

ORDINANCE NO. 93-1759

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA ESTABLISHING A PLANNED COMMUNITY DEVELOPMENT ZONE CLASSIFICATION FOR CERTAIN PROPERTY IN THE CITY OF COVINA, ZONE CHANGE APPLICATION PCD-93-002 AND MAKES CERTAIN FINDINGS AND CONDITIONS.

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 C-P (PCD) as such zone is defined in Title 17 of the Covina Municipal Code.

The westerly 330 feet of the northerly 128 feet of the southerly 300 feet of the south half of the south half of the west half of the southwest quarter of the northwest quarter of Section 7, Township 1 south, Range 9 west, San Bernardino meridian, in the City of Covina, County of Los Angeles, State of California, as shown on a map of the subdivision of the Rancho addition to San Jose, recorded in Book 22, Page 21 et. seq., of Miscellaneous Records.

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 proposed use.

FACT: The site has sufficient parking to support retail or office use under the standards set out in the Covina Municipal Code zoning chapter.

- 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 proposed zone overlay would not increase traffic on the site. The existing development is adequately served by Grand Avenue.

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

FACT: Office use would be more compatible with surrounding residences than are many of the retail uses allowed in the C-4 zone.

4. That the requested PCD overlay zone is compatible with the General Plan.

FACT: The General Plan designation of commercial allows either retail or office zoning.

5. That the proposal will not have significant adverse effects or impacts on the environment.

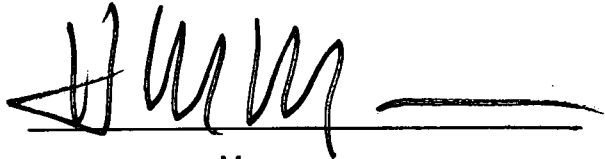
FACT: The proposal will not change the environment and will have no greater impact than continued use of the site for C-4 retail uses..

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:

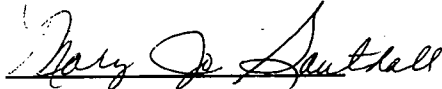
1. This PCD shall allow not more than 3,000 gross square feet of the building to be used for any use listed in Section 17.44.020 (permitted use C-4 zone) of the Covina Municipal Code.
2. Tenants applying for a license to conduct retail business shall present staff with a copy of this decision and sufficient information to demonstrate compliance.
3. This grant shall not be effective for any purposes 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.
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 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.
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, attorneys' fees, caused by applicant's violation of any condition imposed by this Conditional Use Permit or any provision of Covina's Municipal Code shall be paid by the applicant.
8. The site shall be maintained free of violations of city zoning, building, health and safety codes.

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 19th day of October, 1993.

  
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Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney (Assistant)

I, MARY JO SOUTHALL, City Clerk, Covina, California, hereby CERTIFY that Ordinance No. 93-1759 was regularly introduced and placed upon its first reading at a regular meeting of the Covina City Council held October 5, 1993, and that thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council held October 19, 1993, by the following vote:

AYES:	Gratton, King, Lancaster, Morgan
NOES:	None
ABSENT:	None

  
\_\_\_\_\_  
City Clerk