

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. 23-6122

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 22-11

CONDITIONAL USE PERMIT NO. 22-11

CATEGORICAL EXEMPTION

APPLICANT: Brooke Richards (Options For Youth)

LOCATION: 131 N. Azusa Avenue

WHEREAS, there was filed with this 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 charter school (Options For Youth) within an existing 6,878 square foot tenant space on certain property described as follows:

Assessor Parcel Nos. 8455-022-023, 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 28th day of March, 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 the operation of a charter school (Options For Youth) within a 6,878 square foot tenant space within an existing commercial center.
2. The proposed charter school will be open for instruction Monday through Friday from 8:00 a.m. to 5:00 p.m. and will serve a maximum of eight (8) students per one (1) hour appointment. Intermittently, the charter school will offer Saturday school.
3. Findings necessary for approval of a Conditional Use Permit are as follows:

- a. *That the proposed use at the particular location is necessary or desirable to provide a service or facility that 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 or 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 with the land and uses in the neighborhood and make it compatible thereto.*
 - d. *That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed uses and the street patterns of such a nature exist as to guarantee that such generation will not be channeled through residential areas on local residential streets.*
 - e. *That the granting of such Conditional Use Permit will not adversely affect the General Plan of the City, or any other adopted plan of the City.*
4. Pursuant to the California Environmental Quality Act (CEQA), the proposed project is considered to be categorically exempt (Class 1, Existing Facilities) in that the proposed use will occupy an existing tenant space.

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

1. On the basis of evidence presented, both oral and documentary, the Planning Commission makes the following findings for approval of a conditional use permit:
 - a. The proposed charter school is consistent with the Service Commercial Zone. The Service Commercial Zone is comprised primarily of retail, commercial, recreational, and business office land uses. The proposed use is a charter school with a floor area of 6,824 square feet. The charter school would provide educational services for primarily high school students to continue their education. The charter school would be located near single-family residences, where it would be a convenience for the neighboring communities and families. The proposed charter school meets all the applicable requirements of the Service Commercial Zone.
 - b. The proposed charter school will occupy an existing vacant tenant space. The business hours are primarily Monday through Friday, from 8:00 a.m. to 5:00 p.m. With the conditions of approval, the proposed charter school will not be

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

- c. The existing building is adequate in size and is designed to accommodate the charter school. As conditioned, sufficient parking exists on the site to accommodate the charter school use and the other tenants within the center.
- d. The subject property abuts North Azusa Avenue. The site can be accessed via North Azusa Avenue and the West Interstate 10 Freeway. The proposed charter school will not generate a substantial amount of vehicular traffic nor alter present circulation patterns.
- e. The granting of the CUP for the proposed use of a charter school would allow the opportunity for the surrounding community to have access to continue their education that they may not have otherwise. The proposed charter school 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:

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

- 2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Conditional Use Permit No. 22-11 is approved subject to the provisions of the West Covina Municipal Code provided that the physical development of the herein described property shall conform to said conditional use permit and the conditions set forth herein which, except as otherwise expressly indicated, shall be fully performed and completed or shall be secured by bank or cash deposit satisfactory to the Planning Director before the use or occupancy of the property is commenced and before a certificate of occupancy is issued, and the violation of any of which shall be grounds for revocation of said conditional use permit by the Planning Commission or City Council.
- 3. The Conditional Use Permit shall not be effective for any purpose until the owner of the property involved (or his/her duly authorized representative) has filed at the office of the Planning Director his/her affidavit stating he/she 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 March 28, 2023.
- b. Comply with all the requirements of the West Covina Municipal Code.
- c. Comply with all the requirements of the Service Commercial Zone.
- d. This approval is for the operation of a 6,878 square foot charter school, offering students the opportunity to earn course credits, and are enrolled in the school until they are able to transfer back to a traditional school, or graduate from Options For Youth with a high school diploma.
- e. The hours of operation shall be limited Monday through Friday from 8:00 a.m. to 5:00 p.m., and Saturday from 8:00 a.m. to 5:00 p.m.
- f. The size of the charter school shall be limited to 6,878 square feet. Any addition or modifications shall require the submittal of a new Conditional Use Permit.
- g. The total staff for the charter school shall be sixteen (16) on a rotating schedule, with no more than four (4) staff members on-site at any given time. The total number of students shall be a maximum of eight (8) per one-hour appointment with no more than twenty-four (24) students on site at any given time.
- h. No classes or appointments shall be scheduled to begin after 3:00 p.m. All classes and appointments shall end by 4:30 p.m.
- i. The school shall either provide/install bicycle racks located outdoors within the shopping center parking area to allow students to safely/securely store their bicycles or provide a secure bicycle storage area within the interior of the tenant space. The bicycle racks or interior bicycle storage shall be in place prior to Building permit final and occupancy.
- j. The proposed charter school shall not provide day care services.
- k. In the event that the availability of parking is negatively impacted, the Planning Commission shall review the Conditional Use Permit for the use and may, at its discretion, modify or impose new conditions or suspend or revoke the Conditional Use Permit pursuant to Section 26-253 of West Covina Municipal Code.
- l. The Conditional Use Permit may be revoked, amended or suspended by the Planning Commission under the provisions of Section 26-253 of the West Covina Municipal Code.
- m. 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.

- n. All construction equipment, stationary or mobile, shall be equipped with properly operating and maintained mufflers.
- o. The applicant shall sign an affidavit accepting all conditions of this approval.
- p. The applicant shall execute an indemnity agreement, in a form provided by the City and approved by the City Attorney, indemnifying the City against any and all actions brought against the City in connection with the approvals set forth herein.
- q. The proposed business shall not constitute a public nuisance as defined under Section 15-200 of the West Covina Municipal Code.
- r. The approved use shall be in compliance with the Noise Ordinance (Chapter 15).
- s. The applicant shall comply with maximum occupancy (total number of persons allowed to occupy the facility) requirements, pursuant to applicable Fire and Building Codes.
- t. This approval does not include approval of signs; a separate sign permit shall be obtained prior to the installation of any signs.
- u. During construction, the delivery of materials and equipment, outdoor operations of equipment and construction activity shall be limited to the hours between 7:00 a.m. and 8:00 p.m.
- v. All construction equipment, stationary or mobile, shall be equipped with properly operating and maintained mufflers.
- w. That any proposed change to the approved site plan, floor plan or elevations be reviewed by the Planning, Building, Fire and Police Departments and that the written authorization of the Community Development Director shall be obtained prior to implementation.
- x. All outstanding fees and any required development impact fees shall be paid prior to the issuance of a building permit.
- y. **BUILDING DIVISION**
 - 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. In accordance with paragraph 5538(b) of the California Business and Professions Code, plans are to be prepared and stamped by a licensed architect.
4. South Coast Air Quality Management District must be contacted prior to any demolition or renovation. Call (909) 396-2000 for further information. Failure to comply with the provisions of Rule 1403 may result in a penalty of up to \$25,000 per day.
5. All State of California disability access regulations for accessibility and adaptability shall be complied with.
6. Additions, alterations, repairs and changes of use or occupancy in all buildings and structures shall comply with the provisions for new buildings and structures except as otherwise provided in the Existing Building Code in effect.
7. Electrical plan check is required.
8. Mechanical plan check is required.
9. Plumbing plan check is required.
10. Plumbing fixtures shall be provided as required by the Chapter 4 of the California Plumbing Code. Additional fixtures may be required if not in compliance.
11. Project shall comply with the CalGreen Non-Residential requirements.
12. E Group occupancy in a Type VB, non-sprinklered building of mixed occupancies with Group B and M of total area exceeding 9,000 SF is prohibited by Table 506.2 of the Building Code. Unless allowable area calculations per Section 508 is provided considering frontage increase provisions in Section 506.3 and/or the insertion of a Fire Wall complying with Section 706, or installation of new NFPA-13 fire sprinklers system, the plan may need to be revised.
13. E Group occupancy in a non-sprinklered building of mixed occupancies with Group B and M requires a occupancy separation wall of fire resistance rating of 2 hours per Table 508.4 of the Building Code. Unless proposed fire-resistance wall assembly details are included in the plans and/or project plans are revised to show compliance with Table 508.4.

14. The total occupant load for Group E occupancy is limited to 250 unless the existing structure has been redesigned to meet all the structural requirements in the Building Code for a building of risk category III.

z. ENGINEERING DIVISION

1. Should the proposed work generate a cut into any public right of way infrastructure (street, sidewalk, driveway, curb & gutter, etc.):
 - i. street paving shall be along the length of the property frontage to the centerline of the street as directed by the City Engineer or his/her designee.
 - ii. sidewalk reconstruction shall be in accordance with SPPWC Standard Plan 113-2, and as directed by the City Engineer and/or his/her designee.
 - iii. driveway apron reconstruction shall be in accordance with SPPWC Standard Plan 110-2, and as directed by the City Engineer or his/her designee.
 - iv. curb and gutter reconstruction shall be in accordance with SPPWC Standard Plan 111-5 and as directed by the City Engineer or his/her designee.
2. If any, all existing street tree(s) in the parkway along the frontage of the property through shall be protected and maintained the duration of construction.
3. 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).

aa. FIRE DEPARTMENT

1. NFPA 13D/13R/13 Fire Sprinkler System.
2. NFPA 72 – Fire Alarm/Fire Sprinkler Monitoring System.
3. NFPA 10 – Portable Fire Extinguishers.
4. New Fire Flow Test Required.
5. A Knox box with a labeled master key must be maintained and provided for emergency responder access.
6. Any modifications to an existing fire sprinkler/fire alarm system must be first approved and permitted by the Fire Department.
7. Illuminated exit signage with emergency lighting.

8. Where a fire hydrant is located on a fire access road the minimum road width shall be 26 feet, exclusive of shoulders.
9. All fire access roads shall have red curbing and be stenciled “No Parking Fire Lane” and have fire lane signs reading “**No Parking Fire Lane**” every 75’.
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 28th day of March 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: March 28, 2023

Nickolas Lewis, Chair
Planning Commission

Paulina Morales, Secretary
Planning Commission