



Monday, June 1, 2015

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
Evelyn Millare, Executive Assistant

ROLL CALL:

PRESENT: Commissioners Celiz, Elisaldez, Garcia, Gomez, Zermeno

ABSENT: None.

FLAG SALUTE: Led by Commissioner Celiz

APPROVAL OF MINUTES:

To be approved at the next Planning Commission meeting.

PUBLIC HEARING: CONTINUED PUBLIC HEARING - CONDITIONAL USE PERMIT MODIFICATION NO. 471.1 – A REQUEST TO OBTAIN A STATE DEPARTMENT OF ALCOHOL BEVERAGE CONTROL TYPE 86 INSTRUCTIONAL TASTING LICENSE IN CONJUNCTION WITH AN EXISTING SPECIALTY LIQUOR STORE, RAMIREZ LIQUOR AT 9419 SLAUSON AVENUE IN THE GENERAL COMMERCIAL (C-G) ZONED DISTRICT

Project Location: 9419 Slauson Avenue
Pico Rivera, CA 90660

Applicant: Von Stroff
Extra Space Management
P.O. Box 320099
Alexandria, VA 22320

Project Planner: Julia Gonzalez
Deputy Director

Deputy Director Gonzalez reported the applicant requested the public hearing continue to the June 15 Planning Commission meeting.

Motion by Commissioner Elisaldez to continue item to June 15 seconded by Commissioner Celiz.

CONTINUED PUBLIC HEARING - CONDITIONAL USE PERMIT NO. 723 – A REQUEST TO OBTAIN A STATE DEPARTMENT OF ALCOHOL BEVERAGE CONTROL TYPE 41 ON SALE BEER & WINE LICENSE IN CONJUNCTION WITH AN EXISTING RESTAURANT, SAM'S BURGER, AT 8505 TELEGRAPH ROAD IN THE GENERAL COMMERCIAL (C-G) ZONED DISTRICT

Project Location: 8505 Telegraph Avenue
Pico Rivera, CA 90660

Applicant: Jorge and Petra Pelayo
8505 Telegraph Road
Pico Rivera, CA 90660

Project Planner: Julia Gonzalez
Deputy Director

Staff report presented by Deputy Director Gonzalez. The subject site is located at the northwest corner of Manzanar Avenue and Telegraph Road. Best Car Wash is located north of the site. Econo Lodge and Guesthouse Inn are located to the west of the site. City of Downey, Starbucks, a Mexican restaurant are located to the south of the site. 7-Eleven and a dentist office are located to the east of the subject site. Deputy Director Gonzalez reported that the subject restaurant serves hamburgers and Mexican food.

Deputy Director Gonzalez stated the Department of Alcohol Beverage Control authorizes only a certain number of licenses authorized per census tract. The subject site is located in the 5025 census tract, which allows for four on-site sales. Deputy Director Gonzalez reported that there are currently three on sales licenses within the census tract.

Deputy Director Gonzalez stated there are conditions of approval to address safety like limiting sales to on-site consumption with meals and prohibiting off-site consumption. Alcohol sales would be limited from 10 a. m. to 11 p.m., seven days a week. Business hours are 7 a.m. to 11 p.m.. Applicant would be required to repair all exterior light fixtures and install surveillance video system inside and outside. The applicant would also be required to install signs in the parking lot prohibiting alcohol consumption and loitering in the parking lot.

Deputy Director Gonzalez reported that the Sheriff's Department has no concerns at this time regarding the matter. Deputy Director Gonzalez stated that if complaints are received after the approval of the application, planning staff can bring the application for revocation. Deputy Director Gonzalez reported that planning staff has received thirteen phone calls from residents opposing the application citing an over proliferation of alcohol sales in the area.

Deputy Director Gonzalez stated the application is for a conditional use permit to approve the sale of beer and wine. Deputy Director Gonzalez stated that even after the approval of a conditional use permit, the applicant must still apply to the Department of Alcohol and Beverage Control and adhere to regulations set forth.

Deputy Director Gonzalez recommended the Planning Commission consider the adoption of the conditional use permit to allow alcohol sales.

Applicant Jorge Pelayo is the owner and manager of Sam's Burgers. Applicant Pelayo stated the business needs an alcohol license to better accommodate customers' needs. Applicant Pelayo noted the sale of beer and wine at other Sam's Burgers locations in the area. The applicant stated the loss of business due to the non-sale of alcoholic beverages. Applicant Pelayo stated the cause for concern but believes the business would not attract customers' with the sole intention of drinking. Applicant Pelayo stated he would take necessary measures to ensure safety.

The applicant's daughter Annette Pelayo stated the need for the business to accommodate customers' requests and the loss of business during the holidays attributed to the non-sale of alcohol. Pelayo stated she spoke to community members about the on-site sales.

Resident Michael Charlie expressed that Sam's Burgers has been a good member of the community, but is still concerned about the number of businesses that sell alcohol in the area. Resident Charlie stated there are numerous problems that are caused by businesses selling alcohol. Resident Charlie stated that he cannot see how providing more liquor can serve the needs of the community.

Resident Joe Tapia expressed concern over the oversaturation of alcohol sales in the area. Resident Tapia expressed his appreciation for Sam's Burgers and stated he and his family are regular customers there. He stated there is no need for more alcohol sales in the neighborhood.

Resident Annette Guzman requested the Planning Commission deny the application that would allow for alcohol sales at Sam's Burgers. Resident Guzman expressed concerns the oversaturation of restaurants that serve alcohol and bars in the area. Resident Guzman stated there are many problems caused by the businesses serving alcohol in this area.

Deputy Director Gonzalez clarified the role of the conditional use permit in the process of applying for an alcohol sales license from the Department of Alcohol Beverage Control. Deputy Director Gonzalez reiterated the conditions of approval.

City Attorney Lam clarified that complaints can be initiated by staff, as well as the Sheriff's Department.

Resident Leticia Valdiviez expressed concerns over the problems that could be caused by alcohol-impaired persons and stated the consequences would be bared by residents and not by the business.

Resident Monica Sanchez expressed concerns of DUI and youth access to alcohol. Resident Sanchez also stated that understanding the oversaturation of alcohol sales in the entire city is also important. Resident Sanchez also recommends including responsible beverage training in the conditional use permit, if approved.

Resident Crystal Avila stated there is no need for more alcohol sales in the area. The resident expressed concerns of dark areas in the vicinity of the subject business that could attract crime and undesirable behavior.

Resident Rodriguez expressed concern of patrons that have been previously drinking at other establishments and will consume alcohol at the subject business during late evening hours. Resident Rodriguez is concerned about speeding on the residential streets.

Resident Leticia Mora expressed concern for the safety of her teenage children.

Resident Susanna Tapia presented 135 signatures of residents that oppose the sale of alcohol at subject business. Resident Tapia expressed concerns of non-Pico Rivera residents damaging the community.

Applicant Pelayo thanked the neighbors for their comments and concerns. Applicant Pelayo stated his business would not be run as a drinking or entertainment establishment and would only serve alcohol with food. Applicant Pelayo stated his business cannot be compared to bars and nightclubs that serve hard liquor.

Deputy Director Gonzalez stated there has been no written communication regarding this matter.

Motion to close public hearing made by Commissioner Elisaldez, seconded by Commissioner Zermeno, and passed.

Commissioner Garcia asked the applicant for the location of other Sam's Burgers that sell alcohol. Applicant Pelayo stated that there is confusion among customers because the name of the business is shared with other businesses.

Commissioner Gomez asked the applicant if exterior lights are not functioning currently. Applicant Pelayo stated all lights are functioning. Commissioner Gomez asked the applicant if the business would suffer if it did not receive a license to sell alcohol. Applicant Pelayo stated he is losing business to other businesses that sell alcohol, especially during the holidays.

Commissioner Elisaldez asked the applicant if family members that are minors would be serving alcohol if a license is obtained. Applicant Pelayo stated he would adhere to all laws and regulations. Commissioner Elisaldez informed the applicant that the light for the signs were not functioning. Commissioner Elisaldez expressed concerns over special events where alcohol is consumed during irregular hours. Applicant Pelayo stated there are no customers that come for soccer games. Commissioner Elisaldez reiterated the concerns that eventually these types of customers will be consuming alcohol at the business. Applicant Pelayo disagreed with the assumption.

Commissioner Celiz asked the applicant if it is his intention to encourage alcohol consumption to provide a boost in business. Applicant Pelayo stated that it was his intention.

Commissioner Zermeno asked about laws regarding last call on alcohol sales. City Attorney Lam confirmed that these laws would be in effect.

Commissioner Gomez asked how many times there has been a revocation of an alcohol license. City Attorney Lam clarified that complaints initiate the revocation process and complaints can be used as evidence when revoking an alcohol license. Commissioner Celiz stated that there has been one initiation for revocation and one other for amendment in the past eight years.

Resident Susanna Tapia asked if the applicant would be allowed to open for business for 24 hours if he so wishes. City Attorney Lam clarified the conditions would require alcohol sales to be limited from 10 a.m. to 11 p.m.

Motion to close the public hearing was made by Commissioner Elisaldez, seconded by Commissioner Celiz, and passed.

Commissioner Elisaldez expressed his concerns about the effect of alcohol sales on the community and the precedence it could set for other similar businesses. Commissioner Elisaldez expressed concerns over special events and alcohol consumption during irregular hours.

Commissioner Celiz echoed concerns of Commissioner Elisaldez.

Commissioner Garcia expressed concerns about the speeding on residential streets and concerns that residents brought up about other places in the area. Commissioner

Garcia stated the need to differentiate between restaurants that serve alcohol and fast food restaurants expressed concerns of setting precedence.

Commissioner Gomez expressed the need to serve the community and differentiate between types of restaurants.

Commissioner Zermeno expressed his position on wanting to advocate for small business and citing approval for alcohol sales for larger businesses, but also stated his position is to serve the community. Commissioner Zermeno also stated the need to address safety concerns and violence raised by the residents during the hearing.

Motion to deny conditional use permit was made by Commissioner Garcia, seconded by Commissioner Celiz, and passed.

City Attorney Lam stated there will be a resolution to deny conditional use permit drafted and available at the June 15 Planning Commission meeting. City Attorney Lam clarified the findings and resolutions presented at this meeting are for approval and staff would need to prepare findings and resolutions for denial.

PUBLIC COMMENTS:

Resident Susanna Tapia informed the Planning Commission that the problems with speeding have been addressed and was previously presented to City Council. Resident Tapia informed the Planning Commission that problems have been reported to the city. Commissioner Zermeno asked if painting activities are still taking place at the car wash business. Resident Tapia stated she was not sure and informed commissioners of disruptive activities of businesses that have been reported to the City.

Resident Marcelino Salazar informed the Planning Commission of patrons of alcohol serving businesses leaving trash in the neighborhood and speeding.

NEW BUSINESS: None.

CONTINUED/OLD BUSINESS: None.

PLANNING COMMISSION REPORTS:

CITY COUNCIL MEETING of Tuesday, May 26, 2015 – Commissioner Celiz reported City Council elections will be held on November 13.

PLANNING COMMISSION REPRESENTATIVE TO THE CITY COUNCIL MEETING of Tuesday, June 9, 2015 - Commissioner Garcia confirmed attendance.

There being no further business the Planning Commission meeting was adjourned at 7:20pm.

Ruben L. Garcia, Chairperson

ATTEST:

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