

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



Guillermo Arreola,
Community Development Director
Renee Reyes,
Commission Secretary
Christy Lopez,
City Attorney

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

AGENDA

August 15, 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/84259060808>

Webinar ID: 842 5906 0808

Or Call In: 1 669 444 9171, when prompted, enter 842 590 60808#

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 rreyes@soelmonte.org or call (626) 652-3120 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:

Renee Reyes, Commission Secretary
Ph (626) 652-3120

AGENDA BEGINS ON THE FOLLOWING PAGE

1. ROLL CALL

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

2. PLEDGE OF ALLEGIANCE

Commissioner Barrera

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 July 18, 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. SELECTION OF CHAIR AND VICE CHAIR

The Planning Commission will select Chair and Vice Chair for the ten-month term commencing on April 27, 2023, through December 31, 2023.

RECOMMENDATION: Staff recommends the Commission nominate and select a Chair and Vice Chair

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

No correspondence has been received.

11. COMMISSIONERS' AGENDA

11.a Commissioner Jeff Ortiz

1. Massage Parlor at 1648 Tyler Ave #A – Sunny Spa; Installation of security bars is within allowable requirements.

2. Please provide the process in obtaining an ABC License and how it is transferred from business to business. Follow-up question: related to the CUP obtained with an ABC license, do the Conditions of approval get updated or reviewed by the Planning Commission at any time after the CUP is approved by the Planning Commission.

3. Review of CUP for J&T Collision Center – 10350 Rush Street; storage of vehicles on city street.

4. Status of the General Plan Update (Commissioner Tang also requested this update)

11.b Commissioner Kenneth Tang

1. Status of the General Plan Update

11.c Commissioner Robert Sanchez

1. Starlite project: Please provide a brief description on the credits the Developer received for this project, as part of the CEQA requirement.

12. ADJOURNMENT

Tuesday, September 19, 2023, at 6:00 p.m.

I Renee Reyes, 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 10th day of August 2023.



Secretary

PLANNING COMMISSION - MINUTES

Tuesday, July 18, 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, 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 Tang led the Pledge of Allegiance.

- 3. PRESENTATIONS** – None.

- 4. APPROVAL OF AGENDA**

A motion was made by Commissioner Rodriguez, seconded by Commissioner Sanchez, 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 JUNE 20, 2023**

A motion was made by Commissioner Rodriguez, seconded by Commissioner Tang, 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**

There was no public hearing business conducted.

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.

The Planning Manager gave a presentation that included an overview of the conditions of approval. He provided an incident report and sheriff calls report of which were not of significant concern. There are code violations on file, that the applicant must comply with and staff will follow up with applicant to ensure completion. In conclusion he recommended Planning Commission receive and file.

Planning Commission requested staff follow up with applicant and provide an update when complete.

8.b. Review Conditions of Approval for Conditional Use Permit (CUP) (No. 21-14), Automotive Business Plaza – 10031 Rush Street, 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.

The Planning Manager gave a presentation that included an overview of the conditions of approval. He provided an incident report and sheriff calls report of which were not of significant concern. Based on the conditions of approval, staff noticed no clarifier had been installed. The applicant will comply with staff to ensure completion. In conclusion he recommended Planning Commission receive and file.

Planning Commission requested staff follow up with applicant and provide an update when complete.

9. COMMISSIONERS' REPORTS, INCLUDING AB 1234 REPORTS

Commissioner Barrera nothing to report.
Commissioner Tang nothing to report.
Commissioner Sanchez nothing to report.
Commissioner Rodriguez nothing to report.
Chairperson Ortiz nothing to report.

10. CORRESPONDENCE - None

11. COMMISSIONERS' AGENDA

11.a Commissioner Leo Barrera

1. Application status: Sunny Spa, 1648 Tyler Ave – Grand Opening conducted on July 6, 2023

2. Application status: KB Homes – Grading and final map stage. Request: Starlite sign restoration status. Request: Provide Caltrans signalization status. Staff to follow-up.

3. Cannabis Business License application process: The application process is being reviewed by City Attorney's office and once finalized be brought to City Council for approval.

12. ADJOURNMENT

A motion was made by Commissioner Rodriguez, second by Commissioner Sanchez to adjourn the meeting at 6:41 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.
8b

DATE: August 15, 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 the July 18, 2023, meeting, the Planning staff provided an update of the approved Conditional Use Permit for the property located at 10031 Rush Street. During the meeting, the Commission requested that staff provide a status update at the August 15, 2023, Commission meeting.

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

ANALYSIS: Staff has been in contact with the property owner regarding the installation of a clarifier. On Wednesday, August 2, 2023, the business owner submitted an Industrial Waste Discharge application to the City's Industrial Waste Division. In the application, the business owner indicated that the business was assembling classic cars after repairs have been completed, and that wastewater was not produced as part of their operation. Based on this information, the business was deemed exempt from the City's Industrial Waste program requirements. However, if wastewater is observed in the future, the applicant will be required to install a clarifier.

During a previous inspection, staff noticed some minor run-off into the City's storm drain. As of the writing of this report, there has been no observed run-off, and the street and emergency access lane have been free of stored/parked vehicles.

CONCLUSION: As long as the business continues to act in good faith, adheres to the conditions set forth in Resolution No. 21-15, and continues to work with staff, 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.

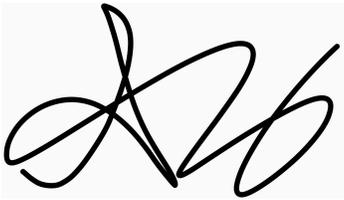
Public Works (Traffic) Conditions

- 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.

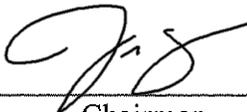
SECTION 8: Any interested party may appeal this decision to the City Council pursuant to SEMMC Section 17.74.050.

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