



CITY OF WEST COVINA

PLANNING COMMISSION

**APRIL 28, 2020, 7:00 PM
REGULAR MEETING**

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

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

Governor Newsom issued Executive Orders (N-25-20 and N-29-20), which temporarily suspend certain requirements of the Brown Act. Pursuant to the Executive Orders, Planning Commission members may attend Planning Commission meetings telephonically and the Planning Commission is not required to make available a physical location from which members of the public may observe the meeting and offer public comment.

On March 19, 2020, the Governor issued Executive Order N-33-20, directing that all individuals living in the State of California stay at home or their place of residence except as needed to maintain the continuity of operations of designated federal critical infrastructure sectors.

Consistent with the Governor's Executive Orders, please be advised that the City Council Chambers are closed to the public and that some, or all, of the West Covina Planning Commission Members may attend this meeting telephonically.

Due to the essential nature of Planning Commission meetings in conducting official City business, the April 28, 2020 Planning Commission meeting will take place as scheduled, with the following changes and additional opportunities to participate:

1. **CHAMBERS CLOSED TO THE PUBLIC.** The Council Chambers will be closed to the public.
2. **E-MAILED PUBLIC COMMENT.** Members of the public that wish to address the Planning Commission during public comment or a public hearing may submit public comments via e-mail to the Planning Commission at: City_Clerk@westcovina.org. The subject line should specify "Public Comment - 4/28/20.". Please include your full name and address in your e-mail. The City Clerk will read emails

received by 6:00 P.M. the day of the Planning Commission meeting out loud into the public record.

All email comments must be received by 6:00 P.M. the day of the meeting.

3. **TELEPHONIC ACCESSIBILITY.** If you wish to address the Planning Commission by telephone during public comment or a public hearing, you may contact the City Clerk by email or by telephone to advise the City Clerk that you would like to address the Planning Commission during public comment or a public hearing.

If e-mailing such request, please send an e-mail by 6:00 P.M. on the day of the Planning Commission meeting to City_Clerk@westcovina.org that includes your name, contact number, and item you wish to comment on, and you will be called during public comment. The subject line of your e-mail should specify "Public Comment-4/28/20".

If you would like to make such a request by phone, please contact the City Clerk at [\(626\) 939-8433](tel:(626)939-8433) by no later than 6:00 P.M. on the day of the Planning Commission meeting to make the request and provide your name, contact number, and the item you wish to speak on.

You must submit your phone number by 6:00 P.M. on the day of the meeting, if you wish to speak.

4. **LIVE STREAM/RECORDING OF PLANNING COMMISSION MEETINGS.** Member of the public may watch Planning Commission meetings live through the West Covina City YouTube channel at www.westcovina.org/LIVE. Planning Commission meetings are also posted to the City's YouTube channel after each meeting.

The City of West Covina thanks you in advance for taking all precautions to prevent spreading the COVID-19 virus.

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

AMERICANS WITH DISABILITIES ACT

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

PUBLIC COMMENTS/ADDRESSING THE COMMISSION

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

Please identify on the speaker card whether you are speaking on an agenda item or non-agenda item. Requests to speak on non-agenda items will be heard during "Oral Communications" before the Public Hearing section of the agenda. Oral Communications are limited to thirty (30) minutes. Generally, comments are limited to five minutes per speaker unless further time is granted by the Chairperson. ***The Chairperson may also, at his or her discretion, further limit the time of each speaker in order to accommodate a large number of speakers and/or to ensure that the business of the Planning Commission is effectively conducted.***

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

MOMENT OF SILENT PRAYER/MEDITATION

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

1. Regular meeting, April 14, 2020

ORAL COMMUNICATIONS

This is the time when any member of the public may speak to the Commission on any matter within the scope of duties assigned to the Commission relating to non-agendized or consent calendar items. Other matters included on this agenda may be addressed when that item is under consideration. For all oral communications, the chairperson may impose reasonable limitations on public comments to assure an orderly and timely meeting. The Ralph M. Brown Act limits the Planning Commission and staff's ability to respond to public comments at this meeting. Thus, your comments may be agendized for a future meeting or referred to staff. The Commission may ask questions for clarification, if desired, at this time. By policy of the Commission, Oral Communications at this time on the agenda is limited to a total of 15 minutes. Persons who are not afforded the opportunity to speak at this time may do so under "Continuation of Oral Communications" later on the agenda.

PUBLIC HEARINGS

2. **PRECISE PLAN NO. 19-01**
CONDITIONAL USE PERMIT NO. 19-01
VARIANCE NO. 19-01
TREE REMOVAL PERMIT NO. 20-01
MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT
APPLICANT: Matthew Livingston, Ridge Crest Real Estate LLC
LOCATION: 1912 West Merced Avenue
REQUEST: The project consists of a request for approval of a precise plan to construct an 81,759 square-foot 2-story assisted living/memory care facility on the 2.27-acre site. The applicant is also requesting the approval of a Conditional Use Permit for the operation of an assisted living/memory care facility, a Variance to exceed the maximum allowed lot coverage, to exceed the height limit and to exceed the allowed maximum front yard pavement coverage percentage, and a Tree Removal Permit for the removal of 37 trees defined as significant. The subject property is located south of the intersection of Merced Avenue and Van Horn Avenue.

3. **CODE AMENDMENT NO. 20-04**

GENERAL EXEMPTION

LOCATION: Citywide

REQUEST: The proposed code amendment consists of certain amendments to the Zoning section of the West Covina Municipal Code to modify development standards within the Residential-Agriculture (RA) and Single-Family Residential (R-1) zones. The proposed code amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3).

NON-HEARING ITEMS

4. **STUDY SESSION - REQUEST TO INITIATE A CODE AMENDMENT
PLANNED COMMUNITY DEVELOPMENT NO. 1 (WOODSIDE VILLAGE)**

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

COMMISSION REPORTS/COMMENTS AND MISCELLANEOUS ITEMS

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

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

- a. Forthcoming - May 12, 2020
- b. Subcommittee for Design Review Minutes - February 11, 2020

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

City of West Covina
A G E N D A

ITEM NO. 1.

DATE: April 28, 2020

TO: Planning Commission
FROM: Planning Division
SUBJECT: Regular meeting, April 14, 2020

Attachments

Minutes 4.14.20

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

A G E N D A

DATE: April 28, 2020

ITEM NO.: 1

**MINUTES
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF WEST COVINA
Tuesday, April 14, 2020**

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

ROLL CALL

Present: Holtz, Jaquez, Kennedy and Redholtz

Absent: Heng

City Staff Present: Anderson, Sherrick, Burns and Martinez

APPROVAL OF MINUTES:

1. Regular meeting, March 10, 2020

The minutes were approved as presented.

OTHER MATTERS OR ORAL COMMUNICATIONS

None

PUBLIC HEARINGS

2. CODE AMENDMENT NO. 20-02

GENERAL EXEMPTION

LOCATION: Citywide

REQUEST: The proposed code amendment consists of certain amendments to the Zoning section of the West Covina Municipal Code to modify commercial (nonresidential) uses and standards.

Community Development Director Jeff Anderson presented the staff report. During his presentation he told the Commission the code amendment had been initiated by the Commission on January 28, 2020. A study session had been held on February 25, 2020 and at the conclusion of the study session staff had been directed to prepare a code amendment for consideration by the Planning Commission at a public hearing. Mr. Anderson also reviewed the changes to the allowed uses in the Land Use Matrix for the Commission.

Commissioner Jaquez asked if there is a policy in place regarding Stormwater Urban Run-off Pollution Control. He also requested that language addressing this policy be incorporated into the code amendment. Commissioner Kennedy concurred with Commissioner Jaquez. There was a short discussion regarding the review of land uses, and engineering's review of land use cases.

Chairman Redholtz opened the public hearing.

There were no requests to speak on this matter.

Chairman Redholtz closed the public hearing.

There was a discussion regarding Commissioner Jaquez's request to incorporate language into the Code Amendment to address this issue. Chairman Redholtz asked for staff's recommendation regarding this matter. The Commission concurred that Code Amendment No. 20-02, be adopted as amended.

Motion by Jaquez, seconded by Kennedy, to adopt Resolution No. 20-6031, recommending approval of Code Amendment No. 20-02, as amended. Motion carried 3-1. (Holtz abstained, Heng absent.)

Chairman Redholtz said 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

3. STUDY SESSION – DESIGN REVIEW SUBCOMMITTEE GUIDELINES

Community Development Director Jeff Anderson presented the staff report. During his presentation he reviewed the proposed guidelines for single-story and two-story homes. The proposed changes were incorporated into the Guidelines and provided to the Commission for their information.

Chairman Redholtz asked if there were any objections by the Commission. None of the Commissioners objected.

4. GENERAL PLAN ANNUAL REPORT FOR 2019

This report is an annual report required by State law for the progress of the General Plan. The report was presented to the City Council on March 17, 2020. The Housing Element report has been sent to the Department of Housing and Community Development and the General Plan report has been sent to the State Office of Planning and Research.

The report is provided to the Planning Commission to inform the Commission of the data in the reports. No action is required.

Community Development Director Jeff Anderson presented the staff report. During his presentation he answered questions by Commissioner Jaquez regarding possible consequences if West Covina doesn't meet the required number of housing units in all the income brackets. There was also a discussion regarding proposed projects in the City and how the loss of redevelopment agencies affected the construction of housing projects for all California cities. The Commission also discussed the State's desire to encourage high density housing projects.

The reports were received and filed.

COMMISSION REPORTS/COMMENTS AND MISCELLANEOUS ITEMS

None

5. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:

a. Forthcoming – April 28, 2020

Community Development Director Jeff Anderson told the Commission there would be a meeting scheduled for April 28, 2020 and it will be held under the same format as tonight's meeting.

b. Project Status Report – April 14, 2020

6. CITY COUNCIL ACTION:

None

ADJOURNMENT

Chairman Redholtz adjourned the meeting at 7:49 p.m.

Respectfully submitted:

Lydia de Zara
Senior Administrative Assistant

ADOPTED AS SUBMITTED ON:

ADOPTED AS AMENDED ON:

PLANNING DEPARTMENT STAFF REPORT

SUBJECT

PRECISE PLAN NO. 19-01

CONDITIONAL USE PERMIT NO. 19-01

VARIANCE NO. 19-01

TREE REMOVAL PERMIT NO. 20-01

MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

APPLICANT: Matthew Livingston, Ridge Crest Real Estate LLC

LOCATION: 1912 West Merced Avenue

REQUEST: The project consists of a request for approval of a precise plan to construct an 81,759 square-foot 2-story assisted living/memory care facility on the 2.27-acre site. The applicant is also requesting the approval of a Conditional Use Permit for the operation of an assisted living/memory care facility, a Variance to exceed the maximum allowed lot coverage, to exceed the height limit and to exceed the allowed maximum front yard pavement coverage percentage, and a Tree Removal Permit for the removal of 37 trees defined as significant. The subject property is located south of the intersection of Merced Avenue and Van Horn Avenue.

BACKGROUND

The property in question is a 2.27-acre parcel. It was formerly developed with a one-story structure most recently used as a school. The structure was demolished in 2018. There are three existing driveways to Van Horn Avenue; these will all be removed. One existing driveway to Merced Avenue will be used and a new driveway will be added.

ITEM	DESCRIPTION
ZONING AND GENERAL PLAN DESIGNATION	“Single-Family Residential” (R-1 Area District 1) and “Neighborhood Low Density Residential”
SURROUNDING LAND USES AND ZONING	North: Single-Family Residential; “R-1 Area District 1” South: Masonic Temple and historic ranch; “R-A Residential Agriculture” East: Single-Family Residential; “R-1 Area District 1” West: Single-Family Residential; “R-1 Area District 1”
CURRENT DEVELOPMENT	Vacant site
LEGAL NOTICE	Notices of Public Hearing have been mailed to 59 owners and occupants of properties located within 300 feet of the subject site.

DISCUSSION

The applicant is requesting approval to allow the construction of an 81,759 square-foot, two-story assisted living/memory care facility on a 98,881 square-foot (2.27 acre) lot. The facility will provide a total of 91 living units with a total of 111 beds including 28 memory care units with a total of 42 beds. A total of 63 assisted living units will be provided. The unit sizes and types are shown below.

Memory Care	28 units (1 and 2 bed units)	42 beds
Assisted Living	6 two-bedroom units	8 beds
Assisted Living	46 one-bedroom units	46 beds
Assisted Living	13 studio units	13 beds
Total	91 units	111 beds

A precise plan, conditional use permit, variance, and tree removal permit are required to allow the development of the facility. The subject property is located in the “Single-Family” (R-1) Zone.

The site is located south of the intersection of Merced Avenue and Van Horn Avenue. The site is surrounded by single-family residences to the west, north and east. The Walnut Creek drainage channel borders the southerly property line. South of the channel is a Masonic Temple and the Hurst Ranch Historic Center. The site is currently vacant.

Prior to the submittal of the application, the applicant met with staff to discuss the proposal and review process. The proposed use is allowed in the R-1 zone, however, a semi-commercial use such as an assisted living facility, day care or religious facility is still required to comply with the standards established for single-family zones. To comply with those standards is generally impractical for those uses in most situations. Alternatively, the applicant could have proposed a zone change which would have allowed for more logical development standards for the use but would have introduced a commercial zone in the midst of a residential neighborhood. Ultimately, the applicant chose to submit the development application including the variance to allow the assisted living facility in the R-1 zone.

The applicant held two community meetings, one on August 8, 2018 and the second on January 29, 2020, to inform the surrounding neighbors of their proposal. Several members of the public attended the most recent meeting. The community meeting notices are included as Attachment No. 5. As a result of those meetings, the applicant was able to obtain three letters of support from area residents (Attachment No. 8).

Precise Plan

The proposed project is an 81,759 square-foot two-story assisted living/memory care facility. The 98,881 square-foot lot is generally triangular. The site is flat. The precise plan is for the review of the site plan and architecture. The following chart is a summary of the project as it relates to the required development standards:

STANDARD	PROPOSED	REQUIRED/ALLOWED
Lot Area	2.27 acres - 98,881 sq. ft.	N/A
Building Area 1st floor 2nd floor Total	41,004 sq. ft. 40,755 sq. ft. 81,759 sq. ft.	
Floor Area Ratio	0.83 (Variance Required)	0.35
Height	2 stories / 31 feet (Variance Required)	2 stories / 25 feet
Lot Coverage	42% - 41,208 sq. ft. (Variance Required)	35% - 34,608 sq. ft.
Front Yard Pavement Coverage	Front parking lot is 300 feet wide (Variance Required)	Pavement is limited to width of garage plus 12 feet
Rear Yard Coverage	No structures within the 25-foot rear yard	60% of rear yard to be open; 5 feet min. for 1-story, 25 feet min for 2-story
Setbacks Front (northeast) Merced Avenue Rear (south) Street side (northwest) facing Van Horn Avenue	52 ft. to porte cochere, 86 ft. to building wall 10 ft. to wash, 85 ft. to southwesterly corner 25 ft.	25 feet min. for 1st floor, 30 feet min. for 2nd floor 5 feet 5 ft. min
Landscaping	21.8%	No minimum in R-1 lot
Parking	56 spaces	1 parking space/2 beds - 56 spaces

Site Design

The proposed development will be visible from the surrounding area, which includes Merced Avenue and Van Horn Avenue and the single-family residential properties to the north, east and west. The proposed two-story building is triangular with a main entrance facing Merced Avenue. A porte cochere covers the main entrance. A surface parking lot with 56 spaces is proposed at the front of the building. The frontage along the Van Horn Avenue includes private open space for the residents.

The proposed project will have two driveway approaches to Merced Avenue. Landscaped areas are located along a portion of the front of the building, along the street side facing Van Horn Avenue, along the Walnut Creek wash, throughout the interior courtyard and in the parking lot.

The existing sidewalk abutting the property along Van Horn Avenue will be removed and replaced with a new 5-foot wide sidewalk and 5-foot wide parkway, from the westerly boundary of the site to the intersection with Merced Avenue.

Architecture

The building is proposed to be contemporary in style and provides for a variety of articulation in building surfaces and a variety of façade materials. The building is two-stories tall with pitched roofs. The façade design will include slight variation in roof heights. The roof design utilizes parapets with a well to allow mechanical equipment to be installed on the roof but screened from view. The Municipal Code has a 25-foot height limit for the Single-Family Residential zone; the proposed building will be up to 31 feet tall. The property is approximately 52 feet from the closest property zoned single-family northwest across Van Horn Avenue.

The exterior of the building will include a mixture of dark and light brown colored smooth stucco cement plaster, stacked stone and siding. The stacked stone veneer (“Artisan Ledge--Falmouth”) and siding (“Hardie Panel Vertical Siding—Smooth Arctic White”) are located on building accent elements seen on the Merced and Van Horn elevations. The porte cochere above in front of the main entry on Merced Avenue will use exposed beams in a Craftsman style. A meandering decomposed granite path will run inside the property fence along Van Horn Avenue. Concrete walkways will be located along the Walnut Creek side of the site and connect to the decomposed granite path to the public sidewalk along Van Horn Avenue. Concrete sidewalks will also provide access from the parking lot on Merced Avenue to the building. Tubular steel fencing, 6-feet tall, will surround the site. Decorative freestanding light fixtures are proposed to provide accent lighting at night.

Parking

The parking requirements for convalescent facilities was used to determine the number of spaces needed (WCMC Section 26-582). The parking requirement is one space for every two beds. There will be a total of 111 beds in this facility. Therefore, 56 parking spaces are required; 56 are provided as shown on the site plan. Of these, three spaces are indicated as handicapped accessible and one space is van accessible. One of the remaining spaces is designated “Electric Vehicle” compatible. A dead-end drive aisle, with a 12-foot wide turnaround, is proposed at the west side of the parking lot.

Landscaping

The applicant is proposing to install landscaping on all non-paved/non-built surfaces of the site, primarily around the building (where feasible), in the interior courtyard and throughout the parking lot. The applicant is proposing to landscape 21.8 percent of the site. The perimeter of the parking lot along the Merced frontage will be landscaped with a mixture of ground cover, shrubs and trees. A landscaped area will be provided on the Van Horn Avenue frontage along with a new sidewalk and landscaped parkway.

The conceptual landscaping plan provided by the applicant includes a large variety of trees, shrubs and groundcover. Seventy-four trees are proposed around the perimeter of the site. Twenty-eight trees will be planted in and around the parking lot, 23 will be planted along Van Horn Avenue including six new street trees, and 17 will be planted along the drainage channel. Another 12 trees will be planted in the interior courtyard. Shrubs and groundcover will be located alongside the walking path near Van Horn Avenue that provides a recreational amenity for the new facility residents. A privacy hedge will be planted at the

fence line on Merced Avenue, Van Horn Avenue and along the drainage channel. The fence along Van Horn Avenue will be a six-foot high tubular steel fence. A locking pedestrian gate will be provided for access to Van Horn Avenue; another will secure the walkway near the drainage channel at the southeast corner of the building. There will be no vehicular gates at the driveways. Approval of a final landscape and irrigation plan is required per the conditions of approval.

Tree Removal Permit

An Arboricultural Tree Survey was conducted at the site. There are a total of 52 on-site trees and 8 street trees along Merced Avenue. Development of the site will require removal of all of the on-site trees and 4 street trees. Of these, 37 trees are significant Trees per City Ordinance (Section 26-294 Division 9 – Preservation, Protection and Removal of Trees – Protection of trees during development activity). Significant trees are defined as certain species or located within the street setback. The 37 trees proposed for removal are significant based on their placement within the street setback. These trees include four species; Chinese Privets, Indian Laurels, Washington Fan Palms, and Eucalyptus. The removal of these trees requires the approval of a tree removal permit by the Planning Commission. The applicant will be required to replace all of the 37 significant trees on the site and the street trees at a 1:1 ratio, with at least half of the trees being 36-inch box trees.

Open Space

The interior courtyard will have extensive landscaping, sitting areas, umbrellas for shade, and a meditation rock garden. The courtyard will be separated into two spaces by a wall, creating a smaller space for the assisted living residents and a larger space for the memory care residents. The wall will have a decorative mural on both sides.

Public Art

The project is exempt from the provisions of the Art in Public Places ordinance (WCMC Section 17-41) because it will provide housing for senior citizens (WCMC Section 17-42).

Development Impact Fees

The City adopted Development Impact Fees in December, 2015. In this case, the fees are currently (for FY 2019 – 2020) \$1.54 per net square foot of new building area:

Total square footage of existing building:	81,759
Total square footage of existing building on the site:	0

The estimated cost for the development impact fee is \$125,908.86.

Signs

The applicant is proposing to construct one sign for the project which will be located near the intersection of Merced and Van Horn Avenues. This sign will be a monument sign with the name of the facility, “West Covina Manor”. Other details have not been provided. Section 26-342 of the WCMC allows one monument sign per street frontage up to a maximum of two. The sign may be up to 40 square feet in area and up to 6 feet tall. Signage will be approved ministerial under a separate review process.

Conditional Use Permit

Approval of a conditional use permit (CUP) is required for a skilled nursing and assisted living facility. As part of the CUP application, the applicant submitted a Business Plan Overview (Attachment No. 6). According to the Plan, the facility will provide 91 living units with a total of 111 beds including 28

memory care units with a total of 42 beds. A total of 63 assisted living units will be provided, with a total of 69 beds in those units. The facility is intended for residents aged 75 and older who require assistance with daily living tasks or those needed a higher level of security and support arising from memory of other dementia related symptoms. The memory care residents will be housed in a separate wing and have a dedicated section in the courtyard.

Amenities in the facility include on-demand dining, a private dining area for special events or family visits, nail and hair salon, wellness and activity room, game parlor, library and chapel. Rental of units will include utilities, cable TV, housekeeping, laundry, meals, transportation, activities and entertainment.

The facility will have a full staff. It is anticipated that staff will include a management group of six, ten-line staff, ten care staff, which are supported by an offsite management team of three professionals. The facility would provide 40 full time jobs with a maximum of 20 employees on site at any time. They are intending to have one van for resident use that is stored on site. Deliveries to the site will include food and supplies and will occur on the northeast segment of the site near the trash enclosures. This area is adjacent to the wash and not in close proximity to residential uses. These type of deliveries are expected to occur about once a week.

Variance

The applicant is requesting a variance to deviate from the following standards:

1. Maximum lot coverage: 35% is allowed (WCMC Section 26-412); 41.6% is proposed.
2. Maximum pavement coverage within the front yard area: Driveways are allowed to be the width of a garage plus up to 12 feet (WCMC Section 26-402.5); the front parking area is approximately 300 feet wide with two driveways.
3. Maximum height: 25 feet allowed (WCMC Section 26-403); 31 feet proposed.

The approval of a Variance for lot coverage, pavement coverage, and building height requirements will allow the applicant to construct an economically-viable project while meeting the intent of the Single-Family Residential (R-1) zoning code. The project has unique characteristics in that it is the former site of a school; it is triangular in shape; and one side of the building will face the Walnut Creek drainage channel. The substantial landscaping proposed around the perimeter of the site, and the two-story maximum height of the project, enhance the appearance of the project and help it to fit into this single-family neighborhood. The exceedance of the lot coverage standard is mitigated by the triangular shape of the property; also the frontage facing the drainage channel will not be visible from the adjacent single-family neighborhood. Exceeding the allowed lot coverage will not create significant visible impacts on the adjacent neighborhood. Exceeding the allowed height is necessary to accommodate the elevators and other mechanical equipment necessary for the project. The height of the building will be mitigated by the substantial landscaping planted around the site.

Placing the facility within this single-family neighborhood will help the residents to feel part of a residential neighborhood. The design of the building generally gives the appearance of a residential structure. The building will be screened by substantial new landscaping including many new trees which will help it blend into the neighborhood. The proposed design is therefore in conformance with the City's vision for development into the future.

Fiscal Impact Analysis

The General Plan adopted in 2016 included the following policy and action,

- P2.1 Maintain and enhance the City's current tax base.
- A2.1c Ensure that new development is not a fiscal burden to the City.

Since the adoption of the General Plan, staff has had the goal of determining the fiscal impact of a development. In reviewing this proposal, it was noted that assisted living facilities typically utilize Fire Department services significantly more than most land uses. Based on the General Plan policy and that concept, the applicant was required to prepare a Fiscal Impact Analysis (FIA) to determine the impact of a proposed development on City services. In conjunction with the environmental analysis, the City hired an economic consultant, The Natelson Company, to prepare a FIA (Attachment No. 7). This analysis was prepared at the direction of staff with input from the applicant. Staff providing input included representatives from Community Development, Fire Department and the City Manager's Office.

The analysis focuses on annually-recurring impacts to the City of West Covina's General Fund. New General Fund revenues would be generated from the following sources:

- Property Tax
- Property Tax in Lieu of Vehicle License Fees (VLF)
- Sales and Use Tax (from operator taxable sales purchases)
- Off-Site Sales and Use Tax (from employees' purchases in off-site retail space)
- Transient Occupancy Tax
- Franchise Tax • Business License
- Other Taxes/Revenue

The analysis forecasts the following General Fund costs related to the proposed project:

- Police Protection
- Fire Protection
- Public Services
- General Government

The FIA was completed on March 2, 2020. The FIA concluded that the assisted living and memory care facility will have a fiscal impact of \$36,742 annually. The proposed facility is projected to generate approximately \$96,468 in annual General Fund revenue to the City and expenditures are projected at about \$133,210 per year. Staff met with the applicant and discussed the fiscal impact and methods of reimbursement of City costs. The applicant has agreed to a condition of approval in the conditional use permit that requires recordation of the CUP and payment of \$36,700 beginning on Dec 1 of the year the construction is completed. Nonpayment of the monies would subject the CUP to revocation by the City. The proposed condition is provided as follows:

The City and the applicant agree that the Project has the potential to impact public services, including, but not limited to, fire and ambulance. The City and the applicant further agree that the fiscal impact to public services from the Project in the first year of operations would be \$36,700. Those public services fiscal impact costs to the City will increase over time, therefore the public services fiscal impact cost reimbursement amount shall be increased by the greater amount of 2% per year or the percentage amount of the annual adjustment of the Consumer Price Index – Los Angeles / Riverside / Orange County. Accordingly, the applicant agrees to remit payment of \$36,700, as annually adjusted as set forth above, per year as a public services fiscal impact cost reimbursement for as long as this Conditional Use Permit is in legal force and effect. The first public services fiscal impact cost reimbursement payment shall be due on December 1 of the year of issuance of Certificate of Occupancy. All subsequent annual payments shall be due on December 1 of the calendar year. Penalties for nonpayment shall be 10 percent after 30 days, 25 percent after 60 days and after 90 days, the failure to pay shall be deemed a failure to comply with the conditions of approval per West Covina Municipal Code section 26-297.06(e) and would subject

the Conditional Use Permit to a revocation hearing per West Covina Municipal Code section 26-297.08. The applicant also agrees to record this Conditional Use Permit to provide actual notice to all future owners, assignees and other parties that may have an ownership interest in the property. Proof of recordation of the Conditional Use Permit shall be provided to the City prior to the issuance of a building permit.

With the inclusion of this condition, there will be no fiscal impact to the City. The proposed use is needed use in the City.

REQUIRED FINDINGS

Findings are required to allow the Planning Commission to approve the precise plan, conditional use permit and variance. Findings are required to be made for each of these individual entitlements. The findings for entitlements are included in each individual resolution (Attachment Nos. 2 through 4) and are also presented below.

Precise Plan and Tree Removal Permit

Findings necessary for the approval of a Precise Plan and Tree Removal Permit are as follows:

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

The project is a request for a Precise Plan to allow for the construction of an 81,759 square-foot two-story assisted living/memory care facility. The site will be improved with a surface parking lot that will include 56 parking spaces. The applicant is also requesting approval of a Conditional Use Permit for the operation of an assisted living/memory care facility, a Variance for the lot coverage, paving in the front yard and building height, and a Tree Removal Permit for the removal of significant trees. The project site is designated as “Neighborhood Low-Density Residential” in the City’s General Plan and is zoned “Single-Family Residential” (R-1, Area District 1). The proposed project is consistent with the following General Plan policies and actions:

Our Well Planned Community P3.1. “Preserve existing housing stock.” The site was previously developed as a school. Developing the vacant site as an assisted living/memory care facility does not remove any existing housing.

Action 3.1. “Incorporate standards in the development code to preserve the existing form and character of stable residential areas and prevent encroachment of incompatible land uses and intensity.” Assisted living/memory care facilities are conditionally permitted uses in the R-1 zone. The project is designed to be compatible in scale with the surrounding neighborhood. The site only fronts the neighborhood on two sides; the third side of the triangular lot faces the Walnut Creek drainage channel. The proposed landscaping is dense and attractive and helps screen the building from the neighborhood. The project will meet Code requirements with approval of the variance.

Our Prosperous Community P2.1. “Maintain and enhance the City’s current tax base.” The project will provide a compatible use for the site and re-use a vacant property.

Our Prosperous Community P2.6. “Create a diversity of housing options.” Although not defined in the Municipal Code as housing, it essentially provides an alternative housing option for the residents. Locating the project within a single-family neighborhood is conditionally permitted and will house the residents in a quiet residential context.

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

The project consists of a proposal to construct an 81,759 square-foot two-story assisted living/memory care facility. The applicant is also requesting approval of a Conditional Use Permit for the operation of an assisted living/memory care facility in the R-1 zone, a Variance for the lot coverage, paving in the front yard, and building height, and a Tree Removal Permit for the removal of significant trees. The proposed project includes parking and landscaping improvements. The proposal complies with the requirements of the "Single Family Residential" (R-1) Zone, with the exception of the requested variances. Therefore, approval of a Variance will be required. As discussed in the Variance findings below, these deviations are reasonable. Applicable development standards in the Zoning Code include but are not limited to screening requirements; building colors, materials, finishes and exterior design; landscape criteria; building coverage; height limit; and off-street parking requirements.

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

The proposed project is on a triangular site with a single-family residential neighborhood on the Merced and Van Horn Avenue sides. The third side of the site abuts the Walnut Creek drainage channel.

The project will include landscaping throughout the site, as well as gardens and seating areas for residents. The surface parking lot will be minimized. The project is designed to be attractive and inward-focused with little evidence of the use from the surrounding areas. The dense landscaping along the streets helps screen the building. Therefore, 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.

The proposed project will be located south of the intersection of Merced and Van Horn Avenues. The Single-Family Residential zoning designation allows for assisted living/memory care facilities with approval of a Conditional Use Permit. The proposed development will be accessed from Merced Avenue. The site is 2.27 acres and is physically suitable for the proposed project and adequate to accommodate the size and shape of the building, parking and all required development standards set forth in the West Covina Municipal Code, with the exception of lot coverage, building height and pavement in the front yard. As discussed in the Variance findings below, these deviations are reasonable. The subject project is an infill development and is therefore located within an urbanized area where utility connections are readily available.

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

The building design is contemporary in style and provides for a variety of articulation in building surfaces and a variety of façade materials. The building includes two floors. The façade design will include

varying roof heights. Building heights range from 29 feet 10 inches to 31 feet as measured from the finished grade. The exterior walls are finished in smooth stucco in earth tones (“Stonish Beige” and “Wild Mustang”) with accents of dry stack stone veneer (“Artisan Ledge”). Gabled roof walls will be finished in Hardie Plank Vertical Siding (“Arctic White”). The pattern is repeated on the street elevations. The elevation facing the drainage channel is simpler without stacked stone or gabled roofs. The front entryway (east elevation) will have a Craftsman appearance with exposed wood beams. The sidewalk and entry at the front of the building will be stained and scored accent concrete. Tubular steel fencing will follow the Van Horn Avenue frontage and the drainage wash. Decorative freestanding light fixtures are proposed to provide accent lighting at night. The overall characteristics create an attractive project as viewed from the street with substantial landscaping and a building with visual interest.

Conditional Use Permit

Findings necessary for the approval of a Conditional Use Permit are as follows

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

The proposed facility is both necessary and desirable at the subject location in order to offer a needed service to West Covina senior citizens. The subject property is for the most part surrounded by residential uses. Two of the three sides of the property abut a single-family neighborhood. The south side of the site abuts a drainage channel. The project is approximately 52 feet from the nearest R-1 zoned properties on Van Horn Avenue. The site is currently vacant and was used as a school. The building will be buffered from existing homes by the dense landscaping on the site, and the parking lot along Merced Avenue. The project will provide a needed service to the community and will be aesthetically and functionally compatible with nearby developments.

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

The proposed use is compatible with surrounding residential, public and commercial uses. The site plan is designed to accommodate efficient vehicular circulation on-site, minimize the size of the parking lot, and be inward-focused. This will avoid creating negative impacts on adjacent properties. Conditions have been placed on the project approval to ensure the proposed use does not result in impacts to adjacent properties

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

The existing 2.27-acre site is adequate in size to accommodate the proposed project. The proposed site plan provides sufficient landscaping around the perimeter of the building and parking lot. Sufficient parking exists on the site to accommodate the proposed use. The proposed use can be accommodated on the subject property in such a way that it will be compatible with surrounding uses.

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

streets.

The proposed project will not generate a substantial amount of vehicular traffic nor alter present circulation patterns. The subject site's abutting streets are adequate in width and improvements to accommodate the proposed use (Merced Avenue is designated in the General Plan as a Residential Main and Van Horn Avenue is a Residential Street). The existing street patterns will not necessitate channeling traffic generated by the proposed use through residential areas.

KOA Corporation prepared a traffic analysis for the project, dated November 2019, to assess traffic impacts. The traffic analysis evaluated potential project-related traffic impacts at four key intersections in the vicinity of the project site:

- Merced Avenue and Dalewood Street/Garvey Avenue
- Willow Avenue and Merced Avenue
- Orange Avenue and Merced Avenue
- Sunset Avenue and Merced Avenue

The traffic impact analysis determined that the addition of project-related trips to existing traffic levels would have less than significant impacts on study intersections, and that project traffic would fall below significant impact thresholds.

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

The granting of the Conditional Use Permit to allow the operation of an assisted living/memory care facility will not adversely affect the West Covina General Plan, since the proposed use does not conflict with the site's land use designation of "Neighborhood Low-Density Residential." The proposed project is consistent with the following General Plan goals and actions:

Our Well Planned Community P3.1. "Preserve existing housing stock." The site was previously developed as a school. Developing the vacant site as an assisted living/memory care facility does not remove any existing housing.

"A 3.1 Incorporate standards in the development code to preserve the existing form and character of stable residential areas and prevent encroachment of incompatible land uses and intensity." Assisted living/memory care facilities are conditionally permitted uses in the R-1 zone. The project is designed to be compatible in scale with the surrounding neighborhood. The site only fronts the neighborhood on two sides; the third side of the triangular lot faces the Walnut Creek drainage channel. The proposed landscaping is dense and attractive and helps screen the building from the neighborhood. The project will meet Code requirements with approval of the Variances.

Our Prosperous Community P2.1. "Maintain and enhance the City's current tax base." The project will provide a compatible use for the site and re-use a vacant property.

Our Prosperous Community P2.6 "Create a diversity of housing options." Although not defined in the Municipal Code as housing, it essentially provides an alternative housing option for the residents. Locating the project within a single-family neighborhood is conditionally permitted and will house the residents in a location more suitable than along a busy commercial corridor.

Variance

Findings necessary for the approval of a Variance are as follows:

a. That there are exceptional or extraordinary circumstances not applicable generally to the other property or class of use in the same vicinity and zone.

The site is triangular and abuts a drainage channel. The requested deviations from standards involve regulations not entirely suitable for a semi-commercial project in a residential zone. For example, the height limit does not account for the elevator shaft requirements for the project. The lot coverage limit is more appropriate for a property surrounded on all four sides by residences. The standard for pavement in the front yard is clearly not applicable when a parking lot is necessary. In addition, it can be anticipated that one or more variances will be required to accommodate a semi-commercial project such as this that is conditionally permitted in the zone.

Granting a Variance for the lot coverage, building height and pavement in the front yard will allow the applicant to develop a project that will meet the intent of the Code while providing an economically viable reuse of a vacant site with an odd shape.

b. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone but which is denied to the property in question.

The proposed Variance will ensure that the proposed project will be able to provide the conditionally-permitted use on the oddly-shaped site. The site was previously a school, so a non-residential use has operated on the property previously. The deviations from standards are reasonable given the semi-commercial, semi-residential characteristics of the proposed project and will ensure an economically viable reuse of the vacant site.

c. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located.

The granting of a Variance will not be detrimental or injurious to the public welfare or other properties in the surrounding zone or vicinity in that the variance will allow for development that is consistent with the intent of the Code and because the project is designed in a way to provide design compatibility while providing extensive landscaping around the site to buffer the building from the residential neighborhood.

d. That the granting of such variance shall be consistent with the adopted general plan and any applicable specific plans.

The granting of this Variance will aid with implementation of the following goals of the adopted General Plan:

Our Well Planned Community P3.1. “Preserve existing housing stock.” The site was previously developed as a school. Developing the vacant site as an assisted living/memory care facility does not remove any existing housing.

“A 3.1 Incorporate standards in the development code to preserve the existing form and character of stable residential areas and prevent encroachment of incompatible land uses and intensity.” Assisted living/memory care facilities are conditionally permitted uses in the R-1 zone. The project is designed to be compatible in scale with the surrounding neighborhood. The site only fronts the neighborhood on two sides; the third side of the triangular lot faces the Walnut Creek drainage channel. The proposed landscaping is dense and attractive and helps screen the building from the neighborhood. The project will meet Code requirements with approval of the Variances.

Our Prosperous Community P2.1. “Maintain and enhance the City’s current tax base.” The project will provide a compatible use for the site and re-use a vacant property.

Our Prosperous Community P2.6 “Create a diversity of housing options.” Although not defined in the Municipal Code as housing, it essentially provides an alternative housing option for the residents. Locating the project within a single-family neighborhood is conditionally permitted and will house the residents in a location more suitable than along a busy commercial corridor.

ENVIRONMENTAL DETERMINATION

The Mitigated Negative Declaration of Environmental Impact (MND) prepared for the project disclosed that the project will not have a significant impact on the environment. Studies were completed for Air Quality, Greenhouse Gas Emissions, Noise and Vibration and Traffic. Mitigation measures have been incorporated into the project’s design reduce impacts on the environment to a less than significant level. The MND has been prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) of 1970, as amended, and was circulated for public comment for 20 days (from April 2, 2020 to April 22, 2020). No comments were recieved by the time of printing of the report.

Air Quality

An Air Quality Impact Study was completed in November of 2019. According to the Air Quality Study (Attachment A of the Initial Study), the construction and operation emissions are below the regional thresholds of significance. The cumulative short-term construction-related emissions and long-term operational emissions from the project will not contribute considerably to any potential cumulative air quality impact because short-term project and operational emissions will not exceed any SCAQMD daily threshold with the incorporation of mitigations measures. The project will involve excavation activities to provide a level base for the new building, grading and construction, which creates the potential for the generation of fugitive dusts (particulates), which may impact the surrounding properties. The project would have a less than significant impact on air quality during construction and for operation.

Greenhouse Gas Emissions

Greenhouse Gas (GHG) Impact Study was prepared for the proposed project in June 2019. GHG emissions refer to a group of emissions that are generally believed to affect global climate conditions. The Study addressed potential GHG impacts associated with construction and operation of the proposed project in accordance with the South Coast Air Quality Management District. All impacts were determined to be less-than-significant and no mitigation measures were required.

Noise and Vibration Impact Study

A Noise and Vibration Impact Study was prepared for the project in November of 2019. The study analyzes the construction and operational impacts associated with the proposed project. Noise measurements were taken on November 21, 2019. Roadway noise was the most significant source of noise. The proposed project would not result in significant impacts for operational but would have a significant impact for construction without mitigation measures. Mitigation measures includes maintenance of power construction equipment, noise barriers adjacent to residential uses, noise and

construction activities that are flexible shall be located as far away as possible from residential uses, and a noise disturbance coordinator shall be established to respond to complaints about construction noise.

Traffic

KOA Corporation prepared a traffic analysis for the project in November, 2019, to assess traffic impacts. The traffic analysis evaluated potential project-related traffic impacts at four key intersections in the vicinity of the project site:

- Merced Avenue and Dalewood Street/Garvey Avenue
- Willow Avenue and Merced Avenue
- Orange Avenue and Merced Avenue
- Sunset Avenue and Merced Avenue

Assisted living facilities generate substantially less traffic than most other uses as most of the residents do not drive. The proposed use would generate 289 daily vehicle trips, including 21 trips in the am peak hour and 29 trips in the pm peak hour. The traffic impact analysis determined that the addition of project-related trips to existing traffic levels would have less than significant impact on study intersections, and that project traffic would fall below significant impact thresholds.

Required Mitigations

The environmental study concludes that mitigation measures are required for Biological Resources (nesting birds), Cultural Resources, Noise and Tribal Cultural Resources. A Mitigation Monitoring Program is an exhibit of Attachment No. 1 and provides information on the mitigation measures and monitoring by responsible agencies.

CONCLUSION

The applicant is proposing to construct an assisted living facility/memory care facility on a vacant lot in a residential neighborhood. The proposed use will provide needed support services for senior citizens and the design of the improvements will be compatible with the existing residential neighborhood. The proposed assisted living/memory care facility is in compliance with the Zoning Code with the exception of the requested variance from three development standards. The proposed Variance is reasonable given the shape of the property and the fact that the front yard coverage, lot coverage and height standards are less relevant for a semi-commercial project.

The proposed facility will put a vacant site into productive use. The project is compatible with the residential uses in the vicinity and will result in additional housing opportunities in the City. A Fiscal Impact Analysis was completed and determined that the impact of the proposed assisted living facility would be \$36,742 annually. A condition of approval has been included in the conditional use permit requiring an annual payment to address the fiscal impact. Staff is recommending approval of the proposed project, as the proposed building layout and use are appropriate for the site.

STAFF RECOMMENDATIONS

Staff recommends that the Planning Commission adopt resolutions recommending to the City Council approval of Precise Plan No. 19-01, Conditional Use Permit No. 19-01, Variance No. 19-01, and Tree Removal Permit 20-01.

LARGE ATTACHMENTS

- Plans are available for review by the public upon request of the West Covina Planning Division.
- Technical studies are available for review on the City's Website at <https://www.westcovina.org/departments/planning/projects-and-environmental-documents>

Submitted by:

Jeff Anderson, Community Development Director

Attachments

Attachment No. 1 - Negative Declaration Resolution

Attachment No. 2 - Precise Plan and Tree Removal Permit Resolution

Attachment No. 3 - Conditional Use Permit Resolution

Attachment No. 4 - Variance Resolution

Attachment No. 5 - Community Meeting Notices

Attachment No. 6 - Business Plan Overview

Attachment No. 7 - Fiscal Impact Analysis

Attachment No. 8 - Support Letters

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL CERTIFICATION OF THE MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR PRECISE PLAN NO. 19-01, CONDITIONAL USE PERMIT NO. 19-01, VARIANCE NO. 19-01 AND TREE REMOVAL PERMIT NO. 20-01 PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED.

MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

APPLICANT: Matthew Livingston, Ridge Crest Real Estate LLC

LOCATION: 1912 W. Merced Avenue

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

Construct an 81,759 square-foot assisted living and memory care facility on that certain property described as:

Assessor's Parcel No. 8467-016-020, in the records of the Los Angeles County Assessor; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act (CEQA); and

WHEREAS, an initial study was prepared for said project; and

WHEREAS, based upon the findings of the initial study, it was determined that the proposed project will not have a significant impact on the environment and will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Fish and Game Code; and

WHEREAS, a Mitigated Negative Declaration of Environmental Impact was prepared for the proposed project pursuant to the requirements of the California Environmental Quality Act of 1970, as amended, and mitigation measures are included in said Negative Declaration in support of the finding that there will not be a significant effect on the environment as a result of this project.

WHEREAS, the Planning Commission, upon giving the required notice, did on the 28th day of April, 2020 conduct a duly advertised public hearing to consider the subject application, at which time the Planning Commission adopted a resolution approving the Mitigated Negative Declaration; and

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

1. After receiving and considering all determinations, studies, documents, and recommendations, as well as other appropriate public comments, the Planning Commission of the City of West Covina hereby certifies the Mitigated Negative Declaration of Environmental Impact, subject to compliance with the mitigation measures that are recommended in the Mitigated Negative Declaration of Environmental Impact as set forth in Exhibit A.
2. Non-compliance with the aforementioned mitigation measures as by the monitoring department/agency and any measures taken to correct said non-compliance shall be immediately reported to the Planning Department on the City of West Covina Monitoring Checklist Form.
3. The applicant agrees to implement the aforementioned mitigation measures and monitoring or reporting requirements.
4. Failure to comply with any aforementioned mitigation measures and/or monitoring or reporting requirements will result in a written notice of violation from the City to the applicant at which time the City may order that all or a portion of pre-construction, construction, post-construction activity or project implementation must cease until compliance is reached.
5. The California Environmental Quality Act (CEQA) and State and local guidelines, rules, regulations, and procedures adopted pursuant thereto permits the City of West Covina to impose any fees or charges associated with implementing the above monitoring program upon the applicant.

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 28th day of April, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATE: April 28, 2020

EXPIRATION DATE:

April 28, 2022

If not used.

Herb Redholtz, Chairman
Planning Commission

Jeff Anderson, AICP, Secretary
Planning Commission

EXHIBIT A

MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

In compliance with the requirements of Public Resources Code (PRC) Section 21081.6 and California Environmental Quality Act (CEQA) Guidelines Section 15097, this Mitigation Monitoring and Reporting Program (MMRP) describes the procedures that will be followed to implement the mitigation measures identified in the Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the West Covina Manor Ridge Crest Senior Living project (proposed project) and adopted in connection with the approval of the proposed project. The intent of this MMRP is to establish the following:

- (1) Verify satisfaction of the required mitigation measures identified in the IS/MND;
- (2) Provide a methodology to document implementation of the required mitigation measures;
- (3) Provide a record of the monitoring program;
- (4) Identify monitoring responsibility;
- (5) Establish administrative procedures for the clearance of mitigation measures;
- (6) Establish the frequency and duration of monitoring; and
- (7) Utilize existing review processes wherever feasible.

The City of West Covina, the Lead Agency, is responsible for overseeing and enforcing implementation of the MMRP which shall be carried out by the City of West Covina Planning and Building Divisions and other entities (e.g., Applicant/Construction Contractor), as shown in **Table 1**.

TABLE 1: MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Timing/ Phasing	Responsible Party	Enforcement/ Monitoring Party	Action(s) Indicating Compliance	
				Action/ Reports	Sign- Off/Date
BIOLOGICAL RESOURCES					
BR-1 All on-site tree removal shall be performed prior to or after the bird-breeding season of February 1 st through August 15 th (i.e., only between August 16 and January 31). If clearing/vegetation removal is planned to occur during the breeding season, a pre-construction nest survey shall be conducted one week prior to any clearing. Work may proceed only if no active bird nests are detected. By avoiding clearing during the bird-breeding season or performing pre-construction surveys to ensure no active nests are present prior to clearing, the proposed project will be in compliance with the Migratory Bird Treaty Act and pertinent sections of the California Department of Fish and Wildlife Code.	Prior to Construction	Applicant/ Construction Contractor	Planning / Building Division		
CULTURAL RESOURCES					
CUL-1 If buried materials of potential cultural significance are discovered within an undisturbed context during earth-moving operations associated with the project, then all work in that area shall be halted or diverted away from the discovery to a distance of 50 feet until the monitor and a qualified archaeological supervisor can evaluate the nature and/or significance of the find(s). Construction shall not resume in the locality of the discovery until consultation between the qualified supervisor, the lead agency, the applicant's representative, and all other concerned parties, takes place and reaches a conclusion approved by the Lead Agency. However, further survey work, evaluation tasks, or data recovery of the significant resource may be required by the Lead Agency if the resource cannot be avoided. In response to the discovery of significant cultural resources, the Lead Agency may also add additional compliance tasks to be followed during the continued site development, which may include additional monitoring.	During Construction	Applicant/ Construction Contractor	Planning / Building Division		

TABLE 1: MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Timing/ Phasing	Responsible Party	Enforcement/ Monitoring Party	Action(s) Indicating Compliance	
				Action/ Reports	Sign- Off/Date
<p>CUL-2 The inadvertent discovery of human remains is always a possibility during ground disturbances; State of California Health and Safety Code Section 7050.5 addresses these findings. This code section states that in the event human remains are uncovered, no further disturbance shall occur until the County Coroner has determined the origin and disposition of the remains pursuant to California Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately, together with the lead agency and the property owner.</p> <p>If human remains of Native American origin are discovered during construction activities, the proposed project would be required to comply with state laws, under the jurisdiction of the Native American Heritage Commission (Public Resources Code Section 5097), relating to handling of Native American burials. The Coroner must notify the Native American Heritage Commission within 24 hours, which shall determine and notify a Most Likely Descendant (MLD). The MLD shall complete the inspection of the project site within 48 hours of being granted access to the project site and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials and an appropriate re-interment site.</p>	During to Construction	Applicant/ Construction Contractor	Planning / Building Division		
NOISE					
<p>N-1 Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with muffling devices consistent with manufacturers' standards. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.</p>	During Construction	Applicant/ Construction Contractor	Planning / Building Division		
<p>N-2 Noise barriers with a minimum height of 10 feet shall be erected along the northern and western boundaries of the construction site when construction is performed within 250 feet of the residences at those boundaries. The noise barriers shall be constructed of material with a minimum weight of two pounds per square foot with no gaps or perforations. Noise barriers may be constructed of, but not limited to, 5/8-inch plywood, 5/8-inch oriented strand board, and hay bales.</p>	During Construction	Applicant/ Construction Contractor	Planning / Building Division		

TABLE 1: MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Timing/ Phasing	Responsible Party	Enforcement/ Monitoring Party	Action(s) Indicating Compliance	
				Action/ Reports	Sign- Off/Date
N-3 Noise and vibration construction activities whose specific location on the Project site may be flexible (e.g., operation of compressors and generators) shall be conducted as far away as possible from the nearest sensitive land uses, and natural and/or manmade barriers (e.g., intervening construction trailers) shall be used to screen propagation of noise from such activities towards these land uses. The construction contractor shall locate construction staging areas away from noise-sensitive uses.	During Construction	Applicant/ Construction Contractor	Planning / Building Division		
N-4 A "noise disturbance coordinator" shall be established. The disturbance coordinator shall be responsible for responding to local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall be required to implement reasonable measures such that the complaint is resolved. All notices that are sent to residential units within 500 feet of the construction site and all signs posted at the construction site shall list the telephone number for the disturbance coordinator.	During Construction	Applicant/ Construction Contractor	Planning / Building Division		
TRIBAL CULTURAL RESOURCES					
TCR-1 The project applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the Native American Heritage Commission's Tribal Contact list for the area of the project location. The tribal monitor/consultant shall only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The tribal monitor/consultant shall complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the tribal representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.	Prior to/ During Construction	Applicant/ Construction Contractor	Planning / Building Division		

TABLE 1: MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Timing/ Phasing	Responsible Party	Enforcement/ Monitoring Party	Action(s) Indicating Compliance	
				Action/ Reports	Sign- Off/Date
<p>TCR-2 Upon discovery of any archaeological resources, construction activities shall cease in the immediate vicinity of the find until the find can be assessed. All archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and Tribal monitor/consultant approved by the Gabrieleño Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, mitigation takes place.</p> <p>If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource", time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Section 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to a local school or historical society in the area for educational purposes.</p>	During Construction	Applicant/ Construction Contractor	Planning / Building Division		

TABLE 1: MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Timing/ Phasing	Responsible Party	Enforcement/ Monitoring Party	Action(s) Indicating Compliance	
				Action/ Reports	Sign- Off/Date
<p>TCR-3 Native American human remains are defined in Public Resources Code Section 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission and Public Resources Code Section 5097.98 shall be followed.</p> <p>Upon discovery, the tribal and/or archaeological monitor/consultant/consultant will immediately divert work at minimum of 150 feet and place an exclusion zone around the burial. The monitor/consultant(s) will then notify the tribe, the qualified lead archaeologist, and the construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the Native American Heritage Commission as mandated by state law who will then appoint a Most Likely Descendent (MLD).</p>	During Construction	Applicant/ Construction Contractor	Planning / Building Division		
SOURCE: TAHA, 2020.					

PLANNING COMMISSION

RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA,
CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF PRECISE
PLAN NO. 19-01 AND TREE REMOVAL PERMIT NO. 20-01**

PRECISE PLAN NO. 19-01

TREE REMOVAL PERMIT NO. 20-01

MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

APPLICANT: Matthew Livingston, Ridge Crest Real Estate LLC

LOCATION: 1912 W. Merced 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 precise plan to:

Construct an 81,759 square-foot assisted living and memory care facility on that certain property described as:

Assessor's Parcel No. 8467-016-020, in the records of the Los Angeles County Assessor; and

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

WHEREAS, a Variance has been submitted to deviate from zoning regulations related to lot coverage, front yard pavement coverage, and building height; and

WHEREAS, the Planning Commission upon giving the required notice did on the 28th day of April 2020, conduct a duly advertised public hearing as prescribed by law to consider said application.

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

1. The applicant is requesting approval of a precise plan to approve the design and allow the construction of an 81,759 square-foot assisted living and memory care facility.

2. Appropriate findings for approval of a precise plan of design are as follows:
 - a. The proposed development plans and the uses proposed are consistent with the General Plan and any applicable specific plan.
 - b. The proposed development is consistent with adopted development standards for the zone and complies with all other applicable provision of the Municipal Code.
 - c. Granting the permit would not be detrimental to the public interest, health, safety, and welfare and would not unreasonably interfere with the use or enjoyment of property in the vicinity of the subject property.
 - d. The site is physically suitable for the type, density and intensity of the development being proposed, including vehicle access and circulation, utilities, and the absence of physical constraints.
 - e. The architecture, site layout, location, shape, bulk and physical characteristics of the proposed development are compatible with the existing and future land uses, and do not interfere with orderly development in the vicinity.
3. Pursuant to the requirements of the California Environmental Quality Act (CEQA) of 1970, a MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT has been prepared indicating that although the project could have a significant effect on the environment, there will not be a significant effect due to mitigating measures.

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

The project is a request for a Precise Plan to allow for the construction of an 81,759 square-foot two-story assisted living/memory care facility. The site will be improved with a surface parking lot that will include 56 parking spaces. The applicant is also requesting approval of a Conditional Use Permit for the operation of an assisted living/memory care facility, a Variance for the lot coverage, paving in the front yard and building height, and a Tree Removal Permit for the removal of significant trees. The project site is designated as "Neighborhood Low-Density Residential" in the City's General Plan and is

zoned “Single-Family Residential” (R-1, Area District 1). The proposed project is consistent with the following General Plan policies and actions:

Our Well Planned Community P3.1. “Preserve existing housing stock.” The site was previously developed as a school. Developing the vacant site as an assisted living/memory care facility does not remove any existing housing.

Action 3.1. “Incorporate standards in the development code to preserve the existing form and character of stable residential areas and prevent encroachment of incompatible land uses and intensity.” Assisted living/memory care facilities are conditionally permitted uses in the R-1 zone. The project is designed to be compatible in scale with the surrounding neighborhood. The site only fronts the neighborhood on two sides; the third side of the triangular lot faces the Walnut Creek drainage channel. The proposed landscaping is dense and attractive and helps screen the building from the neighborhood. The project will meet Code requirements with approval of the Variances.

Our Prosperous Community P2.1. “Maintain and enhance the City’s current tax base.” The project will provide a compatible use for the site and re-use a vacant property.

Our Prosperous Community P2.6. “Create a diversity of housing options.” Although not defined in the Municipal Code as housing, it essentially provides an alternative housing option for the residents. Locating the project within a single-family neighborhood is conditionally permitted and will house the residents in a quiet residential context.

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

The project consists of a proposal to construct a 81,759 square-foot two-story assisted living/memory care facility. The applicant is also requesting approval of a Conditional Use Permit for the operation of an assisted living/memory care facility in the R-1 zone, a Variance for the lot coverage, paving in the front yard, and building height, and a Tree Removal Permit for the removal of significant trees. The proposed project includes parking and landscaping improvements. The proposal complies with the requirements of the “Single Family Residential” (R-1) Zone, with the exception of the requested variances. Therefore, approval of a Variance will be required. As discussed in the Variance findings below, these deviations are reasonable. Applicable development standards in the Zoning Code include but are not limited to screening

requirements; building colors, materials, finishes and exterior design; landscape criteria; building coverage; height limit; and off-street parking requirements.

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

The proposed project is on a triangular site with a single-family residential neighborhood on the Merced and Van Horn Avenue sides. The third side of the site abuts the Walnut Creek drainage channel.

The project will include landscaping throughout the site, as well as gardens and seating areas for residents. The surface parking lot will be minimized. The project is designed to be attractive and inward-focused with little evidence of the use from the surrounding areas. The dense landscaping along the streets helps screen the building. Therefore, 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.*

The proposed project will be located south of the intersection of Merced and Van Horn Avenues. The Single-Family Residential zoning designation allows for assisted living/memory care facilities with approval of a Conditional Use Permit. The proposed development will be accessed from Merced Avenue. The site is 2.27 acres and is physically suitable for the proposed project and adequate to accommodate the size and shape of the building, parking and all required development standards set forth in the West Covina Municipal Code, with the exception of lot coverage, building height, and pavement in the front yard. As discussed in the Variance findings below, these deviations are reasonable. The subject project is an infill development and is therefore located within an urbanized area where utility connections are readily available.

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

The building design is contemporary in style and provides for a variety of articulation in building surfaces and a variety of façade materials. The building includes two floors. The façade design will include varying roof heights. Building heights range from 29 feet 10 inches to 31 feet as measured from the finished grade. The exterior walls are finished in smooth stucco in earth tones

(“Stonish Beige” and “Wild Mustang”) with accents of dry stack stone veneer (“Artisan Ledge”). Gabled roof walls will be finished in Hardie Plank Vertical Siding (“Arctic White”). The pattern is repeated on the street elevations. The elevation facing the drainage channel is simpler without stacked stone or gabled roofs. The front entryway (east elevation) will have a Craftsman appearance with exposed wood beams. The sidewalk and entry at the front of the building will be stained and scored accent concrete. Tubular steel fencing will follow the Van Horn Avenue frontage and the drainage wash. Decorative freestanding light fixtures are proposed to provide accent lighting at night. The overall characteristics create an attractive project as viewed from the street with substantial landscaping and a building with visual interest.

2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Precise Plan No. 19-01 is approved subject to the provisions of the West Covina Municipal Code, provided that the physical development of the herein described property shall conform to said plan and the conditions set forth herein which, except as otherwise expressly indicated, shall be fully performed and completed or shall be secured by bank or cash deposit satisfactory to the Planning 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 Planning 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

1. Comply with plans reviewed by the Planning Commission on April 28, 2020.
2. Approval of this precise plan is contingent upon, and shall not become effective unless and until approval of Conditional Use Permit No. 19-01 and Variance No. 19-01.
3. These conditions of approval shall be printed on or attached to the working drawings submitted to the Building Division for approval.

4. That the project complies with all requirements of the "Single-Family Residential" Zone and all other applicable standards of the West Covina Municipal Code, other than the standards addressed by Variance No. 19-01.
5. The approved use shall not create a public nuisance as defined under Section 15-200 of the West Covina Municipal Code.
6. The approved use shall be in compliance with the Noise Ordinance (Chapter 15).
7. This approval shall become null and void if the building permit is not obtained within two (2) years of the date of this approval.
8. The applicant shall sign an affidavit accepting all conditions of this approval.
9. 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 Planning Director shall be obtained prior to implementation.
10. Graffiti-resistant coatings shall be used on all walls, fences, sign structures or similar structures to assist in deterring graffiti.
11. Any graffiti that appears on the property during construction shall be cleaned or removed on the same business day.
12. All outstanding fees and Development Impact Fees will be due at the time of building permit issuance.
13. All gutters and downspouts shall not project from the vertical surface of the building pursuant to Section 26-568 (a) (3).
14. 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.
15. All approved materials and colors shall be clearly indicated on the plans.
16. 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.
17. 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 Planning Director for review and approval prior to the issuance of building permits.

18. The location of new electrical transformers, vaults, antennas, mechanical and all other equipment not indicated on the approved plans must be approved by the Planning Director prior to the issuance of building permit. Provide construction details prior to issuance of a building permit.
19. 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.
20. 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 Department and the City Engineer.
21. 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.
22. The parking lot shall comply with requirements of the Parking Lot Design and Lighting standards.
23. A 12-foot turnaround shall be provided at the end of the dead-end drive aisle. The turnaround space shall be painted with diagonal hatch marks and signed to indicate it is not a parking space.
24. Prior to the issuance of building permits the applicant shall demonstrate, to the satisfaction of the Planning 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.
25. 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.
26. That prior to final building permit approval, a detailed landscape and irrigation plan in compliance with AB 1881 and executive order 13-29-15 shall be submitted for all planted areas to be affected by project. Plans shall include type, size and quantity of landscape materials and irrigation equipment. All vegetation areas shall be automatically irrigated and a detailed watering program and water budget shall be provided. All damaged vegetation shall be replaced and the site shall be kept free of diseased or dead plant materials and litter at all times.

27. The landscaping plan shall include the planting of replacement trees pursuant to the removal of 37 trees per Tree Removal Permit No. 20-01 at a 1:1 ratio, with at least nineteen (19) 36-inch box trees.
28. All trees shall be indicated on the grading plan, including trees on, or near the property line on adjacent properties. The trees shall be marked as to whether they will be preserved or removed. Trees that are preserved should not be topped but should be pruned to preserve their natural form.
29. Clinging vines shall be installed on all retaining or freestanding walls to assist in deterring graffiti.
30. Prior to the issuance of building permits, the applicant shall submit a detailed wall and fencing plan to the Planning Director for review and approval. Fences and/or walls shall be constructed around all properties, as determined by the Planning Director. Said plan shall indicate the locations for all fences and walls, and shall further indicate the height, materials, and colors for all fences and walls. Perimeter block walls (retaining walls) shall be constructed of a decorative material, such as slumpstone or split-face block. The wall and fencing plan shall include the location, design and materials. Wood fences shall include steel posts for maintenance purposes.
31. 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.
32. 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.
33. Prior to requesting a final inspection, the Planning Department shall inspect the development.
34. All new utilities shall be placed underground prior to issuance of Certificate of Occupancy per WCMC 23-273.
35. 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.
36. The City and the applicant agree that the Project has the potential to impact public services, including, but not limited to, fire and ambulance. The City and the applicant further agree that the fiscal impact to public services from the Project in the first year of operations would be \$36,700. Those public services fiscal impact costs to the City will increase over time, therefore the public services fiscal impact cost reimbursement amount shall be increased by the greater amount of 2% per year or the percentage amount of the annual adjustment of the

Consumer Price Index – Los Angeles / Riverside / Orange County. Accordingly, the applicant agrees to remit payment of \$36,700, as annually adjusted as set forth above, per year as a public services fiscal impact cost reimbursement for as long as this Conditional Use Permit is in legal force and effect. The first public services fiscal impact cost reimbursement payment shall be due on December 1 of the year of issuance of Certificate of Occupancy. All subsequent annual payments shall be due on December 1 of the calendar year. Penalties for nonpayment shall be 10 percent after 30 days, 25 percent after 60 days and after 90 days, the failure to pay shall be deemed a failure to comply with the conditions of approval per West Covina Municipal Code section 26-297.06(e) and would subject the Conditional Use Permit to a revocation hearing per West Covina Municipal Code section 26-297.08. The applicant also agrees to record this Conditional Use Permit to provide actual notice to all future owners, assignees and other parties that may have an ownership interest in the property. Proof of recordation of the Conditional Use Permit shall be provided to the City prior to the issuance of a building permit.

37. The applicant shall meet any and all monitoring or reporting requirements necessary to ensure compliance with the mitigation measures contained in the Mitigated Negative Declaration of Environmental Impact as those may be determined by the City, including, but not limited to, entering into an agreement to perform and/or for monitoring and reporting during project construction and implementation. The applicant further agrees it will cease construction of the project immediately upon written notice of a violation of such requirement and that such a provision may be part of any agreement of City and applicant.
38. Comply with the mitigation measures as outlined in the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.
39. The Zoning Code gives provisions for up to two one-year extensions to keep entitlements active. Therefore, prior to April 28, 2022, (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.
40. The new development shall comply with the Development Impact Fees (Ordinance No. 2286 and Resolution No. 2015-81). Development Impact Fees for non-residential development are currently calculated at \$1.54 per square foot. The proposed building would total 81,759 square feet in size. The developer will pay fees estimated at \$125,908.86 (81,759 sq. ft. x 1.54 = \$125,908.86). The impact fees will be due at the time of building permit issuance.
41. 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.

42. 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 2020 County of Los Angeles Building Codes. Plans shall be submitted for plan check and required permits shall be obtained from the Building & Safety Division prior to start of construction.
- c. Separate application(s), plan check(s), and permit(s) is/are required for:
 - a. Signs
 - b. Fire sprinkler/Alarm systems (*see Fire Department Prevention Bureau for requirements*)
 - c. Plumbing
 - d. Mechanical
 - e. Electrical
 - f. Grading (*see Engineering Division for requirements*)
 - g. Demolition work
 - h. Retaining walls (*see Engineering Division for requirements*)
 - i. Required masonry or concrete perimeter walls or trash enclosures.
- 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 consistent with CBC Chapter 11A for the dwelling units and 11B for the common area for the public.
- k. Fire sprinklers and fire alarms are required per CBC 420.4 and 420.5.

- l. An exiting plan identifying occupant load, exit separation, exit locations, etc. are required to be approved through plan check.
- m. Design for drainage at the courtyard shall be provided for plan check.
- n. EV charging infrastructure shall be installed per CBC 420.13.
- o. Fire and sound rated separations shall be provided between units and common areas per CBC 420.2.
- p. 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.
- q. Los Angeles County Health Department approval is required for restaurant/kitchen/other food services. - Phone (626) 430-5560.
- r. Sanitation District Industrial Waste approval or waiver is required. Please contact (562) 699-7411, Ext 2900 for additional information.
- s. 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.
- t. Grease interceptor is required. Design and installation shall comply with California Plumbing Code.
- u. Type I grease duct is required. Provide complete design per California Mechanical Code.
- v. New construction, alterations or repair to required masonry or concrete perimeter walls or trash enclosures shall be completed with a valid building permit.

DESIGN CONSIDERATIONS

- An ADA path of travel is required from the closest street with public transportation (Merced) to the improvement per CBC § 11B-206.
- The occupancy group and specific type of care facility shall be identified on plans per CBC 106.4. Design shall be per CBC 435 based on the appropriate occupancy group.

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 Merced Avenue and Vanhorn Avenue contiguous to the subject property.
4. Improvements on Merced Avenue
 - a. Remove existing driveway approaches and construct two (2) new drive approaches per APWA standards.
 - b. Obtain permission from LA County Flood Control to construct proposed easterly drive approach. LA County Flood Control owns parcel of land (10 ft. x 70 ft.) in fee which would need to be crossed to access project property along Merced Avenue (APN 8467-016-902).
 - c. Repair existing raised/damaged sidewalks (grind or reconstruct) along the south and north sides of Merced Avenue from Orange Avenue to Van Horn Avenue.
 - d. Reset existing traffic signal pull box flush in sidewalk area, protruding approx. 1 inch above sidewalk. Merced Avenue, south side, approximately 200 feet west of drainage channel.
 - e. Wet blast existing sidewalks in an evenly manner to remove dirt, graffiti and markings.
 - f. Reconstruct and/or modify existing wheelchair ramps to meet current ADA standards. Locations: Merced Avenue and Van Horn Avenue (S/E, S/W, N/E, and N/W), Merced Avenue and Orange Avenue (S/E, S/W, N/E, and N/W).
 - g. Underground all utilities. Remove existing wood poles along Van Horn Avenue. Also remove overhead wires crossing Merced Avenue at Van Horn Avenue.
 - h. Provide report by certified arborist as to the condition of existing street trees (8 existing street trees) along the south side of Merced Avenue from the drainage channel to Van Horn Avenue. Determine if trees are to remain or to be removed. Plant new street trees as necessary. New street trees are to be 24 in. box size planted and staked per APWA standards. Tree wells are to be filled with 2 inches of decomposed granite (DG). City to approve new street tree species.

- i. Construct tree wells in existing sidewalk and plant street trees along Merced Avenue, from drainage channel to Van Horn Avenue (approximately 12 street trees). New street trees are to be 24 inch box size and be planted and staked per APWA standards. Tree wells are to be filled with 2 inches of decomposed granite (DG). City to approve new street tree species.
 - j. Plant two (2) street trees in grass parkway on Merced Avenue, south side, at approx. 30 feet and 60 feet west of Van Horn Avenue. New street trees are to be 24 in. box size; planted and staked per APWA standards. City to approve street tree species.
 - k. Water and maintain all newly planted street trees for one year until street trees are established.
 - l. Install new streetlights with concrete poles along the south and north sides of Merced Avenue, from drainage channel to Van Horn Avenue. New streetlight system to be underground fed and have LED lights. Currently there are two SCE streetlights on wood poles and one SCE streetlight on a steel pole, all fed overhead, on the north side of Merced Avenue from the drainage channel to Van Horn Avenue. New proposed streetlight system to be turned over to SCE for maintenance and ownership.
 - m. Submit street lighting improvement plans to the City and SCE for review and approval. Pay street lighting plan checking fees to City and SCE.
5. Improvements on Van Horn Avenue
- a. Close existing driveway approaches along Van Horn Avenue (4 locations) and replace with curb and gutter, adjacent AC pavement and sidewalks.
 - b. Repair existing raised/damaged sidewalks (grind or reconstruct) along the east and west sides of Van Horn Avenue, from Merced Avenue to cul-de-sac to the south.
 - c. Wet blast existing sidewalks in an evenly manner to remove dirt, graffiti and markings.
 - d. Construct new sidewalk section, approx. 4 ft. in width, behind existing sidewalk to provide full width sidewalk, along the east side of Van Horn Avenue, from approx. 100 ft. south of Merced Avenue to cul-de-sac to the south.
 - e. Reconstruct damaged/cracked concrete cross gutter and spandrel (approx. 20 ft. x 20 ft.) at the southwest corner of Merced Avenue and Van Horn Avenue.
 - f. Reconstruct damaged/alligatored AC pavement at the southwest corner of Merced Avenue and Van Horn Avenue.

- g. Existing AC pavement on Van Horn Avenue is oxidized, therefore apply rubberized slurry seal to Van Horn Avenue, from Merced Avenue to cul-de-sac to the south. Slurry seal to be Type II. AC pavement cracks are to be blown clean prior to applying slurry seal. Reinstall all markings and striping after slurry seal (thermoplastic type).
 - h. Construct tree wells in existing sidewalk and plant street trees along Van Horn Avenue, east side, from Merced Avenue to cul-de-sac to the south (approx. 10 street trees). New street trees are to be 24 in. box size and be planted and staked per APWA standards. Tree wells are to be filled with 2 inches of decomposed granite (DG). City to approve street tree species.
 - i. Water and maintain all newly planted street trees from 6 months to one year, until street trees are established.
 - j. Retrofit existing streetlights along Van Horn Avenue, west side, (4 street lights) with LED lights. Existing streetlights already have underground service. Obtain necessary permits from SCE and pay permit fees to retrofit streetlights.
- 6. Adequate provision shall be made for acceptance and disposal of surface drainage entering the property from adjacent areas.
 - 7. Rehabilitate existing AC street pavement along the length of the property frontage to the centerline of the streets per design engineer's recommendations to the satisfaction of the City Engineer or pay in-lieu fee for the required rehab to the City. City will use the in-lieu fees in the future for street rehabilitations as necessary. The in-lieu fee is equal to the estimated cost of street rehabilitation (based on Los Angeles County Land Development Division Bond Calculation Sheets) to the satisfaction of the City Engineer.
 - 8. 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.
 - 9. Preserve or reinstall existing centerline ties and survey markers in the public right-of-way affected by the proposed work.
 - 10. Post (R3-2) sign NO LEFT TURN SIGN at the southernmost driveway restricting vehicles making a left turn into the site due to insufficient on-street queueing available on Merced Avenue.
 - 11. Prior to issuance of Building Permit, all of the following requirements shall be satisfied:
 - a. A final grading and drainage plan showing existing and proposed elevations and drainage structures (and showing existing and proposed on-site and off-site improvements) shall be submitted to and approved by the Planning Department and Engineering Division.
 - b. Submit street lighting improvement plans and utility undergrounding plans.

- c. 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.
 - d. 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.
 - e. A soil erosion and sediment control plan shall be submitted to and approved by the Planning Department and Engineering Division
 - f. Provide Will Serve letter from Suburban Water Systems (water purveyor).
12. Comply with all regulations of the Los Angeles Regional Water Quality Control Board and Article II of Chapter 9 of the West Covina Municipal Code concerning Stormwater/Urban Run-off Pollution control.
13. Prepare a hydrology/hydraulic study of existing and proposed development per the Los Angeles County Hydrology Manual.
14. All trash enclosures need to be covered.
15. Conduct a sewer capacity study of existing sewer facilities that serve the proposed development. The developer shall either pay in-lieu fees equal to the estimated cost (based on Los Angeles County Land Development Division Bond Calculation Sheets) of the proposed development's percentage of design capacity of the existing sewer system prior to the issuance of building permits or provide sewer improvements to deficient sewer segments serving the subject property to the satisfaction of the City Engineer.
16. Indicate where deliveries will be received.

POLICE DEPARTMENT

43. CCTV System Requirements:
- a) 960H (960 x 480) recording resolution.
 - b) H264 video compression.
 - c) Real-time recording 30 fps per channel @ 960 resolution
 - d) 2048 bit rate

- e) 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.
- f) Fixed cameras with complete coverage of areas that do not infringe on the privacy of patrons, PTZ (pan, tilt, zoom) optional
- g) Recordings preserved for a minimum of 30 days (30 day loop minimum)
- h) DVR must contain a USB port for police department personnel to easily access system and download video

FIRE DEPARTMENT

- 44. Provide NFPA 13D/13R/13 Fire Sprinkler System.
- 45. NFPA 14 – Standpipe System/Yard Standpipes required.***
- 46. Install NFPA 72 – Fire Alarm/Fire Sprinkler Monitoring System.
- 47. Install NFPA 17/17A Wet/Dry chemical fire extinguishing system.
- 48. Install NFPA 10 – Portable Fire Extinguishers.
- 49. New Fire Flow Test is required.
- 50. Required Fire Flow of 1,500 GPM @ 20 PSI for two (2) hours.
- 51. Provide two (2) fire hydrants within 250 feet of the property line.
- 52. Smoke Detection System Required in Memory Care Areas for Delayed Egress.

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

I HEREBY CERTIFY, that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a regular meeting held on the 28th day of April, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATE: April 28, 2020

EXPIRATION DATE: April 28, 2022 if not used

Herb Redholtz, Chairman
Planning Commission

Jeff Anderson, AICP, Secretary
Planning Commission

PLANNING COMMISSION

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF CONDITIONAL USE PERMIT NO. 19-01

CONDITIONAL USE PERMIT NO. 19-01.

MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

APPLICANT: Matthew Livingston, Ridge Crest Real Estate LLC

LOCATION: 1912 W. Merced Avenue

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

Construct an 81,759 square-foot assisted living and memory care facility on that certain property described as follows:

Assessor's Parcel No. 8467-016-020, in the records of the Los Angeles County Assessor; and

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

WHEREAS, a Variance has been submitted to deviate from zoning regulations related to lot coverage, front yard pavement coverage, and building height; and

WHEREAS, the Planning Commission upon giving the required notice did on the 28th day of April, 2020, conduct a duly advertised public hearing as prescribed by law to consider said application.

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

1. The applicant is requesting approval of a Conditional Use Permit to allow the operation of an assisted living/memory care facility within a new 81,759 square-foot building.
2. Findings necessary for approval of a conditional use permit are as follows:

- a. That the proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood or community.
 - b. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.
 - c. That the site for the proposed use is adequate in size and is so shaped as to accommodate said use, as well as, all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to adjust said use with the land and uses in the neighborhood and make it compatible thereto.
 - d. That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed use and the street patterns of such a nature exist as to guarantee that such generation will not be channeled through residential areas on local residential streets.
 - e. That the granting of such conditional use permit will not adversely affect the General Plan of the City, or any other adopted plan of the City.
3. Pursuant to the requirements of the California Environmental Quality Act (CEQA) of 1970, a MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT has been prepared indicating that although the project could have a significant effect on the environment, there will not be a significant effect due to mitigating measures.

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

The proposed facility is both necessary and desirable at the subject location in order to offer a needed service to West Covina senior citizens. The subject property is for the most part surrounded by residential uses. Two of the three sides of the property abut a single-family neighborhood. The south side of the site abuts a drainage channel. The project is approximately 52 feet from the nearest R-1 zoned properties on Van Horn Avenue. The site is currently vacant and was used as a school. The building will be buffered from existing homes by the dense landscaping on the site, and the parking lot along Merced Avenue. The project will provide a needed service to the community and will be aesthetically and functionally compatible with nearby developments.

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

The proposed use is compatible with surrounding residential, public and commercial uses. The site plan is designed to accommodate efficient vehicular circulation on-site, minimize the size of the parking lot, and be inward-focused. This will avoid creating negative impacts on adjacent properties. Conditions have been placed on the project approval to ensure the proposed use does not result in impacts to adjacent properties.

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

The existing 2.27-acre site is adequate in size to accommodate the proposed project. The proposed site plan provides sufficient landscaping around the perimeter of the building and parking lot. Sufficient parking exists on the site to accommodate the proposed use. The proposed use can be accommodated on the subject property in such a way that it will be compatible with surrounding uses.

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

The proposed project will not generate a substantial amount of vehicular traffic nor alter present circulation patterns. The subject site's abutting streets are adequate in width and improvements to accommodate the proposed use (Merced Avenue is designated in the General Plan as a Residential Main and Van Horn Avenue is a Residential Street). The existing street patterns will not necessitate channeling traffic generated by the proposed use through residential areas.

KOA Corporation prepared a traffic analysis for the project, dated November 2019, to assess traffic impacts. The traffic analysis evaluated potential project-related traffic impacts at four key intersections in the vicinity of the project site:

- Merced Avenue and Dalewood Street/Garvey Avenue
- Willow Avenue and Merced Avenue
- Orange Avenue and Merced Avenue
- Sunset Avenue and Merced Avenue

The traffic impact analysis determined that the addition of project-related trips to existing traffic levels would have less than significant impacts on study intersections, and that project traffic would fall below significant impact thresholds.

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

The granting of the Conditional Use Permit to allow the operation of an assisted living/memory care facility will not adversely affect the West Covina General Plan, since the proposed use does not conflict with the site's land use designation of "Neighborhood Low-Density Residential." The proposed project is consistent with the following General Plan goals and actions:

Our Well Planned Community P3.1. "Preserve existing housing stock." The site was previously developed as a school. Developing the vacant site as an assisted living/memory care facility does not remove any existing housing.

"A 3.1 Incorporate standards in the development code to preserve the existing form and character of stable residential areas and prevent encroachment of incompatible land uses and intensity." Assisted living/memory care facilities are conditionally permitted uses in the R-1 zone. The project is designed to be compatible in scale with the surrounding neighborhood. The site only fronts the neighborhood on two sides; the third side of the triangular lot faces the Walnut Creek drainage channel. The proposed landscaping is dense and attractive and helps screen the building from the neighborhood. The project will meet Code requirements with approval of the Variances.

Our Prosperous Community P2.1. "Maintain and enhance the City's current tax base." The project will provide a compatible use for the site and re-use a vacant property.

Our Prosperous Community P2.6 "Create a diversity of housing options." Although not defined in the Municipal Code as housing, it essentially provides an alternative housing option for the residents. Locating the project within a single-family neighborhood is conditionally permitted and will house the residents in a location more suitable than along a busy commercial corridor.

2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Conditional Use Permit No. 19-01 is approved subject to the provisions of the West Covina Municipal Code provided that the physical development of the herein described property shall conform to said conditional Use Permit and the conditions set forth herein which, except as otherwise expressly indicated, shall be fully performed and completed or shall be secured by bank or cash deposit satisfactory to the 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:

PLANNING DEPARTMENT

1. Comply with plans reviewed by the Planning Commission on April 28, 2020.
2. Approval of this conditional use permit is contingent upon, and shall not become effective, unless and until approval of Precise Plan No. 19-01, Variance No. 19-01, and Tree Removal Permit No. 20-01.
3. These conditions of approval shall be printed on or attached to the working drawings submitted to the Building Division for approval.
4. Comply with all requirements of the "Single-Family Residential" (R-1 Area District 1) Zone and all other applicable standards of the West Covina Municipal Code, other than the standards addressed by Variance No. 19-01.
5. The conditional use permit may be revoked, amended or suspended by the Planning Commission under the provisions of Section 26-253 of the West Covina Municipal Code for appropriate cause.
6. In the event that the availability of parking is negatively impacted, the Planning Commission shall review the conditional use permit for the use and may, at its discretion, modify or impose new conditions or suspend or revoke the conditional use permit pursuant to Section 26-253 of West Covina Municipal Code.
7. This approval is for an assisted living/memory care facility including related ancillary services. At least one occupant of each unit shall be at least sixty (60) years of age. No other forms of residential use are allowed under this approval.
8. The Applicant shall obtain and maintain any required State or Federal licenses for the assisted living and memory care facility. If any state or federal licenses are not obtained and maintained then this conditional use permit shall become null and void.
9. Outdoor storage is prohibited.
10. Deliveries for the assisted living facility shall occur on the northeastern section of the property accessed from the easterly drive approach and adjacent to the trash enclosure.
11. Licenses and permits as required in Chapter 14 of the West Covina Municipal Code shall be obtained prior to the start of the operation of the use.

12. The approved use shall not create a public nuisance as defined under Section 15-200 of the West Covina Municipal Code.
13. The applicant shall comply with all applicable health and safety codes.
14. The City and the applicant agree that the Project has the potential to impact public services, including, but not limited to, fire and ambulance. The City and the applicant further agree that the fiscal impact to public services from the Project in the first year of operations would be \$36,700. Those public services fiscal impact costs to the City will increase over time, therefore the public services fiscal impact cost reimbursement amount shall be increased by the greater amount of 2% per year or the percentage amount of the annual adjustment of the Consumer Price Index – Los Angeles / Riverside / Orange County. Accordingly, the applicant agrees to remit payment of \$36,700, as annually adjusted as set forth above, per year as a public services fiscal impact cost reimbursement for as long as this Conditional Use Permit is in legal force and effect. The first public services fiscal impact cost reimbursement payment shall be due on December 1 of the year of issuance of Certificate of Occupancy. All subsequent annual payments shall be due on December 1 of the calendar year. Penalties for nonpayment shall be 10 percent after 30 days, 25 percent after 60 days and after 90 days, the failure to pay shall be deemed a failure to comply with the conditions of approval per West Covina Municipal Code section 26-297.06(e) and would subject the Conditional Use Permit to a revocation hearing per West Covina Municipal Code section 26-297.08. The applicant also agrees to record this Conditional Use Permit to provide actual notice to all future owners, assignees and other parties that may have an ownership interest in the property. Proof of recordation of the Conditional Use Permit shall be provided to the City prior to the issuance of a building permit.
15. Any proposed change to the approved site plan and floor plans shall be first considered by the Planning Department, Engineering Department, Building Division, and Fire Department, and shall require the written authorization of the Planning Director prior to implementation.
16. The use shall not create any loud and unnecessary noise as defined in Section 15-85 of the West Covina Municipal Code.
17. 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.
18. This Conditional Use Permit approval shall become null and void if the building permit is not obtained within one (2) years of the date of this approval.
19. The Zoning Code gives provisions for up to two one-year extensions to keep entitlements active. Therefore, prior to DATE TBD, (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.

20. The applicant shall meet any and all monitoring or reporting requirements necessary to ensure compliance with the mitigation measures contained in the Mitigated Negative Declaration of Environmental Impact as those may be determined by the City, including, but not limited to, entering into an agreement to perform and/or for monitoring and reporting during project construction and implementation. The applicant further agrees it will cease construction of the project immediately upon written notice of a violation of such requirement and that such a provision may be part of any agreement of City and applicant.
21. The building cannot be converted to a form of housing as this approval is a conditionally permitted use of a assisting living/memory care facility.
22. All required State of California and Los Angeles County licenses and certifications for an assisted living and memory care facility shall be continuously maintained.

I HEREBY CERTIFY, that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a special meeting held on the 28th day of April, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: April 28, 2020

EXPIRATION: April 28, 2022 if not used

Herb Redholtz, Chairperson
Planning Commission

Jeff Anderson, AICP, Secretary
Planning Commission

PLANNING COMMISSION

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF VARIANCE NO. 19-01

VARIANCE NO. 19-01

MITIGATED NEGATIVE DECLARATION OF ENVIROMENTAL IMPACT

APPLICANT: Matthew Livingston, Ridge Crest Real Estate LLC

LOCATION: 1912 W. Merced Avenue

WHEREAS, there was filed with this Commission, a verified application on the forms prescribed in Chapter 26, Article VI of the West Covina Municipal Code, requesting approval of a Variance to:

deviate from several required development standards, including lot coverage, front yard pavement coverage, and building height. The following chart summarizes the requested Variances.

STANDARD	REQUIRED/ALLOWED	PROPOSED	DEVIATION
Lot Coverage	35% (34,608 sq. ft.)	41.6% (41,208 sq. ft.)	6,600 sq. ft.
Front Yard Pavement Coverage	Pavement width limited to width of garage plus up to 12' additional	Approx. 300 foot wide parking lot	Approx. 272 feet
Building Height	25 feet	31 feet	6 feet

The Variances would allow for the construction of an 81,759 square-foot assisted living facility with memory care with 91 units and 111 beds on that certain property described as:

Assessor's Parcel Numbers 8467-016-020 in the records of the Los Angeles County Assessor; and

WHEREAS, the Planning Commission upon giving the required notice did on the 28th day of April, 2020, conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, a Precise Plan (No. 19-01) and Tree Removal Permit (No. 20-01) have been submitted for the site plan and building design to develop the site with an 81,759 square foot assisted living/memory care facility and removal of 37 significant trees; and

WHEREAS, a Conditional Use Permit application (No. 19-01) has been submitted to allow for the construction of an 81,759 square foot assisted living/memory care facility; and

WHEREAS, a Variance has been submitted to deviate from several required development standards, including lot coverage, front yard pavement coverage, and building height. With the approval of the Precise Plan and Conditional Use Permit, the Variance would be consistent with General Plan Land Use designation and zoning classification of the site.

WHEREAS, the Planning Commission, upon giving the required notice, did on the 28th day of April, 2020, conduct a duly noticed public hearing to consider said application; and

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

1. The Zoning Code requires a minimum site size of one acre; a minimum lot width of 150 feet; and minimum setbacks for side and rear setbacks.
2. Appropriate findings for approval of a Variance are as follows:
 - a. That there are exceptional or extraordinary circumstances not applicable generally to the other property or class of use in the same vicinity and zone.
 - b. That such Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone but which is denied to the property in question.
 - c. That granting such Variance will not be materially detrimental to the public welfare or injurious to property or improvements in such vicinity and zone in which property is located.
 - d. That granting such Variance shall be consistent with the adopted General Plan and any applicable Specific Plans.
3. Pursuant to the requirements of the California Environmental Quality Act (CEQA) of 1970, a MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT has been prepared indicating that although the project could have a significant effect on the environment, there will not be a significant effect due to mitigating measures.

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

1. On basis of evidence presented, both oral and documentary, the Planning Commission makes the following findings:
 - a. *That there are exceptional or extraordinary circumstances not applicable generally to the other property or class of use in the same vicinity and zone.*

The site is triangular and abuts a drainage channel. The requested deviations from standards involve regulations not entirely suitable for a semi-commercial project in a residential zone. For example, the height limit does not account for the elevator shaft requirements for the project. The lot coverage limit is more appropriate for a property surrounded on all four sides by residences. The standard for pavement in the front yard is clearly not applicable when a parking lot is necessary. In addition, it can be anticipated that one or more variances will be required to accommodate a semi-commercial project such as this that is conditionally permitted in the zone.

Granting a Variance for the lot coverage, building height, and pavement in the front yard will allow the applicant to develop a project that will meet the intent of the Code while providing an economically viable reuse of a vacant site with an odd shape. The table below shows the Variances that are requested and the degree to which the proposal deviates from each requirement.

STANDARD	REQUIRED/ALLOWED	PROPOSED	DEVIATION
Height Limit	25 feet	31 feet	6 feet
Lot Coverage	Max. 35% (34,608 sq. ft.)	41.6% (41,208 sq. ft.)	5 feet
Pavement in the Front Yard	Pavement width limited to width of garage plus up to 12' additional	Front parking lot approximately 300' wide	268 feet

- b. *That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone but which is denied to the property in question.*

The proposed Variance will ensure that the proposed project will be able to provide the conditionally-permitted use on the oddly-shaped site. The site was previously a school, so a non-residential use has operated on the property previously. The deviations from standards are reasonable given the semi-commercial, semi-residential characteristics of the proposed project and will ensure an economically viable reuse of the vacant site.

- c. *That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located.*

The granting of a Variance will not be detrimental or injurious to the public welfare or other properties in the surrounding zone or vicinity in that the variance will allow for development that is consistent with the intent of the Code and because the project is designed in a way to provide design compatibility while providing extensive landscaping around the site to buffer the building from the residential neighborhood.

- d. *That the granting of such variance shall be consistent with the adopted general plan and any applicable specific plans.*

The granting of this Variance will aid with implementation of the following goals of the adopted General Plan:

Our Well Planned Community P3.1. “Preserve existing housing stock.” The site was previously developed as a school. Developing the vacant site as an assisted living/memory care facility does not remove any existing housing.

“A 3.1 Incorporate standards in the development code to preserve the existing form and character of stable residential areas and prevent encroachment of incompatible land uses and intensity.” Assisted living/memory care facilities are conditionally permitted uses in the R-1 zone. The project is designed to be compatible in scale with the surrounding neighborhood. The site only fronts the neighborhood on two sides; the third side of the triangular lot faces the Walnut Creek drainage channel. The proposed landscaping is dense and attractive and helps screen the building from the neighborhood. The project will meet Code requirements with approval of the Variances.

Our Prosperous Community P2.1. “Maintain and enhance the City’s current tax base.” The project will provide a compatible use for the site and re-use a vacant property.

Our Prosperous Community P2.6. “Create a diversity of housing options.” Although not defined in the Municipal Code as housing, it essentially provides an alternative housing option for the residents. Locating the project within a single-family neighborhood is conditionally permitted and will house the residents in a location more suitable than along a busy commercial corridor.

2. That pursuant to all evidence presented, both oral and documentary, and further based on the findings above, Variance No. 19-01 is approved subject to provisions of the West Covina Municipal Code, provided physical development of the herein described property shall conform to said plan and 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 use or occupancy of the property is commenced and before the Certificate of Occupancy is issued, and violation of any of which shall be grounds for revocation of said Variance by the Planning Commission or City Council.
3. That the Variance 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 Planning Department his affidavit stating he is aware of, and accepts, all conditions of this Variance 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 processing this application pursuant to City Council Resolution No. 8690.

4. Costs and expenses of enforcement activities, including, but not limited to attorneys' fees, caused by applicant violation of any condition imposed by this approval or any provision of the West Covina Municipal Code shall be paid by applicant.
5. That pursuant to all evidence presented, both oral and documentary, and further based on the findings above, Variance No. 19-01 is approved as follows, subject to the following conditions:

PLANNING DEPARTMENT

1. Comply with plans reviewed by the Planning Commission on April 28, 2020.
2. Approval of this variance is contingent upon, and shall not become effective, unless and until approval of Precise Plan No. 19-01, Tree Removal Permit No. 20-01, and Conditional Use Permit No. 19-01.
3. This approval of the development allows a deviation from lot coverage, front yard pavement coverage, and building height as required in the "Single-Family Residential" zone.
4. These conditions of approval shall be printed on or attached to the working drawings submitted to the Building Division for approval.
5. That the project complies with all requirements of the "Single-Family Residential" Zone and all other applicable standards of the West Covina Municipal Code, other than the standards addressed by Variance No. 19-01.
6. The approved use shall not create a public nuisance as defined under Section 15-200 of the West Covina Municipal Code.
7. The approved use shall be in compliance with the Noise Ordinance (Chapter 15).
8. This approval shall become null and void if the building permit is not obtained within one (1) year of the date of this approval.
9. The applicant shall sign an affidavit accepting all conditions of this approval.
10. 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 Planning Director shall be obtained prior to implementation.

11. 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.
12. The The Zoning Code gives provisions for up to two one-year extensions to keep entitlements active. Therefore, prior to April 28, 2022, (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.
13. The applicant shall meet any and all monitoring or reporting requirements necessary to ensure compliance with the mitigation measures contained in the Mitigated Negative Declaration of Environmental Impact as those may be determined by the City, including, but not limited to, entering into an agreement to perform and/or for monitoring and reporting during project construction and implementation. The applicant further agrees it will cease construction of the project immediately upon written notice of a violation of such requirement and that such a provision may be part of any agreement of City and applicant.
14. Comply with the mitigation measures as outlined in the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

I HEREBY CERTIFY foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a regular meeting held on the 28th day of April, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATE: April 28, 2020

EXPIRATION DATE: April 28, 2022 if not used

Herb Redholtz, Chairperson
Planning Commission

Jeff Anderson, Secretary
Planning Commission

Ridge Crest Senior Living

Senior Care Residences in West Covina

Ridge Crest Senior Living welcomes you to stop by and learn about our proposed Senior Care Residences to be built on the property at 1912 W. Merced Avenue, West Covina, CA 91790

Details for the meeting are as follows:

Where: *West Covina Unified School District Office*
ERC Room

1717 W. Merced Avenue

When: Between the hours of 6:00 and 7:00pm on
Wednesday, August 8, 2018

Why: To learn more about this proposed new community,
meet your neighbors, and enjoy light refreshments.

Please RSVP your attendance to:
ridgecrestseneiorliving@gmail.com

We look forward to meeting you!

Thank you,
Ridge Crest Senior Living



you're
Invited!

West Covina Manor

West Covina Manor welcomes you to stop by and learn about our proposed
Senior Care Residences to be built on the property at:

*1912 W. Merced Ave.
West Covina, CA 91790*

Presentation Details

Where: **Wescove Elementary School**
*1010 E Vine Ave.
West Covina, CA 91791*

When: Wednesday, January 29, 2020
5:00pm to 7:00pm

Why: To learn more about this proposed new
community, meet your neighbors,
and enjoy light refreshments.

Please RSVP to:
WestCovinaManor@gmail.com

Business Plan Overview

The Manor of West Covina by Ridge Crest Senior Living (RCSL)

Overview

RC West Covina LP (RCSL) is submitting an application for the development of a senior care facility located at 1912 West Merced Avenue in West Covina. The project will consist of approximately 91 residential units, with 63 units serving approximately 69 seniors who require assisted living services and 28 units providing 24-hour memory care support for 42 residents, as well common and administrative spaces for residents and staff, amenities and a fully landscaped outdoor courtyard for all residents and their families.

Ridge Crest Senior Living is a joint venture by Ridge Crest Real Estate (RCRE), led by Matthew Livingston and Canyon Creek Developers (CCD), led by Christopher Han.

- RCRE is a residential development company specializing in for-sale and rental projects throughout the greater Los Angeles metro area and brings property management and general contractor affiliates to the process. As President of RCRE, Matthew brings a track record of over 20 years in all phases of development and management.
- As the owner of CCD, Christopher has been the lead principal in 3 senior care portfolios across the nation and is a recognized expert in new construction agency funding. CCD is recognized within the senior care industry for creating innovative and award-winning communities that embrace a high degree of local market characteristics and nuances. With an affiliate management company, CCD brings over 60 years of direct combined operating experience to draw upon as well.

The Manor

The Manor of West Covina is intended for residents aged 75 and older who require assistance with daily living tasks or a higher level of security and support arising from memory and other dementia related symptoms. Both resident populations will enjoy the same 24-hour safety, security and monitoring that the community provides. Residents requiring a memory care setting will be housed in a separate wing of the building that provides additional measures of safety and monitoring, as well a dedicated section of the courtyard for outdoor access.

Design

The Manor is being designed by Douglas Pancake Associates of Orange County, an award-winning firm specializing in senior care, ensuring a high level of quality, appearance and functionality integrity that enhances both the resident and staff experience. The Manor is designed around a central courtyard with visibility from all corridors that features ample landscaping and social and event spaces. Memory Care residents will enjoy a private section of the courtyard that provides dedicated outdoor space and a pathway designed to spur imagination.

Additionally, all residents will enjoy on-demand dining in both a dedicated dining hall, a separate bistro and wine café lounge, as well as a private dining room for special events and families. Memory Care residents will have their own dining facilities. Additional amenities include a full commercial kitchen, wine and dedicated event hall, full commercial kitchen, relaxation lounge/living room, full service nail and hair salon, wellness and activity room, game parlor, library and chapel.

Resident rent includes all utilities except individual phone and cable TV service, as well as housekeeping, laundry, all meals, transportation, activities and entertainment. Care support fees are charged separately as determined by the level of support the resident requires. Memory Care rent is fully inclusive of all services, including care.

Programmatic

In addition to care services, the Manor will provide a rich menu of daily programming and activities, both within and on outreach with the greater West Covina community. Both executive and shuttle transportation is provided, as well as the normal menu of support services including laundry, housekeeping, regular wellness checks, special dietary profiles and concierge services.

Operational

Operationally, the Manor will have a full-time management group of 6 professionals, managing 10-line staff and 10-care staff, and supported by an offsite management team of 3 professionals for a total labor force of up to 29 people, with a maximum of approximately 20 people at peak time between 8 am and 4 pm. Given the 24-hour care cycle, the Manor will create approximately 40 full time jobs.

**ASSISTED LIVING FACILITY
CITY OF WEST COVINA, CA**

FISCAL IMPACT ANALYSIS

Prepared for:

TERRY A. HAYES ASSOCIATES INC.

Prepared by:

THE NATELSON DALE GROUP, INC.

P.O. Box 489

Yorba Linda, CA 92885

Telephone: (714) 692-9596

Fax: (714) 692-9597

Web: www.natelsondale.com

March 2, 2020

<u>SECTION</u>	<u>PAGE</u>
1.0 INTRODUCTION.....	1
1.1. Organization of the Report	1
1.2. Scope of the Study	1
1.3. Project Description	1
2.0 EXECUTIVE SUMMARY	3
3.0 FISCAL IMPACTS – STUDY METHODOLOGY.....	4
3.1. Scope of the Analysis.....	4
3.2. Overview of Forecasting Methodology	4
3.3. Fiscal Revenues	5
3.4. Fiscal Costs	7

Appendix A: Fiscal Impact Model Calculations/Fiscal Model Inputs

1.0 INTRODUCTION

This report evaluates the fiscal impacts that would result from development of the proposed Assisted Living Facility project (“project”) in the City of West Covina (“City”). The project would consist of an 82,167-square foot, two-story building on a 2.27-acre site. In addition, the facility would include 91 units and 111 beds.

1.1. Organization of the Report

This introduction summarizes the project description and describes the scope of the study. Chapter 2 provides an Executive Summary of the study findings. Chapter 3 describes the methodology used for the analysis. Appendix A provides the detailed fiscal impact calculations for the two project scenarios considered in the analysis (as described below).

1.2. Scope of the Study

The fiscal impact analysis focuses on annually-recurring impacts to the City’s General Fund. The analysis excludes one-time costs such as processing costs related to new development. It is assumed that these costs would be offset by related revenue sources such as development impact fees, plan check fees, developer reimbursements, etc.

1.3. Project Description

Table 1-1, on the next page, provides a summary of the project features. The table also estimates the project’s resident population and on-site employment. As discussed in greater detail in Section 3.0, the estimated resident and employee populations are used as inputs in the fiscal impact model.

Table 1-1
Proposed Land Use Assumptions
Assisted Living Facility
City of West Covina

	Proposed Project
Assisted Living Facility	
Building Square Feet	82,167
Units	91
Beds	111
Population Summary	
Residents	111
Employees	50
Source: Applicant; The Natelson Dale Group, Inc. (TNDG).	

2.0 EXECUTIVE SUMMARY

As shown in Table 2-1, below, project is projected to generate approximately \$96,500 in annual General Fund revenue to the City. Expenditures are projected at about \$133,200 per year. Thus, the project would generate a net fiscal deficit of about \$36,700 per year to the City's General Fund.

Table 2-1
Summary of Annual Impacts to City's General Fund
Assisted Living Facility
City of West Covina

General Fund	Proposed Project
<u>Revenues</u>	
Property Tax	\$46,676
Property Tax in lieu of VLF	35,357
Sales Tax	3,982
Transient Occupancy Tax	2,044
Franchise Tax	4,575
Business License Tax/Business License Processing Fee	1,737
Other Taxes / Revenue	2,097
<i>Total Revenues</i>	<i>\$96,468</i>
<u>Expenditures</u>	
Police Department	\$12,912
Fire Department	106,573
Community Development	0
Public Services	4,172
General Government ¹	9,553
<i>Total Expenditures</i>	<i>\$133,210</i>
<i>Net Fiscal Impact</i>	<i>(\$36,742)</i>
Source: The Natelson Dale Group, Inc. (TNDG)	
1. Includes City Manager, City Clerk, Finance, and Human Resources	

3.0 FISCAL IMPACTS – STUDY METHODOLOGY

This section of the report describes the methodology used to forecast fiscal revenues and costs related to the proposed project.

3.1. Scope of the Analysis

The analysis focuses on annually-recurring impacts to the City of West Covina's General Fund. New General Fund revenues would be generated from the following sources:

- Property Tax
- Property Tax in Lieu of Vehicle License Fees (VLF)
- Sales and Use Tax (from operator taxable sales purchases)
- Off-Site Sales and Use Tax (from employees' purchases in off-site retail space)
- Transient Occupancy Tax
- Franchise Tax
- Business License
- Other Taxes/Revenue

The analysis forecasts the following General Fund costs related to the proposed project:

- Police Protection
- Fire Protection
- Public Services
- General Government

3.2. Overview of Forecasting Methodology

The analysis forecasts Police and Public Services (General Fund) expenditures based on per capita (i.e., per resident or per employee) factors derived the City's Fiscal Year 2019-20 preliminary budget. The Fire Department and General Government projected expenditures are based on case study methodologies (see Section 3.4). On the revenue side, the most significant revenues are based on case study methodologies (documented in Appendix A) that reflect customized factors for the proposed project. However, some revenue items (as documented in the Appendix) are based on per capita/per employee factors. The basic methodology for developing the per capita factors involves the following steps.

- Identify the budget line items that would be impacted on an annually-recurring basis due to the development of the proposed project.
- Given that the General Fund expenditures (and revenues) evaluated in this analysis are affected by both residential and non-residential development, the combined resident and "daytime" employee populations in the City are the relevant population.
- The allocation of the City's budget between residential and non-residential development (measured in terms of residents and employees respectively) is calculated as follows. For budget categories affected by residential development and non-residential development, the analysis assumes that one job is equivalent to 0.5 residents. See Appendix A, Tables A-11 and A-14.

- Calculate relevant population factors for each affected cost and revenue item based on the total amount in the City's current budget divided by the relevant population (as determined in the previous step for each line item). See Appendix A, Tables A-11 and A-14.
- Apply the derived per capita factors to the project's projected relevant population to forecast the project's cost/revenue impacts in the relevant City budget categories.

The following revenue categories do not use the per capita factor methodology. These are as follows:

- Property taxes (as well as property taxes in lieu of VLF fees) are projected based on the project's anticipated development value. The projected assessed value is based on available market data for similar properties. See Appendix A, Tables A-3 and A-4.
- Sales Tax revenue projections are based on facility-projected local spending as part of its annual operations, along with employees' purchases in retail facilities in the City. See Appendix A, Tables A-7 and A-8.
- Business license fee-related revenue is based on the City's business license fee schedule for the relevant business type. See Appendix A, Table A-9.

3.3. Fiscal Revenues

The specific assumptions for each revenue item are described below. The actual calculations are shown in Appendix A.

Property Taxes. Appendix A, Table A-5, provides a forecast of the annual property tax revenue to be generated by the proposed project. The property tax forecasts are based on the estimated assessed value of the proposed land use. The projected commercial development values are based on the applicant's estimate of total construction costs (building construction and land) for the proposed project, along with selected recent sales of comparable properties in the region (See Table A-3).

The basic property tax is 1.0% of the total assessed value. Of this total, the percentage accruing to the City's General Fund – which vary by tax rate area (TRA) – is provided in Appendix A, Table A-19¹. The project would generate approximately \$46,676 in incremental property tax revenue per year.

Property Tax in Lieu of VLF Fees. In addition to the standard property tax revenues, the City also receives separate property tax payments from the State in lieu of VLF revenues. This separate property tax line item accrues to the City's General Fund. The amount the City receives from the State increases annually based on the percentage increase in the City's total assessed valuation. Appendix A, Table A-6 provides a forecast of the Property Tax in Lieu of VLF revenue that the proposed project would generate

¹ Tax increment factors are provided by the Los Angeles County Auditor-Controller's office.

to the City’s General Fund. As shown in the table, the project would generate approximately \$35,357 in new Property Tax In Lieu of VLF revenue per year.

Operator-Generated Sales Tax. The City’s share of the sales tax is 1% of taxable sales occurring in the City of West Covina. Sales tax projections are based on projected annual operating expenditures on taxable sales in the City. As shown in Appendix A, Table A-8, the proposed project, through purchases of local taxable goods, would generate approximately \$781 per year in sales tax revenue.

Off-Site Sales Tax. As shown in Appendix A, Table A-7, the projected off-site sales tax generation by project employees and residents is based on their projected average daily taxable spending in the City. The table shows that this spending would generate approximately \$3,201 per year in sales tax revenue.

Business License Taxes. The City of West Covina collects business license taxes according to its business license fee schedule. The project would be classified under the “Property Rentals” category. Based on the fee schedule for this land use, the project would generate approximately \$1,723 in annual business license fees. In addition, the project would generate about \$14 in an associated business license processing fee. See Appendix A, Table A-9.

Per Capita-generated Revenues. The following General Fund revenue categories are projected on a per capita basis: Franchise Tax, Motor Vehicle in Lieu, State Mandated Revenue, Mutual Aid Cost Reimbursement, Proposition A Exchange, and Transient Occupancy Tax. The relevant population – resident or resident plus daytime employee populations – allocations are summarized in Appendix A, Table A-11. Following, Table A-12 provides the revenue projections for each category based on the relevant project population.

Appendix A, Table A-10 provides a summary of all General Fund budget categories that are not offsets to General Fund expenditures. As shown on the table, in cases where there is not a clear connection between the project and General Fund budget categories, the analysis does not project revenue increases (Use of Money and Property, Charges for Services, etc.).

3.4. Fiscal Costs

The specific assumptions for each affected General Fund cost category are described below.

Police Protection. The net Citywide Police Services budget for FY 2019-20 is \$29,296,222. Based on a total relevant population of 123,433 persons (108,116 residents plus 50% of the 15,317 employees), the net Citywide budget amounts to approximately \$237.35 per capita (see Appendix A, Table A-14). Given that the project is an Assisted Living Facility – and would be expected to generate less demand for police protection relative to traditional commercial, industrial and residential development – the unadjusted per capita factor would likely *overstate* police service expenditures. A recent study prepared by TischlerBise – a national leader in municipal fiscal impact analyses and methodologies – suggests that the nursing home/assisted living land use category generates significantly less impacts to police services relative to traditional land uses. Based on data provided in the study, this land use category only generates approximately 37% of the impacts, on average, relative to traditional land uses (residential, office, retail, etc.). Thus, this analysis adjusts the Police Services per capita factor by 40% (slightly higher than 37% estimate discussed above), as shown Table A-16.

By applying this adjusted per capita cost factor (\$94.94) to the projected effective population of the project, TNDG forecasts that the proposed project would generate approximately \$12,912 per year in new Police Protection costs.

Fire Protection. The City Fire Department provided call data for a select set of comparable assisted living facilities in the City for the previous a three-year period (2017 to 2019). Department staff identified nine facilities with similar characteristics to the proposed project (see Appendix A, Table A-17b). This set of comparable facilities has an aggregate total of 1,089 beds, and they generated approximately 779 Department calls in 2019 (call volumes were slightly lower in 2017 and 2018). Given the nature of assisted living facilities, these calls are estimated to primarily be Emergency Medical Services (EMS)-related calls. Thus, for this set of facilities, each bed generated approximately 0.72 Department calls (779 calls / 1,089 beds = 0.72).

The proposed project includes 111 beds. Applying the calculated bed per call factor yields a projected annual call volume of 80 EMS-related Department calls to the proposed facility ($0.72 * 111 = 80$; see Appendix A, Table A-17a). Based on the Department's net General Fund expenditures and the total call volume in 2019, the estimated Department cost per call for EMS services was approximately \$1,260. By applying this cost per call factor to the estimated project-generated EMS calls, TNDG forecasts that the project would generate approximately \$100,766 in new Fire Department EMS-related costs. Non-EMS call costs are projected on a per capita method, as discussed above. These costs are estimated at approximately \$5,807 (see Appendix A, Table A-17a). Thus, total Fire Department protection costs are estimated at approximately \$106,573.

Public Services. The net Citywide Public Services budget for FY 2019-20 is \$3,786,438. Based on a total relevant population of 123,433 persons (108,116 residents plus 50% of the 15,317 employees), the net Citywide budget amounts to approximately \$30.68 per capita (see Appendix A, Table A-14). By applying

this per capita cost factor to the projected effective population of the project, TNDG forecasts that the proposed project would generate approximately \$4,172 per year in new Public Services costs.

General Government (Administration and Overhead Costs). The Citywide General Fund budget, excluding administration and overhead costs categories for FY 2019-20 is \$59,231,083, and the Citywide General Fund Budget for administration and overhead costs categories² is \$6,127,689. The administration and overhead costs represent 10.3% of total expenditures in non-administrative categories (see Appendix A, Table A-15). City staff has acknowledged that a relatively small share of these general government costs is fixed; that is, some small share is not impacted by new development on a marginal basis. As a result, the analysis assumes that the marginal impact represents 75% of the total. Thus, the general government costs factor is calculated at 7.7% ($10.3\% \times 75.0\% = 7.7\%$) of total expenditures in non-administrative categories. By applying this overhead factor to the other General Fund cost impacts of the Project (totaling \$123,657), TNDG forecasts that the proposed project would generate approximately \$9,553 annually in overhead/administrative costs for the City's General Fund.

² The analysis treats the following General Fund cost categories as administrative and overhead costs: City Manager, City Clerk, Finance, and Human Resources.

APPENDIX A:

**Fiscal Impact Calculations
Fiscal Model Inputs/Factors**

City of West Covina

Table A-1
Summary of Annual Impacts to General Fund at Buildout
Assisted Living Facility
City of West Covina

General Fund	Amount
<u>Revenues</u>	
Property Tax	\$46,676
Property Tax in lieu of VLF	35,357
Sales Tax	3,982
Transient Occupancy Tax	2,044
Franchise Tax	4,575
Business License Tax/Business License Processing Fee	1,737
Other Taxes / Revenue	2,097
<i>Total Revenues</i>	<u>\$96,468</u>
<u>Expenditures</u>	
Police Department	\$12,912
Fire Department	106,573
Community Development	0
Public Services	4,172
General Government ¹	9,553
<i>Total Expenditures</i>	<u>\$133,210</u>
<i>Net General Fund Fiscal Impact</i>	<i>(\$36,742)</i>

Source: TNDG.

Note: 1. Includes City Manager, City Clerk, Finance, and Human Resources

Table A-2
Project Population Estimates
Assisted Living Facility
City of West Covina

Variable	Amount
Beds	111
<u>Residents</u>	
Residents per Bed	1
Total New Residents	111
<u>Employees</u>	
Total New Employees	50

Source: TNDG; Applicant.

Table A-3
New Assessed Value Derivation
Assisted Living Facility
City of West Covina

Variable	Amount
Square Feet of New Space	82,167
Assessed Value per Square Foot of New Space	\$393
New Assessed Value	\$32,291,631

Source: TNDG; Applicant

Table A-4
Total Assessed Value Estimate
Assisted Living Facility
City of West Covina

Assessed Value Category	Assessed Value
Existing Assessed Value	
Land	\$2,265,679
Improvements	0
Total Existing Assessed Value	\$2,265,679
New Building Space	32,291,631
Total Assessed Value	34,557,310

Source: TNDG, Table A-3.; Los Angeles County Assessors Office

Table A-5
Total Property Tax Increment to City's General Fund
Assisted Living Facility
City of West Covina

	<u>Overall Project</u>
Total Increase in Assessed Value	\$34,557,310
Total Property Tax Increment @ 1.0% of Assessed Value	\$345,573
City of West Covina General Fund Share	13.51%
<i>Annual General Fund Revenue</i>	<i>\$46,676</i>

Source: TNDG, Tables A-4 and B-1.

Table A-6
Projected Property Tax In Lieu of Vehicle License Fees (VLF)
Assisted Living Facility
City of West Covina

Citywide Property Tax In Lieu of VLF, FY 2019-20	\$12,341,200
City of West Covina Assessed Valuation (AV), FY 2018-19 (in \$000s)	\$11,271,186

<u>Variable</u>	<u>Overall Project</u>
Incremental Assessed Value from Project (in \$000s) ¹	\$32,292
Percentage Increase over FY 2018-19 Base	0.3%
<i>New Property Tax In Lieu of VLF</i>	<i>\$35,357</i>

Source: City of West Covina, City of West Covina, Preliminary Annual Operating & Capital Improvement Program Budget FY 2019-20; City of West Covina, 2018/19 Property Tax Summary; TNDG.

Notes: 1. See Table A-5

Table A-7
Estimate of New City Off-Site Sales Tax
Assisted Living Facility
City of West Covina

Variable	Amount
<u><i>Employee Portion</i></u>	
FTE Employees	50
Taxable Spending per Day in City	\$10.00
Employee Days per Year	235
Total Annual Employee Taxable Spending in City	\$117,500
Total New Sales Tax at 1.0% of Taxable Sales	\$1,175
<u><i>Resident Portion</i></u>	
Residents	111
Taxable Spending per Day in City	\$5.00
Resident Days per Year	365
Total Annual Employee Taxable Spending in City	\$202,575
Total New Sales Tax at 1.0% of Taxable Sales	\$2,026
NEW SALES TAX REVENUE - GRAND TOTAL	\$3,201

Source: TNDG.

Table A-8
Estimate of Operator-Generated Sales Tax
Assisted Living Facility
City of West Covina

Taxable Operating Budget Expenditures	Amount	% Taxable in City	Taxable Sales
General administrative (office supplies, equipment, etc.)	\$78,000	25%	19,500
Marketing and Events	72,000	10%	7,200
Raw food and beverage	284,000	10%	28,400
Resident supplies and activities	32,000	25%	8,000
Local hardware and spot labor	30,000	25%	7,500
Auto related (vehicle and running costs only)	30,000	25%	7,500
Total/Average	526,000	15%	78,100
Sales Tax @ 1.0% of Taxable Sales			\$781

Source: TNDG; Applicant.

Table A-9
Estimate of New Business License Tax Revenue
Assisted Living Facility
City of West Covina

Variable	Amount
<i><u>Residential Rental. Apartment, Hotels Category</u></i>	
Base Fee - First Two Units	\$89.67
Additional Fee - Over 2 units @ \$18.35 / Unit	\$1,633
Total Business License Fee	<u>\$1,723</u>
Business License Processing Fee @ 0.8% of Total	\$14

Source: City of West Covina, Business License Fee Schedule, 2018; City of West Covina, Preliminary Annual Operating & Capital Improvement Program Budget FY 2019-20; TNDG.

Table A-10
Relevant General Fund Net Revenues
Assisted Living Facility Project
City of West Covina

Revenue Category	2019-20 Proposed	Offset to Expenditures	2019-20 Net	Projection Basis
<u>Property Taxes</u>				
PROPERTY TAXES	12,063,600	0	12,063,600	--Case Study - Table A-5--
PROPERTY TAX IN-LIEU	12,341,200	0	12,341,200	--Case Study - Table A-6--
REDISTRIBUTED REDEVELOPMENT PROPERTY TAX TRUST FUND (RPTTF)	2,275,600	0	2,275,600	Not Projected
Total	26,680,400	0	26,680,400	
<u>Other Taxes</u>				
SALES TAX	16,900,000	0	16,900,000	--Case Study - Tables A-6 & A-7--
FRANCHISE TAX	4,152,300	0	4,152,300	Per Capita
TRANSIENT OCCUPANCY TAX	1,855,400	0	1,855,400	Per Capita
BUSINESS LICENSE TAX	2,300,000	0	2,300,000	--Case Study - Table A-9--
DOCUMENTARY TRANSFER TAX	300,000	0	300,000	Not Projected
CONTRACTORS LICENSE TAX	300,000	0	300,000	Not Projected
Total	25,807,700	0	25,807,700	
<u>Use of Money and Property</u>				
INTEREST INCOME	208,900	0	208,900	Not Projected
RENTAL INCOME	719,300	20,400	698,900	Not Projected
Total	928,200	20,400	907,800	
<u>Revenue From Other Agencies</u>				
MOTOR VEHICLE IN LIEU	52,000	0	52,000	Per Capita
STATE MANDATED REVENUE	50,500	2,500	48,000	Per Capita
MUTUAL AID COST REIMBURSEMENT	273,000	0	273,000	Per Capita
PROPOSITION A EXCHANGE	1,650,000	0	1,650,000	Per Capita
Total	2,025,500	2,500	2,023,000	
<u>Charges for Services</u>				
BUSINESS LICENSE PROCESSING FEE	17,500		17,500	--Case Study - Table A-9--
PHOTOCOPYING	100		100	Not Projected
RETURNED CHECK FEE	500		500	Not Projected
ADDRESS CHANGE	200		200	Not Projected
PASSPORT PHOTOS	20,000	5,000	15,000	Not Projected
PAID PARKING - CIVIC CENTER	40,000		40,000	Not Projected
SERVICE FEE - CREDIT/DEBIT CARDS	15,000		15,000	Not Projected
Total	93,300	5,000	88,300	
<u>Other Revenues</u>				
PROCEEDS FROM SALE	163,000		163,000	Not Projected
CLAIMS SETTLEMENTS	1,000		1,000	Not Projected
Total	164,000	0	164,000	

Source: City of West Covina, Preliminary Annual Operating & Capital Improvement Program Budget FY 2019-20; TNDG.

Table A-11**Derivation of Revenue Projection Factors****Assisted Living Facility Project****City of West Covina**

City of West Covina Population	108,116
City of West Covina, Employee Population	30,633

Employee Weighting Factor	0.50
Effective Employee Population	15,317

Budget Category	Citywide Net GF Revenues FY 2019/20	Allocation Basis¹	Relevant Population	Per Capita Revenue
Franchise Tax	\$4,152,300	R+E	123,433	\$33.64
Motor Vehicle In Lieu	52,000	R	108,116	.48
State Mandated Revenue	48,000	R	108,116	.44
Mutual Aid Cost Reimbursement	273,000	R+E	123,433	2.21
Proposition A Exchange	1,650,000	R	108,116	15.26
Transient Occupancy Tax	1,855,400	R+E	123,433	15.03

Source: State of California, Department of Finance, E-5 Table; Southern California Association of Governments, 2016 RTP;

Notes: 1. Allocation basis: R - residents; R+E - residents plus effective employee population

Table A-12
Per Capita Revenue Estimates
Assisted Living Facility Project
City of West Covina

Budget Category	Citywide Net GF Revenues FY 2019/20	Per Capita Factor	Allocation Basis¹	Project Population	Total Revenue
Franchise Tax	\$4,152,300	\$33.64	R+E	136	\$4,575
Motor Vehicle In Lieu	52,000	.48	R	111	53
State Mandated Revenue	48,000	.44	R	111	49
Mutual Aid Cost Reimbursement	273,000	2.21	R+E	136	301
Proposition A Exchange	1,650,000	15.26	R	111	1,694
Transient Occupancy Tax	1,855,400	15.03	R+E	136	2,044

Source: City of West Covina, Preliminary Annual Operating & Capital Improvement Program Budget FY 2019-20; TNDG, Table A-10.

Notes: 1. Allocation basis: R - project residents; R+E - project residents plus effective employees

Table A-13
General Fund Net Expenditures
Assisted Living Facility Project
City of West Covina

Department / Division	2019-20 Proposed	Offsetting Revenue	Net Costs
City Manager			
City Council (1110)	68,930	0	68,930
City Manager (1120)	771,474	0	771,474
City Attorney (1140)	537,000	0	537,000
Information Technology (1340)	1,424,112	0	1,424,112
Subtotal	2,801,516	0	2,801,516
City Clerk (1210)	347,497	0	347,497
Finance			
City Treasurer (1305)	0	0	0
Finance Administration (1310)	2,292,386	0	2,292,386
Subtotal	2,292,386	0	2,292,386
Human Resources			
HR Commission (1401)	1,527	0	1,527
Human Resources (1410)	684,763	0	684,763
Subtotal	686,290	0	686,290
Police			
Police Administration (3110)	5,712,110	1,663,500	4,048,610
Jail (3115)	620,255	0	620,255
Dispatch (3116)	2,186,557	0	2,186,557
Patrol (3120)	15,423,268	0	15,423,268
Traffic (3121)	1,292,171	0	1,292,171
Investigations (3130)	4,538,037	0	4,538,037
Special Enforcement Team (3131)	1,187,324	0	1,187,324
Subtotal	30,959,722	1,663,500	29,296,222
Fire			
Fire (3210)	20,136,381	3,143,600	16,992,781
Fire Prevention (3230)	247,699	259,000	(11,301)
Emergency Services (3240)	19,100	0	19,100
Subtotal	20,403,180	3,402,600	17,000,580
Community Development			
Economic Development (1150)	190,517	0	190,517
Planning Commission (2101)	4,633	0	4,633
Planning (2110)	518,877	415,000	103,877
Community Enhancement (3125)	164,073	0	164,073
Community Development (4110)	118,716	0	118,716
Building Services (4120)	468,518	1,191,500	(722,982)
General Engineering (4130)	145,276	192,700	(47,424)
Landfill Enforcement (4182)	19,815	75,000	(55,185)
Subtotal	1,630,425	1,874,200	(243,775)
Public Services			
Maintenance Service (4140)	243,209	0	243,209
Park Maintenance (4142)	1,575,606	0	1,575,606
City Buildings (4144)	1,076,713	0	1,076,713
Graffiti (4147)	152,434	0	152,434
Street Maintenance (4151)	0	0	0
Community Services Commission (5101)	4,256	0	4,256
Youth Council (5103)	0	0	0
Public Services Administration (5110)	320,607	135,400	185,207
Wescove Afterschool Program (5132)	150,297	150,500	(203)
Vine Afterschool Program (5133)	139,825	220,000	(80,175)
Orangetown Afterschool Program (5134)	0	0	0
Palmview Preschool Program (5135)	129,690	150,000	(20,310)
Special Events (5150)	83,241	0	83,241
Cameron Community Center (5161)	468,590	300,000	168,590
Facility Rentals (5162)	55,162	166,500	(111,338)
Recreation Classes (Shadow Oak) (5165)	232,734	195,000	37,734
Aquatics (5169)	0	0	0
Pool Maintenance (5171)	0	0	0
Senior Citizen Center (5180)	336,474	115,000	221,474
Animal Control (5190)	690,000	440,000	250,000
Subtotal	5,658,838	1,872,400	3,786,438
Transfer Out (9500)	578,918	0	578,918
Total	\$65,358,772	\$8,812,700	\$56,546,072

Source: City of West Covina, Preliminary Annual Operating & Capital Improvement Program Budget FY 2019-20; TNDG.

Table A-14
Derivation of Cost Projection Factors
Assisted Living Facility Project
City of West Covina

City of West Covina Population	108,116
City of West Covina, Employee Population	30,633

Employee Weighting Factor	0.50
Effective Employee Population	15,317

Budget Category	Citywide GF Budget FY 2019/20	Less: Offsetting GF Revenues	Net General Fund Cost	Allocation Basis¹	Relevant Population	Per Capita Costs
Police Department	\$30,959,722	\$1,663,500	\$29,296,222	R+E	123,433	\$237.35
Fire Department	20,403,180	3,402,600	17,000,580	-- Case Study Approach (Table A-17) --		
Community Development	1,630,425	1,874,200	(243,775)	R+E	123,433	\$0.00
Public Services	5,658,838	1,872,400	3,786,438	R+E	123,433	\$30.68

Source: State of California, Department of Finance, E-5 Table; Southern California Association of Governments; City of West Covina, Preliminary Annual Operating & Capital Improvement Program FY 2019-20; TNDG, Table A-13

Notes: 1. Allocation basis: R+E - residents plus effective employee population. GF = General Fund.

Table A-15
Derivation of General Government Costs Factor
Assisted Living Facility Project
City of West Covina

General Government Categories	2019-20 Annual Budget
City Manager	\$2,801,516
City Clerk	347,497
Finance	2,292,386
Human Resources	686,290
Total	<u>\$6,127,689</u>
General Fund Total	\$65,358,772
General Fund (non-Gen Gov't)	\$59,231,083
General Government Functions @	<div>10.3%</div> of other General Fund costs

Source: City of West Covina, Preliminary Annual Operating & Capital Improvement Program Budget FY 2019-20; TNDG, Table A-13

Table A-16
Projected General Fund Expenditures
Assisted Living Facility Project
City of West Covina

Budget Category	Citywide Net GF Expenditures FY 2019/20	Per Capita Factor	Project Specific Adjustment %	Adjusted Per Capita Factor	Allocation Basis¹	Project Population	Total Expenditures
Police Department	\$29,296,222	\$237.35	40%	\$94.94	R+E	136	\$12,912
Fire Department	17,000,580			-- Case Study Approach (Table A-17) --			
Community Development	(243,775)	\$0.00	0%	\$0.00	R+E	136	\$0
Public Services	3,786,438	\$30.68	0%	\$30.68	R+E	136	\$4,172

Source: City of West Covina, Preliminary Annual Operating & Capital Improvement Program Budget FY 2019-20; TNDG, Table A-13.

Notes: 1. Allocation basis: R - project residents; R+E - project residents plus effective employees

Table A-17a
Projected Fire Department Costs
Assisted Living Facility Project
City of West Covina

Variable	Amount
Project Beds	111
Annual Fire Department Calls per Bed	0.72
Project-Generated Calls	80
<u><i>Estimated Department Costs Per Call- EMS</i></u>	
Net General Fund Expenditures ¹	\$17,000,580
Percent Related to EMS	69%
Net General Fund Expenditures-EMS Calls ¹	11,730,400
Fire Department Calls - Year 2019	9,313
EMS Cost per Call	\$1,260
Project-generated Costs - EMS Calls	\$100,766
<u><i>Estimated Department Costs Per Call- Non-EMS</i></u>	
Net General Fund Expenditures ¹	\$5,270,180
City Relevant Population	123,433
Non-EMS Fire Protection Costs Per Capita	\$42.70
Equivalent Project Population	136
Non-EMS Project-generated Costs	\$5,807
<i>Estimated project-generated Fire Dept. Costs</i>	<i>\$106,573</i>

Source: City of West Covina, Fire Department; Preliminary Annual Operating & Capital Improvement Program Budget FY 2019-20; TNDG, Tables A-13 and A-17b.

Notes: 1. Fire Department net expenditures, FY 2019-20 Proposed (Table A-13).

Table A-17b

Fire Department Call Data - Assisted Living Facilities

Assisted Living Facility Project

City of West Covina

Comparable Assisted Living Facilities - Name / Location

WEST COVINA HEALTH CARE SERVICES - 850 S SUNKIST AVE 91790

BEACON HEALTH CARE - 919 N SUNSET AVE 91790

CLARA BALDWIN STOCKER HOME FOR WOMEN - 527 S VALINDA AVE 91790

EMANATE HEALTH (BiPlane) - 1115 S SUNSET AVE 91790

REGENCY GRAND ASSISTED LIVING - 150 S GRAND AVE 91791

FIVE ACRES - 2934 E GARVEY AVE S SUITE #101 & 102 91790

WEST HAVEN HEALTH CARE - 1495 W CAMERON AVE 91790

COUNTRY VIEW - 824 W CAMERON AVE 91790

BRIDGE CREEK - 3601 E HOLT 91792

Total Beds 1,089

Total Facility Calls - 2019 779

Calls per Bed - 2019 0.72

Source: City of West Covina Fire Department; TNDG.

Table A-18
Projected General Government Costs
Assisted Living Facility Project
City of West Covina

Core Government Functions	Project Expenditures
Police Department	\$12,912
Fire Department	106,573
Community Development	0
Public Services	4,172
Total	\$123,657
General Government Functions @	10.3% of other General Fund costs
Marginal Increase Adjustment Factor	75.0%
ADJUSTED General Government Functions @	7.7% of other General Fund costs
General Government Costs	\$9,553
Total Expenditures	\$133,210

Source: City of West Covina, Preliminary Annual Operating & Capital Improvement Program Budget FY 2019-20; TNDG, Table A-13.

Table A-19
General 1% Property Tax Breakdown by Agency for Tax Rate Area (TRA) 09495
Assisted Living Facility
City of West Covina

Account	Agency Name	Ratio
001.05	LOS ANGELES COUNTY GENERAL	0.329210050
001.20	L.A. COUNTY ACCUM CAP OUTLAY	0.000116849
003.01	L A COUNTY LIBRARY	0.024082186
007.31	L A C FIRE FFW	0.007560111
030.10	L.A.CO.FL.CON.DR.IMP.DIST.MAINT.	0.001801250
030.70	LA CO FLOOD CONTROL MAINT	0.010193700
066.85	CO SANIT DIST NO 22 OPERATING	0.014142753
280.01	CITY WEST COVINA TD #1	0.135068968
280.80	CITY WEST COVINA SEWER MAIN DIST	0.003133792
368.10	UPP.SAN.GAB.VY.MUN.W. W.COVINA A	0.000577455
400.00	EDUCATIONAL REV AUGMENTATION FD	0.074459681
400.01	EDUCATIONAL AUG FD IMPOUND	0.169291092
400.15	COUNTY SCHOOL SERVICES	0.001449211
400.21	CHILDREN'S INSTIL TUITION FUND	0.002876174
809.04	MT.SAN ANTONIO COMMUNITY COLLEGE	0.031041258
809.20	MT SAN ANTONIO CHILDRENS CTR FD	0.000299615
985.03	WEST COVINA UNIF. SCHOOL DIST	0.185970180
985.06	CO.SCH.SERV.FD. WEST COVINA	0.007853265
985.07	DEV.CTR.HDCPD.MINOR WEST COVINA	0.000872410
Total		1.000000000

Source: Los Angeles County Auditor-Controller

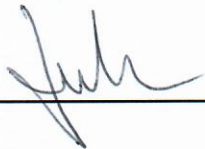
January 29, 2020

Re: Letter of Support for West Covina Manor, located at 1912 W.
Merced Ave. West Covina, CA 91790

To Whom It May Concern,

I live at _____
West Covina, California, and I am a neighbor of the proposed West
Covina Manor Senior Care Residence, and I understand Ridge
Crest Real Estate is proposing an assisted living facility. I am
signing this letter to express my support for this project on the
property.

Sincerely,

 _____ / 2-7-20
Date
Allan Nava / 03 gmail _____ / _____
Date

January 29, 2020

Re: Letter of Support for West Covina Manor, located at 1912 W.
Merced Ave. West Covina, CA 91790

To Whom It May Concern,

I live at 1205 Van horn
West Covina, California, and I am a neighbor of the proposed West
Covina Manor Senior Care Residence, and I understand Ridge
Crest Real Estate is proposing an assisted living facility. I am
signing this letter to express my support for this project on the
property.

Sincerely,

JL Am / Feb-7-2020
Date

_____/_____
Date

January 29,2020

Re: Letter of Support for West Covina Manor, located at 1912 W.
Merced Ave. West Covina, CA 91790

To Whom It May Concern,

I live at Jlhamas 55@yahoo.com

West Covina, California, and I am a neighbor of the proposed West Covina Manor Senior Care Residence, and I understand Ridge Crest Real Estate is proposing an assistant living facility. I am signing this letter to express my support for this project on the property.

Sincerely,

_____/_____
Date

_____/_____
Date

January 29, 2020

Re: Letter of Support for West Covina Manor, located at 1912 W.
Merced Ave. West Covina, CA 91790

To Whom It May Concern,

I live at 1237 S. Vanhorn Ave, W. Covina 91790
West Covina, California, and I am a neighbor of the proposed West
Covina Manor Senior Care Residence, and I understand Ridge
Crest Real Estate is proposing an assisted living facility. I am
signing this letter to express my support for this project on the
property.

Sincerely,

Esther O. Squire

/ 1/29/2020
Date

/ _____
Date

January 29, 2020

Re: Letter of Support for West Covina Manor, located at 1912 W.
Merced Ave. West Covina, CA 91790

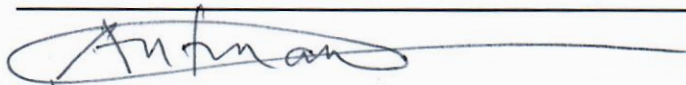
To Whom It May Concern,

I live at 1233 S. Van Horn Ave., West Covina, LA CA 91790
West Covina, California, and I am a neighbor of the proposed West
Covina Manor Senior Care Residence, and I understand Ridge
Crest Real Estate is proposing an assisted living facility. I am
signing this letter to express my support for this project on the
property.

Sincerely,


CELIA MANALANG

/ 1/29/20
Date


ANTONIO MANALANG

/ 1/29/20
Date

PLANNING DEPARTMENT STAFF REPORT

SUBJECT

CODE AMENDMENT NO. 20-04

GENERAL EXEMPTION

LOCATION: Citywide

REQUEST: The proposed code amendment consists of certain amendments to the Zoning section of the West Covina Municipal Code to modify development standards within the Residential-Agriculture (RA) and Single-Family Residential (R-1) zones. The proposed code amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3).

BACKGROUND

On February 25, 2020, the Planning Commission held a study session pertaining to Accessory Dwelling Units (ADU) and certain R-A/R-1 code standards, and adopted Resolution No. 20-6028, which initiated Code Amendment No. 20-04. Although Code Amendment No. 20-04 was brought forth because of the State's ADU mandate, the proposed Code Amendment is unrelated to the ADU Ordinance. This Code Amendment would address certain R-A/R-1 standards that the State's ADU mandate made necessary.

The proposed Code Amendment was drafted based on Planning Commission direction received during the February 25, 2020 study session.

DISCUSSION

The draft ordinance provides the following changes to the West Covina Municipal Code (WCMC):

Sections 26-62 and 26-391(2) - Habitable Bonus Rooms

The Code Amendment provides a definition for "habitable bonus room" and allows for the construction of a 200 square-foot maximum size detached habitable bonus room subject to certain limitations (i.e. no interior bathroom, no kitchen, consistent with other accessory structures. Currently, the WCMC does not allow for habitable accessory structures other than accessory dwelling units.

Sections 26-402(a), (b), and (e) - Off-street Parking and Garage Requirements

The Code Amendment removes redundant dates identified in the current Code and increases the threshold for the two-car garage/parking requirement. Currently, the WCMC two-car garage requirement is only triggered if the proposed construction exceeds the maximum unit size allowed for the property, the Code Amendment would require properties with additions greater than 300 square feet to provide 4 off-street parking spaces (2 of which is required to be enclosed).

Sections 26-402.6(b)(2) and (e) - Driveways

The Code Amendment clarifies that primary driveways are allowed to lead to required parking spaces and identifies 20 feet as the maximum driveway width if the property does not have a garage. Currently, the Code only allows primary driveways to lead to covered parking spaces and bases maximum driveway width on the width of the garage.

Section 26-405.7(c) - Second-Story Setbacks

The Code Amendment requires second-story setbacks for structures with an exterior wall height greater than 12 feet and for structures with an overall height greater than 16 feet.

Section 26-749.160(a) - Animal Keeping Overlay Zone

The Code Amendment clarifies that habitable bonus rooms proposed on the lower pad area of properties within the Animal Keeping Overlay Zone require an Administrative Use Permit.

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 simply revise existing standards.

STAFF RECOMMENDATIONS

Staff recommends that the Planning Commission adopt a resolution recommending approval of Code Amendment No. 20-04 to the City Council.

Submitted by: Jo-Anne Burns, Planning Manager

Attachments

Attachment No.1 - Resolution Recommending Approval

Attachment No. 2 - February 25, 2020 Study Session Staff Report

Attachment No. 3 - Resolution No. 20-6028 (Initiation)

**PLANNING COMMISSION
RESOLUTION NO. 20-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
WEST COVINA, CALIFORNIA, RECOMMENDING TO THE CITY
COUNCIL APPROVAL OF CODE AMENDMENT NO. 20-04, CODE
AMENDMENT RELATED TO RESIDENTIAL-AGRICULTURE (R-A)
AND SINGLE-FAMILY RESIDENTIAL (R-1) STANDARDS**

CODE AMENDMENT NO. 20-04

GENERAL EXEMPTION

APPLICANT: City of West Covina

LOCATION: Citywide

WHEREAS, on the 25th day of February 2020, the Planning Commission conducted a study session and initiated a code amendment related to Residential-Agriculture (R-A) and Single-Family Residential (R-1) standards; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 28th day of April 2020, 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 City's R-A and R-1 standards were last updated in February 18, 2020.
2. It is necessary to amend the municipal code to address issues that was brought forth by the State's Accessory Dwelling Unit Mandate.
3. 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. 20-04 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. 20-04.

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. 20-04 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.

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 28th day of April 2020, by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: April 28, 2020

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 APPROVING CODE AMENDMENT CODE AMENDMENT NO. 20-04, CODE AMENDMENT RELATED TO RESIDENTIAL-AGRICULTURE (R-A) AND SINGLE-FAMILY RESIDENTIAL (R-1) STANDARD

WHEREAS, the City's R-A and R-1 standards were last updated in February 18, 2020; and

WHEREAS, on the February 25, 2020, the Planning Commission conducted a study session and initiated a code amendment related to Residential-Agriculture (R-A) and Single-Family Residential (R-1) standards; and

WHEREAS, the Planning Commission, upon giving the required notice, did on April 28, 2020, conduct a duly advertised public hearing as prescribed by law to make recommendations to the City Council to approve Code Amendment No. 20-04; and

WHEREAS, the City Council, upon giving the required notice, did on the ____ day of _____, 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.

WHEREFORE, THE MAYOR AND THE CITY COUNCIL OF THE CITY OF WEST COVINA HEREBY ORDAINS AS FOLLOWS:

SECTION NO. 1: Section 26-63 of the West Covina Municipal Code is hereby amended to include the following definition to be inserted consistent with alphabetical ordering:

Habitable bonus room. A detached structure used for private recreational purposes accessory to a residential use with its own separate exterior access/entrance.

SECTION NO. 2: Subsection (2) of Section 26-391 of the West Covina Municipal Code is hereby amended to read as follows:

(2) Accessory buildings.

a. Accessory dwelling units as allowed per article XII, division 11 (26-685.30 *et seq.*).

b. Habitable bonus rooms no greater than 200 square feet, provided that the structure is not attached to other accessory structures and/or uses, and complies with the following limitations:

1. Habitable bonus rooms greater than 200 square feet are not allowed.

2. No more than one (1) habitable bonus room shall be allowed per lot.

2. Habitable bonus rooms shall not contain an interior bathroom, but may have an exterior bathroom that is not directly accessible from the bonus room.

3. Habitable bonus rooms shall not have any kitchen equipment and/or any cooking facilities, including but not limited to the following: kitchen cabinets, kitchen sink, stove, oven, or full-size refrigerator/freezer.

4. Habitable bonus rooms may only be located behind the primary residence and shall not be located within the area between the front property line and a line parallel to the back of the primary residence.

5. Habitable bonus rooms may not be located within 10 feet of another structure.

6. Habitable bonus rooms may not be constructed on properties improved with an Accessory Dwelling Unit or Junior Accessory Dwelling Unit.

7. Habitable bonus rooms shall not be rented out as a separate unit, and shall only be used for private recreational purposes.

8. A covenant approved by the director identifying the occupancy and limitations of the site in relation to the bonus room, shall be recorded with the county recorder. The applicant shall be responsible to prove the vesting and show evidence of recordation and shall pay the cost thereof.

b.c. Nonhabitable accessory buildings or structures, including, but not limited to the following:

1. Garages;

2. Carports;

3. Workshops;

4. Storage rooms or sheds;

5. Detached patio covers;

6. Pool bathroom or detached bathroom.

All nonhabitable accessory buildings of more than one hundred twenty (120) square feet shall file a covenant defining the use of the accessory building and stating that the building shall not be converted to any other use without city approval including an accessory dwelling unit.

SECTION NO. 3: Subsection (a) of Section 26-402 of the West Covina Municipal Code is hereby amended to read as follows:

- (a) Each single-family dwelling shall provide four (4) accessible off-street parking spaces for each dwelling unit. A minimum of two (2) spaces shall be enclosed on three (3) sides and roofed. ~~The provisions of this section shall apply to new single family dwelling construction after January 1, 1993.~~

SECTION NO. 4: Subsection (b) of Section 26-402 of the West Covina Municipal Code is hereby amended to read as follows:

- (b) For single-family dwellings with a gross floor area (exclusive of garages) of four thousand five hundred (4,500) square feet or greater or with five (5) or more bedrooms a minimum of the three (3) off-street parking spaces located within an enclosed garage is required. Tandem parking may be permissible for the purpose of providing the three (3) required parking spaces provided tandem parking is limited to not more than one (1) vehicle behind another and a minimum of two (2) parking spaces are provided side-by-side at the garage entrance. Legal nonconforming covered parking spaces ~~in existence prior to February 21, 2014~~ that do not fully meet these requirements may continue to be maintained, repaired, and/or rebuilt to the same size and configuration as long as such nonconforming covered parking spaces were legally established and maintained. The requirements of this section shall apply to new construction and the expansion of existing single-family dwellings.

SECTION NO. 5: Subsection (e) of Section 26-402 of the West Covina Municipal Code is hereby amended to read as follows:

- (e) Garages and carport shall have a minimum interior clear width and depth of twenty (20) feet between columns or walls. Three-car garages shall have a minimum interior clear width of thirty (30) feet and depth of twenty (20) feet. In cases where a tandem parking space is proposed to comply with a required three-car garage, a minimum of two (2) parking spaces shall be provided side-by-side at the garage entrance and minimum ten (10) feet by twenty (20) feet shall be provided behind. Unless otherwise approved in advance by the planning director in writing, placement of garage doors shall be centered between columns or walls. Access to such parking shall be paved, not less than twelve (12) feet in width, nor wider than the garage or carport, except as modified in section 26-402.5. The balance of the required spaces, if uncovered, shall have minimum dimensions of eight (8) feet by sixteen (16) feet.
- (1) In the case where an expansion to the existing single-family structure exceeds 300 square feet, or exceeds the maximum permitted for a lot as outlined in section 26-296.1100, any garage or carport shall conform to the provisions regulating width and depth in subsection ~~(e)-(e)~~ of this section, the provisions regulating the number of required off-street parking spaces in subsection (a) and any front, side and rear yards as regulated by this article.

SECTION NO. 6: Subsection (b)(2) of Section 26-402.5 of the West Covina Municipal Code is hereby amended to read as follows:

- (2) A "primary driveway" shall be defined as that area providing direct access from the street to a garage, ~~or~~ carport, or required parking space(s) with a minimum length of twenty-two (22) feet. No driveway established prior to June 1, 1991, by permit, shall be considered nonconforming.

SECTION NO. 7: Subsection (e) of Section 26-402.5 of the West Covina Municipal Code is hereby amended to read as follows:

- (e) Pavement in the front yard shall be limited to the width of the garage or carport, plus an additional six (6) feet on either or both sides of the garage or carport driveway, or an additional twelve (12) feet on one side of the driveway and any secondary driveway. In instances where the property does not have a garage or carport, the front yard driveway pavement shall be limited to 20 feet in width. Substitutions of paved materials for the additional paved areas are permitted if found to be substantially similar to the requirements of this article. In cases of irregularly shaped lots or sites hampered by topographical features, the additions shall be parallel to and/or concentric with the access drive.

SECTION NO. 8: Subsection (c) of Section 26-405.7 of the West Covina Municipal Code is hereby amended to read as follows:

- (c) As used in this section, second story setback shall also apply to any portion of the first story consisting of unused air space such as an open beam or vaulted ceiling area (excluding roof and attic space) ~~and measuring~~ twelve (12) feet above the finished floor of the first story, any structure with an exterior wall height measuring twelve (12) feet or more above adjacent grade, or any structure greater than sixteen (16) feet in height as measured from the lowest adjacent grade to the highest point.

SECTION NO. 9: Subsection (a) of Section 26-749.160 of the West Covina Municipal Code is hereby amended to read as follows:

- (a) Prior to the construction of any improvement in the lower pad area such as habitable structures (including accessory dwelling units and habitable bonus rooms), nonhabitable structures that require the issuance of a building permit, swimming pools, spas, sports courts, and similar uses (whether or not a building permit is required), an administrative use permit shall be required as specified in article VI, division 5 of this chapter 26.

SECTION NO. 10: 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. 11: This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage.

PASSED, APPROVED AND ADOPTED this _____.

Tony Wu
Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherrick
Assistant City Clerk

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

AYES:

NOES:

ABSENT:

ABSTAINED:

Lisa Sherrick
Assistant City Clerk

The City of West Covina
Memorandum
A G E N D A

ITEM NO. 3.

TO: Planning
Commission

DATE: February 25, 2020

FROM: Planning Division

**SUBJECT: STUDY SESSION - CODE AMENDMENT NO. 19-06 STATE
MANDATED ACCESSORY DWELLING UNITS**

BACKGROUND:

In September 2019 the State Legislature adopted Senate Bill (SB) 13 and Assembly Bills (AB) 68, 670, and 881 which were signed by Governor Newsom in October 2019 and took effect on January 1, 2020. Cities that did not adopt an ordinance pertaining to accessory dwelling units (ADUs) in compliance with State law are mandated to allow accessory dwelling units pursuant only to the State law standards described in the Government Code. Based on those actions by the state, the Planning Commission initiated Code Amendment 19-06 on November 26, 2019.

On December 17, 2019, the City Council adopted an Urgency Ordinance (Ordinance No. 2465) in compliance with the State mandated requirements. It is noted that the adopted legislation is ambiguous at best with regard to several matters. The adopted ordinance reflects the City Attorney and staff's best interpretation, keeping in mind previous directives from the Department of Housing and Community Development ("HCD") and the Legislature's overriding intent this past legislative session to deal with California's housing crisis. The urgency ordinance was has been prepared, due to time constraints, allowing the ordinance to take effect immediately so that the mandated standards were in effect on January 1, 2020. A more comprehensive code amendment was intended to follow allowing for Planning Commission study sessions, a hearing at Planning Commission and a hearing at City Council.

DISCUSSION:

Since the adoption of the Urgency Ordinance, staff has been reviewing the adopted standards. Since the beginning of 2020, staff has also been discussing the adopted ordinance with individuals interested in constructing ADUs. Staff has noted items to consider in the Zoning Code. The bills adopted by the State that mandate these changes were not done in cooperation or in consideration of each other. So there are inconsistencies within the Bills that have transferred as inconsistencies in the Urgency Ordinance. Subsequently, there two categories of recommendations which include, standards for the Zoning Code, and inconsistencies within the adopted Urgency Ordinance.

Zoning Code

The City has standards for the construction or additions to single-family properties. The following is a list of

standards that the City might consider revising:

Limit house additions with no garage or covered parking or amount of parking. The Municipal Code already does this in that single family construction requiring a Conditional Use Permit (CUP) or Administrative Use Permit require the house to comply with current parking standards (26-402 (e)(1)). The Commission could consider changing the standard to restrict additions to the house of a certain size (such as 200, 300, 400, or 500 square feet) if the property did not include a minimum two-car garage. Furthermore, the Commission could also consider specifically prohibiting the addition of bedrooms if the property did not include a minimum two-car garage (the three-car garage requirement threshold is currently tied to the number of bedrooms proposed). This would eliminate the ability to add on to the house if the house did not provide the required parking (generally 2 covered spaces).

Limit house additions when lot does not meet the minimum number of parking spaces. This is similar to the previous concept, except it would include the requirement for all parking spaces. Generally, the Code requires 2 covered spaces and 2 uncovered spaces per single family house (26-402(a) and (g)). The Commission could consider changing the standard to restrict additions to the house of a certain size (such as 200, 300, 400, or 500 square feet) if the property does not comply with the required number of parking spaces (generally 2 covered and 2 uncovered).

Revise Section 26-402 (a) (Off-street parking) to remove date 1/1/93. This Code section requires each house to provide four off-street parking spaces and then includes a statement that the section does not apply to houses constructed prior to 1993. Nonconforming lots are allowed to remain as is unless new construction is proposed, in which case they must comply with the Code. It is suggested that the date be removed.

Allow addition of detached bonus rooms/pool houses (not ADUs) of limited size. Often times, property owners ask about constructing detached bonus rooms/pool houses/rumpus rooms that they do not intend on renting out or using as habitable space, but would like to have for personal recreational purposes. Given that ADUs are now loosely allowed, property owners should be given the opportunity to construct a structure for personal use that would impact the neighborhood less significantly than an ADU. The Planning Commission may consider limiting the size of detached structures to 200, 300, or 400 square feet. In addition, the Commission may consider requiring a covenant that would necessitate the demolition of the detached structure prior to the construction of an ADU or JADU, unless the structure is proposed to be converted into an ADU.

Establish first story maximum height requirement. Currently, the zoning code limits structure height in the R-1 and R-A zones to 25 feet, which is the height of a two-story structure. Staff has encountered several proposals where the house is designed and functions as a single-story but its bulk and massing is comparable to a two-story. The Planning Commission may consider establishing a 16-foot maximum single-story structure height and a 12-foot maximum exterior wall height requirement. The 16-foot maximum height is consistent with the State's maximum height for "by-right" ADUs.

Change the maximum driveway width. Currently, the maximum driveway width is equal to the width of the garage plus 12 feet. Given that the State ADU law allows the conversion of garages into ADUs without replacement, properties are now left without garages. Staff is recommending that the Planning Commission adopt a 20-foot maximum driveway width.

Prohibit Junior Accessory Dwelling Units (JADUs) from containing its own bathroom and limiting its kitchen to an efficiency kitchen. State law allows every single residential property to have both an ADU and a JADU. However, the State distinguishes JADUs from ADUs by limiting its size, establishing that it has to be attached to the primary residence, identifying that it may contain an efficiency kitchen, and identifying that it may share a bathroom with the primary residence. With the intention of preserving single-family residential neighborhoods, the Commission may consider prohibiting JADUs from containing its own bathroom so that the occupants would share the bathroom with the primary residence, and limiting its kitchen facilities to an

efficiency kitchen containing only a counter, cabinets, a bar sink, and connections to small plug-in appliances.

Prohibit exterior stairs, decks, and balconies for ADU/JADU. ADUs/JADUs are allowed to be located on the second-floor. Exterior stairs and second-floor entry decks can have privacy implications to neighboring properties. Staff is recommending that the Planning Commission consider prohibiting exterior stairs, second-floor decks and/or balconies for two-story ADUs/JADUs or ADUs/JADUs proposed on the second-floor of the primary residence.

Consolidating and simplifying the ADU/JADU development standards and its exceptions. Currently, development standards are identified in the code for the construction of ADUs and JADUs. The development standards are then followed with exceptions to the standards if a different set of limitations are complied with. The West Covina Municipal Code is formatted to follow the State law format which was adopted through several (separate) bills. This format is very difficult to follow and is confusing.

Since a majority of the recommended West Covina Municipal Code revisions are applicable to the Residential-Agriculture Zone/Single-Family Residential (R-A/R-1) Zone standards, staff is recommending that the Planning Commission initiate a Code Amendment for the R-A/R-1 Zone. Once the Planning Commission agrees on the standards to be implemented, the next step will be to schedule a public hearing before the Planning Commission. After Planning Commission review, a public hearing will be scheduled for the City Council to determine if changes to the code are appropriate.

RECOMMENDATION:

Staff recommends that the Planning Commission review the information in the staff report and provide appropriate direction to staff regarding the code amendment. In addition, staff recommends that the Planning Commission adopt a resolution to initiate Code Amendment No. 20-04 to allow revisions to the Residential-Agriculture/Single-Family Residential Zone standards.

Submitted by: Jeff Anderson, Community Development Director

Attachments

Attachment No. 1 - Code Amendment No. 20-04 Initiation Resolution

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

R E S O L U T I O N N O . 20-6028

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
WEST COVINA, CALIFORNIA, INITIATING CODE AMENDMENT NO.
20-04 RELATED TO REVISIONS TO THE RESIDENTIAL-
AGRICULTURE ZONE AND SINGLE-FAMILY RESIDENTIAL CODE
STANDARDS**

WHEREAS, on February 25, 2020, the Planning Commission considered the initiation of a code amendment related to Residential-Agriculture and Single-Family Residential Zone standards in the City of West Covina; and

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

1. The existing code standards for Residential-Agriculture and Single-Family Residential Zones were last amendment on February 18, 2020 to eliminate the Accessory Habitable Quarters (AHQ) standards. Since the adoption of the current standards, the City has identified issues related to the ADU/JADU State mandate which became effective on January 1, 2020. Addressing the issues identified is necessary for the preservation of the Residential-Agriculture and Single-Family Residential Zones.
2. 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 26-353(b) of the West Covina Municipal Code, does hereby initiate an application for Code Amendment No. 20-04 related to Residential-Agriculture and Single-Family Residential Zone standards in the City of West Covina.

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 25th day of February, 2020, by the following vote.

AYES: Holtz, Heng, Redholtz, Kennedy, Jaquez

NOES: None

Resolution No. 20-6028
Code Amendment No. 20-04
February 25, 2020 - Page 2

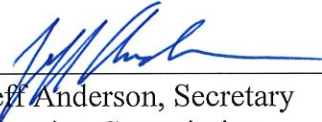
ABSTAIN: None

ABSENT: None

DATE: February 25, 2020



Herb Redholtz, Chairman
Planning Commission



Jeff Anderson, Secretary
Planning Commission

PLANNING DEPARTMENT STAFF REPORT

SUBJECT

**STUDY SESSION - REQUEST TO INITIATE A CODE AMENDMENT
PLANNED COMMUNITY DEVELOPMENT NO. 1 (WOODSIDE VILLAGE)**

BACKGROUND

Staff is requesting that the Planning Commission initiate a code amendment to rewrite the Planned Community Development (PCD-1) code language, to eliminate non-essential language and confusing information in the Master Plan Portion of Woodside Village. The PCD-1 standards were apparently written by the developer in the 1970s and are not written in the manner of a typical Zoning document. This effort is to allow consistency with single-family residential zones. The Master Plan was last amended in 2006 through City Council Resolution No. 2006-101. It is the only zoning development standards that are not included in the City's Municipal Code. Staff is recommending modifying the language, while generally leaving the development standards intact.

In addition, staff requests the Commission to consider initiating a zone change for some lots in the PCD-1 zone. PCD-1 zone includes a range of uses including open space, single family residential, multi-family residential, and commercial. The current standards allow for multi-family dwelling units to be developed based on the Multi-Family Zone standards and for commercial uses to be developed based on the Neighborhood Commercial standards. The goal would be to change the zones on those areas developed under other zoning classifications such as Multi-Family and Neighborhood Commercial.

DISCUSSION

If the Planning Commission initiates the code amendment and zone change, study sessions will be scheduled to evaluate the PCD-1 standards of the Municipal Code and the potential zone changes. Following the Planning Commission study session, staff will prepare the code amendment and zone change, and schedule Planning Commission public hearings during which the Commission would make formal recommendations to the City Council.

Submitted by: Rene Aguilar, Planning Assistant

Attachments

Initiation Resolution 4.28.20

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

R E S O L U T I O N N O . 20-0000

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST
COVINA, CALIFORNIA, INITIATING A CODE AMENDMENT AND ZONE CHANGE
FOR THE PLANNED COMMUNITY DEVELOPMENT ZONE (PCD-1) IN THE CITY
OF WEST COVINA**

WHEREAS, on April 28, 2020, the Planning Commission considered the initiation of a Code Amendment to revise the PCD-1 code; and

WHEREAS, on April 28, 2020, the Planning Commission considered the initiation of a Zone Change related to parcels within the PCD-1 Zone; and

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

1. The Planned Community Development Master Plan was created in the 1970s and last modified in 2006.
2. The goal for this Code Amendment is to have consistency with the Municipal Code. In addition, to add the PCD-1 zone development standards into the Municipal Code consistent with other residential Municipal Code Sections.
3. The proposed zone change would assign a zoning designation to parcels currently zoned PCD-1 that were developed with improvements that are different than single-family uses in order to provide consistency with the City's Zoning Map.
4. 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 zone change, 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 26-353(b) of the West Covina Municipal Code, does hereby initiate an application for a Zone Change and a Code Amendment.

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 28th day of April, 2020, by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: April 28, 2020

Herb Redholtz
Planning Commission

Jeff Anderson, Secretary
Planning Commission

City of West Covina
A G E N D A

ITEM NO. 5. a.

DATE: April 28, 2020

TO: Planning Commission
FROM: Planning Division
SUBJECT: Forthcoming - May 12, 2020

Attachments

Forthcoming 5.12.20

FORTHCOMING PLANNING COMMISSION HEARING

May 12, 2020

A. CONSENT CALENDAR

None

B. PUBLIC HEARINGS

None

C. NON-HEARING ITEMS

None

May 26, 2020

A. CONSENT CALENDAR

None

B. PUBLIC HEARINGS

(1)

CONDITIONAL USE PERMIT NO. 20-04

INSTALLATION OF NEW EQUIPMENT

APPLICANT:

Dave Michalko, Valencia Heights Water

LOCATION:

390 Citrus Avenue

(2)

DEVELOPMENT AGREEMENT NO. 19-01

DEVELOPMENT OF AN URBAN TOWN CENTER

APPLICANT:

Plaza West Covina, LLC

LOCATION:

112 Plaza Drive

C. NON-HEARING ITEMS

None

REORGANIZATION OF THE PLANNING COMMISSION

City of West Covina
A G E N D A

ITEM NO. 5. b.

DATE: April 28, 2020

TO: Planning Commission

FROM: Planning Division

SUBJECT: Subcommittee for Design Review Minutes - February 11, 2020

Attachments

Subcommittee Mins. 2.11.20

WEST COVINA PLANNING COMMISSION
SUBCOMMITTEE DESIGN REVIEW BOARD
PLANNING CONFERENCE ROOM – ROOM 208
REGULAR MEETING
Tuesday, February 11, 2020
6:30 p.m.

MINUTES

1. ROLL CALL - Commissioners Heng and Jaquez were present.

2. APPROVAL OF MINUTES

- January 28, 2020 Subcommittee Design Review Board Meeting

Motion by Commissioner Jaquez seconded by Commissioner Heng, approved.

3. OTHER MATTERS OR ORAL COMMUNICATIONS

4. REVIEW ITEMS

- (A) APPLICANT: Melinda & Steven Powell
 LOCATION: 2815 Mountain Ridge Road
 PROPOSAL: Subcommittee Design Review No. 19-80;
 The applicant is proposing to construct a 402 square-foot
 balcony at the rear (east) of the existing two-story house.

Motion by Commissioner Jaquez seconded by Commissioner Heng, approved.

5. ADJOURNMENT

Adjourn at 6:46 p.m.