

CITY OF LA PUENTE

PLANNING COMMISSION AND DEVELOPMENT REVIEW BOARD

MINUTES

November 06, 2013

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.lapueente.org

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 11/06/2013, at 7:00 p.m.

CALL TO ORDER:

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

ROLL CALL: Commissioners:

Members present: Costea, Young, Dudley, Escalon and Perez.

Members absent: None.

Staff present: Development Services Director Di Mario, Assistant Planner Espino, Assistant City Attorney Sparks and Administrative Secretary Ramirez.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairman Costea.

Development Services Director, Di Mario introduced Mr. Martin Lomeli the City's new Interim City Manager. With over twenty three years of experience from the City of La Verne he has come to help La Puente through the transition with Mr. Plumlee leaving and going to the City of Los Alamitos.

Interim City Manager, Martin Lomeli introduced himself to the Commissioners and Board Members and informed them that his door was always open and if they had any concerns or questions to please stop by and see him anytime.

The Commission thanked and welcomed Mr. Lomeli.

ORAL COMMUNICATIONS BEFORE THE PLANNING COMMISSION:

None.

**MINUTES OF PREVIOUS PLANNING COMMISSION AND DEVELOPMENT
REVIEW BOARD MEETING:**

1. Reading of the Minutes of the Planning Commission and Development Review Board meeting of October 1, 2013.

Vice Chairman Young moved and Commissioner Perez 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: Costea, Young, Dudley, Escalon, and Perez.
NOES: None
ABSTAIN: None
ABSENT: None

UNFINISHED BUSINESS BEFORE THE PLANNING COMMISSION: None

NEW BUSINESS BEFORE THE PLANNING COMMISSION:

PUBLIC HEARINGS BEFORE THE PLANNING COMMISSION:

2. UNCLASSIFIED USE PERMIT NO. 255A - A request for an amendment to Unclassified Use Permit No. 255 (UUP 255A) to amend a condition of approval related to the sale of alcoholic beverages (Alcohol Beverage Control License Type 21) for an existing full-service super market, located at 1425 N. Hacienda Boulevard.

Assistant Planner Espino presented the report.

Chairman Costea opened the public hearing at 7:05 p.m.

The applicant's Representative Mr. Brent McManigal stated that his client had reviewed the conditions of approval and was in agreement to the previous approved and amended conditions of approval and would like to thank staff and the Commission and was ready to answer any questions the Commissioners may have.

Chairman Costea asked for clarification on Condition of Approval No. 11, which states that under the California Business and Professions Code, Section 25633(b) allowing persons age 18 or older to sell alcohol unsupervised, and persons age 17 and younger to sell alcohol if under continuous supervision by a person age 21 or older. He expressed that he did not agree that anyone under the age of 18 should be allowed to sell alcohol.

Assistant Planner Espino responded that Alcoholic Beverage Control (ABC) was contacted and confirmed that a supervisor 21 years or older may be present in the back office as long as on the premises. In previous applications and conditions the applicant was to adhere to federal, state, county and local laws, no restrictions for age limitations for employees conducting transactions for off sale alcoholic beverages.

Discussion ensued with the Commissioners, Staff, and Mr. McManigal on the age of employees that are eligible to sell alcohol and the supervision of those employees.

Mr. McManigal stated that he would like for the City to be consistent with state law and for the applicant to have the same conditions of approval as previous applicants and to be held with the same standards.

Commissioner Escalon questioned how many supervisors are scheduled to be on duty at one time.

Mr. McManigal responded that the store manager is usually present when the store is open and a lead cashier, it depends on volume of customers. There are also surveillance cameras on the liquor aisle and security caps on spirits and in locked cabinets.

Vice Chairman Young asked for clarification on who unlocks the cabinets which hold the liquor.

Mr. McManigal responded that you must ring a bell to call an employee to unlock the cabinet. All associates are trained and Walmart's policy is anyone looking under age 40 must show proof of age.

Discussion ensued with the Commission and Mr. McManigal on the age of cashiers allowed to sell alcohol.

Mr. McManigal stated that under state law Walmart wants to be treated fairly and the same as other retailers in this area. We are asking that this Condition be revised to comply with state law.

Assistant City Attorney Sparks stated that under state law we are able to apply conditions that are more stringent than what state law provides. However, because we have previously entitled businesses under the provisions of state law which allows individuals under 18 to sell alcohol it would be prudent for the Commission to approve the amendment.

Mr. McManigal stated that he understood the Commission's concerns he just wanted to be consistent with other businesses and state law that allows employees age 17 and older to sell alcohol if a manager 21 years or older is on the premises.

City Attorney Sparks stated that she and Development Services Director Di Mario had revised Condition of Approval No. 11 to read as follows: The use shall be consistent with the California Business and Professions Code, Section 25663(b) allowing persons age 18 or older to sell alcohol if under continuous supervision of a person age 21 or older. Continuous supervision shall mean that a person age 21 or older must be present on the premises and in the vicinity of the cashiers to provide direction and assistance for transactions involving the off-sale of alcoholic beverages.

Development Services Director Di Mario clarified for the Planning Commissioners the procedures Walmart takes to make sure no one under 21 years of age is allowed to purchase alcohol.

Chairman Costea voiced his opinion on persons under 18 years of age being able to sell alcohol.

Mr. McManigal stated that he believed that his client would have no problem to agree to these Conditions of Approval.

Commissioner Perez asked for clarification on the revised Condition No. 11.

Assistant City Attorney Sparks re-read the revised Condition of Approval No. 11 for the Commission.

The Property owner Representative, Mr. Hubie Byrne stated that his company wanted to express how very pleased they are that Walmart has moved in and will be beneficial to the area and just wanted to thank the Commission and Walmart for working together.

Chairman Costea also would like to thank Walmart for coming to our City.

Chairman Costea closed the public hearing at 7:45 p.m.

Commissioner Perez moved and Commissioner Dudley seconded to adopt the attached Resolution conditionally approving a amendment to an existing Unclassified Use Permit No. 255 (UUP 255A) to amend a condition of approval related to the sale of alcoholic beverages (Alcohol Beverage Control License Type 21) for an existing full-service super market, located at 1425 N. Hacienda Boulevard (Walmart Neighborhood Market), and adopt a notice of exemption. The motion carried with the following roll call vote:

AYES: Costea, Dudley, Escalon and Perez.

NOES: Young

ABSTAIN: None

ABSENT: None

3. **MUNICIPAL CODE AMENDMENT NO. 137 - Consideration of a Resolution recommending that the City Council rescind Section 10.74.060(f) of the La Puente Municipal Code pertaining to non-commercial signs, and adopt an Ordinance amending Chapter 10.74 (Signs and Advertising Regulations) to include comprehensive regulations for non-commercial signs in the City.**

Development Services Director Di Mario presented the report.

Commissioner Perez questioned who will be enforcing this Municipal Code.

Development Services Director Di Mario responded the Code Enforcement Division.

Chairman Costea opened the public hearing at 7:50 p.m.

With no one from the public speaking, Chairman Costea opened the discussion to the Commissioners.

Chairman Costea expressed that he would like to add that no sign be placed on trees.

Assistant City Attorney Sparks stated that street lights and utility poles are included because there are certain state law provisions, it has to do with public safety, trees would be included on public right of way, where you are not allowed to place signs.

Chairman Costea asked for clarification on temporary signs permitted by Section No. 10.74.090.

Assistant City Attorney Sparks responded that this just affects non-commercial signs and does not affect traditional banners.

Commissioner Perez asked for clarification on signs placed on fences.

Development Services Director Di Mario responded that if the fence is within 5 feet from the edge of the curb then it cannot be placed on the fence. If there is a sidewalk and then a fence then the sign can go on the fence.

Chairman Costea closed the public hearing at 7:55 p.m.

Vice Chairman Young moved and Commissioner Perez seconded to adopt a Resolution recommending that the City Council rescind Section 10.74.060(f) of the City's Zoning Code, and add Section 10.74.061 to the Zoning Code creating requirements for non-commercial signs in the City, and adopt the notice of exemption for the proposed amendments. The motion carried with the following roll call vote:

AYES: Costea, Young, Dudley, Escalon and Perez.

NOES: None

ABSTAIN: None

ABSENT: None

UNFINISHED BUSINESS BEFORE THE DEVELOPMENT REVIEW BOARD: None

NEW BUSINESS BEFORE THE DEVELOPMENT REVIEW BOARD: None

ORAL COMMENTS FROM COMMISSION/BOARD

Chairman Costea thanked staff, volunteers and the participants of the Main Street Run; he expressed how every year he looks forward to seeing so many people participate in an event that supports an important program like the Educational Scholarships.

Commissioner Escalon expressed that she was happy to see improvement regarding the Municipal Code Amendment No. 137, that clarification on the Code would definitely help the Code Enforcement Division.

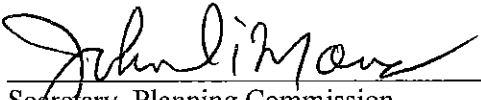
ORAL COMMENTS FROM STAFF

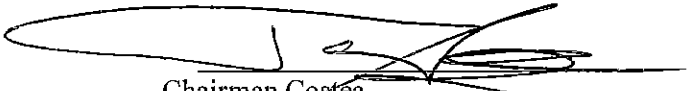
Development of Services Director Di Mario stated that progress along the west side of Hacienda Boulevard with the facade remodel is moving forward. The El Pollo Loco on Hacienda Boulevard which came before the Commission last month has been completed and the former Hollywood Video store on Amar Road has been demolished.

ADJOURNMENT:

Chairman Costea moved and Commissioner Perez seconded to Adjourn. The motion carried with the following roll call vote:

AYES: Costea, Young, Dudley, Escalon and Perez.
NOES: None
ABSTAIN: None
ABSENT: None


Secretary, Planning Commission


Chairman Costea