

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 . 23-6118

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING CONDITIONAL USE PERMIT NO. 22-03 BY APPROVING CONDITIONAL USE PERMIT NO. 22-10

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

CATEGORICAL EXEMPTION

APPLICANT: Lifetastic Learning (Ivy Choy Chiu)

LOCATION: 1414 S. Azusa Avenue, Suite B19

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 amendment to Conditional Use Permit No. 22-03 to:

Allow the relocation of a tutoring center use from Suite B18 (existing 1,400 sq. ft. tenant space) to Suite B19 (existing 1,400 sq. ft. 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 24th day of January 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 amendment to previously approved Conditional Use Permit No. 22-03 that allowed the use of a tutoring center within an existing 1,400 square-foot tenant space at Suite B18. The amendment would relocate the tutoring center use within an existing 1,400 square foot tenant space at Suite B19 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 proposed use is consistent with the "Commercial" General Plan designation and the "Neighborhood Commercial" Zone. A "Neighborhood Commercial" Zone is composed primarily of moderate-intensity retail, recreational, and business office land uses. The proposed use is a tutoring center with a floor area of 1,400 square feet. The tutoring center would be known as Lifetastic Learning and would provide after-school tutoring services to kids with special needs from K-12. The proposed use is on the northeast corner of Azusa Avenue and Aroma Drive, 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 Saturday from 2:30 p.m. to 6:30 p.m. With the conditions of approval, the proposed tutoring center will not be

detrimental to the health, safety, peace or general welfare of surrounding residents or business owners.

- c. 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 South Azusa Avenue and East Aroma Drive. The site can be accessed via South Azusa Avenue and East Aroma Drive. The proposed tutoring center use will not generate a substantial amount of vehicular traffic nor alter present circulation patterns.
 - e. 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. 22-10 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 and approved by the Planning Commission on January 24, 2023.
- b. Comply with all applicable sections of the West Covina Municipal Code.
- c. Comply with all requirements of the “Neighborhood Commercial” Zone.
- d. Approval for CUP No. 22-10 shall replace the previous approval for CUP No. 22-03. CUP No. 22-03 is no longer valid.
- e. The approved tutoring center allows for an after-school tutoring program which will operate Monday through Saturday from 2:30 p.m. to 6:30 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 1,400 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. An open classroom shall not have seating in excess of the maximum occupant load calculated using the load factor of 20 per square feet.
4. 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. Existing red curbs must be repainted and striped prior to final.
4. Knox Box required for each unit.
5. A labeled key for each unit, along with a labeled master for exterior doors must be provided prior to final.
6. 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.
7. Illuminated exit signage with emergency lighting.
8. 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 24th day of January 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: January 24, 2023

Nickolas Lewis, Chair
Planning Commission

Paulina Morales, Secretary
Planning Commission