

PLANNING COMMISSION

RESOLUTION NO. 23-6125

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 22-09

CONDITIONAL USE PERMIT NO. 22-09

CATEGORICAL EXEMPTION

APPLICANT: Peter Fung (Living Grace Alliance)

LOCATION: 2133 W. Garvey Avenue N.

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

Allow a 4,298 square foot expansion to an existing 6,344 square foot church on certain property described as follows:

Assessor Parcel No. 845-902-3026 as shown on the latest rolls of the Los Angeles County Tax Assessor; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 11th day of April 2023, conduct a duly advertised public hearing as prescribed by law to consider said application; and

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

1. The applicant is requesting approval of a Conditional Use Permit to allow for a 4,298 square foot expansion to an existing 6,344 square foot church in the “Neighborhood Commercial” Zone.
2. Findings necessary for approval of a Conditional Use Permit are as follows:
 - a. *That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community.*

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

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

1. On the basis of evidence presented, both oral and documentary, the Planning Commission makes the following findings for approval of a Conditional Use Permit:
 - a. The proposed use is consistent with the Neighborhood Commercial Zone. The Neighborhood Commercial Zone is comprised primarily of retail and service commercial uses and is generally adjacent to or within close proximity to residential zoning or development. The church would be located near single-family residences where it would be a convenience for the neighboring communities and families who would like to participate. The church would meet all applicable requirements of the Neighborhood Commercial Zone.
 - b. The proposed expansion to the church will not be detrimental to the health, safety, peace or general welfare of surrounding residents or business owners, as the use is already existing.
 - c. The existing building with the proposed expansion is adequate in size and is designed to accommodate the church. As conditioned, sufficient parking exists on the subject site and adjacent parcel to serve the church participants.

- d. The subject property abuts West Garvey Avenue North. The site can be accessed via West Garvey Avenue North and North Willow Avenue. The church would not generate a substantial amount of vehicular traffic nor alter the present circulation patterns.
 - e. Granting the Conditional Use Permit for the proposed church expansion would allow the opportunity for the surrounding community to have access to a place of assembly if they so desired. The church would not compromise the character of the surrounding neighborhood, nor be detrimental to the surrounding land uses.
2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Conditional Use Permit No. 22-09 is approved subject to the provisions of the West Covina Municipal Code provided that the physical development of the herein described property shall conform to said Conditional Use Permit and the conditions set forth herein which, except as otherwise expressly indicated, shall be fully performed and completed or shall be secured by bank or cash deposit satisfactory to the Community Development Director before the use or occupancy of the property is commenced and before a certificate of occupancy is issued, and the violation of any of which shall be grounds for revocation of said conditional use permit by the Planning Commission or City Council.
3. The Conditional Use Permit shall not be effective for any purpose until the owner of the property involved (or his duly authorized representative) has filed at the office of the Community Development Director his affidavit stating he is aware of, and accepts, all conditions of this Conditional Use Permit as set forth below. Additionally, no permits shall be issued until the owner of the property involved (or a duly authorized representative) pays all costs associated with the processing of this application pursuant to City Council Resolution No. 8690.
4. The costs and expenses of any enforcement activities, including, but not limited to attorney's fees, caused by the applicant's violation of any condition imposed by this approval or any provision of the West Covina Municipal Code shall be paid by the applicant.
5. That the approval of the Conditional Use Permit is subject to the following conditions:
 - a. Comply with the plans reviewed by the Planning Commission on April 11, 2023.
 - b. Comply with all applicable sections of the West Covina Municipal Code.
 - c. Comply with all requirements of the "Neighborhood Commercial" Zone.
 - d. The approval is to allow for the following:

1. The demolition of 1,649 square feet of the existing church building in order to accommodate the new extension.
 2. The construction of a 4,298 square foot extension to an existing 6,344 square foot church building. The extension will consist of a new sanctuary building, one (1) office space, two (2) instrument rooms, a women's restroom, and a men's restroom.
- e. Staff shall closely monitor any parking complaints or concerns filed regarding the church. The applicant and/or business operator shall work with staff to address any parking issues. In the event where issues remain unresolved, the Planning Commission shall review the Conditional Use Permit for the use and may, at its discretion, modify or impose new conditions.
 - f. The church shall not hold or operate any classes, bible study groups, or utilize the multipurpose room concurrently with the Sunday church service or whenever the sanctuary is in use.
 - g. The parking lot swap/use agreement with Northwest College shall be renewed prior to its expiration and shall be maintained in perpetuity with the church use. The Church shall submit a copy of the up-to-date parking agreement to the Planning Division for every term. Planning Commission review and reconsideration of the CUP for the church use shall be required in order to approve any alternative parking options if the renewal of the parking swap/use agreement with Northwest College is no longer feasible.
 - h. During construction, the delivery of materials and equipment, outdoor operations of equipment and construction activity shall be limited to the hours between 7:00 a.m. and 8:00 p.m.
 - i. All construction equipment, stationery or mobile, shall be equipped with properly operating and maintained mufflers.
 - j. The operation of the facility shall comply with the West Covina Noise Ordinance.
 - k. This approval does not include the approval of signs; a separate sign permit shall be obtained if desired. All signs shall be required to comply with the City of West Covina Sign Code.
 - l. That any proposed change to the approved site plan, floor plan, or elevations be reviewed by the Planning, Building, Fire, and Police Departments and the Community Development Commission, and that the written authorization of the Planning Director shall be obtained prior to implementation.

- m. The Conditional Use Permit may be revoked, amended, and/or suspended by the Planning Commission under the provisions of Section 26-253 of the West Covina Municipal code.

n. **BUILDING DEPARTMENT**

1. The project shall be designed to comply with the allowable area calculations per Section 508, considering frontage increase provisions in Section 506.3 and/or the insertion of a Fire Wall complying with Section 706, or installation of new NFPA-13 fire sprinklers system.
2. The second sheet of building plans is to list all conditions of approval and to include a copy of the Planning Commission Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
3. Public Works Construction Tax per Section 21.89 of municipal code is required to be paid for all commercial additions.
4. Fees shall be paid to the County of Los Angeles Sanitation District prior to issuance of the building permit.
5. In accordance with paragraph 5538(b) of the California Business and Professions Code, plans are to be prepared and stamped by a licensed architect.
6. Structural calculations prepared under the direction of an architect, civil engineer or structural engineer shall be provided.
7. South Coast Air Quality Management District must be contacted prior to any demolition or renovation. Call (909) 396-2000 for further information. Failure to comply with the provisions of Rule 1403 may result in a penalty of up to \$25,000 per day.
8. A geotechnical and soils investigation report is required, the duties of the soils engineer of record, as indicated on the first sheet of the approved plans, shall include the following:
 - a. Observation of cleared areas and benches prepared to receive fill;
 - b. Observation of the removal of all unsuitable soils and other materials;
 - c. The approval of soils to be used as fill material;
 - d. Inspection of compaction and placement of fill;
 - e. The testing of compacted fills; and
 - f. The inspection of review of drainage devices.
9. The owner shall retain the soils engineer preparing the Preliminary Soils and/or Geotechnical Investigation accepted by the City for observation of all grading, site preparation, and compaction testing. Observation and testing shall not be performed by other soils and/or geotechnical engineer unless the subsequent

soils and/or geotechnical engineer submits and has accepted by the Public Works Department, a new Preliminary Soils and/or Geotechnical Investigation.

10. Prior to permit issuance, the PDF copy of the soils report shall be provided by the applicant.
11. A grading and drainage plan shall be approved by the Engineering Division prior to the issuance of the building permit. The grading and drainage plan shall indicate how all storm drainage including contributory drainage from adjacent lots is carried to the public way or drainage structure approved to receive storm water.
12. Projects shall comply with the requirements of the NPDES (NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM) prior to issuance of a Demolition, Grading & Building permit. These include requirements for sediment control, erosion control, and construction activities control to be implemented on the project site.
13. Foundation inspection will not be made until setback on all sides of the addition has been surveyed and the setbacks determined to be in accordance with the approved plans by a land surveyor licensed by the State of California. THIS NOTE IS TO BE PLACED ON THE FOUNDATION PLAN IN A PROMINENT LOCATION.
14. Two exits or exit access doorways are required in the sanctuary and shall be arranged per Section 1007.1.1 of the Building Code. If one of the required exits is placed on the east side of the addition, it shall comply with the requirements for accessible means of egress per Section 1009. The path of egress travel shall be continuous to a public way.
15. A new corridor serving existing classroom, Fellowship Hall, and kitchen of occupant load greater than 30 in a non-sprinklered building shall of 1-hour fire-resistance rating per Table 1020.2, constructed with fire partitions on both sides complying with Section 708. Openings in the corridor shall be protected per Section 716.
16. All State of California disability access regulations for accessibility shall be complied with.
17. The path of travel requirement per Section 11B-202.4 shall be satisfied by providing an accessible path of travel from public streets and sidewalks, and from accessible parking spaces as site arrival points per Section 11B-206.2.1 to the accessible entrance of the addition. If an existing path is to be extended to connect with the new so as to serve the addition, the entire path, including exterior gates, shall comply with the current accessibility standards.

18. A chancel and its accompanying changing room as well as the adjacent office are considered to be performance area and/or employee work area and shall connect to an accessible route per Section 11B-206.2.6 and Section 11B-206.2.8, respectively. A portable ramp shall not be used to satisfy this requirement.
19. Electrical Vehicle Charging Stations (EVCS) are not parking spaces for the purposes of Section 11B-208. Accessible EVCS shall not be used to satisfy accessible parking space requirements.
20. EV chargers shall be adjacent to, and within the projected width of, the vehicle space being served per Section 11B-812.10.4.
21. Electrical plan check is required.
22. Mechanical plan check is required.
23. Plumbing plan check is required.
24. Plumbing fixtures shall be provided as required by Chapter 4 of the California Plumbing Code. Additional fixtures may be required if not in compliance.
25. Project shall comply with the CalGreen Non-Residential requirements.
26. When required by the Fire Department, all fire sprinkler hangers must be designed, and their location approved by an engineer or an architect. Calculations must be provided indicating that the hangers are designed to carry the tributary weight of the water filled pipe plus a 250-pound point load. A plan indication this information must be stamped by the engineer or the architect and submitted for approval prior to issuance of the building permit.
27. Separate permit is required for Fire Sprinklers as required by Fire Department.

o. ENGINEERING DIVISION:

1. Should the proposed work generate a cut into any public right of way infrastructure (street, sidewalk, driveway, curb & gutter, etc.):
 - i. street paving shall be along the length of the property frontage to the centerline of the street as directed by the City Engineer or his/her designee.
 - ii. sidewalk reconstruction shall be in accordance with SPPWC Standard Plan 113-2, and as directed by the City Engineer and/or his/her designee.
 - iii. driveway apron reconstruction shall be in accordance with SPPWC Standard Plan 110-2, and as directed by the City Engineer or his/her designee.

- iv. curb and gutter reconstruction shall be in accordance with SPPWC Standard Plan 111-5 and as directed by the City Engineer or his/her designee.
- 2. If any, all existing street tree(s) in the parkway along the frontage of the property through shall be protected and maintained for the duration of construction.
- 3. If any, all construction graffiti shall be removed (any underground utility identifying spray paint markings on the sidewalk and pavement related to excavation due to construction).

p. **FIRE DEPARTMENT**

- 1. NFPA 13D/13R/13 Fire Sprinkler System.
- 2. NFPA 72 – Fire Alarm/Fire Sprinkler Monitoring System.
- 3. NFPA 10 – Portable Fire Extinguishers.
- 4. New Fire Flow Test Required.
- 5. A knox box with a labeled master key must be maintained and provided for emergency responder access.
- 6. Any modifications to an existing fire sprinkler/fire alarm system must be first approved and permitted by the Fire Department.
- 7. Illuminated exit signage with emergency lighting required.
- 8. Where a fire hydrant is located on a fire access road, the minimum road width shall be 26 feet, exclusive of shoulders.
- 9. All fire access roads shall have red curbing and be stenciled “**No Parking Fire Lane**” and have fire lane signs reading “**No Parking Fire Lane**” every 75 feet.
- 10. Panic hardware where required.

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

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a regular meeting held on the 11th day of April, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: April 11, 2023

Nickolas Lewis, Chair
Planning Commission

Paulina Morales, Secretary
Planning Commission