

CITY OF LA PUENTE

PLANNING COMMISSION AND DEVELOPMENT REVIEW BOARD

MINUTES

April 01, 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.lapuate.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 04/01/2014, 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

Members present: Costea, Young, Dudley, Escalon and Perez.

Members absent: None.

Staff present: City Manager Carmany, Development Services Director Di Mario, Assistant City Attorney Sparks and Administrative Secretary Ramirez.

PLEDGE OF ALLEGIANCE: Commissioner/Board Member Perez.

The Pledge of Allegiance was led by Commissioner Perez.

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 meeting of March 4, 2014.**

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, 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

CONTINUED PUBLIC HEARING BEFORE THE PLANNING COMMISSION:

2. **REVOCATION OF UNCLASSIFIED USE PERMIT NO. 199 - Consideration of a Resolution revoking Unclassified Use Permit 199 and any previously granted land use entitlements pertaining to the sale and on-site or off-site consumption of alcohol in conjunction with an existing restaurant and bar located at 663-665 N. Glendora Avenue and adopt a Notice of Exemption.**

Development Services Director Di Mario presented the report from the continued public hearing of March 4, 2014.

City Manager Carmany presented the list of violations to the Commissioners and provided some background on Unclassified Use Permit (UUP) No. 199 and the violations. He also expressed some of the concerns for public safety and findings for the revocation.

Armando Chavira, legal representative for Mr. Gallardo read the violation numbers for the Commissioners. He then gave an explanation of the citations given by the Sheriff's Department and Alcohol Beverage Control (ABC).

Commissioner Perez stated that based on information presented to the Commission with over 40 calls for service from the Sheriff's Department it was clear where this business was going, it was decaying the area, this is a residential area and it was their responsibility to ensure the residents are taken care of. Mr. Gallardo had plenty of time to make adjustments and that has not happened. It was important to clean up this problem as soon as possible.

Chairman Costea questioned Mr. Chavira what was the resolution, what improvements, or plan did Mr. Gallardo have to move forward.

Mr. Chavira responded that Mr. Gallardo had hired a security guard. He then gave examples of what the security guard handles for the bar.

City Manager Carmany stated that Mr. Chavira be allowed all the time he needs to present his case. If Mr. Chavira has questions for staff we will address them, this will not be a debate discussion.

Mr. Marco Gallardo owner of El Caminante Restaurant & Bar gave an explanation of events that occurred in 2011, 2012 and 2013. He then gave a description of each incident that occurred inside and outside of his establishment, claiming that someone had been calling the Sheriff's Department to harass his business. He has hired a new female security guard. There have not been any problems since she was hired; she was present to answer any questions the Commission may have.

Chairman Costea asked Mr. Gallardo how often he was at his business, and if he was present when the calls for police service were made.

Mr. Gallardo responded that he was there every day beginning at 6:00 p.m. until closing at 2:00 a.m. and yes, he was there when the Sheriff's Department was called.

Commissioner Escalon questioned the date the security guard was hired and asked for clarification if the guard was present during the dates of calls for service. It puts up a red flag adding that Mr. Gallardo had let the situation get out of control.

Mr. Gallardo responded that the security guard's hours are from 9:00 p.m. to 2:00 a.m. stating that 80% of the calls for service are for no reason. When the security guard was present we tried to resolve the problems ourselves. In 2014 the incident that occurred was after hours.

Commissioner Perez stated that most of the calls for service were way past closing time, as a business owner you must make sure everything was clear before you leave. We are not here to tell you how to run your business; however you must follow the laws.

Mr. Gallardo responded that we leave at 2:00 a.m. It's the customer that stays outside; we do not let the customers go outside with bottles. He added that there was a liquor store down the street that sells alcohol and their customers tend to walk towards his establishment and leave cans and bottles outside. If anyone is outside after closing we call a taxi for them.

Chairman Costea expressed that he was having trouble believing Mr. Gallardo was cleaned up and out by 2:10 a.m. and that he feels Mr. Gallardo does not have control of his business.

Mr. Gallardo responded that his English was not that good and he was just trying to explain.

Commissioner Escalon stated that she has driven by the establishment many times and that she feels it was not clean or well maintained, it was a reflection of the inside and how you care for your business, the fact there are so many calls shows you are not representing your business well.

Assistant City Attorney Sparks asked for clarification that in 2014 there was only one incident of battery that occurred. There were no other incidents.

Mr. Gallardo responded in the affirmative. Adding there was an incident in January and March. Also, that the lot was cleaned every morning by 9:00 a.m.

Commissioner Dudley asked Mr. Gallardo if he takes responsibility for 20% of the calls for service.

Mr. Gallardo responded that he was just trying to present his business.

Chairman Costea asked Mr. Chavira to elaborate on the incident of solicitation that occurred in March 2014.

Mr. Chavira responded that he was not previewed of the incident which occurred in March 2014. He gave a description of what ABC agents would do while conducting an investigation. He then spoke in regards to the forty calls for police service that Mr. Gallardo had not heard of.

Discussion ensued with Mr. Chavira and the Commission regarding calls for a weapon.

Commissioner Perez suggested that perhaps security should stay at least an hour after closing to make sure everything was clear and clean.

Sister Gomez, Security Guard for Mr. Gallardo stated she was hired in December 2013. She gave an explanation of what occurred when her tires were slashed in the parking lot.

Vice Chairman Young stated that since Ms. Gomez was hired there had been a reduction of calls for police service.

Chairman Costea closed the public hearing at 8:13 p.m.

Vice Chairman Young asked for clarification if there were other establishments that sell alcohol besides the two that had already been mentioned near the El Caminante.

Development Services Director Di Mario responded in the negative.

Lieutenant Cacheiro stated that this was not common practice for this type of establishment. This location has been very hard to address with the frequent calls for service; citations from ABC; and citations from Deputy Cariaga. When Mr. Gallardo first became a business owner we sat down and discussed specific issues with these types of establishments. The windows of this location are completely blacked out; you are not able to look into the establishment. There is currently a complaint sitting with the Los Angeles County District Attorney's office for a misdemeanor filled against Mr. Gallardo. Lt.

Cacheiro added that he had been to this location personally and has viewed people loitering, a 17 year old female who had to be escorted off the property, people who have had narcotics but, do not meet the threshold of an arrest. This establishment continues to be a nuisance to the area. He then gave a description of the log for service calls and response times.

Vice Chairman Young asked if other bars in the area had this many calls for service.

Lieutenant Cacheiro responded that El Caminante was the worst offender, which also includes aggravated assault and battery charges. He gave an explanation on the difference between ABC and the Sheriff Department violations. Also, the calls for service are through January 20, 2014 and have not been pulled since then.

Deputy Sean Cariaga, from the Industry Sheriff Station, has worked in La Puente for several years. The only other bar with similar problems was "Las Marias" which is no longer open; adding that no other bar in the city gets these types of calls for service. He gave a description of what he noticed on the night when a citation was given to Mr. Gallardo. Most bars, when closing, will call last call at 1:30 a.m. to 1:45 a.m. and everyone cleared out by 2:00 a.m. This night it was 2:10 a.m. and the parking lot was completely full, when he pulled on the front door, it was locked. However, when a patron stumbled out he was able to get inside. The entire bar was full and everyone was drinking with no signs of shutting down. Ms. Gomez the security guard was present, it was clear that Ms. Gomez had no authority what so ever, adding that whoever was in charge was allowing their customers to drink after 2:00 a.m. They locked the door so it was not as obvious. When he walked in people looked at him and still continued drinking, it wasn't until he made his presence known that they started to clean up. Last call should be at 1:30 a.m. and start removing bottles at 1:45 a.m. to have everyone out and gone by 2:00 a.m. This was on a Sunday night not a Friday or Saturday. He then gave an explanation of response times and calls. Adding that Ms. Gomez had been some help but, she was a façade at the location.

Chairman Costea moved and Commissioner Escalon seconded to adopt a Resolution revoking Unclassified Use Permit No. 199, 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

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

ORAL COMMENTS FROM COMMISSION/BOARD:

Vice Chairman Young thanked staff for their help and Lieutenant Cacheiro and Deputy Cariaga for being present.

Chairman Costea also thanked staff the Sheriff's Department and the City Manager for all the work that was put into the reports.

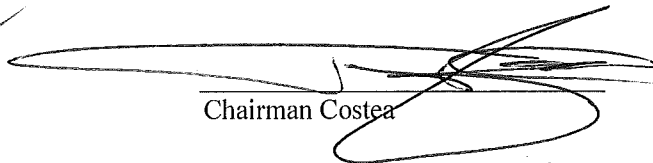
ORAL COMMENTS FROM STAFF

Development Services Director Di Mario reported on building activity at El Super Center, there was construction going on for new tenants; a proposed Starbuck's Coffee Company; Waba Grill Teriyaki House; and also Harbor Freight Tools. The newly approved Smart & Final has been in and out of the Building Department for plan check and was moving along.

ADJOURNMENT:

Chairman Costea adjourned the meeting at 8:33 p.m.


Secretary, Planning Commission


Chairman Costea