

PLANNING COMMISSION
MINUTES
JANUARY 12, 2010

INITIATION:

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. ROLL CALL:

Commissioners: Seibert, O' Leary, Chen, Horton, Valenzuela

Also Present: City Attorney Murphy, Community Development Manager Lambert, Associate Planner Gulick, and Planning Secretary Venters

4. TIME FOR THOSE IN THE AUDIENCE WHO WISH TO SPEAK:

No one came forth at this time.

5. CONSENT CALENDAR:

A. APPROVAL OF MINUTES: December 8, 2009

RECOMMENDATION: APPROVE AS SUBMITTED

Commissioner Horton – Made a motion to approve the minutes dated December 8, 2009, with corrections as noted, seconded by Commissioner Chen and unanimously carried.

6. UNFINISHED BUSINESS: NONE

7. NEW BUSINESS:

A. PUBLIC HEARING: A CONDITIONAL USE PERMIT TO ESTABLISH A FULL SERVICE VIETNAMESE RESTAURANT AT 9664 LAS TUNAS DRIVE. THE APPLICANT IS REQUESTING TO OPERATE SUNDAY THROUGH THURSDAY FROM 9:00 AM TO 9:00 PM, AND FRIDAY AND SATURDAY FROM 9:00 AM TO 10:00 PM. THE INTERIOR IS APPROXIMATELY 1,780 SQUARE FEET AND WOULD CONSIST OF 48 SEATS. PURSUANT TO THE ZONING REGULATIONS, ANY TYPE OF FOOD ESTABLISHMENT WITH SEATING REQUIRES APPROVAL OF A CONDITIONAL USE PERMIT. THE SUBJECT SITE IS LOCATED IN THE CITY CENTER COMMERCIAL DISTRICT (CC) OF THE DOWNTOWN SPECIFIC PLAN.

SUBJECT SITE: 9664 LAS TUNAS DRIVE

CASE NUMBER: CONDITIONAL USE PERMIT 09-1748

PROPERTY OWNER: STEVE CHIAO
P.O. BOX 999
SAN GABRIEL, CA 91778

APPLICANT: ARCHE DEL ROSARIO
573 MONTEREY PASS RD, UNIT C
MONTEREY PARK, CA 91754

RECOMMENDATION: 1) HEAR STAFF REPORT

- 2) HEAR THOSE FOR AND AGAINST
- 3) CONSIDER ADOPTION OF A NEGATIVE DECLARATION
- 4) ADOPT RESOLUTION FOR APPROVAL

Chairman Seibert – Asked for a Staff Report.

Community Development Manager Lambert – Gave the Staff Report dated January 12, 2010.

City Attorney Murphy – Stated that at this point he would like to recommend that the In-Lieu parking fee be omitted from the conditions of approval, as there are technical modifications that need to be made to this Ordinance and it is currently under review. Stated that City Manager Pulido concurs with this recommendation, however, it is the decision of the Planning Commission to decide whether to retain or to omit this condition on this particular request.

Associate Planner Gulick – Gave a PowerPoint presentation.

Chairman Seibert – Asked if there were any questions from the Planning Commissioners for the Staff. The Planning Commissioners had questions at this time.

Commissioner Valenzuela - Asked City Attorney Murphy if there is an option to either continue or to deny this request, as there are several thousand dollars of City revenue at stake without the In-Lieu parking fee.

City Attorney Murphy – Stated that there is always the option to deny a project with respect to continuing a matter, however, per the Permit Streamlining Act the Planning Commission will have to take action tonight. Stated that failing to take action to this request could result in approval of this application by default.

Commissioner Horton - Asked Community Development Manager Lambert to clarify the logic behind the In-Lieu parking fee; for example is this fee designed to maintain the public parking lots or to eventually develop a parking structure.

Community Development Manager Lambert – Stated that the In-Lieu parking fee is specifically designated to maintain or improve current parking lots or to develop new parking lots. Stated that to date the fees have been banked and have not been spent.

Commissioner Horton – Asked Chairman Seibert if the In-Lieu parking fee revenue could be used to remediate the cracks on the asphalt.

Chairman Seibert – Stated that the primary purpose for the In-Lieu parking fee is to create new parking areas throughout the City.

Commissioner Horton – Stated that he would like to applaud the City Attorney Murphy for observing due diligence by observing these matters to ensure that the Ordinances are sound, however, it is a pity that this matter could not be resolved before the Planning Commission has to vote on this item. Stated that he realizes that these matters take time but would like to consider not retreating from these fees.

Chairman Seibert – Asked if there were any additional questions from the Planning Commissioners for the Staff. The Planning Commissioners did not have questions at this time. Invited the applicant to speak.

Gary Wang, 573 Monterey Pass Rd. #C, Monterey Park, CA 91764 – Stated that he is representing the applicant and would like to know if the Planning Commission has any questions regarding this request.

Chairman Seibert – Asked if the applicant if he had read the conditions and accepts the conditions of approval.

Gary Wang, 573 Monterey Pass Rd. #C, Monterey Park, CA 91764 – Stated that the applicant has read and accepts the conditions of approval.

Chairman Seibert - Asked if anyone from the public would like to speak in favor or against the proposed request. Five people came forth at this time.

Steve Chiao, P.O. Box 999, San Gabriel, CA 91778 – Stated that he is the owner of the building and for the last couple of years he could not find a tenant. Stated that he would like to rent his building to a beauty salon, or to a school, however, neither is allowed. Stated that Las Tunas Drive has too many vacancies and as a result he has lowered the rent and

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found a restaurant owner who would like to operate at his location. Stated that this is a good restaurant that would generate sales tax revenue and he hopes that this request would be permitted. Stated that this restaurant has been established for over 30 years and has a good reputation.

Ching Chiao, 2975 Huntington Dr., #107 San Marino, CA 91108 - Stated that he would like to bring to attention that this is a suitable request for 9664 Las Tunas Drive as Golden Deli has been established for 30 years, this restaurant would create pedestrian traffic, and increase sales tax revenue. Stated that in the traffic study it was found that this use would not cause a negative impact on traffic or parking. Stated that parking meters would be a more appropriate way to enforce parking rather than to impose and In-Lieu parking fee towards businesses.

Conrad Urquidi, 9674 Las Tunas Dr., Temple City, CA 917810 – (Read from a letter previously submitted to record.) Stated that he is a business and a property owner in Temple City. Stated that a well managed restaurant would be an economic asset to the City and that an increase of foot traffic could be complementary to neighboring businesses, however, if too many parking spaces are occupied by food service businesses and managed poorly, other businesses will suffer. Stated that many of his customers are elderly and since his business has no private parking they would be greatly inconvenienced by having to park far away. Stated that the Parking Study in the Staff Report has indicated that this business will stress parking for surrounding businesses and being that his business is four doors away, the parking spots for his business will be overwhelmed. Stated that a parking structure would not be developed for many years to come and that in the interim, green striping or metered parking should be implemented so businesses that could potentially be negatively affected would not lose customers due to a lack of parking. Stated that due to the current economic situation, there has been a severe increase of failed retail stores, and would not like to add to that statistic. Stated that he would like to retain his business and would not like this Conditional Use Permit to be approved.

Commissioner Horton – Asked Mr. Urquidi if he had either applied for, or had asked the City for a white loading or unloading zone to be designated for his business.

Conrad Urquidi, 9674 Las Tunas Dr., Temple City, CA 917810 – Stated that a loading or unloading area would not be necessary, however, he does need a 24 minute parking area to accommodate his customers.

Mary Burke – Stated that she understands the testimony for both businesses. Stated that she patronizes Mr. Urquidi's business and that he already faces parking problems as patrons of other businesses use the parking spaces in front of his business. Stated that at times, she has to walk a half of a block or more to visit his business.

Mary Kokayko – Stated that this business has been established for several years and would be displeased to see him forced out due to a lack of parking. Stated that if he is forced to move out it would be probable that a nail salon, a beauty salon, or a restaurant would take its place. Stated that he has a small business and the biggest problem that he has is parking. Stated that the City has several similar businesses types, and that this business is needed because his use is different from the other businesses.

Shirley Huefner, 5833 Camellia Ave., Temple City, CA 91780 – Expressed concern that there will not be enough parking to accommodate both restaurants, as there are already restaurants near her residence with only 8-10 available parking spaces.

Chairman Seibert - Asked if anyone else from the public would like to speak in favor or against the proposed request. No one came forth at this time. Asked the applicant if he would like to address the concerns of the public.

Gary Wang, 573 Monterey Pass Rd. #C, Monterey Park, CA 91764 – Stated that he understands the concerns of the public, however, there should be an equal opportunity for anyone to establish a successful business and that this business would have a minimal affect on parking.

Vice Chairman O'Leary – Stated that in the past, the Planning Commission has asked that the employees from previously approved requests to park away from the business site to help control the parking situation.

Gary Wang, 573 Monterey Pass Rd. #C, Monterey Park, CA 91764 – Stated that the business owner plans to encourage the employees to carpool.

Vice Chairman O'Leary – Made a motion to close the public hearing, seconded by Commissioner Chen and unanimously carried.

Vice Chairman O'Leary - Stated that he could make the findings to vote in favor of this restaurant, however, would like to

condition that Mr. Urquidi have time limited green parking in front of his store.

Community Development Manager Lambert – Stated that green striping would be a policy direction from the City Council. Stated that another restaurant was conditioned to have 20 - 30 minute parking with signage on Loma Avenue, and this is a similar situation.

Traffic Engineer Lang - Stated that he allows a business to have one green space for those who need it, however Mr. Urquidi would have to apply for this request with the Public Services Department.

City Attorney Murphy – Stated that the best way for Mr. Urquidi to have green striped parking in front of his business is to work with Community Development Manager Lambert separately from this public hearing request.

Commissioner Chen – Stated that he could make the findings to vote in favor of this request.

Commissioner Valenzuela – Stated that in regards to fellow Commissioner O’Leary’s comments, he would like to suggest an additional condition of approval requiring that employees of the restaurant cannot park in the City’s parking lot. Stated that in absence of the In-Lieu parking fee and since this fee cannot be used as long term mitigation, he could not make the findings to approve this request as this business use will have an adverse effect upon the use, valuation, and enjoyment of the adjacent property.

Commissioner Horton - Stated that shares many concerns that fellow Commissioner Valenzuela has regarding the lack of parking, however, is flattered that new businesses have an interest in establishing their businesses in this City. Stated that he can make the findings to vote in favor of this request if the two following conditions are added: 1) that this case be revisited in 3 -6 months so that the City may apply an In-Lieu parking fee and 2) to require the green curb at Mr Urquidi’s business site.

Chairman Seibert – Stated that it is the advice of City Attorney Murphy not to condition the green curb and that it would not be feasible to revisit this item in three to six months as it is undetermined when the City Council will amend the In-Lieu parking fee. Stated that it seems as if common business uses in the City have gone from nail salons and beauty salons to restaurants. Stated that although he is not excited to have another restaurant in the City, he can make the findings to approve this request.

Vice Chairman O’Leary – Made a motion to approve Conditional Use Permit 09-1748 and adopt the Negative Declaration, omitting condition six, seconded by Commissioner Chen and carried out by Roll Call Vote.

ROLL CALL VOTE

Commissioner Chen	Aye
Commissioner Horton	Nay
Commissioner Valenzuela	Nay
Vice Chairman O’ Leary	Aye
Chairman Seibert	Aye

Chairman Seibert – Stated that the application was approved 3-2 and stated that there is a 15-day appeal/review period.

B. PUBLIC HEARING: A CONDITIONAL USE PERMIT TO ALLOW THE ESTABLISHMENT OF A FRANCHISE RESTAURANT (TEA STATION) AT 9578 LAS TUNAS DRIVE. THE BUSINESS SPECIALIZES IN TEA-FLAVORED DRINKS AND TEA-FLAVORED FOOD. THE FLOOR AREA FOR THE BUSINESS WILL BE 3,200 SQUARE FEET AND THE PROPOSED CAPACITY IS FOR 116 SEATS. THE PROPOSED BUSINESS HOURS WILL BE FROM 11:30 AM TO 12:00 AM SUNDAY THROUGH THURSDAY, AND FROM 11:30 AM TO 1:00 AM ON FRIDAY AND SATURDAY. THE SUBJECT SITE IS LOCATED IN THE CITY CENTER COMMERCIAL DISTRICT (CC) OF THE DOWNTOWN SPECIFIC PLAN.

SUBJECT SITE: 9578 LAS TUNAS DRIVE

CASE NUMBER: CONDITIONAL USE PERMIT 09-1749

PROPERTY OWNER: DOMENIC ZOCCOLI
9574 E. LAS TUNAS DRIVE
TEMPLE CITY, CA 91780

APPLICANT: JIMMY HUANG
158 W. VALLEY BLVD.
SAN GABRIEL, CA 91776

RECOMMENDATION:

- 1) HEAR STAFF REPORT
- 2) HEAR THOSE FOR AND AGAINST
- 3) CONSIDER ADOPTION OF A NEGATIVE DECLARATION
- 4) ADOPT RESOLUTION FOR APPROVAL

Chairman Seibert – Asked for a Staff Report.

Community Development Manager Lambert – Gave the Staff Report dated January 12, 2010.

Associate Planner Liu – Gave a PowerPoint presentation.

Chairman Seibert – Asked if there were any questions from the Planning Commissioners for the Staff. The Planning Commissioners had questions at this time.

Commissioner Valenzuela - Asked Community Development Manager Lambert if he could recollect what the hours of operation were for the restaurant projects that were heard five months ago along Las Tunas Drive.

Community Development Manager – Stated that there were two restaurants on Las Tunas Drive that were approved by the Planning Commission to the east of this project. Stated that the hours of operation for one restaurant was conditioned to close at midnight, however, based on a request for review by the City Council, it was decided that it would be best for that restaurant to close at 11 p.m. and lock the rear entrance at 10 p.m., and the second restaurant is allowed to be open until midnight.

Commissioner Valenzuela – Asked Community Development Manager Lambert if there are any proposed improvements to the façade of the building.

Community Development Manager Lambert – Stated that the exterior of the building would be painted, however, the property owner has expressed interest in further improving the façade of the building through the City's Façade Improvement Program.

Commissioner Horton – Asked Traffic Engineer Lang if it would help mitigate vehicular traffic if bicycle racks were installed at the rear of the building.

Traffic Engineer Lang – Stated that it would be a good idea, however, bicycle racks would not have anything to do with parking. Stated that he has not observed such an amount of bicycle traffic that it would reduce the vehicular traffic, therefore, it should not be considered as mitigation for parking.

Commissioner Horton – Stated that other cities encourage bicycle racks so it would seem innovative if Temple City would as well.

Traffic Engineer Lang – Stated that other larger cities use bicycle lanes and bicycle racks to mitigate vehicular traffic, however, this City does not have bicycle lanes and at this time bicycle riders are required to share the road with vehicles.

Community Development Manager Lambert – Asked Traffic Engineer Lang if there would be a negative effect on the site if they conditioned bicycle racks to be installed at the rear of the building.

Traffic Engineer Lang – Stated that this business, nor any other business would be negatively affected if there were bicycle racks installed.

Commissioner Horton - Stated that he felt that whether a street had bicycle lanes or no bicycle lanes it would not make bicycle racks any more or less useful as one would not require the other. Stated that bicycles by traffic code rightly share the street with vehicles, and thought that this suggestion could be conditioned to other requests. Asked City Attorney Murphy when the In-Lieu parking fee would be applied to this request if it were approved and if it could be prorated.

City Attorney Murphy – Stated that the In-Lieu parking fee would not be applied to this request at all, as this fee is currently under review. Stated that it is his view that this fee should not be applied to this request or any request when this Ordinance is under review.

Community Development Manager Lambert – Asked City Attorney Murphy if this item could be reviewed at a later date when the In-Lieu parking fee is active, could Staff bring this item back to the Planning Commission to condition the In-Lieu parking fee to this business.

City Attorney Murphy – Stated that if it is the intent of the Planning Commission to review a use to potentially apply new conditions then the In-Lieu parking fee could be revisited at a later date, however, if the Planning Commission at a later date wishes to apply something that was already adopted, then the In-Lieu parking fee could not be conditioned to this request.

Commissioner Horton – Stated that he had read a conversation via e-mail between Deputy Osterman and Community Development Manager Lambert regarding a similar business use in the City. Stated that in the e-mail, concern was expressed by the Sheriff's Department regarding gangs loitering at the business and that the employees were uncooperative with law enforcement.

Community Development Manager Lambert - Stated that these concerns are specific to one establishment and not this franchise. Stated that approximately two years ago, the tea house that raised concerns for the Sheriff's Department had applied for a modification of their Conditional Use Permit to extend their hours of operation, however, the Planning Commission denied the request. Stated that Deputy Osterman does not have any concerns regarding this request, and in addition, condition eight indicates that there will be a security guard and surveillance cameras onsite.

Chairman Seibert – Asked if there were any additional questions from the Planning Commissioners for the Staff. The Planning Commissioners did not have questions at this time. Invited the applicant to speak.

Domenic Zoccoli, 9574 E. Las Tunas Dr., Temple City, CA 91780 – Stated that he is the property owner as well as the business owner of Gabriel's Menswear and that he would like to clarify that parking problems would not exist as he has four parking spaces designated for his particular business and he would not be open during Tea Station's peak hours.

Commissioner Chen – Asked the property owner for the amount of parking spaces in front of his business.

Domenic Zoccoli, 9574 E. Las Tunas Dr., Temple City, CA 91780 – Stated the parking spaces in front of his business are for public use, however, his business closes at 5 p.m. and stated that the Tea Station could use his parking spaces in the evening.

Wendy Pan 154 W. Valley Blvd., San Gabriel, CA 91776 – Stated that she would like to clarify the impact of traffic during peak hours. Stated that her business is not a full scale restaurant, that they do not serve alcohol, that customers are not likely to visit during lunch hours, however, they are likely to come in after a meal. Stated that not all tea houses are alike and that the Tea Station is expensive and they require minimum orders to avoid loitering by younger crowds. Stated that the Tea Station has over 13 locations and have had very little problems with uncooperative employees.

Commissioner Horton – Stated that he would like to thank the applicant for fleshing out her thoughts and addressing his concerns. Stated that he does not have an issue with younger crowds, he only has concerns regarding those who cause trouble.

Chairman Seibert - Asked if anyone from the public would like to speak in favor or against the proposed request. Four people came forth at this time.

Marlin Perry, 5837 Primrose Ave., Temple City CA 91780 – Stated that he does not have any objections to the proposed business use, however, is concerned that his tenants will not be able to park their vehicles near their residence due to a lack of parking for this type of business use. Stated that perhaps the City could impose a two hour parking limit on residential streets near the commercial corridor and issue special parking permits for tenants so they may park their vehicle for more than two hours at a time, or develop a parking structure to alleviate parking problems. Stated that he is not against this business but he is in business as well, and does not want to lose his tenants because patrons of restaurants are taking his tenants parking spaces.

Commissioner Horton – Asked Traffic Engineer Lang if there would be enough parking spaces for this business in light of the statements made by Mr. Perry.

Traffic Engineer Lang – Stated that there would be a parking shortage during peak hours, however, a workable solution would be to impose two hour parking along Las Tunas Drive. Stated that the parking regulations would have to be strictly enforced for this to work.

Community Development Manager Lambert – Stated that the City has added two parking attendants, therefore, Las Tunas Drive is enforced now more than ever. Stated that Mr. Perry could work with Staff by making a personal request to limit the street parking, however, he is unsure that special parking permits could be given to his tenants.

Commissioner Horton – Stated that the City plainly has a parking problem, and as vacancies are filled along Las Tunas Drive this problem will be exasperated. Stated that he has read a Memorandum dated November 13, stating that the 3,200 square foot restaurant will have a peak parking demand of 32 parking spaces which is 13 spaces more than the current permitted use, and that the current parking lot currently has 77 parking spaces with a peak parking demand of 69 parking spaces, or in essence is 90 percent occupied. Stated that with this restaurant, the required parking will exceed available parking by 16 spaces, which is more than two times the amount of permitted parking spaces and is indeed a concern.

Community Development Manager Lambert – Stated that the applicant had initially requested 116 seats but the City has lowered the amount to 100 seats. Stated that the amount of seating could be further reduced and a solution for street parking could mitigate the situation, however, he would like to make the Planning Commission aware that a Zone Variance for parking is not required as site is located within the City Center District.

Mary Burke – Stated that this business is going to be on the corner of Las Tunas Drive and Temple City Boulevard and that it is a small area to accommodate up to 100 customers. Stated that this business is open too late in order to serve only tea. Stated that Temple City is considered a sleepy town. Stated that in the cities of San Gabriel or Alhambra there are similar tea houses that the Sheriff had to visit often. Stated that the tea houses eventually were forced to close down and though this business use would generate sales tax revenue it is not worth the increase of crime. Stated that she is not in favor of this use and that the City needs to have another town hall meeting.

Mary Kokayko - Stated that this site is not appropriate for a tea house, as customers would not go around the block to park, that the type of tea that is served at tea houses have intoxicants, attract a negative crowd, and that the applicant is proposing hours of operation that are too late. Stated that the other tea house in the City is in a shopping center, attracts gangs, and is problematic. Stated that there are too many restaurants along Las Tunas Drive that are in proximity of each other.

Shirley Huefner, 5833 Camellia Ave., Temple City, CA 91780 – Expressed concern regarding parking, as there have been many times that she would try to visit C-Cup at approximately 3 p .m. and she is unable to find a place to park. Stated that the tea house is proposing excessive business hours.

Chairman Seibert - Asked if anyone from the public would like to speak in favor or against the proposed request. No one came forth at this time. Asked the applicant if she would like to address the concerns of the public.

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Wendy Pan, 154 W. Valley Blvd., San Gabriel, CA 91776 – Stated that she can only request that her employees carpool and that she cannot create more parking spaces. Stated that the business is busier on Fridays and Saturdays and would like to accommodate her customers by remaining open until 1 a.m. Stated that her clientele are family oriented, or they are college students and would like to think that they are more sophisticated than the type of customers other tea houses target. Stated that customers primarily arrive after meal hours or after a movie and that this location will generate more foot traffic and should complement other local businesses.

Commissioner Horton – Stated that he can appreciate that the applicant has indicated that this is a quality establishment and noticed that she had commented that she was not able to create more parking spaces, however, would ask her employees to carpool to work. Asked the applicant if she had considered a traffic management program, if local residents are hired they can receive a bus pass subsidy, and if she would be open to install a bicycle rack at the rear of the business.

Wendy Pan, 154 W. Valley Blvd., San Gabriel, CA 91776 – Stated that many of her employees reside locally and walk to and from work due to the hours of operation. Stated that she would be happy to install a bicycle rack at the business site.

Commissioner Chen – Stated that he would like to thank the applicant for considering Temple City to establish her business. Stated that he is familiar with the Tea Station, and would like to know if other Cities have imposed security conditions or if this is done on their own will.

Wendy Pan, 154 W. Valley Blvd., San Gabriel, CA 91776 – Stated that the security measures are the franchise's idea to assist other surrounding businesses.

Chairman Seibert - Asked if anyone else from the public would like to speak in favor or against the proposed request. No one came forth at this time.

Commissioner Horton – Made a motion to close the public hearing, seconded by Commissioner Chen and unanimously carried.

Commissioner Valenzuela - Stated that last week he frequented another Tea Station and found that it was a high end experience, however, he felt that the amount of seating should be lowered. Stated that that he was previously concerned because this request would not have a In-Lieu parking fee, however, it is noted that Staff can review this application at a later date and could discuss the In-Lieu parking fee at that time. Stated that he could make the findings to vote in favor of this request.

Commissioner Horton - Stated that he could make the findings to approve this request if it is conditioned that bicycle racks be added to the rear of the business site, and an additional condition to review this item in six months to determine if additional conditions of approval are needed.

Commissioner Chen – Stated that he could also make the findings to vote in favor of this request.

Vice Chairman O'Leary – Stated that being a Planning Commissioner is a benefit because he listens to the people who have concerns. Stated that he would like Mr. Perry's concerns to be addressed. Stated that historically businesses along Las Tunas Drive closed at 5 p.m., however, many businesses are now open during the evening. Stated that he would prefer the restaurants to spread out, however, he has no control over that. Stated that he could make the findings to vote in favor of this request.

Chairman Seibert – Stated that 1 a.m. is too late for a tea house to be open. Stated that despite the fact that this is a non-alcoholic establishment, such late hours of operation could invite trouble, therefore, he would like to see that the hours of operation are reduced to 11 p.m. Stated that he is not happy with this application, as parking will be problematic.

Commissioner Chen – Stated that the Planning Commission approved other establishments within the same proximity to be open late, and feels that the requested hours of operation should be upheld.

Vice Chairman O'Leary – Stated that he concurs with Chairman Seibert regarding the hours of operation and that this business should not be open any later than midnight.

Commissioner Valenzuela – Stated that perhaps this business could be conditioned to remain open until midnight on Fridays and Saturdays, as another restaurant closes at the same time during the weekends.

Commissioner Chen – Stated that while Alcohol Beverage Control does regulate drinking establishments, the enforcement is left upon local law agencies. Stated that this standard that is being applied to new business owners are unfair and that too much regulation is imposed on businesses.

Commissioner Chen – Made a motion to approve Conditional Use Permit 09-1749 as amended with the Conditions added by Commissioner Horton, with Condition 17 omitted, and Negative Declaration. As there was not a second to this motion, this nomination did not pass.

Commissioner Valenzuela – Made a motion to approve Conditional Use Permit 09-1749 with the added conditions of approval, eliminating Condition 17, and adopting the Negative Declaration, seconded by Vice Chairman O'Leary and unanimously carried.

Chairman Seibert – Stated that the application was approved 5-0 and stated that there is a 15-day appeal/review period.

8. COMMUNICATIONS: NONE

9. MATTERS FROM CITY OFFICIALS: NONE

10. ADJOURNMENT:

Chairman Seibert – Adjourned the meeting at 9:21 p.m. to the next Planning Commission meeting of January 26, 2010 at 7:30 p.m.

Chairman

Secretary