



CITY OF WEST COVINA

PLANNING COMMISSION

APRIL 13, 2021, 7:00 PM
REGULAR MEETING

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

Sheena Heng, Chair
Livier Becerra, Vice Chair
Brian Gutierrez, Commissioner
Shelby Williams, Commissioner
Nickolas Lewis, 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 Commissioners may attend Planning Commission meetings telephonically and the Planning 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 "Oral Communications – 4/13/2021". Please include your full name and address in your e-mail. All emails received by 5:00 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 Commission 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 will 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.

MOMENT OF SILENT PRAYER/MEDITATION

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

1. Regular meeting, March 23, 2021

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. **CONDITIONAL USE PERMIT NO. 21-02**
CATEGORICAL EXEMPTION
APPLICANT: Fly Here Academy (Yao Xiang)
LOCATION: 1414 S Azusa Avenue, Suite B23
REQUEST: The project consists of a Conditional Use Permit (CUP) to allow the operation of a tutoring center. The tutoring center will be remaining within the South Hills Shopping Center, relocating to an existing 1,557-square foot tenant space.

3. **TENTATIVE TRACT MAP NO. 18-01 (TTM 74976)**
MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT
APPLICANT: TDK Marsh Investment LLC
LOCATION: 642 & 704 East Francisquito Avenue
REQUEST: The proposed project would subdivide two single-family residential parcels (APNs 8741-001-001 and 8741-001-002) into a total of six lots. The project site is approximately 81,495 square feet and currently contains two one-story single-family residences and their associated structures on two separate lots. The new lots would be rectangular in shape. Lot 1 would be approximately 10,560 square feet, Lots 2 through 3 would be approximately 9,460 square feet each, Lot 4 would be approximately 9,680 square feet, Lot 5 would be approximately 21,266 square feet, and Lot 6 would be approximately 21,069 square feet.

4. **CODE AMENDMENT NO. 20-08**
GENERAL EXEMPTION
APPLICANT: MLC Holdings (City of West Covina Planning Commission Initiated)
LOCATION: Downtown Plan Area
REQUEST: The proposed code amendment consists of potential amendments to the Downtown Plan and Code development standards, which are part of the West Covina Municipal Code. The Downtown Plan includes the Civic Center area/Cameron Ave., Plaza West Covina and Vincent Ave./Glendora Ave. The proposed code amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3).

NON-HEARING ITEMS - None

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 agendaize the matter for a future meeting.

5. **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:**
 - a. Forthcoming - April 27, 2021

6. **CITY COUNCIL ACTION:**

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

ADJOURNMENT

ITEM NO. 1.
DATE: April 13, 2021

TO: Planning Commission
FROM: Planning Division
SUBJECT: Regular meeting, March 23, 2021

Attachments

Draft Minutes 3.23.21

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

A G E N D A

DATE: April 13, 2021

ITEM NO.: 1

**MINUTES
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF WEST COVINA
Tuesday, March 23, 2021**

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 Williams lead the Pledge of Allegiance.

ROLL CALL

Present: Heng, Becerra (Zoom), Gutierrez, Williams, Lewis

Absent: None

City Staff Present: Hildebrand, Morales, Burns, Aguilar

APPROVAL OF MINUTES:

1. Regular meeting March 9, 2021

The minutes were approved as submitted.

OTHER MATTERS OR ORAL COMMUNICATIONS

None

PUBLIC HEARINGS

City Attorney Hildebrand made a statement regarding testimony during the public hearing.

2. PRECISE PLAN NO. 20-01 (Continued from March 9, 2021)
TENTATIVE TRACT MAP 83134 (20-01)
ZONE CHANGE NO. 20-02
GENERAL PLAN AMENDMENT NO. 20-01
TREE REMOVAL PERMIT NO. 20-14
MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT
APPLICANT: Glen Crosby for Lewis Land Developers
LOCATION: 1651 E Rowland Avenue (AIN: 8442-018-900)
REQUEST: The project consists of a request for the approval of a precise plan and tentative tract map to demolish all existing school buildings/uses on the site and construct 158 residential condominium units (66 two-story single-family residential style detached units ranging from 1,471 sq. ft. to 1,798 sq. ft. and 92 attached three-

story townhome style units ranging from 1,310 sq. ft. to 1721 sq. ft., internal drive aisles, common open space, guest parking spaces and other associated incidental improvements on a 9.14-acre site. A tree removal permit is required to remove 9 significant trees on the site (5 oak trees, 3 maple trees and 2 bottle brush trees.) The project also involves a request for a General Plan Amendment land use from Civic: Schools to Neighborhood Medium, and a Zone Change to change the zoning from Single-Family Residential (R-1) to a Specific Plan.

The staff report was presented by Planning Manager Jo-Anne Burns. During her presentation Ms. Burns spoke about the March 9, 2021 regular meeting and reviewed comments about the proposed development. Also during her presentation, Ms. Burns reviewed testimony from the previous meeting and informed the Commission that the proposed plan's conditions of approval had been amended to reflect changes suggested during the previous public hearing. She also commented on the amendment to the proposed Homebuyer's Assistance Program. Ms. Burns introduced Jana Robbins, West Covina Traffic Engineer, to discuss the traffic issues mentioned during the last public hearing, and Alia Hokuki and Darlene Danehy from Psomas to speak about the traffic analysis. Ms. Robbins spoke regarding the comments from the last meeting and explained to the Commission how projects are graded for traffic impacts. Ms. Hokuki and Ms. Danehy concurred that Ms. Robbins' explanation was adequate and correct.

There was a short discussion by the Commission regarding the composition shingles, the ingress and egress of the complex, possible issues with queuing in the left-turn lane into the project and speeding within the complex.

Staff recommended that the Planning Commission recommend approval of the project to the City Council.

Chairperson Heng reopened the public hearing.

PROPONENTS:

Glen Crosby, applicant, spoke in favor of the proposed development and answered questions by the Commission. A letter from Covina Valley Unified School District in support of the project was also received by the Commission.

OPPONENTS:

Paul Hamilton, Lydia Frey, Marie Hogan, Vicky Claudius, Ray Santos, Susan Paredes, Mark Paredes, Karl Frey, Theresa Cozad, Angie Gillingham, Audrey Santos, Manuela Hamilton, Fabiola Zelaya Melchior, Zoom participants: Dan and Cynthia Garcia (Zoom), Khloe (no last name given), Elizabeth (no last name given) and Edward Milan spoke in opposition.

The opponents spoke about reducing the number of proposed units in the development, possible loss of property value, parking issues, set back requirements,

exceeding the maximum unit size, setting precedents with large developments, inadequate off-street parking for residents of the project, the possible installation of a stop sign on Rowland Avenue, residents parking on Rowland, Puente or in the single family neighborhoods, lack of vegetation causing a greenhouse effect in the area, the homebuyer's program being inadequate to help with the purchase of a home, working with the developer to help the new project blend better with the existing single-family neighborhood, concerns that the project will not be beneficial to residents and property owners in the existing neighborhood, opposition to the zone change, proposed bike racks located within the project, disagreement with the Mitigated Negative Declaration of Environmental Impact and opponents not being given the opportunity to present their power point presentation in opposition to the project. Also during the testimony in opposition, several residents asked that this matter be tabled.

Daria Sarraf, representing Psomas, testified via Zoom on the project's Mitigated Environmental Impact Report.

REBUTTAL:

Glen Crosby, applicant, rebutted the testimony in opposition by telling the Commission that misinformation has been circulated and a stop sign is not being proposed on Rowland Avenue in conjunction with this project. In addition, he told the Commission that a private park for residents is proposed in addition to the Park Fees to be paid by the developer to the City of West Covina. Mr. Crosby said the density bonus that is allowed for construction of affordable housing was not requested. He added that two hundred trees will be planted in conjunction with this project, residents will not be allowed to use their garages for storage, and the problem with the drainage from the site will be addressed during the development of the project.

Chairperson Heng closed the public hearing.

There was a discussion regarding the type of composition shingles proposed for the project. In addition the Commission considered handicapped accessibility, the changes to the homebuyer's program, trash collection from the development, the 2019 energy efficiency requirements, the proposed 7-foot wall and landscaping requirements to protect the existing residents privacy, redesigning the setback of the development so that it's consistent with the existing neighborhood, accessibility of larger vehicles such as emergency vehicles and trash trucks, RHNA requirements, available parking within the development for the residents, traffic to be generated from the development, clerestory windows for the units that are next to the existing single-family neighborhood, giving West Covina residents priority in the homebuyers assistance program, private space provided for residents of the units, increasing the open space and making the development more walkable for residents, roofing of the units and relocation of the parking lot at the front of the development.

Chairperson Heng called a recess at 11:00 p.m.

Chairperson Heng reconvened the meeting at 11:05 p.m.

When the meeting reconvened, the Commission considered requiring electric vehicle charging stations, making the setback of the proposed development consistent with the existing residential neighborhood and air conditioning units that will not generate noise and disturb the residents of the adjacent single family neighborhood. In addition, the Commission asked that gates be installed and clerestory windows required for every unit that overlooks property in the existing single-family neighborhood.

Motion by Gutierrez, seconded by Becerra, to waive further reading and adopt Resolution No. 21-6068 recommending to the City Council, approval of Precise Plan No. 20-01, Tree Removal Permit No. 20-14, and the Mitigated Declaration of Environmental Impact as amended. Motion carried 3-2 (Heng, Williams opposed.)

Motion by Gutierrez, seconded by Becerra, to waive further reading and adopt Resolution No. 21-21-6069 recommending to the City Council approval Tentative Tract Map No. 83134, as amended. Motion carried 3-2 (Heng, Williams opposed.)

Motion by Gutierrez, seconded by Becerra, to waive further reading and adopt Resolution No. 21-6070, recommending to the City Council approval of General Plan Amendment No. 20-01. Motion carried 3-2 (Heng, Williams opposed.)

Motion by Gutierrez, seconded by Becerra, to waive further reading and adopt Resolution No. 21-6071, recommending to the City Council approval of Zone Change No. 20-02. Motion carried 3-2 (Heng, Williams opposed.)

Motion by Gutierrez, seconded by Becerra, to waive further reading and adopt Resolution No. 21-6071 certification of the mitigated Negative Declaration of Environmental Impact for Precise Plan No. 20-01, Tentative Tract Map No. 83134 (20-01), Zone Change No. 20-02, General Plan Amendment No. 20-01 and Tree Removal Permit No. 20-14, pursuant to the California Environmental Quality Act of 1970, as amended. Motion carried 3-2 (Heng, Williams opposed.)

Chairperson Heng said final action on this matter will take place at a public hearing before the City Council on a date to be determined.

5. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:

a. Forthcoming – April 13, 2021

Community Development Director Paulina Morales said there were items scheduled for the next regular meeting on April 12, 2021 and added that no items were scheduled for the April 27, 2021 regular meeting.

6. CITY COUNCIL ACTION:

None

ADJOURNMENT

Chairperson Heng adjourned the meeting at 11:26 p.m.

Respectfully submitted:

Lydia de Zara
Senior Administrative Assistant

ADOPTED AS SUBMITTED ON:

ADOPTED AS AMENDED ON:

PLANNING DEPARTMENT STAFF REPORT

SUBJECT

CONDITIONAL USE PERMIT NO. 21-02

CATEGORICAL EXEMPTION

APPLICANT: Fly Here Academy (Yao Xiang)

LOCATION: 1414 S Azusa Avenue, Suite B23

REQUEST: The project consists of a Conditional Use Permit (CUP) to allow the operation of a tutoring center. The tutoring center will be remaining within the South Hills Shopping Center, relocating to an existing 1,557-square foot tenant space.

BACKGROUND

The applicant is requesting approval of a CUP for the use of a tutoring center at 1414 S. Azusa Avenue, Suite B23, that will be called "Fly Here Academy." The subject property is in the "Neighborhood Commercial" Zone and is located on the northeast corner of S. Azusa Avenue and E. Aroma Drive in the South Hills Plaza shopping center. Fly Here Academy is proposing to relocate to another tenant space within the same shopping center.

Fly Here Academy has been operating in a different tenant space within South Hills Plaza (1424 S Azusa Avenue) since 2017. CUP No. 17-14 was approved for an after-school program and tutoring center on December 12, 2017.

Item	Description
Zoning and General Plan	Zoning: Neighborhood Commercial (N-C) General Plan: Commercial (C)
Surrounding Land Uses and Zoning	North: Single-Family Residential (R-1) East: Single-Family Residential (R-1); Multi-Family Residential (MF-15) South: Multi-Family Residential (MF-20) West: Single-Family Residential (R-1); Multi-Family Residential (MF-15)
Current Development	South Hills Plaza (Shopping Center)
Legal Notice	Public Hearing Notices have been mailed to 490 owners and occupants of properties within 300 feet of the subject site.

DISCUSSION

The applicant is requesting approval to operate a tutoring center. The tutoring center will be relocating to a smaller vacant tenant space (1,557 square-foot). The applicant has indicated that the tutoring center will be open seven (7) days a week; Monday through Friday from 1:00 p.m. to 6:00 p.m. and, Saturday and Sunday from 10:00 a.m. to 3:30 p.m. There will be a maximum of three (3) employees and a maximum of sixteen (16) students, with a maximum of three (3) students per classroom at any given time. The students attending range from five (5) to ten (10) years old.

The shopping center is immediately adjacent to single-family residential neighborhoods to the north and east. The parking for the subject property and other retailers within the shopping center is shared by the tenants and their customers. Staff reviewed the site plan and found that there are 460 parking spaces provided. Based on the uses occupying the center, the parking requirement is 438 parking spaces. The shopping center does include parking spaces in the rear of the shopping center behind the subject tenant space. The applicants previous tenant space was larger than the proposed new tenant space, and therefore the required number of parking spaces for the unit has

decreased. The new tenant space is 1,557 square feet and would require ten (10) parking spaces based on the parking calculation for school and tutoring center uses (1 parking space per 2 employees, 1 parking space per 2 students).

REQUIRED FINDINGS

Findings necessary for the approval of a CUP 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.

The proposed use is consistent with the "Commercial" General Plan designation and the "Neighborhood Commercial" Zone. A "Neighborhood Commercial" Zone is composed primarily of moderate-intensity retail, recreational, and business office land uses. The proposed use is a tutoring center with a floor area of 1,557-square feet. The tutoring center would be known as Fly Here Academy and would provide tutoring services to 5-10 year-old students. The proposed use is on the northeast corner of Azusa Avenue and Aroma Drive. The tutoring center would be located near single-family and multi-family residences, where it would be a convenience for the neighboring communities and families. The proposed tutoring center use meets all the applicable requirements of the "Neighborhood Commercial" Zone.

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 tutoring center will occupy an existing vacant tenant space. The business hours are Monday through Friday from 1:00 p.m. to 6:00 p.m. and Saturday through Sunday from 10:00 a.m. to 3:30 p.m. With the conditions of approval, the proposed tutoring center will not be detrimental to the health, safety, peace or general welfare of surrounding residents or business owners.

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.

The existing building and site is adequate in size and designed to accommodate the proposed tutoring center use. As conditioned, sufficient parking exists on the site to accommodate the tutoring center use and other tenants within the shopping center.

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 subject property abuts South Azusa Avenue and East Aroma Drive. The site can be accessed via South Azusa Avenue and East Aroma Drive. The proposed tutoring center use will not generate a substantial amount of vehicular traffic nor alter present circulation patterns.

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.

Granting the Conditional Use Permit for the proposed use of a tutoring center would allow the opportunity for the surrounding community to have access to an after school program. The proposed tutoring center use 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 policies and actions of the General Plan.

GENERAL PLAN CONSISTENCY

The City's General Plan Land Use Element designates the subject property for Commercial Uses. The project is consistent with the following General Plan policies:

Policy 2.1 Maintain and enhance the City's current tax base.

Policy 2.4 Build on and grow West Covina's regional appeal.

ENVIRONMENTAL DETERMINATION

Pursuant to the California Environmental Quality Act (CEQA), the proposed project is considered to be categorically exempt, pursuant to Section 15303 (Class 1, Existing Facilities) in that it consists of minor alterations of the existing structure in order to operate the requested use.

STAFF RECOMMENDATIONS

Staff recommends that the Planning Commission adopt Resolution No. 21-6073 approving Conditional Use Permit No. 21-02.

LARGE ATTACHMENTS

Plans - Due to COVID-19, the set of plans are available for review with a scheduled appointment. Please contact the Planning Division at (626) 939-8422 to schedule an appointment.

Submitted by: Miriam Machado, Planning Intern

Attachments

Attachment No. 1 - Resolution

Attachment No. 2 - Business Operation Plan

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 . 21-6073

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 21-02

CONDITIONAL USE PERMIT NO. 21-02

CATEGORICAL EXEMPTION

APPLICANT: Fly Here Academy (Yao Xiang)

LOCATION: 1414 S. Azusa Avenue, Suite B23

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 the operation of a tutoring center in an existing 1,557 square foot tenant space on certain property described as follows:

Assessor Parcel No. 8493-040-179 as shown on the latest rolls of the Los Angeles County Tax Assessor; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 13th day of April 2021, 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 for the use of a tutoring center within an existing 1,557 square-foot tenant space in the "Neighborhood Commercial Zone" (N-C).
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 1, Existing Facilities) in that it consists of interior tenant improvements in order to operate the requested use.

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 use is consistent with the "Commercial" General Plan designation and the "Neighborhood Commercial" Zone. A "Neighborhood Commercial" Zone is composed primarily of moderate-intensity retail, recreational, and business office land uses. The proposed use is a tutoring center with a floor area of 1,557 square feet. The tutoring center would be known as Fly Here Academy and would provide after-school tutoring services to students ranging from 5 to 10 years old. The proposed use is on the northeast corner of Azusa Avenue and Aroma Drive. The tutoring center use would be located near single-family and multi-family residences, where it would be a convenience for the neighboring communities and families. The proposed tutoring center use meets all the applicable requirements of the "Neighborhood Commercial" Zone.

- b. The proposed tutoring center use will occupy an existing vacant tenant space. The business hours will be Monday through Friday from 1:00 p.m. to 6:00 p.m. and Saturday through Sunday from 10:00 a.m. to 3:30 p.m. With the conditions of approval, the proposed tutoring center will not be detrimental to the health, safety, peace or general welfare of surrounding residents or business owners.
- c. The existing building and site are adequate in size and designed to accommodate the proposed tutoring center use. As conditioned, sufficient parking exists on the site to accommodate the tutoring center use and other tenants within the shopping center.
- d. The subject property abuts South Azusa Avenue and East Aroma Drive. The site can be accessed via South Azusa Avenue and East Aroma Drive. The proposed tutoring center use will not generate a substantial amount of vehicular traffic nor alter present circulation patterns.
- e. Granting the Conditional Use Permit for the proposed use of a tutoring center would allow the opportunity for the surrounding community to have access to an after-school program. The proposed tutoring center use 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 policies and actions of the General Plan.

Policy 2.1 Maintain and enhance the City's current tax base.

Policy 2.4 Building on and grow West Covina's regional appeal.

- 2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Conditional Use Permit No. 21-02 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 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. Comply with the plans reviewed by the Planning Commission on April 13, 2021.
 - b. Comply with all applicable sections of the West Covina Municipal Code.
 - c. Comply with all requirements of the "Neighborhood Commercial" Zone.
 - d. The approved tutoring center allows for an after-school tutoring program.
 - e. The tutoring center is approved to operate Monday through Friday from 1:00 p.m. to 6:00 p.m. and Saturday through Sunday from 10:00 a.m. to 3:30 p.m.
 - f. Staff shall closely monitor any parking complaints or concerns filed regarding the tutoring center use. The applicant and/or business operator shall work with staff to address any parking issues. In the event where issues remain unresolved, the Planning Commission shall review the Conditional Use Permit for the use and may, at its discretion, modify or impose new conditions.
 - g. The tutoring center is approved for 1,557-square feet. Any addition or modification of the use shall require the submittal of a new Conditional Use Permit.
 - h. 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.
 - i. All construction equipment, stationary or mobile, shall be equipped with properly operating and maintained mufflers.
 - j. 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 Community Development Commission, and that the written authorization of the Community Development Director shall be obtained prior to implementation.
 - k. The operation of the facility shall comply with the West Covina Noise Ordinance.

- l. This approval does not include the 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.
- m. 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 Community Development Commission, and that the written authorization of the Planning Director shall be obtained prior to implementation.
- n. The Conditional Use Permit may be revoked, amended and suspended by the Planning Commission under the provisions of Section 26-253 of the West Covina Municipal code.

o. BUILDING DEPARTMENT

- 1. The second sheet of building 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. The use of a tutoring center for training and skill development not in a school or academic program regardless of the ages served shall be classified as Business Group B Occupancy.
- 3. To operate the business as Group B Occupancy, the net open classroom in floor area shall not exceed 500 square feet, and the total occupant load of the entire unit calculated using Table 1004.5 of the California Building Code shall not exceed 49.

p. FIRE DEPARTMENT

- 1. A minimum of 1-2A:10BC Fire Extinguisher
- 2. Provide a Knox key box and labeled master key must be maintained/provided for emergency responder access after business hours.

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 13th day of April 2021, by the following vote:

AYES: Becerra, Gutierrez, Heng, Lewis, Williams

NOES: None

ABSTAIN: None

ABSENT: None

DATE: April 13, 2021

Sheena Hang, Chairperson
Planning Commission

Paulina Morales, Secretary
Planning Commission

Fly Here Academy

Business Operation Plan

a. Business Hours:

The business will be operated from Mon to Fri 1:00 PM to 6:00 PM, and Sat from 10:00 AM to 3:30 PM.

b. Employees

Total number of full time staff: One (Administrative)

Total number of academic advisors: Two (Part Time)

c. Students

Total number of students: sixteen

d. Age Group of Students:

English /Chinese / Spanish : Elementary Students

e. Average number of hours per tutoring visit: 1 — 3

f. Maximum/Average number of student present during the peak hours:

3 students

g. Classes that will be offered by the facility:

- Beginning level of English/ Chinese / Spanish
- Intermediate level of English / Chinese / Spanish
- English tutoring for elementary school
- Chinese class for elementary school
- Spanish class for elementary school

h. Applicant does not have an existing operation

i. How to conduct the business:

Fly Here Academy provides multiple tutoring lessons and language training in English, Chinese, and Spanish. We also, provide one on one tutoring and small class group classes with no more than 3 students per class. Lessons are divided into Beginning, Intermediate, Advanced student learning and four areas of concentration: Listening, Speaking, Reading, and Writing. In addition, we accommodate parents requests for added learning strategies based on their child's needs, as in how many times per week as well as classroom time.

Small Class (no more than 3 students) Class Schedule:

Schedule	Time	Course	Teacher
Monday	3:30 – 4:30 pm	English Reading Skill	Debbie Roberts
Tuesday	1:30 - 3:00 pm	Tiao Tiao Dragon Chinese	Lichu-Lin
Wednesday	3:30 – 4:30 pm	English Reading Skill	Debbie Roberts
Thursday	2:30 – 3:30 pm	Spanish	Ruben Jaquez
Friday	2:30 – 4:00 pm	Tiao Tiao Dragon Chinese	Lichu-Lin
Saturday	10:30 – 11:30 am	Spanish	Ruben Jaquez
	1:30 -3:00 pm	English Writing	Debbie Roberts

J. The protocols and guidelines based for our Learning Center under the Covid-19 regulations.

1. All staff and students must wear a face mask at all times in our facility.
2. Our Learning center will strongly encourage staff to change their disposable mask under a certain number of hours as an added safety measure.
3. Parents/Guardians will not be allowed to enter the Learning Center. Students will be able to enter Learning Center after temperature check and will be required to sanitize hands upon check-in.

4. Parents/Guardians will be able to pick up their children outside of the Learning Center. Students will also sanitize hands at check-out.
5. After every class is completed staff will disinfect and thoroughly clean all tables and chairs.
6. All Staff and Students are to social distance 6 feet apart in all areas of the facility inside of the Learning Center and at entrance/exit areas, as well as in the parking lot.

PLANNING DEPARTMENT STAFF REPORT

SUBJECT

TENTATIVE TRACT MAP NO. 18-01 (TTM 74976)

MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

APPLICANT: TDK Marsh Investment LLC

LOCATION: 642 & 704 East Francisquito Avenue

REQUEST: The proposed project would subdivide two single-family residential parcels (APNs 8741-001-001 and 8741-001-002) into a total of six lots. The project site is approximately 81,495 square feet and currently contains two one-story single-family residences and their associated structures on two separate lots. The new lots would be rectangular in shape. Lot 1 would be approximately 10,560 square feet, Lots 2 through 3 would be approximately 9,460 square feet each, Lot 4 would be approximately 9,680 square feet, Lot 5 would be approximately 21,266 square feet, and Lot 6 would be approximately 21,069 square feet.

BACKGROUND

The project site is located on the south side of Francisquito Avenue, in between Frandale Avenue and Craig Drive. The site is currently comprised of two separate parcels, each developed with a single-story residence constructed in the late 1940s.

ITEM	DESCRIPTION
ZONING AND GENERAL PLAN	"Residential Single Family" (R-1) and "Neighborhood - Low-Density Residential"
SURROUNDING LAND USES AND ZONING	North: Residential Single Family (R-1); Residential Home West: Residential Single Family (R-1); Residential Home East: Residential Single Family (R-1); Residential Home South: Residential Single Family (R-1); Residential Home
CURRENT DEVELOPMENT	One single-family residential home per lot
LEGAL NOTICE	Legal Notice was published in the San Gabriel Valley Tribune, and was mailed to 64 owners and occupants of the properties located within 300 feet of the subject site.

DISCUSSION

The West Covina Municipal Code (WCMC) establishes a minimum lot size, lot depth, and lot width for lots in the Single-Family Residential (R-1) zone. Additionally, the City is separated into various Area Districts that also determine the required lot size and dimensions. The project site is located in Area District II. The minimum lot size required in Area District II is 9,450-square feet. The minimum lot width is 70 feet and the minimum lot depth is 110 feet.

The proposed lots would comply with the minimum lot size, depth, and width required by the WCMC, as summarized in the table below:

EXISTING	PROPOSED	REQUIRED/STANDARD
LOT AREA		
1.87 acres [81,495 square feet]	Lot 1 - 10,560 sq ft Lot 2 - 9,460 sq ft Lot 3 - 9,460 sq ft Lot 4 - 9,680 sq ft Lot 5 - 21,266 sq ft Lot 6 - 21,069 sq ft	9,450 sq ft

Prior to Subdivision: Lot 1 Width: 191.15-feet Lot 1 Depth: 230-feet Lot 2 Width: 150-feet (min) Lot 2 Depth: 212.5-feet (min)	<u>Width:</u> Lot 1 - 96 feet Lot 2 - 110 feet Lot 3 - 86 feet Lot 4 - 73.23 feet(min) Lot 5 - 117.50 feet min) Lot 6 - 120 feet <u>Depth:</u> Lot- 1 110 feet Lot 2- 110 feet Lot 3 - 110 feet Lot 4 - 110 feet Lot 5 - 180.66 feet Lot 6 - 175.57 feet	Width: 70 feet Depth: 110 feet
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With implementation of the proposed project, the existing single-family residential structures on the project site would be located on proposed Lots 5 and 6. Approximately 1,200 square feet of the existing structure on 642 East Francisquito Avenue and approximately 400 square feet of the existing structure on 704 East Francisquito Avenue would be demolished to comply with the required front, side, and rear setback requirements as identified in Article VIII, Division 2 of the City's Zoning Code. A condition of approval has been included in the resolution (Condition of Approval No. 5e 5f) requiring the demolition of areas within the required setbacks and the completion of the incidental construction on Lots 5 and 6 (including the construction of a two-car garage on Lot 6, and the reduction of building size on Lot 5), or the complete demolition of all structures prior to the recording of the final map.

The project does not involve the construction of new homes. Any proposed construction on any of the lots would require Subcommittee Design Review approval. In addition, approval of an administrative use permit (AUP) would be required for any new two-story homes. The construction of new homes on each of the lots would be processed separately as proposals are submitted.

Conditions of approval have been included in the resolution requiring the applicant to do street improvements per Engineering Division requirements. The street improvement included are as listed:

1. Remove and reconstruct existing driveways to meet current ADA requirements.
2. Repair all damaged curbs, gutters and sidewalks.

REQUIRED FINDINGS

Tentative Tract Map

Before an application for a tentative tract map may be granted, the following findings must be made:

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

The proposed map is consistent with the Neighborhood Low land use designation of the West Covina General Plan in that the proposed residential project results in the development of residences at a density of 6.4 dwelling units per acre (overall). The Neighborhood Low designation allows densities of up to 8.0 dwelling units per acre.

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

The proposed design results in six lots, each of which, as conditioned, will comply with the requirement of the Municipal Code for Single-Family Residential (R-1), Area District II zone. Future improvements of the lots will be subject to the regulations of the West Covina General Plan and Municipal Code.

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

The site has access from Craig Drive, Francisquito Avenue, and Frandale Avenue. Lots 1 through 6 comply with the minimum lot size, lot width, and lot depth requirements per the West Covina Municipal Code development standards.

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

The proposed subdivision design results in six lots. There are no known topographic or biological constraints to the development. Lots 1 through 6 can readily support residential development at the proposed density level. The proposed density complies with the Neighborhood Low General Plan land use designation.

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

There are no known endangered, threatened or rare species or habitats, or designated natural communities, wetlands habitat, or wildlife dispersal or migration corridors present on site.

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

The site has access to a 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 Municipal Code, the Uniform Building 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 the implementation of the proposed project. Access to each lot will be provided via separate driveways along Craig Drive, Francisquito Avenue, and Frandale Avenue.

GENERAL PLAN CONSISTENCY

The proposed project is consistent with the following General Plan Policies and Actions:

P2.1 Maintain and enhance the City's current tax base.

P2.6 Create a diversity of housing options.

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 March 11, 2020 and ending April 1, 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 local residents and the Los Angeles County Sanitation District. The Response to Comments are included as Attachment No. 3 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), Noise. A Mitigation Monitoring Program is an exhibit of Attachment No. 2 and provides information on the mitigation measures and monitoring by responsible agencies.

STAFF RECOMMENDATIONS

Planning Staff recommends that the Planning Commission adopt Resolution No. #21-6074 and 21-6075 approving Mitigated Negative Declaration of Environmental Impact (MND) and Tentative Tract Map No. 18-01 (TM 74976).

LARGE ATTACHMENTS

Plans - Due to COVID-19, the set of plans are available for review with a scheduled appointment. Please contact the Planning Division at (626) 939-8422 to schedule an appointment.

Submitted by: Camillia Martinez, Assistant Planner

Attachments

Attachment No. 1 - Resolution (TTM)

Attachment No. 2 - Resolution (MND)

Attachment No. 3 - Response to Comments

Attachment No. 4 - Letter in Opposition

PLANNING COMMISSION

RESOLUTION NO. 21-6075

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF TENTATIVE TRACT MAP NO. 18-01 (74976)

TENTATIVE TRACT MAP NO. 18-01 (74976)

MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

APPLICANT: TDK Marsh Investment LLC

LOCATION: 642 & 704 East Francisquito Avenue

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

Subdivide two single-family residential parcels into a total of six lots on that certain property described as:

Assessor's Parcel Numbers 8741-001-001 and 8741-001-002, in the records of the Los Angeles County Assessor; and

WHEREAS, the Planning Commission, upon giving the required notice, did on April 13, 2021, conduct duly noticed public hearings 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 tentative tract map to allow the subdivision of two single-family residential parcels into a total of six lots.
2. Appropriate findings for approval of a tentative tract map are as follows:
 - a. That the proposed map is consistent with applicable general and specific plans.
 - b. That the design or improvement of the proposed subdivision is consistent with applicable general and 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. That 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 the project will not have a significant effect on the environment.

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, for Tentative Tract Map No. 74976, the Planning Commission makes the following findings:
- a. The proposed map is consistent with the "Neighborhood Low" land use designation of the West Covina General Plan in that the proposed residential project results in the development of residences at a density of 6.4 dwelling units per acre (overall). The "Neighborhood Low" designation allows densities of up to 8.0 dwelling units per acre.
 - b. The proposed design results in six lots, each of which, as conditioned, will comply with the requirement of the Municipal Code for "Single-Family Residential" (R-1), Area District II zone. Future improvements of the lots will be subject to the regulations of the West Covina General Plan and Municipal Code.
 - c. The site has access from Craig Drive, Francisquito Avenue, and Frandale Avenue. Lots 1 through 6 comply with the minimum lot size, lot width, and lot depth requirements per the West Covina Municipal Code development standards.
 - d. The proposed subdivision design results in six lots. There are no known topographic or biological constraints to the development. Lots 1 through 6 can readily support residential development at the proposed density level. The proposed density complies with the "Neighborhood Low" General Plan land use designation.

- e. There are no known endangered, threatened or rare species or habitats, or designated natural communities, wetlands habitat, or wildlife dispersal or migration corridors present on site.
 - f. The site has access to a 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 Municipal Code, the Uniform Building Code, and other applicable requirements.
 - g. There are no known easements on the property that would be affected by the implementation of the proposed project. Access to each lot will be provided via separate driveways along Craig Drive, Francisquito Avenue, and Frandale Avenue.
2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, the tentative tract 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, and the violation of any of which shall be grounds for revocation of said tentative tract map by the Planning Commission or City Council.
3. That the tentative tract shall not be effective for any purpose until the owner of the property involved (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 tentative tract map and precise plan, 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 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 pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, the Planning Commission recommends that the City Council approve Tentative Tract Map No. 74976 subject to the following conditions:
- a. Comply with tentative tract map reviewed by the Planning Commission on April 13, 2021.
 - b. Comply with all applicable sections of the West Covina Municipal Code.

- c. These conditions of approval shall be provided to Engineering Division upon submittal of the tract map for Engineering plan check.
- d. 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.
- e. A portion of the existing structure on Lot 5 shall be demolished to comply with the required 5-foot side setback and the required 25-foot front yard setback, or the complete demolition of all structures shall be required prior to the recording of the final map.
- f. The existing garage on Lot 6 shall be demolished, and a new code complaint two-car garage shall be constructed, and or the complete demolition of all structures shall be required prior to the recording of the final map.
- g. That any proposed change to the approved tentative tract 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.
- h. The proposed subdivision shall conform to West Covina Municipal Code Chapter 20 - Subdivisions.
- i. A declaration of Covenants, Conditions, and Restrictions (CC&R's) shall be prepared by the developer/property owner and submitted to the Planning Director and the City Attorney. The CC&R's shall be signed and acknowledged by all parties having any record title interest in the property to be developed, and shall make the City a party thereto, and shall be enforceable by the City. The CC&R's shall be reviewed and approved by the City and recorded prior to the recordation of the final tract map. Written proof of recordation with the Los Angeles County Recorder/Registrars Office shall be provided to the Planning Department.
- j. 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.

- k. Comply with the mitigation measures as outlined in the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP).
- l. Engineering Division Requirements:
 - 1. Comply with all conditions contained in Planning Commission Resolution No. 567. Which outlined the requirements of grading, street improvement, exterior lighting, water supply, all bonds, trees, landscaping, drainage, and building related improvements, etc.
 - 2. 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.
 - 3. The required street improvements shall include those portions of Francisquito Avenue, Frandale Avenue, and Craig Drive contiguous to subject property to include:
 - a. Remove and reconstruct existing driveway approaches shall be removed and reconstructed to meet current ADA requirements.
 - b. Repair all damaged curbs, gutters and sidewalks.
 - 4. The developer shall either deposit \$43,100 prior to the issuance of building permits or provide street rehabilitation work up to centerline of all street contiguous to subject property.
 - 5. An eight (8) foot wide required street dedications shall include that portion of .Craig Drive contiguous to subject property be recorded in the Office of the Los Angeles County Recorder prior to the issuance of any Building Permits and/or Engineering Permits.
 - 6. Five-foot wide sidewalks with trees in tree wells and irrigation shall be constructed along Francisquito Avenue adjacent to property line.
 - 7. Adequate provision shall be made for acceptance and disposal of surface drainage entering the property from adjacent areas.
 - 8. Prior to (issuance of Building Permit) (approval of a final map), 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. Arrangements for the installation of streetlights with underground wiring shall be made with Southern California Edison Company may be required. At the time of installation, the applicant shall provide the necessary trenching and backfill. Submit two sets of the subdivision and/or development plans to the Engineering Division, Traffic and Lighting Section, to be used for designing the street lighting system.
 - 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
 - e. Provide Will Serve letter from Suburban Water Systems (water purveyor).
9. The proposed subdivision shall conform to Subdivision Map Act and West Covina Municipal Code Chapter 20 - Subdivisions.
10. 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.
11. A park dedication in-lieu fee shall be paid to the City of West Covina prior to issuance of a Building Permit pursuant to Section 20-40 of the Municipal Code. The estimated park fee is \$78,840 (438 x 6 (No. of lots) x \$30 (unit price of a developed lot.))
12. Conduct sewer capacity study of existing sewer facilities to serve proposed development.
- m. Fire Department Requirements:
- 1. NFPA 13D/13R/13 Fire Sprinkler System
 - 2. New Fire Flow Test Required
 - 3. Required Fire Flow of 1,000 GPM @PSI for 2 hours
 - 4. Fire Apparatus access roads may be required when any portion of a building wall is further than 150 feet from fire department access at the curb

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 13rd day of April, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATE: April 13, 2021

Shenna Heng, Chairperson
Planning Commission

Paulina Morales
Secretary Planning Commission

RESOLUTION NO. 21-6074

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL CERTIFICATION OF THE MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR TENTATIVE TRACT MAP 74976 (18-01) PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED.

MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

APPLICANT: TDK Marsh Investment LLC

LOCATION: 642 & 704 East Francisquito Avenue

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 precise plan to:

Subdivide two single-family residential parcels into a total of six lots on that certain property described as:

Assessor's Parcel No. 8741-001-001 and 8741-001-002, 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 13th day of April, 2021 conduct a duly advertised public hearing to consider the subject application, at which time the Planning Commission adopted a resolution recommending the City Council certify 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 recommends that the City Council certify 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 13th day of April, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATE: April 13, 2021

Shenna Heng, Chairperson
Planning Commission

Paulina Morales
Secretary Planning Commission

EXHIBIT A

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

MITIGATION MONITORING PROGRAM

This Mitigation Monitoring Program (MMP) has been prepared in compliance with the requirements of Public Resources Code (PRC) Section 21081.6 and California Environmental Quality Act (CEQA) Guidelines Section 15097. This MMP describes the procedures that will be followed to implement the mitigation measures identified in the Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Tentative Tract Map No. 74976 project at 642 and 704 East Francisquito Avenue (proposed project) and adopted in connection with the approval of the proposed project. The intent of this MMP is to establish the following:

- (1) Verify satisfaction of the required mitigation measures identified in the IS/MND;
- (2) Provide a methodology to document implementation of the required mitigation measures;
- (3) Provide a record of the monitoring program;
- (4) Identify monitoring responsibility;
- (5) Establish administrative procedures for the clearance of mitigation measures;
- (6) Establish the frequency and duration of monitoring; and
- (7) Utilize existing review processes wherever feasible.

The City of West Covina, as the Lead Agency, is responsible for overseeing and enforcing implementation of the MMP, which shall be carried out by the City of West Covina and other entities (e.g., Applicant/Construction Contractor), as shown in **Table 1**.

TABLE 1: MITIGATION MONITORING PROGRAM

Mitigation Measure	Timing/Phasing	Responsible Party	Enforcement/ Monitoring Party
BIOLOGICAL RESOURCES			
BR-1 All on-site tree removal shall be performed prior to or after the bird-breeding season of February 1st through August 15th (i.e., only between August 16 and January 31). If clearing/vegetation removal is planning to occur during the breeding season, a pre-construction nest survey shall be conducted one week prior to any clearing. Work may proceed only if no active bird nests are detected. By avoiding clearing during the bird-breeding season or performing pre-construction surveys to ensure no active nests are present prior to clearing,	Prior to Construction	Applicant/ Construction Contractor	Planning / Building Division
NOISE			
N-1 Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with muffling devices consistent with manufacturers' standards. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.	During Construction	Applicant/ Construction Contractor	Planning / Building Division
N-2 A temporary noise barrier shall be installed along the property line of the project site for the duration of construction activities. The temporary noise barrier shall be 8 feet in height and capable of reducing noise levels by at least 10 dBA.	During Construction	Applicant/ Construction Contractor	Planning / Building Division
N-3 A "noise disturbance coordinator" shall be established prior to the commencement of construction activities. The disturbance coordinator shall be responsible for responding to local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, music, etc.) and shall be required to implement reasonable measures such that the complaint is resolved. All notices that are sent to residential units within 500 feet of the construction site and all signs posted at the construction site shall list the telephone number for the disturbance coordinator.	During Construction	Applicant/ Construction Contractor	Planning / Building Division
SOURCE: TAHA, 2021.			

COMMENTS AND RESPONSES

The Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed Tentative Tract Map No. 74976 project at 642 and 704 East Francisquito Avenue (proposed project) was circulated for a 22-day public review period that began on March 11, 2021 and ended on April 1, 2021. The City of West Covina received seven written comments on the IS/MND. The California Environmental Quality Act (CEQA) Guidelines Section 15074(b) requires the decision-making body of the lead agency to consider the proposed IS/MND and comments received during the public review process. The comment letters and responses are provided in this document, which has been prepared in accordance with CEQA.

Table 1 lists the public agency and persons who submitted written comments on the IS/MND, along with the page number on which each commenter's letter response appears.

TABLE 1: LIST OF WRITTEN COMMENT LETTERS RECEIVED			
Letter No.	Agency/Individual	Date	Response Page No.
1	Los Angeles County Sanitation Districts	March 25, 2021	4
2	Mary Kay Hage	March 12, 2021	7
3	Linh Trieu and Victor Thai	March 8, 2021 (received by Planning Division on March 16, 2021)	10
4	Claire Dickens	March 24, 2021	16
5	Raul Medina	March 29, 2021	25
6	Family Gutierrez	April 1, 2021	30
7	Rachel & Daniel Ortiz	April 1, 2021	32

Each comment letter has been assigned a number. The body of each comment letter is separated into individual comments, which are numbered. This results in a tiered numbering system, whereby the first comment in Letter 1 is depicted as Comment 1-1, and so on.

COMMENT LETTER NO. 1 – LOS ANGELES COUNTY SANITATION DISTRICTS LETTER
(PAGE 1 of 2)

COMMENT LETTER NO. 1 – LOS ANGELES COUNTY SANITATION DISTRICTS LETTER
(PAGE 2 of 2)

LETTER 1

Adriana Raza, Customer Service Specialist
Facilities Planning Department
Los Angeles County Sanitation Districts
1955 Workman Mill Road
Whittier, CA 90601-1400

Response 1-1

This comment contains introductory text. No further response is required because the comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the IS/MND.

Response 1-2

This comment states that wastewater flow originating from the project site would be discharged to a local sewer line for conveyance to the Amar Road Trunk Sewer, which has a capacity of 3.5 million gallons per day (mgd) and conveys a peak flow of 1.7 mgd when last measured in 2013.

Based on this information, the trunk sewer would have sufficient available sewer capacity to meet the demands of the proposed project.

Response 1-3

The comment states that wastewater generated by the proposed project will be treated at the San Jose Creek Water Reclamation Plant (WRP), which has a capacity of 100 mgd and currently processes an average flow of 58.5 mgd. The comment further states that all biosolids and wastewater flows that exceed the capacity of San Jose Creek WRP are diverted and treated at the Joint Water Pollution Control Plant.

Response to Checklist Question 3.19a in the IS/MND states that wastewater generated from the project site would be treated at the San Jose Creek WRP. The WRP treats approximately 65.7 mgd of wastewater and has the capacity to treat up to 100 mgd of wastewater. The IS/MND presents a higher amount of wastewater that is treated at the San Jose Creek WRP than provided by the commenter. Based on the Los Angeles County Sanitation Districts' (Districts) wastewater generation rate of 260 gallons per day (gpd) for a single-family home, implementation of the proposed project would result in the generation of approximately 1,560 gpd of wastewater, and San Jose Creek WRP would have adequate remaining available treatment capacity to accommodate the single-family residences on the project site. The information provided by this comment does not raise any new significant environmental issues and does not change the impact conclusions. Impacts would remain less than significant.

Response 1-4

The comment estimates that the proposed project would increase average wastewater flow by 1,040 gpd, after the structures on the project site are demolished.

Response to Checklist Question 3.19a in the IS/MND states that the proposed project would result in the generation of approximately 1,560 gpd of wastewater. The calculation presented in the IS/MND uses the same wastewater generation factor as the comment (i.e., 260 gpd per parcel for single-family homes). However, the calculations presented in the IS/MND is higher than the

estimate provided by the Districts since the estimated wastewater generation presented in the IS/MND was calculated for all six lots and represents a more conservative analysis. The information provided by this comment does not raise any new significant environmental issue and the impact conclusion would remain the same. San Jose Creek WRP would have adequate remaining available treatment capacity to accommodate the single-family residences on the project site, and impacts would remain less than significant.

Response 1-5

The comment states that payment of a connection fee may be required before the proposed project is permitted to discharge to the Districts' Sewer System.

The applicant will be made aware of the sewer connection fee and, if an expansion of the sewerage system is necessary to accommodate the proposed project, the applicant will be required to pay the Districts' capital facilities fee to fund said expansion.

Response 1-6

The comment states that the capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). The comment further states that the 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.

The applicant will be made aware of the Districts' intent to provide wastewater services up to the levels that are legally permitted. The existing capacity for the Amar Road Trunk Sewer and at the San Jose Creek WRP is acknowledged. The information provided by the Districts does not raise any new significant environmental issues and does not change the impact conclusions. Impacts would remain less than significant.

COMMENT LETTER NO. 2 – MARY KAY HAGE EMAIL

LETTER 2

Mary Kay Hage
Mkay723@msn.com

Response 2-1

The comment requests an injunction to stop development on the project site, that the homes be sold, and to keep the existing homes in their historic condition. The comment states that the homes on the project site are pre-1950 dwellings and have been landmarks of the community for over 70 years. The comment further states that homes on the project site are protected by the historic preservation ordinance. The commenter urges the City to keep the larger homes and to discourage the development of multi-family homes.

The City's 2006 Historic Context Report and the 2019 Historic Resource Inventory Update, both of which identify and document historical and potentially historical resources in the City, do not identify the project site as being located in a designated or potential historic district. As discussed in Response to Checklist Question 3.5a of the IS/MND, the existing buildings on the project site were built in 1948 and are not listed or eligible for listing in the California Register of Historic Resources. Neither the City's 2006 Historic Context Report nor the 2019 Historic Resource Inventory Update identify the structures on project site as designated or eligible historic resources. As discussed in the IS/MND, the proposed project would not cause a substantial adverse change in significance of a historical resource, and no impact would occur.

The City of West Covina Municipal Code (WCMC), Article III, Section 17-107 states that the City's Historic Resource Preservation Ordinance applies "to all historic resources, publicly and privately owned, within the corporate limits of the City of West Covina." As the project site does not contain any designated or eligible historic resources, the City's Historic Resource Preservation Ordinance does not apply to the project site.

The proposed project would not result in the construction of multi-family residential housing. As discussed in Response to Checklist Question 3.11b of the IS/MND, the project site is zoned Single-Family Residential (R-1, Area District II) and has a General Plan designation of Neighborhood – Low Density Residential (NL). The proposed project does not involve any General Plan amendment or changes and does not include components that would conflict with the City's General Plan and applicable regulations in the WCMC. Future development on the project site would consist of single-family residential uses that are consistent with the General Plan NL designation and would be required to comply with all applicable Zoning Code regulations associated with the R-1, Area District II zone.

This comment will be forwarded to the decision-makers for their consideration prior to taking any action on the proposed project.

COMMENT LETTER NO. 3 – LINH M. TRIEU AND VICTOR THAI LETTER (PAGE 1 OF 2)

COMMENT LETTER NO. 3 – LINH M. TRIEU AND VICTOR THAI LETTER (PAGE 2 OF 2)

LETTER 3

Linh M. Trieu and Victor Thai
16067 Francisquito Avenue
La Puente, CA 91844

Response 3-1

This comment contains introductory text and raises concerns regarding the proposed project. Specific concerns raised by the commenters are responded to in the following responses to comments.

Response 3-2

The comment states that a lot of mature trees would be removed on the project site, resulting in a significant reduction in air quality for the environment, and immediate and long-term negative effects on the commenter's health issues.

No trees are currently proposed to be removed. Since no specific plans to develop on the project site have been proposed, the number of trees that would be removed, if any, as a result of the proposed project is unknown. However, for the purposes of analysis, the IS/MND assumes that mature trees could potentially be removed in the future if the proposed tentative tract map is approved. As discussed in Response to Checklist Question 3.4e of the IS/MND, tree removal on the project site would be required to comply with the City's tree preservation ordinance (WCMC, Chapter 26, Article VI, Division 9). The City's tree preservation ordinance requires that a tree permit be obtained if any significant trees or heritage trees are requested to be removed. Significant trees are defined by WCMC Section 26-289 as any tree that meet one or more of the following requirements:

- 1) Tree located in the front yard of a lot or parcel and has a caliper of one foot or more,
- 2) Tree that is located in the street-side yard of a corner lot and has a caliper of one foot or more, or
- 3) Oak, California Sycamore, or American Sycamore trees that are located anywhere on a lot and has a caliper of six inches or more.

Heritage trees are defined as trees that are of historical value; are identified on any historic or cultural resources survey as a significant feature of a landmark, historic site, or historic district; are representative of a significant period of the city's development; are designated for protection or conservation in a specific plan, conditional use permit, precise plan of design, tract or parcel map or similar development approval; or any Southern California black walnut tree species (*Juglans californica*) located in the San Jose Hills.

No heritage trees are located on the project site, and based on the above definition of significant trees, the City's tree preservation ordinance would protect mature trees that are located in the front or street-side yards of the project site.

In accordance with WCMC Section 26-293, if a tree permit is requested, the City would require the applicant to comply with various conditions including, but are not limited to, the following:

- 1) The replacement of the removed or cut down tree(s) with tree(s) of comparable species, size, and condition;
- 2) The relocation of the tree(s) on-site or off-site provided that the owner or applicant submit a report from an arborist describing the relocation method, and the owner or applicant is required to provide the City with a one-year survival guarantee; and/or
- 3) Payment of the proper restitution value of the tree(s), or donation of boxed tree(s) to the City or other public agency to be used elsewhere in the community should a suitable replacement location of the tree(s) is not be possible on-site or off-site.

If any significant trees are to remain on the project site, the City's tree preservation ordinance requires protective measures to be implemented to preserve and protect the health of the trees. These protective measures are identified in WCMC Section 26-294 and includes prohibiting construction-related activities within the dripline of the significant tree, shielding the significant trees from damage during construction with an appropriate construction barrier, and prohibiting structures or impervious paving in the dripline or within a six-foot radius of the trunk perimeter, whichever is greater.

As the proposed project would be required to replace significant trees in the front or street-side yards of the project site, the proposed project is not expected to result in a net loss of any significant trees that could potentially affect air quality.

Response 3-3

This comment states that animals living in the mature trees would damage the commenters' fruit trees.

The comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the IS/MND. No further response is required.

Response 3-4

This comment states that polluted air, dust, and noise during construction would negatively affect the commenter's health. The comment further states that the commenters need clean air and a peaceful environment at all times of the day.

As discussed in Response to Checklist Question 3.3a of the IS/MND, construction activities associated with the proposed project would be required to comply with South Coast Air Quality Management District (SCAQMD) Rule 403, which requires the implementation of measures to prevent the generation of visible dust plumes. Compliance with Rule 403 would reduce fugitive dust emissions associated with construction activities. Additionally, construction activities would not exceed the SCAQMD regional and localized significance thresholds for construction. Projects that do not exceed the SCAQMD localized significance thresholds generally would not expose sensitive receptors (e.g., residents) to substantial pollutant concentrations. As further discussed in Response to Checklist Question 3.3c, construction of the proposed project would not expose sensitive receptors to substantial toxic air contaminants emissions during construction. Over the course of construction activities, the average diesel particulate matter emissions from on-site equipment would be approximately 0.7 pounds per day, which is unlikely to be of any public health concern during construction of the proposed project.

As discussed in Response to Checklist Question 3.13a of the IS/MND, the proposed project would be constructed in a manner typical of urban infill projects and would not require unusually noisy activities, such as pile driving. On-site construction activities may result in noise levels that would be disruptive to nearby residences, and the proposed project would be required to implement Mitigation Measures **N-1** through **N-3** to reduce disruptive construction noise levels. Mitigation Measure **N-1**, which requires construction equipment to be equipped with mufflers, would result in a noise reduction of approximately 3 decibels. Mitigation Measure **N-2** would require the installation of a temporary noise barrier along the project site perimeter that would reduce noise levels by at least 10 decibels. Although difficult to quantify, Mitigation Measure **N-3** would also help control noise levels by establishing a noise disturbance coordinator who would be responsible for responding to and resolving noise complaints during construction. With implementation of Mitigation Measures **N-1** through **N-3**, noise impacts from on-site construction activities would be reduced to less-than-significant impacts.

Based on the analysis presented in the IS/MND, the proposed project would not result in significant impacts on air quality and noise during construction.

Response 3-5

This comment states that the surrounding properties are in possession of dogs and that loud construction noise would create stress for the dogs and cause them to bark more, which would increase noise levels on top of the construction noise.

As discussed above in Response 2-4, the proposed project would be required to implement Mitigation Measures **N-1** through **N-3** to reduce disruptive construction noise levels. Under Mitigation Measure **N-3**, a “noise disturbance coordinator” would be established and would be responsible for responding to local complaints about construction noise. This mitigation measure is intended as a good-will measure to inform residents and tenants of construction activities and to provide an avenue for public complaints. Residents who believe that construction noise are disturbing their dogs can contact the noise disturbance coordinator so that the noise disturbance coordinator can address and resolve the noise complaint.

Response 3-6

The comment states that if the project site were divided into six properties, there would be at least three times the residents, parked cars, polluted air, traffic, party noise, utilities, and waste. The commentor further states that the Air Quality Management Plan growth forecast shows less-than-significant impact for normal individuals, but the commentors have special requirements for their health issues and the proposed project would cause significant impacts on their health.

Section 3.3 of the IS/MND addresses potential air quality impacts. The SCAQMD thresholds have been established to ensure that individual projects in the air basin meet the state and federal ambient air quality standards, which have been set at levels considered safe to protect public health (including the health of “sensitive” populations, such as asthmatics, children, and the elderly with a margin of safety) and to protect public welfare (including protection against decreased visibility and damage to animals, crops, vegetation, and buildings). Additionally, SCAQMD developed localized significance thresholds in response to concerns regarding exposure of individuals to criteria pollutants in local communities. Localized significance thresholds represent the maximum emissions from a project that will not cause or contribute to an air quality exceedance of the most stringent applicable federal or state ambient air quality standard at the nearest sensitive receptor. For the proposed project, the nearest sensitive receptor are the adjacent residents.

Sections 3.13, 3.14, 3.17, and 3.19 of the IS/MND address noise, population and housing, transportation, and utilities (including solid waste), respectively. As discussed, the proposed project would have less-than-significant impacts on these environmental topic areas. The types of noise and noise levels associated with the proposed project would be consistent with the surrounding single-family residential uses. Noise generated on the project site would be required to comply with the City's noise regulations as codified in WCMC Chapter 15, Article IV. WCMC Section 15-85 prohibits loud, unnecessary noise that disturbs the peace and quiet of residential neighborhoods or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

Any new homes that are to be constructed on the project site in the future would be required to comply with the City's Zoning Code, which requires each single-family residential unit to provide four accessible off-street parking spaces, with a minimum of two spaces that are enclosed on three sides and roofed (WCMC Section 26-402).

Response 3-7

The comment identifies a concern that cars parked on the streets would obstruct views of traffic, cause unwanted accidents, and create difficult neighborhood watch at night.

As discussed in Response to Checklist Question 3.17c of the IS/MND, all access and circulation associated with the proposed project would be designed and constructed in conformance with all applicable City requirements. The proposed project would have no impact related to hazards associated with design features or incompatible uses. No changes have been proposed to street parking. Any cars that park on Frandale Avenue, Craig Drive, and the south side of Francisquito Avenue would be required to comply with existing City regulations associated with on-street parking. On the north side of the Francisquito Avenue, cars would be required to comply with existing Los Angeles County on-street parking regulations. Additionally, as previously discussed in Response 3-6, each single-family residential unit that would be built on the project site would be required to provide four accessible off-street parking spaces. Compliance with the City Zoning Code would limit the number of cars that would be parked on the streets. This comment will be forwarded to the decision-makers for their consideration prior to taking any action on the proposed project.

Response 3-8

The comment states that dividing the large lot properties into multiple small lot properties would cause the values of the commenters' large lot properties to decline. The commenter further states that more residents would use more utilities, causing high peak usage and increase utility costs for the entire neighborhood. The commenters express their opinion that the proposed project would result in an unsafe neighborhood environment that would cause property values to decline.

Section 3.19 of the IS/MND addresses utilities. As discussed, the proposed project is not expected to exceed available water supplies or the available capacity within the water distribution infrastructure that would serve the project site. Additionally, the San Jose Creek WRP would have adequate remaining available treatment capacity to accommodate the single-family residences on the project site, the proposed project would not exacerbate any existing deficiencies in the storm drain system or provide substantial additional sources of polluted runoff, no substantial electrical or natural gas infrastructure is present on or adjacent to the project site that would need to be constructed or relocated to accommodate the proposed project, and the proposed project can be adequately served by the City's solid waste provider. As discussed in Section 3.19 of the IS/MND, the proposed project would have less-than-significant impacts on utilities.

The proposed project's effect on property value is not within the purview of CEQA. This concern will be forwarded to the decision-makers for their consideration prior to taking any action on the proposed project.

Response 3-9

The comment contains conclusory remarks and reiterate concerns raised in previous comments. No further response is necessary as the concerns raised by the commenters have been responded to in Responses 3-2 through 3-8.

COMMENT LETTER NO. 4 – CLAIRE DICKENS EMAIL

LETTER 4

Claire Dickens
Claireb683@msn.com

Response 4-1

This comment contains introductory text. No further response is required because the comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the IS/MND.

Response 4-2

The comment is a question regarding the start and end date of construction.

The exact start and end date for construction activities are currently unknown. The applicant is proposing to subdivide the project site into six lots and has not proposed to construction on the project site. Specific plans to develop new single-family housing on the project site have not been proposed. If the proposed tentative tract map is approved, portions of the existing structures on the project site would need to be demolished to meet the City's setback requirements. Although no construction activities are currently proposed, the IS/MND evaluates the environmental impacts associated with the potential demolition of portions of the existing structures, expansion of the existing structures, and development of additional single-family residential structures on the project site since it is reasonably foreseeable that new and/or expanded residential structures could be built in the future if the proposed tentative tract map is approved. Section 2.3 of the IS/MND provides the estimated construction schedule that was used for the purpose of the environmental analysis. However, the exact start and end date for construction activities would be determined when future development on the project site is proposed.

Response 4-3

The comment is a question regarding whether the property owner would be selling the lots or build homes on the individual lots.

It is currently unknown whether the owner of the project site would be selling or building single-family residential houses on the project site, and no plans have been proposed to develop new homes on the project site. No further response is required because the comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the IS/MND.

Response 4-4

The comment is a question regarding whether the homes on the project site would be two stories.

As mentioned in Responses 4-2 and 4-3, no plans have been proposed to develop new homes on the project site. Any new homes that are to be constructed on the project site would be required to comply with the City's Zoning Code, which limit building heights on the project site to 25 feet. Per WCMC Section 26-401.5(e), any two-story home that are proposed on the project site would require the approval of an administrative use permit, which requires that notices be mailed to property owners and occupants within a 300-foot radius of the lot on which the two-story homes are proposed. If requested by the surrounding property owners or occupants, a separate public hearing would be required prior to the decision of whether to approve or deny the administrative use permit. No further response is required because the comment does not raise any new

significant environmental issues or address the adequacy of the environmental analysis included in the IS/MND.

Response 4-5

The comment is a question of whether Lots 1 and 6 would face Craig Drive and the driveway location for the proposed lots.

The lot frontage and future driveway locations for each of the proposed lots are currently unknown. Typically, the front property line is the narrowest property line that abuts a public street. Based on the configuration of Lots 1 and 6, the front property line for Lot 1 would likely be on Francisquito Avenue and the front property line for Lot 6 would likely face Craig Drive.

Lot 1 has an existing driveway on Francisquito Avenue, and it is likely that this driveway would remain and be the driveway for Lot 1. Based on the configuration of Lot 6, the driveway for Lot 6 must be located on Craig Drive. Any new driveway approaches proposed on the proposed lots would require the review and approval of a driveway approach permit by the City's Engineering Division.

No further response is required because the comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the IS/MND.

Response 4-6

The comment is a question of whether the proposed project would have an effect on the property value and taxes of the commenter.

The proposed project's effect on property value and taxes are not within the purview of CEQA. This concern will be forwarded to the decision-makers for their consideration prior to taking any action on the proposed project.

Response 4-7

The comment is a question regarding the contact information of the proposed project contractor and the City committee manager who residents surrounding the project site can contact if they have concerns during construction.

No construction activities have been proposed on the project site. The construction contractor has not yet been determined and would be established prior to construction on the project site. If the proposed project is approved and construction activities are proposed on the project site, the commenter and residents surrounding the project site can contact the City Building Division regarding concerns associated with construction activities on the project site. It should be noted that Mitigation Measure **N-3** in the IS/MND requires that a "noise disturbance coordinator" be established prior to the commencement of construction activities. The noise disturbance coordinator can be contacted if residents have any noise concerns during construction. The mitigation measure requires that all notices that are sent to residential units within 500 feet of the construction site and all signs posted at the construction site list the telephone number for the noise disturbance coordinator.

Questions regarding the proposed project prior to construction can be directed to the Case Planner:

Camillia Martinez, Assistant Planner
Email: cmartinez2@westcovina.org
Direct Phone Number: (626) 939-8768

Response 4-8

The comment is a question regarding construction work hours.

No construction activities have been proposed on the project site, and the construction schedule has not been identified. If the applicant receives permission to construct on the project site, construction activities occurring on the project site would be required to comply with applicable WCMC regulations. As discussed in Response to Checklist Question 3.13a of the IS/MND, the proposed project would be constructed in a manner typical of urban infill projects and would not require unusually noisy activities such as pile driving. In addition, the proposed project would not require nighttime construction activities. Construction would be required to comply with WCMC Section 15-95, which prohibits the use of construction tools, equipment, or the performance of any outside construction on buildings, structures, or projects within 500 feet of a residential zone which would cause the ambient noise level to be exceeded by 5 decibels as measured at property lines, except for the hours of 7:00 a.m. to 8:00 p.m. would comply with the allowable construction hours of 7:00 a.m. to 8:00 p.m., which is designed to control noise exposure. WCMC Section 15-95 also prohibits any person within 500 feet of generally occupied residences to unload, load, or otherwise perform duties preparatory to the commencement of construction or repair work on buildings or structures between the hours of 8:00 p.m. of one day and 6:00 a.m. of the next day.

Residential construction is typically over by 4:00 p.m. even though later construction is allowed. As the WCMC does not restrict the days in which construction activities can occur, it is possible that construction activities may occur during the weekends.

Response 4-9

The comment is a question regarding whether there is something in place to reduce excessive noise during construction and whether the City requires an additional permit if jackhammers are to be used.

As discussed in Response 4-8, above, construction activities would be required to comply with WCMC Section 15-95, which is designed to control noise exposure. WCMC Section 15-95 requires a permit to operation construction equipment, including pneumatic hammers, between the hours of 8:00 p.m. of one day and 7:00 a.m. of the next day if noise levels of the equipment exceeds 5 decibels.

As discussed in Response to Checklist Question 3.13a in the IS/MND, the proposed project would be constructed in a manner typical of urban infill projects and would not require unusually noisy activities. Additionally, the proposed project would be required to implement Mitigation Measures **N-1** through **N-3** to reduce disruptive construction noise levels. Mitigation Measure **N-1** would require construction equipment to be equipped with mufflers, which would result in a noise reduction of approximately 3 decibels. Mitigation Measure **N-2** would require the installation of a temporary noise barrier along the project site perimeter that would reduce noise levels by at least 10 dBA. Although difficult to quantify, Mitigation Measure **N-3** would also help control noise levels by establishing a noise disturbance coordinator. With implementation of Mitigation Measures **N-1** through **N-3**, noise impacts from on-site construction activities would be reduced to less-than-

significant impacts. Based on the analysis presented in the IS/MND, construction of the proposed project would result in less-than-significant impacts with implementation of mitigation measures.

Response 4-10

The comment is a question regarding whether safety rules are in place for demolition, including protecting neighbors from dust, debris, and trash. The commenter asks whether tall construction fences would be placed on the project site to help with noise, dust, and debris, and whether water tanks would be used to help with dust and debris.

Construction of the proposed project would be required to comply with SCAQMD Rule 403, which applies to any activity capable of generating fugitive dust. Rule 403 prohibits fugitive dust emissions that remain visible in the atmosphere beyond the property line of the emission source and does not allow dirt to track out beyond 25 feet from the project site. Dirt that has been tracked-out are required to be removed at the conclusion of each workday. Additionally, as discussed in Response to Checklist Question 3.3a in the IS/MND, Rule 403 requires the implementation of dust control measures, such as the application of soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system or other control measures to remove bulk material from tires and vehicle undercarriages before vehicles exit the project site, and maintaining effective cover over exposed areas. Rule 403 requires that soil be stabilized before, during, and after clearing activities, as well as during demolition and earth-moving activities, by applying water in sufficient quality to prevent the generation of dust plumes.

During construction, the proposed project would be required to implement Mitigation Measure **N-2**, which requires the installation of a temporary eight-foot tall noise barrier along the property line of the project site. The noise barrier is required to be able to reduce noise levels by at least 10 decibels. Any demolition and construction waste that is generated is required to be maintained on the project site. The temporary barrier along the perimeter of the project site would help reduce noise levels, as well as limit public views of demolition and construction waste from the project site.

Response 4-11

The comment is a question regarding where the portable toilets and dumpsters would be located during construction. The commenter also asked what the plan is to make sure that the portable toilets and dumpsters are as far from neighbors' homes as possible and emptied when full.

The location of portable toilets and dumpsters during construction is currently unknown since no construction activities have been proposed on the project site. Any portable toilets and dumpsters that would be used during construction are required to be located on the project site. Per WCMC Section 12-20(d), solid waste containers are required to be kept in an area that is not visible from the public street and will not be offensive to neighboring property. Concerns regarding the potential location of portable toilets and dumpsters will be forwarded to the decision-makers for their consideration prior to taking any action on the proposed project.

Response 4-12

The comment is a question regarding whether construction of the proposed project would block sidewalks, roads, and driveways, whether there are plans to prevent these obstructions, and whether neighbors would be notified prior to these blockages.

No construction activities have been proposed on the project site. However, given that some of the proposed lots do not currently have driveway approaches, it is likely that some construction activities would occur within the public right-of-way (sidewalk and/or streets) to construct driveway approaches. Driveways and sidewalks in front of properties surrounding the project site would not be obstructed, and street closures are not expected to occur. Access to all surrounding properties would be maintained. Any construction activities occurring with the public right-of-way, such as construction of sidewalks and driveway approaches, and construction activities that would obstruct portions of the streets are required to obtain an engineering permit from the City. As part of the engineering permit, light barricades, delineators, and traffic control personnel would be required if construction activities occur within the public right-of-way. The engineering permit would require that construction activities on public right-of-way be limited to the hours of 7:00 a.m. and 4:00 p.m. Neighbors are not required to be notified of potential sidewalk, driveway, and street blockages, but the City does request that the construction contractors notify neighbors of blockages.

Response 4-13

The comment is a question regarding whether damaged roads would be fixed after construction.

No construction activities have been proposed on the project site. The City requires that public rights-of-way, including roads, be fixed if they are damaged during construction. Any construction activities occurring within the public right-of-way would require an engineering permit and the applicant would be required to comply with all provisions and conditions imposed by the City's Engineering Division. This concern is not within the purview of CEQA and will be forwarded to the decision-makers for their consideration prior to taking any action on the proposed project.

Response 4-14

The comment is a question regarding the person to contact if residential structures are damaged from construction-related vibration.

No construction activities have been proposed on the project site. If the proposed project is approved and construction activities are proposed, the commenter and residents surrounding the project site can contact the City Building Division regarding concerns associated with construction activities on the project site. As discussed in Response to Checklist Question 3.13b of the IS/MND, construction of the proposed project is not anticipated to result in damage to nearby structures. Vibration is a localized event and attenuates rapidly with distance. Heavy-duty equipment would typically operate at least 15 feet away from the property line of the adjacent uses, and at this distance, vibration damage would not occur.

COMMENT LETTER NO. 5 – RAUL MEDINA (PAGE 1 OF 4)

COMMENT LETTER NO. 5 – RAUL MEDINA (PAGE 2 OF 4)

COMMENT LETTER NO. 5 – RAUL MEDINA (PAGE 3 OF 4)

COMMENT LETTER NO. 5 – RAUL MEDINA (PAGE 4 OF 4)

LETTER 5

Raul Medina
1422 South Frandale Avenue
West Covina, CA 91790

Response 5-1

This comment contains introductory text. Specific CEQA concerns raised by the commenter are addressed in subsequent responses.

Response 5-2

This comment states that the project location description in Section 2.1 and Figure 2-2 of the IS/MND should be updated to reflect that a multi-story apartment complex is under construction at the corner of Walnut Avenue and Francisquito Avenue.

The suggested corrections have been made to Section 2.1 and Figure 2-2 of the IS/MND. The corrections do not change the impact conclusions for each of the environmental topic areas discussed in the IS/MND.

Response 5-3

The comment suggests that the construction activities and schedule in Section 2.3 of the IS/MND be transformed into a Gantt Chart with tasks and milestones. The commenter also recommend that the section provide as much detailed tasks as possible.

See Response 4-2. Details regarding the specific types of construction activities and construction schedule are currently unknown and would be determined when future development on the project site is proposed.

Response 5-4

The comment asserts the “Potentially Significant Impact” for Checklist Question 3.1a be checked, rather than “No Impact”. The commenter provided a picture of Mount Baldy and states that the area always had clear views of and direct line-of-sight of Mount Baldy. The commenter also states that the construction of two-story houses on the project site would permanently block views of the mountains.

The photo that the commenter provided does not show a clear unobstructed view of the mountains. As with other mountain views in the surrounding area, the mountain view in the photo is partially obstructed by buildings, trees, and utility wires. Due to the intervening structures, landscaping, and utility wires, views of the mountains in this area are not considered scenic vistas. As no scenic vistas are present on or in the surrounding area, no impacts on scenic vistas would occur. While it is currently unknown whether two-story homes would be built on the project site, all structures on the project site would be required to comply with the City’s Zoning Code, which limits building height to 25 feet. See Response 4-4.

Response 5-5

The comment states that mitigation measures to suppress dust emissions and to prevent dust from becoming a public nuisance should be provided.

As discussed in Response to Checklist Question 3.3a of the IS/MND, construction of the proposed project would be required to comply with SCAQMD Rule 403, which includes measures to suppress dust emissions and the track-out of dirt from the project site. See Response 4-10.

Response 5-6

The comment summarizes Response to Checklist Question 3.7b of the IS/MND and requests information regarding the type of National Pollutant Discharge Elimination System (NPDES) permit that is required for the proposed project, the permittee, and the timeline for securing the permit.

Pursuant to Clean Water Act Section 402(p) and the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board issued a statewide NPDES Construction General Permit under Order No. 2009-0009-DWQ. Construction activities subject to this permit includes clearing, grading, and ground disturbances, such as stockpiling or excavation. The Construction General Permit requires the development of a Storm Water Pollution Prevention Plan (SWPPP), which must be prepared prior to the beginning of construction for construction activities that would disturb one or more acres of soil. SWPPP requirements are enforced through the City's Engineering Division during the plan review and approval process. During the review process, project plans are reviewed for compliance with stormwater requirements. In addition, the City requires that all construction sites implement the following storm water pollution control measures:

- Eroded sediments and other pollutants must be retained on site and may not be transported from the project site via sheet flow, swales, area drains, natural drainage courses or wind.
- Stockpiles of earth and other construction related materials must be protected from being transported from the project site by the forces of wind or water.
- Fuels, oils, solvents, and other toxic materials must be stored in accordance with their listing and are not to contaminate the soil and surface waters. All approved storage containers are to be protected from the weather. Spills must be cleaned up immediately and disposed of in a proper manner. Spills may not be washed into the drainage system.
- Non-stormwater runoff from equipment and vehicle washing and any other activity shall be contained at the project site.
- Excess or waste concrete may not be washed into the public way or any other drainage system. Provisions shall be made to retain concrete wastes on site until they can be disposed of as solid waste.
- Trash and construction related solid wastes must be deposited into a covered receptacle to prevent contamination of rainwater and dispersal by wind.
- Sediments and other materials may not be tracked from the project site by vehicle traffic. The construction entrance roadways must be stabilized so as to inhibit sediments from being deposited into the public way. Accidental depositions must be swept up immediately and may not be washed down by rain or other means.

- Any slopes with disturbed soils or denuded of vegetation must be stabilized so as to inhibit erosion by wind and water.

Response 5-7

The comment summarizes Response to Checklist Question 3.10a of the IS/MND and requests that the wastewater produced within the project site be specified. The commenter asks whether wastewater discharge from the project site would require a wastewater permit from the Districts. The commenter also recommends that applicable sections of the IS/MND be revised to clarify who would comply with federal, state, and local regulations. The commenter expresses his opinion that only the permittee can comply with regulations, not the proposed project.

Wastewater that would be generated by the proposed project are typical of single-family residential homes and include, but are not limited to, bathing, toilet flushing, laundry, dishwashing. The types of wastewater generated from the proposed project would not require wastewater permit from the Districts. The Districts' issue trunk sewer connection permits for the direct connection of six-inch diameter or smaller private sewer laterals to the Districts' trunk sewers. Since wastewater flow originating from the proposed project would be discharged to a local sewer line that is not maintained by the Districts, a permit from the Districts is not required.

The definition of comply is to act or be in accordance with requirements or conditions. The commenter's use of "comply" refers to the act of compliance, which a person or entity can do but not the proposed project. However, "comply" can also be used for the proposed project as the proposed project must meet specific requirements or conditions. A person or entity complies with rules and regulations if the person or entity acts in accordance with rules and regulations. The proposed project can also comply with regulations since the proposed project is required to be in accordance with specific regulations. Various portions of the IS/MND state that the proposed project would be required to comply with applicable regulations rather than specifying the permittee, entity, company, and/or project proponent because the proposed project, as a whole, is required to be in accordance with applicable regulations, regardless of the person or entity. For the proposed project, specifying the person or entity that is required to comply with applicable regulations implies that other people or entities associated with the proposed project may not need to comply with applicable regulations.

Response 5-8

The comment states that the noise analysis should assess and provide mitigation measures for construction noise associated with loud music that is typically played on a construction site.

Music that is played on the project site during construction would be required to comply with WCMC Chapter 15, Article IV, Section 15-94, which states that between the hours of 10:00 p.m. on one day and 7:00 a.m. of the following day, it is unlawful to use or operate any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound or any device by which voice, music, or any other sound is amplified, in such a manner as to create any noise which causes the noise level at the property line of any property (or if a condominium or apartment house, within any adjoining unit or apartment), building, structure or vehicle to be plainly audible at a distance of 50 feet. This section of the WCMC is discussed on page 3-37 of the IS/MND.

Mitigation Measure **N-3** in the IS/MND would also reduce noise from loud music during construction. With implementation of this mitigation measure, residents who are bothered by loud music on the project site during construction can contact the noise disturbance coordinator, and

the noise disturbance coordinator would be required to resolve these complaints. Mitigation Measure **N-3** has been revised to include loud music as an example of the type of noise complaint that could be resolved by the noise disturbance coordinator.

Response 5-9

This comment states that there is a typographical error for the noise monitoring location at 1422 Farndale Avenue in Table 3-5 of the IS/MND.

The suggested corrections have been made to Table 3-5.

Response 5-10

The comment states that a map legend should be provided in Attachment A of the Traffic Technical Memorandum in Appendix C of the IS/MND.

The red boxes in Attachment A of the Traffic Technical Memorandum represent the potential driveway locations for each of the six lots that were used in the traffic analysis.

Response 5-11

The comment states that the commentor would like to receive all comments and responses for the IS/MND during the public review period, as well as the mailing list recipients for the proposed project.

Comments and responses have been posted on the City's website: <https://www.westcovina.org/departments/community-development/planning-division/projects-and-environmental-documents>.

The mailing list recipients will also be provided to the commenter.

COMMENT LETTER NO. 6 – FAMILY GUTIERREZ EMAIL

LETTER 6

Family Gutierrez
Guti93@msn.com

Response 6-1

This comment states that the proposed project would cause a lot of traffic. The commenter expresses his/her opposition to the proposed project and his/her opinion that the community does not need more noise, people, and cars parking on the streets.

Please see Response 3-6, above, regarding the City's noise and off-street parking requirements. Section 3.13, 3.14, and 3.17 of the IS/MND discusses the effects the proposed project would have on noise, population, and traffic, respectively. As discussed in Response to Checklist Question 3.14a of the IS/MND, the proposed project is estimated to increase population by approximately 14 persons, which represents less-than-one percent of the City's population in 2019 and the planned population growth from the City's General Plan. As discussed in Response to Checklist Question 3.17a of the IS/MND, the proposed project is estimated to generate 57 vehicle trips a day, which includes four vehicle trips in the AM peak hour and six vehicle trips in the PM peak hour. The estimated proposed project vehicle trips would be below the City's minimum threshold to conduct a traffic impact analysis. As discussed in the IS/MND, the proposed project would have a less-than-significant impact on noise with implementation of mitigation measures and less-than-significant impacts on population and traffic.

This comment will be forwarded to the decision-makers for their consideration prior to taking any action on the proposed project.

COMMENT LETTER NO. 7 – RACHEL & DANIEL ORTIZ EMAIL

LETTER 7

Rachel and Daniel Ortiz
Ortizr58@live.com

Response 7-1

The comment contains introductory text and expresses concerns regarding the proposed project. Specific CEQA concerns raised by the commenter are addressed in subsequent responses.

Response 7-2

The comment expresses the commenters' concern of the possibility of rats and other animals that would go to the commenters' property during construction. The commenter would like to know how the City would handle or prevent this situation.

The City does not have a policy or requirement that addresses rats and other feral animals on residential properties. The potential for these animals to relocate to adjacent properties during construction are not within the purview of CEQA as they are not candidate, sensitive, special status, or migratory wildlife species. This concern will be forwarded to the decision-makers for their consideration prior to taking any action on the proposed project.

Response 7-3

The comment expresses a concern that debris would travel over to and fall into the commenters' backyard and pool. The commenters state that they would need to get the pool cleaned twice a week instead of once a week. The commenters ask if they could get reimbursed for having to clean their pool twice a week.

See Response 3-4 regarding compliance with Rule 403 to control fugitive dust emissions during construction. No construction activities have been proposed on the project site. If the proposed project is approved and construction activities are proposed on the project site in the future, the City recommends that the commenters contact the project applicant regarding their request to be reimbursed for having to clean their pool more often during construction. This concern will be forwarded to the decision-makers for their consideration prior to taking any action on the proposed project.

Response 7-4

The comment expresses a concern regarding how noise levels would interrupt the commenters' workday since they are working remotely.

No construction activities have been proposed on the project site. The proposed project's effect on noise levels (including construction noise if construction activities occurs on the project site in the future) is discussed in Response to Checklist Question 3.13a of the IS/MND. Also, see Response to 3-4, above, regarding construction noise. During operational activities, noise generated on the project site would be required to comply with the City's noise regulations as codified in WCMC Chapter 15, Article IV. WCMC Section 15-85 prohibits loud, unnecessary noise that disturbs the peace and quiet of residential neighborhoods or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

Response 7-5

The comment expresses a concern regarding structural damage to the commenters' home due to vibrations in the ground.

Groundborne vibrations are addressed in Response to Checklist Question 3.13b of the IS/MND. As discussed, construction of the proposed project is not anticipated to result in damage to nearby structures. Vibration is a localized event and attenuates rapidly with distance. Heavy-duty equipment would typically operate at least 15 feet away from the property line of adjacent uses. At this distance, vibration damage would not occur.

Response 7-6

The comment is a question regarding who to contact if the commenters have issues during construction.

See Response 4-7.

Response 7-7

The comment is a question regarding whether one- or two-story single-family residences/units would be built on the proposed lots.

See Response 4-4.

Response 7-8

The comment contains conclusory remarks. No further response is necessary.

Received

APR 06 2021

Dear Camellia Martinez & City of West Covina Planning Division,

Planning Division

We have been notified of the City's intent to develop the Property across from us 642 & 704 East Francisquito Ave, we seek an injunction to stop development on the Grounds of these Post War Landmarks of the community. We along with all neighbors respectfully request that the homes that are in good condition be sold and kept in the historic condition that they are now in, as these are Pre 1950's dwellings and have been landmarks of this community for over 70 years.

The destruction of these homes for developing the land is a shame and should be stopped, the East Francisquito Ave area of West Covina East of Walnut ST is known for the large ranch style homes that line this section of the street, we think it of incredibly Poor taste to take such an area and add cheaper housing that will not only devalue the neighborhood, it will also remove homes that fall under the historic preservation ordinance.

I strongly recommend that the homes are sold and preserved in their entirety, even though the City does not have a dedicated historic preservation commission, this to me is a needed aspect of any City, appealing to more affluent members of the society, when you drive through a Beautiful Historic area it sets the trend for Business & settlement of the city.

If we do not Preserve the historical areas of West Covina we will always fall short of city's such as Glendora and Covina.

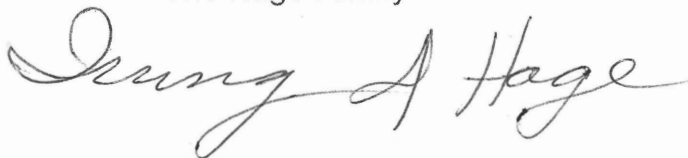
West Covina has always had a Good reputation, to bolster this and make the city a more desirable place I strongly urge that you keep the larger Affluent homes and discourage the Multifamily homes that will only bring Profits the developer not the integrity community.

These homes Show that when they were built the City was a very desirable Place to live with Craftsman ship and Dedication the homes were kept in good condition and original structure since 1948.

We beg you to stop this injustice to the past of the beautiful city and preserve this area.

Respectfully

The Hage Family



PLANNING DEPARTMENT STAFF REPORT

SUBJECT

CODE AMENDMENT NO. 20-08

GENERAL EXEMPTION

APPLICANT: MLC Holdings (City of West Covina Planning Commission Initiated)

LOCATION: Downtown Plan Area

REQUEST: The proposed code amendment consists of potential amendments to the Downtown Plan and Code development standards, which are part of the West Covina Municipal Code. The Downtown Plan includes the Civic Center area/Cameron Ave., Plaza West Covina and Vincent Ave./Glendora Ave. The proposed code amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3).

BACKGROUND

The City Council adopted the Downtown Plan in conjunction with the General Plan on December 20, 2016. The Downtown Plan is a form-based code which regulates development in the Downtown (formerly central business district) area. The Downtown Plan was created during the General Plan update and multiple study sessions were held with the Planning Commission and City Council to review the standards. At the time of adoption, there was an expectation that modifications might be necessary after the first year to address any issues that were not foreseen when the Downtown Plan was reviewed and adopted. The Downtown Plan was adopted as Article XV in Chapter 26 (Zoning) of the West Covina Municipal Code.

Since the adoption of the Downtown Plan, two separate amendments have been adopted. Code Amendment No. 17-02 (Ordinance No. 2443) was adopted on August 21, 2018, and was considered a "clean-up" amendment which revised a number of items in the Code including entitlement expiration dates, list of permitted uses, building heights, allowed building types, sign standards, minor modification/minor site plan review process, wall/fence standards, and parking standards. Code Amendment No. 18-03 (Ordinance No. 2450) was adopted on December 18, 2018, which revised the commercial parking requirement calculation for the T-5 Urban Center, T-4 General Urban and T-4 Urban Neighborhood Zones to 0.65 of cumulative parking standards from the Municipal Code for non-residential uses.

On September 30, 2020, the Planning Division received correspondence from Aaron Talarico of MLC Holdings, Inc. (Attachment No. 2) requesting that a code amendment be initiated to consider amending the West Covina Downtown Plan & Code to:

- Revise the ground-floor height to reflect ground-floor residential uses (from 12 feet to 10 feet)
- Allow the same area of private open space (100 square feet) on upper levels with a smaller minimum dimension of 6 feet (Code requires 8 feet)
- Reduce the minimum width of individual rowhouse units from 18 feet to 16 feet.
- Remove the maximum width requirements for stoops (maximum allowed in Code is 8 feet)

On October 13, 2020, the Planning Commission adopted Resolution No. 20-6047(Attachment No. 3), initiating the Code Amendment No. 20-08. MLC Holdings subsequently submitted the Code Amendment application and paid the required processing fee.

DISCUSSION

The draft Code Amendment 20-08 provides the following changes to the Downtown Plan and Code:

- **T-4 General Urban Zone** - clarifies that commercial/mixed-use developments require the higher 14'-0" minimum ground-floor height. Whereas, the minimum ground-floor height for residential development is 10'-0". To accommodate ground-floor retail uses and to provide a visual transition from the commercial uses on the ground-floor to residential/office uses on the upper floors in commercial/mixed-used development, a higher ground-floor height is standard for building in urban settings.
- **Rowhouse** - The minimum depth of the private open space area has been reduced from 8 feet to 6 feet, and clarified that the 100 square feet minimum private open space area is the cumulative figure combining the total of all private open space areas within the same unit.
- **Rowhouse** - Reduced the minimum width of a rowhouse from 18'-0" minimum to 16'-0" minimum average width per unit. This change recognizes that a rowhouse could consist of one building with multiple units that vary in width throughout each individual unit, rather than limiting each unit to a standard rectangular floor plan.
- **Stoop** - Deleted the maximum width and depth.

In addition to the amendments requested by the applicant, staff is making an additional change to correct the following inconsistency:

- Delete "located within medium density neighborhoods" in the Rowhouse and Live-Work description. The density from all land-uses are identified in the General Plan and should not be referenced in the Code to avoid inconsistencies and confusion in the future.

GENERAL PLAN CONSISTENCY

The proposed Code Amendment is consistent with the following General Plan Policies and Actions:

- Policy 2.4 - Building on and grow West Covina's regional appeal
- Policy 2.6 - Create a diversity of housing options
 - Action 2.6a - Support higher-intensity and higher-quality multifamily development in the downtown.

ENVIRONMENTAL DETERMINATION

The proposal is not subject to the California Environmental Quality Act (CEQA) per Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to activity that results in direct or reasonably foreseeable indirect physical change in the environment and for activity considered to be a project, respectively. The amendment to the Downtown Plan and Code would not result in a physical change in the environment because it would only provide minor revisions to certain development standards.

STAFF RECOMMENDATIONS

Staff recommends that the Planning Commission adopt Resolution No. 21-6076 recommending approval of Code Amendment No. 20-08 to the City Council.

Submitted by: Jo-Anne Burns, Planning Manager

Attachments

Attachment No. 1 - Resolution of Approval
Attachment No. 2 - Code Amendment Request Letter
Attachment No. 3 - Initiation Resolution No. 20-6047
Attachment No. 4 - Index of Changes

PLANNING COMMISSION

RESOLUTION NO. 21-6076

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ORDINANCE AMENDING THE DOWNTOWN PLAN AND CODE (CODE AMENDMENT NO. 20-08)

WHEREAS, on the 13th day of October 2020, the Planning Commission initiated a code amendment to the Downtown Plan and Code related to certain development standards; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 13th day of April 2021, conduct a duly advertised public hearing as prescribed by law; and

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

- A. The Downtown Plan was adopted on December 20, 2016 as the first form-based code utilized in the City of West Covina. The Downtown Plan is Article XV of the West Covina Municipal Code.
- B. The Downtown Plan and Code was last amended on December 18, 2018 (Ordinance No. 2450), which revised the commercial parking requirement calculation for the T-5 Urban Center, T-4 General Urban, and T-4 Urban Neighborhood Zones.
- C. The Downtown Plan was adopted to encourage urban development and provide clear direction to the development community.
- D. On September 30, 2020 the City received a request from Aaron Talarico of MLC Holdings to amend the Downtown Plan and Code.
- E. Based on utilization of the Downtown Plan since December of 2016, there are standards that should be evaluated.
- F. The proposed action is 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.

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

SECTION NO. 2: Based on the evidence presented and the findings set forth, Code Amendment No. 20-08 is hereby found to be consistent with the West Covina General Plan.

SECTION NO. 3: Based on the evidence presented and the findings set forth, the Planning Commission of the City of West Covina hereby recommends to the City Council of the City of West Covina that it approves Code Amendment No. 20-08 to Amend the Downtown Plan and Code as shown on Exhibit "A."

SECTION NO. 4: The Secretary is instructed to forward a copy of this Resolution to the City Council for their attention in the manner as prescribed by law and this Resolution shall go into force and effect upon its adoption.

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 13th day of April, 2021, by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE:

Sheena Heng, Chairperson
Planning Commission

Paulina Morales, Secretary
Planning Commission

EXHIBIT A

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST
COVINA CALIFORNIA, AMENDING THE DOWNTOWN PLAN AND
CODE**

WHEREAS, the Downtown Plan was adopted on December 20, 2016 as the first form-based code utilized in the City of West Covina. The Downtown Plan is Article XV of the West Covina Municipal Code.

WHEREAS, on the Downtown Plan and Code was last amended on December 18, 2018 (Ordinance No. 2450), which revised the commercial parking requirement calculation for the T-5 Urban Center, T-4 General Urban, and T-4 Urban Neighborhood Zones.

WHEREAS, the Downtown Plan was adopted to encourage urban development and provide clear direction to the development community.

WHEREAS, the Downtown Plan September 30, 2020 the City received a request from Aaron Talarico of MLC Holdings to amend the Downtown Plan and Code.

WHEREAS, on the October 13, 2020, the Planning Commission initiated a code amendment to the Downtown Plan and Code related to certain development standards; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the April 13, 2021, conduct a duly advertised public hearing as prescribed by law; and

WHEREAS, the City Council, upon giving the required notice, did on _____2021, conduct a duly advertised public hearing as prescribed by law on the proposed ordinance; and

WHEREAS, based on review of the State CEQA Guidelines, the City Council finds and determines that the proposed ordinance is statutorily exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment; and

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

WHEREFORE, THE MAYOR AND THE CITY COUNCIL OF THE CITY OF

WEST COVINA HEREBY ORDAINS AS FOLLOWS:

SECTION NO. 1: The second table on Part 4, Section 4.2 (T-4 General Urban Zone), Subsection 4.2C (Allowed Building Types, Height, and Lot Size) is hereby amended to read as follows:

	Ground Floor	Upper Stories
<u>Commercial/Mixed-Use Development</u>	Min. Height 12-14 ft.	Min. Height 10 ft.
<u>Residential Development</u>	<u>Min. Height 10 ft.</u>	<u>Min. Height 10 ft.</u>

SECTION NO. 2: The sentence beginning on the 11th row and ending on the 14th row under No. 1 (Description) on Part 4, Section 5.2 (Building Types), Subsection 5.2C (Rowhouse) is hereby amended to read as follows:

This Type is typically ~~located within medium density neighborhoods or~~ in locations that transitions from primarily single-family neighborhood into a neighborhood main street.

SECTION NO. 3: No. 6 (Private Open Space) on Part 4, Section 5.2 (Building Types), Subsection 5.2C (Rowhouse) is hereby amended to read as follows:

Private Open Space	Width	Depth	Area
	8 ft. min.	<u>6 ft. min</u>	100 s.f. min. <u>(cumulative)</u>

SECTION NO. 4: No. 7 (Building Size & Massing) on Part 4, Section 5.2 (Building Types), Subsection 5.2C (Rowhouse) is hereby amended to read as follows:

Building Size & Massing Average Width per rowhouse unit: ~~18 ft. min.~~ 16 ft. min.; 36 ft. max.

The front elevation and massing of each rowhouse building may be either symmetrical or asymmetrical, repetitive or unique in disposition, as long as the delineation of each individual unit is evident. The footprint area of an accessory structure may not exceed the footprint area of the main body of the building.

SECTION NO. 5: The sentence beginning on the 8th row and ending on the 10th row under No. 1 (Description) on Part 4, Section 5.2 (Building Types), Subsection 5.2D (Live-work) is hereby amended to read as follows:

This Type is typically ~~located within medium density neighborhoods or~~ in locations that transitions from a neighborhood into an urban neighborhood street.

SECTION NO. 6: No. 2 (Size) of Part 4, Section 6 (Frontage Standards), Subsection C (Stoop) is hereby amended to read as follows:

Width 5 ft. min.; ~~8 ft. max.~~
Depth 5 ft. min.; ~~8 ft. max.~~
Finish level above sidewalk 18 in. min.

SECTION NO. 7: That the City Clerk shall certify to the passage of this ordinance and shall cause the same to be published as required by law.

SECTION NO. 8: This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage.

PASSED, APPROVED AND ADOPTED this _____.

Letty Lopez-Viado
Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherrick
Assistant City Clerk

Planning Commission Resolution No.
Code Amendment No. 20-08
April 13, 2021

I, LISA SHERRICK, Assistant City Clerk, of the City of West Covina, custodian of the original records, which are public records which I maintain custody and control for the City of West Covina do hereby certify the foregoing Ordinance, being Ordinance No. ____ as passed by the City Council of the City of West Covina, signed by the Mayor of said Council, and attested by the Assistant City Clerk, at a regular meeting of the City Council held on the _____, and that the same was passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINED:

Lisa Sherrick
Assistant City Clerk

September 29, 2020

City of West Covina
Planning Commission
1444 West Garvey Ave. South
West Covina, CA 91790

SUBJECT: PROPOSED AMENDMENT TO THE WEST COVINA DOWNTOWN PLAN & CODE

Dear Commissioners,

MLC Holdings, Inc. respectfully requests that the Planning Commission consider an amendment to the West Covina Downtown Plan & Code. The amendment will adjust development standards to allow for the development of modern, compact townhomes within West Covina's downtown area, similar to those previously approved at the Cameron 56 community located on West Cameron Avenue. These changes include the following:

- Revise the ground floor height to reflect ground floor residential uses (10 feet versus 12 feet)
- Allow the same area of private open space (100 SF) to occur on upper levels with a smaller minimum dimension (6 feet versus 8 feet)
- Adjust the minimum width of individual rowhouse units from 18 feet to 16 feet
- Remove the maximum width requirements for stoops

Although the purpose of requesting this amendment is based upon our current application for the proposed project located at 1600-1616 West Cameron Avenue, similar exceptions were made for the Cameron 56 townhome community located next door. We are requesting an amendment because we believe these changes will also benefit the City in implementing the vision for West Covina's downtown by providing standards that allow similar projects to be built in the future. The revised standards better reflect current market conditions by allowing design features that are more desirable to buyers, conform to current building practices, and include a broader range of design solutions. Furthermore, the proposed changes still achieve the vision of the West Covina Downtown Plan & Code: To create pedestrian friendly, compact, urban development that encourages walkability.

The following provides a more detailed justification for each of the proposed changes:

Ground Floor Height — Form-based codes ("FBCs") are intended to better address the physical design of public spaces by focusing on how physical forms, such as buildings, define the public realm. This is achieved by specifying appropriate street frontages and building types that reflect the intended character of the neighborhood or "transect" as natural, rural, suburban, and varying degrees of urban. FBCs typically focus on building types and frontages that deemphasize parking by removing parking and garages from the streetscape and designing buildings that define the edges of the public street to emphasize pedestrian orientation. Although FBCs do provide development standards, the intent is to use these development standards to control the overall form at the interface between private development and the public realm, in this case West Cameron Avenue. The proposed floor height of 10 feet combined with the 18" tall stoops

along Cameron will result in a ground floor height of 11.5". The resulting height along the public street will not be discernably different from what was envisioned by the Form-based code.

Interior to the project, stoops are not provided in order to meet the requirements of the Americans with Disability Act. As such, these homes will be 10-feet at the ground level. This is also necessary to fit within the maximum height limit of 35 feet as required by the code for buildings located within 100 feet of single-family uses.

Lastly, a ground floor height of 12-feet is typical for commercial buildings, not residential homes. Residential floor heights are shorter, ranging from 8 feet to 10 feet. The proposed homes are designed to offer for-sale townhomes at prices that are attainable to first-time homebuyers and to address the regional housing crisis. Increasing the residential ground floor height to 12 feet requires more framing, which results in less efficient construction. Less efficient construction does not support environmental sustainability and adds considerable construction cost, impacting affordability.

Upper Floor Open Space — The Downtown Code's requirements for the Rowhouse building type specify a minimum open space area of 100 SF and a minimum dimension of 8'x8'. These standards are based upon the assumption that private open space will be provided on the ground floor in a rear yard. This is evident in the prototype illustrated in the FBC and by the accompanying description which states, "The primary building sits at the front of the property with the garage at the rear, separated from the primary building by a rear yard." This type of townhome is typically found in older, lower density neighborhoods. Modern, high-density townhomes are not designed this way for three reasons:

1. Buyers prefer direct access between the garage and their home. They do not want to go outside if it is raining.
2. This configuration does not use land efficiently, which results in lower densities and is contrary to the goal of compact, urban development.
3. This requires two separate structures, which is more costly and inefficient to build.

The result of this older configuration is fewer, more expensive, less desirable homes; Therefore, modern townhomes are designed with an attached garage accessed by a rear alley. This new configuration looks similar in form but requires private open space be provided either in the front, i.e. a patio, or in upper floor balconies. Since patios are not a permitted frontage and are not urban in character, balconies are required. Balconies also offer a more appropriate location for private open space, adjacent to second floor kitchens and living rooms. This location allows the private open space to act as an extension of the primary living area, providing access to outdoor dining and barbecuing without needing to navigate stairs. Furthermore, when private open spaces, such as a patio, are not connected to indoor living areas, they tend to become unsightly storage areas rather than attractive outdoor living space.

Balconies located at the front of the building add to a pedestrian friendly street. Similar to porches and stoops, balconies provide additional outdoor space along the street and encourage a more dynamic street scene with outdoor activity occurring on upper floors as well as on the ground floor. The presence of balconies also encourages safety and security for pedestrians by adding more eyes on the sidewalk.

Upper floor balconies are typically designed with smaller minimum dimensions due to constructability and cost. For this reason, most codes require a smaller minimum dimension, typically five or six feet, for upper floor balconies (Please see attached examples). Deeper balconies increase construction costs, which ultimately affect the sales price and reduce affordability. At Cameron 56, the townhome community located next door, we were given an exception on the minimum balcony dimension six feet. These balconies are usable, comfortable, and a desirable design feature. The code will still require a minimum total private open space area of 100 square feet to ensure adequate space is provided. The reduced dimension will also allow for more compact and efficient development, which supports the goals and purpose of the Downtown Plan. As an example, the currently proposed project would lose 10-15 residential units if a minimum 8-foot balcony is required.

Minimum Width of Rowhouse Units — The currently permitted width of a Rowhouse ranges from 18 feet to 36 feet. The proposed amendment would allow a range of 16 feet to 36 feet. The 16-foot dimension is a typical width for townhomes with tandem garages. Tandem garages are a key strategy to achieving higher density townhomes and higher densities are required to address the regions severe housing shortage. This reduced dimension will not have a discernable impact on the overall building form while allowing for more compact and higher density development. Furthermore, each home will still maintain an evident delineation of individual units as required by the Code.

Stoop Dimensions — The current requirement provides both minimum and maximum dimensions for stoops. While requiring a minimum makes sense to ensure usability and accessibility, limiting stoops to a maximum dimension reduces designers' ability to provide design solutions that may be superior to those currently permitted. By eliminating the maximum dimension, designers will have greater flexibility to adapt their designs to the site constraints and provide the desired pedestrian friendly streetscape envisioned by the Code.

For these reasons, we request that the Planning Commission consider the proposed changes to allow future townhome communities, similar to Cameron 56, to be built in downtown West Covina. This proposed amendment will not only benefit our project, but will support future projects that propose urban, compact development. By providing these modifications, the City will be encouraging the development envisioned by the West Covina Downtown Plan & Code.

Sincerely,



Aaron Talarico
Director of Entitlements & Forward Planning
MLC Holdings, Inc.
5 Peters Canyon Road Suite 310
Irvine, CA 92606
(949) 813-3813

Attachment 1

9/22/2020

§ 23.20.100 OPEN SPACE.

(B) *Private open space.* Private open space is devoted to the recreation and leisure use of one or more dwelling units and located immediately adjacent to such unit(s).

(1) The common open space requirement may be reduced by one square foot for each square foot of private open space that is provided, up to a maximum reduction of 50% of the open space requirement or 200 square feet per unit (150 square feet for one-bedroom or efficiency units). This reduction will be granted only if the following standards are met:

(a) Patios (cannot exceed two feet above the adjoining on-site ground, on any side) with a minimum dimension of eight feet and a minimum area of 200 square feet (150 square feet for one-bedroom or efficiency units).

(b) Decks and balconies with a minimum dimension of five feet.

Attachment 2

9/22/2020

Chapter 17.45 - MIXED/MULTIUSE ZONE | Code of Ordinances | El Monte, CA | Municode Library

. Private Residential Open Space.

- a. For stand-alone multi-family residential projects or as part of a mixed-use development, each residential unit shall be provided with at least one area of private open space accessible directly from the living area of the unit, in the form of a fenced yard or patio, a deck or balcony at a minimum area of one hundred fifty (150) square feet per unit for first floor units and one hundred (100) square feet per unit for upper floors.
- b. The minimum dimension, width or depth, of a balcony shall be five (5) feet.

Attachment 3

9/22/2020

Glendora Municipal Code (Glendora, California)

Usable Open Space. Each multiple-family development shall provide a minimum of four hundred square feet of usable open space per residential unit, subject to the following standards:

- a. The usable open space may be comprised of common open space shared by more than one residential unit or private open space for the exclusive use of the residents of one unit;
- b. Common open space at the ground level shall have a minimum area of two hundred twenty-five square feet and no dimension less than fifteen feet. Private open space located at the ground level shall have a minimum area of one hundred fifty feet square feet and no dimension less than ten feet. Open space provided on a balcony or roof deck shall have a minimum area of sixty square feet and no dimension less than six feet.
- c. Private open space located at the ground level adjacent to a street shall be screened to a minimum height of five feet.
- d. Parking facilities, driveways, service areas, required setback areas abutting a street and portions of balconies or roof decks, which extend into required setback areas, are not usable open space.

Attachment 4

9/22/2020

Division III. - Condominiums | Code of Ordinances | Whittier, CA | Municode Library

Minimum Dimensions. The minimum dimension of required usable open space shall be five feet except as follows:

1. Private open space shall not be less than eight feet in any dimension and shall have a minimum area of not less than one hundred square feet except for balconies, which shall have a minimum dimension of six feet by ten feet;
2. Where open space is contiguous to a required yard, the minimum dimension shall be two feet;
3. Where a condominium faces a required side yard, that portion of the required yard in excess of five feet shall be allowed to contribute to open space.

Attachment 5

9/22/2020

Sec. .290. - "R-3" Medium density multiple-family zone. | Zoning | Pomona, CA | Municode Library

M. Open Space.

Usable open space shall be provided in two forms, private and common open space. Private open space shall be directly related to individual units. Common open space shall be dispersed throughout the development and shall be available to all residents of the development.

1. Private Open Space. "Private open space" means and is defined as usable space assigned for the exclusive use of the occupant of a specific dwelling unit.
 - a. Ground Floor Units.
 - (1) Area. One hundred square feet per unit,
 - (2) Dimensions. The minimum dimension shall be eight feet.
 - (3) Enclosure. This space shall be enclosed in a manner to define the privacy of the space;
 - b. Above Ground Floor Units.
 - (1) Area. Seventy square feet per unit in the form of terraces, balconies or rooftop patios.
 - (2) Dimensions. The minimum dimension shall be six feet.

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 . 20-6047

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF WEST COVINA, CALIFORNIA, INITIATING CODE AMENDMENT
NO. 20-08 RELATED TO DEVELOPMENT STANDARDS FOR THE
WEST COVINA DOWNTOWN PLAN AND CODE**

WHEREAS, on October 13, 2020, the Planning Commission considered the initiation of a code amendment related to development standards for the West Covina Downtown Plan and Code; and

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

1. The Downtown Plan and Code currently requires a 12'-0" minimum ground floor height. It is appropriate to reduce the ground-floor height for residential uses, and increase the ground floor height for mixed-use and commercial uses in order to improve urban building designs.
2. The Downtown Plan and Code currently requires a minimum 8 feet depth and width for private open space. It is appropriate to reduce the minimum depth to 6 feet without reducing the 100 square feet minimum private open space area requirement.
3. The Downtown Plan and Code currently requires the minimum width of individual rowhouse units to be 18 feet. It is appropriate to reduce the minimum width of individual rowhouse units to 16 feet in order to allow for higher density development within the Downtown Plan area.
4. The Downtown Plan and Code currently limits the width of stoops to 8 feet. It is appropriate to remove the maximum width requirement for stoops achieve more creative and better building design quality.
5. 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 within the Downtown Plan and Code.

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 13th day of October 2020 by the following vote.

AYES: Holtz, Kennedy, Redholtz, Heng

NOES: None.

ABSTAIN: None.

ABSENT: Jaquez

DATE: October 13, 2020



Sheena Heng, Chairperson
Planning Commission



Mark Persico, Secretary
Planning Commission

Index of Changes to the Downtown Plan and Code

T-4 GENERAL URBAN ZONE

1. PAGE 52: Change height chart to the following:

	Ground Floor	Upper Stories
<u>Commercial/Mixed-Use Development</u>	Min. Height 12-14 ft.	Min. Height 10 ft.
<u>Residential Development</u>	<u>Min. Height 10 ft.</u>	<u>Min. Height 10 ft.</u>

ROWHOUSE

2. PAGE 60 : Change sentence beginning on the 11th row under “1 Description” to the following:

This Type is typically ~~located within medium density neighborhoods or~~ in locations that transitions from primarily single-family neighborhood into a neighborhood main street.

3. PAGE 60: Change No. 6 to the following:

Private Open Space	Width 8 ft. min.	Depth <u>6 ft. min</u>	Area 100 s.f. min. <u>(cumulative)</u>
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4. PAGE 60: Change No. 7 to the following:

Building Size & Massing	<u>Average</u> Width per rowhouse <u>unit</u> : 18 ft. min. <u>16 ft. min.</u> ; 36 ft. max.
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The front elevation and massing of each rowhouse building may be either symmetrical or asymmetrical, repetitive or unique in disposition, as long as the delineation of each individual unit is evident. The footprint area of an accessory structure may not exceed the footprint area of the main body of the building.

LIVE-WORK

5. PAGE 61: Change sentence beginning on the 8th row under “Description” to the following:

This Type is typically ~~located within medium density neighborhoods or~~ in locations that transitions from a neighborhood into an urban neighborhood street.

STOOP

6. PAGE 71: Change No. 1 to the following:

2. Size

Width	5 ft. min.; 8 ft. max.	
Depth	5 ft. min.; <u>8 ft. max.</u>	
Finish level above sidewalk		18 in. min.

ITEM NO. 5. a.

DATE: April 13, 2021

TO: Planning Commission
FROM: Planning Division
SUBJECT: Forthcoming - April 27, 2021

Attachments

Forthcoming - 4.27.21

AGENDA NO. 5. a.

DATE: April 13, 2021

FORTHCOMING PLANNING COMMISSION HEARING

April 27, 2021

A. CONSENT CALENDAR

None

B. PUBLIC HEARINGS

None

C. NON-HEARING ITEMS

None

May 11, 2021

A. CONSENT CALENDAR

None

B. PUBLIC HEARINGS

None

C. NON-HEARING ITEMS

None

May 25, 2021

REORGANIZATION OF THE PLANNING COMMISSION

A. CONSENT CALENDAR

None

B. PUBLIC HEARINGS

(1)

PRECISE PLAN NO. 20-26

TENTATIVE PARCEL MAP NO. 20-02

GENERAL PLAN AMENDMENT NO. 20-02

ZONE CHANGE NO. 20—03

APPLICANT: MLC Holdings

REQUEST: 119-unit Multi-family residential subdivision; General Plan
Amendment from Civic: Schools to Neighborhood Medium

C. NON-HEARING ITEMS

None