

CITY OF LA PUENTE

PLANNING COMMISSION AND DEVELOPMENT REVIEW BOARD

MINUTES

March 06, 2012

A Regular Meeting of the Planning Commission and Development Review Board - of the City of La Puente was held in the Council Chambers of City Hall, 15900 East Main Street, La Puente, California, on 03/06/2012, at 7:00 p.m.

Per Robert's Rules of Order Newly Revised 10th Edition, minutes are a record of the actions taken by the body. These minutes do not include a summary of the discussion but only reflect the action taken by the body. A complete audio recording of this meeting is available on the City's website www.lapuate.org

CALL TO ORDER:

Vice Chairman Duarte called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Vice Chairman Duarte.

ROLL CALL: Commissioners: Brown, Costea, Duarte, Klinakis, Young

PRESENT: Costea, Brown, and Young and Duarte.

ABSENT: Klinakis.

EX OFFICIO: Development Services Director Di Mario, Assistant Planner Chow, Lt. Cacheiro, Administrative Secretary Ramirez, and Deputy City Attorney Sparks.

MINUTES OF PREVIOUS PLANNING COMMISSION AND DEVELOPMENT REVIEW BOARD MEETING:

1. Minutes of the Planning Commission/Development Review Board meeting of December 6, 2011.

Vice Chairman Duarte moved and Commissioner Brown seconded to approve the Minutes of the previous Planning Commission and Development Review Board meeting: The motion carried with the following roll call vote:

AYES: Duarte, Young, Costea, and Brown.
NOES: None
ABSTAIN: None
ABSENT: Klinakis.

**ORAL COMMUNICATIONS FOR THE PLANNING COMMISSION AND THE
DEVELOPMENT REVIEW BOARD:**

None.

RECESS THE DEVELOPMENT REVIEW BOARD

PUBLIC HEARINGS BEFORE THE PLANNING COMMISSION:

2. **UNCLASSIFIED USE PERMIT NO. 198A - Consideration of a resolution modifying an existing Unclassified Use Permit allowing the sale of beer and wine for off-site consumption with a retail market located at 619 Glendora Avenue, La Puente, California.**

Assistant Planner Chow presented the report.

Vice Chairman Duarte opened the public hearing at 7:41 p.m.

Efrin Aguirre, 15633 Temple Avenue, La Puente, owner of the car dealership business next door was present to support the proposed market.

Maria Chacon, La Puente resident spoke against the market selling alcohol.

Pedro Chacon spoke against the market selling alcohol.

Jose Garcia spoke in Spanish, (Lt. Cacheiro translated for him) in favor of UUP 198A. He also submitted documents to the Commission.

Assistant Planner Chow stated that the letter submitted by Mr. Garcia will become part of the record.

Vice Chairman Duarte closed the public hearing.

Development Services Director, Di Mario responded to some of the comments that were made during the public hearing. Stating that Conditions of Approval No. 11, and No. 12

have been added to address some of the concerns in regards to drinking and loitering on the premises and hours of operation have been addressed. Staff has been working with Mr Garcia to resolve any issues.

Vice Chairman Duarte asked if a Condition of Approval to regulate the selling of a single serving of alcohol was in the Resolution.

Assistant Planner Chow responded in the negative.

Vice Chairman Duarte expressed that in the past the Commission has added that single can sales be prohibited and would also like a condition be added to this Resolution.

Assistant Planner Chow responded that was not brought up to the applicant. Since this was an existing Use Permit, there were existing limitations on the permit. However, Mr. Garcia was present and the condition can be proposed to him.

Vice Chairman Duarte stated before he asked Mr. Garcia if he would agree to the condition of single can sales, he would like to know how many feet was the market from the school.

Assistant Planner Chow responded that it was 300 feet from the church and school.

Vice Chairman Duarte asked what was the total number of businesses for off site consumption on Glendora Avenue.

Assistant Planner Chow responded with the locations of the businesses.

Vice Chairman Duarte asked if there were any other locations within 300 feet of the park that sell alcohol.

Assistant Planner Chow responded in the negative and then gave a brief description of the locations throughout the City that sell alcohol close to parks and schools.

Vice Chairman Duarte asked what was the total number of establishments that sell alcohol for off-site consumption in the City.

Assistant Planner Chow responded that there are 39 alcohol outlets within the City for off-site consumption. However, there was no moratorium in place for alcohol outlets; the City was considering a moratorium in conjunction with ABC for future licenses.

Discussion ensued regarding calls to the Sheriff's station and the secondary effects of having too many alcohol outlets in the City.

Interim Deputy City Attorney Sparks stated that she would like to clarify for the record that the decision before the Commission tonight was a modification to an existing Unclassified Use Permit (UUP). In the event the Commission chooses to deny the modification the underlying UUP would still be valid because a revocation was not before the

commission. Discussion about limiting the number of alcohol establishments it does not necessarily relate to this decision.

Vice Chairman Duarte asked for clarification; whether this application was approved or denied the applicant would still be allowed to sell beer and wine for this location.

Interim Deputy City Attorney Sparks responded that was correct.

Assistant Planner Chow stated that the applicant has held his ABC license since 1989 that there have not been any disciplinary actions from ABC in terms of selling alcohol at the site.

Discussion ensued on the percentage of alcohol sold near the proximity of a school.

Vice Chairman Duarte called Mr. Garcia to the podium and asked if he would agree to add the Condition of Approval not to sell single cans of alcohol under 750 ml.

Mr. Garcia responded that if he cannot sell a 40 oz. serving of beer, then it was taking away 80% of his business. Mr. Garcia stated that he can guarantee that he has never sold alcohol or cigarettes to minors that he was very cautious.

Vice Chairman Duarte asked again if Mr. Garcia would accept the Condition of Approval not to sell single servings of beer or wine.

Mr. Garcia responded that it would be eliminating 80% of his business.

Vice Chairman Duarte asked if his business was a market or liquor store.

Mr. Garcia responded it was not a liquor store, it was a convenience store.

Discussion ensued on the amount of alcohol sold in the winter and in the summer months.

Vice Chairman Duarte asked Mr. Garcia if he would accept the conditions of approval.

Mr. Garcia responded in the negative.

Assistant Planner Chow reminded the Commission this was only a modification of an existing Use Permit, and not a new permit for this location and that there had not been any issues with ABC for the sales of alcohol.

Commissioner Brown stated that it was not his alcohol license before us tonight and Mr. Garcia does not have to accept our Conditions of Approval limiting his sales.

Interim Deputy Attorney Sparks explained the modification of a UUP.

Development Services Director Di Mario stated that only 25% of the site would be used for

refrigerator to store beer and wine and 40 square feet of the floor area for display.

Vice Chairman Duarte expressed his concerns regarding sales of single servings of alcohol.

Vice Chairman Duarte moved, the motion died for a lack of a second

Motion dies due to lack of a second.

Commissioner Costea moved and Commissioner Young seconded to adopt and approve the attached Resolution adopting the Notice of Exemption and approving UUP No. 198A, subject to the conditions outlined in the attached resolution. The motion carried with the following roll call vote:

AYES:	Costea, Brown, and Young.
NOES:	Duarte.
ABSTAIN:	None.
ABSENT:	Klinakis.

**RECESS THE PLANNING COMMISSION AND RECONVENE THE
DEVELOPMENT REVIEW BOARD:**

UNFINISHED BUSINESS BEFORE THE DEVELOPMENT REVIEW BOARD:
None

NEW BUSINESS BEFORE THE DEVELOPMENT REVIEW BOARD:

3. **SIGN PLAN APPLICATION NO. 1098 - Consideration of a resolution approving a Sign Plan Application for a Master Sign Program for a commercial property located at 619 North Glendora Avenue, La Puente, California.**

Assistant Planner Chow presented the report

Board Member Costea asked what was the lettering on the building going to read.

Assistant Planner Chow responded that it would read "La Puente Store" to match the monument.

Board Member Costea asked Mr. Garcia would the word "liquor" appear anywhere on the signage.

Mr. Garcia responded absolutely not, he does not have a liquor license.

Interim Deputy City Attorney Sparks clarified not to restrict the wording on the sign, if the

applicant were to put the word "beer and wine" on the front of his store he was allowed, and the City does not have the ability to regulate commercial speech.

Vice Chairman Duarte asked if limitation can be put on the windows in regards to advertising.

Interim Deputy City Attorney Sparks responded that the City's Code does address the signage issues.

Assistant Planner Chow responded that in the Use Permit a Condition of Approval had been added to address outdoor signage.

Board Member Costea asked if the address would be included on the monument sign.

Assistant Planner Chow responded that a Condition of Approval can be added. However, City's Code requires a 6 inch high address numbers as part of the monument sign.

Commissioner Young moved and Board Member Brown seconded to approve Sign Plan Application No. 1098 and adopt the attached resolution and direct Staff to file the Notice of Exemption. The motion carried with the following roll call vote:

AYES:	Duarte, Young, Costea, and Brown.
NOES:	None.
ABSTAIN:	None.
ABSENT:	Klinakis.

4. DEVELOPMENT PLAN APPLICATION NO. 1099 - Consideration of a resolution approving Development Plan Application No. 1099 for the construction of a five unit multi-family residential development at 1068 Larimore Avenue, La Puente, California.

Assistant Planner Chow presented the report.

Vice Chairman Duarte asked for clarification about this project coming back to the Development Review Board to consider when selling each unit to an individual.

Board Member Costea asked for clarification.

Assistant Planner Chow responded the Applicants were requesting to construct rental units and at a later date, convert to selling them as condo units.

Vice Chairman Duarte moved and Board Member Brown seconded to approve and adopt DPA No. 1099, subject to the conditions outlined in the attached resolution, and direct staff to file the Notice of Exemption. The motion carried with the following roll call vote:

AYES: Duarte, Young, Costea, and Brown.
NOES: None.
ABSTAIN: None.
ABSENT: Klinakis.

RECONVENE THE PLANNING COMMISSION

UNFINISHED BUSINESS BEFORE THE PLANNING COMMISSION: None

NEW BUSINESS BEFORE THE PLANNING COMMISSION: None

ORAL COMMENTS FROM COMMISSION/BOARD:

Vice Chairman Duarte expressed his concerns regarding on how he believes some businesses were not being treated fairly. He would like to adjourn tonight's meeting in honor of Raul Solis a long time resident and father of Secretary of Labor of Hilda Solis.

ORAL COMMENTS FROM STAFF:

Assistant Planner Chow stated she would like to inform the Commissioners that La Puente Co-Op has been closed as of February 27, 2012 and the City would continue to monitor the location.

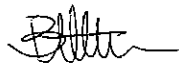
Vice Chairman Duarte moved and Board Member Brown seconded to adjourn: In honor of Raul Solis.

The motion carried with the following roll call vote:

AYES: Duarte, Young, Costea, and Brown.
NOES: None.
ABSTAIN: None.
ABSENT: Klinakis.

ADJOURNMENT:

Vice Chairman Duarte adjourned the meeting at 8:35 p.m.



Secretary, Planning Commission



Vice Chairman Duarte

