



CITY OF WEST COVINA

PLANNING COMMISSION

**JANUARY 24, 2023, 7:00 PM
REGULAR MEETING**

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

**Nickolas Lewis, Chair
Brian Gutierrez, Vice Chair
Shelby Williams, Commissioner
Sheena Heng, Commissioner
Livier Becerra, 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 Division 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. 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

None

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.

PUBLIC HEARINGS

- 1. CONDITIONAL USE PERMIT NO. 22-10 (AMENDMENT TO CUP NO. 22-03)
CATEGORICAL EXEMPTION**
APPLICANT: Lifetastic Learning (Ivy Choy Chiu)
LOCATION: 1414 S Azusa Avenue, B19
REQUEST: The applicant is requesting an amendment to a previously approved Conditional Use Permit (CUP) that allowed the operation of a tutoring center within another tenant space (B18) in the South Hills Plaza shopping center. The tutoring center operation will be relocating to an existing 1,400 square foot tenant space (B19).

NON-HEARING ITEMS

- 2. CONSIDERATION OF A REQUEST TO RECOMMEND A MORATORIUM ON DRIVE-THROUGH RESTAURANTS**

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.

- 3. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**
- 4. CITY COUNCIL ACTION**

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

ADJOURNMENT

PLANNING DEPARTMENT STAFF REPORT

SUBJECT

CONDITIONAL USE PERMIT NO. 22-10 (AMENDMENT TO CUP NO. 22-03)

CATEGORICAL EXEMPTION

APPLICANT: Lifetastic Learning (Ivy Choy Chiu)

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REQUEST: The applicant is requesting an amendment to a previously approved Conditional Use Permit (CUP) that allowed the operation of a tutoring center within another tenant space (B18) in the South Hills Plaza shopping center. The tutoring center operation will be relocating to an existing 1,400 square foot tenant space (B19).

BACKGROUND

The applicant is requesting approval of an amendment to previously approved CUP No. 22-03 (approved by the Planning Commission on June 28, 2022) for a tutoring center at 1414 S. Azusa Avenue, Suite B18. The CUP amendment would allow the relocation of the tutoring use from Suite B18 to Suite B19. Both tenant spaces are 1,400 square feet in size. If CUP No. 22-10 is approved, CUP No. 22-03 would no longer be valid.

The table below summarizes the land-use for the project site:

Item	Description
Zoning and General Plan	Zoning: Neighborhood Commercial (N-C) General Plan: Commercial (C)
Current Development	South Hills Plaza (Shopping Center)
Legal Notice	Public Hearing Notices have been mailed to 485 owners and occupants of properties within 300 feet of the subject site. The Public Hearing Notice was also published in the San Gabriel Valley Tribune.

DISCUSSION

The applicant is requesting approval to operate a tutoring center that will be located in a 1,400 square foot tenant space within the South Hills Plaza Shopping center. The proposed tutoring center would provide tutoring services for special-needs children that need special attention and specific necessities that other children do not.

Business Operation - The applicant has indicated that the tutoring center will be open six (6) days a week: Monday through Saturday from 2:30 p.m. to 6:30 p.m. There will be one (1) full-time employee and two (2) part-time employees. There will be a maximum of five (5) students per classroom at any given time. There will be a reception area, two (2) individual classrooms, and one large open room.

Parking - Parking at the center is shared among tenants and customers. Staff reviewed the site plan and found that there are 460 parking spaces provided. Based on the uses occupying the center, the parking requirement is 438 parking spaces. The shopping center does include parking spaces in the rear of the shopping center behind the subject tenant space. The proposed tutoring center would

require 12 parking spaces based on the parking calculation for school and the tutoring center uses (1 parking space per 2 employees, 1 parking space per 2 students).

REQUIRED FINDINGS

Findings necessary for the 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.

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 proposed use is a tutoring center with a floor area of 1,400 square feet. The tutoring center would be known as Lifetastic Learning and would provide tutoring services to special needs children that need special attention and specific necessities that other children do not. The proposed use is on the northeast corner of Azusa Avenue and Aroma Drive. The tutoring center would be located near single-family and multi-family residences, where it would be a convenience for the neighboring communities and families. The proposed tutoring center use meets 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 tutoring center will occupy a vacant tenant space. The business hours are Monday through Saturday from 2:30 p.m. to 6:30 p.m. With the conditions of approval, the proposed tutoring center 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 tutoring center use. As conditioned, sufficient parking exists on the site to accommodate the tutoring center 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 South Azusa Avenue and East Aroma Drive. The site can be accessed via South Azusa Avenue and East Aroma Drive. The proposed tutoring center 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 tutoring center would allow the opportunity for the surrounding community to have access to an after-school program for children with special needs. The proposed tutoring center 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.

ENVIRONMENTAL DETERMINATION

Pursuant to the California Environmental Quality Act (CEQA), the proposed project is considered to be categorically exempt, pursuant to Section 15301 (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 approve Resolution No. 23-6118 approving Conditional Use Permit No. 22-10.

LARGE ATTACHMENTS

Plans may be viewed at the West Covina City Hall Planning Division Counter at 1444 W. Garvey Avenue South, 2nd Floor - Room 208, West Covina CA 91790.

Submitted by: Martin Berrospe, Planning Aide

Attachments

Attachment No. 1 - Resolution of Approval

Attachment No. 2 - Business Operation Plan

TO: Planning Commission

FROM: Planning Division

SUBJECT: **CONSIDERATION OF A REQUEST TO RECOMMEND A MORATORIUM ON DRIVE-THROUGH RESTAURANTS**

BACKGROUND:

At the November 22, 2022 Planning Commission meeting, Commissioner Gutierrez asked that Planning Commission consider recommending that the City Council adopt a moratorium on drive-through restaurants/food establishments near the freeway.

DISCUSSION:

Presently, there are twelve (12) permitted (three are under construction) drive-through restaurants/food establishments within 1,000 feet of the Interstate 10-Freeway (I-10) within the City, eight (8) of which are located near the Citrus Street and Barranca Street freeway exits.

Currently, all proposed drive-through restaurants in the City require a Conditional Use Permit subject to Planning Commission approval. In order for the Planning Commission to approve a drive-through restaurant, the Planning Commission must make the following findings:

- 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 conditional use permit will not adversely affect the general plan of the city, or any other adopted plan of the city.***

Drive-throughs are all about convenience. Customers can order food, pay for it, and receive it – all without leaving their cars. This system is also incredibly fast. Fast service restaurants generate as much as 70% of their business at the drive-through. Certain drive-through establishments within the City have caused traffic issues because sufficient vehicle queuing space were not provided, and the queuing extends into the street. In reviewing CUP applications for drive-throughs, the City now requires a drive-through queuing analysis to ensure there is plenty of queuing or stacking on-site, as

well as a contingency plan that is kept with the restaurant managers that would address potential traffic impacts if queues were to extend off-site. Applicants have the right to move forward with processing their CUP drive-through applications (Planning Commission hearing) without staff support knowing that the use would generate traffic issues.

If adopted by the City Council, a moratorium would halt application submittals for potential CUP applications for drive-throughs while the City is working on incorporating restrictions and/or stricter standards into the West Covina Municipal Code as part of the development code update.

RECOMMENDATION:

Staff is recommending that the Planning Commission take the following actions:

- Recommend that the City Council adopt a moratorium that would prohibit drive-through restaurants/food establishments within the City while the City is working on the Development Code Update; or
- Recommend that the City Council adopt a moratorium that would prohibit drive-through restaurants/food establishments within 1,000 feet from the Interstate-10 Freeway while the City is working on the Development Code Update; or
- Continue discussion with direction for staff to conduct research and obtain more information; or
- Take no action

Submitted by: Jo-Anne Burns, Planning Manager
