



Monday, December 1, 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 A. Martinez, Director
Julia Gonzalez, Deputy Director
Guille Nuñez, Senior Planner
Justin Tamayo, Planning Intern
Evelyn Millare, Executive Assistant

ROLL CALL:

PRESENT: Commissioners Celiz, Garcia, Gomez, Zermeno

ABSENT: Commissioner Elisaldez

FLAG SALUTE: Led by Commissioner Celiz

APPROVAL OF MINUTES:

November 3, 2014

Motion to approve the minutes was made by Commissioner Gomez and seconded by Commissioner Zermeno.

AYES: Celiz, Garcia, Gomez, Zermeno

NOES: None

ABSTAIN: None

ABSENT: Elisaldez

PUBLIC HEARING:

- a) A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PICO RIVERA APPROVING CONDITIONAL USE PERMIT NO. 721 TO OBTAIN A TYPE-20 LICENSE ALLOWING THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION AT AN EXISTING MEAT MARKET LOCATED AT 6105 ROSEMEAD BOULEVARD, IN THE GENERAL COMMERCIAL (C-G) ZONED DISTRICT

Project Location: 6105 Rosemead Boulevard
Pico Rivera, CA 90660

Applicant: Andres Garcia
6607 Adamson Ave.
Bell Gardens, CA 90201

Justin Tamayo, Planning Intern, presented the public hearing staff report. The applicant is seeking approval of Conditional Use Permit (CUP) No. 721 in order to obtain a California Department of Alcohol Beverage Control (ABC) Type-20 license for off-site alcohol consumption. Using PowerPoint, Mr. Tamayo presented an aerial photo of the project location and the floor plan of the business, Los Primos Carniceria. The floor plan showed an area with four (4) coolers where beer and wine would be stored which represents 8% of the gross floor area. The business will continue to be primarily a meat market. ABC allows a certain number of off-site licenses per census tract. Los Primos falls under Census Tract 5007 which allows a maximum of four (4) licenses; currently there are eight (8). Mr. Tamayo's presentation showed locations of the various licenses issued in that Census Tract. Two (2) licenses are held by the Arco gas station which was purchased by Tesoro USA Gas. Because that location has 2 licenses there are a total of 6 licenses in that Census Tract. The Los Primos license, if approved, will make 7 (seven) licenses issued under Census Tract 5007.

The Sheriff's Department did not express any concern. Staff is recommending the following conditions of approval: Storage of beer and wine to be sold would be limited to 8% of the gross floor area as shown on floor plan; Outside consumption is prohibited; The applicant must clearly maintain signs that state "No open alcoholic beverages are allowed on the premises"; The applicant must install a minimum of three (3) cameras, with a minimum of thirty (30) days retention. Staff is also recommending the removal of Condition #12 that is in the resolution, which states that the applicant may not sell individual cans and/or bottles. Staff is recommending the removal of this condition because it is too stringent and has not been used before. Staff recommends the approval of CUP 721 subject to those conditions.

Director Martinez stated that the City monitors existing CUPs and permits granted in the past. Staff will continue to do so and if there are problems such as crime, vandalism, etc., staff will bring evidence/information back to the Commission for further action. Conditions being placed on the applicant are the same conditions that have been placed and approved for the Bargain Center, on Washington Boulevard next to the laundromat and funeral home, and the 7-Eleven. Director Martinez asked again that Condition #12 be removed in fairness to the applicant and keeping in line with the other CUPs approved in the past. If there are problems and if the business owner is unsuccessful, action could lead to a possible revocation hearing with the Planning Commission.

Motion to open Public Hearing made by Chairperson Garcia and seconded by Commissioner Celiz.

Applicant, Andres Garcia, came up and stated he has applied for this license in order to

serve his community. His business has been open for 20 months. He has donated to several local institutions such as El Rancho High, Rio Vista Elementary, St. Hilary's Church and sports leagues such as the Wolverines and the Dons.

Commissioner Zermeno asked the applicant if the meat market is also a sit-down restaurant. The applicant responded no. Commissioner Zermeno then asked if the meals are for pick up and/or to-go. The applicant answered yes. The applicant added that he is registered as a market not a restaurant and does not have and permits for a sit-down restaurant.

Commissioner Gomez stated that he noticed barbeque activity from time to time alongside the business location and asked about the barbeque food sale. The applicant admitted to the barbeque sale activity. He stated the County of LA Health Department allowed it but he stopped when the City advised him that this activity is not allowed in Pico Rivera.

Chairperson Garcia asked about the security system. The applicant stated he plans to have video cameras to monitor people and that he would check for identification. He said he would install video cameras outside to monitor vehicles and to show people entering the market.

Chairperson Garcia made reference to the statement made by the applicant about the fact that the business is licensed as a meat market and that the applicant has no intentions of ever serving any food for sit-down. The applicant stated that those were his intentions as he has no space.

Chairperson Garcia also asked about hours of operation and the hours the applicant intends to sell alcohol. The applicant stated he intends to close no later than midnight. The applicant stated that his intended hours of operations are 8:00 a.m. to 10:00 p.m. Monday through Thursday, and also Sunday. On Friday and Saturday, 7:00 a.m. to midnight. The applicant stated he is open to recommendations from the Commission.

Deputy Director Julia Gonzalez stated that staff added a condition to limit the hours of alcohol sales from 6:00 a.m. to 12:00 a.m. and this is similar to the last ABC license approved for a similar store.

Chairperson Garcia asked what the applicant's current hours were. The applicant stated 8:00 a.m. to 8:00 p.m. but that these hours were not what he initially registered with the City. He stated that the official operating hours registered with the City is 7:00 a.m. to 9:00 p.m.

Commissioner Gomez asked the applicant if with the approval of his permit if he would continue to sell meat until midnight? The applicant stated there are customers that come in from the park after games that end at 8:30 p.m. or 9:00 p.m. He stated there are also customers who work late and go in to buy milk and eggs.

Chairperson Garcia stated that if he remembers correctly, the Super A Market sold beer and alcohol. He asked staff if anyone remembered their hours of operation. Deputy Director Julia Gonzalez responded she does not recall. Director Martinez stated that being a grocery store, probably open until midnight. Chairperson Garcia stated it would be interesting to find out and asked staff to find out what their hours of operations were.

Director Martinez stated that in discussions with the applicant about operating hours, the applicant is looking at the CUP condition hours as maximums but that it is possible they could close earlier.

Commissioner Gomez had a follow-up question on condition #12. He stated that it was mentioned that this condition was to be stricken. He wanted to know from staff if this condition was originally intended to be part of the conditions. Director Martinez stated it was never a part of other CUP approvals and did want to add it on until necessary.

Commissioner Gomez stated that the selling of beer and wine in can or bottle individually was an issue.

Deputy Director, Julia Gonzalez, stated she would take the responsibility for condition #12. She stated that it was decided later that this condition was too onerous or unfair to apply. The business is small and it's a meat market and not a liquor store. This condition applies to a business that is a liquor store which sells primarily liquor. She stated that if there was an indication that the applicant is selling liquor to minors or there are any service calls by Sheriff's, then staff would recommend including this condition.

Chairperson Garcia interjected stating that Chuck E. Cheese is in close proximity. Director Martinez stated that yes but that it is on the other side of the shopping center. Chairperson Garcia stated that it is on the other side but his concern is that they also sell beer. Director Martinez stated that they do sell beer and wine but anticipates that sales are very minimal.

Commissioner Celiz asked if the small mom-and-pop shops still exist at the shopping center. Director Martinez responded there is the ice cream shop, a tutorial center for students, a small burger restaurant, and a donut shop.

Commissioner Celiz asked if Chucky E. Cheese was the only other business that sold liquor at that shopping center. She stated that the library and park are in close proximity where there are a lot of children. She said that if ABC only allows four licenses in the census tract, and there are currently seven licenses, then why is the City allowing additional licenses.

Director Martinez stated that the number provided by ABC is a recommendation but is not etched in stone. He said there are other census tracts in other area of the City where the amount of beer and wine licenses exceed the ABC guidelines. The Mines

Avenue and Rosemead Boulevard intersection is far away from the other commercial shopping centers so it is viewed as an area that is isolated. The applicant would still have to get approval from ABC. Again if there no issues related to crime, they usually grant approval.

Commissioner Celiz asked about the shooting that happened in the shopping center. Director Martinez stated there was a shooting in front of Chucky E. Cheese a few months ago. He said there is crime throughout the City but review with Sheriff's found no significant levels of anything that rises above any sort of level of concern

Commissioner Celiz stated that according to the crime report, there is no crime in that area and yet there was crime. Director Martinez stated that what Sheriff's said was there is no significant levels even though there was a shooting. The crimes were included in the staff report, but there are no significant levels of crime on a yearly basis, statistically. The shooting that happened there probably will not happen, statistically, for another 20, 30, 40 years or ever.

Commissioner Zermeno stated there were two arrests made.

Commissioner Gomez spoke saying that prior to Super A going out of business, Super A would have been license number eight in that area so at one time there were eight licenses approved in the area.

Chairperson Garcia asked if drinking alcohol is still prohibited in the parks. Director Martinez responded by stating there are parks officers that monitor the parks for that sort of activity.

Ethna Garcia spoke in favor of applicant. Ms. Garcia stated she is a next door neighbor of the business and openly welcomed Los Primos to the neighborhood. She said she has lived in the City for forty years and never had any problems with Super A selling beer and wine and neither did they have problems from across the street in Smith Park. She wanted to point out Los Primos' friendliness, the fact there is no graffiti, no trash, and everything is cleaned up in the morning. All the neighbors are appreciative of these efforts and support the granting of a license to the applicant.

Gina Merino spoke in favor of the applicant. Ms. Marino stated she is a resident and grew up in Pico Rivera. She said her kids go to Rio Vista and she is also Parent Teacher Association (PTA) president at the school for the past two years and has been on the school council for the past seven years. She said Los Primos has been great to the school. They have helped out financially with fund raisers and are friendly with the teachers. Ms. Marino said Rio Vista Elementary School welcomes Los Primos because they do a lot of good for our community.

Carlos Cruz, a resident and Executive Director of the Chamber of Commerce spoke in favor of the applicant. He said he met Andres Garcia this week and stated that the

business was a true definition of a small business that gave back to the City. Mr. Cruz supports this local business that would increase the City's revenue. Mr. Cruz asked the Commission to approve the CUP because this approval would help the business stay in business. He stated that the Chamber was going to initiate a responsible merchant program that would not allow marketing and advertising to young children.

There were no other speakers in support or in opposition of the project.

Motion to close the public hearing was made by Commissioner Zermeno and seconded by Commissioner Gomez.

Motion carried by the following roll call vote:

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

No discussions or comments.

Chairperson Garcia asked if the doors on the refrigerator where beer and wine would be stored have locks.

[Applicant's response not audible but Chairperson Garcia said OK, just wanted to be sure.]

Commissioner Zermeno motioned to adopt resolution recommending the approval of the CUP made with condition #12 deleted, seconded by Commissioner Celiz.

Motion carried by the following roll call vote:

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

Chairperson Garcia asked the applicant to come up to speaker's platform again, and asked Director Martinez to provide a summary of the conditions. Director Martinez informed the applicant that the Planning Commission has approved CUP No. 721 but wanted to be sure the applicant understood the conditions. Director Martinez went on to say the pertinent conditions include: obtain proper business license and permits; obtain appropriate approvals from ABC; install proper security cameras; have proper interior and exterior lighting; remove unpermitted window signage; other additional improvements to building will be permitted; all alcohol sales will be conducted within the store; no on-site consumption of beer and wine; continue maintaining the area clean of

trash, debris, and graffiti; operate per the hours discussed; set aside appropriate amount of space in the store of no more than 8% or 25.5 sq. ft. of gross floor area. Director Martinez asked the applicant if he understood and accepted the conditions.

The applicant responded yes.

Chairperson Garcia welcomed the applicant and encouraged him to consider limiting the sale to about 10 P.M., and stated that nothing good happens after midnight.

The applicant stated he agreed.

- b) CONDITIONAL USE PERMIT NO. 719, ZONE RECLASSIFICATION NO. 318 AND TENTATIVE TRACT MAP NO. 68196 – A REQUEST TO CREATE A SUBDIVISION FOR A 17-UNIT TOWNHOME DEVELOPMENT AT 7025 TO 7031 PASSONS BOULEVARD AND TO RECLASSIFY THE ZONE FOR THE PROPERTY FROM GENERAL COMMERCIAL (C-G) TO MULTIPLE FAMILY RESIDENTIAL (R-M)

Project Location: 7025-7031 Passons Boulevard
Pico Rivera, CA 90660

Applicant: Pico A&A Ventures
9834 Downey Sanford Bridge Road
Downey, CA 90240

Senior Planner, Guille Nuñez, presented the staff report for a request to construct a 17-unit townhome subdivision on a commercial zoned property. The property is located at 7025 to 7031 Passons Boulevard which is south of the intersection of Washington and Passons Boulevards. It is directly south of a 7-Eleven with a tutoring center and clinic. The site is comprised of two parcels which total .90 acres in size. The parcels consist of a vacant building which was previously a clinic which has been vacant since 2008. Using PowerPoint, Ms. Nuñez showed the Commission an existing photograph of the site which does include some paving, overgrown landscaping, and the vacant building.

The development requires three application approvals: 1) a Conditional Use Permit (CUP) approval, 2) Zone Reclassification to change the zone from General Commercial (C-G) to Multi-Family residential (R-M) and 3) a Tentative Tract Map. Senior Planner Nuñez pointed out that the zone change is not necessary in order to allow townhomes. The developer would benefit from a streamlined project if he pursued the zone change application. The final application is a Tentative Tract Map which required Division of Land Committee approval. The Division of Land Committee recommended approval and staff included the minutes in the Commissioners' agenda packet.

Because of the size of the lots, 27 units would be the permitted maximum density to be

constructed. The developer has chosen to build 17 units.

Senior Planner Nuñez showed a site plan with three rows of Spanish architecture style townhomes which vary in height between two and three stories with a maximum height of 36' 4". Each unit has a private yard and balcony and there is a community pool. There is a single 2-way driveway serving all of the townhomes which meet the requirements for emergency access from the Fire Department.

Each of the units requires a minimum private yard of 300 square feet. The applicant has provided a 300 square foot minimum and a 476 square foot maximum. There is a requirement to have at least 4,250 square foot of common open space for all residents and this proposal exceeds that requirement. Each unit is provided with a 2-car garage and one visitor parking space for each unit. The townhomes range in size from 1,400 to 1,900 square feet, 2 ½ baths to 3 ½ baths and either 3 to 4 bedrooms. There will be an option to purchase an elevator to cater to the retired community.

A Mitigated Negative Declaration per the California Environmental Quality Act was prepared. Staff required approval from all emergency services, i.e., Fire and Sheriff's Department. A site specific traffic impact analysis was conducted for the site which restricted ingress and egress to right-hand turns only so residents will not be able to make left-hand turn onto Passons or a left-hand turn into the project site. Street parking will not be allowed along the frontage of the development and the developer will have to appropriately provide signage and striping for traffic and circulation.

To address privacy the developer provided a line of site analysis showing they will be providing some dense landscaping along the property lines the buildings.

Commissioner Gomez stated that image shown by Ms. Nuñez in her presentation did not show the residents to the south.

Ms. Nuñez stated that those properties would not have visibility issues because of the distance to those townhomes.

Commissioner Celiz asked if the no left turn requirement will have time limitations.

Ms. Nuñez stated it will be prohibited always.

Commissioner Gomez motioned to open public hearing, seconded by Commission Celiz.

Nick Inzunza, 818 3rd St., Coronado, CA spoke on behalf of the developer. He stated that the owner has gone above and beyond the requirements set forth in the General Plan and has vast experience in these types of projects.

Tony Abboud, owner/developer, stated his position in his company, Florence Homes, which is based in Downey. He stated they are building 17 homes and that his Company

has built several quality projects. He has built in Downey, South Gate, Corona, Los Angeles. They do not build regular condominiums or apartment units and always pay attention to details and design.

Firas Jamal with the design team thanked staff for working with them to get to this point.

Commissioner Zermeno asked how the attached townhomes were broken up.

Mr. Amal stated that each unit is up to three stories and that there are no neighbors above the others; they're next to each other.

Commissioner Zermeno asked if all three stories were one unit.

Mr. Amal responded that all three stories were one unit.

Chairperson Garcia asked if the developer was going to plant mature trees at the rear of the building for privacy.

Mr. Amal stated that there is space for a planter and mature trees would be planted to provide a green wall for privacy.

Commissioner Zermeno asked if that was the reason the three story units were placed towards the front of the property.

Mr. Amal answered yes and that there was 26 feet from the rear property line.

Commissioner Gomez asked if there was a three story unit at the rear.

Mr. Amal stated there are two two-story units and one two-story unit. He stated there is still a 26 foot separation from the rear and there will be mature landscaping to provide privacy.

Commissioner Gomez asked if the landscaping would be along the back side.

Mr. Amal responded yes.

Chairperson Garcia asked why there was only one way in and out.

Mr. Amal stated that it was one driveway and that there was no loop around.

Chairperson Garcia responded okay.

Senior Planner Nunez stated that driveway is two ways and 26 feet in width.

Chairperson Garcia asked if all the units had a two car garage.

Senior Planner Nunez answered in the affirmative.

Commissioner Gomez asked where the visitor parking was.

Senior Planner Nunez stated that there were two visitors parking spaces and pointed out where they were located.

Commissioner Celiz asked if the driveways were wide enough for emergency vehicles and two cars to go both ways?

Senior Planner Nunez stated that the Fire Department gave their preliminary approval.

Chairperson Garcia asked if there were any other speakers opposing project.

Bobbie Jones, Pico Rivera resident asked how long the project would take to complete.

Director Martinez stated possibly eight to nine months.

Mr. Jones asked what are the hours of construction were.

Director Martinez responded 7:00 a.m. to 7:00 p.m.

Mr. Jones asked if the hours were seven days a week.

Director Martinez stated that it would be seven days a week.

Mr. Jones asked if the project would begin in April.

Mr. Aboud stated that he hopes to begin in February.

Mr. Marino a resident asked if Passons Boulevard was going to be blocked off and if there was no left turn.

Senior Planner Guille stated that the traffic impact study for the project recommended no left-hand turns in or out.

Mr. Marino stated that Washington Boulevard is heavily impacted by traffic and he was concerned with cut through traffic.

Director Martinez stated that Passons Boulevard would not be closed.

Chairperson Garcia asked what would prohibit or dissuade people from making left-hand turns.

Director Martinez stated that the Department of Public Works would provide their recommendations.

Chairperson Garcia asked what the asking price for the units would be.

Mr. Aboud answered \$475,000-\$500,000.

At this time, Commissioner Garcia asked for a motion to close the public hearing; motion by Commissioner Celiz, seconded by Commissioner Gomez.

City Attorney Lam stated a roll call was not needed on the closing of the public hearing if there are no objections, the motion would pass.

Chairperson Garcia made a motion to accept and seconded by Commissioner Gomez.

Motion carried by the following roll call vote:

AYES: Celiz, Garcia, Gomez, Zermeno

NOES: None

ABSTAIN: None

ABSENT: None

Chairperson Garcia asked the developer if he agreed with the conditions of approval.

Mr. Aboud answered yes.

3. PUBLIC COMMENTS NON-AGENDA ITEMS:

There were no comments on non-agenda items.

4. NEW BUSINESS:

None.

5. CONTINUED/OLD BUSINESS:

Commissioner Zermeno stated that the City planted new trees along the San Gabriel River Parkway. He asked why the City was not watering them.

Director Martinez stated he would ask Public Works and get back to the Commission.

Commissioner Gomez asked if staff looked into the issue of the walkway.

Deputy Director Gonzalez stated that that request was forward to the Public Works Division.

6. PLANNING COMMISSION REPORTS:

There being no further business Chairperson Garcia adjourned.

Ruben L. Garcia, Chairperson

ATTEST:

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