

**PLANNING COMMISSION
RESOLUTION NO. 25-6169**

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF WEST COVINA, CALIFORNIA,
RECOMMENDING TO THE CITY COUNCIL APPROVAL
OF CODE AMENDMENT NO. 25-01, AMENDING
CHAPTER 26 (ZONING) OF THE WEST COVINA
MUNICIPAL CODE AND THE DOWNTOWN PLAN AND
CODE TO ALLOW MODIFICATIONS TO EXISTING
DRIVE-THROUGH FOOD ESTABLISHMENTS THROUGH
THE CONDITIONAL USE PERMIT PROCESS**

WHEREAS, on February 20, 2024, the City Council approved Code Amendment No. 23-01, adopting Ordinance No. 2519, known as the “Development Code Update” which amended the City of West Covina Municipal Code including the consolidation of the Subdivision Code (Chapter 20) and the Zoning Code (Chapter 26) into one Development Code (Chapter 26), and included provisions prohibiting the construction and new uses of drive-through food establishments throughout the City; and

WHEREAS, on June 17, 2025, the City Council voted by minute-motion to direct staff to explore Amending the Development Code to allow for existing drive-throughs to be modified; and

WHEREAS, it is necessary to amend Chapter 26 (Zoning) of the West Covina Municipal Code and the Downtown Plan and Code to allow the modifications of existing drive-throughs to provide the opportunity to correct traffic, queuing, and vacancy issues that are contributed by the existing drive-through design; and

WHEREAS, on July 22, 2025, the Planning Commission conducted a duly noticed public hearing as prescribed by law to consider the code amendment, gave all persons interested therein an opportunity to be heard, and voted to recommend the City Council’s approval and adoption of the code amendment; and

WHEREAS, based on review of the State California Environmental Quality Act (CEQA) Guidelines, the Planning Commission finds and determines that the ordinance is statutorily exempt from CEQA under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. The ordinance would not result in physical change in the environment and does not involve any construction or additions to any existing structures; and

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

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

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

SECTION NO. 2: Based on all evidence presented and the findings set forth herein, Code Amendment No. 25-01 is hereby found to be consistent with the West Covina General Plan and the implementation thereof, and that the public necessity, convenience, general welfare, and good zoning practices require Code Amendment No. 25-01.

SECTION NO. 3: Based on all evidence presented and the following findings, the Planning Commission of the City of West Covina hereby recommends to the City Council of the City of West Covina that it approves Code Amendment No. 25-01 as shown on EXHIBIT “A.”

Findings

- (a) *The proposed amendment ensures and maintains internal consistency with the goals, policies, and strategies of all elements of the General Plan, and, in the case of a Zoning Code amendment, will not create any inconsistencies with this Chapter.*

The purpose of the code amendment is to allow for the modifications of existing permitted drive-through food establishments to correct issues related to traffic, queuing, vacancy, etc. Therefore, Code Amendment No. 25-01 maintains internal consistency with the goals, policies, and strategies of all elements in the General Plan and will not create any inconsistencies within Chapter 26.

- (b) *The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the City.*

The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City. Code Amendment No. 25-01 is designed to improve the welfare of the City by allowing the opportunity to modify existing permitted drive-throughs to correct issues that are negatively impacting the community.

- (c) *The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).*

Code Amendment No. 25-01 is statutorily exempt from CEQA under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. The Code Amendment would not result in direct or indirect physical change in the environment and does not involve any construction or additions to any existing structures.

SECTION NO. 4. CEQA. Pursuant to the State California Environmental Quality Act (CEQA) Guidelines, the Planning Commission finds and determines that the ordinance is statutorily exempt from CEQA under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. The ordinance would not result in direct or indirect physical change in the environment and does not involve any construction or additions to any existing structures.

SECTION NO. 5: The Secretary is instructed to forward a copy of this Resolution to the City Council for their attention in the manner as prescribed by law and this Resolution shall go into force and effect upon its adoption.

SECTION NO. 6: Based on all the documents, oral testimony, and other evidence presented in connection with this proceeding and in this Resolution, the Planning Commission recommends that the City Council approve Code Amendment No. 25-01.

PASSED, APPROVED, AND ADOPTED this 22nd day of July, 2025.

Livier Becerra, Chairperson
Planning Commission

Attest:

Jo-Anne Burns, Secretary
Planning Commission

CERTIFICATION

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 22nd day of July 2025, by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

Jo-Anne Burns, Secretary
Planning Commission

EXHIBIT A

ORDINANCE NO. #####

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CODE AMENDMENT NO. 25-01, AMENDING CHAPTER 26 (ZONING) OF THE WEST COVINA MUNICIPAL CODE AND THE DOWNTOWN PLAN AND CODE TO ALLOW MODIFICATIONS TO EXISTING DRIVE-THROUGH FOOD ESTABLISHMENTS THROUGH THE CONDITIONAL USE PERMIT PROCESS

WHEREAS, on February 20, 2024, the City Council approved Code Amendment No. 23-01, adopting Ordinance No. 2519, known as the “Development Code Update” which amended the City of West Covina Municipal Code including the consolidation of the Subdivision Code (Chapter 20) and the Zoning Code (Chapter 26) into one Development Code (Chapter 26), and included provisions prohibiting the construction and new uses of drive-through food establishments throughout the City; and

WHEREAS, on June 17, 2025, the City Council voted by minute-motion to direct staff to explore Amending the Development Code to allow for existing drive-throughs to be modified; and

WHEREAS, it is necessary to amend Chapter 26 (Zoning) of the West Covina Municipal Code and the Downtown Plan and Code to allow the modifications of existing drive-throughs to provide the opportunity to correct traffic, queuing, and vacancy issues that are contributed by the existing drive-through design; and

WHEREAS, on July 22, 2025, the Planning Commission conducted a duly noticed public hearing as prescribed by law to consider the code amendment, gave all persons interested therein an opportunity to be heard, and voted to recommend the City Council’s approval and adoption of the code amendment; and

WHEREAS, on September 2, 2025, the City Council conducted a duly noticed public hearing as prescribed by law on this Ordinance; and

WHEREAS, the Ordinance is statutorily exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. The Ordinance would not result in direct or indirect physical changes in the environment and does not involve any construction or additions to any existing structures; and

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

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

SECTION 1. Recitals. The City Council finds that all facts set forth in the recitals to this Ordinance are true and correct and incorporated herein as findings.

SECTION 2. Record. The findings made in this Ordinance are based upon the information and evidence presented at the hearings and submitted into the record of the proceedings.

SECTION 3. Notice and Opportunity to Comment. The City Council finds that agencies and interested members of the public have been afforded ample notice and opportunity to comment on Code Amendment No. 25-01.

SECTION 4. General Plan Consistency. Based on the evidence presented, Code Amendment No. 25-01 is found to be consistent with the City's General Plan.

SECTION 5. Findings. In accordance with Section 26-292 of Chapter 26 of the West Covina Municipal Code, the City Council makes the following findings regarding Code Amendment No. 25-01:

- (a) *The proposed amendment ensures and maintains internal consistency with the goals, policies, and strategies of all elements of the General Plan, and, in the case of a Zoning Code amendment, will not create any inconsistencies with this Chapter.*

The purpose of the code amendment is to allow for the modifications of existing permitted drive-through food establishments to correct issues related to traffic, queuing, vacancy, etc. Therefore, Code Amendment No. 25-01 maintains internal consistency with the goals, policies, and strategies of all elements in the General Plan and will not create any inconsistencies within Chapter 26.

- (b) *The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the City.*

The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City. Code Amendment No. 25-01 is designed to improve the welfare of the City by allowing the opportunity to modify existing permitted drive-throughs to correct issues that are negatively impacting the community.

- (c) *The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).*

Code Amendment No. 25-01 is statutorily exempt from CEQA under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. The Code Amendment would not result in direct or indirect physical change in the environment and does not involve any construction or additions to any existing structures.

SECTION 6. Code Amendment. Table 4.3.1 (Permitted Land Uses) of Section 3 (Land Use Standards) of the West Covina Downtown Plan & Code shall be amended to allow modifications to existing permitted drive-throughs in the T5-UC and T4-GU zones through a conditional use permit process.

SECTION 7. Code Amendment. Subsection E of Section 10.1 of the West Covina Downtown Plan & Code shall be renumbered to F with a new subsection E to read as follows:

E. Drive-through findings and standards

- i. Findings. The Planning Commission shall not grant a Conditional use Permit to modify an existing drive-through facility without making the findings (1) through (6) listed in Section 26-116(j) of the West Covina Municipal Code.
- ii. Design Standards. The following standards shall apply to the design of any development providing a drive-through service and/or modifying an existing drive-through.
 - a. Drive-through lanes shall not obstruct the circulation routes necessary for access to the property, parking areas (including backup area of parking spaces), and pedestrian walkways.
 - b. Drive-through facilities within an integrated shopping center shall be consistent with the center in terms of architectural design and detailing, roof material, exterior finish materials and color.
 - c. Each drive-through aisle shall be appropriately screened with a combination of landscaping, low decorative walls, and/or berms to prevent headlight glare from impacting adjacent residences, businesses, public rights-of-way, and parking lots.
 - d. Landscaping along the drive-through aisle shall be a minimum of five (5) feet in width.
 - e. Decorative paving shall be incorporated at project entrances and in pedestrian areas to improve the aesthetics of the pedestrian environment.
 - f. New buildings with drive-through facilities shall orient the primary building entrance toward the street to provide direct access to the public sidewalk.

- iii. Queuing. Modifications to existing drive-through facilities shall require a parking and queuing study that is based on similar operations, addressing the anticipated traffic volumes and vehicular stacking needs of the proposed business. Queuing lanes shall not interfere with the use of or access to any parking or loading spaces.
- iv. Noise. Noise levels shall not increase ambient noise levels by five (5) dba as measured at all property lines abutting residential development and other sensitive receptors. This may be achieved through one (1) or more of the following methods, as determined by the Community Development Director or their designee and/or Planning Commission:
 - a. All deliveries and exterior building and landscaping maintenance and cleaning activities may be limited as necessary to achieve compatibility with adjacent sensitive land uses.
 - b. Hours of operation may be limited as necessary to achieve compatibility with adjacent sensitive land uses.
 - c. The applicant shall provide a noise study prepared by an acoustic engineer indicating that the proposed operation will not increase ambient noise levels by five (5) dba as measured at all property lines abutting residential development and other sensitive receptors.
 - d. The applicant shall provide the plans and specifications for any potential noise sources (e.g., the speaker system, trash compactor, delivery trucks, etc.).
 - e. If speakers are utilized, the speaker box shall be oriented away from adjacent residences and other sensitive receptors.

F ~~E~~. Other Municipal Code Standards

All other requirements of the Municipal Code not specifically provided in the Downtown Plan apply including, but not limited to, screening (i.e. rooftop mechanical equipment), trash enclosures, and the installation of underground utilities.

SECTION 8. Code Amendment. “Service, recreational, educational and public assembly uses” Category of Table 2-12 of Section 26-51 of the West Covina Municipal Code shall be amended to add the following uses and inserted/arranged consistently in alphabetical order:

Uses and Permit Requirements for Mixed-Use Zones	Zones					Special Regulations
	OP MU	NMU	RMU	SMU	M-1	
<u>Drive-through, modification of</u>		<u>CUP</u>	<u>CUP</u>	<u>CUP</u>		<u>Section 26-</u>

Uses and Permit Requirements for Mixed-Use Zones	Zones					Special Regulations
Use Types	OP MU	NMU	RMU	SMU	M-1	
existing permitted drive-throughs only (food establishments)						116
Drive-through, new (food establishments)						

SECTION 9. Code Amendment. Subsection (a) of Section 26-116 of the West Covina Municipal Code shall be amended to read as follows:

- (a) [New drive-through](#)~~Drive-through~~ facilities shall not be within five hundred (500) feet of another drive-through facility. This shall be measured from the building and/or queuing lane, whichever is closer.

SECTION 10. Code Amendment. Subsection (b) of Section 26-116 of the West Covina Municipal Code shall be amended to read as follows:

- (b) Area requirements. Every [new](#) drive-through facility shall be located on a site having an area of not less than ten thousand (10,000) square feet and a minimum street frontage of not less than one hundred (100) feet.

SECTION 11. Code Amendment. Subsection (c) of Section 26-116 of the West Covina Municipal Code shall be amended to read as follows:

- (c) [New drive-through](#)~~Drive-through~~ facilities are prohibited in the West Covina Downtown Plan area.

SECTION 12. Code Amendment. Renumber Subsections c) through f) of Section 26-127(b)(1)(xv) of the West Covina Municipal Code to Section 26-127(b)(1)(xvi) through (xix), respectively to read as follows:

- (xv) Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use unless all of the following conditions exist:
- The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation.

- b) A parking study shows that the existing parking capacity is not already fully utilized during the time the recycling facility is in operation.
- (xvi) e) If the permit expired without renewal, the recycling facility shall be removed from the site on the day following permit expiration.
- (xvii) d) A twelve-inch (12”) by twelve-inch (12”) sign which states the redemption value offered shall be posted daily.
- (xviii) e) The small collection facility shall be screened when determined by the review authority to reduce visibility impacts from off-site and main traffic areas on-site.
- (xix) f) Small collection facilities shall only be located on a property with a market that is greater than twenty thousand (20,000) square feet in floor area.

SECTION 13. CEQA. Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the City Council finds and determines that the ordinance is statutorily exempt from CEQA under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. The Ordinance would not result in direct or indirect physical changes in the environment and does not involve any construction or additions to any existing structures.

SECTION 14. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of West Covina hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 15. Certification. The City Clerk shall certify passage of this Ordinance and shall cause the same to be published as required by law.

SECTION 16. Effective Date. This Ordinance shall take effect and be in force on the 31st day after the date of its passage.

PASSED, APPROVED AND ADOPTED this 16th day of September 2025.

Tony Wu
Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, ASSISTANT CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Ordinance No. ##### was introduced at a regular meeting of the City Council held on the 2nd day of September 2025, and adopted at a regular meeting of the City Council held on the 16th day of September 2025 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick
Assistant City Clerk