



MINUTES OF THE REGULAR MEETING OF THE COVINA PLANNING COMMISSION

Date: August 27, 2024, 7:00 PM
Location: 125 E. College Street, Covina, California
Council Chamber of City Hall

1. CALL TO ORDER

Chair Richardson called the Planning Commission to order.

2. ROLL/CALL

Commissioner Present: Connors, McMeekin, Rodriguez, Richardson

Commissioners Absent: Flores

Staff Present: Community Development Director Lee, Legal Counsel Heinselman, IT Manager Granger, Planning Manager Lugo

Participants/Attendees: None

3. PLEDGE OF ALLEGIANCE

Chair Richardson led the Pledge of Allegiance.

4. PUBLIC COMMENTS

There were no public comments.

5. COMMISSIONER COMMENTS

None.

6. ADMINISTRATIVE ITEMS

None.

7. CONSENT CALENDAR

1. CC1. Approval of the Minutes of July 23, 2024

Commissioner Connors made a motion and Commissioner Rodriguez seconded to approve the minutes of the July 23, 2024 Planning Commission meeting.

Motion carried by a vote of 4-0 as follows:

AYES: CONNORS, MCMEEKIN, RODRIGUEZ, RICHARDSON

NOES: NONE

ABSENT: FLORES

ABSTAIN: NONE

8. CONTINUED PUBLIC HEARINGS

9. PUBLIC HEARINGS

10. CONTINUED BUSINESS

11. NEW BUSINESS

1. NB 1. Physical Therapy - Use Determination

Planning Manager Lugo presented the staff report and presented staff's recommendation to affirm staff's interpretation that a "Physical Therapy" use is similar to a "Medical Office and/or Clinic" use, thereby allowing Physical Therapy uses as a by-right permitted use and to direct staff to return with a Resolution to classify the use.

There were no questions from the commissioners.

Chair Richardson opened the item for public comments.

No comments were received.

Chair Richardson closed the public comment period.

Commissioner Connors and McMeekin agreed that "Physical Therapy" use is similar to "Medical Office Use".

Recommendation: Staff requests that the Planning Commission affirm the staff's interpretation that a "Physical Therapy" use is similar to a "Medical Office and/or Clinic" use, thereby allowing Physical Therapy uses as a by-right permitted use and direct staff to return with a resolution to classify the determination.

Commissioner Connors moved staff's recommendation.

Motion made by: Commissioner Connors

Seconded by: Commissioner McMeekin

AYES: CONNORS, MCMEEKIN, RODRIGUEZ, RICHARDSON

NOES: NONE

ABSTAIN: NONE

ABSENT: FLORES

2. NB 2. Study Session on Short-Term Rental Draft Regulations

Planning Manager Lugo presented the staff report.

Commissioner Connors asked staff if complaints had been received concerning the pool parties.

Planning Manager Lugo confirmed, yes, and added that the Covina Police Department had brought the matter to the Planning Division's attention, in addition to a gradual increase in complaints that were received the by Code Enforcement Division.

Commissioner McMeekin inquired about page 2 of the Draft Regulations, regarding the hearing officer and asked who would be conducting hearings.

Planning Manager Lugo responded that the city has a procedure in place for citations, and will implement a similar procedure.

Commissioner McMeekin inquired who the public hearing officer is proposed to be.

Community Development Director Lee responded that the city currently contracts with a third-party vendor that collects and manages citations and hearings.

Commissioner McMeekin commented the city should probably set out exactly who the hearing officer is and how they are selected in case a citizen has a problem with the city in a determination.

Community Development Director Lee responded that in a different situation, the city utilized a hearing officer from the state's clearinghouse and noted that it was expensive, and added that if the Planning Commission directs staff to move forward with creating an ordinance that would allow short term rentals, they can include more details regarding a hearing process, or not allow short term rentals.

Commissioner McMeekin responded that information related to a "hearing officer" be clearly defined. Commissioner McMeekin then inquired how neighborhoods are defined and referred to the reference on page three of the Draft Regulations.

Community Development Director Lee responded that staff can define that geographically via a radius or within streets, and can return with options to further define neighborhoods.

Commissioner McMeekin responded that neighborhoods should be defined, and then referred to page 6 of the Draft Regulations which references that a "property manager" must be available 24 hours a day, 7 days a week.

Community Development Director Lee responded that, in drafting the regulations, city staff reviewed existing short-term rental regulations in California, and work shop items that staff felt were worthy to bring up, and added that it should be important to note someone to be responsible and how to contact them. Community Development Director then mentioned an example of a situation of an absentee property manager who is out of state and needs to be contacted by the Police Department. Community Development Director Lee further added that in those instances it may be necessary to have a property manager's contact information if the property owner is not within the region.

Commissioner McMeekin then referred to page 7 and inquired why Section 8 people were not able to rent short-term rentals.

Community Development Director Lee responded that if a person is a Section 8 tenant, they cannot sublease their unit.

Commissioner McMeekin commented that it seems discriminatory to not allow persons of lesser means to operate short-term rentals.

Community Development Director Lee responded that the intent of Section 8 is to provide permanent housing, and short-term rentals are an income generator, and if the program intends to provide housing then that should be the primary purpose of the residence.

Commissioner Connors noted that the program requirements may prohibit participants from leasing out their units.

Commissioner McMeekin inquired about the section of the Draft Regulations on page 9, relating to a limit of 2 rental periods throughout the year.

Community Development Director Lee responded that it may be appropriate to quantify a number that is appropriate for the City of Covina.

Commissioner McMeekin inquired whether a similar limit was found when looking into regulations for other cities.

Planning Manager Lugo responded that staff surveyed, Pasadena, Los Angeles, Bellflower, West Covina, and Baldwin Park, and that they all have different ranges and it depends on the city preference.

Commissioner McMeekin inquired whether any of these other cities have a comparable limitation.

Planning Manager Lugo responded that Covina staff propose a more conservative approach, and added that larger cities such as Burbank or beach cities have more tourists visiting.

Commissioner McMeekin inquired what the distinction is between a "summary modification" and a "modification" on page 14, paragraph "C".

Legal Counsel Heinselman responded that the "summary modifications" are described on page 30 and that they are intended to abate an immediate threat to physical safety.

Commissioner McMeekin then referred to page 18, relating to a misdemeanor.

Community Development Director Lee responded that all Code Enforcement citations are misdemeanors.

Commissioner McMeekin thanked staff and commented that the draft regulations should be broadened.

Commissioner Rodriguez inquired if violations would garner administrative citations.

Community Development Director Lee responded that a violation would first receive a notice of violation. If the notice of violation is ignored, then citations are issued, and eventually, if compliance is not met, then the city would file with the city prosecutor and obtain a remedy through the court system.

Commissioner Rodriguez commented that much of the complaints that would be coming through would be related to the people throwing parties, and noted that it would be twofold, that Code Enforcement would issue a citation to the property owner, but the Police Department would issue a separate noise disturbance citation, and if staff is aware of a police issue citation that does not go to the court system.

Community Development Director Lee responded that the types of complaints that come in regarding parties occur on weekends and evenings when Code Enforcement staff are not available unless they are scheduled in advance, and the Police Department would either shut them down or issue a citation, and further added that they return with further information regarding the citations issued.

Commissioner Rodriguez responded that if it is strictly a noise complaint a citation can be issued strictly on a noise complaint based on the municipal code, where it is strictly a fine to whoever wants to claim responsibility for the party. Commissioner Rodriguez further commented that in order to issue a noise disturbance under the penal code, a signed citizen complaint is required, then asked staff what can be done about administering fines on a property when no one takes responsibility.

Community Development Director Lee responded that staff will need to research further, and that for other types of activity, staff will conduct online research to verify if the activity is posted online for rent.

Commissioner Rodriguez inquired that if the regulations were to be adopted, if code enforcement officers would be dedicated to enforcing them.

Community Development Director Lee responded that yes, to some capacity, in collaboration with the Police Department.

Commissioner Rodriguez commented that they believe the problems can continue to be resolved with collaboration between Code Enforcement and the Police Department.

Commissioner McMeekin asked Commissioner Rodriguez if there was a time when an officer made an arrest under Penal Code 415.

Commissioner Rodriguez responded that its rare but it has happened, and it has to be initiated by a citizen willing to sign a citizen's arrest because an officer cannot be a victim of someone else's noise complaint. Commissioner Rodriguez further added that it is difficult to get someone to sign because they would need to be involved and willing to go to court, which is why the administrative citation was created, because it does not go to the courts, and if there is a hearing, the hearing is done at city hall.

Commissioner McMeekin commented that they were surprised that it [a violation of short-term rental regulations] would be categorized as a misdemeanor, adding that if some of the procedures could be included that Commissioner Rodriguez discussed.

Commissioner Rodriguez commented that a full crime report is required for a citation for a misdemeanor.

Community Development Director responded that typically the department issues a notice first, and then it escalates to citations.

Commissioner McMeekin inquired whether the city has a way to put a lien on a property if the fines are not paid.

Community Development Director confirmed, yes.

There were no other questions from the Commission.

Chair Richardson opened the item for public comments.

No public comments were received.

Chair Richardson closed the public comment period.

Commissioner Connors asked staff how the short-term rental permit process occurs and how the property owners get informed.

Community Development Director Lee responded that, if this is the direction the city would like to go into, then property owners may be informed several ways, such as first communicating with the department, or being notified via a courtesy notice if their property is identified as a short-term rental property by the city.

Commissioner McMeekin commented that the outfits [website platforms offering short term rentals] that are advertising should be alerted.

Chair Richardson thanked staff for the presentation and commented that there seems to be strict regulations, but after further consideration, it is well thought out.

Commissioner Richardson inquired if any other notices were provided other than the social media postings.

Planning Manager Lugo responded that the post was added to the City's Facebook and Instagram accounts.

Chair Richardson commented that no formal action would be taken by the Planning Commission.

Planning Manager Lugo commented that the Planning Commission's directions and comments would be integrated into the draft regulations and inquired whether the Commission's position is to allow Short Term Rentals in Covina or to ban them altogether, and if it should include pool and backyard rentals.

The commissioners confirmed that the consensus is to allow short-term rentals, including pool and backyard rentals with regulations, and to include a limitation on pool rentals.

Planning Manager Lugo commented that staff will incorporate the comments and return the item either for a second study session or to schedule a public hearing.

The commissioner confirmed that the item should return to a public hearing, and the public can make comments at that time.

12. GENERAL MATTERS

Commissioner Rodriguez notified staff that they will not attend the Planning Commission meeting scheduled for September 10, 2024.

13. ADJOURNMENT

The meeting was adjourned at 7:50 PM.

Planning Commission Secretary