

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

July 18, 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/Commission Secretary
Ph (626) 652-3175

AGENDA BEGINS ON THE FOLLOWING PAGE

1. ROLL CALL

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

2. PLEDGE OF ALLEGIANCE

Commissioner Tang

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 June 20, 2023

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

7. PUBLIC HEARING

There is no Public Hearing business for Planning Commission to review.

8. GENERAL BUSINESS

8.a. Review Conditions of Approval for Conditional Use Permit (CUP) (No. 21-01), El Palacio – 1221 Peck Rd, South El Monte CA 91733

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

8.b. Review Conditions of Approval for Conditional Use Permit (CUP) (No. 21-14), Automotive Business Plaza – 10031 Rush St, South El Monte CA 91733

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

11.a Commissioner Leo Barrera

1. Application status for Massage Parlor at 1648 Tyler Ave #A – Sunny Spa
2. Status on Starlite – KB Homes project
3. Cannabis Businesses applying within city limits; City's response

12. ADJOURNMENT

Tuesday, August 15, 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 13th day of July 2023.



Secretary

PLANNING COMMISSION - MINUTES

Tuesday, June 20, 2023, 6:00 P.M.

- 1. ROLL CALL** – Chair Ortiz called the meeting to order at 6:01 p.m.
PRESENT: Commissioner(s): Vice Chair Tang, Commissioner Rodriguez, Commissioner Sanchez, and Commissioner Barrera.

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

CITY COUNCIL PRESENT: Gloria Olmos, Mayor; 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. PRESENTATIONS** – None.

- 4. APPROVAL OF AGENDA**

A motion was made by Commissioner Rodriguez, seconded by Commissioner Tang, to approve the agenda. Motion carried 5-0, by the following vote:

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

NAYS: Commissioner(s): None

ABSENT: Commissioner(s): None

- 5. PUBLIC COMMENT** - Chair Ortiz opened public comment. Hearing no one, he closed public comment.

- 6. CONSENT CALENDAR – MINUTES FOR MAY 16, 2023**

A motion was made by Commissioner Rodriguez, seconded by Commissioner Barrera, to approve the consent calendar. Motion carried 5-0, by the following vote:

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

NAYS: Commissioner(s): None

ABSENT: Commissioner(s): None

- 7. PUBLIC HEARING**

- 7.a. Adoption of Resolution No. 23-03 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. 23-03, 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.

The Planning Manager gave a presentation that included a project overview and highlighted keys elements of the conditions of approval.

Chair Ortiz opened public comment.

1. Business Owner, Eduardo Maldonado was present to address the Planning Commission's concerns and questions. Mr. Maldonado gave a brief introduction and overview of his background experience as a coach.
2. Commissioners asked the following: 1) Will parking affect residents nearby ? No (Mr. Maldonado) 2) Sign? Banner Only (Mr. Maldonado) 3) Selling Food or Snacks? No, only vending machine allowed (Planning Manager) 3) Noise and Air Circulation? Addressed by ceiling vents and door solutions (Mr. Maldonado)

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

A motion was made by Commissioner Barrera, seconded by Commissioner Rodriguez, to approve Resolution 23-03. Motion carried 5-0, by the following vote:

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

NAYS: Commissioner(s): None

ABSENT: Commissioner(s): None

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

The Planning Manager gave a presentation that included an overview of the conditions of approval. He provided an incident report, sheriff calls report and violations on file report – all of which were not of significant concern. In conclusion he recommended Planning Commission receive and file.

Planning Commission requested staff review the red curbs in this area and the parking options/alternatives and provide an update when complete.

9. COMMISSIONERS' REPORTS, INCLUDING AB 1234 REPORTS

Commissioner Barrera announced he attended the State of the City event and the first Concerts in the Park kick-off.

Commissioner Tang nothing to report.

Commissioner Sanchez announced he attended the Breakfast Prayer.

Commissioner Rodriguez announced he attended the Flags of Valor event and the Memorial Day event.

Chairperson Ortiz announced he attended the Breakfast Prayer, Memorial Day and the El Monte Fallen Hero Memorial events.

10. CORRESPONDENCE - None

11. COMMISSIONERS' AGENDA – None

12. ADJOURNMENT

A motion was made by Commissioner Rodriguez, second by Commissioner Sanchez to adjourn the meeting at 6:45 p.m. Motion carried 5-0 by the following vote:

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

NAYS: Commissioner(s): None

ABSENT: Commissioner(s): None



Planning Commission Agenda Report

Agenda
Item No.
8.a

DATE: July 18, 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. 21-01
El Palacio – 1221 Peck Road

BACKGROUND: At its January 18, 2022 meeting, the Planning Commission adopted Resolution No. 21-01 that allowed for establishment of a beverage lounge in conjunction with a banquet hall and a Department of Alcoholic Beverage Control (ABC) Type 42 license (On-Sale – Beer and Wine). Conditional Use Permit (“CUP”) No. 21-01 detailed all conditions applicable to the business, El Palacio, located at 1221 Peck Road (“Property”). Pursuant to the conditions of approval, the requirement for a twelve-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: In order to assess whether this business has been operating in a satisfactory manner, staff has the following agencies and City Departments:

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

Staff found that the Alcoholic Beverage Control license for El Palacio has not been subject to any disciplinary action since establishment. The Sheriff’s Department provided staff with a list of calls for service, and there have been no calls for service associated with the operation of the business establishment. The City of South El Monte Code Enforcement has found that there was some illegal construction in the form of a front and a rear addition. The applicant is working with staff to correct these issues. At this time the applicant is considering reapplying for a conditional use permit or demolishing the structures, at which time, he would be in compliance with the approved Conditional Use Permit.

CONCLUSION: As long as the business continues to act in good faith and adheres to the conditions set forth in Resolution No. 21-11, and continues to work with staff in addressing the unpermitted construction, then it is anticipated that the business operation 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. 21-01

PLANNING COMMISSION

RESOLUTION NO. 21-01

A RESOLUTION OF THE SOUTH EL MONTE PLANNING COMMISSION APPROVING AN APPLICATION FOR CONDITIONAL USE PERMIT (NO. 21-01) FOR A TYPE 42 LICENSE FOR ON-SALE OF BEER AND WINE FOR A BEVERAGE LOUNGE AND OPERATION OF A BANQUET HALL AT 1221 PECK ROAD AND OPERATING AS VIP LOUNGE

WHEREAS, Issam Ayad (“Applicant”), filed an application for a Conditional Use Permit (“CUP”) to sell beer and wine in a beverage lounge as a secondary use to a banquet hall (“Project” or “proposed Project”) located at 1221 Peck Road, South El Monte, CA 91733 (“Property” or “project site”); and

WHEREAS, pursuant to South El Monte Municipal Code (“SEMMC”) Sections 17.14.040(E) and 17.51.020, the Project requires Planning Commission review and approval because the Project consists of on-sale beer and wine for a beverage lounge as well as for a banquet hall; and

WHEREAS, a public hearing was held before the Planning Commission on October 19, 2021, to consider the application and was continued to the next month. All evidence, both written and oral, presented during said public hearing was considered by the Planning Commission including requests and questions to the Applicant who was absent at the meeting; and

WHEREAS, the Applicant responded with an explanation that the originally proposed concert hall will be utilized as a banquet hall and used mainly for private events and that the beverage lounge will serve these private events. The Applicant also stated that they did not want to conduct a traffic study, nor replace the chain link fence on the property and provide additional landscape screening; and

WHEREAS, a public hearing was held before the Planning Commission on November 16, 2021, to consider the application and was continued to the next month. All evidence, both written and oral, presented during said public hearing was considered by the Planning Commission in making its determination. Planning Commission asked the Applicant if they would be willing to work with staff to address the issues brought up, and continued the matter after affirmation; and

WHEREAS, a public hearing was held before the Planning Commission on December 21, 2021, to consider the application and was continued to the next month. All evidence, both written and oral, presented during said public hearing was considered by the Planning Commission in making its determination. Staff requested the item be continued an additional month to allow for staff to work with the Applicant on resolving issues with the Project; and

WHEREAS, a public hearing was held before the Planning Commission on January 18, 2021, 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 because the proposed Project is to be operated within existing facilities. The criteria for a Class 1 Categorical Exemption 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 proposed Project meets this criteria and 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." The Zoning Code designation is "C" (Commercial).

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

D. The operation of the beverage lounge and banquet hall should not become a nuisance to surrounding properties with the proposed conditions.

SECTION 3: Based on the record of the hearing, including all information presented at the hearing, including the Staff Report dated November 16, 2021, December 21, 2021, and January 18, 2022 which is hereby incorporated into this Resolution 21-01 by reference, the Planning Commission hereby finds:

A. As conditioned, the Project represents a quality establishment that will be compatible with surrounding commercial and residential 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. As a result, approving this application will not adversely affect the General Plan or the Zoning Ordinance.

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 or to the City in general as conditioned. This is so because the conditions included will prevent the Project from becoming a detriment through operational limits and physical barriers as expressed in Condition Nos. 5-6, 38, and 40.

C. The proposed Project as conditioned 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

- (1) Goal 1.0: *Maintain a balanced mix and distribution of land uses throughout South El Monte* by allowing for the establishment of a use that does not currently exist within the City that can serve residents and businesses within the community; and
- (2) 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 an banquet hall that can serve private parties or businesses for large events in the City; and

Economic Development Element

- (3) Goal 1.0: *Continue to provide opportunities for a wide range of industries to operate in South El Monte* by allowing the banquet hall and beverage lounge which is uncommon for the area.

SECTION 4: Based on the aforementioned findings, the Planning Commission hereby **approves** CUP (No 21-01) to operate a beverage lounge in conjunction with a banquet hall 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 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 and wine shall be permitted only between the hours of 5:00 p.m. to 1:00 a.m., Thursday through Sunday and only while the banquet hall is hosting a bona fide event.
6. The sales, service, and consumption of beer and wine shall only be permitted within the beverage lounge area, defined by the 2,284 square foot area located on the east side of the building.
7. There shall be no live entertainment, amplified music, dancing, or any other activity within the beverage lounge area.
8. No pool or billiard tables may be maintained on the Property.
9. 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.
10. The subject beer and wine license (Type 42 License) shall not be exchanged for another license without the approval of a new Conditional Use Permit.
11. 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.
12. The Applicant shall not permit any loitering including any loitering on any property adjacent to the Property under control of the Applicant.
13. At no time shall there be a fee for entrance/admittance into the premises.
14. There shall be no coin operated games maintained on the premises at any time.

15. The employees who sell or serve beer and wine shall be required to complete a training program in beer and wine compliance, crime prevention techniques, and handling of violence. For new employees of Applicants, such training known as Responsible Beverage Service (RBS) training offered by the Alcohol Beverage Control (ABC) must be completed within 30 days of the date of hire and prior to service of any alcohol. Those already employed shall complete training within 30 days from the date the ABC license is issued and shall not serve alcohol until such has been completed.
16. 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.
17. The Applicant and all operators shall each take all necessary steps to ensure the orderly conduct of employees, patrons, and visitors when they are present on the Property.
18. The Applicant shall maintain all required permits and licenses in good standing.
19. At no time shall there be a minimum drink requirement.
20. The sale of beer and wine for consumption off the premises is prohibited. Signs shall be posted at all exits of the beverage lounge, which prohibit alcohol beverages from leaving the confines of the beverage lounge.
21. Patrons shall not be allowed to bring into the location any alcoholic beverages to be consumed within the establishment.
22. The maximum occupancy of the premises shall be prominently posted and monitored at all times.
23. The front of the exterior of the premises, as well as all 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 not to unreasonably spill into and illuminate the window area of nearby businesses.
24. All crimes occurring inside or outside of the location shall be reported to the Sheriff Department at the time of the occurrence.
25. At any time when the licensee is absent from the premises, a responsible party shall be designated who can facilitate any Sheriff inquiries.
26. In January 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.
27. A copy of this approved resolution shall be kept on the premises at all times and presented to any Sheriff, or Business License or Planning Staff person.

28. The Applicant understands that any violation of these conditions or any operation that constitutes a nuisance shall be grounds for the suspension or revocation of the Conditional Use Permit.
29. There shall be no exterior speakers and no live entertainment outside the building (including the parking lot) unless a Temporary Use Permit (TUP) is obtained from the City.
30. The Applicant shall work with Caltrans to replace the perimeter fencing according to Director of Community Development approval, or if perimeter fencing is untenable, then a landscaped barrier approved by the Community Development Director within twelve months of approval.
31. The City shall be entitled to review the conditions of the premises and business operations approved herein in approximately twelve (12) months from the date of the City's approval, and once a year after that.
32. The parking agreements must be maintained, and any change in parking agreements shall be brought before the Director of Community Development for approval before execution.
33. While the banquet hall is in use, the transportation vehicles need to vacate the site, and the valet parking plan shall be in effect.

Sheriff Department Conditions

34. Applicant shall ensure the Property can be accessed by Sheriff's Department when the business is closed and the gate is locked within two minutes of notification.
35. The gate shall remain open at all times when the business is in operation.
36. A pedestrian gate shall be installed on the west end of the Property to allow for emergency egress in case of emergencies.
37. Security cameras shall be constantly in working order and directed towards ingress/egress of parking lot and venue along with areas where drinking is taking place. Recordings shall be retained for 60 days and allow to be reviewed by the Sheriff's Department.
38. The building address shall be painted on the roof for ease of identification from the air.
39. Allow access to Sheriff's Department to the Property, building, and parking lot while the business is open.

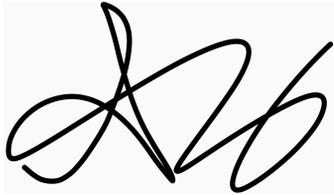
SECTION 5: Any interested party may appeal this decision to the City Council pursuant to SEMMC Section 17.74.050.

ADOPTED this 18th day of January, 2022.



Chairman

ATTEST:

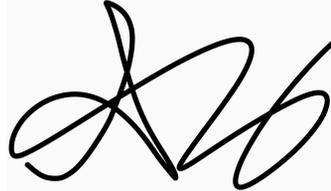


Secretary

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. 21-01 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 18th day of January 2022.

AYES: Barrera, Ortiz, Diaz and Tang / Vote : 4-0-0-1
NOES: n/a
ABSENT: n/a
ABSTAIN: Rodriguez



Secretary



Planning Commission Agenda Report

Agenda
Item No.
8.b

DATE: July 18, 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. 21-14
10031 Rush Street

BACKGROUND: At its June 21, 2022 meeting, the Planning Commission adopted Resolution No. 21-15 that legalized an automotive service complex to include minor servicing, transmission repair, auto-body repair/painting, and vintage automobile restoration at 10031 Rush Street. Pursuant to the conditions of approval, the requirement for a twelve-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: In order to assess whether this business has been operating in a satisfactory manner, staff met with the South El Monte Code Enforcement Department to determine if there were any outstanding violations associated with the operation of the business. The Code Enforcement Department informed staff of three issues: parking/storing vehicles on the street, on-site vehicle parking/storage of vehicles within the emergency access lane, and lack of the installation of a required clarifier, per the conditions of approval. The Code Enforcement Department informed staff that they've received a number of complaints regarding the parking of vehicles on surrounding streets. In addition, upon inspection of the property, staff found water runoff from the property out into the public gutter, which ultimately ends up in the City's storm drain system.

Approximately two months ago, staff reached out to the business owner and the property owner and informed them of the outstanding violations. Since our initial conversations and meetings, the applicant has worked diligently to address the parking of vehicles on Rush Street and the adjacent streets, as well as maintaining the emergency access lane free of any storage or parking of vehicles. On July 10, 2023 staff followed up with the Code Enforcement Department, the street parking issues have been addressed, and the emergency access lane continues to be free of any parked/stored vehicles.

Condition No. 21 of the adopted Resolution states: The Applicant shall install a clarifier if the proposed Project is not equipped with the required clarifier. It is the responsibility of the Applicant to maintain the clarifier in working condition so long as the facility is in existence.

The clarifier has not yet been installed, however, the business owner and property owner have been working with staff to address this issue. The business owner recently contacted the Los Angeles County Department of Public Works, Industrial Waste Division, to obtain all necessary information required to submit plans to both the City and the County Industrial Waste Division to obtain the necessary review and approvals to install the clarifier.

CONCLUSION: As long as the business continues to act in good faith and adheres to the conditions set forth in Resolution No. 21-15, and continues to work with staff in addressing the uninstalled clarifier, then it is anticipated that the business operation 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, the Planning Commission can direct staff to schedule a public hearing for additional modifications or revocation.

ATTACHMENT

1. Resolution No. 21-15

PLANNING COMMISSION

RESOLUTION NO. 21-15

A RESOLUTION OF THE SOUTH EL MONTE PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT (NO. 21-14) TO ESTABLISH AN AUTOMOTIVE SERVICE COMPLEX TO INCLUDE MINOR SERVICING, TRANSMISSION REPAIR, AUTO-BODY REPAIR/PAINTING, AND VINTAGE AUTOMOBILE RESTORATION AT 10031 RUSH STREET.

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

SECTION 1: Robert Foreman (“Applicant”), 10031 Rush Street, South El Monte, CA 91733, filed an application for a Conditional Use Permit (CUP) to establish an automotive service complex to include minor servicing, transmission repair, auto-body repair/painting, and vintage automobile restoration (“Project” or “proposed Project”) located at 10031 Rush Street, South El Monte, CA 91733 (“Property” or “project site”).

SECTION 2: 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 an automotive repair facility, including body and fender shop, auto paint shop, engine rebuild, and overhaul or repair.

SECTION 3: 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 because the proposed uses satisfy the criteria 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.

SECTION 4: 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 5: 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).

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

D. Outdoor vehicle storage by the Applicant will be regulated by conditions of approval to prevent vehicle storage from becoming a nuisance on the subject property.

SECTION 6: 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 21-15 by reference, the Planning Commission hereby finds:

A. As conditioned, the Project meets the requirements of SEMMC Chapters 17.18, 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 fits with the surrounding uses.

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 is consistent with neighboring uses since it is mostly surrounded by industrial uses and will be required to perform all operations within a building and not store vehicles outside of the Property.

C. As conditioned, the Project represents a quality establishment that will be compatible with surrounding 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.

D. As conditioned, the proposed Project are 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 for the consolidation of an existing industrial use to provide more 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 a use that would fit with the industrial uses in the surrounding area.
- (3) Goal 1.0: *Continue to provide opportunities for a wide range of industries to operate in South El Monte* by allowing the opportunity for the vehicle repair and restoration business to continue auto body/paint and repair.

SECTION 7: Based on the aforementioned findings, the Planning Commission hereby approves CUP (No 21-14), pursuant 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. The Project shall be subject to an appeal period of ten 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 persons owning property within 500 feet of exterior boundaries of the project site, or the City Council on its own initiative by a vote of two members.
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. 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 that may have collected in the Property's parking area.
7. 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.
8. 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.

9. The Applicant shall maintain all required permits and licenses in good standing.
10. 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.
11. A copy of the approved resolution shall be kept on the premises at all times and presented to any Sheriff, or Business License or Community Development Staff person.
12. The Applicant understands that any violation of the foregoing conditions shall be grounds for the suspension or revocation of the Conditional Use Permit.
13. The operations of the proposed project shall be limited to the hours between 8:00 a.m. to 6:00 p.m., Monday through Saturday.
14. All signage for the proposed Project shall be approved separately by the Planning Division under a separate sign and building permit.
15. The Applicant shall stripe the parking area. The parking area shall be restriped to show required handicap accessible parking spaces (pursuant to Americans with Disabilities Act requirements) and general parking spaces. The Applicant shall properly maintain the parking area and any other impermeable surface free of grease and oil.
16. The Applicant shall maintain 31 parking space for the proposed Project at all times.
17. The Applicant shall obtain a City business license and occupancy permit prior to the commencement of any of the proposed Project's operations.
18. The Applicant shall not store any inoperable or operable vehicles, which it is not in the process of immediately repairing, in the customer parking lot area. All inoperable or operable vehicles, which are not in the process of being immediately repaired, shall be stored inside of the building screened from public view.
19. The Applicant shall ensure that all parts and equipment are stored within the designated storage area as shown on the site plan. No automotive parts or mechanical equipment shall be stored outside the storage area or in the parking area.
20. All body/paint work must be within an enclosed structure at all times.
21. The Applicant shall install a clarifier if the proposed Project is not equipped with the required clarifier. It is the responsibility of the Applicant to maintain the clarifier in a working condition so long as the facility is in existence.
22. The Applicant shall clean up and maintain overgrown foliage on the perimeter of the property at all times during the operation of the business.

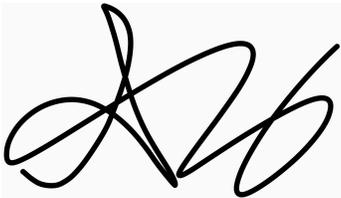
Public Works (Traffic) Conditions

- 23. Existing red curb on each side of the driveway on Rush Street shall be repainted.
- 24. The main travel aisle should be clear of vehicles so that emergency vehicles can enter or exit the site at all times if needed.

SECTION 8: 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.

ATTEST:



Secretary



Chairman

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. 21-15 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