

**NORWALK PLANNING COMMISSION
RESOLUTION NO. 23-31**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
NORWALK, CALIFORNIA, APPROVING PRECISE DEVELOPMENT
PLAN NO. 2023-03 WITH CONDITIONS AND FINDING THAT THE
PROJECT IS EXEMPT UNDER CEQA § 15303 (NEW
CONSTRUCTION OF SMALL STRUCTURES)**

WHEREAS, Precise Development Plan (PDP) No. 2023-03 was submitted by Markie Anderle, ThreeSixty, on behalf of Raising Canes ("Applicant"); for 12666 Studebaker Road ("Subject Property"); also known as Assessor's Parcel Number ("APN") 8050-032-032; a request to demolish an existing 19,000 square feet vacant commercial building and construct a 3,705 square feet commercial building with a drive-through, along with related site and landscaping improvements; and

WHEREAS, Director Approval Request No. 2023-11 was filed in conjunction with this request; and

WHEREAS, the purpose and intent of a PDP is to ensure that new development will be aesthetically and functionally compatible with the existing and future land uses on adjacent and surrounding properties; and

WHEREAS, Section 17.02.240.C (Precise development plans, General Procedures) of the Norwalk Municipal Code (NMC) requires the Planning Commission of the City of Norwalk ("Planning Commission") to review PDP applications, and sets forth the required findings that the Planning Commission must make prior to approval of a PDP; and

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA), this project will not have a significant effect on the environment and is listed as 15303 of the Categorical Exemptions. Section 115303 consists of new construction of small structures; and

WHEREAS, PDP No. 2023-03 has been reviewed by the Planning Commission on November 8, 2023, at a duly noticed public hearing, at which time oral and documentary evidence relative to the application were received.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The proposed development is in compliance with the regulations contained within the NMC, with the implementation of the recommended conditions of approval.

Section 2. The proposed commercial project is in compliance with the regulations contained within the NMC. The project consists of a single commercial building of 3,705

square feet, to be operated as a drive-through Raising Canes restaurant, and will comply with minimum setbacks, height, landscaping, and design standards of the Restricted Commercial (C-1) zone, in conjunction with Director Approval Request No. 2023-11.

Section 3. The proposed development is consistent with the goals and objectives of the Norwalk General Plan as the development will enhance the City's economic base and a promote a positive image of the City of Norwalk.

Section 4. The development will not be detrimental to the public health, safety, and welfare or adversely affect property values or the present and future development of surrounding areas with the incorporation of conditions of approval. The proposed commercial development will have a positive impact on the surrounding neighborhood, develop a vacant commercial site, and improve the economic vitality of the site. New landscape improvements and architectural building treatments will enhance the overall area.

Section 5. The Planning Commission of the City of Norwalk, State of California, does hereby approve PDP No. 2023-03 subject to the Conditions of Approval in attached Exhibit "A."

APPROVED AND ADOPTED BY THE NORWALK PLANNING COMMISSION on this 8th day of November 2023.

**ROSA BARRAGAN, CHAIR
NORWALK PLANNING COMMISSION**

ATTEST:

I, John P. Ramirez, AICP, Secretary of the City of Norwalk Planning Commission, **DO HEREBY CERTIFY** that the foregoing Resolution, being **Resolution No. 23-31**, has been duly signed by the Chair, and attested by the Secretary, all at a special meeting of the Norwalk Planning Commission, held November 8, 2023, and that same was approved and adopted by the following vote to wit:

AYES:

NOES:

ABSENT:

**JOHN P. RAMIREZ, AICP SECRETARY
NORWALK PLANNING COMMISSION**

Resolution No. 23-31

EXHIBIT "A"
CONDITIONS OF APPROVAL
PRECISE DEVELOPMENT PLAN NO. 2023-03

The following Conditions of Approval shall be incorporated into all applicable final construction plans and a copy of these conditions shall be placed on the first sheet of the final building plans:

1. The site plan, floor plan, and elevations dated September 28, 2023, shall be approved with the following modifications:
 - a. Plans shall be updated to include adjusted amount of outdoor seating, total installed EV charging stations and additional landscaping.
 - b. Proposed site plan and elevations shall include the expanded canopy and newly landscaped areas.
2. Construction and/or modification of the project shall be in substantial conformance with submitted plans as described in the Agenda Report to the Planning Commission and as approved by the Planning Commission. The Director of Community Development ("Director") shall determine whether a modification is in substantial conformance.
3. All conditions of approval for Director Approval Request No. 2023-11 shall be adhered to in addition to conditions specified herein.
4. The Applicant shall comply with all applicable provisions of the Norwalk Municipal Code (at all times) to the satisfaction of the Director of Community Development.
5. All equipment, including lighting, shall be maintained in good condition at all times.
6. All planters and landscaped areas shall be maintained in good condition at all times. Any dead or missing landscaping shall be replaced. Any broken or malfunctioning irrigation components shall be repaired or replaced.
7. Landscaping, including shrubs and trees, shall not hinder visibility for vehicles or pedestrians or provide cover for any potential hiding places.
8. No construction debris shall be buried on site.
9. No barbed wire or razor wire shall be permitted on the premises.
10. Clearly visible and weatherproof signs shall be posted on the perimeter of the construction site identifying the working hours, name and phone number of a field supervisor to contact for information regarding any construction/grading activity.
11. The applicant/ business owner shall evaluate and update the drive-through operations and site circulation if any impacts on the traffic flow of adjacent streets arise from the restaurant's drive-through operations. The revised operation plan shall be subject to review and approval by the Community Development Department.
12. All trash enclosure areas shall be maintained and secured with locks to prevent access by unauthorized individuals. (Public Services)

13. The establishment has requested to operate through 2:00 A.M. therefore a six (6) month review will be conducted by the Department of Public Safety, to assess the need for onsite security personal implementation to address any nuisance activity or quality of life concerns. (Public Safety)
14. Security lighting shall be provided on all sides of the exterior of the building and within the parking lot to fully illuminate all areas. All inoperable lighting shall be repaired/replaced within 24 hours to ensure adequate lighting is in place at all times. A lighting plan shall be submitted for review and approval by the Public Safety and Community Development Departments. (Public Safety)
15. Business shall participate in the Department of Public Safety's Business Watch program and anti-trespassing / enforcement program (S.H.A.P.E), which includes signing the contract and Sheriff Letter of Agency form, along with posting provided signage in the parking lot for No Trespassing, and signage on the business front window/entrance area for No Panhandling. Business shall obtain these forms from the City of Norwalk website and submit them via email to the Public Safety Department at shape@norwalkca.gov All questions may be directed to Adriana Ortega via the same email or via phone at (562) 929-5730. The business is required to complete the forms and provided signage to be installed within 30 days of obtaining approvals. (Public Safety)
16. Any graffiti painted or marked upon the premises shall be removed or painted within 48 hours of the discovery thereof. (Public Safety)
17. General noise complaints related to the loading, delivery or general movement of commercial trucks, will be addresses as needed, as per Norwalk Municipal Code. (Public Safety)
18. Prior to the issuance of building permits, the following shall be completed:
 - a. A copy of these Conditions of Approval shall be printed on the first sheet of the final building construction plans.
 - b. Landscape and irrigation plans prepared and "wet" signed by a registered landscape architect shall be submitted to the Community Development Department for review and approval, and shall show the following:
 - i. The landscape plan shall indicate the size, type, quantity, spacing and location of all plant materials, and location of irrigation equipment.
 - ii. The plan shall depict an automatic permanent irrigation system.
 - iii. Six-inch concrete curbs shall surround all planter areas adjacent to driveways.
 - iv. Landscape plan check fee shall be submitted.
 - c. A security plan (including surveillance camera system) shall be submitted for review and approval by the Director of Public Safety or his/her designee. (Public Safety)
 - i. The surveillance camera system is to be maintained operational at all times, including during non-business hours. The system features and functions shall be

accessible by business management staff at all times during normal business hours. The system shall provide a video feed of sufficient quality to permit the Public Safety Department and Norwalk Sheriff Station to utilize the feed for law enforcement purposes, whether emergency or investigatory. Business shall ensure all video recordings/feeds remain accessible on a Digital Video Recording system for a minimum of 30 days.

- ii. Business shall make all video stored on the Digital Video Recording system available to the Public Safety and Norwalk Sheriff's Station at any time. The Public Safety and/or Sheriff's Station may request copies of recorded videos. Business must provide the requested video recording within 24 hours of the Public Safety/Sheriff request.
 - iii. Surveillance cameras shall be placed in a position to provide visual coverage of all entrances/exits, cash registers, safes, office/storage areas, and adjacent parking areas.
- d. The Applicant shall submit a Grand Opening Traffic Control Plan and Report to the Engineering Division. (Public Services)
 - e. The Developer shall execute and provide to the City Engineer, a written statement from the local utility(s) provider for water service (Liberty Utilities) and sewer service (City of Norwalk), indicating that the water system and sewer system will be operated by the purveyor and that under normal conditions, the system will meet the requirements for the development and that water and sewer service will be provided to each building. Comply with mitigation measures recommended by the water and sewer system purveyor(s). (Public Services)
 - f. The land owner must submit a General Construction Activity Storm Water Permit Notice of Intent (NOI), accompanied by the filing fee, prior to the start of any clearing or grading activity. Submit to: State Water Resources Control Board, Division of Water Quality, Attn: Storm Water Permit Unit, P.O. Box 1977, Sacramento, CA 95812-1977. A copy of Notice of Intent and a receipt for NPDES Construction Permit shall be presented to the City Building Department. (Public Services)
 - g. No property drainage shall be allowed to cross over sidewalks (parkways) or drive approaches. Yard basins, concrete gutters and undersidewalk (parkway) drains shall be constructed to adequately drain the subject property. A drainage plan shall be prepared by a Registered Civil Engineer and submitted for approval by the City. Undersidewalk drains shall be per Norwalk City Standard No. 107. Minimum slope on concrete flow lines shall be 0.50%. Minimum slope on asphaltic concrete or turf shall be 1.0%. Existing elevations of adjacent property and street flowlines must be shown around the perimeter of the proposed development. (Public Services)
 - h. Off-site improvements (eg. driveways, sidewalk, parkway drains, trees, curb/gutter etc) shown on the grading plans must provide a concurrent submittal to City of Norwalk Engineering Division. As an alternate, off-site improvements may be shown on a separate set of street improvement plans. Developer shall obtain drainage clearance from City of Norwalk Engineering Division. (Public Services)

- i. Federal, State and local statutes for a Standard Urban Storm Water Mitigation Plan (SUSMP) require that the developer incorporate appropriate SUSMP requirements into this project's grading plan. The SUSMP contains a list of the minimum Best Management Practices (BMP's) that must be used for a project. Copies of the SUSMP applicable to the Los Angeles County area are available from the office of the City Engineer. (Public Services)
- j. RECORDATION OF MASTER COVENANT AND AGREEMENT: Prior to approval of the LID Plan, the applicant/developer shall prepare and record a Master Covenant and Agreement per requirements of the City Engineer. (Public Services)
- k. The applicant shall prepare a Low Impact Development (LID) Plan specifically identifying the Best Management Practices (BMPs) that will be used on site to control predictable pollutant runoff. The LID Plan shall clearly show the locations of structural BMPs and assignment of long term maintenance responsibilities (which shall also be included in the recorded Maintenance Agreement). The plan shall be prepared to the general form and content shown in the LID Plan template and shall be submitted to the City Engineer for review and approval. (Public Services)
- l. The Developer shall submit improvement plans to the Engineering Division showing all the required improvements in the public right of way for review and approval of the City Engineer. A copy of approved conditions of approval shall be attached to the plans when submitted. The following are required as a part of the projects improvement plans. (Public Services)
 - i. Reconstruct existing drive approaches on Studebaker and on Imperial Highway for ADA compliance per City Standard No. 102, type C2 and to the satisfaction of the City Engineer.
 - ii. Construct sidewalks to full parkway width per City Standard No. 104, Case I, including landscape retaining curb.

19. Prior to and during construction, the following shall be completed:

- a. The subject site shall be maintained free and clear of weeds, trash, junk, or debris.
- b. The applicant shall regularly water the site to control fugitive dust to the satisfaction of the Director and the Building Official.
- c. A construction permit is required for any work to be done within the public right-of-way and shall meet with the City Inspector. (Public Services)

20. Prior to the issuance of a certificate of occupancy, the following shall be completed:

- a. Any existing damaged public right-of-way improvements and any damage caused during the construction shall be repaired in accordance with Section 5600 et seq of the California Streets and Highways Code and with the Norwalk Municipal Code. (Property owner is responsible for the repair and maintenance of curb/gutter, sidewalk and drive apron). Removals and reconstruction shall be per City of Norwalk Engineering Standard Plans and to the satisfaction of the City Engineer. (Public Services)

- b. Property sewer service is from Crossdale Avenue. Construct new 6" clean-out on sewer lateral within 10 feet of east property line per city standards. (Public Services)
 - c. All new, and/or future roof mounted mechanical equipment including (but not limited to): satellite dishes, air conditioners, heating units, ventilation ducts, exhaust fans, electrical and plumbing connections etc. for the building shall be completely screened by the roof parapet of the building from the public right-of-way and from the adjacent properties at all times. The Director of Community Development shall verify that any/all roof-mounted mechanical equipment is completely screened from the public right-of-way and the adjacent properties. (Public Services)
 - d. All infrastructures necessary to serve the proposed development (water, sewer, storm drain, and street improvements) shall be in operation. (Public Services)
 - e. All irrigation systems and plant materials for the project shall be installed.
 - f. The Developer shall submit an electronic copy of approved plans (such as, Sewer, Street and/or Storm Drain Improvements, whichever applies), to the City of Norwalk – Engineering Division. (Public Services)
21. Approval of this PDP shall be valid for one (1) year from the date of final approval and shall become null and void unless construction has commenced within this time period or an extension of time is granted pursuant to a written request received prior to the expiration date. The Director may grant two (2) one-year extensions. The Planning Commission may grant a final one-year extension. Prior to the granting of the final extension request, notice shall be given in the same manner as required for the original application. Commencement of development shall mean that appropriate permits have been obtained and the development has successfully completed the first Building and Safety Division inspection.
22. The Applicant shall indemnify, defend and hold harmless the City of Norwalk, its officers, agents, employees, and volunteers (collectively, the "City") from any and all claims, lawsuits or actions arising from the granting of, or the exercise of the rights permitted by this approval, or any other related land use entitlement or approval granted by the City, and from any and all claims or losses occurring or resulting to any person, firm, corporation or property for damage, injury, or death arising out of, or connected in anyway, with the use permitted by the City on the property. Applicant's obligation to indemnify, defend, and hold harmless the City shall include, but not be limited to, paying all legal fees and costs incurred by legal counsel of the City's choice, including expert witness fees, in representing the City in connection with any such claims, losses, lawsuits or actions, and any award of damages, judgments, verdicts, court costs or attorney's fees in any such lawsuit or action.

-END OF CONDITIONS-