

**CITY OF SOUTH EL MONTE
PLANNING COMMISSION OFFICIAL MINUTES
TUESDAY, SEPTEMBER 17, 2019
CITY HALL COUNCIL CHAMBERS
1415 SANTA ANITA AVE
SOUTH EL MONTE, CALIFORNIA 91733**

1. CALL TO ORDER

Secretary calls meeting to order at 6:03 P.M.

2. ROLL CALL

COMMISSIONERS PRESENT: Chairperson Rudy Bojorquez, Leo Barrera, Benjamin Garrett and Jeff Ortiz. EXCUSED ABSENT: Larry Rodriguez.

Also Present: (Interim City Attorney) Aleshire & Wynder, LLP, (Community Development Director) Jose D. Jimenez, (Assistant Planner) Ian McAleese, (Department Secretary) Angie Hernandez

3. FLAG SALUTE

Chairperson, Rudy Bojorquez led the flag salute.

4. APPROVAL OF AGENDA

Chairperson Bojorquez motioned to remove/continue item# 9a Commissioner's Item: Nominate and Vote for Vice Chairperson until next meeting.

A motion was made by Chairperson Bojorquez and seconded by Commissioner Barrera and carried (4-0) to approve the agenda with changes noted (to remove /continue item #9a until next meeting).

Vote: Approval of Agenda as-noted above
Ayes: Bojorquez, Ortiz, Barrera, Garrett
Nays: None
Absent: None
Abstain: None
Action: Approved

5. PUBLIC COMMENT

There was no public comment.

6. CONSENT CALENDAR

6a. Minutes of July 16, 2019

A motion was made by Commissioner Garrett and seconded by Commissioner Ortiz and carried (4-0) to approve Consent Calendar Item #6a (Minutes of July 16, 2019)

Vote: Approving Consent Calendar – Minutes of July 16, 2019
Ayes: Bojorquez, Ortiz, Barrera and Garrett

Nays: None
Absent: None
Abstain: None
Action: Approved

7. PUBLIC HEARINGS

7a. Adoption of Resolution No. 19-13 modifying Subdivision (LS No. 16-12) to allow for the creation of two air parcels for commercial condominium purposes over a previously approved lot merger from six parcels at 2405 Loma Avenue.

The Assistant City Planner gave a brief background regarding the applicant. On February 17, 2017, the applicant, Twen Ma, obtained approval from the Planning Commission to allow for a subdivision to merge six lots into one lot to allow for the construction of a new 55,792 square foot manufacturing building ("Project") at 2405 Loma Avenue, in the City of South El Monte, California 91733 ("property"). The Tentative Parcel Map would have expired in February 2019, but the applicant requested an extension on February 4, 2019 and was approved for a one year extension on April 16, 2019. On July 30, 2019 the Applicant approached the City to request a clarification regarding the previously approved lot merger to allow for the creation of two air parcels for manufacturing condominium purposes. The Assistant Planner concluded with the following recommendation: Planning Commission adopt Resolution 19-13, approving modification to LS 16-12 and allow for the creation of two manufacturing air parcels and requiring the owner to implement and submit Covenants, Conditions and Restrictions ("CC&Rs")

Below are comments that were noted during the public hearing of this item:

1. Question by: Commissioner Barrera, Can you please define what an air parcel is?
Response by: Assistant Planner, Air space parcels are land for the purposes of the Land Title Act, and can be transferred, leased, mortgaged and charged. An air space parcel is defined as a volume of space, rather than a flat plane. The air space parcel volume can be comprised of air, land or a combination of air and land, and it may be occupied by a building.
2. Comment by the applicant, Twen Ma, the Project Architect. We have passed all the electrical, mechanical, plumbing and building plan checks. We are submitting Final Map. The Construction Agreement is in negotiation. We are very near to begin construction. The Attorney is preparing the CC&R's and the owner looks forward to beginning the construction and pull building permits for this project.
3. Question by: Commissioner Jeff Ortiz to the Applicant, Twen Ma: You mentioned some units at the back of the property, can you please explain what this means? Mr. Twen Ma, responded by explain the lot is a

rectangle shape, the owner would occupy the storefront which is an auto parts store and the back of the lot can be leased out to another business.

4. Comment by; Commissioner Barrera, Thank you for staying in the City of the last 15 years, we look forward to seeing this project complete.

With no further questions or comments, Chairperson Bojorquez closed the floor to public comments.

A motion was made by Commissioner Barrera and seconded by Commissioner Garrett and carried (4-0) to approve Resolution No. 19-13 modifying Subdivision (LS No.16-12) to allow for the creation of two air parcels for commercial condominium purposes over a previously approved lot merger from six parcels at 2405 Loma Avenue

Vote: Approving Resolution 19-13 modifying Subdivision (LS No. 16-12) to allow for the creation of two air parcels for commercial condominium purposes over a previously approved lot merger from six parcels at 2405 Loma Avenue

Ayes: Bojorquez, Ortiz, Barrera and Garrett

Nays: None

Absent: None

Abstain: None

Action: Approved

7b. Approval of Resolution No. 19-01 requesting that Planning Commission ask the City Council to consider a Zone Text Amendment (No. 19-01), to Chapters 17.14 “Commercial” and 17.15 “Commercial-Residential”, to require a Conditional Use Permit for all Auto Related Land Uses within 500 feet of SR-60 (“Pomona Freeway”)

The Assistant City Planner presented the staff report. At its January 23, 2018 meeting, the City Council approved an Interim Ordinance establishing a moratorium on any new automotive related uses within 500 feet of SR-60 for 45 days. The moratorium was extended for an additional 10 months and 15 days on March 8, 2018 to allow staff to undertake the necessary research to determine the level of review the City would like to consider for automotive uses within 500 feet of State Route 60 (SR-60). The Ordinance was extended for one final year on January 22, 2019 in order for staff to finalize their analysis regarding automotive uses within 500 feet of SR-60. Staff recommends that the Planning Commission adopt Resolution No. 19-01, recommending that the City Council adopt Zone Text Amendment (No. 19-01) and making adjustments to the South El Monte Municipal Code (“SEMMC”) Chapters 17.14 “Commercial” and 17.15 “Commercial-Residential” to require a Conditional Use Permit (“CUP” or “CUPs”) for all Auto Related Land Uses within 500 feet of SR-60. The recommendation herein, also includes defining prohibited uses in the Chapter 17.15, C-R (Commercial Residential) zone.

Below are comments that were noted during the public hearing of this item:

1. Question by: Commissioner Ortiz, What type of use is being affected? Response by: Assistant Planner, any auto-related use. For example, Auto Shop, Auto Repair, Auto Body, Tires & Rims, Auto Sales, etc. Any new business coming would be affected.
2. Question by: Commissioner Garrett, Can you confirm his prohibition would apply to any new business coming in to this area? Response by: Assistant Planner, Yes, that is correct. This ordinance would apply to any new business coming in would require the applicant to apply for a CUP which would bring it before the Planning Commission. It does not affect any existing auto-related business.
3. Question by: Chairperson Bojorquez: Does this change apply to a change of ownership? Response by: Assistant Planner, No this does not affect the new owner for the existing business. We have a section in our code labeled: non-conforming that would allow the same continued use, but would expire if the property is vacant for 3 consecutive months or for a total of 6 months in a 12 month period.
4. Question by: Commissioner Barrera: Are there any other local jurisdictions with a similar code amendment? Response by: Assistant Planner, we looked at our neighboring city, El Monte, and they do not have a similar restriction for auto-related uses but they do have similar restrictions for billboards.
5. Comment by Frank Weisner, Attorney for Mr. Sanjay Patel, He wanted to state his client has the right to use his fifth amendment right and therefore objects to this zone text amendment.
6. Question by: Mirta Delgado, resident: Will I need a parking permit for this amendment? Response by: Assistant Planner, No. This amendment will affect a new applicant that tries to bring their business within 500 feet of the 60 freeway that does any auto-related use. This amendment would require them to apply for a CUP. It applies to the Commercial and Commercial Residential zone only.

8. NON- PUBLIC HEARINGS

8a. Six-month review of Conditional Use Permit No. 11-009 for the property located at 9251 Garvey Avenue (Palaces Restaurant).

There was a powerpoint presentation provided by the applicant to summarize the list of modifications the Planning Commission requested. The presentation included photographs to confirm the modifications were completed. The applicant's attorney, Mr. David Siegrest-Torres was available to answer commission and public questions.

Below are comments that were noted during the public hearing of this item:

1. Question by: Commissioner Barrera: What are the hours of operation?
Response by: Assistant Planner

2. Questions by: Commissioner Ortiz: Is this establishment for people 21 & over ? Response by:

COMMISSIONERS' AGENDA

Commissioner Barrera mentioned the Fourth of July event was successful, "hats off" to the staff and City for an eventful production. Commissioner Rodriguez commented on the line-up the City has for the Concerts in the Park and encouraged everyone to participate and support the City for these events. Commissioner Landeros thanked City Council and staff for their support throughout her years as commissioner. She stated she will be in touch and will miss everyone. Commissioner Garrett stated his gratitude and support for the Fourth of July and Concerts in the Park events held by the City. Chairperson Bojorquez encouraged the public to support and attend the Concerts in the Park, the Ribbon Cutting ceremony for Rio's Pizza, the Fourth of July and the Movies in the Park events.

STAFF ITEMS

Planner's Report – No items to report.
Secretary's Report – No items to report.
Director's Report – No items to report.

ADJOURNMENT

A motion to adjourn the meeting was made by Commissioner Rodriguez and seconded by Vice Chairperson Landeros to adjourn meeting at 6:58 p.m. and reconvene next month on August 20, 2019 at 6:00pm.