

ORDINANCE NO. 95-1787

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA ESTABLISHING A MAJOR AMENDMENT TO A PLANNED COMMUNITY DEVELOPMENT ZONE CLASSIFICATION TO ALLOW A DENTAL CLINIC IN THE COVINA TOWN SQUARE SHOPPING CENTER IN THE C-3A COMMERCIAL ZONE, PCD 87-001.

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. 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 proposed use.
 FACT: The proposal will occupy only a portion of an existing building which appears sufficient and there should be enough parking to accommodate the proposed use. Dental uses would have to be limited or more parking provided.
- 2. That the site for the proposed use related to streets and highways is adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
 FACT: The site is served by Azusa Avenue and Arrow Highway. They have a medium width of 100 feet and should be large enough to handle traffic generated by the use.
- 3. That the proposed use is not detrimental to the surrounding properties or uses permitted in the general area.
 FACT: If the proposal is restricted to 4,700 square feet, the other businesses located in the shopping center should not be effected.
- 4. That the requested PCD overlay zone is compatible with the General Plan.
 FACT: The General Plan designation of commercial could allow for retail or office uses.
- 5. That the proposal will not have any significant adverse effects or impacts upon the immediate neighborhood.
 FACT: The proposal will not change the environment and will not have a greater impact than the other retail uses on the site so long as the applicant's use does not occupy more than 4,700 square feet of building area.

SECTION 5. The application for a Major Amendment to 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:

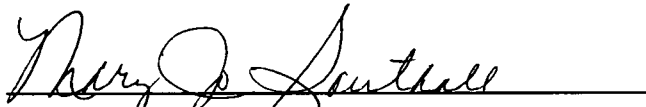
1. This amendment shall allow not more than 4,700 square feet of building area to be used for a dental office in the C-3A zone district.
2. The tenant applying for a license to conduct a dental business shall present staff with a copy of this decision and sufficient information to demonstrate compliance with all applicable City Codes.
3. This grant shall not be effective for any purpose until the permittee and 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. This affidavit will be recorded against the property.
4. 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 attach, 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.
5. 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.
6. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
7. The costs and expenses of any code enforcement activities, including, but not limited to, attorney's fees, caused by applicant's violation of any condition imposed by this Planned Community Development or any provision of Covina Municipal Code shall be paid by the applicant.
8. The following requirements from the Building Division are applicable:
 - a. The Building Division has no objections in allowing a dental facility to be located within a PCD zone. However, the occupancy shall comply with all Uniform Codes and CalACS Accessibility Standards Interpretive Manual requirements as they pertain to the proposed use.
9. 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.
10. The site shall be maintained free of violations of City zoning, building, health and safety codes.

SECTION 3. 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 16th day of May, 1995.


Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:


City Attorney

I, MARY JO SOUTHALL, City Clerk, Covina, California, hereby CERTIFY that Ordinance 95-1787 was introduced at a regular meeting of the City Council held May 2, 1995, and thereafter at a regular meeting of the City Council held May 16, 1995, signed by the Mayor, and the Ordinance was passed and adopted by the following vote:

AYES: Christiansen, Falls, Sarver, Wilcox
NOES: O'Leary
ABSENT: None


City Clerk