

CITY OF LA PUENTE
PLANNING COMMISSION AND DEVELOPMENT REVIEW BOARD

MINUTES

June 04, 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.lapiente.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 06/04/2013, at 7:00 p.m.

CALL TO ORDER:

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

ROLL CALL: Commissioners: Costea, Young, Escalon, and Perez

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

ABSENT: None.

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

INSTALLATION OF NEWLY APPOINTED PLANNING COMMISSIONER: Gary Dudley

Administrative Secretary Ramirez administered the Oath of Office to Mr. Dudley.

PLEDGE OF ALLEGIANCE: Commissioner/Board Member Escalon

The Pledge of Allegiance was led by Commissioner Escalon.

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

Karen Dahlitz welcomed Commissioner Dudley to the Planning Commission and expressed her concerns on signage through-out the City.

Marty Paz also welcomed newly appointed Commissioner Dudley aboard. Mr. Paz spoke in regards to building new homes in the City close to the senior center.

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 April 2, 2013.

Chairman Costea moved and Commissioner Perez seconded to waive the reading and approve the minutes of the previous Planning Commission and Development Review Board meeting as presented: The motion carried with the following roll call vote:

AYES: Costea, Young, Escalon, and Perez.

NOES: None

ABSTAIN: Dudley

ABSENT: None

RECESS THE DEVELOPMENT REVIEW BOARD

PUBLIC HEARINGS BEFORE THE PLANNING COMMISSION:

2. UNCLASSIFIED USE PERMIT NO. 261 - Consideration of an application for Unclassified Use Permit No. 261 to allow the sale of alcoholic beverages (Alcoholic Beverage Control (ABC) Type 21 license - beer, wine, and distilled spirits) for off-site consumption at an existing convenience store located at 13757 Amar Road, Unit B (City Mini Mart).

Assistant Planner Espino presented the report.

Chairman Costea opened the public hearing at 7:20 p.m.

The applicant, Mr. Tariq Ahmad Dar and his niece Salumia spoke on how Mr. Dar was a new business owner and was inexperienced on how to open a new business. He said he was told by the city that he could open a liquor store and was given a business license. However, the previous Unclassified Use Permit had expired and now had to come before the board for approval. Mr. Dar had purchased the ABC license and was waiting for City approval.

Chairman Costea asked Assistant Planner Espino the distance to Sunkist Library and for a brief history of the address in question.

Assistant Planner Espino responded that the liquor store is approximately 395 ft. from the

library and 548 ft. from Sunkist Elementary. In the early 1990's the liquor store in question did have a liquor license. However, the liquor store was closed for more than six months the UUP had expired and any new request must come before the Commission for approval.

Chairman Costea stated the previous UUP was issued back in 1991 and that the new store owner must abide by new rules and regulations. Assistant Planner Espino responded in the affirmative.

Commissioner Perez named the nearby Middle and Elementary schools with over four thousand students.

The applicant's niece replied that there were other liquor stores closer to the schools and that their property was further away.

Discussion ensued on the history of the business owner.

Chairman Costea stated that a new business owner must do diligent homework to make sure everything was secure before making a large investment to make sure this does not happen.

Vice Chairman Young stated that he agreed with the other Commissioners that this area was saturated with too many liquor stores and in a high crime area.

Assistant Planner Espino stated for the record that a new UUP would be needed to sell alcohol and there is no UUP for this property.

Assistant City Attorney Sparks gave a brief summary of the Business and Professional Code requirements regarding alcohol sales.

The applicant's niece responded that when the liquor store was purchased they were assured this would be a liquor store. Was there any other type of liquor license they could apply for.

Chairman Costea responded in the negative.

Mr. Dar responded that he had received his business license as a liquor store.

Development Services Director Di Mario stated he would like to clarify that when the business license was issued, it stated on the business license application that alcohol sales were not allowed. The classification was as a mini mart and not a liquor store.

The applicant's niece expressed how much time and money had gone into the property, there is a two year lease and without being able to sell beer and wine they would go bankrupt.

Discussion ensued on the liquor license.

Assistant City Attorney Sparks clarified for the applicant that even though the business license stated it was a liquor store, it was a clerical error, the business license is not valid for

a liquor store. In order for the mini mart to sell liquor they must apply for a UUP.

Chairman Costea stated that it was clear you would not be allowed to sell alcohol.

Commissioner Escalon expressed her concern with saturation of alcohol sales in that area, and that she understood their predicament.

The applicant's niece asked if there was an appeal process.

Assistant City Attorney Sparks replied once the Planning Commission has rendered its decision there was a ten day period in which you may file an appeal. The appeal will then go before the City Council. The City Council will be responsible for making the decision. There was also a fee with the process. Ms. Sparks stated that Staff would be available tomorrow during regular business hours if the applicant needed assistance.

Ms. Angela Arrendondo spoke against UUP No. 261 due to the close proximity of schools and saturation of liquor stores in the area.

Mr. Mario R. Corral spoke against UUP No. 261 due to the fact that he has witnessed consumption of alcohol in the public right away. He also welcomed Commissioner Dudley on board.

Marty Paz spoke in favor of UUP No. 261. Stating that the City needs to be business friendly and to hold the person at the city responsible that gave them the business license for a liquor license. The city needed to be fair to small business owners like they are to the larger chain markets.

The applicant's niece Salumia responded to the two speakers against her uncle's liquor store.

Lt. Cacheiro stated that crime statistics was low for that area. However, the selling of alcohol does stimulate crime activity. There are a lot of transients to the west and calls for police service in that area are high.

Chairman Costea closed the public hearing at 7:56 p.m.

Commissioner Perez moved and Vice Chairman Young seconded to adopt a Resolution denying Unclassified Use Permit No. 261, and direct Staff to file a 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

3. UNCLASSIFIED USE PERMIT NO. 262 - Consideration of an application for Unclassified Use Permit No. 262 to allow the sale of alcoholic beverages (Alcoholic

Beverage Control (ABC) Type 41 license - beer and wine) for on-site consumption in conjunction with a proposed restaurant at an existing building located at 877 N. Hacienda Boulevard (Golden Ox Family Restaurant).

Assistant Planner Espino presented the report.

Chairman Costea opened the public hearing at 8:05 p.m.

Vice Chairman Young stated that he would like to thank Mr. Exarchouloucos for bringing his business to the City.

Theodoros Exarchoulakos, the business owner stated that his restaurant would be offering good quality food for the community. They would also have a beer and wine license.

Chairman Costea thanked Mr. Exarchoulakos for spending his time and money in his business.

Karen Dahlitz, spoke in favor of UUP No. 262. She expressed how happy the community was to have such a nice restaurant open for breakfast and asked when the restaurant would be open for business.

Mr. Exarchoulakos responded sometime next month.

Chairman Costea closed the public hearing at 8:07 p.m.

Assistant Planner Espino stated that he would like to amend Condition of Approval No. 9, to strike the first sentence which was addressed in Condition No. 6.

Vice Chairman Young asked for clarification in the hours of operation for a restaurant that sells beer and wine.

Assistant Planner Espino responded the hours of operation were typical for this type of restaurant.

Vice Chairman Young asked for clarification on Conditions No. 9 and No. 14.

Mr. Exarchoulakos responded that he does not plan to hire anyone under the age of 21, and that every employee will be properly trained by Alcohol Beverage Control (ABC).

Vice Chairman Young moved and Commissioner Perez seconded to adopt the attached resolution conditionally approving Unclassified Use Permit No. 262 subject to the conditions set forth in the Resolution and direct Staff to file a 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

UNFINISHED BUSINESS BEFORE THE PLANNING COMMISSION: None

NEW BUSINESS BEFORE THE PLANNING COMMISSION: None

**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: None

RECONVENE THE PLANNING COMMISSION:

ORAL COMMENTS FROM THE COMMISSIONERS/BOARD MEMBERS

ORAL COMMENTS FROM STAFF:

Development Services Director Di Mario informed the Commission that there were no pending items at this time for a July meeting and a reminder that this weekend was the Relay for Life to be held at La Puente Park.

Chairman Costea welcomed newly appointed Dudley as a new Planning Commissioner.

Commissioner Perez also welcomed Mr. Dudley.

ADJOURNMENT:

Chairman Costea moved and Vice Chairman Young 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