

## **INSTRUCTIONS FOR THE SEPTEMBER 1, 2020 DEVELOPMENT REVIEW COMMITTEE MEETING**

The Development Review Committee meeting will be closed to the public in compliance with Governor Newsom's Executive Order to minimize the spread of the COVID-19 Virus. Additionally, the meeting will be conducted via teleconference with members participating remotely. Considering this, the customary meeting format has been modified. Even with this change in format, the City is still encouraging public participation and wishes to make residents aware of the following opportunities for participation:

- 1) View the meeting through the City's website at [www.cityoflaverne.org/stream](http://www.cityoflaverne.org/stream)
- 2) Please submit your written comments via email at [planning@cityoflaverne.org](mailto:planning@cityoflaverne.org). They will be shared with the Board Members prior to the meeting and will be made part of the permanent record. We ask that you provide those emails before 7:00 p.m. the day before the meeting.
- 3) For individuals that wish to share their comments during the live stream, you may email [planning@cityoflaverne.org](mailto:planning@cityoflaverne.org) by 7:00 a.m. on the day of the meeting with a phone number and the item(s) you wish to speak on. We will call you back at the appropriate time during the meeting for your comment

# CITY OF LA VERNE DEVELOPMENT REVIEW COMMITTEE AGENDA

Eric Scherer, Chair  
Dominic Milano, City Engineer  
Richard Martinez, Public Works



City Hall Conference Room  
3660 "D" Street  
La Verne, CA 91750  
(909) 596-8706  
[www.cityoflaverne.org](http://www.cityoflaverne.org)

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**Tuesday, September 1, 2020 – 9:00 a.m.**  
**Watch Live at [www.cityoflaverne.org/stream](http://www.cityoflaverne.org/stream)**  
**3660 "D" Street, La Verne, CA 91750**

Attendance and participation at the City of La Verne Development Review Committee meetings are welcomed and appreciated. As a result of the current stay-at-home orders, participation is limited to viewing the meeting online at [www.cityoflaverne.org/stream](http://www.cityoflaverne.org/stream) with submittal of public comments to [planning@cityoflaverne.org](mailto:planning@cityoflaverne.org) up to and during the public hearing. Community engagement provides the Development Review Committee with valuable information. Regular Meetings are held on the 1st Tuesday of every month. In compliance with the American Disabilities Act, any person with a disability who requires a modification or accommodation in order to participate in a meeting should contact the City Clerk's Office at (909) 596-8726 at least 48 hours prior to the meeting.

All items submitted for future agendas must be in writing to the Community Development Department at least 10 days before the regularly scheduled meeting. Materials related to an item on this agenda, submitted to the Development Review Committee after distribution of the agenda packet, are available for public inspection on the city's website at [www.cityoflaverne.org](http://www.cityoflaverne.org).

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## **1. CALL TO ORDER**

## **2. PUBLIC COMMENT**

This is the time set aside for anyone wishing to address the Development Review Committee on items not listed in any other place on this agenda.

California Law does not allow the Development Review Committee to take action in response to your statements at this meeting. Your concerns may be referred to staff or set for hearing at a later date.

### 3. PROJECT REVIEWS

Note: Due to time constraints, discussion on these items will be limited to 30 minutes each.

- A. PROJECT:** CONDITIONAL USE PERMIT FOR LATE NIGHT BUSINESS  
AT TACO BELL  
**CASE NO.:** 73-20CUP  
**ADDRESS:** 1401 FOOTHILL BOULEVARD  
Project Planner: Candice Bowcock

**Deposit Project#** PL1300

**Environmental:** Cat. Ex.

**Action:**

### 4. ADJOURNMENT

The next regular meeting of the Development Review Committee is scheduled to be held on October 6, 2020 remotely at [www.cityoflaverne.org/stream](http://www.cityoflaverne.org/stream) or in the Conference Room, 3660 "D" Street, La Verne, CA 91750.

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Proof of Posting      I declare under penalty of perjury that I am employed by the City of La Verne in the Planning Department; and that I posted this agenda in the City Hall Council Chambers on August 26, 2020.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

# Agenda Report

CITY OF LA VERNE

*Community Development Department*

**DATE:** September 1, 2020

**TO:** Development Review Committee

**FROM:** Candice Bowcock, Principal Planner

**SUBJECT:** CASE NOS. 73-20CUP - A REQUEST FOR A CONDITIONAL USE PERMIT FOR A LATE-NIGHT BUSINESS AT TACO BELL - 1401 FOOTHILL BOULEVARD

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## **AGENDA SUMMARY**

The applicant, Ron Ely, representative of Taco Bell requests a Conditional Use Permit to operate the existing Taco Bell drive through restaurant as a late-night business at 1401 Foothill Boulevard. The Foothill Boulevard Specific Plan requires a Conditional Use Permit for late night businesses located within 300 feet of residential uses.

## **RECOMMENDATION**

Staff finds that the proposal meets all requirements and recommends that the Development Review Committee recommend Planning Commission adoption of Resolution No. 1265, approving Case No. 73-20CUP.

## **BACKGROUND**

The Development Review Committee approved the new building at 1401 Foothill Boulevard on January 15, 2019 as a single tenant drive through use. The building is now complete and open, and the applicant, Taco Bell, is proposing a Conditional Use Permit to operate the existing drive through restaurant as a late-night business. The building is located in the Heritage Plaza Shopping Center with Crunch Fitness, another late night business (approved in 2013 to open at 5am).

A Conditional Use Permit is required by the Foothill Boulevard Specific Plan for businesses operating between the hours of 12am and 6am, less than 300 feet from residential properties. The Conditional Use Permit is therefore required for the proposed operations of the business from 12am to 2am.

The restaurant is proposing to operate the drive through Monday-Thursday 7am-1am and Friday-Saturday 7am-2am. The dining room closes every night at 10 pm.

The La Verne Police Department was contacted on August 25<sup>th</sup> and responded stating they do not anticipate any issues with the request to stay open until 2am and that they support the request. This application is Categorically Exempt per Section 15061(b)(3) of the California Environmental Quality Act (CEQA) and the provisions of the La Verne Environmental Guidelines.

Attachment A: Resolution No. 1265

RESOLUTION NO. 1265

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING CASE NO. 73-20CUP ALLOWING FOR A CONDITIONAL USE PERMIT TO OPERATE A LATE NIGHT BUSINESS AT 1401 FOOTHILL BOULEVARD (TACO BELL DRIVE THROUGH)

WHEREAS, Ron Ely, representative of Taco Bell has applied for permission to operate a Taco Bell with late-night business operations at 1401 Foothill Boulevard, located within the Foothill Boulevard Specific Plan area; and

WHEREAS, Section 18.108.010 of the La Verne Municipal Code authorizes the Planning Commission to hear and grant requests for conditional use permits; and

WHEREAS, Section 18.108.030 of the La Verne Municipal Code authorizes the Planning Commission to consider such requests subject to certain findings; and

WHEREAS, a notice of public hearing was published in the Inland Valley Daily Bulletin on August 31, 2020, and notices were mailed to all owners of property within 300 feet of the subject property on August 27, 2020; and

WHEREAS, the Community Development Department has reviewed the project with respect to environmental impact and has determined that the application is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3) and the La Verne Environmental Guidelines; and

WHEREAS, the Development Review Committee reviewed and recommended approval of this project at their September 1, 2020 meeting; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing and considered public testimony on September 9, 2020, in accordance with Chapter 18.108 of the La Verne Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of La Verne as follows:

Section 1. The Planning Commission HEREBY FINDS and DETERMINES that the project conforms to the findings required by Section 18.108.030 of the La Verne Municipal Code in that:

1. The proposed use and development are consistent with the general plan and the applicable land use zone.

*FINDING: The late night business is a conditional use in the Foothill Boulevard Specific Plan. The applicant has gone through the application process as required by city code*

1        *and the use is consistent with the zoning and land use designation for this site. City*  
2        *departments have reviewed the application request and no issues were identified that*  
3        *would make this use incompatible with the general plan or designated land use.*  
4

5        2. The site for the proposed use is adequate in size, shape, topography, accessibility, and other  
6        physical characteristics to accommodate the proposed use and development in a manner  
7        compatible with existing and proposed surrounding land uses.  
8

9        *FINDING: The site is existing, provides on-site parking and is ADA compliant. This late-*  
10       *night use is a complementary use to the center.*  
11

12       3. The site has adequate access to those utilities and services, which are required for the  
13       proposed use.  
14

15       *FINDING: All utilities are in and available.*  
16

17       4. The proposed use will be arranged, designed, constructed, operated, and maintained so as to  
18       be compatible with the character of the area as intended by the general plan.  
19

20       *FINDING: The use will be operated within the existing building and all signs, and*  
21       *advertising is subject to compliance with the municipal code. The late night business use*  
22       *will be for the hours from 12am to 2am which will not negatively affect the surrounding*  
23       *neighborhood.*  
24

25       5. Potential adverse effects upon the surrounding properties will be minimized to the extent  
26       practical and any remaining adverse effects are justified by the benefits conferred upon the  
27       neighborhood or community as a whole.  
28

29       *FINDING: The business will provide an alternative food opportunity that conditions of*  
30       *approval should prevent any adverse effects on surrounding properties.*  
31

32       Section 2. The Planning Commission HEREBY APPROVES Case Nos. 73-20CUP AND  
33       subject to the following conditions:  
34

- 35       1. The original conditions of approval imposed under Case No. 73-20PPR are still valid  
36       and applicable to the project.  
37
- 38       2. The late night business operation shall be reviewed by the Community Development  
39       Department and the Police Department six (6) months after the effective date of  
40       approval to determine if additional security measures are necessary. If such measures  
41       are determined necessary, the Community Development Department will submit a  
42       proposal and recommendation to the Planning Commission for consideration.  
43
- 44       3. Any loitering, illegal activity or other nuisances shall be reported immediately to the  
45       Police Department.  
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