



Monday, February 6, 2017

A regular meeting of the Planning Commission was held at 6:00 p.m. in the City Hall Council Chamber, 6615 Passons Boulevard, Pico Rivera, CA.

Chairperson Fred Zermeno called the meeting to order at 6:00 p.m. on behalf of the Planning Commission.

PRESENT: Gomez, Elisaldez, Celiz, Garcia, Zermeno

ABSENT: None

PLEDGE OF ALLEGIANCE: Led by Commissioner Elisaldez

PUBLIC HEARING(S):

- 1. Public Hearing – Conditional Use Permit No. 731 to serve beer and wine in conjunction with a sit-down restaurant located at 4233 Rosemead Boulevard (Assessor’s Identification No. 5272-016-008) in the General Commercial (C-G) Zoned District and the Mixed-Use (M-U) Overlay Zone**

Assistant Planner Hector Hernandez presented the Staff Report using PowerPoint that included photos. Mr. Hernandez stated that the applicant, Mariscos Choix Restaurant, is requesting to serve beer and wine. Mr. Hernandez reported on the extensive renovations to the establishment that cost the applicant \$195,000 that included legalization of 323 sq. ft. of interior dining, upgrades to meet ADA compliance, an exterior lighting system and the installation of 16 surveillance video cameras throughout the property. Mr. Hernandez stated that according to the Dept. of Alcohol Beverage Control, there are currently no restaurants within Census Tract 5005, where Mariscos Choix is located, that are licensed to sell beer and wine. Mr. Hernandez reported that two residents from the same household attended the Community Outreach meeting held Oct. 5, 2016 who raised their concern regarding intoxicated individuals wandering into the neighborhood. Mr. Hernandez stated that staff received a phone call from a resident whose concern was with the gang element which currently exists behind the subject property. Mr. Hernandez reported that the applicant spoke with the residents who attended the meeting assuring them that alcohol will not be sold to anyone who appears to be intoxicated. With regards to the concern regarding the gang element, the resident was informed that customers will not be allowed to loiter or overindulge in alcohol. Mr. Hernandez further stated that the restaurant offers a free taxi ride to those who appear unable to drive due to alcohol consumption. Regarding traffic, Mr. Hernandez stated that so long as alcohol sale is secondary to the service provided by Mariscos Choix, an increase in traffic volume is not anticipated. In concluding the staff report, Mr. Hernandez stated that the applicant’s request is exempt from environmental review pursuant to guidelines of CEQA.

Commissioner Zermeno opened the public hearing.

Raul Gonzalez, a co-owner of Mariscos Choix, stated that Mariscos Choix is known for

authentic Mexican seafood dishes and the *Michelada* drink compliments these dishes. He stated that with the added lighting and 16 cameras, there have been no issues with gang activities and he assured the Planning Commission that alcohol sale will be stopped if negative activities occur due to alcohol consumption from the restaurant.

Jose Sanchez, who resides across the street from Mariscos Choix, asked if there will be signs promoting sale of beer. He wanted to know if people can just go in to the restaurant to buy beer without buying food. He asked what controls are in place, what are the consequences for violations of the CUP, and with regards to traffic, he asked if the City can look at a "through lane" that is very close to parked vehicles and is not really a "through lane".

There were no other speakers for or against CUP 731.

Commissioner Elisaldez asked Mr. Gonzalez if alcohol will be served without having to order food.

Mr. Gonzalez responded that restaurant promotes food served not drinks. He added that there is no "Happy Hour" and the "*Michelada*" drink compliments the food served.

Commissioner Elisaldez asked about hours of operation and the current maximum occupancy of the restaurant.

Mr. Gonzalez responded that restaurant currently opens at 11 a.m. and close at 9 p.m. and on the weekend, they close at 10 p.m. He stated that maximum occupancy of the restaurant is 23.

Commissioner Elisaldez made reference to the parking lot at the rear of the restaurant and asked if there were problems. He asked Mr. Gonzalez to address the information provided to the Planning Commission regarding the availability of only six spots and the plans to add valet and provide for stacked parking.

Mr. Gonzalez stated that the stacked parking will work best on the location. He said that the majority of the customers are there a short period of time only to order food to-go. He said there have not been any parking issues and do not anticipate any.

Commissioner Celiz asked Mr. Gonzalez how loitering will be monitored and controlled.

Mr. Gonzalez responded that he has access to the video cameras and there are always supervisors on the premises who know to call the Sheriff's Dept. when loitering is observed.

Deputy Director Gonzalez addressed the Commission stating that one of the conditions not included was the closing time. She asked if the Commission would like staff to make a recommendation on the closing time.

Commissioner Garcia asked for clarification as to what would initiate a review for a modification of a CUP.

Assistant Planner Hernandez responded that if there are any issues, it is usually from the public. He stated that when a violation of a condition is brought to the attention of the City, the Zoning Administrator can decide whether or not to bring the matter with the Planning Commission. Mr. Hernandez added that revocation of the CUP would be more extreme.

Commissioner Gomez asked how long Mr. Gonzalez and the other owners owned the restaurant.

Mr. Gonzalez responded that they have been doing tenant improvements for almost a year but they have been open since Nov. 10, 2016.

Commissioner Zermeno asked staff if there were any City or Sheriff's Dept. reports of gang activities behind the restaurant.

Assistant Planner Hernandez responded that there were no reports from the Sheriff's Dept. except for what was heard from the residents in the past in the general area behind the restaurant.

Commissioner Zermeno recommended that alcohol sales stop an hour prior to closing time.

Mr. Gonzalez stated he is okay with stopping alcohol sales one hour prior to closing time. He added that he does not want to stay open too late. He stated that a closing time of 10 p.m. or 10:30 p.m. or even 11 p.m. is good.

Commissioner Celiz asked if it's only during the weekend that the restaurant would stay open late (10 p.m. or 10:30 p.m. or 11 p.m.) and during the week closing time would be 9 p.m.

Deputy Director Gonzalez responded stating that as discussed, the restaurant would be open Sunday through Saturday, 11 a.m. to 10 p.m., which is what is allowed in the CUP.

Mr. Gonzalez stated that they do modify their hours due to the weather. He explained that during the winter their sales are low so presently, they close at 10 p.m. Thursday through Sunday and the rest of the days, they close at 9 p.m. He stated that perhaps, a stipulation can be made that there be no alcohol sale later than 10 p.m. on any day.

Commissioner Celiz asked if the only alcoholic beverage to be served will be beer and wine.

Mr. Gonzalez responded stating that the Type 47 license only allows beer and wine.

Commissioner Gomez commended the applicant for the work that has been done to improve the property. He stated that he does understand the concerns of the residents

considering the history of the previous restaurant. He informed the applicant to keep in mind the possibility that the Commission can come back to make sure things go as they should. He stated that he has seen the big difference and the effort the applicant has put in so he feels the applicant's request is reasonable.

Commissioner Elisaldez asked the applicant to keep an eye on the parking situation and he asked staff to look into the "through lane" Mr. Jose Sanchez is concerned about. He agreed with Mr. Sanchez that it is dangerous. Lastly, he stated to Mr. Gonzalez that the security measures implemented—the lights and cameras—exceeded the Commission's expectations.

Commissioner Elisaldez made a motion to close public hearing.

Commissioner Celiz made a motion to approve CUP 731 and seconded by Commissioner Gomez. Motion was carried by the following roll call vote:

AYES: Celiz, Elisaldez, Garcia, Gomez, Zermeno

NOES: None

ABSENT: None

At the request of Commissioner Elisaldez, Commissioner Zermeno asked the applicant if he agrees to all the conditions set forth.

Mr. Gonzalez responded yes.

The Commission also thanked Mr. Sanchez for coming in.

PUBLIC COMMENTS ON NON-AGENDA ITEMS: There were none.

PLANNING COMMISSION REPORTS:

- **City Council meeting of January 24, 2016** – Commissioner Gomez reported that among the issues brought up during the meeting was regarding the area on Paramount Blvd. near Mines Ave. going towards Whittier Blvd. where there have been numerous accidents, the homeless encampment down by the riverbed that is within unincorporated Whittier, and the Community Choice Aggregation Program that will allow the City to provide power to its residents
- Commissioner Elisaldez confirmed his attendance to the City Council meeting of Tuesday, February 14, 2017.

NEW BUSINESS: There was none.

Commissioner Zermeno directed a request to Director Carmona to update the Commission on any new projects coming up.

OLD BUSINESS: There was none.

Commissioner Garcia thanked staff for passing on his inquiry to the appropriate department regarding a lighted stop sign on Serapis Ave.

Commissioner Zermeno brought up the median island across from the WRD project where artificial turf was placed on the island and then painted blue. He mentioned he has been asking staff to look into what plans, if any, the City has in beautifying or improving the look of the median islands.

Deputy Director Gonzalez stated that she will touch base with Public Works Superintendent on this matter.

Commissioner Celiz asked if the Public Works Superintendent approves the projects.

Deputy Director Gonzalez responded that the Superintendent carries out the directions from the Public Works Director.

ADJOURNMENT:

There being no further business the Planning Commission meeting was adjourned by Commission Chairperson Zermeno at 6:50 p.m.

Fred Zermeno, Chairperson

ATTEST:

Steven Carmona, Director of Community & Economic Development
Secretary, Planning Commission

I hereby certify that the foregoing is a true and correct report of the proceedings of the Planning Commission Regular Meeting dated February 6, 2017 and approved by the Planning Commission on March 6, 2017.

Steven Carmona, Director of Community & Economic Development
Secretary, Planning Commission