

**Minutes of the Huntington Park Planning Commission meeting held on
August 17, 2011**

Chairman Benitez called the meeting to order at 5:00 p.m. Present: Commissioners Veronica Lopez, Eddie Carvajal, Johnny Pineda, and Chairman Eddie Benitez; Absent: None. Also present: Planning Manager Eric Garcia, Senior Planner Albert Fontanez, Assistant Planners Mercenia Lugo and Gabriela Silva, and Recording Secretary Genny Ochoa.

Approval of Minutes

A motion was made by Vice Chair Lopez, seconded by Commissioner Carvajal, to approve the minutes of the meeting held June 15, 2011 as presented. The motion carried as follows: Ayes: Commissioners Lopez, Carvajal and Chairman Benitez; Noes: None; Absent: None; Abstain: Commissioner Pineda.

A motion was made by Vice Chair Lopez, seconded by Commissioner Carvajal, to approve the minutes of the meeting held July 20, 2011 as presented. The motion carried as follows: Ayes: Commissioners Lopez and Carvajal; Noes: None; Absent: None; Abstain: Commissioner Pineda and Chairman Benitez.

Public Appearances

None.

Continued Public Hearings

None.

Public Hearings

At staff's request, Chairman Benitez so ordered to deviate from the order of the Public Hearing's section of the agenda.

A. CASE NO. 1936-ZOA: A resolution recommending to the City Council the adoption of an ordinance amending the Huntington park Municipal Code by adding Article 23 to Chapter 3 of Title 9 regarding medical marijuana dispensaries within the City.

Senior Planner Albert Fontanez reviewed staff's Administrative Report, which included the Administrative Comments and Analysis, and Recommendation. Mr. Fontanez gave a brief history on the State's legislative actions leading to the voluntary medical marijuana identification card issuance and registry program. Mr. Fontanez stated that the program has resulted in increased medical marijuana dispensaries in the State. Mr. Fontanez added that staff's position is that, because the City does not have specific development standards or definition in the municipal code

for this type of use, medical marijuana dispensaries are not a permitted use in the City. Mr. Fontanez further added that the City's existing moratorium prohibiting medical marijuana dispensaries, set to expire on September 7, 2011, has given staff the opportunity to study and research this type of use and their potential effects.

Mr. Fontanez referenced the "White Paper on Marijuana Dispensaries", a 2009 comprehensive study by the California Police Chiefs Association's Task Force on Marijuana Dispensaries, which identifies a number of negative effects created by medical marijuana dispensaries, such as large grow operations in residential neighborhoods, burglaries at dispensaries and grow operations, and increased marijuana use by young people. Mr. Fontanez stated that in the City's best interest, staff recommends a citywide ban on medical marijuana dispensaries based on the analysis conducted by City staff, the City Attorney and the City's Special Counsel.

Ms. Elena Gerli (Law Offices of Jones & Mayer, 3777 N. Harbor Blvd., Fullerton, CA 92835), City's Special Counsel, reported that a state bill is pending the Governor's signature which would allow cities to criminally prosecute violators of City ordinances prohibiting medical marijuana dispensaries. Ms. Gerli stated that, currently, the municipal code can be misunderstood and adoption of the proposed ordinance would clarify Zoning Code regulations related to medical marijuana dispensary uses.

After a discussion, Chairman Benitez declared the public hearing open and called for those wishing to speak in favor of or against Case No. 1936-ZOA. Ms. Graciela Calderon (6337 Bissell St., Huntington Park) came forward and stated that "no one" in her residential area received a notice of the public hearing. Ms. Calderon added that crimes related to medical marijuana dispensaries would increase in the City and that she was in favor of the proposed ordinance prohibiting that type of uses in the City.

With no one else coming forward to speak for/or against Case No. 1936-ZOA, Chairman Benitez declared the public hearing closed.

Vice Chair Lopez motioned, seconded by Commissioner Carvajal, to APPROVE AND ADOPT RESOLUTION NO. 1936, RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF AN ORDINANCE AMENDING TITLE 9 OF THE HUNTINGTON PARK MUNICIPAL CODE TO INCLUDE PROVISIONS TO BAN MEDICAL MARIJUANA DISPENSARIES. The motion carried as follows: Ayes: Commissioners Lopez, Carvajal, Pineda and Chairman Benitez; Noes: None; Absent: None.

B. CASE NO. 1921A-CUP: Request by Sergio Diaz for approval of an amendment to Conditional Use Permit No. 1921 by modifying the conditions of approval for the on-sale of beer and wine in conjunction with an existing bona-fide public eating establishment located at 5417 Pacific Boulevard, within the Manufacturing Planned Development (MPD) Zone.

Assistant Planner Gabriela Silva reviewed the Administrative Report, which included the Administrative Comments and Analysis, and Recommendations. Ms. Silva stated that the applicant is requesting that the Planning Commission remove Condition No. 15 of the originally approved Conditional Use Permit (CUP) establishing that beer and wine would not be served and/or consumed in the outdoor dining area. Ms. Silva added that the subject site includes several properties, and the applicant has not complied with the CUP entitlement requirement to submit a Tentative Parcel Map.

Ms. Silva stated that the subject outdoor dining area is in a separate parcel from the actual restaurant, and that if the applicant's amendment request is approved, the CUP would expand into this separate parcel making the submittal of the Tentative Parcel Map of utmost importance. Ms. Silva further stated that staff recommends a condition to the proposed amendment that the applicant provide a security plan approved by the Police Department. Ms. Silva added that, as conditioned, the proposed amendment meets the City's Zoning and Development Standards and that staff recommended the approval of Case No. 1921A-CUP.

Vice Chair Lopez asked if the Police Department recommendations are for this request and if the Police Department submitted recommendations for the original CUP request. Staff responded that the recommendations from the Police Department are for the amendment request and that the Police Department did not submit comments for the original CUP request.

Chairman Benitez opened the public hearing and called for anyone wishing to speak in favor of Case No. 1921A-CUP. Mr. Julio Alberto, applicant's partner/representative, came forward to speak in favor of the requested amendment to the CUP. Mr. Alberto stated that the business has been open for two years and that the State Department of Alcohol and Beverage Control has approved their alcohol sales license for the establishment; however, the City's Planning Division has placed costly requirements and conditions on the applicant to finalize the CUP entitlement. Mr. Alberto stated that the applicant agreed to comply with the Conditions of Approval as recommended by staff.

Mr. Mathew J. Gleason (2552 E. 54th St., Huntington Park), came forward to speak in favor of Case No. 1921A-CUP. Mr. Gleason stated that the subject restaurant has been a "model neighbor" and that approval of the amendment would make the business "thrive."

Mr. Sergio Diaz, (12155 Julius Ave., Downey, CA), applicant, came forward to speak in favor of Case No. 1921A-CUP. Mr. Diaz stated that he has worked very hard for the success of his business and assured the Commission and staff that he would comply with the laws and regulations imposed on the subject business.

Chairman Benitez called for anyone wishing to speak against Case No. 1921A-CUP, and hearing no one, declared the public hearing closed.

After a discussion, a motion was made by Vice Chair Lopez, seconded by Commissioner Carvajal, to APPROVE CASE NO. 1921A-CUP as presented by staff. The motion carried as follows: AYES: Commissioners Lopez, Carvajal, Pineda, and Chairman Benitez; Noes: None; Absent: None.

C. CASE NO. 1934-CUP: Request by Armando Cardenas for approval of a Conditional Use Permit to establish a retail auto parts store at 2529 Slauson Avenue, within the General-Commercial (C-G) Zone.

Planning Manager Eric Garcia reviewed the Administrative Report, which included the Municipal Code Requirements for a Conditional Use Permit, Administrative Comments and Analysis, and Recommendations. Mr. Garcia stated that recommended off-site improvements included the replacement sidewalk curb and gutter, the installation of a new street tree and

elimination of the existing driveway along Slauson Avenue. Mr. Garcia stated that as conditioned, the proposed use meets the City's Zoning and Development Standards subject to the approval of a Conditional Use Permit, and the subject use is consistent with the City's General Plan. Mr. Garcia added that staff recommended the approval of Case No. 1934-CUP subject to the conditions outlined in staff's report.

Planning Manager Garcia distributed a copy of correspondence to the Planning Commission from Mr. Armando Cardenas, applicant. In his letter, Mr. Cardenas states that his anticipated two-month entitlement process has turned into "waiting over 6 months to get this business up and running"; and, due to financial constraints, requests a "1 to 2 year extension" to complete the required improvements.

Chairman Benitez opened the public hearing and called for anyone wishing to speak in favor of Case No. 1934-CUP. Mr. Gustavo Bañuelos, applicant's representative, came forward to speak in favor of the request. Mr. Bañuelos requested that the applicant be allowed to open the business to begin generating revenue and that the Commission approve a one or two-year extension to comply with the Conditions of Approval and complete all the required improvements recommended by staff.

Mr. Armando Cardenas (6917 San Pedro St., Los Angeles, CA), applicant/property owner, came forward to speak in favor of Case No. 1934-CUP. Mr. Cardenas stated that he had run into "too many problems" in obtaining his business license from the City. Mr. Cardenas added that he needed to open his business and make an income to start working on the required site improvements, and comply with the Conditions of Approval recommended by staff. Mr. Cardenas stated that the proposed business would be "good for the community."

Chairman Benitez called for anyone else wishing to speak in favor of or against Case No. 1934-CUP. With no one coming forward, Chairman Benitez declared the public hearing closed.

After a discussion, a motion was made by Vice Chair Lopez, seconded by Commissioner Carvajal, to APPROVE CASE NO. 1934-CUP as presented by staff. The motion carried as follows: AYES: Commissioners Lopez, Carvajal, Pineda, and Chairman Benitez; Noes: None; Absent: None.

D. CASE NO. 1937-DP/VAR: Request by Oldtimers Housing Development Corporation for approval of a Development Permit to construct a new two-story residential dwelling unit with a tandem 4-car garage on a substandard lot, and a Variance to deviate from the minimum development standards required for lot area, parking, and dwelling size at 6303 Marconi Street, within the Medium Density Residential (R-M) Zone.

Assistant Planner Mercenia Lugo reviewed the Administrative Report, which included the Municipal Code Requirements and Required Findings for a Development Permit and Variance, Administrative Comments and Analysis, and Recommendations. Ms. Lugo stated that due to the substandard lot size, the applicant is requesting a Variance to deviate from the parking requirements by providing two standard and two compact parking spaces in the form of tandem parking. Ms. Lugo added that it is not expected that the proposed project will cause adverse effects to the surrounding area and residents. Ms. Lugo stated that staff recommended the approval of Case No. 1937-DP/VAR subject to the conditions outlined in staff's report.

Chairman Benitez declared the public hearing open and called for anyone wishing to speak in favor of Case No. 1937-DP/VAR. Ms. Irene Muro (Oldtimers Housing Development Corporation, (3355 E. Gage Ave., Huntington Park), Acting Executive Director, came forward to speak in favor and asked for the Commission's support of the proposed affordable housing project.

Vice Chair Lopez expressed concern for the proposed tandem parking. Mr. Giulio Zavolta (Totum Corporation 15130 Ventura Blvd., Ste. 327, Sherman Oaks, CA 91403), applicant's representative, came forward and stated that tandem parking is a valid strategy in maximizing a housing development on a substandard-sized lot.

Chairman Benitez called for anyone else wishing to speak in favor of or against Case No. 1937-DP/VAR. With no one coming forward, Chairman Benitez declared the public hearing closed.

Commissioner Pineda stated that he considered the parking an issue due to the potential increase in the number of residents on the project site when the project is completed

After a brief discussion, a motion was made by Commissioner Carvajal, seconded by Vice Chair Lopez, to APPROVE CASE NO. 1937-DP/VAR as presented by staff. The motion carried as follows: AYES: Commissioners Lopez, Carvajal, Pineda, and Chairman Benitez; Noes: None; Absent: None.

E. CASE NO. 1935-ZOA: A resolution recommending to the City Council the adoption of an ordinance amending Title 9 (Zoning), Chapter 4, Article 2 regarding hours of operation for check cashing, currency exchange, money advance and money transfer uses with the City.

Planning Manager Garcia reviewed the Administrative Report, which included the Administrative Comments and Analysis, and Recommendation. Mr. Garcia gave a brief history leading to the City's current regulations on the subject uses, specifically the required armed security guard between midnight and 7:00 a.m. Mr. Garcia stated that due to the current economic downturn and the cost of complying with this standard, the City has received requests to modify this standard. Mr. Garcia added that at the direction of the City Council, staff conducted a survey of various surrounding cities and found that the surveyed jurisdictions do not require security officers for these uses. Mr. Garcia stated that security measures could be required through the Conditional Use Permit entitlement process to mitigate any potential impacts. Mr. Garcia added that staff recommended an amendment to the regulations by deleting the requirement for an armed/unarmed security guard to be present at all times.

Chairman Benitez declared the public hearing open and called for those wishing to speak in favor of or against Case No. 1935-ZOA. Hearing no one, the public hearing was declared closed.

Vice Chair Lopez motioned, seconded by Commissioner Carvajal, to APPROVE AND ADOPT RESOLUTION NO. 1935, RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF AN ORDINANCE AMENDING TITLE 9 (ZONING) OF THE HUNTINGTON PARK MUNICIPAL CODE REGARDING STANDARDS FOR CHECK CASHING, CURRENCY EXCHANGE, MONEY ADVANCE AND MONEY TRANSFER USES WITHIN THE CITY. The motion carried as follows: Ayes: Commissioners Lopez, Carvajal, Pineda and Chairman Benitez; Noes: None; Absent: None.

F. CASE NO. 1932-ZOA: A resolution recommending to the City Council the adoption of an ordinance amending the Huntington Park Municipal Code as it pertains to Section 5-3.89 Signs for Legal Nonconforming Uses and Legal Nonconforming Signs of the Downtown Huntington Park Specific Plan (DTSP).

Planning Manager Garcia reviewed staff's Administrative Report, which included the Administrative Comments and Analysis, and Recommendation. Mr. Garcia stated that the current sign standards within the Zoning Code and DTSP prohibit signs on roofs. Mr. Garcia further stated that some buildings in the downtown that have original architectural elements above the buildings' roofline for the placement of signs have been modified through misguided improvements resulting in the loss of their unique architectural elements. Mr. Garcia added that the reinstallation of those signs would restore the buildings' personal qualities and uniqueness.

Mr. Garcia stated that because of the current economic climate and the significant role a sign plays in the success of a business, the City's Community Development Commission directed staff to prepare a zoning ordinance amendment modifying the development standards pertaining to roof-mounted signs and structures within the DTSP. Mr. Garcia stated that staff recommended (1) to include the following additional standard in the proposed ordinance: "f. If it is a multi-tenant location, then only one sign per side of structure shall be permitted."; and (2) the approval of Case No. 1932-ZOA.

Chairman Benitez declared the public hearing open and called for those wishing to speak in favor of or against Case No. 1932-ZOA. With no one coming forward, the public hearing was declared closed.

A motion was made by Vice Chair Lopez motioned, seconded by Commissioner Pineda, to APPROVE AND ADOPT RESOLUTION NO. 1932, RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF AN ORDINANCE AMENDING THE MUNICIPAL CODE REGULATIONS AS IT PERTAINS TO THE DOWNTOWN HUNTINGTON PARK SPECIFIC PLAN (DTSP) CHAPTER 5-3.89 SIGNS FOR LEGAL NONCONFORMING USES AND LEGAL NONCONFORMING SIGNS. The motion carried as follows: Ayes: Commissioners Lopez, Carvajal, Pineda and Chairman Benitez; Noes: None; Absent: None.

New Business

Chairman Benitez requested clarification on public notice requirements for public hearings held by the Planning Commission.

Planning Manager Garcia stated that the City complies with State requirements to notify property owners if a project affects 1,000 or more properties, a newspaper publication and postings in the vicinity are required. Mr. Garcia added that if the affected properties are less than 1,000, property owners within a 300 feet radius must be notified by 1) mailers, 2) a newspaper publication, and 3) postings in the vicinity.

Vice Chair Lopez inquired on the status of the appeal of the decision by the Planning Commission to deny a Variance associated with a 7-Eleven convenience store at 2321 E. Florence Avenue (Case No. 1931-VAR). Planning Manager Garcia reported that at the August 15, 2011 City

Council meeting, the City Council continued the public hearing to consider the appeal to the City Council regular meeting of September 6, 2011.

Closed Session

None.

Adjournment

There being no further business, the meeting adjourned at 7:17 p.m.

Chair

ATTEST:

Secretary