



CITY OF WEST COVINA

PLANNING COMMISSION

**DECEMBER 13, 2022, 7:00 PM
REGULAR MEETING**

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

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

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

AMERICANS WITH DISABILITIES ACT

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

PUBLIC COMMENTS/ADDRESSING THE COMMISSION

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

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

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

MOMENT OF SILENT PRAYER/MEDITATION

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

1. Regular Meeting, October 11, 2022
2. Regular Meeting, November 22, 2022

ORAL COMMUNICATIONS

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

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

PUBLIC HEARINGS

3. **CONDITIONAL USE PERMIT NO. 22-05
CATEGORICAL EXEMPTION
APPLICANT: David Ly
LOCATION: 993 S Glendora Ave
REQUEST: Application for a Conditional Use Permit No. 22-05 and an Administrative Use Permit No. 22-13 to authorize live entertainment within a defined map for Haven City Market and to authorize the on-sale of beer and wine within a market place.**

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

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4. **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:**
 - a. Forthcoming - December 27, 2022
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

City of West Covina
Memorandum
A G E N D A

ITEM NO. 1.

DATE: December 13, 2022

TO: Planning Commission
FROM: Planning Division
SUBJECT: Regular Meeting, October 11, 2022

Submitted by:

Attachments

Minutes 10.11.22

DRAFT

MINUTES REGULAR MEETING OF THE PLANNING COMMISSION CITY OF WEST COVINA Tuesday, October 11, 2022

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

MOMENT OF SILENT PRAYER/MEDITATION

The Commission observed a moment of silence.

PLEDGE OF ALLEGIANCE

Commissioner Heng led the Pledge of Allegiance

ROLL CALL

Present: Lewis, Gutierrez, Williams, Heng, Becerra

City Staff Present: Bettenhausen, Morales, Burns, Machado, Rivera

APPROVAL OF MINUTES

1. Regular meeting, September 13, 2022 - The minutes were adopted as amended.

ORAL COMMUNICATIONS

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None

PUBLIC HEARINGS

2. CONDITIONAL USE PERMIT NO. 22-02 CATEGORICAL EXEMPTION

APPLICANT: Joseph Maltese for T-Mobile

LOCATION: 625 E. Merced Avenue (Walmerado Park)

REQUEST: The applicant is requesting to modify an existing unmanned 60-foot tall wireless telecommunications facility currently designed as a flag pole. The proposal includes the expansion of an existing canister to accommodate new antennas and remote radio units. The ground footprint will not increase in size. The project is located in Walmerado Park.

Associate Planner Miriam Machado presented the staff report.

Chairman Lewis opened the public hearing.

PROPOSERS:

Graham Flynn and Paulina Mendoza, applicants, spoke in favor of the application.

Discussion by the Commission.

OPPOSERS:

None

Chairman Lewis closed the public hearing.

Discussion by the Commission.

Chairman Lewis reopened the public hearing.

Discussion regarding redesign of the facility.

Chairman Lewis closed the public hearing.

Motion by Gutierrez, seconded by Lewis, to continue this matter to a date uncertain and direct the applicant to redesign the proposed facility. Motion carried 5-0.

3. PUBLIC HEARING TO CONSIDER CITY-WIDE GENERAL PLAN AMENDMENT NO. 22-02 (2021-2029 HOUSING ELEMENT UPDATE)

Housing Element Consultant John Douglas presented the staff report.

Chairman Lewis opened the public hearing.

PROPOSER:

Ted Jimenez, representing Southwest Regional Council of Carpenters spoke in favor of the General Plan Amendment No. 22-02, (2021-2029 Housing Element Update.)

OPPONENTS:

None

Chairman Lewis closed the public hearing.

Discussion by the Commission.

Motion by Lewis, seconded by Williams, to waive further reading and adopt Resolution No. 22-6115, recommending to the City Council approval of General Plan Amendment No. 22-02, Housing Element Update. Motion carried 5-0.

Chairman Lewis said final action on this matter will take place at a public hearing before the City Council on a date to be determined.

4. **CODE AMENDMENT NO. 22-04**

GENERAL EXEMPTION

LOCATION: City Wide

REQUEST: The proposed code amendment consists of certain amendments to the Zoning section of the West Covina Municipal Code related to development standards and requirements for cart containment.

Planning Manager Jo-Anne Burns presented the staff report.

Discussion by the Commission.

Chairman Lewis opened the public hearing.

PROPONENTS:

None

OPPONENTS:

None

Chairman Lewis closed the public hearing.

Discussion by the Commission.

Motion by Gutierrez, seconded by Lewis, to waive further reading and adopt Resolution No. 22-116, recommending to the City Council approval of Code Amendment No. 22-04, related to development of standards and requirements for cart containment. Motion carried 5-0.

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

NON-HEARING ITEMS - None

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

COMMISSION REPORTS/COMMENTS AND MISCELLANEOUS ITEMS

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Commissioner Heng - Regarding undergrounding of cell tower equipment.

Commissioner Becerra - Congratulated South Hills High School Girls Volley Ball Team for winning first place in CIF finals.

Commissioner Gutierrez thanked college student for attending Planning Commission meeting.

5. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:

West Covina Police Department - selling pink patches and tee-shirts on their website for Breast Cancer Awareness month.

Octoberfest Car Show and Trunk or Treat, October 15, 2022, Pancake Breakfast at Cortez Park 11:00 am to 3 pm.

Festival Frights, Historic Glendora Avenue, Saturday, October 29, 2022.

6. CITY COUNCIL ACTION:

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

Housing Element and Cart Containment and Mixed Use Overlay Zone will be sent to the City Council for their action.

ADJOURNMENT

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

Respectfully submitted:

Lydia de Zara
Senior Administrative Assistant

City of West Covina
Memorandum
A G E N D A

ITEM NO. 2.

DATE: December 13, 2022

TO: Planning Commission
FROM: Planning Division
SUBJECT: Regular Meeting, November 22, 2022

Submitted by:

Attachments

Minutes 11.22.22

DRAFT

MINUTES REGULAR MEETING OF THE PLANNING COMMISSION CITY OF WEST COVINA Tuesday, November 22, 2022

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

MOMENT OF SILENT PRAYER/MEDITATION

PLEDGE OF ALLEGIANCE

Commissioner Becerra led the Pledge of Allegiance.

ROLL CALL

Present: Lewis, Gutierrez, Williams, Becerra, Heng

City Staff Present: Morales, Burns, Machado, Bettancourt,

APPROVAL OF MINUTES - None

ORAL COMMUNICATIONS

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PUBLIC HEARINGS - None

NON-HEARING ITEMS

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

Planning Manager Jo-Anne Burns presented the staff report.

Representative from Emanate Health - Queen of the Valley spoke regarding art work.

Discussion by the Commission. The Planning Commission provided feedback on the mural.

Motion by Gutierrez, seconded by Becerra, to approve the hanging/aerial sculpture. Motion carried 5-0.

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COMMISSION REPORTS/COMMENTS AND MISCELLANEOUS ITEMS

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Commissioner Gutierrez asked that the Planning Commission consider a recommendation to the City Council, a moratorium on drive-through restaurants near the freeway during the Municipal Code update.

2. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:

a. Forthcoming - December 13, 2022

Black Friday and Small Business Saturday - Advertising of local businesses on the website. Citizens are encouraged to shop at these local businesses.

December 2, 2022, 6:00 p.m. - Let It Snow Event at West Covina City Hall

December 10, 2022, 9:00 a.m. - Annual Children's Christmas Parade with an appearance by Santa Claus

3. CITY COUNCIL ACTION:

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

Housing Element was approved and submitted to the State of California.

First reading for Mixed Use zone at the November 15, 2022 Council meeting. Second reading will be at the December 13, 2022 meeting.

ADJOURNMENT

Chairman Lewis adjourned the meeting at 7:33 p.m.

Respectfully submitted:

Lydia de Zara
Senior Administrative Assistant

PLANNING DEPARTMENT STAFF REPORT

SUBJECT

CONDITIONAL USE PERMIT NO. 22-05

CATEGORICAL EXEMPTION

APPLICANT: David Ly

LOCATION: 993 S Glendora Ave

REQUEST: Application for a Conditional Use Permit No. 22-05 and an Administrative Use Permit No. 22-13 to authorize live entertainment within a defined map for Haven City Market and to authorize the on-sale of beer and wine within a market place.

BACKGROUND

The applicant is requesting approval of Conditional Use Permit No. 22-05 and Administrative Use Permit No. 22-13 to authorize entertainment within a defined map for Haven City Market and to authorize the on-sale of alcohol within a food hall. The project site is located on the northwest corner of S Glendora Ave and E Vine Avenue within the northwest side of the Hong Kong Plaza Shopping Center.

Item	Description
Zoning and General Plan	Zoning: Neighborhood Commercial (N-C) General Plan: Commercial (C)
Surrounding Land Uses and Zoning	North: Residential Single Family (R-1), Specific Plan (SP), Residential 15 du/ac (MF-15) East: Service Commercial (S-C), Office Professional (O-P) South: Neighborhood Commercial (N-C), Office Professional (O-P) West: Residential 20 du/ac (MF-20) Residential Single Family (R-1)
Current Development	Hong Kong Plaza (Shopping Center)
Legal Notice	Public Hearing Notices have been sent to 334 owners and occupants of properties within 300 feet of the subject site.

DISCUSSION

The applicant is requesting approval of a Conditional Use Permit (CUP) and Administrative Use Permit (AUP) to authorize live entertainment and the sale of beer, wine, and distilled spirits for on-site consumption in conjunction with a bona fide eating place (restaurant) within Haven City Market. Haven City Market is a gourmet food hall comprised of a group of restaurants with shared dining space designed to offer a variety of food/beverage options and social interaction among customers.

Alcohol Sales

The property owner/manager is initiating the application to obtain city approval for alcoholic beverage sales for the entire food hall in order to promote efficiency that would otherwise require each tenant to apply for the same

application separately and to accept accountability since the dining area is shared and would be managed by the property owner and/or its representatives. Each restaurant would still be required to obtain its individual license from the California Department of Alcoholic Beverage Control (ABC) and comply with ABC regulations. The license required would either be Type-41 (beer and wine on-sale) or Type-47 (on-sale general - allows for distilled spirits). Since most full-service/dine-in restaurants in the City include alcohol in their menus, the on-sale of alcoholic beverages would be necessary for the success of the food hall because it would provide Haven Market an equal opportunity to compete with other restaurants in the vicinity and with food halls in other cities.

Alcohol sales within a restaurant requires an AUP which typically does not require Planning Commission review unless a) a public hearing is requested by a member of the public, or b) it is requested with another use/entitlement that requires Planning Commission level review. In this case, the proposed alcoholic beverage service is being processed with the proposed live-entertainment use, which requires a CUP.

Live Entertainment

The applicant is requesting approval of live entertainment within the food hall. The proposed live entertainment includes live music, arcade games, arts and craft shows/instruction, seasonal activities (i.e. Easter egg hunt, Valentine's Day Event), and private parties. The live entertainment would be conducted in conjunction with the operations of the food hall. The location of the live entertainment would be limited to the food hall area (within the interior of the building and outdoor dining area), events that would expand beyond the confines of the food hall would require a separate temporary use permit.

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

1. Amplified sound shall not exceed levels that are plainly audible, or vibrations felt on the outside of the tenant space.
2. Amplified sound shall not be used within the exterior/outdoor dining area after 10:00 p.m. Fridays and Saturdays; and shall not be used at all Sunday through Thursday.
3. The northwest doors of the food hall shall be kept closed at all times, except when doors are in use, in order to minimize noise impacts onto adjacent properties.
4. Any speakers inside the food hall shall be directed toward the front of the tenant space.
5. The Community Development Director shall monitor whether the business generates excessive complaints. If the business operation results in excessive issues or complaints at any time, the Director shall initiate a review of the CUP by the Planning Commission. The Commission shall determine if additional restrictions, conditions, or physical changes are needed in order to address the issues or concerns.

REQUIRED FINDINGS

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

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

The proposed use is consistent with the Commercial General Plan designation and the Neighborhood Commercial Zone. The proposed on-sale alcoholic beverage service and live-entertainment use will be in conjunction with the operation of a bonafide restaurant. As conditioned, the proposed use will be compatible and complement the surrounding uses within Hong Kong Plaza.

The alcoholic beverage service and live-entertainment will allow Haven City Management the ability to provide the community with entertainment options that will increase West Covina's regional appeal.

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

There is no evidence that any detrimental effects such as: noise, litter, or other nuisances would occur. The on-sale alcoholic beverage service and live-entertainment will be in conjunction with the operation of a food hall/group of restaurants. The food hall area is an existing structure that is currently undergoing renovation. With appropriate

conditions of approval, the proposed on-sale of alcohol and live-entertainment will not be detrimental to the health, safety, peace, or general welfare of surrounding residents or business owners. The conditions of approval regulate the use to have minimal impacts.

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

The existing building and site are adequate in size and designed to accommodate the proposed use. The proposed use will integrate well with the surrounding uses. The proposed use would not impact the parking requirements for the site.

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 is located on the North West corner of S Glendora Avenue and E Vine Avenue. The site can be accessed via S Glendora Avenue. No effect on the required infrastructure will result from the proposed use. The subject site's abutting streets are adequate in width to accommodate the proposed use. The proposed use will not change traffic and circulation on the site.

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

Granting the Conditional Use Permit and Administrative Use Permit to allow the on-sale of alcoholic beverages and live-entertainment in conjunction with the operation of a food hall/group of restaurants 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 use is consistent with General Plan Policies 2.1 (maintain and enhance the City's current tax base) and 2.4 (building on and grow West Covina's regional appeal).

GENERAL PLAN CONSISTENCY

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

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

ENVIRONMENTAL DETERMINATION

Pursuant to the California Environmental Quality Act (CEQA), the proposed project is considered to be categorically exempt, pursuant to Section 15303 (Class 1, Existing Facilities) in that it consists of minor alterations of the existing structure in order to operate the requested use.

STAFF RECOMMENDATIONS

Planning staff recommends adopting Resolution Nos. 22-6116 and 22-6117, approving Conditional Use Permit No. 22-05 and Administrative Use Permit No. 22-13.

LARGE ATTACHMENTS

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

Submitted by:

Jerry Rivera, Planning Assistant

Attachments

Attachment No. 1 - CUP Resolution of Approval

Attachment No. 2 - AUP Resolution of Approval

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

R E S O L U T I O N N O . 22-6116

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 22-05

CONDITIONAL USE PERMIT NO. 22-05

CATEGORICAL EXEMPTION

APPLICANT: Haven City Market (David Ly)

LOCATION: 993 S Glendora Ave

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

Authorize live entertainment within a defined map for Haven City Market on certain property described as follows:

Assessor Parcel No. 8469-019-017 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 December 2022, conduct a duly advertised public hearing as prescribed by law to consider said application; and

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

1. The applicant is requesting approval of a Conditional Use Permit to authorize entertainment within a defined map and is located within an existing 20,000 square-foot tenant space in the “Neighborhood Commercial Zone” (N-C).
2. Findings necessary for approval of a Conditional Use Permit are as follows:
 - a. *That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community.*

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

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

1. On the basis of evidence presented, both oral and documentary, the Planning Commission makes the following findings for approval of a Conditional Use Permit:
- a. The proposed use is consistent with the Commercial General Plan designation and the Neighborhood Commercial Zone. The proposed live-entertainment use will be in conjunction with the operation of a bonafide restaurant. As conditioned, the proposed use will be compatible and complement the surrounding uses within Hong Kong Plaza. The live entertainment will allow Haven City Management the ability to provide the community with entertainment options that will increase West Covina's regional appeal.
 - b. There is no evidence that any detrimental effects such as: noise, litter, or other nuisances would occur. The live entertainment will be in conjunction with the operation of a food hall/group of restaurants. The food hall area is an existing structure that is currently undergoing renovation. With appropriate conditions of approval, the proposed live entertainment will not be detrimental to the health, safety, peace, or general welfare of surrounding residents or business owners. The conditions of approval regulate the use to have minimal impacts.
 - c. The existing building and site are adequate in size and design to accommodate the proposed use. The proposed use will integrate well with the surrounding uses. The proposed use would not impact the parking requirements for the site.
 - d. The subject property is located on the Northwest corner of S Glendora Avenue and E Vine Avenue. The site can be accessed via S Glendora Avenue. No effect on the

- required infrastructure will result from the proposed use. The subject site's abutting streets are adequate in width to accommodate the proposed use. The proposed use will not change traffic and circulation on the site.
- e. Granting the Conditional Use Permit to allow the live entertainment in conjunction with the operation of a food hall/group of restaurants 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 use is consistent with General Plan Policies 2.1 (maintain and enhance the City's current tax base) and 2.4 (building on and grow West Covina's regional appeal).
2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Conditional Use Permit No. 22-05 is approved subject to the provisions of the West Covina Municipal Code provided that the physical development of the herein described property shall conform to said Conditional Use Permit and the conditions set forth herein which, except as otherwise expressly indicated, shall be fully performed and completed or shall be secured by bank or cash deposit satisfactory to the Community Development Director before the use or occupancy of the property is commenced and before a certificate of occupancy is issued, and the violation of any of which shall be grounds for revocation of said conditional use permit by the Planning Commission or City Council.
 3. The Conditional Use Permit shall not be effective for any purpose until the owner of the property involved (or his duly authorized representative) has filed at the office of the Community Development Director his affidavit stating he is aware of, and accepts, all conditions of this conditional use permit as set forth below. Additionally, no permits shall be issued until the owner of the property involved (or a duly authorized representative) pays all costs associated with the processing of this application pursuant to City Council Resolution No. 8690.
 4. The costs and expenses of any enforcement activities, including, but not limited to attorney's fees, caused by the applicant's violation of any condition imposed by this approval or any provision of the West Covina Municipal Code shall be paid by the applicant.
 5. That the approval of the Conditional Use Permit is subject to the following conditions:
 - a. Comply with the plans reviewed by the Planning Commission on December 13, 2022.
 - b. Comply with all applicable sections of the West Covina Municipal Code.
 - c. Comply with all requirements of the "Neighborhood Commercial" Zone.
 - d. The approved use allows for live entertainment within a defined map.

- e. Live entertainment shall only be allowed in conjunction with the operation of the food hall while the restaurants are open to serve food.
- f. The live entertainment use is approved for a defined map within Haven City Market. Any addition or modification of the use shall require the submittal of a new Conditional Use Permit.
- g. The approved CUP shall be limited to events held within the confines of the food hall. Any event held on the parking lot and/or outside of the food hall area shall require a Temporary Use Permit for the event per occurrence in compliance with the West Covina Municipal Code.
- h. Amplified sound shall not exceed levels that are plainly audible, or vibrations felt on the outside of the tenant space.
- i. Amplified sound shall not be used within the exterior/outdoor dining area after 10:00 p.m. Fridays and Saturdays; and shall not be used at all Sunday through Thursday.
- j. The northwest doors of the food hall shall be kept closed at all times, except when doors are in use, in order to minimize noise impacts onto adjacent properties.
- k. Any speakers inside the food hall shall be directed toward the front of the tenant space.
- l. The Community Development Director shall monitor whether the business generates excessive complaints. If the business operation results in excessive issues or complaints at any time, the Director shall initiate a review of the CUP by the Planning Commission. The Commission shall determine if additional restrictions, conditions, or physical changes are needed in order to address the issues or concerns.
- m. During construction, the delivery of materials and equipment, outdoor operations of equipment and construction activity shall be limited to the hours between 7:00 a.m. and 8:00 p.m.
- n. All construction equipment, stationary or mobile, shall be equipped with properly operating and maintained mufflers.
- o. That any proposed change to the approved site plan, floor plan, or elevations be reviewed by the Planning, Building, Fire, and Police Departments and the Community Development Commission, and that the written authorization of the Community Development Director shall be obtained prior to implementation.
- p. The operation of the facility shall comply with the West Covina Noise Ordinance.

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

BUILDING DEPARTMENT

1. The second sheet of building plans is to list all conditions of approval and to include a copy of the Planning Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
2. Fees shall be paid to the County of Los Angeles Sanitation District prior to issuance of the building permit.
3. Each food tenant shall be individually assigned with an address, and an application to assign address shall be filed with Engineering Division prior to plan check submittal.
4. In accordance with paragraph 5538(b) of the California Business and Professions Code, plans are to be prepared and stamped by a aad architect.
5. Structural calculations prepared under the direction of an architect, civil engineer or structural engineer shall be provided.
6. South Coast Air Quality Management District must be contacted prior to any demolition or renovation. Call (909) 396-2000 for further information. Failure to comply with the provisions of Rule 1403 may result in a penalty of up to \$25,000 per day.
7. The owner shall retain the soils engineer preparing the Preliminary Soils and/or Geotechnical Investigation accepted by the City for observation of all grading, site preparation, and compaction testing. Observation and testing shall not be performed by another 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.
8. Prior to permit issuance, a PDF copy of the soils report shall be provided by the applicant.
9. 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.
10. A grading and drainage plan shall be approved by Engineering Division prior to issuance of the building permit. The grading and drainage plan shall indicate how all storm drainage including contributory drainage from adjacent lots is carried to the public way or drainage structure approved to receive storm water.
11. Projects shall comply with the requirements of the NPDES (NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM) prior to issuance of a Demolition, Grading & Building permit. These include requirements for sediment control, erosion control, and construction activities control to be implemented on the project site.
12. Redevelopment projects are required to comply with standard urban stormwater mitigation plan ("SUSMP") conditions per Section 9-36 of the City Ordinance. Redevelopment means land-disturbing activity that results in the creation, addition, or replacement of five thousand (5,000) square feet or more of impervious surface area on an already developed site. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of a routine maintenance activity; and land disturbing activities related to structural or impervious surfaces.
13. Approval is required from the Los Angeles County Health Department for restaurants.
14. An change in the purpose of, or a change in the level of activity within, a building or structure where the applicable Building Code requires a greater degree of safety, accessibility, structural strength, fire protection, means of egress, ventilation or sanitation than is existing in the building or structure is considered as change of occupancy.
15. Additions, alterations, repairs and changes of use or occupancy in all buildings and structures shall comply with the provisions for new buildings and structures except as otherwise provided in the Existing Building Code in effect.
16. An analysis shall be provided to justify the requirements for building area limitations within the type of construction of which the existing building was previously assigned by the Building Official are met per Chapter 5 of the applicable Building Code due to the proposed change of occupancy.
17. The analysis for verification of compliance with applicable sections of Chapter 5 of the Building Code shall also include the mixed use occupancy determination and the separation between the occupancy of the food court and that of adjacent tenant space, including the existing supermarket of Merchantile Occupancy.
18. Accordion or folding doors when used as a component of a means of egress shall comply with Section 1010.1.2 and 1010.3.3 of the Building Code.
19. All State of California disability access regulations for accessibility shall be complied with.

20. Angled accessible parking space shall comply with Section 11B-502.2, including Figure 11B-502.2. Such parking configuration generally demands greater dimensional requirements than those for non-angled accessible parking space.
21. Electrical plan check is required.
22. Mechanical plan check is required.
23. Plumbing plan check is required.
24. Plumbing fixtures shall be provided as required by the Chapter 4 of the California Plumbing Code. Additional fixtures may be required if not in compliance.
25. Project shall comply with the CalGreen nonresidential requirements.
26. Separate permit is required for Fire Sprinklers alteration.
27. All fire sprinkler hangers must be designed, and their location approved by an engineer or an architect. Calculations must be provided indicating that the hangers are designed to carry the tributary weight of the water filled pipe plus a 250 pound point load. A plan indication this information must be stamped by the engineer or the architect and submitted for approval prior to issuance of the building permit.

FIRE DEPARTMENT

1. Proof of fire sprinkler 5-year test and certification prior to final
2. Proof of fire alarm annual test and certification prior to final
3. Proof of hood system bi-annual test and certification prior to final
4. New signage will be required for fire riser room/FACP room
5. Existing red curbs must be repainted and striped prior to final
6. Knox Box required for each unit
7. A labeled key for each unit, along with a labeled master for exterior doors must be provided prior to final
8. **Any alteration to the existing fire protection systems will require a separate deferred submittal. Any non-permitted work may cause delay of final approval and issuance of Certificate of Occupancy.**
9. Illuminated exit signage with emergency lighting
10. Panic hardware where required

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

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a regular meeting held on the 13^h day of December 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: December 13, 2022

Nickolas Lewis, Chair
Planning Commission

Paulina Morales, Secretary
Planning Commission

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

R E S O L U T I O N N O . 22-6117

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING ADMINISTRATIVE USE PERMIT NO. 22-13

ADMINISTRATIVE USE PERMIT NO. 22-13

CATEGORICAL EXEMPTION

APPLICANT: Haven City Market (David Ly)

LOCATION: 993 S Glendora Ave

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

Authorize entertainment within a defined map for Haven City Market. The applicant is requesting approval for an Administrative Use Permit to authorize the sale of beer and wine for consumption (Type 41) and (Type 47) Authorizes the sale of beer, wine, and distilled spirits for consumption within an existing 20,000 square foot market space on certain property described as follows:

Assessor Parcel No. 8469-019-017 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 December 2022, conduct a duly advertised public hearing as prescribed by law to consider said application; and

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

1. The applicant is requesting approval of an Administrative Use Permit to authorize the sale of beer and wine for consumption (Type 41) and (Type 47) Authorizes the sale of beer, wine, and distilled spirits for consumption within an existing 20,000 square foot market in the “Neighborhood Commercial Zone” (N-C).
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 (Class 1, Existing Facilities)

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

1. On the basis of evidence presented, both oral and documentary, the Planning Commission makes the following findings for approval of an Administrative Use Permit:
 - a. The proposed use is consistent with the Commercial General Plan designation and the Neighborhood Commercial Zone. The on-sale alcohol use will be in conjunction with the operation of a bonafide restaurant. As conditioned, the proposed use will be compatible and complement the surrounding uses within Hong Kong Plaza. The use will allow Haven City Management the ability to provide the community with entertainment options that will increase West Covina's regional appeal.
 - b. There is no evidence that any detrimental effects such as: noise, litter, or other nuisances would occur. The on-sale alcohol use will be in conjunction with the operation of a food hall/group of restaurants. The food hall area is an existing structure that is currently undergoing renovation. With appropriate conditions of approval, the on-sale alcohol use will not be detrimental to the health, safety, peace, or general welfare of surrounding residents or business owners. The conditions of approval regulate the use to have minimal impacts.

- c. The existing building and site are adequate in size and designed to accommodate the proposed use. The proposed use will integrate well with the surrounding uses. The proposed use would not impact the parking requirements for the site.
 - d. The subject property is located on the Northwest corner of S Glendora Avenue and E Vine Avenue. The site can be accessed via S Glendora Avenue. No effect on the required infrastructure will result from the proposed use. The subject site's abutting streets are adequate in width to accommodate the proposed use. The proposed use will not change traffic and circulation on the site.
 - e. Granting the Administrative Use Permit to allow the on-sale of alcoholic beverages in conjunction with the operation of a food hall/group of restaurants 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 use is consistent with General Plan Policies 2.1 (maintain and enhance the City's current tax base) and 2.4 (building on and grow West Covina's regional appeal).
2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Administrative Use Permit No. 22-13 is approved subject to the provisions of the West Covina Municipal Code provided that the physical development of the herein described property shall conform to said Administrative Use Permit and the conditions set forth herein which, except as otherwise expressly indicated, shall be fully performed and completed or shall be secured by bank or cash deposit satisfactory to the Community Development Director before the use or occupancy of the property is commenced and before a certificate of occupancy is issued, and the violation of any of which shall be grounds for revocation of said Administrative Use Permit by the Planning Commission or City Council.
3. The Administrative Use Permit shall not be effective for any purpose until the owner of the property involved (or his duly authorized representative) has filed at the office of the Community Development Director his affidavit stating he is aware of, and accepts, all conditions of this Administrative Use Permit as set forth below. Additionally, no permits shall be issued until the owner of the property involved (or a duly authorized representative) pays all costs associated with the processing of this application pursuant to City Council Resolution No. 8690.
4. The costs and expenses of any enforcement activities, including, but not limited to attorney's fees, caused by the applicant's violation of any condition imposed by this approval or any provision of the West Covina Municipal Code shall be paid by the applicant.
5. That the approval of the Administrative Use Permit is subject to the following conditions:
 - a. Comply with the plans reviewed by the Planning Commission on December 13, 2022.
 - b. Comply with all applicable sections of the West Covina Municipal Code.

- c. Comply with all requirements of the “Neighborhood Commercial” Zone.
- d. This approval allows for the on-sale service of beer and wine (Type 41) or on-sale general (Type 47) as an ancillary use to a full-service restaurant.
- e. All rules and regulations of the California Department of Alcoholic Beverage Control (ABC) shall be complied with at all times.
- f. The use is approved for a defined map within Haven City Market. Any addition or modification of the use shall require the submittal of a new Administrative Use Permit.
- 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. All construction equipment, stationary or mobile, shall be equipped with properly operating and maintained mufflers.
- i. 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.
- j. The operation of the facility shall comply with the West Covina Noise Ordinance.
- k. This approval does not include the approval of signs; a separate sign permit shall be obtained. All signs shall be required to comply with the City of West Covina Sign Code.
- l. That any proposed change to the approved site plan, floor plan, or elevations be reviewed by the Planning, Building, Fire, and Police Departments and the Community Development Commission, and that the written authorization of the Planning Director shall be obtained prior to implementation.
- m. The Administrative Use Permit may be revoked, amended and suspended by the Planning Commission under the provisions of Section 26-253 of the West Covina Municipal code.

BUILDING DEPARTMENT

1. The second sheet of building plans is to list all conditions of approval and to include a copy of the Planning Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.

2. Fees shall be paid to the County of Los Angeles Sanitation District prior to issuance of the building permit.
3. Each food tenant shall be individually assigned with an address, and an application to assign address shall be filed with Engineering Division prior to plan check submittal.
4. In accordance with paragraph 5538(b) of the California Business and Professions Code, plans are to be prepared and stamped by a licensed architect.
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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 13^h day of December 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: December 13, 2022

Nickolas Lewis, Chair
Planning Commission

Paulina Morales, Secretary
Planning Commission

City of West Covina
Memorandum
A G E N D A

ITEM NO. 4. a.

DATE: December 13, 2022

TO: Planning Commission
FROM: Planning Division
SUBJECT: Forthcoming - December 27, 2022

Submitted by:

Attachments

Forthcoming - 12.27.22

AGENDA NO. 4. a.

DATE: December 13, 2022

FORTHCOMING PLANNING COMMISSION HEARING

December 27, 2022 - Meeting cancelled – Happy Holidays!

A. CONSENT CALENDAR

None

B. PUBLIC HEARINGS

None

C. NON-HEARING ITEMS

None

January 10, 2023

A. CONSENT CALENDAR

None

B. PUBLIC HEARINGS

None

C. NON-HEARING ITEMS

None

January 24, 2022

A. CONSENT CALENDAR

None

B. PUBLIC HEARINGS

(1)

CONDITIONAL USE PERMIT NO. 22-02

APPLICANT: T-Mobile

LOCATION: 625 E. Merced Avenue

C. NON-HEARING ITEMS

(2)

DESIGN REVIEW SUBCOMMITTEE NO. 22-136

APPLICANT: Luz Luna Sepulveda

LOCATION: 401 S. Rodilee Avenue

(3)

CONSIDERATION OF RESOLUTION RECOMMENDING CITY COUNCIL
ADOPTION OF DRIVE THROUGH MORATORIUM