



Monday, May 21, 2012

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

STAFF PRESENT:

Benjamin Martinez, Director of Community and Economic Development
Julia Gonzalez, Deputy Director of Community and Economic Development
Christina Gallagher, Assistant Planner
Scott Nichols, Assistant City Attorney
Alicia Villanueva, Recording Secretary

ROLL CALL:

PRESENT: Commissioners Celiz, Elisaldez, Martinez, Zermeno

ABSENT: Commissioner Garcia

FLAG SALUTE: Led by Commissioner Celiz

APPROVAL OF MINUTES:

April 2, 2012

It was moved by Commissioner Martinez to approve the minutes of April 2, 2012 as submitted, seconded by Commissioner Elisaldez, Motion carried by the following roll call:

AYES: Commissioners Celiz, Elisaldez, Martinez, Zermeno

NOES: None

ABSTAIN: None

ABSENT: Commissioner Garcia

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. 709 – AN APPLICATION BY SHERRI OLSON, REPRESENTING 7-ELEVEN, INCORPORATED, TO ALLOW THE OFF-SITE SALE OF BEER AND WINE IN CONJUNCTION WITH A PROPOSED 7-ELEVEN CONVENIENCE STORE TO BE LOCATED AT 9318 WASHINGTON BOULEVARD IN THE GENERAL COMMERCIAL (C-G) ZONED DISTRICT

Assistant Planner Christina Gallagher read staff report dated May 21, 2012, along with a visual presentation. She described the project location of the 7-Eleven store and stated that the 7-Eleven is a relocation of the existing 7-Eleven on the northwest corner of Passons Boulevard and Slauson Avenue. The relocation is desired by the 7-Eleven due to the hardships with the Passons Grade Separation project construction timetable and to be in a more visible location. She described the surrounding properties within the new location. The property owner has submitted plans to rehabilitate the existing blighted commercial property; she clarified that the rehabilitation of the existing commercial center is allowed by right as well as the convenience store, however the conditional use permit is to allow the sale of beer and wine in conjunction with the 7-Eleven. In addition to beer and wine the store will sell household goods, dairy products, and variety pre-packaged foods. The applicant has requested that the convenience store operate 24 hours a day, 7 days a week; with beer and wine sales limited to the hours of 6 a.m. to 2 a.m.

Ms. Gallagher commented on 7-Eleven's Crime Deterrence Program which is based on four components including: visibility into and out of the store, lighting; effective cash control, cash registers are situated near unobstructed windows and all personnel take part in multimedia training, known as the Operation Alert Program which emphasizes non-resistance policy toward robbery. In addition, a video camera surveillance and alarm system will be installed and maintained on site. Lastly, the Los Angeles County Sheriff's Department determined that at this time there is no significant law enforcement concerns related to the proposed sale of alcohol. The Department of Alcoholic Beverage Control confirmed that there are no issues relating to the issuance of the Type-20 alcohol license, at this time.

Chairperson Zermeno asked for public testimony.

Jose Velez, representing Big Saver on Washington Boulevard spoke in opposition of the item. He expressed his concern on how 7-Eleven would impact Big Saver's store sales; the decrease in sales may affect his employees by reduction in work hours.

Chairman Zermeno inquired about the hours of operation for Big Saver.

Mr. Velez stated 7 a.m. to 10 p.m., 7 days a week.

Sherri Olson, representing 7-Eleven, stated that the subject property will be developed and will generate many jobs. Most of their business is done in the early morning, serving the customers with coffee and hot meals. She confirmed 7-Eleven is in agreement with

conditions of approval.

Commissioner Elisaldez asked whether the conditional use permit is strictly pertaining to the sale of beer and wine.

Ms. Gallagher replied in the affirmative.

Commissioner Celiz expressed her concern regarding the time to stop selling alcohol being 2 a.m., and inquired about a stipulation regarding the hours to sale alcohol.

Mr. Nichols suggested that a way to control the hours to sale alcohol is by regulating the hours of operation.

Commissioner Martinez asked whether 7-Eleven had been denied alcohol sales in the past.

Ms. Olson replied in the affirmative; 7-Eleven has been denied in the past in extremely high crime areas.

Commissioner Martinez moved to close public hearing, seconded by Commissioner Elisaldez.

Mr. Hannon, owner of HMC Liquors located 9435 Washington Boulevard, stated his business has been in operation for over fifty years and that the proposed business will have a negative effect on his business.

Chairman Zermeno inquired about hours of operation for HMC Liquors.

Mr. Hannon replied 7 a.m. to 11 p.m.

There being no further testimony, the public hearing was closed. Motion carried by the following roll call:

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

Commissioner Elisaldez expressed his concern regarding the over saturation of businesses that sell alcohol.

Commissioner Celiz concurred with Commissioner Elisaldez.

Commissioner Elisaldez asked if the request to sale beer and wine was a pre-requisite to relocation to new site.

Ms. Olson stated in order for the store to relocate, 7-Eleven needs the approval to sell beer and wine. It would be a deal breaker as 7-11 would not be successful if the sale of beer and wine is not approved.

Commissioner Celiz commented that the store can be successful with many high school students that would frequent the store.

There being no further discussion, Commissioner Martinez moved to adopt the attached resolution approving Conditional Use Permit No. 709, subject to conditions of approval, seconded by Commissioner Zermeno. Motion carried by the following roll call:

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

Mr. Nichols stated the vote being 2 to 2 the motion did not pass. He recommended that since Commissioner Garcia was not present the public hearing could be re-opened and continued to a certain date.

Commissioner Martinez moved to re-open the public hearing and continue the public hearing to the Planning Commission meeting of June 4, 2012, seconded by Commissioner Zermeno. Motion carried by the following roll call.

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

Mr. Nichols recapped the Commission's action.

PUBLIC HEARING – 2006-2014 HOUSING ELEMENT

Deputy Director Julia Gonzalez presented a staff report dated May 21, 2012, along with a visual presentation. She explained that the Housing Element is the city's plan to future development of projected housing. It is also a required element of the General Plan. The Housing Element must be updated every seven years and is subject to mandatory review by the State Department of Housing and Community Development. The City may choose to keep the proposed land use changes or completely change to accommodate the new RHNA allocation of 850. Approval of the 2006-2014 Housing Element by way of recommendation of the Planning Commission to the City Council is necessary prior to the October 2013. Staff is concerned that if the Housing Element is not formally adopted the Regional Housing Needs Assessment (RHNA) number will roll over to the next Housing Element.

Ms. Gonzalez stated that for the RHNA 2006-2014 planning period Southern California Association of Governments (SCAG) assigned 855 units to be planned. To plan for the assigned unit staff proposed 1) In-fill Housing which is existing areas that are zoned residential in which a development can propose to build so many units that will help meet the required 855 number. 2) Overlay Zone was also proposed which is a special zoning district on top of existing base zone.

Ms. Gonzalez mentioned that as part of the requirements to eliminate barriers that prevent forms of housing, the State has required cities to eliminate discretionary permits for multi-family developments. This is beneficial for developers as the discretionary process is long and the California Environmental Quality Act does not apply. However, cities will have less discretion when review specific projects.

In conclusion, staff's recommendation is that the Planning Commission recommend approval of the current Housing Element cycle. The new 2014-2021 Housing Element is due October 2013; the 2006-2014 Housing Element will not be effective once the new Housing Element comes into play. The overlays will be done with the General Plan update. She reiterated that if the current cycle is not adopted the RHNA numbers will be doubled.

Commissioner Celiz commented on blighted areas on Rosemead Boulevard near new library project.

Ms Gonzalez stated that staff is looking into all of Rosemead Boulevard and hope to do a mix-use overlay which would encourage developers to develop in the area.

Commissioner Celiz asked whether the State mandate homeless shelter areas.

Ms. Gonzalez stated the every California city is mandated by State law.

Commissioner Elisaldez asked upon determining the plan for the 855 units, is acreage a factor.

Ms. Gonzalez stated that acreage and density is taken into account. There is a maximum of 30 units per acre in the City.

Commissioner Elisaldez whether a property can be re-identified if it had been identified in the past.

Ms. Gonzalez responded in the affirmative.

Commissioner Zermeno expressed his thoughts regarding the location for shelter area and expressed concern of homeless hanging out near riverbeds.

Ms. Gonzalez clarified that it is not a homeland encampment and that any one proposing to use facility in such a way would need to apply for a Certificate of Occupancy and a Business License.

Chairman Zermeno moved to close public hearing. There being no objection, motion carried by the following roll call:

AYES: Commissioners Celiz, Elisaldez, Martinez, Zermeno

NOES: None

ABSTAIN: None

ABSENT: Commissioner Garcia

There being no further discussion, Chairman Zermeno moved that the Planning Commission recommend to the City Council the formal adoption of the 2006-2014 Housing Element to be in compliance with the State Department of Housing and Community Development, seconded by Commissioner Martinez. Motion carried by the following roll call:

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

PUBLIC COMMENTS: None.

NEW BUSINESS - AN INITIATION TO AMEND CHAPTER 18.54, NON-CONFORMING USES OF THE PICO RIVERA MUNICIPAL CODE

Deputy Director Julia Gonzalez presented staff report dated May 21, 2012 along with a visual presentation. She presented information on non-conforming uses and amortization periods. Staff is requesting that the Planning Commission give direction for staff to look into the code to provide some liberty to developers, but at the same time there will be conditions in place to restrict a business so that it is not a public nuisance.

There being no further discussion, Chairperson Zermeno moved to direct the Planning Division to research the practical applicability of the Non-Conforming Uses ordinance, seconded by Commissioner Martinez, Motion carried by the following roll call:

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

PLANNING COMMISSION REPORTS:

- a) City Council Meeting of April 10, 2012 – Received and Filed.
- b) City Council Meeting of April 24, 2012 – Received and Filed.
- c) City Council Meeting of May 8, 2012 – Received and Filed.
- d) Planning Commission representative to the City Council Meeting of Tuesday, May 22, 2012.

Commissioner Martinez stated he would not be able to attend the City Council meeting due to an emergency and asked for a replacement.

There being no other Commissioner available to attend meeting, staff offered to take report.

There being no further business the Planning Commission meeting was adjourned at 6:53 p.m.



Fred Zermeno, Chairperson

ATTEST:



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