

**MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION OF THE CITY OF COVINA, HELD IN THE CITY HALL COUNCIL CHAMBER, 125 EAST COLLEGE STREET, ON TUESDAY, JANUARY 22, 2008, AT 7:30 P.M.**

In the absence of the Chairman, Vice Chairman Patterson called the meeting to order and led in the pledge of allegiance.

**MEMBERS PRESENT:** Commissioners Anderson, McMeekin and Patterson

**MEMBERS ABSENT:** Chadwick and Hodapp

**OTHERS PRESENT:** Jeff Kugel, Assistant Community Development Director  
Jim Priest, Assistant City Attorney  
Alan Carter, Associate Planner  
Shelby Williams, Associate Planner  
Joanne Rumpler, Planning Technician

**MINUTES OF THE REGULAR MEETING OF DECEMBER 11, 2007** Vice Chairman Patterson asked if there were any additions or corrections to the minutes of the regular meeting of December 11, 2007.

There were none.

Mr. McMeekin moved, seconded by Mr. Anderson, to approve the minutes of December 11, 2007, as submitted.

Motion carried.

**AMENDMENTS TO THE AGENDA:** None.

**ORAL COMMUNICATIONS:** None.

**DECLARATION OF POSTING AGENDA:** Jeff Kugel, Assistant Community Development Director, hereby declares that the agenda for the January 22, 2008, Planning Commission Meeting was posted at the entrance of City Hall, 125 East College Street, Covina, in accordance with Section 54954.2(a) of the government code.

**ITEM NO. 2** Public Hearing of the voiding of application Conditional Use Permit (CUP) 06-006 for non-compliance with the conditions of approval granting CUP 06-006, a conditional use permit that allowed the California Cheer Gym to operate a cheerleading and dance school upon property located at 1174 East Edna Place

Mrs. Williams presented the staff report (copy on file in the Planning Division).

Vice Chairman Patterson asked for comments from the Commission.

Mr. McMeekin asked if the business license fee was paid. Mrs. Williams replied that it has not been paid.

Vice Chairman Patterson opened the public hearing and asked if anyone wished to speak on this matter. The following spoke:

1. Tatsumi Johnson, 1710 East McWood Street, West Covina, CA 91791

Mrs. Johnson came forward and said she is not going to try to continue to fix the place up; she has practically renovated the whole space. She has gotten no support from the owners. The owners sent her a letter that said they didn't want to give her any money for anything. Mrs. Johnson said that she had to pay to have a floor plan and a parking lot plan drawn; she got a break on the rent for those, but the owners said they would not pay for anything else. She deals with small children and it is time for her to leave that place. Right now if they leave, there will be forty (40) kids who have no place to go. They are in the middle of a season. Mrs. Johnson said that she has found another place and she is working on it. She has to wait until the tenants move out. She is asking for time to move out of that building; the season ends at the end of April.

Mr. Anderson said that the season goes through the end of April. Mrs. Johnson said yes; then tryouts are in May. Mr. Anderson asked when the other building will be available. Mrs. Johnson replied hopefully in a month. Mr. Anderson asked if the business license fee has been paid. Mrs. Johnson replied that the first year was paid; she had to have a conditional use permit before she paid the others.

Vice Chairman Patterson asked if anyone else wished to speak on this matter. There was no response.

Vice Chairman Patterson closed the public hearing and asked for comments from the Commission.

The Commission and staff discussed when this item would be heard by the City Council, if the permit is voided would the applicant have a clear date to leave the premises, why the business license fee was not paid, and whether or not a conditional use permit would be needed at the new property.

Mr. McMeekin moved, seconded by Mr. Anderson, that the Planning Commission recommend to the City Council to void Conditional Use Permit 06-006.

Mr. Priest asked if this would be effective immediately or at some future date. Mr. McMeekin replied that his motion did not include a date.

Ayes: McMeekin, Anderson and Patterson

Noes: None

Absent: Chadwick and Hodapp

Motion carried.

**ITEM NO. 3** Commission review and discussion of Medical Office Uses in Commercial Zones

Mr. Kugel presented the staff report (copy on file in the Planning Division). Mr. Kugel said that the Planning Commission has only three members present tonight. He feels this is a big enough policy issue to benefit the discussion of the full Commission.

Vice Chairman Patterson asked for questions from the Commission.

Mr. Anderson said that this is what he was thinking; we need the whole Planning Commission here to get a broader spectrum. He has his own feelings and opinions but wants to hear from the other Commissioners.

Mr. McMeekin asked if the business owner has a remedy, and if the Planning Commission can live with it in this one area. Mr. Kugel said that when the business located at this space, medical uses had been prohibited in commercial zones. There is a dental office in that center that was there prior to 1985. This business came along in 2002; it was not a permitted use. Mr. McMeekin said that it would seem they should have a remedy because they have been operating there. He asked if there has to be a complete change to the ordinance or the doctor has to move. The real issue is his individual business there. Mr. Priest said that when this business was established in 2002, it had been in the Municipal Code for seventeen years that no medical was allowed in the C-2 zone. He is not aware of any remedy the property owner can use to get his business exempted; there is no exemption from Code Compliance. There are no use variances.

Vice Chairman Patterson opened the public comment and asked if anyone wished to speak on this matter. The following spoke:

1. Dr. Vijay Katukota, 1006 North Citrus Avenue, Covina, CA 91722

Dr. Katukota came forward and said that when he opened his practice in 2002, the City required plans to be permitted for the examination rooms and labs. The City granted the plans; he was under the assumption it was o.k. Later they said it was not zoned for medical offices. He came to the City Clerk who said she would talk to the City Attorney about this. It was never acted on. In the meantime, they planted their roots. Dr. Katukota said that he serves very needy people. Their specialty is pre-natal care. It would be very difficult and disruptive to take up their roots and move. He is asking the Planning Commission to find a way out. There is already a dentist there. They provide transportation so parking is not an issue. No one objected to his plans; he went ahead and spent money. Last year he was asked to pay a business license fee. He sent the fee and

