

ORDINANCE NO. 03-1896

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA AMENDING ORDINANCE NO. 99-1855, WHICH ESTABLISHED A C-4 HIGHWAY COMMERCIAL/PLANNED COMMUNITY DEVELOPMENT ZONE CLASSIFICATION FOR CERTAIN PROPERTY IN THE CITY OF COVINA

THE CITY COUNCIL OF THE CITY OF COVINA DOES ORDAIN AS FOLLOWS:

SECTION 1. On November 16, 1999, this Council adopted Ordinance No. 99-1855 (the "C-4/PCD Ordinance") which established a highway commercial planned community development zone (C-4/PCD) for the property described in the C-4/PCD Ordinance (the "Property").

SECTION 2. On November 2, 1999, in compliance with the California Environmental Quality Act ("CEQA"), this Council adopted a Mitigated Negative Declaration (the "Mitigated Negative Declaration") which considered the environmental impacts of the project that was proposed to be developed on the Property.

SECTION 3. This Council has determined that the actions to be taken pursuant to this Ordinance will not result in environmental impacts which are new or substantially changed from those already analyzed and addressed in the Mitigated Negative Declaration and, therefore has determined, in accordance with Public Resources Code Section 21166 and Section 15162 of the CEQA Guidelines, that no subsequent or supplemental Environmental Impact Report, Negative Declaration or Mitigated Negative Declaration is required to be prepared prior to adopting this Ordinance.

SECTION 4. Section 5.B of the C-4/PCD Ordinance sets forth conditions to which this Council's approval of the C-4/PCD Ordinance was made subject (the "Conditions"). Condition 13 of the Conditions states "This approval shall expire December 31, 2008".

SECTION 5. By adopting Condition 13, it was this Council's intention that if development did not occur on the Property on or before December 31, 2008, the City wished to retain the right to amend the rules and regulations, including the C-4/PCD zoning, affecting the Property. It was not this Council's intention that the C-4/PCD zoning established by the C-4/PCD Ordinance expire automatically on December 31, 2008.

SECTION 6. Pursuant to the terms of the Development Agreement dated December 7, 1999, between the City and Evergreen Oak Plaza, Limited Partnership, the City may not change the rules and regulations, including the C-4/PCD zoning, affecting the Property during the term of the Development Agreement, which term currently expires December 31, 2008. However, following the expiration of the term of the Development Agreement, the City will have the right to review and, in accordance with the City's rules and regulations, amend any rules and regulations, including the C-4/PCD zoning, affecting the Property.

SECTION 7. Based on the foregoing Recitals, and, pursuant to a duly noticed public hearing and processing in the manner set forth by State law and local ordinance, and after recommendation thereon by the Planning Commission, Condition 13 is hereby amended to read as follows: "Unless development has occurred substantially in accordance with the terms of these conditions on or before December 31, 2008, this approval shall expire December 31, 2008."

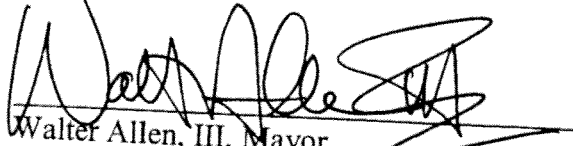
SECTION 8. Subparagraphs a and n of Condition 12 of the Conditions prohibit "auto repair garage" and "upholstery shop, automobile" uses respectively. This will confirm that such uses in connection with an automobile dealership would not be considered prohibited uses.

SECTION 9. Except as set forth in this Ordinance, the C-4/PCD Ordinance shall remain in full force and effect.

SECTION 10. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

SECTION 11. The City Clerk shall file a Notice of Determination that no further CEQA analysis or documentation is required with the Clerk of the County of Los Angeles within three (3) working days following adoption of this Ordinance.

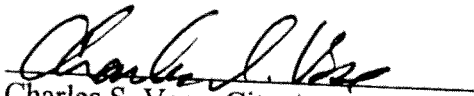
APPROVED AND PASSED this 2nd day of September, 2003.


Walter Allen, III, Mayor

ATTEST:


Rosie Fabian, City Clerk

APPROVED AS TO FORM


Charles S. Vose, City Attorney

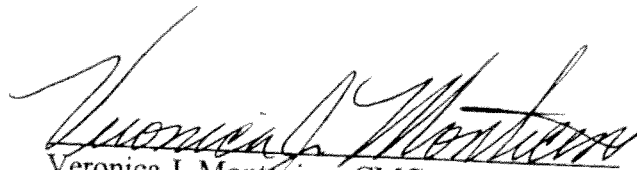
I, **VERONICA J. MONTECINO, CMC**, Chief Deputy City Clerk, Covina, California, hereby **CERTIFY** that Ordinance No. 03-1896 was regularly introduced and placed upon its first reading at a regular meeting of the Covina City Council held August 19, 2003, and that thereafter said Ordinance was duly adopted at a regular meeting of the City Council held September 2, 2003, and passed by the following vote:

AYES: Mayor Walter Allen, III, Mayor Pro Tem Kevin Stapleton, Council Members Meline Hall, Peggy Delach, Christopher Lancaster

NOES: None

ABSENT: None

ABSTAIN: None


Veronica J. Montecino, CMC
Chief Deputy City Clerk

