



CITY OF WEST COVINA

PLANNING COMMISSION

**FEBRUARY 8, 2022, 7:00 PM
REGULAR MEETING**

**CITY HALL COUNCIL CHAMBERS
1444 W. GARVEY AVENUE SOUTH
WEST COVINA, CALIFORNIA 91790**

**Livier Becerra, Chair
Nicholas Lewis, Vice Chair
Shelby Williams, Commissioner
Brian Gutierrez, Commissioner
Sheena Heng, Commissioner**

Please turn off all cell phones and other electronic devices prior to entering the Council Chambers

AMERICANS WITH DISABILITIES ACT

The City complies with the Americans with Disabilities Act (ADA). If you need special assistance at Planning Commission meetings, please call (626) 939-8433 (voice) or (626) 960-4422 (TTY) from 8 to 5 Monday through Thursday. Please call at least one day prior to the meeting date to inform us of your particular needs and to determine if accommodation is possible. For sign language interpreter services at Planning Commission meetings, please request no less than four working days prior to the meeting.

PUBLIC COMMENTS/ADDRESSING THE COMMISSION

Any person wishing to address the Planning Commission on any matter listed on the agenda or on any other matter within their jurisdiction is asked to complete a speaker card that is provided on the speaker podium and submit the card to a Planning Department staff member.

Please identify on the speaker card whether you are speaking on an agenda item or non-agenda item. Requests to speak on non-agenda items will be heard during "Oral Communications" before the Public Hearing section of the agenda. Oral Communications are limited to thirty (30) minutes. Generally, comments are limited to five minutes per speaker unless further time is granted by the Chairperson. ***The Chairperson may also, at his or her discretion, further limit the time of each speaker in order to accommodate a large number of speakers and/or to ensure that the business of the Planning Commission is effectively conducted.***

Any testimony or comments regarding a matter set for Public Hearing will be heard during the public hearing for that item.

MOMENT OF SILENT PRAYER/MEDITATION

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

1. Regular meeting, December 14, 2021

ORAL COMMUNICATIONS

This is the time when any member of the public may speak to the Commission on any matter within the scope of duties assigned to the Commission relating to non-agendized or consent calendar items. Other matters included on this agenda may be addressed when that item is under consideration. For all oral communications, the chairperson may impose reasonable limitations on public comments to assure an orderly and timely meeting. The Ralph M. Brown Act limits the Planning Commission and staff's ability to respond to public comments at this meeting. Thus, your comments may be agendized for a future meeting or referred to staff. The Commission may ask questions for clarification, if desired, at this time.

By policy of the Commission, Oral Communications at this time on the agenda is limited to a total of 15 minutes.

CONSENT CALENDAR

All matters listed under CONSENT CALENDAR are considered to be routine and can be acted on by one roll call vote. There will be no separate discussion of these items unless members of the Planning Commission request specific items to be removed from the Consent Calendar for separate discussion or action.

2. **Extension of Time for Tentative Parcel Map No. 82784, Administrative Use Permit Nos. 19-31 and 20-31, and Subcommittee for Design Review Nos. 19-49 and 20-12 at 2445 Rio Verde Drive**

PUBLIC HEARINGS

3. **CONDITIONAL USE PERMIT NO. 21-07
CATEGORICAL EXEMPTION
APPLICANT: Toby Wisneski for Leave No Paws Behind
LOCATION: 1045 E. Amar Road
REQUEST: The applicant is requesting a conditional use permit to allow the expansion of an existing veterinary hospital/clinic (1047 E. Amar Road) into the adjacent tenant space, increasing the floor area from 1,970 square feet to 3,355 square feet. The site is located in the "Neighborhood Commercial" (N-C) zone.**

NON-HEARING ITEMS

4. **2021-2029 HOUSING ELEMENT UPDATE**
5. **ADMINISTRATIVE USE PERMIT NO. 21-24
CATEGORICAL EXEMPTION
APPLICANT: Ali Jeevanjee
LOCATION: 408 N Azusa Avenue
REQUEST: The applicant is requesting approval of an administrative use permit to allow an indoor swim school for children. All activities related to the proposed use will be conducted indoors within the existing tenant space. The academy will be located within an existing shopping center in the "Neighborhood-Commercial" (NC) Zone.**

TEN-DAY APPEAL PERIOD: *Actions taken by the Planning Commission that are not recommendations to the City Council will become final after ten (10) calendar days unless a written appeal with the appropriate fee is lodged with the City Clerk's Office before close of business on the tenth day.*

COMMISSION REPORTS/COMMENTS AND MISCELLANEOUS ITEMS

This is the time when any member of the Commission may bring a matter to the attention of the full Commission that is within the scope of duties assigned to the Commission. Any item that was considered during the Agenda is not appropriate for discussion in this section of the agenda. **NO COMMISSION DISCUSSION OR ACTION CAN BE CONSIDERED AT THIS TIME.** If the Commission desires to discuss an issue raised by a speaker or take an action, the Commission may vote to agendize the matter for a future meeting.

6. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:

- a. Forthcoming - February 22, 2022

7. CITY COUNCIL ACTION:

This is an oral presentation of City Council matters and actions, which are in the Commission's area of interest

ADJOURNMENT

ITEM NO. 1.

DATE: February 8, 2022

TO: Planning Commission
FROM: Planning Division
SUBJECT: Regular meeting, December 14, 2021

Attachments

Minutes 12/14/21

**These minutes are preliminary and are considered unofficial
until adopted at the next Planning Commission meeting by a majority vote.**

A G E N D A
DATE: January 11, 2022
ITEM NO.: 1

MINUTES
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF WEST COVINA
Tuesday, December 14, 2021

Regular meeting of the Planning Commission was called to order at 7:00 p.m.in the West Covina Council Chambers.

The Commission observed a moment of silent prayer/meditation.

Commissioner Heng lead the Pledge of Allegiance.

ROLL CALL

Present: Heng, Becerra, Gutierrez, Williams, Lewis

Absent: None

City Staff Present: Tsai, Morales, Burns, Martinez

APPROVAL OF MINUTES:

1. Regular meeting, October 26, 2021

The minutes were approved as submitted.

OTHER MATTERS OR ORAL COMMUNICATIONS

None

PUBLIC HEARINGS

2. (Continued from October 26, 2021 regular meeting)
CONDITIONAL USE PERMIT NO. 21-03
CATEGORICAL EXEMPTION
APPLICANT: Jessica Grevin on behalf of AT&T
LOCATION: 3540 E. Cameron Avenue
REQUEST: The applicant is requesting the approval of a conditional use permit to install a 60-foot tall freestanding wireless telecommunications facility located within the Valencia Heights Water District property. The proposed wireless telecommunications facility will be located adjacent to Heritage Park. The telecommunications facility would be disguised as a eucalyptus tree. Equipment cabinets will be installed within a 817-square foot leased area, which will be screened by an 8-foot high concrete masonry unit lock wall enclosure.

Associate Planner Camillia Martinez presented the staff report.

Chairperson Becerra reopened the public hearing.

PROPOSERS:

Jessica Grevin and Dan Vozenilek, spoke in favor of the project.

OPPOSERS:

Mike Pinnell, Pauline Maxwell, Marco Zhou, Jenic Rosal, Pati McNair, Jody Johnston, and Joe Ramos spoke in opposition.

REBUTTAL:

Mr. Vozenilek spoke in rebuttal.

Chairperson Becerra closed the public hearing.

Deputy City Attorney Tsai spoke.

Commissioners. Heng and Gutierrez stated their findings to deny the request.

Motion by Gutierrez, seconded by Becerra, to deny Conditional Use Permit No. 21-03. Motion carried 3-2 (Williams and Lewis opposed.)

NON-HEARING ITEMS – None

COMMISSION REPORTS/COMMENTS AND MISCELLANEOUS ITEMS

Becerra – regarding Municipal Code update.

5. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:

Regular Planning Commission Meeting – December 28, 2021 will be cancelled.

Community Development Director Paulina Morales wished the Commissioners Happy Holidays.

6. CITY COUNCIL ACTION:

Urgency Ordinance regarding SB 9 was adopted by the City Council.

Municipal Code Update Subcommittee meetings update.

ADJOURNMENT

Chairperson Becerra adjourned the meeting at 8:43 p.m.

Respectfully submitted:

Lydia de Zara
Senior Administrative Assistant

ADOPTED AS SUBMITTED ON:

ADOPTED AS AMENDED ON:

City of West Covina
Memorandum
A G E N D A

ITEM NO. 2.

DATE: February 8, 2022

TO: Planning Commission

FROM: Planning Division

SUBJECT: Extension of Time for Tentative Parcel Map No. 82784, Administrative Use Permit Nos. 19-31 and 20-31, and Subcommittee for Design Review Nos. 19-49 and 20-12 at 2445 Rio Verde Drive

BACKGROUND:

The applicant is requesting the first two-year extension of time for the above-referenced entitlement. The Municipal Code allows up to three, two-year extensions of time.

DISCUSSION:

On February 25, 2020, the Planning Commission approved Tentative Parcel Map No. 82784, Administrative Use Permit Nos. 19-31 and 19-34, and Subcommittee for Design Review Nos. 19-49 and 20-12 that allowed for a subdivision of a property into two lots, and the construction of two-story homes on each lot (4,142 square foot two-story single family residence on Parcel A and 4,002 square foot two-story single family residence on Parcel B).

On January 25, 2022, Oliver Roan, the applicant, submitted a letter requesting an extension of time due to the pandemic. According to the applicant, the map is awaiting recordation, and their architectural/structural plans have been submitted to the Building and Engineering Divisions for plan check.

FINDINGS

An application for an extension may be granted by the Planning Commission after finding the following:

1. There have been no changes to the provisions of the general plan, any applicable specific plan, or this chapter applicable to the project since the approval of the tentative parcel map or tract map.

Subdivision standards within Chapter 20 (Subdivision Regulations) of the West Covina Municipal Code and the General Plan land use designation for the site has not changed since the project was approved in February 2020. The tentative parcel map is consistent with the "Neighborhood Low" land use designation of the West Covina General Plan. The "Neighborhood Low" designation allows for up to 8.0 dwelling units per acre.

2. There have been no changes in the character of the site or its surroundings that affect how the policies of the general plan, any applicable specific plan, or other standards of this chapter apply to the project.

The General Plan land-use designation for the site and the properties surrounding the site has not changed since the project was approved in February 2020. The site and surrounding property has remained residential.

3. There have been no changes to the capacities of community resources, including but not limited to roads, sewage treatment or disposal facilities, schools, or water supply so that there is no longer sufficient remaining capacity to serve the project.

The resulting lots will continue to have access to school facilities, a public sanitary sewer system for the removal and disposal of wastewater, and to other utility services (power, water, gas, cable, and telephone).

RECOMMENDATION:

Staff recommends that the Planning Commission approve the first two-year extension of time for Tentative Parcel Map No. 82784, Administrative Use Permit Nos. 19-31 and 19-34, and Subcommittee for Design Review Nos. 19-49 and 20-12. Alternatively, the Planning Commission could deny the request, requiring the applicant to resubmit the Tentative Parcel Map and Variance if the applicant is not able to record the Final Map by February 25, 2022.

Submitted by: Jo-Anne Burns, Planning Manager

Attachments

Attachment No. 1 - Extension of Time Request Letter

ATTACHMENT NO. 1

January 25, 2022

Jo-Anne Burns
Planning manager
City of West Covina

RE: Request for time extension of
AUP 20-2065, 2445 Rio Verde Drive, Lot A
AUP 20-2066, 2445 Rio Verde Drive, Lot B

Dear Ms. Burns:

The above reference resolutions expire on the 25th of February, 2022. Due to pandemic situation, it took a long time to complete the parcel map subdivision with the City. Now the map is awaiting to be recorded with the County and we are ready to submit the architectural and structural plans for City's plan review. Considering only limited time left for a proper plan review, we would like to request for a time extension until **February 25, 2023**. We understand there is a fee associated with the request. Upon your notification, my client will pay in person at your office.

Thank you so much for your consideration and look forward to your early reply.

Sincerely,

Oliver Roan
714.987.0089



PLANNING DEPARTMENT STAFF REPORT

SUBJECT

CONDITIONAL USE PERMIT NO. 21-07

CATEGORICAL EXEMPTION

APPLICANT: Toby Wisneski for Leave No Paws Behind

LOCATION: 1045 E. Amar Road

REQUEST: The applicant is requesting a conditional use permit to allow the expansion of an existing veterinary hospital/clinic (1047 E. Amar Road) into the adjacent tenant space, increasing the floor area from 1,970 square feet to 3,355 square feet. The site is located in the "Neighborhood Commercial" (N-C) zone.

BACKGROUND

The applicant, Leave No Paws Behind, Inc., is a non-profit corporation that specializes in rescuing senior, terminal and end of life animals, and animals with special medical needs. Their veterinary hospital/clinic was established in order to offer low costs veterinary medical services.

Leave No Paws behind has been operating the veterinary hospital/clinic within an existing 1,970 square foot tenant space in the Stater Brothers' Shopping Center at 1047 E. Amar Road since May 2020, which was allowed through Planning Commission approval of Conditional Use Permit No. 19-10 on October 22, 2019.

Item	Description
Zoning and General Plan	Zoning: "Neighborhood Commercial" (N-C) General Plan: "Commercial"
Surrounding Land Uses and Zoning	North: "Single-Family Residential" (R-1); Single-Family Residences East: "Single-Family Residential" (R-1); Single-Family Residences South: County of Los Angeles; Single-Family Residences West: County of Los Angeles; Single-Family Residences
Current Development	Shopping Center
Legal Notice	Notices of Public Hearing have been mailed to 75 owners and occupants of properties within 300 feet of the subject site. In addition, the public hearing notice was published in the San Gabriel Valley Tribune at least 10 days prior to tonight's meeting.

DISCUSSION

The applicant is requesting expansion of the existing veterinary hospital/clinic use that is currently operating within a 1,970 square foot tenant space into an adjacent 1,385 square foot tenant space that was previously used for an eyebrow threading salon. If the CUP is approved, the veterinary hospital/clinic will occupy 3,355 square feet of floor area.

Business Operation

Leave No Paws Behind offers wellness exams, all standard laboratory tests, vaccinations, spay/neuter surgeries, dental exams, surgeries, food, supplements, and medicines for domesticated household pets (canine and feline only). The clinic does not and will not offer overnight or long-term boarding. The kennels at the clinic is and will only be utilized for recuperation of animals after routine surgical/dental procedures before they go home. The

applicant has indicated that the veterinary hospital/clinic will be open six (6) days per week. Business hours will be Monday through Saturday from 8:00 a.m. to 6:30 p.m. The applicant is proposing a maximum of twelve (12) staff members working two 4/10 shifts. The proposed expansion would allow the veterinary hospital to have two (2) additional exam rooms and more space for their treatment room in the "1047" tenant space, and relocate their administrative offices and surgical room to the "1045" tenant space.

Parking

Staff reviewed the site plan and found that there are 237 parking spaces provided. Based on the uses occupying the center, the parking requirement is 264 parking spaces. This is due to the original approval of the site on August 1, 1973, under Precise Plan No. 589 (Rev. 1). At the time, 220 spaces were required and the applicant, Petrolane Properties, Inc., provided 237 parking spaces. The shopping center does include parking spaces in the rear of the shopping center behind the subject tenant space.

The tenant space would total 3,355 square feet with the proposed expansion and would require fourteen (14) spaces based on the parking calculation for general commercial uses (1 parking space for every 250 square feet of floor area). This is the same amount of parking spaces that would be required for a retail store, which would be allowed by right. In order to use the existing parking lot efficiently and to alleviate any parking impacts that the proposed use may cause, conditions have been added requiring employees to park in the rear parking spaces of the center, requiring the installation of a window sign to encourage patrons to park in the rear of the center, and requiring staff to closely monitor any parking complaints resulting from the proposed use and require Planning Commission review to modify or impose new conditions of approval if issues remain unresolved. Staff has not received any complaints related to the operations of the existing veterinary hospital/clinic.

REQUIRED FINDINGS

Before an application for a conditional use permit can be made, the following findings shall be made:

a. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community.

The proposed use is consistent with the "Commercial" General Plan designation and the "Neighborhood Commercial" zone. A "Neighborhood Commercial" zone is composed primarily of moderate-intensity retail, recreational, and business office land uses. The veterinary hospital/clinic use is existing, and the proposed expansion will allow the clinic to operate within a combined tenant space totaling 3,350 square feet of floor area. The site is located on the northeast corner of Amar Road and Valinda Avenue, both principal arterial streets. The veterinary hospital is located near single-family residences, where the demand for the use has been high to necessitate the expansion. The veterinary hospital use complies with all the applicable requirements of the "Neighborhood Commercial" Zone.

b. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

The proposed veterinary hospital expansion will occupy an existing vacant tenant space. The business hours are Monday through Saturday from 8:00 a.m. to 6:30 p.m. As conditioned, the proposed veterinary hospital will not be detrimental to the health, safety, peace or general welfare of surrounding residents or business owners.

c. That the site for the proposed use is adequate in size and is so shaped as to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to adjust said use to the land and uses in the neighborhood and make it compatible therewith.

The existing building and site is adequate in size and designed to accommodate the proposed veterinary hospital use. As conditioned, sufficient parking exists on the site to accommodate the veterinary hospital use and other tenants within the shopping center.

d. That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed use and that street patterns of such a nature exist as to guarantee that such generations will not be channeled through residential areas on local residential streets.

The subject property abuts East Amar Road and South Valinda Avenue, principal arterial streets. The site can be accessed via East Amar Road and South Valinda Avenue. The veterinary hospital use will not generate a substantial amount of vehicular traffic nor alter present circulation patterns.

e. That the granting of such conditional use permit will not adversely affect the general plan of the city, or any other adopted plan of the city.

Granting the conditional use permit for the proposed use of a veterinary hospital would allow the opportunity for the surrounding community to have access to a pet health care. The proposed veterinary hospital use would not compromise the character of the surrounding neighborhood nor be detrimental to the surrounding land uses. Allowing the proposed use is consistent with the policies and actions of the General Plan.

GENERAL PLAN CONSISTENCY

The City's General Plan Land Use Element designates the subject property for Commercial Uses. The project is consistent with the following General Plan policies:

Policy 2.1 Maintain and enhance the City's current tax base.
Policy 2.4 Build on and grow West Covina's regional appeal.
Policy 2.9 Support local businesses.

ENVIRONMENTAL DETERMINATION

Pursuant to the California Environmental Quality Act (CEQA), the proposed project is considered to be categorically exempt, pursuant to Section 15303 (Class 1, Existing Facilities) in that it consists of minor alterations of the existing structure in order to operate the requested use.

STAFF RECOMMENDATIONS

Staff recommends that the Planning Commission adopt Resolution No. 22-6100 approving Conditional Use Permit No. 21-07.

LARGE ATTACHMENTS

Plans - Due to COVID-19, the set of plans are available for review with a scheduled appointment. Please contact the Planning Division at (626) 939-8422 to schedule an appointment.

Submitted by: Jo-Anne Burns, Planning Manager

Attachments

Attachment No. 1 - Approval Resolution
Attachment No. 2 - Business Operation Plan

PLANNING COMMISSION

RESOLUTION NO. 22-6100

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 21-07

CONDITIONAL USE PERMIT NO. 21-07

CATEGORICAL EXEMPTION

APPLICANT: Toby Wisneski for Leave No Paws Behind

LOCATION: 1045 E. Amar Road

WHEREAS, there was filed with the City, a verified application on the forms prescribed in Chapter 26, Article VI of the West Covina Municipal Code, requesting approval of a conditional use permit to:

Allow expansion of a veterinary hospital use in to an existing adjacent 1385-square foot tenant space on certain property described as follows:

Assessor Parcel No. 8743-006-043 as shown on the latest rolls of the Los Angeles County Tax Assessor; and

WHEREAS, the Planning Commission, upon giving the required notice, did on February 8, 2022, conduct a duly advertised public hearing as prescribed by law to consider said application; and

WHEREAS, studies and investigations made by this Commission and in its behalf reveal the following facts:

1. The applicant is requesting approval of a conditional use permit to allow expansion of a veterinary hospital use in to an existing adjacent 1385-square foot tenant space that is zoned as "Neighborhood Commercial."
2. The veterinary hospital anticipates accommodating up to 12 employees at any given time. Business hours for the veterinary hospital will be Monday through Saturday from 8:00 a.m. to 6:30 p.m. The business will be closed on Sundays.
3. Findings necessary for approval of a conditional use permit are as follows:

- a. *That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community.*
 - b. *That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.*
 - c. *That the site for the proposed use is adequate in size and is so shaped as to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to adjust said use to the land and uses in the neighborhood and make it compatible therewith.*
 - d. *That the site abuts streets adequate in width and improvements to carry traffic generations typical of the proposed use and that street patterns of such a nature exist as to guarantee that such generations will not be channeled through residential areas on local residential streets.*
 - e. *That the granting of such conditional use permit will not adversely affect the general plan of the city, or any other adopted plan of the city.*
4. Pursuant to the California Environmental Quality Act (CEQA), the proposed project is considered to be categorically exempt (Class 1, Existing Facilities) in that it consists of minor alterations of the existing structure in order to operate the requested use.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of West Covina as follows:

1. On the basis of evidence presented, both oral and documentary, the Planning Commission makes the following findings for approval of a conditional use permit:
 - a. The proposed use is consistent with the "Commercial" General Plan designation and the "Neighborhood Commercial" zone. A "Neighborhood Commercial" zone is composed primarily of moderate-intensity retail, recreational, and business office land uses. The veterinary hospital/clinic use is existing, and the proposed expansion will allow the clinic to operate within a combined tenant space totaling 3,350 square feet of floor area. The site is located on the northeast corner of Amar Road and Valinda Avenue, both principal arterial streets. The veterinary hospital is located near single-family residences, where the demand for the use has been high to necessitate the expansion. The veterinary hospital use complies with all the applicable requirements of the "Neighborhood Commercial" Zone.

- b. The proposed veterinary hospital expansion will occupy an existing vacant tenant space. The business hours are Monday through Saturday from 8:00 a.m. to 6:30 p.m. As conditioned, the proposed veterinary hospital will not be detrimental to the health, safety, peace or general welfare of surrounding residents or business owners.
 - c. The existing building and site is adequate in size and designed to accommodate the proposed veterinary hospital use. As conditioned, sufficient parking exists on the site to accommodate the veterinary hospital use and other tenants within the shopping center.
 - d. The subject property abuts East Amar Road and South Valinda Avenue, principal arterial streets. The site can be accessed via East Amar Road and South Valinda Avenue. The veterinary hospital use will not generate a substantial amount of vehicular traffic nor alter present circulation patterns.
 - e. Granting the conditional use permit for the proposed use of a veterinary hospital would allow the opportunity for the surrounding community to have access to a pet health care. The proposed veterinary hospital use would not compromise the character of the surrounding neighborhood nor be detrimental to the surrounding land uses. Allowing the proposed use is consistent with the policies and actions of the General Plan.
2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Conditional Use Permit No. 21-07 is approved subject to the provisions of the West Covina Municipal Code provided that the physical development of the herein described property shall conform to said conditional use permit and the conditions set forth herein which, except as otherwise expressly indicated, shall be fully performed and completed or shall be secured by bank or cash deposit satisfactory to the Planning Director before the use or occupancy of the property is commenced and before a certificate of occupancy is issued, and the violation of any of which shall be grounds for revocation of said conditional use permit by the Planning Commission or City Council.
3. The conditional use permit shall not be effective for any purpose until the owner of the property involved (or his duly authorized representative) has filed at the office of the Planning Director his affidavit stating he is aware of, and accepts, all conditions of this conditional use permit as set forth below. Additionally, no permits shall be issued until the owner of the property involved (or a duly authorized representative) pays all costs associated with the processing of this application pursuant to City Council Resolution No. 8690.
4. The costs and expenses of any enforcement activities, including, but not limited to attorney's fees, caused by the applicant's violation of any condition imposed by this approval or any provision of the West Covina Municipal Code shall be paid by the applicant.

5. That the approval of the conditional use permit is subject to the following conditions:
 - a. Comply with the plans reviewed by the Planning Commission on February 7, 2022.
 - b. Comply with all applicable sections of the West Covina Municipal Code.
 - c. Comply with all requirements of the “Neighborhood Commercial” zone.
 - d. The approved veterinary hospital allows for treatment of domesticated household pets.
 - e. The veterinary hospital is approved to operate Monday through Saturday 8:00 a.m. to 6:30 p.m.
 - f. Provide window signage to encourage clients to park to the rear of the building.
 - g. Monitor the parking lot planters in the front and to the rear of the building to ensure that they are free of animal waste.
 - h. A maximum of 12 employees are permitted at any time.
 - i. Employees of the veterinary hospital shall park to the rear of the building during hours of operation.
 - j. Staff shall closely monitor any parking complaints or concerns filed regarding the veterinary hospital use. The applicant and/or business operator shall work with staff to address any parking issues. In the event where issues remain unresolved, the Planning Commission shall review the conditional use permit for the use and may, at its discretion, modify or impose new conditions.
 - k. The veterinary hospital is approved for a total of 3,355-square feet. Any addition or modification of the use shall require the submittal of a new conditional use permit.
 - l. During construction, the delivery of materials and equipment, outdoor operations of equipment and construction activity shall be limited to the hours between 7:00 a.m. and 8:00 p.m.
 - m. All construction equipment, stationary or mobile, shall be equipped with properly operating and maintained mufflers.
 - n. That any proposed change to the approved site plan, floor plan, or elevations be reviewed by the Planning, Building, Fire, and Police Departments and the Community

Development Commission, and that the written authorization of the Community Development Director shall be obtained prior to implementation.

- o. The operation of the facility shall comply with the West Covina Noise Ordinance.
- p. This approval does not include the approval of signs; a separate sign permit shall be obtained. All signs shall be required to comply with the City of West Covina Sign Code.
- q. The applicant shall submit tenant improvement plans for Building Division review and approval.
- r. That any proposed change to the approved site plan, floor plan, or elevations be reviewed by the Planning Division and that the written authorization of the Planning Director shall be obtained prior to implementation.
- s. The conditional use permit may be revoked, amended and suspended by the Planning Commission under the provisions of Section 26-253 of the West Covina Municipal code.
- t. **Fire Department**
 - 1. NFPA 13D/13R/13 Fire Sprinkler System
 - 2. NFPA 72 – Fire Alarm/Fire Sprinkler Monitoring System
 - 3. NFPA 10 – Portable Fire Extinguishers
 - 4. A Knox key box and labeled master key must be maintained/provided for emergency responder access after business hours
 - 5. Any modifications to an existing fire sprinkler/fire alarm system must be first approved and permitted by the fire department

NOTE: **Additional Fire Department Requirements May be Set upon future review of a full set of architectural plans.*

I HEREBY CERTIFY, that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a regular meeting held on the 8th day of February 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: February 8, 2022

Livier Becerra, Chairman
Planning Commission

Paulina Morales, Secretary
Planning Commission

(818) 504-7276

ATTACHMENT NO. 2

o

LEAVE NO PAWS BEHIND, INC**8661 VINE VALLEY DRIVE****SUN VALLEY, CA 91352****818-504-7276****Business Plan**

Prepared for: Leave No Paws Behind Low Cost Medical Clinic hereinafter ("LNPB"), located at 1047 and 1045 E Amar Road, West Covina, California, 91792

Executive Summary

WHO WE ARE : Leave No Paws Behind, Inc. (LNPB) founded and incorporated on June 15, 2011, is a 501 (c) 3 (EIN 45-2717681) Non-Profit corporation governed by the laws of the State of California. LNPB does not have a facility, we are an all-breed, all foster based rescue, specializing in rescuing seniors, terminal and end of life animals, and animals with special medical needs who are at risk of euthanasia from So Ca High Kill shelters. When possible, we step up, most times in the "11th" hour when all hope is gone, to help save the lives of those that are in most danger of being left behind to die alone, sick and wondering on a cold shelter floor.

Statement of Need

LNPB become part of the solution to the ever-growing problem of veterinary costs by developing a new Low cost Veterinary Medical Clinic that opened in May 2020 at 1047 E Amar Road, West Covina, Ca .and became the recipient of the 2021 Synchrony Pillar Project award. After operating for over a year and a half, the space next door to our established and on going clinic (1045 E Amar Road, West Covina) became available and we have now leased that building to expand our current business. This new space will allow us to move our current administrative offices and our surgical room into 1045 thereby allowing our current location (1047 E Amar Road) to have 2 more exam rooms and more space for our treatment room.

SERVICES, PERSONNEL, DAYS OF OPERATION

LNPB opened the doors to our Clinic located at 1047 E Amar Road, West Covina, Ca. Our location is central to all LA City/County shelters and located in surrounding areas where there is a great need for low-cost veterinary care. We offer wellness exams, all standard laboratory tests, vaccinations, Spay and/or neuter surgeries and dental exams, surgeries and procedures all at a low and affordable cost, along with food, supplements and medicines to domesticated household pets (canine/feline) only. The clinic does not and will not offer overnight or long-term boarding of any animal, all kennels at the clinic will be utilized for recuperation of animals after routine surgical (s/n, dental) procedures before they go home.

With our expansion and growth, The LNPB Clinic will be operating 6 days a week, Monday-Saturday 8:00 AM-6:30 PM. We will employ two 4/10 shifts which will be composed of 2 FT Ca Licensed and practicing Veterinarians, 4 Ca Licensed Vet Techs, 4 receptionists/CSR, 1 General manager, and 1 office manager. The maximum number of employees working on any day to day basis between both spaces will be 10-11.

Meet our Founder

Leave No Paws Behind was founded in June 2011 by a woman who wanted to make a difference in the lives of senior animals abandoned in the shelters. Founder Charlotte “Toby” Wisneski had a soft spot in her heart for the aging animals who, after living so many years with the only humans they ever loved, suddenly found themselves abandoned and left to die on a cold shelter floor alone and wondering. Toby, who herself was the human mommy to a beautiful senior dog of 13 years, could not believe the number of senior pets that found themselves suddenly in peril at a time when they needed their humans the most. Toby, though now retired, continues to remain active in the world of rescue and keeps busy continuing to help save lives as the CEO of Leave No Paws Behind.

City of West Covina
Memorandum
A G E N D A

ITEM NO. 4.

DATE: February 8, 2022

TO: Planning Commission
FROM: Planning Division
SUBJECT: **2021-2029 HOUSING ELEMENT UPDATE**

BACKGROUND:

Housing dominates all aspects of urban planning and policy. It is a major sector of the U.S. economy and the dominant land use in almost every American village, town, and city. Good-quality housing is the foundation of stable and good-quality communities. Housing-related issues play a dominant role on local land use planning and policy efforts.

Updating a housing element, while important to meeting one of the most basic needs of Californians, can be daunting. Individuals and families are directly affected by each city's ability to plan for the housing needs of those who will live, work, and play in the community. State funding programs for transportation, infrastructure, and housing often require or consider a local city's compliance with housing element law. These competitive funds can be used for fixing roads, adding bike lanes, improving transit, or providing much needed affordable housing. In some cases, funding from state/federal housing programs can only be accessed if the city has a compliant housing element. In other cases, a compliant housing element is not a requirement to apply for funding; however, those applying for funding will receive extra points on their application if they do have a compliant housing element (thereby increasing their chances in the competitive application process).

State funding programs that require a local city's housing element compliance include:

- Community Development Block Grant Program
- Infill Infrastructure Grant Program
- Local Housing Trust Fund Program
- Affordable Housing and Sustainable Communities Program
- Permanent Local Housing Allocation Program
- Caltrans Sustainable Communities Grant Program

State funding programs that incentivize greater coordination with housing planning include:

- Local Partnership Program: Projects are evaluated on how they advance housing element goals.
- Transit and Intercity Rail Capital Program: Projects must document how transit ridership growth is supported by housing policies including evidence of compliance with state-required housing plans.
- Active Transportation Program: Infrastructure projects must address their potential to support existing and planned housing, and planning projects must be consistent with local housing policies.
- Solutions for Congested Corridors Program: Projects must address how they support infill development, which may include identifying housing element policies that streamline multifamily housing development.
- HOME Investment Partnerships Program: Applications receive points for housing element compliance.

The California Department of Housing and Community Development (HCD) plays the critical role. HCD reviews every local government's housing element to determine whether it complies with state law and then submits written findings back to each local government. HCD's approval is required before a city can adopt its housing element as part of its overall General Plan. Cities can opt to update their housing elements every five years or every eight years. The option to use an eight-year schedule was created to better align with the schedule cities have to meet to update their Regional Transportation Plans (which are updated every four years) now mandated to align with housing plans in Regional Sustainable Communities Strategies. In order to create a housing element showing it

could meet the local housing needs, a city must first know how much housing it must plan for and estimate how much will be needed at a variety of affordability levels in order to match the needs of the people who will live there. This is determined by a process called the regional housing needs assessment. All cities in the Southern California Association of Governments (“SCAG”) region are required to prepare an update to the Housing Element of the General Plan for the 2021-2029 planning period. There are much more extensive State requirements for Housing Elements than for any other element of the General Plan. One of those requirements is that cities must submit Housing Elements to the California Department of Housing and Community Development (“HCD”) for review, and HCD’s comments must be considered when adopting a Housing Element update.

The City of West Covina commenced preparation of the Housing Element update in 2020 and public meetings were held on May 20 and October 27 of 2021 to review State requirements and housing issues. A draft Housing Element incorporating public comments from these meetings was prepared and submitted to HCD in November 2021. Staff reports, the draft Housing Element, and related materials from previous meetings are available on the City’s Housing Element website at: <https://www.westcovina.org/housingelement>

On January 14, 2022 HCD issued a letter (Attachment 1) stating that the draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law. The purpose of this meeting is to provide an opportunity for the Planning Commission and interested parties to review HCD’s comments, and to offer significant input. Meaningful public input will increase the likelihood that the resulting housing plans, programs and public policies will be successfully implemented.

DISCUSSION:

As discussed at previous meetings, State law includes extensive requirements for Housing Elements and local housing regulations. In addition, the State Legislature has delegated authority to HCD to review local Housing Elements and issue opinions regarding their compliance with State law. HCD’s finding of substantial compliance is referred to as “certification” of a Housing Element. Certification increases the City’s opportunities for State grant funds and helps to support local land use authority.

HCD’s comment letters for the 2021-2029 Housing Element cycle have been far more extensive than in prior cycles due to new State housing laws and a higher level of scrutiny by HCD.

Issues raised in HCD’s letter include the following:

- Review of the effectiveness of the previous Housing Element
- Affirmatively furthering fair housing (AFFH)
- Needs of extremely-low-income households
- Employment trends
- Overpayment and housing costs
- Adequacy of sites to accommodate the RHNA allocation
- Zoning for emergency shelters, employee housing and manufactured housing
- Compliance of ADU regulations with State law
- Evaluation of land use controls, fees and building codes as constraints on housing production
- Constraints caused by City regulations on persons with disabilities
- Availability of financing
- Development densities and approval time
- Special housing needs of large households and farmworkers
- Analysis of affordable units at risk of conversion to market rate
- Adequacy of housing programs to address issues
- Quantified objectives for preservation/conservation
- Adequacy of public participation

All cities within the SCAG region are receiving similar comments on their draft Housing Elements, and the level of effort needed to address State comments is far greater than for past Housing Element updates due to recent changes in State law and also a much higher level of scrutiny by HCD in reviewing Housing Elements.

PUBLIC NOTICE:

Notice of this meeting was sent to agencies and persons on the City's Housing Element interest list. Staff will be reaching out to interested parties including those representing the interests of lower-income households, persons with special needs and fair housing organizations to assist in preparing revisions to the draft Housing Element.

NEXT STEPS:

City staff and the City's housing consultant have begun to analyze HCD's comments and will be preparing a revised draft Housing Element addressing these comments. Additional public meetings to review the revised draft will be scheduled in the near future.

LARGE ATTACHMENT:

The draft 2021-2029 Housing Element is available for public review on the City's website:

<https://www.westcovina.org/housingelement>

RECOMMENDATION:

It is recommended that the Planning Commission take the following action:

- Receive, file, and encourage broad public dissemination

Submitted by:

Jo-Anne Burns, Planning Manager

Attachments

Attachment No. 1 - HCD letter dated January 14, 2022

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



January 14, 2022

Paulina Morales, Director
Community Development Department
City of West Covina
1444 W. Garvey Avenue South, Room 208
West Covina, CA 91790

Dear Paulina Morales:

RE: City of West Covina's 6th Cycle (2021-2029) Draft Housing Element

Thank you for submitting the City of West Covina's draft housing element received for review on November 16, 2021. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from Californians for Homeownership pursuant to Government Code section 65585, subdivision (c).

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). The enclosed Appendix describes revisions needed to comply with State Housing Element Law.

As a reminder, the City's 6th cycle housing element was due October 15, 2021. As of today, the City has not completed the housing element process for the 6th cycle. The City's 5th cycle housing element no longer satisfies statutory requirements. HCD encourages the City to revise the element as described above, adopt, and submit to HCD to regain housing element compliance.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of this statutory deadline, then any rezoning to accommodate the regional housing needs allocation (RHNA), including for lower-income households, shall be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i).

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: http://opr.ca.gov/docs/OPR_Appendix_C_final.pdf and http://opr.ca.gov/docs/Final_6.26.15.pdf.

HCD appreciates the dedication of the housing element team during the update. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Dulce Ochoa, of our staff, at dulce.ochoa@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

Enclosure

APPENDIX CITY OF WEST COVINA

The following changes are necessary to bring the City's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at <http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>. Among other resources, the housing element section contains HCD's latest technical assistance tool, Building Blocks for Effective Housing Elements (Building Blocks), available at <http://www.hcd.ca.gov/community-development/building-blocks/index.shtml> and includes the Government Code addressing State Housing Element Law and other resources.

A. Review and Revision

Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)

The element must provide an evaluation of the cumulative effectiveness of past goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female headed households, farmworkers, and persons experiencing homelessness).

B. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

The element provides some general information on the City's population with a disability and access to opportunity. However, the element generally does not address this requirement. The element, among other things, must include outreach, an assessment of fair housing, analysis of the sites inventory, identification, and prioritization of contributing factors to fair housing issues and goals and actions sufficient to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity. For further guidance, please visit HCD's affirmatively furthering fair housing (AFFH) in California webpage at <https://www.hcd.ca.gov/community-development/affh/index.shtml>. In addition, HCD will provide additional guidance and samples to assist the City in meeting these requirements.

2. *Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households. (Gov. Code, § 65583, subd. (a)(1).)*

Extremely Low-Income Households (ELI): While the element identifies the projected number of ELI households (p. 39), it must still analyze their existing housing needs. This is particularly important given the unique and disproportionate needs of ELI households. For example, the element should analyze tenure, cost burden and other household characteristics then examine trends and the availability of resources to determine the magnitude of gaps in housing needs. In turn, this analysis should guide the formulation of responsive policies and programs. For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/extremely-low-income-housing-needs.shtml>.

Employment Trends: The element provides some information on employment trends, but it could include additional data and analysis to better formulate policies and programs. For example, the element could examine local jobs and wages relative to affordability, major employers and relationship to housing, proximity to jobs, predominant modes of transportation and opportunities for improvement. The element could utilize data available through Local Housing Data prepared by the Southern California Association of Governments at <https://scaq.ca.gov/local-housing-data>.

3. *Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)*

Overpayment: The element must analyze the number of overpaying households, including lower-income overpaying households by tenure (i.e., renter and owner).

Housing Costs: While the element includes sale prices for ownership housing, it must also analyze rental costs, including trends and current rents in the area.

4. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

Progress in Meeting the Regional Housing Needs Allocation (RHNA): The City's RHNA may be reduced by the number of new units pending, approved, permitted, or built since July 1, 2021. The element lists 867 units in approved projects affordable to moderate-income households and concludes the affordability is based on expected sales price or rents but should also provide supporting documentation to demonstrate affordability. This is particularly important since the element provides no information on current rents and sales prices do not appear affordable to moderate-income households.

Parcel Listing: In addition to the other factors listed for identified sites (e.g., zoning, general plan), the element must sufficiently describe existing uses of nonvacant sites to facilitate an analysis of the potential for redevelopment in the planning period.

Realistic Capacity: The element assumes 80 percent of maximum allowable densities will be achieved for the calculation of residential capacity, but it does not provide support for

these assumptions (p. 76). The element should demonstrate what specific trends, factors, and other evidence led to the assumptions or adjust assumptions as appropriate. The estimate of the number of units for each site must be adjusted as necessary, based on the land use controls and site improvements, typical densities of existing or approved residential developments at a similar affordability level. For example, similar to Table B-2, the element should list recent projects by zoning, allowable densities, built densities and affordability.

In addition, for sites with nonresidential zoning, the element should account for the likelihood of 100 percent nonresidential development in the calculation of residential capacity. This analysis should consider the likelihood of 100 percent nonresidential uses, performance standards for residential development and development trends supporting residential. For example, the element could analyze all development activity in these nonresidential zones, how often residential development occurs and adjust residential capacity calculations, policies, and programs accordingly.

Suitability of Nonvacant Sites: The element must include an analysis demonstrating the potential for redevelopment of nonvacant sites. The analysis must consider factors including the extent to which existing uses may constitute an impediment to additional residential development, the City's past experience with converting existing uses to higher density residential development, the current market demand for the existing use, an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites. For example, the element lists several factors used to identify nonvacant sites but should reflect the values of these factors in the inventory. Further, the element should support these factors based on development trends and the City's experience with converting existing uses to higher density residential development or consider an alternative methodology. Also, the element explains that only one factor needs to be satisfied to identify a nonvacant site with potential for redevelopment; however, it should include substantial support to demonstrate whether this assumption is reasonable. Finally, the element should include an analysis of the extent that existing uses impede additional development, and the extent the City's regulatory framework encourages redevelopment.

In addition, if the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households the housing element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period (Gov. Code, § 65583.2, subd. (g)(2)). Absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA.

Finally, if the element identifies sites with existing residential uses. Absent a replacement housing policy, these sites are not adequate sites to accommodate lower-income households. The replacement housing policy has the same requirements as set forth in Government Code section 65915, subdivision (c), paragraph (3).

Large Sites: Sites greater than 10 acres (large sites) cannot be utilized toward the RHNA for lower-income households unless the element demonstrates sites of equivalent size and affordability were successfully developed during the prior planning period or provides other evidence sufficient to demonstrate the appropriateness of large sites. The element identifies two large sites greater than 10 acres. Each site assumes 100 percent of the residential capacity will be affordable to lower income households; 726 units on one site and 653 units on the other site or over half the RHNA for lower-income households on two sites. Additional analysis, as described above, is necessary to demonstrate the appropriateness of these sites. Developments with units affordable to lower-income households typically range in size from 50 to 150 units. The two identified sites go well beyond this range and do not appear suitable or appropriate to accommodate 100 percent affordability to lower-income households, including implications related to affirmatively furthering fair housing. For example, instead, the City could take a mixed-income approach to these sites, utilizing 30 to 40 percent of the total capacity toward the lower-income RHNA. If utilizing these sites toward the RHNA for lower income households, the element should scale back assumption and include additional analysis and programs as appropriate.

City-Owned Sites: If the sites inventory identifies sites that are City-Owned, the element must include an analysis to demonstrate their suitability and availability in the planning period. Specifically, the analysis should address general plan designations, zoning, allowable densities, support for residential capacity assumptions, existing uses and any known conditions that preclude development in the planning period and the potential schedule for development. If zoning does not currently allow residential uses at appropriate densities, then the element should include programs to rezone sites pursuant to Government Code section 65583.2, subdivisions (h) and (i). Based on the outcomes of this analysis, the element should include programs as appropriate.

Sites Identified in Prior Planning Period: Sites identified in prior planning periods (vacant sites identified in two planning periods or nonvacant sites identified in prior planning period) shall not be deemed adequate to accommodate the housing needs for lower-income households unless a program, meeting statutory requirements, requires rezoning within three years. The element should clarify if sites were identified in prior planning periods and if so, which sites and include a program if utilizing previously identified sites in the current planning period.

Map: The element must include a general map of identified sites. For additional information, see the sites inventory analysis section of the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/inventory-of-land-suitable.shtml>.

Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/community-development/housing-element/index.shtml#element> for a copy of the form and instructions.

Zoning for a Variety of Housing Types:

- *Emergency Shelters:* The element indicates off-street parking at the ratio of 1 space per 4 beds, and/or 0.5 per bedroom designated as a family unit with children, plus 1 space per staff member (p. 61). Zoning may impose parking requirements on emergency shelters; however, to comply with AB 139 those requirements should only be the number sufficient and necessary for all staff working in the emergency shelter. As a result, the element should add or modify programs as appropriate.
- *Employee Housing:* Health and Safety Code section 17021.5 requires employee housing for six or fewer employees to be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. The element must demonstrate zoning in compliance with this requirement or add or modify programs as appropriate.
- *Manufactured Housing:* The element must demonstrate the jurisdiction's zoning code allows and permits manufactured housing on a permanent foundation in the same manner and in the same zone as single-family housing (Government Code Section 65852.3). The element must demonstrate zoning complies with this requirement or add or modify programs as appropriate.

Accessory Dwelling Units (ADU): After a cursory review of the City's ordinance, HCD discovered several areas which were not consistent with State ADU Law. HCD will provide a complete listing of ADU noncompliance issues under a separate cover. As a result, the element should add a program to update the City's ADU ordinance to comply with state law.

5. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. (Gov. Code, § 65583, subd. (a)(5).)*

Land Use Controls: The element must identify and analyze all relevant land use controls impacts as potential constraints on a variety of housing types. The analysis should analyze land use controls independently and cumulatively with other land use controls. The analysis should specifically address requirements related to multifamily parking, including condominiums (number of spaces, enclosed and covered requirement), minimum lot sizes and heights including adjacent and not adjacent to single family uses. Specifically, the analysis of minimum lot sizes should address any impacts on identified sites. Additionally, the analysis should address any impacts on cost, supply, housing choice, affordability, timing, approval certainty and ability to achieve maximum densities and include programs to address identified constraints.

Fees and Exactions: The element must describe all required fees for single family and multifamily housing development, including impact fees, and analyze their impact as potential constraints on housing supply and affordability. For example, the analysis should identify the total amount of fees, including impact fees, for a typical single family and multifamily development and evaluate the proportion to total development costs.

For additional information and a sample analysis and tables, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/constraints/fees-and-exactions.shtml>.

Building Codes and Their Enforcement: The element mentions the City includes property and building maintenance standards in its Municipal Code (p. 53). The element should also describe which building code is enforced (e.g., 2019 Building Code), identify and analyze any local amendments and include a program as appropriate.

Housing for Persons with Disabilities:

- ***Reasonable Accommodation Procedure:*** The element briefly mentions the City's reasonable accommodation procedure, but it should also describe the procedure and evaluate impacts, including identifying and analyzing findings of approval.
- ***Definition of Family:*** The element should identify and evaluate any definition of family used in zoning and land use for impacts on housing for persons with disabilities and include programs if necessary.
- ***Community Care Facilities for Six or Fewer Persons:*** The element indicates community care facilities of six or fewer persons are permitted as-of-right on the same basis as other single-family uses (p. 59). The element should clarify which zones allow these housing types.
- ***Community Care Facilities for Seven or More Persons:*** The element indicates a conditional use permit is required for community care facilities for seven or more persons unlike other similar uses (p. 59). The element must clarify which zones and specifically analyze these constraints for impacts on housing supply and choices, approval certainty and objectivity for housing for persons with disabilities and include programs as appropriate.

SB 35 Streamlined Ministerial Approval Process: The element must clarify whether there are written procedures to implement SB 35 (Chapter 366, Statutes of 2017) and add or modify programs to establish a procedure if necessary.

Local Ordinances: The element must specifically analyze locally adopted ordinances such as inclusionary ordinances or short-term rental ordinances that directly impact the cost and supply of residential development.

Zoning, Development Standards and Fees: The element must clarify whether the community complies with new transparency requirements for posting all zoning, development standards and fees or include programs as appropriate.

6. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584. The analysis shall also demonstrate*

local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing. (Gov. Code, § 65583, subd. (a)(6).)

Availability of Financing: The element provides some broad information on financing (p. 63). However, the element must consider whether housing financing, including private financing and government assistance programs, is generally available in the community. This analysis could indicate whether mortgage deficient areas or underserved groups exist in the community. The financing analysis may also identify the availability of financing from private foundations (including bank foundations) corporate sponsors, community foundations, community banks, insurance companies, pension funds, and/or local housing trust funds.

Requests for Lower Density, Permit Times, and Efforts to Address Nongovernmental Constraints: The element must analyze (1) requests to develop housing at densities below those identified in the inventory, (2) the length of time between receiving approval for a housing development and submittal of an application for building permits, and (3) any local efforts to address or mitigate nongovernmental constraints such as reduced fees, financing for affordable housing or expedited processes. The analysis should address any hinderances on the construction of a locality's share of the regional housing need and programs should be added or modified as appropriate.

7. *Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)*

Large Households: The element indicates large households represented about 20 percent of owner-occupied households and about 21 percent of renter-occupied households (p. 30). However, the element should provide the total number of large households by tenure.

Farmworkers: The element indicates 224 farmworkers according to the American Community Survey (ACS) 2014-2018 5-year estimate. However, farmworkers from the broader area and those employed seasonally may have housing needs, including within the City's boundaries. As a result, the element should acknowledge the housing needs of permanent and seasonal farmworkers at a county-level (e.g., using USDA county-level farmworker data) and include programs as appropriate.

8. *Analyze existing assisted housing developments that are eligible to change to non-low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of use restrictions. (Gov. Code, § 65583, subd. (a)(9) through 65583(a)(9)(D).)*

The element identifies 84 units at-risk within a 10-year period (p. 37). However, the analysis of "at-risk" units must also include the type of governmental assistance received and total number of elderly and nonelderly units.

C. Housing Programs

1. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding B4, the element does not include a complete site analysis, therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.

2. *The Housing Element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)*

While the element includes Programs 2.2 (Affordable Housing Finance), 2.4 (Los Angeles County Partnerships), 3.3 (Priority Processing) and 4.5 (Housing for Persons with Disabilities), it should include additional actions to assist in the development of housing for lower- and moderate-income households, including extremely low-income and all special needs households (e.g., persons with disabilities, persons with developmental disabilities, elderly, large households, etc.). This is particularly important since many of these programs were not successful in the prior planning period. For example, several programs (Appendix A) note the lack of success was because developers did not express interest. Programs in the current cycle should learn from this evaluation and proactively reach out to developers in all pertinent aspects of the housing program. Other examples include annually exploring and pursuing funding beyond the County or pursuing funding annually in partnership with nonprofit developers and service providers.

3. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

As noted in Findings B5 and B6, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

4. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)*

As noted in Finding B1, the element must include a complete assessment of fair housing. Based on the outcomes of that analysis, the element must add or modify programs.

5. *The housing program shall preserve for low-income household the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance. (Gov. Code, § 65583, subd. (c)(6).)*

Program 1.2 (Monitor and Preserve Affordable Housing): While the element includes a program to preserve at-risk units, the Program should also commit to incorporate preservation law, to reach out to owners by a date certain, coordinate with qualified entities, consider funding as appropriate, support funding applications and provide assistance and education for tenants.

6. *Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, “accessory dwelling units” has the same meaning as “accessory dwelling unit” as defined in paragraph (4) of subdivision (i) of Section 65852.2. (Gov. Code, § 65583, subd. (c)(7).)*

Accessory Dwelling Units (ADUs): Program 3.4 indicates the City will promote ADU development by assisting property owners with ADU applications and posting ADU information (p. 11). However, the element must also include a program to incentivize ADU development for lower and moderate-income households. Examples include exploring and pursuing funding, modifying development standards, and reducing fees beyond state law, pre-approved plans, and homeowner/applicant assistance tools.

D. Quantified Objectives

Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)

The element included Table 2-1 quantified objectives to establish an estimate of housing units by income category that can be constructed, rehabilitated, and conserved over the planning period (p. 18). While the element includes these objectives, it could also include additional objectives for conservation/preservation.

E. Public Participation

Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(8).)

While the element describes some workshops, survey and public meetings for the Housing Element update, moving forward, the City should employ additional methods for public outreach efforts, particularly to include lower-income and special needs households and neighborhoods with higher concentrations of lower-income households. For example, the City could conduct targeted stakeholder interviews or establish a committee representative of lower-income households in future public outreach efforts. In addition, although the element provides some information on the public comments received and the City's response, it should also describe how they were considered and incorporated into the element.

Finally, the housing element does not appear to have been made available to the public with sufficient time to comment and consider prior to HCD submittal. If so, by not providing an opportunity for the public to review and comment on a draft of the element in advance of submission, the City has not yet complied with statutory mandates to make a diligent effort to encourage the public participation in the development of the element and it reduces HCD's ability to consider public comments in the course of its review. The availability of the document to the public and opportunity for public comment prior to submittal to HCD is essential to the public process and HCD's review. The City must proactively make future revisions available to the public, including any commenters, prior to submitting any revisions to HCD and diligently consider and address comments, including making revisions to the document where appropriate. HCD's future review will consider the extent to which the revised element documents how the City solicited, considered, and addressed public comments in the element. The City's consideration of public comments must not be limited by HCD's findings in this review letter.

PLANNING DEPARTMENT STAFF REPORT

SUBJECT

ADMINISTRATIVE USE PERMIT NO. 21-24

CATEGORICAL EXEMPTION

APPLICANT: Ali Jeevanjee

LOCATION: 408 N Azusa Avenue

REQUEST: The applicant is requesting approval of an administrative use permit to allow an indoor swim school for children. All activities related to the proposed use will be conducted indoors within the existing tenant space. The academy will be located within an existing shopping center in the "Neighborhood-Commercial" (NC) Zone.

BACKGROUND

The applicant is requesting approval of an administrative use permit to allow for the operation of a 2,898-square foot swim school in an existing tenant space within the Varney Center. The tenant space was previously occupied by a Zumba Studio. The subject property is located on the southeast corner of North Azusa Avenue and Rowland Avenue. The shopping center is adjacent to single-family homes on the east and adjacent to retail use on west, south, and north.

Item	Description
Zoning and General Plan	Zoning: "Neighborhood Commercial" (N-C) General Plan: "Commercial"
Surrounding Land Uses and Zoning	North: "Neighborhood-Commercial" (N-C) and "Single-Family Residential" (R-1); Commercial and Single-Family Residences East: "Single-Family Residential" (R-1); Single-Family Residences South: "Service Commercial" (S-C); Commercial West: "Service Commercial" (S-C); Commercial Shopping Center
Current Development	Shopping Center
Legal Notice	Notices of Public Hearing have been mailed to 75 owners and occupants of properties within 300 feet of the subject site.

DISCUSSION

The applicant is requesting approval of an administrative use permit to operate a swim school within an existing 2,898-square foot tenant space.

Business Operation

Swimtelligent Swim Club will be offering basic swim instructions and life-saving skills, advanced swim techniques and stroke improvement, and open swim for practice and fitness. The applicant plans to operate within a window of time between 9:00 a.m. to 9:00 p.m. Monday through Friday, and 9:00 a.m. to 6:00 p.m. Saturdays and Sundays when children are back in school for the regular school year. The hours would be adjusted to 9:00 a.m. to 6:00 p.m., 7 days a week during summer vacation. Their busiest times are anticipated to be approximately 3:00 p.m. to 8:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. on weekends during the regular school year season since most students/children will come after school and weekends for swim lessons. During the school year they will also teach lessons to adults during the day or be open for open swimming for fitness to help offset some loss of business. It is also part of the applicant's plan to partner with preschools to have preschool camps during the earlier part of the day. Swimtelligent will have a total of 4 swim coaches/instructors (Business Operation Plan is included as

Attachment No. 2). The swim school will be prohibited from renting out any portion of the tenant space for parties, or from operating as a public swimming pool.

Hearing Request

Staff sent out public notices to owners and occupants of properties within a 300-foot radius of the project site with information regarding the request to operate a swim school, as specified by the AUP process. On January 14, 2022, staff received an email from Kim and Barry Sutliff, property owners/neighbors residing in one of the single-family residential properties to the west of the project site. Mr. and Mrs. Sutliff is concerned with noise, water run-off/drainage, capacity, potential for parties and alcohol service, and pool chemical bottles being thrown in the center's dumpster (Hearing Request Letter is included as Attachment No. 3). Based on this request, the AUP is being forwarded to the Planning Commission. Staff has included conditions of approval in the draft resolution that addresses the majority of Mr. and Mrs. Sutliff's concerns.

Drainage

Staff has included a condition of approval in the draft resolution prohibiting swimming pool water from being drained on the alley, west of the shopping center.

Parking

The shopping center provides 126 parking spaces on site. The 2,898 square-foot tenant space would require 12 parking spaces based on the parking calculation for general commercial uses (1 parking space for every 250 square feet of floor area). Based on a parking analysis with the proposed business and existing tenants, the shopping center would meet parking requirements. The previous tenant (Zumba Studio) was limited to 24 occupants at any given time due to the 12 parking spaces designated for the site. While staff does not anticipate the swim school to have more than 24 occupants, this limitation is included in the draft condition of approval with provisions maximum occupancy that is determined by the Fire Department would take precedence if that limitation is less than 24.

Noise

Planning Staff has met with neighboring residents regarding potential noise issues. It is important for the business owner to understand that there are residential dwellings in close proximity. Planning Staff has included the following conditions of approval to address noise generation in the Resolution.

1. Amplified sound shall not exceed levels that are plainly audible, or vibrations felt on the outside of the tenant space.
2. No noise amplifier shall be used at any time.
3. Noise levels shall not exceed the ambient noise level by more than (5) five decibels as measured outside of the tenant space.
4. Doors of the building shall be kept closed at all times, except when doors are in use, in order to minimize noise impacts onto adjacent properties.
5. Any speakers inside the tenant space shall be directed toward the front of the tenant space (west).
6. The Community Development Director shall monitor whether the business generates excessive complaints. If the business operation results in excessive issues or complaints at any time, the Director shall initiate a review of the AUP by the Planning Commission. The Commission shall determine if additional restrictions, conditions, or physical changes are needed in order to address the issues or concerns.

REQUIRED FINDINGS

Before an application for a conditional use permit can be approved, the following finding shall be made:

a. That the proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood or community.

The proposed swim school will contribute to the community by providing a needed service to the area and complement the existing retail uses in the shopping plaza. The subject site is located conveniently near residential neighborhoods that will provide a source of clients for the proposed business. The proposed use is located on the southeast corner of North Azusa Avenue and Rowland Avenue. The proposed swim school complies with all the

applicable requirements of the “Commercial” land designation.

b. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace or general welfare or persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

The proposed swim school will not result in the expansion of the existing building and will utilize the existing tenant spaces. The swim school will be open 9:00 a.m. to 9:00 p.m. Monday through Friday, and 9:00 a.m. to 6:00 p.m. Saturdays and Sundays. As conditioned, the proposed use will not be detrimental to the health, safety, peace, or general welfare of surrounding residents or business owners.

c. That the site for the proposed use is adequate in size and is so shaped as to accommodate said use, as well as, all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to adjust said use with the land and uses in the neighborhood and make it compatible thereto.

The existing building and site is adequate in size and design to accommodate the swim school. Sufficient parking exists on the site to accommodate the swim school as well as other existing commercial uses occupying the neighboring tenant spaces. The adjacent tenant spaces are occupied by retail businesses. The proposed use is compatible with the other uses in the shopping mall and surrounding land uses.

d. That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed uses and the street patterns of such a nature exist as to guarantee that such generation will not be channeled through residential areas on local residential streets.

The proposed swim school will not generate a substantial amount of vehicular traffic nor alter present circulation patterns. The site is accessed via Azusa Avenue, a major arterial, and Rowland Avenue, a major arterial. The subject site’s abutting streets are adequate in width and improvements to accommodate the proposed use. Existing conditions also provide efficient and safe public access and circulation.

e. That the granting of such administrative use permit will not adversely affect the General Plan of the City, or any other adopted plan of the City.

The granting of the administrative use permit to allow the operation of a swim school will not adversely affect the West Covina General Plan, since the proposed use does not conflict with the site’s land use designation of “Commercial”. Approval of the swim school is consistent with the City’s General Plan Policy 2.1 and 2.4.

GENERAL PLAN CONSISTENCY

The City's General Plan Land Use Element designates the subject property for Commercial Uses. The project is consistent with the following General Plan policies:

Policy 2.1 Maintain and enhance the City's current tax base.

Policy 2.4 Build on and grow West Covina's regional appeal.

ENVIRONMENTAL DETERMINATION

Pursuant to the California Environmental Quality Act (CEQA), the proposed project is considered to be categorically exempt, pursuant to Section 15303 (Class 1, Existing Facilities) in that it consists of minor alterations of the existing structure in order to operate the requested use.

STAFF RECOMMENDATIONS

Staff recommends that the Planning Commission adopt Resolution No. 21-6101 approving Administrative Use Permit No. 21-24.

LARGE ATTACHMENTS

Plans - Due to COVID-19, the set of plans are available for review with a scheduled appointment. Please contact the Planning Division at (626) 939-8422 to schedule an appointment.

Submitted by: Jo-Anne Burns, Planning Manager for Eric Ji, Planning Intern

Attachments

Attachment No. 1 - Resolution of Approval
Attachment No. 2 - Business Operation Plan
Attachment No. 3 - Hearing Request Letter

PLANNING COMMISSION

RESOLUTION NO. 22-6101

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING ADMINISTRATIVE USE PERMIT NO. 20-24

ADMINISTRATIVE USE PERMIT NO. 21-24

CATEGORICAL EXEMPTION

APPLICANT: Ali Jeevanjee

LOCATION: 408 N Azusa Ave

WHEREAS, there was filed with the City, a verified application on the forms prescribed in Chapter 26, Article VI of the West Covina Municipal Code, requesting approval of an administrative use permit to:

Allow for the operation of a 2,898-square foot swim school within the Varney Center described as follows:

Assessor Parcel No. 8454-014-011 as shown on the latest rolls of the Los Angeles County Tax Assessor; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 8th day of February, 2022, conduct a duly advertised public hearing as prescribed by law to consider said application; and

WHEREAS, studies and investigations made by this Commission and in its behalf reveal the following facts:

1. The applicant is requesting approval of an administrative use permit to allow for the operation of a 2,898-square foot swim school within the Varney Center. No additional square footage proposed to the existing building. The subject property is located in "Neighborhood Commercial" (N-C) zone.
2. Findings necessary for approval of an administrative use permit are as follows:
 - a. *That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community.*

- b. *That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.*
 - c. *That the site for the proposed use is adequate in size and is so shaped as to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to adjust said use to the land and uses in the neighborhood and make it compatible therewith.*
 - d. *That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed use and that street patterns of such a nature exist as to guarantee that such generations will not be channeled through residential areas on local residential streets.*
 - e. *That the granting of such administrative use permit will not adversely affect the general plan of the city, or any other adopted plan of the city.*
3. Pursuant to the California Environmental Quality Act (CEQA), the proposed project is considered to be categorically exempt (Class 1, Existing Facilities) in that the proposed use will occupy an existing tenant space.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of West Covina as follows:

1. On the basis of evidence presented, both oral and documentary, the Planning Commission makes the following findings for approval of a conditional use permit:
 - a. The proposed swim school will contribute to the community by providing a needed service to the area and complement the existing retail uses in the shopping plaza. The subject site is located conveniently near residential neighborhoods that will provide a source of clients for the proposed business. The proposed use is located on the southeast corner of North Azusa Avenue and Rowland Avenue. The proposed swim school complies with all the applicable requirements of the "Commercial" land designation.
 - b. The proposed swim school will not result in the expansion of the existing building and will utilize the existing tenant spaces. The swim school will be open 9:00 a.m. to 9:00 p.m. Monday through Friday, and 9:00 a.m. to 6:00 p.m. Saturdays and Sundays. As conditioned, the proposed use will not be detrimental to the health, safety, peace, or general welfare of surrounding residents or business owners.
 - c. The existing building and site is adequate in size and design to accommodate the swim school. Sufficient parking exists on the site to accommodate the swim school as well as other existing commercial uses occupying the neighboring tenant spaces. The adjacent tenant spaces are occupied by retail businesses. The proposed use is compatible with the other uses in the shopping mall and surrounding land uses.

d. The proposed swim school will not generate a substantial amount of vehicular traffic nor alter present circulation patterns. The site is accessed via Azusa Avenue, a major arterial, and Rowland Avenue, a major arterial. The subject site's abutting streets are adequate in width and improvements to accommodate the proposed use. Existing conditions also provide efficient and safe public access and circulation.

e. The granting of the administrative use permit to allow the operation of a swim school will not adversely affect the West Covina General Plan, since the proposed use does not conflict with the site's land use designation of "Commercial". Approval of the swim school is consistent with the City's General Plan Policy 2.1 and 2.4.

2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Administrative Use Permit No. 21-04 is approved subject to the provisions of the West Covina Municipal Code provided that the physical development of the herein described property shall conform to said conditional use permit and the conditions set forth herein which, except as otherwise expressly indicated, shall be fully performed and completed or shall be secured by bank or cash deposit satisfactory to the Community Development Director before the use or occupancy of the property is commenced and before a certificate of occupancy is issued, and the violation of any of which shall be grounds for revocation of said conditional use permit by the Planning Commission or City Council.

3. The administrative use permit shall not be effective for any purpose until the owner of the property involved (or his duly authorized representative) has filed at the office of the Planning Director his affidavit stating he is aware of, and accepts, all conditions of this conditional use permit as set forth below. Additionally, no permits shall be issued until the owner of the property involved (or a duly authorized representative) pays all costs associated with the processing of this application pursuant to City Council Resolution No. 8690.

4. The costs and expenses of any enforcement activities, including, but not limited to attorney's fees, caused by the applicant's violation of any condition imposed by this approval or any provision of the West Covina Municipal Code shall be paid by the applicant.

5. That the approval of the conditional use permit is subject to the following conditions:

a. Comply with the plans reviewed by the Planning Commission on February 8, 2022.

b. Comply with all applicable sections of the West Covina Municipal Code.

c. Comply with all requirements of the "Neighborhood-Commercial" zone.

- d. The swim school is approved for 2,898-square feet. Any addition or modification of the use shall require the submittal of a new conditional use permit.
- e. The swim school is approved to operate 9:00 a.m. to 9:00 p.m. Monday through Friday, and 9:00 a.m. to 6:00 p.m.
- f. The operator shall ensure that a swim coach/instructor and/or a lifeguard is monitoring the swimming pool at all times when the business is open to ensure that individuals utilizing the swimming pool are safe.
- g. No access to alley for customers and no furniture in the alley shall be allowed.
- h. No alcohol, marijuana, food, and/or drinks shall be allowed in the tenant space.
- i. The drainage of swimming pool water on the alley shall be prohibited.
- j. The swim school tenant space, or any portion of the tenant space shall not be rented out for private events, and/or parties.
- k. The tenant space shall not have more than 24 people at any given time, or the maximum occupancy allowed by the Fire Department, which ever is less.
- l. The swim school swimming pool shall not be operated as a public swimming pool where any member of the public is allowed to use the swimming pool by paying a fee for personal recreational purposes. The swimming pool may only be used for swim instructions, swim practice, and/or fitness exercises.
- m. The proposed business shall not constitute a public nuisance as defined under Section 15-200 of the West Covina Municipal Code.
- n. Amplified sound shall not exceed levels that are plainly audible, or vibrations felt on the outside of the tenant space.
- o. No noise amplifier shall be used at any time for instruction by employees or customers.
- p. Noise levels shall not exceed the ambient noise level by more than (5) five decibels as measured outside of the tenant space.
- q. Doors of the building shall be kept closed at all times during class instruction, except when doors are in use, in order to minimize noise impacts onto adjacent properties.
- r. Any speakers inside the tenant space shall be directed toward the front of the tenant space (west).

- s. The Community Development Director shall monitor whether the business generates excessive complaints. If the business operation results in excessive issues or complaints at any time, the Director shall initiate a review of the AUP by the Planning Commission. The Commission shall determine if additional restrictions, conditions, or physical changes are needed in order to address the issues or concerns.
- t. The paved areas at the site shall be maintained clean and free of oil stains. All paved areas shall be pressure washed as needed to maintain the site in a clean and orderly manner.
- u. During construction, the delivery of materials and equipment, outdoor operations of equipment and construction activity shall be limited to the hours between 7:00 a.m. and 8:00 p.m.
- v. All construction equipment, stationary or mobile, shall be equipped with properly operating and maintained mufflers.
- w. That any proposed change to the approved site plan, floor plan, or elevations be reviewed by the Planning, Building, Fire, and Police Departments and the Community Development Commission, and that the written authorization of the Community Development Director shall be obtained prior to implementation.
- x. The operation of the facility shall comply with the West Covina Noise Ordinance.
- y. This approval does not include the approval of signs; a separate sign permit shall be obtained. All signs shall be required to comply with the City of West Covina Sign Code.
- z. Any sidewalk, hardscape or parking facility, with potholes, broken, raised or depressed sections, large cracks, mud and/or dust, accumulation of loose material, faded or illegible pavement striping or other deterioration shall be repaired.
- aa. The administrative use permit may be revoked, amended and suspended by the Planning Commission under the provisions of Section 26-253 of the West Covina Municipal code.

I HEREBY CERTIFY, that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a special meeting held on the 8th day of February, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE:

Livier Becerra, Chair
Planning Commission

Paulina Morales, Secretary
Planning Commission

Swimtelligent Swim Club

Operational Plan

Phoebe Zhang, Owner
Created on July 23, 2021

Executive Summary

Product

Swimtelligent Swim Club is a swim club and swim school specializing in swim instruction for students of any age and ability. The goal of the company is to instruct students in basic life saving swim techniques first and foremost and then progress students towards more professional swim techniques they can use for lifelong fitness and improvement on overall quality of life. The company will also offer open swim times for students and adults to swim for fitness and/or improve their technique.

Customers

The target audience for Swimtelligent Swim Club is the instruction of beginner swimmers in basic swim techniques. From there our target audience will be those swimmers who wish to learn more advanced swim techniques for lifelong fitness and health.

Future of the Company

The future goals of Swimtelligent is to expand to as many locations as possible to reach the highest amount of customers possible to ensure everyone, no matter where they live, can access affordable and reliable swim instruction to improve the quality of their lives.

Company Description

Mission Statement

To provide high quality swim instruction to all ages and abilities to provide life saving swim ability and improve overall quality of life.

Principal Members

Phoebe Zhang — owner, professional swim instructor, manager

Charlene Gao — owner, manager/bookkeeper

Legal Structure

Swimtelligent Swim Club is a Limited Liability Company.

Market Research

Industry

Swimtelligent Swim Club will be part of a small industry of local swim clubs. The industry is not very competitive and lacks a variety of swim clubs and affordable and dependable locations to choose from. Many of the current schools in the area have a long wait list to join and limited class availability.

Detailed Description of Customers

The two groups that the company plans to market to are the parents (age 18-40) of young children and grandparents (age 45-75) of young children with an income range of \$25,000 - \$80,000 a year. Our target customers are interested in providing their children with basic to advanced swim techniques to ensure their children are better protected in saving their own life and prevent accidental drowning. Swim instruction will also be available for those adults who wish to learn to swim for fitness and overall improvement of quality of life.

Company Advantages

Swimtelligent has the following advantages compared to competitors:

- Swim instructor who swam professionally at the college and national level in China.
- Safe, clean environment.
- High-quality, interactive website to monitor class availability and scheduling.
- Flexible class schedules for all levels of swimmers.

Regulations

Swimtelligent Swim Club must meet all federal and state regulations concerning running a swim school.

Service Line

Product/Service

Services Include:

- Basic Swim Instruction and Life Saving Skills
- Advanced Swim Technique and Stroke Improvement
- Open Swim availability for practice or fitness

Pricing Structure

Swimtelligent Swim Club will offer its services for the following approximate prices:

- Basic Swim instruction for ages 0 - 3 - \$30/half hour lesson
- Basic Swim Instruction for ages 3 - 18 \$30/half hour lesson
- Basic Adult Swim Instruction - \$40/half hour lesson
- Stroke Improvement with professional instructor 1 on 1 - \$45/half hour lesson

Financial Summary

The company expects to make approximately \$300k or more per year in revenue with only 4 coaches working approximately 4 hours per day. This number can greatly fluctuate based on number of coaches and customers attending classes during the summer months versus winter months when children are not in school.

Startup costs for the school will be approximately \$250k. This includes the cost of building the pool and related facilities inside of a leased space.

Hiring Plan

Swimtelligent will hire 3 part time coaches when it first opens and hire more coaches as demand and class sizes grow. There will be a total of 5 coaches when the school first opens. Phoebe Zhang, owner, will be a full time coach and her spouse will be a part time coach as well. Front desk receptionist staff will be the other owner, Charlene Gao, who will also manage booking of class schedules and financial booking.

Operations

We plan to operate within a window of time between 9am to 9pm Monday thru Friday and 9am to 6pm Saturday and Sunday when children are back in school for the regular school year and 9am to 6pm 7 days a week during their summer vacation. Our busiest times will be approximately 3pm to 8pm (maybe 7pm) Monday thru Friday and 9am to 6pm on weekends during the regular school year season that children are in school since most will come after school and weekends for swim lessons. During the school year we will also teach lessons to adults during the day or be open for open swimming for fitness to help offset some of the loss of business due to most of our anticipated customers being children. It is also part of our plans to partner with preschools to have preschool camps during the earlier part of the day which is why the hours are posted as 9am to 9pm on our site. We based these hours in part due to research of other schools in San Bernadino County who operate within the same hours and their schedules are directly impacted by how children are either in school or out of school based on time of year. Our hours will be based on demand for swim classes and will fluctuate throughout the year. We never plan to operate outside of 9am - 9pm based mainly on operational costs associated with maintaining the swim environment. Having the pool open when no one is there increases costs significantly due to a number of reasons with maintaining an indoor pool.

Our school will also never have private parties, play loud music, etc. Private parties are actually a huge risk for this type of facility and most insurers won't insure a swim school that hosts parties. I hope this school will actually bring a great service to the community by introducing a place where all can come to learn to swim and make things better for all who live nearby by introducing a quieter environment than they were used to.

Product Lifecycle

All services are ready to be offered to clients, pending approval of contracts and signing of waivers.

Intellectual Property Rights

Swimtelligent Swim Club is a trademark name in the State of California.

Research and Development

The company is planning to conduct the following research and development:

- How to improve the overall quality of swim instruction to achieve the fastest and most efficient means of instruction for all customers despite varied levels of skill and ability

Marketing & Sales

Growth Strategy

To grow the company, Swimtelligent Swim Club will do the following:

- Market through local mom groups on various social media platforms and local media platforms.
- As business grows, advertise in target markets, especially in advance of the summer season.

Communicate with the Customer

Swimtelligent Swim Club will communicate with its customers by:

- Providing an email newsletter with company news, product information, and class schedule or discounts.
- Using targeted Google and Facebook advertisements.
- Utilizing social media such as WeChat, Twitter, YouTube, and Facebook.
- Providing contact information on the company website.

How to Sell

The target demographic for the company will be parents of children aged 0-18. The company will increase awareness to our targeted customers through online advertising and social media.

January 14, 2022

To: MS Jo-Anne Burns, Eric Ji

Planning Dept. City of West Covina

RE: Hearing Request for ADMIN Use NO. 21-24 408 N. Azusa Ave

We are requesting a hearing before the City decides on granting Swimtelligent a permit.

Our concerns with the proposed swim school.

1. Noise
 - a. Back door needs to be closed during ALL hours of operation
 - b. No amplification of voices such as microphones, speakers, bullhorns during lessons or aerobics.
 - c. No private parties with up to 22 clients— 22 kids in a pool is a huge noise factor. 22 adults in a pool is a huge noise factor. Swim school now becomes a rental recreational hall.
 - d. Alcohol –website shows drinks. Drinking adults bring noise.
2. Hours of operation –9 a.m. – 9 p.m. 7 days a week. As per their website ????. Was told by the City (Eric Ji) M-F 3-8 and S/S 9-6 p.m.
3. No use of building outside of City approved hours.
4. Water drainage-as attached photos –asphalt is already comprised in alley—additional water drainage could affect residents' cinderblock walls
5. Capacity Eric Ji says 24—that is a lot of people
6. Trash –chemical bottles used are not to be put into trash on site. Site already has inadequate dumpsters for tenants.

Their website is already showing the address and hours and it has not been approved by the City. I strongly request you review their site and what they are advertising when writing up your guidelines.

<https://www.swimtelligent.com/>

Website shows glasses of champagne under the “private parties” option. Private parties open the door to loud music and cinderblock buildings do not absorb that noise. Also if they are trying to draw an adult crowd that opens the door to customers bringing alcohol.

ATTACHMENT NO. 3

We are not trying to project the issues of previous businesses at this location to this business but no one anticipated a Zumba business (3 different owners in 11 years) would hold banquets after hours, cooking indoors with propane, a DJ, and alcohol. And this was not one incident. Each of the different owners held them.

Nor did we anticipate that a recycling center (7 days a week) would have been approved with no diagrams of what it would consist of, and absolutely no noise suppression.

How will infractions to the rules by the City be enforced? Issues always occur outside of City business hours, requiring police involvement and they are overextended and cannot always come to the site. They cannot enforce what the City has told the business as they don't have that information. Code Enforcement has 2(?) people and they don't work evenings and weekends. And we now know that once the City grants a permit it takes A LOT of residents' time and City money to revoke. Let's try to avoid that with clear and enforced guidelines that gives them a business but doesn't make our backyards feel like we live in a recreation center.

So again, we formally request a hearing on this Permit request.

Kim & Barry Sutliff

413 N. La Breda Ave,
West Covina, CA 91791
626-786-1537

ITEM NO. 6. a.

DATE: February 8, 2022

TO: Planning Commission
FROM: Planning Division
SUBJECT: Forthcoming - February 22, 2022

Attachments

Forthcoming - 2/22/22

AGENDA NO. 6. a.

DATE: February 8, 2022

FORTHCOMING PLANNING COMMISSION HEARING

February 22, 2022

A. CONSENT CALENDAR

None

B. PUBLIC HEARINGS

None

C. NON-HEARING ITEMS

None

March 8, 2022

A. CONSENT CALENDAR

None

B. PUBLIC HEARINGS

None

C. NON-HEARING ITEMS

None