Approved as submitted
September 19, 2016

PLANNING COMMISSION **MINUTES**

Monday, August 15, 2016

A regular meeting of the Planning Commission was called to order by Chairperson Gomez 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
Christina Gallagher, Senior Planner
Hector Hernandez, Assistant Planner
Evelyn Millare, Executive Assistant
John Lam, Assistant City Attorney
Christopher Cardinale, Associate City Attorney

ROLL CALL:

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

ABSENT: None.

FLAG SALUTE: Led by Commissioner Zermeno

APPROVAL OF MINUTES:

Minutes from the June 6, 2016 and July 18, 2016 meetings will be available for approval at the next Planning Commission meeting.

PUBLIC HEARING:

CONTINUED PUBLIC HEARING – CONDITIONAL USE PERMIT NO. 724 TO CONSTRUCT THREE DUPLEXES ON THREE CONTIGUOUS PARCELS LOCATED ON THE NORTHWEST CORNER OF LAS POSAS STREET AND ROSEMEAD BOULEVARD (ASSESSOR'S IDENTIFICATION NUMBERS 5272-015-025, 5272-015-011, 5272-015-012) IN THE GENERAL COMMERCIAL (C-G) ZONED DISTRICT AND THE MIXED-USE (M-U) OVERLAY ZONE

Project Location: Northwest corner of Las Posas Street and Rosemead Boulevard (AINs 5272-015-025, 5272-015-011, 5272-015-012)
Pico Rivera, CA 90660

Applicant: Marvin Rodriguez, Yireh Holdings
9630 Par Place
Pico Rivera, CA 90660

Project Planner: Hector Hernandez
Assistant Planner

Assistant Planner, Hector Hernandez, presented Public Hearing regarding CUP No. 724. Mr. Hernandez used PowerPoint to make his presentation and provide an overview of the project. There are three separate parcels totaling approximately 8,800 sq. ft. Two of the three parcels have been vacant for an undetermined amount of time and there is a 504 sq. ft. single family home on the northern most parcel that was constructed in 1956. A search of the LA County Assessor's office was inconclusive as to the type of structures that may have existed on the vacant parcels. There is an alley located to the west of the project site measuring 20 feet in width. The proposed development will be three 2-story duplexes for a total of six units. The proposed height is 26 feet. Each unit will have 3 bedrooms, 2 full bathrooms and a tandem 2-car garage. Off-street parking space will be accessible from the back alley. There will be a common wall separating each unit that will be constructed with sound absorbing material to limit the amount of noise from neighboring units. There is a small decorative balcony located on the front and rear of every unit measuring about 12 sq. ft. and a sliding glass door that opens which will allow for natural light and ventilation to enter the unit. The architecture is contemporary with taupe stucco walls, stone veneer, wrought iron fencing on the front and rear between property lines and aluminum louvers for the windows on the 2nd floor. There will be one roof that will cover all three duplexes. The maintenance agreement for the roof and other shared features will be recorded in a Covenants, Conditions and Restrictions agreement. There will be no Home Owner Association. The Southern elevation along Las Posas Street will have a 4 wall mounted decorative metal trellises with climbing bougainvillea which will help deter graffiti. The project will generate an average of 35 daily vehicle trips. This is an increase of 0.1% and there will not be a significant increase in traffic volume. The Project has been determined to be exempt from environmental review pursuant to guidelines of CEQA. Mr. Hernandez ended his presentation by stating that staff recommended Planning Commission approval.

Commissioner Zermeno asked if the home that exists on one of the three parcels will be torn down. Mr. Hernandez responded that the home will be demolished. Commissioner Zermeno asked if there were problems with the alley. Director Martinez stated that some alleys have issues now and then with illegal parking, trash, loitering but that alley does not have any more or less problems than others. Director Martinez added that new homeowners and occupants should address the vagrancy issues on the vacant lots.

Commissioner Elisaldez asked about the impacts of lighting of the new homes to the home on other side of the alley. Mr. Hernandez said the distance from the back wall of the duplex to where property line begins for the single family zone is 40 ft. Mr. Hernandez stated there is exterior sconce lighting proposed that will focus light upward and downward.

Commissioner Celiz asked if these duplexes would be sold as homes. Mr. Hernandez confirmed and added that there will be 3 parcels for sale—one duplex per parcel. Commissioner Celiz said that the area is blighted. She thanked the developers for redeveloping the area and improving the look.

Commissioner Garcia asked if not owner-occupied, can the owner make them rentals. Mr. Hernandez responded yes. Director Martinez added that is the case of any property. Mr. Martinez continued by saying that staff see all types of generational housing issues, or owner-occupied on one side and rental to the other. There is no covenant that we can place on the property to require home ownership or home owner occupancy.

Commissioner Gomez asked if there is open parking on Las Posas Street. Director Martinez responded that there will be street parking available on Las Posas Street but not in the alleyway. Commissioner Garcia asked for an explanation on the covenant for the roof. City Attorney Lam responded saying the CUP requires a covenant agreement for the roof and shared walls where one person can have construction problems fixed and the neighbor would be liable for the proportionate share. City Attorney Lam ended his response by saying that the covenant would be presented after the CUP approval and is subject to City Attorney review.

Director Martinez stated that applicant could not make the meeting and extended his apologies. Since there were no speakers, Commissioner Gomez moved to close the public hearing.

Commissioner Elisaldez made a motion to adopt Resolution to adopt CUP 724, seconded by Commissioner Celiz. Roll Call taken; all ayes; motion passed.

CONTINUED PUBLIC HEARING – CONDITIONAL USE PERMIT MODIFICATION NO. 532.3 TO ALLOW THE APPLICANT OF CULICHITOWN RESTAURANT TO SELL DISTILLED SPIRITS AND OBTAIN A TYPE 47 CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL LICENSE AT THE PROPERTY LOCATED AT 9333 SLAUSON AVENUE.

Project Location:	9333 Slauson Avenue Pico Rivera, CA 90660
Applicant:	Sonia Huitron 9333 Slauson Avenue Pico Rivera, CA 90660
Project Planner:	Julia Gonzalez Deputy Director

Commissioner Gomez stated staff's recommendation to continue the item to Tuesday, September 6, 2016, which will be a special meeting in light of the Labor Day Holiday.

PUBLIC HEARING – ZONE CODE AMENDMENT NO. 180 AMENDING CHAPTER 9.40 (MEDICAL MARIJUANA AND CULTIVATION) OF THE PICO RIVERA MUNICIPAL CODE AND AMENDING THE PICO RIVERA ZONING CODE REGARDING MARIJUANA USES IN THE CITY.

Project Location: Citywide

Project Planner: Christina Gallagher
Senior Planner

Senior Planner, Christina Gallagher presented the proposed Zone Code Amendment amending Chapter 9.40 of the Pico Rivera Municipal Code and amending the Pico Rivera Zoning Code. Ms. Gallagher presented a historical overview of the federal and California laws and stated that the Nov. 8, 2016 state ballot measure to legalize recreational marijuana is projected to be approved. She stated that even with the City's efforts to continue to prohibit medical cannabis facilities, at least nine illegal facilities were shut down since 2010. She added that the process to shut down such facilities is very costly in both time and budget. Ms. Gallagher reported that as marijuana use becomes more prevalent throughout the state more cities are choosing to allow medical cannabis facilities and heavily regulate their operation instead of outright prohibiting them within their cities. On Aug 6, 2016, City staff received direction from the marijuana dispensaries ad hoc committee to develop a mechanism that would allow medical cannabis facilities to legally operate in the City. The objective of the ordinance is to ensure qualified patients have safe access to the recommended medicines, eradicate illegal operations, establish cost recovery fees and costs associated with policing for illegal activity and to create operating guidelines to ensure the operation of medical cannabis facilities is held to high standards. The following amendments are required to Title 9, Public Peace Morals and Welfare, Chapter 9.40, Medical Marijuana and Cultivation and also to Title 18, Zoning, Chapter 18.40, Land Use Regulations. The amendment to Chapter 9.40 introduces an exception to the prohibition that allows cannabis facilities to operate pursuant to a permit required under Chapter 5.76, which is an amendment to the code which will be presented in the future to the City Council. The amendments to Chapter 18.40 are in regards to zones where facilities would be potentially allowed. The amendment to Chapter 5.76 will establish the application and permitting procedure for obtaining a medical cannabis regulatory permit. The amendment will include definitions; application requirements, operating requirements and standards, recordkeeping requirements, renewal and revocation requirements, inspections and enforcement. Ms. Gallagher presented a very basic overview of the process where the City Council would direct the City Manager or his designee to issue an RFP to solicit applications for medical cannabis regulatory permit. The City Manager or his designee would vet the applications and make their recommendations to City Council and the applications would then be selected by City Council. Ms. Gallagher ended her presentation at this point.

Ms. Gallagher explained that the amendments the Commission would be considering would give the City Council the ability to consider medical cannabis facilities.

Commissioner Celiz commented that there has been a lot of trouble regarding illegal facilities in the City. She asked how staff would keep track of illegal facilities and monitor illegal medical marijuana cards.

City Attorney Lam responded that the same tools the City has currently would be used to address illegal dispensaries and that with a permitting process in place facilities will operate in a manner that is more cost effective because they are open to the public and not hiding.

Associate City Attorney Cardinale informed the Commission that several communities in LA County and throughout the state have considered and enacted ordinances successfully. These cities have found that the permitted and regulated entities are filing complaints about the illegal facilities because of competition. When an entity has paid the processing and permitting fees and go through the application process, they have a vested interest to secure their business rights. The ordinance would set up a fee scheme that would cover the City's cost of remediating and shutting down the illegal operators.

Commissioner Zermeno asked if marijuana deliveries are illegal. City Attorney Lam responded that under the current ordinance it is prohibited and that it is very hard to enforce. Mobile facilities do not have addresses that can be investigated.

Commissioner Zermeno asked if the legal shops that are opened are going to be a certain distance from schools. City Attorney Lam responded that various operational standards will be added and that the ad hoc committee is still analyzing before it is presented it to City Council.

Commissioner Gomez asked if the Planning Commission is being asked to provide flexibility to the City Council and then the City Council would put forth rules and regulations prior to the City being told by the State that facilities are going be in every corner.

City Attorney Lam responded in the affirmative. He stated that the City is creating a regulatory scheme that most cities will have to address in the future.

Commissioner Garcia asked if the proposals would go to the City Manager and then the City Manager would make recommendations to the City Council. City Attorney Lam responded in the affirmative.

Associate City Attorney Cardinale stated that the City Council has the discretion to issue Request for Proposals and that there is no mandate that they do so. The proposals may be for store front dispensaries, cultivation activities and delivery service. There will also be a proposal for an operations agreement that will govern, in addition to license conditions, hours of operation and location.

Commissioner Elisaldez stated that the City is only considering medical marijuana and cultivation and that the City is preparing for the November initiative.

Associate City Attorney Cardinale responded in the affirmative.

Associate City Attorney Cardinale stated that if the November ballot is approved, the ordinance can be applied to any uses permitted by law but the proposed ordinance is for medical marijuana.

Commissioner Garcia stated that the City must take action or every entrance to Pico Rivera is going to have a marijuana medical dispensary.

Commissioner Gomez stated that in the future the City would not be able to keep medical marijuana facilities out and only regulate them.

Commissioner Garcia added that it would be better to have oversight than none.

Commissioner Gomez opened the public hearing and asked if there was anyone that wanted to speak on the subject. No speakers were present. A first and second motion was made to close the public hearing.

Commissioner Zermeno made a motion to adopt resolution recommending Zone Code Amendment No. 180 amending Chapter 9.40, seconded by Commissioner Elisaldez. Roll call taken; 4 ayes, 1 no from Commissioner Celiz. Resolution passes.

Commissioner Garcia stated that a special notation be made that when the Public Hearing was opened there was no one that spoke. City Attorney Lam stated that this will be reflected in the minutes.

Commissioner Gomez asked if there was a public notice published. City Attorney responded by saying it was published in the newspaper.

PUBLIC COMMENTS – NON-AGENDA ITEMS:

There were no public comments or non-agenda items.

NEW BUSINESS:

a) Initiate Zone Code Amendment for review of home occupation permit regulations as they pertain to residential dwellings located on properties directly abutting major arterials.

Senior Planner, Christina Gallagher reported that the Pico Rivera Zoning code currently regulates the operation of home-based businesses under Chapter 18.52, Home Occupations, allowing residents to operate limited and restricted home office business in any dwelling within the residential zone. Staff is requesting to initiate a zone code amendment in order to determine if certain flexibilities in home occupation regulations may be permitted for residents residing in dwelling units located directly adjacent to major arterials such as Whittier Blvd, Telegraph Rd, Rosemead Blvd. Upon initiation of the zone code amendment, staff will return within the next 30 to 60 days with a report

and possible amendments for Planning Commission's consideration. Ms. Gallagher's report ended at this point.

Commissioner Zermeno asked how many homes there were in the City. Ms. Gallagher responded that she was not exactly sure. Director Martinez stated that the he hoped that the residential project on the major arterial of Rosemead Blvd. would attract accountants, lawyers or similar professions. Staff would look at flexible home-based business standards to allow that occasional client to come by and visit for professional services.

A first and second motion was made. All ayes.

OLD/CONTINUED BUSINESS:

Commissioner Zermeno asked if this was the meeting that a Public Work staff was to speak to the Commission. Director Martinez responded saying this was the meeting; however, due to the heavy agenda and the fact that the Public Works staff that was going to speak just returned from vacation, it will be addressed at the next meeting which will be the special meeting on September 6, 2016.

PLANNING COMMISSION REPORTS:

Commissioner Zermeno had nothing to report on the City Council meeting of August 9, 2016.

Commissioner Garcia confirmed attendance to the City Council meeting of Tuesday, August 23, 2016.

There being no further business the Planning Commission meeting was adjourned at 6:55p.m.

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Paul Gomez, Chairperson

ATTEST:

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