

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

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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 23-09

CONDITIONAL USE PERMIT NO. 23-09

CATEGORICAL EXEMPTION

APPLICANT: Valeria Salampessy

LOCATION: 1209 S. Sunset 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 2,482 square foot convenience store at a service station on certain property described as follows:

Assessor Parcel No. 8467-034-005 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 23rd day of January 2024, conduct a duly advertised public hearing as prescribed by law to consider said application and voted to forward the application to the City Council for consideration; and

WHEREAS, on February 13, 2024, the Planning Commission voted to reconsider the application, and conducted a duly advertised public hearing as prescribed by law to reconsider 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 the off-site sale of beer and wine for off-site consumption within an existing 2,482 square-foot convenience store at a service station located in the “Neighborhood Commercial” (N-C) 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.*
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 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 2,482 square foot convenience store. The convenience store is located near single-family and multifamily residences, where it would be a convenience for the neighboring communities and families. The use is not located within a high crime area and the Census tract is not considered an area of undue concentration of off-sale alcohol licenses. There are currently no alcohol licenses issued to the subject census tract, which allows for three (3) "off-sale" licenses based on the population.
 - b. The proposed use is the off-site sale of beer and wine within an existing 2,482 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 6:00am to 2:00am, as permitted by the California Department of Alcoholic Beverage Control (ABC). The site is not located within a high crime area and is not located within an area of undue concentration of off-sale alcohol licenses. Therefore, there is no evidence that the use will be detrimental to the health, safety, peace or general welfare of surrounding residents or business owners.

- c. The existing building and site are adequate in size and is properly designed to accommodate all existing uses. The service station, accessory car wash 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 parking demand.
 - d. The subject property abuts South Sunset Avenue. The site can be accessed via South Sunset Avenue and West Merced Avenue. The service station, accessory car wash 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. 23-09 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. 23-09 is subject to the following conditions:
 - a. Comply with the plans reviewed by the Planning Commission on February 13, 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 2,482 square foot convenience store.
 - i. The total square footage dedicated to the use is 51 square feet, being a floor display area of 27 square feet and a cooler area of 24 square feet.
 - 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. The applicant shall work with the West Covina Police Department regarding the proper equipment and installation of the Flock Safety cameras.
- 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 all required Fire Lanes along with red striping and signage.
2. Illuminated Exit signage with emergency lighting required.
3. Ensure all Fire, Life and Safety systems are operable and certified.
4. Ensure Knox Box, Gate access is 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 13th day of February 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: February 13, 2024

Brian Gutierrez, Chair
Planning Commission

Paulina Morales, Secretary
Planning Commission