

**RESOLUTION NO. 2024-015 PC**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COVINA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 24-002 AND SITE PLAN REVIEW (SPR) 24-24, A PROPOSAL TO ADD A 1,430 SQ. FT PRE-ENGINEERED STRUCTURE WITH ONE SPRAY BOOTH WITHIN THE LIGHT MANUFACTURING (M-1) ZONE, LOCATED ON 813 E SAN BERNARDINO RD (APN: 8429-010-013) AND MAKING A DETERMINATION OF EXEMPTION OF THE CALIFORNIA ENVIRONMENTAL ACT (CEQA) GUIDELINES**

WHEREAS, Jack Lanphere (Applicant), on behalf of Gerardo Z. Chavez and Maria Miramontes (Property Owners), has filed a conditional use permit (Application) to construct a 1,430 sq. ft pre-engineered structure with one spray booth and operate a major auto body repair located on 813 E San Bernardino Rd (APN: 8429-010-013) (Property); and

WHEREAS, pursuant to CMC Chapter 17.54, the following use is listed as a conditional use subject to CMC Section 17.54.030, no major - auto body repair services shall operate on any private property within the city in any zone, without first applying for and obtaining a conditional use permit from the planning commission; and

WHEREAS, pursuant to CMC Chapter 17.62, the Planning Commission shall hold a public hearing on an application or a conditional use permit; and

WHEREAS, pursuant to CMC Charters 17.64, projects are subject to the Site Plan review requirements of CMC Chapter 17.64 Site Plan. CMC Chapter 17.64 generally requires site plan review and approval for new development or redevelopment including specified new construction, remodeling, alteration, relocation, rebuilding, or expansion of any building. Pursuant to CMC Section 17.64.040.B, when a site plan entitlement is processed with another entitlement, the reviewing body is the same as that other entitlement; and

WHEREAS, on September 10<sup>th</sup>, 2024 at the regular meeting the Planning Commission conducted a duly noticed public hearing at which time oral and written comments received prior to or at the meeting, together with a recommendation from the Planning Division, was presented to the Planning Commission. The Planning Commission concluded said hearing on that date.

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

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

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

**SECTION 2.** Based upon the entire record made available at the September 10<sup>th</sup>, 2024 meeting, the staff report, the oral presentation, and related documents submitted to the Planning Commission prior to and at the meeting, the Planning Commission hereby finds and determines as follows:

**A. Findings for Conditional Use Permit (CMC Section 17.62.120)**

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

*Facts:* The pre-engineered structure containing a paint booth would be installed and all supporting equipment would be located in a currently vacant rear area portion of the site that is abutting the railroad. This location will not result in any disruptions regarding current activities on the property, Staff has identified no site-related constraints or issues concerning any components of the proposed structure and uses. **Therefore, as proposed, this criterion has been met.**

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

*Facts:* The proposed major auto body repair use (specifically auto paint) would be having a negligible impact on the surrounding street, which is San Bernardino Rd, because the the facility is appointment based and accessible to employees only. The overall surrounding roadway system has sufficient widths and capacities to accommodate maintenance and occasionally other personnel associated with the proposed major auto repair use. **Therefore, as proposed, this criterion has been met.**

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

*Facts:* The proposed major auto body repair use (specifically auto paint) would be located, operated, and maintained in a way that does not interfere with any nearby business activities. The auto paint booth will be operating inside a pre-engineered structure that will be surrounded on the West, East and North side by a block wall which won't intervene with any surrounding uses. Furthermore, the conditions of approval will prevent any potential auto paint services associated nuisances on the surrounding areas. **Therefore, as proposed, this criterion has been met.**

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

*Facts:* No major public health or safety related impacts have been identified during project review. At construction completion and in perpetuity, the major auto body repair (specifically auto paint) would be subject to certain regulations of the South Coast Air Quality Management District (SCAQMD). Building permits would have to be obtained in conjunction with facility construction. Furthermore, the CUP associated conditions of approval will prevent any potential operational or design associated issues. **Therefore, as conditioned, this criterion has been met.**

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

In order to approve the Site Plan Review (SPR) application, the Planning Commission must make the findings as listed below:

**1. All provisions of Title of the CMC are complied with;**

*Facts:* As described in detail within the "Project Analysis," the proposed construction of a 1,430 sq. ft pre-engineered structure with one spray booth and operating a major auto body repair is within the "M-1" Industrial zone. Conditions of approval will ensure that the major auto body repair will be maintained. The proposal would comply with the criteria under Section 17.64 of the Covina Municipal Code. The site is located within an established area characterized by existing streets, walls, existing structures, and uses that conform well to surrounding neighborhood infrastructure, circulation, and support services. With the proposed modifications, overall, and recommended conditions of approval, the proposed use will have no adverse effect on surrounding properties. **Therefore, as conditioned, this criterion has 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;**

*Facts:* The expansion of ODA Autowerkz complies with all the applicable regulations as described in the staff report. The facility will protect and maintain the visual aesthetic of the community, which then complies with the General Plan Land Use Objective 1, Section 3. Commercial and Industrial (4) "Maintain its variety of functional commercial office, retail, and service businesses for reasons pertaining to employment, sales tax generation, community image enhancement, and jobs-to-housing ratio maximization." **Therefore, this criterion has 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;**

*Facts:* The subject site is located within the "M-1" Light Manufacturing Zone and is intended to provide for the development of industrial uses which include fabrication, manufacturing, assembly or processing of materials which will be compatible and not interfere with any of the business surrounding the site. The subject site is within an established area characterized by industrial uses, connecting well to existing neighborhood infrastructure and support services. Proposed improvements to the site are aesthetically pleasing, functional, and visually compatible with neighboring structures and the area

within which it is proposed to be located and follow the Covina Municipal Code. **Therefore, this criterion has been met.**

**4. The proposed development has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA);**

*Facts:* The project involves the construction of a 1,430 sq. ft pre-engineered structure with one spray booth and operating auto paint services within an existing a major auto body repair business. Staff has determined that the project is exempt from the requirements of California Environmental Quality Act (CEQA) Guidelines Section 15303 under Class 3. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. It will not exceed 10,000 square feet in floor area and will not involve the use of significant amount of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive. **Therefore, this criterion has been met.**

**5. 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:* Construction activities during the tenant improvements are not likely to cause serious public health problems. All potentially hazardous materials used during project construction will be disposed of in accordance with manufacturers' specifications and instructions, thereby reducing the risk of hazardous materials use. In addition, the Project would comply with all applicable federal, state, and local requirements concerning the use, storage, and management of hazardous materials, including but not limited to the Resource Conservation and Recovery Act, California Hazardous Waste Control Law, federal and state Occupational Safety and Health Acts, SCAQMD rules, and permits and associated conditions issued by the Building and Safety Division. **Therefore, as conditioned, this criterion has been met.**

**6. The development complies with the provisions for dedications, public improvements and undergrounding utilities pursuant to CMC 17.64.140 and congestion management and transportation demand management requirements pursuant to CMC 17.64.150;**

*Facts:* All new utility service lines that are installed to serve the tenant space shall be placed underground. The Applicant shall comply with any other utility and/or street improvements required by the Department of Public Works (Engineering, Traffic, and Environmental Services). **Therefore, as conditioned, this condition has been met.**

**SECTION 3.** The Planning Commission, based on its own independent judgment, has determined that the proposed project of the 1,430 sq. ft pre-engineered structure with one spray booth and operating auto painting services is deemed exempt from the California Environmental Quality Act (CEQA) under to specific categorical exemptions: Section 15303 Class 3. Consisting

The Planning Commission further finds that there is no substantial evidence that the Project will have a significant effect on the environment.

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

- A. The Conditional Use Permit (CUP) 24-02 and Site Plan Review (SPR) 24-24 is hereby approved, subject to the conditions of approval set forth in the written record before the Commission incorporated here and attached hereto as Exhibit "A."
- B. The Secretary of the Planning Commission is directed to serve, by first-class mail, a written notice of this decision to the Applicant within five (5) days.

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

PASSED AND ADOPTED by the members of the Planning Commission of the City of Covina at a regular meeting thereof held on the 10<sup>th</sup> day of September 2024.

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ROSIE RICHARDSON, CHAIRPERSON  
CITY OF COVINA PLANNING COMMISSION

I hereby certify that the foregoing is a true copy of a resolution adopted by the Planning Commission of the City of Covina at a regular meeting thereof held on the 10<sup>th</sup> of September, 2024, by the following vote of the Planning Commission:

AYES:

NOES:

ABSENT:

ABSTAIN:

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COVINA PLANNING COMMISSION SECRETARY  
**EXHIBIT A**  
**CONDITIONAL USE PERMIT (CUP) 24-02 AND**  
**SITE PLAN REVIEW (SPR) 24-024**  
**APN: 8429-010-013**  
**CONDITIONS OF APPROVAL**

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The **Conditional Use Permit (CUP) 24-02 and Site Plan Review (SPR) 24-024**, proposing a 1,460 sq. ft pre-engineered structure with one spray booth and operating auto painting services in the Light Manufacturing (M-1) Zone located at 813 W San Bernardino Rd, Covina, CA, 91722 (APN: 8429-010-013).

**ALL OF THE FOLLOWING CONDITIONS APPLY TO THE PROJECT**

**A. TIME LIMITS:**

1. **Conditional Use Permit (CUP) 24-02 and Site Plan Review (SPR) 24-24:** Approval of this application will expire two years from the date of Project approval if building permits are not issued unless otherwise extended pursuant to applicable laws. The applicant may apply to extend the expiration date for a maximum period of one year upon written request to the Director of Community Development a minimum of thirty (30) days prior to expiration. The request must be approved by the Planning Commission prior to expiration of the approved CUP and SPR applications.

**B. GENERAL REQUIREMENTS:**

1. This approval is for 1,430 sq. ft pre-engineered structure with one spray booth and operating auto painting services” within the light manufacture (M-1) zone located at 813 E San Bernardino Rd, Covina, CA, 91722 (APN: 8429-010-013)
2. All temporary canopies and exposed car lifts must be removed from the site. If any new structure or car lift is proposed on site it will require a modification to the Conditional Use Permit (CUP).
3. No storage of vehicles can be placed outdoors. Any overnight parking for serviced vehicles must be within an enclosed structure not visible form the right of way.
4. Operating on vehicles must be done within the structure, cannot provide any services outdoors.
5. This approval will not be effective for any purposes until the Applicant has filed with the Planning Division an affidavit stating that it is aware of and agrees to accept all of the conditions of this approval as set forth herein and within 10 days from the date of this approval.
6. The applicant shall defend, indemnify and hold harmless the city and its officers, agents and employees from any claim, action or proceeding against the city or its officers, agents or employees to attack, set aside, void or annul any approval under this chapter. The applicant shall further defend, indemnify and hold harmless the city, its officers, agents and employees from any damages, liabilities, claims, suits, or causes of action of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the applicant, its agents, employees, licensees, contractors, subcontractors or independent contractors, pursuant to the approval issued by the city.
7. All indemnity provisions, as set forth above, shall continue to be the liability and obligation of Applicant, binding upon Applicant, until the final resolution of all Claims, and shall survive the completion, partial completion, or abandonment of the Project.
8. The Project Site and all improvements thereon, including landscaping, must be maintained in a sound, healthy, and attractive condition reasonably free of weeds, visible deterioration, graffiti, debris and/or other conditions that violate the Covina Municipal Code.
9. The costs and expenses of any code enforcement activities, including, but not limited to, attorneys' fees, caused by applicant's violation of any condition imposed hereunder or any provision of the Covina Municipal Code must be paid by the applicant.

10. The management of the business shall at all times take reasonable steps a) to prevent any outside loitering by any associated patrons and b) to encourage all business-related persons to be courteous with neighboring businesses.
11. The management of the business shall ensure that all employees and customers of the business that drive to the site park on the underlying site in legal parking spaces.
12. Any proposed permanent and temporary exterior signage displaying the name of the subject business is not a part of this approval. All such signage shall be subjected to a separate application, review, and approval process, whereby all applicable requirements shall be met and all necessary permits shall be obtained.
13. At all times when any outside lighting typically operates, the exterior lighting on the property shall be fully functional. This lighting shall further meet the design and minimum foot-candle standards of the City to sustain public safety (or, 1.0 foot-candle of illumination) and shall be hooded to prevent the reflection of lights upon the adjacent properties to the south and east of the subject project. All exterior lighting on the site shall not generate any glare onto any surrounding properties or the adjacent public rights-of-way. Exterior lighting shall be pointed downwards and away from any residences. Only the blue accent LED lighting depicted on the submitted plans shall be allowed on the canopy fascia.
14. Approval of this request shall not waive compliance with all other sections of the Covina Municipal Code, the Covina Design Guidelines, and all other applicable plans and non-City laws and regulations that are in effect at the time of application approval by the Planning Commission and at the time of building permit issuance(s) by the Covina Building Division.
15. The City shall have the reasonable right of entry to inspect the immediate premises and the overall property to verify compliance with these Conditions of Approval.
16. If any provision of this approval is held or declared to be invalid, then the entire approval shall be void and the privileges granted hereunder shall lapse.

**C. SITE DEVELOPMENT**

1. The Project Site shall be developed and maintained in accordance the approved plans on file with the Community Development Department, all representations of record made by the Applicant(s), the conditions contained herein, the Covina Municipal Code, the Town Center Specific Plan and the Covina Design Guidelines.
2. Final plans incorporating all conditions of approval and any plan-related changes required in the approval process shall be submitted for the Director or his designee for review and approval, prior to submittal for Plan Check process.
3. Copies of the signed Resolution No. 2024-15 PC shall be included on the plans (full size) for submittal of plan check.

4. All ground mounted utility appurtenances shall be adequately screened using a combination of concrete or masonry walls, and or landscaping to the reasonable satisfaction of the Director or his/her designee.
5. The Project Site must be clean and reasonably free of trash and construction debris, and all construction equipment must be removed from the Project Site prior to issuance of the last certificate of occupancy for the production units.

**D. BUILDING AND SAFETY**

1. Submit 4 (Four) sets of complete plans, (Electronic submittal maybe at the time of submittal) including any proposed utilities and earthwork/grading. The Project must comply with the 2022 California Building Code and Standards. Be sure to include 2 (Two) sets each, any structural calculations, soils reports, and energy calculations shall be submitted with the above-mentioned plans. All calculations must bear an original signature from the licensed professional engineer or architect documented author.
2. This Project must comply with applicable Federal and State Accessibility requirements to and throughout the buildings. Include compliance methods and structural details on the plans. It is required that an independent CASp review of the project be performed although your new facility may have already been approved and permitted by the building department, it is important to obtain CASp inspection services after your move-in because unintended access barriers and violations can be created, such as placing your furniture and equipment in areas required to be maintained clear of obstructions. For planned alterations, a CASp can review your improvement plans and provide an access compliance evaluation of your facility's public accommodation areas that may not be part of the alteration.
3. Demolition activities require an asbestos-containing materials (ACM) survey. (SCAQMD RULE 1403). The ACM report shall be prepared by an accredited testing laboratory in accordance with applicable SCAQMD rules and regulations. Proof of notification to the South Coast Air Quality Management District (SCAQMD), Office of Operations, shall be submitted to the Building Division with the relevant permit application for all demolition activities. Contact the SCAQMD at the address or number below for more information. Once any demolition activity has adhered to the applicable notification requirements to the SCAQMD, a formal demolition plan and permit must be obtained from the Building and Safety Division.
4. SCAQMD Headquarters; 21865 Copley Drive, Diamond Bar, CA, (909) 396-2381.
5. Provide an additional digital copy (pdf preferred) of the building floor plan, elevations, and site plan to be submitted to the LA County Assessor. This copy should be in sufficient detail to allow the assessor to determine the square footage of the buildings and, in the case of residential buildings, the intended use of each room. For additional information, please contact the LA County Assessor's, Public Service Desk at 888-807-2111.
6. The Applicant shall pay the applicable SB 50 development impact fees to the School District prior to issuance of the first building permit for production units.
7. 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



## E. COVINA POLICE DEPARTMENT

1. Exterior lighting to include: any parking lot light fixtures and wall mounted light fixtures shall be of LED. Lighting will follow the planning departments established lighting requirements. The condition of approval shall be accomplished on or before opening. Current elevations provided do not depict any exterior wall packs for lighting. To increase safety and visibility, we would like to see LED wall packs installed surrounding the building.
2. Wayfinding signage shall be provided and submitted to Police Department and Planning Division for review and approval. Wayfinding signage shall have lighting as well. Lighting will follow the planning departments established lighting requirements. The condition of approval shall be accomplished on or before opening.
3. Signage stating vehicle code is enforceable must be posted at all entrances so that guests/visitors are aware of what will be enforced on the property. Police Department to review signage. The condition of approval shall be accomplished on or before opening.
4. The permittee and the operator of any business at the premises shall install, use, and maintain in good working condition a video security system capable of viewing and recording events at the premises as approved by the Chief of Police. The video security system shall be on and operating at all times by common areas, entrances and exits, and parking areas. The video security system shall be of such to provide images of such a resolution as to clearly identify individuals for later identification. Security systems could deter and prevent public nuisances. Installation and approval shall occur prior to the release of the occupancy or approval of business license.
5. The permittee and the operator of any business at the premises shall ensure that at least one employee or other person is present on the premises during normal business hours with the necessary knowledge and skill to operate the video security system so that he or she is able to provide the Covina Police Department copies of video recordings immediately upon request.
6. The owners, operators, or managers shall, subject to approval of the Police Department, develop a plan to monitor the area surrounding the location for trash and other discarded items that impact public health and to maintain the cleanliness of the parking lots, sidewalks, and the property of adjacent business owners.
7. The owners, operators, or managers shall, subject to approval of the Police Department, develop a plan to ensure that all exterior locations are adequately and safely illuminated during hours of darkness.
8. The owners, operators, or managers shall ensure that all occupancy levels mandated by the Los Angeles County Fire Department and the Covina Building Division are strictly enforced and adhered to. At any time that the occupancy is in question, the Police Department Watch Commander can contact the Los Angeles County Fire Department and/or the Covina Building Division in order to determine if the occupancy level is over the allowed number of occupants.
9. The owners, operators, or managers must comply with all City codes and ordinances relating to police response and abatement nuisance conditions.

10. All landscaping should follow the two-foot six-foot rule. All landscaping should be ground cover, two feet or less and lower tree canopies should be at six feet. This increases natural surveillance and eliminates hiding areas within landscaping. Tree canopies should not interfere with or block the lighting along sidewalks or parking lots. This creates shadows and areas of concealment. Planters will use plant species with limited growth. This is to ensure that maintenance does not become an issue and surveillance from the building is maintained.
11. Rolling driveway gates, and any pedestrian gate, shall have a keypad installed with current access code provided to Police Dispatch at (626) 384-5808.
12. **NOTICE:** The breach of a condition of this Permit (which is a public nuisance – pursuant to Chapter 8.40 of the Covina Municipal Code) that results in an imminent hazard to persons or property, the Police Chief or other authorized official may, if necessary to summarily abate the nuisance, require a cessation of your business operations or a closure of the premises pursuant to Section 8.40.180 [Emergency Action to Abate an Imminent Hazard] of the Covina Municipal Code. That section states in part as follows:
  - a. Notwithstanding any provision of the Covina Municipal Code to the contrary, the Police Chief, the Fire Chief, or the building official, or any of their designees, may cause a public nuisance to be summarily abated if it is determined that the nuisance creates an imminent hazard to a person or persons, or to other real or personal property

**F. LOS ANGELES COUNTY FIRE DEPARTMENT**

1. Spray booth requires Fire Department approval, please submit plans to the Irwindale Fire Office. Operational permits are required from the Fire Department for both the spray booth and repair shop.

*(East Region – Irwindale Office / 5200 Irwindale Ave, #210 Irwindale, CA, 91706)*

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**END OF CONDITIONS**