

**WEST COVINA PLANNING COMMISSION AGENDA  
CITY COUNCIL CHAMBERS - FIRST FLOOR  
REGULAR MEETING**

**Tuesday December 11, 2018  
7:00 PM**

***AMERICANS WITH DISABILITIES ACT***

The City complies with the Americans with Disabilities Act (ADA). If you will need special assistance at Planning Commission meetings, please call (626) 939-8422 (voice) or (626) 960-4422 (TTY) from 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 a Public Hearing will be heard during the public hearing for that item.

Next Resolution No. 18-5971

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENT PRAYER/MEDITATION**

**ROLL CALL**

**APPROVAL OF MINUTES**

1. Regular meeting, November 27, 2018

## **ORAL COMMUNICATIONS**

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

By policy of the Commission, Oral Communications at this time on the agenda is limited to a total of 15 minutes. Persons who are not afforded the opportunity to speak at this time may do so under "Continuation of Oral Communications" later on the agenda.

## **PUBLIC HEARINGS**

2. **CONDITIONAL USE PERMIT NO. 18-07  
CATEGORICAL EXEMPTION**  
APPLICANT: Raymond Qian for We Relax Spa  
LOCATION: 112 Plaza Drive, Suite 2480  
REQUEST: Request for a conditional use permit to allow a 494-square foot massage spa within Plaza West Covina.
  - a. Hear staff report
  - b. Public testimony
  - c. Close public testimony and Commission discussion
  - d. Staff to read Resolution numbers
  - e. Motion/second to adopt resolution approving/denying

**This action is final unless appealed to the City Council within ten (10) days.**

3.     CONDITIONAL USE PERMIT NO. 18-08  
          SUBCOMMITTEE FOR DESIGN REVIEW NO. 18-25  
          CATEGORICAL EXEMPTION  
          APPLICANT: Jorge and Rosa Alvarez  
          LOCATION: 215 South Hillward Avenue  
          REQUEST: Request for a conditional use permit to construct a new 3,868-square foot, two-story house (including a 425-square two car garage). The house will consist of a 2,100-square foot first story and a 1,343-square foot second story. the house will feature 4 bedrooms and 4.5 bathrooms. The proposal also includes a 67-square foot covered patio and a 51-square foot porch.
- a. Hear staff report
  - b. Public testimony
  - c. Close public testimony and Commission discussion
  - d. Staff to read Resolution numbers
  - e. Motion/second to adopt resolution approving/denying

**These actions are final unless appealed to the City Council within ten (10) days.**

4.     ADMINISTRATIVE USE PERMIT NO. 18-21  
          CATEGORICAL EXEMPTION  
          APPLICANT: Channing He  
          LOCATION: 2849 Horizon Hills Drive  
          REQUEST: Request for an administrative use permit to construct a maximum height 8-foot retaining wall in the side yard of the existing single-family residence.
- a. Hear staff report
  - b. Public testimony
  - c. Close public testimony and Commission discussion
  - d. Staff to read Resolution numbers
  - e. Motion/second to adopt resolution approving/denying

**This action is final unless appealed to the City Council within ten (10) days.**

## **NON-HEARING ITEMS**

5. (Continued from November 27, 2018)  
PRECISE PLAN NO. 16-08  
CONDITIONAL USE PERMIT NO. 16-15  
ADMINISTRATIVE USE PERMIT NO. 18-03  
TREE REMOVAL PERMIT NO. 18-10  
CATEGORICAL EXEMPTION  
APPLICANT: Leah Lombardi (Chick Fil A)  
LOCATION: 200 South Vincent Avenue  
REQUEST: Take action on resolutions prepared at the request of the Planning Commission, approving Precise Plan No. 16-08, Conditional Use Permit No. 16-15, Administrative Use Permit No. 18-03, and Tree Removal Permit No. 18-10.
  - a. Hear staff report
  - b. Staff to read Resolution numbers
  - c. Motion/second to adopt resolutions

**These actions are final unless appealed to the City Council within ten (10) days.**

6. (Continued from November 27, 2018)  
REVIEW OF REQUEST TO EXTEND HOURS OF OPERATION  
ADMINISTRATIVE USE PERMIT NO. 15-09  
2050 SOUTH VALINDA AVENUE (REBEL YELL BAR AND STEAKHOUSE)  
REQUEST: The applicant is requesting to extend the hours of operation.
  - a. Hear staff report
  - b. Commission discussion
  - c. Staff to read Resolution number
  - d. Motion/second to adopt resolution approving/denying the request

## **CONTINUATION OF ORAL COMMUNICATIONS**

Continuation of Oral Communications

## **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.

7. **PLANNING DIRECTOR'S REPORT:**

- a. **FORTHCOMING**
- b. **PROJECT STATUS REPORT - December, 2018**

8. **CITY COUNCIL ACTION:**

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

## **ADJOURNMENT**

# UNADOPTED MINUTES

## A G E N D A

DATE: December 11, 2018

ITEM NO.: 1

### MINUTES REGULAR MEETING OF THE PLANNING COMMISSION CITY OF WEST COVINA Tuesday, November 27, 2018

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the West Covina Council Chambers. Commissioner Rozatti led the Pledge of Allegiance and the Commission observed a moment of silence.

#### ROLL CALL

Present: Jimenez, Rozatti and Redholtz

Absent: Heng, Holtz (Arrived at 7:25 p.m.)

City Staff Present: Tsai, Anderson, Hernandez and de Zara

#### APPROVAL OF MINUTES:

1. Regular meeting, October 23, 2018

The minutes were approved as submitted.

#### OTHER MATTERS OR ORAL COMMUNICATIONS

None

#### PUBLIC HEARINGS

Due to the large number of people in the audience wishing to address the Commission regarding Item No. 2, and the absence of Commissioner Holtz, Chairman Jimenez said he would call Item No. 4 to be heard first and Item No. 3 be heard second. Hearing no objections, Chairman Jimenez asked staff to present the staff report for Item No. 4, Conditional Use Permit No. 18-06.

4. **CONDITIONAL USE PERMIT NO. 18-06**  
**CATEGORICAL EXEMPTION**  
**APPLICANT:** Haneesha Desai for Kumon Learning Center  
**LOCATION:** 146 North Grand Avenue  
**REQUEST:** The project consists of an application for a conditional use permit to allow a tutoring center for children aged five to eighteen years of age. The tutoring center will be located within an existing 952-square foot tenant space.

Associate Planner Veronica Hernandez presented the staff report. During her presentation she spoke about the location of the center, the business plan, the hours of operation and the number of students that will be present during operating hours. She added that there were enough parking spaces at the location to meet the parking requirements for the center. Staff recommended approval of the project.

Chairman Jimenez opened the public hearing.

**PROPONENT:**

Haneesha Desai, applicant, explained her business plan for the tutoring center and answered questions from the Commission. Commissioner Redholtz asked about her background in education and if she operated other centers. Ms. Desai said she is a franchise owner and was trained by Kumon Learning Center.

**OPPONENTS:**

No one addressed the Commission in opposition to the request.

Chairman Jimenez closed the public hearing.

There was a short discussion by the Commission regarding the proposed tutoring center.

Motion by Redholtz, seconded by Rozatti, to waive further reading and adopt Resolution No. 18-5969 approving Conditional Use Permit No. 18-06. Motion carried 3-0 (Holtz, absent; Heng absent, excused).

Chairman Jimenez said this action is final unless appealed to the City Council within ten (10) days.

3. **ADMINISTRATIVE USE PERMIT NO. 18-07  
SUBCOMMITTEE FOR DESIGN REVIEW NO. 18-16  
CATEGORICAL EXEMPTION**

**APPLICANT:** Jeremy Yeh

**LOCATION:** 1117 South Lark Ellen Avenue

**REQUEST:** Request for an administrative use permit to construct a new 4,001-square foot two-story home (including a 728-square foot, three-car garage). The house will consist of a 1,698-square foot first story and a 1,575-square foot second story. The house will feature five bedrooms and six bathrooms. The proposal also includes a 57-square foot balcony to the front of the house and a 278-square foot balcony to the rear.

Associate Planner Veronica Hernandez presented the staff report. During her presentation she showed the Commission a power point presentation to illustrate the

existing home and the proposed home. In addition, she spoke about the results of a neighborhood survey conducted by staff that showed that the proposed house would be larger than most homes in the area.

Ms. Hernandez also spoke about the proposed balconies and said staff was recommending approval of the project, subject to the conditions of approval which require removal of the balcony to the rear of the house. She told the Commission that neighbors had expressed their support of the project and no negative comments had been received after the public hearing notice was mailed to property owners within the 300-foot radius. Commissioner Redholtz asked if anyone had contacted staff regarding this proposal and Commissioner Rozatti asked if the existing swimming pool would be removed.

Chairman Jimenez opened the public hearing.

#### PROPONENTS:

Kevin Maranan and Sheila De Jesus Maranan, owners of the property, and Larry Martinez spoke in favor of the project.

Mr. and Mrs. Maranan said they had lived in West Covina for many years and wanted to expand their home to enable them to care for some of their family members. They also answered questions by the Commission regarding the recommendation for clerestory windows and if they were willing to comply with staff's recommendation to remove the rear balcony. Commissioner Rozatti asked if they would donate or reuse materials during the construction phase of the project.

Larry Martinez said he has known the applicants for many years and expressed his support of their proposed addition. He also said he wasn't concerned with the windows on the rear balcony.

#### OPPONENTS:

No one spoke in opposition to the request.

Chairman Jimenez closed the public hearing.

There was a discussion by the Commission regarding the size of the proposed home and the addition of a two-story home in a single-story neighborhood. In addition, the Commission considered the lack of objections by the residents. They also discussed the impacts of the proposed balconies on future residents, who may object to the infringement of their privacy. Community Development Director Jeff Anderson addressed the comments by the Commission by reading the Subcommittee for Design Review Guidelines regarding balconies to them. After further consideration and discussion, it was the consensus of the Commission to



approve the request, subject to staff's recommendation and the conditions of approval.

Motion by Redholtz, seconded by Holtz, to waive further reading and adopt Resolution No. 18-5970 approving Administrative Use Permit No. 18-07. Motion carried 4-0 (Heng absent, excused).

Chairman Jimenez said this action is final unless appealed to the City Council within ten (10) days.

2.     PRECISE PLAN NO. 16-08  
       CONDITIONAL USE PERMIT NO. 16-15  
       ADMINISTRATIVE USE PERMIT NO. 18-03  
       TREE REMOVAL PERMIT NO. 18-10  
       CATEGORICAL EXEMPTION (CLASS 32)  
       APPLICANT: Leah Lombardi (Chick Fil A)  
       LOCATION: 200 South Vincent Avenue  
       REQUEST: The project consists of a request for the approval of a precise plan to demolish an existing restaurant building and construct a fast-food restaurant with a drive-through. The project also requires the approval of a conditional use permit for the drive-through, an administrative use permit to allow outdoor dining, and a tree removal permit to remove trees along Vincent Avenue. The proposed fast food restaurant would be 4,214-square feet.

Community Development Director Jeff Anderson presented the staff report. During this presentation he spoke about the location and filing of the original application, just prior to the adoption of the General Plan and Downtown Plan by the West Covina City Council. Mr. Anderson said that staff had addressed the drive through use and encouraged the applicants to redesign the restaurant without it. He also spoke about staff's concerns with the negative effect a drive through could have on the already-congested intersection of Vincent Avenue and West Covina Parkway. In addition, he spoke about the traffic study, and stacking and queuing for the drive through on the subject property. He also spoke about the CEQA analysis which showed no negative impacts on the environment. He also told the Commission that prior to the adoption of the Downtown Plan, the subject property had been zoned R-C, Regional Commercial. He told the Commission that other sit-down restaurants had expressed interest in the site.

Mr. Anderson also reviewed the proposed patio area, which would be used as outdoor seating for patrons eating their food on-site. He told the Commission that emails in support of the project and one in opposition had been received after their packets had been delivered, and those emails had been printed and provided to them. Mr. Anderson recommended approval of the project, subject to removal of the drive-through. There was a short discussion by the Commission regarding staff's recommendation, the traffic study and the environmental review.

PROPOSERS:

Jennifer Daw and Tina Choi, representing the applicant, David Farias, Monica Farias, Donaji Zamora, Chris Miller, Gisselle Regalado, Dane Johnson, Jim Grivich, and Ryan Shea spoke in favor of the request.

Ms. Daw and Ms. Choi said they are excited to be in West Covina and spoke to the Commission regarding the history of the restaurant, and their many philanthropic endeavors. In addition, they said they had worked with staff during the redesign of their project. During her testimony, the Commission asked how much of their business is from the drive-through area. Ms. Choi said the drive-through represented approximately 50% of their business.

The remainder of the proponents spoke about their desire to be able to purchase food from Chick Fil A in West Covina, the convenience of the drive-through and the many benefits the proposed restaurant could bring to West Covina, including jobs, and tax revenue. Mr. Shea, representing the property management company for the site, said Chick Fil A signed a long-term lease for the property and so no other tenant would be able to lease the property.

OPPOSERS:

No one spoke in opposition to the request.

REBUTTAL:

Ms. Choi told the Commission that the community is concerned with unemployment and the new restaurant would bring jobs into the community. In addition, she told the Commission that they had worked extensively with staff to redesign the project to fit into the Downtown Plan as much as possible. She also said Chick Fil A has a history of becoming part of the community, and agreed to the conditions of approval, except to remove the drive through lane.

Chairman Jimenez closed the public hearing.

There was a discussion regarding the drive through being permitted in the Downtown area, the redesign of the patio area and the negative impact to traffic in the area.

The Commission considered the impact to the Downtown area, additional traffic, the applicants working with staff to redesign the building to minimize a negative impact to the Downtown area, and the possibility of having the building stand vacant in the future. Commissioner Redholtz expressed his reservation in approving the project because of the investment the City made in the Downtown area. He also expressed his concern with additional traffic near Vincent Avenue, West Covina

Parkway and the I-10 Freeway on-ramp. However, he concurred with the remainder of the Commission that this use would be an improvement over a vacant building.

Motion by Holtz, seconded by Rozatti, to direct staff to continue this matter to the December 11, 2018 regular meeting and direct staff to draft resolutions of approval for this project. Motion carried 4-0, (Heng absent, excused.)

Chairman Jimenez called a recess at 9:35 p.m.

Chairman Jimenez reconvened the meeting at 9:40 p.m.

#### NON-HEARING ITEMS

5. REVIEW OF REQUEST TO EXTEND HOURS OF OPERATION  
ADMINISTRATIVE USE PERMIT NO. 15-09  
2050 SOUTH VALINDA AVENUE (REBEL YELL BAR AND STEAKHOUSE)  
REQUEST: The applicant is requesting to extend the hours of operation.

Associate Planner Veronica Hernandez presented the staff report. She told the Commission the owner was requesting an expansion of his approved hours of operation. She also said the West Covina Police Department and Code Enforcement had been contacted regarding service calls to the business.

Commissioner Redholtz asked about the required six-month review

Motion by Jimenez, seconded by Rozatti, to continue this matter to the December 11, 2018 regular meeting to obtain information on the request from the applicant. Motion carried 4-0 (Heng absent, excused).

#### CONTINUATION OF ORAL COMMUNICATIONS

None

#### COMMISSION REPORTS/COMMENTS AND MISCELLANEOUS ITEMS

Chairman Jimenez announced his resignation from the Planning Commission and said it had been a pleasure and honor to serve on the Commission.

Commissioner Redholtz thanked Chairman Jimenez for his service to the community and congratulated former Planning Commissioner Dario Castellanos on his election to the City Council. He also welcomed newly appointed Commissioner Rozatti to the Planning Commission.

Commissioner Rozatti said she enjoyed her first meeting and spoke about her memories of the Planning Commission while she was growing up.

5. PLANNING DIRECTOR'S REPORT:

a. FORTHCOMING – December 11, 2018

Mr. Anderson thanked Chairman Jimenez for his service on the Planning Commission and welcomed Commissioner Rozatti. He also told the Commission there were items scheduled for their December 11, 2018 regular meeting.

6. CITY COUNCIL ACTION:

November 20, 2018 the City Council acted on, and introduced for first reading, ordinances adopting Code Amendment No. 18-02, Accessory Dwelling Units, and Code Amendment No. 18-03, Downtown Plan and Code Parking Standards.

ADJOURNMENT

Chairman Jimenez adjourned the meeting at 10:05 p.m.

Respectfully submitted:

Lydia de Zara  
Senior Administrative Assistant

**ADOPTED AS SUBMITTED ON:**

**ADOPTED AS AMENDED ON:**

**A G E N D A**  
**ITEM NO. 2**  
**DATE: December 11, 2018**

**PLANNING DEPARTMENT STAFF REPORT**

**CONDITIONAL USE PERMIT NO. 18-07**

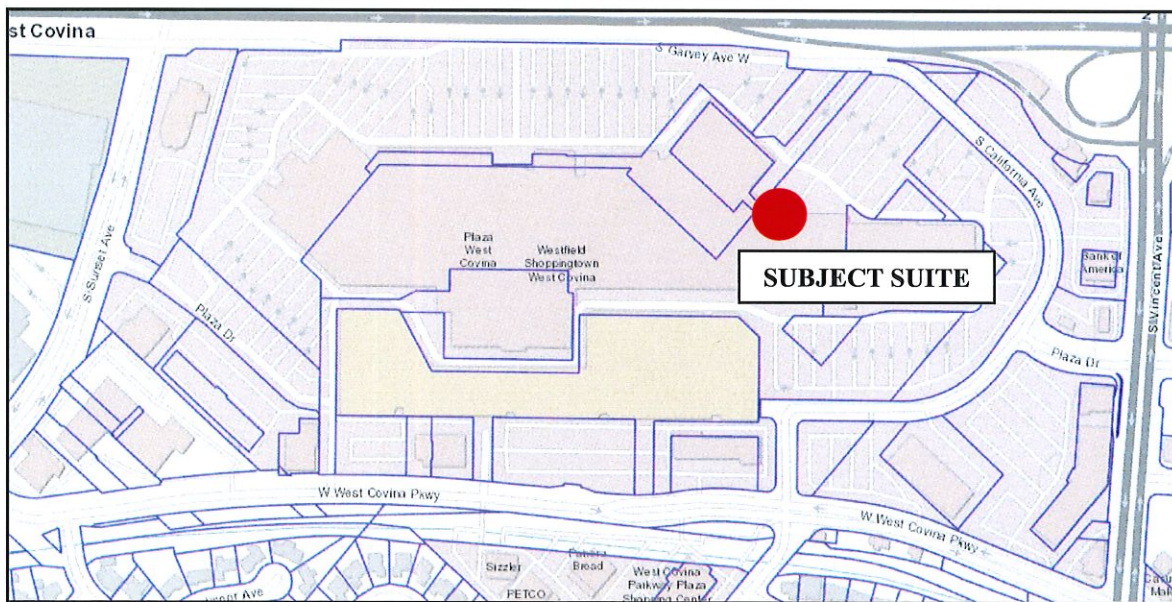
**CATEGORICAL EXEMPTION**

**APPLICANT:** Raymond Qian for We Relax Spa

**LOCATION:** 112 Plaza Drive, Ste. 2480 (Plaza West Covina)

**I. SUMMARY**

The applicant is requesting a conditional use permit to allow a massage spa, located within an existing 494-square foot tenant space in the Plaza West Covina shopping mall. No new construction is proposed.



Staff recommends that the Planning Commission adopt a resolution approving Conditional Use Permit No. 18-07.

## II. BACKGROUND

ITEM	DESCRIPTION
<b>ZONING AND GENERAL PLAN</b>	Zoning: "Urban Neighborhood" (U-C) General Plan: "Commercial"
<b>SURROUNDING LAND USES AND ZONING</b>	North: Interstate 10 Freeway East: "Urban Center" (U-C) Commercial South: "Urban Center" (U-C) Commercial West: "Urban Center" (U-C) Commercial
<b>CURRENT DEVELOPMENT</b>	Plaza West Covina
<b>LEGAL NOTICE</b>	Notices of Public Hearing have been mailed to 530 owners and occupants of properties located within 300 feet of the subject site.

## III. PROJECT DESCRIPTION AND ANALYSIS

The applicant is requesting an approval of a conditional use permit for a massage establishment within the Plaza West Covina. The subject property is in the "Urban Center" zone and located south of the Interstate 10 Freeway. The mall is surrounded by commercial uses.

The massage establishment will be located within an existing 494-square foot vacant tenant space. The massage spa will be located on the second floor of the mall. The business will operate Monday through Saturday from 10:00 a.m. to 9:00 p.m. and Sunday from 11:00 a.m. to 7:00 p.m. There will be a maximum of 2 employees working at any time.

The interior of the tenant space will include three massage chairs and three massage tables. The massage tables and chairs will be out in the open. A sofa will be provided for customers waiting for a massage. The spa will offer table body massages, foot massages, and chair massages. All massages will be given over clothes, and no private rooms are provided.

## IV. FINDINGS

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

- a) *That the proposed use at the 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 "Urban Center" zone in the Downtown Plan. A "Urban

Center” zone is comprised primarily regional-serving retail, office, entertainment, and hospitality uses. The proposed use is a massage establishment with a floor area of 494 square feet. The massage spa would provide a personal service to people visiting the Plaza West Covina shopping mall. The proposed massage use meets all the applicable requirements of the “Urban Center” zone.

- b) *That such use will not, under the circumstances of the 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 massage use will occupy an existing vacant tenant space. The business hours are during mall hours. The massage tables and chairs will not be in private rooms, and all massages will take place over clothes. With the conditions of approval, the proposed massage spa will not be detrimental to the health, safety, peace or general welfare of surrounding residents or business owners.

- 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 is adequate in size and design to accommodate the proposed massage use. The massage use will occupy an existing tenant space within the mall. Sufficient parking exists on the site to accommodate the massage use.

- 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 south of the Interstate 10 freeway and abuts Vincent Avenue, West Covina Parkway, and Sunset Avenue, all principle arterials, and Garvey Avenue, a collector street. The site can be accessed via all these streets. The proposed massage use will not generate a substantial amount of vehicular traffic nor alter present circulation patterns.

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

Granting the conditional use permit for the proposed use of a massage facility would allow the opportunity for the surrounding community and visitors to the Plaza West Covina to have access to a quick massage while shopping or in the



area. The proposed massage use would not compromise the character of the surrounding neighborhood nor be detrimental to the surrounding land uses. Allowing the proposed use is consistent with the policies and actions of the General Plan.

## **V. ENVIRONMENTAL DETERMINATION**


The project is a Categorical Exemption Class 1 (Section 15301: Existing Facilities) pursuant to the requirements of the California Environmental Quality Act of 1970 (CEQA) since the project consists of minor alterations of the existing structure to operate the requested use.

## **VI. CONCLUSION**


The applicant is requesting a conditional use permit for the use of a massage establishment in an “Urban Center” zone that would occupy an existing tenant suite. Through the conditional use permit, findings were made to determine that the proposed massage use would be suitable for the existing site and surrounding uses. The findings concluded that the proposed massage use is consistent with the “Commercial” land use designation in the General Plan, meets zoning code standards, and would not be detrimental to the health and safety of the adjacent land uses and residents.

## **VII. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission adopt a resolution approving Conditional Use Permit No. 18-07.

  
\_\_\_\_\_  
Veronica Hernandez  
Associate Planner

REVIEWED AND APPROVED:

  
\_\_\_\_\_  
Jeff Anderson, AICP  
Community Development Director

Attachments:

- Attachment 1 – Conditional Use Permit Resolution for Approval
- Attachment 2 – Business Operations Plan
- Attachment 3 – Site Plan and Floor Plan



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

**R E S O L U T I O N   N O .**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 18-07**

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**CONDITIONAL USE PERMIT NO. 18-07**

**CATEGORICAL EXEMPTION**

**APPLICANT:**            Raymond Qian for We Relax Spa

**LOCATION:**            112 Plaza Drive, Ste. 2480 (Plaza West Covina)

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

Allow a massage establishment use in an existing 494-square foot tenant space on certain property described as follows:

Assessor Parcel No. 8474-007-037 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 11<sup>th</sup> day of December, 2018, 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 a massage parlor use within an existing tenant space of 494 square feet that is zoned as "Service Commercial."
2.     The proposed massage facility anticipates to accommodate 2 employees. Business hours for the office will be Monday through Saturday 10:00 a.m. to 9:00 p.m. and on Sundays from 11:00 a.m. to 7:00 p.m.
3.     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.*
4. Pursuant to the California Environmental Quality Act (CEQA), the proposed project is considered to be categorically exempt (Class 1, Existing Facilities) in that it consists of minor alterations of the existing structure in order to operate the requested use.

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 "Urban Center" zone in the Downtown Plan. A "Urban Center" zone is comprised primarily regional-serving retail, office, entertainment, and hospitality uses. The proposed use is a massage establishment with a floor area of 494 square feet. The massage spa would provide a personal service to people visiting the Plaza West Covina shopping mall. The proposed massage use meets all the applicable requirements of the "Urban Center" zone.
  - b. The proposed massage use will occupy an existing vacant tenant space. The business hours are during mall hours. The massage tables and chairs will not be in private rooms, and all massages will take place over clothes. With the conditions of approval, the proposed massage spa will not be detrimental to the health, safety, peace or general welfare of surrounding residents or business owners.

- c. The existing building and site is adequate in size and design to accommodate the proposed massage use. The massage use will occupy an existing tenant space within the mall. Sufficient parking exists on the site to accommodate the massage use.
  - d. The subject property is south of the Interstate 10 freeway and abuts Vincent Avenue, West Covina Parkway, and Sunset Avenue, all principle arterials, and Garvey Avenue, a collector street. The site can be accessed via all of these streets. The proposed tutoring use will not generate a substantial amount of vehicular traffic nor alter present circulation patterns.
  - e. Granting the conditional use permit for the proposed use of a massage facility would allow the opportunity for the surrounding community and visitors to the Plaza West Covina to have access to a quick massage while shopping or in the area. The proposed massage use would not compromise the character of the surrounding neighborhood nor be detrimental to the surrounding land uses. Allowing the proposed use is consistent with the policies and actions of the General Plan.
2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Conditional Use Permit No. 18-07 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 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 Planning Director before the use or occupancy of the property is commenced and before a certificate of occupancy is issued, and the violation of any of which shall be grounds for revocation of said conditional use permit by the Planning Commission or City Council.
  3. The conditional use permit shall not be effective for any purpose until the owner of the property involved (or his duly authorized representative) has filed at the office of the Planning Director his affidavit stating he is aware of, and accepts, all conditions of this conditional use permit as set forth below. Additionally, no permits shall be issued until the owner of the property involved (or a duly authorized representative) pays all costs associated with the processing of this application pursuant to City Council Resolution No. 8690.
  4. The costs and expenses of any enforcement activities, including, but not limited to attorney's fees, caused by the applicant's violation of any condition imposed by this approval or any provision of the West Covina Municipal Code shall be paid by the applicant.
  5. That the approval of the conditional use permit is subject to the following conditions:
    - a. Comply with the plans reviewed by the Planning Commission on December 11, 2018.

- b. Comply with all applicable sections of the West Covina Municipal Code.
- c. Comply with all requirements of the "Urban Commercial" zone.
- d. This conditional use permit allows table body massages, foot massages, and chair massages.
- e. The massage establishment is approved to operate Monday through Saturday from 10:00 a.m. to 9:00 p.m. and on Sundays from 11:00 a.m. to 7:00 p.m.
- f. A maximum of 2 employees shall be on-site at any one time.
- g. All massage services shall be offered over clothes.
- h. Private rooms for the massage tables and chairs are not permitted.
- i. All persons providing massage services shall obtain a CAMTC certificate.
- j. The massage establishment is approved for 494-square feet. Any addition or modification of the use shall require the submittal of a new conditional use permit.
- k. That any proposed change to the approved site plan, floor plan, or elevations be reviewed by the Planning, Building, Fire, and Police, and that the written authorization of the Planning Manager shall be obtained prior to implementation.
- l. The operation of the facility shall comply with the West Covina Noise Ordinance.
- m. 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.
- n. 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.
- o. 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.
- p. POLICE DEPARTMENT
  - 1. CCTV Requirements:
    - i. 720p (1280x720) minimum recording resolution is required. Increased resolution of 1080p (1920x1080) or better is encouraged

- ii. Minimum H.264 video compression, H.265 is also acceptable
- iii. Real-time recording 30 fps per camera @ 720p resolution
- iv. Use caution when purchasing systems and insure that each camera will be recording at full resolution and frame rate at the minimum spec, whether it's 720p, 1080p, or better. Recording devices often have limitations and will sometimes be advertised as supporting 720p or 1080p, however the advertising doesn't explain that the higher resolution is only for limited channels, and when maxed out will provide reduced resolution
- v. Minimum 30-day storage retention and archival for each camera (all video) at 720p resolution, 30fps (full frame rate and resolution)
- vi. Design your camera system to ensure that the privacy of your patrons is not infringed, and do not view or record areas where your patron(s) would have an expectation of privacy. Typically, this is easily resolved by the placement of the camera and is not an issue. However, where this could present a problem as the need for both coverage and privacy exists in the same area, camera technology exists that allows for the best of both worlds. Called 'video masking', 'window blanking', and by other names, it allows the area within a larger view to be masked so that private areas cannot be seen, however surrounding areas can
- vii. The recording device must contain a USB port for police department personnel to easily access system and download video
- viii. Video should be exportable in an open file format

q. FIRE DEPARTMENT

- 1. NFPA 13D/13R/13 Fire Sprinkler System.
- 2. NFPA 72 – Fire Alarm/Fire Sprinkler Monitoring System
- 3. NFPA 10 – Portable Fire Extinguishers
- 4. Modifications to the existing fire sprinkler/fire alarm system must first be approved and permitted by the Fire Division.
- 5. A Knox key box and labeled master key must be maintained/provided for emergency responder access after business hours.

**NOTE:** *\*Additional Fire Department Requirements May be Set upon future review of a full set of architectural plans.*

I HEREBY CERTIFY, that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a special meeting held on the 11<sup>th</sup> day of December, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: December 11, 2018

EXPIRATION DATE:

December 11, 2020 if not used

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Herb Redholtz, Chairman  
Planning Commission

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Jeff Anderson, Secretary  
Planning Commission

# WE RELAX SPA

2480 Plaza Dr  
West Covina, CA 91790

ONLY 2 EMPLOYEES WORKING AT ONE TIME

- **Table body massage**

- 15 min Neck, Shoulder and Arms, 15 min Back, 30 min Foot

90 mins \$86

60 mins \$56

45 mins \$46

30mins \$32

20mins \$22

- **Foot massage**

- Leg & foot massage

60 mins \$56

45 mins \$46

30 mins \$32

20 mins \$22

- **Chair Massage**

- Shoulder, arm, legs & feet

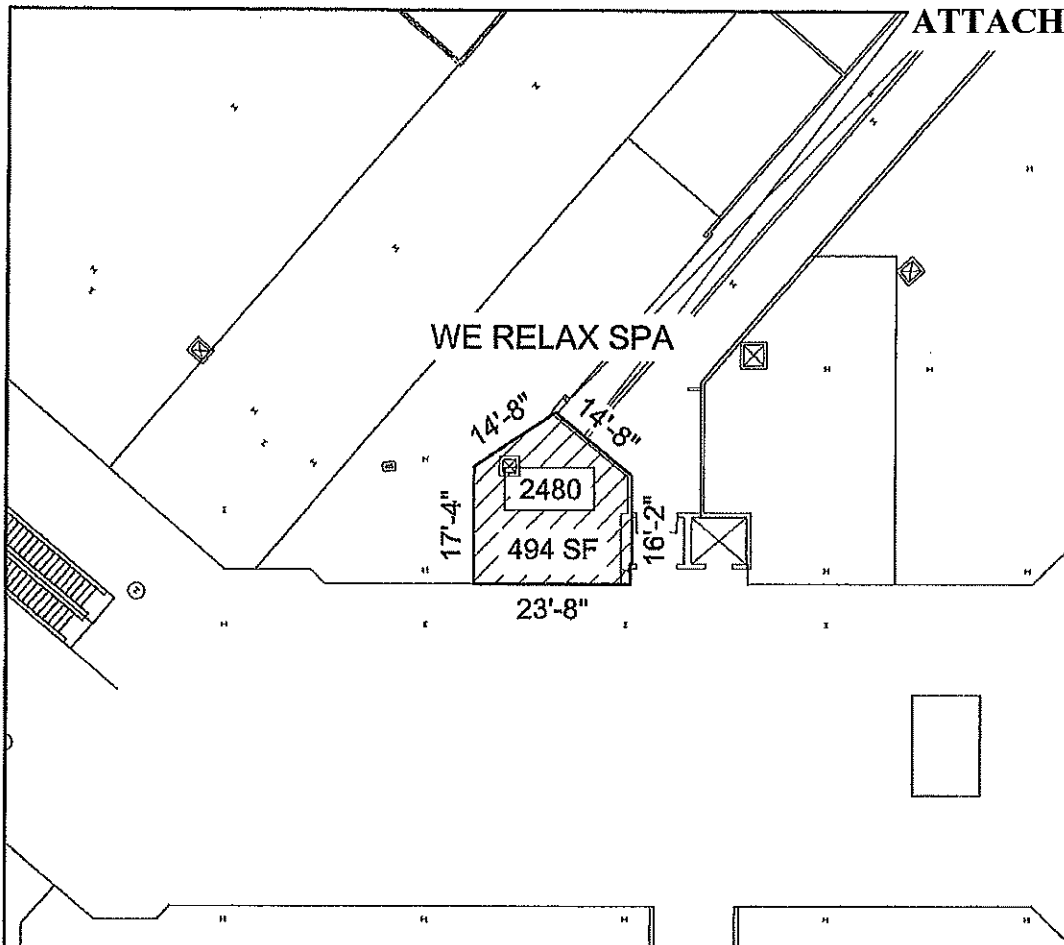
60 mins \$56

45 mins \$46

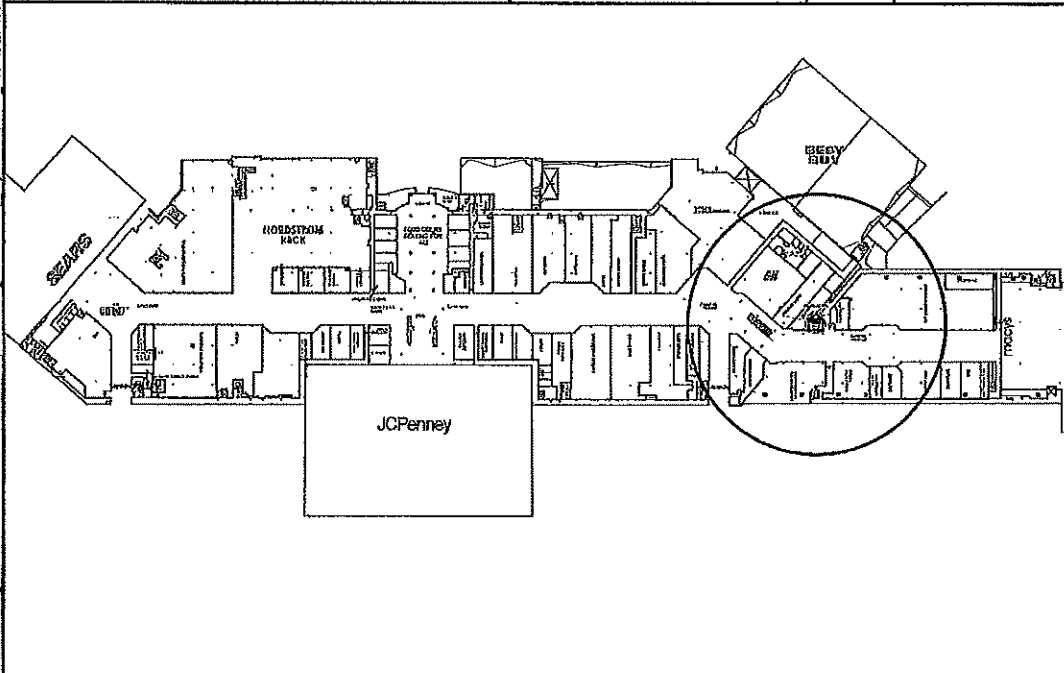
30 mins \$32



20 mins \$22

15 mins \$18



PROPERTY: PLAZA WEST COVINA MALL 112 Plaza Drive, West Covina, CA 91790	TENANT: WE RELAX SPA	SPACE NO: 2480	SCALE: 1"=20'-0"
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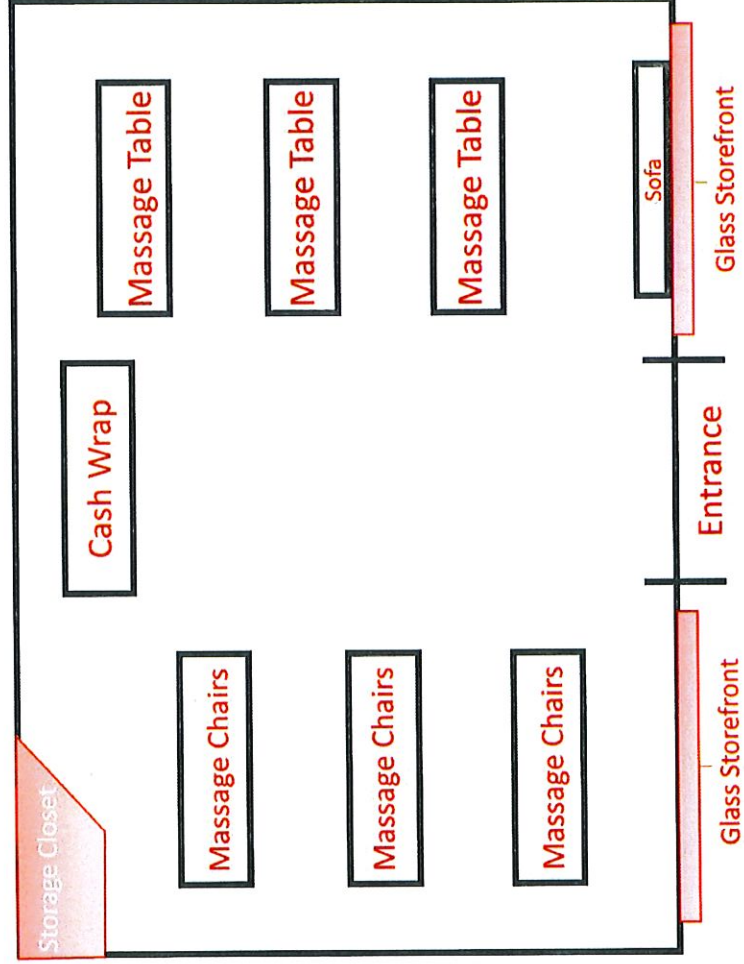
 <b>STARWOOD</b> RETAIL PARTNERS	<b>NOTE:</b>  LANDLORD CANNOT GUARANTEE THAT NO INTERNAL CHANGES HAVE BEEN MADE SINCE THESE DRAWINGS WERE DEVELOPED. IT IS RECOMMENDED THAT THE SPACE BE FIELD SURVEYED TO VERIFY ACCURACY OF THESE DRAWINGS. FAILURE TO VERIFY ACTUAL CONDITIONS SHALL BE AT SOLE RISK AND RESPONSIBILITY OF THE TENANT.	<b>TENANT APPROVAL:</b>	<b>SRP LEASING APPROVAL:</b>  <b>AUSTIN PYE</b>	<b>DRAWN BY:</b>  <b>EB</b>	
		<b>PLAN:</b>  <b>SITE PLAN</b>		<b>DATE:</b>  <b>12/18/17</b>	<b>EXHIBIT NO:</b>  <b>LOD</b>



# WE RELAX SPA

Space 2480

\*NO RECEPTION AREA



# A G E N D A

ITEM NO. 3

DATE: December 11, 2018

## PLANNING DEPARTMENT STAFF REPORT

**CONDITIONAL USE PERMIT NO. 18-08**

**SUBCOMMITTEE FOR DESIGN REVIEW NO. 18-25**

**CATEGORICAL EXEMPTION**

**APPLICANT:** Jorge & Rosa Alvarez

**LOCATION:** 215 S. Hillward Avenue

### **I. SUMMARY**

The applicant is requesting a conditional use permit for a Large Home to construct a new 3,868-square foot two-story house (including a 425-square foot two-car garage). The proposal also includes a 67-square foot covered patio and a 51-square foot front porch.



Staff recommends the approval of Conditional Use Permit No. 18-08 and Subcommittee for Design Review No. 18-25.

## II. BACKGROUND

ITEM	DESCRIPTION
<b>ZONING AND GENERAL PLAN</b>	Zoning: "Single Family Residential" (R-1), Area District I Residential Low (1.1-2.0 d.u./acre)
<b>SURROUNDING LAND USES AND ZONING</b>	North: "Service Commercial" (S-C); auto dealerships East: "Single Family Residential" (R-1); single-family residences South: "Single Family Residential" (R-1); single-family residences West: "Single Family Residential" (R-1); single-family residences
<b>CURRENT DEVELOPMENT</b>	Single-family residence
<b>LEGAL NOTICE</b>	Notices of Public Hearing have been mailed to 44 owners and occupants of properties located within 300 feet of the subject site.

## III. PROJECT DESCRIPTION AND ANALYSIS

The applicant is requesting a conditional use permit to allow the construction of a rear addition on the first story and a second story addition to an existing 1,137-square foot single-story house. The subject property is 7,598 square feet. The house with the proposed addition will be 3,868 square feet (including a new 425-square foot two-car garage). The subject property is located in the "Single Family Residential" (R-1), Area District I. The addition to the house requires a conditional use permit (CUP) for a Large Home and Subcommittee for Design Review for the architecture and two-story addition. The neighborhood is comprised exclusively of single-story homes in an area of level topography.

The proposed addition is in compliance with all zoning requirements. The first story of the proposed house will be 5 feet from the north and south side property lines, 25 feet from the front property line, and 38 feet from the rear property line. The second story of the proposed house will be 10 feet from the north and south side property lines, 37 feet, 7 inches from the front property line, and 45 feet, 6 inches from the rear property line. The house will be 23 feet, 11 inches in height, complying with the maximum height of 25 feet.

The first story will feature a master bedroom and bathroom, foyer, living room, family room, office, dining room, kitchen, and two bathrooms. A 425-square foot two-car attached garage, a 51-square foot porch, and a 67-square foot covered patio are also included.

The second story will feature three bedrooms, two bathrooms, and a den. The house with the proposed additions will total four bedrooms and five bathrooms.

The subject property is 7,598-square feet in size. The maximum allowable unit size for under 20,000 square feet is 3,999 square feet, or 35% floor area ratio (FAR), whichever is less. An Administrative Use Permit (AUP) is required for a Maximum Unit Size Exception (MUSE) when the proposed addition exceeds the maximum allowable unit size. Furthermore, a Conditional Use Permit (CUP) is required for a Large Home when the proposed addition exceeds the maximum allowable unit size by more than 25 percent.

The proposed home would have a total floor area of 3,868 square feet (attached garages are included in this calculation) and therefore requires a Conditional Use Permit for a Large Home ( $7598 \times .35 = 2659$ ;  $2659 \times 1.25 = 3324$ ;  $3324 < 3868$ ).

#### Staff Survey of Surrounding Residences

Staff review of the neighborhood surrounding the subject property found that the area consists of single-story single-family houses that were constructed between the years of 1953 and 1954.

Staff conducted a survey of 17 homes surrounding the subject property. The houses in the survey are located on Hillward Avenue and Juniper Street. The properties surveyed featured single-story houses with two-car, primarily attached garages.

The following chart shows the mean and median lot size, square footage of the homes, number of bedrooms, and floor area ratio of the surveyed homes. The mean is the average of all 17 homes, and the median is the number that falls directly in the middle if listed in numerical order.

	LOT SIZE	FLOOR AREA	NUMBER OF BEDROOMS	FLOOR AREA RATIO (FAR)
MEAN	7,372 sq. ft.	1,625 sq. ft.	4	22%
MEDIAN	7,400 sq. ft.	1,534 sq. ft.	4	20%
SUBJECT PROPOSAL	7,598 sq. ft.	3,868 sq. ft.	4	50%
The house as proposed would be 2.3 times larger than the average size of the surrounding surveyed homes.				

The median size of the homes is 1,534 square feet. The house sizes range from 1,515 square feet to 1,914 square feet. The lot sizes of the surveyed homes range from 6,456 square feet to 8,267 square feet, while the lot size of the subject property is 7,598 square feet. Floor area ratios range from 18 percent to 27 percent (all of the homes surveyed are single-story). The proposed floor area ratio of the subject property is 45 percent. The house, as proposed, would be 2.3 times larger than the average size of the surrounding surveyed homes of 1,625 square feet. Although, the proposed house would be 2.3 times larger than the average house size, the house would be 2 times larger than the largest house of the homes surveyed, at 1,914 square feet.

#### Architecture of Proposed House and Surrounding Residences

The proposed house will be designed in a traditional style and will feature a gable roof with concrete roof tiles in a dark gray color, lap siding on the front and side elevations in a light beige color, smooth stucco on all elevations in a light beige color, decorative trim and window shutters on the front elevation, and stacked stone veneer along the front elevation, wrapping 24 inches at the sides.

The surrounding neighborhood is single-story and features mainly traditional homes typical of the mid-1950s style. The houses in the neighborhood feature a single-story ranch form.

The proposed house will be consistent in architectural style with the existing houses in the surrounding neighborhood. The applicant has worked with staff to include alternative materials and decorative elements for a cohesive and aesthetically-pleasing design.

#### Subcommittee for Design Review

The proposed two-story single-family residence requires a Conditional Use Permit for a Large Home and is subject to discretionary review by the Planning Commission. The following is a discussion of Subcommittee Guidelines for second-story additions:

The following is a discussion of Subcommittee Guidelines for second-story additions:

1. *Design the two-story house or addition so that all setbacks, including second story, have been met.*

The proposed two-story single-family residence is in compliance with all applicable setback requirements. The first story of the proposed house will be 5 feet from the north and south side property lines, 25 feet from the front property line, and 38 feet from the rear property line. The second story of the proposed house will be 10 feet from the north and south side property lines, 37 feet, 7 inches from the front property line, and 45 feet, 6 inches from the rear property line. The house will be 23 feet, 11 inches in height, complying with the maximum height of 25 feet.

2. *In an area that is predominately one story, consider reducing the size of the second story in relation to the ground floor. A smaller second floor will not appear as massive or boxy.*

The subject property is located in a neighborhood consisting of single-story houses. The second story of the house will be 1,343 square feet, while the first story will be 2,525 square feet.

3. *New two-story additions can result in privacy impacts to neighboring properties. Consider designing the second story to reduce or eliminate the need for windows on the side elevations. High windows that allow light in but restrict views onto neighboring properties may also reduce privacy impacts.*

The house is surrounded by single-story residences. The applicant is proposing large windows on the front and west (rear) elevations. The front windows will present no privacy impacts. The west (rear) windows are required for egress and are located about 45 feet, 6 inches from the rear property line. All other windows along the west, north, and south elevations are clerestory to minimize privacy impacts.

4. *In an area that is predominately one story, the elements of the house usually emphasize the horizontal. Many modern two-story designs emphasize the vertical through two-story porches with tall columns, tall windows, and two-story front elevations with no*

*horizontal breaks. These elements are generally out-of-character with a one-story neighborhood.*

The subject property is located in a neighborhood consisting of single-story houses. The 1,343-square foot second floor of the proposed residence is distributed over the 2,525-square foot first floor and is horizontally orientated. The second floor is also set back in the front about 12 feet from the first floor. The front porch is single story and the roof gables of the first story breaks up the first and second story. Large windows, alternative materials, and decorative elements provide movement and visual interest along all elevations.

5. *When adding a second-story elevation in a one-story area, consider providing a significant second-story setback on the front elevation. By setting back the second story from the first story, the front of the house will fit better in the context of a one-story neighborhood.*

The second story is set back 37 feet, 7 inches from the front property line. The second story is not emphasized, and the mass of the house is broken up by the first story roof gables.

6. *In an area that is predominately one story, the addition of a second-story balcony, especially in a flatland neighborhood, can have an effect on privacy. In these areas, balconies in rear yards are discouraged.*

The applicant is not requesting the approval of any balconies.

7. *When designing a second-story addition, consider that all sides of the second story are visible. Window treatment on second-story windows is encouraged.*

The applicant has incorporated decorative elements in the proposed two-story single-family residence, including decorative trim and shutters. The windows along the sides and rear of the house are clerestory to minimize privacy impacts.

The following is a discussion of the applicable Subcommittee Guidelines for single-story additions:

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

The proposed house will be designed in a traditional style and will feature a gable roof with concrete roof tiles, lap siding, stacked stone veneer, window trim, and window shutters.

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

The neighborhood's architectural style is mostly traditional with a ranch form. The proposed house emulates this style and fits into the context of the surrounding neighborhood with its traditional architecture style.

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

The applicant has incorporated decorative elements in the proposed two-story single-family residence, including decorative window trim and wood shutters on all elevations.

Staff has reviewed the design of the house and concluded it is well-designed within its style and considerate of the surrounding architecture of the neighborhood. The proposal complies with all Subcommittee for Design Review guidelines.

#### IV. FINDINGS

Before an application for conditional use permit for a large home may be granted, the following findings must be made:

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

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

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

The proposed house features a gable roof design that will match the existing house. The proposed architecture of the house is traditional and fits in with the single-story ranch homes in the surrounding neighborhood. The applicant has incorporated lap siding and stone veneer, which are consistent with the architectural style. Although the house will be 2.3 times larger than the average house in the neighborhood, the house will be 2 times larger than the largest house in the neighborhood at 1,914 square feet. The number of bedrooms and bathrooms is consistent with the surrounding neighborhood. The is designed to reduce bulkiness and fit into the context of the neighborhood.

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



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

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

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

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

The design of the house has given consideration to the privacy of surrounding properties in that the area consists of large lots developed with single-family residences. The area consists of single-story homes on lots of level topography. The proposed house would be two-story. No balconies are proposed. The majority of the large windows are on the front elevation, presenting no privacy impacts. Two large windows are proposed along the rear elevation, 45 feet, 6 inches from the rear property line, for egress requirements. All other windows are clerestory.

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

The proposal is sensitive to the natural terrain in that there are no major terrain modifications. Any necessary precise grading for construction will require that a grading permit be obtained from the Public Works Department. The project proposes remodeling of an existing house and a second-story addition that would not impede any scenic views from surrounding properties.

## **V. GENERAL PLAN CONSISTENCY**

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

- a. **Policy 3.1:** Preserve existing housing stock.



## **VI. ENVIRONMENTAL DETERMINATION**

This project is categorically exempt under the California Environmental Quality Act, Section 15303 pursuant to Section 15303 (New Construction or Conversion of Small Structures), since the project consists of the remodeling of an existing single-family residence on an individual property.

## **VII. CONCLUSION**


The applicant is requesting a conditional use permit to construct a new 3,868-square foot two-story house (including a 425-square foot two-car garage). The house will consist of a 2,525-square foot first story and a 1,343-square foot second story. The house will feature 4 bedrooms and 4.5 bathrooms. The proposal also includes a 67-square foot covered patio and a 51-square foot front porch. The surrounding neighborhood consists of one-story homes. The proposed size of the home is 2.3 times larger than the average size of the surrounding homes of 1,625 square feet, and 2 times larger than the largest house size of the surveyed homes of 1,914 square feet. The number of bedrooms and bathrooms is consistent with the surrounding neighborhood.

## **VIII. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission adopt a resolution approving Conditional Use Permit No. 18-08 and Subcommittee for Design Review No. 18-25.

  
\_\_\_\_\_  
Veronica Hernandez  
Associate Planner

REVIEWED AND APPROVED:

  
\_\_\_\_\_  
Jeff Anderson, AICP  
Community Development Director

Attachments:

Attachment No. 1 – Conditional Use Permit Resolution for Approval  
Attachment No. 2 – Plans (Available for review by the public at the West Covina Library, West Covina Police Department, and West Covina Planning Department)

**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. 18-5962**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE  
PERMIT NO. 18-08 AND SUBCOMMITTEE FOR DESIGN REVIEW NO.  
18-25**

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**CONDITIONAL USE PERMIT NO. 18-08**

**SUBCOMMITTEE FOR DESIGN REVIEW NO. 18-25**

**CATEGORICAL EXEMPTION**

**APPLICANT:**           Jorge & Rosa Alvarez

**LOCATION:**            215 S. Hillward Avenue

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

A "Large Home" that exceeds the maximum unit size allowable floor area by more than 25 percent

On that certain property described as follows:

Assessor's Parcel No. 8478-010-014, as listed in the records of the office of the Los Angeles County Assessor; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 11<sup>th</sup> of December, 2018, conduct a duly advertised public hearing to consider the subject application for a conditional use permit; and

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

1. The applicant is requesting the approval of a conditional use permit to allow a Large Home. The subject property is located in the "Single-Family Residential" (R-1 Zone), Area District I.
2. The applicant is proposing additions to an existing 1,137-square foot single family residence with a first-story addition and second-story addition in total of 2,306 square

feet in additions. The house with the proposed additions will total 3,868 square feet (including a new 425-square foot two-car garage).

3. Findings necessary for approval of a conditional use permit for a "Large Home" as follows:
  - a. The lot and proposed development is consistent with the general plan, zoning and meets all other applicable code requirements.
  - b. The development utilizes building materials, color schemes and a roof style which blend with the existing structure, if any, and results in a development which is harmonious in scale and mass with surrounding residences.
  - c. The development is sensitive and not detrimental to convenience and safety of circulation for pedestrians and vehicles.
  - d. The development can be adequately served by existing or required infrastructure and services.
  - e. The design of the structure has given consideration to the privacy of surrounding properties through the usage and placement of windows and doors, cantilevers, decks, balconies minimal retaining walls, trees and other buffering landscaping materials.
  - f. The development is sensitive to the natural terrain, minimizes necessary grading, de-emphasizes vertical massing which could disrupt the profile of a natural slope and does not impede any scenic vistas or views open to the public or surrounding properties.
4. The project is categorically exempt under the California Environmental Quality Act, Section 15303 pursuant to Section 15303 (New Construction or Conversion of Small Structures), since the project consists of the remodeling of an existing single-family residence on an individual property.

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

1. On the basis of evidence presented, both oral and documentary, the Planning Commission makes the following findings for approval of a conditional use permit:
  - a. The lot and proposed building are consistent with the Residential Low (1.1-2.0 dwelling units per acre) General Plan designation and "Single Family Residential" (R-1) zoning in that it consists of an addition to an existing single-family home. The project meets all applicable requirements of the "Single Family Residential" (R-1) Zone, Area District I.

- b. The proposed house features a gable roof design that will match the existing house. The proposed architecture of the house is traditional and fits in with the single-story ranch homes in the surrounding neighborhood. The applicant has incorporated lap siding and stone veneer, which are consistent with the architectural style. Although the house will be 2.3 times larger than the average house in the neighborhood, the house will be 2 times larger than the largest house in the neighborhood at 1,914 square feet. The number of bedrooms and bathrooms is consistent with the surrounding neighborhood. The is designed to reduce bulkiness and fit into the context of the neighborhood.
  - c. The existing house is accessible from an existing driveway off Hillward Avenue and will not negatively impact circulation or safety for pedestrians and vehicles. The subject property is developed with setbacks greater than or equal to the minimum required by the Municipal Code. The proposed house with additions does not have any effect on the convenience and safety of circulation for pedestrians or vehicles in that it will not result in any visual obstructions adjacent to a right-of-way that would affect convenience and safety of circulation for pedestrians and vehicles.
  - d. The design of the house has given consideration to the privacy of surrounding properties in that the area consists of large lots developed with single-family residences. The area consists of single-story homes on lots of level topography. The proposed house would be two-story. No balconies are proposed. The majority of the large windows are on the front elevation, presenting no privacy impacts. Two large windows are proposed along the rear elevation, 45 feet, 6 inches from the rear property line, for egress requirements. All other windows are clerestory.
  - e. The design of the house has given consideration to the privacy of surrounding properties in that the area consists of large lots developed with single-family residences. The area consists of single-story homes on lots of level topography. The proposed house would be two-story. No balconies are proposed. The majority of the large windows are on the front elevation, presenting no privacy impacts. Two large windows are proposed along the rear elevation, 45 feet, 6 inches from the rear property line, for egress requirements. All other windows are clerestory.
  - f. The proposal is sensitive to the natural terrain in that there are no major terrain modifications. Any necessary precise grading for construction will require that a grading permit be obtained from the Engineering Division. The project proposes remodeling of an existing house and a second-story addition that would not impede any scenic views from surrounding properties.
2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Conditional Use Permit No. 18-08 and Subcommittee

for Design Review No. 18-25 are 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 or final approval is issued, and the violation of any of which shall be grounds for revocation of said conditional use permit by the Planning Commission or City Council.

3. The conditional use permit shall not be effective for any purpose until the owner of the property involved (or his duly authorized representative) has filed at the office of the Planning Director his affidavit stating he is aware of, and accepts, all conditions of this conditional use permit as set forth below. Additionally, no permits shall be issued until the owner of the property involved (or a duly authorized representative) pays all costs associated with the processing of this application pursuant to City Council Resolution No. 8690.
4. The costs and expenses of any enforcement activities, including, but not limited to attorney's fees, caused by the applicant's violation of any condition imposed by this approval or any provision of the West Covina Municipal Code shall be paid by the applicant.
5. That the approval of the conditional use permit for a Large Home that exceeds the maximum unit size allowable floor area by more than 25 percent and is subject to the following conditions:
  - a. Comply with plans reviewed by the Planning Commission on December 11, 2018.
  - b. That the project comply with all requirements of the "Single-Family Residential" (R-1) Zone, Area District I, and all other applicable standards of the West Covina Municipal Code.
  - c. The approval for the following modifications:
    - 963-SF addition to the rear of the first floor of the existing single-family residence to allow a 2,100-square foot first floor featuring a master bedroom and bathroom, foyer, living room, family room, office, dining room, kitchen, and two bathrooms
    - New 1,343-square foot second floor featuring feature three bedrooms, two bathrooms, and a den. The house with the proposed additions will total four bedrooms and five bathrooms total.
    - A new 425-square foot two-car attached garage
    - A 51-square foot porch
    - A 67-square foot covered patio to the rear

- d. All non-egress windows on the side and rear elevations shall be clerestory.
- e. That any proposed changes to the approved site plan, floor plan or elevations be reviewed by the Planning Division, and the written authorization of the Community Development Director shall be obtained prior to implementation.
- f. The proposed additions shall be consistent with the existing architecture and materials of the single-family residence.
- g. Landscaping that is removed or destroyed during the construction process shall be replaced prior to final inspection.
- h. This development shall conform to all applicable Municipal regulations, Fire, Building, Mechanical, Electrical, Plumbing codes and recognized, approved, standards of installation.
- i. The approved use shall not create a public nuisance as defined in the West Covina Municipal Code Section 26-416 regarding landscape maintenance and property maintenance.
- j. The applicant shall sign an affidavit accepting all conditions of this approval.
- k. Any graffiti that appears on the property during construction shall be cleaned or removed on the same business day.
- l. Prior to requesting a final inspection by the Building Division, the Planning Division shall inspect the development.
- m. The Zoning Code gives provisions for up to two one-year extensions to keep entitlements active. Therefore, prior to December 11, 2020, (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.**

#### BUILDING DEPARTMENT

- n. All Conditions of Approval as approved by the Planning Commission shall appear as notes on the plans submitted for building plan check and permits.
- o. Building design shall comply with the Current Edition of the California Residential Code for single family occupancy.
- p. Submit complete construction plans to Building Division for formal plans review.

- q. Separate application(s), plan check(s), and permit(s) is/are required for:
  - a. Plumbing
  - b. Mechanical
  - c. Electrical
- r. Complete structural plans with calculations by State licensed engineer or architect will be required. Submit design for review at formal plans review.
- s. Compliance to California T-24 Energy regulations will be required. Submit design for review at formal plans review.
- t. Compliance to California Green Building Standards Code will be required. Submit design for review at formal plans review.
- u. 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.
- v. 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 in any existing one and two-family dwelling where any of the following conditions exist:
  - i. Addition of one thousand (1,000) square feet or more.
  - ii. Addition or creation of a habitable floor level above or below the existing level of exit discharge as defined by the Building Code.
  - iii. Alterations where fifty (50) percent or more of the roof framing is restructured or replaced.
  - iv. Fire sprinklers shall be installed in existing and proposed portions of the building including attached garages and other enclosed structures.

#### FIRE DEPARTMENT

- w. NFPA 13D/13R/13 fire sprinkler system
- x. Hard-wired smoke detectors with battery back up

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina at a regular meeting held on the 11<sup>th</sup> day of December, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: December 11, 2018

EXPIRATION DATE: December 11, 2020  
If not used.

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Herb Redholtz, Chairman  
Planning Commission

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Jeff Anderson, AICP, Secretary  
Planning Commission



**A G E N D A**  
**ITEM NO. 4**  
**DATE: December 11, 2018**

**PLANNING DEPARTMENT STAFF REPORT**

**ADMINISTRATIVE USE PERMIT NO. 18-21**

**CATEGORICAL EXEMPTION**

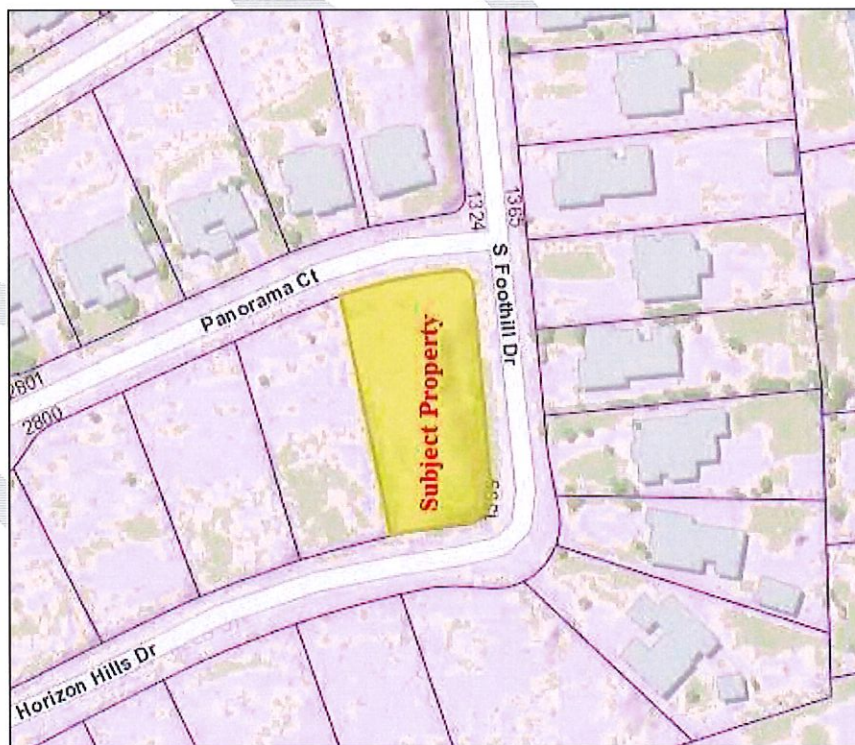
**APPLICANT:** Chunning He

**LOCATION:** 2849 Horizon Hills Drive

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**I. SUMMARY**

The applicant is requesting to construct a 3-foot to 7-foot high retaining wall in the side and rear yard of the existing single-family residence.



Staff recommends that the Planning Commission adopt a resolution approving Administrative Use Permit No. 18-21.

## II. BACKGROUND

ITEM	DESCRIPTION
<b>ZONING AND GENERAL PLAN</b>	Zoning: "Single-Family Residential" (R-1), Area District V
<b>SURROUNDING LAND USES AND ZONING</b>	North: "Single-Family Residential" (R-1); Single-family residences East: "Single-Family Residential" (R-1); Foothill Drive and Single-family residences South: "Single-Family Residential" (R-1); Horizon Hills Drive and Single-family residences West: "Single-Family Residential" (R-1); Single-family residences
<b>CURRENT DEVELOPMENT</b>	Two-story single-family residence
<b>LEGAL NOTICE</b>	Notices of Public Hearing have been mailed to 26 owners and occupants of properties located within 300 feet of the subject site.

## III. PROJECT DESCRIPTION AND ANALYSIS

The existing two-story home is 4,246 square feet and is located in a neighborhood of two-story houses. Many of the surrounding homes were built as part of the Van Daele development, approved by the Planning Commission in 2014.

The subject property is located at the northeast corner of Horizon Hills Drive and Foothill Drive. The house does not have any neighbors immediately adjacent to the rear (north), side (east), and front (south) of the property. There is a house to the side (west) of the property. The house is located in an area of topography and separated from northerly, easterly, and southerly neighbors by streets. The retaining wall would be located approximately 36 feet away from the side (east) property line and 76 feet away from the rear (north) property line.

The Municipal Code requires the approval of an administrative use permit for retaining walls between 4 feet and 8 feet in height. Construction of the wall would include 119 cubic yards of fill.

### Notification of Proposal

A notice was mailed to surrounding property owners and occupants on October 4, 2018, as required for administrative use permits. Two requests for hearings were received from surrounding property owners.

Staff received a request for a public hearing on October 11, 2018, from Nick Sun, resident of 1332 Foothill Drive, located across Foothill Drive, to the east of the subject property. Mr. Sun expressed concerns over the wall obstructing the views from his property and the surrounding properties, and being detrimental to the design of the home and neighborhood.

1332 Foothill Drive is located to the side (east) of the subject property. The subject property is at a higher elevation than Mr. Sun's property. The proposed retaining wall is approximately 36 feet from the easterly property line. The right-of-way for Foothill Drive is 52 feet. The front yard of 1332 Foothill Drive is approximately 35 feet. The proposed retaining wall would therefore be located approximately 123 feet from Mr. Sun's residence.

Mr. Sun visited the Planning Department on October 24<sup>th</sup>, 2018, to review the plans. Mr. Sun did recommended to reduce the height of the wall to 6-feet. On October 31<sup>st</sup>, Mr. Sun sent an email detailing an alternative he proposed. The alternative design proposed that the wall be reduced to 3-feet and pushed back further from the property line (Attachment No. 2).

Staff also received another request for a public hearing on October 14, 2018, from Qian Liu, resident of 2845 Horizon Hills Drive. Mr. Liu expressed concerns over the wall being detrimental to the design of the home and neighborhood, obstructing the surrounding view, and the potential chemicals or pollutants during construction of the retaining wall.

Staff and Mr. Liu were unable to have an in-person meeting to review and discuss the plans for the retaining wall. However, the applicant and Mr. Liu were able to conduct their own meeting on November 11, 2018. During this meeting the applicant was able to provide clarification on the details of the project. The applicant and Mr. Liu came to an agreement on the construction of the retaining wall, which is consistent with the plans submitted by the applicant (Attachment No. 3).

2845 E. Horizon Hills Drive is located immediately to the side (west) of the subject property. The proposed retaining wall would not be visible from 2845 E. Horizon Hills Drive.

#### IV. FINDINGS

Before an application for an administrative use permit for a retaining wall over 4 feet in height may be granted, the following findings must be made:

- a. *The proposed retaining wall, elevated structure, and/or other structure, has been designed so as to substantially minimize any adverse aesthetic and visual impacts as visible from surrounding properties and public rights-of-way.*

The proposed retaining wall will be located to the side and rear of the existing single-family residence. The house is surrounded by two-story houses. The wall may be visible from South Foothill Drive and Panorama Court.

- b. *The proposed retaining wall, elevate structure, and/or other structure complies with the following design standards:*
  1. *Landscaping. Landscaping shall be integrated into the design of the retaining wall or elevated structure as necessary to screen the retaining wall or structure from open view. Where required, a landscape and irrigation plan shall be reviewed and approved by the planning director. Selected plant species shall be drought tolerant and fire resistant.*

The applicant will be required to submit a landscape plan to the Planning Division to indicate the planting of vines, shrubs, or trees for screening, as a condition of approval.

2. *Wall separation. Retaining walls shall be separated into terraced segments where necessary to break up large undifferentiated masses.*

A single retaining wall is proposed, so no terracing is required.

3. *Privacy impacts. Retaining walls and structures shall be located and designed to avoid unreasonable interference with the privacy of surrounding properties.*

The proposed retaining wall is located approximately 36 feet away from the east side property line and 76 feet away from the rear property line. The surrounding neighborhood consists of two-story houses. The proposed wall may be visible from South Foothill Drive and Panorama Court. The wall is a fill wall and will be approximately 123 feet from the nearest property to the east, across Foothill Drive, and approximately 50 feet from the nearest property to the north, across Panorama Court.

## **V. ENVIRONMENTAL DETERMINATION**


This project is categorically exempt under the California Environmental Quality Act, Section 15303 pursuant to Section 15303 (New Construction or Conversion of Small Structures), since the project consists of improvements to a single-family residence in a residential zone.

## **VI. CONCLUSION**


The applicant is requesting the approval of a 3-foot to 7-foot high retaining wall to the rear and side of the existing house. Due to the shape of the lot, the proposed retaining wall would be 36 feet from the east side property line and 76 feet from the rear property line.

## **VII. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission adopt a resolution approving Administrative Use Permit No. 18-21

  
\_\_\_\_\_  
Baltazar Barrios III  
Planning Intern

REVIEWED AND APPROVED:

  
\_\_\_\_\_  
Jeff Anderson, AICP  
Planning Director

### Attachments:

Attachment No. 1 – Administrative Use Permit Resolution

Attachment No. 2 – Request for a Public Hearing: Retaining Wall: 1332 S Foothill Drive

Attachment No. 3 – Request for a Public Hearing: Retaining Wall: 2845 Horizon Hills Drive

Attachment No. 4 – Retaining Wall Plans (Available for review by the public at the West Covina Library, West Covina Police Department, and West Covina Planning Department)

PLANNING COMMISSION

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA,  
CALIFORNIA, APPROVING ADMINISTRATIVE USE PERMIT NO. 18-21

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ADMINISTRATIVE USE PERMIT NO. 18-21

CATEGORICAL EXEMPTION

**APPLICANT:** Chunning He

**LOCATION:** 2849 Horizon Hills Drive

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WHEREAS, there was filed with this City a verified application on forms prescribed by the Commission, a request for an administrative use permit to approve a maximum height 7-foot high retaining wall on a single-family residential property, on that certain property generally described as:

Assessor Parcel Number 8493-051-013, in the records of the Los Angeles County Assessor;  
and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 11<sup>th</sup> day of December, 2018, conduct duly advertised public hearings to consider the subject application for an administrative use permit; and

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

1. The applicant is requesting the approval of an administrative use permit to allow a retaining wall with a maximum of 7 feet in height. The subject site is located in the "R-1" (Single-Family Residential) Zone, Area District V.
2. The applicant is requesting the approval of a 3-foot to 7-foot high retaining wall to the east and north side of the property.
3. Appropriate findings for approval of an administrative use permit for a retaining wall follows:
  - a. The proposed retaining wall, elevated structure, and/or other structure, has been designed so as to substantially minimize any adverse aesthetic and visual impacts as visible from surrounding properties and public rights-of-way.
  - b. The proposed retaining wall, elevate structure, and/or other structure complies with the following design standards:
    1. Colors and materials. Decorative materials and/or design elements shall be used as necessary to enhance the aesthetic appearance of the retaining wall or structure.

Suggested materials include, but are not limited to, stone, masonry, wood, textured poured concrete, and textured colored precision block with colored grout. Natural and earth-tone colors should be utilized for retaining walls to blend the wall with existing surroundings. A variation in design or materials should be used where necessary to break up large masses and/or add visual interest.

2. Landscaping. Landscaping shall be integrated into the design of the retaining wall or elevated structure as necessary to screen the retaining wall or structure from open view. Where required, a landscape and irrigation plan shall be reviewed and approved by the planning director. Selected plant species shall be drought tolerant and fire resistant.
  3. Wall separation. Retaining walls shall be separated into terraced segments where necessary to break up large undifferentiated masses.
  4. Privacy impacts. Retaining walls and structures shall be located and designed to avoid unreasonable interference with the privacy of surrounding properties.
4. This project is categorically exempt under the California Environmental Quality Act, Section 15303 pursuant to Section 15303 (New Construction or Conversion of Small Structures), since the project consists of improvements to a single-family residence in a residential zone.

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

5. On the basis of the evidence presented, both oral and documentary, the Planning Commission makes the following retaining wall findings:
  - a. The proposed retaining wall will be located to the side and rear of the existing single-family residence. The house is surrounded by two-story houses. The wall may be visible from South Foothill Drive and Panorama Court.
  - b-1. The applicant will be required to submit a landscape plan to the planning department to indicate the planting of vines, shrubs, or trees for screening, as a condition of approval.
  - b-2. A single retaining wall is proposed, so no terracing is required.
  - b-3. The proposed retaining wall is located approximately 36 feet away from the side and 76 feet away from the rear property line. The surrounding neighborhood consists of two-story houses. The proposed wall may be visible from South Foothill Drive and Panorama Court.
6. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Administrative Use Permit No. 18-21 are 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, and the violation of any of which shall be grounds for revocation of said administrative use permit by the Community Development Director, Planning Commission, or City Council.

7. That the administrative use permit shall not be effective for any purpose until the owner of the property involved (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 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.
8. 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.
9. That the approval of the administrative use permit is subject to the following conditions:
  - a. Comply with plans reviewed by the Planning Commission on December 11, 2018.
  - b. That the project comply with all requirements of the "Single-Family Residential" (R-1) Zone, Area District V, and all other applicable standards of the West Covina Municipal Code.
  - c. This approval allows for the construction of a 3-foot to 7-foot high retaining wall to the side and rear of the property.
  - d. The retaining wall shall be constructed out of decorative material, such as stone, masonry, wood, textured poured concrete, and textured colored precision block with colored grout.
  - e. The retaining wall must be constructed in a natural and/or earth-tone color. The color must be indicated on the final plans.
  - f. That prior to final building permit approval, a detailed landscape and irrigation plan in compliance with AB 1881 and Executive Order B-29-15 shall be submitted for the areas to be affected. 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.
  - g. That any proposed changes to the approved site plan, floor plan or elevations be reviewed by the Planning Division, and the written authorization of the Community Development Director shall be obtained prior to implementation.
  - h. This development shall conform to all applicable Municipal regulations, Fire, Building, Mechanical, Electrical, Plumbing codes and recognized, approved, standards of installation.
  - i. The approved use shall not create a public nuisance as defined in the West Covina Municipal Code Section 26-416 regarding landscape maintenance and property maintenance.
  - j. The applicant shall sign an affidavit accepting all conditions of this approval.



- k. Any graffiti that appears on the property during construction shall be cleaned or removed on the same business day.
- l. Proposed landscape areas visible from the public right-of-way shall be in compliance with all applicable standards of the West Covina Municipal Code and shall be clearly indicated (including dimensions) on the landscape and irrigation plan. Landscaping shall be installed prior to final inspection.
- m. The Zoning Code gives provisions for up to two one-year extensions to keep entitlements active. **Therefore, prior to December 11, 2020, (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
- n. Engineering Division:
  - 1. Submit a soils report.
  - 2. Submit the retaining wall design, foundation detail, and calculations, signed and stamped by a professional engineer.

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina at a regular meeting held on the 11th day of December, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DATE: December 11, 2018

EXPIRATION DATE:      December 11, 2020  
                                    If not used.

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Herb Redholtz, Chairman  
Planning Commission

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Jeff Anderson, AICP, Secretary  
Planning Commission

**Baltazar Barrios-Intern**

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**From:** Nick Sun <nicksun0216@gmail.com>  
**Sent:** Thursday, October 11, 2018 5:37 PM  
**To:** Baltazar Barrios-Intern  
**Subject:** 2849 Horizon Hills Dr. Retaining Wall

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Dear Mr. Barrios III,

My name is Nick Sun and I am the owner of 1332 Foothill Dr, West Covina, CA. The proposed 8 foot high retaining wall would be erected directly in front of my driveway. I believe this proposed project to be detrimental to our community. The houses of Foothill Dr are houses that have been built with great care to the fact that they are on a hillside. This proposed wall would created an added stress on the hill the house sits on. Furthermore, it would be an eyesore not only for me, but for other neighbors in the area. These houses where I live are afforded a great view of not only the city but also the mountains. These houses create an atmosphere of inclusiveness that potential buyers look for when looking at neighborhoods. Allowing this wall to be erected would only be sending the wrong message to friendly neighbors and potential buyers. Thank you for taking the time to listen to my concerns.

Sincerely,

Nick Sun

**Baltazar Barrios-Intern**

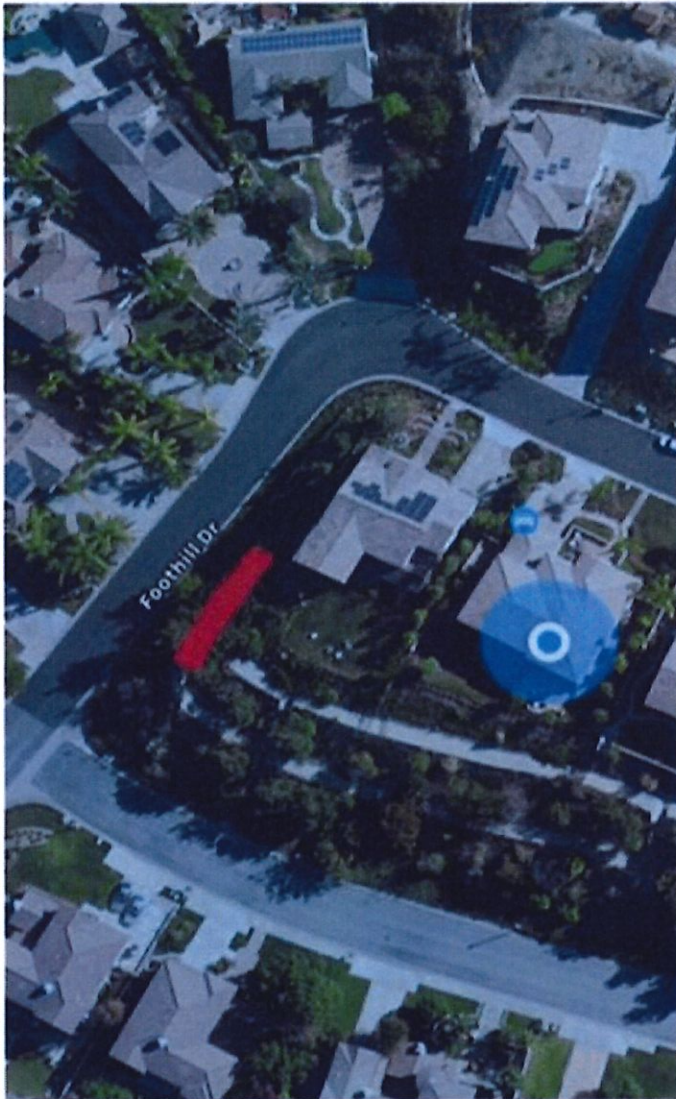
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**From:** Tian Zhang <zhangtia@usc.edu>  
**Sent:** Sunday, October 14, 2018 3:47 PM  
**To:** Baltazar Barrios-Intern  
**Subject:** Request for hearing- Qian Liu, 2845 Horizon Hills Drive, West Covina, 91791

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Dear Baltazar Barrios III,

This is Qian Liu who is the owner of home at 2845 Horizon Hills Drive, West Covina, 91791. I received the notice from planning department that my neighbor at 2849 Horizon Hills Drive plans to build a 8-foot tall retaining wall. Here, I request to have a hearing about the wall construction because I am completely against the wall construction no matter where it will be built. I don't think it's necessary to build a wall. The homes at 2845 and 2849 were model rooms before which were perfectly designed. Once they build a wall, it may change the overall design a lot not only related to their home but also related our home. Our home has panoramic city and mountain views, which is the main feature of this house. With the wall construction, it's highly possible to obstruct the view. In that way, the value of our house may decrease, which may impair our benefit. Also, it may affect the good look of our community. Meanwhile, my wife just gave birth to our baby girl. We are very careful about the living environment for our baby girl. We don't know what chemicals or pollutants the construction will use. We very concern about that. Could you please consider our opinions and requests? Since today is the last day before the hearing application deadline. Could you please reply me as soon as you read this email? Thank you very much! I very appreciate your help! Have a nice day.  
Qian



After discussed with my neighborhood from 2849 Horizon Hills Drive, West Covina, 91791 on 11/04/18, we agree they build a wall on the specific area labelled as red on this picture above, but we don't agree to have any wall construction in the front yard.

Printed Name: QIAN LIU

Signature: *Qian Liu*

Date: 11/05/18

**PLANNING DEPARTMENT STAFF REPORT**

**PRECISE PLAN NO. 16-08**

**CONDITIONAL USE PERMIT NO. 16-15**

**ADMINISTRATIVE USE PERMIT NO. 18-03**

**TREE REMOVAL PERMIT NO. 18-10**

**CATEGORICAL EXEMPTION (CLASS 32)**

**APPLICANT:** Leah Lombardi (Chick-fil-A)

**LOCATION:** 200 S. Vincent Avenue

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**I. DESCRIPTION OF APPLICATION**

The project consists of a request for approval of a precise plan to construct a 4,214 square foot fast food restaurant, a conditional use permit to allow a drive-through, an administrative use permit for outdoor seating, and a tree removal permit for the removal of five trees. The subject property is located on the southeast corner of Vincent Avenue and Lakes/Plaza Drive.

The Planning Commission held a public hearing on November 27, 2018. At the meeting, the Planning Commission determined to approve the project and directed staff to prepare resolutions of approval for the Commissions consideration.

Generally, the conditions of approval are standard conditions. The following conditions have been added to the Precise Plan and are specific to the proposed project.

**Planning**

- c. The amount of window area shall be increased in the dining area on the east, north and west elevations.
- d. The five palm trees removed at the corner shall be relocated on site, replaced with palm trees of similar size or in-lieu fee shall be paid into the City's tree fund.

**Engineering**

- 19. A 2.2 -foot street dedication on Lakes Drive and a 2-foot street dedication on Vincent Avenue shall include those portions contiguous to the subject property shall be recorded in the Office of the Los Angeles County Recorder prior to the issuance of any Building Permits and/or Engineering Permits.

20. The applicant shall provide for 10-foot wide sidewalks along Vincent Avenue and Lakes Drive.


The Planning conditions were added to provide storefront windows that allow for visibility into and out of the dining area of the fast food restaurant. The Shopfront frontage standards in the Downtown Plan require 75% ground floor transparency. It would be ideal for the applicant to provide a minimum of 75% of the linear frontage of the dining area with windows. The palm trees to be removed are specimen-sized and provide an iconic look to the area. Palm trees can be replanted, or the condition allows replacement trees or an in-lieu payment.

The Engineering conditions allow for the sidewalks on Lakes Drive and Vincent Avenue to be widened to 10 feet, which is the standard for sidewalks in commercial zones. This will provide a measure of comfort for pedestrians utilizing those sidewalks. The other condition requires that the applicant widen the sidewalks to 10 feet in width.

The three resolutions are attached and included recommended conditions of approval.

## **II. RECOMMENDATION**

Based on the Planning Commission direction on November 27, 2018, staff has prepared approval resolutions for the precise plan, conditional use permit, administrative use permit, and tree removal permit. Staff recommends that the Planning Commission act on those resolutions provided as Attachment Nos. 1, 2 and 3. The 10-day appeal period would start when the Planning Commission adopts the resolutions.

  
\_\_\_\_\_  
Jeff Anderson, AICP  
Community Development Director

### **Attachments:**

- Attachment No. 1 – Precise Plan No. 16-08 & Tree Removal Permit No. 18-10
- Attachment No. 2 – Conditional Use Permit No. 16-15
- Attachment No. 3 – Administrative Use Permit No. 18-03

**PLANNING COMMISSION**

**RESOLUTION NO.**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING PRECISE PLAN NO. 16-08 AND TREE REMOVAL PERMIT NO. 18-10**

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**PRECISE PLAN NO. 16-08**

**TREE REMOVAL PERMIT NO. 18-10**

**CATEGORICAL EXEMPTION (CLASS 32)**

**APPLICANT:** Leah Lombardi (Chick Fil A)

**LOCATION:** 200 S. Vincent Avenue

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WHEREAS, there was filed with this 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 4,384 square-foot fast food restaurant (Chick Fil A) on that certain property described as:

Assessor's Parcel No. 8474-010-(011, 013, and 015) in the records of the Los Angeles County Assessor; and

WHEREAS, the Planning Commission upon giving the required notice did on the 27<sup>th</sup> day of November, 2018, conduct a duly advertised public hearing as prescribed by law to consider said application;

WHEREAS, the Planning Commission did on the 11<sup>th</sup> day of December, 2018, consider resolutions to approve the submitted proposal;

WHEREAS, a Conditional Use Permit for a drive through has been submitted for the development of the project;

WHEREAS, an Administrative Use Permit for outdoor seating has been submitted for the development of the project;

WHEREAS, a Tree Removal Permit has been submitted to remove five trees as been submitted; 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 precise plan to approve the design and allow the construction of a 4,384 square-foot fast food restaurant with a drive through.
2. This precise plan application is submitted in conjunction with a request for approval of Conditional Use Permit No. 16-15 and Administrative Use Permit No. 18-03 for the development of a fast food restaurant and drive through.
3. 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.
4. Pursuant to the requirements of the California Environmental Quality Act (CEQA) of 1970, the project is Categorical Exempt Class 32 (Section 15332: In-Fill Development) as the project does not require a General Plan amendment or zone change. An initial study and analysis was prepared to determine that it qualifies as a Class 32 Categorical Exemption.

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 granting of a precise plan that includes a drive-through use at a fast food restaurant in the Downtown area and at the intersection of Vincent Avenue and Lakes/Plaza Drive is in conformance with the General Plan of the City. The proposed fast food with a drive-through use will be located on a site that is currently occupied by vacant sit-down restaurant building. The applicant has designed the site plan to better fit into the context of the Downtown Plan vision.
  - b. The project consists of a proposal to construct a 4,348 square-foot fast food restaurant with a drive through. The proposed project shares a site with an existing bank building and includes parking and landscaping improvements. The proposal complies with the requirements of the "Regional Commercial" (R-C) Zone. The proposed project meets all applicable development standards for the R-C zone.
  - c. The proposed project is surrounded by commercial and high-density residential development and the proposed project will be compatible with these uses. The project will include landscaping throughout the site and along the easterly property line adjacent to the high-density residential development. 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 proposed project will be located at the southeast corner of the intersection of Vincent Avenue and Lakes Drive. The Regional Commercial zoning designation allows for a wide array of uses including restaurants with drive through uses. The project site is located on the east side of a principle arterial, Vincent Avenue (six-lane street), south of the I-10 Freeway, on the south side of a minor arterial, Lakes Drive (four-lane street) and on the north side of a local street Walnut Creek Parkway (four-lane street). There are two vehicular access points which are located on Lakes Drive and Walnut Creek Parkway. The site is 77,712 square feet and is physically suitable for the proposed project and adequate to accommodate the size and shape of the building, parking, drive through, and all required development standards set forth in the West Covina Municipal Code. The subject project is an infill development and is therefore located within an urbanized area where utility connections are readily available.
  - e. The architecture includes a brick façade and stucco exterior. The drive through has been designed with the lanes on the east side of the building allowing for building frontage and a patio on the northwest corner of the site. The subject property includes an existing bank building, dual drive through lanes, an Order Points Canopy and new trash enclosures. The proposed development is compatible and will not interfere with orderly development in the vicinity.
2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Precise Plan No. 16-08 is approved subject to the provisions of the

West Covina Municipal Code, provided that the physical development of the herein described property shall conform to said plan and the conditions set forth herein which, except as otherwise expressly indicated, shall be fully performed and completed or shall be secured by bank or cash deposit satisfactory to the 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 DEPARTMENT

- a) Comply with plans reviewed by the Planning Commission on December 11, 2018.
- b) These conditions of approval shall be printed on or attached to the working drawings submitted to the Building Division for approval
- c) The amount of window area shall be increased in the dining area on the east, north and west elevations.
- d) The five palm trees removed at the corner shall be relocated on site, replaced with palm trees of similar size or in-lieu fee shall be paid into the City's tree fund.
- e) That the project complies with all requirements of the "Regional Commercial" Zone and all other applicable standards of the West Covina Municipal Code.
- f) The approved use shall not create a public nuisance as defined under Section 15-200 of the West Covina Municipal Code.
- g) The approved use shall be in compliance with the Noise Ordinance (Chapter 15).
- h) This approval shall become null and void if the building permit is not obtained within one (1) year of the date of this approval.
- i) The applicant shall sign an affidavit accepting all conditions of this approval.

- j) That any proposed change to the approved site plan, floor plan or elevations be reviewed by the Planning, Building, Fire and Police Departments and that the written authorization of the Community Development Director shall be obtained prior to implementation.
- k) Graffiti-resistant coatings shall be used on all walls, fences, sign structures or similar structures to assist in deterring graffiti.
- l) Any graffiti that appears on the property during construction shall be cleaned or removed on the same business day.
- m) 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.
- n) All outstanding fees and Development Impact Fees will be due at the time of building permit issuance.
- o) All new gutters and downspouts shall not project from the vertical surface of the building pursuant to Section 26-568 (a) (3).
- p) 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.
- q) All approved materials and colors shall be clearly indicated on the plans.
- r) Patio umbrellas in the outdoor dining area shall be kept clean and well maintained. Worn or damaged umbrellas shall be replaced.
- s) The Order Point Canopy shall be kept clean and well maintained. Worn or damaged fabric on the Order Point Canopy shall be replaced.
- t) Areas where a two-foot parking space overhang is utilized shall not be calculated as landscaped area for purposes of complying with minimum landscape requirements.
- u) All new ground-mounted, wall-mounted and/or roof-mounted equipment not shown on the approved plans 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.
- v) 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 permits. Provide construction details prior to issuance of a building permit.
- w) 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.
  - x) 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 Planning Division and the City Engineer.
  - y) 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.
  - z) The parking lot shall comply with requirements of the Parking Lot Design and Lighting standards.
  - x) 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.
  - 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) 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.
  - aa) 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.

- aa) 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 and a solid architectural cover. Provide construction details prior to issuance of a building permit.
  - bb) 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.
  - cc) Prior to requesting a final inspection, the Planning Division shall inspect the development.
  - dd) All new utilities shall be placed underground prior to issuance of Certificate of Occupancy per WCMC 23-273.
  - ee) 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.
  - ff) All parking facilities shall comply with the "Parking Lot Design and Lighting Standards."
  - gg) Street trees for Vincent Avenue are Gold Medallion, Pink Trumpet, or Mexican Fan Palm. Street trees for Lakes Drive are Queen Palm, King Palm, Desert Museum Palo Verde or Thornless Honey Mesquite.
  - hh) 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.
- ii) 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 2016 California Building Code (CBC)
  - 3. Separate application(s), plan check(s), and permit(s) is/are required for:
    - a. Grading (*see Engineering Division for requirements*)
    - b. Demolition work
    - c. Retaining walls (*see Engineering Division for requirements*)
    - d. Signs
    - e. Fire sprinkler/Alarm systems (*see Fire Department Prevention Bureau for requirements*)
    - f. Plumbing

- g. Mechanical
  - h. Electrical
4. Complete structural plans with calculations by State licensed engineer or architect will be required. Submit design for review at formal plans review.
  5. Compliance to California T-24 Energy regulations will be required. Submit design for review at formal plans review.
  6. Compliance to California Green Building Code will be required. Submit design for review at formal plans review.
  7. Separate plumbing, mechanical and electrical plan check will be required. Submit design for review at formal plans review.
  8. 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.
  9. Sanitation District Industrial Waste approval or waiver is required. Please contact (562) 699-7411, Ext 2900 for additional information.
  10. 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.
  11. A complete code analysis is required. Address type of construction, occupancy, exiting, allowable areas, allowable heights, etc. Provide a summary on the drawing.
  12. 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. CBC§ 206.
    - 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. All employee areas shall be accessible including behind counters and attendants.
  - d. All restrooms serving the building shall be accessible.
  - e. Aisles and seating shall be accessible.
  - f. All public telephones, if provided, shall be accessible. At least one and 25% shall be equipped for hearing impaired, volume control. At least one telephone shall comply with CBC 1117B.2.9.2 for text telephones where there are at least 4 phones on the site.
13. Provide fire sprinklers complying with CBC § 903.3.1 for the following projects:
- a. Group A1 and A2 occupancies having fire area with occupancy load of 100 or more. CBC § 903.2.1.1 and 903.2.1.2.
    - i. Commercial Kitchen hood and duct system per CFC § 609 and CMC Chapter 5.
14. Total plumbing fixtures required shall be determined by California Plumbing Code.
15. Grease interceptor is required. Design and installation shall comply with California Plumbing Code (CPC).
16. Type I grease duct is required. Provide complete design per California Mechanical Code.

jj) 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 those portions of Vincent Avenue, and Lakes Drive contiguous to subject property.
- 4. All existing concrete driveway approaches and wheelchair ramps shall be removed (if required) and reconstructed to meet current ADA requirements. Must provide ADA access from public right of way into project.
- 5. All damaged concrete curbs, gutters, sidewalk, etc., shall be removed and reconstruct per City standard Vincent Avenue and Lakes Drive.

6. Based on the property lines shown on the site plan, a street dedication (variable in width) maybe required along Vincent Avenue. Verify property lines
7. The developer shall either deposit \$25,000 prior to the issuance of building permits or provide street rehabilitation work up to centerline of all street contiguous to subject property.
8. Maintain existing width of sidewalks along Vincent Avenue and Lakes Drive adjacent to property line contiguous to subject property. Install street trees and tree wells with irrigation along Vincent Avenue and Lakes Drive.
9. Adequate provision shall be made for acceptance and disposal of surface drainage entering the property from adjacent areas.
10. 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.
11. Prior to issuance of the Building Permit all 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 Division 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.
12. A soil erosion and sediment control plan shall be submitted to and approved by the Planning Division and Engineering Division.
13. 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.
14. Sanitation District Industrial waste approval or waiver is required. 310-945-8200.



15. All walls facing the public right of way shall be landscaped with shrubs or vines to discourage graffiti.
16. All new on-site utility services shall be placed underground. All relocated on-site utility service lines shall be underground when cost or square footage of an addition or alteration exceeds 50% of the existing value or area (WCMC 23-27).
17. Remove existing Southern California Edison owned Cobra Head type street lights and replace with decorative street lights to match existing City owned street lights adjacent to development.
18. Provide reciprocal parking if the property is subdivided or reconfigured.
19. A 2.2 -foot street dedication on Lakes Drive and a 2-foot street dedication on Vincent Avenue shall include those portions contiguous to the subject property shall be recorded in the Office of the Los Angeles County Recorder prior to the issuance of any Building Permits and/or Engineering Permits.
20. The applicant shall provide for 10-foot wide sidewalks along Vincent Avenue and Lakes Drive.

kk) POLICE DEPARTMENT

1. CCTV System Requirements:
  - a) 720p (1280x720) minimum recording resolution is required. Increased resolution of 1080p (1920x1080) or better is encouraged.
  - b) Minimum H.264 video compression, H.265 is also acceptable.
  - c) Real-time recording 30 fps per camera @ 720p resolution.
  - d) Use caution when purchasing systems and insure that each camera will be recording at full resolution and frame rate at the minimum spec, whether it's 720p, 1080p, or better. Recording devices often have limitations and will sometimes be advertised as supporting 720p or 1080p, however the advertising doesn't explain that the higher resolution is only for limited channels, and when maxed out will provide reduced resolution.
  - e) Minimum 30-day storage retention and archival for each camera (all video) at 720p resolution, 30fps (full frame rate and resolution).
  - f) Design your camera system to insure that the privacy of your patrons is not infringed, and do not view or record areas where your patron(s) would have an expectation of privacy. Typically this is easily resolved by the placement of

the camera, and is not an issue. However where this could present a problem as the need for both coverage and privacy exists in the same area, camera technology exists that allows for the best of both worlds. Called 'video masking', 'window blanking', and by other names, it allows the area within a larger view to be masked so that private areas cannot be seen, however surrounding areas are still viewable.

g) The recording device must contain a USB port for police department personnel to easily access system and download video.

h) Video should be exportable in an open file format.

II) FIRE DEPARTMENT

1. NFPA 13D/13R/13 Fire Sprinkler System.
2. NFPA 72 – Fire Alarm/Fire Sprinkler Monitoring System.
3. NFPA 17/17A – Dry/Wet Chemical Extinguishing System.
4. Install NFPA 10 – Portable Fire Extinguishers
5. New Fire Flow Test is required.
6. Required fire flow of 1500 GPM @ 20 PSI for two (2) hours.
7. One fire hydrant is required within 400 feet of the property line.

I HEREBY CERTIFY, that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a regular meeting held on the 11<sup>th</sup> day of December, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATE: December 11, 2018

EXPIRATION DATE: December 11, 2020  
If not used.

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Herb Redholtz, Chairman  
Planning Commission

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Jeff Anderson, AICP, Secretary  
Planning Commission

PLANNING COMMISSION

RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 16-15**

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**CONDITIONAL USE PERMIT NO. 16-15**

**CATEGORICAL EXEMPTION (CLASS 32)**

**APPLICANT:** Leah Lombardi (Chick Fil A)

**LOCATION:** 200 S. Vincent Avenue

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WHEREAS, there was filed with this 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 a drive-through use for a fast food restaurant at the southeast corner of Vincent Avenue and Lakes Drive

On that certain property described as follows:

Assessor's Parcel Nos. 8474-010-(011, 013, and 015) 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 27<sup>th</sup> day of November, 2018, conduct duly advertised public hearings as prescribed by law to consider said application;

WHEREAS, the Planning Commission did on the 11<sup>th</sup> day of December, 2018, consider resolutions to approved the submitted proposal;

WHEREAS, a precise plan for the construction of a 4,384 square-foot fast food restaurant has been submitted;

WHEREAS, an Administrative Use Permit for outdoor seating has been submitted for the development of the project;

WHEREAS, a Tree Removal Permit has been submitted to remove five trees as been submitted; 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 the operation of a drive-through in conjunction with the establishment of a fast food restaurant in a proposed 4,384 square foot building.
2. This precise plan application is submitted in conjunction with a request for approval of Conditional Use Permit No. 16-15 and Administrative Use Permit No. 18-03 for the development of a fast food restaurant and drive through.
3. 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 or 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 uses and the street patterns of such a nature exist as to guarantee that such generation will not be channeled through residential areas on local residential streets.
  - 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.
4. Pursuant to the requirements of the California Environmental Quality Act (CEQA) of 1970, the project is Categorical Exempt Class 32 (Section 15332: In-Fill Development) as the project does not require a General Plan amendment or zone change. An initial study and analysis was prepared to determine that it qualifies as a Class 32 Categorical Exemption.

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 at this particular site would provide a service and dining to nearby residents, as well as customers and employees of other nearby businesses, which will contribute to the general well-being of the neighborhood or

community. The proposed use has been reviewed base on the Regional Commercial Zone and is consistent with the surrounding uses.

- b. The proposed development of the drive-through at a restaurant will not 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.
  - c. The site for the proposed drive-through use is adequate in size and is shaped to accommodate the use. The subject property is 77,712-square feet. The subject property will include adequate parking for the patrons and the employees of the fast food restaurant and the bank. As part of the site design, there will be 12,498 square feet of landscaping. There are decorative CMU block walls on the perimeter of property as well as landscape hedges and trees. The drive-through accommodates 19 vehicles in the drive-through lane and would not negatively impact any surrounding streets.
  - d. The subject property abuts streets and highways adequate in width and improvements to carry the traffic generated by the proposed use. Regional Commercial (R-C) uses shall have access to freeways or four-lane or wider street or highway (WCMC Sec. 26.539-b). The project site is located on the east side of a principle arterial, Vincent Avenue (six-lane street), south of the I-10 Freeway, on the south side of a minor arterial, Lakes Drive (four-lane street) and on the north side of a local street Walnut Creek Parkway (four-lane street). There are two vehicular access points which are located on Lakes Drive and Walnut Creek Parkway.
  - e. The granting of the conditional use permit will not adversely affect the General Plan of the City, or any other adopted plan of the City. The proposed use of a drive-through and the site design is consistent with the General Plan of the City.
2. That the approval of the conditional use permit is subject to the following conditions:
- a. Comply with the plans approved by the Planning Commission on December 11, 2018.
  - b. That the project complies with all requirements of the "Regional Commercial" Zone and all other applicable standards of the West Covina Municipal Code.
  - c. Approval of this conditional use permit is contingent upon the approval of Precise Plan No. 16-08.
  - d. That any proposed change to the approved site plan, floor plan, or elevations be reviewed by the Planning, Building, Fire, and Police Department and that the written authorization of the Community Development Director shall be obtained prior to implementation.

- e. Commercial deliveries shall not be permitted between the hours of 9:00 p.m. to 7:00 a.m.
- f. The drive-through is approved for operation between the hours of 6:00 AM to 10:00 PM, Monday through Saturday.
- g. The drive-through window shall be located on the east side of the building.
- h. The speaker box for the drive through shall be a minimum of 180 feet from the east side property line.
- i. The drive through shall provide a minimum of 19 queuing spaces in the drive-through aisle.
- j. Patio umbrellas in the outdoor dining area shall be kept clean and well maintained. Worn or damaged umbrellas shall be replaced.
- k. The Order Point Canopy shall be kept clean and well maintained. Worn or damaged fabric on the Order Point Canopy shall be replaced.
- l. The parking lot shall comply with requirements of the Parking Lot Design and Lighting standards.
- m. 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.
- n. 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.
- o. 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.
- p. 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.

- q. 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.
- r. Licenses and permits as required by the West Covina Municipal Code shall be obtained prior to the start of the operation of the use for appropriate cause.
- s. The approved use shall not create a public nuisance as defined under Section 15-200 of the West Covina Municipal Code.
- t. The applicant shall comply with all applicable health and safety codes.
- u. The operation of the facility shall comply with the West Covina Noise Ordinance.

I HEREBY CERTIFY, that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a regular meeting held on the 11<sup>th</sup> day of December, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DATE: December 11, 2018

EXPIRATION DATE: December 11, 2020  
If not used.

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Herb Redholtz, Chairman  
Planning Commission

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Jeff Anderson, AICP, Secretary  
Planning Commission



## ATTACHMENT NO. 3

### PLANNING COMMISSION

#### RESOLUTION NO.

#### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING ADMINISTRATIVE USE PERMIT NO. 18-03

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#### ADMINISTRATIVE USE PERMIT NO. 18-03

#### CATEGORICAL EXEMPTION (CLASS 32)

**APPLICANT:** Leah Lombardi (Chick Fil A)

**LOCATION:** 200 S. Vincent Avenue

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WHEREAS, there was filed with this City a verified application on forms prescribed by the Commission, a request for an administrative use permit to allow outdoor seating on that certain property generally described as:

Assessor's Parcel Nos. 8474-010-(011, 013, and 015) 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 27<sup>th</sup> day of November, 2018 conduct a duly advertised public hearing as prescribed by law; and

WHEREAS, the Planning Commission did on the 11<sup>th</sup> day of December, 2018, consider resolutions to approved the submitted proposal;

WHEREAS, as provided for under Municipal Code Section 26-270(c), the Planning Director elected to transfer the matter of the proposed administrative use permit directly to the Planning Commission for consideration; and

WHEREAS, a precise plan for the construction of a 4,384 square-foot fast food restaurant has been submitted; and

WHEREAS, a Conditional Use Permit for a drive through has been submitted for the development of the project;

WHEREAS, a Tree Removal Permit has been submitted to remove five trees as been submitted; and

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

1. The applicant is requesting an administrative use permit to allow outdoor seating at 200 S. Vincent Avenue. The property is located within the "Regional Commercial" (R-C) Zone.
2. This administrative use permit application is submitted in conjunction with a request for approval of Precise Plan No. 16-02 and Conditional Use Permit 16-15 for the development of a fast food restaurant and drive through.
3. Appropriate findings for approval of an Administrative Use Permit for outdoor seating 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 or 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 uses and the street patterns of such a nature exist as to guarantee that such generation will not be channeled through residential areas on local residential streets.
  - 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.
4. Pursuant to the requirements of the California Environmental Quality Act (CEQA) of 1970, the project is Categorical Exempt Class 32 (Section 15332: In-Fill Development) as the project does not require a General Plan amendment or zone change. An initial study and analysis was prepared to determine that it qualifies as a Class 32 Categorical Exemption.

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 regarding the Plan for Outdoor Seating:

- a. The proposed Outdoor Seating at this particular site would provide a service and dining possibilities to nearby residents, as well as customers and employees of other nearby businesses, which will contribute to the general well-being of the neighborhood or community. The proposed use is appropriate in the context of the Regional Commercial Zone.
  - b. The proposed Outdoor Seating will not 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.
  - c. The site for the proposed Outdoor Seating is adequate in size and is shaped to accommodate the use. The subject property is located on a 77,712-square foot parcel. The subject property will include adequate parking for the patrons and the employees. The proposed outdoor patio seating area is 1,300 square feet and includes 36 seats.
  - d. The subject property abuts streets and highways adequate in width and improvements to carry the traffic generated by the proposed use. Regional Commercial (R-C) uses shall have access to freeways or four-lane or wider street or highway (WCMC Sec. 26.539-b). The project site is located on the east side of a principle arterial, Vincent Avenue (six-lane street), south of the I-10 Freeway, on the south side of a minor arterial, Lakes Drive (four-lane street) and on the north side of a local street Walnut Creek Parkway (four-lane street). There are two vehicular access points which are located on Lakes Drive and Walnut Creek Parkway.
  - e. The granting of the administrative use permit will not adversely affect the General Plan of the City, or any other adopted plan of the City. The proposed use of a restaurant and the site design is consistent with the General Plan of the City.
2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Administrative Use Permit No. 18-03 is approved subject to the provisions of the West Covina Municipal Code, provided that the physical development of the herein described property shall conform to said 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, 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. That the administrative use permit shall not be effective for any purpose until the owner of the property involved (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 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 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 Administrative Use Permit is subject to the following conditions:
  - a) Comply with plans reviewed by the Planning Commission on December 11, 2018.
  - b) Comply with all requirements of the "Regional Commercial" (R-C) Zone and all other applicable standards of the West Covina Municipal Code, particularly Chapter 26, Article X.
  - c) Approval of this administrative use permit is contingent upon the approval of Precise Plan No. 16-08.
  - d) Any proposed change to the approved study plans or operational plan must first be reviewed by the Planning Division, Building Division, Fire Department, Police Department, and shall require the written authorization of the Planning Director prior to implementation.
  - e) The outdoor dining area shall be maintained and kept in a good state of repair.
  - f) A total of 36 outdoor seats will be allowed in conjunction with this Administrative Use Permit. Any increase in the number of seats shall require approval by the Community Development Director.
  - g) Patio umbrellas in the outdoor dining area shall be kept clean and well maintained. Worn or damaged umbrellas shall be replaced.
  - h) Obtain all required Fire Department, Engineering Division, and Building Division permits.
  - i) The administrative use permit may be revoked, amended or suspended by the Planning Commission under the provisions of Section 26-273 of the West Covina Municipal Code for appropriate cause.

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina at a regular meeting held on the 11<sup>th</sup> day of December, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATE: December 11, 2018

EXPIRATION DATE: December 11<sup>th</sup>, 2020  
(if not used)

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Herb Redholtz, Chairman  
Planning Commission

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Jeff Anderson, AICP, Secretary  
Planning Commission

*Memorandum*  
**A G E N D A**

ITEM NO: 6

DATE: November 27, 2018

**TO:** Planning Commission

**FROM:** Planning Department

**SUBJECT: REVIEW OF REQUEST TO EXTEND HOURS FOR  
ADMINISTRATIVE USE PERMIT NO. 15-09  
Rebel Yell Bar and Steakhouse (2050 S. Valinda Avenue)**

**BACKGROUND**

On October 27, 2015, the Planning Commission adopted Resolution Nos. 15-5783 and 15-5784 approving Administrative Use Permit No. 15-09 and Conditional Use Permit No. 15-05 for the operation of a 1,075-square foot restaurant with live entertainment and on-sale beer, wine, and distilled spirits. The restaurant is located at 2050 S. Valinda Avenue on the northeast corner of Amar Road and Valinda Avenue.

The conditions of approval allowed a review by the Planning Commission of the restaurant after six months of operation to consider extending hours for alcohol sales.

**DISCUSSION**

Rebel Yell Bar and Steakhouse provides an American steakhouse restaurant with a live entertainment stage and bar area. The restaurant is open 11:00 am to 12:00 am Sunday through Wednesday, and from the 9:00 am to 2:00 am Thursday through Saturday. The applicant originally requested that alcohol sales be allowed Sunday through Wednesday from 11:00 a.m. to 12:00 a.m., and Thursday through Saturday from 9:00 a.m. to 2:00 a.m. On October 27, 2015, the Planning Commission approved the request with limited hour for alcohol sales: Monday through Sunday from 9:00 a.m. to 12:00 a.m.

On October 4, 2018, the applicant requested a review of the business operation to consider extending alcohol sales to 2:00 a.m, Monday through Thursday. The item was reviewed by the Planning Commission and continued to allow the applicant to clarify the extent of their request.

On November 30, 2018, the applicant submitted a letter requesting an extension of their alcohol sales to 2:00 AM on Thursday, Friday, and Saturday (Attachment No. 2). The following chart contains a summary of the request:

	APPROVED	REQUESTED
Hours of Operation	S-W 11 AM to 12 AM TH-SAT 9 AM to 2 AM	S-W 11 AM to 12 AM TH-SAT 9 AM to 2 AM
Hours of Alcohol Sales	M-SUN 9 AM to 12 AM	S-W 11 AM to 12 AM TH-SAT 9 AM to 2 AM

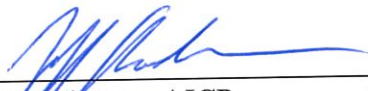
In order to provide information to the Planning Commission, staff contacted the Police Department and Code Enforcement Division on October 9, 2018. The Police Department indicated it had not received any noise complaints related to the restaurant since it has been in operation. They also indicated that there were three calls related to fights over the past two years but indicated that is a low number compared to other similar establishments. The Code Enforcement Division also indicated they had not had any complaints about the operation and there were no citations on file.

### **RECOMMENDATION**

If the Planning Commission wishes to grant the request, a resolution has been prepared to extend the hours for alcohol sales to 9:00 a.m. to 2:00 a.m. Thursday through Saturday.

  
Veronica Hernandez  
Associate Planner

### **REVIEWED AND APPROVED:**

  
Jeff Anderson, AICP  
Community Development Director

### **ATTACHMENTS:**

- Attachment No. 1 – Amended Administrative Use Permit Resolution
- Attachment No. 2 – Applicant's Extension Request Letter
- Attachment No. 3 – Planning Commission Staff Report, November 27, 2018
- Attachment No. 4 – Unadopted Planning Commission Minutes, November 27, 2018

**ATTACHMENT NO. 1**

**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.**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF WEST COVINA, CALIFORNIA, AMENDING THE  
APPROVAL OF ADMINISTRATIVE USE PERMIT NO. 15-09**

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**ADMINISTRATIVE USE PERMIT NO. 15-09**

**CATEGORICAL EXEMPTION**

**APPLICANT:** Eric Phillip Roque, Rebel Yell Bar and Steakhouse

**LOCATION:** 2050 S. Valinda Avenue

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WHEREAS, there was filed with this City a verified application on forms prescribed by the Commission, a request for an administrative use permit to allow the on-sale service of alcohol within a full-service restaurant as defined by the State Department of Alcoholic Beverage Control (ABC), on that certain property generally described as:

Assessor's Parcel No. 8746-006-1041 as listed in the records of the office of the Los Angeles County Assessor; and

WHEREAS, in conjunction with this request, a conditional use permit (CUP 15-05) has been submitted to allow the accessory use of live music entertainment; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 22<sup>nd</sup> day of September and the 27<sup>th</sup> day of October, 2015, conduct a duly advertised public hearing as prescribed by law to consider said application; and

WHEREAS, the Planning Commission on the 11<sup>th</sup> of December, 2018, considered a request by the applicant to extend the hours of alcohol service from Monday through Sunday from 6:00 a.m. to 12:00 a.m. to 6:00 a.m. to 2:00 a.m. Thursday through Saturday; and

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

1. The applicant is requesting the approval of an administrative use permit to allow the retail off-sale of alcohol within an area of undue concentration as defined by the Department of Alcoholic Beverage Control. The project is located within the "Neighborhood Commercial" (N-C) Zone. There is one existing ABC license in the census tract where the subject restaurant is located, while four licenses are allowed. The Police Department has reviewed the proposal and has provided input. Conditions of approval have been drafted based on the concerns expressed.



2. The applicant received approval for Administrative Use Permit No. 15-09 on October 27, 2015, with limited hours for alcohol sales. The approval allowed for a 3-month review of the business to consider extending alcohol sales hours.
3. On October 4, 2018, the applicant requested an extension of the approved hours for alcohol sales.
4. Appropriate finding for approval of an administrative use permit for on-sale service of alcohol 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. Finding necessary for approval of an administrative use permit for alcohol service:
  - f. That, when considering the proposed operational characteristics of the use and its proximity to residences, parks, schools, preschools, day care facilities, and churches, the use will not create any undue adverse impacts or otherwise be detrimental to the public health, safety, and welfare.
4. The proposal is considered to be a Categorical Exemption, pursuant to Section 15301 (Class 1, Existing Facilities) of the California Environmental Quality Act (CEQA) of 1970, in that it consists of minor alterations of the subject structure in order to operate the requested use.

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 regarding the administrative use permit:
  - a. The proposed on-sale service of alcohol with a bona fide restaurant (Type 47 ABC License) in Rebel Yell Bar and Steakhouse, as ancillary to the restaurant, is a desirable service that will contribute to the general well being of the neighborhood and community by offering patrons an additional alternative to purchase alcoholic beverages.
  - b. Due to the location of the proposed restaurant and conditions placed on alcohol sales, the on-sale service of alcohol in conjunction with a full service restaurant, will not 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 applicant has received few calls for service from the Police Department during its operation and there are no Code Enforcement violations on record.
  - c. The site for the proposed on-sale service of alcohol is adequate in size and shape to accommodate said use, in that the 1,075-square foot tenant space is located within an existing shopping center. Approval of an administrative use permit will only allow the on-sale service of alcohol in conjunction with a bona fide restaurant. The proposed use will not result in an expansion of building area beyond what presently exists. Further, the on-sale service of alcohol will not increase the parking demand beyond the parking supply. The tenant space is directly adjacent to residential uses. Conditions of approval have been included to reduce impacts on the residential uses.
  - d. The proposed use is located in proximity to Valinda Avenue and Amar Road, which are Principal Arterials as defined by the Master Plan of Streets. The existing street network provides adequate capacity to accommodate additional vehicle trips generated by the proposed use. Vehicular access to the subject building is available primarily via Valinda Avenue and Amar Road. Existing conditions also provide efficient and safe public access and circulation.
  - e. The proposed use is consistent with the "Neighborhood Commercial" (N-C) Zone. The proposed restaurant and bar with live music entertainment use is allowed in the N-C zone with the approval of a conditional use permit. The granting of an administrative use permit for on-sale service of alcohol is consistent with the General Plan. The Economic Development Element Goal No. 1 of the General Plan states "Develop and expand the local economy in order to create new employment opportunities, attract new investment and

strengthen the tax base of the City.” As such, the proposed use is consistent with the City’s General Plan.

2. Finding necessary for approval of a conditional use permit for alcohol service:
  - f. The accessory use of on-sale service of alcohol in conjunction with the full service restaurant will not create any undue adverse impacts or be detrimental to public health, safety, or welfare. While the subject property is directly located to residential uses, it is located in a shopping center and it is in a commercial zone. It is not adjacent to parks, schools, preschools, day care facilities, or churches.
3. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Administrative Use Permit No. 15-09 is approved subject to the provisions of the West Covina Municipal Code, provided that the physical development of the herein described property shall conform to said 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, and the violation of any of which shall be grounds for revocation of said administrative use permit by the Planning Commission or City Council.
4. 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. 15-8690.
5. 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.
6. That the approval of the administrative use permit is subject to the following conditions:
  - a. Comply with plans reviewed by the Planning Commission on October 27, 2015.
  - b. That the project comply with all requirements of the “Neighborhood Commercial” (N-C) zone and all other applicable standards of the West Covina Municipal Code.

- c. This development shall conform to all applicable Municipal regulations, Fire, Building, Mechanical, Electrical, Plumbing codes and recognized, approved, standards of installation.
- d. The approved use shall not create a public nuisance as defined under Section 15-200 of the West Covina Municipal Code.
- e. Signs are not part of this approval. Obtain a sign permit from the Building Division subject to approval by the Planning Department.
- f. The business owner and manager of the establishment shall be strictly accountable for compliance with all conditions imposed as part of this conditional use permit, whether or not the owner or manager are personally present at the location.
- g. A copy of this resolution shall be kept at the front counter at all times and available for review by public safety personnel and other authorized City staff.
- h. Any proposed change to the approved site plan or floor plan must first be reviewed by the Planning, Building, and Fire Departments and shall require the written authorization of the Community Development Director prior to implementation.
- i. The on-sale service of alcohol with a full-service restaurant shall be allowed Sunday through Wednesday from 11:00 a.m. to 12:00 p.m., and Thursday through Saturday from 6:00 a.m. to 2:00 a.m.
- j. A food menu and food service shall be available for customers during all hours of operation. The menu shall consist of a variety of foods including hot entrée items.
- k. The administrative use permit may be revoked, amended and suspended by the Community Development Director under the provisions of Section 26-273 of the West Covina Municipal Code.
- l. The site shall comply with the requirements of the California Department of Alcoholic Beverage Control (ABC) and shall be maintained in a manner consistent with the definition of a "bona fide eating place" as defined by Section 23038 of the California Business and Professions Code.
- m. The permitted occupancy or total number of patrons to enter the restaurant shall be restricted per applicable Building and Fire Codes whichever is less.

- n. The proposed restaurant is an allowed use per the Municipal Code. No age restrictions or cover charges are approved as part of the accessory on-sale service of alcohol use.
- o. This approval allows for the on-sale service of alcohol with a bona fide restaurant.
- p. 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.
- q. This Administrative Use Permit approval shall become null and void if a license from ABC is not obtained within one (1) year of the date of this approval.
- r. Security personnel will patrol the surrounding parking lot and vicinity to ensure patrons are neither loitering nor causing undue disturbances.
- s. Employees shall park at the south end of the parking lot, away from neighboring residences, to avoid causing disturbances when leaving work.
- t. All trash will be disposed of in outdoor trash bins and dumpsters prior to 11:00 p.m.
- u. Back door will remain locked and closed after 11:00 p.m. except in case of an emergency.
- v. Designated motorcycle parking spaces, located adjacent to residential homes will be removed.
- w. Review by the Planning Commission of the operation permitted by the administrative use permit is required after six (6) months from the date of approval and at such time as necessary as specified by the Planning Commission. The review shall involve Planning, Code Enforcement, Police, and neighbor complaints in order to determine compliance with the conditions of approval. At such review, the Planning Commission may consider modification of the conditions of approval or initiation of revocation proceedings due to substantial noncompliance.
- x. The approval does not include a "dance floor" in the floor plan. A dance floor requires the approval of a conditional use permit and a separate business license shall be obtained.

Police Department Requirements:

- a. The applicant shall install a CCTV monitoring system, which is subject to inspection prior to opening. The requirements are as follows:
- 960H (960 x 480) recording resolution
  - H.264 video compression
  - Real-time recording 30 fbs per channel @ 960 resolution
  - 2048 bit rate
  - 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
  - Fixed cameras with complete coverage of areas that do not infringe on the privacy of patrons, PTZ (pan, tilt, zoom) optional
  - Recordings preserved for a minimum of 30 days (30 day loop minimum)
  - DVR must contain a USB port for police department personnel to easily access system and download video

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 27<sup>th</sup> day of November, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATE: December 11, 2018

EXPIRES: December 11, 2020, If not used.

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Herb Redholtz  
Planning Commission

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Jeff Anderson, Secretary  
Planning Commission



2050 S. Valinda Ave.  
West Covina Ca. 91791

**To:** Planning Commission  
City of West Covina | Planning Division  
1444 West Garvey Avenue South | West Covina, CA 91790

I am writing in the name of the business Rebel Yell Bar & Steakhouse, which is located in 2050 S Valinda Ave. West Covina Ca. 91791. We are writing this letter in hopes we can be reviewed in the hearing which is scheduled for December 11<sup>th</sup> 2018. We are requesting for Alcohol sales to be extended until 2:00am on Thursday, Friday, and Saturday. We understand now that this was also what the committee suggested, It was a misunderstanding on our part and we are requesting that this same extensions be reviewed. Thank you for your time and consideration of our request.

Request:

Alcohol sales to be extended from 12:00 til 2:00am on Thursday, Friday, and Saturday.

Sincerely,

*Eric P. Rogue*

City of West Covina

*Memorandum*  
**A G E N D A**

ITEM NO: 5

DATE: November 27, 2018

**TO:** Planning Commission

**FROM:** Planning Department

**SUBJECT: REVIEW OF REQUEST TO EXTEND HOURS FOR  
ADMINISTRATIVE USE PERMIT NO. 15-09  
Rebel Yell Bar and Steakhouse (2050 S. Valinda Avenue)**

**BACKGROUND**

On October 27, 2015, the Planning Commission adopted Resolution Nos. 15-5783 and 15-5784 approving Administrative Use Permit No. 15-09 and Conditional Use Permit No. 15-05 for the operation of a 1,075-square foot restaurant with live entertainment and on-sale beer, wine, and distilled spirits. The restaurant is located at 2050 S. Valinda Avenue on the northeast corner of Amar Road and Valinda Avenue.

The conditions of approval allowed a review by the Planning Commission of the restaurant after six months of operation to consider extending hours for alcohol sales.

**DISCUSSION**

Rebel Yell Bar and Steakhouse provides an American steakhouse restaurant with a live entertainment stage and bar area. The restaurant is open 11:00 am to 12:00 pm Sunday through Wednesday, and from the 9:00 am to 2:00 am Thursday through Saturday. The applicant originally requested that alcohol sales be allowed Sunday through Wednesday from 11:00 a.m. to 12:00 a.m., and Thursday through Saturday from 9:00 a.m. to 2:00 a.m. On October 27, 2015, the Planning Commission approved the request with limited hours: Monday through Sunday from 6:00 a.m. to 12:00 a.m.

On October 4, 2018, the applicant requested a review of the business operation to consider extending alcohol sales to 2:00 a.m.

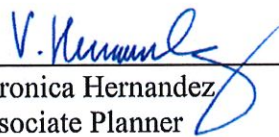
In order to provide information to the Planning Commission, staff contacted the Police Department and Code Enforcement Division on October 9, 2018. The Police Department indicated it had not received any noise complaints related to the restaurant since it has been in operation. They also indicated that there were three calls related to fights over the past two years but indicated that is a low number compared to other similar



establishments. The Code Enforcement Division also indicated they had not had any complaints about the operation and there were no citations on file.

### **RECOMMENDATION**

If the Planning Commission wishes to grant the request, a resolution has been prepared to extend the hours for alcohol sales to 6:00 a.m. to 2:00 a.m. Thursday through Saturday.

  
\_\_\_\_\_  
Veronica Hernandez  
Associate Planner

REVIEWED AND APPROVED:

  
\_\_\_\_\_  
Jeff Anderson, AICP  
Planning Director

### **ATTACHMENTS:**

- Attachment No. 1 – Amended Administrative Use Permit Resolution
- Attachment No. 2 – Planning Commission Staff Report, October 27, 2015
- Attachment No. 3 – Planning Commission Minutes, October 27, 2015
- Attachment No. 4 – Administrative Use Permit Resolution No. 15-5783
- Attachment No. 5 - Conditional Use Permit Resolution No. 15-5784

## ATTACHMENT NO. 4

~~Parkway and the I-10 Freeway on-ramp. However, he concurred with the remainder of the Commission that this use would be an improvement over a vacant building.~~

~~Motion by Holtz, seconded by Rozatti, to direct staff to continue this matter to the December 11, 2018 regular meeting and direct staff to draft resolutions of approval for this project. Motion carried 4-0, (Heng absent, excused.)~~

~~Chairman Jimenez called a recess at 9:35 p.m.~~

~~Chairman Jimenez reconvened the meeting at 9:40 p.m.~~

### NON-HEARING ITEMS

5. REVIEW OF REQUEST TO EXTEND HOURS OF OPERATION  
ADMINISTRATIVE USE PERMIT NO. 15-09  
2050 SOUTH VALINDA AVENUE (REBEL YELL BAR AND STEAKHOUSE)  
REQUEST: The applicant is requesting to extend the hours of operation.

Associate Planner Veronica Hernandez presented the staff report. She told the Commission the owner was requesting an expansion of his approved hours of operation. She also said the West Covina Police Department and Code Enforcement had been contacted regarding service calls to the business.

Commissioner Redholtz asked about the required six-month review

Motion by Jimenez, seconded by Rozatti, to continue this matter to the December 11, 2018 regular meeting to obtain information on the request from the applicant. Motion carried 4-0 (Heng absent, excused).

### ~~CONTINUATION OF ORAL COMMUNICATIONS~~

~~None~~

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

~~Chairman Jimenez announced his resignation from the Planning Commission and said it had been a pleasure and honor to serve on the Commission.~~

~~Commissioner Redholtz thanked Chairman Jimenez for his service to the community and congratulated former Planning Commissioner Dario Castellanos on his election to the City Council. He also welcomed newly appointed Commissioner Rozatti to the Planning Commission.~~

~~Commissioner Rozatti said she enjoyed her first meeting and spoke about her memories of the Planning Commission while she was growing up.~~

AGENDA NO. 7. a.

DATE: December 11, 2018

**FORTHCOMING PLANNING COMMISSION HEARINGS**

**December 25, 2018**

No meeting. Happy Holidays!

**January 9, 2019**

A. CONSENT CALENDAR

None

B. PUBLIC HEARINGS

None

C. NON-HEARING ITEMS

None

**AGENDA NO. 7.B. DATE: December 11, 2018**

**December 2018 Planning Commission Project Status Report**

Project #	Address	Description of Project	PC Approved	PD Mod	Plan Check Submittal	Plan Check Approval	Bldg. Permit Issued	Construction Status
CUP 18-04, V 18-02	934 West Covina Pkwy	Drive Through	10/23/2018					
CUP 18-03	1532 E Amar Rd	Adult Day Care	09/11/2018					
CUP 18-05	1227 Inspiration Pt	Single Family House	09/11/2018		10/10/2018			
Minor Site Plan Review 18-09	675 S Glendora Ave	Exterior Painting of Building	08/28/2018					
PP 18-04	1100 West Covina Pkwy	Building Addition	07/10/2018		11/01/2018			
AUP 17-45	2641 Elena Ave	2nd Story Addition	07/10/2018		09/05/2018			
PDMod 18-06	203 S Azusa Ave	Storage Sheds at Day Care	06/26/2018		08/30/2018			
CUP 17-12, AUP 18-10, PDMod 17-29	2301 S Azusa Ave	Drive-Through for Tierra Mia	06/26/2018		07/19/2018			
PP 15-07, TM 73652, V 15- 18	1920 W Pacific Ln	7-Unit Residential Project	06/26/2018					

Project #	Address	Description of Project	PC Approved	PD Mod	Plan Check Submittal	Plan Check Approval	Bldg. Permit Issued	Construction Status
PP 17-04, TRP 18-07, TM 77133	1530 W Cameron Ave	56-Unit Residential Project	05/22/2018		11/08/2018			
AUP 17-30, PDMod 17-40	1027 Amar Rd	Rooftop Wireless	04/24/2018					
AUP 18-04	2750 E Larkhill Dr	Single Family House	04/24/2018		06/11/2018			
AUP 17-33	734 Donna Beth Ave	AHQ	02/27/2018		05/14/2018	08/06/2018	08/06/2018	Under Construction
CUP 17-19, AUP 17-39	1220 Inspiration Pt	Single Family House	12/12/2017		02/08/2018	04/11/2018	04/11/2018	Under Construction
CUP 17-18, PDMod 17- 34, AR 17- 02, AUP 17- 41	1129 West Covina Pkwy	Gaucha Grill, live entertainment, exterior remodel, outdoor seating & roof sign	12/12/2017		10/19/2017	01/31/2018	01/31/2018	Complete
V 17-09, AUP 17-32	1852 E Walnut Creek Pkwy	Front Setback/AHQ	12/12/2017		02/13/2018	04/05/2018	04/05/2018	
CUP 17-15	1227 S Orange Ave	Water Tank Wireless Facility	12/12/2017		01/11/2018	04/11/2018	05/01/2018	
CUP 17-14	1424 S Azusa Ave	Tutoring/Dance Studio	12/12/2017		09/13/2017	05/15/2018	05/15/2018	Under Construction
TPM 74787, V 16-19	845 S Sunkist Ave	3-Lot Subdivision (No Addresses Assigned)	11/28/2017					Waiting for Recordation of Final Map
AUP 17-24,	3014 E. Cameron Ave	Single Family House	11/28/2017		01/02/2018	06/12/2018	06/14/2018	Under Construction

Project #	Address	Description of Project	PC Approved	PD Mod	Plan Check Submittal	Plan Check Approval	Bldg. Permit Issued	Construction Status
PDMod 17-39, AUP 17-23	711 N Azusa Ave	Building Remodel & On-Sale ABC	10/24/2017		09/27/2018			
AUP 17-11	1212 Inspiration Pt	Balcony	10/10/2017		12/13/2017			
V 17-07	2016 E Garvey Ave S	Wall Height	10/10/2017		11/13/2017	11/13/2017	11/13/2017	Under Construction
CUP 17-17, AUP 17-31	2831 Skyview Ln	Single Family House	09/26/2017		02/15/2018			
PP 16-07, CUP 16-12, V 16-20, TRP 17-03	1400 West Covina Pkwy	Assisted Living Facility	09/26/2017		01/15/2018	11/13/2018	11/13/2018	Under Construction
PP 16-02, AUP 17-26	1360 W Garvey Ave S	New Bakery and Café	09/12/2017		04/26/2017	01/18/2018	01/18/2018	Under Construction
PDMod 17-17	1000 & 1050 Lakes Dr	Adding Compact Parking	08/22/2017		04/02/2018	06/14/2018		
CUP 17-13, AUP 17-19	1203 Inspiration Pt	Addition to Single-Family House	08/22/2017		10/03/2017	11/06/2017	11/06/2017	Under Construction
PDMod 14-05	501 Vincent Ave	Building Façade Remodel	08/08/2017		08/28/2017	04/25/2018	04/26/2018	Under Construction
CUP 17-07	421 S Glendora Ave	Tattooing Studio	08/08/2017		08/28/2017	04/24/2018	04/24/2018	Under Construction
CUP 14-15	1455 Queen Summit	Addition to Single-Family House	07/11/2017		08/23/2017	04/18/2018	04/18/2018	Under Construction

Project #	Address	Description of Project	PC Approved	PD Mod	Plan Check Submittal	Plan Check Approval	Bldg. Permit Issued	Construction Status
TPM 73142, CUP 17-05 & 17-05, AUP 16-16 & 16- 54	524 Barranca Street	2-Lot Subdivision (524 S Barranca & 3017 E Cortez)	06/13/2017		10/19/2017			
CUP 16-14, AUP 16-41	3017 Hillside Dr	Large Home	04/11/2017		08/30/2017	05/31/2018	05/31/2018	Under Construction
TPM 74133, V 16-08	2222 W Garvey Ave	3-Lot Subdivision (2250 W Garvey, 1035 S Willow, 1039 S Willow)	03/28/2017		07/31/2017	05/16/2018	05/16/2018	Under Construction
CUP 17-01, AUP 16-56	1321 Silverbirch	Addition to Single-Family House	03/14/2017		04/18/2017	07/19/2017	07/19/2017	Under Construction
AUP 16-23	223 N Leland Ave	MUSE & 2nd Story	01/24/2017		03/22/2017	12/06/2017	12/06/2017	Under Construction
AUP 16-44	2730 Vanderhoof	1,361 sf Detached Garage	12/13/2016		03/06/2017	06/12/2017	06/12/2017	Under Construction
AUP 16-19	1117 S Serena Dr	Retaining Wall	10/11/2016		04/13/2017	06/13/2017	10/25/2017	
AUP 15-43	927 S Van Horn Ave	Addition to Single-Family House	07/26/2016		09/07/2016	11/04/2016	11/04/2016	Under Construction
Subcommitte e for Design 15-46	916 E Michelle St	Remodel & addition to Single- Family House	05/10/2016		06/09/2016	09/07/2016	09/07/2016	Under Construction
CUP 15-20, AUP 15-36	100 Buckboard Cir	Addition to Single-Family House	04/26/2016		09/22/2016	04/25/2017	05/01/2017	Under Construction
PDMod 15-51	2934 E Garvey Ave S	Remodel Exterior of Building	03/08/2016 & 8/23/2016	PDMod 18-15 approved 6/13/18	07/11/2018	09/06/2018	09/06/2018	

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PDMod 06-02 (CUP 05-13 & V 05-05)	1042 East Idahome Street	Conversion of garage to Second Unit	02/23/2016					Convert garage back by 2/23/17
PP 14-05	835 W Christopher St	Construction of SEEK Education	02/09/2016 1st Ext - 2/9/18		12/21/2017	10/15/2018	10/15/2018	
PP 14-01, CUP 14-05	1030 E. Merced Ave	Expansion of Day Care Facility	12/08/2015 1st Ext - 12/13/17 2nd Ext -1/23/18					
GPA 14-01, ZC 14-01, PP 14-03, CUP 14-20 & V 14- 23	1388 E Garvey Ave South	Public storage facility	12/15/2015 1st Ext - 12/13/17 - 2nd Ext - 12/13/18		07/05/2018			
AUP 15-11	824 E Michelle Street	Remodel of Single Family House	08/25/2015		01/14/2016	02/22/2017	02/22/2017	Under Construction
AUP 14-41	2736 E Larkwood St	546 sf Detached Garage	04/28/2015		10/22/2015	12/17/2015	12/17/2015	Under Construction