

RESOLUTION NO. 2026-016 PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COVINA, CALIFORNIA, MAKING A RECOMMENDATION TO THE CITY COUNCIL TO DENY THE COVINA RELIABILITY BATTERY ENERGY STORAGE SYSTEM PROJECT WHICH INCLUDES A REQUEST FOR A SITE PLAN REVIEW (SPR) 25-081, A CONDITIONAL USE PERMIT (CUP) 25-014, VARIANCE (VAR) 25-001, AND DEVELOPMENT AGREEMENT (DA) 26-001, FOR THE DEMOLITION OF 2 INDUSTRIAL BUILDINGS TOTALING APPROXIMATELY 32,640 SQUARE FEET AND THE CONSTRUCTION AND OPERATION OF A 110- MEGAWATT (MW) BATTERY ENERGY STORAGE SYSTEM, ON TWO SITES TOTALING APPROXIMATELY 3.4 ACRES LOCATED AT 522, 534, AND 680 EDNA PLACE (APNS: 8429-008-028 & 029 AND 8429-007-005, 006 AND 007) ZONED M-1 LIGHT MANUFACTURING WITH A GENERAL PLAN LAND USE DESIGNATION OF GENERAL INDUSTRIAL, AND MAKING A DETERMINATION UNDER CEQA

WHEREAS, Covina Reliability, LLC c/o Kimberly Comacho, the applicant, has applied for several entitlements for the demolition of two industrial buildings totaling approximately 32,640 square feet and the construction and operation of a 110- Megawatt (MW) Battery Energy Storage System (BESS), on two sites totaling approximately 3.4 acres located at 522, 534, and 680 Edna Place (APNs: 8429-008-028 & 029 and 8429-007-005, 006, and 007) zoned M-1 Light Manufacturing with a General Plan Land Use Designation of General Industrial ("Project").

WHEREAS, since May 2025, Covina Reliability, LLC has submitted a Project to construct and operate a BESS facility, which includes approval of a Site Plan Review (SPR25-081) to allow the demolitions of two industrial buildings totaling approximately 32,640 square feet and a Conditional Use Permit (CUP25-014) to construct and operate a 110-Megawatt (MW) BESS facility, a Variance (VAR25-001) for the construction of a perimeter block wall not to exceed 11'-4", and a Development Agreement (DA).

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

- a. Site Plan Review (SPR) 25-181: A Site Plan Review for the demolition of existing facilities on the site and construction of a BESS facility.
- b. Conditional Use Permit (CUP) 25-014: A Conditional Use Permit for the operation of a 110-megawatt (MW) BESS facility.
- c. Variance (VAR) 25-001: A Variance to allow a perimeter block wall with a maximum height of 11'-4".
- d. Development Agreement (DA) 26-001.

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") and the state CEQA Guidelines, a Mitigated Negative Declaration (MND) (SCH 2026010039) was prepared for this Project.

The Planning Commission considered the MND and a Mitigation Monitoring and Reporting Program ("MMRP").

WHEREAS, the requested Project entitlements include the following: SPR25-081, CUP25-014, VAR25-001, and DA. The DA requires a hearing by the Planning Commission (Gov. Code, § 65867) and would be considered for final approval via ordinance adopted by the City Council (Gov. Code, § 65867.5). When one entitlement for a project requires City Council approval, such as for a legislative action, then the Planning Commission becomes the recommending body to the City Council on all related entitlements. See Covina Municipal Code § 17.64.040.B. Thus, the Planning Commission will review the Project entitlements and proposed MND and make a recommendation to the City Council. The City Council is the decision-making body for the requested entitlements and proposed MND.

WHEREAS, on June 23, 2026, at a duly noticed public hearing as prescribed by law, the Planning Commission considered the proposed Project and comments received prior to or at the public hearing, at which time the City staff presented its report, and interested persons had an opportunity to testify either in support or in opposition to the proposed Project.

WHEREAS, after receiving a staff report, applicant presentation, and roughly an hour of public testimony, the hearing was continued to an adjourned regular meeting on June 30, 2026, for the purpose of receiving public testimony for members of the public who were unable to speak at the June 23, 2026 meeting, allow the applicant to respond to public comments, and to allow the Commission to consider the item.

WHEREAS, on June 30, 2026, at a duly noticed adjourned regular Planning Commission meeting, the Planning Commission opened the continued public hearing on the Project, received public comments, and closed the public hearing.

WHEREAS, following consideration of the entire record of information received at the public hearing and continued public hearing, and due consideration of the proposed Project, the Planning Commission adopted this Resolution No. 26-016 PC recommending to the City Council denial of the Project, including the SPR25-081, CUP25-014, VAR25-001, and DA26-001, and making findings under CEQA.

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

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF COVINA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Based on the entire record, and review of the Project, and considering all oral and written information the Project presented before and at the Planning Commission's hearing on June 23, 2026, the Planning Commission hereby finds and determines as follows:

a. The above recitals are true and correct, and the Planning Commission hereby incorporates them into this Resolution by this reference.

b. Public agencies and interested members of the public have been afforded ample notice and opportunity to comment on the Project.

c. The facts to support the findings for recommending to the City Council the denial of the Site Plan Review (SPR25-081), Conditional Use Permit (CUP25-014), Variance (VAR25-001) and Development Agreement (DA26-001), are incorporated herein by reference to this Planning Commission

Resolution.

SECTION 2. 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 or the Community Development Department, Planning Division, located at 125 E. College Street, Covina, CA 91723 or at www.covina.ca.gov. The custodian of these records is the City Clerk.

SECTION 3. Based on the entire record made available on June 23, 2026, and June 30, 2026, the public hearings, the staff report, the oral presentations and related documents submitted to the Planning Commission prior to and at the public hearing, the Planning Commission hereby finds and determines that the evidence presented does not justify the recommendation of approval for Site Plan Review (SPR25-081), Conditional Use Permit (CUP25-014), Variance (VAR25-001) and Development Agreement (DA26-001) pursuant to Covina Municipal Code Sections 17.64.070, 17.62.120, 17.54.030.E, and 17.78.020, and Government Code Section 65867.5(b) for the following reasons:

Findings for Recommendation of Denial of Conditional Use Permit (CMC Section 17.62.120)

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; and

Facts: The 3.4 acre site for the proposed Project is not adequate in size and shape to accommodate the proposed 110-Megawatt (MW) Battery Energy Storage System (BESS) and all spaces, walls and fences, parking, and landscaping required by CMC Title 17 to adjust the BESS with land and uses in the neighborhood. Based upon significant public testimony, the public remains concerned that the applicant has not demonstrated to the public the elimination of potential negative impacts on neighboring properties from the 110-Megawatt (MW) Battery Energy Storage System's asserted release of harmful airborne toxins that cannot be contained within the perimeter of the Project boundaries to the public's satisfaction. Further, site of the proposed Project is not adequate for the density of the number of storage systems proposed. *Therefore, this criterion has not been met.*

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

Facts: The proposed 110-Megawatt (MW) Battery Energy Storage System (BESS) will have an adverse effect on abutting property. Based upon significant public testimony, the public remains concerned that the applicant has not demonstrated to the public that the proposed 110-Megawatt (MW) Battery Energy Storage System (BESS) will not cause a catastrophic event, including the release of harmful air pollutants, thermal runaway, potential impacts from toxic high-intensity fires due to fire suppression difficulties, fire re-ignitions, and similar public safety occurrences, that could significantly impact adjoining properties and properties in the immediate vicinity, including the Metrolink railway, public parks, and residential properties. Further, the proposed 110-Megawatt (MW) Battery Energy Storage System (BESS) will have adverse noise impacts on the abutting residential properties. *Therefore, this criterion has not been met.*

Additional Findings for Recommendation of Denial of Conditional Use Permit for BESS Project (CMC Section 17.54.030.E)

1. The battery energy storage system and facility application addresses operational standards necessary to protect the public health, safety and general welfare, including, but not limited to a: (1) commissioned plan that documents and verifies that the system and its associated controls and safety systems are in proper working conditions, (2) fire safety compliance plan, (3) operation and maintenance manual, (4)

emergency operations plan, (5) noise study, (6) decommissioning plan, and (7) procedural manual for safe shutdown and safe start-up following cessation of emergency conditions.

Facts: The proposed 110-Megawatt (MW) Battery Energy Storage System (BESS) does not address the following operational standards necessary to protect public general welfare: (1) fire safety compliance plan, (2) operation and maintenance manual, (3) emergency operations plan, (4) noise study, and (5) procedural manual for safe shutdown. Based upon significant public testimony, the public remains concerned that the applicant has not demonstrated to the public that the Project technology will not lead to a catastrophic operational event caused by cyberattacks, terrorist attacks, or high-intensity fires caused by the batteries themselves, arson, earthquakes, or cyberattacks that could have potentially harmful impacts and effects on the public. Further, the Planning Commission expressed concerns regarding the applicant's ability to quickly and appropriately respond to emergencies on the Project site. **Therefore, this criterion has not been met.**

Findings for Recommendation of Denial of Site Plan Review (CMC Section 17.64.070)

1. All provisions of this title are complied with; and

Facts: Pursuant to CMC Section 17.54.030.E., a battery energy storage system and facility use is conditionally permitted in the M-1 Light Manufacturing zoning district subject to approval of a CUP as provided for in CMC Chapter 17.62. As stated above, the Planning Commission is unable to find facts supporting all of the required findings under CMC Sections 17.62.120 and 17.54.030.E for approval of a CUP for the proposed 110-Megawatt (MW) Battery Energy Storage System (BESS). Consequently, the proposed 110-Megawatt (MW) Battery Energy Storage System (BESS) does not comply with Sections 17.54.030.E. and 17.62.120 of Chapters 17.54 and 17.62, respectively, of Title 17 of the Covina Municipal Code. **Therefore, this criterion has not been met.**

2. The design and layout of the proposed development are consistent with the general plan, zoning code, development standards of the applicable zoning district, specific plans, design guidelines and objective design standards; and

Facts: The design of the proposed Project requires the approval of a variance to deviate from and exceed the City's Zoning Code requirements for perimeter wall heights to address safety concerns articulated by members of the public. As discussed below, the Planning Commission is recommending denial of the variance application, which would result in a perimeter wall height that is inconsistent with the City's Zoning Code requirements and development standards for the applicable M-1 Light Manufacturing Zone. **Therefore, this criterion has not been met.**

3. The design of the proposed development or the alterations to existing structures will not interfere with the use and enjoyment of existing neighborhood and future development, and will not create traffic or pedestrian hazards; and

Facts: The design of the proposed 110-Megawatt (MW) Battery Energy Storage System (BESS) will interfere with the enjoyment of the existing neighborhood. Based upon significant public testimony, the public remains concerned that the applicant has not demonstrated to the public that potential asserted health and safety hazards related to the proposed Project can be mitigated to the public's satisfaction. Further, the Planning Commission is concerned that the proposed 110-Megawatt (MW)

Battery Energy Storage System (BESS) will have noise impacts on the neighboring residents. *Therefore, this criterion has not been met.*

4. The proposed development will not be detrimental to the public health, safety or welfare or materially injurious to the properties or improvements in the vicinity.

Facts: The proposed 110-Megawatt (MW) Battery Energy Storage System (BESS) will be detrimental to the public welfare. Based upon significant public testimony, the public remains concerned that the applicant has not demonstrated to the public that potential asserted health and safety hazards related to the proposed Project can be mitigated to the public's satisfaction. *Therefore, this criterion has not been met.*

Findings for Recommendation of Denial of Variance (Cal. Gov. Code, § 65906)

1. California Government Code Section 65906 provides that “[a] variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.”

Facts: Pursuant to CMC Section 17.54.030.E., a battery energy storage system and facility use is conditionally permitted in the M-1 Light Manufacturing zoning district subject to approval of a CUP as provided for in CMC Chapter 17.62. As stated above, the Planning Commission is unable to find facts supporting all of the required findings under CMC Sections 17.62.120 and 17.54.030.E for approval of a CUP for the proposed 110-Megawatt (MW) Battery Energy Storage System (BESS). Consequently, without approval of a CUP, the proposed 110-Megawatt (MW) Battery Energy Storage System (BESS) would not be an otherwise expressly authorized use in the M-1 Light Manufacturing zoning district, and the proposed Variance could not be granted pursuant to State law. *Therefore this criterion has not been met.*

Findings for Recommendation of Denial Development Agreement (Cal. Gov. Code, § 65867.5(b))

1. California Government Code Section 65867.5(b) provides that “[a] development agreement shall not be approved unless the legislative body finds that the provisions of the agreement are consistent with the general plan and any applicable specific plan.”

Facts: The provisions of the proposed Development Agreement are not consistent with the City of Covina General Plan goals, objectives, and policies in that the proposed Project will not add to the community's vitality by providing a particular type of needed housing, a well-recognized business or store, or a high sales-tax generating or job-providing operation. *Therefore, this criterion has not been met.*

SECTION 4. Based upon the findings and conclusion set forth in Sections 1, 2, and 3 above, the Planning Commission hereby recommends that the City Council deny the Project application for: (a) Site Plan Review (SPR) 25-181: A Site Plan Review for the demolition of the existing facilities on the site and construction of a BESS facility; (b) Conditional Use Permit (CUP) 25-014: A Conditional Use Permit for the operation of a 110-megawatt (MW) BESS facility; (c) Variance (VAR) 25-001: A Variance to allow a perimeter block wall with a maximum height of 11'-4"; and (d) Development Agreement (DA) 26-001.

SECTION 5. CEQA. The Planning Commission considered the MND prior to making a recommendation on the Project to the City Council pursuant to CEQA Guidelines Section 15074. The Planning Commission is recommending denial of the Project. If the Project is denied by the City Council, the Project would be exempt from environmental review pursuant to Public Resources Code Section

21080(b)(5) and 14 Cal. Code Regs. (CEQA Guidelines) Section 15270, as CEQA does not apply to projects that a public agency rejects or disapproves.

SECTION 6. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED AND ADOPTED by the members of the Planning Commission of the City of Covina at an adjourned regular meeting thereof held on the 30th day of June, 2026.

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BRYAN RODRIGUEZ, CHAIR
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 an adjourned regular meeting thereof held on the 30th day of June, 2026, by the following vote of the Planning Commission:

AYES: RICHARDSON, NASS, MCMEEKIN, FLORES, RODRIGUEZ

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

B.R.
COVINA PLANNING COMMISSION SECRETARY