

ORDINANCE NO. 99-1845

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA ADOPTING A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND AMENDING PLANNED COMMUNITY DEVELOPMENT 75-001 TO ALLOW A 91' HIGH FREESTANDING SIGN, ZONE CHANGE APPLICATION PCD 98-003 AND MAKES CERTAIN FINDINGS AND CONDITIONS.

WHEREAS, the potential environmental impacts of amending a Planned Community Development to allow a 91' fixed and changeable copy on-site sign upon property located at 1211 East Garvey Avenue have been reviewed through an Initial Study performed by city staff pursuant to the California Environmental Quality Act and a Negative Declaration was recommended for adoption; and

WHEREAS, the area is currently developed with commercial properties; and

WHEREAS, the city has received correspondence or testimony in opposition to the adoption of a Negative Declaration; and

WHEREAS, the Planning Commission of the City of Covina held a duly noticed Public Hearing on January 26, 1999 and recommended denial of the project associated with the Negative Declaration of Environmental Impact; and

WHEREAS, the City Council of the City of Covina held a duly noticed Public Hearing to consider the Negative Declaration of Environmental Impact; and

WHEREAS, the City Council found that the proposed Mitigation Measures listed in the Evaluation of the Initial Study will mitigate all potentially significant adverse environmental impacts to a less than significant level and that the proposed Negative Declaration of Environmental Impact and Mitigation Monitoring Program complies with the California Environmental Quality Act; and

WHEREAS, the City Council of the City of Covina found that the proposed land use change is in the best interest of the public and is internally consistent with the General Plan.

NOW, THEREFORE, the City Council of the City of Covina does hereby adopt the Negative Declaration of Environmental Impact, Mitigation Monitoring Program and an amendment to a Planned Community Development to allow a 91' high freestanding sign subject to the following mitigation measures:

- a. The project shall not proceed unless it is granted all necessary approvals which bring it into compliance with Chapter 17 of the Covina Municipal Code (Zoning Ordinance).
- b. The changeable copy area of the sign shall comply with all standards prescribed by CalTrans for freeway oriented signs. Upon construction of the sign and prior to final permit clearance, a lighting test shall be performed by a professional lighting consultant and the Cities of Covina and West Covina to ensure that the light spillover at residential property lines is no greater than 0.5 foot-candles. The lighting test shall also evaluate the existence of glare impacts, and therefore the design of the sign shall be such that the illumination level may be further reduced (dimmed) to mitigate the potential impact.

- c. Illumination levels from the sign shall not increase ambient lighting on any residential property by more than one half (0.5) foot-candle.
- d. The Property Owner and Sign Owner shall undertake a tree care and maintenance program prescribed by a certified arborist to assure that the existing trees on Forest Hills Drive grow at the maximum rate and to the greatest height and canopy density as is feasible and consistent with their long term health and viability. Four Fan Palms with a canopy height of 65 feet shall be planted where they will most effectively screen residences to the west and north. The tree maintenance program shall include the phased planting of new trees of varying height and the replacement of diseased, dead or damaged trees as appropriate to maintain a vegetative screen along Forest Hills Drive. The care and maintenance program for these trees shall be continued for the life of the sign.
- e. The applicant shall have a sign installed on Forest Hills Drive indicating that motorists are entering a residential area with no outlet.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINA DOES ORDAIN AS FOLLOWS:

SECTION 1. Pursuant to public hearing and processing in the manner set forth by State law and local ordinance, and after recommendation thereon by the Planning Commission, the property classification set forth in Section 2 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 zoned Commercial/Professional Planned Community Development (C-P/PCD) as such zone is defined in Title 17 of the Covina Municipal Code:

Lots 31, 32 and 33 of Tract 33379, as recorded in Book 887 at Pages 61 – 65, Official Records of the County of Los Angeles, more commonly known as 1211 East Garvey Avenue, Covina.

SECTION 3. After giving full consideration to all evidence presented at said HEARING, both oral and documentary, and after being fully informed, said City Council does hereby find and decide:

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

Fact: The Embassy Suites property is 5.5 acres in area and has sufficient parking, landscape and set back areas to accommodate the sign and comply with applicable site development and setback standards.

- 2. 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 sign will not generate customer traffic. By promoting nearby businesses, the sign will indirectly generate some traffic. Local streets such as Holt and Garvey Avenues have enough capacity to accommodate additional growth.

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

Fact: The site is surrounded by commercial uses that are not sensitive to this type of sign. Residential uses are located at greater distance where they will not be significantly impacted due to provision of landscape screens.

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

Fact: The conditions of approval will assure that the sign is structurally sound, does not generate excessive glare on sensitive uses, is architecturally compatible and operates in compliance with CalTrans standards.

SECTION 4. The application for a Planned Community Development Overlay Zone is hereby granted subject to the following conditions deemed necessary to protect the public health, safety and general welfare of the community:

1. All mitigation measures associated with the Initial Study and Negative Declaration for this project are hereby made conditions of this approval. The City of Covina Community Development Department shall be responsible for the enforcement of these mitigation measures and conditions of approval.
2. The sign shall observe a setback of at least ten (10) feet from Garvey Avenue and one hundred and twenty (120) feet from Forest Hills Drive.
3. A landscape planter shall extend at least 8' from the base of the sign.
4. All development shall conform with the approved plans, all representations of record made by the applicants and these conditions of approval.
5. Sign permits must be obtained from the City prior to installation of any signs.
6. Ordinance requirements not herein listed are still applicable.
7. Landscape and irrigation plans identifying all plants with complete irrigation system must be approved prior to issuance of building permits. Please submit these plans along with the appropriate plan check and inspection fee to the Planning Division.
8. All plant material shall conform to the current edition of "Horticultural Standards" for number one grade nursery stock as adopted by the American Association of Nurserymen.
9. All construction shall conform with City noise ordinances restricting construction prior to 7:00 a.m. and on Sundays and Holidays.
10. All improvements shall be constructed in good workmanlike manner consistent with the standard best practice of the subject trade and in a manner acceptable to the City.
11. The site, landscaping and all improvements shall be maintained in a sound, healthy and attractive condition free of weeds, visible deterioration, graffiti or other conditions which violate the Municipal Code.
12. The City shall have the right of entry to inspect the premises to verify compliance with the conditions of approval and the Covina Municipal Code.
13. This grant shall not be effective for any purposes until the owner of the property (if other than the permittee) have filed at the office of the Department of Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.
14. 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 permit approval, which action is brought within the applicable


time period of Government Code Section 65907. The City shall 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.

15. 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 grant. 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.
16. All site plans not acted upon within one (1) year after date of letter of final approval, will be considered void. The applicant may request a single one year extension of approval prior to that date.
17. All of the conditions of approval listed herein shall be printed upon the face of and included as part of the final plans and specifications that are submitted during the plan checking functions for which a building permit is issued.
18. The following requirement from the Engineering Division is applicable:
 - a. Submit construction drawing showing foundation in relation with existing sewer line nearby.
19. The following requirements from the Building Division are applicable:
 - a. A minimum of three (3) sets of architectural, structural and electrical plans are required for plan check submittal.
 - b. Two (2) sets of structural calculations shall be submitted at the time of review.
 - c. All conditions of approval generated from the Planning Division shall be printed on the plans.
 - d. Minimum scale of plans to be submitted for plan review shall be 1/4 equals 1 foot and details shall be minimum 1/2 inch equals 1 foot.
 - e. The minimum size of plans shall be 18 inches by 24 inches.
 - f. The Building plan check process will address additional comments.
20. Staff shall negotiate a longer initial term with favorable options to extend the Ground Lease with Embassy Suites for a minimum total of fifteen (15) years.
21. City staff shall obtain commitments from the Auto Dealers to stay in the City for a set number of years prior to construction of the sign.
22. Staff shall obtain the services of a qualified outside contractor to manage the sign, sell the advertising, and participate in advertising revenue to help offset costs.
23. The City shall not execute a site lease that does not provide the Agency/City with an exit strategy or financial protection from a detrimental ruling for the intended Sign Usage.
24. Staff shall negotiate a specific amount of premium time for Agency/City Civic related events.

- 25. The City and Agency retains the right to audit the records of all parties to confirm costs, income and operating expense data.
- 26. The City of Covina and the Covina Redevelopment Agency shall retain the ability to review and approve all advertising.
- 27. The sign shall be modified to provide the City's name with an equal amount of importance at the top of the sign with Embassy Suites.

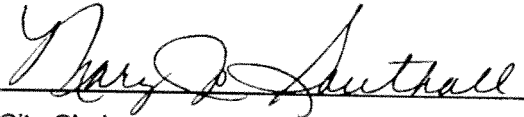
SECTION 5. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published according to law.

APPROVED AND PASSED this 18th day of May, 1999.




Mayor

ATTEST:



City Clerk

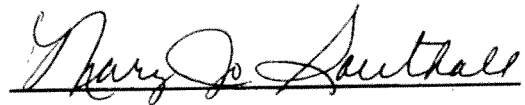
APPROVED AS TO FORM:



City Attorney

I, **MARY JO SOUTHALL**, City Clerk, Covina, California, hereby **CERTIFY** that Ordinance No. 99-1845 was regularly introduced and placed upon its first reading at a regular meeting of the Covina City Council held April 28, 1999, and that thereafter said Ordinance was duly adopted at a regular meeting of the City Council held May 18, 1999, and passed by the following vote:

AYES:	Council Members:	Allen, Palmeri, Stapleton, MPT/Truax, M/Christiansen
NOES:	Council Members:	None
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None


Covina City Clerk