

**CITY OF SAN FERNANDO
PLANNING COMMISSION**

**MINUTES OF SEPTEMBER 8, 2010, MEETING - 7:00 P.M.
CITY HALL COUNCIL CHAMBER**

THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE PLANNING COMMISSION. AUDIO OF THE ACTUAL MEETING ARE AVAILABLE FOR LISTENING IN THE COMMUNITY DEVELOPMENT DEPARTMENT.

CALL TO ORDER

The meeting was called to order by Chairperson Cono Rizzo at 7:02 P.M.

PLEDGE OF ALLEGIANCE

Led by Chairperson Cono Rizzo

ROLL CALL

The following persons were recorded as present:

PRESENT: Chairperson Cono “Bud” Rizzo, Vice-chair J. Cuellar, Commissioners Antonio Lopez, Robert Montañez, and Mario Rodriguez

ABSENT: None

ALSO PRESENT: Community Development Director Paul Deibel, City Planner Fred Ramirez, Assistant Planner Rina Lara, and Community Development Secretary Michelle De Santiago

APPROVAL OF AGENDA

Commissioner R. Montañez moved to approve the agenda of September 8, 2010. Seconded by M. Rodriguez, the motion carried with the following vote:

AYES:	R. Montañez, M. Rodriguez, J. Cuellar, A. Lopez, and B. Rizzo
NOES:	None
ABSENT:	None
ABSTAIN:	None

CONSENT CALENDAR

Commissioner R. Montañez moved to approve the minutes of August 3, 2010. Seconded by Commissioner A. Lopez, the motion carried with the following vote:

AYES:	R. Montañez, A. Lopez, J. Cuellar, B. Rizzo, and M. Rodriguez
NOES:	None
ABSENT:	None
ABSTAIN:	None

UNFINISHED BUSINESS

None

PUBLIC HEARING 7A:

Conditional Use Permit 2010-02 (CUP) 2010-02) – 1045 San Fernando Road, San Fernando, CA – Los Hermanos Mexican Foods, INC, (c/o Jose Gutierrez) – A request for modification of an existing

conditional use permit for the on-site sale and consumption of alcoholic beverages in conjunction with the operations of Los Tres Hermanos Restaurant. The restaurant is located at 1045 San Fernando Road in the San Fernando Mall Sub-district of the SP-4 San Fernando Corridors Specific Plan zone and within the Redevelopment Project Area No. 1.

Staff Presentation

Assistant Planner Rina Lara gave the staff presentation recommending that the Planning and Preservation approve Conditional Use Permit 2010-02, a modification of an existing CUP for the on-site sale and consumption of alcoholic beverages in conjunction with the operations of Los Tres Hermanos Restaurant, a bona-fide public eating place, pursuant to Planning and Preservation Commission Resolution 2010-12 with conditions of approval attached as Exhibit "A" to the staff report.

Public Testimony

Al Avila represents the applicant. He stated that Tres Hermanos is a family owned and operated sit-down traditional restaurant that has been in business for 14 years. He also stated that there have not been any incidents of illegal activity reported by the Police, Fire, ABC, or the Health Department. He noted that alcohol sales only equates to about 4 percent of the gross receipts for Tres Hermanos. He stated that the applicant didn't have any issues with the hours for sale of alcohol and that the raised counter area would only accommodate eight people. He stated that the current CUP indicates that alcohol will be served at the tables, the modification will include that alcohol to be served at the raised counter area also. He indicated that the Pay-per-view events were expensive that is the reason for the limited number of events.

Commission Discussion

A. Lopez asked what kind of alcohol is currently served?

F. Ramirez indicated that beer and wine is what is currently being served at the restaurant but that this approval will require a license modification from Alcohol Beverage Control (ABC) as well as a review and modification of the conditions of approval of the previously approved CUP.

P. Deibel indicated that there were no physical changes to the interior of the facility, the modification would be on how the counter area is used.

R. Montañez asked why the city is limiting the number of events at the location.

F. Ramirez stated that staff didn't want the facility to lose the original intent under which it was approved as a restaurant.

R. Montañez stated that the monitors in the restaurant already display sporting events.

F. Ramirez stated that the applicant will provide the city with dates for the events, such as Mother's Day and pay-per-view events.

R. Montañez asked about the hours of operations and if a sentence could be added to the conditions of approval indicating that alcohol can not be served before 10:00 a.m. Additionally, he asked about the trash enclosure and the offensive odor. He wanted to know how often the city's refuse company, Crown Disposal was picking up trash at the location.

F. Ramirez indicated that the odor being omitted is because of the food products that are being discarded. He stated that the applicant would be able to provide him with a more accurate answer with regards to the trash pick up arrangements with Crown Disposal.

Business Owner, Jose Gutierrez indicated that the reason for the strong odor is that they currently participate in Crown Disposal's compost recycling program and the food items are stored in different receptacles, which are picked up three times a week.

P. Deibel indicated that staff will work with the applicant and Crown Disposal to come up with a better solution for the number of trash pick ups or where to store the refuse while awaiting pick up by Crown Disposal.

R. Montañez asked if there had been any incidents where the police had to be called out.

R. Lara indicated that staff did a crime and service call analysis and discovered that there were seven calls for police assistance in the immediate vicinity of the subject site of which one call was alcohol related.

J. Cuellar asked if the applicant had a problem with identifying customers of legal drinking age.

F. Ramirez stated that number six of the conditions of approval indicates the signage requiring ID of customers to ensure proper drinking age.

B. Rizzo asked how someone with a disability accesses the bar area.

F. Ramirez stated that the applicant could pull a permit to make any necessary modifications to ensure the counter area complies with accessibility requirements.

B. Rizzo asked if when someone coming to see an event would have to purchase food or drinks?

J. Gutierrez indicated that they were still working out the details of the pay-per-view events.

Subsequent to discussion, Vice-chair J. Cuellar moved to approve the CUP modification including the language to be added to the conditions with regards to no sale of alcohol before 10:00 a.m. Seconded by Commission R. Montañez, the motion carried with the following vote:

AYES:	J. Cuellar, R. Montañez, A. Lopez, B. Rizzo and M. Rodriguez
NOES:	None
ABSENT:	None
ABSTAIN:	None

STAFF COMMUNICATIONS

P. Deibel reminded the commissioners regarding the AB 1234 ethics training requirement for those who are currently out of compliance. He also indicated that there may be a second meeting in October, possibly October 19, 2010.

F. Ramirez indicated that there would be a study session with the Redevelopment Agency scheduled regarding the exclusive agreement with Los Angeles Housing Partnership Inc. Additionally, he reminded the commission that they need to submit their resumes to staff for the pending Certified Local Government application.

COMMISSION COMMENTS

R. Montañez asked if the previously approved food kiosk at The Home Depot was being monitored. He stated that he believes that the operator is not in compliance with the conditions of approval for the project.

A. Lopez inquired about the electrical boxes on the public-right-of-way with regards to the color.

F. Ramirez indicated that the subject is scheduled to go before the Housing, Community & Economic Development and Parking standing committee in the near future.

PUBLIC STATEMENTS

None

ADJOURNMENT

Commissioner moved to adjourn to October 5, 2010. Second by Commissioner A. Lopez, the motion carried with the following vote:

AYES:	R. Montañez, A. Lopez, J. Cuellar., B. Rizzo, and M. Rodriguez
NOES:	None
ABSENT:	None
ABSTAIN:	None

8:21 P.M.
PAUL DEIBEL
Planning Commission Secretary