

ORDINANCE 19-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, AMENDING THE VILLAGE OAKS OFFICE PARK PLANNED COMMUNITY DEVELOPMENT (PCD) DISTRICT OVERLAY ZONE CONSISTING OF PHASES I AND II (PCD 75-001 AND PCD 80-002) AND PHASE III (PCD 81-004), TO PERMIT ADDITIONAL USES ON PREMISES WITHIN PHASES I THROUGH III AND MODIFY THE SIGN CRITERIA OF THE DESIGN GUIDELINES FOR PHASE III FOR REAL PROPERTIES GENERALLY BOUNDED BY EAST GARVEY AVE TO THE SOUTH, FOREST HILLS DRIVE TO THE WEST, COVINA HILLS ROAD TO THE NORTH, AND THE EAST SIDE OF VILLAGE OAKS DRIVE TO THE EAST (PHASE I - TRACT 33379 LOTS 5-30 AND TRACT 41330 LOTS 1-2, VILLAGE OAKS DRIVE, CENTER COURT DRIVE, AND FOREST HILLS DRIVE; AND PHASE II - TRACT 36602 LOTS 1-13, OAK PARK ROAD) AND SOUTH OF HOLT STREET ON BOTH SIDES OF PARK VIEW DRIVE (PHASE III – TRACT 42505 LOTS 1-13, PARK VIEW DRIVE), AND MAKING FINDINGS UNDER CEQA

WHEREAS, Matt Hamilton of Covina Parkview LLC, is the applicant (applicant) of the five (5) vacant parcels within Phase III of the Village Oaks Office Park Area. The applicant contemplates to develop the 5 vacant parcels with an assisted living-memory care facility and a future hotel.

WHEREAS, Matt Hamilton of Covina Parkview LLC, is the legal property owner of two (2) vacant parcels located at the corner of Holt Avenue and Park View Drive while recently Kaiser Permanente become the new property owner of three (3) vacant parcels off Park View Drive.

WHEREAS, the Applicant has submitted an application requesting approval of Planned Community Development Amendment (PCDA) to amend PCDs 75-01, 80-02, and 81-004 to permit additional uses within the Village Oaks Office Park Planned Community Development (PCD) District Overlay Zone and modify the sign criteria of the Design Guidelines for Phase III;

WHEREAS, the Applicant submitted the application for the proposed Planned Community Development Amendment (PCDA) in conjunction with applications for Zoning Code Amendment (ZCA) 2018-002, Conditional Use Permit (CUP) 18-001, and Site Plan Review (Precise Plan Modification) (SPR) 2018-01;

WHEREAS, Covina Municipal Code (CMC) Section 17.58.110 provides that a change in a provisional plan enacted with a PCD district shall constitute a change in the zoning map, and such change shall be determined pursuant to CMC 17.80.080 through 17.80.150;

WHEREAS, Covina Municipal Code (CMC) Section 17.80.090 provides that the owner of property proposed for a PCD amendment or the authorized representative of the owner may initiate proceedings by filing a petition with the City's Planning Department on forms provided;

WHEREAS, CMC Section 17.80.110 provides that the City's Planning Department shall

investigate the facts bearing on the proposed PCD amendment to provide information necessary to assure action consistent with the intent of this title and the general plan;

WHEREAS, CMC Section 17.80.120 provides that after the PCD amendment application is deemed complete, the City's Community Development Director shall give notice of a hearing in accordance with Section 17.80.120;

WHEREAS, CMC Sections 17.80.130.A. and B. provide that the Planning Commission shall hold a public hearing on the date and at the time and place specified in the notice, announce its decision within 30 days after the conclusion of the public hearing, recommend either approval or disapproval of the proposed PCD amendment, and set forth findings in support of the recommendation;

WHEREAS, CMC Sections 17.80.130.B. and C. provide that the Planning Commission's decision shall not enlarge the area of the proposed PCD amendment in any way and must immediately be filed with the City Council and a copy thereof mailed to the petitioner at the address shown on the petition;

WHEREAS, Government Code Section 65855 requires that at the hearing, the Planning Commission render its decision in the form of a written recommendation to the City Council, including the reasons for the recommendation and the relationship of the proposed PCD amendment to the City of Covina General Plan, and transmit the recommendation to the City Council in such form and manner as specified by the City Council;

WHEREAS, CMC Section 17.80.140 provides that the hearing date of the City Council public hearing shall be set by the City Clerk for not more than 60 days after the filing of the Planning Commission's resolution with the City Council;

WHEREAS, CMC Section 17.80.150 provides that the City Council shall hold a public hearing on the date and at the time and place specified in the notice and may either adopt, by ordinance, the PCD amendment recommended by the Planning Commission after holding at least one public hearing thereon or modify the PCD amendment recommended by the Planning Commission, provided the proposed modification is been referred back to the Planning Commission for a report, pursuant to Sections 17.80.150.C. and D.;

WHEREAS, on November 13, 2018 and continued to January 22, 2019, the Planning Commission held a duly noticed public hearing as prescribed by law to consider the proposed Planned Community Development Amendment (PCDA) and any comments received prior to or at the public hearing, at which time staff presented its report, and interested persons had an opportunity to and did testify either in support or in opposition to the proposed Planned Community Development Amendment (PCDA). Following consideration of the entire record of information received at the public hearing and due consideration of the proposed Planned Community Development Amendment (PCDA), the Planning Commission closed the public hearing on that same date and adopted Resolution No. 2018-029 PC by a 5-0 vote, recommending that the City Council approve the proposed Planned Community Development Amendment (PCDA) and adopt this proposed Ordinance;

WHEREAS, on February 19, 2019, the City Council of the City of Covina held a duly noticed public hearing as prescribed by law to consider the proposed Planned Community Ordinance 19-05

Development Amendment (PCDA) and any comments received prior to or at the public hearing, at which time staff presented its report, and interested persons had an opportunity to and did testify either in support or in opposition to proposed Planned Community Development Amendment (PCDA). Following consideration of the entire record of information received at the public hearing and due consideration of the proposed Planned Community Development Amendment (PCDA), the City Council closed the public hearing on that same date; and

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

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. California Environmental Quality Act Findings. The City Council hereby makes the following environmental findings and determinations in connection with the approval of the proposed Zoning Code Amendment (ZCA) 18-002:

A. Pursuant to the California Environmental Quality Act (“CEQA”) (Cal. Pub. Res. Code §21000 *et seq.*) and the State CEQA Guidelines (the “Guidelines”) (14 Cal. Code Regs. §15000 *et seq.*), in August 2018, City staff prepared an Initial Study (“IS”) of the potential environmental effects of the approval of the Project as described in the Initial Study. Based upon the findings contained in that Study, City staff determined that, with the incorporation of mitigation measures, there was no substantial evidence that the Project could have a significant effect on the environment and a Mitigated Negative Declaration (“MND”) was prepared by the City in full compliance with CEQA.

B. Thereafter, City staff published a Notice of Intent to adopt the Draft IS/MND in the San Gabriel Valley Examiner on August 30, 2018 and the Draft IS/MND was released for a 30-day public comment period beginning on August 30, 2018, and ending on October 1, 2018. Copies of the Draft IS/MND have been available for public review and inspection at City Hall, City Clerk Office or the Community Development Department, Planning Division, located at 125 E. College Street, Covina, CA, 91723, or at www.covinaca.gov. City received four comment letters.

C. On November 13, 2018, the Planning Commission of the City of Covina held a public hearing on the proposed Planned Community Development Amendment (PCDA), the IS/MND, and the Mitigation Monitoring and Reporting Program (“MMRP”), at which time all interested persons had the opportunity and did address the Planning Commission on these matters. After due consideration, the Planning Commission found that agencies and interested members of the public were afforded ample notice and opportunity to comment on the IS/MND, MMRP and the proposed Planned Community Development Amendment (PCDA) and adopted Resolution No. 2018-029PC, recommending that City Council make findings of fact pursuant to CEQA, adopt the IS/MND and the MMRP, approve the proposed Planned Community Development Amendment (PCDA), and approve Zoning Code Amendment (ZCA) 18-002, Conditional Use Permit (CUP) 18-001, and Site Plan Review (Precise Plan Modification) (SPR) 2018-01.

D. On February 19, 2019, the City Council conducted a duly noticed public hearing to consider the Project, the MND and the MMRP, reviewed the staff report, accepted and considered public testimony. Based upon the evidence presented at the hearing, including the staff report and oral testimony, the City Council, by separate Resolution No. 2019-23 CC, adopted the MND and MMRP for the Project as on file with in the Office of the City Clerk, and adopted findings pursuant to the California Environmental Quality Act for the Project.

E. All actions taken by City have been duly taken in accordance with all applicable legal requirements, including the CEQA, and all other requirements for notice, public hearings, findings, votes and other procedural matters.

F. The custodian of records for the MND, the MMRP and all other materials that constitute the record of proceedings upon which the City Council's decision was based, including, without limitation, the staff reports, all of the materials that comprise and support the MND, and all of the materials that support the staff reports, is the Planning Division of the Community Development Department of the City of Covina. Those documents are available for public examination during normal business hours at the City of Covina, the Community Development Department, Planning Division, located at 125 E. College Street, Covina, California 91723.

SECTION 3. Findings for Approval of Planned Community Development Amendment (PCDA). Based on the evidence in the record, City Council of the City of Covina find that the proposed Planned Community Development Amendment (PCDA) is in compliance with State law and is consistent with General Plan Objective E (1)(y) which states: "Utilize the Zoning Ordinance's Planned Community Development (PCD) process (which allows for development standard modification if certain conditions are met) as a vehicle for getting attractive, functional, compatible, and innovative projects, thus facilitating residential and nonresidential development and General Plan implementation."

SECTION 4. Condition of Approval No. 2 in Section 4 of Ordinance No. 1510, establishing the Planned Community Development (PCD) District Overlay Zone for Phase III of the Village Oaks Office Park, is hereby amended to read as follows:

"2. That the C-P zone permitted and conditionally permitted uses, with the exception of a restaurant, shall be used to guide and regulate the use and the development of ~~the office building in this all projects within the Village Oaks Office Park Planned Community Development District Overlay Zone.~~"

SECTION 5. Subsections 5 and 6 are hereby added to Paragraph C. of Section 1 of Ordinance No. 91-1725, adding sign criteria to the Design Guidelines for Phases I, II, and III of the Village Oaks Office Park Planned Community Development (PCD) District Overlay Zone, to read as follows:

"5. Notwithstanding the above, hotel uses shall be subjected to the Municipal Code sign regulations of the C-4 zone and the Covina Design Guidelines.

6. One community monument sign not more than 20 sq. ft. in sign area and 6' in height shall be permitted, which identifies and directs visitors to Phase III."

SECTION 6. All other provisions of Ordinance Nos. 1510 and 91-1725 not amended as set forth in Sections 4 and 5 of this Ordinance shall remain in full force and effect.

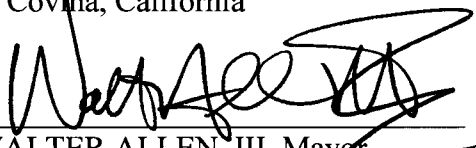
SECTION 7. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The City Council hereby declares that it would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

SECTION 8. Savings Clause. Neither the adoption of this Ordinance nor the repeal or amendment by this Ordinance of any ordinance or part or portion of any ordinance previously in effect in the City or within the territory comprising the City, shall in any manner affect the prosecution for the violation of any ordinance, which violation was committed prior to the effective date of this Ordinance, nor be construed as a waiver of any license, fee or penalty or the penal provisions applicable to any violation of such ordinances.

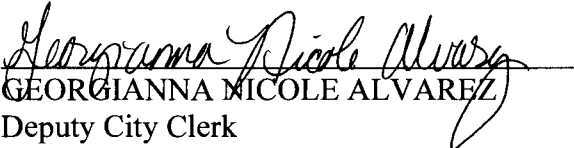
SECTION 9. Effective Date. This Ordinance shall become effective within thirty (30) days after its adoption.

SECTION 10. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Section 36933 of the Government Code.

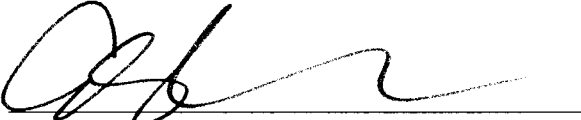
PASSED, APPROVED and APPROVED this 5th day of March, 2019.

City of Covina, California
BY: 
WALTER ALLEN, III, Mayor

ATTEST:


GEORGIANNA NICOLE ALVAREZ
Deputy City Clerk

APPROVED AS TO FORM:


CANDICE K. LEE, City Attorney

CERTIFICATION

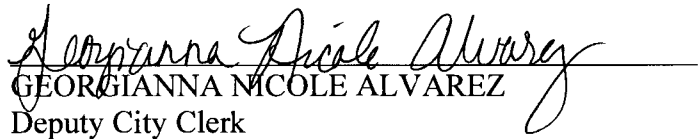
I, Georgianna Nicole Alvarez, Deputy City Clerk of the City of Covina, do hereby certify that Ordinance 19-05 was introduced for first reading at a regular meeting on the 19th day of February, 2019, by the following vote:

AYES: COUNCIL MEMBERS: CORTEZ, LINARES, MARQUEZ, KING, ALLEN
NOES: COUNCIL MEMBERS: NONE
ABSTAIN: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: NONE

Thereafter, said Ordinance was duly approved and adopted at a regular meeting of said City Council on the 5th day of March, 2019, by the following vote:

AYES: COUNCIL MEMBERS: LINARES, MARQUEZ, KING, ALLEN
NOES: COUNCIL MEMBERS: NONE
ABSTAIN: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: CORTEZ

Dated: March 6, 2019


GEORGIANNA NICOLE ALVAREZ
Deputy City Clerk