

CITY OF COVINA
PLANNING COMMISSION AGENDA
REGULAR MEETING, TUESDAY, NOVEMBER 25, 2008
COUNCIL CHAMBER, CITY HALL, 125 EAST COLLEGE STREET
7:30 P.M.

PLEASE NOTE: THOSE WHO WISH TO ADDRESS THE PLANNING COMMISSION ON ANY ITEM ARE REQUESTED TO FILL OUT A SPEAKER'S CARD AND LEAVE IT WITH A MEMBER OF THE STAFF PRIOR TO THE ITEM BEING CALLED. THE PURPOSE OF THIS IS TO ENSURE THAT YOUR NAME AND ADDRESS ARE CORRECTLY IDENTIFIED IN THE MINUTES OF THE PLANNING COMMISSION.

1. Opening Matters
 - A. Pledge of Allegiance.
 - B. Roll Call of Commissioners: Chadwick, Connors, Hodapp, McMeekin and Patterson.
 - C. Minutes of the Regular Meeting of September 23, 2008.
 - D. Minutes of the Regular Meeting of October 28, 2008.
 - D. Amendments to the Agenda.
 - F. Public Comment:

Citizens wishing to address the Commission on any matter **not** on the agenda may do so at this 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.

PUBLIC HEARINGS

2. Public Hearing of the following applications as they relate to the property located at 1161 East Covina Boulevard (Aurora Charter Oak Hospital):
Edward W. Morse, applicant
 - a. Application SPR 07-145 (B), a Site Plan Review to allow the construction of a new 39 bed patient building and associated parking lot improvements upon an existing hospital site;

- b. Application TPP 08-001, a Tree Preservation Permit to remove one (1) mature oak tree to allow the construction of a new 14,752 square foot hospital building and associated parking lot improvements; and
 - c. Adoption of a Mitigated Negative Declaration of Environmental Impact.
 - Staff Report
 - Open public hearing; receive testimony in favor and in opposition of the application
 - Motion to continue public hearing to the regular meeting of the Planning Commission on December 9, 2008
 - Vote
3. Public Hearing of Application CUP 08-008, a conditional use permit to permit the operations of a restaurant with a bar serving alcoholic beverages, outdoor dining, live entertainment, public dancing, game machines, and two (2) pool tables upon property located at 114 North Citrus Avenue in Covina.
Andy Wheeler, applicant
- Staff Report
 - Questions of staff from Commission
 - Open public hearing; receive testimony in favor and in opposition of the application
 - Close public hearing
 - Comments from Commission
 - Motion to approve or deny the conditional use permit
 - Roll Call Vote
 - 10 day waiting period

GENERAL MATTERS

- 4. Commission consideration of a proposal to permit the installation of synthetic turf in the City of Covina
 - Staff Report
 - Questions of staff from Commission
 - Motion to recommend approval or not to City Council
 - Roll Call Vote

ADMINISTRATIVE ITEMS

- 5. INFORMATION
- 6. COMMISSION COMMENTS
- 7. ADJOURNMENT

Additional information on any agenda item can be obtained by contacting the Planning Division at 125 East College Street, Covina, or by telephoning (626) 858-7231.

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) 858-7231 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.

CITY OF COVINA

STAFF REPORT

NOVEMBER 25, 2008

ITEM NUMBER 2

TO: PLANNING COMMISSION

FROM: ROBERT NEIUBER, COMMUNITY DEVELOPMENT DIRECTOR

COORDINATOR: SHELBY WILLIAMS, CITY PLANNER

SUBJECT: APPLICATIONS SITE PLAN REVIEW 07-145 (B), TREE PRESERVATION PERMIT 08-001, AND A MITIGATED DECLARATION OF ENVIRONMENTAL IMPACT

APPLICANT:

Edward W. Morse

REQUEST:

- a. Application SPR 07-145 (B), a Site Plan Review to allow the construction of a new 39 bed patient building and associated parking lot improvements upon an existing hospital site;
- b. Application TPP 08-001, a Tree Preservation Permit to remove one (1) mature oak tree to allow the construction of a new 14,752 square foot hospital building and associated parking lot improvements; and
- c. Adoption of a Mitigated Negative Declaration of Environmental Impact.

LOCATION:

1161 East Covina Boulevard (Aurora charter Oak Hospital)

RECOMMENDATION:

On September 23, 2008, the Planning Commission continued the public hearing for the subject applications to November 25, 2008. The Commission continued these items, in order for the developer, staff and the neighbors to discuss concerns of the proposed development. At the request of the neighbors, this item is being continued until the regular meeting of the Planning Commission on December 9, 2008.

CITY OF COVINA

STAFF REPORT

NOVEMBER 25, 2008

ITEM NUMBER 3

TO: PLANNING COMMISSION

FROM: ROBERT NEIUBER, COMMUNITY DEVELOPMENT DIRECTOR

COORDINATOR: SHELBY WILLIAMS, CITY PLANNER

SUBJECT: APPLICATION CONDITIONAL USE PERMIT 08-008

APPLICANT:

Andy Wheeler

REQUEST:

A conditional use permit to operate a restaurant with a bar serving alcoholic beverages, outdoor dining, live entertainment, public dancing, game machines, and two (2) pool tables

LOCATION:

114 North Citrus Avenue

SURROUNDING LAND USES AND ZONING:

	EXISTING LAND USE	ZONING
Site	Rude Dog	TCSP-5 (Retail and Service Core)
North	Pinky Star and other existing commercial businesses	TCSP-5(Retail and Service Core)
South	Covina Center for the Performing Arts (CCPA)	TCSP-5 (Retail and Service Core)
East	Existing public parking lot that is to be removed in the future and replaced with a mixed use project.	TCSP-5 (Retail and Service Core)

West	Existing commercial businesses	TCSP-5 (Retail and Service Core)
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GENERAL PLAN DESIGNATION:

Town Center Commercial

NOTIFICATION OF APPLICANT AND ADJACENT PROPERTY OWNERS:

The applicant has been mailed a copy of the staff report. All property owners within a radius of 300 feet were mailed notices of the public hearing on November 13, 2008.

ENVIRONMENTAL DETERMINATION:

This proposal is categorically exempt pursuant to Class 1, Section 15301 of the California Environmental Quality Act (CEQA) guidelines.

PROJECT DATA:

PROJECT DATA TABLE

DATA ITEM	CORRESPONDING FACT
Subject Properties: 114 North Citrus Avenue 118 North Citrus Avenue	2,496 square feet 2,496 square feet
Number of Buildings:	Two (2) adjoining commercial buildings, two-stories, with a proposed maximum height of 33 feet.
Building floor area: 114 North Citrus Avenue 118 North Citrus Avenue	2,500 square feet and year built 1945 5,000 square feet and year built 1913
Provided Parking :	(4) stalls located at the front of the subject buildings, and a new public parking structure with a minimum of 114 available stalls located within 300 feet of the subject building. The new parking structure will be accessible to other existing commercial businesses in the downtown.
Required Parking:	City Code for sites located in Parking District No. 1 requires one stall for each 330 square feet of gross floor area; a minimum of 23 parking stalls are required for the applicant's use. The subject building benefits from its location in that there are exceptions provided by the Town Center Specific Plan and Parking District

	No. 1 that permits reduction in the required amount of parking providing certain conditions are met.
Proposal:	The applicant has submitted plans calling for various interior improvements, including a new 218.3 square foot outdoor dining area, larger bar with seating, two (2) pool tables, ten (10) game machines, existing dining area, existing dance floor and existing kitchen and restrooms. The applicant originally operated primarily as a restaurant/bar serving alcoholic beverages on-site for consumption indoors and he now wishes to offer the same in a new outdoor dining porch.
Proposed Rude Dog Restaurant & Bar:	The applicant wishes to create an entertainment spot where his customers may share good times with friends and/or family while enjoying food, drinks and live entertainment.
Rude Dog's Menu:	Appetizers, cold sandwiches, hot sandwiches, gourmet burgers and beverages.
Proposed Outdoor Seating :	10'-0" by 21'-11" outdoor seating area consisting of a total of two tables and eight chairs.
Number of Employees:	4 employees during the weekdays and a total of 8 employees on the weekends (Friday & Saturday).
Hours of Operation:	The Rude Dog is currently open Monday through Sunday from 11:00 AM until 2:00 AM. Open seven (7) days a week.

BACKGROUND:

The applicant is the present owner and operator of the business Rude Dog, a bar and grill. He is requesting a new conditional use permit to allow outdoor dining in conjunction with his existing bar and restaurant. The Rude Dog is currently located at 114 North Citrus Avenue and the applicant has begun remodeling the adjoining commercial space at 118 North Citrus Avenue. He plans to merge the two commercial spaces, increasing the size of his establishment. The applicant recently submitted a site plan review application (SPR 08-046) to remodel the exterior front and rear elevations of the existing commercial buildings and ADA (American Disability Act) improvements. The applicant's establishment has been in business for 16 years; they started in July of 1992. Previously, the subject property obtained approvals for several conditional use permits (CUP 73-009, CUP 74-006, CUP 75-007, CUP 76-011, CUP 79-009 and CUP 80-015). In addition, the applicant maintains three (3) business licenses for the site, including the following: a) A Full-Service Restaurant, b) Dancing /Entertainment Permit, and

c) Game Machines. Today Rude Dog offers a bar, live entertainment, public dancing, game machines, pool tables and a restaurant. For clarification on certain key aspects of the prospective operation, the Commission may refer to the above project data section and to the applicant's accompanying drawings.

STAFF ANALYSIS:

Staff analysis is divided into two sections that relate to the zoning applications required for the applicant's project; they are listed as follows:

Conditional Use Permit 08-008:

The applicant is required to file and obtain approval for Conditional Use Permit 08-008 to construct and maintain his proposed outdoor dining porch in conjunction with the expansion of his restaurant/bar. According to Covina's Town Center Specific Plan, an approved conditional use permit must be obtained to allow outdoor eating or sales. The City Council adopted the Covina Town Center Specific Plan on November 16, 2004 during their regular meeting. As the Commission may recall, the overall goal of the Specific Plan is to facilitate revitalization of the Covina downtown by increasing the number and variety of retail and other commercial establishments in the downtown area.

Site Plan Review 08-046:

The applicant recently submitted a site plan review application (SPR 08-046) to remodel the exterior front and rear elevations of his existing commercial buildings and ADA (American Disability Act) improvements. The improvements call for increasing the height of the new and improved Rude Dog building's parapet to 35 feet with molding, the addition of 3" by 12" stucco trim around each of the second floor windows, installation of canvass awnings, new entry door, new glass store fronts, cultured stone veneer and decorative wrought iron fencing to enclose the outdoor dining area. These improvements are viewed by staff as minor because they are simply the addition of a few modern architectural treatments.

The applicant's site plan review application SPR 08-046 does not require approval from the Historic Preservation Board because the applicant has chosen not to participate in the City-sponsored Façade Preservation Program. Instead, the applicant intends to accept Façade Rebate Program funds and pay prevailing wage on the façade improvement portion of his project only.

Furthermore, per Section 17.64.020 (D) of the Covina Municipal Code, site plan review and approval shall be required in all zoned districts prior to construction, remodeling or expansion of any building, dwelling, parking or storage lot, or developing any areas of the City except for minor work which shall comply with the provisions of Section 17.64.065 of this Code, and which is deemed to be the following:

- D. Façade Improvements approved by the Covina Redevelopment Agency, under a Storefront Improvement Rebate Agreement that do not conflict with any other subsection of 17.64.020.

At this time the applicant's building(s) have been identified as potential contributors to Covina's potential Downtown Historic District; however, staff believes the applicant's current site plan review proposal involves minor work and the future improvements will generally maintain the applicant's building(s) original form and physical present.

During staff's review of the previously mentioned applications, we found several deficiencies that will require the applicant to make site improvements necessary to bring the site into compliance with City Codes and regulations. The deficiencies are listed as follows:

1. The plans submitted by the applicant lack several items, such as the outdoor seating area details, dimensioned floor plan, modified pool table area, staging details for band in the existing dance floor area, and the addition of modern lighting at the rear of the building as required by City Code. The applicant will be required to submit a revised plan showing compliance with the previous mentioned items.
2. All the remodeled building(s) new signage shall be brought into compliance with Section 17.42.100 Allowable signs and special regulations of the Covina Municipal Code prior to the issuance of any sign permit(s).
3. The applicant's project will require his two (2) properties be legally tied together in compliance with Chapter 16.18 Merger of Contiguous Parcels of the Covina Municipal Code.

If the Planning Commission is able to make all the required conditional use permit findings, then the applicant's request may be approved.

FINDINGS:

Based upon an analysis of the proposed conditional use permit request, staff recommends that the Planning Commission make the following findings for the application:

1. That the site is adequate in size and shape to accommodate the proposed use.

Fact: The subject properties total 4,992 square feet in land area once the two (2) parcels are held together by a covenant. They appear large enough to support the Rude Dog restaurant/bar and new outdoor dining area. The applicant will be required to submit revised plans prior to constructing the new outdoor dining area in compliance with City Code.
2. That the streets adjacent to the use are adequate to handle the traffic generated.

Fact: Presently two (2) streets, Citrus Avenue and Badillo Street, provide access to the applicants' business. Both streets should be sufficient to handle traffic generated by the proposal. Each has a minimum width of 80 feet of right-of-way and has at least two lanes of travel. At least 329 vehicle trips are anticipated to be generated on a daily basis to the site.

3. That the use will have no adverse effect on abutting properties.

Fact: Staff believes the applicant's improved restaurant /bar will be compatible with the surrounding businesses. Additionally, since the mailing of the public notice on November 13, 2008, our office has not received any comments.

4. That the proposed use does not affect the public health, safety and general welfare of the community.

Fact: Based upon the applicant's past business practices of the Rude Dog establishment, staff does not expect there to be any public health or other conditions which may negatively impact the community. Later in this report, staff has included conditions from the Covina Police Department requiring properly attired security personnel on weekend nights or during special events or live entertainment, removal of excessive coverage of windows, and the necessity for good lighting at the front and rear of the applicant's building(s).

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission approve Conditional Use Permit 08-003, subject to the conditions of approval as attached or on file in the Planning Division.

ITEM NO. 4

TO: PLANNING COMMISSION

FROM: ROBERT NEIUBER, COMMUNITY DEVELOPMENT DIRECTOR

COORDINATOR: ALAN CARTER, ASSOCIATE PLANNER

DATE: NOVEMBER 25, 2008

**SUBJECT: PROPOSAL TO PERMIT THE INSTALLATION OF SYNTHETIC TURF
IN THE CITY OF COVINA (CONTINUED FROM OCTOBER 28, 2008
PLANNING COMMISSION MEETING)**

APPLICANT:

Ron Rothacher (representing Easy Turf)

REQUEST:

Commission consideration of draft standards on the installation of synthetic turf in the City of Covina

LOCATION:

Citywide (applicability of synthetic turf product if request is ultimately approved by City Council)

BACKGROUND:

At the last Planning Commission meeting on October 28, 2008, the Planning Commission discussed information concerning the permitting of synthetic grass in the City, notably various provisions that certain other communities have either adopted or are considering to enact (see the previous Staff Report on this matter for background information). In response to the information presented in the prior Staff Report and associated remarks on artificial turf made by both the staff and the applicant's representative, the Commission made several comments and suggestions on various facets of the issue and directed the staff to bring back for this meeting proposed synthetic turf-related provisions for its review. The requested information is presented in the following section.

ANALYSIS:

The Planning staff believes that all of the proposed provisions concerning synthetic lawns could be best documented and administered by the City via the addition of a new section of the Covina Design Guidelines document, Section G of Chapter V (entitled "Artificial Turf"). The draft

provisions are stated below exactly as the staff proposes to list them under the aforementioned section of the Design Guidelines.

It is noted that concerning provision number 3, which addresses areas on a site where synthetic turf is permitted, the Public Works Department currently does not allow artificial grass within any public right-of-way because the sections of the Covina Municipal Code (CMC) that address right-of-way issues do not permit synthetic turf. The Planning staff believes nevertheless that it is appropriate to have general wording for the third item to obviate the need to amend the Design Guidelines if the Public Works Department changes the applicable sections of the CMC in the future.

The proposed provisions regarding the permitting of synthetic grass in the City are:

- 1. “Artificial Turf” shall be defined as man-made synthetic material manufactured from polypropylene, polyethylene, or a blend of polypropylene and polyethylene fibers that simulate the appearance of live turf, organic turf, grass, sod, or lawn (see also items 13 and 14 below concerning required appurtenant components and installation procedures).**
- 2. The use of indoor or outdoor plastic or nylon carpeting as a replacement of artificial turf or natural turf shall be prohibited.**
- 3. Artificial turf shall be permitted within the front, street side, interior side, and rear yards plus inner courtyards and similar areas, as defined under the Covina Municipal Code (CMC), of all residential, commercial, industrial, institutional, and other properties.**
- 4. Artificial turf shall not comprise more than fifty percent (50%) of the total landscaped area (i.e., the total area of all live landscape features and synthetic turf sections) within any publicly visible yard(s) (e.g., front yard and, if applicable, street side yard areas) on an individual property or site. The total landscaped area shall not include any building footprint; accessory features such as permitted porches, patios, or decks; areas with concrete or asphalt materials and/or brick pavers or similar masonry units; nonporous areas other than those noted above; and combination masonry unit and grass areas.**
- 5. The installation of artificial turf on slopes greater than four-point zero percent (4.0%) shall require the approval of the City Engineer and shall meet the applicable requirements of the Engineering Division.**
- 6. Areas of living plant material (i.e., flowerbeds, ground cover beds, tree wells, etc.) shall be included within the overall landscape design scheme of any front or publicly-visible side or rear yard when installing artificial turf. Living plant material shall include shrubs, vines, trees, and/or flowering ground covers.**
- 7. Artificial shrubs, flowers, trees, and vines in lieu of living plant material shall be prohibited.**

- 8. Artificial turf shall be separated from areas of living plant material by a concrete mow strip, bender board, or other barrier acceptable to the City in order to prevent the intrusion of living plant material into the artificial turf.**
- 9. Artificial turf shall have a minimum 8-year warranty against any fading, structural damage, or inferior workmanship.**
- 10. Artificial turf shall be installed by a State-licensed contractor with expertise with synthetic turf and natural landscape products and shall be installed pursuant to the manufacturer's instructions and recommendations, including ground preparation and substrate requirements.**
- 11. Prior to the installation of any artificial turf that would either be in an area greater than two-hundred and fifty (250) square feet or that is located in a publicly visible yard area, a synthetic turf permit application (which also includes all applicable City requirements) shall be submitted to the Planning Division for review and approval by the City Planner or his/her designee with a uniform fee (as established by the City Council). (Note: although a permit application is not required for the installation of artificial turf that would consist of two hundred and fifty (250) square feet in area or less and that would be installed in a non-publicly visible yard area, all other requirements noted herein shall still be applicable.)**
- 12. In addition to the synthetic turf permit requirement addressed under item 11 above, for properties in which landscape and irrigation plans either must be prepared, such as when new or significantly modified developments are proposed, or were previously prepared and are on file with the Planning Division, then either the artificial turf shall be included in the new plans or revised landscape and irrigation documents that reflect the synthetic grass and any changes in the live landscape material and the irrigation system shall be submitted. The new or updated landscape and irrigation plans shall further be subject to review by the Planning staff, in accordance with the applicable requirements of the City, and the revised landscape documents shall continue to meet all conditions of approval of the initial landscape-related plans and the appurtenant zoning entitlements (except where the conditions have been superseded by the details of the approved, updated plan documentation). The City staff will perform final property inspections on the sites where initial or revised landscape and irrigation plans have been submitted. Notwithstanding the above, the City Planner or his/her designee may waive the requirement for a revised landscape and irrigation plan in conjunction with the proposed installation of artificial turf if he or she determines it to be unnecessary and determines that the public health, safety, and welfare would not be impeded.**
- 13. The artificial turf itself shall be of a type known as cut pile infill and shall be manufactured from polypropylene, polyethylene, or a blend of polypropylene and polyethylene fibers stitched onto a polypropylene or polyurethane-meshed or hole-punched backing to allow water to permeate and pass through the turf in a matter that would not cause any runoff, flooding, or pooling onto adjacent public right-of-ways or public or private properties and that would meet all applicable**

requirements of the Environmental Services Division (concerning the National Pollutant Discharge Elimination System (NPDES) and associated laws, etc.—see item 14 below). Hole-punched backings shall have holes spaced in a uniform grid pattern with spacing not to exceed four inches by six inches on center. The artificial turf shall be installed directly over compacted and porous sand and rubber materials and any other elements acceptable by the City and shall be anchored at all edges and seams. The seams shall be glued, not sewn. An infill medium consisting of ground rubber, ground coal slag, clean-washed sand and ground rubber, or other approved mixture shall be brushed into the fibers to insure that the fibers remain in an upright position and to provide ballast that will help hold the turf in place and provide a cushioning effect. Artificial turf must further consist of pile fibers that are a minimum of one and three-quarters inches (1 $\frac{3}{4}$ “) in height, and the pile fibers must have built-in UV protection solution and must be non-abrasive and non-allergenic. In addition, a weed barrier shall be utilized immediately below the aforementioned sand and rubber infill, and the weed barrier shall lie atop a minimum three inch (3“)-wide crushed rock base, which would rest on the natural soil and function as the foundation for the synthetic turf and appurtenances.

14. Under the requirements of the Environmental Services Division, during synthetic turf installation, soil, dirt, grass and similar elements or project materials must not be blown off or carried off the site by water but must be collected and removed as soon as possible; any green waste must be recycled and other refuse must be disposed of properly; and if the project is within access to a storm drain inlet(s), the path to the drain inlet(s) must be blocked to prevent any soil, debris, or similar elements from being discharged into storm drainage system. In addition, any project-related stockpiled materials and/or other items must be covered and should be kept on the appurtenant property. The temporary placement of any materials and/or other items within any portion of any public property or public right-of-way area (i.e., on a sidewalk or street) that appertains to the installation of artificial grass is discouraged though allowed in special circumstances only with an Encroachment Permit from the Engineering Division (which further involves a fee, as established by the City Council, and an insurance requirement).
15. The inclusion of any lead or toxic materials in any artificial turf or supporting elements shall be prohibited.
16. Artificial turf shall be installed and maintained on an ongoing basis to effectively simulate the appearance of a well-maintained live lawn. The turf shall be maintained in a green fadeless condition and shall be maintained free of weeds, debris, tears, holes, and impressions.

RECOMMENDATION:

The Planning staff recommends that the Planning Commission discuss and provide comments on the proposed provisions concerning the permitting of synthetic lawns in the City. We also request that you make a formal recommendation on the overall issue to the City Council. Following this meeting, the staff will make any needed changes to the draft provisions and then

will prepare a draft amended Covina Design Guidelines document and associated report and Resolution for City Council consideration.