

Jeff Ortiz, Chair
Kenneth Tang, Vice Chair
Leo Barrera, Commissioner
Larry Rodriguez, Commissioner
Robert Sanchez, Commissioner



Guillermo Arreola, Planning Manager
Angie Hernandez,
Commission Secretary
Christy Lopez,
Assistant City Attorney

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

AGENDA

June 20, 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.cityofsouthmonte.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/Commission Secretary
Ph (626) 652-3175

AGENDA BEGINS ON THE FOLLOWING PAGE

1. ROLL CALL

Commissioners: Barrera, Rodriguez, Sanchez, Vice Chair Tang and Chair Ortiz

2. PLEDGE OF ALLEGIANCE

Commissioner Rodriguez

3. PRESENTATIONS

4. 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”.

5. 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.

6. 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.

6.a. Minutes for May 16, 2023

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

7. PUBLIC HEARING

7.a. Adoption of Resolution No. 23-02 approving a Conditional Use Permit (CUP) (No. 23-02), to allow for the operation of a Batting Cage Facility (dba Marathon Batting Cages) at 2528 Strozier Avenue in the “M” (Manufacturing) Zone

RECOMMENDATION: Staff recommends that the Planning Commission adopt Resolution No. 23-02, approving Conditional Use Permit (No.23-02), as conditioned; and concur that the parking requirement shall be two spaces per batting cage plus one parking space per employee.

8. GENERAL BUSINESS

8.a. Review Conditions of Approval for Conditional Use Permit (CUP) (No. 22-05), Progress Brewing – 9624 El Poche Street

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

9. COMMISSIONERS REPORTS, INCLUDING AB 1234 REPORTS

AB 1234 requires that commission members must briefly report, orally or in writing, on meetings/events attended at City expense (for example, luncheons, city special events, conferences, etc.) at the Planning Commission meeting following the meeting/event.

10. CORRESPONDENCE

11. COMMISSIONERS' AGENDA

12. ADJOURNMENT

Tuesday, July 18, 2023, at 6:00 p.m.

I Angie Hernandez, hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted not less than 72 hours at the following locations: City of South El Monte City Hall, Senior Center and Community Center and made available at www.cityofsouthelmonte.org on this 15th day of June 2023.

Secretary

PLANNING COMMISSION - MINUTES

Tuesday, May 16, 2023, 6:00 P.M.

- 1. ROLL CALL** – Chair Rodriguez called the meeting to order at 6:03 p.m.
PRESENT: Commissioner(s): Vice Chair Ortiz, Commissioner Tang, and Commissioner Sanchez. Commissioner Barrera was absent.

STAFF PRESENT: Christy Lopez, Assistant City Attorney, Rene Salas, City Manager; Guillermo Arreola, Planning Manager; and Angie Hernandez, Planning Commission Secretary.

CITY COUNCIL PRESENT: Rudy Bojorquez, City Councilmember

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

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

- 3. APPROVAL OF AGENDA**

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): Rodriguez, Ortiz, Sanchez and Tang

NAYS: Commissioner(s): None

ABSENT: Commissioner(s): Barrera

- 4. PUBLIC COMMENT** - Chair Rodriguez opened public comment. Hearing no one, he closed public comment.

- 5. CONSENT CALENDAR – MINUTES FOR MARCH 21, 2023**

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

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

NAYS: Commissioner(s): None

ABSENT: Commissioner(s): Barrera

- 6. GENERAL BUSINESS/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 recommended 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.

The Planning Manager gave a presentation that included an overview of the conditions of approval. He provided an updated application status, stating the plans were currently in plan check status. In addition, provided an incident report, sheriff calls report and violations on file report – all of which none were of significant concern.

Chair Rodriguez opened public comment.

1. Property Owners' representative, Eduardo Guzman was present to address the Planning Commission's concerns and questions. Mr. Eduardo Guzman corrections are being submitted to the plan checker. The construction is a big project, it can possibly be done in 6 months to 1 year but it can all depend on the contractor and there is a possibility that the construction be completed in phases at this point.
2. Commissioners asked the following: 1) Is two years enough time for the applicant to pull permits? Yes, it is responded Planning Manager. 2) How will you ensure the conditions of approval will be met? These conditions are written in such a way that if the applicant cannot meet the conditions as written, then the conditions are unmet and this CUP is null and void. 3) Is this project affected by the Cal-Trans Rosemead project? No, this is a separate project stand alone from the Rosemead upgrades.

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

Planning Commission directed staff to return this item in one year for an update from today's date.

No motion or vote was required on this item.

7. DIRECTOR UPDATE – City Manager had no comments.

8. COMMISSIONERS' COMMENTS

- Commissioner Sanchez – introduced himself, gave a brief background of his experience. He stated he is looking forward to shaping the future of the city within his role as a planning commissioner for the city.

- Commissioner Tang – Welcomed Commissioner Sanchez to the planning commission and stated he is looking forward to change.
- Commissioner Ortiz – Welcomed Commissioner Sanchez, requested to revisit the Chicken Koop CUP. To include red curb markings, parking, traffic study, modification of conditions, bushes/visibility, signs, valet-loading zone.
City Manager responded: red curb is in place due to line of sight concerns. No valet service is allowed.
Planning Manager responded: New tenant will be submitting a modification of conditions of approval. Once the tenant submits their modifications then we can address the concerns the Commission may have. Staff will look into incorporating the safety conditions that were previously requested by the Commission. Staff will follow up with the traffic engineer.
- Commissioner Rodriguez – Welcomed Commissioner Sanchez, Thanked the City for their support in the Flags of Valor event; Invited everyone to attend the Memorial Day event on May 29, 2023.

9. **ADJOURNMENT**

A motion was made by Commissioner Sanchez, second by Commissioner Tang to adjourn the meeting at 6:38 p.m. Motion carried 4-0 by the following vote:

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

NAYS: Commissioner(s): None

ABSENT: Commissioner(s): Barrera



Planning Commission Agenda Report

**Agenda
Item No. 7.a**

DATE: June 20, 2023

TO: Honorable Chairman and Members of the Planning Commission

APPROVED BY: Guillermo Arreola, Planning Manager

PREPARED BY: James Funk, Planning Consultant

SUBJECT: Adoption of Resolution No. 23-02 approving a Conditional Use Permit (CUP) (No. 23-02), to allow for the operation of a Batting Cage Facility (dba Marathon Batting Cages) at 2528 Strozier Avenue in the “M” (Manufacturing) Zone.

PUBLIC NOTICE: Notice of Public Hearing was posted on June 8, 2023.

ENVIRONMENTAL DETERMINATION: Categorical Exemption, Section 15301 Class 1 – Existing Facilities, California Environmental Quality Act Guidelines.

PROJECT

LOCATION: Address: 2528 Strozier Avenue
Project Applicant: MAADE Corporation Marathon Batting Cages
Property Owner: Stephen Lee and Tracy Hsu Lee
Zone: “M” (Manufacturing) Zone
Lot Size: 9,876 square feet

SURROUNDING ZONING AND LAND USE:

	Zone	General Plan	Land Use
North	“M” (Manufacturing)	Industrial	Manufacturing
South	“M” (Manufacturing)	Industrial	Manufacturing
East	R-3 (Multi-Family Residential)	Medium Density Residential	Residential
West	“M” (Manufacturing)	Industrial	Manufacturing

BACKGROUND: The Applicant, MAADE Corporation Marathon Batting Cages (“Applicant”), submitted a conditional use permit request to allow the operation of a batting cage facility in an existing warehouse on property located at 2528 Strozier Avenue.

The subject site is developed with a vacant warehouse containing 5,031 square feet of floor area. The lot area is 9,876 square feet.

RECOMMENDATION: Staff recommends that the Planning Commission adopt Resolution No. 23-02, approving Conditional Use Permit (No.23-02), as conditioned; and concur that the parking requirement shall be two (2) spaces per batting cage plus one (1) parking space per employee.

ANALYSIS:

General Plan/Zoning Consistency

The property identified as 2528 Strozier Avenue is currently developed as a warehouse building in the “M” (Manufacturing) Zone. The site is designated as “Industrial” in the City’s General Plan.

Recreation facilities, including, but not limited to, soccer facilities, basketball courts, and water polo facilities in the “M” (Manufacturing) Zone are required to obtain a Conditional Use Permit. (SEMMC § 17.18.050) Batting cages are similar recreational activities to the uses identified in the City’s Zoning Code and thus subject to the requirement to obtain an approved Conditional Use Permit.

Further, the proposed use is consistent with the General Plan as follows:

Land Use Element

Goal 1.0: Maintain a balanced mix and distribution of land uses throughout South El Monte.

Policy 1.4: 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.

Goal 6.0: Provide for the revitalization of deteriorating land uses and properties.

Economic Development Element

Goal 3.0: Attract local-serving retail and service commercial businesses.

The proposed use will strengthen and broaden existing commercial serving activities and help diversify the economic base while providing sports recreation activities for the local population. The proposed Project will also promote balanced and dynamic economic growth for the area because this use will address the growing needs of its youth and baseball enthusiasts. Considering all of the above, the proposed Project is consistent with both the General Plan and the Zoning Code as conditioned in the proposed conditional use permit.

Conditional Use Permit (CUP)

The proposed batting cage facility is subject to the requirements for approval of a CUP.

To grant a CUP, the Planning Commission must make the following finding pursuant South El Monte Municipal Code (SEMMC) Section 17.68.040:

- “The commission shall find that the proposed use shall not be detrimental to persons or properties in the immediate vicinity nor to the city in general. If it fails to make this finding, the request shall be denied.”

The parcels surrounding the subject property to the north, west, and south are developed with nonresidential uses. The properties on the east side of Edwards Avenue (across the street) are developed with multi-family residential dwellings. The subject property has direct access to both Strozier and Edwards Avenues. Staff believes the approval of the CUP will not be detrimental to persons or properties in the immediate vicinity nor to the City in general because of the conditions of approval referenced in the resolution.

Proposed Project/Use

The proposed use consists of installation and operation of two (2) batting cages. The owner and a part-time employee in the future, will be on-site during business operations.

The facility has two (2) existing bathrooms. The facility will be served by eight (8) parking spaces. Access to the interior of the facility will be from both the east and west sides of the building. The plans call for the addition of an ADA parking space, upgrade of the landscape areas to satisfy the current requirements of the City’s Zoning Code, and installation of six (6) security cameras with night vision inside and outside of the building.

The occupancy of the building will require restriping the parking lots servicing the building.

Floor Plan

The proposed batting cage facility has a lobby and office located at the west end of the warehouse. Two (2) bathrooms are adjacent to the office. There is a door accessing the office from the west exterior wall and a door accessing the east interior of the building. There are roll-up doors at the east and west end of the building. Both roll-up doors will remain open during hours of operation of the facility. The roll-up door on the Edwards Avenue side of the building will be installed with a plastic curtain to muffle the noise emanating from the use of the batting cages. There is a five (5)-foot-wide pathway leading from the west side of the building, paralleling and abutting the southern wall (between the batting cage structure/netting), to the east roll-up door.

Parking

The parking requirements for uses not specifically listed in the City’s Zoning Code are determined by the Community Development Director, based upon the requirements for comparable uses and upon characteristics of the use. The Planning Division researched and found the following requirements for batting cage facilities in nearby cities:

City	Covina	Downey	El Monte	El Segundo	El Monte	Long Beach
Parking Standards	2 spaces for each cage + plus one for each employee	3 spaces for each cage	2 spaces for each cage	2 spaces for each cage	2 spaces per cage	1 space for each cage

The Planning Division recommends establishing the batting cage parking requirement to be two (2) parking spaces for each cage, plus one (1) for each employee. Based on this standard, the following requirement applies to the proposed Project:

- Required: Six (6) parking spaces (two (2) space per cage and one (1) for each employee)
- Provided: Eight (8) parking spaces (including one ADA van vehicle space)

The parking lot accessible from Strozier Avenue will have four (4) parking spaces and the parking lot accessible from Edwards Avenue will have four (4) parking spaces.

Sheriff Department Comments

The proposed Project is located within the service area of the Sheriff Department's Temple Station. The Station's Facilities Planning Bureau reviewed the plan and, recommends that the general principles of Crime Prevention through Environmental Design (CPTED) be incorporated in the design plans. The goal of CPTED is to reduce opportunities for criminal activities by employing physical design features that discourage anti-social behavior, while encouraging the legitimate use of the site. Staff has incorporated the Sheriff Department's comments as conditions of approval in the attached resolution.

County of Los Angeles Fire Department Comments

The Fire Department's Land Development Unit recommended clearance of this Project to proceed to public hearing with the following condition of approval:

- Review and approval by the County of Los Angeles Fire Department, Fire Prevention Engineering Section Building Plan Check Unit may be required for this Project prior to building permit issuance. During the building permit phase, please contact the Fire Prevention Engineering Section at 323-890-4125 for additional information/requirements and consult the Electronic Permitting and Inspections for the County of Los Angeles (EPIC-LA) site for additional/required submittals.

Staff has incorporated this requirement as a condition of approval in the attached resolution.

Proximity to Sensitive Areas

The proposed use and operations of the two (2) batting cages is not anticipated to negatively impact abutting properties or the neighborhood. The use is located in the M Zone; however, the properties on the east side of Edwards Avenue are developed with multi-family residential uses. As mentioned previously, the eastside roll-up door will remain open during operations of the batting cages. In order to reduce the noise associated with the batting cages, the Applicant will be installing a plastic curtain to muffle noises emanating from the batting cages. Further, the Project will be required to comply with Chapter 8.20 Noise Regulations of the SEMMC.

Further, the Project does not have the potential to create significant amounts of solid waste or litter, create dust, ash, smoke, fumes or odors in its vicinity, create substantial change in existing noise or vibrations levels in the vicinity, or involve the disposal of potentially hazardous material.

ENVIRONMENTAL REVIEW: Pursuant to Section 15301 (Class 1) of the California Environmental Quality Act, the proposed Project (the operation of a batting cage business) is categorically exempt from environmental review and a Notice of Exemption has been prepared. The proposed Project satisfies the criteria for a Class 1 categorical exemption for 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.

CONCLUSION: Staff has reviewed the Applicant's request and has determined that the proposed Project meets all of the development standards as set forth in SEMMC. Approval of the CUP, as conditioned, will not be detrimental to persons or properties in the immediate vicinity nor to the City in general. Staff recommends the Planning Commission adopt Resolution No. 23-02 to approve CUP No. 23-02 for the proposed batting cage facility.

ATTACHMENTS:

- A – Draft Resolution No. 23-02
- B – Location Maps and Site Aerials
- C – Project Plans

ATTACHMENT A

PLANNING COMMISSION

RESOLUTION NO. 23-02

A RESOLUTION OF THE SOUTH EL MONTE PLANNING COMMISSION APPROVING AN APPLICATION FOR CONDITIONAL USE PERMIT (NO. 23-02) TO ALLOW THE OPERATION OF A BATTING CAGE FACILITY WITHIN AN EXISTING WAREHOUSE LOCATED AT 2528 STROZIER AVENUE IN THE "M" (MANUFACTURING) ZONE.

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

SECTION 1: On March 22, 2023, MAADE Corporation Marathon Batting Cages (dba Marathon Batting Cages), ("Applicant"), filed an application for a Conditional Use Permit (CUP) to allow for the operation of a Batting Cage Facility ("Project" or "proposed Project") in an existing warehouse located at 2528 Strozier Avenue, South El Monte, CA 91733 ("Property" or "project site").

Pursuant to South El Monte Municipal Code ("SEMMC") Sections 17.18.050, the Project requires Planning Commission review and approval because the Project consists of operation of a recreation facility in the "M" (Manufacturing) Zone.

SECTION 2: Pursuant to Section 15301 (Class 1) of the California Environmental Quality Act, the proposed Project is categorically exempt from environmental review and a Notice of Exemption has been prepared. The proposed Project satisfies the criteria for a Class 1 categorical exemption for 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 3: A public hearing was held before the Planning Commission on June 20, 2023, to consider the application. All evidence, both written and oral, presented during the public hearing was considered by the Planning Commission in making their determination.

SECTION 4: Based on the record of the public hearing, including all information presented at the hearing, including the Staff Report dated June 20, 2023, which are hereby incorporated into Resolution No. 23-02 by reference, the Planning Commission hereby finds:

1. The proposal for a batting cage establishment as conditioned should not become a nuisance to surrounding properties.

2. Pursuant to SEMMC Section 17.68.040, the approval of the CUP is not anticipated to negatively impact abutting properties or the neighborhood. That is because the use is located in the “M” (Manufacturing) Zone. The properties immediately abutting the site are industrial uses. The properties on the east side of Edwards Avenue are developed with multi-family residential uses. The eastside roll-up door will remain open during operations of the batting cages. In order to reduce the noise associated with the batting cages, a plastic curtain will be installed to muffle noises emanating from the batting cages. The Project will be required to comply with Chapter 8.20 Noise Regulations of the SEMMC.
3. As conditioned, the Project meets the requirements of SEMMC Sections 17.18.050, 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 is compatible with the surrounding uses and conditioned herein to mitigate any potential impacts to said uses.
4. The site abuts two (2) streets both adequate in width and improvements to carry traffic generated by the proposed use. The subject site is a “through” lot located and taking access from both Strozier and Edwards Avenues, local streets capable of handling the vehicle trips per day that may be generated by the Project. The subject site is located between Fern Street and Klingerman Street, which are more than adequate in size to accommodate the vehicle trips generated by the proposed use.
5. As conditioned, the proposed Project is consistent with the City’s General Plan. No goal or policy will be impaired. 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 Goal 1.0: Maintain a balanced mix and distribution of land uses throughout South El Monte.
 - Land Use Policy 1.4: Create opportunities for two (2) 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.
 - Land Use Goal 6.0: Provide for the revitalization of deteriorating land uses and properties.
 - Economic Development Goal 3.0: Attract local-serving retail and service commercial businesses.

General Conditions

1. The Applicant 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 save 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 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 one (1) year from the date of this approval.
4. The Project shall be subject to an appeal period of ten (10) calendar days. A written appeal of a decision of the Planning Commission for City Council review may be filed by the Applicant, any person, or members of the City Council as provided by section 17.74.050 of the SEMMC.

Community Development Department/Planning Conditions

5. The approval of Conditional Use Permit (CUP) (No. 23-02) permits the operation of a batting cage facility at 2528 Strozier Avenue.
6. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning regulations, or any Federal, State, County, and City laws and regulations. Unless otherwise expressly specified, all other requirements of the City of South El Monte Municipal Code shall apply.
7. The Community Development Director or their designee is authorized to make minor modifications to the approved preliminary plans or any of the conditions if such modifications shall achieve substantially the same results as would strict compliance with said plans and conditions.
8. The Planning Commission reserves the right to revoke or modify this approval if the proposed use becomes a public nuisance, finds the permit was obtained by fraud, the approved use is not being exercised, the approved use is operated in violation of the terms and conditions contained herein or any applicable law or regulation including but not limited to the SEMMC.
9. The permitted hours of operation of the business are Monday through Friday from 3:00 p.m. to 10:00 p.m., Saturday from 9 a.m. to 8 p.m., and Sunday from 9 a.m. to 6 p.m.
10. The Applicant must allow the Community Development Department to inspect the property and facility to ensure compliance of all conditions of approval.
11. Remove litter daily from the premises, adjacent sidewalks and parking lots under licensee's control and sweep/clean these areas weekly.
12. Remove graffiti from premises and parking lot within 48 hours (2 days) of application or within 24 hours of notice from the City consistent with Section 8.36.145 of the SEMMC.
13. Any signage not already approved by the City, shall require City approved permits.

14. All exterior doors shall remain unlocked during business hours from the interior side.
15. A plastic noise reduction curtain shall be installed at the roll-up door facing Edwards Avenue on the east side of the building to reduce noise emanating from the operation of the batting cages. The City reserves the right to require additional noise mitigation measures if noise exceeds the amount allowed for pursuant to Chapter 8.20 of the SEMMC.
16. The business shall comply with the City of South El Monte's noise ordinance, but in any case, no greater than 70 dBA as measured at the property line. Upon receiving complaints regarding noise levels, the Director of Community Development or their designee may order the preparation of a noise study. The City will hire a consultant to prepare a noise study, and said noise study shall be paid by the permittee. All mitigation measures identified in the noise study shall be implemented by the permittee and become part of this Conditional Use Permit and shall have the force of conditions of approval.
17. A copy of this resolution shall be prominently posted on the premises at all times. The permittee shall make available said copies upon request by any Sheriff's Department Deputy or City official charged with the enforcement of federal, state and City laws, ordinances or regulations.

Building

18. All construction shall comply with all rules, laws, codes and regulations including the most recent adopted City and State building codes: California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Fire Code, California Green Code, ADA Code and other code duly adopted by the City.
19. The Project shall provide structural calculations for any structural alterations to the building and the vertical and lateral designs of the batting cages and its supports.
20. Public and private site improvements shall be designed in accordance with the Americans with Disabilities Act and Chapter 11 of the California Building Code. The Project shall provide ADA accessible path of travel from the public right-of-way to the entrance of the building. The design professional shall ensure that the site accessibility plan is in compliance with the latest Federal and State regulations.
21. The Project shall provide the number of restrooms in compliance with the California Plumbing Code, Table 422.1.

Fire

22. Prior to issuance of a building permit, construction plans shall be subject to the approval of the County of Los Angeles Fire Department, Fire Prevention Engineering Section Building Plan Check Unit. During the Building Permit Phase, the Fire Prevention Engineering Section may be contacted at 323-890-4125 for additional information/requirements and consult the Electronic Permitting and Inspections for the County of Los Angeles (EPIC-LA) site for additional/required submittals.

Sheriff (based on comments from Sheriff’s Department)

- 23. The height of hedge-type plants or other landscaping near and around the security gates will be limited such that they shall be maintained to allow for visibility from the street.
- 24. Security Cameras and Building Lights: Prior to the issuance of a building permit, Applicant shall submit a plan for Sheriff’s Department review for the installation of security cameras and building lights with motion sensors for the exterior of the massage establishment. In addition, the plan shall identify locations of exterior building security cameras in areas where they can adequately identify vehicle license plates upon entry and exit into the parking lot. Lighting shall be adequate to enhance visibility. The plan shall have installation of low-level site security lighting throughout the site as approved by the Sherriff’s Department. The equipment shall be installed and functioning prior to the issuance of a certificate of occupancy.

Parking

- 25. The applicant shall provide one (1) ADA parking space.
- 26. The applicant shall upgrade of the landscape areas to satisfy the current requirements of the City’s zoning code.
- 27. Restriping the parking lots servicing the building.

Security

- 28. Installation of six (6) security cameras with night vision inside and outside of the building

SECTION 5: Any interested party may appeal this decision to the City Council pursuant to Section 17.74.050 of the South El Monte Municipal Code.

ADOPTED this 20th day of June, 2023.

Chairman

ATTEST:

Secretary

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

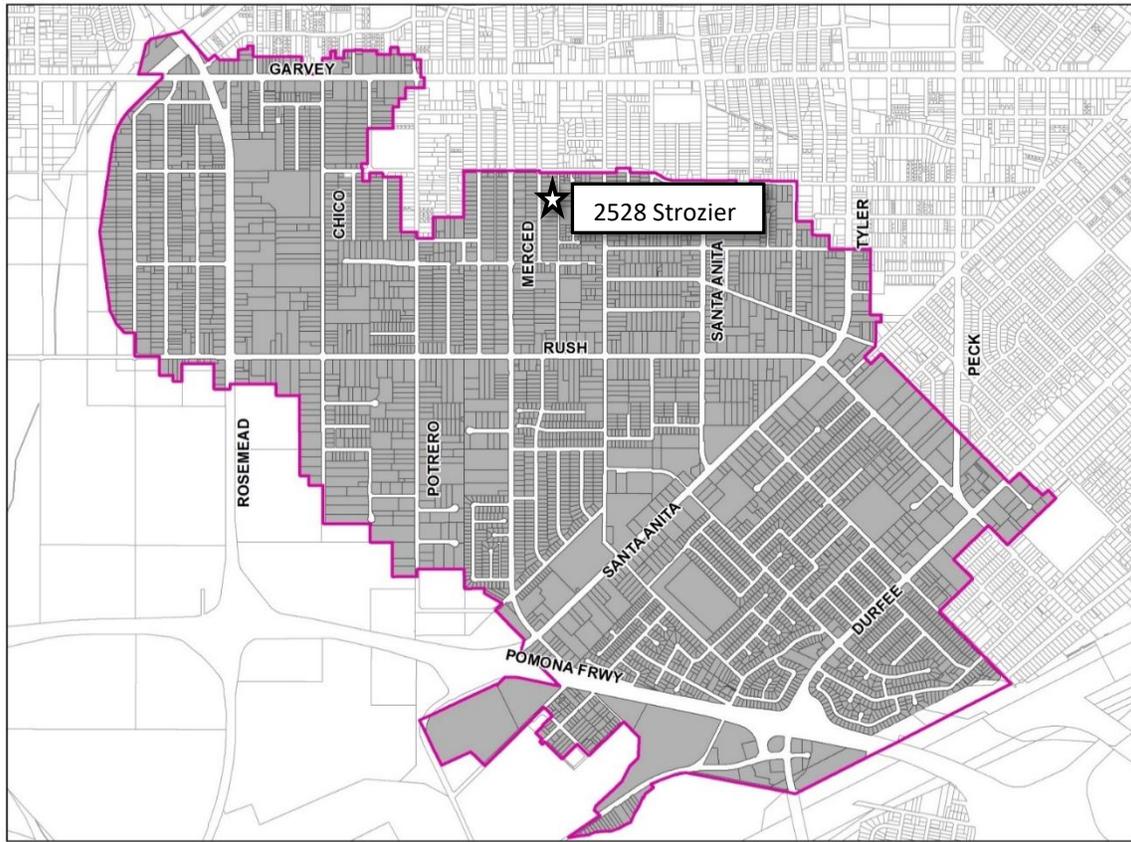
I, Angie Hernandez, Secretary to the Planning Commission of the City of South El Monte, do hereby certify that the foregoing Resolution, being Resolution No. 23-02 was duly passed and adopted by the Planning Commission of the City of South El Monte at a regular meeting of said Commission held on the 20th day of June 2023.

AYES:

NOES:
ABSENT:
ABSTAIN:

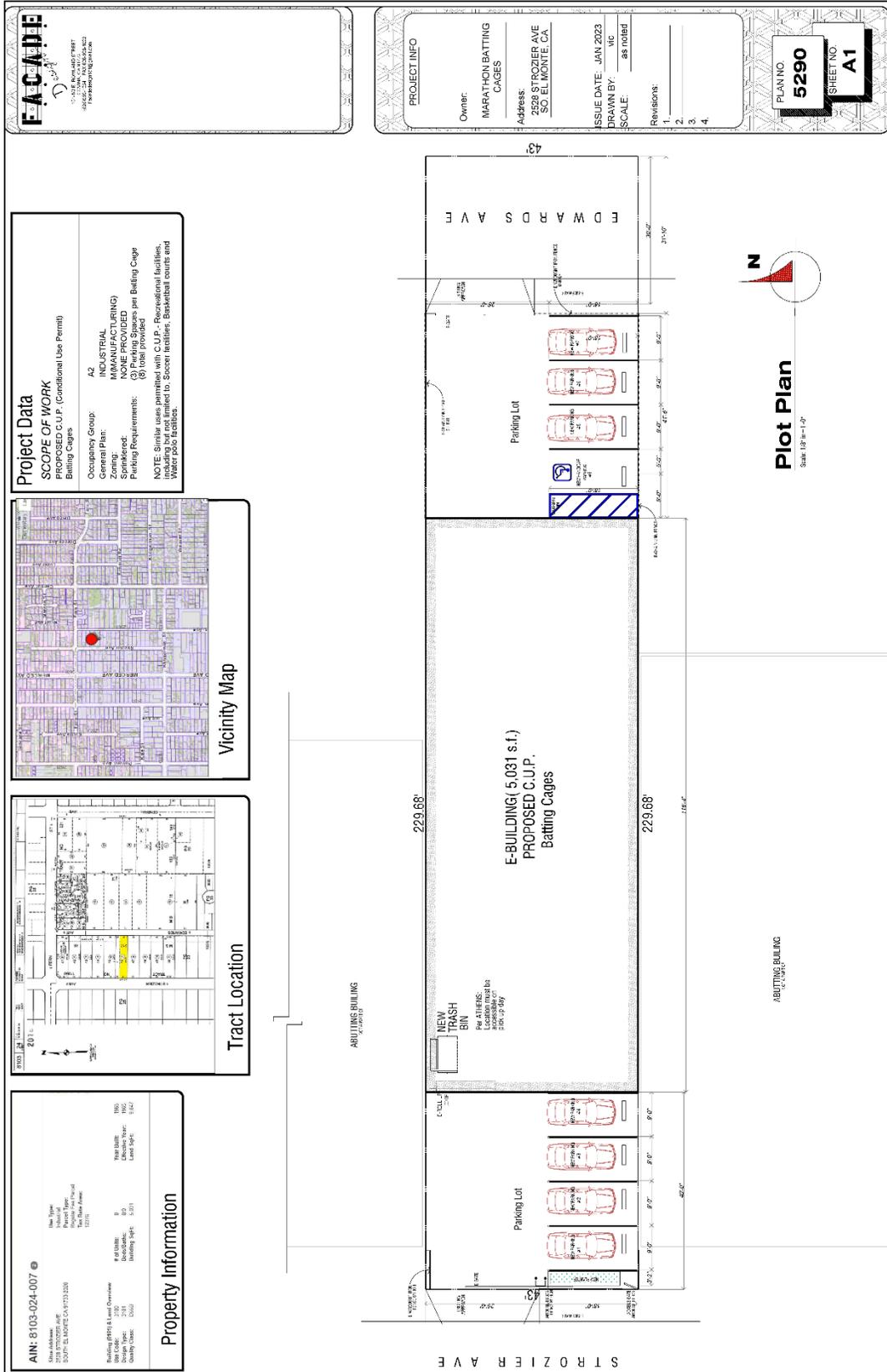
Secretary

Attachment B



Zoning	
	R-1 (Single Family Residential)
	R-3 (Multi Family Residential)
	C-R (Commercial-Residential)
	C (Commercial)
	C-M (Commercial-Manufacturing)
	M (Manufacturing)
	P-F (Public Facilities)
	City Boundary

Attachment C



FACADE
 10 1/2 W. BAYVIEW STREET
 SAN ANTONIO, TX 78204
 TEL: 214.241.1111

PROJECT INFO

Owner:
 MARATHON BATTING
 CAGES

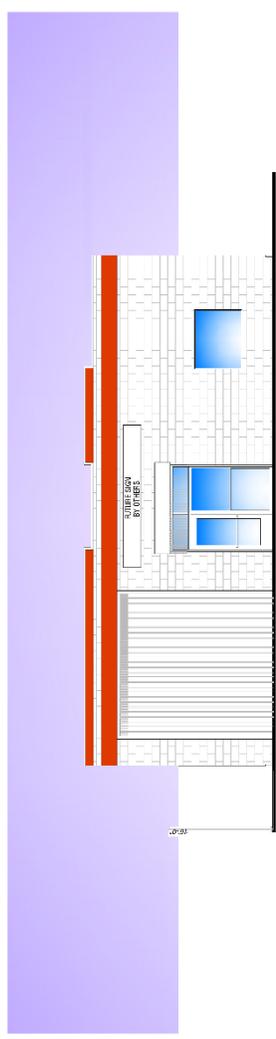
Address:
 2528 STROZIER AVE
 SO. EL MONTE, CA

ISSUE DATE: JAN 2023
 DRAWN BY: vic
 SCALE: as noted

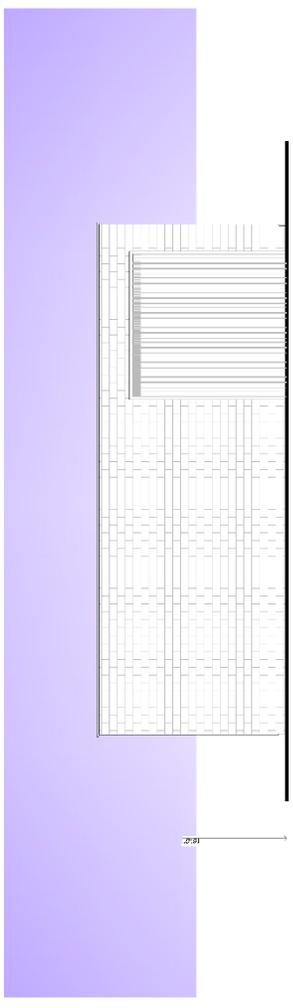
Revisions:
 1. _____
 2. _____
 3. _____
 4. _____

PLAN NO.
5290

SHEET NO.
A3.0



Existing West Elevation
 Scale: 1/8" = 1'-0"



Existing East Elevation
 Scale: 1/8" = 1'-0"



Planning Commission Agenda Report

Agenda
Item No.
8.a

DATE: June 20, 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. 22-05
Progress Brewing – 9624 El Poche Street

BACKGROUND: At its June 21, 2022 meeting, the Planning Commission adopted Resolution No. 22-05 that approved Conditional Use Permit (CUP) No. 22-05 to allow for the relocation of an existing brewery operation that includes a beer tasting room, outdoor seating area, on-site food trucks, art vendors, vintage video arcade games, and live entertainment. Pursuant to the conditions of approval, the requirement for a one-year 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.

ANALYSIS: Staff has found that the business has been operating in compliance with its CUP and that there have been no complaints submitted to the City or law enforcement regarding the operation of the business establishment. Staff followed up with the following agencies/departments:

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

In following up with the Sheriff's Department, staff learned that there have been no calls for service related to the business operation. In addition, ABC has not received any complaints and they have not been subject to any disciplinary action. Neither Planning Staff nor the City of South El Monte Code Enforcement have received complaints regarding the operation of the restaurant.

Condition No. 7 required that the applicant submit for staff review and approval, the necessary documentation consisting of a parking plan, parking lease agreement, and site plan that satisfies the Code requirements pertaining to "remote parking". Since the approval of the conditional use permit, there has been a slight change to the available parking. Staff is actively working with applicant with respect to compliance, but parking has not been an issue as staff has not received any parking complaints.

CONCLUSION: As long as the business continues to act in good faith and adheres to the conditions set forth in Resolution No. 22-05, then it should not negatively impact the surrounding uses in the area nor the City in general. If the Planning Commission agrees with staff's conclusion 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. 22-05

PLANNING COMMISSION

RESOLUTION NO. 22-05

A RESOLUTION OF THE SOUTH EL MONTE PLANNING COMMISSION APPROVING AN APPLICATION FOR CONDITIONAL USE PERMIT (NO. 22-05) TO ALLOW FOR THE RELOCATION OF AN EXISTING BREWERY OPERATION (PROGRESS BREWING) THAT INCLUDES A BEER TASTING ROOM, OUTDOOR SEATING AREA, ON-SITE FOOD TRUCKS, ART VENDORS, VINTAGE VIDEO ARCADE GAMES, AND LIVE ENTERTAINMENT AT 9624 EL POCHE STREET.

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

WHEREAS, San Gabriel Brewing, LLC (“Applicant”), filed an application for a Conditional Use Permit (CUP) to allow for the relocation of an existing brewery operation (Progress Brewing) that includes a beer tasting room, outdoor seating area, on-site food trucks, art vendors, vintage video arcade games, and live entertainment (“Project” or “proposed Project”) located at 9624 El Poche Street, South El Monte, CA 91733 (“Property” or “project site”).

WHEREAS, Pursuant to South El Monte Municipal Code (SEMMC) Sections 17.18.050, 17.51.020, and 5.04.140 the Project requires Planning Commission review and approval because the Project consists of operation of food trucks and temporary art vendors, sale of beer and cider, operation of over three arcade machines, and live entertainment.

WHEREAS, A public hearing was held before the Planning Commission on June 21, 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.

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 proposes 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: The City has previously approved Resolution No. 15-11 conditionally permitting the operation of a tasting room in conjunction with an existing brewery (Type 23 ABC License).

SECTION 3: The City has previously approved Resolution No. 19-12 conditionally permitting the operation of food trucks and temporary art vendors, sale of beer and cider, operation of over three arcade machines.

SECTION 4: 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 “Industrial.” The Zoning Code designation is “M” (Manufacturing). The proposed project is compatible with both the land use designation and zoning uses surrounding the property.

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 proposal for relocation of an existing beer tasting room to include food trucks and temporary vendors, operation of vintage arcade machines, and live entertainment, as conditioned should not become a nuisance to surrounding properties.

SECTION 5: Based on the record of the hearing, including all information presented at the hearing, including the Staff Report dated June 21, 2022, which is hereby incorporated into this Resolution 22-05 by reference, the Planning Commission hereby finds:

A. As conditioned, the Project meets the requirements of SEMMC Chapters 17.18, 17.51, and 5.04 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 is compatible with the surrounding uses.

B. 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:

- (1) Goal 1.0: *Maintain a balanced mix and distribution of land uses throughout South El Monte* by allowing an existing brewery to expand their services;
- (2) Policy 1.5: *Continue to provide opportunities for establishment and expansion of a broad range of industrial businesses within those areas of the City designated for industrial use* by providing expanded uses that would fit with the industrial uses in the surrounding area; and
- (3) Goal 1.0: *Continue to provide opportunities for a wide range of industries to operate in South El Monte* by allowing a larger selection in the tasting room along with food in an area lacking in the same.

SECTION 6: Based on the aforementioned findings, the Planning Commission hereby approves CUP 22-05 (Resolution No 22-05) to allow for the relocation of an existing brewery operation (Progress Brewing) that includes a beer tasting room, outdoor seating area, on-site food trucks, art vendors, vintage video arcade games, and live entertainment subject to the following conditions:

General Conditions

1. The Applicant 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 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 one year from the date of this approval.
4. Applicant and its employees, agents and contractors shall comply with all Municipal Code provisions.
5. One year from the date of approval, the Project may undergo a review verifying that the business has been adhering to the imposed conditions. If for any reason, violations of law including violations of the South El Monte Municipal Code (SEMMC) or violations of conditions of approval occur, the Planning Commission can bring the project before them for modification or revocation.

Planning Conditions

6. Upon adoption, CUP 22-05 and this resolution shall supersede CUP 19-12 and conditions from Resolution No. 19-12.
7. Documentation, including but not limited to, a parking plan, parking lease agreement, and site plan shall be submitted for staff review and approval to determine compliance with the minimum on-site and "remote" parking requirements.
8. 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 around the property.
9. Noise levels measured at the property line shall not exceed the levels prescribed by the City's noise regulations as set forth in SEMMC 8.20.
 10. The Applicant and all operators shall each take all necessary steps to assure the orderly conduct of employees, patrons, and visitors when they are present on the property.
 11. The Applicant shall maintain all required permits and licenses in good standing.
 12. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Applicant shall be removed or painted over within 24 hours of discovery, Notwithstanding this condition of approval, the Applicant is required to remove all graffiti consistent with section 8.36.145.
 13. A copy of the approved resolution shall be kept on the premises at all times and presented to any Sheriff, or City or County Staff person.
 14. The Applicant understands that any violation of the foregoing conditions shall be grounds for the modification, suspension or revocation of the Conditional Use Permit.
 15. Sales, service and consumption of beer and cider shall be permitted only between 3:00 p.m. to 12:00 a.m., seven days a week.
 16. No pool or billiard tables may be maintained on the premises.
 17. The Applicant shall not permit any loitering on the property or any property adjacent to the premises under control of the Applicant.
 18. At no time shall there be a minimum drink requirement.
 19. At no time shall there be a fee for entrance/admittance into the premises.
 20. There shall be no "Happy Hour" when alcoholic beverages are offered at a reduced rate.
 21. 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, such training, known as LEAD 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 (if not already completed) from the date the ABC license is issued/transferred .
 22. Signs shall be posted at all entrances or exits of the premise stating: "The consumption of alcohol beverages in the parking lot area is prohibited."
 23. Patrons shall not be allowed to bring into the location any alcoholic beverage to be consumed within the establishment.

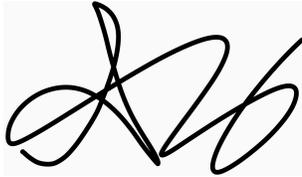
24. There shall be no pay telephones installed within the enclosed portion of the premises equipped to receive incoming calls. There shall be no new pay phones of any kind installed on the exterior of the premises.
25. The maximum occupancy of the premises shall be prominently posted and monitored at all times.
26. The front of the exterior of the premises, as well as all adjacent parking areas under control of the Applicant, shall be illuminated at all times while the premises 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 to not to unreasonably illuminate the window area of nearby businesses.
27. All crimes occurring inside or outside of the Property shall be reported by the Applicant or employees, to the Los Angeles County Sheriff's Department at the time of the occurrence.
28. At any time when the Applicant is absent from the premises, a responsible party shall be designated who can facilitate any law enforcement inquiries.
29. Permitted live entertainment shall include acoustic acts, live bands, un-manned pre-recorded music.
30. There shall be no more than six coin-operated video/arcade games maintained on the premises at any time. Said live entertainment shall only be permitted between 5:30pm to 11:30pm from Thursday through Saturday and 5:30pm to 9:30pm on Sundays. Further, there shall be no more than 4 events including live entertainment per month.
31. The applicant shall verify that any vendors operating at the project site shall adhere to these approved conditions and all City and County permitting requirements including busy license requirements and health and safety requirements.
32. No beer or cider shall be consumed on any property adjacent to the licensed premises under control of the licensee.
33. The Applicant and all operators shall each take all necessary steps to assure the orderly conduct of employees, patrons, and visitors when they are present on the property.
34. In June of each year, the business 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. This list shall be regularly and promptly updated as the Applicant employees change.
35. There shall be no exterior speakers and no live entertainment outside the tasting room (including the parking lot) unless a Temporary Use Permit (TUP) is obtained from the City.
36. The applicant shall require that all vendors and /or food trucks obtain a City business license and provide the same to the applicant. There should be no more than one food truck on the property at any given time.

SECTION 7: Any interested party may appeal this decision to the City Council pursuant to SEMMC Section 17.74.050.

ADOPTED this 21st day of June, 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. 22-05 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 21st day of June 2022.

AYES: Barrera, Rodriguez, Tang, Chair Ortiz / Vote: 4-0-1
NOES: N/A
ABSENT: Vice Chair Diaz
ABSTAIN: N/A



Secretary