

Larry Rodriguez, Chair
Jeff Ortiz, Vice Chair
Leo Barrera, Commissioner
Emily Lares, Commissioner
Kenneth Tang, Commissioner



Guillermo Arreola,
Executive Director/ Director of
Community Development
Renee Reyes,
Secretary
Alexis Hall,
Assistant City Attorney

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

AGENDA

October 15, 2024, 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/87142342038>

Webinar ID: 871 4234 2038

Or Call In: 1 669 444 9171, when prompted, enter 87142342038#

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 reyes@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
(Government Code Section 54954(a)(1))

Agenda and Cancellation Notices can be viewed online (at the link below) 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) 652-3175

AGENDA BEGINS ON THE FOLLOWING PAGE

1. ROLL CALL

Commissioners: Barrera, Lares, Tang, Vice Chair Ortiz, Chair Rodriguez

2. PLEDGE OF ALLEGIANCE

Commissioner Barrera

3. PRESENTATIONS - NONE

4. APPROVAL OF AGENDA

By motion of the Planning Commission, this is the time to notify the public of any changes to the agenda, remove items from the consent calendar for individual consideration and/or rearrange the order of the agenda.

5. PUBLIC COMMENT

Speakers may provide public comments on any matter within the subject matter jurisdiction of the Planning Commission, including items on the agenda. Each speaker will be limited to five minutes. Unless a majority of the Commission objects, the Chair may provide speakers more or less time to speak. All comments or queries shall be addressed to the Commission as a body and not to any specific member thereof. Pursuant to Government Code Section 54954.2(a)(2), the Ralph M. Brown Act, no action or discussion by the Planning Commission shall be undertaken on any item not appearing on the posted agenda, except to briefly provide information, ask for clarification, provide direction to staff, or schedule a matter for a future meeting.

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 pulled by a member of the Planning Commission during "Approval of the Agenda" for individual consideration. Any items pulled shall be individually considered immediately after taking action on the Consent Calendar.

6.a. Approval of the Regular Planning Commission Meeting Minutes for September 17, 2024.

RECOMMENDATION: Staff recommends the Planning Commission approve Minutes for the September 17, 2024, regular Planning Commission meeting.

7. PUBLIC HEARING

7.a. Adoption of Resolution No. 24-07 approving a Conditional Use Permit 24-03 to upgrade a Type 20 Off-Sale Beer and Wine license to a Type 21 Off-Sale General license to allow the off-sale of beer, wine, and distilled spirits at the 7-Eleven located at 10910-A Rush Street.24-07 approving a Conditional Use Permit 24-03 to upgrade a Type 20 Off-Sale Beer and Wine license to a Type 21 Off-Sale General license to allow the off-sale of beer, wine, and distilled spirits at the 7-Eleven convenience store located at 10910-A Rush Street.

RECOMMENDATION: Staff recommends that the Planning Commission adopt Resolution No. 24-07, approving Conditional Use Permit (No. 24-03) as conditioned.

ENVIOREMENTAL DETERMINATION: Categorical Exemption, Section 15301 Class 1 – Existing Facilities.

8. GENERAL BUSINESS

8.a. Review of Rustic & Chic and Conditions of Approval for Conditional Use Permit No. 23-03

RECOMMENDATION: Staff recommends that the Planning Commission receive and file staff's report addressing the business' compliance with CUP No 23-03.

9. COMMISSIONERS REPORTS, INCLUDING AB 1234 REPORTS

AB 1234, section 53232.3(d) requires Members of a legislative body to provide brief reports on meetings attended at the expense of the local agency (i.e., Conferences, seminars, training etc.) at the next regular meeting of the legislative body.

10. CORRESPONDENCE – NONE

11. COMMISSIONERS AGENDA

1. Commissioner Barrera

- a. When are traffic studies conducted?
- b. Are there any tenants interested in 1225 Durfee Avenue, Cindy's Restaurant.
- c. Are there any changes to the ordinance to update metallic buildings in the City?

2. Vice Chair Ortiz

- a. Who is in control of the video feed and what are they doing with the data received at 10925 Fawcett Avenue? And is the height of tower in compliance with City's code?

12. ADJOURNMENT

Tuesday, November 19, 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 October 2024.


Secretary

CITY OF SOUTH EL MONTE
REGULAR PLANNING COMMISSION MEETING MINUTES
Tuesday, September 17, 2024, 6:00 P.M.

1. **ROLL CALL** – Chair Rodriguez called the meeting to order at 6:00 p.m.

PRESENT: Commissioner(s): Tang, Barrera, Lares, Vice Chair Ortiz, Chair Rodriguez.

STAFF PRESENT: Alexis Hall, Assistant City Attorney; Guillermo Arreola, Director of Community Development; Gerardo Marquez, Planning Manager; Renee Reyes, Secretary and Charlize Hernandez, Planning Assistant.

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

2. **PLEDGE OF ALLEGIANCE** – Vice Chair Ortiz led the Pledge of Allegiance.

3. **PRESENTATIONS** – NONE

4. **APPROVAL OF AGENDA**

A motion was made by Commissioner Barrera, seconded by Vice Chair Ortiz, to approve the agenda. Motion passed 5-0-0 by the following vote:

AYES: Commissioner(s): Barrera, Tang, Lares, Vice Chair Ortiz,
Chair Rodriguez

NAYS: Commissioner(s): NONE

ABSENT: Commissioner(s): NONE

5. **PUBLIC COMMENT**

No Public Comment.

6. **CONSENT CALENDAR**

A motion was made by Commissioner Tang, seconded by Vice Chair Ortiz, to approve the agenda. Motion passed 5-0-0, by the following vote:

- 6.a. **Approval of the Regular Planning Commission Meeting Minutes for September 17, 2024**

RECOMMENDATION: Staff recommends the Planning Commission approve Minutes for the September 17, 2024, Regular Planning Commission meeting.

AYES: Commissioner(s): Barrera, Tang, Lares, Vice Chair Ortiz, Chair Rodriguez

NAYS: Commissioner(s): NONE

ABSENT: Commissioner(s): NONE

7. PUBLIC HEARING – NONE

8. GENERAL BUSINESS

8.a. Review of Conditional Use Permit No. 23-02 operations and conditions of approval for Marathon Batting Cages – 2528 Strozier Avenue.

Planning Manager Gerardo Marquez gave a brief background on the subject site. Staff reached out to the Sheriff's and City's Code Enforcement department, confirming that there have been no calls for service or violations related to the site. Staff also visited the site to verify that the business is operating within its permitted hours and the premises are clean, free of debris and graffiti.

1. Co-Owner Mike Chan answered Commissioners comments and/or concerns.

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

A motion was made by Commissioner Barrera, seconded by Vice Chair Ortiz to receive and file. Motion passed 5-0-0, by the following vote:

AYES: Commissioner(s): Barrera, Tang, Lares Vice Chair Ortiz, Chair Rodriguez

NAYS: Commissioner(s): NONE

ABSENT: Commissioner(s): NONE

8.b. Inquiry to develop equestrian riding trails through the city.

Staff reached out to adjacent jurisdictions to gather insights into how they have managed and maintained riding trails. Staff discussed the subject with the City's Public Works Director to assess the possibility of implementing a system of horse trails across the City. It was determined that the necessary infrastructure along with the manpower required, would make the project unfeasible.

RECOMMENDED ACTION: Staff recommends the Planning Commission receive and file the staff report or direct staff to conduct additional research.

A motion was made by Commissioner Tang, seconded by Commissioner Barrera to receive and file. Motion passed 5-0-0, by the following vote:

AYES: Commissioner(s): Barrera, Tang, Lares Vice Chair Ortiz, Chair Rodriguez

NAYS: Commissioner(s): NONE

ABSENT: Commissioner(s): NONE

2. **COMMISSIONERS REPORTS, INCLUDING AB 1234 REPORTS – NONE**
3. **CORRESPONDENCE – NONE**
4. **COMMISSIONERS' AGENDA**

11.a. Vice Chair Ortiz

1. **When does a new business, such as Popeyes Chicken, not require Planning Commission review and approval?**

Director of Community Development Guillermo Arreola stated the reason the project bypassed the Planning Commission is because the building is of a similar use as the previous use on site. As such, the project did not require additional review or approval from the Commission under the current zoning code.

2. **When is the six (6) month/one (1) year review for the massage parlor and are there any known incidents of concern?**

Assistant City Attorney Alexis Hall, states that staff can not disclose any information at this time.

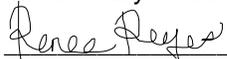
3. **Are there any new leads for attracting bigger retail, restaurant or entertainment business?**

Director of Community Development Guillermo Arreola states staff is constantly reaching out to businesses but can't divulge any of the businesses Staff is currently speaking to.

12. ADJOURNMENT

At 6:38 p.m., there being no more business before the Commission, Chair Rodriguez adjourned the meeting to a regular Planning Commission Meeting on Tuesday, October 15, 2024, 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 October 2024.


Secretary



Planning Commission Agenda Report

**Agenda
Item No.
7.a.**

DATE: October 15, 2024

TO: Honorable Chairman and Members of the Planning Commission

APPROVED BY: Guillermo Arreola, Director of Community Development

PREPARED BY: Gerardo Marquez, Planning Manager

SUBJECT: Adoption of Resolution No. 24-07 approving a Conditional Use Permit (No. 24-03) allowing for a Type 21 License for the Off-Sale of Beer, Wine, and Distilled Spirits in Conjunction with a Convenience Store at 10910-A Rush Street.

PUBLIC NOTICE: Notice of public hearing was posted on October 3, 2024 and published in the San Gabriel Valley Tribune on October 4, 2024.

ENVIRONMENTAL DETERMINATION: Categorical Exemption, Section 15301 Class 1 – Existing Facilities.

PROJECT

LOCATION: Address: 10904 Rush Street
 Project Applicant: Sherrie Olson
 Property Owner: Zimbaldi and Marshall LLC
 Zone: “C” (Commercial)
 Lot Size: 22,350 square feet

SURROUNDING ZONING AND LAND USE:

	Zone	General Plan	Land Use
North	“M” (Manufacturing)	Industrial	Wholesale
South	“M” (Manufacturing)	Industrial	Wholesale/Manufacturing
East	“C” (Commercial)	Commercial	Social Services Offices
West	“C” (Commercial)	Commercial	Commercial Strip

BACKGROUND: The property located at 10904 Rush Street South El Monte, CA 91733 (“Property”) is currently developed with two commercial buildings measuring 1,728 square feet and 5,720 square feet, the latter which contains the existing 7-11 convenience store and measures approximately 2,600 square feet. The subject site is located on the south corner of Rush Street and Tyler Avenue in the City of South El Monte (“City”). The existing 7-Eleven currently has an existing CUP 09-548 which was approved on July 21, 2009 allowing for the off-sale of beer and

wine via Resolution 09-1349. Subsequently, the Applicant requested a modification to the conditions of approval on February 22, 2011 which allowed for the sales of alcohol to be expanded to 2:00 am and for the sale of smaller pre-packaged quantities produced by distribution companies and not individual containers via Resolution 11-11. These conditions shall be superseded in its entirety by this Resolution 24-07.

RECOMMENDATION: Staff recommends that the Planning Commission adopt Resolution No. 24-07, approving Conditional Use Permit (No. 24-03) as conditioned.

ANALYSIS:

General Plan/Zoning Consistency

The Property is designated as “Commercial” in the City’s General Plan and is zoned “C” (Commercial) in the City’s Zoning Code. The proposed use falls within the scope of the General Plan’s “Commercial” land use designation and is also a conditionally permitted use in the “C” zone. When considering consistency with the General Plan, staff determined that the proposal will help further the City’s goals and objectives found in the General Plan as detailed below. Further staff has determined that the proposal will comply with all development requirements within the Zoning Code.

Land Use Element

Goal 1.0: *Maintain a balanced mix and distribution of land uses throughout South El Monte* by allowing for the establishment of off-sale beer, wine, and distilled spirits as a secondary use to a local convenience store.

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

Economic Development Element

Goal 1.0: *Continue to provide opportunities for a wide range of industries to operate in South El Monte* by allowing the convenience store to expand its product to include distilled spirits in addition to its selection of beer and wine.

The establishment of off-sale beer, wine, and distilled spirits as a secondary use will make the business a viable commercial asset to the City’s economy. The proposed change in sales will also promote a balanced and dynamic economic growth in the area as well as the City as a whole through offering a wider selection of goods. Additionally, the only two existing schools within the city’s jurisdiction are over ½ mile away from the existing convenience store. Considering all of the above, the proposed Project is consistent with both the General Plan and Zoning Code.

Conditional Use Permit (CUP)

In order to grant a CUP, the Commission must make the following finding pursuant to South El Monte Municipal Code (“SEMMC”) Section 17.03.060:

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.

The parcels directly adjacent to the Property are developed as industrial uses. 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 that are included in the resolution, as well as many of the surrounding parcels being utilized as industrial. Sheriff’s Department have not experienced any nuisances that have originated from the property.

Proposed Project

The Applicant would like to enhance the existing 7-Eleven convenience store by upgrading their existing beer and wine license (ABC License TYPE 20) to include distilled spirits (ABC License TYPE 21) for sale at the convenience store. 7-Eleven’s hours of operation currently are Monday through Sunday, twenty four hours a day. Existing sales of beer and wine are prohibited between the hours of 2:00 a.m. and 6:00 a.m. There is no proposed change to the sales hours of beer and wine, and distilled spirits. The Applicant has represented to the City that it utilizes five employees working in eight hour shifts.

Under SEMMC Sections 17.03.060 and 17.11.090, a CUP is required for any type of off-sale alcohol license. The primary operation of the convenience store is a neighborhood mini-market that serves the community, and the sale of alcohol is ancillary.

Additional Conditions

The CUP includes a number of conditions designed to limit any potential negative impacts created by the proposed use. Among these conditions is Condition #9, which require signage be posted to deter open containers, loitering, and panhandling. Condition #8 requires that the Property maintain un-tinted windows with limiting advertising signs to 25% of the window area to allow full transparency. Condition #13 requires that employees at the Property undergo special training related to alcohol service in addition to the training that 7-Eleven provides.

Floor Plan

The existing convenience store is currently laid out with self-service coolers and freezers located on the west side of the store with beer and wine in lockable coolers adjacent to the non-alcoholic drinks, cashiers near the only public entrance on the north side of the store, and general goods located in the rest of the store. The Applicant is proposing to locate the distilled spirits behind the cashier area on the wall of the store.

Sheriff and Code Enforcement Comments

Reports from the Sheriff's Department show that the Property does not have any issues and is always willing to cooperate with local law enforcement. The Sheriff's Department did not have any comments on this Project when presented with the proposed/existing floorplan and proposed upgrade to the license. There have not been any calls for service at this location within the last year.

Code Enforcement has found that the property is in good standing with no violations.

Existing ABC Licenses

Under the Alcoholic Beverage Control (ABC), Census Tract 4338.04 allows two off-sale alcohol license and currently there are three existing licenses. Harrys Market has a Type 20 off-sale beer and wine license. The second license is a wholesale license, Type 85, and is not open to the public. The third license is the existing Type 20 license associated with the 7-11. Since this will not increase the amount of licenses within this Census Tract, there is no need for a finding of a Public Convenience or Necessity.

ENVIRONMENTAL REVIEW: The proposed Project is categorically exempt from environmental review pursuant to Section 15301 Class 1 of the California Environmental Quality Act (CEQA) Guidelines. The proposed Project satisfies the criteria for the 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 Project falls within the criteria of operation of an existing building and is only adding one more operation to the current building.

CONCLUSION: Staff has reviewed the Applicant's request and has determined that the proposed Project complies with all of the development standards as set forth in SEMMC Chapters 17.03 and 17.11. Approval of the Conditional Use Permit, 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 24-07 to approve Conditional Use Permit No. 24-03 for the proposed off-sale of beer, wine, and distilled spirits.

ATTACHMENTS:

A – Draft Resolution No. 24-07

B – Vicinity Map/Aerials

C – Floor Plans

PLANNING COMMISSION
RESOLUTION NO. 24-07

A RESOLUTION OF THE SOUTH EL MONTE PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT (NO. 24-03) ALLOWING FOR A TYPE 21 LICENSE FOR THE OFF-SALE OF BEER, WINE, AND DISTILLED SPIRITS IN CONJUNCTION WITH A CONVENIENCE STORE AT 10910-A RUSH STREET

WHEREAS, Sherrie Olson (“Applicant”), filed an application for a Conditional Use Permit (“CUP”) to sell beer, wine, and distilled spirits as a secondary use to a grocery store (“Project” or “proposed Project”) located at 10910-A Rush Street, South El Monte, CA 91733 (“Property”); and

WHEREAS, pursuant to South El Monte Municipal Code (“SEMMC”) Sections 17.03.060 and 17.11.090, the Project requires Planning Commission review and approval because the Project consists of off-sale of alcohol; and

WHEREAS, Applicant currently has CUP 09-548, per Resolution 09-1349, dated July 21, 2009 allowing for the off-sale of beer and wine; and

WHEREAS, said Resolution 09-1349 was modified on February 22, 2011 via Resolution 11-11; and

WHEREAS, said Resolution 11-11 is hereby rescinded and superseded in its entirety by this Resolution 24-07; and

WHEREAS, a public hearing was held before the Planning Commission on October 15, 2024, to consider the application. All evidence, both written and oral, presented during said public hearing was considered by the Planning Commission in making its determination.

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

SECTION 1: Pursuant to Section 15301 (Class 1) of the California Environmental Quality Act (CEQA), the proposed Project is categorically exempt from environmental review and a Notice of Exemption has been prepared. The proposed Project qualifies for a Class 1 Categorical Exemption for the Project is proposed to be operated within existing facilities. The criteria are the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. The Planning Commission finds that the Project is exempt from the provisions of CEQA. The documents and other material, which constitute the record on which this decision is based, are located in the Department of Community Development and are in the custody of the Director of Community Development.

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

A. With regard to the application for a CUP, SEMMC Section 17.03.060 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.

D. The operation of the off-sale of beer, wine, and distilled spirits as a secondary use to a convenience store should not become a nuisance to surrounding properties.

SECTION 3: Based on the record of the hearing, including all information presented at the hearing, including the Staff Report dated October 15, 2024, which is hereby incorporated into this Resolution 24-07 by reference, the Planning Commission hereby finds:

A. As conditioned, the Project meets the requirements of SEMMC Chapters 17.03 and 17.11 and will not be detrimental to the public health, safety or welfare, nor will it adversely affect property 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 17.03.060, the approval of the CUP will not be detrimental to persons or properties in the immediate vicinity nor to the City in general. This is so because the Project will be required to operate in a way that does not negatively impact the area through conditions imposed.

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

D. As conditioned, it has been determined the requested CUP meets the required findings to approve the request and that the issuance of the license for the off-sale of alcoholic beverages will allow the holder of that license to offer, or provide, a service or product to the general public that is not reasonably accessible, or sufficiently provided, within a specific geographic area of reasonable proportions. The off-sale beer, wine, and distilled spirits will provide a convenience to the public as well as the surrounding community.

E. As conditioned, the proposed Project is consistent with the City’s General Plan. The proposed Project is compatible with the objectives, policies, general land uses, economic

development and programs specified in the General Plan which includes, but is not limited to, the following goals:

Land Use Element

- (1) Goal 1.0: *Maintain a balanced mix and distribution of land uses throughout South El Monte* by allowing for the establishment of off-sale beer, wine, and distilled spirits as a secondary use to a local convenience store;
- (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 a secondary use to a convenience store that will cater to residents as well as the surrounding population; 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 convenience store to expand their product to include distilled spirits in addition to their selection of beer and wine.

SECTION 4: Based on the aforementioned findings, the Planning Commission hereby approves CUP (No. 24-03) to operate conduct off-sale of beer, wine, and distilled spirits, subject to the following conditions:

General Conditions

1. The Applicant and the business entity allowed for hereunder shall indemnify, defend and hold harmless the City, its officers, agents, employees, and volunteers from any and all claims, lawsuits or actions arising from the granting of, or the exercise of, the rights permitted by this approval, and from any and all claims or losses occurring or resulting to any person, firm, corporation or property for damage, injury, or death arising out of, or connected in anyway, with the performance of the use permitted hereby. The Applicant’s obligation to indemnify, defend, and hold harmless the City shall include, but not be limited to, paying all legal fees and costs incurred by legal counsel of the City’s choice in representing the City in connection with any such claims, losses, lawsuits or actions, and any award of damages or attorney’s fees in any such lawsuit or action.
2. The Applicant and the business entity allowed for hereunder shall execute an Affidavit of Acceptance of these conditions in the presence of a Notary Public and return the Affidavit to the Director of Community Development within ten calendar days of the date of the Planning Commission’s approval.

3. The approval shall lapse and become void if the privilege authorized is not utilized has not commenced within two years from the date of this approval.
4. Applicant and its employees, agents and contractors shall comply with all Municipal Code provisions and City policies.

Planning Conditions

5. Sales of beer, wine, and distilled spirits shall be permitted only between the hours of 6:00 a.m. to 2:00 a.m. Monday-Sunday. The coolers must be locked to prohibit customers from purchasing alcohol between the hours of 2:00 a.m. and 6:00 a.m.
6. Any modification to the location or expansion of alcoholic beverages not in compliance with the submitted floor plan (attached to the staff report) shall be brought back before Planning Commission for modification of conditions of approval.
7. Sales and deliveries of alcoholic beverages under the off-sale privileges of the license shall be restricted to the confines of the building and shall specifically exclude sales of alcoholic beverages outside of the building.
8. The windows of the Property shall not be tinted or covered in any way, including but not limited to advertising or signage, which obstructs 25% or more of the window to provide a clear view of the interior of the Property from the exterior as referenced in SEMMC Section 17.15.070.
9. The Applicant shall post signage visible to the patrons of such establishment and persons utilizing the adjacent parking area and public sidewalk informing them that it is unlawful for any person having in his or her possession a bottle, can or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed to enter, be, or remain on the premises of the establishment and adjacent parking area and public sidewalk. Applicant shall also install signage that indicates no loitering or panhandling is allowed on the premises at any time. All signage and location of the same shall be subject to the approval of the Director.
10. Alcohol consumption inside the store or outside on the subject site is prohibited.
11. Any graffiti painted or marked upon the Property or on any adjacent area under the control of the Applicant shall be removed or painted over within 24 hours of discovery or notice from the City.
12. 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 or about 7:00 p.m. every 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.

13. The employees who sell alcoholic beverages shall be required to complete a training program in alcoholic beverage compliance, crime prevention techniques, and handling of violence. For new employees of licensees such training known as 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 from the date the ABC license is issued.
14. 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.
15. At no time shall the Applicant allow those under 21 years of age to sell alcoholic beverages.
16. A copy of this approved CUP/resolution shall be kept on the premises at all times and presented to any Sheriff, Business License, or Planning Staff person.
17. The Applicant shall maintain all required permits and licenses in good standing.
18. The front of the exterior of the Property, as well as all adjacent parking areas under control of the Applicant, shall be illuminated at all times. The lighting shall be installed in such a fashion that persons standing outdoors at night, are identifiable by law enforcement personnel while balancing the lighting so as not to unreasonably illuminate the window area of nearby businesses.
19. All crimes occurring inside or outside of the location shall be reported to the Sherriff's Department at the time of the occurrence.
20. At any time when the Applicant is absent from the Property, a responsible party shall be designated who can facilitate any Sheriff inquiries.
21. Security recordings shall be stored for at least 30 days to allow for local law enforcement to review for any incidents that occur on-site.
22. An alarm system that alerts the Sherriff's Department upon triggering shall be maintained for the convenience store in a good and working condition.
23. The Applicant understands that any violation of the foregoing conditions shall be grounds for the suspension, modification or revocation of the Conditional Use Permit.
24. In the event of a violation of any of the conditions of approval or applicable law, the City may issue a notice of correction to the property owner and tenant. If said violation is not remedied within 30 days, or subsequent violations of the conditions of approval or law occurs within 90 days of any notice of correction, the City may initiate enforcement proceedings, including but not limited to, nuisance abatement or revocation proceedings. The Applicant shall reimburse the City for all staff time, including attorney time, incurred in enforcing the conditions of approval or law.
25. Vending machines shall not be permitted on the exterior of the building on the subject site.

- 26. Pay phones shall not be permitted on the Property, whether exterior or interior to the building.
- 27. No alcoholic beverages shall be stored, maintained, displayed or sold from an ice tub.
- 28. The applicant may sell beer in pre-packaged quantities as packaged by the manufacturers of the beer.
- 29. The subject alcoholic beverage license shall not be exchanged for any type of on-sale license.
- 30. Licensees shall not offer, permit, or provide any type of entertainment except when permitted by a valid permit issued by the City.
- 31. The Applicant shall be required to conduct Live Scan background checks in addition to any other required background checks for the employees prior to their working on the premises.

Planning Commission Condition

- 32. The City shall be entitled to review the conditions of the premises and business operations approved herein in approximately six months from the date of the City’s approval, and once a year after that.

SECTION 5: Any interested party may appeal this decision to the City Council pursuant to SEMMC Section 17.03.130.

ADOPTED this 15th day of October, 2024

Chairman, Larry Rodriguez

ATTEST:

Secretary, Renee Reyes

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

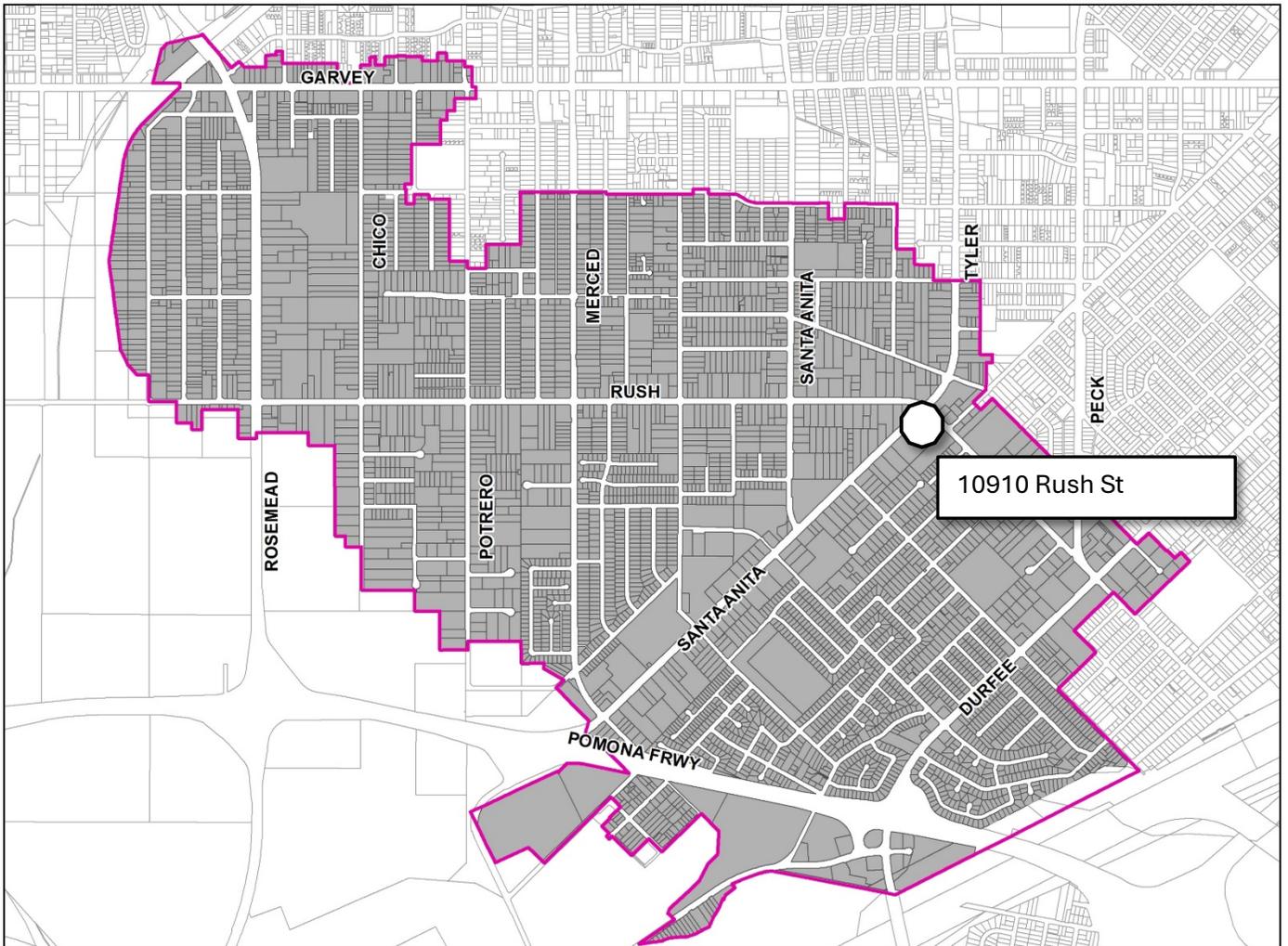
I, Renee Reyes, Secretary to the Planning Commission of the City of South El Monte, do hereby certify that the foregoing Resolution, being Resolution No. 24-07 was duly passed and adopted by the Planning Commission of the City of South El Monte at a regular meeting of said Commission held on the 15th day of October, 2024.

AYES:
NOES:

ABSENT:
ABSTAIN:

Secretary, Renee Reyes

Attachment B



LOAD BEARING WALLS
NON LOAD BEARING WALLS

CO - CLEAN OUT
FD - FLOOR DRAIN
CD - CONDENSATION DRAIN
CL - CONDENSATION LINE

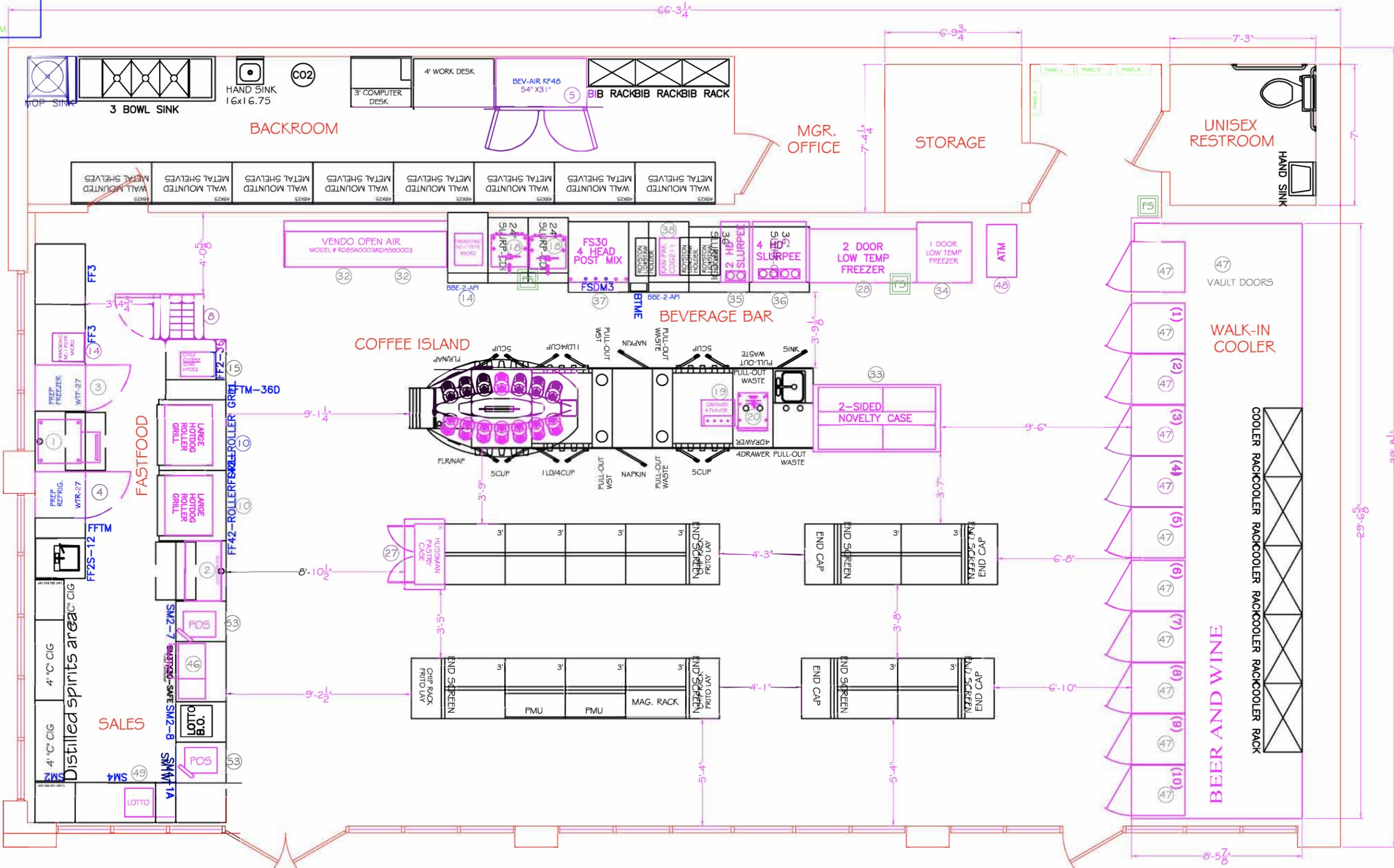
WF - WATER FAUCET
WS - WATER SUPPLY LINES

110V SIMPLEX
110V DUPLEX
110V QUADRAPLEX
220V SIMPLEX
BL - BUILDING LIGHT
PHONE JACK
BLANKED OUTLET
TMS - TANK MONITORING SYSTEM

PROPOSED LAYOUT

ATTACHMENT "C"

7-ELEVEN
2012
SW CMR
PROGRAM



DISCLAIMER:
THIS IS NOT A LEGAL DOCUMENT.
INTENT TO SHOW CURRENT
EQUIPMENT CONDITIONS

REV#	DATE	DESCRIPTION
1-SLR	4/19/2012	QC

7-ELEVEN
34281
10910 RUSH STREET
SOUTH EL MONTE, CA
91733

DRAWN BY: SMS
SCALE: 3/16" = 1'-0"
DATE: 3/24/2012
SHEET: 2



DRAWING # 34281FP

This drawing and all supporting documents contained in the "Survey Package" are the property of 7-Eleven, Inc. The survey drawings and equipment list are not intended to represent or define all site specific scope characteristics and in no way relieve the Project Management Firm's responsibility for conducting a store specific site visit, collecting all as-built information, verifying critical dimensions and generating a proposed scope of work and /or proposed drawings. The Survey Package and supporting documents do not constitute a legal document and are not intended, nor should be used as, permit drawings or documents. Royston LLC excepts no responsibility for errors or omission contained herein.



Planning Commission Agenda Report

Agenda
Item No.
8.a

DATE: October 15, 2024

TO: Honorable Chairman and Members of the Planning Commission

APPROVED BY: Guillermo Arreola, Director of Community Development

SUBJECT: Review of Rustic & Chic and Conditions of Approval for Conditional Use Permit No. 23-03

BACKGROUND: At its October 17, 2023, meeting, the Planning Commission adopted Resolution No. 23-04 that allowed for establishment of a special event facility in conjunction with a Party Rental business (“Project”). Conditional Use Permit (“CUP”) No. 23-03 detailed all conditions applicable to the business, Rustic & Chic, located at 1703 Floradale Avenue (“Property”). The requirement for a three-month review was established to allow for Planning Commission to review how the business has operated after the establishment of a use and to evaluate whether the use negatively impacts surrounding uses.

On November 14, 2023, on appeal, the CUP was brought before the City Council for review and it voted to uphold the Planning Commission’s decision approving the CUP.

On March 19, 2024, staff provided an update on the progress of the project and found that the applicant had fulfilled the following:

- Parking agreement with the school district
- Established payment plan to pay-off fines
- Submit plans to finalized proposed improvements to the facility
- Removed parking lot equipment.

RECOMMENDATION: Staff recommends that the Planning Commission receive and file staff’s report addressing the business’ compliance with the CUP.

ANALYSIS: Staff has followed up with the Rustic & Chic regarding the conditions of approval, and have found the following:

1. Once plans are approved, all permit fees paid, and all required documentation submitted, they can begin construction.
 - a. Plans for the required building remodel have been approved, but additional documentation is required, as well as permit fees.
 - b. Plumbing plans associated with building remodel are pending plan check fees and plan check review.

2. Business license – The banquet facility lacks a city business license. The L.A. County Fire Department will not sign off on the business license application until all the required improvements have been made.
3. Condition of Approval #29: There is a balance of \$6,000 remaining on the citations they have been issued. The original amount was approximately \$16,500. They indicated that they would be paying a \$1,000 a month, with final payment in December. The applicant indicated that being closed prior to the issuance of the CUP has caught up to them financially and they have not been able to catch up.
4. Condition of Approval #30. The business has not submitted a security plan approved by Los Angeles Sherriff’s Department (LASD).

CONCLUSION: 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 modifications or revocation.

Attachments: A. Conditional Use Permit Resolution No. 23-04
 B. March 19, 2024 Planning Commission Staff Report

RESOLUTION NO. 23-04

A RESOLUTION OF THE SOUTH EL MONTE PLANNING COMMISSION APPROVING AN APPLICATION FOR CONDITIONAL USE PERMIT FOR A SPECIAL EVENT FACILITY IN CONJUNCTION WITH A PARTY RENTAL BUSINESS AT 1703 FLORADALE AVENUE, OPERATING AS RUSTIC & CHIC

WHEREAS, Jazmin Mora (“Applicant”), filed an application for a Conditional Use Permit (“CUP”) for a special event facility in conjunction with an existing party rental business (“Project” or “proposed Project”) located at 1703 Floradale Avenue, South El Monte, CA 91733 (“Property” or “project site”); and

WHEREAS, pursuant to South El Monte Municipal Code (“SEMMC”) Section 17.18.050(L), the Project requires Planning Commission review and approval because the Project is not specifically permitted or prohibited, which is determined to be compatible with the permitted uses in the manufacturing zone; and

WHEREAS, a public hearing was held before the Planning Commission on September 19, 2023 to consider the application. All evidence, both written and oral, presented during the public hearing was considered by the Planning Commission in making its determination. On September 19, the Commission voted to continue the public hearing to the October 17, 2023 Planning Commission meeting to allow staff time to conduct additional research regarding the operation of the Applicant’s same business in other cities and request additional information from the Department of Alcoholic Beverage Control; and

WHEREAS, the public hearing was continued to the October 17, 2023 to allow the Planning Commission to further review the application and additional information provided by staff. All evidence, both written and oral, presented during the public hearing was considered by the Planning Commission in making its determination to continue the matter.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF SOUTH EL MONTE HEREBY FINDS AND RESOLVES 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 or 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 with the conditions included in this resolution.

D. The special event facility 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 hearings on September 19, 2023 and October 17, 2023, including the Staff Report dated September 19, 2023 and October 17, 2023, which are hereby incorporated into this Resolution 23-03 by reference, the Planning Commission hereby finds:

A. As conditioned, the Project represents a quality establishment that will be compatible with surrounding uses, the surrounding area, and the goals 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 proposed Project from becoming a detriment through operational limits expressed in the Conditions of Approval.

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 in the area 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 a special event facility that can serve private parties or businesses for small to medium sized 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 special event facility which is uncommon for the area.

SECTION 4: Based on the aforementioned findings, the Planning Commission hereby approves CUP (No 23-03) to operate special event facility 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 laws, policies, rules and regulations including but not limited to the Municipal Code provisions.

Planning Conditions

5. The hours of operation shall be as follows:

The operation of the party rental business are as follows:

- Monday – Friday: 8:00 a.m. – 5:00 p.m.

The proposed hours of operation for the Special Event business are as follows:

- Friday: 6:00 p.m. – 12:00 a.m.
 - Saturday and Sunday: 4:00 p.m. to 12:00 a.m.
6. Any graffiti painted or marked upon the Property or on any adjacent area under the control of the Applicant shall be removed or painted over within 24 hours of discovery or within 24 hours of notice from the City and shall be removed or painted over in compliance with all SEMMC requirements.
 7. 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.
 8. The Applicant shall not permit any loitering including any loitering on any property adjacent to the Property under control of the Applicant.
 9. Noise associated with the special event business shall not negatively impact the surrounding properties, including those residential properties located on Cogswell Road.
 10. 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.
 11. The Applicant shall maintain all required permits and licenses in good standing.
 12. This CUP limits the use of the facility to private events, and shall comply with the following:
 - That there is no sale of an alcoholic beverage.
 - That the premises are not open to the general public during the time alcoholic beverages are served, consumed or otherwise disposed of (private events only).
 - That the premises are not maintained for the purpose of keeping, serving, consuming or otherwise disposing of alcoholic beverages (storage of alcoholic beverages is prohibited).
 13. All Rustic & Chic employees shall enroll and pass the State Department of Alcoholic Beverage Control LEAD program prior to working any future event at Rustic & Chic.
 14. The maximum number of people at the Property shall not exceed 120 attendees.
 15. The maximum occupancy of the premise of 384 shall be prominently posted and monitored at all times. The maximum number of attendees at each event shall not exceed 120.
 16. 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 manner 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 properties.

17. All crimes occurring inside or outside of the location shall be reported to the Sherriff Department at the time of the occurrence.
18. At any time when the Applicant is absent from the premises, a responsible party shall be designated who can facilitate any Sherriff Department inquiries.
19. 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.
20. The business' website shall reflect the adopted conditions of approval, and shall reflect the maximum number of attendees, hours of operation, and that the business does not sell, store, or serve alcoholic beverages.
21. 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.
22. 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.
23. The temporary valet booth shall be removed and stored, hidden from public view, at the conclusion of each event.
24. The City shall review the conditions of the premises and business operations approved herein in approximately three months from the date of the City's approval.
25. The parking agreement must be maintained, and any change to the parking agreement shall be brought before the Director of Community Development for approval before execution.
26. The valet service (Black Diamond Valet) shall:
 - Carry all necessary insurance certificates;
 - All drivers shall have satisfactory driving records;
 - Comply with all traffic safety laws;
 - Comply with the City's noise ordinance.
 - Limit access to the off-site parking area to Black Diamond Valet personnel only and security personnel associated with Rustic & Chic.
 - There will be five attendants for valet parking operations at each event, one attendant at the valet booth, three runners, and one shuttling the parking attendants.
27. The Applicant shall obtain a full Alcoholic Beverage Control ("ABC") license applicable to beer, wine, and spirits within two years.

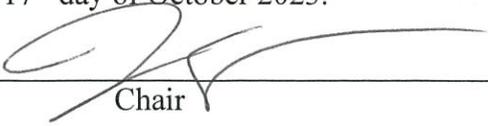
28. The Applicant shall maintain full banquet/event hall insurance or like insurance to the satisfaction of the City. Applicant shall submit proof of insurance upon City's request.
29. The Applicant shall pay all citations in full within one year absent another agreement with the City.

Sheriff Department Conditions

30. The applicant shall be required to submit a security plan to the Sheriff's Department for review and approval, and shall contain the following:
 - The installation of security cameras for a video monitoring system. Security cameras shall be required inside, as well as outside the building at each entry/exit point. Security cameras shall be in constant working order and directed towards ingress/egress points of the business. Recordings shall be retained for 60 days and allow to be reviewed by the Sheriff's Department.
 - Security lighting shall be installed, include motion sensors, and shielded to avoid light spillage onto adjacent properties.
 - Appropriate gate hardware such as keypad/keycard access and automatic gate closers shall be implemented where feasible to limit unauthorized access as well as for easy monitoring of the site;
 - Security guards shall be present during each event at the event facility and at the off-site parking area (Monte Vista Elementary School).
 - The special event business shall include a minimum of three security guards, one along the exterior of the Property, one within the venue, and one at the off-site parking area as required in this CUP.
31. Allow access to Sheriff's Department and City Code Enforcement Personnel to the Property, building, and parking lot at all times including when business operation are occurring including special event activities.
32. The Sheriff's Department shall be allowed to modify the security plan should there be any future issues on site with notice to the permittee.

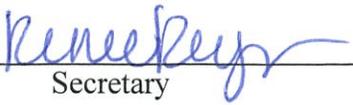
SECTION 5: Any interested party may appeal this decision to the City Council pursuant to SEMMC Section 17.74.050.

PASSED, APPROVED AND ADOPTED this 17th day of October 2023.



Chair

ATTEST:



Secretary

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

I, Renee Reyes, Secretary to the Planning Commission of the City of South El Monte, do hereby certify that the foregoing Resolution, being Resolution No. 23-04 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 17th day of October 2023.

AYES: Sanchez, Tang, Vice Chair Barrera, Chair Ortiz
NOES: Rodriguez


Secretary



Planning Commission Agenda Report

**Agenda
Item No.
8.c.**

DATE: June 18, 2024

TO: Honorable Chairman and Members of the Planning Commission

APPROVED BY: Guillermo Arreola, Director of Community Development

PREPARED BY: Gerardo Marquez, Planning Manager

SUBJECT: Review of Rustic & Chic and Conditions of Approval for Conditional Use Permit No. 23-03

BACKGROUND: At its October 17, 2023, meeting, the Planning Commission adopted Resolution No. 23-04 that allowed for establishment of a special event facility in conjunction with a Party Rental business (“Project”). Conditional Use Permit (“CUP”) No. 23-03 detailed all conditions applicable to the business, Rustic & Chic, located at 1703 Floradale Avenue (“Property”). The requirement for a three-month review was established to allow for Planning Commission to review how the business has operated after the establishment of a use and to evaluate whether the use negatively impacts surrounding uses.

On November 14, 2023, on appeal, the CUP was brought before the City Council for review, and voted to uphold the Planning Commission’s decision approving the CUP.

On March 19, 2024, staff provided an update to the Planning Commission regarding the status of the conditions of approval. The commission received and filed the report requesting future updates from staff on the progress of the conditions of approval.

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 working closely with the Applicant regarding the conditions of approval, and more specifically, the following:

- **Parking Agreement with the School District:** On February 21, 2024, the applicant submitted a signed parking agreement with the School District. In order to operate the rental facility, the parking agreement must be in good standing. The parking agreement is in effect for two years from the date of execution (02/21/24), and the contract can be extended up to a maximum of four (4) years total. The applicant will be required to submit proof of the extension and will have to enter into another contract prior to the expiration of the existing contract, otherwise, the applicant may not operate the rental facility.
- **Payment Plan:** The applicant had accumulated a total of \$16,500 in total fines. The applicant began paying off those fines starting in November, with a \$3,000 payment. On

March 4th, the applicant paid an additional \$4,500, bringing the remaining balance to \$9,000.00. The applicant has made a payment of \$1,000 since then, bringing their balance down to \$8,000.00. The applicant has agreed to pay off the balance by December 2024.

- **Plan Submittal:** Plans are in the plan check process. The applicant was provided corrections on April 29, 2024 and the plans were resubmitted back for recheck on June 6, 2024.
- **Removal of parking lot equipment:** Parking lot equipment was removed to make room for the required parking area.
- **Complaints:** Staff has not received any complaints from adjacent properties or the public regarding the operation at this location.

CONCLUSION: As long as the business continues to act in good faith and adheres to the conditions set forth in Resolution No. 23-04, then it should not negatively impact the area. 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.