



CITY OF WEST COVINA

PLANNING COMMISSION

**NOVEMBER 24, 2020, 7:00 PM
REGULAR MEETING**

**CITY HALL COUNCIL CHAMBERS
1444 W. GARVEY AVENUE SOUTH
WEST COVINA, CALIFORNIA 91790**

**Sheena Heng, Chair
Don Holtz, Vice Chair
Gregory Jaquez, Commissioner
Glenn Kennedy, Commissioner
Herb Redholtz, Commissioner**

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 17, 2020, Governor Newsom issued Executive Order N-29-20, suspending certain requirements of the Brown Act relating to the conduct of public meetings. Pursuant to the Executive Orders, Planning Commission Members may attend Planning Commission meetings telephonically and the Commission is not required to make available a physical location from which members of the public may observe the meeting and offer public comment.

On June 18, 2020, the California Department of Public Health issued guidance mandating that people in California wear cloth face coverings in specified circumstances, including when they are inside, or in line to enter, any indoor public space.

Due to the ongoing COVID-19 emergency and pursuant to State and County public health directives, the City Council Chambers will have limited seating available on a first-come, first-served basis for members of the public to attend and participate in the Planning Commission meeting in person. All persons attending the meeting are required to wear cloth face coverings and observe social distancing protocols.

Members of the public may also watch Planning Commission the meeting live on the City's website at: <https://www.westcovina.org/departments/city-clerk/agendas-and-meetings/current-meetings-and-agendas> under the "Watch Live" tab or through the West Covina City YouTube channel at www.westcovina.org/LIVE.

If you are experiencing symptoms such as fever or chills, cough, shortness of breath or difficulty breathing, fatigue, or sore throat, the City requests that you participate in the meeting from home by watching the meeting live via the links set forth above.

REMOTE PUBLIC PARTICIPATION: In lieu of attending the meeting in person, members of the public can submit public comments via email or address the Planning Commission by telephone using the methods described below.

EMAILED PUBLIC COMMENT. {Members of the public can submit public comments to the City Clerk via e-mail at City_Clerk@westcovina.org. The subject line should specify either “Oral Communications or Public Hearing – 11/24/2020”. Please include your full name and address in your e-mail. All emails received by 4:00 P.M. on the day of the Commission meeting will be posted to the City’s website under “Current Meetings and Agendas” and provided to the Planning Commission prior to the meeting. No comments will be read out loud during the meeting. All comments received by the start of the meeting will be made part of the official public record of the meeting.

TELEPHONIC ACCESSIBILITY. Members of the public that wish to address the Council by telephone during Oral Communications or a public hearing may contact the City Clerk by email City_Clerk@westcovina.org or by telephone (626) 939-8433 by 5:30 P.M. on the day of the Commission meeting for instructions regarding addressing the Planning Commission by telephone during the meeting.

Please turn off all cell phones and other electronic devices prior to entering the Council Chambers

AMERICANS WITH DISABILITIES ACT

The City complies with the Americans with Disabilities Act (ADA). If you need special assistance at Planning Commission meetings, please call (626) 939-8433 (voice) or (626) 960-4422 (TTY) from 8 to 5 Monday through Thursday. Do call at least one day prior to the meeting date to inform us of your particular needs and to determine if accommodation is possible. For sign language interpreter services at Planning Commission meetings, please request no less than four working days prior to the meeting.

PUBLIC COMMENTS/ADDRESSING THE COMMISSION

Any person wishing to address the Planning Commission on any matter listed on the agenda or on any other matter within their jurisdiction is asked to complete a speaker card that is provided on the speaker podium and submit the card to a Planning Department staff member.

Please identify on the speaker card whether you are speaking on an agenda item or non-agenda item. Requests to speak on non-agenda items will be heard during “Oral Communications” before the Public Hearing section of the agenda. Oral Communications are limited to thirty (30) minutes. Generally, comments are limited to five minutes per speaker unless further time is granted by the Chairperson. ***The Chairperson may also, at his or her discretion, further limit the time of each speaker in order to accommodate a large number of speakers and/or to ensure that the business of the Planning Commission is effectively conducted.***

Any testimony or comments regarding a matter set for Public Hearing will be heard during the public hearing for that item.

Next Resolution No. 20-6050

MOMENT OF SILENT PRAYER/MEDITATION

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

1. Regular meeting, November 10, 2020

ORAL COMMUNICATIONS

This is the time when any member of the public may speak to the Commission on any matter within the scope of duties assigned to the Commission relating to non-agendized or consent calendar items. Other matters included on this agenda may be addressed when that item is under consideration. For all oral communications, the chairperson may impose reasonable limitations on public comments to assure an orderly and timely meeting. The Ralph M. Brown Act limits the Planning Commission and staff's ability to respond to public comments at this meeting. Thus, your comments may be agendized for a future meeting or referred to staff. The Commission may ask questions for clarification, if desired, at this time.

By policy of the Commission, Oral Communications at this time on the agenda is limited to a total of 15 minutes. Persons who are not afforded the opportunity to speak at this time may do so under "Continuation of Oral Communications" later on the agenda.

PUBLIC HEARINGS

2. **TENTATIVE PARCEL MAP NO. 83155
PRECISE PLAN NO. 19-03
CONDITIONAL USE PERMIT NO. 20-06
ADMINISTRATIVE USE PERMIT 20-06
TREE PERMIT NO. 20-12
MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT
APPLICANT: Jeff Tuck for Bentley Real Estate LLC
LOCATION: 2539/2505 E Garvey Avenue N
REQUEST: The applicant is requesting approval to construct three new single-story commercial buildings totaling 46,955 square feet on the 3.67-acre project site. The three new commercial buildings would include one 34,860 square foot retail space for the major tenant, one 7,595 square foot building that would house multi-tenant retail uses with five storefronts, and one 4,500 square foot restaurant with a 525 square foot patio and drive through.**

3. **CONDITIONAL USE PERMIT NO. 20-12
CODE AMENDMENT INITIATION
CATEGORICAL EXEMPTION
APPLICANT: McIntyre Company
LOCATION: 2640 E. Garvey Avenue South
REQUEST: The applicant is requesting a conditional use permit to allow a 60'-0" tall electronic reader board oriented towards the freeway (project site is within 300 feet of freeway centerline). The proposed electronic reader board would have 672 square feet of sign area. The CUP for the freeway bonus will only allow an electronic readerboard with 394 square feet of sign area. Therefore, the applicant is requesting that the Planning Commission consider initiating a code amendment to allow commercial properties that are directly abutting the freeway to have an electronic readerboard with at least 672 square feet in sign area.**

NON-HEARING ITEMS

TEN-DAY APPEAL PERIOD: Actions taken by the Planning Commission that are not recommendations to the City Council will become final after ten (10) calendar days unless a written appeal with the appropriate fee is lodged with the City Clerk's Office before close of business on the tenth day.

COMMISSION REPORTS/COMMENTS AND MISCELLANEOUS ITEMS

This is the time when any member of the Commission may bring a matter to the attention of the full Commission that is within the scope of duties assigned to the Commission. Any item that was considered during the Agenda is not appropriate for discussion in this section of the agenda. NO COMMISSION DISCUSSION OR ACTION CAN BE CONSIDERED AT THIS TIME. If the Commission desires to discuss an issue raised by a speaker or take an action, the Commission may vote to agendize the matter for a future meeting.

4. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:

- a. Forthcoming - December 8, 2020

5. CITY COUNCIL ACTION:

This is an oral presentation of City Council matters and actions, which are in the Commission's area of interest

ADJOURNMENT

City of West Covina
A G E N D A

ITEM NO. 1.

DATE: November 24, 2020

TO: Planning Commission
FROM: Planning Division
SUBJECT: Regular meeting, November 10, 2020

Attachments

Minutes 11.10.20

**These minutes are preliminary and are considered unofficial
until adopted at the next Planning Commission meeting.**

A G E N D A

DATE: November 24, 2020

ITEM NO.: 1.

**MINUTES
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF WEST COVINA
Tuesday, November 10, 2020**

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the West Covina Council Chambers. The Commission observed a moment of silent prayer/meditation and Commissioner Holtz lead the Pledge of Allegiance.

ROLL CALL

Present: Heng, Holtz, Jaquez, Kennedy and Redholtz

Absent: None

City Staff Present: Persico, Tsai, Burns, Aguilar, Martinez and Colon

APPROVAL OF MINUTES:

1. Regular meeting, October 13, 2020

The minutes were approved as submitted.

OTHER MATTERS OR ORAL COMMUNICATIONS

None

NON-HEARING ITEMS (Heard out of order.)

6. SUBCOMMITTEE FOR DESIGN REVIEW NO. 20-79

APPLICANT: Jay Summers

LOCATION: 1615 Cambridge Court

REQUEST: The applicant is proposing a 77-square foot entry porch to the existing two-story residence.

Assistant Planner Rene Aguilar presented the staff report. He said this item had been continued from the October 13, 2020 regular meeting to allow the applicant time to redesign the proposed porch. He also told the Commission that the designer had presented two alternatives and staff was recommending approval of Option No. 1.

The applicant, Jay Sommers, and the homeowner, Marisela Freire, spoke to the Commission regarding the two options. After a short discussion, it was the consensus of the Commission to approve Option No. 1.

Motion by Redholtz, seconded by Jaquez, to approve Option No. 1. Motion carried 5-0.

PUBLIC HEARINGS

3. (Heard out of order.)
CODE AMENDMENT NO. 19-06 – Consideration of Certain Amendments to Accessory Dwelling Units

Chairperson Heng opened the public hearing.

Planning Manager Jo-Anne Burns presented the staff report and recommended that this matter be continued to the December 8, 2020 regular meeting to allow the State of California Housing Department to finish their review of the Municipal Code pertaining to Accessory Dwelling Units.

Motion by Redholtz, seconded by Holtz, to continue consideration of this matter to the regular Planning Commission meeting, December 8, 2020. Motion carried 5-0.

Deputy City Attorney Ivy Tsai said the public hearing will remain open and be concluded at the December 8, 2020 regular meeting.

2. ADMINISTRATIVE USE PERMIT NO. 20-16
APPLICANT: Jay Se Wu (Begopa Restaurant)
LOCATION: 1414 S Azusa Avenue
REQUEST: The applicant is requesting approval of an administrative use permit to provide on-sale service of beer and wine in conjunction with a bona fide restaurant. (Type 41).

Planning Intern Donovan Colon presented the staff report and answered questions from the Commission.

PROponent:

Steve Kim, representing the applicant told the Commission that the business owner delayed opening the restaurant until October due to the Covid-19 pandemic. He also said it is a Korean Fusion restaurant and answered questions from the Commission regarding the business and the proposed service of beer and wine in conjunction with food.

Opponents:

Steve Herfert said he was opposed to the sale of alcoholic beverages at the center because schools are located there, possible illegal businesses may be located in the center, and issues with the increased homeless population in the area.

REBUTTAL:

The applicant's representative, Mr. Kim, told the Commission that he understands the Commission's concern with students at the tutoring centers/schools being protected from people under the influence; however, he reminded the Commission that the business is a restaurant, not a bar.

Chairperson Heng closed the public hearing.

There was a discussion by the Commission regarding the location of the schools in the shopping center. At the conclusion of the discussion, it was the consensus of the Commission that students at the schools would not be adversely affected by the sales of alcoholic beverages in the restaurant. In addition, the Commission discussed the length of time the restaurant had been operating and Department of Alcoholic Beverage Control regulations due to the Covid-19 pandemic.

Motion by Redholtz, seconded by Jaquez, to waive further reading and adopt Resolution No. 20-6048, approving Administrative Use Permit No. 20-18. Motion carried 3-2 (Kennedy, Holtz opposed.)

This action is final unless appealed to the City Council within ten (10) days.

4. CONDITIONAL USE PERMIT NO. 20-07
SLIGHT MODIFICATION NO. 20-01
SUBCOMMITTEE FOR DESIGN REVIEW NO. 20-36
CATEGORICAL EXEMPTION

APPLICANT: Gerardo Limon

LOCATION: 1208 S Hollencrest Drive

REQUEST: The applicant is requesting a Conditional Use Permit to allow for the construction of a 1,868-square foot second-story addition, a 734-square foot single-story addition, 952-square foot 3-car garage to replace the existing 2-car garage, and a 520-square foot balcony to the existing 4,344-square foot second-story single family residence. The proposed house will have a total floor area of 7,465-square feet exceeding the 5,000 square foot maximum unit size. The applicant is also requesting a Slight Modification to exceed the maximum 25-foot building height by 2 feet.

Commissioner Holtz recused himself because he lives within 300 feet of the project and left the Chambers.

Assistant Planner Camillia Martinez presented the staff report. She reviewed various features of the proposed home and presented two options for the roof design. Staff recommended Option No. 1.

Chairperson Heng opened the public hearing.

PROPOSERS:

Chen Jian spoke to the Commission regarding the request. There was a discussion between Ernesto Esquer, the property owner and the Commission regarding the view and the height of the proposed addition.

OPPOSERS:

Paul Maselbas, resident, spoke to the Commission regarding his concern with the size of the home with the proposed addition. There was a discussion between the opponent and the Commission. Mr. Maselbas requested that story poles be used to measure the size of the proposed addition and determine whether it would block his view.

REBUTTAL:

Gerardo Limon, applicant, addressed the comments by the opponent and agreed to utilize story poles. Fernando Solis spoke to the Commission about the differences in grading in the area.

There was a lengthy discussion by the Commission regarding the testimony in rebuttal to the opponents.

Motion by Jaquez, seconded by Heng, to continue this matter to the December 8, 2020 regular meeting to allow the applicants to install story poles, prepare a presentation of the difference in grades, and prepare an elevation of the new proposed roof line. Motion carried 3-1 (Redholtz opposed, Holtz recused.)

5. CONDITIONAL USE PERMIT NO. 20-10
CATEGORICALLY EXEMPT

APPLICANT: George Botros

LOCATION: 2847 Countrywood Lane

REQUEST: The applicant is requesting a conditional use permit for a Large Home to construct a 196-square foot first floor addition to the existing two-story single-family residence. The house with the proposed addition would be 5,067 square feet, which exceeds the 3,999 square foot maximum unit size by 1,068 square feet.

Assistant Planner Rene Aguilar presented the staff report. He told the Commission this was an extension to the rear of the home to enlarge the kitchen, family room and breakfast area. Staff recommended approval of the project.

Chairperson Heng opened the public hearing.

PROPOSERS:

Enas Farid, property owner, said they were hoping to increase the size of the existing kitchen because it is very small, and for symmetry they were proposing an increase in size for the family room and breakfast area.

OPPOSERS:

No one spoke in opposition to this request.

Chairperson Heng closed the public hearing.

There was a short discussion by the Commission regarding this project.

Motion by Redholtz, seconded by Jaquez, to waive further reading and adopt Resolution No. 20-6049, approving Conditional Use Permit No. 20-10. Motion carried 5-0.

This action is final unless appealed to the City Council within ten (10) days.

COMMISSION REPORTS/COMMENTS AND MISCELLANEOUS ITEMS

Commissioner Redholtz thanked the departing Councilmembers for their service and dedication to the City of West Covina. He also welcomed the newly elected members, Rosario Diaz and Brian Tabatabai to the City Council.

Commissioner Redholtz said that Floor and Décor would be open this week at the old K-Mart site.

Commissioner Redholtz spoke about the Field of Valor at Sierra Vista School in the City of Covina.

Commissioner Jaquez said November 10 was the birthday of the United States Marine Corps.

7. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:

Community Development Director Mark Persico said Floor and Décor will be opening on this week at the former K-Mart site.

a. Forthcoming – November 24, 2020

Community Development Director Mark Persico said there were items scheduled for hearing by the Planning Commission at their November 24, 2020 and December 8, 2020 regular meetings.

Planning Manager Jo-Anne Burns said there would be a virtual meeting regarding the construction of the medical offices/building, parking structure and hospital addition for Queen of the Valley Hospital.

8. CITY COUNCIL ACTION:

This is an oral presentation of City Council matters and actions which are in the Commission's area of interest.

Community Development Director Mark Persico said the City Council will consider Code Amendment No. 20-07 on a date to be determined.

ADJOURNMENT

Chairperson Heng adjourned the meeting at 9:18 p.m.

Respectfully submitted:

Lydia de Zara
Senior Administrative Assistant

ADOPTED AS SUBMITTED ON:

ADOPTED AS AMENDED ON:

PLANNING DEPARTMENT STAFF REPORT

SUBJECT

TENTATIVE PARCEL MAP NO. 83155

PRECISE PLAN NO. 19-03

CONDITIONAL USE PERMIT NO. 20-06

ADMINISTRATIVE USE PERMIT 20-06

TREE PERMIT NO. 20-12

MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

APPLICANT: Jeff Tuck for Bentley Real Estate LLC

LOCATION: 2539/2505 E Garvey Avenue N

REQUEST: The applicant is requesting approval to construct three new single-story commercial buildings totaling 46,955 square feet on the 3.67-acre project site. The three new commercial buildings would include one 34,860 square foot retail space for the major tenant, one 7,595 square foot building that would house multi-tenant retail uses with five storefronts, and one 4,500 square foot restaurant with a 525 square foot patio and drive through.

BACKGROUND

The site is comprised of two parcels which was previously occupied by the Lotus dealership and Mazda dealership. The subject property is located in the "Medium Commercial" zone and is adjacent to both Commercial and Residential uses. The Lotus dealership building currently occupies the site. The Mazda dealership building has been demolished.

The site is located north of the San Bernardino Freeway (I-10) on the northwest corner of East Garvey Avenue and N Citrus Street. The site is bordered by the I-10 Freeway on the south, Trophy West Covina Nissan Dealership to the north, Single-Family Residences and Discovery Montessori Preschool to the west, and Wells Fargo multi-story commercial building to the east.

ITEM	DESCRIPTION
ZONING AND GENERAL PLAN	"Medium Commercial Zone" (C-2) and "Commercial" (C)
SURROUNDING LAND USES AND ZONING	North: "Service Commercial" (S-C) Auto Dealership West: "Single Family Residential" (R-1) & "Multi-Family" (MF-20); Single-family homes & a preschool South: "Single Family Residential" (R-1); Single-family homes East: "Regional Commercial" (R-C); commercial building
CURRENT DEVELOPMENT	One Commercial Building
LEGAL NOTICE	Legal Notice was published in the San Gabriel Valley Tribune, and mailed out to 38 owners and occupants within 300 feet of the site.

DISCUSSION

Project Description

The project involves the demolition of three buildings (two have been demolished, with one remaining) located at 2539 and 2505 East Garvey Avenue North, totaling approximately 24,650 square feet, and constructing three new single-story commercial buildings totaling 47,000 square foot on the 3.67-acre project site. The three new commercial buildings would include one 34,860 square foot building that would provide retail space for the major tenant of the commercial development, one 7,500-square foot building that would house multi-tenant retail uses in five storefronts, and one 4,500 square foot restaurant with a 525 square foot patio. The proposed project would provide 199 parking spaces, including 11 handicap spaces, 21 compact spaces, and 167 standard parking spaces. The project would also include 19,200 square feet of landscaped area. Infrastructure improvements associated with the proposed project include replacing the sidewalk on the north side of East Garvey Avenue North and relocating an existing storm drain catch basin on East Garvey Avenue North.

Tentative Parcel Map

The proposed development requires a Tentative Parcel Map to allow merging two individual parcels into one. Parcel 1 is 131,598 square feet and Parcel 2 is 28,726 square feet in size. Both parcels have been previously developed with three commercial buildings, used as a car dealerships (one of the three commercial buildings remain). The merging of both parcels results in one parcel that measures approximately 160,324 square feet.

Conditions of approval have been included in the resolution requiring the applicant to do street improvements per Engineering Division requirements. The Building Division requires that all utilities are provided underground.

Precise Plan

The proposed development will be visible from the surrounding area, which includes the I-10 Freeway, Single-Family Residences, commercial buildings, and a car dealership. Proposed construction consists of a 34,860 square foot, 7,595 square foot, 4,500 square foot, and a 525 square foot outdoor patio. Surface parking is located on the east, south, and north sides of the building.

Vehicles would be able to access the proposed project and associated surface parking lot via two entrances off East Garvey Avenue North; one entrance in the northeastern portion of the site and one to the south. Pedestrians would be able to access the proposed commercial buildings via the sidewalk along Easy Garvey Avenue North. Landscaped areas are located along East Garvey Avenue, around the perimeter of the property, and in the parking lot.

Architecture

The proposed buildings are contemporary in style with a flat roof and provides a variety of articulation in building surface. The one-story building and the facade design will include varying heights. Building heights range from 26 feet, 8 inches to 36 feet, 8 inches as measured from the finished grade to the highest point of the building. For the major tenant, the east elevation will be the main entrance with large windows. The facade will include a variety of materials such as: stonewood phenolic panels, imetco corrugated metal preweathered galvalume, metal ribs spacing, and glazing mullions.

Parking & Circulation

The Zoning Code requires a total of 188 parking spaces based on the major tenant grocery store, retail uses, and the restaurant use at the site. The Municipal Code requires a parking space for every 250 square feet of floor area for retail businesses. The parking requirement for a restaurant is one parking space for every 3.5 permanent seats within a restaurant as well as one parking space for every 5 seats of outdoor dining.

The site plan shows that a total of 199 parking spaces (including 11 handicap spaces, 21 compact spaces, 167 standard spaces) will be provided. The Parking Lot Lighting Standards allow up to 35 percent of the total number of parking spaces required to be compact (which in this case would be up to 65 spaces). The proposed compact parking spaces are distributed across the entire parking lot.

The applicant proposes 10 designated electric vehicles spaces (5% of 199 spaces) 6 spaces located near the major tenant, 2 spaces located near the in-line retail, 2 spaces located near the drive-thru restaurant. The parking lot design will have 6 designated clean-air parking spaces, 10 short term parking spaces, and 6 long term parking spaces. Lastly, the parking lot will have one locker bike closet for each building.

Landscaping

The applicant is proposing to landscape 12% percent of the site, which will provide a total of 19,200 square feet of landscaping. The Municipal Code requires that a minimum of eight percent of the area of commercially zoned sites be landscaped. The permitter of the parking lot will be landscaped with a mixture of shrubs and trees. Landscape will consist of an array of drought tolerant plants. A final landscape and irrigation plan is required per the conditions of approval.

Standard	Proposed	Required / Allowed
Lot Area	160,163 square feet	--
Building Square Footage	Building 1(Major Tenant): 34,860 square feet Building 2 (5 Proposed Shops): 7,595 square feet Building 3 (Drive Through Pad): 4,500 square feet	--
Height of All Buildings	Building 1: 36 ft 8 in Building 2: 26 ft 8 in Building 3: 26 ft 8 in	45 feet
Lot Coverage	29%	50%
Landscape Entire Parcel	12% (19,200 sq ft)	8% (12,200 sq ft)
Setbacks	Front: 15'-0" Rear: 15'-0" Side: 5'-10" Side: 5'-0"	Front: 15' Minimum; 20 Average Rear: 15' Side: PP* Side: PP*

PP* ; No yards required except such as may be incorporate in a precise plan, conditional use permit, or variance.

Community Outreach

Although Community Outreach is not required by the West Covina Municipal Code, Community Outreach is recommended because it allows applicants to discover overlooked or unknown issues, and opportunities to address these issues prior to the public hearing through open dialogue with neighborhood stakeholders. Due to Covid-19, the applicant sent out mailers on September 24, 2020 describing the project with the applicant's contact information in case interested/concerned parties had questions or would like to provide input. The community outreach mailer and a response from a neighbor is included as Attachment No. 7.

Tree Removal Permit

As part of the proposed development, a Tree Removal Permit application is required. The request is to allow for the removal of a Ficus Nitida (15 feet in height) and four Palm Trees at (20 feet in height). The applicant is proposing to plant 5 Hong Kong Orchid trees, 13 Carrot Wood trees, 12 Jacaranda trees, 8 Brisbane box trees, 6 Fern Pine trees, 5 African Sumac trees. All proposed trees will be 24 inch box sized and are all moderate to low water use.

Conditional Use Permit

Freeway Pylon Sign

The applicant is requesting two freestanding business identification signs on the site. The Zoning Code allows Freeway Adjacent Business Identification to be 300 square feet in area and 40 feet in height (one per business allowed). In addition, the Code has a provision for a freeway site bonus. Sites within 300 feet of the centerline of the freeway may increase the height and size by 75 percent (up to a maximum of 60 feet in height and up to 800 square feet in sign area) with the approval of a conditional use permit. This bonus is only allowed for one sign (only one bonus is allowed per site).

The first sign is proposed to be at 50 feet in height and the second sign 40 feet in height (as conditioned). The 50 foot tall sign will be located on the south side of the lot near the proposed drive through restaurant and will be oriented towards the freeway. The second sign will be located on the northeastern part of the site and will be oriented towards E Garvey Avenue N and Citrus Street. A condition of approval has been included in the conditional use permit resolution clarifying that the freeway oriented sign is limited to 525 square feet, and the other sign is limited to 300 square feet.

Drive-thru Restaurant

At this time, the applicant has not provided Planning Staff a business operation plan for the perspective restaurant.

Drive through queues were measured based on data provided within the Drive-Through Queue Generation (CountingCars.com, February 2012). Queuing data was provided from 14 studies at six fast-food restaurant locations. The 85th percentile maximum number of vehicles queued in the drive through lanes was measured at 12 vehicles. The distance from the approximation of the pay window to the entrance of the drive through lane (western boundary of the trash enclosure) is approximately 130 feet. This would provide for stacking of 6 vehicles. The site plan provides an additional 85 feet westbound from the extension of the drive through lane to the western extension of the drive aisle that services the restaurant from the project driveway from Garvey Avenue. This provides queuing for an additional 4 vehicles, which would provide a total queuing capacity for 10 vehicles.

It should be noted that the fast-food restaurant observed in the aforementioned analysis are fast-food restaurants whose primary business operations revolve around drive through sales. The proposed fast-food restaurant for this project, at 4,500 square feet, is anticipated to function primarily as a high-turnover sit-down restaurant, with the drive through functioning as a secondary use (similar to how Panera Bread functions).

Administrative Use Permit

The applicant is requesting an Administrative Use Permit to allow the off-site sale of alcohol (Type 47) as an incidental use within the proposed grocery store (major tenant). There is no evidence that any detrimental effect, such as noise, litter, or traffic congestion, or other nuisances would occur due to the proposed off-sale of alcohol.

REQUIRED FINDINGS

Findings are required in order to allow the Planning Commissions to approve the Tentative Parcel Map, Precise Plan, Conditional Use Permit, and Administrative Use Permit.

Tentative Parcel Map

1. The proposed map is consistent with the general plan and any applicable adopted specific plans.

The proposed map is consistent with the "Commercial" land use designation of the West Covina General Plan. The proposed subdivision will not change the commercial use of the site.

2. The design or improvement of the proposed subdivision is consistent with the general plan and applicable adopted specific plans.

The project site is not located within any specific plan. The parcel map would join two lots into one. The lot merger will be consistent with the General Plan Commercial land use designation as there are no changes to the nature of the existing proposed commercial use on site.

3. The site is physically suitable for the type of development.

The lot merger would create a suitable site for the proposed shopping center. The proposed shopping center would comply with all applicable development standards of the West Covina Municipal Code.

4. The site is physically suitable for the proposed density of development.

The density of the development will increase and further environmental review has determined that the site is suitable for the 47,000 square

foot commercial center.

5. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish, wildlife or their habitat.

The site consists of two parcels. Parcel 1 is 131,598 square feet and Parcel 2 is 28,726 square feet in size. Both parcels have been developed previously and there are no known endangered, threatened or rare species or habitats, or designated natural communities, wetlands habitat, or wildlife dispersal or mitigation corridors on site. Any potential environmental factors have been reviewed and mitigated through a Mitigated Negative Declaration.

6. Neither the design of the subdivision nor the type of improvements are likely to cause serious public health problems.

The lot will have access to public sanitary sewer system for the removal and disposal of wastewater, and to other necessary utility services. The site will be developed in accordance with the standards of the Engineering Division, the West Covina Municipal Code, and other applicable requirements.

7. The design of the subdivision or the type of improvements will either (i) not conflict with recorded or adjudged easements, acquired by the public at large, for access through or use of, property within the proposed subdivision; or (ii) alternate easements, for access or for use, will be provided, and these will be substantially equivalent to ones previously acquired by the public.

There are no known easements on the property that would be affected by implementation of the proposed project.

Precise Plan

1. The proposed development plans and the uses proposed are consistent with the General Plan and any applicable specific plan.

The project site is designated as "Commercial" in the City's General Plan. The proposed project is consistent with the following General Plan goals: P2.1 Maintain and enhance the City's current tax base. The subject property is located north of E Garvey Avenue North and is easily accessed via E Garvey Avenue North. The subject property is adjacent to Commercial to the East and North, and adjacent to Single-Family and Multi-Family Residential to the West, with the I-10 Freeway to the South. The proposed compact parking spaces are consistent with the General Plan.

2. The proposed development is consistent with adopted development standards for the zone and complies with all other applicable provision of the Municipal Code.

The applicant is proposing to construct three commercial buildings totaling 47,000 square feet and provide 199 parking spaces. The proposed project includes parking and landscaping improvements. The proposal complies with the requirements of the "Commercial" (C-2) zone. The proposed project meets all applicable development standards for the C-2 zone. Applicable development standards include but are not limited to screening requirements; building colors, materials, finishes, and exterior design; landscape criteria, building coverage, height limit; and off-street parking requirements.

3. Granting the permit would not be detrimental to the public interest, health, safety, and welfare and would not unreasonably interfere with the use or enjoyment of property in the vicinity of the subject property.

The proposed project is surrounded by commercial and residential use. The location of the proposed commercial center allows for synergy between the uses, which could be beneficial for both entities. The project will include landscaping throughout the site to create appropriate screening to mitigate any potential noise nuisances. Granting the permit would not be detrimental to the public interest, health, safety, and welfare would not unreasonably interfere with the use or enjoyment of property in the vicinity of the subject property.

4. The site is physically suitable for the type, density and intensity of the development being proposed, including vehicle access and circulation.

The site is located north of the San Bernardino Freeway (I-10) on the northwest corner of East Garvey Avenue and N Citrus Street. The site is bordered by the I-10 Freeway on the south, Trophy West Covina Nissan Dealership to the north, Single-Family Residences and Discovery Montessori Preschool to the west, and Wells Fargo multi-story commercial building to the east.

The project site is located on the west side of the collector street, East Garvey Avenue North is a two-lane street. There will be two vehicular access points, vehicles will be able to access the proposed project and associated surface parking lot via two entrances off East Garvey Avenue North, one entrance in the northeastern portion of the site and one to the south. Pedestrians would be able to access the proposed commercial buildings via the sidewalk along East Garvey Avenue North. The project will also provide sufficient parking for its patrons and employees. The site is 3.67 acres and is physically suitable for the proposed project and adequate to accommodate the size and shape of the building, parking and all required development standards set forth in the West Covina Municipal Code.

5. The architecture, site layout, location, shape, bulk, and physical characteristics of the proposed development are compatible with the existing and future land uses, and do not interfere with orderly development in the vicinity.

The proposed buildings are contemporary in style with a flat roof and provides a variety of articulation in building surface. The one-story building and the facade design will include varying heights. Building heights range from 26 feet 8 inches to 36 feet 8 inches as measured from the finished grade. The east elevation will be the main entrance with large windows. The facade will include a variety of materials such as: stonewood phenolic panels, imetco corrugated metal preweathered galvalume, metal ribs spacing, and glazing mullions.

Conditional Use Permit

1. 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.

The proposed drive through use is consistent with the "Commercial" General Plan designation and zoning designation of "Commercial". A "Commercial" zone classifies and sets standards for a regional business center that facilitates a variety of services, eating, and entertainment facilities, and specialty shops. The site will be improved with three commercial buildings totaling 47,000 square foot, each to complement each other. The proposed drive through will provide a service that will contribute to the general well-being of the neighborhood and the community by allowing a drive-through restaurant. The proposed freeway oriented pylon sign will allow the site to advertise services to the community. The sign would enable the business on the site to gain adequate visibility from the freeway.

2. 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.

The proposed drive through will be a part of the new 4,500 square foot building. The building is a part of a new planned development center that has been reviewed through further environmental review. The sign will be oriented towards the freeway. The site is directly adjacent to west of residential land uses but will not be detrimental to the health, safety, peace or general welfare of the residing residential uses. Furthermore, there are a total of two vehicle drive approaches that allow access to the new planned development center. The drive approaches to the standalone drive-through facility can be accessed from E Garvey Avenue S.

3. 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.

The site for the proposed through use will occupy a 4,500 square foot building. The applicant has proposed to landscape within the restaurant and provide adequate landscaping to provide an aesthetically pleasing environment for their perspective patrons. Patrons of the drive-through will enter to the west of the building to access the drive-through and exit leading to the northeastern drive approach. The site is adequate in size and shape to accommodate the drive-through use and freeway oriented sign.

4. 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.

The proposed drive-through use is north of E Garvey Avenue N, a collector street. The site contains two approaches from E Garvey Avenue N. Further queuing analysis has been made to determine that this would provide for stacking of 9 vehicles. The site plan provides an additional 80 feet westbound from the extension of the drive through lane to the western extension of the drive aisle that services the restaurant from the project driveway from Garvey Avenue. This provides queuing for an additional 4 vehicles, which would provide a total queuing capacity for 13 vehicles.

5. That the granting of such conditional use permit will not adversely affect the general plan of the city, or any other adopted plan of the city.

Granting the conditional use permit for the proposed drive-through would allow the opportunity for the surrounding community to have access to a specialty drive-through restaurant. The proposed drive-through restaurant and freeway oriented sign would not compromise the character of the surrounding neighborhood nor be detrimental to the surrounding land uses. Allowing the proposed use is consistent with the improvements on the site and with the goals and objectives of the current General Plan. The current General Plan states that the City shall arrange land uses with regard to the health, safety, convenience, and welfare of the residents of the city.

Administrative Use Permit

1. That the proposed use at this particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood or community.

The proposed sale of off-sale alcohol for the major tenant grocery store would provide a service possibility to nearby residents, which will contribute to the well-being of the neighborhood or community. The proposed use is in context of the "Commercial" (C-2) zone and is consistent with the surrounding uses.

2. That such use will not under the circumstances of the particular case, be detrimental to the health, safety, peace or general welfare or persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

The proposed use will not disrupt the safety and peace or general welfare of persons residing or working in the vicinity.

3. 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 with the land and uses in the neighborhood and make it compatible thereto.

The site for the proposed use is adequate in size and is shaped to accommodate the use. The subject property is located on a 3.67-acre parcel. The development project proposes all well planned yards, spaces, walls, fences, parking, loading, and landscaping to ensure compatibility.

4. That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed uses and the street patterns of such a nature exist as to guarantee that such generation will not be channeled through residential areas on local residential streets.

The subject property abuts streets and highways adequate in width and improvements to carry the traffic generated by the proposed use. The project site is located north of a collector street, E Garvey Avenue North. The off-sale of alcohol will not be detrimental to the health, safety, peace or general welfare of the surrounding properties.

5. That the granting of such administrative use permit will not adversely affect the General Plan of the City, or any other adopted plan of the City.

The granting of the administrative use permit will not adversely affect the General Plan of the City, or any adopted plan of the City. The proposed use of off-sale alcohol is consistent with the General Plan of the City since it will enhance revenue tax base.

ENVIRONMENTAL DETERMINATION

Mitigated Negative Declaration of Environmental Impact (MND) prepared for the project disclosed that the project will not have a significant impact on the environment. Mitigation measures have been incorporated into the project's design to reduce impacts on the environment to a less than significant level. The MND has been prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) of 1970, and amended. The MND was circulated for public review and comment for 20 days, starting on October 22, 2020 and ending November 13, 2020. The MND is posted on the City's website at <https://www.westcovina.org/departments/community-development/planning-division/projects-and-environmental-documents>.

During the public review and comment period, staff received comments from the Gabrieleño Band of Mission Indians – Kizh Nation and the Los Angeles County Sanitation District. The Response to Comments are included as Attachment No. 6 and are also posted on the City's website at <https://www.westcovina.org/departments/community-development/planning-division/projects-and-environmental-documents>.

Required Mitigations

The environmental study concludes that mitigation measures are required for Biological Resources (nesting birds), Cultural Resources, Noise and Tribal Cultural Resources. A Mitigation Monitoring Program is an exhibit of Attachment No. 1 and provides information on the mitigation measures and monitoring by responsible agencies.

CONCLUSION

The applicant is requesting approval to construct three new single-story commercial buildings totaling 46,955 square feet on the 3.67-acre project site. The three new commercial buildings would include one 34,860 square foot retail space for the major tenant, one 7,595 square foot building that would house multi-tenant retail uses with five storefronts, and one 4,500 square foot restaurant with a 525 square foot patio and drive through.

The project would require the following entitlements from the City of West Covina:

1. Tentative Parcel Map to combine the two parcels that currently comprise the project site
2. Precise Plan for site layout and architecture
3. Conditional Use Permit to allow for the construction of one freeway oriented pylon sign with bonus sign area and height, and a drive-through operation
4. Administrative Use Permit to allow the off-site sale of alcohol (Type 47) as an incidental use within the proposed grocery store (major tenant)
5. Tree Removal Permit for the removal of significant trees on site

LARGE ATTACHMENTS

- Documents related to the Mitigated Negative Declaration of Environmental Impact (MND) are posted on the City's website at <https://www.westcovina.org/departments/community-development/planning-division/projects-and-environmental-documents>.
- Plans are available to the public for review at West Covina City Hall. Since City Hall is currently closed to the public due to COVID-19, please contact (626) 939-8422 to make an appointment with staff to view the plans.

Submitted by: Rene Aguilar, Planning Assistant

Attachments

Attachment No. 1 - Mitigated Negative Declaration Resolution
Attachment No. 2 - Tentative Parcel Map Resolution
Attachment No. 3 - Precise Plan Resolution
Attachment No. 4 - CUP Resolution
Attachment No. 5 - AUP Resolution
Attachment No. 6 - Responses to Comments
Attachment No. 7 - Community Outreach Information

RESOLUTION NO. 20-XXXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING THE MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR TENTATIVE PARCEL MAP NO. 20-04, PRECISE PLAN NO. 19-03, CONDITIONAL USE PERMIT NO. 20-06 AND ADMINISTRATIVE USE PERMIT NO. 20-10, TREE REMOVAL PERMIT NO. 20-12 PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED.

MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

APPLICANT: Jeff Tuck for Bentley Real Estate LLC

LOCATION: 2505/2539 E Garvey Avenue North

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

Construct a 47,000 square foot commercial shopping center on a 3.67 acre commercial site on that certain property described as:

Assessor's Parcel No. 8453-015-030 and 8453-015-020, in the records of the Los Angeles County Assessor; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act (CEQA); and

WHEREAS, an initial study was prepared for said project; and

WHEREAS, based upon the findings of the initial study, it was determined that the proposed project will not have a significant impact on the environment and will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Fish and Game Code; and

WHEREAS, a Mitigated Negative Declaration of Environmental Impact was prepared for the proposed project pursuant to the requirements of the California Environmental Quality Act of 1970, as amended, and mitigation measures are included in said Negative Declaration in support of the finding that there will not be a significant effect on the environment as a result of this project.

WHEREAS, the Planning Commission, upon giving the required notice, did on the 2nd day of November, 2020 conduct a duly advertised public hearing to consider the subject application, at which time the Planning Commission adopted Resolution No. _____ approving the Mitigated Negative Declaration; and

NOW, THEREFORE, the Planning Commission of the City of West Covina does hereby resolve as follows:

1. After receiving and considering all determinations, studies, documents, and recommendations, as well as other appropriate public comments, the Planning Commission of the City of West Covina hereby certifies the Mitigated Negative Declaration of Environmental Impact, subject to compliance with the mitigation measures that are recommended in the Mitigated Negative Declaration of Environmental Impact as set forth in Exhibit A.
2. Non-compliance with the aforementioned mitigation measures as by the monitoring department/agency and any measures taken to correct said non-compliance shall be immediately reported to the Planning Division on the City of West Covina Monitoring Checklist Form.
3. The applicant agrees to implement the aforementioned mitigation measures and monitoring or reporting requirements.
4. Failure to comply with any aforementioned mitigation measures and/or monitoring or reporting requirements will result in a written notice of violation from the City to the applicant at which time the City may order that all or a portion of pre-construction, construction, post-construction activity or project implementation must cease until compliance is reached.
5. The California Environmental Quality Act (CEQA) and State and local guidelines, rules, regulations, and procedures adopted pursuant thereto permits the City of West Covina to impose any fees or charges associated with implementing the above monitoring program upon the applicant.

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 24th day of November, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATE: November 24, 2020

EXPIRATION DATE:

November 24, 2022

If not used.

Sheena Heng, Chairperson
Planning Commission

Mark Persico, Secretary
Planning Commission

EXHIBIT A
MITIGATED NEGATIVE DECLARATION OF
ENVIRONMENTAL IMPACT AND MITIGATION
MONITORING AND REPORTING PROGRAM

Mitigation Monitoring and Reporting Program

CEQA requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code 21081.6). This mitigation monitoring and reporting program is designed to ensure compliance with adopted mitigation measures during project implementation. For each mitigation measure recommended in the Initial Study-Mitigated Negative Declaration (IS-MND), specifications are made herein that identify the City action required and the City monitoring that must occur. In addition, a responsible agency is identified for verifying compliance with individual conditions of approval contained in this Mitigation Monitoring and Reporting Program.

Mitigation Measure/ Condition of Approval	City Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
BIOLOGICAL RESOURCES							
BIO-1: Nesting Bird Surveys and Avoidance							
<p>Prior to issuance of grading permits, the following measures shall be implemented:</p> <ul style="list-style-type: none">To avoid disturbance of nesting birds, including raptorial species protected by the MBTA and CFGC, construction activities related to the project, including, but not limited to, vegetation removal, ground disturbance, and construction and demolition shall occur outside of the bird breeding season (February 1 through August 31). If construction must begin during the breeding season, then a pre-construction nesting bird survey shall be conducted no more than seven days prior to initiation of construction activities. The nesting bird pre-construction survey shall be conducted on foot inside the project site, including a 100-foot buffer, and in inaccessible areas (e.g., private lands) from afar using binoculars to the extent practical. The survey shall be conducted by a qualified biologist familiar with the identification of avian species known to occur in southern California.If nests are found, an avoidance buffer shall be demarcated by a qualified biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No parking, storage of materials, or construction activities shall occur within this buffer until the biologist has confirmed	<p>Monitor construction schedule to determine if all construction activities, including, but not limited to vegetation removal, ground disturbance, and construction and demolition, will occur outside of the bird breeding season (February 1 through August 31).</p> <p>If construction will not be conducted outside the bird breeding season (February 1 through August 31) verify that a qualified biologist has prepared a pre-construction nesting bird survey.</p> <p>If nests are found during the pre-construction nesting bird survey, verify that a qualified biologist has demarcated an avoidance buffer and notified the City, the construction contractor, and all construction personnel of the existence of the buffer zone and all other avoidance requirements of this mitigation measure.</p> <p>If the monitoring and reporting requirements of this mitigation measure are triggered, verify that a survey report by the qualified biologist documenting and verifying compliance with this mitigation measure and with applicable State and federal regulations protecting birds has been submitted to the City.</p>	<p>Monitor construction schedule prior to construction</p> <p>Review pre-construction nesting bird survey no more than seven days prior to construction</p> <p>Review record of avoidance buffer after a nest has been identified by the qualified biologist but before initiation of construction activities, and after completion of construction activities or after breeding/nesting is complete.</p> <p>Verify receipt of survey report after submission to City</p>	<p>Construction schedule monitoring: at least once prior to construction.</p> <p>Review pre-construction nesting bird survey: once</p> <p>Review record of avoidance buffer: once after a nest has been identified and once after completion of construction activities or after breeding/nesting season is complete</p> <p>Verify receipt of survey</p>	City of West Covina Planning Division			

Mitigation Measure/ Condition of Approval	City Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
<p>that breeding/nesting is completed, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.</p> <ul style="list-style-type: none"> A survey report by the qualified biologist documenting and verifying compliance with the mitigation and with applicable State and federal regulations protecting birds shall be submitted to the City. The qualified biologist shall serve as a construction monitor during those periods when construction activities would occur near active nest areas to ensure that no inadvertent impacts on these nests would occur. 			report: once				
CULTURAL RESOURCES							
CR-1: Worker's Environmental Awareness Program							
A qualified archaeologist shall be retained to conduct a Worker's Environmental Awareness Program (WEAP) training on archaeological sensitivity for all construction personnel prior to the commencement of any ground-disturbing activities. The training shall be conducted by an archaeologist who meets or exceeds the Secretary of Interior's Professional Qualification Standards for archaeology (National Park Service [NPS] 1983). Archaeological sensitivity training shall include a description of the types of cultural material that may be encountered, cultural sensitivity issues, the regulatory environment, and the proper protocol for treatment of the materials in the event of a find.	Confirm that the applicant and/or construction contractor has complied with the requirements of this mitigation measure	Prior to the commencement of any ground-disturbing activities	Once	City of West Covina Planning Division			

Mitigation Measure/ Condition of Approval	City Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
GEOLOGY AND SOILS							
GEO-1: Overexcavation and Recompanction							
To reduce the potential for adverse total and differential settlement of the proposed structures, the underlying subgrade soil shall be prepared in such a manner that a uniform response to the applied loads is achieved. For the proposed structures, onsite soils shall be overexcavated to a minimum depth of seven feet below the existing ground surface or four feet below the bottom of the proposed footings, whichever is deeper. In addition, all undocumented artificial fill should be removed. Deeper overexcavation may be recommended, depending on building loads. Where possible, the removal bottom should extend horizontally a minimum of five feet from the outside edges of the footings (including columns connected to the buildings), or a distance equal to the depth of over excavation below the footings, whichever is farther. During over excavation, the soil conditions should be observed by a qualified geotechnical engineer to further evaluate these recommendations based on actual field conditions encountered. A firm removal bottom should be established across the building footprint to provide uniform foundation support for the proposed structure. The removal bottom should be observed and tested prior to placing fill. Deeper over excavation and recompaction may be recommended locally until a firm removal bottom is achieved. Areas outside of the proposed structures planned for new asphalt or concrete pavement (such as drive aisles, parking areas or fire lanes), flatwork (such as sidewalks), site walls and low retaining walls (taller walls should be over excavated per the	Confirm that the applicant and/or construction contractor has complied with the requirements of this mitigation measure	Prior to issuance of building permits	Once	City of West Covina Planning Division and City of West Covina Building Division			

Mitigation Measure/ Condition of Approval	City Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
recommendations for buildings), areas to receive fill, and other improvements, should be over excavated to a minimum depth of 24 inches below existing grade or 12 inches below proposed subgrade (including the footing subgrade for walls), whichever is deeper. After completion of the overexcavation, and prior to fill placement, the exposed surfaces should be scarified to a minimum depth of six inches, moisture conditioned to or slightly above optimum moisture content, and recompact to a minimum 90 percent relative compaction, relative to the ASTM D1557 laboratory maximum density.							
GEO-2: Unanticipated Discovery of Paleontological Resources							
In the event an unanticipated fossil discovery is made during the course of project development, construction activity shall be halted in the immediate vicinity of the fossil, and a qualified professional paleontologist shall be notified and retained to evaluate the discovery, determine its significance, and determine if additional mitigation or treatment is warranted. Work in the area of the discovery shall resume once the find is properly documented and the qualified professional paleontologist authorizes resumption of construction work. Any significant paleontological resources found during construction monitoring will be prepared, identified, analyzed, and permanently curated in an approved regional museum repository under the oversight of the qualified paleontologist.	Confirm that the applicant and/or construction contractor has halted construction activity in the immediate vicinity of any fossil discovery	Upon notification of an unanticipated fossil discovery	Once	City of West Covina Planning Division			
	Confirm that the find is properly documented and all other requirements of this mitigation measure have been or will be complied with	Prior to resumption of work in the immediate vicinity of the fossil	Once	City of West Covina Planning Division			

Mitigation Measure/ Condition of Approval	City Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
NOISE							
N-1: Construction Noise Reduction							
Noise barriers with a minimum height of ten feet shall be erected along the western boundary of the construction site when construction is performed within 50 feet of the adjacent single-family residences and Discovery Montessori School/Preschool at this boundary. The noise barriers shall be constructed of material with a minimum weight of two pounds per square foot with no gaps or perforations. Noise barriers may be constructed of, but not limited to, 5/8-inch plywood, 5/8-inch oriented strand board, and hay bales.	Verify that the noise barriers required by this mitigation measure have been erected	Prior to initiation of construction activities within 50 feet of the single-family residences and school adjacent to the project site’s western boundary	Once	City of West Covina Planning Division and City of West Covina Building Division			
N-2: Sound Insulation							
The applicant shall submit a report and/or project plans proving compliance with either the prescriptive or performance methods described in Sections 5.507.4.1 and 5.507.4.2 of the CCR. To achieve compliance per the prescriptive method, wall and roof-ceiling assemblies with direct line-of-sight to I-10 shall meet a composite STC rating of at least 50 or a composite OITC rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30, as described in Title 24, Part 11, Section 5.507.4.1 of the CCR. To achieve compliance with the performance method, wall and roof-ceiling assemblies exposed to the noise shall be constructed to provide an interior noise environment that does not exceed 50 dB L _{eq} -1-hour in occupied areas during hours of operation, as described in Title 24, Part 11, Section 5.507.4.2 of the CCR.	Confirm that the applicant has complied with the requirements of this mitigation measure	Prior to issuance of building permits	Once	City of West Covina Building Division			

Mitigation Measure/ Condition of Approval	City Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
TRIBAL CULTURAL RESOURCES							
TCR-1: Retain a Native American Monitor							
The project applicant shall obtain the services of a qualified Native American Monitor(s) during construction-related ground disturbance activities. Ground disturbance is defined as activities that include, but are not limited to, pavement removal, potholing or auguring, grubbing, weed abatement, boring, grading, excavation, drilling, and trenching, within the project area. The monitor(s) shall be present on-site during the construction phases that involve any ground disturbing activities. The Native American Monitor(s) shall complete monitoring logs on a daily basis that provide descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the construction-related ground disturbance activities are completed, or when the monitor has indicated that the site has a low potential for archeological resources.	Confirm that the applicant has obtained the services of a qualified Native American Monitor(s)	Prior to construction-related ground disturbance activities	Once	City of West Covina Planning Division			
	Confirm that the monitor(s) are present on-site during ground-disturbing construction activities	During ground-disturbing activities	Periodically	City of West Covina Planning Division			
	Confirm completion of monitoring logs by Native American Monitor(s)	During ground-disturbing activities	Periodically until construction-related ground disturbance activities are completed, or when the monitor has indicated that the site has a low potential for archaeological resources	City of West Covina Planning Division			
TCR-2: Unanticipated Discovery of Tribal Cultural Resources							
A qualified archaeologist and Native American Monitor shall be present during construction-related ground disturbance activities in order to identify any unanticipated discovery of tribal cultural resources. The qualified archaeologist and Native American Monitor may be separate	Confirm that a qualified archaeologist and Native American monitor have been retained by the applicant or construction contractor and will be present during construction-related ground disturbance activities	Prior to construction-related ground disturbance activities	Once	City of West Covina Planning Division			

Mitigation Measure/ Condition of Approval	City Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
<p>individuals or the same individual if the City determines that individual qualifies as both a qualified archaeologist and Native American Monitor. All archaeological resources unearthed by construction activities shall be evaluated by the qualified archaeologist and Native American Monitor. If the resources are determined to be human remains (see also Mitigation Measure TCR-3) the coroner shall be notified, and if the human remains are Native American in origin, the coroner shall notify the NAHC as mandated by state law, who will then appoint a Most Likely Descendent (MLD). The MLD shall then coordinate with the landowner regarding treatment and curation of these resources. Typically, the MLD will request reburial or preservation for educational purposes. If a resource is determined by the qualified archaeologist to constitute a “historical resource” pursuant to CEQA Guidelines Section 15064.5(a) or a “unique archaeological resource” pursuant to PRC Section 21083.2(g), the qualified archaeologist shall coordinate with the applicant and the City to develop a formal treatment plan that would serve to reduce impacts to the resources. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and PRC Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native</p>	<p>If any archaeological resources are unearthed by construction activities, confirm that all applicable requirements of this mitigation measure are carried out</p>	<p>When archaeological resources are unearthed by construction activities</p>	<p>Once per each occurrence of archaeological resources being unearthed by construction activities</p>	<p>City of West Covina Planning Division</p>			

Mitigation Measure/ Condition of Approval	City Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be donated to a local school or historical society in the area for educational purposes.							
TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary Objects							
The term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the burial of associated cultural resources (Funerary objects) with the deceased, and the ceremonial burning of human remains. These remains are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. The Native American Graves Protection and Repatriation Act (NAGPRA) guidance specifically states that the federal agencies will consult with organizations on whose aboriginal lands the remains and cultural items might be discovered, who are reasonably known to have a cultural relationship to the human remains and other cultural items. Therefore, for this project site, it is appropriate to consult with local Native American groups as recommended by the	If any human remains and associated funerary objects are discovered on the project site, consult with local Native American groups as recommended by the NAHC.	Upon notification of any discovery of human remains and associated funerary objects on the project site	Once per discovery	City of West Covina Planning Division			
	If any discoveries of human skeletal material are made, confirm that the monitor diverts work at a minimum of 50 feet from the discovery, places an exclusion zone around the burial, and notifies the Qualified Archaeologist and the construction manager who shall then call the Coroner, and that all other applicable requirements of this mitigation measure are carried out.	Upon notification of any discovery of human skeletal remains on the project site	Once per discovery	City of West Covina Planning Division			
	If any discoveries of human skeletal remains are determined by the Coroner to be Native American, confirm that all applicable requirements of this mitigation measure are carried out.	Upon a determination by the Coroner that any discovery of human skeletal remains are Native American	Once per discovery	City of West Covina Planning Division			

Mitigation Measure/ Condition of Approval	City Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
NAHC. Any discoveries of human skeletal material shall be immediately reported to the County Coroner. The monitor shall immediately divert work at a minimum of 50 feet and place an exclusion zone around the burial. The monitor shall then notify the Qualified Archaeologist and the construction manager who shall call the coroner. Work shall continue to be diverted while the coroner determines whether the remains are Native American. The discovery shall be kept confidential and secure to prevent any further disturbance. If Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent. The Most Likely Descendant shall provide recommendations as to the treatment and disposition of the human remains within 48 hours MLD designation. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains shall be covered with a protective casing to prevent further damage or looting. If the coroner determines the remains represent a historic non-Native American burial, the burial shall be treated in the same manner of respect with agreement of the coroner. Reburial will be in an appropriate setting. If the coroner determines the remains to be modern, the coroner will take custody of the remains. Each occurrence of human remains and associated funerary objects shall be stored in accordance with methods agreed upon between the MLD and the landowner.							

PLANNING COMMISSION

RESOLUTION NO. 20-XXXX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA,
CALIFORNIA, APPROVING TENTATIVE PARCEL MAP NO. 20-04**

TENTATIVE PARCEL MAP NO. 20-04

MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

APPLICANT: Jeff Tuck for Bentley Real Estate LLC

LOCATION: 2505/2539 E Garvey Avenue North

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

Merge two existing parcels into one parcel on that certain property described as:

Assessor's Parcel No. 8453-015-030, and 8453-015-020 in the records of the Los Angeles County Assessor; and

WHEREAS, the Planning Commission upon giving the required notice did on the 2nd day of November 2020, conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, a Tentative Parcel Map to merge two parcels into one parcel; 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 Tentative Parcel Map to allow for the merging of two parcels into one parcel as part of a new shopping center.
2. Appropriate findings for approval of a Tentative Parcel Map are as follows:
 - a. That the proposed map is consistent with the general and any applicable adopted specific plans.

- b. That the design or improvement of the proposed subdivision is consistent with the general and applicable adopted specific plans.
 - c. That the site is physically suitable for the type of development.
 - d. That the site is physically suitable for the proposed density of development.
 - e. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish, wildlife or their habitat.
 - f. Neither the design of the subdivision nor the type of improvements are likely to cause serious public health problems.
 - g. The design of the subdivision or the type of improvements will either (i) not conflict with recorded or adjudged easements, acquired by the public at large, for access through or use of, property within the proposed subdivision; or (ii) alternate easements, for access or for use, will be provided, and these will be substantially equivalent to ones previously acquired by the public.
3. Pursuant to the requirements of the California Environmental Quality Act (CEQA) of 1970, a MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT has been prepared indicating that although the project could have a significant effect on the environment, there will not be a significant effect due to mitigating measures.

NOW, THEREFORE, the Planning Commission of the City of West Covina does resolve as follows:

1. On the basis of the evidence presented, both oral and documentary, the Planning Commission makes the following findings:
- a. The proposed map is consistent with the "Commercial" land use designation of the West Covina General Plan. The proposed subdivision will not change the commercial use of the site.
 - b. The project site is not located within any specific plan. The parcel map would join two lots into one. The lot merger will be consistent with the General Plan Commercial land use designation as there are no changes to the nature of the existing proposed commercial use on site.
 - c. The lot merger would create a suitable site for the proposed shopping center. The proposed shopping center would comply with all applicable development standards of the West Covina Municipal Code.

- d. The density of the development will increase and further environmental review has determined that the site is suitable for the 47,000 square foot commercial center.
 - e. The site consists of two parcels. Parcel 1 is 131,598 square feet and Parcel 2 is 28,726 square feet in size. Both parcels have been developed previously and there are no known endangered, threatened or rare species or habitats, or designated natural communities, wetlands habitat, or wildlife dispersal or mitigation corridors on site. Any potential environmental factors have been reviewed and mitigated through a Mitigated Negative Declaration.
 - f. The lot will have access to public sanitary sewer system for the removal and disposal of wastewater, and to other necessary utility services. The site will be developed in accordance with the standards of the Engineering Division, the West Covina Municipal Code, and other applicable requirements.
 - g. There are no known easements on the property that would be affected by implementation of the proposed project.
2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Tentative Parcel Map No. 20-04 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 plan 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 Planning Director, before the use or occupancy of the property is commenced and before the Certificate of Occupancy is issued.
3. That the Tentative Parcel Map shall not be effective for any purpose until the applicant (or a duly authorized representative) has filed at the office of the Planning Director, his affidavit stating he is aware of, and accepts, all conditions of this Tentative Parcel Map as set forth below. Additionally, no permits shall be issued until the applicant (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 attorneys' 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 Tentative Parcel Map is subject to the following conditions:

Planning Division

- a) Comply with tentative parcel map reviewed by the Planning Commission on November 24, 2020.

- b) These conditions of approval shall be printed on or attached to the working drawings submitted to the Building Division and Engineering Division for approval.
- c) That the project complies with all requirements of the “Commercial” Zone and all other applicable standards of the West Covina Municipal Code.
- d) That any proposed change to the approved tentative parcel map shall be reviewed by the Planning, Public Works, Fire and Police Departments, and the written authorization of the Community Development Director shall be obtained prior to implementation.
- e) Recordation of Final Parcel Map with the Los Angeles County Recorder shall be required prior to issuance of building permits.
- f) The proposed subdivision shall conform to West Covina Municipal Code Chapter 20 - Subdivisions.
- g) The applicant shall sign an affidavit accepting all conditions of this approval.
- h) This Tentative Parcel Map approval shall become null and void if the Final Map is not recorded within two (2) years of the date of this approval.
- i) All outstanding fees and any required development impact fees shall be paid prior to the issuance of a building permit.

BUILDING DIVISION

- a) All Conditions of Approval as approved by the Planning Commission shall appear as notes on the plans submitted for building plan check and permits.
- b) Building design shall comply with the 2020 County of Los Angeles Building Codes and 2019 California Energy and Green Building Standards Codes. Plans shall be submitted for plan check and required permits shall be obtained from the Building & Safety Division prior to start of construction.
- c) Separate application(s), plan check(s), and permit(s) is/are required for:
 - a. Tenant Improvements
 - b. Grading (*see Engineering Division for requirements*)
 - c. Demolition work
 - d. Retaining walls (*see Engineering Division for requirements*)
 - e. Required masonry or concrete perimeter walls or trash enclosures
 - f. Signs
 - g. Fire sprinkler/Alarm systems (*see Fire Department Prevention Bureau for requirements*)
 - h. Plumbing
 - i. Mechanical
 - j. Electrical

- d) Separate plumbing, mechanical and electrical plan check will be required.
- e) A soils and geology report is required to address the potential for and the mitigation measures of any seismic induced landslide/liquefaction. Soils report shall address foundation design and site preparation requirements.
- f) All new on-site utility service lines shall be placed underground. All relocated on-site utility service lines shall be underground when the cost or square footage of an addition or alteration exceeds 50% of the existing value or area. WCMC 23-273.
- g) The building sanitary system shall be connected to a public sewer. A separate permit shall be obtained from the Engineering Division for any work within the public right-of-way.
- h) Proof of payment of Sanitation District connection fee or waiver is required. Please contact (562) 699-7411, Ext 2727 for additional information.
- i) Proof of payment of School Development Fees required prior to permit issuance.
- j) Los Angeles County Health Department approval is required for restaurant/kitchen/other food services. - Phone (626) 430-5560.
- k) Sanitation District Industrial Waste approval is required for all food related establishments. Please contact (562) 699-7411, Ext 2900 for additional information.
- l) Grease interceptor will be required for restaurant/commercial kitchen establishments.
- m) Type 1 grease hood required for commercial kitchens.
- n) Compliance with the State of California Accessibility regulations is required.
- o) West Covina Municipal Code requires fire sprinklers for the projects listed below except for open garages as defined by the California Building Code. WCMC § 7-18.13.
 - a. In all new buildings with floor areas of 5,000 S/F or more. WCMC § 7-18.13.1.
- p) Total plumbing fixtures required shall be determined by the 2020 Los Angeles County Plumbing Code (CPC).
- q) New construction, alteration or repair to required masonry or concrete perimeter walls or trash enclosures shall be completed with a valid building permit.
- r) A Prior to issuance of building permits, the applicant shall submit and obtain approval for a Waste Management Plan (WMP) for Construction and Demolition providing:
 - a. Estimated volume or weight of materials that can be reused or recycled.
 - b. Estimated maximum volume or weight of materials that can be reused or recycled
 - c. Identify the vendor or facility that the applicant proposes to use to collect and receive the materials.

- d. Estimated volume of waste materials that will be landfilled.
 - e. Identify any special or specific activities that will be used to comply with the Recycling and Disposal requirements.
 - f. Submit Security Deposit.
- s) Prior to final inspection and approvals, the applicant shall submit documentation and obtain approval from the WMP Compliance Official showing that the Waste Diversion Requirement has been met, and shall include the following information:
- a. Receipts from the vendor and/or facility that collected and received each material, showing the actual volume or weight of that material.
 - b. A copy of the previously approved WMP for the project adding the actual volume or weight of each material diverted or disposed of at a landfill.
 - c. Security Deposit will not be returned until this has been accomplished
 - d. Any additional information the applicant believes is relevant to assist in making the determination that the necessary efforts to comply have been achieved.
- t) All work shall be completed with a valid permit and in accordance with applicable Building Regulations. Final building inspection and approvals shall be completed prior to the occupancy of the building.

DESIGN CONSIDERATIONS

- 1. Accessible path of travel to all proposed buildings on the site is required.
- 2. Plan shows 11 accessible parking spaces. A minimum of 2 van accessible spaces will be required. (Ratio is 1 per 6 accessible spaces) See CBC 11B-208.2.4 & Table 11B-208.2
- 3. Clean air designated parking spaces and Electric Vehicle charging station spaces are required per 2019 California Green Building Standards Code (Section 5.106.5.2 and Table 5.106.5.2
- 4. Long-term and short-term bicycle parking facilities will be required per 2019 California Green Building Standards Code (Section 5.106.4)

ENGINEERING DIVISION

- a) Sanitary sewers shall be provided to each "lot" in compliance with Municipal Code Chapter 23, Article 2, and to the satisfaction of the City Engineer.
- b) The required street improvements shall include that portion of Garvey Avenue North contiguous to subject property.
 - a) All existing concrete driveway approaches and wheelchair ramps shall be removed (if required) and reconstructed to meet current ADA requirements.

- b) All damaged concrete curbs, gutters, sidewalk, etc., shall be removed and reconstruct per City standard.
- c) The developer shall either pay an in-lieu fee of \$25,000 prior to the issuance of building permits or provide street rehabilitation (grind 2" of existing pavement and pave) work up to centerline of all streets contiguous to subject property.
- d) Full-width sidewalks shall be maintained along Garvey Avenue North adjacent to curb and new street trees with tree well shall be installed adjacent to curb with irrigation.
- e) Adequate provision shall be made for acceptance and disposal of surface drainage entering the property from adjacent areas.
- f) Parking lot and driveway improvements on private property for this use shall comply with Planning Commission Resolution No. 2513 and be constructed to the City of West Covina Standards.
- g) Water service facilities shall be constructed to at least meet the requirements for fire flow established by the City's Fire Department and the requirements of the subsequent water purveyor/owner of the facilities.
- h) Prior to issuance of Building Permit, all of the following requirements shall be satisfied:
 - a) A final grading and drainage plan showing existing and proposed elevations and drainage structures (and showing existing and proposed on-site and off-site improvements) shall be submitted to and approved by the Planning Department and Engineering Division.
 - b) A parking lot lighting plan showing electrolier types and locations, average illumination levels, points of minimum illumination and photometric data in conformance with Planning Commission Resolution No. 2513 and as requested shall be submitted to and approved by the City Engineer.
 - c) An itemized cost estimate for all on-site and off-site improvements to be constructed (except buildings) shall be submitted to the Engineering Division for approval. Based upon the approved cost estimates, required fees shall be paid and improvement securities for all on-site and off-site improvements (except buildings) and 100% labor/material securities for all off-site improvements, shall be posted prior to final approval of the plans.
 - d) A soil erosion and sediment control plan shall be submitted to and approved by the Planning Department and Engineering Division.
- i) Comply with all regulations of the Los Angeles Regional Water Quality Control Board and Article II of Chapter 9 of the West Covina Municipal Code concerning Stormwater/Urban Run-off Pollution control.

- j) Any development over one acre of disturbed land shall file a Notice of Intent (NOI) and obtain a permit from the State Regional Water Quality Board.
- k) Provide detailed Standard Urban Stormwater Mitigation Plan (SUSMP) to incorporate any best management practices to prevent pollution, trash, Litter, etc. from entering any storm drain, channel, or waterway.
- l) Parcel merger may be required. It appears that a proposed structure is over a lot line. The proposed subdivision shall conform to West Covina Municipal Code Chapter 20 - Subdivisions.
- m) Conduct sewer capacity study of existing sewer facilities to serve proposed development.

POLICE DEPARTMENT

1. A CCTV System would assist the Police Department in identifying suspects. The recommended minimum requirements are as follows:
 - a. 960H (960 x 480) recording resolution
 - b. H.264 video compression
 - c. Real-time recording 30 fps per channel @ 960 resolution
 - d. 2048-bit rate
 - e. 1 TB hard disk drive at a minimum and larger if the number of cameras require more storage to meet the 30-day storage minimum
 - f. Fixed cameras with complete coverage of areas that do not infringe on the privacy of patrons, PTZ (pan, tilt, zoom) optional
 - g. Recordings preserved for a minimum of 30 days (30-day loop minimum)
 - h. DVR must contain a USB port for police department personnel to easily access system and download video

FIRE DEPARTMENT

1. NFPA 13D/13R/13 Fire Sprinkler System
2. NFPA 72 – Fire Alarm/Fire Sprinkler Monitoring System
3. NFPA 17/17A Dry/Wet Chemical Extinguishing System
4. NFPA 10 – Portable Fire Extinguishers
5. New Fire Flow Test Required
6. Required Fire Flow
 - Required Fire Flow based on Type V-B construction:
 - 7,500 SF Building (If detached or separate system)
 - 1000 GPM @ 20 PSI for 2 hours

- 35,000 SF Building (If detached or separate system)
- 1250 GPM @ 20 PSI for 2 hours
- 42,500 SF Building (If both units under one system)
- 1500 GPM @ 20 PSI for 2 hours
- 4,500 SF Building (detached)
- 1000 GPM @ 20 PSI for 2 hours

7. Ensure 1 fire hydrant within 250 feet of the property line.

8. Provide 20-foot Fire Apparatus Access Road

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 24th day of November, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATE: November 24, 2020

EXPIRATION DATE: November 24, 2022 if not used.

Shenna Heng, Chairperson
Planning Commission

Mark Persico, Secretary
Planning Commission

PLANNING COMMISSION

RESOLUTION NO. 20-XXXX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA,
CALIFORNIA, APPROVING PRECISE PLAN NO. 19-03**

PRECISE PLAN NO. 19-03

MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

APPLICANT: Jeff Tuck for Bentley Real Estate LLC

LOCATION: 2505/2539 E Garvey Avenue North

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

Construct a 47,000 square foot commercial shopping center that certain property described as:

Assessor's Parcel No. 8453-015-030, and 8453-015-020 in the records of the Los Angeles County Assessor; and

WHEREAS, the Planning Commission upon giving the required notice did on the 2nd day of November 2020, conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, a Precise Plan for architecture design and layout of the site

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

1. The applicant is requesting approval of a Precise Plan to approve the design and site layout of the proposed construction of three new single-story commercial buildings, totaling in 47,000 square feet.
2. Appropriate findings for approval of a precise plan of design are as follows:
 - a. The proposed development plans and the uses proposed are consistent with the General Plan and any applicable specific plan.

- b. The proposed development is consistent with adopted development standards for the zone and complies with all other applicable provision of the Municipal Code.
 - c. Granting the permit would not be detrimental to the public interest, health, safety, and welfare and would not unreasonably interfere with the use or enjoyment of property in the vicinity of the subject property.
 - d. The site is physically suitable for the type, density and intensity of the development being proposed, including vehicle access and circulation, utilities, and the absence of physical constraints.
 - e. The architecture, site layout, location, shape, bulk and physical characteristics of the proposed development are compatible with the existing and future land uses, and do not interfere with orderly development in the vicinity.
3. Pursuant to the requirements of the California Environmental Quality Act (CEQA) of 1970, a MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT has been prepared indicating that although the project could have a significant effect on the environment, there will not be a significant effect due to mitigating measures.

NOW, THEREFORE, the Planning Commission of the City of West Covina does resolve as follows:

1. On the basis of the evidence presented, both oral and documentary, the Planning Commission makes the following findings:
- a. The project site is designated as "Commercial" in the City's General Plan. The proposed project is consistent with the following General Plan goals: P2.1 Maintain and enhance the City's current tax base. The subject property is located north of E Garvey Avenue North and is easily accessed via E Garvey Avenue North. The subject property is adjacent to Commercial to the East and North, and adjacent to Single-Family and Multi-Family Residential to the West, with the I-10 Freeway to the South. The proposed compact parking spaces are consistent with the General Plan.
 - b. The applicant is proposing to construct three commercial buildings totaling 47,000 square feet and provide 199 parking spaces. The proposed project includes parking and landscaping improvements. The proposal complies with the requirements of the "Commercial" (C-2) zone. The proposed project meets all applicable development standards for the C-2 zone. Applicable development standards include but are not limited to screening requirements; building colors, materials, finishes, and exterior design; landscape criteria, building coverage, height limit; and off-street parking requirements.

- c. The proposed project is surrounded by commercial and residential use. The location of the proposed commercial center allows for synergy between the uses, which could be beneficial for both entities. The project will include landscaping throughout the site to create appropriate screening to mitigate any potential noise nuisances. Granting the permit would not be detrimental to the public interest, health, safety, and welfare would not unreasonably interfere with the use or enjoyment of property in the vicinity of the subject property.
- d. The site is located north of the San Bernardino Freeway (I-10) on the northwest corner of East Garvey Avenue and N Citrus Street. The site is bordered by the I-10 Freeway on the south, Trophy West Covina Nissan Dealership to the north, Single-Family Residences and Discovery Montessori Preschool to the west, and Wells Fargo multi-story commercial building to the east.

The project site is located on the west side of the collector street, East Garvey Avenue North is a two-lane street. There will be two vehicular access points, vehicles will be able to access the proposed project and associated surface parking lot via two entrances off East Garvey Avenue North, one entrance in the northeastern portion of the site and one to the south. Pedestrians would be able to access the proposed commercial buildings via the sidewalk along East Garvey Avenue North. The project will also provide sufficient parking for its patrons and employees. The site is 3.67 acres and is physically suitable for the proposed project and adequate to accommodate the size and shape of the building, parking and all required development standards set forth in the West Covina Municipal Code.

- e. The proposed buildings are contemporary in style with a flat roof and provides a variety of articulation in building surface. The one-story building and the facade design will include varying heights. Building heights range from 26 feet 8 inches to 36 feet 8 inches as measured from the finished grade. The east elevation will be the main entrance with large windows. The facade will include a variety of materials such as: stonewood phenolic panels, imetco corrugated metal preweathered galvalume, metal ribs spacing, and glazing mullions.
- 2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Precise Plan No. 16-02 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 plan 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 Planning Director, before the use or occupancy of the property is commenced and before the Certificate of Occupancy is issued.
 - 3. That the precise plan shall not be effective for any purpose until the applicant (or a duly authorized representative) has filed at the office of the Planning Director, his affidavit stating he is aware of, and accepts, all conditions of this precise plan as set forth below. Additionally, no permits shall be issued until the applicant (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 attorneys' 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 precise plan is subject to the following conditions:

PLANNING DIVISION

- a) Comply with plans reviewed by the Planning Commission on November 24, 2020.
- b) These conditions of approval shall be printed on or attached to the working drawings submitted to the Building Division for approval.
- c) Where indicated on the plans decorative paving shall be provided, subject to the review and approval of the Community Development Director.
- d) That the project complies with all requirements of the "Commercial" Zone and all other applicable standards of the West Covina Municipal Code.
- e) The approved use shall not create a public nuisance as defined under Section 15-200 of the West Covina Municipal Code.
- f) The approved use shall be in compliance with the Noise Ordinance (Chapter 15).
- g) This approval shall become null and void if the building permit is not obtained within one (2) year of the date of this approval.
- h) The applicant shall sign an affidavit accepting all conditions of this approval.
- i) That any proposed change to the approved site plan, floor plan or elevations be reviewed by the Planning, Building, Fire and Police Departments and that the written authorization of the Community Development Director shall be obtained prior to implementation.
- j) Graffiti-resistant coatings shall be used on all walls, fences, sign structures or similar structures to assist in deterring graffiti.
- k) Any graffiti that appears on the property during construction shall be cleaned or removed on the same business day.
- l) Comply with all requirements of the "Art in Public Places" ordinance (WCMC Chapter 17), prior to the issuance of building permits. Artwork shall be installed or required fee paid prior to issuance of Certificate of Occupancy.

- m) All outstanding fees and Development Impact Fees will be due at the time of building permit issuance.
- n) All new gutters and downspouts shall not project from the vertical surface of the building pursuant to Section 26-568 (a) (3).
- o) This approval does not include approval of signs; a separate sign permit shall be obtained. All signs shall be required to comply with the City of West Covina Sign Code.
- p) All approved materials and colors shall be clearly indicated on the plans.
- q) The applicant shall submit a cart management plan to be reviewed and approved by the Community Development Director prior to the issuance of any occupancy permits and building permit final. The cart management plan shall indicate where carts will be stored on the site and how carts will be managed as to avoid carts littering the parking lot, destroying landscaping, and being taken off the site.
- r) Areas where a two-foot parking space overhang is utilized shall not be calculated as landscaped area for purposes of complying with minimum landscape requirements.
- s) All new ground-mounted, wall-mounted and/or roof-mounted equipment not shown on the approved plans shall be screened from all views, in a manner that is architecturally compatible with the main building. Plans and elevations indicating the type of equipment and method of concealment shall be submitted to the Planning Director for review and approval prior to the issuance of building permits.
- t) The location of new electrical transformers, vaults, antennas, mechanical and all other equipment not indicated on the approved plans must be approved by the Planning Director prior to the issuance of building permit. Provide construction details prior to issuance of a building permit.
- u) All new pole mounted parking lot lighting shall be accurately indicated on the grading plan and shall be located within landscaped or hardscaped area. Pole locations shall be accurately staked prior to installation by the Engineer.
- v) A parking lot lighting plan showing electrolier types and locations, average illumination levels, points of minimum illumination and photometric data in conformance with Planning Commission Resolution No. 2513 and as requested shall be submitted to and approved by the Planning Division and the City Engineer.
- w) Building and parking lot lighting is required to be architecturally integrated with the building design. Standard security wall packs are not acceptable unless they are provided with hooding that is architecturally compatible with the building.
- x) The parking lot shall comply with requirements of the Parking Lot Design and Lighting standards.

- x) Prior to the issuance of building permits the applicant shall demonstrate, to the satisfaction of the Planning Director, that all roof mounted mechanical equipment is placed behind a permanent parapet wall and is completely restricted from all ground level views, pursuant to Section 26-568 of the Municipal Code.
- y) The paved areas at the site shall be maintained clean and free of oil stains. All paved areas shall be pressure washed as needed to maintain the site in a clean and orderly manner.
- z) Prior to final building permit approval, a detailed landscape and irrigation plan in compliance with AB 1881 and executive order 13-29-15 shall be submitted for all planted areas to be affected by project. Plans shall include type, size and quantity of landscape materials and irrigation equipment. All vegetation areas shall be automatically irrigated and a detailed watering program and water budget shall be provided. All damaged vegetation shall be replaced and the site shall be kept free of diseased or dead plant materials and litter at all times.
- aa) All outdoor trash areas shall be screened on all sides from public view by a minimum 5'6" high decorative block wall with a gate constructed of durable materials and a solid architectural cover. Provide construction details prior to issuance of a building permit.
- bb) Prior to issuance of a building permit and in accordance with SCMC, provide a waste recycling collection and loading area and a waste recycling program.
- cc) Any sidewalk, hardscape or parking facility, with potholes, broken, raised or depressed sections, large cracks, mud and/or dust, accumulation of loose material, faded or illegible pavement striping or other deterioration shall be repaired.
- dd) Prior to requesting a final inspection, the Planning Division shall inspect the development.
- ee) All new utilities shall be placed underground prior to issuance of Certificate of Occupancy per WCMC 23-273.
- ff) The applicant shall execute an indemnity agreement, in a form provided by the City and approved by the City Attorney, indemnifying the City against any and all actions brought against the City in connection with the approvals set forth herein.
- gg) All parking facilities shall comply with the "Parking Lot Design and Lighting Standards."
- hh) The applicant shall meet any and all monitoring or reporting requirements necessary to ensure compliance with the mitigation measures contained in the Mitigated Negative Declaration of Environmental Impact as those may be determined by the City, including, but not limited to, entering into an agreement to perform and/or for

monitoring and reporting during project construction and implementation. The applicant further agrees it will cease construction of the project immediately upon written notice of a violation of such requirement and that such a provision may be part of any agreement of City and applicant.

- ii) Comply with the mitigation measures as outlined in the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program dated September 12, 2017.
- jj) The City adopted Development Impact Fees in December, 2015. In this case, the fees would be \$1.53 per net square foot of new building area:

Total square footage of proposed project -	47,000
Total square footage of existing buildings on the site -	6,826
Total net new square footage -	$40,174 \times 1.53 = \$ 61,466.22$

- kk) 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.

BUILDING DIVISION

- a) All Conditions of Approval as approved by the Planning Commission shall appear as notes on the plans submitted for building plan check and permits.
- b) Building design shall comply with the 2020 County of Los Angeles Building Codes and 2019 California Energy and Green Building Standards Codes. Plans shall be submitted for plan check and required permits shall be obtained from the Building & Safety Division prior to start of construction.
- c) Separate application(s), plan check(s), and permit(s) is/are required for:
 - a. Tenant Improvements
 - b. Grading (*see Engineering Division for requirements*)
 - c. Demolition work
 - d. Retaining walls (*see Engineering Division for requirements*)
 - e. Required masonry or concrete perimeter walls or trash enclosures
 - f. Signs
 - g. Fire sprinkler/Alarm systems (*see Fire Department Prevention Bureau for requirements*)
 - h. Plumbing
 - i. Mechanical
 - j. Electrical
- d) Separate plumbing, mechanical and electrical plan check will be required.

- e) A soils and geology report is required to address the potential for and the mitigation measures of any seismic induced landslide/liquefaction. Soils report shall address foundation design and site preparation requirements.
- f) All new on-site utility service lines shall be placed underground. All relocated on-site utility service lines shall be underground when the cost or square footage of an addition or alteration exceeds 50% of the existing value or area. WCMC 23-273.
- g) The building sanitary system shall be connected to a public sewer. A separate permit shall be obtained from the Engineering Division for any work within the public right-of-way.
- h) Proof of payment of Sanitation District connection fee or waiver is required. Please contact (562) 699-7411, Ext 2727 for additional information.
- i) Proof of payment of School Development Fees required prior to permit issuance.
- j) Los Angeles County Health Department approval is required for restaurant/kitchen/other food services. - Phone (626) 430-5560.
- k) Sanitation District Industrial Waste approval is required for all food related establishments. Please contact (562) 699-7411, Ext 2900 for additional information.
- l) Grease interceptor will be required for restaurant/commercial kitchen establishments.
- m) Type 1 grease hood required for commercial kitchens.
- n) Compliance with the State of California Accessibility regulations is required.
- o) West Covina Municipal Code requires fire sprinklers for the projects listed below except for open garages as defined by the California Building Code. WCMC § 7-18.13.
 - a. In all new buildings with floor areas of 5,000 S/F or more. WCMC § 7-18.13.1.
- p) Total plumbing fixtures required shall be determined by the 2020 Los Angeles County Plumbing Code (CPC).
- q) New construction, alteration or repair to required masonry or concrete perimeter walls or trash enclosures shall be completed with a valid building permit.
- r) A Prior to issuance of building permits, the applicant shall submit and obtain approval for a Waste Management Plan (WMP) for Construction and Demolition providing:
 - a. Estimated volume or weight of materials that can be reused or recycled.
 - b. Estimated maximum volume or weight of materials that can be reused or recycled
 - c. Identify the vendor or facility that the applicant proposes to use to collect and receive the materials.
 - d. Estimated volume of waste materials that will be landfilled.

- e. Identify any special or specific activities that will be used to comply with the Recycling and Disposal requirements.
 - f. Submit Security Deposit.
- s) Prior to final inspection and approvals, the applicant shall submit documentation and obtain approval from the WMP Compliance Official showing that the Waste Diversion Requirement has been met, and shall include the following information:
- a. Receipts from the vendor and/or facility that collected and received each material, showing the actual volume or weight of that material.
 - b. A copy of the previously approved WMP for the project adding the actual volume or weight of each material diverted or disposed of at a landfill.
 - c. Security Deposit will not be returned until this has been accomplished
 - d. Any additional information the applicant believes is relevant to assist in making the determination that the necessary efforts to comply have been achieved.
- t) All work shall be completed with a valid permit and in accordance with applicable Building Regulations. Final building inspection and approvals shall be completed prior to the occupancy of the building.

DESIGN CONSIDERATIONS

1. Accessible path of travel to all proposed buildings on the site is required.
2. Plan shows 11 accessible parking spaces. A minimum of 2 van accessible spaces will be required. (Ratio is 1 per 6 accessible spaces) See CBC 11B-208.2.4 & Table 11B-208.2
3. Clean air designated parking spaces and Electric Vehicle charging station spaces are required per 2019 California Green Building Standards Code (Section 5.106.5.2 and Table 5.106.5.2
4. Long-term and short-term bicycle parking facilities will be required per 2019 California Green Building Standards Code (Section 5.106.4)

ENGINEERING DIVISION

1. Sanitary sewers shall be provided to each "lot" in compliance with Municipal Code Chapter 23, Article 2, and to the satisfaction of the City Engineer.
2. The required street improvements shall include that portion of Garvey Avenue North contiguous to subject property.

- a) All existing concrete driveway approaches and wheelchair ramps shall be removed (if required) and reconstructed to meet current ADA requirements.
 - b) All damaged concrete curbs, gutters, sidewalk, etc., shall be removed and reconstruct per City standard.
3. The developer shall either pay an in-lieu fee of \$25,000 prior to the issuance of building permits or provide street rehabilitation (grind 2" of existing pavement and pave) work up to centerline of all streets contiguous to subject property.
4. Full-width sidewalks shall be maintained along Garvey Avenue North adjacent to curb and new street trees with tree well shall be installed adjacent to curb with irrigation.
5. Adequate provision shall be made for acceptance and disposal of surface drainage entering the property from adjacent areas.
6. Parking lot and driveway improvements on private property for this use shall comply with Planning Commission Resolution No. 2513 and be constructed to the City of West Covina Standards.
7. Water service facilities shall be constructed to at least meet the requirements for fire flow established by the City's Fire Department and the requirements of the subsequent water purveyor/owner of the facilities.
8. Prior to issuance of Building Permit, all of the following requirements shall be satisfied:
 - a) A final grading and drainage plan showing existing and proposed elevations and drainage structures (and showing existing and proposed on-site and off-site improvements) shall be submitted to and approved by the Planning Department and Engineering Division.
 - b) A parking lot lighting plan showing electrolier types and locations, average illumination levels, points of minimum illumination and photometric data in conformance with Planning Commission Resolution No. 2513 and as requested shall be submitted to and approved by the City Engineer.
 - c) An itemized cost estimate for all on-site and off-site improvements to be constructed (except buildings) shall be submitted to the Engineering Division for approval. Based upon the approved cost estimates, required fees shall be paid and improvement securities for all on-site and off-site improvements (except buildings) and 100% labor/material securities for all off-site improvements, shall be posted prior to final approval of the plans.
 - d) A soil erosion and sediment control plan shall be submitted to and approved by the Planning Department and Engineering Division.

9. Comply with all regulations of the Los Angeles Regional Water Quality Control Board and Article II of Chapter 9 of the West Covina Municipal Code concerning Stormwater/Urban Run-off Pollution control.
10. Any development over one acre of disturbed land shall file a Notice of Intent (NOI) and obtain a permit from the State Regional Water Quality Board.
11. Provide detailed Standard Urban Stormwater Mitigation Plan (SUSMP) to incorporate any best management practices to prevent pollution, trash, Litter, etc. from entering any storm drain, channel, or waterway.
12. Parcel merger may be required. It appears that a proposed structure is over a lot line. The proposed subdivision shall conform to West Covina Municipal Code Chapter 20 - Subdivisions.
13. Conduct sewer capacity study of existing sewer facilities to serve proposed development.

POLICE DEPARTMENT

1. A CCTV System would assist the Police Department in identifying suspects. The recommended minimum requirement are as follows:
 - a. 960H (960 x 480) recording resolution
 - b. H.264 video compression
 - c. Real-time recording 30 fbs per channel @ 960 resolution
 - d. 2048-bit rate
 - e. 1 TB hard disk drive at a minimum and larger if the number of cameras require more storage to meet the 30-day storage minimum
 - f. Fixed cameras with complete coverage of areas that do not infringe on the privacy of patrons, PTZ (pan, tilt, zoom) optional
 - g. Recordings preserved for a minimum of 30 days (30-day loop minimum)
 - h. DVR must contain a USB port for police department personnel to easily access system and download video

FIRE DEPARTMENT

1. NFPA 13D/13R/13 Fire Sprinkler System
2. NFPA 72 – Fire Alarm/Fire Sprinkler Monitoring System
3. NFPA 17/17A Dry/Wet Chemical Extinguishing System
4. NFPA 10 – Portable Fire Extinguishers
5. New Fire Flow Test Required
6. Required Fire Flow

- Required Fire Flow based on Type V-B construction:
 - 7,500 SF Building (If detached or separate system)
 - 1000 GPM @ 20 PSI for 2 hours
 - 35,000 SF Building (If detached or separate system)
 - 1250 GPM @ 20 PSI for 2 hours
 - 42,500 SF Building (If both units under one system)
 - 1500 GPM @ 20 PSI for 2 hours
 - 4,500 SF Building (detached)
 - 1000 GPM @ 20 PSI for 2 hours

7. Ensure 1 fire hydrant within 250 feet of the property line.

8. Provide 20-foot Fire Apparatus Access Road

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 24th day of November, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATE: November 24, 2020

Shenna Heng, Chairperson
Planning Commission

Mark Persico, Secretary
Planning Commission

PLANNING COMMISSION

RESOLUTION NO. 20-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA,
CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 20-06**

CONDITIONAL USE PERMIT NO. 20-06

MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

APPLICANT: Jeff Tuck for Bentley Real Estate LLC

LOCATION: 2505/2539 E Garvey Avenue North

WHEREAS, there was filed with this 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:

Construct a drive-through restaurant and one freeway-oriented pylon sign with the allowable bonus

Assessor's Parcel No. 8453-015-030, and 8453-015-020 in the records of the Los Angeles County Assessor; and

WHEREAS, the Planning Commission upon giving the required notice did on the 2nd day of November 2020, conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, a Conditional Use Permit for a drive through restaurant; 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 drive through restaurant and one freeway-oriented pylon sign with the allowable bonus
2. Appropriate findings 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 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 requirements of the California Environmental Quality Act (CEQA) of 1970, a MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT has been prepared indicating that although the project could have a significant effect on the environment, there will not be a significant effect due to mitigating measures.

NOW, THEREFORE, the Planning Commission of the City of West Covina does resolve as follows:

1. On the basis of the evidence presented, both oral and documentary, the Planning Commission makes the following findings:
 - a. The proposed drive through use is consistent with the "Commercial" General Plan designation and zoning designation of "Commercial". A "Commercial" zone classifies and sets standards for a regional business center that facilitates a variety of services, eating, and entertainment facilities, and specialty shops. The site will be improved with three commercial buildings totaling 47,000 square foot, each to complement each other. The proposed drive through will provide a service that will contribute to the general well-being of the neighborhood and the community by allowing a drive-through restaurant. The proposed freeway oriented pylon sign will allow the site to advertise services to the community. The sign would enable the business on the site to gain adequate visibility from the freeway.
 - b. The proposed drive through will be a part of the new 4,500 square foot building. The building is a part of a new planned development center that has been

reviewed through further environmental review. The sign will be oriented towards the freeway. The site is directly adjacent to west of residential land uses but will not be detrimental to the health, safety, peace or general welfare of the residing residential uses. Furthermore, there are a total of two vehicle drive approaches that allow access to the new planned development center. The drive approaches to the standalone drive-through facility can be accessed from E Garvey Avenue S.

- c. The site for the proposed through use will occupy a 4,500 square foot building. The applicant has proposed to landscape within the restaurant and provide adequate landscaping to provide an aesthetically pleasing environment for their perspective patrons. Patrons of the drive-through will enter to the west of the building to access the drive-through and exit leading to the northeastern drive approach. The site is adequate in size and shape to accommodate the drive-through use and freeway oriented sign.
 - d. The proposed drive-through use is north of E Garvey Avenue N, a collector street. The site contains two approaches from E Garvey Avenue N. Further queuing analysis has been made to determine that This would provide for stacking of 9 vehicles. The site plan provides an additional 80 feet westbound from the extension of the drive through lane to the western extension of the drive aisle that services the restaurant from the project driveway from Garvey Avenue. This provides queuing for an additional 4 vehicles, which would provide a total queuing capacity for 13 vehicles.
 - e. Granting the conditional use permit for the proposed drive-through would allow the opportunity for the surrounding community to have access to a specialty drive-through restaurant. The proposed drive-through restaurant and freeway oriented sign would not compromise the character of the surrounding neighborhood nor be detrimental to the surrounding land uses. Allowing the proposed use is consistent with the improvements on the site and with the goals and objectives of the current General Plan. The current General Plan states that the City shall arrange land uses with regard to the health, safety, convenience, and welfare of the residents of the city.
2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Conditional Use Permit No. 20-06 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 plan 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 the Certificate of Occupancy is issued.
 3. That the Conditional Use Permit shall not be effective for any purpose until the applicant (or a 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 applicant (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 attorneys' 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:

PLANNING DIVISION

- a) Comply with plans reviewed by the Planning Commission on November 24, 2020.
- b) These conditions of approval shall be printed on or attached to the working drawings submitted to the Building Division for approval.
- c) Where indicated on the plans decorative paving shall be provided, subject to the review and approval of the Community Development Director.
- d) That the project complies with all requirements of the "Commercial" Zone and all other applicable standards of the West Covina Municipal Code.
- e) The approved use shall not create a public nuisance as defined under Section 15-200 of the West Covina Municipal Code.
- f) The approved use shall be in compliance with the Noise Ordinance (Chapter 15).
- g) This approval shall become null and void if the building permit is not obtained within one (1) year of the date of this approval.
- h) The applicant shall sign an affidavit accepting all conditions of this approval.
- i) That any proposed change to the approved site plan, floor plan or elevations be reviewed by the Planning, Building, Fire and Police Departments and that the written authorization of the Community Development Director shall be obtained prior to implementation.
- j) Graffiti-resistant coatings shall be used on all walls, fences, sign structures or similar structures to assist in deterring graffiti.
- k) The freeway-oriented sign (south side of lot, near proposed drive through restaurant) shall be limited to 525 square feet in total sign area and shall be no greater than 50 feet tall.
- l) The pylon sign oriented towards Garvey Avenue and Citrus Street (northeastern part of lot) shall be limited to 300 square feet in total sign area and shall be no greater than 40 feet tall.

- m) Any graffiti that appears on the property during construction shall be cleaned or removed on the same business day.
- n) Comply with all requirements of the "Art in Public Places" ordinance (WCMC Chapter 17), prior to the issuance of building permits. Artwork shall be installed or required fee paid prior to issuance of Certificate of Occupancy.
- o) All new gutters and downspouts shall not project from the vertical surface of the building pursuant to Section 26-568(a) (3).
- p) This approval does not include approval of signs; a separate sign permit shall be obtained. All signs shall be required to comply with the City of West Covina Sign Code.
- q) All approved materials and colors shall be clearly indicated on the plans.
- r) Building and parking lot lighting is required to be architecturally integrated with the building design. Standard security wall packs are not acceptable unless they are provided with hooding that is architecturally compatible with the building.
- s) The parking lot shall comply with requirements of the Parking Lot Design and Lighting standards.
 - x) Prior to the issuance of building permits the applicant shall demonstrate, to the satisfaction of the Community Development Director, that all roof mounted mechanical equipment is placed behind a permanent parapet wall and is completely restricted from all ground level views, pursuant to Section 26-568 of the Municipal Code.
 - y) The paved areas at the site shall be maintained clean and free of oil stains. All paved areas shall be pressure washed as needed to maintain the site in a clean and orderly manner.
 - z) Prior to final building permit approval, a detailed landscape and irrigation plan in compliance with AB 1881 and executive order 13-29-15 shall be submitted for all planted areas to be affected by project. Plans shall include type, size and quantity of landscape materials and irrigation equipment. All vegetation areas shall be automatically irrigated and a detailed watering program and water budget shall be provided. All damaged vegetation shall be replaced and the site shall be kept free of diseased or dead plant materials and litter at all times.
 - aa) All outdoor trash areas shall be screened on all sides from public view by a minimum 5'6" high decorative block wall with a gate constructed of durable materials and a solid architectural cover. Provide construction details prior to issuance of a building permit.
 - bb) Prior to issuance of a building permit and in accordance with SCMC, provide a waste recycling collection and loading area and a waste recycling program.

- cc) Any sidewalk, hardscape or parking facility, with potholes, broken, raised or depressed sections, large cracks, mud and/or dust, accumulation of loose material, faded or illegible pavement striping or other deterioration shall be repaired.
- dd) Prior to requesting a final inspection, the Planning Division shall inspect the development.
- ee) All new utilities shall be placed underground prior to issuance of Certificate of Occupancy per WCMC 23-273.
- ff) The applicant shall execute an indemnity agreement, in a form provided by the City and approved by the City Attorney, indemnifying the City against any and all actions brought against the City in connection with the approvals set forth herein.
- gg) All parking facilities shall comply with the "Parking Lot Design and Lighting Standards."
- hh) The applicant shall meet any and all monitoring or reporting requirements necessary to ensure compliance with the mitigation measures contained in the Mitigated Negative Declaration of Environmental Impact as those may be determined by the City, including, but not limited to, entering into an agreement to perform and/or for monitoring and reporting during project construction and implementation. The applicant further agrees it will cease construction of the project immediately upon written notice of a violation of such requirement and that such a provision may be part of any agreement of City and applicant.
- ii) Comply with the mitigation measures as outlined in the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program dated September 12, 2017.
- jj) The City adopted Development Impact Fees in December, 2015. In this case, the fees would be \$1.53 per net square foot of new building area:

Total square footage of proposed project -	47,000
Total square footage of existing buildings on the site -	- <u>6,826</u>
Total net new square footage -	40,174x1.53= \$ 61,466.22
- kk) 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.

BUILDING DIVISION

- a) All Conditions of Approval as approved by the Planning Commission shall appear as notes on the plans submitted for building plan check and permits.

- b) Building design shall comply with the 2020 County of Los Angeles Building Codes and 2019 California Energy and Green Building Standards Codes. Plans shall be submitted for plan check and required permits shall be obtained from the Building & Safety Division prior to start of construction.
- c) Separate application(s), plan check(s), and permit(s) is/are required for:
 - a. Tenant Improvements
 - b. Grading (*see Engineering Division for requirements*)
 - c. Demolition work
 - d. Retaining walls (*see Engineering Division for requirements*)
 - e. Required masonry or concrete perimeter walls or trash enclosures
 - f. Signs
 - g. Fire sprinkler/Alarm systems (*see Fire Department Prevention Bureau for requirements*)
 - h. Plumbing
 - i. Mechanical
 - j. Electrical
- d) Separate plumbing, mechanical and electrical plan check will be required.
- e) A soils and geology report is required to address the potential for and the mitigation measures of any seismic induced landslide/liquefaction. Soils report shall address foundation design and site preparation requirements.
- f) All new on-site utility service lines shall be placed underground. All relocated on-site utility service lines shall be underground when the cost or square footage of an addition or alteration exceeds 50% of the existing value or area. WCMC 23-273.
- g) The building sanitary system shall be connected to a public sewer. A separate permit shall be obtained from the Engineering Division for any work within the public right-of-way.
- h) Proof of payment of Sanitation District connection fee or waiver is required. Please contact (562) 699-7411, Ext 2727 for additional information.
- i) Proof of payment of School Development Fees required prior to permit issuance.
- j) Los Angeles County Health Department approval is required for restaurant/kitchen/other food services. - Phone (626) 430-5560.
- k) Sanitation District Industrial Waste approval is required for all food related establishments. Please contact (562) 699-7411, Ext 2900 for additional information.
- l) Grease interceptor will be required for restaurant/commercial kitchen establishments.
- m) Type 1 grease hood required for commercial kitchens.

- n) Compliance with the State of California Accessibility regulations is required.
- o) West Covina Municipal Code requires fire sprinklers for the projects listed below except for open garages as defined by the California Building Code. WCMC § 7-18.13.
 - a. In all new buildings with floor areas of 5,000 S/F or more. WCMC § 7-18.13.1.
- p) Total plumbing fixtures required shall be determined by the 2020 Los Angeles County Plumbing Code (CPC).
- q) New construction, alteration or repair to required masonry or concrete perimeter walls or trash enclosures shall be completed with a valid building permit.
- r) A Prior to issuance of building permits, the applicant shall submit and obtain approval for a Waste Management Plan (WMP) for Construction and Demolition providing:
 - a. Estimated volume or weight of materials that can be reused or recycled.
 - b. Estimated maximum volume or weight of materials that can be reused or recycled
 - c. Identify the vendor or facility that the applicant proposes to use to collect and receive the materials.
 - d. Estimated volume of waste materials that will be landfilled.
 - e. Identify any special or specific activities that will be used to comply with the Recycling and Disposal requirements.
 - f. Submit Security Deposit.
- s) Prior to final inspection and approvals, the applicant shall submit documentation and obtain approval from the WMP Compliance Official showing that the Waste Diversion Requirement has been met, and shall include the following information:
 - a. Receipts from the vendor and/or facility that collected and received each material, showing the actual volume or weight of that material.
 - b. A copy of the previously approved WMP for the project adding the actual volume or weight of each material diverted or disposed of at a landfill.
 - c. Security Deposit will not be returned until this has been accomplished
 - d. Any additional information the applicant believes is relevant to assist in making the determination that the necessary efforts to comply have been achieved.
- t) All work shall be completed with a valid permit and in accordance with applicable Building Regulations. Final building inspection and approvals shall be completed prior to the occupancy of the building.

DESIGN CONSIDERATIONS

1. Accessible path of travel to all proposed buildings on the site is required.
2. Plan shows 11 accessible parking spaces. A minimum of 2 van accessible spaces will be required. (Ratio is 1 per 6 accessible spaces) See CBC 11B-208.2.4 & Table 11B-208.2

3. Clean air designated parking spaces and Electric Vehicle charging station spaces are required per 2019 California Green Building Standards Code (Section 5.106.5.2 and Table 5.106.5.2)
4. Long-term and short-term bicycle parking facilities will be required per 2019 California Green Building Standards Code (Section 5.106.4)

ENGINEERING DIVISION

- a) Sanitary sewers shall be provided to each "lot" in compliance with Municipal Code Chapter 23, Article 2, and to the satisfaction of the City Engineer.
- b) The required street improvements shall include that portion of Garvey Avenue North contiguous to subject property.
 - a. All existing concrete driveway approaches and wheelchair ramps shall be removed (if required) and reconstructed to meet current ADA requirements.
 - b. All damaged concrete curbs, gutters, sidewalk, etc., shall be removed and reconstruct per City standard.
- c) The developer shall either pay an in-lieu fee of \$25,000 prior to the issuance of building permits or provide street rehabilitation (grind 2" of existing pavement and pave) work up to centerline of all streets contiguous to subject property.
- d) Full-width sidewalks shall be maintained along Garvey Avenue North adjacent to curb and new street trees with tree well shall be installed adjacent to curb with irrigation.
- e) Adequate provision shall be made for acceptance and disposal of surface drainage entering the property from adjacent areas.
- f) Parking lot and driveway improvements on private property for this use shall comply with Planning Commission Resolution No. 2513 and be constructed to the City of West Covina Standards.
- g) Water service facilities shall be constructed to at least meet the requirements for fire flow established by the City's Fire Department and the requirements of the subsequent water purveyor/owner of the facilities.
- h) Prior to issuance of Building Permit, all of the following requirements shall be satisfied:
 - i) A final grading and drainage plan showing existing and proposed elevations and drainage structures (and showing existing and proposed on-site and off-site improvements) shall be submitted to and approved by the Planning Department and Engineering Division.
 - j) A parking lot lighting plan showing electrolier types and locations, average illumination levels, points of minimum illumination and photometric data in conformance with Planning

Commission Resolution No. 2513 and as requested shall be submitted to and approved by the City Engineer.

- k) An itemized cost estimate for all on-site and off-site improvements to be constructed (except buildings) shall be submitted to the Engineering Division for approval. Based upon the approved cost estimates, required fees shall be paid and improvement securities for all on-site and off-site improvements (except buildings) and 100% labor/material securities for all off-site improvements, shall be posted prior to final approval of the plans.
- l) A soil erosion and sediment control plan shall be submitted to and approved by the Planning Department and Engineering Division.
- m) Comply with all regulations of the Los Angeles Regional Water Quality Control Board and Article II of Chapter 9 of the West Covina Municipal Code concerning Stormwater/Urban Run-off Pollution control.
- n) Any development over one acre of disturbed land shall file a Notice of Intent (NOI) and obtain a permit from the State Regional Water Quality Board.
- o) Provide detailed Standard Urban Stormwater Mitigation Plan (SUSMP) to incorporate any best management practices to prevent pollution, trash, Litter, etc. from entering any storm drain, channel, or waterway.
- p) Parcel merger may be required. It appears that a proposed structure is over a lot line. The proposed subdivision shall conform to West Covina Municipal Code Chapter 20 - Subdivisions.
- q) Conduct sewer capacity study of existing sewer facilities to serve proposed development.

POLICE DEPARTMENT

- a) A CCTV System would assist the Police Department in identifying suspects. The recommended minimum requirement are as follows:
 - a. 960H (960 x 480) recording resolution
 - b. H.264 video compression
 - c. Real-time recording 30 fbs per channel @ 960 resolution
 - d. 2048-bit rate
 - e. 1 TB hard disk drive at a minimum and larger if the number of cameras require more storage to meet the 30-day storage minimum
 - f. Fixed cameras with complete coverage of areas that do not infringe on the privacy of patrons, PTZ (pan, tilt, zoom) optional
 - g. Recordings preserved for a minimum of 30 days (30-day loop minimum)
 - h. DVR must contain a USB port for police department personnel to easily access system and download video

FIRE DEPARTMENT

- a) NFPA 13D/13R/13 Fire Sprinkler System
- b) NFPA 72 – Fire Alarm/Fire Sprinkler Monitoring System
- c) NFPA 17/17A Dry/Wet Chemical Extinguishing System
- d) NFPA 10 – Portable Fire Extinguishers
- e) New Fire Flow Test Required
- f) Required Fire Flow
 - 1. Required Fire Flow based on Type V-B construction:
 - a. 7,500 SF Building (If detached or separate system)
 - b. 1000 GPM @ 20 PSI for 2 hours
 - c. 35,000 SF Building (If detached or separate system)
 - d. 1250 GPM @ 20 PSI for 2 hours
 - e. 42,500 SF Building (If both units under one system)
 - f. 1500 GPM @ 20 PSI for 2 hours
 - g. 4,500 SF Building (detached)
 - h. 1000 GPM @ 20 PSI for 2 hours
- g) Ensure 1 fire hydrant within 250 feet of the property line.
- h) Provide 20-foot Fire Apparatus Access Road

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 24th day of November, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATE: November 24, 2020

EXPIRATION DATE: November 24, 2022 if not used.

Shenna Heng, Chairperson
Planning Commission

Mark Persico, Secretary
Planning Commission

PLANNING COMMISSION

RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA,
CALIFORNIA, APPROVING ADMINISTRATIVE USE PERMIT NO. 20-10**

ADMINISTRATIVE USE PERMIT NO. 20-10

MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

APPLICANT: Jeff Tuck for Bentley Real Estate LLC

LOCATION: 2505/2539 E Garvey Avenue North

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

Allow for the sale of off-site sale of alcohol for the major tenant

Assessor's Parcel No. 8453-015-030, and 8453-015-020 in the records of the Los Angeles County Assessor; and

WHEREAS, the Planning Commission upon giving the required notice did on the 2nd day of November 2020, conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, an Administrative Use Permit for off-site alcohols sales; and

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

1. The applicant is requesting approval of an Administrative Use Permit to allow the off-site alcohol sales.
2. Appropriate findings for approval of an Administrative Use Permit of design are as follows:

- a. That the proposed use at this particular location is necessary or desirable to provide a service or facility that 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 or 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 with the land and uses in the neighborhood and make it compatible thereto.
 - d. That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed uses and the street patterns of such a nature exist as to guarantee that such generation will not be channeled through residential areas on local residential streets.
 - e. That the granting of such administrative use permit will not adversely affect the General Plan of the City, or any other adopted plan of the City.
3. Pursuant to the requirements of the California Environmental Quality Act (CEQA) of 1970, a MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT has been prepared indicating that although the project could have a significant effect on the environment, there will not be a significant effect due to mitigating measures.

NOW, THEREFORE, the Planning Commission of the City of West Covina does resolve as follows:

1. On the basis of the evidence presented, both oral and documentary, the Planning Commission makes the following findings:
 - a. The proposed sale of off-sale alcohol for the major tenant grocery store would provide a service possibility to nearby residents, which will contribute to the well-being of the neighborhood or community. The proposed use is in context of the "Commercial" (C-2) zone and is consistent with the surrounding uses.
 - b. The proposed use will not disrupt the safety and peace or general welfare or persons residing or working in the vicinity.
 - c. The site for the proposed use is adequate in size and is shaped to accommodate the use. The subject property is located on a 3.67-acre parcel. The development project proposes all well planned yards, spaces, walls, fences, parking, loading, and landscaping to ensure compatibility.

- d. The subject property abuts streets and highways adequate in width and improvements to carry the traffic generated by the proposed use. The project site is located north of a collector street, E Garvey Avenue North. The off-sale of alcohol will not be detrimental to the health, safety, peace or general welfare of the surrounding properties.
 - e. The granting of the administrative use permit will not adversely affect the General Plan of the City, or any adopted plan of the City. The proposed use of off-sale alcohol is consistent with the General Plan of the City since it will enhance revenue tax base.
2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Administrative Use Permit No. 20-10 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 plan 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 Planning Director, before the use or occupancy of the property is commenced and before the Certificate of Occupancy is issued.
3. That the Administrative Use Permit shall not be effective for any purpose until the applicant (or a duly authorized representative) has filed at the office of the Planning Director, his affidavit stating he is aware of, and accepts, all conditions of this Administrative Use Permit as set forth below. Additionally, no permits shall be issued until the applicant (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 attorneys' 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 Administrative Use Permit is subject to the following conditions:

PLANNING DIVISION

- a) Comply with plans reviewed by the Planning Commission on November 24, 2020.
- b) These conditions of approval shall be printed on or attached to the working drawings submitted to the Building Division for approval.
- c) That the project complies with all requirements of the "Commercial" Zone and all other applicable standards of the West Covina Municipal Code.
- d) The approved use shall not create a public nuisance as defined under Section 15-200 of the West Covina Municipal Code.
- e) The approved use shall be in compliance with the Noise Ordinance (Chapter 15).

- f) Litter shall be removed daily and kept clean in the area surrounding the restaurant.
- g) The off-sale of alcohol is approved as an accessory use to the grocery store.
- h) The grocery store operator shall obtain all necessary licenses from the California Department of Alcoholic Beverage Control.
- i) This approval shall become null and void if the building permit is not obtained within two (2) years of the date of this approval.
- j) The applicant shall sign an affidavit accepting all conditions of this approval.
- k) That any proposed change to the approved site plan, floor plan or elevations be reviewed by the Planning, Building, Fire and Police Departments and that the written authorization of the Community Development Director shall be obtained prior to implementation.
- l) Graffiti-resistant coatings shall be used on all walls, fences, sign structures or similar structures to assist in deterring graffiti.
- m) Any graffiti that appears on the property during construction shall be cleaned or removed on the same business day.
- n) All outstanding fees and Development Impact Fees will be due at the time of building permit issuance.
- o) This approval does not include approval of signs; a separate sign permit shall be obtained. All signs shall be required to comply with the City of West Covina Sign Code.

BUILDING DIVISION

- a) All Conditions of Approval as approved by the Planning Commission shall appear as notes on the plans submitted for building plan check and permits.
- b) Building design shall comply with the 2020 County of Los Angeles Building Codes and 2019 California Energy and Green Building Standards Codes. Plans shall be submitted for plan check and required permits shall be obtained from the Building & Safety Division prior to start of construction.
- c) Separate application(s), plan check(s), and permit(s) is/are required for:
 - a. Tenant Improvements
 - b. Grading (*see Engineering Division for requirements*)
 - c. Demolition work
 - d. Retaining walls (*see Engineering Division for requirements*)
 - e. Required masonry or concrete perimeter walls or trash enclosures
 - f. Signs

- g. Fire sprinkler/Alarm systems (*see Fire Department Prevention Bureau for requirements*)
 - h. Plumbing
 - i. Mechanical
 - j. Electrical
- d) Separate plumbing, mechanical and electrical plan check will be required.
- e) A soils and geology report is required to address the potential for and the mitigation measures of any seismic induced landslide/liquefaction. Soils report shall address foundation design and site preparation requirements.
- f) All new on-site utility service lines shall be placed underground. All relocated on-site utility service lines shall be underground when the cost or square footage of an addition or alteration exceeds 50% of the existing value or area. WCMC 23-273.
- g) The building sanitary system shall be connected to a public sewer. A separate permit shall be obtained from the Engineering Division for any work within the public right-of-way.
- h) Proof of payment of Sanitation District connection fee or waiver is required. Please contact (562) 699-7411, Ext 2727 for additional information.
- i) Proof of payment of School Development Fees required prior to permit issuance.
- j) Los Angeles County Health Department approval is required for restaurant/kitchen/other food services. - Phone (626) 430-5560.
- k) Sanitation District Industrial Waste approval is required for all food related establishments. Please contact (562) 699-7411, Ext 2900 for additional information.
- l) Grease interceptor will be required for restaurant/commercial kitchen establishments.
- m) Type 1 grease hood required for commercial kitchens.
- n) Compliance with the State of California Accessibility regulations is required.
- o) West Covina Municipal Code requires fire sprinklers for the projects listed below except for open garages as defined by the California Building Code. WCMC § 7-18.13.
 - a. In all new buildings with floor areas of 5,000 S/F or more. WCMC § 7-18.13.1.
- p) Total plumbing fixtures required shall be determined by the 2020 Los Angeles County Plumbing Code (CPC).
- q) New construction, alteration or repair to required masonry or concrete perimeter walls or trash enclosures shall be completed with a valid building permit.

- r) A Prior to issuance of building permits, the applicant shall submit and obtain approval for a Waste Management Plan (WMP) for Construction and Demolition providing:
 - a. Estimated volume or weight of materials that can be reused or recycled.
 - b. Estimated maximum volume or weight of materials that can be reused or recycled
 - c. Identify the vendor or facility that the applicant proposes to use to collect and receive the materials.
 - d. Estimated volume of waste materials that will be landfilled.
 - e. Identify any special or specific activities that will be used to comply with the Recycling and Disposal requirements.
 - f. Submit Security Deposit.
- s) Prior to final inspection and approvals, the applicant shall submit documentation and obtain approval from the WMP Compliance Official showing that the Waste Diversion Requirement has been met, and shall include the following information:
 - a. Receipts from the vendor and/or facility that collected and received each material, showing the actual volume or weight of that material.
 - b. A copy of the previously approved WMP for the project adding the actual volume or weight of each material diverted or disposed of at a landfill.
 - c. Security Deposit will not be returned until this has been accomplished
 - d. Any additional information the applicant believes is relevant to assist in making the determination that the necessary efforts to comply have been achieved.
- t) All work shall be completed with a valid permit and in accordance with applicable Building Regulations. Final building inspection and approvals shall be completed prior to the occupancy of the building.

DESIGN CONSIDERATIONS

- 1. Accessible path of travel to all proposed buildings on the site is required.
- 2. Plan shows 11 accessible parking spaces. A minimum of 2 van accessible spaces will be required. (Ratio is 1 per 6 accessible spaces) See CBC 11B-208.2.4 & Table 11B-208.2
- 3. Clean air designated parking spaces and Electric Vehicle charging station spaces are required per 2019 California Green Building Standards Code (Section 5.106.5.2 and Table 5.106.5.2
- 4. Long-term and short-term bicycle parking facilities will be required per 2019 California Green Building Standards Code (Section 5.106.4)

ENGINEERING DIVISION

- a) Sanitary sewers shall be provided to each "lot" in compliance with Municipal Code Chapter 23, Article 2, and to the satisfaction of the City Engineer.

- b) The required street improvements shall include that portion of Garvey Avenue North contiguous to subject property.
 - a. All existing concrete driveway approaches and wheelchair ramps shall be removed (if required) and reconstructed to meet current ADA requirements.
 - b. All damaged concrete curbs, gutters, sidewalk, etc., shall be removed and reconstruct per City standard.
- c) The developer shall either pay an in-lieu fee of \$25,000 prior to the issuance of building permits or provide street rehabilitation (grind 2" of existing pavement and pave) work up to centerline of all streets contiguous to subject property.
- d) Full-width sidewalks shall be maintained along Garvey Avenue North adjacent to curb and new street trees with tree well shall be installed adjacent to curb with irrigation.
- e) Adequate provision shall be made for acceptance and disposal of surface drainage entering the property from adjacent areas.
- f) Parking lot and driveway improvements on private property for this use shall comply with Planning Commission Resolution No. 2513 and be constructed to the City of West Covina Standards.
- g) Water service facilities shall be constructed to at least meet the requirements for fire flow established by the City's Fire Department and the requirements of the subsequent water purveyor/owner of the facilities.
- h) Prior to issuance of Building Permit, all of the following requirements shall be satisfied:
 - a. A final grading and drainage plan showing existing and proposed elevations and drainage structures (and showing existing and proposed on-site and off-site improvements) shall be submitted to and approved by the Planning Department and Engineering Division.
 - b. A parking lot lighting plan showing electrolier types and locations, average illumination levels, points of minimum illumination and photometric data in conformance with Planning Commission Resolution No. 2513 and as requested shall be submitted to and approved by the City Engineer.
 - c. An itemized cost estimate for all on-site and off-site improvements to be constructed (except buildings) shall be submitted to the Engineering Division for approval. Based upon the approved cost estimates, required fees shall be paid and improvement securities for all on-site and off-site improvements (except buildings) and 100% labor/material securities for all off-site improvements, shall be posted prior to final approval of the plans.
 - d. A soil erosion and sediment control plan shall be submitted to and approved by the Planning Department and Engineering Division.

- i) Comply with all regulations of the Los Angeles Regional Water Quality Control Board and Article II of Chapter 9 of the West Covina Municipal Code concerning Stormwater/Urban Run-off Pollution control.
- j) Any development over one acre of disturbed land shall file a Notice of Intent (NOI) and obtain a permit from the State Regional Water Quality Board.
- k) Provide detailed Standard Urban Stormwater Mitigation Plan (SUSMP) to incorporate any best management practices to prevent pollution, trash, Litter, etc. from entering any storm drain, channel, or waterway.
- l) Parcel merger may be required. It appears that a proposed structure is over a lot line. The proposed subdivision shall conform to West Covina Municipal Code Chapter 20 - Subdivisions.
- m) Conduct sewer capacity study of existing sewer facilities to serve proposed development.

POLICE DEPARTMENT

- a) A CCTV System would assist the Police Department in identifying suspects. The recommended minimum requirement are as follows:
 - a. 960H (960 x 480) recording resolution
 - b. H.264 video compression
 - c. Real-time recording 30 fbs per channel @ 960 resolution
 - d. 2048-bit rate
 - e. 1 TB hard disk drive at a minimum and larger if the number of cameras require more storage to meet the 30-day storage minimum
 - f. Fixed cameras with complete coverage of areas that do not infringe on the privacy of patrons, PTZ (pan, tilt, zoom) optional
 - g. Recordings preserved for a minimum of 30 days (30-day loop minimum)
 - h. DVR must contain a USB port for police department personnel to easily access system and download video

FIRE DEPARTMENT

- 1. NFPA 13D/13R/13 Fire Sprinkler System
- 2. NFPA 72 – Fire Alarm/Fire Sprinkler Monitoring System
- 3. NFPA 17/17A Dry/Wet Chemical Extinguishing System
- 4. NFPA 10 – Portable Fire Extinguishers
- 5. New Fire Flow Test Required

6. Required Fire Flow

- Required Fire Flow based on Type V-B construction:
 - 7,500 SF Building (If detached or separate system)
 - 1000 GPM @ 20 PSI for 2 hours
 - 35,000 SF Building (If detached or separate system)
 - 1250 GPM @ 20 PSI for 2 hours
 - 42,500 SF Building (If both units under one system)
 - 1500 GPM @ 20 PSI for 2 hours
 - 4,500 SF Building (detached)
 - 1000 GPM @ 20 PSI for 2 hours

7. Ensure 1 fire hydrant within 250 feet of the property line.

8. Provide 20-foot Fire Apparatus Access Road

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 24th day of November, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATE: November 24, 2020

EXPIRATION DATE: November 24, 2022 if not used.

Shenna Heng, Chairperson
Planning Commission

Mark Persico, Secretary
Planning Commission

Responses to Comments on the Draft IS-MND

This following document includes comments received during the circulation of the Draft Initial Study-Mitigated Negative Declaration (IS-MND) prepared for the 2539 East Garvey Avenue Project (project) and responses to those comments by the City of West Covina.

The Draft IS-MND was circulated for a 20-day public review period that began on October 22, 2020 and ended on November 12, 2020. The City of West Covina received two comment letters on the Draft IS-MND. The commenters and the page number on which each commenter's letter appear are listed below.

Letter No. and Commenter		Page No.
1	Adriana Raza, Customer Service Specialist, Los Angeles County Sanitation Districts	2
2	Kara Grant, Attorney at Law	6

The comment letters and responses follow. The comment letters have been numbered sequentially and each separate issue raised by the commenter, if more than one, has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 1.1, for example, indicates that the response is for the first issue raised in comment Letter 1).

Because no changes were made to the text of the Draft IS-MND in response to these comment letters or for any other reason, the Draft IS-MND plus this Responses to Comments document and the Mitigation Monitoring and Reporting Program (MMRP) constitute the Final IS-MND for this project.

Letter 1



**LOS ANGELES COUNTY
SANITATION DISTRICTS**
Converting Waste Into Resources

Robert C. Ferrante

Chief Engineer and General Manager

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
(562) 699-7411 • www.lacsd.org

November 6, 2020

Ref. DOC 5945312

Ms. Jo-Anne Burn, Planning Manager
Planning Department
City of West Covina
1444 West Garvey Avenue, Suite 317
West Covina, CA 91790

Dear Ms. Burns:

NOI Response for 2539 East Garvey Avenue Project

The Los Angeles County Sanitation Districts (Districts) received a Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) for the subject project on October 26, 2020. The proposed project is located within the jurisdictional boundary of District No. 22. We offer the following comments regarding sewerage service:

1. The wastewater flow originating from the proposed project will discharge to a local sewer line, which is not maintained by the Districts, for conveyance to the Districts' No. 22 Main Trunk Sewer, located in Workman Avenue at Hollenbeck Avenue. The Districts' 24-inch diameter trunk sewer has a capacity of 10.8 million gallons per day (mgd) and conveyed a peak flow of 3.9 mgd when last measured in 2015. 1.1
2. The wastewater generated by the proposed project will be treated at the San Jose Creek Water Reclamation Plant (WRP) located adjacent to the City of Industry, which has a capacity of 100 mgd and currently processes an average flow of 58.5 mgd. All biosolids and wastewater flows that exceed the capacity of the San Jose Creek WRP are diverted to and treated at the Joint Water Pollution Control Plant in the City of Carson. 1.2
3. The expected increase in average wastewater flow from the project site, described in the document as a total of 42,455 square feet of retail-commercial space and a 4,500 square-foot restaurant, is 16,275 gallons per day, after the structures on the project site are demolished. For a copy of the Districts' average wastewater generation factors, go to www.lacsd.org, under Services, then Wastewater Program and Permits, select Will Serve Program, and scroll down to click on the [Table 1, Loadings for Each Class of Land Use](#) link. 1.3
4. The Districts are empowered by the California Health and Safety Code to charge a fee to connect facilities (directly or indirectly) to the Districts' Sewerage System or to increase the strength or quantity of wastewater discharged from connected facilities. This connection fee is a capital facilities fee that is used by the Districts to upgrade or expand the Sewerage System. Payment of a connection fee will be required before this project is permitted to discharge to the Districts' Sewerage System. For more information and a copy of the Connection Fee Information Sheet, go to www.lacsd.org, under Services, then Wastewater (Sewage) and select Rates & Fees. In determining the impact to the Sewerage System and applicable connection fees, the Districts will determine the user category (e.g. Condominium, Single Family home, etc.) that best represents the actual or anticipated use of the parcel(s) or facilities on the parcel(s) in the development. For more specific information regarding the connection fee application procedure and fees, the developer should contact the Districts' Wastewater Fee Public Counter at (562) 908-4288, extension 2727. 1.4

5. In order for the Districts to conform to the requirements of the Federal Clean Air Act (CAA), the capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). Specific policies included in the development of the SCAG regional growth forecast are incorporated into clean air plans, which are prepared by the South Coast and Antelope Valley Air Quality Management Districts in order to improve air quality in the South Coast and Mojave Desert Air Basins as mandated by the CCA. All expansions of Districts' facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The available capacity of the Districts' treatment facilities will, therefore, be limited to levels associated with the approved growth identified by SCAG. As such, this letter does not constitute a guarantee of wastewater service, but is to advise the developer that the Districts intend to provide this service up to the levels that are legally permitted and to inform the developer of the currently existing capacity and any proposed expansion of the Districts' facilities.

1.5

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2717 or at araza@lacsdsd.org.

Very truly yours,



Adriana Raza
Customer Service Specialist
Facilities Planning Department

AR:ar

cc: A. Schmidt
A. Howard

Letter 1

COMMENTER: Adriana Raza, Customer Service Specialist, Los Angeles County Sanitation Districts

DATE: November 6, 2020

Response 1.1

The commenter explains that wastewater flows originating from the proposed project will discharge to a local sewer line not maintained by the Sanitation Districts of Los Angeles County (the Districts), for conveyance to the District's No. 22 Main Trunk Sewer in Workman Avenue at Hollenbeck Avenue. According to the commenter this 24-inch diameter trunk sewer has a capacity of 10.8 million gallons per day (mgd) and conveyed a peak flow of 3.9 mgd when last measured in 2015. This would mean that this trunk sewer has a remaining capacity of approximately 6.9 mgd. As explained in Section 19, *Utilities and Service Systems*, on page 122 of the IS-MND, the proposed project would generate approximately 5,059,722 gallons of wastewater per year, or 13,862 gallons of wastewater per day. According to these estimates, the proposed project's wastewater generation would equal approximately 0.2% of the remaining capacity of this trunk sewer. This is consistent with the findings of Section 19.a.c of the IS-MND that the wastewater treatment provider which serves or may serve the project has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

Response 1.2

The commenter states that the wastewater generated by the proposed project will be treated at the San Jose Creek Water Reclamation Plan (SJCWRP), which has a capacity of 100 mgd and currently process an average flow of 58.5 mgd, and that all biosolids and wastewater flows that exceed the capacity of the SJCWRP are diverted to and treated at the Joint Water Pollution Control Plant in the City of Carson. On pages 121-122 in Section 19.a.c of the IS-MND, it is stated that the capacity of the SJCWRP is 100 mgd and the average daily flow to the SJCWRP is approximately 66 mgd, leaving approximately 34 mgd in available capacity. The District's estimated average daily flow to the SJCWRP of 58.5 mgd is less than the estimated average daily flow to the SJCWRP of 66 mgd reported in the IS-MND, and would result in an estimated remaining capacity of 41.5 mgd rather than the 34 mgd reported in the IS-MND. This would mean that the proposed project's net increase in estimated daily wastewater generation of 3,614 mgd would account for even less of the SJCWRP's remaining available daily capacity than stated in the IS-MND, and the IS-MND's finding of a less than significant impact with respect to wastewater conveyance and treatment facilities remains valid.

Response 1.3

The commenter states that the expected increase in average daily wastewater flow from the project site is 16,275 gallons per day, after the structures on the project site are demolished. This estimate is slightly higher than the IS-MND's estimate that the proposed project would generate approximately 13,862 gallons of wastewater per day, but even using this slightly higher estimate of expected average daily wastewater flow, the proposed project's wastewater flows would still remain well within the available capacities of the District's conveyance and treatment facilities. This information therefore does not affect the IS-MND's finding of a less than significant impact with respect to wastewater conveyance and treatment facilities.

Response 1.4

The commenter notes that payment of a connection fee will be required before a permit to connect to the sewer is issued. This comment is noted. The applicant would pay applicable connection fees.

Response 1.5

The commenter states that in order to comply with the federal Clean Air Act, the capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). Therefore, the commenter notes that the available capacity of the Districts' facilities is limited to levels associated with approved growth identified by SCAG. The commenter concludes by stating that wastewater service is not guaranteed, but that the Districts intend to provide service up to the levels legally permitted.

As discussed in Section 14, *Population and Housing*, of the IS-MND, project-related growth would be within SCAG population forecasts.

Letter 2

Greg Martin

From: Jo-Anne Burns <JBurns@westcovina.org>
Sent: Monday, November 2, 2020 7:50 AM
To: Greg Martin
Subject: [EXT] FW: : AB52 Consultation- 2539-2505 E Garvey Avenue

CAUTION: This email originated from outside of Rincon Consultants. Be cautious before clicking on any links, or opening any attachments, until you are confident that the content is safe .

Hello Greg,
Please see the comment on the IS/MND below.

Sincerely,

Jo-Anne Burns | Planning Manager
City of West Covina | Planning Division
Phone: (626) 939-8422 | Direct: (626) 939-8761
jburns@westcovina.org

City Hall Business Hours:
Monday-Thursday 7:30 AM-5:30 PM



From: Kara Grant <kara@grant-law.net>
Sent: Thursday, October 29, 2020 7:06 PM
To: Jo-Anne Burns <JBurns@westcovina.org>; Gabrieleno Administration <admin@gabrielenoindians.org>
Cc: Matthew Teutimez <Matthew.Teutimez@gabrielenoindians.org>; Gabrieleno Chairman <chairman@gabrielenoindians.org>
Subject: Re: : AB52 Consultation- 2539-2505 E Garvey Avenue

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Evening,

I represent the Gabrieleño Band of Mission Indians – Kizh Nation (the “Tribe” or “Client”). This email concerns your consultation with my client regarding the Project at 2539-2505 E. Garvey Avenue (the “Project”), and the City’s response to the Tribe’s proposed mitigations.

During the AB 52 consultation, my Client proposed mitigation measures they determined to be necessary to reduce the Project’s impacts to their tribal cultural resources (“TCR”) to less than significant, as required by the California Environmental Quality Act (“CEQA”). The City found that TCR mitigations are required for this Project, and that finding is supported by the information my Client provided pursuant to AB 52, including but not limited to: the Tribe’s ancestral affiliation with the Project location, the significance of the Project location to the Tribe, the Tribe’s historical use of the Project area (including specific activities performed there, such as use as trade routes, villages, ceremonial, etc.). This

2.1

information was substantiated by the Tribe's oral history, as well as literature, historical maps and other documentation and data all of which my Client provided to the City. My client also shared TCR discoveries in the Project area, which further support their request that their proposed TCRs be adopted by the City for this Project.

2.1

The information described above amounts to "substantial evidence," that a significant likelihood exists that the Project will adversely impact the Tribe's TCRs. Accordingly, the only way the City may approve this Project is if mitigations adequate to either avoid or substantially lessen that impact are adopted in the MND, required as Conditions of Approval for the Project, and then actually enforced by the City. (Pub. Res. Code §§ 21084.3(b), 21082.3(b).) The City informed my Client that their proposed mitigations were approved with "a slight modification to allow any qualified Native American Monitor." (Email from Jo-Ann Burns to Tribe, dated Oct. 27, 2020.) The Tribe rejected the City's modification to the proposed mitigations.

Given my Client's ancestral affiliation with the Project location, it is no surprise that they were the *only* tribe that consulted with the City pursuant to AB 52. (See MND, Appendix B, at p. 5.) CEQA expressly states that the geographically and culturally affiliated tribe (i.e., the tribe with ancestral ties to the project locale) possesses "expertise" on their TCRs in the Project area. (Pub. Res. Code Sec. §21080.3.1(a).) It follows then, that only the ancestrally affiliated tribe could possibly provide a lead agency with the oral history, personal knowledge, historical and anthropological information, and other documentation necessary to constitute the "substantial evidence" needed to support the TCR finding.

2.2

The legislative intent of AB 52 is to ensure that lead agencies engage in government-to-government consultation with, receive evidence directly from, and consider mitigations proposed by the tribe bearing the "expertise" on the TCRs present at the project location. Consultation with a tribe that is not ancestrally affiliated, and in turn does not possess "expertise" regarding the TCRs present at the project site, would be completely meaningless under CEQA. Allowing monitoring by a tribe without the ancestral affiliation is equally meaningless to protect, avoid, and mitigation project impacts to the "expert" tribe's TCRs.

That said, it does not follow that the City proposes to adopt mitigations for TCRs that will permit monitoring for this Project, which was found very likely to impact my Client's TCRs, by a monitor from any tribe other than the Kizh Nation. How could a monitor with no relevant affiliation with the Kizh Nation and with no ancestral connect to the Project location, possibly be "qualified" to protect the Kizh Nation's resources? They clearly could not because they do not know the oral history or possess the knowledge necessary to recognize the Tribe's TCRs, (2) they have no history with the location they would need to monitor; and (3) State law would prevent them from handling any human remains and/or grave goods discovered on the Project site. (See Pub. Res. Code § 5097.98(a); 14 Cal. Code Regs. §15064.5(e)(1)(B); Pub. Res. Code § 5097.98(b)(d); Health & Safety Code § 7050.5(b); Gov't Code §27491.)

Simply put, there is no reasonable rationale for the City's modification to my Client's proposed TCR mitigations, which would permit monitoring by any tribe, because a monitor from a tribe other than Kizh Nation does not possess the "expertise" necessary for the adopted mitigations to effectively reduce the Project impacts to an acceptable level. The consequence of the City's revision to my Client's proposed mitigations is that it will ensure the Project's noncompliance with CEQA because the mitigation measure is wholly ineffective. (See *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1115 [mitigation measures must be effective in reducing the identified impact to a less than significant level; mitigation measures for groundwater depletion were not shown to be effective].)

If you have any questions or would like to discuss this matter further, please feel free to contact me.

Sincerely,

Kara Grant

--

Kara E. Grant | Attorney at Law
KARA GRANT LAW

Letter 2

COMMENTER: Kara Grant, Attorney at Law

DATE: October 29, 2020

Response 2.1

The commenter states that they represent the Gabrieleño Band of Mission Indians – Kizh Nation (Tribe), and that their email (letter) concerns the City’s consultation with the Tribe regarding the proposed project and the City’s response to the Tribe’s proposed mitigations. The commenter then states that during AB 52 consultation for the proposed project the Tribe proposed mitigation measures they determined to be necessary to reduce the proposed project’s impacts to tribal cultural resources (TCRs) to a less than significant level, and shared other information with the City to support this conclusion. These statements are consistent with the outcomes of the AB 52 consultation process reported in Section 18.a on page 116 of the IS-MND.

Response 2.2

The commenter states that there is “substantial evidence,” that a significant likelihood exists that the proposed project will adversely impact the Tribe’s TCRs. They then state that the Tribe requested specific TCR mitigation measures be adopted by the City for this project, that the City incorporated their recommended mitigation measures into the IS-MND but with “a slight modification to allow any qualified Native American Monitor,” and that the Tribe rejected the City’s modification to the proposed mitigations.

The commenter then points out that the Tribe was “the only tribe that consulted with the City pursuant to AB 52.” This is correct. As stated in Section 18.a on page 116 of the IS-MND:

Three tribes have requested notification of projects within the City of West Covina: the Soboba Band of Luiseño Indians, Gabrieleño Band of Mission Indians – Kizh Nation (Kizh Nation), and Gabrielino/Tongva Nation. Per PRC Section 21080.3.1, the City mailed consultation letters to these three tribes on August 13, 2020 (see Appendix J) and subsequently received a response from the Kizh Nation requesting consultation to discuss the proposed project in further detail.

The commenter then goes on to state the following:

CEQA expressly states that the geographically and culturally affiliated tribe (i.e., the tribe with ancestral ties to the project locale) possesses “expertise” on their TCRs in the Project area. (Pub. Res. Code Sec. §21080.3.1(a).) It follows then, that only the ancestrally affiliated tribe could possibly provide a lead agency with the oral history, personal knowledge, historical and anthropological information, and other documentation necessary to constitute the “substantial evidence” needed to support the TCR finding.

The commenter then states that:

Consultation with a tribe that is not ancestrally affiliated, and in turn does not possess ‘expertise’ regarding the TCRs present at the project site, would be completely meaningless under CEQA. Allowing monitoring by a tribe without the ancestral affiliation is equally meaningless to protect, avoid, and mitigation project impacts to the “expert” tribe’s TCRs.

The City has, in fact, through its consultation with the Tribe, consulted with a tribe that is ancestrally affiliated with the project locale. Mitigation Measure TCR-1 of the IS-MND states that the project applicant shall obtain the services of a qualified Native American Monitor(s) during construction-related ground disturbance activities. This measure does not specify a tribe or tribal representative with which the qualified Native American Monitor(s) shall be affiliated so as not to prioritize the needs of any one specific tribal organization over any others that are ancestrally affiliated with the region. While the Gabrieleño Band of Mission Indians – Kizh Nation (Tribe) was the only tribal organization that consulted with the City pursuant to AB 52 on this project, they are not necessarily the only tribal organization with ancestral affiliation with the region, as indicated by the fact that there are two other tribal organizations that have requested notification of projects within the City of West Covina.

The commenter states that “The legislative intent of AB 52 is to ensure that lead agencies engage in government-to-government consultation with, receive evidence directly from, and consider mitigations proposed by the tribe bearing the “expertise” on the TCRs present at the project location.” The City of West Covina has complied with all aspects of this legislative intent of AB 52 by consulting with the Tribe, receiving evidence directly from the Tribe, and considering mitigations proposed by the Tribe. AB 52 does not require the lead agency to adopt mitigation measures proposed by the Tribe, and the commenter’s claim that “a monitor from a tribe other than Kizh Nation does not possess the ‘expertise’ necessary for the adopted mitigations to effectively reduce the Project impacts to an acceptable level” is not supported by the evidence described above. Additionally, nothing in Mitigation Measure TCR-1 of the IS-MND precludes the City or applicant from selecting a qualified Native American Monitor or Monitors affiliated with the Tribe.

For the reasons discussed above, the analysis and conclusions of the IS-MND as they relate to TCRs remain valid, and no revisions to the IS-MND are required to address this comment.

Received

Bently Real Estate LLC
1932 E. Garvey Ave South
West Covina, CA 91791

SEP 28 2020

Planning Division

September 24, 2020

To All of Our Neighbors:

Bently Real Estate LLC, headquartered in West Covina, is proud to announce our newest project to be built at 2539 E. Garvey Ave. North on the previous site of the Mazda and Lotus automobile dealerships. The Project will be a neighborhood Shopping Center built to serve the needs of the local Community. The Center will be anchored by a 35,000 sf full-service Grocery Market. There will also be 7,500 sf of Shops and a future 4,500 sf Pad Building.

Buildings will be placed along the West side of the Property in order to minimize any impact to the adjoining residential structures. Large setbacks and heavy landscaping will act as a buffer and effective screening for our neighbors on this side. The main entrances for the Grocery Market and adjoining Shops will face Citrus Avenue and be oriented toward the San Bernardino Freeway. All parking will be on the East side of the Site.

The Project is being designed to meet all City of West Covina Codes and Design Standards. Lush landscaping is planned around and throughout the parking area. All parking lot lighting will be screened to control overflow onto surrounding properties. Contemporary Architecture and quality materials will be used in the construction.

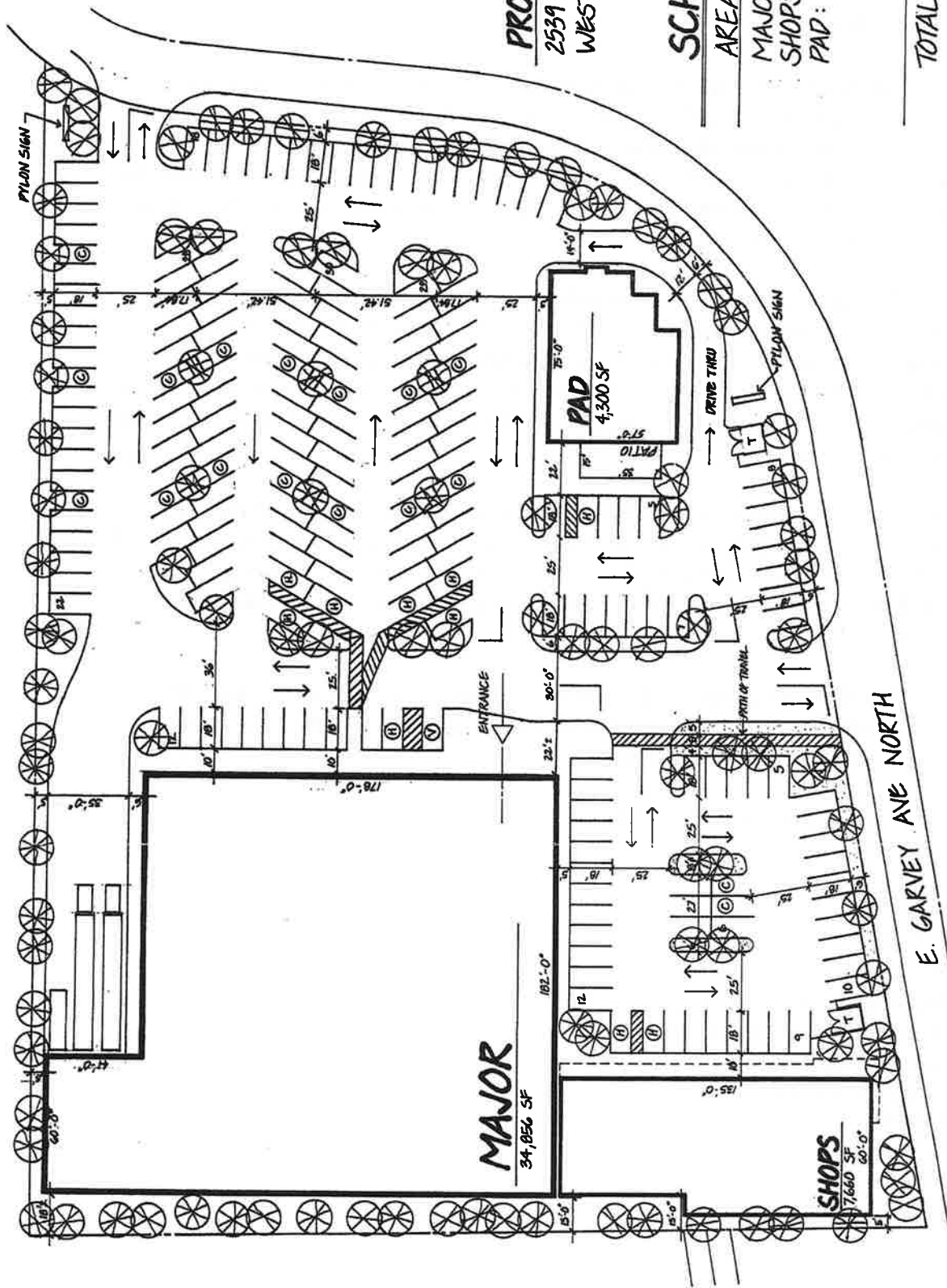
We have included a Schematic Site Plan of the Shopping Center for informational purposes. Should you have any questions or concerns please do not hesitate to call us at 626-974-7690 in order to discuss.

We look forward to being your neighbors.

Regards,

Jeffrey P. Tuck, A.I.A.
Project Manager
Bently Real Estate, LLC
Brenton Development Corporation
1932 E. Garvey Ave. South
West Covina, Ca. 91791
626-974-7690
jtuck@hassen.com

CITRUS AVE.



PROJECT SITE

2539 E. GARVEY AVE NORTH
WEST COVINA, CALIFORNIA

SCHEME 2-CRR

AREA SUMMARY

MAJOR SHOPS	34,856 SF
PAD: BLDG	4,300
PATIO	525
TOTAL	4,825 SF

TOTAL

TOTAL	47,341 SF
PARKING PROVIDED	200 SPACES
PARKING RATIO	4.22 / 1,000

A PROJECT BY:

BENTLY REAL ESTATE

SCALE: 1" = 20'-0"

9/6/19

SAN BERNARDINO FREEWAY I-10

E. GARVEY AVE NORTH

Jo-Anne Burns

From: Jeff Tuck <jtuck@hassen.com>
Sent: Thursday, October 1, 2020 5:16 PM
To: Jo-Anne Burns; Rene Aguilar
Subject: Fwd: Project Site in West Covina

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Inquiry in response to our Neighborhood Outreach. FYI.

Jeff Tuck

----- Forwarded message -----

From: Jeff Tuck <jtuck@hassen.com>
Date: Wed, Sep 30, 2020 at 11:39 AM
Subject: Re: Project Site in West Covina
To: alexander c <alexandercariaga@yahoo.com>

Alex:

Thank you for your response.

All buildings at the Center are facing East. The rear of the buildings will only have emergency exits. There should be no noise generated by activity behind the buildings. Where you are located there is a setback of 15 ft. to 21 ft. (15 ft. is required by Code). This area will be heavily landscaped with trees to provide privacy.

The traffic on Garvey has been studied as a part of our environmental review process. The determination is that there will not be a substantial impact on the Garvey traffic or the Citrus/Garvey intersection. The study takes into account the existing use of the property as an automobile dealership.

As a first class Shopping Center, there will be security at the Site. Homelessness is a problem for any Center, but an active security program and the assistance of the Police Dept. can keep it under control.

I hope this answers your questions.

Regards,
Jeffrey P. Tuck, A.I.A.
Bently Real Estate
Brenton Development Corporation

On Wed, Sep 30, 2020 at 11:19 AM alexander c <alexandercariaga@yahoo.com> wrote:
Good Morning Mr. Tuck,

I would like to thank you for the communication and recent letter regarding the upcoming construction in West Covina on Citrus and Garvey. As a homeowner and resident in the adjoining neighborhood, I have a few concerns. These concerns are mainly about privacy/aesthetics, noise, security, and traffic.

Regarding privacy and aesthetics, my concern is how the posterior (west) side of the Market would appear from my property along with noise and from semitrucks, sewage, and trash on the northwest corner of the building. My property will have direct and an immediate view of this building side.

I am also concerned about security around the area as increased loitering, soliciting, and even panhandling is common around shopping centers.

With the anticipation of increased traffic on Citrus and Garvey, I am anxious about access to my neighborhood and if there are any changes to the traffic light to turn left onto Garvey from Citrus.

Once again I appreciate the communication. I am aware that the project is currently in the planning stage. Thank you for your time.

Alex Cariaga

PLANNING DEPARTMENT STAFF REPORT

SUBJECT

CONDITIONAL USE PERMIT NO. 20-12

CODE AMENDMENT INITIATION

CATEGORICAL EXEMPTION

APPLICANT: McIntyre Company

LOCATION: 2640 E. Garvey Avenue South

REQUEST: The applicant is requesting a conditional use permit to allow a 60'-0" tall electronic reader board oriented towards the freeway (project site is within 300 feet of freeway centerline). The proposed electronic reader board would have 672 square feet of sign area. The CUP for the freeway bonus will only allow an electronic readerboard with 394 square feet of sign area. Therefore, the applicant is requesting that the Planning Commission consider initiating a code amendment to allow commercial properties that are directly abutting the freeway to have an electronic readerboard with at least 672 square feet in sign area.

BACKGROUND

The project site is a 20,038 square-foot lot located on the North side of E. Garvey Avenue South, directly south of the Interstate-10 San Bernardino Freeway. The site is currently occupied by a 10,712 square foot two-story office building.

Item	Description
Zoning and General Plan	Zoning: Office-Professional (O-P) General Plan: Commercial
Surrounding Land Uses and Zoning	North: Interstate 10 San Bernardino Freeway East: Freeway Adjacent Caltrans property South: C-2 (Medium Commercial) and S-C (Service Commercial); McIntyre Square Shopping Center and Public Storage Facility West: Freeway Adjacent Caltrans property
Current Development	Two-story office building
Legal Notice	Public Hearing Notices have been mailed to 200 owners and occupants of properties within 300 feet of the subject site, and was published in the San Gabriel Valley Tribune.

DISCUSSION

The project consists of an application to install a new tenant director/center identification sign with an electronic reader board on the site that is oriented toward the freeway. The sign would be designed as a pylon sign with a single post contained within a more decorative enclosure. The proposed sign will have an overall height of 60 feet.

The proposed electronic readerboard would advertise services offered within the building on site. The

readerboard differs from a billboard because off-site advertisement is not allowed by the West Covina Municipal Code and would not be an allowed use for the readerboard.

The Zoning Code allows Freeway Adjacent Business Identification to be 300 square feet in area and 40 feet in height. In addition, the Code has a provision for a freeway site bonus. Sites within 300 feet of the centerline of the freeway may increase the height and size by 75 percent (up to a maximum of 60 feet in height and up to 800 square feet in sign area) with the approval of a conditional use permit. In the project site's case, the maximum signage size allowed with the freeway site bonus is 525 square feet, and the maximum height allowed is 60 feet.

Sites that are within 300 feet of the centerline of the freeway are also qualified to install electronic readerboards that are incorporated into a normally allowed sign. The readerboard area is limited to 75 percent of the total allowable sign area which equals to 394 square feet for the site (75 percent of 525 square feet is 394 square feet). A condition of approval is included in the conditional use permit resolution requiring the readerboard sign area to be reduced to 394 square feet.

The applicant is requesting the Planning Commission consider initiating a code amendment to allow properties directly abutting the freeway to have an electronic readerboard with at least 672 square feet in sign area. The subject site is unique in a way that there are very few commercial properties in the City that is both directly abutting the freeway (shared boundary line with freeway) and is at least 500 from any residential zoned lot.

REQUIRED FINDINGS

Findings necessary for the 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 of facility that will contribute to the general well-being of the neighborhood or community.

The proposed sign will allow the site to advertise services to the community. The electronic readerboard sign would enable the business on the site to gain adequate visibility from the freeway as well as advertise services offered.

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.

The proposed sign would be oriented towards the freeway and would not be located within close proximity to residential or other sensitive uses. The proposed sign would be required to obtain building permits, and be approved by Caltrans for the safety of motorists. Therefore, granting of the conditional use permit would not be materially detrimental to the public welfare or properties in the surrounding area.

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 with the land and uses in the neighborhood and make it compatible thereto.

As conditioned, the project would comply with all West Covina Municipal Code standards. The site is adequate in size to accommodate the proposed sign.

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.

The property is located directly adjacent to the Interstate 10 San Bernardino Freeway. The subject property is surrounded by Garvey Avenue and Citrus Avenue. The proposed sign is not anticipated to substantially increase traffic through adjacent residential areas.

e. That the granting of such conditional use permit will not adversely affect the General Plan of the City or any other adopted plan of the City.

As conditioned, granting of the conditional use permit would be consistent with the Commercial General Plan Designation for the site, and therefore would not adversely affect the General Plan of the City.

ENVIRONMENTAL DETERMINATION

Pursuant to the California Environmental Quality Act (CEQA), the proposed project is considered to be categorically exempt (Class 3, New Construction or Conversion of Small Structures) in that it consists of the construction of a new accessory structure.

STAFF RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. Adopt a resolution approving Conditional Use Permit No. 20-12 with a condition of approval to reduce the readerboard sign area to 394 square feet; and/or
2. Adopt a resolution initiating Code Amendment No. 20-09 to consider amending standards pertaining to electronic readerboards.

LARGE ATTACHMENTS

Plans are available to the public for review at West Covina City Hall. Since City Hall is currently closed to the public due to COVID-19, please contact (626) 939-8422 to make an appointment with staff to view the plans.

Submitted by: Jo-Anne Burns, Planning Manager

Attachments

Attachment No. 1 - Resolution

Attachment No. 2 - Initiation Resolution

PLANNING COMMISSION

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 20-12

CONDITIONAL USE PERMIT NO. 20-12

CATEGORICAL EXEMPTION

APPLICANT: McIntyre Company

LOCATION: 2640 E. Garvey Avenue South

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 394-square foot (sign area), 60'-0" tall digital readerboard/business identification sign utilizing the freeway bonus for sites within 300 feet from the freeway centerline

WHEREAS, the Planning Commission, upon giving the required notice, did on the 24th day of November 2020, 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 a digital readerboard/business identification sign for on-site advertising only utilizing the freeway bonus for sites within 300 feet from the freeway centerline.
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 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 or Conversion of Small Structures) in that it consists of the construction of a new accessory structure.

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 sign will allow the site to advertise on-site services to the community. The electronic readerboard sign would enable the business on the site to gain adequate visibility from the freeway as well as advertise services offered.
 - b. The proposed on-site advertising sign would be oriented towards the freeway and would not be located within close proximity to residential or other sensitive uses. The proposed sign would be required to obtain building permits, and be approved by Caltrans for the safety of motorists. Therefore, granting of the conditional use permit would not be materially detrimental to the public welfare or properties in the surrounding area.
 - c. As conditioned, the project would comply with all West Covina Municipal Code standards. The site is adequate in size to accommodate the proposed sign.
 - d. The property is located directly adjacent to the Interstate 10 San Bernardino Freeway. The subject property is surrounded by Garvey Avenue and Citrus Avenue. The

- proposed sign is not anticipated to substantially increase traffic through adjacent residential areas.
- e. As conditioned, granting of the conditional use permit would be consistent with the Commercial General Plan Designation for the site, and therefore would not adversely affect the General Plan of the City.
2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Conditional Use Permit No. 20-12 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. Reduce the digital readerboard sign area to 394 square feet. Revise plans shall be submitted to the Planning Division for Community Development review and approval prior to the issuance of building permits.
 - b. The advertising shall be limited to businesses that have a physical presence on the property. No "off-site" advertising is permitted.
 - c. Comply with all applicable sections of the West Covina Municipal Code.
 - d. Comply with all requirements of the "Office Professional" (OP) zone.
 - e. The applicant shall defend, indemnify, and hold harmless the City of West Covina, its agents, officers, and employees from any claim, action or proceeding against the City or

its agents, officers, or employees to attack, set aside, void or annul, approval of this Conditional Use Permit. The City will promptly notify the applicant of any such claim, action or proceeding against the City and will cooperate fully in the defense.

- f. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant agrees to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.
- g. The digital readerboard shall not be used for off-site/off-premises advertisement. The sign/digital readerboard shall be strictly limited to identifying and advertising the center, retail tenants operating within the center, and/or retail products and services available for purchase at one or more retail tenants operating within the center.
- h. The applicant shall be responsible for obtaining Caltrans approval and/or approvals from other responsible agencies prior to the construction of the digital readerboard.
- i. 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 Redevelopment Agency and that the written authorization of the Planning Director shall be obtained prior to implementation.
- j. All signs shall be located in a landscape area and shall not encroach into any public right-of-way.
- k. Graffiti-resistant coatings shall be used on sign structure to assist in deterring graffiti.
- l. Any graffiti that appears on the property shall be cleaned or removed on the same business day by the property owner.
- m. A City encroachment permit shall be obtained for all work undertaken in the public right-of-way or for any encroachment of the proposed sign into the public right-of-way. All work shall be done per City of West Covina Engineering Division standards and shall be completed to the satisfaction of the City Engineer or his designee.
- n. BUILDING DEPARTMENT

Based on the information provided, the following preliminary comments and issues appear to be applicable to this project and need further investigation by the applicant. These

issues should be resolved prior to submittal for Building Section plan check. The issuance of any building permit is subject to the plan check of a complete submittal, which may result in subsequent corrections.

1. All Conditions of Approval shall appear as notes on the plans submitted for building plan check and permits.
2. Building design shall comply with the 2020 County of Los Angeles Building Codes and 2019 California Energy and Green Building Standards Codes. Plans shall be submitted for plan check and required permits shall be obtained from the Building & Safety Division prior to start of construction.
3. Separate application(s), plan check(s), and permit(s) are required for:
 - a. Grading (*see Engineering Division for requirements*)
 - b. Retaining walls (*see Engineering Division for requirements*)
 - c. Demolition work
 - d. Electrical
4. A soils and geology report will be required to address the potential for and the mitigation measures of any seismic induced landslide/liquefaction. Soils report shall address foundation design and site preparation requirements.
5. All new on-site utility service lines shall be placed underground. WCMC 23-273.
6. New construction, alteration or repair to required masonry or concrete perimeter walls or trash enclosures shall be completed with a valid building permit.
7. All work shall be completed with a valid permit and in accordance with applicable Building Regulations. Final building inspection and approvals shall be completed prior to the occupancy of the building.

o. FIRE DEPARTMENT

1. No special Fire Department requirements. Additional Fire Department requirements may be set upon future review of a full set of architectural plans.

p. ENGINEERING DIVISION

The following are Public Works conditions and shall be incorporated into submittal plans, show the conditions on site plans and on grading plans (No handwritten notes, stickers etc. shall be accepted):

1. The second sheet of building plans, grading plans and/or offsite improvement 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.
2. Should the proposed work generate a cut into any public right of way infrastructure (street, sidewalk, driveway, curb & gutter, etc.):
 - a. 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.
 - b. sidewalk reconstruction shall be in accordance with SPPWC Standard Plan 113-2, and as directed by the City Engineer and/or his/her designee.
 - c. driveway apron reconstruction shall be in accordance with SPPWC Standard Plan 110-2, and as directed by the City Engineer or his/her designee.
 - d. 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.
3. Prior final of the building permit(s), inspection required by Public Works inspector.

I HEREBY CERTIFY, that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a special meeting held on the 27th day of August, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE:

EXPIRATION DATE:

AUGUST 27, 2021 if not used

Sheena Heng, Chairman
Planning Commission

Mark Persico, Secretary
Planning Commission

P L A N N I N G C O M M I S S I O N

R E S O L U T I O N N O .

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, INITIATING CODE AMENDMENT NO. 20-09 RELATED TO DEVELOPMENT STANDARDS PERTAINING TO DIGITAL READERBOARDS AND BUSINESS DETACHED BUSINESS IDENTIFICATION SIGNS

WHEREAS, on November 24, 2020, the Planning Commission considered the initiation of a code amendment related to development standards pertaining to digital readerboards and detached business identification signs; and

WHEREAS, the studies and investigations made by the Planning Commission reveal the following facts:

1. The West Covina Municipal Code allows Freeway Adjacent Business Identification for multitenant buildings to be 300 square feet at 40 feet in height.
2. The West Covina Municipal Code allows for a freeway site bonus of 75% of the signage allowed for commercial properties located within 300 feet from the freeway centerline.
3. The West Covina Municipal Code allows commercial properties located within 300 feet from the freeway centerline to have electronic readerboards equal to 75% percent of the total allowable sign area.
4. The proposed action is considered to be exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the proposed action consists of a code amendment, which does not have the potential for causing a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission of the City of West Covina, in conformance with Section 26-153(a)(3) of the West Covina Municipal Code, does hereby initiate an application for a Code Amendment related to development standards pertaining to electronic readerboards and detached business identification signs.

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 24th day of November 2020 by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: November 23, 2020

Sheena Heng, Chairperson
Planning Commission

Mark Persico, Secretary
Planning Commission

City of West Covina
A G E N D A

ITEM NO. 4. a.

DATE: November 24, 2020

TO: Planning Commission
FROM: Planning Division
SUBJECT: Forthcoming - December 8, 2020

Attachments

Forthcoming - December 8, 2020

Forthcoming - December 8, 2020

FORTHCOMING PLANNING COMMISSION HEARING

December 8, 2020

A. CONSENT CALENDAR

None

B. PUBLIC HEARINGS

(1)

CODE AMENDMENT NO. 19-06 (Continued from November 10, 2020)

ACCESSORY DWELLING UNITS

APPLICANT: City Initiated

LOCATION: Citywide

(2)

CONDITIONAL USE PERMIT NO. 20-07 (Continued from November 10, 2020)

ADMINISTRATIVE USE PERMIT NO. 20-10

SUBCOMMITTEE FOR DESIGN REVIEW NO. 20-36

APPLICANT: Gerardo Limon

LOCATION: 1208 S Hollencrest Drive

REQUEST: Large Home Addition

(3)

CONDITIONAL USE PERMIT NO. 20-03

ROOMING HOUSE

APPLICANT: International Theological Seminary

LOCATION: 1128 South California Avenue

(4)

CONDITIONAL USE PERMIT NO. 20-14

ROOMING HOUSE

APPLICANT: International Theological Seminary

LOCATION: 1212 South California Avenue

(5)

CONDITIONAL USE PERMIT NO. 20-08

SUBCOMMITTEE FOR DESIGN REVIEW NO. 20-54

LARGE HOME

APPLICANT: Miguel Romero

LOCATION: 1436 South Alpine Drive

(6)

PRECISE PLAN NO. 20-07

CONDITIONAL USE PERMIT NO. 20-11

ADMINISTRATIVE USE PERMIT NO. 20-22

APPLICANT: Jollibee

LOCATION: 147 North Barranca Street

C. NON-HEARING ITEMS

(7)

CODE AMENDMENT NO. 20-06

WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT OF WAY

APPLICANT: City Initiated

LOCATION: Citywide

December 22, 2020 Happy Holidays!

A. CONSENT CALENDAR

None

B. PUBLIC HEARINGS

None

C. NON-HEARING ITEMS

None

FORTHCOMING PLANNING COMMISSION HEARING

December 8, 2020

A. CONSENT CALENDAR

None

B. PUBLIC HEARINGS

(1)

CODE AMENDMENT NO. 19-06 (Continued from November 10, 2020)

ACCESSORY DWELLING UNITS

APPLICANT: City Initiated

LOCATION: Citywide

(2)

CONDITIONAL USE PERMIT NO. 20-07 (Continued from November 10, 2020)

ADMINISTRATIVE USE PERMIT NO. 20-10

SUBCOMMITTEE FOR DESIGN REVIEW NO. 20-36

APPLICANT: Gerardo Limon

LOCATION: 1208 S Hollencrest Drive

REQUEST: Large Home Addition

(3)

CONDITIONAL USE PERMIT NO. 20-03

ROOMING HOUSE

APPLICANT: International Theological Seminary

LOCATION: 1128 South California Avenue

(4)

CONDITIONAL USE PERMIT NO. 20-14

ROOMING HOUSE

APPLICANT: International Theological Seminary

LOCATION: 1212 South California Avenue

(5)

CONDITIONAL USE PERMIT NO. 20-08

SUBCOMMITTEE FOR DESIGN REVIEW NO. 20-54

LARGE HOME

APPLICANT: Miguel Romero

LOCATION: 1436 South Alpine Drive

(6)

PRECISE PLAN NO. 20-07

CONDITIONAL USE PERMIT NO. 20-11

ADMINISTRATIVE USE PERMIT NO. 20-22

APPLICANT: Jollibee

LOCATION: 147 North Barranca Street

C. NON-HEARING ITEMS

(7)

CODE AMENDMENT NO. 20-06

WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT OF WAY

APPLICANT: City Initiated

LOCATION: Citywide

December 22, 2020 Happy Holidays!

A. CONSENT CALENDAR

None

B. PUBLIC HEARINGS

None

C. NON-HEARING ITEMS

None