



CITY OF WEST COVINA

PLANNING COMMISSION - REGULAR MEETING

REGULAR MEETING - April 9, 2024

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

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

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

AMERICANS WITH DISABILITIES ACT

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

PUBLIC COMMENTS/ADDRESSING THE COMMISSION

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

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

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

MOMENT OF SILENT PRAYER/MEDITATION

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

1. Regular meeting, February 13, 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. 24-02
CATEGORICAL EXEMPTION**
APPLICANT: Atabak Youssefzadeh
LOCATION: 300 N. Azusa Avenue
REQUEST: The applicant is requesting a Conditional Use Permit (CUP) to allow the off-site sale of beer and wine (Type 20) within an existing 541 square foot convenience store at a service station, known as Arco, located in the "Neighborhood Commercial" (N-C) Zone.

NON-HEARING ITEMS

3. **ART IN PUBLIC PLACES NO 24-02 (PHASE 2)**
1115 S. SUNSET AVENUE - EMANATE HEALTH (QUEEN OF THE VALLEY)

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.

4. **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**
5. **CITY COUNCIL ACTION:**

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

ADJOURNMENT

TO: Planning Commission
FROM: Planning Division
SUBJECT: Regular meeting, February 13, 2024

ITEM NO. 1
DATE: April 9, 2024

Attachments

minutes 2.13.24

DRAFT

MINUTES REGULAR MEETING OF THE PLANNING COMMISSION CITY OF WEST COVINA Tuesday, February 13, 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 silent prayer and meditation.

PLEDGE OF ALLEGIANCE

Deputy City Attorney Rosemary Koo led the Pledge of Allegiance.

ROLL CALL

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

APPROVAL OF MINUTES

1. Regular meeting, January 23, 2024

The minutes were adopted as submitted.

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.

Suleima Flores requested information about the Planning Commission.

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.

2. **RESOLUTION FORWARDING CONDITIONAL USE PERMIT NO. 23-09 (SALES OF BEER AND WINE FOR OFF-SITE CONSUMPTION WITHIN A SERVICE STATION ACCESSORY CONVENIENCE STORE) AT 1209 S. SUNSET AVENUE FOR CITY COUNCIL REVIEW AND CONSIDERATION**

Chair Gutierrez made a statement regarding his visit to the location and requested that the CUP be reconsidered.

Motion by Becerra, seconded by Gutierrez, to reconsider the request. Motion carried 4-1 (Williams opposed.)

PUBLIC HEARINGS

3. **CONDITIONAL USE PERMIT NO. 23-09
CATEGORICAL EXEMPTION
APPLICANT: Valeria Salampessy
LOCATION: 1209 S. Sunset Avenue
REQUEST: A Conditional Use Permit (CUP) to allow for the off-site sale of beer and wine (Type 20) within an existing 2,482 square foot convenience store at a service station, known as Chevron Extra Mile, located in the "Neighborhood Commercial" (N-C) Zone.**

Associate Planner Miriam Machado presented the staff report and informed the Commission that the public hearing had been re-noticed for this evening. Staff recommended approval of the application.

PROPONENTS:

Sodhi Shoker, the applicant, and Mario Sobazvarro spoke in favor of the application. Mr. Shoker also spoke about measures he will take to prevent the sales of alcohol to minors.

OPPONENTS:

None

Chair Gutierrez closed the public hearing and opened Commission discussion.

There was a discussion by the Commission regarding reconsideration of this matter after it had been denied.

The City Attorney said there is a process in the Municipal Code that allows for reconsideration of actions that have been denied, rescinded or amended. There was further discussion by the Commission.

Motion by Gutierrez, seconded by Heng, to adopt Resolution No. 24-6141 approving Conditional Use Permit No. 23-09. Motion carried 5-0.

Chair Gutierrez said this motion is final unless appealed to the City Council in writing, within ten days.

4. **CONDITIONAL USE PERMIT NO. 23-11**

CATEGORICAL EXEMPTION

APPLICANT: Mohsen Karimi

LOCATION: 246 N. Citrus Street

REQUEST: A Conditional Use Permit (CUP) to allow for the off-site sale of beer and wine (Type 20) within an existing 2,787 square foot convenience store at a service station, known as Mobil Mart, located in the "Regional Commercial" (R-C) Zone.

Associate Planner Miriam Machado presented the staff report.

Chair Gutierrez opened the public hearing.

PROPONENT:

Mohsen Karimi, Ken Kang and Mario Sobazvarro spoke in favor of the request.

Mr. Karimi said he has been in business since 1980. He also agreed to follow the safety procedures recommended by staff.

OPPONENTS:

No one spoke in opposition.

Chair Gutierrez closed the public hearing.

There was a discussion by the Commission regarding denial of a license to the applicant due to undue concentration. Planning Manager Jo-Anne Burns said the City of West Covina could provide a letter addressing public convenience and necessity to the Department of Alcoholic Beverage Control.

Motion by Gutierrez, seconded by Lewis, to adopt Resolution No. 24-6144. Motion carried 4-1 (Williams opposed.)

Chair Gutierrez said this action is final unless appealed to the City Council in writing, within ten days.

5. **ZONE CHANGE NO. 23-02**

GENERAL EXEMPTION

LOCATION: City Wide

REQUEST: The proposed zone change is needed in order to maintain consistency with the City Council's recent approval of the Development Code Update. The zone change will eliminate the mixed-use overlay and change all properties currently zoned Office Professional, Regional Commercial, Neighborhood Commercial, and Service Commercial to be zoned Office Professional Mixed Use (OPMU), Regional Commercial Mixed Use (RMU), Neighborhood Commercial Mixed Use (NMU) and Service Commercial Mixed Use (SMU). In addition, several other properties are being rezoned to an equivalent zoning designation due to the Development Code's elimination of the Planned Industrial (I-P), Public Building (P-B), Medium Commercial (C-2), and Heavy Commercial (C-3) zones; and to either be made consistent to its current use and/or General Plan Designation.

Planning Manager Jo-Anne Burns presented the staff report.

There was a lengthy discussion by the Commission regarding the zoning of properties in the new Development Code. The Commission also discussed the recommended zoning for various

properties contained within the new Development Code.

Chair Gutierrez opened the public hearing.

There was no testimony in favor of, or in opposition to, the zone change.

Chair Gutierrez closed the public hearing.

Motion by Lewis, seconded by Williams, to adopt Resolution No. 24-6146 recommending to the City Council approval of Zone Change No. 23-02. Motion carried 5-0.

Chair Gutierrez said final action on this matter will take place at a public hearing before the City Council on a date to be determined.

NON-HEARING ITEMS

6. ART IN PUBLIC PLACES NO. 24-01 AT 1611-1623 WEST SAN BERNARDINO ROAD

Planning Manager Jo-Anne Burns presented the staff report. Staff recommended approval of Art in Public Places No. 24-01, 1611-1623 West San Bernardino Road.

Mr. Don Cook, the applicant, spoke to the Commission regarding his project and answered questions from the Commission.

Discussion by the Commission.

Motion by Gutierrez, seconded by Becerra, to accept the concept proposed in Art In Public Places No. 24-01 at 1611-1623 West San Bernardino Road. 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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7. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:

The Spring Festival will be held from 11:00 a.m. to 10:00 p.m., on Saturday, March 9, 2024 and from 12 p.m. to 8 p.m. on Sunday, March 10, 2024 on Old Town Glendora Avenue.

Also, on Saturday, March 23, 2024 from 9 a.m. to 12 p.m., the Easter Eggstravanganza will take place at Cortez Park, 2441 E Cortez Avenue, and Del Norte Park, 1500 W Rowland Avenue. No RSVP is required for either location.

8. CITY COUNCIL ACTION:

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

There were no Council actions to report.

ADJOURNMENT

Chair Gutierrez adjourned the meeting at 8:13 p.m.

Respectfully submitted:

Lydia de Zara
Senior Administrative Assistant

PLANNING DEPARTMENT STAFF REPORT

SUBJECT

CONDITIONAL USE PERMIT NO. 24-02

CATEGORICAL EXEMPTION

APPLICANT: Atabak Youssefzadeh

LOCATION: 300 N. Azusa Avenue

REQUEST: The applicant is requesting a Conditional Use Permit (CUP) to allow the off-site sale of beer and wine (Type 20) within an existing 541 square foot convenience store at a service station, known as Arco, located in the "Neighborhood Commercial" (N-C) Zone.

BACKGROUND

The applicant is requesting the approval of a CUP to allow the off-site sale of beer and wine within an existing 541 square foot convenience store at a service station, known as Arco. The subject property is located within the Neighborhood Commercial Zone, on the northeast corner of North Azusa Avenue and East Workman Avenue intersection.

ITEM	DESCRIPTION
Zoning & General Plan	Zoning: Neighborhood Commercial (N-C) General Plan: Commercial (C)
Surrounding Land Uses & Zoning	North: Neighborhood Commercial (N-C) East: Office Professional (O-P), Multi-Family Residential (MF-20) South: Service Commercial (S-C), Multi-Family Residential (MF-20) West: Service Commercial (S-C), Residential Single Family (R-1)
Current Development	Service Station, Convenience Store and Mechanical Shop
Legal Notice	Notices of a Public Hearing have been mailed out to four hundred and thirty-five (435) owners and occupants of properties located within three hundred (300) feet of the subject property. In addition, the Public Hearing Notice was published in the San Gabriel Valley Tribune at least ten (10) days prior to the Public Hearing.

DISCUSSION

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

BUSINESS OPERATION

The subject property is a service station, known as Arco, with an accessory mechanical shop and an accessory convenience store. The proposed use is the off-site sale of beer and wine within an existing 541 square foot convenience store. The WCMC allows for a maximum of ten (10) percent of the retail floor area for the display and sale of alcohol. The existing convenience store has a retail sales floor area of 481 square feet. The proposed use would occupy 30 square feet, less than the permitted 48 square feet. The sales of beer and wine would occupy six (6) of the twelve (12) reach-in coolers within the convenience store. Four (4) of the reach-in coolers would be dedicated to beer and two (2) of the reach-in coolers would be dedicated to wine.

The convenience store will operate twenty-four (24) hours a day, seven (7) days a week. However, during late hours, customers will be serviced through a window to ensure safety and security for both customers and staff. Alcohol sales will be limited between the hours of 8:00am to 12:00am, fewer hours than what is permitted by the California Department of Alcoholic Beverage Control (ABC), which allows sales from 6:00am to 2:00am. The convenience store will have four (4) employees, as indicated in the Business Operation Plan (Attachment No. 2). All employees processing alcohol sales will be responsible for verifying a customer's age using an identification card reader. The identification card reader is required to determine the authenticity of the identification that displays the age of the customer.

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

CENSUS TRACT ANALYSIS

The subject property is located in Census Tract No. 4062.01 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 two (2) off-sale licenses. Currently, there are three (3) active off-sale license. The off-sale licenses are issued to neighboring commercial uses: Royal Crest Dairy, Quick Stop Liquor and Market, and Leprechaun Liquor and Market.

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

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

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

PARKING

The WCMC requires one (1) parking space for every two hundred and fifty (250) square feet of floor area for retail use. The required number of parking spaces for the subject site is three (3) parking spaces. The subject site will provide nine (9) parking spaces, exceeding 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 Zone. The Neighborhood Commercial 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 to 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 541 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 off-site sale of beer and wine within an existing 541 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 8:00am to 12:00am. There are no concerns from the West Covina Police Department (WCPD) regarding the proposed use, as there is no evidence that the proposed use will be detrimental to public health, safety, or general welfare when operating under the conditions indicated in the draft resolution.

c. That the site for the proposed use is adequate in size and is so shaped as to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to adjust said use to the land and uses in the neighborhood and make it compatible therewith.

The existing building and site is adequate in size and is properly designed to accommodate all existing uses. The service station, accessory mechanical shop 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 East Workman Avenue and North Azusa Avenue and can be accessed by either street. The service station, accessory mechanical shop 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 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.

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. 24-6147 approving Conditional Use Permit No. 24-02.

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: Miriam Machado, Associate Planner

Attachments

Attachment No. 1 - Resolution of Approval

Attachment No. 2 - Business Operation Plan

PLANNING COMMISSION

RESOLUTION NO. 24-6147

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 24-02

CONDITIONAL USE PERMIT NO. 24-02

CATEGORICAL EXEMPTION

APPLICANT: Atabak Youssefzadeh

LOCATION: 300 N. Azusa Avenue

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 541 square foot convenience store at a service station on certain property described as follows:

Assessor Parcel No. 8454-016-001 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 April 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 541 square-foot convenience store at a service station located in the “Neighborhood Commercial” (N-C) Zone.
2. The subject property is located in Census Tract No. 4062.01 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 Zone. The Neighborhood Commercial 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 to 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 541 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 541 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 8:00am to 12:00am. There are no concerns from the West Covina Police Department (WCPD) regarding the proposed use, as there is no evidence that the proposed use will be detrimental to public health, safety, or general welfare when operating under the conditions indicated in the draft resolution.
 - c. The existing building and site is adequate in size and is properly designed to accommodate all existing uses. The service station, accessory mechanical shop 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 East Workman Avenue and North Azusa Avenue and can be accessed by either street. The service station, accessory mechanical shop 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. 24-02 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. 24-02 is subject to the following conditions:
 - a. Comply with the plans reviewed by the Planning Commission on April 9, 2024.
 - b. Comply with all applicable sections of the West Covina Municipal Code.
 - c. Comply with all requirements of the "Neighborhood Commercial" 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 541 square foot convenience store.
 - i. The total square footage dedicated to the use is 30 square feet, which will be four (4) reach-in coolers designated for beer and two (2) reach-in coolers designated for wine.
 - 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**

Based on the preliminary information received, the Fire Department requirements* for the above-noted project are:

1. Maintain and/or update all required fire lanes along with red striping and signage.
2. Ensure required labeling, signage, addressing are installed according to approved plans.
3. Ensure all Fire, Life and Safety systems are operable and certified, including Fire Extinguishers, E-Lights, and Egress Hardware.
4. Ensure Knox Box/ Gate Key Switches are up to date with current key for FD access.

***NOTE: 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 April 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: April 9, 2024

Brian Gutierrez, Chair
Planning Commission

Jo-Anne Burns, Secretary
Planning Commission

Business Operation Plan

Our business will operate under the following schedule to ensure efficient and effective service provision:

Overall Hours of Operation:

Our convenience store will operate 24 hours a day, 7 days a week throughout the week to cater to the needs of our customers and community.

Convenience Store Hours:

The convenience store section of our establishment will operate on a 24-hour basis, providing round-the-clock access to essential goods and services for our customers' convenience and accessibility.

Proposed Hours of Alcohol Sales:

Alcohol sales will be available during the following proposed hours: from 8:00 AM TO 12:00 AM. This timeframe has been carefully selected to align with legal regulations and customer demand while ensuring responsible service and consumption of alcoholic beverages.

Staffing:

To maintain smooth operations and provide excellent customer service, we plan to employ four dedicated and skilled individuals who will be responsible for various roles within our establishment. These employees will undergo thorough training to uphold our standards of service quality, safety, and customer satisfaction.

Other Relevant Information:

By adhering to this operation plan, we aim to create a welcoming environment for our patrons while efficiently managing our resources and maintaining compliance with relevant regulations.

PLANNING DEPARTMENT STAFF REPORT

SUBJECT

ART IN PUBLIC PLACES NO 24-02 (PHASE 2)
1115 S. SUNSET AVENUE - EMANATE HEALTH (QUEEN OF THE VALLEY)

BACKGROUND

The Planning Commission approved Precise Plan No. 20-04 on January 26, 2021 to allow the construction of a new two-story medical office building, new emergency room and ICU Department, and a new 4 level parking structure within the Queen of the Valley Hospital Campus. The project is currently under construction. The total valuation for the entire project is \$93,000,000. The required art work allocation for the site is \$930,000 (1% of the total building valuation).

Phase 1 Review

At the November 22, 2022 Planning Commission meeting, the Planning Commission approved the concept/design of the suspended aerial sculpture designed by artist Talley Fisher. The Planning Commission also provided feedback and design suggestions for the mural that was proposed to be located on the blank wall along the West elevation of the Medical Office Building. The Planning Commission approved the design of the Medical Office Building mural on February 28, 2024.

DISCUSSION

The applicant is proposing to install two individual steel sculptures for Phase 2 of the required public art for the Queen of the Valley Hospital Campus.

Standards

The code requires the following standards for artwork:

- **Location** - Artwork shall be situated in areas readily visible to the general public and be located in an area specifically designated on approved building plans. Appropriate locations may include entryways, greenbelts, and building exteriors.
- **Materials** - Artwork shall be constructed of permanent materials requiring a low level of maintenance. The application is reviewed for durability and weather resistance of the art media.
- **Maintenance** - The continued maintenance of artwork shall be the responsibility of the owner. Artists and developers shall include maintenance provisions in the artist's contract which stipulate the length of time the artist shall be responsible for repairs. Where artwork is placed on private property pursuant to the requirements of this article, the applicant shall execute and record a covenant with the Los Angeles County Recorder which sets forth the applicant's obligation to properly maintain the approved artwork. If any approved artwork placed on private property pursuant to this article is removed without city approval, the city shall pursue enforcement of the covenant and any other appropriate remedies that will ensure compliance with the requirements of this article.

Sculpture 1

The artist selected for the first sculpture is Christopher Puzio. Mr. Puzio has created artwork throughout California and the United States, including public art commissions in Brea, La Jolla, San Diego, San Francisco, Seattle, and Miami.

- **Location** - The sculpture is proposed to be located on the southeast side of the medical office building (front).

- **Materials** - The material used will be powder covered steel featuring a circular/geometric pattern. This concept was selected because of Emanate's interest in showcasing artwork that integrated the regional landscape with patterns found in biology. The sculpture will be 12 feet in height and span up to 20 feet in width.
- **Budget** - \$300,000

Sculpture 2

The artist selected for the second sculpture is Nick Petronzio. Mr. Petronzio's artwork could be found in the J. Paul Getty Museum (reproduction of a Pietro Cipriani bronze sculpture), Godfrey Hotel in Los Angeles (Wings of the Majestic), Waldorf Astoria in Beverly Hills (20' Sway), Nasher Sculpture Center in Dallas, and in Disney theme parks world-wide.

- **Location** - The sculpture is proposed to be located on the walkway/landscaped area in between the medical office building and parking structure.
- **Materials** - The material used will be powder covered steel in Emanate's corporate blue color. The sculpture will be 11 feet in height and 2-3" wide, and will depict birds in flight.
- **Budget** - \$200,000

Maintenance

Emanate Health would be responsible for maintaining the artwork and will be required to record a covenant reviewed and approved by the City Attorney.

Budget

The total cost for both sculptures is \$528,418 (\$300,000 Puzio, \$200,000 Petronzio, and \$28,418 for the sculpture footings). This includes research and development, site visit, concept design, artist's fees, fabrication, and installation. The following table indicates the balance of the required Art in Public Places allocation:

Entire Project	\$930,000
Suspended Sculpture (Phase 1 - Completed)	\$235,025
Mural (Phase 1 - Completed)	\$89,400
Puzio Sculpture	\$300,000
Petronzio Sculpture	\$200,000
Sculpture footings	\$28,418
Balance	\$77,157

According to the applicant, the \$77,157 remaining balance will be utilized to commission artwork for Phase 3.

STAFF RECOMMENDATIONS

It is recommended that the Planning Commission approve the concept/design of the sculptures.

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

Attachments

Attachment No. 1 - Artwork Specifications



3.26.2024

Emanate Health Public Art – Phase 2

KEVIN BARRY
ART ADVISORY



Christopher Puzio

San Diego

Artist Selection:

Christopher was selected because of his style of sculptures featuring geometric patterns. Emanate was interested in showcasing artwork which spoke to the regional landscape while conveying patterns found in biology.

Medium

Powder Coated Steel

Scale

Left: 20' Diameter, 12' High

Lead-time: 12-14 Weeks, 1 Day Installation

Costs

Sculpture Fabrication - \$300,000

Artist Travel - Included (2 Site Visits and 3 Virtual Planning Meetings)

Crating/Transportation/Installation (Includes Mounting Hardware)

*Does not include Installation of Footings, Anchors, Up-lighting



Christopher Puzio

Christopher Puzio is an artist who works in multiple mediums - primarily metal, to create dramatic sculptural and environmental elements. Puzio received his Master's degree at Cranbrook Academy of Art in Detroit, where he focused and developed his passion for contemporary metalwork and design. His work has been featured in Museum of Contemporary Art San Diego's exhibition "Here Not There: San Diego Art Now", Art San Diego Contemporary Art Fair, Palm Springs Art Fair, Palm Desert's 2021/2022 El Paseo Sculpture Exhibition in addition to numerous other exhibitions and shows nationwide.

Education

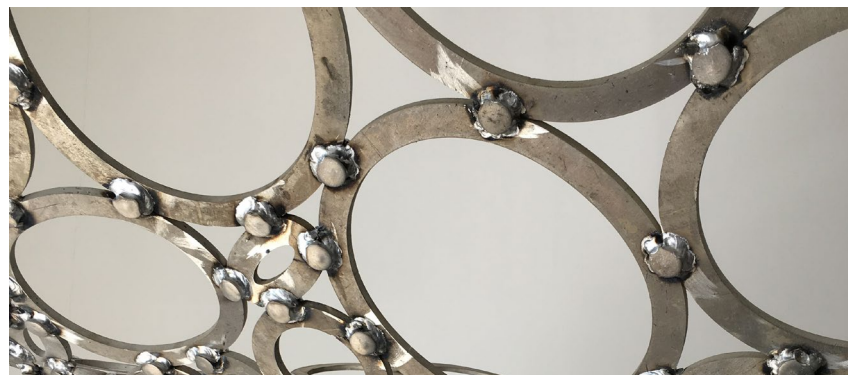
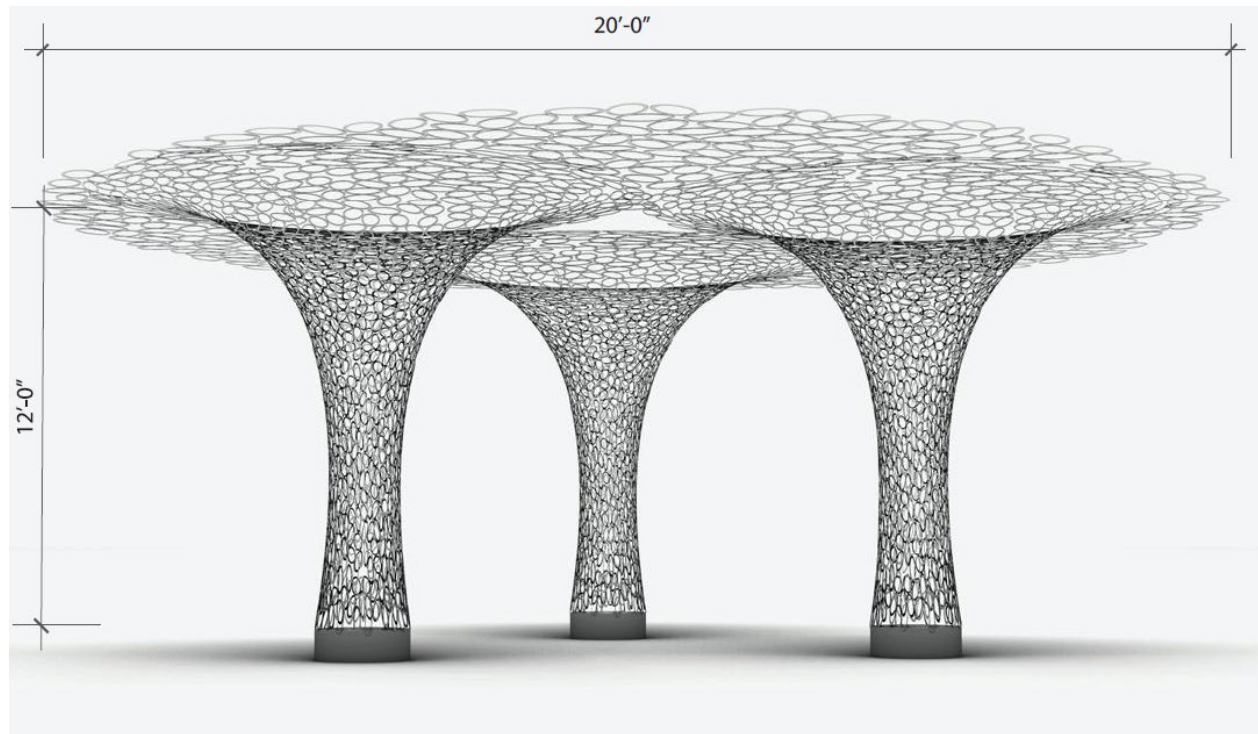
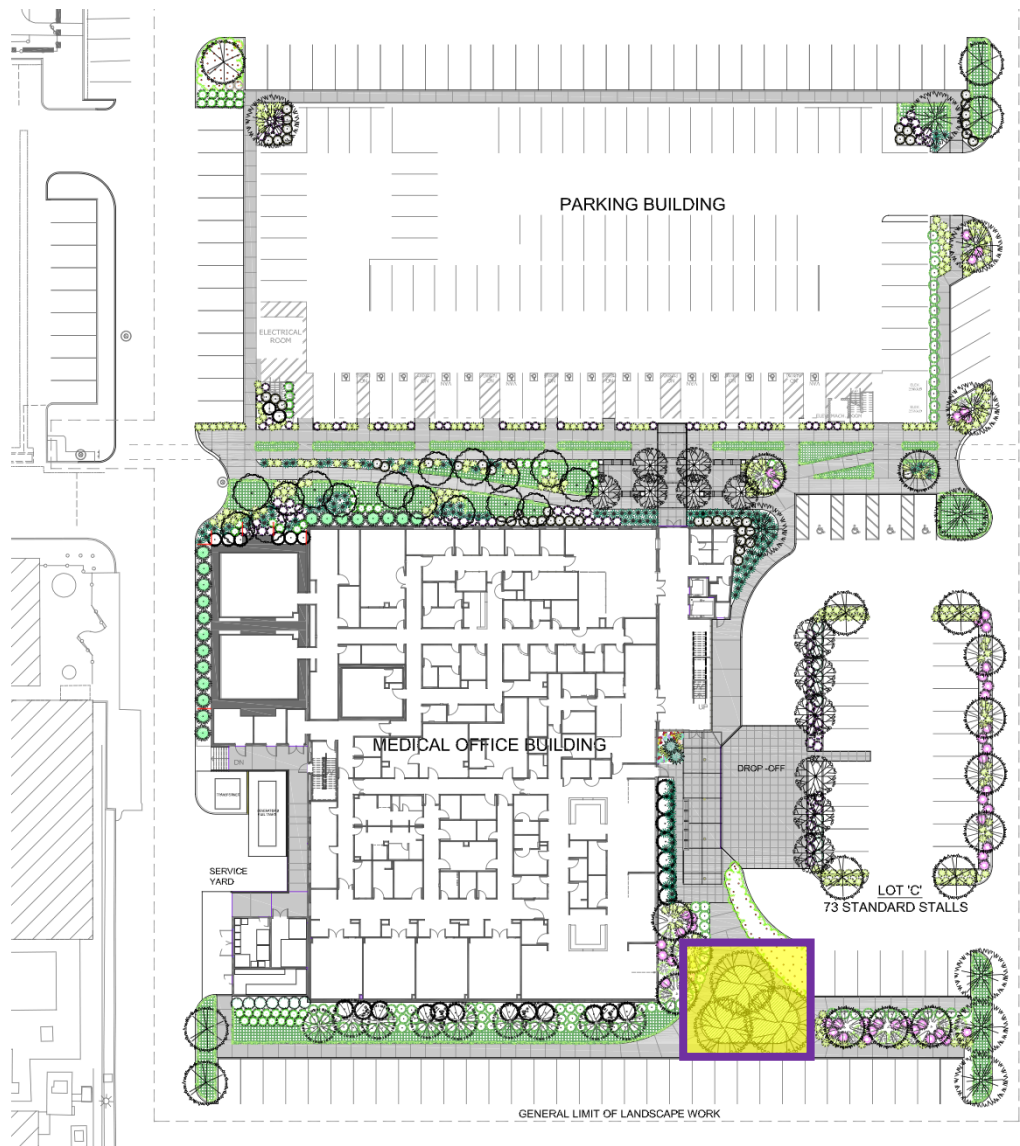
Cranbrook Academy of Art, M. Arch. 2002
Boston Architectural College, B. Arch. 1996

Residencies

Penland School of Crafts 2023
Haystack Mountain School of Crafts 2018

Public Art Commissions

Art in Public Places Brea California, Brea, CA 2023
Art in Public Places Brea California, Brea, CA 2022
LAX 5959, Los Angeles, CA 2019
Jefferson Stadium Park, Anaheim, CA 2019
Bloc: Lane Field South, San Diego, CA 2018
Cerritos Trees, City of Cerritos, CA 2016
Hilton Harborview Hotel, San Diego, CA 2016
San Diego County Library, Alpine, CA 2016
HUB Hillcrest, San Diego, CA 2014
La Jolla Crossroads, La Jolla, CA 2014
You Are Here, San Diego, CA 2013
Tom Ham's Lighthouse, San Diego, CA 2013
Higuera Garage, Culver City, CA 2013
Steelhouse Offices, Culver City, CA 2013
Seattle Office of Arts and Cultural Affairs, Artist Registry 2011-12
San Francisco Arts Commission, Bay Area Artist Registry 2011-12
John Wayne Airport, Orange County, Terminal C, short-list 2011
San Diego County Operations Center, San Diego, CA 2010
City of Greeley Public Art, Sculpture on Loan 2010
Miami-Dade Fire Rescue Headquarters, short-list 2010
San Diego International Airport, Terminal 1, short-list 2010
Miami-Dade, Jackson South Community Hospital, short-list 2010
Alameda County Arts Commissio, Site-specific Artist Registry 2010
Ocean Beach Comfort Station, short-list 2009



Pattern



Powder Coating



Nick Petronzio

Los Angeles

Artist Selection:

His personal sculpture work reveals his understanding of human and animal anatomy and gestural movement. he strives to capture the human experience and spirit through his work which explores the interconnectedness of nature and humanity. His fascination with natural forms and mankind's broad emotional range inspires him to create dynamic and sensitive works that carry a timeless quality.

Medium

Powder Coated Steel

Scale

6'7" Diameter x 11' High, 12 dimensional birds between 2'-3' wide.

Lead-time: 10-12 Weeks, 1 Day Installation

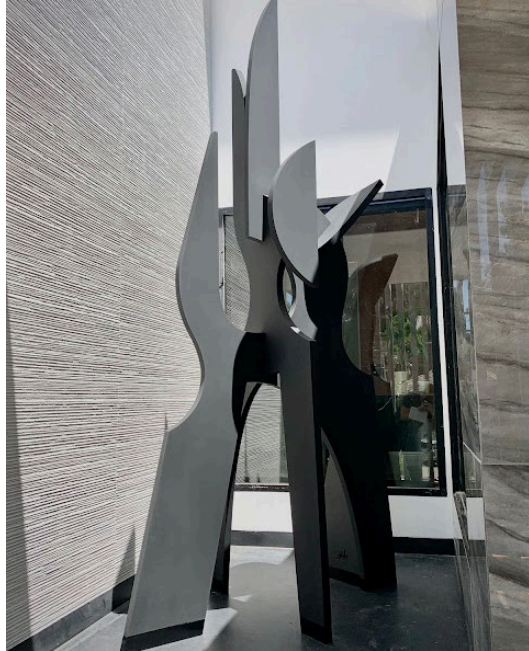
Costs

Sculpture Fabrication - \$200,000

Artist Travel - Included (2 Site Visits and 3 Virtual Planning Meetings)

Crating/Transportation/Installation (Includes Mounting Hardware)

*Does not include Installation of Footings, Anchors, Up-lighting



Nick Petronzio

Acclaimed for his versatility in style and technique coupled with a vast knowledge of materials, the award winning artist has produced works that range from the reproduction of a Pietro Cipriani bronze sculpture for the J. Paul Getty Museum to several Disney characters including Mickey Mouse, Rex and Pluto for Disney's theme parks world-wide.

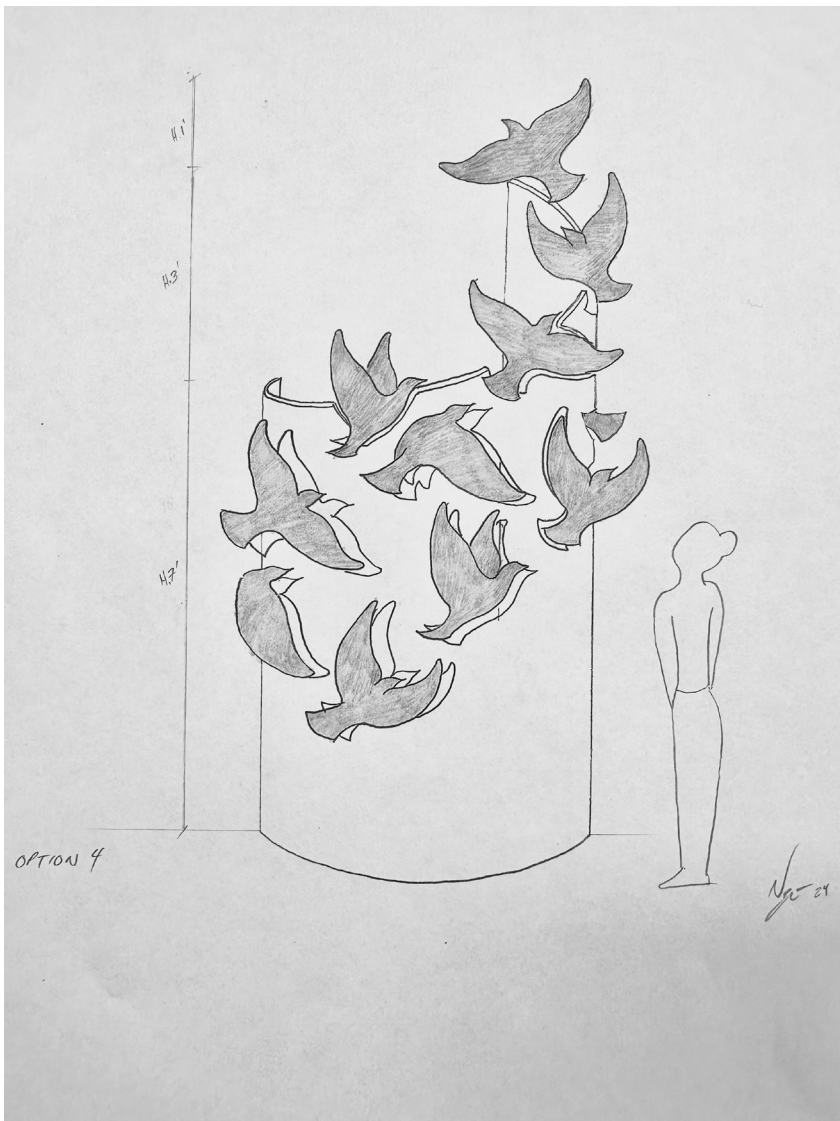
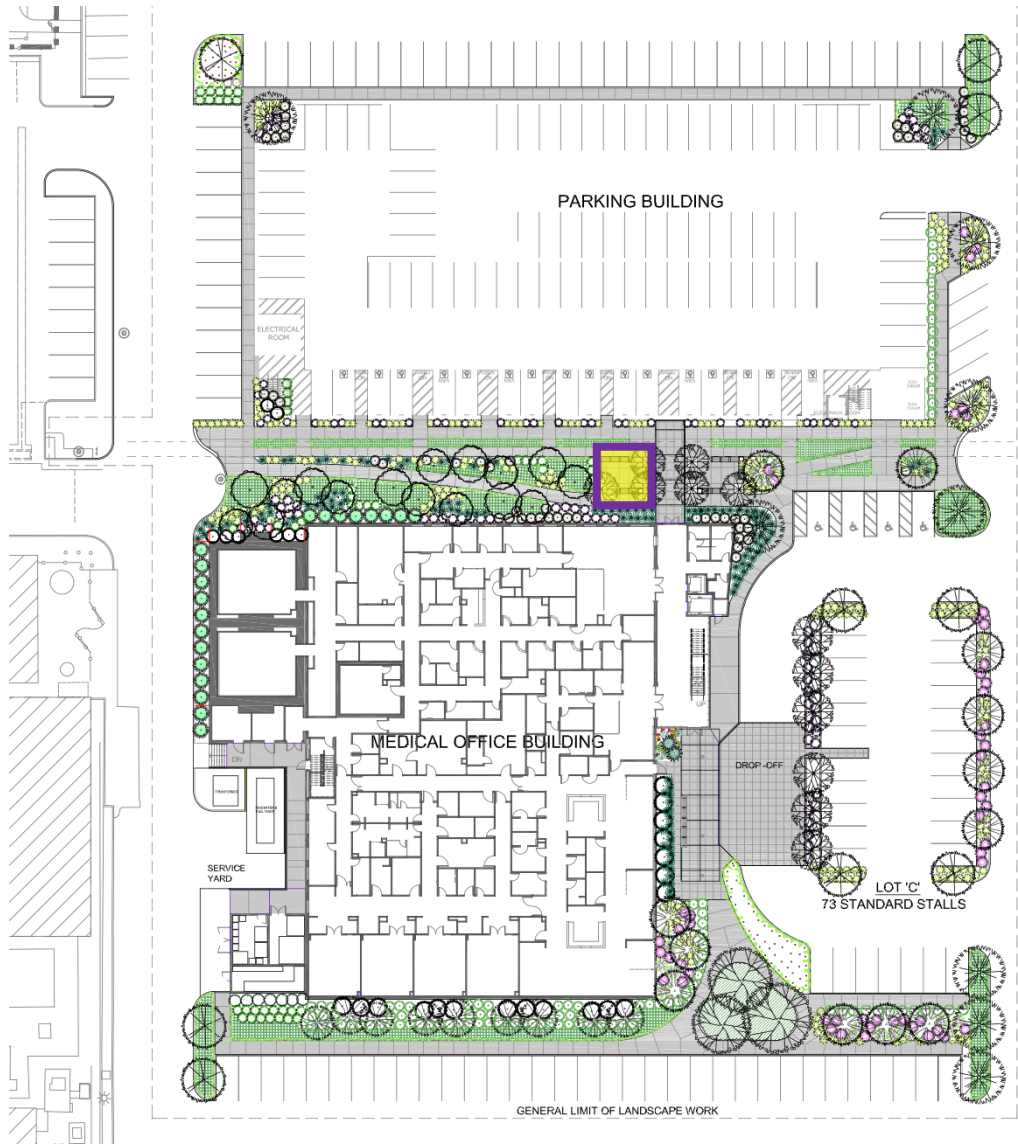
Education

Nick attended F.A.C.E. elementary and high school in Montreal, Canada where his artistic horizons were elevated by a curriculum that focused on visual and performing art. After grade school, he went on to study Art at Central Technical School in Toronto where he completed a two year pre-collegiate Fine Art program. The artist continued his studies and graduated with degrees in both Illustration and Design and Fine Art from Dawson College.

Public Art Commissions

Godfrey Hotel, Los Angeles -2019
 Beverly Hills Waldorf — 2007
 Nasher Sculpture Center Dallas — 2023
 Landsby Apartments, San Francisco -2021
 Dermalogica HQ, Carson Ca - 2019





Artist Concept Sketch



Powder Coating

Timeline Milestones

March 2024

- Artist Site Visit
- Artist Submissions of Preliminary Drawings for Client Selection and Approval

April 2024

- Preliminary Proposal Submission to Arts and Culture Committee
- Engineering Approval
- Final Artwork Specifications Provided for Client Approval
- Finish Sample Approvals

May – August 2024

- Sculpture Fabrication
- Permitting Submittals by KBAA

September 2024

- Final Site Visit by KBAA and Artist
- Client to Confirm Installation Date – No later than 4 weeks prior to install
- Crating and Shipment of Sculpture
- Installation of Sculptures 3-5 Days

Budget Outline

CHRISTOPHER PUZIO Sculpture w/ Install.....	\$300,000
NICK PETROZIO Sculpture w/ Install.....	\$200,000
Sculpture Footing Construction.....	\$28,418
TOTAL SPENT.....	\$528,418.00

Cost Summary Public Space

- Estimated Artwork Total: \$ **528,418.00**
- Estimated Tax: Tax Exempt
- Estimated Cartoning: Included
- Estimated Freight: Included
- Estimated Install: Included
- FOB: US

Terms:

- 50% Deposit / Balance Due Prior to Installation

Terms and Conditions

ESTIMATED PACKING & SHIPPING:

Shipping quotes are estimated costs and will be billed according to actual costs upon completion.

QUOTE TERMS: All quotes on pricing and timelines for completion for Kevin Barry Art Advisory artwork are applicable for 30 days. Please confirm pricing if placing an order after 30 days from quote.

PURCHASE ORDERS: Submit all purchase orders via email to your sales representative with a cc to your art advisor to ensure timely receipt of your order.

LEAD TIME: The lead time quoted is standard. Applicable lead time begins after sampling is approved. We may be able to complete your order sooner based on our production queue at the time of order. Please advise your sales representative and cc your production manager if you are unable to receive the order sooner than the lead time indicated. Applicable rush fees may apply if a rush turnaround time is requested by the client. Standard rush fees are usually up to 20% per item.

STORAGE FEES: When applicable storage fees may be applied. Standard storage fees are based on space availability and will be billed actual.

COPYRIGHT AND USAGE: All artwork/imagery published by Kevin Barry Art Advisory and/ or produced by its artists is copyrighted. Purchasing a piece of artwork does not give the buyer any rights to reproduce that imagery, to prepare derivative works based upon that imagery, or to distribute copies of the imagery to the public by sale, rental, lease, or lending. You are purchasing the artwork/imagery but not the copyright. Kevin Barry Art Advisory products are for art décor use and may not be altered without written permission. Kevin Barry Art Advisory prohibits any posting of Kevin Barry Art Advisory imagery on websites or use in marketing without prior approval or written permission. Please contact your sales representative for permission to post imagery online or to use our images for marketing purposes.

WARRANTY: Kevin Barry Art Advisory policy warranties against manufacturer defects only. Manufacturer defects do not include damage due to climate, mishandling in storage and improper installation. Kevin Barry Art Advisory requires notice of any freight damage or discrepancy with product or invoice within 30 business days of receipt of product.

VARIANCE: Due to variations in material and environmental factors that affect equipment, images are guaranteed to match the size quoted within a tolerance of one quarter inch.

DESIGN FEES: Design time fees are charged by the hour. Kevin Barry Art Advisory requires physical / universal color references for all color comparison or manipulations. All crops and digital manipulations must be approved by the customer or designated party before Kevin Barry Art Advisory will proceed with production of the custom product. Design time beyond the original scope as defined in this quote will be charged as a change order. When applicable one round of samples may be provided. Any additional samples will be billed actual.

DEPOSITS AND PAYMENT TERMS: This quote does not represent a guarantee of terms and credit. All orders require prepayment in full unless other payment terms are approved in advance. Please contact your sales representative to apply for terms. All commissions and custom artwork orders require a minimum 50% non-refundable deposit to initiate the order. Payment must be made in U.S. Dollars. Payment due dates of all approved terms are computed from shipment/invoice date. Sender must pay for all costs of wire transfers of funds, and for any costs of currency conversion. We accept VISA, MasterCard, and American Express. A 3% fee will be charged for credit card use after your order has shipped. There is a \$5,000 credit card charge limit per order. A \$35 service charge will be levied on any account for a returned check.

INSTALLATIONS: All Kevin Barry Art Advisory installations will be billed actual. If the installation site is not in working condition or the conditions agreed to by all parties then the installer will charge an hourly rate for their additional time. A 20% re-scheduling or cancelation fee will be applied to any installation that is re-scheduled two weeks or less before the scheduled installation date. The 20% fee applies to the installation quote only.

CANCELLATIONS: All Kevin Barry Art Advisory goods are made to order per client specifications. Cancellation requests require a written request for approval by Kevin Barry Art Advisory, and such orders may also be subject to price change or re-stocking fees of 25% — 50% of the net sales price. This Order Cancellation policy applies when the customer cancels all or part of an order after order acceptance and acknowledgement from Kevin Barry Art Advisory but before shipment of goods or execution of services.

Proposal Agreement Signatures

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Emanate Health Representative

Ken Kuller

Kevin Barry Art Advisory Representative

Date of Acceptance

4/1/2024

Date of Acceptance



Allison Barry
PRESIDENT
allison@kevinbarry.com



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ART DIRECTOR
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Thank you