

**CITY OF SOUTH EL MONTE
PLANNING COMMISSION OFFICIAL MINUTES
TUESDAY, FEBRUARY 20, 2019
CITY COUNCIL CHAMBERS
1415 N. SANTA ANITA AVENUE
SOUTH EL MONTE, CALIFORNIA 91733**

A. CALL TO ORDER

Secretary calls meeting to order at 6:01 P.M.

B. ROLL CALL

COMMISSIONERS PRESENT: Chairperson Leo Barrera, Vice-Chairperson Gabriella Landeros, Rudy Bojorquez, Benjamin Garrett and Larry Rodriguez

Also Present: (Mayor) Gloria Olmos, (Pro-Tem Mayor) Manny Acosta, (Councilmember) Richard Angel, (City Attorney) Stephanie Cao (Community Development Director) Jose D. Jimenez, (Assistant Planner) Ian McAleese, (Department Secretary) Angie Hernandez

C. FLAG SALUTE

Commissioner, Leo Barrera led the flag salute.

D. APPROVAL OF AGENDA

A motion was made by Commissioner Rodriguez and seconded by Commissioner Landeros and carried (5-0) to approve the agenda as-is.

Vote: Approval of Agenda
Ayes: Barrera, Landeros, Bojorquez, Garrett and Rodriguez
Nays: None
Absent: None
Abstain: None
Action: Approved

E. PUBLIC PARTICIPATION

Chairman Barrera opened the floor to public comment.

Mayor Gloria Olmos welcomed them to the new commissioners to the commission. Councilmember Angel also welcomed the new commissioners and commented a commissioner's duties should align with the best interest of the City.

Chairman Barrera closed the floor to public comment.

F. CONSENT CALENDAR

1. Minutes of December 18, 2018

Chairman Barrera stated for the record: Commissioners Garrett and Rodriguez would be excluded from voting on this matter due to the subject being non-applicable.

A motion was made by Commissioner Landeros and seconded by Commissioner Bojorquez and carried (3-0) to approve Consent Calendar Item #F1 (Minutes of December 18, 2018)

Vote: Approving Consent Calendar – Minutes of December 18, 2018
Ayes: Barrera, Landeros and Bojorquez
Nays: None
Absent: None
Abstain: None
Action: Approved

G. PUBLIC HEARINGS

1. CONSIDERATION OF MODIFICATION OF CONDITIONS OF APPROVAL PURSUANT TO SECTION 17.68.070 OF THE ZONING ORDINANCE FOR CONDITIONAL USE PERMIT NO. 11-009 AT 9251 GARVEY AVE # G-J

Assistant Planner, Ian McAleese presented the staff report. During his presentation he spoke about the history of the property including violations, sheriff service calls, telling the Commission that the site is primarily a multi-use retail center. He added that the conditional use permit was granted in January 2012 for a restaurant with a secondary use of a karaoke entertainment along with an ABC liquor license. He told the commission before them was the consideration of the modification of the conditions of approval to the conditional use permit issued in 2012, since the business was sold to a new owner in 2016. Neither the original applicant, back in January 2012, nor the new applicant has complied with the original conditions of approval. Staff recommended that the Commission adopt Resolution No. 18-06, modifying Conditional Use Permit No. 11-009.

Chairman Barrera opened the floor to commissioner’s discussion.

There was a discussion by the Commission regarding this report. The commissioners asked about the existing security in the private karaoke rooms, if the sheriffs’ service calls pertain to this establishment, if there are currently any unobstructed views, if the City staff has spot-checked the business, what time the other businesses in the center close and if any other entertainment is offered at this establishment. City staff stated they were unaware if any security cameras exist in the private karaoke rooms, all the service calls were from this shopping center and not necessarily from this establishment, currently there is paint or tint that obstruct the view from the outside looking in, City staff has not spot-checked this location, the other businesses in this center close at 5 p.m. and no other form of entertainment to the City’s knowledge is being offered.

Chairman Barrera opened the floor to public comment.

Larry Lam, applicant, and his translator addressed the Commission regarding his application; his unawareness of the original conditions imposed by the City through the conditional use permit, and stated his willingness to comply with all

the requirements. He also added that if the Commission would consider his request to keep the current operating hours at 11:00 a.m. to 2:00 a.m., otherwise closing at an earlier time would hurt his business and would ultimately drive him out of the City.

Michael Esparza, the architect for the project approved in 2012, addressed the Commission regarding the visibility or unobstructed views stating the coverings you see now hide the sound proof material inside the metal studs, the karaoke rooms have an intercom and the service calls are not to this establishment in particular. He also stated if the Commission would consider the applicant's request to continue operating from 11:00 a.m. to 2:00 a.m. in order to avoid Mr. Lam's business from suffering.

Mr. Esparza answered questions by the Commission.

Commissioner Bojorquez asked if there is an alternative transparent sound proof option for the façade. Mr. Esparza said there is not. He said the owner is okay with reducing his opening hours but allow Mr. Lam to continue to operate until 2:00 a.m. In addition, Mr. Esparza stated there are currently no security cameras in the karaoke rooms. Commissioner Rodriguez asked if the owner was willing to compromise their operating hours. Mr. Esparza stated they have been operating well over six months without any service calls or violations since November 2018. Commissioner Landeros asked if the owner can revise their security plan. Mr. Esparza stated they have supplied City staff with an updated security plan. Commissioner Barrera asked if this was the only business Mr. Lam owns/operates. Mr. Esparza stated this was the only business Mr. Lam currently owns and has operated this type of business since 2000. Commissioner Garrett asked what time does alcohol sales cease. Mr. Esparza stated at 1:30 a.m.

The Community Development Director noted to the Commission the recommendation by City staff was based on the impression the primary use of this application was intended to be a restaurant with secondary use of a karaoke bar. He stated he wanted to clarify the conditions are not being met and new imposed conditions are being presented to the applicant.

Public comments continued with Jian Liang Lin, a local patron and business owner, and Mr. Lam's translator stated his business is right around the corner at 10161 E. Rush Street. He stated he conducts business at Palaces and closing at 12 a.m. would distress his business as well.

Local patron, Steven Lam, stated he works in the movie production industry and films nearby at a warehouse. He stated that he frequents Palaces after production to grab a bite to eat and hang out. He stated if the commission would reconsider closing at 2:00 a.m. since an earlier close time would limit his options for a local alternative than driving to Koreatown. He stated he has not experienced any problems at this establishment.

Local patron, Javier Alcala, stated he works nearby the area and also frequents Palaces. He stated he works the late shift and closing the establishment early

would limit his options for a place to eat, drink and unwind after a long day's work.

Security guard service provider, Jorge Alvarez, stated he provides security services to Palaces and in his over ten years' experience with karaoke bars, the busiest times are after 10:00 p.m. He stated a business will not succeed if the doors close at 12:00 a.m. Mr. Alvarez stated if the commission would reconsider extending the closing hours until 2:00 a.m.

Local patrons, Peter and Natalie Yun, addressed the commission stating they enjoy going to Palaces to partake in the karaoke and dinner. They enjoy having a local establishment nearby. They like the fact the establishment closes at 2:00 a.m. since it allows them to enjoy date nights without their children. He stated but if they wanted to bring their children, the establishment is family friendly enough for them to do so.

Chairman Barrera closed the public hearing.

There was additional discussion by the Commissioners. Commissioner Rodriguez requested of the commission to consider granting Mr. Lam to stay open until 2:00 a.m. and include security cameras in the private karaoke rooms. Commissioner Landeros stated to include the ABC training courses as part of the new conditions to meet and grant this requirement to be completed within a six month period. Commissioner Garret asked of staff what parameters are in place to ensure alcohol consumption and sales are restricted at an appropriate and safe time frame before consumers leave the establishment. The Community Development Director responded by saying the Alcohol and Beverage Control agency has state mandated regulations business owners must follow and sheriff's departments all know and follow. Assistant Planner, Ian McAleese stated that as part of the business owners' modified conditions is noted the owner must stop selling liquor half an hour before closing time.

The Community Development Director noted to the Commission to include a single modification that clearly notes the supplementary requirements the Commission wishes to add to the current modification of approval.

Chairman Barrera opened the floor to public hearing to ask Mr. Lam additional questions.

Chairman Barrera asked Mr. Lam if he understood what is being expected and asked of him regarding the modification of approval. Mr. Lam responded by stating he has received the report that list the conditions and does understand. Commissioner Bojorquez asked Mr. Lam what days and hours are his busiest. Mr. Lam explained that there isn't anything specific. He stated typically patrons arrive during evening hours.

Chairman Barrera closed the public hearing.

Commissioner Bojorquez stated the removal of the noise barriers since most of the business at this establishment is conducted after office hours. Community Development Director, stated as part of the original conditions the owner must comply with both noise ordinances and unobstructed views for safety personnel to conduct safety searches. The director stated it is important for the business owner to address these conditions for the safety of our staff, sheriff personnel and the well-being of the City. Chairman Barrera stated the business is located away from residential zoned area, which shouldn't pose too much of a problem.

Commissioner Landeros stated to the Commission if a new condition can be added to have the owner comply with the ABC license requirement training course in the six month trial period and include a revised security plan.

Chairman Barrera opened the floor to public hearing to ask Mr. Lam additional questions.

Mr. Esparza responded by asking the Commission to come up with a compromise for the visibility modification condition. He suggested installing a window to each room to create visibility, but keep the painted drywall in place in order to avoid tearing off the drywall and having the metal stud visible from the front façade. Mr. Lam has stated he is okay with the newly imposed conditions. He stated he currently follows most of these newly imposed conditions already.

Chairman Barrera closed the public hearing.

Motion by Commissioner Rodriguez, seconded by Commissioner Bojorquez, to adopt Resolution No. 18-06, modifying Conditional Use Permit No. 11-09 with the following modifications:

- a) Six Month trial period to close at 2:00 a.m.
- b) Revise security plan to include camera position layout with cameras in each private room and common space within the business.
- c) Security plan revision will include updated information regarding safety personnel, specifically individuals tasked with providing safety to the site.
- d) ABC training course to be completed by Applicant, Owner and any/all employees within six months.
- e) Six month trial period for all conditions to be met and completed.
- f) Authorize code enforcement and safety staff to perform periodic spot checks, for compliance purposes.

Vote: Approving Resolution 18-06 with additional modifications # A-F
Ayes: Barrera, Landeros, Bojorquez, Garrett and Rodriguez
Nays: None
Absent: None
Abstain: None
Action: Approved / Motion carried 5-0.

H. COMMISSIONERS' AGENDA

None.

I. STAFF ITEMS

Director's Report – Community Development Director stated he and the Mayor attended a meeting with Governor Newsom regarding updates to the Housing Element. He stated he would provide information to the commission as soon as it becomes available. As per requested by the Commission, he will include an item on next month's agenda to vote for Chairperson and Vice Chairperson to grant the newly appointed commissioners an opportunity to vote.

Planner's Report – No items to report.

Secretary's Report – Planning Commission Secretary confirmed the attendance of the three newly appointed commissioners: Bojorquez, Garrett and Rodriguez to this year's Planning Commissioners Academy. The academy will be held at the Queen Mary Hotel in Long Beach, California on March 6-8, 2019. The academy is intended to assist newly appointed commissioners in their term to understand the planning and process of planning commission meetings.

I. ADJOURNMENT

A motion to adjourn the meeting was made by Chairperson Barrera and seconded by Commissioner Borjorquez to adjourn meeting at 7:32 p.m. and reconvene next month on March 19, 2019 at 6:00pm.