



## **CITY OF WEST COVINA**

### **PLANNING COMMISSION**

SEPTEMBER 28, 2021, 7:00 PM  
REGULAR 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

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.

Due to the ongoing COVID-19 emergency and pursuant to State and County public health directives, Los Angeles County Department of Health requires that masks be worn indoors regardless of vaccination status

Members of the public may also watch the Planning Commission 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](https://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.

#### **EMAILED PUBLIC COMMENT:**

Members of the public can submit public comments to the Planning Department via e-mail at [Planning\\_Dept@westcovina.org](mailto:Planning_Dept@westcovina.org). The subject line should specify Oral Communications 9/28/2021. Please include your full name and address in your e-mail. All emails received by 5:00 P.M. on the day of the Council 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.

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

#### **AMERICANS WITH DISABILITIES ACT**

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

#### **PUBLIC COMMENTS/ADDRESSING THE COMMISSION**

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

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

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

## **MOMENT OF SILENT PRAYER/MEDITATION**

## **PLEDGE OF ALLEGIANCE**

## **ROLL CALL**

## **APPROVAL OF MINUTES**

1. Regular meeting, August 24, 2021  
Special meeting, September 8, 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.

## **PUBLIC HEARINGS**

2. **MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT  
GENERAL PLAN AMENDMENT NO. 20-03  
ZONE CHANGE NO. 20-04  
PRECISE PLAN NO. 20-48  
TREE REMOVAL PERMIT NO. 21-12  
TENTATIVE PARCEL MAP NO. 83444  
DEVELOPMENT AGREEMENT NO. 21-01  
APPLICANT: Scott Murray, Greenlaw Partners  
LOCATION: 1211 E. Badillo Street  
REQUEST: The applicant is requesting approval of a precise plan to repurpose an existing building and parking lot for use as an Amazon Delivery Station. The project includes a general plan amendment to change the land use designation from Civic: Public Institution to Industrial, a zone change to change the land use designation from SP-11: Faith Community Church to Manufacturing (M-1), a parcel map to combine two existing lots, a tree removal permit to remove significant trees on-site, and a Development Agreement.**
3. **CONDITIONAL USE PERMIT NO. 21-05  
CATEGORICAL EXEMPTION  
APPLICANT: Chadi Zein for Jasmine's Cafe  
LOCATION: 1240 Lakes Drive #C  
REQUEST: The project is for a Conditional Use Permit to allow for the "on-sale" service of beer and wine (Type 41 Alcohol License) and to allow the use of hookah in conjunction with the operations of a restaurant.**

4. **CODE AMENDMENT NO. 20-04  
GENERAL EXEMPTION  
LOCATION: City-wide  
REQUEST: The proposed code amendments consist of certain amendments to the Zoning section of the West Covina Municipal Code to modify development standards within the Residential-Agriculture (RA) and Single-Family Residential (R-1) zones.**

#### **NON-HEARING ITEMS**

5. **DEVELOPMENT CODE UPDATE SUBCOMMITTEE MEMBER SELECTION**

***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.

6. **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:**

- a. Forthcoming - Regular meeting, October 12, 2021

7. **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.**

**TO:** Planning Commission  
**FROM:** Planning Division  
**SUBJECT:** Regular meeting, August 24, 2021  
Special meeting, September 8, 2021

**DATE: September 28, 2021**

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**Attachments**

Minutes 8.24.21

Minutes. 9.8.21



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

**A G E N D A**

**DATE: September 28, 2021**

**ITEM NO.: 1**

**MINUTES  
REGULAR MEETING OF THE PLANNING COMMISSION  
CITY OF WEST COVINA  
Tuesday, August 24, 2021**

Regular meeting of the Planning Commission – Called to order at 7:00 p.m.in the West Covina Council Chambers.

The Commission observed a moment of silent prayer/meditation.

Chairperson Becerra lead the Pledge of Allegiance.

**ROLL CALL**

Present: Becerra, Gutierrez, Williams, Lewis, Heng

Absent: None

City Staff Present: Morales, Burns, Martinez

**APPROVAL OF MINUTES:**

1. Regular meeting, July 13, 2021

The minutes were approved as submitted.

**OTHER MATTERS OR ORAL COMMUNICATIONS**

None

**PUBLIC HEARINGS**

3. (Heard out of order.)  
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.

Planning Manager Jo-Anne Burnes presented the staff report.

Chairperson Becerra opened the public hearing.

PROPOSERS:

Patrick Elhamadie, General Counsel for Envision Motors. Glen Balouev, General Manager for Norm Reeves Honda, Simon Seradire., representing Envision Motors.

OPPOSERS:

Joe Velasco, Jeff Tuck, Thomas Klinger, Enterprise Car Rentals and Sales, spoke in opposition to the code amendment.

REBUTTAL:

Simon Seradire, Patrick Elhamadie, Glen Balouev and Jeff Tuck spoke in rebuttal.

Chairperson Becerra closed the public hearing.

Discussion by the Commission.

Motion by Heng, seconded by Becerra, to continue this matter to the next regular meeting. Motion carried 3-2 (Gutierrez, Lewis opposed.)

2. TENTATIVE TRACT MAP NO. 18-01 (TTM 74976)  
SUBCOMMITTEE FOR DESIGN REVIEW NO. 21-46 & 21-47 TREE  
REMOVAL PERMIT NO. 21-09 & 21-10 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. With the 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 1,222 square feet of the existing structure on 642 would be located on proposed Lots 5 and 6. Approximately 1,222 square feet of the feet of the existing structure on 704 East Francisquito Avenue would be demolished to meet the 25-foot front and rear yard and 5-foot side yard setback requirements as identified in Article VIII, Division 2 of the City's Zoning Code. Both properties are also proposing to remove two trees each for the new proposed driveway contingent upon the approval of the subdivision. (No new residential homes are being proposed as part of this project.)

Assistant Planner Camillia Martinez presented the staff report.  
Chairperson Becerra opened the public hearing.

PROPOSERS:

Kevin Lam, Project Manager for TDK Marsh Investment, spoke in favor of the project.

OPPOSERS:

Rachel Ortiz, resident, spoke in opposition to the project.

Chairperson Becerra closed the public hearing.

Discussion by the Commission.

Motion by Gutierrez, seconded by Heng, to waive further reading and adopt Resolution No. 21-6075, approving Tentative Tract Map No. 81-01 (TTM 74976). Motion carried 4-1 (Lewis opposed.)

Motion by Gutierrez, seconded by Heng, to waive further reading and adopt Resolution No. 21-6076, certifying the mitigated Negative Declaration of Environmental Impact for Tentative Tract Map No. 74976 (18-01) pursuant to the California Environmental Quality Act of 1970, as amended. Motion carried 4-1 (Lewis opposed.)

Commissioner Gutierrez excused himself from the meeting and left the Council Chambers.

4. CODE AMENDMENT NO. 20-04  
GENERAL EXEMPTION LOCATION: City-wide  
REQUEST: The proposed code amendments consist of certain amendments to the Zoning section of the West Covina Municipal Code to modify development standards within the Residential-Agriculture (RA) and Single-Family Residential (R-1) zones. This Code Amendment was reviewed by the City Council on August 4, 2020 and was sent back to the Planning Commission for revision.

Planning Manager Jo-Anne Burns presented the staff report.

Chairperson Becerra opened the public hearing.

PROPOSERS:

No one spoke in favor of the proposed code amendment.

OPPONENTS:

No one spoke in opposition to the proposed code amendment.

Chairperson Becerra closed the public hearing.

Discussion by the Commission.

Motion by Lewis, seconded by Becerra, to direct staff to amend the code amendment as directed by the Planning Commission and continue this matter to the September 28, 2021 regular Planning Commission meeting. Motion carried 4-0 (Gutierrez absent, excused.)

NON-HEARING ITEMS - None

COMMISSION REPORTS/COMMENTS AND MISCELLANEOUS ITEMS

5. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:

a. Forthcoming – September 14, 2021

6. CITY COUNCIL ACTION:

Community Development Director Paulina Morales reported that the City Council has approved Vincent Place and Cameron Avenue II residential developments.

ADJOURNMENT

Chairperson Becerra adjourned the meeting at 9:50 p.m.

Respectfully submitted:

Lydia de Zara  
Senior Administrative Assistant

**ADOPTED AS SUBMITTED ON:**

**ADOPTED AS AMENDED ON:**

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

**A G E N D A**  
**DATE: September 28 2021**  
**ITEM NO.: 1**

**MINUTES**  
**SPECIAL MEETING OF THE PLANNING COMMISSION**  
**CITY OF WEST COVINA**  
**Wednesday, September 8, 2021**

Special meeting of the Planning Commission – Called to order at 7:05 p.m.in the West Covina Council Chambers.

The Commission observed a moment of silent prayer/meditation.

Commissioner Williams lead the Pledge of Allegiance.

**ROLL CALL**

Present: Heng, Becerra, Gutierrez (arrived at 7:50 p.m.), Williams, Lewis

Absent: None

City Staff Present: Tsai, Morales, Burns

**ORAL COMMUNICATIONS**

Irvin (last name not given) – Recall election, business practices

Mike Greenspan – Enterprise Rental Cars

**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 25-280 of the West Covina Municipal Codd 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.

Paulina Morales, Assistant City Manager and Jo-Anne Burns, Planning Manager presented the staff report.

Chairperson Becerra opened the public hearing.

PROPOSERS:

Rebecca Villegas representing Envision Motors, spoke in favor of the application.

OPPOSERS:

Christopher Peterson, Jeff Tuck, representing Azusa Garvey LLC, Gerald Bartham, Financial Consultant, for owners of Azusa Garvey LLC, Thomas Klinger representing Enterprise Rental Cars, Mike Greenspan, Herman (last name not given) spoke in opposition to the application.

REBUTTAL:

None

Chairperson Becerra closed the public hearing.

Discussion by the Commission.

Motion by Gutierrez, seconded by Becerra, to waive further reading and adopt Resolution No. 21-6091, recommending to the City Council approval of Zone Change No. 21-01 creating the Auto Plaza Overlay Zone.

Motion by Gutierrez, seconded by Becerra, to waive further reading and adopt Resolution No. 21-6092, recommending to the City Council approval of Code Amendment No. 21-01, code amendment related to the Auto Plaza Overlay Zone Standards.

Motion carried 4-1 (Williams opposed.)

COMMISSION REPORTS/COMMENTS AND MISCELLANEOUS ITEMS

None

2. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:

- (a) Cancellation of September 14, 2021 regular Planning Commission meeting recall election.
- (b) Save the Date – October 14, 2021 – Employee Recognition at Big League Dreams.

ADJOURNMENT

Chairperson Becerra adjourned the meeting at 8:56 p.m.

Respectfully submitted:

Lydia de Zara  
Senior Administrative Assistant

**ADOPTED AS SUBMITTED ON:**

**ADOPTED AS AMENDED ON:**

*City of West Covina*  
**A G E N D A**

**ITEM NO.**

**TO:** Planning Commission  
**FROM:** Planning Division  
**SUBJECT:** **APPROVAL OF MINUTES**

**DATE:** **September 28, 2021**

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**PLANNING DEPARTMENT STAFF REPORT**

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**SUBJECT**

**MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT**

**GENERAL PLAN AMENDMENT NO. 20-03**

**ZONE CHANGE NO. 20-04**

**PRECISE PLAN NO. 20-48**

**TREE REMOVAL PERMIT NO. 21-12**

**TENTATIVE PARCEL MAP NO. 83444**

**DEVELOPMENT AGREEMENT NO. 21-01**

**APPLICANT: Scott Murray, Greenlaw Partners**

**LOCATION: 1211 E. Badillo Street**

**REQUEST:** The applicant is requesting approval of a precise plan to repurpose an existing building and parking lot for use as an Amazon Delivery Station. The project includes a general plan amendment to change the land use designation from Civic: Public Institution to Industrial, a zone change to change the land use designation from SP-11: Faith Community Church to Manufacturing (M-1), a parcel map to combine two existing lots, a tree removal permit to remove significant trees on-site, and a Development Agreement.

**BACKGROUND**

Amazon Inc., through its development partner, Greenlaw Partners, is proposing to repurpose an existing 177,240 square foot building, currently occupied by Faith Church, for use as a last mile delivery station. Delivery stations power the last mile of the order fulfillment process and help speed up deliveries for customers. Packages are transported to delivery stations via trailer trucks (18 wheelers) from larger Amazon fulfillment centers and are sorted, picked, and loaded into delivery vehicles. The packages would go through the following process:

- (1) enter the facility through the loading dock positions
- (2) be sorted from a conveyor area
- (3) be stored on mobile "Baker Racks"
- (4) be rolled to the delivery van loading area

The delivery station would be located on the 21.22-acre site situated north of Badillo Road and south of San Bernardino Road. The applicant is proposing to change the building address from 1211 East Badillo Street to 1200 East San Bernardino Road as part of this application.

ITEM	DESCRIPTION
<b>GENERAL PLAN AND ZONING</b>	General Plan - Civic: Public Institution Zoning - SP-11: Faith Community Church
<b>SURROUNDING LAND USES AND ZONING</b>	North: San Bernardino Road and multi-family residences. RD - Multi-family zone in the City of Covina  South: Badillo Street and single-family residences. R-1 - Residential Single Family zone  East: Multi-family residences (Lark Ellen Village). MF-20 - Residential 20 du/acre zone  West: Various industrial, commercial, and retail uses. M-1 - Light Manufacturing zone in the City of Covina
<b>CURRENT DEVELOPMENT</b>	The site consists of a 177,440-sf industrial building centrally located and surrounded by paved surface parking lots to the west, east, and south and mature landscaping throughout the site. A small playground adjoins the building to the east.  The building was built in the 1960s and was used by Honeywell Corporation and Hughes Aircraft/Electronics. Industrial operations moved from the area in the 1990s and the property was purchased by Faith Church and associated private school

## DISCUSSION

### **General Plan Amendment:**

The project includes a request for a General Plan Amendment (No. 20-03) to change the land use designation from Civic: Public Institution to Industrial. The Civic: Public Institution land use designation was placed on the property to accommodate Faith Church and related school. The land use designation of Industrial permits intensive manufacturing, processing, warehousing and similar uses, as well as light, clean industries, and support offices. The designation also allows workplace-serving retail functions and work-live residences where such secondary functions would complement and be compatible with industrial uses. Industrial land uses are primarily composed of large-scale buildings. The project is consistent with the proposed designation.

The project is consistent with the following General Plan policies:

- Our Prosperous Community Policy 2.1 Maintain and enhance the City's current tax base

*The project site is currently owned by Faith Church, which as a nonprofit entity, is exempt from paying property tax. An Industrial land use designation will place the property on the tax rolls which the City will receive its portion of property taxes. In addition, the potential loss in sales tax revenues from Amazon will be addressed by the Development Agreement.*

- Our Prosperous Community Policy 2.8 Build economic development capacity

*The development of the project will provide job opportunities for residents and increase business to the surrounding area.*

### **Zone Change:**

The project includes a request for a Zone Change (No. 20-04) from SP-11 – Faith Community Church to Manufacturing (M-1). Per the City's Municipal Code Section 26-542, the purpose of the manufacturing zone is to classify and set standards for those industrial and incidental commercial facilities which are of moderate to heavy intensity and have no objectionable or obnoxious effect on any adjacent property. The developmental and operational standards are intended to provide compatibility with and protection to surrounding properties by minimizing traffic congestion, noise, glare, vibration, emission of odor, toxic or noxious matter, and to provide adequate off-street parking, landscape buffering, and the proper placement of buildings.

### **Precise Plan:**

The applicant has filed for a Precise Plan for the site layout, landscaping, lighting, and architecture for the project. Detailed plans for each of these components can be found on the Planning Division web page under Projects and Environmental Documents. The link to the on-line plan set is provided below under the section entitled Large Attachments.

The proposed building improvements include demolition of portions of the exterior tilt up walls and existing storefront to accommodate additional dock door openings and new roll up drive in/drive out van doors. Eight new loading dock spaces/doors (at a higher height than existing doors (west elevation) and six new exterior overhead van doors (north and south elevations) would be installed.

Construction work would include structural improvements, electrical, mechanical, plumbing, and overall site work. Interior modifications would include demolition of interior walls. Exterior property work would include removal of the playground area, pavement re-striping, new directional striping and reconfiguration of the parking layouts, new smoker shelter at the north/east corner of the building, a new ride-share shelter west of the building, standard site directional and operational signage, and building mounted signage. A separate sign permit will be required for any new signage.

#### *Fencing/Walls*

Two 12-foot high screen walls would be constructed, one south of the loading dock area (525 feet including a 26-foot wide gate) and one north of the loading dock area (271.9 feet including a 26-foot wide gate). These walls are proposed to mitigate sound from the loading dock area. The material for the 12-foot-high walls includes a standard concrete masonry unit, which is to be painted a matching color to the main building.

New site fencing and gates would be located around the employee parking area on the west side of the building. No new fencing or gates will be installed around the perimeter of the site. However, additional landscaping would be added to screen the parking lot from the street. The existing block wall along the eastern property boundary will remain.

#### *Landscaping*

The landscape design is proposed to bring the site into closer conformance with the State's Model Water Efficient Landscape Ordinance (MWELO). Renovation of the site would include removal of high-water use, trees, and shrubs. The proposed new landscape plant pallet includes a mix of drought tolerant shrubs, grasses, and ground cover, as well as a variety of shade trees to be used throughout the parking area and around the perimeter of the site. The site will include 230 trees including the existing trees that will remain. Based on the gross site area of the lot, the code requires 8% of the lot be landscaped. The proposed landscape plan provides for 15% landscape coverage.

The existing six-foot wide side yard adjacent to the residential units at Lark Ellen Village will be maintained as required by the code and the proposed landscape design includes additional landscaping to fill in any existing gaps in the landscape screen created by the existing tall trees located on the Lark Ellen Village property.

#### *Lighting*

All existing light poles would be removed and new fixtures, pole bases, light poles, and building mounted lighting would be installed in accordance with City lighting requirements and illumination standards. The new light poles will be 25 feet in height. Lighting around

the perimeter of the property includes house-side shields, except for entrances/exits on the south side of the property. The proposed shields are simple shutters around the Light-Emitting Diode (LED's) that limit light thrown backwards. The existing light poles along the east property line adjacent to Lark Ellen Village currently utilize house shields. The proposed house shields will allow the project to adhere to the City code requirement that any areas adjacent to residential uses are restricted to 0.5-foot candles at the property line.

### *Architectural Design*

The architectural style and color of the building will remain the same. The new van overhead doors on San Bernardino Road and Badillo Street will be black aluminum to match the existing frontage.

### *Operational Overview*

There are three types of jobs at the delivery station. Amazon employees, which include associates that help with sorting packages inside the delivery station and managers who manage the sorting process. Delivery Service Partners (DSP) are entrepreneurs who have launched their own small business delivering packages on behalf of Amazon. DSPs operate out of Amazon's delivery stations and employ delivery drivers who deliver Amazon packages utilizing Amazon vans. Flex drivers are independent contractors that use their own vehicles to deliver packages.

The delivery station would operate 24 hours a day, 7 days a week to support delivery of packages to customer locations between 11:00 AM and 10:00 PM. Employee and delivery shifts are designed to avoid typical commuting peak periods.

Typically, line-haul trucks would deliver packages from a sorting facility about 20 miles southeast of the site. A total of 14 line haul trucks would deliver packages to the delivery station. Four would enter the site between the hours of 7:00 a.m. and 7:00 p.m. with the remaining trucks arriving and leave between the hours of 7:00 p.m. and 7:00 a.m. Most trucks would arrive and depart after the evening commuting peak period and before the morning peak commuting period. The remainder would be spread throughout the day. These trucks would be required to stay on the designated truck routes.

Delivery van drivers (DSP) would enter the site in the morning and park their vehicle in the van driver parking lot located southwest of the building. They would then pick up a van in the van parking lot area (south and east portions of the site) and would drive to the staging and loading area to load their packages to deliver. Once the delivery is complete, drivers would return to the site, park the van back in the van parking lot area, then leave using a personal vehicle or public transport. Returning delivery vans would enter the site from Badillo Street or the easterly most driveway on San Bernardino Road.

One hundred forty-two (142) delivery vans would load and depart from the station on San Bernardino Road at the rate of 36 vans every 20 minutes to facilitate a regulated traffic flow into the surrounding area. The first wave of delivery vans would leave the station around 10:00 AM. The departure window is designed to mitigate impacts on rush hour periods. Approximately 8 to 10 hours after dispatch, delivery routes are then complete and the vans return to the station between 7:00 PM and 10:00 PM. After the check-out and release of all delivery vehicles, delivery station Amazon associates prepare the delivery station for the next day's packages. The actual number of packages delivered from the station varies some throughout the year and by day of week.

Flex (independent) drivers will also deliver packages from the project site. Amazon anticipates approximately 45 traditional passenger vehicles entering the facility staggered between 4:30 PM and 6:00 PM. Flex Vehicles would load and depart every 15 minutes. Flex vehicles would enter and exit from Badillo Street.

### *Circulation/Traffic*

The site is accessed from Badillo Street and San Bernardino Road. There are four existing driveways on Badillo Street. The two westernmost driveways on Badillo Street have full access with left turn lanes carved from the landscape median. The other two are restricted to right turns. All three driveways on San Bernardino Road currently have full access, but none feature a left turn lane from San Bernardino Road. The easternmost of these driveways would be restricted to right turns and the middle driveway on West San Bernardino Road would be relocated to the west to operate as an exclusive exit only for delivery vans. Delivery vans would be able to exit eastbound or westbound San Bernardino Road.

The westerly most driveway, on San Bernardino Road, is to be relocated to align with Cutter Way and a new left turn pocket and a traffic light would be installed on San Bernardino Road. This will allow line-haul trucks approaching from the east to move out of traffic lanes before making a left turn into the delivery station. All line-haul trucks would access the site traveling westbound and would make a left turn into the westerly most driveway. All trucks would arrive and depart to the east. The new left turn pocket will likely require the removal of street parking on the south side of San Bernardino Road along the project frontage.

San Bernardino Road in front of the proposed delivery station is located in the City of Covina. The applicant has met with the city to discuss the project and the proposed traffic light and Covina is supportive of the new traffic light as noted in their comment letter on the Mitigated Negative Declaration. Permits for any improvements on San Bernardino Road would be issued by Covina.

### *Parking/On-Site Circulation*

Existing parking areas would be re-striped, and barriers would be erected to separate truck traffic from passenger traffic beyond the westernmost driveway to West San Bernardino Road. A total of 811 parking spaces would be provided — 185 for passenger vehicles and 626 for vans. Eight loading docks for line haul trucks are to be located on the west side of the building. A hardscape (or partially paved) courtyard on the east side of the building would be converted to stage delivery vehicles prior to entering the south side of the building for loading. Delivery vehicles would enter the building from the south side from the staging area and exit the site on the north side at San Bernardino Road. See Exhibit A on Attachment No. 7 for a site layout.

### *Tree Removal Permit*

A Tree Removal Permit is required for the removal of significant trees on-site, pursuant to Section 26-289 of the West Covina Municipal Code. Significant trees are defined as Oaks or Sycamores 6" or more in diameter; any tree species located in the front yard that is 12" or more in diameter. With the relocation of the westerly most driveway on San Bernardino Road to align with Cutter Way, three large Ficus trees will need to be removed east of the existing driveway. The three Ficus trees are 29.5, 24, and 24.5 inches in diameter.

### **Tentative Parcel Map**

The project site consists of two separate lots and the proposed project includes a Parcel Map (No. 83444) in order to combine the two existing lots into one.

### **Development Agreement**

The applicant and the City of West Covina intend to enter into a Development Agreement under the authority of California Government Code sections 65864 through 65869.5 to vest applicants' rights to development and to provide to City commitments for enhanced community benefits.

The Development Agreement proposes a total community benefit payment of \$4 million dollars (\$1 million due within 30 days after effective date of Development Agreement, \$1 million due prior to issuance of final certificate of occupancy for the tenant, and \$200,000 per year for ten years). This payment will help offset the fact that the delivery station will not generate sales tax for the City. In addition, since the project does not require a Conditional Use Permit, which would allow the City to place conditions on the operational aspects of the delivery station, operational conditions will be made part of the Development Agreement.

These conditions were developed to address concerns about how potential growth of the facility and the related increase in traffic including during peak season would be monitored. Annual driveway counts would be required to monitor incoming and outgoing traffic twice a year including one during peak season. The conditions would also require a 24/7 complaint hotline for use by residents and addresses how any potential noise from back-up alarms would be handled.

The operational conditions are listed below:

1. Per the Traffic Impact Study conducted by NV5 and the Initial Study/Mitigated Negative Declaration document, the facility shall not generate more than 914 trips per day (602 passenger vehicles, 284 delivery vans, and 28 tractor-trailer trucks). The facility operator shall retain the services of a Traffic Engineering firm on the City's list of service providers to conduct an annual 72-hour (consecutive) driveway count recording all trucks, vans, and passenger vehicles going into and out of the seven driveways serving the site (three on San Bernardino Road and four on Badillo Street). The driveway count occurrence shall take place during the calendar year of every year the development agreement is in full effect. The Driveway Count report shall be submitted directly to the City by the Traffic Engineering firm. If the operations exceed the number of allowable trips per day, the City and Property Owner shall meet, develop and implement a resolution satisfactory to both parties.
2. The operator shall maintain a complaint hotline on a 24/7 status and shall post a publicly visible sign with the 24/7 hotline telephone number, email address, and contact person's name where complaints about the operation of the facility can be received. The operator shall maintain a written log of all complaints and actions taken in connection with the complaints and to inform complainants of the actions taken. The operator shall provide to the City within ten (10) days of receiving a written request for such information from the City a report of complaints received within the prior 6 months and actions taken in response.
3. Should any product delivery truck or van's California OSHA required back-up warning alarm disrupt the peaceful quality of life for adjoining residents to the property, beyond the thresholds set forth in the MND, the business operator shall diligently pursue operational changes or vehicle alarm modification to reduce and/or eliminate any disturbing noise heard by adjoining residents.
4. The operator shall ensure that the left turn pocket on San Bernardino Road shall not have more than one tractor-trailer truck waiting to turn on to the property in any given time. Should the left turn pocket/lane have more than one truck in queue that traffic is backed-up and becomes a problem, the operator shall diligently work with the City of Covina and West Covina to resolve the issue. The operator shall be responsible for reimbursing the impacted cities for the cost of enforcement (staff time including police officers and/or code enforcement officers). If traffic becomes an ongoing issue/problem due to trucks crowding the left turn lane, the City and Property Owner shall meet, develop and implement a resolution satisfactory to both parties.
5. The public and/or customers shall not be allowed to pick up packages on the site at any time.
6. The operator shall ensure that all individual consultants, contractors, and/or self-employed drivers maintain a City business license.
7. The operator shall, in good faith, purchase supplies and services from City of West Covina based businesses and request all consultants and contractors to patronize City of West Covina businesses in performing their tasks, including the purchase of fuel for delivery vans.

In addition, the Development Agreement also requires the applicant to work with the West Covina Unified School District, Covina Valley Unified School District, Rowland Unified School District to establish an apprenticeship/internship program to assist high school programs in career development.

### **Community Outreach**

A neighborhood meeting, utilizing an on-line webinar format, was held on August 30, 2021. In addition to the neighborhood meeting, the applicant has conducted further community outreach. As noted in the attached Summary of Community Outreach (Attachment No. 8) approximately 200 invitations with project information were sent to homes within the city's 300-foot notification radius. Contact information was included for residents to call or email the Amazon project team directly with questions. Additionally, the applicant has indicated that Amazon project team personally walked Elgenia Ave. to invite homeowners, answer questions and provide additional information. In addition to the project team, there were 14 total attendees; 6 were neighbors, 2 represented the Lark Ellen Apartment community property management company, the balance were from the city or its environmental consultant at the neighborhood meeting.

The City has received one letter of support for the project and one letter with concerns about van drivers not following traffic and parking laws (Attachment No. 9). Staff has also received phone calls from nearby residents with concerns regarding potential noise and traffic impacts.

## **REQUIRED FINDINGS**

### **Precise Plan:**

The following findings are required to be made in order for the Planning Commission to approve or recommend approval of the Precise Plan:

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

The City's General Plan Land Use Element designates the subject property for Civic: Public Institution. The proposed land use designation is Industrial. The development of an Amazon Delivery Station will provide job opportunities for residents and increase business to surrounding area. In addition, the property is currently owned by Faith Church which as a nonprofit entity is exempt from paying property tax. An Industrial land use designation will place the property on the tax rolls which the City will receive its portion of property taxes. In addition, the potential loss in sales tax revenues from Amazon will be addressed by the Development Agreement.

The project is consistent with the following General Plan policies:

- Our Prosperous Community P2.1 Maintain and enhance the City's current tax base
- Our Prosperous Community P2.8 Build economic development capacity

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

The project includes a request for a Zone Change (No. 20-3) from SP-11 – Faith Community Church to Manufacturing (M-1). The proposed project will revitalize and modernize an existing 177,440 square foot building and make improvements to an existing parking lot that surrounds the building on three sides. New light standards with house shields to prevent lighting spill over to adjacent properties including the residential units to the east are proposed. In addition, new water efficient landscaping is proposed.

As proposed and conditioned, the project will comply with all development standards within the Manufacturing zone including landscape setbacks from adjacent residential uses, lighting, building height, setbacks, and parking.

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

The proposed project will re-purpose an existing building and parking lot for use as an Amazon Delivery Station. The existing 177,440 square foot building is located in the center of a 21.22 acre site. Residential uses are located north, south, and east of the site. The residential uses located north and south of the site are separated from the property by Badillo Street or San Bernardino Road which are 4-lane streets which will help minimize noise from the facility. In addition, the project includes the construction of two 12 foot high walls around the loading dock area located on the west side of the property to minimize sound to the surrounding properties.

The residential units located to the east of the site directly abuts one of the parking lots for the facility. This parking lot will be utilized for delivery van storage as well as a staging area where the vans stage before moving inside the building to load. A 6 foot wide landscape planter will be maintained along the east property line and new screen trees will be added to fill in any gaps in the existing landscape screen on the adjacent property.

The Mitigated Negative Declaration prepared for the project studied both traffic noise and on-site operational noise sources such as back-up alarms and determined no significant environmental impact would occur. The project as designed and conditioned will be compatible with the uses within the vicinity and would not be detrimental to the public interest, health, safety, and general welfare and would not unreasonably interfere with the use and enjoyment of property.

*d. The site is physically suitable for the type, density and intensity of the development being proposed, including vehicle access and circulation, utilities, and the absence of physical constraints.*

The proposed project will upgrade and modernize an existing building and make improvements to the existing parking lot. The site is accessed from Badillo Street and San Bernardino Road. There are four existing driveways on Badillo Street. The two westernmost driveways on Badillo Street have full access with left turn lanes carved from the landscape median. The other two are restricted to right turns. All three driveways on San Bernardino Road currently have full access, but none feature a left turn lane from San Bernardino Road. The easternmost of these driveways would be restricted to right turns and the middle driveway on West San Bernardino Road would be relocated to the west to operate as an exclusive exit only for delivery vans.

The westerly most driveway, on San Bernardino Road, is to be relocated to align with Cutter Way and a new left turn pocket and a traffic light would be installed on San Bernardino Road. This will allow line-haul trucks approaching from the east to move out of traffic lanes before making a left turn into the delivery station. The existing vehicle access points and proposed new traffic light makes the site physically suitable for a parcel delivery station.

The project is an infill development and is located within an urbanized area where utility connections are readily available.

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

The proposed project will revitalize and modernize an existing building and make improvements to an existing parking lot. All aspects of the site development are compatible with the existing and future land uses and do not interfere with orderly development in the vicinity. All site improvements and the proposed landscaping will enhance the overall appearance of the site.

#### **Tentative Parcel Map**

The following findings are required to be made in order for the Planning Commission to approve or recommend approval of the Tentative Parcel Map:

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

An amendment to the City's General Plan land-use map to change the designation of the project site from Civic: Public Institution to Industrial to accommodate the proposed Amazon Delivery Station.

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

- Our Prosperous Community P2.1 Maintain and enhance the City's current tax base
- Our prosperous Community P2.8 Build economic development capacity

The development of an Amazon Delivery Station will provide job opportunities for residents and increase business to surrounding businesses. In addition, the property is currently owned by Faith Church which as a nonprofit entity is exempt from paying property tax. An Industrial land use designation will place the property on the tax rolls and in which the City will receive its portion of property taxes. In addition, the potential loss in sales tax revenues from Amazon will be addressed by the Development Agreement.

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

The design and improvements of the proposed parcel map and precise plan are consistent with the General Plan in that the proposed Amazon Delivery Station, as conditioned, will be compatible with the single-family and multi-family residential and commercial uses in the vicinity. The project involves changing the land use designation of the project site from Civic: Public Institution to Industrial to allow the use of the property as an Amazon Delivery Station. The project conforms to all applicable development standards in the Zoning Code.

*c. The site is physically suitable for the type of development*

The proposed project site is 21.22 acres, flat and is physically suitable for the proposed project and adequate to accommodate the Amazon Delivery Station. The proposed project will upgrade and modernize an existing building and make improvements to the existing parking lot. The site is accessed from Badillo Street and San Bernardino Road. There are four existing driveways on Badillo Street. The two westernmost driveways on Badillo Street have full access with left turn lanes carved from the landscape median. The other two are restricted to right turns. All three driveways on San Bernardino Road currently have full access, but none feature a left turn lane from San Bernardino Road. The easternmost of these driveways would be restricted to right turns and the middle driveway on West San Bernardino Road would be relocated to the west to operate as an exclusive exit only for delivery vans.

The westerly most driveway, on San Bernardino Road, is to be relocated to align with Cutter Way and a new left turn pocket and a traffic light would be installed on San Bernardino Road. This will allow line-haul trucks approaching from the east to move out of traffic lanes before making a left turn into the delivery station. The existing vehicle access points and proposed new traffic light makes the site physically suitable for a parcel delivery station.

The site is served by all necessary utilities. Appropriate mitigation measures and conditions of approval will ensure that the site is improved in a manner consistent with City standards.

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

The site consists of an 21.22-acre parcel developed with an existing 177,440 square foot building, parking and landscaping. No known endangered, threatened or rare species or habitats, or designated natural communities, wetlands habitat, or wildlife dispersal, or migration corridors are present on site. A mitigated negative declaration was prepared for the project which included mitigation measures for biological resources, cultural resources, geology/soils, and transportation. All impacts would be avoided or reduced to less than significant levels after mitigation. All impacts would be avoided or reduced to less than significant levels after mitigation to ensure that the project will not cause substantial environmental damage or 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.*

The proposed map and improvements will have 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. 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 easements on the property that would be affected by implementation of the proposed project. Access to the site will be provided via San Bernardino Road and Badillo Street.

## **ENVIRONMENTAL DETERMINATION**

In compliance with CEQA, the State CEQA Guidelines a Mitigated Negative Declaration (MND) was prepared and will be considered prior to approval of the Project. The MND serves as a finding that the Project would not have a significant effect on the environment, with the incorporation of mitigation measures, as appropriate.

Based on the environmental analyses, with compliance with applicable regulatory requirements and/or the implementation of mitigation measures, the Project would have less than significant impacts on humans, as it relates to the following environmental issue areas: aesthetics, agriculture and forestry resources, air quality, energy, GHG emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, tribal resources, utilities and service systems, and wildfire.

The proposed Project's impacts on the following issue areas would require the implementation of mitigation measures: biological resources, cultural resources, geology/soils, and transportation. All impacts would be avoided or reduced to less than significant levels after mitigation.

Therefore, the proposed Project would not result in environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly, with the implementation of mitigation measures. All impacts would be less than significant after mitigation.

A copy of the MND can be found on the City's Planning Division web page at the following link:

<https://www.westcovina.org/departments/community-development/planning-division/projects-and-environmental-documents>

The MND includes a detailed discussion on all environmental issues related to the project including traffic and noise impacts and how any potential impacts were determined to be less than significant after mitigation.

The MND was circulated for public comment from July 13, 2021 to August 11, 2021.

Comments were received from the California Department of Transportation, the City of Covina, the Woodlane Village Homeowners Association, Teamsters Local Union No. 1932, and from six individuals. A Response to Comments was prepared and is provided as Attachment No. 10.

## **STAFF RECOMMENDATIONS**

Since the application includes a general plan amendment, zone change, and development agreement, for which the City Council has the final decision-making authority, the City Council will also make the final decision on the precise plan, parcel map and tree removal permit.

Staff recommends that the Planning Commission adopt Resolution Nos. 21-6093, 21-6094, 21-6095, 21-6096, 21-6097 and 21-6098, recommending the City Council approve the project Mitigated Negative Declaration, General Plan Amendment No. 20-03, Zone Change No. 20-04, Precise Plan No. 20-04, Tentative Parcel Map No. 83444, and Development Agreement No. 21-01.

## **LARGE ATTACHMENTS**

The plans and all environmental documents can also be viewed on-line at

<https://www.westcovina.org/departments/community-development/planning-division/projects-and-environmental-documents>

**Submitted by:** Jo-Anne Burns, Planning Manager and Joyce Parker-Bozylinski, Contract Planner

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### **Attachments**

Attachment No. 1 - Mitigated Negative Declaration Resolution  
Attachment No. 2 - General Plan Amendment Resolution  
Attachment No. 3 - Zone Change Resolution  
Attachment No. 4 - Precise Plan Resolution  
Attachment No. 5 - Tentative Parcel Map Resolution  
Attachment No. 6 - Development Agreement Resolution  
Attachment No. 7 - Exhibit A - Site Layout  
Attachment No. 8 - Community Outreach Summary  
Attachment No. 9 - Letters from neighbors  
Attachment No. 10 - Response to Comments

**RESOLUTION NO. 21-6093**

**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 GENERAL PLAN AMENDMENT NO 20-03, ZONE CHANGE NO. 20-04, PRECISE PLAN NO. 20-48, TENTATIVE PARCEL MAP NO. 83444, AND DEVELOPMENT AGREEMENT NO. 21-01, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED.**

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**MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT**

**APPLICANT:** Scott Murray, Greenlaw Partners

**LOCATION:** 1211 E. Badillo Street

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**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:

Repurpose an existing 177,440 square foot building and related parking lot for use as an Amazon Delivery Station;

Assessor's Parcel No. 8434-015-018, in the records of the Los Angeles County Assessor; and

**WHEREAS**, an application for a General Plan Amendment to change the designation from Civic: Public Institution to Industrial on has been submitted for the development of the project; and

**WHEREAS**, an application for a Zone Change from SP-11: Faith Community Church to Manufacturing (M-1) has been submitted for the project; and

**WHEREAS**, an application for a Precise Plan has been submitted for the site plan and architectural review; and

**WHEREAS**, an application for a Tentative Parcel Map (No. 83444) has been submitted to combine two existing lots into one lot; and

**WHEREAS**, an application for a Development Agreement has been submitted to vest applicant's rights and to provide the City commitments for enhanced community benefits; 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 28<sup>th</sup> day of September 2021 conduct a duly advertised public hearing to consider the subject application, at which time the Planning Commission adopted a resolution approving the Mitigated Negative Declaration; and

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

1. After receiving and considering all determinations, studies, documents, and recommendations, as well as other appropriate public comments, the Planning Commission of the City of West Covina 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 Department 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 28<sup>th</sup> day of September 2021, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**DATE:** September 28, 2021

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Livier Becerra, Chairperson  
Planning Commission

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Paulina Morales  
Secretary Planning Commission

## **EXHIBIT A**

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

**Mitigation Monitoring & Reporting Program  
Initial Study / Mitigated Negative Declaration  
Amazon Delivery Station DAX9 Project**

**(GPA No. 20-3, ZC No. 20-04, PP 20-008)  
SCH No. 2021070230**

City of West Covina  
Planning Division  
1444 West Garvey Avenue South  
West Covina, CA 91790  
Contact: Jo-Anne Burns, Planning Manager  
Email: [jburns@westcovina.gov](mailto:jburns@westcovina.gov)  
Phone: (626) 939-8761

September 16, 2021

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## Acronym List

The following acronyms are used in the Mitigation Monitoring and Reporting Matrix:

### A

AES	Aesthetics
AQ	Air Quality

### B

BIO	Biological Resources
BMP	Best Management Practice

### C

CALGreen	Green Building Standards Code
CalOSHA	California Occupational Safety and Health Administration
CBC	California Building Code
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
City	City of West Covina
Council	City of West Covina City Council
CUL	Cultural Resources

### D

DIF	Development Impact Fee
DTSC	Department of Toxic Substances Control

### E

ENE	Energy
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### G

GEO	Geology and Soils
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### H

HAZ	Hazards and Hazardous Materials
HYD	Hydrology and Water Quality

### I

I	Interstate
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### L

LACSD	Los Angeles County Sanitation District
LID	Low-Impact Development

### M

MBTA	Migratory Bird Treaty Act
MLD	Most Likely Descendent
MMRP	Mitigation Monitoring and Reporting Program

### N

NAHC	Native American Heritage Commission
NOI	NOI
NPDES	National Pollutant Discharge Elimination System

### P

PRD	Permit Registration Document
PS	Public Services

### R

ROW	Right-of-Way
-----	--------------

### S

SUSMP	Standard Urban Stormwater Mitigation Plan
SWPPP	Storm Water Pollution Prevention Plan

### T

TCR	Tribal Cultural Resources
TRA	Transportation

### U

UTL	Utilities and Service Systems
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## MITIGATION MONITORING AND REPORTING PROGRAM

### 1. **INTRODUCTION**

In accordance with the requirements of Section 21081.6 of the *California Public Resources Code*, and as part of its certification of the adequacy of Final Mitigated Negative Declaration (Final MND) for the Amazon Delivery Station DAX9 Project (Project), the City Council (Council) of the City of West Covina (City) adopts the following Mitigation Monitoring and Reporting Program (MMRP). The Council adopts this MMRP in its capacity as the lead agency for the Final MND in accordance with the provisions of the California Environmental Quality Act (CEQA) (*California Public Resources Code* Section 21000 et seq.), the State CEQA Guidelines (*California Code of Regulations*, Title 14, Section 15000 et seq.), and the City of West Covina Monitoring Requirements.

### 2. **MITIGATION MONITORING PROCEDURES**

The principal purpose of the MMRP is to ensure that the Council-approved mitigation measures and development requirements for the adopted Project are reported and monitored to ensure compliance with the measures' requirements. In general, City of West Covina, Community Development Department is responsible for overseeing implementation and completion of the adopted measures. This includes the review of all monitoring reports, enforcement actions, and document disposition, unless otherwise noted in the attached MMRP Table. However, the City Council retains overall responsibility for verifying implementation of all adopted mitigation measures.

### 3. **MITIGATION MONITORING AND REPORTING PROGRAM**

The MMRP is provided in tabular format to facilitate effective tracking and documentation of the status of mitigation measures regulatory requirements. The attached MMRP Table provides the following monitoring information:

- **Regulatory Requirements.** All adopted regulatory requirements for the Project from the Final MND are included.
- **Mitigation Measures.** All adopted mitigation measures for the Project from the Final MND are included.
- **Responsible for Implementation.** The Project Applicant or designated representative is the responsible party for implementing the mitigation measures and regulatory requirements, and the City of West Covina or a designated representative is responsible for monitoring implementation of the mitigation measures and regulatory requirements, unless noted differently.
- **Timing of Mitigation Measures and Regulatory Requirements.** A time frame is provided for performance of the mitigation measures and regulatory requirements, and the specific action deadline is designed to ensure that impact-related components do not proceed without establishing that the mitigation measure or regulatory requirement is implemented.
- **Responsibility for Monitoring.** The City Department(s) or other public agency(ies) responsible for overseeing the implementation and completion of mitigation measures and regulatory requirements is listed.
- **Completion Date.** The dates the mitigation measures and regulatory requirements are completed are to be filled in by the approving/verifying authority at a later date. Upon

completion, the MMRP and associated documentation will be kept on file at the City of West Covina Community Development Department, Planning Division.

#### **4. PROJECT LOCATION**

The approximate 21.22-acre Project site is in the City of West Covina, in Los Angeles County, California. The site is located at 1211 East Badillo Street (current address), Badillo Road and south of East San Bernardino Road. The Project Applicant is proposing to change the building address to 1200 West San Bernardino Road. The site is located within the northern portion of the City and is approximately 1.0 mile north of Interstate 10 (I-10) Freeway, which provides regional access. Local access to the site is provided via east-west routes by San Bernardino Road and Badillo Street.

#### **5. PROJECT DESCRIPTION SUMMARY**

Amazon Inc., through its development partner, Greenlaw Partners, is seeking to locate in the City of West Covina (City) and repurpose the proposed Project site for a last mile delivery station. Delivery stations power the last mile of the order fulfillment process and help to speed up deliveries for customers. Packages are transported to delivery stations via trailer trucks (18 wheelers) from Amazon fulfillment and sortation centers and are sorted, picked, and loaded into delivery vehicles. The packages would (1) enter the facility through the loading dock positions; (2) be sorted from a conveyor area; (3) be stored on mobile “Baker Racks”; and (4) be rolled to the delivery van loading area.

The proposed Project involves the revitalization and modernization of the existing on-site building. The footprint for the structure would not change. The proposed building improvements on-site include demolition of portions of the tilt up walls for proposed dock door openings, as well as existing non-load bearing walls, plumbing, electrical, an existing mezzanine, and existing storefront for new roll up drive in/drive out doors. Eight new loading dock spaces/doors (at a higher height than existing doors and six new exterior overhead van doors (north and south elevations) would be installed. Construction work would include structural improvements, electrical, mechanical, plumbing, and overall site work. Two 12-foot high screen walls would be constructed, one south of the approach driveway and adjacent to the loading dock area (525 feet including a 26-foot wide gate) and one north of the loading dock area (271.9 feet including a 26-foot wide gate). The material for the 12-foot high walls includes a standard Concrete Masonry Unit, which is to be painted a matching color to the main building.

Interior modifications would include demolition of interior walls. Exterior property work would include removal of the playground area, pavement restriping, new directional striping and reconfiguration of the parking layouts, new smoker shelter at the north/east corner of the building, a new rideshare shelter, standard site directional and operational signage, and building mounted signage.

Other proposed modifications/improvements include relocation of existing on-site fire hydrants, and installation of platforms that are to be constructed at the truck court. New site fencing and gates would be located around the employee parking area on the west side of the building and no new fencing or gates would be installed around the perimeter of the site. Curb repair is also proposed, as well regrading for the van exit location at East San Bernardino Road in order to fix existing drainage low spots. This would include construction of new low impact development (LID) Stormwater Treatment Best Management Practices (BMPs) on the north side of the existing building. Additionally, all existing light poles would be removed and new fixtures, pole bases, light poles, and building mounted lighting would be installed in accordance with City lighting requirements and illumination standards.



The landscape design is proposed to bring the site into closer conformance with the State's Water Efficient Landscape Ordinance (WELo). Renovation of the site would include removal of high-water use, trees, and shrubs. The proposed new landscape plant pallet includes a mix of drought tolerant shrubs, grasses, and ground cover, as well as a variety of shade trees to be used throughout the parking area and around the perimeter of the site. The new irrigation would adhere to the requirements found in WELo and the City's landscape and irrigation guidelines for commercial and industrial properties.

Existing parking areas would be restriped, and barriers would be erected to separate truck traffic from passenger traffic beyond the westernmost driveway to East San Bernardino Road. A total of 811 parking spaces would be provided — 185 for passenger vehicles and 626 for vans. Eight loading docks are to be located on the west side of the building and a hardscape (or partially paved) courtyard on the east side of the building would be converted to stage delivery vehicles prior to entering the south side of the building for loading.

### **5.1 Construction Program**

Property improvement activities are anticipated to occur over a 5- to 6-month timeframe and take place 5 days a week, in accordance with the City's permitted hours of operation.

**AMAZON DELIVERY STATION DAX9 PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Responsible for Implementation	Timing of Mitigation	Responsibility of Monitoring	Completion Date (Signature Required)
<b>AESTHETICS</b>				
<b>Regulatory Requirements</b>				
<b>RR AES-1</b> Project design would be required to comply with Section 26-26-542, Manufacturing (M-14) Zone, of the West Covina Municipal Code. The City shall review and approve the Project's design and operational plans, with consideration to elements including, but not limited to, orientation of buildings and uses, air quality, parking, traffic generation, noise/vibration, glare, and landscaping.	Project Applicant/ Developer	Design review	City Planning Department	
<b>RR AES-2</b> Exterior lighting for the Project shall be designed and constructed in compliance with Section 26.519, Lighting, of the West Covina Municipal Code.	Project Applicant/ Developer	Design review	City Public Works, Building and Safety Services Department	
<b>AIR QUALITY</b>				
<b>Regulatory Requirements</b>				
<b>RR AQ-1</b> All construction activities shall be conducted in compliance with South Coast Air Quality Management District's Rule 403, Fugitive Dust, for controlling fugitive dust and avoiding nuisance. Contractor compliance with Rule 403 requirements shall be mandated in the contractor's specifications.	Project Contractor	During construction	City Public Works, Building and Safety Services Department	
<b>RR AQ-2</b> All construction activities shall be conducted in compliance with South Coast Air Quality Management District Rule 402, Nuisance, which states that a project shall not "discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property".	Project Contractor	During construction	City Public Works, Building and Safety Services Department	

**AMAZON DELIVERY STATION DAX9 PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Responsible for Implementation	Timing of Mitigation	Responsibility of Monitoring	Completion Date (Signature Required)
<b>BIOLOGICAL RESOURCES</b>				
<b>Regulatory Requirements</b>				
<b>RR BIO-1</b> The proposed on-site and off-site trees shall be planted, preserved, removed, replaced and/or maintained in accordance with Chapter 26, Article XIV, Division 1, Water Efficient Landscaping, and Chapter 26, Article VI, Division 9, Preservation, Protection and Removal of Trees, of the West Covina Municipal Code.	Project Applicant/ Developer	During and after construction	City Planning Department	
<b>Mitigation Measures</b>				
<b>MM BIO-1</b> Prior to the issuance of any grading permits, the Community Development Director or designee shall verify that the following requirements for nesting birds and preconstruction survey are completed by the Project Applicant: <ul style="list-style-type: none"> <li>The start of site-preparation activities and subsequent construction activity initiation shall be scheduled outside of the bird nesting and breeding season (typically March 1 through August 15). If site-preparation activities start during the nesting season, a qualified Biologist shall conduct a nesting bird survey in potential bird nesting areas within 200 feet of any proposed disturbance. The survey shall be conducted no more than three days prior to the start of any ground disturbance activities.</li> <li>If active nests of bird species protected by the Migratory Bird Treaty Act (MBTA) and/or the California Fish and Game Code are present in the impact area or within 200 feet of the impact area, a temporary buffer shall be established a minimum of 200 feet around the nest site. This temporary buffer may be greater or lesser depending on the bird species and type of disturbance, as determined by the Biologist.</li> <li>Clearing and/or construction activities within buffer areas shall be postponed or halted until the</li> </ul>	Project Applicant/ Developer	Prior to the issuance of any grading permits	Community Development	

**AMAZON DELIVERY STATION DAX9 PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Responsible for Implementation	Timing of Mitigation	Responsibility of Monitoring	Completion Date (Signature Required)
nest is complete (ex. juveniles have fledged from the nest and there is no evidence of a second nesting attempt) as determined by a qualified Biologist.				
<b>CULTURAL RESOURCES</b>				
<b>Regulatory Requirements</b>				
<b>RR CUL-1</b> If human remains are encountered during any Project-related ground-disturbing activities, Section 7050.5 of the California Health and Safety Code states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition of the materials pursuant to Section 5097.98 of the California Public Resources Code. The provisions of Section 15064.5 of the California Environmental Quality Act Guidelines shall also be followed. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner shall notify the Native American Heritage Commission (NAHC). The NAHC will determine and notify a Most Likely Descendent (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The descendent must complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. These requirements shall be included as notes on the contractor specification and verified by the Community Development Department, prior to issuance of grading permits. This measure shall be implemented to the satisfaction of the City in consultation with the County Coroner.	Project Applicant/ Developer/ Contractor	During ground disturbing activities	City Planning Department	

**AMAZON DELIVERY STATION DAX9 PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Responsible for Implementation	Timing of Mitigation	Responsibility of Monitoring	Completion Date (Signature Required)
<b>Mitigation Measures</b>				
<b>MM CUL-1</b> A qualified archaeologist (the "Project Archaeologist") shall be retained prior to the start of any large scale earthwork activities related to Project construction. The Project Archaeologist shall monitor all ground-disturbing activities within the areas of native soil (i.e., below existing areas of artificial fill from previous construction). If archaeological or historical resources are encountered during implementation of any phase of the Project, the Project Archaeologist shall be allowed to temporarily divert or redirect excavation activities in the vicinity of the find in order to make an evaluation of the find.	Project Archaeologist	Prior to start of grading	City Planning Department	
<b>ENERGY</b>				
<b>Regulatory Requirements</b>				
<b>RR ENE-1</b> The Project must be designed in accordance with the applicable Title 24 Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations [CCR], Title 24, Part 6) and the Title 24 Green Building Standards Code (CALGreen), (CCR, Title 24, Part 11). These standards are updated, nominally every three years, to incorporate improved energy efficiency technologies and methods.	Project Applicant/ Developer	Design phase	City Public Works, Building and Safety Services Department	
<b>GEOLOGY AND SOILS</b>				
<b>Regulatory Requirements</b>				
<b>RR GEO-1</b> The Project shall be designed and constructed in compliance with the 2019 California Building Code (CBC) Design Parameters or the most current CBC adopted in the City's Municipal Code.	Project Applicant/ Developer	Design phase	City Public Works, Building and Safety Services Department	
<b>RR GEO-2</b> Prior to issuance of a grading permit, the Project Applicant shall prepare an erosion control plan in compliance with City's Grading Ordinance, as approved by the City.	Project Applicant/ Developer	Prior to the issuance of a grading permit	City Public Works, Building and Safety Services Department	

**AMAZON DELIVERY STATION DAX9 PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Responsible for Implementation	Timing of Mitigation	Responsibility of Monitoring	Completion Date (Signature Required)
<b>Mitigation Measures</b>				
<b>MM GEO-1</b> Site preparation and building design specifications shall follow the recommendations in the Geotechnical Study Proposed DAX9 Warehouse Improvements, 1211 Badillo Street, West Covina, California, prepared by Kleinfelder (dated November 13, 2020), as well as any additional future site specific, design-level geotechnical investigations of the Project. Site preparation and earthwork operations shall be performed in accordance with applicable codes, safety regulations and other local, State, or federal specifications.	Project Applicant/ Developer	Prior to the issuance of a grading permit	City Public Works, Building and Safety Services Department	
<b>MM GEO-2</b> In the event paleontological resources are encountered during construction, ground-disturbing activity shall cease. It is recommended that a Qualified Paleontologist be retained by the Applicant to examine the materials encountered, assess the nature and extent of the find, and recommend a course of action to further investigate and protect or recover and salvage those resources that have been encountered. Criteria for discard of specific fossil specimens shall be made explicit. If a Qualified Paleontologist determines that impacts to a sample containing significant paleontological resources cannot be avoided by Project planning, then recovery may be applied. Actions may include recovering a sample of the fossiliferous material prior to construction; monitoring work and halting construction if an important fossil needs to be recovered; and/or cleaning, identifying, and cataloging specimens for curation and research purposes. The cost associated with recovery, salvage, and treatment shall be borne by the Applicant. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the Qualified Professional. Resources shall be identified and curated into an established accredited professional repository. The Qualified Professional shall have a repository	Paleontologist	During construction and ground disturbing activities	City Public Works, Building and Safety Services Department	

**AMAZON DELIVERY STATION DAX9 PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Responsible for Implementation	Timing of Mitigation	Responsibility of Monitoring	Completion Date (Signature Required)
agreement in hand prior to initiating recovery of the resource.				
<b>GREENHOUSE GAS EMISSIONS</b>				
<i>Regulatory Requirements</i>				
RR ENE-1 would be applicable.				
<b>HAZARDS AND HAZARDOUS MATERIALS</b>				
<i>Regulatory Requirements</i>				
<b>RR HAZ-1</b> The demolition contractor shall comply with the requirements of Title 8 of the California Code of Regulations (Section 1532.1-Lead) regarding the removal of lead-based paint or other materials containing lead. The regulations set exposure limits, exposure monitoring, respiratory protection, and good working practices by workers exposed to lead. Lead-contaminated debris and other wastes shall be removed and monitored by contractors with appropriate certifications from the California Department of Health Services and disposed of in accordance with the applicable provisions of the California Health and Safety Code.	Demolition Contractor	During demolition	City Public Works, Building and Safety Services Department	
<b>RR HAZ-2</b> The demolition contractor shall comply with the South Coast Air Quality Management District's (SCAQMD's) Rule 1403, which provides guidelines for the proper removal and disposal of asbestos-containing materials. In accordance with Rule 1403, prior to the demolition, renovation, rehabilitation, or alteration of structures that may contain asbestos, an asbestos survey shall be performed by a Certified Asbestos Consultant (certified by the California Occupational Safety and Health Administration [CalOSHA]) to identify building materials that contain asbestos. Removal of the asbestos shall then include prior notification of the SCAQMD and compliance with removal procedures and time schedules; asbestos handling and clean-up procedures; and storage, disposal, and landfilling requirements under Rule 1403.	Demolition Contractor/ Certified Asbestos Consultant	Prior to demolition	City Public Works, Building and Safety Services Department	

**AMAZON DELIVERY STATION DAX9 PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM**

<b>Mitigation Measures</b>	<b>Responsible for Implementation</b>	<b>Timing of Mitigation</b>	<b>Responsibility of Monitoring</b>	<b>Completion Date (Signature Required)</b>
<b>RR HAZ-3</b> The demolition contractor shall comply with the California Health and Safety Code (Section 39650 et seq.) and the California Code of Regulations (Title 8, Section 1529), which prohibit emissions of asbestos from asbestos related demolition or construction activities; require medical examinations and monitoring of employees engaged in activities that could disturb asbestos; specify precautions and safe work practices that must be followed to minimize the potential for the release of asbestos fibers; and require notice to federal and local government agencies prior to beginning renovation or demolition that could disturb asbestos.	Demolition Contractor	During demolition	City Public Works, Building and Safety Services Department	
<b>RR HAZ-4</b> All construction on public rights-of-way shall include the implementation of traffic control measures in accordance with the West Covina Municipal Code Chapter 12.20, Street Excavation, and Chapter 19, Article X, Section 19-302, Standard Specifications for Public Works Construction, which adopts the Greenbook by reference.	Contractor	During construction	City Public Works, Building and Safety Services Department	
<b>Mitigation Measures</b>				
<b>MM HAZ-1</b> Prior to grading and building permit approval, additional soil vapor sampling shall be performed in order to verify current vapor levels on the Project site. Sampling shall be completed according to Advisory Active Soil Gas Investigations (DTSC et. al. 2015) and results shall be compared to appropriate risk-based screening levels. If concentrations are below screening levels, no further mitigation is required. If concentrations are above screening levels, other actions shall be developed in consultation with appropriate regulatory agencies in order to reduce screening to appropriate levels.	Project Applicant/ Developer	Prior to the issuance of a grading and building permit	City Public Works, Building and Safety Services Department	



**AMAZON DELIVERY STATION DAX9 PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Responsible for Implementation	Timing of Mitigation	Responsibility of Monitoring	Completion Date (Signature Required)
<b>HYDROLOGY AND WATER QUALITY</b>				
<i><b>Regulatory Requirements</b></i>				
<b>RR HYD-1</b> Prior to demolition and construction activities on the site, the Contractor shall prepare and file a Permit Registration Document (PRD) with the State Water Resources Control Board in order to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No 2009-009-DWQ, NPDES No. CAS000002) or the latest approved Construction General Permit. The PRD shall consist of a Notice of Intent (NOI); a Risk Assessment; a Site Map; a Storm Water Pollution Prevention Plan (SWPPP); an annual fee; and a signed certification statement. Pursuant to permit requirements, the Project Applicant/Developer shall implement the Best Management Practices (BMPs) in the SWPPP to reduce or eliminate construction-related pollutants in site runoff. The BMPs shall be implemented during all demolition and construction activities on the site.	Contractor	Prior to demolition and construction	City Public Works, Building and Safety Services Department	
<b>RR HYD-2</b> In accordance with Section 9.36, Control of Pollutants from New Developments/Redevelopment Projects, of the West Covina Municipal Code, the Project shall be constructed and operated in accordance with the standard urban stormwater mitigation plan (SUSMP) prepared for the Project and approved by the City.	Project Applicant/Developer	During construction and operation	City Public Works, Building and Safety Services Department	
<b>PUBLIC SERVICES</b>				
<i><b>Regulatory Requirements</b></i>				
<b>RR PS-1</b> The Project shall be designed and constructed in accordance with applicable regulations in Chapter 10, Fire Prevention and Protection, of the City of West Covina Municipal Code.	Project Applicant/Developer	Design phase	City Planning Department	

**AMAZON DELIVERY STATION DAX9 PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM**

<b>Mitigation Measures</b>	<b>Responsible for Implementation</b>	<b>Timing of Mitigation</b>	<b>Responsibility of Monitoring</b>	<b>Completion Date (Signature Required)</b>
<b>RR PS-2</b> Pursuant to Chapter 17, Article IV, Development Impact Fees of the City's Municipal Code, prior to issuance of each building permit, the Project Applicant shall be responsible for payment of the City's Development Impact Fees (DIFs) including police facilities, fire facilities, park facilities, administration facilities, and public works facilities, as appropriate and in amounts established by City Council Resolution. The fees paid shall be those in effect at the time of issuance of the building permit, subject to applicable fee credits for community facilities provided as part of the Project.	Project Applicant/ Developer	Prior to issuance of a building permit	City Planning Department and West Covina Fire and Police Departments and City Public Works, Building and Safety Services Department	
<b>RR PS-3</b> The Project Applicant shall pay the applicable school development fee to the West Covina Unified School District, in accordance with Section 17620 of the California Education Code.	Project Applicant/ Developer	Prior to issuance of a building permit	City Planning Department West Covina Unified School District	
<b>RR PS-4</b> The Project Applicant shall pay the applicable park fee, in accordance with Chapter 26, Article VI, Section 2620 for the purpose of park and recreational facilities.	Project Applicant/ Developer	Prior to issuance of a building permit	City Planning Department	
<b>RECREATION</b>				
<b>Regulatory Requirements</b>				
<b>RR PS-2</b> would be applicable.				
<b>TRANSPORTATION</b>				
<b>Regulatory Requirements</b>				
<b>RR TRA-1</b> All trucks used during demolition and construction and during long-term occupancy of the Project shall use designated truck routes, in compliance with Chapter 22, Division 5, Truck Routes, of the West Covina Municipal Code.	Project Applicant/ Developer	During demolition, construction, and occupancy	City Public Works, Traffic and Lighting Section	

**AMAZON DELIVERY STATION DAX9 PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM**

<b>Mitigation Measures</b>	<b>Responsible for Implementation</b>	<b>Timing of Mitigation</b>	<b>Responsibility of Monitoring</b>	<b>Completion Date (Signature Required)</b>
<b>RR TRA-2</b> The Project shall be designed and constructed to provide adequate sight distance for drivers at all entrances and exits (driveways), drive aisles, and roadways, per West Covina Municipal Code Section 22.8, Obstruction to Visibility at Intersections or Driveways.	Project Applicant/ Developer	Design phase	City Public Works, Traffic and Lighting Section	
<b>Mitigation Measures</b>				
<b>MM TRA-1</b> As determined by the Traffic Study Dated June 22, 2021, a new traffic signal shall be installed at the intersection of Cutter Way and Project Driveway #7. A signal and striping plan shall be submitted and approved by the City of Covina (since San Bernardino road is within City of Covina ROW). The plan shall also be submitted to the cities of West Covina and Covina for concurrence on the Signal Plan as well as the Signing and Striping Plans for San Bernardino Road.	Project Applicant/ Developer	During final engineering	City of Covina And City of West Covina Public Works, Traffic and Lighting Section	
<b>MM TRA-2</b> All vegetation located along driveways on Badillo Street needs to provide a clear line of sight for exiting vehicles. All newly installed landscaping shall be lower than 3.5 feet in height on both sides of each driveway.	Project Applicant/ Developer	During final engineering	City Public Works, Traffic and Lighting Section	
<b>MM TRA-3</b> New red curbs are required to provide clear line of sight for driveways along Badillo Avenue. The Red Curbs are to be shown on all submitted plans to the City for Approval. The amount of red curb (in feet) is to be determined by applicant's engineer based on Line of Sight Calculations.	Project Applicant/ Developer	During final engineering	City Public Works, Traffic and Lighting Section	
<b>MM TRA-4</b> The signal and striping plan shall accommodate left turn lanes/pockets on both approaches of San Bernardino Road at Cutter Way to eliminate sight distance and safety issues for eastbound left turning vehicles whose views of the westbound vehicles may be blocked by trucks.	Project Applicant/ Developer	During final engineering	City Public Works, Traffic and Lighting Section	

**AMAZON DELIVERY STATION DAX9 PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Responsible for Implementation	Timing of Mitigation	Responsibility of Monitoring	Completion Date (Signature Required)
<b>MM TRA-5</b> A 2-way left turn lane shall be installed along the entire Project east of Cutter Way to facilitate traffic turning out of the driveways on San Bernardino Road. As there are several driveways on both sides of San Bernardino Road, the future 2 way left turn lane shall facilitate all left turns in and out of all of these driveways to improve traffic safety along this corridor.	Project Applicant/ Developer	During final engineering	City Public Works, Traffic and Lighting Section	
<b>MM TRA-6</b> The amount of new red curb on San Bernardino Road, on either side of proposed driveways in order to provide clear line of sight, shall be shown on all plans submitted to the cities of Covina and West Covina for approval. The amount of red curb (in feet) is to be determined by applicant's engineer based on Line of Sight Calculations as shown in Appendix G in the June 22, 2021 Traffic Impact Study, Figure 25.	Project Applicant/ Developer	During final engineering	City of Covina and City of West Covina Public Works, Traffic and Lighting Section	
<b>MM TRA-7</b> Conceptual Striping Plan for the left turn movements into driveways 5 and 6 on San Bernardino Road shall prohibit the left turn movement into the site necessitating the installation of NO LEFT TURN signs at each driveway for westbound traffic. This requires installation of R3-2 and R5-1 signs.	Project Applicant/ Developer	During final engineering	City Public Works, Traffic and Lighting Section	
<b>TRIBAL CULTURAL RESOURCES</b>				
<i>Regulatory Requirements</i>				
<b>RR CUL-1</b> would be applicable.				
<b>UTILITIES AND SERVICE SYSTEMS</b>				
<i>Regulatory Requirements</i>				
<b>RR UTL-1</b> Water service to the Project, including application for water service, service connections, water rates, fire service, and water mains, shall be constructed and provided in accordance with Chapter 23, Article III, Water, of the West Covina Municipal Code.	Project Applicant/ Developer	Prior to final design permit	City Public Works, Engineering Division	
<b>RR UTL-2</b> The Project Applicant shall pay the applicable Connection Fee Program capital facilities fees to the	Project Applicant/ Developer	Prior to construction	City Public Works, Engineering Division	

**AMAZON DELIVERY STATION DAX9 PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM**

<b>Mitigation Measures</b>	<b>Responsible for Implementation</b>	<b>Timing of Mitigation</b>	<b>Responsibility of Monitoring</b>	<b>Completion Date (Signature Required)</b>
Los Angeles County Sanitation District (LACSD), as authorized by the California Health and Safety Code Sections 5400 to 5474.				
<b>RR UTL-3</b> The Project shall be designed and constructed with water-efficient fixtures and systems, as required by the CALGreen Code, which has been adopted by reference into Section 7-301, Adoption of Title 31 (Green Building Standards Code), of the West Covina Municipal Code.	Project Applicant/ Developer	Prior to construction	City Public Works, Engineering Division	
<b>RR UTL-4</b> The Project contractor shall recycle, reuse, and/or salvage at least 65 percent of demolition and construction debris, in accordance with Section 4.408 of the CALGreen Code.	Project Applicant/ Developer	During demolition and construction	City Public Works, Maintenance Division, Environmental Services Section	

**PLANNING COMMISSION**

**RESOLUTION NO. 21-6093**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF GENERAL PLAN AMENDMENT NO. 20-03.**

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**GENERAL PLAN AMENDMENT NO. 20-03**

**MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT**

**APPLICANT:** Scott Murray, Greenlaw Partners

**LOCATION:** 1211 W. Badillo Street (AIN: 8434-015-018)

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**WHEREAS**, there was filed with this City a verified application on the forms prescribed for the following reclassification:

From Civic: Public Institution to Industrial on that certain property generally described as follows:

Assessor's Parcel Number 8434-015-018 in the records of the Los Angeles County Assessor; and

**WHEREAS**, local governments are authorized by Government Code section 65350 et seq., to amend the general plan; and

**WHEREAS**, the proposed Amazon Delivery Station project implements the policies of the General Plan by providing an orderly, functional and compatible land use pattern; and

**WHEREAS**, consistent with this request, the applicant has also requested the approval of a new Precise Plan (No. 20-08) to allow for the development of an Amazon Delivery Station; and

**WHEREAS**, the Planning Commission, upon giving the required notice, did on September 28, 2021, conduct a duly noticed public hearing to consider said application and did give all persons interested therein an opportunity to be heard; and

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

1. The City adopted a new General Plan on December 20, 2016. The General Plan Land Use Maps were amended in November 7, 2017, November 5, 2019, May 4, 2021, and July 20, 2021.
2. The project includes a general plan amendment requesting to change the land use designation of the property located at 1121 W. Badillo Street from Civic: Public Institution to Industrial to allow for the development of an Amazon Delivery Station.
3. The project includes a zone change requesting to amend the zoning of the property located at 1211 W. Badillo Street from SP-11: Faith Community Church to Manufacturing (M-1), to allow for development of an Amazon Delivery Station.
4. The project includes a Tentative Parcel Map (83444) to combine two existing lots into one.
5. The project includes a precise plan to repurpose an existing 177,440 square foot building and related parking lot for use as an Amazon Delivery Station on a 21.22 acre site.
6. The project includes a tree removal permit to remove 3 significant trees on the site (3 Ficus trees).
7. The project includes a Development Agreement to vest the applicants rights to development and to provide to the City commitments for enhanced community benefits.
8. 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, California, does resolve as follows:

**SECTION NO. 1:** Based on the evidence presented General Plan Amendment No. 20-03 is found to be consistent with the City's General Plan (as amended) and the land uses permitted within said zone classification.

**SECTION NO. 2:** The Planning Commission does hereby recommend to the City Council that it approve General Plan Amendment No. 20-03, redesignating the subject property from "Civic: Public Institution to Industrial" as set forth on Exhibit A and amending the Land Use Map of the City of West Covina.

**SECTION NO. 3:** The Secretary is instructed to forward a copy of this Resolution to the City Council for its attention in the manner prescribed by law.

**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 28<sup>th</sup> day of September, 2021, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**DATE:** September 28, 2021

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Livier Becerra, Chairperson  
Planning Commission

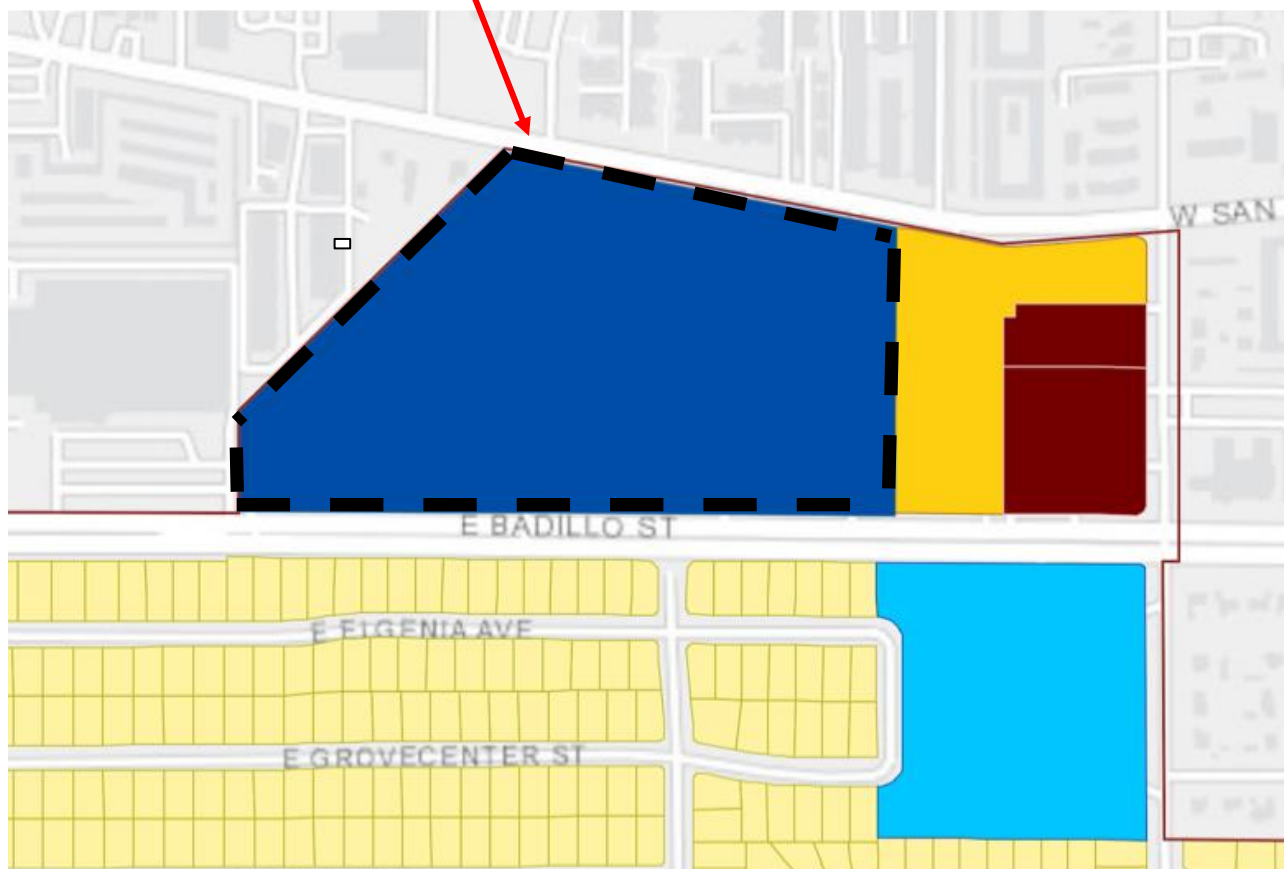
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Paulina Morales  
Secretary Planning Commission



## EXHIBIT A

**Subject Property: Civic: Public Institution**  
**1211 E. Badillo Street**



*Indicates the area to be changed from “Civic: Public Institution” to  
“Industrial (I)”*

**PLANNING COMMISSION**

**RESOLUTION NO. 21-6095**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF ZONE CHANGE NO. 20-04**

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**ZONE CHANGE NO. 20-04**

**MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT**

**APPLICANT:** Scott Murray, Greenlaw Partners

**LOCATION:** 1211 E. Badillo Street (AIN: 8434-015-018)

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**WHEREAS**, there was filed with this City a verified application on the forms prescribed in Section 26-153 and 26-199 of the West Covina Municipal Code, for the following reclassification:

From SP-11: Faith Community Church to Manufacturing (M-1), on that certain property generally described as follows:

Assessor's Parcel Number 8434-015-018 in the records of the Los Angeles County Assessor; and

**WHEREAS**, the Amazon Delivery Station project implements the policies of the General Plan by providing an orderly, functional and compatible land use pattern; and

**WHEREAS**, consistent with the request, the applicant has also requested a General Plan Amendment (No. 20-03) to amend the designation of the Land Use Element on the subject property from "Civic: Public Institution to Industrial;" and

**WHEREAS**, consistent with this request, the applicant has also requested the approval of Precise Plan 20-08, which would allow for the development of an Amazon Delivery Station on the site; and

**WHEREAS**, the Planning Commission, upon giving the required notice, did on September 28, 2021, conduct a duly noticed public hearing to consider said application and did give all persons interested therein an opportunity to be heard; and

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

1. The project includes a general plan amendment requesting to change the land use designation of the property located at 1121 W. Badillo Street from Civic: Public Institution to Industrial to allow for the development of an Amazon Delivery Station.
2. The project includes a zone change requesting to amend the zoning of the property located at 1211 W. Badillo Street from SP-11: Faith Community Church to Manufacturing (M-1), to allow for development of an Amazon Delivery Station.
3. The project includes a Tentative Parcel Map (83444) to combine two existing lots into one.
4. The project includes a precise plan to repurpose an existing 177,440 square foot building and related parking lot for use as an Amazon Delivery Station on a 21.22 acre site.
5. The project includes a tree removal permit to remove 3 significant trees on the site (3 Ficus trees).
6. The project includes a Development Agreement to vest the applicants rights to development and to provide to the City commitments for enhanced community benefits..

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, California, does resolve as follows:

**SECTION NO. 1:** Based on the evidence presented Zone Change No. 20-04 is found to be consistent with the City's General Plan (as amended) and the land uses permitted within said zone classification.

**SECTION NO. 2:** The Planning Commission does hereby recommend to the City Council that it approve Zone Change No. 20-04, 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 NO. 3:** The Secretary is instructed to forward a copy of this Resolution to the City Council for its attention in the manner prescribed by law.

**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 28<sup>th</sup> day of September 2021, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

DATE: September 28, 2021

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Livier Becerra, Chairperson  
Planning Commission

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Paulina Morales  
Secretary Planning Commission

**Subject Property: SP-11:Faith Community Church  
1211 E. Badillo Street**



*Indicates the area to be changed from “SP-11: Faith Community Church to Manufacturing (M-1)”*

**PLANNING COMMISSION**

**RESOLUTION NO. 21-6096**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE PRECISE PLAN NO. 20-08 AND TREE REMOVAL PERMIT NO. 21-12 AT 1211 E. BADILLO STREET**

**PRECISE PLAN NO. 20-08**

**TREE REMOVAL PERMIT NO. 21-12**

**MITIGATED NEGATIVE DECLARATION (MND)**

**APPLICANT:** Scott Murray, Greenlaw Partners

**LOCATION:** 1211 E. Badillo Street

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**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 and tree removal permit:

Repurpose an existing 177,440 square foot building and parking lot on a 21.22-acre site for use as an Amazon Delivery Station and to remove significant trees on-site; and

**WHEREAS**, a Mitigated Negative Declaration was prepared for the proposed project pursuant to the requirements of the CEQA in support of the finding that there will not be a significant effect on the environment as a result of this project and based on the environmental analyses, with compliance with applicable regulatory requirements and/or the implementation of mitigation measures, the project would have less than significant impacts on humans, as it relates to the following environmental issue areas: aesthetics, agriculture and forestry resources, air quality, energy, GHG emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, tribal resources, utilities and service systems, and wildfire.

The proposed project's impacts on the following issue areas would require the implementation of mitigation measures: biological resources, cultural resources, geology/soils, and transportation. All impacts would be avoided or reduced to less than significant levels after mitigation.

Therefore, the proposed project would not result in environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly, with the implementation of mitigation measures. All impacts would be less than significant after mitigation; and

**WHEREAS**, the Planning Commission upon giving the required notice did on the 28<sup>th</sup> day of September 2021, conduct a duly advertised public hearing as prescribed by law to consider said application.

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

1. The applicant is requesting approval of a precise plan, general plan amendment, zone change, parcel map, tree removal permit and development agreement to repurpose an existing 177,440 square foot building and parking lot on a 21.22 acre site for use as an Amazon Delivery Station. The project includes a general plan amendment to change the land use designation from Civic: Public Institution to Industrial, a zone change to change the land use designation from SP-11: Faith Community Church to Manufacturing (M-1), a parcel map to combine two existing lots, a tree removal permit to remove significant trees on-site, and a Development Agreement.
2. Appropriate findings for approval of a precise plan of design are as follows:
  - a. The proposed development plans and the uses proposed are consistent with the General Plan and any applicable specific plan.
  - b. The proposed development is consistent with adopted development standards for the zone and complies with all other applicable provision of the Municipal Code.
  - c. Granting the permit would not be detrimental to the public interest, health, safety, and welfare and would not unreasonably interfere with the use or enjoyment of property in the vicinity of the subject property.
  - d. The site is physically suitable for the type, density and intensity of the development being proposed, including vehicle access and circulation, utilities, and the absence of physical constraints.
  - e. The architecture, site layout, location, shape, bulk and physical characteristics of the proposed development are compatible with the existing and future land uses, and do not interfere with orderly development in the vicinity.
3. Based on the analysis and substantial evidence presented in the Mitigated Negative Declaration, the City has determined there are no significant environmental impacts resulting from the proposed project.; and

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

1. On the basis of the evidence presented, both oral and documentary, the Planning Commission makes the following findings:

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

The City's General Plan Land Use Element designates the subject property for Civic: Public Institution. The proposed land use designation is Industrial. The development of an Amazon Delivery Station will provide job opportunities for residents and increase business to surrounding businesses. In addition, the property is currently owned by Faith Church which as a nonprofit entity is exempt from paying property tax. An Industrial land use designation will allow the property to be sold for use as an Amazon Delivery Station and the City receive additional property taxes. In addition, the potential loss in sales tax revenues from Amazon will be addressed by the Development Agreement.

The project is consistent with the following General Plan policies:

- Our Prosperous Community P2.1 Maintain and enhance the City's current tax base
- Our Prosperous Community P2.8 Build economic development capacity

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

The project includes a request for a Zone Change (No. 20-3) from SP-11 – Faith Community Church to Manufacturing (M-1). The proposed project will revitalize and modernize an existing 177,440 square foot building and make improvements to an existing parking lot that surrounds the building on three sides. New light standards with house shields to prevent lighting spill over to adjacent properties including the residential units to the east are proposed. In addition, new water efficient landscaping is proposed.

As proposed and conditioned, the project will comply with all development standards within the Manufacturing zone including landscape setbacks from adjacent residential uses, lighting, building height, setbacks, and parking.

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

The proposed project will repurpose an existing building and parking lot for use as an Amazon Delivery Station. The existing 177,440 square foot building is located in the center of a 21.22 acre site. Residential uses are located north, south, and east of the site. The residential uses located north and south of the site are separated from the property by Badillo Street or San Bernardino Road which are 4-lane streets which will help minimize noise from the facility. In addition, the project includes the construction of two 12 foot high walls around the loading dock area located on the west side of the property to minimize sound to the surrounding properties.



The residential units located to the east of the site directly abuts one of the parking lots for the facility. This parking lot will be utilized for delivery van storage as well as a staging area where the vans stage before moving inside the building to load. A 6 foot wide landscape planter will be maintained along the east property line and new screen trees will be added to fill in any gaps in the existing landscape screen on the adjacent property.

The Mitigated Negative Declaration prepared for the project studied both traffic noise and on-site operational noise sources such as back-up alarms and determined no significant environmental impact would occur. The project as designed and conditioned will be compatible with the uses within the vicinity and would not be detrimental to the public interest, health, safety, and general welfare and would not unreasonably interfere with the use and enjoyment of property.

*d. The site is physically suitable for the type, density and intensity of the development being proposed, including vehicle access and circulation, utilities, and the absence of physical constraints.*

The proposed project will upgrade and modernize an existing building and make improvements to the existing parking lot. The site is accessed from Badillo Street and San Bernardino Road. There are four existing driveways on Badillo Street. The two westernmost driveways on Badillo Street have full access with left turn lanes carved from the landscape median. The other two are restricted to right turns. All three driveways on San Bernardino Road currently have full access, but none feature a left turn lane from San Bernardino Road. The easternmost of these driveways would be restricted to right turns and the middle driveway on West San Bernardino Road would be relocated to the west to operate as an exclusive exit only for delivery vans.

The westerly most driveway, on San Bernardino Road, is to be relocated to align with Cutter Way and a new left turn pocket and a traffic light would be installed on San Bernardino Road. This will allow line-haul trucks approaching from the east to move out of traffic lanes before making a left turn into the delivery station. The existing vehicle access points and proposed new traffic light makes the site physically suitable for a parcel delivery station.

The project is an infill development and is located within an urbanized area where utility connections are readily available.

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

The proposed project will revitalize and modernize an existing building and make improvements to an existing parking lot. All aspects of the site development are compatible with the existing and future land uses and do not interfere with orderly

development in the vicinity. All site improvements and the proposed landscaping and will enhance the overall appearance of the site.

2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Precise Plan No. 20-08 is recommended for approval subject to the provisions of the West Covina Municipal Code, provided that the physical development of the herein described property shall conform to said plan and the conditions set forth herein which, except as otherwise expressly indicated, shall be fully performed and completed or shall be secured by bank or cash deposit satisfactory to the Community Development Director, before the use or occupancy of the property is commenced and before the Certificate of Occupancy is issued.
3. That the precise plan shall not be effective for any purpose until the applicant (or a duly authorized representative) has filed at the office of the Community Development Director, his affidavit stating he is aware of, and accepts, all conditions of this precise plan as set forth below. Additionally, no permits shall be issued until the applicant (or a duly authorized representative) pays all costs associated with the processing of this application pursuant to City Council Resolution No. 8690.
4. The costs and expenses of any enforcement activities, including, but not limited to attorneys' fees, caused by the applicant's violation of any condition imposed by this approval or any provision of the West Covina Municipal Code shall be paid by the applicant.
5. That the approval of the precise plan is subject to approval of General Plan Amendment No. No. 20-03, Zone Change No. 20-04, Parcel Map No. 08344, Tree Removal Permit, and Development Agreement and the following conditions:

#### **PLANNING DIVISION**

- a. The project shall comply with plans reviewed by the Planning Commission on September 28, 2021.
- b. These conditions of approval shall be printed on or attached to the working drawings submitted to the Building Division for approval.
- c. The project shall comply with all applicable standards of the West Covina Municipal Code.
- d. The approved use shall not create a public nuisance as defined under Section 15-200 of the West Covina Municipal Code.
- e. The approved use shall be in compliance with the Noise Ordinance (Chapter 15).
- f. This approval shall become null and void if the building permit is not obtained within two (2) years of the date of this approval.

- g. The applicant shall sign an affidavit accepting all conditions of this approval.
- h. That any proposed change to the approved plans be reviewed by the Planning Division, Engineering Division, Building Division, and Fire and Police Departments and that the written authorization of the Community Development Director shall be obtained prior to implementation.
- i. Graffiti-resistant coatings shall be used on all walls, fences, sign structures or similar structures to assist in deterring graffiti.
- j. Any graffiti that appears on the property during construction shall be cleaned or removed on the same business day.
- k. All outstanding fees will be due at the time of building permit issuance.
- l. This approval does not include approval of signs; a separate sign permit shall be obtained. All signs shall be required to comply with the City of West Covina Sign Code.
- m. All approved materials and colors shall be clearly indicated on the plans.
- n. All new ground-mounted, wall-mounted and/or roof-mounted equipment shall be screened from all views, in a manner that is architecturally compatible with the main building. Plans and elevations indicating the type of equipment and method of concealment shall be submitted to the Community Development Director for review and approval prior to the issuance of building permits.
- o. The location of new electrical transformers, vaults, antennas, mechanical and all other equipment not indicated on the approved plans must be approved by the Community Development Director prior to the issuance of building permit. Provide construction details prior to issuance of a building permit.
- p. An outdoor lighting plan showing electrolier types and locations, average illumination levels, points of minimum illumination and photometric data in conformance with Planning Commission Resolution No. 2513 and as requested shall be submitted to and approved by the Planning Division and the City Engineer.
- q. All parking areas shall comply with requirements of the Parking Lot Design and Lighting standards.
- r. The paved areas at the site shall be maintained clean and free of oil stains. All paved areas shall be pressure washed as needed to maintain the site in a clean and orderly manner.

- s. That prior to final building permit approval, a detailed landscape and irrigation plan in compliance with AB 1881 and executive order 13-29-15 shall be submitted for all planted areas to be affected by project. Plans shall include type, size and quantity of landscape materials and irrigation equipment. All vegetation areas shall be automatically irrigated, and a detailed watering program and water budget shall be provided. All damaged vegetation shall be replaced, and the site shall be kept free of diseased or dead plant materials and litter at all times
- t. Comply with all requirements of the “Art in Public Places” ordinance (WCMC Chapter 17), prior to the issuance of building permits. Artwork shall be installed or required fee paid prior to issuance of Certificate of Occupancy.
- u. All trees shall be indicated on the grading plan, including trees on, or near the property line on adjacent properties. The trees shall be marked as to whether they will be preserved or removed. Trees that are preserved should not be topped but should be pruned to preserve their natural form.
- v. Any sidewalk, hardscape or parking facility, with potholes, broken, raised or depressed sections, large cracks, mud and/or dust, accumulation of loose material, faded or illegible pavement striping, or other deterioration shall be repaired.
- w. Prior to requesting a final inspection, the Planning Division shall inspect the development.
- x. All new utilities shall be placed underground prior to issuance of Certificate of Occupancy per WCMC 23-273.
- y. The applicant shall execute an indemnity agreement, in a form provided by the City and approved by the City Attorney, indemnifying the City against any and all actions brought against the City in connection with the approvals set forth herein.
- z. All approved materials and colors shall be clearly indicated on the plans.
- aa. The Zoning Code gives provisions for up to two one-year extensions to keep entitlements active. Therefore, prior to final approval, (if building permits have not been obtained) you are urged to file a letter with the department requesting a one-year extension of time. The required submittal is a letter stating the reasons why an extension is needed, as well as an applicable processing fee. Please be advised that the applicant will not be notified by the Planning Division about the pending expiration of the subject entitlement.
- bb. Comply with all applicable mitigation measures listed in the Amazon Delivery Station DAX9 Project Mitigation Monitoring and Reporting Program Initial study and Mitigated Negative declaration.

- cc. Rooftop mechanical equipment shall be screened in such a way to visually integrate with the building utilizing architectural screening or raised parapets.
- dd. All outdoor trash areas shall be screened on all sides from public view by a minimum 5'6" high decorative block wall with a gate constructed of durable materials per the standard Engineering Division plans. If the trash enclosure is visible from the public right-of-way, an architectural cover shall be required. An architectural cover is required and the approval of construction details by the Building Division is required prior to construction.
- ee. The project shall pay Development Impact Fees of \$1.54 per square foot (or current fee) prior to Building permit issuance.

#### **ENGINEERING DIVISION**

- gg. The second sheet of building plans, grading plans and/or offsite improvement plans is to list all conditions of approval and to include a copy of the Planning Commission Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
- hh. The building shall be addressed and an application to assign address shall be filed with Engineering Division prior to plan check submittal.
- ii. Remove and replace broken and off-grade sidewalk per SPPWC standard plan 113-2, and as directed by the City Engineer or his/her designee.
- jj. Remove and replace broken and off-grade curb and gutter per SPPWC Standard Plan 120-2, and as directed by the City Engineer or his/her designee.
- kk. The approved building address(es) shall be painted on the curb to the City's standards as required by the Public Works Inspector before final inspection.
- ll. Relocate water meter from the sidewalk as directed by the City Engineer or his/her designee
- mm. If required, install new street lights to match existing street light standards in the street block per County design standards and as directed by the City Engineer or his/her designee.
- nn. Rehabilitate existing AC street pavement along the length of the property frontage to the centerline of the street as indicated below, and as directed by the City Engineer or his/her designee:
  - Install crack seal and Type II slurry on existing AC pavement on Badillo Street, or

- Grind existing pavement to a depth of 4" and overlay new AC on San Bernardino Road, or
  - Pay an in-lieu fee equal to the estimated cost of street rehabilitation based on Los Angeles County Land Development Division Bond Calculation Sheets prior to the issuance of building permits.
- oo. Should the proposed work generate a cut into any public right of way infrastructure (street, sidewalk, driveway, curb & gutter, etc.):
- i. street paving shall be along the length of the property frontage to the centerline of the street as directed by the City Engineer or his/her designee.
  - ii. sidewalk reconstruction shall be in accordance with SPPWC Standard Plan 113-2, and as directed by the City Engineer and/or his/her designee.
  - iii. driveway apron reconstruction shall be in accordance with SPPWC Standard Plan 110-2, and as directed by the City Engineer or his/her designee.
  - iv. curb and gutter reconstruction shall be in accordance with SPPWC Standard Plan 111-5 and as directed by the City Engineer or his/her designee.
- pp. Underground all utility services to the property.
- qq. Conduct a sewer capacity study of existing sewer facilities that serve the proposed development. The developer shall either pay in-lieu fees equal to the estimated cost (based on Los Angeles County Land Development Division Bond Calculation Sheets) of the proposed development's percentage of design capacity of the existing sewer system prior to the issuance of building permits or provide sewer improvements to deficient sewer segments serving the subject property to the satisfaction of the City Engineer.
- rr. A geotechnical and soils investigation report is required including infiltration rate at stormwater BMP locations and pavement structural section recommendations, the duties of the soils engineer of record, as indicated on the first sheet of the approved plans, shall include the following:
- a) Observation of cleared areas and benches prepared to receive fill;
  - b) Observation of the removal of all unsuitable soils and other materials;
  - c) The approval of soils to be used as fill material;
  - d) Inspection of compaction and placement of fill;
  - e) The testing of compacted fills; and
  - f) The inspection of review of drainage devices.
- ss. The owner shall retain the soils engineer preparing the Preliminary Soils and/or Geotechnical Investigation accepted by the City for observation of all grading, site preparation, and compaction testing. Observation and testing shall not be performed by another soils and/or geotechnical engineer unless the subsequent soils and/or geotechnical engineer submits and has accepted by the Public

Works Department, a new Preliminary Soils and/or Geotechnical Investigation.

- tt. A grading and drainage plan shall be approved prior to issuance of the building permit. The grading and drainage plan shall indicate how all storm drainage including contributory drainage from adjacent lots is carried to the public way or drainage structure approved to receive storm water.
- uu. Stormwater Planning Program LID Plan Checklist ( Form PC) completed by Engineer of Record shall be copied on the first sheet of Grading Plans. The form can be found at the following link  
<https://www.westcovina.org/home/showdocument?id=18427>
- vv. 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.
- ww. LID review shall be completed prior submitting grading plans for plan review. Grading plans shall be submitted including the proof of approval of LID or exemption of LID.
- xx. Prepare a hydrology/hydraulic study of existing and proposed development per the Los Angeles County Hydrology Manual.
- yy. Project shall be reviewed and approved by the City Traffic Engineer, prior to the issuance of permits. Any improvement measures needed as a result of findings from the traffic study shall be made at the sole cost to the property owner/developer.
- zz. Required street dedications shall include those portions of roadways 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 to the satisfaction of the City Engineer.
- aaa. Prior final of the building permit(s), inspection required by Public Works inspector.
- bbb. The access rights to interior lots and private streets from public roadways shall be dedicated to the City to the satisfaction of the City Engineer.
- ccc. Sidewalks (with trees in tree wells or in parkways) shall be constructed along roadways contiguous to subject property adjacent to curb or R/W line to the satisfaction of the City Engineer.
- ddd. Adequate provision shall be made for acceptance and disposal of surface drainage entering the property from adjacent areas.

- eee. Water service facilities shall be constructed to at least meet the requirements for fire flow established by the City's Fire Department and the requirements of the subsequent water purveyor/owner of the facilities.
- fff. Easements contiguous to the street right-of-way shall be granted for utility, street lighting, and traffic signing purposes to the satisfaction of the City Engineer.
- ggg. Private street improvements shall comply with Municipal Code Chapter 19, Article 8, and Planning Commission Resolution No. 2519.
- hhh. Prior to (issuance of Building Permit), all of the following requirements shall be satisfied:
  - 1. 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.
  - 2. Arrangements for the installation of streetlights with underground wiring shall be made with Southern California Edison Company. 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.
  - 3. A parking lot lighting plan showing electrolier types and locations, average illumination levels, points of minimum illumination and photometric data in conformance with Planning Commission Resolution No. 2513 and as requested shall be submitted to and approved by the City Engineer.
- iii. Provide will serve letter from the water purveyor that services the project area.

## **BUILDING DIVISION**

- jjj. All Conditions of Approval shall appear as notes on the plans submitted for building plan check and permits.
- kkk. Building design shall comply with the 2020 County of Los Angeles Building Codes and 2019 California Green Building Standards Code and California Energy Code. Plans shall be submitted for plan check and required permits shall be obtained from the Building & Safety Division prior to start of construction.
- lll. Separate application(s), plan check(s), and permit(s) is/are required for:



1. Tenant Improvements
2. Grading (*see Engineering Division for requirements*)
3. Demolition work
4. Retaining walls (*see Engineering Division for requirements*)
5. Required masonry or concrete perimeter walls or trash enclosures
6. Signs
7. Fire sprinkler/Alarm systems (*see Fire Department Prevention Bureau for requirements*)
8. Plumbing
9. Mechanical
10. Electrical

mmm. All tenant improvement work including package conveyor system construction shall be completed with a valid permit and in accordance with applicable Building Regulations. Final building inspection and approvals shall be completed prior to the occupancy of the building.

## **FIRE DEPARTMENT**

nnn. Based on the preliminary information received, the required Fire Department requirements\* for the above-noted project are:

1. NFPA 13 Fire Sprinkler System
2. NFPA Fire Alarm/Fire Sprinkler Monitoring System
3. NFPA 10 Fire Extinguishers
4. Maintain 20 ft. Minimum – Fire APPARATUS ACCESS ROAD
5. Fire lane identification – Signage. – Painted red curbs and striping must be completed prior to final
6. Premises identification/address numbers must be added and approved by fire code official prior to final
7. Existing or proposed gates and barricades must be provided with a gate card reader if mechanical or a KnoxBox if manual

ppp. Additional Fire Department Requirements may be set upon future review of a full set of architectural plans.

## **POLICE DEPARTMENT**

qqq. Install CCTV surveillance within the complex at all points of ingress/egress, as well as at all of the ingress/egress points from the street since there will be so much vehicle and pedestrian traffic.

**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 28<sup>th</sup> day of September 2021, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**DATE:** September 28, 2021

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Livier Becerra, Chairperson  
Planning Commission

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Paulina Morales, Secretary  
Planning Commission

**PLANNING COMMISSION**

**RESOLUTION NO. 21-6097**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF TENTATIVE PARCEL MAP NO. 83444**

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**TENTATIVE PARCEL MAP NO. 83444**

**MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT**

**APPLICANT:** Scott Murray, Greenlaw Partners

**LOCATION:** 1211 E. Badillo Street (AIN: 8434-015-018)

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**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 parcel map to:

Combine two existing lots into one on that certain property described as:

Assessor's Parcel Numbers 8334-029-906, in the records of the Los Angeles County Assessor; and

**WHEREAS**, the Planning Commission, upon giving the required notice, did on September 28, 2021, conduct a duly noticed public hearing to consider said application; and

**WHEREAS**, a precise plan has been submitted for the approval of repurposing an existing 177,440 square foot building and related parking lot for use as an Amazon Delivery Station on a 21.22. acre site; 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 parcel map to allow two lots to be combined into one lot.
2. The proposed project includes a precise plan for repurposing an existing 177,440 square foot building and related parking lot for use as an Amazon Delivery Station on the 21.22 acre site.
3. Appropriate findings for approval of parcel 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 parcel map 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 parcel map 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 parcel map nor the type of improvements are likely to cause serious public health problems.
  - g. That the design of the parcel map 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.
4. 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 Parcel Map No. 83444, the Planning Commission makes the following findings:
  - a. *The proposed map is consistent with the general plan and any applicable adopted specific plans.*

An amendment to the City's General Plan land-use map to change the designation of the project site from Civic: Public Institution to Industrial to accommodate the proposed Amazon Delivery Station.

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

- Our Prosperous Community P2.1 Maintain and enhance the City's current tax base
- Our prosperous Community P2.8 Build economic development capacity

The development of an Amazon Delivery Station will provide job opportunities for residents and increase business to surrounding businesses. In addition, the property is currently owned by Faith Church which as a nonprofit entity is exempt from paying property tax. An Industrial land use designation will allow the property to be sold for use as an Amazon Delivery Station and the City receive additional property taxes. In addition, the potential loss in sales tax revenues from Amazon will be addressed by the Development Agreement.

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

The design and improvements of the proposed parcel map and precise plan are consistent with the General Plan in that the proposed Amazon Delivery Station, as conditioned, will be compatible with the single-family and multi-family residential and commercial uses in the vicinity. The project involves changing the land use designation of the project site from Civic: Public Institution to Industrial to allow the use of the property as an Amazon Delivery Station. The project conforms to all applicable development standards in the Zoning Code.

- c. The site is physically suitable for the type of development.*

The proposed project site is 21.22 acres, flat and is physically suitable for the proposed project and adequate to accommodate the Amazon Delivery Station. The proposed project will upgrade and modernize an existing building and make improvements to the existing parking lot. The site is accessed from Badillo Street and San Bernardino Road. There are four existing driveways on Badillo Street. The two westernmost driveways on Badillo Street have full access with left turn lanes carved from the landscape median. The other two are restricted to right turns. All three driveways on San Bernardino Road currently have full access, but none feature a left turn lane from San Bernardino Road. The easternmost of these driveways would be restricted to right turns and the middle driveway on West San Bernardino Road would be relocated to the west to operate as an exclusive exit only for delivery vans.

The westerly most driveway, on San Bernardino Road, is to be relocated to align with Cutter Way and a new left turn pocket and a traffic light would be installed on San Bernardino Road. This will allow line-haul trucks approaching from the east to move out of traffic lanes before making a left turn into the delivery station. The existing vehicle access points and proposed new traffic light makes the site physically suitable for a parcel delivery station.

The site is served by all necessary utilities. Appropriate mitigation measures and conditions of approval will ensure that the site is improved in a manner consistent with City standards.

- d. The site is physically suitable for the proposed density of development.*

The proposed project will upgrade and modernize an existing building and make improvements to the existing parking lot. The site will be developed in accordance with the grading and construction requirements of the West Covina Municipal Code and the City Engineer.

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

The site consists of a 21.22-acre parcel developed with an existing 177,440 square foot building, parking and landscaping. No known endangered, threatened or rare species or habitats, or designated natural communities, wetlands habitat, or wildlife dispersal, or migration corridors are present on site. A mitigated negative declaration was prepared for the project which included mitigation measures for biological resources, cultural resources, geology/soils, and transportation. All impacts would be avoided or reduced to less than significant levels after mitigation. All impacts would be avoided or reduced to less than significant levels after mitigation to ensure that the project will not cause substantial environmental damage or 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.*

The proposed map and improvements will have 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. *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 easements on the property that would be affected by implementation of the proposed project. Access to the site will be provided via San Bernardino Road and Badillo Street.

- 2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, the parcel map 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 parcel map by the Planning Commission or City Council.

3. That the parcel map 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 parcel 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 Parcel Map No. 83444 subject to the following conditions:

#### **PLANNING DIVISION**

1. Comply with plans reviewed by the Planning Commission on September 28, 2021.
2. That the project complies with all requirements of the applicable standards of the West Covina Municipal Code.
3. Approval of this parcel map is contingent upon, and shall not become effective unless and until, approval of Precise Plan No. 20-08, General Plan Amendment No. 20-03, Zone Change No. 20-04, and Development Agreement No. 21-01.
4. These conditions of approval shall be printed on or attached to the working drawings submitted to the Engineering Division for approval.
5. The approved use shall not create a public nuisance as defined under Section 15-200 of the West Covina Municipal Code.
6. The applicant shall defend, indemnify, and hold harmless the City of West Covina, its agents, officers, and employees from any claim, action or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, approval of this Parcel Map. The City will promptly notify the applicant of any such claim, action or proceeding against the City and will cooperate fully in the defense.
7. 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.

8. That any proposed change to the approved parcel map shall be reviewed by the Planning, Public Works, Fire and Police Departments, and the written authorization of the Community Development Director shall be obtained prior to implementation.
9. The proposed parcel map shall conform to West Covina Municipal Code Chapter 20 - Subdivisions.
10. 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.
11. The applicant shall sign an affidavit accepting all conditions of this approval.

12. **ENGINEERING REQUIREMENTS**

- a. 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 approximately \$21,900 [ 438 x (No. of lots) x \$25/sqft (unit price of a developed park)]
- b. A final parcel map prepared by or under the direction of a registered civil engineer or licensed land surveyor shall be submitted to and approved by the City prior to being filed with the Los Angeles County Recorder.
- c. A soils report is required.
- d. A preliminary parcel map guarantee shall be provided which indicates all trust deeds (to include the name of the trustee), all easement holders, all fee interest holders, and all interest holders whose interest could result in a fee. The account for this title report shall remain open until the final parcel map is filed with the Los Angeles County Recorder.
- e. Easements shall not be granted or recorded within any area proposed to be dedicated, offered for dedication, or granted for use as a public street, alley, highway, right of access, building restriction, or other easements until after the final parcel map is approved by the City and filed with the Los Angeles County Recorder; unless such easement is subordinated to the proposed dedication or grant. If easements are granted after the date of tentative approval, a subordination shall be executed by the easement holder prior to the filing of the final parcel map.
- f. Monumentation of parcel map boundaries, street centerlines, and lot boundaries is required if the map is based on a field survey.



- g. All conditions from City Departments and Divisions shall be incorporated into the parcel map prior to submitting the parcel map for review.
- h. In accordance with California Government Code Sections 66442 and/or 66450, documentation shall be provided indicating the mathematical accuracy and survey analysis of the parcel map and the correctness of all certificates. Proof of ownership and proof of original signatures shall also be provided.
- i. Proof of Tax clearance shall be provided at the time of parcel map review submittal.
- j. Upon submittal of the parcel map for review by the City, a letter signed by both the subdivider and the engineer shall be provided which indicates that these individuals agree to submit a copy of the recorded map to the City Public Works Department.

**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 28<sup>th</sup> day of September, 2021, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**DATE:** September 28, 2021

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Livia Becerra, Chairperson  
Planning Commission

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Paulina Morales  
Secretary Planning Commission

**PLANNING COMMISSION  
RESOLUTION NO. 21-6098**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF DEVELOPMENT AGREEMENT NO. 21-01, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF WEST COVINA AND AG WEST COVINA OWNERS LLC FOR THE DEVELOPMENT OF THE AMAZON DELIVERY STATION DAX9 PROJECT**

**DEVELOPMENT AGREEMENT NO. 21-01**

**MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT**

**APPLICANT:** Scott Murray, Greenlaw Partners

**LOCATION:** 1211 E. Badillo Street

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**WHEREAS** Scott Murray of Greenlaw Partners submitted a letter and an application requesting a development agreement under the authority of the California Government Code Section 65864 et seq. to vest applicants rights to development and to provide to the City commitments for enhanced community benefits for the following project:

Repurpose an existing 177,440 square foot building and parking lot on a 21.22-acre site for use as an Amazon Delivery Station and to remove significant trees on-site;

**WHEREAS**, an application for a General Plan Amendment to change the designation from Civic: Public Institution to Industrial on has been submitted for the development of the project; and

**WHEREAS**, an application for a Zone Change from SP-11: Faith Community Church to Manufacturing (M-1) has been submitted for the project; and

**WHEREAS**, an application for a Precise Plan has been submitted for the site plan and architectural review; and

**WHEREAS**, an application for a Tentative Parcel Map (No. 83444) has been submitted to combine two existing lots into one lot; and

**WHEREAS**, a Mitigated Negative Declaration was prepared for the proposed project pursuant to the requirements of the CEQA in support of the finding that there will not be a significant effect on the environment as a result of this project and based on the environmental analyses, with compliance with applicable regulatory requirements and/or the implementation of mitigation measures, the project would have less than significant impacts on humans, as it relates to the following environmental issue areas: aesthetics, agriculture and forestry resources, air quality, energy, GHG emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, tribal resources, utilities and service systems, and wildfire.

The proposed project's impacts on the following issue areas would require the implementation of mitigation measures: biological resources, cultural resources, geology/soils, and transportation. All impacts would be avoided or reduced to less than significant levels after mitigation.

Therefore, the proposed project would not result in environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly, with the implementation of mitigation measures. All impacts would be less than significant after mitigation; and

**WHEREAS**, the Planning Commission upon giving the required notice did on the 28<sup>th</sup> day of September 2021, conduct a duly advertised public hearing as prescribed by law to consider said application.

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

1. The Development Agreement will provide a clear and substantial benefits to the City and its residents. The Development Agreement proposes a total community benefit payment of \$4 million dollars (\$1 million due within 30 days after effective date of Development Agreement, \$1 million due prior to issuance of final certificate of occupancy for the tenant, and \$200,000 per year for ten years). This payment will help offset the fact that the delivery station will not generate sales tax for the City. In addition, since the project does not require a Conditional Use Permit, which would allow the City to place conditions on the operational aspects of the delivery station, operational conditions will be made part of the Development Agreement.
2. The Development Agreement complies with the requirements of the California Government Code Sections 65864-65869.5

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of West Covina does hereby resolve 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, Development Agreement No. 21-01 is hereby found to be consistent with the West Covina General Plan (as amended) and the implementation thereof, and that the public necessity, convenience, general welfare, and good zoning practices require Development Agreement No. 21-01.

**SECTION NO. 3:** Based on the evidence presented, the Planning Commission of the City of West Covina hereby recommends to the City Council of the City of West Covina that it approve Development Agreement No. 21-01 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 28<sup>th</sup> day of September, 2021, by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: September 28, 2021

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Livier Becerra, Chairperson  
Planning Commission

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Paulina Morales, Secretary  
Planning Commission

## **EXHIBIT A**

### **ORDINANCE NO.**

#### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA APPROVING DEVELOPMENT AGREEMENT NO. 21-01, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF WEST COVINA AND AG WEST COVINA OWNERS LLC FOR THE DEVELOPMENT OF THE AMAZON DELIVERY STATION DAX9 PROJECT**

**WHEREAS** Scott Murray of Greenlaw Partners submitted a letter and an application requesting a development agreement under the authority of the California Government Code Section 65864 through 65869.5 to vest applicants' rights to development and to provide to the City commitments for enhanced community benefits for the following project:

Repurpose an existing 177,440 square foot building and parking lot on a 21.22-acre site for use as an Amazon Delivery Station and to remove significant trees on-site;

**WHEREAS**, an application for a General Plan Amendment to change the designation from Civic: Public Institution to Industrial on has been submitted for the development of the project; and

**WHEREAS**, an application for a Zone Change from SP-11: Faith Community Church to Manufacturing (M-1) has been submitted for the project; and

**WHEREAS**, an application for a Precise Plan has been submitted for the site plan and architectural review; and

**WHEREAS**, an application for a Tentative Parcel Map (No. 83444) has been submitted to combine two existing lots into one lot; and

**WHEREAS**, a Mitigated Negative Declaration was prepared for the proposed project pursuant to the requirements of the CEQA in support of the finding that there will not be a significant effect on the environment as a result of this project and based on the environmental analyses, with compliance with applicable regulatory requirements and/or the implementation of mitigation measures, the project would have less than significant impacts on humans, as it relates to the following environmental issue areas: aesthetics, agriculture and forestry resources, air quality, energy, GHG emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, tribal resources, utilities and service systems, and wildfire.

The proposed project's impacts on the following issue areas would require the implementation of mitigation measures: biological resources, cultural resources, geology/soils, and transportation. All impacts would be avoided or reduced to less than significant levels after mitigation.

Therefore, the proposed project would not result in environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly, with the implementation of mitigation measures. All impacts would be less than significant after mitigation; and

**WHEREAS**, on September 28, 2021, the Planning Commission conducted a duly noticed public hearing as prescribed by law regarding proposed Development Agreement No. 21-01 and approved Planning Commission Resolution No. 21-6098, recommending that the City Council approve Development Agreement No. 21-01; and

**WHEREAS**, on \_\_\_\_\_, 2021, the City Council conducted a duly noticed public hearing as prescribed by law regarding this ordinance approving Development Agreement No. 21-01; 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:** The above recitals are true and correct and are incorporated herein as if set forth herein in full.

**SECTION 2:** The Development Agreement is attached as Exhibit "B".

**SECTION 3:** Studies and investigations made by the City Council and on its behalf reveal the following facts:

1. The Development Agreement will provide a clear and substantial benefits to the City and its residents. The Development Agreement proposes a total community benefit payment of \$4 million dollars (\$1 million due within 30 days after effective date of Development Agreement, \$1 million due prior to issuance of final certificate of occupancy for the tenant, and \$200,000 per year for ten years). This payment will help offset the fact that the delivery station will not generate sales tax for the City. In addition, since the project does not require a Conditional Use Permit, which would allow the City to place conditions on the operational aspects of the delivery station, operational conditions will be made part of the Development Agreement.
2. The Development Agreement complies with the requirements of the California Government Code Sections 65864-65869.5

**SECTION 4:** Based on the evidence presented, Development Agreement No. 21-01 is hereby found to be consistent with the West Covina General Plan (as amended) and the implementation thereof, and that the public necessity, convenience, general welfare, and good zoning practices require Development Agreement No. 21-01.

**SECTION 5:** The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published as required by law. The City Clerk shall publish the adopted Ordinance pursuant to California Government Code 36933 within fifteen days of its adoption. The City Clerk shall record a copy of the Agreement pursuant to the Statute.

**SECTION 6:** 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



**RECORDING REQUESTED BY,  
AND WHEN RECORDED MAIL  
TO:**

**CITY OF WEST COVINA  
1444 West Garvey Avenue South  
West Covina, CA91790  
Attn: City Clerk**

**SPACE ABOVE THIS LINE FOR RECORDER'S USE**

**EXEMPT FROM RECORDING FEE PER GOVERNMENT CODE SECTION 6103**

**DEVELOPMENT AGREEMENT NO. 21-01  
REGARDING DEVELOPMENT OF THE AMAZON DELIVERY STATION  
DAX9 PROJECT, WEST COVINA, CALIFORNIA**

This Development Agreement ("Agreement" or "Development Agreement") is made and entered into as of the "Effective Date" set forth herein, by and among AG WEST COVINA OWNERS, LLC, a Delaware limited liability company, as the master lessor and owner of the property ("Property Owner") and the City of West Covina, a California municipal corporation ("City").

**RECITALS**

1. On September \_\_, 2021, the City Council of the City of West Covina ("Council") adopted Resolution No's. \_\_\_\_\_, approving General Plan Amendment No. 20-03, Zone Change No. 20-04, Precise Plan No. 20-08, and Tentative Parcel Map No. 21-01 (83444), and a Mitigated Negative Declaration ("MND") and Mitigation Monitoring Program pursuant to the California Environmental Quality Act (CEQA), collectively the Entitlements for the Amazon Delivery Station DAX9 Project. Resolution No's. \_\_\_\_\_ and all attachments and exhibits thereto are hereby incorporated by this reference. For purposes of this Agreement, the proposed development as approved and defined by Resolution No's. \_\_\_\_\_ is referred to herein as the "Project," and Resolution No's \_\_\_\_\_ are referred to as the "Project Approvals."
2. California Government Code Section 65864, *et seq.* (the "Development Agreement Statute") authorizes cities to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property.
3. City and Property Owner mutually desire to enter into this Development Agreement pursuant to the Development Agreement Statute in order to implement the Project.
4. On \_\_\_\_\_, \_\_\_\_\_, City adopted its Ordinance No. \_\_\_\_\_ (the "Ordinance"), thereby approving this Development Agreement among the City and Property Owner, which is effective as of \_\_\_\_\_. All of the requirements of the California Environmental Quality Act have been met with respect to the Project, Project Approvals, and this Agreement, and this Agreement is consistent with the City's General Plan.

**AGREEMENT**

NOW, THEREFORE, the parties hereto agree as follows:

**Section 1. Definitions.** In this Agreement, unless the context otherwise requires, the following terms shall have the following meaning:

“City” means the City of West Covina.

“Property Owner” means AG WEST COVINA OWNERS, LLC, 18301 Von Karman, Suite 250, Irvine, CA 92612.

“Effective Date” shall mean the later of, the date the Ordinance becomes effective or, the date the Property Owner records the deed evidencing fee ownership of the Property.

“Entitlements” means General Plan Amendment No. 20-03, Zone Change No. 20-04, Precise Plan No. 20-08, and Tentative Parcel Map No. 21-01.

“Municipal Code” means the West Covina Municipal Code, as amended from time to time.

“Ordinance” means Ordinance No.\_\_\_\_\_, which approved this Agreement.

“Project” means the proposed development of the Subject Property and the Amazon Delivery Station DAX9 Project as defined in the Recitals to this Agreement by reference to Resolution\_\_\_\_.

“Project Approvals” means Resolution No’s.\_\_\_\_\_, which are also referenced in the Recitals to this Agreement.

“Subject Property” means the real property that is the subject of the Project Approvals and as legally described in Exhibit A to this Agreement.

“Term” shall have the meaning ascribed to it in Section 6 below.

**Section 2. Recitals.** The recitals are part of this Agreement and shall be enforceable as any other provision of this Agreement.

**Section 3. Interest of Property Owner.** Property Owner warrants and represents that, as of the Effective Date, it has or will have legal title to or an equitable interest in all of the Subject Property; that it has full legal right to enter into this Agreement; and that the persons executing this Agreement on behalf of each Property Owner have been duly authorized to do so.

**Section 4. Binding Effect of Agreement.** Property Owner hereby subjects the Project and the Subject Property to the covenants, reservations, and restrictions as set forth in this Agreement. The City and the Property Owner hereby declare their specific intent that the covenants, reservations and restrictions as set forth herein shall be deemed covenants running with the land and shall pass to and be binding upon each Property Owner’s successors and assigns in title or interest to the Subject Property. Each and every contract, deed or other instrument hereinafter executed, covering or conveying the Subject Property or any portion thereof shall conclusively be held to have been executed, delivered, and accepted subject to the covenants, reservations and restrictions expressed in this Agreement, regardless of whether such covenants, reservations, and restrictions are set forth in such contract, deed or other instrument.

The City and Property Owner hereby further declare their understanding and intent that the benefit of such covenants touch and concern the land by enhancing and increasing the enjoyment and use

of the Subject Property by Property Owner and the future occupants of the Subject Property, the intended beneficiaries of such covenants, reservations and restrictions, and by furthering the public purposes for which this Agreement is adopted.

**Section 5. Relationship of Parties.** It is understood that the contractual relationship between City and Property Owner is such that City and each Property Owner are each an independent party and neither is the agent or partner of the other for any purpose whatsoever and neither shall be considered to be the agent or partner of the other for any purpose whatsoever.

**Section 6. Term of Agreement.** The initial term of this Agreement (the “Term”) shall commence on the Effective Date and shall expire twenty (20) years thereafter. If any litigation affecting development of the Property is filed challenging the Entitlements or this Agreement, including, but not limited to, any environmental determinations related to any of the foregoing, or challenging the validity and binding nature of this Agreement, the term of this Agreement shall be extended for the period of time such litigation is pending and Developer obligations to pay the Sales Tax In-Lieu Fee shall be tolled until the conclusion of such litigation by dismissal or entry of final judgment. Upon the conclusion of such litigation by dismissal or entry of final judgment, Developer and the City shall indicate the period of such extension by amendment to this Agreement and by recording a notice of such effect.

**Section 7. Timing of Development.** Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo*, 37 Cal.3d 465 (1984), that failure of the parties to provide for the timing of development resulting in a later adopted initiative restricting the timing of development to prevail over such parties’ agreement, it is the City’s and Property Owner’ intent here to cure that deficiency by acknowledging and providing that Property Owner shall have the right (without obligation), subject to the provisions of this Development Agreement, to complete the Project in such order and at such rate and at such times as Property Owner deems appropriate within the exercise of their subjective business judgment.

**Section 8. Transfer of Subject Property.** If Property Owner should sell, mortgage, hypothecate, assign, or transfer (collectively “transfer” in this Section) the Subject Property or any portion thereof to any person or entity at any time during the Term of this Agreement, such transfer shall be deemed to include an assignment of all rights, duties and obligations created by this Development Agreement with respect to all or any portion of the Subject Property so transferred. Following not less than thirty (30) days prior, written notice to the City, the written assumption by the assignee of all of the obligations of Property Owner under this Agreement pursuant to any such transfer shall relieve Property Owner, without any act or concurrence by the City, of its legal duty to perform under this Agreement except to the extent that Property Owner is in default (subject to applicable notice and cure periods) with respect to any such obligations that accrued prior to the proposed transfer.

**Section 9. General Rights, Standards and Restrictions Pertaining to Development of the Project.** The following specific rights and restrictions shall apply to the use of the Subject Property pursuant to this Development Agreement:

A. Property Owner shall have the right to develop the Project on the Subject Property in accordance with the terms and conditions of the Project Approvals and this Agreement, and City shall have the right to control development of the Subject Property in accordance with the provisions of the Project Approvals and this Agreement.

B. The type, density, intensity, configuration of uses allowed, size, height, and location of buildings and other improvements and provisions for the reservation or dedication of land for public purposes, location of public improvements, including, but not limited to landscaping,

irrigation, sidewalk, and drive approaches, together with other terms and conditions of development applicable to the Project, shall be as set forth in the Project Approvals and this Agreement.

**Section 10. Effect of City Regulations on Development of Project.** Except as expressly provided in this Agreement, all substantive and procedural requirements and provisions contained in City's ordinances, specific plans, rules and regulations, including, but not limited to, the West Covina Municipal Code, in effect as of the Effective Date of this Development Agreement, shall apply to the construction and development of the Project and Subject Property.

A. The provisions of this Section shall not preclude the application to the development of the Project and the Subject Property of those changes in City ordinances, regulations, plans, or specifications that are (i) specifically mandated and required by changes in state or federal laws or regulations as provided in California Government Code Section 65869.5 or any successor provision or provisions, (ii) required to ensure public safety and are made applicable throughout the City, or (iii) are required to ensure access under the Americans with Disabilities Act. In the event such changes prevent or preclude compliance with one or more of the provisions of this Agreement, such provisions of this Agreement shall be modified or suspended or performance thereof delayed, as may be necessary to comply with such changes in the law.

B. Except as provided below, the payment of fees associated with the construction of the Project, including land use approvals, development fees, building permits, etc., shall be in the amounts in effect at the time application is made for such approvals or permits and such amounts may increase over time.

C. City may apply to the Project any and all new health and safety regulations (e.g., fire, building, and seismic, plumbing, and electric codes) that become applicable to the City as a whole after the Effective Date.

**Section 11. Property Owner's Obligations.** In consideration of the rights and benefits Property Owner is granted under this Agreement, Property Owner agrees to provide each and every one of the community benefits set forth in this Section.

A. **Sales Tax In-Lieu Fee.** The Subject Property will be concurrently re-zoned to permit the Project's proposed use, and City and Property Owner agree that due to the fact that the Project is unlikely to generate direct sales tax revenue to the City vis-à-vis point of sale generation at the Subject Property, Property Owner shall contribute a Sales Tax In-Lieu Fee as a community benefit to compensate the City for potential lost sales tax revenue. The Project is located at 1211 East Badillo Street (current address) and involves the repurposing of a former 177,440 square foot building. Property Owner agrees to pay a total of \$4,000,000 as the total Sales Tax Fee to offset any unforeseen and unpredictable decreases in average sales tax during the term of the agreement. The Sales Tax In-Lieu Fee shall be paid in the following manner:

i. Property Owner shall pay a one-time lump sum Sales Tax In-Lieu Fee in the amount of \$1,000,000 to the City within 30 days following the Effective Date of this Agreement.

ii. Property Owner shall pay a one-time lump sum Sales Tax In-Lieu Fee in the amount of \$1,000,000 to the City prior to issuance of the Final Certificate of Occupancy for the tenant.

iii. Property Owner shall pay an annual Sales Tax In-Lieu Fee in the amount of \$200,000 per year on or before the date which is two years after the Effective Date, and thereafter

the ten annual payments shall be made on or before the anniversary of the Effective Date until a total of \$2,000,000 has been paid to the City in annual payments.

B. Operational Conditions Imposed.

- i. Per the Traffic Impact Study conducted by NV5 and the Initial Study/Mitigated Negative Declaration document, the facility shall not generate more than 914 trips per day (602 passenger vehicles, 284 delivery vans, and 28 tractor-trailer trucks). The facility operator shall retain the services of a Traffic Engineering firm on the City's list of service providers to conduct an annual 72-hour (consecutive) driveway count recording all trucks, vans, and passenger vehicles going into and out of the seven driveways serving the site (three on San Bernardino Road and four on Badillo Street). The driveway count occurrence shall take place during the calendar year of every year the development agreement is in full effect. The Driveway Count report shall be submitted directly to the City by the Traffic Engineering firm. If the operations exceed the number of allowable trips per day, City and Property Owner shall meet, develop and implement a resolution satisfactory to both parties.
- ii. The operator shall maintain a complaint hotline on a 24/7 status and shall post a publicly visible sign with the 24/7 hotline telephone number, email address, and contact person's name where complaints about the operation of the facility can be received. The operator shall maintain a written log of all complaints and actions taken in connection with the complaints and to inform complainants of the actions taken. The operator shall provide to the City within ten (10) days of receiving a written request for such information from the City a report of complaints received within the prior 6 months and actions taken in response.
- iii. Should any product delivery truck or van's California OSHA required back-up warning alarm disrupt the peaceful quality of life for adjoining residents to the property, beyond the thresholds set forth in the MND, the business operator shall diligently pursue operational changes or vehicle alarm modification to reduce and/or eliminate any disturbing noise heard by adjoining residents.
- iv. The operator shall ensure that the left turn pocket on San Bernardino Road shall not have more than one tractor-trailer truck waiting to turn on to the property in any given time. Should the left turn pocket/lane have more than one truck in queue that traffic is backed-up and becomes a problem, the operator shall diligently work with the City of Covina and West Covina to resolve the issue. The operator shall be responsible for reimbursing the impacted cities for the cost of enforcement (staff time including police officers and/or code enforcement officers). If traffic becomes an on-going issue/problem due to trucks crowding the left turn lane, the City and Property Owner shall meet, develop and implement a resolution satisfactory to both parties.
- v. The public and/or customers shall not be allowed to pick up packages on the site at any time.

- vi. The operator shall ensure that all individual consultants, contractors, and/or self-employed drivers maintain a City business license.
- vii. The operator shall, in good faith, purchase supplies and services from City of West Covina based businesses and request all consultants and contractors to patronize City of West Covina businesses in performing their tasks, including the purchase of fuel for delivery vans.

C. **Apprenticeship Program.** The Property Owner and/or his successor shall implement its best efforts to develop and maintain an Apprentice/Intern Program with West Covina Unified School District (West Covina High School), Covina-Valley Unified School District (South Hills High School), and Rowland Unified School District (Nogales High School) to assist high school students who may desire a career in business to learn job skills and earn at the same time.

**Section 12. Timing of Property Owner's Obligations.** Unless otherwise stated herein, any and all sums outlined in Section 11 shall become due and payable within 30 days of receipt of the Project's Certificate of Occupancy. Notwithstanding the above, Property Owner shall have the right to pay any and all sums outlined in Section 11 prior to the date they become due without any penalty to Property Owner.

**Section 13. City's Obligations.** The City shall expedite review of all plans and issuance of all permits associated with the project, including the improvements set forth in the Project Approvals. For Plans submitted prior to City Council approval, the City and Property Owner shall work together in good faith to issue permits, or provide written details of corrections necessary for the issuance of the permits within two (2) business days of the effective date of the Ordinance. For all other plans and permits submitted after City Council approval, for the project or offsite improvements required by this Agreement, the City shall conduct an expedited review process with initial review of all permit sets and issuance of any comments to the Property Owner within 8 days (2 working weeks) of submittal. The City shall issue subsequent review comments within 4 days (1 working week) of resubmittal. The issuance of any permits shall not occur until the effective date of the Ordinance. All submittals made by the developer shall note the time limits and specifically reference this Agreement and this Section

**Section 14. Annual Review.** In accordance with Government Code section 65865.1, the City shall, at least every twelve (12) months during the term of this Agreement, review the extent of good faith compliance by Developer with the terms of this Agreement. Failure of the City to conduct an annual review shall not constitute a waiver by the City or Developer to conduct a future annual review or to otherwise enforce the provisions of this Agreement, nor shall a party have or assert any defense to such enforcement by reason of any such failure. The failure of the City to undertake such review shall not, in itself, invalidate the terms of this Agreement or excuse any party hereto from performing its obligations under this Agreement.

At least ten (10) days prior to the commencement of any annual review, the City shall deliver to Developer a copy of any public staff reports and other documents to be used or relied upon in conducting the review. Developer shall be permitted an opportunity to respond to the City's evaluation of Developer's performance by written and oral testimony at the public hearing to be held before the City Council.

At the conclusion of the annual review, the City shall make written findings and determinations on the basis of substantial evidence, as to whether or not Developer or its successors have complied in good faith with the terms and conditions of this Agreement.

## **Section 15. Indemnification and Legal Challenge.**

A. To the maximum extent permitted by law, Property Owner must defend, indemnify, and hold City and its elected officials, officers, contractors serving as City officials, agents, and employees ("Indemnitees") harmless from liability for damage and/or claims for damage for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of the Property Owner's activities in connection with the development and/or construction of the Project on the Project site, and which may arise from the direct or indirect operations of the Property Owner or those of the Property Owner's contractors, agents, tenants, employees or any other persons acting on Property Owner's behalf, which relate to the development and/or construction of the Project. This indemnity provision applies to all damages and claims for damage, as described above, regardless of whether or not the City prepared, supplied, or approved the plans, specifications, or other documents for the Project.

B. In the event of any legal action challenging the validity, applicability, or interpretation of any provision of this Agreement, any of the Entitlement documents pertaining to the Project including, without limitation, the City's General Plan, Zoning Ordinance, or any other supporting document relating to the Project, the applicable Property Owner must indemnify, defend and hold harmless the Indemnitees, and each of them, with respect to all liability, costs and expenses incurred by, and/or awarded against, the City or any of the Indemnitees in relation to such action. The City shall have the right to select counsel of its choice that the Property Owner reasonably approves. The parties hereby agree to cooperate in defending such action. The City will cooperate in any such third-party challenge and will not take any position adverse to the Property Owner in connection with such third-party challenge.

C. In the event of any litigation challenging the effectiveness of this Agreement, or any portion hereof, this Agreement shall remain in full force and effect while such litigation, including any appellate review, is pending, unless otherwise ordered by the court. Absent issuance of an injunction, the Property Owner may elect to continue development under this Agreement pending completion of the litigation but it shall do so at its sole risk, and the City shall not be liable for any loss suffered as a result thereof.

D. If any litigation results in a judgment wherein the courts order the City to reconsider any matter pertaining to this Agreement or the Entitlements, the City and Developer agree that such reconsideration shall be expeditiously performed to remedy any defects noted in the judgment. If such remedy includes the need to re-approve any or all of the Entitlements, the City agrees to expeditiously re-approve any or all of the Entitlements in a manner consistent with the requirements of the judgment and to the extent re-approval is in harmony with the spirit and intent of this Agreement, the original Entitlements, and the public welfare.

E. This Section shall survive the expiration or earlier termination of this Agreement.

**Section 16. Amendments.** This Agreement may be amended or canceled, in whole or in part, only by mutual written consent of the parties and then in the manner provided for in California Government Code § 65868, *et seq.*, or successor provisions thereto.

**Section 17. Enforcement.** In the event of a default under the provisions of this Agreement by a Property Owner, City shall give written notice to the Property Owner (or its successor) by registered or certified mail addressed at the address stated in this Agreement, and if such violation is not corrected to the reasonable satisfaction of City within sixty (60) days after such notice is served on the Property Owner, or if not corrected within such reasonable time as may be required

to cure the breach or default if said breach or default cannot be cured within said sixty (60) days (provided that acts to cure the breach or default must be commenced within said sixty (60) days and must thereafter be diligently pursued by Property Owner), then City may, without further notice, declare a default under this Agreement and, upon any such declaration of default, City may bring any action necessary to specifically enforce the obligations of the Property Owner growing out of the operation of this Development Agreement, apply to any court, state or federal, for injunctive relief against any violation by the Property Owner of any provision of this Agreement, or apply for such other relief as may be appropriate.

**Section 18. Event of Default.** A Property Owner is in default under this Agreement upon the happening of one or more of the following events or conditions:

A. If a material warranty, representation or statement made or furnished by the Property Owner to City set forth herein or in any document incorporated by reference herein is false or proved to have been false in any material respect when it was made;

B. If a finding and determination is made by City following an annual review pursuant to this Agreement, upon the basis of substantial evidence, that the Property Owner has not complied in good faith with any material terms and conditions of this Agreement, after notice and opportunity to cure as provided by this Agreement; or

C. A breach by the Property Owner of any of the provisions or terms of this Agreement, after notice and opportunity to cure as provided in this Agreement.

**Section 19. No Waiver of Remedies.** City does not waive any claim of defect in performance by a Property Owner if on periodic review City does not enforce this Agreement. Nonperformance by a Property Owner shall not be excused because performance by the Property Owner of the obligations herein contained would be unprofitable, difficult, or expensive, or because of a failure of any third party or entity, other than City. Subject to the provisions of Section 19, all other remedies at law or in equity which are not otherwise provided for in this Agreement are available to each party to pursue in the event that there is a breach of this Development Agreement by the other party (subject to applicable notice and cure periods). No waiver by City or Property Owner of any breach or default under this Development Agreement by the other party shall be deemed to be a waiver of any other subsequent breach thereof or default hereunder.

**Section 20. City Not Liable For Damages.** It is acknowledged by the parties that the City would not have entered into this Agreement if it could be held liable in damages under or with respect to this Agreement or the application thereof. Consequently, and except for the payment of attorney's fees in accordance with this Agreement, the City shall not be liable in damages to the Property Owner, or to any assignee, transferee, or any other person, and the Property Owner covenants on behalf of itself and its successors in interest not to sue for or claim any damages:

A. For any breach of this Agreement;

B. For the taking, impairment or restriction of any right or interest conveyed or provided hereunder or pursuant hereto;

C. Arising out of or connected with any dispute, controversy or issue regarding the application or interpretation or effect of the provisions of this Agreement; or

D. For any injury to or interference with the rights of the property owner, allegedly or actually arising out of, or incurred in connection with, the parties entering this Agreement, or their



exercise of any rights under this Agreement.

The parties hereby warrant that each enters into this Agreement with the understanding that if the City defaults on its obligations under this Agreement due to an action taken by the electorate of the City in the exercise of the reserved powers of initiative and referendum, this Agreement shall be modified or suspended to the extent required by Government Code Section 65869.5 and Property Owner's right to seek specific performance, a writ of mandate, or other mandatory relief shall be limited by such force as the action taken by the electorate may have in light of state law as determined by any court of competent jurisdiction, in which case the Property Owner' principal remedy shall lie in reformation of this Agreement

**Section 21. Rights of Lenders Under this Agreement.** Should a Property Owner place or cause to be placed any encumbrance or lien on the Project, or any part thereof, the beneficiary ("Lender") of said encumbrance or lien shall have the right at any time during the term of this Agreement and the existence of said encumbrance or lien to:

A. Do any act or thing required of the Property Owner under this Agreement, or cure any default of the Property Owner under this Agreement within the time limits set forth in this Agreement, and any such act or thing done or performed by Lender or cure shall be as effective as if done by Property Owner;

B. Realize on the security afforded by the encumbrance or lien by exercising foreclosure proceedings or power of sale or other remedy afforded in law or in equity or by the security document evidencing the encumbrance or lien (hereinafter referred to as "a trust deed");

C. Transfer, convey or assign the title of the Property Owner to the Subject Property to any purchaser at any foreclosure sale, whether the foreclosure sale be conducted pursuant to court order or pursuant to a power of sale contained in a trust deed; and

D. Acquire and succeed to the interest of the Property Owner by virtue of any foreclosure sale, whether the foreclosure sale is conducted pursuant to a court order or pursuant to a power of sale contained in a trust deed.

Should any Lender require or request an amendment of this Agreement in respect of the rights and remedies granted to a Lender, City hereby agrees to consider such an amendment in good faith and in accordance with state and local law so long as the proposed amendment does not materially and adversely affect the rights, powers, and remedies of the City in respect of a default by the Property Owner hereunder.

**Section 22. Notice to Lender.** City shall give written notice of any default or breach under this Agreement by Property Owner to Lender (if known by City) simultaneously with such notice of default City gives to Property Owner and afford Lender the opportunity after receipt of service of the notice to:

A. Cure the breach or default within thirty (30) days after service of said notice, where the default can be cured by the payment of money;

B. Cure the breach or default within thirty (30) days after service of said notice where the breach or default can be cured by something other than the payment of money and can be cured within that time; or

C. Cure the breach or default in such reasonable time as may be required where something other than payment of money is required to cure the breach or default and cannot be

performed within thirty (30) days after said notice, provided that acts to cure the breach or default are commenced within a thirty (30) day period after service of said notice of default on Lender by City and are thereafter diligently continued by Lender.

**Section 23. Action by Lender.** Notwithstanding any other provision of this Agreement, a Lender may forestall any action by City for a breach or default under the terms of this Agreement by a Property Owner by commencing proceedings to foreclose its encumbrance or lien on the Subject Property. The proceedings so commenced may be for foreclosure of the encumbrance by order of court or for foreclosure of the encumbrance under a power of sale contained in the instrument creating the encumbrance or lien. The proceedings shall not, however, forestall any such action by the City for the default or breach by the Property Owner unless:

A. They are commenced within thirty (30) days after service on Property Owner (and on Lender if Lender's address is provided by notice to the City pursuant this Agreement) of the notice described hereinabove;

B. They are, after having been commenced, diligently pursued in the manner required by law to completion; and Lender keeps and performs all of the terms, covenants, and conditions of this Agreement requiring the payment or expenditure of money by the Property Owner until the foreclosure proceedings are complete or are discharged by redemption, satisfaction, or payment.

**Section 24. Notice.** Any notice required to be given by the terms of this Agreement shall be provided by certified mail, return receipt requested, at the address of the respective parties as specified below or at any other such address as may be later specified by the parties hereto.

To Property Owner:

AG WEST COVINA OWNERS, LLC  
18301 Von Karman, Suite 250  
Irvine, CA 92612

To City:

City of West Covina  
1444 West Garvey Avenue South  
West Covina, CA 91790  
Attention: City Manager

**Section 25. Attorneys' Fees.** In any proceedings arising from the enforcement of this Development Agreement or because of an alleged breach or default hereunder, the prevailing party shall be entitled to recover its costs and reasonable attorneys' fees and experts' fees incurred during the proceeding (including appeals) as may be fixed within the discretion of the court.

**Section 26. Binding Effect.** This Agreement shall bind, and the benefits and burdens hereof shall inure to, the respective parties hereto and their legal representatives, executors, administrators, successors and assigns, wherever the context requires or admits.

**Section 27. Applicable Law and Venue.** This Agreement shall be construed in accordance with and governed by the laws of the State of California. Venue for any action or litigation brought for breach or to enforce any provision of this Agreement shall be the County of Los Angeles, California.

**Section 28. Partial Invalidity.** If any provisions of this Agreement shall be deemed to be invalid, illegal, or unenforceable, the validity, legality, or enforceability of the remaining provisions hereof shall not in any way be affected or impaired thereby.

**Section 29. Recordation.** The City Clerk shall record this Agreement in the Official Records of the County Recorder of the County of Los Angeles within ten (10) business days following the Effective Date. Upon the expiration of the terms of this Agreement and the request of the Property Owner, the City will execute and deliver, in recordable form, an instrument confirming that this Agreement is terminated and of no further force or effect.

**Section 30. Force Majeure.** In the event that any party hereto shall be delayed or hindered or prevented from performance of any act required hereunder by reason of acts of God, strikes, lockouts, labor troubles, inability to procure materials, riots, insurrection, terrorism, war or other reason of similar nature not the fault of the party delayed in performing the work or doing the acts required under the terms of this Agreement, then the performance of such act shall be excused for the period of the delay caused by the foregoing. Financial inability shall not be deemed an excuse for delay under this Section 30.

**Section 31. Integrated Agreement.** This Development Agreement consists of this Agreement together with all Exhibits attached hereto, and all of the same are hereby incorporated by reference. The provisions of this Agreement shall govern over any inconsistent or conflicting provisions set forth in the Exhibits. No representation or promise, verbal or written, not expressly set forth herein shall be binding or have any force or effect.

**Section 32. Termination.** This Agreement shall be deemed terminated and of no further effect upon the occurrence of any of the following events:

- A. Expiration of the stated Term of this Agreement as set forth in Section 6.
- B. Entry of a final judgment setting aside, voiding or annulling the adoption of the ordinance approving this Agreement.
- C. The adoption of a referendum measure overriding or repealing the ordinance approving this Agreement.

Termination of this Agreement shall not constitute termination of any other land use entitlements approved for the Property including but not limited to, all conditions and mitigation measures imposed as part of such entitlements prior to the date of termination. Upon the termination of this Agreement, no party shall have any further right or obligation hereunder except with respect to any obligation to have been performed prior to such termination or with respect to any default in the performance of the provisions of this Agreement that has occurred prior to such termination or with respect to any obligations that are specifically set forth as surviving this Agreement.

**Section 33. Time of Essence.** Time is of the essence in every provision hereof in which time is a factor.

**Section 34. Headings.** Headings used in this Agreement are for reference purposes only and shall not be deemed a part of this Agreement.

**Section 35. No Third Party Rights.** No third party shall be deemed to have any rights hereunder against either party as a result of this Agreement.

**Section 36. Operating Memoranda.** The provisions of this Agreement require a close degree of cooperation between the City and Property Owner. The anticipated refinements to the Project may demonstrate that clarifications to this Agreement and the Project Approvals are appropriate with

respect to the implementation of this Agreement and the Project Approvals. If, when, and as it becomes necessary or appropriate to take implementing actions or make such changes, adjustments or clarifications, the Parties may effectuate such actions, changes, adjustments or clarifications through an operating memorandum ("Operating Memorandum") approved by the parties in writing which references this Section. Such Operating Memorandum shall not require public notices and hearings or an amendment to this Agreement unless it is required by Section 16 above. The City Manager shall be authorized, after consultation with and approval of Property Owner, to determine whether a requested adjustment, clarification or implementing action (i) may be effectuated pursuant to this Section 33 and is consistent with the intent and purpose of this Agreement and the Project Approvals or (ii) is of the type that would constitute an amendment to this Agreement and thus would require compliance with the provisions of Section 16 above. The authority to enter into such Operating Memorandum is hereby delegated to the City Manager, and the City Manager is hereby authorized to execute any Operating Memorandum hereunder without further City Council action.

IN WITNESS WHEREOF, this Agreement has been executed by the parties and shall be effective on the Effective Date set forth hereinabove.

**CITY OF WEST COVINA,**  
a Municipal Corporation

Dated: \_\_\_\_\_

\_\_\_\_\_  
Letty Lopez-Viado, Mayor


ATTEST:

\_\_\_\_\_  
Lisa Sherrick  
Asst. City Clerk

Approved as to form:

\_\_\_\_\_  
Thomas P. Duarte  
City Attorney

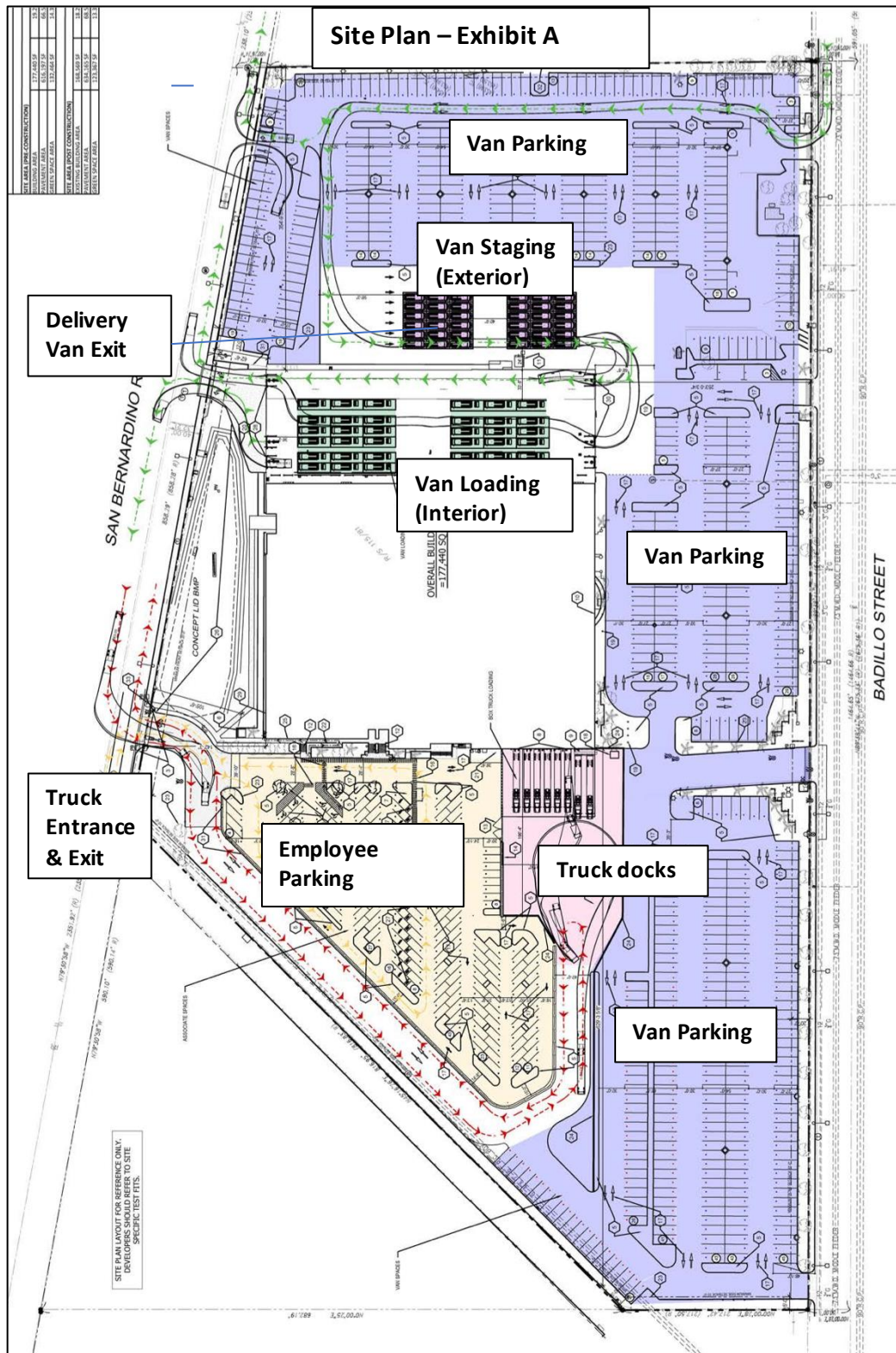
Developer: AG WEST COVINA OWNERS, LLC  
18301 Von Karman, Suite 250  
Irvine, CA 92612

By: \_\_\_\_\_ 

Name: Wilbur H. Smith, III

Title: Principal

Dated: 9/23/21





**1211 E Badillo St, West Covina, CA  
Community Outreach Update – 8/18/21**

As part of Greenlaw's commitment to community outreach, the project team conducted a neighborhood walk of homes on Elgenia Ave. - those closest to the project site. An introduction letter and FAQ with site plans and images were prepared as part of this effort (attached). The objective was to meet with neighbors, answer questions, invite to the online forum and provide contact information for future dialogue. The following summarizes the neighborhood walk.

**Date:** Evening of Tuesday, August 10, 2021  
**Location:** Elgenia Ave., homes adjacent to Badillo St.

**Summary of Contacts**

- Number of Homes on Street: 31
- Doors Knocked: 29 (2 homes had no solicitation signs, which we respected)
- Extended Conversations: 8, with 21 homes receiving project handout

**Summary of Feedback**

Most neighbors were either supportive of the project or indifferent. No neighbors expressed negative feedback or concerns. The most common questions were:

- Will the building change size/height? (*building size/height is not changing*)
- Are you cutting down any trees? (*trees and landscape will be added and enhanced*)
- Where will the larger trucks enter? (*San Bernardino Ave., and not Badillo St.*)

One woman, who is directly adjacent to the site, expressed strong support, saying "that's a great relief" when it was explained this would be a delivery station and not a taller building with residents that would be looking down into her backyard.

**Post-walk Communication**

It was important to provide multiple ways for the neighbors to reach us. So we included cell and office phone numbers, emails and a registration link for the online presentation. As of Tuesday, August 17, no calls, emails or registrations have been received.

**Additional Outreach**

Earlier last week, the team met with individuals from the Lark Ellen Village apartment community adjacent to the project site. These neighbors expressed strong support for the project and mentioned that many of their neighbors within the apartment community will be applying for jobs at this Amazon facility. The team also met with local businesses, including Lisa's Diner, to the west of the project site, all of which were supportive and realized the potential economic benefits of having more employees in the area, saying, "this will help recover pandemic losses." In addition to the 8/30 online presentation, we anticipate additional meetings, briefings and outreach efforts in the coming weeks. We will also be inviting all residents within the radius notification area to our 8/30 online presentation.



# PLANS FOR THE BADILLO ST. PROPERTY

## Badillo St. Property - TODAY



The property houses a former industrial warehouse and is occupied by Faith Church. The building hosts daily events, meetings and pre-school classes, with church services weekly.

**Join us August 30th  
for an online meeting  
to learn more about  
plans for the property  
at 1211 W. Badillo St.**

**See reverse side for  
more information.**

## Badillo St. Property - FUTURE



The future project will keep the existing building, while making landscape and aesthetic improvements, including adding numerous new trees.



GREENLAW

18301 Von Karman Ave Suite 250  
Irvine, CA 92612

FIRST CLASS  
PRESORT  
U.S. POSTAGE

**PAID**  
AMI

BC-8264

# **Updates on the Faith Church Property on Badillo Street**

We are writing with an update on the Faith Church property located at 1211 W. Badillo St. in the city of West Covina. The church has decided to sell its property to expand and maintain their mission in the area. They selected our company, Greenlaw Partners, based on our family-owned roots, track record of success and future plans to maintain the integrity of the site.

As your future neighbors, we'd like to introduce ourselves to you and share our plans for the building. In general, the building will stay as it is today and return to a commercial use.

Join us for a virtual meeting to learn more about these plans.

## **Updates on the Faith Church Property on Badillo Street**

**Monday, August 30 | 6:30 - 7:30 p.m.**

**RSVP Here: <https://bit.ly/3iTsr11>**

Please type in the link above carefully to register for the online forum. You may also call (714) 330-0321 or email [steve@grey-comm.com](mailto:steve@grey-comm.com) to RSVP. Registration is needed to ensure you can access the online meeting.



## **Summary of Community Outreach for the Parcel Delivery Station Project**

August 31, 2021

Over the past several weeks, Greenlaw has conducted significant public outreach to engage and inform the community about its plans for a parcel delivery station. This includes a community forum held Monday, August 30. The forum was preceded by a neighborhood walk for homes in the Elgenia Ave. neighborhood on August 10 that included an invitation to the forum, project renderings, an FAQ and comprehensive project overview. A mailer was also sent to homes around the site with project information and an invitation to the forum. Numerous individual meetings have also been held with local residents and businesses.

The following summarizes outreach efforts and results to date:

**What: Community Forum**

**Date:** Monday, August 30, 6:30-7:30 p.m.

**Location:** Held online to facilitate greater participation considering current circumstances

Approximately 200 invitations with project information were sent to West Covina homes within the city's notification radius. Contact information was included for residents to call or email the project team directly with questions. Additionally, the project team personally walked Elgenia Ave. to invite homeowners, answer questions and provide additional information.

In addition to the project team, there were 14 total attendees; 6 were neighbors, 2 represented the Lark Ellen Apartment community property management company, the balance were from the city or its environmental consultant.

The project team gave an approximately 40-minute overview of the project, walking through specific issues, like parking, traffic flow, noise, lighting and other anticipated concerns. The forum encouraged questions from the public; 6 questions were asked:

- What are the projected hearing dates?
- What entitlements are being requested?
- Who is the primary contact at the city?
- Will most traffic be on San Bernardino Ave?
- Will there be a wall along the Lark Ellen boundary?
- Will independent drivers use the same route as vans?

There was one phone call leading up to the meeting with a neighbor who had questions about routes within the property and potential noise impacts.

**What: Neighborhood Walk**

**Date:** Evening of Tuesday, August 10, 2021

**Location:** Elgenia Ave., homes adjacent to Badillo St.

## Summary of Contacts

- Number of Homes on Street: 31
- Doors Knocked: 29 (2 homes had no solicitation signs, which we respected)
- Direct Conversations: 8, with 21 homes receiving project handout

## Summary of Feedback

Most neighbors were either supportive of the concept or indifferent. No neighbors expressed negative feedback or concerns. The most common questions were:

- Will the building change size/height? (*building size/height is not changing*)
- Are you cutting down any trees? (*no, trees will be added*)
- Where will the larger trucks enter? (*San Bernardino Ave., and not Badillo St.*)

One woman, who is directly across from the site, expressed strong support, saying “that’s a great relief” when it was explained this would be a distribution center and not a taller building.

## Post-walk Communication

It was important to provide multiple ways for neighbors to reach us. So we included cell and office phone numbers, emails and a registration link for the forum. As of Thursday, August 12, no calls, emails or registrations have been received.

## Additional Outreach

The project team has also met with individuals from the Lark Ellen Village apartment community adjacent to the project site. Two of these neighbors expressed strong support for the project. One has raised questions about van routes and potential noise. The team also met with local businesses, including Lisa’s Diner, to the west of the project site, all of which were supportive and realized its potential economic benefits, saying, “this will help recover pandemic losses.” In addition to the 8/30 online forum, we anticipate additional meetings, briefings and outreach efforts in the coming weeks.

**From:** [Dean Navarro](#)  
**To:** [Jo-Anne Burns](#)  
**Cc:** [Don Lamm](#)  
**Subject:** RE: West Covina  
**Date:** Wednesday, September 22, 2021 8:53:50 PM

---

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

Hi Jo-Anne,

On Monday, September 20<sup>th</sup> we had a discussion with the City of Covina. To my knowledge, attendance from the Covina side were Chris Marcarello (City Manager), Angel Carrillo (Asst City Manager), Brian Lee (Community Development Director) and Rafael Fajardo (City Engineer). We discussed the history of each other's involvement in this project, including the meetings we held in the past and the series of comments and requests that Covina has given us over the last few months. Notable requests that we implemented into our plan were re-aligning the northwest drive aisle with Cutter Way, as well as installing a traffic signal at Cutter Way and San Bernardino Rd. We have incorporated all of Covina's comments into our plan and we were pleased with their latest comment letter to the MND. We also discussed truck traffic on San Bernardino Road as noted in the MND, since that road is a designated truck route by Caltrans. We also offered to reimburse Covina for an analysis that studies roadway impacts. We will be continuing that conversation into next week and plan on addressing any of Covina's comments thereafter.

We are pleased with Covina's responsiveness and professionalism towards our project. We look forward to working with them to make sure we are good neighbors.

Thanks,

**Dean Navarro**

Greenlaw Partners  
18301 Von Karman Ave  
Suite 250  
Irvine, CA 92612  
**D** (949) 331-1346  
**M** (949) 573-1915



**From:** [Alisa Sokel](#)  
**To:** [Letty Lopez-Viado](#); [Jo-Anne Burns](#)  
**Subject:** AMAZON PROJECT DEVELOPMENT  
**Date:** Sunday, August 15, 2021 7:51:05 AM

---

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

Good morning,

My name is Alisa Sokel and I am West Covina resident. I would like to express my support for Amazon warehouse coming into our neighborhood.

I actually live next door, in Lark Ellen Village Apartments. Some of my neighbors are concerned about noise pollution and traffic congestion. But we got a chance to talk to developers briefly and their plan is well thought of and organized in a way where those disruption would be minimal.

Even if noise pollution and traffic jam rise, the benefits out way the cons of this project.

In these uncertain times, people need jobs. Desperately. Unemployment rate has to go down. Our local businesses, like Lisa's Coffee Shop, could use a boost! It's been rough... and above all, let's think about tax revenue. City could use it for sure! We all need it...

Thank you for taking the time and reading this email.

If you have any more questions, please do not hesitate to contact me, or my husband at any time.

Lalo Tobias  
Alisa Sokel  
Thank you for your time once again.

[Sent from Yahoo Mail on Android](#)

---

**From:** [Martin Espinosa](#)  
**To:** [Jo-Anne Burns](#)  
**Subject:** 09-20-21 Amazon Prime Truck In Red Zone  
**Date:** Tuesday, September 21, 2021 7:46:58 AM

---

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

Jo-Anne,

Another example of a Amazon Prime truck blocking the oncoming view of traffic and parked in the red zone. Until UPS, Amazon and Fedex hold their driver's personally responsible for parking violations this will not end. Note, each one of these companies have a specific budget for parking violation fees all that is required is that they are reported in a timely manner.

Regards,

Martin





**From:** [Martin Espinosa](#)  
**To:** [Jo-Anne Burns](#)  
**Subject:** 09-10-21 Re: Pics of Amazon truck blocking view Of West Bound Oncoming Traffic From Lark Ellen  
**Date:** Friday, September 10, 2021 7:20:53 AM  
**Attachments:** [20210904\\_175236.jpg](#)  
[20210904\\_175300.jpg](#)

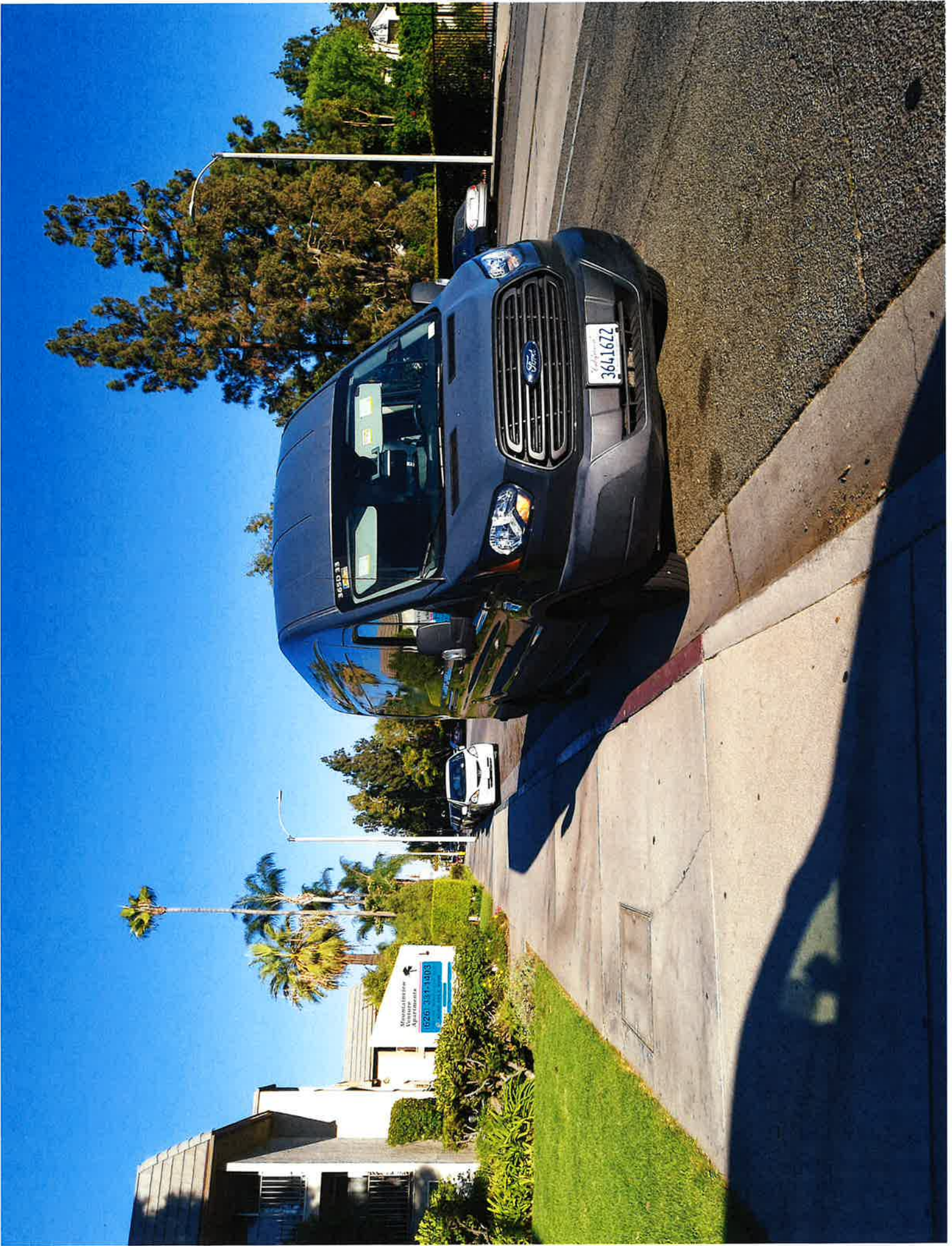
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CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.









## **Responses to Comments on Draft Initial Study/Mitigated Negative Declaration**

### **Amazon Delivery Station DAX9 Project SCH No. 20201070230**

Prepared for	City of West Covina Planning Division 1444 West Garvey Avenue South, 2nd Floor, Room 208 West Covina, California 91790 Contact: Jo-Anne Burns, Planning Manager JBurns@westcovina.org
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Prepared by	Psomas 5 Hutton Centre Drive, Suite 300 Santa Ana, California 92707 Contact: Alia Hokuki (714) 751-7373
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September 2021

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# 1.0 INTRODUCTION AND SUMMARY

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## 1.1 INTRODUCTION

The purpose of this document is to present public comments and responses to those comments received on the Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) for the Amazon Delivery Station DAX9 Project (State Clearinghouse Number 20201070230). The City of West Covina, as the Lead Agency, has evaluated all substantive comments and has prepared written responses. In accordance with the California Environmental Quality Act (CEQA) Guidelines (Title 14 California Code of Regulations [CCR] Section 15074[b]), the decision-making body of the Lead Agency must consider the IS/MND and comments received before approving the Project. This document, which will be provided to the City Council, as the decision-making body, has been prepared in accordance with CEQA and represents the independent judgment of the Lead Agency.

The approximate 21.22-acre Project site is in the City of West Covina, in Los Angeles County, California. The site is located at 1211 East Badillo Street (current address), north of Badillo Road and south of East San Bernardino Road. The Project Applicant is proposing to change the building address to 1200 West San Bernardino Road. Surrounding uses include single family residences to the south of Badillo Road; multi-family residences (Lark Ellen Village) immediately to the east of the site; and multi-family residences to the north of East San Bernardino Road within the City of Covina. Various commercial, retail, and industrial uses are situated to the west of the site.

Amazon Inc., through its development partner, Greenlaw Partners, is seeking to locate in the City of West Covina and repurpose the Project site for a last mile delivery station. Delivery stations power the last mile of the order fulfillment process and help to speed up deliveries for customers. Packages are transported to delivery stations via trailer trucks from Amazon fulfillment and sortation centers and are sorted, picked, and loaded into delivery vehicles. The packages would (1) enter the facility through the loading dock positions; (2) be sorted from a conveyor area; (3) be stored on mobile “Baker Racks”; and (4) be rolled to the delivery van loading area.

The proposed Project involves the revitalization and modernization of the existing on-site building but would not change the building footprint. The proposed building improvements on-site include demolition of portions of the tilt up walls for proposed dock door openings, as well as existing non-load bearing walls, plumbing, electrical, an existing mezzanine, and existing storefront for new roll up drive in/drive out doors. Eight new loading dock spaces/doors (at a higher height than existing doors and six new exterior overhead van doors (north and south elevations) would be installed. Construction work would include structural improvements, electrical, mechanical, plumbing, and overall site work. Two 12-foot high screen walls would be constructed, one south of the approach driveway and adjacent to the loading dock area and one north of the loading dock area. The material for the 12-foot high walls includes a standard Concrete Masonry Unit, which is to be painted a matching color to the main building.

Interior modifications would include demolition of interior walls. Exterior property work would include removal of the playground area, pavement restriping, new directional striping and reconfiguration of the parking layouts, new smoker shelter at the north/east corner of the building, a new rideshare shelter, standard site directional and operational signage, and building mounted signage.

Other proposed modifications/improvements include relocation of existing on-site fire hydrants, and installation of platforms that are to be constructed at the truck court. New site fencing and gates would be located around the employee parking area on the west side of the building and no new fencing or gates would be installed around the perimeter of the site. Curb repair is also proposed, as well regrading for the van exit location at East San Bernardino Road in order to fix existing drainage low spots. This would include construction of new low impact development (LID) Stormwater Treatment Best Management Practices (BMPs) on the north side of the existing building. Additionally, all existing light poles would be removed and new fixtures, pole bases, light poles, and building mounted lighting would be installed in accordance with City lighting requirements and illumination standards.

The landscape design is proposed to bring the site into closer conformance with the State's Water Efficient Landscape Ordinance (WELO). Renovation of the site would include removal of high-water use, trees, and shrubs. The proposed new landscape plant pallet includes a mix of drought tolerant shrubs, grasses, and ground cover, as well as a variety of shade trees to be used throughout the parking area and around the perimeter of the site. The new irrigation would adhere to the requirements found in WELO and the City's landscape and irrigation guidelines for commercial and industrial properties.

Existing parking areas would be restriped, and barriers would be erected to separate truck traffic from passenger traffic beyond the westernmost driveway to East San Bernardino Road. A total of 811 parking spaces would be provided, 185 for passenger vehicles and 626 for vans. The site is accessed from Badillo Street, via four driveways. The two westernmost driveways on Badillo Street have full access with left turn lanes carved from the landscape median. The other two are restricted to right turns. All three driveways on San Bernardino Road currently have full access, but none feature a left turn lane from San Bernardino Road. The easternmost of these driveways would be restricted to right turns. The middle driveway on East San Bernardino Road would be relocated to the west to operate as an exclusive exit only for delivery vehicles. Exiting delivery vehicles could make a left- or right-turn on San Bernardino Road. The westerly most driveway, on San Bernardino Road, is to be relocated to align with Cutter Way and a new left turn pocket and a traffic light would be installed on San Bernardino Road. In addition, all trucks would access the site traveling westbound and would make a left turn into the westerly most driveway.

In accordance with the State CEQA Guidelines, Section 15073, the Draft IS/MND was circulated for a 30-day public review and comment period beginning on July 13, 2021 and ending on August 11, 2021. Additionally, the Draft IS/MND was available at the City of West Covina website. During the public review period, the City received a total of ten comment letters from State agencies, local agencies, organizations, and individuals on the Draft IS/MND. Written responses have been prepared to all comments received during the comment period and are included in Section 3.0 of this document.

The Final IS/MND consists of three documents: (1) the Draft IS/MND; (2) the Technical Appendices; and (3) the Responses to Comments document. The Responses to Comments document includes three sections: Section 1.0, provides the introduction; Section 2.0 provides a list of commenters on the Draft IS/MND; and Section 3.0 provides responses to environmental comments received on the environmental document. The responses to comments does not include a subsection for the errata to the Draft IS/MND, as none of the comments resulted in revisions or modifications to the text of the IS/MND.

## 2.0 LIST OF COMMENTERS

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The following is a list of commenters that submitted written comments on the Draft IS/MND. The comments included written and e-mail correspondence. The comments are listed chronologically and numbered. The responses have been prepared to match the bracketing on the comment letters. Each comment letter is followed by responses to address the comments. The comment letters and responses are included in Section 3.0 of this document.

No.	Commenter	Date of Correspondence	Page Number
<b><i>State Agencies</i></b>			
1	Department of Transportation, District 7 (DOT)	August 10, 2021	3-4
<b><i>Regional and Local Agencies</i></b>			
2	City of Covina (CC)	August 11, 2021	3-9
<b><i>Organizations</i></b>			
3	Woodlane Village Homeowners Association (WVHOA)	August 9, 2021	3-18
4	Teamsters Local Union No. 1932 (TLU 1932)	August 11, 2021	3-22
<b><i>Individuals</i></b>			
5	Diana Glover (DG)	July 15, 2021	3-32
6	Judith Barrioz (JB) – Sent by Louie Mota	July 18, 2021	3-35
7	Patricia Hernandez (PH)	July 27, 2021	3-37
8	Sherie G. (SG)	July 27, 2021	3-40
9	Charlotte Stewart (CS)	August 4, 2021	3-43
10	Elisa Paster (EP)	September 10, 2021	3-44

## **3.0 RESPONSES TO COMMENTS**

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The City's responses to comments received on the Draft IS/MND are provided below. The responses are numbered to match the bracketing on the comment letter. Comment letters received are categorized by State agencies, local agencies, organizations, and individuals. Within each category, the responses are provided chronologically.

### **3.1 STATE AGENCIES**

One comment letter was received from the State agencies. The comment letter is listed below:

- Department of Transportation, District 7 (DOT)—August 10, 2021



STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

**Letter 1**

GAVIN NEWSOM, Governor

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 7  
100 S. MAIN STREET, MS 16  
LOS ANGELES, CA 90012  
PHONE (213) 269-1124  
FAX (213) 897-1337  
TTY 711  
www.dot.ca.gov



*Making Conservation  
a California Way of Life*

August 10, 2021

Ms. Jo-Anne Burns  
City of West Covina  
1444 West Garvey Avenue South  
West Covina, CA 91790

RE: Amazon Delivery Station DAX9 Project  
SCH # 2021070230  
Vic. LA-10/PM 36.49  
GTS # LA-2021-03655-MND

Dear Ms. Burns:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced MND. Amazon Inc. is seeking to locate in the City of West Covina in Los Angeles County and repurpose the proposed Project site for a last mile delivery station. The proposed Project involves the repurposing of a former 177,440 square foot industrial building on a 21.22-acre site, that has recently been utilized by Faith Church. The Amazon Delivery Station would operate as a light warehousing and distribution operation with approximately 250 employees.

DOT-1

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. Senate Bill 743 (2013) has codified into CEQA law and mandated that CEQA review of transportation impacts of proposed development be modified by using Vehicle Miles Traveled (VMT) as the primary metric in identifying transportation impacts for all future development projects. You may reference the Governor's Office of Planning and Research (OPR) for more information:

<http://opr.ca.gov/ceqa/updates/guidelines/>

DOT-2

As a reminder, VMT is the standard transportation analysis metric in CEQA for land use projects after July 1, 2020, which is the statewide implementation date.

For future reference, Caltrans has published the VMT-focused Transportation Impact Study Guide (TISG), dated May 20, 2020 and the Caltrans Interim Land Development and Intergovernmental Review (LD-IGR) Safety Review Practitioners Guidance, prepared on December 18, 2020. You can review these resources at the following links:

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"Provide a safe and reliable transportation network that serves all people and respects the environment"

Ms. Jo-Anne Burns  
August 10, 2021  
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<https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-05-20-approved-vmt-focused-tisg-a11y.pdf>

<https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-12-22-updated-interim-lidgr-safety-review-guidance-a11y.pdf>

Caltrans encourages lead agencies to prepare traffic safety impact analysis at the State facilities for future development in the California Environmental Quality Act (CEQA) review process so that, through partnerships and collaboration, California can reach zero fatalities and serious injuries by 2050.

DOT-2  
cont.

The proposed Project generates the most trips outside the typical peak hour commute periods. The 10 AM to 11:00 AM and 8 PM to 9 PM are the peak hours of the generator. Therefore, the project would not contribute a traffic safety impact to the State facilities.

#### **SGVCOG VMT Evaluation**

The City of West Covina has adopted a 15 percent below baseline VMT per Service Population for all land uses. That baseline is 35.02 and the threshold is 29.77. The evaluation tool indicates the site would have a VMT/Service Population of 31.82 without the Project.

The proposed tenant offers all employees the option of setting aside up to \$270/month of their before tax pay to be used to subsidize alternative transportation expenses. The tenant also offers preferential parking for car/vanpools close to the building entrance with the number of available spaces varying by demand. In addition, as normal practice the tenant provides kiosks/bulletin boards where transit and ridesharing options are posted, provides a ride-matching platform such as Waze, and assigns an employee transportation coordinator to encourage the use of alternative transportation options. Application of these measures qualify as TP11 Alternative Transportation Benefits and are expected to reduce the VMT per service population to 29.72, below the significance threshold.

DOT-3

Pre-tax benefits are offered through Edenred Commuter Benefits Solutions. Information about these benefits is provided to new employees during their orientation and is documented in the employee handbook. These benefits are applicable to:

- Transit expenses
- Parking expenses for Park & Ride lots/transit stations
- Vanpool and qualified ridesharing (such as Uber pool & Lyft Shared) expenses

With at least 15 percent of the tenant's employees being eligible for Alternative Transportation Benefits, the proposed Project would have a less than significant VMT impact.

*"Provide a safe and reliable transportation network that serves all people and respects the environment"*

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**ACTIVE TRANSPORTATION AND PUBLIC TRANSIT ANALYSIS**

The proposed Project is consistent with adopted policies, plans, and programs to provide infrastructure for active transportation and public transit facilities. It would not conflict with existing or proposed facilities supporting these travel modes. Specifically, the West Covina Active Transportation Plan proposes the addition of bike lanes along Badillo Street. Conversion of the site to the proposed delivery station does not require any changes to Badillo Street that would prevent the installation of these bike lanes. The delivery station does not require any on-street parking along its frontage, freeing up pavement adjacent to the north curb for striping as a bike lane. In addition, while the Plan does not call for any pedestrian improvements along either Badillo Street or San Bernardino Road, the sidewalk along the site's frontage on San Bernardino Road would be replaced as part of the site's conversion to a delivery station. The Project would also provide signalized crosswalks across San Bernardino Road reducing the spacing of such crossing from a half to a quarter mile. Foothills Transit Route 190 provides fixed-route bus service with stops on San Bernardino Road at Vincent Avenue and Lark Ellen Avenue.

DOT-4

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As a reminder, any transportation of heavy construction equipment and/or materials which requires use of oversized-transport vehicles on State highways will need a Caltrans transportation permit. We recommend large size truck trips be limited to off-peak commute periods.

DOT-5

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If you have any questions, please feel free to contact Mr. Alan Lin the project coordinator at (213) 269-1124 and refer to GTS # LA-2021-03655AL-MND.

Sincerely,

*Miya Edmonson*

MIYA EDMONSON  
IGR/CEQA Branch Chief

email: State Clearinghouse

*"Provide a safe and reliable transportation network that serves all people and respects the environment"*

**Letter 1: Department of Transportation, District 7**

**Comment Letter Dated August 10, 2020**

- DOT-1      The comment reiterates the Project description. No response is required.
- DOT-2      The comment regarding the mission of Caltrans and the use of Vehicle Miles Traveled (VMT) as the primary metric in identifying transportation impacts is noted and will be forwarded to the decision makers.
- The resources pertaining to VMT guidance provided by the commenter are appreciated, and the comment regarding lead agencies preparing traffic safety impact analysis at the State facilities for future development is noted and will be forwarded to the decision makers.
- The comment also indicates that the Project primarily generates trips outside the typical peak hour commute period; thus, the Project would not result a traffic safety impact to the State facilities. The comment is noted and will be forwarded to the decision makers.
- No further responses to the above comments are warranted.
- DOT-3      **SGVCOG VMT Evaluation.** The comment indicates that per the VMT baseline and threshold established, the site would result in a VMT/Service Population of 31.82 without the Project. The comment further reiterates the Project's measures and determines that application of the said measures qualify as TP11 Alternative Transportation Benefits and are anticipated to reduce the VMT per service population to 29.72, which is below the significance threshold. With at least 15 percent of the tenant's employees being eligible for Alternative Transportation Benefits, the Project has a less than significant VMT impact. The comment is noted and will be forwarded to the decision makers. No further response is warranted.
- DOT-4      **Active Transportation and Public Transit Analysis.** The comment identifies that the proposed Project is consistent with adopted policies, plans, or programs regarding active transportation and public transit facilities. The comment further discusses addition of bike lanes, signalized crosswalks proposed by the Project, and transit service. The comments are noted and will be forwarded to the decision makers. No further response is warranted.
- DOT-5      The comment points out that transportation of heavy construction equipment and/or materials, which would require use of oversized-transport vehicles on State highways would need a Caltrans transportation permit. The comment also recommends that large size truck trips be limited to off-peak commute periods. The comments are noted and will be forwarded to the decision makers. No further response is required.

## **3.2 REGIONAL/LOCAL AGENCIES**

One comment letter was received from the local/regional agencies. The comment letter is listed below:

- City of Covina (CC)—August 11, 2021





CITY OF COVINA

125 East College Street • Covina, CA 91723-2199

www.covina.ca.gov

(626) 384-5400

## Letter 2

August 11, 2021

Ms. Jo-Anne Burns  
Planning Manager  
1444 West Garvey Avenue South  
2<sup>nd</sup> Floor, Room 208  
West Covina, CA 91790

**SUBJECT: Notice of Intent to Adopt A Mitigated Negative Declaration for the Proposed Amazon Delivery Station DAX9 Project located at 1211 East Badillo Street**

Dear Ms Burns,

Thank you for the opportunity to comment on the Draft Mitigated Negative Declaration (MND) for the proposed Amazon Delivery Station located at 1211 East Badillo Street. The proposed project is to repurpose the existing 177,144 square foot church facility to be utilized as a last-mile delivery facility for Amazon, Inc. Based on reviewing the content of the Draft MND and the Technical Appendices, the City of Covina has the following concerns and comments:

CC-1

### Transportation

1. The Traffic Impact Study (TIS) outlines a 24 hours a day and 7 days a week operational plan for the delivery facility with peak traffic movements (employee arrivals/departures, delivery shifts) outside of the typical commuting peak periods. Therefore, most of the traffic generated by Amazon facility could have minimal impact on the surrounding streets during the typical commuting peak hours.

However, the increased vehicle traffic will be generated by heavy vehicles, such as tractor/trailer trucks and delivery vans. The increased vehicle traffic will heavily use West San Bernardino Road, West Badillo Street, and other streets within the City of Covina. Although the City of Covina may have a Pavement Management Plan (PMP), the PMP does not consider 24 hours a day and 7 days a week increase in traffic for those streets within the City. The proposed Amazon facility directly causes the increase in traffic within the City of Covina streets, which will result in accelerated degradation to the streets, the timing for pavement management, and the associated cost. As mitigation, Amazon must reimburse the City of Covina to conduct a pavement analysis and share the accelerated increased cost of street maintenance.

CC-2

2. The project proposes shifting Driveway #7 (the westernmost driveway) easterly to align with Cutter Way on the north side of San Bernardino Road. The City of Covina concurs.
3. Existing traffic volumes were derived by taking new intersection traffic counts and adjusting them based on historic turning movement counts, which were gathered in 2019 (Pre-Covid).

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Adjustments were then made, and a growth factor was added to account for the last 2 years since the original counts. The estimated amount of traffic to be generated by the project was obtained utilizing tenant supplied trip data for the intended operation of the site. Employee and van driver trips are based on 10% using transit or other ride-sharing opportunities, walking, or biking to work. The City of Covina agrees with the methodology.

4. The TIS performed a traffic signal warrant analysis at the two intersections requested, San Bernardino Road/Driveway #7, and San Bernardino Road/Driveway #6 and neither of the intersections met any of the required warrants. However, the applicant has elected to install full traffic signal improvements at the intersection of San Bernardino Rd/Cutter Way (DW #7) to facilitate pedestrian movements. The City of Covina concurs.
5. Driveway #6 has proposed to be an exit-only driveway, providing the only exit for the delivery vans once they have been fully loaded. The vans will exit onto WB and EB San Bernardino Road, beginning at 10:00 AM, during the off-peak time for the surrounding streets. The City of Covina concurs.
6. The project is not proposing a raised center median on San Bernardino Road. However, the control of traffic at Driveway #6 and Driveway #5 is being addressed through striping, signage, and driver training. The City of Covina concurs.
7. Driveway #5 will be a right-in and right-out only access, so no further analysis was provided. The City of Covina concurs.
8. Driveway queuing analysis was performed for all the driveways along Badillo Street. Since these driveways will be utilized by employees and flex drivers during off-peak hours for the surrounding roadways, there is never more than a single vehicle estimated to be queued at any of the driveways; and, the longest delay indicated was 9 seconds. The City of Covina concurs. CC-2 cont.
9. All signal-controlled intersections identified during the scoping document review were analyzed as part of the TIS. The only signal-controlled intersection which diminished in operation was the intersection of Badillo Street/Azusa Avenue for the AM Peak period. It is expected to operate at LOS E, under both conditions for the cumulative projects analysis. The increase in the V/C ratio is only 0.001, well below the significance threshold of 0.02. The City of Covian concurs.
10. The proposal for the new traffic signal at San Bernardino/Cutter Way is to provide striped left-turn pockets for both approaches by shifting the current EB lanes to the south. Since on-street parking will not be required for the project, parking restrictions will be implemented along the south side of San Bernardino Road. The shifting of the EB lanes southerly will enable the existing on-street parking to remain along the north side of San Bernardino Road. The City of Covina concurs.
11. There was a discussion in the TIS regarding "Peak Season Operations" (such as the seasonal increase in package deliveries between Thanksgiving and the end of the calendar year) resulted in the opinion that *"the additional traffic is not expected to exceed the storage distances provided by left-turn lanes into the site or to spill out onto the adjacent roadways"*. Additional traffic may not be "expected" to exceed the turn pockets, but what if it does? What mitigation measures will be imposed and what monitoring will be implemented to determine if mitigation measures are necessary?

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12. The applicant will be replacing the sidewalk along San Bernardino Road, including additional walkway connections to the building to provide the required ADA access from adjacent streets. The City of Covina concurs.
  13. Foothill Transit Route 190 runs along San Bernardino Road and provides bus access to the project. The City of Covina recommends that the applicant consults with Foothill Transit to add new bus stops at the San Bernardino/Cutter Way intersection as part of the project.
  14. The VMT analysis took advantage of the screening tool developed for the San Gabriel Valley Council of Governments. The project does not screen-out on its own merit; however, a VMT reduction was taken for Alternative Transportation Benefits (Transit expense reimbursement, parking expense reimbursement, vanpool opportunities), which reduced the project's VMT to a value slightly below the significance threshold. The City of Covina concurs.
  15. It is important to note that in order for the traffic generated by this project to operate in conformance with this TIS, all employees and drivers must adhere to the facility's operational plan and the trip distribution outlined in this TIS. It will be the responsibility of the City of West Covina to ensure that these traffic and driveway patterns remain enforced during the lifespan of the project. What protocols will be implemented to enable Covina to insist upon updated mitigation measures if voluntary behavioral traffic policy fails?
  16. Amazon is proposing to move to a full-electric van fleet within the next 2 to 3 years. As such, the van parking area should be configured to provide adequate room for charging stations for all of the delivery vans. The applicant should also verify with Southern California Edison that this area of its electrical grid can handle the anticipated demand of multiple van charging stations.

CC-3

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**Noise**

1. The proposed Amazon facility is surrounded on three sides by the City of Covina. To the south are single-family residences and to the north and east are multi-family residences. They are sensitive receptors of noise. On page 4-72, it states, "... due to the location of the site between two busy roadways and a hospital located east of Lark Ellen Village, which has an ambulance entrance just east of Lark Ellen Village residences, it is expected that a higher number of impulsive noise events already exist as part of the ambient noise and the sensitive receptors near the site (north, east and south) would not be disturbed by the site activities during the daytime and in the evening." The City of Covina disagreed that the residences to the north, south and east (sensitive receptors) of the site are subjected to a higher number of impulse noise events from ambulance vehicles because of the nearby hospital. Kindred Hospital is at the northeast corner of Lark Ellen Avenue and West Badillo Street. Kindred Hospital is a medical facility for acute long-term care of patients for recovery and wellness. There are no Emergency Room (ER) services. However, there could be a low number of medical transit ambulance vehicles needed to take a patient back to a traditional hospital. Therefore, the City disagrees with the conclusion that the sensitive receptors are used to a higher number of impulse noise events. The noise analysis does not discuss the potential noise generated by increased truck traffic, idling trucks waiting in que, etc. Also, the potential for on-site OSHA beepers of trucks backing into loading docks, etc. We disagree that the noise generated within the project site parking lots is not expected to cause a disturbance for the residents to the north, east and south of the site.

CC-4



2. Concerning the off-site traffic noise impact, the analysis indicated that the noise level increase is only 0.4 dB (Page 4.74 and 75 of Draft MND). It further stated that the increased traffic noise would be less than significant, and no mitigation is required. The City of Covina has reservations with the conclusion of the noise impact analysis, specifically the period between evening and nighttime hours of 7 pm to 7 am. According to the noise sources on Page 4-65 of the Draft MND, there will be a total of 19 diesel truck trips and 381 vehicle trips (vans and cars) between this period every night of the year. Although the increase of 0.4 dB is minuscule, it exacerbates the already higher noise level for the residences. The City of Covina recommends that Amazon accelerate the timing to replace gasoline vans with EV vans and diesel trucks with EV trucks.

CC-5

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**Air Quality**

The air quality impact did not evaluate health risks from diesel particulate matter emissions, since diesel trucks are used for the facility. There could be a "fair Argument" that the project could have a health risk impact from its indoor air quality impacts. However, replacing the diesel trucks with EV trucks will address this issue.

CC-6

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**Other Comments**


Does the Draft MND evaluate the potential growth of the facility in regards to ongoing increase in Amazon business? How will future impacts resulting from increased operations be mitigated once an entitlement is approved?

CC-7

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Thank you again for allowing us to comments on the Draft MND. If you have any questions about our comments, please feel free to contact me at 626-384-5458, [blee@covinaca.gov](mailto:blee@covinaca.gov) or Nancy Fong at 626-384-5463, [nfong@covinaca.gov](mailto:nfong@covinaca.gov).

Sincerely,

CITY OF COVINA  
  
Brian K. Lee, AICP  
Director of Community Development

cc: Chris Marcarello, City Manager  
Angel Carrillo, Assistant to City Manager  
Andy Bullington, Director of Public Works  
Rafael Fajardo, City Engineer  
David Gilbertson, Contract Engineer  
Mercy Lugo, Senior Planner  
Nancy Fong, AICP, Community Development Consultant

**Letter 2: City of Covina**

**Comment Letter Dated August 9, 2021**

CC-1 The comment reiterates description of the proposed Project. No response is required.

**Transportation**

CC-2

1. The comment identifies the operational plan as outlined in the Traffic Impact Study (TIS) and indicates that during commuting hours, the proposed Project traffic may have minimal impact on surrounding streets. However, the comment adds, the traffic would be associated with heavy vehicles (e.g., tractor/trailer trucks and delivery vans) on Covina streets, which would result in accelerated degradation of the streets. The comment requests that Amazon reimburse the City of Covina to conduct a pavement analysis and share the cost of street maintenance. The comment is noted and will be forwarded to the decision makers. The comment does not identify a CEQA issue, and as such, no further response is required.
2. The comment identifies that the City of Covina concurs with the proposal to shift Driveway #7 easterly to align with Cutter Way on the north side of San Bernardino Road. The comment is noted and will be forwarded to the decision makers. No further responses is warranted.
3. The comment identifies that the City of Covina agrees with the methodology in the TIS pertaining to existing traffic volumes and the Project generated traffic. The comment is noted and will be forwarded to the decision makers. No further responses is warranted.
4. The comment indicates that the City of Covina concurs with installing full traffic signal improvements at the intersection of San Bernardino Road/Cutter Way (DW #7) to facilitate pedestrian movement, even though the traffic signal warrant analysis at two intersections did not meet the required warrant. The comment is noted and will be forwarded to the decision makers. No further responses is required.
5. The comment identifies that the City of Covina concurs with Driveway #6 being an exit-only driveway and that the vans will exit on San Bernardino Road at 10:00am during the off-peak time. The comment is noted and will be forwarded to the decision makers. No further responses is required.
6. The City concurs with the proposed striping, signage, and driver training for control of traffic at Driveway # 5 and #6 even though a raised center median on San Bernardino Road is not proposed. The comment is noted and will be forwarded to the decision makers. No further responses is required.
7. The City concurs with Driveway #5 being a right-in and right-out only access. The comment is noted and will be forwarded to the decision makers. No further responses is required.

8. The comment indicates that driveway queuing analysis was conducted for all driveways along Badillo Street. There is never more than a single vehicle estimated to be queued, and the longest delay is nine minutes, the comment adds. The City concurs. The comment is noted and will be forwarded to the decision makers. No further response is required.
9. The City concurs with the finding of the TIS that the intersection of Badillo Street/Azusa Avenue for the AM peak hour would operate at LOS E and that the increase in V/C ratio is only 0.001, which is below the significance threshold of 0.02. The comment is noted and will be forwarded to the decision makers. No further response is required.
10. The City concurs with the proposal for the new signal at San Bernardino Road/Cutter Way. Since on-street parking will not be required, parking restriction would be implemented along the south side of San Bernardino Road. Consequently, the on-street parking will remain along the north side of San Bernardino Road. The comment is noted and will be forwarded to the decision makers. No further response is required.
11. The City questions what mitigation measures will be proposed and how will they be monitored if it is determined that mitigation is necessary in case additional traffic associated with “Peak Season Operations” exceeds the turn pockets. The comment is noted and will be forwarded to the decision makers. However, the comment is speculative and references a hypothetical scenario in the future. The detailed analysis contained in Section 4.17, Transportation, of the IS/MND indicates that given the result of the level of service and queuing analyses conducted, the additional traffic is not anticipated to exceed the storage distances provided by left-turn lanes into the site or to spill out onto the adjacent roadways. In light of this, no further response is required.
12. The City concurs with replacement of the sidewalk along San Bernardino Road and additional connections to the building to provide the required Americans with Disabilities Act (ADA) access from adjacent streets. The comment is noted and will be forwarded to the decision makers. No further response is required.
13. The comment recommends that the Applicant consult with Foothill Transit to add new bus stops at the San Bernardino Road/Cutter Way intersection as part of the Project. The comment is noted and will be forwarded to the decision makers. No further response is required.
14. The City concurs with the approach for VMT analysis, which used the screening tools developed for the San Gabriel Valley Council of Governments. The comment is noted and will be forwarded to the decision makers. No further response is required.
15. The comment asserts that the City of West Covina will be responsible for ensuring that the traffic and driveway patterns remain enforced during the life of the Project. The comment further questions the protocols according to which updated mitigation measures will be enforced if voluntary behavioral traffic policy fails. The comment is noted and will be forwarded to the decision makers. However, the comment is speculative and references a hypothetical scenario in the future if and when the “voluntary behavioral traffic policy fail.” Addressing a speculative future scenario is above and beyond the scope of this IS/MND. No further response is required.

16. The comment asserts that in light of Amazon's goal of full-electric van fleet within the next two to three years, the van parking area should be configured to provide adequate room for charging stations. The comment indicates that the Applicant should verify with the Southern California Edison if the demand of multiple van charging stations can be accommodated. The comment is noted and will be forwarded to the decision makers. It is noted that this is not a CEQA issue, is speculative, and is above and beyond the scope of the IS/MND. As such, no further response is required.

CC-3

### **Noise**

1. The comment disagrees with the conclusion that the sensitive receptors (to north, east, and south of the site) are used to a higher number of "impulse" noise event. The comment adds that the noise analysis does not discuss noise from truck traffic, idling trucks, trucks waiting in queue, and OSHA truck beepers. Additionally, the comment does not agree with the conclusion that there is already an elevated ambient noise level in the area. The comments are noted and will be forwarded to the decision makers.

It should be recognized that Section 4.13, Noise, of the IS/MND provided a full and detailed analysis of the Project's potential impacts pertaining to noise and identifies multiple sources of noise, including all sources mentioned above. The noise analysis evaluated the acoustical impact of the proposed facility on the adjacent sensitive receptors and compared it to the ambient noise levels and local noise standards to assess if any mitigation measure would be necessary to reduce the noise exposure to the community. Future community noise impacts from the onsite operations were modeled using SoundPlan Essentials 5.1 acoustical modeling software. Starting on page 4-65, the analysis discusses in detail the sources and the times when noise-producing activities would occur. Based on the analysis and modeling prepared, it was determined that the impacts would not be significant requiring mitigation.

2. The comment does not agree with the conclusions of the noise impact analysis regarding the noise level increase of 0.4 dB and the determination that the increased traffic noise would be less than significant. The comment adds that while the increase of 0.4 dB is minuscule, it exacerbates the already higher noise level for the existing residences. The comment recommends accelerating the timing to replace gasoline vans and diesel trucks with EV vans and trucks. The comment is noted and will be forwarded to the decision makers. No further response is required.

CC-4

### **Air Quality**

The comment notes that health risks from diesel particulate matter emissions were not evaluated in the air quality analysis. While it may be argued that the Project could have a health risk impact from indoor air quality, the commenter indicates that replacing the diesel trucks with EV trucks will address this issue. The comment is noted and will be forwarded to the decision makers. No further responses is required.

CC-5

**Other Comments**

The comment expresses concern over future growth and increased operations of the facility and how impacts would be evaluated once an entitlement is approved. The comment is noted and will be forwarded to the decision makers. The increase in Amazon business and growth of the facility is not a CEQA issue and is above and beyond the scope of the analysis in the IS/MND. As such no further response is required.

### **3.3 ORGANIZATIONS**

A total of two comment letters/emails were received from the organizations. The comment letters/emails are listed below:

- Woodlane Village Homeowners Associations (WVHOA)—August 9, 2021
- Teamsters Local Union No. 1932 (TLU 1932)—August 11, 2021

**Letter 3**

Ms. Jo-Anne Burns, Planning Manager  
City of West Covina  
1444 W. Garvey Avenue South, 2<sup>nd</sup> Floor, Room 208  
West Covina, CA 91790  
[JBurns@westcovina.org](mailto:JBurns@westcovina.org)

Project Title: Amazon Delivery Station DAX9 Project

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We are the Board of Directors and we represent Woodlane Village Condominium homeowners behind the subject property. We are located in the 1400 block on the north side of San Bernardino Road. We have 68 units with many young families with small children. We are writing to you today let you know how dangerous this Amazon project will be to our neighborhood and ask you to re-consider your proposal.	WVHOA-1
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(1) This re-location would be dangerous because there are many children in our neighborhood. These children ride their bicycles on the street all the time and allowing heavy trailer trucks on the street will make the situation much more dangerous. Trailer trucks are bigger and take more time to stop, for a small child, for example.	WVHOA-2
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(2) The back entrance to Las Palmas Middle School is located within 100 yards of your building. Many children cross San Bernardino Road to Cutter Street and use the back entrance of the school. They use this route in the morning and again in the afternoon. What will you do to make their trip to and from school safely?	WVHOA-3
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(3) This location will be dangerous for people who park on the south side of San Bernardino and have to run across the street to get their vehicle. There are no crosswalks so people run, which I know is illegal, but they do it all the time anyway. Just look at the parked vehicles on the south side of San Bernardino Road at any given time. People are constantly running across the street.	WVHOA-4
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(4) The north side of the 1400 block of San Bernardino Road has five apartment buildings as well as our condominiums. That is a lot of people/children living in these residential complexes. Have you considered their safety? I think not. The City of Covina has designated it as residential zoning. I am sure the City of Covina would not approve your proposal.	WVHOA-5
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- (5) Trucks coming and going on San Bernardino Road during both the daytime and night will create much more traffic noise. This will affect our homeowners who are trying to sleep at night. When they purchased their unit many years ago, they purchased their home based on a quiet street during the night. Are you planning to build a sound wall or barrier to reduce the noise? The increased noise will have a negative impact on our home values also. WVHOA-6
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We recommend that the entrance/exit to your building with large trailer trucks be located on the *south* side on Badillo Street where there is not any residential traffic. Using Badillo Street entrance/exit will be a preferred solution because it is much safer (not residential) and there is an existing wall to act as a sound barrier for the neighborhood. WVHOA-7

Thank you for the opportunity to comment on this important project. We would like you to respond to our five concerns and also we would like to be informed of any changes as the project goes along.

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Kind regards,

Woodlane Village Homeowners Association

Board of Directors

Jeannie Harrell (harrellolanray09@gmail.com)  
Becky Morales  
Michael Brown  
Genea Anderson

Mailing Address

Woodlane Village HOA  
c/o So Cal Property Enterprise, Inc.  
1855 Sampson Avenue  
Corona, CA 92879



**Letter 3: Woodlane Village Homeowners Association**

**Comment Letter Dated August 9, 2021**

- WVHOA-1      The comment introduces the Woodlane Village HOA, identifies the location, and asserts that the Project would be dangerous to the neighborhood and be reconsidered. The comment is noted and will be forwarded to the decision makers. No specific CEQA issue is identified, and as such no further response is required.
- WVHOA-2      The comment asserts that the delivery trucks would be dangerous for many kids who live in the neighborhood and who rides their bicycles. The comment is noted and will be forwarded to the decision makers. This is not a CEQA issue, and as such no response is required. However, it should be noted that a number of improvements are proposed (e.g., signal, striping plan, etc.—identified in MM TRA-4 and MM TRA-5) that would address the issue of safety and improve traffic safety along San Bernardino Road. With these measures in place, no adverse impacts are anticipated.
- WVHOA-3      The comment refers to Las Palmas Middle School within 100 yards of the proposed Project and asserts that school children cross San Bernardino Road to Cutter Street on their way to school. The comment is noted and will be forwarded to the decision makers. Please refer to Response WVHOA-2, above, regarding the issue of safety.
- WVHOA-4      The commenter identifies the danger of people running across the street to get their vehicles parked on the south side of San Bernardino. The comment is noted and will be forwarded to the decision makers. Please refer to Response WVHOA-2, above, regarding the issue of safety. However, it should also be noted that the comment is speculative and does not identify a CEQA issue. As such no further response is warranted.
- WVHOA-5      The comment again identifies the issue of safety in light of existing apartment buildings on San Bernardino Road. Please Refer to Response WVHOA-2, above, regarding the issue of safety. Additionally, it should be recognized that the comment is speculative and does not identify a CEQA issue. As such no further response is warranted.
- WVHOA-6      The comment identifies traffic noise as an impact during the night and also states that the homeowners purchased their properties in a quiet street. The commenter questions if a sounds wall would be built to reduce noise. The increased noise would impact their home values. The issue of property values is not a CEQA topics, and as such no response is required.

Regarding traffic noise and a barrier, Section 4.13, Noise, of the IS/MND provided a detailed analysis of traffic noise and overall noise from the proposed Project. The analysis identifies the noise sources, including operational and traffic noise,

and determined that due to the distance and a noise barrier, potential impacts to sensitive receptors to the north, east, and south would not be significant.

Two 12-foot high screen walls would be constructed, one south of the approach driveway and adjacent to the loading dock area (525 feet including a 26-foot wide gate) and one north of the loading dock area (271.9 feet including a 26-foot wide gate). The material for the 12-foot high walls includes a standard Concrete Masonry Unit. The 12-foot high wall located south of the loading docks would provide approximately 5 dB attenuation to the residences south of the site.

WVHOA-7      The commenter recommends that the entrance/exit to the building with large trailer trucks be located on the south side on Badillo Street. The comment is noted and will be forwarded to the decision makers. No further response is required.

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Letter 4



## TEAMSTERS LOCAL UNION NO. 1932

Affiliated with the INTERNATIONAL BROTHERHOOD OF TEAMSTERS

### EXECUTIVE BOARD

RANDY KORGAN  
SECRETARY-TREASURER

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TRUSTEE

GINA JORDAN  
TRUSTEE

MARCIE LARKIN  
TRUSTEE

NIDAL RAFFEDIE  
TRUSTEE

MARTIN ROMERO  
TRUSTEE

Ms. Jo-Anne Burns,  
Planning Manager  
City of West Covina  
1444 West Garvey Avenue South,  
2nd Floor, Room 208  
West Covina, CA 91790

Ms. Burns:

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I am writing to you on behalf of the 19 members of Teamsters Local 1932 who live in the City of West Covina, as well as our 14,000 members throughout the region. As community members and workers in this beloved City, our union is strongly opposed to the proposed Amazon Delivery Station on 1211 East Badillo Street. The mitigation measures outlined for the proposed facility will not correct the cumulative impacts posed by its operations as currently planned. These cumulative impacts, especially in regards to public safety, will be corrosive to the well-being of residents in West Covina. The City of West Covina must proceed with caution as it relates to this project in order to produce the best possible outcome for residents and workers in the City.

TLU1932-1

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### ***The Proposed Entitlements are Not Supported by the Current Application***

The proposed facility at 1211 East Badillo Street requires further significant analysis and planning. The situation is even more pressing because the proposed facility comes with a potential re-zoning of the site's Civic/Public Institution land use designation. The public good that comes with this current designation is obvious. Any modification of this designation should be prepared only when a proposed project goes above and beyond the bare minimum and is ready to meet community standards. In West Covina, those community standards look like well-paying and safe jobs, as well as safe streets and clean air. Cumulatively, the Amazon-Greenlaw Partners project does not help our City meet these standards.

TLU1932-2

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433 N. Sierra Way | San Bernardino, CA 92410 | Mailing Address: P.O. Box 432 | San Bernardino, CA 92402  
Office: (909) 889-8377 | Fax: (909) 888-7429 | Website: [www.teamsters1932.org](http://www.teamsters1932.org)



When the City prepared its General Plan, the subject property was slated for civic use--public institutions. The current zoning is for an SP-11 use, a faith community church. The departure to an intensive use like the proposed Amazon facility represents a significant leap-frogging of intensity of uses that are not fully accounted for. Representative of this is the fact that the satellite image including in the MND documentation shows the areas north and northwest of the site but cuts off the neighborhood to the south--which is a dense residential area. The area to the east features a hospital and a school--both land uses that have sensitive receptors and present unique land use issues that need to be particularly addressed if the City is to piggyback on work done for the General Plan to so radically alter the existing general plan designation.	TLU1932-3
A mitigated negative declaration is appropriate where a proposed project builds on environmental study already conducted (e.g., for a general plan or specific plan prepared for an area in which the property is located) and/or where mitigations incorporated into a proposed project are sufficiently specific and enforceable that anticipated impacts fall below thresholds of significance.	TLU1932-4
The former situation--relying on a previously-prepared environmental study--is plainly not applicable to this subject property, which was slated for civic use in the General Plan. Therefore this mitigated negative declaration must rest on sufficiently specific and enforceable mitigation measures to account for likely significant impacts.	TLU1932-5
The impact study incorporated in the MND does not seem to satisfy these requirements. As just one example, under CEQA, likely or foreseeable impacts should be studied so far as they are not speculative. The growth in Amazon's parcel delivery service over the past few years, much less over the past decade, has increased exponentially, not linearly. As of May 2020, Amazon was the fourth-largest parcel delivery service in the United States; not five years ago, they were not at all a parcel-delivery service. The company itself has touted parcel-delivery service increases of 155% or more year-on-year between 2018 and 2020. That represents a more than doubling of their parcel delivery volume. With sensitive land uses like hospitals and schools so nearby--not to mention the residential neighborhood to the south--such an increase in volume must be studied. The traffic analysis incorporated into the MDN does not do so but instead relies on past performance solely.	TLU1932-6
The level of service (LOS) and vehicle miles traveled (VMT) analysis does not incorporate these foreseeable and likely increases in vehicular traffic emanating to and from the site. The mitigation measures are calibrated to these sanguine projects and incorporate no monitoring and enforcement mechanism to deal with vehicular traffic that not only may but is likely to exceed these projections.	TLU1932-7
Attendant to this issue is the impacts from noise and greenhouse gas emissions (particularly from queuing vehicles), as well as potential light impacts. The fact is that the site is transitioning from a particularly low-intensity use to an extremely high-intensity use that will keep the site operating twenty-four hours a day seven days a week, and which predictably will not only immediately become a site of constant truck traffic, but which will increase steadily in intensity over the immediate future. The City should ask the applicant to provide its internal projections of increased intensity of use as its parcel-delivery service grows and incorporate those findings into mitigation measures that will allow the City to intervene in the future should traffic, noise, and greenhouse gas emissions impacts grow at a significant rate.	TLU1932-8
Consider this statement from urban planner Daniel Flaming, president of the Economic Roundtable, a Los Angeles-based research non-profit that provides transparent, data-driven policy analysis, who said that last-mile facilities like the one proposed for West Covina have several negative impacts when situated near residential areas: "It would be horrific if you owned a home next to one of these distribution centers," Flaming said. "All those loaded trucks have significant road wear issues as well as congestion issues, noise issues, and pollution issues."	TLU1932-9

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We would also request that these projections be used to study the potential impact of particulate matter discharge attendant to stormwater. This is because with an ever-increasing (and potentially rapidly increasing) number of parcel trucks queuing, parking, and driving through and on the property, the likelihood of stormwater gathering toxic particulates (oil, automotive fluid, etc.) will foreseeably increase significantly. These particulates being gathered by stormwater and discharged into the City's green space as well as the stormwater system could have local and regional impacts. If nothing else, the City can and should request that the applicant provide information on the particulates found in other similar facilities and how and if these particulates are comingled with stormwater and discharged locally. TLU1932-10

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Because the mitigation measures currently outlined do not correct the cumulative impacts posed by the proposed facility, it is crucial that the City of West Covina commit to the highest possible quality of social, economic, and environmental analysis before moving forward with any proposal by Amazon-Greenlaw Partners. Additionally, because of the company's high profile and track record, it is key that the City also commit to dynamic public outreach regarding the project before it moves along the development phase. TLU1932-11

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*Amazon Will Contribute to Knock-On Effects of Worker and Resident Safety*

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According to an analysis of OSHA reporting data provided to the state of California by Amazon, the recordable injury rate for Amazon's network of fulfillment centers was high at 6.3 injuries per 100 workers. This rate is already more than double the warehousing industry's injury rate. Remarkably, Amazon's last-mile logistics chain — which the facility proposed for 1211 East Badillo Street will fit into — has injury rates higher than in Amazon's fulfillment centers. The same year the injury rate among the company's network of delivery stations was 51 percent higher at 9.5 injuries per 100 workers. The work inside the proposed facility, if in line with Amazon's standards, will produce intensive, strenuous work, with little in return when compared to the company's vast resources. Investigative reporting by Jeff Bezos' own Washington Post reveals a Human Resource department that does the bare minimum for its broken workforce, leaving stuck in a maze with little recourse but automated help. TLU1932-12

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Moreover, because Amazon does not treat the drivers that deliver packages to customers' homes as employees, the company does not report injury rates among drivers. Analysis conducted by the Strategic Organizing Center, a coalition of four labor unions representing more than 4 million workers, found that many of Amazon's delivery partners have not complied with the requirement to submit injury data to OSHA. However, in 2019 and 2020, at least 129 Amazon delivery partners did submit injury records covering more than six thousand workers. Across all DSPs reporting injury data in 2020, the recordable injury rate was 13.3 injuries per 100 workers. Amazon DSP drivers were injured at a similar rate in 2019 and 2020, but the nature of these injuries changed. The rate of severe injuries that required employees to take time off of work in order to recover (lost time) increased by 25 percent. TLU1932-13

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These are properly areas of environmental study because they foreseeably will have impacts on public services, including police and public safety response time to accidents on the roads, demand on local health care services, and demands on emergency services. These issues were not studied for purposes of the MND, which represent a critical defect. TLU1932-14

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As a union with more than one hundred years of representing workers in the transportation and logistics industry, we know firsthand that these injuries take place when work is cut-throat, and employees need to rush to the next stop. Amazon delivery vans, without higher standards that meet the community's needs for public safety, will wreak havoc on West Covina's streets, especially schoolchildren in the facility's vicinity. Dozens of schools, daycare centers, and parks are located less than a couple of miles from the proposed facility. The waves of delivery vans exiting the facility in the morning would likely coincide with school drop-offs. Although the current plans call for 142 daily morning delivery van trips, this should only be the beginning. The cascading public safety issues TLU1932-15

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that will arise in surrounding streets are clearly problematic for the City of West Covina. The City should expect more from Amazon and its delivery service partners because the status quo does not bode well for our City's neighborhoods.	TLU1932-15 cont.
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*Conclusion*

For the foregoing reasons, we are asking that you deny the permit applications or, in the alternative, send the applications back for further study and incorporation of more appropriate mitigation measures.	TLU1932-16
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Sincerely,

*Sheri Orellana*

Sheri Orellana  
Business Agent & Recording Secretary  
Teamsters Local 1932  
sorellana@teamsters1932.org

**Letter 4: Teamsters Local Union No. 1932**

**Comment Letter Dated August 11, 2021**

- TLU1932-1 The comment asserts that the Teamsters Local 1932 is opposed to the proposed Project. The mitigation measures will not “correct” the impacts, especially to public safety. The comment is noted and will be forwarded to the decision makers. No specific CEQA issue is identified, and no further response is required.
- TLU1932-2 The comment indicates that further analysis is required and expresses opposition to rezoning of the site. Modification to the designation should only occur when a project goes above and beyond and meets community standards (well-paid and safe jobs and safe streets and clean air). The comment is noted and will be forwarded to the decision makers. The IS/MND provided a detailed analysis of all CEQA topics in compliance with CEQA and CEQA Guidelines as well as the City of West Covina standards and requirements. No specific issue is identified, and as such no further response is required.
- TLU1932-3 The comment incorrectly identifies rezoning and General Plan amendment as “significant leap-frogging of intensity of uses that are not fully accounted for.” While the commenter considers the change in designation “radical”, it should be noted that prior to Faith Church, Honeywell Corporation and Hughes Aircraft/Electronics operated an industrial manufacturing operation in the existing building. Further, the Project site is located within an established built environment of the City and is surrounded by a mix of uses including residential, retail, warehouse, commercial office, commercial, and light industrial, and it is not within a predominantly residential neighborhood. The Project proposes to reintroduce the previous General Plan land use designation onsite and is requesting a General Plan Amendment to Industrial and a Zone Change to Manufacturing (M-1). The land use designation of Industrial permits intensive manufacturing, processing, warehousing and similar uses, as well as light, clean industries, and support offices.
- TLU1932-4 The comment describes the purpose of a Mitigated Negative Declaration (MND) and that it is appropriate as a subsequent environmental document that is tiered off a previously prepared CEQA document. The comment adds that an MND would be appropriate if the mitigation measures proposed are specific enough to reduce the impacts. The comment is noted and will be forwarded to the decision makers. It should be stated that an MND can be prepared for a component of a large-scale project for which a program EIR may have been prepared, or it can be prepared as a stand-alone CEQA document for a project with potential impacts that can be mitigated.
- In accordance with CEQA and the State CEQA Guidelines, an Initial Study (IS) was prepared for the proposed Project and its associated discretionary approvals. With extensive analyses conducted, the IS correctly determined that the potentially significant impacts of the Project can be reduced to less than significant levels with implementation of mitigation measures, and therefore, the Project

required preparation of an Initial Study/Mitigated Negative Declaration (IS/MND). It is noted that the purpose of an MND is not to solely serve as a subsequent CEQA document for a previously prepared environmental document. An MND can be a stand-alone CEQA document prepared to disclose the potentially significant environmental impacts of a project. Section 21064.5 of the California Public Resources Code states that MNDs may be used,

“when the initial study has identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.”

In compliance with CEQA and CEQA Guidelines, the IS/MND accurately analyzed the potential impacts of the proposed Project and made determination based on substantiation as provided for under CEQA regulations. Additionally, mitigation measure are included to address the potential impacts that may occur as a result of Project implementation.

Furthermore, the purpose of a mitigation measure, in accordance with CEQA Guidelines Section 15126.4, is to avoid or substantially reduce the significant impacts of a Project, identified through the analysis, to less than significant levels. These impacts may occur onsite or offsite; therefore, regardless of the type of impact and where it occurs, the Project is required to propose mitigation measures. As such, the IS/MND only identifies mitigation measures that would meet that objective and address and offset the potentially significant impacts of the Project.

- TLU1932-5     The comment reiterates that the MND must propose specific and enforceable mitigation measures to address significant impacts. As identified above, in Response TLU1932-4, the mitigation measures proposed in the IS/MND meet the standard of adequacy. They appropriately offset the potentially significant impacts of the Project.
- TLU1932-6     The comment identifies the growth and expansion of Amazon’s delivery service. The comment asserts that such an increase in volume must be further studied and that the traffic study does not follow this approach and just relies on past performance.

The traffic analysis in Section 4.17, of the MND correctly and adequately studied, assessed, and projected the potential impacts of the Project in compliance with CEQA and the State CEQA Guidelines. Additionally, it should be noted that growth in Amazon’s parcel delivery is not a CEQA issue and is above and beyond the scope of the analysis in the IS/MND. As such, no further response is required.



- TLU1932-7 The comment asserts that the level of service (LOS) and vehicle miles traveled (VMT) analysis does not incorporate the likely increases in vehicular traffic and that the mitigation measures do not incorporate monitoring and enforcement mechanism to deal with vehicular traffic that will likely to exceed these projections. The comment is noted and will be forwarded to the decision makers. However, the comment again speculates about a future condition when traffic will exceed the projections made in the IS/MND. In the absence of justifications, no further response is required. Regarding mitigation measures, as identified above, in Response TLU1932-4, the mitigation measures proposed in the IS/MND meet the standard of adequacy. They appropriately offset the potentially significant impacts of the Project.
- TLU1932-8 The comment identifies the impacts from noise and greenhouse gas emissions, as well as potential light impacts. The comment adds given that the site will change from low intensity to high intensity of use, the City should ask the Applicant to provide projections of increased intensity of growth, which should be incorporated into mitigation measures. The comment is noted and will be forwarded to the decision makers. The IS/MND is an adequate document prepared in compliance with State CEQA Guidelines. The IS/MND analyzed the potential impacts of the Project and proposed adequate and feasible mitigation measures for the potentially significant impacts. The issue of future growth in Amazon's delivery is speculative and not a CEQA issue. As such, no further response is required.
- TLU1932-9 The comment references Daniel Flaming, an urban planner and president of the Economic Roundtable, a Los Angeles-based research non-profit who said that last mile facilities like the one proposed for West Covina have several negative impacts when situated near residential areas. The comment is noted and will be forwarded to the decision makers. The quote does not specifically refer to the Project, and as such no further response is required.
- TLU1932-10 The comment expresses concern over the potential impact of particulate matter gathered by stormwater and discharged into the City's green space and stormwater system resulting in local and regional impacts. The comment asks that the City requests that the Applicant provide information on the particulates and if these particulates are comingled with stormwater and discharged locally. The comment is noted and will be forwarded to the decision makers.

Section 4.10, Hydrology and Water Quality, of the IS/MND provided a detailed analysis of potential impacts to storm water from both short-term construction and long-term operation of the proposed Project. The analysis identifies storm water pollutants that would be generated by the Project in the long-term; these include sediment, trash and debris, oil and grease, bacterial indicators, nutrients, and pesticides that would come from landscaped areas, drive aisles, and parking areas. In light of this and in accordance with the National Pollutant Discharge Elimination System (NPDES) and Section 9.36, Control of Pollutants from New Developments/Redevelopment Projects, of the West Covina Municipal Code, the Project is required to prepare and implement a standard urban stormwater mitigation plan (SUSMP), which is incorporated as a regulatory requirement (RR

HYD-2) in the Hydrology and Water Quality section. The City would review and approve the SUSMP prior to construction and operation of the Project. The SUSMP would include low impact development (LID), structural and non-structural best management practices (BMPs), and source control BMPs including construction of new LID Stormwater Treatment BMPs on the north side of the existing building on the Project site to address the drainage low spots on the East San Bernardino Road.

Thus, compliance with RR HYD-1 and RR HYD-2 would reduce the risk of water degradation from soil erosion and other pollutants and potential violations of water quality standards would be minimized through required BMPs.

- TLU1932-11 The comment requests that that the City of West Covina commit to the highest possible quality of social, economic, and environmental analysis, as the mitigation measures do not “correct” the impacts of the Project. The comment adds that the City also commit to dynamic public outreach regarding the project before it moves along the development phase. The comment is noted and will be forwarded to the decision makers.

However, it should be recognized that the IS/MND for the proposed Amazon Delivery Station DAX9 Project has been prepared in accordance with CEQA (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (Title 14, California Code of Regulations (CCR) Section 15000 et seq. The IS/MND provides an objective, factually supported, full disclosure analysis of the environmental consequences associated with the proposed Project. City staff has reviewed all submitted drafts, technical studies, and consistency with City regulations and policies. The IS/MND prepared for the Project has adequately and sufficiently analyzed the potential impacts of the Project. As such the document identifies impacts and proposes mitigation to address the impacts. No further response regarding additional studies and public outreach are warranted.

- TLU1932-12 The comment points out Amazon’s injury rate being more than double the warehousing industry’s injury rate. The comment provides additional background information. The comment is noted and will be forwarded to the decision makers. No specific CEQA issue is identified, and no further response is warranted.

- TLU1932-13 The comment alleges that Amazon does not treat the drivers that deliver packages to customers’ homes as employees, the company does not report injury rates among drivers. Also, the comment adds, most of Amazon’s delivery partners have not complied with the requirement to submit injury data to OSHA. The comment additionally provides statics regarding injury rates background information. The comment is noted and will be forwarded to the decision makers. No specific CEQA issue is identified, and no further response is warranted.

- TLU1932-14 The comment alleges that the MND is flawed because the issue of demand on public services, police and public safety response time to accidents on the roads, demand on local health care services, and demands on emergency services were not studied. The comment is noted and will be forwarded to the decision makers.

Per CEQA Guidelines and standard practice, the public services section of the IS/MND analyzed the Project's demand pertaining to services such as fire and police protection, parks, schools, and libraries. Overall, the Project, not being a residential project, would not result in increased demands for public services such that significant impacts would result requiring mitigation.

In terms of police protection services, the proposed Project would comply with all applicable codes, ordinances, and requirements related to safety and payment of Development Impact Fees (DIFs). In accordance with Chapter 17, Article IV, Development Impact Fees of the City's Municipal Code, the Project Applicant would pay the applicable police facility fee (provided as RR PS-2). Compliance with City regulations and payment of DIF's would reduce Project impacts on police protection services. Similar to police protection, other public services also require payment of fees, which would offset the increased demand that may occur.

- TLU1932-15 The comment asserts that as a union they know firsthand that injuries take place when work is cut-throat, and employees need to rush to the next stop. Dozens of schools, daycare centers, and parks are located less than a couple of miles from the proposed facility. The City should expect more from Amazon and its delivery service partners because the status quo does not bode well for our City's neighborhoods. The comment is noted and will be forwarded to the decision makers. Please refer to the Response TLU1932-14, above, regarding the issue of safety. No further response is required.

### **Conclusions**

- TLU1932-16 The comment asks that the application be denied or send back for further study. The comment is noted and will be forwarded to the decision makers. No further response is required.

## **3.4 INDIVIDUALS**

A total of six comment letters/emails were received from the individuals and members of the community. The comment letters/emails are listed below:

- Diana Glover (DG)—July 15, 2021
- Judith Barrioz (JB) – Sent by Louie Mota—July 18, 2021
- Patricia Hernandez (PH)—July 27, 2021
- Sherie G. (SG)—July 27, 2021
- Charlotte Steward (CS)—August 4, 2021
- Elisa Paster (EP)—September 11, 2021

**From:** DIANA GLOVER  
**Sent:** Thursday, July 15, 2021 8:20 AM  
**To:** Jo-Anne Burns <[JBurns@westcovina.org](mailto:JBurns@westcovina.org)>  
**Subject:** Amazon Delivery Station DAX9 Project

**Letter 5**

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

To: Ms. Jo-Anne Burns, Planning Manager

Good Morning. My name is Diana Glover I am an owner of 1 of the Condos on San Bernardino Rd, Covina directly across the street from this site.	DG-1
I have a few concerns as follows: 1. Traffic, these Amazon trucks are heavy and make a lot of noise how will that be minimized? 2. Time of trucks coming and going is this a 24 hour Facility. People are sleeping and I do not want to be disturbed during late night and early morning hours. This is a relatively quiet street. 3. Dust, dirt and exhaust from these trucks how will this be handled? 4. If a block wall is built around the complex who will be handling the graffiti and how fast will it be taken care of?	DG-2
Maybe all incoming and outgoing trucks should enter and exit from Badillo to alleviate the disruption of the Covina residents since the money paid by Amazon benefits West Covina.	DG-3
Hopefully this does not reduce the value of my property. I did not purchase my home to live in an industrial area.	DG-4

Thank You,

Diana Glover

Sent from my T-Mobile 5G Device  
Get [Outlook for Android](#)

**Letter 5: Diana Glover**

**Comment Letter Dated July 15, 2021**

- DG-1 The comment identifies the location of the commenters' home in relation to the Project. The comment is noted, and no further response is required.
- DG-2 The comment expresses concern regarding traffic; hours of operation in relation to the trucks; dust and dirt from the trucks; and a potential block wall. The comments are noted and will be forwarded to the decision makers. The stated concerns are addressed below:

1. The commenter notes that truck are heavy and generate noise and asks how that would be minimized. The comment is noted and forwarded to the decision makers. It should be noted that Section 4.13, Noise, of the IS/MND included a detailed analysis of operation noise, including noise from the delivery trucks. Long-term operational noise levels are anticipated to range between 46.9-55.6 dBA during the daytime, 45.9-55.5 dBA during the evening, and between 44.7-55.5 dBA at nighttime at the nearest sensitive receivers without any noise mitigation. The ambient noise levels are not expected to be raised by more than 5dB; therefore, it was concluded that the activities on the proposed site are not expected to cause a significant impact during the daytime, evening, and nighttime. The City of West Covina General Plan (PlanWC) requires evaluations of the outdoor noise impact; however, indoor noise impact was also evaluated in this analysis to assess the risk of possible noise disturbance due to night activities at the site. The main activity at night would be trucks entering the site and driving to the loading docks. Truck arrival would be staggered so not more than one truck would be driving at once on the property. Based on the 20dB reduction from windows closed mentioned in the General Plan, the indoor noise levels from truck path would be between 17.9 dBA and 33.1 dBA at the nearest sensitive receptors. The noise from trucks driving on site would be limited to about 5 minutes per hour and is not expected to exceed 33.1 dBA at the residences located north, east, and south of the site. In addition, the ambient noise levels are expected to be higher throughout the night than the operational noise levels. Accordingly, it is not expected that residents would be disturbed by the truck activities. Therefore, based on the analysis conducted and the discussion above, the site's operational noise impacts were determined to be less than significant.

Regarding dust and dirt from trucks, it should be noted that South Coast Air Quality Management District's Rules 402 and 403 are required to address a Project's potential construction and operational impacts. Rule 402 prohibits any discharge from source of air contaminants or other material which would cause injury, detriment, nuisance, or annoyance to people or the public. Additionally, all construction activities would be conducted in compliance with Rule 403, Fugitive Dust, for controlling fugitive dust and avoiding nuisance. Contractor compliance with Rule 403 requirements would be mandated in the contractor's specifications. These are included in the IS/MND as RR AQ-1 and RR AQ-2.

2. The comment related to 24-hour facility and trucks disturbing the quiet neighborhood at night is noted and will be forwarded to the decision makers. For additional discussion, please refer to Response 1, above.
  3. The comment asks how dust, dirt, and exhaust from the trucks will be handled. The comment is noted and will be forwarded to the decision makers. Section 4.3, Air Quality, of the IS/MND included detailed analysis and discussion of air quality emission and exhaust from trucks. Uses similar to the proposed facility generate emissions associated with diesel exhaust from trucks accessing the site. The Project is anticipated to result in 14 (28 one-way truck trips) per day. The California Air Resources Board has published the *Air Quality and Land Use Handbook: A Community Health Perspective* which recommends that residential uses be sited at least 1,000 feet from a warehouse distribution center that accommodates 100 trucks per day. Because the Project would accommodate less than 100 trucks per day, the Project would be below the California Air Resources Board's (CARB's) siting recommendation for sensitive land uses and not expose local residents to excessive toxic emissions. Regarding dust and dirt from trucks, please refer to Response 1, above.
  4. The commenter asks if a block wall is built around the facility who will address the issue of graffiti. The comment is noted and will be forwarded to the decision makers. As identified in the IS/MND, two 12-foot high screen walls would be constructed, one south of the approach driveway and adjacent to the loading dock area and one north of the loading dock area. The comment regarding graffiti, who will address it and how fast it will be addressed is noted and will be forwarded to the decision makers. However, the comment is speculative and not a CEQA issue, as such no further response is required.
- DG-3 The commenter asserts that the trucks should enter and exit from Badillo Street to avoid disruption of the Covina residents, as the Project will benefit the City of West Covina. The comment is noted and will be forwarded to the decision makers. However, it should be recognized that San Bernardino Road is a City-designated truck route, while Badillo Street is not. As such, the trucks will not be able to enter and exit from Badillo Street.
- DG-4 Lastly, the commenter hopes the Project would not reduce the value of her property. The comment is noted and will be forwarded to the decision makers. Property value is not a CEQA issue, and as such no further response is warranted.

**From:** LOUIE MOTA  
**Sent:** Sunday, July 18, 2021 12:38 PM  
**To:** Jo-Anne Burns <[JBurns@westcovina.org](mailto:JBurns@westcovina.org)>  
**Subject:** Mitigated Negative Declaration

**Letter 6**

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Mitigated Negative Declaration  
Occupant Judith Barrioz

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On behalf of Judith Barrioz she wishes to declare that she does not like, accept or approve of the new project titled Amazon Delivery Station DAX9 in West Covina. Judith Barrioz does not have email or knowledge of how to work email and as a friend I am sending this email on her behalf as she has stated to do so.

---

JB-1

Thank you  
Louie Mota  
On behalf of Judith Barrioz



***Letter 6: Judith Barrioz (sent by Louie Mota)***

**Comment Letter Dated July 18, 2021**

- JB-1 Mr. Mota on behalf of the commenter identifies that the commenter does not like, accept, or approve of the proposed Project. The comment is noted and will be forwarded to the decision makers. No specific CEQA issue is identified, and as such no further response is required.

Letter 7

Dear Ms. Jo-Anne Burns, Planning Manager

City of West Covina  
1444 West Garvey Avenue  
West Covina, Ca 91790

I am writing in regards to the letter sent out about Amazon adopt a mitigated negative declaration from the city of West Covina. Please excuse my lengthy explanation but in order for you to understand my situation I need to give you details. My name is Patricia Hernandez I am 59- year- old I am a resident at Lark Ellen Village 1350 E San Bernardino Rd #170 West Covina for 23 years. We are adjacent to the proposed project Amazon deliver station.

PH-1

Per our conversation, I mention I have medical conditions and this was the reason why I moved to the west side of this building complex because it was quieter. By proposing to put Amazon delivery station next door would be detrimental to my health.

PH-2

Please allow me to explain; When I lived on the east side of Lark Ellen village there's a Kindred hospital next door adjacent every night an oxygen truck would come at 3:00 am in the morning and fill-up the hospital tanks. The noise was medal against medal the banging and banging was opening the fixture to insert the oxygen. This resulted was disturbing my sleep keeping me awake until the next day. There was also the loud speaker outside the hospital for paging Doctors and nurse. My manager was able to stop that but not the truck coming in at 3:00 am in the morning. At night when the employee would come out for their break they would talk and of course because it was after 10:00pm and the residents were asleep you can hear a pin drop their conversation were loud and again interrupting my sleep. Along with the parking lot doors open and closing, people talking I can hear everything this includes the property where I lived. **Throughout the years I develop anxiety, stress, depression, difficulty sleeping, fatigue and asthma therefore I had to seek medical attention.** I spoke to my manage about the noise and requested to move to a quieter apartment. At the time there was one available apartment on the west side of the building which is adjacent and faces directly to the proposed Amazon deliver station building.

PH-3

Since I have moved 6 years ago from the noise pollution coming from the hospital, car doors opening and closing, truck banging medal against medal and people talking. My sleep has improved therefore it has caused my fatigue to get better I can now exercise regularly; my depression is healthier as well as my stress and anxiety levels. As, I was looking at the floor plans and per our conformation the proposed project Amazon deliver station is requesting a 24- hour destitution center with 18- wheeler trucks on the west side of the building and smaller delivery truck on the East side along with a route that run right smack in front of my front door, my living room and bed room faces the West about 10 to 15 feet away on going until 10:00 pm at night. **I say NO to this project it will be detrimental to my health.** It will set me back 6 years it will have negative affect mentally and emotionally. It was will cause sleep deprivation, fatigue, depression, stress and anxiety all over again. This noise pollution will also impact my six -year- old grandson sleep. He will not get the proper rest for school again effecting his school work because of the daily noise he will not be able to concentration. Also, with the extra air pollution from the truck and vans this will cause me more frequent asthma attacks.

PH-4

Thank you

Patricia Hernandez contact info

***Letter 7: Patricia Hernandez***

**Comment Letter Dated July 27, 2021**

- PH-1      The comment identifies the location of the commenter's home in relation to the Project and indicates that she has lived there for 23 years. The comment is noted, and no further response is required.
- PH-2      The commenter indicates that due to her medical conditions, she moved to the west side the building (where she currently resides), as it was quieter. She expresses concern over locating the proposed Project in the vicinity, as it would be detrimental to her health. The comment is noted and will be forwarded to the decision makers. No further response is required.
- PH-3      The comment explains the situation when the commenter lived on the east side of Lark Ellen village adjacent to the Kindred Hospital. The noise from the facility would disrupt her sleep on a regular basis. As a result, she developed multiple medical conditions and had to seek medical attention. The apartment where she currently resides faces the proposed Amazon building. The comment is noted and will be forwarded to the decision makers. No further response is required.
- PH-4      The commenter indicates that since she moved to the west side of the building, her health condition has improved. However, she expresses concern over the proposed 24-hour facility and delivery trucks and vans. She reiterates that the proposed Project would be detrimental to her health. Additionally, she indicates that the noise would affect her grandson's sleep, and the air pollution from the truck and vans would cause her to have asthma attacks. The comment is noted and will be forwarded to the decision makers.

Section 4.13, Noise, of the IS/MND included a detailed analysis of operational noise, including noise from the delivery trucks. Long-term operational noise levels are anticipated to range between 46.9 – 55.6 dBA during the daytime, 45.9 – 55.5 dBA during the evening, and between 44.7 – 55.5 dBA at nighttime at the nearest sensitive receivers without any noise mitigation. The ambient noise levels are not expected to be raised by more than 5dB; therefore, it was concluded that the activities on the proposed site are not expected to cause a significant impact during the daytime, evening, and nighttime. The City of West Covina General Plan (PlanWC) requires evaluations of the outdoor noise impact; however, indoor noise impact was also evaluated in this analysis to assess the risk of possible noise disturbance due to night activities at the site. The main activity at night would be trucks entering the site and driving to the loading docks. Truck arrival would be staggered so not more than one truck would be driving at once on the property. Based on the 20dB reduction from windows closed mentioned in the General Plan, the indoor noise levels from truck path would be between 17.9 dBA and 33.1 dBA at the nearest sensitive receptors. The noise from trucks driving on site would be limited to about 5 minutes per hour and is not expected to exceed 33.1 dBA at the residences located north, east, and south of the site. In addition, the ambient noise levels are expected to be higher throughout the night than the operational noise levels. Accordingly, it

is not expected that residents would be disturbed by the truck activities. Therefore, based on the analysis conducted and the discussion above, the site's operational noise impacts were determined to be less than significant.

The analysis for Air Quality determined that the construction of the Project would involve some exterior site work and use of diesel-powered construction equipment. Both interior and exterior work would also require the import of materials, the export of debris, and worker commute. However, based on the analysis conducted, it was concluded that all emissions would be below the South Coast Air Quality Management District's significance thresholds, and no impacts would result (Table 4-5 on page 4-15 of the IS/MND). Similarly, the operational air quality impacts of the Project were determined to be less than significant, as Project related emissions would be less than the significance thresholds. Additionally, it should be noted that the California Air Resources Board has published the *Air Quality and Land Use Handbook: A Community Health Perspective* which recommends that residential uses be sited at least 1,000 feet from a warehouse distribution center that accommodates 100 trucks per day. Because the Project would accommodate less than 100 trucks per day (14 or 28 one-way truck trips per day), the Project would be below the California Air Resources Board's (CARB's) siting recommendation for sensitive land uses and not expose local residents to excessive toxic emissions.

From: Sherie  
Sent: Tuesday, July 27, 2021 10:33 AM  
To: Jo-Anne Burns <[JBurns@westcovina.org](mailto:JBurns@westcovina.org)>  
Subject: Comments re Amazon Delivery station

**Letter 8**

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Hello,

Please see the following comments and concerns regarding the proposed project.

---

1. We are concerned with additional pollution and noise from diesel trucks pulling in and out of facility.  
(Our Backyard faces Badillo)

2. Is this going to be a 24 hr hub?

3. Concerned about home value decreasing, due to additional traffic.

4. Will the city of West Covina build retaining wall to block noise for homes that align with Badillo Ave?

SG-1

5. Will there be two entrances to facility? San Bernardino rd and Badillo Ave?

6. Are they considering other locations s for this facility ??

Such as City of Industry, Baldwin Park, as these cities already have industrial sections allocated for similar facilities.

As West Covina homeowner of 25 years , we are not for this project. I am definitely on board with more jobs being created in the city and for residents , but not in the middle of a residential community.

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We appreciate and look forward to your response and future communication re: this project.

Have a great day,

Sherie

**Letter 8: Sherie G.****Comment Letter Dated July 27, 2021**

SG-1 The commenter identifies a number of issues. They are addressed below:

1. The commenter expresses concern about pollution and noise from diesel trucks. The comment is noted and will be forwarded to the decision makers. It should be noted that the IS/MND provided detailed analysis of these issues in Section 4.3, Air Quality and Section 4.13, Noise, of the IS/MND.

The analysis for Air Quality determined that the construction of the Project would involve some exterior site work and use of diesel-powered construction equipment. Both interior and exterior work would also require the import of materials, the export of debris, and worker commute. However, based on the analysis conducted, it was concluded that all emissions would be below the South Coast Air Quality Management District's significance thresholds, and no impacts would result (Table 4-5 on page 4-15 of the IS/MND). Similarly, the operational air quality impacts of the Project were determined to be less than significant, as Project related emissions would be less than the significance thresholds. Additionally, it should be noted that the California Air Resources Board has published the *Air Quality and Land Use Handbook: A Community Health Perspective* which recommends that residential uses be sited at least 1,000 feet from a warehouse distribution center that accommodates 100 trucks per day. Because the Project would accommodate less than 100 trucks per day (14 or 28 one-way truck trips per day), the Project would be below the California Air Resources Board's (CARB's) siting recommendation for sensitive land uses and not expose local residents to excessive toxic emissions.

2. The commenter asks if the proposed facility will be 24 hours. The comment is noted. As the IS/MND for the Amazon Delivery Station DAX9 identifies, the proposed Project would operate as package delivery center, operating seven days a week, 24 hours a day.
3. The commenter expresses concern about home values due to additional traffic. The comment is noted and will be forwarded to the decision makers. It should be noted that home values is not a CEQA issue, and as such no further response is required.
4. The commenter asks if the City of West Covina will build a retaining wall to block noise for the existing homes along Badillo Avenue. The comment is noted and will be forwarded to the decision makers. As identified in the IS/MND, two 12-foot high screen walls would be constructed, one south of the approach driveway and adjacent to the loading dock area (525 feet including a 26-foot wide gate) and one north of the loading dock area (271.9 feet including a 26-foot wide gate). The material for the 12-foot high walls includes a standard Concrete Masonry Unit.

In order to break the line of sight, walls between a noise source and a receiver are often used for noise attenuation to reduce the noise levels at the receiver. The 12-foot high wall located south of the loading docks would provide approximately 5 dB

additional attenuation to the residences south of the site. Residences north of the site would be partially shielded by the building.

5. The commenter asks if two entrances (from San Bernardino Road and Badillo Avenue) will be provided to the facility. As identified in the IS/MND document, site access would be provided from Badillo Road via four existing driveways; the two westernmost driveways on Badillo Street have full access with left turn lanes carved from the landscape median, and the other two are restricted to right turns. Additionally, three driveways would be provided from East San Bernardino Road. All three driveways on San Bernardino Road currently have full access, but none features a left turn lane from San Bernardino Road. The easternmost of these driveways would be restricted to right turns. . The middle driveway on East San Bernardino Road would be relocated to the west to operate as an exclusive exit only for delivery vehicles. Exiting delivery vehicles could make a left- or right-turn on San Bernardino Road. The westerly most driveway, on San Bernardino Road, is to be relocated to align with Cutter Way, and a new left turn pocket and a traffic light would be installed on San Bernardino Road.
6. The commenter asks if other locations have been considered for the proposed facility. The comment is noted and will be forwarded to the decision makers. The comment does not identify a CEQA issue, and as such no further response is warranted.
7. The commenter notes that she is not against creating new jobs for the residents; however, she is against the facility proposed in a residential community. The comment is noted and will be forwarded to the decision makers. No further response is warranted.

**Letter 9**

**TRANSCRIBED FROM HAND WRITTEN LETTER**

August 4, 2021

To: Ms. Jo-Anne Burns

Dear Ms. Burns,

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I live at Lark Ellen Village, next door to where they want to put Amazon. I am a senior and live here for sometime.	CS-1
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Please understand, the traffic is already horridus (sic) on San Bernardino Rd. always has been since before Covid.	CS-2
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That would be a terrible tragic thing to do – I for one do not want that here but some seniors don't even open their mail, so I have been bringing it to their attention.	CS-3
---	------

Some care, some don't

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What you need to do is conduct a meeting outside to make these people understand what we are up against!!	CS-4
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Sincerely,  
Charlotte Stewart  
(personal information removed)



Received  
AUG 10 2021  
Planning Division

aug 4, 2021

To: Ms. Jo - Anne Burns

Dear Ms. Burns,

I live at Lark Ellen Village, next door to where ~~you~~ <sup>they</sup> want to put ~~an~~ Amazon. I am a senior and live here for sometime.

Please understand, the traffic is already horrendous ~~on~~ <sup>in</sup> San Bernardino Rd. always has been since before Covid.

That would be a terrible tragic thing to do. I for one do not want that here but some seniors don't even open their mail, so I have been bringing it to their attention. Some care, some don't.

What you need to do is conduct a meeting outside to make these people understand what we are up against!!

Sincerely,  
Charlotte Stewart

phone

***Letter 9: Charlotte Stewart***

**Comment Letter Dated August 4, 2021**

- CS-1 The commenter identifies the location where she resides and that it is next door to the proposed Project. She indicates that she is a senior and has lived in the current location for sometimes. The comment is noted and will be forwarded to the decision makers. No further response is warranted.
- CS-2 The commenter expresses concern about traffic and indicates that traffic on San Bernardino Road has always been an issue. The comment is noted and will be forwarded to the decision makers. The comment does not identify a CEQA issue related to the Project. A detailed analysis of traffic based on findings of the Traffic Impact Study, is provided in Section 4.17, Transportation, of the IS/MND. No further response can be provided.
- CS-3 The commenter states that it would be a “terrible tragic thing” to locate the proposed Project there. The commenter further adds that she tries to let other seniors know about the Project, as some of them do not open their mail. The comment is noted and will be forwarded to the decision makers. The comment does not identify a CEQA issue related to the Project or the analysis in the IS/MND. No further comment is required.
- CS-4 Lastly the commenter identifies that a meeting should be organized to let the residents know about the Project. The comment is noted and will be forwarded to the decision makers. No further response is required.



September 10, 2021

VIA E-MAIL

City of West Covina  
Planning Division  
Attention: Jo-Anne Burns  
Planning Manager  
1444 West Garvey Avenue South  
West Covina, California 91790  
JBurns@westcovina.org

**Letter 10**

10250 Constellation Blvd.  
19th Floor  
Los Angeles, CA 90067  
310.553.3000 TEL  
310.556.2920 FAX

Elisa L. Paster

**Direct Dial**

310.556.7855

**Direct Fax**

310.843.2655

**Email**

epaster@glaserweil.com

Re: Amazon Delivery Station DAX9 Project

Dear Ms. Burns

I am writing on behalf of the owners of Lark Ellen Village (“Owners”) regarding the Mitigated Negative Declaration (“MND”) prepared for the Project known as the Amazon Delivery Station DAX9 Project, including all actions related or referring to the proposed delivery station located at 1211 East Badillo Street (current address) in the West Covina (“Project”).

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EP-1

After reviewing the MND, we conclude that it is deficient an informational document and that it must be revised to impose all feasible mitigation measures to reduce the Project’s impacts. In particular, we are concerned about noise, traffic, air quality, aesthetics (lighting), and greenhouse gas impacts. Owner requests that the City address these shortcomings in a revised draft MND and recirculate the revised MND prior to considering approvals for the Project. We reserve the right to supplement these comments during review of forthcoming materials for the Project and at public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

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EP-2

We also request that the City include the undersigned in all mailed or emailed notice of hearings, study sessions, community meetings, certification of the MND (or recirculation thereof), and approval of any Project entitlements. This request includes notices of any City actions, hearing or other proceedings related to the Project or any additional documents released pursuant to the California Environmental Quality Act.

EP-3

 MERITAS LAW FIRMS WORLDWIDE

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September 10, 2021  
Page 2

Thank you in advance, and we appreciate your cooperation.

Sincerely yours,

*Elisa Paster*

ELISA L. PASTER  
of GLASER WEIL FINK HOWARD AVCHEN & SHAPIRO LLP

ELP:ep

2054244.1

***Letter 10: Elisa Paster***

***Comment Letter Dated September 10, 2021***

The City of West Covina is in receipt of this comment letter by Ms. Elisa Paster of Glaser Weil Fink Howard Avchen & Shapiro LLC. It is noted that the review period for the IS/MND for the Amazon Delivery station DAX9 Project began on July 13 and ended on August 11, 2021. Although the comment is late by 30 days, the City is considering the comment letter in this Responses to Comments document.

- EP-1 The commenter identifies that the comment is on behalf the owners of Lark Ellen Village and references the location of the proposed Project. The comment is noted. No further response is necessary.
- EP-2 The commenter alleges that the IS/MND is deficient, and that they are concerned about noise, traffic, air quality, aesthetics (lighting), and greenhouse gas impacts. The document must be revised, adds the commenter, to include feasible mitigation measures and be recirculated. The comment is noted and will be forwarded to the decision makers.

It should be noted that in accordance with CEQA and the State CEQA Guidelines, an Initial Study (IS) was prepared for the proposed Project and its associated discretionary approvals. The IS indicated that the potentially significant impacts of the Project could be reduced to less than significant levels with implementation of mitigation measures, and therefore, the Project required preparation of an Initial Study/Mitigated Negative Declaration. Thus, the IS/MND serves as the environmental document that presents the analysis of Project impacts on each of the environmental issue areas in the CEQA Environmental Checklist, including noise, traffic, air quality, aesthetics (lighting), and greenhouse gas. The IS/MND serve to inform City decision makers, representatives of affected trustee and responsible agencies, and other interested parties of the potential environmental effects associated with implementation of the proposed Project.

Furthermore, the purpose of a mitigation measure, in accordance with CEQA Guidelines Section 15126.4, is to avoid or substantially reduce the significant impacts of a Project, identified through the analysis, to less than significant levels. These impacts may occur onsite or offsite; therefore, regardless of the type of impact and where it occurs, the Project is required to propose mitigation measures. As such, the IS/MND only identifies mitigation measures that meet that objective and address and offset the potentially significant impacts of the Project.

No further response is required.

- EP-3 The comment requests that they receive all notifications pertaining to the proposed Project. The comment is noted and will be forwarded to the decision makers. No further response is necessary.

**PLANNING DEPARTMENT STAFF REPORT**

**SUBJECT**

**CONDITIONAL USE PERMIT NO. 21-05**

**CATEGORICAL EXEMPTION**

**APPLICANT: Chadi Zein for Jasmine's Cafe**

**LOCATION: 1240 Lakes Drive #C**

**REQUEST: The project is for a Conditional Use Permit to allow for the "on-sale" service of beer and wine (Type 41 Alcohol License) and to allow the use of hookah in conjunction with the operations of a restaurant.**

**BACKGROUND**

The project site is located within an existing 2,000 square-foot restaurant tenant space at the Lakes Entertainment Center. The site is in the General Urban Zone of the Downtown Plan and Code.

Item	Description
<b>General Plan and Zone</b>	General Plan: Neighborhood High Density Residential Zoning: General Urban Zone (Downtown Plan and Code)
<b>Surrounding Land Uses and Zoning</b>	<b>North:</b> office building and restaurants; General Urban Zone <b>South:</b> restaurants, movie theater and retail center; General Urban Zone <b>East:</b> parking structure and restaurants <b>West:</b> shopping center; General Urban Zone
<b>Current Development</b>	Restaurant tenant space within the Lakes Entertainment Center
<b>Legal Notice</b>	Public Hearing Notices have been mailed to 124 owners and occupants of properties within 300 feet of the subject site. In addition, the public hearing notice was published in the newspaper 10 days prior to the hearing

**DISCUSSION**

The applicant is requesting approval to serve beer and wine, and provide hookah as an accessory to a Middle-Eastern restaurant named Jasmine's Café. The West Covina location would be the restaurant's second location; Jasmine's Café first location has been operating in the City of Pomona for approximately three years. The applicant indicated that the restaurant will be open daily from 9:00 AM to 2AM (the business operation plan is Attachment No. 2). The restaurant will initially have eight employees consisting of two cooks, one dishwasher, three servers, and a hookah server. The number of employees may change and will get adjusted depending on the restaurant's popularity and peak hours. The interior of the restaurant will accommodate 10 tables and 40 seats (4 seats per table), while the patio area will accommodate 11 tables and 44 seats (4 seats per table).

The Downtown Plan area is the only area within the City of West Covina that allows for accessory hookah use in conjunction with a restaurant. This is the first application for hookah use that the City has received since the

Downtown Plan and Code was adopted by the City Council. Staff has included conditions of approval in the draft resolution to minimize any impacts that the hookah use may have on restaurant patrons and customers visiting the Lakes Entertainment Center. As conditioned, hookah use will only be allowed within the outdoor patio area and would be limited to five tables since hookah use would be prohibited within 25 feet of a building entrance. In addition, hookah use is conditioned to only be made available to restaurant customers ordering from the menu.

Since most restaurants in the vicinity include alcohol on their menus, the on-sale of beer and wine would be necessary to the success of Jasmine's Café because it would provide the restaurant an equal opportunity to compete. As a restaurant, on-sale of beer and wine is an accessory use and is expected to enhance the dining experience by offering a variety of beverage options for its customers. Jasmine's Café would be required to obtain a Type 41 alcohol license from the California Department of Alcoholic Beverage Control (ABC) and would be required to comply with all ABC's standards and regulations. Alcohol sales within a restaurant typically requires an Administrative Use Permit (AUP) and does not require Planning Commission review unless a) a public hearing is requested by a member of the public, or b) it is requested with another use/entitlement that requires Planning Commission level review. In this case, the proposed beer and wine service is being processed with the proposed hookah use, which requires a Conditional Use Permit.

## **REQUIRED FINDINGS**

Findings necessary for the approval of a Conditional Use Permit are as follows:

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

The proposed on-sale beer and wine service, and accessory hookah use will be in conjunction with the operation of a bona fide restaurant. The proposed use will be compatible and will complement the surrounding uses within Glendora Avenue.

*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.*

There is no evidence that any detrimental effects such as: noise, litter, or other nuisances would occur. The on-sale of beer and wine, and accessory hookah use will be in conjunction with the operation of a restaurant. The tenant space and outdoor patio area is existing and no additional square footage would be added to the building. With appropriate conditions of approval, the proposed on-sale of alcohol and hookah use will not be detrimental to the health, safety, peace, or general welfare of surrounding residents or business owners. The conditions of approval regulate the use to have minimal impacts.

*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 tenant space and building are adequate in size to accommodate the proposed use. Furthermore, no changes in square footage are proposed for the tenant space, outdoor patio area, and/or building. The proposed use will integrate well with the surrounding uses. The parking spaces onsite have been adequate for the site and the proposed use would not affect demand.

*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 proposed on-sale of alcohol and hookah use in conjunction with the restaurant is not anticipated to generate a substantial amount of vehicular traffic nor alter present circulation pattern. No effect on required infrastructure will result from the proposed use. The restaurant is located in the City's "downtown" area within the Lakes Entertainment Center. The subject site's abutting streets are adequate in width to accommodate the proposed use.

*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.*

The granting of the Conditional Use Permit to allow the on-sale of beer and wine, and hookah use in conjunction with the operation of a restaurant will not adversely affect the West Covina General Plan, since the proposed use does not conflict with the site's "Neighborhood High" land use designation which allows for a mix of functions including commercial, entertainment, office and housing. The project is consistent with the following General Plan policy: Policy 2.1 Maintain and enhance the City's current tax base.

#### **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 15301 (Class 1, Existing Facilities) in that it consists of minor alterations (interior tenant improvement) of the existing structure in order to operate the requested use.

#### **STAFF RECOMMENDATIONS**

Staff recommends that the Planning Commission adopt Resolution No. 21-6099 approving Conditional Use Permit No. 21-05.

**Submitted by:** Jo-Anne Burns, Planning Manager

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#### **Attachments**

Attachment No. 1 - Conditional Use Permit Resolution

Attachment No. 2 - Business Operation Plan

Attachment No. 3 - Plans



**PLANNING COMMISSION**

**RESOLUTION NO. 21-6099**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 21-06**

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**CONDITIONAL USE PERMIT NO. 21-06**

**CATEGORICAL EXEMPTION**

**APPLICANT:** Chadi Zein for Jasmine's Cafe

**LOCATION:** 1240 Lakes Drive #C

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**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 beer and wine service (Type 41 ABC License) and hookah use in conjunction with the operation of a restaurant located in an existing 2,000 square foot tenant space and existing adjacent outdoor dining area on certain property described as follows:

Assessor Parcel No. 8474-011-043 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 28th day of September 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 beer and wine service (Type 41 ABC License) and hookah use in conjunction with the operation of a restaurant located in an existing 2,000 square foot tenant space and existing adjacent outdoor dining area in the General Urban Zone.
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 on-sale beer and wine service, and accessory hookah use will be in conjunction with the operation of a bona fide restaurant. The proposed use will be compatible and will complement the surrounding uses within Glendora Avenue.
  - b. There is no evidence that any detrimental effects such as: noise, litter, or other nuisances would occur. The on-sale of beer and wine, and accessory hookah use will be in conjunction with the operation of a restaurant. The tenant space and outdoor patio area is existing, and no additional square footage would be added to the building. With appropriate conditions of approval, the proposed on-sale of alcohol and hookah use will not be detrimental to the health, safety, peace, or general welfare of surrounding

residents or business owners. The conditions of approval regulate the use to have minimal impacts.

- c. The tenant space and building are adequate in size to accommodate the proposed use. Furthermore, no changes in square footage are proposed for the tenant space, outdoor patio area, and/or building. The proposed use will integrate well with the surrounding uses. The parking spaces onsite have been adequate for the site and the proposed use would not affect demand.
  - d. The proposed on-sale of alcohol and hookah use in conjunction with the restaurant is not anticipated to generate a substantial amount of vehicular traffic nor alter present circulation pattern. No effect on required infrastructure will result from the proposed use. The restaurant is in the City's "downtown" area within the Lakes Entertainment Center. The subject site's abutting streets are adequate in width to accommodate the proposed use.
  - e. The granting of the Conditional Use Permit to allow the on-sale of beer and wine, and hookah use in conjunction with the operation of a restaurant will not adversely affect the West Covina General Plan, since the proposed use does not conflict with the site's "Neighborhood High" land use designation which allows for a mix of functions including commercial, entertainment, office and housing. The project is consistent with the following General Plan policy: 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. 21-05 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 September 28, 2021.
  - b. Comply with all applicable sections of the West Covina Municipal Code, and the Downtown Plan and Code
  - c. Comply with all requirements of the "General Urban" Zone.
  - d. This approval allows for the on-sale service of beer and wine (Type 41) and, hookah use as an ancillary use to a full-service restaurant.
  - e. The restaurant is approved to operate daily from 9:00 AM to 2AM.
  - f. Hookah use shall only be allowed within the outdoor patio area and shall not be allowed within 25 feet of any building entrance.
  - g. Hookah use shall be limited to customers and/or parties ordering food or drinks from the restaurant menu for on-site consumption within the outdoor dining patio area.
  - 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. Any proposed change to the approved site plan or floor plan shall require the written authorization of the Community Development Director or designee prior to implementation. The sale of alcohol is approved as an accessory use to the restaurant. Any expansion to the restaurant or outdoor dining area shall require an amendment to the Conditional Use Permit approval subject to Planning Commission Review.
  - 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. The applicant shall obtain separate permits from the Building Division, Engineering Division, and Fire Department for any proposed construction on the site as needed.
- 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.

**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 28<sup>th</sup> day of September 2021, by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**DATE:** September 28, 2021

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Livier Becerra, Chairperson  
Planning Commission

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Paulina Morales, Secretary  
Planning Commission

### Organization Operations Plan- Jasmine's Café

#### **Business Operations:**

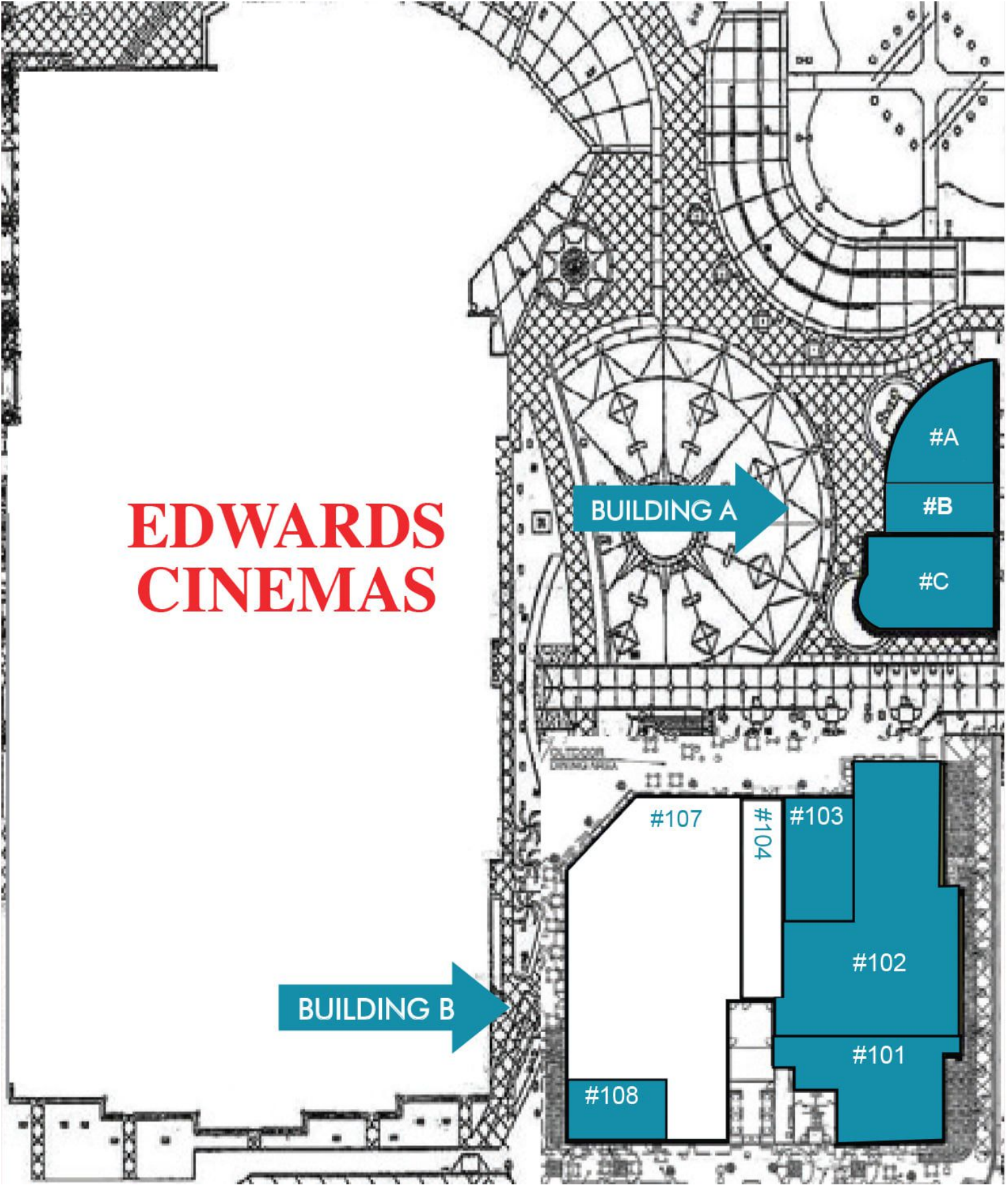
We opened the first Jasmine's Café in Pomona, CA and have been in business for three years. We have provided Middle Eastern food and hookah services to our clientele, becoming a neighborhood staple. We have many regular customers who come daily to our Pomona location. We have special nightly dishes throughout the week which are very popular with our clientele. We want to expand and open this second location.

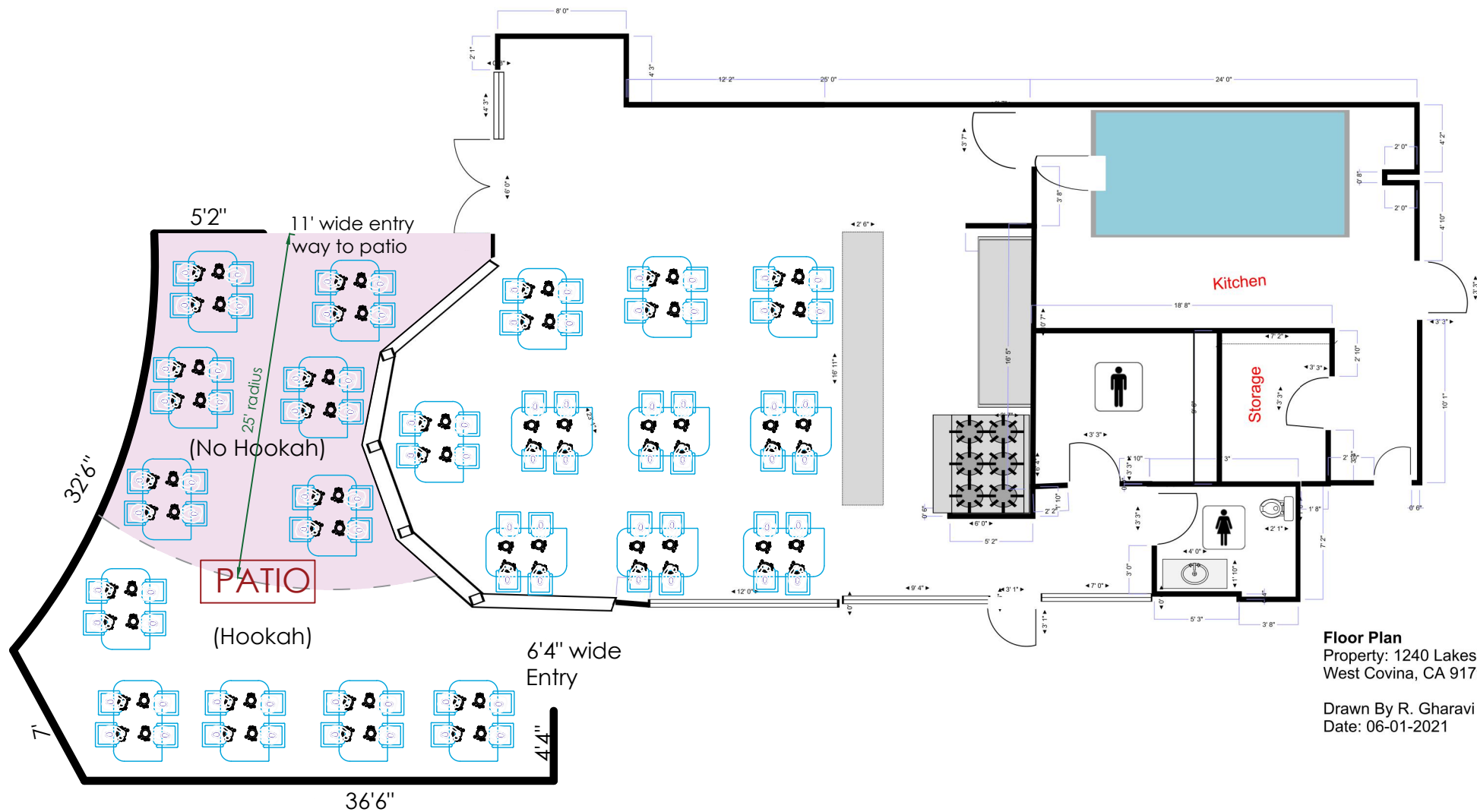
The day-to-day operations of our second location will focus on providing the best customer service in the industry, with a variety of services, including Middle Eastern food, beer and wine services, and outdoor-only hookah.

Our hours of operation will be Sunday – Saturday, 9 am – 2 am.

At the opening, we plan on having eight employees; two cooks, a dishwasher, three servers, and a hookah server. As business increases, we plan to hire additional employees.

We will also have safety and cleaning protocols in place, including disposable hookah pipes, regular cleaning of hookahs, regular sanitization, and hand sanitizer for patrons and staff.





**Floor Plan**  
 Property: 1240 Lakes Drive - Unit C  
 West Covina, CA 91790

Drawn By R. Gharavi  
 Date: 06-01-2021



**PLANNING DEPARTMENT STAFF REPORT**

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**SUBJECT**

**CODE AMENDMENT NO. 20-04**

**GENERAL EXEMPTION**

**LOCATION: City-wide**

**REQUEST: The proposed code amendments consist of certain amendments to the Zoning section of the West Covina Municipal Code to modify development standards within the Residential-Agriculture (RA) and Single-Family Residential (R-1) zones.**

**BACKGROUND**

In order to promote the development of Accessory Dwelling Units the California Legislature further updated State law effective January 1, 2020 to clarify and update various provisions.

On February 25, 2020, the Planning Commission held a study session pertaining to Accessory Dwelling Units (ADU) and certain R-A/R-1 code standards, and adopted Resolution No. 20-6028, which initiated Code Amendment No. 20-04. Although Code Amendment No. 20-04 was brought forth because of the State's ADU mandate, the proposed Code Amendment is unrelated to the ADU Ordinance. This Code Amendment would address certain R-A/R-1 standards that the State's ADU mandate made necessary and other sections in the R-A/R-1 standards needed to be addressed. The proposed Code Amendment was drafted based on Planning Commission direction received during the February 25, 2020 study session.

On April 28, 2020, staff presented the draft Code Amendment to the Planning Commission. The Planning Commission continued the item for discussion at a later time to allow more time for members of the public to provide comments and to allow staff to research information regarding existing options for residents pertaining to the potential lack of street parking.

On June 24, 2020, the Planning Commission held a public hearing to consider the proposed Code Amendment. Staff provided the Planning Commission information on the process for requesting restricted street parking on streets with street parking issues. There were no public comments offered during the public hearing. The Planning Commission voted 5-0 to approve Resolution No. 20-6042 recommending the City Council adopt Code Amendment No. 20-04.

On August 4, 2020, the City Council held a public hearing to consider the Code Amendment and voted 5-0 to forward the item back to the Planning Commission for further revisions. During the meeting the City Council expressed their disapproval of the limitations placed for "nonhabitable bonus rooms."

Since the Code Amendment was last discussed with the City Council, both the City Council and Planning Commission have reorganized with new members, and the following R-A/R-1 standards have been individually brought up during public hearings as items that should be revised in the future:

- Garages should not be included in the maximum unit size calculation; the maximum unit size should be limited to living area
- Detached garages and storage sheds within the required rear yard (25 feet from the property line) should not be limited to 15 feet in height and should be allowed higher
- Basic side and rear setback requirements (side: 5-10 feet depending on the area; rear: 5-25 feet depending on height) should not apply to detached garages and storage sheds.

On August 24, 2021, the Planning Commission held a public hearing and provided staff with direction on the revised Code Amendment language related to the newly requested changes.

## **DISCUSSION**

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

### **Section 26-296.1100(b) and (d) and Section 26-401.5 (c)- Maximum Unit Size Exception and Garages**

Garages were removed from being included in the unit size calculation in order to be consistent with industry standards.

### **Sections 26-402(a), (b), and (e) - Off-street Parking and Garage Requirements**

The Code Amendment removes redundant dates identified in the current Code and increases the threshold for the two-car garage/parking requirement. Currently, the WCMC two-car garage requirement is only triggered if the proposed construction exceeds the maximum unit size allowed for the property, the Code Amendment would require properties with additions greater than 300 square feet to provide 4 off-street parking spaces (2 of which is required to be enclosed).

### **Section 26-391(2) - Accessory Buildings**

"Recreation room" was added to the list of allowed non-habitable accessory buildings or structures.

### **Sections 26-402.6(b)(2) and (e) - Driveways**

The Code Amendment clarifies that primary driveways are allowed to lead to required parking spaces and identifies 20 feet as the maximum driveway width if the property does not have a garage. Currently, the Code only allows primary driveways to lead to covered parking spaces and bases maximum driveway width on the width of the garage.

### **Section 26-405 - Side Yards**

Cross-reference to Section 26-405.5 (Special requirements for yards and setbacks) was added and date for nonconforming side yard setback was removed. All structures with legal nonconforming setbacks are allowed to remain regardless of date the structure was built.

### **Section 26-405.5(a) - Nonhabitable free-standing roofed solid walled structures**

Reduced the interior side and rear setbacks for nonhabitable free-standing roofed solid walled structures (i.e. garages and storage sheds) greater than 7 feet in height to 4 feet.

### **Section 26-406 - Rear Yards**

Revised the format of the Section and added a cross-reference to Section 26-405.5 (Special requirements for yards and setbacks).

### **Section 26-407 Permissible Coverage of Required Yards**

Revised the format of this Section and added a provision that allows the height of garages and/or storage sheds to be increased up to 20 feet through a director's review and determination that the design of the proposed garage or storage shed is compatible with other structures on the property and is at least 15 feet away from any permitted structure and/or swimming pool located on a neighboring property.

A cross-reference to Section 26-405.5 (Special requirements for yards and setbacks) was also added.

## **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 West Covina Municipal Code would not result in a physical change in the environment because it would simply revise existing standards.

## **STAFF RECOMMENDATIONS**

Staff is recommending that the Planning Commission approve Resolution No. 21-6100, recommending that the City Council adopt an Ordinance approving Code Amendment No. 20-04.

**Submitted by:** Jo-Anne Burns, Planning Manager

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## **Attachments**

Attachment No. 1 - Code Amendment Resolution

**PLANNING COMMISSION  
RESOLUTION NO. 21-6100**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
WEST COVINA, CALIFORNIA, RECOMMENDING TO THE CITY  
COUNCIL APPROVAL OF CODE AMENDMENT NO. 20-04, CODE  
AMENDMENT RELATED TO RESIDENTIAL-AGRICULTURE (R-A)  
AND SINGLE-FAMILY RESIDENTIAL (R-1) STANDARD**

**WHEREAS**, the City's R-A and R-1 standards were last updated in February 18, 2020;  
and

**WHEREAS**, on the February 25, 2020, the Planning Commission conducted a study session  
and initiated a code amendment related to Residential-Agriculture (R-A) and Single-Family  
Residential (R-1) standards; and

**WHEREAS**, April 28, 2020 and June 24, 2020, the Planning Commission conducted a duly  
noticed public hearing as prescribed by law regarding proposed Code Amendment No. 20-04. At the  
conclusion of the public hearing, the Planning Commission approved Planning Commission  
Resolution No. 20-6042, recommending that the City Council approve Code Amendment No. 20-04;  
and

**WHEREAS**, on August 4, 2020, the City Council conducted a duly noticed public hearing  
as prescribed by law regarding this ordinance and forwarded Code Amendment No. 20-04 back to  
the Planning Commission for further revisions; and  
; and

**WHEREAS**, on August 24, 2021 and September 28, 2021, the Planning Commission  
conducted a duly noticed public hearing as prescribed by law regarding proposed Code Amendment  
No. 20-04. At the conclusion of the public hearing, the Planning Commission approved Planning  
Commission Resolution No. 20-6100, recommending that the City Council approve Code  
Amendment No. 20-04; and

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

1. It is necessary to amend the municipal code to address issues that was brought forth by the State's Accessory Dwelling Unit Mandate.
2. 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 code amendment 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. 20-04.

**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. 20-04 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 28<sup>th</sup> day of September, 2021, by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: September 28, 2021

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Livier Becerra, Chairperson  
Planning Commission

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Paulina Morales, Secretary  
Planning Commission

**EXHIBIT A**

**ORDINANCE NO. 2473**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA APPROVING CODE AMENDMENT CODE AMENDMENT NO. 20-04, CODE AMENDMENT RELATED TO RESIDENTIAL-AGRICULTURE (R-A) AND SINGLE-FAMILY RESIDENTIAL (R-1) STANDARD**

**WHEREAS**, the City's R-A and R-1 standards were last updated in February 18, 2020; and

**WHEREAS**, on the February 25, 2020, the Planning Commission conducted a study session and initiated a code amendment related to Residential-Agriculture (R-A) and Single-Family Residential (R-1) standards; and

**WHEREAS**, April 28, 2020 and June 24, 2020, the Planning Commission conducted a duly noticed public hearing as prescribed by law regarding proposed Code Amendment No. 20-04. At the conclusion of the public hearing, the Planning Commission approved Planning Commission Resolution No. 20-6042, recommending that the City Council approve Code Amendment No. 20-04; and

**WHEREAS**, on August 4, 2020, the City Council conducted a duly noticed public hearing as prescribed by law regarding this ordinance and forwarded Code Amendment No. 20-04 back to the Planning Commission for further revisions; and  
; and

**WHEREAS**, on August 24, 2021 and September 28, 2021, the Planning Commission conducted a duly noticed public hearing as prescribed by law regarding proposed Code Amendment No. 20-04. At the conclusion of the public hearing, the Planning Commission approved Planning Commission Resolution No. 20-6100, recommending that the City Council approve Code Amendment No. 20-04; and

**WHEREAS**, on \_\_\_\_\_, the City Council conducted a duly noticed public hearing as prescribed by law regarding this ordinance approving Code Amendment No. 20-04; 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:** Subsection (b) of Section 26-296.1100 of the West Covina Municipal Code is hereby amended to read as follows:

- (b) *Maximum unit size exception* shall mean an increase of the total gross square footage permitted for a unit as defined in section 26-401.5 by up to twenty-five (25) percent of the gross square footage of the primary residence. ~~main building, and/or attached accessory uses (including, but not limited to an accessory habitable quarter/guest house, or garage), and/or detached garages, as set forth in subsection (d) of this section.~~

**SECTION NO. 2:** Subsection (d) of Section 26-296.1100 of the West Covina Municipal Code is hereby deleted:

- ~~(d) Detached garages legally constructed prior to October 21, 2004, shall be exempt from inclusion in the gross square footage calculation. Expansion of such garages after October 21, 2004, however, shall cause this exemption to be lost.~~

**SECTION NO. 3:** Subsection (2) of Section 26-391 of the West Covina Municipal Code is hereby amended to read as follows:

- (2) Accessory buildings.
- a. Accessory dwelling units as allowed per article XII, division 11 (26-685.30 *et seq.*).
  - b. Non-habitable accessory buildings or structures, including, but not limited to the following:
    1. Garages;
    2. Carports;
    3. Workshops;
    4. Storage rooms or sheds;
    5. Detached patio covers;
    6. Pool bathroom or detached bathroom.
    7. Recreation room



All non-habitable accessory buildings of more than one hundred twenty (120) square feet shall file a covenant defining the use of the accessory building and stating that the building shall not be converted to any other use without city approval including an accessory dwelling unit.

**SECTION NO. 4:** Subsection (c) of Section 26-401.5 of the West Covina Municipal Code is hereby amended to read as follows:

- (c) The above maximum unit sizes may be increased by up to twenty-five (25) percent subject to the approval of an administrative use permit pursuant to the procedures outlined in section 26-296.1200. ~~Attached accessory structures, including, but not limited to, accessory habitable quarters, accessory dwelling units, and garages, shall be included in the twenty five (25) percent figure.~~

**SECTION NO. 5:** Subsection (a) of Section 26-402 of the West Covina Municipal Code is hereby amended to read as follows:

- (a) Each single-family dwelling shall provide four (4) accessible off-street parking spaces for each dwelling unit. A minimum of two (2) spaces shall be enclosed on three (3) sides and roofed. ~~The provisions of this section shall apply to new single-family dwelling construction after January 1, 1993.~~

**SECTION NO. 6:** Subsection (b) of Section 26-402 of the West Covina Municipal Code is hereby amended to read as follows:

- (b) For single-family dwellings with a gross floor area (exclusive of garages) of four thousand five hundred (4,500) square feet or greater or with five (5) or more bedrooms a minimum of the three (3) off-street parking spaces located within an enclosed garage is required. Tandem parking may be permissible for the purpose of providing the three (3) required parking spaces provided tandem parking is limited to not more than one (1) vehicle behind another and a minimum of two (2) parking spaces are provided side-by-side at the garage entrance. Legal nonconforming covered parking spaces ~~in existence prior to February 21, 2014~~ that do not fully meet these requirements may continue to be maintained, repaired, and/or rebuilt to the same size and configuration as long as such nonconforming covered parking spaces were legally established and maintained. The requirements of this section shall apply to new construction and the expansion of existing single-family dwellings.

**SECTION NO. 7:** Subsection (e) of Section 26-402 of the West Covina Municipal Code is hereby amended to read as follows:

- (e) Garages and carport shall have a minimum interior clear width and depth of twenty (20) feet between columns or walls. Three-car garages shall have a minimum interior

clear width of thirty (30) feet and depth of twenty (20) feet. In cases where a tandem parking space is proposed to comply with a required three-car garage, a minimum of two (2) parking spaces shall be provided side-by-side at the garage entrance and minimum ten (10) feet by twenty (20) feet shall be provided behind. Unless otherwise approved in advance by the planning director in writing, placement of garage doors shall be centered between columns or walls. Access to such parking shall be paved, not less than twelve (12) feet in width, nor wider than the garage or carport, except as modified in section 26-402.5. The balance of the required spaces, if uncovered, shall have minimum dimensions of eight (8) feet by sixteen (16) feet.

- (1) In the case where an expansion to the existing single-family structure exceeds 300 square feet, or exceeds the maximum permitted for a lot as outlined in section 26-296.1100, any garage or carport shall conform to the provisions regulating width and depth in subsection ~~(e)~~-(e) of this section, the provisions regulating the number of required off-street parking spaces in subsection (a) and any front, side and rear yards as regulated by this article.

**SECTION NO. 8:** Subsection (b)(2) of Section 26-402.5 of the West Covina Municipal Code is hereby amended to read as follows:

- (2) A "primary driveway" shall be defined as that area providing direct access from the street to a garage, ~~or~~ carport, or required parking space(s) with a minimum length of twenty-two (22) feet. No driveway established prior to June 1, 1991, by permit, shall be considered nonconforming.

**SECTION NO. 9:** Subsection (e) of Section 26-402.5 of the West Covina Municipal Code is hereby amended to read as follows:

- (e) Pavement in the front yard shall be limited to the width of the garage or carport, plus an additional six (6) feet on either or both sides of the garage or carport driveway, or an additional twelve (12) feet on one side of the driveway and any secondary driveway. In instances where the property does not have a garage or carport, the front yard driveway pavement shall be limited to 20 feet in width. Substitutions of paved materials for the additional paved areas are permitted if found to be substantially similar to the requirements of this article. In cases of irregularly shaped lots or sites hampered by topographical features, the additions shall be parallel to and/or concentric with the access drive.

**SECTION NO. 10:** Section 26-405 of the West Covina Municipal Code is hereby amended to read as follows:

In the R-A and R-1 zones every lot shall have side yards as follows, except as set forth in Section 26-405.5 (Special requirements for yards and setbacks):

- (a) Interior and corner lots:
  - (1) Five (5) feet in Area Districts I, IA, II and IIA.
  - (2) Seven (7) feet in Area District III.
  - (3) Ten (10) feet in Area Districts IV and V.
  - (4) On any corner lot, no residence facing the side street shall be located within twelve and one-half (12½) feet of the side street property line.
- (b) Reversed corner lots: Shall have the same side yard requirements as interior lots except the street side setback for the entire depth of the lot shall be no less than fifty (50) percent of the required front yard of the lot to the rear.
- ~~(c) Nonconforming side yards: Where a nonconforming side yard existed prior to January 1, 1970, the first floor of a single family structure may be extended or enlarged adjacent thereto, but shall conform to the side yard requirements stated in subsection (a) above. The provisions of this section do not apply to the development standards for second story setbacks as provided in section 26-405.7.~~

**SECTION NO. 11:** Subsection (a) of Section 26-405.5 of the West Covina Municipal Code is hereby amended to read as follows:

- (a) All nonhabitable free-standing roofed solid-walled structures with a projected roof area of less than ~~one hundred twenty (120)~~ 120 square feet or nonroofed structures with a total floor area of less than ~~one hundred twenty (120)~~ 120 square feet, and ~~under no taller than~~ seven (7) feet in height in yards which are screened by fencing or shrubs at least five (5) feet tall may encroach into the required interior side yard behind the main building as described in section 26-405, and the rear five (5) feet of the required rear yard. All nonhabitable free-standing roofed solid-walled structures greater than 120 square feet and greater than seven (7) feet in height shall be set back four (4) feet from the interior side and rear property lines provided that provisions within Sections 26-406 and 26-407 are complied with.

**SECTION NO. 12:** Section 26-406 of the West Covina Municipal Code is hereby amended to read as follows:

~~Every lot in the R-A and R-1 zones shall have a required rear yard of twenty five (25) feet, except that in Area District IA the yard shall be not less than fifteen (15) feet.~~

In the R-A and R-1 zones every lot shall have rear yards as follows, except as set forth in Section 26-405.5 (Special requirements for yards and setbacks):

- (a) 25 feet in Area Districts I, II, III, IV, and V
- (b) 15 feet in Area District IA

**SECTION NO. 13:** Section 26-407 of the West Covina Municipal Code is hereby amended to read as follows:

Sixty (60) percent of the required rear yard in R-A and R-1 zones shall remain open; and the remaining forty (40) percent of the required rear yard may be covered by single story construction with a height of no greater than fifteen (15) feet.

- (a) Garages and/or storage sheds may exceed the 15 feet height limitation by no greater than five (5) feet, subject to an administrative review set forth in Chapter 26, Article VI, Division 11 (Administrative Review by Planning Director) provided that the *Director determines that the design of the proposed garage or storage shed is compatible with other structures on the property and is at least 15 feet away from any permitted structure and/or swimming pool located on a neighboring property.*
- (b) No construction shall be permitted within five (5) feet of the rear property line, except as set forth in Section 26-405.5 (Special requirements for yards and setbacks).

**SECTION NO. 14:** 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. 15:** 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 this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Letty-Lopez Viado  
Mayor

**APPROVED AS TO FORM**

**ATTEST**

\_\_\_\_\_  
Thomas P. Duarte  
City Attorney

\_\_\_\_\_  
Lisa Sherrick  
Assistant City Clerk

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. 2473 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:

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Lisa Sherrick  
Assistant City Clerk

*City of West Covina*  
*Memorandum*  
**A G E N D A**

**ITEM NO. 5.**

**TO:** Planning Commission

**DATE:** September 28, 2021

**FROM:** Planning Division

**SUBJECT: DEVELOPMENT CODE UPDATE SUBCOMMITTEE MEMBER SELECTION**

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**DISCUSSION:**

The City is currently working on a Development Code update. Part of the Development Code Update process is to include the participation and guidance of selected City of West Covina appointed/elected officials as part of a Subcommittee (two Planning Commission members and two City Council members). Involvement of these members will be an integral part of development code update efforts as it relates to policy and community advice and directions. Committee members will provide a trusted presence to the community as a unified effort for the Development Code Update.

Committee member involvement is expected to include bi-monthly meetings/workshops before the Planning Commission and City Council public hearings for the Development Code Update. The meeting objective is to review and discuss policy approach and guidance for the Development Code Update. Each meeting will last about between 60-90 minutes. These meetings could be held virtually via Zoom (hosted by KTGy) or in-person, depending on the committee's preference.

Chair Becerra would like to appoint Commissioner Shelby Williams, as she is a former City Planner, and would like to appoint herself to the Development Code Update Subcommittee.

**RECOMMENDATION:**

Staff is recommending that the Planning Commission confirm and approve the Chair's appointments to the Development Code Update Subcommittee contained herein.

**Submitted by:** Jo-Anne Burns, Planning Manager

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*City of West Covina*  
**A G E N D A**

**ITEM NO. 6. a.**

**DATE: September 28, 2021**

**TO:** Planning Commission  
**FROM:** Planning Division  
**SUBJECT:** Forthcoming - Regular meeting, October 12, 2021

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**Attachments**

Forthcoming - 10.12.21

**FORTHCOMING PLANNING COMMISSION HEARING**

**October 12, 2021**

A. CONSENT CALENDAR

None

B. PUBLIC HEARINGS

(1)

CONDITIONAL USE PERMIT NO. 21-03

APPLICANT: Valencia Heights Water District

LOCATION: 3540 East Cameron Avenue

REQUEST: Proposed 60-foot tall wireless telecommunications facility.

C. NON-HEARING ITEMS

(2)

SIGN ADMINISTRATIVE REVIEW NO. 21-01

APPLICANT: Jollibee

LOCATION: 100 N Barranca Street

REQUEST: Appeal approval of illuminated building identification wall sign.

**October 26, 2021**

A. CONSENT CALENDAR

None

B. PUBLIC HEARINGS

None

C. NON-HEARING ITEMS

None