CITY OF WEST COVINA

PLANNING COMMISSION - REGULAR MEETING

TUESDAY, MAY 14, 2024 - 7:00 PM
REGULAR MEETING

CITY HALL COUNCIL CHAMBERS
1444 W. GARVEY AVENUE SOUTH
WEST COVINA, CALIFORNIA 91790

Brian Gutierrez, Chair
Shelby Williams, Vice-Chair
Sheena Heng, Commissioner
Livier Becerra, Commissioner
Nickolas Lewis, 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, April 9, 2024

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. 24-03**
   CATEGORICAL EXEMPTION
   APPLICANT: Atabak Youssefzadeh
   LOCATION: 901 N. Sunset Avenue
   REQUEST: The applicant is requesting a Conditional Use Permit (CUP) to allow the sales of beer and wine for off-site consumption (Type 20) within an existing 1,700 square foot convenience store at a service station, known as ARCO. The subject property is located within the Neighborhood Commercial (N-C) zone.

NON-HEARING ITEMS

3. **PLANNING COMMISSION REVIEW OPTIONS FOR SERVICE STATION CONVENIENCE STORES WITH ACCESSORY BEER AND WINE SALES**

4. **REORGANIZATION OF THE PLANNING COMMISSION**

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 action, the Commission may vote to agendize the matter for a future meeting.

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

6. **CITY COUNCIL ACTION:**

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

ADJOURNMENT

AGENDA
ITEM NO. 2
DATE: 05/14/2024

PLANNING DEPARTMENT STAFF REPORT

SUBJECT
CONDITIONAL USE PERMIT NO. 24-03
CATEGORICAL EXEMPTION
APPLICANT: Atabak Youssefzadeh
LOCATION: 901 N. Sunset Avenue
REQUEST: The applicant is requesting a Conditional Use Permit (CUP) to allow the sales of beer and wine for off-site consumption (Type 20) within an existing 1,700 square foot convenience store at a service station, known as ARCO. The subject property is located within the Neighborhood Commercial (N-C) zone.

BACKGROUND
The subject property is located on the northwest corner of North Sunset Avenue and Badillo Street intersection, within the Neighborhood Commercial zone. The table below summarizes the development on the subject site and neighboring properties (including zoning and general plan land use designation), and the required public hearing notification that was conducted for the project.

Item	Description
Zoning & General Plan	Zoning: Neighborhood Commercial (N-C) General Plan: Commercial (C)
Surrounding Land Uses & Zoning	North: Multi-Family Residential (MF-45) East: Single-Family Residential (Los Angeles County) South: Residential Single Family (R-1) West: Residential Single Family (R-1)
Current Development	Service Station, Convenience Store and accessory car wash
Legal Notice	Notices of a Public Hearing have been mailed out to 58 owners of properties located within three hundred (300) feet of the subject property. In addition, the Public Hearing Notice was published in the San Gabriel Valley Tribune at least ten (10) days prior to the Public Hearing.

DISCUSSION
The applicant is requesting the approval of a CUP to allow the sales of beer and wine for off-site consumption within an existing convenience store operating as an incidental use to a service station. The West Covina Municipal Code (WCMC) allows for the off-site sale of beer and wine with the approval of a CUP. The sale of distilled spirits is not allowed.

Business Operation
The subject property is a service station with an accessory car wash and an accessory convenience store. The proposed use is the sale of beer and wine within an existing 1,700 square foot convenience store. The WCMC allows for a maximum of ten (10) percent of the retail floor area for the display and sale of alcohol. The

existing convenience store has a retail sales floor area of 1,005 square feet. The proposed use would occupy 45 square feet; less than the permitted 170 square feet. The sales of beer and wine would occupy five (5) of the twelve (12) reach-in coolers within the convenience store. Four (4) of the reach-in coolers would be dedicated to beer and one (1) of the reach-in coolers would be dedicated to wine. The convenience store will operate twenty-four (24) hours a day, seven (7) days a week. However, during late hours, customers will be serviced through a window to ensure safety and security for both customers and staff. Alcohol sales will be limited between the hours of 8:00am to 12:00am, fewer hours than what is permitted by the California Department of Alcoholic Beverage Control (ABC), which allows sales from 6:00am to 2:00am. The convenience store will have four (4) employees, as indicated in the Business Operation Plan (Attachment No. 2). All employees processing alcohol sales will be responsible for verifying a customer's age using an identification card reader. The identification card reader is required to determine the authenticity of the identification that displays the age of the customer.

To address any safety concerns, the business will be required to have a Closed Circuit Television (CCTV) surveillance system installed prior to the issuance of the alcohol license and prior to the sale of any alcohol products, that views and records all areas within the interior of the store sales floor, as well as the exterior of the service station, including all points of ingress and egress to the subject site. A Flock Safety Camera with license plate recognition that is integrated with the Police Department's system shall also be installed prior to the issuance of the alcohol license and prior to the sale of any alcohol products, at every vehicle entry/exit point for the subject site.

Census Tract Analysis
The subject property is located in Los Angeles County Census Tract No. 4054.00, which mostly encompasses unincorporated Los Angeles County areas utilizing the Covina postal designation. Per ABC, based on the population ratio within the County and the Census Tract, the subject property is located in an area of undue concentration for alcohol licenses. The Census Tract allows for three (3) off-sale licenses. Currently, there are four (4) active off-sale licenses. The off-sale licenses are issued to neighboring commercial uses: two (2) 7-Eleven stores, a Chevron, and a liquor store.

If the proposed use is located in an area where there is an over-concentration of alcoholic beverage licenses, or the crime rate in the area is 20% or more above the average within a given crime reporting district (only one of these circumstances needs to exist), ABC is required to deny the alcohol license application. Exceptions to this legislation can be made if public convenience or necessity can be established. Public Convenience or Necessity (PCN) is determined by the local governing body of the jurisdiction in which the premises lie. PCN is a discretionary action that would be decided by the Planning Commission as part of the CUP review after considering the location, need, and surrounding land uses.

The City does not have mandatory findings related to a PCN. In order to support an additional license, the Commission should consider the fact that the proposed use is within the Neighborhood Commercial (N-C) Zone that provides services to nearby residential areas. The City's General Plan encourages diversity of uses within this Zone, including grocery stores, markets, specialty stores, restaurants, and gasoline stations, as long as it provides adequate physical and safety measures to prevent negative impacts on adjacent properties. This diversity of uses should be allowed as long as they do not adversely impact existing residential uses, or conflict with other General Plan goals and objectives.

There are no concerns from the West Covina Police Department (WCPD) regarding the proposed use. Although the Census Tract has an over-concentration of licenses, the proposed use will provide for public convenience. The Arco convenience store would offer the same convenience for purchasing alcohol as other retailers in the area. Alcohol would be a small percentage of the service station's overall sales; allowing such sales decreases the need and reduces vehicular trips that require customers to go to a separate store. There is no evidence that the proposed use will be detrimental to public health, safety, or general welfare when operating under the conditions indicated in the draft resolution. As such, staff feels that the finding of public convenience or necessity could be made.

Parking
The WCMC requires one (1) parking space for every two hundred and fifty (250) square feet of floor area for retail use. The required number of parking spaces for the subject site is seven (7) parking spaces. The subject site will provide (7) parking spaces, meeting th required number of parking spaces. 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 CUP for the use and may, at its discretion, modify or impose new conditions.

REQUIRED FINDINGS

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 proposed use is consistent with the Neighborhood Commercial zone. The Neighborhood Commercial zone is composed primarily of retail and service commercial uses, which by their nature are moderate intensity, are necessary in order to provide convenient daily shopping facilities to residents; and are generally adjacent to, or within close proximity to residential zoning or development. The proposed use is the sales of beer and wine for off-site consumption within an existing 1,700 square foot convenience store. The Arco convenience store would offer the same convenience for purchasing alcohol as other retailers in the area. Alcohol would be a small percentage of the service station's overall sales; allowing such sales decreases the need and reduces vehicular trips that require customers to go to a separate store.

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 of the vicinity.

The proposed use is the sale of beer and wine for off-site consumption within an existing 1,700 square foot convenience store. The convenience store is open 24 hours a day, seven days a week. However, alcohol sales will be limited between the hours of 8:00am to 12:00am. There are no concerns from the West Covina Police Department (WCPD) regarding the proposed use, as there is no evidence that the proposed use will be detrimental to public health, safety, or general welfare when operating under the conditions indicated in the draft resolution.

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 is properly designed to accommodate all existing uses. The service station, accessory car wash and accessory convenience store are existing facilities and uses that have provided sufficient parking on site. There is no evidence that the addition of alcohol sales within the accessory convenience store will increase the current parking demand.

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 is located on the northwest corner of North Sunset Avenue and Badillo Street intersection. There is no evidence that the addition of alcohol sales within the accessory convenience store will generate a substantial amount of vehicular traffic, nor alter the present circulation/traffic 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 CUP for the proposed use (the sales of beer and wine for off-site consumption) will 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. The proposed use is consistent with Police 2.1: Maintain and enhance the City's current tax base.

GENERAL PLAN CONSISTENCY

The proposed use is consistent with the following policy of the General Plan:

- Policy 2.1 : Maintain and enhance the City's current tax base.

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

Planning Staff recommends that the Planning Commission adopt Resolution No. 24-6148 approving Conditional Use Permit No. 24-03.

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 - Approval Resolution
Attachment No. 2 - Business Operation Plan

AGENDA
ITEM NO. 3
DATE: 05/14/2024

PLANNING DEPARTMENT STAFF REPORT

SUBJECT
PLANNING COMMISSION REVIEW OPTIONS FOR SERVICE STATION CONVENIENCE STORES WITH ACCESSORY BEER AND WINE SALES

BACKGROUND
On September 5, 2023, the City Council adopted Ordinance No. 2515 which provided gasoline/service station owners/operators an opportunity to apply for a conditional use permit (CUP) to be allowed to obtain a license to sell beer and wine for off-site consumption from the California Department of Alcoholic Beverage Control (ABC). Ordinance No. 2515 became effective on October 6, 2023.

The Planning Division received the first CUP application submittal for beer and wine sales within a service station convenience store on December 14, 2023. The Planning Commission has approved the following three (3) applications:

- CUP No. 23-09 (1209 S. Sunset Avenue – Chevron): Approved by the Planning Commission on February 13, 2024
- CUP No. 23-11 (246 N. Citrus Street – Mobil): Approved by the Planning Commission on February 13, 2024
- CUP No. 24-02 (300 N. Azusa Avenue – Arco): Approved by the Planning Commission on April 9, 2024

In addition, one (1) application is on this Planning Commission meeting agenda (CUP No. 23-04 at 901 N. Sunset Avenue), and one (1) application submitted on May 6, 2026 (CUP No. 24-04 at 1333 W. Merced Avenue) is currently being reviewed by staff for completion.

DISCUSSION
During the February 13, 2024 Planning Commission meeting, the Planning Commission asked staff to agendize a discussion on Planning Commission potential review options for CUPs allowing the sales of beer and wine as an accessory use within service station convenience stores.

Options
The Planning Commission currently has the following option available per the conditions of approval for each individual CUP:

- Direct staff to continue working with code enforcement to monitor related complaints and bring the individual CUP back to the Planning Commission for modification or revocation procedures if the complaints are verified to be valid and are either not immediately addressed and/or become a reoccurring issue (more than 3 times within a 12-18 month period).

The Planning Commission may consider the following potential option:

- Direct staff to agendize an annual review to report to the Planning Commission complaints received by code enforcement and to provide the Planning Commission an opportunity to discuss potential concerns.

STAFF RECOMMENDATIONS

Staff is recommending that the Planning Commission direct staff to continue with the current practice established by each individual CUP (conditions of approval) of working with code enforcement to monitor related complaints and bring the individual CUP back to the Planning Commission for modification or revocation procedures if the complaints are verified to be valid and are either not immediately addressed and/or become a reoccurring issue (more than 3 times within a 12-18 month period).

Submitted by: Jo-Anne Burns, Deputy Community Development Director

AGENDA
ITEM NO. 4
DATE: 05/14/2024

PLANNING DEPARTMENT STAFF REPORT

SUBJECT
REORGANIZATION OF THE PLANNING COMMISSION

BACKGROUND
Chapter 2 (Administration), Article III (Advisory Commission) of the West Covina Municipal Code (WCMC) outlines the duties of each advisory commission, including the Planning Commission. WCMC Section 2-71 requires the annual election of officers (chair and vice chair) for the Planning Commission be held the first regular meeting in May. The order of succession is as follows: Shelby Williams, Sheena Heng, Livier Becerra, Nick Lewis, and Brian Gutierrez.

STAFF RECOMMENDATIONS
It is recommended that the Planning Commission conduct the annual election of officers.

Submitted by: Jo-Anne Burns, Deputy Community Development Director

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