CALL TO ORDER
A. Pledge of Allegiance.

B. Roll Call of Commissioners:

C. Amendments to the Agenda.

PUBLIC COMMENTS
Citizens wishing to address the Commission on any matter not on the agenda may do so at any time. Citizens wishing to be heard on any matter on the agenda, please wait until that point on the agenda. Please keep your comments to five minutes or less and try not to be repetitive.

Under the provisions of the Brown Act, the Commission is prohibited from taking action on oral requests but may refer the matter to staff or to a subsequent meeting.

In Person:
To address the Planning Commission please complete a yellow speaker request card located at the entrance of the Council Chamber and give it to the City Planner. Your name will be called when it is your turn to speak.

Remotely via zoom:
Access the meeting remotely via Zoom with one of the following devices:

Computer or Smart Device:
https://us02web.zoom.us/j/83315925073?pwd=VjRIUmM1dUttY3NDMnK3hIK3d3UT09

Telephone:
Dial: +1 669 900 6833
Meeting ID: 833 1592 5073
Passcode: *398261#

[continued on next page]
1. To request to speak during public comment, please click the “Raise Hand” button on the Zoom Toolbar “reactions” tab.

Note:
Computer / Smart Device Users: The “raise hand” feature is in the reactions tab.
Telephone Users: Press star-nine (*9) on your phone to raise your hand.

2. Staff will announce your name as listed on Zoom or the last four digits of your phone number when it is your turn to speak and unmute the microphone (audio only); speaker must be present when called to speak.
3. Please state your first and last name and city of residence at the beginning of your remarks for the record.
4. The microphone will be muted by staff when you have completed your comments or five (5) minutes have expired, whichever occurs first.

CONSENT CALENDAR
All matters listed under the Consent Calendar are considered routine and will be enacted by one motion. There will be no separate discussion on these items prior to the time the Planning Commission votes on them, unless a member of the Planning Commission requests that a specific item be removed from the Consent Calendar for discussion.

1. Approval of Minutes of Regular Meeting of January 25, 2022.

CONTINUED PUBLIC HEARING
None

PUBLIC HEARING
1. **Conditional Use Permit (CUP) 20-031 and Site Plan Review (SPR) 20-186**, a request to construct a new, one-story, 2,200 square-foot, drive-through restaurant (El Pollo Loco) with associated parking and landscape improvements and demolish an existing building on a 0.51-acre site located at 100 N. Azusa Avenue, APN: 8432-033-010.

   **Staff Recommendation:** Staff recommends that the Planning Commission approve Conditional Use Permit (CUP) 21-031 and Site Plan Review (SPR) 21-186 through the adoption of Resolution No. 2022-002PC with conditions.

CONTINUED BUSINESS
None.

NEW BUSINESS
1. **Study Session on Draft Mixed-Use Overlay District Regulations**

   **Staff Recommendation:** Staff recommends that the Planning Commission provide input and receive public comments on the proposed Mixed-Use Overlay District Ordinance. No action is required by the Planning Commission.
GENERAL MATTERS
None.

ADMINISTRATIVE ITEMS
None.

ADJOURNMENT
Adjourn to a regular meeting of the Planning Commission at 7:00 p.m. on February 22, 2021 in the Council Chamber of Covina City Hall.

I, Brian K. Lee, Director of Community Development for the City of Covina, or his designee, hereby declare that a true and accurate copy of the forgoing agenda was posted on February 3, 2022 near the front entrance of City Hall, 125 East College Street, Covina, and on the City’s official Internet Website, in accordance with Governmental Code Section 54954.2(a.)

Additional information on any agenda item can be obtained by contacting the Planning Division at 125 East College Street, Covina, or by telephoning (626) 384-5450.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Planning Division office at (626) 384-5450 or the California Relay Service. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.
MINUTES OF THE JANUARY 25, 2022 REGULAR MEETING OF THE COVINA PLANNING COMMISSION HELD IN THE COUNCIL CHAMBER OF CITY HALL, 125 EAST COLLEGE STREET AT 7:00 P.M.

This meeting was conducted utilizing teleconference and electronic means consistent with AB 361 and Government Code Section 54953(e), regarding the COVID-19 pandemic, with the option for members of the Planning Commission and the public to meet in the Council Chamber of City Hall.

CALL TO ORDER
Vice Chairman Susan Zermeno called the Planning Commission to order at 7:00 p.m.

A. PLEDGE OF ALLEGIANCE
Vice Chairman Zermeno led the Pledge of Allegiance.

B. ROLL CALL
Commission Members Present: Hodapp, McMeekin, Manning, Zermeno
Commission Members Absent: Connors

Staff Members Present: Director of Community Development, Senior Planner, Planning Intern, Building Official, Consultant Planner (Interwest), Assistant City Attorney.

PARTICIPANTS/ATTENDEES
Kimberly Dolf (Covina Resident) Sam Howland (Business Owner for Scoops on Tap), Bryan Marascow (Business Owner for Scoops on Tap), & Linda Srack (Glendora Resident)

ZOOM PARTICIPANTS/ATTENDEES
Naomi Howland, EspieG, Lori Huntsman, Ana, Jacki Lam, Lucy Reyes, Lorraine Bueno, Thomas Palmieri, Janet Salmon, Rae

C. AMENDMENTS TO THE AGENDA
None.

PUBLIC COMMENTS
None.

CONSENT CALENDAR
1. Approval of Minutes of the regular meeting of December 14, 2021.

Commissioner Manning made a motion and Commissioner McMeekin seconded to approved the minutes of December 14, 2021

The motion carried 4-0 as follows:

AYES: MANNING, HODAPP, MCMEEKIN, ZERMENO
NOES: NONE
ABSTAIN: NONE
ABSENT: CONNORS

CONTINUED PUBLIC HEARINGS

None.

PUBLIC HEARINGS

1. Application for Conditional Use Permit (CUP) 21-30 and Site Plan Review (SPR) 21-199, to allow on-sale “Type-41” beer and wine license to operate a bona-fide eating establishment for an alcohol-infused ice cream shop (Scoops on Tap) on an 803 square-foot commercial retail space, with a 260 square-foot outdoor seating area, within the town center specific plan (TCSP) Transit Oriented Development (TOD)/High Density Residential (HDR) zone, located at 491 N. Citrus Avenue – APN: 8431-028-039

Staff Recommendation:
Staff recommends that the Planning Commission, by motion, adopt Resolution No. 2022-001 PC, approving Conditional Use Permit (CUP) 21-30 and Site Plan Review (SPR) 21-199, with the attached Conditions of Approval and, in the event, it is necessary, recommend to the City Council, the approval of a resolution adopting a Public Convenience or Necessity (PC or N) affirming the determination.

Planning Intern Joshua Pereira presented the Staff Report and answered the Commissioners questions.

The public hearing was opened.

Sam Howland, Co-Business Owner of Scoops on Tap, commented in favor of the item and offered to answer any questions the Commission may have.

Commissioner Manning asked Sam Howland to clarify whether the alcohol infused ice cream was for flavor or sale tactic.

Sam Howland clarified that both they and Co-Owner Bryan wanted to elevate local craft beers in a new way, and that at times the alcohol is either cooked off, or, if it is not cooked off, the content would be under .5%.
Sam Howland further clarified that they are regulated by the Department of Agriculture in addition to ABC (Alcoholic Beverage Control).

Commissioner Manning asked Sam Howland to explain why there is a necessity to have alcohol sales at this ice cream shop.

Sam Howland responded that the business is first and foremost an ice cream shop, and that they had worked with several local breweries, including Alosta and Arrow Lodge, to work on a new concept for ice cream, and they do not consider themselves a bar.

Commissioner Manning inquired whether the sale is for on or offsite sales.

Sam Howland clarified that the intention is for on-site consumption, and noted that there would be cameras and a manager to monitor and ensure that no one under 21 consume alcohol.

Bryan Marascow, Co-Business Owner of Scoops of Tap, added that they began as a mobile business and made a name for themselves in the brewing community and feel that they have something unique and different.

The public hearing was closed.

Commissioner McMeekin commented that he was very pleased to see someone taking one of the spaces with an interesting niche business.

Commissioner Zermeno commented that this is a very interesting concept, and thanked the business owners for bringing this into town.

Commissioner Manning further asked if there were any comments received by the Police Department.

Community Development Director Brian Lee commented that these types of applications go through the DRC process, which was routed to the Police Department and the Police Department found no issues.

A motion was made by Commissioner McMeekin and seconded by Commissioner Zermeno to approve Resolution 2022-001PC.

AYES: HODAPP, MCMEEKIN, MANNING, ZERMENO
NOES: NONE
ABSTAIN: NONE
ABSENT: CONNORS

10-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.
CONTINUES BUSINESS.
None.

NEW BUSINESS.
1. Study Session on Accessory Dwelling Units (ADU) Proposed Ordinance

Staff Recommendation:
Staff recommends that the Planning Commission provide feedback and receive public comments. No action is required of the Planning Commission.

Senior Planner Mercy Lugo presented the staff report and answered the Commissioners questions.

Commissioner McMeekin requested a clarification on the limit of square feet for ADUs.

Senior Planner Mercy Lugo clarified that the 850 square foot cap and 1,000 square foot cap would only apply to detached ADUs. Attached ADUs can only be up to 50% of the primary residence or 1,200 square feet at the most.

Commissioner McMeekin also requested clarification on the High Fire Severity Zone.

Senior Planner Mercy Lugo confirmed that there is a geographical area in Covina that is designated under “High-Fire Severity”

Community Development Director Brian Lee commented that the High Fire Severity Zone is located in the South East portion of Covina near Via Verde.

Commissioner Manning asked for examples of properties that have 2-story ADUs within the 4-foot set back.

Senior Planner Mercy Lugo clarified that the maximum allowable setback for primary dwellings is 25 feet and accessory structures are limited to 15-foot setback. In some cases, garages can be right against the property line. In the past, accessory structures were allowed to be built up to the property line. For ADUs, the requirement is to be set back 4 feet, and that staff has received several complaints from residents regarding privacy issues when two story ADUs have been under construction due to their proximity to the property line.

Commissioner Manning asked if it would be possible to abate the privacy issue if an accessory structure can be built 25 feet away from the property line and if the Planning Division considered these alternatives.

Commissioner Manning added that it seems the main concern is the setback issue, and not the detached garage with regards to the privacy issue.
Community Development Director Brian Lee added that staff will follow this direction.

Commissioner Hodapp asked for clarification under “conversion of the garage to ADU”, if the garage doors are required to be removed or if they are allowed to stay when the conversion does not add more than 150 square feet.

Building Official Robert Fisher clarified that there were about two cases where the garage door was left in place, and there have been creative design decisions such as using them as an additional storage space.

Commissioner Hodapp added that for these types of projects, where garage doors are not required to be removed, there is still a possibility that a second functional garage can be built and a property would appear to have two garages. Hodapp further commented that there should be language that the new windows should match the existing residence, and that he does not see a need for decorative railing; Under “drainage lot requirements”, Hodapp found no issues. Most of the issues found were with regard to design.

Community Development Director Brian Lee commented that all accessory structures (detached non-habitable structure) are capped at 16 feet. If the direction is to allow an ADU on top of an existing structure, that is something that the Planning Division Staff can take into consideration.

Commissioner Manning re-iterated that the 25-foot setback is the main issue to due privacy concerns.

The public hearing was opened.

Thomas Palmieri, (resident of Covina) inquired whether there have been any sewer, water, or fire flow studies, to verify when these units are built, if the existing utilities can handle it, and if staff can consider the two-story ADU infringing on residents’ views of surrounding areas.

Building Official Robert Fisher clarified that the basic approach of the ADU ordinance was to not provide additional due hardship, and that staff requires that applicants provide information on the sewer & energy loads, and that applicants are not required to sprinkler the new buildings, only in cases where the existing building is already sprinklered.

Community Development Director Brian Lee Commented that part of the discussion is that the state of California has required that cities allow ADUs to occur. Part of the consideration is whether what type of structure would be allowed, what type of massing, what number of square feet. There is a high probability of ADUs being allowed in back yards, however, whether or not they can be two-story is still being sorted out through this study session and internally.
Commissioner McMeekin also commented on the issue with parking.

Community Development Director further added that there is an approval mechanism that bypasses planning review to an extent.

Lori Huntsman, Covina resident, commented that her main concern with regards to an application to build an ADU above the garage was to maintain onsite parking on the property. Lori also inquired whether an existing detached garage can have an addition of an ADU attached to that garage.

Community Development Director Brian Lee, based on the scenario, concluded that it may be possible but it would need to comply with setback standards and added that there a few moving parts, and needs a proposal.

Kimberly Dolfi, Covina Resident, asked what the minimum square feet amount is for ADUs, if there is any consideration for parking, and whether there is any sort of approval mechanism to the state.

Community Development Director Brian Lee commented that there is no formal reporting to the state, as far as required on site parking, no city can require additional on-site parking for ADUs.

Kimberly Dolfi inquired whether solar panels are required for ADUs.

Building Official Robert Fisher commented that only detached ADUs require Solar Panels.

Senior Planner Mercy Lugo commented that the minimum allowable square feet for an ADU is 220 Square feet.

Linda Srack, Resident of Glendora, spoke with regards to a neighboring property to a property that they own in Covina, where an ADU is currently being constructed very close to the property line and commented that neighbors should be notified when there is new construction, and was shocked at the size of the 2-story ADU.

Commissioner Zermeno requested clarity from staff, whether notification is required.

Community Development Director Brian Lee commented that this appears to be a flag lot configuration with an access easement, and added that he was not aware of this particular issue.

Senior Planner Mercy Lugo added that the property owner proposed a two-story ADU in the rear area. The first floor is proposed to be a garage with the living unit on the second floor.
and noted to the Planning Commission that she confirmed with public works that the property owner located at 611 E Puente would be able to use the access easement on the property.

Zoom caller Lorraine Bueno, inquired whether a property would be able to configure a 1,200 square foot consistent with the State Guidelines, if this would be allowed with a variance.

Community Development Director Brian Lee clarified that this scenario would not be allowed.

Commissioner Zermeno commented that the Staff worked well on the proposed ordinance and seconds Commissioner Hodapp comments concerning the new ADU complementing the primary residence.

Commissioner Hodapp asked if staff can require that any existing appliances in the primary residence be brought up to date.

Building Official Robert Fisher responded that staff can not require appliances in the primary residence be brought up to date, as of the 2016 code cycle. However, if there is construction on the primary dwelling, then it is required.

Community Development Director Brian Lee added that staff will look into whether it would be possible to require appliances be brought up to date at the city level.

Lori Huntsman asked what the next step is after the Study Session.

Community Development Director Brian Lee commented that Staff will take the direction given at this meeting and return the Draft Ordinance as a public hearing item to the Planning Commission.

Janet Salmon requested for clarification for the response requiring homeowners to upgrade efficiency for appliances when applying for an ADU.

Community Development Director clarified that staff does not believe it can be required but will look into it to confirm.

The public hearing was closed.

**GENERAL MATTERS**
None.

**ADMINISTRATIVE ITEMS**
None.
ADJOURNMENT
Chairman Connors adjourned the Planning Commission Meeting at 8:43 P.M to the next Planning Commission Meeting scheduled for February 8, 2022 at 7:00 P.M in the Council Chambers of Covina City Hall.

____________________
Secretary
TO: Chairman and Members of the Planning Commission

FROM: Brian K. Lee, AICP, Director of Community Development

SUBJECT: Conditional Use Permit (CUP) 21-031 and Site Plan Review (SPR) 21-186, a request to demolish an existing 4,196 square foot vacant bank building to construct a new, one-story, 2,200 square-foot, drive-through restaurant (El Pollo Loco) with associated parking and landscape improvements, within the C-3A/PCD Regional or Community Shopping Center / Planned Community Development (PCD) Overlay zone, located at 100 N. Azusa Avenue, APN: 8432-033-010

PROJECT AND SITE DESCRIPTION

A. Project Information:

Request: To demolish an existing 4,196 square foot bank building to construct a new, one-story, 2,200 square-foot, drive-through restaurant (El Pollo Loco) with associated parking and landscape improvements.

Applicant: Steve Shaw
Property Owner: Behrooz Salim
Location: 100 N. Azusa Avenue
Assessor Parcel Map No.: 8432-033-010

B. Site and Surrounding Land Uses-Table 1:

<table>
<thead>
<tr>
<th></th>
<th>Zoning</th>
<th>Existing Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>C-3A/PCD (Regional or Community Shopping Center with a PCD Overlay)</td>
<td>Standalone commercial building</td>
</tr>
<tr>
<td>North</td>
<td>C-3A/PCD (Regional or Community Shopping Center with a PCD Overlay)</td>
<td>Covina Square shopping center (Smart &amp; Final, CVS)</td>
</tr>
<tr>
<td>South</td>
<td>LA County (unincorporated) parcels</td>
<td>Multi-family residences</td>
</tr>
<tr>
<td>West</td>
<td>C-3A (Regional or Community Shopping Center)</td>
<td>Commercial buildings (Wells Fargo, Starbucks)</td>
</tr>
<tr>
<td></td>
<td>Zoning</td>
<td>Existing Uses</td>
</tr>
<tr>
<td>---------------</td>
<td>------------------------------------------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>East</td>
<td>C-3A/PCD (Regional or Community Shopping Center with a PCD Overlay)</td>
<td>Covina Square shopping center (Smart &amp; Final, CVS)</td>
</tr>
</tbody>
</table>

C. **Site Characteristics:** The project site is approximately 0.51-acres in size and is located on the northeast corner of West Badillo Street and North Azusa Avenue. It is currently developed with a vacant bank building. The site maintains reciprocal access as well as reciprocal parking with the Covina Square shopping center adjacent on the north and east property boundaries.

**ANALYSIS**

A. **Background:** The applicant, Steve Shaw, is proposing to demolish the existing vacant bank building and construct a new drive-through fast-food restaurant building. The conditional use permit is required for the drive-through facility. A site plan review is also being requested in conjunction with the CUP for the new structure, and parking lot and landscaping improvements. The applicant submitted a request for a Site Plan Review and Conditional Use Permit for a new drive-thru on November 15, 2021.

The applicant is representing Franchisee, Peglion LLC, which has successfully operated multiple El Pollo Loco locations. The proposed hours of operation for both indoor and outdoor dining will be Monday through Sunday from 10:00 am to 10:00 pm daily. The number of employees will be between 30-40, with 10 to 12 staff members scheduled per shift. No alcohol is being proposed.

B. **Applicable Regulations:** This site is located within the C-3A/PCD Regional or Community Shopping Center Commercial Zone with a Planned Community Development (PCD) Overlay, which conditionally permits drive-through restaurants.

C. **Site Plan Review (SPR):** The applicant filed a request for SPR 21-186 in conjunction with CUP 21-031. The SPR proposes the demolition of the existing 5,680 square foot two-story building, and construction of a new 2,200-square foot restaurant building with a drive-through and patio area, along with various parking lot and landscaping improvements. The applicant proposes to construct the exterior of the building to reflect the El Pollo Loco branding. These exterior features will have a contemporary appearance.

The proposed restaurant building will maintain 2,200 square feet of floor area with a maximum height of 24 feet. This height includes the rooftop parapet as well as tower elements used in order to create variation of the roofline. In addition, site improvements include 6,050 square feet of landscaping and 8 new trees within planters bordering the property and the drive-through lane. The proposed building design expresses the ‘earth-
toned’ materials and elements of the company’s signature ‘look’: light shades of brown paint contrasted with dark brown. Accent colors of orange and red in low-profile areas of the exterior building such as the top of the entry roofline and entry doors.

The site is currently accessible through four different points: one approach from Badillo Street, one approach from Azusa Avenue, and two approaches from the adjacent shopping center bordering the site on the north and east. The subject drive-through development proposes to close the driveway approaches from both streets, and modify/relocate the existing approaches from the adjacent shopping center, with which there is a reciprocal access agreement. The proposed drive-through lane will accommodate the length of at least 10 vehicles in queue for drive-through service.

D. **Compatibility of Land Use:** The existing restaurant building is located near the Northeast corner of North Azusa Avenue and West Badillo Street, surrounded by many other commercial properties, such as Smart & Final, dd’s Discounts, Starbucks, and Charley’s Cheesesteaks.

E. **Parking:** The total parking required for the restaurant is 28 parking stalls (at restaurant parking ratio, 1 space per 100 square feet of gross floor area, including outdoor eating area). There are 16 off-street proposed parking spaces provided on site. However, there is a reciprocal parking agreement with the shopping center adjacent to the property, which maintains more than 450 parking spaces to accommodate stores like Smart & Final and CVS. Staff has concluded that with the shared parking agreement, there is sufficient off-street parking for the proposed use.

**FINDINGS OF FACTS**

**Conditional Use Permit CUP 21-031 Findings of Facts:** Based on an analysis of the proposed project, pursuant to Chapter 17.62.120 of the Covina Municipal Code, the Planning Commission must determine that all the following findings to approve the Conditional Use Permit to allow a drive-through restaurant:

1. That the site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this title to adjust the use with land and uses in the neighborhood;

Facts: Development service staff assesses all applications in the City for the suitability of the space and its proposed uses. The proposed floor plans show tenant improvements accommodating the necessary equipment and services to operate a fast-food restaurant such as kitchen, storage, refrigerators, restrooms, grease traps, and dishwashing area. Parking spaces are adequate meeting both the zoning code requirements and the expected demand for a drive-through restaurant.
2. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;

Facts: The site sits on the corner of North Azusa Avenue (highway) and West Badillo Street (collector street), and can handle the traffic generated by the use. The proposed drive-through facility provides queueing areas away from the main site driveway entry from Azusa Avenue. Therefore, overflowing of vehicles onto Azusa Avenue is not expected to occur under normal operating conditions. No significant impacts were identified.

3. That the proposed use will have no adverse effect on abutting property or the permitted use thereof;

Facts: The proposed building will occupy half of the square footage as that of the prior use. At the southern corner of the site, the proposed use takes advantage of a high-visibility spot for passing vehicles but also distant from residential uses. Drive-through restaurants are conditionally allowed in the C-3A Commercial Zone (Regional or Community Shopping Center) with a PCD overlay and the proposed operations are typical of restaurants providing indoor dining and drive-through service with minimal impact, if any, on abutting properties. Adjacent to the proposed use to the east and north side is a commercial center with two drive-through restaurants and large commercial stores like Smart & Final and CVS. Therefore, the proposed use will have no adverse effect on the abutting property.

4. That the conditions stated in the decision are deemed necessary to protect the public health, safety, and general welfare of the community. Such conditions may include: regulation of use, regulation of signs, requiring maintenance of grounds, regulation of noise, vibrations, odors, etc., regulation of time for certain activities, duration of use and any such other conditions as will make possible the development of the city in an orderly and efficient manner and conformity with the intent and purposes set forth in this title.

Facts: During the course of application review, no concerns regarding the public health, safety, and general welfare were identified. The conditions of approval imposed primarily concentrate on the operation of the use, traffic control, property maintenance, and the prevention of nuisance problems. The approval of the Conditional Use Permit is appropriate as it is for a drive-through facility and the restaurant does not serve alcohol.
Site Plan Review SPR 21-186 Findings of Facts: Based on an analysis of the proposed project, pursuant to Section 17.64.070 of the Covina Municipal Code, the Planning Commission must determine that all the following findings to approve the Site Plan Review application:

1. All provisions of Title of the CMC are complied with and the following are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, and there will be no adverse effect to surrounding properties: buildings, structures and improvements; vehicle ingress, egress and internal circulation; setbacks; building height; location of service; walls; and landscape materials.

Facts: The proposed project complies with all required provisions of the C-3A - Commercial Zone (Regional or Community Shopping Center) zone with a PCD overlay. The proposed site improvements follow all required development standards for a drive-through restaurant and comparable with other nearby uses in the area due to the site located within an established area characterized by existing streets, sidewalks, walls, and commercial buildings/uses that conform well to surrounding neighborhood infrastructure, circulation and support services. The project would have no negative impacts to existing streets and sidewalks in that, the proposed project is a commercial property and the drive-through restaurant would have minimal impacts on existing and surrounding traffic conditions with the proposed site improvements. With the proposed modifications and overall site improvements, the proposed use will have no adverse effect to surrounding properties. Therefore, as proposed, this criterion has been met.

2. The project design conforms to the general plan, the design guidelines, transportation demand management regulations, and any specific plans or guidelines applicable to the project;

Facts: The proposed scope of work is consistent and conforms to the City of Covina's General Plan Goals, Objective No. 4 "Economic and social vitality in all areas of the community", by implementing Policy No. 1 to attract a greater variety of commercial retail and office uses to provide for shopping, eating, service, administrative, and other needs of Covina and area residents, to enhance the community's image, and to bolster economic development efforts. The proposed drive-through restaurant meets the City's design guidelines for said use, as reviewed and determined by planning staff. As such, the proposed scope of work satisfies all applicable guidelines to the project, as outlined under the CMC Title 17, the Covina Design Guidelines, and General Plan therefore, this criterion has been met.

3. The project design is harmonious, consistent and complete within itself and functionally and visually compatible with neighboring structures and the area in which it is located;

Facts: The subject site is located within the C-3A - Commercial Zone (Regional or
Community Shopping Center) zone with a PCD overlay, which is surrounded by commercial uses. The subject site is within an established area characterized by commercial and retail uses that connect well to existing neighborhood infrastructure and support services. Proposed improvements to the site are aesthetically pleasing, functional, visually compatible with neighboring structures and the area within which it is proposed to be located, and in compliance with the Covina Design Guidelines. Therefore, this criterion has been met.

4. The development will constitute an adequate environment for the intended use by sustaining the desirability and stability of the neighborhood and community;

Facts: The proposed project is designed and in conformance with development standards consistent with the character, appearance, and features of a drive-through restaurant, thereby facilitating the desired sustainability and stability adequate for its environment, the neighborhood and community it will serve. Therefore, this criterion has been met.

5. Proposed lighting is so arranged as to reflect lighting away from adjoining properties;

Facts: Accent lighting of buildings, trees, or other landscape features will accentuate those individual features with no spillover beyond the facade of the building. The closest residential properties are multi-family apartments on the opposite of Badillo. A lighting plan will be submitted for review for compliance with the applicable safety, security, and design related provisions of the Zoning Code and Design Guidelines, as a condition of approval. Therefore, as conditioned, this criterion has been met.

6. Proposed signs will not by size, location, color or lighting, interfere with traffic or limit visibility;

Facts: Any proposed signage is not a part of this review and approval. As a condition of approval, a separate sign permit application and related plans will be required showing compliance with the City of Covina’s Sign Ordinance. Therefore, as conditioned, this criterion has been met.

7. Utility and street improvements pursuant to CMC Sections 17. 64.120 and 17.64.130.

Facts: The applicant will be required to comply with utility and/or street improvements required by the Department of Public Works (Engineering, Traffic, and Environmental Services.) Therefore, as conditioned, this criterion has been met.
PUBLIC HEARING NOTICE AND NOTIFICATION

The applicant was given a copy of the staff report with associated attachments. All property owners within a radius of 300 feet from the overall project site were mailed notices of the Planning Commission public hearing on January 27, 2021, a minimum of ten (10) days before the hearing, as required by law. The public hearing notice was published in the San Gabriel Examiner newspaper on January 27, 2021.

ENVIRONMENTAL DETERMINATION

Under Section 15303(c) of the California Environmental Quality Act (CEQA) Guidelines, the Planning staff has determined that the project proposal is categorically exempt from environmental review. This CEQA Section appertains to proposed new construction or conversion of small structures of the CEQA guidelines to accommodate a drive-through restaurant on a commercially-zoned site. The staff finds that there is no substantial evidence that the project will have a significant effect on the environment.

RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution 2022-002 PC approving Conditional Use Permit (CUP) 21-031 and Site Plan Review (SPR) 21-186.

Prepared by:
Megan Wu
Assistant Planner

Approved by:
Brian K. Lee, AICP
Director of Community Development

EXHIBITS

1. Area Map
2. Application Materials
3. Project Plans
4. Resolution 2022-002 PC with Conditions of Approval
# Standard Application Form – 1
**Community Development Department – Planning Division**
125 East College Street • Covina, California 91723 • (626) 384-5450 / Fax: (626) 384-5479

## Applicant Information

<table>
<thead>
<tr>
<th>Name of Proposed Project:</th>
<th>El Pollo Loco #3092</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Address:</td>
<td>100 N. Azusa Ave., Covina, CA 91722</td>
</tr>
<tr>
<td>Assessor’s Parcel Number:</td>
<td>8432-033-010</td>
</tr>
<tr>
<td>Phone: (B10)773-7772</td>
<td>E-Mail: <a href="mailto:steve@adnarch.com">steve@adnarch.com</a></td>
</tr>
<tr>
<td>Applicant Name:</td>
<td>Steve Shaw</td>
</tr>
<tr>
<td>Applicant Address:</td>
<td>1330 Olympic Blvd., Santa Monica, CA 90404</td>
</tr>
<tr>
<td>Property Owner Name:</td>
<td>Behrooz Salim</td>
</tr>
<tr>
<td>Property Owner Address:</td>
<td>1143 S. Wall Street, #203, Los Angeles, CA 91722</td>
</tr>
</tbody>
</table>

## Project Type

Please check the type of project review requested. If you are applying for more than one review you may check all that apply.

- [x] Conditional Use Permit
- [ ] PCD Amendment
- [ ] Tree Preservation Permit
- [ ] Minor
- [ ] Development Agreement
- [ ] Public Convenience or necessity (ABC)
- [ ] Vacation of Alley, Easement, Street
- [ ] General Plan Amendment
- [x] Site Plan Review-Major
- [ ] Variance
- [ ] Historic Structure Designation
- [x] Site Plan Review-Minor (Residential)
- [ ] Variance (Minor)
- [ ] Lot Line Adjustment
- [ ] Site Plan Review-Minor (Non-Residential)
- [ ] Zoning Code Amendment/ Zone Change
- [ ] Pre-Application Review
- [ ] Tentative Parcel Map
- [ ] (Other)
- [ ] Time Extension
- [ ] (Other)
- [ ] Planned Community Development (PCD)
- [ ] Tentative Tract Map
- [x] Time Extension
- [ ] (Other)

## Project Description

**Detailed Description of Proposed Project (Attach Additional Sheets if Necessary)**

Demo of vacant bank building and construction of new El Pollo Loco restaurant with a drive-thru and patio.

## Owner Certification

I certify that I am presently the legal owner of the above described property. Further, I acknowledge the filing of this application and certify that all of the above information is true and correct. If applicant is different from the legal property owner, a property owner’s authorization form must accompany this application.

Date: 11-10-2021  
Signature: [Signature]

Print Name and Title: Behrooz Salim, Crocker Holdings Group, LLC

<table>
<thead>
<tr>
<th>Date Received</th>
<th>Received by</th>
<th>Fees: $5,417</th>
<th>Receipt No: 19884</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/5/21</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

CommunityDevelopment\Planning\FORMS\Checklist

03/2021
Crocker Holdings Group LLC,  
MOSSAI REVOCABLE FAMILY TRUST  

1143 S. Wall Street #203  
Los Angeles, Ca 90015  
Behrooz2@hotmail.com, and  
213-304-6969  

RE: 100 N. Azusa Avenue  
Covina, Ca 91722  

Behrooz Salim as manager of Crocker Holdings Group LLC, and Haroon Moossai as  
Trustee of MOSSAI REVOCABLE FAMILY TRUST hereby authorize Mr. Steve Shaw with  
Armet Davis Newlove Architects, acting on behalf of El Pollo Loco franchisee PegLion, to  
submit entitlement applications for development of the property we own at 100 North  
Azusa Avenue, Covina, CA 91722. We understand the project proposes to demolish the  
eexisting bank building and construct a new, El Pollo Loco restaurant with a drive thru.  

Thanks in advance for your cooperation in this matter.  

[Signature]  
Behrooz Salim  
For Crocker Holdings Group, LLC.  

[Signature]  
Mr. Hroon Moossai  
Trustee
1. Building Address: Commercial Project, No housing involved.

2. Existing Square Footage of Building: ________________________________

3. Is the structure/building being demolished? ☐ Yes ☐ No
   If yes, what is the square footage of demolition proposed? ________________________________
   How many housing units are being demolished? ________________________________

4. What type of use is being demolished? I.e. Residential (include number of units), Commercial, Office, Industrial. ________________________________

5. What is the square footage of commercial/industrial/office use proposed? Please specify what type (Commercial, Industrial, or Office). ________________________________

6. What is the total number of housing units proposed at the project site? ________________________________

7. Will this project require a Tentative Tract Map (TTM) or Tentative Parcel Map (TPM)? ☐ Yes ☐ No
   If so, how many subdivisions? ________________________________
Standard Application – 2
Property Owner’s Authorization Form
Community Development Department – Planning Division
125 East College Street • Covina, California 91723 • (626) 384-5450 / Fax: (626) 384-5479

List the name(s) and address(es) of all property owner(s)

1. Owner Name: Behrooz Salim, Crocker Holdings Group, LLC
   Complete Address: 1143 S. Wall St., #203, Los Angeles, CA 90015
   Email: behrooz2@hotmail.com Phone: 213-304-6969

2. Owner Name: ________________________________
   Complete Address: ________________________________
   Email: ________________________________ Phone: ________________________________

3. Owner Name: ________________________________
   Complete Address: ________________________________
   Email: ________________________________ Phone: ________________________________

Certification Statement:

This letter shall serve to notify you and certify that I/we am/are the legal owner(s) of the property described in the attached application and do hereby authorize:

Applicant’s Name: Steve Shaw with ADN Architects
   Phone: 310-773-7772
   Applicant’s Complete Address: 1330 Olympic Blvd., Santa Monica, CA 90404
   Email: steve@adnarch.com

To file and present my/our interest for the referenced application(s): CUP and Major Site Plan Review to Demo bank building and build new El Pollo Loco

Name (printed): Behrooz Salim
Title: Manager, Crocker Holdings Group, LLC Date: 11-10-2021

Signature: ________________________________
Standard Application – 3
Project Description Form

Community Development Department – Planning Division
125 East College Street • Covina, California 91722 • (626) 384-5450 / Fax: (626) 384-5479

The following information must be completed and submitted with new applications: (Print or type all information entered)

A. General Information

Project Address or Assessor’s Parcel Number: 8432-033-010

Site Area: 22,353 SF  Building Area: 2200 SF  Building Height: 21’-10”  No. of Floors: 1

Total anticipated number of employees: 30/8 per shift  Max shift: 8 HOURS  Hours of operation: 10am - 11pm

Does the business involve the sale of any food or beverages? ☒ No  ☐ Yes

Will the project be built in phases? ☒ No  ☐ Yes  If YES, a phasing plan is required to be submitted.

Will any permits be required from agencies other than the City (Including a Hazardous Materials Business Plan)?

☐ No  ☒ Yes  If yes, list: County Health Department, ADMD for demo if asbestos is present

Will the project use, store, or dispose of potentially hazardous chemicals, materials, toxic substances, flammables or explosives? ☒ No  ☐ Yes  If yes, describe:

If any of the above answers are YES, please describe in detail on a separate sheet.

B. Existing Land Uses of the Subject and Surrounding Properties

Subject property: COMMERCIAL USE / RETAIL

North: COMMERCIAL USE / RETAIL

East: COMMERCIAL USE / RETAIL & RESIDENTIAL

South: MULTI - FAMILY RESIDENTIAL

West: COMMERCIAL USE / RETAIL & RESIDENTIAL

C. Physical Site

Will the project modify existing natural features? ☒ No  ☐ Yes  If YES, please describe in detail on a separate sheet.

Estimated cubic yards of grading involved in the project: ☒ None  ☐ Cut =  Fill =

What is the maximum height and grade of constructed slopes? N/A

D. Archaeological/Historical

Is the project located in an area of archaeological or historical sensitivity as identified in the Covina General Plan?

☒ No  ☐ Yes  If YES, please describe in detail on a separate sheet.

E. Flora and Fauna

Describe the types of vegetation and trees in the project area: EXISTING SHOPPING CENTER TREES AND PLANTINGS

Number of Oak trees on the site: 0  Number of Oak trees to be removed:  a Tree Permit application must be obtained

Describe the types of wildlife found in the project area: NONE
F. Noise
Will the project increase noise levels within the project area of surrounding neighborhood?
☒ No ☐ Yes If YES, please describe in detail on a separate sheet
Will the project increase the amount of light, vibration, dust, ash, smoke, or odors during construction or after development? ☒ No ☐ Yes if YES, please describe in detail on a separate sheet.

G. List of Attached Environmental Reports
N/A

Contact person for environmental: ______________________________ Phone: ______________________________
Environmental firm: ______________________________ E-mail: ______________________________
Mailing Address: ______________________________

H. Certifications
Government Code Section 65962.5 requires the Planning Division to make available to applicants the most current list of "Identified Hazardous Waste Sites" from the State Office of Planning and Research. The list is available on the web at http://www.dtsc.ca.gov/ under Mandated Web Site Postings.

All applicants must complete and sign the following statement in order for the Planning Division to deem the application complete.

"I, [Name], certify that I have reviewed the list of "Identified Hazardous Waste Sites" from the Office of Planning and Research and have determined that the site that is the subject of this application is not on said list."

I hereby certify that to the best of my ability, the statements furnished above and the exhibits submitted with this application present the data and information required for this initial evaluation and that the facts, statements, and information presented are true and correct to the best of my knowledge. Furthermore, I understand that failure to provide the plans and information required may result in this application not being accepted as complete for planning and processing.

Name (printed): Steve Shaw Date: 11-08-2021
Signature: ______________________________
Representative for: ADN Architects
Title: Project Manager
The following information must be completed and submitted with new applications: (Print or type all information entered)

<table>
<thead>
<tr>
<th>Project Location:</th>
<th>100 N. Azusa Ave., Covina, CA 91722</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant:</td>
<td>ADN Architects</td>
</tr>
<tr>
<td>Primary Contact Person:</td>
<td>Steve Shaw</td>
</tr>
<tr>
<td>Address:</td>
<td>1330 Olympic Blvd., Santa Monica, CA 90404</td>
</tr>
<tr>
<td>Phone:</td>
<td>310-773-7772</td>
</tr>
<tr>
<td>Fax:</td>
<td></td>
</tr>
<tr>
<td>E-mail Address:</td>
<td><a href="mailto:steve@adnarch.com">steve@adnarch.com</a></td>
</tr>
<tr>
<td>Secondary Contact Person:</td>
<td>(Please Specify Name, Company, Title)</td>
</tr>
<tr>
<td>Address:</td>
<td></td>
</tr>
<tr>
<td>Phone:</td>
<td></td>
</tr>
<tr>
<td>Fax:</td>
<td></td>
</tr>
<tr>
<td>E-mail Address:</td>
<td></td>
</tr>
<tr>
<td>Legal Property Owner:</td>
<td>Behrooz Salim</td>
</tr>
<tr>
<td>Address:</td>
<td>1143 S. Wall St., #203, Los Angeles, CA 90015</td>
</tr>
<tr>
<td>Phone:</td>
<td>213.304.6969</td>
</tr>
<tr>
<td>Fax:</td>
<td></td>
</tr>
<tr>
<td>E-mail Address:</td>
<td><a href="mailto:behrooz2@hotmail.com">behrooz2@hotmail.com</a></td>
</tr>
<tr>
<td>Architect:</td>
<td>ADN (Armet Davis Newlove) Architects</td>
</tr>
<tr>
<td>Contact Person:</td>
<td>Steve Shaw</td>
</tr>
<tr>
<td>Address:</td>
<td>1330 Olympic Blvd., Santa Monica, CA 90404</td>
</tr>
<tr>
<td>Phone:</td>
<td>310-773-7772</td>
</tr>
<tr>
<td>Fax:</td>
<td></td>
</tr>
<tr>
<td>E-mail Address:</td>
<td><a href="mailto:steve@adnarch.com">steve@adnarch.com</a></td>
</tr>
<tr>
<td>Engineer:</td>
<td>TBD</td>
</tr>
<tr>
<td>Address:</td>
<td></td>
</tr>
<tr>
<td>Phone:</td>
<td></td>
</tr>
<tr>
<td>Fax:</td>
<td></td>
</tr>
<tr>
<td>E-mail Address:</td>
<td></td>
</tr>
<tr>
<td>Landscape Architect:</td>
<td>TBD</td>
</tr>
<tr>
<td>Contact Person:</td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
</tr>
<tr>
<td>Phone:</td>
<td></td>
</tr>
<tr>
<td>Fax:</td>
<td></td>
</tr>
<tr>
<td>E-mail Address:</td>
<td></td>
</tr>
</tbody>
</table>
**Standard Application**

**Non-Residential Project Summary Table**

Community Development Department – Planning Division  
125 East College Street • Covina, California 91722 • (626) 384-5450 / Fax: (626) 384-5479

### Project Information

<table>
<thead>
<tr>
<th>Field</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Name</td>
<td>El Pollo Loco</td>
</tr>
<tr>
<td>Project Address</td>
<td>100 N. Azusa</td>
</tr>
<tr>
<td>General Plan</td>
<td>General Commercial</td>
</tr>
<tr>
<td>Zoning District</td>
<td>C-3A (PCD)</td>
</tr>
</tbody>
</table>

### Project Area

<table>
<thead>
<tr>
<th>Field</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross</td>
<td>22,353</td>
</tr>
<tr>
<td>Acres</td>
<td>0.53</td>
</tr>
<tr>
<td>Net (Exclusive of dedication for major external and secondary streets)</td>
<td>0.47</td>
</tr>
</tbody>
</table>

### Area Distribution (Net Area)

<table>
<thead>
<tr>
<th>Field</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Coverage</td>
<td>2200 SF</td>
</tr>
<tr>
<td>Landscape Coverage</td>
<td>6,200 SFX</td>
</tr>
<tr>
<td>Vehicular Coverage (Including parking, drive aisles, etc.)</td>
<td>13,953</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>9%</td>
</tr>
</tbody>
</table>

### Floor Area Distribution by Proposed Use (Building Area)

<table>
<thead>
<tr>
<th>Field</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area of Building Pad</td>
<td>2200 SF</td>
</tr>
<tr>
<td>No. of Stores</td>
<td>1</td>
</tr>
<tr>
<td>Gross Floor Area</td>
<td>2200 SF</td>
</tr>
<tr>
<td>Proposed Use</td>
<td>Restaurant</td>
</tr>
</tbody>
</table>

### Parking (Calculate Each Use Within a Building Separately)

<table>
<thead>
<tr>
<th>Field</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of Use</td>
<td>Restaurant</td>
</tr>
<tr>
<td>Parking Ratio</td>
<td>16 IMMEDIATE SPACES WITH RECIPROCAL SHARED PARKING AGREEMENT WITH EXTENDED SHOPPING CENTER</td>
</tr>
<tr>
<td># Spaces Req.</td>
<td></td>
</tr>
<tr>
<td># Spaces Provided</td>
<td></td>
</tr>
</tbody>
</table>

Total:  

03/2021
# Standard Application

## Residential Project Summary Table (5 or more Lots/Units)

**Community Development Department - Planning Division**

125 East College Street • Covina, California 91723 • (626) 384-5450 / Fax: (626) 384-5479

## PROJECT INFORMATION

**Project Name:** Commercial project, no residences involved.

**Project Address:**

**General Plan:**

**Zoning District:**

## PROJECT AREA

<table>
<thead>
<tr>
<th>Gross</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net (Exclusive of dedication for major external and secondary streets)</td>
<td>Acres</td>
</tr>
</tbody>
</table>

### DWELLING UNITS (Based on Net Project Area)

<table>
<thead>
<tr>
<th>Dwelling Units</th>
<th>Acres/Sq. Ft.</th>
<th>Sq. Ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Detached</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duplex</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multi Family</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bachelor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>One Bedroom</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two Bedroom</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Three Bedroom</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Four Bedroom</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### AREA DISTRIBUTION (Based on Net Project Area)

<table>
<thead>
<tr>
<th>Area</th>
<th>Acres/Sq. Ft.</th>
<th>% of Net Project Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Coverage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Landscape Coverage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Common Open Space</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private Open Space</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Usable Open Space (Common + Private)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### PARKING

<table>
<thead>
<tr>
<th>Parking Type</th>
<th>Parking Ratio</th>
<th># of Units</th>
<th>Studios Required</th>
<th>Reserved Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Detached</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duplex</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bachelor</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One Bedroom</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two Bedroom</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Three Bedroom</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Four Bedroom</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guest Parking</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

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*Community Development/Planning/FORMS/Checklist*

03/2021
INSTRUCTION SHEET FOR COMPLETING AN
ENVIRONMENTAL INFORMATION FORM

The Environmental Information Form will be used to assist staff in determining what type of environmental documentation (i.e., Environmental Impact Report, Mitigated Negative Declaration, Negative Declaration or Exemption) will be required to be prepared for your application per the California Environmental Quality Act (CEQA). The clarity and accuracy of the information you provide is critical for purposes of quickly determining the specific environmental effects of your project.

Any environmental studies (i.e., biological, cultural resource, traffic, noise) that are necessary to substantiate a “no impact” or “yes impact” determination should be submitted as an attachment to this Environmental Information Form. This is especially important when a Negative Declaration is being sought. The more information provided in this form, the easier and quicker it will be for staff to complete the Environmental Impact Assessment Form – Initial Study.

Environmental Fee: The applicant is responsible for the preparation of environmental studies and/or reports, and paying/reimbursing the City, its agent(s), officer(s), and/or consultant(s) for all costs for the preparation, review, analysis, recommendations, mitigations, etc. of environmental studies and/or reports.
CITY OF COVINA
ENVIRONMENTAL INFORMATION FORM
(TO BE COMPLETED BY APPLICANT)

Date Filed ______________________________________ FILE NO. ______________________________________

General Information
1. Name and address of developer or project sponsor Steve Shaw, ADN Architects on behalf of El Pollo Loco
   franchisee Peq Lion.

2. Address of project 100 N. Azusa,
   Assessor's Block and Lot Number LOT 4 BLK 4

3. Name, address and telephone number of person to be contacted concerning this project
   Steve Shaw, ADN Architects, 1330 Olympic Blvd, Santa Monica, CA 90404 310-773-7772

4. Indicate number of the permit application for the project to which this form pertains

5. List and describe any other related permits and other public approvals required for this project, including those
   required by city, regional, state and federal agencies
   County Health Department

6. Existing zoning district C3-A

7. Proposed use of site (project for which this form is filed)
   New El Pollo Loco restaurant with drive-thru and patio

Project Description (Attach additional sheets if necessary)
8. Site size 22,353 square feet

9. Square footage 2,200 square foot building

10. Number of floors and construction 1

11. Amount of off-street parking provided 16 immediate for El Pollo Loco with reciprocal center spaces also available.

12. Attach plans.

13. Proposed scheduling Depending on permitting, tentative start time 9/2022

14. List associated projects, if any

15. Anticipated incremental development No

16. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household
    size expected

17. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area,
    and loading facilities OSR restaurant, city neighborhood oriented, sales area approx 60 square feet.

18. If industrial, indicate type, estimated employment per shift, and loading facilities

19. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities,
    and community benefits to be derived from the project

Community Development/Planning/FORMS/Checklist 07/2015
20. If the project involves a variance, a conditional use or rezoning application, state this and indicate clearly why the application is required. CUP required for drive-thru.

Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets as necessary).

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>21. Changes in existing features of any bays, tidelands, beaches, or hills, or substantial alteration of ground contours.</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>22. Change in scenic views or vistas from existing residential areas or public lands or roads.</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>23. Change in pattern, scale or character of general area of project.</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>24. Significant amounts of solid waste or litter.</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>25. Changes in dust, ash, smoke, fumes or odors in vicinity.</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>26. Changes in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns.</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>27. Substantial change in existing noise or vibration levels in the vicinity.</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>28. Site on filled land or on slope of 10 percent or more.</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>29. Use of disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>30. Substantial change in demand for municipal services (police, fire, water, sewage, etc.).</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>31. Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.).</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>32. Relationship to a larger project or series of projects.</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Environmental Setting**

33. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site. Snapshots or Polaroid photos will be accepted.

Site is already fully developed and part of a shopping center.

34. Describe the surrounding properties, including information on plant – and animals and any cultural, historical, or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and the scale of development (height, frontage, set-back, rear yard, etc.). Attach photographs of the vicinity. Snapshots or Polaroid photos will be accepted.

Surrounded by commercial uses.

**Certification**

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

_Date_ 11-8-2021  
_Signature_ [Signature]

_For_ ADN Architects on behalf of PegLion
RESOLUTION NO. 2022-002 PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COVINA, CALIFORNIA APPROVING A CONDITIONAL USE PERMIT (CUP) 21-031 TO DEMOLISH A VACANT BANK BUILDING AND CONSTRUCT A 2,200-SQUARE FOOT DRIVE-THROUGH RESTAURANT WITH ASSOCIATED PARKING AND LANDSCAPE IMPROVEMENTS ON A 0.51-ACRE SITE LOCATED AT 100 NORTH AZUSA AVENUE, APN: 8432-033-010

WHEREAS, Steve Shaw, Applicant, on behalf of the property owner, Behrooz Salim, has filed Conditional Use permit (CUP) 21-031 to demolish a vacant bank building and construct a drive-through restaurant with associated parking and landscape improvements located at 100 North Azusa Avenue, Covina, CA 91722, and;

WHEREAS, on February 8, 2022, the Planning Commission conducted a meeting at which time oral and written comments received prior to or at the meeting together with a written recommendation from the Planning Division was presented to the Planning Commission. The Planning Commission concluded said meeting on that date.

WHEREAS, all legal perquisite prior to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF COVINA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and are incorporated herein and made an operative part of this Resolution.

SECTION 2. Based upon the entire record made available at the January 26, 2021 meeting, the staff report, the oral presentation, and related documents submitted to the Planning Commission prior to and at the meeting, the Planning Commission hereby finds and determines as follows:

A. Findings for Conditional Use Permit (CMC Section 17.62.120)

1. That the site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this title to adjust the use with land and uses in the neighborhood;

Facts: Development service staff assesses all applications in the City for the suitability of the space and its proposed uses. The proposed floor plans show tenant improvements accommodating the necessary equipment and services to operate a fast-food restaurant such as kitchen, storage, refrigerators, restrooms, grease traps, and dishwashing area. Parking spaces are adequate meeting both the zoning code requirements and the expected demand for a drive-through restaurant.
2. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;

Facts: The site sits on the corner of North Azusa Avenue (highway) and West Badillo Street (collector street), and can handle the traffic generated by the use. The proposed drive-through facility provides queueing areas away from the main site driveway entry from Azusa Avenue. Therefore, overflowing of vehicles onto Azusa Avenue is not expected to occur under normal operating conditions. No significant impacts were identified.

3. That the proposed use will have no adverse effect on abutting property or the permitted use thereof;

Facts: The proposed building will occupy half of the square footage as that of the prior use. At the southern corner of the site, the proposed use takes advantage of a high-visibility spot for passing vehicles but also distant from residential uses. Drive-through restaurants are conditionally allowed in the C-3A Commercial Zone (Regional or Community Shopping Center) with a PCD overlay and the proposed operations are typical of restaurants providing indoor dining and drive-through service with minimal impact, if any, on abutting properties. Adjacent to the proposed use to the east and north side is a commercial center with two drive-through restaurants and large commercial stores like Smart & Final and CVS. Therefore, the proposed use will have no adverse effect on the abutting property.

4. That the conditions stated in the decision are deemed necessary to protect the public health, safety, and general welfare of the community. Such conditions may include: regulation of use, regulation of signs, requiring maintenance of grounds, regulation of noise, vibrations, odors, etc., regulation of time for certain activities, duration of use and any such other conditions as will make possible the development of the city in an orderly and efficient manner and conformity with the intent and purposes set forth in this title.

Fact: During the course of application review, no concerns regarding the public health, safety, and general welfare were identified. The conditions of approval imposed primarily concentrate on the operation of the use, traffic control, property maintenance, and the prevention of nuisance problems. The approval of the Conditional Use Permit is appropriate as it is for a drive-through facility and the restaurant does not serve alcohol.

B. Findings for Site Plan Review (CMC Section 17.64.070)

1. All provisions of Title of the CMC are complied with and the following are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, and there will be no adverse effect to surrounding properties: buildings, structures and improvements; vehicle ingress, egress and internal
circulation; setbacks; building height; location of service; walls; and landscape materials.

Facts: The proposed project complies with all required provisions of the C-3A - Commercial Zone (Regional or Community Shopping Center) zone with a PCD overlay. The proposed site improvements follow all required development standards for a drive-through restaurant and comparable with other nearby uses in the area due to the site located within an established area characterized by existing streets, sidewalks, walls, and commercial buildings/uses that conform well to surrounding neighborhood infrastructure, circulation and support services. The project would have no negative impacts to existing streets and sidewalks in that, the proposed project is a commercial property and the drive-through restaurant would have minimal impacts on existing and surrounding traffic conditions with the proposed site improvements. With the proposed modifications and overall site improvements, the proposed use will have no adverse effect to surrounding properties. Therefore, as proposed, this criterion has been met.

2. The project design conforms to the general plan, the design guidelines, transportation demand management regulations, and any specific plans or guidelines applicable to the project;

Facts: The proposed scope of work is consistent and conforms to the City of Covina's General Plan Goals, Objective No. 4 "Economic and social vitality in all areas of the community", by implementing Policy No. 1 to attract a greater variety of commercial retail and office uses to provide for shopping, eating, service, administrative, and other needs of Covina and area residents, to enhance the community's image, and to bolster economic development efforts. The proposed drive-through restaurant meets the City's design guidelines for said use, as reviewed and determined by planning staff. As such, the proposed scope of work satisfies all applicable guidelines to the project. as outlined under the CMC Title 17, the Covina Design Guidelines, and General Plan therefore, this criterion has been met.

3. The project design is harmonious, consistent and complete within itself and functionally and visually compatible with neighboring structures and the area in which it is located;

Facts: The subject site is located within the C-3A - Commercial Zone (Regional or Community Shopping Center) zone with a PCD overlay, which is surrounded by commercial uses. The subject site is within an established area characterized by commercial and retail uses that connect well to existing neighborhood infrastructure and support services. Proposed improvements to the site are aesthetically pleasing, functional, visually compatible with neighboring structures and the area within which it is proposed to be located, and in compliance with the Covina Design Guidelines. Therefore, this criterion has been met.
4. *The development will constitute an adequate environment for the intended use by sustaining the desirability and stability of the neighborhood and community;*

Facts: The proposed project is designed and in conformance with development standards consistent with the character, appearance, and features of a drive-through restaurant, thereby facilitating the desired sustainability and stability adequate for its environment, the neighborhood and community it will serve. Therefore, this criterion has been met.

5. *Proposed lighting is so arranged as to reflect lighting away from adjoining properties;*

Facts: Accent lighting of buildings, trees, or other landscape features will accentuate those individual features with no spillover beyond the facade of the building. The closest residential properties are multi-family apartments on the opposite of Badillo. A lighting plan will be submitted for review for compliance with the applicable safety, security, and design related provisions of the Zoning Code and Design Guidelines, as a condition of approval. Therefore, as conditioned, this criterion has been met.

6. *Proposed signs will not by size, location, color or lighting, interfere with traffic or limit visibility;*

Facts: Any proposed signage is not a part of this review and approval. As a condition of approval, a separate sign permit application and related plans will be required showing compliance with the City of Covina's Sign Ordinance. Therefore, as conditioned, this criterion has been met.

7. *Utility and street improvements pursuant to CMC Sections 17.64.120 and 17.64.130;*

Facts: The applicant will be required to comply with utility and/or street improvements required by the Department of Public Works (Engineering, Traffic, and Environmental Services.) Therefore, as conditioned, this criterion has been met.

**SECTION 3.** The Planning Commission, based on its own independent judgement, has determined that this Project is categorically exempt pursuant to CEQA Guidelines Section 15303(c) Class 3 exemption, which consists of new construction or conversion of small structures of the CEQA guidelines to accommodate a drive-through restaurant on a commercially-zoned site. As such, Staff finds that there is no evidence that the project will have a significant effect on the environment. The Planning Commission further finds that there is no substantial evidence that the Project will have a significant effect on the environment.

**SECTION 4.** Based upon findings and conclusion set forth in Sections 1, 2 and 3 above, the Planning Commission hereby approves the application:
A. The Conditional Use Permit (CUP) 21-031 is hereby approved, subject to the conditions of approval set forth in the written record before the Commission incorporated here and attached hereto as Exhibit “A.”

B. The Site Plan Review (SPR) 21-186 is hereby approved, subject to the conditions of approval set forth in the written record before the Commission incorporated here and attached hereto as Exhibit “A.”

C. The Secretary of the Planning Commission is directed to serve, by first-class mail, a written notice of this decision to the Applicant within five (5) days.

SECTION 5. This Resolution shall become effective immediately upon its adoption, subject to a 10 calendar-day appeal period

PASSED AND ADOPTED by the members of the Planning Commission of the City of Covina at a regular meeting thereof held on the 8th day of February, 2022.

JOHN CONNORS, CHAIRMAN
CITY OF COVINA PLANNING COMMISSION

I hereby certify that the foregoing is a true copy of a resolution adopted by the Planning Commission of the City of Covina at a regular meeting thereof held on the 8th day of February, 2022, by the following vote of the Planning Commission:

AYES: 
NOES: 
ABSENT: 
ABSTAIN:

COVINA PLANNING COMMISSION SECRETARY
The Conditional Use Permit (CUP) 21-031 is approved for the demolition of a vacant building and the construction of a 2,200 drive-through restaurant with associated parking and landscape improvements, located at 100 N. Azusa Avenue, Covina, CA 91722.

ALL OF THE FOLLOWING CONDITIONS APPLY TO THE PROJECT

A. TIME LIMITS:

1. **Conditional Use Permit (CUP) 21-031 and Site Plan Review (SPR) 21-186:** Approval of this application will expire one year from the date of Project approval if building permits are not issued unless otherwise extended pursuant to applicable laws. The applicant may apply to extend the expiration date for a maximum period of one year upon written request to the Director of Community Development a minimum of thirty (30) days prior to expiration. The request must be approved by the Planning Commission prior to expiration of the approved CUP application.

B. GENERAL REQUIREMENTS:

1. This approval is for the demolition of a vacant building and the construction of a 2,200 drive-through restaurant with associated parking and landscape improvements located at 100 N. Azusa Ave., Covina, 91722. The proposed hours of operation for both indoor and outdoor dining will be Monday through Sunday from 10:00 am to 10:00 pm daily. The number of employees will be between 30-40, with 10 to 12 staff members scheduled per shift. No alcohol sales are permitted.

2. This approval will not be effective for any purposes until the Applicant has filed with the Planning Division an affidavit stating that it is aware of and agrees to accept all of the conditions of this approval as set forth herein and within 10 days from the date of this approval.

3. Applicant shall, at its own expense and with counsel selected by City, fully defend, indemnify and hold harmless City, its officials, officers, employees, and agents ("Indemnified Parties"), from and against any and all claims, suits, causes of action, fines, penalties, proceedings, damages, injuries or losses of any name, kind or description, specifically including attorneys’ fees, ("Liabilities"), arising in any way out of City’s approval of the Applications or the Project. Applicant’s indemnification
obligation shall include, but not be limited to, actions to attack, set aside, void, or annul
the City's approval of the Applications, and Liabilities premised on, related to or
invoking CEQA, including those arising out of City's decisions related to the Project's
CEQA documents. City shall promptly notify Applicant of any such claim, action or
proceeding, and shall cooperate fully in the defense of such claim, action, or
proceeding. Applicant's indemnification obligations shall not be limited to the amount
of insurance coverage that may be available to Applicant, and shall not otherwise be
restricted or confined by the presence or absence of any policy of insurance held by
City or Applicant.

4. Applicant's obligations, as set forth above, shall survive the completion or
abandonment of the Project or the issuance of a certificate of occupancy with respect
ereto. However, Applicant's obligations after the issuance of a certificate of
compliance for the Project shall be limited to indemnifying and defending the
Indemnified Parties from legal challenges filed to set aside any part of the Project or its
related components. The provisions of this condition are intended by the Parties to be
interpreted and construed to provide the fullest protection possible under the law to the
City. Further, all obligations and Liabilities under this Condition are to be paid by the
Applicant as they are incurred. Applicant's obligations to indemnify under this
Condition shall include the obligation of the Applicant to defend City with legal
counsel of City's own choosing.

11. The Applicant shall reimburse the City for all fees and costs for special review of these
applications by both (i) the City's retained planning, engineering, and related
consultants and (ii) the Covina City Attorney's Office through a revised executed
Reimbursement Agreement, prior to submittal of plan check. Such special review
includes, but is not limited to, review of the Project's compliance with conditions of
approval, environmental mitigation monitoring, plan check process, review of CC&Rs,
etc.

13. The Project Site and all improvements thereon, including landscaping, must be
maintained in a sound, healthy, and attractive condition reasonably free of weeds,
visible deterioration, graffiti, debris and/or other conditions that violate the Covina
Municipal Code.

14. The costs and expenses of any code enforcement activities, including, but not limited
to, attorneys' fees, caused by applicant's violation of any condition or mitigation
measure imposed hereunder or any provision of the Covina Municipal Code must be
paid by the applicant.

15. Approval of the CUP shall not waive the applicant's obligation for compliance with all
other applicable sections of the Covina Municipal Code, the Covina Design Guidelines,
Town Center Specific Plan and all other applicable plans.
C. BUILDING AND SAFETY DIVISION

1. Submit 4 sets of complete plans including any proposed utilities and earthwork/grading. The Project must comply with the 2019 California Building Code and Standards. (see handouts for min submittal requirements for construction plan check).

2. Two (2) sets each of any structural and energy calculations shall be submitted with the above-mentioned plans. All calculations must bear an original signature from the documented author.

3. This Project must comply with applicable Federal and State Accessibility requirements to and throughout the buildings. Include compliance methods and structural details on the plans. It is recommended that an independent CASp review of the project be performed although your new facility may have already been approved and permitted by the building department, it is important to obtain CASp inspection services after your move-in because unintended access barriers and violations can be created, such as placing your furniture and equipment in areas required to be maintained clear of obstructions. For planned alterations, a CASp can review your improvement plans and provide an access compliance evaluation of your facility’s public accommodation areas that may not be part of the alteration.

4. Demolition activities require an asbestos containing materials (ACM) survey. (SCAQMD RULE 1403). The ACM report shall be prepared by an accredited testing laboratory in accordance with applicable SCAQMD rules and regulations. Proof of notification to the South Coast Air Quality Management District (SCAQMD), Office of Operations, shall be submitted to the Building Division with the relevant permit application for all demolition activities. Contact the SCAQMD at the address or number below for more information. Once any demolition activity has adhered to the applicable notification requirements to the SCAQMD, a formal demolition plan and permit must be obtained from the Building and Safety Division.

   o SCAQMD Headquarters; 21865 Copley Drive, Diamond Bar, CA, (909) 396-2381

5. Provide an additional digital copy (pdf preferred) of the building floor plan, elevations, and site plan to be submitted to the LA County Assessor. This copy should be in sufficient detail to allow the assessor to determine the square footage of the buildings and, in the case of residential buildings, the intended use of each room. For additional information, please contact the LA County Assessor’s, Public Service Desk at 888-807-2111.

6. The Applicant shall pay the applicable SB 50 development impact fees to the School District prior to issuance of the first building permit for production units.

7. Construction activity within 500’ of a residential zone is prohibited between the hours of 6:00 pm and 7:00 am on Monday through Friday and between 5 pm and 8 am on Saturday and all day on Sunday and Holidays unless otherwise permitted.
D. PUBLIC WORKS - ENGINEERING DIVISION

1. Prior to issuance of any permits, the applicant shall submit a Precise Paving and Drainage Plan for the project showing building footprints, pad elevations, finished grades, drainage routes, retaining walls, erosion control measures, and other pertinent information in accordance with Appendix J of the California Building Code, latest edition for review and approval of the City Engineer.

2. The applicant shall submit a Soils and Geologic Report to the satisfaction of the City Engineer and the Building Official.

3. The applicant shall remove the existing driveways on Azusa Avenue and Badillo Street and construct curb & gutter and sidewalk to match existing to the satisfaction of the City Engineer.

4. The applicant shall obtain a public works permit for all work in or adjacent to the public right-of-way (ROW). All work within the public ROW shall be in accordance with applicable standards of the City of Covina, i.e. Standard Specifications for Public Works Construction (Green Book), and the Work Area Traffic Control Handbook (WATCH), and further that construction equipment ingress and egress be controlled by a plan approved by the City Engineer.

5. Due to construction, the applicant shall be responsible for any repairs within the limits of the project site development, including streets and paving, curbs and gutters, and sidewalks, as determined by the City Engineer.

6. The applicant shall provide drainage improvements to carry runoff of storm water in the area proposed to be developed, and for contributing drainage from adjoining properties to the satisfaction of the City Engineer. The proposed drainage improvements shall be based on a detailed hydrology study conforming to the current Los Angeles County Methodology. The proposed storm drain improvements shall be privately maintained.

7. The applicant shall reconstruct the existing curb ramp at the intersection of Azusa Avenue and Badillo Street to meet current ADA standards to the satisfaction of the City Engineer.

E. PUBLIC WORKS – ENVIRONMENTAL SERVICES DIVISION

1. LID Plan – The project will redevelop an impervious area greater than 5,000 square feet. As such, a LID Plan will be required, and must be approved by the City prior to
the issuance of a grading permit. The LID Plan will be reviewed by the City's storm water consultant, John L. Hunter & Associates. A LID review fee of $2,000 will apply.

2. C&D – 75% of construction and demolition debris must be recycled, per City Ordinance No. 18-03. Forms and a security deposit will be required.

F. LOS ANGELES COUNTY FIRE DEPARTMENT – FIRE PREVENTION DIVISION

1. Comply with Los Angeles County Fire Department Codes and Regulations; contact Inspector Edward Martinez at Edward.Martinez@fire.lacounty.gov.

G. COVINA POLICE DEPARTMENT

1. When applicable, the owner or operator shall contract with a security company for security personnel or hire security personnel as employees.

2. At no time will any security personnel, whether employed by a private company or licensed by the City or employed by the establishment, be armed with any type of firearm.

3. Parking lot light fixtures and wall mounted light fixtures shall be of LED. Detailed plans to show compliance shall be submitted to Police Department and Planning Division for review and approval, prior to issuance of permit and prior to installation. The condition of approval shall be accomplished on or before opening.

4. Wayfinding signage shall be provided and submitted to Police Department and Planning Division for review and approval. Wayfinding signage shall have lighting as well. The condition of approval shall be accomplished on or before opening.

5. Signage stating vehicle code is enforceable must be posted at all entrances so that guests/visitors are aware of what will be enforced on the property. Police Department to review signage. The condition of approval shall be accomplished on or before opening.

6. The permittee and the operator of any business at the premises shall install, use, and maintain in good working condition a video security system capable of viewing and recording events at the premises as approved by the Chief of Police. The video security system shall be on and operating at all times by common areas, development entrances and exits, and parking areas. The video security system shall be of such to provide images of such a resolution as to clearly identify individuals for later identification. Security systems could deter and prevent public nuisances. Installation and approval shall occur prior to the release of the occupancy or approval of business license.

7. The permittee and the operator of any business at the premises shall ensure that at least one employee or other person is present on the premises during normal business hours with the necessary knowledge and skill to operate the video security system so that he or she is able to provide the Covina Police Department copies of video recordings immediately upon request.
8. The permittee and the operator of any business at the premises shall preserve the video security system's recorded information of each business day for a period of not less than ten (10) business days thereafter for the Covina Police Department's review in connection with a criminal or other investigation.

9. The owners, operators, or managers shall, subject to approval of the Police Department, develop a plan to monitor the area surrounding the location for trash and other discarded items that impact public health and to maintain the cleanliness of the parking lots, sidewalks, and the property of adjacent business owners.

10. The owners, operators, or managers shall, subject to approval of the Police Department, develop a plan to ensure that all exterior locations are adequately and safely illuminated during hours of darkness.

11. The owners, operators, or managers shall ensure that all occupancy levels mandated by the Los Angeles County Fire Department and the Covina Building Division are strictly enforced and adhered to. At any time that the occupancy is in question, the Police Department Watch Commander can contact the Los Angeles County Fire Department and/or the Covina Building Division in order to determine if the occupancy level is over the allowed number of occupants.

12. The owners, operators, or managers must comply with all City codes and ordinances relating to police response and abatement nuisance conditions.

13. All landscaping should follow the two foot six foot rule. All landscaping should be ground cover, two feet or less and lower tree canopies should be at six feet. This increases natural surveillance and eliminates hiding areas within landscaping. Tree canopies should not interfere with or block the lighting along sidewalks or parking lots. This creates shadows and areas of concealment. Planters will use plant species with limited growth. This is to ensure that maintenance does not become an issue and surveillance from the building is maintained.

END OF CONDITIONS
PLANNING COMMISSION AGENDA REPORT
STUDY SESSION
February 8, 2022

TO: Chairman and Members of the Planning Commission

FROM: Brian K. Lee, AICP, Director of Community Development

SUBJECT: Study Session on Draft Mixed-Use Overlay District Regulations

BACKGROUND

The purpose of the study session is to present an overview of the Draft Mixed-Use Overlay District Ordinance (MUOD) to the Planning Commission and the community. Staff is seeking Planning Commission and public input and comments on the MUOD.

In December 2020, the City Council approved General Plan Amendment (GPA) 20-002, which amended Section IV. Land Use Plan and Section V. Programs and Implementation Measures of the Land Use Element, of the Covina General Plan to allow a new Mixed-Use land use designation, and to require a corresponding Mixed-Use Overlay Zone, respectively. At that time, the GPA was initiated to address the City’s housing obligations as required by SCAG’s Regional Housing Needs Assessment (RHNA) calculations. Covina is required to provide 1,905 new residential units for the 2021-2020 (6th) cycle Housing Element. Though Staff believed that the Covina Town Center Specific Plan could have accommodated a substantial amount of these new residential units, the City also needed to rezone additional properties to allow for additional residential development so as to meet the 1,905 RHNA allocation requirement. The GPA was therefore, approved to allow for mixed-use development within other appropriate areas outside of Specific Plan areas, based on a set of site-specific development standards and regulations. The Draft MUOD, therefore, has been prepared to provide these site-specific development standards, regulations, and procedures to ensure that sufficient residential units are constructed in the future, so as to comply with the City’s RHNA allocation requirement. The Draft MUOD provides the necessary zoning standards and regulations to implement the Mixed-Use designation, policies and programs that were established with GPA 20-002, and ensures consistency between the City’s General Plan and Zoning Code.

OVERVIEW OF THE MIXED-USE OVERLAY DISTRICT ORDINANCE

1. Purpose and Objectives

The proposed MUOD is prepared to guide and regulate future mixed-use development in accordance with the policies and objectives of the Mixed-Use land use designation as established in
the Covina General Plan, and provides specific development and design standards and regulations to achieve high quality mixed-use projects.

Mixed-Use development projects combine different types of compatible land uses such as residential, commercial, office, industrial and institutional with public amenities into a single cohesive project. Compatibility or blending of mixed uses is physically and functionally integrated, and are symbiotic and interdependent that create synergy and mutual benefits to each other, and provide for pedestrian connections. Both horizontal and vertical mixed-use development will be allowed. Horizontal mixed-use projects allow a range of uses in a single development project area where uses are adjacent to one another, either in separate buildings or parcels. Vertical mixed-use projects allow for a mix of uses in the same building where non-residential uses occupy the ground floor and residential uses on upper levels. A minimum of 40% of the site area must be non-residential use for all mixed-use projects.

It is Staff’s intention that all future mixed-use development that is constructed in accordance with the proposed MUOD create cohesive, yet diverse, neighborhoods with increased economic and cultural opportunities, which would contribute to greater livability and a healthier local economy. Staff also believes that the proposed MUOD will enhance the overall appearance of the City, since development would be required to provide creative design of buildings, structures, and facilities.

2. Applicability

Mixed-use development approved with the MUOD can only occur on selected sites and buildings within areas designated General Commercial or Industrial by the Covina General Plan and along Major and Secondary streets, as designated by the General Plan’s Circulation Element.

The MUOD is an overlay zone district and will not replace the underlying zoning classification of a particular property or site. Those uses and activities that would be allowed with the underlying zoning classification will continue to apply, unless specifically amended by a MUOD proposal. Applicants can choose to either comply with those development and design standards and requirements that have been established with the underlying zoning classification per the existing Zoning Code or comply with those mixed-use development and design standards and requirements that are described in the proposed MUOD.

3. Procedures, Flexibility, and Point System

A benefit of the MUOD is the flexibility that is provided to the applicant in the review and approval of their mixed-use proposals and plans. Submittal of mixed-use projects must comply with those requirements described in CMC Section 17.64 (Site Plan Review) and any other requirements as deemed necessary by the Director of Community Development. All mixed-use plans will be reviewed and approved by the Planning Commission and City Council.

Flexibility is provided in the manner in which Staff would review all mixed-use proposals and plans. Mixed-use developments are required to comply with those specific property development standards, special development regulations, and performance standards that are described in the
MUOD (Section 17.59.040). In addition, other design and architectural standards (Section 17.59.060) are also proposed, which are intended to be architectural enhancements to further improve project designs. A point value is assigned to each of these design elements and architectural standards. The applicant then has the flexibility to choose which of the design elements and architectural standards would be incorporated into the mixed-use proposal. It should be noted that all mixed-use developments must meet a minimum of total point (yet to be determined). If a particular development scores at least a yet to be determined point threshold, it is considered a Superior Project, and is eligible to either increase or reduce, up to 20 percent of a particular development or design standard. For example, a Superior Project could have relief of up to three of the following development or design standards: required building setbacks, required parking, maximum building heights, and/or increased lot coverage.

SUMMARY OF DEVELOPMENT AND DESIGN STANDARDS IN THE MIXED-USE OVERLAY DISTRICT ORDINANCE

As discussed, the MUOD includes specific property development standards, special development regulations, and performance standards that all mixed-use proposals and plans are required to satisfy. In addition, the MUOD also provides other design and architectural standards which the applicant has flexibility in satisfying.

1. Property Development Standards, Special Development Regulations, and Performance Standards

These standards shape the built form and character of any proposed mixed-use project and comply with the goals of the General Plan and the intent and purpose of the MUOD. These standards, which are found in Section 17.59.040, include minimum project area size, density and intensity, lot coverage, building setbacks, building heights, minimum distance separation, unit sizes, sound and vibration insulation, access and circulation, open space and landscaping, pedestrian amenities, fences and walls, parking, signs, screening, lighting, placement of utilities, roof design, outdoor plazas, and private open space.

2. Design and Architectural Standards

These design and architectural standards are intended to be architectural enhancements and are found in Section 17.59.060. The applicant has the flexibility to choose which of the particular design elements and architectural standards would be incorporated into the mixed-use proposal. These design and architectural standards include compatibility to adjacent development uses; site planning and parking; transportation; architectural enhancements; landscaping, plaza, common and private open space design; project landscaping and hardscape; and project amenities.

PUBLIC PARTICIPATION AND COMMUNITY ENGAGEMENT

Public participation is an important aspect of the planning process for the adoption of new regulations that affect future development projects. City staff will develop strategies to engage the community through workshops and social media. The purpose of the community engagement is to inform them of
the opportunities for MUOD, obtain their feedback, and collaborate with them to ensure their concerns and aspirations are understood and considered.

RECOMMENDATION

Staff recommends that the Planning Commission provide input and receive public comments on the proposed Mixed-Use Overlay District Ordinance. No action is required of the Planning Commission.

Prepared by:

Nancy Fong, AICP
Community Development Consultant

Approved by:

Brian K. Lee, AICP
Director of Community Development

EXHIBIT

1. Draft Mixed-Use Overlay District Ordinance
Sections:
Section 17.59.010 Intent, Purpose and Applicability
Section 17.59.020 Definitions
Section 17.59.030 Permitted and Conditional Uses
Section 17.59.040 Property Development Standards, Special Development Regulations, and Performance Standards
Section 17.59.050 Design Principles, Elements, and Standards
Section 17.59.060 Design and Architectural Standards, and Point System
Section 17.59.070 Submittal Requirements and Applications
Section 17.59.080 Review and Approval Authority
Section 17.59.090 Findings

Section 17.59.010 Intent, Purpose and Applicability.

A. The intent of this Mixed-Use Overlay District (MUOD) is to guide and regulate future mixed-use development in accordance with the policies and objectives of the Mixed-Use land use designation as established in the Covina General Plan. The MUOD establishes specific development regulations and design criteria/standards with the goal of achieving a high quality mixed-use project, and can be applied on a project-by-project basis to areas that are designated General Commercial or Industrial in the General Plan.

B. The purpose of this MUOD is to:

1. Encourage mixed-use projects that combine residential with non-residential uses in the same building or project/building site area as a means to create an active street life, enhance the vitality of businesses, and reduce the need for automobile travel.

2. Create cohesive, yet diverse, neighborhoods with increased economic and cultural opportunities, contributing to greater livability and a healthier local economy.

3. Provide walkable neighborhoods with pedestrian oriented amenities and connections.

4. Enhance the appearance of the City by considering creative design of buildings, structures, and facilities.

5. Provide a meaningful blend of residential and non-residential uses that ensure compatibility within the project area as well as compatibility with surrounding uses and development patterns.

6. Encourage and facilitate in-fill development. Encourage consolidation of small parcels into larger, more viable, block-sized areas for mixed-use projects.

7. Provide a diversity of housing options and affordability, and accommodate live/work units and spaces that enable residents to live closer to where they live, work and recreate.
C. Applicability.

The MUOD is an overlay zone. It may be added to but not replace the underlying zoning classification. Uses allowed in the underlying zoning classification will continue to apply, unless specifically amended by a MUOD proposal. The MUOD provides the City with the necessary regulatory standards and procedures that are flexible enough to review and approve future mixed-use developments that benefit both the City and future applicants. Applicants can choose to either comply with those development and design standards and requirements that have been established with the underlying zoning classification per the existing Zoning Code or comply with those mixed-use development and design standards and requirements that are described in this chapter.

The MUOD is created in the same manner in accordance with the requirements set forth in CMC 17.80.080 through CMC 17.80.150. Property classified with a MUOD shall be identified on the City’s Official Zoning Map by both the underlying zone and the MUOD by listing the “MUOD” classification with a hyphen followed by the underlying zoning classification. The regulations set forth in this chapter of the MUOD shall be in addition to those regulations set forth in the underlying zone. In the event of a conflict between the provisions of the MUOD and the underlying zone, the provisions of the MUOD shall prevail when a mixed-use project is being developed. If the MUOD is silent in relation to any development standard, the development standard identified in the underlying zone shall prevail.

Section 17.59.020 Definitions.

The following definitions apply to future mixed-use development within the MUOD.

1. **Co-Living Spaces**: Allows different people to live in one space that encourages its residents to interact and work with each other. Co-living is a new form of modern housing within vertical mixed-use buildings, where residents with shared interests, intentions, and values share a living space.

2. **Community Spaces**: Areas that allow people to come together and engage with each other and promote people’s overall health, happiness, and well-being.

3. **Floor Area Ratio**: The Floor Area Ratio (FAR) regulates the amount of use (the intensity) allowed on a building lot. FAR regulates height, setback, and building coverage standards to control the overall bulk of development. FAR is the measurement of a building’s floor area in relation to the size of the lot/parcel that the building is located on. FAR is expressed as a decimal number, and is derived by dividing the total area of the building by the total area of the parcel (building area + lot area).

![Floor Area Ratio (FAR) 1:1 Ratio](image)

4. **Green Building**: A whole-building and systems approach to design and construction that employs building techniques that minimize environmental impacts and reduce the energy consumption of buildings while contributing to the health and productivity of its occupants.
5. **Green Design**: Building design that yields environmental benefits, such as savings in energy, building materials, and water consumption, or reduced waste generation.

6. **Greenhouse Gas**: Greenhouse gases, which contribute to the greenhouse effect, occur naturally in the atmosphere, but also as a result from human activities such as the burning of fossil fuels. Greenhouse gases include carbon dioxide, methane, nitrous oxide, and ozone.

7. **Infill Development**: Construction on vacant, undeveloped, or underdeveloped parcels in dense areas, especially within urban and inner suburban neighborhoods.

8. **LEED**: The Leadership in Energy and Environmental Design Green Building Rating System is a nationally accepted benchmark for the design, construction, and operation of high performance green buildings. Administered by the U.S. Green Building Council, LEED promotes a whole-building approach to sustainability by recognizing performance in five key areas of human and environmental health: sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality.

9. **Live-Work Unit or Space**: A live-work unit or space within a building that is used jointly for residential and non-residential activities, where the residential use of the space is secondary, accessory or of equal intensity to the primary use as a place of work. The non-residential activity may be anywhere in the residential unit. It is intended to be occupied by a business operator who lives in the same residential unit or structure that allows the non-residential activity. These units may also accommodate employees and walk-in activities. Typical uses include artist lofts, studio spaces, small offices, or similar low-intensity uses. Live-work units can also include spaces that combine a commercial, light industrial, technological, or manufacturing activities with a residential living space for the owner of the non-residential activity or business, or the owner’s employee.

Live-work units must be internally accessible between the residential area and the non-residential area. The non-residential area must be directly accessible to a non-resident or guest from the ground level via an entry/exit that is separated from a residential entry/exit. An employee or operator of the non-residential use must reside in the dwelling unit. However, the non-residential use can have employees that do not reside within the dwelling unit.

10. **Maker Space Activities and Uses**: These activities and uses are intended to diversify businesses by encouraging interaction of people and businesses with other people and businesses of similar interests. Activities include creative uses such as artist studios and galleries, live/work units, restaurants, small scale craft breweries, creative office activities, warehouses, incubator industrial uses, and research and technology uses.

Adaptive reuse of existing structures and the establishment of shared parking, open spaces for recreation and public gathering are encouraged.

11. **Mixed-Use Development**: Projects that combine different types of compatible land uses such as residential, commercial, office, industrial and institutional with public amenities into a single cohesive project. Compatibility or blending of mixed uses is physically and functionally integrated, and are symbiotic and interdependent that create synergy and mutual benefits to each other, and provide for pedestrian connections.

Mixed-use properties allow people to live, work, play, and shop in a concentrated area. Mixed-use redevelopment of neighborhoods promotes comprehensive revitalization through retention or addition of housing, services and jobs. Both horizontal and vertical mixed-use development will be allowed.
a. Horizontal Mixed-Use: Horizontal mixed-use project allows a range of uses in a single development project area where uses are adjacent to one another, either in separate buildings or parcels. A minimum of 40% of site area shall be non-residential use.

b. Vertical Mixed-Use: Vertical mixed use projects allow for a mix of uses in the same building where non-residential uses occupy the ground floor and residential uses on upper levels. A vertical mixed use project may have a surface parking lot, subterranean parking decks and/or above ground parking decks. A minimum of 40% of site area shall be non-residential use.

12. **Research and Development**: Work and activities directed toward the innovation, introduction, and improvement of products and processes.

Section 17.59.030 Permitted and Conditional Uses.

Mixed-use development can only occur on selected sites and buildings within the General Commercial or Industrial land use designations of the City General Plan and along Major and Secondary streets, as designated by the City’s Circulation Element.

A. If the property is located within an Industrial Zone classification and proposes to develop with a mix of residential and non-residential uses within the same project area, the following uses are permitted:

1. Residential Uses
   
   a. Multiple-family dwellings such as townhouses, stacked flats, open floor plan lofts, apartments, condominiums, and similar housing types.
   
   b. Accessory Dwelling Units and Junior Accessory Dwelling Units, subject to provisions of CMC Chapter 17.69.
   
   c. Live-work uses
      i. Professional, administrative and business uses
      ii. Studios (art, photography, copywriter, film video, podcasting)
      iii. Arts and craft studios including sales and galleries
      iv. “Maker space” Light Industrial and Residential uses
   
   d. Small Family Day Care (up to 8 children) and Large Family Day Care (up to 14 children).

2. Industrial Uses
   
   a. Light Manufacturing uses, including manufacturing of crafts, art, sculptor, stained glass, jewelry, apparel, small household furniture, and similar items.
   
   b. Furniture upholstery activities, including custom household upholstery of chairs, couches, sofas, etc.
   
   c. Craft brewery or winery production, without on-site tasting or sales.
   
   d. Research and Development uses and activities, including businesses that result in new technology that could be used to create new products, services, and/or systems that could either be used or sold.
   
   e. Technology-related uses, such as computer and software development, electronics, etc.
f. Podcast and small-scale video production.

g. Small scale food preparation and/or packaging.

h. Bicycle sales and service.

3. Commercial Uses

a. Shared food and retail facilities, such as food halls.

b. Café, tea shop, and restaurants (without serving alcohol).

c. Small neighborhood markets (less than 5,000 square feet).

d. Florists and plant shops.

e. Interior decorating services (without warehousing of products).

f. Professional, administrative, and non-medical office uses.

4. Community Spaces and Areas

a. Community spaces and areas that allow people to come together and engage with each other and promote people’s overall health, happiness, and well-being, including plazas, open spaces, co-working spaces, and recreation areas.

b. Community spaces and areas within live/work buildings.

5. Uses permitted subject to a Conditional Use Permit (CMC Section 17.62)

a. Craft brewery and winery with on-site tasting and sales.

b. Personal training, gym and fitness centers, gymnastic schools, and health clubs (less than 5,000 square feet).

c. Meeting halls.

d. Catering services.

e. Bio-tech, pharmaceutical, nutritional supplements.

f. Co-living spaces, which allows different people to live in one space and encourages its residents to interact and work with each other. Within vertical mixed-use buildings, co-living is where residents with shared interests, intentions, and values share a living space. Within other residential units, residents can have their own bedroom and bathroom, but can share common areas for cooking and living areas. Co-living spaces are intended to operate cohesively within vertical mixed-use buildings and other mixed-use areas that are located within the Downtown area.

6. Accessory Uses

a. Parking lots and E-vehicle charging stations.
b. Public and private recreation facilities.

c. Mechanical utility equipment (Refer to screening requirements in CMC Section 17.59.040 B13 and B15).

d. Dog parks.

B. If the property is located within a Commercial or Administrative/Professional Zone classification and proposes to develop with a mix of residential and non-residential uses within the same project area, the following uses are permitted:

1. Residential Uses

   a. Single-family attached, duplexes, triplexes, or four-plexes.

   b. Multi-family dwelling such as townhouses, stacked flats, apartments, condominiums, and similar housing types.

   c. Stacked flats, apartments, condominiums, and similar housing types above ground floor commercial spaces.

   d. Townhouses, stacked flats, apartments, condominiums, and similar housing types adjacent to commercial buildings.

   e. Accessory Dwelling Units and Junior Accessory Dwelling Units, subject to provisions of CMC Chapter 69.

   f. Live work uses.

      i. Professional, administrative, and business uses

      ii. Studios (art, photography, copywriter, video production, podcasting)

      iii. Arts and craft studios including sales and galleries

   g. Co-living spaces, which allows different people to live in one space and encourages its residents to interact and work with each other. Within vertical mixed-use buildings, co-living is where residents with shared interests, intentions, and values share a living space. Within other residential units, residents can have their own bedroom and bathroom, but can share common areas for cooking and living areas. Co-living spaces are intended to operate cohesively within vertical mixed-use buildings and other mixed-use areas that are located within the Downtown area.

   h. Small Family Day Care (up to 8 children) and Large Family Day Care (up to 14 children).
3. Standards for Horizontal and Vertical Mixed Uses

a. For Residential Uses. Except as established in Table 17.59.040-A3, all other pertinent regulations and standards of the underlying zone, RD Residential Zone (Multi-Family) shall apply.

b. For Commercial Uses. Except as established in Table 17.59.040-A3, all other pertinent regulations and standards of the underlying zone, C-P and C-2 shall apply.

c. For Industrial Uses. Except as established in Table 17.59.040-A3, all other pertinent regulations and standards of the underlying zone, M-1 shall apply.

Table 17.59.040-A3
Lot Coverage, Building Setbacks, and Building Heights

<table>
<thead>
<tr>
<th>Standards</th>
<th>Residential</th>
<th>Commercial</th>
<th>Industrial</th>
<th>Vertical Mixed Use (1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Coverage</td>
<td>45%</td>
<td>80%</td>
<td>90%</td>
<td>60%</td>
</tr>
<tr>
<td>Building Setbacks (feet) from Property Lines</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front setback</td>
<td>15</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Street side setback</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Alley setback</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Interior setback, adjacent to single-family residential zones</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Interior setback, adjacent to multi-family zones</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Interior setback, adjacent to non-residential zones</td>
<td>10</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Rear setback, adjacent to single-family residential zones</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Rear setback, adjacent to multi-family zones</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Rear setback, adjacent to non-residential zones</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Garages, carports or accessory structures</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Building Height (feet)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum building height</td>
<td>35</td>
<td>50</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Building height stepback from second stories, when adjacent to single-family residential zones</td>
<td>15</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Building height stepback from third stories, when adjacent to all residential zones</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Building height stepback, when adjacent to non-residential zones</td>
<td>No Minimum</td>
<td>No Minimum</td>
<td>No Minimum</td>
<td>No Minimum</td>
</tr>
</tbody>
</table>

Notes:
(1) See definitions of the Horizontal Mixed-use and Vertical Mixed-use for compliance of land uses.
4. Distances (Minimum Separation) Between Detached Buildings Within Project Site

**Table 17.59.040-A4**

Distances (Minimum Separation) Between Detached Buildings Within Project Site

<table>
<thead>
<tr>
<th>Horizontal Mixed-Uses</th>
<th>1-Story (distance in feet)</th>
<th>2-Story (distance in feet)</th>
<th>3-Story (distance in feet)</th>
<th>4-Story or More (distance in feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjacent to commercial or industrial uses</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Building side to building side</td>
<td>10</td>
<td>15</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Building front to building front</td>
<td>15</td>
<td>20</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>Building side to curb face</td>
<td>10</td>
<td>10</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Garage, carports or accessory structures to habitable buildings</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Vertical Mixed-Uses</th>
<th>2-Story (distance in feet)</th>
<th>3-Story (distance in feet)</th>
<th>4-Story or More (distance in feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjacent to commercial or industrial uses</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Building side to building side</td>
<td>10</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Building front to building front</td>
<td>15</td>
<td>20</td>
<td>25</td>
</tr>
<tr>
<td>Building side to curb face</td>
<td>10</td>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>Garage, carports, or accessory structures to habitable buildings</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Other</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
</tbody>
</table>

B. Special Development Regulations

1. The design and development of vertical or horizontal mixed-use projects must engage and include a licensed Architect, landscape Architect and/or Civil Engineer in the preparation of the development plans.

2. Depth of Non-Residential Tenant Spaces. New, non-residential tenant spaces must have a minimum average depth of 40 feet of the building frontage. Width of the space shall not be less than 20 feet.

3. Minimum Non-Residential Unit Size. The minimum size of a new non-residential tenant space shall be 800 square feet.

4. Ground Floor Height. The minimum height of the ground floor of all non-residential building within vertical mixed-use projects shall be 15 feet. The height is measured from the finished floor of the first story to the floor of the second story. Plans must demonstrate that the floor space will accommodate equipment and ventilation for the non-residential tenant use.

5. Grease Interceptors and Vertical Mechanical Vents. Grease interceptors and vertical mechanical chases for venting shall be provided for all appropriate commercial spaces. Grease interceptor location(s) shall be underground and indicated on the development plans. Infrastructure shall be “stubbed in.” Residential units above commercial spaces shall be designed to provide mechanical shafts to the roof.

6. Sound and Vibration Insulation. Sound and vibration insulation shall be provided between floors for vertical mixed-use projects. Insulation and attenuation shall be provided to ensure that noise levels do not exceed 60 decibels between 7:00 AM and 10:00 PM; and 45 decibels
between 10:00 PM and 7:00 AM. An acoustical study shall be required to determine the sound and vibration attenuation measures for reducing noise from the ground floor tenant(s).

7. Access and Circulation. All access and circulation improvements must accommodate multiple users with different abilities and transportation mode preferences (driving, biking, walking, ride share, and taking transit); provide shared access with adjoining properties; and align access with existing driveways, intersections, or median openings. Design must not create vehicle and pedestrian conflicts. Designated spaces for rideshare and transit stops shall be provided.

8. Open Space and Landscaping. Open space and landscaping must include unified aesthetic and visual improvements and amenities, including open spaces for recreation, public gathering, plazas, and community activities areas. Landscaping improvements and amenities can also include vertical plantings along walls that abut public spaces, raised landscape planters to allow seating, enhanced landscaping to define various plaza uses and activities, and built-in planters, green walls, or vertical gardens. Enhanced private outdoor spaces and landscaping must also be provided to the greatest extent feasible.

9. Pedestrian Orientations, Connections and Amenities. Pedestrian-related improvements must create a safe, comfortable, and connected network that supports the City’s desired sense of place and mobility. Clear delineation of pedestrian walkways or bike trails with special pavement materials and landscaping, and lighting for safety shall be provided. Pedestrian-related improvements and amenities shall also be designed to create a well-defined, intimate, and pedestrian-friendly plaza areas. A minimum of 5 pedestrian amenities and improvements such as decorative pavement, trellises and arbor features, site furniture, shade structures, public art, wider sidewalks, curb extensions, parklets, benches, and canopy shaped evergreen shade trees shall be provided.

10. Fences and Walls. Fences and walls must be compatibly designed with the proposed buildings and structures in terms of materials, finished textures, and colors. Fences and walls can also be used to characterize and accentuate project entries.

11. Off-Street Parking. The first 1,000 square feet of commercial or non-residential floor area is exempted from parking requirements. Tandem parking for residential use is acceptable. Residential guest parking spaces can be satisfied through the requirement of commercial or non-residential parking (shared). Required parking spaces can be reduced by 10% if the mixed-use project includes Transportation Demand Management (TDM) parking which allows shared parking between mixed uses. Designated pick-up and drop off spots for ride hailing services and incentivize ride sharing services, etc. shall be provided as required by the TDM Plan.

12. Signs. Signage must be clearly identified for the public and must contribute to the positive image of any mixed-use project by communicating information and reinforcing the architecture of the mixed-use project. Signage can be of varying shapes, type styles, and color combinations. A Sign Program will be required to describe sign types, locations, sizes, colors, materials, and text and lettering for each building and use. “Box” or “Can” signs will not be permitted.

13. Screening of Equipment, Refuse Storage and Loading Areas. All accessory structures and areas must be screened from public view. Screening design, including colors, materials, finishes, etc. must be incorporated into the architecture and design of the primary building(s).

14. Lighting. Exterior building lighting provides visibility and safety as well as creating ambiance. Lights shall enhance architectural details and landscape features, and illuminate sidewalks, pedestrian paths, and plazas. Lighting must be incorporated into and be compatible with architectural features including doors, window openings, detailed cornices, columns, plazas,
and arcades to create texture, uniqueness, and visual interest. The maximum height of light poles from finished surface to top of light fixture shall be 16 feet. Energy efficient LED lights shall be installed.

15. Placement of Utilities, Meters, and Transformers. All utility, meter and transformer equipment must be shown on the site plan and shall be placed away from the public view. All ground mounted equipment such as transformers, AC units, etc., must be totally screened by a decorative screen wall, landscaping or a combination. Wall mounted equipment must be incorporated into the building architectural style with similar colors and materials.

16. Roof access shall be within the building. Exterior ladders are prohibited.

17. Outdoor Plazas and Community Spaces. Horizontal and vertical mixed-use developments are required to provide outdoor plazas and community spaces. Outdoor plazas enliven the sidewalk level and provide private open space for visitors, shoppers, employees and residents. These spaces will create a visual connection to the public realms as well as a transition zone between the buildings and the streets. Outdoor plazas and community areas provide spaces for public events such as civic ceremonies, festivals, outdoor dining, and live performances. Outdoor plazas shall incorporate shade, rest areas, and other amenities such as drinking fountains, water features, trash cans, accent lighting, public art, and other similar enhancements that encourage public use and social gathering.

18. Outdoor plazas and community spaces shall have a minimum area of 400 square feet with one dimension at a minimum of 20 feet. Outdoor plazas and community spaces may be a combination of one large centralized ground level plaza, or two or more smaller ground level plazas, or a combination of more than two smaller ground level plazas and roof top gardens. The total area for outdoor plazas and community spaces for horizontal and vertical mixed-uses shall be at least 10 percent of the entire project area.

19. Residential Private Open Space. Residential units including live-work units require 100 square feet of private open space per unit.

C. Performance Standards

1. Lighting. The operation of uses, activities, and processes must not produce significant and direct glare beyond the property's boundaries to ensure adjacent properties are not impacted.


3. Conditions to use. The following standards shall apply to the use and structures in the MUOD zone:
   a. Maintain all required fences and walls in good condition and provide proper repair at all times.
   b. Require routine and proper maintenance of all swimming pools.

4. Corner cutback requirements. Maintain the plants or materials in such a condition that they would not cause a visual obstruction in these areas.

5. Maintain off-street parking areas and the access in good condition. Striping must be in a visible state.
6. Maintain all safety devices and signs in working condition.

7. The property owner is responsible for maintaining all trash, garbage, and refuse enclosures as provided in this Chapter. The deposit and storage of trash shall not cause nuisance problems such as harboring rodents or insects.

8. The property owner shall maintain all landscaping areas on-site and the contiguous planted areas within the public right-of-way except for street trees and shall replace any damaged, dead, diseased, or decaying plant materials within 30 days from the date of damage.

9. Changes in the landscaping areas, architectural features, buildings, and structural elements are not allowed without an amendment to the site plan and architectural review.

10. RV storage and parking, outdoor storage, use of containers for storage are not allowed.

Section 17.59.050 Design Principles, Elements, and Standards

The following design principles, elements, and standards establish a regulatory framework to meet the General Plan expectations. These design principles, elements, and standards help to design the mixed-use projects and are used by City officials to review each project, and also by residents as they consider the proposed development in their neighborhood.

A. Promote diversity of uses. Increase the diversity and range of uses and activities, such as housing, retail, services, offices and civic and community facilities. The diversity of uses will attract activities at different times of the day and at appropriate locations. It strengthens the connection between people and places and promote better urban design.

B. Provide appropriate mix of uses. Ensure the mix of uses complement each other on site and with the surrounding areas.

C. Integrate with existing neighborhoods. Minimize potential negative impacts on neighboring properties by transiting the size, scale, and character of the mixed-use development with adjacent uses and neighborhoods.

D. Promote pedestrian orientation. Incorporate pedestrian-friendly site design with direct walking and bicycling connections within the site and to surrounding areas. The design shall provide pedestrian-oriented architecture, well defined street edges, active ground floors, and interesting building details.

E. Provide flexible transportation and parking approaches. Consider reducing parking requirements if a mixed-use development meets or provides the following measures: adjacent to local or regional transit lines or routes within one-half mile; provide creative solutions such as shared parking, car-sharing, and EV charges; and provide TDM measures to reduce vehicle miles traveled (VMT).

F. Promote attractive design and create a focal point for the community. Mixed-use developments should be located at higher profile locations and along major arterial and secondary roads. This serves as a community focal point for the neighborhood(s). Features shall provide easy access by foot; provide transit, bicycle, gateway, or landmark elements; and incorporate inviting gathering places that allow community activities.

G. Promote environmental sustainability. Incorporate green building techniques and infrastructure in building design for the efficient use of energy, water, construction materials, and waste reduction.
H. Coordinate development strategies. Coordinate planning and economic-development strategies to help increase the range of mixed uses that encourage neighborhood-serving activities and everyday services that attract surrounding residents and employees.

Section 17.59.060 Design and Architectural Standards, and Point System

Mixed-use developments are required to comply with these design elements, architectural standards contained in the following table, Table 17.59.060. A point value is assigned to each of the design elements and architectural standards listed in this table. The point value system aims to provide flexibility for the applicant to incorporate the number and type of design elements and architectural enhancements into a mixed-use development, resulting in a better designed project that encourages higher design quality and superior project amenities. All mixed-use developments shall meet a minimum of [ ] points (as yet to be determined) A project that scores at least a yet to be determined point threshold, is considered a Superior Project, and is eligible of either an increase or a reduction, as applicable, of up to 20 percent in the development standards. The Superior Project may elect to choose up to three development standards for reduction or increase as follows: required building setbacks, required parking, exceed building height, and/or increase lot coverage.

Table 17.59.060
Table of Design and Architectural Standards

<table>
<thead>
<tr>
<th>Design and Architectural Standards</th>
<th>Description of Design and Architectural Enhancements and Features of the Project Meeting and Exceeding the Standards</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compatibility to Adjacent Development and Uses</td>
<td>Provide new developments and improvements to existing properties that relate to the adjoining properties; the placement of uses avoid conflicts and take advantage of mutual potentials.</td>
<td>1</td>
</tr>
<tr>
<td>1 Provide compatible land uses, buildings, and development as required by the City.</td>
<td>Provide vibrant edge and frontage appearances and visually-interesting buildings along streets.</td>
<td>1</td>
</tr>
<tr>
<td>2 Orient buildings and facilities to be sensitive to neighboring uses and structures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site Planning and Parking</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Provide circulation systems that meets the needs of motorists and pedestrians.</td>
<td>a. Provide shared access with adjoining properties.</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>b. Align access with existing driveways, intersections or median openings.</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>c. Design should not create vehicle or pedestrian conflicts. Examples include clearly delineated on-site pedestrian walkways with special pavement materials and landscaping, and LED lighting for safety.</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>d. Create a strong entry statement with textured pavement at project entrance.</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Provide adequate off-street parking.</td>
<td>a. Exceed minimum parking spaces; parking areas are evenly distributed within site.</td>
</tr>
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</tr>
<tr>
<td></td>
<td></td>
<td>b. Parking areas do not front along or are adjacent to public streets.</td>
</tr>
<tr>
<td>3</td>
<td>Increase buffering when site adjoins single family residential use.</td>
<td>Provide distance buffering from adjacent single family use with a combination of landscaping, drive aisle, or parking, or all three.</td>
</tr>
<tr>
<td>4</td>
<td>Screen loading areas.</td>
<td>Orient loading areas away from street view.</td>
</tr>
<tr>
<td>5</td>
<td>Screen trash enclosures, utility and mechanical equipment, etc.</td>
<td>a. Provide screening with a combination of landscaping and decorative screen walls and overhead trellis work.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>b. Place all utility and mechanical equipment in locations not exposed to view from street.</td>
</tr>
<tr>
<td>6</td>
<td>Increase the amount of front, rear, or side yard setback under CMC Section 17.59.040.</td>
<td>Add 2 points if front, rear, or side yard setbacks exceed the mandated requirements by 20 percent or more.</td>
</tr>
<tr>
<td>7</td>
<td>Vary building setbacks to eliminate monotonous and undifferentiated building frontages.</td>
<td>Provide varying building setbacks by 5 feet beyond the minimum requirements under CMC Table 17.59.040-A3.</td>
</tr>
</tbody>
</table>

**Transportation**

|   | Accommodate and provide various modes of transportation. | a. Provide continuous pedestrian routes and connect them with buildings, plazas and open spaces. | 2 |
|   |   | b. Provide pedestrian and bicycle linkages to public sidewalks, neighboring buildings, and the planned pedestrian and bicycle networks. | 2 |
|   |   | c. Provide shared parking, and pick-up and drop off areas for ride-share (uber and lyft, etc.). | 2 |
|   |   | d. Provide adequate number of bicycle racks and provide lockable storage bins for bicycles. | 2 |
|   |   | e. Exceed the numbers of EV chargers required by CalGreen Codes. | 2 |
|   |   | f. Pay into the City's EV Chargers in-lieu fee pursuant to the City's fee resolution. | 2 |

**Architectural Enhancements**

<p>|   | Provide distinctive architectural style. | Carry the architectural theme and design elements on all four sides of the buildings. | 2 |
| 2 | Vary the massing of buildings to reduce scale, and ensure a visually interesting design and an attractive environment. | a. Eliminate large blank exterior walls by providing varied building plane articulation. A long continuous building plane of up to 30 feet in length must have a 3-foot recess or pop-out architectural feature. | 2 |
|   |   | b. Incorporate into building facades human-scale detailing such as reveals, belt courses, cornices, structural and architectural bays, recessed windows or doors, mullions, awnings, covered arcades or porticos, arched columns, etc. Building design must have at least a minimum of 4 mentioned detailing. | 2 |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>3</td>
<td>Vary roof planes, ridgelines, massing and materials. Provide vertical roof plane variation. Minimize large expanses of the roof by changing roof height, offsets, and direction of slopes, and by introducing elements such as dormers, towers or parapets.</td>
</tr>
</tbody>
</table>
| 4 | Emphasize building entries and creating a sense of arrival. a. Provide non-habitable front porches, which may project into the front yard setback by 5 feet for residential uses. Area of front porch shall be a minimum of 45 square feet.  
b. Define building entry plazas, vertical massing and architectural elements such as awnings, towers, covered arcades, or porticos for non-residential uses.  
c. Locate all entries and entryways to be directly visible and accessible from the public sidewalk. Corner buildings are encouraged to have corner entries. |
| 5 | Ensure that building materials that convey a sense of durability and performance. Use high quality materials that will last for the life of the building. a. Provide at least three building materials to add color and texture variation and interest. Acceptable building materials are: stucco, tiles, concrete, stones or brick veneer, glass, wood siding for residential only, authentic river rock veneer and other similar materials as approved by the Director.  
b. Employ accent materials such as tile insets, terracotta, natural or cultured stone medallions, roof cornices, brackets, window trims, etc., to add color, textures and visual interest. |
| 6 | Vary building heights. Points will be given if the buildings are designed to be less than the maximum building height requirements in the following situations: a. stepping down to two stories when adjacent to single family residential neighborhoods;  
b. stepping down building height to two-stories at major street intersections; or  
c. creating taller building heights with distinctive architectural design at gateways to project. |

**Landscaping, Plaza, Common and Private Open Space**

<p>| | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Provide large and meaningful common open space. Provide more than 10% of the lot area for common and public open space in the form of pocket parks, courtyards and plaza.</td>
</tr>
<tr>
<td>2</td>
<td>Increase density of trees, shrubs and ground cover to compliment or soften site and parking areas and building elevations. Provide at least 30% more of 24-inch box size trees, 5-gallon shrubs, and other proportionately sized plant materials.</td>
</tr>
</tbody>
</table>
| 3 | Use appropriate landscaping materials. a. Provide a mix of evergreen, deciduous and flowering accent trees.  
b. Provide evergreen trees for shade at the south and west sides, deciduous trees at north and east sides. Evergreen and canopy shape trees shall also be provided for parking areas.  
c. Emphasize the use of drought-tolerant planting and water-efficient irrigation. |
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<tr>
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<th>Provide decorative hardscape for driveways.</th>
<th>Provide paving material other than plain asphalt or concrete. Interlocking unit pavers are preferred, but stamped, colored concrete is acceptable. A minimum of at least 30 percent of the total surface area of the driveway must be comprised of decorative hardscape material to be eligible for this category.</th>
<th>2</th>
</tr>
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<tbody>
<tr>
<td>5</td>
<td>Provide a focal point for pedestrian gathering.</td>
<td>Provide a fountain, sculpture, murals, or art piece as a focal point for plazas.</td>
<td>2</td>
</tr>
<tr>
<td>6</td>
<td>Connect to public spaces.</td>
<td>Provide open and accessible connection to plazas, gathering areas, and other similar spaces.</td>
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**Project Landscape and Hardscape**

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**Project Amenities**

<p>|   | Provide community spaces within the project areas. | Provide at least one sizable outdoor plaza as public open space and design with enhanced landscaping, shade and rest areas, and amenities such as drinking fountains, water features, trashcans, accent lighting, public art, and other similar enhancements. The sizable outdoor plaza is intended to allow for events such as civic ceremonies, festivals, and live performances. A sizable outdoor plaza is defined as more than 600 square feet in area. | 5 |
|   | | Provide the following open space and landscaping amenities: vertical plantings along walls (green walls) that abut public spaces; raised landscape |</p>
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<td>2.</td>
<td>Provide additional decorative project amenities.</td>
<td>Provide trellis features, archways, balconies, public art, decorative paving and concrete, etc.</td>
</tr>
<tr>
<td>3.</td>
<td>Provide more architectural embellishments.</td>
<td>Provide canopies, tile features, grill and ornamental metal, decorative lighting, etc.</td>
</tr>
<tr>
<td>4.</td>
<td>Provide innovative community features and amenities.</td>
<td>Provide dog parks and relating improvements, outdoor dining and gathering areas, co-working spaces, or secured parcel and package locker areas, etc.</td>
</tr>
<tr>
<td>5.</td>
<td>Provide exterior lighting.</td>
<td>Provide lighting that is unobtrusive, integrated with project design, low profile with a maximum height of 15 feet (measured from the base), shielded, and use LED.</td>
</tr>
<tr>
<td>6.</td>
<td>Provide rooftop decks on restaurants.</td>
<td>Rooftop decks on restaurants are coveted by the City. The City may count the rooftop decks as part of public or private open space.</td>
</tr>
<tr>
<td>7.</td>
<td>Provide community space.</td>
<td>Provide a minimum 500 square feet of interior community and shared co-work space and with office equipment and high speed WIFI.</td>
</tr>
</tbody>
</table>

**Section 17.59.070 Submittal Requirements and Applications.**

Submittal of mixed-use projects shall comply with those requirements described in CMC Section 17.64 (Site Plan Review) and any other requirements as deemed necessary by the Director. All submitted plans, including elevations, site plans, design plans, grading plans, utility plans, etc. shall be prepared by licensed architects and engineers.

**Section 17.59.080 Review and Approval Authority**

**A. Director of Community Development’s Authority.**

1. The Director shall review all mixed-use project applications and submittals and determine if they are deemed complete. All plans, materials, studies, etc. must be stamped and signed by a licensed professional. The Director will determine its completeness within 30 days. The Director may require additional information and details, as appropriate.

When deemed complete in accordance with the requirements of CMC 17.64.040 (Application), the project application shall be reviewed pursuant to the California Environmental Quality Act and an environmental determination shall be made. During this time period, the Precise Plan and project application shall be distributed to appropriate City departments and public agencies for review and comment.

2. The Director will schedule and notice the Planning Commission meeting to approve or deny the application after the CEQA clearance review procedures are completed.

3. The Director has the authority to administer, interpret, and enforce all development and design standards, and requirements of this Chapter.
4. The Director’s determination regarding the application’s completeness or the Director’s decision to approve or deny the application may be appealed to the Planning Commission, per the procedures of CMC Chapter 17.80.

B. Planning Commission’s Authority.

The Planning Commission, at a noticed public hearing, shall have authority to recommend approval, approval with conditions, or deny a mixed-use project to the City Council.

C. City Council Authority.

The City Council, at a noticed public hearing, shall have authority to approve, approve with conditions, or deny a mixed-use project. The decision of the City Council is final.

Section 17.59.090 Findings.

The Planning Commission/City Council, in approving a mixed-use project shall find as follows:

1. The mixed-use project provides residential and non-residential uses that meet the needs of businesses and residents of the City and region.

2. The mixed-use project is a beneficial re-use of land and property by providing creative and unique economic opportunities in the City.

3. The mixed-use project is compatible and harmonious with surrounding areas in terms of land use, size, scale, mass, architecture styles, etc.

4. The mixed-use project provide good design features and amenities relating to building form, massing, placement and orientation; outdoor open space; landscaping; site access; parking; service and loading; screening (walls, fences, and gates); utility storage, trash and recycling facilities; facades and articulation; colors and materials; building entrances; windows; roofs; architectural lighting; green building and sustainable design; streetscape design; and signage.

5. The mixed-use project provides green design features and amenities that employ building techniques to minimize environmental impacts and reduce the energy and utility consumption of buildings while contributing to the health and productivity of its occupants.

6. The mixed-use project is consistent with the City’s General Plan designation and zoning classification for the affected property.