

CITY OF LA PUENTE
PLANNING COMMISSION AND DEVELOPMENT REVIEW BOARD

MINUTES

March 04, 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 03/04/2014, 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

PRESENT: Costea, Dudley, Escalon, and Perez.

ABSENT: Young.

EX OFFICIO: City Manager Carmany, Development Services Director Di Mario, Interim Assistant Planner Schaetzel, Assistant City Attorney Sparks, Administrative Secretary Ramirez and Lieutenant Cacheiro.

Let the record reflect that Vice Chairman Young was absent.

PLEDGE OF ALLEGIANCE: Commissioner/Board Member Escalon.

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 meeting of February 4, 2014.**

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

AYES: Costea, Dudley, Escalon, and Perez.

NOES: None.

ABSTAIN: None.

ABSENT: Young.

RECESS THE DEVELOPMENT REVIEW BOARD:

UNFINISHED BUSINESS BEFORE THE PLANNING COMMISSION: None

NEW BUSINESS BEFORE THE PLANNING COMMISSION:

Development Services Director Di Mario stated to the Commissioners that agenda item No. 5, Development Plan Amendment (DPA) No. 1117-A and agenda item No. 6, Sign Plan Application (SPA) No. 1112-A, both pertain to the same property at 15427 Amar Road. Also, Unclassified Use Permit (UUP) No. 264 are all being heard for consideration for the proposed Smart & Final supermarket.

City Manager Carmany stated that Agenda items No. 5 and No. 6 would be taken out of order. He then presented the staff reports for DPA No. 1117-A and SPA No. 1112-A. He then requested that the Commission give this application careful and close consideration and to make a decision on them simultaneously.

5. **DEVELOPMENT PLAN AMENDMENT NO. 1117-A - Consideration of a Resolution approving Development Plan Application No. 1117-A, a request to remodel tenant spaces and the façade of an existing commercial development located at 15427 Amar Road, La Puente, California, and adopting a Notice of Exemption.**
6. **SIGN PLAN APPLICATION NO. 1112 A -Consideration of a Resolution approving Sign Plan Application No. 1112-A, a request for modifications to Master Sign Program 1112 for a commercial development at 15427 Amar Road, La Puente, California, and adopting a Notice of Exemption.**

Assistant City Attorney Sparks stated there was one amendment to the Development Plan Resolution: Exhibit G, Condition No. 9, subsection D, page 6, to remove and amend as follows: The applicant shall maintain Parcel Number 8252-012-1032 in perpetuity solely for

purposes of parking.

Chairman Costea requested any questions or comments from the Board, with no response he moved forward with his question. For deliveries, if there are any conditions regarding idling times during business hours. If not, he would like to add a condition.

City Manager Carmany responded that staff was not recommending any conditions on deliveries, unless the Board would prefer staff to prepare a condition for deliveries and idle times.

Chairman Costea responded in the affirmative. He also expressed concerns for lighting that would be facing towards the residents. Also, would security cameras be installed.

Development Services Director Di Mario responded that there was not a condition of approval. However, a security plan was included in the UUP portion of the application. He Di Mario also clarified the conditions of approval for dust and mud and heavy equipment during construction.

Board Member Escalon moved and Board Member Perez seconded to approve a Resolution for Development Plan Application No. 1117-A, and Sign Plan Application No. 1112-A, and to include the added conditions of approval and to direct Staff to file the Notice of Exemption. The motion carried with the following roll call vote:

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

PUBLIC HEARINGS BEFORE THE PLANNING COMMISSION:

2. **UNCLASSIFIED USE PERMIT NO. 264 - Consideration of a Resolution approving Unclassified Use Permit No. 264, to allow for the sale of alcoholic beverages for off-site consumption (Alcohol Beverage Control License Type 21) for a proposed full service supermarket located at 15427 Amar Road, La Puente, California and adopting a Notice of Exemption.**

City Manager Carmany stated that the state Alcohol Beverage Control (ABC) requires that the city make a finding of public convenience or necessity as this location was in the area classified as undue concentration due to several factors. He then described the over concentration of ABC licenses and crime reporting districts. He then added that this would be a one stop shop where you buy all your items without having to go to multiple stores.

Chairman Costea expressed his concern that the beer and wine were located near the exit door.

Development Services Director Di Mario responded that this issue was worked out with Smart & Final and has been included under Condition No. 7 in the Resolution.

Chairman Costea opened the public hearing at 7:30 p.m.

Pat Barber, Vice President of Real Estate for Smart & Final gave a brief history of the company and description of items to be sold at Smart & Final Extra. He also would like to propose an added condition of approval for the unusual item of craft beer to read as follows: "Beer shall be sold in multi-pack quantities, with the exception of craft/microbrewery beers which can be sold in individual containers of not less than 16 ounces, but no more than 24 ounces and with a purchase price of equal to or greater than \$3.99 per unit. Wine shall be sold in 750 milliliters or larger in individual containers. Any wine bottles or distilled sprints less than 750 milliliters shall be sold in four packs or larger."

Assistant City Attorney Sparks stated that each Unclassified Use Permit (UUP) was a discretionary permit and described that each permit was individual. However, this would be a first for craft/microbrewery beers for the Commission. This would not affect any other UUP's.

City Manager Carmany responded that this was a topic at the League of California Cities Conference. Cities want to have conditions that match modern retailing. It was important to use your best judgment.

Chairman Costea called Lieutenant Cacheiro.

Lieutenant Cacheiro stated that in the past Smart & Final had always been a responsible retailer. The crime reporting district showed a 20% higher crime rate, however that was not due to any one specific business in that area. The issues in that area are with the smaller retailers that do not act responsibly and do not adhere to ABC regulations. Adding that the Crime Analyst from the Sheriff Department was present and ready to answer any questions the Commission may have.

Assistant City Attorney Sparks stated that Smart & Final had submitted a revision to Condition No. 12, should the Commission consider it, staff would ask that you consider another amendment to it as follows: Beer shall be sold in multi-pack quantities, with the exception of craft/microbrewery beers which can be sold in individual containers of not less than 16 oz. but not more than 24 oz. and with a purchase price equal to or greater than \$3.99 per unit. Wine and distilled spirits shall be sold in 750 milliliters or larger in individual containers. Any wine bottles or distilled spirits less than 750 milliliters shall be sold in four packs or larger.

Mr. Barber expressed his excitement for the upcoming business and that over two million dollars would be spent on the remodeling of the building. He appreciated the warm welcome from the city and staff.

Chairman Costea thanked Mr. Barber for the fanatic job on the designing and what it would do for the area.

Marty Paz expressed how excited he was that Smart & Final was coming to the area. However, he did question the over saturation of liquor in that area.

Chairman Costea stated that Smart & Final had a history of an excellent track record that you do not get to see with the smaller retail businesses.

Commissioner Perez thanked Mr. Barber and the Architect for a great set of plans and the extra details to make this project first class.

Commissioner Escalon stated that she enjoys shopping at Smart & Final in Hacienda Heights and was happy to now shop at a Smart & Final in her own city.

Chairman Costea requested to bring back the permit application after one year as an evaluation.

City Manager Carmany asked for clarification, did the Chairman want the entire application revisited or just the added condition.

Chairman Costea responded just the condition.

Assistant City Attorney Sparks stated that the permit must run with the land, it would read as follows: Staff would provide the Commission a report in one year to make sure the applicant was in compliance with the conditions of approval for the UUP.

Development Services Director Di Mario asked for clarification that would be one year from the time of the certificate of occupancy.

Chairman Costea responded in the affirmative.

Chairman Costea closed the public hearing at 7:51 p.m.

Commissioner Perez moved and Commissioner Dudley seconded to adopt a Resolution approving Unclassified Use Permit No. 264 subject to the conditions along with two added 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, Dudley, Escalon, and Perez.
NOES: None.
ABSTAIN: None.
ABSENT: Young.

3. 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 stated that staff recommended that the public hearing be opened and then continued to the next regular scheduled meeting of April 1, 2014 at 7:00 p.m. in the council chambers at City Hall.

Chairman Costea opened the public hearing at 7:54 p.m.

City Manager Carmany stated that this application was very difficult and consumed a lot of staff time, along with resources of the Sheriff's Department due to the long list of violations and was in favor of the continuance. However, he found it very disturbing that the notices placed on site by the City had been removed by the applicant. It was the public's right to have the notice posted and when the applicant or owner or someone other than city staff pulls down the posted notice, that does not sit well with the City Manager and he would like to have that said on record.

Chairman Costea moved and Commissioner Escalon seconded to continue the public hearing to April 1, 2014, at 7:00 p.m. to revoke Unclassified Use Permit No. 199. The motion carried with the following roll call vote:

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

4. **UNCLASSIFIED USE PERMIT NO. 263 - Consideration of a Resolution denying Unclassified Use Permit No. 263 to allow the sale of alcoholic beverages (Alcohol Beverage Control (ABC) Type 42 License -Beer and Wine) for on-site consumption at a proposed bar/tavern located at 15834 Main Street, La Puente, California, and adopt a Notice of Exemption.**

Development Services Director Di Mario stated that this item was brought before the Commission to consider denying Unclassified Use Permit No. 263. He would like to inform the Commission that written notification was submitted to the City dated March 3, 2014, stating that the Luis Dorantes, the applicant for UUP No. 263, would be withdrawing his application for "El Fino Sports Bar" located at 15834 Main Street and was requesting a full refund of application fees.

RECESS THE PLANNING COMMISSION:

RECONVENE THE DEVELOPMENT REVIEW BOARD:

UNFINISHED BUSINESS BEFORE THE DEVELOPMENT REVIEW BOARD:
None

NEW BUSINESS BEFORE THE DEVELOPMENT REVIEW BOARD:

RECONVENE THE PLANNING COMMISSION:

ORAL COMMENTS FROM THE COMMISSION/BOARD

Chairman Costea thanked staff for their hard work on this agenda and a special thanks to our City Manager, Mr. Carmany for being diligent on this application, he was very impressed. He also congratulated Commissioner Perez on his 57th wedding anniversary.

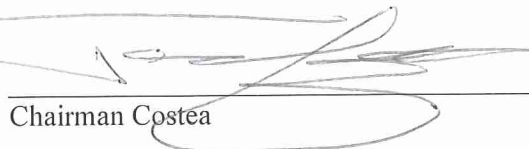
ORAL COMMENTS FROM STAFF:

Development Services Director Di Mario thanked the Commission for their patience while working through a large and difficult agenda.

ADJOURNMENT:

Chairman Costea adjourned the meeting at 8:00 p.m.


Secretary, Planning Commission


Chairman Costea