

CITY OF LA PUENTE

PLANNING COMMISSION AND DEVELOPMENT REVIEW BOARD

MINUTES

April 02, 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 04/02/2013, 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, Flores, and Perez

PRESENT: Costea, Young, Escalon, and Perez.

ABSENT: Flores.

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

PLEDGE OF ALLEGIANCE: Commissioner/Board Member Young

The Pledge of Allegiance was led by Vice Chairman Young.

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

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 March 5, 2013.

Chairman Costea moved and Commissioner Perez seconded to waive the reading and approve the Minutes as presented from March 5, 2013. The motion carried with the following roll call vote:

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

RECESS THE DEVELOPMENT REVIEW BOARD

PUBLIC HEARINGS BEFORE THE PLANNING COMMISSION:

2. **UNCLASSIFIED USE PERMIT NO. 157A - Consideration of a Resolution amending Unclassified Use Permit No. 157 to allow for the operation of a banquet hall facility at the property located at 136 South First Street. (This matter was continued at the March 5, 2013 meeting.)**

Chairman Costea stated the public hearing had been continued from March 5, 2013 and asked if anyone from the public would like to speak on this matter.

Mr. Frank Sanchez spoke in favor of UUP No. 157A

Interim Assistant Planner Shabazz presented the staff report.

Development Services Director Di Mario stated that the City had not received any correspondence for the public hearing regarding this application and that the property owner had agreed to the added conditions of approval.

Chairman Costea stated that he would like alcohol to stop being served one hour before closing.

Development Services Director Di Mario clarified that alcohol would be served Friday's and Saturday's from 10 a.m. to 1:00 a.m. and Sunday's till 12:00 a.m. unless a holiday was on the following Monday then Sunday would continue until 1:00 a.m.

Chairman Costea would like to request a condition of approval for alcohol to stop being served at 11:00 p.m. and if a holiday is on Monday then to stop serving at 1:00 a.m.

Assistant City Attorney Sparks clarified for the commission that it may create an issue if the conditions of approval are not the same as those put on Mr. Sanchez's property at last month's meeting.

Chairman Costea responded that his notes reflect the same hours as Mr. Sanchez's, even though the hours of operation are different.

Assistant City Attorney Sparks responded that based on her notes from the last meeting alcohol was to cease at 12:00 a.m. and Mr. Sanchez requested to meet in the middle at 1:00 a.m. Direction today could be to make it uniform between the two banquet facilities.

Commissioner Perez stated that this application would come back for review in one year and if something did not work we could make the necessary changes.

Assistant City Attorney Sparks stated for the record to please confirm with the applicant that they agree with the conditions of approval and to make clear that we will review the tape from the last meeting and confirm the hours of alcohol being served.

Chairman Costea asked the applicant if he was in agreement to the same conditions that Mr. Sanchez accepted.

Mr. Larraburu stated that he was in agreement with the conditions.

Development Services Director Di Mario stated that the condition as approved was that alcohol sales end at 1:00 a.m. Discussion ensued regarding limiting alcohol to one hour before closing.

Assistant City Attorney Sparks clarified the Commission would be able to revisit the application in one year to provide a status update. The only way the Commission would be able to modify the UUP would be if the applicant agreed, or if there have been public safety issues with the UUP.

Chairman Costea asked for clarification when an applicant violates their conditions of approval.

Assistant City Attorney Sparks responded that the consequences for violating any of the provisions would be modification of the UUP by the Planning Commission or revocation of the UUP.

Mr. Larraburu asked for clarification on the number of security guards needed per event.

Chairman Costea responded that he would need to follow the Sheriff's Department security plan.

Development Services Di Mario stated that the applicant would have to agree and sign the conditions of approval.

Mr. Sanchez asked for clarification on his application, which was heard last month.

Assistant City Attorney Sparks stated first under the Brown Act this cannot be discussed because it was not on the agenda for tonight's meeting. Second, the Planning Commission had already made a final determination on that application. She would recommend that Mr. Sanchez work with staff to make modifications to the hours of operations.

Development Services Di Mario stated that there would be a fee with the modification. However, he was not sure exactly how much. Staff would need to schedule a meeting with Mr. Sanchez.

Chairman Costea then asked the Commission if they would allow the applicant, if requested to add a condition of approval to allow alcohol to be served until 1:00 a.m. if a holiday lands on a weekday.

Assistant City Attorney Sparks clarified in a broader statement, not to just say holiday, but in the event the applicant desires to extend the hours of operation on certain days the applicant shall submit an application to the city no later than 30 or 60 days prior to the desired date and no more than two times a year. Something to that effect as an example, then the Development Director would approve or deny the request.

Vice Chairman Young asked if we were changing the hours of operation.

Assistant City Attorney Sparks advised the Commission not to discuss Mr. Sanchez's property. The intent was to allow the property owner to use his facility as a banquet facility, keeping in mind that a banquet hall is usually used for special events, usually during the holidays. What we are discussing is requiring the applicant to submit an application to the City that would be decided upon by the Development Services Director to extend the hours of operation for an event they would like to hold during the week and to stay open at a later time, she would recommend that a limit be put on how many applications per year could be submitted.

Chairman Costea expressed his concern for parties being held during the week and surrounding residents that had to work the next day.

Discussion ensued on state and federal holidays.

Vice Chair Young stated that he would agree to allow the applicant to submit an application to stay open later two or three times per year and the application must be submitted at least thirty to sixty days prior to the event.

Commissioner Escalon stated that she did not see an issue with the applicant staying open late during the week, due to the fact that the surrounding zone was for business and was not residential.

Chairman Costea asked if there was an Ordinance for noise or live entertainment during the

week.

Assistant City Attorney Sparks responded that live entertainment is subject to a UUP and the UUP would set the hours of operation.

City Attorney Sparks stated in the City's Code under section No. 5.24.060 it addresses entertainment closing hours between the hours of 2:00 a.m. to 6:00 a.m. Then she clarified the hours of operation for the applicant by reading Condition No. 3, in the Resolution as follows: the hours of operation are to be Monday through Thursday 4:00 p.m. to 10:00 p.m., Friday and Saturday 10:00 a.m. to 2:00 a.m., and Sunday between 10:00 a.m. to 12:00 a.m.

Mr. Larraburu stated if a holiday fell on a weekday he would like to be able to schedule a party on that day.

Development Services Director Di Mario stated that in the Resolution under Condition No. 3, where there was a asterisk sign we can add that if a holiday falls on a weekday the banquet hall may extend the closing hour to 2:00 a.m.

~~Discussion ensued on celebrations held the day before a holiday such as 3rd of July.~~

The Development Services Director recommended an additional condition of approval to limit the extension of hours. The condition would read; the applicant may request an extension to the hours of operation for events held Monday thru Thursday up to 2:00 a.m. at the discretion of the Development Services Director. The Director shall not grant more than four approvals per calendar year.

Chairman Costea asked the applicant if he was in agreement with the added condition of approval.

Mr. Larraburu responded in the affirmative.

Discussion ensued with the Commissioners whether or not they had all the facts to proceed and to let the Development Services Director make the final decision on a special event application.

Commissioner Escalon stated that she would like to remind the Commissioners that public comments were heard at the March 5, 2013 meeting. The Commission needs to keep those comments in mind when making our decision.

Assistant City Attorney Sparks stated that she would like to suggest three options. One would be with no changes to the hours of operation. The second option for the applicant not to incur any fees, would be to continue this item to the next planning commission meeting. Third to try and resolve this matter tonight.

Interim Assistant Planner Shabazz stated that she also had a suggestion, that the

City provided a special events permit, these are allowed two times per year and that there was a data base to keep track of these events. The City does not have a lesser fee for modification of a UUP for which the applicant did have to pay the full amount of \$3,300.00. The Conditions of approval state a federal or state holiday if the applicant had an event outside of those days then he would use up one of his special event permits. If his event landed on a Wednesday and it was not a holiday then his hours of operation would end at 10:00 p.m.

Development Services Director Di Mario read the modification of the added condition of approval. The applicant may request an extension to the hours of operation for events held Monday through Thursday up to 2 a.m. at the discretion of the Development Services Director. The Director shall not approve more than four approvals per calendar year.

Chairman Costea asked the applicant if he was in agreement with the added condition of approval. The applicant responded in the affirmative.

Mr. Larraburu asked how many days in advance to his event would he have to submit the application to the City.

Development Services Director Di Mario asked the applicant, how far in advance are events scheduled.

Mr. Larraburu replied some events are booked as far as one year and then some with in sixty days.

Development Services Di Mario asked the applicant if forty five day notice was sufficient.

Mr. Larraburu responded that he preferred a thirty day notice, due to his facility being a back-up for cancellations, but he would accept forty five days.

Chairman Costea responded that he thought a forty five day notice was acceptable.

Mr. Sanchez spoke in favor of events being held in the downtown area.

Chairman Costea closed the public hearing at 8:25 p.m.

Discussion ensued on thriving businesses in the community.

Commissioner Escalon moved and Commissioner Perez seconded to approve the attached Resolution approving Unclassified Use Permit No.157A and direct staff to file the Notice of Exemption and the added conditions of approval with the hours of alcohol being served and the permit for the extension of hours for during a weekday.

The motion carried with the following roll call vote:

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

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 STAFF:

None.

ORAL COMMENTS FROM COMMISSION/BOARD:

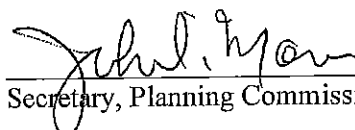
Vice Chairman Young stated that he would like to thank staff and appreciated all their help.

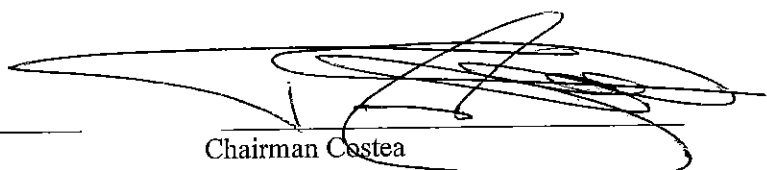
Chairman Costea stated he wanted to thank the Commission for a job well done and also to wish Vice Chairman Young a happy birthday.

ADJOURNMENT:

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

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


Secretary, Planning Commission


Chairman Costea

