CITY OF LA PUENTE

PLANNING COMMISSION AND DEVELOPMENT REVIEW BOARD

MINUTES

February 07, 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 02/07/2012, 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.lapuente.org

CALL TO ORDER:

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

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

Staff Members Present: Interim Deputy City Attorney Sparks, Development Services Director Di Mario, Lt. Cacheiro, Assistant Planner Chow, Acting Finance Manager Leung, Administrative Secretary Ramirez.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairman Klinakis.

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

Kevin Chhan spoke in regards to a proposed ambulance service.

MINUTES OF PREVIOUS PLANNING COMMISSION AND DEVELOPMENT REVIEW BOARD MEETING:

1. **Reading of the minutes of the Special Planning Commission meeting of January 12, 2012.**

Vice Chairman Duarte moved and Commissioner Costea seconded to approve as presented.

The motion carried with the following roll call vote:

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

RECESS THE DEVELOPMENT REVIEW BOARD

PUBLIC HEARINGS BEFORE THE PLANNING COMMISSION:

2. **Amortization Application for a Medical Marijuana Cooperative or Collective Consideration of a resolution relating to the application of La Puente Co-op, for an extension to the City's amortization period, to continue operation of a medical marijuana cooperative/collective at 15524 Amar Road, La Puente, California.**

Interim Deputy City Attorney Sparks presented the supplemental report.

Assistant Planner Chow presented the report, continued from December 6, 2011.

Lt. Pete Cacheiro gave a brief description of recent arrest and incidents in the vicinity of the La Puente Co-Op.

Assistant Planner Chow continued her report.

Aaron Amster, of Desmond Marcello & Amster (DMA) presented his analysis report on La Puente Co-Op.

Discussion ensued on how much product the dispensary purchased and if the dispensary had re-cooped their investment.

Interim Deputy City Attorney Sparks explained the cost recovery agreement.

Chairman Klinakis opened the public hearing at 7:45 p.m.

Tom Bourke, Attorney for La Puente Co-Op. spoke in favor of La Puente Co-Op, Mr. Bourke then called Eva Fitzhugh, La Puente Co-Op business owner to the podium and asked her many questions, she answered and then described some of her patients.

Interim Deputy City Attorney Sparks asked Ms. Fitzhugh for clarification that in fact when asked if Ms. Fitzhugh had received a letter from the Department of Justice giving the dispensary instructions to cease operations within 14 days of the letter, Ms. Fitzhugh stated she had not received any such letter. Interim Deputy City Attorney Sparks stated let the record reflect that there are three letters dated January 12th from the Department of Justice addressed to the La Puente Co-Op at that were mailed to 15524 Amar Road and to Mr. Mizrachi at the same address and one to Mr. Villavert. This

information will be provided to the public and the Commission.

Ms. Fitzhugh responded that she had received the letter after her conversation with Interim Deputy City Attorney Sparks.

Discussion ensued on finances such as costs and sales tax.

Vice Chairman Duarte asked for clarification, once a decision was made it was final.

Interim Deputy City Attorney Sparks responded that there was nothing in the ordinance that permits the city to reevaluate the amortization period once the Planning Commission had made its decision.

Ms. Fitzhugh responded that was correct.

Mr. Bourke asked if there was an Ordinance that forbade the City from reconsidering.

Interim Deputy City Attorney Sparks responded that tonight's decision was the final decision according to the Code.

Interim Deputy City Attorney Sparks asked Ms. Fitzhugh even though she had received a letter from the Department Of Justice (DOJ) she was still in operation.

Lt. Cacheiro expressed his opinion on how Mr. Burke and Ms. Fitzhugh played out their theatrical presentation. And how the bullet proof glass and walls must have cost the Co-Op a lot of money.

Ms. Fitzhugh explained they were trying to prepare their store to planning recommendations.

Commissioner Duarte asked was there ternate improvements requirements.

Assistant Planner Chow responded that the Planning Department only approved tenant improvements that were presented before them. The Building Department made their own inspections of the improvements. She would also like to clarify that the Co-Op did expand without the approval from the City.

Commissioner Costea asked Ms. Fitzhugh if her application was denied, would you still pay the money that was owed.

Ms. Fitzhugh responded in the affirmative.

Henry Nodal, La Puente spoke against the Medical Marijuana Dispensary.

Chairman Klinakis explained the amortization period

Chairman Klinakis closed the public hearing at 8:45 p.m.

Commissioner Duarte thanked Mr. Amster for updating the report, and asked for clarification that the Co-Op was to pay for attorney fees.

Mr. Amster responded that was correct.

Commissioner Young asked Interim Deputy City Attorney Sparks what would the City be liable for if the Commission decided to deny the extension of the amortization period.

Interim Deputy City Attorney Sparks responded that La Puente Co-Op was permitted to appeal the decision within 10 days to the City Council. She then gave a explanation of the amortization.

Discussion ensued on secondary effects of medical marijuana dispensaries.

Interim Deputy City Attorney Sparks explained secondary impacts specific to La Puente Co-Op.

Vice Chairman Duarte asked who determined the one year of amorzation period.

Interim Deputy City Attorney Sparks responded that in the City's Ordinance given the profound secondary effects that dispensaries cause within the City, the Ordinance declares medical marijuana dispensaries a public nuisance.

Chairman Klinakis moved and Commissioner Costea seconded to denying La Puente Co-Op's application to extend the amortization period to operate a medical marijuana cooperative/collective at 15524 Amar Road, La Puente, California, and adopting Resolution No. 11-1446 and directing staff to file a Notice of Exemption, pursuant to Section 15270 of the CEQA Guidelines. The motion carried with the following roll call vote:

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

RECONVENE THE DEVELOPMENT REVIEW BOARD:

UNFINISHED BUSINESS BEFORE THE DEVELOPMENT REVIEW BOARD: None

NEW BUSINESS BEFORE THE DEVELOPMENT REVIEW BOARD: None

UNFINISHED BUSINESS BEFORE THE PLANNING COMMISSION: None

NEW BUSINESS BEFORE THE PLANNING COMMISSION: None

ORAL COMMENTS FROM COMMISSION/BOARD: None

ORAL COMMENTS FROM STAFF:

Development Services Director, John Di Mario introduced himself to the Chairman Klinakis and the Commissioners stating that he was glad to be a part of the team and looked forward to working together.

Chairman Klinakis moved and Commissioner Young seconded to Adjourn: The motion carried with the following roll call vote:

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

ADJOURNMENT:

Secretary, Planning Commission

Chairman Klinakis