

**ORDINANCE NO. 16-2049**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY CHANGING THE ZONING DESIGNATION FROM “R-1-7500, SINGLE FAMILY” TO “RD-3000 (MULTIPLE FAMILY) – PLANNED COMMUNITY DEVELOPMENT OVERLAY” FOR PROPERTY GENERALLY LOCATED AT 800 NORTH BANNA AVENUE – APN: 8427-003-901**

**WHEREAS**, in July 2014, the property owner, Charter Oak Unified School District, approved a purchase agreement with Sheldon Development Group for the sale and development of the Project site generally located at 800 N. Banna Avenue; and

**WHEREAS**, in April 2015, Sheldon Development Group (the Applicant”) submitted an application for Zone Change ZCH 15-001 to change the zoning of the property located at 800 N. Banna Avenue from R-1-7,500 Single-Family to RD (Multiple Family) to develop a 108-unit single-family residential subdivision; and

**WHEREAS**, in May 2015, a Mitigated Negative Declaration for an initial 108-unit single-family residential subdivision project circulated for 30 days; receiving six agency comment letters. On May 13, the City of Covina held a neighborhood meeting; and on June 17, 2015, City staff met with a small group of residents representing a larger group of residents to discuss the proposed 108-unit single-family residential subdivision; and

**WHEREAS**, in September 2015, the Applicant revised the proposed development in response to community concerns, resulting in a smaller project consisting of 63 residential units and an approximately 2-acre public park. Hereinafter in this Ordinance the subject Zone Change request is referred to as “the Project;” and

**WHEREAS**, in September 2015, the Applicant held two informational and community meetings (on a Saturday morning and Monday evening) at the Charter Oak High School to present the revised plans to residents within the surrounding neighborhood and the City held a combined Planning Commission study session/neighborhood meeting of the revised development plans to present the Planning Commission with a brief background and overview of the Project, and allow the community to comment further on the Project; and

**WHEREAS**, from October 30 through November 30, 2015, a Revised Mitigated Negative Declaration was recirculated for 30 days; no comments were received from the public; and

**WHEREAS**, on December 8, 2015, at a duly noticed public hearing as prescribed by law, the Planning Commission considered the Project and any 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 and did testify either in support or in opposition to the Project and the Mitigated

Negative Declaration, and the Mitigation Monitoring and Reporting Program. Following consideration of the entire record of information received at the public hearing and due consideration of the Project, the Planning Commission found that there is not substantial evidence that the Project will have a significant effect upon the environment and adopted Resolution No. 15-2015-023 PC, incorporated herein by this reference, recommending that the City Council certify and adopt Mitigated Negative Declaration prepared for the Project.

**WHEREAS**, on January 5, 2016, the City Council of the City of Covina held a public hearing to review the Project pursuant to the California Environmental Quality Act, Cal. Pub. Res. Code § 21000 et seq. (“CEQA”), and the State CEQA Guidelines, 14 C.C.R. § 15000 et seq.

**WHEREAS**, upon the close of the public hearing, the City Council adopted Resolution No. 16-7445, adopting the Mitigated Negative Declaration and adopting a Mitigation Monitoring and Reporting Program for the Project. Resolution No. 16-7445 and the findings therein are hereby incorporated by this reference as though set forth in full.

**WHEREAS**, on January 5, 2016, the City Council of the City of Covina considered the proposed Project including General Plan Amendment (GPA) No. 15-001, Planned Community Development Overlay District (PCD) No. 15-001, Tentative Tract Map (TTM) 73455, Site Plan Review (SPR) No. 15-001, a Purchase and Sale Agreement between the City and ONE CHARTER OAK, LLC, a California Limited Liability Company for the purchase of 1.4 acres of property generally bounded by Banna Avenue to the West, Cypress Street to the North, Kidder Avenue to the East and the Larger Parcel generally at 800 North Banna Ave to the south, as described in Parcel 1 (Purchase Parcel) of Exhibit A and Exhibit B of the Agreement, a Development Agreement (DA) No. 15-001, and a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program at a duly noticed public hearing at which time all interested persons had an opportunity to and did testify either in support or in opposition to this matter. The City Council considered all the testimony and any comments received regarding the proposed Project, the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program, prior to and at the public hearing.

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

**NOW, THEREFORE, THE CITY COUNCIL 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 Ordinance.

**SECTION 2.** After giving full consideration to all evidence presented at the public hearing, both oral and documentary, and after being fully informed, said City Council does hereby find and decide that this Zone Change is consistent with the public interest and with the City’s General Plan for the follow reasons:

- a. The Project site (8427-003-901) is an underutilized property located within a residential area of the City and was originally developed as an elementary school. The

site has not been used as a school for approximately 15 years and is currently leased to the Vision of Faith International Church. There are six single-story classroom and administration buildings, two restroom buildings, a parking lot, playground facilities, and field areas that currently occupy the site. The structures are nearing the end of their useful lifespan without needed significant investment and much of the 8-acre site is vacant and unused. The General Plan seeks to facilitate, through zoning provisions and applicable procedures, infill development, development of now-underutilized or vacant parcels, and, where necessary, redevelopment of deteriorating properties, particularly for housing creation and rehabilitation and economic development purposes. This project site is a unique opportunity for the redevelopment of an underutilized site for infill development and the creation of housing within an existing single-family residential neighborhood. (Land Use Element Section III – Goals, Objectives and Policies C-1a (6))

- b. The single-family residences proposed as part of the Project will be set back a minimum of 13 feet and provide aesthetic architectural treatments and landscaping within the site and along the perimeter of the site along the boundaries of the existing single-family neighborhoods. In addition, there is a two-acre park to be dedicated to the City, which will provide a buffer and transition between the Project and the existing surrounding land uses. By this proposed design, the Project is consistent with the General Plan policy that requires that new medium- to high-density residential projects, when adjacent to single-family residences, to incorporate sufficient physical and visual buffers to ensure compatibility. Such buffers shall include, but not be limited to, building setback and architecture, landscaping, walls, and other physical and aesthetic elements and shall adequately protect the single family residences or sensitive uses from noise, light, trash, vehicular traffic, and other visual and environmental disturbances. (Land Use Element Section III – Goals, Objectives and Policies C-1a (7))
- c. The Project supports the General Plan by developing an underutilized infill site in an established single-family neighborhood with compatible low-rise, owner-occupied, detached single-family homes. The Project will result in the construction of owner-occupied housing and protect the existing surrounding single-family neighborhoods from incompatible encroachments and land uses with the establishment of a new single-family development. The Project also addresses the deficiency in parkland by dedicating approximately two acres of the site for the development of a neighborhood park. (Land Use Element Section III – Goals, Objectives and Policies C-1a (10), C-1a(27), C-2a(1), C-2a(4), C-2a(5) and C-2a(8))
- d. The creation and adoption of a PCD is an implementation tool of the General Plan, which allows a more flexible application of development standards. A PCD is permitted when the Applicant can demonstrate that the Project will maintain compatibility with existing surrounding uses and consistency with the General Plan. The adoption of the PCD land use category would ensure compatibility with surrounding land uses and further the policies identified in the City's General Plan. (Land Use Element Section III – Goals, Objectives and Policies C-1a (25))

- e. The establishment of a new single family development on this site furthers the General Plan Policy that requires only single-family detached residences to be developed on large, underutilized single-family or "R-1"-designated parcels, in single-family detached neighborhoods, to ensure land use compatibility. (Land Use Element Section III – Goals, Objectives and Policies C-2a (11))
- f. The Project would include reconstruction of the existing public sidewalk around the external perimeter of the Project site, including a landscaped parkway according to the City's requirements. Additionally, the east leg of the Glendora Avenue/Colver Place intersection will be restriped to provide two westbound approach lanes and one eastbound return lane. The westbound approach will be striped to have a shared left plus through lane, and a dedicated right turn lane. The additional westbound lane approach would improve vehicle delays and levels of service at the intersection. As part of the Project, a crosswalk will be installed across Cypress Street on the west leg of the intersection of Kidder Avenue/Cypress Street. This improvement would provide for enhanced sight distance for pedestrians and bicyclists on the east side of the existing Metrolink train crossing. These requirements further the General Plan Policy that requires developers to mitigate development impacts in the form of street improvements and public dedications as well as other reasonable requirements. (Land Use Element Section III - Goals, Objectives and Policies C-1a (26))
- g. The residential component would provide needed housing to enable the City to provide dwelling units according to the Regional Housing Needs Assessment (RHNA) under the Housing Element of the General Plan. The proposed 63 dwelling units would contribute to the City's remaining unmet need for 991 housing units, reducing the unmet housing need in the City by more than 6 percent. The Housing Element requires the City to adopt policies and practices that encourage the development of housing in the community, which has also been declared to be a matter of Statewide policy. (Covina Draft Housing Element Update, dated November 15, 2010).

**SECTION 3.** In consideration of the findings stated above, the City Council of the City of Covina does hereby approve Zone Change ZCH 15-001 and rezone the following described real property in the City of Covina, County of Los Angeles, California, as follows:

- a. Assessor's Parcel Map number 8427-003-901, is rezoned from "R-1-7,500, Single Family" to "RD-3000 (Multiple Family) – Planned Community Development Overlay" for 6.15 acres of the Project site generally located at the southern larger portion of the parcel and generally bounded by Banna Avenue, Colver Place and Kidder Avenue; and
- b. Assessor's Parcel Map number 8427-003-901, is rezoned from "R-1-7,500, Single Family" to Residential Recreation (RR) for approximately 2 acres of the Project site generally located at the northern portion of the parcel and generally bounded by

Banna Avenue, Cypress Street and Kidder Avenue.

**SECTION 4.** The documents and materials that constitute the record of proceedings on which these findings and this Ordinance are based are located at the City Clerk's office located at 125 E. College Street, Covina, CA 91723. The custodian of these records is the City Clerk.

**SECTION 5.** If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Covina hereby declare that they would have adopted this ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**SECTION 6.** This Ordinance shall become effective within thirty (30) days after its adoption.

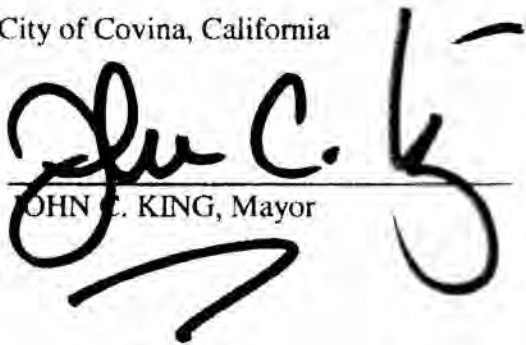
**SECTION 7.** The City Clerk shall certify to the adoption of this Ordinance. Not later than fifteen (15) days following the passage of this Ordinance, the Ordinance, or a summary of thereof, along with the names of the City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation in the City of Covina.

**SECTION 8.** Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall enter the same in the Book of Original Ordinances.

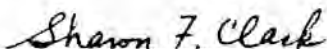
**PASSED, APPROVED and ADOPTED** this 19th day of January 2016.

City of Covina, California

BY:

  
JOHN C. KING, Mayor

ATTEST:

  
SHARON F. CLARK, Chief Deputy City Clerk

APPROVED AS TO FORM:

  
CANDICE K. LEE, City Attorney

**CERTIFICATION**

I, Sharon F. Clark, Chief Deputy City Clerk of the City of Covina, do hereby certify that Ordinance No. 16-2049 was introduced for first reading at a REGULAR meeting on the 5<sup>th</sup> day of January, 2016. Thereafter, said Ordinance was duly approved and adopted at a REGULAR meeting of said City Council on the 19<sup>th</sup> day of January, 2016, by the following vote:

AYES: COUNCIL MEMBERS: ALLEN, DELACH, KING, MARQUEZ, STAPLETON  
NOES: COUNCIL MEMBERS: NONE  
ABSENT: COUNCIL MEMBERS: NONE  
ABSTAIN: COUNCIL MEMBERS: NONE

Dated: January 20, 2016

Sharon F. Clark  
SHARON F. CLARK, Chief Deputy City Clerk