

DRAFT

MINUTES REGULAR MEETING OF THE PLANNING COMMISSION CITY OF WEST COVINA Tuesday, September 26, 2023

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

Commissioner Lewis led the Pledge of Allegiance

ROLL CALL

Present: Gutierrez, Williams, Heng, Becerra, Lewis

City Staff Present: Bettenhausen, Morales, Burns, Machado, Rivera

APPROVAL OF MINUTES

1. Regular meeting, September 12, 2023 - The minutes were approved 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.

None

PUBLIC HEARINGS

1. PRECISE PLAN NO. 20-02 PROJECTS CONSISTENT WITH A COMMUNITY PLAN, GENERAL PLAN, OR ZONING

APPLICANT: Mark Gabay

LOCATION: APN 8474-009-009 parking lot on the south side of Walnut Creek Parkway, between S. Vincent Avenue and S. Glendora Avenue

REQUEST: The applicant is requesting approval of a precise plan to construct a 51-unit multifamily residential building on a 42,672 square foot lot. The proposed building will be three-stories with subterranean parking, totaling 92,372 square feet of floor area (including 35,630 square feet of subterranean parking). The project also involves the removal of onsite trees and two public right-of-way trees (Tree Permit No. 23-08). The project site is zoned "General Urban" zone and has a General Plan designation of "Neighborhood-High." This project was initially reviewed by the Planning Commission on September 12, 2023 and was continued to allow for design changes.

Planning Manager Jo-Anne Burns told the Commission the applicant wasn't able to update the plans for this project in time for this meeting.

Chairman Gutierrez opened the public hearing.

No one came forward to speak.

Chairman Gutierrez closed the public hearing.

Motion by Becerra, seconded by Heng, to continue this matter to the next regular meeting, October 10, 2023.

Motion carried 5-0.

2. CONDITIONAL USE PERMIT NO. 23-05 CATEGORICAL EXEMPTION

APPLICANT: Shaheen Mallick (Walnut Valley Animal Hospital)

LOCATION: 4141 S. Nogales Street, Suite B101

REQUEST: The applicant is requesting the approval of a Conditional Use Permit (CUP) to allow for the use of a veterinary hospital, Walnut Valley Animal Hospital, within an existing 2,400 square-foot tenant space located in the "Service Commercial" (S-C) Zone.

Planning Assistant Jerry Rivera presented the staff report and stated the applicant wasn't present.

Chairman Gutierrez opened the public hearing.

No one spoke in favor of, or in opposition to, the request for a conditional use permit.

Chairman Gutierrez closed the public hearing.

Rivera told the Commission the applicant had requested that he be allowed to keep sick pets overnight for observation. During a discussion by the Commission, the applicant arrived.

Chairman Gutierrez re-opened the public hearing.

PROPOSERS:

Shaheen Mallick, applicant, spoke in favor of the project and answered questions by the Commission.

OPPOSERS:

No one spoke in opposition.

Chairman Gutierrez closed the public hearing.

Motion by Lewis, seconded by Gutierrez, to waive further reading and adopt Resolution No. 23-6131, as amended, approving Conditional Use Permit No. 23-05. Motion carried 5-0.

Chairman Gutierrez called a recess.

Chairman Gutierrez reconvened the meeting.

3. **REVOCATION AND/OR MODIFICATION OF CONDITIONAL USE PERMIT NO. 15-05
AND ADMINISTRATIVE USE PERMIT NO. 15-09**

CATEGORICAL EXEMPTION

PERMITTEE: Eric Roque of Rebel Yell Bar and Steakhouse

ADDRESS: 2050 S. Valinda Avenue (REBEL YELL BAR AND STEAKHOUSE)

Planning Manager Jo-Anne Burns presented the staff report. Lt. Travis Tibbets spoke to the Commission regarding various police service calls to the location.

Chairman Gutierrez opened the public hearing. Eric Roque, owner, was sworn in by Chairman Gutierrez and answered questions by the Commission. His attorney, Gilbert Saucedo, also spoke regarding the operation of the business.

PROPOSERS:

Debra Gomez (e-mail), Ana Muro and Mario Sobalvarro spoke in favor of the revocation.

OPPOSERS:

Gilbert Saucedo, representing the applicant, spoke in opposition to the revocation and offered an explanation regarding the tent put up during the Covid-10 Pandemic and requested that the owner be allowed to continue business operations at this site.

City Attorney Bettenhausen spoke regarding findings for revocation and other possible alternatives.

Planning Manager Burns said staff and the West Covina Police Department were still recommending revocation. Alternatively, the Commission may consider monitoring of business operations by staff and West Covina Police Department, implementation of the CCTV monitoring system by the owner and requiring the owner to hire one state-licensed security guard during the day and two state-licensed security guards at night, after 6 p.m. until the employees or owner close the bar and leave, no tent allowed in the parking lot, and no more live music.

Discussion by the Commission.

Motion by Gutierrez, seconded by Williams, to revoke Conditional Use Permit No. 15-05 and Administrative Use Permit No. 15-09 and to direct staff to work with the City Attorney's Office to prepare appropriate resolutions for these actions. Motion carried 4-1 (Lewis opposed).

Planning Manager Jo-Anne Burns stated that resolutions for revocation of Conditional Use Permit No. 15-05 and Administrative Use Permit No. 15-09 will be presented to the Commission at their regular meeting, October 10, 2023 for reading and adoption by the Planning Commission. There was a short discussion regarding the revocation resolutions, their effective date and the applicant's appeal period.

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 agendaize the matter for a future meeting.

None

4. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:

Thursday, September 28, 2023 - State of the City and Employee Recognition Dinner at 5:30 p.m., at the Sportsplex. Tickets can be purchased on-line or at City Hall.

First Annual West Covina Moon Festival, Saturday, September 30, 2023, 10:00 am to 9:00 pm, Bruno Mars & the Hooligans Tribute Band, entertainers, vendors and food on Glendora Avenue.

Saturday, October 7, 2023, Fire Prevention Week, Open House at Station No. 2 between 10 a.m. and 2 p.m., with Sparky the Fire Dog, fundraiser for Fire Explorers selling hot dogs and water.

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 Gutierrez adjourned the meeting at 9:48 p.m.

Respectfully submitted:

Lydia de Zara
Senior Administrative Assistant