



**CITY OF WEST COVINA**

**PLANNING COMMISSION**

**FEBRUARY 14, 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**

1. Regular meeting, December 13, 2022  
Regular meeting, January 24, 2023

## **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**

2. **CONDITIONAL USE PERMIT NO. 22-06**  
**CATEGORICAL EXEMPTION**  
**APPLICANT: Haneesha Desai (Kumon Tutoring Center)**  
**LOCATION: 150 North Grand Avenue, Suite 132**  
**REQUEST: The applicant is requesting a Conditional Use Permit (CUP) to allow for the operation of a tutoring center. The tutoring center will remain within the Grand Creek Shopping Center, relocating to an existing 1,760 square foot tenant space.**
3. **CONDITIONAL USE PERMIT NO. 22-08**  
**CATEGORICAL EXEMPTION**  
**APPLICANT: Man Hon So**  
**LOCATION: 1414 S Azusa Ave, SUITE B-13**  
**REQUEST: The project consists of a Conditional Use Permit (CUP) to allow the operation of a tutoring center. The tutoring center is located within the South Hills Plaza Shopping Center in a 1,750-square foot tenant space.**
4. **ADMINISTRATIVE USE PERMIT NO. 22-14**  
**SUBCOMMITTEE DESIGN REVIEW NO. 22-124**  
**CATEGORICAL EXEMPTION**  
**APPLICANT: K.C. Fong**  
**LOCATION: 345 S. Grand Avenue**  
**REQUEST: The applicant is requesting the approval of an Administrative Use Permit (AUP) to construct a new 3,000 square foot two-story single-family residence with an attached 400 square foot two-car garage on a 22,196 square foot vacant lot.**

## **NON-HEARING ITEMS**

5. **ART IN PUBLIC PLACES NO. 22-01**  
**1115 S. SUNSET AVENUE - EMANATE HEALTH (QUEEN OF THE VALLEY)**
6. **FINDING OF CONFORMANCE WITH THE CITY'S GENERAL PLAN FOR VACATION OF A 1,801 SQ. FT. PROPERTY LOCATED ON THE CORNER OF VINCENT AVENUE AND WEST GARVEY AVENUE NORTH**

***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 agendaize the matter for a future meeting.

### **7. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

- a. Forthcoming

### **8. 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.**

**TO:** Planning Commission  
**FROM:** Planning Division  
**SUBJECT:** Regular meeting, December 13, 2022  
Regular meeting, January 24, 2023

**DATE: February 14, 2023**

---

**Attachments**

Minutes 12.13.22

Minutes 1.24.23



# **DRAFT**

## **MINUTES REGULAR MEETING OF THE PLANNING COMMISSION CITY OF WEST COVINA Tuesday, December 13, 2022**

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the West Covina City Council Chambers, 1444 West Garvey Avenue, West Covina, California.

### **MOMENT OF SILENT PRAYER/MEDITATION**

### **PLEDGE OF ALLEGIANCE**

Commissioner Williams led the Pledge of Allegiance.

### **ROLL CALL**

Present: Lewis, Gutierrez, Williams, Heng  
Absent: Becerra  
City Staff Present: Morales, Miyahira, Machado

### **APPROVAL OF MINUTES**

1. Regular Meeting, October 11, 2022
2. Regular Meeting, November 22, 2022

The minutes of October 11, 2022 and November 22, 2022 were approved as submitted.

### **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.

None

## **PUBLIC HEARINGS**

### **3. CONDITIONAL USE PERMIT NO. 22-05**

#### **CATEGORICAL EXEMPTION**

**APPLICANT: David Ly**

**LOCATION: 993 S Glendora Ave**

**REQUEST: Application for a Conditional Use Permit No. 22-05 and an Administrative Use Permit No. 22-13 to authorize live entertainment within a defined map for Haven City Market and to authorize the on-sale of beer and wine within a market place.**

Associate Planner Machado presented the staff report.

#### **PROPONENT:**

Tommy Ly spoke in favor of the application.

#### **OPPONENT:**

No one spoke in opposition.

Mr. Ly answered questions by the Commission.

Chairman Lewis closed the public hearing.

Motion by Gutierrez, seconded by Lewis, to adopt Resolution No. 22-6116, approving Conditional Use Permit No. 22-05, as amended.

Motion carried 4-0, (Becerra absent, excused.)

Motion by Gutierrez, seconded by Lewis, to adopt Resolution No. 22-6117, approving Administrative Use Permit No. 22-13, as amended.

Motion carried 4-0, (Becerra absent, excused.)

Chairman Lewis stated this action is final unless appealed to the City Council within ten days.

## **NON-HEARING ITEMS - None**

**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 agendaize the matter for a future meeting.

None

4. **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:**

Morales wished everyone a Merry Christmas and a Happy New Year.

Congratulated Commissioner Lewis - reelection as City Clerk.

City Council reorganization and Certification of Election - Regular meeting, December 20, 2022

- a. Forthcoming - December 27, 2022

5. **CITY COUNCIL ACTION:**

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

December 6, 2022 - Adoption of Ordinance Nos. 2506 and 2507, Mixed Overlay Zone and Development Standards.

Shopping Cart Ordinance - January, 2023

**ADJOURNMENT**

Chairman Lewis adjourned the meeting at 7:29 p.m.

Respectfully submitted:

Lydia de Zara  
Senior Administrative Assistant

# DRAFT

## MINUTES REGULAR MEETING OF THE PLANNING COMMISSION CITY OF WEST COVINA Tuesday, January 24, 2023

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the West Covina City Council Chambers, 1444 West Garvey Avenue, West Covina, California.

### MOMENT OF SILENT PRAYER/MEDITATION

The Commission observed a moment of silent prayer/meditation.

### PLEDGE OF ALLEGIANCE

Commissioner Heng led the Pledge of Allegiance.

### ROLL CALL

Present: Heng, Becerra, Gutierrez, Williams, Lewis

City Staff Present: Bettenhausen, Morales, Burns, Berrospe

### 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.

Nicole Martin - regarding school project on walkability; installation of sidewalks

### 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).

Planning Aide Martin Berrospe presented the staff report.

Chairman Lewis opened the public hearing.

**PROPONENTS:**

Ivy Choi Chiu and Alice Lee, applicants, spoke in favor of the application and answered questions by the Commission.

**OPPONENTS:**

None

Chairman Lewis closed the public hearing.

Motion by Gutierrez, seconded by Becerra, to waive further reading and adopt Resolution No. 23-6118, approving Conditional Use Permit No. 22-10, Amendment to Conditional Use Permit No. 22-03. Motion carried 5-0.

Chairman Lewis stated that this action is final unless appealed to the City Council within 10 days.

**NON-HEARING ITEMS**

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

Planning Manager Jo-Anne Burns presented the staff report.

Questions and discussion by the Commission.

Motion by Lewis, seconded by Gutierrez, to recommend to the City Council, a moratorium on drive-through restaurants between West Covina Parkway and Workman Avenue. Motion carried 4-1 (Williams opposed).

**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 agendaize the matter for a future meeting.

**3. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

Centennial Celebration Dinner - February 16, 2023

Centennial Spring Festival - February 17, 2023

**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**

Chairman Lewis adjourned the meeting at 7:50 p.m.

Respectfully submitted:

Lydia de Zara  
Senior Administrative Assistant

**PLANNING DEPARTMENT STAFF REPORT**

---

**SUBJECT**

**CONDITIONAL USE PERMIT NO. 22-06**

**CATEGORICAL EXEMPTION**

**APPLICANT: Haneesha Desai (Kumon Tutoring Center)**

**LOCATION: 150 North Grand Avenue, Suite 132**

**REQUEST: The applicant is requesting a Conditional Use Permit (CUP) to allow for the operation of a tutoring center. The tutoring center will remain within the Grand Creek Shopping Center, relocating to an existing 1,760 square foot tenant space.**

**BACKGROUND**

The applicant is requesting approval of a CUP for the use of a tutoring center at 150 N Grand Avenue, Suite 132, that will be called Kumon. The subject property is located on the northeast corner of North Grand Avenue and Fairway Lane in the Grand Creek Shopping Center.

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	Grand Creek (Shopping Center)
Legal Notice	Public Hearing Notices were mailed to 360 owners and occupants of properties within 300 feet of the subject site. Legal Notice was also posted in the San Gabriel Valley Tribune.

**DISCUSSION**

The applicant is requesting approval to operate a tutoring center. The tutoring center will be located in a 1,760 square foot tenant space within the Grand Creek Shopping center. The proposed tutoring center would provide tutoring services for students ages 3 through high school.

**Business Operation** - The applicant has indicated that the tutoring center will be open five (5) days a week:

- Monday through Friday from 11:00 a.m. to 7:00 p.m.

There will be one (1) full-time employee and six (6) part-time employees. There will be a maximum of thirty-five (35) students.

**Parking** - Parking at the center is shared among tenants and customers, and would be able to accommodate the proposed tutoring center. Staff reviewed the site plan and found that there are 201 parking spaces provided. Based on the current uses occupying the center, the parking requirement is 174 parking spaces. The proposed tutoring center would require 22 parking spaces based on the parking calculation for school and the tutoring center uses (1 parking space per 2 employees and 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 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 use is a tutoring center with a floor area of 1,760 square feet. The tutoring center would be known as Kumon and would provide tutoring services for students ages 3 through high school. The tutoring center would be located near multifamily and single-family residences, where it would be a convenience for the neighboring communities and families. The 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 tutoring center will occupy a vacant tenant space. The business hours are Monday through Friday, from 11:00 a.m. to 7:00 p.m. With the conditions of approval, the 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 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 North Grand Avenue and Fairway Lane. The site can be accessed via N. Grand Avenue and Fairway Lane. 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 use of a tutoring center would allow the opportunity for the surrounding community to have access to an after-school program. The tutoring center use would not compromise the character of the surrounding neighborhood nor be detrimental to the surrounding land uses. Allowing the 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.

## **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 adopt Resolution No. 23-6119 approving Conditional Use Permit No. 22-06.

## **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

**P L A N N I N G   C O M M I S S I O N**

**R E S O L U T I O N   N O . 23-6119**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 22-06**

---

**CONDITIONAL USE PERMIT NO. 22-06**

**CATEGORICAL EXEMPTION**

**APPLICANT:** Kumon (Haneesha Desai)

**LOCATION:** 150 N Grand Avenue, Suite 132, West Covina, CA 91791

---

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 the operation of a tutoring center within an existing 1,760 square foot tenant space on certain property described as follows:

Assessor Parcel No. 8447-019-034 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 14th day of February 2023, 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 an approval of a Conditional Use Permit to allow for the use of a tutoring center within an existing 1,760 square foot tenant space in the “Neighborhood Commercial Zone” (N-C).
2. 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 a 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.*
3. 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.

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 proposed use is a tutoring center with a floor area of 1,760 square feet. The tutoring center would be known as Kumon and would provide after-school tutoring services to children from K-12. The proposed use is on the northeast corner of N Grand Avenue and Fairway Lane, 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. The proposed tutoring center use will occupy an existing vacant tenant space. The business hours will be Monday through Friday from 11:00 a.m. to 7:00 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. The existing building and site are 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. The subject property abuts North Grand Avenue and Fairway Lane. The site can be accessed via North Grand Avenue and Fairway Lane. The proposed tutoring center 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 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.
2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Conditional Use Permit No. 22-06 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 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 Community Development 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 14, 2023.

- 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 tutoring center will operate Monday through Friday from 11:00 a.m. to 7:00 p.m.
- e. The tutoring center is approved for 1,760 square feet. Any addition or modification of the use shall require the submittal of a new Conditional Use Permit.
- f. Staff shall closely monitor any parking complaints or concerns filed regarding the tutoring center 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.
- g. 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.
- h. The operation of the facility shall comply with the West Covina Noise Ordinance.
- i. 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.
- j. 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.

k. **BUILDING DEPARTMENT**

1. The second sheet of building plans is to list all conditions of approval and to include a copy of the Planning Commission Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
2. Fees shall be paid to the County of Los Angeles Sanitation District prior to issuance of the building permit.
3. An application to assign address shall be filed with Engineering Division prior to plan check submittal.

4. Tenant space subdivision shall be designed as such that at least one toilet facility can be accessed within any newly divided unit.
5. In accordance with paragraph 5538(b) of the California Business and Professions Code, plans are to be prepared and stamped by a licensed architect.
6. All State of California disability access regulations for accessibility shall be complied with.

**1. ENGINEERING**

1. The building shall be addressed as 150 N. Grand Avenue. The subdivided units on the ground level shall be addressed as Unit 132 and Unit 134. In order to determine unit number for the 2<sup>nd</sup> floor applicant is required to submit complete floor plan showing existing unit numbers. An application to assign address shall be filed with Engineering Division prior to plan check submittal.

**m. FIRE DEPARTMENT**

1. Proof of fire sprinkler 5-year test and certification prior to final.
2. Proof of fire alarm annual test and certification prior to final.
3. Proof the hood system bi-annual test and certification prior to final.
4. New signage will be required for fire riser room/FACP room.
5. Existing red curbs must be repainted and striped prior to final.
6. Knox Box required for each unit.
7. A labeled key for each unit, along with a labeled master for exterior doors must be provided prior to final.
8. Any alteration to the existing fire protection systems will require a separate deferred submittal. Any non-permitted work may cause delay of final approval and issuance of Certificate of Occupancy.
9. Illuminated exit signage with emergency lighting.
10. Panic hardware where required.

**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 14<sup>th</sup> day of February 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: February 14, 2023

---

Nickolas Lewis, Chair  
Planning Commission

---

Paulina Morales, Secretary  
Planning Commission

**Conditional Use Permit Application for Haneesha Desai**  
**Business Operations Plan**

Business: Nishalogic LLC

Proposed Relocation Address: 150 N Grand Ave Suite 132, West Covina, CA 91791

Description: Math and Reading Learning Center

Business Operation:

- a) The business will be open Monday to Friday from 11am to 7pm.
- b) There will be one full time adult staff (the owner) working at the center from Monday to Friday 11am to 7pm.
- c) The Kumon math and reading program enrollments can apply to students ages 3 to high school aged students.
- d) The average session time per visit is approximately 30 minutes.
- e) During peak hours it is estimated that an average of 20 students and a maximum of 35 students will be present.
- f) During non-peak hours (11am-3pm) it is estimated that one full time and two part time adult employees (as needed) will be present.  
During peak hours (3pm-7pm) it is estimated that one full time and 6 part time adult employees will be present (three administrators/graders, three instructor assistants)

Haneesha Desai

Signature

10/16/22

Date



**PLANNING DEPARTMENT STAFF REPORT**

---

**SUBJECT**

**CONDITIONAL USE PERMIT NO. 22-08**

**CATEGORICAL EXEMPTION**

**APPLICANT: Man Hon So**

**LOCATION: 1414 S Azusa Ave, SUITE B-13**

**REQUEST: The project consists of a Conditional Use Permit (CUP) to allow the operation of a tutoring center. The tutoring center is located within the South Hills Plaza Shopping Center in a 1,750-square foot tenant space.**

**BACKGROUND**

The applicant is requesting approval of a CUP for the use of a tutoring center at 1414 S. Azusa Avenue, Suite B13 that will be called Code Ninjas. The subject property is located on the northeast corner of S. Azusa Avenue and E. Aroma Drive in the South Hills Plaza shopping center.

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. The tutoring center would be located in a 1,750 square foot tenant space within the South Hills Plaza Shopping center. The proposed tutoring center would provide kids with the ability to learn how to code while building their own video games in a fun, safe and inspiring environment.

**Business Operation:**

The applicant has indicated that the tutoring center will be open six (6) days a week:

- Monday through Friday from 1:30 p.m. to 6:00 p.m
- Saturday 10:30 a.m. to 6:00 p.m.

They anticipate to start with a one (1) sensei per every five (5) student ratio and anticipate growing to two (2) to three (3) senseis per one (1) hour session, and one (1) manager. The facility will have four (4) employees at any given time. The applicant is expecting 5-15 students per session.

**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 within the shopping center. Based on all current uses, the parking requirement is 438 parking spaces. The shopping center also includes parking spaces at the rear behind the subject tenant space. The proposed tutoring center would require 10 parking spaces based on the parking calculation for school and the tutoring center uses (1 parking space per 2 employees and 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 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 1,750 square feet. The tutoring center will be known as Code Ninjas and teach children computer coding. Computer coding is the basic alphabet of almost every aspect of life; for instance, cell phone applications, smart home systems, internet web pages etc. It will become the core element of the future of the world. Moreover, Code Ninjas takes a fun, playful approach because, statistically, children have higher learning motivation in such an educational environment.

***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 tutoring center will occupy a vacant tenant space. The business hours are Monday through Friday from 1:30 p.m. to 6:00 p.m. and Saturdays 10:30 a.m. to 6:00 p.m. With the conditions of approval, the 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 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 use of a tutoring center would allow the opportunity for the surrounding community to have access to an after school program for children. The tutoring center use would not compromise the character of the surrounding neighborhood nor be detrimental to the surrounding land uses. Allowing the 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.

## **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. 23-6120 approving Conditional Use Permit No. 22-08.

## **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:** Jerry Rivera, Assistant Planner

---

### **Attachments**

Attachment No. 1 - Resolution of Approval

Attachment No. 2 - Business Operation Plan

**P L A N N I N G   C O M M I S S I O N**

**R E S O L U T I O N   N O . 23-6120**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 22-08**

---

**CONDITIONAL USE PERMIT NO. 22-08**

**CATEGORICAL EXEMPTION**

**APPLICANT:**           Code Ninja (Man Hon So)

**LOCATION:**            1414 S. Azusa Avenue, Suite B13

---

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 the operation of a tutoring center in an existing 1,750 square foot tenant space on certain property described as follows:

Assessor Parcel No. 8493-040-179 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 14th day of February 2023, 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 for the use of a tutoring center within an existing 1,750 square-foot tenant space in the “Neighborhood Commercial Zone” (N-C).
2.     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 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.*
3. Pursuant to the California Environmental Quality Act (CEQA), the proposed project is considered to be categorically exempt (Class 1, Existing Facilities)

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 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 1,750 square feet. The tutoring center will be known as Code Ninjas and teach children computer coding. Computer coding is the basic alphabet of almost every aspect of life; for instance, cell phone applications, smart home systems, internet web pages etc. It will become the core element of the future of the world. Moreover, Code Ninjas takes a fun, playful approach because, statistically, children have higher learning motivation in such an educational environment.
  - b. The tutoring center will occupy an existing vacant tenant space. The business hours are Monday through Friday from 1:30 p.m. to 6:00 p.m and Saturdays 10:30 a.m. to 6:00 p.m. With the conditions of approval, the tutoring center 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 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. 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 tutoring center use will not generate a substantial amount of vehicular traffic nor alter present circulation patterns.
  - e. Granting the Conditional Use Permit for the use of a tutoring center would allow the opportunity for the surrounding community to have access to an after school program for children. The tutoring center use would not compromise the character of the surrounding neighborhood nor be detrimental to the surrounding land uses. Allowing the 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. 22-08 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 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 Community Development 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 14, 2023.
  - 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 tutoring center allows for an after-school tutoring program.
- e. The tutoring center is approved to operate Monday through Friday from 1:30 p.m. to 6:00 p.m. and Saturday 10:30 a.m. to 6:00 p.m.
- f. Staff shall closely monitor any parking complaints or concerns filed regarding the tutoring center 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.
- g. The tutoring center is approved for 1,750-square feet. Any addition or modification of the use shall require the submittal of a new Conditional Use Permit.
- h. 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.
- i. All construction equipment, stationary or mobile, shall be equipped with properly operating and maintained mufflers.
- j. 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.
- k. The operation of the facility shall comply with the West Covina Noise Ordinance.
- l. 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.
- m. 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 Planning Director shall be obtained prior to implementation.
- n. 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.
- o. BUILDING DEPARTMENT

1. The second sheet of building plans is to list all conditions of approval and to include a copy of the Planning Commission Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
2. The use of a tutoring center for training and skill development not in a school or academic program regardless of the ages served shall be classified as Business Group B Occupancy.
3. To operate the business as Group B Occupancy, the net open classroom in floor area shall not exceed 750 square feet, and the total occupant load of the entire unit calculated using Table 1004.5 of the California Building Code shall not exceed 49.

p. FIRE DEPARTMENT

1. Proof of fire sprinkler 5-year test and certification prior to final
2. Proof of fire alarm annual test and certification prior to final
3. Knox Box required for each unit.
4. A labeled key for each unit, along with a labeled master for exterior doors must be provided prior to final.
5. Any alteration to the existing fire protection systems will require a separate deferred submittal. Any non-permitted work may cause delay of final approval and issuance of Certificate of Occupancy.
6. Illuminated exit signage with emergency lighting.
7. Panic hardware where required.

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 14<sup>th</sup> day of February 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: February 14, 2023

---

Nickolas Lewis, Chair  
Planning Commission

---

Paulina Morales, Secretary  
Planning Commission



#### Business Operation Plan

Address: 1414 S. Azusa Ave, B-13, West Covina, CA 91791

Code Ninjas® is the world's largest and fastest-growing kids coding franchise, with hundreds of locations in the United States, Canada, and the United Kingdom.

Our goal is to create the problem solvers of tomorrow. At our centers, kids learn to code while building their own video games in a fun, safe, and inspiring environment. Kids gain confidence, logic, resourcefulness, and problem-solving skills that will serve them for the rest of their lives.

Code Ninjas® runs in a form of Retail Education, we have programs for kids ages 5-14. Our Programs vary from Code Ninjas Jr and Code Ninjas Create. Each center equipped with a state-of-the-art security system. Kids wear wristbands that grant them access to the dojo (learning area), in which only kids and staff are allowed entry.

#### Operation Hours:

Monday: 1:30pm-6:00pm Tuesday: 1:30pm-6:00pm Wednesday: 1:30pm-6:00pm  
Thursday: 1:30pm-6:00pm Friday: 1:30pm-6:00pm Saturday: 10:30am-6:00pm

#### Business module:

Code Ninjas Create designed for students in the age of 7-14. It uses color belt system. Similar as Karate and Taekwondo, there will be 9 levels indicated by different colors of belt. Each student starts with a white belt, and throughout the learning period, they slowly work their level up to black belt. The first 4 level, White belt to Green belt will cover Java script. And the last 5 level will cover Lua and C#.

Code Ninjas Jr is designed for student in the age of 5-7. It focuses on Scratch. It is a coding program that uses visual blocks instead of the actual alphabets.

There will be 2 payment plans:

- \$199 per month. Each student can log in 1 hour per week, 4 hours per month.  
Goal for this plan is to bring student to Green belt.
- \$349 per month. Each student can log in 2 hour per week, 8 hours per month.  
Goal of this plan is to bring student to Black belt.

\*other payment plans might occur in the future.

Code Ninjas collect payment monthly by Credit Card, Check or Cash.

Code Ninjas does not provide pick up services. Caregivers can drop of students themselves at the reception. Student will log in with their personal wristband before their section, and they will log out when they are finished with their section.

Employees:

Code Ninjas' dojo will have at least 1 full time manager and estimated 2 – 3 part-time Senseis per session. Every employee, including business owner, will go through a standardized systematic training provided by the head quarter of Code Ninjas.

*Classes:*

## **CODE NINJAS JR**

Code Ninjas JR builds a foundation of coding and problem-solving skills for kids ages 5-7 through our fun and completely visual curriculum – no reading required! Our world-class program combines storytelling and game building with hands-on projects for an immersive education experience.

In Code Ninjas JR, student

- Learn to code through storytelling and game building, hands-on projects, and play.
- Completely visual and tactile learning – no reading required.
- Boost ninja skills in robotics, problem solving, and teamwork.
- Build and grow alongside fellow ninjas in our state-of-the-art dojo.
- Receive full support and encouragement from Code Senseis®.

# CODE NINJAS CREATE

In Code Ninjas CREATE, kids have a blast building awesome video games and developing ninja coding skills on the path from white to black belt. Our fun program lets kids ages 7-14 learn to code year-round at their own pace!

In Code Ninjas Create, students

- Learn to code and have a blast while building awesome video games.
- Create, play, and learn at your own pace as you gain ninja skills in coding, robotics, and problem solving.
- Advance from white to black belt and receive color-coded wristbands to mark your achievements.
- Get support and encouragement from Code Senseis® in our state-of-the-art dojo.
- Drop-in at your convenience during weeknight and weekend student hours.

**PLANNING DEPARTMENT STAFF REPORT**

---

**SUBJECT**

**ADMINISTRATIVE USE PERMIT NO. 22-14**

**SUBCOMMITTEE DESIGN REVIEW NO. 22-124**

**CATEGORICAL EXEMPTION**

**APPLICANT: K.C. Fong**

**LOCATION: 345 S. Grand Avenue**

**REQUEST: The applicant is requesting the approval of an Administrative Use Permit (AUP) to construct a new 3,000 square foot two-story single-family residence with an attached 400 square foot two-car garage on a 22,196 square foot vacant lot.**

**BACKGROUND**

The project site is a 22,196 square foot flag lot that is accessible via South Grand Avenue. The project site is adjacent to single-family residences to the north, south, east and west.

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

ITEM	DESCRIPTION
Zoning and General Plan	Zoning: Residential Single-Family (R-1) General Plan: Neighborhood - Low Density Residential (NL)
Surrounding Land Uses and Zoning	<b>North:</b> Residential Single-Family (R-1) <b>East:</b> Unincorporated Los Angeles County <b>South:</b> Residential Single-Family (R-1) <b>West:</b> Residential Single-Family (R-1)
Current Development	Vacant Residential Lot
Legal Notice	Notices of the Public Hearing have been mailed to all owners and occupants of properties located within 300 feet of the subject site.

All AUP applications require a public notice and a 10-day public review period to owners and occupants of properties located within a 300-foot radius of the project site. During the public review period, anyone may request a public hearing for the proposed project. If no requests are received, the project may be approved administratively by the Community Development Director.

During the public review period, planning staff received six (6) requests for a public hearing. Based on the requests received, planning staff forwarded the AUP to the Planning Commission. On December 5, 2022, planning staff received a comment from a neighbor whose primary concern was that the new proposed home would block their view, and would diminish their property value. On December 6, 2022, the same neighbor provided a follow-up letter requesting a hearing stating the size of the proposed home would not fit in with the neighborhood. Additionally, from December 7 to December 12, 2022, planning staff received four additional requests for a public hearing specifying privacy concerns.

In order to assist in addressing the concerns and allow the onsite visualization of the proposed home, the applicant proactively installed story poles onsite showing the total height of the proposed two-story residence. The story poles were installed at various heights to show the overall building footprint, the highest point being set at 21 feet.

## DISCUSSION

The proposal consists of a request to construct a new 3,000 square foot two-story single-family residence with an attached 400 square foot two-car garage. The proposed residence will consist of a great room, a library, a kitchen, four (4) bedrooms, three (3) bathrooms, one (1) powder room, a laundry room, and a loft. The residence will also have an open deck located on the second floor, accessible from a common area.

In order to address any privacy concerns, the project also includes the installation of vegetation and trees along all four property lines. The proposed residence would sit lower than the majority of the neighboring properties to the south, and will be generally at the same level as the properties to the north, west, and east. In addition, generous setbacks that exceed the code standards are provided.

The table below summarizes the development standards requirements in comparison to the proposed project:

	PROPOSED	DEVELOPMENT STANDARDS
HOUSE SIZE	3,000 SF	≤ 4,000 SF
LOT COVERAGE	0.19	≤ 0.35
FLOOR AREA RATIO	0.14	≤ 0.35
SETBACKS		
Front (South)	50 Feet	≥ 30 Feet
Side (West)	16 Feet, 8 Inches	≥ 10 Feet
Side (East)	30 Feet	≥ 10 Feet
Rear (North)	37 Feet	≥ 25 Feet
HEIGHT	21 Feet	≤ 25 Feet

The project plans also indicate the construction of a 700 square foot proposed accessory dwelling unit (ADU) to be located at the rear of the residence. Per State law, the ADU is required to be reviewed and approved administratively and is not within the Planning Commission's purview.

### Design Review

The proposed house is designed utilizing a modern architectural style with a flat roof, large clear-tempered double pane windows, tempered glass railings, smooth-finished stucco and wood siding. The project was reviewed by the Subcommittee Design Review Board on November 22, 2022. At the meeting, the Subcommittee Design Review Board liked the modern design of the proposed house and recommended that the project move forward with the AUP noticing process.

### Staff Survey of Surrounding Residences

The neighborhood surrounding the subject property consists of single-story and two-story houses that were constructed from 1947 to 2000. Planning staff conducted a survey of 30 homes surrounding the subject property. The houses in the survey are located on S Grand Avenue, E Sunset Hill Drive, E Jodee Drive, and E Acridge Drive. The following chart shows the mean and median lot size, square footage of the homes and the number of bedrooms. The mean is the average of all the homes surveyed, and the median is the number that falls directly in the middle of the listed in numerical order.

	LOT SIZE	FLOOR AREA	FLOOR AREA RATIO	NUMBER OF BEDROOMS
MEAN	17,680 SF	2,501 SF	0.15	3
MEDIAN	16,325 SF	2,332 SF	0.13	3
SUBJECT PROPERTY	22,196 SF	3,000 SF	0.14	4

The new house, as proposed, would be approximately 19% larger than the average-sized house within the surveyed area. However, the project site is also approximately 20% larger than the average lot size and would exhibit a lower floor area ratio (FAR) than the average lot in the area (0.15 FAR for the average and 0.14 FAR for the proposed). In addition, there are six (6) other homes in the immediate neighborhood that are larger than the proposed house. The largest house in the surveyed area is 4,040 square feet. Therefore, the size of the proposed house is reasonably consistent with the existing elements and character of the neighborhood.

## REQUIRED FINDINGS

Prior to granting approval of an Administrative Use Permit, the following findings are required to be found:

***a. That the lot and proposed development is consistent with the general plan, zoning, and meets all other applicable code requirements.***

The proposed house is consistent with the Neighborhood Low (up to 8 dwelling units per acre) General Plan designation and the Residential Single-Family (R-1) Zone, in that it consists of the construction of one single-family residence on the lot. The project meets all applicable requirements of the Residential Single-Family (R-1) Zone and Area District III.

***b. That the development utilizes building materials, color schemes and a roof style which blend with the existing structure, if any, and results in a development which is harmonious in scale and mass with the surrounding residences.***

The neighborhood consists of a mixture of one-story and two-story homes and features a variety of architectural styles. The proposed two-story house features a modern architectural style with a flat roof, large clear-tempered double pane windows, smooth-finished stucco and wood siding.

***c. That the development is sensitive and not detrimental to convenience and safety of circulation for pedestrians and vehicles.***

The proposed house will be accessible from a driveway off of South Grand Avenue and will not negatively impact circulation or safety for pedestrians and vehicles. The subject property is within all setbacks as required by the Municipal Code. The proposed house does not have negative effects on the convenience and safety of circulation for pedestrians or vehicles in that it will not result in any visual obstructions adjacent to a right-of-the-way. The Fire Department and Engineering Division has worked with the applicant to ensure that there will not be any vehicle circulation safety issues.

***d. That the development can be adequately served by existing or required infrastructure and services.***

The lot is adequately served by existing infrastructure (streets, sewer, water, etc.). The proposed two-story house is not anticipated to require additional infrastructure or services beyond that provided for the existing residences nearby. Therefore, the development can be adequately served by existing infrastructure and services.

*e. That the design of the structure has given consideration to the privacy of surrounding properties through the usage and placement of windows and doors, cantilevers, decks, balconies, minimal retaining walls, trees and other buffering landscaping materials.*

As conditioned, the windows on the second floor that face the single-story houses will not cause privacy impacts due to a combination of distance/setback, design, and landscape screening requirements.

*f. That the development is sensitive to the natural terrain, minimizes necessary grading, de-emphasizes vertical massing which could disrupt the profile of a natural slope, and does not impede any scenic vistas or views open to the public or surrounding properties.*

The proposal is sensitive to the natural terrain in that there are no major terrain modifications. Any necessary precise grading for construction will require that a grading permit be obtained from the Engineering Division. The project proposes a new two-story house that would not impede any scenic views from surrounding properties.

## **ENVIRONMENTAL DETERMINATION**

Pursuant to the California Environmental Quality Act (CEQA), the proposed project is considered to be categorically exempt, pursuant to Section 15303 (Class 3, New Construction) in that it consists of construction of one single-family residence in a residential zone.

## **STAFF RECOMMENDATIONS**

Planning Staff recommends that the Planning Commission adopt Resolution No. 23-6121 approving Administrative Use Permit No. 22-14 and Subcommittee Design Review No. 22-124.

## **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:** Miriam Machado, Associate Planner

---

### **Attachments**

Attachment No. 1 - Resolution of Approval

Attachment No. 2 - Hearing Request Letters



**PLANNING COMMISSION**

**RESOLUTION NO. 23-6121**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING ADMINISTRATIVE USE PERMIT NO. 22-14.**

---

**ADMINISTRATIVE USE PERMIT NO. 22-14**

**SUBCOMMITTEE DESIGN REVIEW NO. 22-124**

**CATEGORICAL EXEMPTION**

**APPLICANT:** K.C. Fong

**LOCATION:** 345 S. Grand Avenue, West Covina, CA 91790

---

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 construct a 3,000 square foot two-story single-family residence within the parcel described as follows:

Assessor Parcel No. 8277-011-019, 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 14<sup>th</sup> day of February, 2023, 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 construction of a 3,000 square foot two-story single-family residence with a 400 square foot attached garage. The subject property is located in the “Residential Single Family” (R-1) Zone.
2. Findings necessary for approval of an Administrative Use Permit are as follows:
  - a. *That the lot and proposed development is consistent with the general plan, zoning, and meets all other applicable code requirements.*

- b. That the development utilizes building materials, color schemes and a roof style which blend with the existing structure, if any, and results in a development which is harmonious in scale and mass with the surrounding residences.*
  - c. That the development is sensitive and not detrimental to convenience and safety of circulation for pedestrians and vehicles.*
  - d. That the development can be adequately served by existing or required infrastructure and services.*
  - e. That the design of the structure has given consideration to the privacy of surrounding properties through the usage and placement of windows and doors, cantilevers, decks, balconies, minimal retaining walls, trees and other buffering landscaping materials.*
  - f. That the development is sensitive to the natural terrain, minimizes necessary grading, de-emphasizes vertical massing which could disrupt the profile of a natural slope, and does not impede any scenic vistas or views open to the public or surrounding properties.*
3. Pursuant to the California Environmental Quality Act (CEQA), the proposed project is considered to be categorically exempt (Class 3, New Construction) in that the proposed use will consist of the construction of one single-family residence.

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 an Administrative Use Permit:
- a. The proposed house is consistent with the Neighborhood Low (up to 8 dwelling units per acre) General Plan designation and the Residential Single-Family (R-1) Zone, in that it consists of the construction of one single-family residence on the lot. The project meets all applicable requirements of the Residential Single-Family (R-1) Zone and Area District III.
  - b. The neighborhood consists of a mixture of one-story and two-story homes and features a variety of architectural styles. The proposed two-story house features a modern architectural style with a flat roof, large clear-tempered double pane windows, smooth-finished stucco and wood siding.
  - c. The proposed house will be accessible from a driveway off of South Grand Avenue and will not negatively impact circulation or safety for pedestrians and vehicles. The subject property is within all setbacks as required by the Municipal Code. The proposed house does not have negative effects on the convenience and safety of

circulation for pedestrians or vehicles in that it will not result in any visual obstructions adjacent to a right-of-the-way.

- d. The lot is adequately served by existing infrastructure (streets, sewer, water, etc.). The proposed two-story house is not anticipated to require additional infrastructure or services beyond that provided for the existing residences nearby. Therefore, the development can be adequately served by existing infrastructure and services.
  - e. As conditioned, the windows on the second floor that face the single-story houses will not cause privacy impacts due to a combination of distance/setback, design, and landscape screening requirements.
  - f. The proposal is sensitive to the natural terrain in that there are no major terrain modifications. Any necessary precise grading for construction will require that a grading permit be obtained from the Engineering Division. The project proposes a new two-story house that would not impede any scenic views from surrounding properties.
2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Administrative Use Permit No. 22-14 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 plan 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 Administrative 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 Administrative 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 pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Administrative Use Permit No. 22-14 is approved, subject to the following conditions:
    - a. Comply with the plans reviewed by the Planning Commission on February 14, 2023.

- b. Comply with all requirements of the “Single-Family Residential” (R-1) Zone, Area District III, and all other applicable standards of the West Covina Municipal Code.
- c. The accessory dwelling unit is not a part of this approval and requires approval of a separate application (second unit review).
- d. The approval is to allow for the following:
  - i. The construction of a 3,000 square foot two-story single-family residence, which will consist of a great room, a library, a kitchen, four (4) bedrooms, three (3) bathrooms, one (1) powder room, a laundry room and a loft.
  - ii. The construction of a 400 square foot attached two-car garage.
  - iii. The construction of a 266 square foot open patio at the side of the residence and an 88 square foot open patio at the rear of the residence.
- e. That prior to final building permit approval, a detailed landscape and irrigation plan in compliance with AB 1881 and executive order 13-29-15 shall be submitted for all planted areas to be affected by project. Plans shall include type, size and quantity of landscape materials and irrigation equipment. All vegetation areas shall be automatically irrigated, and a detailed watering program and water budget shall be provided. All damaged vegetation shall be replaced, and the site shall be kept free of diseased or dead plant materials and litter at all times. All plantings indicated on the landscape plan shall be installed prior to Building permit final. A licensed landscape architect shall certify that all the required plantings have been installed in accordance with the approved landscape plan.
- f. The grade onsite shall not be increased to the point that the swimming pools located on the neighboring properties are made out of compliance and would no longer meet the pool fence/wall height protection requirements.
- g. Air conditioning and heating ducting shall not be exposed on roofs per West Covina Municipal Code Sec. 26-409. Roof-mounted mechanical equipment is not permitted.
- h. Any proposed change to the approved site plan, floor plan, or elevations must be reviewed by the Planning Division, and the written authorization of the Community Development Director shall be obtained prior to implementation.
- i. The approved use shall not create a public nuisance as defined in the West Covina Municipal Code Section 26-416 regarding landscape maintenance and property maintenance.
- j. This development shall conform to all applicable Municipal regulations, Fire, Building, Mechanical, Electrical, and Plumbing codes and recognized, standards of installation.

- k. Any graffiti that appears on the property during construction shall be cleaned or removed on the same business day.
- l. The applicant shall sign an affidavit accepting all conditions of this approval.
- m. All outstanding fees and any required development impact fees shall be paid prior to the issuance of a building permit.

n. **BUILDING DIVISION:**

- i. The second sheet of building plans is to list all conditions of approval and to include a copy of the Planning Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
- ii. Plans prepared in compliance with the current Building Code shall be submitted to Building Division for review prior to permit issuance.
- iii. School Developmental Fees shall be paid to the School District prior to the issuance of the building permit.
- iv. Fees shall be paid to the County of Los Angeles Sanitation District prior to issuance of the building permit.
- v. In accordance with paragraph 5538(b) of the California Business and Professions Code, plans are to be prepared and stamped by a licensed architect.
- vi. Structural calculations prepared under the direction of an architect, civil engineer or structural engineer shall be provided.
- vii. The property shall be surveyed, and the boundaries shall be marked by a land surveyor licensed by the State of California.
- viii. Foundation inspection will not be made until the excavation has been surveyed and the setbacks determined to be in accordance with the approved plans by a land surveyor licensed by the State of California. THIS NOTE IS TO BE PLACED ON THE FOUNDATION PLAN IN A PROMINENT LOCATION.
- ix. Project shall comply with the CalGreen Residential requirements.
- x. Demolition permit is required for any existing buildings which are to be demolished.
- xi. Fire-resistance rating requirements for exterior walls and maximum area of exterior wall openings and degree of open protection based on fire separation distance of 0 to 5 feet for dwellings and accessory buildings shall comply with Table R302.1(1) or Table R302.1(2) as applicable.

- xii. A grading and drainage plan shall be approved by Engineering Division prior to issuance of the building permit. The grading and drainage plan shall indicate how all storm drainage including contributory drainage from adjacent lots is carried to the public way or drainage structure approved to receive storm water.
- xiii. One (1) set of electronic plans in PDF shall be submitted for review to include the new house.

**o. ENGINEERING DIVISION:**

- i. The main house shall be addressed as “**345 S Grand Avenue**” and an application to assign the address shall be filed with the Engineering Division prior to plan check submittal.
- ii. The second sheet of building plans, grading plans and/or offsite improvement plans is to list all conditions of approval and to include a copy of the Planning Division Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
- iii. Reconstruct the driveway approach in accordance with SPPWC Standard Plan 110-2, and as directed by the City Engineer or his/her designee.
- iv. Install new five-foot concrete sidewalk behind landscaped parkway along the length of the property frontage in accordance with SPPWC Standard Plan 113-2, and as directed by the City Engineer and/or his/her designee.
- v. Remove and replace broken and off grade curb and gutter in accordance with SPPWC Standard Plan 120-2, and as directed by the City Engineer or his/her designee.
- vi. Rehabilitate existing AC street pavement along the length of the property frontage to the centerline of the street as indicated below, and as directed by the City Engineer or his/her designee.
- vii. If any, all construction graffiti shall be removed (any underground utility identifying spray paint markings on the sidewalk and pavement related to excavation due to construction).
- viii. A grading and drainage plan shall be submitted to engineering department and plans shall be approved prior to issuance of the building permit. The grading and drainage plan shall indicate how all storm drainage including contributory drainage from adjacent lots is carried to the public way or drainage structure approved to receive storm water.
- ix. Stormwater Planning Program LID Plan Checklist (Form PC) completed by Engineer of Record shall be copied on the first sheet of the Grading Plans. The

form can be found at the following link:  
<https://www.westcovina.org/home/showdocument?id=18427>.

**p. FIRE DEPARTMENT:**

- i. NFPA 13D Fire Sprinkler System required in the new house.
- ii. New Fire Flow Test required.
- iii. Required Fire Flow of 1,000 GPM @ 20 psi for 2 hours.
- iv. Ensure that there is at least 1 fire hydrant within 600 feet of the property line.
- v. Hard-wired smoke and carbon monoxide detectors with battery back-up required throughout the entire house.
- vi. Fire sprinklers required throughout the entire house.

**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 14<sup>th</sup> day of February 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: February 14, 2023

---

Nickolas Lewis, Chair  
Planning Commission

---

Paulina Morales, Secretary  
Planning Commission



12-04-2022

From: Adolf Schultheiss & Elsbeth Schultheiss & Norman Schultheiss  
3407 e Acridge drive West Covina Calif. 91791

Attention: Miriam Machado  
West Covina Planning Division, 1444 W . Garvey Avenue, Room 208, West Covina,  
Ca. 91790

REF: Administrative Use Permit No . 22-14  
K.C. Fong 345 s. Grand ave. West Covina Ca. 91791  
3,000 sq/ft two story single family residence with second floor deck

NO

The construction of a two story building on that lot would be in violation of the law.  
My property was sold to me as a home with a view .  
A two story would block my view.  
( Can not diminish another property value or market ability.)

*Adolf Schultheiss*  
*Elsbeth Schultheiss*  
*Norman Schultheiss*

**Received**

**DEC 05 2022**

**Planning Division**

12-06-2022

From: Adolf Schultheiss-Elsbeth Schultheiss-Norman Schultheiss  
3407 e. Acridge Dr. West Covina Calif. 91791

**Received**

To: Miriam Machado  
West Covina Planning Division  
1444 w. Garvey ave. South Room 208 West Covina Calif. 91790

**DEC 06 2022**

**Planning Division**

Ref: 345 s. Grand ave. West Covina Calif. 91791 Application zoning change

**NO ! No! No!** To all .

This is a follow up letter (2) My neighbor spoke to you yesterday . Contrary to the notice we seem to be in stage two of the notice . Request for a hearing.

**I REQUEST A HEARING**

I am against a two story , I am against zoning change to allow this construction .  
This is not new . A couple of years ago we went through the same thing , It was shut down then  
It will be shut down again . None of the bordering neighbors want a two story or a zone change  
to allow for a house that does not fit in with the other homes sq/ft

You might want to let K.C. Fong know this could get stuck up in litigation .Even if he moves  
forward and builds , He would have to tear down (bulldoze) what ever he built even if the project  
was complete and occupied .

*Adolf Schultheiss  
Elsbeth Schultheiss  
Norman Schultheiss*

12-06-2022

P.S. 3415-333-3414-3407-3415-3419-3425-3431-3437-339-plus one more neighbor oppose this  
That is 11 home owner do not want this . All the homes bordering this project, Against !  
( 3415 twice is not a type -o different street name ) A bordering neighbor .

**Miriam Machado**

---

**From:** Linda Klein <lindamae.klein@gmail.com>  
**Sent:** Thursday, December 8, 2022 11:34 AM  
**To:** Miriam Machado; JLT.LAFIT@gmail.com; Linda Klein  
**Subject:** Public Notice Administrative Use Permit No 22-14 (345 S. Grand Avenue. West Covina, Ca. 91791

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Attention: Miriam Machado

RE: K.C. Fong/ 345 S. Grand Avenue/ Proposed Two Story Residence

We are respectfully requesting a public hearing before the planning commission to voice our concerns with this new proposed matter.

I have met with Mr. Fong after his original proposed one-story residence was approved by the city. I had no idea he would change the original plans to a new two-story proposal. I have many concerns about his new plans for a two-story structure that would intrude upon our privacy.

Please notify us of the date and time of any proposed public hearing. Your time and immediate attention to this matter is greatly appreciated.

Sincerely yours,

Linda and Richard Klein/ Property Owners  
333 South Grand Avenue  
West Covina, Ca. 91791  
(626) 331-5433

**Received**

DEC 08 2022

**Planning Division**

--  
**Linda Klein**  
626-523-0988 cell

## Miriam Machado

---

**From:** JT <jlt.lafit@gmail.com>  
**Sent:** Wednesday, December 7, 2022 4:20 PM  
**To:** Miriam Machado  
**Subject:** Public Notice Administrative Use Permit No. 22-14 (345 S. Grand Ave. West Covina Ca 91791)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

**Attention: Miriam Machado**

**RE: K.C. Fong / 345 S. Grand Ave. / Proposed Two-Story Residence**

We are respectfully requesting a public hearing before the Planning Commission to voice our concerns with this new proposed matter.

I have met & spoken to Mr. Fong on numerous occasions when his original proposed one-story residence was approved by the city and found him to be a very respectful and likeable person. A few months ago, I even took the time to introduce him to some of the surrounding neighbors as we were happy to have him as part of our neighborhood with his original building plans. However, this sudden, new two-story proposal has left many adjacent property owners with significant valid concerns that respectfully need to be addressed.

Please notify us of the date and time of any proposed public hearing. Your time and attention is greatly appreciated.

Best Regards,

Joe Torrecillas & Arcelia Diaz / Property Owners  
3415 E. Acridge Dr.  
West Covina Ca 91791  
(626) 922-2961

**Received**

DEC 07 2022

**Planning Division**

## Miriam Machado

---

**From:** deloris haddow <mystudio3414@yahoo.com>  
**Sent:** Wednesday, December 7, 2022 5:10 PM  
**To:** Miriam Machado  
**Subject:** Public Notice Administrative Use Permit No 22-14 (345 S. Grand Ave.)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Attention: Miriam Machado

Re: K.C. Fong (345 S. Grand Ave.) Proposed 2-Story Residence

We are requesting a public hearing before the Planning Commission to voice our concerns with this new proposal. This sudden new proposal raises many concerns that need to be addressed.

Please let me know the date and time of the hearing.

Respectfully,

Deloris

Deloris Haddow / Property Owner  
3414 E. Jodee Dr.  
West Covina Ca 91791  
(626) 862-7807

**Received**

**DEC 07 2022**

**Planning Division**

## Miriam Machado

---

**From:** Filbert Arzola <justonerib@yahoo.com>  
**Sent:** Monday, December 12, 2022 9:28 AM  
**To:** Miriam Machado; Fil Arzola  
**Subject:** Administrative Use Permit No. 22-14, Address 345 S Grand Ave, Concerned and Requesting a Hearing

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Miriam Machado,

My name is Filbert Arzola and I live at 323 S Grand Avenue, West Covina California 91791. My cell phone number is 626-3991-3695.

I am writing concerning the application proposal to construct a new home at the address 345 S Grand Ave, West Covina California 91791.

I am submitting this request in writing in order to request a hearing to be held in front of the Planning Commission. I would like my concerns to be heard and addressed as I am very worried about this construction.

This email has been submitted approximately at 930am, Dec12-2022

Thanks,

-Filbert Arzola-  
323 S Grand Ave  
West Covina,, California 91791  
626-3913695.

**Received**

**DEC 12 2022**

**Planning Division**

*City of West Covina*  
*Memorandum*  
**A G E N D A**

**ITEM NO. 5.**

**TO:** Planning Commission

**DATE:** February 14, 2023

**FROM:** Planning Division

**SUBJECT: ART IN PUBLIC PLACES NO. 22-01**

**1115 S. SUNSET AVENUE - EMANATE HEALTH (QUEEN OF THE VALLEY)**

---

**BACKGROUND:**

The Planning Commission approved Precise Plan No. 20-04 on January 26, 2021 to allow the construction of a new two-story medical office building, new emergency room and ICU Department, and a new 4 level parking structure within the Queen of the Valley Hospital Campus. The project is currently under construction. The total valuation for the entire project is \$93,000,000. The required art work allocation for the site is \$930,000 (1% of the total building valuation).

At the November 22, 2022 Planning Commission meeting, the Planning Commission approved the concept/design of the suspended aerial sculpture designed by artist Talley Fisher. The Planning Commission also provided feedback and design suggestions for the mural that is proposed to be located on the blank wall along the West elevation of the Medical Office Building.

The concept for the mural was designed to follow the Planning Commission's direction.

**DISCUSSION:**

**Standards**

The code requires the following standards for artwork:

- Location - Artwork shall be situated in areas readily visible to the general public and be located in an area specifically designated on approved building plans. Appropriate locations may include entryways, greenbelts, and building exteriors.
- Materials - Artwork shall be constructed of permanent materials requiring a low level of maintenance. The application is reviewed for durability and weather resistance of the art media.
- Maintenance - The continued maintenance of artwork shall be the responsibility of the owner. Artists and developers shall include maintenance provisions in the artist's contract which stipulate the length of time the artist shall be responsible for repairs. Where artwork is placed on private property pursuant to the requirements of this article, the applicant shall execute and record a covenant with the Los Angeles County Recorder which sets forth the applicant's obligation to properly maintain the approved artwork. If any approved artwork placed on private property pursuant to this article is removed without city approval, the city shall pursue enforcement of the covenant and any other appropriate remedies that will ensure compliance with the requirements of this article.

**Mural**

The artist selected for the mural is Nate Frizzell. Mr. Frizzell has created artwork throughout California and across the United States including artwork for Adventure Park in Whittier California, Cadence Park in Irvine California, and La Quinta Museum in La Quinta, California.

The main westerly wall will have historical figures in sepia tones and modern color. The clouds in the background are made up of all the colors in the chosen palette and make the figures flow together. They have subtle religious undertones, and they allow a connection for the birds to fly through. The birds are House Finches and are native to the area. Finches are thought to be a guide to the world beyond; Native Americans regarded them as an omen of joy. The figures include Sister Columba who is shaking hands with a doctor, which symbolizes passing of the torch.

Mayor Maxson, West Covina's first mayor, stands proudly behind Sister Columba. Next to Mayor Maxson, stands Ellen Beach Yaw with a bird perched on her hand. Ellen Beach Yaw was an American Opera singer who was said to sing like a "lark," and the City's Lark Ellen Street was named after her. Next to the doctor is a nurse with her hand on the shoulder of a young girl wearing a West Covina t-shirt. She looks on, happily, at another finch flying through the air, connecting the mural at both ends.

Since the side wall is not flat and obstructed, the artist thought it would be better to utilize it for the centennial design while focusing the bulk of the painting on the larger flat wall. Several design options were provided for the centennial design. Staff recommends the Planning Commission approve the first design with the painted oranges with its citrus blossoms and leaves.

- Location - The mural will be painted directly on the exterior blank wall along the West elevation of the Medical Office Building.
- Materials - Graffiti and weather/UV resistant coating will be applied to the painted mural.
- Maintenance - Emanate Health would be responsible for maintaining the artwork and will be required to record a covenant reviewed and approved by the City Attorney.

- Budget - \$89,40

The budget submitted which includes the total cost for the artwork is \$89,400. The cost includes research and development, site visit, concept design, artist's fees, and equipment rental.

Please see below for a balance of the required Art In Public Places allocation:

Entire Project	\$930,000
Medical Office Building (Suspended Sculpture)	\$235,025
Medical Office Building (Mural)	\$89,400
<b>Balance</b>	<b>\$605,575</b>

#### **RECOMMENDATION:**

It is recommended that the Planning Commission approve the design for the murals.

**Submitted by:** Jo-Anne Burns, Planning Manager

---

#### **Attachments**

Attachment No. 1 - Mural Specifications



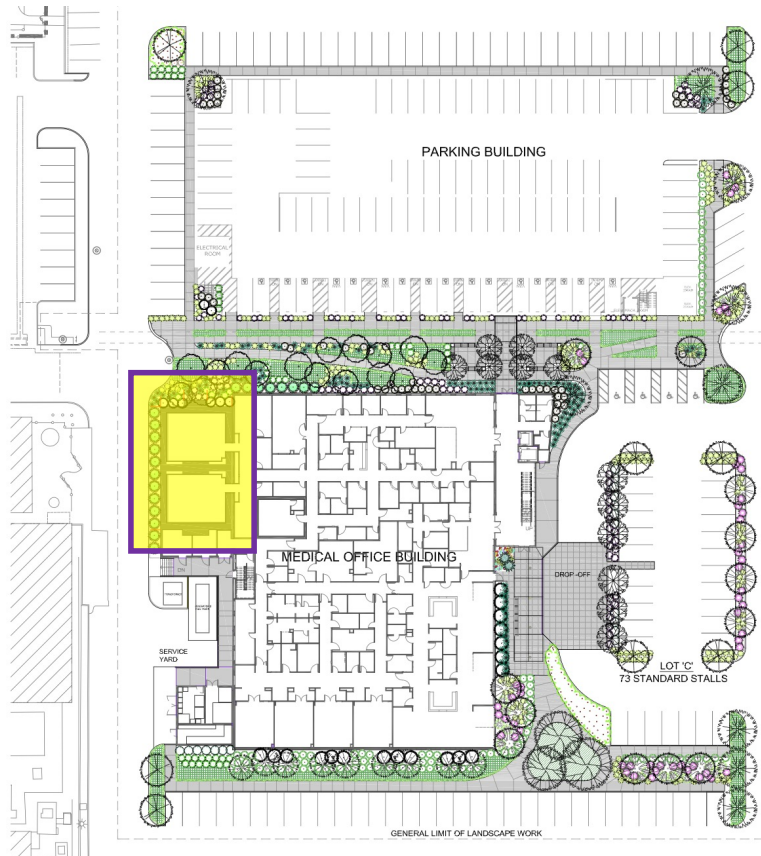


# Emanate Health Public Art

Phase 1

KEVIN BARRY  
ART ADVISORY

# Mural Location



NORTH ELEVATION



WEST ELEVATION



Nate Frizzell

Los Angeles, CA

A graduate of Los Angeles' Otis College of Art and Design, Nate has drawn international acclaim for his work, showcasing in London, Spain, Philippines, and across the US in New York, Los Angeles, San Francisco, and at Miami for the annual Art Basel festival.







## ART SPECIFICATIONS

Qty: 1

Artist: N.F.

Title: Custom Mural for Emanate Health

Medium: Paint, Mural Shield

- Large wall: Appr. 72' W x 20' H
- Small wall: Appr. 50' W x 20' H

Orientation: Landscape

S/M: ART-01 @ Mural

Notes:

\*Walls must be skim coated and primed by others.

\*Lighting installed by others.

Costs: \$89,400.00

Includes:

- Research & Development
- 1 Site Visit
- Concept Design with 3 revisions max
- Art consultant fee
- Installation with rental equipment-up to 5 days

















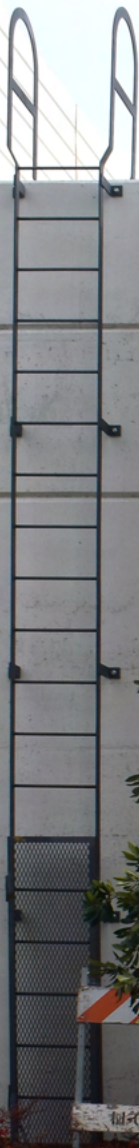


YEARS













Allison Barry

PRESIDENT

[allison@kevinbarry.com](mailto:allison@kevinbarry.com)



Veronica Volborth

ART DIRECTOR

[veronica@kevinbarry.com](mailto:veronica@kevinbarry.com)



Ken Kuller

ACCOUNT MANAGER

[ken@kevinbarry.com](mailto:ken@kevinbarry.com)



Katie Luka

SENIOR ART ADVISOR

[katie@kevinbarry.com](mailto:katie@kevinbarry.com)



Clémence Mailly

ART ADVISOR

[clemence@kevinbarry.com](mailto:clemence@kevinbarry.com)

## KEVIN BARRY ART ADVISORY

[kevinbarry.com](http://kevinbarry.com)

### SANTA MONICA SHOWROOM

2525 Michigan Ave., Suite A8  
Santa Monica, CA 90404  
(310) 264-7777



# Thank you

All creative content presented within this package is for exclusive use between KBAA and the project designer. Imagery is not to be shared or used for creative development by other parties.

*City of West Covina*  
*Memorandum*  
**A G E N D A**

**ITEM NO. 6.**

**TO:** Planning Commission

**DATE:** February 14, 2023

**FROM:** Planning Division

**SUBJECT: FINDING OF CONFORMANCE WITH THE CITY'S GENERAL PLAN FOR VACATION  
OF A 1,801 SQ. FT. PROPERTY LOCATED ON THE CORNER OF VINCENT AVENUE  
AND WEST GARVEY AVENUE NORTH**

---

**BACKGROUND:**

The City will be vacating a 1,801 sq. ft. property located on the corner of Vincent Avenue and West Garvey Avenue North. The property was previously used as a portion of the Vincent School grass field that was fenced in with a chain link fence. The property will be incorporated with the multifamily residential development. Please see below:

On July 20, 2021, the City Council approved General Plan Amendment No. 20-02, Zone Change No. 20-03, Precise Plan No. 20-06, and Tentative Tract Map No. 83166 to allow the development of a 119 unit multifamily residential project (Vincent Place Specific Plan) at the former Vincent School site. When the project was reviewed by the Planning Commission and approved by the City Council, the Tentative Tract Map included notation that the 1,801 sq. ft. portion of the street located on the corner of Vincent Avenue and West Garvey Avenue North would be vacated. The property was subsequently rezoned as Vincent Place Specific Plan and the General Plan land-use designation was changed to Neighborhood - Medium Density Residential. A separate resolution with the finding of conformance with the City's General Plan has not been adopted for the vacation.

The Streets and Highway Code of California (Section 8313) states:

- (a) If the proposed vacation of a street, highway, or public service easement is within an area for which a general plan is adopted by a local agency, the legislative body of the public entity shall consider the general plan prior to vacating the street, highway, or public service easement.
- (b) The procedure prescribed in Section 65402 of the Government Code shall be followed if that section applies to the proposed vacation. If Section 65402 of the Government Code does not apply to the proposed vacation, the legislative body may submit the proposed vacation to the local planning commission or planning agency and give the commission or agency an opportunity to report upon the proposed vacation.

While the California Government Code (Section 65402) states:

- (a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

This means that most requests for vacation or abandonment of a public street, building, or structure must be reviewed by the Planning Commission for conformity with the General Plan before the City Council can act to vacate or abandon.

## DISCUSSION:

According to State law, the vacation must be reviewed for conformity with the City's General Plan. The vacation does not conflict with the goals and policies of the City of West Covina's General Plan and is consistent with the following policies and actions:

### Our Well Planned Community

**Policy 3.3** New growth will complete, enhance, and reinforce the form and character of the unique West Covina neighborhoods, districts, and corridors.

**Action 3.3** Adjust regulations for the neighborhoods, districts and corridors to reflect the nature of intended change.

*The vacation is necessary in order for the property to be integrated into and maintained by the multifamily residential development. The subject property was previously used as a part of the former school's grass field that was fenced in with the school property. The subject property will be developed with landscaping and walkways for the multifamily residential development, and will be maintained by the Homeowners Association (HOA). The proposed development of the subject property will enhance the aesthetic of the Vincent Avenue and Garvey Avenue corner.*

### Our Resilient Community - Circulation

**Policy 5.1** Promote fine-grained network of complete streets in new and redevelopment projects.

**Action 5.1** Adjust development regulations and review processes to require new development and redevelopment projects to provide a fine-grained, interconnected, multimodal transportation network with a balance motor vehicle, pedestrian, bike, and transit amenities.

*The vacation of the subject property will not have any impact on the local roadway system because the property was not previously used and is not being proposed to be used as a street, bike lane, and/or pedestrian walkway/sidewalk. The subject property was previously used as a part of the former school's grass field that was fenced in with the school property. The subject property will be developed with landscaping and walkways for the multifamily residential development, and will be maintained by the Homeowners Association (HOA). The multifamily residential development will include interconnected private streets and pedestrian walkways, and improvements to the public street.*

## RECOMMENDATION:

It is recommended that the Planning Commission adopt Resolution No. 23-6122, determining that the vacation of the 1,801 sq. ft. property located on the corner of Vincent Avenue and West Garvey Avenue North is in conformance with the goals and policies of the West Covina General Plan.

**Submitted by:** Jo-Anne Burns, Planning Manager

---

### Attachments

Attachment No. 1 - Resolution of General Plan Conformance

PLANNING COMMISSION

RESOLUTION NO. 23-6122

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, DETERMINING THAT THE VACATION OF A 1,801 SQ.FT. PROPERTY LOCATED ON THE CORNER OF VINCENT AVENUE AND WEST GARVEY AVENUE NORTH IN THE CITY OF WEST COVINA IS IN CONFORMANCE WITH THE GOALS AND POLICIES OF THE GENERAL PLAN**

WHEREAS, THE California Government Code Section 65402 and Street and Highway Code Section 8313 requires that the Planning Commission review the disposition of any property, including street vacation, by the City for conformity with the adopted General plan; and

WHEREAS, the Planning Commission review is intended to assure that the vacation is consistent with the City's long-range objectives; and

WHEREAS, the subject property is a 1,801 sq. ft. portion of the street located on the corner of Vincent Avenue and West Garvey Avenue North. July 20, 2021, the City Council approved General Plan Amendment No. 20-02, Zone Change No. 20-03, Precise Plan No. 20-06, and Tentative Tract Map No. 83166 to allow the development of a 119 unit multifamily residential project (Vincent Place Specific Plan) at the former Vincent School site. When the project was reviewed by the Planning Commission and approved by the City Council, the Tentative Tract Map included notation that the 1,801 sq. ft. portion of the street located on the corner of Vincent Avenue and West Garvey Avenue North would be vacated. The property was subsequently rezoned as Vincent Place Specific Plan and the General Plan land-use designation was changed to Neighborhood - Medium Density Residential; and

WHEREAS, the vacation of the subject property is consistent with the following policies and actions of the West Covina General Plan:

**Our Well Planned Community**

**Policy 3.3** New growth will complete, enhance, and reinforce the form and character of the unique West Covina neighborhoods, districts, and corridors.

**Action 3.3** Adjust regulations for the neighborhoods, districts and corridors to reflect the nature of intended change.

*The vacation is necessary for the property to be integrated into and maintained by the multifamily residential development. The subject property was previously used as a part of the former school's grass field that was fenced in with the school property. The subject property will be developed with landscaping and walkways for the multifamily residential development and will be maintained by the Homeowners Association (HOA). The proposed development of the subject property will enhance the aesthetic of the Vincent Avenue and Garvey Avenue corner.*



**Our Resilient Community - Circulation**

**Policy 5.1** Promote fine-grained network of complete streets in new and redevelopment projects.

**Action 5.1** Adjust development regulations and review processes to require new development and redevelopment projects to provide a fine-grained, interconnected, multimodal transportation network with a balance motor vehicle, pedestrian, bike, and transit amenities.

*The vacation of the subject property will not have any impact on the local roadway system because the property was not previously used and is not being proposed to be used as a street, bike lane, and/or pedestrian walkway/sidewalk. The subject property was previously used as a part of the former school's grass field that was fenced in with the school property. The subject property will be developed with landscaping and walkways for the multifamily residential development and will be maintained by the Homeowners Association (HOA). The multifamily residential development will include interconnected private streets and pedestrian walkways, and improvements to the public street.*

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

SECTION 1: The Planning Commission hereby determines that the vacation of the 1,801 sq. ft. portion of the street located on the corner of Vincent Avenue and West Garvey Avenue North is in conformance with the adopted General Plan.

SECTION 2: The Planning Commission Secretary shall certify to the adoption of this resolution and shall enter it into the book of original resolutions.

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 14<sup>th</sup> day of February 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: February 14, 2023

---

Nickolas Lewis, Chair  
Planning Commission

---

Paulina Morales, Secretary  
Planning Commission