

CITY OF COVINA  
PLANNING COMMISSION AGENDA  
REGULAR MEETING, TUESDAY, JANUARY 22, 2013  
COUNCIL CHAMBER, CITY HALL, 125 EAST COLLEGE STREET  
7:30 P.M.

PLEASE NOTE: THOSE WHO WISH TO ADDRESS THE PLANNING COMMISSION ON ANY ITEM ARE REQUESTED TO FILL OUT A SPEAKER'S CARD AND LEAVE IT WITH A MEMBER OF THE STAFF PRIOR TO THE ITEM BEING CALLED. THE PURPOSE OF THIS IS TO ENSURE THAT YOUR NAME AND ADDRESS ARE CORRECTLY IDENTIFIED IN THE MINUTES OF THE PLANNING COMMISSION.

1. Opening Matters

- A. Pledge of Allegiance.
- B. Roll Call of Commissioners: Connors, Hodapp, Manning, McMeekin and Patterson.
- C. Minutes of the Regular Meeting of November 27, 2012
- D. Amendments to the Agenda.
- E. Public Comment:

Citizens wishing to address the Commission on any matter **not** on the agenda may do so at this time. Citizens wishing to be heard on any matter on the agenda, please wait until that point on the agenda. **Please keep your comments to five minutes or less and try not to be repetitive.**

Under the provisions of the Brown Act, the Commission is prohibited from taking action on oral requests but may refer the matter to staff or to a subsequent meeting.

**PUBLIC HEARINGS**

- 2. Public Hearing of Proposed Ordinance of the City Council of the City of Covina, California repealing Chapter 17.59 ("Maintenance of Real Property") of Title 17 ("Zoning") of the Covina Municipal Code.
  - Staff Report
  - Open public hearing; receive testimony in favor and in opposition of the ordinance
  - Close the public hearing
  - Adopt **Resolution No. 2013-001PC** recommending adoption of the proposed ordinance to the City Council

## **GENERAL MATTERS**

### **ADMINISTRATIVE ITEMS**

3. None
4. COMMISSION COMMENTS
5. ADJOURNMENT

Adjourn to the regular meeting of the Planning Commission on February 12, 2013 at 7:30 p.m.

Additional information on any agenda item can be obtained by contacting the Planning Division at 125 East College Street, Covina, or by telephoning (626) 384-5450.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Planning Division office at (626) 384-5450 or the California Relay Service. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.



**MINUTES OF THE NOVEMBER 27, 2012 REGULAR MEETING OF  
THE COVINA PLANNING COMMISSION HELD IN THE COUNCIL  
CHAMBERS OF CITY HALL, 125 EAST COLLEGE STREET AT 7:30  
P.M.**

**CALL TO ORDER**

Chairman McMeekin called the Planning Commission meeting to order at 7:30 p.m.

**ROLL CALL**

Commission Members Present: Hodapp, Manning, McMeekin, Patterson

Commission Members Absent: Connors (excused)

Staff Members Present: Assistant City Attorney, City Planner

**PLEDGE OF ALLEGIANCE**

Chairman McMeekin led the Pledge of Allegiance.

**AMENDMENTS TO THE AGENDA**

None

**MINUTES OF THE REGULAR MEETING OF NOVEMBER 13, 2012**

A motion was made and seconded to approve the minutes of the regular meeting of November 13, 2012.

**The motion carried by a vote of 4-0.**

**PUBLIC COMMENT**

None

**PUBLIC HEARINGS**

**ITEM NO. 2**

Continued Public Hearing of Application Conditional Use Permit 88-001(A) to consider a resolution of the Planning Commission of the City of Covina, California determining that Public Convenience or Necessity is served by issuance of an off-sale of beer and wine license at the location of 504 Barranca Avenue, Covina

City Planner Shelby Williams presented the staff report.

Chairman McMeekin opened the public hearing.

There were no speakers

The public hearing was closed.

A motion was made and seconded to adopt Resolution No. 2012-004 PC, a Resolution of the Planning Commission of the City of Covina, California determining that Public Convenience or Necessity is served by issuance of an off-sale beer and wine license at 504 North Barranca Avenue, Covina, with amended language in SECTION 2, Paragraphs (b) (2) and (b) (3), removing reference to the date of December 11, 2012.

**The motion carried by a vote of 4-0.**

## **GENERAL MATTERS**

### **ITEM NO. 4**

#### **ADMINISTRATIVE ITEMS**

None.

### **ITEM NO. 5**

#### **INFORMATION**

None.

### **ITEM NO. 6**

#### **COMMISSION COMMENTS**

None.

### **ITEM NO. 7**

#### **ADJOURNMENT**

A motion was made and seconded to adjourn the Planning Commission meeting to the Planning Commission meeting to be held on Tuesday, December 11, 2012 at 7:30 p.m. at the City Hall Council Chambers. **The motion carried by a vote of 4-0.**

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Shelby Williams  
Assistant Secretary

THESE PROCEEDINGS WERE RECORDED AND A COPY OF THE AUDIO IS ON FILE WITH THE CITY OF COVINA PLANNING DIVISION.



# CITY OF COVINA

## PLANNING COMMISSION MEMORANDUM

ITEM NO. 2

**TO:** PLANNING COMMISSION

**FROM:** LISA BRANCHEAU, ASSISTANT TO THE CITY MANAGER  
WILLIAM J. PRIEST, ASSISTANT CITY ATTORNEY  
ALEX GONZALEZ, ASSISTANT DIRECTOR OF PUBLIC WORKS

**DATE:** JANUARY 22, 2013

**SUBJECT:** PROPOSED ORDINANCE REPEALING CHAPTER 17.59 OF TITLE 17  
(ZONING) OF THE COVINA MUNICIPAL CODE, PERTAINING TO  
PROPERTY MAINTENANCE

**REQUEST:**

That the Planning Commission adopt Resolution No. 2013-001 PC recommending that the City Council adopt Ordinance No. 13-2018 repealing Chapter 17.59 ("Maintenance of Real Property") of Title 17 ("Zoning") of the Covina Municipal Code.

**LOCATION:**

Within All Areas of the City of Covina.

**BACKGROUND:**

At an October 2, 2012 special meeting related to Code Enforcement and Police field operations, the Covina City Council directed staff to review and propose updates to Chapters 1.26, 1.28, 8.40 and 17.59 of the Covina Municipal Code. As part of their work, the City Prosecutor, City Attorney, and staff partnered to consolidate the property maintenance regulations in Chapter 17.59 into the new and enhanced Chapter 8.40 related to abatement of nuisances. On February 5, 2013 the Covina City Council will consider approval of Ordinance 12-2017, repealing the old Chapter 8.40 and adopting the new Chapter 8.40 of the Covina Municipal Code.

With two exceptions, the new Chapter 8.40 fully incorporates the provisions of Chapter 17.59 and, therefore, there will no longer be a need to maintain Chapter 17.59 in the Code. Further, the two exceptions need not be maintained in Chapter 17.59 for the following reasons:

- Chapter 17.59's satellite dish regulations need not be maintained, as the City's ability to regulate them is seriously limited by Federal regulations.
- Chapter 17.59's provisions banning the parking of recreational vehicles in front or side yard setbacks need not be maintained at present, as they will be incorporated into the future zoning code update under another chapter.

**RECOMMENDATION:**

Pursuant to California Government Code, Sections 65854 and 65855, the Planning Commission is required to conduct a noticed public hearing to consider any non-urgency ordinance that, among other things, regulates the use, height, size or intensity of land, buildings or structures. Notice of this hearing was properly published in the City's newspaper of general circulation on January 10, 2013.

After such a hearing, the Commission is required to make a written recommendation to the City Council regarding the Ordinance which both (i) explains the reasons for the recommendation and (ii) makes a finding that that the proposed ordinance is consistent with the General Plan. For the reasons more specifically set forth in Resolution No. 2013-001 PC, Staff believes that the proposed Ordinance is in the public interest and is consistent with the Covina General Plan in that it merely eliminates an outdated and duplicative chapter of the Covina Municipal Code in favor of the updated and enhanced regulations provided in Chapter 8.40, further streamlining the City's Code Enforcement efforts.

Staff therefore requests that the Planning Commission adopt Resolution No. 2013-001 PC recommending that the City Council adopt Ordinance No. 13-2018 repealing Chapter 17.59 ("Maintenance of Real Property") of Title 17 ("Zoning") of the Covina Municipal Code.

**ATTACHMENTS:**

- A. Resolution No. 2013-001 PC
- B. Ordinance No. 13-2018

**RESOLUTION NO. 2013-001 PC**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COVINA RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF COVINA APPROVAL OF ORDINANCE NO. 13-2018, REPEALING CHAPTER 17.59 OF TITLE 17 (ZONING) OF THE COVINA MUNICIPAL CODE, PERTAINING TO PROPERTY MAINTENANCE.**

WHEREAS, California Government Code, Section 65800 et seq. authorizes the adoption and administration of zoning laws, ordinances, rules and regulations by cities as a means of implementing the General Plan; and

WHEREAS, on February 5, 2013, the City Council is scheduled to consider the adoption of Ordinance No. 12-2017, amending Chapter 8.40 of Title 8 (Health and Safety) of the Covina Municipal Code pertaining to abatement of public nuisances within the City; and

WHEREAS, by adopting Ordinance No. 12-2017, the City Council's intent would be to modify, enhance and consolidate the City regulations pertaining to property maintenance and the abatement of public nuisances into one chapter of the Covina Municipal Code; and

WHEREAS, with the adoption of Ordinance No. 12-2017, Chapter 17.59 of Title 17 (Zoning) of the Covina Municipal Code would become outdated and duplicative; and

WHEREAS, City staff has prepared Ordinance No. 13-2018, which repeals Chapter 17.59 of Title 17 (Zoning) of the Covina Municipal Code for the reasons set forth above; and

WHEREAS, the Planning Commission has carefully considered all pertinent testimony and the staff report presented during a duly noticed public hearing for Ordinance No. 13-2018.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF COVINA DOES HEREBY RESOLVE AS FOLLOWS:

**SECTION 1:** Based on the entire record before the Planning Commission, all written and oral evidence presented to the Planning Commission, and the findings made in the staff report and this Resolution, the Planning Commission of the City of Covina hereby recommends that the City Council adopt Ordinance No. 13-2018 entitled: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, REPEALING CHAPTER 17.59 ("MAINTENANCE OF REAL PROPERTY") OF TITLE 17 ("ZONING") OF THE COVINA MUNICIPAL CODE.", which is attached hereto as Attachment "A" and incorporated herein by reference.

**SECTION 2:** The Planning Commission finds that the above referenced ordinance is in the public interest and reasonably related to the public welfare because eliminates a outdated and duplicative chapter from the Covina Municipal Code, further streamlining Code Enforcement efforts. All issues pertaining to property maintenance would be comprehensively addressed by the newly adopted Chapter 8.40 of the Covina Municipal Code.

**SECTION 3:** The Planning Commission also finds that adoption of this ordinance is consistent with the City of Covina General Plan because it merely eliminates an outdated and duplicative chapter of the Covina Municipal Code in favor of the updated and enhanced regulations provided in Chapter 8.40. This will clarify and streamline the property maintenance and nuisance abatement process, assisting the City in enforcing all Zoning, Design Guidelines and related City Code provisions. Overall, this technical amendment to the Covina Municipal Code remains consistent with the objectives and policies of each element of the General Plan and does not obstruct their attainment.

**SECTION 4:** The ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) because the activity, which merely involves repealing an outdated and duplicative chapter in the Covina Municipal Code will not result in a direct or reasonably foreseeable indirect physical change in the environment; and 15060(c)(3) because the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**SECTION 5:** The Secretary shall certify to the adoption of this resolution.

APPROVED AND ADOPTED by the members of the Planning Commission of Covina this 22nd day of January, 2013.

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CHAIRMAN DANIEL McMEEKIN  
CITY OF COVINA PLANNING COMMISSION

I hereby certify that the foregoing is a true copy of a resolution adopted by the Planning Commission of the City of Covina at a regular meeting thereof held on the 22nd day of January, 2013, by the following vote of the Planning Commission:

AYES:

NOES:

ABSENT:

ABSTAIN:

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COVINA PLANNING COMMISSION SECRETARY

**Attachment "A"**

**"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, REPEALING CHAPTER 17.59 ("MAINTENANCE OF REAL PROPERTY") OF TITLE 17 ("ZONING") OF THE COVINA MUNICIPAL CODE."**

[Attached behind this page]

**ORDINANCE NO. 13-2018**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA  
REPEALING CHAPTER 17.59 ("MAINTENANCE OF REAL PROPERTY") OF  
TITLE 17 ("ZONING") OF THE COVINA MUNICIPAL CODE**

**WHEREAS**, the City currently has procedures for the identification, investigation and abatement of "real property nuisances" within the City's "Health and Safety" and "Zoning" titles of the Municipal Code, and the City Council wishes to consolidate such regulations by deleting the current Chapter 17.59 ("Maintenance of Real Property") and creating a new, unified Chapter 8.40 ("Public Nuisances").

**WHEREAS**, the City Council of Covina desires to revise provisions of Chapter 1.26, including but not limited to administrative procedures relating to the imposition, enforcement, collection of administrative fines, and the administrative review of administrative citations.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINA DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1:** Chapter 17.59 ("Maintenance of Real Property") of Title 17 ("Zoning") of the Covina Municipal Code is hereby repealed and deleted in its entirety; however, that such repeal shall not affect or excuse any violation of said Chapter that occurred prior to the effective date of this Ordinance, nor shall such repeal impede, deter, impact, or negate any administrative, civil, or criminal enforcement of any violation of said Chapter that occurred prior to the effective date of this Ordinance.

**SECTION 2:** The City Clerk, or her duly appointed deputy, shall attest to the adoption of this Ordinance, and shall cause this Ordinance to be posted in the manner required by law.

ORDINANCE NO. 13-2018 HAD ITS FIRST READING ON FEBRUARY 5, 2013, ITS SECOND READING ON FEBRUARY 19, 2013, AND WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF COVINA AT ITS REGULAR MEETING OF \_\_\_\_\_, 2013.

SIGNED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
KEVIN STAPLETON, MAYOR

ATTEST:

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City Clerk

APPROVED AS TO FORM:

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City Attorney

I HEREBY CERTIFY that the above and foregoing ordinance was duly passed and adopted by the Covina City Council at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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City Clerk