



**CITY OF EL MONTE
PLANNING
COMMISSION**

CHAIRPERSON
Amy Wong

VICE-CHAIRPERSON
Rafael Gonzalez

COMMISSIONER
Alfredo Nuño

COMMISSIONER
Cesar Peralta

COMMISSIONER
Roberto Estrada Cruz

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AGENDA

CITY OF EL MONTE PLANNING COMMISSION

TUESDAY, SEPTEMBER 8, 2020

7:00 P.M.

CITY HALL EAST – COUNCIL CHAMBERS
11333 VALLEY BOULEVARD

Members of the public wishing to observe the meeting may do so in one of the following ways:

- (1) Turn your TV to Channel 3;
- (2) Visit the City's website at:
<http://www.elmonteca.gov/378/council-meeting-videos>
- (3) Call-in Conference (669) 900-9128; Meeting ID 950 5558 7628 and then press #. Press # again when prompted for participant ID.

Members of the public wishing to make public comment may do so via the following ways:

- (1) Call-in Conference (669) 900-9128; Meeting ID 950 5558 7628 and then press #. Press # again when prompted for participant ID. Once admitted into the meeting, press *9 to request to speak.
- (2) Email – All interested parties can submit questions/comments in advance to the Planning Division's general email address: planning@elmonteca.gov. All questions/comments must be received by the Planning Division no later than 3:00 pm, September 8, 2020.

Instruction regarding accommodation under the Americans with Disabilities Act can be found on the last page of this Agenda.

OPENING OF MEETING

1. **Call Meeting to Order**
2. **Flag Salute**
3. **Roll Call**
4. **Approval of Agenda**

5. Commission Disclosures**6. Public Comments**

Citizens wishing to address the Planning Commission on land use and development matters may do so at this time. Note that the Commission cannot respond to or take any action on the item.

Citizens wishing to speak on an agenda item will be given the opportunity to speak after the item is presented by staff.

Limit your comments to three (3) minutes. State your name and address for the record.

CONSENT CALENDAR**7. Approval of Modification Committee Minutes**

None

8. Approval of Planning Commission Minutes

July 28, 2020

PUBLIC HEARING**9. General Plan Amendment No. 03-19, Zone Change No. 01-19, Vesting Tentative Tract Map No. 82797, Conditional Use Permit No. 20-19, Variance No. 03-19, and Modification Nos. 28-19, 29-19, 30-19, and 36-19**

Address: 3630, 3640, and 3700 Cypress Avenue and 11312 Orchard Street / APN: 8568-026-002, -034, -035, and -053

Request: The applicant proposes to demolish 159,100 square feet of existing industrial development and construct 103 townhomes with attached two-car garages on a 5.24 acre property. The two-story townhomes are proposed along Orchard Street and the remainder of the townhomes would be three-stories in height. The Project proposes approximately 72,700 SF of open space, including private open space. A total of 269 off-street parking spaces are provided (206 spaces within two-car garages and 63 open stalls).

Requested Entitlements:

- General Plan Amendment to change the subject site's land use designation from Industrial/Business Park and Medium-Density Residential to High-Density Residential;
- Zone Change to change the subject site's zoning designation from M-2 and R-3 to R-4;
- Vesting Tentative Tract Map to consolidate all parcels and subdivide for 103 residential units;
- Conditional Use Permit for the construction of three or more dwelling units;
- Variance to deviate from minimum private common and private open space requirements; and
- Modifications to deviate from off-street parking requirements, front yard setbacks, wall heights, and floor area ratio.

Case Planner: Nancy Lee, Senior Planner

Recommendation: Continue to September 22, 2020 Planning Commission Meeting

Resolution: 3581

10. Conditional Use Permit No. 09-20 & Revocation of Conditional Use Permit No. 24-05

Address: 10520 Lower Azusa Road/ APN: 8565-004-004

Request: The applicant requests Conditional Use Permit No. 09-20 to allow an on-sale alcohol license (Type 47) for the sale of beer, wine and distilled spirits in a bona fide restaurant at an existing karaoke business (Happy KTV). The tenant space is within a multi-tenant commercial center located in the C-2 (Retail-Commercial) zone. The request is made pursuant to Chapter 17.24 of the El Monte Municipal Code (EMMC).

On August 25, 2020, the Planning Commission initiated revocation proceedings at their regularly scheduled meeting to consider revocation for Conditional Use Permit No. 24-05 which established the live entertainment use (karaoke) on October 11, 2005. The request is made pursuant to EMMC Section 17.24.100 - Revocation.

Case Planner: Cristina Graciano, Associate Planner

Recommendation: Deny CUP No. 09-20 and revoke CUP No. 24-05.

Resolution: 3582

11. **Director's Report**
12. **City Attorney's Report**
13. **Commissioner Comments**

NEXT SCHEDULED CITY PLANNING COMMISSION MEETING

Tuesday, September 22, 2020 at 7:00 P.M.

City Hall East – City Council Chambers

Availability of staff reports: Copies of the staff reports or other written documentation relating to each item of business described hereinabove are available on the City's Home Page at www.elmonteca.gov or <https://www.ci.el-monte.ca.us/AgendaCenter/Planning-Commission-2>. You may also call the Planning Division at (626) 258-8626 for more information.

Individuals with special needs: The City of El Monte wishes to assist individuals with special needs. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Division at (626) 258-8626. Notification 48 hours prior to the meeting will enable us to make reasonable arrangements to ensure accessibility to this meeting. [28 Code of Federal Regulations 35.102-35.104 ADA Title II]

General explanation of how the meeting is conducted:

1. The staff report is presented by City Planning staff.
2. The City Planning Commissioners ask questions if necessary for clarification.
3. The City Planning Commission Chair opens the public hearing.
4. The applicant makes a presentation to the City Planning Commission.
5. Individuals speaking in favor of the project address the Commission.
6. Individuals speaking against the project address the Commission.
7. The applicant responds to project opponents.
8. The public hearing is closed.
9. City Planning Commission members discuss the project.
10. City Planning Commission members vote on the project.
11. At the next scheduled Commission meeting, which is usually two weeks after the hearing, a resolution confirming the Commission action will be adopted.
12. Any interested party who disagrees with the City Planning Commission decision may appeal the Commission's decision to the City Council within 10 calendar days of the adoption of the resolution. Any appeal filed must be directed to the City Clerk's Office and must be accompanied by a fee of \$2,080.96. Any individual that received notice of this meeting from the City of El Monte will receive notice of an appeal, if one is filed.

**ACTION MINUTES FOR THE PLANNING COMMISSION MEETING HELD ON
TUESDAY, JULY 28, 2020 AT CITY HALL COUNCIL CHAMBERS
11333 VALLEY BOULEVARD, EL MONTE, CALIFORNIA**

- 1. Call Meeting to Order** – Meeting was called to order by Chair Wong at 7:04 p.m.
- 2. Flag Salute** – The Flag Salute was led by Chair Wong.
- 3. Roll Call** – The roll call was led by Community and Economic Development Deputy Director Mikaelian.

Commissioners present: Cruz (in-person), Gonzalez (virtual), Wong (virtual) and Peralta (virtual).

Commissioners Absent: Nuño

Staff present: Community and Economic Development Director Donavanik
Community and Economic Development Deputy Director Mikaelian
Chief Building Official Morris
Deputy City Attorney Vasquez
Senior Planner Bu
Planning Technician Vega

4. Approval of Agenda:

Motion: by Commissioner Peralta to approve agenda; seconded by Commissioner Gonzalez.

Motion carried 4 - 0.

5. Commission Disclosures:

None

6. Public Comments:

None

CONSENT CALENDAR

7. Approval of Modification Committee Minutes:

June 30, 2020 and July 14, 2020

Motion: Commissioner Cruz motioned to approve the item, Commissioner Peralta second the motion

Motion carried 4-0

8. Approval of Planning Commission Minutes:

June 11, 2020 & June 30, 2020 and July 14, 2020

Motion: Commissioner Gonzalez motioned to approve the item, Chair Wong second the motion

Motion carried 4-0

REGULAR AGENDA

9. Time Extension for Conditional Use Permit (CUP) No. 12-17 & Design Review (DR) No. 17-19 – 3650 Rockwell Avenue

On July 9, 2019, the Planning Commission adopted Resolution No. 3550 approving Conditional Use Permit No. 12-17 and Design Review No. 17-19 to allow the storage of transportation service vehicles off-site on the northern portion of the abutting property at 10141 Olney Street. Additionally, a Design Review was approved to legalize a 2,624 SF trailer office building for the purpose of providing administrative transportation services at 3650 Rockwell Avenue. The applicant is now requesting a one (1) year time extension to extend the expiration date to July 19, 2021. The request is made pursuant to Chapters 17.22 (design Review) and 17.24 (Conditional Use Permits) of the El Monte Municipal Code (EMMC).

- Senior Planner Bu presented.
 - Staff recommends that the Planning Commission extend the approval of CUP No. 12-17 and DR No. 07-19 for an additional year with a new expiration date of July 19, 2021 with the following Condition of Approval:
 - The applicant shall submit an application for entitlements for a permanent administration building no later than 30 days after the approval of a time extension (by August 27, 2020) or said time extension shall be null and void.

PUBLIC COMMENTS:

- None

COMMISSIONER COMMENTS:

- None

Motion: Commissioner Peralta motioned to approve the item with Staff's recommended condition of approval; seconded by Commissioner Gonzalez.

Motion carried 4-0.

PUBLIC HEARING

10. Conditional Use Permit (CUP) No. 01-20, Design Review (DR) No. 03-20 & Modification (MOD) No. 12-20 - 9915 Garvey Avenue

A Conditional Use Permit is requested to convert an existing 3,648± square foot commercial building into a multi-tenant building with three (3) tenant spaces that also includes exterior façade and site improvements. The applicant is also requesting a Design Review for the review of the façade improvements and proposed landscaping; and a Modification is requested to reduce the minimum first-floor building height requirement from 12 feet to nine (9) feet and six (6) inches. The property encompasses approximately 10,000 square feet and is located in the MMU (Mixed/Multi-use) zone. The request is made pursuant to Chapters 17.20, 17.22 and 17.24 of the El Monte Municipal Code (EMMC).

- Planning Technician Vega provided a presentation.

PUBLIC COMMENTS:

- None

COMMISSIONER COMMENTS:

Commissioner Gonzalez Comments/Questions related to:

- Homelessness Activity
 - Commissioner Gonzalez inquired if the Police Department or the City Staff has been called out to the site to remove homeless individuals from the area.
 - The Applicant, Kim Trieu, responded that some homeless individuals were previously living there without consent and have since been removed.
- Building Vacancy
 - Commissioner Gonzalez inquired on how long the property has been vacant?
 - Planning Technician Vega responded that it has been vacant since 2017.
- Site Contamination
 - Commissioner Gonzalez inquired if the site contains any contamination, such as asbestos.
 - Senior Planner Bu clarified that the building inspectors will be able to determine that when they inspect the site.
- Building Design
 - Commissioner Gonzalez liked the updated façade and overall design of the building.

Commissioner Cruz Comments/Questions related to:

- Building Signage
- Signage
 - Commissioner Cruz requested clarification on why the window signage coverage was going to be limited to 10 percent?
 - Community and Economic Development Director Donovanik and Community and Economic Development Deputy Director Mikaelian stated the code section allows a total of 25 percent for the individual window; however, the project was conditioned to not exceed 10 percent.

Commissioner Peralta Comments/Questions related to:

- Hours of Operation
 - Commissioner Peralta inquired on the proposed hours of operation and wanted clarification on the restrictive times.
 - Planning Technician Vega responded that the proposed hours of operation were posed by the applicant and was not a condition of approval that was imposed by Staff.
- Potential Tenants
 - Commissioner Peralta inquired if there were any prospective tenants for the building.
 - Kim Trieu responded that an herbalist business and a furniture store were interested in the building. In addition, a previous tenant for diaper retail sales would also like to occupy the building.

Commissioner Nuño Comments/Questions related to:

- Commissioner Nuño was concerned with pedestrian safety near the intersection and inquired if there was any consideration to integrate finger planters or bollards as protect measures.
 - Community and Economic Development Deputy Director Mikaelian responded that the intersection is designed with 90 degree angles so driver visibility is less likely to be obstructed.

Chairperson Wong Comments/Questions related to:

- Property Owner's Experience
 - Chair Wong asked the applicant if she had any experience as a property owner for commercial buildings.
 - Kim Trieu responded that she does not have previous experience.
- Building Design
 - Chair Wong expressed that she likes the proposed building's design and believes it would enhance the aesthetics of the existing neighborhood.

CLOSING THOUGHTS:

Motion: Commissioner Peralta motioned to approve the project; seconded by Chair Wong.

Motion carried 4-0.

11. Design Review No. 05-20 & Development Agreement 02-20 – 12243 Garvey Avenue

The applicant is requesting to construct a digital billboard on a 28,820 square foot site currently developed with an auto repair business. The billboard will be at the far north (rear) of the site, adjacent to the I-10 San Bernardino Freeway. Entitlements include a Design Review application to review the aesthetics of the billboard and a Development Agreement between the City of El Monte and Outdoor Associates, LLC. The subject site is zoned General Commercial (C-3) and is located within Area No. 6 of the City's Freeway Overlay Zone. The Planning Commission is the decision maker for the Design Review application and the recommending body for the Development Agreement, with the final determination made by the City Council.

- Community and Economic Development Deputy Director Mikaelian provided a presentation.

PUBLIC COMMENTS:

- Letter from a local property owner, Albert Sharaf, was received by Staff and read into the record by Chair Wong.
 - Sharaf participated at the meeting via dial-in by phone and reiterated his concerns verbally.
 - Sharaf mentioned that he wanted to install a billboard at his property as well.
 - Sharaf stated he does not believe the proposed project is appropriate for the location.

COMMISSIONER COMMENTS:

Commissioner Gonzalez Comments/Questions related to:

- Renewable Energy
 - Commissioner Gonzalez inquired if the billboard will utilize renewable energy such as solar power.
 - The Applicant, Scott Sheldon, clarified that the billboard would not be solar powered.
- Excessive Signage
 - Commissioner Gonzalez was concerned that more than one (1) sign facing in each direction will be installed.
 - Scott Sheldon clarified that the billboard would not have more than what is being proposed in the proposed elevation renderings.

Commissioner Cruz Comments/Questions related to:

- Public Safety
 - Commissioner Cruz inquired if Staff analyzed the impacts to traffic or potential car accidents that may be caused by the billboard.
 - Sheldon clarified that the billboard proposal/plans has been reviewed by Caltrans to minimize such conflicts.

Commissioner Peralta Comments/Questions related to:

- None

Chairperson Wong Comments/Questions related to:

- Potential Mural Installation
 - Chair Wong inquired if there was potential to include a mural on the 3rd side of the Billboard.
 - Sheldon responded that there is potential to add it; however, it would not be directly visible from the street.
- Response to Public Comment – Letter
 - Chair Wong went over the concerns that the letter submitted by Albert Sharaf letter addressed. Sharaf concerns were:
 - Sign does not have required distance from residential neighborhood.
 - Per the Presentation given by Deputy Director Mikaelian - The Zoning Code Standard states the billboard must be a minimum of 250 feet away from residential zones on the same side of the freeway. The proposed billboard is approximately 700 feet from the nearest residentially zone property to the west. No residential zones within 1,000 feet to the south or east.
 - Concern over the illumination of the property.
 - The proposed billboard will be conditioned to comply with the following:
 - Maximum brightness levels;
 - Each LED diodes shall be oriented downward towards the freeway;
 - Shall include a light sensing device that will adjust the brightness.
 - Lighting study conducted and revealed little to no impact on residentially zoned properties to the north.
 - Concern with the sign falling over into his property.
 - Building Official Todd stated the building would still have to go through plan review for structural plans.
 - City Consultant Sheldon stated the current billboards are built with many elements in mind such as wind, earthquakes, etc.
 - Preventing glare.
 - Per the Presentation given by Deputy Director Mikaelian - The proposed billboard will be conditioned to comply with the following:
 - Maximum brightness levels;
 - Each LED diodes shall downward towards the freeway;
 - Shall include a light sensing device that will adjust the brightness.
 - Art In Public Places Committee
 - Committee Members
 - Community and Economic Development Director Donovanik clarified that three (3) or four (4) residents and two (2) Planning Commissioners will be on the Art in Public Places Committee. The committee members will be appointed by City Council.

CLOSING THOUGHTS:

Community and Economic Development Deputy Director Mikaelian:

Planning Commission added a condition to consider including a mural on the third side of the billboard, which faces Garvey Avenue.

Motion: Chair Wong motioned to approve the item with the added condition; seconded by Commissioner Cruz.

Motion carried 4-0.

12. Director's Report –

- Community and Economic Development Director Donavanik every Thursday the city will offer free Covid Testing for its residents.
- Farmer's Market is currently on hold due to current circumstances.

13. City Attorney's Report – None

14. Commissioner Comments –

Commissioner Cruz:

- None

Commissioner Peralta:

- Keep Commissioner Nuño and his family in your thoughts and prayers, just learned his father is very ill.

Commissioner Gonzalez:

- Hoping everyone is keeping safe and well stays healthy.

Chair Wong:

- Hoping everyone is staying safe and healthy.
- Thank you Commissioners for a thoughtful discussion.

15. Adjournment

Meeting adjourned at 9:31 p.m.

Respectfully submitted,

Planning Commission Chairperson
Amy Wong

Planning Commission Secretary
Adrian Perez

TO: CITY PLANNING COMMISSION

FROM: BETTY DONAVANIK
COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR

JASON C. MIKAELIAN, AICP
COMMUNITY & ECONOMIC DEVELOPMENT DEPUTY
DIRECTOR

BY: CRISTINA GRACIANO
ASSOCIATE PLANNER

APPLICATION: CONDITIONAL USE PERMIT (CUP) NO. 09-20 AND
REVOCATION OF CUP NO. 24-05

LOCATION: 10520 LOWER AZUSA ROAD

APPLICANT: HAPPY KTV, INC.
10520 LOWER AZUSA RD.
EL MONTE, CA 91731

PROPERTY OWNER: MIDWAY PLAZA, LLC.
11100 VALLEY BLVD. #316
EL MONTE, CA 91731

RECOMMENDATION: A. ADOPT RESOLUTION NO. 3582 THAT FINDS THE
APPLICANT IS IN VIOLATION OF THE CONDITIONS OF
APPROVAL OF CONDITIONAL USE PERMIT NO. 24-05
AND REVOKE THE PERMIT PURSUANT TO SECTION
17.24.100 OF THE EL MONTE MUNICIPAL CODE; AND

B. CAUSE THE DENIAL OF CONDITIONAL USE PERMIT NO.
09-20.

REQUEST

On March 5, 2020, the applicant submitted an application to the Planning Division requesting a Conditional Use Permit (CUP) to allow an on-sale alcohol license (Type 47) for beer, wine and distilled spirits in an existing karaoke business (Happy KTV). The existing business/tenant space is within a multi-tenant commercial center located in the C-2 (Retail-Commercial) zone. This request is made pursuant to Chapter 17.24 of the El Monte Municipal Code (EMMC).

On August 25, 2020, City Staff and the Planning Commission initiated revocation proceedings for CUP No. 24-05 (approved on October 11, 2005) which previously established the karaoke use at the site. The request is made pursuant to EMMC Section 17.24.100 - Revocation.

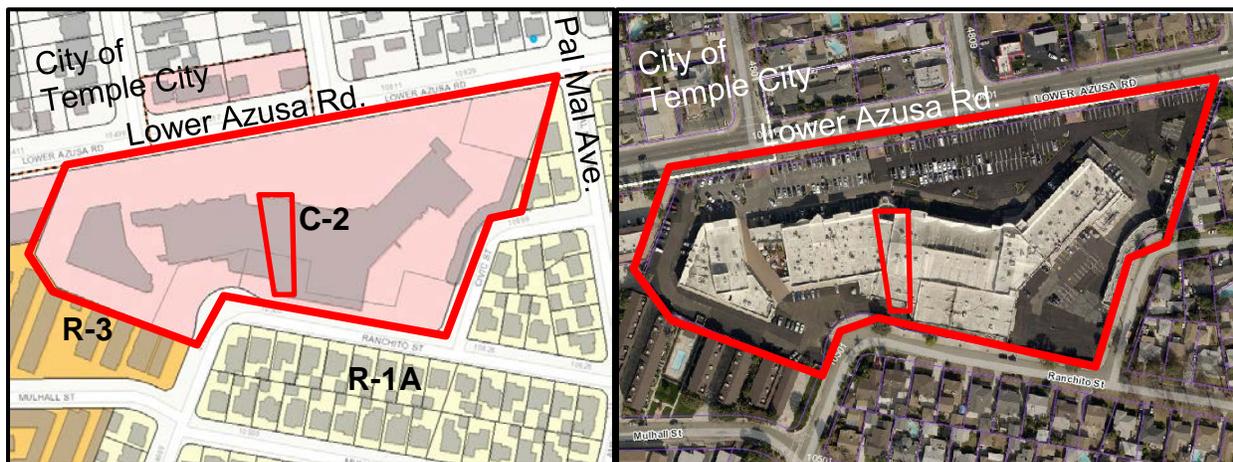
SUBJECT PROPERTY:

Location:	South of Lower Azusa Road, between Arden Way and Pal Mal Avenue
General Plan:	Neighborhood Commercial (NC)
Zone:	C-2 (Retail-Commercial)
Street Frontage:	Lower Azusa Road: approximately 1,002 linear feet
Size:	7.69 acres
Existing Development:	Multi-tenant commercial center

SURROUNDING PROPERTIES:

	Zoning:	General Plan:	Land Use:
North:	C-2 (Retail Commercial)/ City of Temple City	Neighborhood Commercial/ City of Temple City	Commercial/ Residential
South:	R-1A (One-family Dwelling)/ R-3 (Medium-density multiple-family)	Low Density Residential/ Medium Density Residential	Residential
East:	R-1A (One-family Dwelling)	Low Density Residential	Residential
West:	C-2 (Retail Commercial)/ R-3 (Medium-density multiple-family)	Neighborhood Commercial/ Medium Density Residential	Commercial/ Residential

ZONING & AERIAL PHOTO:



BACKGROUND:

CUP No. 24-05 (Live Entertainment Approval)

On October 11, 2005, the Planning Commission adopted Resolution No. 3003 (Attachment A) approving CUP No. 24-05 to allow live-entertainment/karaoke at the existing tenant space. Due to the nature of the business, City Staff and the Planning Commission included strict conditions to ensure that the business did not become a nuisance to the neighborhood and vicinity. Notable Conditions of Approval (COA) are paraphrased below:

No. Condition of Approval

- 3 The business shall close no later than 1:00 a.m. on weekdays and 2:00 a.m. on weekends (requested by Planning Commission);
- 4 A security plan with the capacity to video record/monitor business activity for a minimum of 30 days shall be approved by the Police Department. Recordings must be made available to City employees upon request;
- 5 Security guards shall be employed if requested by the City;
- 6 The manager's contact information shall be updated and provided to the City annually;
- 7 Visibility into each karaoke room shall be unobstructed at all times;
- 11 Visibility from the storefront of the tenant space shall be unobstructed at all times;
- 12 El Monte Police Department (EMPD) and Code Enforcement Division are allowed to inspect the rooms at any time;
- 24 The business shall maintain a customer log for all patrons that visit the site;
- 26 Persons under 18 may not enter the business after 10:00 p.m. daily;
- 28 Alcoholic beverages are not allowed on the premises; and

Revisions to CUP No. 24-05 (Hours of Operation)

On June 26, 2007, the Planning Commission adopted Resolution No. 3113 (Attachment B) which denied, without prejudice, a request to extend the hours of operation (by an additional hour) to 2:00 a.m. on weekdays and 3:00 a.m. on weekends. Per the Planning Division's records, minutes (Attachment C Pgs. 2-8) from the meeting and testimony from the Code Enforcement Supervisor, the following information was provided about the business:

- Non-compliant tint was installed on the storefront windows which impacted visibility into the business;
- On August 27, 2006, a stabbing took place due to the business. The business cameras were not operational;
- The customer log/record-keeping appeared to be inconsistent and missing information, specifically regarding under-aged patrons; and
- The Police Department confirmed that the sale and consumption of alcohol and tobacco was occurring at the site.

Consideration of a revocation of CUP No. 24-05 was also included in the minutes which was based on violations and misconduct by the business, as described from testimonies by City Staff. However, the Planning Commission opted for denying the proposed hours of operation instead of revoking the CUP.

On July 14, 2009, the Planning Commission adopted Resolution No. 3192 (Attachment D) which approved a one (1) hour extension to the weekend hours of operation (to 3 a.m.) and upheld the original conditions of approval from Resolution No. 3003 based on the recommendation of the Police Department.

Revision to CUP No. 24-05 and CUP No. 09-20 (On-sale Alcohol License)

On December 16, 2019, Jincheng “Jimmy” Chou, the new business owner acquired ownership of the Happy KTV corporation by filing documentation with the California Secretary of State (Attachment E). On March 5, 2020, the new business owner submitted an application for CUP No. 09-20 to establish an on-sale general alcohol license (Type 47) at the existing karaoke business. As part of the application review process, Planning staff and the other various City Departments and Divisions reviewed the proposed operations and the following comments were provided:

Code Enforcement: “There are too many signs on the windows”

Police Department: “PD must be provided with security plan and location must submit to site inspection prior to approval. Ongoing problems at location.”

DISCUSSION:

Overall, the multi-tenant commercial development is a high-reporting crime site due to the prevalence of entertainment uses that exist on-site. Police Department notes that the site constantly has issues and calls for service for lower level nuisance, general crime disturbances, and serious crimes. Issues with the site have evolved into a nuisance that impact the surrounding neighborhood and has become increasingly detrimental to the community’s safety.

Based on further verbal discussion with the Police Department, it has been identified that there are ongoing issues with non-compliance to the Conditions of Approval and criminal activity occurring at the business. Based on Police Department records, Happy KTV had 22 calls for service (Attachment F) in the past four (4) years. Of these calls, seven (7) reports are serious violent offenses that include fighting and battery, sexual assault and assault with a deadly weapon. Records prior to 2016 were not obtained.

Since the new business owner took over on December 2019, the business has had two (2) calls for service, including an assault with a deadly weapon and disturbing the peace. Incident reports have been summarized by the Police Department to omit sensitive information (Attachment G). The first incident occurred on January 20, 2020 when police responded to an alleged stabbing in Happy KTV which resulted in a fight between 10 individuals that spilled out from the business. The people that were interviewed describe Happy KTV as a bar and provided testimony to police officers that there are alcoholic drinks within the business which is in direct violation of COA No. 28 from Resolution No. 3003.

The second incident occurred on March 21, 2020 (after the “stay-at-home” COVID-19 order) when police officers were dispatched to investigate reports of a party at the subject business. EMPD officers responded to the tenant space and describe that

visibility into the business was obstructed by dark film which is non-compliant with COA No. 11. Photographs (Attachment H) provided by Code Enforcement and Planning Divisions show the film and curtains that obstruct the storefront of the tenant space.

Further, the report emphasizes that the officers heard women's voices within the business with other voices shushing the patrons. The officer identified themselves as EMPD and requested access into the premises which is supported by COA No. 12 that allows EMPD access onto the site at any time. The patrons did not make any attempt to open the door nor respond to requests for access into the business. The officer took note that there were several vehicles in the parking lot adjacent to the business which supported that there were occupants within the business that withheld access.

Issues with the Happy KTV business have been ongoing since the approval of the business in 2006. The site has evolved into a nuisance to the immediate neighborhood and has become increasingly detrimental to the community's safety. The new business owner that purchased the business in 2019 has continued the trend of violating conditions of approval, state, and local laws by: operating during COVID-19 closures, serving alcohol without a license, and facilitating criminal activity.

Furthermore, if CUP No. 24-05 (live-entertainment) is revoked, the current application requesting an on-sale general alcohol CUP (Type 47) would automatically be denied since the revocation will close the business. Based on reports from EMPD, staff believes that the site has been allowing alcohol to enter the premises through sale or by a "bring your own" model. Multiple police reports describe the business functioning as a "bar" as the people that have been apprehended and interviewed from the site are often inebriated. The allowance of alcohol within the business is a cause for fights which result in calls for service.

This information is substantiated by submitted complaints from neighbors and patrons. Public comments (Attachment I) provided through the noticing to surrounding properties returned the following summarized comments:

- Current sales of hard liquor and beer to customers, including underage clients;
- Continue to conduct business during closure orders of non-essential businesses;
- Female companionship and prostitution provided on-site;
- Gang activity that incites fights, drug sales, and other illegal activity; and
- Unreported taxes and unauthorized employees.

Should the Planning Commission decide to allow the karaoke business to continue operation, the addition of an alcohol license would intensify an environment that is detrimental to public safety that will place an additional burden on City departments.

REVOCAION PROCEEDINGS:

The EMMC Section 17.24.100 establishes procedures for the revocation of Conditional Use Permits when the applicant has failed to comply with conditions of approval. The EMMC reads:

- A. All of the conditions of approval adopted by the City Planning Commission, or City Council on appeal shall remain in full force and effect as long as the use for which the conditional use permit was granted remains in operation. Any entitlement granted pursuant to this chapter is transferable and assignable; however, all successors in interest shall abide by all of the original conditions.
- B. Any party that fails to conduct the use pursuant to the terms and conditions of the conditional use permit shall be subject to the following revocation proceedings. The City Planning Commission, on its own motion, may, or upon the direction of the City Council, shall hold a public hearing upon the question of revocation of a conditional use permit granted pursuant to the provisions of this chapter. Notice of such hearing shall be given pursuant to Government Code Sections 65090 and/or 65091, as required.
- C. A conditional use permit shall be revoked if the City Planning Commission finds that one or more of the following conditions exist;
 1. The conditional use permit was obtained in a fraudulent manner;
 2. The conditional use permit is being, or has been, exercised contrary to the conditions of approval imposed upon such permit.
 3. The conditional use permit is, or has been, exercised in violation of any federal, state, or local law or is in violation of approved conditions of approval;
 4. The use for which the conditional use permit was granted is being exercised so as to be detrimental of the public health or safety, or so as to constitute a nuisance.

On August 25, 2020, City Staff and the Planning Commission initiated revocation proceedings for CUP No. 24-05. Based on police records and neighborhood complaints, staff has found supporting evidence that COA Nos. 4, 11 and 12 of Resolution No. 3003 have been violated and that there is sufficient support to revoke the CUP. Further, the history of the site demonstrates that the business has become increasingly detrimental to public safety.

ENVIRONMENTAL REVIEW:

In accordance with the requirements of the California Environmental Quality Act (CEQA) of 1970, as amended, this project is Statutorily Exempt under Section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines, as amended.

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL:

In order to revoke Conditional Use Permit 24-05 and deny Conditional Use Permit No. 09-20, the Planning Commission is required to make certain findings. Sections 4 through 5 of draft Resolution No. 3582 (Attachment J) contain recommended findings for the Planning Commission's consideration.

RECOMMENDATION:

Staff recommends that the Planning Commission evaluate the proposal and consider the following Actions:

- C. Adopt Resolution No. 3582 that finds the applicant is in violation of the Conditions Of Approval of Conditional Use Permit 24-05 and revoke the permit pursuant to Section 17.24.100 of the El Monte Municipal Code; and
- D. Cause the denial of Conditional Use Permit No. 09-20.

ATTACHMENTS:

- A. 2005 Approval Resolution No. 3003
- B. 2007 Revision Denial Resolution No. 3113
- C. April 24, 2007 Planning Commission Meeting Minutes
- D. 2009 Revision Approval Resolution No. 3192
- E. 2019 Happy KTV Business Corporation Document
- F. EMPD Calls for Service Log for 10520 Lower Azusa
- G. Happy KTV Incident Report Summary
- H. Happy KTV Photographs
- I. 2020 Public Comments
- J. 2020 Revocation and Denial Resolution No. 3582
- K. Public Hearing Notice, Radius Map and Site Posting

RESOLUTION NO. 3003

A RESOLUTION OF THE CITY PLANNING COMMISSION OF THE CITY OF EL MONTE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, GRANTING APPROVAL UPON SPECIFIED CONDITIONS, CONDITIONAL USE PERMIT NO. 24-05 FOR THE ESTABLISHMENT AND OPERATIONS OF AN ENTERTAINMENT (KARAOKE TV) ESTABLISHMENT IN THE C-2 (RETAIL COMMERCIAL) ZONE AND ADOPTION OF A CATEGORICAL EXEMPTION FOR THE PROPERTY LOCATED AT 10520 LOWER AZUSA ROAD EL MONTE, CALIFORNIA.

The City Planning Commission of the City of El Monte, County of Los Angeles, State of California, does hereby find, determine, and resolve as follows:

SECTION 1. That on July 7, 2005, there was filed by David Wankou Shen, 3819 Delta Avenue, Rosemead, CA 91770, an application for approval of Conditional Use Permit No. 24-05 to establish an entertainment (Karaoke TV) establishment in the C-2 (Retail Commercial) zone to be located within a 5,000± square-foot tenant space in an existing retail commercial center (Midway Plaza). The request is pursuant to Section 17.24.040(23) of the El Monte Municipal Code. The tenant space is located at 10520 Lower Azusa Road, El Monte, California, and described as follows, to-wit:

Parcel 1 of Parcel Map No. 304, in the City of El Monte, County of Los Angeles, State of California, as per map filed in Book 69, Page(s) 5 and 6 of Parcel Maps, in the office of the County Recorder of said county.

Pursuant to which after due notice as required by law, a full and fair public hearing was held to consider the Conditional Use Permit before this Commission on September 27, 2005, at which time all interested persons were given full opportunity to be heard and present evidence.

SECTION 2. That the subject site is located on the south side of Lower Azusa Road between Arden Way and Pal Mal Avenue and is zoned C-2 (Retail Commercial). The Center is commonly known as the Midway Plaza. The property is irregular in shape and contains approximately 7.69 acres of land area. It is currently developed with a multiple tenant retail shopping center with one and two-story buildings and surface parking. The existing tenant space encompasses approximately 5,000± square feet. Other existing uses within the Center include a bowling center, a financial institution, restaurants, retail shops, private educational and religious

facilities, and various professional and medical offices. The existing zoning and land uses of the surrounding properties are as follows:

North: R-3 (Medium Density Multiple Family), Residential
South: R-1A (One Family Dwelling), Residential
East: R-3 (Medium Density Multiple Family), Residential
West: C-3 (General Commercial) Retail

SECTION 3. That in accordance to the criteria and authority contained in the California Environmental Quality Act (CEQA) of 1970, and the CEQA Guidelines as amended, this project qualifies as a Categorical Exemption pursuant to Section 15301 (Class 1- Existing facilities) of the CEQA Guidelines, as amended.

SECTION 4. That the site has a General Plan Land Use designation of General Commercial with a consistent implementing zone of C-2 (Retail Commercial). The proposed Karaoke TV (KTV) use in the C-2 zone is consistent with the General Commercial Land Use designation and the implementing C-2 zoning.

SECTION 5. That all the necessary findings for the granting of the Conditional Use Permit pursuant to Section 17.24.50 can be made in a positive manner and are as follows:

1. The granting of such conditional use permit will not be detrimental to the public health or welfare or be injurious to the property or to improvements in such zone or vicinity.

Finding of Fact:

The proposed use is a KTV facility and is approved under a conditional use permit with implementing conditions that will ensure compliance with local regulations and design standards, and will provide an entertainment venue that is not currently available in the City. The use is proposed to be located in a commercial retail center that consists of various retail, service, and entertainment uses and is one that is compatible in the zone. The approval of this conditional use permit will not be detrimental to the public health or welfare or be injurious to the property or to improvements in such zone or vicinity.

2. The use applied for at the location indicated is properly one for which a conditional use permit is authorized.

Finding of Fact:

Pursuant to Section 17.24.040(23) of the El Monte Municipal Code, the proposed KTV establishment is permitted with the approval of a conditional use permit by the City Planning Commission.

3. The site for the proposed use is adequate in size and shape to accommodate said use; and that all yards, spaces, walls, fences, parking, loading, landscaping, and other features required to adjust said use with the land and uses in the neighborhood are provided.

Finding of Fact:

The proposed establishment is located in the Midway Plaza, a multi-tenant retail commercial center that has been designed in accordance with local standards at the time

of approval and having necessary facilities and improvements that is able to accommodate the proposed inclusion of a KTV establishment.

4. The site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use.

Finding of Fact:

The site is accessible from Lower Azusa Road, a Major Arterial. This street complies with the standard design requirements and is able to accommodate the amount of traffic generated by the proposed use.

5. The granting of such conditional use permit will not adversely affect the purpose, goals, and policies of the City of El Monte General Plan.

Finding of Fact:

The site has a General Plan Land Use designation of General Commercial with a consistent implementing zone of C-2 (Retail Commercial). The proposed Karaoke TV (KTV) use in the C-2 zone is consistent with the General Commercial Land Use designation and the implementing C-2 zoning. The proposed project is consistent with the Land Use Element of the El Monte General Plan.

SECTION 6. That the City Planning Commission does hereby find that the project is Categorically Exempt pursuant to Section 15301 (Class 1- Existing Facilities) of the CEQA Guidelines as amended and does hereby approve the Conditional Use Permit subject to the following conditions:

1. The proposed improvements and floor plan must be in strict compliance with the approved plans on file in the Planning Division and as presented to the City Planning Commission on September 27, 2005.
2. The total floor area shall not exceed 5,000± square feet.
3. The hours of operation shall be no earlier than 8:00 a.m. seven days a week; no later than 1:00 a.m. Monday through Friday mornings (commonly thought of as Sunday night through Thursday night); and no later than 2:00 a.m. on Saturday and Sunday mornings (commonly thought of as Friday and Saturday nights).
4. A security plan shall be submitted to the police department for review and implemented to the satisfaction of the Police Department prior to issuance of an occupancy permit. This plan shall include installation of high quality video recording equipments; a lighting plan providing adequate lighting intensity for all hallways, waiting areas, access doors, and storage areas; and a plan for the rotation and replacement of the proposed recording medium. Video recording equipment shall be installed and sufficient to monitor and record the interior public counter and entrance area at all times the business is operating. The video recording equipment should be installed in such a manner that all persons entering and leaving the business establishment through the front public entrance are visually recorded. The video tape recordings for each day of operation must be maintained and stored on the premises for a minimum of thirty (30) calendar days after the recordings are made in the event those video recordings need to be viewed or taken by the Police Department and/or Code Enforcement Unit. The business agrees that the required video tape recordings shall be turned over to any member of the Police Department or Code Enforcement Unit upon demand.
5. The business shall agree to hire and maintain either an armed and/or unarmed security guard(s) if in the opinion of the Code Enforcement Supervisor of the El Monte Police

Department, the conditions or activities occurring thereon warrant it. The number and kind of security guards to be hired (unarmed or armed), the dates and times they shall be on-duty, and the guard company selected by the business shall be subject to approval by the Code Enforcement Supervisor of the El Monte Police Department. If the Code Enforcement Supervisor decides that it is necessary that security guards need to be hired by the business, and the business disagrees with the Code Enforcement Supervisor, or disagrees with the Code Enforcement Supervisor on the number or kind of security guards to be hired, the dates and times that the guards shall be on-duty, or the Code Enforcement Supervisor's rejection of the business' choice of security guard company to be hired, the business may appeal the Code Enforcement Supervisor's decision to the Planning Commission.

6. The operator shall submit to the Police Department, the contact information for the manager or the person responsible for the business establishment prior to issuance of the occupancy permit, when there is a change in contact, and on an annually basis prior to January 1st of each calendar year.
7. All KTV rooms shall provide high visibility by use of clear transparent glass in doors and windows in the walls that enclose the KTV rooms. Glass shall be clear, not tinted, and shall not have any curtains, drapes, blinds, or any other thing that would obstruct the view in any way from the outside of the room. The primary frontage wall to the tenant space and all private room partition walls adjacent to an access hallway and the access door to the room shall be designed to have at least a 60/40 glazing to wall ratio and must provide complete visibility to the interior of the establishment and of each KTV room at all times. The glass panel in the KTV room doors shall be at least 36 inches in height and 24 inches in width. The glass panels in the KTV room wall shall be at least 60 inches in height and 48 inches in width. Submit a design plan to the Planning Division and the Police Department for review and approval prior to issuance of a building permit.
8. Proposed equipments and furnishing for each room may not be placed or installed in a manner that will block the required visibility into the interior of each room. Submit a revised floor showing the proposed layout of the establishment and of the individual rooms for review and approval prior to issuance of a Building Permit.
9. The business shall not permit, allow, or cause any telephone apparatus to be installed on the exterior of the business, nor anywhere on the grounds of the business, except for the interior of the business.
10. All interior doors that enclose the KTV rooms shall not be equipped with locking devices of any kind.
11. All windows shall be free from advertisements, decorations, or any other form of obstruction which would tend to obscure the view of the interior of the business from the outside of the business.
12. All rooms in the establishment shall be available for inspection by members of the Police Department and/or Code Enforcement Unit at all times.
13. There shall be no form of gambling whatsoever allowed to occur within the business at any time. No gambling devices which includes, but is not limited to, dice, playing cards, coin operated video gambling machines or any other thing used for the purpose of gambling shall be allowed within the business establishment at any time. This condition shall not apply to games or devices operated by or allowed under contract with the California State Lottery.
14. No smoking of any tobacco products shall occur within the business at any time. "No Smoking" signs shall be posted and visible at all times in each KTV room and at the public counter. No tobacco products including, but limited to, cigarettes, cigars, pipes, lighters,

ash trays, or any other tobacco related product or thing shall be sold, displayed, stored, or used within the business at any time. The business shall provide an approved ashtray device for the outside of the business for its customers to use who choose to smoke outside.

15. A hard-wired smoke detector connected to the electrical system and approved by the city Building & Safety Department shall be installed in each KTV room, restroom, and enclosed office area. The required smoke detectors shall be operable and in working condition at all times. If any required smoke detector is inoperable or missing for any reason, then that KTV room shall not be utilized until the required smoke detector is repaired and functional.
16. The business shall be responsible for maintaining the private sidewalk and courtyard area immediately in front of the public entrance of the establishment free of trash, litter, debris, and cigarette butts.
17. All exterior wood doors shall be of solid-core construction with a minimum thickness of one and three-fourths (1 ¾) inches.
18. All exterior doors, during the hours of darkness shall be illuminated with a minimum of one (1) foot candle of light at ground level. All exterior bulbs shall be protected by weather and vandalism-resistant covers.
19. Parking lots and access thereto, shall be provided with a maintained minimum of one (1) foot candle of light on the parking surface, from dusk until the termination of every business operating day.
20. Only low-profile plants, bushes, and shrubbery shall be used near windows, doors, and walkways. This landscaping shall be maintained in a fashion so as to deter, and prevent the concealment of a person.
21. Light dimmers or flashing lights are prohibited in the business establishment.
22. All electrical components and lighting shall be maintained in proper working condition at all times.
23. The restrooms within the facility shall be kept clean and sanitary at all times the business is operating. This shall include, but is not limited to, the provision of toilet paper, hot & cold water, soap, hand towels, a working and clean toilet, a trash receptacle of sufficient size to handle the waste generated by the customers, and the removal of any graffiti or obscene etchings, stickers, markings, or other vandalism. A deodorizer of some type shall be provided to eliminate or reduce to the greatest possible extent any obnoxious or foul odors. All public restroom facilities shall have automatic (sensor) flow control and flushing devices installed.
24. The operator of the establishment shall submit a rental procedure and form requiring the name, address, home phone number, and driver's license number or identification card number from a valid government issued driver's license or identification card of the customer renting the KTV room on a daily log. This form shall also include information regarding the duration and time of rental, the room number and total number of people in a party using the room. The business establishment shall record the logs for each day of operation and must be maintained and stored on the premises for a minimum of thirty (30) calendar days in the event those logs need to be viewed or taken by the Police Department and/or Code Enforcement Unit. The information collected in this condition shall be kept in a daily log and must be made available for inspection upon request by a City staff member.
25. All persons under 18 years of age must be accompanied by a person possessing a valid government issued photo identification card that is at least 18 years or older at all times.

26. No person under the age of eighteen (18) shall be allowed within the business establishment after 10:00 p.m. Customers shall show a valid driver's license or identification card issued by the State of California, or a valid form of photo identification issued by another government agency of the United States, to verify their age.
27. At least one supervisor twenty-one (21) years of age or older shall be on-duty within the business establishment at all times the business is open or operating.
28. The sales, storage, and consumption of, or the allowance for patrons to bring alcoholic beverages into the establishment is strictly prohibited and shall constitute a violation of the CUP as approved herein. Any persons violating this condition shall be subject to escalating enforcement by the City. The violation of this condition shall also cause the immediate initiation of revocation proceedings of the CUP by the Planning Division at a non-public hearing before the City Planning Commission.
29. The maximum occupancy of each KTV room and of the facility shall not exceed 99 people total. The maximum occupancy for the facility and for each room shall be posted in a conspicuous location as approved by the Chief Building Official.
30. The approved use is a KTV facility for rental to the general public providing sing-along entertainment activities through the use and playback of pre-recorded music only. Incidental uses may only include sales of non-alcoholic drinks.
31. The offering of hosted services is strictly prohibited. Example of such a service may include but is not limited to providing a host emcee, a snack service host, or a hospitality host.
32. All forms of live entertainment or live performances are strictly prohibited.
33. Live professional dancers, whether paid or not paid, are prohibited within said business establishment.
34. This establishment is not permitted as an adult business as defined and regulated under Chapters 17.76 and 5.98 of the El Monte Municipal Code. As such, all forms of visual or audio media contained sexually explicit contents regulated by these chapters are prohibited. At no time shall any adult activities regulated by Chapters 17.76 and 5.98 of the El Monte Municipal Code occur or be allowed to occur within the business establishment.
35. Only non-alcoholic beverages may be permitted to be consumed within the subject establishment. Food preparation and cooking equipments are not permitted.
36. The use, storage, display, or sales of adult and/or pornographic visual material in the form of videos, CD's, DVD's, slides, magazines, or pictures shall be prohibited within said business establishment.
37. All Building Department, Engineering Department, and Los Angeles County Fire Department standards and conditions shall be complied with.
38. The conditional use permit approval as contained herein shall be effective for a period of one hundred and eighty (180) days from the date of final approval thereof; provided however, that prior to such date, building permits or a time extension shall have been obtained from the City.
39. By the acceptance of the approval of the project by the City, the applicant shall defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, and employees to challenge, set aside, void, or annul the approval of the project from an action which may be brought within the time period provided for such actions or challenges under applicable law.

The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate in any such defense.

40. Any forms of graffiti must be removed from any interior/exterior surfaces to the structures and improvements on the property within 72 hours following the application of the graffiti. Graffiti shall be removed by either painting over the evidence of such vandalism with a paint, which has been color-matched to the surface to which it is applied or graffiti may be removed with solvents or detergents, as appropriate.
41. No music or noise shall be permitted that is of such volume as to constitute a violation of the city's noise ordinance. The business establishment shall not engage in activities, or allow any activities to occur within or immediately outside the business that would constitute a public or private nuisance under either city or state law. Furthermore, all activities must comply with the local noise regulations at all times.
42. The site is kept free of weeds, trash, or other debris, and that abandoned vehicles be promptly reported, pursuant to the Municipal Code and Los Angeles County Fire and Health Codes at all times.
43. Any proposed changes to the approved use, hours of operations, floor area, interior layout and design, services rendered, etc... shall subject to review and approval by the City Planning Commission prior to implementation.
44. After 180 days after the issuance of a Certificate of Occupancy, the conditional use permit as approved herein shall be subject to a review by the City Planning Commission at a non-public hearing to evaluate the operations of the use approved herein. As part of this evaluation, the applicant shall submit two sets of mailing labels containing most current address of all property owners within a 300-foot radius of the subject site. If determined necessary, the City will utilize the labels to notify these property owners of the review by the City Planning Commission.
45. All conditionals of approval shall be printed directly on the development plans to be submitted to the Building Division for issuance of an occupancy permit.
46. The approval conditions of this CUP shall be printed and be posted in a conspicuous area near the entrance and at the cashier area and must be legible and visible within a six-foot distance from the print location.
47. Noncompliance with any listed conditions shall constitute a violation of the CUP as approved herein and shall cause the immediate initiation of revocation proceedings of the CUP by the Planning Division at a non-public hearing before the City Planning Commission.
48. All applicable conditions of approval shall be met prior to issuance of an occupancy permit by the Building Division.

SECTION 7. That the Secretary of the City Planning Commission of the city of El Monte, California, shall certify to the adoption of this resolution and shall cause a copy of the same to be forwarded to the applicant.


Tom Biddrowski, Chairperson

ATTEST:


Bertha Mejia, Secretary
El Monte City Planning Commission

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

I, Bertha Mejia, Secretary of the Planning Commission of the City of El Monte, do hereby certify that the above and foregoing is a full, true, and correct copy of Resolution No. 3003 adopted by the Planning Commission of the City of El Monte, at a regular meeting by said Commission held on October 11, 2005, by the following votes to wit:

AYES: CHING, GARCIA, ZAPATA

NOES: BOBADILLA

ABSTAIN: GARNER

ABSENT:


Bertha Mejia, Secretary
El Monte City Planning Commission

RESOLUTION NO. 3113

A RESOLUTION OF THE CITY PLANNING COMMISSION OF THE CITY OF EL MONTE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, HEREBY DENYING WITHOUT PREJUDICE A REVISION TO CONDITIONAL USE PERMIT NO. 24-05 TO AMEND THE OPERATING HOURS FOR LIVE ENTERTAINMENT ESTABLISHMENT LOCATED AT 10520 LOWER AZUSA ROAD, EL MONTE, CALIFORNIA.

The City Planning Commission of the City of El Monte, California, does hereby find, determine, and resolve as follows:

SECTION 1. That on February 28, 2007, there was filed by David Shen, 3819 Delta Avenue, Rosemead, California, 91770, an application for a Revision to Conditional Use Permit No. 24-05 to amend the operating hours for a live entertainment establishment located at 10520 Lower Azusa Road. The proposed project was approved pursuant to Chapter 17.24.040(23) of the El Monte Municipal Code. The property is located at 10520 Lower Azusa, El Monte, California, and described as follows, to-wit:

APN: 8576-002-015

Pursuant to which after due notice as required by law, a public hearing was held to consider the project before this Commission on April 24, 2007, at which time all interested persons were given full opportunity to be heard and present evidence.

SECTION 2. The project site is located on the south side of Lower Azusa Road, east of Arden Way. The subject property is irregularly shaped and measures 334,976± square feet. The parcel is currently improved with a multiple-tenant retail center, which will remain as part of this proposal. Surrounding properties are zoned and developed as follows:

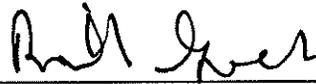
North: R-3 (Medium Density Multiple Family), Residential
South: R-1A (One Family), Residential
East: R-3 (Medium Density Multiple Family), Residential
West: C-3 (General Commercial), Retail

SECTION 3. That the site has a General Plan land use designation of Neighborhood Commercial with an implementing zone of C-2 (Retail Commercial). The current use of the property as a live entertainment establishment is consistent with the zoning and General Plan designation. The extension of the current hours of operation, however, may attract unwanted nuisances to the site and exacerbate existing problems. Additionally, the proposed

amendment to the hours of operation will place additional burdens on the City to enforce compliance with applicable rules and regulations. Due to these negative impacts, the Planning Commission finds that granting of the revision will be detrimental to the public health and welfare and be injurious to the property and to improvements in such zone and vicinity. The approval of the proposal as submitted does not promote good planning and design practices and does not meet the General Plan's objective of improving the built environment.

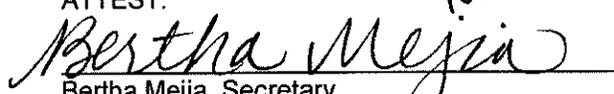
SECTION 4. That the City Planning Commission does hereby deny without prejudice the request for approval of Revision to Conditional Use Permit No. 24-05.

SECTION 5. That the Secretary of the City Planning Commission of the City of El Monte, California, shall certify to the adoption of this resolution and shall cause a copy of the same to be forwarded to the applicant.



Norma Edith Garcia, Chairperson

ATTEST:

for


Bertha Mejia, Secretary
El Monte City Planning Commission

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

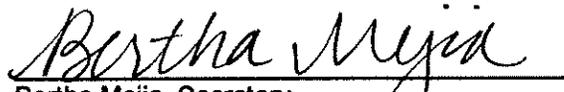
I, Bertha Mejia, Secretary of the Planning Commission of the City of El Monte, do hereby certify that the above and foregoing is a full, true, and correct copy of Resolution No. 3113 adopted by the Planning Commission of the City of El Monte, at a regular meeting by said Commission held on June 26, 2007, by the following votes to wit:

AYES: GARNER, PATEL, WOLSDORF, ZAPATA

NOES:

ABSTAIN:

ABSENT: GARCIA



Bertha Mejia, Secretary
El Monte City Planning Commission

**MINUTES OF THE MEETING OF THE EL MONTE CITY PLANNING COMMISSION HELD
ON TUESDAY, APRIL 24, 2007, AT THE COUNCIL CHAMBERS, EL MONTE CITY HALL
EAST, 11333 VALLEY BOULEVARD, EL MONTE, CALIFORNIA**

The regular meeting of the El Monte City Planning Commission was held on the above-mentioned date. The agenda was posted on April 19, 2007. The affidavit of posting is on file in the Planning Division Office. Vice-Chairman Garner called the meeting to order at 7:00 p.m. Commissioner Zapata led the pledge of allegiance.

Roll call indicated the following:

Commissioners present: Garcia, Garner, Patel, Wolsdorf, Zapata

Commissioners absent:

Staff present: Planning Manager Thai
Planning Commission Secretary Mejia

NOTICED HEARINGS

Item No. 1 – Conditional Use Permit No. 03-07, Variance No. 03-07 & Design Review No. 03-07

Planning Manager Thai presented the project and stated that this is a request to construct a new warehouse on a property in the M-1 (Light Industrial) zone and located within 150 feet of a residentially used or zoned property and to reduce the minimum side yard setback for new industrial development adjacent to residentially used or zoned properties from 20 feet to zero feet. The request includes a Design Review for the site configuration and architectural design of a new 5,200 square foot warehouse. The project is pursuant to Section 17.24.040(36) and Chapters 17.20 and 17.22 of the El Monte Municipal Code for the property located at 2658 Merced Avenue.

Vice-Chairman Garner asked if P.D. asked for the surveillance equipment for condition number 23?

Planning Manager Thai stated that this is a standard condition that is required of industrial and commercial properties.

Commissioner Wolsdorf stated that he recognizes that staff has been sensitive to the weekday hours and that he would like to see something in there to protect the weekends as well.

Vice-Chairman Garner stated that condition number 27 says that all loading activities shall take place between 8:00 and 6:00 p.m., Monday through Friday. Vice-Chairman Garner stated that the condition is already prohibiting any loading or unloading on Saturday or Sunday.

Commissioner Wolsdorf stated that in the absence of it saying that they also need to be made aware of it since it is not in writing and he did not see it anywhere. Commissioner Wolsdorf stated that he thinks some type of language needs to be added for the protection of the surrounding areas.

Planning Manager Thai stated that staff would clarify that there is no loading or unloading at any other time except between these times and none on Saturday or Sunday.

Presentation:

Tim Fan, 140 Valley Boulevard, Suite 215, stated that they agree to the conditions in the staff report and that he can answer questions that the Planning Commissioners might have.

Chairperson Garcia asked if Mr. Fan would oppose to having tree wells in front of the business and maintaining them?

Planning Manager Thai stated that this condition has been included.

Chairperson Garcia stated that she just wanted to make sure that this is clear.

Commissioner Zapata asked if a block wall would be constructed and if so, would it include where the wrought iron fence is?

Planning Manager Thai stated that there would be a new block wall for this property all around including the north south and east property lines.

Commissioner Zapata stated that the plans show that there is a six-foot existing block wall and that it looks more like a 10-foot block wall.

Planning Manager Thai stated that the maximum height allowed for the new wall would be 6 feet high and that any height that is non-conforming is going to have to conform to the City's requirements.

Commissioner Wolsdorf stated that he is sensitive to having had a M-1 property with a non-conforming use of residential that if there is a 10-foot wall on the residential side, and asked if there has been any type of communication with the residents to see if they want to reduce the wall to 6 feet or would they consider it an intrusion?

Planning Manager Thai stated that in place of the wall or any additional feet than what is allowed, that staff is requiring that the applicant provide screening trees to help buffer and reduce that impact. Planning Manager Thai stated that the residents were informed of the public hearing but that staff has not had direct contact with them.

Commissioner Wolsdorf stated that he does not see an indication as to the size of the numbers identifying the address.

Planning Manager Thai stated that generally this is not dealt with at this stage and that the code requires a minimum of 6 inches.

Commissioner Zapata stated that on the wall that is at the south side of the property has a fence that is higher than 4 feet high.

Planning Manager Thai stated that the 4 feet is for vehicle visibility and also for pedestrians on the street. Planning Manager Thai stated that generally what staff requires is that the development of such a property coordinate with adjacent properties to remove any existing non-conforming fencing and be replaced with the new fencing by the project.

In favor: None

In opposition: None

Rebuttal: None

Motion by Vice-Chairman Garner to approve Conditional Use Permit No. 03-07, Variance No. 03-07 and Design Review No. 03-07, seconded by Commissioner Zapata.

Motion carried 5-0.

Item No. 2 – Revision to Conditional Use Permit No. 24-05

Planning Manager Thai presented the project and stated that this is a revision to a previously approved Conditional Use Permit to amend the hours of operation for a live entertainment establishment. The request is made pursuant to Section 17.24.040(23) of the El Monte Municipal Code for the property located at 10520 Lower Azusa Road.

Chairperson Garcia stated that she was on the Planning Commission when this project originally went before them and that one of the major issues of concern was the tinted windows. Chairperson Garcia stated that the applicant extensively discussed that people would be able to see through the windows and asked if the applicant has worked on making sure that the windows are compliant to conditions.

Jim Beres, Code Enforcement Supervisor, stated that they are currently working with the applicant to address that issue and that at the time when this first went to the Commission staff's biggest concern was to minimize potential for any problems. Code Enforcement Supervisor Beres stated that there would be no covering of the windows or tinting of the windows that would obstruct view from the outside into them. Code Enforcement Supervisor Beres stated that during a routine unannounced inspection by the agency, they discovered that that some tinting had been placed by the applicant on the windows, not so dark as to completely obstruct the view into the room but dark enough and that the reason staff was given by the applicant was to protect the occupants and employees in the event of an earthquake or other natural disaster. Code Enforcement Supervisor Beres also stated that they mentioned that if the glass were to shatter then the window tinting would serve as some type of barrier to prevent the glass from flying. Code Enforcement Supervisor Beres stated that this might be a legitimate safety concern but that there is completely transparent film that can be installed on glass to prevent it from shattering and that it is used in City Hall as a matter of fact.

Chairperson Garcia asked if the applicant has done anything to remove the existing film and if the security cameras are working?

Code Enforcement Supervisor Beres stated that it has not been removed and that they have known about this for a while because Code Enforcement has put them on notice. Code Enforcement Supervisor Beres stated that the security cameras are working and that last year there was an attempted murder that occurred at the facility on August 27, 2006. Code Enforcement Beres stated that some people known or believed by the Police Department to be members of an Asian gang got into a little tussle, where one person allegedly tried to murder the other individual by stabbing him repeatedly and that individual was able to make it to Arcadia Methodist Hospital and did live. Code Enforcement Beres stated that the applicant cleaned the crime scene before the Police Department was notified which did inhibit a more thorough investigation of the crime and that in the aftermath of that incident the investigators attempted to see video to find out who did this and that it when they became aware that the cameras were not working appropriately. Code Enforcement Beres stated that there were missing videotapes, logs, etc., and that the applicant was put on notice that this was unacceptable. Code Enforcement Supervisor Beres stated that the applicant fixed the cameras at that point because the cameras do work as they should now but that the check-in log is a little spotty with inconsistencies. Code Enforcement Beres stated that at times the customers have signed it and the required information is on there and other times that information is missing and usually this occurs when it is a minor.

Commissioner Wolsdorf asked how long has City staff in one department or another been dealing with them in regards to noncompliance issues?

Code Enforcement Supervisor Beres stated that it has been quite some time, basically since August 27, 2006.

Commissioner Zapata asked if there are cameras inside and if there are any outside?

Code Enforcement Supervisor Beres stated that there are cameras inside and none outside but that there is one camera that is inside that faces outside towards the doorway.

Commissioner Patel asked if staff felt comfortable that the camera system is adequate on the angles that have been provided?

Code Enforcement Supervisor Beres stated that staff is comfortable with the camera system especially because prior to opening up they had to provide a security plan to the Planning Division and Police Department so as long as they are working it is adequate.

Commissioner Patel asked if he means in working that they are recording?

Code Enforcement Supervisor Beres stated that so long as the cameras are on and recording and the recording is actually being kept and there are no missing segments, etc.

Commissioner Wolsdorf asked how long are the recorded security system tapes required to be kept?

Vice-Chairman Garner stated that condition number 4 in the resolution says 30 days. Vice-Chairman Garner stated that condition number 5 says that the PD can require a security guard and asked if the PD has felt that this might be necessary?

Code Enforcement Supervisor Beres stated that they do currently have a security guard but that the problem with that is he has pretty much turned into a detriment because what he does when he sees the Police Department coming is that he uses a signal to notify the people inside so they can put the cigarettes out, hide the beer or whatever. Code Enforcement Supervisor Beres stated that they have utilized undercover operations so the security guard won't recognize that it is El Monte PD that is going in.

Chairperson Garcia stated that she remembers that the Commission extensively debated the hours and that in a good faith effort the Planning Commission worked with the applicant in regards to the hours but they also discussed not only expanding hours but if they felt the conditions were unsafe or that the applicant wasn't working with the City then the Commission would decrease the hours of operation. Chairperson Garcia stated that if there is no compliance with this applicant then she would ask staff to instead of increasing looking at decreasing the hours of operation.

Presentation:

Jackson Wong, 10520 Lower Azusa Road, stated that he has an update in regards to the window tinting, that they have already removed the tint and that he has pictures to show the Commissioners. Mr. Wong stated that in regards to the logbook, since January of 2007, they have changed the logbook and that this is satisfactory to the Police Department. Mr. Wong stated that the Police Department has been there to check the facility during the day and night for a total of more than 10 times and there was only 1 incident that they found a customer smoking inside the room. Mr. Wong stated that they have painted signs throughout the building that say no smoking inside and that in regards to the security pushing a button to warn them that PD was coming only occurred once. Mr. Wong stated that they don't have anything to hide and that they are trying to cooperate with the Police Department and keep the business very quiet. Mr. Wong stated that the reason that they requested to expand one hour of business is because that one-hour is very crucial. Mr. Wong stated that it is very hard for them to compete with the other businesses that stay open until 2:00 a.m. and that their KTV is the only one that closes at 1:00 a.m. Mr. Wong stated that the incident that Code Enforcement Supervisor Beres was discussing earlier did not occur inside the building but outside and that if something happens outside there is no way that they can control it. Mr. Wong stated that they have tried complying with all the conditions in order to run a legitimate business and that they are not trying to hide anything from the Police Department. Mr. Wong stated that when they originally applied for the CUP, the Police Department gave them 46 conditions and that they have tried their hardest to comply with all the conditions.

Commissioner Wolsdorf stated that Mr. Wong made a comment that the incident did not take place inside and asked if that incident involved one of his customers?

Mr. Wong stated that that he is correct.

Commissioner Wolsdorf stated that therefore his business did generate the incident, whether it was inside or outside.

Mr. Wong stated that they are trying their hardest to comply and that there are no more young people going in because they have to be 18 years or older to go in.

Commissioner Zapata asked when was the tint removed from the windows?

Mr. Wong stated that the tint was removed yesterday and the day before yesterday.

Commissioner Zapata stated that he had been to the site yesterday and that the tint was still there.

Commissioner Wolsdorf stated the tint was still there on Sunday when he visited the site.

Commissioner Patel stated that Code Enforcement Supervisor Beres stated earlier that there was a stabbing incident in August of 2006, and asked if they actually did clean the crime scene area?

Mr. Wong stated that at the time that the incident occurred they had already closed the business and that because there was blood in front of their business they just cleaned it up.

Commissioner Zapata asked how many feet away from the business was it?

Mr. Wong stated that the incident happened within 10 feet of the business in the patio area. Mr. Wong stated that they cleaned it up because they didn't want the customers to come in and see the blood there. Mr. Wong stated that it was not their intentions to hide evidence and that when the Police asked them they automatically offered the surveillance tapes and that they do keep them for 30 days.

Commissioner Patel asked how long did it take the Police to go investigate and what day of the week did the incident occur?

Mr. Wong stated that the incident happened at 1:00 a.m., they cleaned up at 1:30 a.m. and the Police was in about 2:00 a.m. Mr. Wong stated that he believes it occurred on a Friday night.

Planning Manager Thai stated that according to Code Enforcement Supervisor Beres the incident occurred on a Tuesday night.

Commissioner Zapata asked Code Enforcement Supervisor Beres if he knew how many people were involved in the incident?

Code Enforcement Supervisor Beres stated that according to the record that he has, which is not complete, dispatch received a call from the security company at 1:22 a.m., Tuesday, August 27. Code Enforcement Supervisor stated that obviously there was a suspect and a victim and there was a minimum of 2 people and that he is not sure if more people were involved. Code Enforcement Supervisor Beres stated that it was hard to find out because nobody was around and that everybody had fled, there was no tape of the incident at that moment in time and due to the nature of the victim and the suspect they weren't very cooperative in the investigation so it was difficult to determine exactly what happened.

Mr. Wong stated that they have watched the tapes and that there were 3 people involved.

In favor: None

In opposition: None

Rebuttal: None

Commissioner Wolsdorf stated that he is disappointed that it has taken this long for this project to come back to the Commission and that the Police Department did not respond to these issues prior to that. Commissioner Wolsdorf stated that after discussion and after the owners omissions he is in favor of number 3. Commissioner Wolsdorf stated that however because of their failure to comply he would like to add that if they do not comply to all the conditions within 30 days that they should come back again before the Commission for the sole purpose of terminating their CUP and consider reducing their hours.

Vice-Chairman Garner asked Code Enforcement Supervisor Beres what is his feeling about a 30-day denial and that he personally does not have any objection to revisiting the CUP but that he would like to leave that in staffs hands. Vice-Chairman Garner asked if in the future if staff felt it necessary to come back and request a revoking of a CUP? Vice-Chairman Garner stated that he agrees with Commissioner Wolsdorf and that it should be a straight denial and that he would like to remind the other Commissioners that there was a heated discussion on the North side of Lower Azusa and the impact that it had on the residents.

Code Enforcement Supervisor Beres stated that if the Police Department felt that a given facility was creating a public nuisance or detrimental to the public health and safety of the citizens and neighboring businesses then they would come before the Planning Commission with a recommendation to revoke or suspend the CUP. Code Enforcement Supervisor Beres stated that when they became aware that the applicant was going to be asking the City to extend the hour's staff tried to give it due consideration and wanted to be fair and look at the situation in its totality. Code Enforcement Supervisor stated that even though there was a serious incident that occurred in August 27, 2006, they still see them as minor violations of the CUP that needed to be dealt with. Code Enforcement Supervisor Beres stated that since that time staff really hasn't observed anything that would say that this business is an immediate threat to that area or the neighborhood. Code Enforcement Supervisor Beres stated that there haven't been any complaints from the residential areas across the street in Temple City although that could be because of the earlier closing hours. Code Enforcement Supervisor Beres stated that he couldn't say that the business is a gang-infested nuisance similar to what the International Club was because it is not and that he wouldn't want to unfairly describe it as that. Code Enforcement Supervisor Beres stated that Mr. Wong stated that the log has been maintained since January, but they had been opened a year prior to that and they should have been doing it since the beginning. Code Enforcement Supervisor Beres stated that maybe in another 6 months they could possibly look at it again and that if it happens to go south, the Police Department would not hesitate to come before the Planning Commission with a recommendation to revoke their CUP.

Commissioner Wolsdorf stated that this took place in August and it has been ongoing, Sunday the tinting was still up and at the 11th hour they chose to finally do something because of tonight. Commissioner Wolsdorf stated that he is very sensitive to the demands upon the patrolmen that work the graveyard shift because most of the business that comes in is between 1:45 and 2:15 a.m. which there are a larger number of opportunities for problems and they have to focus on that. Commissioner Wolsdorf stated that he is not in favor of expanding the hours because this is a facility that the patrons an hour before are gone and that he is not comfortable with the request. Commissioner Wolsdorf stated that El Monte is a compassionate community but El Monte has also had its scars and he wouldn't want this to be another one at the cost of someone's life.

Motion by Commissioner Wolsdorf to go with option number 3 and deny Revision to Conditional Use Permit No. 24-05, seconded by Vice-Chairman Garner.
Motion carried 5-0.

Commissioner Wolsdorf stated that because of the City's impact, he thinks getting a better understanding as a previous owner of nightclubs, where the industry is today on behalf of the Commission because they are entertainment forms. Commissioner Wolsdorf stated that the departments

are drained and maybe the Commission should get that input back. Commissioner Wolsdorf stated that times do change and so do circumstances.

Chairperson Garcia stated that maybe this should be addressed during Commission discussion.

Consent Items – Adoption of Planning Commission Resolution No. 3111 – 9650 Flair Drive

Motion by Commissioner Wolsdorf to waive the reading of consent calendar, seconded by Vice-Chairman Garner.

Motion carried 5-0.

Motion by Commissioner Wolsdorf to approve Planning Commission Resolution No. 3111, seconded by Vice-Chairman Garner.

Motion carried 5-0.

Adoption of Minutes:

Motion by Vice-Chairman Garner to approve the minutes for the meeting of April 10, 2007, seconded by Commissioner Zapata.

Motion carried 5-0.

Public Comments: None

City Planning Commission Discussion

Planning Manager Thai stated that at the last City Council meeting staff brought forward the recommendation from the Planning Commission to allow the addition of one additional member for the Shopping Revitalization Committee. Planning Manager Thai stated that the City Council approved that item so therefore the Planning Commission is able to proceed with selecting one additional member.

Motion by Vice-Chairman Garner to select Commissioner Wolsdorf to be a member of that Committee, seconded by Chairperson Garcia.

Motion carried 5-0.

Planning Manager Thai stated that last week the Commissioners received a copy of the Specific Plan as well as the EIR for the Transit Village project and that he hopes that the Commissioners have had a chance to glance through it. Planning Manager Thai stated that the entire document is on the internet but if the Commissioners have a problem downloading it staff also has it available on CD or if there is one specific section that the Commissioners would like staff to make copies of then staff can do that.

Vice-Chairman Garner stated that he requested and has been given a copy of the traffic study.

Commissioner Wolsdorf asked if there are certain components that staff might want to highlight for the Commissioners to pay particular attention as some of them may be considered priority versus others, if they could do this it would be greatly appreciated because it is a very extensive document.

Planning Manager Thai stated that the highlight that staff has brought out is the specific plan itself because it was part of the CEQA document. Planning Manager Thai stated that in terms of the air quality analysis and the traffic data they are just a bunch of numbers so what staff has given the Commissioners is really the big picture but it is detailed enough to if the Commissioners need additional clarification then staff can help zero in and get a better understanding.

Chairperson Garcia asked if during the sessions the Commission would go over this document?

Planning Manager Thai stated that they would go over both documents. Planning Manager Thai stated that he scheduled a study session meeting with a CEQA consultant on May 7th and that it will be at 6:30 in Conference Room A at City Hall West. Planning Manager Thai stated that any one from the public who is interested is also invited to this session. Planning Manager Thai stated that this study session is

to help everybody understand the CEQA process and if the Commissioners would like advanced copies of the CEQA guidelines then he can produce that as well.

The Commissioners stated that they would like a copy.

Commissioner Wolsdorf asked if 6:30 is going to allow staff and the consultant appropriate amount of time without having to do a follow up night?

Planning Manager Thai stated that one night should be enough because the session is really an overview as well as zeroing in on the program EIR document that the Commission will be reviewing.

Commissioner Wolsdorf asked if it would be more beneficial to start at 6:00 p.m. versus 6:30 that night?

Chairperson Garcia stated that she has to commute from Downtown Los Angeles but that she could do it that day only because she has a meeting locally.

Deputy City Attorney Padilla stated that the CEQA guidelines are available online if you Google CEQA guidelines and it should come up as the first entry.

Vice-Chairman Garner asked Deputy City Attorney Padilla if the Commissioners could attend the Transit Village project meeting and if they could ask questions?

Deputy City Attorney Padilla stated that it would not only be acceptable but also advisable for the Commissioners to attend. Deputy City Attorney Padilla stated that he would like to stress if the Commissioners choose to go up and speak before the public that it is acceptable to talk about general concerns that the Commissioners may feel should be focused upon, looked at or considered. Deputy City Attorney Padilla stated that the Commissioners need to be careful in not sounding that they have already made up their mind about the project and come one way or another.

Chairperson Garcia stated that if the first CEQA study session is going to be held then in following there should be an input session for the Planning Commission on the Programmatic EIR process and it has to be done before May 25th because it closes all the public comment period.

Planning Manager Thai stated that as a Planning Commission they would be a reviewing body of both documents, the Specific Plan and the EIR. Planning Manager Thai stated that unlike the public they will be given the opportunity to review the document at their capacity during the public hearing process as well. Planning Manager Thai stated that this is not to say that the public doesn't also have the opportunity to do the same at the public hearings.

Chairperson Garcia stated that the people that are preparing the Programmatic EIR have to respond to all public comment that are submitted before the 25th so as a body, will there be a review process for them to respond to Planning Commission concerns?

Planning Manager Thai stated that if there is a concern that is addressed in the document and the Planning Commission feels satisfied with the answer then yes, the document is considered complete. Planning Manager Thai stated that if there are questions or comments that come up during the public hearing process, it does not mean that the Commission cannot go back and have additional study of the document. Planning Manager Thai stated that if any of the Commissioners have advanced comments that they would like to forward to staff prior to that date, staff welcomes those as well.

Vice-Chairman Garner asked if the comments would have to be in writing or is a verbal ok?

Planning Manager Thai stated that staff would like to get them in writing.

Commissioner Patel asked how important is it to include the comments as part of the document in the long term?

Chairperson Garcia stated that in reviewing public documents and as a staff member, they want to make sure that all public comments are responded to very adequately, that there is proper information and that there is proper data for those making the final decision like the City Council because they are ultimately the ones that will be held responsible.

Commissioner Wolsdorf stated that if it is in writing and submitted then it does have to be addressed even though they might not like the answer. Commissioner Wolsdorf stated that those that will make the final decision are held accountable and that this is very important like Chairperson Garcia stated earlier.

Planning Manager Thai stated that he would like to now get a date for a second study session to talk about the Specific Plan process and that document. Planning Manager Thai stated that Vice-Chairman Garner would be out for the second meeting of May, which is the 22nd.

Commissioner Zapata stated that he would not be attending that meeting either because he will not be in town.

Chairperson Garcia stated that the Commissioners also suggested the 14th of May at 6:30 p.m.

Planning Manager Thai stated that he would like that meeting date for the Specific Plan consultant to come in. Planning Manager Thai stated that staff is intending at least one meeting allowing the development team to present their document as well as the EIR and that it would not be a Q&A session.

Chairperson Garcia stated that at the previous meeting they had discussed that once the Commission felt they had enough information about the process; the document and enough time to discuss the Specific Plan then there would be a joint meeting with the Council.

Planning Manager Thai stated that this is still in the works and that for now he is trying to plan out for the next 3-4 months because the project does require that he keep track of their timeline as well as the Commissioners and staff's ability to meet. Planning Manager Thai stated that on May 8th since there is only one item, after it is heard then the applicant could come before the Commission and provide information. Planning Manager Thai stated that May 7 is a study session regarding the EIR, May 14 is for the Specific Plan and May 8th is the day that the developer could present the project to the Commission.

Chairperson Garcia stated that she prefers that they have the study sessions first so that they have that education about the process and those documents before they actually hear from the development team.

Planning Manager Thai stated that the reason he said the 8th is because there was an opening and the session is not meant to be a question or answer type meeting but just an opportunity for the applicant to present their project to the Commission.

Commissioner Wolsdorf asked if it is possible to maybe just bite the bullet and have a Saturday process and go through 2 presentations? Commissioner Wolsdorf stated that because of the complexity of the development that they might need to schedule 2 or 3 nights to accomplish that and possibly even a 4th night.

Chairperson Garcia stated that she really appreciates that the Commissioners have been very flexible with their personal time to accommodate the development schedule but that the Commission has been asking for these documents for this process for many months in anticipation that they were going to be down to the wire. Chairperson Garcia stated that she really feels that the Commission needs to have a good understanding of process of the documents, have information and education before they actually start reviewing the Specific Plan and the Programmatic EIR.

Commissioner Wolsdorf asked if a Friday is impossible for her?

Planning Manager Thai stated that there is an opening for the first meeting of June for the applicant's presentation?

Commissioner Patel stated that he is flexible on any time any day except from June 01 – June 23 because he will be out of the country. Commissioner Patel stated that the applicant's presentation can tentatively be scheduled for the second meeting of June and that if something comes up then it can be rescheduled.

Planning Manager Thai stated that in terms of the public hearing process from that meeting perhaps the Commission could get a better gage on how many meetings they might be required to go through for the document to be reviewed. Planning Manager Thai stated that there have been some ideas that if the Planning Commission is open to considering a back-to-back type of meetings so that the projects can get presented one day after the other so there isn't a gap in between the first time that it is presented or the second time.

Commissioner Wolsdorf stated that he is in full support of that because it maintains the continuity and takes care of the process.

Vice-Chairman Garner stated that he would not be present for the second meeting in August because he will be on vacation.

Planning Manager Thai stated that the applicant would like to have the project go to public hearing as soon as possible but that it is staffs responsibility to make sure that as decision makers the Commission does have adequate time needed to review the document.

Commissioner Zapata asked if he could still receive an agenda for the meeting that he misses?

Commissioner Wolsdorf stated that for any of the Commissioners that have to excuse themselves that as rapidly as staff prepares the minutes and even though they haven't been approved but in a draft form be sent immediately to the absent Commissioners to give them time to review them and match them up against the agenda.

Planning Manager Thai stated that staff does send the entire agenda including the minutes to all the Commissioners. Planning Manager Thai stated that it is very tough for staff to get the agenda done before the Thursday before the meeting date.

Chairperson Garcia stated that if a Commissioner is absent then she thinks everybody is pretty responsible in making sure that if something was pertinent that the Commissioners read up on it or call staff. Chairperson Garcia stated that the Commissioners should take it upon themselves because staff is overburdened at this time. Chairperson Garcia welcomed students that were out in the audience from Mount San Antonio College.

Commissioner Patel stated that he is curious as to how many accidents happen in El Monte on Friday and Saturday night after 2:00 a.m.?

Vice-Chairman Garner stated that Jim Beres would be the one to talk to because they might have the information on the computer.

Commissioner Patel passed out an article that he found on Cathay Bank that is regarding their market position and where they are headed in the next couple of years. Commissioner Patel asked if when surveillance cameras are installed is there a testing period to make sure that they work?

Planning Manager Thai stated that at the time that the final inspection is done staff makes sure that everything is functional as well as the Police Department.

Commissioner Patel asked if anybody had knowledge of the Robert Redford building in Santa Monica? Commissioner Patel stated that the reason he is asking is because he was watching a documentary on it and it is new construction that takes up 60 to 70 percent less. Commissioner Patel stated that it is an office building for lawyers and that they incorporated how to use less energy from having solar panels, how they recycle their water, filtration system, how they would capture some of their rain water through their tile system that goes to a tank system and filtration. Commissioner Patel stated that it was really interesting and she thinks that one of these days El Monte needs to start thinking along those lines and how they recycle the old materials especially because Commissioner Wolsdorf has brought that up.

Chairperson Garcia stated that she wrote Supervisor Molina's policy that introduced lead certification which mandated or directed the departments to develop or build for every County facility over 10,000 square feet that they be lead certified. Chairperson Garcia stated that at the same time they directed Public Works to develop building and safety and building codes that were compliant with lead certification. Chairperson Garcia stated that the hopes are that when they develop those codes that local municipalities would adopt those building codes standards. Chairperson Garcia stated that this is a wonderful suggestion to suggest to the Council.

Commissioner Patel stated that especially if big residential projects are proposed maybe staff could suggest installing solar panels and that the time to do it is during new construction.

Commissioner Wolsdorf stated that there was a similar construction in L.A. that showed all of the renovations and things that he has been talking about for over a decade, which they are doing, and they look really nice.

Planning Manager Thai stated that staff is doing some of that in terms of site design but that from a Building standpoint they do have to comply with the current energy title 24 conservation as well as light and ventilation.

Commissioner Zapata stated that in the Specific Plan he read that one of the projects would be recycling the rainwater?

Planning Manager Thai stated that this is correct.

Commissioner Patel asked if there is an official trash garbage guideline that says if there are a number of units or businesses then you are required to have a certain number of bins? Commissioner Patel stated that the reason he is bringing this up is because of the senior project on Peck, and that he can see some issues going on with their trash due to the mixed uses. Commissioner Patel asked if anybody is following the Caruso project in Santa Anita shops? Commissioner Patel stated that perhaps this is something similar that El Monte is embarking on and that there was a 13-hour City Council meeting.

The Commissioners stated that they read the article.

Planning Manager Thai stated that he does not think that the Caruso project has any residential components in it.

Chairperson Garcia stated that she thought there was going to be housing, office and retail.

Planning Manager Thai stated that the Planning Division hired an Assistant Planner, which will be starting on April 30.

Chairperson Garcia stated that this is excellent and that she spoke at a Latina APA session and she was there in the audience. Chairperson Garcia stated that she is going to be a very bright person and that she comes from Pomona.

Planning Manager Thai stated that El Monte went through a hard time to get her here.

Adjournment:

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Planning Commission Chairperson,
Norma Garcia

Planning Commission Secretary,
Bertha Mejia

RESOLUTION NO. 3192

MAILED
7-15-09 AC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EL MONTE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AMENDING CONDITIONAL USE PERMIT NO. 24-05 TO AMEND THE HOURS OF OPERATION FOR A LIVE ENTERTAINMENT ESTABLISHMENT LOCATED AT 10520 LOWER AZUSA ROAD, EL MONTE, CALIFORNIA.

The City Planning Commission of the City of El Monte, County of Los Angeles, State of California, does hereby find, determine and resolve as follows:

SECTION 1. That on June 1, 2009, there was filed by David Shen and Happy KTV, 10520 Lower Azusa Road, El Monte, California, 91731, an application to amend Conditional Use Permit No. 24-05 to amend the hours of operation for a live entertainment establishment located within an existing multiple tenant retail center in the C-2 (Retail Commercial) zone. The request is made pursuant to Section 17.24.040(23) of the El Monte Municipal Code. The property is located at 10520 Lower Azusa Road, El Monte, California, and described as follows, to-wit:

APN: 8576-002-015

Pursuant to which after due notice as required by law, a full and fair public hearing was held to consider the revision to Conditional Use Permit 24-05 before this Commission on June 23, 2009, at which time, all interested persons were given full opportunity to be heard and present evidence. At that meeting, the Planning Commission voted 4-0-1 (Macias, Absent) to approve the project.

SECTION 2. That the subject property is located on the south side of Lower Azusa Road, east of Arden Way. The project site is irregularly shaped and measures 334,976 square feet. The parcel is currently improved with a multiple tenant retail center, which will remain as part of this proposal. The existing zoning and land uses of the surrounding properties are as follows:

North: City of Temple City
South: R-1A; Residential
East: C-3; Commercial and Residential
West: C-3; Commercial

SECTION 3. That in accordance with the criteria and authority contained in the California Environmental Quality Act (CEQA) of 1970 and the CEQA Guidelines as amended, staff has conducted the appropriate environmental analysis and based on that assessment, the City has

determined the project to be Categorical Exempt (Class 1-Existing Facilities) in accordance with the requirements of the State CEQA Guidelines. No further environmental assessment is necessary.

SECTION 4. That the site has a General Plan land use designation of General Commercial with a consistent implementing zoning of C-2 (Retail Commercial). The live entertainment use is consistent with the General Plan land use designation and the implementing C-2 zoning.

SECTION 5. That the proposed amendment is consistent with all of the affirmative findings contained in the original entitlement's approving resolution (Planning Commission Resolution No. 2923) and are hereby incorporated by this reference.

SECTION 6. That the City Planning Commission determines that the project is Categorical Exempt (Class 1 – Existing Facilities) in accordance with the California Environmental Quality Act (CEQA) of 1970 and the CEQA Guidelines, as amended, and does hereby approve the amendment to Conditional Use Permit No. 24-05 subject to the following conditions:

1. All conditions of approval from City Planning Commission Resolution No. 2923 are hereby incorporated and made a part of this application's approval. If a conflict should arise between the conditions contained herein and Resolution No. 2923, then the most restrictive condition shall prevail.
2. That the hours of operation on Saturday and Sunday mornings (commonly referred to as Friday and Saturday nights) shall be extended to 3 AM.

SECTION 7. That the Secretary of the City Planning Commission of the City of El Monte, California, shall certify to the adoption of this resolution and shall cause a copy of the same to be forwarded to the applicant.



Norma Macias, Chairperson

ATTEST: 

Minh Thai, Secretary
El Monte City Planning Commission

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

I, Minh Thai, Secretary of the Planning Commission of the City of El Monte, do hereby certify that the above and foregoing is a full, true, and correct copy of Resolution No. 3192 adopted by the Planning Commission of the City of El Monte, at a regular meeting by said Commission held on July 14, 2009, by the following votes to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:



Minh Thai, Secretary
El Monte City Planning Commission



Secretary of State
Statement of Information
 (California Stock, Agricultural
 Cooperative and Foreign Corporations)

SI-550

65

19-085935

FILED
 Secretary of State
 State of California

DEC 26 2019

IMPORTANT — Read instructions before completing this form.

Fees (Filing plus Disclosure) – \$25.00;

Copy Fees – First page \$1.00; each attachment page \$0.50;
 Certification Fee - \$5.00 plus copy fees

1. Corporation Name (Enter the **exact** name of the corporation as it is recorded with the California Secretary of State. Note: If you registered in California using an assumed name, see instructions.)

HAPPY KTV INC

This Space For Office Use Only

2. 7-Digit Secretary of State File Number

C2773961

3. Business Addresses

a. Street Address of Principal Executive Office - Do not list a P.O. Box 10520 Lower Azusa Rd	City (no abbreviations) El Monte	State Ca	Zip Code 91731
b. Mailing Address of Corporation, if different than Item 3a	City (no abbreviations)	State	Zip Code
c. Street Address of Principal California Office, if any and if different than Item 3a - Do not list a P.O. Box	City (no abbreviations)	State CA	Zip Code

4. Officers

The Corporation is required to list all three of the officers set forth below. An additional title for the Chief Executive Officer and Chief Financial Officer may be added; however, the preprinted titles on this form must not be altered.

a. Chief Executive Officer/ Address 10520 Lower Azusa Road	First Name Jincheng	Middle Name	Last Name Zhou	City (no abbreviations) El Monte	State Ca	Zip Code 91731	Suffix
b. Secretary Address 10520 Lower Azusa Road	First Name Meng	Middle Name	Last Name Tong	City (no abbreviations) El Monte	State Ca	Zip Code 91731	Suffix
c. Chief Financial Officer/ Address 10520 Lower Azusa Road	First Name Shuolei	Middle Name	Last Name Shen	City (no abbreviations) El Monte	State Ca	Zip Code 91731	Suffix

5. Director(s)

California Stock and Agricultural Cooperative Corporations ONLY: **Item 5a:** At least one name and address must be listed. If the Corporation has additional directors, enter the name(s) and addresses on Form SI-550A (see instructions).

a. First Name Jincheng Address 10520 Lower Azusa Road	Middle Name	Last Name Zhou	City (no abbreviations) El Monte	State Ca	Zip Code 91731	Suffix
b. Number of Vacancies on the Board of Directors, if any						

6. Service of Process (Must provide either Individual OR Corporation.)

INDIVIDUAL – Complete Items 6a and 6b only. Must include agent's full name and California street address.

a. California Agent's First Name (if agent is not a corporation) Jincheng	Middle Name	Last Name Zhou	Suffix
b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box 10520 Lower Azusa Road	City (no abbreviations) El Monte	State CA	Zip Code 91731

CORPORATION – Complete Item 6c only. Only include the name of the registered agent Corporation.

c. California Registered Corporate Agent's Name (if agent is a corporation) – Do not complete Item 6a or 6b

7. Type of Business

Describe the type of business or services of the Corporation
 KTV Entertainment Service

8. The Information contained herein, including in any attachments, is true and correct.

12/16/19

Jincheng Zhou

Date

Type or Print Name of Person Completing the Form

Signature

Record List - Total:22

CallID	When Reported	Typ	Nature	P	Location	Cty
16C34914	15:59 10/03/16	I	20002R	4	10520 LOWER AZUSA RD; KARAOKE TV	ELM
16C35083	09:47 10/04/16	I	20002R	4	10520 LOWER AZUSA RD	ELM
17C34698	02:50 05/28/17	I	4150	3	10520 LOWER AZUSA RD	ELM
17C59320	14:29 08/31/17	I	459A	2	10520 LOWER AZUSA RD; HAPPY K TV	ELM
17C59569	12:50 09/01/17	I	459A	2	10520 LOWER AZUSA RD; HAPPY K TV	ELM
17C62690	21:18 09/12/17	I	211A	1	10520 LOWER AZUSA RD; HAPPY K TV	ELM
17C63213	20:17 09/14/17	I	211A	1	10520 LOWER AZUSA RD; HAPPY KTV	ELM
17C85120	00:52 12/11/17	I	242J	1	10520 LOWER AZUSA RD; HAPPY KTV	ELM
18C13945	01:09 02/25/18	I	242I	1	10520 LOWER AZUSA RD;HAPPY KARAOKE	ELM
18C50725	23:08 07/14/18	I	415FW	1	10520 LOWER AZUSA RD; HAPPY KTV KARAOKE	ELM
18C84293	01:50 12/02/18	I	FA	3	10520 LOWER AZUSA RD; HAPPY KTV	ELM
18C86034	03:37 12/10/18	I	928L	4	10520 LOWER AZUSA RD; HAPPY KTV	ELM
19C11385	02:58 02/25/19	I	978W	2	10520 LOWER AZUSA RD; HAPPY KTV	ELM
19C19841	02:40 04/05/19	I	243.4J	1	10520 LOWER AZUSA RD; HAPPY KTV	ELM
19C46917	21:32 07/31/19	I	484R	4	10520 LOWER AZUSA RD; HAPPY KTV	ELM
19C50489	03:57 08/17/19	I	10851R	3	10520 LOWER AZUSA RD; HAPPY KTV	ELM
20C03774	02:34 01/20/20	I	245R	4	10520 LOWER AZUSA RD; HAPPY KTV	ELM
20C16095	00:35 03/21/20	I	4150	3	10520 LOWER AZUSA RD; HAPPY KTV	ELM
20C20143	22:11 04/10/20	I	XP	6	10520 LOWER AZUSA RD; HAPPY KTV	ELM
20C41555	13:59 07/20/20	I	978	4	10520 LOWER AZUSA RD	ELM
20C41605	18:04 07/20/20	I	978	4	10520 LOWER AZUSA RD; HAPPY KTV	ELM
20C43160	23:03 07/28/20	I	978B	6	10520 LOWER AZUSA RD;HAPPY K TV	ELM

FOR OFFICIAL USE ONLY
 Unauthorized use of this information is in violation
 of Penal Code Sections 13302-13305 and may
 subject violations to misdemeanor charges.

RELEASED TO: CRISTINA GRACIANO
 CITY OF EL MONTE ASSOCIATE
 BY: EM1885 DATE: 8/31/2020 PLANNER

HAPPY KTV NOTES

On 4-5-2019 an allegation of a sexual assault occurred at Happy KTV. The victim was heavily intoxicated at the time of police contact. 19-013767

On 1-20-2020 Officers respond to a report of a robbery involving a knife. Investigation reveals that stabbing victims had been inside KTV prior, drinking alcoholic beverages. Upon leaving, a fight between over 10 subjects ensues in the Midway Plaza lot (in front of KTV). Fight results in two victims being stabbed. Victims identified location as a bar. One victim was heavily intoxicated. 20-002667

On 7-31-2020 Officers responded to Happy KTV for a report of business being open with patrons inside in violation of LA County Public Health (COVID-19) orders. ***A karaoke bar is a non essential business.*** Officers arrived and the location was closed with unknown amount of persons still inside. Numerous vehicles were parked outside the location. None of the employees would open the business doors. A dark colored wrap (film) prevented visual inspection from exterior of location. 20-011429

- No entry for inspection (violation of CUP)
- No access to security video provided (violation of CUP)
- Follow up investigation with ABC confirmed business has no onsite alcohol sales license
- Owner could not identify the responsible manager at time of violation
- In follow up interviews owner confirmed that employees were inside location, but employee claimed they were preparing food for next day to go orders
 - Location is a karaoke bar and not permitted restaurant
- Owner then claimed to only be a point of contact/investor. and not the primary owner
 - Lack of business control

新世界 KTV

新世界

07/15/2020

10520

新世界

07/15/2020

KTV



Physical Therapy
Stroke Rehabilitation
Chiropractic
Occupational Therapy
Hand & Foot Care
Wound Care
Tel: 626-...

07/15/2020



07/15/2020



10520

新世界



Cristina Graciano

Subject: FW: AGAINST type 47 license approval for Happy KTV (10520 Lower Azusa Rd, El Monte, CA 91731)

From: Michael
Sent: Monday, August 31, 2020 2:18 PM
To: Jeni Colon
Subject: Public Hearing 9/8/20: CUP on Alcohol License (Type 47)

Dear staff,

I would like to submit comments to the Public Hearing on 9/8/20 for Happy KTV's application for Alcohol License (Type 47). Since Happy KTV opened in December 2020, they have been selling both hard liquor (distilled spirit) and beer to the customers. I have been there multiple times not knowing that they don't have the license to sell alcohol. During the COVID-19 pandemic, they continue to do business disregarding the city's ordinance for only allowing essential business to stay open. Until now Happy KTV remains open Mon - Sat from 8:00 pm to 12:00 am by locking the front door, and all employees and customers enter and exit from the back door. On top of that, Happy KTV is not just a typical karaoke bar. They hire young girls to sit and drink with the customers, which customers are charged by hour for the female companionship. From time to time customers fight over the girls. One time a fight broke out in Happy KTV, which police came. Instead of letting police to come in, they locked the front door and pretended that they were not open until the police left. I strongly oppose Happy KTV to obtain an Alcohol License (Type 47). With their poor track records, I cannot foresee that they will obey the rules on the license. Instead they are likely to add more burden on El Monte Police Dept and disturb the peace of the neighbors.

From: Edward
Sent: Monday, August 31, 2020 5:01 PM
To: Jeni Colon
Subject: AGAINST type 47 license approval for Happy KTV (10520 Lower Azusa Rd, El Monte, CA 91731)

To: City of El Monte Planning Commission
From: Edward
Re: Happy KTV applying for type 47 liquor license

To Whom It May Concern:

We have heard that the Happy KTV (10520 Lower Azusa Rd, El Monte, CA 91731) has been applying for type 47 license recently and looking for public hearing soon. We are certainly against this place be approved for the type 47 application because:

1). This place has been violating the law for opening the business privately under the COVID-19 lockdown regulation, it causes a lot of issues under the pandemic, and there are several people related to this business have tested positive for COVID-19, so this place should be forced to lockdown any time soon for our safety protection,

- 2). This place has been selling hard liquor to clients even without type 47 license, and there are many customers are under age of 21! Plus the secretly opening during the pandemic, surprisedly this place is still allowed to open now, maybe because some bribing involved with the officials and related government people, the city should investigate it to protect the whole community,
- 3). There are gangster fighting, illegal drug selling, illegal gun firing, female prostitutions, illegal immigrant without permit working there with prostitution activities...etc going on in this location everyday, again, people in the community are really shocked why this place is still allowed opened by the El Monte city, any under table bribing involved? And certainly would support it NOT receive approval of the type 47 license to continue the violating business.
- 4). The business has been violating the tax filing with a lot violations need to be investigated.

The above is only part of the reasons we are against the type 47 be approved for Happy KTV, and we hope El Monte city will do the right thing to protect the residents and business in the area!

Thanks and have a nice day,
Edward

RESOLUTION NO. 3582

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EL MONTE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, REVOKING WITHOUT PREJUDICE, CONDITIONAL USE PERMIT NO. 24-05 FOR THE OPERATION OF A LIVE-ENTERTAINMENT (KARAOKE) ESTABLISHMENT AND DENYING WITHOUT PREJUDICE, CONDITIONAL USE PERMIT NO. 09-20 TO ESTABLISH THE ON-PREMISE SALE OF BEER, WINE AND DISTILLED SPIRITS (TYPE 47) LICENSE WITHIN AN EXISTING 5,000 SQUARE FOOT IN THE C-2 (RETAIL COMMERCIAL) ZONE LOCATED AT 10520 LOWER AZUSA ROAD, EL MONTE, CALIFORNIA

WHEREAS, on October 11, 2005, the Planning Commission adopted Resolution No. 3003 approving Conditional Use Permit No. 24-05 to establish a live-entertainment facility with karaoke services, known as Happy KTV, pursuant to Chapter 17.24 (Conditional Use Permit);

WHEREAS, on June 26, 2007, the Planning Commission adopted Resolution No. 3113 denying without prejudice, a Revision to Conditional Use Permit No. 24-05 to extend the hours of operation for Happy KTV;

WHEREAS, on July 14, 2009, the Planning Commission adopted Resolution No. 3192 which approved an extension to the weekend hours of operation and upheld the original conditions of approval from Resolution No. 3003;

WHEREAS, on March 5, 2020, the applicant, Happy KTV, applied for a Conditional Use Permit to allow an on-sale of beer, wine and distilled spirits (Type 47) license at the existing karaoke business;

WHEREAS, pursuant to the El Monte Municipal Code Title 17 (Zoning), Section 17.24.100 (Revocation) allows for revocation of a Conditional Use Permit upon the motion of the Planning Commission or direction of City Council;

WHEREAS, the revocation proceedings of Conditional Use Permit No. 24-05 have been initiated by the Planning Commission on the regularly scheduled August 25, 2020 meeting;

WHEREAS, notice of the public hearing meeting to consider revocation was issued by the Planning Commission as required by law on August 25, 2020;

WHEREAS, the Planning Commission considered pertinent testimony, written documentation and recommendations presented at said noticed public hearing;

NOW, THEREFORE, the Planning Commission of the City of El Monte, County of Los Angeles, State of California, does hereby find, determine and resolve as follows:

SECTION 1 – PROJECT DESCRIPTION. On March 5, 2020, Happy KTV, INC., 10520 Lower Azusa Road, El Monte, CA 91731, filed an application for Conditional Use Permit No. 09-20 to allow an on-sale beer, wine and distilled spirits (Type 47) license in conjunction with restaurant services at an existing karaoke business. On August 25, 2020, the Planning Commission of the City of El Monte initiated revocation proceedings for Conditional Use Permit No. 24-05 which established the karaoke use.

SECTION 2 – PUBLIC HEARING. The request is made pursuant to Section 17.24.040(49) and Section 17.24.100(B) of the El Monte Municipal Code. The

property is located at 10520 Lower Azusa Road within the parcel known as 10534 Lower Azusa Road, and is described as follows, to-wit:

APN: 8576-002-015

Pursuant to which after due notice as required by law, a full and fair public hearing was held to consider the revocation of Conditional Use Permit No. 24-05 and denial of Conditional Use Permit No. 09-20 before this Planning Commission on September 8, 2020 at which time, all interested persons were given full opportunity to be heard and present evidence.

SECTION 3 - ENVIRONMENTAL. In accordance with the criteria and authority contained in the California Environmental Quality Act (CEQA) of 1970 and the CEQA Guidelines as amended, staff has conducted the appropriate environmental analysis and based on that assessment, the City has determined the project has a Statutorily Exempt (15270 – Projects Which Are Disapproved) in accordance with the requirements of the State CEQA Guidelines. No further environmental assessment is necessary.

SECTION 4 – REVOCATION FINDINGS. For a revocation of a Conditional Use Permit to be approved, certain conditions must exist. In this case, the following site conditions at the Happy KTV karaoke business have been found:

2. The conditional use permit is being, or has been, exercised contrary to the conditions of approval imposed upon such permit.

Finding of Fact:

Based on review of city documents, Happy KTV has been operating contrary to the conditions of approval which were imposed by the Planning Commission. A March 21, 2020 incident describes existing film on the storefront windows that prevents visibility into the business which is non-compliant with Condition of Approval No. 11.

Additionally, the business has not cooperated with police when requested to access the property per Condition of Approval No. 12.

3. The conditional use permit is being, or has been, exercised in violation of any federal, state, or local law or is in violation of approved conditions of approval.

Finding of Fact:

The violations of several conditions of approval have taken place since the business has begun operations. Further, the site has utilized tactics, such as impairing visibility from the storefront windows into the business and restricting access to the business by City officials, to operate against local and state laws. The business has increased service for calls to the Police Department that have led to reports for assault. Also, the business has been in operation during the statewide COVID-19 closure which was reported by the Police Department on March 21, 2020. Lastly, the business has operated as a bar without a license by allowing for the sale of alcoholic beverages and for patrons to bring their own alcoholic beverages at other times.

3. The use for which the conditional use permit was granted is being exercised so as to be detrimental to the public health or safety, or so as to constitute a nuisance.

Finding of Fact:

El Monte Police Department classifies the use as a nuisance which is detrimental to public safety. Based on police records, the business has had 22 calls for service in the past four (4) years. Of these calls, seven (7) reports are serious violent offenses that include fighting and battery, sexual assault and assault with a deadly weapon. The new business owner that purchased the business in 2019 has continued the trend of violating conditions of approval, state, and local laws. Since December 2019, the business has had an assault with deadly weapon and has operated during the statewide COVID-19 closure which has forced police officers to conduct extra patrols of the business.

SECTION 5 – CONDITIONAL USE PERMIT FINDINGS. For a

Conditional Use Permit to be approved, all necessary findings must be made. In this case, the following necessary findings for the granting of Conditional Use Permit No. 09-20, to establish a on-sale general alcohol (Type 47) license at the existing karaoke business, pursuant to Section 17.24.040(49) of the El Monte Municipal Code, cannot be made in a positive manner as follows:

- A. The granting of such Conditional Use Permit will not be detrimental to the public health or welfare or be injurious to the property or to improvements in such zone or vicinity.

Finding of Fact:

Based on police records, the existing use poses a nuisance which is detrimental to public safety. Allowing for the sale of alcohol at an establishment which has had 22 calls for service (including fighting and battery, sexual assault and assault with a deadly weapon) in the past four (4) years will exacerbate the problem and pose a further impact on the immediate vicinity and community.

- B. The use applied for at the location indicated is properly one for which a conditional use permit is authorized.

Finding of Fact:

Subject to revocation of Conditional Use Permit No. 24-05 which authorized the Happy KTV karaoke business, the establishment of an alcohol license would not be properly authorized until another use is appropriately established through the CUP process or is a by-right use, such as an office.

SECTION 6 – REVOCATION AND DENIAL DETERMINATION. That

based on the findings contained in section 4 and 5 of this Resolution, the Planning Commission does hereby revoke without prejudice, Conditional Use Permit No. 24-05 and deny without prejudice, Conditional Use Permit No. 09-20.

SECTION 7 – PLANNING COMMISSION DENIAL. That the Secretary of the

Planning Commission of the City of El Monte, California, shall certify to the adoption of this resolution and shall cause a copy of the same to be forwarded to the applicant.

Amy Wong, Chairperson

ATTEST:

Adrian Perez, Secretary
El Monte City Planning Commission

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

I, Adrian Perez, Secretary of the Planning Commission of the City of El Monte, do hereby certify that the above and foregoing is a full, true, and correct copy of Resolution No. 3582 adopted by the Planning Commission of the City of El Monte, at a regular meeting by said Commission held on September 8, 2020, by the following votes to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Adrian Perez, Secretary
El Monte City Planning Commission

**CITY OF EL MONTE PLANNING COMMISSION
NOTICE OF PUBLIC HEARING**

**Hablamos Español favor de hablar con
Jeni Colon (626) 580-2088**

TO: All Interested Parties

FROM: City of El Monte Planning Division

PROJECT LOCATION: 10520 Lower Azusa Rd. / Parcel Address: 10534 Lower Azusa Rd. APN: 8576-002-015 (A full legal description of the property is on file in the office of the El Monte Planning Division).

APPLICATION: Conditional Use Permit (CUP) No. 09-20 and Revocation Proceedings of CUP No. 24-05

REQUEST: The applicant requests a CUP to allow an on-sale alcohol license (Type 47) for the sale of beer, wine and distilled spirits in a bona fide restaurant and existing karaoke business (Happy KTV). The tenant space is located within a multi-tenant commercial development located in the C-2 (Retail Commercial) zone. The request is made pursuant to Chapter 17.24 of the El Monte Municipal Code (EMMC).

The Planning Commission initiated revocation proceedings on their regularly scheduled meeting of August 25, 2020 to consider revocation for Conditional Use Permit (CUP) No. 24-05 which established the live entertainment use (karaoke) on October 11, 2005. The request is made pursuant to EMMC Section 17.24.100 - Revocation.

APPLICANT: Happy KTV, INC.
10520 Lower Azusa Rd.
El Monte, CA 91731

PROPERTY OWNER: Midway Plaza, LLC.
11100 Valley Blvd. #316
El Monte, CA 91731

ENVIRONMENTAL DOCUMENTATION: Article 19. Categorical Exemptions – Section 15301 (Class 1 – Existing Facilities) in accordance with the requirements of the California Environmental Quality Act of 1970 and the CEQA Guidelines, as amended.

PLACE OF HEARING: Pursuant to State Law, the Planning Commission will hold a public hearing to receive testimony, orally and in writing, on the proposed project. The public hearing is scheduled for:

Date: Tuesday, September 8, 2020
Time: 7:00 p.m.
Place: El Monte City Hall East – Council Chambers
11333 Valley Boulevard, El Monte, California

Members of the public wishing to observe the meeting may do so in one of the following ways:

- (1) Turn your TV to Channel 3;
- (2) City's website at <http://www.elmonteca.gov/378/Council-Meeting-Videos>; or
- (3) Call-in Conference (669) 900-9128; Meeting ID 950 5558 7628 and then press #. Press # again when prompted for participant ID.

(continued on back)

Members of the public wishing to make public comment may do so via the following ways:

- (1) Call-in Conference (669) 900-9128; Meeting ID 950 5558 7628 and then press #. Press # again when prompted for participant ID. Once admitted into the meeting, press *9 to request to speak.
- (2) Email – All interested parties can submit questions/comments in advance to the Planning Division’s general email address: planning@elmonteca.gov. All questions/comments must be received by the Planning Division no later than 3:00 pm, September 8, 2020.

Persons wishing to comment on the environmental documentation or proposed application may do so in writing prior to the meeting date and must be received by 3:00 p.m., the day of the meeting. Public Comments of no more than 3-minutes shall be read into the record. Written comments shall be sent to Cristina Graciano; El Monte City Hall West; 11333 Valley Boulevard; El Monte, CA 91731 or at cgraciano@elmonteca.gov. If you challenge the decision of the City Planning Commission, in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Planning Commission at, or prior to, the public hearing. For further information regarding this application please contact Cristina Graciano at (626) 258-8626. Monday through Thursday, except legal holidays, between the hours of 7:00 a.m. and 5:30 p.m.

The staff report on this matter will be available on or about September 3, 2020 on the City of El Monte website, which may be accessed at <http://elmonteca.gov/AgendaCenter/Planning-Commission-2> or by emailing planning@elmonteca.gov.

Americans With Disabilities Act

In compliance with Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) and the federal rules and regulations adopted in implementation thereof, the Agenda will be made available in appropriate alternative formats to persons with a disability. Should you need special assistance to participate in this meeting, please contact the Planning Division by calling (626) 258-8626. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Published on: Thursday, August 27, 2020 City of El Monte Planning Commission
Adrian Perez, Planning Commission Secretary

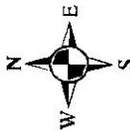
LOCATION MAP

4921 Santa Anita Ave.

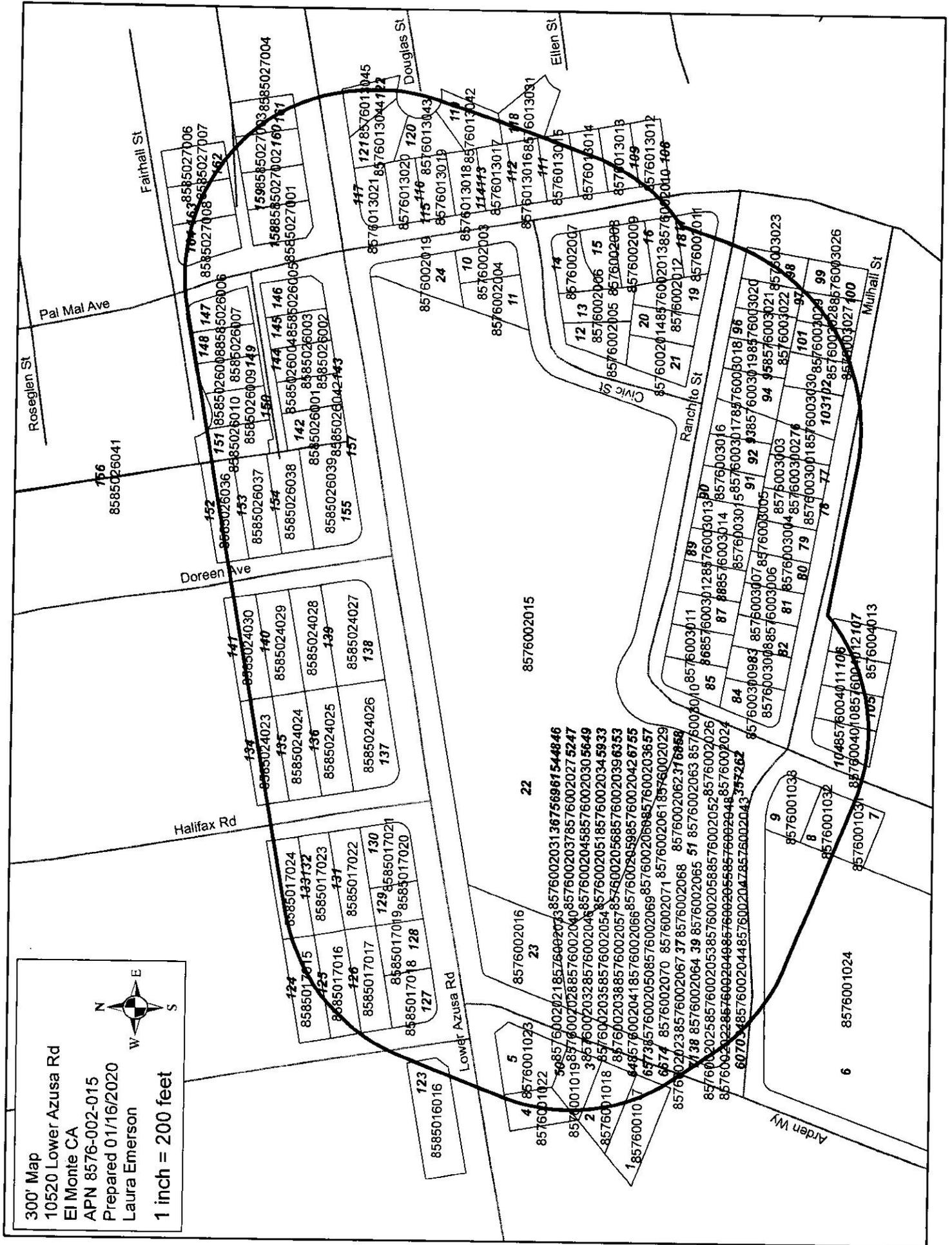
Revision to Conditional Use Permit No. 41-04



300' Map
 10520 Lower Azusa Rd
 El Monte CA
 APN 8576-002-015
 Prepared 01/16/2020
 Laura Emerson



1 inch = 200 feet



新世界 KTV

新世界

PPY KTV
FUN FOR EVERYONE

 **NOTICE OF PUBLIC HEARING**
CITY OF EL MONTE ECONOMIC DEVELOPMENT DEPARTMENT

DO NOT REMOVE
(NOT TO BE REMOVED BY ANYONE)