

ORDINANCE NO. 99-1855

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 99-003 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 Lot 1, Block 5 of the Phillips Tract, in the City of Covina, County of Los Angeles, State of California, as per map recorded in book 9 pages 3 and 4 of miscellaneous records, in the Office of the County Recorder of said County described as follows:

PARCEL 1:

THAT PORTION OF LOT 1, IN BLOCK 5 OF THE PHILLIPS TRACT, IN THE CITY OF COVINA, AS PER MAP RECORDED IN BOOK 9 PAGES 3 AND 4 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WESTERLY SIDELINE OF AZUSA AVENUE, 66 FEET WIDE, WITH A LINE THAT IS PARALLEL WITH AND DISTANT 327.00 FEET NORTHERLY FROM THE CENTERLINE OF BADILLO AVENUE, AS MEASURED ALONG THE CENTERLINE OF SAID AZUSA AVENUE; THENCE ALONG SAID PARALLEL LINE NORTH 89° 19' 55" WEST 130.00 FEET; THENCE SOUTH 00° 03' 20" EAST, PARALLEL WITH SAID CENTERLINE OF AZUSA AVENUE, 87.00 FEET TO THE NORTHEASTERLY CORNER OF THE LAND DESCRIBED IN THE DEED TO MAURICE E. KOEBERLE AND WIFE RECORDED IN BOOK 28257 PAGE 225, OFFICIAL RECORDS OF SAID COUNTY; THENCE NORTH 89° 19' 55" WEST, PARALLEL WITH SAID CENTER LINE OF BADILLO AVENUE, A DISTANCE OF 266.87 FEET, MORE OR LESS, TO THE INTERSECTION WITH A LINE PARALLEL WITH SAID WESTERLY SIDELINE OF AZUSA AVENUE AND PASSING THROUGH A POINT IN THE SOUTHERLY SIDELINE OF SAN BERNARDINO ROAD, 66 FEET WIDE, THAT IS DISTANT THEREON SOUTH 85° 34' 00" WEST, 398.00 FEET FROM THE INTERSECTION OF THE EASTERLY PROLONGATION OF SAID

SOUTHERLY SIDELINE OF SAN BERNARDINO ROAD WITH THE NORTHERLY PROLONGATION OF SAID WESTERLY SIDELINE OF AZUSA AVENUE, THENCE NORTH 00° 03' 20" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 646.02 FEET, MORE OR LESS, TO SAID POINT IN THE SOUTHERLY SIDELINE OF SAN BERNARDINO ROAD; THENCE NORTH 85° 34' 00" EAST ALONG SAID SOUTHERLY LINE 358.00 FEET; THENCE SOUTH 47° 14' 48" EAST, 54.37 FEET, MORE OR LESS, TO A POINT IN SAID WESTERLY SIDELINE OF AZUSA AVENUE THAT IS DISTANT THEREON SOUTH 00° 03' 20" EAST 40.00 FEET, FROM THE INTERSECTION OF THE EASTERLY PROLONGATION OF THE SOUTHERLY SIDELINE OF SAN BERNARDINO ROAD WITH THE NORTHERLY PROLONGATION OF THE WESTERLY SIDELINE OF AZUSA AVENUE, THENCE SOUTH 00° 03' 20" EAST ALONG SAID WESTERLY SIDE LINE 554.41 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXCEPT THEREFROM THOSE PORTIONS OF SAID LAND BOUNDED BY THE FOLLOWING DESCRIBED LINES:

BEGINNING AT A POINT IN THE WESTERLY LINE OF AZUSA AVENUE, FORMERLY SIERRA STREET, AS SHOWN ON SAID MAP, DISTANT SOUTHERLY THEREON 158 FEET FROM THE INTERSECTION OF SAID WESTERLY LINE WITH THE SOUTHERLY LINE OF SAN BERNARDINO ROAD, AS SHOWN ON SAID MAP; THENCE NORTHERLY ALONG SAID WESTERLY LINE 158 FEET TO SAID SOUTHERLY LINE; THENCE WESTERLY ALONG SAID SOUTHERLY LINE 167 FEET; THENCE SOUTHERLY AT RIGHT ANGLES WITH SAID SOUTHERLY LINE TO A LINE DRAWN AT RIGHT ANGLES WITH SAID WESTERLY LINE, AND WHICH PASSES THROUGH THE POINT OF BEGINNING; THENCE EASTERLY IN A DIRECT LINE TO THE POINT OF BEGINNING.

ALSO EXCEPT THEREFROM THAT PORTION OF SAID LAND AS GRANTED TO THE STATE OF CALIFORNIA BY DEED RECORDED AUGUST 22, 1957 AS INSTRUMENT NO. 1792, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF AZUSA AVENUE, 66 FEET WIDE, WITH A LINE PARALLEL WITH AND DISTANT NORTH 00° 28' 27" WEST, 327.00 FEET FROM THE CENTER LINE OF BADILLO AVENUE, MEASURED ALONG THE CENTER LINE OF SAID AZUSA AVENUE; THENCE ALONG SAID PARALLEL LINE NORTH 89° 44' 51" WEST, TO A LINE PARALLEL WITH AND DISTANT 17.00 FEET, MEASURED AT RIGHT ANGLES FROM SAID WEST LINE OF AZUSA AVENUE; THENCE ALONG SAID PARALLEL LINE NORTH 00° 28' 27" WEST, 434.79 FEET, MORE OR LESS, TO A LINE AT RIGHT ANGLES TO SAID WEST LINE AND WHICH PASSES THROUGH A POINT IN SAID WEST LINE, DISTANT THEREON SOUTH 00° 28' 27" EAST 158.00 FEET FROM THE SOUTH LINE OF SAN BERNARDINO ROAD SHOWN ON SAID MAP; THENCE ALONG SAID LAST DESCRIBED LINE NORTH 89° 31' 33" EAST 17.00 FEET TO SAID WEST LINE; THENCE ALONG SAID WEST LINE, SOUTH 00° 28' 27" EAST 436.42 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT THEREFROM THAT PORTION OF SAID LAND AS GRANTED TO THE CITY OF COVINA, BY DEED RECORDED APRIL 3, 1967 AS INSTRUMENT NO. 1822, DESCRIBED AS FOLLOWS:

THE NORTHERLY 7.00 FEET, MEASURED AT RIGHT ANGLES, OF SAID LAND, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WESTERLY SIDE LINE OF AZUSA AVENUE, 66 FEET WIDE, WITH A LINE THAT IS PARALLEL WITH AND DISTANT 327.00 FEET NORTHERLY FROM THE CENTER LINE OF BADILLO AVENUE, AS MEASURED ALONG THE CENTER LINE OF SAID AZUSA AVENUE, THENCE ALONG SAID PARALLEL LINE NORTH 89° 19' 55" WEST 130.00 FEET; THENCE SOUTH 00° 03' 20" EAST, PARALLEL WITH SAID CENTER LINE OF AZUSA AVENUE, 87.00 FEET TO THE NORTHEASTERLY CORNER OR THE LAND DESCRIBED IN DEED TO ALICE B. KOEBERLE, RECORDED IN BOOK 28257 PAGE 225, OFFICIAL RECORDS

OF SAID COUNTY; THENCE NORTH 89° 19' 55" WEST, PARALLEL WITH SAID CENTER LINE OF BADILLO AVENUE, A DISTANCE OF 266.87 FEET, MORE OR LESS, TO THE INTERSECTION WITH A LINE PARALLEL WITH SAID WESTERLY SIDE LINE OF AZUSA AVENUE AND PASSING THROUGH A POINT IN THE SOUTHERLY SIDE LINE OF SAN BERNARDINO ROAD, 66 FEET WIDE, THAT IS DISTANT THEREON SOUTH 85° 34' 00" WEST 398.00 FEET FROM THE INTERSECTION OF THE EASTERLY PROLONGATION OF SAID SOUTHERLY SIDE LINE OF SAN BERNARDINO ROAD WITH THE NORTHERLY PROLONGATION OF SAID WESTERLY SIDE LINE OF AZUSA AVENUE; THENCE NORTH 00° 03' 20" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 646.02 FEET, MORE OR LESS, TO SAID POINT IN THE SOUTHERLY SIDE LINE OF SAN BERNARDINO ROAD; THENCE NORTH 85° 34' 00" EAST ALONG SAID SOUTHERLY LINE 358.00 FEET; THENCE SOUTH 47° 14' 48" EAST, 54.37 FEET, MORE OR LESS, TO A POINT IN SAID WESTERLY SIDE LINE OF AZUSA AVENUE THAT IS DISTANT THEREON SOUTH 00° 03' 20" EAST 40.00 FEET FROM SAID INTERSECTION OF THE EASTERLY PROLONGATION OF THE SOUTHERLY SIDE LINE OF SAN BERNARDINO ROAD, WITH THE NORTHERLY PROLONGATION OF THE WESTERLY SIDE LINE OF AZUSA AVENUE; THENCE SOUTH 00° 03' 20" EAST ALONG SAID WESTERLY SIDE LINE 554.41 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXCEPT THEREFROM THOSE PORTIONS OF SAID LAND BOUNDED BY THE FOLLOWING DESCRIBED LINES:

BEGINNING AT A POINT IN THE WESTERLY LINE OF AZUSA AVENUE, FORMERLY SIERRA STREET, AS SHOWN ON SAID MAP, DISTANT SOUTHERLY THEREON 158 FEET FROM THE INTERSECTION OF SAID WESTERLY LINE WITH THE SOUTHERLY LINE OF SAN BERNARDINO ROAD, AS SHOWN ON SAID MAP; THENCE NORTHERLY ALONG SAID WESTERLY LINE 158 FEET TO SAID SOUTHERLY LINE; THENCE WESTERLY ALONG SAID SOUTHERLY LINE 167 FEET; THENCE SOUTHERLY AT RIGHT ANGLES WITH SAID SOUTHERLY LINE TO A LINE DRAWN AT RIGHT ANGLES WITH SAID WESTERLY LINE, AND WHICH PASSES THROUGH THE POINT OF BEGINNING; THENCE EASTERLY IN A DIRECT LINE TO THE POINT OF BEGINNING.

TO BE KNOWN AS SAN BERNARDINO ROAD.

ALSO EXCEPT THE PRECIOUS METALS AND ORES THEREOF, AS RETAINED IN THE DEED OF PARTITION BETWEEN JOHN ROWLAND AND WILLIAM WORKMAN, RECORDED IN BOOK 10 PAGES 39, OF DEEDS.

PARCEL 2:

THAT PORTION OF ACREAGE LOT 1 IN BLOCK 5 OF THE PHILLIPS TRACT, AS SHOWN ON MAP RECORDED IN BOOK 9 PAGE 4 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BOUNDED BY THE FOLLOWING DESCRIBED LINES:

BEGINNING AT A POINT IN THE WESTERLY LINE OF AZUSA AVENUE, FORMERLY SIERRA STREET, AS SHOWN ON SAID MAP, DISTANT SOUTHERLY THEREON 158 FEET FROM THE INTERSECTION OF SAID WESTERLY LINE WITH THE SOUTHERLY LINE OF SAN BERNARDINO ROAD AS SHOWN ON SAID MAP; THENCE NORTHERLY ALONG SAID WESTERLY LINE 158 FEET TO SAID SOUTHERLY LINE; THENCE WESTERLY ALONG SAID SOUTHERLY LINE 167 FEET; THENCE SOUTHERLY AT RIGHT ANGLES WITH SAID SOUTHERLY LINE TO A LINE DRAWN AT RIGHT ANGLES WITH SAID WESTERLY LINE, AND WHICH PASSES THROUGH THE POINT OF BEGINNING; THENCE EASTERLY IN A DIRECT LINE TO THE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF AZUSA AVENUE; 66 FEET WIDE, AS SHOWN AS SIERRA STREET, ON SAID MAP WITH THE SOUTH LINE OF SAN BERNARDINO ROAD, 66 FEET WIDE, SHOWN AS SAN BERNARDINO ROAD ON SAID MAP; THENCE WESTERLY ALONG SAID SOUTH LINE OF SAN BERNARDINO ROAD, A DISTANCE OF 40 FEET; THENCE SOUTHEASTERLY IN A DIRECT LINE TO A POINT IN SAID WESTERLY LINE OF AZUSA AVENUE; DISTANT SOUTHERLY THEREON 40 FEET FROM SAID SOUTH LINE OF SAN BERNARDINO ROAD; THENCE NORTHERLY ALONG SAID WEST LINE OF AZUSA AVENUE, 40 FEET TO THE POINT OF BEGINNING; AS GRANTED TO THE STATE OF CALIFORNIA BY DEED RECORDED AUGUST 20, 1948 IN BOOK 28036 PAGE 128, OFFICIAL RECORDS.

ALSO EXCEPT THEREFROM THAT PORTION OF SAID LAND AS GRANTED TO THE STATE OF CALIFORNIA, BY DEED RECORDED JUNE 6, 1957 AS INSTRUMENT NO. 1946 IN BOOK 54714 PAGE 418, OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF AZUSA AVENUE, 66 FEET WIDE, DISTANT THEREON 40.00 FEET SOUTHERLY FROM THE SOUTHERLY LINE OF SAN BERNARDINO ROAD, 66.00 FEET WIDE, SAID POINT BEING THE MOST SOUTHERLY CORNER OF THE PARCEL OF LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED IN BOOK 28036 PAGE 128, OFFICIAL RECORDS; THENCE SOUTHERLY ALONG SAID WEST LINE 118.00 FEET; THENCE WESTERLY AT RIGHT ANGLES FROM SAID WEST LINE TO A LINE PARALLEL WITH AND DISTANT WESTERLY 17.00 FEET, MEASURED AT RIGHT ANGLES, FROM SAID WEST LINE, THENCE NORTHERLY ALONG SAID PARALLEL LINE 133.75 FEET TO THE SOUTHWESTERLY LINE OF SAID PARCEL OF LAND; THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE TO THE POINT OF BEGINNING.

ALSO EXCEPT THE PRECIOUS METALS AND ORES THEREOF, AS RETAINED IN THE DEED OF PARTITION BETWEEN JOHN ROWLAND AND WILLIAM WORKMAN RECORDED IN BOOK 10 PAGE 39, OF DEEDS.

(Southwest corner of Azusa Avenue and San Bernardino Road)

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: Parking, landscape setbacks, lot coverage, building height and site design comply with existing City zoning standards and design guidelines.
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 developers are responsible for a proportionate share of a City project which would convert Azusa Avenue to three thru lanes for travel in each direction. This would provide adequate capacity to accommodate the use.
3. That the proposed use is not detrimental to the surrounding properties or uses permitted in the general area.
Fact: Surrounding properties are all zoned commercial and developed with similar compatible uses. The project would improve the aesthetics and function of land use of site. This will benefit surrounding properties.

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 written following extensive analysis of the project by staff from various departments. The conditions are specifically formulated to address concerns and issues that potentially effect the public health, safety and welfare.

SECTION 4. 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. All provisions of the zoning ordinance are complied with.

Fact: The plan has been reviewed by staff and found to comply with applicable zoning and design standards. No violations have been identified.

2. The basic elements are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, and there will be no adverse effect on surrounding property.

Fact: Surrounding uses are commercial and retail in nature and similar to what is proposed. The project has been designed to comply with applicable standards for parking and access.

3. The project design conforms to and is consistent with the General Plan and any design guidelines or specific plans which may be applicable to the project.

Fact: The General Plan designates the site for commercial use and Azusa Avenue as a major arterial street.

4. The project design is harmonious, consistent and complete within itself and functionally and visually compatible with the neighboring land uses.

Fact: The conceptual plan provides adequate architectural enhancement, and frequent opportunities for people to travel between businesses without having to drive on Azusa Avenue. The project will provide ample pedestrian amenities.

5. The development will constitute an adequate environment for the intended use by sustaining the desirability and stability of the neighborhood and community.

Fact: The development will result in more attractive buildings, better vehicular circulation, improved parking and better site functioning.

SECTION 5. 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:

- A. Negative Declaration finding no significant adverse impacts because changes to the project design and requirements mitigate all potential impacts to an insignificant level.

- B. Approval of Applications PCD 99-003 and SPR 99-025, subject to the following conditions:

1. This approval shall authorize development of a two phase project as shown in the two approved development plans. Staff shall have authority to approve precise development plans and minor modifications to the concept plans that do not increase the total quality of development. Major

modifications that expand the total building area or which substantially alter the development concept will require approval by the Planning Commission and City Council. Future building architecture shall match the Walgreens building.

2. A Conditional Use Permit is require for the future drive-thru lane identified as Building A in the Phase II development plans. Said lane shall have room for at least seven (7) automobiles to queue behind the drive-thru lane pick-up window without blocking any parking stalls or drive aisles.
3. The Mitigation Measures of the Negative Declaration are hereby incorporated as conditions of this project.
4. The developer shall provide decorative paving at parking lot entrances and in front of the buildings along the pedestrian walkways. Ornamental site furniture such as bicycle racks, trash containers, benches and planters, shall be provided. The design and location of such improvements are subject to staff approval.
5. The landscaped planter along Azusa Avenue in Phase II areas shall be increased in width to a minimum of 15'. Staff has authority to approval a reduction in parking to accommodate this change.
6. The service areas behind buildings B and D shall be screened from public view with a 5'-6' high decorative block wall. Staff may require that the wall be reduced in height in areas where it is needed for cross visibility. The design and location is subject to Staff approval.
7. This Planned Community Development shall allow one (1) pylon sign including reader board on proposed parcel#1 shall not exceed 138 total square feet sign space per sign face on a 2-sided sign and two (2) pylon signs on proposed Parcel#2, one (1) not to exceed 100 total square feet sign space per sign face on a 2-sided sign on San Bernardino Road and one (1) not to exceed 150 total square feet sign space per sign face on a 2-sided sign on Azusa Avenue.
8. No outside storage is allowed on the property.
9. The loading area for the Walgreens building shall be redesigned with screening to reduce or eliminate its visibility from Azusa Avenue. The final design is subject to Staff approval.
10. Project parking shall not be reduced to less than one (1) stall per 200 square feet of gross building area.
11. Up to 15% of the project building area may be occupied by restaurants without having to provide additional parking above that specified above. Any restaurant space beyond that amount is only allowed if it complies with the parking requirements of the Covina Municipals Code.
12. The property may be used by any of the permitted uses in the C-4 zone, Section 17.44.020 of the Covina Municipal Code except the following which are hereby prohibited:
 - a. Auto repair garage
 - b. Churches
 - c. Community gardens
 - d. Day nurseries
 - e. Equipment rental
 - f. Fixit shop
 - g. Furniture upholstery
 - h. Gunsmith and sales (except as a minor ancillary component not exceeding 5% of a sporting goods store
 - i. Landscape service
 - j. Masonry materials and supply
 - k. Mortuary materials and supply
 - l. Pawnshop
 - m. Swimming pool sales and service
 - n. Upholstery shop, automobile

13. This approval shall expire December 31, 2008.
14. Sign permits are required for all new signs and/or modification of any existing signs. The proposed signs for this project are subject to 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.
15. Ordinance requirements not herein listed are still applicable.
16. Screen from view all new roof, wall, or ground-mounted mechanical equipment, utility equipment or utility meters. Locate, identify and provide cross-sectional details of screening material in the construction documents.
17. Submit landscape 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.
18. 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.
19. 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.
20. 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.
21. A construction noise permit is required prior to beginning construction on the site. This permit can be obtained from the Building or Planning Division.
22. All construction shall conform with City noise ordinances restricting construction prior to 7:00 a.m. and on Sundays and Holidays.
23. Parking lot illumination shall comply with the standards of the Covina Design Guidelines which require a minimum of 1.0 foot-candle of illumination in parking areas.
24. 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.
25. Construction documents must be submitted to the Building Division for plan check. The construction documents must include specific details and delineation incorporating these conditions of approval. The Planning Division shall hold approval of these conditions in abeyance until they review and approve the construction documents.
26. 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.
27. 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.
28. 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.

29. 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.
30. 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.
31. 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.
32. 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.
33. Covenants, Conditions and Restrictions (CC&R's) shall be recorded to regulate common paving areas, property maintenance, and related concerns. The CC&R's shall grant the City the right but not the obligation, to enforce their terms. These CC&R's shall be to staff and City Attorney approval and shall be recorded prior to or concurrent with recordation of the Lot Line Adjustment.
34. All of the conditions of approval listed herein 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.
35. 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.
36. If any location becomes a high gathering spot, the management shall comply with any request by the Police Department, to close down said location(s) 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.
37. If, in the opinion of the Chief of Police, or his designee, there is or may be a public safety 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 such conditions.
38. The following requirements from the Public Works Department are applicable:

The developer shall install the following public improvements in accordance with the City standards:
 - a. Remove and replace broken or raised portion of existing concrete sidewalk on Azusa Avenue and San Bernardino Road.
 - b. Construct new driveway approach per City of Covina Standard Drawing No. 1 with 2" gutter and

install "Right Turn Only" traffic sign at the discretion of the Public Works Director and at the expense of the applicants.

- c. Install on Azusa Avenue east of subject property a Southern California Edison company-owned marbelite street light pole. The new street light shall have underground wiring and 16,000 lumen HPSV light.
- d. Submit a faithful performance or cash bond covering the required public improvements.
- e. The following cash deposits are required:
 - 1) Engineering and inspection fee To be determined
- f. The contractor constructing the public improvements shall obtain a City business license, public improvement permit and meet the City's insurance requirements.
- g. The Azusa Avenue Improvements shall be constructed by the City at such time as the number of traffic lanes on Azusa Avenue is increased by the City between Arrow Highway and Badillo Street. The types of improvements for which Owner shall be responsible shall be limited to the construction of streets, sidewalks, curbs, gutters, and other hard construction costs associated with the Azusa Avenue Improvements. The developer shall be responsible for its pro rata share of the total costs of the Azusa Avenue Improvements based upon the site's Azusa Avenue frontage. Developer's payment for its pro rata share of the costs of the Azusa Avenue Improvements shall be due and payable on or before one hundred twenty (120) days from the effective date of this Agreement. The developer's pro rata share for Azusa Avenue shall not exceed fifty thousand seven hundred and sixty-four dollars and five cents (\$50,764.05).

39. The following requirements from the Water Division are applicable:

- a. The Water Division has plotted the location of water mains and fire hydrants on sheet DSD-1 for the above-referenced project. It appears that there is a water line and fire hydrants that will need to be moved for the Walgreen's building, as well as two other fire hydrants that are in travel ways. Also, there are water services in the area that will need to be abandoned if they are not to be utilized. All of the cost for this work will be at the developer's expense.
- b. When the full requirements are known for fire protection and water usage, the design of the water system can be completed. This work can be done by the developer and should include the relocation and/or abandonment of the lines. All work on the water system will be completed under City inspection.

40. The following requirements from the Building Division are applicable:

- a. A minimum of five 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 1 foot and details shall be minimum 1/2 inch equals 1 foot. The minimum size of construction documents shall be 18 inches by 24 inches.
- b. Two sets each of Title-24 Energy and structural calculations shall be submitted at time of review.
- c. Cross section details are needed for fire-rated and partition walls.
- d. All new buildings constructed as nonresidential occupancy exceeding 5,000 square feet of floor area shall be provided with an approved automatic fire sprinkler and water flow alarm system.

e. 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 to eight weeks. Contact Jerry Cantu at (626) 974-8335, M-F 8:00 to 9:30 a.m. for further information.

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. Approvals from Planning, Engineering, Fire and Water Departments will be required prior to issuance of any building permits. Contact each Division/Department for further information regarding this project.

i. All Conditions of Approval generated from Planning Division shall be printed on the plans.

j. All applicable Conditions of Approval shall be detailed and delineated on construction documents.

k. The Building plan check process will address additional comments.

C. APPROVAL OF THE DEVELOPMENT AGREEMENT, subject to:

1. The terms and conditions of the development agreement are subject to approval by the City Attorney.

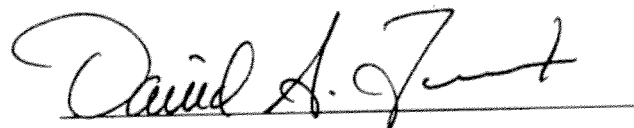
D. APPROVAL OF THE LOT LINE ADJUSTMENT, subject to:

1. The lot line adjustment shall authorize consolidation of six (6) lots into two (2) lots as shown in the approved concept plan.

2. Covenants, Conditions and Restrictions (CC&R's) shall be recorded to regulate common paving areas, property maintenance, and related concerns. The CC&R's shall grant the City the right but not the obligation, to enforce their terms. These CC&R's shall be to staff and City Attorney approval and shall be recorded prior to or concurrent with recordation of the Lot Line Adjustment.

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 16th day of November, 1999.



Mayor Pro Tem

ATTEST:



City Clerk


APPROVED AS TO FORM:



City Attorney

I, MARY JO SOUTHALL, City Clerk, Covina, California, hereby CERTIFY that Ordinance No. 99-1855 was regularly introduced and placed upon its first reading at a regular meeting of the Covina City Council held November 2, 1999, and that thereafter said Ordinance was duly adopted at a regular meeting of the City Council held November 16, 1999, and passed by the following vote:

AYES:	Council Members:	Allen, Palmeri, Stapleton, MPT/Truax
NOES:	Council Members:	None
ABSENT:	Council Members:	M/Christiansen
ABSTAIN:	Council Members:	None



Covina City Clerk

