

**CITY OF COVINA
APPLICATION CONDITIONS OF APPROVAL
MODIFICATION TO APPLICATION PLANNED COMMUNITY DEVELOPMENT
(PCD) 87-001
AS ADOPTED BY THE CITY COUNCIL ON JULY 3, 2012**

This application shall permit the Sign Program of the Covina Town Square commercial center to be amended to permit the business at 1316 North Azusa Avenue (Sprint) of the multiple tenant commercial building in the southwestern portion of the center to have building signage on the western wall of the westerly, building-related loading area, in accordance with the associated approved standards and details. The standards and details shall further appertain to the following two businesses within the same building, which are currently permitted to have signage on this wall: a) 1314 North Azusa Avenue (future SkyZone business); and b) 1318 North Azusa Avenue (Hometown Buffet). (NO ADDITIONS, ALTERATIONS, OR MODIFICATIONS TO ANY BUILDING OR OTHER IMPROVEMENTS ON THE COMMERCIAL CENTER SITE HAVE BEEN GRANTED UNDER THIS APPROVAL.)

1.0 EFFECTIVE DATE OF APPLICATION:

- 1.1 The approval of the application shall take effect thirty days following final City Council approval of the request.

2.0 GENERAL REQUIREMENTS:

- 2.1 Failure to comply with any conditions of approval noted herein shall be deemed just cause for the initiation of code enforcement action against the property owner or the revocation of project approval by the City.
- 2.2 The project and any associated signage-related improvements are categorically exempt pursuant to the California Environmental Quality Act (CEQA). If a Notice of Exemption is filed with the City, then the period during which legal challenges can be filed based upon violations of CEQA is reduced from 180 days to 35 days. To file the Notice of Exemption, please contact the Planning Division.
- 2.3 Any future-proposed signage in the Covina Town Square commercial center that deviates from the updated provisions of the Covina Town Square Sign Program or that has not been addressed herein or under any prior official decision shall first be considered by the Planning staff and may warrant future Sign Program modification.
- 2.4 Final plans incorporating all conditions of approval and any plan-related changes required in the approval process shall be submitted for review to and approval by

the City Planner or his/her designee prior to building permit issuance in conjunction with the Plan Check process of the Building Division. Any construction/final plans and documents shall conform to the design criteria of the updated Sign Program that has been approved by the City Council and shall meet all applicable requirements of the Building Division. The conditions listed herein shall be printed upon the face of and included as part of the construction plans.

- 2.5 Any site features for the disabled that are required by the Building Division pertaining to the project or subsequent, related work, including, but not limited to, restroom amenities, property access identification, parking stall and unloading area dimensions, path of travel, and building access, must continue to comply with all applicable State Codes and must be reviewed by the Building Division.
- 2.6 All existing zoning-related entitlements pertaining to the appurtenant commercial center shall remain in effect, except where any provisions thereof have been expressly superseded by this application.
- 2.7 This grant shall not be effective for any purposes until the permittee and the owner of the property (if other than the permittee) have each filed at the office of the Planning Division certain subsequently-distributed affidavits stating that they are aware of, and agree to accept, all conditions of the grant.
- 2.8 The application shall not be effective until such time as the applicant and the property owner each obtain an Inspection and Verification Permit and the City Planner or his/her designee certifies on said Permit that the project complies with all of the terms and conditions of these conditions of approval.
- 2.9 Approval of this request shall not waive compliance with all sections of the Covina Municipal Code, the Covina Design Guidelines, and all other applicable City ordinances and plans as well as non-City laws and regulations in effect at the time of application approval by the Planning Commission and at the time of any building permit issuance(s) by the Covina Building Division.
- 2.10 The City shall have the reasonable right of entry to inspect the immediate premises and the overall property to verify compliance with the conditions of approval.
- 2.11 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 approval, which action is brought within the applicable time period of Government Code

Section 65009. The City must 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.

- 2.12 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 approval. 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.
- 2.13 If any provision of this grant is held or declared to be invalid, the entire approval shall be void and the privileges granted hereunder shall lapse.
- 2.14 The costs and expenses of any code enforcement activities, including, but not limited to, attorneys' fees, caused by the applicant's or the property owner's violation of any condition imposed by this application or any provision of the Covina Municipal Code shall be paid by the applicant and/or the property owner.
- 2.15 In accordance with Chapter 11.36 of the Covina Municipal Code, no street trees adjacent to the project site shall be cut or trimmed in any manner by any persons associated with the property unless a written permit from the City Public Works Department is first obtained.
- 2.16 The site, building, landscaping, and signage improvements on the commercial center site shall be maintained in a sound and attractive condition, free of weeds, trash or debris, visible deterioration, graffiti, or other conditions that violate the Covina Municipal Code. The City may require that the applicant and/or the property owner pay the actual and reasonable costs for code compliance services needed to address any problem conditions.
- 2.17 The applicant shall perform any and all construction work that is associated with the project proposal only between the hours of 7:00 a.m. and 8:00 p.m., Monday through Saturday (excluding legal holidays).
- 2.18 The applicant shall comply with the following requirements from the Public Works Department, Building Division:
 - a. Please be prepared to submit attachment details for the proposed building signage (building permit required).
 - b. Energy forms/calculations shall be required for the proposed building signage, if illuminated.

2.19 The applicant shall comply with the following requirement from the Public Works Department, Environmental Division: the \$40.00 plan review fee shall be paid.