

ORDINANCE NO. 99-1852

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA ESTABLISHING A C-4 HIGHWAY COMMERCIAL/ PLANNED COMMUNITY DEVELOPMENT ZONE CLASSIFICATION FOR CERTAIN PROPERTY IN THE CITY OF COVINA, ZONE CHANGE APPLICATION PCD 99-002 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 Highway Commercial Planned Community Development (C-4/PCD) as such zone is defined in Title 17 of the Covina Municipal Code:

That portion of the northeast quarter of Section 10, Township 1 South, Range 10 West, S.B.B. & M., in the City of Covina, County of Los Angeles, State of California, according to the official plat of the survey of said land on file in the District Land Office on October 31, 1873, described as follows:

Beginning at the southeast corner of Lot 11, Tract No. 22813, as shown on map recorded in Book 618, pages 69 to 72, inclusive of Maps, in the office of the Recorder of the County of Los Angeles; thence along the easterly boundary of said tract, North 1° 15' 00" West 450.00 feet; and North 21° 38' 26" West 163.72 feet; and North 30° 00' 00" West 6.01 feet to the southerly line of Grondahl Street, as shown on map of said Tract No. 22813; thence along said Grondahl Street North 65° 10' 20" East 0.46 feet to the beginning of a tangent curve in said Grondahl Street concave to the South and having a radius of 520.00 feet; thence easterly along said curve 228.53 feet to the end of same; thence continuing along said street S 89° 38' 51" E a distance of 496.99 feet to the beginning of a tangent curve concave to the southwest and having a radius of 25 feet; thence southwesterly along said tangent curve, an arc distance of 39.27 feet to its tangency with the westerly line of Azusa Avenue, 100 feet wide, as shown on said Tract No. 22813; thence S 0° 21' 09" W 584.86 feet along said westerly line of Azusa Avenue to the northerly line of the right-

of-way of the San Dimas Wash, as shown on map of said Tract No. 22813; thence along said northerly line South 84° 39' 04" West 670.86 feet to the point of beginning.

(1151 North Azusa 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 existing building is 129,000 square feet in area and can accommodate the applicant's entire business. The parking area has approximately three (3) times the amount of parking as will be required for customers and employees. The plan complies with all zoning and building standards relative to size, area and setback requirements.

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 use will generate less traffic than would result from use of the building by a discount retailer. To further mitigate the impact, the project will fund a pro rata share for the future modification of Azusa Avenue to accommodate six (6) lanes of through traffic. This and other conditions of approval mitigate all identified traffic concerns.

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

Fact: The facility has been designed to minimize all noise generating activities and limit them to areas that are remote from any residences. The site is currently bordered on three (3) sides by properties that are zoned C-4 and do not have restrictive conditions of the type proposed for this project.

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

Fact: The conditions of approval were prepared as a result of information gained by reviewing the project and holding public hearings. The conditions were written to mitigate and resolve all reasonable concerns that were identified in that process.

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 Planned Community Development shall permit the site to be used as a sales facility for motorcycles, watercraft, sport utility vehicles, trailers, and all similar recreationally oriented vehicles. The total building area shall not exceed 140,000 square feet of gross building area. Any additional building space will require approval of a Site Plan Review. Service and repair of vehicles, motorcycles, and watercraft is only permitted as a lesser ancillary component of the larger retail business.

2. The site shall be developed in a manner that is consistent with the final plan approved by the City Council. Precise plans of development shall be submitted for review and approval by the Chief Planning Official.
3. All mechanical repair and service work shall be conducted inside the building. Exterior openings to the service and repair area may only be located on the east side of the building. The design, location and screening are subject to review and approval by the Chief Planning Official.
4. Truck loading shall not occur between 6:00 p.m. and 8:00 a.m. or on Sunday or on any legal holiday recognized by the City of Covina. To further reduce noise, motorcycles and other vehicles being unloaded during delivery shall be lowered and brought into the building without running their internal combustion engine.
5. No truck may be left on the site with its engine, air conditioning, or refrigeration running between the hours of 6:00 p.m. and 8:00 a.m.
6. No outdoor paging system may be used to the north, south or west of the building. If used on the east side of the building, any paging system shall not be audible to a person of reasonable sensitivity in any residential zone district.
7. No mechanics, customers, employees or other people shall test drive vehicles on Grondahl Street or on any other local residential street.
8. Exterior lighting shall be designed to provide a minimum level of one footcandle in outdoor areas. The system shall be designed to prevent any direct glare on residential properties. In addition, it shall not increase ambient lighting by more than 0.5 footcandles on any residential property.
9. This approval shall allow the following signage:
 - a. One (1) freestanding sign not to exceed 150 square feet or 30' in height.
 - b. A second freestanding sign not to exceed 100 square feet or 18' in height.
 - c. Five (5) wall signs on the west side of the building.

The main freestanding sign may include an electronic message center not to exceed forty (40) square feet. The manner in which messages are displayed shall comply with the standards established by CalTrans for freeway oriented electronic message centers.

All such signs shall conform with the architectural standards of the Covina Design Guidelines and are subject to review and approval by the Chief Planning Official.
10. The applicant shall provide a 20' wide landscape area adjacent to Azusa Avenue for the length of the site. The applicant shall comply with the standards of the Covina Design Guidelines relative to landscaping within all vehicle parking and display areas. The Chief Planning Official may approve limited vehicle display pedestals in said area.
11. No employee and business-related parking is permitted in any residential zone whether on a street or private property.
12. The applicant shall maintain at least 75 parking stalls for use by customers and visitors to the site. The applicant shall provide proof to staff that sufficient open space is maintained on the site to allow the future provision of at least one (1) parking stall for every 200 square feet of gross building area.

13. All mitigation measures from the Mitigated Negative Declaration adopted for this project are hereby adopted by reference as conditions of this approval. When those measures differ from these conditions, the more restrictive shall apply.
14. The exterior of the building shall be remodeled and architecturally enhanced to comply with the Covina Design Guidelines. Detailed plans shall be submitted to the Planning Division for review and approval by the Chief Planning Official.
15. This approval shall allow the use of up to six (6) video or electronic arcade style games.
16. No outside storage of inoperable vehicles or parts thereof is permitted. Any such storage shall be inside the building.
17. The applicant shall construct a decorative fence or wall to prevent the public from driving behind the building. The area south and west of the building may be used for storage of vehicles and trailers being kept for sale provided that no item taller than the adjacent block wall may be stored within fifty feet (50') of residential property.
18. The areas west of the building may not be used for display of vehicles to prospective customers. Sales display areas may be located on the south, east and north sides of the building.
19. Customer drop off and pick up of vehicles shall be limited to the east side of the building.
20. All development shall conform with the approved plans, all representations of record made by the applicants and these conditions of approval. The Planning Division will review construction documents for compliance with these Conditions of Approval.
21. The placement of post box receptacles must be coordinated with the Covina Post Office. The Planning Division will review the proposal.
22. Installation of a security system is required as per Section 8.20.065 of the Covina Municipal Code. Please coordinate this activity with the Police/Fire Departments.
23. Sign permits are required for all new signs and/or modification of any existing signs. The proposed signs for this project are subject to a separate plan review. Submit proposed plans to the Planning Division for plan check and approval. The Planning Division will not authorize the issuance of a building permit without an approved sign plan.
24. Ordinance requirements not herein listed are still applicable.
25. Screen from view all roof, wall, or ground-mounted mechanical equipment, utility equipment and utility meters. Locate, identify and provide cross-sectional details of screening material in the construction documents.
26. Submit landscape and irrigation plans. Locate and identify all plants and provide a complete irrigation system. Provide cross-sectional details of planting method and irrigation system. Submit proposed plans to the Planning Division for plan check and approval. The Planning Division will not authorize the issuance of a building permit without an approved landscaping plan.
27. 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.
28. Sufficient trash bin enclosure(s) shall be installed in accordance with the normal requirements for the City of Covina which call for block construction with solid metal self-closing gates.

29. Handicapped requirements including site access identification, parking requirements, path of travel, and building access shall comply with all applicable State Codes. Contact the Building Division plan checker for specific handicapped requirements pertaining to this project.
30. A construction noise permit is required prior to beginning construction on the site. This permit can be obtained from the Building or Planning Division.
31. All construction shall conform with City noise ordinances restricting construction prior to 7:00 a.m. and on Sundays and Holidays.
32. 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.
33. 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.
34. 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.
35. This permit shall not be effective until such time as the applicant obtains an inspection and verification permit and the chief planning official certifies on said permit that the premises and use comply with all of the terms and conditions of this grant of approval.
36. 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.
37. 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 65009. 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.
38. 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.
39. 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.
40. The subject property shall be developed, maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.
41. 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.

42. All of the conditions of approval listed herein and the Mitigation Measures of the Negative Declaration 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.
43. If the location becomes a high gathering spot, the management shall comply with any request by the Police Department, to close down the location for the remainder of the day or any particular day that the Department feels necessary, in order to keep the peace.

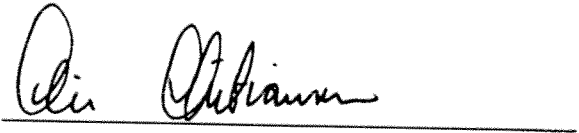
Further, should these problems become on-going, the City reserves the right to modify the business hours so as to prevent any future recurrence.

44. If, in the opinion of the Chief of Police, or his designee, there is or may be a need to change or modify the conditions herein, the Chief of Police, or his designee, may initiate a public hearing before the Planning Commission. After due notice, which affords the applicant an opportunity to be heard, the Planning Commission may, but is not obligated to, change or modify the conditions stated herein.
45. The following requirements from the Building Division are applicable:
- a. A minimum of five (5) sets of architectural and structural construction documents along with electrical, plumbing, mechanical and sewer are required for plan check submittal. Minimum scale of construction documents to be submitted for plan review shall be 1/4 inch equals one (1) foot and details shall be minimum 1/2 inch equals one (1) foot. The minimum size of construction documents shall be 18 inches by 24 inches.
 - b. Two (2) sets each of Title 24 Energy and structural calculations shall be submitted at time of review.
 - c. Cross sectional details are needed for fire-rated and partition walls.
 - d. Fire sprinkler and fire alarm plans shall be approved by the Fire Department prior to issuance of any building permits. Fire Department plan checks have been taking approximately six (6) to eight (8) weeks. Contact Jerry Cantu at (626) 974-8335 Monday through Friday from 8:00 a.m. to 9:30 a.m. for further information.
 - e. Approvals from Planning, Engineering and Water Division/Departments will be required prior to issuance of any building permits. Contact each Division/Department for further information regarding this project.
 - f. Show the location of mechanical units on floor or roof plan. If exterior mounted units are proposed, indicate method of screening from public view. Provide a cross-sectional detail of mechanical screening.
 - g. Signage indicating parking for persons with disabilities is required at entrance to property.
 - h. All Conditions of Approval generated from Planning Division shall be printed on the plans.
 - i. All applicable Conditions of Approval shall be detailed and delineated on construction documents.
 - j. The Building Plan Check process will address additional comments.

46. The applicant shall install signage on Grondahl Street at the northwest corner of the property indicating that it is the entrance to a residential zone with no exit. The extent and location of the signage is subject to City approval.

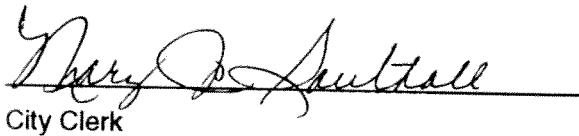
SECTION 6. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published according to law.

APPROVED AND PASSED this 7th day of September, 1999.

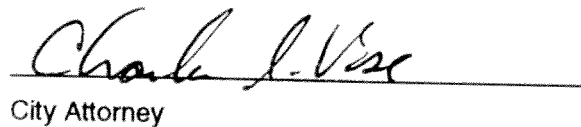


Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:


City Attorney

I, MARY JO SOUTHALL, City Clerk, Covina, California, hereby CERTIFY that Ordinance No. 99-1852 was regularly introduced and placed upon its first reading at an adjourned meeting of the Covina City Council held August 31, 1999, and that thereafter said Ordinance was duly adopted at a regular meeting of the City Council held September 7, 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