

RESOLUTION NO. 24-6154

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL CERTIFICATION OF THE MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR PRECISE PLAN NO. 21-01 AND ZONE CHANGE NO. 24-01, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970

MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

APPLICANT: Boyd Sumner (Envision Motors)

LOCATION: 1800 E. Garvey Avenue and 200 S. Azusa Avenue

WHEREAS, there was filed with the City, a verified application on the forms prescribed in Chapter 26, Article VI of the West Covina Municipal Code, requesting approval of a Precise Plan to:

Allow the construction of a new two-story 85,390 square foot dealership building on a certain property described as:

Assessor's Parcel No.'s 8478-007-031, -025, and -042 in the records of the Los Angeles County Assessor; and

WHEREAS, an application for a Zone Change to change the existing zoning of one parcel from Neighborhood Commercial Mixed Use (NMU) to Service Commercial Mixed Use (SMU) within the Auto Plaza Overlay Zone has been submitted for the development of the project; and

WHEREAS, an application for a Precise Plan was submitted for the physical development of the site; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act (CEQA); and

WHEREAS, an initial study was prepared for said project; and

WHEREAS, based upon the findings of the initial study, it was determined that the proposed project will not have a significant impact on the environment and will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Fish and Game Code; and

WHEREAS, a Mitigated Negative Declaration of Environmental Impact was prepared for the proposed project pursuant to the requirements of the California Environmental Quality Act of 1970, and mitigation measures are included in said Negative Declaration in support of the finding that there will not be a significant effect on the environment as a result of this project.

WHEREAS, the Planning Commission, upon giving the required notice, did on the 10th day of December 2024, conduct a duly advertised public hearing to consider the subject application, at which time the Planning Commission adopted a resolution approving the Mitigated Negative Declaration; and

NOW, THEREFORE, the Planning Commission of the City of West Covina does hereby resolve as follows:

1. After receiving and considering all determinations, studies, documents, and recommendations, as well as other appropriate public comments, the Planning Commission of the City of West Covina recommends that the City Council certify the Mitigated Negative Declaration of Environmental Impact, subject to compliance with the mitigation measures that are recommended in the Mitigated Negative Declaration of Environmental Impact as set forth in Exhibit A.
2. Non-compliance with the aforementioned mitigation measures as by the monitoring department/agency and any measures taken to correct said non-compliance shall be immediately reported to the Planning Division on the City of West Covina Monitoring Checklist Form.
3. The applicant agrees to implement the aforementioned mitigation measures and monitoring or reporting requirements.
4. Failure to comply with any aforementioned mitigation measures and/or monitoring or reporting requirements will result in a written notice of violation from the City to the applicant at which time the City may order that all or a portion of pre-construction, construction, post-construction activity or project implementation must cease until compliance is reached.
5. The California Environmental Quality Act (CEQA) and State and local guidelines, rules, regulations, and procedures adopted pursuant thereto permits the City of West Covina to impose any fees or charges associated with implementing the above monitoring program upon the applicant.

I HEREBY CERTIFY, that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a regular meeting held on the 10th day of December 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATE: December 10, 2024

Chair
Planning Commission

Jo-Anne Burns, Secretary
Planning Commission

EXHIBIT A

MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND MITIGATION MONITORING AND REPORTING PROGRAM



7.0 MITIGATION MONITORING AND REPORTING PROGRAM

The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in conformance with § 21081.6 of the Public Resources Code and § 15097 of the CEQA Guidelines, which requires all state and local agencies to establish monitoring or reporting programs whenever approval of a project relies upon a Mitigated Negative Declaration (MND) or an Environmental Impact Report (EIR). The MMRP ensures implementation of the measures being imposed to mitigate or avoid the significant adverse environmental impacts identified through the use of monitoring and reporting. Monitoring is generally an ongoing or periodic process of project oversight; reporting generally consists of a written compliance review that is presented to the decision-making body or authorized staff person.

It is the intent of the MMRP to: (1) provide a framework for document implementation of the required mitigation; (2) identify monitoring/reporting responsibility; (3) provide a record of the monitoring/reporting; and (4) ensure compliance with those mitigation measures (MM) that are within the responsibility of the City and/or Applicant to implement.

The following table lists the impacts and mitigation measures adopted by the City of West Covina in connection with approval of the proposed project, level of significance after mitigation, responsible and monitoring parties, and the project phase in which the measures are to be implemented.

Only those environmental topics for which mitigation is required are listed in this Mitigation Monitoring and Reporting Program.



❖ SECTION 7.0 - MITIGATION MONITORING & REPORTING PROGRAM ❖

Table 7.0-1
MITIGATION MONITORING AND REPORTING PROGRAM

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
4.4 Biological Resources Threshold 4.4 a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	MM BIO-1: Pre-Construction Breeding Bird Survey To be in compliance with the MBTA and Fish and Game Code, and to avoid impacts or take of migratory non-game breeding birds, their nests, young, and eggs, the following measures will be implemented. The measures below will help to reduce direct and indirect impacts caused by construction on migratory non-game breeding birds to less than significant levels. Project activities that will remove or disturb potential nest sites, such as open ground, trees, shrubs, grasses, or burrows, during the breeding season would be a potential significant impact if migratory non-game breeding birds are present. Project activities that will remove or disturb potential nest sites will be scheduled outside the breeding bird season to avoid potential direct impacts on migratory non-game breeding birds protected by the MBTA and Fish and Game Code. The breeding bird nesting season is typically from February 15 through September 15, but can vary slightly from year to year, usually depending on weather conditions. Removing all physical features that could potentially serve as nest sites will also help to prevent birds from nesting within the project site during the breeding season and during construction activities.	- Project Applicant - Qualified Biologist	Field Verification	- City of West Covina - City of West Covina - Before Construction



❖ SECTION 7.0 – MITIGATION MONITORING AND REPORTING PROGRAM ❖

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	- If project activities cannot be avoided during February 15 through September 15, a qualified biologist will conduct a pre-construction breeding bird survey for breeding birds and active nests or potential nesting sites within the limits of project disturbance. The survey will be conducted at least seven days prior to the onset of scheduled activities, such as mobilization and staging. It will end no more than three days prior to vegetation, substrate, and structure removal and/or disturbance. - If no breeding birds or active nests are observed during the pre-construction survey or they are observed and will not be impacted, project activities may begin, and no further mitigation will be required. - If a breeding bird territory or an active bird nest is located during the pre-construction survey and will potentially be impacted, the site will be mapped on engineering drawings and a no activity buffer zone will be marked (fencing, stakes, flagging, orange snow fencing, etc.) a minimum of 100 feet in all directions or 500 feet in all directions for listed bird species and all raptors. The biologist will determine the appropriate buffer size based on the type of activities planned near the nest and the type of bird that created the nest. Some bird species are more tolerant than others of noise and activities occurring near their nest. This no-activity buffer zone will not be disturbed until a qualified biologist has determined that the nest is inactive, the young have			



❖ SECTION 7.0 – MITIGATION MONITORING AND REPORTING PROGRAM ❖

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	fledged, the young are no longer being fed by the parents, the young have left the area, or the young will no longer be impacted by project activities. Periodic monitoring by a biologist will be performed to determine when nesting is complete. Once the nesting cycle has finished, project activities may begin within the buffer zone. • If listed bird species are observed within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency. • Birds or their active nests will not be disturbed, captured, handled or moved. Active nests cannot be removed or disturbed; however, nests can be removed or disturbed if determined inactive by a qualified biologist.			
Threshold 4.4 d) Would the project interfere substantially with the movement of any native resident or	Refer to Threshold 4.4 a) MM BIO-1 above.	• Refer to above	• Refer to above	• Refer to above



❖ SECTION 7.0 – MITIGATION MONITORING AND REPORTING PROGRAM ❖

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				
4.5 Cultural Resources				
Threshold 4.5 b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5.	MM CUL 1: If archaeological resources are discovered during construction activities, the contractor will halt construction activities within a 50-foot diameter and notify the City of West Covina. The project applicant shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology who will be notified and afforded the necessary time to recover, analyze, and curate the find(s). The qualified archaeologist will recommend the extent of archaeological monitoring necessary to ensure the protection of any other resources that may be in the area. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A L) form and filed with the South Central Coastal Information Center. Construction activities may continue on other parts of the project site while evaluation and treatment of prehistoric archaeological resources takes place.	• Project Contractor • Qualified Archaeologist	• Field Verification	1. City of West Covina 2. City of West Covina 3. During construction activities



❖ SECTION 7.0 – MITIGATION MONITORING AND REPORTING PROGRAM ❖

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
Threshold 4.5 c): Disturb any human remains, including those interred outside of formal cemeteries.	MM CUL2: If human remains are encountered during excavations associated with this project, all work will stop within a 30-foot radius of the discovery and the Los Angeles County Coroner will be notified (§ 5097.98 of the Public Resources Code). The Coroner will determine whether the remains are recent human origin or older Native American ancestry. If the coroner, with the aid of the supervising archaeologist, determines that the remains are prehistoric, they will contact the NAHC. The NAHC will be responsible for designating the Most Likely Descendant (MLD). The MLD (either an individual or sometimes a committee) will be responsible for the ultimate disposition of the remains, as required by § 7050.5 of the California Health and Safety Code. The MLD will make recommendations within 24 hours of their notification by the NAHC. These recommendations may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials (§ 7050.5 of the Health and Safety Code).	• Project Contractor • Qualified Archaeologist • Los Angeles County Coroner	• Field Verification	1. City of West Covina 2. City of West Covina 3. During project construction activities
4.7 Geology and Soils				
Threshold 4.7 f): Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	MM GEO-1: Prior to the issuance of the grading permit, the applicant shall provide a letter to the City of West Covina Planning Division, or designee, from a qualified paleontologist stating that the paleontologist has been retained to provide services for the project. The paleontologist shall develop, as needed, a Paleontological Resources Impact Mitigation Plan (PRIMP) to mitigate the potential impacts to unknown buried paleontological resources that may exist onsite for the review and approval by the City. The PRIMP shall require that the paleontologist perform paleontological monitoring of any ground disturbing activities within undisturbed native sediments during mass grading, site preparation, and underground utility installation. The project paleontologist may reevaluate the necessity for paleontological monitoring after 50 percent or	• Project Applicant • Qualified Paleontologist • Construction Contractor	• Monitoring • Assessment • Recovery • Curation	1. City of West Covina 2. City of West Covina 3. Prior to the issuance of the grading permit



❖ SECTION 7.0 – MITIGATION MONITORING AND REPORTING PROGRAM ❖

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	greater of the excavations have been completed. In the event paleontological resources are encountered, ground-disturbing activity within 50 feet of the area of the discovery shall cease. The paleontologist shall examine the materials encountered, assess the nature and extent of the find, and recommend a course of action to further investigate and protect or recover and salvage those resources that have been encountered. Criteria for discard of specific fossil specimens will be made explicit. If the qualified paleontologist determines that impacts to a sample containing significant paleontological resources cannot be avoided by project planning, then recovery may be applied. Actions may include recovering a sample of the fossiliferous material prior to construction, monitoring work and halting construction if a significant fossil needs to be recovered, and/or cleaning, identifying, and cataloging specimens for curation and research purposes. Recovery, salvage and treatment shall be done at the Applicant's expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the paleontologist. Resources shall be identified and curated into an established accredited professional repository. The paleontologist shall have a repository agreement in hand prior to initiating recovery of the resource.			
4.9 Hazards and Hazardous Materials				
Threshold 4.9 a): Would the project create a significant hazard to the public or the environment through the	MM HAZ-1: During project site grading on the Valero gas station site the project proponent shall periodically have soil samples tested for TPH-g, TH-d, MTBE, and TBA. Upon finding samples with concentrations of any of the contaminants at concentrations over environmental screening levels (ESLs) for commercial use, the project proponent shall: halt grading operations; shall retain a	- Project Applicant - Qualified Environmental Assessor	Field Verification	1. City of West Covina 2. City of West Covina



❖ SECTION 7.0 – MITIGATION MONITORING AND REPORTING PROGRAM ❖

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
routine transport, use, or disposal of hazardous materials?	qualified environmental assessor to conduct soil sampling and testing to determine the extent of soil contaminated with concentrations over ESLs; and shall then retain an environmental remediation company to remediate and/or remove the contaminated soil.			3. During Construction
4.18 Tribal Cultural Resources				
Threshold 4.18 b): Cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources as defined in Public Resources Code § 5020.1(k)?	MM TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities A. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. B. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity. C. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or	• Project Contractor • Qualified Archaeologist - Los Angeles County Coroner	•Field Verification	1. City of West Covina 2. City of West Covina 3. During project construction activities



❖ SECTION 7.0 – MITIGATION MONITORING AND REPORTING PROGRAM ❖

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	“TCR”), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe. D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.			
	MM TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial) A. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe’s sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.	• Project Contractor • Qualified Archaeologist • Los Angeles County Coroner	• Field Verification	1. City of West Covina 2. City of West Covina 3. During project construction activities



❖ SECTION 7.0 – MITIGATION MONITORING AND REPORTING PROGRAM ❖

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	MM TCR 3: As specified by California Health and Safety Code § 7050.5, if human remains are found on the project site during construction or during archaeological work, the Los Angeles County Coroner's office shall be immediately notified and no further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code § 5097.98. The Coroner would determine within two working days of being notified if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC would make a determination as to the Most Likely Descendent.	• Project Contractor • Qualified Archaeologist • Los Angeles County Coroner	• Field Verification	1. City of West Covina 2. City of West Covina 3. During project construction activities