

**EXHIBIT "E"**  
**RESOLUTION NO. 16-XXXX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, APPROVING SITE PLAN REVIEW (SPR) 16-023 FOR THE CONSTRUCTION OF 117 FOR-SALE TOWNHOUSE UNITS WITH PRIVATE DRIVE AISLES, RECREATION FACILITIES AND COMMON OPEN SPACE AREA, FOR PROPERTY GENERALLY LOCATED AT 1162 NORTH CITRUS AVENUE AND 117 EAST COVINA BOULEVARD (APN 8406-019-019, 8406-019-020 AND 8406-09-017)**

WHEREAS, MLC Holdings, Inc. ("MLC") has an equitable interest in the real properties located at 1162 N. Citrus Avenue (APN 8406-019-019 and 020), and at 117 E. Covina Boulevard (APN 8406-019-017) (collectively, the project site). The project site is comprised of 3 parcels and is approximately 10.66 acres in size. Two parcels contain the former K-Mart building and parking area, which has been vacant since December 2014, while the third parcel is an existing residential like structure and is currently used for a day care center.

WHEREAS, in January 2016, City of Covina ("COVINA"), Foothill Transit ("FT") and MLC have been working to consider jointly developing the project site into a iTEC Transit Oriented Mixed-Use development consisting of three components with a residential use, a transit/civic use and a public/civic use ("Project"). MLC proposes to develop the residential use on approximately 6.12 acres consisting of 117 for-sale townhouse units with private drive aisles, recreation facilities and common open spaces areas. FOOTHILL TRANSIT proposes to develop the transit/civic use on approximately 2.99 acres consisting of a transit center with up to 6 bus-bays plaza, a park and ride facility with a 3-level parking structure that may accommodate between 350 and 400 vehicles and a 4,800 square feet building for retail use. COVINA proposes to develop the public/civic use on approximately 1.55 acres consisting of a potential menu of civic-oriented uses including approximately 10,000 square feet of civic event center space, approximately 5,000 to 10,000 square feet of professional office space, or approximately 10,000 to 15,000 square feet of a senior/community center with surface parking area.

WHEREAS, the Project necessitates the following land use discretionary entitlements:

a. A General Plan Amendment (GPA) 16-001 to amend the Land Use Map changing the land use designation for the 10.66-acre project site from the "General Commercial (GC)" designation to the "Covina Forward Specific Plan (CFSP)" with 6.12 acres for "High Density Residential (HDR - 15 to 22 dwelling units per acre)" and 4.54 acres for "General Commercial (GC)."

b. A Covina Forward Specific Plan (SP) 16-001 to establish the "Covina Forward Specific Plan (CFSP)" with 6.12 acres for "CFSP - RD (Multi-Family)" and 4.54 acres for "CFSP - I (Institutional Use/Zone)"; and to establish special development standards and design guidelines for facilitating the proposed iTEC Transit Oriented Mixed-Use development.

c. A Zone Change (ZCH) 16-002 to amend the Official Zoning Map changing the zoning designation for 10.66-acre project site from the "C-3A Commercial Zone (Regional or

Community Shopping Center)” and “CR Commercial Zone (Recreation)” to the “Covina Forward Specific Plan (CFSP)” with 6.12 acres for “CFSP-RD (Multi-Family)” and 4.54 acres for “CFSP-I (Institutional Use/Zone).”

d. A Vesting Tentative Tract Map (TTM) 74512 for dividing the 10.66-acre project site into 23 lots with 21 lots and 12 letters lots on approximately 6.12 acres for the residential development of 117 for-sale townhouse units, private drive aisles, recreation facilities and common open space areas; and, 2 lots (lots 22 and 23) on approximately 4.54 acres for public/transit and public/civic uses.

e. A Site Plan Review (SPR) 16-023 for the construction of 117 for-sale townhouse units with private drive aisles, recreation facilities and common open space area.

f. A Site Plan Review (SPR) 16-033 for the construction of a transit center up to a six-bay bus plaza, a “Park and Ride” vehicle parking structure accommodating between 350 and 400 vehicles, and a retail building of up to 4,800 square feet.

g. A Development Agreement (DA) 16-001 between MLC and COVINA where MLC shall convey 1.11 acres of the project site to COVINA, a parkland conveyance of 0.351 acres of the project site to COVINA and the development of 117 for-sale townhouse units with private drive aisles, recreation facilities and common open spaces area on approximately 6.12 acres.

WHEREAS, in April and through November 2016, COVINA began a robust community outreach program to solicit neighborhood and community inputs and comments regarding the proposed Project. The purpose of the community outreach is to obtain feedback from the neighborhood and community/civic groups so as to address issues and/or concerns early in the development concepts stage of the Project. The community outreach program included contacting residents in the neighborhood in person (one-on-one) and distributing Project information and soliciting input with follow-up contacts for Project updates. In addition to the adjacent residential neighborhood, the community outreach program contacted the adjacent businesses, the larger Covina business community, civic and community groups such as the Covina Chamber of Commerce, Covina Rotary Club, Sunrise Rotary Club, Downtown Covina Merchants Association and the Covina Lions Club, public agencies and quasi-public agencies such as East San Gabriel Valley Council of Governments Planning Technical Advisory Committee, Los Angeles County Metropolitan Authority, Citrus Valley Health Partners, Mt. San Antonio College and Covina Valley Unified School District. The outreach included a combination of large group presentations and one-on-one meetings with organization representatives. Lastly, the community outreach program included the traditional “print media” such as project flyers, public notices and FAQ brochures. A Project-specific website was created and consistently updated as the Project design evolved, based on the community input.

WHEREAS, on February 16, 2016 and on July 19, 2016, the City Council of the City of Covina conducted the study sessions to review the development concepts of the Project and to provide directions to staff. Both Study Sessions were opened to the general public and the immediate neighborhood was invited to attend.

WHEREAS, on September 10, 2016, a community workshop was held at the project site specifically geared toward the adjacent residents with various Project representatives available to provide Project information to the public and to answer specific questions. More than 60

community members were present at the community workshop and engaged in discussion about the Project, sharing both concerns and praises for the Project.

WHEREAS, on September 13, 2016, the Planning Commission conducted a Study Session on the Project. There were five speakers, who presented their views on the Project.

WHEREAS, the Project is considered a “project” as defined by the California Environmental Quality Act, Public Resources Code § 21000 *et seq.* (“CEQA”). Pursuant to the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines, 14 Cal. Code Regs., § 15000, *et Seq.*, the City staff determined that an Environmental Impact Report (EIR) was necessary to evaluate the potential environmental effects of the Project. A Notice of Preparation (NOP) was published in the San Gabriel Valley Tribune on May 11, 2016 for the 30-day review period, and was posted at the Los Angeles County Registrar Office and COVINA City Clerk’s office and was distributed to the State Clearinghouse, agencies, organizations, and interested parties. Input was received during this period from public agencies and the general public regarding the environmental issues and concerns related to the Project. The City received four comment letters in response to the NOP.

WHEREAS, the City subsequently contracted for the independent preparation of a Draft Environmental Impact Report (the Draft EIR) for the Project, including all necessary technical studies and reports in support of the Draft EIR.

WHEREAS, in September 2016, the Draft EIR was completed for the Project. In accordance with CEQA and the State CEQA Guidelines, the Draft EIR fully analyzed and disclosed the Project’s potential impacts on the environment, proposed mitigation measures where appropriate to reduce potentially significant impacts to the extent possible, and evaluated potential alternatives to the Project.

WHEREAS, the Draft EIR identifies that the Project would result in no impact or less than significant impacts in the following environmental impact categories: agricultural and forestry resources, greenhouse gas emissions, hydrology and water quality, land use and planning, mineral resources, population and housing, recreation, transportation and traffic, and utilities and service systems. With the incorporation of mitigation measures identified in the Draft EIR, the potentially significant impacts of the Project in the following categories would be reduced below a level of significance: aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, and noise. No significant and unmitigable impacts have been identified in the EIR.

WHEREAS, the Notice of Availability of the Draft EIR was published in the San Gabriel Valley Tribune on September 13, 2016 and the Draft EIR was released for a 45-day public comment period beginning on September 13, 2016 and ending on October 27, 2016. The City received five comment letters on the Draft EIR during this period.

WHEREAS, on November 8, 2016, the Planning Commission considered the General Plan Amendment (GPA) 16-001, Covina Forward Specific Plan (SP) 16-001, Zone Change (ZCH) 16-002, Vesting Tentative Tract Map (TTM) 74512, Site Plan Review (SPR) 16-023, Site Plan Review (SPR) 16-033, Development Agreement (DA) 16-001 and the Draft EIR, and at a

duly noticed public hearing as prescribed by law, at which time the City staff and interested persons had an opportunity to, and did testify either in support of or opposition to this matter..

WHEREAS, following consideration of the entire record of information received at the public hearing, the Planning Commission found that there is not substantial evidence that the Project will have a significant effect upon the environment and adopted Resolution No. 16-029PC recommending that the City Council certify the Final Environmental Impact Report for the Project, approve a Mitigation Monitoring Program for the Project and adopt findings pursuant to CEQA.

WHEREAS, following consideration of the entire record of information received at the public hearings and due consideration of the proposed Project, the Planning Commission adopted Resolution No. 16-030PC recommending that the City Council approve the General Plan Amendment (GPA) 16-001, Covina Forward Specific Plan (SP) 16-001, Zone Change (ZCH) 16-002, Vesting Tentative Tract Map (TTM) 74512, Site Plan Review (SPR) 16-023, Site Plan Review (SPR) 16-033, Development Agreement (DA) 16-001.

WHEREAS, on \_\_\_\_\_, the City Council of the City of Covina considered the Project, the EIR and the Mitigation Monitoring and Reporting Program at a duly noticed public hearing at which time all interested persons had an opportunity to and did testify either in support or in opposition to this matter. The City Council considered all the testimony and any comments received regarding the Project and the EIR and the Mitigation Monitoring and Reporting Program prior to and at the public hearing.

WHEREAS, following consideration of the entire record of information received at the public hearing, the City Council found that there is not substantial evidence that the Project will have a significant effect upon the environment and adopted Resolution No. 16-\_\_\_\_\_ certifying the Final EIR, adopting a Mitigation Monitoring and Reporting Program and adopting findings pursuant to CEQA. Resolution No. 16-XXXX and the findings therein are hereby incorporated by this reference as set forth in full.

WHEREAS, on \_\_\_\_\_, 2016, the City Council of the City of Covina held a duly noticed public hearing to consider the Project including General Plan Amendment (GPA) 16-001, Covina Forward Specific Plan (SP) 16-001, Zone Change (ZCH) 16-002, Vesting Tentative Tract Map (TTM) 74512, Site Plan Review (SPR) 16-023, Site Plan Review (SPR) 16-033, and Development Agreement (DA) 16-001, at which time all interested persons had an opportunity to and did testify either in support or in opposition to this matter. The City Council considered all the testimony and any comments received regarding the Project prior to and at the public hearing.

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, the City Council does hereby find and decide, with regards to Site Plan Review (SPR) 16-023 and pursuant to Title 17.64.070 of the Covina Municipal Code, that:

- a. All provisions of the Zoning Ordinance (Title 17 of the Covina Municipal Code) are complied with.

Fact: After the adoption of the related applications General Plan Amendment (GPA) 16-001, Covina Forward Specific Plan (SP) 16-001, Zone Change (ZCH) 16-002, the Project will be consistent with the General Plan, the special development standards and the Covina Forward Specific Plan (SP) and all applicable sections of the Zoning Ordinance. The Project meets and exceeds the setback requirements, the building height requirements, the square footage requires for open space area, and the require storage space in the garage. Each unit is provided with a 2-car garage and the project has 69 guest parking spaces. The Project will meet the community's need for transit-related residences and contribute 117 housing units to the City's remaining unmet need for 991 housing units, reducing the unmet need by more than 611.8 percent (Covina Draft Housing Element Update, dated November 15, 2010).

- b. The basic project elements (1) buildings, structures, and improvements.; 2) vehicular ingress, egress and internal circulation; 3) setbacks; 4) height of buildings; 5) location of service; 6) walls; and 7) landscaping) 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 Project consists of 117 for-sale townhouse units with private drive aisles, recreation facilities and common open space area. The Project will have two point of access off North Citrus Avenue. The overall on-site circulation for the residential component of the site plan design will meet all Fire access and requirements. Each unit will have a 2-car garage and there is sufficient guest parking of up to 69 parking spaces for the residential project. There will be pedestrian connection from the residential units to the transit center, thus encouraging the use of transit and may decrease the vehicular trips from the residential project. The proposed units are three-story high about 37 feet to the peak of the roof but the Project design minimizes the number of townhouse units place along the east property boundary and maintain a building setback of 15 feet to provide for compatibility. Furthermore, the 15 feet setback from the east property boundary will be landscaped to provide a visual buffer. A landscaped front yard setback and parkway will also contribute to an aesthetic streetscape. Therefore, the proposed arrangement of the project site design with the implementation of conditions of approval and mitigation measures, the traffic congestion will be avoided, the pedestrian and vehicular safety and welfare will be protected, and there will be no adverse effect on surrounding property.

- c. The Project design conforms to the General Plan, the design guidelines, transportation

demand regulations and any specific plans or guidelines which may be applicable to the Project.

**Fact:** The Covina General Plan and the Covina Forward Specific Plan contain design-related policies to ensure that new residential or non-residential projects when adjacent to single-family residences will incorporate sufficient physical and visual buffers to ensure compatibility. Such buffers shall include, but not be limited to, building setback and architecture, landscaping, walls, and other physical and aesthetic elements and shall adequately protect the single family residences or sensitive uses from noise, light, trash, vehicular traffic, and other visual and environmental disturbances. The Project is designed with common recreation facilities place closer to the existing single-family residents, minimize the number of townhouse units along the east property boundary and maintain a setback of 15 feet. The perimeter streets surrounding the project will have a landscaped parkway. The Project, with its design, improvements and conditions of approval, will be consistent with the General Plan, the Covina Forward Specific Plan and and citywide design guidelines.

- d. The Project design is harmonious, consistent, and complete within itself and functionally and visually compatible with neighboring land uses and the area in which it is located.

**Fact:** Although the Project is at a higher density (19.11 dwelling units per acre) than the easterly adjacent single-family residences, the Project site design oriented the common recreation facilities with a one-story and small recreation building at the easterly property boundary. The Project design minimizes the number of townhouse units place along the east property boundary and maintain a building setback of 15 feet to provide for compatibility. Furthermore, the 15 feet setback from the east property boundary will be landscaped to provide a visual buffer. A landscaped front yard setback and parkway will also contribute to an aesthetic streetscape. The architectural style for the Project follows the 'Mid-Century' style. The design elements include pitch roof with concrete tiles, stucco exteriors with accent materials of bricks or stones, window treatments with decorative trims, metal canopies over balconies and exposed beams. Based on the site and building design and their function, the Project is harmonious, consistent and complete within itself and functionally and visually compatible with neighboring structures and the area in which it is located.

- 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 design of the Project sustains the desirability and stability of the neighborhood and community by revitalizing an underutilized parcel with additional transit-oriented residences. The new townhouse units will be arranged to fit seamlessly with the adjacent public/transit use and public/civic use, will add value to the community and bring needed homes to the City of Covina.

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

**Fact:** Construction of the 117 for-sale townhouse units would produce nighttime lighting, however, the amount of lighting would be minimal and consist mostly of internal street lights and outdoor residential security lighting similar to what already exists in the area. Given the urban nature of the Project area and the existing amount of light and glare generated by the surrounding residential and commercial uses, light and glare from the Project would not be substantially noticeable over the existing conditions. Thus, the amount of lighting would not be substantial or adversely affect day or nighttime views in the area, nor impact adjoining properties. 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:** There are no proposed signs associated with the Project. Any signage proposed for the Project would be subjected to a Uniform Sign Program in compliance with the Covina Forward Specific Plan and obtain separate sign permit.

**SECTION 3.** In consideration of the findings stated above, the City Council of the City of Covina does hereby approve Site Plan Review (SPR) 16-023 for the construction of 117 for-sale townhouse units with private aisles, recreation facilities and common open space area, subject to all the Conditions of Approval contain in **Exhibit "A"**, attached herein and incorporated by this reference as though set forth in full.

**SECTION 4.** The documents and materials that constitute the record of proceedings on which these findings and this Resolution are based are located at the City Clerk's office located at 125 E. College Street, Covina, CA 91723. The custodian of these records is the City Clerk.

**SECTION 5.** Effective Date. This Resolution shall be effective upon the effective date of Ordinance No.16-XXXX:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF COVINA BY CHANGING THE ZONING DESIGNATION FROM "C-3A COMMERCIAL ZONE (REGIONAL OR COMMUNITY SHOPPING CENTER)" AND "C-R COMMERCIAL ZONE (RECREATION)" TO "COVINA FORWARD SPECIFIC PLAN WITH 6.12 ACRES ZONED FOR "RD (MULTI-FAMILY)" AND 4.54 ACRES ZONED FOR "I (INSTITUTIONAL USE)" FOR THE PROPOSED ITEC TRANSIT ORIENTED MIXED-USE DEVELOPMENT FOR PROPERTY GENERALLY LOCATED AT 1162 NORTH CITRUS AVENUE AND 117 EAST COVINA BOULEVARD – APN: 8406-019-019, 8406-019-020 AND 8406-019-017

**SECTION 6.** Certification The City Clerk shall certify to the passage and adoption of

this Resolution and shall enter the same in the Book of Original Resolutions.

**SIGNED AND APPROVED** this \_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
KEVIN STAPLETON, MAYOR

ATTEST:

\_\_\_\_\_  
SHARON F. CLARK, Chief Deputy City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
CANDICE K. LEE, City Attorney

**CERTIFICATION**

I, Sharon F. Clark, Chief Deputy City Clerk of the City of Covina, do hereby certify that Resolution No. 16-XXXX was duly adopted by the City Council of the City of Covina at a regular meeting held on the \_\_\_ day of \_\_\_\_\_, 2016, by the following vote:

AYES:           COUNCIL MEMBERS:  
NOES:           COUNCIL MEMBERS:  
ABSENT:        COUNCIL MEMBERS:  
ABSTAIN:       COUNCIL MEMBERS:

Dated:

\_\_\_\_\_  
SHARON F. CLARK, Chief Deputy City Clerk

**EXHIBIT "A"**

**CONDITIONS OF APPROVAL FOR SITE PLAN REVIEW (SPR) 16-023**

DRAFT



CITY OF COVINA  
COMMUNITY DEVELOPMENT DEPARTMENT

EXHIBIT A  
VESTING TENTATIVE TRACT MAP (TTM) 74512  
SITE PLAN REVIEW (SPR) 16-023  
APN: 8406-019-019, 8406-019-020 AND 8406-019-017  
CONDITIONS OF APPROVAL AND  
MITIGATION MONITORING AND REPORTING PROGRAM

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Development Applications:

1. Resolution No 16-XXXX, approving Vesting Tentative Tract Map (TTM) 74512 to subdivide a 10.66-acre project site into 23 lots with 21 lots and 12 letters lots on approximately 6.12 acres for the residential development of 117 for-sale townhouse units, private drive aisles, recreation facilities and common open space areas; and, 2 lots (lots 22 and 23) on approximately 4.54 acres for public/transit and public/civic uses.
2. Resolution No. 16-XXXX, approving Site Plan Review (SPR) 16-023 for the construction of 117 for-sale townhouse units with private drive aisles, recreation facilities and common open space area.

Related Applications:

1. Resolution No. 16-XXXX approving the General Plan Amendment (GPA) 16-001 to amend the Land Use Map changing the land use designation for the 10.66-acre project site from the "General Commercial (GC)" to the "Covina Forward Specific Plan" with 6.12 acres for "High Density Residential (HDR - 15 to 22 dwelling units per acre)" and 4.54 acres for "General Commercial (GC)."
  2. Resolution No. 16-XXXX approving the Covina Forward Specific Plan (SP) 16-001 to establish the "Covina Forward Specific Plan CFSP" with 6.12 acres for "CFSP - RD (Multi-Family)" and 4.54 acres for "CFSP - I (Institutional Use/Zone)"; and to establish special development standards and design guidelines for facilitating the proposed iTEC Transit Oriented Mixed-Use development.
  3. Ordinance No. 16-XXXX approving a Zone Change (ZCH) 16-002 to amend the Official Zoning Map changing the zoning designation for 10.66-acre project site from the "C-3A Commercial Zone (Regional or Community Shopping Center)" and "CR Commercial Zone (Recreation)" to the "Covina Forward Specific Plan (CFSP)" with 6.12 acres for "RD (Multi-Family)" and 4.54 acres for "I (Institutional Use/Zone)."
  4. Ordinance No. 16-XXXX approving a Development Agreement (DA) 16-001 between MLC and COVINA where MLC shall convey 1.11 acres of the project site to COVINA, a parkland conveyance of 0.351 acres of the project site to COVINA and the development of 117 for-sale townhouse units with private drive aisles, recreation facilities and common open spaces area on approximately 6.12 acres.
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**ALL OF THE FOLLOWING CONDITIONS APPLY TO THE PROJECT**

**A. TIME LIMITS:**

1. **Vesting Tentative Tract Map 74512:** 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 maximum period of three years. Each extension shall not exceed 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 City Council prior to expiration of the applications.
2. **Site Plan Review (SPR) 16-023:** Approval of this application will expire two years from the date of project approval if building permits are not issued. The applicant may apply to extend the expiration date for a maximum period of three years. Each extension shall not exceed 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 City Council prior to expiration of the applications.
3. **Vesting Tentative Tract Map 74512** shall not take effect unless and until the City Council approves applications GPA 16-001, Covina Forward Specific Plan (SP) 16-001, ZCH 16-001 and DA 16-001.

**B. GENERAL REQUIREMENTS:**

1. 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 approval.
2. All environmental mitigations, monitoring and reporting program contain in City Council Resolutions 16-XXXX for the Final EIR shall apply to the project.
3. Copies of the signed City Council Resolutions and Environmental Mitigation, Monitoring and Reporting Program (MMRP) 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. The Applicant shall pay any applicable Fish and Game fees as shown below. All checks are to be made payable to Los Angeles County Clerk.
  - a) Notice of Determination County Processing Fee - \$50.00
  - b) EIR - \$3,070
5. 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.
6. Pursuant to California Government §66474.9, the Applicant/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 Applicant/Subdivider and applicant of any such claim, action or proceeding, and the City shall cooperate fully in the defense.
  7. 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.
  8. The Applicant 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 through an executed Reimbursement Agreement. Such special review includes, but is not limited to, review of the Project's compliance with conditions of approval, plan check process, review of CC&Rs, etc.
  9. Mitigation measures are required for the project. The Applicant is responsible for the cost of implementing said measures, including monitoring and reporting. Applicant shall be required to post cash, letter of credit or other forms of guarantee acceptable to the Director, prior to issuance of building permits, guaranteeing satisfactory performance and completion of all mitigation measures. These funds may be used by the City to retain consultants and/or pay City staff time to monitor and report on the mitigation measures. Failure to complete all actions required by the approved environmental documents shall be considered grounds for forfeit.
  10. 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.
  11. 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.

12. Approval of this request shall not waive compliance with all other sections of the Covina Municipal Code, the Covina Design Guidelines, Covina Forward Specific Plan and all other applicable plans and non-City laws and regulations that are in effect at the time of building permit issuance.

**C. VESTING TENTATIVE TRACT MAP (TTM) 74512**

1. The Project is required to annex into 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. This shall be completed prior to issuance of building permits.
2. 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 release of occupancy for the first lot/dwelling unit including the model homes, within the project.
3. The project is subjected to annexation to the Landscape District and Lighting District, which shall be completed prior to recordation of the Tract Map.
4. The project is subjected to Park (Quimby) Impact fees. In lieu of payment for Park Quimby Fee, the applicant shall convey approximately 0.351 acres of land to the City for public parkland. The conveyance of the parkland shall be completed in accordance to the terms of the Development Agreement (DA) 16-001.
5. Residential Development Impact Fees for the project shall be paid, prior to release of occupancy for each phase of production lots/dwelling units and no less than 10 dwelling units for each phase except the model home complex within the project. The Applicant shall contact Director or his designee for calculation of the Residential Development Impact Fees, prior to issuance of any permits for the project.
6. Street names for the private drive aisles and street addresses for the project shall be submitted to Public Works Department, Engineering Division and Community Development Department, Planning Division for review and approval prior to recordation of the Tract Map.
7. Provide Fiber Optic to the residential units and to Lot 22 and Lot 23.

D. SITE DEVELOPMENT

1. The site shall be developed and maintained in accordance with 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. In addition, any future proposed changes or modifications in the design of any site component approved herein shall not proceed without City approval.
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 review and approval, prior to submittal for Plan Check process.
3. All site, grading, landscape, irrigation, and street improvement plans shall be coordinated for consistency, prior to issuance of any permits.
4. All ground mounted utility appurtenance such as transformers, AC condensers, etc. shall be located out of public view and adequately screened using a combination of concrete or masonry walls, and or landscaping to the satisfaction of the Director or his designee.
5. 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 designee for review and approval, prior to issuance of building permit.
6. Refuse disposal (trash) barrels shall be kept only in the garages of each dwelling unit. This restriction shall be stated in and enforced under the Conditions, Covenants, and Restrictions (CC&Rs).
7. 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.
8. The Covenants, Conditions and Restrictions (CC&R's) shall establish a Homeowner's Association (HOA) for the project and shall be submitted to the Directors of Public Works and Community Development or their designees and the City Attorney for review and approval. The Applicant shall reimburse the City for all fees and costs associated with the review of the project-related CC&Rs by the City Attorney's Office. The CC&Rs shall be recorded with the Final Map, prior to the issuance of building permits. The CC&R's shall grant the City the right but not the obligation to enforce their terms. The CC&R's shall include provisions prohibiting (i) the storage of recreational vehicles and watercrafts in all parking areas (ii) require residents and/or homeowners to park the personal vehicles in the garage, and (iii) the property management company for the Homeowners' Association shall enforce the provisions of the Codes, Covenants and Restrictions. The Homeowners' Association shall submit to the Planning Division a list of names and addresses of their officers on or before January 1 of each and every year and whenever said information changes.
9. Prior to issuance of a certificate of occupancy for the final unit, any temporary sales and/or construction office buildings/trailers shall be removed from the site.
10. Any proposed Model Home complex for the project shall be subjected the Administrative Conditional Use Permit Process of the Covina Municipal Code Section 17.62.190. The

application for the Model Home complex shall address the concerns of street improvements, temporary parking and overflow parking, separation from construction activities, security fencing, signage, temporary and/or permanent landscaping, and so forth.

11. The Applicant shall submit a Phasing Plan illustrating the number and sequence of each development phase. All phases of development shall be completed by the Applicant.
12. A complete exterior lighting plan, including photometric printout, shall be submitted for review and approval, prior to issuance of building permits. 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.
13. 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.
14. The project site must be clean and free of trash and construction debris, and all construction equipment must be removed from the site, prior to release of the last lot of the project, and acceptance of the completion of the Final Map.
15. Grading
  - a. Grading of the subject property shall be in accordance with current adopted California Building Code, City Grading Standards, and accepted grading practices. The Rough Grading Plan and Precise Grading and Drainage Plan(s) shall be in substantial conformance with the approved conceptual grading and drainage plan.
  - b. A soils report shall be prepared by a qualified engineer licensed by the State of California to perform such work. Two copies will be provided at grading and drainage plan submittal for review. Plans shall implement design recommendations per said report.
  - c. A geologic report shall be prepared by a qualified engineer or engineering geologist and submitted at the time of application for Grading and Drainage Plan review.
  - d. The Precise Grading and Drainage Plan, appropriate certifications and compaction reports shall be completed, submitted, and approved by the Building and Safety Official prior to the issuance of Building Permits.
  - e. This project shall comply with the accessibility requirements of the current adopted California Building Code.

#### **E. LANDSCAPING AND WATER EFFICIENT REQUIREMENTS**

1. All landscape or planter areas shown on the approved landscape plan shall remain landscape areas in perpetuity. These areas shall not be paved or used for storage or any similar purpose inconsistent with the intent of this approval.
2. Detailed landscape and irrigation plans shall be submitted to the Director of Community Development or his designee for review and approval, prior to issuance of building permits. The landscape and planter areas shall conform to applicable standards and requirements of the City's Water Efficient Landscape Regulations and the July 2015 Updated Model State Water Efficient Landscape Ordinance of the State of California Water Commission.

3. The final design of the perimeter parkways, walls, landscaping and sidewalks shall be included in the required detailed landscape and irrigation plans and shall be subjected to Director of Community Development or his designee and City Engineer review and approval, and coordinated for consistent with the any parkway landscaping plan, which may be required by the Public Works, Engineering Division.
4. Landscaping and irrigation systems required to be installed within the public-right-way on the perimeter of the project shall be continuously maintained the Applicant for the duration of the project construction and by the Homeowner's Association in perpetuity after project completion.
5. The final design of the primary project entry off North Citrus and along private Drive B including but not limited to landscaping, hardscape, pedestrian walkway, tall focal element shall be submitted to Director of Community Development for review and approval prior to issuance of building permit.
6. The final design of the secondary project entry off North Citrus shall be submitted to Director of Community Development for review and approval prior to issuance of building permit.
7. Final design of the recreation facilities including but not limited to recreation building, kiosk for US Mail Boxes, any other accessory structures, landscaping, hardscape, walls and fencing, wall mounted and ground mounted lighting fixtures, etc., shall be submitted to Director of Community Development for review and approval prior to issuance of building permit.
8. The design of the arbor structure along paseo shall include brick or stone materials at the base. Final design shall be submitted to Director of Community Development for review and approval, prior to issuance of building permit.
9. Final design of fences and walls along the property boundary and ground level patio area shall be submitted to Director of Community Development for review and approval, prior to issuance of building permit.
10. Street trees shall be provided within the parkway strip and subject to Director of Community Development and City Engineer review and approval.
11. Additional small-scale trees and layering of shrubs shall be added to the paseo between the clustered rows of units. Final design shall be submitted to Director of Community Development for review and approval, prior to issuance of building permit.

**F. BUILDING DESIGN**

1. Add brick siding to the pop-out element of end unit of each 5-unit building.
2. Use different shades of brick to provide variation and interest to building design.
3. The middle unit of the 3-unit clustered building shall have brick siding for two-thirds of the height.

4. For each of the the 5-unit clustered building, the second and fourth unit shall have two-thirds height with brick siding.
5. 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.
6. The ground level patios and the balconies of the row of townhouse units along North Citrus shall comply with the mitigation monitoring and reporting program. The wall and/or fencing or combination of both shall be designed to attenuate noise per the Noise Study of the Final EIR. The material use for the patio fencing and balconies shall include tempered glass, acrylic glass (or similar material), masonry or a combination of them. Final design shall be submitted to Director of Community Development for review and approval, prior to issuance of building permit.

#### G. CONSTRUCTION MITIGATION 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 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), whichever is stricter.
  - 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.
  - 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.
  - e. Loud noise generating activities such as crushing concrete pavement will be restricted to 7:00 am – 6:00 pm on Monday through Friday.
  - f. At least one (1) on-site security guard shall be provided 24 hours 7 days a week for preventing nuisance problems for the duration of the construction of the project.



- 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 6:00 pm-7:00 am and all day on Sundays or Holidays unless otherwise permitted.
7. School District application and approval including any related fees must be provided before permit issuance.
8. 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.

#### **I. PUBLIC WORKS - ENGINEERING DIVISION**

1. All public improvements (interior streets, drainage facilities, landscaped areas, etc.) shown on the plans and/or tentative map shall be constructed to City Standards. Interior street and parking improvements shall include, but are not limited to, curb and gutter, AC pavement, drive approaches, sidewalks, street lights, and street trees.
2. The Applicant shall be required to install raised median island with landscaping for the length of the property frontage along North Citrus Avenue of the project site to the satisfaction of the City Engineer. Detailed plans shall be included with the public improvements plans to be submitted for City Engineer review and approval, prior to Final Map. The raised median island with landscaping shall be installed prior to release of occupancy for 100<sup>th</sup> unit.
3. Improvement Plans and Construction:
  - a. Street improvement plans, including street trees, street lights, and intersection safety lights on future signal poles, and traffic signal plans shall be prepared by a registered Civil Engineer and shall be submitted to and approved by City Engineer.
  - b. Prior to any work being performed in public right-of-way, fees shall be paid and a construction permit shall be obtained from Public Works - Engineering Division in addition to any other permits required.
  - c. Pavement striping, marking, traffic signing, street name signing, traffic signal conduit, and interconnect conduit shall be installed to the satisfaction of City Engineer.
  - d. Access ramps for the disabled shall be installed on all corners of intersections per City Standards or as directed by the Director of Public Works or her designee.
  - e. 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. A cash deposit shall be provided to cover the cost of grading and paving, which shall be refunded upon completion of the construction to the satisfaction of City Engineer.
  - f. The applicant shall be responsible for any repairs within the limits of the development, including streets and paving, curbs and gutters, sidewalks, and street lights, as determined by the City Engineer.

4. A Tract Map prepared by or under the direction of a Registered Civil Engineer or Licensed Land Surveyor must be processed through the City Engineer prior to being filed with the Los Angeles County Recorder.
5. A preliminary title report and guarantee is required and such document shall show all fee interest holders; all interest holders whose interest could ripen into a fee; all trust deeds, together with the name of the trustee; and all easement holders. The account for this title report should remain open until the Tract Map is filed with the Los Angeles County Recorder.
6. The applicant/developer shall submit a preliminary subdivision guarantee if grants, dedications, or offers of dedication are to be made by certificate on the Tract Map. A final subdivision guarantee will be required at the time of filing of the Tract Map with the Los Angeles County Recorder.
7. The applicant shall execute a Subdivision Agreement and submit security in an amount acceptable to the City Engineer and the City Attorney to guarantee construction of the public and private improvements. All security must be accessible to the City at any time and in a form acceptable to the City Engineer.
8. The applicant shall provide a Monumentation Bond in an amount specified in writing by a Registered Engineer or Licensed Land Surveyor of Record.
9. The applicant's engineer or surveyor shall set durable monuments to the satisfaction of the City Engineer in conformance with Section 66495 of the Subdivision Map Act.
10. All easements existing at the time of the Tract Map approval must be accounted for on the approved Tentative Map. This includes the location, owner, purpose, and recording reference for all existing easements. If an easement is blanket in nature or indeterminate in nature, a statement to that effect must be shown on the Tentative Map in lieu of its location.
11. 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 satisfaction of the City Engineer. The proposed drainage improvements shall be based on a detailed hydrology study conforming to the current Los Angeles County Methodology. The proposed storm drain improvements shall be privately maintained by each property owner.
12. Prior to issuance of any permits, all utilities shall be placed underground in accordance with Covina Municipal Code Section 16.30.020, including facilities and wires for the supply and distribution of electrical energy, telephone, cable television, etc., to the satisfaction of the Community Development Director and City Engineer.
13. The applicant shall install sewer improvements for the proposed development to the satisfaction of the City Engineer and the Los Angeles County Department of Public Works, Sewer Maintenance District.
14. Prior to issuance of any permits, the applicant shall verify that any required sewer connection fees have been paid to the City of Covina and the County of Los Angeles Department of Public Works, Sewer Maintenance District.

15. Prior to issuance of any permits, the applicant shall verify that the proposed development is annexed into the Los Angeles County Sanitation District.
16. The applicant shall install water improvements for the proposed development to the satisfaction of the City Engineer.

**J. PUBLIC WORKS – ENVIRONMENTAL SERVICES DIVISION**

1. A geotechnical letter must be submitted stating that soil will not exhibit instability as a result of implementing proposed treatment BMPs, and infiltration base is at least 10ft above groundwater, along with wet signature/stamp.
2. Comply with the Low Impact Development requirements and Stormwater plan check comments dated October 13, 2015.
3. OC1 - Complete form, sign, return original, attach copy to field plans.
4. 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.
5. ES-CD2: Construction & Demolition Debris Recycling - Upon completion of C&D, complete form, sign, return original with Athens Load Characterization Report.
6. 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.
7. PC: Priority Project Checklist - Complete form, sign, return original.
8. P1: Priority Development & Redevelopment Projects - Complete form, return original.
9. P2: Stormwater Treatment Certification - Complete form, return original.
10. LSWPPP: Local Stormwater Pollution Prevention Plan - Complete form, return original.
11. 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.
12. 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.
13. Construction site stormwater compliance inspection and reinspection: \$75 - \$125 per inspection may apply.
14. Master Covenant agreement: See application instructions, checklist, and Agreement.

**K. LOS ANGELES COUNTY FIRE DEPARTMENT – FIRE PREVENTION DIVISION**

### Final Map Requirements

1. Access as noted on the tentative and the Exhibit Maps shall comply with Title 21 (County of Los Angeles Subdivision Code and Section 503 of the Title 32 (County of Los Angeles Fire Code), which requires an all-weather access surface to be clear to sky.
2. A copy of the Final Map shall be submitted to the Fire Department for review and approval prior to recordation.
3. The private access within the development shall be indicated as "Private Driveway" on the final Map. The required fire apparatus access, the fire lanes and turnarounds, shall be labeled as "fire Lane" on the Final Map. Any proposed parking area, walkway, or other amenities within the private driveway shall be outside the required fire lane. Clearly delineate on the Final Map and submit to the Fire department for approval.
4. A reciprocal access agreement is required for the private driveway since multiple lots and units are sharing the same access. Submit documentation to the Fire department for review prior to Final Map clearance.
5. Submit a minimum of three (3) copies of the water plans indicating the new fire hydrant locations to the Fire Department's Land development Unit for review. The required public fire hydrants shall be installed prior to construction of the proposed buildings.

### Conditions of Approval – Access

6. All on-site Fire Apparatus Access Roads shall be labeled as "Private Driveway and Fire Lane" on the site plan along with the widths clearly depicted on the plan. Labeling is necessary to assure the access availability for Fire Department use. The designation allows for appropriate signage prohibiting parking.
7. Fire Apparatus Access Roads must be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4
8. All fire lanes shall be clear of all encroachments, and shall be maintained in accordance with the Title 32, County of Los Angeles Fire Code.
9. The Fire Apparatus Access Roads and designated fire lanes shall be measured from flow line to flow line.
10. For building's 30 feet or less, provide a minimum unobstructed width of 26 feet, exclusive of shoulders and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the building, as measured by an approved route around the exterior of the building. Fire Code 503.1.1 & 503.2.2
11. For Building's greater than 30 feet, provide a minimum unobstructed width of 28 feet, exclusive of shoulders and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the building, as measured by an approved route around the exterior of the building when the height of the building above the lowest level of the Fire Apparatus Access Road is more than

30 feet high, or the building is more than three stories. The access road way shall be located a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official. Fire Code 503.1.1 & 503.2.2

12. The dimensions of the approved Fire Apparatus Access Road shall be maintained as originally approved by the fire code official. Fire Code 503.2.2.1
13. Fire Apparatus Access Roads shall be provided with a 32-foot centerline turning radius. Fire Code 503.2.4.
14. Fire Apparatus Access Roads shall be designed and maintained to support the imposed load of fire apparatus weighing 75,000 pounds, and shall be surfaced so as to provide all-weather driving capabilities. Fire apparatus access roads having a grade of 10 percent or greater shall have a paved or concrete surface. Fire Code 503.2.3
15. Provide approved signs or other approved notices or markings that include the words "NO PARKING – FIRE LANE." Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be provided for fire apparatus access roads to clearly indicate the entrance to such road or prohibit the obstruction thereof and at intervals, as required by the Fire Inspector. Fire Code 503.3.
16. A minimum five foot wide approved firefighter access walkway leading from the Fire Department access road to all required openings in the building's exterior walls shall be provided for firefighting and rescue purposes. Fire Code 504.1.
17. Fire apparatus Access Roads shall not be obstructed in any manner, including by the parking of vehicles, or the use of traffic calming devices, including but not limited to, speed bumps or speed humps. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times. Fire Code 503.4.
18. Multiple residential and commercial buildings having entrances to individual units not visible from the street or road shall have unit numbers displayed in groups for all units within each structure. Such numbers may be grouped on the wall of the structure or visible from the street or road as required by Fire Code 505.3 and in accordance with Fire Code 505.1.
19. Security barriers, visual screen barriers, or other obstructions shall not be installed on the roof of any building in such a manner as to obstruct firefighter access or egress in the event of fire or other emergency. Parapets shall not exceed 48 inches from the top of the parapet to the roof surface on more than two sides. Fire Code 504.5.

#### **Conditions of Approval – Water System Requirements**

20. All fire hydrants shall measure 6"x 4"x 2 1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal, and shall be installed in accordance with the County of Los Angeles Fire Department Regulation 8.
21. All required PUBLIC fire hydrants shall be installed, tested and accepted prior to beginning construction. Fire Code 501.4

22. All private on-site fire hydrants shall be installed, tested and approved prior to building occupancy. Fire Code 901.5.1.
- a. All on-site fire hydrants shall be installed a minimum of 25' feet from a structure or protected by a two hour rated firewall. Exception: For fully sprinkled multi-family structures on-site hydrants may be installed a minimum of 10 feet from the structure. Indicate compliance prior to the project being "cleared" for public hearing. Fire Code Appendix C106.
  - b. Plans showing underground piping for private on-site fire hydrants shall be submitted to the Sprinkler Plan Check Unit for review and approval prior to installation. Fire Code 901.2 and County of Los Angeles Fire Department Regulation 7.
  - c. The required fire flow for the public fire hydrants and on-site fire hydrants for this project is 8000 gpm at 20 psi residual pressure for 4 hours. Three public fire hydrants flowing simultaneously may be used to achieve the required fire flow. Fire Code 507.3 and Appendix B105.1.
    1. The fire flow is subject to reduction.
  - d. An approved automatic fire sprinkler system is required for the proposed buildings within this development. Submit design plans to the Fire Department Sprinkler Plan Check Unit for review and approval prior to installation.

Public Fire Hydrants

- e. Install two public fire hydrants as noted by the Fire Department on Citrus Avenue.
  1. Provide the fire flow test for one existing public fire hydrant on Covina Blvd.
  2. Relocate one existing public fire hydrant on Citrus Avenue as noted by the Fire Department.

On-Site Fire Hydrants

1. Install three on-site fire hydrants as noted on the site plan by the Fire Department.

END OF CONDITIONS

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MITIGATION MONITORING AND REPORTING PROGRAM ON NEXT PAGE

**MITIGATION MONITORING AND REPORTING PROGRAM  
 FOR EIR (SCH 2016051053)**

The California Public Resources Code, Section 21081.6, requires that a lead or responsible agency adopt a mitigation monitoring and reporting plan (MMRP) when approving or carrying out a project when an EIR (SCH 2016051053) identifies measures to reduce potential adverse environmental impacts. As lead agency for the project, the City of Covina (City) is responsible for adoption and implementation of the mitigation monitoring and reporting program (MMRP).

The City has prepared an EIR in conformance with Section 15070(b) of the State California Environmental Quality Act Guidelines. The purpose of the EIR is to identify any potentially significant impacts associated with the proposed project and incorporate mitigation measures into the project as necessary to eliminate the potentially significant effects of the project or to reduce the effects to a level of insignificance.

**City of Covina  
 Covina Transit-Oriented Mixed-Use Development Project  
 Mitigation Monitoring and Reporting Program**

Mitigation Measure	Mitigation Monitoring			Reporting		
	Implementing Period	Implementing Party	Enforcing Agency	Comments	Date	Initials
<b>Aesthetics</b>						
MM-AES-1 New sources of exterior lighting on the project site shall be shielded and directed downward to avoid light spillover onto adjacent residential developments to the north and east. Exterior overhead lighting shall also be of the minimum required intensity to provide for safety and security of project residents and visitors. Nighttime operation of new sources of lighting shall be consistent with that of existing lighting sources in the area.	Project planning and operation	Project applicants	City of Covina Planning Division and Building & Safety Department			
MM-AES-2 Prior to the issuance of building permits, the project applicants shall prepare and submit to the City of Covina for review a photometric study for the proposed residential townhome development and parking structure to ensure that off-site residential land uses to the north and east are not subjected to unnecessary light spillover and trespass. A detailed lighting plan shall be developed for the residential townhome development and parking structure and shall be utilized by a qualified photometric specialist to prepare the photometric study. If excessive light spillover is identified in the photometric, then appropriate measures including but not limited to use of lower	Project planning and permitting	Project applicants (MLC Holdings Inc. and Foothill Transit); qualified photometric specialist	City of Covina Planning Division and Building & Safety Department			

**City of Covina**  
**Covina Transit-Oriented Mixed-Use Development Project**  
**Mitigation Monitoring and Reporting Program**

Mitigation Measure	Mitigation Monitoring			Reporting		
	Implementing Period	Implementing Party	Enforcing Agency	Comments	Date	Initials
intensity lighting shall be considered to avoid unnecessary light spillover and trespass.						
<b>Air Quality</b>						
<p><b>MM-AQ-1</b> The following dust control measures shall be implemented by the contractor/builder to reduce fugitive dust PM<sub>10</sub> and PM<sub>2.5</sub> emissions generated during earthmoving construction activities of all three components of the proposed project:</p> <ul style="list-style-type: none"> <li>a. During clearing, grading, earthmoving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems shall be used to prevent dust from leaving the project site and to create a crust after each day's activities cease.</li> <li>b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the project site. At a minimum, this would include wetting down such areas later in the morning, after work is completed for the day, and whenever winds exceed 15 miles per hour.</li> <li>c. Soil stockpiled for more than 2 days shall be covered, kept moist, or treated with soil binders to prevent dust generation.</li> <li>d. Speeds on unpaved roads shall be reduced to less than 15 miles per hour.</li> <li>e. All grading and excavation operations shall be halted when wind speeds exceed 25 miles per hour.</li> <li>f. Dirt and debris spilled onto paved surfaces at the project</li> </ul>	Construction (earthmoving activities)	Contractor/builder	City of Covina Planning Division			

**City of Covina  
 Covina Transit-Oriented Mixed-Use Development Project  
 Mitigation Monitoring and Reporting Program**

Mitigation Measure	Mitigation Monitoring			Reporting		
	Implementing Period	Implementing Party	Enforcing Agency	Comments	Date	Initials
<p>site and on the adjacent roadways shall be swept, vacuumed, and/or washed at the end of each workday.</p> <p>g. All trucks hauling dirt, sand, soil, or other loose material to and from the construction site shall be covered and/or a minimum 2 feet of freeboard shall be maintained.</p> <p>h. At a minimum, at each vehicle egress from the project site to a paved public road, a pad consisting of washed gravel (minimum size: 1 inch) shall be installed and maintained in clean condition to a depth of at least 6 inches and extending at least 30 feet wide and at least 50 feet long (or as otherwise directed by the SCAQMD).</p> <p>i. Any additional requirements of SCAQMD Rule 403 shall be reviewed and complied with.</p>						
<p><b>MM-AQ-2</b> During project demolition, site preparation, and grading activities, off-road equipment with engines rated at 75 horsepower or greater, shall meet Tier 3 engine standards or better. An exemption from these requirements may be granted by the City of Covina in the event that the applicant documents that (1) equipment with the required tier is not reasonably available (e.g., reasonability factors to be considered include those available within Los Angeles County within the scheduled construction period), and (2) corresponding reductions in criteria pollutant emissions are achieved from other construction equipment. Based on the anticipated equipment for these phases, this measure would be applicable to, but not limited to, excavators, graders, rubber tired dozers, and tractors/loaders/backhoes used during earth moving activities.</p>	Construction (demolition, site preparation, and grading)	Contractor/builder	City of Covina Planning Division			

**City of Covina**  
**Covina Transit-Oriented Mixed-Use Development Project**  
**Mitigation Monitoring and Reporting Program**

Mitigation Measure	Mitigation Monitoring			Reporting		
	Implementing Period	Implementing Party	Enforcing Agency	Comments	Date	Initials
<b>Biological Resources</b>						
<p><b>MM-BIO-1</b> Ground-disturbance and vegetation removal activities should take place outside of the general nesting bird season, from approximately March 1 through August 31 (as early as February 1 for raptors), to the greatest extent feasible. If vegetation removal and/or construction activities (including disturbances to vegetation, structures, and substrates) will occur during the general bird nesting season (i.e., between March 1 and August 31, and as early as February 1 for raptors), preconstruction surveys for nesting native birds and raptors shall be conducted by a qualified biologist, no more than 3 days prior to construction activities. The qualified biologist shall survey the construction zone and a 250-foot radius surrounding the construction zone (500-foot radius for raptors) to determine whether the activities taking place have the potential to disturb or otherwise harm nesting birds or raptors.</p> <p>If active nests are found (California Department of Fish and Wildlife defines "active" as any nest that is under construction or modification; United States Fish Wildlife Service defines "active" as any nest that is currently supporting viable eggs, chicks, or juveniles), clearing and construction shall be postponed or halted within a buffer area established by the qualified biologist that is suitable to the particular bird species and location of the nest (typically a starting point of 250 feet for most birds and 500 feet for raptors, but may be reduced as approved by a qualified biologist), until the nest is vacated and/or juveniles have fledged, as determined by the qualified biologist. The construction avoidance area shall be clearly demarcated in the field (i.e., fencing, staking, or flagging) for avoidance. A qualified biologist shall serve as a construction monitor during those</p>	Prior to construction; during construction (if active nests are identified)	Contractor/builder; qualified biologist	City of Covina Planning Division			

**City of Covina**  
**Covina Transit-Oriented Mixed-Use Development Project**  
**Mitigation Monitoring and Reporting Program**

Mitigation Measure	Mitigation Monitoring			Reporting		
	Implementing Period	Implementing Party	Enforcing Agency	Comments	Date	Initials
<p>periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests occur. The results of the surveys, including graphics showing the locations of any active nests detected, and documentation of any avoidance measures taken, shall be submitted to the City of Covina within 14 days of completion of the pre-construction surveys or construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds. Surveys, and resulting buffers, will be repeated if construction within any phase is paused for more than 30 days.</p>						
<p><b>MM-BIO-2</b> No more than 30 days prior to construction (including demolition work and tree trimming/removal activities), a qualified biologist will conduct a visual and acoustic preconstruction survey for roosting special-status bats and/or sign (i.e., guano) within 300 feet of suitable bat roosting habitat (i.e., buildings and/or trees). A minimum of one day and one evening will be included in the visual preconstruction survey, which should concentrate on the period when roosting bats are most detectable (i.e., when leaving the roosts between one hour before sunset and two hours after sunset). If special-status bats are not detected, no additional measures are required.</p> <p>If an active maternity roost is identified, the maternity roost will not be directly disturbed, and construction activities will maintain an appropriate distance (e.g., 300-foot avoidance buffer) until the maternity roost is vacated and juveniles have fledged, as determined by a qualified biologist. The rearing season for native bat species in California is approximately March 1 through August 31. If non-breeding special-status bat roosts (hibernacula or non-maternity</p>	<p>Prior to construction; during construction (if active bat roosts identified)</p>	<p>Contractor/builder; qualified biologist</p>	<p>City of Covina Planning Division</p>			

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roosts) are found, the individuals shall be safely evicted, under the direction of a qualified biologist, by opening the roosting area to allow airflow through the cavity or other means determined appropriate by a qualified biologist (e.g., installation of one-way doors). If flushing species from a tree roost is required, this shall be done when temperatures are sufficiently warm for bats to exit the roost, because bats do not typically leave their roost daily during winter months. In situations requiring one-way doors, a minimum of one week shall pass after doors are installed and temperatures should be sufficiently warm (for winter hibernacula) for bats to exit the roost. This action should allow all bats to leave during the course of one week. If a roost needs to be removed and a qualified biologist determines that the use of one-way doors is not necessary, the roost shall first be disturbed following the direction of the qualified biologist at dusk to allow bats to escape during the darker hours. Once the bats escape, the roost site shall be removed or the construction disturbance shall occur the next day (i.e., there shall be no less or more than one night between initial disturbance and the roost removal).						
<b>Cultural Resources</b>						
MM-CUL-1 Inadvertent Discovery of Archaeological Resources. In the event that archaeological resources (sites, features, or artifacts) are exposed during construction activities for the proposed project, all construction work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, can evaluate the significance of the find and determine whether or not additional study is warranted. Depending upon the significance of the find under CEQA (14 CCR 15064.5(f); PRC Section	Construction	Contractor/builder; qualified archaeologist	City of Covina Planning Division			

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21082), the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work, such as preparation of an archaeological treatment plan, testing, or data recovery may be warranted.						
<b>MM-CUL-2 Paleontological Mitigation Program.</b> Prior to commencement of any grading activity on-site, the City, Foothill Transit and MLC shall retain a qualified paleontologist, subject to the review and approval of the City's Building Official, or qualified designee. The qualified paleontologist shall attend the preconstruction meeting and be on-site during all rough grading and other significant ground-disturbing activities in previously undisturbed older Quaternary alluvial deposits, if encountered. These deposits may be encountered at depths as shallow as 10 feet below ground surface. In the event that paleontological resources (e.g., fossils) are unearthed during grading, the paleontology monitor will temporarily halt and/or divert grading activity to allow recovery of paleontological resources. The area of discovery will be roped off with a 50-foot radius buffer. Once documentation and collection of the find is completed, the monitor will remove the rope and allow grading to recommence in the area of the find. The paleontologist shall prepare a Paleontological Resources Impact Mitigation Program (PRIMP) for the proposed project. The PRIMP shall be consistent with the guidelines of the Society of Vertebrate Paleontology (SVP) (2010).	Prior to and during grading activity	Project applicants; contractor/builder; qualified paleontologist	City of Covina Planning Division			
<b>MM-CUL-3 Inadvertent Discovery of Human Remains.</b> In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found, the County Coroner shall be immediately notified of the discovery. No further excavation or disturbance of the	Construction (ground disturbance)	Contractor/builder	City of Covina Planning Division			

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<p>project site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the County Coroner has determined, within two working days of notification of the discovery, the appropriate treatment and disposition of the human remains. If the County Coroner determines that the remains are, or are believed to be, Native American, he or she shall notify the NAHC in Sacramento within 24 hours. In accordance with California Public Resources Code, Section 5097.98, the NAHC must immediately notify those persons it believes to be the most likely descendant from the deceased Native American. The most likely descendant shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the property owner, the disposition of the human remains.</p>						
<b><i>Geology and Soils</i></b>						

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<p><b>MM-GEO-1</b> Prior to the construction phase, the proposed project shall be designed in accordance with the recommendations from the site-specific Geotechnical Evaluation. In the event that changes are made in the recommendations set forth in the final geotechnical report, the project design shall be updated in accordance with those changes. Prior to the issuance of a building permit, the City of Covina, Foothill Transit and MLC Holdings, Inc./Meritage Homes shall submit the final design and construction plans for review and approval by the City Building Official or designee and the City Engineer or designee. The final design and construction plans shall show that the recommendations from the Geotechnical Evaluation regarding earthwork, design, foundation, retaining wall, garden wall, soil corrosivity, import soils, concrete slabs, sidewalks, and driveways have been incorporated into the final design.</p>	Project planning and permitting	Project applicants	City of Covina Planning Division and Building & Safety Department			
<b>Hazards and Hazardous Materials</b>						
<p><b>MM-HAZ-1</b> Prior to demolition of the existing building, an asbestos survey and lead-based paint survey shall be conducted by a California Occupational Safety and Health Administration-certified asbestos and lead-based paint consultant and/or certified site surveillance technician. A report documenting material types, conditions, and general quantities will be provided, along with photos of positive materials and diagrams. Demolition plans and contract specifications shall incorporate any abatement procedures for the removal of material containing asbestos and/or lead-based paint. All abatement work shall be done in accordance with federal, state, and local regulations.</p>	Prior to demolition; during demolition (if hazardous building materials are identified)	Project applicants; contractor/building owner	City of Covina Planning Division and Building & Safety Department			

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MM-HAZ-2 Prior to obtaining a certificate of occupancy, the removal of the underground storage tank shall be permitted and completed in accordance with the Los Angeles County Fire Department Health Hazardous Materials Division protocol.	Prior to or during construction	Project applicants	City of Covina Planning Division and Building & Safety Department; Los Angeles County Fire Department Health Hazardous Materials Division			
MM-HAZ-3 Prior to obtaining a certificate of occupancy, the hydraulic lift units shall be removed by a licensed contractor and the soil beneath the reservoir area shall be sampled by a qualified environmental consulting firm. At a minimum, soil samples shall be analyzed for total petroleum hydrocarbons (TPH), volatile organic compounds (VOCs), and polychlorinated biphenyls (PCBs). Should visually stained soil be observed in the reservoir pit area, additional soil samples shall be collected to further evaluate subsurface impact. Should TPH, VOCs, or PCBs be detected in the soil sample(s), the environmental consultant shall advise the City of Covina about additional steps to be taken, which may include regulatory agency notification and remediation. Additional sampling may also be required prior to the disposal of the hydraulic lift units.	Prior to or during construction	Project applicants	City of Covina Planning Division and Building & Safety Department			
<b>Noise</b>						
MM-NOI-1 Construction activities shall take place during the permitted time and day per Chapter 9.40.110 of the City's Municipal Code. The applicant shall ensure that construction activities are limited to the hours of 7 a.m. to 8 p.m.	Construction	Project applicants; contractor/builders	City of Covina Planning Division			

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Monday through Saturday, and not at all during other hours or on Sundays or public holidays. This condition shall be listed on the project's final design to the satisfaction of the City Engineering Department.						
<ul style="list-style-type: none"> <li>MM-NOI-2 The City of Covina shall require the applicant to adhere to the following measures as a condition of approving the grading permit:</li> <li>The project contractor shall, to the extent feasible, schedule construction activities to avoid the simultaneous operation of construction equipment so as to minimize noise levels resulting from operating several pieces of high noise level emitting equipment.</li> <li>All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers. Enforcement shall be accomplished by random field inspections by applicant personnel during construction activities, to the satisfaction of the City Engineering Department.</li> <li>Construction noise reduction methods such as shutting off idling equipment, construction of a temporary noise barrier, maximizing the distance between construction equipment staging areas and adjacent residences, and use of electric air compressors and similar power tools, rather than diesel equipment, shall be used where feasible.</li> <li>During construction, stationary construction equipment shall be</li> </ul>	Construction	Project applicants; contractor/builders	City of Covina Planning Division			

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<p>placed such that emitted noise is directed away from or shielded from sensitive receptors.</p> <ul style="list-style-type: none"> <li>Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding property owners to contact the job superintendent if necessary. In the event the City receives a complaint, appropriate corrective actions shall be implemented and a report of the action provided to the reporting party.</li> <li>If equipment is being used that can cause hearing damage at adjacent noise receptor locations (distance attenuation shall be taken into account), portable noise barriers shall be installed that are demonstrated to be adequate to reduce noise levels at receptor locations below hearing damage thresholds. This may include erection of temporary berms or plywood barriers to create a break in the line-of-sight, or erection of a heavy fabric tent around the noise source.</li> </ul>						
<p><b>MM-NOI-3</b> The proposed parking structure shall be designed such that the easternmost side of the structure is not open, for the purpose of preventing parking noise on upper floors emanating directly into the adjacent community. This feature (or other measures which otherwise ensure that noise from parking activities would not exceed City of Covina noise standards) shall be verified by City staff prior to final design approval.</p>	Project planning and permitting	Project applicant (Foothill Transit)	City of Covina Planning Division			
<p><b>MM-NOI-4</b> Because heating, ventilation,</p>	Project	Project	City of			

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and air conditioning (HVAC) equipment and other mechanical equipment can generate noise that could affect surrounding sensitive receptors for all phases of the project and because the details, specifications, and locations of this equipment is not yet known, the project applicant shall retain an acoustical specialist to review project construction-level plans at each phase of the project to ensure that the equipment specifications and plans for HVAC and other outdoor mechanical equipment incorporate measures, such as the specification of quieter equipment or provision of acoustical enclosures, that will not exceed relevant noise standards at nearby noise-sensitive land uses (e.g., residential). Prior to the commencement of construction for each phase of the overall project (all three components), the acoustical specialist shall certify in writing to the City that the equipment specifications and plans incorporate measures that will achieve the relevant noise limits.	planning and construction	applicants; acoustical specialist	Covina Planning Division			
<b>MM-NOI-5</b> Prior to certificate of occupancy, signs shall be posted at the planned recreation area prohibiting noisy activities between the hours of 10:00 p.m. and 7:00 a.m.	Project operation	Project applicant (MLC Holdings Inc.)	City of Covina Planning Division			
<b>MM-NOI-6</b> The proposed residential balconies and patio areas located along the first row with a direct, unobstructed view of North Citrus Avenue would require a noise barrier with a minimum height of 5 feet. The noise barriers may be constructed of a material such as tempered glass, acrylic glass (or similar material), masonry material, manufactured lumber (or a combination of these) with a surface density of at least three pounds per square foot. The noise barriers should have no openings or cracks.	Project planning and operation	Project applicant (MLC Holdings Inc.)	City of Covina Planning Division			
<b>MM-NOI-7</b> The residential units in the first row east of North Citrus Avenue will most likely require mechanical ventilation systems or air conditioning systems in	Project planning and	Project applicant (MLC	City of Covina Planning			

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order to ensure that windows and doors can remain closed while maintaining a comfortable environment. Additionally, sound-rated windows may be necessary. An interior noise analysis shall be required for the proposed dwelling units in the first row east of North Citrus Avenue prior to issuance of building permits. Installation of these systems (i.e., HVAC and sound-rated windows) shall be required if the interior noise analysis shows that impacts are above the State and City's 45 dBA L <sub>dn</sub> interior standard. The interior noise analysis shall substantiate that with the required mitigation, the resulting interior noise levels will be less than the noise standard, and thus, will be a less than significant impact.	construction	Holdings Inc.)	Division			