CITY OF LA PUENTE

PLANNING COMMISSION AND DEVELOPMENT REVIEW BOARD

MINUTES

October 01, 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.lapuente.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 10/01/2013, 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 Members present: **Development Services Director Di Mario, Assistant Planner Espino, Assistant City Attorney Sparks and Administrative Secretary Ramirez.**

PLEDGE OF ALLEGIANCE: Commissioner Perez

The Pledge of Allegiance was led by Commissioner Perez.

ORAL COMMUNICATIONS BEFORE THE PLANNING COMMISSION:

Ms. Delia Flores stated that she was present to recognize an employee in the Code Enforcement Department by the name of Daniel Rodriguez that he was very helpful in an emergency situation he stayed with the victim until an ambulance had arrived she was very grateful to Officer Rodriguez.

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 August 20, 2013.**

Commissioner Escalon moved and Vice Chairman Young seconded to waive the reading and approve the Minutes as presented. The motion carried with the following roll call vote:

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

Chairman Costea recessed the Development Review Board.

UNFINISHED BUSINESS BEFORE THE PLANNING COMMISSION: None

NEW BUSINESS BEFORE THE PLANNING COMMISSION:

PUBLIC HEARINGS BEFORE THE PLANNING COMMISSION:

Development Services Director Di Mario informed the Commission that the applicant for UUP No. 230A was running late and made a request to hear their public hearing item toward the end of the meeting.

The Commission agreed then Chairman Costea recessed the Planning Commission and Reconvened the Development Review Board.

3. **Development Plan Application No. 1119 - Consideration of Resolution No. 13-342 approving Development Plan Application No. 1119 for the façade remodel of an existing commercial building located at 1341 Hacienda Blvd. (El Pollo Loco) and approving a Notice of Exemption.**

Assistant Planner Espino presented the report

The architect for the project Mr. Steve Shaw gave a brief description of the remodel.

Chairman Costea stated that he would like to thank the corporate office for updating their existing building and asked where the staging of the construction material would be located and asked about the sign locations. Mr. Paul W. Deppe is the deputy Architect and stated that the staging area would be in the parking spaces closely adjacent to the construction site and that construction would start on or near October 21st and that the upgrade would be completed within seven to ten days. The store would be completely shut down for two days.

Assistant Planner Espino clarified for the Commission that there was no master sign plan for this location. This was an existing monument sign the applicant would be performing some minor enhancements to the sign and that all code requirements would be met.

Commissioner's Perez and Escalon expressed excitement to see such a nice presentation along with color themes for the upgrades.

Commissioner Dudley thanked the applicant for doing a fine job.

Assistant City Attorney Sparks clarified for the Commission under the conditions of approval No. 8 states that the applicant shall meet all requirements of the LPMC as they pertain to this application.

Commissioner Perez moved and Vice Chairman Young seconded to adopt a resolution approving Development Plan Application No. 1119 and direct Staff to file the Notice of Exemption. The motion carried with the following roll call vote:

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

2. **Unclassified Use Permit No. 230A- Consideration of Resolution No. 13-1459, approving the modification of an existing Unclassified Use Permit (UUP 230) to allow live entertainment in conjunction with an existing full-service restaurant with sales, service, and on-premise consumption of alcoholic beverages (ABC Type 41 - on-sale beer and wine license) located at 15424 Fairgrove Avenue (Mariscos Roca Mar Restaurant) and approving a Notice of Exemption.**

Assistant Planner Espino presented the report adding that a condition of approval which was mentioned in the staff report was left out of the resolution: the applicant must provide two six month reports of sales in regards to meals and alcohol within the first year.

Vice Chairman Young asked for clarification on reviewing their sales data.

Assistant Planner Espino responded that the restaurant was very close to residential properties and wanted to make sure the establishment was maintained as a bona-fide restaurant facility. This would only be a one year condition of approval.

Chairman Costea asked for the hours of operation on the previous UUP.

Assistant Planner Espino responded the hours of operation were no earlier than 6:00 a.m. and no later than 10:00 p.m.

Discussion ensued on the hours currently posted on site, the previous conditions of approval and the percentage of alcohol sales.

Vice Chairman Young stated that he reviewed the letters of support that were included in the agenda packet from neighbors and would like for the properties to be identified on the map that was shown on the screen.

Commissioner Perez thanked staff for a fine presentation.

Commissioner Escalon expressed concerns with the location of the pool table and the live entertainment equipment being so close to the front door.

Assistant Planner Espino responded that we can include a condition of approval that they meet all fire department and building code requirements for keeping a clear path for exiting.

Chairman Costea stated that he would like to add a condition of approval; expressing concerns with the large plate glass window directly behind the stage stating that this could be a hazard and this would not absorb the live music.

Assistant Planner Espino responded that there was a condition of approval in the resolution that addresses that no sounds or music be heard from outside the building.

Chairman Costea asked for clarification if moving the staging area was considered modification to the floor plan.

Assistant Planner Espino stated that the stage, live entertainment, and extended hours are all part of the modification.

Assistant City Attorney Sparks clarified that the addition of the stage did not require approval from the Commission only the addition of live entertainment.

Commissioner Escalon asked if all menu items would be served during hours of operation.

Assistant Espino responded in the affirmative.

Chairman Costea opened the public hearing at 7:47p.m.

Maria Turrubiartes, translator for Mr. Jorge Martinez, (the applicant) stated that he was requesting approval of his application to increase his income and create more employment he is willing to comply with all conditions of approval.

Ms. Lourdes Floer spoke in favor of UUP 230A, stating that she is a business owner in West Covina and was present to support the restaurant, adding that entertainment was an important part in keeping your customers.

Mr. Kent Kombs, spoke against UUP 230A expressing concerns with loud music every time the door opens. He also stated that he had met with Lieutenant Cacheiro trying to resolve some issues in the area but nothing was accomplished.

Vice Chairman Young expressed concerns with Mr. Kombs comments and would like Mr. Martinez to clarify his goals.

Maria Turrubiartes on behalf of Mr. Martinez responded that there are two doors for the business and that he would have his customers use the rear exit to try to minimize the noise.

Vice Chairman Young stated to Mr. Kombs that the applicant would be leaving his personal phone number for any problems that may arise.

Mr. Kombs responded that there would be a language barrier.

Vice Chairman Young stated that this was why it would be up for review in 6 months to make sure everyone was satisfied. There will be security and cameras on the property.

Commissioner Escalon expressed her concerns regarding lighting in the rear entrance toward the alley. Ms. Turrubiartes responded that there was private parking in the rear; and yes there was lighting.

Commissioner Perez asked the applicant how long he had been in that establishment. Maria Turrubiartes on behalf of Mr. Martinez responded three years.

Development Services Di Mario clarified that condition of approval No. 14 states that no sound or music generated from the interior of the building shall be audible from surrounding property and streets.

Discussion ensued with the Commission and the Applicant on the location of the music in the restaurant and lighting in the alley.

Assistant City Attorney Sparks stated that a number of topics have been discussed related to the conditions of approval. To clarify she would like to go over what was discussed. (1) Giving the applicants phone number to local residents who may be experiencing noise issues. (2) Condition No. 13 states that the applicant shall appoint an employee for all complaints and the name and phone number must be posted and mailed or hand delivered to residences within a one-block radius. (3) Condition No. 14 states that all activities shall be conducted inside of the building no sound or music generated from the interior shall be audible from surrounding properties and streets. (4) Condition No. 36 states the applicant shall comply with all Federal, State, County, and local laws and ordinances. (5) Lighting in the alley is not owned by the applicant therefore no added conditions. However, Condition No. 41 does address lighting. (6) Using only the back door to try to minimize noise, the fire code states there must be two exits. (7) The applicant is willing to move the live entertainment to try to keep the noise at a minimum. (8) An added Condition shall read; the applicant shall insure to keep the area adjacent to the stage free and clear from any obstruction that may impede with any pedestrian traffic surrounding the stage and comply with all fire codes.

Chairman Costea asked that the applicant's floor plan be revised to record where the stage would be located as indicated in Condition No. 35. He also expressed concerns with the hours that were previously approved and hours of operation that are posted. Also, how much income does he expect to generate by staying open later.

Ms. Turrubiartes responded Mr. Martinez believes he would double his income.

Discussion ensued on the hours of operation, live entertainment, karaoke hours, and jukebox time and volume.

Commissioner Escalon was recommending that the hours for the kitchen be the same as the hours for the sale of alcohol.

Assistant City Attorney Sparks clarified for the Commission that amending Condition No. 7 to read; the sales and service of alcohol (beer and wine) and full menu food items shall cease no less than one (1) hour before closing each day.

Development Services Director Di Mario clarified for the Commission that Monday, Wednesday, Thursday, and Sunday alcohol and food will cease at 11:00 p.m. Friday and Saturday the serving will cease at 1:00 a.m.

Ms. Turrubiartes responded on behalf of Mr. Martinez stated that he understood the Conditions of Approval and thanked the Commission.

Vice Chairman Young stated to Mr. Kombs that the Commission was trying to keep Mr. Martinez's business going while trying to keep peace for surrounding residents and would like for all of us to work together.

Discussion ensued on parking, ordinances and safety.

Commissioner Perez stated that the concerns of the residents are also the concerns of the Commissioners.

Development Services Director Di Mario clarified for the Commission on the staff report regarding parking.

Assistant Planner Espino clarified for the Commission that the review and evaluation would be in one (1) year and not six (6) months.

Chairman Costea expressed that he was content to hear that the UUP would be coming back for review whether there were problems or not.

Assistant City Attorney Sparks stated that the applicant would be turning in receipts for alcohol and food to make sure he was complying with the Conditions of Approval.

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

Commissioner Perez moved and Commissioner Dudley seconded to adopt Resolution No. 13-1459 and direct Staff to file the Notice of Exemption. The motion carried with the following roll call vote:

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

UNFINISHED BUSINESS BEFORE THE DEVELOPMENT REVIEW BOARD: None

NEW BUSINESS BEFORE THE DEVELOPMENT REVIEW BOARD:

ORAL COMMENTS FROM COMMISSION/BOARD

Vice Chairman Young and Commissioner Escalon thanked staff and all persons who participated at the meeting.

Chairman Costea thanked staff and the applicant and thanks to the Commissioners for their great questions.

ORAL COMMENTS FROM STAFF

Development Director Di Mario stated that the new Wal-Mart Market on Hacienda Boulevard will be having their grand opening tomorrow from 7:30 a.m. to 8:30 a.m. Also, the façade enhancements have begun on Hacienda Boulevard north of Amar Road.

Chairman Costea expressed happiness in seeing the improvements on Hacienda Boulevard such as the El Super Market and now the El Pollo Loco.

ADJOURNMENT:

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

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

Julie Mano

Secretary, Planning Commission

Chairman Costea