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ASSISTANT CITY ATTORNEY

**CITY OF SOUTH EL MONTE
REGULAR MEETING OF THE SOUTH EL MONTE PLANNING COMMISSION**

AGENDA

May 16, 2023, 6:00 PM
1415 Santa Anita Avenue, South El Monte, CA 91733

PUBLIC COMMENT

To participate during public comment via teleconference, see below:

Link: <https://us02web.zoom.us/j/82199217612>

Webinar ID: 821 9921 7612

Or Call In: 1 669 444 9171, when prompted, enter 821 9921 7612#

AMERICANS WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call the City Clerk's office at (626) 652-3180 or (626) 652-3121 at least 72 hours prior to the meeting.

GENERAL COMMENT

Members of the public wishing to submit a general comment or a comment on an agenda item, can email ahernandez@soelmonte.org or call (626) 652-3175 to leave a voicemail message. All comments received an hour before the scheduled meeting will be read during public comment and made part of the record.

MEETINGS

The Planning Commission holds regular meetings on the Third Tuesday of every month. Regular meetings start at 6 p.m. in the Council Chambers at City Hall, 1415 Santa Anita Avenue, South El Monte, California.

POSTING LOCATIONS OF AGENDA AND/OR CANCELLATION NOTICES

Regular meeting agendas will be posted at least 72 hours before the meeting (GC 54954(a)(1)).

Agenda and Cancellation Notices can be viewed online and are also posted at the following three (3) locations: City Hall located at 1415 Santa Anita Avenue, Senior Center located at 1556 Central Avenue and the Community Center located at 1530 Central Avenue, South El Monte, California.

VIEWING OF AGENDA PACKETS

Full agenda packet can be viewed either at <https://www.cityofsouthelmonte.org/373/Agendas-Minutes> or in the Community Development's Office at City Hall during normal business hours Monday through Thursday 7:00 a.m. to 5:30 p.m. Closed on Fridays and major holidays.

ISSUES RELATED TO AGENDA

For issues related to the agenda, including a disability-related accommodation necessary to participate in this meeting, please contact:

Angie Hernandez, Community Development Executive Assistant
Ph (626) 652-3175

AGENDA BEGINS ON THE FOLLOWING PAGE

1. ROLL CALL

Commissioners: Barrera, Ortiz, Rodriguez, Sanchez and Tang

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

This is the time for the commission to remove any items from the agenda, continue, add items, to make a motion to rearrange the order of this agenda, or accept Agenda “as-is”.

4. PUBLIC COMMENT

Any person wishing to address the Planning Commission on any items not on the agenda, or any other matter, is invited to do so at this time. Pursuant to the Brown Act, the Commission cannot discuss or take action on items not on the agenda. Matters brought before the Commission that are not on the agenda may be, at the Commissions’ discretion, be referred to staff or placed on the next agenda.

5. CONSENT CALENDAR

Items on the consent calendar are considered to be routine and customary and are enacted by a single motion with the exception of items previously removed by a member of the Planning Commission during "Approval of the Agenda" for individual consideration. Any items removed shall be individually considered immediately after taking action on the Consent Calendar.

5.a. Minutes for March 21, 2023

RECOMMENDATION: Staff recommends that the Planning Commission approve the above reference minutes.

6. NON-PUBLIC HEARING

6.a. Review of the Conditions of Approval for Conditional Use Permit (CUP No. 21-11) for an existing restaurant known as Mariscos San Isidro located at 2327 Rosemead Blvd, South El Monte CA 91733.

RECOMMENDATION: Staff recommends that the Planning Commission review the staff report and evaluate whether the business is operating in compliance with the CUP and/or provide direction to staff to have the CUP agendized for Planning Commission review at a future meeting.

7. DIRECTOR UPDATE

8. COMMISSIONER COMMENTS

9. ADJOURNMENT

June 20, 2023 at 6:00 p.m.

PLANNING COMMISSION - MINUTES

Tuesday, March 21, 2023, 6:00 P.M.

- 1. ROLL CALL** – Chair Rodriguez called the meeting to order at 6:00 p.m.
PRESENT: Commissioner(s): Vice Chair Barrera, Commissioner Ortiz, and Commissioner Tang. Commissioner Diaz has vacated his seat as of January 1, 2023. One seat is vacant.

STAFF PRESENT: Christy Lopez, Assistant City Attorney (Via Zoom), Rene Salas, City Manager; and Angie Hernandez, Planning Commission Secretary.

CITY COUNCIL PRESENT: Richard Angel, City Councilmember and Rudy Bojorquez, City Councilmember

Zoom was provided for the Public to participate during public comment via teleconference.

- 2. PLEDGE OF ALLEGIANCE** – Commissioner Barrera led the Pledge of Allegiance.

- 3. APPROVAL OF AGENDA**

A motion was made by Commissioner Barrera, seconded by Commissioner Ortiz, to approve the agenda. Motion carried 4-0, by the following vote:

AYES: Commissioner(s): Barrera, Rodriguez, Ortiz and Tang

NAYS: Commissioner(s): None

ABSENT: Commissioner(s): (Vacant- seat)

- 4. PUBLIC COMMENT** - Chair Rodriguez opened public comment, Councilmember Rudy Bojorquez wanted to congratulate the Planning Commissioners for getting appointed another term. After no other speakers, he closed public comment.

- 5. CONSENT CALENDAR – MINUTES FOR JANUARY 17, 2023**

A motion was made by Commissioner Ortiz, seconded by Commissioner Tang, to approve the agenda. Motion carried 4-0, by the following vote:

AYES: Commissioner(s): Barrera, Rodriguez, Ortiz and Tang

NAYS: Commissioner(s): None

ABSENT: Commissioner(s): (Vacant- seat)

- 6. GENERAL BUSINESS/PUBLIC HEARING**

6.a. Consideration of Time Extension Request for Conditional Use Permit (CUP) No. 19-15 to allow for the construction of a 33,781 square foot warehouse, office, and subdivision (no. 19-27) of five lots into one, located at 926 Durfee Avenue.

RECOMMENDATION: Staff recommends that the Planning Commission adopt Resolution No. 23-02, approving the Time Extension (MODSTD 23-02) for Conditional Use Permit No. 19-15 to allow the construction of a 33,3781 square foot warehouse and office at 926 Durfee Avenue and the subdivision (No. 19-27) of five lots into one. For the record, the staff report named Precise Focus LLC/Hsin-Chin Fu as the Property Owner, when in fact the correct Property Owner is Slauson Industrial Investors, LLC.

Public Notice was posted 03/09/2023

The City Manager gave an overview of the extension request submitted. He explained the reason provided by the applicant, stating there was a delay in approving the grading plans. In addition, there was a change in ownership.

Chair Rodriguez opened public comment.

1. Property Owners' representative, Richard Lucas was present to address the Planning Commission's concerns and questions. Mr. Richard Lucas explained that the previous owner did no record the parcel map. The parcel map is required as part of the conditions of approval, prior to Fire department approval, which is needed prior to being able to pull permits.
2. Councilmember Richard Angel, wanted to know if the height was being changed in any way, Mr. Lucas responded saying No, all conditions, design concepts shall remain the same as when the project was initially submitted.
3. Commissioners asked the following: 1) Is one year enough time for you to pull permits? Yes, it is responded Mr. Lucas. 2) How will you ensure the conditions of approval will be met by the tenants once this building is constructed? These conditions will be written as part of the lease agreement stated Mr. Lucas.
4. Residents at 958 Durfee Ave, had concerns about the new tenants that would occupy the space at this location. Mr. Lucas gave them his card and said he would be glad to discuss the details and concerns off the record.

There being no further comments, Chair Rodriguez closed public comment.

A motion was made by Commissioner Barrera, seconded by Commissioner Tang to approve the application for consideration of resolution No. 23-01 for a Time Extension Request (MODSTD 23-01) for Conditional Use Permit (CUP) (No. 20-

06) to allow for the constructions of a 65,084 square foot warehouse, office and retail building at 2512 Rosemead Blvd, South El Monte CA 91733. Motion carried 4-0, by the following vote:

AYES: Commissioner(s): Barrera, Rodriguez, Ortiz and Tang

NAYS: Commissioner(s): None.

ABSENT: Commissioner(s): (Vacant- seat)

7. **DIRECTOR UPDATE** – City Manager had no comments.

8. **COMMISSIONERS' COMMENTS**

- Commissioner Barrera – Public Service Announcement – Please conserve water, we understand the rain has provided must needed water, but let's continue to conserve water.
- Commissioner Tang – Thanked the City Council for granting him re-appointment to the Planning Commission.
- Commissioner Rodriguez – Requested to review previously approved CUPs.
- Commissioner Ortiz – Nothing to report.

9. **ADJOURNMENT**

A motion was made by Commissioner Ortiz, second by Commissioner Barrera to adjourn the meeting at 6:22 p.m. Motion carried 4-0 by the following vote:

AYES: Commissioner(s): Barrera, Rodriguez, Ortiz and Tang

NAYS: Commissioner(s): None

ABSENT: Commissioner(s): (Vacant- seat)



Planning Commission Agenda Report

Agenda
Item No.
6.a

DATE: May 16, 2023

TO: Honorable Chairman and Members of the Planning Commission

APPROVED:

PREPARED BY: Guillermo Arreola, Planning Manager

SUBJECT: Review of Conditions of Approval for Conditional Use Permit No. 21-11
Mariscos San Isidro – 2327 Rosemead Boulevard

BACKGROUND: At its March 15, 2022 meeting, the Planning Commission adopted Resolution No. 21-11 that allowed for establishment of a Type 47 On-Sale General - Eating Place, with live entertainment in the form of karaoke and mariachis, in conjunction with a bona fide eating place (“Project”). Conditional Use Permit (“CUP”) No. 21-11 detailed all conditions applicable to the restaurant, Mariscos San Isidro, located at 2327 Rosemead Boulevard (“Property”). Pursuant to the conditions of approval, the requirement for a six-month review was established to allow for Planning Commission to review how the business has operated after the establishment of such use and to evaluate whether the use negatively impacts surrounding uses or the City in general.

RECOMMENDATION: Staff recommends that the Planning Commission receive and file staff’s report on whether the business is operating in compliance with the CUP.

ANALYSIS: Staff has found that the Alcoholic Beverage Control license for Mariscos San Isidro has not been subject to any disciplinary action since establishment. Staff followed up with the following departments/agencies:

- South El Monte Code Enforcement Department
- Department of Alcoholic Beverage Control (ABC)
- Los Angeles County Sheriff’s Department

In following up with the Sheriff’s Department, staff discovered that there has been only one call for service from the location involving an incident between two individuals inside the restaurant since issuance of the CUP for a Type 47 license and live entertainment. Staff has not received any complaints in relation to the business. The City of South El Monte Code Enforcement and the Department of Alcoholic Beverage Control have also not received any complaints regarding the operation of the restaurant. Adopted Resolution No. 21-11 included a condition of approval that requires that construction of the restaurant expansion take place within two years of approval of this application. The expiration date to begin construction of the restaurant expansion is March 15, 2024. Construction plans are currently in the plan check process.

CONCLUSION: As long as the business continues to act in good faith and adheres to the conditions set forth in Resolution No. 21-11, then it should not negatively impact the surrounding uses in the area nor the City in general. If the Planning Commission review concludes that the business is operating in compliance with the conditions, the next step will be to receive and file the information. In the event the Planning Commission finds that the business is not operating in accordance with all conditions, then it can direct staff to schedule a public hearing before the Planning Commission for additional modification or revocation.

ATTACHMENT

1. Resolution No. 21-11

ATTACHMENT - 1

PLANNING COMMISSION

RESOLUTION NO. 21-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOUTH EL MONTE APPROVING CONDITIONAL USE PERMIT NO. 21-11, ALLOWING LIVE ENTERTAINMENT ALONG WITH THE ON-SALE GENERAL WITH A BONA FIDE EATING ESTABLISHMENT (TYPE 47 ABC LICENSE) IN A NEWLY EXPANDED SERVICE AREA IN CONJUNCTION WITH A SIT-DOWN RESTAURANT LOCATED AT 2327 ROSEMEAD BOULEVARD OPERATING AS MARISCOS SAN ISIDRO

WHEREAS, Eduardo Guzman (“Applicant”), filed an application for a Conditional Use Permit (“CUP”) to sell beer, wine, and distilled spirits as a secondary use to a restaurant and operate live entertainment in a proposed restaurant expansion (“Project” or “proposed Project”) located at 2327 Rosemead Boulevard, South El Monte, CA 91733 (“Property” or “project site”); and

WHEREAS, pursuant to South El Monte Municipal Code (“SEMMC”) Sections 17.16.040(A) and 17.53.020, the Project requires Planning Commission review and approval because the Project consists of request for on-sale beer, wine and spirits in conjunction with a restaurant and request for conducting live entertainment; and

WHEREAS, Applicant currently has CUP 93-432, per Planning Commission Resolution 93-856, dated April 19, 1993 allowing for the off-sale of beer and wine in conjunction with a restaurant; and

WHEREAS, said Resolution 93-856 is hereby rescinded and superseded in its entirety by this Resolution 21-11; and

WHEREAS, a public hearing was held before the Planning Commission on March 15, 2022, to consider the application. All evidence, both written and oral, presented during said public hearing was considered by the Planning Commission in making its determination.

THE PLANNING COMMISSION OF THE CITY OF SOUTH EL MONTE HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

SECTION 1: Pursuant to Section 15301 (Class 1) of the California Environmental Quality Act (CEQA), the proposed Project is categorically exempt from environmental review and a Notice of Exemption has been prepared. The proposed Project qualifies for a Class 1 Categorical Exemption for the Project is proposed to be operated within existing facilities. The criteria is the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.

The Planning Commission finds that the Project is exempt from the provisions of CEQA. The documents and other material, which constitute the record on which this decision is based, are located in the Department of Community Development and are in the custody of the Director of Community Development.

SECTION 2: A record of the public hearing indicates the following:

A. With regard to the application for a CUP, SEMMC Section 17.68.040 requires that the Planning Commission find that the proposed use shall not be detrimental to persons or properties in the immediate vicinity nor to the City in general. State law requires that the Project be compatible with surrounding uses.

B. The General Plan Land Use designation for the Property is "Commercial-Manufacturing." The Zoning Code designation is "C-M" (Commercial- Manufacturing).

C. The proposed Project promotes the City's goals and objectives stated in the General Plan. No goal or policy will be impaired.

D. The operation of the restaurant with the service of beer, wine, and distilled spirits with live entertainment should not become a nuisance to surrounding properties with no expansion of operating hours. Sheriff's Department has stated that the increase in operating hours could have a negative impact on the area by generating an increase in calls for service.

SECTION 3: Based on the record of the hearing, including all information presented at the hearing, including the Staff Report dated March 15, 2022, which is hereby incorporated into this Resolution 21-11 by reference, the Planning Commission hereby finds:

A. As conditioned, the Project meets the requirements of SEMMC Chapters 17.16 and 17.53 and will not be detrimental to the public health, safety or welfare, nor will it adversely affect property values or the present or future development of the surrounding areas. This is because the Project compatible with the surrounding uses and the Project is subject to conditions of approval which will help ensure that surrounding uses are not adversely impacted by any potential secondary impact that would affect property values or present and future developments.

B. Pursuant to SEMMC Section 17.68.040, the approval of the CUP will not be detrimental to persons or properties in the immediate vicinity nor to the City in general. This is so because the Project will be required to operate in a way that does not negatively impact the area through conditions imposed including restriction of operating hours for alcohol and live entertainment.

C. As conditioned, the Project represents a quality establishment that will be compatible with surrounding commercial and industrial uses, the surrounding area, and the goals of the City. The proposed Project will contribute to the general well-being of the City in that the Project benefits neighboring uses and will be an asset to the surrounding area, as well as to the rest of the City, by offering a use that is not common to the area additionally, generating more traffic to the area as well as increase in sales tax. As a result, approving this application will not adversely affect the General Plan or the Zoning Ordinance.

D. As conditioned, the proposed Project is consistent with the City's General Plan. The proposed Project is compatible with the objectives, policies, general land uses, economic development and programs specified in the General Plan which includes, but is not limited to, the following goals:

Land Use Element

Goal 1.0: *Maintain a balanced mix and distribution of land uses throughout South El Monte by allowing for the expansion of a family restaurant with general alcohol sales and live entertainment as secondary uses;*

Policy 1.4: *Maintain a balanced mix and distribution of land uses throughout South El Monte” and “create opportunities for two types of commercial development: (1) commercial uses that meet the retail and service needs of the local resident and employee populations, and (2) regional-serving retail commercial businesses that capture revenues from a broader population base. This will serve the area by providing a unique sit-down restaurant with live entertainment that will cater to residents as well as bring in the surrounding population; and*

Economic Development Element

Goal 1.0: *Continue to provide opportunities for a wide range of industries to operate in South El Monte by allowing the proposed use that is not common to the City.*

SECTION 4: Based on the aforementioned findings, the Planning Commission hereby approves CUP (No 21-11) to operate a restaurant with on-sale beer, wine, and distilled spirits, with live entertainment as secondary uses, subject to the following conditions:

General Conditions

1. The Applicant and the business entity allowed for hereunder shall indemnify, defend and hold harmless the City, its officers, agents, employees, and volunteers from any and all claims, lawsuits or actions arising from the granting of, or the exercise of, the rights permitted by this approval, and from any and all claims or losses occurring or resulting to any person, firm, corporation or property for damage, injury, or death arising out of, or connected in anyway, with the performance of the use permitted hereby. The Applicant's obligation to indemnify, defend, and hold harmless the City shall include, but not be limited to, paying all legal fees and costs incurred by legal counsel of the City's choice in representing the City in connection with any such claims, losses, lawsuits or actions, and any award of damages or attorney's fees in any such lawsuit or action.
2. The Applicant and the business entity allowed for hereunder shall execute an Affidavit of Acceptance of these conditions in the presence of a Notary Public and return the Affidavit to the Director of Community Development within ten calendar days of the date of the Planning Commission's approval.
3. The approval shall lapse and become void if the privilege authorized is not utilized or where some form of construction pursuant to issuance of a building permit has not commenced within two years from the date of this approval.
4. Applicant and its employees, agents and contractors shall comply with all Municipal Code provisions.

Planning Conditions

5. Sales, service and consumption of beer, wine, and distilled spirits shall be permitted only between the hours of 9:00 a.m. to 9:30 p.m. Monday-Thursday, and Friday through Sunday from 9:00 a.m. until 1:00 a.m. The hours of operation shall be from 9:00 a.m. to 10:00 p.m. Monday through Thursday and 9:00 a.m. to 1:30 a.m. Friday through Sunday.
6. The sale of beer, wine, and distilled spirits for consumption off the Property is strictly prohibited.
7. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The Applicant shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to any peace officer, Business License staff member, or Planning Division staff member on demand.
8. No pool or billiard tables may be maintained on the Property.
9. This Conditional Use Permit authorizes only live entertainment consisting of mariachi or karaoke inside of the enclosed restaurant. No dancing or similar activity in the restaurant is permitted unless a Modification to this Conditional Use Permit is approved.
10. Live entertainment and karaoke shall only be allowed three days a week on Friday through Sunday 6:00 p.m. to 1:00 a.m. with all entertainment be conducted within the fully enclosed restaurant.
11. The noise level for the karaoke shall not exceed at any time the level of noise permitted under SEMMC Section 8.20.020 to ensure that the entertainment does not become a nuisance to the City or adjacent properties.
12. A bonded security company must be employed and a total of four security guards be present during the hours that live music is being performed. On other nights when live entertainment will not take place, two security guards shall be utilized starting at 6:00 p.m.
13. Any graffiti painted or marked upon the Property or on any adjacent area under the control of the Applicant shall be removed or painted over within 24 hours of discovery or notice from the City.
14. The Property shall be maintained in a safe and clean condition and the Applicant shall ensure that no trash or litter originating from the site is deposited on neighboring properties or the public right-of-way. At the end of each business day, the Applicant shall pick up any and all litter including but not limited to large discarded items that may have collected in the Property's parking area and public right-of-way.
15. No beer, wine, or distilled spirits shall be consumed on any property adjacent to the licensed premises under control of the licensee.

16. The sale of beer, wine, and distilled spirits shall be an ancillary service to the primary restaurant use.
17. The Applicant shall not permit any loitering on any property adjacent to the Property under control of the licensee(s).
18. At no time shall there be a fee for entrance/admittance into the Property.
19. At all times when the Property is open for business the sale and service of beer, wine, and distilled spirits shall be made only in conjunction with the sale and service of food. No alcohol shall be sold to any guest/patron who does not also purchase food.
20. There shall be no coin operated games maintained on the Property at any time.
21. Food service, with an available menu, shall be available until closing time on each day of operation.
22. The windows of the Property shall not be tinted or covered in any way, which obstructs a clear view of the interior of the Property from the exterior.
23. The employees who sell or serve alcoholic beverages shall be required to complete a training program in alcoholic beverage compliance, crime prevention techniques, and handling of violence. For new employees of licensees such training known as Responsible Beverage Service (RBS) training offered by the State Department of Alcoholic Beverage Control must be completed within 30 days of the date of hire. Those already employed shall complete training within 30 days from the date the ABC license is issued.
24. The Applicant and all operators and agents including staff and security guards shall each take all necessary steps to assure the orderly conduct of employees, patrons, and visitors when they are present on the Property.
25. The Applicant shall maintain all required permits and licenses in good standing.
26. At no time shall there be a minimum drink requirement.
27. The sale of alcoholic beverages for consumption off the Property is prohibited. Signs shall be posted at all exits of the Property, which prohibit alcohol beverages from leaving the confines of the Property.
28. Patrons shall not be allowed to bring into the location any alcoholic beverage to be consumed within the establishment.
29. There shall be no pay telephones installed within the enclosed portion of the Property equipped to receive incoming calls. There shall be no new pay phones of any kind installed on the exterior of the Property.
30. The maximum occupancy of the Property shall be prominently posted and monitored at all times.

31. The front of the exterior of the Property, as well as all adjacent parking areas under control of the Applicant, shall be illuminated at all times while the Property is open for business. This shall be done in such a fashion that persons standing outdoors at night are identifiable by law enforcement personnel while balancing the lighting so as not to unreasonably illuminate the window area of nearby businesses.
32. All crimes occurring inside or outside of the location shall be reported to the Sherriff Department at the time of the occurrence.
33. At any time when the Applicant is absent from the Property, a responsible party shall be designated who can facilitate any Sherriff inquiries.
34. In January of each year, the Applicant shall provide a list of no less than three employees who are available 24 hours a day to the Sheriff's Department Records Bureau. The list of names will be used to facilitate a Sheriff's response to the location in the event of an emergency or other problem that requires entry into the location during non-business hours.
35. A copy of the approved resolution shall be kept on the premises at all times and presented to any Sheriff, or Business License, or Planning Staff person.
36. The Applicant understands that any violation of these conditions shall be grounds for the suspension, modification or revocation of the Conditional Use Permit.
37. There shall be no exterior restaurant speakers and no live entertainment outside the restaurant (including the parking lot) unless a Temporary Use Permit (TUP) is first obtained from the City.
38. The business shall return for review before the Planning Commission on or about September 2022 ~~March 2023~~.—The review shall include, but not be limited to, an evaluation of all operating characteristics following the implementation of these conditions. If additional impacts are identified during said review, the Operator shall be responsible for addressing such issues to the satisfaction of the Planning Commission, including the imposition of additional conditions. After said review, at the request of City Staff or the Planning Commission, the business shall return before the Planning Commission for review not more than one time per year.

Building Conditions

39. The second sheet of building plans is to list all conditions of approval and to include a copy of the Planning Commission Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
40. Fees shall be paid to the County of Los Angeles Sanitation District prior to issuance of the building permit.
41. Structural calculations prepared under the direction of an architect, civil engineer or structural engineer shall be provided.

42. A geotechnical and soils investigation report is required, the duties of the soils engineer of record, as indicated on the first sheet of the approved plans, shall include the following:
 - a) Observation of cleared areas and benches prepared to receive fill;
 - b) Observation of the removal of all unsuitable soils and other materials;
 - c) The approval of soils to be used as fill material;
 - d) Inspection of compaction and placement of fill;
 - e) The testing of compacted fills; and
 - f) The inspection of review of drainage devices.
43. The owner shall retain the soils engineer preparing the Preliminary Soils and/or Geotechnical Investigation accepted by the City for observation of all grading, site preparation, and compaction testing. Observation and testing shall not be performed by another soils and/or geotechnical engineer unless the subsequent soils and/or geotechnical engineer submits and has accepted by the Public Works Department, a new Preliminary Soils and/or Geotechnical Investigation.
44. A grading and drainage plan shall be approved by Engineering Division prior to issuance of the building permit. The grading and drainage plan shall indicate how all storm drainage including contributory drainage from adjacent lots is carried to the public way or drainage structure approved to receive storm water.
45. Prior submitting grading plans to Engineering Department, LID review shall be completed and approved.
46. Approval is required from the Los Angeles County Health Department for restaurants.
47. The building permit will not be issued until the property has been surveyed and the boundaries marked by a land surveyor licensed by the State of California.
48. Foundation inspection will not be made until setback on all sides of the addition has been surveyed and the location of the footings has been determined to be in accordance with the approved plans by a land surveyor licensed by the State of California. THIS NOTE IS TO BE PLACED ON THE FOUNDATION PLAN IN A PROMINENT LOCATION.
49. Separate Electrical, Plumbing and Mechanical plan check is required.
50. Plumbing fixtures shall be provided as required by the Chapter 4 of the California Plumbing Code. Additional fixtures may be required if not in compliance.
51. Project shall comply with the CalGreen Non-Residential mandatory requirements.
52. All State of California disability access regulations for accessibility shall be complied with.
53. When parking serves more than one accessible entrance, parking spaces complying with Section 11B-502 shall be dispersed and located on the shortest accessible route to the accessible entrances per Section 11B-208.3.1.

54. Angled parking spaces shall be arranged to comply with Section 11B-502.2 and 11B-502.3 where the access aisle shall extend full length of parking spaces they serve. Access aisle shall not overlap with the vehicular way.
55. Fire barrier per Section 707.3 constructed to separate A-2 occupancy from R-3 occupancy shall extend from the foundation to the underside of the highest point of existing roof sheathing of R-3 occupancy and be continuous through concealed space.
56. Fire barrier per Section 707.3 constructed to separate A-2 occupancy from R-3 occupancy shall not create inadvertent violations of building code requirements related to residential occupancy such as the natural lighting, ventilation, and emergency escape and rescue requirements.
57. An automatic sprinkler system shall be provided containing A-2 occupancies where the fire area has an occupant load of 100 or more per Section 903.2.1.2.
58. All fire sprinkler hangers must be designed, and their location approved by an engineer or an architect. Calculations must be provided indicating that the hangers are designed to carry the tributary weight of the water filled pipe plus a 250-pound point load. A plan indication this information must be stamped by the engineer or the architect and submitted for approval prior to issuance of the building permit.
59. Separate permit is required for Fire Sprinklers.

Engineering Conditions

60. The second sheet of building plans, grading plans and/or offsite improvement plans is to list all conditions of approval and to include a copy of the Planning Commission Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
61. A grading and drainage plan shall be approved prior to issuance of the building permit. The grading and drainage plan shall indicate how all storm drainage including contributory drainage from adjacent lots is carried to the public way or drainage structure approved to receive storm water.
62. A striping plans shall be approved prior to issuance of the building permit.
63. LID review shall be completed prior submitting grading plans for plan review. Grading plans shall be submitted including the proof of approval of LID or exemption of LID.
64. Replace existing curb ramp at the corner of Rosemead Blvd & Klingerman Ave with new curb ramp in accordance with SPPWC Standard Plan 111-5 and as directed by the City Engineer or his/her designee.
65. No portion of the driveway and/or parkway drain shall encroach to the frontage of the adjacent property.
66. Reconstruct the driveway approach in accordance with SPPWC Standard Plan 110-2, and as directed by the City Engineer or his/her designee on Rosemead Blvd.

67. Close existing driveway apron, and install necessary improvements (parkway, landscape, sidewalk, curb and gutter, any others as applicable) to match required adjacent sections, and as directed by the City Engineer or his/her designee for both Klingerman Ave & Rosemead Blvd.
68. Remove and replace broken and off grade sidewalk in accordance with SPPWC standard plan 113-2, and as directed by the City Engineer or his/her designee for both Klingerman Ave & Rosemead Blvd.
69. Protect and maintain existing street tree through the duration of the project. Existing street tree must be maintained in healthy condition through the duration of any planning and construction. Trees should be deemed healthy and in good condition upon the conclusion of any construction in order for the project to be accepted as completed by the Public Works Department.
70. Remove and replace broken and off grade curb and gutter in accordance with SPPWC Standard Plan 120-2, and as directed by the City Engineer or his/her designee for both Klingerman Ave & Rosemead Blvd.
71. Rehabilitate existing AC street pavement along the length of the property frontage to the centerline of the street as directed by the City Engineer or his/her designee: on Rosemead there are 2 lanes of concrete.
72. Underground all utility services to the property.
73. Project striping plans shall be reviewed and approved by the City Traffic Engineer, prior to the issuance of permits

SECTION 7: Any interested party may appeal this decision to the City Council pursuant to Section 17.74.050 of the South El Monte Municipal Code.

PASSED, APPROVED AND ADOPTED this 15th day of March 2022.



Chairman

ATTEST:



Secretary

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF SOUTH EL MONTE)

I, Angie Hernandez, Secretary to the Planning Commission of the City of South El Monte, do hereby certify that the foregoing Resolution, being Resolution No. 21-11 was duly passed and adopted by the Planning Commission of the City of South El Monte at a regular meeting of said Commission held on the 15th day of March 2022.

AYES: Commissioner(s): Barrera, Tang and Vice Chair Ortiz
NOES: None
ABSENT: Diaz
ABSTAIN: Chair Rodriguez



Secretary