CITY OF LA PUENTE

PLANNING COMMISSION AND DEVELOPMENT REVIEW BOARD

MINUTES

March 05, 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 03/05/2013, at 7:00 p.m.

CALL TO ORDER:

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

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

EX OFFICEO: Development Services Director Di Mario, Administrative Secretary Ramirez, Assistant City Attorney Sparks, Interim Assistant Planner Shabazz and Los Angeles County Sheriff Deputy SAO Rodriguez.

PLEDGE OF ALLEGIANCE: Commissioner/Board Member Costea

The Pledge of Allegiance was led by Chairman Costea.

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 February 5, 2013.**

   Commissioner Perez 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, Escalon, Flores, and Perez.
NOES: None
ABSTAIN: None
ABSENT: None

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.

Development Services Director Di Mario presented the report.

Commissioner Perez asked for clarification regarding continuing this item to next meeting.

Development Services Director Di Mario responded that the public hearing would be continued to the April 2, 2013 meeting due to the property owner being out of the country.

Vice Chairman Young questioned Deputy Rodriguez regarding security requirements through the Sheriff's Department for a banquet establishment with and without alcohol.

Deputy Rodriguez responded banquet facilities usually hire their own security personnel.

Vice Chairman Young asked if the Sheriff's Department recommended a number of security personnel based on the number of patrons at an event.

Deputy Rodriguez responded that he was not sure of the ratio, but would do the required research and have that information for the Commissioners at a later date.

Development Services Di Mario stated that the City would dictate to the applicant the number of security needed per event under the Conditions of Approval.

Commissioner Flores questioned if the banquet hall could be used for a fund raising event as long as there was not a cover charge.

Development Services Director Di Mario responded in the affirmative.

Commissioner Escalon expressed her concern that if both banquet halls had an event on the same night parking could become an issue. Was it possible to have both property owners keep in communication to designate parking and traffic.

Development Services Di Mario responded in the affirmative and gave a brief history of the

Downtown Specific Plan and parking.

Chairman Costea expressed his concerns if both applications are approved, how would parking effect the other businesses in that area.

Assistant City Attorney Sparks stated that the Downtown Specific Plan states that there is sufficient parking for the Unclassified Use Permit (UUP) applications before them and was within the Municipal Code regulations. If in the future the applicant discovers that parking has become a problem, they could make a request to have the Council and the City Manager update the Downtown Specific Plan to change the parking requirements.

Commissioner Perez stated that these events are planned and held by invitation only so that the event planner had a head count and would know the number of security personnel needed for their event. He also stated that the Women's Club had not had any problems with events held at their location.

Commissioner Escalon asked if parking became an issue could this be brought back to the Planning Commission for review and to possibly amend.

Assistant City Attorney Sparks explained that if the UUP was approved and the applicant was not complying with the Conditions of Approval, the UUP could be amended or if needed be revoked for non-compliance. Also, the reasons for the Conditions of Approval are to prevent problems before they happen.

Chairman Costea opened the public hearing at 7:35 p.m.

Assistant City Attorney Sparks stated that she would like the Commissioners to disclose if they have had any communication with the applicant or with a 3rd party, or have driven by the proposed site to disclose that information at this time.

Chairman Costea stated that he had driven by the proposed location three times.

Vice Chairman Young and Commissioner Flores stated that they had also driven by the property.

Commissioner Escalon stated that on her commute to and from home she drives by the site daily.

Assistant City Attorney Sparks clarified that the Commissioners did not live or have any real estate interest within 500 ft. of the proposed property.

Mr. Rick Hartmann, Representative for Mr. Sanchez stated that he wrote the Downtown Specific Plan in 1994. The purpose was to create a viable downtown. He then gave a brief history of the plan for the downtown area.

J&B Burger Representative, Dino Bakolas spoke in favor of both applications. He expressed that he would like to see more activity and people during the evening hours in the downtown area.

The Applicant, Mr. Edgar Larraburu stated he had not had any problems in the last four years since he opened his business. He and Mr. Sanchez have had events on the same day and have never had an issue with parking. In regards to security, the event planner would need to provide security guards for inside the building and the parking lot. The same security provider is used for each event.

Commissioner Perez questioned if the security guard company was bonded.

Mr. Larraburru responded in the affirmative. The events held at his facility were always just below three hundred guests, that would require three security guards.

Development Services Director Di Mario reminded the Commissioners that this item would be continued to next Planning Commission meeting and more information would be available from staff. Reminding the Commission that the property owner was currently out of the country.

Commissioner Flores stated that she was happy to see the Applicant coming forward and trying to remedy the situation by bringing his application before the Planning Commission.

Chairman Costea stated that he appreciated the Applicant for following the guidelines and trying to come into compliance.

Mr. Frank Sanchez spoke in favor of UUP No. 157A. He also indicated that there had been no issues or problems with parking since opening his business in 1981. Even when large City events such as; the 4th of July, Halloween, and The Main Street Run and The Christmas Parade.

Mr. Ray Hernandez, Barron Industrial Properties Representative spoke in favor of both banquet halls.

Ms. Mona Poncho spoke in favor of UUP No. 157A and UUP No. 257. Stating that we needed to encourage new businesses for La Puente which also brings new jobs.

Mr. Robert Berdin spoke in favor of UUP No. 157A and UUP No. 257. Stating that Mr. Sanchez and J&B Burgers have been great for La Puente working hard in the community for anyone that needs their assistance. He hopes that the Commission takes this into consideration when making their decision.

Development Services Director Di Mario stated that he would like to recommend two additional Conditions of Approval based on the comments heard. 1. As recommended by Commissioner Escalon in regards to communication coordination between other banquet facilities. 2. Upon the one year anniversary to bring back UUP No. 157A for review and evaluation by the Planning Commission of the Applicant's operation of the facility.

Assistant City Attorney Sparks stated for clarification that the review of the UUP would be for an update on the facility.

Chairman Costea asked Mr. Larraburru if he was in agreement with the added Conditions of approval.

Mr. Larraburru responded that he was in agreement and would like to add a Condition, that a Sheriff's report be submitted at the time of review to let the city know that things are under control and being handled properly.

Chairman Costea stated that he would like to have the Applicant consider an additional Condition of Approval regarding the hours that alcohol would be served. Chairman Costea was recommending for alcohol to stop being served at 12:00 a.m. instead of 2:00 a.m. on Friday and Saturday, and on Sunday to stop serving alcohol at 10:00 p.m. instead of 12 a.m.

Mr. Larraburru responded that the facility stops serving alcohol at 12:45 a.m. if the event was scheduled until 1:00 a.m. and would like additional time to consider the added Condition.

Commissioner Flores would like to request that the Applicant return next month and show the Commission the financial impact an additional Condition of Approval like this would have on their business.

Vice Chairman Young expressed his concern for hours of operation and concerns of fire safety issues.

Development Services Director Di Mario responded that one of the Conditions of Approval was that the Applicant comply with all federal, State, County, and local laws and ordinances.

Assistant City Attorney Sparks stated that the owner of the property was unavailable to agree to the added Conditions of Approval and it would be appropriate at this time to make a motion to continue the hearing to the April 2, 2013 meeting.

Commissioner Perez moved and Commissioner Flores seconded to continue the public hearing to April 2, 2013 at 7:00 p.m. The motion carried with the following roll call vote:

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

3. **UNCLASSIFIED USE PERMIT NO. 257 - Consideration of a Resolution approving Unclassified Use Permit No. 257 to allow for the operation of a banquet facility with live entertainment at the property located at 15843-45 Old Valley Boulevard.**

Development Services Director Di Mario presented the report.

Chairman Costea stated that he would like to thank staff for answering the many questions the Commission had. He also felt it was not necessary to go over parking, security and the environmental report that were heard during the first application.

Vice Chairman Young asked for clarification in regards to the retrofit improvements.

Development Services Director Di Mario responded the improvements would consist of seismically retrofitting the unreinforced masonry block building (URM). These improvements are included in the Resolution as a Condition of Approval.

Chairman Costea asked Assistant City Attorney Sparks to please clarify the time-line for the URM improvements.

Assistant City Attorney Sparks gave an explanation on the retrofit of masonry buildings (URM). The California Government Code and California Building Code were also explained.

Discussion ensued on the county building code for URM structures.

Chairman Costea asked how many URM buildings were in the City limits.

Assistant City Attorney Sparks responded that there are twenty within the City.

Chairman Costea opened the public hearing at 8:35 p.m.

Rick Hartmann Representative for Mr. Sanchez stated that his client was trying to utilize the building stating that the retrofit improvement could cost up to $200,000. He then gave an explanation of the retrofit process; parking and security.

Chairman Costea expressed his concerns regarding economic gain over safety.

Vice Chairman Young asked for clarification on URM building signage.

Mr. Hartmann responded that the sign was required to read that the building was a URM and in the event of an earthquake was unsafe. The responsibility would fall on the property owner and not the City.

Chairman Costea added that the URM sign reads; you are about to enter a URM building and are entering at your own risk.

Assistant City Attorney Sparks read the required URM signage.

The Applicant, Mr. Sanchez, provided a brief history of what the building had been used for in the past.

Chairman Costea thanked Mr. Sanchez for his good deeds in the community. However, his concern was for safety of the people who enter that building.

Commissioner Escalon expressed her concern for the large second story windows and asked if the building was equipped with air conditioning.

Mr. Sanchez responded there is heating and air conditioning for the building.

Commissioner Perez gave a brief history of downtown La Puente and wished both banquet halls much success.

Chairman Costea asked staff if there were funds available to assist the owners of URM buildings.

Development Services Director Di Mario responded that staff had been researching sources trying to locate funds, but have been unsuccessful.

Vice Chairman Young questioned Mr. Sanchez if he had plans to remodel the stairs located outside and inside of the building.

Mr. Sanchez responded in the affirmative. Adding that the Fire Marshal had recommended some improvements.

Discussion ensued on upgrades that would be done to the building now and the retrofit scheduled in the near future.

Mr. Hartmann gave his understanding of the requirements for security personnel. He recommended that the City follow the recommendations made by the Sheriff's Department.

Chairman Costea stated he was satisfied with the Sheriff's Department guidelines and the Fire Marshal's requirements.

Assistant City Attorney Sparks clarified for the Commission that the security was a standard Condition of Approval for Unclassified Use Permits such as markets and other retailers that sell alcohol.

Commissioner Flores commented that safety was the main issue with this application and the Commission should not hold the small business owners accountable for issues that are out of their control, such as lighting in the downtown area.

Mr. John Solis spoke on security, businesses in the downtown area and retrofit of the URM buildings.

Assistant City Attorney Sparks explained liability responsibility with the URM buildings.

La Puente resident, Brenda gave her opinion on night clubs in the surrounding cities.

Mr. Robert Berdin spoke in favor of UUP No. 257.

Mr. John Meril Haucus, VFW member spoke in favor of the banquet facilities.

Mr. Jay Nelson Representative from Rocket Roasters in downtown area, spoke in favor of UUP No. 257. He also thanked the Commission for asking the right questions.

The Applicant for UUP No. 157A spoke in favor of UUP No. 257, stating that they were working together to get their business up and running.

Chairman Costea closed the public hearing at 9: 45 p.m.

Development Services Director Di Mario stated that he would like to clarify for the record the two additional Conditions of Approval. 1. To keep the lines of communication open between the banquet facilities. 2. Upon the one year anniversary of the Certificate of Occupancy to bring back UUP No. 257 for review by the Planning Commission to evaluate the Applicant's operation of the facility, which may include allocation of any existing Conditions of Approval or the incorporation of new conditions.

Chairman Costea stated that he also would like the additional Condition of Approval that Mr. Sanchez recommended; to include the URM notice on the contract to his customers.

Discussion ensued regarding the Conditions of Approval for any individual serving alcohol.

Assistant City Attorney Sparks clarified for the record and asked Mr. Sanchez if he was agreeable to the added Conditions of Approval.

Mr. Sanchez responded in the affirmative.

Discussion ensued on the ABC (Alcoholic Beverage Control) requirements and what time alcohol should stop being served.

Commissioner Perez moved and Vice Chairman Young seconded to adopt the attached Resolution including the added Conditions approving Unclassified Use Permit No. 257 and direct staff to file the Notice of Exemption. The motion carried with the following roll call vote:

AYES: Costea, Escalon, Flores, and Perez.
NOES: Young
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 FORM THE COMMISSION/BOARD:

Chairman Costea and Vice Chairman Young thanked staff and Assistant City Attorney Sparks for their help and support.

Commissioner Flores thanked staff and the Commissioners.

ORAL COMMENTS FROM STAFF:

Development Services Director Di Mario introduced Interim Assistant Planner Nina Shabazz. He also invited the Commissioners to the ribbon cutting ceremony to be held next week at Ross Department store on Hacienda Boulevard.

ADJOURNMENT:

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

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

Chairman Costea adjourned the meeting at 10:08 p.m.

Secretary, Planning Commission

Chairman Costea