CITY OF LA PUENTE

REGULAR PLANNING COMMISSION

AND DEVELOPMENT REVIEW BOARD

MINUTES

DECEMBER 2, 2014

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 of the City of La Puente was held in the Council Chambers of City Hall, 15900 East Main Street, La Puente, California, on December 2, 2014, at 7:00 p.m.

CALL TO ORDER:

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

ROLL CALL: Commissioner/Board Members: Costea, Young, Dudley, Escalon and Perez

Administrative Secretary Ramirez announced for the record that Vice Chairman, Greg Young had submitted an email resigning from the Planning Commission on November 24, 2014.

Commissioners present:	Costea, Dudley, Escalon and Perez.
Commissioners absent:	None.
Staff present:	City Manager Carmany, Development Services Director Di Mario, Assistant City Attorney Sparks, Assistant Planner Schaetzl and Administrative Secretary Ramirez.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Commissioner Escalon.

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**

meetings of November 5, 2014.

Commissioner Perez moved to waive the reading and approve the Minutes of the Regular meeting of November 5, 2014; seconded by Chairman Costea. The motion carried with the following roll call vote:

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

Recess the Development Review Board

UNFINISHED BUSINESS BEFORE THE PLANNING COMMISSION: None

NEW BUSINESS BEFORE THE PLANNING COMMISSION: None

PUBLIC HEARING BEFORE THE PLANNING COMMISSION:

2. UNCLASSIFIED USE PERMIT No. 268 – Consideration of a Resolution approving Unclassified Use Permit No. 268, to allow the sale of alcoholic beverages (Alcoholic Beverage Control License Type 41 - beer and wine) for on-site consumption in conjunction with an existing restaurant located at 437 S. Azusa Avenue (Birrieria La Suprema Restaurant), and Notice of Exemption regarding same

Assistant Planner Schaetzl presented the staff report and a PowerPoint presentation.

Commissioner Perez asked if the restaurant had adequate parking.

Assistant Planner Schaetzl responded yes, parking was sufficient.

Chairman Costea opened the public hearing at 7:09 p.m.

Frank Sanchez stated that he was in favor of the request for the Applicant's restaurant and that parking was adequate in that shopping center. He also added that he was familiar with the restaurant and that people go there to eat good food and that it would be nice to have a beer with dinner.

The Applicant, Mr. Hernandez stated that he would like to have the opportunity for his family owned restaurant to grow; he was trying to give great service to his customers, adding that the restaurant was not a bar it was a place for families. He was always present at the restaurant and available for any problems that may arise.

Chairman Costea stated that he had visited the restaurant and was impressed with the cleanliness of the restaurant and that the food was excellent.

With no other speakers, Chairman Costea closed the public hearing at 7:12 p.m.

Commissioner Perez moved to approve Unclassified Use Permit No. 268 to allow the sale of alcoholic beverages (Alcoholic Beverage Control License Type 41 - beer and wine) for on-site consumption in conjunction with an existing restaurant located at 437 S. Azusa Avenue (Birrieria La Suprema Restaurant), and Notice of Exemption regarding same seconded by; Commissioner Dudley. The motion carried with the following roll call vote:

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

3. **COMPREHENSIVE ZONING CODE UPDATE** – CONSIDERATION OF A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL REPEAL TITLE 10 (ZONING) OF THE LA PUENTE MUNICIPAL CODE IN ITS ENTIRETY (INCLUDING THE ZONING MAP), WITH THE EXCEPTION OF CHAPTER 10.62 (ADULT BUSINESSES), ADOPT A REVISED TITLE 10 (ZONING) AND ZONING MAP, AND AN ADDENDUM REGARDING SAME. (Continued from the meetings of July 21, 2014, August 5, 2014, September 2, 2014, October 7, 2014, and November 5, 2014.)

Chairman Costea announced that the public hearing was continued and still open and from the Planning Commission meeting held on November 5, 2014.

Development Services Director Di Mario presented the staff report.

Moore Iacofano Goltsman, Inc. (MIG) Representative, Ms. Stetson presented a PowerPoint presentation.

Chairman Costea expressed some concerns in regards to acknowledgements that had been removed. He also inquired of a table for Bicycle Parking Requirements.

Ms. Stetson responded that the acknowledgements were in Article 6 and had actually been consolidated per recommendation from the City's Assistant Attorney. In regards to bicycle parking at the time it was prepared, the California Green Building Standards Code (CAL Green Code) had not been adopted; the CAL Green Code has since been adopted and contains bike parking regulations that supersede what would have been included in the Zoning Code.

Chairman Costea inquired regarding Chapter 5.2 for Adult Businesses.

Ms. Stetson responded that it was included in another Chapter of the La Puente Municipal Code; Chapter 5.12 and that she would cross reference the information.

Assistant City Attorney Sparks stated that for clarification the Zoning Code Update would be placed into the Municipal Code book.

Chairman Costea stated that he noticed the Commission did not receive an updated Unruh Specific Plan.

Development Services Director Di Mario responded that would be updated in Article 1 and Article 2; and that the maps had also been updated. There are also updates regarding Medical Marijuana Dispensaries.

City Manager Carmany made a request to Assistant City Attorney Sparks to give an explanation on the status of the Unruh Specific Plan and the settlement agreement to make sure everyone had an understanding. This item would be included on the next City Council agenda.

Assistant City Attorney Sparks stated that as discussed at a prior Planning Commission meeting the Unruh Specific Plan was subject to some issues with the City. The City Council had put an item on the next agenda that would clarify the situation with the Unruh Specific Plan and therefore, would need to be included back into the Zoning Code. Also, Assistant City Attorney Sparks stated that there are some additional revisions with respect to medical marijuana. In 2010, the City Council adopted an Ordinance which prohibited medical marijuana cooperatives and collectives within the City to ensure that the prohibition was explicit in the Code; the Commission was being provided a copy of Chapter 10.42 which was supplemental language. Article 3, which applies to regulations in all Zones. It simply restates the prohibition that the City previously adopted. The only difference with Chapter 10 was that all the amortization was removed due to the City no longer having any cooperatives or collectives within the City limits. In addition to Chapter 10.42 to further clarify the Code; we would need to list all the cooperatives or collectives as a prohibited use; and in the definition we need to clarify the definition of cooperatives or collectives, so that it was constant with the language of the current Code, which was constant with state law. And finally, to ensure that all the finding that were made when the City Council adopted the Ordinance prohibiting medical marijuana dispensaries; she also requested an additional Recital to the Ordinance.

Chairman Costea requested that Assistant City Attorney Sparks please read the addition to the Ordinance.

Assistant City Attorney Sparks read; "Whereas, on August 10, 2010, the City Council adopted Ordinance No. 10-903, prohibiting the establishment and operation of medical marijuana cooperatives and collectives in the City. The Planning Commission hereby incorporates by reference all of the findings set forth in Ordinance No. 10-903, and all exhibits thereto, including the staff report."

Ms. Stetson suggested to Assistant City Attorney Sparks to place the addition to the Ordinance in Article 4. And to create a new Chapter 10.52, because Article 4 deals with Uses; and Article 3, deals with physical development standards.

Assistant City Attorney Sparks responded she was in favor of the change. At the last Planning Commission meeting discussion was on the Massage Ordinance; and a Wireless Telecommunication Ordinance. In September, the Governor signed California Assembly

Bill AB1147, which provided additional authority for cities and local government to regulate massage establishments. There had been a lot of discrepancies over the intent of that legislation, and that the city was waiting for the League of California Cities and the authors of the bill to provide additional guidance before an Ordinance can be adopted.

Chairman Costea asked if there would be an amendment; and if the moratorium would come before the Planning Commission.

Assistant City Attorney Sparks responded yes. In regards to the Wireless Communication Ordinance; the Federal Communications Commission (FCC) had not yet adopted the regulations; the regulations that the city has in place would need to remain the same until the new regulations from the FCC become official, so there may be some additional revisions in the future.

Development Services Director Di Mario stated that the Planning Commission was recommending that the City Council repeal Title 10 (Zoning) of the La Puente Municipal Code in its entirety (including the Zoning Map), with the exception of Chapter 10.62 (adult businesses), and adopt a revised Title 10 (Zoning) and Zoning Map.

Assistant City Attorney Sparks stated that to modify the amortization period for the security screens until January 1, 2020, per section 10.24.070 we would amend the amortization period to January 1, 2010. Additionally, all the information in respect to medical marijuana that's adding Chapter 10.52 including the additional recitals Ordinance revising all the table to chorally reflect the prohibition and revising the definition of medical marijuana cooperatives and collectives.

Chairman Costea requested assistance when a motion was made to get the correct verbiage for the Ordinance. He then asked if there was anyone from the public who wished to speak on this item.

Mr. Loder stated that this had been a long battle and we are finally putting something together, it may not be perfect but at least we have something. He then asked Ms. Stetson for some type of ledger to refer to in case there were any changes to be made. He expressed his gladness for being a part of the City in making decisions and to help the people, he would like to continue on and go to the next step. He would like a revised copy of the Zoning Code for the public to review before it goes to Council for approval. Mr. Loder continued to add that he would like to see something like a contract "that we the people" have the right to bring to the Planning Commission, or to Council and advise them when we see the need of an item to be changed.

Chairman Costea informed Mr. Loder that it was available on the City's webpage. Mr. Loder responded that he did not have a computer.

Development Services Director Di Mario stated that a hard copy was available at the City Clerk's office and at the La Puente Library; and that the City would get a copy for Mr. Loder.

Mr. Loder thanked City Manager Carmany for taking quick action on the UCLA flag that was on the City's flag pole. The P.O.W. flag represents the people, the Veterans, and the people in our Military service. He also thanked Mr. Di Mario and Ms. Stetson it was a pleasure working with them. He also commented on Vice Chairman Young's resignation. He expressed how Commissioner Young was a great asset to the Planning Commission and that the City should try to find a way to bring him back for the people of La Puente.

Chairman Costea thanked Mr. Loder for participating in this long journey; he also thanked all the other residents who were involved in this process. He recognized everyone who attended the workshops; adding that it did make a difference, it was part of the process.

Development Services Director Di Mario supplied Mr. Loder with a copy of the Zoning Code Update.

Ms. Ester Quinonz stated that in 2004 the Planning Commission and the public were working on the Code that's where she felt the people were not involved. She expressed how the petition which had over one hundred signatures and was efficient in getting the public to attend the workshops. She expressed how she was able to meet her neighbors and make new friends. She reflected on a resident that had complained about parking at a previous Council meeting, adding that parking had already become an issue. She also made a request that each Commissioner explain their votes.

Chairman Costea thanked Ms. Quinonz for all of her assistance; he believed the new regulations would help the city enforce the parking issue.

Marty Paz stated how things had changed in the last thirteen years. He reflected on his Development Plan application that had been denied a few years ago. He stated that this was a very important decision. Everyone was entitled to their own opinion. He also asked if a traffic survey was done for the downtown area. He also expressed concerns on parking and where children would be attending school.

Chairman Costea thanked Mr. Paz for participating in this project.

Frank Sanchez stated that he would like to thank staff for getting this project in order; this project had been going on for many years, back when Lou Perez was Mayor and the previous Community Development Director, Greg Yamachika was still here. Much of the proposed R-2 has already become R-2. He then gave a brief history of a conversation he had with a resident asking what she could build on her property. He recommended that she call the City to find out how her property was zoned. He also expressed how a property owner should be able to build as they please. He believed the Downtown Specific Plan was designed to provide more housing for the future, and that change had to happen. He was in favor of passing the Zoning Code.

Mr. Loder informed the Commission that a complaint had been filed with the City Council regarding parking on First Street. On trash day you cannot find parking. For the downtown population when it becomes R-2 you will have a very serious parking problem. He then asked if a mixed use for downtown was planned; asking where would all the additional residents' park.

Development Services Director Di Mario stated for the record that written communication had been received on October 8, 2014, from Ms. Maria Garcia he then gave a description of what the letter contained.

Chairman Costea stated that he would also like to thank Ms. Garcia for participating as he recognized that she had attended a few meetings.

With no further speakers Chairman Costea closed the public hearing at 8:05 p.m.

Chairman Costea moved to adopt the Resolution recommending that the City Council repeal Title 10 (Zoning) of the La Puente Municipal Code in its entirety (including the Zoning Map), with the exception of Chapter 10.62 (adult businesses), adopt a revised Title 10 (Zoning) and Zoning Map, and an addendum regarding same and the amortization of the security screens to January 1, 2020 and to include the additional Recital read into the record and to include Chapter 10.52 article 5 revise all the tables throughout the draft zoning code update to reflex the provision and revise the definition of medical marijuana cooperatives and collectives and clarify the adult use definition found in article 9; seconded by Commissioner Perez. The motion carried with the following roll call vote:

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

Chairman Costea stated that he would like to thank everyone who worked very hard on this project. He stated that this was definitely an educational journey for him and all involved. He thanked the City Council for appointing him as a Planning Commissioner and for the opportunity to participate he took his responsibilities very seriously. Previous Planning Commissioner Young who spent a great deal of time and was very passionate for this project it was unfortunate he was not present tonight.

Recess the Planning Commission

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 COMMISSION/BOARD:

Commissioner Perez stated that the purpose of a public hearing was for the public to come and speak their mind; state what they like or dislike, bringing it before the Commission so it can be discussed. He then described an old photograph taken in 1947 that was in the historical room at City Hall. The picture was of downtown which was full of cars, more then there are today. La Puente was the only place happening around here. There was no Hacienda Heights, no Walnut, and no Covina. On Friday's and Saturday's in downtown La Puente it was gridlock there were plenty of cars, adding that parking had not been a problem. He felt nothing was 100% percent, but we are moving forward.

Commissioner Escalon stated that she was very proud of the residents for coming forward and getting to know one another, coming to the meetings and getting involved. She wanted to make sure that the residents do not feel like they lost anything, or that their voices were not heard. Connecting with government was important for their neighborhoods and each other. Maybe some residents feel that some of the decisions are not in their favor, but coming to a consensus working along with government, businesses and the residents together in total. She felt that the R-2 was important. It would bring commerce to this area. She then gave some examples of not having to use a vehicle for transportation. Moving forward with this vote would benefit the City of La Puente due to the fact that we all participated in hammering out the fine points together; at the end it is still your property if you would like to build upon it you have that option.

Commissioner Dudley stated that he believed it was a win-win for everyone and that we needed to be consistent with the General Plan. The whole foundation of the General Plan was the forward motion of the City and he felt we were taking the right steps to go in that direction.

Chairman Costea stated that it would be nice to see money made in our City that's what going to make this City grow. He expressed that he was proud of this City; the ultimate goal would be well worth it.

ORAL COMMENTS FROM STAFF:

City Manager Carmany stated that he would like to mention the status of the recent unplanned vacancy among the Planning Commission with the resignation of Vice Chairman, Greg Young. Mr. Carmany stated that consistent with state law there was a provision in the government code. The "Maddy Required Notice Act" the City was to post a notice of vacancy when one occurs. The theory behind that law being that we broadly disseminate when any member of the public who was eligible to be considered for that position would know about it and would be able to apply. There was now a Notice posted properly in the usual places; the recruitment closes on January 2, 2015. State law requires a ten day notice the City extended it as long as we could so that we could have it ready for the Council to act upon if their prepared to do that at their first meeting in January, 2015. Applications are available on-line or you can pick up an application at City Hall or contact the City Clerk's office with any questions.

Chairman Costea questioned what the application process was.

Assistant City Attorney Sparks responded that the process consisted of an application, the applicant must be a registered voter, and a resident of the City and the completed application must be turned in before the January 2, 2015 deadline, followed by interviews that would be scheduled before the City Council during an open and public session.

Commissioner Perez stated that he would like to wish everyone a Merry Christmas and a Happy New Year.

Chairman Costea wished everyone a Merry Christmas, and hoped that they had a nice Thanksgiving holiday.

Development Services Director Di Mario announced that the Holiday Parade and Tree Lighting Ceremony was scheduled for Friday, December 5th at 5:30 p.m. Also, Pizza Hut at the El Super shopping center on Hacienda was under construction. McDonald's on Amar Road was in their second plan check with the Building Department in hopes of issuing permits soon.

ADJOURNMENT:

Chairman Costea moved to adjourn to the next regularly scheduled meeting on January 6, 2015 at 6:00 p.m.; seconded by Commissioner Dudley. The motion carried with the following roll call vote:

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

Chairman Costea adjourned the meeting at 8:25 p.m.

Secretary, Planning Commission

Chairman Costea