



Tuesday, September 3, 2013

A special meeting of the Planning Commission was called to order by Chairperson Elisaldez at 6:00 p.m., in the City Hall Council Chambers, 6615 Passons Boulevard, Pico Rivera, CA.

**STAFF PRESENT:**

Ben Martinez, Director  
Julia Gonzalez, Deputy Director  
Guille Aguilar, Senior Planner  
John Lam, Assistant City Attorney

**ROLL CALL:**

**PRESENT:** Commissioners Celiz, Elisaldez, Garcia, Martinez, Zermeno

**ABSENT:** None.

**FLAG SALUTE:** Led by Commissioner Celiz

**APPROVAL OF MINUTES:**

August 5, 2013

Motion to approve with amendments was made by Commissioner Martinez and seconded by Commissioner Garcia:

**AYES:** Celiz, Elisaldez, Garcia, Martinez, Zermeno

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**PUBLIC HEARING:**

- a.) 2014-2021 Housing Element-General Plan Amendment No. 50

Commissioner Elisaldez opened the public hearing. There was no one present to speak on the public hearing, therefore it was motioned by Commissioner Martinez to close the public hearing, seconded by Commissioner Garcia.

Motioned carried by the following roll call vote:

**AYES:** Commissioners Celiz, Elisaldez, Garcia, Martinez, Zermeno  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

Assistant City Attorney John Lam clarified for the record that staff provided each Commissioner with a petition signed by residents of the City of Pico Rivera opposing the Housing Element.

There being no further discussion, it was motioned to approve the public hearing by Commissioner Zermeno, seconded by Commissioner Celiz.

Motioned carried by the following roll call vote:

**AYES:** Commissioners Celiz, Elisaldez, Garcia, Martinez, Zermeno  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

- b.) PUBLIC HEARING: CONDITIONAL USE PERMIT NO. 714 – A REQUEST TO CONSTRUCT A 6,974 SQUARE FOOT SIT-DOWN RESTAURANT, UP TO 21,000 SQUARE FEET OF RETAIL COMMERCIAL SPACE AND A 55 FOOT HIGH CREATIVE POLE SIGN ON A 3.4 ACRE SITE AT 9036 BEVERLY BOULEVARD AND 4422 ROSEMEAD BOULEVARD IN THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONED DISTRICT

Senior Planner Guille Aguilar presented the staff report. The site is located at the southeast corner of Rosemead and Beverly Boulevard and includes the area of the street vacation that was approved at the August 27, 2013 City Council meeting. The proposed development plan will split the lot into two parcels. Norm's Restaurant will be the prime tenant. The separate lot includes a conceptual design of up to 21,000 sq. ft. of commercial space which could be split into smaller buildings. The project will be phased, with Norm's being built first, and the rest of the development being sold to a different developer who will determine the potential uses on the remnant parcel.

Once the Norm's developers comply with the conditions of approval that were set upon

approval of the street vacation, the formal vacation will begin with the fencing of the area and the street improvements removed. The site is a total of 3.44 acres. Norm's restaurant is approximately 7,000 sq. ft. There will be 133 parking stalls, which is in excess of the 92 parking stalls required.

The applicant has proposed to construct a 55' high creative pole sign with washing and flashing light features. The City's Creative Sign Ordinance allows the City to permit creative signage which make a positive contribution to the overall image of the City while mitigating impacts of larger or unusually-designed signs. The proposed pole sign will have sequential lighting and has been a trademark of the Norms Restaurant business since the 1950s. The sign is reflective of Googie architecture and the historic American coffee-shop design which is typical of that era. The sign design has remained unchanged since its creation and consists of five "saw tooth" pennants each with an individual letter to spell the Norms business name. The saw tooth pennants are individually lighted in a washing and flashing sequence. The sign is mounted on a pole, which is proposed to be 34'-3" with an overall sign height of 55'.

Staff included a condition which would allow the City to either limit the speed of the washing and flashing of the sign lighting or to require static lighting if any complaints or concerns are received regarding such features.

Staff required an 8' high decorative block wall to be constructed between the commercial property and the seven residential units to mitigate noise and light spilling onto the properties. Staff required landscape screening to protect the character of the neighborhood. The future tenant of the remnant parcel will need to submit to design review. The design must be complimentary to the Norm's building. If there are any issues with the design review, the appeal will go before the Planning Commission. This site may accommodate a grocery store or a combination of offices, fast-food establishments, and retail stores.

Commissioner Garcia asked if the applicant would be required to construct a block wall on their property, and if they would be required remove the existing residential block walls prior to their construction.

Senior Planner Aguilar responded that Norm's would be required to construct a block wall on their property and would not be required to demolish the existing residential block walls.

The applicant requested changes to the conditions of approval. The first change was condition 19 (e) in regards to the parking lot pole height. Staff originally limited the

pole height to 20'. The applicant is proposing 23', which staff accepted as long as there is no light spillage onto the adjacent properties.

The next change was in 19 (h) in regards to requiring stop signs, stop bars and stop legends. The change is to have these at the points of access into the site, not at each intersection within the parking lot.

For condition 19 (i) the change is to have latches that close the gates instead of self closing gates.

Commissioner Garcia mentioned that Lowe's has an issue with speeding vehicles who utilize the parking area to cut through to Washington Boulevard. The concern is that vehicles will do the same at the Norms site unless there are stop signs within the parking lot.

Senior Planner Aguilar responded that during the plan check process, staff can assess the need for any stop signs within the parking lot area.

Commissioner Celiz asked what made the applicant decide on changing the height of the light poles in the parking lot from 20' to 23'.

Senior Planner Aguilar responded that the higher the pole, the less number of poles needed to light the parking lot.

Condition 20 clarifies that the landscaping will be required on the remnant parcel once a development is proposed.

The applicant stated that they do not have an issue with loitering and they believe that condition 20 requiring the posting 'No Loitering' signs will give the site a negative image. Norms has agreed that if loitering becomes an issue, they will post 'No Loitering' signs upon the City's request.

The change to Condition 32 clarifies when a new entitlement is required for modifications or changes to the site. Conditions will need to go through plan check or require permits, depending on the type of change.

The next set of changes is to the environmental monitoring program as part of the Mitigated Negative Declaration. Page 10 of the Mitigated Negative Declaration was revised to clarify that the building setback requirements are only applicable to the second parcel.

Section 3(b)(10) has been modified to state that when construction activities do not require the movement of fugitive dust, the applicant may, with the approval of the Building Inspector, remove the mesh screening to showcase the construction.

Page 11, (d)(5), was changed for the hours of deliveries. If there is a noise issue, staff has the ability to change the delivery hours from 7 a.m. to 7 p.m.

Commissioner Martinez asked if there were any conditions to mitigate fugitive dust.

Senior Planner Aguilar answered that there are standard conditions in the mitigation monitoring program to address his concern.

Condition (d)(7) was a correction in regards to the reference of an incorrect street name.

According to condition (e)(1) The traffic impact analysis found that the Rosemead Boulevard right turn lane going North would have to be restriped upon completion of the entire development. Public Works staff will be conducting improvements to Rosemead Boulevard and found that restriping is not immediately needed. If the improvements to Rosemead Boulevard are not completed, the new developer will have to complete the restriping.

The last set of changes were to the conditions from Public Works:

Condition 3 originally required the applicant to submit an estimate of costs of the street improvements right away. This has been changed to submit upon plan check review.

Condition 6 was in regards to submitting a \$5,000 deposit for plan check fees. This was clarified to explain that the fees are to ensure payment of the plan review by Public Works.

The final change was to Condition 7, which involved the removal of the requirement for a deposit to ensure that the developer submits to Public Works the as-built plans. The applicant will provide the plans and therefore the fee will not be necessary.

As part of the conditional use permit review, staff conducted an environmental review of the project and completed a negative mitigated declaration which was publicly noticed as required by the California Environmental Quality Act. Staff did not receive any comments or concerns regarding the project. Therefore, staff is recommending

approval of Conditional Use Permit 714 subject to the conditions.

Chairperson Elisaldez asked about the future developments and if high traffic type of businesses would be permitted.

Senior Planner Aguilar answered that they would not be permitted.

Commissioner Garcia asked what improvements would be installed at the end of the vacated street.

Senior Planner Aguilar answered that Public Works is requiring a modified cul-de-sac, which will have landscape screening and signage.

Commissioner Garcia asked what the distance was between the street and the outdoor dining area.

Senior Planner Aguilar responded that the distance is approximately 12 feet from the back of the sidewalk and requested that the engineer for Norm's confirm the distance.

Deputy City Attorney John Lam stated that the Planning Commission should wait until the public hearing is opened before the applicant can speak.

Chairperson Elisaldez asked to open the public hearing.

Phil Singerman, President of Norm's, stated that they have been working with the City for about six years. Two years ago, they decided to buy the entire property instead of leasing it. Other than the two restaurants in Claremont and Riverside, none of the other Norm's Restaurants has outdoor seating.

Chairperson Elisaldez stated that Commissioner Garcia asked for clarification regarding the distance from the patio to the street.

Norm's civil engineer stated that there would be a 10' sidewalk on Beverly and 12' setback from the patio, so the outdoor dining would be 22' from the vehicles.

Commissioner Garcia asked what percentage of the employees would be residents of the City.

Director Benjamin Martinez replied that they would attempt to hire all Pico Rivera residents.

Commissioner Martinez asked if the existing infrastructure supports what is being proposed.

The Civil Engineer responded that the traffic study was completed and approved. The City Engineer did not see any traffic issues. There are no storm drains located on Rosemead and Beverly, therefore the applicant is proposing a perculating system.

Commissioner Garcia asked why there is a moratorium on Beverly Boulevard.

Senior Planner Aguilar responded that the moratorium prevents any work within the street for five years. This is a result of a federal grant the City received to resurface the street. The City is currently at year two, so after the five years have lapsed the City can look into connecting any underground utilities through Beverly Boulevard.

Commissioner Garcia asked what we would do if the connection to Arma Street fails.

Senior Planner Aguilar responded that the connection on Arma Street has been researched by the water purveyor and that it is possible. If for some reason the connection to Arma Street is not possible, the City has the ability to consider and research the possibility of permitting the applicant an exception to connect to Beverly Boulevard.

Commissioner Martinez asked if any modifications to Rosemead are necessary.

Senior Planner Aguilar responded that no signal light or fiber optics are required.

Commissioner Martinez if any street lighting is required.

The Civil Engineer responded that there is street lighting on both streets and they have not been required to adjust any existing lights.

Rafael Viramontes, a property owner on Durfee Avenue, stated that he is concerned about the closure of the street frontage and the traffic that the Norm's restaurant will attract. He will be opening a business on Arma Street. He would like to know what will be done.

Senior Planner Aguilar responded that a traffic study was conducted in 2010 to determine the impact of closing the frontage road. It was concluded that the traffic was negligible. Based on the traffic counts, 23 inbound vehicles used the road during peak

am hours. Twenty-four inbound vehicles used the road during p.m. peak hours. As far as egress, no vehicles were counted using the road.

Chairperson Elisaldez stated that he understood the issue Mr. Viramontes raised and that unfortunately the traffic in the area is seasonal and the study may have been conducted during the non-peak season.

Commissioner Zermeno asked if in the future, the City will be opening any of the frontage road islands adjacent to the new Norm's site, to allow residents access to the neighborhoods east of Norms, south of Beverly Boulevard.

Senior Planner Aguilar responded that Public Works retains the right to impose the requirement, if necessary.

Commissioner Martinez asked if there would be anything in writing stating that the applicant would be responsible should the residential block walls abutting the Norm's site be damaged during construction.

Deputy Director Julia Gonzalez responded that there would be a three inch gap between the abutting block walls so it would not affect the existing fences. The residents always have the right to speak to the developers of any issues.

Commissioner Zermeno asked if staff knew how long the existing residential block wall has been in place.

Senior Planner Aguilar replied that the original tract development has been in place since the 1950's, therefore some of the walls may date back to that time.

There being no further discussion, it was motioned to close the public hearing by Commissioner Zermeno, seconded by Commissioner Martinez.

Motioned carried by the following roll call vote:

|                 |   |
|-----------------|---|
| <b>AYES:</b>    | Commissioners Celiz, Elisaldez, Garcia, Martinez, Zermeno |
| <b>NOES:</b>    | None  |
| <b>ABSTAIN:</b> | None  |
| <b>ABSENT:</b>  | None  |

It was motioned to accept staff recommendations to approve Conditional Use Permit No. 714 by Commissioner Celiz, seconded by Commission Zermeno.

Motioned carried by the following roll call vote:

**AYES:** Commissioners Celiz, Elisaldez, Garcia, Martinez, Zermeno

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

Commissioner Garcia asked the project developer if he has read and accepted all the conditions set forth.

Mr. Singerman responded in the affirmative.

**PUBLIC COMMENTS – NON-AGENDA ITEMS:**

Commissioner Zermeno asked if in the future, Public Works can find a better plant palette along San Gabriel River Parkway that are drought resistant and do not quickly overgrow so maintenance is not an issue.

Commissioner Celiz asked who chooses the plants for the medians.

Director Martinez answered that he will talk to the Public Works Director.

Chairperson Elisaldez asked if City staff could install traffic calming devices on the southbound lanes at the Passons Underpass to slow traffic.

Deputy Director Gonzalez stated staff would speak with public works.

Commissioner Garcia asked when Jim's Burgers will be opening.

Director Martinez responded that due to several issues there have been delays however, they should be opening soon.

**NEW BUSINESS:** None.

**CONTINUED/OLD BUSINESS:** None.

**PLANNING COMMISSION REPORTS:**

- a) CITY COUNCIL MEETING OF August 27, 2013 – Commissioner Garcia attended this meeting.

The Norm's street vacation was approved. Also, the e-cigarette ordinance was also approved. They also spoke of remodeling the Sports Arena, and the former campgrounds.

- b) PLANNING COMMISSION REPRESENTATIVE TO THE CITY COUNCIL MEETING OF Tuesday, September 10, 2013.

Commissioner Celiz volunteered to attend this meeting as Commissioner Zermeno will be unable to attend.

There being no further business the Planning Commission meeting was adjourned at 7:11 p.m.

  
Tommy Elisaldez, Chairperson

**ATTEST:**

  
Benjamin A. Martinez, Secretary  
Planning Commission  
Director of Community and Economic Development