

P L A N N I N G C O M M I S S I O N

R E S O L U T I O N N O . 26-6185

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, DENYING THE APPEAL AND UPHOLDING THE PLANNING DIVISION'S DENIAL OF ADMINISTRATIVE PERMIT NO. 25-65 FOR THE CONSTRUCTION OF FOUR (4) FREESTANDING SOLAR CARPORT STRUCTURES AT 100 SOUTH VINCENT AVENUE

WHEREAS, on March 17, 2026, Foothill Transit ("Applicant") submitted Administrative Permit No. 25-65 requesting approval for the construction of four (4) freestanding solar carport structures supporting photovoltaic panels over portions of the existing surface parking area at 100 South Vincent Avenue; and

WHEREAS, the subject property is located within the Downtown Plan & Code area and is zoned T4-General Urban (T4-GU); and

WHEREAS, the subject property is developed with an approximately 58,000-square-foot, six-story multi-tenant office building, an approximately 900-square-foot detached ATM canopy, and associated surface parking areas. Foothill Transit operations, Chase Bank, and other tenants occupy the six-story office building; and

WHEREAS, the Applicant proposes three (3) freestanding solar carport structures containing approximately 5,500 square feet each and one (1) freestanding solar carport structure containing approximately 6,416 square feet, for a combined solar canopy area of approximately 22,916 square feet; and

WHEREAS, the proposed solar carports would be freestanding structures detached from the existing six-story office building and located primarily within the existing surface parking area, and no change to the existing uses occupying the property is proposed; and

WHEREAS, after reviewing Administrative Permit No. 25-65 and the applicable provisions of the Downtown Plan & Code, the Planning Division denied the proposed solar carports within the T4-GU zoning district; and

WHEREAS, on April 9, 2026, the Planning Division issued a Notice of Denial for Administrative Permit No. 25-65; and

WHEREAS, on April 14, 2026, the Applicant timely filed an appeal of the Planning Division's determination; and

WHEREAS, on September 22, 2026, the Planning Commission conducted a duly noticed public hearing to consider the appeal, at which time the Planning Commission received and considered the staff report, the Applicant's appeal, project plans, written materials, public testimony, and all other evidence presented as part of the administrative record.

NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, AS FOLLOWS:

SECTION 1. – FINDINGS

Based upon the evidence contained in the administrative record, including the staff report and information presented at the public hearing, the Planning Commission hereby finds and determines as follows:

1. Applicable Regulatory Framework

The subject property at 100 South Vincent Avenue is located within the Downtown Plan & Code and is zoned T4-General Urban (T4-GU). Development of the property is therefore subject to the applicable provisions of the Downtown Plan & Code.

The Downtown Plan & Code implements the City's vision, goals, and policies for the Downtown area and promotes a compact, walkable, mixed-use urban form that is inviting, comfortable, safe, and ecologically resilient.

The proposed project consists of four (4) freestanding solar carport structures totaling approximately 22,916 square feet over portions of the existing surface parking area. The structures would be detached from the existing six-story office building.

The proposed solar carport structures are not identified as a permitted use within the T4-GU zoning district. Therefore, the proposed use is not authorized under the applicable use regulations of the Downtown Plan & Code.

While the City generally supports renewable-energy improvements, solar technology alone does not establish that a proposed development is a permitted use within a particular zoning district. Development must comply with the applicable use regulations of the Downtown Plan & Code.

2. Downtown Plan Goals and Policies

The Downtown Plan & Code establishes goals and policies intended to guide the character and development of the Downtown area. These include Goal 1 on tree canopy; Goal 5 on an enduring and memorable public realm; Goal 6 on quality architecture, urban design, and landscape architecture; and Goal 8 on integrated transportation.

Collectively, these goals promote enhanced landscaping, pedestrian-oriented development, multimodal transportation, high-quality urban design, and improvements to the public realm.

The Downtown Plan also identifies Corridor Infill along South Vincent Avenue as an opportunity for new development to enhance the eastern face of South Vincent Avenue through a mix of retail, commercial, office, and hotel uses and to create a stronger gateway into Downtown.

These goals and policies provide the broader planning context for development within the Downtown area. However, the primary regulatory issue presented by the appeal is whether the proposed use is authorized within the T4-GU zoning district. Because the proposed freestanding solar carport structures are not identified as a permitted use in the T4-GU district, the project does not comply with the applicable use regulations of the Downtown Plan & Code and cannot be approved as proposed.

3. Unlisted Uses – Downtown Plan & Code Section 3.1A

The Applicant contends that Section 3.1A of the Downtown Plan & Code provides authority to approve the proposed solar carports as an unlisted use.

Section 3.1A provides a process for evaluating uses that are not specifically identified. However, a use that is not specifically listed does not automatically become an allowable use.

An unlisted use must be evaluated in the context of the uses and development contemplated by the Downtown Plan & Code and the regulations applicable to the particular zoning district.

The applicable use table does not identify solar carports, photovoltaic canopies, or similar freestanding solar structures as allowable uses within the T4-GU zoning district.

The Applicant further contends that solar carports are not expressly identified as prohibited. The Planning Division's determination, however, is not based upon solar carports being expressly listed as a prohibited use. Rather, it is based upon the absence of an applicable provision identifying solar carports as allowable within the T4-GU district.

Accordingly, Section 3.1A does not provide a sufficient basis to approve the proposed solar carports.

4. Parking Facility as an Allowable Use

Table 4.3.1 of the Downtown Plan & Code identifies a public or private parking facility as an allowable use within the T4-GU zoning district.

Administrative Permit No. 25-65, however, is not a request to establish a new parking facility. Surface parking already exists on the property in association with the existing uses.

The application instead proposes four (4) new freestanding solar carport structures totaling approximately 22,916 square feet over portions of the existing parking area.

The fact that a parking facility is an allowable use does not, by itself, establish that every structure or improvement proposed within a parking facility is also allowable. Structures and improvements remain subject to the applicable provisions of the Downtown Plan & Code.

Therefore, the provision allowing public or private parking facilities within the T4-GU district does not independently authorize the proposed solar carport structures.

5. Solar Carports in Other City Zoning Districts

Section 26-51, Land Use Regulations and Allowable Uses, Table 2-12, Uses and Permit Requirements, of the West Covina Development Code specifically addresses solar carports and identifies solar carports as an allowable use within certain commercial zoning districts.

The subject property, however, is located within the Downtown Plan & Code and is zoned T4-General Urban (T4-GU). The Downtown Plan & Code establishes the applicable regulatory framework for development of the subject property.

Unlike Section 26-51, Table 2-12 of the Development Code, the Downtown Plan & Code does not contain a comparable provision identifying solar carports as an allowable use within the T4-GU zoning district.

The City's Development Code specifically addresses solar carports within its land use regulations and expressly allows them in certain zoning districts. No corresponding authorization for solar carports is provided within the applicable T4-GU use regulations.

Accordingly, Section 26-51, Table 2-12, which allows solar carports in other zoning districts, does not provide a basis for approving the four proposed freestanding solar carport structures at 100 South Vincent Avenue.

6. Existing Solar Carports at South Vincent Avenue and South Glendora Avenue

The Applicant cites existing solar carports near South Vincent Avenue and South Glendora Avenue as evidence that the City previously permitted similar structures.

City records indicate that the referenced solar carport project was permitted by right in 2010.

The City subsequently adopted the Downtown Plan & Code in 2016, approximately six years after the referenced project was permitted. The referenced project was therefore reviewed pursuant to the zoning regulations in effect at that time and was not subject to the Downtown Plan & Code currently governing development within the subject area.

Accordingly, the prior project does not establish that solar carports are allowable under the current Downtown Plan & Code. Administrative Permit No. 25-65 must be evaluated pursuant to the regulations applicable to 100 South Vincent Avenue at the time of the current application.

7. Downtown Plan Sustainability Policies

The Applicant references goals and policies within the Downtown Plan & Code related to sustainability, energy efficiency, greenhouse gas reduction, and environmentally responsible development.

The Planning Commission recognizes the environmental benefits associated with renewable-energy systems and does not dispute that photovoltaic systems can further sustainability objectives.

However, general goals and policy statements do not independently establish that a particular use or development type is allowable under the regulatory provisions applicable to a property. Development within the Downtown Plan area must be evaluated for consistency with the applicable regulatory provisions of the Downtown Plan & Code.

The denial of Administrative Permit No. 25-65 is therefore not based upon opposition to solar energy. Rather, it is based upon the interpretation and application of the regulations governing the proposed freestanding solar carport structures within the T4-GU zoning district.

8. State Solar Energy Regulations

The Applicant cites Government Code Section 65850.5 and State policies intended to encourage and facilitate the installation of solar energy systems.

The Planning Commission acknowledges California's policies supporting solar energy development. The Planning Division's denial, however, was not based upon technical building, electrical, fire, or photovoltaic equipment requirements.

Building and Safety has not reviewed the proposed structures because, during land use review, the Planning Division determined that the proposed freestanding solar carports are not allowable under the applicable Downtown Plan & Code regulations.

Solar carports are not prohibited citywide. Section 26-51, Table 2-12 of the West Covina Development Code specifically identifies solar carports as allowable within certain other zoning districts.

The issue presented by this appeal is not whether solar energy systems may be developed within the City generally. The issue is whether the four proposed freestanding solar carport structures are allowable at 100 South Vincent Avenue under the T4-GU regulations of the Downtown Plan & Code.

Additionally, the proposed solar energy system would result in a specific, adverse impact upon public safety, and there is no feasible method to satisfactorily mitigate or avoid the impact, consistent with Government Code Section 65850.5(c). The subject property is immediately adjacent to Interstate 10 (I-10), and the proposed solar carports, ranging from approximately 14 to 21 feet in height, would place photovoltaic panels in close proximity to the freeway and other public roadways. Given the panels' height, orientation, slope, and location, together with the removal of existing trees, reflected sunlight and glare could be directed toward freeway travel lanes and adversely affect motorists. No feasible screening or other mitigation has been identified that would adequately eliminate this potential impact without substantially obstructing the sunlight necessary for the solar system to function.

9. Preliminary Discussions with Planning Division Staff

The Applicant states that it discussed the project with Planning Division staff before formally submitting the application and that staff did not advise the Applicant during those discussions that the proposed project would be denied.

Preliminary discussions occurred at the Planning counter; however, no formal application had been submitted at that time, and staff had not completed a comprehensive zoning review or written determination.

Preliminary counter discussions provide general information and assistance to applicants and do not constitute formal project approval or a determination that a proposed project complies with all applicable regulations.

After formal submittal of Administrative Permit No. 25-65, Planning Division staff reviewed the proposed project against the applicable provisions of the Downtown Plan & Code and determined that the proposed solar carport structures are not allowable within the T4-GU zoning district.

10. Appeal Determination

Based upon the foregoing findings and the evidence contained in the administrative record, the Planning Commission finds that the Planning Division properly interpreted and applied the applicable provisions of the Downtown Plan & Code in denying Administrative Permit No. 25-65.

The Applicant has not demonstrated sufficient grounds to overturn the Planning Division's determination. Therefore, the appeal is denied and the Planning Division's Notice of Denial is upheld.

SECTION 2. – CALIFORNIA ENVIRONMENTAL QUALITY ACT

Pursuant to Section 15270 of the California Environmental Quality Act (CEQA) Guidelines, CEQA does not apply to projects that a public agency rejects or disapproves.

The Planning Commission hereby denies the appeal and upholds the Planning Division's denial of Administrative Permit No. 25-65. Because the Planning Commission's action constitutes disapproval of the proposed project, no further environmental review is required pursuant to CEQA Guidelines Section 15270.

SECTION 3. – DECISION

Based upon the foregoing findings and the evidence contained in the administrative record, the Planning Commission hereby **DENIES** the appeal of Administrative Permit No. 25-65 and **UPHOLDS** the Planning Division's Notice of Denial for the construction of four (4) freestanding solar carport structures totaling approximately 22,916 square feet at 100 South Vincent Avenue.

SECTION 4. – EFFECTIVE DATE

This Resolution shall become effective in accordance with the applicable provisions of the West Covina Municipal Code.

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 22nd day of September 2026, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: September 22, 2026

Nickolas Lewis, Chair
Planning Commission

Arturo Cervantes, Secretary
Planning Commission