

DRAFT

MINUTES REGULAR MEETING OF THE PLANNING COMMISSION CITY OF WEST COVINA Tuesday, August 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

PLEDGE OF ALLEGIANCE

Commissioner Becerra led the Pledge of Allegiance

ROLL CALL

Present: Williams, Heng, Becerra, Gutierrez, Lewis

City Staff Present: Koo, Burns, Machado, Lomeli

APPROVAL OF MINUTES

1. Regular meeting, June 25, 2024 - Removed for review by staff.

Regular meeting, July 9, 2024 - 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.

Connie Figueroa spoke regarding speeding traffic on Cameron Avenue.

Mayor Brian Tabatabai spoke regarding what he felt were inappropriate actions by Commissioner Gutierrez as a Planning Commissioner.

PUBLIC HEARINGS

2. CONDITIONAL USE PERMIT NO. 24-04 CATEGORICAL EXEMPTION

APPLICANT: Valeria Salampessy

LOCATION: 1333 W. Merced Avenue

REQUEST: The applicant is requesting a Conditional Use Permit (CUP) to allow the sales of beer and wine (Type 20 Off-Sale) for off-site consumption within an existing 1,453 square foot convenience store at a service station, known as Arco, located in the "Neighborhood Commercial Mixed Use" (NMU) Zone.

Planning Intern Moises Lomeli presented the staff report.

Chair Williams opened the public hearing.

PROPONENT:

Sodhi Shoker, applicant, spoke in favor of the request for a request for a conditional use permit to sell alcoholic beverages at a service station convenience store.

Commissioner Gutierrez requested staff explain what a flock camera is and why it is recommended for this use. The applicant also offered comments regarding the installation and use of a flock camera and said the station also has a CCTV camera in use at their store.

Glenn Kennedy spoke regarding the use of two flock cameras.

OPPONENTS:

No one spoke in opposition to the request,

Chair Williams closed the public hearing,

Chair Williams asked if any of the Commissioners wished to comment on this matter.
Commissioner Gutierrez commented on Mr.Tabatabai's earlier comments.

Motion by Becerra to adopt Resolution No. 24-6150, approving Conditional Use Permit No. 24-04, as presented. Motion fails due to lack of a second.

Motion by Heng, seconded by Gutierrez, to waive further reading and adopt Resolution No. 24-6150 approving Conditional Use Permit No. 24-04, allowing the sale of beer and wine at a service station convenience store located at 1333 West Merced Avenue.
Motion carried 3-2 (Williams, Lewis opposed.).

NON-HEARING ITEMS

3. REVIEW OF UNCLASSIFIED USE PERMIT NO. 348 CATEGORICAL EXEMPTION

PERMITTEE: Roger Desai

ADDRESS: 2748 E. Garvey Avenue South (Five-Star Inn)

Commissioner Lewis objected to the presentation of the staff report because the Planning Commission did not vote on the review of the Unclassified Use Permit. He wanted to clarify that

the item is not an action item.

There was a discussion by the Commission regarding the items that were requested from staff, and possible due process in the future with regard to this use. Deputy City Attorney Koo made a recommendation to hear information provided by staff and decide what the Planning Commission would like to do, whether it's to receive and file, or give staff direction.

Deputy Community Development Director Jo-Anne Burns presented the staff report. During the presentation she informed the Commission of the change in terminology from Unclassified Use Permit to Conditional Use Permits. She also informed the Commission of past and current violations, including unpermitted construction, abandoned vehicles, and long-term residents. She also presented the most recent violations that have already been addressed by the property owner. She added that West Covina Police and Code Enforcement representatives were present to address any questions from the Commission.

Tony Cortina, West Covina Police Department Captain, said he was present to answer any questions from the Commission. Chair Williams asked about the calls for service that were initiated by West Covina Police Department officers. Captain Cortina also answered questions from the Commission regarding these calls. There was a discussion by the Commission regarding the types of violations and calls for service from West Covina Police Department with Captain Cortina. There was also a discussion regarding the effectiveness of flock cameras for this type of use and whether security guards help deter crime.

Milan Mrakich, Code Enforcement Director, answered questions from the Commission regarding Code Enforcement actions regarding long-term residents, whether Code Enforcement has the authority to evict long-term tenants, status of unpermitted construction, and whether the issues with code enforcement have been recent or from before the new ownership, and if fines had been initiated, and if violations have been remedied. Mr. Mrakich stated that there were no new code enforcement cases pending.

Owner of the 5-Star Inn, Roger Desai spoke to the Commission regarding the lease of the property to an individual who he took legal action against in July 2024 to remove from the property. He also stated that at that time he found that 15 rooms were not suitable for rental and spoke about his efforts to bring the property into compliance. He answered questions regarding hiring security guards to minimize calls for service from the West Covina Police Department. There was a short discussion regarding how long he has owned the property, code enforcement case notifications, and if he would be open to having a security guard on the property. Mr. Desai spoke about his interest in the Pathway Homes Program.

Commissioner Gutierrez asked Code Enforcement Director Milan Mrakich who Code Enforcement notifies of code violations. Mr. Mrakich stated that the property owner of record and the occupant of the site are sent notices of violations, then they are sent an administrative citation, then they refer to the City Prosecutor's office for court actions. There was a discussion regarding any communications with the owner of the 5-Star Inn and all violations were resolved with the first notice. Gutierrez asked Captain Cortina how many calls for service had occurred recently.

There was a discussion by the Commission regarding this use, updating the unclassified use permit to a conditional use permit.

Motion by Becerra to review this matter in six months to see if there are any improvements to the operation of this use.

Counter-motion by Lewis to receive and file.

Alternate motion by Gutierrez, seconded by Becerra, to give an update to the Commission regarding calls for service and criminal activity and any updates to the matters presented within five months. Motion carried 3-2 (Lewis, Williams opposed).

The Commission took a 5-minute recess.

The meeting reconvened.

Commissioner Lewis recommended that this matter be sent to the City Council for direction and asked the majority for reconsideration.

Commissioners Heng, Becerra and Gutierrez spoke against forwarding this matter to the City Council.

4. PLANNING COMMISSION STANDING MEETING RULES

Deputy Community Development Director Jo-Anne Burns presented the staff report. During her presentation she told the Commission that their suggestions for amendment to the Robert's Rules of Order had been included in Resolution No. 24-6152. She recommended that the Commission waive further reading and adopt the resolution, or instruct staff to make further amendment to Robert's Rules of Order.

Becerra commented that the amendments to the Commission's Rules of Order have not made any difference. Commissioner Gutierrez agreed.

City Attorney Koo suggested that if there are any other matters of decorum the Commission would want to include, they should direct their comments to Deputy Community Development Director Burns.

Motion by Becerra, seconded by Gutierrez, to continue discussion of this matter to the next meeting. Motion carried 3-2,
(Williams and Lewis opposed.)

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.

5. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Deputy Community Development Director Jo-Anne Burns commented that staff had submitted the current of the Draft Housing Element to HCD.

6. CITY COUNCIL ACTION

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

ADJOURNMENT

Chair Williams adjourned the meeting at 9:34 p.m.

Respectfully submitted:

Lydia de Zara
Senior Administrative Assistant