

**CITY OF SOUTH EL MONTE
PLANNING COMMISSION OFFICIAL MINUTES
TUESDAY, JANUARY 21, 2020
CITY HALL COUNCIL CHAMBERS
1415 SANTA ANITA AVE
SOUTH EL MONTE, CALIFORNIA 91733**

1. CALL TO ORDER

Secretary calls meeting to order at 6:03 P.M.

2. ROLL CALL

COMMISSIONERS PRESENT: Chairperson Rudy Bojorquez, Vice-Chairperson Larry Rodriguez, Benjamin Garrett, Jeff Ortiz and Leo Barrera.

Also Present: (Assistant City Attorney) Christy Lopez of Aleshire & Wynder, LLP, (Public Works Director) Rene Salas, (Planning Commission Secretary) Angie Hernandez

3. FLAG SALUTE

Commissioner, Leo Barrera led the flag salute.

4. APPROVAL OF AGENDA

A motion was made by Commissioner Rodriguez and seconded by Commissioner Barrera and carried (5-0) to approve the agenda as-is.

Vote: Approval of Agenda
Ayes: Bojorquez, Barrera, Ortiz, Rodriguez, Garrett
Nays: None
Absent: None
Abstain: None
Action: Approved

5. PUBLIC COMMENT

Mayor, Gloria Olmos, made a public notice announcement. She warned the commissioners, to advise friends and family to be careful of fraudulent scammers going through the city soliciting signatures for a petition to get cannabis dispensaries on the November ballot.

6. CONSENT CALENDAR

6.a. Minutes of December 17, 2019

A motion was made by Commissioner Garrett and seconded by Commissioner Ortiz and carried (5-0) to approve Consent Calendar (Minutes of December 17, 2019)

Vote: Approving Consent Calendar – Minutes of December 17, 2019
Ayes: Bojorquez, Ortiz, Garrett, Barrera and Rodriguez
Nays: None
Absent: None
Abstain: None

Action: Approved

7. PUBLIC HEARINGS

7.a. Consideration of Resolution No. 19-27 requesting that Planning Commission ask the City Council to consider a Zone Text Amendment (No. 19-27), to Chapter 17.22 “Overlay Zone Districts”, to set minimum residential development standards in order to comply with the requirements as set forth by the California Housing and Community Development Department (“HCD”).

This item was continued from the December 17, 2019 Planning Commission meeting to the January 21, 2020 meeting. Due to clarification on pending information, This item will be continued to the February 18, 2020 Planning Commission Meeting.

RECOMMENDED ACTION: Staff recommends that the Planning Commission adopt Resolution No. 19-27, recommending that the City Council adopt Zone Text Amendment (No. 19-27) to make certain adjustments to the South El Monte Municipal Code (“SEMMC”) Chapter 17.22 “Overlay Zone Districts” to set minimum residential development standards.

The Public Works Director read the title of item #7.a.

Item was OPENED for public hearing.

With no further questions or comments, Chairperson Bojorquez requested a motion to CONTINUE the item.

A motion was made by Commissioner Barrera and seconded by Commissioner Rodriguez and carried (5-0) to **CONTINUE** Resolution 19-27 requesting that Planning Commission ask the City Council to consider a Zone Text Amendment (No. 19-27), to Chapter 17.22 “Overlay Zone Districts”, to set minimum residential development standards in order to comply with the requirements as set forth by the California Housing and Community Development Department (“HCD”) to the February 18, 2020 Planning Commission meeting.

Vote: Continuing item #7.a. Resolution No. 19-27
Ayes: Bojorquez, Ortiz, Garrett, Rodriguez and Barrera
Nays: None
Absent: None
Abstain: None
Action: CONTINUE ITEM TO FEBRUARY 18, 2020

7.b. Consideration of Resolution No. 20-01 requesting that Planning Commission ask the City Council to consider a Zone Text Amendment (No. 20-01), to approve a draft ordinance to amend the South El Monte Municipal Code (SEMMC) Section 17.04.975 “Accessory Dwelling Units”

(ADU) Ordinance, to comply with the recently updated State Legislative requirements as set forth by the California Housing and Community Development Department (“HCD”).

This item will be continued to the February 18, 2020 Planning Commission Meeting due to clarification of state legislative requirements.

RECOMMENDED ACTION: Staff recommends that the Planning Commission open the Public Hearing and continue the hearing to the February 18, 2020 Planning Commission Meeting to provide City staff to obtain clarification of state legislative requirements.

The Public Works Director read the title of item #7.b.

Item was OPENED for public hearing.

With no further questions or comments, Chairperson Bojorquez requested a motion to continue the item to the February 18, 2020 Planning Commission meeting.

A motion was made by Commissioner Garrett and seconded by Commissioner Barrera to **CONTINUE** Consideration of Resolution No. 20-01 Consideration of Resolution No. 20-01 requesting that Planning Commission ask the City Council to consider a Zone Text Amendment (No. 20-01), to approve a draft ordinance to amend the South El Monte Municipal Code (SEMMC) Section 17.04.975 “Accessory Dwelling Units” (ADU) Ordinance, to comply with the recently updated State Legislative requirements as set forth by the California Housing and Community Development Department (“HCD”) and carried a vote of (5-0).

Vote: Continuing Item #7.b. Resolution No.20-01
Ayes: Bojorquez, Ortiz, Rodriguez, Barrera and Garrett
Nays: None
Absent: None
Abstain: None
Action: CONTINUE ITEM TO FEBRUARY 18, 2020

7.c. Consideration of Resolution No. 19-20 approving a Conditional Use Permit (CUP) (No. 19-20) to allow for a Type 21 Off-Sale General license to allow the off-sale off beer, wine, and distilled spirits at 1954 Central Avenue known as the Ai Hoa Central Market.

The property located at 1954 Central Avenue South El Monte, CA 91733 (“Property”) is currently developed with a 11,752 square foot commercial building that contains a restaurant, supermarket, and a hair stylist located at the southeast corner of Rush Street and Central Avenue in the City of South El Monte (“City”). A supermarket had operated at the location for many years and eventually closed down in 2014. In October of 2019, Ai Hoa Central Market opened up as a family owned neighborhood supermarket and has been

continually operating since. The market's hours of operation will be Monday through Sunday from 9:00 a.m. to 6:00 p.m.

RECOMMENDED ACTION: Staff recommends that the Planning Commission adopt Resolution No. 19-20, approving Conditional Use Permit (No. 19-20) as conditioned.

Below are comments that were noted during the public hearing of this item:

1. Question by: Commissioner Rodriguez to staff, There was a restaurant here, is the restaurant asking for the beer& wine license? Response by: Public Works Director, no only the market is requesting the CUP.
2. Question by: Commissioner Barrera to staff, Is the recycling center still there? Response by: Public Works Director, It is no longer there. Correction by Mayor, Gloria Olmos, yes the recycling center is still there.
3. Question by: Commissioner Garrett to staff, Has the applicant completed their ABC training? Response by: Assistant City Attorney, the conditional use permit requires the applicant to complete all the required training by all staff as a condition in order to issue the conditional use permit. Once granted, the applicant has an allotted time to complete the training.
4. Question by: Commissioner Ortiz to staff, Will the applicant have a security guard on the premises? In the past, the location was known for loitering in the parking lot. Response by: Assistant City Planner, I don't see any conditions requiring a security guard, but there are conditions included that require lighting in the parking lot and security cameras that can clearly identify people.
5. The applicant's consultant, Kevin Hufford, came to the podium to answer the commission's question, The applicant does not have a security guard, but they do have 8 security cameras throughout. 2 on the outside, 2 at the point of sales, 2 by storage and 1 in general over the store.
6. Commissioner Garrett and Ortiz made comments regarding the past history this location dealing with loitering and the need for a guarded security guard would be the best scenario.
7. Question by: Commissioner Rodriguez, Can we require more signs? Response by: Kevin Hufford, The applicant is required by ABC to post No open containers beyond this point, No open containers period. There are signs posted all around as it is, but I'm certain they wouldn't mind posting more signs on the light posts.
8. Commissioner Barrera asked, Does the applicant understand all the conditions of approval? Response by: Kevin Hufford, Yes they understand all the conditions and they must also abide by the regulations placed by ABC, which are very strict in itself, if you feel you have forgotten to address a condition, most likely ABC also has a condition to cover your concern. Will they be selling hot meals ? Kevin Hufford responded; I do not know that.
9. Kevin Hufford made a statement to the commission stating that the owners are a family owned business and they live in the community and want to see their business thrive and will abide by the rules to accommodate the City's needs/ requests. They also do not want loitering or any trouble. Also, ABC does not allow single can sales for this specific reason, so they are required to abide by those rules as well. We are hoping the hours of operation will also limit the

activity, since they are only open from 9:00a – 6:00pm Monday through Sunday. They will not operate twenty-four hours like a seven eleven.

10. Councilmember Richard Angel made the following comments, The previous owner had conditions that limit his sales of alcohol until after 3:00pm, due to Shively students ending school before this time. I'd like to see a similar condition in place at this location. I'd like to see a condition to include property maintenance, this location is known to be sloppy, with trash all around. Also, the taco truck at this location is part of this building. There is also a restaurant here, is that restaurant going to open up? Before any approvals are granted, I'd like the commission to address these concerns.

11. Public comments were closed.

12. Commissioner Rodriguez asked Can we discuss the restaurant since the applicant is requesting the beer & wine license at the market.

13. Kevin Hufford stated the applicant is only asking for the beer & wine license and has nothing to do with the restaurant or a taco truck. If it is part of the building, it's not part of this request.

14. Commission Garrett stated that they are concerned with the status of the restaurant and the taco truck.

15. The Assistant City Attorney stated that in order to place conditions on the restaurant, the commission would have to amend that CUP to be able to modify the conditions of that CUP that impose conditions.

16. Commissioner Rodriguez, asked what conditions do the nearby locations have as restricted guidelines to sell alcohol. I'd like to see what those are before making a decision. Public Works Director, stated he would get those for review. Commissioner Rodriguez stated he would rather motion to CONTINUE this item until the requested information was provided.

17. Assistant City Attorney stated the commission was requesting the start and close time of alcohol sales of the nearby locations with off-sale beer and wine licenses. Chairperson Bojorquez included, please add the status of the restaurant and food truck.

18. Public hearing was re-opened.

19. Mayor, Gloria Olmos, commented on how the consultant could represent the applicant and not visit the site location. Kevin Hufford responded by saying he is the consultant regarding the beer & wine licensing only.

20. Commissioner Barrera stated that the applicant should be required to be here for the next meeting.

21. Commissioner Rodriguez stated he would like to include information regarding the restaurant's CUP as well at the next meeting.

With no further questions or comments, Chairperson Bojorquez left the floor OPEN to public comments.

A motion was made by Commissioner Rodriguez and seconded by Commissioner Barrera and carried (5-0) to **CONTINUE** item # 7.c - Consideration of Resolution No. 19-20 approving a Conditional Use Permit (CUP) (No. 19-20) to allow for a Type 21 Off-Sale General license to allow the off-sale off beer, wine, and distilled spirits at 1954 Central Avenue known as the Ai HOA Central Market to the February 18, 2020 Planning Commission Meeting.

Vote: **CONTINUING** Item #7c considering Resolution No.19-20

Ayes: Bojorquez, Barrera, Ortiz, Rodriguez and Garrett
Nays: None
Absent: None
Abstain: None
Action: CONTINUE ITEM TO FEBRUARY 18, 2020

7.d. Consideration of Resolution No. 19-15 approving a Conditional Use Permit (CUP) (No. 19-15) to allow for the construction of a 33,781 square foot warehouse and office at 926 Durfee Avenue and the Subdivision (SD) (No. 19-27) of five lots into one.

The property located at 926 Durfee Avenue (“Property”) is currently made up of five separate parcels measuring between 10,960 to 13,575 square feet at the southernmost boundary of the City of South El Monte (“City”). A 1,997 square foot building was originally standing on the Property until demolition towards the end of 2019. In years past, the building and Property were utilized as a real estate office, Christmas tree lot, truck driving school, and contractor yard with the Property remaining vacant for the past several years. The proposed warehouse and office will be utilized for the North American Headquarters of Easy Way Group and Meet Fresh which are currently headquartered in City of Industry. There are plans for a large expansion of Meet Fresh stores within California and the US, so this new headquarters will facilitate that planned expansion.

RECOMMENDED ACTION: Staff recommends that the Planning Commission adopt Resolution No. 19-15, approving Conditional Use Permit (No. 19-15), and Resolution No. 19-27, approving Subdivision (No. 19-27), as conditioned.

Below are comments that were noted during the public hearing of this item:

1. Michael Sun-JWDA stated that he accepts all the conditions the City has imposed per the Resolution. He and his staff are here to answer any questions. Their business currently does light manufacturing and the space being created will be used as office space.
2. Commissioner Garrett, asked What type of deliveries will be done at the location? Semi-Trucks ? Johnson Chien- Applicant Representative answered and stated they will be receiving one oversea shipping container per week, approximately 52 shipping containers per year. The shipping container is the average 40-foot standard oversea shipping container.
3. Richard Lucas, CEG Construction, stated all the loading/unloading will be held at the rear of the property. The street view will be a very nicely constructed building. A loading docks will at the rear of the building.
4. Commissioner Barrera asked, Will the loading docks be standard height? Richard Lucas, answered Yes, the docks are installed with seals and all the shipping containers will be sealed at the dock.
5. Michael Sun stated one oversea container arrives a week and smaller delivery vans ship out daily.
6. Commissioner Barrera asked, What are the hours of those deliveries? Michael Sun answered all deliveries are done between business hours of 9:00am-5:00pm.

7. Jin Chu, Applicant Representative, our trucks deliver two-three times a week. They come and pick up between 9am-10am, go out to deliver about 11:00-11:30am.
8. Chairperson Bojorquez, asked How many trucks deliver on average per week? Jin Chu, answered approximately about 2-3 times a week.
9. Richard Lucas stated this business is a small operation. Mostly they will be using the building as office space.
10. Commissioner Rodriguez, asked if Diesel Trucks are driving on and parking of these trucks are done at any point in the front of the building? Richard Lucas answered, Yes Diesel Trucks are driving on the property, but no activity is conducted at the front of the property. All activity occurs at the rear of the property.
11. Commissioner Bojorquez stated, to clarify: one 40-foot shipping container is delivered once a week, with smaller delivery trucks or vans shipping out 2-3 times a week ? Michael Sun answered, Yes that is correct, deliveries are not every day. Smaller delivery trucks are sent out 2-3 times a week. Also for the record: Please note the following correction: Color palette #1 that states cement plaster will not be used, only paint will be used.
12. Maria Barenstini, from the Whittier Narrows Nature Center, made the following question, Given the proximity to the nature center what precautions were made on the environmental impact this project will have? Assistant City Attorney answered, based on the staff report City staff has determined there is no environmental impact. What about emissions and pollutants? Assistant City attorney replied, based on the requirements that determine significant impact on the environment, City staff has determined this project does not create an impact on the environment, stating this project is considered an infill development consisting of less than five acres and falls within city limits.
13. Commissioner Ortiz made the following statement, This concern is why we are here asking the applicant these questions. We want to assure the public all our concerns are addressed as well.
14. Aubrey & Cynthia Lox, residents on Durfee Avenue, asked the size of the delivery trucks, and if they would be disrupting the nature center and nearby residents on this block? What are the hours of operations? What environmental impact and pollutants will impact the wildlife nearby? Richard Lucas responded by saying no parking will be available at the front. The owner will be including extensive landscaping at the rear of the property line to address the concerns by the nature center and residents. In addition, the owner has recessed the distance of the building excessively from the property line in attempts to avoid disrupting the nature center and the nearby residents. The docks operate a clean seal with high standard upgrades. Our concern are the rats and mice with this type of facility on out block. Richard Lucas answered the with comment with, the operation ships frozen foods and use freezers. As required by the Los Angeles Health Department the owner will be meeting and exceeding health department requirements to avoid any rodent problem.
15. Commissioner Garrett asked if the applicant will be storing food? Richard Lucas responded by stating, it is warehouse distribution. No food processing, merely a food storage facility.
16. Councilmember Richard Angel commented that the traffic near the High School is congested as it is, so his concern would be the schedule of the delivery trucks in order to avoid the school traffic and the safety of the children.

He stated as it is the traffic after 2pm is very hectic and would suggest the applicant does not deliver or drop off during peak traffic hours of 2pm -7pm.

17. Residents Aubrey & Cynthia Lox agreed with Mr Angel's comment and stated that the traffic of non-residents and trucks backing into our driveway is ridiculous, and we want to avoid traffic near our home.

18. City Attorney made the following comments for the records: There is a condition that no deliveries shall occur one hour before and after peak traffic hours. Also, the circulation of any vehicles or delivery trucks is prohibited to those vehicles that back into the driveway without a flagger.

19. Mayor Gloria Olmos made the following comments, due to the school districts start and end times for students at the High School, I do agree with Mr. Angel that there should be some careful consideration of the times these delivery trucks operate and how this will affect the traffic during peak times. Also, what type of Point of Sale operation will be handled here. She wanted to know where the tax revenue portion will be coming from, if this operation is operating here? She stated the improving the site is better than its' existing use that is underutilized, but the ultimate goal of the commission and staff is to focus on bringing in tax revenue producing businesses into the City. She stated she'd like to see a storefront at some point in the future.

20. Richard Lucas came up to respond to the concerns addressed by the Mayor. He stated the following. The operation hours were addressed in the conditions of approval. The applicant is restricted to certain hours as stated. Also, due to the dissolvment of redevelopment funds which would require city dollars to improve blight and underutilization, this project is solely funded by private dollars at no expense to the City and with a brand new building being constructed that will be worth a lot of money, the city will be collecting on property taxes compared to what is currently at this location. The project is within the city requirements, meeting all the zoning requirements, so requesting more commercial in this area will create more of an issue for traffic and congestion that seems to be the topic of concern. This is a warehouse with minimal traffic.

21. Public Work Director, asked the applicant if there would be any point of sale at this location? Michael Sun responded by saying the operation is owned by the applicant. The applicant does business with franchisee to provide products. Once products are exchanged, the potential for tax revenue exists. Public Works Director asked if the location will have an actual register at the location that will create tangible tax revenue? Michael Sun stated there is no retail operation will occur at the location. Commissioner Rodriguez asked if this is a wholesale operation? Commissioner Bojorquez responded by stating, the applicant has stated they will be distributing the product or delivering so there is no retail operation here.

22. Richard Lucas stated the city would collect property taxes, with the new building being built, property taxes would be collected. Commissioner Ortiz asked if the state collects the revenue or if comes directly to the city? Public Works Director made the following comment, after state and county collect their fees a very small percentage is allocated to the city.

23. Commissioner Rodriguez asked if the city would be willing to install dot boxes in order to avoid the traffic jams in this area. Public Works Director suggested to use other less expensive options as camel sticks to create one-way traffic. Another suggestion by Assistant City Attorney was to include

specific language that prohibits certain traffic and directs traffic to eliminate peak hour traffic jams.

24. The Assistant City Attorney requested direction from the commission regarding the additional conditions provided by the County of Los Angeles Department of Parks and Recreation received by a letter that was provided as an additional attachment. The Assistant City Attorney made a few suggestions in order to correct condition #74. The commission and applicant agreed.

City Attorney made the following amendments to the conditions of approval:

Adding to Condition #72 : The applicant shall coordinate any road disruptions and closures with Whittier Narrow Nature Center and South El Monte High School during project construction to minimize impacts to local traffic.

Adding Condition # 73 : The applicant shall stagger worker arrival and departure times to minimize impacts of additional traffic in the project area to avoid as best practicable local traffic peak rush hours.

Adding Condition # 74 : The applicant shall ensure truck traffic, entering or exiting the property will not cause traffic or circulation problems on Durfee Avenue, particularly during the morning and evening peak hours of traffic. Lane closures shall be minimized during peak traffic hours.

Adding Condition # 75 : All vehicular traffic shall enter and or exit the property by making a right on Durfee Avenue.

Adding Condition #76 : All equipment shall be subject to noise reduction measures, as applicable. These measures may include, but are not limited to, properly operating and maintaining mufflers, correct placement of equipment engine covers, and ensuring that small loading equipment is equipped with rubber tires. Equipment shall be maintained in accordance with manufacturer's recommendations. All machinery shall be equipped with the best available exhaust mufflers and "Hush Kits", as applicable.

With no further questions or comments, Chairperson Bojorquez closed public comments.

A motion was made by Commissioner Ortiz and seconded by Commissioner Garrett and carried (5-0) to **APPROVE** as amended by Assistant City Attorney, item # 7.d - Consideration of Resolution No. 19-15 approving a Conditional Use Permit (CUP) (No. 19-15) to allow for the construction of a 33,781 square foot warehouse and office at 926 Durfee Avenue and the Subdivision (SD) (No. 19-27) of five lots into one.

Vote: **APPROVING** Item #7d Resolution No.19-15
Ayes: Bojorquez, Barrera, Ortiz, Rodriguez and Garrett
Nays: None
Absent: None
Abstain: None
Action: Approved

8. COMMISSIONERS' AGENDA

Nothing to report.

9. STAFF ITEMS

Planner's Report – No items to report.

Secretary's Report – No items to report.

Director's Report – No items to report.

10. ADJOURNMENT

A motion to adjourn the meeting was made by Commissioner Rodriguez and seconded by Commissioner Barrera and carried (5-0) to adjourn meeting at 7:18 p.m. and reconvene next month on February 18, 2020 at 6:00pm

Vote: Adjourn meeting to February 18, 2020

Ayes: Bojorquez, Barrera, Ortiz, Rodriguez and Garrett

Nays: None

Absent: None

Abstain: None

Action: Approved to adjourn meeting