

COPY

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September 30, 2014

City of Covina, City Council
125 E. College Street
Covina, California

Re: Request to Reopen Public Hearing re:
Application GPA 14-002; Application ZCH 14-001; Application PCD 14-002
Application SPR 14-003 and Application TTM 72721

Dear Members of the City Council of Covina:

My office has been engaged to represent the concerned citizens of Covina that object to the City Council's informal vote on September 16, 2014 approving the above referenced applications.

It is my understanding that, despite the Planning Commission's denial of these applications, the City Council informally voted at the hearing on September 16, 2014 to allow these applications pending actual resolutions to be prepared by City Staff and presented at the October 7, 2014 hearing.

This letter is to request that the City Council reopen the public hearing that was held on September 16, 2014 on the above referenced applications. Specifically, my clients are requesting that the issue of reopening the hearing be placed on the agenda for consideration at the upcoming October 7, 2014 meeting. My clients feel strongly that the September 16, 2014 public hearing should be reopened and that a re-hearing date on the matter be held no sooner than 45 days from October 7, 2014 to allow time for further research, review, public education and comment on the matter.

To reiterate, due to pressing and important concerns of citizens and business owners of Covina, my clients are requesting that the City Council address the issue of reopening the September 16, 2014 hearing at the October 7, 2014 meeting by placing the issue on the agenda. Further, if and when considered by the City Council at the October 7, 2014 meeting, my clients are requesting that the City Council agree (through motion,

EXHIBIT A
(2 pages)

The Law Office of Karen Zubiate-Beauchamp

City Council letter
September 30, 2014
Page 2

vote, or other necessary procedural channel) to reopen the public hearing on this matter and set the rehearing date not sooner than 45 days from the date of the current meeting.

If you require anything further to ensure this request is considered, please feel free to contact me.

Sincerely,

Karen Zubiate-Beauchamp
Karen Zubiate-Beauchamp

cc:client

BRIGGS LAW CORPORATION

*San Diego Office:
814 Morena Blvd., Suite 107
San Diego, CA 92110*

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BLC File(s): 1805.00

 ORIGINAL

7 October 2014

Mayor and City Council
City of Covina
125 East College Street
Covina, CA 91723

Re: Agenda Item CB1 of October 7, 2014 City Council Meeting (Consideration of Resolutions and Ordinances as they relate to three contiguous properties at 777 and 847 East Edna Place and at 731 North Grand Avenue)

Dear Mayor and City Council:

On behalf of my clients, The Inland Oversight Committee and Covina Residents for Responsible Development, I am writing to urge you to not adopt the resolutions and ordinances approving the above-referenced Project. In general, approval of the Project would violate the California Environmental Quality Act ("CEQA"), the Planning and Zoning Law, the Subdivision Map Act, and the Covina Municipal Code, among other laws. The specific reasons for denying the project are set forth on Attachment 1 to this letter and supported by evidence in the administrative record for the Project and by other evidence provided in the accompanying documents and on the accompanying CD/DVD. (For your convenience, the accompanying documents are described in the accompanying index.)

If you do not make a decision on the Project tonight, please provide me with written notice of the next public hearing or other meeting at which you will consider this Project. Additionally, please provide me with written notice of whatever action you do take tonight.

Thank you for your prompt attention to this important matter.

Sincerely,

BRIGGS LAW CORPORATION

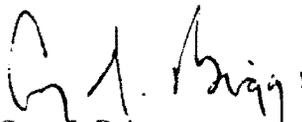

Cory J. Briggs

EXHIBIT B
(9 pages)

**Attachment 1: Reasons for Denying Project
Briggs Law Corporation**

I. Air Quality

- 1.01 There is a fair argument the Project will result in significant air-quality impacts. As stated in the MND, the site is bordered by residential uses, Ben Lamont Elementary School, Covina Elementary School, and Kelby Park. Additionally, the MND ignores a number of other schools within a one-mile radius of the Project site. *See* Exs. AQ1-AQ2. Children are more vulnerable to the adverse effects of air pollution than adults are. *See* AQ3. Eighty percent of alveoli are formed post-natally, and changes in the lung continue through adolescence. *Id.* During the early post-neonatal period, the developing lung is highly susceptible to damage after exposure to environmental toxins. *Id.* There is such a high probability that this Project will expose sensitive receptors to substantial pollutant concentrations that it cannot move forward without further analysis. To ignore the profound, and possibly life-long, negative effects this Project could have on the respiratory health of the community's children would be unconscionable.
- 1.02 The MND wrongfully relies on the South Coast Air Quality Management District's Localized Significance Threshold Methodology ("LST") because the LST only applies "to projects that are less than or equal to five acres." *See* AQ4. This Project exceeds five acres. The LST mass rate look-up table on which the City relies also only applies to projects less than five acres in size. Furthermore, the MND relies on a receptor distance of 25 meters without any explanation as to why 25 meters is appropriate. Altogether, the MND's conclusion of a "less than significant" impact on air quality is not supported by substantial evidence.
- 1.03 In finding that the Project will result in less than significant air-quality impacts, the MND relies on the fact that there have been new CO emissions controls added to vehicles and that reformulated fuels are now sold in the South Coast Air Basin, "which have resulted in a lowering of both ambient CO concentrations and emissions." However, there is no evidence that these "new CO emissions controls" are being utilized at the Project site or that such controls will mitigate air-quality impacts to a level of insignificance. Therefore, the MND's conclusion of a "less than significant" impact on air quality is not supported by substantial evidence.
- 1.04 The MND fails to adequately analyze the air-quality impacts to prospective tenants/occupants of the Project resulting from the Project's close proximity to the rail line 370 feet south of the project site. Therefore, the MND's conclusion of a "less than significant" impact on air quality is not supported by substantial evidence.
- 1.05 There is no evidence that mere adherence to existing SCAQMD regulations, such as wetting demolition and/or construction areas, will mitigate air-quality impacts to a level of insignificance. Relying on compliance with regulatory requirements to satisfy mitigation requirements or to avoid having to disclose and analyze potentially significant impacts in an environmental impact report is not allowed under CEQA.

- 1.06 There is only one particularized mitigation measure in the MND with respect to air-quality impacts: that the Project applicant ensure all pertinent air-pollution control equipment be installed in the proposed restaurant uses and maintained at all times. Yet the MND fails to identify what constitutes the pertinent air-pollution control equipment and merely relies on compliance with regulatory requirements. Furthermore, there is no evidence that the measure will mitigate the Project's construction and long-term impacts to a level of insignificance, and relying on compliance with regulatory requirements to satisfy mitigation requirements or to avoid having to disclose and analyze potentially significant impacts in an environmental impact report is not allowed under CEQA.
- 1.07 The potential for cumulative air-quality impacts requires preparation of an environmental impact report. The MND points out in Section 3.3.C that "the proposed project will contribute incrementally to the SCAB's current non-attainment status in the absence of mitigation. The SCAB is currently non-attainment for ozone, PM10, and PM2.5." Despite this admission, the MND inexplicably concludes that there is a less than significant impact on this issue.
- 1.08 The MND fails to discuss diesel particulate as a toxic air pollutant, even though it is recognized as such by the State of California. See Exs. AQ5-AQ6. Many items of construction equipment operate on diesel fuel, which means that the project's construction phase will result in the emission of diesel particulate. See Exs. AQ5-AQ12. Given the project site's proximity to residences, schools, and parks, the potential impact of these toxic emissions must be studied further.

II. Traffic and Transportation

- 2.01 The finding that traffic impacts will be significant triggered the obligation to consider all feasible mitigation measures. The only identifiable mitigation measure considered is on-site traffic signing and striping. No mitigation measures aimed at reducing traffic were considered. There are feasible mitigation measures available that reduce traffic levels. For example, the CAPCOA report ("Quantifying Greenhouse Gas Mitigation Measures") has an entire chapter dedicated to reducing traffic levels, that although aimed at mitigating greenhouse gas emissions are equally applicable here. Such measures include increasing access to transit, developing the site in a way that promotes the use of alternative transportation, limiting parking supply, and encouraging car-pooling. Ex. T1.
- 2.02 There is a fair argument that 67 four-bedroom units with two fast-food restaurants with drive-through service windows will have a significant impact on traffic levels, especially considering the vacant project site currently produces minimal, if any, traffic.
- 2.03 There is a fair argument that the Project, which will be located right in the middle of industrial uses, will result in a substantial decrease in safety for prospective residents of the project, and for persons passing through the Project site. Presumably, some of the Project's residents will be children, who will be put directly into harm's way as a natural consequence of living across the street from industrial uses with no buffer in between the residential and industrial uses.

- 2.04 There is no substantial evidence to support the conclusion that mitigation in the form of re-striping will mitigate traffic and transportation impacts to a level of insignificance.
- 2.05 The mitigation measure that “the City of Covina should periodically review traffic operations in the vicinity of the Project once the Project is constructed to assure that the traffic operations are satisfactory,” is uncertain and an improper deferral of mitigation. In this respect, there is no evidence to support the conclusion that such a measure will mitigate traffic and transportation impacts to a level of insignificance.
- 2.06 You have not adequately identifies and analyzed the potential traffic-safety impacts of the Project. Putting residences so close to an industrial/manufacturing zone where the parking spaces and streets are not equipped for pedestrians, skateboarders, bicyclists, and other non-vehicular traffic creates a serious safety risk. The City is aware of the risk but has opted to ignore the potential impacts, as acknowledged in e-mail correspondence between members of the business community (“mbeginconst@msn.com”) and members of the city council on or about September 12, 2014.

III. Public Participation

- 3.01 Even though the Planning Commission recommended denial of the Project, the City Council went against that recommendation and informally approved the Project on September 16, 2014, without any resolutions/ordinances. Then, in an attempt to stifle the City-wide opposition that has mounted against the Project, the City closed the public hearing despite the fact that the resolutions/ordinances required for approval would have to be brought back at the October 7, 2014 City Council meeting. The public hearing should never have been closed before the Project’s final approval in order to facilitate full public discussion and to afford all members of the public due process and a fair hearing with respect to the Project and an opportunity to comment on the adequacy and contents of the proposed resolutions/ordinances.

IV. Population & Housing

- 4.01 There is a fair argument the Project will have a significant impact on population and housing. Despite the fact that the Project includes at least 67 four-bedroom, residential units, the MND erroneously concludes the Project will not induce substantial population growth without any kind of supporting analysis. Such a conclusion is not supported by substantial evidence.

V. Greenhouse Gas Emissions

- 5.01 There is no explanation for why a Project that will emit 19,947 pounds of CO₂E per day, compared to the zero pounds currently produced on the vacant Project site, will have a less than significant GHG impact.
- 5.02 When adopting thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by experts, provided the decision of the

lead agency to adopt such thresholds is supported by substantial evidence. The non-zero standard identified here is being applied in such a way that there is effectively no standard at all, and there is no evidence to support its use. Furthermore, it appears that the City is not actually following Approach 2.5 in CAPCOA's CEQA and Climate Change white paper. For instance, Approach 2 requires mitigation for any project that results in a net increase in GHG emissions, as this Project will cause (Table 2, Tier 2), but you are not requiring any mitigation for the Project's GHG emissions; arbitrarily using SCAQMD's much-higher threshold without explanation does not satisfy the requirements of CEQA.¹ In fact, page 50 strongly suggests that mitigation will be necessary even when employing Approach 2, while page 51 of the white paper requires mitigation for any project that results in a net increase in GHG emissions. Yet there is no mitigation for the Project's potential GHG emissions. In short, even though the MND relies on the white paper, the MND is not following the white paper's recommendations.

- 5.03 There are several feasible mitigation measures that can be implemented for the Project, such as on-site energy generation (*e.g.*, solar). *See* Exs. GHG1-GHG4.
- 5.04 In finding that the Project will not conflict with any applicable plan, policy, or regulation for reducing GHGs, the MND cherry-picks a few of the Attorney General's recommended measures while ignoring a large number of other measures. Most notably, the measures in the section "Renewable Energy and Energy Storage" will not be met as the Project does not include the use of renewable energy. Ex. GHG5.
- 5.05 The MND's conclusion that the Project's "potential GHG impacts are considered less than significant" because it will "reduce its GHG emissions by 36%" is not making an apt comparison and is not supported by substantial evidence. There is no analysis to justify the percentage reductions reported in Table 3-5 (the basis for the claim of a 36% reduction), and in any event there is nothing in the record to indicate that the percentage reductions are reductions from 1990 levels of GHG emissions rather than reductions from what the Project would generate in the absence of consistency with the Attorney General's recommendations in Table 3-5.

VI. Public Services

- 6.01 There is a fair argument the Project will significantly impact the delivery of public services – *i.e.*, police and fire protection – as a natural consequence of the increased traffic in the Project's vicinity. Prompt emergency response time is absolutely critical in protecting the health and safety of the City's residents. In some instances, a delay of mere

¹ The SCAQMD source document is not cited in the MND's list of references. To this author's knowledge, the threshold has not been adopted by SCAQMD, and there is no substantial evidence in the record to justify the City's reliance on it. CAPCOA's white paper actually contradicts any purposes SCAQMD threshold because the white paper recognizes that residential projects involving more than 50 units must be subjected to in-depth review to ensure that their GHG emissions are mitigated to a level of insignificance. However, the City is not doing any mitigation for the Project's GHG impacts.

seconds in emergency response time can be the difference between a person living or dying. *See* Ex. PS1-PS4. A single death resulting from an emergency response delay caused by this Project is still one death too many. Considering the breadth of this Project, there is a fair argument that it will significantly impact the delivery of public services.

- 6.02 There is no substantial evidence to support the conclusion that the measures identified will mitigate public service impacts to a level of insignificance. For example, the mitigation measures identified address public service access to the Project site, but does not address the Project's effect on the delivery of public services that must pass through the Project site.

VII. Recreation

- 7.01 There is a fair argument the Project will significantly impact the use of existing neighborhood and regional parks or other recreational facilities. The Project consists of 67 four-bedroom residential units, with Kelby Park about 2,000 feet away from the Project. Assuming the prospective tenants utilize the park, the Project will have a significant impact on the recreation area.

VIII. Hydrology/Water Quality

- 8.01 There is a fair argument the Project will have a significant hydrology/water-quality impact. On May 20, 2013, a reduced supply of water and ongoing drought conditions resulted in a declaration of a Level One Water Supply Shortage in the City. At any rate, the shortage of water in California is well known to people throughout the state. Despite this declaration, the MND concludes the Project, which will serve 67 four-bedroom units and two fast food restaurants, will have less than a significant impact on groundwater supplies, without making any mention of the water supply shortage. *See* WQ1. Such an analysis is insufficient and the MND's conclusion of "less than significant" impact on hydrology/water quality is not supported by substantial evidence.
- 8.02 There is no substantial evidence to support the conclusion that the measures identified will mitigate hydrology/groundwater impacts to a level of insignificance, especially considering the state's well known water shortage and the Level One Declaration are not even mentioned in the MND.

IX. Noise

- 9.01 There is a fair argument that the Project will result in significant noise impacts. As stated in the MND, the Project includes several phases, which will include the demolition of two buildings, the removal of cars, trucks, RVs, large pipes, construction equipment, a mobile home, and shipping containers. Then, a total of 67 new residential units will be constructed, along with two fast-food restaurants with drive-through services, and street improvements. Construction is one of the greatest contributors of noise pollution. Exs. N1-N5. Considering the vacant, unused Project site produces minimal, if any, noise,

construction of the Project and the subsequent increase in use of the site will assuredly result in significant noise impacts.

- 9.02 The noise study used the wrong threshold. Page 86 of the MND states the noise limits imposed by the Covina Municipal Code. The noise study, on which the noise mitigation is based, used the highest limit during daytime operations (65dBA) instead of a lower one during nighttime operations (55 dBA) even though some of the nearby manufacturers operate at night. In other words, there is analysis of the impacts of noise during the night and no mitigation aimed at reducing the effects of nighttime noise. It is entirely possible that noise levels acceptable during the day and for which mitigation has been proposed will still be louder than the law allows during the night and thus not be adequately mitigated.

X. Aesthetics

- 10.01 There is a fair argument that the Project will result in a significant aesthetic impact and more specifically, a significant increase in light and glare. The Project will include 67 four-bedroom units, which will result in greater traffic and headlight glare and glare from the residential units themselves. Furthermore, the two fast food restaurants will surely include signage that will increase lighting in the area.
- 10.02 The mitigation measures identified -- that the applicant must submit a lighting plan and exterior photometric plan for review and approval by the City -- are uncertain and an improper deferral of mitigation. In this respect, there is no evidence to support the conclusion that such measures will mitigate aesthetic impacts to a level of insignificance.

XI. Necessary Findings and Sufficiency of the Evidence

- 11.01 The City has not made all of the necessary findings to support the general plan amendment, zone change, tentative parcel map, planned community development overlay zone, and the MND. Alternatively, any such findings are not supported by substantial evidence.
- 11.02 You have not complied with Government Code section 66473.5. You have not made the requisite findings, and to the extent that you have made any findings under Section 66473.5 they are not supported by substantial evidence.
- 11.03. You have not complied with Government Code section 66474. You have not made the requisite findings, and to the extent that you have made any findings under Section 66474 they are not supported by substantial evidence.
- 11.04 You have not complied with Government Code section 65860. If the proposed general-plan amendment is not adopted in accordance with the Planning and Zoning Law, as is the case here, then the proposed zone change violates the Planning and Zoning Law's consistency requirement.

- 11.05 You do not have substantial evidence to support a finding that there will be no cumulative impacts as a result of the Project. In fact, the MND appears to have looked at four related projects for traffic (on page 115 and Exhibit 3-24 albeit without describing those projects in any detail) but not for any other impact covered by the MND (e.g., water-related impacts, greenhouse gases, air pollution, demand for public facilities, etc.). This is a fatal flaw. All cumulative environmental impacts in light of the other projects must be examined under CEQA and also require the preparation of an environmental impact report.

XII. Inconsistent Land Uses; Spot-Zoning

- 12.01 The MND fails to identify and analyze the potential adverse impacts of establishing conflicting land uses when the General Plan and zoning rules are changed to allow for residences in the middle of an industrial/manufacturing zone. Just because the Project itself involves a change to the General Plan and zoning rules does not mean that the inconsistencies caused by the Project do not have to be examined. Policy C-3-a-6 in the Land Use Element of the General Plan (page A-14) requires the City to protect residents from “heavy” or industrial-intensive operations like those taking place adjacent to where the Project will be located. Policy C-3-a-12 also prohibits the City from taking actions that have the effect of undermining existing industrial/manufacturing uses, which your approval of the Project would do. Policy D-1-a-3 is also violated by converting manufacturing/industrial uses to residence use.
- 12.02 This Project would result in the placement of 67 residences right in the middle of an industrial/manufacturing zone with no buffer between the vastly different uses. The California Planning and Zoning Law states that all “[zoning] regulations shall be uniform for each class or kind of building or use of land throughout each zone. . . .” GOV. CODE § 65852. “Identified instances of spot zoning are always presumptively invalid.” “Zoning, Taking, and Dealing: The Problems and Promise of Bargaining in Land Use Planning,” *Harvard Negotiation Law Review* (Spring 2002) Vol. 7:337, p. 352 (attached as Ex. SZ1). Since spot zoning involves the “singling out [of] a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property and to the detriment of other owners,” it “is the very antithesis of planned zoning.” *Griswold v. City of Homer*, 925 P.2d 1015, 1020 (Alaska 1996); see also *Pharr v. Tippett*, 616 S.W.2d 173, 177 (Texas 2001) (“Spot zoning as preferential treatment which defeats a pre-established comprehensive plan. . . . It is piecemeal zoning, the antithesis of planned zoning”).

XIII. Inconsistency with General Plan

- 13.01 The Project is not consistent with the General Plan Noise Element’s Policy Area 2, items D-1 and D-2. They discourage the location of noise-sensitive land uses in noisy environments and define “noise-sensitive uses” to include residential development. The City is not discouraging this Project, and the MND does not identify or analyze the potential adverse impacts of putting noise-sensitive residential uses in an industrial/manufacturing zone.

- 13.02 According to the Department of Housing and Community Development, the City is out of compliance with its Housing Element because no update has been submitted. The MND does not identify or analyze any potential impacts of the Project's inconsistency with the expired Housing Element or with the (non-existent) current Housing Element. Furthermore, the City cannot find that the Project is consistent with all elements of the General Plan when the Housing Element is itself out of compliance with the law. See Housing Element Compliance Report at www.hcd.ca.gov/hpd/hrc/plan/he/status.pdf (as of Oct. 2, 2014, at 8:58 a.m.) attached hereto.
- 13.03 The inconsistency identified in Paragraph 12.01 above renders the Project illegal.

October 17, 2014

VIA ELECTRONIC MAIL
AND FIRST CLASS MAIL

Honorable Mayor and
Members of the City Council
City of Covina
125 E. College Street
Covina, CA 91723-2199

Re: Demand for Rehearing on Gran Covina Project - Mitigated Negative Declaration, General Plan Amendment 14-002, Zone Change 14-001, Planned Community Development 14-002, Tentative Tract Map 72121 and Site Plan Review 14-003

Dear Mayor and City Council Members:

This office represents Gran Covina, LLC ("GC"). As you are undoubtedly aware, GC has filed several applications with the City of Covina (the "City") related to a proposed commercial and residential development at 777 and 847 East Edna Place and 731 North Grand Avenue (the "Project"). Those applications include a General Plan Amendment ("GPA"), Zone Change ("ZC"), Site Plan Review ("SPR"), Planned Community Development overlay ("PDC"), a Tentative Tract Map ("TTM"), and a Mitigated Negative Declaration (collectively, the "Applications"). Due to the City Council's recent illegal conduct at its October 7, 2014 meeting, GC hereby sends this letter demanding a rehearing or reconsideration of the Applications. If the City Council fails to provide GC with a rehearing or reconsideration, GC will have no choice but to institute appropriate judicial proceedings.

As you are all likely aware, GC worked closely with City staff for months before the Applications were heard by the Planning Commission on August 12, 2014. At its hearing, the Planning Commission denied the SPR and recommended denial of the other applications. GC timely appealed the Planning Commission's decisions and on September 16, 2014, the City Council held a duly noticed public hearing related to the Project entitlements. The City prepared an agenda for the September 16, 2014 meeting and the description for the item stated that the City Council would consider the "appeal" of the Planning Commission's actions.

At the September 16, 2014 hearing, the City Council heard a presentation from staff and GC, and received hours of testimony and comments from the proponents and the opponents of the Project as part of the public hearing. The City Council then closed the public hearing and began deliberations. At the conclusion of their deliberations, the City Council voted to overturn the Planning Commission's denial/recommended denial and approve the Applications. The City

Honorable Mayor and
Members of the City Council
October 17, 2014
Page 2

Council then directed staff to prepare the necessary resolutions and ordinances for its October 7, 2014 meeting.

Prior to the October 7, 2014 meeting, City staff prepared the agenda and described the Project under "Continued Business" as "City Council to consider the following Resolutions and Ordinances in the order listed below. . ." Staff also prepared the "Agenda Item Commentary" (the "Staff Report") describing the Project and the nature of the item. The Staff Report reminded the City Council that it could not re-open the public hearing:

Staff is in receipt of a letter dated September 30, 2014 from surrounding business owners on Edna Place (Exhibit D). The letter requests that the Council defer a vote on the applications and that the Council re-open the public hearing to consider additional testimony. *We note that such a request can only be accommodated if the city re-notices the matter by placing an ad in the newspaper and sending letters to all property owners within 300 feet of the project site at least 10 days prior to such hearing.* (Pg. 2, emphasis added.)

The referenced Exhibit D was a letter from Ms. Karen Zubiata-Beauchamp, an attorney who represents some citizens of the City of Covina. In her letter, Ms. Zubiata-Beauchamp specifically asks that the City amend the agenda description for the item to include the issue of reopening the public hearing, and then that the rehearing be conducted within 45 days of the October 7, 2014. The letter did not request that the City re-open the public hearing at the very same meeting.

When the item was opened on October 7, the City Attorney made it clear that the public hearing was closed:

Just very briefly, only to let you know , the public hearing on this matter has been closed. At your last meeting, you closed the public hearing and directed staff to prepare the appropriate ordinances and resolutions for approval of the project.

However, despite these two very clear warnings, the City Council then began taking **additional** testimony and asking questions of GC's representative. After approximately one hour of public testimony, including the submission of a stack of documents (labeled a comment letter) by Mr. Cory Briggs, the City Attorney **reminded** the City Council that the public hearing was closed at the last meeting and that the staff was directed to prepare the ordinances and resolutions. The City Attorney then stated that under the Brown Act, the City had to take the comments, **but that they were not part of the public record**, and reminded the Council to re-focus on the comments received during the public hearing the meeting before. Ignoring the City Attorney, the City Council, for a second time, spent over twenty minutes deliberating the merits

Honorable Mayor and
Members of the City Council
October 17, 2014
Page 3

of the Project – despite having already done so two weeks ago and deciding to approve the entitlements. Further deliberations occurred and the City Council denied the Applications, and, once again, contrary to the advice of the City Attorney, decided to forego resolutions setting forth their findings.

As described below, GC believes that the City acted arbitrarily and capriciously, failed to follow its own procedures, violated the Government Code, the Brown Act, and GC's constitutional due process rights. Failure to provide GC with a rehearing or reconsideration will result in GC seeking judicial relief.

* * *

Initially, the Covina Municipal Code (“CMC”) is crystal clear that the items discussed on October 7, 2014 needed to be publically noticed in the newspaper and by mail. (See CMC § 17.80.120; § 16.08.130(B).) Further, the California Government Code also mandates that notice must be afforded to the public *before* a public hearing on these items. (Gov. Code § 65090.) It cannot be disputed that the City Council was well-advised that it needed to follow certain steps before re-opening the public hearing (See Staff Report, pg. 2), and that the City Attorney warned the Council that the public hearing was not open. However, for some reason, the City Council ignored these obvious legal mandates, clearly re-opened the public hearing (even accepting a “comment letter”), and engaged in further deliberations. Such actions were arbitrary and capricious and in clear violation of the above-referenced requirements.

Second, under the Brown Act, “[a]t least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting.” (Gov. Code § 54954.2(a)(1).) This agenda requirement acts as a limitation on what the public body is authorized to do at the meeting, because the statute further states that “[n]o action or discussion shall be undertaken on any item not appearing on the posted agenda” (*Id.* at § 54954.2(a)(2).) The description of the item in the October 7, 2014 agenda did not state that the City would be conducting another public hearing or re-commencing its deliberations on the appeal of the Planning Commission’s determinations. Instead, the description of the item clearly states that the City Council would consider the resolutions and ordinances being prepared by staff for the approval of the Applications. Because the agenda description was woefully inadequate to provide notice of the City Council’s actions, the City violated the Brown Act.

Third, the City also failed to provide GC with a fair hearing. As a starting point, and as discussed above, GC was not provided proper notice that this item would be transformed into another public hearing. GC received a favorable vote at a duly noticed public hearing on September 16, 2014, and believed that the October 7, 2014 item would amount to a consideration

Honorable Mayor and
Members of the City Council
October 17, 2014
Page 4

of the resolutions and ordinances, not a re-opening of the public hearing or new deliberation of the entire matter. In addition, GC's representative was grilled with a number of questions that have nothing to do with the Applications.

Fourth, despite being advised to the contrary by the City Attorney, the City Council voted to deny all of the Applications without resolutions or any description of the findings in support of the denial. As a result, the City Council failed to make the appropriate findings required to deny the applications. Preliminarily, the California Supreme Court has already ruled that the local agency must render findings in support of its denial of quasi-judicial applications:

[T]hat body must render findings sufficient both to enable the parties to determine whether and on what basis they should seek review and, in the event of review, to apprise a reviewing court of the basis for the board's action. [¶] . . . [¶] We further conclude that implicit in section 1094.5 is a requirement that the agency which renders the challenged decision must set forth findings to bridge the analytic gap between the raw evidence and ultimate decision or order. . . . In so doing, we believe that the Legislature must have contemplated that the agency would reveal this route.

(*Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 514-515; see also *Dore v. County of Ventura* (1994) 23 Cal.App.4th 320, 328 [“The administrative agency must provide a record which shows how it arrived at its decision so that the public and the courts may review it”]; *Pacifica Corp. v. City of Camarillo* (1983) 149 Cal.App.3d 168, 179 [noting that councilmember comments and debate are “not the equivalent” of findings].) In addition, multiple provisions of the CMC also describe that findings should be made to support a denial. For example, Section 17.64.080 of the CMC specifically states that, when dealing with an appeal of a Site Plan Review application, “[t]he next discretionary body shall review the site plan and shall approve, approve with conditions or disapprove based on findings listed in CMC 17.64.060.” The City Council made no such findings. In addition, when reviewing a tentative map, the City Council must approve or conditionally approve the tentative map “[u]nless the city council makes any of the findings for denial contained in CMC 16.08.140.” (CMC § 16.08.130(B).) Again, no such findings were made. Failure to follow these requirements is further evidence of the City's arbitrary and capricious actions and a violation of GC's due process rights.

Fifth, when dealing with a Planning Commission recommendation related to a tentative tract map, “[a]t the next regular meeting of the city council following the filing of the planning commission's recommendation report with the council, the city council shall fix the public hearing date at which the tentative map will be considered by it.” (CMC § 16.08.130(A).)

Honorable Mayor and
Members of the City Council
October 17, 2014
Page 5

Again, the City Council failed to follow that step, but nevertheless conducted multiple public hearings on the TTM.

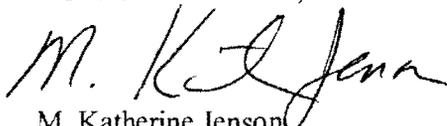
Sixth, the City's arbitrary and capricious actions appear to have no rationale, other than to sabotage GC. The City failed to follow several of its own procedures, violated the Brown Act, and then, to apparently "immunize" itself from litigation, failed to provide findings in support of its denials - making it extremely difficult, if not impossible, for a court to engage in meaningful judicial review of the City's actions. These actions appear to be a denial of GC's constitutional rights. (See *Crown Point Dev., Inc. v. City of Sun Valley* (9th Cir. 2007) 506 F.3d 851 [finding that developer may have stated a sufficient substantive due process claim due to City's land use regulations].)

* * *

For all of the above reasons, it is clear that the City Council acted improperly on October 7, 2014. However, rather than seeking judicial relief, GC simply desires a reconsideration or rehearing of the matter. If the City Council is not willing to grant this very reasonable request, GC will have no choice but to move forward with litigation.

Very truly yours,

RUTAN & TUCKER, LLP



M. Katherine Jenson

cc: Marco Martinez, Best Best & Krieger, LLP
Daryl Parrish, City Manager

**GRAND COVINA, LLC
RESIDENTIAL AND COMMERCIAL DEVELOPMENT**

777-847 East Edna Place and 731 North Grand Avenue, Covina, CA

**GPA 14-002
ZCH 14-001
PCD 14-002;
TTM 72721
SPR 14-003**

EXHIBIT D

October 7, 2014 AIC

September 16, 2014 AIC

August 12, 2014 Planning Commission Report

CITY OF COVINA
AGENDA ITEM COMMENTARY

MEETING DATE: October 7, 2014

ITEM NO.: CB 1

STAFF SOURCE: Nancy Fong, Interim Director of Community Development
Alan Carter, City Planner

ITEM TITLE: City Council to consider Resolutions and Ordinances in the order listed below, as they relate to the three contiguous properties at 777 and 847 East Edna Place and at 731 North Grand Avenue - APNS: 8429-006-018, 8429-006-017 and 8429-006-006

1. Approve **Resolution No. 14-7291**, certifying a Mitigated Negative Declaration (MND) and approving the Mitigation Monitoring and Reporting Program (MMP) for General Plan Amendment GPA 14-002, Zone Change ZCH 14-001, Planned Community Development PCD 14-002, Tentative Tract Map TTM 72121 and Site Plan Review SPR 14-003.
2. Approve **Resolution No. 14-7292**, changing the General Plan Land Use Map designation from "General Industrial" to "Medium Density Residential" for properties at 777 and 847 E. Edna Place and from "General Commercial" to "Medium Density Residential" for the western most 128 feet of the property at 731 North Grand Avenue.
3. Introduce and waive further reading of **Ordinance No. 14-2034**, amending the official Zoning Map by changing the Zoning Designations from "M-1, Light Manufacturing" to "RD-3,300, Residential Medium Density Multiple Family" for properties at 777 and 847 E. Edna Place; from "C-2, Neighborhood Shopping Center" to "RD-3,300, Residential Medium Density Multiple Family" for the western most 128 feet of the property at 731 North Grand Avenue; and from "C-2, Neighborhood Shopping Center" to "C-4, Highway Commercial" for the eastern most 149 feet of the property at 731 North Grand Avenue.
4. Introduce and waive further reading of **Ordinance No. 14-2035**, establishing a Planned Community Development Overlay Zone on the official Zoning Map for properties located at 777 AND 847 E. Edna Place and 731 North Grand Avenue.
5. Approve **Resolution No. 14-7293**, approving Tentative Tract Map 72721 for the residential development of 67 residential lots and the commercial development of 2 lots.
6. Approve **Resolution No. 14-7294**, approving a Site Plan Review SPR 14-003 for the residential development of 67 dwelling units and the commercial development of 2 buildings with drive-through facilities.

STAFF RECOMMENDATION:

City Council to review the attached Mitigated Negative Declaration (MND), the Mitigation Monitoring and Reporting Program (MMP), the Resolutions and Ordinances, and the Conditions of Approval. If the City Council concurs with them, then take the actions above in the order as listed in the title of this report.

FISCAL IMPACT

The residential component of the project would generate recurring property tax revenue for the City, though this revenue would be offset by increased costs associated with various City services. The commercial component would also generate property taxes on an ongoing basis as well as at least some sale tax revenue. It is believed that after all City service costs pertaining to the overall development would be considered, the "net fiscal gain" for the City would be from the commercial-related sales tax revenue.

BACKGROUND

On September 16, 2014, the City Council held a duly noticed public hearing to consider a proposed project located at the northwest corner of East Edna Place and North Grand Avenue. The proposed project, named "Gran Covina" consists of a mixed development of 67 dwelling units on approximately 5 acres of land and two 2,500-square foot commercial-retail buildings with drive-through facilities on approximately 1 acre of land.

At the hearing, the City Council considered the presentation from staff and the applicant as well as received testimony and comments from the proponents and the opponents of the proposed project. At the close of the public hearing, the City Council deliberated on the merits of the proposed project. The City Council considered the various competing General Plan Policies of maintaining existing land uses, preserving industrially-zoned land, accommodating moderate residential growth, as well as facilitating the expansion and/or revitalization of businesses for employment and sales tax enhancement. The City Council believed that the General Plan is a guiding document and could be adjusted from time to time in addressing the needs of the city that further the public interest. The City Council believed that a goal of the General Plan is to encourage the development of underutilized properties in the city, which is the case for this project site. The City Council further stated that the proposed residential component of the project would address the unmet obligation of the Regional Housing Needs Assessment of the Housing Element, which, to date, is over 800 dwelling units. The City Council also directed the staff and the applicant to work together in addressing the buffering of the residential component of the project with the existing industrial use to the west and the future commercial component of the project to the east.

The City Council concluded their deliberations and, on a 3 to 2 vote overturned the Planning Commission's denial/recommended denial of the various land use entitlements and approved the proposed project. The City Council directed staff to prepare the necessary Resolutions and Ordinances for the October 7, 2014 meeting.

REQUEST TO REOPEN PUBLIC HEARING BY CONCERNED CITIZENS

Staff is in receipt of a letter dated September 30, 2014 from surrounding business owners on Edna Place (Exhibit D). The letter requests that the Council defer a vote on the applications and that the Council re-open the public hearing to consider additional testimony. We note that such a request can only be accommodated if the city re-notices the matter by placing an ad in the newspaper and sending letters to all property owners within 300 feet of the project site at least 10 days prior to such hearing.

Should the Council move forward and approve the project, the letter also request that the vote be reconsidered at a subsequent meeting. According to the city's procedural rules (and Robert's

Rules of Order), such a motion can only be initiated by someone who voted in the affirmative side (i.e. councilmember that voted for the project).

EXHIBITS

- A. 1. Resolution No. 14-7291 - Certifying the MND and MMP
- 2. Resolution No. 14-7292 - General Plan Amendment
- 3. Ordinance No. 14-2034 - Zone Change
- 4. Ordinance No. 14-2035 – Planned Community Development
- 5. Resolution No. 14-7293 – Tentative Tract Map 72121
- 6. Resolution No. 14-7294 – Site Plan Review
- B. City Council Agenda Item Commentary for September 16, 2014
- C. Conditions of Approval to be attached to Planned Community Development, Tentative Tract and Site Plan Review
- D. Letter (Karen E. Zubiata-Beauchamp) requesting to reopen Public Hearing

REVIEW TEAM ONLY	
City Attorney: <u><i>Allyson J. Priest</i></u>	Finance Director: ^{ing} <u><i>Alaska</i></u>
City Manager: <u><i>φ</i></u>	Other: _____

CITY OF COVINA
AGENDA ITEM COMMENTARY

MEETING DATE: September 16, 2014

ITEM NO.: PH 1

STAFF SOURCE: Nancy Fong, Interim Director of Community Development
Alan Carter, City Planner *a. c.*



ITEM TITLE: **City Council to conduct a public hearing, receive public testimony and consider the following actions as they relate to three contiguous properties at 777 and 847 East Edna Place and at 731 North Grand Avenue**

1. Consideration of an appeal of the Planning Commission's August 12, 2014 denial of Application SPR 14-003, a Site Plan Review to allow a) for the properties at 777 and 847 East Edna Place and for the western-most roughly 128 feet of the property at 731 North Grand Avenue, a residential project of an overall development consisting of 67 dwelling units (35 units of which will be single family detached and 32 units of which will be attached townhomes) plus associated parking, open space, and other site improvements; and b) for the eastern-most approximately 149 feet of the property at 731 North Grand Avenue, a commercial project of an overall development consisting of two 2,500-square foot commercial-retail buildings with drive-through facilities and related parking and other site improvements.
2. Consideration of the Planning Commission's August 12, 2014 recommendation for denial of the following:
 - a. Application GPA 14-002, an amendment to the Covina General Plan to make the following changes in the Covina General Plan Land Use Map: for the properties a) at 777 and 847 East Edna Place, to change the land use designation of the General Plan Land Use Map from "General Industrial" to "Medium Density Residential" to accommodate the residential component of the above-noted (UNDER SPR APPLICATION) development proposal; and b) for the western-most roughly 128 feet of the property at 731 North Grand Avenue, to change the land use designation of the General Plan Land Use Map from "General Commercial" to "Medium Density Residential" to accommodate the same residential project proposal noted below.
 - b. Application ZCH 14-001, a Zone Change to make the following changes in the Covina Zoning Map: a) for the properties at 777 and 847 East Edna Place, to change the zoning designation of the Zoning Map from "M-1/Light Manufacturing" to "RD-3,300/Residential-Medium Density Multiple Family" to accommodate the residential component of the above-noted development proposal; b) for the western-most roughly 128 feet of the property at 731 North Grand Avenue, to change the zoning designation of the Zoning Map from "C-2/Neighborhood Shopping Center" to "RD-3,300/Residential-Medium Density Multiple Family" to accommodate the same residential component of the above-noted project proposal; and c) for the eastern-

most approximately 149 feet of the property at 731 North Grand Avenue, to change the Zoning Map from "C-2/Neighborhood Shopping Center" to "C-4/Highway Commercial" to accommodate the commercial component of the above-noted development proposal.

- c. Application PCD 14-002, a Planned Community Development overlay zone, a) for properties at 777 and 847 East Edna Place and for the western-most roughly 128 feet of the property at 731 North Grand Avenue, to supplement the aforementioned proposed "RD-3,300/Residential-Medium Density Multiple Family" zone (thus creating an "RD-3,300 (PCD) designation) to allow for certain exceptions in development standards to accommodate the above-noted residential development proposal; and b) for the eastern-most approximately 149 feet of the property at 731 North Grand Avenue, to supplement the aforementioned proposed "C-4/Highway Commercial" zone (thus creating a "C-4 (PCD)" designation) to allow for certain exceptions in development standards to accommodate the above-noted commercial development proposal.
- d. Application TTM 72721, a Tentative Tract Map to create certain lots or separate properties within the aforementioned residential and commercial components of the overall project proposal.

STAFF RECOMMENDATION:

1. Open the public hearing and receive public testimony; and
2. Consider an appeal of the Planning Commission's August 12, 2014 denial of Application SPR 14-003, and the Planning Commission's recommendation for denial of Application GPA 14-002, Application ZCH 14-001, Application PCD 14-002, and Application TTM 72721.

After brief presentations by the staff and then the applicant on the salient components of the applications, have a vibrant discussion on the various components of the overall project proposal and on the recommendations of the Planning Commission.

FISCAL IMPACT

The residential component of the project would generate recurring property tax revenue for the City, though this revenue would be offset by increased costs associated with various City services. The commercial component would also generate property taxes on an ongoing basis as well as at least some sale tax revenue. It is believed that after all City service costs pertaining to the overall development would be considered, the "net fiscal gain" for the City would be from the commercial-related sales tax revenue.

BACKGROUND

The Applicant, Grand Covina LLC, is requesting that the City Council overturn the Planning Commission's denial of the joint residential and commercial development at 777 and 847 East Edna Place and at 731 North Grand Avenue. The development proposal consists generally of 67 dwelling units and (at Grand) two 2,500-square foot commercial-retail buildings. For more details, please refer to the attached architectural plans (Exhibit A) and to the Planning Commission-related Staff Report (Exhibit B).

DISCUSSION

1. Summary of Planning Commission Discussion and Action:

On August 12, 2014, following a lengthy public hearing on the development-related applications, the Planning Commission (by a 3 to 2 vote) denied the Site Plan Review (SPR) Application and (by the same vote) recommended to the City Council the denial of the other applications. The Commission majority based its decision on the following (listed in no particular order):

- Loss of relatively scarce industrial land;
- Too many zoning-related exceptions being requested;
- Conflicts between industrial-related trucks and general traffic and project-related typical ingress and egress movements concerning project site plus children playing in frontward portion of project, adjacent to Edna Place, and possibly entering street;
- Industrial-related noise impacts on development;
- Privacy-related impacts on northerly (one-story) single family houses;
- Inadequate overall project design;
- Excessive number of compact (open) parking spaces; and
- Piecemeal nature of recent General Plan Amendment applications/City needs better policy for considering requests of this type.

The Commission minority on the request expressed the following (listed in no particular order):

- Sufficient overall project design;
- Land use compatibility with northerly single family residences;
- Need for City to be receptive to regional pressures for higher densities; and
- No safety issues apparent regarding traffic on Edna (notably, kids will go to surrounding parks to play).

2. Summary of Public Testimony Received at the Commission Public Hearing:

Prior to voting on the applications, approximately 17 persons (including project representatives, see Exhibit C) spoke on the project proposal. Those supporting the project consisted of primarily residents of the northerly houses and additional individuals (home owners and businesspersons) residing both in other portions of Covina and elsewhere. These persons expressed the following (listed in no particular order):

- Positive, attractive, and clean development that would replace long-time unsightly, problematic (including concerning City Code violations) conditions and bad management/oversight of properties;
- Development provides positive addition to City's housing stock and opportunities for new families seeking to reside in Covina;
- Good overall project design—and similar to other recently approved developments in Covina (though please incorporate trees and other “screen” features along northern boundary to ensure privacy for existing residences);

- Design includes ample parking;
- Project proposal will achieve greater land use compatibility with northerly residences than current industrial conditions;
- Development will increase (residential) property values;
- Development will bolster overall tax and fee bases of City and bolster ongoing residential and commercial, especially in the downtown;
- Development would provide needed funding to schools;
- Nearby parks are close enough to adequately serve children and others;
- A residential complex (and associated 24-hour presence on the block) could reduce long-time racing problems along Edna Place;
- None of surrounding industrial operators complaining is a major employer in City; and
- “Modern, clean” industrial development here may be unlikely due to location, market, and other factors.
- Development will result in various public improvements to surroundings;
- Applicant met with surrounding residents and attempted to address concerns of neighboring industrial property owners and/or occupants;
- Project will have sufficient noise attenuation- and (relative to the northerly residences) privacy-related features;
- Development concept has worked in surrounding communities and in similar land use-related situations; and
- City has approved similar land use-related changes, with no problems being reported at those locations (citing residential development just west of shopping center at Azusa Ave. and San Bernardino Rd. and north of San Bernardino Rd.).

Those individuals speaking against the project consisted of owners and/or operators of surrounding industrial properties. Their concerns were (listed in no particular order):

- Loss of relatively scarce industrial land;
- Development creates overall incompatible land use situation, leading to resident complaints of common industrial-related noises (would sound attenuation features work?) and possibly vibrations, which could force industrial businesses, many of which are important employers, to shut down, thus hurting the local economy;
- Residential project will lower property values of surrounding industrial sites;
- Conflicts between industrial-related trucks and general traffic and project-related typical ingress and egress movements concerning project site plus children playing in frontward portion of project, adjacent to Edna Place, and possibly entering street (and Grand and Barranca would be too dangerous for children to cross to go to nearby neighborhood parks);
- School buses will create safety problems for children;
- Request could lead to other similar applications along northern side of Edna Place, thus exacerbating land use conflicts;
- Three-story condominiums (along Edna Place) are out of character with area; and
- Residential complex will have parking-related problems, and traffic generation in the surrounding area will be a problem too.

3. City Council Consideration:

1. Land Use Discussion for General Plan Amendment and Zone Change.
To consider the proposed land use changes, the City Council should review the City's General Plan, which establishes a framework of programs for guiding the future physical development in the city. The General Plan sets various polices that focus on maintaining existing land use, accommodating moderate residential growth, and maintaining and facilitating the expansion and/or revitalization of businesses for employment and sales tax enhancement. The fundamental question the City Council should ask is whether the current general land use pattern and its quantities of land uses are balanced. With the improving economy and the upswing of the housing industry, there will be increasing development pressures to convert industrially or commercially zoned land to residential uses. Therefore, another question is the consequences of continuing to chip away and upset the balanced and established land use pattern of the City.
2. Planned Community Development and the Tentative Tract Map 72721
Should the City Council approve the General Plan Amendment and Zone Change applications, it should then approach these applications. If the Council does not approve the requested changes to the General Plan and Zoning, these application requests would be moot.
3. Site Plan Review. Again, only if the City Council decides to approve the General Plan Amendment and Zone Change applications need it also consider to overturn the decision of the Planning Commission on the Site Plan Review petition.

CONCLUSION

Should the Council approve the project, the staff will present at the next Council meeting the appropriate Ordinances and Resolutions.

EXHIBITS

- A. Architectural Plans (Site Plan, Floor Plans, Elevations)
- B. Planning Commission Staff Report (August 12, 2014), including proposed Initial Study and Mitigated Negative Declaration
- C. Minutes of August 12, 2014 Planning Commission meeting

REVIEW TEAM ONLY	
City Attorney: _____	Finance Director: _____
City Manager: _____	Other: _____

EXHIBIT (stamped diagonally across the form)

CITY OF COVINA

STAFF REPORT

**AUGUST 12, 2014
ITEM NUMBER 2**

TO: PLANNING COMMISSION

FROM: NANCY FONG, INTERIM COMMUNITY DEVELOPMENT DIRECTOR

COORDINATOR: ALAN CARTER, CITY PLANNER

SUBJECT: APPLICATIONS GPA 14-002; ZCH 14-001; PCD 14-002; TTM-72721; and SPR 14-003

APPLICANT

Grand Covina, LLC care of David Cook

REQUEST

1. Application GPA 14-002, a General Plan Amendment to make the following changes in the Covina General Plan Land Use Map: for the properties a) at 777 and 847 East Edna Place, to change the land use designation of the General Plan Land Use Map from "General Industrial" to "Medium Density Residential" to accommodate the residential component of the below-noted (UNDER SPR APPLICATION) development proposal; and b) for the western-most roughly 128 feet of the property at 731 North Grand Avenue to change the land use designation of the General Plan Land Use Map from "General Commercial" to "Medium Density Residential" to accommodate the same residential project proposal noted below.
2. Application ZCH 14-001, a Zone Change to make the following changes in the Covina Zoning Map: a) for the properties at 777 and 847 East Edna Place, to change the zoning designation of the Zoning Map from "M-1/Light Manufacturing" to "RD-3,300/Residential-Medium Density Multiple Family" to accommodate the residential component of the below-noted development proposal; b) for the western-most roughly 128 feet of the property at 731 North Grand Avenue, to change the zoning designation of the Zoning Map from "C-2/Neighborhood Shopping Center" to "RD-3,300/Residential-Medium Density Multiple Family" to accommodate the same residential component of the below-noted project proposal; and c) for the eastern-most approximately 149 feet of the property at 731 North Grand Avenue, to change the Zoning Map from "C-2/Neighborhood Shopping Center" to "C-4/Highway Commercial" to accommodate the commercial component of the below-noted development proposal.
3. Application PCD 14-002, a Planned Community Development overlay zone, a) for properties at 777 and 847 East Edna Place and for the western-most roughly 128 feet of the property at 731 North Grand Avenue, to supplement the aforementioned proposed

“RD-3,300/Residential-Medium Density Multiple Family” zone (thus creating an “RD-3,300 (PCD) designation) to allow for certain exceptions in development standards to accommodate the below-noted residential development proposal; and b) for the eastern-most approximately 149 feet of the property at 731 North Grand Avenue, to supplement the aforementioned proposed “C-4/Highway Commercial” zone (thus creating a “C-4 (PCD)” designation) to allow for certain exceptions in development standards to accommodate the below-noted commercial development proposal.

4. Application SPR 14-003, a Site Plan Review to allow a) for the properties at 777 and 847 East Edna Place and for the western-most roughly 128 feet of the property at 731 North Grand Avenue, a residential project of an overall development consisting of 67 dwelling units (35 units of which will be single family detached and 32 units of which will be attached townhomes) plus associated parking, open space, and other site improvements; and b) for the eastern-most approximately 149 feet of the property at 731 North Grand Avenue, a commercial project of an overall development consisting of two 2,500-square foot commercial-retail buildings with drive-through facilities and related parking and other site improvements.
5. Application TTM 72721, a Tentative Tract Map to create certain lots or separate properties within the aforementioned residential and commercial components of the overall project proposal.

LOCATION

777 and 847 East Edna Place (residential component) and 731 North Grand Avenue (commercial component) (northwest corner of Edna Place and Grand Avenue)

SURROUNDING LAND USES AND ZONING

Table 1: Surrounding Land Uses and Zoning

	EXISTING LAND USE	ZONING
Site	Outdoor Equipment Storage Yard & Vacant Retail Building	M-1 (Light Manufacturing) & C-2 (Neighborhood Shopping Center)
North	Single-Family Homes & (at Grand) City Well	Los Angeles County zoning & R-1-7500 (single family residential)
South	Light Industrial & (at Grand) Drive-thru Fast-food Restaurant	M-1 (Light Manufacturing) & C-4 (Neighborhood Shopping Center)
East	Car Wash	M-1 (Light Manufacturing)
West	Light Industrial/Warehousing	M-1 (Light Manufacturing)

The site is located within the General Industrial and General Commercial General Plan Land Use Designations and the M-1 (Light Manufacturing) & C-2 (Neighborhood Shopping Center) Zones. With approval of the proposed General Plan Amendment and Zone Change, the General Plan Land Use Designation will be changed to Medium Density Residential and the Zoning to RD-3,300 (PCD) and C-4 (PCD). These changes will allow for a) the development of a planned residential development consisting of 67 dwelling units (35 units of which will be single family detached and 32 units of which will be attached townhomes) plus associated parking, open space, and other site improvements, for properties on the western portion of the property and b) the development of two 2,500-square foot commercial-retail buildings with drive-through facilities

and related parking and other site improvements, for the eastern portion of the property adjacent to North Grand Avenue.

GENERAL PLAN DESIGNATION

GI – General Industrial
GC – General Commercial

NOTIFICATION TO APPLICANT AND ADJACENT PROPERTY OWNERS

The applicant was given a copy of the staff report with associated attachments, and all property owners within a radius of at least 300 feet from the overall project site were mailed notices of the Planning Commission public hearing on July 31, 2014, a minimum of ten (10) days before the hearing as required by law. In addition, the public hearing notice was published in the San Gabriel Valley Examiner newspaper on July 31, 2014 as well.

ENVIRONMENTAL DETERMINATION

Pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines, the City will also be considering a recommendation to adopt a Mitigated Negative Declaration (MND) for the project. The environmental determination indicates that the development will not have a significant adverse impact on the environment that cannot be mitigated to a level of insignificance. The background Initial Study with the proposed MND were circulated for public review from July 9, 2014 through August 9, 2014 at 5:00 p.m. Any comments that may be submitted before the deadline will be presented to the Planning Commission on the date of the hearing and a determination will be made on the need for responses to comments prior to taking action on the proposal.

BACKGROUND

The project proposal principally entails the establishment of a Planned Community Development (PCD) Overlay Zone/District for both the residential and commercial components of the Project. The proposed development may include any of the uses allowed in the underlying zone by rights of zoning or by conditional use permit. The PCD Overlay allows regulations with more flexibility than typical residential or commercial zoning. Such districts may provide diversification in location of structure, uses and other site qualities while ensuring compatibility with uses and future developments on the surrounding areas as indicated within the General Plan.

Tables 2 and 3 provide an analysis of the development standards applicable to the property based on the RD/ "Residential Multiple Family" Zone and the C-4 "Highway Commercial" Zone. When flexibility from a development standard is requested, it is noted by the notation "SEE PCD TABLE 4."

PROJECT DATA

Table 2: Project Data (Residential Component)

DEVELOPMENT STANDARD	CODE REQUIREMENT	PROPOSAL
Density	6.1 - 14.0 units per acre	13.0 units per acre
Lot Size	Flexible subject to PCD Overlay	5.17 acres overall (225,324 square feet).
Number & Type of Dwelling Units	85 units maximum	67 units (35 detached dwelling units constructed on individual lots and 32 attached condominium units)
Building Height	Up to 2 stories or 35 ft. except by conditional use permit or (CUP) or PCD	<u>Single-family Detached:</u> Maximum at 25'-3" (all two- -story units) <u>Townhomes</u> Maximum at 36'-6" (all 3-story units) See "PCD TABLE 4"
Front Yard Setback	SEE "PCD TABLE 4"	
Street Side Yard Setback	Not applicable	N/A
Side Yard	SEE "PCD TABLE 4"	
Distance Between Buildings	SEE "PCD TABLE 4"	
Rear Yard Setback	SEE "PCD TABLE 4"	
Parking	SEE "PCD TABLE 4"	
Vehicular & Pedestrian Access to Site	Access from dedicated street with two points of entry.	Provided off of Edna Place.
Recreational Amenities	Required for four units or greater.	Recreational amenities provided by Lots B-D
Usable Yard Area	15% of total residential site area = 33,799 square feet	34,250 square feet provided
Private Open Space	SEE "PCD TABLE 4"	

Table 2: Project Data (Residential Component)

DEVELOPMENT STANDARD	CODE REQUIREMENT	PROPOSAL
Common Open Space	400 square feet in area and having no dimension less than 15 feet	Provided by Open Space Lots B-D
Landscaping	All yard areas are to be entirely landscaped with ground cover, trees, shrubs, and other plant materials.	All yard areas are landscaped
Land/Lot Coverage	35%	30%

Table 3: Project Data (Commercial Component)

DEVELOPMENT STANDARD	CODE REQUIREMENT	PROPOSAL
Floor Area Ratio	General Commercial (maximum floor area ratio 1.5	0.12
Lot Area	None	N/A
Lot Width	None	N/A
Lot Depth	See "PCD TABLE 4"	
Building Height	50 feet, except when located closer than 50 feet to any abutting residential or agricultural zoned lands such building or structure shall not exceed 35 feet in height.	No elevations available as no tenant is proposed at this time
Front Yard Setback	10 feet	10 feet
Street Side Yard Setback	10 feet	Building 31 feet
Landscaped buffer Separating commercial from residential properties	"SEE PCD TABLE 4"	
Parking	One space for each 100 square feet of gross floor area. Based on two 2,500 sf buildings =50 spaces	57 spaces
Vehicular & Pedestrian Access to Site	Access from dedicated street and 30-ft. access way w/two points of entry	Pedestrian & Vehicle Access from Edna Place Avenue and North Grand Avenue; one 25-foot driveway off Edna Place and two 25-foot driveways off North Grand Avenue.
Landscaping	10-foot wide landscape planters along all street sides and western (abutting residential) sides plus interior finger planters based on a minimum total area of 4 percent of parking areas.	To be determined when final site plan is submitted.

**Table 4: Planned Community Development (PCD) Overlay Exceptions
Residential Component**

DEVELOPMENT STANDARD	CODE REQUIREMENT	PCD EXCEPTION REQUEST
Front Yard Setback	From Edna Place - 25 feet and 40 feet for, respectively, first and second and third levels.	9-15 feet for all levels
Side Yard	<i>Single-family detached</i> – 10 feet <i>Attached townhouses</i> – 15 feet	15 -34 feet 10 feet
Distance Between Buildings	<i>Single-family Detached:</i> 17 feet for detached dwellings <i>Attached Townhomes:</i> 19 feet for attached dwellings	8 to 9 feet 10 feet
Rear Yard Setback	From northern boundary of overall project (single-family detached) – 50.5 feet for both levels.	7 feet.
Parking	<i>Single-family Detached:</i> 2 garage spaces and 1.5 open parking spaces per unit = 123 spaces <i>Attached Townhomes:</i> 2 garage spaces and 1.0 and 1.5 open parking spaces for respectively, 3 -bedroom unit (10 units) and 4-bedroom units (22 units) = 107 spaces <i>Guest Parking (for both):</i> 1 space for every five units = 13 spaces TOTAL = 243 spaces (open parking 105 spaces)	<i>Single-family Detached:</i> 70 garage spaces and 35 open parking spaces = 105 spaces <i>Attached Townhomes:</i> 64 garage spaces and 32 open parking spaces = 96 spaces <i>Guest Parking (for both):</i> = 13 spaces <i>Open Parking:</i> = 80 spaces TOTAL = 214 spaces <i>Note: Parking, though short of total Code requirement, meets recent City Council policy of developments needing to provide 2 garage parking spaces and 1 open parking space per unit and "1 per 5" guest parking.</i>
Compact Parking	50% of open spaces maximum may be compact spaces	61% as compact spaces.
Building Height	Up to 2 stories or 35 ft. except by conditional use permit or (CUP) or (PCD)	<u><i>Townhomes:</i></u> Maximum at 36'3" (all 3-story units)
Private Open Space	Minimum depth/ width = 12 feet. Total area = 120 feet	5 feet and 65 and 75 square feet

**Table 4 Cont.
Planned Community Development (PCD) Overlay Exceptions**

Commercial Component		
DEVELOPMENT STANDARD		
Lot Depth	150 feet	149'6'
Landscaped buffer Separating commercial from residential properties	10 feet	5 feet

GENERAL PLAN AMENDMENT AND ZONING ORDINANCE AMENDMENT ANALYSIS

The Planning staff supports these applications because of the following reasons:

1. Despite General Plan policy to preserve the City's relatively limited (roughly 4.7 percent) amount of land designated (under the General Plan Land Use Element) for industrial uses, the General Plan also promotes housing development throughout the community. By having a residential use here (i.e., the major component of the project proposal), the City would thus provide additional housing opportunities for various housing groups seeking to reside in the City, which would further generate additional property tax revenue.
2. Having more residents in the community on this site would also boost local sales tax revenue and would likely bolster ongoing revitalization activities in the downtown and in other commercial districts and centers in Covina.
3. The property is currently underutilized and deteriorating, and, based on current perceived market trends, the likelihood of attracting new, "clean" industrial activities on the site is probably limited, and the interior portion of the site (where the residential component would be located) would seemingly not be conducive to commercial-retail development, a commonly sought use type. The project proposal, particularly the residential component, would allow for a reasonable, attractive, and functional (and enhanced with certain below-noted generally minor modifications) development.
4. The zone change for the commercial component would enable eating or other establishments to be developed with drive-through lanes. The corner location appears to be ideal for these types of businesses, though current zoning on the site would not permit drive-through facilities.
5. The appearance-, image-, and character-enhancing benefits of the overall development would likely foster other positive redevelopment reinvestment activities on surrounding properties.
6. Despite there being predominantly industrial uses along Edna Place, the staff believes that residential uses would be acceptable along the northern side of the street, as currently

proposed, because this side of the street backs up to northerly residential uses (of varying densities), and medium density developments in this area could be considered to be a good transition use between the existing residential and commercial activities.

7. The overall project design would incorporate sufficient amenities, such as on-site parking, open space, and buffers, so as to be internally consistent (and enhanced with certain below-noted generally modifications) harmonious with the surroundings.
8. The residential component would provide needed housing that would enable the City to better address its Regional Housing Needs Allocation (RHNA) under the Housing Element of the General Plan.

As the Planning Commission is aware, findings are not required for General Plan Amendment and Zone Change Applications.

PLANNED COMMUNITY DEVELOPMENT DISTRICT ANALYSIS AND FINDINGS OF FACT

As noted above, a PCD application has been included in the project proposal to address certain deviations in Code requirements relative to both the residential and commercial components. Under Chapter 17.58 of the Covina Municipal Code (CMC), a project with a PCD overlay zone must generally a) conform well to surrounding properties; b) result in a "special" or higher quality development and/or use; and c) best further overall General Plan policy. Based on an analysis of the proposed project, the Planning Commission must recommend to the City Council that the following findings for this application can be made:

1. That the site for the proposed use is adequate in size and shape to accommodate the use.

Fact: The overall size of the site is 6.10 acres. The proposed density of the residential component of the project is about 13 units per acre, which is within the 6.1 to 14.0 density range allowed by the Medium Density General Plan Land Use Designation. The proposed Floor Area Ratio for the commercial component of the project is 0.12, which is below the maximum Floor Area Ratio of 1.5 allowed for the General Commercial General Commercial Land Use Designation. The site, upon approval of the PCD Overlay, would meet most development standards of the appurtenant "RD" and "C-4" Zones. And as noted under the section addressing the Site Plan Review (SPR) application below, the staff believes that certain generally minor changes to the project design, including the slight shifting of the two access points to the residential component and the establishment of a wider landscaped buffer at the western end of the commercial component, would further project functionalism and viability.

2. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.

Fact: The surrounding streets have been determined under the associated environmental study to have sufficient capacity to handle future project-related traffic and to accommodate traffic from the proposed development in a safe manner as long as the project conditions are met. The City intends to ensure that the conditions of

approval are fulfilled through project inspection and adherence to the approved (slightly amended) site plan.

3. That the proposed use is not detrimental to the surrounding properties or uses permitted in the general area.

Fact: The project is generally functional and compatible with the uses found within the residential, commercial, and institutional properties surrounding the site. Based on project review and on comments from all applicable City departments, with certain minor changes, the project would be designed in a manner that would be harmonious with the surroundings, internally consistent, and complete. In addition, the project-related conditions would provide the City with adequate safeguards for preventing any issues.

4. That the conditions stated in the decision are deemed necessary to protect the health, safety and general welfare; such conditions shall include, but not be limited to:
 - a. A time limit for development,
 - b. Regulation of use or uses,
 - c. Special yards, spaces and buffer areas,
 - d. Fences, walls and screening devices,
 - e. Surface of parking areas subject to specifications established by the council,
 - f. Required street, service road or alley dedication and improvements,
 - g. Regulation of points of vehicle ingress and egress,
 - h. Regulation of signs,
 - i. Required landscaping and maintenance thereof,
 - j. Regulation of noise, vibrations, odors, glare,
 - k. Required maintenance of grounds,
 - l. Regulation of time for certain activities during the construction phase and during the lifetime of the project,
 - m. Duration of use,
 - n. When there is more than one parcel of land involved, the land shall be recorded as one parcel for state and city code prior to issuance of the building permit,
10. Require bonding or financial guarantee of any requirements or conditions made a part of the approval by the council,

11. Such other conditions as will make possible the development of the use in an orderly and efficient manner and in conformity with the intent and purposes set forth in this chapter.

Fact: Various conditions of approval have been prepared that (upon below-noted minor project modification) would ensure that the revised project design would be harmonious with the surroundings and would further the public health, safety, and welfare.

TENTATIVE TRACT MAP ANALYSIS

The tentative tract map proposes to create 74 lots on the residential component of the project (1 lot for each residential building and 7 lots pertaining to drive aisles, usable yard area, and open space, and 2 lots pertaining to the commercial component (1 lot for each of the two future retail establishments). Details of the lots are described on the associated combination site plan and tentative tract map. The owners of both the single family detached and town house units, then, would own both the buildings and the land on which the structures would be built. The City Engineering Division will ensure that the tract map-related details conform to all local (of Chapter 16 of the CMC) and State Subdivision Map Act requirements, notably prior to preparation of the subsequent final map. Conditions of approval have been issued to ensure various improvements are made and/or bonded for prior to the approval and recordation of the final map.

Findings are not required for General Plan Amendment and Zone Change Applications either.

SITE PLAN REVIEW ANALYSIS

The Site Plan Review application is required for the overall construction and design of the project proposal. Key applicable requirements and design features of the overall development are described in the tables 2 and 3 above as well as in the associated project plans. Where flexibility in a development standard is requested, it is noted in Table 4 above. This section analyzes the project's design with the assumption that the Site Plan Review is being considered subject to the approval of the associated entitlements.

1. Existing Development

The project site was previously occupied by a party supply business and vehicle and equipment storage by Clippinger Chevrolet. The site is paved in its entirety and has two existing single-story structures related to the former land uses. The site is completely surrounded by developed residential, industrial, and commercial parcels and improved streets on Edna Place and North Grand Avenue which include sidewalk, curb and gutter.

2. Site Plan Layout

Commercial Component

The applicant is proposing to develop the eastern portion of the site with two fast-food restaurants (or with similar uses such as a coffee house) with drive-through windows fronting on North Grand Avenue. The fast-food restaurants are proposed to be 2,500 SF in area each. Access is proposed off Edna Place by a 25 foot driveway located approximately 133 feet west of

North Grand Avenue. 57 parking spaces are proposed. In order to accommodate the commercial component of the project, the applicant is requesting a waiver of the 10 foot landscaped buffer requirement between commercial and residential uses under the PCD Application. A 5 foot buffer is proposed instead.

Although the site plan as proposed meets code requirements with approval of the PCD Overlay application, the staff believes the commercial site plan layout can be improved by implementing the following revisions:

- 1) Elimination one of the driveways off North Grand Avenue and providing one centrally located driveway instead;
- 2) Relocating the southerly fast-food drive thru lane further to the north so as to eliminate the potential of vehicles stacking onto Edna Place; and
- 3) Providing a 10-foot landscaped buffer along the northern property line adjacent to the existing single-family homes (and well site) so as to provide additional screening and buffering in this area plus providing a 10-foot landscaped buffer along the western property line adjacent to the future townhomes of the residential component of the project.

Residential Component

Two types of residential development are proposed; 35 single-family detached, 2-story units on individual lots of approximately 3,250 SF each (88' x 37'), and 32 attached, 3-story townhomes, also each on separate lots, in a 4-plex (2 buildings) and 8-plex (3 buildings) configuration. The single-family homes are proposed to be located in the northern portion of the site and the attached townhomes are proposed to be located on the southern portion of the site adjacent to Edna Place. Access to the residential portions of the site is provided by two (2) 28-foot driveways off Edna Place which connect to an east-west private interior access road.

Although the site plan as proposed meets code requirements with approval of the PCD Overlay application, Staff believes the residential site plan layout can be improved by implementing the following revisions:

1. The redesign of the groupings of the southerly townhomes/single-family attached dwelling units to eliminate the possibly problematic drive aisle-related offsets near both access points to the project site;
2. The minor redesign of certain site components within and around the townhomes/single family attached dwellings to add one additional, suitably located trash bin enclosure (resulting in three total such enclosures to serve the thirty-two townhome dwellings); and
3. The relocation of the likely non-functional twelve open parking spaces currently fronting (in four groupings of three spaces each) on the northern boundary of the project site to, in a more dispersed fashion, various other locations on the project site generally around the single family detached dwellings.

3. Aesthetics/Architecture/Design, Colors & Materials

The site is presently in a deteriorating and underutilized state. The City has been working for several years to remove blighted conditions and re-vitalize this area. The applicant is proposing to accomplish this through the proposed development.

Single-family Detached Units

The single-family detached units consist of 35 single-family detached units on individual lots of approximately 3,250 square feet minimum each (88' x 37'). There are 3 different unit plan types. All of the units are 4 bedroom homes and roughly 2,200 square feet. Each unit has a 2-car garage accessible from a private access road. Most of the units have a driveway but some of the units' garages take access directly off the access road.

Architectural details have been provided in the form of plant-on wood shutters rough-sawn wood facias, adhered ledgestone veneer, lap siding. These features are primarily provided on the front elevations of the units only. The side and rear elevations of the units are essentially exterior stucco with foam trim around windows. The side and rear elevations of the units can be enhanced by providing more architectural details consistent with the front elevations. A recommended condition of approval addresses this concern.

Townhome Units

The single-family attached or town home unit component of the project consists of 32 units, also on individual lots, on individual lots. There are 6 different unit plan types. The units range from 3 to 4 bedroom homes, or from roughly 1,600 to 1,800 square feet. Like the detached dwellings, each unit has a 2-car garage accessible from a private access road. None of these units have a driveway.

The architecture is designed with an eclectic urban feel to reflect the historic precedent in Downtown Covina. The building facades are articulated with 2 & 3 story massing to give a varied street scene while stepping the building down to a pedestrian scale. Details have been provided in the form of articulated cornices, horizontal siding, and accent shutters in order to emphasize the traditional Downtown feel of Covina.

Commercial Component

The applicant is proposing to develop the eastern portion of the site with two fast-food restaurant buildings with drive-thru windows fronting on North Grand Avenue. The fast-food restaurants are proposed to be 2,500 square feet in area each. No tenants have been identified for the fast-food restaurants. When future tenants are identified, the architectural elevations and revised site details will be reviewed by the Planning staff under Site Plan Review (SPR) applications. In addition, a condition of approval has been included to address this necessary follow-up review.

5. Amenities

Residential Component

There are three "open space" lots proposed within the interior of the project site. These lots are 15 feet wide and are located between row parking located adjacent to the east-west access road

and the single-family units to the north. These lots are accessible to the residents of the single-family detached units and the townhomes and will have landscaping, benches, and barbecues.

Commercial Component

No on-site amenities are required for a commercial project.

6. Parking

Residential Component

As noted in table 4 above, although technically the residential component is deficient by 29 parking spaces, the staff believes that the associated PCD application would appropriately address this deficiency in that, in accordance with recent City policy, each of the dwelling units would have a two-car garage and would be assigned one open parking space, and the necessary guest parking would be provided. In sum, it is believed that the parking is adequate (though, as addressed herein, the staff believes that the 12 parking spaces that front along the northern property line, at the detached residences, need to be relocated, such as adjacent to some of the driveways for the single family detached houses).

Commercial Component

Under the Code, eating establishments require 1 parking space for each 100 square feet of gross floor area. Based on two 2,500 square foot buildings, 50 parking spaces are required. 57 spaces are shown on the conceptual site plan. Therefore, the parking requirements have been satisfied.

7. Traffic & Circulation

Vehicular access to the residential complex will be provided by two full movement driveways along Edna Place. Vehicular access to the commercial portion of the project will be provided by two right-in-right-out driveways along Grand Avenue and a full movement driveway along Edna Place.

Based on the *Traffic Impact Study, Grand Covina Mixed-Use Development Project*. May 16, 2014, prepared by KOA Corporation, the project will generate a total of 1,795 daily vehicle trips, with 158 trips (68 inbound and 90 outbound) occurring during the AM peak hour, and 137 trips (78 inbound and 59 outbound) occurring during the PM peak hour. The City's Traffic Engineer has concurred with the trip generation calculations.

For the project traffic impact analysis, eight study intersections were defined for the overall study area:

1. Barranca Avenue / Cypress Street;
2. Barranca Avenue / Edna Place;
3. Barranca Avenue / San Bernardino Road;
4. Grand Avenue / Cypress Street;
5. Grand Avenue / Edna Place;
6. Grand Avenue / San Bernardino Road;
7. Glendora Avenue / Cypress Street; and,
8. Glendora Avenue/ Badillo Street.

Under all scenarios analyzed (Existing (2014) + Project + Future (2016)), the traffic analysis concluded that the project would not have a significant impact on the Level of Service for the circulation system.

However, the Initial Study/Mitigated Negative Declaration indicated that impacts could be significant with respect to traffic circulation at the proposed driveways. A review of the site plan indicates that the internal private streets and the restaurant drive aisles and drive through lanes have sufficient width and depth to accommodate the projected traffic. However, in order to ensure that impacts are mitigated to the maximum extent feasible, the following mitigation measures contained in the Initial Study/Mitigated Negative Declaration are recommended:

Mitigation Measure No. 19 (Traffic and Circulation Impacts). On-site improvements and improvements adjacent to the site will be required in conjunction with the proposed development to ensure adequate circulation within the project itself.

Mitigation Measure No. 20 (Traffic and Circulation Impacts). Sight distance at the project accesses shall comply with standard California Department of Transportation and City of Covina sight distance standards.

Mitigation Measure No. 21 (Traffic and Circulation Impacts). On-site traffic signing and striping should be implemented in conjunction with detailed construction plans for the project.

Mitigation Measure No. 22 (Traffic and Circulation Impacts). As is the case for any roadway design, the City of Covina should periodically review traffic operations in the vicinity of the project once the project is constructed to assure that the traffic operations are satisfactory. If necessary, owner shall agree to implement additional improvements to maintain satisfactory traffic operations.

8. Public Health & Safety

The City Police and Fire Departments were routed the site and building plans and their participation in the Development Review Committee joint discussion was solicited. The Police Department has advised the staff that the parking areas for both the residential and commercial components should be adequately landscaped with a Prevention through Environmental Design (CPTED) focus.

The Fire Department has conditioned the project to submit the subsequent construction plans to the Fire Department for review in conjunction with the Plan Check process, and all applicable requirements of the Fire Department are required to be met

Due to the nature of the proposed project, no hazardous materials are expected to be transported to and from the newly developed site. The use of any hazardous materials will be limited to those that are commercially available and typically used in a household setting or a fast-food restaurant. As a result, no significant adverse impacts concerning a release of hazardous materials are anticipated.

Future on-site demolition activities must comply with all pertinent requirements of the Fire Department, SCAQMD, Regional Water Quality Control Board, California Department of Toxic Substances Control, and other pertinent regulatory agencies. Compliance with the regulations of these agencies will reduce the potential risk to levels that are less than significant.

SITE PLAN REVIEW FINDINGS OF FACT

Based on an analysis of the proposed project, the Planning Commission must determine that the following findings for this application can be made:

1. All provisions of the Zoning Ordinance are complied with.

Fact: The overall project proposal could be construed to meet applicable zoning provisions, with the application of the PCD overlay. But the staff also believes that the project design could be enhanced by following certain design modification suggestions that have been noted herein.

2. The basic project elements are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, and no adverse effects will occur on surrounding properties.

Fact: The surrounding streets have been determined to have sufficient capacity to handle future project-related traffic and to accommodate traffic from the proposed development in a safe manner as long as the project conditions are met. The City intends to ensure that the conditions of approval are fulfilled through project inspection and adherence to the approved (slightly revised) site plan.

3. The project design conforms to the General Plan and any design guidelines or specific plans that may be applicable to the project.

Fact: The project complies with the residential density and commercial intensity provisions of the General Plan. Minor changes in project design would result in full consistency with the Covina Design Guidelines.

4. The project design is harmonious, consistent, and complete within itself and functionally and visually compatible with neighboring land uses.

Fact: The project (as modified in the manner recommended herein) would be functional and compatible with the uses found within the residential, commercial, and institutional properties surrounding the site. In other words, based on project review and on comments from all applicable City departments, the (revised) project would be designed in a manner that is harmonious, internally consistent, and complete, and the proposed conditions of approval would provide the City with adequate safeguards for preventing any issues.

5. The development will constitute an adequate environment for the intended use by sustaining the desirability and stability of the neighborhood and community.

Fact: The development will be a physical improvement over the existing blighted and underutilized conditions of the property. In addition, the

construction of residential and commercial uses will help meet the demand for new housing and commercial uses in the immediate area.

6. Proposed lighting is so arranged as to reflect the light away from adjoining properties.

Fact: All outside lighting will be required as a standard condition of approval to be designed and sited in a manner that prohibits glare onto adjacent properties.

7. Proposed signs will not, by size, location, color, or lighting, interfere with traffic or limit visibility.

Fact: No signs are currently proposed for the project. However, each retail use proposed to occupy the commercial portion of the project will be required to meet the sign standards of the Zoning Ordinance under separate staff-level review and permit. A condition of approval has been included to this effect.

SUBSEQUENT ACTIONS REQUIRED

Following the Planning Commission's recommendation to the City Council, the City Clerk must notice the project for a public hearing before the City Council. If the Council elects to approve the project, the applicant may then pursue the preparation of the final map and construction plans.

RECOMMENDATION

Based upon all of the evidence presented and testimony submitted, the staff recommends that the Planning Commission:

1. Consider the project as proposed by the applicant and, if acceptable to the Planning Commission;
 - a) Recommend that the City Council approve applications GPA 14-002, ZCH 14-001, PCD 14-002, AND TTM 72721, subject to the attached conditions of approval, and, correspondingly, approve the attached Resolution; and
 - b) Approve application SPR 14-003, subject to the attached conditions of approval.

ALTERNATIVE ACTIONS

2. Consider the project as proposed by the applicant and;
 - a) Recommend that the City Council approve applications GPA 14-002, ZCH 14-001, PCD 14-002, AND TTM 72721, subject to the attached conditions of approval, and, correspondingly, approve the attached Resolution; and

- b) Continue application SPR 14-003 to enable the applicant to revise the project plans in the manner recommended by the staff herein plus including any other suggestions that the Planning Commission may have; or
 - c) Continue all applications to enable project plan revision and for any other reasons that the Planning Commission may have.
3. Deny SPR 14-003 and recommend that the City Council deny GPA 14-002, ZCH 14-001, PCD 14-002, and TTM 72721 without prejudice and recommend that the City Council do the same.

EXHIBITS

1. Recommended Conditions of Approval
2. 300-foot Radius Map & Notification
3. Area Map
4. Project Plans (all under separate cover)

**GRAND COVINA, LLC
RESIDENTIAL AND COMMERCIAL DEVELOPMENT**

777-847 East Edna Place and 731 North Grand Avenue, Covina, CA

**GPA 14-002
ZCH 14-001
PCD 14-002;
TTM 72721
SPR 14-003**

EXHIBIT E

Resolutions of Denial

(17 pages)

RESOLUTION NO. 15-7328

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, DENYING GENERAL PLAN AMENDMENT GPA 14-002, DENYING ZONE CHANGE ZCH 14-001, AND DENYING PLANNED COMMUNITY DEVELOPMENT OVERLAY ZONE PCD 14-002; FOR PROPERTIES LOCATED AT 777 AND 847 EDNA PLACE AND 731 NORTH GRAND AVENUE (AKA THE "GRAN COVINA" PROJECT- APNS: 8429-006-018, 8429-006-017 AND A PORTION OF 8429-006-006)

WHEREAS, Grand Covina, LLC, "the applicant" submitted an application ("Application") for the following land use entitlements for a residential development consisting of 67 housing units and a commercial development consisting of two (2) commercial buildings totaling 5,000 square feet with drive-thru facilities (the "Gran Covina" Project):

- General Plan Amendment GPA 14-002, to change the General Plan land use map designation from "General Industrial" to "Medium Density Residential" for properties at 777 and 847 Edna Place; and from "General Commercial" to "Medium Density Residential" for the western most 128 feet of the property at 731 North Grand Avenue; and
- Zone Change ZCH 14-001, amending the official zoning map of the City by changing the zoning designation from "M-1 Light Manufacturing" to "RD-3,300 Residential Medium Density Multiple Family" for properties at 777 and 847 Edna Place; from "C-2 Neighborhood Shopping Center" to "RD-3,300 Residential Medium Density Multiple Family" for the western most 128 feet of the property at 731 North Grand Avenue; and from "C-2 Neighborhood Shopping Center" to "C-4 Highway Commercial" for the eastern most 149 feet of the property located at 731 North Grand Avenue; and
- Planned Community Development Overlay Zone PCD 14-002 on the official zoning map of the City for properties at 777 and 847 Edna Place and 731 North Grand Avenue, establishing special zoning standards for the "Gran Covina" Project; and

WHEREAS, on August 12, 2014, the Planning Commission conducted a duly noticed public hearing at which time the parties were afforded the opportunity to present oral and written evidence to the Planning Commission and rebut the oral and written evidence presented. At this meeting the Planning Commission closed the public hearing and voted 3 to 2 to recommend denial of the GPA, ZCH and PCD; and

WHEREAS, on September 16, 2014, the City Council conducted a duly noticed public hearing at which time the parties were afforded the opportunity to present oral and written evidence to the City Council and rebut the oral and written evidence presented. At this meeting the City Council closed the public hearing and voted 3 to 2 to overturn the Planning Commission action and approve the GPA, ZCH and PCD. The Council then directed the Planning

Department and City Attorney's Office to prepare appropriate resolutions and ordinances approving these land use entitlements for the Project; and

WHEREAS, on October 7, 2014, the City Council considered the resolutions and ordinances prepared by staff. Subsequently, by a 3-2 vote, the Council reversed its prior decision and denied the GPA, ZCH and PCD; and

WHEREAS, on March 3, 2015, the City Council reopened the public hearing (after providing proper re-noticing under law) at which time the parties were afforded a further opportunity to present oral and written evidence to the City Council and rebut the oral and written evidence presented; and

WHEREAS, all legal prerequisites prior to adoption of this Resolution have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and are incorporated herein and made an operative part of this Resolution.

SECTION 2. After giving full consideration to all evidence presented at the public hearing(s), both oral and documentary, and after being fully informed, said City Council does hereby find and decide that the General Plan Amendment (GPA), Zone Change (ZCH) and Planned Community Development Overlay (PCD) are not consistent with the public interest nor are they consistent with the City's General Plan for the following reasons:

- a. The General Plan regards it has a *high priority* that the City preserve its relatively limited (roughly 4.7 %) amount of land designated under the General Plan Land Use Element for industrial uses for purposes of employment and economic development benefits. While the General Plan also promotes housing and commercial development throughout the community, and the Project would provide added housing and commercial facilities, the City Council finds that that preservation of the City's limited industrial land takes precedence. (Land Use Element Section IIID-3a(4); IIID-3a(8)) The Council finds that it is difficult to convert residentially- or commercially-designated land to industrial use and, thus, the prospect of expanding the City's industrial land is very limited. Therefore, approval of this Application is likely to result in an irreplaceable loss to the City's industrial base, which runs contrary to the *high priority* under the General Plan.
- b. While the majority of the Project site (8429-006-018, 8429-006-017) is underutilized and blighted, the City Council finds that this does not justify redesignating it to residential and commercial uses and thereby foreclosing the possibility of future industrial development. To the extent that code violations exist on the Project site, the City should address them through code enforcement efforts, which are encouraged by the General Plan (Land Use Element Section IIIE-1j). Further, the corner parcel (8329-006-006) of the Project site is already designated for commercial use and may be re-developed consistently. The City Council also finds that the corner parcel's

location may encourage independent commercial development without the land use changes requested.

- c. While the General Plan encourages in-fill development for currently underutilized and blighted parcels of land, (Land Use Element Section IIIC-1a(6)) this must be balanced against other General Plan policies that encourage preservation of the City's limited land designated for industrial uses, as outlined above.
- d. The Project site abuts single family homes to the north that have been there for over 50 years and existing industrial uses to the west. Changing the current industrial use to the proposed residential project of a higher density (13 units per acre) would not provide a proper transition of use to the existing single family neighborhood to the north nor to the industrial site to the west. The Council finds that the Project, as proposed, provides insufficient mitigation measures to establish an adequate buffer/transition between the uses, including noise attenuation for the dwelling units and their openings, block wall separation, landscaping, and setback along the western property boundary. This is further exacerbated by the special zoning standards proposed in the Planned Community Development (PCD). Therefore, this does not meet the General Plan's policy to encourage redevelopment of underutilized properties *while also providing appropriate physical/visual buffering between existing land uses.* (Land Use Element Section IIIC-1a(7)) For the same reasons, the City Council finds that the overall project design will not be harmonious with the surrounding land uses. (Land Use Element Section IIID-1a(6) and IIIE-1a)
- e. The Regional Housing Needs Assessment (RHNA) under the General Plan requires the City to satisfy an unmet housing need of over 800 dwelling units, and requires the City to adopt policies and practices that encourage the development of housing in the community (Land Use Element Section IIID-2a(17)). However, this must be balanced against the City's obligation to maintain and bolster economic development efforts. (Land Use Element Section IIIC-1a(24)). The General Plan Housing Element identifies sufficient alternate sites within the City where housing may be developed to satisfy the City's RHNA obligations without reducing the amount of the City's limited industrial property. In other words, changing the Project site from its current industrial designation is not necessary to satisfy the City's RHNA.

SECTION 3. That with respect to PCD 14-002, the City Council does hereby also find and decide:

- a. That the site for the proposed use is adequate in size and shape to accommodate the use.

Fact: For reasons set forth above, although the Project may meet medium density residential and commercial density limits (residential - 13 units per acre and commercial - floor area ratio of 0.12), this assumes the City Council has redesignated/rezoned the Project site from industrial to residential/commercial use as described above. However, for the reasons set forth herein, the City Council has

declined to do so. Therefore, a PCD Overlay would be inconsistent with the underlying General Plan Land Use designation and zoning for the Project site. Further, the City Council finds that the PCD Overlay would allow the Project to vary too far from established City zoning standards, resulting in insufficient setback, buffering, and transition between uses.

b. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.

Fact: The City Council finds that while the surrounding streets have sufficient capacity to handle future project-related traffic, it will not accommodate traffic from the proposed Project in a safe manner for residents living at the Project. For example, while the Project is conditioned to build a sidewalk along its Edna Place frontage, there will be no sidewalk further along Edna Place for residents/pedestrians to walk. The City Council finds that this will force residents/pedestrians to walk in the street along Edna Place or cross it where there are currently no crosswalks, compromising public safety.

c. That the proposed use is not detrimental to the surrounding properties or uses permitted in the general area.

Fact: The Project site abuts single family homes to the north that have been there for over 50 years and existing industrial uses to the west. Changing the current industrial use to the proposed residential project of a higher density (13 units per acre) would not provide a proper transition of use to the existing single family neighborhood to the north or the industrial site to the west. The Council also finds that the Project provides insufficient mitigation measures to establish a buffer/transition between the uses, including noise attenuation for the dwelling units and their openings, landscaping, block wall separation, and setback along the western property boundary. This is further exacerbated by the special zoning standards proposed in the Planned Community Development (PCD). For these reasons, the City Council finds that the overall project design will not be harmonious with the surrounding land uses.

d. That the conditions stated in the decision are deemed necessary to protect the health, safety and general welfare; such conditions shall include, but not be limited to:

Fact: While there are proposed conditions of approval for the Project, the City Council finds that these conditions will not be sufficient to fully mitigate the impacts of the Project, such as noise attenuation for the residential units and landscape buffering along the western and eastern property boundary.

SECTION 4. In consideration of the findings stated above, the City Council of City of Covina hereby denies GPA 14-002, Zone Change ZCH 14-001, and Planned Community Development PCD 14-002, in the interests of protecting the public, health, safety and general welfare of the community.

SECTION 5. This Resolution is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to *CEQA Guidelines*, Section 15270(a), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

SECTION 6. This Resolution shall take effect immediately upon its adoption.

SECTION 7. The City Clerk shall certify to the adoption of this Resolution.

PASSED APPROVED AND ADOPTED on the 3rd day of March, 2015.

Peggy Delach, Mayor

ATTEST:

Mary Lou Walczak, City Clerk

APPROVED AS TO FORM:

Elizabeth Hull, City Attorney

I, Catherine M. LaCroix, Senior Deputy City Clerk of the City of Covina, California, do hereby certify that the foregoing **Resolution No. 15-7328** was adopted by City Council of the City of Covina at a regular meeting thereof held on the 3rd day of March, 2015 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Catherine M. LaCroix
Senior Deputy City Clerk

RESOLUTION NO. 15-7329

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, DENYING TENTATIVE TRACT MAP 72721 FOR THE RESIDENTIAL DEVELOPMENT OF 67 LOTS AND FOR COMMERCIAL DEVELOPMENT OF 2 LOTS FOR PROPERTIES LOCATED AT 777 AND 847 EDNA PLACE AND 731 NORTH GRAND AVENUE (AKA THE "GRAN COVINA" PROJECT – APNS: 8429-006-018, 8429-006-017 AND 8429-006-006)

WHEREAS, Grand Covina, LLC, "the applicant" submitted an application for a Tentative Tract Map No. 72721, as described in the title of this Resolution to the City of Covina. Hereinafter in this Resolution the subject Tentative Tract Map 72721 request is referred to as "the Application."

WHEREAS, the project proposal named "Gran Covina Mixed Use Project," consists of both residential and commercial development. The residential development includes 35 single family lots, 32 townhouse lots, 6 lettered lots for common open space and one (1) lettered lot for private driveway access, on approximately 5 acres of land. The commercial development consists of two (2) commercial buildings totaling 5,000 square feet with drive-through facilities on approximately 1 acre of land.

WHEREAS, the Project proposal also includes a request for a General Plan Amendment, a Zone Change, the establishment of a Planned Community Development Overlay Zone, and a Site Plan Review.

WHEREAS, on August 12, 2014, the Planning Commission conducted a duly noticed public hearing at which time the parties were afforded the opportunity to present oral and written evidence to the Planning Commission and rebut the oral and written evidence presented. At this meeting the Planning Commission closed the public hearing and voted 3 to 2 to deny Tentative Tract Map No. 72721; and

WHEREAS, on September 16, 2014, the City Council conducted a duly noticed public hearing to consider the appeal and at which time the parties were afforded the opportunity to present oral and written evidence to the City Council and rebut the oral and written evidence presented. At this meeting the City Council closed the public hearing and voted 3 to 2 to overturn the Planning Commission action and approve Tentative Tract Map No. 72721. The Council then directed the Planning Department and City Attorney's Office to prepare an appropriate resolution approving this land use entitlement for the Project; and

WHEREAS, on October 7, 2014, the City Council considered the resolution prepared by staff. Subsequently, by a 3-2 vote, the Council reversed its prior decision and denied Tentative Tract Map No. 72721; and

WHEREAS, on March 3, 2015, the City Council reopened the public hearing (after providing proper re-noticing under law) at which time the parties were afforded a further opportunity to present oral and written evidence to the City Council and rebut the oral and

written evidence presented; and

WHEREAS, Covina Municipal Code, Section 16.08.040 provides that the City Council shall deny a tentative tract map if any of the findings in Section 2 below are found in the negative; and

WHEREAS, all legal prerequisites prior to adoption of this Resolution have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and are incorporated herein and made an operative part of this Resolution.

SECTION 2. After giving full consideration to all evidence presented at the public hearing, both oral and documentary, and after being fully informed, said City Council does hereby find and decide:

- a. The proposed subdivision, design or improvement is not consistent with the General Plan, any applicable specific plan, or applicable codes and regulations:

Fact: The Project site is currently designated/zoned largely for industrial use, with some neighborhood commercial use. This is inconsistent with the uses in the Project proposal under Tentative Tract Map No. 72721. Pursuant to Resolution No. 15-7328, the City Council has denied General Plan Amendment GPA 14-002, Zone Change ZCH 14-001 and Planned Community Development PCD 14-002, which are legally necessary in order to make the Project proposal consistent with the General Plan and all applicable codes and regulations. Therefore, Tentative Tract Map No. 72721 is not consistent with the General Plan and all applicable codes and regulations.

- b. The subdivision is not physically suitable for the type and proposed density of development proposed by the tentative map.

Fact: Although the Project may meet medium density residential and commercial density limits (residential - 13 units per acre and commercial - floor area ratio of 0.12), this assumes the City Council has redesignated/rezoned the Project site from industrial to residential/commercial use. However, as noted above, the City Council has declined to do so. Therefore, Tentative Tract Map No. 72721 would be inconsistent with the underlying General Plan Land Use designation and zoning for the Project site.

- c. The design of the subdivision and proposed improvements, with conditions of approval will not be likely to cause significant environmental damage or substantially and avoidably injure fish or wildlife or their habitat; or

Fact: The project site is not designated fish or wildlife habitat nor is it located nearby to any such territory. With mitigation measures incorporated as proposed,

the project will result in less than significant environmental impact. However, as noted above, the findings of General Plan and Zoning consistency cannot be made.

- d. The design of the subdivision and the type of improvements are likely to cause serious public health problems.

Fact: The Project site abuts single family homes to the north that have been there for over 50 years and existing industrial uses to the west. Changing the current industrial use to the proposed residential project of a higher density (13 units per acre) would not provide a proper transition of use to the existing single family neighborhood to the north nor to the industrial site to the west. The Council finds that the Project, as proposed, provides insufficient mitigation measures to establish an adequate buffer/transition between the uses, including noise attenuation for the dwelling units and their openings, block wall separation, landscaping, and setback along the western property boundary. This is further exacerbated by the special zoning standards proposed in the Planned Community Development (PCD).

The City Council also finds that while the surrounding streets have sufficient capacity to handle future project-related traffic, it will not accommodate traffic from the proposed Project in a safe manner for residents living at the Project. For example, while the Project is conditioned to build a sidewalk along its Edna Place frontage, there will be no sidewalk further along Edna Place for residents/pedestrians to walk. The City Council finds that this will force residents/pedestrians to walk in the street along Edna Place or cross it where there are currently no crosswalks, compromising public safety.

- e. The design of the subdivision provides for future passive or natural heating and cooling opportunities in the subdivision to the extent feasible.

Fact: The design of the subdivision and its proposed residential and commercial development components provide the possibility and opportunity to have passive solar cooling and heating for the buildings. The residential and commercial development will have to comply with Title 24 of the Uniform Building Code.

- f. Focusing on the design of the subdivision and the type of improvements to be required, the project will conflict with easements acquired by the public at large for access through or the use of the subdivision or with the design of alternate easements that are substantially equivalent to those previously acquired by the public.

Fact: The design of the subdivision will not conflict with existing City rights-of-way or other public access easements. According to City records, there are no alternate or potential easements that would be affected by the Project.

- g. The proposed project with its subdivision design is consistent with the city's parkland dedication requirements (Quimby Act – Chapter 16.28 CMC).

Fact: A Condition of Approval is drafted that the project will pay its fair share of the Parkland Impact Fee to the city, pursuant to the City's Quimby Act Ordinance (CMC Chapter 16.28) prior to the recordation of final map and/or prior to issuance of the first building permit, whichever comes first.

- h. The applicant has demonstrated that a sufficient water supply will be available to serve the subdivision, in accordance with California Government Code Section 66473.7.

Fact: According to the City's Public Works Department, the City has sufficient capacity to provide water to serve the subdivision without negative impact to other properties in the City.

SECTION 3. In consideration of the findings stated above, particularly findings #2(a), (b) and (d), the City Council of City of Covina hereby denies Tentative Tract Map No. 72721 in the interests of protecting the public, health, safety and general welfare of the community.

SECTION 4. This Resolution is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to *CEQA Guidelines*, Section 15270(a), which provides that CEQA does not apply to projects which a public agency rejects or disapproves

SECTION 5. This Resolution shall take effect immediately upon its adoption.

SECTION 6. The City Clerk shall certify to the adoption of this Resolution.

PASSED APPROVED AND ADOPTED on the 3rd day of March, 2015.

Peggy Delach, Mayor

ATTEST:

Mary Lou Walczak, City Clerk

APPROVED AS TO FORM:

Elizabeth Hull, City Attorney

I, Catherine M. LaCroix, Senior Deputy City Clerk of the City of Covina, California, do hereby certify that the foregoing **Resolution No. 15-7329** was adopted by City Council of the City of Covina at a regular meeting thereof held on the 3rd day of March, 2015, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Catherine M. LaCroix
Senior Deputy City Clerk

RESOLUTION NO. 15-7330

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, DENYING SITE PLAN REVIEW SPR 14-003 FOR THE RESIDENTIAL DEVELOPMENT OF 67 UNITS AND THE COMMERCIAL DEVELOPMENT OF 2 BUILDINGS WITH DRIVE-THROUGH FACILITIES ON PROPERTIES LOCATED AT 777 AND 847 EDNA PLACE AND 731 NORTH GRAND AVENUE (AKA THE "GRAN COVINA" PROJECT - APNS: 8429-006-018, 8429-006-017 AND A PORTION OF 8429-006-006)

WHEREAS, Grand Covina, LLC, "the applicant" submitted an application for a Site Plan Review (SPR 14-003), as described in the title of this Resolution to the City of Covina. Hereinafter in this Resolution the subject Site Plan Review SPR 14-003 request is referred to as "the application."

WHEREAS, the project proposal named "Gran Covina Mixed Use Project," consists of both residential and commercial development. The residential development includes 35 single family lots, 32 townhouse lots, six (6) lettered lots for common open space and one (1) lettered lot for private driveway access, on approximately 5 acres of land. The commercial development consists of two (2) commercial buildings totaling 5,000 square feet with drive-through facilities on approximately 1 acre of land.

WHEREAS, the land use application includes a request for a General Plan Amendment, a Zone Change, the establishment of a Planned Community Development Overlay Zone, and a Tentative Tract Map.

WHEREAS, on August 12, 2014, the Planning Commission conducted a duly noticed public hearing at which time the parties were afforded the opportunity to present oral and written evidence to the Planning Commission and rebut the oral and written evidence presented. At this meeting the Planning Commission concluded said hearing and voted 3 to 2 to deny the application.

WHEREAS, on September 16, 2014, the City Council conducted a duly noticed public hearing to consider the appeal and at which time the parties were afforded the opportunity to present oral and written evidence to the City Council and rebut the oral and written evidence presented. At this meeting the City Council closed the public hearing and voted 3 to 2 to overturn the Planning Commission action and approve Site Plan Review SPR 14-003. The Council then directed the Planning Department and City Attorney's Office to prepare an appropriate resolution approving this land use entitlement for the Project; and

WHEREAS, on October 7, 2014, the City Council considered the resolution prepared by staff. Subsequently, by a 3-2 vote, the Council reversed its prior decision and denied Site Plan Review SPR 14-003; and

WHEREAS, on March 3, 2015, the City Council reopened the public hearing (after providing proper re-noticing under law) at which time the parties were afforded a further

opportunity to present oral and written evidence to the City Council and rebut the oral and written evidence presented; and

WHEREAS, all legal prerequisites prior to adoption of this Resolution have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and are incorporated herein and made an operative part of this Resolution.

SECTION 2. After giving full consideration to all evidence presented at the public hearing, both oral and documentary, and after being fully informed, said City Council does hereby find and decide:

- a. All provisions of the Zoning Ordinance are not complied with.

Fact: The Project site is currently designated/zoned largely for industrial use, with some neighborhood commercial use. This is inconsistent with the uses in the Project proposal under SPR 14-003. Pursuant to Resolution No. 15-7328, the City Council has denied General Plan Amendment GPA 14-002, Zone Change ZCH 14-001 and Planned Community Development PCD 14-002, which are legally necessary in order to make the Project proposal consistent with the General Plan and Zoning Ordinance. Therefore, SPR 14-003 does not comply with all provisions of the Zoning Ordinance.

- b. The basic project elements are not so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, and no adverse effects will occur on surrounding properties.

Fact: While the surrounding streets have sufficient capacity to handle future project-related traffic, it will not accommodate traffic from the proposed Project in a safe manner for residents living at the Project. For example, while the Project is conditioned to build a sidewalk along its Edna Place frontage, there will be no sidewalk further along Edna Place for residents/pedestrians to walk. The City Council finds that this will force residents/pedestrians to walk in the street along Edna Place or cross it where there are currently no crosswalks, compromising public safety.

- c. The project design does not conform to the General Plan and any design guidelines or specific plans that may be applicable to the project.

Fact: The Project site is currently designated/zoned largely for industrial use, with some neighborhood commercial use. This is inconsistent with the uses in the Project proposal under SPR 14-003. Pursuant to Resolution No. 15-7328, the City Council has denied General Plan Amendment GPA 14-002, Zone Change ZCH 14-001 and Planned Community Development PCD 14-002, which are legally necessary in order to make the Project proposal consistent with the General Plan and Zoning Ordinance. Therefore, SPR 14-003 does not conform to the General Plan and Zoning Ordinance.

Although the Project may meet medium density residential and commercial density limits (residential - 13 units per acre and commercial - floor area ratio of 0.12), this assumes the City Council has redesignated/rezoned the Project site from industrial to residential/commercial use. However, as noted above, the City Council has declined to do so. Therefore, SPR 14-003 would be inconsistent with the underlying General Plan Land Use designation and zoning for the Project site.

The Project site abuts single family homes to the north that have been there for over 50 years and existing industrial uses to the west. Changing the current industrial use to the proposed residential project of a higher density (13 units per acre) would not provide a proper transition of use to the existing single family neighborhood to the north nor to the industrial site to the west. The Council finds that the Project, as proposed, provides insufficient mitigation measures to establish an adequate buffer/transition between the uses, including noise attenuation for the dwelling units and their openings, block wall separation, landscaping, and setback along the western property boundary. This is further exacerbated by the special zoning standards proposed in the Planned Community Development (PCD).

- d. The project design is not harmonious, consistent, and complete within itself and functionally and visually compatible with neighboring land uses.

Fact: See findings b. and c. above.

- e. The development will not constitute an adequate environment for the intended use by sustaining the desirability and stability of the neighborhood and community.

Fact: See findings b. and c. above.

- f. Proposed lighting is so arranged as to reflect the light away from adjoining properties.

Fact: All outside lighting would be required as a standard condition of approval to be designed and sited in a manner that prohibits glare onto adjacent properties.

- g. Proposed signs will not, by size, location, color, or lighting, interfere with traffic or limit visibility.

Fact: No signs are currently proposed for the project.

SECTION 3. In consideration of the findings stated above, the City Council of City of Covina hereby denies Site Plan Review SPR 14-003 in the interests of protecting the public, health, safety and general welfare of the community.

SECTION 4. This Resolution is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to *CEQA Guidelines*, Section 15270(a), which provides that CEQA does not apply to projects which a public agency rejects or disapproves

SECTION 5. This Resolution shall take effect immediately upon its adoption.

SECTION 6. The City Clerk shall certify to the adoption of this Resolution.

PASSED APPROVED AND ADOPTED on the 3rd day of March, 2015.

Peggy Delach, Mayor

ATTEST:

Mary Lou Walczak, City Clerk

APPROVED AS TO FORM:

Elizabeth Hull, City Attorney

I, Catherine M. LaCroix, Senior Deputy City Clerk of the City of Covina, California, do hereby certify that the foregoing **Resolution No. 15-7330** was adopted by City Council of the City of Covina at a regular meeting thereof held on the 3rd day of March, 2015, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Catherine M. LaCroix
Senior Deputy City Clerk

**GRAND COVINA, LLC
RESIDENTIAL AND COMMERCIAL DEVELOPMENT**

777-847 East Edna Place and 731 North Grand Avenue, Covina, CA

**GPA 14-002
ZCH 14-001
PCD 14-002;
TTM 72721
SPR 14-003**

EXHIBIT F

**Resolutions of Approval and Ordinances with Conditions of
Approval**

(88 pages)

RESOLUTION NO. 15-7331

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, CERTIFYING A MITIGATED NEGATIVE DECLARATION AND APPROVING THE MITIGATION MONITORING PROGRAM FOR GENERAL PLAN AMENDMENT GPA 14-002, ZONE CHANGE ZCH 14-001, PLANNED COMMUNITY DEVELOPMENT PCD 14-002, TENTATIVE TRACT MAP TTM 72721 AND SITE PLAN REVIEW SPR 14-003 – APNS: 8429-006-018, 8429-006-017 AND 8429-006-006

WHEREAS, Grand Covina, LLC, “the applicant” submitted an application (“Application”) for the following land use entitlements for a residential development consisting of 67 housing units and a commercial development consisting of two (2) commercial buildings totaling 5,000 square feet with drive-thru facilities (the “Gran Covina” Project):

- General Plan Amendment GPA 14-002, to change the General Plan land use map designation from “General Industrial” to “Medium Density Residential” for properties at 777 and 847 Edna Place; and from “General Commercial” to “Medium Density Residential” for the western most 128 feet of the property at 731 North Grand Avenue; and
- Zone Change ZCH 14-001, amending the official zoning map of the City by changing the zoning designation from “M-1 Light Manufacturing” to “RD-3,300 Residential Medium Density Multiple Family” for properties at 777 and 847 Edna Place; from “C-2 Neighborhood Shopping Center” to “RD-3,300 Residential Medium Density Multiple Family” for the western most 128 feet of the property at 731 North Grand Avenue; and from “C-2 Neighborhood Shopping Center” to “C-4 Highway Commercial” for the eastern most 149 feet of the property located at 731 North Grand Avenue; and
- Planned Community Development Overlay Zone PCD 14-002 on the official zoning map of the City for properties at 777 and 847 Edna Place and 731 North Grand Avenue, establishing special zoning standards for the “Gran Covina” Project; and

WHEREAS, the project proposal named “Gran Covina Mixed Use Project” consist of 67 housing units and 2 commercial buildings with drive-through facilities is considered a “project” as defined by the California Environmental Quality Act, Public Resources Code § 21000et seq. (“CEQA”).

WHEREAS, after completion of a draft Initial Study, the City Planner determined that the Project required a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the proposed project in compliance with the provisions of the CEQA.

WHEREAS, the Initial Study/Draft Mitigated Negative Declaration was prepared and circulated for public and agency review on July 9, 2014 with a thirty-day review period ending on August 9, 2014. This comment period provided an opportunity for the public and agencies to

review the issues addressed and offer comments on any aspect of the environmental review process, or the adequacy of the evaluation and mitigation measures.

WHEREAS, no later than July 9, 2014, the Intent to Adopt the Mitigated Negative Declaration was noticed in the San Gabriel Valley Examiner, and notice of public hearing was also sent to all property owners within 300 feet of the project site.

WHEREAS, as required under CEQA and in order to facilitate implementation of all mitigation measures adopted pursuant to CEQA, the Mitigation Monitoring and Reporting Program identifies the timing of, and the agency or agencies responsible for, enforcement and monitoring of each mitigation measure to be implemented to reduce potentially significant impacts to a less than significant level.

WHEREAS, on August 12, 2014, the Planning Commission conducted a duly noticed public hearing at which time the parties were afforded the opportunity to present oral and written evidence to the Planning Commission and rebut the oral and written evidence presented. At this meeting the Planning Commission closed the public hearing and voted 3 to 2 to recommend denial of the GPA, ZCH and PCD; and

WHEREAS, on September 16, 2014, the City Council conducted a duly noticed public hearing at which time the parties were afforded the opportunity to present oral and written evidence to the City Council and rebut the oral and written evidence presented. At this meeting the City Council closed the public hearing and voted 3 to 2 to overturn the Planning Commission action and approve the GPA, ZCH and PCD. The Council then directed the Planning Department and City Attorney's Office to prepare appropriate resolutions and ordinances approving these land use entitlements for the Project; and

WHEREAS, on October 7, 2014, the City Council considered the resolutions and ordinances prepared by staff. Subsequently, by a 3-2 vote, the Council reversed its prior decision and denied the GPA, ZCH and PCD; and

WHEREAS, on March 3, 2015, the City Council reopened the public hearing (after providing proper re-noticing under law) at which time the parties were afforded a further opportunity to present oral and written evidence to the City Council and rebut the oral and written evidence presented; and

WHEREAS, all legal prerequisites prior to adoption of this Resolution have occurred.

SECTION 1. NOW, THEREFORE, BE IT RESOLVED, after reviewing the Mitigated Negative Declaration and considering all oral and written information regarding the Mitigated Negative Declaration presented before that hearing, the Council finds and determines as follows:

- a. The City has provided the public review period for the Mitigated Negative Declaration for the duration required under CEQA Guidelines Section 15073 and 15105.
- b. The Mitigated Negative Declaration and Mitigation Monitoring and Reporting

Program were prepared, processed and noticed in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.).

- c. The Mitigated Negative Declaration reflects the independent judgment and analysis of the City of Covina.
- d. The Mitigation Monitoring and Reporting Program is designed to ensure compliance during the project implementation in that changes to the project and/or mitigation measures have been incorporated into the project and are fully enforceable through the permit conditions, agreements or other measures as required by Public Resources Code Section 21081.6.
- e. The revisions made to the project agreed by the applicant and mitigation measures imposed as conditions of approval on the project, avoid or mitigate any potential significant effects on the environment identified in the Initial Study to a point below the threshold of significance. Furthermore, after taking into consideration the revisions to the project and the mitigation measures imposed, the City Council finds that there is no substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significance effect on the environment. Therefore, the City Council finds that the project will not have a significant effect on the environmental.

SECTION 2. The City Clerk shall certify to the adoption of this Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of City of Covina hereby certifies that the Project Mitigated Negative Declaration has been prepared in compliance with CEQA, and approves and the Mitigation Monitoring and Reporting Program, as shown in Exhibit "A" attached hereto and incorporated by reference. The Project Mitigated Negative Declaration is available at City Clerk's Office.

PASSED APPROVED AND ADOPTED on the 3rd day of March 2015.

Peggy Delach, Mayor

ATTEST:

Mary Lou Walczak, City Clerk

APPROVED AS TO FORM:

Elizabeth Hull, City Attorney

I, Catherine M. LaCroix, Senior Deputy City Clerk of the City of Covina, California, do hereby certify that the foregoing **Resolution No. 15-7331** was introduced and adopted by City Council of the City of Covina at a regular meeting thereof held on the 3rd day of March, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Catherine M. LaCroix
Senior Deputy City Clerk

RESOLUTION NO. 15-7332

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT GPA 14-002 TO CHANGE THE GENERAL PLAN LAND USE MAP DESIGNATION FROM “GENERAL INDUSTRIAL” TO “MEDIUM DENSITY RESIDENTIAL” FOR PROPERTIES AT 777 AND 847 EDNA PLACE; AND, FROM “GENERAL COMMERCIAL” TO “MEDIUM DENSITY RESIDENTIAL” FOR THE WESTERN MOST 128 FEET OF THE PROPERTY AT 731 NORTH GRAND AVENUE, AND APPROVING A MITIGATED NEGATIVE DECLARATION – APNS: 8429-006-018, 8429-006-017 AND A PORTION OF 8429-006-006

WHEREAS, Grand Covina, LLC, “the applicant” submitted an application for a General Plan Amendment GPA 14-002, as described in the title of this Resolution to the City of Covina for a residential development consisting of 67 housing units and a commercial development consisting of two (2) commercial building totaling 5,000 square feet with drive-thru facilities. Hereinafter in this Resolution the subject General Plan Amendment request is referred to as “the application.”

WHEREAS, on August 12, 2014, the Planning Commission conducted a duly noticed public hearing at which time the parties were afforded the opportunity to present oral and written evidence to the Planning Commission and rebut the oral and written evidence presented. At this meeting the Planning Commission closed the public hearing and voted 3 to 2 to recommend denial of the GPA, ZCH and PCD; and

WHEREAS, on September 16, 2014, the City Council conducted a duly noticed public hearing at which time the parties were afforded the opportunity to present oral and written evidence to the City Council and rebut the oral and written evidence presented. At this meeting the City Council closed the public hearing and voted 3 to 2 to overturn the Planning Commission action and approve the GPA, ZCH and PCD. The Council then directed the Planning Department and City Attorney’s Office to prepare appropriate resolutions and ordinances approving these land use entitlements for the Project; and

WHEREAS, on October 7, 2014, the City Council considered the resolutions and ordinances prepared by staff. Subsequently, by a 3-2 vote, the Council reversed its prior decision and denied the GPA, ZCH and PCD; and

WHEREAS, on March 3, 2015, the City Council reopened the public hearing (after providing proper re-noticing under law) at which time the parties were afforded a further opportunity to present oral and written evidence to the City Council and rebut the oral and written evidence presented; and

WHEREAS, all legal prerequisites prior to adoption of this Resolution have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and are incorporated herein and made an operative part of this Resolution.

SECTION 2. The General Plan land use designations for the described real property in the City of Covina, County of Los Angeles, State of California, are hereby amended as follows:

- a. Assessor's Parcel Map numbers 8429-006-018, 8429-006-017 are amended from "General Industrial" to "Medium Density Residential."
- b. The western most 128 feet of Assessor's Parcel Map number 8429-006-006 is amended from "General Commercial" to "Medium Density Residential."

SECTION 3. After giving full consideration to all evidence presented at the public hearing, both oral and documentary, and after being fully informed, said City Council does hereby find and decide that this General Plan Amendment is consistent with other elements of the City's General Plan for the following reasons:

- a. Despite General Plan policy to preserve the City's relatively limited (roughly 4.7 percent) amount of land designated (under the General Plan Land Use Element) for industrial uses, the General Plan also promotes housing development throughout the community. By having a residential use at this site (i.e., the major component of the project proposal), the City would thus provide additional housing opportunities for persons seeking to reside in the City, which would further generate additional property tax revenue. (Land Use Element Section III – Goals, Objectives and Policies C-2a(3) and C-2a(13))
- b. Having more residents in the community on this site, as well as limited additional commercial activity, would boost local sales tax revenue, enhance property tax revenue, and would likely bolster ongoing revitalization activities in the downtown and in other commercial districts and centers in Covina. (Land Use Element Section III – Goals, Objectives and Policies D-3a(9), F-1a, F-1e and F-1u)
- c. The majority of the project site (8429-006-018, 8429-006-017) is underutilized, deteriorating and blighted with a history of code violations. Properties of this small size and shallow lot depth are not conducive to attracting new and "clean" industrial development on the site as desired by the City. The corner parcel (8329-006-006) of the project site is already designated under the General Plan for commercial use and will continue to be re-developed as commercial use, specifically for two buildings with drive-through facilities such as fast foods café, and/or banks.
- d. Both the residential and commercial components of the Project would allow for a reasonable, attractive, and functional in-fill development for currently underutilized

and blighted parcels of land, which is strongly encouraged by the General Plan. (Land Use Element Section III – Goals, Objectives and Policies C-1a(6) and D-1a(21))

- e. In contrast to the existing conditions on the site, both the residential and the commercial components would provide enhancement in the appearance, image, and character of the overall neighborhood, which would foster other positive redevelopment and reinvestment activities on surrounding properties. (Land Use Element Section III – Goals, Objectives and Policies E-1ee, F-1c and F-1e)
- f. On the north side of East Edna Place between North Grand Avenue and North Barranca Avenue there are existing industrial uses which abut existing single family homes that have been there for over 50 years. Because the project site is underutilized and is deteriorating in its overall site conditions, it is an ideal candidate for redevelopment by private development. Changing the current underutilized and blighted industrial use to the proposed residential project of a higher density (13 units per acre) would provide a proper transition of use to existing single family neighborhood to the north and the existing and future commercial development to the south and east. The proposed project with the imposition of the mitigation measures, including noise attenuation for the dwelling units and its openings (Mitigation Measure No. 7 and Conditions of Approval No. 5.14), a decorative 6 feet high block wall (Mitigation Measure no. 6) and an increase of a 10-foot landscape buffer area with a dense grove of evergreen trees at 8 feet on center along the western property boundary (Conditions of Approval No. 5.1 through 5.9) would address the buffering and the compatibility of the project site to the existing industrial uses on the west side of the project site. This encourages redevelopment of underutilized properties while also providing appropriate transitions between existing land uses. (Land Use Element Section III - Goals, Objectives and Policies D-2a(17) and C-2a(1))
- g. The overall project design would incorporate sufficient amenities, such as on-site parking that is above the minimum required for guest parking spaces, increased percentage of common open space (Site Plan), the 10-foot landscaped buffer area along the western and eastern property boundary (Conditions of Approval No. 5.1 through 5.9), construction methods for the dwelling units that would attenuate exterior noise (Mitigation Measures Nos. 6-13 and Condition of Approval 5.14), to name a few. Therefore, the overall project design together with the compliance of Mitigation Measures and Conditions of Approval will be harmonious with the surrounding land uses. (Land Use Element Section III – Goals, Objectives and Policies D-1a (6) and E-1a)
- h. The residential component would provide needed housing to enable the City to provide dwelling units according to the Regional Housing Needs Assessment (RHNA) under the Housing Element of the General Plan. The proposed 67 dwelling units would contribute to meeting the production of unmet housing needs of over 800 dwelling units allocated to the City by the RHNA. The Housing Element requires the City to adopt policies and practices that encourage the development of housing in the community, which has also been declared to be a matter of Statewide policy.

SECTION 4. Based upon the facts and information contained in the proposed Mitigated Negative Declaration, together with all written and oral reports included for the environmental assessment for the applicant, the City Council finds that there is no substantial evidence that the project will have a significant effect upon the environment and adopts a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program attached hereto and incorporated herein by this references based upon the following findings:

- a. Pursuant to the California Environmental Quality Act (CEQA), the City staff prepared an Initial Study of the potential environmental effects of the project. Based on the findings contained in that Initial Study, City staff determined that, with the imposition of the mitigation measures, there would be no substantial evidence that the project would have a significant effect on the environment. Based on that determination, a Mitigated Negative Declaration was prepared. Therefore, the City staff provided public notice of the public comment period and of the intent to adopt the Mitigated Negative Declaration.
- b. The City Council has reviewed the Mitigated Negative Declaration and all comments received regarding the Mitigated Negative Declaration and, based on the whole record before it, finds: (i) that the mitigated Negative Declaration was prepared in compliance with CEQA; and (ii) that, based on the imposition of the mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment. The City Council further finds that the Mitigated Negative Declaration reflects that independent judgment and analysis of the City Council. Based on these findings, the City Council hereby adopts the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the project.
- c. The custodian of records for the Initial Study, Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program and all other materials which constitute the record of proceedings upon which the City Council's decision is based is the City Planner of the City of Covina. These documents are available for public review in the Planning Division of the City of Covina located at 125 E. College Street, Covina, California 91723.

SECTION 5. In consideration of the findings stated above, the City Council of City of Covina hereby approve the application, subject to the conditions of approval from all related land use entitlements, Zone Change ZCH 14-001, Planned Community Development PCD 14-002, Tentative Tract Map TTM 72721 and Site Plan Review SPR 14-003, which are deemed necessary to protect the public, health, safety and general welfare of the community. Conditions of Approval are available in City Clerk's Office.

SECTION 6. This Resolution shall take effect upon the effective date of the Zone Change and Planned Community Development entitlements that are a part of this Project.

SECTION 7. The City Clerk shall certify to the adoption of this Resolution.

PASSED APPROVED AND ADOPTED on the 3rd day of March, 2015.

Peggy Delach, Mayor

ATTEST:

Mary Lou Walczak, City Clerk

APPROVED AS TO FORM:

Elizabeth Hull, City Attorney

I, Catherine M. LaCroix, Senior Deputy City Clerk of the City of Covina, California, do hereby certify that the foregoing **Resolution No. 15-7332** was introduced and adopted by City Council of the City of Covina at a regular meeting thereof held on the 3rd day of March, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Catherine M. LaCroix
Senior Deputy City Clerk

ORDINANCE NO. 15-2038

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY CHANGING THE ZONING DESIGNATIONS FROM “M-1, LIGHT MANUFACTURING” TO “RD-3,300, RESIDENTIAL MEDIUM DENSITY MULTIPLE FAMILY” FOR PROPERTIES AT 777 AND 847 EDNA PLACE; AND, FROM “C-2, NEIGHBORHOOD SHOPPING CENTER” TO “RD-3,300, RESIDENTIAL MEDIUM DENSITY MULTIPLE FAMILY” FOR THE WESTERN MOST 128 FEET OF THE PROPERTY AT 731 NORTH GRAND AVENUE, AND, FROM “C-2, NEIGHBORHOOD SHOPPING CENTER” TO “C-4, HIGHWAY COMMERCIAL,” FOR THE EASTERN MOST 149 FEET OF THE PROPERTY LOCATED AT 731 NORTH GRAND AVENUE, AND APPROVING A MITGATED NEGATIVE DECLARATION – APNS: 8429-006-018, 8429-006-017 AND 8429-006-006

WHEREAS, Grand Covina, LLC, “the applicant” submitted an application for a Zone Change ZCH 14-001, as described in the title of this Ordinance to the City of Covina for a residential development consisting of 67 housing units and a commercial development consisting of two (2) commercial building totaling 5,000 square feet with drive-thru facilities. Hereinafter in this Ordinance the subject Zone Change request is referred to as “the application.”

WHEREAS, on August 12, 2014, the Planning Commission conducted a duly noticed public hearing at which time the parties were afforded the opportunity to present oral and written evidence to the Planning Commission and rebut the oral and written evidence presented. At this meeting the Planning Commission closed the public hearing and voted 3 to 2 to recommend denial of the GPA, ZCH and PCD; and

WHEREAS, on September 16, 2014, the City Council conducted a duly noticed public hearing at which time the parties were afforded the opportunity to present oral and written evidence to the City Council and rebut the oral and written evidence presented. At this meeting the City Council closed the public hearing and voted 3 to 2 to overturn the Planning Commission action and approve the GPA, ZCH and PCD. The Council then directed the Planning Department and City Attorney’s Office to prepare appropriate resolutions and ordinances approving these land use entitlements for the Project; and

WHEREAS, on October 7, 2014, the City Council considered the resolutions and ordinances prepared by staff. Subsequently, by a 3-2 vote, the Council reversed its prior decision and denied the GPA, ZCH and PCD; and

WHEREAS, on March 3, 2015, the City Council reopened the public hearing (after providing proper re-noticing under law) at which time the parties were afforded a further opportunity to present oral and written evidence to the City Council and rebut the oral and written evidence presented; and

WHEREAS, all legal prerequisites prior to adoption of this Resolution have occurred.

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

SECTION 1. The foregoing recitals are true and correct and are incorporated herein and made an operative part of this Ordinance.

SECTION 2. The described real property in the City of Covina, County of Los Angeles, State of California, is hereby rezoned as follows:

- a. Assessor's Parcel Map numbers 8429-006-018, 8429-006-017 and the western most 128 feet of Assessor's Parcel Map number 8429-006-006 are rezoned from "M-1, Light Manufacturing" to "RD-3,300, Residential Medium Density Multiple Family."
- b. Assessor's Parcel Map number 8429-006-006 excluding the western most 128 feet is rezoned from "Neighborhood Shopping Center" to "RD-3,300, Residential Medium Density Multiple Family."
- c. Assessor's Parcel Map number 8429-006-006 the eastern most 149 feet is rezoned from "Neighborhood Shopping Center" to "C-4, Highway Commercial."

SECTION 3. After giving full consideration to all evidence presented at the public hearing, both oral and documentary, and after being fully informed, said City Council does hereby find and decide that this Zone Change is consistent with the public interest and with the City's General Plan for the follow reasons:

- a. Despite General Plan policy to preserve the City's relatively limited (roughly 4.7 percent) amount of land designated (under the General Plan Land Use Element) for industrial uses, the General Plan also promotes housing development throughout the community. By having a residential use at this site (i.e., the major component of the project proposal), the City would thus provide additional housing opportunities for persons seeking to reside in the City, which would further generate additional property tax revenue. (Land Use Element Section III – Goals, Objectives and Policies C-2a(3) and C-2a(13))
- b. Having more residents in the community on this site, as well as limited additional commercial activity, would boost local sales tax revenue, enhance property tax revenue, and would likely bolster ongoing revitalization activities in the downtown and in other commercial districts and centers in Covina. (Land Use Element Section III – Goals, Objectives and Policies D-3a(9), F-1a, F-1e and F-1u)

- c. The majority of the project site (8429-006-018, 8429-006-017) is underutilized, deteriorating and blighted with a history of code violations. Properties of this small size and shallow lot depth are not conducive to attracting new and “clean” industrial development on the site as desired by the City. The corner parcel (8329-006-006) of the project site is already designated under the General Plan for commercial use and will continue to be re-developed as commercial use, specifically for two buildings with drive-through facilities such as fast foods café, and/or banks.
- d. Both the residential and commercial components of the Project would allow for a reasonable, attractive, and functional in-fill development for currently underutilized and blighted parcels of land, which is strongly encouraged by the General Plan. (Land Use Element Section III – Goals, Objectives and Policies C-1a(6) and D-1a(21))
- e. In contrast to the existing conditions on the site, both the residential and the commercial components would provide enhancement in the appearance, image, and character of the overall neighborhood, which would foster other positive redevelopment and reinvestment activities on surrounding properties. (Land Use Element Section III – Goals, Objectives and Policies E-1ee, F-1c and F-1e)
- f. On the north side of East Edna Place between North Grand Avenue and North Barranca Avenue there are existing industrial uses which abut existing single family homes that have been there for over 50 years. Because the project site is underutilized and is deteriorating in its overall site conditions, it is an ideal candidate for re-development by private development. Changing the current underutilized and blighted industrial use to the proposed residential project of a higher density (13 units per acre) would provide a proper transition of use to existing single family neighborhood to the north and the existing and future commercial development to the south and east. The proposed project with the imposition of the mitigation measures, including noise attenuation for the dwelling units and its openings (Mitigation Measure No. 7 and Conditions of Approval No. 5.14), a decorative 6 feet high block wall (Mitigation Measure no. 6) and an increase of a 10-foot landscape buffer area with a dense grove of evergreen trees at 8 feet on center along the western property boundary (Conditions of Approval No. 5.1 through 5.9) would address the buffering and the compatibility of the project site to the existing industrial uses on the west side of the project site. This encourages redevelopment of underutilized properties while also providing appropriate transitions between existing land uses. (Land Use Element Section III - Goals, Objectives and Policies D-2a(17) and C-2a(1))
- g. The overall project design would incorporate sufficient amenities, such as on-site parking that is above the minimum required for guest parking spaces, increased percentage of common open space (Site Plan), the 10-foot landscaped buffer area along the western and eastern property boundary (Conditions of Approval No. 5.1 through 5.9), construction methods for the dwelling units that would attenuate exterior noise (Mitigation Measures Nos. 6-13 and Condition of Approval 5.14), to name a few. Therefore, the overall project design together with the compliance of Mitigation Measures and Conditions of Approval will be harmonious with the

surrounding land uses. (Land Use Element Section III – Goals, Objectives and Policies D-1a (6) and E-1a)

- h. The residential component would provide needed housing to enable the City to provide dwelling units according to the Regional Housing Needs Assessment (RHNA) under the Housing Element of the General Plan. The proposed 67 dwelling units would contribute to meeting the production of unmet housing needs of over 800 dwelling units allocated to the City by the RHNA. The Housing Element requires the City to adopt policies and practices that encourage the development of housing in the community, which has also been declared to be a matter of Statewide policy.

SECTION 4. Based upon the facts and information contained in the proposed Mitigated Negative Declaration, together with all written and oral reports included for the environmental assessment for the applicant, the City Council finds that there is no substantial evidence that the project will have a significant effect upon the environment and adopts a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program attached hereto and incorporated herein by this references based upon the following findings:

- a. Pursuant to the California Environmental Quality Act (CEQA), the City staff prepared an Initial Study of the potential environmental effects pf the project. Based on the findings contained in that Initial Study, City staff determined that, with the imposition of the mitigation measures, there would be no substantial evidence that the project would have a significant effect on the environment. Based on that determination, a Mitigated Negative Declaration was prepared. Therefore, the City staff provided public notice of the public comment period and of the intent to adopt the Mitigated Negative Declaration.
- b. The City Council has reviewed the Mitigated Negative Declaration and all comments received regarding the Mitigated Negative Declaration and, based on the whole record before it, finds: (i) that the mitigated Negative Declaration was prepared in compliance with CEQA; and (ii) that, based on the imposition of the mitigation measures, there is no substantial evidence that the project will have a significant effect on the environmental. The City Council further finds that the Mitigated Negative Declaration reflects that independent judgment and analysis of the City Council. Based on these findings, the City Council hereby adopts the Mitigated Negative Declaration and the Mitigation Monitoring Program for the project.
- c. The custodian of records for the Initial Study, Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program and all other materials which constitute the record of proceedings upon which the City Council’s decision is based is the City Planner of the City of Covina. These documents are available for public review in the Planning Division of the City of Covina located at 125 E. College Street, Covina, California 91723.

SECTION 5. In consideration of the findings stated above, the City Council of City of Covina hereby approve the application, subject to the conditions of approval from all related land

use entitlements, Planned Community Development PCD 14-002, Tentative Tract Map TTM 72721 and Site Plan Review SPR 14-003, which are deemed necessary to protect the public, health, safety and general welfare of the community. Conditions of Approval are available in City Clerk's Office.

SECTION 6. This Ordinance shall take effect thirty (30) days following its adoption.

SECTION 7. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a local weekly newspaper of general circulation and which is hereby designated for that purpose.

PASSED APPROVED AND ADOPTED on the 3rd day of March, 2015.

Peggy Delach, Mayor

ATTEST:

Mary Lou Walczak, City Clerk

APPROVED AS TO FORM:

Elizabeth Hull, City Attorney

I, Catherine M. LaCroix, Senior Deputy City Clerk of the City of Covina, California, do hereby certify that the foregoing **Ordinance No. 15-2038** was introduced and adopted by City Council of the City of Covina at a regular meeting thereof held on the 3rd day of March, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Catherine M. LaCroix
Senior Deputy City Clerk

ORDINANCE NO. 15-2039

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, ESTABLISHING A PLANNED COMMUNITY DEVELOPMENT OVERLAY ZONE PCD 14-002 ON THE OFFICIAL ZONING MAP OF THE CITY FOR PROPERTIES LOCATED AT 777 AND 847 EDNA PLACE AND, 731 NORTH GRAND AVENUE, AND APPROVING A MITGATED NEGATIVE DECLARATION – APNS: 8429-006-018, 8429-006-017 AND 8429-006-006

WHEREAS, Grand Covina, LLC, “the applicant” submitted an application to establish a Planned Community Development Overlay Zone, PCD14-002, as described in the title of this Ordinance to the City of Covina for a residential development consisting of 67 housing units and a commercial development consisting of two (2) commercial building totaling 5,000 square feet with drive-thru facilities. Hereinafter in this Ordinance the subject Planned Community Development request is referred to as “the application.”

WHEREAS, on August 12, 2014, the Planning Commission conducted a duly noticed public hearing at which time the parties were afforded the opportunity to present oral and written evidence to the Planning Commission and rebut the oral and written evidence presented. At this meeting the Planning Commission closed the public hearing and voted 3 to 2 to recommend denial of the GPA, ZCH and PCD; and

WHEREAS, on September 16, 2014, the City Council conducted a duly noticed public hearing at which time the parties were afforded the opportunity to present oral and written evidence to the City Council and rebut the oral and written evidence presented. At this meeting the City Council closed the public hearing and voted 3 to 2 to overturn the Planning Commission action and approve the GPA, ZCH and PCD. The Council then directed the Planning Department and City Attorney’s Office to prepare appropriate resolutions and ordinances approving these land use entitlements for the Project; and

WHEREAS, on October 7, 2014, the City Council considered the resolutions and ordinances prepared by staff. Subsequently, by a 3-2 vote, the Council reversed its prior decision and denied the GPA, ZCH and PCD; and

WHEREAS, on March 3, 2015, the City Council reopened the public hearing (after providing proper re-noticing under law) at which time the parties were afforded a further opportunity to present oral and written evidence to the City Council and rebut the oral and written evidence presented; and

WHEREAS, all legal prerequisites prior to adoption of this Resolution have occurred.

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

SECTION 1. The foregoing recitals are true and correct and are incorporated herein and made an operative part of this Ordinance.

SECTION 2. The following described real property in the City of Covina, County of Los Angeles, State of California, shall be subject to a Planned Community Overlay zone as follows:

- a. Assessor’s Parcel Map numbers 8429-006-018, 8429-006-017 and the western most 128 feet of Assessor’s Parcel Map number 8429-006-006 are designated as “RD-3,300 (PCD), Residential Medium Density Multiple Family and Planned Community Development.”
- b. Assessor’s parcel Map number 8429-006-006, excluding the western most 128 feet is designated as “C-4 (PCD), Highway Commercial and Planned Community Development.”
- c. The Planned Community Development Overlay Zone establishes the following special zoning standards for the project as shown in the following Table 1:

Table 1: Planned Community Development (PCD) Overlay Exceptions		
Residential Component		
DEVELOPMENT STANDARD	CODE REQUIREMENT	PCD EXCEPTION REQUEST
<i>Front Yard Setback From Edna Place</i>	25 feet –first story 40 feet –second & third levels	9-15 feet for all levels
<i>Side Yard Setback</i> a. <i>Single Family Detached</i> b. <i>Attached Townhouses</i>	10 feet 15 feet	15 -34 feet 10 feet
<i>Distance Between Buildings</i> a. <i>Single Family Detached</i> b. <i>Attached Townhouses</i>	17 feet 19 feet	8 to 9 feet 10 feet
<i>Rear Yard Setback</i>	From northern boundary of overall project (single-family detached) – 50.5 feet for both levels.	7 feet.

Parking		
a. Single Family Detached	2 garage spaces and 1.5 open parking spaces per unit = 123 spaces	70 garage spaces and 35 open parking spaces = 105 spaces
b. Attached Townhouses	2 garage spaces and 1.0 and 1.5 open parking spaces for respectively, 3-bedroom unit (10 units) and 4-bedroom units (22 units) = 107 spaces	64 garage spaces and 32 open parking spaces = 96 spaces
c. Guest Parking 1 space for every five units	13 spaces	13 spaces and additional 80 open parking spaces
Total	243 spaces (open parking 109 spaces)	214 spaces Note: Parking, though short of total Code requirement, meets recent City Council policy of developments needing to provide 2 garage parking spaces and 1 open parking space per unit and "1 per 5" guest parking.
Maximum % Compact Parking Open Spaces	50%	61%
Building Height	Up to 2 stories or 35 ft. except by conditional use permit or (CUP) or (PCD)	<u>Townhomes:</u> Maximum at 36'3" (all 3-story units)
Private Open Space		
a. Minimum Depth/Width	12 feet	5 feet
b. Total Area	120 square feet	65 and 75 square feet

Table 1 Cont.		
Planned Community Development (PCD) Overlay Exceptions		
Commercial Component		
DEVELOPMENT STANDARD		
Lot Depth	150 feet	149 feet 6 inches
Landscaped buffer separating commercial and Residential properties	10 feet	5 feet

SECTION 3. After giving full consideration to all evidence presented at the public hearing, both oral and documentary, and after being fully informed, said City Council does hereby find and decide:

- a. That the site for the proposed use is adequate in size and shape to accommodate the use.

Fact: The overall size of the site is 6.10 acres. The proposed density of the residential component of the project is about 13 units per acre, which is within the 6.1 to 14.0 density range allowed by the Medium Density General Plan Land Use Designation. The proposed Floor Area Ratio for the commercial component of the project is 0.12, which is below the maximum Floor Area Ratio of 1.5 allowed for the General Commercial General Commercial Land Use Designation. The site, upon approval of the PCD Overlay, would meet the development standards of the appurtenant “RD” and “C-4” Zones. The proposed project design, with the compliance of the conditions of approval and the mitigation measures and together with the inclusion of the landscape buffering to the east and west property boundaries, would further the project functionalism and viability.

b. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.

Fact: The surrounding streets (E. Edna Place and S. Grand Avenue) are major thoroughfares in the City of Covina which have been determined to have sufficient capacity to handle future project-related traffic in a safe manner as long as the project conditions are met. The City will ensure that the conditions of approval and mitigation measures are fulfilled through project inspection and adherence to the approved site plan. The project is responsible to install new curb, gutter and sidewalk for the entire street frontage of the project site and will connect easterly to existing sidewalk on North Grand Avenue. Changes in project design for the residential development that provide a 10-foot landscape buffer area along the western and eastern property boundaries, as well as other improvements mentioned in finding (d) below, will satisfactorily mitigate adverse effects to surrounding properties.

c. That the proposed use is not detrimental to the surrounding properties or uses permitted in the general area.

Fact: On the north side of East Edna Place between North Grand Avenue and North Barranca Avenue there are existing industrial uses which abut existing single family homes that have been there for over 50 years. Because the project site is underutilized and is deteriorating in its overall site conditions, it is an ideal candidate for re-development by private development. Changing the current underutilized and blighted industrial use to the proposed residential project of a higher density (13 units per acre) would provide a proper transition of use to existing single family neighborhood to the north and the existing and future commercial development to the south and east. The proposed project with the imposition of the mitigation measures, including noise attenuation for the dwelling units and its openings (Mitigation Measure No. 7 and Conditions of Approval No. 5.14), a decorative 6 feet high block wall (Mitigation Measure no. 6) and an increase of a 10-foot landscape buffer area with a dense grove of evergreen trees at 8 feet on center along the western property boundary (Conditions of Approval No. 5.1 through 5.9) would address the buffering and the compatibility of the project site to the existing industrial uses on the west side

of the project site. This encourages redevelopment of underutilized properties while also providing appropriate transitions between existing land uses. (Land Use Element Section III - Goals, Objectives and Policies D-2a(17) and C-2a(1)). Therefore, the proposed project would not be detrimental to the surrounding properties or uses permitted in the general area.

d. That the conditions stated in the decision are deemed necessary to protect the health, safety and general welfare; such conditions shall include, but not be limited to:

Fact: The project design with the application of the conditions of approval and the mitigation measures will be functional and compatible with the uses found within the residential, commercial, and institutional properties surrounding the site. The proposed project will be subject to mitigation measures such as noise attenuation for the dwelling units and its openings (Mitigation Measure No. 6 through 13 and Condition of Approval No. 5.14), a decorative 6 feet high block wall (Mitigation Measure No. 6) and an increase of a 10-foot landscape buffer area with a dense grove of evergreen trees at 8 feet on center along the western property boundary (Conditions of Approval No. 5.2 through 5.9) would address the buffering and the compatibility of the project site to the neighboring uses. Therefore, the revised project design would be harmonious with the surrounding land uses and would further the public health, safety, and welfare.

SECTION 4. Based upon the facts and information contained in the proposed Mitigated Negative Declaration, together with all written and oral reports included for the environmental assessment for the applicant, the City Council finds that there is no substantial evidence that the project will have a significant effect upon the environment and adopts a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program attached hereto and incorporated herein by this references based upon the following findings:

- a. Pursuant to the California Environmental Quality Act (CEQA), the City staff prepared an Initial Study of the potential environmental effects of the project. Based on the findings contained in that Initial Study, City staff determined that, with the imposition of the mitigation measures, there would be no substantial evidence that the project would have a significant effect on the environment. Based on that determination, a Mitigated Negative Declaration was prepared. Therefore, the City staff provided public notice of the public comment period and of the intent to adopt the Mitigated Negative Declaration.
- b. The City Council has reviewed the Mitigated Negative Declaration and all comments received regarding the Mitigated Negative Declaration and, based on the whole record before it, finds: (i) that the mitigated Negative Declaration was prepared in compliance with CEQA; and (ii) that, based on the imposition of the mitigation measures, there is no substantial evidence that the project will have a significant effect on the environmental. The City Council further finds that the Mitigated Negative Declaration reflects that independent judgment and analysis of the City Council. Based on these findings, the City Council hereby adopts the Mitigated

Negative Declaration and the Mitigation Monitoring and Reporting Program for the project.

- c. The custodian of records for the Initial Study, Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program and all other materials which constitute the record of proceedings upon which the City Council's decision is based is the City Planner of the City of Covina. These documents are available for public review in the Planning Division of the City of Covina located at 125 E. College Street, Covina, California 91723.

SECTION 5. In consideration of the findings stated above, the City Council of City of Covina hereby approve the application, subject to the conditions of approval from all related land use entitlements, Tentative Tract Map TTM 72721 and Site Plan Review SPR 14-003, which are deemed necessary to protect the public, health, safety and general welfare of the community. Conditions of Approval are available in City Clerk's Office.

SECTION 6. This Ordinance shall take effect thirty (30) days following its adoption.

SECTION 7. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a local weekly newspaper of general circulation and which is hereby designated for that purpose.

PASSED APPROVED AND ADOPTED on the 3rd day of March, 2015.

Peggy Delach, Mayor

ATTEST:

Mary Lou Walczak, City Clerk

APPROVED AS TO FORM:

Elizabeth Hull, City Attorney

I, Catherine M. LaCroix, Senior Deputy City Clerk of the City of Covina, California, do hereby certify that the foregoing **Ordinance No. 15-2039** was introduced and adopted by City Council of the City of Covina at a regular meeting thereof held on the 3rd day of March, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Catherine M. LaCroix
Senior Deputy City Clerk

RESOLUTION NO. 15-7333

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 72721 FOR THE RESIDENTIAL DEVELOPMENT OF 67 LOTS AND FOR COMMERCIAL DEVELOPMENT OF 2 LOTS AND APPROVING A MITIGATED NEGATIVE DECLARATION – APNS: 8429-006-018, 8429-006-017 AND 8429-006-006

WHEREAS, Grand Covina, LLC, “the applicant” submitted an application for a Tentative Tract Map 72721, as described in the title of this Resolution to the City of Covina. Hereinafter in this Resolution the subject Tentative Tract Map 72721 request is referred to as “the application.”

WHEREAS, the project proposal named “Gran Covina Mixed Use Project,” consists of both residential and commercial development. The residential development includes 35 single family lots, 32 townhouse lots, 6 lettered lots for common open space and one (1) lettered lot for private driveway access, on approximately 5 acres of land. The commercial development consists of two (2) commercial buildings totaling 5,000 square feet with drive-through facilities on approximately 1 acre of land.

WHEREAS, the land use application includes a request for a General Plan Amendment, a Zone Change, the establishment of a Planned Community Development Overlay Zone, and a Site Plan Review.

WHEREAS, on August 12, 2014, the Planning Commission conducted a duly noticed public hearing at which time the parties were afforded the opportunity to present oral and written evidence to the Planning Commission and rebut the oral and written evidence presented. At this meeting the Planning Commission closed the public hearing and voted 3 to 2 to recommend denial of the GPA, ZCH and PCD; and

WHEREAS, on September 16, 2014, the City Council conducted a duly noticed public hearing at which time the parties were afforded the opportunity to present oral and written evidence to the City Council and rebut the oral and written evidence presented. At this meeting the City Council closed the public hearing and voted 3 to 2 to overturn the Planning Commission action and approve the GPA, ZCH and PCD. The Council then directed the Planning Department and City Attorney’s Office to prepare appropriate resolutions and ordinances approving these land use entitlements for the Project; and

WHEREAS, on October 7, 2014, the City Council considered the resolutions and ordinances prepared by staff. Subsequently, by a 3-2 vote, the Council reversed its prior decision and denied the GPA, ZCH and PCD; and

WHEREAS, on March 3, 2015, the City Council reopened the public hearing (after providing proper re-noticing under law) at which time the parties were afforded a further

opportunity to present oral and written evidence to the City Council and rebut the oral and written evidence presented; and

WHEREAS, all legal prerequisites prior to adoption of this Resolution have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and are incorporated herein and made an operative part of this Resolution.

SECTION 2. After giving full consideration to all evidence presented at the public hearing, both oral and documentary, and after being fully informed, said City Council does hereby find and decide:

- a. The design and improvements of the proposed subdivision is consistent with the General Plan and all applicable codes and regulations.

Fact: After the adoption of the related applications General Plan Amendment GPA 14-002, Zone Change ZCH 14-001 and Planned Community Development PCD 14-002, the proposed project will be consistent with the General Plan and all applicable codes and regulations. The proposed commercial development of 2 buildings with drive-through facilities is consistent with the General Plan. The specific design of the proposed 2 commercial buildings with drive-through facilities is subject to future review under Conditional Use Permit and Site Plan Review applications that will ensure the design complies with all applicable codes, regulations and design guidelines.

- b. The subdivision is physically suitable for the type and proposed density of development proposed by the tentative map.

Fact: The overall size of the site is 6.10 acres. The proposed density of the residential component of the project is about 13 units per acre, which is within the 6.1 to 14.0 density range allowed by the Medium Density General Plan Land Use Designation. The proposed Floor Area Ratio for the commercial component of the project is 0.12, which is below the maximum Floor Area Ratio of 1.5 allowed for the General Commercial General Commercial Land Use Designation. The site, upon approval of the PCD Overlay, would meet most development standards of the appurtenant "RD" and "C-4" Zones. The proposed project design, notably the landscape-related buffering at the eastern and western property boundaries, when considered with the conditions of approval and the mitigation measures, would further project functionalism and viability.

- c. The design of the subdivision and proposed improvements, with conditions of approval will not be likely to cause significant environmental damage or substantially and avoidably injure fish or wildlife or their habitat; or

Fact: The project site is about 6.1 acre in size, in a predominantly urban location and is surrounded by existing single family homes to the north, commercial uses to the east and industrial uses to the west and south. The project site is currently underutilized and deteriorating, and the development proposal would constitute an in-fill development. The site is not designated fish or wildlife habitat nor is it located nearby to any such territory. Further, as noted in the Mitigated Negative Declaration for this Project, with mitigation measure incorporated, the City finds that the project will result in less than significant environmental impact. Therefore, the subdivision will not be likely to cause significant environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

- d. The design of the subdivision and the type of improvements are not likely to cause serious public health problems.

Fact: The overall project design would incorporate sufficient amenities, such as on-site parking that meets the required standard for guest parking (Site Plan), an increased percentage of common open space (Site Plan), increased or 10-foot wide landscaped buffers area along the western and eastern property boundaries (Conditions of Approval No. 5.1 through 5.9), and dwelling unit-related construction methods that would attenuate exterior noise (Mitigation Measures Nos. 6-13 and Condition of Approval No. 5.14), to name a few. Therefore, the overall project design and the development and use of the overall project in a manner conforming to the various Mitigation Measures and Conditions of Approval will ensure development harmony with surrounding land uses and will not cause serious public health problems. (Land Use Element Section III – Goals, Objectives and Policies D-1a (6) and E-1a)

- e. The design of the subdivision provide for future passive or natural heating and cooling opportunities in the subdivision to the extent feasible.

Fact: The design of the subdivision and its proposed residential and commercial development components will provide the possibility and opportunity to have passive solar cooling and heating for the buildings. Furthermore, the residential and commercial development will have to comply with Title 24 of the Uniform Building Code.

- f. Focusing on the design of the subdivision and the type of improvements to be required, the project will not conflict with easements acquired by the public at large for access through or the use of the subdivision or with the design of alternate easements that are substantially equivalent to those previously acquired by the public.

Fact: The design of the subdivision will not conflict with existing City rights-of-way or other public access easements. According to City records, there are no alternate or potential easements that would be affected by the Project.

- g. The proposed project with its subdivision design is consistent with the city's parkland dedication requirements (Quimby Act – Chapter 16.28 CMC).

Fact: A Condition of Approval is in place that the project will pay its fair share of the Parkland Impact Fee to the city, pursuant to the City's Quimby Act Ordinance (CMC Chapter 16.28) prior to the recordation of final map and/or prior to issuance of the first building permit, whichever comes first.

- h. The applicant has demonstrated that a sufficient water supply will be available to serve the subdivision, in accordance with California Government Code Section 66473.7.

Fact: According to the City's Public Works Department, the City has sufficient capacity to provide water to serve the subdivision without negative impact to other properties in the City.

SECTION 3. Based upon the facts and information contained in the proposed Mitigated Negative Declaration, together with all written and oral reports included for the environmental assessment for the applicant, the City Council finds that there is no substantial evidence that the project will have a significant effect upon the environment and adopts a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program attached hereto and incorporated herein by this references based upon the following findings:

- a. Pursuant to the California Environmental Quality Act (CEQA), the City staff prepared an Initial Study of the potential environmental effects of the project. Based on the findings contained in the Initial Study, the City staff determined that, with the imposition of the Mitigation Measures, there would be no substantial evidence that the project would have a significant effect on the environment. Based on that determination, a Mitigated Negative Declaration was prepared. Therefore, the City staff provided public notice of the public comment period and of the intent to adopt the Mitigated Negative Declaration.
- b. The City Council has reviewed the Mitigated Negative Declaration and all comments received regarding the Mitigated Negative Declaration and, based on the whole record before it, finds: (i) that the mitigated Negative Declaration was prepared in compliance with CEQA; and (ii) that, based on the imposition of the Mitigation Measures, there is no substantial evidence that the project will have a significant effect on the environment. The City Council further finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council. Based on these findings, the City Council hereby adopts the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the project.
- c. The custodian of records for the Initial Study, Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program and all other materials, which constitute the record of proceedings upon which the City Council's decision is based, is the City Planner of the City of Covina. These documents are available for public review in the Planning Division of the City of Covina located at 125 E. College

Street, Covina, California 91723.

SECTION 4. In consideration of the findings stated above, the City Council of City of Covina hereby approves this application, subject to all Conditions of Approval and to the Mitigation Measures of the Mitigation Monitoring and Reporting Program as shown in Exhibit "A," incorporated herein by reference. The approval of the application shall not take effect unless and until the City Council approves the related land use entitlements, General Plan Amendment GPA 14-002, Zone Change ZCH 14-001 and Planned Community Development PCD 14-002, which are deemed necessary to further protect the public, health, safety and general welfare of the community. The Conditions of Approval and the Mitigation Monitoring and Reporting Program are available in City Clerk's Office.

SECTION 5. This Resolution shall take effect upon the effective date of the General Plan Amendment GPA 14-002, Zone Change ZCH 14-001 and Planned Community Development PCD 14-002.

SECTION 6. The City Clerk shall certify to the adoption of this Resolution.

PASSED APPROVED AND ADOPTED on the 3rd day of March, 2015.

Peggy Delach, Mayor

ATTEST:

Mary Lou Walczak, City Clerk

APPROVED AS TO FORM:

Elizabeth Hull, City Attorney

I, Catherine M. LaCroix, Senior Deputy City Clerk of the City of Covina, California, do hereby certify that the foregoing **Resolution No. 15-7333** was introduced and adopted by City Council of the City of Covina at a regular meeting thereof held on the 3rd day of March, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Catherine M. LaCroix
Senior Deputy City Clerk

RESOLUTION NO. 15-7334

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, APPROVING SITE PLAN REVIEW SPR 14-003 FOR THE RESIDENTIAL DEVELOPMENT OF 67 UNITS AND THE COMMERCIAL DEVELOPMENT OF 2 BUILDINGS WITH DRIVE-THROUGH FACILITIES AND APPROVING A MITIGATED NEGATIVE DECLARATION – APNS: 8429-006-018, 8429-006-017 AND A PORTION OF 8429-006-006

WHEREAS, Grand Covina, LLC, “the applicant” submitted an application for a Site Plan Review SPR 14-003, as described in the title of this Resolution to the City of Covina. Hereinafter in this Resolution the subject Site Plan Review SPR 14-003 request is referred to as “the application.”

WHEREAS, the project proposal named “Gran Covina Mixed Use Project,” consists of both residential and commercial development. The residential development includes 35 single family lots, 32 townhouse lots, six (6) lettered lots for common open space and one (1) lettered lot for private driveway access, on approximately 5 acres of land. The commercial development consists of two (2) commercial buildings totaling 5,000 square feet with drive-through facilities on approximately 1 acre of land.

WHEREAS, the land use application includes a request for a General Plan Amendment, a Zone Change, the establishment of a Planned Community Development Overlay Zone, and a Tentative Tract Map.

WHEREAS, on August 12, 2014, the Planning Commission conducted a duly noticed public hearing at which time the parties were afforded the opportunity to present oral and written evidence to the Planning Commission and rebut the oral and written evidence presented. At this meeting the Planning Commission closed the public hearing and voted 3 to 2 to recommend denial of the GPA, ZCH and PCD; and

WHEREAS, on September 16, 2014, the City Council conducted a duly noticed public hearing at which time the parties were afforded the opportunity to present oral and written evidence to the City Council and rebut the oral and written evidence presented. At this meeting the City Council closed the public hearing and voted 3 to 2 to overturn the Planning Commission action and approve the GPA, ZCH and PCD. The Council then directed the Planning Department and City Attorney’s Office to prepare appropriate resolutions and ordinances approving these land use entitlements for the Project; and

WHEREAS, on October 7, 2014, the City Council considered the resolutions and ordinances prepared by staff. Subsequently, by a 3-2 vote, the Council reversed its prior decision and denied the GPA, ZCH and PCD; and

WHEREAS, on March 3, 2015, the City Council reopened the public hearing (after providing proper re-noticing under law) at which time the parties were afforded a further

opportunity to present oral and written evidence to the City Council and rebut the oral and written evidence presented; and

WHEREAS, all legal prerequisites prior to adoption of this Resolution have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and are incorporated herein and made an operative part of this Resolution.

SECTION 2. After giving full consideration to all evidence presented at the public hearing, both oral and documentary, and after being fully informed, said City Council does hereby find and decide:

- a. All provisions of the Zoning Ordinance are complied with.

Fact: After approval of the General Plan Amendment, Zone Change and Planned Community Development Overlay Zone related to this project, as well as the applications of the conditions of approval and the mitigation measures, then, the overall project proposal will meet applicable zoning provisions.

- b. The basic project elements are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, and no adverse effects will occur on surrounding properties.

Fact: The surrounding streets (E. Edna Place and S. Grand Avenue) are major thoroughfares in the City of Covina which have been determined to have sufficient capacity to handle future project-related traffic in a safe manner as long as the project conditions are met. The City will ensure that the conditions of approval and mitigation measures are fulfilled through project inspection and adherence to the approved site plan. The project is responsible to install new curb, gutter and sidewalk for the entire street frontage of the project site and will connect easterly to existing sidewalk on North Grand Avenue. Changes in project design for the residential development that provide a 10-foot landscape buffer area along the western and eastern property boundaries, as well as other improvements mentioned in finding (d) below, will satisfactorily mitigate adverse effects to surrounding properties.

- c. The project design conforms to the General Plan and any design guidelines or specific plans that may be applicable to the project.

Fact: The project complies with the residential density and commercial intensity provisions of the General Plan, as amended by the General Plan Amendment and Zone Change. Changes in project design for the residential development that provide a 10-foot landscape buffer area with a dense grove of trees and decorative sound wall along the western and eastern property boundaries have resulted in full consistency with the General Plan and Covina Design Guidelines according to Section IV C item 1 through 4. Furthermore, the commercial component of the proposed project is

subjected to the adherence to the General Plan, all applicable codes and regulations and the Covina Design Guidelines through a separate Conditional Use Permit at a future date.

- d. The project design is harmonious, consistent, and complete within itself and functionally and visually compatible with neighboring land uses.

Fact: The project design with the application of the conditions of approval and the mitigation measures will be functional and compatible with the uses found within the residential, commercial, and institutional properties surrounding the site. The proposed project will be subject to mitigation measures such as noise attenuation for the dwelling units and its openings (Mitigation Measure No. 6 through 13 and Condition of Approval No. 5.14), a decorative 6 feet high block wall (Mitigation Measure No. 6) and an increase of a 10-foot landscape buffer area with a dense grove of evergreen trees at 8 feet on center along the western property boundary (Conditions of Approval No. 5.2 through 5.9) would address the buffering and the compatibility of the project site to the neighboring uses.

- e. The development will constitute an adequate environment for the intended use by sustaining the desirability and stability of the neighborhood and community.

Fact: The development will be a physical improvement over the existing blighted and underutilized conditions of the property. In addition, the construction of residential and commercial uses will help meet the demand for new housing and commercial uses in the immediate area. The project's residential element is consistent with neighboring residential uses to the immediate north and the commercial element intended to provide restaurant services is consistent with existing commercial/restaurant use to the south across Edna Place (southwest corner of Edna and Grand).

- f. Proposed lighting is so arranged as to reflect the light away from adjoining properties.

Fact: All outside lighting will be required as a standard condition of approval to be designed and sited in a manner that prohibits glare onto adjacent properties.

- g. Proposed signs will not, by size, location, color, or lighting, interfere with traffic or limit visibility.

Fact: No signs are currently proposed for the project. However, each retail use proposed to occupy the commercial portion of the project will be required to meet the sign standards of the Zoning Ordinance under separate staff-level review and permit. A condition of approval has been included to this effect.

SECTION 3. Based upon the facts and information contained in the proposed Mitigated Negative Declaration, together with all written and oral reports included for the environmental assessment for the applicant, the City Council finds that there is no substantial evidence that the project will have a significant effect upon the environment and adopts a Mitigated Negative

Declaration and Mitigation Monitoring and Reporting Program attached hereto and incorporated herein by this references based upon the following findings:

- a. Pursuant to the California Environmental Quality Act (CEQA), the City staff prepared an Initial Study of the potential environmental effects pf the project. Based on the findings contained in that Initial Study, City staff determined that, with the imposition of the mitigation measures, there would be no substantial evidence that the project would have a significant effect on the environment. Based on that determination, a Mitigated Negative Declaration was prepared. Therefore, the City staff provided public notice of the public comment period and of the intent to adopt the Mitigated Negative Declaration.
- b. The City Council has reviewed the Mitigated Negative Declaration and all comments received regarding the Mitigated Negative Declaration and, based on the whole record before it, finds: (i) that the mitigated Negative Declaration was prepared in compliance with CEQA; and (ii) that, based on the imposition of the mitigation measures, there is no substantial evidence that the project will have a significant effect on the environmental. The City Council further finds that the Mitigated Negative Declaration reflects that independent judgment and analysis of the City Council. Based on these findings, the City Council hereby adopts the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the project.
- c. The custodian of records for the Initial Study, Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program and all other materials which constitute the record of proceedings upon which the City Council’s decision is based is the City Planner of the City of Covina. These documents are available for public review in the Planning Division of the City of Covina located at 125 E. College Street, Covina, California 91723.

SECTION 4. In consideration of the findings stated above, the City Council of City of Covina hereby approve the application, subject all conditions of approval and the mitigation measures of the Mitigation Monitoring and Reporting Program as shown in Exhibit “A” attached hereto and incorporated herein by reference. The approval of the application shall not take effect unless and until the City Council approves the related land use entitlements of General Plan Amendment GPA 14-002, Zone Change ZCH 14-001, Planned Community Development PCD 14-002, and the Tentative Tract Map 72721, which are deemed necessary to protect the public, health, safety and general welfare of the community. Conditions of Approval are available in City Clerk’s Office.

SECTION 5. This Resolution shall take effect upon the effective date of the General Plan Amendment, the Zone Change and the Planned Community Development entitlements that are a part of this Project.

SECTION 6. The City Clerk shall certify to the adoption of this Resolution.

PASSED APPROVED AND ADOPTED on the 3rd day of March, 2015.

Peggy Delach, Mayor

ATTEST:

Mary Lou Walczak, City Clerk

APPROVED AS TO FORM:

Elizabeth Hull, City Attorney

I, Catherine M. LaCroix, Senior Deputy City Clerk of the City of Covina, California, do hereby certify that the foregoing **Resolution No. 15-7334** was introduced and adopted by City Council of the City of Covina at a regular meeting thereof held on the 3rd day of March, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Catherine M. LaCroix
Senior Deputy City Clerk

**PROJECT: GPA 14-002
ZCH 14-001
PCD 14-002;
TTM 72721
SPR 14-003**

**GRAND COVINA, LLC
RESIDENTIAL AND COMMERCIAL DEVELOPMENT**

777-847 East Edna Place and 731 North Grand Avenue, Covina, CA

CONDITIONS OF APPROVAL

AS AMENDED BY THE CITY COUNCIL ON SEPTEMBER 16 AND OCTOBER 7, 2014

Table of Contents

APPLICATION AUTHORIZATION

1.0 TIME LIMITS

2.0 GENERAL REQUIREMENTS

3.0 PRIOR TO THE ISSUANCE OF BUILDING PERMITS

4.0 PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY

5.0 ADDITIONAL CONDITIONS OF APPROVAL FOR BUFFERING

1. Resolution No. 14-7291, certifying a Mitigated Negative Declaration (MND) and approving the Mitigation Monitoring and Reporting Program (MMP) for General Plan Amendment GPA 14-002, Zone Change ZCH 14-001, Planned Community Development PCD 14-002, Tentative Tract Map TTM 72121 and Site Plan Review SPR 14-003.
2. Resolution No. 14-7292, changing the General Plan Land Use Map designation from “General Industrial” to “Medium Density Residential” for properties at 777 and 847 E. Edna Place and from “General Commercial” to “Medium Density Residential” for the western most 128 feet of the property at 731 North Grand Avenue.
3. Ordinance No. 14-2034, amending the official Zoning Map by changing the Zoning Designations from “M-1, Light Manufacturing” to “RD-3,300, Residential Medium Density Multiple Family” for properties at 777 and 847 E. Edna Place; from “C-2, Neighborhood Shopping Center” to “RD-3,300, Residential Medium Density Multiple Family” for the western most 128 feet of the property at 731 North Grand Avenue; and from “C-2, Neighborhood Shopping Center” to “C-4, Highway Commercial” for the eastern most 149 feet of the property at 731 North Grand Avenue.
4. Ordinance No. 14-2035, establishing a Planned Community Development Overlay Zone on the official Zoning Map for properties located at 777 AND 847 E. Edna Place and 731 North Grand Avenue.
5. Resolution No. 14-7293, approving Tentative Tract Map 72721 for the residential development of 67 residential lots and the commercial development of 2 lots.
6. Resolution No. 14-7294, approving a Site Plan Review SPR 14-003 for the residential development of 67 dwelling units and the commercial development of 2 buildings with drive-through facilities.

1.0 TIME LIMITS:

- 1.1 ***Tentative Tract Map 72721:*** Approval of this application will expire two years from the date of project approval if the final map is not recorded. The applicant may apply to extend the expiration date for a period not to exceed one year upon written request to the City Planner a minimum of thirty (30) days prior to expiration. The request must be approved by the City Council prior to expiration of the applications.

- 1.2 ***Site Plan Review (SPR) 14-003:*** Approval of this application will be subject to revocation one year from the date of project approval if building permits are not issued. The applicant may apply to extend the expiration date for a period not to exceed one year upon written request to the City Planner a minimum of thirty (30) days prior to expiration. The request must be approved by the City Council prior to expiration of the applications.
- 1.3 ***Application Site Plan Review SPR 14-003 and Tentative Tract Map 72721*** shall not take effect unless and until the City Council approves applications GPA 14-002, ZCH 14-001, and PCD 14-002.

2.0 GENERAL REQUIREMENTS:

- 2.1 Failure to comply with any conditions of approval noted herein or any future violation of conditions may result in revocation of project approval by the City.
- 2.2 The project or uses may proceed only in accordance with approved plans on file with the Community Development Department, all representations of record made by the applicant(s), the conditions contained herein, the Covina Municipal Code, and the Covina Design Guidelines. In addition, any future proposed changes or modifications in the design of any site component approved herein shall not proceed without City approval.
- 2.3 Minor modifications to this approval that are determined by the City Planner or his/her designee to be in substantial conformance with the approved project plans and that do not intensify or change the use or require any deviations from adopted standards may be approved by the City Planner upon submittal of an administrative application and the required fee.
- 2.4 The project will require a Mitigated Negative Declaration of Environmental Impact under the California Environmental Quality Act (CEQA). This will necessitate the filing of a Notice of Determination and the payment of a filing fee. All Mitigation Measures under the Mitigation Monitoring Program of this process shall be fulfilled.
- 2.5 Of the eighty open parking spaces in the residential component of the project, one open parking space shall be assigned to each dwelling unit, and thirteen of the spaces shall be reserved for guest parking purposes. At the front of each of the aforementioned open parking spaces, conspicuous signage shall be posted stating either the "resident only" or "residential guest only" to best convey to the public the limitations of this parking. All of the above- noted restrictions and requirements concerning the open parking spaces shall be stated in and enforced under the project-related Conditions, Covenants, and Restrictions (C, C & Rs).

Under the aforementioned provisions of this Condition, the residential component of the project shall be considered to meet the applicable parking requirements.

- 2.6** For the commercial component of the project, following plan modification, the provided parking shall continue to meet the applicable City requirements or be otherwise addressed under zoning provisions. This parking shall not be used by residents or guest of the residential component of the project. And all applicable restrictions and requirements concerning this parking shall be stated in and enforced under the project-related Conditions, Covenants, and Restrictions (C, C & Rs).
- 2.7** For all commercial activities on the project site, all loading shall be performed in a manner that minimizes any interference with other commercial activities on the site and with the residential uses on the property plus that conforms to applicable Code requirements. This restriction shall be stated in and enforced under the project-related Conditions, Covenants, and Restrictions (C, C & Rs).
- 2.8** Final plans incorporating all conditions of approval and any plan-related changes required in the approval process shall be submitted for review and approval by the City Planner prior to building permit issuance in conjunction with the Plan Check process of the Building Division. Conditions listed herein shall be printed upon the face of and included as part of the plans as required by the City Planner.
- 2.9** A complete building materials illustration board, describing material, brands, types, and applicable reference numbers shall be submitted to the Planning Division. Minor modifications in elevation details and/or colors may be submitted with detailed drawings and/or information to the City Planner for review and approval prior to or during the subsequent Plan Check process.
- 2.10** Approval of this request shall not waive compliance with all other sections of the Covina Municipal Code, the Covina Design Guidelines, and all other applicable plans and non-City laws and regulations that are in effect at the time of building permit issuance.
- 2.11** Any future proposed new uses, building or interior expansions, and/or site improvement modifications shall first be reviewed and approved by the City staff for conformance with these approvals, the Covina Municipal Code, the Covina Design Guidelines, and the applicable permit issuance processes. If determined by the Planning staff to exceed the scope or intent of these approvals or in any way conflict with the appurtenant conditions, then the City may require the approval of a new or additional zoning application (if needed), and/or the submittal of certain use- or impact-related studies to address any identified concerns.

- 2.12** The location and orientation of all principal components of the future development shall conform to the approved site plan. These components shall include, but not be limited to, buildings, yard areas, block walls and fences, walkways, parking stalls and drive aisles, and landscaping or planters.
- 2.13** All air conditioning compressors, as well as any outdoor equipment, shall be prohibited from being located along any street frontage, unless screening conforming to City requirements is provided.
- 2.14** New decorative (on both sides) eight (8)-foot high block walls shall be installed along all interior perimeters of the residential and commercial components of the project site. In addition, the sides of any block walls that are publicly visible shall be specially treated with an anti-graffiti coating. Any other block walls or fencing in the development shall meet applicable requirements.
- 2.15** The ground material of the pedestrian and vehicle site entry areas to the development shall consist of decorative colored brick/concrete pavers or stamped concrete. The areas where these materials are to be installed shall be shown on the construction plans.
- 2.16** Any future building improvements shall conform to all provisions noted herein and shall address all applicable City planning- and building-related codes and standards and permit issuance requirements and processes.
- 2.17** All construction must conform to the below-noted construction mitigation plan or the City Noise Ordinance, prohibiting construction between 8:00 p.m. and 7:00 a.m. on any day and on Sundays and Holidays (except by special permit), whichever is stricter. Loud noise generating activities such as crushing concrete pavement will be restricted to 7 am – 6 p.m.
- 2.18** All landscape or planter areas shown on the approved landscape plan shall remain landscaped in perpetuity. These areas shall not be paved or used for storage or any similar purpose inconsistent with the intent of this approval.
- 2.19** The property and all improvements, including landscaping, must be maintained in a sound, healthy, and attractive condition free of weeds, visible deterioration, graffiti, debris and/or other conditions that violate the Covina Municipal Code.
- 2.20** All improvements must be constructed in a good workmanlike manner, consistent with the standard best practice of the subject trades and in a manner acceptable to the City.
- 2.21** The City shall have the reasonable right of entry to inspect the properties on the overall project site to verify compliance with the Conditions of Approval.

- 2.22 This approval will not be effective for any purposes until the applicant and the property owner have filed with the Planning Division an affidavit stating that they are aware of and agree to accept all of the conditions of this grant.
- 2.23 This permit shall not be effective until such time as the applicant/property owner each obtain an Inspection and Verification Permit and the City Planner or his/her designee certifies on said permits that the premises and use complies with all of the terms and conditions of this grant of approval.
- 2.24 Applicant shall, at its own expense and with counsel selected by City, fully defend, indemnify and hold harmless City, its officials, officers, employees, and agents ("Indemnified Parties"), from and against any and all claims, suits, causes of action, fines, penalties, proceedings, damages, injuries or losses of any name, kind or description, specifically including attorneys' fees, ("Liabilities"), arising in any way out of City's approval of the Applications or the Project. Applicant's indemnification obligation shall include, but not be limited to, actions to attack, set aside, void, or annul the City's approval of the Applications, and Liabilities premised on, related to or invoking CEQA, including those arising out of City's decisions related to the Project's CEQA documents. City shall promptly notify Applicant of any such claim, action or proceeding, and shall cooperate fully in the defense of such claim, action, or proceeding. Applicant's indemnification obligations shall not be limited to the amount of insurance coverage that may be available to Applicant, and shall not otherwise be restricted or confined by the presence or absence of any policy of insurance held by City or Applicant.
- 2.25 Pursuant to California Government §66474.9, the subdivider also agrees to defend, indemnify and hold harmless, the Indemnified Parties from any claim, action or proceeding against the Indemnified Parties to attack, set aside, void or annul any map approval of the City, whether by its City Council, Planning Commission or other authorized board or officer of this subdivision, which action is brought within the time period provided for in Government Code §66499.37. The City shall promptly notify the subdivider and applicant of any such claim, action or proceeding, and the City shall cooperate fully in the defense.
- 2.26 Applicant's obligations, as set forth above, shall survive the completion or abandonment of the Project or the issuance of a certificate of occupancy with respect thereto. However, Applicant's obligations after the issuance of a certificate of compliance for the Project shall be limited to indemnifying and defending the Indemnified Parties from legal challenges filed to set aside any part of the Project or its related components. The provisions of this condition are intended by the Parties to be interpreted and construed to provide the fullest protection possible under the law to the City. Further, all obligations and Liabilities under this Agreement are to be paid by the Applicant as they are incurred. Applicant's obligations to indemnify under this Agreement shall include the obligation of the Applicant to defend City with legal counsel of City's own

choosing. In the event City elects not to select such counsel, the designation of such counsel shall be made by the Applicant but shall be subject to prior approval by City.

- 2.27** If any provision of this grant is held or declared to be invalid, then the entire approval shall be void and the privileges granted hereunder shall lapse.
- 2.28** The permittee shall reimburse the City for all fees and costs for special review of this application by both (i) the City's retained planning, engineering, and related consultants and (ii) the Covina City Attorney's Office. Such special review includes, but is not limited to, review of the Project's compliance with Covina parking regulations. City shall invoice the permittee for said fees and costs and permittee shall pay the invoiced amount not later than sixty (60) calendar days following permittee's receipt of the invoice.
- 2.29** The costs and expenses of any code enforcement activities, including, but not limited to, attorneys' fees, caused by applicant's violation of any condition or mitigation measure imposed by this application or any provision of the Covina Municipal Code must be paid by the applicant.
- 2.30** The placement of post box receptacles must be coordinated with the Covina Post Office. The Planning Division will review the proposal.
- 2.31** Appropriate directional signage shall be installed on the project site.
- 2.32** Each retail use proposed to occupy the commercial portion of the project will be required to meet the sign standards of the Zoning Ordinance and obtain a Sign Permit from the Planning and Building Divisions.
- 2.33** Development Impact Fees for the project proposal (to be computed at a later date) shall be paid.
- 2.34** To eliminate the negative fiscal impact on certain municipal services associated with this proposal, the Project will be required to annex to Community Facilities District 2007-01 (the "CFD") for the purpose of financing the Project's proportionate share of the cost for police response, fire and emergency medical response, and park services. The applicant shall petition the City to annex to the CFD under the California Mello-Roos Community Facilities Act (Government Code, Section 53311 et seq.) (the Act"). The applicant agrees to cooperate and not to oppose annexation to the CFD for purposes set forth above.

Alternatively, at the applicant's option, in lieu of annexation to the CFD as set forth above, applicant may make a lump sum payment to the City ("In Lieu Payment") representing the Project's proportionate share of the cost for police response, fire and emergency medical response, and park services. The In Lieu

Payment shall be calculated based upon the net present value of the special tax that would be levied upon the Project under the CFD over the term of the CFD special tax. The In Lieu Payment must be paid not later than prior to occupancy of any dwelling within the development.

- 2.35** The developer shall exercise best management practices to ensure sound-proofing between all units.
- 2.36** Prior to Building Plan Check submittal, site plan and tentative tract map shall be corrected for consistency in unit numbers, parking numbers, and retail square footage.
- 2.37** Any requested changes in the street address regarding the project site shall be submitted to the Engineering Division of the Public Works Department for review and approval.
- 2.38** Associated with refuse disposal, all residential dwelling units shall utilize trash barrels, which shall be kept only in the garages of each dwelling unit. This restriction shall be stated in and enforced under the project-related Conditions, Covenants, and Restrictions (C, C & Rs). In addition, the applicant shall obtain written permission from the local refuse disposal company concerning the acceptability of the barrels as refuse disposal elements. The applicant shall further obtain approval from the local refuse provider for the location and number of refuse containers proposed for the commercial uses on the site and may be required to provide for an additional and/or more centrally located enclosure or make a different adjustment.
- 2.39** At all times when outside lighting typically operates on the project site, the exterior lighting, such as at parking, walkway, and building entry areas, shall be fully functional and shall meet the minimum foot-candle standards of the City to sustain public safety (or, 1.0 foot-candle of illumination). Also, because of the project type and location and the surroundings, the exterior lighting shall include LED lighting elements with proper optics, and no exterior lighting on the site shall generate any glare onto any adjacent properties or public right-of-ways. In addition, with respect of on- and off-site conditions, lighting adequacy shall be verified in conjunction with the review of the project-related construction plans. Lastly, the new lighting fixtures shall further be reviewed with the construction plans to ensure design compatibility with the building architecture.
- 2.40** All grading and all exterior (during construction and following project completion) drainage on the property shall conform to all applicable requirements of the Public Works Department. The applicant shall attempt to limit any grade differentials with the abutting property.
- 2.41** Any proposed site features for the disabled that are associated with this project approval, including, but not limited to, property access identification, parking stall

and unloading area dimensions, path of travel, and building access, must comply with all applicable State Codes and must first be reviewed and approved by the Building Division (please contact the Building Division for specific requirements).

- 2.42** The SPR and TTM and PCD zoning approvals shall run with the project site in perpetuity (unless revoked under appropriate procedures by the City for failure to comply with any conditions of approval) and shall supersede any prior similar site-related entitlements.
- 2.43** The residential development component shall be modified in the manner noted in the appurtenant staff report concerning generally the development entry areas, trash bin enclosures regarding the townhouse units, the twelve northern-most open parking spaces, and any other areas that the Planning Commission may deem warrant refinement.
- 2.44** The commercial development component (i.e., fast food restaurants or similar uses) shown on Lots 68 and 69 shall require further site plan and architectural review under administrative Site Plan Review (SPR)- and (concerning the drive through facilities) Planning Commission-related Conditional Use Permit (CUP)-related applications when specific tenants are known. The site plan as submitted is considered “conceptual” and no precise site layout is approved. Modifications to the site design may include, but are not limited to: increasing planter widths adjacent to the northern and western property lines and redesigning the southerly drive-thru lane to minimize traffic conflicts on Edna Place.
- 2.45** Under the project-related Covenants, Conditions and Restrictions (CC&R’s), a reciprocal parking and access agreement shall be created for the two commercial property/uses.

3.0 PRIOR TO THE ISSUANCE OF A BUILDING PERMIT:

- 3.1** Covenants, Conditions and Restrictions (CC&R’s) shall be recorded with the final map to regulate on-site utilization, maintenance, and related issues. The CC&R’s shall grant the City the right but not the obligation to enforce their terms. These CC&Rs, which shall further establish a Homeowner’s Association (HOA) for the development, shall be submitted to the City Planner and City Attorney for review and approval and shall be recorded with the final map prior to the issuance of building permits. The CC&R’s shall include provisions prohibiting the storage of recreational vehicles and watercrafts in all parking areas. The permittee shall reimburse the City for all fees and costs associated with the review of the project-related CC&Rs by the Covina City Attorney’s Office. The City shall invoice the permittee for said fees and costs, and the permittee shall pay the invoiced amount

not later than sixty (60) calendar days following the permittee's receipt of the invoice.

- 3.2** The construction plan/documents must include specific details and delineation incorporating these conditions of approval, including any required Planning Division-related modifications. The Planning Division will hold approval of these conditions in abeyance until they review and approve the construction plan/documents.
- 3.3** The side and rear elevations of all of the single-family detached units shall be enhanced with additional architectural consistent with the thematic treatments provided on the front elevations. This requirement is subject to review and approval by the City Planner.
- 3.4** All of the conditions of approval listed herein, plus associated Mitigation Measures which apply to improvement and construction plans, must be printed upon the face of and included as part of the final plans and specifications that are submitted during the plan checking functions for which building permits are issued.
- 3.5** Revised plans incorporating any and all modifications pertaining to the planning approval process must be submitted for review and approval by the City Planner prior to or in conjunction with the start of the plan check process.
- 3.6** All subsequent required plans must be coordinated for consistency and any easements of record or required easements shall be reflected on the site plan along with off-site improvements and off-site conditions of approval and buildings within 10 feet any property line.
- 3.7** A Phasing Plan must be submitted illustrating the number and sequence of each development phase (if phasing is proposed).
- 3.8** All phases of development shall be completed by the Developer.
- 3.9** Detailed on-site and off-site landscape and irrigation plans must be submitted for review and approval by, respectively, the City Planner and the City Engineer, conforming to applicable standards and requirements. The landscaped and planter areas shall conform to the same areas depicted on the conceptual landscape plan. In addition, the on-site landscape plans shall reflect an enhanced landscape design for all areas where planters are to be installed. See the following Condition for clarification here.) These plans shall further conform to the provisions of the City's Water-Efficient Landscape Ordinance (Chapter 17.82 of the Covina Municipal Code);

- 3.10** In accordance with Chapter 11.36 of the Covina Municipal Code, no street trees adjacent to the appurtenant site shall be cut or trimmed in any manner by any persons associated with property unless a written permit from the Public Works Department is first obtained.
- 3.11** The construction-related activities concerning the project shall conform to the following requirements that address potential noise and associated impacts: A) The applicant shall prepare a construction mitigation plan to mitigate noise as well as other construction-related impacts. The construction mitigation plan shall address the following areas: 1) site supervision, 2) site access, 3) delivery/haul route and traffic control, 4) material storage, 5) construction parking, 6) work hours, 7) noise reduction, 8) erosion control, 9) dust and mud control, 10) debris cleanup, 11) street sweeping, 12) pedestrian and neighborhood safety, 13) project contact-related signage, and 14) subcontractor education; B) All project construction activities shall only occur on Monday through Saturdays from 7:00 a.m. to 8:00 p.m. only (unless a special construction permit is granted by the City). No construction shall occur on Sundays or legal holidays; C) All construction equipment shall be in proper operating condition and shall be fitted with standard factory noise attenuation features. All equipment shall further be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated; and D) The applicant and/or his representative(s) shall frequently monitor for and, if detected, remove any and all graffiti on and/or repair damaged or vandalized construction-related fencing and/or related elements as quickly as possible.
- 3.12** At least thirty days prior to the commencement of any project-related grading, the applicant and/or his/her representative(s) shall notify the occupants of all residential and institutional properties that lie within 150 feet of the subject property of the general parameters of the impending grading and construction activities. In addition, the applicant and/or his/her representative(s) shall attempt to address any neighbor complaints to the greatest extent practical and as expeditiously as possible.
- 3.13** A complete exterior lighting plan, including photometric, shall be submitted for review and approval during building plan check. The plan shall illustrate light fixture features, locations, and compliance with applicable City Code provisions on illumination, design, and lighting orientation/glare prevention while abiding with the City's minimum one-foot candle standard.
- 3.14** In accordance with the Covina Design Guidelines, all new roof, wall, and ground-mounted mechanical equipment, utility equipment, and utility meters must be screened from public view with appropriate building materials and/or landscaping. Please locate, identify and provide cross-sectional details of screening material in the construction documents.

- 3.15 The installation of any security system that is associated with the use, as addressed under Chapter 8.20 of the Covina Municipal Code, shall first be coordinated with the Covina Police Department. The installation of any security system(s), as discussed under Chapter 8.20 of the Covina Municipal Code, shall be coordinated with the Covina Police Department. Please determine at the earliest possible time whether a security system is to be utilized, as failure to inform Police of security system installation plans may delay building permit issuance relating to the Plan Check process.
- 3.16 Certain requirements of the Police Department are applicable to this proposal. Please refer to attachment.
- 3.17 Certain requirements of the Los Angeles County Department are applicable to this proposal. Please refer to attachment.
- 3.18 Certain requirements of the Building Division are applicable to this proposal. Please refer to attachment.
- 3.19 Certain requirements of the Engineering Division are applicable to this proposal. Please refer to attachment.
- 3.20 Certain requirements of the Environmental Services Division are applicable to this proposal. Please refer to attachment.
- 3.21 Certain requirements of the Water Division are applicable to this proposal. Please refer to attachment.

4.0 PRIOR TO THE ISSUANCE OF CERTIFICATES OF OCCUPANCY/FINAL BUILDING PERMITS:

- 4.1 All building and site improvements along with landscaping and irrigation must be installed in accordance with plans and information on file with the Planning, Building, and Engineering Divisions, and the irrigation systems must be fully operational. Furthermore, all on-site landscaped areas must be maintained free of weeds and debris.
- 4.2 All building, structural, parking, lighting, and landscape improvements shall be constructed, installed, or handled in a good workmanlike manner, consistent with the standard best practices of the subject trades and in a manner acceptable to the City.
- 4.3 All matters concerning refuse disposal that were noted above shall be addressed.

- 4.4 All exterior lighting fixtures must be installed in accordance with plans and analyses on file with the Planning and Building Divisions, and the lighting fixtures must be fully operational.
- 4.5 The project site must be clean and free of trash and construction debris, and all construction equipment must be removed from the site.
- 4.6 Any broken, damaged, or blighted features of the property or any building(s) thereon shall be repaired or removed.
- 4.7 The applicant must comply with all of the requirements listed above as well as requirements determined during the Building Plan Check process.

5.0 ADDITIONAL CONDITIONS OF APPROVAL FOR BUFFERING, AND PRIOR TO ISSUANCE OF BUILDING PERMITS:

- 5.1 **The houses on Lots 1 through 4 shall be shifted easterly for a minimum of 10 feet to provide a 10-foot landscaped buffer and non-buildable zone. The houses on Lots 31 through 35 shall be shifted westerly for a minimum of 10 feet to provide a 10-foot landscaped buffer and non-buildable zone. Record a landscape and non-buildable easement for said 10-foot landscaped zone for providing a buffer to the existing industrial use to the west and commercial use to the east.**
- 5.2 **The 10-foot landscaped area shall be provided with evergreen trees of 24-inch box size and planted at 8 feet on center. The tree species shall be reviewed and approved by the City Planner, prior to approval of the detailed landscape plans and prior to issuance of any permits.**
- 5.3 **The landscaped area west of lot 67 and lot 36 shall be planted with evergreen trees of 24-inch box size at 8 feet on center.**
- 5.4 **The trash enclosures north of Lot 36 shall have expanded landscape area on the north and south side of the trash enclosure area. Final design is subjected to City Planner review, prior to approval of detailed landscape plans and prior to issuance of any permits.**
- 5.5 **Provide a continuous landscaped strip at the end of the access road west of Lot 67. Shrubs of minimum 10-gallon size shall be provided within this landscape strip.**
- 5.6 **Provide additional landscape area next to the trash enclosure area across from Lot 64 by eliminating one compact parking space.**

- 5.7 Decorative sound wall between 6 to 8 feet maximum height shall be provided along the west and east property boundaries. Decorative material such as but not limited to split face block, split face fluted block, pilasters with decorative stone veneer and decorative caps or a combination of them shall be provided for the sound wall.
- 5.8 Provide decorative block walls for the return fence between the single family houses, the side yard and rear yard fence.
- 5.9 Decorative block wall shall be provided along the north property boundary. Decorative material such as but not limited to split face block, split face fluted block, pilasters with decorative stone veneer and decorative caps or a combination of them shall be provided for the sound wall.
- 5.10 Provide decorative block wall along the north side of Lettered Lots B, C and D. The length of this decorative block wall shall be determined by the City Planner.
- 5.11 Provide decorative block wall on the north side of the open parking spaces between Lots 13 and 22. Provide decorative block wall on the south side of the rear yard of Lot 31.
- 5.12 Provide landscaping that works well in tight space along the north property boundary.
- 5.13 The common open space (Lettered lots B C and D of Tentative Tract Map 72721) shall be designed for both active and passive uses for the residents. The design shall incorporate elements such as but not limited to gazebos, seating benches, barbeque facilities, decorative lighting, special landscape and hardscape treatment such as decorative pavers, increase numbers of box size trees, evergreen and canopies shape trees for shade, etc. Final design is subjected to City Planner review and approval prior to approving the landscape plan and prior to issuance of any permits.
- 5.14 Provide details such as construction methods, window openings and doors rating which demonstrate that all 67 units will comply with the noise mitigation measures. Additional noise attenuation methods shall be provided to the tier of lots along the northern boundary and the tiers of lots at the east and west property boundaries.
- 5.15 The Codes Covenants and Restrictions shall include the following provisions: (i) prohibit the parking of RV vehicles within the open parking spaces, (ii) require residents and/or homeowners to park the personal vehicles in the garage except residents and/or homeowners may park their

third vehicle at the assigned one open parking space, and (iii) the property management company for the Homeowner Association shall enforce the provisions of the Codes, Covenants and Restrictions.

- 5.16 Provide curb side pickup of the individual trash can/bins by the Waste Disposal Company for the single family houses. Applicant shall provide proof that the Waste Disposal Company will service the single family houses curb side pick-up. If Waste Disposal Company demonstrated that it is infeasible, then the applicant shall provide alternative solutions that may require reduction of units and subject to City Planner review and approval prior to plan check.**
- 5.17 The Applicant shall provide a disclosure statement to inform prospective buyers that the new dwelling units are adjacent to existing industrial and/or commercial users, which may generate odors, noise or vibration and increased truck traffic that may have an impact to the occupants of the dwelling units. The form and content of the disclosure statement shall be submitted to the City Planner for review and approval prior to providing the form to the prospective buyers. Each buyer of the dwelling unit shall sign the disclosure statement form as part of the escrow/sale documents. Upon a buyer's signature on the disclosure form for a dwelling unit, the developer shall submit a copy of the signed disclosure statement to the City for record keeping prior to release of occupancy of the dwelling unit. All 67 signed disclosure statements by the buyers of the new dwelling units must be submitted to the City for record keeping prior to the release of occupancy for the last dwelling unit for the residential project.**

- END OF CONDITIONS -

**POLICE DEPARTMENT REQUIREMENTS FOR APPLICATION SPR 14-003 ETC.
(PROPOSED RESIDENTIAL DEVELOPMENT AT 777 E. EDNA PL. & PROPOSED
COMMERCIAL DEVELOPMENT AT 731 N. GRAND AV. – MUNIS #521)**

1. ***The 2 unit commercial parking lots:*** Police Department staff recommends these 2 parking lots be connected for ease of traffic flow from Grand Avenue and Edna Place, respectively. These parking lots should also be adequately landscaped with a Crime Prevention through Environmental Design (CPTED) focus.
2. ***The 60 unit residential area.*** Police Department staff again recommends a Crime Prevention through Environmental Design (CPTED) focus.
3. ***Parking considerations.*** The SPR appears to be lacking adequate parking spaces and police department staff is concerned about the parking impact for the neighboring commercial businesses.
4. ***The impact for pedestrians.*** An increase in residential population in that area is a concern due to the use of Edna Place as a means for east/west vehicle traffic to access Grand and Barranca Avenue(s). Increased street lighting and pedestrian sidewalk space from the 500-800 block of East Edna Place should be considered.

For any questions here, please contact Lieutenant John Curley of the Police Department at 626-384-5611.

**LOS ANGELES COUNTY FIRE DEPARTMENT REQUIREMENTS FOR
APPLICATION SPR 14-003 ETC. (PROPOSED RESIDENTIAL DEVELOPMENT AT
777 E. EDNA PL. & PROPOSED COMMERCIAL DEVELOPMENT AT 731 N. GRAND
AV. – MUNIS #521)**

1. The applicant shall submit the subsequent construction plans to the Los Angeles County Fire Department for review in conjunction with the Plan Check process, and all applicable requirements of the Fire Department shall be met.

For any questions here, please contact the Fire Department staff at 626-974-8335.



CITY OF COVINA

INTER-OFFICE MEMORANDUM

To: Planning Division

From: Basel Badawi, Building Division

Subject: SPR 14-003 (REV), TTM 72721 (REV), GPA 14-002,
ZCH 14-001, PCD 14-002, Munis 521

Address: 777 E. Edna and 731 N. Grand

After you have successfully completed the Planning Division's plan review process your plans should be ready for submitting to the Building Section for review of State and local Building Code requirements. These are general comments intended to prepare the applicant for a successful and expeditious plan review through the Building Section. Please be prepared to address the following checked items:

- Please submit 10 sets of complete plans including any proposed utilities and earthwork; two sets shall be "stamped approved" by the Covina Planning Division and include the Building Section's comments for consultant review. This project must comply with the 2013 California Building Standards and 2013 energy code.
- Two sets each of any structural and energy calculations shall be submitted with the above mentioned plans. All calculations must bear an original signature from the documented author.
- This project must comply with Federal and State Accessibility requirements to and throughout the building. Include compliance methods and structural details on the plans.
- Demolition and renovations activities require an asbestos containing materials (ACM) survey. (SCAQMD RULE 1403) The ACM report shall be prepared by an accredited testing laboratory in accordance with SCAQMD rules and regulations. Proof of notification to the South Coast Air Quality Management District (SCAQMD), Office of Operations, shall be submitted to the Building Division with your permit application for all renovations and demolition activities. Contact the SCAQMD at the address or number below for more information. Once any demolition activity has been approved by the SCAQMD, a formal demolition plan and permit must be obtained from the Building Division.
 - SCAQMD Headquarters; 21865 Copley Drive, Diamond Bar, CA, (909) 396-2381
- The Los Angeles County Fire Department needs to review your construction plans, to expedite this process you will need to contact one or more of their Regional plan check office(s): Appointments to discuss Fire Department requirements may be made between 7:30 a.m. and 10:30 a.m. The main office is located at 5823 Rickenbacker Road, Commerce, CA 90040-3027. Phone number is (323) 890-4125.

Regional plan check offices for the Los Angeles County Fire Department:

Glendora Office, Building Plan Review Only
231 W. Mountain View Avenue
Glendora, CA 91740
(626) 963-0067

Commerce Office, Sprinkler & Alarm Plan Review
5823 Rickenbacker Road
Commerce, CA 90040-3027
(323) 890-4125

Commerce Office, Land Development / Access
5823 Rickenbacker Road
Commerce, CA 90040-3027
(323) 890-4243

- Los Angeles County Environmental Health (LACEH) plan approval for “food establishments” is required before permit issuance. Contact the Los Angeles County Environmental Health at 626-430-5560 for more information on submittal and the plan check process. The Health Department must approve the location of a grease interceptor.
- Please provide an additional digital copy (pdf preferred) of the building floor plan, elevations, and site plan to be submitted to the LA County Assessor. This copy should be in sufficient detail to allow the assessor to determine the square footage of the building and, in the case of residential buildings, the intended use of each room.

-For additional information, please contact the LA County Assessor's, Public Service Desk at 888-807-2111.

- The City of Covina has formally adopted a public noticing program for residential construction projects to provide the public with an opportunity to verify the validity of construction within their neighborhoods. This program requires the property owner and/or contractor to place a sign 14” high x 22” wide using a minimum black 24 point font (Arial) on a white background. The noticing sign must be suitable for outdoor use and placed within the front yard where it is clearly visible from the public right-of-way. The following items must be included on the residential noticing sign:
 - A) Address of construction project
 - B) Type of construction project
 - C) Name of contractor/owner
 - D) Telephone number of contact person
 - E) Contractor's license number
 - F) Permit number with date of issuance
 - G) City of Covina Building Division telephone number
 - H) Construction activity prohibited Monday through Saturday from 8pm-7am and all day on Sundays or Holidays unless otherwise permitted.
- A valid City wastewater permit and properly sized interceptor will be required at permit application unless otherwise approved.
- School District application and approval including any related fees must be provided before permit issuance.

- Construction activity within 500' of a residential zone is prohibited between the hours of 8:00pm and 7:00am and on Sundays and Holidays unless otherwise permitted by the City.
- The Building Section plan check process may address additional concerns.

CITY OF COVINA

INTER-OFFICE MEMORANDUM

TO: PLANNING DEPARTMENT
FROM: LAURA LARA, ASSISTANT CIVIL ENGINEER
DATE: March 26, 2014
SUBJECT: SITE PLAN REVIEW, SPR 14-003, 60-UNIT RESIDENTIAL DEVELOPMENT
AND 2-BUILDING COMMERCIAL RETAIL DEVELOPMENT

The following requirements are recommended for this project:

1. The provisions of Chapter 16 of the Covina Municipal Code entitled "Subdivision" will be applied and full public improvements are required for this project.
2. Submit all required documentation per section Chapter 16.08 of the Covina Municipal Code entitled "Tentative Tract Map." A deposit will be required for map checking once the required documentation is received by Planning.
3. The current owner(s) shall sign a form (prepared by the Engineering Division) requesting that the subject property be annexed to the Covina Lighting and Landscaping Districts. Once the property is annexed to these Districts, the property owner(s) will be periodically assessed for street light energy, landscaping and appurtenant maintenance costs.
4. The developer shall install the following public improvements in accordance with the City Standards.
 - a. Protect five (5) existing tree wells along Grand Avenue.
 - b. Construct proposed driveway approaches per City of Covina Standard Drawing No. 1 (attached for reference).
 - c. Remove and replace any broken or raised sidewalk, curb and gutter adjacent to subject property.
 - d. Remove and replace existing handicap ramp at the corner of Grand Avenue and Edna Place per APWA standards.
 - e. Remove street lights on existing wooden power poles on south side of Edna Place.
 - f. Install five (5) Southern California Edison Company-owned marbelite pole on north side of Edna Place and one (1) on the west side of Grand Avenue adjacent to the subject property.
 - g. Provide all necessary measures to remedy traffic impacts included in the traffic study.
 - h. Edna Place is currently under moratorium; street cuts for the above mentioned improvements will be subject to the City's moratorium requirements (attached for reference).
5. The following cash deposits are required:
 - a. Engineering and inspection
 - b. Tract map review deposit
 - c. Sanitary Sewer Connection Fee
 - d. Address change

6. All utilities serving this development shall be placed underground.
7. A sewer line shall be constructed to serve the residential site.
8. The contractor constructing the public improvements shall obtain a city business license and permit and shall satisfy the city's insurance requirements.
9. Construction drawings prepared by a licensed engineer showing the public improvements to be constructed shall be submitted for approval by Engineering Division.
10. A quantity and cost estimate that covers all required public improvements shall be submitted by the developer's engineer. The performance bond amount and engineering and inspection fee will be based on this amount.
11. Faithful performance or cash bond covering the required public improvements shall be submitted.

cc: Kalieh Honish, Interim Public Works Director

**ENVIRONMENTAL SERVICES REQUIREMENTS FOR APPLICATION
SPR 14-003 ETC. (PROPOSED RESIDENTIAL DEVELOPMENT AT 777 E.
EDNA PL. & PROPOSED COMMERCIAL DEVELOPMENT AT 731 N.
GRAND AV. – MUNIS #521)**

1. Non-Domestic Wastewater Disposal Permit may be required. Please check with Building Section.
2. Initial plan review: \$40.
3. Subsequent plan review: \$40 per subsequent submission.
4. SWPPP: \$600 plus fee for additional review for consultant if requested.
5. SUSMP Ten or more unit homes: \$1,200 plus fee for additional review or consultant if requested.
6. SUSMP Parking lot (5,000 sq. ft. or more surface area or 25 or more parking spaces): \$1,200 plus fee for additional review or consultant if requested.
7. Construction site stormwater compliance inspection and reinspection: \$75 - \$125 per inspection may apply.
8. OC1 - Complete form, sign, return original, attach copy to field plans.
9. ES-CD1: Construction & Demolition Debris Recycling - Complete form, sign, return original, attach copy to field plans, fax copy to Athens Services when requesting waste container; also request Athens Load Characterization upon completion of C&D.
10. ES-CD2: Construction & Demolition Debris Recycling - Upon completion of C&D, complete form, sign, return original with Athens Load Characterization Report.
11. Only Athens Services/Covina Disposal, 888-336-6100, is allowed to provide bins and pickup and dispose of trash and recyclables, including all C&D projects. Exception: Project contractor, using his own equipment and staff, can take recyclables to a recycling facility.
12. PC: Priority Project Checklist - Complete form, sign, return original.
13. P1: Priority Development & Redevelopment Projects –
14. P2: Stormwater Treatment Certification - Complete form, return original. Complete form, return original.
15. LSWPPP: Local Stormwater Pollution Prevention Plan - Complete form, return original.
16. SUSMP Maintenance Covenant: See application instructions, checklist, and Agreement.
17. Report, SWPPP: Project area is 1 acre or greater (required by State Water Resources Control Board). 3 reports, including plans; signatures and stamps must have wet-ink application.
18. Report, SUSMP: Project meets LA Regional Water Quality Control Board's criteria for a Priority Planning Project. 3 reports, including plans; signatures and stamps must have wet-ink application. SWPPP must be provided.

For any questions here, please contact Vivian Castro, Environmental Services Manager, at 626-384-5480.



OWNER'S CERTIFICATION

MINIMUM BMPs FOR ALL CONSTRUCTION SITES

FORM
OC 1

Project Name _____ Project Location _____	BUILDING/GRADING PERMIT NUMBER _____
Owner Name _____ Address _____ Phone _____ FAX/Email _____	Contractor Name _____ Address _____ Phone _____ FAX/Email _____

The National Pollutant Discharge Elimination System (NPDES) is the portion of the Clean Water Act that applies to the protection of receiving waters. Under permits from the Los Angeles Regional Water Quality Control Board (RWQCB), certain activities are subject to RWQCB enforcement. To meet the requirements of the Los Angeles County Municipal Stormwater Permit (CAS004001), minimum requirements for sediment control, erosion control and construction activities must be implemented on each project site. Minimum requirements include:

- **SEDIMENT CONTROL:** Eroded sediments from areas disturbed by construction and from stockpiles of soil shall be retained on site to minimize sediment transport from the site to streets, drainage facilities or adjacent properties via runoff, vehicle tracking or wind.
- **WET WEATHER EROSION CONTROL PLAN (WWECP):** Is required for projects one acre or more that will have construction occur during the wet season (October 1st – April 15th)
- **HILLSIDE:** Construction upon slopes 25% or more requires the implementation of additional BMPs to protect slopes and prevent erosion and sediment runoff.
- **CONSTRUCTION MATERIALS CONTROL:** Construction related materials, wastes, spills or residues shall be retained on site to minimize transport from the site to streets, drainage facilities or adjoining properties by wind or runoff. Runoff from equipment and vehicle washing shall be contained at construction sites unless treated to remove sediment and pollutants.
- **NON-STORMWATER RUNOFF:** Non-stormwater runoff from equipment and vehicle washing and any other activity shall be contained at the project site.
- **EROSION:** Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs (as approved in Regional Board Resolution No. 99-03), such as the limiting of grading schedule during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.

Minimum BMPs include, but are not limited to, the following: (1) Soil piles must be covered with tarps or plastic, (2) leaking equipment must be repaired immediately, (3) refueling must be conducted away from catch basins, (4) catch basins must be protected when working nearby, (5) vacuum all concrete saw cutting, (6) never wash concrete wastes into the street, (7) keep the site clean, sweep the gutters at the end of each working day and keep a trash receptacle on site.

Please Note: Inspection and violation fees may be assessed if the City Inspector finds that appropriate minimum BMPs and requirements are not met.

THIS FORM MUST BE COPIED ONTO OR ATTACHED TO THE FIELD PLANS.

As the architect/engineer of record, I have selected appropriate BMPs to effectively minimize the negative impacts of this project's construction activities on storm water quality. The project owner and contractor are aware that the selected BMPs shall be installed, monitored, and maintained to ensure their effectiveness. The BMPs not selected for implementation are redundant or deemed not applicable to the proposed construction activity.

Architect/Engineer of Record Name

Architect/Engineer of Record Signature

Title

Date

I certify that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system or those person(s) directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate, and complete. I am aware that submitting false and/or inaccurate information, failing to update the BMPs or LSWPPP to reflect conditions, or failing to properly and/or adequately implement the BMPs may result in revocation of grading and/or other permits or other sanctions provided by law.

Landowner or Agent Name

Landowner or Agent Signature

Title

Date



CONSTRUCTION & DEMOLITION DEBRIS DIVERSION REQUIREMENT

(Pre-Demolition/ Pre-Construction)

Please be advised that as a condition of approval for demolition, building and various other permits, the Environmental Services Division of the City of Covina requires that at least 75% of all building and demolition materials (wood, metal, electrical, piping, glass, drywall, asphalt, concrete) be recycled for purposes of compliance with the California Integrated Waste Management Act of 1989.

We require as a condition of demolition and building permits that the total tonnage of each material type that is recycled, reused or disposed be reported to the City's Environmental Services Division. **If the C&D Diversion Plan is not received, the permit will not be issued. If the C&D Diversion Final Report and Athens' Load Characterization Report, recycling receipts and weight tickets are not received before the final inspection, the project will not be finalized and fines may be assessed.** Failure to submit this report may also result in the denial of future permits.

Be advised that the City of Covina maintains an exclusive franchise agreement for refuse collection and recycling service with Covina Disposal. Covina Disposal is the City of Covina's exclusive franchise hauler, please contact them at 888-336-6100 and ask them about their C&D diversion options for projects in Covina. **ONLY** the project contractor, using his own equipment and staff, can take recyclables to a recycling facility. Include in the C&D Diversion Plan and C&D Diversion Final Report information for the facilities to which any recyclable materials were taken.

Please be advised of the following:

C.M.C. Section 8.08.090 states that "No person shall engage in the business of collection, transportation, processing or disposal of refuse, green waste or recyclables in the city from any premises in the city without a written permit therefore issued and approved by the City Manager or his or her designee, unless under contract with the city for such business... A copy of each permit issued under this section shall be attached to the vehicles used for such purpose and shall be subject to inspection at all times."

We hope that providing you this information at this point assists in your planning for the project. If you have any questions about these requirements, please call us at (626) 384-5480. Please mail, hand deliver or fax the documentation to City of Covina, 125 E. College Street, Attn.: Environmental Services, Covina, CA 91723 or fax 626-384-5479.



CONSTRUCTION & DEMOLITION DEBRIS DIVERSION REQUIREMENTS

Steps for Meeting Requirements

Step 1:

Construction and demolition debris recycling and diversion requirements apply to identified projects within the City of Covina. If you have been informed that your project requires C&D Diversion, start by obtaining a C&D Debris Diversion Requirement packet from the Environmental Section counter.

Step 2:

Submit a signed and completed Construction and Demolition Debris Diversion Plan (C&D Diversion Plan) to Environmental Services. Forms may be submitted via fax at (626) 384-5479, via the U. S. Postal Service or a parcel service, or at the public counter of the Environmental Services Section. The public counter is open from Monday through Thursday from 7 a.m. to 6 p.m., and is located at 125 E College Street, Covina, CA 91723. Once the Recycling, Reuse and Waste Handling Plan is approved, you may receive clearance on the required permit(s).

Step 3:

Copy or attach the approved C&D Diversion Plan onto the field plans. Permits will not be issued if the C&D Diversion Plan is not attached to the field plans.

Step 4:

Contact Athens Services at (888) 336-6100 and fax the C&D Diversion Plan to Athens at (626) 513-0988. Based on the information in your plan, Athens will help you determine the best C&D recycling service level to ensure your project achieves the City's mandated diversion rate.

Step 5:

If anything changes, submit a C&D Diversion Plan amendment to the Environmental Services Section. Use a new C&D Plan form and mark "Amendment" with the date. The most common reason for an Amendment is to request additional time to complete a project.

Step 6:

If required, submit a 90 Day Report to the Environmental Services Section no later than 90 days after issuance of the first permit for the project and every 90 days thereafter. This applies for projects where demolition and construction is expected to exceed 90 days.

Step 7:

Submit a Final Compliance Report along with Athens' Load Characterization Report and all weight tickets or recycling receipts to the Environmental Services Section prior to final inspection. Failure to file a Final compliance Report prior to final inspection will lead to a violation and possible fines.

If further advisement is needed, please contact the Environmental Services Section at (626) 384-5480 or Athens Services at (888) 336-6100.

Visit CalRecycle's C&D Debris Recyclers at <http://www.calrecycle.ca.gov/condemo/Recyclers/RecyclerSearch.aspx> database to search for recycling facilities by material type.

For Construction and Demolition Debris conversion factors, visit <http://www.calrecycle.ca.gov/LGCentral/Library/DSG/ICandD.htm>



**CONSTRUCTION & DEMOLITION DEBRIS
DIVERSION PLAN
(Pre-Demolition/ Pre-Construction)**

FORM
ES-CD1

**THIS PROJECT MUST MEET THE CITY'S C&D DIVERSION REQUIREMENTS.
COPY COMPLETED FORM ONTO PROJECT FIELD PLANS.**

Complete this form with *estimated* quantities of materials at the BEGINNING of the project. Applicant will be required to provide Athens' Load Characterization, receipts and weight tickets for all recycling and disposal of materials for demolition and construction projects.

Date _____ Project # _____
 Project Address _____
 Project Applicant _____
 Contact Name _____
 Contact Phone _____ Email _____

Type of Project: New Construction Demolition Tenant Improvement
 Residential Commercial City Project Other _____

Please specify which materials will be reused, recycled or landfilled by completing the table below. List each type of debris item and provide the name of each facility to be used. The Applicant must receive approval by Environmental Services Section staff prior to permit issuance. Save all weight tickets and receipts documenting tons of material recycled, reused or disposed, as they are required at the end of the project for submittal with the final Waste Disposal & Diversion Report. Call Environmental Services at 626-384-5480 with any questions. *ONLY Covina Disposal/Athens Services is authorized to provide trash and recycling service. The only exception to this is for the project contractor, using his own equipment, to deliver recyclables for processing. Contact Athens at 626-336-6100 and fax this form to 626-513-0988 to arrange for trash and guaranteed recycling/diversion service. Athens provides C&D recycling but arrangements must be made ahead of time to ensure that a Load Characterization Report showing the project diversion rate is provided (Athens' C&D processing rates apply).*

Material	Estimated Amount (Tons or Cubic Yards)			Vendor or Facility To be Used
	To Be Recycled	To Be Salvaged or Reused	To Be Landfilled	
Asphalt/Concrete			N/A	
Dirt/Clean Fill			N/A	
Building Materials (doors, etc.)				
Cardboard				
Carpet/Padding				
Dry Wall scrap				
Metal				
Mixed C&D (wood, roofing, wallboard, film plastic)				
Plant or Tree Debris				
Plastics (including film)				
Roofing				
Wood - unpainted or pallets				
Wood - treated/painted				
Garbage	N/A	N/A		<i>Covina Disposal/Athens must be used for refuse disposal and the hauling of recyclables. They are Covina's exclusive franchise hauler.</i>
Other:				
Hazardous or Special Waste (i.e. contaminated soil, asbestos)		N/A		
Totals:				

For additional information, contact the City of Covina Environmental Services Division 626-384-5480, 125 E College Street, Covina CA 91723.

For assistance locating recycling vendors or facilities, please refer to http://dpw.lacounty.gov/cpd/CD/cal_attachments/Recycling_Facilities.pdf

FOR CITY USE ONLY: Plan Approved Plan Needs Revisions (contact Environmental Services)

Plan Reviewed by BSD Staff (Name and Date) _____ Date Plan Received _____ ver: 3.21.11



**CONSTRUCTION & DEMOLITION DEBRIS
DIVERSION FINAL REPORT**
(Post Demolition/Construction)

**FORM
ES-CD2**

Please complete this form with *actual* quantities of materials recycled, salvaged, reused and landfilled and return to Environmental Services prior to final inspection for the project. Permits will not be finalized until all required diversion documentation is provided. Attach original or photocopies of Athens Services' Load Characterization and all receipts and weight tags to this form.

FAILURE TO SUBMIT THIS FORM WITH RECEIPTS AND WEIGHT TAGS could delay issuance of permits and result in non-issuance of final project approval.

Date _____ Project # _____

Project Address _____

Project Applicant _____

Contact Name _____

Contact Phone _____ Email _____

Type of Project: New Construction Demolition Tenant Improvement
 Residential Commercial City Project Other _____

Please specify materials that were reused, recycled, salvaged or landfilled by completing the table below. List each type of debris material and provide the name of each facility/service provider used. Provide copies of all weight tags and receipts documenting tons of material recycled, salvaged or disposed for submittal with this report. The Applicant must receive approval by Environmental Services Division staff prior to permit being finalized.

Material	Estimated Amount (Tons or Cubic Yards)			Vendor or Facility to be Used
	Recycled	Salvaged or Reused	Landfilled	
Asphalt/Concrete			N/A	
Dirt/Clean Fill			N/A	
Building Materials (doors, etc.)				
Cardboard				
Carpet/Padding				
Dry Wall scrap				
Metal				
Mixed C&D (wood, roofing, wallboard, film plastic)				
Plant or Tree Debris				
Plastics (including film)				
Roofing				
Wood - unpainted or pallets				
Wood - treated/painted				
Garbage	N/A	N/A		Covina Disposal/Athens Services.
Other:				
Hazardous or Special Waste (i.e. contaminated soil, asbestos)		N/A		
Totals:				

Material Generation Summary

A. Total tons of materials generated for the project: _____

B. Total tons of materials landfilled (not recycled): _____

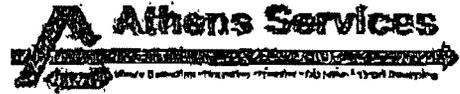
C. Total tons of materials salvaged, reused, or recycled: _____

D. Percentage of materials recycled/reused (divide C by A): _____ %

FOR CITY USE ONLY: Compliant Good Faith Non-Compliant Final % _____

Final Approval by ESD Staff _____ Date _____

THIS IS TO CERTIFY that the following commodity has been recognized as C&D recycling.



11121 Pondleton Street, Sun Valley, CA 91352
Tel: (818)768-1492 Fax: (818)768-1795

**CONSTRUCTION & DEMOLITION
LOAD CHARACTERIZATION**

Customer Information

Account Name: Connie Struction
Address: 1234 City Street
Work Order #: 1234

Transaction Information

ORIGIN: Covina
Weight Ticket #: 1234
Net Weight: 10 tons

COMMODITY	WEIGHT	PERCENT
Aluminum Scrap		
Carpet and Fiber for Commerce		0.97%
Corrugated Containers (OCC)	20	0.30%
Corrugated Containers (OCC-Waxed)		
Drywall		
E-Waste		
Insulation - Trash	-310	-4.68%
Non-Recyclable - Trash		
Newspaper #8		
Protective Cover		
Scrap Metal	25	0.38%
Telephone Directories		
Wood	6400	96.68%

Total weight of material:	6620	100.00%
Total recovered:	6199	93.64%

Sample Athens C&D Recycling Proof



CONSTRUCTION & DEMOLITION DEBRIS

Exclusive Franchise with Athens Services for Trash & Recycling Services

Please be advised that the City of Covina maintains an exclusive franchise agreement for refuse collection and recycling service with Covina Disposal/Athens Services. Covina Disposal/Athens Services is the City of Covina's exclusive franchise hauler. Please contact them at 888-336-6100 and inquire about their service options for temporary bins for construction and demolition projects in Covina.

The **ONLY** exception is that the demolition or construction project contractor, using his own equipment and staff, can take recyclables from a demolition or construction site to a recycling facility. Trash from construction, residential, commercial and industrial sites, however, must be hauled and disposed of exclusively by Covina Disposal/Athens Services.

Please be advised of the following:

C.M.C. Section 8.08.090 states that "No person shall engage in the business of collection, transportation, processing or disposal of refuse, green waste or recyclables in the city from any premises in the city without a written permit therefore issued and approved by the City Manager or his or her designee, unless under contract with the city for such business... A copy of each permit issued under this section shall be attached to the vehicles used for such purpose and shall be subject to inspection at all times."

The City may remove and impound any unauthorized refuse or recycling bins or containers at the expense of the owner, occupant or person in charge of the container.

We hope that providing you this information at this point assists in planning for your project. If you have any questions about these requirements, please call Environmental Services at (626) 384-5480 or visit us at City Hall at 125 E. College Street.

REMEMBER!

- **ONLY COVINA DISPOSAL/ATHENS SERVICES TRASH AND RECYCLING BINS ARE AUTHORIZED TO SERVICE SITES IN THE CITY OF COVINA, INCLUDING CONSTRUCTION AND DEMOLITION PROJECT SITES.**
- **THE ONLY EXEMPTION TO THIS IS THAT THE DEMOLITION OR CONSTRUCTION PROJECT CONTRACTOR, USING HIS OWN EQUIPMENT AND STAFF, CAN TAKE RECYCLABLES FROM A DEMOLITION OR CONSTRUCTION SITE TO A RECYCLING FACILITY.**
- **UNAUTHORIZED BINS WILL BE IMPOUNDED**
- **HAZARDOUS WASTES AND MATERIALS ARE OUTSIDE OF THE SCOPE OF THE EXCLUSIVE FRANCHISE AND MUST BE DISPOSED OF IN ACCORDANCE WITH STATE AND FEDERAL LAW.**



STORM WATER PLANNING PROGRAM PRIORITY PROJECT CHECKLIST

**FORM
PC**

Project Name	Owner Name	Developer Name
Project Address	Owner Address	Developer Address
Check/Track Number	Owner Phone	Developer Phone

PART 1 – TYPE OF PROJECT

Does the proposed project fall into one of the following categories?	YES	NO
1. A new development of 10 or more unit homes, including single and multiple family homes, condominiums, apartments, etc.		
2. A new industrial or commercial development with 1 acre or more of impervious surface.		
3. A new automotive service facility.		
4. A new retail gasoline outlet		
5. A new restaurant.		
6. A new parking lot with either 5,000 ft ² of impervious surface or with 25 or more parking spaces.		
7. A new hillside project (1 acre or more of surface area).		
8. Redevelopment projects*		
9. Project located in, adjacent to or discharging directly to an ESA* AND creates 2,500 ft ² or more of impervious surface area.		

If checked YES, numerical criteria will apply to items 1, 2, 6-9 and items 3-5 with project areas of 5,000 ft² or more of surface area. If any of the boxes in Part 1 are checked YES, this project will require the preparation of a Standard Urban Stormwater Mitigation Plan.
* Defined on back.

PART 2 – PROJECT SPECIFIC CONCERNS

Does the proposed project include any of the following elements?	YES	NO
1. Vehicle or equipment fueling areas (retail or private)		
2. Vehicle or equipment maintenance areas, including repair or washing		
3. Commercial or industrial waste handling or storage		
4. Outdoor handling or storage of hazardous materials		
5. Outdoor manufacturing areas		
6. Outdoor food handling or processing		
7. Outdoor animal care, confinement, or slaughter		
8. Outdoor horticulture activities		

If any of the boxes in Part 2 are checked YES, this project will require the preparation of a Site Specific Stormwater Mitigation Plan. If boxes in Parts 1 and 2 are both checked YES, a combined Standard Urban Stormwater Mitigation Plan will need to be submitted.

Applicant Name

Applicant Signature

Applicant Title

Date

DEFINITIONS:

Pervious surfaces are those that allow storm water runoff to percolate through. Typical pervious surfaces include: grass, gravel, concrete pavers, and some specially designed asphalts.

Hillside means property where the slope is 25% or greater and where grading contemplates cut or fill slopes.

Redevelopment means land-disturbing activity that result in the creation, addition, or replacement of 5,000 ft² or more of impervious surface area on an already developed site. Redevelopment includes, but is not limited to:

- The expansion of a building footprint;
- Addition or replacement of a structure;
- Replacement of impervious surface area that is not part of a routine maintenance activity; and
- Land disturbing activities related to structural or impervious surfaces

It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include modifications to existing single family structures, or emergency construction activities required to immediately protect public health and safety.

Environmentally Sensitive Areas (ESAs) means an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and would be disturbed or degraded by human activities and developments. Also, an area designated by the City as approved by the Regional Water Quality Control Board.

Maintenance Agreement and Transfer: All developments subject to SUSMP and site specific plan requirements provide verification of maintenance provisions for Structural and Treatment Control BMPs, including but not limited to legal agreements, covenants, CEQA mitigation requirements, and/or conditional use permits. Verification at a minimum shall include:

- The developer's signed statement accepting responsibility for maintenance until the responsibility is legally transferred; and either
- A signed statement from the public entity assuming responsibility for Structural or Treatment Control BMP maintenance and conduct a maintenance inspection at least once a year; or
- Written conditions in the sales or lease agreement, which requires the recipient to assume responsibility for maintenance and conduct a maintenance inspection at least once a year; or
- Written text in project conditions, covenants and restrictions (CCRs) for residential properties assigning maintenance responsibilities to the Home Owners Association for maintenance of the Structural and Treatment Control BMPs; or
- Any other legally enforceable agreement that assigns responsibility for the maintenance of post-construction Structural or Treatment Control BMPs.



STORM WATER PLANNING PROGRAM

PRIORITY DEVELOPMENT & REDEVELOPMENT PROJECTS

FORM
P1

Project Name _____
 Project Location _____
 Company Name _____
 Address _____
 Contact Name / Title _____
 Phone / FAX / Email _____

GENERAL PROJECT CERTIFICATION

A completed original of this form must accompany all SUSMP submissions.

Best Management Practices (BMPs) have been incorporated into the design of this project to accomplish the following:

1. Minimize impacts from storm water runoff on the biological integrity of Natural Drainage Systems and water bodies in accordance with requirements under CEQA (Cal. Pub. Resources Code § 21100), CWC § 13369, CWA § 319, CWA § 402(p), CWA § 404, CZARA § 6217(g), ESA § 7, and local government ordinances.
2. Maximize the percentage of permeable surfaces to allow more percolation of storm water into the ground.
3. Minimize the amount of storm water directed to impermeable surfaces and to the MS4.
4. Minimize pollution emanating from parking lots through the use of appropriate Treatment Control BMPs and good housekeeping practices.
5. Properly design and maintain Treatment Control BMPs in a manner that does not promote breeding of vectors.
6. Provide for appropriate permanent measures to reduce storm water pollutant loads in stormwater from the development site.

I certify that this Standard Urban Storm Water Mitigation Plan and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted.

Post Construction / Maintenance Certification

As the responsible party, I certify that the BMPs will be implemented, monitored and maintained to ensure their continued effectiveness. In the event of a property transfer, the new owner will be notified of the BMPs in use at this site and must include written conditions in the sales or lease agreement, which requires the recipient to assume responsibility for maintenance and conduct a maintenance inspection at least once a year. The information contained herein is, to the best of my knowledge and belief, true, accurate, and complete.

In consideration of the execution of the City approval of the proposed Standard Urban Stormwater Mitigation Plan (SUSMP) including any proposed treatment system, the applicant hereby agrees to indemnify, save and keep the City of Covina, its officers, agents and employees free and harmless from and against any and all claims for injury, damage, loss, liability, cost and expense of any nature whatsoever, which the City of Covina, its officer, agents, or employees may suffer, sustain, incur, pay out as a result of any and all actions, suits, proceedings, claims and demands which may be brought, made, or filed against the City of Covina, its officers, agents or employees by reason of or arising out of, or in any manner connected with any and all operations permitted by this approval. This indemnification extends to further agree that the City of Covina is not responsible for any additional requirements or restrictions due to changes in regulations, policies or enforcement practices of the California Regional Water Quality Control Board, or any other applicable regulatory agencies.

Property Owner Name

Property Owner Signature

Applicant Title

Date

PLANNING BEST MANAGEMENT PRACTICES

BMP Name	BMP Identification Number and Name	✓ if to be used
Car Wash Facility	<u>SC-21</u> : Vehicle and Equipment Cleaning	<input type="checkbox"/>
Constructed Wetlands	<u>MP-20</u> : Wetlands	<input type="checkbox"/>
Control of Impervious Runoff	-N/A-	<input type="checkbox"/>
Efficient Irrigation	-N/A-	<input type="checkbox"/>
Energy Dissipaters	<u>EC-10</u> : Velocity Dissipation Devices	<input type="checkbox"/>
Extended Detention Basins	<u>TC-22</u> : Extended Detention Basin	<input type="checkbox"/>
Infiltration Basins	<u>TC-11</u> : Infiltration Basins	<input type="checkbox"/>
Infiltration Trenches	<u>TC-10</u> : Infiltration Trenches	<input type="checkbox"/>
Inlet Trash Racks	-N/A-	<input type="checkbox"/>
Landscape Design	<u>EC-2</u> : Preservation of Existing Vegetation <u>EC-4</u> : Hydro seeding <u>EC-6</u> & <u>EC-8</u> : Straw & Wood Mulching	<input type="checkbox"/>
Linings for Urban Runoff Conveyance Channels	-N/A-	<input type="checkbox"/>
Materials Management	<u>SC-30</u> : Outdoor Loading/Unloading	<input type="checkbox"/>
Media Filtration	<u>TC-40</u> : Media Filter	<input type="checkbox"/>
Motor Fuel Concrete Dispensing Areas	<u>SC-20</u> : Vehicle and Equipment Fueling	<input type="checkbox"/>
Motor Fuel Dispensing Area Canopy	<u>SC-20</u> : Vehicle and Equipment Fueling	<input type="checkbox"/>
Water Quality Inlets	<u>TC-50</u> : Water Quality Inlet	<input type="checkbox"/>
Outdoor Storage	<u>SC-31</u> : Outdoor Liquid Container Storage <u>SC-33</u> : Outdoor Storage of Raw Materials	<input type="checkbox"/>
Porous Pavement and/or Alternative Surfaces	-N/A-	<input type="checkbox"/>
Protect Slopes and Channels	<u>EC-11</u> : Slope Drains <u>EC-12</u> : Streambank Stabilization	<input type="checkbox"/>
Self-Contained Areas for Vehicle or Equipment Washing, Steam Cleaning, Maintenance, Repair, or Material Processing	<u>SC-21</u> : Vehicle and Equipment Cleaning <u>SC-22</u> : Vehicle and Equipment Repair <u>SC-32</u> : Outdoor Equipment Operations	<input type="checkbox"/>
Storm Drain System Stenciling and Signage	<u>SC-34</u> : Waste Handling and Disposal (Signage Section)	<input type="checkbox"/>
Trash Container Areas	<u>SC-34</u> : Waste Handling and Disposal	<input type="checkbox"/>
Vegetated Swales and Strips	<u>TC-32</u> : Bioretention	<input type="checkbox"/>
Wet Ponds	<u>TC-20</u> : Wet Ponds	<input type="checkbox"/>
Other:	• • • • •	<input type="checkbox"/>

Please refer to the California Storm Water Best Management Practice Handbooks for more information.



STORM WATER TREATMENT CERTIFICATION

FORM
P2

SITE NAME and ADDRESS

APPROXIMATE PROJECT CHARACTERISTICS

_____	Roofed Area	_____	ft ²
_____	Roadway/Parking Area (exposed)	_____	ft ²
_____	Landscaped/Vegetation	_____	ft ²
_____	Other Ground Level Impervious Areas (Ex: Outdoor work or storage areas)	_____	ft ²
_____	Other: _____	_____	ft ²
	TOTAL	_____	ft ²

STRUCTURAL/TREATMENT BMPs

(attach additional sheets as necessary)

Area Designation (must correspond on plans)	Area (ft ²)	Average Impervious Factor	Estimated Flow Rates or Volume*	Anticipated Potential Pollutants	Type of BMP (Include model number if any)	BMP Location (briefly describe)	Design Treatment Capacity

By stamping this form, I acknowledge that each treatment BMP is provided with adequate bypass or overflow so as not to contribute to localized flooding or soil instability.

*Flow rates and volumes based on 0.75 inches of rainfall, include detailed calculations

I certify that I am a Professional Engineer or Licensed Architect registered in the State of California, and that the treatment methods and capacities herein comply with the requirements established by the California Regional Water Quality Control Board, Los Angeles Region, and the State Water Resources Control Board for Standard Urban Stormwater Mitigation Plans (SUSMP).

**Affix Registered Engineer
Wet Ink Stamp Here:**

Print Name

Signature

Date



LOCAL STORM WATER POLLUTION PREVENTION PLAN (LSWPPP)

This plan is in addition to standard City requirements for erosion control plans

If project is 1 acre or more:

State WDID#

attach copy of certified letter

OWNER NAME _____

SITE NAME _____

OWNER ADDRESS _____

SITE ADDRESS _____

PHONE _____

TRACT NUMBER _____

CONTRACTOR NAME _____

Indicate Size of Disturbed Area
including stockpiles

Building/Grading or Plan Check Number

CONTRACTOR ADDRESS _____

_____ Acres

PHONE _____

Estimated start/finish date: _____

In addition to the SWPPP required under the State GCASP program, the MS4 Permit requires an LSWPPP for all construction projects one acre or greater. The preparer should assess site conditions, identify construction activities with the potential to cause storm water pollution, and identify the BMPs that will best suit the construction activities.

Project Description

Provide a narrative description of the major features of the proposed project (e.g. Low density housing commercial development industrial complex, etc.) Attach additional sheets, if necessary.

The attached tables indicate which Best Management Practices (BMPs) will be used to control storm water pollution from the project site. In addition, a Site Plan example is included showing BMP locations.

I certify that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate, and complete. The project contractor is aware that the selected BMPs must be installed, monitored, and maintained. As the Project Owner, I certify the appropriate BMPs will be implemented to effectively minimize the negative impacts of this project's construction activities on storm water quality. I am aware that submitting false and/or inaccurate information, failing to update the Local SWPPP to reflect current conditions, or failing to properly and/or adequately implement the Local SWPPP may result in revocation of grading and/or other permits or other sanctions provided by law.

As the architect/engineer of record, I have selected appropriate BMPs to effectively minimize the negative impacts of this project's construction activities on storm water quality. The project owner and contractor are aware that the selected BMPs must be installed, monitored, and maintained to ensure their effectiveness. The BMPs not selected for implementation are redundant or deemed not applicable to the proposed construction activity.

Owner or Authorized Representative Signature

Owner or Authorized Representative Name (printed)

Date

Project Architect or Engineer of Record, stamp and date

This is a separate submittal and NOT a substitute for the SWPPP the State requires under the GCASP Program. Verification that an SWPPP has been prepared must be submitted.

LOCAL STORM WATER POLLUTION PREVENTION PLAN (LSWPPP)

Indicate on the following tables which BMP will be used to control stormwater pollution at the project site.

Project Name and Address:

General Site Management			
BMP Description	Will BMP be used?		If YES, show on plans or describe on additional sheet. If NO, state reason (attach additional sheets if necessary)
	YES	NO	
Site Planning Considerations			
Project Scheduling (EC-1)			
Preservation of Existing Vegetation (EC-2)			
Construction Practices			
Sediment Control Procedures			
Dewatering Operations (NS-2)			
Paving Operations (NS-3)			
Wind Erosion Control (WE-1)			
Vehicle & Equipment Management			
Vehicle and Equipment Cleaning (NS-8)			
Vehicle and Equipment Cleaning (NS-9)			
Vehicle and Equipment Cleaning (NS-10)			
Tracking Control			
Stabilized Construction Entrance (TR-1)			
Self-Inspections	✓		Self inspections will be made before, after and during a 0.25 inch rainfall event.

Construction Materials and Waste Management			
BMP Description	Will BMP be used?		If YES, show on plans or describe on additional sheet. If NO, state reason (attach additional sheets if necessary)
	YES	NO	
Material Management			
Material Delivery and Storage (WM-1)			
Material Use (WM-2)			
Spill Prevention and Control (WM-4)			
Waste Management			
Solid Waste Management (WM-5)			
Hazardous Waste Management (WM-6)			
Contaminated Soil Management (WM-7)			
Concrete Waste Management (WM-8)			
Sanitary Septic Management (WM-9)			

LOCAL STORM WATER POLLUTION PREVENTION PLAN (LSWPPP)

Project Name and Address:

Indicate on the following tables which BMP will be used to control stormwater pollution at the project site

Erosion Control Practices

BMP Description	Will BMP be used?		If YES, show on plans or describe on additional sheet. If NO, state reason (attach additional sheets if necessary)
	YES	NO	
Vegetative Stabilization			
Hydroseeding (EC-4)			
Mulching (EC-3, EC-6, EC-8)			
Physical Stabilization			
Geotextiles and Mats (EC-7)			
Streambank Stabilization (EC-12)			
Construction Road Stabilization (TR-2)			
Diversion Runoff			
Earth Dike (EC-9)			
Drainage Swales (EC-9)			
Slope Drains (EC-11)			
Velocity Reduction			
Velocity Dissipation Devices (EC-10)			
Check Dams (SE-4)			

Sediment Control Practices

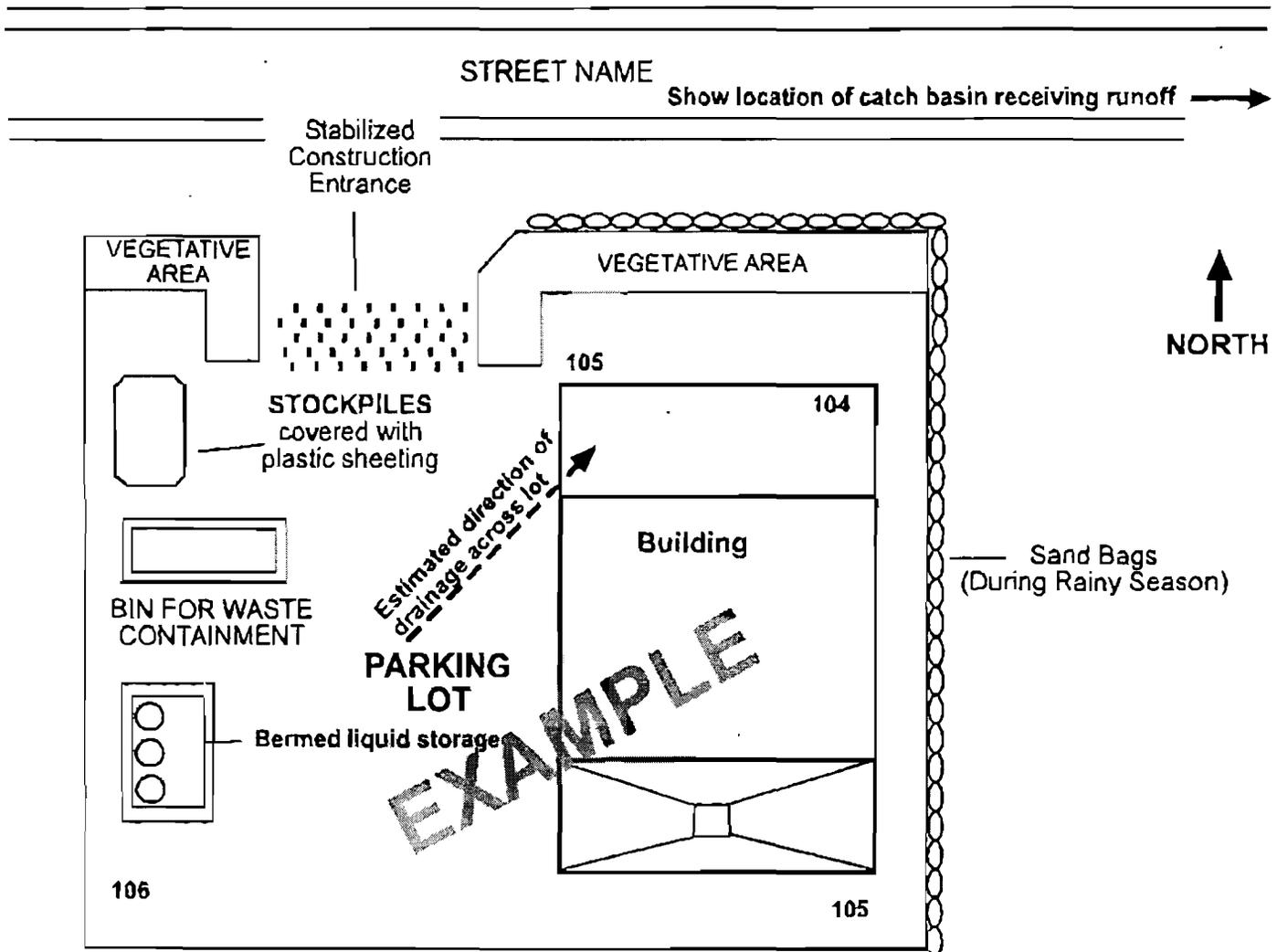
BMP Description	Will BMP be used?		If YES, show on plans or describe on additional sheet. If NO, state reason (attach additional sheets if necessary)
	YES	NO	
Sediment Control			
Silt Fence (SE-1)			
Straw Bale Barrier (SE-9)			
Sand Bag Barrier (SE-8)			
Storm Drain Inlet Protections (SE-11)			
Sediment Trap (SE-3)			
Sediment Basin (SE-2)			

BMP locations must be shown on plans

BMPs must conform to the latest edition of the California Storm Water Best Management Practices Handbook.

LOCAL STORM WATER POLLUTION PREVENTION PLAN (LSWPPP)

Sample Project
Site Diagram
Example



Submit three sets of plans showing BMPs.

INCLUDE THE FOLLOWING

Project Name Project Location Scale or Dimensions

And,

- 1) The project boundary and limits of grading and soil disturbance.
- 2) The footprint of existing facilities and facilities that will be built during construction.
- 3) The existing and final grades of the site, along with any intermediate grades during construction that will significantly affect site drainage patterns.
- 4) The location(s) where runoff from the site may enter storm drain(s), channel(s), and/or receiving water(s).
- 5) Specific locations where construction materials, vehicles, and equipment will be stored, handled, used, maintained, and disposed, along with locations of structural measures that will be used to contain these materials on site.

BMPs must ALSO be shown on grading/construction plans.

Existing grading/construction plans may be substituted provided all required information is included.

Storm Water Construction notes

Minimum BMP Requirements for Construction Activities for All Development Construction Projects

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

<p>WM-1 MATERIAL DELIVERY AND STORAGE</p> <p>Provide a material storage area with secondary containment and/or weather protection. Note the maintenance practices and schedule proposed for this area.</p>	<p>WM-7 CONTAMINATED SOIL MANAGEMENT</p> <p>Prevent or reduce the discharge of pollutants to stormwater from contaminated soil and highly acidic or alkaline soils by conducting pre-construction surveys, inspecting excavations regularly, and remediating contaminated soil promptly.</p>
<p>WM-2 MATERIAL USE</p> <p>Hazardous materials, fertilizers, pesticides, plasters, solvents, paints, and other compounds must be properly handled in order to reduce the risk of pollution or contamination. Training and information on procedures for the proper use of all materials must be available to the employees that apply such materials.</p>	<p>WM-8 CONCRETE WASTE MANAGEMENT</p> <p>Store dry and wet materials under cover. Avoid on-site washout except in designated areas away from drains, ditches, streets, and streams. Concrete waste deposited on site shall set-up, be broken apart, and disposed of properly. Containment and proper disposal is required for all concrete waste.</p>
<p>WM-4 SPILL PREVENTION AND CONTROL</p> <p>Identify spill prevention and control measures that will be taken for all proposed materials. Identify the methods, by which accidental spills will be cleaned and properly disposed of.</p>	<p>WM-9 SANITARY / SEPTIC WASTE MANAGEMENT</p> <p>Untreated raw wastewater is not to be discharged or buried. Sanitary sewer facilities on site are required to be in compliance with local health agency requirements. Sanitary or septic wastes must be treated or disposed of in accordance with State and local requirements.</p>
<p>WM-5 SOLID WASTE MANAGEMENT</p> <p>Provide designated waste collection areas and containers. Arrange for regular disposal. Provide covered storage with secondary containment. Containers are required to protect waste from rain to prevent water pollution and prevent wind dispersal.</p>	<p>TC-1 STABILIZED CONSTRUCTION ENTRANCE</p> <p>A stabilized entrance is required for all construction sites to ensure that dirt and debris are not tracked onto the road or adjacent property. Maintenance of such a system is required for the duration of the project. Such stabilization may be of rock or paved.</p>
<p>WM-6 HAZARDOUS WASTE MANAGEMENT</p> <p>Hazardous materials must be disposed of in accordance with State and Federal regulations. Identify the proposed methods of disposal and any special handling contracts that may be applicable.</p>	<p>SE-1 SILT FENCE SE-3 SEDIMENT TRAP SE-8 SAND BAGS</p> <p>Eroded sediments must be retained on site and not permitted to enter the drainage system. May be waived at the sole discretion of the City Inspector if other erosion control BMPs are deemed sufficient.</p>

Self Inspection Forms

BMPs for construction sites are usually temporary measures that require frequent maintenance to maintain their effectiveness and may require relocation and reinstallation, particularly as the project progresses.

Regular inspections are required, particularly during rainy season.

In order to ensure that BMPs are properly implemented and function effectively, and to identify necessary maintenance and repairs, developers and contractors are required to perform self-inspections. The attached Construction Site Inspection Checklists must be completed:

- Before and after every rainfall with 0.25 inches or more of predicted or actual precipitation
- and
- At 24-hour intervals during extended rainfall events.

Construction Site Inspection Checklist

Inspected By: _____

Project: _____

Contractor: _____

Date: _____

Circle "YES" or "NO" or "N/A" if not applicable

- | | |
|----------------------|---|
| <u>YES</u> NO N/A | 1. Has there been rain at the site since the last inspection? |
| <u>YES</u> NO N/A | 2. Are all sediment barriers (e.g., sandbags, straw bales, and silt fences) in place in accordance with the Plan and are they functioning properly? |
| <u>YES</u> NO N/A | 3. If present, are all exposed slopes protected from erosion through the implementation of acceptable soil stabilization practices? |
| <u>YES</u> NO N/A | 4. If present, are all sediment traps/basins installed and functioning properly? |
| <u>YES</u> NO N/A | 5. Are all material handling and storage areas reasonably clean and free of spills, leaks, or other deleterious materials? |
| <u>YES</u> NO N/A | 6. Are all equipment storage and maintenance areas reasonably clean and free of spills, leaks, or any other deleterious materials? |
| <u>YES</u> NO N/A | 7. Are all materials and equipment properly covered? |
| <u>YES</u> NO N/A | 8. Are all external discharge points (i.e., outfalls) reasonably free of any noticeable pollutant discharges? |
| <u>YES</u> NO N/A | 9. Are all internal discharge points (i.e., storm drain inlets) provided with inlet protection? |
| <u>YES</u> NO N/A | 10. Are all external discharge points reasonably free of any significant erosion or sediment transport? |
| <u>YES</u> NO N/A | 11. Are all BMPs identified on the Plan installed in the proper locations and according to the specifications for the Plan? |
| <u>YES</u> NO N/A | 12. Are all structural control practices in good repair and maintained in functional order? |
| <u>YES</u> NO N/A | 13. Are all on-site traffic routes, parking, and storage of equipment and supplies restricted to areas designated in the Plan for those uses? |
| <u>YES</u> NO N/A | 14. Are all locations of temporary soil stockpiles or construction materials in approved areas and properly contained? |
| <u>YES</u> NO N/A | 15. Are all seeded or landscaped areas properly maintained? |

- YES NO N/A 16. Are sediment controls in place at discharge points from the site?
- YES NO N/A 17. Are slopes free of significant erosion?
- YES NO N/A 18. Are all points of ingress and egress from the site provided with stabilized construction entrances?
- YES NO N/A 19. Is the sediment, debris, or mud being cleaned from public roads at intersections with site access roads?
- YES NO N/A 20. Does the Plan reflect current site conditions?

If you answered "no" to any of the above questions (except Number 1), describe any corrective action(s) that must be taken to remedy the problem and when the corrective action is to be completed:

Checklist Item	Corrective Action(s) Needed	Date to be Completed

RECORDING REQUESTED BY:
City of Covina

WHEN RECORDED MAIL TO:
City Clerk
City of Covina
125 E College Street
Covina, CA 91723



**STANDARD URBAN STORMWATER MITIGATION
PLAN, BMP MAINTENANCE AND
RIGHT OF ENTRY AGREEMENT**

THIS STANDARD URBAN STORMWATER MITIGATION PLAN, STORMWATER BMP MAINTENANCE AND RIGHT OF ENTRY AGREEMENT ("Agreement") is made and entered into in the City of Covina, California, this _____ day of _____ 20____ by and between _____ hereinafter referred to as "Owner" and the City of Covina ("City"), a municipal corporation. This Agreement applies to property located at _____, APN No. _____ in the County of Los Angeles, State of California. The Agreement is subject to the following recitals:

RECITALS

WHEREAS, the Owner owns real property ("Property") in the City of Covina, County of Los Angeles, State of California, more specifically described in Exhibit "A", which exhibit is attached hereto and incorporated herein by this reference;

WHEREAS, at the time of the City's initial approval of the development project known as _____ located within the Property, the City required the project to employ Best Management Practices, hereinafter referred to as "BMPs," to minimize pollutants in urban runoff;

WHEREAS, the Owner has chosen to install and/or implement BMPs as described in the Standard Urban Stormwater Mitigation Plan, on file with the City, hereinafter referred to as "SUSMP", to minimize pollutants in urban runoff and to minimize other adverse impacts of urban runoff;

WHEREAS, the SUSMP has been certified by the Owner and reviewed and approved by the City;

WHEREAS, the BMPs, with installation and/or implementation on private property and draining only private property, are part of a private facility with all maintenance or replacement, therefore, the sole responsibility of the Owner in accordance with the terms of this Agreement; and

WHEREAS, the Owner is aware that periodic and continuous maintenance, including, but not necessarily limited to, filter material replacement and sediment removal, is required to assure peak performance of all BMPs in the SUSMP and that, furthermore, such maintenance activity will require compliance with all local, State, or Federal laws and regulations, including those pertaining to confined space and waste disposal methods, in effect at the time such maintenance occurs.

NOW, THEREFORE, it is mutually stipulated and agreed as follows:

1. Responsibility for Operation and Maintenance of BMPs: Owner shall maintain in accordance with the Operations and Maintenance Plan (Exhibit B) all on-site structural stormwater pollution removal devices including, but not limited to: Detention/Sedimentation System, Filtration Systems, Infiltration Systems, Oil and Water Separators, Water Quality Inlets and Dry Wells.

Owner shall diligently maintain all BMPs in a manner assuring peak performance at all times. Owner shall conduct a maintenance inspection of all Structural and Treatment Control BMP's on the Property at least once per year and retain documentation of such inspection. Said maintenance inspection must verify the legibility of all required stencils and signs and Owner shall repaint and label as necessary. All reasonable precautions shall be exercised by Owner and Owner's representative or contractor in the removal and extraction of any material(s) from the BMPs and the ultimate disposal of the material(s) in a manner consistent with all relevant laws and regulations in effect at the time. As may be requested from time to time by the City, the Owner shall provide the City with documentation pertaining to any and all BMP inspections and/or identifying the material(s) removed, the quantity, and disposal destination.

The specific structural BMPs are listed as follows (noting quantity, size, and model number, if applicable):

2. Right of Access: Owner hereby provides the City or City's designee complete access, of any duration, to the BMPs and their immediate vicinity at any time, upon reasonable notice, or in the event of emergency, as determined by City's Director of Public Works ("Director"), upon no advance notice, for the purpose of inspection, sampling, testing of the BMPs, and in case of emergency, to undertake,

in the City's sole discretion, necessary repairs or other preventative measures at Owner's expense as provided in paragraph 3 below. City shall make every effort at all times to minimize or avoid interference with Owner's use of the Property.

3. City Maintenance at Owner's Expense: In the event Owner, or its successors or assigns, fails to accomplish the necessary maintenance contemplated by this Agreement, within five (5) calendar days after being given written notice by the City, the City is hereby authorized to cause any maintenance necessary to be done and charge the entire cost and expense to the Owner or Owner's successors or assigns, including administrative costs, attorneys fees and interest thereon at the maximum rate authorized by the Civil Code from the date of the notice of expense until paid in full. The City, at its sole election, may make these costs to be a lien upon the property that may be collected at the same time and in the same manner as ordinary municipal taxes as provided in Government Code section 38773.5. Nothing in this section or this Agreement creates an obligation by the City to maintain or repair any BMP, nor does this section prohibit the City from pursuing other legal recourse against Owner.
4. Recording: This Agreement shall be recorded in the Office of the Recorder of Los Angeles County, California, at the expense of the Owner and shall constitute notice to all successors and assigns of the title to said Property of the obligation herein set forth, and also a lien in such amount as will fully reimburse the City, including interest as herein above set forth, subject to foreclosure in event of default in payment.
5. Attorney's Fees: In event of legal action occasioned by any default or action of either Party to this Agreement, or its successors or assigns, the defaulting Party and its successors or assigns agree(s) to pay all costs incurred by the non-defaulting Party in enforcing the terms of this Agreement, including reasonable attorney's fees and costs, and that the same shall become a part of the lien against said Property.
6. Covenant: It is the intent of the parties hereto that burdens and benefits herein undertaken shall constitute covenants that run with said Property and constitute a lien there against.
7. Binding on Successors: The obligations herein undertaken shall be binding upon the heirs, successors, executors, administrators and assigns of the parties hereto. The term "Owner" shall include not only the present Owner, but also its heirs, successors, executors, administrators, and assigns. Owner shall notify any successor to title, tenant or occupant in possession of all or part of the Property about the existence of this Agreement. Owner shall provide such notice prior to such successor, tenant or occupant obtaining an interest in all or part of the Property. Owner shall provide a copy of such notice to the City at the same time such notice is provided to the successor, tenant or occupant in possession. Owner shall also provide printed educational materials with any sale of the property that provide information on what stormwater management facilities are present, the type(s) and location(s) of maintenance that are required, and how the necessary maintenance is to be performed.

8. Indemnity and Insurance: The Owner, its heirs, successors, executors, administrators and assigns agree to defend, indemnify and holds harmless the City, its officials, employees and its authorized agents from any and all damages, accidents, casualties, occurrences or claims which might arise or be asserted against the City and which are in any way connected with the construction, operation, presence, existence or maintenance of the BMP by the Owner, or from any personal injury or property damage that may result from the City or other public entities entering the Property under Sections 2 or 3 of this Agreement except those damages, accidents, casualties, occurrences or claims or failure to act resulting from the City's negligence or willful misconduct. The Owner shall maintain liability insurance specifically covering the BMP and City. The City shall specify amount of coverage and require proof of insurance to be provided to City on a regular basis as determined by the City.

9. Time of the Essence: Time is of the essence in the performance of this Agreement.

10. Notice: Any notice to a party required or called for in this Agreement shall be served in person, or by deposit in the U.S. Mail, first class postage prepaid or when sent by facsimile, to the address set forth below. Notice(s) shall be deemed effective, when sent by facsimile or by U.S. mail, upon receipt, or seventy-two (72) hours after deposit in the U.S. Mail, whichever is earlier. A party may change a notice address only by providing written notice thereof to the other party.

IF TO CITY:

City of Covina
 125 E. College Street
 Covina, CA 91723

IF TO OWNER:

 Attn: _____
 Telephone: _____
 Fax: _____

With a copy to:

 Attn: _____
 Telephone: _____
 Fax: _____

State of California)
) ss.
County of Los Angeles)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

On _____

(date), before me, _____ (here insert name and title of the officer),
personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

[Seal]

**EXHIBIT A
(LEGAL DESCRIPTION)**

EXHIBIT B
(MAINTENACE AND OPERATION PLAN)

**WATER DIVISION REQUIREMENTS FOR APPLICATION SPR 14-003
ETC. (PROPOSED RESIDENTIAL DEVELOPMENT AT 777 E. EDNA PL.
& PROPOSED COMMERCIAL DEVELOPMENT AT 731 N. GRAND AV. –
MUNIS #521)**

1. Need Water Site Plan for Domestic, Fire, and Irrigation.

For any questions here, please contact the Water Division staff at 626-384-5220.

**GRAND COVINA, LLC
RESIDENTIAL AND COMMERCIAL DEVELOPMENT**

777-847 East Edna Place and 731 North Grand Avenue, Covina, CA

**GPA 14-002
ZCH 14-001
PCD 14-002;
TTM 72721
SPR 14-003**

**EXHIBIT G
DEVELOPMENT PLANS**

LEGAL DESCRIPTION:

APN: 8429-006-018
 PER GRANT DEED RECORDED ON OCTOBER 13, 2013 AS INSTRUMENT NO. 20131549792,
 RECORDED/FILED IN OFFICIAL RECORDS, RECORDER'S OFFICE, LOS ANGELES COUNTY,
 THAT PORTION OF LOT 2 OF TRACT 5410, IN THE CITY OF COVINA, AS PER MAP RECORDED IN BOOK
 37, PAGE 61 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS
 FOLLOWS:

BEGINNING AT A POINT IN THAT EAST LINE OF SAID LOT, DISTANT THEREON NORTH 00 DEGREES 01'
 30" WEST 320.84 FEET FROM THE SOUTHWEST CORNER OF SAID LOT; THENCE PARALLEL WITH THE
 SOUTH LINE OF SAID LOT NORTH 89 DEGREES 48' 45" WEST 254 FEET TO A LINE PARALLEL WITH
 AND 294 FEET WESTERLY, MEASURED AT RIGHT ANGLES FROM THE SAID EAST LINE AND THE TRUE
 POINT OF BEGINNING; THENCE CONTINUING NORTH 89 DEGREES 48' 45" WEST 800.78 FEET TO THE
 WEST LINE OF SAID LOT; THENCE NORTH 00 DEGREES 00' 30" WEST 304.05 FEET TO THE NORTHWEST
 CORNER OF SAID LOT; THENCE ALONG THE NORTH LINE OF SAID LOT, SOUTH 89 DEGREES 48'
 01.11 FEET TO A LINE PARALLEL WITH THE SAID EAST LINE AND WHICH PASSES THROUGH THE TRUE
 POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 01' 30" EAST 301.08 FEET TO THE TRUE POINT OF
 BEGINNING.

EXCEPT THEREFROM THE WESTERLY 100 FEET THEREOF.

ALSO EXCEPT THE EASTERLY 143 FEET THEREOF.

APN: 8429-006-017

DEED NOT AVAILABLE

APN: 8429-006-006

DEED NOT AVAILABLE

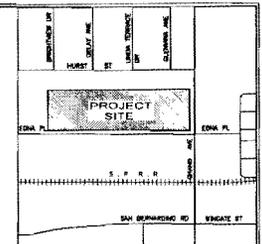
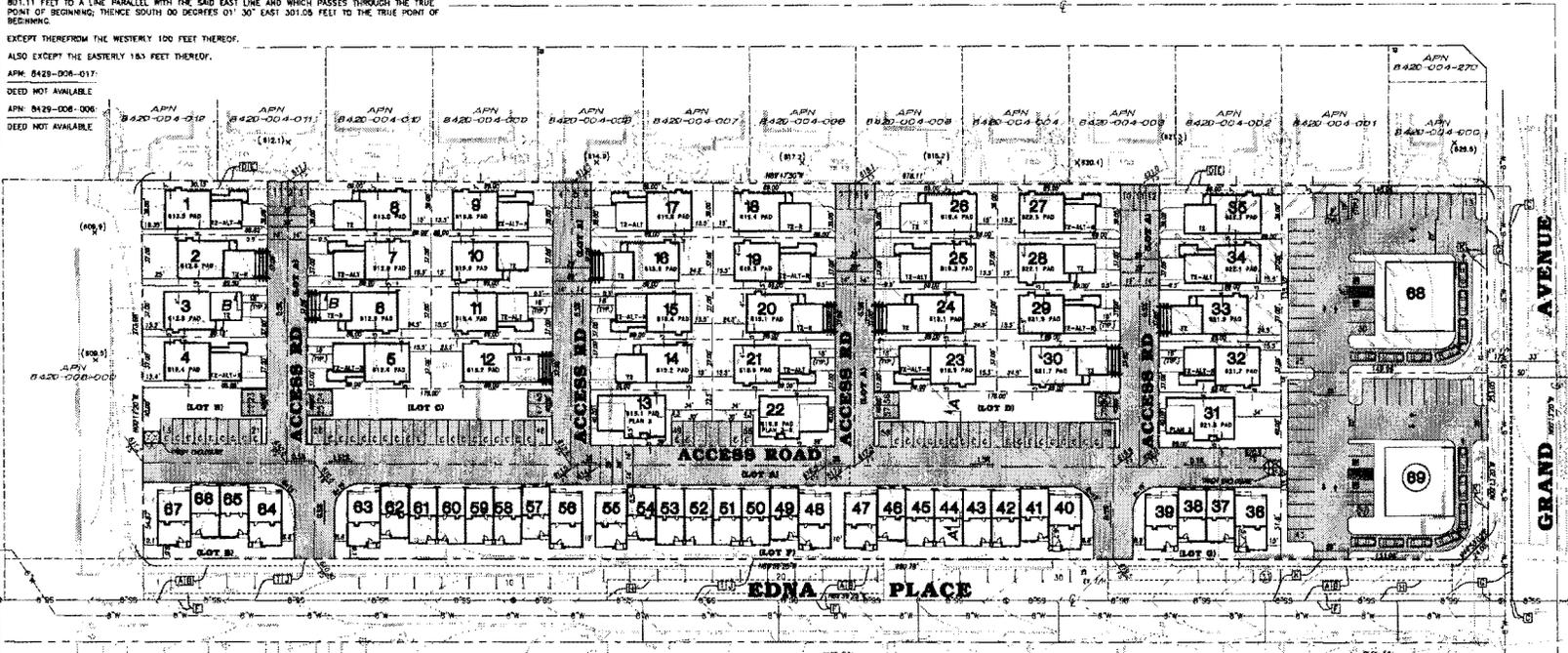
TENTATIVE TRACT MAP NO. 72721 PLANNED RESIDENTIAL DEVELOPMENT

APNs: 8429-006-006, 017 & 018

IN THE CITY OF COVINA

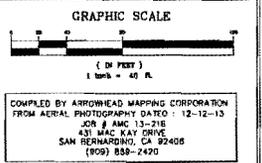
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

HURST STREET



LOCATION MAP
(NO SCALE)

BOOK OR PERMITS	ITEM NO.	DESCRIPTION
	1	AN EASEMENT TO AZUSA WATER DEVELOPMENT & IRRIGATION COMPANY FOR THE PURPOSES OF IRRIGATION OF WATER CANALS, RECORDED IN BOOK 146, PAGE 235 OF OFFICIAL RECORDS.
	2	AN EASEMENT TO AZUSA WATER DEVELOPMENT & IRRIGATION COMPANY FOR THE PURPOSES OF IRRIGATION OF WATER CANALS, RECORDED IN BOOK 156, PAGE 158 OF OFFICIAL RECORDS.
	3	AN EASEMENT TO AZUSA WATER DEVELOPMENT & IRRIGATION COMPANY FOR THE PURPOSES OF IRRIGATION OF WATER CANALS, RECORDED IN BOOK 156, PAGE 158 OF OFFICIAL RECORDS.
	4	AN EASEMENT TO AZUSA WATER DEVELOPMENT & IRRIGATION COMPANY FOR THE PURPOSES OF IRRIGATION OF WATER CANALS, RECORDED IN BOOK 156, PAGE 158 OF OFFICIAL RECORDS.
	5	AN EASEMENT TO AZUSA WATER DEVELOPMENT & IRRIGATION COMPANY FOR THE PURPOSES OF IRRIGATION OF WATER CANALS, RECORDED IN BOOK 156, PAGE 158 OF OFFICIAL RECORDS.
	6	AN EASEMENT TO T. ROBERT DEWITT WELLS COMPANY FOR PURPOSES OF PUBLIC ROAD, RECORDED OCTOBER 30, 1928 AS INSTRUMENT NO. 155232 OF OFFICIAL RECORDS.
	7	AN EASEMENT TO T. ROBERT DEWITT WELLS COMPANY FOR PURPOSES OF PUBLIC ROAD, RECORDED OCTOBER 30, 1928 AS INSTRUMENT NO. 155233 OF OFFICIAL RECORDS.
	8	AN EASEMENT TO COVINA PRODUCE COMPANY FOR THE PURPOSES OF PUBLIC, RECORDED IN BOOK 1383, PAGE 186 OF OFFICIAL RECORDS. (UNLOCATABLE)
	9	AN EASEMENT TO GENERAL TELEPHONE COMPANY OF CALIFORNIA FOR THE PURPOSES OF PUBLIC UTILITIES, RECORDED APRIL 21, 1933 AS INSTRUMENT NO. 7962-1 OF OFFICIAL RECORDS.
	10	AN EASEMENT TO SOUTHERN CALIFORNIA Edison COMPANY FOR THE PURPOSES OF PUBLIC UTILITIES, RECORDED JULY 18, 1953 AS INSTRUMENT NO. 13155-4 OF OFFICIAL RECORDS.
	11	AN EASEMENT TO CITY OF COVINA FOR SANITARY SEWER PURPOSES, RECORDED APRIL 4, 1957 AS INSTRUMENT NO. 3148 OF OFFICIAL RECORDS.
	12	AN EASEMENT TO CITY OF COVINA FOR STREET & HIGHWAY PURPOSES, RECORDED APRIL 4, 1957 AS INSTRUMENT NO. 3612, RECORDED IN BOOK 0-136, PAGE 233 OF O.R.
	13	AN EASEMENT TO SOUTHERN CALIFORNIA GAS CO. FOR THE PURPOSES OF PUBLIC UTILITIES, RECORDED FEBRUARY 14, 1955 AS INSTRUMENT NO. 3469, IN BOOK 0-729, PAGE 254 OF O.R.
	14	AN EASEMENT TO CITY OF COVINA FOR STREET AND HIGHWAY PURPOSES, RECORDED SEPTEMBER 23, 1985 AS INSTRUMENT NO. 3872 OF OFFICIAL RECORDS.
	15	AN EASEMENT TO CITY OF COVINA FOR STREET AND HIGHWAY PURPOSES, RECORDED SEPTEMBER 23, 1985 AS INSTRUMENT NO. 3873 OF OFFICIAL RECORDS.
	16	AN EASEMENT TO CITY OF COVINA FOR STREET AND HIGHWAY PURPOSES, RECORDED OCTOBER 26, 1968 AS INSTRUMENT NO. 2868 OF OFFICIAL RECORDS.
	17	AN EASEMENT TO SOUTHERN CALIFORNIA Edison COMPANY FOR THE PURPOSES OF PUBLIC UTILITIES, RECORDED JANUARY 27, 1978 AS INSTRUMENT NO. 2633 OF OFFICIAL RECORDS.



COMPILED BY AIRBORNE MAPPING CORPORATION FROM AERIAL PHOTOGRAPHY DATED 12-12-13
 JOB # 146-12-13
 431 MAC KAY DRIVE
 SAN BERNARDINO, CA 92408
 (909) 858-1492

CITY OF COVINA TENTATIVE TRACT MAP NO. 72721

APNs: 8429-006-006, 017 & 018

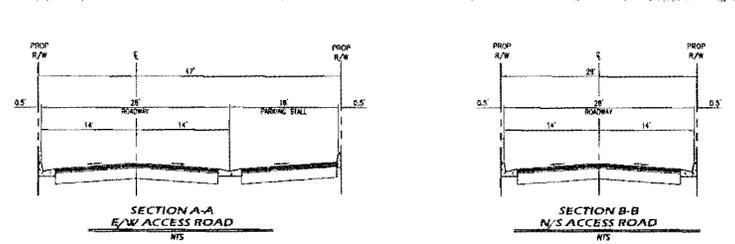
DESIGNED BY: SZ
 DATE: 01-13-14
 DRAWN BY: SZ
 DATE: 01-13-14
 LATEST CHANGES BY: SZ
 DATE: 08-18-14
 PLOTTED BY: SZ
 DATE: 08-18-14

1 OF 1
 JOB NO. 654

PROJECT DATA	
SUBDYMER:	GRAND COVINA, LLC 1773 SAN BERNARDINO ROAD, SUITE B42 WEST COVINA, CA 91790 (626) 338-5650
ENGINEER:	LAND DEVELOPMENT CONSULTANTS 1520 BROOKHOLLOW DRIVE, SUITE 33 SANTA ANA, CA 92705 (714) 587-7700 (714) 587-7707 FAX
PROJECT ADDRESS:	731 GRAND AVENUE 777 EDNA PLACE
THOMAS CODE:	599 D-4
APN/S:	8429-006-006, 017 & 018
EXISTING LAND USES:	COMMERCIAL / INDUSTRIAL
PROPOSED LAND USES:	SINGLE FAMILY HOMES / COMMERCIAL
PARKING SPACE TABULATION (RESIDENTIAL):	134 (2 CAR GARAGE)
ASSIGNED SPACES:	80 (49 COMPACT & 31 REGULAR)
OPEN AND GUEST SPACES:	
ORVWAY SPACES:	48
OFFSITE PARKING SPACES:	33
TOTAL PARKING SPACES:	295
PARKING SPACE (COMMERCIAL):	57

PROJECT DATA CONT.	
PROPOSED NUMBER OF HOMES:	33 (LOTS 1-33, 116,475 SQ. FT.)
PROPOSED NUMBER OF TOWNHOMES:	32 (LOTS 34-65, 28,112 SQ. FT.)
PROPOSED COMMERCIAL LOTS:	2 (LOTS 66 & 69; 40,384 SQ. FT.)
PROPOSED ACCESS LOT:	(LOT A; 59,705 SQ. FT.)
PROPOSED OPEN SPACE LOTS:	(LOTS B-C; 21,032 SQ. FT.)
PROJECT AREA:	285,718 SQ. FT. = 6.10 ACRES

REVISIONS				
NO.	DESCRIPTION	BY	DATE	APPROVED



PROJECT DATA	
SUBDYMER:	GRAND COVINA, LLC 1773 SAN BERNARDINO ROAD, SUITE B42 WEST COVINA, CA 91790 (626) 338-5650
ENGINEER:	LAND DEVELOPMENT CONSULTANTS 1520 BROOKHOLLOW DRIVE, SUITE 33 SANTA ANA, CA 92705 (714) 587-7700 (714) 587-7707 FAX
PROJECT ADDRESS:	731 GRAND AVENUE 777 EDNA PLACE
THOMAS CODE:	599 D-4
APN/S:	8429-006-006, 017 & 018
EXISTING LAND USES:	COMMERCIAL / INDUSTRIAL
PROPOSED LAND USES:	SINGLE FAMILY HOMES / COMMERCIAL
PARKING SPACE TABULATION (RESIDENTIAL):	134 (2 CAR GARAGE)
ASSIGNED SPACES:	80 (49 COMPACT & 31 REGULAR)
OPEN AND GUEST SPACES:	
ORVWAY SPACES:	48
OFFSITE PARKING SPACES:	33
TOTAL PARKING SPACES:	295
PARKING SPACE (COMMERCIAL):	57

BASE OF BEARINGS	
THE BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF EDNA BEING INTERSECTION AS SHOWN ON TRACT MAP NO. 27433 FILED IN MAP BOOK 778, PAGES 43-46, RECORDS OF LOS ANGELES COUNTY.	

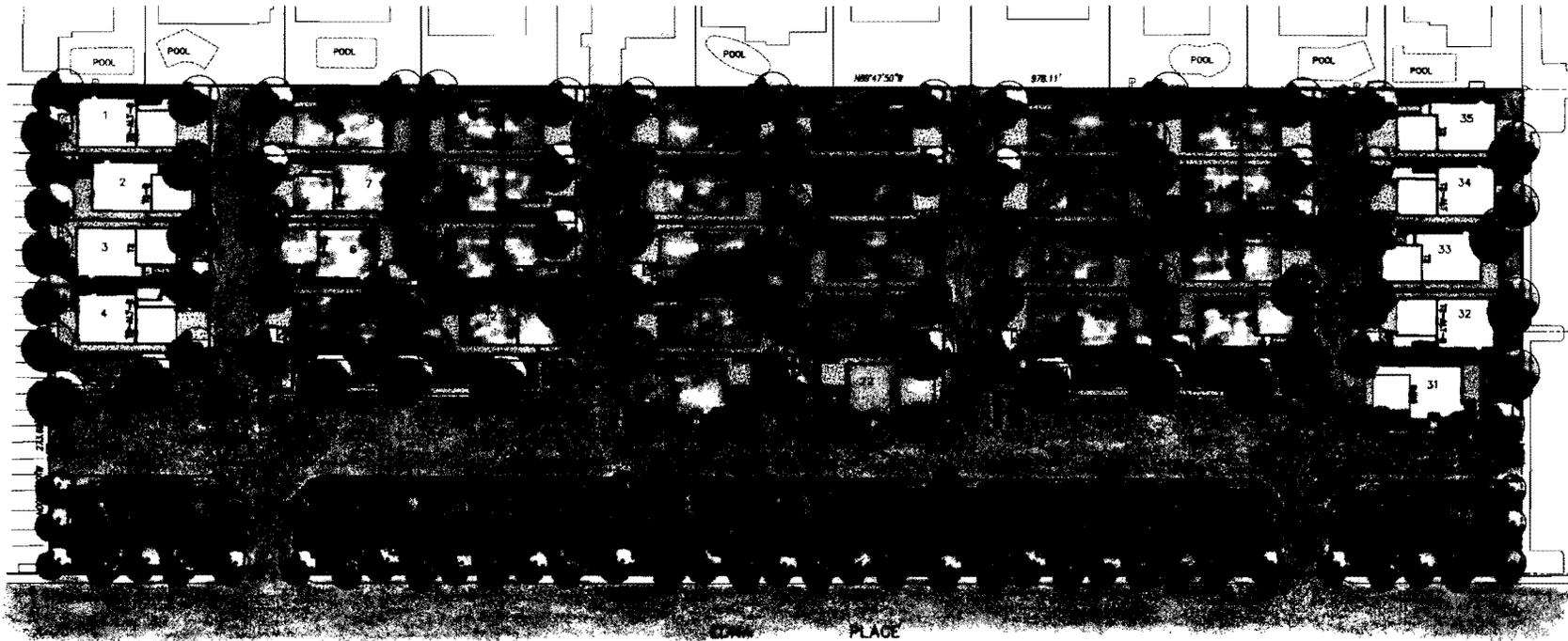
BENCHMARK	
LACPN BM NO. 0-1519	
NAIL IN CHISELED "X" IN NORTH CATCHBASIN AT NW CORNER OF GRAND AND HURST.	
ELEVATION = 625.705	

PREPARED FOR:
GRAND COVINA, LLC
 1773 SAN BERNARDINO ROAD
 SUITE B42
 WEST COVINA, CA 91790
 (626) 338-5650

LAND PLANNERS
 SURVEYORS
LAND DEVELOPMENT CONSULTANTS
 CIVIL ENGINEERS

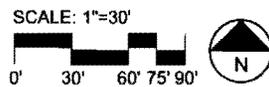
1520 BROOKHOLLOW DRIVE, SUITE 33
 SANTA ANA, CALIFORNIA 92708
 (714) 587-7700

PLANS PREPARED UNDER SUPERVISION OF:
 HERALD WOLFE-SAMPA, P.E., R.C.E. 4638 EXP. 3/31/16



TENTATIVE TRACT MAP NO. 72721
PLANNED RESIDENTIAL DEVELOPMENT

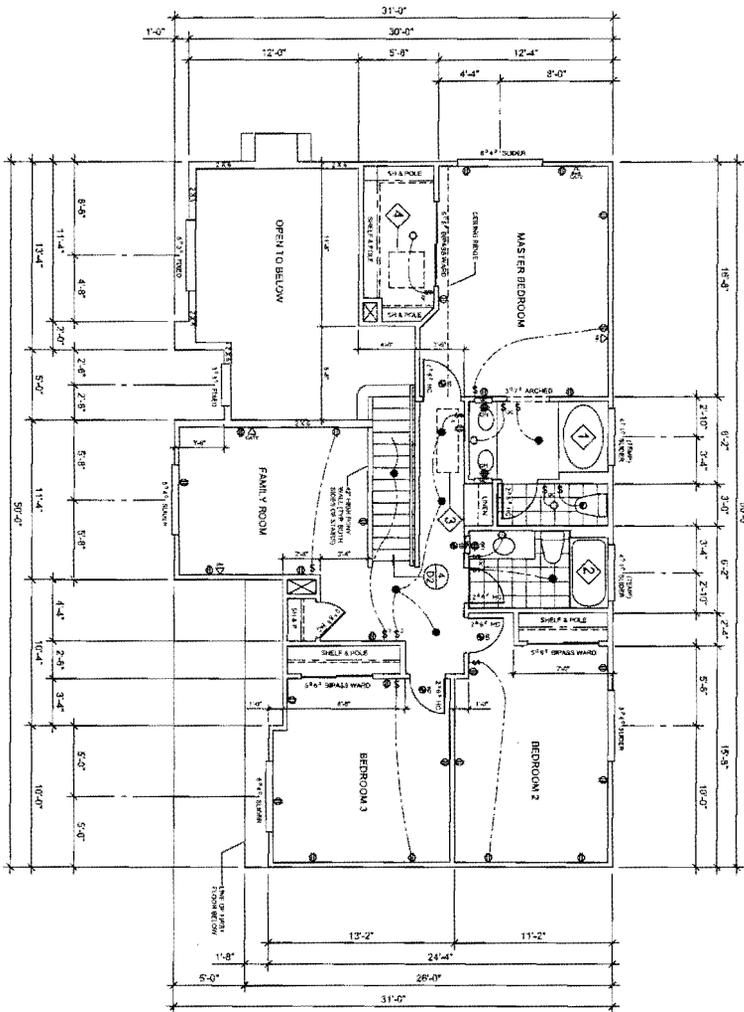
APNs: 8429-006-006, 017 & 018
 IN THE CITY OF COVINA
 COUNTY OF LOS ANGELES, STATE OF CALIFORNIA



PHIL MAY
LANDSCAPE
ARCHITECT

1937 West 9th Street
 Upland, CA 91786
 Phone: 909 373 1289

PLAN 1



SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"



SATTO DESIGN GROUP
 1000 VALLEJO BLVD., SUITE 100
 SAN FRANCISCO, CA 94133
 TEL: (415) 774-8888
 WWW.SATTODESIGN.COM

NO.	REVISION	DATE



PROJECT: SINGLE FAMILY DEVELOPMENT
 777 EDNA PLACE
 COVINA, CALIFORNIA

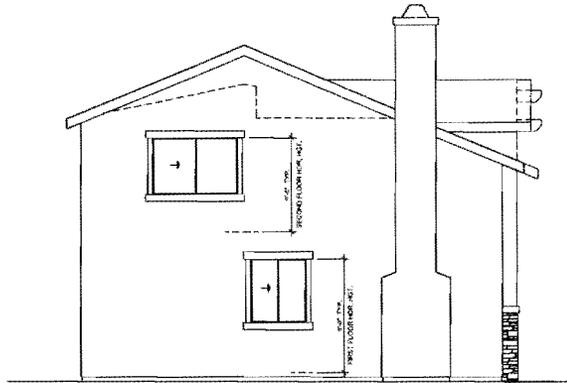
DRAWING: SECOND FLOOR PLAN

OWNER - APPLICANT:
 GRAN COVINA LLC
 1773 SAN BERNARDINO ROAD, #B42
 WEST COVINA, CA 91790
 (626) 338-5650

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DRAWN BY:
 JBN:ND
 SHEET NUMBER

PLAN 1



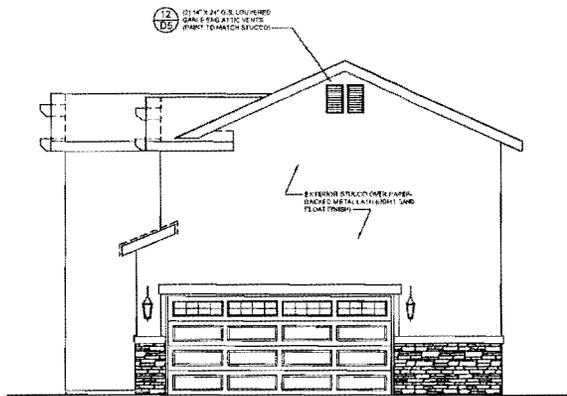
LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



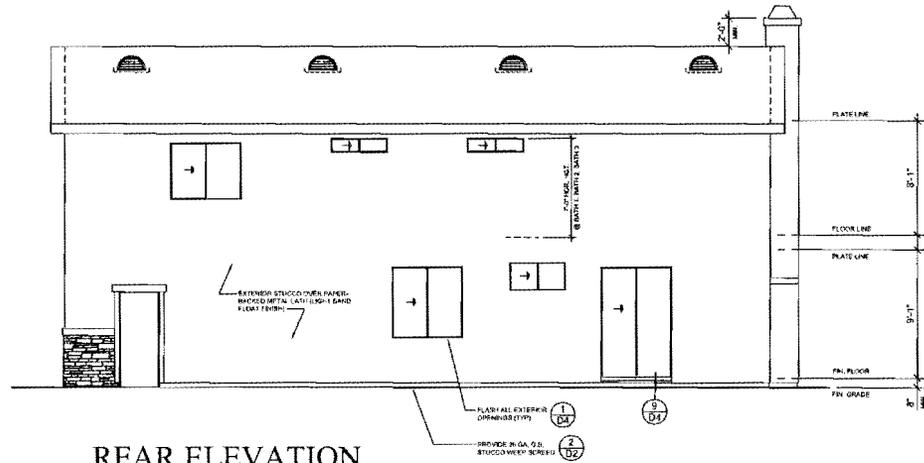
FRONT ELEVATION

SCALE: 1/4" = 1'-0"



RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



REAR ELEVATION

SCALE: 1/4" = 1'-0"

SDG

SAITO DESIGN GROUP
2091 VALLEY BLVD., SUITE 105
WALHUT, CALIFORNIA 91790
951-984-6000 FAX 951-984-6000

NO.	REVISION	DATE



PROJECT: SINGLE FAMILY DEVELOPMENT
777 EDNA PLACE
COVINA, CALIFORNIA

DRAWING
ELEVATIONS

OWNER/APPLICANT:
GRAN COVINA LLC
1773 SAN BERNARDINO ROAD, #B42
WEST COVINA, CA 91790
(626) 338-5650

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JOB NO.
SHEET NUMBER

PLAN 2



SAITO DESIGN GROUP
2089 V ALLEY BOULEVARD, #105
S. ALHAMBRA, CALIFORNIA 91706
(909) 592-8600 FAX: (909) 592-8600

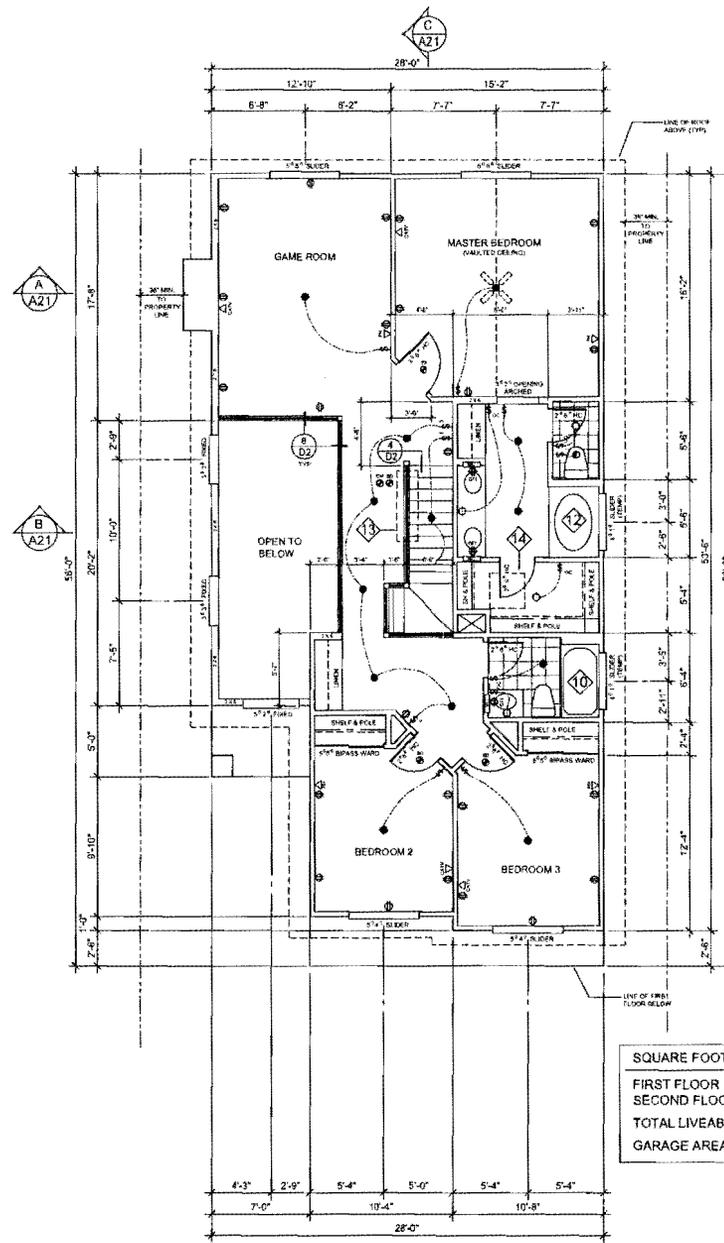
NO.	REVISION	DATE



PROJECT: SINGLE FAMILY DEVELOPMENT
777 EDNA PLACE
COVINA, CALIFORNIA
DRAWING: FLOOR PLAN

OWNER / APPLICANT:
GRAN COVINA LLC
1773 SAN BERNARDINO ROAD, #B42
WEST COVINA, CA 91790
(626) 338-5650

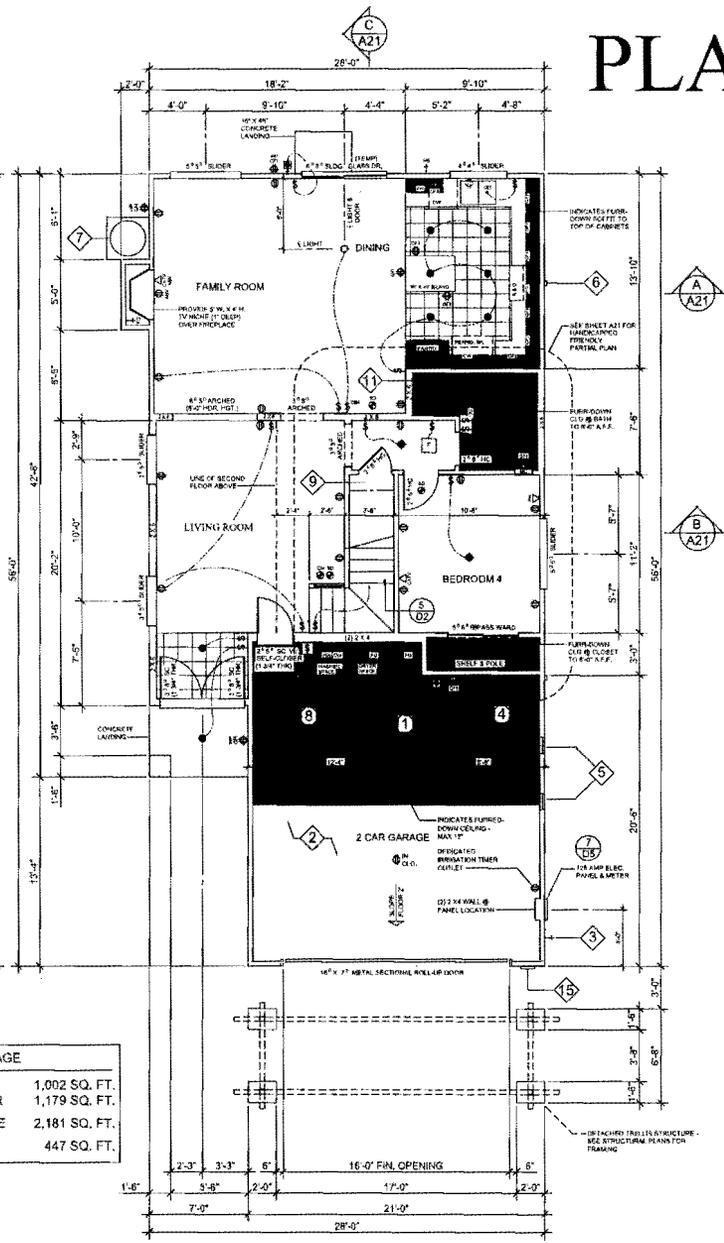
DRAWN BY:
JOB NO:
SHEET NUMBER



SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

SQUARE FOOTAGE	
FIRST FLOOR	1,002 SQ. FT.
SECOND FLOOR	1,179 SQ. FT.
TOTAL LIVEABLE	2,181 SQ. FT.
GARAGE AREA	447 SQ. FT.

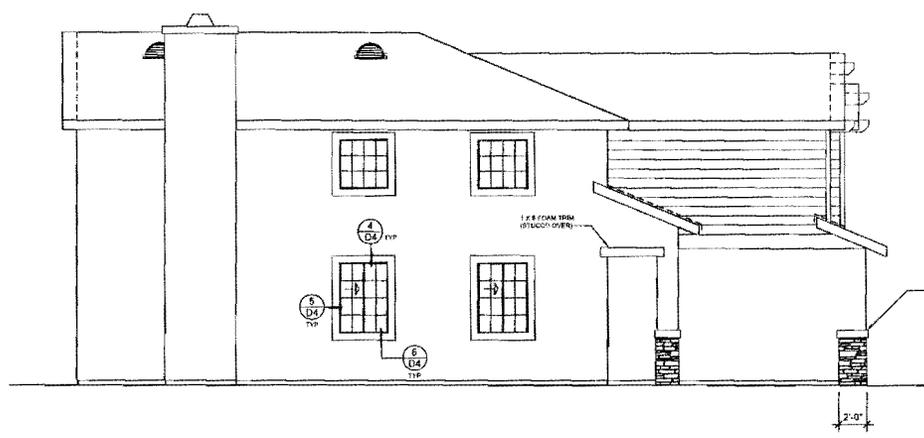


FIRST FLOOR PLAN

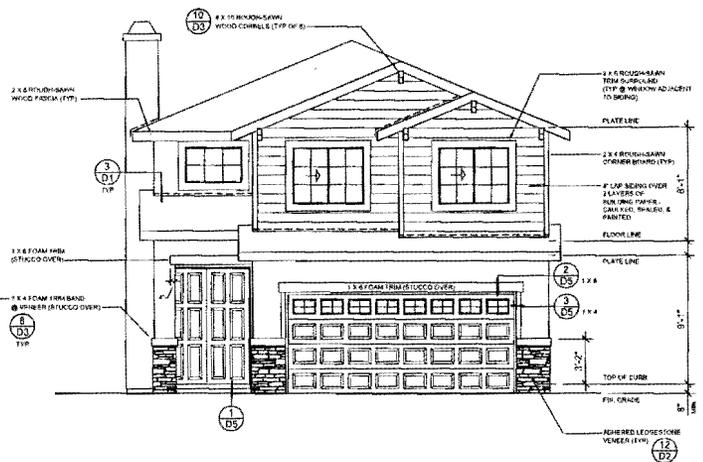
SCALE: 1/4" = 1'-0"

NOTE:
ALL NEW RECEPTACLES SHALL BE TAMPER-PROOF, PER 2010 C.E.C. SECTION 406.11

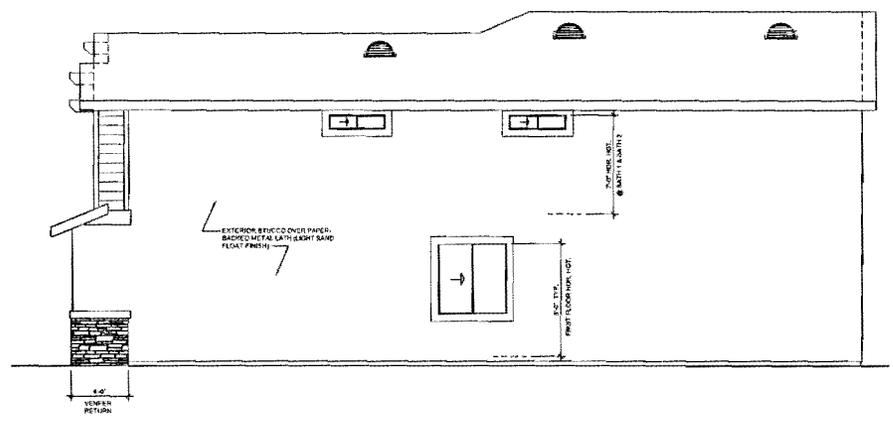
PLAN 2



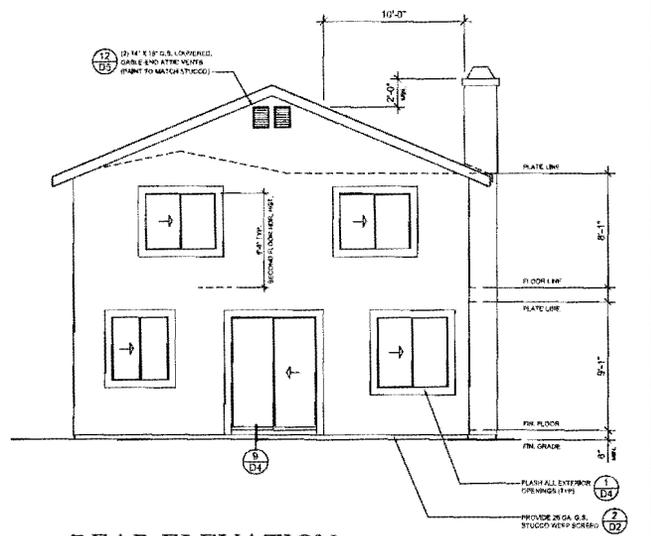
LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION B
SCALE: 1/4" = 1'-0"



RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"

SDG

SAITO DESIGN GROUP
2003 DALLEY HILLSWAY AVE
WALNUT, CALIFORNIA 91790
(909) 946-0001 FAX (909) 946-0001

NO.	REVISION	DATE



PROJECT: SINGLE FAMILY DEVELOPMENT
777 BIDNA PLACE
COVINA, CALIFORNIA

ELEVATION B

OWNER: APPLICANT
GRAN COVINA, LLC
1773 SAN BERNARDINO ROAD, #B42
WEST COVINA, CA 91790
(626) 338-5650

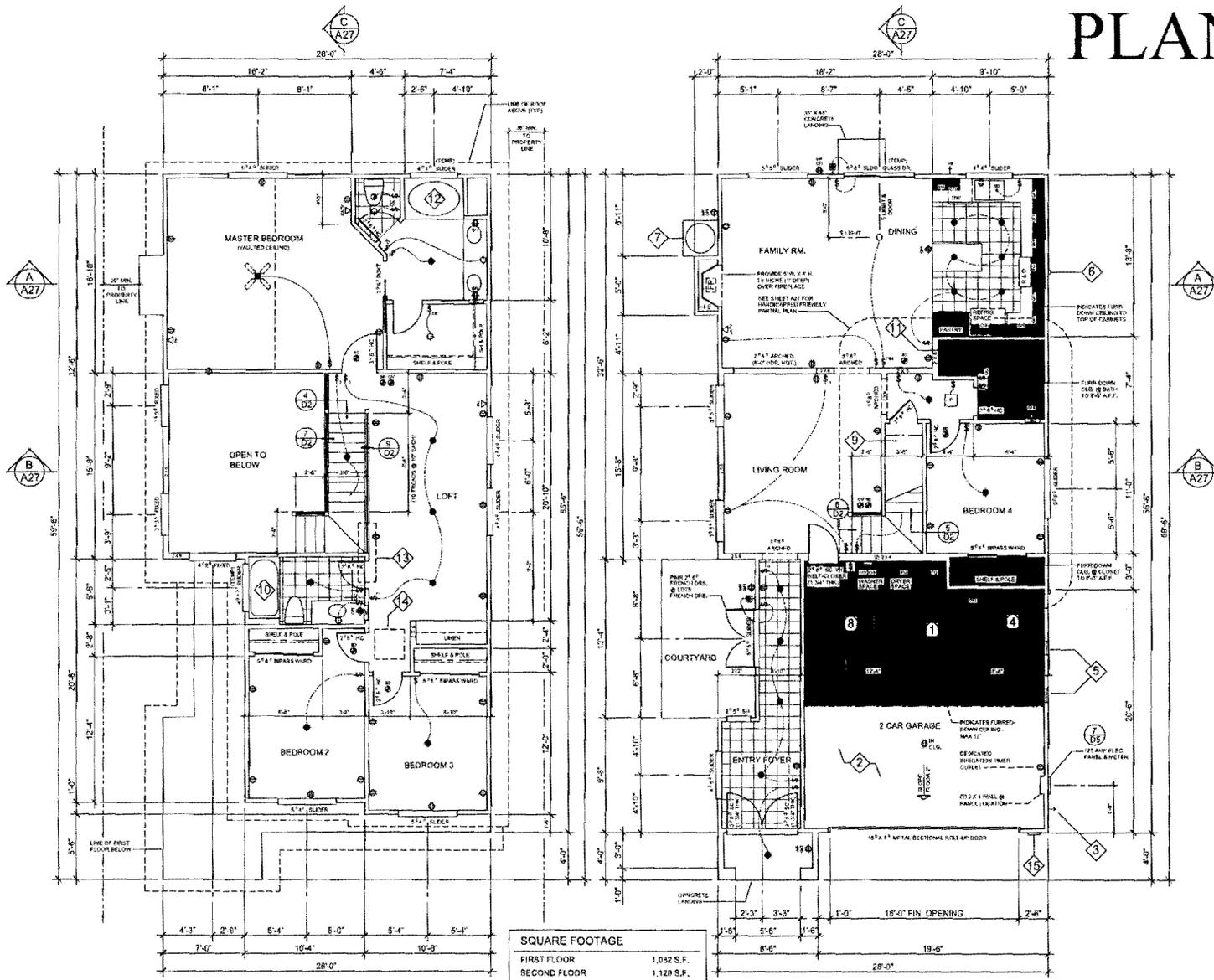
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PLAN 3



SQUARE FOOTAGE	
FIRST FLOOR	1,092 S.F.
SECOND FLOOR	1,129 S.F.
TOTAL LIVEABLE	2,211 S.F.
GARAGE AREA	441 S.F.

SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

NOTE:
ALL NEW RECEPTACLES SHALL BE TAMPER-PROOF, PER 2010 C.E.C. SECTION 406.11

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SAITO DESIGN GROUP
20801 S. ALI EV. BUCLETTA APT. #101
WALNUT, CALIFORNIA 91790
(909) 551-6000 FAX (909) 591-4460

NO.	REVISION	DATE



PROJECT: SINGLE FAMILY DEVELOPMENT
777 EDNA PLACE
COVINA, CALIFORNIA

DRAWING: FLOOR PLAN

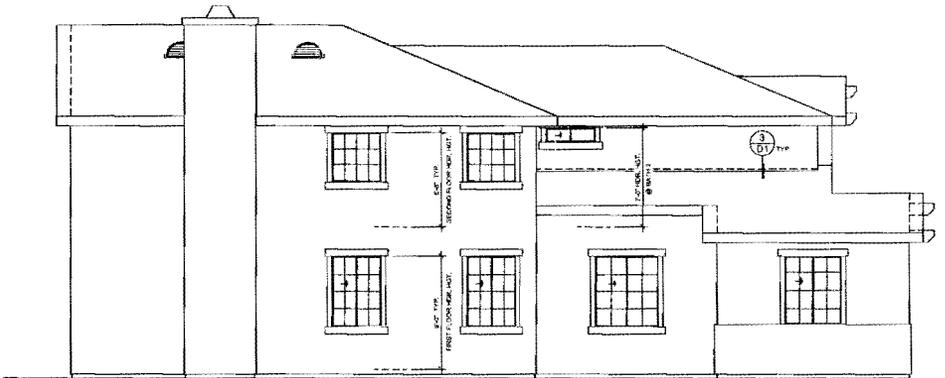
OWNER/APPLICANT:
GRAN COVINA LLC
1773 SAN BERNARDINO ROAD, #B42
WEST COVINA, CA 91790
(626) 338-5650

DRAWN BY:

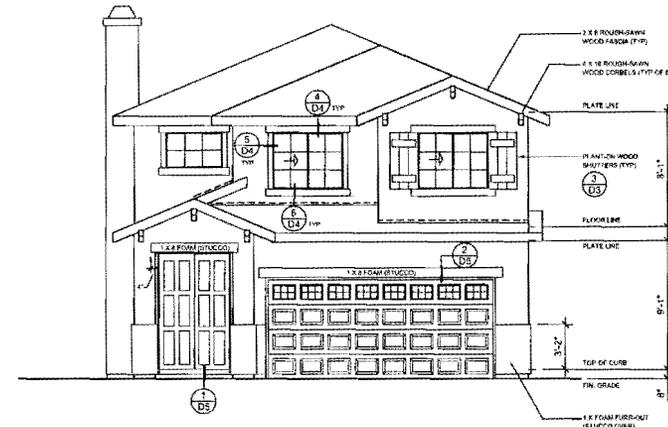
JOB NO:

SHEET NUMBER

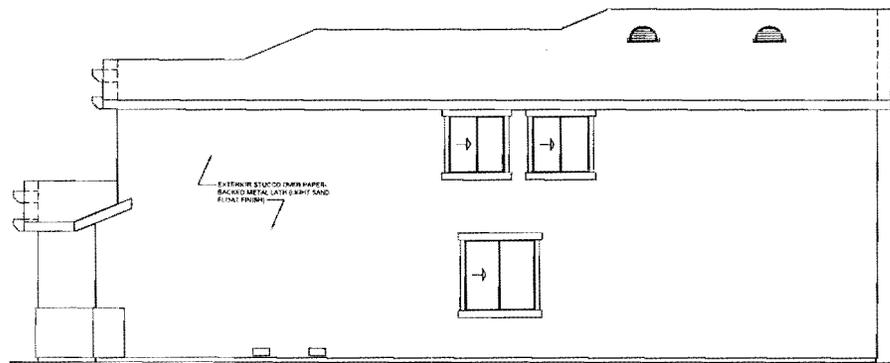
PLAN 3



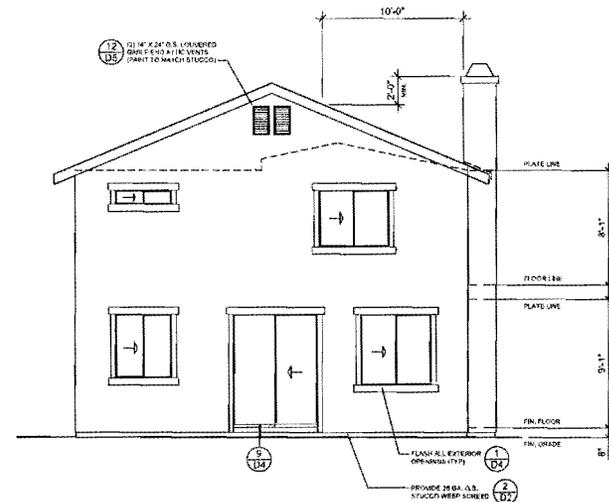
LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION 'A'
SCALE: 1/4" = 1'-0"



RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"

SDG

SAITO DESIGN GROUP
20801 VALLEY BOULEVARD, 4000
WALNUT, CALIFORNIA 91285
(909) 561-6000 FAX (909) 555-4400

NO.	REVISION	DATE



PROJECT: SINGLE FAMILY DEVELOPMENT
777 EDNA PLACE
COVINA, CALIFORNIA

DRAWING: ELEVATION A

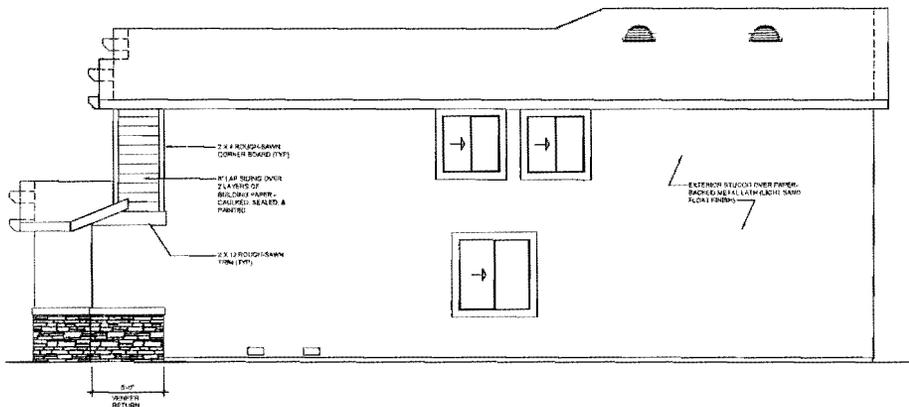
OWNER / APPLICANT:
GRAN COVINA LLC
1773 SAN BERNARDINO ROAD, #B42
WEST COVINA, CA 91790
(626) 338-5650

DRAWN BY:
JOB NO:
SHEET NUMBER

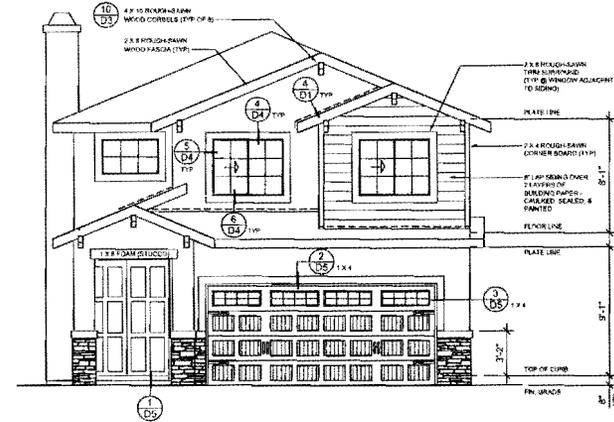
PLAN 3



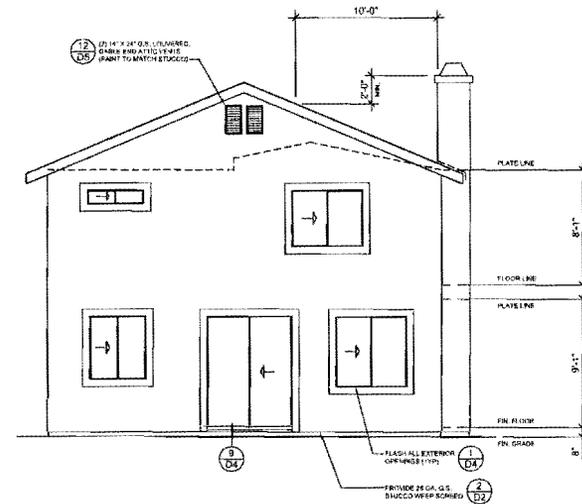
LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION B
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"

SDG
SATO DESIGN GROUP
2001 VALLEY VIEW #1 APRIL 4TH
MILPITAS, CALIFORNIA 95031
(408) 951-3603 FAX (408) 951-4300

REV.	REVISION/DATE	DATE

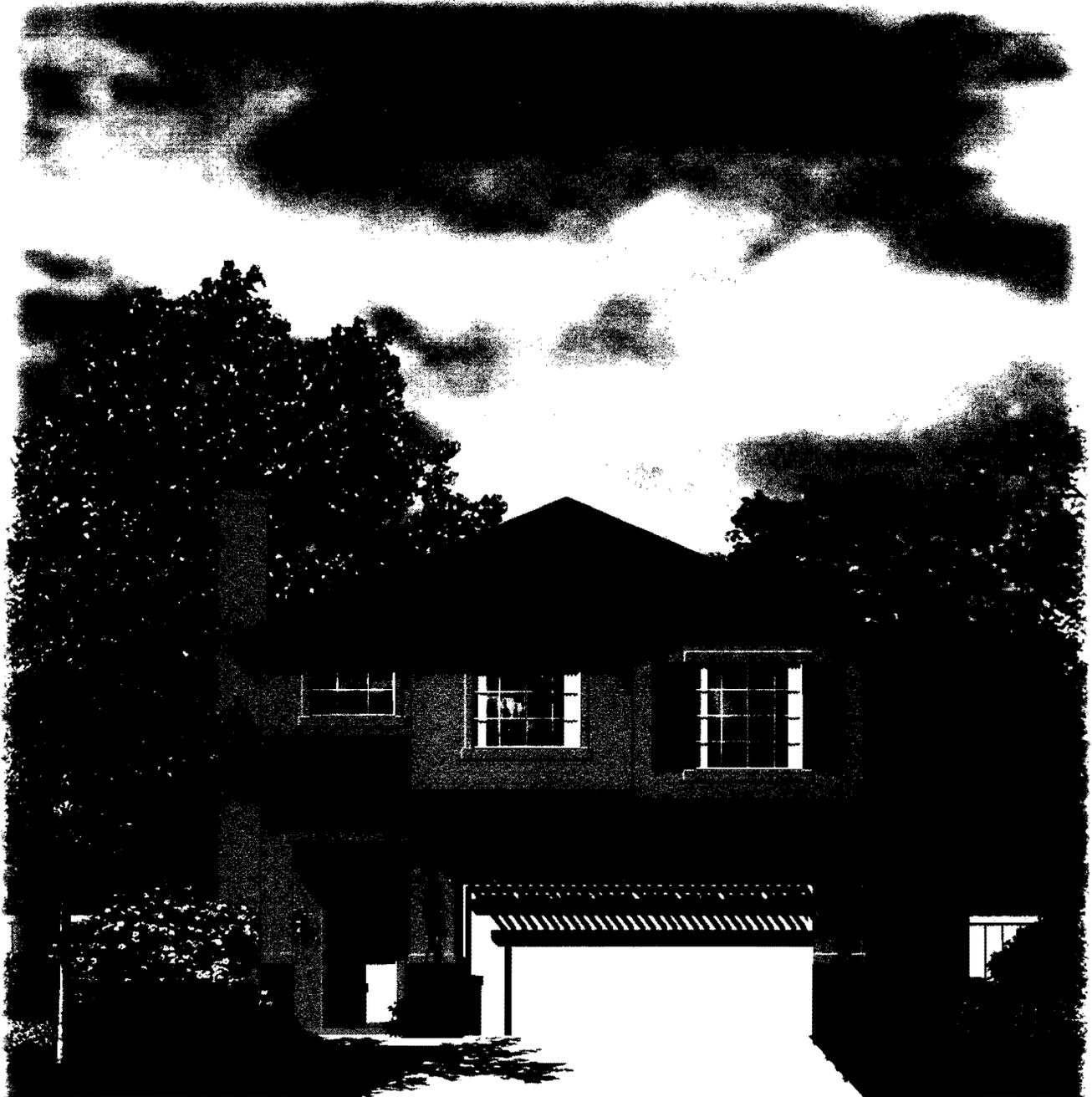


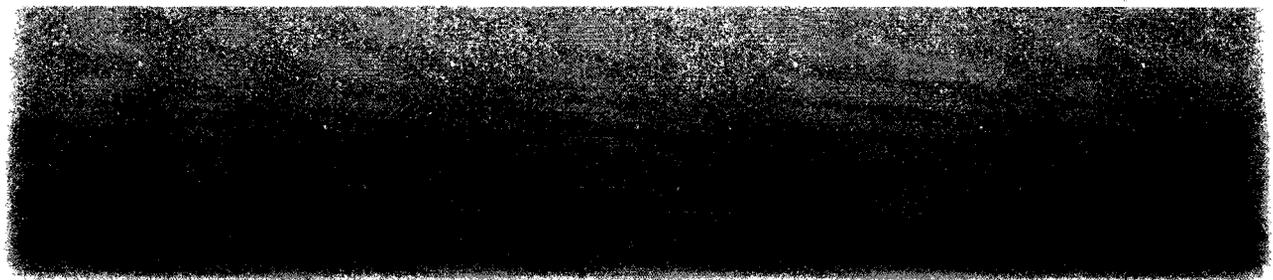
PROJECT: SINGLE FAMILY DEVELOPMENT
777 EDNA PLACE
COVINA, CALIFORNIA
DRAWING: ELEVATION B

OWNER/APPLICANT:
GRAN COVINA LLC
1773 SAN BERNARDINO ROAD, #B42
WEST COVINA, CA 91790
(626) 338-5650

DRAWN BY:
JOB NO:
SHEET NUMBER







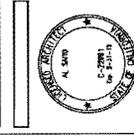






SDG
SATO DESIGN GROUP
1000 S. MAIN ST.
MOUNTAIN VIEW, CA 94039
TEL: (415) 947-1234
WWW.SDGD.COM

NO.	REVISION	DATE

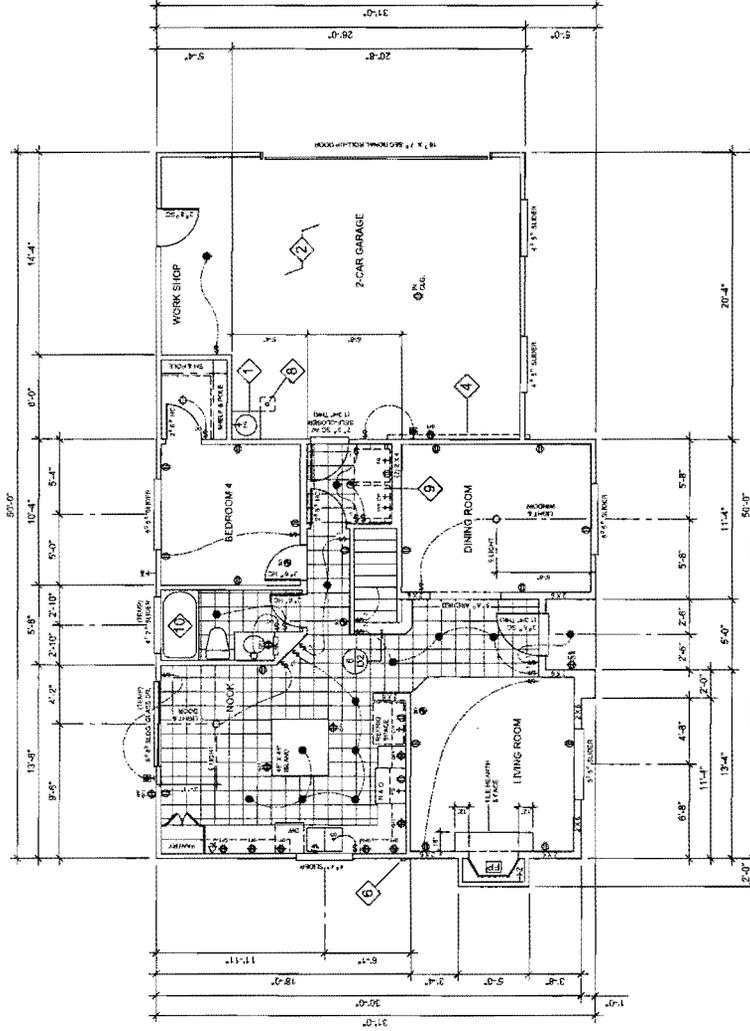


PROJECT: SINGLE FAMILY DEVELOPMENT
DRAWING: FIRST FLOOR PLAN
777 EDNA PLACE
COVINA, CALIFORNIA

OWNER / APPLICANT:
GRAN COVINA LLC
1773 SAN BERNARDINO ROAD, #B42
WEST COVINA, CA 91790
(626) 338-6550

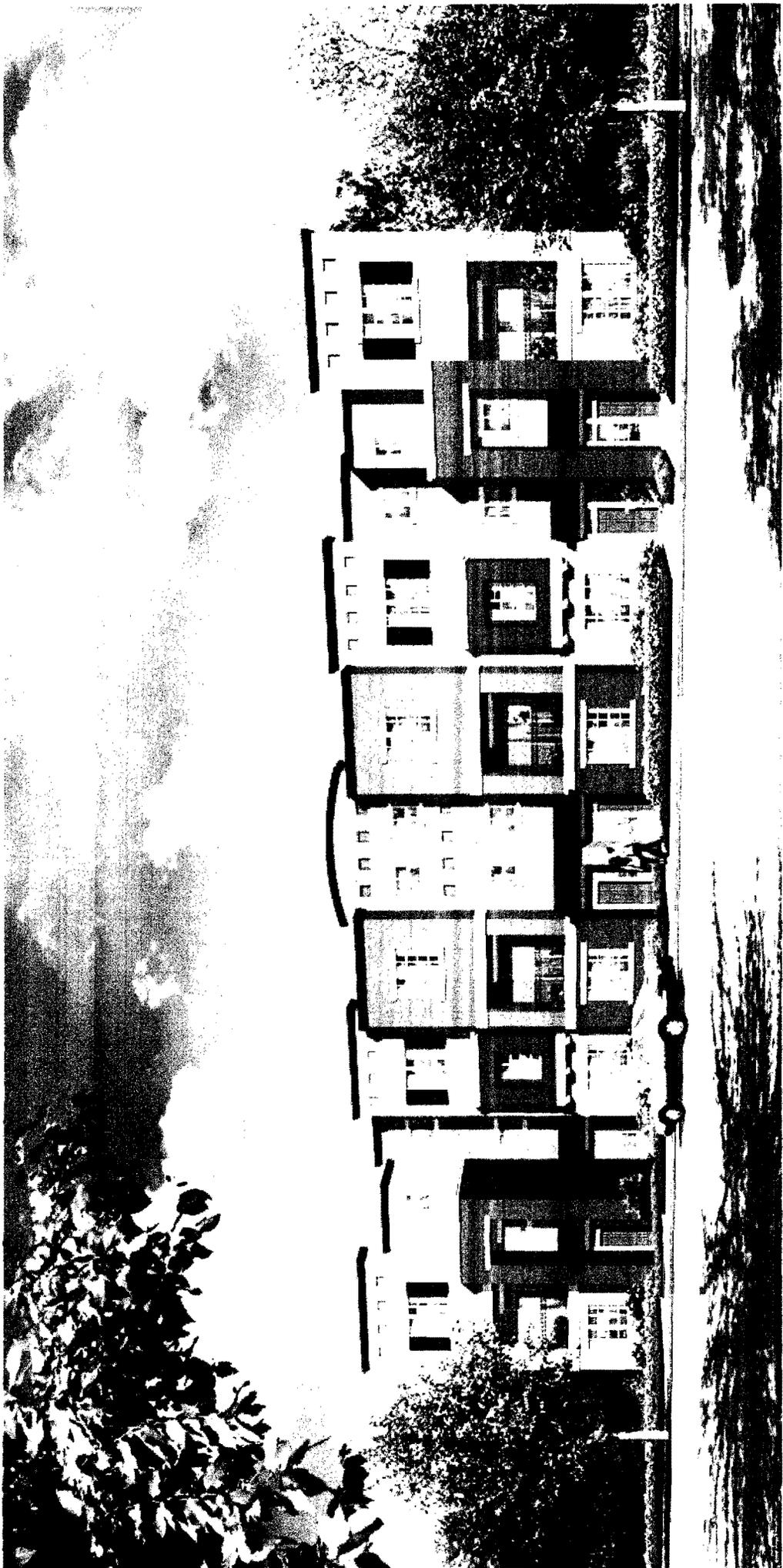
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JOB NO:
SHEET NUMBER:

PLAN 1



FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"



8-PLEX

SDG

SATO DESIGN GROUP

2080 VALLEY BLVD, SUITE 100

WALNUT, CALIFORNIA 91789

PH: (909) 398-1100 FAX: (909) 398-1100

NO. | REVISION | DATE

1 | |

2 | |

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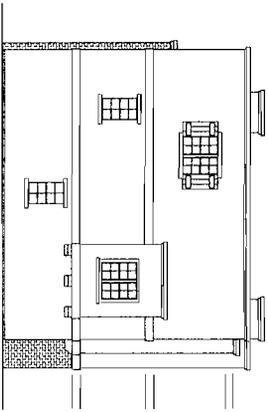
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8 | |

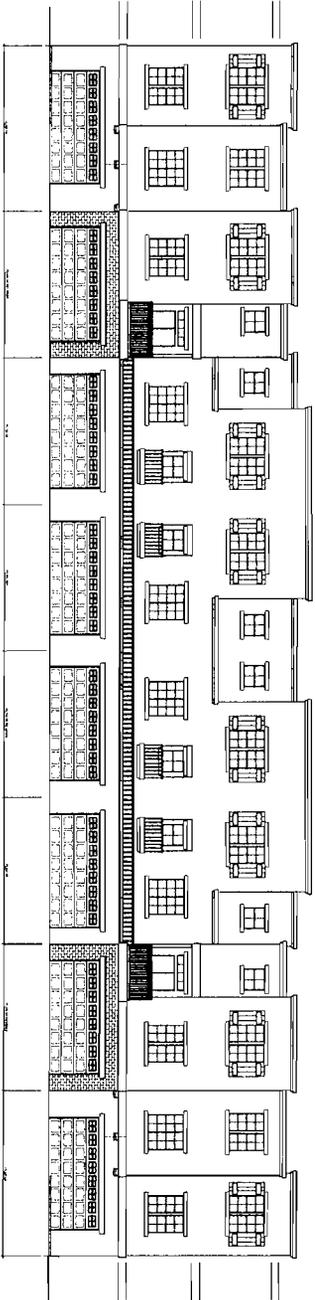


LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"

FRONT ELEVATION
SCALE: 1/8" = 1'-0"



RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



REAR ELEVATION
SCALE: 1/8" = 1'-0"

PROJECT: SINGLE FAMILY DEVELOPMENT
777 EDNA PLACE
COVINA, CALIFORNIA

DRAWING: ELEVATIONS

OWNER / APPLICANT:
GRAN COVINA LLC
1773 SAN BERNARDINO ROAD, #B42
WEST COVINA, CA 91790
(626) 338-5650

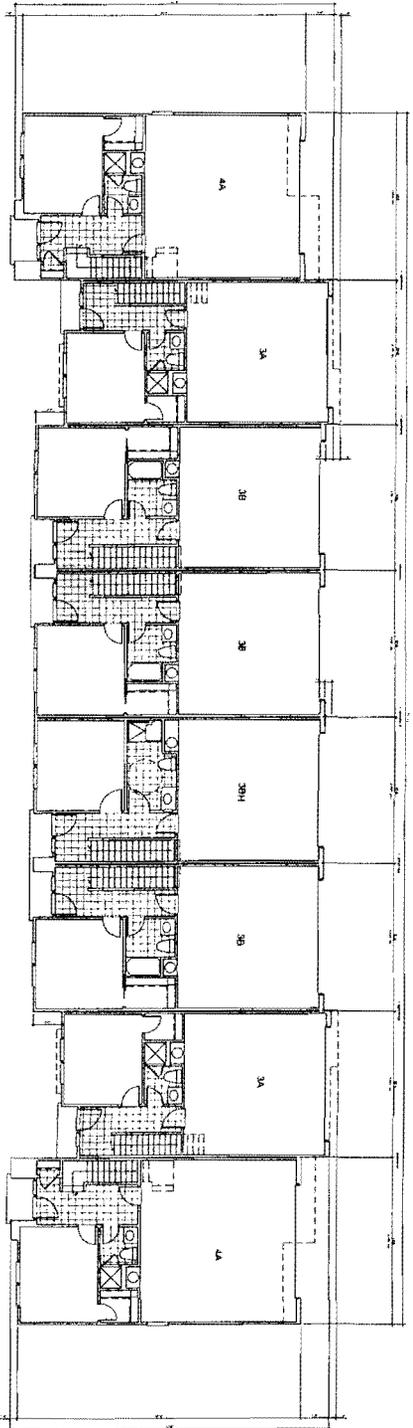
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FOR NO:

SHEET NUMBER

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FIRST FLOOR PLAN

SCALE : 1/8" = 1'-0"

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 COVINA, CA 91710
 (626) 963-1111

DATE: 11/11/11

SCALE: 1/8" = 1'-0"

PROJECT: 777 EDNA PLACE

DRAWING: FIRST FLOOR PLAN



PROJECT: SINGLE FAMILY DEVELOPMENT
 777 EDNA PLACE
 COVINA, CALIFORNIA

DRAWING: FIRST FLOOR PLAN

OWNER / APPLICANT:
 GRAN COVINA LLC
 1773 SAN BERNARDINO ROAD, #B42
 WEST COVINA, CA 91790
 (626) 338-5650

DRAWN BY: JAC
 DATE: 11/11/11
 SHEET NUMBER: 1

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SAITO DESIGN GROUP
1000 UNIVERSITY AVENUE, SUITE 1000
SAN FRANCISCO, CALIFORNIA 94133
PHONE: 415.774.4400 FAX: 415.774.4401

NO.	REVISION	DATE

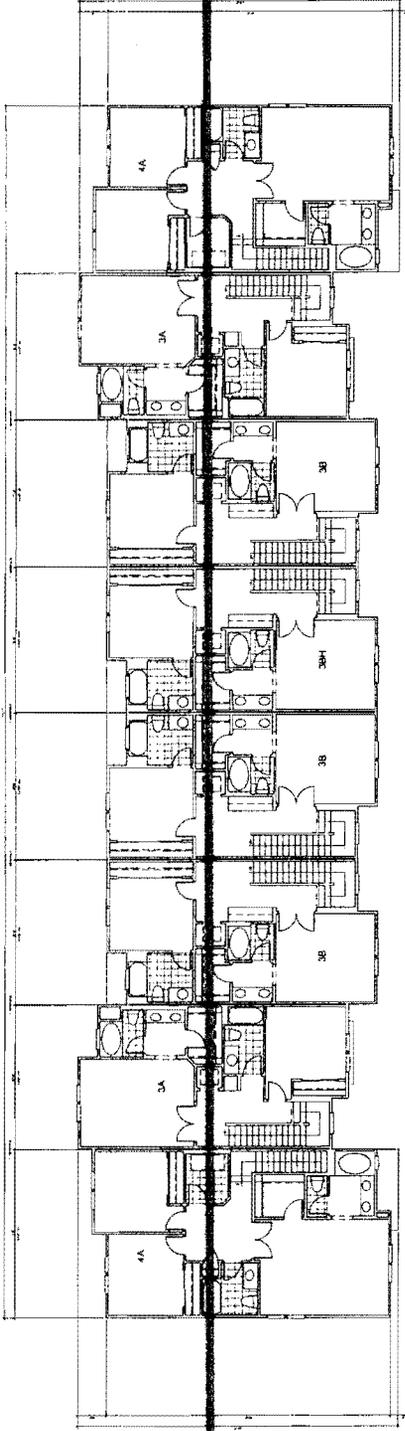


PROJECT: SINGLE FAMILY DEVELOPMENT
777 EDNA PLACE
COVINA, CALIFORNIA
DRAWING: SECOND & THIRD FLOOR PLAN

OWNER: APPLICANT
GRAN COVINA LLC
1773 SAN BERNARDINO ROAD, #B42
WEST COVINA, CA 91790
(626) 338-5650

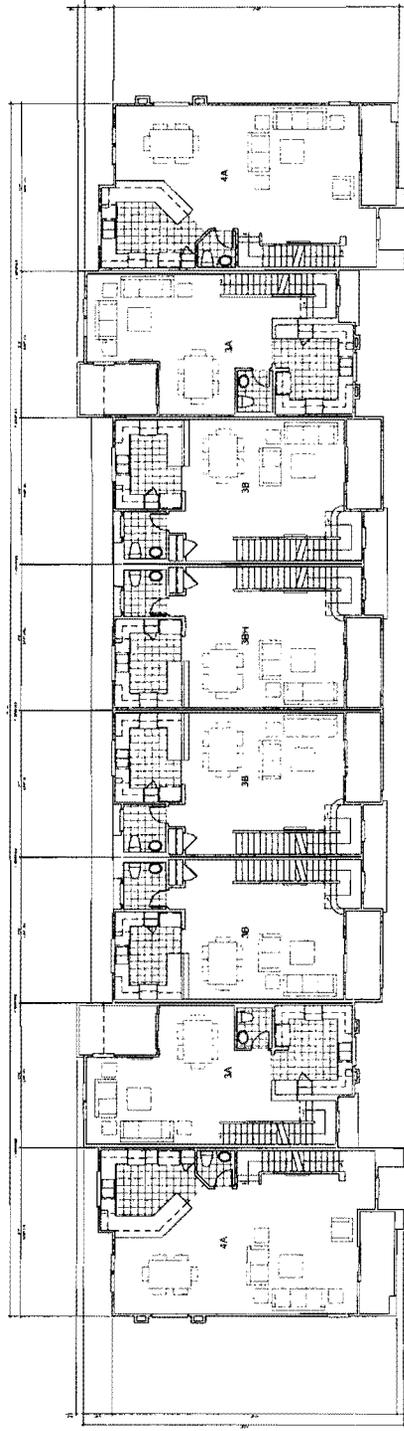
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JOB NO: [Redacted]
SHEET NUMBER: [Redacted]

8-PLEX



THIRD FLOOR PLAN

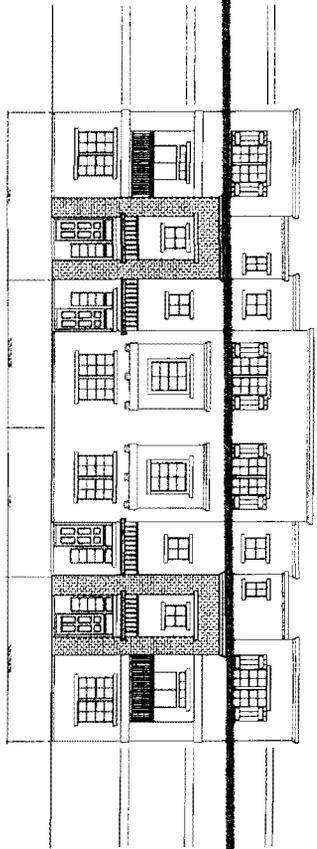
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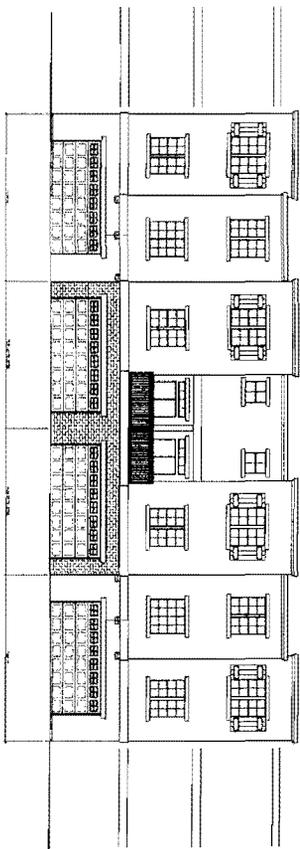
SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"

4-PLEX



FRONT ELEVATION
SCALE: 1/8" = 1'-0"



REAR ELEVATION
SCALE: 1/8" = 1'-0"

SDG

SANTO DESIGN GROUP
ARCHITECTS
1000 S. GARDEN ST. SUITE 100
Covina, CA 91724
(909) 915-1100 FAX (909) 915-1101

NO. REVISION DATE

NO.	REVISION	DATE



PROJECT: SINGLE FAMILY DEVELOPMENT
777 EDNA PLACE
COVINA, CALIFORNIA

DRAWING: ELEVATIONS

OWNER / APPLICANT:
GRAN COVINA LLC
1773 SAN BERNARDINO ROAD, #B42
WEST COVINA, CA 91790
(626) 338-5650

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J.P. [Name]
CHECKED BY:
SHEET NUMBER

SDG

SAFEGE DESIGN GROUP
3000 VALLEY BLVD, SUITE 100
SAN JOSE, CALIFORNIA 95128
PH: (415) 435-1000 FAX: (415) 435-1001

NO.	REVISION	DATE

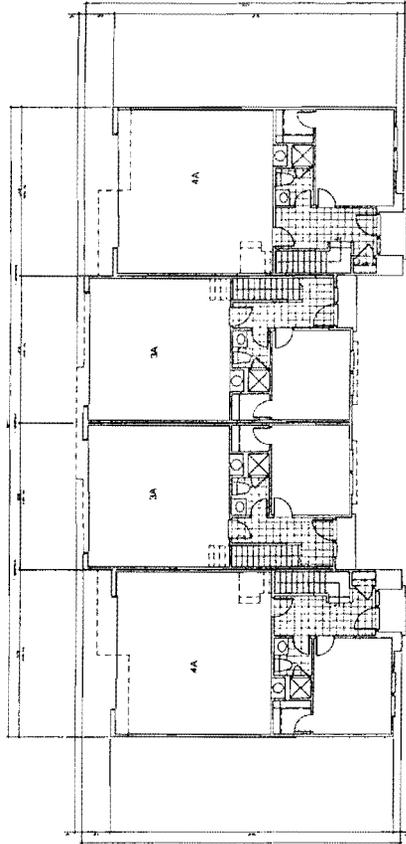


PROJECT: SINGLE FAMILY DEVELOPMENT
777 EDNA PLACE
COVINA, CALIFORNIA
DRAWING: FIRST FLOOR PLAN

OWNER/APPLICANT:
GRAN COVINA LLC
1773 SAN BERNARDINO ROAD, #B42
WEST COVINA, CA 91790
(626) 338-5650

DRAWN BY:
JOB NO.
SHEET NUMBER

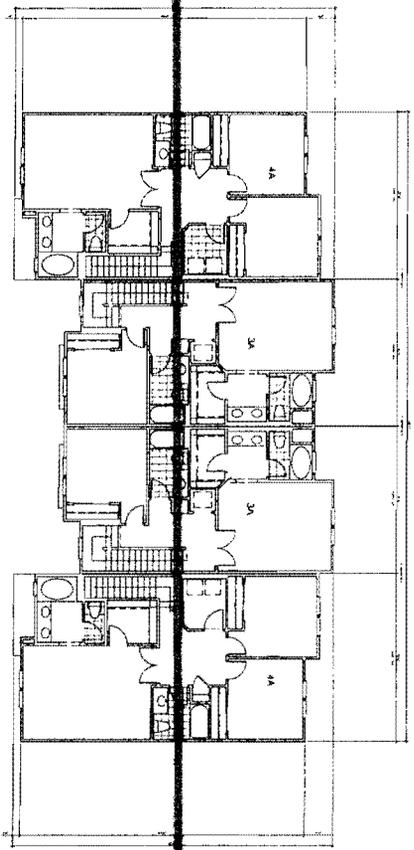
4-PLEX



FIRST FLOOR PLAN

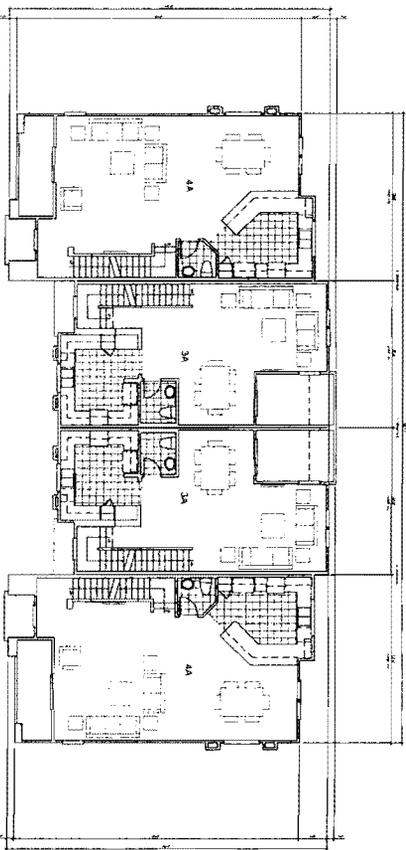
SCALE: 1/8" = 1'-0"

4-PLEX



THIRD FLOOR PLAN

SCALE: 1/8" = 1'-0"



SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"

SDG
SANTO DESIGN GROUP
3000 WEST 10TH AVENUE, SUITE 100
DENVER, COLORADO 80202
PH: (303) 733-1111 FAX: (303) 733-1112



PROJECT: SINGLE FAMILY DEVELOPMENT
777 EDNA PLACE
COVINA, CALIFORNIA

DRAWING:
SECOND & THIRD FLOOR PLAN

OWNER / APPLICANT:
GRAN COVINA LLC
1773 SAN BERNARDINO ROAD, #B42
WEST COVINA, CA 91790
(626) 338-5650

DRAWN BY:
DATE NO.
SHEET NUMBER

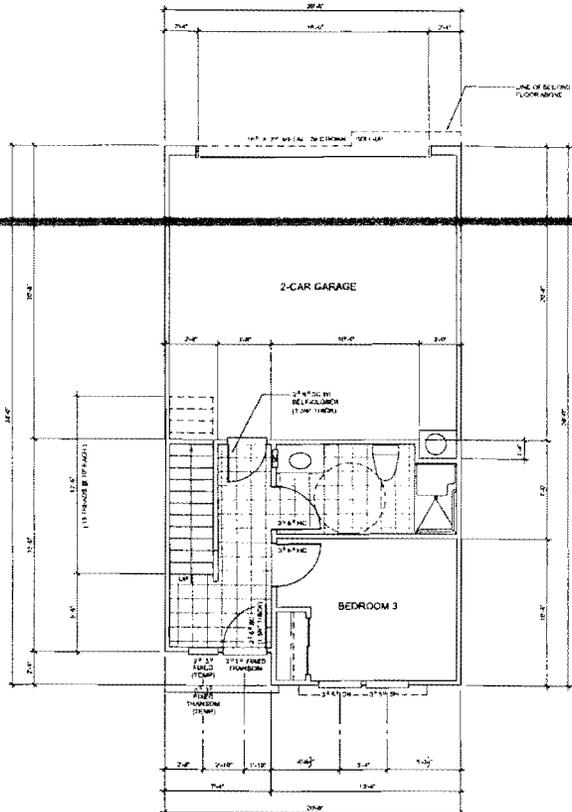
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PLAN 3A

SDG

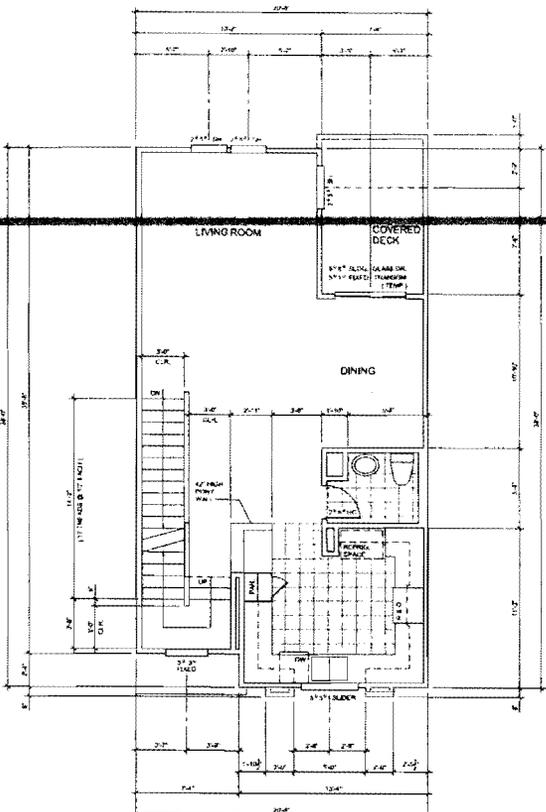
SATTO DESIGN GROUP
200 VALLEY VIEW AVENUE
WALTON, CALIFORNIA, 91790
PHONE: (916) 338-5650 FAX: (916) 338-5650

NO.	REVISION	DATE



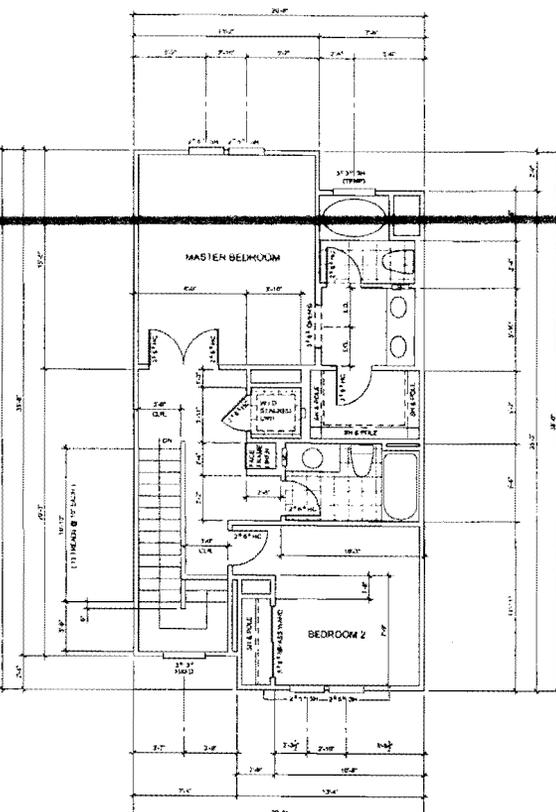
FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"



SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"



THIRD FLOOR PLAN

SCALE: 1/4" = 1'-0"

SQUARE FOOTAGE		3A
FIRST FLOOR	336 SQ. FT.	
SECOND FLOOR	659 SQ. FT.	
THIRD FLOOR	706 SQ. FT.	
TOTAL LIVEABLE	1,700 SQ. FT.	
GARAGE AREA	420 SQ. FT.	

PROJECT: SINGLE FAMILY DEVELOPMENT
777 EDNA PLACE
COVINA, CALIFORNIA

FLOOR PLANS

OWNER/ARCHITECT:
GRAN COVINA LLC
1773 SAN BERNARDINO ROAD, #B42
WEST COVINA, CA 91790
(626) 338-5650

DRAWN BY:

JOHN G.

SHEET NUMBER

PLAN 4A

SDG

SAITO DESIGN GROUP
2000 VILLYS BLVD, SUITE 105
WALNUT, CALIFORNIA 91790
(909) 396-1111 FAX: (909) 396-1111

NO. REVISION DATE



PROJECT: SINGLE FAMILY DEVELOPMENT
777 EDNA PLACE
COVINA, CALIFORNIA

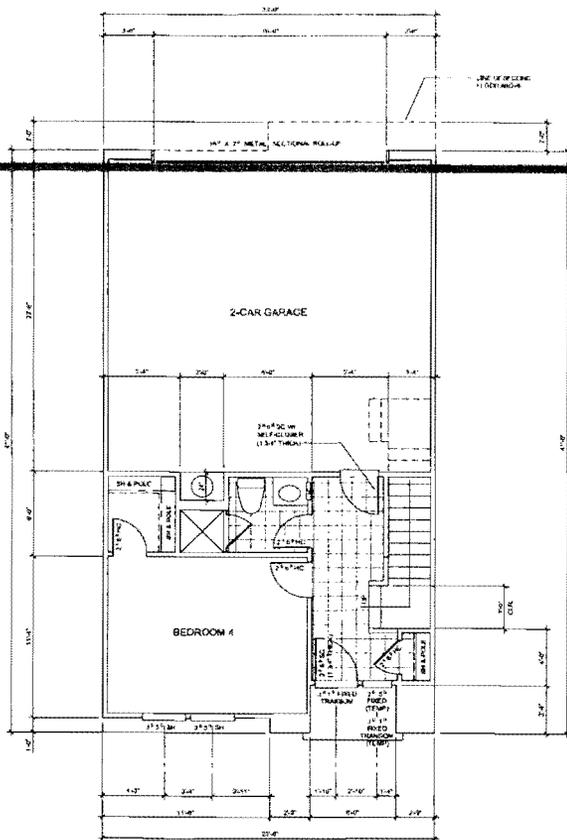
DRAWING: FLOOR PLANS

OWNER/APPLICANT:
GRAN COVINA LLC
1731 SAN BERNARDINO ROAD, #B42
WEST COVINA, CA 91790
(626) 338-5650

DRAWN BY:

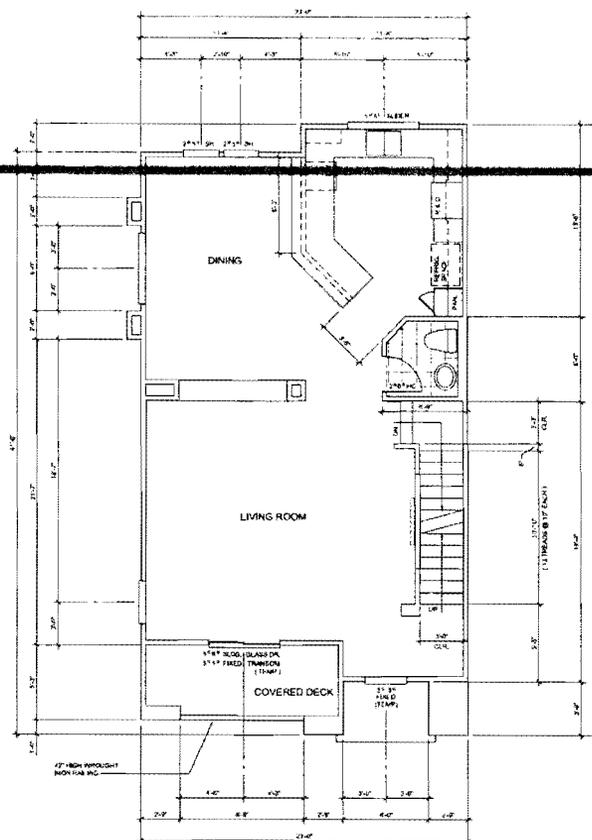
JOB NO.

SHEET NUMBER



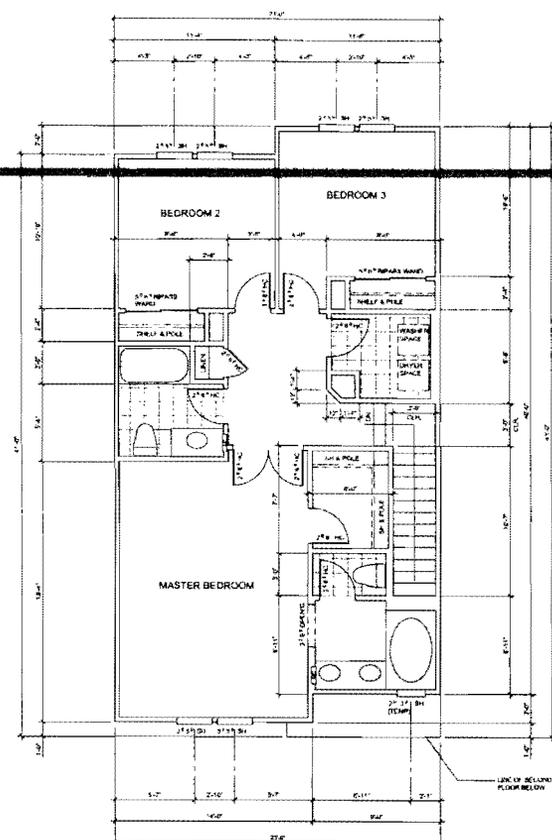
FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"



SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"



THIRD FLOOR PLAN

SCALE: 1/4" = 1'-0"

SQUARE FOOTAGE	
FIRST FLOOR	372 SQ. FT.
SECOND FLOOR	824 SQ. FT.
THIRD FLOOR	924 SQ. FT.
TOTAL LIVEABLE	2,110 SQ. FT.
GARAGE AREA	527 SQ. FT.

BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

PLANNING • ENVIRONMENTAL ANALYSIS • ECONOMICS • MAPPING

MEMORANDUM

Date: January 13, 2015
To: Alan Carter, City of Covina,
From: Marc Blodgett
Subject: Comments and Response to Comments to Grand Covina Mixed Use Project Covina IS/MND

The relevant standard for challenging a mitigated negative declaration is whether it can be “fairly argued” based on “substantial evidence” that the project may have a significant environmental impact, and the burden to demonstrate such impact is on the Petitioner. (*Citizens Comm. to Save Our Village v. Claremont* (1995) 37 Cal.App.4th 1157, 1171; *League for Protec. v. Oakland* (1997) 52 Cal.App.4th 896, 904.) A reviewing court would defer to the local agency on issues of credibility. (*Quail Botanical Gardens v. Encinitas* (1994) 29 Cal.App.4th 1597, 1603.) The key to any analysis under this standard is whether there is “substantial evidence” – meaning legally significant, credible, and of solid value – that a project may have a significant effect on the environment. (Pub. Res. Code § 21080(c)(1); 14 Cal. Code Regs. § 15384(a).)

With the foregoing principles in mind, the City has provided responses to all of the comments submitted by Cory J. Briggs of the Briggs Law Corporation below and on the following pages. A copy of the original comment letter is provided at the end of this memorandum.

Response to Comment 1.01:

The commenter asserts that there is a fair argument that the Project will result in significant air-quality impacts because the Project site is bordered by residential uses, schools, and a park. The commenter claims that the Initial Study and Mitigated Negative Declaration prepared for the Project (“MND”) ignores “a number of other schools within a one-mile radius of the Project site” and “[t]here is such a high probability that this Project will expose sensitive receptors to substantial pollutant concentrations that it cannot move forward without further analysis.”

The MND identified all of the sensitive receptors within the Project vicinity, including schools and residential uses. (MND, Ex. 3-4.) The SCAQMD requires that CEQA air quality analyses indicate whether a proposed project will result in an exceedance of localized emissions thresholds (“LSTs”). Based on the information included in the South Coast Air Quality Management District’s (“SCAQMD”) LST Significance Threshold Table provided by the SCAQMD, the Project will not exceed any LSTs. (MND, pp. 50, 53 (Table 3-3); Appendix D)

SCAQMD’s LST Table provides the significant thresholds for project emissions that increase the further a sensitive receptor is located from a project site, with distances ranging from between 25 to 500 meters. (MND, p. 52, Table 3-3.) The MND analyzed the Project’s impacts on sensitive receptors using the LST Table’s most conservative (highest) significance thresholds by analyzing the Project impacts as if sensitive receptors were

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BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

Response to Comment 1.03:

The MND's conclusion that the Project's air quality impacts are less than significant is in fact supported by substantial evidence. (MND, Section 3.3.1; Appendix D.) The Project's emissions will not exceed any SCAQMD significance thresholds during either construction or operation. (MND, pp. 47-49.)

The commenter takes issue with the MND's observation that there have been new CO emissions controls added to vehicles, and that reformulated fuels are now sold in the South Coast Air Basin ("SCAB"), because "there is no evidence that these 'new CO emissions controls' are being utilized at the Project site or that such controls will mitigate air-quality impacts to a level of insignificance." (See, MND, p. 52.)

The MND does not rely on the fact that additional vehicle emissions controls and reformulated fuels have been developed since the SCAQMD CEQA Air Quality Handbook was written (1993) to conclude that the Project has a less than significant impact. Moreover, even if the MND had relied on the foregoing in making its conclusions, it would be justified in doing so because it is an undeniable, indisputable fact that since 1993, (i) more stringent mandatory emissions controls have been imposed on all vehicles in California, and (ii) reformulated fuels are now sold. The commenter's statement that there "is no evidence these 'new CO emissions controls' are being utilized at the Project site" is simply not true – such emissions controls are mandatory for all vehicles in the state of California.

Response to Comment 1.04:

The commenter claims that the MND did not adequately analyze impacts on the future tenants/occupants of the Project resulting from a "close proximity" to a rail line. The MND is not required to conduct a "reverse-CEQA" analysis, and analyze impacts of the environment on the Project, such as potential impacts on future Project residents that is caused by the existing environment (*e.g.*, existing air emissions from a currently operating rail line). (*Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal. App. 4th 455, 473-74 ["identifying the effects on the project and its users of locating the project in a particular environmental setting is neither consistent with CEQA's legislative purpose nor required by the CEQA statutes"]; *see also, Baird v. County of Contra Costa* (1995) 32 Cal. App. 4th 1464, 1468-69; *South Orange County Wastewater Authority v. City of Dana Point* (2011) 196 Cal. App. 4th 1604, 1614-15; *City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 905.)

Moreover, any air quality impacts from the railroad's emissions referred to in the comment would be less than significant, as this railroad located 350 feet to the south of the Project site. At this distance, no significant levels of train emissions would impact the Project. Additionally, the Project site is located in the midst of other sensitive receptors that include the adjacent single-family residential neighborhood, which are presumably operating without significant impacts from this railroad.

BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

Response to Comment 1.05:

The commenter argues that “[t]here is no evidence that mere adherence to existing SCAQMD regulations, such as wetting demolition and/or construction areas, will mitigate air-quality impacts to a level of insignificance.” However, the Project’s air quality impacts are actually less than significant even before implementation of SCAQMD’s regulations, as both the Project’s construction and operational emissions are below all applicable thresholds of significance before mitigation. (MND, p. 48.)

As made clear by the MND, adherence with the SCAQMD regulations will even further reduce the Project’s air quality impacts, but the regulations were not required to ensure that such impacts were less than significant. (*Id.*, p. 49.) By contrast, the commenter presents no evidence that air quality impacts will be significant, or that SCAQMD’s regulations are not effective to reduce such impacts.

Response to Comment 1.06:

The commenter again argues that there is “no evidence” that compliance with regulatory requirements and Mitigation Measure No. 3 (imposed by Section 3.3.B of the MND) will mitigate the Project’s construction and long term/operational air quality impacts to a less than significant level. In actuality, it is the commenter that has provided no evidence that the regulatory requirements and mitigation Measure No. 3 will not ensure that the Project’s air quality impacts will be less than significant.

The Project’s air quality impacts are less than significant even before implementation of SCAQMD’s regulations or the mitigation imposed by the MND. (MND, p. 49.) Both the Project’s construction and long term emissions are below all applicable thresholds of significance before mitigation. (MND, p. 48.) (*See also*, Response to Comment 1.05.)

Response to Comment 1.07:

The commenter argues that the Project’s potential cumulative air quality impacts required the preparation of an EIR because “the proposed project will contribute incrementally to the SCAB’s current non-attainment status in the absence of mitigation. The SCAB is currently non-attainment for ozone, PM₁₀, and PM_{2.5}”

The MND, based on substantial evidence, properly concludes that the Project’s potential cumulative impacts are less than significant. (MND, p. 50.) Both the Project’s construction and long term emissions are below all applicable thresholds of significance. (*Id.*, p. 48.) Additionally, the Project’s 67 units is well within the housing growth projections in the Southern California Association of Governments’ adopted Regional Transportation Plan (“RTP”). (*Id.*, pp. 47, 50) In other words, the growth caused by the Project – and its associated cumulative air quality impacts – has been anticipated by the adopted RTP, and accordingly, these impacts have been fully analyzed. The Project is in conformance with this RTP, specifically including its regional sustainable development policies. (*Id.*, p. 47.)

Moreover, the mere fact that the Project will contribute incrementally to ozone, PM₁₀ and PM_{2.5} emissions does not mean that the Project will have a significant cumulative impact – if that were true, then every Project in the

BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

SCAB would have a significant cumulative impact on air quality. Any new development would create new emissions related to construction and operations (long-term emissions). The long-term emissions from any future development will include stationary emissions and mobile emissions from vehicles. This incremental increase in emissions is acknowledged and fully analyzed in the MND, and is not a significant impact because the emissions levels are below the SCAQMD-defined thresholds of significance. The SCAQMD provides these specific and quantifiable thresholds to assist lead agencies, like the City here, in determining whether or not a project will result in a significant adverse impact, including whether or not a project will result in a significant cumulative impact.

Response to Comment 1.08:

The commenter claims that the MND fails to discuss diesel particulate as a toxic air pollutant. This claim is patently false – the MND discusses and fully analyzes the Project’s particulate emissions through its analysis of PM₁₀ and PM_{2.5} emissions, which include diesel particulate. (MND, pp. 45, 47-48.) Specifically, the air quality computer model used in connection with the MND includes an analysis of particulate impacts (as well as NO_x emissions) from diesel equipment. The majority of the diesel equipment use will occur during the Project’s construction, and the use of this equipment is considered in the air quality impacts related to construction activities. The majority of the particulate emissions are related to fugitive dust and diesel particulates, and these emission levels are below the SCAQMD daily thresholds.

Response to Comment 2.01:

The commenter argues that the MND is somehow defective because, according to the commenter, no mitigation measures aimed at reducing traffic were considered. The commenter also incorrectly asserts that the MND imposes only one mitigation measure related to traffic and circulation, when the MND actually imposes four. (MND, p. 128.)

The City is not required to impose a certain type of mitigation measure, but rather required to ensure that feasible mitigation measures are imposed to reduce only those impacts that are potentially significant. (*See*, CEQA Guidelines § 15126.4(a).) After implementation of the mitigation measures contained in the MND’s traffic and circulation section, the Project’s impacts on traffic and transportation will be reduced to a less than significant impact. (MND, Section 3.16; *see also*, p. 127) Therefore, the City, as the lead agency, has satisfied all of its obligations under CEQA with regard to imposing mitigation measures.

Moreover, the only potentially significant traffic and circulation impact identified by the MND is not related to traffic volume (as implied by the commenter), but instead relates to potential traffic hazards within the Project site resulting from the layout of the Project. As a result, the mitigation measures imposed by the MND relate to safety – *e.g.*, signing and striping – to ensure such impacts are less than significant. (MND, p. 127.) Mitigation measure(s) that reduced traffic volume would not effectively reduce this potentially significant impact to a less than significant level. Indeed, the Project’s impacts on the circulation system in the general Project area – which encompass all impacts that are related to traffic volume/ trip generation – are less than significant without mitigation. (MND, pp. 98- 125 [Section 3.16A].)

BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

Response to Comment 2.02:

The commenter asserts that “[t]here is a fair argument that 67 four-bedroom units with two fast-food restaurants with drive-through service windows will have a significant impact on traffic levels, especially considering the vacant project site currently produces minimal, if any, traffic.” This assertion is wholly unsupported by any evidence, and is in fact directly contradicted by the substantial evidence by the MND, which concludes that impacts from “traffic levels” are less than significant. (MND, pp. 98-125 [Section 3.16A]; See also, Appendix B.)

Specifically, the MND determined that the Project would result in 1,795 daily trips (including 158 AM peak hour trips and 127 PM peak hour trips). (MND, p. 104.) This amount of trip generation will not decrease the level of service at any relevant intersection. (*Id.*, pp. 112, 115, 119.) Accordingly, the Project’s impacts on traffic and circulation, as summarized by Tables 3-16 and 3-17, will be less than significant. (*Id.*, p. 124-25.)

Response to Comment 2.03:

The commenter asserts, without any evidence, that the Project’s location “in the middle of industrial uses” will result in a substantial decrease in safety for prospective residents of the Project and for persons passing through the Project site. This comment is ironic considering that just one page earlier, the commenter claims that the site is bordered by residential uses, two schools and a park. (See, Comment 1.01) The characterization that the Project site is “in the middle of industrial uses” is not accurate, as at least two sides of the Project site are bordered by residential uses, and one side by commercial (specifically, retail) uses. (MND, p. 26.)

In any event, the MND fully evaluated all potential “safety” impacts related to traffic and circulation, including any hazards that could result from incompatible uses. (MND, p. 127.) The MND imposes four mitigation measures that reduce potential impacts related to traffic hazards. (*Id.*, pp. 127-28.) The MND concluded, based on substantial evidence in the record, that such impacts are less than significant after mitigation. (*Id.*) The MND also concluded that any impacts involving hazards or safety, generally, are less than significant. (*Id.*, pp. 68-71.)

Moreover, with regard to prospective residents of the Project, the MND is not required to conduct a “reverse-CEQA” analysis, and analyze impacts of the existing environment on the Project, including its future residents. (*Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal. App. 4th 455, 473-74 [“identifying the effects on the project and its users of locating the project in a particular environmental setting is neither consistent with CEQA’s legislative purpose nor required by the CEQA statutes”]; see also, *Baird v. County of Contra Costa* (1995) 32 Cal. App. 4th 1464, 1468-69; *South Orange County Wastewater Authority v. City of Dana Point* (2011) 196 Cal. App. 4th 1604, 1614-15; *City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 905.)

BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

Response to Comment 2.04:

The commenter makes a bare assertion that there “is no substantial evidence to support the conclusion that mitigation in the form of re-striping will mitigate traffic and transportation impacts to a level of insignificance.” This assertion is wholly unsupported by any evidence, and in fact directly contradicted by the substantial evidence by the MND.

After fully analyzing all information and expert analysis, the MND concludes that all traffic and transportation impacts would be less than significant. (MND, pp. 98-128; *see also*, Appendix B.) Specifically, the MND determined that the Project would result in 1,795 daily trips (including 158 AM peak hour trips and 127 PM peak hour trips). (MND, p. 104.) This amount of trip generation will not decrease the level of service at any relevant intersection. (*Id.*, pp. 112, 115, 119.) Accordingly, the Project’s impacts on traffic and circulation, as summarized by Tables 3-16 and 3-17, will be less than significant. (*Id.*, p. 124-25.)

The only potentially significant traffic impact identified by the MND relates to potential traffic hazards within the Project site resulting from the layout of the Project. As a result, the mitigation measures imposed by the MND, such as requiring signs and striping, are aimed at mitigating such hazards. The mitigation imposed by the MND ensures that such impacts are less than significant. (MND, p. 127.)

Response to Comment 2.05:

The commenter argues that Mitigation Measure No. 22 – “[a]s is the case for any roadway design, the City of Covina should periodically review traffic operations in the vicinity of the Project once the Project is constructed to assure that the traffic operations are satisfactory” – is uncertain and an improper deferral of mitigation. Mitigation Measure No. 22 does not defer mitigation, but rather ensures that the Project complies with all of the City’s standards for roadway design. A mitigation measure that ensures future compliance with certain standards is an adequate mitigation measure under CEQA. (*See*, Guidelines section 15126.4(a)(1)(B); *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 906.)

Moreover, Mitigation Measure 22 is not required to conclude that traffic and transportation impacts will be less than significant. This mitigation measure simply acknowledges that the striping and signage required for the project must be identified on the final construction drawings to ensure the contractors are aware of the measures. Therefore, even if Mitigation Measure 22 is uncertain or defers mitigation, the MND’s conclusion that all traffic impacts are less than significant after mitigation would not change. (MND, pp. 127-28.)

Response to Comment 2.06:

See Response to Comment 2.03. The City did not “ignore” any traffic safety impacts or safety risk, but instead MND fully evaluated all potential “safety” impacts related to traffic and circulation, including any hazards that could result from incompatible uses. (MND, p. 127.) The MND imposes four mitigation measures that reduce potential impacts related to traffic hazards. (*Id.*, pp. 127-28.) These mitigation measures will ensure that the parking spaces and streets are properly equipped for pedestrians, skateboarders, bicyclists and other non-vehicular traffic. It also bears noting that two sides of the Project site are bordered by residential uses, and one

BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

side by retail uses – the characterization that the Project site is “in the middle of industrial uses” is not accurate. (*Id.*, p. 26.)

Accordingly, the MND concluded, based on substantial evidence in the record, that the Project’s potential traffic safety impacts are less than significant after mitigation. (*Id.*, pp. 127-28.) The MND also concluded that any impacts involving hazards or safety, generally, are less than significant. (*Id.*, pp. 68-71.)

Response to Comment 3.01:

The commenter claims that approval of the Project would somehow run afoul of public hearing rules or otherwise curb public participation. This is not true. The City has complied with all applicable laws (including, but not limited to, the City’s Municipal Code and the Brown Act) in conducting the public hearings that concern this Project. Moreover, the Project has not yet been approved, and there will be another public hearing on the Project before the Council takes action on the Project. There has been no “final approval.” Finally, the City Council is never bound by a recommendation from the Planning Commission.

Response to Comment 4.01:

The commenter argues that “[d]espite the fact that the Project includes at least 67 four-bedroom, residential units, the MND erroneously concludes the Project will not induce substantial population growth without any kind of supporting analysis,” and without any evidence, asserts that there is “a fair argument the Project will have a significant impact on population and housing.”

The MND’s conclusion that the Project will not induce substantial population growth is in fact supported by sufficient analysis and substantial evidence. (MND, pp. 92-93.) The Project is an infill development that is surrounded by active residential, commercial/retail and industrial uses. (*Id.*, p. 26.) Population and housing impacts such as growth inducing impacts are associated with providing urban services to an undeveloped or rural area. (*Id.*, p. 92.) In other words, significant impacts occur when a Project draws people to an area where they are not already located. Here, the Project a relatively small infill development in an otherwise fully developed area, and therefore, the Project will not induce (directly or indirectly) any additional development in the Project area because such additional development is not possible.

The MND used the higher of two possible projections to determine that, conservatively, 335 people will reside at the Project (an alternative projection, based on the average size of households in the City, indicated that only 209 people will reside that the Project). (*Id.*, p. 92; Table 3-8.) This small amount of people, particularly compared with the City’s current population of 48,346, will not have any impact on population and housing, even if all 335 future residents came from outside the City. (*Id.*; *see also*, pp. 93-97 [the MND concludes that the Project will have a less than significant impact resulting from increased demand for public services and recreation].) Adding 335 people in an already a developed area is simply not considered “substantial population growth.” (MND, p. 92.) Moreover, the Project may ultimately serve individuals that are already residents of the City.

BL**O**D**G**E**T**I**B**A**Y**L**O**S**I**S**E**N**V**I**R**O**N**M**E**N**T**A**L****P**L**A**N**N**I**N**G

Response to Comment 5.01:

The commenter states that “[t]here is no explanation for why a Project that will emit 19,947 pounds of CO₂E per day, compared to the zero pounds currently produced on the vacant Project site, will have a less than significant [greenhouse gas] impact.” However, the MND provides a clear explanation as to why the Project’s emissions result in a less than significant greenhouse gas (“GHG”) impact

The California Air Pollution Controls Officers Association (CAPCOA) CEQA and Climate Change White Paper approves a non-zero significance threshold for analyzing the significance of a future development’s GHG emissions. (MND, p. 64.) Threshold 2.5 of the White Paper establishes a numerical threshold based on capture of approximately 90 percent of emissions from future development. (*Id.*) The SCAQMD has recommended several GHG thresholds of significance. These thresholds include 1,400 metric tons per year of CO₂E for commercial projects, 3,500 tons per year for residential projects, and 3,000 tons per year for mixed-use projects. The Project collectively (including both the residential and commercial components) will generate approximately 3,300 tons per year of CO₂E. (*Id.*) As a result, the impacts are within the recommended thresholds. Furthermore, when discounting the previous use of the Project site, the total CO₂E emissions will be reduced ever further from 3,300 tons per year. Therefore, the Project’s GHG impacts are less than significant.

Additionally, it is important to note that the SCAQMD uses these significance thresholds to identify projects that warrant SCAQMD review. In other words, if a project exceeds these thresholds, it does not mean that the project results in a significant impact *per se*, but instead, it merely means that the project’s CEQA document should be forwarded to the SCAQMD for review.

Response to Comment 5.02:

The commenter asserts that the MND does not properly follow the CAPCOA CEQA and Climate Change White Paper because no mitigation is imposed, contrary to the White Paper’s requirements for any GHG emissions that are above zero. The commenter also asserts that the MND improperly relied on the SCAQMD’s significance thresholds (discussed in the Response to Comment 5.01).

First, the CAPCOA white paper is intended as a resource, not a mandatory requirement. This document is not intended, and should not be interpreted, to dictate the manner in which an air district or lead agency – including the City here – chooses to address GHG emissions in the context of its review of projects under CEQA.

Second, the City, as the lead agency, is afforded significant deference in determining the applicable threshold of significance, and indeed, the lead agency is free to establish its own threshold of significance. (CEQA Guidelines § 15064.7; *Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal. App. 4th 1059, 1067-1068.) The City, through the MND, has determined that certain thresholds established by agencies with particularized expertise in the field (*e.g.*, the SCAQMD) are the applicable and appropriate thresholds.

Finally, under CEQA, mitigation is only required if there is a potentially significant impact. (CEQA Guidelines § 15126.49(a)(3).) Here, the Project’s GHG impacts are less than significant before mitigation. (MND, pp. 64-65.) Therefore, pursuant to CEQA, no mitigation is required, regardless of what a white paper might suggest. (§

BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

15126.49(a)(3).) Indeed, the MND only mentions the CAPCOA White Paper to explain how SCAQMD calculated its significance threshold, and that threshold – not the White Paper’s other requirements – is the only threshold that matters. The Project’s emissions are below that threshold without mitigation. (MND, p. 64.)

Response to Comment 5.03:

The commenter suggest that there are “several feasible mitigation measures” relating to GHG emissions that can be implemented for the Project. Even if true, the comment is irrelevant because the Project results in less than significant GHG impacts before mitigation. (MND, pp. 64-65.) “Mitigation measures are not required for effects which are not found to be significant.” (CEQA Guidelines § 15126.49(a)(3).) Moreover, the commenter has not provided any evidence that the suggested mitigation measures are in fact feasible and can be implemented for this Project.

Response to Comment 5.04:

The commenter asserts that “[i]n finding that the Project will not conflict with any applicable plan, policy, or regulation for reducing GHGs, the MND cherry-picks a few of the Attorney General’s recommended measures while ignoring a large number of other measures. Most notably, the measures in the section ‘Renewable Energy and Energy Storage’ will not be met as the Project does not include the use of renewable energy.”

The Attorney General’s measures are “recommended,” not mandatory. The mandatory applicable plan, policy or regulation for reducing GHGs is AB 32, which requires the reduction of GHG emissions to 1990 levels. (MND, p. 67.) Reducing GHG emissions would require a minimum of 28% reduction in “business as usual” GHG emissions. (*Id.*) By following only the purportedly “cherry picked” recommendations listed in Table 3-5, the Project would reduce GHG emissions by 36%, which makes the Project in compliance with AB 32. (*Id.*, p. 65, 67.) Even if the commenter is correct that the MND ignores some of the Attorney General’s recommended measures, the Project implements a sufficient number of recommended measures to ensure the Project does not conflict with the state of California’s mandatory means for reducing GHGs – AB 32. Moreover, the Project does not conflict with any Attorney General recommendations or any applicable CARB Recommended Actions from the state of California’s Climate Action Plan, which are listed in Table 3-6. (*Id.*, p. 66-67.) Therefore, the Project does not conflict with any applicable plan, policy, or regulation for reducing GHGs.

Finally, notwithstanding the foregoing, the Project’s GHG emissions are well below the applicable significance threshold. (MND, p. 64.) Therefore, the Project’s GHG impacts are less than significant.

Response to Comment 5.05:

The commenter asserts that the MND contains “no analysis” to support its conclusion that the implementation of certain Attorney General recommended measures will reduce GHG emissions by 36% from business as usual conditions. (*See*, MND, p. 67.) However, the commenter presents no evidence that the 36% reduction, as explained by Table 3-5, is incorrect, nor does the commenter suggest what the “correct” percentages might be. Unlike the commenter’s unsupported assertion, Table 3-5 is supported by substantial evidence and expert

BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

analysis. (MND, p. 65; Appendix D.) Indeed, Table 3-5 indicates precisely how the Project would implement the Attorney General's recommendations. (*Id.*, p. 65.)

The most important element of Table 3-5 is to underscore the proposed Project's compliance with the Attorney General's recommended measures designed to reduce GHG emissions. The figures that were used to illustrate the effectiveness of the individual measures (*e.g.*, the percentage reductions) were derived using a number of methods. The land use and transportation measures assumed a trip generation reduction and a potential reduction in vehicle miles traveled (VMT) because the Project is a mixed use development, which reduces trips/VMTs when compared with strictly commercial or residential developments. Additionally, a numerical benefit was also derived from the Project's "infill" nature. The measures associated with energy and water use compares the consumption rates of the Project with and without energy conservation devices. Accordingly, the percentages illustrate the effectiveness of the Project's compliance with the Attorney General's recommended measures.

Finally, notwithstanding the foregoing, the Project's GHG emissions are well below the applicable significance threshold. (MND, p. 64.) Therefore, the Project's GHG impacts are less than significant.

Response to Comment 6.01:

The commenter asserts that there is a fair argument the Project will significantly impact the delivery of public services, including police and fire protection. This assertion is directly contradicted by the analysis and conclusions contained in the MND, which are based on substantial evidence.

The MND fully analyzes the increase in demand on both police and fire protection, and determines that any impacts would be less than significant. (MND, pp. 94-95.) The closest fire station is only .7 miles away from the Project site, and the closest police station is approximately one mile away. (*Id.*) This indicated that response times for both fire and police service to the Project site will be very fast.

While the Project will place incremental increase in the service demands of the City's fire department, any increase in demand will be offset by the increase property tax and other revenue that will accrue as part of the Project's implementation. (*Id.*, p. 94.) Similarly, while the addition of the Project's 67 units and attendant potential population increase will lead in a potential increase in the calls for law enforcement services, the potential increase will be offset by the increased property tax and other revenue that will accrue as part of the Project's implementation. (*Id.*, p. 95.) As a result of these offsets, the Project will not have a significant impact on police or fire response times, either to the Project site or to other developments.

Finally, while not necessary for adequate response times, the MND imposes four mitigation measures related to fire and police services to ensure that any impacts are less than significant. (MND, pp. 94-96.)

BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

Response to Comment 6.02:

The commenter claims that “[t]here is no substantial evidence to support the conclusion that the measures identified will mitigate public service impacts to a level of insignificance” because “the mitigation measures do not address the Project’s effect on the delivery of public services that must pass through the Project.”

First, the MND fully analyzes all of the Project’s potential impacts on public services, and imposes adequate mitigation to ensure that all such impacts are less than significant. (MND, pp. 94-96.)

Second, mitigation measures are only necessary when the lead agency identifies a potentially significant impact. (CEQA Guidelines § 15126.49(a)(3).) The MND did not identify any significant impacts resulting from “the Project’s effect on the delivery of public services that must pass through the Project,” and the commenter has presented no evidence that such impacts exist. (MND, pp. 94-96.) Therefore, no mitigation was required.

Finally, even if the Project caused potentially significant impacts on public services traveling through the Project site, such impacts would be mitigated to a less than significant level by the mitigation imposed in the MND’s traffic section because those mitigation measures are all aimed at mitigating potential traffic hazards within the Project site resulting from the layout of the Project. (MND, p. 127.) The MND concludes that with mitigation, any impacts resulting from vehicles driving within the Project site – which includes emergency vehicles – would be less than significant. (*Id.*)

Response to Comment 7.01:

The commenter, without any supporting evidence, asserts that the Project will significantly impact the use of existing parks, and specifically, Kelby Park. The MND indicates that the City operates 8 parks, including two near the Project site: Kelby Park and Kahler Russell Park. Based on these facts, the MND concludes that the Project – which, at most, will serve 335 residents (some of which may already be residents of the City) – will result in a less than significant impact on recreation. (MND, p. 97.) The MND specifically concludes that any impacts resulting from increased use of parks will be less than significant. (*Id.*) Moreover, the MND concludes that the City of Covina Park Development Fee – which the applicant will be required to pay – will offset any increased use of the City’s parks (including Kelby Park). (*Id.*) Finally, the Project will not physically impact any park or recreational facility. (*Id.*)

Response to Comments 8.01 & 8.02:

The commenter claims that because of the ongoing draught in California and a purported “Level One Water Supply Shortage” in the City, the Project will have a significant impact on hydrology and water quality based on a lack of supply of water. The commenter also asserts that the MND’s mitigation measures are not sufficient to mitigate impacts involving the Project’s water supply to a less than significant level.

Contrary to the commenter’s conjecture based solely on macro conditions, the MND concludes that even before mitigation, the Project would have no impact on groundwater supplies. (MND, p. 73.) Indeed, even though the Project is not big enough to require a water supply assessment, the City of Covina Water Division (“CWD”) and

BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

the Project engineer have confirmed the availability of water supplies sufficient to accommodate the Project's water demand.

As to the commenter's issue with the MND's hydrology/water quality mitigation measures, mitigation is only required when the lead agency identifies a potentially significant impact. (CEQA Guidelines § 15126.49(a)(3).) The Project will not have any impact on water supplies. (MND, p. 73.) Therefore, no mitigation is required to reduce the Project's impacts on water supplies to a less than significant level. The MND only imposes mitigation measures relating to water quality standards and waste discharge because those were the only potentially significant hydrology and water quality impact. (MND, pp. 72-73, 76.)

Response to Comment 9.01:

The commenter asserts that the Project will result in significant noise impacts merely based on the fact that the Project entails construction of 67 residential units and two fast-food restaurants and demolition/removal of existing structures. However, the MND fully analyzes all of the noise impacts that would result from the construction of the Project, including the demolition phase, and concluded that all such impacts would be less than significant after mitigation. (MND, pp. 83-91; Appendix C.) It bears noting that contrary to the commenter's implication, 67 residential units and two fast-food restaurants is a relatively "small" project when considering the entire range of development projects in the City and the surrounding area.

Specifically with regard to construction noise, the MND, based on expert analysis (*see*, Appendix C), concluded that during construction, in a "worst-case scenario," the Project would result in temporary average noise level of 89 dBA on the (vacant) Project site. (MND, p. 89.) It is possible that under this "worst-case scenario," noise levels could exceed 70 dBA at the Project site's property line. The MND imposes mitigation (Mitigation Measure No. 14) that requires all construction to occur between the hours of 7:00 AM and 7:00 PM on weekdays and 8:00 AM to 5:00 PM on Saturdays, with no construction permitted on Sundays or Federal holidays. (*Id.*) Provided that no construction occurs during these nighttime/weekend hours – which it will not, thanks to Mitigation Measure No. 14 – construction noise is permitted to exceed the City's noise standards summarized in Table 3-7 of the MND. (City of Covina Municipal Code § 9.40.110(B).)

Therefore, after implementation of mitigation, all impacts from construction noise, including the demolition phase, will be less than significant. (MND, pp. 89, 91.)

Response to Comment 9.02:

The commenter asserts that the MND and the noise study used the incorrect threshold of significance because "[t]he noise study, on which the noise mitigation is based, used the highest limit during daytime operations (65dBA) instead of a lower one during nighttime operations (55 dBA) *even though some of the nearby manufacturers operate at night.*"

This comment appears to concern the impacts of noise generated by nearby users on the future residents of the Project. These type of "reverse-CEQA" analysis is not required. (*Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal. App. 4th 455, 473-74 ["identifying the effects on the project and its users of locating the

BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

project in a particular environmental setting is neither consistent with CEQA's legislative purpose nor required by the CEQA statutes"]; *see also, Baird v. County of Contra Costa* (1995) 32 Cal. App. 4th 1464, 1468-69; *South Orange County Wastewater Authority v. City of Dana Point* (2011) 196 Cal. App. 4th 1604, 1614-15; *City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 905.)

Notwithstanding the foregoing, the commenter has not presented any evidence that any surrounding uses that purportedly "operate at night" would result in nighttime noise above 55 dBA at the exterior of the Project, even after mitigation (*e.g.*, the required construction of sound walls and the like). (*See, MND*, pp. 87-88, 91.) Moreover, the Applicant has also agreed to the installation of a noise wall along the Project site's west side and the installation of sound-proof windows. These additional measures will further reduce the interior noise levels. Therefore, even if the noise study used the 55 dBA threshold, there would be no significant impacts after mitigation.

Additionally, the existing homes located to the north of the Project site have successfully coexisted with the neighboring manufacturing uses for many years. The recent complaints from the nearby residents focused on the Project site itself (*e.g.*, poor property maintenance and transients living on the property) rather than noise from the adjacent businesses.

Finally, it bears noting that the City is afforded significant deference in determining the applicable threshold of significance, and indeed, the lead agency is free to establish its own threshold of significance. (CEQA Guidelines § 15064.7; *Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal. App. 4th 1059, 1067-1068.)

Response to Comment 10.01:

Without any supporting evidence, the commenter asserts that the Project will result in a significant aesthetic impact resulting from a "significant increase in light and glare," apparently based on the mere fact that the Project includes 67 units and two fast-food restaurants. The MND comes to the opposition conclusion based on actual evidence, indicating that after mitigation, any increase in light and glare caused by the Project will be less than significant. (MND, p. 39.) (*See also, Response to Comment 10.02*)

Response to Comment 10.02:

The commenter asserts that Mitigation Measures Nos. 1 & 2 – which require the applicant to submit a lighting plan and exterior photometric plan for review and approval by the City – are uncertain and constitute an improper deferral of mitigation. However, Mitigation Measures Nos. 1 & 2 do not defer mitigation, but rather ensure that the Project complies with all of the City's standards for exterior lighting. A mitigation measure that ensures future compliance with certain standards is an adequate mitigation measure under CEQA. (*See, Guidelines section 15126.4(a)(1)(B); Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 906.)

As explained in the MND, implementation of these mitigation measures is sufficient to ensure that the Project's impacts resulting from increased light and glare are less than significant. (MND, p. 39.)

BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

Response to Comments 11.01, 11.02, 11.03 & 11.04:

The commenter claims that the City has not made the necessary findings to support any of the Project entitlements or to comply with Government Code sections 66473.5, 66474, or 65860. Without any specific claim regarding the deficiency of any specific finding, the commenter also asserts that to the extent any of these findings were made, none of the findings are supported by substantial evidence.

The Project has not yet been approved. Therefore, none of these findings are necessary at this juncture. In the event the City Council approves the Project, it will make all findings required by law.

Response to Comment 11.05:

The commenter claims that substantial evidence does not support the finding that the Project will have “no cumulative impacts.” The MND does not make this purported “no impact” finding. Instead, the MND actually concludes, based on substantial evidence, that after mitigation, the Project will result in less than significant cumulative impacts. (MND, p. 135; *see also*, p. 143.) This conclusion is supported by significant analysis and expert studies.

Response to Comment 12.01:

The commenter claims that the Project establishes “conflicting land uses” because “the General Plan and zoning rules [will be] changed to allow residences in the middle of an industrial/manufacturing zone.” The commenter asserts that the MND should have analyzed the impacts of such conflicting land uses.

The commenter’s position that the Project establishes “conflicting land uses” is incorrect. The Project is surrounded on two sides by residential uses, and on another side by commercial uses. (MND, pp. 26, 79-81 [Exs. 3-9, 3-10 & 3-11].) Indeed, in the Air Quality section of the very same comment letter, the commenter claims “the site is bordered by residential uses, Ben Lamont Elementary School, Covina Elementary School, and Kelby Park.” (Comment 1.01) By the commenter’s own admission, the Project site is obviously not “right in the middle of an industrial/manufacturing zone.” Therefore, there can be no impacts resulting from conflicting land uses, as such conflicts do not exist. Indeed, the MND fully analyzed the compatibility of the proposed land uses with the existing land uses surrounding the Project site, and concluded that there would be no impact. (MND, pp. 76-82.)

The commenter also “cherry picks” three General Plan policies, and asserts that the Project is not consistent with those policies. The Project does not conflict with any General Plan policies. (MND, pp. 78-80; GPA No. 14-002.) Moreover, the Project need not comply with the letter of each and every General Plan policy. (*San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App.4th 656, 678 [a project does not need to be “in agreement or harmony with the terms of the applicable plan, *not in rigid conformity with every detail.*”] [emph. added]; *see also*, *Wollmer v. City of Berkeley* (2009) 179 Cal.App.4th 933, 941; *Sequoyah Hills Homeowners Ass’n v. City of Oakland* (1993) 23 Cal.App.4th 704, 714.)

BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

Response to Comment 12.02:

The commenter claims that the Project results in spot zoning because it “would result in the placement of 67 residences right in the middle of an industrial/manufacturing zone with no buffer between the vastly different uses.” The Project is surrounded on two sides by residential uses, and on another side by commercial (retail) uses. (MND, pp. 26, 79-81 [Exs. 3-9, 3-10 & 3-11].) Indeed, in the Air Quality section of the very same comment letter, the commenter claims “the site is bordered by residential uses, Ben Lamont Elementary School, Covina Elementary School, and Kelby Park.” (Comment 1.01) By the commenter’s own admission, the Project site is obviously not “right in the middle of an industrial/manufacturing zone.”

Therefore, the Project does not involve spot zoning, which as the commenter states, involves “the singling out of a small parcel of land for a use classification *totally different from that of the surrounding area*, for the benefit of the owner of such property and to the detriment of other owners.” (emp. added) The Project is surrounded on at least three sides by substantial similar uses (residential and commercial) to the proposed uses. Clearly, the Project does not call for a “totally different” land use classification when compared to the surrounding area.

Response to Comment 13.01:

The commenter claims that the Project is not consistent with the General Plan Noise Element’s Policy Area 2, items D-1 and D-2, which purportedly “discourage” the location of noise-sensitive land uses in noisy environments. The commenter has not submitted any evidence showing that the Project site is located in a “noisy environment.” To the extent that commenter’s position that the Project site is “noisy” is based on its position that the Project site is near commercial or industrial uses, the Project is surrounded on at least two sides by residential uses. (MND, pp. 26, 79-81 [Exs. 3-9, 3-10 & 3-11].) Indeed, in the Air Quality section of the very same comment letter, the commenter claims “the site is bordered by residential uses, Ben Lamont Elementary School, Covina Elementary School, and Kelby Park.” (Comment 1.01)

Moreover, the MND fully analyzes all noise impacts. (MND, Section 3.12.) In fact, the MND specifically recognizes that the residential component of the Project is considered to be a noise sensitive use, and accordingly, the Project imposes mitigation measures that will ensure all impacts are less than significant, even on noise sensitive uses (*e.g.*, requirements to construct sound walls/noise control barriers). (MND, pp. 87-88, 91.) (*See also*, Response to Comment 9.02.)

Finally, the Project does not conflict with any General Plan policies. (MND, pp. 78-80; GPA No. 14-002.) Moreover, the Project need not comply with the letter of each and every General Plan policy. (*San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App.4th 656, 678 [a project does not need to be “in agreement or harmony with the terms of the applicable plan, *not in rigid conformity with every detail.*”] [emp. added]; *see also*, *Wollmer v. City of Berkeley* (2009) 179 Cal.App.4th 933, 941; *Sequoyah Hills Homeowners Ass’n v. City of Oakland* (1993) 23 Cal.App.4th 704, 714.)

BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

Response to Comment 13.02:

The commenter claims that “the City is out of compliance with its Housing Element because no update has been submitted” and attaches a Housing Element compliance report. However, the attached compliance report does not indicate that the City is out of compliance - which would be indicated by “OUT” or even an “OVER DUE” in the column labeled “compliance status.” Instead, the compliance report indicated that the City’s housing element is merely “DUE.” (See, p. 3)

While true that the City’s Housing Element was certified for the 4th Cycle and the Housing Element for the 5th Cycle is now due, the commenter did not acknowledge that an infill development such as that being proposed is supported and encouraged by HCD as a means to address the region’s housing need. The proposed Project, if approved, will count towards the City’s current housing need identified in Covina’s Regional Housing Needs Assessment (RHNA).

The City will complete its revisions the Housing Element in 2015, and by law, the Project will be required to be in full compliance with the revised certified Hosing Element for the 5th Cycle, just as it is in compliance with the City’s certified Housing Element for the 4th Cycle.

Response to Comment 13.03:

See Response to Comment 12.01.

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BLC File(s): 1805.00

7 October 2014

Mayor and City Council
City of Covina
125 East College Street
Covina, CA 91723

Re: Agenda Item CB1 of October 7, 2014 City Council Meeting (Consideration of Resolutions and Ordinances as they relate to three contiguous properties at 777 and 847 East Edna Place and at 731 North Grand Avenue)

Dear Mayor and City Council:

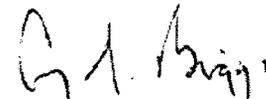
On behalf of my clients, The Inland Oversight Committee and Covina Residents for Responsible Development, I am writing to urge you to not adopt the resolutions and ordinances approving the above-referenced Project. In general, approval of the Project would violate the California Environmental Quality Act ("CEQA"), the Planning and Zoning Law, the Subdivision Map Act, and the Covina Municipal Code, among other laws. The specific reasons for denying the project are set forth on Attachment 1 to this letter and supported by evidence in the administrative record for the Project and by other evidence provided in the accompanying documents and on the accompanying CD/DVD. (For your convenience, the accompanying documents are described in the accompanying index.)

If you do not make a decision on the Project tonight, please provide me with written notice of the next public hearing or other meeting at which you will consider this Project. Additionally, please provide me with written notice of whatever action you do take tonight.

Thank you for your prompt attention to this important matter.

Sincerely,

BRIGGS LAW CORPORATION


Cory J. Briggs

**Attachment 1: Reasons for Denying Project
Briggs Law Corporation**

I. Air Quality

- 1.01 There is a fair argument the Project will result in significant air-quality impacts. As stated in the MND, the site is bordered by residential uses, Ben Lamont Elementary School, Covina Elementary School, and Kelby Park. Additionally, the MND ignores a number of other schools within a one-mile radius of the Project site. See Exs. AQ1-AQ2. Children are more vulnerable to the adverse effects of air pollution than adults are. See AQ3. Eighty percent of alveoli are formed post-natally, and changes in the lung continue through adolescence. *Id.* During the early post-neonatal period, the developing lung is highly susceptible to damage after exposure to environmental toxins. *Id.* There is such a high probability that this Project will expose sensitive receptors to substantial pollutant concentrations that it cannot move forward without further analysis. To ignore the profound, and possibly life-long, negative effects this Project could have on the respiratory health of the community's children would be unconscionable.
- 1.02 The MND wrongfully relies on the South Coast Air Quality Management District's Localized Significance Threshold Methodology ("LST") because the LST only applies "to projects that are less than or equal to five acres." See AQ4. This Project exceeds five acres. The LST mass rate look-up table on which the City relies also only applies to projects less than five acres in size. Furthermore, the MND relies on a receptor distance of 25 meters without any explanation as to why 25 meters is appropriate. Altogether, the MND's conclusion of a "less than significant" impact on air quality is not supported by substantial evidence.
- 1.03 In finding that the Project will result in less than significant air-quality impacts, the MND relies on the fact that there have been new CO emissions controls added to vehicles and that reformulated fuels are now sold in the South Coast Air Basin, "which have resulted in a lowering of both ambient CO concentrations and emissions." However, there is no evidence that these "new CO emissions controls" are being utilized at the Project site or that such controls will mitigate air-quality impacts to a level of insignificance. Therefore, the MND's conclusion of a "less than significant" impact on air quality is not supported by substantial evidence.
- 1.04 The MND fails to adequately analyze the air-quality impacts to prospective tenants/occupants of the Project resulting from the Project's close proximity to the rail line 370 feet south of the project site. Therefore, the MND's conclusion of a "less than significant" impact on air quality is not supported by substantial evidence.
- 1.05 There is no evidence that mere adherence to existing SCAQMD regulations, such as wetting demolition and/or construction areas, will mitigate air-quality impacts to a level of insignificance. Relying on compliance with regulatory requirements to satisfy mitigation requirements or to avoid having to disclose and analyze potentially significant impacts in an environmental impact report is not allowed under CEQA.

BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

- 1.06 There is only one particularized mitigation measure in the MND with respect to air-quality impacts: that the Project applicant ensure all pertinent air-pollution control equipment be installed in the proposed restaurant uses and maintained at all times. Yet the MND fails to identify what constitutes the pertinent air-pollution control equipment and merely relies on compliance with regulatory requirements. Furthermore, there is no evidence that the measure will mitigate the Project's construction and long-term impacts to a level of insignificance, and relying on compliance with regulatory requirements to satisfy mitigation requirements or to avoid having to disclose and analyze potentially significant impacts in an environmental impact report is not allowed under CEQA.
- 1.07 The potential for cumulative air-quality impacts requires preparation of an environmental impact report. The MND points out in Section 3.3.C that "the proposed project will contribute incrementally to the SCAB's current non-attainment status in the absence of mitigation. The SCAB is currently non-attainment for ozone, PM10, and PM2.5." Despite this admission, the MND inexplicably concludes that there is a less than significant impact on this issue.
- 1.08 The MND fails to discuss diesel particulate as a toxic air pollutant, even though it is recognized as such by the State of California. See Exs. AQ5-AQ6. Many items of construction equipment operate on diesel fuel, which means that the project's construction phase will result in the emission of diesel particulate. See Exs. AQ5-AQ12. Given the project site's proximity to residences, schools, and parks, the potential impact of these toxic emissions must be studied further.

II. Traffic and Transportation

- 2.01 The finding that traffic impacts will be significant triggered the obligation to consider all feasible mitigation measures. The only identifiable mitigation measure considered is on-site traffic signing and striping. No mitigation measures aimed at reducing traffic were considered. There are feasible mitigation measures available that reduce traffic levels. For example, the CAPCOA report ("Quantifying Greenhouse Gas Mitigation Measures") has an entire chapter dedicated to reducing traffic levels, that although aimed at mitigating greenhouse gas emissions are equally applicable here. Such measures include increasing access to transit, developing the site in a way that promotes the use of alternative transportation, limiting parking supply, and encouraging car-pooling. Ex. T1.
- 2.02 There is a fair argument that 67 four-bedroom units with two fast-food restaurants with drive-through service windows will have a significant impact on traffic levels, especially considering the vacant project site currently produces minimal, if any, traffic.
- 2.03 There is a fair argument that the Project, which will be located right in the middle of industrial uses, will result in a substantial decrease in safety for prospective residents of the project, and for persons passing through the Project site. Presumably, some of the Project's residents will be children, who will be put directly into harm's way as a natural consequence of living across the street from industrial uses with no buffer in between the residential and industrial uses.

BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

- 2.04 There is no substantial evidence to support the conclusion that mitigation in the form of re-striping will mitigate traffic and transportation impacts to a level of insignificance.
- 2.05 The mitigation measure that "the City of Covina should periodically review traffic operations in the vicinity of the Project once the Project is constructed to assure that the traffic operations are satisfactory," is uncertain and an improper deferral of mitigation. In this respect, there is no evidence to support the conclusion that such a measure will mitigate traffic and transportation impacts to a level of insignificance.
- 2.06 You have not adequately identifies and analyzed the potential traffic-safety impacts of the Project. Putting residences so close to an industrial/manufacturing zone where the parking spaces and streets are not equipped for pedestrians, skateboarders, bicyclists, and other non-vehicular traffic creates a serious safety risk. The City is aware of the risk but has opted to ignore the potential impacts, as acknowledged in e-mail correspondence between members of the business community ("mbegineconst@msn.com") and members of the city council on or about September 12, 2014.

III. Public Participation

- 3.01 Even though the Planning Commission recommended denial of the Project, the City Council went against that recommendation and informally approved the Project on September 16, 2014, without any resolutions/ordinances. Then, in an attempt to stifle the City-wide opposition that has mounted against the Project, the City closed the public hearing despite the fact that the resolutions/ordinances required for approval would have to be brought back at the October 7, 2014 City Council meeting. The public hearing should never have been closed before the Project's final approval in order to facilitate full public discussion and to afford all members of the public due process and a fair hearing with respect to the Project and an opportunity to comment on the adequacy and contents of the proposed resolutions/ordinances.

IV. Population & Housing

- 4.01 There is a fair argument the Project will have a significant impact on population and housing. Despite the fact that the Project includes at least 67 four-bedroom, residential units, the MND erroneously concludes the Project will not induce substantial population growth without any kind of supporting analysis. Such a conclusion is not supported by substantial evidence.

V. Greenhouse Gas Emissions

- 5.01 There is no explanation for why a Project that will emit 19,947 pounds of CO₂E per day, compared to the zero pounds currently produced on the vacant Project site, will have a less than significant GHG impact.
- 5.02 When adopting thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by experts, provided the decision of the

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lead agency to adopt such thresholds is supported by substantial evidence. The non-zero standard identified here is being applied in such a way that there is effectively no standard at all, and there is no evidence to support its use. Furthermore, it appears that the City is not actually following Approach 2.5 in CAPCOA's CEQA and Climate Change white paper. For instance, Approach 2 requires mitigation for any project that results in a net increase in GHG emissions, as this Project will cause (Table 2, Tier 2), but you are not requiring any mitigation for the Project's GHG emissions; arbitrarily using SCAQMD's much-higher threshold without explanation does not satisfy the requirements of CEQA.¹ In fact, page 50 strongly suggests that mitigation will be necessary even when employing Approach 2, while page 51 of the white paper requires mitigation for any project that results in a net increase in GHG emissions. Yet there is no mitigation for the Project's potential GHG emissions. In short, even though the MND relies on the white paper, the MND is not following the white paper's recommendations.

- 5.03 There are several feasible mitigation measures that can be implemented for the Project, such as on-site energy generation (*e.g.*, solar). See Exs. GHG1-GHG4.
- 5.04 In finding that the Project will not conflict with any applicable plan, policy, or regulation for reducing GHGs, the MND cherry-picks a few of the Attorney General's recommended measures while ignoring a large number of other measures. Most notably, the measures in the section "Renewable Energy and Energy Storage" will not be met as the Project does not include the use of renewable energy. Ex. GHG5.
- 5.05 The MND's conclusion that the Project's "potential GHG impacts are considered less than significant" because it will "reduce its GHG emissions by 36%" is not making an apt comparison and is not supported by substantial evidence. There is no analysis to justify the percentage reductions reported in Table 3-5 (the basis for the claim of a 36% reduction), and in any event there is nothing in the record to indicate that the percentage reductions are reductions from 1990 levels of GHG emissions rather than reductions from what the Project would generate in the absence of consistency with the Attorney General's recommendations in Table 3-5.

VI. Public Services

- 6.01 There is a fair argument the Project will significantly impact the delivery of public services – i.e., police and fire protection – as a natural consequence of the increased traffic in the Project's vicinity. Prompt emergency response time is absolutely critical in protecting the health and safety of the City's residents. In some instances, a delay of mere

¹ The SCAQMD source document is not cited in the MND's list of references. To this author's knowledge, the threshold has not been adopted by SCAQMD, and there is no substantial evidence in the record to justify the City's reliance on it. CAPCOA's white paper actually contradicts any purposes SCAQMD threshold because the white paper recognizes that residential projects involving more than 50 units must be subjected to in-depth review to ensure that their GHG emissions are mitigated to a level of insignificance. However, the City is not doing any mitigation for the Project's GHG impacts.

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seconds in emergency response time can be the difference between a person living or dying. See Ex. PS1-PS4. A single death resulting from an emergency response delay caused by this Project is still one death too many. Considering the breadth of this Project, there is a fair argument that it will significantly impact the delivery of public services.

- 6.02 There is no substantial evidence to support the conclusion that the measures identified will mitigate public service impacts to a level of insignificance. For example, the mitigation measures identified address public service access to the Project site, but does not address the Project's effect on the delivery of public services that must pass through the Project site.

VII. Recreation

- 7.01 There is a fair argument the Project will significantly impact the use of existing neighborhood and regional parks or other recreational facilities. The Project consists of 67 four-bedroom residential units, with Kelby Park about 2,000 feet away from the Project. Assuming the prospective tenants utilize the park, the Project will have a significant impact on the recreation area.

VIII. Hydrology/Water Quality

- 8.01 There is a fair argument the Project will have a significant hydrology/water-quality impact. On May 20, 2013, a reduced supply of water and ongoing drought conditions resulted in a declaration of a Level One Water Supply Shortage in the City. At any rate, the shortage of water in California is well known to people throughout the state. Despite this declaration, the MND concludes the Project, which will serve 67 four-bedroom units and two fast food restaurants, will have less than a significant impact on groundwater supplies, without making any mention of the water supply shortage. See WQ1. Such an analysis is insufficient and the MND's conclusion of "less than significant" impact on hydrology/water quality is not supported by substantial evidence.
- 8.02 There is no substantial evidence to support the conclusion that the measures identified will mitigate hydrology/groundwater impacts to a level of insignificance, especially considering the state's well known water shortage and the Level One Declaration are not even mentioned in the MND.

IX. Noise

- 9.01 There is a fair argument that the Project will result in significant noise impacts. As stated in the MND, the Project includes several phases, which will include the demolition of two buildings, the removal of cars, trucks, RVs, large pipes, construction equipment, a mobile home, and shipping containers. Then, a total of 67 new residential units will be constructed, along with two fast-food restaurants with drive-through services, and street improvements. Construction is one of the greatest contributors of noise pollution. Exs. N1-N5. Considering the vacant, unused Project site produces minimal, if any, noise,

construction of the Project and the subsequent increase in use of the site will assuredly result in significant noise impacts.

- 9.02 The noise study used the wrong threshold. Page 86 of the MND states the noise limits imposed by the Covina Municipal Code. The noise study, on which the noise mitigation is based, used the highest limit during daytime operations (65dBA) instead of a lower one during nighttime operations (55 dBA) even though some of the nearby manufacturers operate at night. In other words, there is analysis of the impacts of noise during the night and no mitigation aimed at reducing the effects of nighttime noise. It is entirely possible that noise levels acceptable during the day and for which mitigation has been proposed will still be louder than the law allows during the night and thus not be adequately mitigated.

X. Aesthetics

- 10.01 There is a fair argument that the Project will result in a significant aesthetic impact and more specifically, a significant increase in light and glare. The Project will include 67 four-bedroom units, which will result in greater traffic and headlight glare and glare from the residential units themselves. Furthermore, the two fast food restaurants will surely include signage that will increase lighting in the area.
- 10.02 The mitigation measures identified -- that the applicant must submit a lighting plan and exterior photometric plan for review and approval by the City -- are uncertain and an improper deferral of mitigation. In this respect, there is no evidence to support the conclusion that such measures will mitigate aesthetic impacts to a level of insignificance.

XI. Necessary Findings and Sufficiency of the Evidence

- 11.01 The City has not made all of the necessary findings to support the general plan amendment, zone change, tentative parcel map, planned community development overlay zone, and the MND. Alternatively, any such findings are not supported by substantial evidence.
- 11.02 You have not complied with Government Code section 66473.5. You have not made the requisite findings, and to the extent that you have made any findings under Section 66473.5 they are not supported by substantial evidence.
- 11.03. You have not complied with Government Code section 66474. You have not made the requisite findings, and to the extent that you have made any findings under Section 66474 they are not supported by substantial evidence.
- 11.04 You have not complied with Government Code section 65860. If the proposed general-plan amendment is not adopted in accordance with the Planning and Zoning Law, as is the case here, then the proposed zone change violates the Planning and Zoning Law's consistency requirement.

BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

11.05 You do not have substantial evidence to support a finding that there will be no cumulative impacts as a result of the Project. In fact, the MND appears to have looked at four related projects for traffic (on page 115 and Exhibit 3-24 albeit without describing those projects in any detail) but not for any other impact covered by the MND (e.g., water-related impacts, greenhouse gases, air pollution, demand for public facilities, etc.). This is a fatal flaw. All cumulative environmental impacts in light of the other projects must be examined under CEQA and also require the preparation of an environmental impact report.

XII. Inconsistent Land Uses; Spot-Zoning

12.01 The MND fails to identify and analyze the potential adverse impacts of establishing conflicting land uses when the General Plan and zoning rules are changed to allow for residences in the middle of an industrial/manufacturing zone. Just because the Project itself involves a change to the General Plan and zoning rules does not mean that the inconsistencies caused by the Project do not have to be examined. Policy C-3-a-6 in the Land Use Element of the General Plan (page A-14) requires the City to protect residents from "heavy" or industrial-intensive operations like those taking place adjacent to where the Project will be located. Policy C-3-a-12 also prohibits the City from taking actions that have the effect of undermining existing industrial/manufacturing uses, which your approval of the Project would do. Policy D-1-a-3 is also violated by converting manufacturing/industrial uses to residence use.

12.02 This Project would result in the placement of 67 residences right in the middle of an industrial/manufacturing zone with no buffer between the vastly different uses. The California Planning and Zoning Law states that all "[zoning] regulations shall be uniform for each class or kind of building or use of land throughout each zone. . . ." GOV. CODE § 65852. "Identified instances of spot zoning are always presumptively invalid." "Zoning, Taking, and Dealing: The Problems and Promise of Bargaining in Land Use Planning," *Harvard Negotiation Law Review* (Spring 2002) Vol. 7:337, p. 352 (attached as Ex. SZ1). Since spot zoning involves the "singling out [of] a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property and to the detriment of other owners," it "is the very antithesis of planned zoning." *Griswold v. City of Homer*, 925 P.2d 1015, 1020 (Alaska 1996); see also *Pharr v. Tippett*, 616 S.W.2d 173, 177 (Texas 2001) ("Spot zoning as preferential treatment which defeats a pre-established comprehensive plan. . . . It is piecemeal zoning, the antithesis of planned zoning").

XIII. Inconsistency with General Plan

13.01 The Project is not consistent with the General Plan Noise Element's Policy Area 2, items D-1 and D-2. They discourage the location of noise-sensitive land uses in noisy environments and define "noise-sensitive uses" to include residential development. The City is not discouraging this Project, and the MND does not identify or analyze the potential adverse impacts of putting noise-sensitive residential uses in an industrial/manufacturing zone.

BLODGETT **B**AYLOSIS **E**NVIRONMENTAL **P**LANNING

- 13.02 According to the Department of Housing and Community Development, the City is out of compliance with its Housing Element because no update has been submitted. The MND does not identify or analyze any potential impacts of the Project's inconsistency with the expired Housing Element or with the (non-existent) current Housing Element. Furthermore, the City cannot find that the Project is consistent with all elements of the General Plan when the Housing Element is itself out of compliance with the law. See Housing Element Compliance Report at www.hcd.ca.gov/hpd/hrc/plan/he/status.pdf (as of Oct. 2, 2014, at 8:58 a.m.) attached hereto.
- 13.03 The inconsistency identified in Paragraph 12.01 above renders the Project illegal.

HOUSING ELEMENT COMPLIANCE REPORT

Please note: To verify compliance status for the purposes of determining eligibility of funding, please contact the Division directly at (916) 263-7421 or (916) 263-7420.

The Department makes every effort to ensure the following information is complete and accurate. For any questions or clarifications, please contact the Division of Housing Policy Development at (916) 263-2911.

To determine the official status of each jurisdiction's housing element, refer to the column on the right. The definitions of terms used are:

IN – local government adopted an element the Department found in compliance with State housing element law.

OUT – either the local government adopted an element the Department found did not comply with State housing element law, or the local government has not yet submitted an adopted housing element pursuant to the statutory schedule

IN REVIEW – element is under review by the Department as of date of this report.

OVER DUE – means element is OUT due to not yet being submitted for current planning period in which due date has passed

DUE – means element is OUT for not submitted for current 5th planning period in which 10/15/13 due date has passed.

Total Jurisdictions= 538

10/21/13

HOUSING ELEMENT COMPLIANCE REPORT
10/02/2014 8:58 a.m.

1 of 11

HOUSING ELEMENT COMPLIANCE STATUS		STATUS	LOCALITIES	PERCENT
		IN	427	79%
IN REVIEW	36	7%		
OUT	45	8%		
OVER DUE	12	2%		
DUE	18	3%		
TOTAL	538	100%		

County	Jurisdiction	Record Type	Date Received	Date Reviewed	Compliance Status	Plan Period	
DRAFT IN (5A) 4th Cycle Adopted IN Compliance, pending SB 375 Adoption by 120 days.							
ALAMEDA	ALAMEDA	ADOPTED	8/1/2014	9/9/2014	IN	5B	
	ALAMEDA COUNTY	ADOPTED	4/18/2011	4/20/2011	IN	4B	
	ALBANY	ADOPTED	3/5/2014	8/3/2014	IN	4B	
	BERKELEY	ADOPTED	10/25/2010	1/3/2011	IN	4B	
	DUBLIN	DRAFT	6/23/2014	8/18/2014	IN	5B	
	EMERYVILLE	DRAFT	7/21/2014	8/25/2014	IN	5B	
	FREMONT	DRAFT	8/19/2014		IN REVIEW	5B	
	HAYWARD	DRAFT	6/12/2014	8/6/2014	IN	5B	
	LIVERMORE	ADOPTED	3/15/2010	4/12/2010	IN	4B	
	NEWARK	ADOPTED	3/2/2010	4/12/2010	IN	4B	
	OAKLAND	DRAFT	7/16/2014	8/12/2014	IN	5B	
	PIEDMONT	DRAFT	7/31/2014	8/15/2014	IN	5B	
	PLEASANTON	DRAFT	9/23/2014		IN REVIEW	5B	
	SAN LEANDRO	ADOPTED	11/15/2010	2/11/2011	IN	4B	
	UNION CITY	DRAFT	5/24/2014		IN REVIEW	5B	
	ALPINE	ALPINE COUNTY	DRAFT	2/29/2013	3/1/2013	IN	4F
	AMADOR	AMADOR	DRAFT	10/25/2013	11/22/2013	OUT	4F
AMADOR COUNTY		ADOPTED	11/19/2010	2/17/2011	IN	4F	
IGONE		ADOPTED	3/3/2009	12/1/2009	IN	4F	
JACKSON		ADOPTED	11/26/2012	12/12/2012	IN	4F	
PLYMOUTH		ADOPTED	4/4/2011	4/22/2011	IN	4F	
BUTTE	SUTTER CREEK	DRAFT			OVER DUE	4F	
	BIGGS	ADOPTED	6/16/2014	8/21/2014	IN	5F1	
	BUTTE COUNTY	ADOPTED	9/2/2014	9/15/2014	IN	5F1	
	CHICO	ADOPTED	6/21/2014	8/5/2014	IN	5F1	
	GRIDLEY	DRAFT	6/19/2014	8/18/2014	OUT	5F1	
	OROVILLE	ADOPTED	6/9/2014	6/17/2014	IN	5F1	
	PARADISE	ADOPTED	8/13/2014	8/27/2014	IN	5F1	
CALAVERAS	ANGEL'S CAMP	ADOPTED	12/9/2009	2/11/2010	IN	4F	
	CALAVERAS COUNTY	ADOPTED	8/23/2010	8/18/2010	IN	4F	
COLUSA	COLUSA	DRAFT	3/12/2014	4/30/2014	IN	4F	
	COLUSA COUNTY	ADOPTED	7/22/2014	8/9/2014	IN	5F	
	WILLIAMS	ADOPTED	5/19/2011	5/24/2011	IN	4F	
CONTRA COSTA	ANTIOCH	ADOPTED	10/21/2010	12/8/2010	IN	4B	
	BRENTWOOD	ADOPTED	11/20/2012	11/28/2012	IN	4B	
	CLAYTON	DRAFT	6/9/2014	7/31/2014	IN	5B	
	CONCORD	DRAFT	8/11/2014		IN REVIEW	5B	
	CONTRA COSTA COUNTY	DRAFT	8/8/2014		IN REVIEW	5B	
	DANVILLE	ADOPTED	9/23/2010	12/21/2010	IN	4B	
	EL CERRITO	ADOPTED	2/22/2012	3/5/2012	IN	4B	
	HERCULES	ADOPTED	7/19/2013	8/7/2013	IN	4B	
	LAFAYETTE	ADOPTED	5/26/2011	7/15/2011	IN	4B	
	MARTINEZ	ADOPTED	3/28/2011	4/22/2011	IN	4B	
MORAGA	MORAGA	DRAFT	8/15/2014		IN REVIEW	5B	
	OAKLEY	ADOPTED	8/24/2009	8/24/2009	IN	4B	

<http://www.hcd.ca.gov/hpd/hrc/plan/he/status.pdf>

HOUSING ELEMENT COMPLIANCE REPORT

2 of 11

10/02/2014 8:58 a.m.

County	Jurisdiction	Record Type	Date Received	Date		Compliance Status	Plan
				Reviewed	Period		
CONTRA COSTA	ORINDA	ADOPTED	11/22/2013	12/19/2013		IN	4B
	PINOLE	DRAFT	9/19/2014			IN REVIEW	5B
	PITTSBURG	ADOPTED	7/23/2010	8/1/2010		IN	4B
	PLEASANT HILL	DRAFT	8/26/2014	8/26/2014		IN	5B
	RICHMOND	ADOPTED	1/18/2013	3/4/2013		IN	4B
	SAN PABLO	ADOPTED	6/14/2011	8/5/2011		IN	4B
	SAN RAMON	ADOPTED	1/12/2010	2/24/2010		IN	4B
DEL NORTE	WALNUT CREEK	ADOPTED	9/22/2014	9/28/2014		IN	5B
	CRESCENT CITY	ADOPTED	6/24/2010	8/2/2010		IN	4F
	DEL NORTE COUNTY	ADOPTED	9/19/2014	9/24/2014		IN	5F
EL DORADO	EL DORADO COUNTY	ADOPTED	11/6/2010	11/13/2010		IN	5C
	PLACERVILLE	ADOPTED	2/18/2014	3/5/2014		IN	5C
FRESNO	SOUTH LAKE TAHOE	ADOPTED	9/30/2014	7/18/2014		IN	5C
	CLOVIS	ADOPTED	9/20/2010	12/1/2010		IN	4C
	COALINGA	ADOPTED	6/10/2011	6/11/2011		IN	4C
	FIREBAUGH	ADOPTED	11/2/2009	1/18/2010		IN	4C
	FOWLER	DRAFT				OVER DUE	4C
	FRESNO	ADOPTED	2/2/2009	2/27/2009		IN	4C
	FRESNO COUNTY	DRAFT				OVER DUE	4C
	HURON	ADOPTED	8/5/2012	8/28/2012		IN	4C
	KERMAN	DRAFT	8/18/2010	10/14/2010		OUT	4C
	KINGSBURG	DRAFT				OVER DUE	4C
	MENDOTA	DRAFT				OVER DUE	4C
	ORANGE COVE	ADOPTED	3/28/2009	8/1/2009		IN	4C
	PARLIER	ADOPTED	8/28/2009	7/15/2009		IN	4C
	REEDLEY	DRAFT	12/8/2013	2/4/2014		OUT	4C
	SAN JOAQUIN	ADOPTED	1/19/2010	3/23/2010		IN	4C
	SANGER	DRAFT	9/12/2012	12/11/2012		OUT	4C
	SELMA	DRAFT	10/19/2010	12/17/2010		OUT	4C
GLENN	GLENN COUNTY	ADOPTED	11/12/2010	12/8/2010		IN	4F
	ORLAND	ADOPTED	8/13/2014	8/5/2014		IN	5F
	WILLOWS	DRAFT	7/18/2014	9/16/2014		OUT	5F
HUMBOLDT	ARCATA	ADOPTED	8/11/2014	8/21/2014		IN	5F
	BLUE LAKE	ADOPTED	11/9/2009	2/4/2010		OUT	4F
	EUREKA	ADOPTED	6/28/2014	7/7/2014		IN	4F
	FERNDALE	ADOPTED	8/19/2014	8/19/2014		IN	5F
	FORTUNA	ADOPTED	10/14/2010	12/15/2010		IN	4F
	HUMBOLDT COUNTY	ADOPTED	5/20/2014	6/13/2014		IN	5F
	RIO DELL	ADOPTED	4/4/2011	4/12/2011		IN	4F
	TRINIDAD	DRAFT				OVER DUE	4F
IMPERIAL	BRAWLEY	ADOPTED	12/16/2013	12/20/2013		IN	5A
	CALEXICO	ADOPTED	7/3/2014	4/3/2014		IN	5A
	CALIPATRIA	DRAFT				DUE	5A
	EL CENTRO	ADOPTED	9/20/2013	10/21/2013		IN	5A
	HOLTVILLE	DRAFT				DUE	5A
	IMPERIAL	DRAFT	8/2/2014			IN REVIEW	5A
	IMPERIAL COUNTY	ADOPTED	9/30/2013	11/19/2013		IN	5A
	WESTMORLAND	DRAFT				DUE	5A
INYO	IBISHOP	ADOPTED	4/14/2014	4/17/2014		IN	5F
	INYO COUNTY	ADOPTED	8/23/2014	8/28/2014		IN	5F
KERN	ARVIN	ADOPTED	3/30/2012	8/28/2012		IN	4C
	BAKERSFIELD	ADOPTED	3/16/2009	4/9/2009		IN	4C
	CALIFORNIA CITY	DRAFT	6/12/2013	8/7/2013		OUT	4C
	DELANO	ADOPTED	3/13/2012	4/12/2012		IN	4C
	KERN COUNTY	ADOPTED	2/11/2008	3/16/2008		IN	4C

<http://www.hcd.ca.gov/hpd/hrc/plan/he/status.pdf>

HOUSING ELEMENT COMPLIANCE REPORT
10/02/2014 8:58 a.m.

3 of 11

County	Jurisdiction	Record Type	Date Received	Date Reviewed	Compliance Status	Plan Period	
KERN	MARICOPA	ADOPTED	8/12/2009	8/9/2009	OUT	4C	
	MCFARLAND	ADOPTED	8/2/2010	10/28/2010	IN	4C	
	RIDGECREST	DRAFT			OVER DUE	4C	
	SHAFTER	ADOPTED	4/15/2010	7/14/2010	IN	4C	
	TAFT	ADOPTED	7/27/2009	0/13/2009	IN	4C	
	TEHACHAPI	ADOPTED	5/21/2014	6/2/2014	IN	4C	
KINGS	WASCO	ADOPTED	7/26/2009	8/4/2009	IN	4C	
	AVENAL	ADOPTED	6/9/2010	7/18/2010	IN	4F	
	CORCORAN	ADOPTED	6/9/2010	7/18/2010	IN	4F	
	HANFORD	ADOPTED	6/9/2010	7/18/2010	IN	4F	
	KINGS COUNTY	ADOPTED	6/9/2010	7/18/2010	IN	4F	
	LEMOORE	ADOPTED	6/9/2010	7/18/2010	IN	4F	
LAKE	CLEARLAKE	ADOPTED	6/8/2010	6/28/2010	IN	4F	
	LAKE COUNTY	ADOPTED	4/4/2012	4/5/2012	IN	4F	
	LAKEPORT	ADOPTED	8/25/2014		IN REVIEW	5F	
LASSEN	LASSEN COUNTY	ADOPTED	6/30/2014	7/1/2014	IN	5F	
	SUSANVILLE	ADOPTED	6/13/2013	6/14/2013	IN	4F	
LOS ANGELES	AGOURA HILLS	ADOPTED	9/3/2013	9/19/2013	IN	5A	
	ALHAMBRA	ADOPTED	1/17/2014	2/4/2014	IN	5A	
	ARCADIA	ADOPTED	12/9/2013	12/29/2013	IN	5A	
	ARTESIA	ADOPTED	2/13/2014	4/3/2014	IN	5A	
	AVALON	ADOPTED	11/14/2013	1/3/2014	OUT	5A	
	AZUSA	ADOPTED	10/25/2013	11/4/2013	IN	5A	
	BALDWIN PARK	ADOPTED	10/11/2013	11/26/2013	IN	5A	
	BELL	DRAFT				DUE	5A
	BELL GARDENS	ADOPTED	1/21/2014	2/27/2014	IN	5A	
	BELLFLOWER	ADOPTED	10/7/2013	11/26/2013	IN	5A	
	BEVERLY HILLS	ADOPTED	1/9/2014	2/27/2014	IN	5A	
	BRADBURY	DRAFT	5/12/2014	7/11/2014	OUT	5A	
	BURBANK	ADOPTED	1/23/2014	2/4/2014	IN	5A	
	CALABASAS	ADOPTED	9/29/2013	10/15/2013	IN	5A	
	CARSON	ADOPTED	10/30/2013	12/10/2013	IN	5A	
	CERRITOS	ADOPTED	1/31/2014	2/6/2014	OUT	5A	
	CLAREMONT	DRAFT	8/16/2013	10/14/2013	IN	5A	
	COMMERCE	ADOPTED	11/13/2013	11/27/2013	IN	5A	
	COMPTON	DRAFT				DUE	5A
	COVINA	DRAFT				DUE	5A
	CUDAHY	ADOPTED	1/29/2014	3/6/2014	OUT	5A	
	CULVER CITY	ADOPTED	2/10/2014	2/19/2014	IN	5A	
	DIAMOND BAR	ADOPTED	1/28/2014	2/27/2014	IN	5A	
	DOWNEY	ADOPTED	6/29/2013	8/22/2013	IN	5A	
	DUARTE	ADOPTED	2/19/2014	3/29/2014	IN	5A	
	EL MONTE	ADOPTED	1/2/2014	3/17/2014	IN	5A	
	EL SEGUNDO	ADOPTED	2/7/2014	2/24/2014	IN	5A	
GARDENA	ADOPTED	12/2/2013	12/10/2013	IN	5A		
GLENDALE	ADOPTED	2/5/2014	2/24/2014	IN	5A		
GLENORA	ADOPTED	11/20/2013	11/28/2013	IN	5A		
HAWAIIAN GARDENS	ADOPTED	9/30/2013	10/21/2013	IN	5A		
HAWTHORNE	ADOPTED	2/19/2014	3/21/2014	IN	5A		
HERMOSA BEACH	ADOPTED	9/27/2013	10/18/2013	IN	5A		
HIDDEN HILLS	ADOPTED	1/31/2014	4/8/2014	IN	5A		
HUNTINGTON PARK	ADOPTED	2/29/2009	4/7/2009	DUE	5A		
INDUSTRY	ADOPTED	2/12/2014	3/21/2014	IN	5A		
INGLEWOOD	ADOPTED	4/1/2014	5/20/2014	IN	5A		
IRVINDALE	ADOPTED	6/18/2013	9/28/2013	IN	5A		
LA CANADA FLINTRIDGE	ADOPTED	2/18/2014	3/5/2014	IN	5A		
LA HABRA HEIGHTS	DRAFT	10/15/2013			DUE	5A	

<http://www.hcd.ca.gov/hpd/hrc/plan/hrs/status.pdf>

HOUSING ELEMENT COMPLIANCE REPORT
10/02/2014 8:58 a.m.

4 of 11

County	Jurisdiction	Record Type	Date Received	Date Reviewed	Compliance Status	Plan Period
LOS ANGELES	LA MIRADA	ADOPTED	2/25/2014	4/30/2014	IN	5A
	LA PUENTE	DRAFT	10/15/2013		DUE	5A
	LA VERNE	ADOPTED	12/18/2013	1/3/2014	IN	5A
	LAKEWOOD	ADOPTED	8/18/2013	10/6/2013	IN	5A
	LANCASTER	ADOPTED	10/28/2013	12/31/2013	IN	5A
	LAWDALE	ADOPTED	1/15/2014	2/21/2014	IN	5A
	LOMITA	ADOPTED	2/7/2014	2/15/2014	IN	5A
	LONG BEACH	ADOPTED	1/15/2014	4/27/2014	IN	
	LOS ANGELES	ADOPTED	1/10/2014	4/3/2014	IN	5A
	LOS ANGELES COUNTY	ADOPTED	2/5/2014	4/29/2014	IN	5A
	LYNWOOD	ADOPTED	9/13/2013	10/11/2013	IN	5A
	MALIBU	ADOPTED	1/18/2014	2/12/2014	IN	5A
	MANHATTAN BEACH	ADOPTED	2/10/2014	2/24/2014	IN	5A
	MAYWOOD	ADOPTED	2/24/2014	5/22/2014	OUT	5A
	MONROVIA	ADOPTED	2/13/2014	5/21/2014	IN	5A
	MONTEBELLO	DRAFT	1/28/2014	3/28/2014	OUT	5A
	MONTEREY PARK	ADOPTED	12/23/2013	2/4/2014	IN	5A
	NORWALK	ADOPTED	8/26/2014	8/13/2014	IN	5A
	PALMDALE	ADOPTED	1/3/2014	2/27/2014	IN	5A
	PALOS VERDES ESTATES	ADOPTED	7/23/2014	7/23/2014	IN	5A
	PARAMOUNT	ADOPTED	2/13/2014	3/10/2014	OUT	5A
	PASADENA	ADOPTED	2/13/2014	2/24/2014	IN	5A
	PICO RIVERA	ADOPTED	10/23/2013	11/12/2013	IN	5A
	POMONA	ADOPTED	2/21/2014	5/19/2014	OUT	5A
	RANCHO PALOS VERDES	ADOPTED	2/10/2014	4/9/2014	IN	5A
	REDONDO BEACH	ADOPTED	4/7/2014	5/5/2014	OUT	5A
	ROLLING HILLS	ADOPTED	3/3/2014	5/20/2014	OUT	5A
	ROLLING HILLS ESTATES	ADOPTED	4/14/2014	4/29/2014	IN	5A
	ROSEMEAD	ADOPTED	12/2/2013	12/16/2013	IN	5A
	SAN DIMAS	ADOPTED	12/18/2013	12/20/2013	IN	5A
	SAN FERNANDO	ADOPTED	1/24/2014	3/18/2014	IN	5A
	SAN GABRIEL	ADOPTED	9/23/2013	10/18/2013	IN	5A
	SAN MARINO	ADOPTED	2/24/2014	4/3/2014	IN	5A
	SANTA CLARITA	ADOPTED	10/25/2013	1/15/2014	IN	5A
	SANTA FE SPRINGS	ADOPTED	2/18/2014	2/24/2014	IN	5A
	SANTA MONICA	ADOPTED	1/6/2014	1/28/2014	IN	5A
	SIERRA MADRE	ADOPTED	2/14/2014	3/21/2014	IN	5A
	SIGNAL HILL	ADOPTED	2/11/2014	3/18/2014	IN	5A
	SOUTH EL MONTE	DRAFT	10/15/2013		DUE	5A
	SOUTH GATE	ADOPTED	2/14/2014	2/17/2014	OUT	5A
	SOUTH PASADENA	ADOPTED	1/21/2014	2/27/2014	IN	5A
	TEMPLE CITY	ADOPTED	2/3/2014	3/20/2014	IN	5A
TORRANCE	ADOPTED	12/15/2013	11/21/2013	IN	5A	
VERNON	ADOPTED	2/26/2013	4/10/2013	IN	5A	
WALNUT	ADOPTED	7/15/2014	2/25/2014	IN	5A	
WEST COVINA	ADOPTED	12/23/2013	1/15/2014	IN	5A	
WEST HOLLYWOOD	ADOPTED	12/13/2013	1/14/2014	IN	5A	
WEST LAKE VILLAGE	ADOPTED	2/24/2014	5/20/2014	OUT	5A	
WHITTIER	ADOPTED	12/20/2013	2/5/2014	IN	5A	
MADERA	CHOWCHILLA	ADOPTED	2/10/2014	2/19/2014	IN	4F
	MADERA	ADOPTED	6/24/2013	8/28/2013	IN	4F
	MADERA COUNTY	ADOPTED	6/20/2013	8/5/2013	IN	4F

<http://www.hcd.ca.gov/hod/hrc/plan/he/status.pdf>

**HOUSING ELEMENT COMPLIANCE REPORT
10/02/2014 8:58 a.m.**

5 of 11

County	Jurisdiction	Record Type	Date Received	Date Reviewed	Compliance Status	Plan Period	
MARIN	BELVEDERE	ADOPTED	8/14/2010	8/29/2010	IN	4B	
	CORTE MADERA	ADOPTED	5/9/2011	7/18/2011	IN	4B	
	FAIRFAX	ADOPTED	10/25/2013	11/20/2013	IN	4B	
	LARKSPUR	ADOPTED	3/23/2011	4/8/2011	IN	4B	
	MARIN COUNTY	DRAFT	9/2/2014		IN REVIEW	5B	
	MILL VALLEY	ADOPTED	10/28/2013	11/12/2013	IN	4B	
	NOVATO	DRAFT	8/27/2014	8/26/2014	IN	5B	
	ROSS	ADOPTED	11/29/2010	1/21/2011	IN	4B	
	SAN ANSELMO	ADOPTED	12/6/2012	12/12/2012	IN	4B	
	SAN RAFAEL	DRAFT	9/9/2014		IN REVIEW	5B	
	SAUSALITO	ADOPTED	8/17/2014	8/11/2014	IN	4B	
	TIBURON	ADOPTED	8/25/2014	9/5/2014	IN	5B	
	MARIPOSA	MARIPOSA COUNTY	ADOPTED	6/28/2010	8/22/2010	IN	4F
	MENDOCINO	FORT BRAGG	DRAFT	7/17/2014	9/8/2014	OUT	4F
		MENDOCINO COUNTY	ADOPTED	4/5/2010	4/30/2010	IN	4F
POINT ARENA		ADOPTED	8/13/2012	8/14/2012	IN	4F	
MERCED	UKIAH	ADOPTED	3/25/2011	6/22/2011	IN	4F	
	WILLITS	ADOPTED	9/19/2013	9/24/2013	IN	4F	
	ATWATER	DRAFT	6/21/2010	8/18/2010	OUT	4F	
	DOS PALOS	DRAFT			OVER DUE	4F	
	GUSTINE	ADOPTED	7/28/2011	8/3/2011	IN	4F	
	LIVINGSTON	ADOPTED	8/11/2010	10/27/2010	IN	4F	
	LOS BANOS	ADOPTED	8/8/2010	8/28/2010	IN	4F	
	MERCED	ADOPTED	11/23/2011	12/30/2011	IN	4F	
	MERCED COUNTY	ADOPTED	5/23/2010	5/31/2010	IN	4F	
	MODOC	ALTURAS	DRAFT			OVER DUE	4F
MONO	MODOC COUNTY	ADOPTED	3/5/2014	3/6/2014	IN	4F	
	MAMMOTH LAKES	ADOPTED	6/25/2014	7/1/2014	IN	4F	
MONTEREY	MONO COUNTY	ADOPTED	6/16/2014	6/17/2014	IN	5F1	
	CARMEL	ADOPTED	7/23/2010	10/19/2010	IN	4D	
	DEL REY OAKS	DRAFT	8/11/2009	10/4/2009	DUE	4D	
	GONZALES	ADOPTED	6/25/2009	8/13/2009	IN	4D	
	GREENFIELD	ADOPTED	8/16/2012	8/17/2012	IN	4D	
	KING CITY	ADOPTED	8/24/2010	7/15/2010	IN	4D	
	MARINA	ADOPTED	5/22/2009	12/16/2009	IN	4D	
	MONTEREY	ADOPTED	7/14/2009	10/8/2009	IN	4D	
	MONTEREY COUNTY	ADOPTED	5/17/2010	8/18/2010	IN	4D	
	PACIFIC GROVE	ADOPTED	10/28/2011	2/14/2011	IN	4D	
	SALINAS	ADOPTED	4/14/2011	5/6/2011	IN	4D	
	SAND CITY	ADOPTED	3/1/2010	4/13/2010	IN	4D	
	SEASIDE	ADOPTED	2/22/2011	3/23/2011	IN	4D	
	SOLEDAD	ADOPTED	5/26/2009	9/24/2009	IN	4D	
	NAPA	AMERICAN CANYON	ADOPTED	1/26/2011	3/9/2011	IN	4B
		CALISTOGA	ADOPTED	3/22/2011	5/10/2011	IN	4B
		NAPA	DRAFT	7/16/2014	8/7/2014	IN	5B
NAPA COUNTY		DRAFT	9/9/2014		IN REVIEW	5B	
SAINT HELENA		ADOPTED	9/8/2009	10/15/2009	IN	4B	
NEVADA	YOUNTVILLE	DRAFT	8/15/2014		IN REVIEW	5B	
	GRASS VALLEY	ADOPTED	5/26/2014		IN REVIEW	5F	
	NEVADA CITY	ADOPTED	4/16/2014	4/18/2014	IN	5F	
	NEVADA COUNTY	ADOPTED	6/27/2014	7/17/2014	IN	5F	
	TRUCKEE	DRAFT	8/11/2014		IN REVIEW	5F	

<http://www.hcd.ca.gov/npd/hrc/plan/he/status.pdf>

BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

HOUSING ELEMENT COMPLIANCE REPORT 10/02/2014 8:58 a.m.

6 of 11

County	Jurisdiction	Record Type	Date Received	Date Reviewed	Compliance Status	Plan Period
ORANGE	ALISO VIEJO	ADOPTED	1/24/2014	4/23/2014	IN	5A
	ANAHEIM	ADOPTED	2/21/2014	2/17/2014	IN	5A
	BREA	ADOPTED	11/22/2013	11/26/2013	IN	5A
	BUENA PARK	ADOPTED	12/4/2013	12/8/2013	IN	5A
	COSTA MESA	ADOPTED	1/29/2014	2/5/2014	IN	5A
	CYPRESS	ADOPTED	10/24/2013	11/4/2013	IN	5A
	DANA POINT	ADOPTED	12/23/2013	1/8/2014	IN	5A
	FOUNTAIN VALLEY	ADOPTED	2/11/2014	2/12/2014	IN	5A
	FULLERTON	ADOPTED	11/4/2013	11/11/2013	OUT	5A
	GARDEN GROVE	ADOPTED	6/6/2013	6/14/2013	IN	5A
	HUNTINGTON BEACH	ADOPTED	10/1/2013	10/13/2013	IN	5A
	IRVINE	ADOPTED	8/17/2013	11/4/2013	IN	5A
	LA HABRA	ADOPTED	1/30/2014	2/5/2014	IN	5A
	LA PALMA	ADOPTED	2/3/2014	2/12/2014	IN	5A
	LAGUNA BEACH	ADOPTED	2/11/2014	3/17/2014	IN	5A
	LAGUNA HILLS	ADOPTED	10/15/2013	11/5/2013	IN	5A
	LAGUNA NIGUEL	ADOPTED	8/10/2013	1/15/2014	IN	5A
	LAGUNA WOODS	ADOPTED	2/10/2014	2/27/2014	IN	5A
	LAKE FOREST	ADOPTED	1/15/2014	1/21/2014	OUT	5A
	LOS ALAMITOS	ADOPTED	2/10/2014	2/25/2014	IN	5A
	MISSION VIEJO	ADOPTED	3/9/2013	3/7/2013	IN	5A
	NEWPORT BEACH	ADOPTED	10/18/2013	10/31/2013	IN	5A
	ORANGE	ADOPTED	2/12/2014	2/19/2014	IN	5A
	ORANGE COUNTY	ADOPTED	1/9/2014	1/25/2014	IN	5A
	PLACENTIA	ADOPTED	1/16/2014	2/4/2014	IN	5A
	RANCHO ST. MARGARITA	ADOPTED	10/10/2013	10/17/2013	IN	5A
	SAN CLEMENTE	DRAFT	10/15/2013		DUE	5A
	SAN JUAN CAPISTRANO	ADOPTED	2/6/2014	2/24/2014	IN	5A
	SANTA ANA	ADOPTED	2/14/2014	4/23/2014	IN	5A
	SEAL BEACH	ADOPTED	10/18/2013	1/15/2014	IN	5A
	STANTON	ADOPTED	10/15/2013	11/5/2013	IN	5A
	TUSTIN	ADOPTED	10/15/2013	11/8/2013	IN	5A
	VILLA PARK	DRAFT	10/15/2013	12/13/2013	OUT	5A
WESTMINSTER	ADOPTED	2/6/2014	4/9/2014	IN	5A	
YORBA LINDA	ADOPTED	10/26/2013	1/14/2014	IN	5A	
PLACER	AUBURN	ADOPTED	2/12/2014	2/20/2014	IN	5C
	COLFAX	ADOPTED	3/7/2014	3/19/2014	IN	5C
	LINCOLN	ADOPTED	11/18/2013	2/7/2014	IN	5C
	LOOMIS	ADOPTED	2/24/2014	4/30/2014	IN	5C
	PLACER COUNTY	ADOPTED	10/18/2013	11/29/2013	IN	5C
PLUMAS	ROCKLIN	ADOPTED	10/26/2013	12/15/2013	IN	5C
	ROSEVILLE	ADOPTED	7/1/2013	8/22/2013	IN	5C
	PLUMAS COUNTY	ADOPTED	3/2/2010	3/22/2010	IN	4F
RIVERSIDE	PORTOLA	ADOPTED	5/3/2010	7/16/2010	IN	4F
	BANNING	ADOPTED	2/3/2014	3/1/2014	OUT	5A
	BEAUMONT	ADOPTED	1/13/2014	2/21/2014	IN	5A
	BLYTHE	ADOPTED	2/20/2014	2/24/2014	IN	5A
	CALIFORNIA	ADOPTED	2/4/2014	3/17/2014	IN	5A
	CANYON LAKE	DRAFT	10/15/2013		DUE	5A
	CATHEDRAL	DRAFT	4/21/2014	6/20/2014	OUT	5A
	COACHELLA	ADOPTED	2/24/2014	4/2/2014	IN	5A
	CORONA	ADOPTED	12/10/2013	12/12/2013	IN	5A
	DESERT HOT SPRINGS	DRAFT	10/15/2013		DUE	5A
	EASTVALE	ADOPTED	6/24/2013	8/25/2013	IN	5A
HEMET	ADOPTED	1/23/2014	1/20/2014	IN	5A	

<http://www.hcd.ca.gov/hpd/hroplan/hr/status.pdf>

HOUSING ELEMENT COMPLIANCE REPORT
10/02/2014 8:58 a.m.

7 of 11

County	Jurisdiction	Record Type	Date Received	Date Reviewed	Compliance Status	Plan Period	
RIVERSIDE	INDIAN WELLS	ADOPTED	11/20/2013	1/3/2014	IN	5A	
	INDIO	ADOPTED	1/28/2014	2/21/2014	IN	5A	
	LA QUINTA	ADOPTED	12/4/2013	2/19/2014	IN	5A	
	LAKE ELS NORE	ADOPTED	8/4/2013	8/18/2013	IN	5A	
	MENIFEE	ADOPTED	2/25/2014	3/5/2014	IN	5A	
	MORENO VALLEY	ADOPTED	2/24/2014	5/19/2014	IN	5A	
	MURRIETA	ADOPTED	10/14/2013	1/9/2014	IN	5A	
	NORCO	ADOPTED	11/22/2013	1/15/2014	IN	5A	
	PALM DESERT	ADOPTED	9/30/2013	11/13/2013	IN	5A	
	PALM SPRINGS	DRAFT	10/17/2013	12/16/2013	OUT	5A	
	PERRIS	ADOPTED	10/7/2013	10/15/2013	IN	5A	
	RANCHO MIRAGE	ADOPTED	12/23/2013	2/11/2014	IN	5A	
	RIVERSIDE	DRAFT	7/29/2014	8/26/2014	OUT	5A	
	RIVERSIDE COUNTY	DRAFT	12/10/2013	2/7/2014	OUT	5A	
SACRAMENTO	SAN JACINTO	ADOPTED	9/23/2013	9/26/2013	IN	5A	
	TEMECULA	ADOPTED	2/3/2014	3/10/2014	IN	5A	
	WILDOMAR	ADOPTED	12/31/2013	1/8/2014	IN	5A	
	CITRUS HEIGHTS	ADOPTED	5/28/2013	6/4/2013	IN	5C	
	ELK GROVE	ADOPTED	2/28/2014	3/21/2014	IN	5C	
	FOLSOM	ADOPTED	11/4/2013	12/3/2013	IN	5C	
	GALT	ADOPTED	2/12/2014	2/20/2014	IN	5C	
	ISLETON	ADOPTED	2/27/2014	4/24/2014	IN	5C	
	RANCHO CORDOVA	ADOPTED	1/13/2014	1/29/2014	IN	5C	
	SACRAMENTO	ADOPTED	1/9/2014	2/18/2014	IN	5C	
	SACRAMENTO COUNTY	ADOPTED	11/5/2013	12/26/2013	IN	5C	
	SAN BENITO	HOLLISTER	ADOPTED	12/10/2009	1/12/2010	IN	4F
		SAN BENITO COUNTY	ADOPTED	5/18/2010	6/22/2010	IN	4F
		SAN JUAN BAUTISTA	ADOPTED	4/11/2014	5/30/2014	IN	4F
SAN BERNARDINO	ADELANTO	ADOPTED	2/10/2014	3/5/2014	IN	5A	
	APPLE VALLEY	ADOPTED	10/11/2013	10/18/2013	IN	5A	
	BARSTOW	DRAFT	10/15/2013		DUE	5A	
	BIG BEAR LAKE	ADOPTED	7/10/2013	8/19/2013	IN	5A	
	CHINO	ADOPTED	10/7/2013	11/20/2013	IN	5A	
	CHINO HILLS	ADOPTED	10/25/2013	12/10/2013	IN	5A	
	COLTON	ADOPTED	2/12/2014	5/12/2014	IN	5A	
	FONTANA	ADOPTED	3/21/2014	4/8/2014	OUT	5A	
	GRAND TERRACE	ADOPTED	2/28/2014	3/17/2014	OUT	5A	
	HESPERIA	ADOPTED	3/6/2014	3/19/2014	IN	5A	
	HIGHLAND	ADOPTED	5/30/2013	6/21/2013	IN	5A	
	LOMA LINDA	ADOPTED	2/14/2014	2/24/2014	IN	5A	
	MONTCLAIR	ADOPTED	2/12/2014	2/24/2014	OUT	5A	
	NEEDLES	DRAFT	10/15/2013		DUE	5A	
SANTA ANA	ONTARIO	ADOPTED	11/1/2013	11/6/2013	IN	5A	
	RANCHO CUCAMONGA	ADOPTED	1/24/2014	3/21/2014	IN	5A	
	REDLANDS	ADOPTED	2/10/2014	2/27/2014	IN	5A	
	RIALTO	DRAFT	10/15/2013		DUE	5A	
	SAN BERNARDINO	ADOPTED	2/21/2014	3/28/2014	IN	5A	
	SAN BERNARDINO COUNTY	ADOPTED	7/3/2014	8/26/2014	IN	5A	
	TWENTYNINE PALMS	ADOPTED	2/28/2014	4/8/2014	IN	5A	
	UPLAND	ADOPTED	2/28/2014	5/29/2014	OUT	5A	
	VICTORVILLE	ADOPTED	2/18/2014	5/19/2014	OUT	5A	
	YUCAIPA	ADOPTED	8/16/2013	9/23/2013	IN	5A	
	YUCCA VALLEY	ADOPTED	2/14/2014	3/19/2014	IN	5A	

BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

HOUSING ELEMENT COMPLIANCE REPORT

8 of 11

10/02/2014 8:58 a.m.

County	Jurisdiction	Record Type	Date Received	Date	Compliance	Plan	
				Reviewed	Status	Period	
SAN DIEGO	CARLSBAD	DRAFT	7/29/2013	9/12/2013	OUT	5E	
	CHULA VISTA	ADOPTED	5/7/2013	5/15/2013	IN	5E	
	CORONADO	ADOPTED	3/1/2013	3/9/2013	IN	5E	
	DEL MAR	ADOPTED	5/28/2013	6/5/2013	IN	5E	
	EL CAJON	ADOPTED	9/3/2013	9/9/2013	IN	5E	
	ENCINITAS	DRAFT	8/10/2007	10/9/2007	OUT	4E	
	ESCONDIDO	ADOPTED	11/7/2013	2/8/2013	IN	5E	
	IMPERIAL BEACH	ADOPTED	2/13/2013	2/21/2013	IN	5E	
	LA MESA	ADOPTED	7/18/2013	7/29/2013	IN	5E	
	LEMON GROVE	ADOPTED	9/11/2012	10/9/2012	IN	5E	
	NATIONAL CITY	ADOPTED	4/26/2013	5/8/2013	IN	5E	
	OCEANSIDE	ADOPTED	10/23/2013	10/23/2013	IN	5E	
	POWAY	ADOPTED	5/17/2013	6/19/2013	IN	5E	
	SAN DIEGO	ADOPTED	3/25/2013	4/9/2013	IN	5E	
	SAN DIEGO COUNTY	ADOPTED	5/7/2013	5/9/2013	IN	5E	
	SAN MARCOS	ADOPTED	7/9/2013	7/15/2013	IN	5E	
	SANTEE	ADOPTED	4/15/2013	4/16/2013	IN	5E	
	SOLANA BEACH	ADOPTED	2/22/2013	3/4/2013	IN	5E	
	VISTA	ADOPTED	5/1/2013	5/15/2013	IN	5E	
	SAN FRANCISCO	SAN FRANCISCO	DRAFT	7/14/2014	8/19/2014	IN	5B
SAN JOAQUIN	ESCALON	ADOPTED	3/9/2010	4/19/2010	IN	4F	
	LATHROP	ADOPTED	9/31/2010	10/29/2010	IN	4F	
	LODI	ADOPTED	10/26/2011	12/19/2011	IN	4F	
	MANTECA	ADOPTED	5/21/2010	6/13/2010	IN	4F	
	RIPON	DRAFT			OVER DUE	4F	
	SAN JOAQUIN COUNTY	ADOPTED	1/25/2010	3/17/2010	IN	4F	
	STOCKTON	ADOPTED	5/26/2010	6/29/2010	IN	4F	
	TRACY	ADOPTED	6/7/2012	7/26/2012	IN	4F	
	SAN LUIS OBISPO	ARROYO GRANDE	DRAFT	9/30/2014		IN REVIEW	5F
		ATASCADERO	DRAFT	5/16/2014	6/7/2014	OUT	5F
GROVER BEACH		ADOPTED	7/2/2014	8/12/2014	IN	5F	
MORRO BAY		ADOPTED	7/7/2014		IN REVIEW	5F	
PASO ROBLES		DRAFT	7/16/2014	8/22/2014	OUT	5F	
PISMO BEACH		ADOPTED	4/29/2010	7/15/2010	IN	4F	
SAN LUIS OBISPO		DRAFT	9/15/2014		IN REVIEW	5F	
SAN MATEO	SAN LUIS OBISPO CO	ADOPTED	7/17/2014	9/8/2014	IN	5F	
	ATHERTON	ADOPTED	8/26/2010	10/20/2010	IN	4B	
	BELMONT	ADOPTED	1/26/2011	2/4/2011	IN	4B	
	BRISBANE	ADOPTED	1/24/2011	4/14/2011	IN	4B	
	BURLINGAME	DRAFT	9/30/2014		IN REVIEW	5B	
	COLMA	ADOPTED	10/16/2012	10/16/2012	IN	4B	
	DALY CITY	ADOPTED	4/19/2013	5/9/2013	IN	4B	
	EAST PALO ALTO	ADOPTED	4/29/2011	5/27/2011	IN	4B	
	FOSTER CITY	DRAFT	7/30/2014	9/24/2014	IN	5B	
	HALF MOON BAY	DRAFT	8/8/2014		IN REVIEW	5B	
	HILLSBOROUGH	DRAFT	6/20/2014	7/25/2014	IN	5B	
	MENLO PARK	ADOPTED	4/14/2014	4/19/2014	IN	5B	
	MILLBRAE	ADOPTED	5/28/2013	6/28/2013	IN	4B	
	PACIFICA	ADOPTED	11/26/2012	11/28/2012	IN	4B	
	PORTOLA VALLEY	DRAFT	9/25/2014		IN REVIEW	5B	
	REDWOOD CITY	DRAFT	5/30/2014	5/28/2014	IN	5B	
	SAN BRUNO	ADOPTED	4/1/2010	6/15/2010	IN	4B	
	SAN CARLOS	ADOPTED	11/5/2008	1/28/2010	IN	4B	
	SAN MATEO	DRAFT	8/21/2014	9/16/2014	IN	5B	
	SAN MATEO COUNTY	ADOPTED	6/14/2012	6/20/2012	IN	4B	

<http://www.hcd.ca.gov/hpd/hrc/plan/he/status.pdf>

BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

HOUSING ELEMENT COMPLIANCE REPORT 10/02/2014 8:58 a.m.

9 of 11

County	Jurisdiction	Record Type	Date Received	Date Reviewed	Compliance Status	Plan Period
SAN MATEO	SOUTH SAN FRANCISCO	ADOPTED	2/28/2010	3/18/2010	IN	4B
	WOODSIDE	ADOPTED	12/21/2010	3/19/2011	IN	4B
SANTA BARBARA	BUELLTON	DRAFT	8/22/2014		IN REVIEW	5F2
	CARPINTERIA	DRAFT	8/8/2014	9/12/2014	IN	5F2
	GOLETA	DRAFT	8/6/2014		IN REVIEW	5F2
	GUADALUPE	ADOPTED	7/13/2011	8/4/2011	IN	4F
	LOMPOC	DRAFT	8/26/2014		IN REVIEW	5F2
	SANTA BARBARA	ADOPTED	1/27/2012	4/28/2012	IN	4F
SANTA BARBARA COUNTY	SANTA BARBARA COUNTY	DRAFT	8/4/2014		IN REVIEW	5F2
	SANTA MARIA	ADOPTED	11/23/2010	12/8/2010	IN	4F
	SOLVANG	ADOPTED	12/21/2009	3/2/2010	IN	4F
	CAMPBELL	DRAFT	8/15/2014		IN REVIEW	5B
SANTA CLARA	CUPERTINO	ADOPTED	4/27/2010	6/24/2010	IN	4B
	GILROY	DRAFT	8/22/2014		IN REVIEW	5B
SANTA CLARA	LOS ALTOS	ADOPTED	5/16/2011	5/8/2011	IN	4B
	LOS ALTOS HILLS	ADOPTED	11/30/2010	2/19/2011	IN	4B
	LOS GATOS	DRAFT	8/9/2014		IN REVIEW	5B
	MILPITAS	ADOPTED	8/17/2010	8/7/2010	IN	4B
	MONTE SERENO	ADOPTED	8/9/2010	9/7/2010	IN	4B
	MORGAN HILL	DRAFT	9/30/2014		IN REVIEW	5B
	MOUNTAIN VIEW	DRAFT	8/23/2014	7/21/2014	IN	5B
	PALO ALTO	DRAFT	7/9/2014	8/5/2014	IN	5B
	SAN JOSE	ADOPTED	6/29/2009	7/23/2009	IN	4B
	SANTA CLARA	DRAFT	8/4/2014		IN REVIEW	5B
	SANTA CLARA COUNTY	ADOPTED	8/20/2014	7/25/2014	IN	5B
	SARATOGA	DRAFT	8/28/2014		IN REVIEW	5B
	SANTA CRUZ	SUNNYVALE	DRAFT	8/12/2014		IN REVIEW
CAPITOLA		ADOPTED	2/26/2010	4/8/2010	IN	4D
SANTA CRUZ	SANTA CRUZ	ADOPTED	4/8/2011	5/27/2011	IN	4D
	SANTA CRUZ COUNTY	ADOPTED	2/3/2010	3/4/2010	IN	4D
	SCOTT'S VALLEY	ADOPTED	12/9/2009	3/9/2010	IN	4D
	WATSONVILLE	ADOPTED	2/25/2010	4/30/2010	IN	4D
	ANDERSON	ADOPTED	9/23/2014	10/1/2014	IN	5F
SHASTA	REDDING	ADOPTED	6/9/2014	8/16/2014	IN	5F
	SHASTA COUNTY	ADOPTED	3/28/2011	4/15/2011	IN	4F
	SHASTA LAKE	ADOPTED	6/17/2010	7/7/2010	IN	4F
SIERRA	LOYALTON	ADOPTED	10/30/2009	11/19/2009	IN	4C
	SIERRA COUNTY	ADOPTED	4/8/2014	4/10/2014	IN	4C
SISKIYOU	DORRIS	ADOPTED	9/11/2014	10/1/2014	IN	5F
	DUNSMuir	ADOPTED	8/7/2010	8/5/2010	IN	4F
	ETNA	ADOPTED	3/22/2010	5/12/2010	IN	4F
	FORT JONES	ADOPTED	3/14/2012	8/12/2012	IN	4F
	MONTAGUE	ADOPTED	8/20/2014	8/20/2014	IN	5F
	MOUNT SHASTA	DRAFT	5/14/2014	7/11/2014	OUT	5F
	SISKIYOU COUNTY	ADOPTED	8/18/2014	8/26/2014	IN	5F
	TULELAKE	ADOPTED	4/28/2011	5/13/2011	IN	4F
SOLANO	WEED	ADOPTED	7/28/2011	8/10/2011	IN	4F
	YREKA	ADOPTED	5/7/2014	5/30/2014	IN	5F
	BENICIA	DRAFT	5/23/2014	7/21/2014	IN	5B
	DIXON	ADOPTED	7/27/2009	8/19/2009	IN	4B
SOLANO	FAIRFIELD	DRAFT	7/8/2014	9/5/2014	IN	5B
	RIO VISTA	ADOPTED	8/6/2011	8/9/2011	IN	4B
	SOLANO COUNTY	ADOPTED	8/23/2010	8/1/2010	IN	4B
	SUISUN CITY	ADOPTED	7/9/2009	10/7/2009	IN	4B
	VACAVILLE	ADOPTED	4/30/2010	7/21/2010	IN	4B
VALLEJO	ADOPTED	9/6/2011	9/21/2011	IN	4B	

<http://www.hcd.ca.gov/hpd/hrc/plan/hs/status.pdf>

HOUSING ELEMENT COMPLIANCE REPORT
10/02/2014 8:58 a.m.

10 of 11

County	Jurisdiction	Record Type	Date Received	Date Reviewed	Compliance Status	Plan Period
SONOMA	CLOVERDALE	DRAFT	7/23/2014	8/8/2014	IN	5B
	COTATI	ADOPTED	12/21/2012	1/27/2013	IN	4B
	HEALDSBURG	DRAFT	8/7/2014	8/8/2014	IN	5B
	PETALUMA	DRAFT	5/16/2014	7/15/2014	IN	5B
	ROHNERT PARK	DRAFT	7/23/2014	8/28/2014	IN	4B
	SANTA ROSA	ADOPTED	9/8/2014	9/23/2014	IN	5B
	SEBASTOPOL	ADOPTED	10/25/2010	12/29/2010	IN	4B
	SONOMA	ADOPTED	10/30/2012	12/3/2012	IN	4B
	SONOMA COUNTY	DRAFT	8/20/2014		IN REVIEW	5B
	WINDSOR	DRAFT	8/22/2014		IN REVIEW	5B
STANISLAUS	CERES	ADOPTED	4/5/2012	8/1/2012	IN	4F
	HUGHSON	ADOPTED	8/27/2009	9/28/2009	IN	4F
	MODESTO	ADOPTED	7/1/2011	7/28/2011	IN	4F
	NEWMAN	ADOPTED	3/18/2010	6/16/2010	IN	4F
	OAKDALE	ADOPTED	8/13/2010	12/7/2010	IN	4F
	PATTERSON	DRAFT	10/15/2013	12/19/2013	OUT	4F
	RIVERBANK	ADOPTED	8/21/2009	10/19/2009	IN	4F
	STANISLAUS COUNTY	ADOPTED	8/31/2012	9/24/2012	IN	4F
	TURLOCK	ADOPTED	3/2/2012	3/23/2012	IN	4F
	WATERFORD	DRAFT			OVER DUE	4F
SUTTER	LIVE OAK	ADOPTED	9/9/2013	9/19/2013	IN	5C
	SUTTER COUNTY	ADOPTED	2/28/2014	3/7/2014	IN	5C
	YUBA CITY	ADOPTED	2/28/2014	3/18/2014	IN	5C
TEHAMA	CORNING	ADOPTED	7/29/2010	8/28/2010	IN	4F
	RED BLUFF	ADOPTED	6/23/2014	6/23/2014	IN	5F
	TEHAMA	DRAFT	5/23/2014		IN REVIEW	5F
TRINITY	TEHAMA COUNTY	DRAFT	5/23/2014	7/11/2014	OUT	5F
	TRINITY COUNTY	ADOPTED	8/25/2012	10/23/2012	IN	4F
TULARE	DINUBA	ADOPTED	10/12/2011	10/17/2011	IN	4F
	EXETER	ADOPTED	2/17/2010	4/19/2010	IN	4F
	FARMERSVILLE	ADOPTED	4/1/2010	5/25/2010	IN	4F
	LINDSAY	ADOPTED	8/14/2010	8/5/2010	IN	4F
	PORTERVILLE	ADOPTED	6/2/2010	6/28/2010	IN	4F
	TULARE	ADOPTED	4/5/2010	5/29/2010	IN	4F
	TULARE COUNTY	ADOPTED	3/16/2012	6/1/2012	IN	4F
	VISALIA	ADOPTED	3/17/2010	5/25/2010	IN	4F
	WOODLAKE	ADOPTED	12/21/2009	2/24/2010	IN	4F
	SONORA	ADOPTED	6/4/2014	7/7/2014	IN	5F
TUOLUMNE	TUOLUMNE COUNTY	ADOPTED	6/9/2014	8/6/2014	IN	5F
	VENTURA	ADOPTED	1/31/2010	2/10/2014	IN	5A
VENTURA	FILLMORE	ADOPTED	2/6/2014	5/6/2014	OUT	5A
	MOORPARK	ADOPTED	1/22/2014	1/29/2014	IN	5A
	DJAI	ADOPTED	12/16/2013	3/14/2014	IN	5A
	OKNARD	DRAFT	10/15/2013		DUE	5A
	PORT HUENEME	ADOPTED	8/23/2013	11/5/2013	IN	5A
	SAN BUENAVENTURA	ADOPTED	8/20/2013	11/18/2013	IN	5A
	SANTA RAJLA	ADOPTED	8/9/2013	9/9/2013	IN	5A
	SIMI VALLEY	ADOPTED	2/14/2014	7/19/2014	IN	5A
	THOUSAND OAKS	ADOPTED	8/26/2013	10/18/2013	IN	5A
	VENTURA COUNTY	ADOPTED	1/14/2013	12/9/2013	IN	5A

<http://www.ncd.ca.gov/hod/hrc/plan/ha/status.pdf>

BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

HOUSING ELEMENT COMPLIANCE REPORT 10/02/2014 8:58 a.m.

11 of 11

County	Jurisdiction	Record Type	Date Received	Date Reviewed	Compliance Status	Plan. Period
YOLO	DAVIS	DRAFT	8/15/2014		IN REVIEW	5C
	WEST SACRAMENTO	ADOPTED	10/8/2013	10/14/2013	IN	5C
	WINTERS	ADOPTED	10/23/2013	11/20/2013	IN	5C
	WOODLAND	ADOPTED	10/28/2013	11/6/2013	IN	5C
	YOLO COUNTY	ADOPTED	10/11/2013	1/7/2014	IN	5C
YUBA	MARYSVILLE	ADOPTED	2/24/2014	3/4/2014	IN	5C
	WHEATLAND	DRAFT			OVER DUE	4C
	YUBA COUNTY	ADOPTED	1/28/2014	2/12/2014	IN	5C
538						
<p>Over Due means element is OUT for not submitted for current planning period in which due date has passed.</p>						
<p>Due means element is OUT for not submitted for current 5th planning period in which 10/15/13 due date has passed.</p>						

January 12, 2015

The Honorable Mary Lou Walzak
City Clerk
125 East College
Covina, CA 91723

*Mr. Low provided
Copies to city
Mayor Delach
Council Member Marquez
Mayor Pro Tem Kenly*

RECEIVED BY
COVINA CITY CLERK
15 JAN 13 PM 3:43

Dear Ms. Walzak:

RE: January 20 Public Hearing Related to the
Development of the Properties at 777 - 8413
East Edna Place and 731 North Grand

I would like to urge the Covina City Council to reject the petition calling for the reversal of the Planning Commission to deny authorization of the project.

The developer has made no effort to increase Covina water rights which would allow the City to service the new residents expected to buy homes in the development.

The City of Covina does not have adequate water rights to serve the existing customers during periods of record rainfall. To accommodate existing water users the City is compelled to lease water rights from speculators who have no personal need for the water to which they hold rights.

While the speculators make fortunes, Covina water users are ordered to cut back on their water consumption.

In December, I was charged \$49.40 for the water I used, but the total bill was \$90.29. The bill included a \$33.24 meter charge to pay for the cost of measuring the \$49.40 worth of water I used. In addition, to these charges, I was assessed a \$5.11 Utility Users Tax.

By contrast The Gas Company imposes a monthly \$4.93 meter charge and the Edison Company has a base charge of only \$1.02.

Apart from imposing a greater stress on the City water system, the proposal should be rejected because the City appears to be unable to serve the current population.

The Covina City Council has set as its goal that of creating a vibrant atmosphere in the downtown. What that means is that it has become Council policy to create an environment that would be attractive to people from throughout the San Gabriel Valley that wish to get smashed.

At the December 9 meeting of the Planning Commission, the Covina Police Department submitted a report describing the impact of the Downtown watering holes on police services. According to the report, it is not uncommon for merchants to over serve their customers, and then call upon the Police Department and its employer, Covina taxpayers, to clean up the mess they have created.

While other city services have been cut to underwrite the cost of the Police Department, the City Council has actually approved Federally funded grants to assist in the training of saloon workers.

At a public meeting, the former Mayor boasted that the library had an annual circulation of 135,000 books. That is a City ratio of borrowing of 2.81 books per person. How does that number compare to that of other area libraries?

LIBRARY PERFORMANCE - CIRCULATION

CITY	POPULATION	NUMBER	ITEMS/POP RATIO
Covina	48,038	135,000	2.81 : 1
Arcadia	56,546	789,354	13.98 : 1
Glendora	50,361	370,341	7.35 : 1
San Marino	13,195	259,767	19.71 : 1
Sierra Madre	10,963	79,673	7.30 : 1
South Pasadena	25,725	414,235	16.10 : 1

On the grounds of poverty, the Covina Library professional staff has been reduced to near zero, the library is closed on Sunday and Monday, and only open two nights a week.

In a June 2 letter to each member of the City Council, it was observed that the City owned tree at 786 West Griswold was sick and a risk to the public safety. The Council was urged to remove and replace the tree as soon as possible.

In early November a tree crew removed at least six troubled trees in the neighborhood, one of which was directly across the street from the one at 786 West Griswold.

Then early in the morning of December 31, the tree fell on the house at 786 West Griswold. Out of concern over an electrical wire that had been broken by the tree, the County Fire Department was called. Later in the day, a neighbor called the Fire Department. She wanted to go to work, but she was concerned about the electrical wire.

The Fire Department found the electrical wire, and yellow tagged the front of the home at 786 West Griswold. Also responding was the Covina Police Department, two Edison Company trucks, Telemundo, and eventually the contract crew in charge of Covina trees.

The proposed Edna - Grand project should be rejected because the City is not in a position to take on the responsibility of serving a new population. Library services are minimal, and the City has not budgeted money for tree replacement for the last three years.

A city that has money to clean up the messes created by profit driven saloonkeepers, but no money for books or trees is an ill managed city, and it is in no position to assume additional responsibility.

Respectfully,



Bob Low
786 West Griswold Road
Covina, CA 91722
Phone: 626 966 8076

Enclosure: "Four stabbed in brawl outside bar"

COVINA

Four stabbed in brawl outside bar

By Brian Day

brian.day@langnews.com
@SGVCrime on Twitter

COVINA » Police arrested one man and sought at least one more after four people were stabbed during a brawl outside a Covina bar early Saturday, officials said.

None of the wounds was considered to be life-threatening. However, one of the four stabbing victims was taken to a trauma center with significant injuries, Covina police Sgt. Ray Marquez said. The victims were men in their 20s and 30s.

The incident began about 1:20 a.m. Saturday with an argument between two groups of men inside Rude Dog Bar & Grill, 114 N. Citrus Avenue, the sergeant said.

Police said the argument escalated into a fight and spilled out into the street.

"It started inside the bar and worked its way outside," Sgt. Gregg Peterson said.

It was unclear how many people in all were involved in the melee.

One of the combatants pulled a pocket knife and stabbed four of the men he was fighting with, police said.

Officers responding to reports of a fight encountered a wounded man at the scene, Peterson said. Paramedics took the man to Los Angeles County-USC Medical Center with serious, but non-life-threatening injuries.

Police received word a short time later that two more stabbing victims had shown up at a West Covina emergency room, police said.

A fourth stabbing victim with minor injuries was later found near the scene of the stabbing, Peterson said. He declined to be taken to a hospital.

Police also found Justin Powers, 25, of Alhambra at the scene of the melee, Peterson said. He was believed to have been fighting with the victims and was arrested on suspicion of assault with a deadly weapon. His exact role in the stabbing remained under investigation.

Investigators continued seeking at least one additional suspect, Marquez said. Police described the suspect as a Latino man between 25 and 35 years old, about 5 feet 10 inches tall, of thin build, with a bald head. He wore a blue flannel shirt and blue jeans.

A pocket knife was recovered at the scene, police added.

According to county booking records, Powers was released from jail Saturday afternoon pending his initial court appearance after posting \$30,000 bail.

GRAN COVINA, LLC
1773 San Bernardino Road
Suite B 41
West Covina, CA 91791

February 24, 2015

Dear Nancy Fong,

The purpose of this letter is to request inclusion of a Condition of Approve, attached, as an alternative to the 67 residential units requested in SPR 14-003.

On September 16, 2014 City Council, by a vote of 3-2, voted to approve GPA 14-002, ZCH 14-001, SPR 14-003, PCD 14-002 and TTM 72721 and directed Staff to prepare Resolutions of Approval reflecting this decision.

On the October 7, 2014 the City Council Agenda included a Resolution to Approve GPA 14-002, ZCH 14-001, SPR 14-003, PCD 14-002 and TTM 72721. GPA 14-002, ZCH 14-001, SPR 14-003, PCD 14-002 and TTM 72721 will once again be considered by the City Council on March 3, 2015.

Gran Covina, LLC would like GPA 14-002, ZCH 14-001, SPR 14-003, PCD 14-002 and TTM 72721 to be approved in accordance with the Resolution of Approval presented to the City Council on October 7, 2014. However, we realize that there is concern on Council for the impact of this approval. We therefore request that if the Council does not wish to approve the Resolution of Approval of October 7, 2014 it approve GPA 14-002, ZCH 14-001, SPR 14-003, PCD 14-002 and TTM 72721 with the attached new Condition of Approval.

The current Resolution of Approval would allow the construction of 35 single family homes and 32 townhomes. The proposed Condition of Approval would reduce the residential units from 67 to 49, 25 single family homes and 24 townhomes. The proposed Condition of Approval would also create a 50,578 square foot lot, Lot 50, that will remain M1 upon which Industrial Condos will be built. The specifics of Lot 50's construction will be brought to the Planning Commission for its consideration with a separate application.

Gran Covina, LLC respectfully requests either approval of the Resolution of Approval agendized on October 7, 2014 or as an alternative, approval of the Resolution of Approval of October 7, 2014 with the inclusion of the proposed Condition of Approval reducing the residential units from 67 to 49 and creating Lot 50 which will be 50,578 square feet of M1 Industrial Condos.

Sincerely,



Draft Conditions of Approval re TTM 72721

1. The Applicant has proposed construction of 35 single family homes and 32 townhomes, for a total of 67 residential dwelling units. The City requires the following modifications to the Applicant's proposed development, which will authorize the development of only 25 single family homes and 24 townhomes, for a total of 49 residential dwelling units:
 - a. Lots 1 through 8 (single family home lots) and Lots 60 through 67 (townhome lots) shall be eliminated, and replaced with a 50,578 square foot lot that will remain zoned M1, which shall be referred to as Lot 50.
 - b. Lots 9 through 12 (single family home lots) shall be eliminated and combined with Lot C (common area) to create a 15,034 square foot open space lot surrounded by 29 guest parking spaces.
 - c. Lot D (common area) shall be eliminated and replaced with two (2) lots for single family homes and seven (7) guest parking spaces.
 - d. The residential lots shall be renumbered Lots 1 through 25 for the single family home lots, and Lots 26 through 49 for the townhome lots. A modified map of TTM 72721 that is consistent with these conditions is attached hereto and incorporated herein by reference.

LEGAL DESCRIPTION:

APN 8429-006-018
 PER GRANT DEED RECORDED ON OCTOBER 13, 2013 AN INSTRUMENT NO. 20131545792
 RECORDED/FILED IN OFFICIAL RECORDS, RECORDER'S OFFICE - LOS ANGELES COUNTY.
 THAT PORTION OF LOT 2 OF TRACT 3410, IN THE CITY OF COVINA AS PER MAP RECORDED IN BOOK 37 PAGE 61 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THAT EAST LINE OF SAID LOT, DISTANT THEREON NORTH 00 DEGREES 01' 30" WEST 320.84 FEET FROM THE SOUTHWEST CORNER OF SAID LOT, THENCE PARALLEL WITH THE SOUTH LINE OF SAID LOT NORTH 89 DEGREES 45' WEST 204 FEET TO A LINE PARALLEL WITH AND 204 FEET WESTERLY, MEASURED AT RIGHT ANGLES FROM THE SAID EAST LINE AND THE TRUE POINT OF BEGINNING, THENCE CONTINUING NORTH 89 DEGREES 45' WEST 860.78 FEET TO THE WEST LINE OF SAID LOT, THENCE NORTH 00 DEGREES 01' 30" WEST 304.95 FEET TO THE NORTHWEST CORNER OF SAID LOT, THENCE ALONG THE NORTH LINE OF SAID LOT, SOUTH 89 DEGREES 35' EAST 851.11 FEET TO A LINE PARALLEL WITH THE SAID EAST LINE AND WHICH PASSES THROUGH THE TRUE POINT OF BEGINNING, THENCE SOUTH 00 DEGREES 01' 30" EAST 301.00 FEET TO THE TRUE POINT OF BEGINNING

EXCEPT THEREFROM THE WESTERLY 100 FEET THEREOF

ALSO EXCEPT THE EASTERLY 153 FEET THEREOF

APN: 8429-006-017

DEED NOT AVAILABLE

APN: 8429-006-000

DEED NOT AVAILABLE

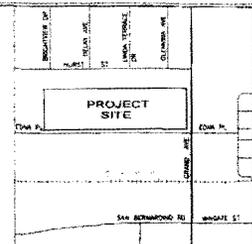
TENTATIVE TRACT MAP NO. 72721 PLANNED RESIDENTIAL DEVELOPMENT

APNs: 8429-006-006, 017 & 018

IN THE CITY OF COVINA

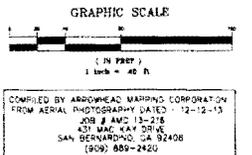
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

HURST STREET



LOCATION MAP
(NO SCALE)

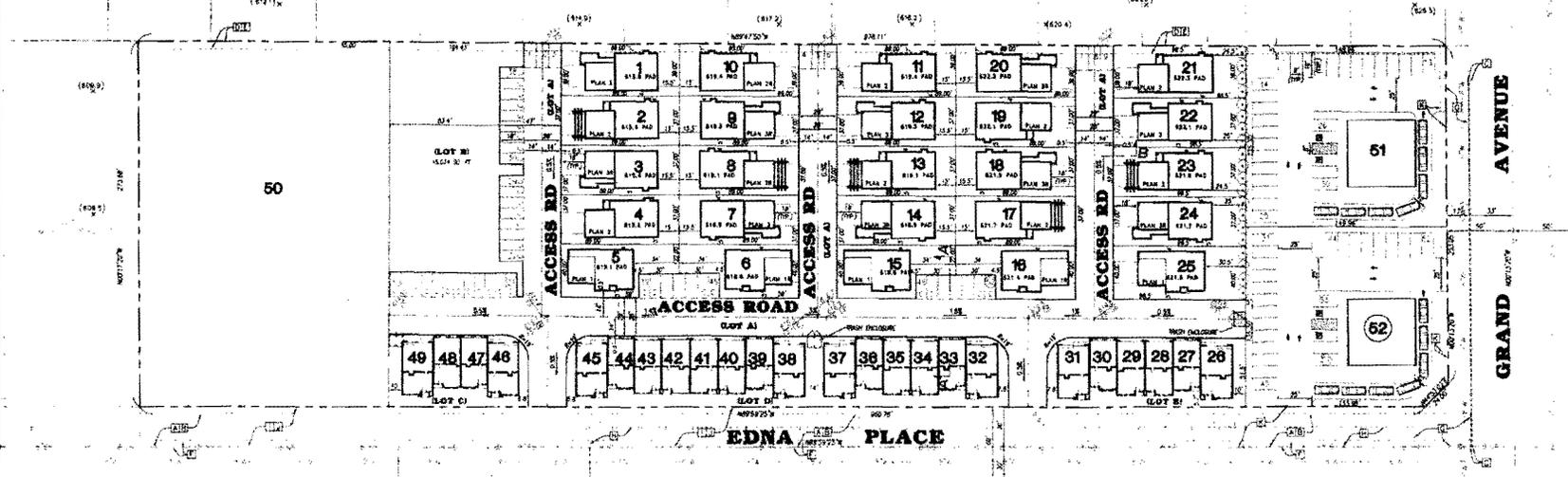
SUBMITTAL NO.	DATE	DESCRIPTION
1	11/11/13	AN EASEMENT TO AUGER WATER DEVELOPMENT & IRRIGATION COMPANY FOR THE PURPOSES OF IRRIGATION OR WATER DITCH, RECORDED IN BOOK 148, PAGE 275 OF DEEDS (UNRECORDED)
2	11/11/13	AN EASEMENT TO AUGER WATER DEVELOPMENT & IRRIGATION COMPANY FOR THE PURPOSES OF IRRIGATION OR WATER DITCH, RECORDED IN BOOK 148, PAGE 183 OF DEEDS (UNRECORDED)
3	11/11/13	AN EASEMENT TO AUGER WATER DEVELOPMENT & IRRIGATION COMPANY FOR THE PURPOSES OF IRRIGATION OR WATER DITCH, RECORDED IN BOOK 148, PAGE 159 OF DEEDS (UNRECORDED)
4	11/11/13	AN EASEMENT TO AUGER WATER DEVELOPMENT & IRRIGATION COMPANY FOR THE PURPOSES OF IRRIGATION OR WATER DITCH, RECORDED IN BOOK 148, PAGE 183 OF DEEDS (UNRECORDED)
5	11/11/13	AN EASEMENT TO COVINA LAND & WATER COMPANY FOR THE PURPOSES OF IRRIGATION, RECORDED IN BOOK 849, PAGE 181 OF DEEDS (UNRECORDED)
6	11/11/13	AN EASEMENT TO A WATER EJECTMENT WATER COMPANY FOR PURPOSES OF PUBLIC ROAD, RECORDED INSTRUMENT NO. 1908 AS INSTRUMENT NO. 155323 OF OFFICIAL RECORDS
7	11/11/13	AN EASEMENT TO A WATER EJECTMENT WATER COMPANY FOR PURPOSES OF PUBLIC ROAD, RECORDED INSTRUMENT NO. 1908 AS INSTRUMENT NO. 155323 OF OFFICIAL RECORDS
8	11/11/13	AN EASEMENT TO COVINA WINDSOR COMPANY FOR THE PURPOSES OF PUBLIC ROAD, RECORDED IN BOOK 1345, PAGE 146 OF OFFICIAL RECORDS (UNRECORDED WITH STRIP)
9	11/11/13	AN EASEMENT TO COVINA WINDSOR COMPANY FOR THE PURPOSES OF PUBLIC UTILITIES, RECORDED APRIL 21, 1953 AS INSTRUMENT NO. 7062 OF OFFICIAL RECORDS
10	11/11/13	AN EASEMENT TO COVINA WINDSOR COMPANY FOR THE PURPOSES OF PUBLIC UTILITIES, RECORDED JULY 16, 1953 AS INSTRUMENT NO. 13554 OF OFFICIAL RECORDS
11	11/11/13	AN EASEMENT TO CITY OF COVINA FOR SANITARY SEWER PURPOSES, RECORDED APRIL 5, 1937 AS INSTRUMENT NO. 346 OF OFFICIAL RECORDS
12	11/11/13	AN EASEMENT TO CITY OF COVINA FOR STREET & HIGHWAY PURPOSES, RECORDED JUNE 26, 1958 AS INSTRUMENT NO. 5815 OF OFFICIAL RECORDS
13	11/11/13	AN EASEMENT TO SOUTHERN CALIFORNIA GAS CO FOR THE PURPOSES OF PUBLIC UTILITIES, RECORDED JULY 16, 1953 AS INSTRUMENT NO. 13554 OF OFFICIAL RECORDS
14	11/11/13	AN EASEMENT TO CITY OF COVINA FOR STREET AND HIGHWAY PURPOSES, RECORDED SEPTEMBER 23, 1983 AS INSTRUMENT NO. 3673 OF OFFICIAL RECORDS
15	11/11/13	AN EASEMENT TO CITY OF COVINA FOR STREET AND HIGHWAY PURPOSES, RECORDED SEPTEMBER 23, 1983 AS INSTRUMENT NO. 3673 OF OFFICIAL RECORDS
16	11/11/13	AN EASEMENT TO CITY OF COVINA FOR STREET AND HIGHWAY PURPOSES, RECORDED OCTOBER 28, 1948 AS INSTRUMENT NO. 2848 OF OFFICIAL RECORDS
17	11/11/13	AN EASEMENT TO COVINA CALIFORNIA EGRESS COMPANY FOR THE PURPOSES OF PUBLIC UTILITIES, RECORDED JANUARY 21, 1972 AS INSTRUMENT NO. 2853 OF OFFICIAL RECORDS



CITY OF COVINA
TENTATIVE TRACT MAP NO. 72721
 APNs: 8429-006-006, 017 & 018

DESIGNED BY: SZ	APPROVED:
DATE: 01-13-14	
DRAWN BY: SZ	
DATE: 01-13-14	
LATEST CHANGES BY: C	
DATE: 02-13-15	
PLOTTED BY: C	
DATE: 02-13-15	

1 OF 1
 JOB NO. 894



PROJECT DATA	
SUBDIVIDER:	GRAND COVINA, LLC 1773 SAN BERNARDINO ROAD, SUITE B42 WEST COVINA, CA 91709 (626) 338-5850
ENGINEER:	LAND DEVELOPMENT CONSULTANTS 1528 BROOKHOLLOW DRIVE, SUITE 23 SANTA ANA, CA 92705 (714) 557-7700 (714) 557-7707 FAX
PROJECT ADDRESS:	731 GRAND AVENUE 777 EDNA PLACE
TOWNSHIP:	399 D-4
APN(S):	8429-006-006, 017 & 018
EXISTING LAND USE:	COMMERCIAL / INDUSTRIAL
PROPOSED LAND USE:	MULTIPLE FAMILY HOMES/COMMERCIAL
PARKING SPACE TABULATION (RESIDENTIAL):	
ASSIGNED SPACES	98 (2 CAR GARAGE)
OPEN AND GUEST SPACES	52 (37 COMPACT & 15 REGULAR)
DRIVEWAY SPACES	42
OFF-STREET PARKING SPACES	21
TOTAL PARKING SPACES:	213
PARKING SPACE (COMMERCIAL):	57

PROJECT DATA	
PROPOSED NUMBER OF SF HOMES	25 (LOTS 1-25 84,195 SQ FT)
PROPOSED NUMBER OF TOWNHOMES	24 (LOTS 26-49 21,795 SQ FT)
PROPOSED COMMERCIAL LOTS	2 (LOTS 51 & 52 40,394 SQ FT)
PROPOSED ACCESS ROAD LOT	LOT # 44 933 SQ FT
PROPOSED LOT:	LOT 50 50,578 SQ FT
PROPOSED OPEN SPACE LOTS:	LOTS B-E 23,822 SQ FT
PROJECT AREA	265,718 SQ FT +/- 6.10 ACRES

LEGEND:	
1.0	APPROXIMATE
2.0	EXISTING CONCRETE
3.0	EXISTING ASPHALT
4.0	EXISTING GRAVEL
5.0	EXISTING SOFT SAND
6.0	EXISTING SOFT MUD
7.0	EXISTING SOFT CLAY
8.0	EXISTING SOFT SILT
9.0	EXISTING SOFT SAND & SILT
10.0	EXISTING SOFT SAND & CLAY
11.0	EXISTING SOFT SAND & SILT & CLAY
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BASIS OF BEARING	
THE BEARINGS SHOWN HEREON ARE BASED ON THE CENTRAL LINE OF EDNA BEING 88°59'25" AS SHOWN ON TRACT MAP NO. 27432 FILED IN MAP BOOK 778, PAGES 42-45 RECORDS OF LOS ANGELES COUNTY	

REVISIONS				
NO.	DESCRIPTION	BY	DATE	APPROVED

PREPARED FOR
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DATE: 02-13-15