

ORDINANCE NO. 16-2050

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, ESTABLISHING A PLANNED COMMUNITY DEVELOPMENT OVERLAY ZONE PCD 15-001 ON THE OFFICIAL ZONING MAP OF THE CITY 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; and

WHEREAS, in April 2015, Sheldon Development Group (the “Applicant”) submitted an application to establish a Planned Community Development Overlay Zone, PCD 15-001, as described in the title of this Ordinance to the City of Covina, by creating flexible development standards that originally accommodated a 108-unit single-family residential subdivision; and

WHEREAS, in May 2015, a Mitigated Negative Declaration for the 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 Planned Community Development (“PCD”) request is referred to as “the Project.”

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; and

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) 15-001, Zone Change (ZCH) 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 ORDAIN 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:

a. That the site for the proposed use is adequate in size and shape to accommodate the use.

Fact: The Project site consists of one parcel 8.15 acres in size with frontages on Banna Avenue, Colver Place and Kidder Avenue. The proposed small-lot subdivision contains 63 lots ranging in size from 3,414 to 5,227 square feet, which are adequate in size to accommodate the proposed unit sizes ranging from 2,095 to 2,492 square feet. The average lot coverage for individual lots is 39.6%, which is more than the maximum lot coverage required of single-family lots in the RD zone (35%); however, appropriate for

small-lot subdivisions. The proposed density of 7.73 units per acre is also consistent with the zoning standards for the RD Zone, which allows a density of 6.1 to 14 units per acre. Therefore, the site for the proposed use is adequate in size and shape to accommodate the use.

b. 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.

Fact: The surrounding streets (Colver Place, Cypress Street, Banna and Kidder Avenues) are Local and Collector Streets in the City of Covina which have been determined to have sufficient capacity to handle future project-related traffic in a safe manner as long as the Project conditions are met. The City will ensure that the conditions of approval and mitigation measures are fulfilled through project inspection and adherence to the approved site plan. The Project is responsible to install new curb, gutter, sidewalk and parkway for the entire street frontage around the perimeter of the Project, and re-finish half the street on the Project side of all surrounding streets. In addition, the following traffic improvements would be part of the Project:

- Restripe the east leg of the Glendora Avenue/Colver Place intersection 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.

Install a crosswalk, with appropriate signage and warning beacons (if warranted), across Cypress Street on the west leg of the intersection of Kidder Avenue/Cypress Street. This would provide for improved sight distance for pedestrians and bicyclists on the east side of the existing Metrolink train crossing. The existing crosswalk on the west side of the tracks would remain to serve pedestrians and bicyclists on the west side of the tracks.

The above-mentioned improvements will satisfactorily mitigate adverse effects to surrounding properties.

c. That the proposed use is not detrimental to the surrounding properties or uses permitted in the general area.

Fact: The proposed use of the proposed development is single-family detached residential, similar in character and scale with the single-family detached housing products in the surrounding neighborhood. As the use would be compatible in type and scale to the surrounding neighborhood, it will not be detrimental to the surrounding properties or uses permitted in the general area.

The City has included a condition of approval to address any short term impacts to the surrounding properties with a Construction Mitigation Plan. The Construction Mitigation Plan addresses such issues as 1) site supervision, 2) construction access and schedule, 3) delivery/haul route and traffic control, 4) material storage and

staging, 5) construction parking, 6) work hours, 7) noise reduction, 8) erosion control, 9) dust and mud control, 10) debris cleanup, 11) street sweeping, 12) pedestrian and neighborhood safety, 13) project contact-related signage, and 14) subcontractor education and security measures.

Furthermore, the hours for construction-related and grading activities are more restrictive than the hours allow by City Codes. Any construction or grading activities are prohibited between 6:00 pm and 7:00 am on Monday through Friday and between 5:00 pm and 8:00 am on Saturday and all day on Sundays and Holidays (except by special permit), whichever is stricter. At least one (1) on-site security guard shall be provided 24 hours 7 days a week for preventing nuisance problems for the duration of the construction of the Project.

d. That the conditions stated in the decision are deemed necessary to protect the health, safety and general welfare.

Fact: The Mitigated Negative Declaration prepared for the Project identified all potential impacts of the Project on the environment, including health-related impacts associated with hazards and hazardous waste, air quality, water quality, noise and public services (i.e., police, fire, etc.). Mitigation measures have been provided, where applicable, to reduce all potential impacts to less than significant levels. Mitigation measures have been included as conditions of approval and are necessary to protect the health, safety and general welfare. For example, the Applicant would be required to implement mitigation measure MM-HM-1, which requires the Applicant to conduct a Phase 2 Environmental Site Assessment to evaluate the Project site for the presence of herbicides or pesticides, and MM-HM-2, which requires testing for asbestos-containing material and/or lead-based paint. Implementation of MM-HM-1 and MM-HM-2 would ensure that impacts to the public or the environment through the transport and disposal of hazardous materials are less than significant during both construction and operation of the Project. In addition, with implementation of mitigation measure MM-NO-1, interior noise levels would meet the City's required noise thresholds as established in the General Plan or Noise Ordinance.

SECTION 3. In consideration of the findings stated above, the City Council of the City of Covina does hereby approve and establish Planned Community Development PCD 15-001 and its related special standards as follows, subject to the conditions of approval of Tentative Tract Map 73455, reference herein to this Resolution:

- a. Assessor's Parcel Map number 8427-003-901 is designated as RD-3000 (Multiple Family) – Planned Community Development Overlay for 6.15 acres of the Project site.
- b. The Planned Community Development Overlay Zone establishes the following special zoning standards for the Project as shown in the following Table 1:

| Development Standards | Code Requirement | Proposed |
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| | | (RD Zone) | (PCD) |
|-----|-----------------------------------|---|---|
| 1. | Density | 1 unit per 1,250 sq. ft. of lot area (35 units per acre) | 1 unit per 5,635 sq. ft. (7.7 units per acre) |
| 2. | Lot Area | Min 7,200 sq. ft. | Min 3,200 sq. ft.; Range of 3,414-5,227 sq. ft.) |
| 3. | Lot Dimensions | | |
| | Width, Interior | Min 60 ft. | Min 40 ft.; Range of 40 – 51 ft. |
| | Width, Corner | Min 67.5 ft. | Min 40 ft.; Range of 40 – 51 ft. |
| | Depth | 120 ft. | Min 80 ft.; Range of 80-86 ft. (80-91 ft. of usable lot depth) |
| 4. | Land Coverage | 35% | Range of 30.2% - 46.4% for individual lots; average coverage for project 39.6%. |
| 5. | Building Height | 2 stories or 35-feet | 2 stories/ 26 ft. maximum |
| 6. | Number and Types of Unit | Single-family detached | (20) Plan 1 = 2,095 SF (4BD + Loft or 5 th BD) (20) Plan 2 = 2,210 SF (4BD + Loft) (23) Plan 3 = 2,492 SF (4BD + Loft) |
| 7. | Setbacks | | |
| | Front | 25 ft for first story; 40 ft. for second story | Minimum 13 ft.; Range of 13-23 ft. from back of sidewalk |
| | Interior Side | 10 ft. | Minimum of 5 ft.; Range of 5-15 ft. |
| | Street Side | 12.5 ft. | 5-14 ft. |
| | Rear | 25 ft. | 11-23 ft. |
| 8. | Distance between Buildings | 5 feet min. (plus additional for windows facing habitable rooms, and units above one story) | 10 ft. |
| 9. | Off-Street Parking | 2 spaces per unit; plus one guest space per every 5 units | 2 within garage plus two driveway spaces |
| 10. | Fence/Wall Height | 6 ft. on rear and side property lines, behind the front setback area | 5'6" on rear and side property lines behind the front setback area; 6 ft. theme wall between subdivision and 2-acre park |

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. 16-2050 was introduced for first reading at a REGULAR meeting on the 5th day of January, 2016. Thereafter, said Ordinance was duly approved and adopted at a REGULAR meeting of said City Council on the 19th day of January, 2016, by the following vote:

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| 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, Chief Deputy City Clerk

