



CITY OF WEST COVINA

PLANNING COMMISSION

**AUGUST 9, 2022, 7:00 PM
REGULAR MEETING**

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

**Nickolas Lewis, Chair
Brian Gutierrez, Vice Chair
Shelby Williams, Commissioner
Sheena Heng, Commissioner
Livier Becerra, Commissioner**

Please turn off all cell phones and other electronic devices prior to entering the Council Chambers

AMERICANS WITH DISABILITIES ACT

The City complies with the Americans with Disabilities Act (ADA). If you need special assistance at Planning Commission meetings, please call (626) 939-8433 (voice) or (626) 960-4422 (TTY) from 8 to 5 Monday through Thursday. Please call at least one day prior to the meeting date to inform us of your particular needs and to determine if accommodation is possible. For sign language interpreter services at Planning Commission meetings, please request no less than four working days prior to the meeting.

PUBLIC COMMENTS/ADDRESSING THE COMMISSION

Any person wishing to address the Planning Commission on any matter listed on the agenda or on any other matter within their jurisdiction is asked to complete a speaker card that is provided on the speaker podium and submit the card to a Planning Division staff member.

Please identify on the speaker card whether you are speaking on an agenda item or non-agenda item. Requests to speak on non-agenda items will be heard during "Oral Communications" before the Public Hearing section of the agenda. Generally, comments are limited to five minutes per speaker unless further time is granted by the Chairperson. *The Chairperson may also, at his or her discretion, further limit the time of each speaker in order to accommodate a large number of speakers and/or to ensure that the business of the Planning Commission is effectively conducted.*

Any testimony or comments regarding a matter set for Public Hearing will be heard during the public hearing for that item.

MOMENT OF SILENT PRAYER/MEDITATION

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

1. Regular meeting, Regular meeting, July 12, 2022

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. 22-04
CATEGORICAL EXEMPTION
APPLICANT: Stephen Jamieson
LOCATION: 2539 East Garvey North
REQUEST: Application for a Conditional Use Permit (CUP) to Authorize on-site instructional tasting events for beer, wine, or distilled spirits within a grocery store.**

NON-HEARING ITEMS - None

TEN-DAY APPEAL PERIOD: Actions taken by the Planning Commission that are not recommendations to the City Council will become final after ten (10) calendar days unless a written appeal with the appropriate fee is lodged with the City Clerk's Office before close of business on the tenth day.

COMMISSION REPORTS/COMMENTS AND MISCELLANEOUS ITEMS

This is the time when any member of the Commission may bring a matter to the attention of the full Commission that is within the scope of duties assigned to the Commission. Any item that was considered during the Agenda is not appropriate for discussion in this section of the agenda. NO COMMISSION DISCUSSION OR ACTION CAN BE CONSIDERED AT THIS TIME. If the Commission desires to discuss an issue raised by a speaker or take an action, the Commission may vote to agendize the matter for a future meeting.

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

- a. Forthcoming - August 23, 2022

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

ITEM NO. 1.

DATE: August 9, 2022

TO: Planning Commission
FROM: Planning Division
SUBJECT: Regular meeting, Regular meeting, July 12, 2022

Attachments

Minutes, July 12, 2022

**These minutes are preliminary and are considered unofficial
until adopted at the next Planning Commission meeting by a majority vote.**

A G E N D A

DATE: August 9, 2022

ITEM NO.: 1

**MINUTES
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF WEST COVINA
Tuesday, July 12, 2022**

Regular meeting of the Planning Commission was called to order at 7:00 p.m.in the West Covina Council Chambers.

The Commission observed a moment of silent prayer/meditation.

Commissioner Heng lead the Pledge of Allegiance.

ROLL CALL

Present: Heng, Becerra, Gutierrez, Williams, Lewis

Absent: None

City Staff Present: City Attorney Morales, Burns

APPROVAL OF MINUTES:

1. Regular meeting, June 28, 2022

The minutes were approved as submitted. Chairman Lewis abstained from voting due to his absence from the June 28, 2022 meeting.

OTHER MATTERS OR ORAL COMMUNICATIONS

None

CONSENT CALENDAR

2. Second One-Year Extension of Time for Precise Plan No. 18-02 and Conditional Use Permit No. 18-02 at 1415 W. Garvey Avenue N.

Motion by Gutierrez, seconded by Lewis, to approve the extension request.
Motion carried 5-0.

PUBLIC HEARINGS - None

NON-HEARING ITEMS

3. INITIATION OF CODE AMENDMENT NO. 22-04
GENERAL EXEMPTION

APPLICANT: City of West Covina
LOCATION: Citywide
REQUEST: To initiate a code amendment that consists of standards and requirements for cart containment measures.

Planning Manager Jo-Anne Burns presented the staff report.

Discussion and questions by the Commission.

Motion by Gutierrez, seconded by Williams, to adopted Resolution No. 22-6110, initiating Code Amendment No. 22-04. Motion carried 4-1 (Heng opposed.)

Chairman Lewis said this matter will be considered at a study session by the Planning Commission on a date to be determined.

COMMISSION REPORTS/COMMENTS AND MISCELLANEOUS ITEMS

None

4. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:

- a. Forthcoming – July 26, 2022, meeting cancelled.
- b. Summer Concert Series, Wednesday, July 13, 2022
- c. Water Days at the Park, Del Norte Park, Friday, July 15, 2022, 11:30 a.m. to 2:30 p.m.
- d. August 2, 2022 Regular City Council meeting will be cancelled due to National Night Out. Kick-off at Plaza West Covina.

5. CITY COUNCIL ACTION:

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

None

ADJOURNMENT

Chairman Lewis adjourned the meeting at 7:20 p.m.

Respectfully submitted:

Lydia de Zara
Senior Administrative Assistant

ADOPTED AS SUBMITTED ON:

ADOPTED AS AMENDED ON

PLANNING DEPARTMENT STAFF REPORT

SUBJECT

CONDITIONAL USE PERMIT NO. 22-04

CATEGORICAL EXEMPTION

APPLICANT: Stephen Jamieson

LOCATION: 2539 East Garvey North

REQUEST: Application for a Conditional Use Permit (CUP) to Authorize on-site instructional tasting events for beer, wine, or distilled spirits within a grocery store.

BACKGROUND

The applicant is requesting approval of CUP No. 22-04 to authorize on-site instructional tasting events of beer, wine, or distilled spirits within a grocery store. The project site would be located on the northwest corner of N. Citrus St and E. Garvey Ave N in the shopping center that is currently under construction. The new shopping center's name is Diamond City Shopping Center. Precise Plan No. 19-03, Tentative Parcel Map No. 83155, CUP No. 20-06, Administrative Use Permit No. 20-06 and Tree Removal Permit No. 20-12 was approved by the Planning Commission on November 24, 2020 to allow the construction of the shopping center with the 34,860 square foot major tenant being a grocery store with alcoholic beverage sales.

Item	Description
Zoning and General Plan	Zoning: Medium Commercial (C-2) General Plan: Commercial (C)
Surrounding Land Uses and Zoning	North: Service Commercial (S-C) East: Regional Commercial (R-C) South: Interstate 10 Fwy (I-10) West: Single-Family Residential (R-1); Multi-Family Residential (MF-20)
Current Development	Diamond City (Shopping Center)
Legal Notice	Public Hearing Notices have been mailed to 71 owners and occupants of properties within 300 feet of the subject site.

DISCUSSION

Section 26-685.109 of the West Covina Municipal Code (WCMC) allows for instructional tasting of beer, wine, and/or distilled spirits with a CUP. In order to have instructional tasting events, the grocery store is required to maintain both a Type-21 (Off-sale general) and Type-86 (instructional tasting) license from the California Department of Alcoholic Beverage Control (ABC). According to ABC, a finding of public convenience or necessity is not required for the site because the census tract (Census Tract No. 4064.13) it belongs to allows for four (4) off-sale licenses where there are currently none (Sprouts, Walmart, Target, and Bevmo belong to a different census tract). Bevmo is currently the only store in West Covina that has a Type-86 license and is allowed to hold instructional tasting events.

Operation

The instructional tasting event will be limited to the hours of 10:00 a.m. to 9:00 p.m. unless the hours are extended in conjunction with a special event through a Temporary Use Permit process. The applicant highlighted the area in the floor plan (shown on the next page) where the instructional tasting events will generally be set-up. The floor area devoted to instructional tasting events will be limited to 500 square feet. As conditioned, the 500 square-foot instructional tasting area will be sectioned off from the public by a rope or similar device with a requirement for a signage display in front of the area.

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.

There is no construction, demolition, or alteration of the site associated with the requested instructional tastings. Instructional tastings will be conducted solely within the grocery store. The grocery store is adequate in size to accommodate the use.

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 streets and highways adequate in width and improvements to carry the traffic generated by the proposed use. The project site is located north of a collector street, E Garvey Avenue North. The instructional tasting will not be detrimental to the health, safety, peace or general welfare of surrounding properties. Instructional tastings in a defined and enclosed interior space will not generate any additional foot or vehicle traffic to the site.

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.

The tasting events comply with West Covina's General Plan's stated goals of renovating or repositioning underutilized retail space into more productive retail (West Covina General Plan, pg. 31) and improving the performance of retail uses. (I.d., pg. 34) The granting of a CUP permitting instructional tastings of alcohol in a defined and enclosed interior space will not adversely affect the general plan, or any other adopted plan, of the City.

f. The proposed operational characteristics of the use and its proximity to residences, parks, schools, preschools, day care facilities, and religious facilities, will not create any undue adverse impacts on those uses or otherwise be detrimental to the public health, safety, and welfare.

Instructional Tastings pursuant to a Type 86 ABC license are ancillary to the off-sale ABC license for the grocery store. As conditioned, the use 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.

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) since the project consists of a proposed use within an approved structure that is currently under construction.

STAFF RECOMMENDATIONS

Planning staff recommends adopting Resolution No. 22-6110 approving Conditional Use Permit No. 22-04

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: Jerry Rivera, Assistant Planner

Attachments

Attachment No. 1 - Resolution of Approval

P L A N N I N G C O M M I S S I O N

R E S O L U T I O N N O . 22-6110

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 22-04

CONDITIONAL USE PERMIT NO. 22-04

CATEGORICAL EXEMPTION

APPLICANT: Stephen Jamieson

LOCATION: 2539 E Garvey Ave N

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:

Authorize on-site instructional tasting events for beer, wine or distilled spirits within a grocery store on certain property described as follows:

Assessor Parcel No. 8453-015-020 & 8453-015-030 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 9th day of August 2022, 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 for instructional tasting events within a 34,860 square-foot grocery store in the “Medium Commercial” (C-2) zone.
2. 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.*
 - f. The proposed operational characteristics of the use and its proximity to residences, parks, schools, preschools, day care facilities, and religious facilities, will not create any undue adverse impacts on those uses or otherwise be detrimental to the public health, safety, and welfare.*
3. 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 in context of the “Medium Commercial” (C-2) zone and is consistent with the surrounding areas. The requested tastings will be ancillary to the Type 21 “Off-sale General” license use, and it will be conducted only as permitted by an ABC Type 86 “Instructional Tastings” license in a defined and enclosed interior space. It will supplement and augment that use allowing customers to sample certain products prior to purchasing, and therefore provide a service contributing to the general well being of the community.
 - b. Instructional Tastings pursuant to a Type 86 ABC license are ancillary to off-sale retail. As conditioned, the use 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. Instructional Tasting are also regulated and restricted by state law in order to protect the public health, safety, peace, and general welfare.

- c. There is no construction, demolition, or alteration of the site associated with the requested instructional tastings. Instructional tastings will be conducted solely within the grocery store. The grocery store is adequate in size to accommodate the use.
 - d. The subject property abuts streets and highways adequate in width and improvements to carry the traffic generated by the proposed use. The project site is located north of a collector street, E Garvey Avenue North. The instructional tasting will not be detrimental to the health, safety, peace or general welfare of surrounding properties. Instructional tastings in a defined and enclosed interior space will not generate any additional foot or vehicle traffic to the site.
 - e. The tasting events comply with West Covina's General Plan's stated goals of renovating or repositioning "underutilized retail space" into "more productive retail" (West Covina General Plan, pg. 31) and "improving the performance of retail uses." (I.d., pg. 34) The granting of a CUP permitting instructional tastings of alcohol in a defined and enclosed interior space will not adversely affect the general plan, or any other adopted plan, of the City.
 - f. Instructional Tastings pursuant to a Type 86 ABC license are ancillary to the off-sale ABC license for the grocery store. As conditioned, the use 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.
2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Conditional Use Permit No. 22-04 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 his duly authorized representative) has filed at the office of the Community Development Director his affidavit stating he is aware of, and accepts, all conditions of this conditional use permit as set forth below. Additionally, no permits shall be issued until the owner of the property involved (or a duly authorized representative) pays all costs associated with the processing of this application pursuant to City Council Resolution No. 8690.

4. The costs and expenses of any enforcement activities, including, but not limited to attorney's fees, caused by the applicant's violation of any condition imposed by this approval or any provision of the West Covina Municipal Code shall be paid by the applicant.
5. That the approval of the Conditional Use Permit is subject to the following conditions:
 - a. Comply with the plans reviewed by the Planning Commission on August 9, 2022.
 - b. Comply with all applicable sections of the West Covina Municipal Code.
 - c. Comply with all requirements of the "Medium Commercial" Zone.
 - d. The hours in which instructional tasting can be conducted shall be limited to 10:00 a.m. to 9:00 p.m., unless extended hours are approved in conjunction with a special event through a Temporary Use Permit process.
 - e. The grocery store operator shall maintain both a Type-21 and Type-86 license from the California Department of Alcoholic Beverage Control (ABC).
 - f. Instructional tasting shall comply with California State Law and all regulations of the California Department of ABC.
 - g. The floor area devoted to instructional tasting events shall be limited to 500 square feet with set-up being allowed only in the area labeled as "alcohol sampling area" as illustrated on the floor plan attached as 'Exhibit A'. The maximum 500 square feet instructional tasting event area shall be sectioned off from the general public area by rope or similar device, and signage for the event shall be displayed in front of the instructional tasting area.
 - h. An instructional tasting event shall be limited to a single type of alcoholic beverage. "Type of alcoholic beverage" shall mean distilled spirits, wine, or beer.
 - i. A single tasting of distilled spirits shall not exceed one-fourth of one (1) ounce and a single tasting of beer is limited to eight (8) ounces of beer per person per day. The wine, beer, or distilled spirits tasted shall be limited to the products that are authorized to be sold by the holder of the Type 86 license under its requisite off-sale license.
 - j. The applicant shall defend, indemnify, and hold harmless the City of West Covina, its agents, officers, and employees from any claim, action or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, approval of this Conditional Use Permit. The City will promptly notify the applicant of any such claim, action or proceeding against the City and will cooperate fully in the defense.

- k. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant agrees to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.
- l. 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 Community Development Director shall be obtained prior to implementation.
- m. The Conditional Use Permit shall become null and void if the use is not commenced within two years from the date of approval. Since the use does not require the issuance of a building permit, the use shall not be deemed to have commenced until the date ABC permit/license is issued.
- n. The operation of the facility shall comply with the West Covina Noise Ordinance.
- o. 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.
- p. **BUILDING DIVISION CONDITIONS**
 - i. The second sheet of building plans is to list all conditions of approval and to include a copy of the Planning Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
 - ii. Prior issuance for any permits for tenant improvements, the merger of lots (5453-015-030 & 8453-015-020) shall be processed.
 - iii. The merger of lots shall be recorded prior the building permits finalized and prior the building occupancy.
- q. **ENGINEERING DIVISION CONDITIONS**
 - i. The second sheet of building plans, grading plans and/or offsite improvement plans is to list all conditions of approval and to include a copy of the Planning Commission Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
 - ii. Should the proposed work generate a cut into any public right of way infrastructure (street, sidewalk, driveway, curb & gutter, etc.):

- a) street paving shall be along the length of the property frontage to the centerline of the street as directed by the City Engineer or his/her designee.
- b) sidewalk reconstruction shall be in accordance with SPPWC Standard Plan 113-2, and as directed by the City Engineer and/or his/her designee.
- c) driveway apron reconstruction shall be in accordance with SPPWC Standard Plan 110-2, and as directed by the City Engineer or his/her designee.
- d) curb and gutter reconstruction shall be in accordance with SPPWC Standard Plan 111-5 and as directed by the City Engineer or his/her designee.

r. FIRE DEPARTMENT CONDITIONS

- i. No requirements at this time regarding alcohol sales. Additional Fire Department requirements may be set upon future review of a full set of architectural plans.

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a regular meeting held on the 9th day of August 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: August 9, 2022

Nickolas Lewis, Chairperson
Planning Commission

Paulina Morales, Secretary
Planning Commission

EXHIBIT A

