

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

**Tuesday April 9, 2019
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. 19-5982

PLEDGE OF ALLEGIANCE

MOMENT OF SILENT PRAYER/MEDITATION

ROLL CALL

APPROVAL OF MINUTES

1. Regular meeting, March 12, 2019

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. 19-02**

CATEGORICAL EXEMPTION: Pursuant to the California Environmental Quality Act (CEQA), the proposed project is considered to be categorically exempt (Class 1, Existing Facilities) in that the proposed use will occupy an existing tenant space.

APPLICANT: Marc Fresina

LOCATION: 420 N Azusa Avenue (Varney Center)

REQUEST: The applicant is requesting approval of a conditional use permit to allow for the operation of a 2,077-square foot recreational center (axe-throwing) within the Varney Center. No additional square footage proposed to the existing building. The subject property is located in the "Neighborhood Commercial" (N-C) Zones.

- 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. **ZONE CHANGE NO. 19-01**

GENERAL EXEMPTION

APPLICANT: City of West Covina

LOCATION: 1904 W. Pacific Lane

REQUEST: Change the zoning designation of 1904 W. Pacific Lane from "Single-Family Residential" (R-1) to "Multiple-Family Residential" (MF-20).

- 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

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

4. **CODE AMENDMENT NO. 19-01**
GENERAL EXEMPTION
APPLICANT: Brian Jackson for rePlanet
LOCATION: Citywide

- 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

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

NON-HEARING ITEMS - None

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.

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

- a. Forthcoming - April 9, 2019

6. **CITY COUNCIL ACTION:**

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

ADJOURNMENT

ITEM NO. 1.
DATE: April 9, 2019

TO: Planning Commission
FROM: Planning Division
SUBJECT: Regular meeting, March 12, 2019

Attachments

3.12.19 minutes

UNADOPTED MINUTES

A G E N D A

DATE: March 12, 2019

ITEM NO.: 1

MINUTES REGULAR MEETING OF THE PLANNING COMMISSION CITY OF WEST COVINA Tuesday, March 12, 2019

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

ROLL CALL

Present: Heng, Holtz, Jaquez, Kennedy and Redholtz

Absent: None

City Staff Present: Anderson, Burns and de Zara

APPROVAL OF MINUTES:

1. Regular meeting, February 26, 2019

The minutes were approved as presented.

OTHER MATTERS OR ORAL COMMUNICATIONS

None

PUBLIC HEARINGS

None

NON-HEARING ITEMS

2. GENERAL PLAN ANNUAL REPORT FOR 2017

Community Development Director Jeff Anderson presented the staff report. He told the Commission that the Council adopted a new General Plan in December, 2016. He also spoke about the Environmental Impact Report and two projects that are being built in the Downtown Area. Mr. Anderson also spoke about the Housing Element Update, the Regional Housing Needs Assessment (RHNA) and West Covina's progress toward

meeting those numbers. Commissioner Jaquez asked Mr. Anderson to explain how goals can be modified.

This report was received and filed.

3. STUDY SESSION – ZONE CHANGE NO. 19-01
CHANGE OF ZONE FROM R-1 TO MF-20 FOR 1904 W. PACIFIC LANE

Planning Manager Jo-Anne Burns presented the staff report. During her presentation she spoke about the initiation of this code amendment by the City Council. In addition, she spoke about historical events that caused this property to remain zoned Single-family Residential (R-1), while other properties in the area had their zoning changed to MF-20 (Multiple Family Residential). Ms. Burns said this study session was to provide information regarding the proposed zone change and answer any questions by the Commission regarding this matter.

There was a short discussion by the Commission regarding this matter. Commissioner Kennedy asked staff for an explanation as to how the subject property had not been included with other properties during the original zone changes.

Mr. Anderson also told the Commission that they had been provided an email from Robert Torres expressing his opinion on this matter.

Staff told the Commission that this matter would be scheduled for a public hearing at a future Planning Commission meeting.

4. STUDY SESSION – CODE AMENDMENT NO. 19-01
REVIEW OF CODE FOR SMALL RECYCLING FACILITIES

Planning Manager Jo-Anne Burns presented the staff report. During her presentation Ms. Burns told the Commission that staff was directed to provide information to the Commission regarding other small recycling centers within the city limits. She showed a power point presentation and informed the Commission of the locations of other small recycling centers within the city limits.

Ms. Burns also told the Commission that the rePlanet Recycling Center on Amar Road is a smaller shopping center and is unable to comply with the required distance from residential uses in the current code. However, she also told the Commission that other markets in the area are exempt from having recycling centers due to their proximity to the rePlanet site, which exempts them from paying the \$100 per day non-compliance fine.

Staff recommended the reduction of the required square footage of markets from 30,000 square feet to 25,000 square feet. In addition, staff recommended reducing the required distance from residential uses from 250 feet to 150 feet when there is an arterial street separating the uses.

There was a short discussion by the Commission regarding the exemptions for the other markets, and staff's recommendation for the reduction of square footage for the size of the store and the reduction for distance from residential uses. The Commission also considered the ability of other recycling centers to comply with the reductions in the code requirements.

Paige Gosney, representing rePlanet, addressed the Commission and expressed rePlanet's desire to make recycling convenient for consumers. He also told the Commission that other markets near rePlanet's recycling facility were exempt and would be subject to a fine if the rePlanet facility closed. Mr. Anderson said that rePlanet had requested the code amendment. Chairman Redholtz asked Mr. Gosney about rePlanet losing its legal, non-conforming status. There was a short discussion regarding this matter, and how markets seek recycling services from providers.

Commissioner Heng said she would be in favor of reducing the threshold minimum store size but would not be in favor of reducing the separation from residential uses. Commissioner Kennedy asked if reducing the separation requirement would affect other recycling centers in the city. Staff told the Commission that an administrative use process would provide notification to residents of any proposed recycling facilities giving residents the opportunity to express concerns and allowing the Commission the ability to deny the application if they deemed it necessary to protect residents.

Motion by Heng, seconded by Holtz, to reduce the minimum market threshold size requirement to 25,000 square feet and keep the required distance between the recycling center and residential areas at 250 feet. Motion failed 3-2 (Redholtz, Jaquez and Kennedy opposed.)

Motion by Jaquez, seconded by Kennedy, to accept staff's recommendation and reduce the minimum market size threshold to 25,000 square feet and reduce the separation from residential uses to 150 feet where there are arterial streets. Motion carried 4-1 (Heng opposed.)

Staff was directed to prepare a code amendment and schedule a public hearing to consider the code amendment by the Planning Commission.

5. STUDY SESSION – DESIGN REVIEW SUBCOMMITTEE OF THE PLANNING COMMISSION

Community Development Director Jeff Anderson presented the staff report and told the Commission that Robert Torres had included comments about the Subcommittee for Design Review in his email to the Commission. During his presentation he told the Commission how and why the Subcommittee for Design Review was formed. In addition, he told the Commission that the Subcommittee had implemented guidelines for their review of various types of projects, and added that providing guidelines helps contractors, architects and property owners better understand what improvements will be harmonious with the surrounding neighborhood. He also said that guidelines can be reviewed and changed as necessary to promote good design for additions to existing single-family homes.

Mr. Anderson said the current members of the Subcommittee are Chairman Redholtz and Commissioner Heng. He also told the Commission that the two members of the Subcommittee for Design Review are appointed by the Chairman.

Commissioner Heng expressed her opinion that Subcommittee for Design Review is a simple process and can help facilitate the improvements requested by homeowners. There was a short discussion regarding the Subcommittee Guidelines and projects that are referred the Planning Commission for their review. Mr. Anderson said that the guidelines can be reviewed by the Subcommittee and amended as needed.

The staff report was received and filed.

CONTINUATION OF ORAL COMMUNICATIONS

None

COMMISSION REPORTS/COMMENTS AND MISCELLANEOUS ITEMS

Chairman Redholtz asked about the status of the Art in Public Places Ordinance and the funds set aside for artwork. There was also a discussion regarding the Planning Commission reviewing any future art projects. Commissioner Kennedy asked if funds would be available to expand the West Covina Veteran's Memorial.

5. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:

a. Forthcoming – March 12, 2019

Community Development Director Jeff Anderson said there were no items for the March 26, 2019 regular meeting so it will be cancelled.

6. CITY COUNCIL ACTION:

None

ADJOURNMENT

Chairman Redholtz adjourned the meeting at 8:13 p.m.

Respectfully submitted:

Lydia de Zara
Senior Administrative Assistant

ADOPTED AS SUBMITTED ON:

ADOPTED AS AMENDED ON:

PLANNING DEPARTMENT STAFF REPORT

SUBJECT

CONDITIONAL USE PERMIT NO. 19-02

CATEGORICAL EXEMPTION: Pursuant to the California Environmental Quality Act (CEQA), the proposed project is considered to be categorically exempt (Class 1, Existing Facilities) in that the proposed use will occupy an existing tenant space.

APPLICANT: Marc Fresina

LOCATION: 420 N Azusa Avenue (Varney Center)

REQUEST: The applicant is requesting approval of a conditional use permit to allow for the operation of a 2,077-square foot recreational center (axe-throwing) within the Varney Center. No additional square footage proposed to the existing building. The subject property is located in the "Neighborhood Commercial" (N-C) Zones.

- a. Hear staff report
- b. Public testimony
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BACKGROUND

ITEM	DESCRIPTION
ZONING AND GENERAL PLAN	"Neighborhood Commercial" (N-C) and Commercial"
SURROUNDING LAND USES AND ZONING	North: Neighborhood Commercial (N-C); retail South: Service Commercial (S-C); retail East: Single-Family Residential (R-1); single-family residential West: Service Commercial (S-C); retail
CURRENT DEVELOPMENT	Varney Center
LEGAL NOTICE	Legal Notice was published in the San Gabriel Valley Tribune, posted at City Hall, the library, and Police Department, and was mailed to 159 owners and occupants of the properties located within 300 feet of the subject site.

DISCUSSION

The applicant is requesting approval of a conditional use permit to allow for the operation of a 2,077-square foot recreational center (axe-throwing) in an existing tenant space within the Varney Center. The subject property is located on the southeast corner of North Azusa Avenue and Rowland Avenue. The shopping center is adjacent to single-family homes on the east and adjacent to retail use on west, south, and north.

The proposed business offers a unique recreational activity commonly known as axe throwing. Axe throwing is a sport in which a person throws an axe at a target. The set up for axe throwing consists of multiple lanes (similar to dart throwing or bowling). One target and axe per group, with one person throwing at a time. The proposed tenant space includes six lanes and each bay is fully enclosed to ensure safety. The ceiling will be padded with carpet and foam to reduce noise impacts to adjacent neighboring tenants and residents.

The applicant has indicated that the recreational center (axe-throwing) will be open seven days a week from 12:00 p.m. to 9:00 p.m. with a count of two employees per shift (Attachment No. 2). Reservations and walk-ins are both available for the business. The applicant indicated that the anticipated length of stay per individual and/or group is 1-2 hours.

Parking

The shopping center provides 126 parking spaces on site. The Code does not specify a parking requirement for axe throwing or recreational centers. General retail use parking requires 9 parking spaces based on a ratio of one parking space for each two hundred fifty (250) square feet of gross floor area (WCMC Sec. 26-581). The applicant has proposed a maximum of two staff members at any time. Based on a parking analysis with the proposed business and existing tenants, the shopping center would meet parking requirements.

Noise

Planning Staff has met with an adjacent resident regarding potential noise issues. It is important for the business owner to understand that there are residential dwellings in close proximity. Planning Staff has included the following conditions of approval to address noise generation in the Resolution.

1. Amplified sound shall not exceed levels that are plainly audible, or vibrations felt on the outside of the tenant space.
2. No noise amplifier shall be used at any time.
3. Noise levels shall not exceed the ambient noise level by more than (5) five decibels as measured outside of the tenant space.
4. Doors of the building shall be kept closed at all times, except when doors are in use, in order to minimize noise impacts onto adjacent properties.
5. Any speakers inside the tenant space shall be directed toward the front of the tenant space (west).
6. Review by the Community Development Director of the operation shall be required after six (6) months of operation and further reviews will be scheduled, if necessary, by the Planning Commission thereafter. During this review, the Planning Commission shall consider noise generation, and other nuisances by the use and its effect on nearby commercial businesses and residential properties, and shall determine if additional restrictions, conditions, or physical changes are needed in order to mitigate these effects.

REQUIRED FINDINGS

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

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

The proposed recreational center (axe-throwing) will contribute to the community by providing a unique service to the area and complement the existing retail uses in the shopping plaza. The subject site is located conveniently near residential neighborhoods that will provide a source of clients for the proposed business. The proposed use is

located on the southeast corner of North Azusa Avenue and Rowland Avenue. The proposed recreational center (axe-throwing) complies with all the applicable requirements of the “Commercial” land designation.

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

The proposed recreational center (axe-throwing) will not result in the expansion of the existing building and will utilize the existing tenant spaces. The recreational center (axe-throwing) will be open seven days a week, from 12:00 p.m. to 9:00 p.m. As mentioned, the proposed use will not be detrimental to the health, safety, peace, or general welfare of surrounding residents or business owners. Furthermore, the site will remain primarily unchanged from its present condition.

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

The existing building and site is adequate in size and design to accommodate the proposed recreational center (axe-throwing). Sufficient parking exists on the site to accommodate the recreational center as well as other existing commercial uses occupying the neighboring tenant spaces. The adjacent tenant spaces are occupied by retail businesses. The proposed use is compatible with the other uses in the shopping mall and surrounding land uses.

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

The proposed recreational center (axe-throwing) will not generate a substantial amount of vehicular traffic nor alter present circulation patterns. The site is accessed via Azusa Avenue, a major arterial, and Rowland Avenue, a major arterial. The subject site’s abutting streets are adequate in width and improvements to accommodate the proposed use. Existing conditions also provide efficient and safe public access and circulation.

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

The granting of the conditional use permit to allow the operation of a recreational center (axe-throwing) will not adversely affect the West Covina General Plan, since the proposed use does not conflict with the site’s land use designation of “Commercial”. 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.

ENVIRONMENTAL DETERMINATION

Pursuant to the California Environmental Quality Act (CEQA), the proposed project is considered to be categorically exempt (Class 1, Existing Facilities) in that the proposed use will occupy an existing tenant space.

CONCLUSION

The applicant is requesting a conditional use permit to allow for the operation of a 2,077 square foot recreational center (axe-throwing) located on the southeast corner of North Azusa and Rowland Avenue. No additional square footage is proposed to the existing building. The tenant space is located very close to residential uses to the east. The Planning Commission has the following options;

1. Approve the proposed use by adopting the attached resolution.
2. Continue the public hearing and ask for additional information.
3. Deny the project and direct staff to bring back a denial resolution.

STAFF RECOMMENDATIONS

Staff recommends that the Planning Commission adopt a resolution approving Conditional Use Permit No. 19-02.

LARGE ATTACHMENTS

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

Submitted by: Rene Aguilar, Planning Assistant

Attachments

Resolution No. 19-5982

Vicinity Map

Business Operation 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 . 19-5982

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 19-02

CONDITIONAL USE PERMIT NO. 19-02

CATEGORICAL EXEMPTION

APPLICANT: Marc Fresina

LOCATION: 420 N Azusa Ave

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

Allow for the operation of a 2,077-square foot recreational center (axe-throwing) within the Varney Center described as follows:

Assessor Parcel No. 8454-014-011 as shown on the latest rolls of the Los Angeles County Tax Assessor; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 28th day of March, 2019, conduct a duly advertised public hearing as prescribed by law to consider said application; and

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

1. The applicant is requesting approval of a conditional use permit to allow for the operation of a 2,077-square foot recreational center (axe-throwing) within the Varney Center. No additional square footage proposed to the existing building. The subject property is located in "Neighborhood Commercial" (N-C) zone.
2. The applicant has indicated that the recreational center (axe-throwing) will be open seven days a week from 12:00 p.m. to 9:00 p.m. and a count of two employees per shift (Attachment No. 2). Reservations and walk-ins are both available for the business. The applicant indicated that the anticipated length of stay per individual and/or group is 1-2 hours.

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 the proposed use will occupy an existing tenant space.

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 recreational center (axe-throwing) will contribute to the community by providing a unique service to the area and complement the existing retail uses in the shopping plaza. The subject site is located conveniently near residential neighborhoods that will provide a source of clients for the proposed business. The proposed use is located on the southeast corner of North Azusa Avenue and Rowland Avenue. The proposed recreational center (axe-throwing) complies with all the applicable requirements of the "Commercial" land designation.
 - b. The proposed recreational center (axe-throwing) will not result in the expansion of the existing building and will utilize the existing tenant spaces. The recreational center (axe-throwing) will be open seven days a week, from 12:00 p.m. to 9:00 p.m. As conditioned, the proposed use will not be detrimental to the health, safety, peace,

or general welfare of surrounding residents or business owners. Furthermore, the site will remain primarily unchanged from its present condition.

- c. The existing building and site is adequate in size and design to accommodate the proposed recreational center (axe-throwing). Sufficient parking exists on the site to accommodate the recreational center as well as the other existing commercial uses occupying the neighboring tenant spaces. The adjacent tenant spaces are occupied by retail businesses. The proposed use is compatible with the other uses in the shopping mall and surrounding land uses.
 - d. The proposed recreational center (axe-throwing) will not generate a substantial amount of vehicular traffic nor alter present circulation patterns. The site is accessed via Azusa Avenue, a major arterial, and Rowland Avenue, a major arterial. The subject site's abutting streets are adequate in width and improvements to accommodate the proposed use. Existing conditions also provide efficient and safe public access and circulation.
 - e. The granting of the conditional use permit to allow the operation of a recreational center (axe-throwing) will not adversely affect the West Covina General Plan, since the proposed use does not conflict with the site's land use designation of "Commercial". 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. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Conditional Use Permit No. 19-02 is approved subject to the provisions of the West Covina Municipal Code provided that the physical development of the herein described property shall conform to said conditional use permit and the conditions set forth herein which, except as otherwise expressly indicated, shall be fully performed and completed or shall be secured by bank or cash deposit satisfactory to the Community Development Director before the use or occupancy of the property is commenced and before a certificate of occupancy is issued, and the violation of any of which shall be grounds for revocation of said conditional use permit by the Planning Commission or City Council.
 3. The conditional use permit shall not be effective for any purpose until the owner of the property involved (or his duly authorized representative) has filed at the office of the 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 April 9, 2019.
 - b. Comply with all applicable sections of the West Covina Municipal Code.
 - c. Comply with all requirements of the "Neighborhood-Commercial" zone.
 - d. The tutoring facility is approved to operate seven days a week from 12:00 p.m. to 9:00 p.m.
 - e. A maximum of 2 employees are permitted at any time.
 - f. The recreational center (axe-throwing) is approved for 2,077-square feet. Any addition or modification of the use shall require the submittal of a new conditional use permit.
 - g. 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.
 - h. During construction, the delivery of materials and equipment, outdoor operations of equipment and construction activity shall be limited to the hours between 7:00 a.m. and 8:00 p.m.
 - i. All construction equipment, stationary or mobile, shall be equipped with properly operating and maintained mufflers.
 - 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 the Community Development Commission, and that the written authorization of the Community Development Director shall be obtained prior to implementation.
 - k. The operation of the facility shall comply with the West Covina Noise Ordinance.
 - l. 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.
 - m. 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.
 - n. That any proposed change to the approved site plan, floor plan, or elevations be reviewed by the Planning, Building, Fire, and Police Departments and the Community Development Commission, and that the written authorization of the Community Development Director shall be obtained prior to implementation.

- 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.

BUILDING DIVISION

- a. All Conditions of Approval as approved by the Planning Commission shall appear as notes on the plans submitted for building plan check and permits.
- b. Building design shall comply with the 2016 California Building Code (CBC).
- c. Separate application(s), plan check(s), and permit(s) is/are required for:
 - a. Tenant Improvements
 - b. Signs
 - c. Fire sprinkler/Alarm systems (see Fire Department Prevention Bureau for requirements)
 - d. Plumbing
 - e. Mechanical
 - f. Electrical
- d. Complete architectural plans prepared a by State licensed architect will be required. Submit design for review at formal plans review.
- e. Complete structural plans with calculations by State licensed engineer or architect will be required. Submit design for review at formal plans review.
- f. Compliance to California T-24 Energy regulations will be required. Submit design for review at formal plans review.
- g. Compliance to California Green Building Code will be required. Submit design for review at formal plans review.
- h. Separate plumbing, mechanical and electrical plan check will be required. Submit design for review at formal plans review.
- i. A complete code analysis is required. Address type of construction, occupancy, exiting, allowable areas, allowable heights, etc. Provide a summary on the drawing.
- j. Compliance with the State of California Accessibility regulations is required, including:
 - a. Building entrances shall be provided with an accessible path of travel connecting the building entrances from the public sidewalk, accessible parking, and other buildings or essential facilities located on the site.

- b. Required exits shall be accessible as required by the building code.
- c. Accessible parking:
 - 1. Shall be located at each main entrance. Where multiple major entrances occur, accessible parking shall be equally distributed among the entrances.
- d. All common and public areas shall be accessible including behind counters, lounge and dressing/locker rooms.
- e. All restrooms serving the building shall be accessible.
- f. Aisles and seating shall be accessible.
- g. Drinking fountains (high/low) are required to be accessible.
- h. 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.
- k. Provide Fire Alarms and Detection systems complying with CBC § 907 for the following projects:
 - a. Group B and M occupancies with occupant load > 500 or with occupant load > 100 above or below the lowest level of exit discharge. CBC § 907.2.2 and CBC § 907.2.7.
- l. West Covina Municipal Code requires fire sprinklers for the projects listed below except for open garages as defined by the California Building Code. WCMC § 7-18.13.
 - a. When the value of major alterations or repairs to an existing building, which has five thousand (5,000) or more square feet, exceeds twenty-five (25) percent of the value of the building in any twelve-month period. WCMC § 7-18.13.1.
- m. Total plumbing fixtures required shall be determined by California Plumbing Code (CPC).

FIRE DIVISION

- n. NFPA 13D/13R/13 Fire Sprinkler System.
- o. NFPA 72 – Fire alarm/fire sprinkler monitoring system.
- p. NFPA 10 – Portable Fire Extinguishers.

- q. Modifications to existing fire sprinkler and fire alarm systems require separate permit and approval from the Fire Department. At least three (3) legal and remote exits required.

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

I HEREBY CERTIFY, that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a special meeting held on the 9th day of April, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: April 9, 2019

EXPIRATION DATE:

November 28, 2020 if not used

Herb Redholtz, Chairman
Planning Commission

Jeff Anderson, Secretary
Planning Commission

Vicinity Map

Conditional Use Permit No. 19-02

420 N Azusa Avenue



Recreational Center (Axem)

Axem Business Plan - Executive Summary

Offer a local, unique recreational activity for friends and families ages 18 and up to enjoy the sport of
Axe Throwing

Problem

There are limited axe-throwing venues in Orange County. The closest ones are located in Costa Mesa & Upland, CA. Additionally, customers are faced with an intimidating, brightly lit, aggressive atmosphere when going to the typical axe throwing venues. It is not inviting to the average person, especially to the newcomer looking to try something new with friends or family in their neighborhood.

Solution

The solution is to provide a place where people feel comfortable. Make the dividers sealed off to where you have privacy and remove any anxiety from others watching from either side. Plenty of comfortable seating and space to relax while waiting for your turn to throw. Theme each bay to make for a custom feel each time returning with an artist's touch. Dampen the sound with carpet and foam padding on the ceiling.

Business Model

The way we make a profit is by providing the space people rent to throw an axe and charging by the hour per person.

Day to day business operations

- *Number of Employees: 2 total

- *Hours of Operations: 12pm-9pm, 7 days a week, year-round

- *Maximum number of individuals that can participate at one time: Depends on the size of rental space, but the smallest rental space would accommodate 16 participants max. (the site proposed would be 24)

- *Length of stay: 1-2 hours

- *How bookings work: Walk-ins, Call-in Reservations for Parties

The Physical Plant: Commercial Recreation Zoning @2000 sq. ft. or more

Target Market

Most people between the ages of 18 and 40, regardless of gender, will be a target audience to promote to. College students would be a good portion of the revenue within that age group, but our business is looking to bring in a higher class with the aesthetic/design we're going for.

The Customer Experience

You'll walk in to find a reception desk with someone to greet you and explain the operation. After signing the waiver and watching a short video, you'll be ready to try the sport at your own personal bay.

You and your friends will take turns throwing (one axe per bay) with friendly competition or by keeping score. There will be a clock on the wall next to each bay that will keep you aware of the time remaining. On the way out, stop by the #hashtag wall for a free photo with friends along with some swag to remember and share the experience.

Competition

Who is our competition? All recreational activities. The competitive advantage is mainly a unique alternative to going out and having fun. Axe throwing is very new not only to the community, but also to the state which is why we need to open one right away to be the first with our style of venue.

Team

Financial Summary (How you make money)

Monthly Expenses

Rent	\$3250
Utilities (Phone, Internet, Electricity, Trash)	\$300
Spruce Wood (2x4x10" @ \$5 each)	\$200
1 part time employee	\$1200
Security Cameras	\$25
CGL Insurance	\$200
Total	\$4975

Profitability

To pay monthly expenses, we need to make more than \$1100 per week. Charging each person \$25 per hour for 1 bay, we will need an average of 9 people per day.

Funding Required

Rental Space w/ first, last	\$7500
LLC	\$650
Utilities	\$500
Website	\$100
Insurance	\$175
Carpenter	\$1000 (guestimate)
Axes	\$300
Furniture	\$1000
Permit Fees	\$300
Decals & Painting	\$1000
Merchant Services	\$300
Taxes	
Security Camera Equipment	\$500

CUP (Conditional Use Permit)	\$3000 Deposit
Total	\$13225

PLANNING DEPARTMENT STAFF REPORT

SUBJECT

ZONE CHANGE NO. 19-01

GENERAL EXEMPTION

APPLICANT: City of West Covina

LOCATION: 1904 W. Pacific Lane

REQUEST: Change the zoning designation of 1904 W. Pacific Lane from "Single-Family Residential" (R-1) to "Multiple-Family Residential" (MF-20).

- 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

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

BACKGROUND

ITEM	DESCRIPTION
CURRENT GENERAL PLAN AND ZONE CLASSIFICATION	"Neighborhood Medium" and "Single-Family Residential" (R-1)
PROPOSED GENERAL PLAN AND ZONE CLASSIFICATION	"Neighborhood Medium" and "Multiple-Family Residential" (MF-20)
SURROUNDING LAND USES AND ZONING	North: Single-Family Residential; "Single-Family Residential" (R-1) South: Condominium Complex; "Multiple-Family Residential" (MF-20) East: Condominium Complex; "Multiple-Family Residential" (MF-20) West: Single-Family Residential; "Multiple-Family Residential" (MF-20)
CURRENT DEVELOPMENT	Single-Family Residence
LEGAL NOTICE	Legal notice was published in the San Gabriel Valley Tribune, posted at City Hall, the library, and Police Department, and was mailed to 243 owners and occupants of properties located within 300 feet of the subject site.

CEQA REVIEW	General Exemption: The proposal is not subject to CEQA per Section 15060 (c)(2) and 15061 (b)(3) of the CEQA Guidelines
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On February 5, 2019, the City Council adopted Resolution No. 2019-08 initiating a Zone Change to change the zoning of 1904 W. Pacific Lane from “Single-Family Residential” (R-1) to “Multiple-Family Residential” (MF-20).

The proposed zone change was initiated due to a request by the property owner of the subject site (Peggy Hale) during the October 2, 2018 City Council public hearing for a 7-unit development at 1920 W. Pacific Lane. Ms. Hale pointed out that the zoning of the property at 1904 W. Pacific Lane was not consistent with the immediate adjacent properties. The Zone Change would make the zoning designation for 1904 W. Pacific Lane consistent with the MF-20 zoning designation of the adjacent properties located to the south, east, and west of the subject site.

The Planning Commission held a study session on March 12, 2019. During the study session staff presented the Planning Commission with information pertaining to the subject lot’s size, configuration, neighboring uses, and surrounding zoning designation. In addition, staff provided the Planning Commission a letter received prior to the meeting from Mr. Robert Torres, voicing his concerns regarding the zone change and 1904 W. Pacific Lane’s substandard lot size.

DISCUSSION

1904 W. Pacific Lane is a 15,700 square-foot rectangular shaped lot with approximately 98 feet of street frontage located on Pacific Lane, mid-block between its intersection with Pacific Avenue and Orange Avenue (the vicinity Map is included as Attachment 2). The site was developed in the late 1940s with a 2,200 square foot house and detached garage. The site is surrounded by single-family and multi-family residences.

The subject property is adjacent to lots zoned “Single-Family Residential” (R-1) to its north (across Pacific Lane), and lots zoned “Multiple-Family Residential” (MF-20) to its south, east, and west. Although the properties located west of the subject lot are improved with single-family residences similar to the project site, the site is the only lot on the south side of Pacific Lane zoned as R-1. The zoning inconsistency is due to individual zone changes (ZC Nos. 237, 300, 306, and 309) approved in the late 1950s through the early 1960s which changed the zoning designation of the parcels surrounding the subject lot from R-1 to R-3. The R-3 zoning designation was later changed to MF-20 in June 1972.

The Planning Commission decision on the Zone Change is a recommendation to the City Council.

REQUIRED FINDINGS

Findings necessary for approval of a zone change are as follows:

a. There are changed conditions since the existing zoning became effective to warrant other or additional zoning.

The site is currently zoned “Single-Family Residential” (R-1). All the other residential properties on the same side of Pacific Lane are zoned as “Multiple-Family Residential” (MF-20). The zoning inconsistency is due to individual zone changes (ZC Nos. 237, 300, 306, and 309) approved in the late 1950s through the early 1960s which changed the zoning designation of the parcels surrounding the subject lot from R-1 to R-3. The R-3 zoning designation was later changed to MF-20 in June 1972.

b. The proposed change of zone will not adversely affect adjoining property as to value or precedent and will not be detrimental to the area.

The proposed zone change will not adversely affect adjoining property or be detrimental to the area as there are other single-family houses on lots zoned as MF-20 in the vicinity. In addition, approval of the zone change would

make the zoning designation of the subject lot consistent with the MF-20 zoning designation of abutting properties.

c. A change of zone will be in the interest or furtherance of the public health, safety, and general welfare.

The proposed zone change would be in the interest or furtherance of the public health, safety, and general welfare, because the zone change would make the zoning designation of the subject lot consistent with the MF-20 zoning designation of abutting properties. As such, the project would not adversely impact public health, safety, and general welfare.

d. The approval of such a change of zone will not adversely affect the comprehensive General Plan so adopted by the City.

The proposed zone change would not adversely affect the General Plan since the project does not require a General Plan Amendment because the General Plan Designation for the subject lot is Neighborhood Medium (9 to 20 units per acre), which is consistent with the proposed MF-20 zoning of the subject lot.

e. The approval of such a zone change is consistent with the General Plan or applicable specific plans.

Approval of the zone change is consistent with the General Plan because the General Plan Designation for the subject lot will not change and will remain Neighborhood Medium (9 to 20 units per acre).

GENERAL PLAN CONSISTENCY

A General Plan Amendment is not required to accompany the zone change because the General Plan designation for the subject site is Neighborhood Medium (9 to 20 units per acre), which is consistent with the proposed MF-20 zoning designation for the site.

ENVIRONMENTAL DETERMINATION

The proposal is not subject to the California Environmental Quality Act (CEQA) per Sections 15060(c)(2) and 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to activity that results in direct or reasonably foreseeable indirect physical change in the environment and for activity considered to be a project, respectively. The zone change would not result in physical change in the environment because it would simply make the zoning designation of the subject lot consistent with the zoning of the adjacent lots. The proposal does not involve any construction or additions to the existing structures on the site.

STAFF RECOMMENDATIONS

Staff recommends that the Planning Commission adopt a resolution recommending approval of Zone Change No. 19-01.

Submitted by: Jo-Anne Burns, Planning Manager

Attachments

Attachment No. 1 - Resolution - Zone Change No. 19-01

Attachment No. 2 - Vicinity Map

PLANNING COMMISSION
RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF WEST COVINA, CALIFORNIA, RECOMMENDING TO
THE CITY COUNCIL APPROVAL OF ZONE CHANGE NO. 19-01
TO CHANGE THE ZONING DESIGNATION FOR 1904 W.
PACIFIC LANE FROM R-1 TO MF-20

ZONE CHANGE NO. 19-01

GENERAL EXEMPTION

APPLICANT: City of West Covina

LOCATION: 1904 W. Pacific Lane

WHEREAS, the Planning Commission wishes to approve the zone change from “Single-Family Residential” (R-1) to “Multiple-Family Residential” (MF-20), Area District I on a certain property generally described as:

Assessor’s Parcel Number 8459-026-006 in the records of the Los Angeles County Assessor; and

WHEREAS, the City Council did, on the 5th day of February 2019, adopt Resolution No. 2019-08 to formally initiate a zone change for 1904 W. Pacific Lane; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 12th day of March 2019, conduct a study session to consider the initiated zone change; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 9th day of April 2019, conduct duly advertised public hearings to consider the zone change; and

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

1. 1904 W. Pacific Avenue is the only lot on the south side of Pacific Lane zoned as R-1.
2. Approval of the zone change will make the zoning designation of the subject lot consistent with the MF-20 zoning designation of the adjacent lots to its south, east, and west.
3. Findings necessary for approval of a zone change are as follows:
 - a. There are changed conditions since the existing zoning became effective to warrant other or additional zoning.
 - b. The proposed change of zone will not adversely affect adjoining property as to value or precedent and will not be detrimental to the area.
 - c. A change of zone will be in the interest or furtherance of the public health, safety, and general welfare.
 - d. The approval of such a change of zone will not adversely affect the comprehensive General Plan so adopted by the City.

- e. The approval of such a zone change is consistent with the General Plan or applicable specific plans.

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

SECTION 1: Based on evidence presented, both oral and documentary, the Planning Commission finds as follows:

- a. The site is currently zoned “Single-Family Residential” (R-1). All the other residential properties on the same side of Pacific Lane is zoned as “Multiple-Family Residential” (MF-20). The zoning inconsistency is due to individual zone changes (ZC Nos. 237, 300, 306, and 309) approved in the late 1950s through the early 1960s which changed the zoning designation of the parcels surrounding the subject lot from R-1 to R-3. The R-3 zoning designation was later changed to MF-20 in June 1972.
- b. The proposed zone change will not adversely affect adjoining property or be detrimental to the area as there are other single-family houses on lots zoned as MF-20 in the vicinity. In addition, approval of the zone change would make the zoning designation of the subject lot consistent with the MF-20 zoning designation of abutting properties.
- c. The proposed zone change would be in the interest or furtherance of the public health, safety, and general welfare, because the zone change would make the zoning designation of the subject lot consistent with the MF-20 zoning designation of abutting properties. As such, the project would not adversely impact public health, safety, and general welfare.
- d. The proposed zone change would not adversely affect the General Plan since the project does not require a General Plan Amendment because the General Plan Designation for the subject lot is Neighborhood Medium (9 to 20 units per acre), which is consistent with the proposed MF-20 zoning of the subject lot.
- e. Approval of the zone change is consistent with the General Plan because the General Plan Designation for the subject lot will not change and will remain Neighborhood Medium (9 to 20 units per acre).

SECTION 2: Based on evidence presented and findings set forth, Zone Change No. 19-01 is hereby found to be consistent with the City General Plan and implementation thereof.

SECTION 3: The Planning Commission recommends the City Council approve Zone Change No. 19-01, changing the zoning designation for subject property as set forth on Exhibit A, and amending the Zoning Map of the City of West Covina.

SECTION 4: Pursuant to requirements of the California Environmental Quality Act (CEQA) of 1970, as amended, the project General Exemption (15060(c)(2) and 15061(b)(3)) which provides that CEQA only applies to activity that results in direct or reasonably foreseeable indirect physical change in the environment and for activity considered to be a project, respectively. The zone change would not result in physical change in the environment because it would simply make the zoning designation of the subject lot consistent with the zoning of the adjacent lots. The proposal does not involve any construction or additions to the existing structures on the site.

I HEREBY CERTIFY, the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a regular meeting held on the 9th day of April, 2019, by the following vote:

AYES:

NOES:

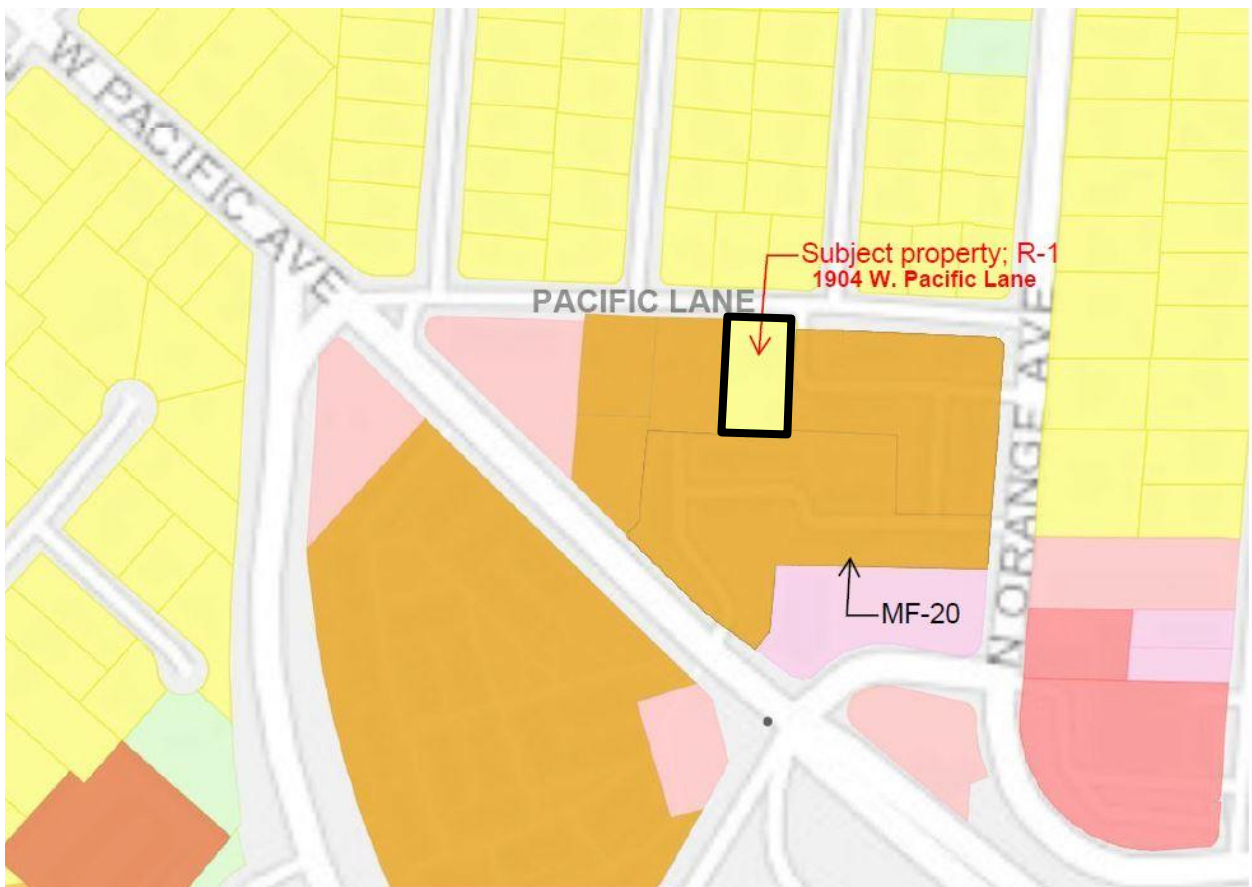
ABSENT:

ABSTAIN:

Herb Redholtz, Chairman
Planning Commission

Jeff Anderson, Secretary
Planning Commission

EXHIBIT A



Indicates the area to be changed from “Single-Family Residential” (R-1) to “Multiple-Family Residential” zone (MF-20)



PLANNING DEPARTMENT STAFF REPORT

SUBJECT

CODE AMENDMENT NO. 19-01

GENERAL EXEMPTION

APPLICANT: Brian Jackson for rePlanet

LOCATION: Citywide

- 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

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

BACKGROUND

On February 12, 2019 the Planning Commission adopted Resolution No. 19-5979 to initiate a Code Amendment to Section 26-685.93(1) of the West Covina Municipal Code (WCMC) pertaining to development standards for small recycling facilities.

The proposed Code Amendment was initiated by a request from rePlanet representative Paige H. Gosney. RePlanet has been operating a small recycling facility at 1025 E. Amar Road (Stater Brothers parking lot) for a number of years but did not maintain their business license. RePlanet attempted to correct the business license issue by submitting an Administrative Use Permit (AUP) application on September 22, 2018. Unfortunately, an AUP cannot be approved because the facility is located within 250 feet of residential zoned properties. Since the shopping center is surrounded by residential zoning and uses on all four sides, it is not possible to comply with the 250 feet minimum distance between the residences and small recycling facility. The facility is approximately 150 feet from the closest residential property.

The Planning Commission held a study session on March 12, 2019. During the study session staff presented the Planning Commission with information on the location of all small recycling facilities within the City and what other markets are doing to address the State's beverage container collection/recycling mandate. The following information was presented to the Commission.

- There is only one (1) other small recycling facility located in West Covina, which is located at 1314 W. Francisquito Avenue on the Northgate Gonzales Market parking lot (Sunset Square Shopping Center). The Sunset Square recycling facility is greater than 250 feet to the closest residence.
- Other grocery stores in the City have exempt convenience zones (none have unserved status, therefore do not have to collect California Redemption Value containers in-store or have to pay the \$100 per day fee) due to their proximity to other recycling facilities located both within and outside of the City.
- Three grocery stores (Seafood City, Island Pacific, and Tokyo Central) are exempt because they are being served by the rePlanet recycling facility on 1025 E. Amar Road.
- The 30,000 square feet minimum market size threshold required by the Code to qualify for a small recycling facility on the parking lot would also have to be revised to be able to permit the rePlanet recycling facility at its current location on 1025 E. Amar Road.
- The 30,000 square feet minimum market size threshold also prohibits the Vons on 777 S. Glendora Avenue,

Island Pacific, and Seafood City from potentially having a small recycling facility on their parking lots.

DISCUSSION

During the March 12, 2019 Study Session, the Planning Commission voted 4-1 to direct staff to draft a code amendment to Section 26.-685.93(1) of the West Covina Municipal Code to reduce the distance requirement of small recycling facilities to residential uses/zones from 250 feet to 150 feet if there is an arterial street separating the recycling center and the adjacent residential uses/zones; and to reduce the minimum market size threshold from 30,000 square feet to 25,000 square feet.

The proposed amendment has been drafted and the code text is attached to the resolution for your review (Attachment No. 1). If the Planning Commission chooses to recommend approval of the proposed code amendment, the City Council will hold a public hearing to consider adopting the proposed amendments.

Noticing for the code amendment public hearing was published in the San Gabriel Valley Tribune on March 28, 2019.

ENVIRONMENTAL DETERMINATION

The proposal is not subject to the California Environmental Quality Act (CEQA) per Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to activity that results in direct or reasonably foreseeable indirect physical change in the environment and for activity considered to be a project, respectively. The amendment to the West Covina Municipal Code would not result in a physical change in the environment because it would only revise development standards for small recycling facilities.

STAFF RECOMMENDATIONS

Staff recommends that the Planning Commission adopt a resolution recommending approval of Code Amendment No. 19-01 to the City Council.

Submitted by: Jo-Anne Burns, Planning Manager

Attachments

Attachment No. 1 - Resolution for Code Amendment 19-01

Attachment No. 2 - Resolution No. 19-5979, Initiation of Code Amendment No. 19-01

Attachment No. 3 - March 12, 2019 Study Session Staff Report

**PLANNING COMMISSION
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, RECOMMENDING TO THE CITY
COUNCIL APPROVAL OF CODE AMENDMENT NO. 19-01, RELATED
TO SMALL RECYCLING FACILITIES**

CODE AMENDMENT NO. 19-01

GENERAL EXEMPTION

APPLICANT: City of West Covina

LOCATION: Citywide

WHEREAS, on the 12th day of February 2019, the Planning Commission initiated a code amendment to Section 26-685.93 (1) of the West Covina Municipal Code; and

WHEREAS, the Planning Commission, did on the 12th day of March 2019, conduct a study session to consider the initiated zone change; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 9th day of April 2019, conduct a duly advertised public hearing as prescribed by law; and

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

1. The Municipal Code currently has standards for small recycling facilities, which were last revised in 2011.
2. On January 10, 2019 the City received a request from rePlanet representative, Paige H. Gosney, to amend the West Covina Municipal Code to allow small recycling facilities to be located less than 250 feet from properties zoned or occupied for residential use.
3. It is necessary to revise the standards to provide small recycling centers more opportunities to locate within market parking lots in order to satisfy the State's Beverage

Container Redemption Value recycling mandates and to prevent existing markets within the City from being out of compliance.

4. The proposed action is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the proposed action consists of a code amendment, which does not have the potential for causing a significant effect on the environment.

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

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

SECTION NO. 2: Based on the evidence presented and the findings set forth, Code Amendment No. 19-01 is hereby found to be consistent with the West Covina General Plan and the implementation thereof, and that the public necessity, convenience, general welfare, and good zoning practices require Code Amendment No. 19-01.

SECTION NO. 3: Based on the evidence presented and the findings set forth, the Planning Commission of the City of West Covina hereby recommends to the City Council of the City of West Covina that it approves Code Amendment No. 19-01 to amend Chapter 26 (Zoning) of the West Covina Municipal Code as shown on Exhibit "A."

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

[continued on next page]

I HEREBY CERTIFY, that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a regular meeting held on the 9th day of April, 2019, by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE:

Herb Redholtz, Chairman
Planning Commission

Jeff Anderson, Secretary
Planning Commission

EXHIBIT A

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WEST COVINA, CALIFORNIA TO AMEND CHAPTER 26,
ARTICLE XII OF THE WEST COVINA MUNICIPAL CODE
RELATING TO SMALL RECYCLING FACILITIES**

WHEREAS, the City's provisions regarding small recycling facilities were last updated in 2011; and

WHEREAS, the California Beverage Container and Litter Reduction Act expressly urges "cities and counties, when exercising their zoning authority, to act favorably, on the siting of multimaterial recycling centers, reverse vending machines, mobile recycling units, or other types of recycling opportunities, as necessary for consumer convenience, and the overall success of litter abatement and beverage container recycling in the state." (Pub. Resources Code, § 14500, et seq.) ; and

WHEREAS, on the 12th day of February 2019, the Planning Commission initiated a code amendment to Section 26-685.93 (1) of the West Covina Municipal Code; and

WHEREAS, the Planning Commission, did on the 12th day of March 2019, conduct a study session to consider the initiated zone change; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 9th day of April 2019, conduct a duly advertised public hearing as prescribed by law to make recommendations to the City Council to approve Code Amendment No. 19-01; and

WHEREAS, the City Council, upon giving the required notice, did on the ____ day of _____ 2019, conduct a duly advertised public hearing as prescribed by law on the proposed ordinance; and

WHEREAS, based on review of the State CEQA Guidelines, the City Council finds and determines that the proposed ordinance is statutorily exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment; and

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

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

SECTION NO. 1: Section 26-685.93(1) of the West Covina Municipal Code is hereby amended to read as follows:

- (1) *Small collection facility.* Unless otherwise noted, the following requirements apply to all small collection facilities:
 - a. The center shall be established in conjunction with an existing or planned commercial use, industrial use, or service facility (herein referred to as the "host use") which is in compliance with the zoning, building, and fire codes of the City of West Covina.
 - b. The center shall be no larger than five hundred (500) square feet, and the placement of a small collection facility shall not create a parking deficit.
 - c. The center shall be set back at least fifty (50) feet from a right-of-way line, unless deemed adequately screened by the planning director or planning commission, and shall not obstruct pedestrian or vehicular circulation.
 - d. No power-driven processing equipment except for reverse vending machines shall be employed.
 - e. Containers shall be constructed and maintained with durable waterproof, leakproof and rustproof material, covered and locked when the center is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate the materials collected and the collection schedule.
 - f. All recyclable material shall be stored in containers or in the mobile unit vehicle, and no materials shall be left outside of containers when attendant is not present.
 - g. The facility shall be maintained free of vermin, litter and any other undesirable materials, and be swept at the end of each collection day and cleaned weekly.
 - h. Noise levels shall not exceed sixty (60) dBA as measured at the property line of a residentially zoned or occupied site; otherwise, noise levels shall not exceed seventy (70) dBA.
 - i. Attended facilities shall have a minimum distance of two hundred ~~and~~ fifty (250) feet of a site zoned or occupied for residential use. **This minimum distance requirement does not need to be met if the facility is at least one hundred fifty (150) feet from a site zoned or occupied for residential use and is separated from that site by an arterial street.**

- j. Attended facilities shall operate only during the hours between 8:00 a.m. and 7:00 p.m. on weekdays and 10:00 a.m. and 6:00 p.m. on weekends and holidays.
- k. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the containers.
- l. The facility shall not impair the landscaping required for any concurrent use.
- m. No additional parking spaces are required for customers of the recycling center when located in an established parking lot of the host use; one (1) space will be provided for the attendant, if needed.
- n. Small collection facility shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.
- o. Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use unless all of the following conditions exist:
 - 1. The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation.
 - 2. A parking study shows that existing parking capacity is not already fully utilized during the time the recycling facility is in operation.

A reduction in available parking spaces in an established parking facility may then be allowed as follows:

Number of Available Parking Spaces	Maximum Reduction
0—25	0
26—35	1
36—49	2
50—99	3
100—299	4
300 and up	5

- p. If the permit expired without renewal, the recycling facility shall be removed from the site on the day following permit expiration.
- q. A twelve-inch by twelve-inch sign which states the redemption value offered shall be posted daily.
- r. The small collection facility shall be screened when determined by the review authority to reduce visibility impacts from off-site and main traffic areas on-site.
- s. Small collection facilities shall only be located on a property with a market that is greater than ~~thirty thousand (30,000)~~ twenty-five thousand (25,000) square feet in floor area.

SECTION NO. 2: That the City Clerk shall certify to the passage of this ordinance and shall cause the same to be published as required by law.

SECTION NO. 3: This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage.

APPROVED AND ADOPTED on this — day of _____, 2019.

Lloyd Johnson, Mayor

ATTEST:

Nickolas S. Lewis, City Clerk

I, NICKOLAS S. LEWIS, City Clerk of the City of West Covina, California, do hereby certify that the foregoing Ordinance No. ____ was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the ____ day of _____, 2018. That thereafter said Ordinance was duly adopted and duly adopted and passed at a regular meeting of the City Council on the — day of _____, 2019 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

Nickolas S. Lewis, City Clerk

APPROVED AS TO FORM:

Scott Porter, City Attorney

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 . 19-5979

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF WEST COVINA, CALIFORNIA, INITIATING CODE AMENDMENT
NO. 19-01 RELATED TO STANDARDS FOR SMALL RECYCLING
FACILITIES**

WHEREAS, on February 12, 2019, the Planning Commission considered the initiation of a code amendment related to standards for small recycling facilities standards for separation from properties zoned or occupied by a residential use; and

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

1. The Municipal Code currently requires recycling facilities to have a minimum distance of two hundred and fifty (250) feet from a site zoned or occupied for residential use.
2. Due to the geographical setting, there are commercial centers that cannot currently comply with the separation standards, it is appropriate to consider the current separation standards for small recycling facilities.
3. The proposed action is considered to be exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the proposed action consists of a code amendment, which does not have the potential for causing a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission of the City of West Covina, in conformance with Section 26-153(a)(3) of the West Covina Municipal Code, does hereby initiate an application for a Code Amendment related to the standards for small recycling facilities.

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 12th day of February 2019 by the following vote.

AYES: Redholtz, Holtz, Heng, Kennedy, Jaquez.

NOES:

ABSTAIN:

ABSENT:

DATE: February 12, 2019



Herb Redholtz, Vice-Chairman
Planning Commission

Jeff Anderson, Secretary
Planning Commission

City of West Covina
Memorandum
A G E N D A

ITEM NO. 4.**DATE: March 12, 2019**

TO: Planning Commission
FROM: Planning Division
SUBJECT: STUDY SESSION - CODE AMENDMENT NO. 19-01
REVIEW OF CODE FOR SMALL RECYCLING FACILITIES

BACKGROUND:

On February 12, 2019 the Planning Commission adopted Resolution No. 19-5979 (Attachment No. 1) to initiate a Code Amendment to Section 26-685.93(1) of the West Covina Municipal Code (WCMC) pertaining to development standards for small recycling facilities. The Planning Commission directed staff to present information on the location of all small recycling facilities within the City and what other markets are doing to address the State's beverage container collection/recycling mandate when the item returns to the Commission as a study session.

This Code Amendment is being considered by the Planning Commission as a result of a written request (Attachment No. 2) that the Planning Division received from rePlanet representative Paige H. Gosney. RePlanet has been operating a small recycling facility at 1025 E. Amar Road (Stater Brothers parking lot) for a number of years but did not maintain their business license. RePlanet attempted to correct the business license issue by submitting an Administrative Use Permit application on September 22, 2018. Unfortunately, rePlanet's "legal nonconforming" status pertaining to the development standards for small recycling facilities was lost and a business license cannot be issued because the facility is located within 250 feet of residential zoned properties. Since the shopping center is surrounded by residential zoning and uses on all four sides, it is not possible to comply with the 250 feet minimum distance between the residences and small recycling facility. The facility is approximately 150 feet from the closest residential property.

ANALYSIS:

Staff researched similar small recycling facilities (Attachment No. 3) within the City and found that there is only one (1) other small recycling facility located in West Covina, which is located at 1314 W. Francisquito Avenue on the Northgate Gonzales Market parking lot (Sunset Square Shopping Center). The Sunset Square recycling facility is greater than 260 feet to the closest residence. Although Sunset Square is also surrounded by residential uses on all four sides, Sunset Square is more than 100 feet deeper and greater than twice the size of the Stater Brothers Shopping Center on 1025 E. Amar Road.

Staff contacted the California Department of Resources Recycling and Recovery and was informed that the other grocery stores in the City have exempt convenience zones (none have unserved status, therefore do not have to collect California Redemption Value containers in-store or have to pay the \$100 per day fee) due to their close proximity to other recycling facilities located both within and outside of the City. In fact, three grocery stores (Seafood City, Island Pacific, and Tokyo Central) are exempt because they are being served by the rePlanet recycling

facility on 1025 E. Amar Road.

Staff reviewed the lot configuration of all the other grocery stores in the City to determine the potential of operating a small recycling facility on their parking lots. Unlike the Stater Brothers Shopping Center on 1025 E. Amar Road, and Sunset Square Shopping Center, other shopping centers with grocery stores within the City are in commercial corridors with at least 2 – 3 sides abutting commercial zoned properties and uses. If desired, most of these grocery stores may be able to place a small recycling facility on their parking lots under the current Code.

The intent of the 250 feet minimum distance from small recycling facilities to residential uses is to mitigate noise impacts that recycling facilities may have on neighboring residential properties. In staff's opinion, decreasing the minimum distance requirement from 250 feet to 150 feet is reasonable if there is an arterial street separating residential uses from the recycling facility, because noise from vehicles traveling on busy arterial streets would buffer any noise produced by the recycling facility.

In addition to not complying with the 250 feet minimum distance requirement from residential zoning and uses, staff discovered that the size of the Stater Brothers (25,567 square feet) on Amar Road and Valinda Avenue is less the 30,000 square-foot minimum size market required to qualify for a small recycling facility on its parking lot. Staff is recommending that the Code Amendment also include reducing the minimum market size threshold to 25,000 square feet because the intent of the 30,000 square-foot minimum market size threshold was not to prevent large grocery stores like Stater Brothers from having a recycling facility on the parking lot, but to prevent small markets, convenience stores, and/or pharmacies from having small recycling facilities. The 30,000 square feet minimum market size threshold also prohibits the Vons on 777 S. Glendora Avenue, Island Pacific, and Seafood City from potentially having a small recycling facility on their parking lots.

Generally, a study session is held between the initiation and the public hearing to allow for discussion on what standards should be included in the code amendment. Subsequent to the study sessions, a public hearing will be scheduled before the Planning Commission. The Planning Commission will then make a recommendation and the code amendment will be presented to the City Council.

RECOMMENDATION:

Accept the report to support discussion regarding the initiated code amendment and provide further direction/input to staff regarding this code amendment.

Submitted by: Jo-Anne Burns, Planning Manager

Attachments

Attachment No. 1 - Resolution No. 19-5979

Attachment No. 2 - Letter of Request

Attachment No. 3 - Small Recycling Facility Map

ITEM NO. 5.a.

DATE: April 9, 2019

TO: Planning Commission
FROM: Planning Division
SUBJECT: Forthcoming - April 9, 2019

Attachments

Forthcoming - 4/9/19

FORTHCOMING PLANNING COMMISSION HEARINGS

April 23, 2019

A. CONSENT CALENDAR

None

B. PUBLIC HEARINGS

(1)

CODE AMENDMENT NO. 18-01

ABC AT SERVICE STATIONS

APPLICANT: City of West Covina

LOCATION: Citywide

(2)

CONDITIONAL USE PERMIT NO. 19-03

THEOLOGICAL SCHOOL

APPLICANT: International Theological Seminary

LOCATION: 540 East Vine Avenue

C. NON-HEARING ITEMS

None

May 14, 2019

A. CONSENT CALENDAR

None

B. PUBLIC HEARINGS

None

C. NON-HEARING ITEMS

None

REORGANIZATION OF THE PLANNING COMMISSION