

**CITY OF SOUTH EL MONTE  
PLANNING COMMISSION OFFICIAL MINUTES  
TUESDAY, DECEMBER 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 6:02 P.M.

**2. ROLL CALL**

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

Also Present: (Assistant City Attorney) Christy Lopez of Aleshire & Wynder, LLP, (Public Works Director) Rene Salas, (Assistant Planner) Ian McAleese, (Planning Commission Secretary) Angie Hernandez

**3. FLAG SALUTE**

Chair, Rudy Bojorquez led the flag salute.

**4. APPROVAL OF AGENDA**

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

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

**5. PUBLIC COMMENT**

None.

**6. CONSENT CALENDAR**

**6.a. Minutes of November 19, 2019**

A motion was made by Commissioner Garrett and seconded by Commissioner Ortiz and carried (5-0) to approve Consent Calendar (Minutes of November 19, 2019)

Vote: Approving Consent Calendar – Minutes of November 19, 2019  
Ayes: Bojorquez, Ortiz, Garrett, Barrera and Rodriguez  
Nays: None  
Absent: None  
Abstain: None  
Action: Approved

## 7. PUBLIC HEARINGS

### 7.a. Consideration of Resolution 19-25 Modification of Conditions of Approval for Conditional Use Permit No. 11-009 for the property at 9251 Garvey Avenue (Palaces Restaurant)

At its February 19, 2019 meeting, the Planning Commission adopted Resolution No. 18-06 that allowed for modification of conditions of approval associated with Conditional Use Permit (“CUP”) No. 11-009, which was originally approved by the Planning Commission on January 24, 2012. CUP No. 11-009 detailed all conditions applicable to the restaurant, The Palaces located at 9251 Garvey Avenue. The modification of conditions at the Planning Commission’s meeting on February 19, 2019, were a result of fact that Palaces was operating in violation of several conditions of approval. Following the adoption of Resolution 18-06 by the Planning Commission on February 19, 2019, the item was called for review by the City Council. The Council had concerns regarding the item and therefore approved and implemented additional conditions; the primary condition is a six-month review of the business to make sure all conditions are being met and adhered to. The conditions imposed by the City Council were adopted and approved in Resolution No. 19-17. Planning Commission conducted a six-month review of Palaces and decided that they were not in violation of their conditions, but recommended staff bring the item back to modify the CUP to require another review period to verify the continual compliance of the business.

Below are the comments noted during the hearing of this item:

1. Commissioner Barrera, asked: If a progress report has been submitted since September 2019? Planning Assistant answered: City staff has not received any complaints or corrections. City staff will be conducting our inspections during the new year. Did the applicant agree to Random Inspections? Planning Assistant answered: Yes, as part of the modification of conditions of approval, there was language included that stated that Code Enforcement and staff shall have permission to conduct random inspections. Does the language include conducting “after-hours” inspections? Planning Assistant answered: Yes, Condition number 30 states the following: Code Enforcement, Sherriff’s Department and Community Development staff shall be allowed to conduct inspections of the restaurant at any time.
2. Commissioner Rodriguez, asked: If all the structural requirements have been completed? Planning Assistant answered: Yes, the removal of the tinted windows at the front were accomplished by the September 2019 deadline. As of this time, there have not been reports this requirement has been violated.
3. Chairperson Bojorquez, asked: Do we have any reports from the Sherriff’s Department? Planning Assistant answered: Yes, for the next review, we can request an updated Sheriff’s report for the last year since this CUP was granted to show any incidents/ problems/ reports at this location.
4. Public comment was opened.

5. The applicant's attorney: David Torres-Segrest introduced himself and complimented City Staff on how well they have assisted through-out this entire process. He asked the Planning Commission if they have any additional questions.

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

A motion was made by Commissioner Garrett and seconded by Commissioner Barrera and carried (4-0) to **APPROVE** Resolution 19-25 Modification of Conditions Approval for Conditional Use Permit No. 11-009 for the property at 9251 Garvey Avenue (Palaces Restaurant)

Vote: Approving item #7.a. approving Resolution No. 19-25 for Modification of Conditions Approval for Conditional Use Permit No. 11-009 for the property at 9251 Garvey Avenue (Palaces Restaurant)

Ayes: Bojorquez, Ortiz, Garrett and Barrera  
Nays: None  
Absent: None  
Abstain: Rodriguez  
Action: Approved

**7.b. Consideration of Resolution No. 19-27 requesting that Planning Commission ask the City Council to consider a Zone Text Amendment (No. 19-27), to Chapter 17.22 "Overlay Zone Districts", to set minimum residential development standards in order to comply with the requirements as set forth by the California Housing and Community Development Department ("HCD").**

The Chair read the title of item #7.b. and opened the item for public comment and stated the following: "This item will be continued to the January 21, 2020 Planning Commission Meeting."

Item left OPEN to public hearing.

With no further questions or comments, Chairperson Bojorquez requested a motion.

A motion was made by Commissioner Garrett and seconded by Commissioner Ortiz to **CONTINUE** Consideration of Resolution No.19-27 requesting that Planning Commission ask the City Council to consider a Zone Text Amendment (No. 19-27), to Chapter 17.22 "Overlay Zone Districts", to set minimum residential development standards in order to comply with the requirements as set forth by the California Housing and Community Development Department ("HCD") and carried a vote of (5-0).

Vote: Continuing Item #7.b. adopting Resolution No.19-27  
Ayes: Bojorquez, Ortiz, Rodriguez, Barrera and Garrett  
Nays: None

Absent: None  
Abstain: None  
Action: CONTINUE ITEM TO JANUARY 21, 2020

**7.c. Consideration of a Conditional Use Permit (CUP) (No. 19-26), which would allow for the on-sale of beer and wine within a bona fide public eating place, that includes live entertainment at 1725 Durfee Ave, known as KRUDOS restaurant (RESO 19-26).**

The Assistant Planner gave a brief history on this item. On June 20, 2017, the Planning Commission approved a Conditional Use Permit to allow for building additions to an existing commercial building, as well as additional parking to accommodate new restaurant uses. The original building has been used as a dental office for the past 40 years. As part of the proposal, the applicant retained the original dental office and added two new tenant spaces measuring a total of 4,000 square feet designed to accommodate restaurant uses. One of the additions is located along Thienes Avenue, and the other is a smaller addition that is located on the eastern elevation and facing Durfee Avenue. Since 2017, the property owner has been working to finalize the construction of the two additions discussed above. Those additions will be ready for occupancy shortly. The larger of the two restaurant spaces (1725 Durfee Ave) is currently applying for an on-sale beer and wine license along with karaoke. The applicant originally applied, and was approved, for a CUP on January 16, 2018 (CUP 17-11), that allowed for beer and wine sales, but has since expired. This approval will allow for the applicant to proceed with beer and wine sales and karaoke, as conditioned back in 2018.

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

1. Question by: Commissioner Garrett to staff, Is the karaoke closed off in separate rooms or open floor? Response by: Assistant City Planner, The karaoke has an open floor concept with a mini “stage” near the dining area. Do we know if the walls are sound proof? -as to consider the noise level for the residents in the neighboring area. Response by: Assistant City Planner, I’m not exactly sure what type of material was used in construction of this building, whether the walls or windows are sound proof. We can definitely ask the applicant during public comment, since they are here to answer your questions.
2. Question by: Commissioner Ortiz to staff, To piggy-back on Commissioner Garrett’s question, Does the outside patio have windows/ doors that incorporate the music to the outside patio ? Response by: Assistant City Planner, In the conditions of approval we included a statement that prohibits live/amplified music, to be played or used outside the building. So no augmented sound is allowed outside. Also, the patio is facing the south side of the building which is facing Durfee Avenue which is a commercial land use.
3. Question by: Commissioner Rodriguez to staff, Was a notice sent out to the neighboring residents? Response by: Assistant City Planner, Yes a notice was sent out to all residents and occupants within 500 feet of this project, which included Monte Vista Elementary School and Mountain View School District. Also, staff received a letter from a local resident stating that they feel this project is too close to the school and that the school board should be notified on this project. Is a

- special license required to consume/sell alcohol on the patio ? Response by: Assistant City Planner, No, the applicant is applying for on-sale beer and wine license. Type 41 License allows for the on-sale of beer and wine to be sold, purchased and consumed onsite. No offsite sales or consumption is allowed.
4. Question by: Commissioner Barrera to staff, Since the last time the applicant was here, Has anything changed? Hours of Operation Response by: Assistant City Planner, The few things that did change was #1) the request for Karaoke to begin at 7:00pm versus the original start time of 8:00pm, #2) they are requesting to change the opening hours on Thursday to a later time, and #3) opening earlier on the weekends to accommodate serving breakfast. I'd like to comment on condition # 38 that would require a yearly review by the Planning Commission. Considering this restaurant is near residential homes, I believe this is a good idea to ensure the applicant is respectful of the area.
  5. Question by: Commissioner Ortiz to staff, Can the City remove the red zones to allow for more street parking? Response by: Assistant City Planner, I am not sure, I will direct your question to the Public Works Director since the question at hand deals with the public streets and public right-of-way. Director of Public Works responded: I would have to double check, but I believe the red zones are in place due to line of sight and visibility requirements.
  6. City Attorney, interjected with a suggestion to modify Condition #10 in order to avoid any confusion. To read along the lines: karaoke should only be allowed inside the restaurant and only four days a week Thursday through Sunday 7:00 pm to 12:30 am and Sunday from 7:00 pm to 9:30 p.m.
  7. Question by: Chairperson Bojorquez: Is the wrought iron fence staying? Response by: Assistant City Planner, Yes the wrought iron fence is staying. Will there be a designated smoking area in the patio? Response by: Assistant City Planner, No, not to my knowledge, we can ask the applicant when he comes up. Is there any type of security in place, given this restaurant will be serving alcohol and have entertainment this late in the night ? Also, Is there a cutoff time or "last call" schedule ? Response by: Assistant City Planner, We can include it as a modification if the Commission would like.
  8. City Attorney, interjected stating that there were two separate conversations going on. She stated we can include an amendment to address all the amendments I will read and if the Commission accepts or denies the CUP they will either be included as additional conditions for this CUP.
  9. Commissioner Ortiz asked, Can we also include conditions to add signage near the entrances/exits that read "Watch for Pedestrians"? Response by: Assistant City Planner, Well we imposed that exact condition to include the signage to the previous applicant at the same location.
  10. Chairperson Bojorquez opened the floor to public comment.
  11. Applicant, Mike Iniguez, made himself available to answer Commissioners questions.
  12. Commissioner Garrett asked the applicant, If during construction any soundproof materials were used in the building? Mike Iniguez answered, Yes I am familiar with the construction part of the building, my other location also required dual pane windows and soundproof insulation to be installed. Yes, in this case as well, we have installed dual paned windows and soundproof insulation.
  13. Commissioner Rodriguez made the following comment to the applicant: Our main concern here is the safety of our residents. Mainly because this will affect them, being located near a highly residential area. He asked: How will closing alcohol

sales one hour earlier than closing time affect your business? The applicant answered, Safety is my priority as well. I do have a thirty-minute last call before closing at my other location which closes at 2:00a.m. It shouldn't affect my business. Commissioner Rodriguez continued to state that he's seen many accidents throughout the years on Thienes. He commented that many cars like to race on Durfee and anything that can be done to avoid any type of accident is our concern. The applicant added to his statement by saying, he will continue to serve food until closing, if that helps any as well. He stated that he's been in business for over 12 years, and on top of meeting state requirements he will do his best to assist. Would the commission be open to the idea of making last call for thirty minutes before closing. ?

14. Chairperson Bojorquez commented that yes, we can discuss that. He continued by asking the applicant, What kind of security plan will you have in place? Do you have cameras, a security guard, spot lights in the parking lot? And also I know you have a patio, but is there a designated smoking area? The applicant answered, We do have a 16 camera DVR system located inside, outside, on the patio and in the parking lot. I will have a security guard on the days we stay open later, which are the same hours we have the karaoke. We will designate a smoking area in the patio, located on the south side of the property or facing Durfee Avenue.
15. Commissioner Barrera asked the applicant, Are your servers ABC certified/trained? The applicant answered, Yes they are. Commissioner continued to ask, Your establishment is mainly a restaurant, which means you must order food with your consumption of alcohol, is that correct? The applicant answered, Yes, we are a family owned restaurant. We serve a fusion between Mexican and Japanese food, that offers a very unique flavor. But to answered your question, Yes – my primary focus is the restaurant.
16. Commissioner Ortiz asked the applicant, Is there an age restriction at any time? The applicant answered, No- there is no age restriction. This is a family-oriented restaurant.
17. Mr. Galvez, a South El Monte resident, spoke to the Commission regarding two concerns he has. First concern was regarding the noise level. He asked the Commission, What will the City do to control the noise level beyond the appropriate residential time frame? Response by: Assistant City Planner, we have included in this conditions of approval a noise ordinance the applicant must adhere to. The noise level will get stricter after 10:00pm, and we've also included an additional condition that allows the Planning Commission to modify or possibly revoke the permit if violations continue to occur. The City has placed these conditions to make sure they operate within the development standards of the zone and the noise ordinance. The City Attorney continued by stating, Should there be an incident where the noise is excessive, you should contact your local law enforcement. They will asses the situation and try to resolve the situation with the owner. If it is not after 10:00 pm you may have the opportunity to file a complaint with Code Enforcement during normal business hours, but granted the noise level will be different during normal business hours. I don't know what the Code Enforcement business hours are, but if you'd like to stay after the meeting and talk to staff they can provide you with that information. If you contact law enforcement, they are available 24/7, so you can contact them at any time to address your complaint. Mr. Galvez continued, My second concern is the smoking. Is there any type of relief regarding cannabis smoking? This type of business brings in a lot of out of towners and ruckus into the area, and they don't smoke just cigarettes. Our concern is the

patrons of this establishment and the relief we as residents have. City Attorney answered the following, there are maintenance restrictions on smoking as well so if the smoking were to leave the property line, those restrictions are going to kick in and that's also something you can take up with law enforcement and code enforcement as well.

18. Commissioner Rodriguez asked staff, Is the review period of this permit one year? Response by: Assistant City Planner, Yes, the review period is one year. There is a problem-operator clause that if the operator violates any condition, we can bring up the item to commission at any time. If there is a complaint from the residents, this will allow the commission to review the conditions of approval without having to wait until the one year period to review the establishment. Chairperson Bojorquez asked, Any type of complaint can spark the review ? Response by: Assistant City Planner, Yes a business complaint, a law enforcement complaint, a code enforcement violation, anything. We'll attach the incident report when we bring the item before the commission and gather all the details.
19. Commissioner Rodriguez proposed the following amendment: I'd like to propose an amendment to stop alcohol sales at least thirty minutes before closing.
20. Chairperson Bojorquez also proposed an amendment: Require a security guard to be staffed during karaoke hours.
21. Commissioner Ortiz, asked what is the Occupancy load? Response by: Assistant City Planner, I don't have that information, the building plans would have that information.
22. Commissioner Garrett, Can we address the cannabis smoking ? Response by: Assistant City Planner, California State Law does not allow the smoking of cannabis on public right of ways, and is only allowed on private property, so if there is an incident, Law Enforcement can be called to address the situation.
23. City Attorney made the following amendments:

Adding to Condition #5 : The sale of beer and wine shall end no later (e.g. "last call") no later than thirty (30) minutes before closing.

Revising Condition # 10 : Karaoke shall only be allowed inside the restaurant and only four days a week on Thursday through Saturday 7:00 p.m. to 12:30 a.m. and Sunday from 7:00 p.m. to 9:30 p.m. The applicant shall ensure that there is at least one security guard on the property during said karaoke hours.

New Condition # 39 : The applicant shall install and maintain security cameras at the property. Applicant shall ensure the cameras are installed to record at maximum viewing capacity. Security camera videos shall be recorded and maintained for thirty (30) days.

New Condition # 40 : The applicant shall post signs on the patio designating only a portion of the patio for smoking.

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

A motion was made by Commissioner Rodriguez and seconded by Commissioner Ortiz and carried (5-0) to **APPROVE** item # 7.c - Consideration of a Conditional Use Permit (CUP) (No. 19-26), which would allow for the on-sale of beer and wine within a

bona fide public eating place, that includes live entertainment at 1725 Durfee Ave, known as KRUDOS restaurant (RESO 19-26) with the following amendments (as stated per the City Attorney):

Adding to Condition #5 : The sale of beer and wine shall end no later (e.g. "last call") no later than thirty (30) minutes before closing.

Revising Condition # 10 : Karaoke shall only be allowed inside the restaurant and only four days a week on Thursday through Saturday 7:00 p.m. to 12:30 a.m. and Sunday from 7:00 p.m. to 9:30 p.m. The applicant shall ensure that there is at least one security guard on the property during said karaoke hours.

New Condition # 39 : The applicant shall install and maintain security cameras at the property. Applicant shall ensure the cameras are installed to record at maximum viewing capacity. Security camera videos shall be recorded and maintained for thirty (30) days.

New Condition # 40 : The applicant shall post signs on the patio designating only a portion of the patio for smoking.

Vote:	Approving Item #7c adopting Resolution No.19-26
Ayes:	Bojorquez, Barrera, Ortiz, Rodriguez and Garrett
Nays:	None
Absent:	None
Abstain:	None
Action:	Approved

## **8. COMMISSIONERS' AGENDA**

Commissioners complemented city staff on the following successful city events: the Tree Lighting Ceremony and the Christmas Toy Drive. Chairperson Bojorquez wished city staff and commissioners a safe and happy holiday season.

### **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 Commissioner Barrera and carried (5-0) to adjourn meeting at 7:03 p.m. and reconvene next month on January 21, 2020 at 6:00pm

Vote:	Adjourn meeting to January 21, 2020
Ayes:	Bojorquez, Barrera, Ortiz, Rodriguez and Garrett
Nays:	None
Absent:	None
Abstain:	None
Action:	Approved to adjourn meeting