

**MINUTES
REGULAR MEETING
SANTA FE SPRINGS PLANNING COMMISSION
NOVEMBER 14, 2011**

1. CALL TO ORDER

Chairperson Madrigal called the Regular Meeting of the Planning Commission to order at 4:35p.m.

2. PLEDGE OF ALLEGIANCE

Chairperson Madrigal led the Pledge of Allegiance.

3. ROLL CALL was taken, with the following results:

Present: Chairperson Madrigal
Vice Chairperson Rios
Commissioner Johnston
Commissioner Ybarra

Staff: Paul Ashworth, Director of Planning and Development
Wayne Morrell, Principal Planner
Cuong Nguyen, Associate Planner
Luis Collazo, Code Enforcement Inspector
Steve Skolnik, City Attorney
Susan Beasley, Executive Secretary
Phillip DeRousse, Police Services

4. ORAL COMMUNICATIONS

Chairperson Madrigal welcomed a visiting student from Biola, Velen Jones, who was observing the meeting for a Public Affairs Reporting class. There being no one wishing to speak, Oral Communications were closed.

5. APPROVAL OF MINUTES

The minutes of the October 24, 2011 meeting were approved upon unanimous consent and filed as submitted.

Please note: Staff reports are being presented out of order from the agenda.

PUBLIC HEARING - NEW BUSINESS

8. Alcohol Sales Conditional Use Permit Case No. 55

Request for approval to allow the operation and maintenance of an alcoholic beverage use involving the storage and transportation of alcoholic beverages at 11630 Pike St., in the M2, Heavy Manufacturing Zone, located within the Consolidated Redevelopment Project Area. (Approved Freight Forwarders)

Mr. Phillip DeRousse, Police Services, presented the subject case. The applicant was not present.

Chairperson Madrigal asked what the applicant is currently warehousing. Mr. DeRousse explained that they store and transport miscellaneous merchandize, but have never distributed alcohol, as they have never held a license to do so.

Chairperson Madrigal opened the Public Hearing. Having no one wishing to speak, he closed the Public Hearing.

Commissioner Johnston made a motion to approve Item No. 6. Commissioner Ybarra seconded the motion, which passed unanimously.

PUBLIC HEARING - CONTINUED ITEM

6. Conditional Use Permit Case No. 723

A request for approval to establish, operate, and maintain a pawnshop, at 14156 Rosecrans Avenue, Suite C, within a 1,032 sq ft portion of a 5,295 sq ft retail building located in the C-4 PD, Community Commercial Planned Development Zone. (Fares Tabello, Palm Jewelers and Pawn)

Mr. Collazo presented the subject case and reminded Planning Commissioners that a Public Hearing had been held October 10, 2011, continued to October 24, and continued again to today's meeting to allow a representative from Whittier Police Department to present crime data requested up by Commissioner Oblea.

Sergeant Tatman, present in lieu of Captain Aviv, indicated that WPD did not have crime data for periods immediately before and after a pawnshop opens. Available crime data for a large patrol territory within which a pawnshop is located revealed 62 Part 1 crimes in 2009 and 63 in 2010-2011; however, there is no direct correlation between this data and pawnshop operations.

Commissioner Ybarra asked if there had been any specific calls to the pawnshop. Sergeant Tatum was not prepared with such data.

Sergeant Tatman was pleased to see several of the conditions of approval pertaining to video security equipment and reporting documents, and suggested that the applicant utilize an automated program such as the computer-based Regional Auto Property Identification Database (RAPID).

Mr. Fares Tabello, the Applicant, addressed the Planning Commission saying they had already looked into an automated reporting system and would implement such a system if the pawnshop was approved.

Vice Chairperson Rios questioned the expired date listed on Conditions of Approval No. 3 on page 9 of previous staff report. Mr. Collazo answered that the applicant had installed a video monitoring camera plan when they opened as a jewelry store.

Vice Chairperson Rios also questioned Conditions of Approval No. 8 and whether the sign had been installed since they were occupying the unit as a jewelry store. Mr. Collazo clarified that a jewelry store use is not subject to these sign requirements imposed on pawnshops, but if the pawnshop use is approved, the condition would apply and Police Services will inspect for completion no later than 30 days after the project has been completed.

Chairperson Madrigal stated that he previously hesitated to approve the use, but since no firearms will be involved, he would approve if a condition were added, stating that a

six-month compliance review be required every six months for the next two years. The applicant verbally agreed to that condition.

Commission Ybarra asked Sergeant Tatman for clarification on the crime data chart listed on page 7 of the staff report. Sergeant Tatman had no knowledge of the data but stated the Whittier Police Department Crime Analysis Unit generates data on a monthly basis.

Chairperson Madrigal asked if that crime data could be available once they approve this use. Sergeant Tatman clarified that they can run calls for service on any address. Sergeant Tatman acknowledged that stolen goods are frequently channeled through pawnshops but was very hard to trace. He did feel that staff had initiated good safeguards through their conditions of approval to help prevent this illegal practice.

Vice Chairperson Rios made a motion to approve Item No. 7. Commissioner Ybarra seconded the motion, which passed unanimously.

PUBLIC HEARING - NEW BUSINESS

7. Alcohol Sales Conditional Use Permit Case No. 53

Request for approval to establish, operate, and maintain an alcoholic beverage use involving the sale and on-site consumption of alcoholic beverages within the existing structure at 12215 Slauson Avenue. (Jesse Mireles for The Dugout, Inc.)

NEW BUSINESS

9. Modification Permit Case No. 1200

Request for Modification of Property Development Standards to not provide all of the required off-street parking related to a proposed restaurant/batting cage use and a request to allow a 6'-high wrought iron fence to encroach into the required corner side yard setback area on property located at 12215 Slauson Avenue (APN #8168-026-021) and 8609 Chetle Avenue (APN #8168-014-020), in the M-2, Heavy Manufacturing Zone, and M-1, Light Manufacturing Zone, respectively. (Jesse Mireles for The Dugout, Inc.)

Since Items No. 7 and 9 relate to the same property, it was agreed to hear both reports together, with Mr. Nguyen presenting. The property owner, Mr. Bob Noparvar, and the applicant, Mr. Jesse Mireles, were present in the audience.

Commissioner Ybarra questioned the applicant about batting cages and what pitching speeds they were planning to use. He also questioned if the applicant was intending The Dugout to be a restaurant or a sport bar and was particularly concerned with people drinking and using the batting cages, possibly hurting themselves or someone else.

The applicant, Jesse Mireles, 15616 Pintura, Hacienda Heights, addressed the Planning Commission, saying his concept of a baseball-themed pizzeria was prompted by his involvement in his son's youth baseball. He stated that the baseball pitching speed could reach 85 mph and softball speed up to 60 mph with both being adjustable for the patrons. Mr. Mireles said he intends to keep The Dugout image as a family restaurant and is therefore sensitive to alcohol sales activities. He reassured the Planning Commissioners that strict safety rules would be enforced, especially with patrons using the batting cages. Patrons will be required to wear a helmet and only one person will be

allowed per cage at all times, supervised by a Cage Manager. They will require patrons to remove equipment once they have finished with the batting cages and store them in their vehicles.

Chairperson Madrigal voiced his concern over staff's recommendation on the fence issue and mentioned that he observed other properties with similar fences while he was inspecting this site.

Mr. Noparvar, 12215 Slauson Avenue, stated that when he first bought the property, he rented a temporary chain link fence to discourage illegal dumping. He was under the impression that the contractor who installed the permanent fence (within the required setback area) got all the proper permits. He is willing to obtain the necessary permits to legalize the fence, but believes the 6' fence is needed for security purposes. He appealed to the Commission to allow this fence to remain in its current location since it has been in place six years.

Mr. Noparvar also stated that when the fence in question was installed, it blocked a driveway along Chetle Avenue. Since he is now asking the Fire Department for approval, they are asking that the blocked driveway be accessible once again. This would require that he remove a portion of the existing fence and install a gate on Chetle Street for circulation and access, which he is willing to do.

Chairperson Madrigal opened the Public Hearing. Having no one wishing to speak, the Public Hearing was closed.

Mr. Ashworth commended Mr. Noparvar's efforts to find a good occupant and use that is harmonious with the City's goals. He emphasized the requirement for fence setback with an alternative solution to reduce the existing fence height from six feet to 42", or relocate the six foot high fence behind the 20' setback requirement to meet the City's Zoning Regulations. Discussion ensued related to options and how the setback will affect parking spaces.

Mr. Skolnik stated that since the fence was built without permits, a fence over 42" would likely require a structural analysis. He expressed concern about approving a fence that had never been approved by the Building Department.

Mr. Morrell stated that staff was aware of and has photographed other nearby properties that have non-conforming fences within required setback areas. In fact, upon confirmation with the Building Department that these fences were unpermitted, Staff has initiated code enforcement cases.

Commissioner Ybarra asked if there were similar 6' fences in the city. Mr. Ashworth said there were no legal 6' high fences within the required setback area. If Mr. Noparvar agrees to reduce the existing fence to 42", Mr. Ashworth offered to waive the related building fees. The alternative would be to move the six foot fence outside the setback area, which would compound the parking deficiency by at least six more parking spaces.

Staff continues to recommend denial of the existing six foot high fence within the setback area and suggests that the best solution would be to reduce the existing fence

to 42" rather than approve a modification permit to keep the existing six foot high fence within the required setback area, thereby creating a precedent.

Mr. Skolnik clarified the options as: 1) reduce existing fence to 42" with no permit fee, or 2) move existing 6' high fence outside of required setback area. He recommended that the Planning Commission vote on the three different issues separately; the alcohol sales permit, the modification for a reduction in parking, and for the fence to remain within the required setback. Doing so would allow the applicant to proceed with their project.

A motion was made by Vice Chairperson Rios to approve Alcohol Sales Permit No 53. Commissioner Johnston seconded the motion, which passed unanimously.

A motion was made by Vice Chairperson Rios to approve the modification for reduced parking. Commissioner Ybarra seconded the motion, which passed unanimously.

A motion was made by Chairperson Madrigal to approve the modification to allow the existing six foot fence to remain within the required setback area. Commissioner Johnston seconded the motion, with the following vote:

Ayes:	Madrigal, Johnston
Noes:	Rios, Ybarra
Abstain:	None
Absent:	None

Due to a split decision, there was a motion to continue this action until the first meeting in January when the fifth Planning Commissioner will be present.

10. ANNOUNCEMENTS

Vice Chairperson Rios asked that the meeting be adjourned in memory of Edward Garcia, former Traffic Commissioner and Angie Rodriguez, former Little Lake School District employee. Both were longtime residents of Santa Fe Springs.

STAFF:

Planning Secretary asked Planning Commissioners if they want to meet once or twice in December. Planning Commissioners agreed to meet once on December 12.

11. ADJOURNMENT

Chairperson Madrigal adjourned the Planning Commission meeting at 5:55 p.m. in memory of Edward Garcia and Angie Rodriguez.


Chairperson Madrigal

ATTEST:


Susan R. Beasley, Planning Secretary