



CITY OF WEST COVINA

PLANNING COMMISSION

APRIL 25, 2023, 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

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PUBLIC COMMENTS/ADDRESSING THE COMMISSION

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

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

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

MOMENT OF SILENT PRAYER/MEDITATION

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

1. Regular meeting, April 11, 2023

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. **CODE AMENDMENT NO. 23-02**
CEQA EXEMPTION TYPE
APPLICANT: Mohsen Karimi
LOCATION: City Wide
REQUEST: The proposed code amendment consists of an amendment to Chapter 26 (Zoning) of the West Covina Municipal Code to allow and regulate off-sale (retail sales for off-site consumption) of beer and wine as an accessory use to a service station.

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:**
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

AGENDA

ITEM NO. 1.

DATE: 04/25/2023

TO: Planning Commission
FROM: Planning Division
SUBJECT: Regular meeting, April 11, 2023

Attachments

4.11.23 minutes

PLANNING DEPARTMENT STAFF REPORT

SUBJECT

CODE AMENDMENT NO. 23-02

CEQA EXEMPTION TYPE

APPLICANT: Mohsen Karimi

LOCATION: City Wide

REQUEST: The proposed code amendment consists of an amendment to Chapter 26 (Zoning) of the West Covina Municipal Code to allow and regulate off-sale (retail sales for off-site consumption) of beer and wine as an accessory use to a service station.

BACKGROUND

The City received a letter and application for a Code Amendment to allow sales of beer and wine (off-sale) at service stations subject to a conditional use permit (CUP). Mr. Mohsen Karimi, owner of the Chevron Extra Mile Service Station at 246 N. Citrus Avenue submitted the letter (Attachment No.2).

The West Covina Municipal Code (WCMC) prohibits the sale of alcoholic beverages at service stations.

The Planning Commission and City Council has considered this issue several times over the last few years. In 2008, Code Amendment No. 08-02 was initiated by the City Council but was subsequently abandoned. In 2010, the Planning Commission initiated Code Amendment No. 10-03 to consider the concept but was later rescinded by the Commission. In 2018, Code Amendment No. 18-04 was initiated by the Planning Commission, was recommended for City Council approval, and was eventually presented to the City Council in October 2019 but was not adopted by the City Council. Most recently, in 2020 the City Council initiated Code Amendment No. 20-07 which was considered by both the Planning Commission and City Council but was later abandoned.

The public hearing notice for Code Amendment No, 23-02 was published in the San Gabriel Valley Tribune on April 14, 2023.

DISCUSSION

The draft code amendment provides the following changes to the West Covina Municipal Code (WCMC):

1. Adds a category for off-sale alcohol sales to the Land Use Matrix (WCMC Section 26-597) and identifies that a conditional use permit (CUP) is required for the use in the N-C, R-C, S-C, C-2, C-3, and M-1 zones, and is not allowed in other zoning designations.
2. Removes "sale of alcoholic beverages" as prohibited in service stations (WCMC Section 26-664).
3. Adds CUP requirement in Alcoholic Beverage Service portion of Municipal Code (WCMC Section 26-685.103) and cross-reference Section 26-685.103.3.
4. Adds new section to the Municipal Code (WCMC Section 26-685.103.3) that identifies the CUP process for service stations selling alcohol and lists the following standards:
 - A maximum of ten (10) percent of the retail floor area shall be allowed for the display and sale of alcohol. Merchandise stacking shall not be included in the retail floor area calculation when determining the maximum area for display and alcohol sales. The sale of beer in quantities fewer than three containers is prohibited; no alcoholic beverage shall be sold in unit quantities less than the distributor's intended resale units.
 - No beer and wine shall be displayed within five feet of the cash register or front door.

- The advertisement for beer and wine shall not be permitted at motor fuel islands.
- Identification card reader is required to determine the authenticity of the identification that displays the age of the individual.
- No pay phone shall be permitted on the exterior of the premises.
- No beer and wine shall be sold from or displayed in an ice tub.
- No coin operated video games or video entertainment machines shall be permitted on the premises.
- 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.
- Signs shall be prominently posted, stating that California State Law prohibits the sale of beer and wine to persons under the age of 21 years.
- Install CCTV surveillance within the interior of the store and the exterior of the gasoline station, including all points of ingress/egress from the street.*

*This is the only addition from previously considered code amendments related to off sale of beer and wine sales. The requirement for a minimum 2,000 square foot convenience store was removed.

For reference, staff has included a list that identifies all gasoline stations with convenience stores within the City (Attachment No. 3) and a list of businesses within the City with Type 20/21 alcohol licenses issued by the Department of Alcoholic Beverage Control (Attachment No. 4) with this staff report. Currently, there are twenty (20) gasoline stations with convenience stores within the city. There are a total of forty six (46) stores within the City that have active off-sale alcohol licenses (25 liquor stores/convenience stores/mini-marts and 21 supermarkets/pharmacies/department stores).

ENVIRONMENTAL DETERMINATION

The proposal is not subject to the California Environmental Quality Act (CEQA) per Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to activity that results in direct or reasonably foreseeable indirect physical change in the environment and for activity considered to be a project, respectively. The amendment to the West Covina Municipal Code would not result in a physical change in the environment because it would only revise development standards for alcohol sales within service stations.

STAFF RECOMMENDATIONS

It is recommended that the Planning Commission consider Code Amendment No. 23-02 and make a recommendation to the City Council by adopting Resolution No. 23-6126.

Submitted by: Jo-Anne Burns, Planning Manager

Attachments

- Attachment No. 1 - Resolution Recommending Adoption of Code Amendment No. 23-02
 - Attachment No. 2 - Request Letter
 - Attachment No. 3 - List of West Covina Gas Stations
 - Attachment No. 4 - Business with Active Off-Sale Alcohol License
 - Attachment No. 5 - Presentation
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