



PLANNING COMMISSION

MINUTES

Monday, September 15, 2014

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

STAFF PRESENT:

Benjamin Martinez, Director
Julia Gonzalez, Deputy Director
Guille Nuñez, Senior Planner
John Lam, Assistant City Attorney

ROLL CALL:

PRESENT: Commissioners Celiz, Garcia, Gomez, Zermeno

ABSENT: Commissioner Elisaldez notified staff that he'd be unable to attend.

FLAG SALUTE: Led by Commissioner Celiz

APPROVAL OF MINUTES:

September 3, 2014

Motion to approve the minutes was made by Commissioner Zermeno and seconded by Commissioner Celiz:

AYES: Celiz, Garcia, Gomez, Zermeno

NOES: None

ABSTAIN: None

ABSENT: Elisaldez

PUBLIC HEARING:

- a. CONDITIONAL USE PERMIT NO. 718 – AN APPLICATION BY SURINDER SINGH REPRESENTING AJ MINI MARKET, TO ALLOW THE OFF-SALE OF BEER AND WINE IN CONJUNCTION WITH AN EXISTING MINI-MARKET LOCATED AT 4400 ROSEMEAD BOULEVARD, SUITE 9 IN THE GENERAL COMMERCIAL (C-G) ZONED DISTRICT

Project location: 4400 Rosemead Boulevard, Suite 9
Pico Rivera, CA 90660

Applicant: Surinder Singh

Project Planner: Guille Nuñez
Senior Planner

Senior Planner Nuñez presented the staff report. The application for Conditional Use Permit No. 718 is to sell beer and wine at an existing mini-market. The mini-market has been under new management since May of 2014. The prior business owner had legal non-conforming approval from the City to sell beer and wine, but the approval is not transferable if the business ceases operation for more than six months. This Conditional Use Permit approval is required to sell beer and wine since the prior owner closed the business in 2013 and it remained closed for over six months.

Per the California Department of Alcoholic Beverage Control (ABC), Census tract 5004.04, where this business is located, may have up to three businesses with a license for the sale of beer and wine. There is currently one existing business with this license, which is the 7-Eleven located at Rosemead Boulevard and Gallatin Road. In regards to crime, law enforcement has not had any significant service calls within the last two years, or for the previous business. There was one call for a person under the influence in the parking lot, and a domestic dispute in the parking lot, with neither of these issues related to the existing business or the previous business.

However, the Sheriff's Department expressed some concerns with the location of the mini-market since it is near a well-known gang neighborhoods. The Sheriff's Department is therefore imposing conditions on the approval of the sale of beer and wine. The display and storage of beer and wine must be limited to 64 square feet of the gross floor area of the mini-market, which is in-line with the percentage of floor space used by 7-Eleven for alcohol sales and storage. All non-permitted window signage and promotional advertising must be permanently removed from the windows so the Sheriff's Department can have a clear view into the business. The hours of operation will be limited to no earlier than 6:00 a.m. and no later than 2:00 a.m. The store will also be required to install a video security surveillance system with a minimum of two cameras, one in the interior and one on the exterior, and with the capability for a video retention period of 30 days. Sheriff's will review calls for service within six months to determine if any changes in the hours or sales will need to be adjusted.

Staff recommended approval subject to the conditions indicated.

Chairperson Garcia asked what the hours of operation would be and if the cooler doors would have locks.

Senior Planner Nuñez responded that the hours would be from 6:00 a.m. to 2:00 a.m. and that the cooler doors would not have any locks on them.

Chairperson Garcia stated he thought that staff had previously had restrictions on the sales of previous businesses.

Senior Planner Nuñez responded that the 7-Eleven located at Rosemead Boulevard and Telegraph Road had agreed to stop selling beer and wine at midnight and install lockable coolers since the store is open 24 hours.

Commissioner Celiz clarified the location of the mini-market.

Commissioner Zermeno asked if Norm's Restaurant, located across the street, sells alcohol.

Senior Planner Nuñez responded that Norm's does not sell alcohol, nor do they sell alcohol at any of their locations.

Commissioner Zermeno asked if the market across the street sells alcohol.

Senior Planner Nuñez responded that the liquor store located near Beverly Boulevard in the Kiko's shopping center sells alcohol but that store is not in the same census tract as the mini-market.

Commissioner Gomez asked that the condition states they could only store beer and wine in a four percent space of the store. Commissioner Gomez asked if the store could only store in this percentage of the store and not store on the floor or in the backroom of the store.

Senior Planner Nuñez responded that the mini-market could store beer and wine in up to four percent of the overall market's gross square footage.

It was motioned by Commissioner Gomez, seconded by Commissioner Zermeno to open the public hearing for public comments.

The owner of the mini-market, Surinder Singh, stepped up to the podium.

Commissioner Zermeno asked Mr. Singh what his hours of operation are currently.

Mr. Singh responded that he is currently open from 6:00 a.m. to 10:00 p.m.

Commissioner Celiz asked to clarify the hours.

Commissioner Gomez asked if the owner of the store purchased the store with the intention of selling alcohol.

Mr. Singh responded that previous owner had informed him that the store had a beer and wine license but when he came to the City, he was told they did not have a valid license.

Commissioner Zermeno asked how the lighting was in the back side of the building.

Mr. Singh responded that he installed lighting at the back entrance and that he would be installing security cameras this week.

Chairperson Garcia asked Senior Planner Nuñez if installing the cameras is a condition set for the applicant.

Senior Planner Nuñez responded that installing the cameras in the parking lot was a condition.

Chairperson Garcia asked Mr. Singh if he would be open to limiting the store's sales to midnight and installing locks on the cooler doors.

Mr. Singh stated he would close the store at that time.

There were no further questions from Commissioners or audience members. Chairperson Garcia asked if there was any written communication on this application request.

Senior Planner Nuñez responded there was no written communication received.

It was then motioned to close the public hearing by Commissioner Zermeno, seconded by Commissioner Gomez.

Commissioner Celiz stated she had concerns with the hours of operation. Commissioner Celiz also stated that she feels there are too many liquor stores in the

City.

Commissioner Gomez also mentioned he had concerns with the parking lot being located in the rear of the building, not visible from the street.

Commissioner Zermeno stated he would like to see the facility at night.

Chairperson Garcia recommended that the applicant limit the hours of beer and wine sales to stop at midnight and to install locks on the cooler doors.

City Attorney John Lam mentioned to staff that they could set the condition that the store may stay open until 2:00 a.m. but the sale of beer and wine would need to stop at midnight.

Chairperson Garcia thanked City Attorney Lam for clarifying this.

It was motioned by Commissioner Zermeno, seconded by Commissioner Gomez to add the condition to limit the sale of beer and wine from 6 a.m. to midnight.

AYES: Celiz, Garcia, Gomez, Zermeno
NOES: None
ABSTAIN: None
ABSENT: Elisaldez

It was then motioned to approve this application as amended by Commissioner Zermeno, seconded by Commissioner Gomez.

AYES: Garcia, Gomez, Zermeno
NOES: Celiz
ABSTAIN: None
ABSENT: Elisaldez

Chairperson Garcia asked the applicant if he agrees to the conditions set by the Planning Commission.

Mr. Singh agreed to the conditions set for approval.

- b. PUBLIC HEARING: GENERAL PLAN AMENDMENT NO. 53, ZONE CODE AMENDMENT NO. 176 AND ZONE RECLASSIFICATION NO. 319 TO UPDATE THE GENERAL PLAN, PERTINENT SECTIONS OF

THE ZONING ORDINANCE AND DRAFT PROGRAM
ENVIRONMENTAL IMPACT REPORT

City Attorney John Lam stated that staff has received numerous concerns from the public expressing concerns that this General Plan update would allow the City to proceed with eminent domain. City Attorney Lam clarified that eminent domain is not involved and that most of these properties are actually gaining additional rights with respect to zoning. The General Plan project does not involve the taking of any properties from its owners. City Attorney Lam also clarified that this hearing will be continued to the October 6, 2014 meeting.

Lloyd Zola, consultant with ESA, presented a summary of the content of the General Plan update. The General Plan update adds new policies in compliance with state laws including greenhouse gas emissions thresholds, global climate change, and air quality and transportation planning including bicycle and pedestrian movement. The next addition is looking at public services planning for unincorporated areas. The General Plan update also includes zoning amendments based on the Housing Element, adopted last year, a sustainable community strategy and zoning reclassifications to create more opportunities to properties. The General Plan update and the Environmental Impact Report will all be reviewed for recommendation to the City Council.

Kimiko Lizardi, consultant with Environmental Science Associates (ESA), presented on the different segments that are called 'elements' of the General Plan. The Land Use Element focuses on revising land use designations. This includes an update to the land use plan, and establishes 16 opportunity areas. The City is 99% built out. The update focuses on cleanup of the 1993 General Plan, addressing land use incompatibilities, providing new mixed use opportunities, and providing housing element sites to accommodate the RHNA.

The majority of areas proposed for mixed use have been designated along the main corridors, including Telegraph Road and Washington Boulevard. This also includes additional opportunities from General Industrial to Light Industrial.

The Land Use plan anticipates that new growth can be accommodated within the 16 areas identified as 'opportunity areas'. The two categories of opportunity areas are 'corridors' and 'targeted planning areas'. The corridors are along Telegraph Road, Whittier Boulevard, Rosemead Boulevard, and Washington Boulevard. Target areas include the Sports Arena/Kruse Road area and other site specific areas.

The circulation element addresses transportation choices, the Complete Streets Act, updated truck routes, the roadway classifications, and trails plan.

The community facilities element addresses general government facilities, police and fire protection, water, waste water, storm drainage, energy, solid waste and recycling, and telecommunications.

The economic prosperity element is a new element for the City and enhances the City's economic well being and sustainability. Emphasis has been placed on business retention and attraction. It also emphasizes community image and revitalization.

The environmental resources element addresses sustainable community strategies, air quality, climate change, energy conservation, water resources, and the city's natural resources. New policies have been included which address energy conservation, water conservation, water quality, recycled water, and GHG reduction measures.

The safety element addresses seismic and geologic hazards, flood hazards, hazardous materials and emergency preparedness. The focus of this element is on providing a safe community that can adequately respond in the event of disasters and emergencies.

The healthy community element is a new element for the City. This element recognizes access to safe and balanced transportation systems, arts and cultural facilities and extensive social interaction.

The noise element addresses traffic noise and stationary noise and the effects of noise on receptors. Policies aim to minimize exposure to excessive noise and vibration, and to continue to work with the railroad lines to build additional grade separations.

Deputy Director Gonzalez then explained the mixed use overlay. The major objectives of the mixed use overlay are to promote compatible mix of uses which include the residential, commercial and service uses with functional relationships, to implement the housing element, to contribute to the City's mix of housing types, facilitate well design mixed use developments, and stimulate economic development to allow property owners to respond to flexible market conditions.

One of the zoning amendments is to the parking requirement. The City's current parking standards require two parking spaces per one unit, and one guest parking space per every eight units. Staff is proposing to require two parking spaces per every one unit less than three bedrooms. Staff would require one additional parking space per bedroom for each bedroom above three. Staff would revise the guest parking to one parking space per four units.

One comment was received from the Water Conservation Authority on one of the proposed zone changes along the San Gabriel River. Staff is looking to rezone the river to open space instead of public facilities in order to do a bike rest stop.

Staff is requesting to continue the public hearing to October 6, 2014, and at that time staff will present the responses to the Environmental Impact Report.

The public comments period was opened at this time.

Chairperson Garcia stated that Commissioner Zermeno had a previous appointment and excused himself from the meeting at 7:00 p.m.

Aurora Villon spoke that she is content with the General Plan. Ms. Villon is also satisfied with how the General Plan addresses issues near Kruse Road. Ms. Villon is very happy that the General Plan is working to improve the clean air, noise levels, and move the trucking companies away from the residential areas, and that the General Plan will address this and create more green space for our children. Ms. Villon would like the City to be a resident-friendly city as well as a business friendly city.

Yolanda Peshkepia, resident of 8531 Arrington Avenue, who lives in the Telegraph corridor, has concerns with vacant lots in the area. Ms. Peshkepia has concerns with a left hand turn near Gonzalez Market.

Judith Rankin, resident of 6713 Candace Avenue, has an issue with the Gold Line running along Washington Boulevard. Ms. Rankin feels that the City already has a traffic problem along Washington and the Gold Line .

Mario Bracy, resident of 9102 Canford Street, thanked Dr. Villon for addressing the trucking issues along Kruse Road. Also, Mr. Bracy thanked staff for the presentation and asked for copies of the presentation.

Peter Avedissian, of 8252 Whittier Boulevard, has a baking manufacturing business called "I Bake Um", and would like to open a to-go business and is hoping that the rezoning would allow him to do this.

Reynaldo Godoy, resident of 4313 Deland Avenue, stated the rezoning would cause more parking issues. Mr. Godoy states his neighbors have up to five vehicles and there is no space to park in front of his home.

John Belmonte, Vice President of the Pico Rivera Concerned Citizens Committee, was not happy with the zoning changes. Mr. Belmonte states there is enough housing in the city.

Alicia Green, resident of Beverly Road and Rosemead Boulevard, has an issue with the trucks going down Beverly Road. Ms. Green is unhappy with the high traffic from trucks along Beverly Road.

Roddie Rodriguez, President of the Pico Rivera Concerned Citizens Committee, has concerns that the City is trying to take private property away from residents. She stated that she was disappointed with City staff.

Joey Mitchelson, a business owner, expressed his support for staff and his satisfaction with the General Plan update. Mr. Mitchelson stated that he knows residents' land are not at risk to be taken and also stated that without trucks, there would not be food, produce, or water being brought into the City.

Xiomara Garcia, resident of 5640 Rosemead Boulevard, was requesting a copy of the presentation.

There being no further comments, it was motioned to continue the public hearing to the October 6, 2014 meeting by Commissioner Celiz, seconded by Commissioner Gomez.

Motion carried by the following roll call vote:

AYES: Celiz, Garcia, Gomez, Zermeno

NOES: None

ABSTAIN: None

ABSENT: Elisaldez, Zermeno

PUBLIC COMMENTS – NON-AGENDA ITEMS: None.

NEW BUSINESS: None.

CONTINUED/OLD BUSINESS: None.

PLANNING COMMISSION REPORTS:

PLANNING COMMISSION REPRESENTATIVE TO THE CITY COUNCIL MEETING OF Tuesday, September 9, 2014 - Commissioner Gomez reported that the denial of Conditional Use Permit No. 710 was discussed and stated that based on the discussion

from the City Council, that item will be reviewed for consideration for appeal.

PLANNING COMMISSION REPRESENTATIVE TO THE CITY COUNCIL MEETING OF Tuesday, May 13, 2014. Commissioner Zermeno will be contacted for confirmation of his attendance.

Director Martinez stated that the grand opening of Jersey Mike's will be the following day at 11:00 a.m.

There being no further business the Planning Commission meeting was adjourned at 7:50 p.m.



Ruben L. Garcia, Chairperson

ATTEST:



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