**CITY OF WEST COVINA**

**PLANNING COMMISSION**

**TUESDAY, AUGUST 13, 2024**
**7:00 PM**
**REGULAR MEETING**

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

**Shelby Williams, Chair**
**Sheena Heng, Vice-Chair**
**Livier Becerra, Commissioner**
**Nickolas Lewis, Commissioner**
**Brian Gutierrez, 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 a 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, June 25, 2024

   Regular meeting, July 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. 24-04**
   **CATEGORICAL EXEMPTION**
   **APPLICANT:** Valeria Salampessy
   **LOCATION:** 1333 W. Merced Avenue
   **REQUEST:** The applicant is requesting a Conditional Use Permit (CUP) to allow the sales of beer and wine (Type 20 Off-Sale) for off-site consumption within an existing 1,453 square foot convenience store at a service station, known as Arco, located in the "Neighborhood Commercial Mixed Use " (NMU) Zone.

**NON-HEARING ITEMS**

3. **REVIEW OF UNCLASSIFIED USE PERMIT NO. 348**
   **CATEGORICAL EXEMPTION**
   **PERMITTEE:** Roger Desai
   **ADDRESS:** 2748 E. Garvey Avenue South (Five Star Inn)

4. **PLANNING COMMISSION STANDING MEETING RULES**

***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**

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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**

*City of West Covina*
*Memorandum*
AGENDA

**ITEM NO. 1**
**DATE: August 13, 2024**

**TO:** Planning Commission
**FROM:** Planning Division
**SUBJECT:** Regular meeting, June 25, 2024

Regular meeting, July 9, 2024

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**Submitted by:**

**Attachments**

Attachment No. 1 - Minutes June 25, 2024
Attachment No. 2 - Minutes July 9, 2024

# DRAFT

**MINUTES**
**REGULAR MEETING OF THE PLANNING COMMISSION**
**CITY OF WEST COVINA**
**Tuesday, June 25, 2024**

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the West Covina City Council Chambers, 1444 West Garvey Avenue, West Covina, California.

## MOMENT OF SILENT PRAYER/MEDITATION

The Commission observed a moment of prayer and silent meditation.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Lewis.

## ROLL CALL

| | |
|---|---|
| Present: | Williams, Heng, Becerra, Lewis, Gutierrez |
| City Staff Present: | Burns, Machado, Rivera, Koo |

**APPROVAL OF MINUTES** - Regular Meeting, May 28, 2024

The minutes were adopted as presented.

## 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.

Brian Calderon Tabatabai, West Covina resident, spoke regarding the Pathway Home/5-Star Motel project.

**PUBLIC HEARINGS**

1. **TENTATIVE TRACT MAP NO. 24-01 (TTM 74976)**
**SECTION 15162 CEQA EXEMPTION**
**APPLICANT:** Kevin Lam
**LOCATION:** 642 and 704 E. Francisquito Avenue
**REQUEST:** This project was originally approved by the Planning Commission on August 24, 2021 (Resolution No. 21-6075), but has expired prior to the recordation of the final map. The project would subdivide two single-family residential parcels (APNs 8741-001-001 and 8741-001-002) into a total of six lots. The project site currently contains two one-story single-family residences and their associated accessory structures on two separate lots. The new lots would be rectangular in shape. Lot 1 would be approximately 10,560 square feet, Lots 2 through 4 would be approximately 9,460 square feet each, Lot 5 would be approximately 21,266 square feet, and Lot 6 would be approximately 21,069 square feet. With implementation of the proposed project, the existing single-family residential structures on the project site would be located on proposed Lots 5 and 6.

   Deputy Community Development Director Jo-Anne Burns presented the staff report.

   PROPONENT:

   Kevin Lam, applicant, spoke to the Commission regarding this project and the delays encountered with the project.

   Commissioner Lewis noted there was not a certified environmental review provided and requested that the applicant be sworn in so that he could testify regarding the environmental review.

   The applicant was sworn in by Deputy City Attorney Koo and testimony proceeded.

   OPPONENTS;

   None

   Chair Williams closed the public hearing.

   There was a discussion by the Commission regarding the delays encountered in this project.

   Motion by Gutierrez, seconded by Heng to waive further reading and adopt Resolution No. 24-6148 approving Tentative Tract Map No. 24-01 (TTM 74976) Motion carried 5-0.

   Chair Williams said this action is final unless appealed to the City Council within ten days.

**NON-HEARING ITEMS**

2. STUDY SESSION - PLANNING COMMISSION STANDING MEETING RULES

   The staff report was presented by Deputy Community Development Director Jo-Anne Burns.

   Deputy City Attorney Koo addressed the Commission regarding the Brown Act with regard to the broadcast of meetings. The Brown Act requirements should the meeting have to be adjourned due to a disruption of the broadcast and explained procedures requiring the Commission to adjourn to a date certain to continue the matter in the case of physical disruptions, and willful disruptions of the meeting by a person physically present.

There was a lengthy discussion by the Commission regarding comments by the public using profanity, harassment, direct incitement, calls for violence, and the public's First Amendment right to express their opinions. The Commission directed staff to provide new Commissioners with copies of Robert's Rules of Order.

Motion by Gutierrez, seconded by Williams, to continue this discussion at the next Planning Commission meeting. Motion carried 5-0.

***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**

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Commissioner Gutierrez requested a record of all service calls to 5-Star Motel for possible revocation of their conditional use permit. Chair Williams stated that the City Council would consider this matter at their July 2, 2024 regular meeting. There was a lengthy discussion regarding the possible revocation of the conditional use permit for this address.

Motion by Gutierrez, seconded by Becerra to initiate revocation proceedings on their conditional use permit. Motion failed, 2 to 3 (Williams, Heng, Lewis opposed.)

There was further discussion regarding his matter.

Motion by Becerra, seconded by Lewis, to place on a future Planning Commission agenda the protocol for Planning Commission notification, monitoring, and enforcement of approved entitlements. Motion carried 4-1, (Gutierrez opposed.)

Commissioner Gutierrez expressed his desire to initiate revocation proceedings for the conditional use permit since the City Council had already placed the matter on the July 2, 2024 regular meeting agenda.

Motion by Gutierrez, to request a copy of the conditions of approval for the operation of 5-Star Motel and request from West Covina Police Department, calls for service.

Lewis counter motion, agendize at a future meeting a resolution of the Planning Commission that expresses the desire from the Planning Commission to verify if the City Council would like the Planning Commission to look into Five-Star Inn's CUP for potential modification or revocation. Seconded by Williams. Motion carried 3-2 (Heng and Gutierrez opposed).

Motion for a resolution asking the City Council to provide guidance as to the review of the violation of conditions of approval contained in the CUP for 5-Star Motel to revoke or modify the conditions of approval. Discussion regarding the revocation. Planning Commission request from the Police Department or staff for calls for service, or complaints from residents.

Gutierrez counter motion, to reconsider previous motion and vote, agendize providing the Planning

Commission with a copy of the CUP resolution with conditions of approval for the Five-Star Inn and for staff to present calls for service.

Deputy City Attorney Koo stated that reconsideration can only be brought forth by a Commissioner who voted in the majority.

Commissioner Becerra agreed to make the motion of reconsideration of the previous vote. Gutierrez seconded. Motion carried 3-2 (Lewis and Williams opposed).

Lewis motioned to adjourn. Williams seconded. Motion failed 2-3 (Gutierrez, Heng, and Becerra opposed)

Gutierrez motioned to void the previous vote in regards to the Planning Commission resolution asking for clarification from the City Council, review of the Five-Star Inn CUP and staff presentation of the calls for service. Becerra seconded. Motion passes 3-2 (Williams and Lewis opposed)

Lewis motioned to agendize a resolution pertaining to whether the City Council wishes the Planning Commission to take any action at all regarding the Five-Star Inn CUP. Williams seconded. Motion failed 2-3 (Williams and Lewis opposed)

Motion by Gutierrez, seconded by Becerra, to adjourn. Motion failed, (Heng, Williams, Lewis opposed.)

Williams called a recess at 9:06 pm

Meeting reconvened at 9:07 pm

Motion by Lewis, seconded by Williams, to direct staff to prepare a resolution for the next Planning Commission meeting requesting City Council direction and any investigation by the Planning Commission regarding revocation of the conditional use permit for Five-Star Inn, and direction regarding the Planning Commission drafting an ordinance addressing such uses or the creation of additional ordinances from a Planning view point to address any potential issues from uses such as the Five-Star Inn. Motion failed, 3-2 (Heng, Lewis, Williams opposed).

Motion by Gutierrez, seconded by Becerra, to adjourn. Motion carried (Lewis, Williams opposed.)
Meeting adjourned at 9:29 p.m.

Respectfully submitted:

Lydia de Zara
Senior Administrative Assistant

# D R A F T

**MINUTES**
**REGULAR MEETING OF THE PLANNING COMMISSION**
**CITY OF WEST COVINA**
**Tuesday, July 9, 2024**

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the West Covina City Council Chambers, 1444 West Garvey Avenue, West Covina, California.

**MOMENT OF SILENT PRAYER/MEDITATION**

**PLEDGE OF ALLEGIANCE**

Commissioner Gutierrez led the Pledge of Allegiance.

**ROLL CALL**

| | |
|---|---|
| Present: | Heng, Becerra, Gutierrez, Williams, Lewis |
| City Staff Present: | Burns, Machado, Rivera, Koo |

**APPROVAL OF MINUTES** - None

**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.

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Brian Calderon Tabatabai, West Covina resident, spoke regarding comments by Commissioner Gutierrez regarding the conditional use permit for Five-Star Motel.

**CONSENT CALENDAR**
*All matters listed under CONSENT CALENDAR are considered to be routine and can be acted on by one roll call vote. There will be no separate discussion of these items unless members of the Planning Commission request specific items to be removed from the Consent Calendar for separate discussion or action.*

1. **Extension of Time Request for Tentative Parcel Map No. 19-02 (82638), Administrative Use Permit No. 19-35, Subcommittee for Design Review No. 19-62, and Tree Permit No. 20-03 at 1177 S. Spring Meadow Drive**

Motion by Gutierrez, seconded by Lewis, to approve items on the Consent Calendar. Motion cared 5-0.

**PUBLIC HEARINGS**

2. **CONDITIONAL USE PERMIT NO. 24-01**
**CATEGORICAL EXEMPTION**
**APPLICANT: Imelda Julian**
**LOCATION: 1816 E Merced Ave.**
**REQUEST: The applicant is requesting approval of a Conditional Use Permit (CUP), to allow the use of a congregate living health facility within an existing 3,705 square foot single family residence in the "Residential Single Family" (R-1) zone, currently being used as an adult care facility with no more than 6 beds.**

Assistant Planner Jerry Rivera presented the staff report and reviewed the business operation plan. Staff recommended adoption of Resolution No, 24-6149, approving Conditional Use Permit No. 24-01.

Chair Williams opened the public hearing

PROPONENTS:

Imelda Julian, applicant, spoke in favor of the application. She stated she is requesting the addition of six beds to the existing facility. In addition, she answered questions from the Commission.

OPPONENTS:

Pamela Sornoso spoke in opposition to the project due to the lack of privacy for surrounding residents, traffic, noise and security for the use. She also stated her opposition to having a business in a residential zone, the 3-foot fence separating her property from the subject property and a large pepper tree growing on the subject property.

Chair Williams closed the public hearing.

Motion by Becerra, seconded by Gutierrez, to waive further reading and adopt Resolution No.24-6149, approving Conditional Use Permit No. 24-01. Motion carried 5-0.

Chair Williams stated this action is final unless appealed to the City Council, in writing, within ten (10) days.

**NON-HEARING ITEMS**

**APPOINTMENT OF NEW DESIGN REVIEW SUBCOMMITTEE MEMBERS**

Commissioners Gutierrez and Heng were appointed to the Design Review Subcommittee. Commissioner Becerra was appointed as alternate member of the Design Review Subcommittee.

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**COMMISSION REPORTS/COMMENTS AND MISCELLANEOUS ITEMS**

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None

3. **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

Community Development Director Burns spoke regarding the appeal for the revocation of the Conditional Use Permit and the Administrative Use Permit for Rebel Yell allowing the service of alcoholic beverages with food, and told the Commission the owner withdrew the appeal allowing the revocation to stand.

Summer Concert Series, Cool Kids of Summer events and reading adventure at Shadow Oak and the reopening of the Los Angeles County Library in West Covina.

4. **CITY COUNCIL ACTION:**

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

**ADJOURNMENT**

Chair Williams adjourned the meeting at 7:58 p.m.

Respectfully submitted:

Lydia de Zara
Senior Administrative Assistant

**AGENDA**
**ITEM NO. 2**
**DATE: August 13, 2024**

**PLANNING DEPARTMENT STAFF REPORT**

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**SUBJECT**

**CONDITIONAL USE PERMIT NO. 24-04**
**CATEGORICAL EXEMPTION**
**APPLICANT:** Valeria Salampessy
**LOCATION:** 1333 W. Merced Avenue
**REQUEST:** The applicant is requesting a Conditional Use Permit (CUP) to allow the sales of beer and wine (Type 20 Off-Sale) for off-site consumption within an existing 1,453 square foot convenience store at a service station, known as Arco, located in the "Neighborhood Commercial Mixed Use " (NMU) Zone.

**BACKGROUND**

The subject property is located within the Neighborhood Commercial Mixed Use Zone, on the east corner of West Merced Avenue and South Sunset Avenue intersection.

| ITEM | DESCRIPTION |
|---|---|
| Zoning & General Plan | Zoning: Neighborhood Commercial Mixed Use (NMU)<br>General Plan: Commercial (C) |
| Surronding Land Uses & Zoning | North: Neighborhood Commercial Mixed Use (NMU), Specific Plan (SP-1)<br>East: Neighborhood Commercial Mixed Use (NMU), Residential Single Family (R-1)<br>South: Office Professional Mixed Use (OPMU), Neighborhood Commercial Mixed Use (NMU)<br>West: Neighborhood Commercial Mixed Use (NMU), Office Professional Mixed Use (OPMU) |
| Current Development | Service Station and Convenience Store |
| Legal Notice | Legal Notice was given at least ten (10) days prior to the public hearing date. |

**DISCUSSION**

The applicant is requesting the approval of a CUP to allow the sale of beer and wine (Type 20) for off-site consumption within an existing 1,453 square foot convenience store operating as an incidental use to a service station. The West Covina Municipal Code (WCMC) allows for the sale of beer and wine with the approval of a CUP. The sale of distilled spirits is not allowed.

**BUSINESS OPERATION**

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 763 square feet. The proposed use will occupy 26 square feet, which is 50 square feet less than the permitted 76 square feet. Three (3) reach-in coolers will be equal to 20 square feet in floor area: One (1) of the reach-in coolers will be dedicated to wine, one (1) will be dedicated to beer, and one (1) will be dedicated to both beer and wine. The remaining six (6) square feet will be bulk display.

The convenience store will operate twenty-four (24) hours a day, seven (7) days a week. Alcohol sales will be limited between the hours of 6:00 am to 2:00 am, as permitted by the California Department of Alcoholic Beverage Control (ABC). The convenience store will have six (6) 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 Census Tract No. 4067.02 of Los Angeles County. 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 four (4) off-sale licenses. Currently, there are five (5) active off-sale licenses. The off-sale licenses are issued to neighboring commercial uses: Vons, CVS, HK2, 7-Eleven, and Jerry's House of Spirits.

There is an existing Chevron service station located across the subject property at 1209 S. Sunset Avenue. However, it is located within a different Census Tract (No. 4068.01), so this use was not included in the active ABC license count for the subject site's census tract. This service station was approved for a CUP by the Planning Commission on February 13, 2024.

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 Mixed Use (NMU) 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 fifty (250) square feet of floor area for retail use. The required number of parking spaces for the subject site is six (6) parking spaces. The subject site will provide six (6) parking spaces, meeting the minimum number of required 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**

The findings necessary for the 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.***

The proposed use is consistent with the Neighborhood Commercial Mixed Use (NMU) Zone. The NMU Zone is composed primarily of retail and service commercial uses, which by their nature are of moderate intensity; are necessary in order to provide convenient daily shopping facilities for residential home and apartment dwellers; and are generally adjacent to, or within close proximity to residential zoning or development. The proposed use is the sale of beer and wine (Type 20) for off-site consumption within an existing 1,453 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 in the vicinity.***

The proposed use is the sale of beer and wine (Type 20) for off-site consumption within an existing 1,453 square foot convenience store. The convenience store is open twenty-four (24) hours a day, seven (7) days a week. However, alcohol sales will be limited between the hours of 6:00am to 2:00am. 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 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 are adequate in size and are properly designed to accommodate all existing uses. The service station and accessory convenience store are long-standing facilities and uses that have provided sufficient parking on site for a number of years. 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 abuts West Merced Avenue and South Sunset Avenue and can be accessed by either street. The service station and accessory convenience store are long-standing facilities and uses. 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 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 of sale of beer and wine 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 Policy 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. 24-6150 approving Conditional Use Permit No. 24-04.

**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:** Moises Lomeli, Planning Intern

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**Attachments**

Attachment No. 1 - Resolution of Approval

Attachment No. 2 - Business Operation Plan

**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  NO. 24-6150**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 24-04**

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**CONDITIONAL USE PERMIT NO. 24-04**

**CATEGORICAL EXEMPTION**

**APPLICANT:** Valeria Salampessy

**LOCATION:** 1333 W. Merced Avenue

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**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 a Conditional Use Permit to:

Allow the off-site sale of beer and wine within an existing 1,453 square foot convenience store at a service station on certain property described as follows:

Assessor Parcel No. 8469-005-009 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 13th day of August 2024, 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 off-site sale of beer and wine for off-site consumption within an existing 1,453 square-foot convenience store at a service station located in the "Neighborhood Commercial Mixed Use" (NMU) Zone.

2. The subject property is located in Census Tract No. 4067.02 of Los Angeles County. Per the California Department of Alcoholic Beverage Control (ABC), based on the population ratio within the County and the Census Tract, the project site is located in an area of undue concentration for alcohol licenses. 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 in compliance with the conditions of approval. As such, the finding of public convenience or necessity could be made.

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 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.*

4. 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 Neighborhood Commercial Mixed Use Zone. The Neighborhood Commercial Mixed Use Zone is composed primarily of retail and service commercial uses, which by their nature are of moderate intensity; are necessary in order to provide convenient daily shopping facilities for residential home and apartment dwellers; and are generally adjacent to, or within close proximity to residential zoning or development. The proposed use is the off-site sale of beer and wine within an existing 1,453 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. The proposed use is the off-site sale of beer and wine within an existing 1,453 square foot convenience store. The convenience store is open twenty-four (24) hours a day, seven (7) days a week. However, alcohol sales will be limited between the hours of 6:00am to 2:00am. 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. The existing building and site are adequate in size and is properly designed to accommodate all existing uses. The service station and accessory convenience store are long-standing facilities and uses that have provided sufficient parking on site for a number of years. There is no evidence that the addition of alcohol sales within the accessory convenience store will increase the current parking demand.

d. The subject property abuts West Merced Avenue and South Sunset Avenue and can be accessed by either street. The service station and accessory convenience store are long-standing facilities and uses. 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 patterns.

e. Granting the Conditional Use Permit for the proposed use of off-site sale of beer and wine 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 Policy 2.1: Maintain and enhance the City’s current tax base.

2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Conditional Use Permit No. 24-04 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 their duly authorized representative) has filed at the office of the Community Development Director an 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 Conditional Use Permit No. 24-04 is subject to the following conditions:

   a. Comply with the plans reviewed by the Planning Commission on August 13, 2024.

   b. Comply with all applicable sections of the West Covina Municipal Code.

   c. Comply with all requirements of the "Neighborhood Commercial Mixed Use" (NMU) Zone.

   d. Comply with all requirements of the California Department of Alcoholic Beverage Control (ABC) and obtain all necessary permits.

   e. The approved use allows for the off-site sale of beer and wine within the existing 1,453 square foot convenience store.
      i. The total square footage dedicated to the use is 26 square feet. Twenty (20) square feet will be three (3) reach-in coolers, and six (6) square feet will be for bulk display.

   f. The sale of distilled spirits is not allowed.

   g. No beer and wine shall be displayed within five (5) feet of the cash register or the front entrance.

   h. No beer and wine shall be sold from or displayed in an ice tub.

   i. The sale of beer in quantities fewer than three containers is prohibited and no alcoholic beverage shall be sold in unit quantities less than the distributor's intended resale units.

   j. The identification card reader is required to determine the authenticity of the identification that displays the age of the individual.

k. Advertising of beer and wine shall not be permitted at motor fuel islands, on banners, and/or on window signage.

l. No coin or other fee-based operated video games or video entertainment machines shall be permitted on the premises.

m. Signage shall be posted in the parking lot and on the exterior of the building notifying persons that alcohol shall not be consumed on the premises.

n. Signs shall be prominently posted, stating that California State Law prohibits the sale of beer and wine to persons under the age of twenty-one (21) years.

o. A CCTV surveillance system shall be 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 and the exterior of the gasoline station, including all points of ingress/egress from the street.

p. A Flock Safety camera with license plate recognition that is integrated with the Police Department's system shall 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.

q. The approval of this Conditional Use Permit does not provide the business owner a license to sell beer and wine. The business owner shall obtain a Type 20 License (Off-Sale of Beer and Wine) from the California Department of Alcoholic Beverage Control prior to the sales of beer and wine on site.

r. Staff shall closely monitor any complaints or concerns filed regarding the off-site sale of beer and wine. The applicant and/or business operator shall work with staff to address any 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.

s. Any addition or modification of the use shall require the submittal of a new Conditional Use Permit.

t. 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.

u. The operation of the facility complies with the West Covina Noise Ordinance.

v. 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.

w. 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.

x. In the event that the "off-sale" alcohol use is discontinued for a period of six (6) months, the Conditional Use Permit shall be reviewed by the Planning Commission at the property owner's written request via the submittal of the prescribed form, application materials, and corresponding fee. The Planning Commission may opt to move forward with the revocation procedures, impose additional conditions of approval, or accept the continuation of the use without any changes to the original conditional use permit conditions of approval.

y. **FIRE DEPARTMENT**

i. Based on the preliminary information received, there are no special Fire Department Requirements* at this time.

***NOTE**: Additional Fire Department requirements may be set upon a future review of a full set of architectural or tenant improvement drawings.

**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 13th day of August 2024, by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**DATE:** August 13, 2024

_____
Shelby Williams, Chair
Planning Commission

_____
Jo-Anne Burns, Secretary
Planning Commission

**ATTACHMENT NO.2**

1333 W Merced Ave West Covina CA

# Business Plan for ABC License: Shoker Trading Corp,

## Business Idea

Shoker Trading Corp is requesting to apply for an ABC license. This store will service all qualified age citizens. The operation will uphold all laws and codes. The presentation will be clean and intriguing to citizens. We will fulfill any requirements put forth by the city of West Covina.

## Business Market and Demographics

Shoker Trading Corp will sell to customers of age to consume alcohol. West Covina, according to the 2021 Census, had approximately 83,790 adult citizens. The neighboring cities like Baldwin Park, La Puente and Covina have traffic which flows through our city. These 21 and over adult citizens are all potential customers for this business.

## Marketing

Marketing for alcohol will be minimal according to the city code. We will take the most minimalistic approach to marketing such as no posters or advertisements on our property encouraging alcohol consumption.

## Pricing

Pricing on alcohol will be fair according to industry standards.

## Sales Tax

For each additional alcohol sale that can be created by use of traffic flow, there will be more sales tax revenue. We have back-office systems and point-of-sale systems which are state-of-the-art. These systems can report these sales tax revenues historically, correctly, and immediately. Our business is one of the top sales tax collector for city of West Covina.

## Safety

We plan to only sell alcohol to those citizens which are of age (21 and older.) Our cashiers are trained in the ability to recognize a customer's age by using the customer's government-issued identification. We scan this identification on our point of sales to validate its authenticity and that the age of the customer is correct. We have camera systems and multiple employees on site which always monitor our customers. We will not sell to already intoxicated customers or will not sell past any alcohol curfew.

## Operation Plan

The store operation hours are 24 hours 7 days a week. Alcohol will be limited to 6am-2am sales daily. The number of employees are six. Each employee will recieve full training in alcohol safety and sales safety, including how to properly indetify somebody based on their gov issued identification and correct age to allow a sale.

**AGENDA**
**ITEM NO. 3**
**DATE: August 13, 2024**

**PLANNING DEPARTMENT STAFF REPORT**

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**SUBJECT**

**REVIEW OF UNCLASSIFIED USE PERMIT NO. 348**
**CATEGORICAL EXEMPTION**
**PERMITTEE:** Roger Desai
**ADDRESS:** 2748 E. Garvey Avenue South (Five Star Inn)

**BACKGROUND**

Five Star Inn is located on the south side of East Garvey Avenue South, mid-block between Citrus Avenue and Barranca Street, in the Service Mixed Use (SMU) Zone. The site is adjacent to Crestview Cadillac to the west, Days Inn Motel to the east, and Walnut Creek Wash to the south (rear). The closest residential property to the site is located approximately 64 feet to the south, across Walnut Creek Wash.

Unclassified Use Permit (UUP) No. 348 (Resolution No. 12-87-3579 is included as Attachment No. 1) was approved on December 2, 1987, which allowed the construction of a 76-unit motel (including one manager quarter unit). Revision 1 for UUP No. 348 was approved on April 5, 1989 (Resolution No. 4-89-3728 is included as Attachment No. 2), which reduced the number of units from 76 to 75 (including one manager quarter unit). The conditions of approval included in both resolutions are standard conditions tied to the construction of the building. Special conditions of approval pertaining to the operation of the use were not added at the time of approval.

**DISCUSSION**

During the June 26, 2024, Planning Commission meeting, the Planning Commission voted (3-2) to include the review of the Five-Star Inn UUP conditions of approval and directed staff to present information on the Police Department calls for service for the site. A summary of the Police Department calls for service from January 1, 2023, to December 31, 2023, is included in this report as Attachment No. 3.

On July 22, 2024, staff spoke with the property owner, Roger Desai, regarding the Planning Commission requested review of the UUP. The telephone conversation was followed-up with an email with the Planning Commission meeting information and a copy of UUP No. 348 and UUP No. 248 Rev. 1 attached. According to property records, Mr. Desai's corporation has been the property owner since December 2022.

***Code Enforcement***

Since 2020, there have been a total of 8 code enforcement cases/violations on record for the Five Star Inn. The code enforcement cases range from property maintenance issues (e.g. graffiti, wall that is falling apart, landscaping not being maintained), inoperable vehicles, illegal dumpster (non franchise), unpermitted banners, to unpermitted construction. There is currently one open code enforcement case for the site (opened May 3, 2023). The open code enforcement case pertains to an inoperable vehicle, unpermitted construction, landscaping maintenance, long-term residents of the motel, and an abandoned boat being stored on the site. The inoperable vehicle and abandoned boat have been removed. A building permit for interior remodeling of the motel has also been issued and is active (bathroom remodel). On August 7, 2024, staff verified that there are no graffiti or landscape maintenance issues on the site. The code enforcement case remains open with the pending items long-term residents of the motel (stays longer then 30 days) and construction monitoring (cases related to unpermitted construction are not closed until the building permit is finaled). The property owner and motel operator have changed throughout the duration of the code enforcement case. Code Enforcement has been working with the current property owner to obtain voluntary compliance.

Per Section 26-30 of the WCMC, the definition of "motel" in the WCMC is *a group of attached buildings containing individual sleeping units or suites available to the transient public for compensation where a majority of such units open individually and directly to the outside, and where a garage is attached or a parking space is conveniently located to each unit, all for the temporary use by automobile tourists or transients where such an individual remains as a guest of the establishment less than thirty (30) days; and such words of this definition shall include motor lodges.* Since Five Star Inn has housed long-term residents (other than the manager) that have been residing in the building for longer than 30 days, the business operation has been in violation of its UUP.

***Revocation or Modification of Use Permit***

Per Section 26-269 of the West Covina Municipal Code (WCMC), revocation proceedings may be initiated by a majority vote of a quorum of the City Council or the Planning Commission or by the Community Development Director or their designee.

The Planning Commission may revoke, amend or suspend the UUP upon finding that:

a. The use is detrimental to the public health, safety or welfare or is a nuisance; or
b. The permit was obtained by fraud; or
c. The use has not been exercised prior to the expiration date of the permit; or
d. The use has ceased or been suspended for a period of six (6) months or more; or
e. The conditions of approval have not been complied with; or
f. The required findings for the permit have been violated; or
g. The use is not being operated in the manner or for the purpose contemplated by the approval of the permit; or
h. The development entitlement dependent thereon has been revoked or suspended; or
i. The use is being operated in violation of any federal, state or local law which results in detriment to public health, safety or welfare.

Alternatively, the Planning Commission may modify the UUP by adding conditions of approval.

**ENVIRONMENTAL DETERMINATION**

Pursuant to the California Environmental Quality Act (CEQA), this item is considered to be categorically exempt, pursuant to Sections 15301 (Class 1, Existing Facilities) and 15321 (Class 21, Enforcement Actions by Regulatory Agencies).

**STAFF RECOMMENDATIONS**

It is recommended that the Planning Commission discuss UUP No. 348 and UUP No. 348 Rev. 1, and take one of the following actions:

1. Direct staff to start the UUP revocation process with the proper public hearing notification to be reviewed by the Planning Commission September 2024; or
2. Direct staff to start the UUP modification process with the proper public hearing notification to be reviewed by the Planning Commission September 2024; or
3. Receive and file.

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

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**Attachments**

Attachment No. 1 - Resolution No. 12-87-3579

Attachment No. 2 - Resolution No. 4-89-3728

Attachment No. 3 - Police Department Calls for Service Summary

**ATTACHMENT NO. 1**

PLANNING COMMISSION

RESOLUTION NO. 12-87-3579

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING UNCLASSIFIED USE PERMIT NO. 348 AND CERTIFYING THE NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT THEREFOR.

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UNCLASSIFIED USE PERMIT NO. 348

NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

APPLICANT: Chen-Lung Kuo

LOCATION: 2748 East Garvey Avenue South

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THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission, requesting an unclassified use permit under the provisions of Chapter 26, Article VI of the West Covina Municipal Code, to permit the following use:

A 75 unit plus manager's quarters motel,

on that certain property described as follows:

That portion of Lot 74, Tract No. 930 in the City of West Covina, County of Los Angeles, State of California, as per map recorded n Book 17, Page 38 of Maps, in the Office of the County Recorder of said County; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 2nd day of December, 1987, 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 an unclassified use permit to demolish an existing one-story, 21-unit motel, and construct a 76-unit motel at the above location in the Medium-Commercial (C-2) Zone.

2. The project meets or exceeds the requirements of the Medium-Commercial (C-2) Zone.

3. Findings necessary for approval of an unclassified use permit:

a. That the proposed use at the particular location is necessary to provide a service or facility which will contribute to the general well being of the neighborhood or community.

Replacing an outdated motel with one offering modern accommodations and amenities is desirable in that it enhances the City's image along the freeway and better serves the people passing through the City.

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.

Upgrading of the site with a more modern version of the existing use that has served the community for years will not 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 with the land and uses in the neighborhood and make it compatible thereto.

The precise plan of this unclassified use, by supplying the parking, landscaping, and other features required by Code and the design standards of the Eastland Redevelopment Project Area pertaining to motels, demonstrates that the site is adequate in size to accommodate the use and make it compatible with adjacent properties.

d. That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed uses 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 site fronts on Garvey Avenue with direct access to Citrus and Barranca Avenues, and freeway off and on ramps. These streets are adequate in width and improvements to carry traffic generated by the use and will not channel traffic through residential areas on local residential streets.

e. That the granting of such unclassified use permit will not adversely affect the General Plan of the City, any other adopted plan of the City, or the adopted plan of any other governmental agency.

The proposed use is consistent with the C-2 Zone, a less intense zone than Service-Commercial (S-C). It is also consistent with the East Hills Specific Plan and the Eastland Redevelopment Plan designation of Service-Commercial, and the General Plan designation of Service and Neighborhood Commercial. Granting of an unclassified use permit for a use that is consistent with the General Plan and all other adopted plans will not adversely affect those plans.

4. An initial study has disclosed that, because of its location between a principal and minor arterial on Garvey Avenue South, a frontage road of the San Bernardino Freeway, and compliance with the General Plan and Municipal Code of the City of West Covina, the project will have no significant impact on the environment, and a negative declaration of environmental impact has been prepared pursuant to the California Environmental Quality Act of 1970, as amended.

NOW, THEREFORE, BE IT RESOLVED, that Unclassified Use Permit No. 348 be APPROVED and the Negative Declaration of Environmental Impact CERTIFIED subject to the provisions of the West Covina Municipal Code, provided that the physical development of the herein described property shall conform to said Plan and the following conditions 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 Unclassified Use Permit by the Planning Commission or City Council. The Unclassified 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 Planning Director his affidavit stating he is aware of, and accepts, all conditions of this Unclassified Use Permit as stated below:

1. Comply with Study Plan "A", dated December 2, 1987.

2. Comply with Exhibits 1 thru 3 (Elevations and Floor Plans).

3. Comply with the requirements of the Medium Commercial (C-2) Zone.

4. The front yard areas, between the building frontage and the Garvey Avenue sidewalk, are to be kept free and clear of any and all mechanical equipment.

5. All utilities shall be installed underground.

6. A five-and-one-half foot high masonry or concrete block trash enclosure shall be provided pursuant to Section 26-568(b).

7. Gutters and downspouts are not to project from the vertical surface of the building.

8. All ground-mounted, wall-mounted and/or roof-mounted equipment not shown on the approved Study Plans, shall be screened from public view in a manner that is architecturally compatible with the main building. Plans and elevations indicating the type of equipment and method of concealment shall be submitted to the Planning Director for review and approval prior to the issuance of building permits.

9. Prior to the issuance of building permits, applicant shall submit a detailed landscaping plan to the Planning Director for review and approval. Said plan to include type, size and quantity of landscaping materials as well as a fully automatic comprehensive watering system. Landscaped areas are to be kept free of litter and diseased or dead plants.

10. Engineering Department requirements:

a. Comply with all conditions contained in Planning Resolution No. 567.

b. Sidewalks, nine feet wide with trees in tree wells shall be constructed along Garvey Avenue adjacent to curb .

c. Adequate provision shall be made for acceptance and disposal of surface drainage entering the property from adjacent areas.

d. Parking lot and driveway improvements on private property shall comply with Planning Commission Resolution No. 2513 and be constructed to the City of West Covina Standards.

e. Water service facilities shall be constructed to at least meet the requirements for fire flow established by the City's Fire Department and the requirements of the subsequent water purveyor/owner of the facilities.

f. Prior to issuance of a Building Permit, all of the following requirements shall be satisfied:

i. A final grading and drainage plan showing existing and proposed elevations and drainage structures and showing existing and proposed on-site and off-site improvements shall be submitted to and approved by the Planning, Building and Engineering Departments.

ii. A parking lot lighting plan showing electrolier types in conformance with City Standard Drawing T-33 and locations, average illumination levels, points of minimum illumation and photometric data in conformance with Planning Commission Resolution No. 2513 and as requested shall be submitted to and approved by the City Engineer and Planning Director.

iii. An itemized cost estimate for all on-site and off-site improvements to be constructed, except buildings, shall be submitted to the Engineering Department for approval. Based upon the approved cost estimates, required fees shall be paid and improvement securities for all on-site and off-site improvements, except buildings, and 100% labor/material securities for all off-site improvements, shall be posted prior to final approval of the plans.

11. Building Department Requirements:

a. Comply with all requirements of the following Codes of the City and State:

i. 1982 Uniform Building Code
ii. 1982 Uniform Plumbing Code
iii. 1982 Uniform Mechanical Code
iv. 1984 National Electric Code
v. Title 24 State of California Energy/Insulation Regulations and Handicapped Persons Standards.
vi. West Covina Security Ordinance

12. Fire Department Requirements:

Post "No Parking" along both sides of the 20-foot driveway at rear of property.

13. Police Department Requirements:

No requirements.

14. Redevelopment Agency Requirements:

Comply with Motel/Hotel Design Standards for locations adjacent to the San Bernardino Freeway within the Eastland Redevelopment Area.

FINALLY RESOLVED, that the Secretary be instructed to forward a copy of this Resolution to the applicant, Building and Safety Director and City Council, respectively, for their attention.

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 2nd day of December, 1987, by the following vote:

AYES: Commissioners Adams, Connolly, Gordon, Schoonover, and Chairman Smith

NOES: None

ABSENT: None

DATE: December 2, 1987

EXPIRATION DATE:
December 2, 1988

Stanley Smith, Chairman
Planning Commission

Patricia Haley, Secretary
Planning Commission

**ATTACHMENT NO. 2**

PLANNING COMMISSION

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING UNCLASSIFIED USE PERMIT NO. 348 REVISION 1.

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UNCLASSIFIED USE PERMIT NO. 348, REVISION 1

NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

(PREVIOUSLY CERTIFIED)

APPLICANT: Chen-Lung Kuo

LOCATION: 2748 East Garvey Avenue South

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WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission, requesting an unclassified use permit under the provisions of Chapter 26, Article VI of the West Covina Municipal Code, to permit the following use:

A 74 unit plus manager's quarters motel,

on that certain property described as follows:

That portion of Lot 74, Tract No. 930 in the City of West Covina, County of Los Angeles, State of California, as per map recorded n Book 17, Page 38 of Maps, in the Office of the County Recorder of said County; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 5th day of April, 1989 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 an unclassified use permit to demolish an existing one-story, 21-unit motel, and construct a 75-unit motel at the above location in the Medium-Commercial (C-2) Zone.

2. The project meets or exceeds the requirements of the Medium-Commercial (C-2) Zone.

3. Appropriate findings for approval of an unclassified use permit:

   a. That the proposed use at the particular location is necessary 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 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 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 unclassified use permit will not adversely affect the General Plan of the City, any other adopted plan of the City, or the adopted plan of any other governmental agency.

4. This project is a revision of Unclassified Use Permit No. 348, for which a Negative Declaration of Environmental Impact has be previously certified.

NOW, THEREFORE, the Planning Commission of the City of West Covina does hereby resolve as follows:

1. On the basis of the evidence presented, both oral and documentary, the Planning Commission makes the following findings for an unclassified use permit:

a. That replacing an outdated motel with one offering modern accommodations and amenities is desirable in that it enhances the City's image along the freeway and beter serves the people passing through the City.

b. That upgrading of the site with a more modern version of the existing use that has served the community for years will not 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 precise plan of this unclassified use, by supplying the parking, landscaping, and other features required by Code and the design standards of the Eastland Redevelopment Project Area pertaining to motels, demonstrates that the site is adequate in size to accommodate the use and make it compatible with adjacent properties.

d. That the site fronts on Garvey Avenue with direct access to Citrus and Barranca Avenues, and freeway off and on ramps. These streets are adequate in width and improvements to carry traffic generated by the use and will not channel traffic through residential areas on local residential streets.

e. That the proposed use is consistent with the C-2 Zone, a less intense zone than Service-Commercial (S-C). It is also consistent with the East Hills Specific Plan and the Eastland Redevelopment Plan designation of Service-Commercial, and the General Plan designation of Service and Neighborhood Commercial. Granting of an unclassified use permit for a use that is consistent with the General Plan and all other adopted plans will not adversely affect those plans.

2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Unclassified Use Permit No. 348, Revision 1, 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 Unclassified 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 Unclassified Use Permit by the Planning Commission or City Council.

3. That the Unclassified 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 Planning Director his affidavit stating he is aware of, and accepts, all conditions of this Unclassified Use Permit as set forth below.

a. Comply with Study Plan "A", dated April 5, 1989.

b. Comply with Exhibits 1 thru 4 (Elevations and Floor Plans).

c. Comply with the requirements of the Medium Commercial (C-2) Zone.

d. The front yard areas, between the building frontage and the Garvey Avenue sidewalk, are to be kept free and clear of any and all mechanical equipment.

e. All utilities shall be installed underground.

f. A five-and-one-half foot high masonry or concrete block trash enclosure shall be provided pursuant to Section 26-568(b).

g. Gutters and downspouts are not to project from the vertical surface of the building.

h. All ground-mounted, wall-mounted and/or roof-mounted equipment not shown on the approved Study Plans, shall be screened from public view in a manner that is architecturally compatible with the main building. Plans and elevations indicating the type of equipment and method of concealment shall be submitted to the Planning Director for review and approval prior to the issuance of building permits.

i. Prior to the issuance of building permits, applicant shall submit a detailed landscaping plan to the Planning Director for review and approval. Said plan to include type, size and quantity of landscaping materials as well as a fully automatic comprehensive watering system. Landscaped areas are to be kept free of litter and diseased or dead plants.

j. Engineering Department requirements:

   i. Comply with all conditions contained in Planning Resolution No. 567.

   ii. Sidewalks, nine feet wide with trees in tree wells shall be constructed along Garvey Avenue adjacent to curb.

   iii. Adequate provision shall be made for acceptance and disposal of surface drainage entering the property from adjacent areas.

   iv. Parking lot and driveway improvements on private property shall comply with Planning Commission Resolution No. 2513 and be constructed to the City of West Covina Standards.

   v. Water service facilities shall be constructed to at least meet the requirements for fire flow established by the City's Fire Department and the requirements of the subsequent water purveyor/owner of the facilities.

vi. Prior to issuance of a Building Permit, all of the following requirements shall be satisfied:

a. A final grading and drainage plan showing existing and proposed elevations and drainage structures and showing existing and proposed on-site and off-site improvements shall be submitted to and approved by the Planning, Building and Engineering Departments.

b. A parking lot lighting plan showing electrolier types in conformance with City Standard Drawing T-33 and locations, average illumination levels, points of minimum illumation and photometric data in conformance with Planning Commission Resolution No. 2513 and as requested shall be submitted to and approved by the City Engineer and Planning Director.

c. An itemized cost estimate for all on-site and off-site improvements to be constructed, except buildings, shall be submitted to the Engineering Department for approval. Based upon the approved cost estimates, required fees shall be paid and improvement securities for all on-site and off-site improvements, except buildings, and 100% labor/material securities for all off-site improvements, shall be posted prior to final approval of the plans.

k. Building Department Requirements:

a. Comply with all requirements of the following Codes of the City and State:

i. 1985 Uniform Building Code
ii. 1985 Uniform Plumbing Code
iii. 1985 Uniform Mechanical Code
iv. 1987 National Electric Code
v. Title 24 State of California Energy/Insulation Regulations and Handicapped Persons Standards.
vi. West Covina Security Ordinance

l. Fire Department Requirements:

Post "No Parking" along both sides of the 20-foot driveway at rear of property.

m. Police Department Requirements:

No requirements.

n. Redevelopment Agency Requirements:

Comply with Motel/Hotel Design Standards for locations adjacent to the San Bernardino Freeway within the Eastland Redevelopment Area.

4. The Secretary is instructed to forward a copy of this Resolution to the applicant, Building and Safety Director and City Council, respectively, for their attention.

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 5th day of April, 1989, by the following vote:

AYES: Commissioners Gordon, Schoonover, and Vice Chairman Connolly

NOES: None

ABSENT: Commissioner Adams, and Chairman Adams

DATE: April 5, 1989

EXPIRATION DATE
April 5, 1990

Edward J. Connolly, Vice Chairman
Planning Commission

Patricia Haley, Secretary
Planning Commission

ATTACHMENT NO. 3

# WEST COVINA POLICE DEPARTMENT

Date Range: January 1st – December 31st, 2023

## FIVE STAR INN (2748 E GARVEY AVE. S)

| Call Description | Total # |
|---|---|
| 505 VEHICLE | 1 |
| 911 HANGUP | 9 |
| 911/MISTAKE | 1 |
| APS ASSIST | 1 |
| ASCERTAIN C-4 | 2 |
| AUTO THEFT RECOV | 1 |
| AUTO THEFT RPT | 3 |
| BATTERY | 3 |
| BUSINESS CHECK | 2 |
| CHECK AREA | 1 |
| CIVIL PROBLEM | 3 |
| CONTACT INF | 3 |
| CONTACT RP BY PHONE | 5 |
| DEPT ASSIST | 3 |
| DISTURBANCE | 33 |
| DOMESTIC VIOLENCE | 3 |
| EXTRA PATROL | 46 |
| FOLLOW UP | 7 |
| H&R-PROP DAM | 4 |
| KEEP THE PEACE | 5 |
| MAN W/GUN | 1 |
| MENTAL ILL | 1 |
| NOISE DIST | 1 |
| OVERDOSE (P) | 4 |
| PD INFORMATION | 2 |
| PEDESTRIAN TFC | 3 |
| PRIVATE PARTY IMP | 3 |
| RESCUE BACK | 1 |
| SAFEKEEPING | 1 |
| SURVEILLANCE | 4 |
| SUSP CIRCS | 5 |
| SUSP OCCUPIED VEH | 37 |
| SUSP PERSON | 25 |
| SUSP VEH | 3 |
| TC W/INJ REPORT | 1 |
| TRAFFIC STOP | 23 |
| TRANSIENT | 5 |
| TRESPASS | 3 |
| VANDALISM RPT | 1 |
| WARRANT SVC | 1 |
| WELFARE CHECK | 10 |
| **Total** | **271** |

Created 07/02/2024

**AGENDA**
**ITEM NO. 4**
**DATE: August 13, 2024**

**PLANNING DEPARTMENT STAFF REPORT**

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**SUBJECT**
**PLANNING COMMISSION STANDING MEETING RULES**

**BACKGROUND**
It is vital to utilize established procedures and/or rules in conducting meetings in order to ensure that meetings are productive, allows anyone wishing to speak to be heard, and allows the decision-making body to render clear decisions without confusion.

The Planning Commission rules of order/operation were adopted to allow for procedural guidelines for decision-making, allow for orderly and meaningful discussion, and provide transparency to the public. The Rules were initially adopted by the Planning Commission in 1964 (by Resolution), re-written/revised in 1995 (by Resolution) and revised in 2003 (by minute action).

The Planning Commission utilizes Robert's Rules of Order as its basic framework. The decision on how closely to follow Robert's Rules of Order is up to the Planning Commission.

**DISCUSSION**
The purpose of this study session is to discuss the adopted rules with the revisions recommended by the City Attorney's office (Attachment No. 1). The Planning Commission discussed the recommended revisions during its June 28, 2024 meeting. The Planning Commission clarified the order desired for conducting public hearings:

1. Staff presentation
    - Planning Commissioner questions for staff
2. Public hearing opened (Public comments received if subject is a non-hearing item and #3 is skipped)
    - Applicant presentation & Commissioner questions for applicant
    - Speakers in Favor
    - Speakers Against
    - Applicant's Rebuttal
3. Public hearing closed
4. Planning Commission discussion/deliberation among Commissioners
5. A motion for a vote
6. Planning Commission roll call vote

The Planning Commission also directed staff to schedule a continued study session on the subject at the next Planning Commission meeting and include a handout with a reference summary of the Robert's Rules of Order with the agenda packet. In addition, the City Attorney was asked to provide a presentation on addressing meeting disruptions and obscene/vicious public comments.

The Planning Commission held a continued study session on June 20, 2024. The Planning Commission directed staff to add a reference to the Robert's Rules of Order "quick guides" on Paragraph 7 of the recommended Standing Meeting Rules with text instructing staff to provide all new commissioners with a copy of the "quick guide" and Standing Meeting Rules.

The Planning Commission will also have the opportunity to have a meaningful discussion on the subject and vote to adopt the attached Resolution.

**STAFF RECOMMENDATIONS**

It is recommended that the Planning Commission approve the Planning Commission Standing Meeting Rules by adopting Resolution No. 24-6152.

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

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**Attachments**

Attachment No. 1 - Resolution No. 24-6152

**ATTACHMENT NO. 1**

# PLANNING COMMISSION

## RESOLUTION NO. 24-6152

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, UPDATING THE PLANNING COMMISSION STANDING MEETING RULES**

**WHEREAS,** both the Government Code of the State of California and the Municipal Code of the City of West Covina provide for the opportunity for the Planning Commission of the City of West Covina to establish rules of operation; and

**WHEREAS,** the Planning Commission previously established standing meeting rules by adopting Planning Commission Resolution No. 1572 on April 1, 1964; and

**WHEREAS,** the Planning Commission updated the standing meeting rules by adopting Planning Commission Resolution No. 02-95-4281 on February 28, 1995; and

**WHEREAS,** the Planning Commission wishes to update the standing meeting rules to more capably perform its duties, efficiently and effectively run a meeting, and render greater service to the citizens of West Covina.

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

1. The Planning Commission adopts the updated Planning Commission Standing Meeting Rules, attached hereto as Exhibit A and included by reference.

2. The updated Standing Meeting Rules shall supersede any previous rules of order adopted by the Planning Commission.

3. The secretary is instructed to provide a copy of the Planning Commission Standing Meeting Rules to all new Planning Commissioners.

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 13th day of August 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: August 14, 2024

Shelby Williams, Chair
Planning Commission

Jo-Anne Burns, Secretary
Planning Commission

# EXHIBIT A

## PLANNING COMMISSION
## STANDING MEETING RULES ~~OF OPERATION~~

## 1. TIME AND LOCATION OF MEETINGS

There shall be two regular meetings of the Planning Commission during each calendar month and such meetings shall be held on the second and fourth Tuesdays thereof at the hour of 7:00 p.m., provided, however, that if the date of any such regular meeting falls on a holiday, said regular meeting shall be held on the next succeeding Wednesday. No public hearing shall be commenced by the Planning Commission after the hour of 11:00 p.m., except by vote of the Commission.

The regular meeting place of the Planning Commission shall be in the City Council Chambers in the City Hall located at 1444 West Garvey Avenue South.

Special meetings may be called by the Chairperson~~man~~ provided reasonable notice is given in compliance with the Brown Act. The Secretary shall provide such notice.

## 2. OFFICERS, ELECTION AND DUTIES

### A. Officers

Officers of the Planning Commission shall include the Chairperson, Vice Chairperson, and Secretary.

### B. Election

At the first regular meeting of the Planning Commission held in the month of May, the Commission shall elect the Commission's Chairperson and the Vice Chairperson. Such election shall be for a term of one year. The ~~Planning Director~~ Community Development Director, Deputy Community Development Director, or designee shall serve as Secretary to the Commission.

The election of officers shall be based on a rotation system. ~~Beginning in 2003, the initial order of succession for Chairperson and Vice-Chairperson shall be determined on length of time since having last served as Chairperson. The first order of succession (beginning in 2003) shall be as follows: (1) Corey Warshaw, (2) Stuart York, (3) William Tarozzi, Jr., (4) Bill Roe, and (5) Sherri Lane.~~ The order of succession for Chairperson and Vice Chairperson shall be determined on

the length of time since having last served as Chairperson. The Commissioner who is listed first in the order of succession shall be elected as Chairperson, and the Commissioner who is listed second in the order of succession shall be elected as Vice-Chairperson.

In ensuing years, the outgoing Chairperson's name shall rotate to the bottom of the succession list, with all other names moving up one position. Newly appointed Commissioners shall assume a position at the bottom of the succession list regardless of the position held by the Commissioner whom they replaced.

When new Commissioners are appointed as result of new Councilmembers taking office following a municipal election, new Commissioners appointed by or before the date of the Commission's annual reorganization meeting shall assume a position on the succession list above that year's outgoing Chairperson. When more than one new Commissioner is appointed by newly-elected Councilmembers by or before the Commission's annual reorganization meeting, the placement in the order of succession shall be based on the number of votes received by the Councilmember making the appointment, with the Commissioner appointed by the Councilmember with the highest number of votes in the election receiving the highest placement in the order of succession and so on.

Any appointments of new Commissioners made by newly-elected Councilmembers following the date of the Commission's annual reorganization meeting shall assume a position below the previous year's outgoing Chairperson. When more than one appointment is made by newly-elected Councilmembers in this case, the placement in the order of succession shall be based on the date of the appointment regardless of the number of votes received by the newly-elected Councilmembers making the appointments.

The Planning Commission, by a minimum of four (4) votes, may modify the succession list, or remove and replace the Chairperson and/or Vice-Chairperson at any time.

Should a vacancy occur in any of the elected positions at any time different that the scheduled time for formal elections, the Planning Commission should immediately proceed to conduct such elections to fill such vacancies.

## C. Duties

The Chairperson shall preserve strict order and ~~govern~~ enforce decorum at all meetings of the Planning Commission. The Chairperson shall state every question coming before the Commission, announce the decision of the Commission on all matters and decide all questions of order, subject to appeal of the Commission in which event a majority vote of the Commission present shall govern and conclusively determine such question of order. Once a motion is called for a vote, discussion is terminated. Voting on all resolutions shall be by

roll call vote and the Chairperson shall be entitled to vote on all questions. His/her/their name being called last. The Chairperson shall be permitted to either make or second motions of the Commission. The Chairperson shall preside at all regular meetings of the Commission and at other special meetings of the Commission when required.

The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson or at the request of the Chairperson. In the event of permanent absence of the Chairperson, the Vice Chairperson shall perform the duties of the Chairperson until such time that the Planning Commission shall elect a new Chairperson.

The Secretary shall assist the Chairperson in the preparation and distribution of an agenda for Planning Commission meetings, shall prepare and send out notices for regular and special meetings, shall provide for the preparation and distribution of Planning Commission agenda materials, and shall transmit reports, plans, and recommendations to the City Council.

## 3. AGENDA

All reports, communications, resolutions, documents, or other matters to be submitted to the Commission shall be delivered to the Secretary in advance of each Commission meeting prior to the final preparation of the Commission agenda for the subsequent meeting. The Secretary shall arrange a list of the matters to be brought before the Commission according to the order of business and furnish each member of the Commission with a copy of the agenda preceding the regular Commission meeting. No matter may be considered by the Planning Commission other than those matters published on the noticed agenda. The Commission may request an item be agendized for a subsequent meeting.

The Agenda, including all required notices thereof, shall comply with the requirements of the Ralph M. Brown Act, as codified in Chapter 9 of Part 1 of Division 2 of Title 5 of the Government Code, as may be amended from time to time by the State legislature.

## 4. ROLL CALL

Before proceeding with the business of the Commission at each meeting, and after each recess, the roll call of the members shall be ~~called~~ conducted and the names of those present or absent shall be entered in the minutes. Should quorum be lacking, no business shall be conducted.

## 5. ORDER OF BUSINESS

The business of the Commission shall be taken up for consideration and disposition in the following order:

~~a. Roll Call~~
~~b. Consent Calendar (and related public comment)~~
~~c. Public Hearings (continued hearings shall be heard prior to new public hearing items)~~
~~d. Non-Hearing Items~~
~~e. Other Matters or Oral Communications~~
~~f. Commission Reports/Comments and Miscellaneous Items~~
~~g. Adjournment~~

a. Call to Order
b. Roll call
c. Moment of silence/prayer
d. The Pledge of Allegiance
e. Oral communications (including disclosures of ex parte communications, conflicts of interest, and recusals)
f. Consent calendar
    a. Approval of minutes
    b. Other Consent Items
g. Public hearings (continued hearings shall be heard prior to new public hearing items)
h. Non-hearing Discussion items (including study sessions)
i. Commission reports/comments and miscellaneous items
j. Community Development Director's report
k. Report on City Council action
l. Adjournment

## 6. MINUTES

At all Planning Commission meetings, there shall be minutes taken of all proceedings. Unless a reading of the minutes of a Commission meeting is requested by a member of the Commission, such minutes may be approved by unanimous consent without reading if the Secretary has previously furnished each member of the Commission with a copy thereof.

## 7. RULES OF DEBATE

~~A motion shall precede and open the matter for debate, discussion, and deliberation by the Planning Commission.~~ Debate upon all matters pending before the Planning Commission shall be under the direct supervision of the Chairperson and conducted in such a manner as to expedite the business of the Commission

and subject to the rules hereinafter provided. The following shall be the order provided for items being considered by the Planning Commission:

1. Staff presentation
    - Planning Commission questions for staff
2. Public hearing opened (Public Comments received if subject is a non-hearing item)
    - Applicant presentation & Commissioner questions for applicant
    - Speakers in Favor
    - Speakers Against
    - Applicant's Rebuttal
3. Public hearing closed
4. Planning Commission discussion/deliberation among Commissioners
5. A motion for a vote
6. Planning Commission roll call vote

Unless otherwise specified herein, the Commission will adhere to, and all questions of parliamentary procedure shall be resolved by, The Robert's Rules of Order (current edition) for meeting procedure. A quick reference guide to Robert's Rules of Order included as Attachment No. 1. The quick guide and a copy of this Planning Commission Standing Meeting Rules shall be provided to all new Planning Commissioners.

## 8. RECOGNITION BY THE CHAIRPERSON

Every Commission member desiring to speak shall address the Chairperson, and upon recognition by the Chairperson, shall confine discussion to the question under debate, avoiding all personalities and indecorous language.

## 9. INTERRUPTIONS

A member, once recognized, shall not be interrupted when speaking unless it ~~be~~ is to call a member to order, to call a vote, or as otherwise provided herein. If a member, while speaking, is called to order, the member shall cease speaking until the question of order ~~be~~ is determined and, if in order, member shall be permitted to proceed.

## 10. PRIVILEGE OF CLOSING DEBATE

The Commission member making the motion ~~moving the adoption of a Resolution~~ shall have the privilege of closing debate by calling for a vote on the

motion. Once the roll call vote has commenced, it shall continue without interruption until completed.

## 11. MOTION TO RECONSIDER

A motion to reconsider any action taken by the Commission may be made only immediately during the same session, or at an extension or continued meeting of the same session. Such motion must be made by ~~one~~ a member who voted on~~f~~ the prevailing side of the successful motion, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. ~~Nothing herein shall be construed to prevent any member of the Commission from making or remaking the same or any other motion at a subsequent meeting of the Commission.~~

## 12. REMARKS OF COMMISSIONER

A Commission member may request, through the Chairperson, the privilege of having verbatim copy of his/her statement on a~~y~~ subject under consideration by the Commission entered in the minutes. If a majority of the Commission consents thereto, such a statement shall be entered in the minutes.

## 13. SYNOPSIS OF DEBATE AND WHEN ENTERED IN MINUTES

The Secretary may be directed by the Chairperson, with consent of the Commission, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Commission.

## ~~14. ROBERTS RULES OF ORDER~~

~~Except as otherwise provided herein, all questions of parliamentary procedure shall be resolved according to Roberts Rules of Order.~~

## 14. ADDRESSING THE COMMISSION

Any person desiring to address the Commission on an agenda item may do so at the time the matter is considered on the agenda. Items not on the agenda may be addressed during the Oral Communications portion of the agenda.

## 15. MANNER OF ADDRESSING THE COMMISSION

Each person addressing the Commission shall step up to the ~~rostrum~~podium, and shall ~~give his/her name~~ address the Commission in an audible tone of voice for the record and ~~shall~~ will be requested to ~~write his/her name and address on the~~ complete a speaker sign-in sheet. All remarks shall be addressed to the Commission as a body and not to any individual member thereof. No person, other than the Commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Commission, without the permission of the Chairperson. The standard time limit for public comment shall be five (5) minutes per speaker. At the discretion of the Chairperson, with a consensus of the Commission, public testimony time limits and hearing procedures may be ~~established~~modified. No question shall be asked to a Commission member or staff member except through the Chairperson. ~~No testimony shall be accepted from the audience except as provided for above and the~~ The Chairperson shall be responsible for maintaining decorum.

## 16. HEARINGS AND FINDINGS

Planning Commission hearings need not be conducted according to statutory or technical rules relating to evidence and witnesses. The ~~Chairperson~~Chair shall close the public hearing prior to Commission's discussion and vote upon receiving all evidence.

On any matter for which Federal or State law or regulations, or the West Covina Municipal Code requires the preparation of written findings, the staff report and any resultant Resolution shall contain written findings. Any motion rejecting the proposed findings shall include a statement of alternative or modified findings.

## 18. DECORUM

While the Commission is in session, the members of the Commission must preserve order and decorum, and ~~a~~no member shall ~~neither~~, by conversation or otherwise delay or interrupt the proceedings or refuse to obey the orders of the Commission or its Chairperson, except as otherwise provided herein.

Commission members shall refrain from using their electronic devices while the Commission is in session.

## 19. ENFORCEMENT OF DECORUM

A member or members of the Police Department or other members of the City staff may be designated by the Commission to be Sergeant at Arms when, in the opinion of the Chairperson, the services of a Sergeant at Arms is necessary, and he~~/~~, she, or they shall carry out all orders and instructions given by the

Chairperson for the purpose of maintaining order and decorum at the Commission meeting.

In the event of a planned or spontaneous disruption of a meeting, the following procedures will be used:

a. The Chairperson shall advise the person(s) that unless the disruption ceases, they will be escorted from the Council Chambers by the Sergeant at Arms. If refusal of escort is made, the~~y~~ person(s) causing the disruption of the meeting may ~~will~~ be arrested.

b. If disruption continues, the Chairperson may recess the meeting. (Commission members should recess to the Executive Session Chamber.)

c. The Commission may ~~report back~~return to the meeting following recess, and ~~recommence~~ resume the meeting upon ~~report of staff~~ roll call.

d. If disruption starts again, the Chairperson shall warn of escort and possible arrest (Procedure "a").

e. Upon failure to cease disruption, after second warning, the Chairperson should request that the Sergeant at Arms escort the person(s) from the Council Chambers. If there is a refusal to be escorted, the Chairperson should request the Sergeant at Arms to arrest the person(s) in violation. Determination to call for assistance, if situation is warranted, will be made.

## 20. PERSONS AUTHORIZED TO BE WITHIN THE COUNCIL AREA

No person, except City officials and their representatives shall be permitted within the rail or bar at the front of the City Council Chamber without the express consent of the Commission.

## 21. SPECIAL COMMITTEES

All special committees shall be appointed by the Chairperson, subject to confirmation by a majority vote of the Commission members present.

## 22. PROTEST AGAINST COMMISSION ACTION

Any member of the Commission shall have the right to have his/her/their reasons for the dissent from, or protest against, any action of the Commission entered in the minutes.

# ATTACHMENT NO. 1 - Robert's Rules of Order Quick Guide

## Roberts Rules of Order – Simplified

### Guiding Principles:

- Everyone has the right to participate in discussion if they wish, before anyone may speak a second time.
- Everyone has the right to know what is going on at all times. Only urgent matters may interrupt a speaker.
- Only one thing (motion) can be discussed at a time.

A **motion** is the topic under discussion (e.g., "I move that we add a coffee break to this meeting"). After being recognized by the president of the board, any member can introduce a motion when no other motion is on the table. A motion requires a second to be considered. If there is no second, the matter is not considered. Each motion must be disposed of (passed, defeated, tabled, referred to committee, or postponed indefinitely).

### How to do things:

You want to bring up a new idea before the group.
After recognition by the president of the board, present your motion. A second is required for the motion to go to the floor for discussion, or consideration.

You want to change some of the wording in a motion under discussion.
After recognition by the president of the board, move to amend by

- adding words,
- striking words or
- striking and inserting words.

You like the idea of a motion being discussed, but you need to reword it beyond simple word changes.
Move to substitute your motion for the original motion. If it is seconded, discussion will continue on both motions and eventually the body will vote on which motion they prefer.

You want more study and/or investigation given to the idea being discussed.
Move to refer to a committee. Try to be specific as to the charge to the committee.

You want more time personally to study the proposal being discussed.
Move to postpone to a definite time or date.

You are tired of the current discussion.
Move to limit debate to a set period of time or to a set number of speakers. Requires a 2/3$^{rds}$ vote.

You have heard enough discussion.
Move to close the debate. Also referred to as calling the question. This cuts off discussion and brings the assembly to a vote on the pending question only. Requires a 2/3$^{rds}$ vote.

You want to postpone a motion until some later time.
Move to table the motion. The motion may be taken from the table after 1 item of business has been conducted. If the motion is not taken from the table by the end of the next meeting, it is dead. To kill a motion at the time it is tabled requires a 2/3$^{rds}$ vote. A majority is required to table a motion without killing it.

You believe the discussion has drifted away from the agenda and want to bring it back.
"Call for orders of the day."

You want to take a short break.
Move to recess for a set period of time.

You want to end the meeting.
Move to adjourn.

You are unsure the president of the board announced the results of a vote correctly.
Without being recognized, call for a "division of the house." A roll call vote will then be taken.

You are confused about a procedure being used and want clarification.
Without recognition, call for "Point of Information" or "Point of Parliamentary Inquiry." The president of the board will ask you to state your question and will attempt to clarify the situation.

You have changed your mind about something that was voted on earlier in the meeting for which you were on the winning side.
Move to reconsider. If the majority agrees, the motion comes back on the floor as though the vote had not occurred.

You want to change an action voted on at an earlier meeting.
Move to rescind. If previous written notice is given, a simple majority is required. If no notice is given, a 2/3$^{rds}$ vote is required.

**Unanimous Consent**:
If a matter is considered relatively minor or opposition is not expected, a call for unanimous consent may be requested. If the request is made by others, the president of the board will repeat the request and then pause for objections. If none are heard, the motion passes.

- **You may INTERRUPT a speaker for these reasons only**:
  - to get information about business –point of information to get information about rules– parliamentary inquiry
  - if you can't hear, safety reasons, comfort, etc. –question of privilege
  - if you see a breach of the rules –point of order
  - if you disagree with the president of the board's ruling –appeal
  - if you disagree with a call for Unanimous Consent –object

| Quick Reference | | | | | |
|---|---|---|---|---|---|
| | Must Be Seconded | Open for Discussion | Can be Amended | Vote Count Required to Pass | May Be Reconsidered or Rescinded |
| Main Motion | √ | √ | √ | Majority | √ |
| Amend Motion | √ | √ | | Majority | √ |
| Kill a Motion | √ | | | Majority | √ |
| Limit Debate | √ | | √ | 2/3$^{rds}$ | √ |
| Close Discussion | √ | | | 2/3$^{rds}$ | √ |
| Recess | √ | | √ | Majority | |
| Adjourn (End meeting) | √ | | | Majority | |
| Refer to Committee | √ | √ | √ | Majority | √ |
| Postpone to a later time | √ | √ | √ | Majority | √ |
| Table | √ | | | Majority | |
| Postpone Indefinitely | √ | √ | √ | Majority | √ |

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# Robert's Rules of Order
## Cheat Sheet

| Action | What to Say | Can interrupt speaker? | Need a Second? | Can be Debated? | Can be Amended? | Votes Needed |
|---|---|---|---|---|---|---|
| Introduce main motion | *"I move to..."* | No | Yes | Yes | Yes | Majority |
| Amend a motion | *"I move to amend the motion by II (add or strike words or both)"* | No | Yes | Yes | Yes | Majority |
| Move item to committee | *"I move that we refer the matter to committee."* | No | Yes | Yes | No | Majority |
| Postpone item | *"I move to postpone the matter until..."* | No | Yes | Yes | No | Majority |
| End debate | *"I move the previous question."* | No | Yes | Yes | No | Majority |
| Object to procedure | *"Point of order."* | Yes | No | No | No | Chair decision |
| Recess the meeting | *"I move that we recess until..."* | No | Yes | No | No | Majority |
| Adjourn the meeting | *"I move to adjourn the meeting."* | No | Yes | No | No | Majority |
| Request information | *"Point of information."* | Yes | No | No | No | No vote |
| Overrule the chair's ruling | *"I move to overrule the chair's ruling."* | Yes | Yes | Yes | No | Majority |

| Action | What to Say | Can interrupt speaker? | Need a Second? | Can be Debated? | Can be Amended? | Votes Needed |
|---|---|---|---|---|---|---|
| Extend the allotted time | *"I move to extend the time by ___ minutes."* | No | Yes | No | Yes | 2/3 |
| Enforce the rules or point out incorrect procedure | *"Point of order."* | Yes | No | No | No | No vote |
| Table a Motion | *"I move to table..."* | No | Yes | No | No | Majority |
| Verify voice vote with count | *"I call for a division."* | No | No | No | No | No vote |
| Object to considering some undiplomatic matter | *"I object to consideration of this matter..."* | Yes | No | No | No | 2/3 |
| Take up a previously tabled item | *"I move to take from the table..."* | No | Yes | No | No | Majority |
| Reconsider something already disposed of | *"I move to reconsider our action to..."* | Yes | Yes | Yes | Yes | Majority |
| Consider something out of its scheduled order | *"I move to suspend the rules and consider..."* | No | Yes | No | No | 2/3 |
| Close the meeting for executive session | *"I move to go into executive session."* | No | Yes | No | No | Majority |
| Personal preference - noise, room temperature, distractions | *"Point of privilege"* | Yes | No | No | No | No vote |

'A member may make a motion to reconsider something that was already disposed: however, the reconsidered motion may not be subsequently reconsidered. A..motion to reconsider must be made during the same meeting and can extend to a meeting that lasts for more than one day

https://www.boardeffect.com/blog/roberts-rules-of-order-cheat-sheet/

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