PLANNING COMMISSION
REGULAR MEETING AGENDA
125 E. College Street, Covina, California
Council Chamber of City Hall
JUNE 14, 2022

IMPORTANT NOTICE
This meeting is being conducted in accordance with Assembly Bill 361, regarding the COVID-19 pandemic.

Members of the public may view the meeting live on the City’s website at www.covinaca.gov or on local cable television, Spectrum channel 29 and Frontier Channel 42. To view from the website, hover over the Departments & Services tab until the drop-down menu appears and click on City Council Video Library under the City Council header. A live banner will appear at the start of the meeting.
Meeting Assistance Information: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk’s Office at cityclerk@covinaca.gov or 626-384-5430. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

CALL TO ORDER

ROLL/CALL
Commissioners: Charles Hodapp, Daniel McMeekin, Rosie Richardson, Vice-Chair Susan Zermeno, and Chair John Connors

PLEDGE OF ALLEGIANCE
Led by Chairman Connors

PUBLIC COMMENTS
To address the Planning Commission please complete a yellow speaker request card located at the entrance and give it to the City Planner. Your name will be called when it is your turn to speak. Those wishing to speak on a LISTED AGENDA ITEM will be heard when that item is addressed. Those wishing to speak on an item NOT ON THE AGENDA will be heard at this time. State Law prohibits the Commissioners from taking action on any item not on the agenda. Individual speakers are limited to five minutes each, unless, for good cause, the Chairperson amends the time limit.
In Person: To address the Planning Commission please complete a yellow speaker request card located at the entrance of the Council Chamber and give it to the City Planner. Your name will be called when it is your turn to speak.

Remotely via Zoom: Access the meeting remotely via Zoom with one of the following devices:

Computer or Smart Device:

   link
   https://us02web.zoom.us/j/88930167654?pwd=eU9SQ0oxby8rKzlqc2IwbHd1TjE2dz09

Telephone:
   Dial: +1 669 900 6833
   Meeting ID: 889 3016 7654
   Passcode: 595024

1. To request to speak during public comment, please click the “Raise Hand” button on the Zoom toolbar “Reactions” tab.
   Note:
   Computer / Smart Device Users: The “raise hand” feature is in the reactions tab.
   Telephone Users: Press star-nine (*9) on your phone to raise your hand.

2. Staff will announce your name as listed on Zoom or the last four digits of your phone number when it is your turn to speak and unmute the microphone (audio only); speaker must be present when called to speak.

3. Please state your first and last name and city of residence at the beginning of your remarks for the record.

4. The microphone will be muted by staff when you have completed your comments or five (5) minutes have expired, whichever occurs first.

CONSENT CALENDAR
All matters listed under consent calendar are considered routine, and will be enacted by one motion. There will be no separate discussion on these items prior to the time the Planning Commission votes on them, unless a member of the Planning Commission requests a specific item be removed from the consent calendar for discussion.

CC 1. Approval of the Minutes of May 24, 2022

COMMISSIONER COMMENTS
Commissioners wishing to make any announcements of public interest or to request that specific items be added to future Planning Commission agendas may do so at this time.

CONTINUED PUBLIC HEARINGS
None.

PUBLIC HEARINGS

PH 1. A Request to Rescind Conditional Use Permit (CUP) 20-003, which Allowed Modification of an Existing Conditional Use Permit to Expand the Sale of On-Site Beer and Wine at 624 Shoppers Lane (APN: 8451-001-034). This rescindment will
revert the property to the prior CUPs (11-007 and 08-003), which allow the sale of beer and wine at 616 Shoppers Lane and 618 Shoppers Lane.

**Staff Recommendation:**
Staff recommends that the Planning Commission adopt a Resolution No. 2022-012 PC to rescind approvals previously granted through the adoption of Resolution No 2020-018 PC for Conditional Use Permit 20-003 by request of the applicant, Fonda Don Chon.

Agenda Report


**Staff Recommendation:**
Staff recommends that the Planning Commission adopt Resolution No. 2022-013 PC to rescind approvals previously granted through the adoption of Resolution No 2020-030 PC for Conditional Use Permit 20-005 and Site Plan Review 20-009 by request of the applicant, Thomas Serna.

Agenda Report

**CONTINUED BUSINESS**
None.

**NEW BUSINESS**
None.

**ADJOURNMENT**
The Planning Commission will adjourn to its next regular meeting scheduled for Tuesday, June 28, 2022 at 7:00 p.m. inside the Council Chamber at City Hall, located at 125 East College Street, Covina, California, 91723.

The Community Development Department, does hereby declare that the agenda for the Jun 14 2022 meeting was posted on the City’s website and near the front entrance of Covina City Hall, 125 East College Street, Covina, in accordance with California Government Code Section 54954.2(a).
MINUTES OF MAY 24, 2022
MINUTES OF THE MAY 24, 2022 REGULAR MEETING OF THE COVINA PLANNING COMMISSION HELD IN THE COUNCIL CHAMBER OF CITY HALL, 125 EAST COLLEGE STREET, AT 7:00 P.M.

CALL TO ORDER
Chairman Connors called the Planning Commission to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE
Chairman Connors lead the pledge of allegiance

ROLL CALL
Commission Members Present: Hodapp, McMeekin, Zermeno, Richardson, Connors
Commission Members Absent: None

Staff Members Present: Director of Community Development, Senior Planner, Consultant Planner (Interwest), Assistant Planner, Assistant Planner, Assistant City Attorney.

Participants/Attendees: Ahmad Ghaderi, Mike Ayaz, Brian Vargas, Beatrice Lopez, Judy Andrews, Rudolph Sosa, Cassandra Zavala, Nicolas Jimenez, Kevin Lidle, Charles Lagayette, Joel Reyes, Ross Crichton, Evelynn Martinez, Rufino Fianco, Robert Rowlings, Nancy C Rowlings, Teo San Antonio.

Zoom Participants/Attendees: Dana Lehto, Paul, Gustavo Portillo, Brian Whalen, Alex Lemos, Marta, Shereen Sayari, Rashad Perez, Amy Gonzalez, Gustavo Portillo.

PUBLIC COMMENTS
None.

COMMISSIONER COMMENTS
Chairman Connors welcomed Rosie Richardson to the Planning Commission.

Commissioner Richardson thanked the chairman and commented on looking forward to serving on the commission and to hear everyone speak at the regular meeting.

CONSENT CALENDAR

CC1. Approval of Minutes of the regular meeting of April 12, 2022.
Commissioner McMeekin made a motion and Commissioner Zermeno seconded to approved the minutes of April 12, 2022

The motion carried 4-0-1 as follows:

AYES:      HODAPP, MCMEEKIN, ZERMENO, CONNORS
NOES:      NONE
ABSTAIN:   RICHARDSON
ABSENT:    NONE

CONTINUED PUBLIC HEARINGS
None.

PUBLIC HEARINGS

PH1. Zone Change (ZCH) 22-001, Conditional Use Permit (CUP) 21-032 and Site Plan Review (SPR) 22-090. A request to change the Official Zoning Map of the City of Covina changing the Zoning District from M-1 (Light Manufacturing) to C-4 (Highway Commercial), and a request to modify CUP 76-005 to redevelop the existing full-service car wash to a mechanical and self-service car wash, for property located at 744 N. Grand Avenue – APN: 8428-022-016.

Staff Recommendation: Staff recommends that the Planning Commission adopt Resolution No. 2022-008 PC recommending City Council approval of Ordinance No. 22-___, Zone Change (ZCA) 22-001, amending the Official Zoning Map of the City of Covina; and adopt Resolution No. 2022-009 PC approving Conditional Use Permit (CUP) 21-032 Planning Commission Agenda Tuesday May 24, 2022 032 and Site Plan Review (SPR) 22-090, with the attached Conditions of Approval

Assistant Planner Megan Wu presented the staff report and answered the Commissioners questions.

Senior Planner Mercy Lugo read into the record that staff received minor edit recommendations by the City Attorney for condition of approval B2, on page 55 of the Agenda Packet to read “approval of conditional use permit 21-032, and Site plan review 22-090 shall not become effective unless and until the effective date of the change of the zone of the subject site from M-1 to C-4 approved by Ordinance of the City Council”.

No public comments were received by the Planning Commission in advance of the hearing.

The public hearing was opened.

Ahmad Ghaderi, Applicant and architect for the project, thanked the staff for assisting with the project, explained briefly the major job components and the overall upgrades, and asked whether there would be another hearing after this hearing.
Community Development Director Brian Lee clarified that the zone change will go to the City Council at their next available meeting.

Chairman Connors asked if there were any other speakers.

No other public comments were received.

The public hearing was closed.

Commissioner McMeekin made a motion and Commissioner Hodapp seconded to adopt Resolution 2022-008 PC recommending City Council approval of Ordinance No. 22-___, Zone Change (ZCA) 22-001, amending the Official Zoning Map of the City of Covina; and adopt Resolution No. 2022-009 PC approving Conditional Use Permit (CUP) 21-032 Planning Commission Agenda Tuesday May 24, 2022 032 and Site Plan Review (SPR) 22-090, with Conditions of Approval and an oral modification of condition B2.

The motion carried 5-0 as follows:

AYES: HODAPP, MCMEEKIN, ZERMENO, RICHARDSON, CONNORS
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

PH2. Zoning Code Amendment (ZCA) 22-001 and Conditional Use Permit (CUP) 22-001.
A request to amend Chapter 17.32 (“Residential Recreation”) of Title 17 (Zoning) of the Covina Municipal Code to add on-site sale of beer and wine as a conditionally permitted use, and a conditional use permit to allow the serving of beer and wine in conjunction with the GOALS soccer establishment, located at 699 S. Barranca – APN: 8451-008-900.

Staff Recommendation: Staff recommends that the Planning Commission adopt Resolution No. 2022-010 PC recommending City Council approval of Ordinance No. 22-___, Zoning Code Amendment (ZCA) 22-001 and adopt Resolution No. 2022-011 PC approving Conditional Use Permit (CUP) 22-001 with the attached conditions of approval.

Assistant Planner Megan Wu presented the staff report and read corrections from the Assistant City Attorney into the record that the findings section in Resolution No. 2022-011PC was edited to add: “the CUP approval is contingent upon council approval of the recommended Ordinance making on site consumption of beer and wine accessory to a residential recreation permitted use, a Conditionally permitted use within the RR zone. The use may be allowed by a CUP. Also, approval of Conditional Use Permit 22-001 shall not become effective unless and until the effective date of the zone text amendment making onsite consumption of beer and wine accessory to a RR permitted use, a conditionally permitted use within the RR zone approved by ordinance of the City Council.

Assistant Planner Megan Wu answered questions by Commissioners McMeekin, Zermeno, and Hodapp.
Commissioner Hodapp noted correction to the Resolution to revise the date on page 1 of the conditions of approval.

The public hearing was opened.

Mike Ayaz, the representative of the Applicant for the item, spoke in support of the item and answered the commissioner’s questions and concerns.

Beatrice Lopez, of 681 San Antonio Drive in Covina, spoke against the item.

Judy Andres, of 728 S Barranca Avenue in Covina, spoke against the item.

Rudolph Sosa, of 652 S San Antonio Drive in Covina, spoke against the item.

Nicolas Jimenez, of 2407 Nikki Ct in West Covina, spoke in support of the item.

Kevin Lidle, representing the Korey Lidle Foundation, spoke in support of the item.

Charles Lagayette, CEO of GOALS, spoke in support of the item.

Ross Crichton, of 3215 Overland Avenue in Los Angeles and Regional Director for GOALS, spoke in favor of the item.

Rufino Franco, Manager at GOALS, spoke in support of the item.

Robert Rowlings, of 527 E Thelborn Street in Covina, spoke against the item.

Nancy C Rowlings, of 527 E Thelborn Street in Covina, spoke against the item.

Teo San Antonio, of 2055 Rancho Los Cerritos in Covina, spoke in support of the item.

Gustavo Portillo, Zoom participant and member of AYSO, spoke in support of the item.

Alex Lemos, Zoom participant and customer of GOALS, spoke in support of the item.

Megan Radillo, Zoom participant and customer of GOALS, spoke in support of the item.

Mike Ayaz, representative of the applicant, rebutted comments made against the item and noted a correction to be made in C2 on the Conditions of Approval, clarifying that the alcohol use area is for the interior café and the outdoor patio area of the facility.

Assistant Planner Megan Wu clarified that in anticipation of controversial case, the Planning Division requested an additional 200-foot radius over the normal required amount.
The City Attorney suggested providing Commissioner McMeekin an opportunity to address a remark of prejudging a matter.

Commissioner McMeekin commented that there was no prejudgment in this matter.

Mike Ayaz, representative of the applicant, further commented in support of the item.

Chairman Connors closed the public hearing.

Commissioners McMeekin commented on their concerns for the item and in weighing out does not see that the item should be approved.

Commissioner Zermeno provided concerns with the zoning and weighed out the additional measures that Planning Staff added to the public hearing process and added that they were inclined to support the item.

Commissioner Richardson commented that their concern about time gaps for service alcohol was addressed.

Commissioner McMeekin responded that notices are regularly sent out and that 2 or 3 responders is indicative of community concern.

Commissioner Hodapp commented that they were in support of the item and that staff answered their questions and concerns and further added that there should be measures in place to stay in compliance.

Chairman Connors entertained a motion and Commissioner Hodapp seconded to adopt Resolution 2022-010 PC, recommending to the City Council approval of Ordinance 22-____, Zoning Code Amendment (ZCA) 22-001, and adopt Resolution 2022-011 PC, approving the Conditional Use Permit 22-001 with conditions of approval, which include oral conditions provided by Megan Wu and the condition as added by the Planning Commission to begin selling alcohol no earlier than 5PM during weekdays and 12PM on Saturdays and Sundays and conclude at one half hour prior to close, and to clarify that the serving area would be the interior café and the outdoor patio.

The motion carried 4-1 as follows:

AYES: HODAPP, ZERMENO, RICHARDSON, CONNORS
NOES: MCMEEKIN
ABSTAIN: NONE
ABSENT: NONE

CONTINUES BUSINESS.
None.

NEW BUSINESS.
NB1. **Tentative Tract Map (TTM) 73661 and Site Plan Review (SPR) 16-028 Time Extension:** A request for a one-year time extension for a previously approved mixed-use development within the Covina Town Center Specific Plan (CTCSP) Mixed-Use Zone, located at the northwest quadrant of W. San Bernardino Road and N. Citrus Ave - APN: 8431-015-042, 8431-014-015 and 8431-041-008.

**Staff Recommendation:** Staff recommends that the Planning Commission approve the third one-year time extension for Tentative Tract Map (TTM) 73661 and Site Plan Review (SPR) 16-028 by approving Resolution No. 2022-007 PC subject to the Conditions of Approval listed in the Resolution.

Consultant Planner Nancy Fong presented the staff report and answered the Commissioners questions.

The City Attorney added that there are State statutes that provide certain extensions for maps based on certain conditions tied to economic downturns or meeting specific demographic criteria and that the municipal code offers up to 6 one-time extensions.

Chairman opened the floor for comments.

No comments were received.

Consultant Planner Nancy Fong noted a correction on the resolution.

Chairman Connors made a motion and Commissioner Hodapp seconded to approve the third one-year time extension for Tentative Tract Map (TTM) 73661 and Site Plan Review (SPR) 16-028 by approving Resolution No. 2022-007 PC subject to the Conditions of Approval listed in the Resolution.

The motion carried 5-0 as follows:

**AYES:** HODAPP, MCMEEKN, ZERMENO, RICHARDSON, CONNORS  
**NOES:** NONE  
**ABSTAIN:** NONE  
**ABSENT:** NONE

NB2. **Tentative Tract Map (TTM) 73662 and Site Plan Review (SPR) 15-021 Time Extension:** A request for a one-year time extension for a previously approved mixed-House development within the Covina Town Center Specific Plan (CTCSP) F.A.I.R Zone, located at 155 E. San Bernardino Road - APN: 8430-024-012.

**Staff Recommendation:** Staff recommends that the Planning Commission approve a third one-year time extension for Site Plan Review (SPR) 15-021 and Tentative Tract Map (TTM) 73662, by approving Resolution No. 2022-006 PC, subject to the Conditions of Approval listed in the Resolution.

Consultant Planner Nancy Fong presented the staff report.

No questions were asked by the Commission.

The floor was opened for public comment.
No public comments were received.

Chairman Connors approved and Commissioner Hodapp seconded to approve a third one-year time extension for Site Plan Review (SPR) 15-021 and Tentative Tract Map (TTM) 73662, by approving Resolution No. 2022-006 PC, subject to the Conditions of Approval listed in the Resolution.

The motion carried 5-0 as follows:

AYES:        HODAPP, MCMEEKIN, ZERMENO, RICHARDSON, CONNORS
NOES:        NONE
ABSTAIN:     NONE
ABSENT:      NONE

GENERAL MATTERS
None.

ADMINISTRATIVE ITEMS
None.

COMMISSIONER COMMENTS
None.

ADJOURNMENT
Chairman Connors adjourned the Planning Commission Meeting at 10:03 P.M to the next Planning Commission Meeting scheduled for June 14, 2022 at 7:00 P.M in the Council Chambers of Covina City Hall.

____________________________
Secretary
PC Regular Meeting
AGENDA ITEM REPORT

Meeting: PC Regular Meeting - Jun 14 2022
Title: A Request to Rescind Conditional Use Permit (CUP) 20-003, which Allowed Modification of an Existing Conditional Use Permit to Expand the Sale of On-Site Beer and Wine at 624 Shoppers Lane (APN: 8451-001-034). This rescindment will revert the property to the prior CUPs (11-007 and 08-003), which allow the sale of beer and wine at 616 Shoppers Lane and 618 Shoppers Lane.

Presented By: Claudia Vargas, Assistant Planner

Recommendation: Staff recommends that the Planning Commission adopt a Resolution No. 2022-012 PC to rescind approvals previously granted through the adoption of Resolution No 2020-018 PC for Conditional Use Permit 20-003 by request of the applicant, Fonda Don Chon.

BACKGROUND:
In the 1950s and early 1960s, the creation of Shoppers Lane developed unique characteristics, with each building comprising a separate parcel. The project site consists of three separate parcels. Fonda Don Chon Restaurant began operating out of 618 Shoppers Lane and expanded to 616 Shoppers Lane; soon after, the owner of Fonda Don Chon acquired 624 Shoppers Lane.

- On May 27, 2008, Planning Commission granted approval of Conditional Use Permit (CUP) 08-003 to allow the on-site sale of beer and wine in conjunction with a bona fide eating establishment at 618 Shoppers Lane (APN:8451-001-033).

- On October 25, 2011, Planning Commission granted approval of Conditional Use Permit (CUP) 11-007 to allow the expansion of an existing restaurant, Fonda Don Chon, with on-site sales of beer and wine, to an adjacent unit property located at 616 Shoppers Lane.

- On July 14, 2020, Planning Commission granted approval of Conditional Use Permit (CUP) 20-003 to allow the on-site sale of beer and wine in conjunction with a Bonafede eating establishment at 624 Shoppers Lane.

DISCUSSION:
The approval of Conditional Use Permit 20-003 the on-site sale of beer and wine at 618 Shoppers Lane and 624 Shoppers Lane and the vacation of 616 Shoppers Lane by Fonda Don Chon. Conditions of approval required lot merger of APNs 8451-001-033 (618 Shoppers Ln) and 8451- 001-034 (624 Shoppers Ln) prior to the issuance of a building permit.

The applicant, Scott Kavthekar, submitted plans to City’s Building Division on behalf of the property owner, Jimmy Roman, while concurrently working to obtain a lot merger. Building Division could not issue a permit until a lot merger was executed. During the process of obtaining the lot merger, the applicant encountered unforeseen obstacles. Southern California Edison determined that a new pole and transformer were needed to continue with the lot merger. The cost of the required improvements was estimated at well over half a million dollars.
Due to costly tenant improvements requiring utility upgrades, the property owner decided not to move forward with a lot merger and submitted a letter to the Planning Division requesting to rescind their Conditional Use Permit, which allowed the onsite sale of beer and wine at 624 Shoppers Lane. This would revert the properties to the prior CUPs (11-007 and 08-003), which allow the sale of beer and wine at 616 Shoppers Lane and 618 Shoppers Lane. The applicant resubmitted revised plans to the City’s Building Division showing revised improvements to have take-out services, with no on-site sale or consumption of beer and wine at 624 Shoppers Lane. The proposed land use is permitted by right and does not require a planning entitlement.

PUBLIC HEARING NOTICE AND NOTIFICATION

The applicant was given a copy of the staff report with associated attachments. All property owners within a radius of 300 feet from the overall project site were mailed notices of the Planning Commission public hearing on June 14, 2022, at least ten (10) days before the hearing, as required by law. The San Gabriel Examiners newspaper published the public hearing notice on May 26, 2022.

CEQA (CALIFORNIA ENVIRONMENTAL QUALITY ACT):

Under Section 15301(a) of the California Environmental Quality Act (CEQA) Guidelines, the Planning staff has determined that the project proposal is categorically exempt from environmental review. This CEQA Section appertains to permitted, minor alterations of existing structures that involve negligible or no expansion of use beyond that existing at the time of a lead agency’s original determination. The staff has no substantial evidence that the project will significantly affect the environment.

ATTACHMENTS:

EXHIBIT 1
EXHIBIT 2
EXHIBIT 3 Resolution No. 2020-018PC Fonda Don Chon
Letter to Rescind CUP No. 20-003 & Lot Tie - Fonda Don Chon - Covina, CA - Jimmy Roman - 051122
PC Resolution No. 2022-012 PC (Exempt Rescission of CUP No. 20-003)

Respectfully submitted,

Brian K. Lee
Director of Community Development
RESOLUTION NO. 2020-18PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COVINA, CALIFORNIA APPROVING CONDITIONAL
USE PERMIT (CUP) 20-003, TO ALLOW ON-SITE SALE OF
BEER AND WINE (TYPE 41 ABC LICENSE) IN CONJUNCTION
WITH A BONA FIDE EATING ESTABLISHMENT LOCATED AT
624 SHOPPERS LANE – APN: 8451-001-034

WHEREAS, on January 19, 2020, the applicant, Scott Kavthekar, on behalf of the
property owner, Jimmy Roman, submitted the Conditional Use Permit (CUP) 20-003 for the
project.

WHEREAS, on July 14, 2020 the Planning Commission conducted a public hearing at
which time the oral and written evidence along with written recommendation from the Planning
Division was presented to the Planning Commission. The Planning Commission concluded said
hearing on that date; and

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

NOW, THEREFORE, THE PLANNING COMMISSION 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. Based upon the entire record made available at the July 14, 2020
public hearing, the staff report, the oral presentation, and related documents submitted to the
Planning Commission prior to and at the public hearing, the Planning Commission hereby finds
and determines as follows:

Findings for Conditional Use Permit (CMC Section 17.62.120).

a. That the site for the proposed use is adequate in shape and size to accommodate the
use and all yards, spaces, wall and fences, parking, loading, landscaping and other
features required by this title to adjust the use with land and uses in the neighborhood; and

Facts: Development services staff assess all applications in the City for the suitability
of the space and its proposed uses. Fonda Don Chon currently operates a popular sit-
down restaurant and outdoor dining. Since it has opened in 2007, it has demonstrated
that its tenant space has the necessary equipment and services to operate a sit-down
restaurant such as kitchen, storage, refrigerators, restrooms, grease traps, loading
areas, and dishwashing area. Parking spaces are provided for its catering and pick-up
operations. The Los Angeles County Department of Public Health is the authority
responsible for applicable standards to control COVID-19. These standards, such as
safe distancing, generally reduce customer demand on the site’s infrastructure, including parking and loading spaces.

b. That the proposed use will have no adverse effect on abutting property or the permitted use thereof.

Facts: The restaurant will occupy adjacent buildings, each on different parcel, an arrangement that is common in Shoppers Ln. Improvements include removing the existing internal walls between the two buildings. A lot merger between these two parcels is required as part of the conditions of approval. The proposed use is allowed in the PCD/C-3A - Planned Community Development / Commercial Zone (Regional or Community Shopping Center) and the proposed operations are required to comply with Section 17.04.100 (Bona fide eating establishments). The requests are consistent with existing conditional use permits in that it maintains existing hours of operation and does not include late hours or live entertainment. Conditions of approval provided by the Covina Police Department are appropriate for a beer and wine license and provide sufficient security measures.

c. That the approval of such application shall be made subject to conditions of approval are deemed necessary to ensure the protection of adjacent property and the public health, safety and general welfare.

Fact: The proposed expansion has been reviewed by multiple departments such as Building, Public Works, Police, and Fire. Since it has opened, the business has operated in a manner that has not posed significant threats to public safety and welfare. The conditions of approval would continue to address the operations of a bonafide eating establishment to provide a Type 41 alcohol service to ensure the protection of adjacent property and the public health, safety, and general welfare. Commercial properties surround the project site and provide buffer to the residential properties 400 feet south of the project site. The conditions of approval of this CUP would provide the City with adequate safeguards for preventing any problems with the proposed use.

d. That the conditions stated in the decision are deemed necessary to protect the public health, safety, and general welfare of the community. Such conditions may include: regulation of use, regulation of signs, requiring maintenance of grounds, regulation of noise, vibrations, odors, etc., regulation of time for certain activities, duration of use and any such other conditions as will make possible the development of the city in an orderly and efficient manner and conformity with the intent and purposes set forth in this title.

Facts: The proposed use includes beer and wine sales associated with a (permitted by right) typical sit-down restaurant in conjunction with live entertainment. The overall business would comply with the required Bona-Fide Eating Establishment criteria under Section 17.04.100 of the Covina Municipal Code. No major public health or safety related impacts have been identified during project review. The Development
Review Committee, comprised of Building and Safety, Environmental Services, Los Angeles County Fire, Covina Police Department, Planning and Engineering, were provided an opportunity to review and comment on the project CUP application and provide conditions to ensure that no potential issues would arise during operations. Further, subsequent review, the Police Department does not oppose the approval of the application as long as the business complies with all imposed Conditions of Approval. The staff’s comments confirm that the proposed use would operate in a manner that would be consistent with the Covina Municipal Code and would not negatively affect the public health, safety and general welfare of the community.

SECTION 3. Planning Division staff has determined that the proposed liquor on-sale (beer and wine) in conjunction with a bona-fide eating establishment (“Project”) is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City’s CEQA Guidelines. The Project qualifies under the Class 1 exemption pursuant to CEQA Guidelines Section 15301(a) because the Project consists of the operation, maintenance, permitting, and minor alteration of an existing private structure and facility, involving negligible or no expansion of use beyond that existing at the time of this determination of exemption, including interior alterations involving such things as interior partitions. The Planning Commission has reviewed the Planning Division's determination of exemption, and based on its own independent judgment, concurs in the staff’s determinations of exemption. The Planning Commission further determines that there is no substantial evidence that the Project will have a significant effect on the environment.

SECTION 4. Based upon the findings and conclusion set forth in Sections 1, 2 and 3 above, the Planning Commission hereby approves with conditions the following application:

a. Application Conditional Use Permit (CUP) 20-003 to allow the on-site sale of beer and wine (Type 41) in conjunction with a bonafide eating establishment, subject to the conditions of approval set forth in the written record before the Commission incorporated herein and attached hereto as Exhibit “A.”

b. The Secretary of the Planning Commission is directed to serve, by first-class mail, a written notice of this decision to the Applicant within five (5) days.

SECTION 5. This Resolution shall become effective immediately upon its adoption, subject to a 10 calendar-day appeal period.

PASSED, APPROVED AND ADOPTED by the members of the Planning Commission of the City of Covina at a regular meeting thereof held on the 14th day of July, 2020.
I hereby certify that the foregoing is a true copy of a resolution adopted by the Planning Commission of the City of Covina at a regular meeting thereof held on the 14th day of July, 2020 by the following vote of the Planning Commission:

AYES: CONNORS, HODAPP, MANNING, ZERMENO
NOES: NONE
ABSENT: MECMEEKIN
ABSTAIN: NONE
Dear Claudia

I Jimmy Roman am the owner of the above subject project and this letter is to state that we would like to rescind CUP 20-003 so as to make the business a “Take Out” only. There will be no openings between this establishment and the existing Fond Don Chon adjacent to it.

As a result we will no longer be proceeding with the lot tie.

Thank you.

Sincerely,

Jimmy Roman –Owner of Fonda Don Chon
RESOLUTION NO. 2022-012 PC


WHEREAS, on May 11, 2022, Jimmy Roman (“Property Owner”) filed a request for the Planning Commission’s rescission of its approval of Conditional Use Permit 20-003, which allowed the on-site sale of beer and wine (Type 41 ABC license) in conjunction with a bona fide eating establishment located at 624 Shoppers Lane, California, 91723 (Property); and

WHEREAS, on June 14, 2022, the Planning Commission conducted a duly noticed public hearing at which time oral and written comments received prior to or at the public hearing together with a written recommendation from the Planning Division was presented to the Planning Commission. The Planning Commission concluded said hearing on that date; and

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

NOW, THEREFORE, THE PLANNING COMMISSION 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. Based upon the entire record made available at the June 14, 2022, public hearing, the staff report, the oral presentation, and related documents submitted to the Planning Commission prior to and at the public hearing, the Planning Commission hereby finds and determines as follows:

A. The Property Owner filed a request for Planning Commission’s rescission of Conditional Use Permit 20-003.

B. The Planning Commission, after proper notice thereof, duly held a public hearing on the application to rescind Conditional Use Permit 20-003, as provided by law.

C. The proposed action to rescind Conditional Use Permit 20-003 and the conditions under which it operated will not be detrimental to the public health, safety, or welfare, or be materially injurious to properties or improvements in the vicinity in that:

a. The building plans submitted for 624 Shoppers Lane have a takeout service land use, which is permitted by right.
b. The building at 624 Shoppers Lane shall not have onsite sales or consumption of beer and wine.

c. Future sale or consumption of beer and wine shall require a public hearing and approval of a new Conditional Use Permit.

D. The proposed action to rescind Conditional Use Permit 20-003 will comply with all applicable provisions of the Covina Zoning Ordinance.

SECTION 3. The Planning Commission, based on its own independent judgment, has determined that this project is categorically exempt pursuant to CEQA Guidelines Section 15301(a). The Project consists of rescinding the Planning Commission’s approval of Conditional Use Permit (CUP) 20-003, which allowed the on-site sale of beer and wine (Type 41 ABC license) in conjunction with a bona fide eating establishment at 624 Shoppers Lane (APN: 8451-001-034). The subject building will now be operated as a takeout food restaurant use. The Planning Commission further finds that there is no substantial evidence that the Project will have a significant effect on the environment.

SECTION 4. Based upon the conclusion set forth in Sections 1, 2, and 3 above, the Planning Commission hereby:

A. Rescinds its approval of Conditional Use Permit (CUP) 20-003, upon the Property Owner’s request, and the on-site sale of beer and wine (Type 41 ABC license) in conjunction with a bona fide eating establishment is no longer permitted at 624 Shoppers Lane (APN: 8451-001-034).

B. Directs the Secretary of the Planning Commission to serve, by first-class mail, a written notice of this decision to the Property Owner within five (5) days.

SECTION 5. This Resolution shall become effective immediately upon its adoption, subject to a 10 calendar-day appeal period

PASSED AND ADOPTED by the members of the Planning Commission of the City of Covina at a regular meeting thereof held on the 14th day of June, 2022.

JOHN CONNORS, CHAIRMAN
CITY OF COVINA PLANNING COMMISSION

I hereby certify that the foregoing is a true copy of a resolution adopted by the Planning Commission of the City of Covina at a regular meeting thereof held on the 14th day of June, 2022, by the following vote of the Planning Commission:

AYES:
NOES:
ABSENT:
ABSTAIN:

__________________________
COVINA PLANNING COMMISSION SECRETARY
Meeting: PC Regular Meeting - Jun 14 2022  
Title: A Request to Rescind Conditional Use Permit (CUP) 20-005 and Site Plan Review (SPR) 20-009, Which Allowed for the Demolition of an Existing 5,410-Square Foot Commercial Building and Construction of a Gas Station and 2,479-Square Foot Convenience Store with a Type 20 (Off-sale beer and wine) Alcohol License at 1275 W. San Bernardino Rd. (APN: 8434-004-013)  
Presented By: Megan Wu, Assistant Planner  
Recommendation: Staff recommends that the Planning Commission adopt Resolution No. 2022-013 PC to rescind approvals previously granted through the adoption of Resolution No 2020-030 PC for Conditional Use Permit 20-005 and Site Plan Review 20-009 by request of the applicant, Thomas Serna.

BACKGROUND:
The existing building was constructed in 1978 according to Los Angeles County Assessor’s data. The 7-Eleven has a current license from the Department of Alcoholic Beverage Control (ABC) to sell beer and wine (Type 20) and the license dates back to at least 1988 based on the agency’s records. In 1993, the Zoning Code definition was revised to define “Off-sale liquor establishment” to include Type 20 and 21 ABC licenses and therefore make them subject to current zoning regulations on alcohol (CMC Section 17.62.026).

On October 27, 2020, Planning Commission granted approval of Conditional Use Permit (CUP) 20-005 and Site Plan Review (SPR) 20-009 to allow the demolition of the existing 5,410-square foot commercial building and the construction of a gas station and a 2,479-square foot convenience store with a Type 20 (off-sale beer and wine) alcohol license on the subject 23,087-square foot lot.

On February 28, 2022, the Planning Division received a letter from the applicant of the previously mentioned CUP (Thomas Serna), stating that 7-Eleven has decided not to move forward with the demolition of the existing building as well as the construction of the new building. The existing uses will remain and no changes are proposed to the building or business operations. Therefore, this is a request for the Planning Commission to rescind the approval of CUP 20-005 and SPR 20-009.

PUBLIC HEARING NOTICE AND NOTIFICATION
The applicant was given a copy of the staff report with associated attachments. All property owners within a radius of 300 feet from the overall project site were mailed notices of the Planning Commission public hearing on June 14, 2022, at least ten (10) days before the hearing, as required by law. The San Gabriel Examiners newspaper published the public hearing notice on May 26, 2022.

CEQA (CALIFORNIA ENVIRONMENTAL QUALITY ACT):
Under Section 15301(a) of the California Environmental Quality Act (CEQA) Guidelines, the Planning staff has determined that the project proposal is categorically exempt from environmental review. This CEQA Section appertains to permitted, minor alterations of existing structures that involve negligible or no expansion of use
beyond that existing at the time of a lead agency’s original determination. The staff has no substantial evidence that the project will significantly affect the environment.

**ATTACHMENTS:**

EXHIBIT 1: Project Cancelation  
EXHIBIT 2: Resolution 2020-030 PC  
EXHIBIT 3 Resolution No. 2022-013 PC

Respectfully submitted,

[Signature]

Brian K. Lee  
Director of Community Development
February 28, 2022

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

Re: 7-Eleven - CUP 20-05 & SPR 20-09 – Project Cancellation Notice

City Official:

On October 27, 2020, 7-Eleven received approved Conditional Use Permit (CUP 20-05) and Site Plan Review (SPR 20-09) for the demolition of existing building and installation of new building, fuel system/canopy, with site improvements at our site location of 1275 W. San Bernardino Road, Covina CA. Since the issuance of the above-mentioned approvals, 7-Eleven has decided not to move forward with the demolition and construction of new building.

Therefore 7-Eleven, would like to provide this official notification that the approvals granted will no longer be required and request that approvals be closed out and responsibilities of the approval and Conditions of Approvals be voided.

If there is any additional information required, please feel free to contact me.

Sincerely,

Thomas Serna
Project Manager
Ph. # 909-467-8935
tserna@core-states.com
RESOLUTION NO. 2020-030PC


WHEREAS, Thomas Serna of Core Estates Group, the "Applicant," on behalf of the property owner, 7-Eleven Inc., has filed an application for approval of Conditional Use Permit (CUP) 20-05 and Site Plan Review (SPR) 20-09, a request to demolish an existing 5,410-square-foot commercial building and construct a gas station and a 2,479-square foot convenience store with a Type 20 (Off-sale Beer and Wine) alcohol license on an existing 23,087-square foot lot located at 1275 W. San Bernardino Road. In conjunction with the CUP, this is a request to issue a determination for Public Convenience and Necessity for the Type 20 alcohol license located at 1275 W. San Bernardino Road, Covina, CA 91722 (the "subject Property");

WHEREAS, the proposed project is on behalf of 7-Eleven, which has operated a convenience store at the subject Property since 1980 and has operated a legal non-conforming, liquor, off sale use pursuant to its Type 20 (Beer and Wine) license issued to the business by the California Department of Alcohol Beverage Control in 1988;

WHEREAS, the adoption of Ordinance No. Ord. 93-1748 amended CMC Section 17.04 (Definitions) to include Type 20 ABC license in the definition of “Liquor, off-sale” and amended CMC Chapter 17.44 (C-4 Commercial Zone – Highway) to move “Liquor, off-sale” from “Permitted Uses” into “Uses permitted subject to conditional use permit”;

WHEREAS, the proposed project includes demolition and other construction activities that would result in a period of inactivity of the retail use on-site for a period of more than 90 days, which may terminate any legal-conforming uses from continuing in the property;

WHEREAS, the applicant requests to continue to sell beer and wine in the new 7-Eleven convenience store a Type 20 ABC license and therefore, this request is subject to the provisions of CMC Section 17.62.026 (Sales – Uses permitted subject to conditional use permit – Liquor, on-sale and off-sale);

WHEREAS, with respect to liquor, off sale establishments, CMC Section 17.62.120(B) requires that the Planning Commission makes additional findings prior to approving the Conditional Use Permit, and specific findings for a determination of Public Convenience and Necessity if the use is subject to distance restrictions;

WHEREAS, the approval with conditions of Conditional Use Permit (CUP) 20-05,
including findings of public convenience and necessity permits liquor, off sale use on-site subject a Type 20 ABC license and permits a gas station subject to CMC Section (17.62.025 Uses permitted subject to conditional use permit – Automobile service stations in light manufacturing zone and commercial zones);

WHEREAS, on October 27, 2020, the Planning Commission conducted a public hearing on CUP 20-05 and SPR 20-09, at which time oral and written comments received prior to or at the meeting, together with a written recommendation from the Planning Division, were presented to the Planning Commission. The Planning Commission concluded said meeting on that date; and

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

NOW, THEREFORE, THE PLANNING COMMISSION 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. Based upon the entire record made available at the October 27, 2020 meeting, the staff report, the oral presentation, and related documents submitted to the Planning Commission prior to and at the meeting, the Planning Commission hereby finds and determines as follows:

A. **Findings for Conditional Use Permits for Gas Station and Liquor Sales Uses (CMC Section 17.62.120) and Additional Findings for Liquor Sales Use (CMC Section 17.62.026(B)(2))**

1. That the site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this title to adjust the use with land and uses in the neighborhood.

Facts: The proposed project complies with all required development standards (i.e. size, shape, setbacks, walls, fences, parking, loading, landscaping) applicable to gas stations. Compared to the existing development, the project significantly improves the site by adding landscaping, reducing the building footprint and bulk, providing more parking spaces, and increasing the retail capacity. The subject site is in the C-4 - Commercial Zone (Highway) and abutting commercial zoning within an established area characterized by commercial and retail uses that conforms well to surrounding neighborhood infrastructure and support services. Abutting the street frontages are sidewalks for pedestrians and within a block are stops for bus service. Per the CalGreen Code, 12 bicycle spaces are provided on-site.

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.
Facts: The site is located within an established area characterized by commercial, retail, and residential uses served by multimodal roadways and infrastructure. Abutting the street frontages are sidewalks for pedestrians and within a block are stops for bus service. Per the CalGreen Code, 12 bicycle spaces are provided on-site. The proposed site improvements will provide adequate ingress and egress to the subject site and improve path of travel, facilitating adequate vehicle maneuvering on-site and minimize idling/queuing on adjacent streets. A new 35-foot driveway access on North Lark Ellen Avenue alleviates the bottleneck that occurs on San Bernardino Road and reduces traffic impact of vehicles trying to approach the site's only ingress/egress.

3. The proposed use will have no adverse effects on the abutting properties or the permitted use thereof.

Fact: Compared to the existing development, the project significantly improves the site by adding landscaping, reducing the building footprint and bulk, providing more parking spaces, and increasing the retail capacity. Gas stations are subject to additional development standards and operations under CMC Section 17.62.025 (Automobile service stations in light manufacturing zone and commercial zones). The proposed use of self-service automobile service station is expressly allowed in the C-4 zone. The proposed operations do not include carwash or repair or replacement services. Setback requirements are 5 feet from interior property lines and 25 feet from the street. The project's closest interior property line setback is 6'-10" to the north and approximately 60 feet from North Lark Ellen Avenue. A total of 18 standard dimension parking spaces are provided above the required 12 spaces. Services and operations will be the same as the City's only other 7-Eleven convenience store with a gas station located at 1075 Grand Avenue. These include 24-hour operations for both gas station and retail portion along with a Type 20 ABC license to sell beer and wine.

The conditions from the Covina Police Department requires the use of cameras and availability of video footage, placement of exterior lighting, and when applicable, the presence of unarmed security personnel on-site. Furthermore, the owners, operators, or managers of 7-Eleven must submit a plan to monitor the areas around the trash enclosure and a lighting plan during hours of darkness.

4. That the conditions stated in the decision are deemed necessary to protect the public health, safety and general welfare. Such conditions include: regulation of use; special yards, spaces, and buffers; fences and walls; surfacing or parking areas subject to City specifications; requiring street, service road or alley dedications and improvements or appropriate bonds; regulation of points of vehicular ingress and egress; regulation of signs; requiring landscaping and maintenance thereof; requiring maintenance of grounds; regulation of notice, vibration, odors, etc.; regulation of time for certain activities; time period within which the proposed use shall be developed; duration of use; and such other
conditions as will make possible the development of the City in an orderly and efficient manner and conformity with the intent and purposes set forth in CMC Title 17:

Fact: The proposed use and operation of a gas station is subject to additional and specific standards in the Zoning Code. Gas stations are subject to additional development standards and operations under CMC Section 17.62.025 (Automobile service stations in light manufacturing zone and commercial zones). The proposed use of self-service automobile service station is expressly allowed in the C-4 zone. The proposed operations do not include carwash or repair or replacement services. Setback requirements are 5 feet from interior property lines and 25 feet from the street. The project’s closest interior property line setback is 6′-10” to the north and approximately 60 feet from North Lark Ellen Avenue. Services and operations will be the same as the City’s only other 7-Eleven convenience store with a gas station located at 1075 Grand Avenue. These include 24-hour operations for both gas station and retail portion along with a Type 20 ABC license to sell beer and wine. The proposed project includes conditions of approvals from the departments of Building, Public Works, Police, and Fire. The conditions of approval of this CUP would provide the City with adequate safeguards for preventing problems with the proposed use.

5. With respect to liquor, off-sale establishments, that the requested use does not fall within 700 feet, measured as a pedestrian travels, from a place used exclusively for religious worship, school, park, playground, residential or any similar sensitive use, subject to the following: That the Planning Commission may find that the public convenience and necessity for the proposed use outweigh the foregoing distance restrictions, upon additional findings that: (A) The immediate neighborhood requires and needs such services; and (B) Not greater than five percent of the sales floor area or 1,000 square feet, whichever is less, shall be used for the display or sale of alcoholic beverages.

Fact: Within 700 feet of the proposed use include The Church of Jesus Christ of Latter-Day Saints, Covina Church of Christ, Las Palmas Middle School, and 105 residential parcels. City records show that for more than 30 years, the existing 7-Eleven has continuously served as a neighborhood convenience store providing the surrounding residential and medical office area close access to household and personal goods and products, food, and beverages that include beer and wine with a Type 20 (Beer and Wine) ABC license. The immediate neighborhood requires and needs the continuation of the sale of beer and wine for consumption off the premises. Additionally, the convenience store’s proposed operation will restrict display and storage of alcohol to less than 5% of the sales floor area. Therefore, public convenience and necessity for the proposed liquor, off-sale use outweighs the distance restrictions to sensitive uses.
6. With respect to liquor, off-sale establishments, that the requested use does not fall within 700 feet, measured as a pedestrian travels, from the proposed use to the property line of an existing liquor, off-sale use, subject to the following: That the Planning Commission may find that the public convenience and necessity for the proposed use outweigh the foregoing distance restrictions, upon additional findings that: (A) The immediate neighborhood requires and needs such services; (B) Not greater than five percent of the sales floor area or 1,000 square feet, whichever is less, shall be used for the display or sale of alcoholic beverages.

Fact: City records do not show that the proposed use lies within 700 feet of any property with an existing off-sale retail license (Type 20 or 21). The closest properties with existing off-sale retail license are located at 401 N. Azusa Boulevard and 1665 W. San Bernardino Road, more than 2,000 feet from the proposed liquor, off sale use. In meeting the proposed use is not subject to this distance restriction, no additional finding is required.

7. With respect to liquor, off-sale establishments, that the requested use at the proposed location will not adversely affect the economic welfare of the nearby community.

Fact: The community is located in the southwestern portion of the City adjacent to West Covina. The request is in conjunction with a project by 7-Eleven and the site’s property owners that invests in the economic welfare of the community centered on North Lark Ellen Avenue and West San Bernardino Road by proposing to construct new buildings that accommodates additional services. Compared to the existing development, the project significantly improves the site by adding landscaping, reducing the building footprint and bulk, providing more parking spaces, and increasing retail capacity. It is not considered a blighted area and experiences a normal turnover of commercial activity and recent construction of new residential developments. The request enables 7-Eleven to continue to provide retail options, employment opportunities, respond to growth, and contribute to taxable sales while conditions of approval reduces or eliminate potential adverse impacts.

8. With respect to liquor, off-sale establishments, that the exterior appearance of the structure of the proposed use will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight or deterioration, or substantially diminish or impair the property values within the neighborhood.

Fact: The request is in conjunction with a project by 7-Eleven and the site’s property owners that improves the physical and operational conditions of the 0.53-acre property. The project significantly improves the site by adding landscaping, reducing the building footprint and bulk, providing more parking spaces, and increasing retail capacity. No new significant construction of commercial structures are underway in the area. This project by 7-Eleven and the site’s property owners are one of the few in the area that would construct new commercial buildings and improvements. The proposed one-story retail
building 21 feet in height and the canopy over the fuel pump is 17.5 feet in height. A focused palette of earth-toned colors and a motif of stone veneer ornamentation are applied on the site's major structures – the building, canopy, and trash enclosure. The retail building achieves objectives of the Covina Design Guidelines with variegating and crenelated rooflines, generous and clear fenestration, and multi-hued and multi-textured building surface. Any effects to adjoining properties are reduced by downward exterior lighting, secured trash enclosure, and six-foot CMU property line walls. Conditions of approval from the Covina Police Department requires the use of cameras and availability of video footage, placement of exterior lighting, and when applicable, the presence of unarmed security personnel on-site. Furthermore, the owners, operators, or managers of 7-Eleven must submit a plan to monitor the areas around the trash enclosure and a lighting plan during hours of darkness. With a generous provision of landscaping that includes nine trees along the street frontages, the site's design contributes to a positive image of the city.

B. **Findings for Site Plan Review (CMC Section 17.64.070)**

1. All provisions of CMC Title 17 are complied with and the following are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, and there will be no adverse effect to surrounding properties: buildings, structures and improvements; vehicle ingress, egress and internal circulation; setbacks; building height; location of service; walls; and landscape materials.

   Fact: The subject site is in the C-4 - Commercial Zone (Highway) surrounded by commercial zoning on all sides within an established area characterized by commercial and retail uses that conforms well to surrounding neighborhood infrastructure and support services. Abutting the street frontages are sidewalks for pedestrians and within a block are stops for bus service. Per the CalGreen Code, 12 bicycle spaces are provided on-site. The proposed project complies with all required development standards (i.e. size, shape, setbacks, walls, fences, parking, loading, landscaping) for the proposed uses of retail store with a Type 20 ABC license and a gas station. Compared to the existing development, the project significantly improves the site by adding landscaping, reducing the building footprint and bulk, providing more parking spaces, and increasing the retail capacity.

2. The project design conforms to the general plan, the design guidelines, transportation demand management regulations, and any specific plans or guidelines applicable to the project;

   Fact: The proposed scope of work is consistent and conforms to the City of Covina's General Plan Goals, Objective No. 4 "Economic and social vitality in all areas of the community", by implementing Policy No. 1 to attract a greater variety of commercial retail and office uses to provide for shopping, eating, service, administrative, and other needs of Covina and area residents, to enhance the community's image, and to bolster economic development efforts.
The proposed design offers a focused palette of earth-toned colors and a motif of stone veneer ornamentation are applied on the site’s major structures – the building, canopy, and trash enclosure. The retail building achieves objectives of the Covina Design Guidelines with variegating and crenelated rooflines, generous and clear fenestration, and multi-hued and multi-textured building surface. The site is not included in any specific plans or subject to transportation demand regulations. As such, the proposed scope of work satisfies all applicable guidelines to the project. as outlined under the CMC Title 17 Zoning, the Covina Design Guidelines, and General Plan.

3. The project design is harmonious, consistent and complete within itself and functionally and visually compatible with neighboring structures and the area in which it is located;

Fact: The subject site is located within the C-4 - Commercial Zone (Highway) zone surrounded by commercial zoning on all sides within an established area characterized by commercial and retail uses that conforms well to surrounding neighborhood infrastructure and support services. Proposed improvements to the site are aesthetically pleasing, functional, visually compatible with neighboring structures and the area within which it is proposed to be located, and in compliance with the Covina Design Guidelines.

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

Fact: The proposed one-story retail building 21 feet in height and the canopy over the fuel pump is 17.5 feet in height. A focused palette of earth-toned colors and a motif of stone veneer ornamentation are applied on the site’s major structures – the building, canopy, and trash enclosure. The retail building achieves objectives of the Covina Design Guidelines with variegating and crenelated rooflines, generous and clear fenestration, and multi-hued and multi-textured building surface. Any effects to adjoining properties are reduced by downward exterior lighting, secured trash enclosure, and six-foot CMU property line walls. Conditions of approval from the Covina Police Department requires the use of cameras and availability of video footage, placement of exterior lighting, and when applicable, the presence of unarmed security personnel on-site. Furthermore, the owners, operators, or managers of 7-Eleven must submit a plan to monitor the areas around the trash enclosure and a lighting plan during hours of darkness. With a generous provision of landscaping that includes nine trees along the street frontages, the site’s design contributes to a positive image of the city.

5. Proposed lighting is so arranged as to reflect lighting away from adjoining properties;

Fact: Exterior lighting is provided on all four building elevations to enhance security. Exterior lighting conforms to the Zoning Code requirements that all light fixtures shall be hooded so as to prevent the reflection of lights on abutting
property. A lighting plan will be submitted for review for compliance with the applicable safety, security, and design related provisions of the Zoning Code and Design Guidelines as a condition of approval.

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

Fact: Any proposed signage is not a part of this review and approval. As a condition of approval, a separate sign permit application and related plans will be required showing compliance with CMC Chapter 17.74 (Signs in Commercial Zones).

7. Utility and street improvements pursuant to CMC Sections 17.64.120 and 17.64.130.

Fact: The applicant will be required to comply with utility and/or street improvements required by the Department of Public Works (Engineering, Traffic, and Environmental Services).

SECTION 3. The Planning Commission, based on its own independent judgement, has determined that this Project will not have the potential for causing a significant effect on the environment. Therefore, it has been determined that the proposed project would be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with Section 15303 of the CEQA Guidelines (Class 3 Exemption). As such, the Planning Commission finds that there is no substantial evidence that the project will have a significant effect on the environment.

SECTION 4. Based upon findings and conclusion set forth in Sections 1, 2 and 3 above, the Planning Commission hereby:

A. Approves Conditional Use Permit (CUP) 20-05 and Site Plan Review (SPR) 20-09, subject to the conditions of approval set forth in the written record before the Commission incorporated here and attached hereto as Exhibit “A.”

B. Recommends that the City Council make a determination of Public Convenience and Necessity (PCN) for the sale of beer and wine for consumption off the premises where sold (Type 20 alcohol license) on the subject Property.

C. Directs the Secretary of the Planning Commission to serve, by first-class mail, a written notice of this decision to the Applicant within five (5) days.

SECTION 5. This Resolution shall become effective immediately upon its adoption, subject to a 10 calendar-day appeal period.
PASSED AND ADOPTED by the members of the Planning Commission of the City of Covina at a regular meeting thereof held on the 27th day of October, 2020.

CHARLES HODAPP, CHAIRMAN
CITY OF COVINA PLANNING COMMISSION

I hereby certify that the foregoing is a true copy of a resolution adopted by the Planning Commission of the City of Covina at a regular meeting thereof held on the 27th day of October, 2020, by the following vote of the Planning Commission:

AYES:    HODAPP, CONNORS, MANNING, MCMEEKIN, ZERMENO
NOES:    NONE
ABSENT:  NONE
ABSTAIN: NONE

COVINA PLANNING COMMISSION SECRETARY
The Conditional Use Permit (CUP) 20-05 and Site Plan Review (SPR) 20-09 shall allow for the demolition of existing improvements and construction of a 2,479-square-foot convenience store with a Type 20 (Off-sale Beer and Wine) alcohol with the finding of public convenience and necessity and a gas station on an existing 23,087-square foot lot located at 1275 W. San Bernardino Road, Covina, CA 91722.

ALL OF THE FOLLOWING CONDITIONS APPLY TO THE PROJECT

A. TIME LIMITS:
   1. Conditional Use Permit (CUP) 20-05 and Site Plan Review (SPR) 20-09: Approval of this application will expire two years from the date of Project approval if building permits are not issued unless otherwise extended pursuant to applicable laws. The applicant may apply to extend the expiration date for a maximum period of one year upon written request to the Director of Community Development a minimum of thirty (30) days prior to expiration. The request must be approved by the Planning Commission prior to expiration of the approved CUP and SPR applications.

B. GENERAL REQUIREMENTS:
   1. This approval is for the demolition of existing improvements and construction of a 2,479-square-foot convenience store with a Type 20 (Off-sale Beer and Wine) alcohol with the finding of public convenience and necessity and a gas station on an existing 23,087-square foot lot located at 1275 W. San Bernardino Road, Covina, CA 91722.

   2. This approval will not be effective for any purposes until the Applicant has filed with the Planning Division an affidavit stating that it is aware of and agrees to accept all of the conditions of this approval as set forth herein and within 10 days from the date of this approval.

   3. 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.

4. 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 Condition are to be paid by the Applicant as they are incurred. Applicant’s obligations to indemnify under this Condition shall include the obligation of the Applicant to defend City with legal counsel of City’s own choosing.

11. The Applicant shall reimburse the City for all fees and costs for special review of these applications by both (i) the City’s retained planning, engineering, and related consultants and (ii) the Covina City Attorney’s Office through a revised executed Reimbursement Agreement, prior to submittal of plan check. Such special review includes, but is not limited to, review of the Project’s compliance with conditions of approval, environmental mitigation monitoring, plan check process, review of CC&Rs, etc.

13. The Project Site and all improvements thereon, including landscaping, must be maintained in a sound, healthy, and attractive condition reasonably free of weeds, visible deterioration, graffiti, debris and/or other conditions that violate the Covina Municipal Code.

14. 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 hereunder or any provision of the Covina Municipal Code must be paid by the applicant.

15. Approval of the CUP and SPR applications shall not waive the applicant’s obligation for compliance with all other applicable sections of the Covina Municipal Code, the Covina Design Guidelines, Town Center Specific Plan and all other applicable plans.

16. Non-residential (commercial, office or industrial) development impact fees for the Project shall be paid, prior to the issuance of any permits for the Project. Development Impact Fees apply where new square footage is created in commercial and industrial developments. The Applicant shall contact the Director or his designee for calculation of the development impact fee, prior to issuance of any permits for the Project. The project does not propose new building floor area.

C. SITE DEVELOPMENT

1. The Project Site shall be developed and maintained in accordance the 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.
2. Final plans incorporating all conditions of approval and any plan-related changes required in the approval process shall be submitted for the Director or his designee for review and approval, prior to submittal for Plan Check process.

3. Copies of the signed Resolution No. 2020-030PC shall be included on the plans (full size) for submittal of plan check. The full size sheet(s) are for information only to all parties involved in the construction/grading activities and are not required to be wet sealed/stamped by a licensed Engineer/Architect.

4. 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 Director or his designee for review and approval, prior to or during the subsequent Plan Check process.

5. Equipment such as but not limited electrical box must be designed to be architecturally integrated with the building design.

6. All site, precise grading landscape, and irrigation, and street improvement-plans shall be coordinated for consistency, prior to issuance of any building permits for production units.

7. All ground mounted utility appurtenances such as transformers, AC condensers, etc. shall be adequately screened using a combination of concrete or masonry walls, and or landscaping to the reasonable satisfaction of the Director or his/her designee.

8. The Applicant shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes. The final placement of the mailboxes shall be subject to Director or his/her designee for review and approval, prior to issuance of certificates of occupancy.

9. During construction and following Project completion, all grading and all exterior drainage on the Project Site shall conform to all applicable requirements of the Public Works Department.

10. A complete exterior lighting plan, including photometric printout, shall be submitted for review and approval, prior to issuance of building permits for any production units. The plan shall illustrate light fixture features, locations, height, and the compliance with applicable City Code provisions on illumination, design, and lighting orientation/glare prevention and the minimum one-foot candle standard where applicable.

11. All building and site improvements along with landscaping and irrigation must be installed in accordance with approved plans and information on file with the Planning, Building, and Engineering Divisions, and the irrigation systems must be fully operational upon issuance of certificates of occupancy for production units. Furthermore, during construction, all on-site landscaped areas must be maintained reasonably free of weeds and debris.

12. The Project Site must be clean and reasonably free of trash and construction debris, and all construction equipment must be removed from the Project Site prior to issuance of the last certificate of occupancy for the production units.
D. CONSTRUCTION MITIGATION/MANAGEMENT PLAN

1. All construction must comply with the below-noted construction mitigation plan and the City Noise Ordinance.

2. The Applicant shall prepare a construction mitigation plan to mitigate noise as well as other construction-related impacts. This construction mitigation plan is in addition to the public noticing program for residential construction projects required by the City’s Building and Safety Division. The construction-related activities shall conform to the following requirements that address potential noise and other construction-related impacts:
   
a. The construction mitigation plan shall address the following areas: 1) site supervision, 2) construction access and schedule, 3) delivery/haul route and traffic control, 4) material storage and staging, 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 and security measures.
   
b. Construction-related activities, including grading activities, shall be prohibited between 6:00 pm and 7:00 am on Monday through Friday and between 5:00 pm and 8:00 am on Saturday and all day on Sundays and Holidays (except by special permit).
   
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 help assure that no additional significant noise, due to worn or improperly maintained parts, would be generated.
   
d. The Applicant and/or his/her 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 feasible.
   
e. Loud noise generating activities such as crushing concrete pavement will be restricted to 7:00 am – 6:00 pm on Monday through Friday. Signs (multiple) shall be posted on site stating the days and hours of construction allowed, prohibiting “drinking, loitering and music” at all times, and including phone listings for community concerns.
   
f. View-obscuring construction fencing shall be provided around the entire Project Site. Construction entries shall have gates with view-obscuring material.
   
g. Comply with SWPPP. Provide contact information for Qualified Storm Water Practitioner (QSP) and Qualified Storm Water Developer (QSD).

3. 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 500 feet of the Project Site of the general parameters of the impending grading and construction activities.

4. The approved construction mitigation/management plan shall be distributed to all contractors and subcontractors, and shall be maintained on-site through the duration of construction.

E. BUILDING AND SAFETY DIVISION

1. Submit 8 sets of complete plans including any proposed utilities and earthwork/grading. The Project must comply with the 2019 California Building Codes and 2019 Energy code.
2. 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.

3. This Project must comply with applicable Federal and State Accessibility requirements to and throughout the buildings. Include compliance methods and structural details on the plans.

4. If applicable, demolition 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 applicable 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 the relevant permit application for all demolition activities. Contact the SCAQMD at the address or number below for more information. Once any demolition activity has adhered to the applicable notification requirements to the SCAQMD, a formal demolition plan and permit must be obtained from the Building and Safety Division.

   o SCAQMD Headquarters; 21865 Copley Drive, Diamond Bar, CA, (909) 396-2381

5. The Applicant shall pay the applicable SB 50 development impact fees to the School District prior to issuance of the first building permit for production units.

6. Construction activity within 500' of a residential zone is prohibited between the hours of 6:00 pm and 7:00 am on Monday through Friday and between 5 pm and 8 am on Saturday and all day on Sunday and Holidays unless otherwise permitted.

F. PUBLIC WORKS - ENGINEERING DIVISION

1. Prior to issuance of any permits, the applicant shall submit a Precise Grading Plan for the project showing building footprints, pad elevations, finished grades, drainage routes, retaining walls, erosion control measures, and other pertinent information in accordance with Appendix J of the California Building Code, latest edition for review and approval of the City Engineer.

2. The applicant shall submit a Soils and Geologic Report to the satisfaction of the City Engineer.

3. Prior to the issuance of a Grading Permit, the applicant shall submit a temporary erosion control plan to the satisfaction of the City Engineer. The erosion control shall be installed and operable at all times.

4. The Applicant shall provide drainage improvements to carry runoff of storm water in the area proposed to be developed, and for contributing drainage from adjoining properties to the reasonable satisfaction of the City Engineer and in accordance with all applicable federal, state and local laws and regulations and City's Subdivision Ordinance (CMC Chapter 16). The proposed drainage improvements shall be based on a detailed hydrology study conforming to the current Los Angeles County Methodology. The proposed on-site storm drain improvements shall be privately maintained by each property owner.

5. The Applicant shall install sewer improvements for the proposed Project in accordance with City Standards and to the satisfaction of the City Engineer.
6. The Applicant shall install water improvements for the proposed Project in accordance with City Standards and to the satisfaction of the City Engineer.

7. The Applicant shall obtain a Demolition Permit from the Building and Safety Department prior to removing any existing structure on the property.

8. Improvement Plans and Construction:
   a. The applicant shall obtain a public works permit for all work in or adjacent to the public right-of-way (ROW). All work within the public ROW shall be in accordance with applicable standards of the City of Covina, i.e. Standard Specifications for Public Works Construction (Green Book), and the Work Area Traffic Control Handbook (WATCH), and further that construction equipment ingress and egress be controlled by a plan approved by the City Engineer.
   b. Access ramps for the disabled shall be installed on all corners of intersections per City Standards or as directed by the City Engineer or his/her designee in accordance with applicable federal, state and local laws and regulation and City’s Subdivision Ordinance (CMC Chapter 16).
   c. Existing City roads requiring construction shall remain open to traffic at all times with adequate detours during construction. Street or lane closure permits are required.

G. PUBLIC WORKS – ENVIRONMENTAL SERVICES DIVISION

1. LID – Project qualifies as a Low Impact Development. Storm water capture will be required.

2. C&D – 75% of construction and demolition debris must be recycled, per City Ordinance No. 18-03. Forms and a security deposit will be required.

H. LOS ANGELES COUNTY FIRE DEPARTMENT – FIRE PREVENTION DIVISION

1. Comply with Los Angeles County Fire Department Codes and Regulations.

I. COVINA POLICE DEPARTMENT

1. Applicant shall install ALPR camera in accordance with Covina Police Department systems. Applicant will coordinate with Covina Police Department.

2. When applicable, the owner or operator shall contract with a security company for security personnel or hire security personnel as employees.
   a. If the owner or operator chooses to hire a security company, the security company must be licensed to operate in both the State of California and the City of Covina. Additionally, all employees who are assigned to work the premises must be licensed by the State of California as security guards and be in good standing throughout their time of employment.
   b. In the event the owner or operator or manager provide their own security personnel, all personnel must be employed only as security personnel and not have other responsibilities while acting in that capacity. Additionally, all employees acting as security personnel must be licensed and in good standing with the State of California through their time of employment.
3. At no time will any security personnel, whether employed by a private company or licensed by the City or employed by the establishment, be armed with any type of firearm.

4. Parking lot light fixtures and wall mounted light fixtures shall be of LED. Detailed plans to show compliance shall be submitted to Police Department and Planning Division for review and approval, prior to issuance of permit and prior to installation. The condition of approval shall be accomplished on or before opening.

5. Wayfinding signage shall be provided and submitted to Police Department and Planning Division for review and approval. Wayfinding signage shall have lighting as well. The condition of approval shall be accomplished on or before opening.

6. Signage stating vehicle code is enforceable must be posted at all entrances so that guests/visitors are aware of what will be enforced on the property. Police Department to review signage. The condition of approval shall be accomplished on or before opening.

7. The owners, operators, managers and all employees shall adhere to and obey all State laws and City ordinances relating to the service, consumption and possession of alcoholic beverages. Any violations of State laws or City ordinance will be presented to the District Attorney's office for prosecution and will be grounds for revocation or modification of this permit.

8. The permittee and the operator of any business at the premises shall install, use, and maintain in good working condition a video security system capable of viewing and recording events at the premises as approved by the Chief of Police. The video security system shall be on and operating at all times by common areas, development entrances and exits, and parking areas. The video security system shall be of such to provide images of such a resolution as to clearly identify individuals for later identification. Security systems could deter and prevent public nuisances. Installation and approval shall occur prior to the release of the occupancy or approval of business license.

9. The permittee and the operator of any business at the premises shall ensure that at least one employee or other person is present on the premises during normal business hours with the necessary knowledge and skill to operate the video security system so that he or she is able to provide the Covina Police Department copies of video recordings immediately upon request.

10. The permittee and the operator of any business at the premises shall preserve the video security system’s recorded information of each business day for a period of not less than ten (10) business days thereafter for the Covina Police Department’s review in connection with a criminal or other investigation.

11. The owners, operators, management staff, and employees shall allow for the inspection of the premises by members of the Covina Police Department at any time when there are employees present inside the location.

12. The owners, operators, or managers shall, subject to approval of the Police Department, develop a plan to monitor the area surrounding the location for trash and other discarded items that impact public health and to maintain the cleanliness of the parking lots, sidewalks, and the property of adjacent business owners.
13. The owners, operators, or managers shall, subject to approval of the Police Department, develop a plan to ensure that all exterior locations are adequately and safely illuminated during hours of darkness. Wall packs shall be provided and identified on the north exterior elevation. Wall mounted light fixtures (LED) should be included.

14. The owners, operators, or managers shall ensure that all occupancy levels mandated by the Los Angeles County Fire Department and the Covina Building Division are strictly enforced and adhered to. At any time that the occupancy is in question, the Police Department Watch Commander can contact the Los Angeles County Fire Department and/or the Covina Building Division in order to determine if the occupancy level is over the allowed number of occupants.

15. The owners, operators, or managers must comply with all City codes and ordinances relating to police response and abatement nuisance conditions.

16. All landscaping should follow the two-foot six-foot rule. All landscaping should be ground cover, two feet or less and lower tree canopies should be at six feet. This increases natural surveillance and eliminates hiding areas within landscaping. Tree canopies should not interfere with or block the lighting along sidewalks or parking lots. This creates shadows and areas of concealment. Planters will use plant species with limited growth. This is to ensure that maintenance does not become an issue and surveillance from the building is maintained.

END OF CONDITIONS

WHEREAS, on February 28, 2022, Thomas Serna (“Applicant”) filed a request for the Planning Commission’s rescission of its approval of Conditional Use Permit (CUP) 20-005 and Site Plan Review (SPR) 20-009, which allowed for the demolition of an existing 5,410 square foot commercial building and the construction of a gas station and 2,479 square foot convenience store with off-sale alcohol located at 1275 West San Bernardino Road; and

WHEREAS, on June 14, 2022, the Planning Commission conducted a duly noticed public hearing at which time oral and written comments received prior to or at the public hearing together with a written recommendation from the Planning Division was presented to the Planning Commission. The Planning Commission concluded said hearing on that date; and

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

NOW, THEREFORE, THE PLANNING COMMISSION 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. Based upon the entire record made available at the June 14, 2022, public hearing, the staff report, the oral presentation, and related documents submitted to the Planning Commission prior to and at the public hearing, the Planning Commission hereby finds and determines as follows:

A. The Applicant has filed a request for the Planning Commission’s rescission of CUP 20-005 and SPR 20-009.

B. The Planning Commission, after proper notice thereof, duly held a public hearing on the application to rescind CUP 20-005 and SPR 20-009, as provided by law.

C. The proposed action to rescind CUP 20-005 and SPR 20-009 and the conditions under which it operated will not be detrimental to the public health, safety, or welfare, or be materially injurious to properties or improvements in the vicinity in that:
a. The commercial building will continue to operate as is and no expansion is proposed.

b. Future sale of alcohol or building expansions shall require a public hearing and approval of a new Conditional Use Permit and Site Plan Review.

D. The proposed action to rescind Conditional Use Permit 20-005 and Site Plan Review 20-009 will comply with all applicable provisions of the Covina Zoning Ordinance.

SECTION 3. The Planning Commission, based on its own independent judgment, has determined that this project is categorically exempt pursuant to CEQA Guidelines Section 15301(a). The Project consists of rescinding the Planning Commission’s approval of Conditional Use Permit (CUP) 20-005 and Site Plan Review (SPR) 20-009, which allowed for the demolition of an existing 5,410 square foot commercial building and the construction of a gas station and 2,479 square foot convenience store with off-sale alcohol located at 1275 West San Bernardino Road (APN: 8434-004-013). The commercial building will continue to operate as is and no expansion is proposed. The Planning Commission further finds that there is no substantial evidence that the Project will have a significant effect on the environment.

SECTION 4. Based upon the conclusion set forth in Sections 1, 2, and 3 above, the Planning Commission hereby:

A. Rescinds its approval of Conditional Use Permit (CUP) 20-005 and Site Plan Review (SPR) 20-009, upon the Applicant’s request, and the existing use shall remain and operate as is with no changes or expansions.

B. Directs the Secretary of the Planning Commission to serve, by first-class mail, a written notice of this decision to the Applicant within five (5) days.

SECTION 5. This Resolution shall become effective immediately upon its adoption, subject to a 10 calendar-day appeal period

PASSED AND ADOPTED by the members of the Planning Commission of the City of Covina at a regular meeting thereof held on the 14th day of June, 2022.

JOHN CONNORS, CHAIRMAN
CITY OF COVINA PLANNING COMMISSION

I hereby certify that the foregoing is a true copy of a resolution adopted by the Planning Commission of the City of Covina at a regular meeting thereof held on the 14th day of June, 2022, by the following vote of the Planning Commission:

AYES:  
NOES:  
ABSENT:  

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ABSTAIN:

COVINA PLANNING COMMISSION SECRETARY