

A G E N D A
DATE: March 12, 2019
ITEM NO.: 1

MINUTES
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF WEST COVINA
Tuesday, February 26, 2019

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the West Covina Council Chambers. Commissioner Jaquez led the Pledge of Allegiance and the Commission observed a moment of silence.

ROLL CALL

Present: Heng, Holtz, Jaquez, Kennedy and Redholtz

Absent: None

City Staff Present: Anderson, Burns, Morales, Aguilar, Martinez and de Zara

APPROVAL OF MINUTES:

1. Regular meeting, February 12, 2019

The minutes were approved as presented.

OTHER MATTERS OR ORAL COMMUNICATIONS

None

PUBLIC HEARINGS

2. ADMINISTRATIVE USE PERMIT NO. 18-06
SUBCOMMITTEE FOR DESIGN REVIEW NO. 18-20
CATEGORICAL EXEMPTION
APPLICANT: Mariano Magsaysay
LOCATION: 417 S Campana Flores Drive
REQUEST: The applicant is requesting an administrative use permit to allow for construction of a new 4,923-square foot, two-story residence. The applicant is also requesting a second unit review permit to allow for the conversion of the existing single-story house into an accessory dwelling unit. The second unit review is for reference only and is not reviewed by the Planning Commission.

Planning Assistant Rene Aguilar presented the staff report. During his presentation he reviewed the applicant's request for a new two-story house and partial demolition of the existing house for use as an accessory dwelling unit. In addition, Mr. Aguilar reviewed the site plan, landscaping and proposed architectural features of the new two-story home. He also told the Commission a balcony was proposed on the rear elevation.

Commissioner Kennedy asked if a public hearing notice had been sent out to residents in the area. Chairman Redholtz asked if any of the residents had requested a public hearing, and if any variances were requested with this application. Mr. Aguilar said this matter was forwarded to the Planning Commission by the Subcommittee for Design Review and none of the residents had requested a public hearing or contacted staff about the proposed balcony. Mr. Aguilar also said no variances had been requested.

Chairman Redholtz opened the public hearing.

PROPOSERS:

E. Luz, architect on the project, and Mariano Magsaysay spoke in favor of the application. They both answered questions by the Commission regarding the design of the new home, architectural features and the balcony to the rear of the home.

Commissioner Kennedy expressed his concern that the balcony could infringe upon the neighbor's privacy. Mr. Magsaysay expressed his willingness to screen the view with tall trees or shrubs. There was a short discussion by the Commission regarding the type of trees that could provide privacy and screen the view from the balcony. Commissioner Jaquez suggested they consider a tree that would not become brittle and break or fall in heavy wind or rain.

OPPOSERS:

No one spoke in opposition.

Chairman Redholtz closed the public hearing.

Chairman Redholtz asked if anyone had comments on the proposed balcony on the rear of the building.

Motion by Holtz, seconded by Jaquez, to waive further reading and adopt Resolution No. 19-5980, approving Administrative Use Permit No. 18-16. Motion carried 5-0.

Chairman Redholtz said this action is final unless appealed to the City Council within ten (10) days

3. CONDITIONAL USE PERMIT NO. 18-09
 CATEGORICAL EXEMPTION

APPLICANT: Erika Diaz for Adult Day Care Facility

REQUEST: Approval of a conditional use permit for an adult day care facility within an existing 9,577-square foot tenant space. The project is in the General Urban Zone and no new construction is proposed.

The staff report was presented by Paulina Morales, Economic Development and Housing Manager. During her presentation she reviewed the request for the adult day care facility and spoke about the proposed site. In addition, she reviewed the proposed business plan and spoke about the number of clients and staff that would be present during the facilities operating hours. Staff recommended approval of the application, subject to the conditions of approval.

Chairman Redholtz opened the public hearing.

PROPOSERS:

King Woods, Administrator, and Erika Diaz, applicant, spoke in favor of the request and answered questions by the Commission.

OPPOSERS:

No one spoke in opposition.

Chairman Redholtz closed the public hearing.

Chairman Redholtz asked about the use of the large community room on the site plan. Ms. Diaz said it would be used for activities for the clients.

Motion by Kennedy, seconded by Holtz, to waive further reading and adopt Resolution No. 19-5981, approving Conditional Use Permit No. 18-09. Motion carried 5-0.

Chairman Redholtz said this action is final unless appealed to the City Council within ten (10) days.

NON-HEARING ITEMS

4. STUDY SESSION – CODE AMENDMENT NO. 18-04 ALCOHOL SALES AT SERVICE STATIONS

Planning Manager Jo-Anne Burns presented the staff report. During her presentation she told the Commission that this request had been reviewed in the past by previous Planning Commissions. In addition, she added that during the last consideration of this matter, the Commission had provided conditions of approval should the code amendment be approved and adopted by the City Council. She also provided the Commission with information regarding the number of service stations in the city, as well as the number of stores that currently sell beer and wine.

Commissioner Holtz asked for clarification of the history and reason why service stations were not permitted to sell beer and wine. He also asked if permission could be rescinded if the code amendment were approved and adopted by the City Council. He also asked for clarification regarding the sale of distilled spirits and was told by staff that this code amendment was only for the sale of beer and wine.

Chairman Redholtz asked if anyone wanted to speak about this matter.

Mohsen Karimi, Phil Kaufman, John Shewmaker, Sodhi Shoker and Houshi Ardi spoke in favor of the code amendment. Mr. Karimi said he had requested the code amendment because he operates a convenience store at his service station and many of his customers request the sale of beer and wine. He added that, since his main business is selling gasoline and he no longer has service bays, he needs to operate a convenience store to make his business more profitable.

Mr. Kaufman expressed his support of the code amendment saying that it should have been removed years ago. He also stated his opinion that there is no difference in buying beer and wine from a service station convenience store and a liquor store. Mr. Shoemaker said he agrees with Mr. Kaufman's statement and feels that selling gasoline should not affect the ability of service station convenience stores to sell beer and wine. He also expressed his opinion that service station owners should be allowed to compete with other retail establishments that sell beer and wine. Mr. Ardi said he operates a convenience store at a service station and it is difficult for customers to have to go to another location to purchase beer and wine.

Forrest Wilkins, Dana Sykes, Jerri Potras, Heidi Freeman, Brian Jobst, Elsie Messman, Beverly Bulthuis, Kim Sutliff, Angie Gillingham, Adnan Khan, Fredrick Sykes, and Robert Torres spoke in opposition. Mr. Wilkins told the Commission that he is concerned with an increase in gang activity and harassment at the fuel pumps. He added that citizens of West Covina had expressed their opinion by submitting a petition against the sale of beer and wine at service stations. The remainder of the opponents expressed their concerns with people driving while intoxicated, lowering the standards in West Covina, making West Covina less

family-oriented, concerns with public safety, increase in traffic, the possibility that alcoholics will drink and drive endangering West Covina citizens, keeping West Covina a wholesome place to raise families, allowing an over-concentration of liquor stores causing a negative impact on West Covina citizens and not encouraging the use of alcohol and marijuana in public.

At the end of the public comments, the Commission had a discussion regarding whether they should continue studying this matter. It was the consensus of the Commission to direct staff to schedule another study session. In addition, they directed staff to provide them with information regarding the following:

- Request comments from the Police Department;
- Request comments from the Fire Department;
- Survey surrounding cities on if alcohol sales are allowed at gas stations;
- Research if the Department of Alcohol Beverage Control establishes standards for cities on appropriate number of off-sale licenses;
- Prepare map, or information indicating the location of off-sale locations in the city.

Mr. Anderson also said there will be an e-notification list that people interested in this matter can sign up on for notification of future study sessions.

Motion by Jaquez, seconded by Kennedy, directing staff to research additional information and schedule another study session on Code Amendment No. 18-04. Motion carried 4-1 (Holtz opposed.)

CONTINUATION OF ORAL COMMUNICATIONS

Robert Torres – regarding the future study session for Code Amendment No. 18-04.

COMMISSION REPORTS/COMMENTS AND MISCELLANEOUS ITEMS

Chairman Redholtz – regarding future appointments to the Subcommittee for Design Review.

5. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:

- a. Forthcoming – March 12, 2019
- b. Subcommittee for Design Review Minutes:

January 22, 2019

February 12, 2019

6. CITY COUNCIL ACTION:

None

ADJOURNMENT

Chairman Redholtz adjourned the meeting at 9:00 p.m.

Respectfully submitted:

Lydia de Zara
Senior Administrative Assistant

ADOPTED AS SUBMITTED ON: March 12, 2019