

ORDINANCE NO. 12-2009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, MODIFYING PLANNED COMMUNITY DEVELOPMENT PCD 87-001, BY CHANGING CERTAIN PROVISIONS OF THE SIGN PROGRAM FOR THE COVINA TOWN SQUARE COMMERCIAL CENTER, AND MAKING CERTAIN FINDINGS AND CONDITIONS

THE CITY COUNCIL OF THE CITY OF COVINA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Pursuant to a Council public hearing conducted on June 19, 2012, and processing in the manner set forth by State law and local ordinance, and after recommendation thereon by the Planning Commission after a duly noticed public hearing on April 24, 2012, this modification (“Modification”) to Planned Community Development (PCD 87-001) is made for the reasons of public interest, convenience, and necessity.

SECTION 2. The following described real property in the City of Covina, County of Los Angeles, State of California, is hereby subject to the Modification:

Assessors Parcel Number 8408-001-055 as documented in Tax Assessors Records in the County of Los Angeles, State of California, also known as the Covina Town Square Commercial Center located at 1314-1318 N. Azusa Avenue (the “Center”).

SECTION 3. The proposed Modification amends the sign program originally approved by PCD 87-001 with respect to Type “G” signs within the Center. The Modification is hereby worded as follows:

“Sign Type “G”:

TYPICAL SHOP TENANT INDIVIDUAL, CHANNEL LETTER, FASCIA SIGN

- * Maximum height - to be mounted at Developer approved locations only
- * Average letter height - 20”
- * Permitted users - any tenant
- * Maximum sign area - length of sign shall not exceed 75% of tenant’s shop width or 30 feet, which ever is less
- * Type of illumination - internal

- * Permitted number - one sign per shop tenant on wall which faces public parking
- * Also permitted - one logo or trademark not exceeding 12 sq. ft. in area

Notwithstanding the above, three of the shop tenants occupying Building “I”, or the building in the southwestern portion of the Center (presently “Hometown Buffet” (1318 N. Azusa Ave.); “Sprint” (1316 N. Azusa Ave.); and “Skyzone” (1314 N. Azusa Ave.)) may have two (2) signs, one sign which faces northerly onto public parking and another which faces westerly onto Azusa Avenue. The signs facing northerly shall comply with the standards as set forth above. The signs facing westerly shall conform to the following standards:

Sign A: The sign must be centered horizontally between the first (furthest north) and second expansion joints and centered vertically within the sign band. The sign may have a maximum letter height of 3’, a maximum logo height of 3’ 6”, and a maximum sign length of 20’.

Sign B: The sign must be centered horizontally between the second and third expansion joints and centered vertically within the sign band. The sign may have a maximum letter height of 3’, a maximum logo height of 3’ 6”, and a maximum sign length of 16’.

Sign C: The existing “HomeTown Buffet” sign located between the third and fifth (furthest south) expansion joints may remain in place as currently installed. Any new sign shall be centered both horizontally between the third and fifth (furthest south) expansion joints and vertically within the existing sign area or sign band. The sign may have a maximum letter height of 50”, a maximum logo height of 50”, and a maximum sign length of 32’.”

SECTION 4. After giving full consideration to all evidence presented at said hearing, both oral and documentary, reviewing the recommendation of the Planning Commission, and after being fully informed, the City Council hereby finds as follows:

1. The Modification to PCD 87-001 is consistent with the Covina General Plan. The Center will continue to conform to the existing “General Commercial” land use designation set forth in the General Plan. Further, this Modification fosters the occupancy of vacant tenant spaces within the Center and will enhance their ability to attract customers along Azusa Avenue, thereby boosting the economic base of the City. On the other hand, this Modification is relatively minor, focused on one building within the Center (Building “I”) and, therefore, will not result in excessive signage or visual blight which would be contrary to the goals and policies of the Covina General Plan;
2. The Modification only makes minor alterations to the existing sign program governing the Center and only affects one building within the Center (Building

“I”). It does not alter the underlying zoning of the Center and, therefore, remains consistent with the Zoning Code;

3. The Modification only makes minor alterations to the existing sign program governing the Center and only affects one building within the Center (Building “I”). This Modification does not alter the existing layout of buildings and other structures, on-site parking, vehicle and pedestrian circulation, or other physical elements of the Center. Further, the additional signage allowed by this Modification is a significant distance from the two streets serving the Center (particularly Arrow Highway – 625’; Azusa Avenue – 130’). Therefore, the site remains adequate in size and shape to accommodate the use, as amended by this Modification;
4. The Modification only makes minor alterations to the existing sign program governing the Center and only affects one building within the Center (Building “I”). No additional buildings within the Center are proposed. Further, although this Modification may result in additional customer traffic coming to the Center, the impact on traffic will be negligible relative to Azusa Avenue and Arrow Highway. Both are four-lane primary arterial streets serving the Center and will remain adequate in width and pavement to carry the quantity and kind of traffic generated by the proposed uses benefitting from this Modification;
5. The additional signage allowed by this Modification is limited to one building within the Center (Building “I”) and relatively minor in the context of the entire Center. With the exception of allowing additional and somewhat larger signage on one building within the Center, all signage within the Center must continue to comply with all applicable local ordinances and regulations to minimize its impact on neighboring properties. Further, the additional signage would not dominate or detract from the architectural integrity of Building “I”. The additional signage allowed by this Modification will face westerly into North Azusa Avenue. It will not face toward neighboring residential properties to the east nor toward any other sensitive uses in the vicinity. Lastly, no adverse effects or aesthetic problems have been identified in the years that Hometown buffet has had an off-premises sign on the west-facing wall of Building “I”. Therefore, this Modification is not detrimental to the surrounding property or uses permitted in the general area;
6. In its recommendation, the Covina Planning Commission has proposed 4 pages of conditions of approval regulating the additional signage allowed by this Modification. These conditions have been used successfully in similar signage-related applications in the past and will mitigate any negative impacts from the additional signage. Therefore, they provide adequate safeguards to protect the health, safety and general welfare;

7. The additional signage allowed by this Modification will result in a more balanced combination of signage and design on the western side of Building "I". In addition, the change would be consistent with prior direction about signage from the joint City Council/Planning Commission workshop regarding the Zoning Code update. Therefore, the Modification is necessary to protect the public peace, health and safety; and
8. The Modification only makes minor alterations to the existing sign program governing the Center and only affects one building within the Center (Building "I"). This Modification remains consistent with the originally approved precise plan of development for the Center and meets the intent of the existing sign program for the Center. The Modification is reasonable and consistent with previously-granted sign-related changes and exceptions, which are more specifically outlined in the Planning Commission's findings. Therefore, this Modification is in substantial compliance with the precise plan of the Center.

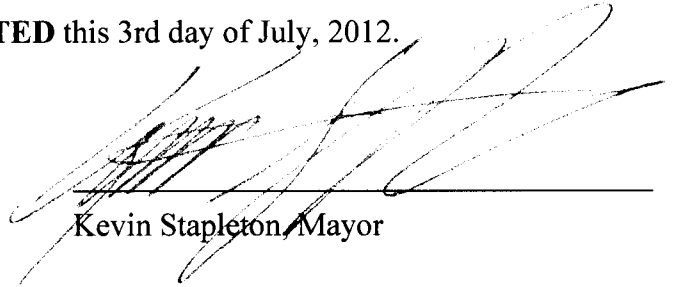
SECTION 5. In considering this application relative to the California Environmental Quality Act (CEQA) Guidelines, the City Council affirms the determination of the Planning Commission that this Modification is categorically exempt from the CEQA Guidelines (pursuant to Class 11, Section 15311(a)), because it consists of construction or placement of minor structures accessory to existing commercial facilities, including on-premise signage.

SECTION 6. The Modification to PCD 87-001, as set forth in Section 3 above, is hereby granted, subject to the following conditions of approval, which are deemed necessary to protect the public health, safety, and general welfare of the community:

(Conditions of Approval attached behind this Ordinance)

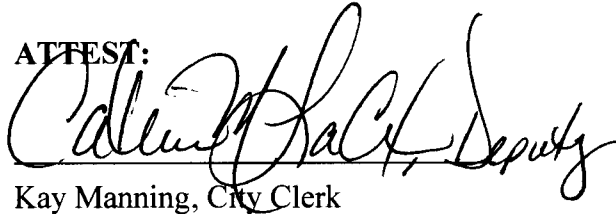
SECTION 7. The City Clerk shall certify the passage of this ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a local weekly newspaper of general circulation and which is hereby designated for that purpose.

PASSED, APPROVED AND ADOPTED this 3rd day of July, 2012.



Kevin Stapleton, Mayor

ATTEST:



Kay Manning, City Clerk

APPROVED AS TO FORM:



Marco A. Martinez, City Attorney

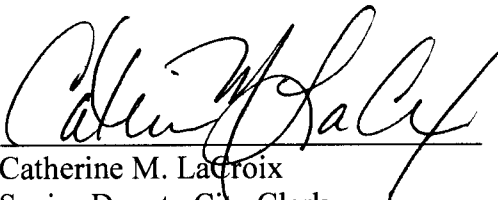
BY WILLIAM J. PRIEST, ASST. CITY ATTORNEY

CERTIFICATION

I, Catherine M. LaCroix, Senior Deputy City Clerk of the City of Covina, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Covina, held on the 19th day of June, 2012, and thereafter adopted on at a regular meeting of said City Council held on the 3rd day of July, 2012, by the following vote:

AYES: ALLEN, DELACH, KING, LOW, STAPLETON
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Covina, California, this 3rd day of July, 2012.


Catherine M. LaCroix
Senior Deputy City Clerk

**CITY OF COVINA
APPLICATION CONDITIONS OF APPROVAL
MODIFICATION TO APPLICATION PLANNED COMMUNITY DEVELOPMENT
(PCD) 87-001
AS ADOPTED BY THE CITY COUNCIL ON JULY 3, 2012**

This application shall permit the Sign Program of the Covina Town Square commercial center to be amended to permit the business at 1316 North Azusa Avenue (Sprint) of the multiple tenant commercial building in the southwestern portion of the center to have building signage on the western wall of the westerly, building-related loading area, in accordance with the associated approved standards and details. The standards and details shall further appertain to the following two businesses within the same building, which are currently permitted to have signage on this wall: a) 1314 North Azusa Avenue (future SkyZone business); and b) 1318 North Azusa Avenue (Hometown Buffet). (NO ADDITIONS, ALTERATIONS, OR MODIFICATIONS TO ANY BUILDING OR OTHER IMPROVEMENTS ON THE COMMERCIAL CENTER SITE HAVE BEEN GRANTED UNDER THIS APPROVAL.)

1.0 EFFECTIVE DATE OF APPLICATION:

- 1.1 The approval of the application shall take effect thirty days following final City Council approval of the request.

2.0 GENERAL REQUIREMENTS:

- 2.1 Failure to comply with any conditions of approval noted herein shall be deemed just cause for the initiation of code enforcement action against the property owner or the revocation of project approval by the City.
- 2.2 The project and any associated signage-related improvements are categorically exempt pursuant to the California Environmental Quality Act (CEQA). If a Notice of Exemption is filed with the City, then the period during which legal challenges can be filed based upon violations of CEQA is reduced from 180 days to 35 days. To file the Notice of Exemption, please contact the Planning Division.
- 2.3 Any future-proposed signage in the Covina Town Square commercial center that deviates from the updated provisions of the Covina Town Square Sign Program or that has not been addressed herein or under any prior official decision shall first be considered by the Planning staff and may warrant future Sign Program modification.
- 2.4 Final plans incorporating all conditions of approval and any plan-related changes required in the approval process shall be submitted for review to and approval by

the City Planner or his/her designee prior to building permit issuance in conjunction with the Plan Check process of the Building Division. Any construction/final plans and documents shall conform to the design criteria of the updated Sign Program that has been approved by the City Council and shall meet all applicable requirements of the Building Division. The conditions listed herein shall be printed upon the face of and included as part of the construction plans.

- 2.5** Any site features for the disabled that are required by the Building Division pertaining to the project or subsequent, related work, including, but not limited to, restroom amenities, property access identification, parking stall and unloading area dimensions, path of travel, and building access, must continue to comply with all applicable State Codes and must be reviewed by the Building Division.
- 2.6** All existing zoning-related entitlements pertaining to the appurtenant commercial center shall remain in effect, except where any provisions thereof have been expressly superseded by this application.
- 2.7** This grant shall not be effective for any purposes until the permittee and the owner of the property (if other than the permittee) have each filed at the office of the Planning Division certain subsequently-distributed affidavits stating that they are aware of, and agree to accept, all conditions of the grant.
- 2.8** The application shall not be effective until such time as the applicant and the property owner each obtain an Inspection and Verification Permit and the City Planner or his/her designee certifies on said Permit that the project complies with all of the terms and conditions of these conditions of approval.
- 2.9** Approval of this request shall not waive compliance with all sections of the Covina Municipal Code, the Covina Design Guidelines, and all other applicable City ordinances and plans as well as non-City laws and regulations in effect at the time of application approval by the Planning Commission and at the time of any building permit issuance(s) by the Covina Building Division.
- 2.10** The City shall have the reasonable right of entry to inspect the immediate premises and the overall property to verify compliance with the conditions of approval.
- 2.11** Permittee shall defend, indemnify and hold harmless the City, its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval, which action is brought within the applicable time period of Government Code

Section 65009. The City must promptly notify the permittee of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the permittee of any claim, action or proceeding, or if the City fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

- 2.12** The permittee shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought against the City because of this approval. Although the permittee is the real party in interest in an action, the City may, at its sole discretion, participate at its own expense in the defense of the action, but such participation shall not relieve the permittee of any obligation under this condition.
- 2.13** If any provision of this grant is held or declared to be invalid, the entire approval shall be void and the privileges granted hereunder shall lapse.
- 2.14** The costs and expenses of any code enforcement activities, including, but not limited to, attorneys' fees, caused by the applicant's or the property owner's violation of any condition imposed by this application or any provision of the Covina Municipal Code shall be paid by the applicant and/or the property owner.
- 2.15** In accordance with Chapter 11.36 of the Covina Municipal Code, no street trees adjacent to the project site shall be cut or trimmed in any manner by any persons associated with the property unless a written permit from the City Public Works Department is first obtained.
- 2.16** The site, building, landscaping, and signage improvements on the commercial center site shall be maintained in a sound and attractive condition, free of weeds, trash or debris, visible deterioration, graffiti, or other conditions that violate the Covina Municipal Code. The City may require that the applicant and/or the property owner pay the actual and reasonable costs for code compliance services needed to address any problem conditions.
- 2.17** The applicant shall perform any and all construction work that is associated with the project proposal only between the hours of 7:00 a.m. and 8:00 p.m., Monday through Saturday (excluding legal holidays).
- 2.18** The applicant shall comply with the following requirements from the Public Works Department, Building Division:
 - a. Please be prepared to submit attachment details for the proposed building signage (building permit required).
 - b. Energy forms/calculations shall be required for the proposed building signage, if illuminated.

- 2.19** The applicant shall comply with the following requirement from the Public Works Department, Environmental Division: the \$40.00 plan review fee shall be paid.