. To determine if the proposed project would have a significant effect on the environment, a comprehensive Initial Study addressing all 21 environmental topic areas as defined by the CEQA Guidelines was prepared for the proposed project. The Initial Study is included in Appendix A of this document. In addition, the Air Quality, Greenhouse Gas Emissions, Traffic, Noise and Shade/Shadow studies were prepared for the proposed project and are also included as appendices to this Categorical Exemption.

The following discussion summarizes how the proposed project would not result in any significant effects related to traffic, noise, air quality, water quality, and historic resources. Additional impact analysis details are provided in the Initial Study and technical studies.

Traffic

A Traffic Impact Study was prepared for the proposed project and the study is summarized in the Initial Study. The traffic analysis concluded that the proposed Project would not create any significant traffic impacts at the study intersections in the future with Project conditions, during either the weekday a.m. or p.m. peak hour. In addition, the proposed project would not create significant vehicle queuing to the site parking lot or adjacent public roadways. Access and circulation associated with the proposed project would be designed and constructed in conformance with all applicable City requirements, including applicable emergency and fire emergency access requirements. The proposed project would not include construction of any roads or the modification of an existing road, that would result in an increase in hazards. While the proposed project would introduce a small increase in vehicle trips to the project area, it is anticipated that vehicle trips associated with the proposed project would be of shorter distance than similar uses in the area due to the nature of an assisted living facility and the limited mobility of residents. Therefore, the proposed project would not result in any significant effects related to traffic and would be consistent with requirement “d”.

Noise

A Noise and Vibration Impact Study was prepared for the proposed project, and the analysis is

summarized in the Initial Study. Construction and operational activities would generate noise from a variety of temporary and permanent noise and vibration sources common to in-fill development. Construction would comply with the allowable construction hours of 7:00 a.m. to 8:00 p.m. as listed in the WCMC, which is designed to control noise exposure. Construction would not require pile driving or other unusual activities that would generate high levels of noise or vibration. It is not anticipated that temporary and intermittent daytime noise generated by equipment, trucks, and other construction sources would significantly impact adjacent land uses. Operational sources of noise include on-site mechanical equipment, outdoor gathering areas, and on-road vehicles. These are not unusual sources of noise associated land use development in the City. Therefore, the proposed project would be consistent with the surrounding land uses and would not create a significance source of permanent noise. Therefore, the proposed project would not result in any significant effects related to noise and would be consistent with requirement “d”.

Air Quality & Greenhouse Gas

Air Quality and Greenhouse Gas (GHG) Emissions Impact Studies were prepared for the proposed project and the analysis is summarized in the Initial Study. Implementation of the proposed project would result in temporary air pollutant emissions and GHG emissions during construction activities. There would be permanent air pollutant and GHG emissions during future operations. Construction emissions would primarily be generated by equipment exhaust and fugitive dust and operational emissions would primarily be generated by on-road vehicles and energy use. Air Quality and Greenhouse Gas Emissions impact analyses were completed in accordance with methodologies and significance thresholds established by the South Coast Air Quality Management District (SCAQMD). The proposed project would not result in significant regional or localized emissions during construction activities or future operations. Also, combined annual construction and operational GHG emissions would not exceed the SCAQMD significance threshold. The proposed project would not expose sensitive receptors to significant toxic air contaminant emissions; and would not generate significant adverse odors. Furthermore, the proposed project would be consistent with the SCAQMD Air Quality Management Plan, the Southern California Association of Governments (SCAG) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS); Climate Change Scoping Plan required by Assembly Bill 32, and the City's Energy Action Plan. Therefore, the proposed project would not result in any significant effects related to air quality and GHG and would be consistent with requirement “d”.

Water Quality

Construction of the proposed project includes the demolition of an existing office building, and the construction of a five-story, 80,086-square-foot residential care facility with 92 suites and one level of subterranean parking. Demolition and grading activities would result in exposed soils and debris, as well as equipment and materials that may contribute pollutants in stormwater runoff. However, the proposed project would be required to comply with all federal, State, and local regulations related to water quality standards and wastewater discharge. Construction contractors would be required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Construction Activity Permit and comply with City Municipal code Section 9-36 relating to stormwater and urban run-off pollution control. In accordance with the requirements of the NPDES permit and Section 9-36 of the City's Municipal Code, the applicant would prepare a standard urban stormwater mitigation plan (SUSMP) and implement best management practices (BMPs) related to erosion and sediment controls to limit the potential for construction activities to result in water quality impacts related to stormwater and site runoff. Compliance with these regulations and policies would reduce the risk of water degradation within the City from soil erosion and other pollutants related to construction activities and potential violations of water quality standards would be minimized.

through required BMPs. Therefore, the proposed project would not result in significant effects to water quality from construction activities associated. As a result, the proposed project would not degrade water quality and would be consistent with requirement “d”.

Historic Resources

The project site is currently developed with an 8,029-square-foot office building with surface parking. The existing building, which would be demolished as part of the proposed project, is not historically significant and does not contain elements that are associated with significant events. Therefore, no impact related to historical resources would occur and would be consistent with requirement “d”.

(e) The site can be adequately served by all required utilities and public services.

The proposed project meets this requirement. The following discussion analyzes how the proposed project can be adequately served by all required utilities and public services.

Utilities Wastewater

Wastewater generated from the project site is collected by sewer pipelines that are maintained by the City. Wastewater collected by the City is then conveyed to the Sanitation Districts of Los Angeles County (LACSD) trunk sewer pipelines where wastewater is conveyed to the LACSD San Jose Creek Water Reclamation Plant (SJCWRP) and/or the Whittier Narrows Water Reclamation Plant (WNRP). The wastewater treatment operations of these two reclamation plants are subject to the water treatment requirements of the LARWQCB. As discussed in the Initial Study, the proposed project would utilize less than 0.1 mgd of SJCWRP’s maximum permitted capacity of 100 mgd and WNRP’s maximum permitted capacity of 15 mgd. In addition, the proposed project would be subject to Section 406 of the LACSD Wastewater Ordinance and LACSD’s Connection Fee Program. Therefore, the proposed project would be consistent with requirement “e”.

Water Supply

Water supply that would serve the proposed project would be provided by the City of Azusa Light & Water. As discussed in the Initial Study, the estimated water demand of the proposed project would represent less than one percent of the amount that Azusa Light & Water pumps and distributes. The estimated water demand of the proposed project is not expected to exceed available supplies or the available capacity within the distribution infrastructure that would serve the project site. Prior to the issuance of the building permit, the applicant would be required to verify that the City’s water system can accommodate the proposed project’s fire flows and all potable water demand. Therefore, the proposed project would be consistent with requirement “e”.

Stormwater Drainage

Existing stormwater runoff infrastructure on the project site conveys stormwater from the project site to City storm drains, where stormwater is then conveyed to the San Gabriel River and/or the Rio Hondo River. Much of the project site is covered by impervious surfaces, and upon completion of the proposed project, the project site would continue to be covered with a similar area of impervious surfaces. The stormwater runoff would continue to be conveyed to local storm drains and channels via the curb and gutters. The discharge of stormwater runoff from the project site would not significantly increase compared to existing conditions, and the proposed project would comply with all of the provisions of the NPDES and all applicable requirements issued by the SWRCB and RWQCB. Therefore, the proposed project would be consistent with requirement “e”.

Electric Power and Natural Gas

The proposed project would be served by Southern California Edison for electricity, and SoCalGas for natural gas. As discussed in the Initial Study, the proposed project would utilize less-than-one percent of electricity that Southern California Edison provides and less-than-one percent of natural gas that SoCal Gas provides in a typical service year. Therefore, the proposed project would be adequately served with electricity and natural gas and would be consistent with requirement “e”.

Telecommunications

The proposed project would require additions of new on-site telecommunications infrastructure to serve the new building and potential upgrades and/or relocation of existing telecommunications infrastructure. Installation of new telecommunications infrastructure would be limited to on-site telecommunications distribution and minor off-site work associated with connections to the public system. Impacts from the installation of any required telecommunications infrastructure, would be short duration and would cease to occur when installation is complete. No upgrades to off-site telecommunications systems are anticipated. Therefore, the proposed project would be adequately served with telecommunications services and would be consistent with requirement “e”.

Fire Protection

The West Covina Fire Department (WCFD) provides fire protection and paramedic services to residents and businesses within the City. West Covina Fire Station No. 1 is located at 819 South Sunset Avenue approximately 0.8 mile southwest of the project site, is the closest fire station to the project site. The project site is within 2.5 “road miles” of this fire station, which would ensure a maximum response time of five minutes or less. In addition, the proposed project would be constructed in compliance with the requirements of the City’s Fire Code and include fire prevention measures. The proposed project would not cause the WCFD to expand the existing Fire Station No. 1, or any other fire stations within the City. Project construction may generate traffic associated with the movement of construction equipment, removal of demolition and excavation materials, and construction worker trips. Flammable materials and liquids may also be present during construction. However, construction activities are temporary and emergency access would remain available along all surrounding streets. Therefore, the proposed project would be adequately served with fire protection services and would be consistent with requirement “e”.

Police Protection

The West Covina Police Department (WCPD) provides police protection services to residents and businesses within the City. WCPD headquarters is located at 1444 West Garvey Avenue approximately 0.5 miles south of the project site. Potential increase in police protection services is not anticipated to cause WCPD to construct a new police station or expand the existing WCPD police headquarters to maintain its level of service. Any potential increase in police protection services would be met by the deployment of additional officers at WCPD and/or increased patrols within the vicinity of the project site. In addition, the proposed project site plans would be submitted to the WCPD Crime Prevention unit for review and appropriate on-site security features would be required by WCPD. Project construction may generate traffic associated with the movement of construction equipment, removal of demolition and excavation materials, and construction worker trips. However, construction activities are temporary and emergency access would remain available along all surrounding streets. Therefore, the proposed project would be adequately served with police protection services and would be consistent with requirement “e”.

Schools

The proposed project is an assisted living facility for the elderly and would not generate any

new students or increase the demand on school services. Therefore, the proposed project would be consistent with requirement “e”.

Recreational Facilities

The proposed project would not result in substantial population growth and incorporates on-site recreational features and outdoor spaces. The proposed project would not substantially increase the use of existing neighborhood and regional parks. Therefore, the proposed project would be adequately served by recreational facilities and would be consistent with requirement “e”.

STAFF RECOMMENDATIONS

Staff recommends that the Planning Commission adopt resolutions approving Precise Plan No. 18-02 and Conditional Use Permit No. 18-02.

LARGE ATTACHMENTS

Plans (Available for review by the public at the West Covina Library, West Covina Police Department, and West Covina Planning Department)

Submitted by: Jo-Anne Burns, Planning Manager

Attachments

Attachment No. 1 - Precise Plan Resolution of Approval

Attachment No. 2 - Conditional Use Permit Resolution of Approval

Attachment No. 3 - CEQA Categorical Exemption Analysis and Technical Studies

Attachment No. 4 - Business Operation Plan

PLANNING COMMISSION

RESOLUTION NO. 19-5998

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING PRECISE PLAN NO. 18-02

PRECISE PLAN NO. 18-02

CATEGORICAL EXEMPTION

APPLICANT: 1415 Garvey, LLC

LOCATION: 1415 W. Garvey Avenue North

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 an 80,086 square-foot assisted living and memory care facility on that certain property described as:

Assessor's Parcel No. 8458-023-020, in the records of the Los Angeles County Assessor; and

WHEREAS, a Conditional Use Permit for the operation of an assisted living/memory care facility (skilled nursing and assisted living facilities) has been submitted for the development of the project; and

WHEREAS, the Planning Commission upon giving the required notice did on the 13th day of August 2019, 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 applicant is requesting approval of a precise plan to approve the design and allow the construction of an 80,086 square-foot assisted living and memory care facility with 92 suites and 107 beds.
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. Pursuant to the requirements of the California Environmental Quality Act (CEQA) of 1970, determined that the proposed project qualifies for a Class 32 Categorical Exemption pursuant to Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act ("CEQA") Guidelines, Title 14, Chapter 3 of the California Code of Regulation and is thereby exempt from CEQA, Public Resources Code Sections 21000 et seq. The existing site is developed with an 8,029 square foot office building. The project includes the demolition of the existing building and the construction of an 80,086 square foot five-story assisted living/memory care facility. The project is consistent with the City's General Plan and would not result in any significant effects relating to traffic, noise, air quality/greenhouse gas, water quality, or historic resources. The site can be adequately served by all utilities and public services. In addition, the project is surrounded by urban uses and has no value as habitat for endangered, rare, or threatened species.

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 an 80,086 square-foot five-story assisted living/memory care facility. The site will be improved with a subterranean parking structure accommodating 55 parking spaces. The applicant is also requesting approval of a Conditional Use Permit for the operation of an assisted living/memory care facility. The project site is designated as "Commercial" in the City's General Plan and is zoned "Neighborhood Commercial" (N-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 P2.6 Create a diversity of housing options.

Our Well Planned Community P3.4 Direct new growth to downtown area and the corridors. Adapt economically underused and blighted buildings, consistent with the character of surrounding districts and neighborhoods, to support new uses that can be more successful. Provide opportunities for healthy living, commerce, employment, recreation, education, culture, entertainment, civic engagement, and socializing.

- b. The project consists of a proposal to construct an 80,086 square-foot five-story assisted living/memory care facility. The applicant is also requesting approval of a Conditional Use Permit for the operation of an assisted living/memory care facility. The proposed project includes subterranean parking and landscaping improvements. The proposal complies with the requirements of the "Neighborhood Commercial" (N-C) Zone. The project complies with all applicable development standards for the N-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 a three-story multifamily residential apartment complex to the north and commercial uses to the east, west, and south. The project will include landscaping throughout the site, as well as gardens and seating areas for residents, including a rooftop recreation area with a dog park, community garden, and dining tables. The 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.

The project will include landscaping throughout the site, as well as gardens and seating areas for residents, including a rooftop garden. 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 Neighborhood Commercial zoning designation allows for a wide array of uses including assisted living/memory care facilities. The proposed development will be primarily accessible from W. Garvey Avenue North with emergency vehicle only access from a driveway on Sunset Avenue. The site is 48,020 square feet and, as conditioned, 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

- e. 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 architectural style of the building is modern. The proposed modernist architectural style is well represented in the detailing and building materials utilized, which include: a two-story glass entry focal point, light wood details, metal window mullion/muntins, stone, and beige/creme colored stucco walls. The exterior of the building will include a mixture of light brown and beige/creme colors. The five-story building is v-shaped, emulating the shape of the lot with the narrow portion facing the street and a centralized open courtyard area at the rear. The building design is supplemented with both organic and inorganic landscaping consisting of wood arbors, water fountains, sculptures, concrete pavers, ground cover, shrubs, and trees that create sitting and recreation areas surrounding the building. Given its generous front and street side setback, combined with existing and proposed trees that provides buffering from Garvey Avenue North and Sunset Avenue, the project would provide improvements to 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. 18-02 is approved subject to the provisions of the West Covina Municipal Code, provided that the physical development of the herein described property shall conform to said 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 August 13, 2019.

- b) Approval of this precise plan is contingent upon, and shall not become effective unless and until approval of Conditional Use Permit No. 18-02 and the vacation of the 13,186 square-foot publicly owned greenway located on the east side of the subject lot.
- c) These conditions of approval shall be printed on or attached to the working drawings submitted to the Building Division for approval.
- d) That the project complies with all requirements of the "Neighborhood Commercial" Zone and all other applicable standards of the West Covina Municipal Code.
- e) The approved use shall not create a public nuisance as defined under Section 15-200 of the West Covina Municipal Code.
- f) The approved use shall be in compliance with the Noise Ordinance (Chapter 15).
- g) This approval shall become null and void if the building permit is not obtained within two (2) years of the date of this approval.
- h) The applicant shall sign an affidavit accepting all conditions of this approval.
- i) 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.
- j) Graffiti-resistant coatings shall be used on all walls, fences, sign structures or similar structures to assist in deterring graffiti.
- k) Any graffiti that appears on the property during construction shall be cleaned or removed on the same business day.
- l) All outstanding fees and Development Impact Fees will be due at the time of building permit issuance.
- m) All new gutters and downspouts shall not project from the vertical surface of the building pursuant to Section 26-568 (a) (3).
- n) 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.
- o) All approved materials and colors shall be clearly indicated on the plans.

- p) 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.
- q) 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.
- r) A 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.
- s) Building 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.
- t) If archaeological resources are discovered during excavation or grading activities, work shall cease in the area of the find until a qualified archaeologist has evaluated the find in accordance with federal, state, and local guidelines, including those set forth in the Public Resources Code Section 21083.2.
- u) The proposed project is required to comply with Section 7050.5 of the California Health and Safety Code in the unlikely event that human remains are encountered during construction. If human remains of Native American origin are discovered during construction activities, the proposed project would be required to comply with state laws, under the jurisdiction of the Native American Heritage Commission (Public Resources Code Section 5097), relating to handling of Native American burials.
- v) The parking lot shall comply with requirements of the Parking Lot Design and Lighting standards.
- w) 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.
- x) 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.

- y) That prior to final building permit approval, a detailed landscape and irrigation plan in compliance with AB 1881 and executive order 13-29-15 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.
- z) The landscaping plan shall include the planting of replacement trees pursuant to the removal of 14 City trees. The City trees removed shall be replaced at a 2:1 ratio. Fifty percent (50%) of the replacement trees shall be a minimum 24" box sized, and the other fifty percent (50%) shall be a minimum 36" box sized.
- aa) All trees shall be indicated on the grading plan, including trees on, or near the property line on adjacent properties. The trees shall be marked as to whether they will be preserved or removed. Trees that are preserved should not be topped but should be pruned to preserve their natural form.
- bb) Prior to the issuance of building permits, the applicant shall submit a detailed wall and fencing plan to the Community Development Director for review and approval. Fences and/or walls shall be constructed around all properties, as determined by the Community Development Director. Said plan shall indicate the locations for all fences and walls, and shall further indicate the height, materials, and colors for all fences and walls. Perimeter block walls (retaining walls) shall be constructed of a decorative material, such as slumpstone or split-face block. The wall and fencing plan shall include the location, design and materials. Wood fences shall include steel posts for maintenance purposes.
- cc) 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.
- dd) Prior to requesting a final inspection, the Planning Division shall inspect the development.
- ee) All new utilities shall be placed underground prior to issuance of Certificate of Occupancy per WCMC 23-273.
- ff) The applicant shall execute an indemnity agreement, in a form provided by the City and approved by the City Attorney, indemnifying the City against any and all actions brought against the City in connection with the approvals set forth herein.
- gg) All parking facilities shall comply with the "Parking Lot Design and Lighting Standards."

- hh) All approved materials and colors shall be clearly indicated on the plans.
- ii) 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.
- jj) 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. There is an existing 8,029-square foot structure on the lot, to be demolished. The proposed building would total 80,086 square feet in size. The developer will pay fees estimated at \$108,706.07 (72,057 sq. ft. x 1.51 = \$108,806.07. The impact fees will be due at the time of building permit issuance. Please note that the calculated impact fees may change and the applicant will be required to pay the updated fees.
- kk) 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.

ll) 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 Current Edition of the California Building Code (CBC).
3. Submit complete construction plans to Building Division for formal plans review.
4. 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. Block walls exceeding 6 feet in height
 - e. Signs
 - f. Fire sprinkler/Alarm systems (*see Fire Department Prevention Bureau for requirements*)
 - g. Plumbing
 - h. Mechanical

i. Electrical

5. Complete architectural plans prepared a by State licensed architect will be required. Submit design for review at formal plans review.
6. Complete structural plans with calculations by State licensed engineer or architect will be required. Submit design for review at formal plans review.
7. Compliance to California T-24 Energy regulations will be required. Submit design for review at formal plans review.
8. Compliance to California Green Building Standards Code will be required. Submit design for review at formal plans review.
9. Separate plumbing, mechanical and electrical plan check will be required. Submit design for review at formal plans review.
10. A soils and geology report is 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.
11. Los Angeles County Health Department approval is required for restaurant/kitchen/other food services. - Phone (626) 430-5560.
12. Sanitation District Industrial Waste approval is required. Please contact (562) 699-7411, Ext 2900 for additional information.
13. All new on-site utility service lines shall be placed underground. 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.
14. A complete code analysis is required. Address type of construction, occupancy, exiting, allowable areas, allowable heights, etc. Provide a summary on the drawing.
15. Compliance with the State of California Accessibility regulations is required, including:
 - a. Building entrances shall be provided with an accessible path of travel connecting the building entrances from the public sidewalk, accessible parking, and other buildings or essential facilities located on the site.
 - b. Accessible parking:

- i. Shall be located at each main entrance. Where multiple major entrances occur, accessible parking shall be equally distributed among the entrances.
 - ii. Shall be 9 feet wide by 18 feet deep and be provided with a loading and unloading passenger access aisle of 8 feet wide for Van space and 5 feet wide for regular accessible spaces.
 - c. Parking garages containing accessible parking stalls shall be provided with a vertical clearance of 8'-2" or more.
 - d. Residential Units shall comply with CBC Chapter 11A for accessibility.
 - e. Common Use areas shall comply with CBC Chapter 11B for accessibility.
16. West Covina Municipal Code requires fire sprinklers for the projects listed below except for open garages as defined by the California Building Code. WCMC § 7-18.13.
- a. In all new hotels, condominium, and apartments of R1 and R2 occupancy. CBC§ 903.
17. Total plumbing fixtures required shall be determined by California Plumbing Code (CPC).
18. Grease interceptor is required. Design and installation shall comply with California Plumbing Code.
19. Type I grease duct is required. Provide complete design per California Mechanical Code.

mm) ENGINEERING DIVISION

1. Comply with all conditions contained in Planning Commission Resolution No. 567. Which outlined the requirements of grading, street improvement, exterior lighting, water supply, all bonds, trees, landscaping, drainage, and building related improvements, etc.
2. Sanitary sewers shall be provided to each "lot" in compliance with Municipal Code Chapter 23, Article 2, and to the satisfaction of the City Engineer.
3. The required street improvements shall include that portion of Garvey Avenue North contiguous to subject property.
4. The required street improvements shall include that portion of Garvey Avenue North contiguous to subject property to include:

- a. Remove and reconstruct existing driveway approaches shall be removed and reconstructed to meet current ADA requirements.
 - b. Repair all damaged curbs, gutters and sidewalks.
5. Adequate provision shall be made for acceptance and disposal of surface drainage entering the property from adjacent areas.
6. Parking lot and driveway improvements on private property for this use shall comply with Planning Commission Resolution No. 2513 and be constructed to the City of West Covina Standards.
7. Prior to issuance of Building Permit, all of the following requirements shall be satisfied:
 - a. A final grading and drainage plan showing existing and proposed elevations and drainage structures (and showing existing and proposed on-site and off-site improvements) shall be submitted to and approved by the Planning Department and Engineering Division.
 - b. 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.
 - c. An itemized cost estimate for all on-site and off-site improvements to be constructed (except buildings) shall be submitted to the Engineering Division for approval. Based upon the approved cost estimates, required fees shall be paid and improvement securities for all on-site and off-site improvements (except buildings) and 100% labor/material securities for all off-site improvements, shall be posted prior to final approval of the plans.
 - d. A soil erosion and sediment control plan shall be submitted to and approved by the Planning Department and Engineering Division
 - e. Provide Will Serve letter from Azusa Water (water purveyor).
8. 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 Storm water/Urban Run-off Pollution control.
9. Submit technical memorandum of traffic impact due to the increase in vehicle trips.
10. All trash enclosure needs to be covered.
11. Conduct sewer capacity study of existing sewer facilities to serve proposed development prepared by engineer (signed and stamped).

12. Indicate where deliveries will be received.
13. Show safe path of travel from Garvey Avenue North.

nn) POLICE DEPARTMENT

1. CCTV System Requirements:

- i) 960H (960 x 480) recording resolution.
- ii) H264 video compression.
- iii) Real-time recording 30 fps per channel @ 960 resolution
- iv) 2048 bit rate
- v) 1 TB hard disk drive at a minimum and larger if the number of cameras require more storage to meet the 30 day storage minimum.
- vi) Fixed cameras with complete coverage of areas that do not infringe on the privacy of patrons, PTZ (pan, tilt, zoom) optional
- vii) Recordings preserved for a minimum of 30 days (30 day loop minimum)
- viii) DVR must contain a USB port for police department personnel to easily access system and download video

oo) FIRE DEPARTMENT

1. Provide NFPA 13D/13R/13 Fire Sprinkler System.
2. NFPA 14 – Standpipe System/Yard Standpipes required.
3. Install NFPA 72 – Fire Alarm/Fire Sprinkler Monitoring System.
4. Install NFPA 17/17A Wet/Dry chemical fire extinguishing system.
5. Install NFPA 10 – Portable Fire Extinguishers.
6. New Fire Flow Test is required.
7. Required Fire Flow of 2,250 GPM @ 20 PSI for two (2) hours.
8. Provide two (2) fire hydrants within 225 feet of the property line.
9. Provide smoke detection system required for delayed egress devices installed in memory care areas.
10. Special Fire Department Requirement
 - a. Because the required fire lane cannot be provided due to topography and difficulty, additional access shall be required and provided from

the Sunset Avenue side of the property. This access shall consist of a fire apparatus access turnout or red-curbed area, a means (such as a concrete stairway) of ascending to the lot; a new public or on-site fire hydrant in this area and a minimum 8-foot wide access gate for firefighter use.

- b. Emergency Responder Radio Coverage, per Section 510 of the 2016 California Fire Code will be required
- c. Before the existing buildings are demolished, asbestos and other hazmat remediation shall be performed, and the remaining structure shall be made available after remediation for firefighter training and the publishing of firefighting instructional safety media.

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 13th day of August, 2019, by the following vote:

AYES: Holtz, Heng, Redholtz, Jacquez

NOES: Kennedy

ABSENT: None

ABSTAIN: None

DATE: August 13, 2019

EXPIRATION DATE: August 13, 2021 if not used



Herb Redholtz, Chairman
Planning Commission

Jeff Anderson, AICP, Secretary
Planning Commission

PLANNING COMMISSION

RESOLUTION NO. 19-5999

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 18-02

CONDITIONAL USE PERMIT NO. 18-02

CATEGORICAL EXEMPTION

APPLICANT: 1415 Garvey, LLC

LOCATION: 1415 W. Garvey Avenue North

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:

Construct an 80,086 square-foot assisted living and memory care facility on that certain property described as:

Assessor's Parcel No. 8458-023-020, in the records of the Los Angeles County Assessor; and

WHEREAS, a Precise Plan for the site plan and architectural design of an assisted living/memory care facility (adult care center) has been submitted for the development of the project; and

WHEREAS, the Planning Commission upon giving the required notice did on the 13th day of August 2019, 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 applicant is requesting approval of a Conditional Use Permit to allow the operation of an assisted living/memory care facility within a new 80,086 square-foot building.
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 that 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 with the land and uses in the neighborhood and make it compatible thereto.
 - d. That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed use 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.
 - 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 requirements of the California Environmental Quality Act (CEQA) of 1970, determined that the proposed project qualifies for a Class 32 Categorical Exemption pursuant to Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act ("CEQA") Guidelines, Title 14, Chapter 3 of the California Code of Regulation and is thereby exempt from CEQA, Public Resources Code Sections 21000 et seq. The existing site is developed with an 8,029 square foot office building. The project includes the demolition of the existing building and the construction of an 80,086 square foot five-story assisted living/memory care facility. The project is consistent with the City's General Plan and would not result in any significant effects relating to traffic, noise, air quality/greenhouse gas, water quality, or historic resources. The site can be adequately served by all utilities and public services. In addition, the project is surrounded by urban uses and has no value as habitat for endangered, rare, or threatened species.

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 facility is both necessary and desirable at the subject location in order to offer a needed service to West Covina senior citizens. The subject property is adjacent to a three-story multifamily residential apartment complex to the north, and commercial uses to the south, east, and west. The development will provide a needed service to the community, and will be aesthetically and functionally compatible with nearby developments.
 - b. The proposed use is compatible with surrounding commercial and residential uses. The site plan is designed to accommodate efficient vehicular circulation on-site.

without creating impacts on adjacent properties. Conditions have been placed to ensure the proposed use does not result in impacts to adjacent properties.

- c. The existing site is adequate in size to accommodate the proposed project. The proposed site plan provides sufficient landscaping around the perimeter of the building. Sufficient parking is proposed on the site to accommodate the use. The proposed use can be accommodated on the subject property in such a way that it will be compatible with surrounding uses.
- d. The project will not generate a substantial amount of vehicular traffic nor alter present circulation patterns. The subject site's abutting streets are adequate in width and improvements to accommodate the proposed use. The existing street patterns will not necessitate channeling traffic generated by the proposed use through residential areas.

KOA prepared a traffic analysis for the project to assess traffic impacts. The traffic analysis evaluated potential project-related traffic impacts at seven (7) key intersections in the vicinity of the project site (Sunset Avenue/Workman Avenue E. Leg; Sunset Avenue/W. Garvey Avenue North; Sunset Avenue/Plaza Drive; Sunset Avenue/West Covina Parkway; West Covina Parkway/W. Garvey Avenue South/I-10; Pacific Avenue/West Garvey Avenue North/I-10; Sunset Avenue/Workman Avenue W. Leg). The traffic impact analysis determined that the addition of project-related trips to existing traffic levels would not create any significant impacts during the weekday a.m. or p.m. peak hours. Therefore, the traffic impact study did not recommend any mitigation measures for future conditions.

- e. The granting of the Conditional Use Permit to allow the operation of an assisted living/memory care facility will not adversely affect the West Covina General Plan, since the proposed use does not conflict with the site's "Commercial" land use designation. The 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 P2.6 Create a diversity of housing options.

Our Well Planned Community P3.4 Direct new growth to downtown area and the corridors. Adapt economically underused and blighted buildings, consistent with the character of surrounding districts and neighborhoods, to support new uses that can be more successful. Provide opportunities for healthy living, commerce, employment, recreation, education, culture, entertainment, civic engagement, and socializing.

- 2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Conditional Use Permit No. 18-02 is approved subject to the provisions of the West Covina Municipal Code provided that the physical development of the herein described property shall conform to said Conditional Use Permit and the conditions set forth herein which, except as otherwise expressly indicated, shall be fully performed and completed or shall be secured by bank or cash deposit satisfactory to the Community Development Director before the use or occupancy of the property is

commenced and before a certificate of occupancy is issued, and the violation of any of which shall be grounds for revocation of said conditional use permit by the Planning Commission or City Council.

3. The conditional use permit shall not be effective for any purpose until the owner of the property involved (or his duly authorized representative) has filed at the office of the Community Development Director his affidavit stating he is aware of, and accepts, all conditions of this conditional use permit as set forth below. Additionally, no permits shall be issued until the owner of the property involved (or a duly authorized representative) pays all costs associated with the processing of this application pursuant to City Council Resolution No. 8690.
4. The costs and expenses of any enforcement activities, including, but not limited to attorney's fees, caused by the applicant's violation of any condition imposed by this approval or any provision of the West Covina Municipal Code shall be paid by the applicant.
5. That the approval of the conditional use permit is subject to the following conditions:

PLANNING DEPARTMENT

- 1) Comply with plans reviewed by the Planning Commission on August 13, 2019.
- 2) Approval of this conditional use permit is contingent upon, and shall not become effective unless and until approval of Precise Plan No. 18-02 and the vacation of the 13,186 square-foot publicly owned greenway located on the east side of the subject lot.
- 3) These conditions of approval shall be printed on or attached to the working drawings submitted to the Building Division for approval.
- 4) That the project complies with all requirements of the "Neighborhood Commercial" Zone and all other applicable standards of the West Covina Municipal Code.
- 5) 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 for appropriate cause.
- 6) 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.
- 7) This approval is for a Residential Care Facility for the Elderly including related ancillary services. At least one occupant of each unit shall be at least sixty (60) years of age. No other forms of residential use are allowed under this approval.

- 8) The Applicant shall obtain and maintain any required State or Federal licenses for the assisted living and memory care facility. If any state or federal licenses are not obtained and maintained then this conditional use permit shall become null and void
- 9) Outdoor storage is prohibited.
- 10) Licenses and permits as required in Chapter 14 of the West Covina Municipal Code shall be obtained prior to the start of the operation of the use.
- 11) The approved use shall not create a public nuisance as defined under Section 15-200 of the West Covina Municipal Code.
- 12) The applicant shall comply with all applicable health and safety codes.
- 13) Any proposed change to the approved site plan and floor plans shall be first considered by the Planning Department, Engineering Department, Building Division, and Fire Department, and shall require the written authorization of the Community Development Director prior to implementation.
- 14) The use shall not create any loud and unnecessary noise as defined in Section 15-85 of the West Covina Municipal Code.
- 15) This Conditional Use Permit approval shall become null and void if the building permit is not obtained within two (2) year of the date of this approval.
- 16) 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 Department about the pending expiration of the subject entitlement.
- 17) The building cannot be converted to a form of housing that is not exclusively for senior citizens without the review of the Planning Commission at a noticed public hearing.
- 18) All required State of California and Los Angeles County licenses and certifications for an assisted living and memory care facility shall be continuously maintained.

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 13th day of August, 2019, by the following vote:

AYES: Holtz, Heng, Redholtz, Jacquez

NOES: Kennedy

ABSTAIN: None

ABSENT: None

DATE: August 13, 2019

EXPIRATION: August 13, 2021 if not used



Herb Redholtz, Chairperson
Planning Commission



Jeff Anderson, AICP, Secretary
Planning Commission

PLANNING DEPARTMENT STAFF REPORT

SUBJECT

PRECISE PLAN NO. 21-01

CONDITIONAL USE PERMIT NO. 21-01

ADMINISTRATIVE USE PERMIT NO. 21-07

TREE PERMIT NO. 21-07

CATEGORICAL EXEMPTION

APPLICANT: Jennifer Daw for Chick Fil A

LOCATION: 3041 E Garvey Avenue North

REQUEST: The applicant is requesting approval of a precise plan to construct a new fast-food restaurant (Chick Fil A) with a drive-through. The project also requires the approval of a conditional use permit for the drive-through, an administrative use permit allowing outdoor dining, and a tree permit allowing for the removal of various trees on site. The proposed fast-food restaurant would be 5,001 square feet.

BACKGROUND

ITEM	DESCRIPTION
ZONING AND GENERAL PLAN	"Regional Commercial" (R-C) and "Commercial"
SURROUNDING LAND USES AND ZONING	North: City of Covina; Ikea South: Interstate Highway 10 East: Regional-Commercial (R-C); LA Fitness Gym West: Regional-Commercial (R-C); Office Building
CURRENT DEVELOPMENT	The subject parcel is developed with a vacant restaurant building.
LEGAL NOTICE	Notices of Public Hearing have been mailed to 21 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

The proposed project site is located at 3041 East Garvey Avenue North. The proposed project site is adjacent to an existing IKEA furniture store to the North, an existing LA Fitness gymnasium and associated parking areas to the east, Garvey Avenue North to the south, and the Barranca Tower (high-rise class-a office building) to the West. The applicant is requesting approval to allow the construction of a 5,001 square-foot fast food restaurant (Chick-Fil-A) with a drive-through. The proposed fast food restaurant would be constructed within the 21,827 square foot site. The proposed building is on the southwesterly corner and would replace the former "Hooters Restaurant" building which is being demolished. The subject property is located in the "Regional Commercial" (R-C) zone. The site is located north of the San Bernardino Freeway (I-10) near the Barranca Street exit.

The proposal requires the approval of a precise plan for site layout and architecture, a conditional use permit for the

drive through, an administrative use permit for outdoor seating, and a tree removal permit for the removal of seven Eucalyptus Citriodora trees and one Schinus Terebinthifolius tree.

Precise Plan

The proposal would redevelop the former Hooters Restaurant building within *The Row*. The former Hooters restaurant establishment occupied the site since 2003. The proposed fast food restaurant and drive-through would be developed in the mid-portion of the westerly side of the lot. The new Chick Fil A restaurant building will be constructed approximately 67 feet east of the westerly property line (side) and approximately 79 feet north of the southerly property line (front).

From the parking lot, customers would go around the building to the north to enter the building. The site currently has vehicle access from E Garvey Avenue N. Landscaped areas are located along the front of the building, around the perimeter, and in the parking lot. Surface parking is located on the easterly and northerly side of the property. The existing site includes one driveway approach along E Garvey Avenue S. The site is located near a three-way stop intersection; two stops signs are from the east and west. The third stop sign is for the incoming traffic from the freeway off-ramp on Barranca Street.

Architecture

The proposed building is contemporary in style and includes a brick veneer and stucco exterior. The main portion of the building is brick veneer (Endicott - Modular). The brick veneer is prominent on all four elevations. The proposed brick veneer would be a tan color while the stucco would be white (West Highland White). On the North elevation, the proposed building features five 1-inch aluminum dark bronze awnings to provide a decorative/articulate trim for each window and one 4-inch aluminum awning above the main entrance. On the South Elevation, the proposed building features five 1-inch dark bronze aluminum awnings to provide a decorative/articulate trim for each window and one 4-inch aluminum awning above the exterior door.

The northerly and easterly part of the building is the dining area, while the westerly and southernly part of the building is the kitchen and office area. A patio and seating area is proposed on the northern side of the building. The overall building height is 20 feet 8 inches, as measured from the finished grade.

The project includes the construction of two canopies on site, one attached to the building and one detached. The attached 1,781 square foot canopy is located on the eastern side of the building and will provide covered shade for the pick-up window. The detached 1,386 square foot canopy is located on the western side of the building and will provide shade for order point. The structural frame for the canopies is steel with a dark bronze metal fascia.

Parking & Circulation

The Municipal Code requires a total of 45 parking spaces for the proposed use based on a calculation of one parking space for every 3.5 seats permanent seats within the restaurant, one parking space for every 40 square feet of assembly area, and one parking space for every five outdoor seats. The site provides 59 parking spaces, resulting in a surplus of 14 parking spaces. The calculation of 45 parking spaces is based on Chick-Fil-A's proposed figures below:

- 104 seats in the dining area ($104/3.5 = 29.7 \sim 30$ parking spaces)
- 337 square feet of assembly area ($337/40 = 8.4 \sim 9$ parking spaces)
- 26 outdoor seats ($26/5 = 6$ parking spaces)

The parking spaces will be provided in surface parking areas which interconnect with the existing surface parking areas and drive aisles serving the LA Fitness and other commercial development within the Row. A total of three (3) handicap spaces will be provided, and two (2) spaces will be dedicated for clean air, van pool, and electric vehicles. In addition, the project site will provide public bicycle parking racks adjacent to the proposed restaurant building. The project site has a recorded reciprocal access and parking agreement with the existing eight (8) parcels at The Row, (i.e. LA Fitness, Marie Calendar's restaurant, El Torito restaurant, etc.) Loading services for deliveries and trash pick-up are provided near the northwest portion of the site.

Landscaping

The Municipal Code requires a minimum landscaped area equaling to eight-percent (8%) of the total net lot area. The applicant is proposing 21,659 square feet of landscaping, which equals to thirty-percent (30%) of the site. The existing site has a combination of grass, shrubs, and trees on site. The applicant has requested to remove seven Eucalyptus Citriodora trees and one Schinus Terebinthifolius tree on site. The project site will rehabilitate the landscaped area to include new trees, shrubs, and ground cover. The new landscaping will cover all planter areas on the site, including the northerly and westerly areas of the parking lot. The proposed ground cover will be Senecio Serpens (blue chalk sticks) and can be found in different areas of the landscaping planters. The applicant is proposing a drought tolerant landscaping that includes agave, Aloe Vera, desert spoon, Fescue, flax lily, yellow yucca, large silver grass, New Zealand flax, etc. The landscaping is proposed to provide adequate screening for the cars in queue from the street. The applicant is also proposing to plant (22) twenty-two new trees on site. The type of trees includes Australian Willow, Southern Magnolia, Olive, and Palo Brea. All trees will be 24-inch box trees. The proposed trees will satisfy the requirement of one (1) tree (minimum fifteen-gallon) for every ten (10) single row parking stalls or every twenty (20) double row parking stalls within the parking lot in all zones.

Conditional Use Permit for Drive-Through

Drive-Through Queuing Analysis

The proposed drive through entrance is located on the westerly side of the building site and wraps around to the easterly side. The applicant has prepared a focused traffic and drive-through queuing analysis. The proposed drive through includes two queuing aisles. There is a 28 car stack within the dedicated drive through aisles and the order point is at the 10th car inner lane. The queuing of vehicles outside the drive-through lanes would occupy the drive aisle, negatively impacting vehicle access to the parking spaces.

A drive-through analysis provided by TJW Engineering and their findings are as follows:

Vehicle trip counts were conducted at four (4) existing Chick-fil-A restaurants in the Southern California region in order to more accurately forecast the vehicle trips expected to be generated by the proposed Chick-fil-A restaurant. The following locations were observed for purposes of deriving site-specific trip generation rates

- 12190 Foothill Boulevard, Rancho Cucamonga, California 91739
- 1949 N. Campus Avenue, Upland, California 91784
- 1700 E. Colorado Boulevard, Pasadena, California 91106
- 24180 Magic Mountain Parkway, Santa Clarita

Observations were conducted at each site during the morning (7:00 to 9:00 AM) and afternoon (4:00 to 6:00 PM) peak hours for two consecutive mid-week days. Observations at the Rancho Cucamonga and Upland locations were conducted in August and September 2018, respectively, while observations at the location in the City of Pasadena were conducted in September 2019. While it is recognized that an existing Chick-fil-A restaurant is located at 200 South Vincent Avenue in the City of West Covina, this site was not surveyed given that it was limited to drive-through and mobile pick-up only service operations only due to the COVID-19 pandemic. No trip generation credit was applied to account for the removal of the prior on-site restaurant building since the building has been vacant for some time. The proposed project is forecasted to generate 1,222 new daily trips, with 81 new vehicle trips (43 inbound, 38 outbound) during the AM peak hour and 161 new vehicle trips (79 inbound, 82 outbound) during the PM peak hour on a typical weekday.

As reported by TJW Engineers, the maximum observed queue at the Rancho Cucamonga site was 19 vehicles and the maximum observed queue at the Upland site was 26 vehicles. The Pasadena location, which was also surveyed and included in the calculation of the empirical trip generation rates, was observed to have a maximum queue of 25 vehicles at the site. The Pasadena location is directly adjacent to Pasadena City College, and likely experiences a higher than typical demand due to the proximity of the College, which may also account for the longer queues observed at this location. A maximum queue of 22 vehicles was observed at the Santa Clarita location, which is situated in the Westfield Valencia Town Center regional shopping mall. Through this data, TJW Engineers forecast

a maximum queue of 25 vehicles for the proposed site. The proposed Chick-fil-A will feature two drive through lanes from the beginning order point to the pick-up window. Planning staff acknowledges that this will help prevent potential queuing in the drive aisle.

Administrative Use Permit for Outdoor Seating

The proposed development includes an outdoor seating area along the north side of the building with 7 tables, 24 seats and two reserved areas of the table for handicap accessibility. The West Covina Municipal Code requires the approval of an administrative use permit (AUP) (WCMC Section 26-597) for a restaurant with outdoor seating. While an 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 applications. Findings are required to be made for each of these individual entitlements. The findings for entitlements are included in each individual resolution (Attachment No. 1, 2, and 3) and are also presented below.

Prior to the granting of a **precise plan** for projects located within all land-use zones it shall be found:

a. 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 5,001 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 proposed development is consistent with adopted development standards for the zone and complies with all other applicable provision of the Municipal Code.

The project consists of a proposal to construct a new 5,001 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; setbacks and off-street parking requirements.

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.

The proposed project would not negatively increase impacts to the neighborhood in terms of traffic, public health, or safety. The proposed restaurant facility will offer dining opportunities for city residents and visitors. The project site is located in an area with "Regional Commercial" (R-C) uses. The proposed use of the project site will be complimentary and consistent with the surrounding users. A drive-through queuing analysis was prepared and concluded that the drive-through will generate a maximum 25-vehicle queue, which project exceeds by providing for a combined 28-vehicle queue drive-through. The site design provides landscape buffers to the adjacent street, and conditions of approval are included to reduce impact to the neighboring properties.

d. The site is physically suitable for the type, density and intensity of the development being proposed, including vehicle access and circulation.

The "Regional Commercial" (R-C) zoning designation set 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 Row and E Garvey Avenue N. The proposed business will be primarily visible from E Garvey Avenue N and Interstate Highway 10. 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 an infill development and is located within an urbanized area where utility connections are readily available.

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.

The proposed restaurant is compatible with the existing and future land uses, and does not interfere with the development in the vicinity. The design of the building provides an architectural design that includes mixed materials such as brick veneer and stucco. The main portion of the building is brick veneer. The brick veneer is prominent on all four elevations. The brick veneer is tan color while the stucco would be white.

Prior to the granting of a **conditional use permit** for projects located within all land-use zones it shall be found:

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

The proposed 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 facilitates a variety of services, eating, gymnasium, and hotel stays. 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. 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 5,001 square foot restaurant building. The site is accessible from within the adjacent parking lot to the east and from E Garvey Avenue N. As conditioned, the drive through restaurant will not be detrimental to the health, safety, peace, or general welfare or persons residing or working in the vicinity, or injurious to the 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.

The drive through use will be incidental to a 5,001 square foot fast-food restaurant. The restaurant building complies with all setback requirements. Existing landscaping will be rehabilitated with new landscaping that will be installed surrounding the building and provide screening of the drive-through lane from E Garvey Avenue N. A drive-through queuing analysis was prepared and concluded that the drive-through will generate a maximum 25-vehicle queue, which project exceeds by providing for a combined 28-vehicle queue drive-through.

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

The subject property abuts streets and highways adequate in width and improvements to carry the traffic generated by the proposed use. The project site is located North of E Garvey Avenue N. The site is accessible within The Row center. The drive-through will not channel traffic through residential areas provided that the closest residential neighborhood is more than 500 feet from the site.

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.

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. Allow 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.

Prior to the granting of an **administrative use permit** for projects located within all land-use zones it shall be found:

a. 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 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 facilitates a variety of services, eating, gymnasium, and hotels stays. The outdoor dining will provide dining options that will contribute to the general well-being of the neighborhood and the community.

b. 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 incidental use to a 5,001 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. 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 proposed outdoor dining use would be an incidental use to a 5,001 square foot fast-food restaurant. The restaurant building complies with all setback requirements. Existing landscaping would be rehabilitated with new landscaping that would be installed surrounding the building.

d. 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 exists 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 North of E Garvey Avenue N. The site is accessible within The Row parking lot. The drive-through would not channel traffic through residential areas provided that the closest residential neighborhood is more than 500 feet from the site.

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.

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.

GENERAL PLAN CONSISTENCY

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

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 5,001 square foot drive-through restaurant.

STAFF RECOMMENDATIONS

Staff recommends that the Planning Commission adopt Resolutions Nos. 21-6088, 21-6089, 21-6090 approving Precise Plan No. 21-01, Conditional Use Permit No. 21-01, and Administrative Use Permit No. 21-07.

LARGE ATTACHMENTS

The plans, business operations plan, and traffic/queuing analysis are available to the public for review at West Covina City Hall.

Submitted by:

Attachments

Attachment No. 1 - Precise Plan Resolution
Attachment No. 2 - Conditional Use Permit Resolution
Attachment No. 3 - Administrative Use Permit Resolution
Attachment No. 4 - Business Operation Plan

PLANNING COMMISSION

RESOLUTION NO. 21-6088

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA,
CALIFORNIA, APPROVING PRECISE PLAN NO. 21-01

PRECISE PLAN NO. 21-01

CATEGORICAL EXEMPTION

APPLICANT: Jennifer Daw for Chick-Fil-A

LOCATION: 3410 E Garvey Avenue N

WHEREAS, there was filed with the City, a verified application on the forms prescribed in Chapter 26, Article VI of the West Covina Municipal Code, requesting approval of a precise plan to: Construct a 5,001-square foot restaurant with a drive-through on a 21,827-square foot parcel. On that certain property described as:

Assessor's Parcel No. 8451-016-100, in the records of the Los Angeles County Assessor; and

WHEREAS, the Planning Commission upon giving the required notice did on the 1st day of July 2021 , 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 5,001 square foot fast-food restaurant with a drive-through and other related site improvements.
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 5,001 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 5,001 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; setbacks and off-street parking requirements.

- c. The proposed project would not negatively increase impacts to the neighborhood in terms of traffic, public health, or safety. The proposed restaurant facility will offer dining opportunities for city residents and visitors. The project site is located in an area with "Regional Commercial" (R-C) uses. The proposed use of the project site will be complimentary and consistent with the surrounding users. A drive-through queuing analysis was prepared and concluded that the drive-through will generate a maximum 25-vehicle queue, which project exceeds by providing for a combined 28-vehicle queue drive-through. The site design provides landscape buffers to the adjacent street, and conditions of approval are included to reduce impact to the neighboring properties. The site design provides buffers to the adjacent street, and conditions of approval are included to reduce impact to the neighboring properties.
 - d. The "Regional Commercial" (R-C) zoning designation set 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 Restaurant Row and E Garvey Avenue N. The proposed business will be primarily visible from E Garvey Avenue N and Interstate Highway 10. 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 an infill development and is located within an urbanized area where utility connections are readily available.
 - e. The proposed restaurant is compatible with the existing and future land uses, and does not interfere with the development in the vicinity. The design of the building provides an architectural design that includes mixed materials such as brick veneer and stucco. The main portion of the building is brick veneer. The brick veneer is prominent on all four elevations. The brick veneer is tan color while the stucco would be white.
2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Precise Plan No. 21-01 is approved subject to the provisions of the West Covina Municipal Code, provided that the physical development of the herein described property shall conform to said 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 July 13, 2021.
- 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) 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.
- k) 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.

- l) 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.
- m) 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.
- n) Clinging vines shall be installed on all retaining or freestanding walls to assist in deterring graffiti.
- o) 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.
- p) 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.
- q) 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.
- r) 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.
- s) Graffiti-resistant coatings shall be used on all walls, fences, sign structures, or similar structures to assist in deterring graffiti.
- t) Any graffiti that appears on the property shall be cleaned or removed within 24 hours.
- u) 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.

- v) 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.
- w) 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.
- x) 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.
- y) 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.
- z) 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.
- aa) 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 Precise Plan and Tree Removal 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.
- bb) 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.
- cc) 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.
- dd) 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.

- ee) Prior to requesting a final inspection by the Building Division, the Planning Division shall inspect the development.
- ff) All approved materials and colors shall be clearly indicated on the plans.
- gg) All parking facilities shall comply with the "Parking Lot Design and Lighting Standards."
- hh) 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.
- ii) 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.
- jj) 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.
- kk) 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

II) 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. Underground all utility services to the property.
3. 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.
4. The owner shall retain the soils engineer preparing the Preliminary Soils and/or Geotechnical Investigation accepted by the City for observation of all grading, site preparation, and compaction testing. Observation and testing shall not be performed by other soils and/or geotechnical engineer unless the subsequent soils and/or geotechnical engineer submits and has accepted by the Public Works Department, a new Preliminary Soils and/or Geotechnical Investigation.
5. 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.
6. 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>
7. 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.
8. 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. A SWPPP is required if disturbing over an acre.
9. Prepare a hydrology/hydraulic study of existing and proposed development per the Los Angeles County Hydrology Manual.
10. The required street improvements shall include those portions of roadways contiguous to the subject property and include:
 - a. Remove and reconstruct existing driveway approaches to meet current ADA requirements.
 - b. Remove and reconstruct all damaged and off-grade curbs, gutters and sidewalks.

- c. 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 designee:

Grind existing pavement to a depth of 2" and overlay new AC.

or

Pay an in-lieu fee equal to the estimated cost of the required pavement rehabilitation to the City.

11. 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.

12. Prior final of the building permit(s), inspection required by Public Works inspector.

mm) FIRE DEPARTMENT

1. New NFPA 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. Require 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.

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

nn) TRAFFIC ENGINEERING DIVISION:

1. A Traffic Impact Analysis will need to be submitted and approved by the Traffic Department. The Traffic Impact Analysis should follow the Traffic Analysis Guidelines as found in the City of West Covina's Transportation Study Guidelines for Vehicle Miles Traveled and Level of Service Assessment dated September 2020.

2. This project is eligible to be screened from a full VMT analysis based on OPR guidelines of local serving retail projects less than 50,000 square feet.
3. The project as discussed with Traffic Engineering will still need to submit a Level of Service Analysis for local intersections that City feels may be impacted by the proposed project. An MOU outlining all of the traffic requirements to be included in a traffic analysis will need to be submitted to Traffic Engineering for approval prior to starting the traffic analysis.
4. The traffic report will also need to include a discussion on why this project is considered as local serving and is indeed exempt from a VMT analysis.
5. The traffic analysis (TA) should include a discussion on internal circulation of the drive-thru queuing as well as access at each driveway location.
6. A truck delivery schedule and location of truck deliveries entering and exiting the site, as well as a truck turning template showing truck movements in and out of the project site should be shown on the site plan.
7. Trash truck turning template will need to be provided overlay on the site plan to and from the trash bin.
8. A discussion on shared parking with LA Fitness and shared access at the driveway opposite the I-10 Freeway should be included.
9. A construction plan of where construction vehicles and workers will park during construction and the impacts associated with construction on existing parking patterns, number of parking spaces to be blocked and impacts to operation of adjacent business.
10. Due to Project location, Caltrans may need to be consulted during the traffic analysis process since the projects main driveway is opposite the I-10 WB Ramps. The applicant is responsible for contacting Caltrans and providing a traffic report that takes into consideration any traffic related comments and requirements by Caltrans for the Traffic Analysis.

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 13th day of July, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: July 13, 2021

Livier Becerra, Chairperson
Planning Commission

Paulina Morales, Secretary
Planning Commission

PLANNING COMMISSION

RESOLUTION NO. 21-6089

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 21-01

CONDITIONAL USE PERMIT NO. 21-01

CATEGORICAL EXEMPTION

APPLICANT: Jennifer Daw for Chick-Fil-A

LOCATION: 3041 E Garvey Avenue N

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

Allow for the operation of a drive-through for the proposed 5,001-square foot restaurant. On certain property described as follows:

Assessor Parcel No. 8451-016-100 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 13th day of July 2021, 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 facilitates a variety of services, eating, gymnasium, and hotel stays. 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 5,001 square foot restaurant building. The site is accessible from within the adjacent parking lot to the east and from E Garvey Avenue N. As conditioned, the drive through restaurant will not be detrimental to the health, safety, peace, or general welfare or persons residing or working in the vicinity, or injurious to the property or improvements in the vicinity.
 - c. The drive through use will be incidental to a 5,001 square foot fast-food restaurant. The restaurant building complies with all setback requirements. Existing landscaping will be rehabilitated with new landscaping that will be installed surrounding the building and provide screening of the drive-through lane from E Garvey Avenue N. A

- drive-through queuing analysis was prepared and concluded that the drive-through will generate a maximum 25-vehicle queue, which project exceeds by providing for a combined 28-vehicle queue drive-through.
- 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 North of E Garvey Avenue N. The site is accessible within The Row center. The drive-through will not channel traffic through residential areas provided that the closest residential neighborhood is more than 500 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. Allow 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. 21-01 is approved subject to the provisions of the West Covina Municipal Code provided that the physical development of the herein described property shall conform to said 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 July 13, 2021.

- 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 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.
- e. 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.
- f. 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.
- g. 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.
- h. 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.
- i. 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.
- j. 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.
- k. The approved use shall not create a public nuisance as defined under Section 15-200 of the West Covina Municipal Code.
- l. The approved use shall be in compliance with the Noise Ordinance (Chapter 15).

- m. 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.
- n. 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 Precise Plan and Tree Removal 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.
- o. 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.
- 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. Underground all utility services to the property.
3. 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.
4. The owner shall retain the soils engineer preparing the Preliminary Soils and/or Geotechnical Investigation accepted by the City for observation of all grading, site preparation, and compaction testing. Observation and testing shall not be performed by other soils and/or geotechnical engineer unless the subsequent soils and/or geotechnical engineer submits and has accepted by the Public Works Department, a new Preliminary Soils and/or Geotechnical Investigation.
5. 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.
6. 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>
7. 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.
8. 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. A SWPPP is required if disturbing over an acre.
9. Prepare a hydrology/hydraulic study of existing and proposed development per the Los Angeles County Hydrology Manual.
10. The required street improvements shall include those portions of roadways contiguous to the subject property and include:

- a. Remove and reconstruct existing driveway approaches to meet current ADA requirements.
- b. Remove and reconstruct all damaged and off-grade curbs, gutters and sidewalks.
- c. 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 designee:

Grind existing pavement to a depth of 2" and overlay new AC.

or

Pay an in-lieu fee equal to the estimated cost of the required pavement rehabilitation to the City.

11. 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.
12. Prior final of the building permit(s), inspection required by Public Works inspector.

v. FIRE DEPARTMENT

1. New NFPA 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. Require 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.

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

w. TRAFFIC ENGINEERING DIVISION:

1. A Traffic Impact Analysis will need to be submitted and approved by the Traffic Department. The Traffic Impact Analysis should follow the Traffic Analysis Guidelines as found in the City of West Covina's Transportation Study Guidelines for Vehicle Miles Traveled and Level of Service Assessment dated September 2020.
2. This project is eligible to be screened from a full VMT analysis based on OPR guidelines of local serving retail projects less than 50,000 square feet.
3. The project as discussed with Traffic Engineering will still need to submit a Level of Service Analysis for local intersections that City feels may be impacted by the proposed project. An MOU outlining all of the traffic requirements to be included in a traffic analysis will need to be submitted to Traffic Engineering for approval prior to starting the traffic analysis.
4. The traffic report will also need to include a discussion on why this project is considered as local serving and is indeed exempt from a VMT analysis.
5. The traffic analysis (TA) should include a discussion on internal circulation of the drive-thru queuing as well as access at each driveway location.
6. A truck delivery schedule and location of truck deliveries entering and exiting the site, as well as a truck turning template showing truck movements in and out of the project site should be shown on the site plan.
7. Trash truck turning template will need to be provided overlay on the site plan to and from the trash bin.
8. A discussion on shared parking with LA Fitness and shared access at the driveway opposite the I-10 Freeway should be included.
9. A construction plan of where construction vehicles and workers will park during construction and the impacts associated with construction on existing parking patterns, number of parking spaces to be blocked and impacts to operation of adjacent business.

10. Due to Project location, Caltrans may need to be consulted during the traffic analysis process since the projects main driveway is opposite the I-10 WB Ramps. The applicant is responsible for contacting Caltrans and providing a traffic report that takes into consideration any traffic related comments and requirements by Caltrans for the Traffic Analysis.

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 13th day of July, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: July 13, 2021

Livier Becerra, Chairperson
Planning Commission

Paulina Morales, Secretary
Planning Commission

PLANNING COMMISSION

RESOLUTION NO. 21-6090

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING ADMINISTRATIVE USE PERMIT NO. 21-07

ADMINISTRATIVE USE PERMIT NO. 21-07

CATEGORICAL EXEMPTION

APPLICANT: Jennifer Daw for Chick Fil A

LOCATION: 3041 E Garvey Avenue N

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

Allow for outdoor dining/seating at the proposed 5,001-square foot restaurant. On certain property described as follows:

Assessor Parcel No. 8451-016-100 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 13th day of July 2021, 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 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 facilitates a variety of services, eating, gymnasium, and hotels stays. 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 incidental use to a 5,001 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 proposed outdoor dining use would be an incidental use to a 5,001 square foot fast-food restaurant. The restaurant building complies with all setback requirements. Existing landscaping would be rehabilitated 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 North of E Garvey Avenue N. The site is accessible within The Row parking lot. The drive-through would not channel traffic through residential areas provided that the closest residential neighborhood is more than 500 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. 21-07 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 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 July 13, 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 in a clean manner. The tables shall be cleaned and wiped down after each use.
- g. The restaurant shall be responsible for picking up, sweeping, and clean any debris that results trash from the restaurant outdoor dining use.
- h. The outdoor dining area shall be maintained and kept in a good state of repair.
- i. The outdoor dining furniture shall be kept clean and well maintained. Worn or damaged furniture shall be replaced.
- j. 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.
- k. The approved use shall be in compliance with the Noise Ordinance (Chapter 15).
- l. 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.
- m. The applicant shall sign an affidavit accepting all conditions of this approval.
- n. 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.
- o. All outstanding fees and Development Impact Fees will be due at the time of building permit issuance.
- p. Comply with all applicable sections of the West Covina Municipal Code.
- q. A total of 26 outdoor seats and 7 tables will be allowed.
- r. Noise levels shall not exceed the ambient noise level by more than (5) five decibels as measured outside of the tenant space.
- s. 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.

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

aa. 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. Underground all utility services to the property.

3. 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.
4. The owner shall retain the soils engineer preparing the Preliminary Soils and/or Geotechnical Investigation accepted by the City for observation of all grading, site preparation, and compaction testing. Observation and testing shall not be performed by other soils and/or geotechnical engineer unless the subsequent soils and/or geotechnical engineer submits and has accepted by the Public Works Department, a new Preliminary Soils and/or Geotechnical Investigation.
5. 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.
6. 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>
7. 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.
8. 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. A SWPPP is required if disturbing over an acre.
9. Prepare a hydrology/hydraulic study of existing and proposed development per the Los Angeles County Hydrology Manual.
10. The required street improvements shall include those portions of roadways contiguous to the subject property and include:
 - a. Remove and reconstruct existing driveway approaches to meet current ADA requirements.

- b. Remove and reconstruct all damaged and off-grade curbs, gutters and sidewalks.
- c. 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 designee:

Grind existing pavement to a depth of 2" and overlay new AC.

or

Pay an in-lieu fee equal to the estimated cost of the required pavement rehabilitation to the City.

- 11. 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.
- 12. Prior final of the building permit(s), inspection required by Public Works inspector.

bb. FIRE DEPARTMENT

- 1. New NFPA 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. Require 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.

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

cc. TRAFFIC ENGINEERING DIVISION:

1. A Traffic Impact Analysis will need to be submitted and approved by the Traffic Department. The Traffic Impact Analysis should follow the Traffic Analysis Guidelines as found in the City of West Covina's Transportation Study Guidelines for Vehicle Miles Traveled and Level of Service Assessment dated September 2020.
2. This project is eligible to be screened from a full VMT analysis based on OPR guidelines of local serving retail projects less than 50,000 square feet.
3. The project as discussed with Traffic Engineering will still need to submit a Level of Service Analysis for local intersections that City feels may be impacted by the proposed project. An MOU outlining all of the traffic requirements to be included in a traffic analysis will need to be submitted to Traffic Engineering for approval prior to starting the traffic analysis.
4. The traffic report will also need to include a discussion on why this project is considered as local serving and is indeed exempt from a VMT analysis.
5. The traffic analysis (TA) should include a discussion on internal circulation of the drive-thru queuing as well as access at each driveway location.
6. A truck delivery schedule and location of truck deliveries entering and exiting the site, as well as a truck turning template showing truck movements in and out of the project site should be shown on the site plan.
7. Trash truck turning template will need to be provided overlay on the site plan to and from the trash bin.
8. A discussion on shared parking with LA Fitness and shared access at the driveway opposite the I-10 Freeway should be included.
9. A construction plan of where construction vehicles and workers will park during construction and the impacts associated with construction on existing parking patterns, number of parking spaces to be blocked and impacts to operation of adjacent business.
10. Due to Project location, Caltrans may need to be consulted during the traffic analysis process since the projects main driveway is opposite the I-10 WB Ramps.

The applicant is responsible for contacting Caltrans and providing a traffic report that takes into consideration any traffic related comments and requirements by Caltrans for the Traffic Analysis.

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 13th day of July, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: July 13, 2021

Livier Becerra, Chairperson
Planning Commission

Paulina Morales, Secretary
Planning Commission



Chick-fil-A Garvey & Barranca Business Operations Plan

Location

The proposed Chick-fil-A restaurant is located at 3041 E Garvey Ave in West Covina. The site is currently occupied by a Hooter's restaurant which would be demolished and replaced by a new Chick-fil-A building in the course of the development.

Food

Chick-fil-A provides food you can feel good about. We provide customers with fresh, good nutrition and a balanced menu that allows accommodation of individual dietary needs. Everything on the menu is made from scratch daily—fresh-squeezed lemonade, hand-chopped salads, hand-breaded chicken, and handspun milkshakes. Options are provided for all dietary needs, and the website is a great resource for people who have nutritional restrictions. Chick-fil-A wants to be considered a 'home away from home'; customers are treated like family and a clean, welcoming dining experience is provided.

Project Compliance

This project will provide revitalization of the existing site while maintaining consistency with the existing commercial structure of the area. The development fulfills these elements by incorporating several key features to comply with the Goals of the Planning Department & City Code:

1. The dual drive-thru lane at this site has been designed to contain all vehicles, with queuing space for 30 vehicles. It has been placed behind the building to limit pedestrian interaction with the vehicles in the drive-through.
2. During peak hours of operation Chick-fil-A provides a drive-thru management program where team members utilize iPads to take customers' orders in the drive-thru. This ordering system allows team members to converse directly with guests, process payment, and manage circulation within the drive-thru and parking lot. Based on past data, this system increases speed of service by 30% when compared with the standard speaker box and provides excellent customer service.
3. Along with face-to-face ordering, Chick-fil-A implemented a dual drive-thru design from the entrance of the drive-thru to the pickup window. The outer drive-thru lane will be used for full order taking and meal delivery, a dedicated mobile pick up lane, or for smaller orders. The Operator has flexibility to use the second lane as they see fit (during peak demand) throughout the day as needed. Chick-fil-A team members will take orders and deliver orders in both lanes, which is why the canopies are important to provide shade protection for the team members. Appropriate safety signage and protocols are placed throughout the drive-thru and Operators form a Drive-Thru Operations team which focuses on the drive-through and all safety measures.



4. While this site is not located next to any residential uses, the menu boards with speaker boxes in the drive-thru will provide standard Automatic Volume Control (AVC) which automatically adjusts the volume level with the outdoor noise ambient levels. AVC monitors the ambient sound levels and adjusts the speaker's volume level accordingly. If the ambient outside sound level increases, AVC stops adjusting and returns volume to its original level.

Deliveries

Nighttime deliveries are proposed as this minimizes the impact of on-site circulation and disruption of business. Deliveries to the restaurant occur 2-3 times per week and typically take 30-45 minutes for deliveries.

Odor Control & Prevention

Chick-fil-A's chicken is cooked in a pressure cooker ("Henny Penny") which does not release outside odor. As for the waffle fries, the mechanical hood system is designed to filter a much higher percentage of particulate matter than is standard for many restaurants.

Everything on the menu is made from scratch daily-- fresh squeezed lemonade, hand chopped salads, hand-breaded chicken, and handspun milkshakes.

Hours of Operation

The new Chick-fil-A is anticipated to be open Monday through Saturday from 6 a.m. to 11:00 p.m. Chick-fil-A is closed on Sunday.

Job Opportunities

The restaurant would employ approximately 80 area residents.

Chick-fil-A strives to offer all employees and staff a positive workplace with opportunities for leadership development and promotion to management roles. In fact, some team members even go on to become Operators. Chick-fil-A recognizes that to take care of restaurant guests, it is critical to first take care of team members. To attract and retain the best team members, highly competitive wages are offered. Furthermore, team members can apply for scholarships up to \$25,000. Finally, work-life balance is respected as everyone is guaranteed to have Sundays off.

Community Involvement

Chick-fil-A places great emphasis on community involvement and leadership. Individual restaurants are well-known for serving their local communities through volunteerism, food donations, and other partnerships with non-profit organizations.



The restaurant in West Covina will be a locally owned and operated businesses with employment and tax benefits going back to the community. Operators seek to become highly involved in their local communities, frequently working to support schools and organizations and live within their communities.

Energy Efficiency

The building is expected to feature Energy Star rated equipment, low-flow plumbing fixtures, and an HVAC system that contains no ozone depleting CFCs.

City Process

The proposed Chick-fil-A restaurant will undergo review by the City of West Covina. If approved by the city, construction of the restaurant would take approximately six months.

www.Chick-fil-A.com

ITEM NO. 4. a.

DATE: July 13, 2021

TO: Planning Commission
FROM: Planning Division
SUBJECT: Forthcoming -

Attachments

Forthcoming 7.27.21

AGENDA NO. 4. a.

DATE: July 13, 2021

FORTHCOMING PLANNING COMMISSION HEARING

July 27, 2021

A. CONSENT CALENDAR

None

B. PUBLIC HEARINGS

None

C. NON-HEARING ITEMS

None

August 10, 2021

A. CONSENT CALENDAR

None

B. PUBLIC HEARINGS

None

C. NON-HEARING ITEMS

None