



CITY OF WEST COVINA

PLANNING COMMISSION

**SEPTEMBER 8, 2021, 7:00 PM
SPECIAL MEETING**

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

**Livier Becerra, Chair
Nickolas Lewis, Vice Chair
Brian Gutierrez, Commissioner
Shelby Williams, Commissioner
Sheena Heng, Commissioner**

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 Division 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

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

1. **ZONE CHANGE NO. 21-01
CODE AMENDMENT NO. 21-01
GENERAL EXEMPTION
REQUEST: The proposed code amendment consists of potential amendments to Chapter 26 (Zoning), Article XIII (Overlay Zone), Section 26-597, and Section 26-280 of the West Covina Municipal Code pertaining to the creation of an Auto Plaza Overlay Zone (Service-Commercial (S-C) zoned properties located south of the Interstate 10 Freeway, east of Azusa Avenue, north of Norma Avenue, west of Baymar Street) and applicable development standards.**

COMMISSION REPORTS/COMMENTS AND MISCELLANEOUS ITEMS

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

2. **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

ADJOURNMENT

PLANNING DEPARTMENT STAFF REPORT

SUBJECT

ZONE CHANGE NO. 21-01

CODE AMENDMENT NO. 21-01

GENERAL EXEMPTION

REQUEST: The proposed code amendment consists of potential amendments to Chapter 26 (Zoning), Article XIII (Overlay Zone), Section 26-597, and Section 26-280 of the West Covina Municipal Code pertaining to the creation of an Auto Plaza Overlay Zone (Service-Commercial (S-C) zoned properties located south of the Interstate 10 Freeway, east of Azusa Avenue, north of Norma Avenue, west of Baymar Street) and applicable development standards.

BACKGROUND

On July 20, 2021, the City Council considered a request made by the Advisory Board of the West Covina Auto Plaza Business Association to create an Auto Plaza Overlay zone and adopted a Resolution of Intention to initiate the zone change and code amendment.

Code Amendment No. 21-01 (CA 21-01) and Zone Change No. 21-01 (ZC 21-01) was properly noticed for and considered by the Planning Commission at its regular meeting on August 24, 2021. During the public hearing the applicant (represented by the Advisory Board of the West Covina Auto Plaza Business Improvement District President, Vice President, and Envision Motorsport legal counsel) expressed the benefit of establishing the Auto Plaza Overlay Zone and adopting development standards that would restrict use to new car dealerships and address safety concerns. Three members of the public spoke in opposition of the Code Amendment and Zone Change due to potential negative impacts on a proposed used car dealership and car rental services conditional use permit application submitted by Enterprise for one of the vacant sites within the Auto Plaza area.

The Planning Commission voted 3-2 to continue the item to the September 14, 2021 Planning Commission meeting to allow the Auto Plaza property owners to privately discuss the issue amongst each other, to allow staff to report a timeline of the History of the West Covina Auto Plaza BID and Code Amendment/Zone Change.

On August 25, 2021, the Chair called for a Special Meeting of the Planning Commission to discuss CA 21-01 and ZC 21-01 on September 8, 2021. The public hearing notice was published in the newspaper on August 28, 2021. In addition, those in attendance for this item at the August 24, 2021 Planning Commission meeting who provided their contact information, were given a courtesy notice.

DISCUSSION

West Covina Auto Plaza Business Improvement District (BID)

History

The following is a brief summary of the history of the West Covina Auto Plaza BID:

- **1980s - The West Covina Auto Plaza was established.** The City Council approved a Resolution adopting guidelines to establish the district for new car dealerships.
- **1993 - The Auto Plaza Business Improvement District (Auto Plaza BID) was established pursuant to the Parking and Business Improvement Law of 1989.** The purpose of the Auto Plaza BID is to act as a trade association of retail dealers of automobiles and promote mutual interests of its members by all lawful means, conduct advertising, selling, and public relations campaigns pertaining to the various automobiles

sold. The West Covina Redevelopment Agency worked with dealerships to establish the BID in order to finance and construct the readerboard sign.

Overlay Zone Request Timeline

The following is a timeline of the West Covina Auto Plaza BID's request for the Code Amendment/Zone Change:

- **May 26, 2021 - BID Annual Meeting.** The BID's request for the Code Amendment/Zone Change was first brought up. The Auto Plaza BID members in attendance could not vote on the Code Amendment/Zone Change request because it was not an agenda item.
- **July 6, 2021 - BID Special Meeting.** The "creation of an Overlay Zone at the West Covina Auto Plaza" was the only item in the agenda (an emailed notice was sent to all BID members). A majority of the membership of the Auto Plaza BID voted to submit a request letter to the City Council (Attachment No. 3), and pay the associated processing fees if the City Council initiated the requested Code Amendment/Zone Change.
- **July 20, 2021 - Code Amendment No. 21-01 and Zone Change No. 21-02 was initiated.** The City Council adopted a Resolution initiating the Code Amendment/Zone Change for the creation of the Auto Plaza Overlay Zone and standards.

Survey of Nearby Cities

In addition to compiling the requested timelines, staff also contacted other nearby cities with established Auto Plazas/Malls. Staff was able to obtain the following information:

- **The City of Industry** (Puente Hills Auto Center) has restrictions that only allows new vehicles as the primary use (used cars sales are only allowed as a "trade-in" to purchase a new vehicle; all other automobile service related uses are only allowed in conjunction with an automobile dealership).
- **The City of Cerritos** (Cerritos Auto Square) only allows new car dealerships "by right," but allows other auto related uses as a primary use through a CUP.
- **The City of Thousand Oaks** - requires at minimum a development permit for any type of use (Director's review if more than 400 feet from residential and Planning Commission review if less than 400 feet from residential); this includes new car dealerships.

Most of the cities surveyed have auto plazas that are at least two times larger than the West Covina Auto Plaza (with more than two-three times as many dealerships) and between 80-100% of the auto plazas/malls surveyed are occupied by new car dealerships. Since the West Covina Auto Plaza is much smaller than other auto malls in the area (comprising only of 7 properties in comparison to others with 15-25 dealerships) and it is not unusual to restrict the use of properties located within areas designated as auto plaza/malls, it is reasonable for the City to protect the West Covina Auto Plaza by adopting the proposed Code Amendment and Zone Change. Without the Code Amendment and Zone Change, other non-new car dealership related uses are allowed "by-right" in the existing zone, such as: appliance repair shops, art galleries, various retail stores, banks, bakeries, beauty salons, various offices, commercial laundry services, reprographics, restaurants, mortuaries, etc.

The Planning Commission decision on this matter is a recommendation to the City Council. West Covina Municipal Code section 26-151 provides that the City Council may amend zoning regulations, zone boundaries, or classification of property upon a determination of public necessity, convenience, general welfare, or good zoning practice. The proposed Zone Change and Code Amendment is consistent with the following General Plan Policies and Actions:

- **Policy 2.1 - Maintain and enhance the City's current tax base**
 - **Action 2.1a - Continue to strengthen the City's retail base.**

A large portion of the City's sales tax base comes from automobile/vehicle sales. The proposed Zone Change and Code Amendment will re-enforce the intent of the Auto Plaza BID area and will ensure that the area will be maintained for new vehicle sales.

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

The proposed Zone Change and Code Amendment will ensure the maintenance of the Auto Plaza for new vehicle sales. Therefore, West Covina residents and residents of nearby communities would note its presence and would likely consider visiting the area when shopping for new vehicles.

● **Action 2.9b Brand and market West Covina**

The presence and maintenance of an Auto Plaza area within the City will improve West Covina's branding. West Covina will be a destination for individuals and/or businesses shopping for new vehicles.

The text of the proposed amendment is discussed in the staff report from the Planning Commission meeting of August 24, 2021, which is attached for reference.

STAFF RECOMMENDATIONS

Staff recommends that the Planning Commission adopt Resolutions Nos. 21-6091 and 21-6092, recommending that the City Council approve Zone Change No. 21-01 and Code Amendment No. 21-01.

Submitted by: Jo-Anne Burns, Planning Manager

Attachments

Attachment No. 1 - Zone Change Resolution

Attachment No. 2 - Code Amendment Resolution

Attachment No. 3 - Letter from Envision on Behalf of Auto Plaza BID

Attachment No. 4 - August 24, 2021 Planning Commission Meeting Staff Report

PLANNING COMMISSION
RESOLUTION NO. 21-6091

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF WEST COVINA, CALIFORNIA, RECOMMENDING TO
THE CITY COUNCIL APPROVAL OF ZONE CHANGE NO. 21-01
CREATING THE AUTO PLAZA OVERLAY ZONE

WHEREAS, on the 20th day of July 2021, the City Council considered a request made by the Advisory Board of the West Covina Auto Plaza Business Association to create an Auto Plaza Overlay zone; and

WHEREAS, the City Council did, on the 20th day of July 2021, adopt a Resolution to formally initiate Zone Change No. 21-01 to create an Auto Plaza Overlay Zone; and

WHEREAS, the Planning Commission, upon giving the required notice, did on August 24, 2021 and September 8, 2021, conduct a duly advertised public hearing to consider the zone change; and

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

1. The properties located within the West Covina Auto Plaza are zoned as "Service-Commercial" (S-C). The existing base zoning will not change.
2. Approval of the zone change will create the Auto Plaza Overlay Zone.
3. The Auto Plaza Overlay Zone is necessary to maintain the West Covina Auto Plaza for the sales of new vehicles.

WHEREAS, after conducting the public hearing and considering all oral and written evidence, the Planning Commission wishes to recommend that the City Council approve the zone change creating the Auto Plaza Overlay zone encompassing all Service-Commercial (S-C) zoned properties located south of the Interstate 10 Freeway, east of Azusa Avenue, north of Norma Avenue, and west of Baymar Street.

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

SECTION 1: Based on evidence presented, Zone Change No. 21-01 is hereby found to be consistent with the City General Plan and implementation thereof.

SECTION 2: The Planning Commission recommends the City Council approve Zone Change No. 21-01, changing the zoning designation for subject property as set forth on Exhibit A, and amending the Zoning Map of the City of West Covina.

SECTION 3: Pursuant to requirements of the California Environmental Quality Act (CEQA) of 1970, as amended, the project General Exemption 15061(b)(3) 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 zone change would not result in physical change in the environment. The proposal does not involve any construction or additions to any existing structures.

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 8th day of September, 2021, by the following vote.

AYES:

NOES:

ABSTAIN:

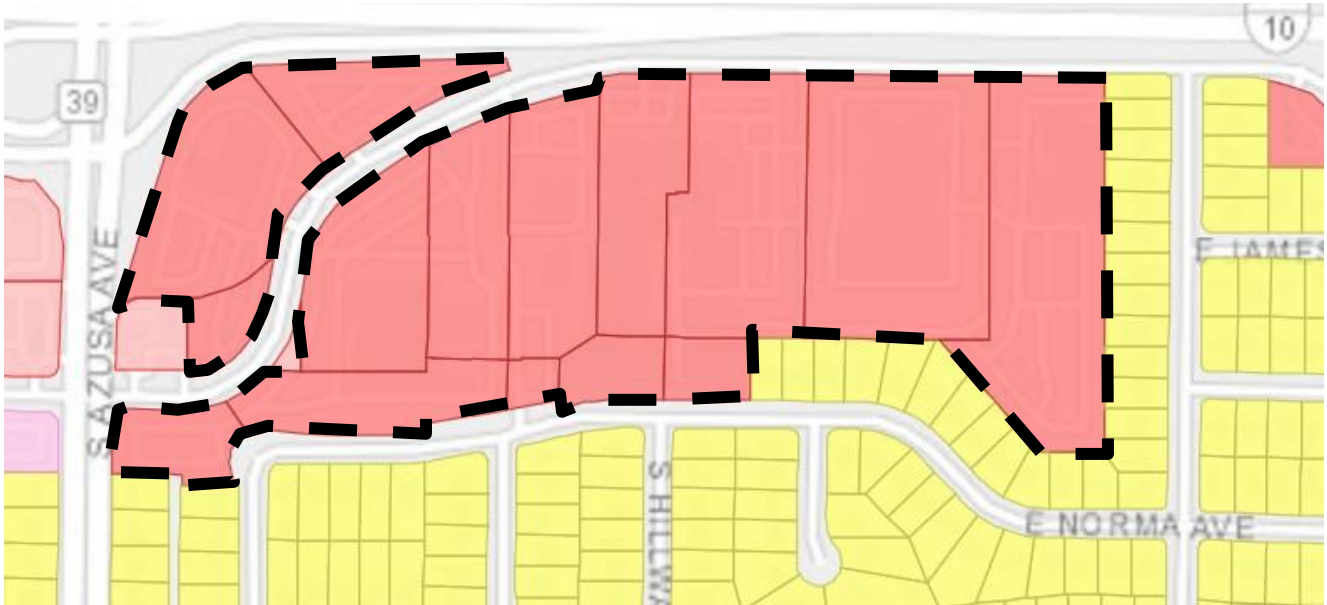
ABSENT:

DATE: September 24, 2021

Livia Becerra, Chairperson
Planning Commission

Paulina Morales, Secretary
Planning Commission

EXHIBIT A



Indicates the area the area zoned as “Service-Commercial” (S-C) included in the Auto Plaza Overlay zone.

**PLANNING COMMISSION
RESOLUTION NO. 21-6092**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
WEST COVINA, CALIFORNIA, RECOMMENDING TO THE CITY
COUNCIL APPROVAL OF CODE AMENDMENT NO. 21-01, CODE
AMENDMENT RELATED TO THE AUTO PLAZA OVERLAY ZONE
STANDARDS**

WHEREAS, on the 20th day of July 2021, the City Council considered a request made by the Advisory Board of the West Covina Auto Plaza Business Association to create an Auto Plaza Overlay zone and initiated a code amendment related to the Auto Plaza Overlay Zone standards; and

WHEREAS, the Planning Commission, upon giving the required notice, did on August 24, 2021 and September 8, 2021, conduct a duly advertised public hearing as prescribed by law. At the conclusion of the public hearing and after considering all oral and written evidence, the Planning Commission approved Planning Commission Resolution No. 21-6092, recommending that the City Council approve Code Amendment No. 21-01; and

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

1. The Auto Plaza Business Improvement District was created by the former West Covina Redevelopment Agency for the purpose of establishing a specific within the City for the sales of new vehicles to assist the City in economic development.
2. It is necessary to amend the municipal code to maintain the West Covina Auto Plaza for the sales of new vehicles.
3. 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. The zone change would not result in physical change in the environment. The proposal does not involve any construction or additions to any existing structures.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of West Covina as follows:

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. 21-01 is hereby found to be consistent with the West Covina General Plan and the implementation thereof, and that the public necessity, convenience, general welfare, and good zoning practices require Code Amendment No. 21-01.

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. 21-01 to amend Chapter 26 (Zoning) of the West Covina Municipal 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 8th day of September, 2021, by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: September 8, 2021

Livia Becerra, 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 APPROVING CODE AMENDMENT NO. 21-01, RELATED TO THE AUTO PLAZA OVERLAY ZONE STANDARDS

WHEREAS, on July 20, 2021, the City Council City Council considered a request made by the Advisory Board of the West Covina Auto Plaza Business Association to create an Auto Plaza Overlay zone and initiated a code amendment related to the Auto Plaza Overlay Zone standards; and

WHEREAS, on August 24, 2021 and September 8, 2021, the Planning Commission conducted a duly noticed public hearing as prescribed by law regarding proposed Code Amendment No. 21-01 and approved Planning Commission Resolution No. 21-6092, recommending that the City Council approve Code Amendment No. 21-01; and

WHEREAS, on _____, 2021, the City Council conducted a duly noticed public hearing as prescribed by law regarding this ordinance approving Code Amendment No. 21-01; and

WHEREAS, based on review of the State CEQA Guidelines, the City Council finds and determines that the 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 the zone change would not result in physical change in the environment and does not involve any construction or additions to any existing structures; 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.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1: Section 26-597 of Chapter 26, Article XI of the West Covina Municipal Code is hereby amended to read as follows with the accompanying land-use matrix/chart remaining unchanged:

- (a) *Purpose and applicability.* This division establishes special regulations for filming within the city. Property in any zone, unless otherwise specified in filming guidelines pursuant to

Section 26-280(d) subsection (d) below or provisions listed in Section 26-738(c)1., may be used as a location for filming, including without limitation filming of motion pictures, videotaping, or use of similar technology subject to approval of a film permit or major production permit pursuant to this article.

SECTION 2: Subsection (a) of Section 26-280 of Chapter 26, Article VI, Division 6 of the West Covina Municipal Code is hereby amended to read as follows:

Sec. 26-597. -Land uses (except industrial uses, ~~or~~ manufacturing uses, or uses within the Auto Plaza Overlay Zone)

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one (1) or more of the following purposes. All such uses shall be within an enclosed building unless specifically stated otherwise.

Uses specifically noted as "(Outdoor Display)" are allowed providing all functions other than display are at all times conducted within an enclosed building.

This section shall not apply to the Auto Plaza Overlay Zone located within the S-C zone. Permitted uses within the Auto Plaza Overlay Zone are set forth in Section 26-738.

* Indicates stated use is prohibited in the Civic Center Overlay Zone.

x Indicates stated use is allowed by right.

c Indicates stated use is allowed by conditional use permit.

p Indicates stated use is allowed subject to administrative review and approval by the planning director.

a Indicates stated use is allowed by administrative use permit.

b Indicates stated use is allowed by adult oriented business permit.

SECTION 3: Chapter 26, Article XIII, Division 4 of the West Covina Municipal Code is hereby amended to read as follows:

Chapter 26 (Zoning), Article XIII (Overlay Zones)

DIVISION 4. AUTO PLAZA OVERLAY

Sec. 26-735 Purpose.

The purpose of the Auto Plaza Overlay Zone is to preserve the City's Auto Plaza area to accomplish the City's goal of maintaining an established area designed for new vehicle franchise

dealerships in order to make its services more accessible to the public, and to promote economic development within the City.

Sec. 26-736 Location.

The Auto Plaza Overlay Zone shall consist of Service-Commercial (S-C) zoned properties located south of the Interstate 10 Freeway, north of Norma Avenue, west of Baymar Street, and east of Azusa Avenue.

Sec. 26-737 Definitions.

For the purpose of this chapter, the following definitions shall apply:

- (a) “Automaker” shall mean a company that manufactures cars.
- (b) “Dealership” shall mean the same as “new vehicle franchise dealership”
- (c) “New vehicle franchise dealership” shall mean a dealership selling new vehicles that has obtained permission and authority to sell vehicles as a direct agent of a major automaker.

Sec. 26-738 Permitted Uses

Permitted uses on any lot or premises within the Auto Plaza Overlay Zone shall be limited to the following:

- (a) The sales of new vehicles operated by a new vehicle franchise dealership or directly by the automaker
 - 1. Sales of new vehicles with outdoor display is allowed provided that all administrative functions are at all times conducted within an enclosed building.
- (b) Accessory uses
 - 1. The sales of used vehicles operated by the same franchise dealership or automaker operating the primary use.
 - a. Used vehicle inventory on the site shall be limited to no more than 30 percent of the total new vehicle inventory on the same site.
 - b. Outdoor display of used vehicles is allowed provided that all administrative functions are at all times conducted within an enclosed building.
 - 2. Vehicle service shop for maintenance and repair
 - 3. Car wash
 - a. The car wash shall only be used to clean the dealership’s vehicle inventory and/or to clean vehicles receiving maintenance or repair services.
 - b. The car wash shall not be made available for public use.
 - 4. Electric vehicle charging station
 - 5. Vehicle rental services only to be made available to customers utilizing services offered by the dealership
- (c) Temporary uses

1. Filming

- a. Filming or filmmaking on any lot or premises shall be limited to advertisement purposes promoting the dealership on the site.
- b. Filming shall only be allowed on a lot or property occupied with a new vehicle dealership with an active business license.
- c. Filming shall comply with the provisions of Division 6 (Motion Picture Filming) of Article VI (Procedures, Hearings, Notices, Fees, and Cases) of Chapter 26 (Zoning).

Sec. 26-739 Security Lighting Requirement

All properties located within the Auto Plaza Overlay Zone shall have all its parking lot/vehicle display light standards/poles brightly lit from sunset until 9:00 p.m. Parking lot/vehicle display light standards/poles shall automatically be switched to dimmer lighting between 9:00 p.m. and sunrise.

Sec. 26-740 Development Standards

Any proposed development and/or construction within the Auto Plaza Overlay Zone shall comply with the development standards set forth in Division 3 (Development Standards) of Article X (Nonresidential Uses) of Chapter 26 (Zoning). The provisions set forth in this Division (Division 4 Auto Plaza Overlay) shall prevail if any conflicting standards exist.

SECTION 4: The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published as required by law.

SECTION 5: 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 _____ day of _____, 2021.

Letty Lopez-Viado
Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherrick
Assistant City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF WEST COVINA)

I, Lisa Sherrick, Assistant City Clerk of the City of West Covina, do hereby certify the foregoing Ordinance, being Ordinance No. _____, was introduced at the _____, 2021 regular Council meeting and adopted at a regular meeting of the City Council on _____, 2021, by the following roll call vote:

AYES:
 NOES:
 ABSENT:
 ABSTAINED:

Lisa Sherrick
Assistant City Clerk



Envision Motors
2010 E Garvey Ave. S
West Covina, CA 91791
(626) 859-1200

Attn: City Council
City of West Covina
Planning Division, Second Floor, Room 208
1444 West Garvey Avenue South
West Covina, CA 91790

Re: Initiation of Overlay Zone Relating to West Covina Auto Plaza

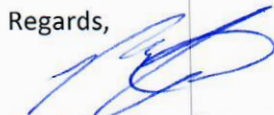
Dear Ms. Burns:

On behalf of the Advisory Board of the West Covina Auto Plaza Business Association, we are hereby submitting a request for the creation of an overlay zone for the benefit of the West Covina Auto Plaza Business Association. We request the overlay zone include the following items:

1. Only new car franchises are permitted to operate in the West Covina Auto Plaza
2. All properties must be brightly lit from sundown until at least 9 pm each night, with dimmer lights to be used between 9 pm and sunrise.
3. The West Covina Auto Plaza Business Association shall be permitted to sell advertising space and time on the West Covina Auto Plaza electronic leaderboard, upon the terms and conditions agreed to by the West Covina Auto Plaza Business Association.
4. No professional filming or filmmaking is permitted in the West Covina Auto Plaza, except for filming conducted by a dealership for the purposes of advertising said dealership.

Thank you again for your time and consideration. If you have any questions, please feel free to contact me at (925) 596-1222.

Regards,



Patrick Elahmadie
General Counsel
Envision Motors

PLANNING DEPARTMENT STAFF REPORT

SUBJECT

ZONE CHANGE NO. 21-01

CODE AMENDMENT NO. 21-01

GENERAL EXEMPTION

REQUEST: The proposed code amendment consists of potential amendments to Chapter 26 (Zoning), Article XIII (Overlay Zone), Section 26-597, and Section 26-280 of the West Covina Municipal Code pertaining to the creation of an Auto Plaza Overlay Zone (Service-Commercial (S-C) zoned properties located south of the Interstate 10 Freeway, east of Azusa Avenue, north of Norma Avenue, west of Baymar Street) and applicable development standards.

BACKGROUND

The Planning Division received correspondence written to the attention of the City Council from Envision Motorsport on behalf of the Advisory Board of the West Covina Auto Plaza Business Improvement District (Auto Plaza BID) (Attachment No. 3), requesting the City amend the West Covina Municipal Code and zoning designation for the Auto Plaza BID area to create an overlay zone that would accomplish the following:

- Allow only new car franchises to operate in the West Covina Auto Plaza
- Require all properties to be brightly lit from sundown until 9:00 pm, and dim lighting to be used from 9:00 pm to sunrise
- Prohibit professional filming/film-making except for filming conducted by a dealership for the advertising purpose of the said dealership
- Allow the West Covina Auto Plaza BID to sell off-site digital readerboard advertising in order to use the proceeds to advertise the West Covina Auto Plaza businesses through other means (i.e. radio, digital readerboards located in other cities, social media, etc).

At the July 20, 2021 City Council Meeting, the City Council initiated Code Amendment No. 21-01 and Zone Change No. 21-01, and directed staff to draft an Ordinance addressing three of the four requested items; the City Council was not in support of allowing off-site advertisement within the City. The City Council voted to only allow the advertising of off-site new car dealerships in the City of West Covina.

DISCUSSION

Zone Change

The West Covina Auto Plaza BID encompasses all Service-Commercial (S-C) zoned properties located south of the Interstate 10 Freeway, east of Azusa Avenue, north of Norma Avenue, west of Baymar Street. Auto Plaza BID was initially created by the former Redevelopment Agency with the intention of establishing a specific area within the City for the sales of new vehicles for economic development purposes.

The S-C zoning designation for the properties within the Auto Plaza BID will not change. The proposed Zone Change will create an overlay zone, which is a zoning tool available for municipalities to create additional regulations superimposed on existing zoning in specified areas. If adopted, all properties located within the overlay zone are required to comply with both the overlay zone and the base zoning district standards/regulations.

Code Amendment

The draft Ordinance provides the following changes to the West Covina Municipal Code:

Section 26-280 (Chapter 26, Article VI, Division 6: Motion Picture Filming)

- Cross-references Auto Plaza Overlay zone temporary use section which provides stricter filming regulations.

Section 26-597 (Chapter 26, Article XI: Non-Residential Uses)

- Clarifies that the Section does not apply to the Auto Plaza Overlay Zone and provides a cross-reference to the Auto Plaza Overlay Zone section so that individuals would be able to locate its permitted land-uses.

Division 4 (Chapter 26, Article XIII)

- New division (Division 4. Auto Plaza Overlay) is created under Article XIII (Overlay Zones)
- Establishes the purpose of the Auto Plaza Overlay Zone
- Describes the location of the Auto Plaza Overlay Zone (Service-Commercial (S-C) zoned properties located south of the Interstate 10 Freeway, north of Norma Avenue, west of Baymar Street, and east of Azusa Avenue.
- Provides definitions of terms used
- Indicates sales of new vehicles as the only permitted use with a list of complementary accessory uses

- Limits temporary uses to filming for the purpose of advertising dealership on the site
- Requires light standards/poles to be lit at night
- Clarifies that provisions in Division 4 will prevail if conflicting standards exist

GENERAL PLAN CONSISTENCY

The proposed Zone Change will not impact or change the "Commercial" General Plan land-use designation for the West Covina Auto Plaza BID area.

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

- **Policy 2.1 - Maintain and enhance the City's current tax base**
 - **Action 2.1a - Continue to strengthen the City's retail base.**

A large portion of the City's sales tax base comes from automobile/vehicle sales. The proposed Zone Change and Code Amendment will re-enforce the intent of the Auto Plaza BID area and will ensure that the area will be maintained for new vehicle sales.

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

The proposed Zone Change and Code Amendment will ensure the maintenance of the Auto Plaza for new vehicle sales. Therefore, West Covina residents and residents of nearby communities would note its presence and would likely consider visiting the area when shopping for new vehicles.

- **Action 2.9b Brand and market West Covina**

The presence and maintenance of an Auto Plaza area within the City will improve West Covina's branding. West Covina will be a destination for individuals and/or businesses shopping for new vehicles.

ENVIRONMENTAL DETERMINATION

The code amendment and zone change are exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines in that it consists of development standards and the creation of an overlay zone that includes additional limitations on uses and standards that are currently allowed within the City, which does not have the potential for causing a significant effect on the environment.

STAFF RECOMMENDATIONS

Staff recommends that the Planning Commission adopt Resolutions Nos. 21-6091 and 21-6092, recommending that the City Council approve Zone Change No. 21-01 and Code Amendment No. 21-01.

Submitted by: Jo-Anne Burns, Planning Manager

Attachments

Attachment No. 1 - Zone Change Resolution

Attachment No. 2 - Code Amendment Resolution

Attachment No. 3 - Letter from Envision on Behalf of Auto Plaza BID