



Monday, June 5, 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: Zermeno, Celiz, Elisaldez

ABSENT: Garcia, Gomez

Chairperson Zermeno called a motion to excuse Commissioners Garcia and Gomez. Seconded by Elisaldez.

PLEDGE OF ALLEGIANCE: Led by Commissioner Elisaldez

PUBLIC HEARING(S):

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. 733 AN APPLICATION FROM NORTHGATE MARKET TO CHANGE FROM A TYPE 20 (OFF-SALE BEER/WINE) TO A TYPE 21 (OFF-SALE GENERAL) ALCOHOL LICENSE, LOCATED AT 9101 TELEGRAPH ROAD (ASSESSOR'S IDENTIFICATION NUMBER 6387-020-010) IN THE GENERAL COMMERCIAL (C-G) ZONED DISTRICT AND THE MIXED-USE (M-U) OVERLAY ZONE.

Assistant Planner Hernandez provided the staff report. The applicant is proposing to allow Northgate Market to change from an existing type 20 alcohol license to sell beer and wine to a type 21 license for beer, wine and liquor. Northgate Market is located at 9101 Telegraph Road in the commercial general district with a mixed-use overlay zone. Mike Garcia from the Economic Development Division provided additional information about Northgate Market.

Assistant Planner Hernandez – Northgate Market is located on the northeast corner of Arrington Avenue and Telegraph Road within census tract No. 5026.02. The Department of Alcohol and Beverage Control has imposed a standard of one type 21 alcohol license for every 1,597 residents within a census tract for Los Angeles County. According to the 2010 census report there are 4,321 residents living within the subject census tract resulting in the allocation of two type 21 alcohol licenses for this tract. There are currently six type 21 alcohol licenses within the subject census tract which exceeds the maximum limit by four licenses. ABC will allow for additional licenses beyond the imposed limit if it cannot prove undue concentration. Undue concentration is described by ABC as a higher than average crime rate in the reporting district for which the applicant is applying to sell the alcohol from.

After reviewing the application submitted from Northgate Market, ABC has not designated the subject census tract as having undue concentration and is deferring to the City's discretionary process to determine if the applicant should be allowed to change from a type 20 alcohol license for beer and wine to a type 21 license for beer, wine, and liquor. Currently Northgate Market is operating under the rules and regulations set forth by the Department of Alcohol and Beverage Control only. This is because the current type 20 alcohol license in place for the subject property was issued directly to the applicant without discretion from the City of Pico Rivera. This is due to the laws that were in place at the time.

A benefit for the City to approve Northgate Market to sell type 21 alcohol is that in addition to being regulated by ABC, the subject property will now be regulated by the conditions listed within the conditional use permit. Of the seven large grocery stores in Pico Rivera, Northgate Market is the last to apply for a type 21 alcohol license.

A few notable conditions that were included within the Conditional Use Permit is condition 8; the existing video surveillance system shall be continuously maintained and recordings made available to the City of Pico Rivera and/or the Los Angeles County Sheriff's Department upon request.

Assistant Planner Hernandez stated the applicant is proposing to locate the liquor cabinet at the front of the market under the supervision of the stores cashiers with lock and key accessibility. This location offers a clear line of sight for the cashiers, ample lighting and a video camera will also be directed at the liquor cabinet. Northgate Market has retained the services of an alarm company to secure the store during non-working hours. There are security locks on every door and all doors are backed up with a motion sensor that will sound the security system if motion is detected. Every two years cashiers receive training from the Los Angeles Police Department for standardized training for alcohol retailers. This training ensures that all employees handling alcohol are doing this in accordance with the law.

On May 24, 2017, 112 mail outs were sent to residents and business owners within a 300' radius of Northgate Market to announce the subject of the public hearing. To date, planning staff has not received any comments or inquiries from residents. In addition, the amount of calls for service to the Sheriff's Department over the past 10 years have been negligible.

This project is determined to be categorically exempt from environmental review pursuant to guidelines of CEQA under class 1 existing facility – the permitting of alcohol sales subject to an approved conditional use permit within an existing structure.

Staff recommends that the Planning Commission approve Conditional Use Permit No. 733.

Commissioner Celiz stated the market is busy and parking is very limited. Commissioner Celiz asked if the approval of the alcohol permit will increase parking problems.

Assistant Planner Hernandez responded that staff does not anticipate that there will be any additional parking issues as a result of changing from a type 20 to a type 21 license.

Commissioner Zermeno opened the public hearing.

Northgate representative Andrew Perdudo and Michelle Gonzalez spoke on behalf of the grocery store owners.

Commissioner Zermeno asked if there is drinking in the store because there is a restaurant in the store and it is a sit down restaurant.

Applicant representative Andrew Perdudo stated there is not and all the sales of alcohol are off-sale taken off the property.

Commissioner Elisaldez asked about the impact the alcohol approval will have on the liquor store right next door to the market.

Applicant representative Michelle Gonzalez responded that as part of the lease turnover, the current landlord's lease for the liquor store is coming up and she does not think they will be renewing their lease. This is why the property owner allowed Northgate to proceed with the application.

Commissioner Elisaldez stated his regular concern is oversaturation of sales of liquor.

Commissioner Celiz also commented on so many liquor stores and a lot of liquor sold in Pico Rivera.

Commissioner Zermeno stated that he can say that as well but by saying that he appreciates the market being in Pico Rivera. He stated he is looking forward to the façade improvements of the market.

Commissioner Zermeno motioned to adopt the resolution approving conditional use permit number 733, subject to conditions of approval.

AYES: Zermeno, Celiz

NOES: Elisaldez

ABSENT: Garcia, Gomez

Deputy Director Gonzalez stated it is approved by majority.

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

MINUTES

- Planning Commission meetings of April 3, 2017, April 17, 2017, and May 1, 2017, recommendation to approve.

Commissioner Elisaldez introduced a motion to approve. It was seconded by Commissioner Celiz.

Motion passed with no objections.

PLANNING COMMISSION REPORTS:

- **City Council meeting of May 9, 2017** – Commissioner Garcia was not in attendance to report.
- Director Carmona reported on the ICSC in Las Vegas.
- Economic Development Manager Garcia reported on potential retail and industrial businesses.
- Commissioner Zermeno confirmed his attendance to the City Council meeting of Tuesday, June 13, 2017.

NEW BUSINESS: There was none.

OLD BUSINESS:

Commissioner Zermeno asked if there was any update on the Pico Rivera sign at the Sports Arena.

Director Carmona responded that the City received a phone call from La Noria Entertainment, the facility vendors and they will be submitting a design for review.

Commissioner Zermeno asked if that is something the City is taking care of.

Director Carmona responded the operator's subcontractor will submit those plans to the City.

ADJOURNMENT:

Commissioner Zermeno adjourned the Planning Commission meeting at 6:37 p.m. There being no objection, it was so ordered.

AYES: Zermeno, Celiz, Elisaldez

NOES:

ABSENT: Garcia, Gomez

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 June 5, 2017 and approved by the Planning Commission on November 6, 2017.

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