



**CITY OF BELL GARDENS  
PLANNING COMMISSION  
7100 Garfield Ave., Bell Gardens  
WEDNESDAY, NOVEMBER 20, 2019, 6:00 PM  
AGENDA**

**LOCATION: CITY COUNCIL CHAMBER, 7100 GARFIELD AVENUE, BELL GARDENS, CA**

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the City Clerk at (562) 806-7704. Notification 48 business hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting. Any writings or documents provided to the majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the Receptionist Counter, City Hall, 7100 Garfield Avenue, Bell Gardens, CA, during normal business hours.

**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL OF PLANNING COMMISSIONERS**

Jorgel Chavez, Commissioner  
Dianne Flores, Commissioner  
Alexander Villalobos, Commissioner  
Ernesto Ramirez, Vice Chairperson  
Tony Rivera, Chairperson

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

Citizens wishing to address the Commission on any matter not on the Agenda may do so at this time. Please STATE YOUR NAME AND ADDRESS CLEARLY for the record.

Please note that while the Commission values your comments, pursuant to January 1, 1987 amendments of the Brown Act, the Commission cannot respond nor take any action until such time as the manner may appear as an item on a forthcoming agenda.

**SUBSTANDARD PROPERTIES (Item No. 1)**

**1. 6640-44 Gage Ave**

The City Building Official has determined by inspection that the property located at 6640-44 Gage Avenue is substandard as defined in Section 9904 and/or 9905 of the City of Bell Gardens Building laws.

**Recommendation:**

Staff hereby recommends that the Planning Commission find, except as noted in the attached report, that the substandard building and property conditions listed above exist, the subject property is substandard, and all conditions must be abated by December 20, 1019.

## **CONSENT CALENDAR (Item No. 2-3)**

All matters listed under the Consent Calendar are considered to be routine and can be acted on by one roll call vote. There will be no separate discussion of these items unless members of the Planning Commission request specific items to be removed from the Consent Calendar for separate action. Items called for separate discussion will be heard as the next order of business.

### **2. APPROVAL OF SEPTEMBER 18, 2019 PLANNING COMMISSION MINUTES**

September 18, 2019 - Regular Meeting Minutes.

#### **Recommendation:**

It is recommended that the Planning Commission approve the attached minutes.

### **3. APPROVAL OF OCTOBER 16, 2019 PLANNING COMMISSION MINUTES**

October 16, 2019 - Regular Meeting Minutes.

#### **Recommendation:**

It is recommended that the Planning Commission approve the attached minutes.

## **STUDY SESSION (Item No. 4)**

### **4. UPDATE REGARDING LEGISLATIVE ENACTMENTS**

A presentation regarding recent and noteworthy legislative enactments.

#### **Recommendation:**

It is staff's recommendation that the Planning Commission receive and file this report.

## **STAFF COMMENTS**

## **COMMISSIONER COMMENTS**

## **ADJOURNMENT**

Posted by: Erika Gutierrez\_\_Date: \_11/14/19\_\_\_Time: \_12:30 p.m.\_



**CITY OF BELL GARDENS  
COMMUNITY DEVELOPMENT DEPARTMENT**

**AGENDA REPORT**

Item 1.

<b>TO:</b>	Planning Commissioners
<b>BY:</b>	George Suarez, Building Services Supervisor
<b>FROM:</b>	Gustavo Romo, Community Development Director
<b>SUBJECT:</b>	<b>6640-44 Gage Ave</b>
<b>DATE:</b>	November 20, 2019

**RECOMMENDATION:**

Staff hereby recommends that the Planning Commission find, except as noted in the attached report, that the substandard building and property conditions listed above exist, the subject property is substandard, and all conditions must be abated by December 20, 2019.

**BACKGROUND:**

The case was initiated by the Community Development Department on May 28, 2019 after receiving a citizen complaint regarding 6240-42 ½ Gage Avenue. A certified 30-day Notice of Substandard Property with a list of defects was mailed to the property owner and interested parties on June 4, 2019. A follow-up inspection was conducted on July 9, 2019, which revealed no changes. A letter was received from the property owner on July 2, 2019 and July 25, 2019 requesting a hearing with the Planning Commission (Exhibit 6). A notice of hearing for the Planning Commission Meeting of November 20, 2019 was mailed and posted at the property on October 31, 2019, and all interested parties were notified (Exhibit 1).

**SITE DESCRIPTION:**

The subject site is located on the corner of Gage Avenue and Emil Avenue and is developed with a total of 6,102 SF of buildings consisting of an approximate 4,000 SF two-story commercial/residential building with two residential units on the second floor and two commercial units on the ground floor. Three other single-story residential detached buildings are located in the rear of the lot, which totals 11,273 SF in area. In all, the site is entitled with six (6) residential units and two (2) commercial suites.

**ANALYSIS:**

The issue that lead to this substandard finding pertains to the un-permitted conversion of the two commercial units to residential units. As noted in the attached report, the property owner has been notified on several occasions and has yet to abate the violations.

**FINDINGS:**

Since the preparation of this staff report is done approximately one and one-half weeks in advance of the actual meeting date, substandard conditions could be corrected by the date of the meeting. Therefore, a follow-up inspection will be conducted on the day of the Planning Commission meeting on November 20, 2019 to determine whether or not conditions have been corrected. During the public hearing, staff will report any changes that may be found on the property to the Planning Commission.

**FISCAL IMPACT:**

No fiscal impacts.

**ATTACHMENTS:**

Exhibit 1- Notice of Hearing

Exhibit 2- Notice of Substandard Property

Exhibit 3- Courtesy Notice

Exhibit 4- Site Plan

Exhibit 5- Vicinity Map

Exhibit 6- Property Owner Letters

**APPROVED ELECTRONICALLY BY:**

Gustavo Romo, Director of Community Development

Marc Tran, Assistant City Attorney for Rick R. Olivarez, City Attorney

Carmen H. Morales, City Planner



October 31, 2019

## NOTICE OF HEARING

**RE: 6640-6644 Gage Avenue, Bell Gardens**  
**HEARING: November 20, 2019 TIME: 6:00 PM**

Dear: Delecor Investments  
9303 Parrot Avenue  
Downey, CA 90240

The City Building Official has determined by inspection that the above structure is substandard, as defined in Section 9904 and/or 9905 of the City of Bell Gardens Building Laws, because of the defects listed on the attached letter.

**THEREFORE, NOTICE IS HEARBY GIVEN THAT:** On the above noted hearing date and time at the Council Chambers, 7100 Garfield Ave, Bell Gardens, CA, a hearing will be conducted before the City of Bell Gardens Planning Commission on this matter.

All persons who desire to be heard shall appear before the above Commission at said time and place to show cause why the substandard conditions should not be ordered corrected.

Sincerely,

George Suarez  
Senior Building Inspector

POSTED BY 10/31/19 ON 10/31/19  
GEORGE SUAREZ

GR: vo



June 4, 2019

## NOTICE OF SUBSTANDARD PROPERTY

Re: 6640-44 Gage Avenue, Bell Gardens, CA 90201

Dear: Delecor Investments LLC  
9309 Parrot Avenue  
Downey, CA 90240

A recent inspection of the property at the above address found it to be substandard as defined by City of Bell Gardens Building Code, because of the defects enumerated on the attached list. Section 9908 of the Code declared all such substandard property a public nuisance and requires the abatement thereof by correction, if practical, or by removal of the substandard condition.

As owner of record, you are hereby notified to comply with the requirements of the above Code, and to correct or remove the substandard conditions listed. All such work shall be completed within thirty (30) days after receipt of this letter. Be advised if you are renting this property to others the City may file a Notice of Non-Compliance with the State Franchise Tax Board. Revenue and Taxation Code, Section 17274 states, "No deduction shall be allowed for interest, taxes, depreciation, or amortization...with respect to substandard (rental housing)".

***You have the right to request a public hearing and to appear before the Planning Commission regarding these matters. The request for hearing must be made within thirty (30) days after posting of this notice on the property (the property was posted on the same day this letter was written and mailed), must be in writing, and directed to the City of Bell Gardens Building Official, 7100 Garfield Avenue, Bell Gardens California, 90201. If you fail to correct the defect or formally request a hearing within the time allotted, this violation may be forwarded to the City Prosecutor for appropriate action.***

Once the corrections have been completed, please call for re-inspection or for further information; please contact the Inspector, **Victor Ornelas**, at **(562) 806-7739**. Office hours are 7:30 a.m. to 6:00 p.m., Monday through Thursday.

Sincerely,

CITY OF BELL GARDENS

George Suarez  
Building Services Supervisor

GS:eg



June 4, 2019

**PROPERTY ADDRESS – 6640-44 Gage Avenue, Bell Gardens, CA 90201**

**Section 106 of the Los Angeles County Building Code - Permits**

**ITEM #1     106.1     Permits Required.** No person shall erect, construct, enlarge, alter, repair, move, improve, remove, connect, convert, demolish, or equip any building, structure, or portion thereof, or automatic fire protection system regulated by Chapter 9, perform any grading, or perform landscaping, as regulated by Chapter 2.7, or cause the same to be done, without first obtaining a separate permit for each building, structure, automatic fire protection system, grading or landscaping from the building official. The two downstairs commercial suites on the property may not be utilized for living purposes and must be converted back to its original use or legalized (if allowed).



July 09, 2019

## Courtesy Notice

Re: 6640-44 Gage Avenue, Bell Gardens, CA 90201

Dear: Delecor Investments, LLC  
9309 Parrot Ave.  
Downey, CA 90240

We recently have updated our files in the Code Enforcement Department. This letter is to inform you that there is an open case on the subject property. The Code Enforcement Department is requesting your immediate attention in this matter. Failure to do so within 14 days will automatically move the case forward to the City Prosecutor's Office. The following items remain outstanding:

### **Section 106 of the Los Angeles County Building Code - Permits**

**ITEM #1 106.1**      **Permits Required.** No person shall erect, construct, enlarge, alter, repair, move, improve, remove, connect, convert, demolish, or equip any building, structure, or portion thereof, or automatic fire protection system regulated by Chapter 9, perform any grading, or perform landscaping, as regulated by Chapter 2.7, or cause the same to be done, without first obtaining a separate permit for each building, structure, automatic fire protection system, grading or landscaping from the building official. The two downstairs commercial suites on the property may not be utilized for living purposes and must be converted back to its original use or legalized (if allowed).

Our commitment to the community is to improve the City's ongoing effort to enhance the quality of life, property values, health and safety throughout the City of Bell Gardens. If you have any questions, please contact me at (562) 806-7700, extension 7739.

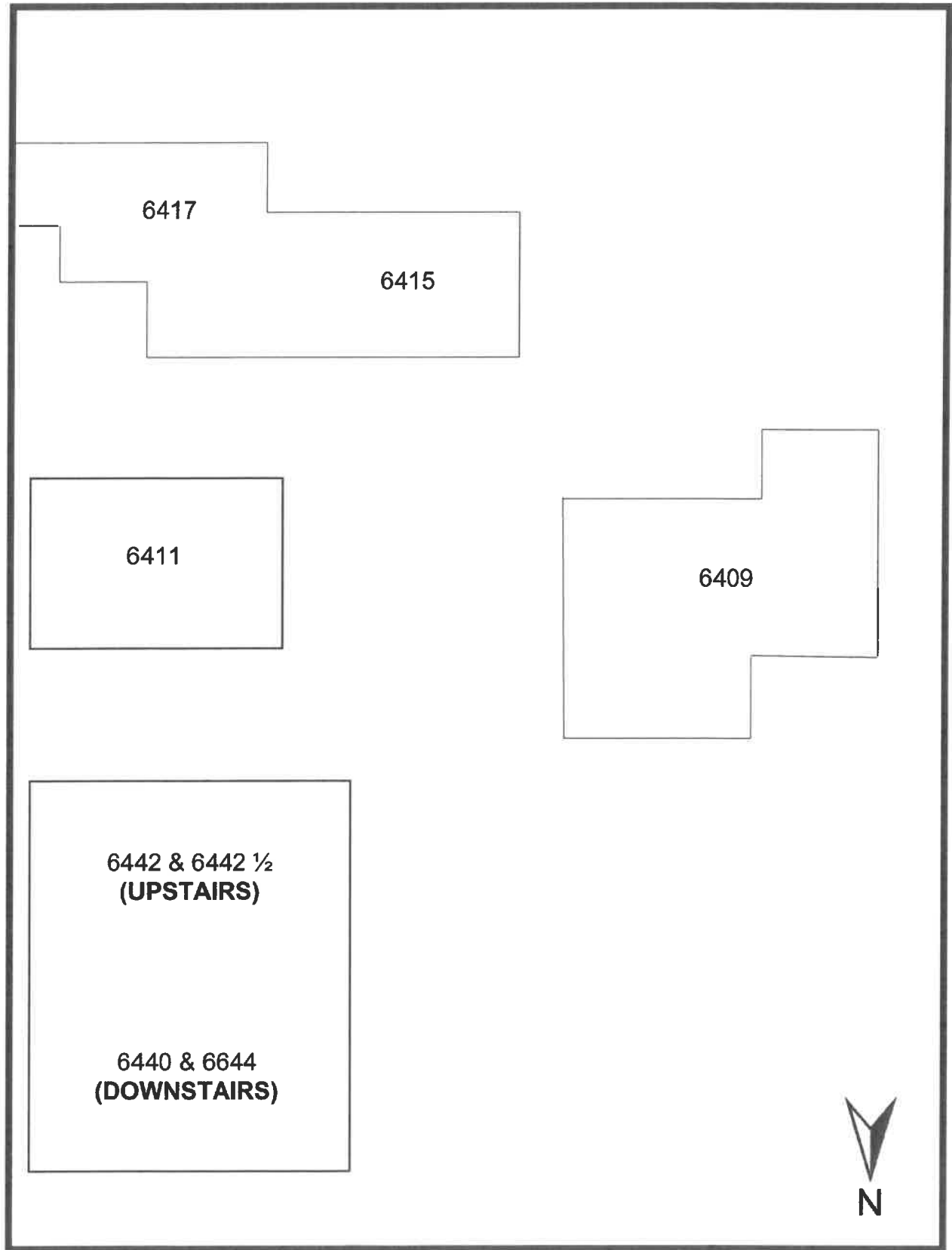
Sincerely,

CITY OF BELL GARDENS

Victor Ornelas  
Code Enforcement Officer



**EMIL AVENUE**



**6640 - 44 GAGE AVENUE**

357 29

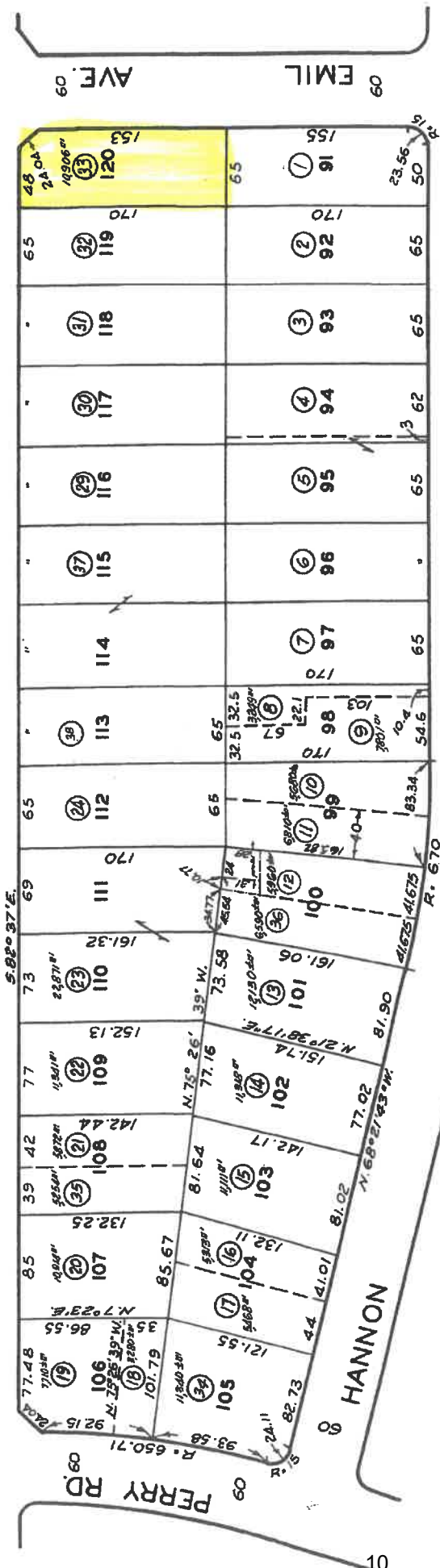
SCALE 1" = 80'

12-7-55  
12-16-57  
9-25-60  
11-28-61

GAGE

AVE.

9



ST.

KRESS  
AVE.

TRACT NO. 11547

M.B. 209-45-46

CODE  
6351

FOR PREV. ASSMT. SEE 1493-32

ASSESSOR'S MAP  
COUNTY OF LOS ANGELES, CALIF.



June 26, 2019

To All Parties pertaining in the subject matter:

**ATTN:** The City of Bell Gardens, Building Supervisor/Inspector George Suarez and Victor Ornelas.

Address served in person and certified mail:

**The City of Bell Gardens and Building Official**  
**7100 Garfield Avenue,**  
**Bell Gardens, California 90201**



***Subject Property: 6640-6644 E. Gage Avenue, Bell Gardens, CA. 90201***

We find your letter to have been a mistake and improperly assessed. We request for you to withdrawal your improper notice dated, June 4th, 2019. We are further objecting to your letter in its entirety and request for a hearing with the Planning Commission and City Council of Bell Gardens regarding this matter.

Furthermore, in your letter you admit to conducting an inspection on our property. This inspection was conducted without our consent or being present, this is trespassing.

It is also stated in your notice you are citing a building code and adding addition verbiage to this code, which is improper.

Your notice further states we did not get permits for the work that was performed when we received the appropriate permits that were required for this property, Please see attachment, {EXHIBIT A}.

Correspondingly, we are surprised by this action you are trying to bring against our property. And to our knowledge, from all the permits we have obtained with the City of Bell Gardens, this property has always been residential and is Zoned R3 (residential zoning). Please see attachment {EXHIBIT B}. Even the water bills provided to us from the city of Bell Gardens states residential service for this address. In your letter we do not agree with your added verbiage to the code regarding permits required.

We would like the city of Bell Gardens to be aware that Delecor Investments, LLC has been a big part of the Bell Gardens community, Helping many people with housing and cleaning up this street ( Emil/Gage). Before we were the owners the city of Bell Gardens was always having to paint this property from the graffiti and vandalism people would do to this property. Leaving trash and the city having to come clean up.

We have improved this property and cleaned up this street and everyone in the community is very happy.

After speaking to our tenants that reside at this property, after we received this improper notice, Our tenants have expressed a great concern from the city building officials stepping on our property, trespassing in legal term, without us the owner giving them verbal or written authorization to do so. In the future, please do not trespass on this property, you are free to make an appointment with us and if appropriate we can show you the property after giving the tenants an appropriate 24 hour notice, but first you must give us a reasonable amount of time to do so.

We would greatly appreciate if you contact us before stepping foot on our property. This notice dated June 4, 2019 is inappropriate and we request for you to remove/ withdrawal this letter and please send us confirmation once you have removed. Otherwise, we will be retaining legal counsel to represent us in this matter and exercise all our rights, as this notice and action from you is improperly brought against us. We consider this improper conduct and harassment and we will not tolerate abuse from the building inspectors. They have been discriminating on this property and other properties we own in the area. This is a breach of there building inspector duties; citing our properties for items that do not require permits.

Once your notice dated, June 4th, 2019 has been withdrawn/ removed please send a confirmation of removal to:

**Delecor Investments**

9309 Parrot Avenue,  
Downey, CALIFORNIA 90240.

Thank you for your prompt and immediately cooperation,  
Best regards,

Delecor Investments, LLC



July 17, 2019

**NOTICE #2**

To All Parties pertaining in the subject matter:

**ATTN:** The City of Bell Gardens, Building Supervisor/inspector George Suarez and Victor Ornelas.

Address served in person and certified mail:

**The City of Bell Gardens and Building Official**  
**7100 Garfield Avenue,**  
**Bell Gardens, California 90201**

Subject Property: 6640-6644 E. Gage Avenue, Bell Gardens, CA. 90201

On June 4th, 2019 your office sent a letter and notice signed by George Suarez. We objected to this letter as it was inappropriate for the following reason, Please see attached **Exhibit A, The City of Bell Gardens** Letter dated June 4, 2019 and **Our response** Letter Dated and certified by City of Bell Gardens on June 26, 2019. In our letter dated June 26th, 2019, we requested a hearing with the Planning Commission and City Council of Bell Gardens regarding this inappropriate action.

Now, on July 11, 2019 another letter was sent ( this letter is dated July 9th, 2019 but on the envelope stamp it was sent on July 11th, 2019) you fail to give us our hearing as requested and continue to harass us. We object to this improper letter signed by Victor Ornelas. **Exhibit B.**

This is our right to prove what you are trying to bring against us is wrongful and misleading. We will not tolerate any kind of harassment as this would be your second letter of harassment.

We request for you to dismiss and withdraw your letters dated June 4, 2019 and July 9, 2019. If you fail to do so, WE are still in our time frame before you can give this inappropriate case to the city prosecutor and you must first give us our hearing with the Planning Commission and City Council of Bell Gardens.

This is your Second Notice to perform, please send us a hearing date as soon as possible to avoid further damages you are causing to us.



Once your letters dated, June 4th, 2019, and July 11, 2019 has been withdrawn/ removed  
please send a confirmation of removal to the address listed below, or if you have a hearing set  
please also send confirmation to the address listed below:

**Delecor Investments**

9309 Parrot Avenue,  
Downey, CALIFORNIA 90240.

*Thank you for your prompt Cooperation,  
Delecor Investments*

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**CITY OF BELL GARDENS  
COMMUNITY DEVELOPMENT DEPARTMENT**

**AGENDA REPORT**

Item 2.

<b>TO:</b>	Planning Commissioners
<b>BY:</b>	Erika Gutierrez, Planning Secretary
<b>FROM:</b>	Gustavo Romo, Director of Community Development
<b>SUBJECT:</b>	<b>APPROVAL OF SEPTEMBER 18, 2019 PLANNING COMMISSION MINUTES</b>
<b>DATE:</b>	November 20, 2019

**RECOMMENDATION:**

It is recommended that the Planning Commission approve the attached minutes.

**BACKGROUND:**

Every Planning Commission meeting, the staff liaison summarizes the actions and comments made by the Planning Commission.

**CONCLUSION:**

If approved, the minutes of the Regular Planning Commission will be archived in the City Clerk's Office.

**FISCAL IMPACT:**

No fiscal impacts.

**ATTACHMENTS:**

Exhibit 1- Minutes of September 18, 2019

**APPROVED ELECTRONICALLY BY:**

Gustavo Romo, Director of Community Development

Marc Tran, Assistant City Attorney for Rick R. Olivarez, City Attorney

Carmen H. Morales, City Planner

**CITY OF BELL GARDENS  
PLANNING COMMISSION REGULAR MEETING  
WEDNESDAY, SEPTEMBER 18, 2019  
MINUTES**

**LOCATION: CITY COUNCIL CHAMBER, 7100 GARFIELD AVENUE, BELL GARDENS**

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the City Clerk at (562) 806-7706. Notification 48 business hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

**CALL TO ORDER** – Chairperson Rivera called the meeting to order at 6:00 p.m.

**INVOCATION** – was led by Associate Planner, Hailes H. Soto.

**PLEDGE OF ALLEGIANCE** – was led by Community Development Director, Gustavo Romo.

Chairperson Rivera introduced Mr. Romo to the Commission.

**PLANNING COMMISSION REORGANIZATION**

Chairperson Rivera asked for Ms. Jimenez to take nominations for the position of Chairperson. Ms. Jimenez asked for nominations from the Commission. Commissioner Ramirez nominated Mr. Rivera for Chairperson. After a roll call vote, the motion passed 4-0.

Chairperson Rivera asked Ms. Jimenez for nominations for Vice-Chairperson. Vice-Chairperson nominated Commissioner Flores for Vice-Chairperson. Commissioner Villalobos nominated Commissioner Ramirez. After a roll call vote, there was a tie, 2-2.

Commissioner Flores voted for Ms. Flores  
Commissioner Villalobos voted for Commissioner Ramirez  
Chairperson Rivera voted for Commissioner Flores  
Commissioner Ramirez voted for Commissioner Ramirez

Ms. Jimenez directed the meeting over to Mark Tran, Assistant City Attorney. Mr. Tran recommended that the reorganization be tabled until the fifth seat on the commission is filled or repeat the nominations to see if any changes are made.

The Commission agreed to table the item until the fifth commissioner comes on board and Chairperson Rivera will remain the Chairperson of the Planning Commission.



## **ROLL CALL OF PLANNING COMMISSIONERS**

Present: Commissioner Flores, Commissioner Villalobos, Commissioner Ramirez, and Chairperson Rivera.

Staff Present: Marc Tran, Assistant City Attorney, Gustavo Romo, Director of Community Development, Hailes Soto, Associate Planner, Elizabeth Jimenez, Senior Secretary and Samantha Lubrani, Translator

## **PUBLIC COMMENT ON NON-AGENDA ITEMS**

With no one wishing to speak, Chairperson Rivera closed public comment.

## **PUBLIC HEARING (ITEM NO. 1-3)**

### **1. (CONTINUED) - AM-PM TOWING AUTOMOBILE IMPOUND YARD CONDITIONAL USE PERMIT NO. 2019-024 - 7535 SCOUT AVE. (FILE NO. 2019-014)**

Hailes Soto gave the staff report indicating that the applicant was present to answer any questions.

Chairperson Rivera asked if the project had been approved by the Fire Department. Mr. Soto indicated staff had received final clearance last month.

With no further questions for staff from the Commission, Chairperson Rivera opened the public hearing.

John Mosessian, one of the owners of AM-PM Towing Company approached the podium and asked the Commission to approve their request. Chairperson Rivera asked Mr. Mosessian if he received the conditions of approval and agreed to comply. Mr. Mosessian indicated that he agreed to comply.

Chairperson Rivera asked Mr. Mosessian if there was some type of water collection where the trucks are parked. Mr. Mosessian indicated that there is a clarifier on the premises.

With no one else wishing to speak, a motion was made by Commissioner Villalobos and seconded by Commissioner Flores to approve Conditional Use Permit No. 2019-024 by adopting Planning Commission Resolution No. 2019-07. After a roll call vote, the motion was passed with a 4-0 vote.

### **2. MODIFICATION OF SITE PLAN REVIEW NO. 2017-022 AND VARIANCE NO. 2017-022 – 7311 JABONERIA ROAD (FILE NO. 2017-022)**

Mr. Soto gave presentation on the modification of Site Plan Review No. 2017-022 and Variance No. 2017-022 and indicated that the applicant was present to answer any questions.

Chairperson Rivera asked the Commission if there were any comments for staff on this the item.

Commissioner Ramirez asked how often it has been requested to change roofing materials on a project once it has been approved. Mr. Soto indicated that the Planning Commission has not received a request for the modification specifically to the roofing material as long as he had been with the City, which has been 14 years. Mr. Soto further indicated that the applicant submitted a request for modification last year, however it was for a reduction of the building footprint.

Chairperson Rivera pointed out that the code did not indicate either way as to choice of roofing material. Mr. Soto indicated staff would provide a recommendation, however it was primarily up to the Commission to make a final decision.

With no one else wishing to speak, Chairperson Rivera opened the public hearing.

Steven Senemar, Project Manager, part owner and developer approached the podium to explain why he is requesting the change in roofing material. Mr. Senemar indicated the concerns were the maintenance and the durability of the tile roofing with the cost not being a concern. He explained that asphalt shingle was extremely durable and more cost effective and reiterated that cost was not a main concern.

Commissioner Ramirez asked Mr. Senemar how many other buildings in the area has the s-type tile. Mr. Senemar indicated that on Jaboneria Road, from Eastern Avenue to Florence Avenue, not even one.

Commissioner Ramirez asked if someone wanted to replace their roof would they have to consult with the city regarding roofing material. Mr. Soto indicated that they did not have to consult with the city regarding roofing material, however a roofing permit would need to be obtained by licensed contractor. Mr. Soto did indicate if a homeowner's association was involved, they would have to adhere to the CCR's.

With no one else wishing to speak, Chairperson Rivera closed the public hearing.

A motion was made by Commissioner Ramirez and seconded by Commissioner Villalobos to approve the modification of Site Plan Review No. 2017-022 and Variance No. 2017-022 by adopting Resolution #PC 2019-08. After a roll call vote, the motion passed with a 4-0 vote.

**3. MODIFICATION OF CONDITIONAL USE PERMIT NO. 2007-044 – 5842 QUINN STREET (FILE NO. 2016-045)**

Mr. Soto gave presentation on the modification of Conditional Use Permit No. 2007-044 and indicated that the applicant was present to answer any questions.

With no questions from the Commission, Chairperson Rivera opened the public hearing.

Steven Senemar, Project Owner/Manager approached the podium and indicated that condominiums would eventually be sold to individual owners. He further indicated that changing the roofing material to asphalt shingle would be more cost effective for new property owners instead of a costly s-type roof.

Commissioner Ramirez asked if there were other s-type roofs in the area. Mr. Senemar indicated that he did not see any on Quinn Street.

With no one else wishing to speak, Chairperson Rivera closed the public hearing.

A motion was made by Commissioner Villalobos and seconded by Commissioner Ramirez to approve the modification of Conditional Use Permit No. 2007-044 by adopting Resolution #PC 2019-06. After a roll call vote, the motion passed with a 4-0 vote.

#### **CONSENT CALENDAR (Item No. 4)**

#### **4. APPROVAL OF JULY 17, 2019 PLANNING COMMISSION MEETING**

Chairperson Rivera asked for a motion on the Minutes of August 21, 2019. A motion was made by Commissioner Villalobos and seconded by Commissioner Ramirez to approve the Minutes of August 21, 2019. Motion carried by a vote of 4-0.

#### **SUBSTANDARD PROPERTIES – NONE**

**STAFF COMMENTS** – Mr. Gustavo Romo addressed the Commission and stated he was happy to be working in the City of Bell Gardens and looked forward to working with them, getting to know them and working on future projects as a team.

Mr. Soto announced that this was going to be his last Planning Commission meeting as he had accepted a position with the City Manager's Office.

#### **COMMISSION INFORMATION ITEMS – NONE**

**ADJOURNMENT** – Commissioner Villalobos moved to adjourn the meeting and was seconded by Commissioner Ramirez at 6:51 p.m.

#### ***RECORDED BY:***

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ELIZABETH JIMENEZ, SENIOR SECRETARY



**CITY OF BELL GARDENS  
COMMUNITY DEVELOPMENT DEPARTMENT**

**AGENDA REPORT**

Item 3.

<b>TO:</b>	Planning Commissioners
<b>BY:</b>	Erika Gutierrez, Planning Secretary
<b>FROM:</b>	Gustavo Romo, Director of Community Development
<b>SUBJECT:</b>	<b>APPROVAL OF OCTOBER 16, 2019 PLANNING COMMISSION MINUTES</b>
<b>DATE:</b>	November 20, 2019

**RECOMMENDATION:**

It is recommended that the Planning Commission approve the attached minutes.

**BACKGROUND:**

Every Planning Commission meeting, the staff liaison summarizes the actions and comments made by the Planning Commission.

**CONCLUSION:**

If approved, the minutes of the Regular Planning Commission will be archived in the City Clerk's Office.

**FISCAL IMPACT:**

No fiscal impacts.

**ATTACHMENTS:**

Exhibit 1- Minutes of October 16, 2019

**APPROVED ELECTRONICALLY BY:**

Gustavo Romo, Director of Community Development

Marc Tran, Assistant City Attorney for Rick R. Olivarez, City Attorney

Carmen H. Morales, City Planner

**CITY OF BELL GARDENS  
PLANNING COMMISSION REGULAR MEETING  
WEDNESDAY, OCTOBER 16, 2019  
MINUTES**

**LOCATION: CITY COUNCIL CHAMBER, 7100 GARFIELD AVENUE, BELL GARDENS**

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**CALL TO ORDER** – Chairperson Rivera called the meeting to order at 6:00 p.m.

**INVOCATION** – was led by City Planner, Carmen H. Morales

**PLEDGE OF ALLEGIANCE** – was led by Planning Intern, Adrian Flores

Assistant City Attorney, Marc Tran indicated that at the last Planning Commission meeting, the reorganization for the Vice-Chairperson position was tabled and would be tabled again to discuss until later in the meeting.

**ROLL CALL OF PLANNING COMMISSIONERS**

Present: Commissioner Flores, Commissioner Ramirez, Commissioner Villalobos, and Chairperson Rivera

Absent: Commissioner Chavez

Staff Present: Marc Tran, Assistant City Attorney, Carmen H. Morales, City Planner, Erika Gutierrez, Planning Secretary and Samantha Lubrani, Translator

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

Mr. Hailes Soto, Senior Management Analyst approached the podium and informed the Commission that the City has become more engaged in social media and invited the Commission, as well as the public to follow their Instagram page @City of Bell Gardens. Mr. Soto further indicated that staff is working on a Facebook and Twitter page, as well which is not open yet to the public.

With no one wishing to speak, Chairperson Rivera closed public comment.

**PUBLIC HEARING (ITEM NO. 1-2)**

1. **CONDITIONAL USE PERMIT NO. 2019-054**  
**LA CIEBA RESTAURANT**  
**7908 EASTERN AVENUE (FILE NO. 2019-054)**

Mr. Flores gave the presentation on Conditional Use Permit No. 2019-054.

Ms. Morales informed the Commission that for the record, a modification had been made to the first page of the staff report under the Surrounding Land Uses Table. Ms. Morales indicated that the land use on the north side of the subject site is residential use not commercial use, as indicated in the staff report and stated in the presentation by Mr. Flores.

Prior to commencing discussion on this item, Chairperson Rivera welcomed the new Commissioner, Jorgel Chavez to the Planning Commission.

Mr. Tran stated that Commissioner Chavez had arrived at 6:07 p.m.

Chairperson Rivera asked the Commission if there were any comments for staff on this Public Hearing Item.

With no questions for staff from the Commission, Chairperson Rivera opened the public hearing.

Ms. Elizabeth Mendoza, owner of the business approached the podium stating this approval would not only bring in additional business to the City but it would also help increase business for the restaurant. Ms. Mendoza further indicated there would not be any problems with the sale of alcohol at the restaurant because she currently has another business that operates with an alcohol license in which there has not been any issues.

Commissioner Villalobos asked Ms. Mendoza if she was in agreement with all the conditions of approval listed in Resolution #PC 2019-09. Ms. Mendoza indicated she believed so and if she had any questions she would reach out to the person assisting her with the approval process.

Commissioner Ramirez asked Ms. Mendoza the hours of operation for the sale of alcohol at her other business location. Ms. Mendoza indicated the hours were from 9:00 a.m. – 12:00 midnight.

Commissioner Chavez asked Ms. Mendoza which city was the other restaurant was located and how much restaurant experience she had. Ms. Mendoza indicated her other business was located in Compton, CA. She further indicated that she has been operating at that location for nine years with an alcohol license.

Ms. Mendoza also indicated she had just transferred another one of her business to another owner, a grocery store, in which she also had an alcohol license.

Chairperson Rivera asked Ms. Mendoza how many staff members they typically have on a daily basis. Ms. Mendoza indicated she typically has two staff members working daily. Chairperson Rivera further indicated that he had been at the restaurant on a week day and had only seen one staff member cooking and serving. Ms. Mendoza indicated during the week it can get slow therefore, during the week she only has one staff member and on the weekends there are two.

Hearing no one else wishing to speak, Chairperson Rivera closed the public hearing.

A motion was made by Commissioner Villalobos and seconded by Commissioner Flores to approve Conditional Use Permit No. 2019-054 by adopting Planning Commission Resolution No. 2019-09. After a roll call vote, the motion was passed with a 5-0 vote.

**2. FINDING OF GENERAL PLAN CONSISTENCY VACATION OF CLARA STREET SEGMENT (FILE NO. 2019-093)**

Ms. Morales gave the presentation on the Finding of General Plan Consistency Vacation of Clara Street Segment (File No. 2019-093).

Commissioner Ramirez asked Ms. Morales if she knew the height of the proposed sign compared to the Bicycle Casino sign. Ms. Morales indicated she did not know exact height of the Casino sign but did mention that the proposed sign would exceed the height of the Bicycle Casino sign.

Chairperson Rivera asked the Commission if there were any comments for staff on this item and opened the public hearing.

With no one else wishing to speak, Chairperson Rivera closed the public hearing.

A motion was made by Commissioner Ramirez and seconded by Commissioner Chavez to approve Finding of General Plan Consistency Vacation of Clara Street Segment by adopting Resolution #PC 2019-10. After a roll call vote, the motion passed with a 5-0 vote.

**3. UPDATE RESOLUTION NUMBERS**

Mr. Tran indicated this report was in reference to two recently-passed resolutions containing duplicative numbering and the sequencing and numbering of resolutions which should be updated. Mr. Tran gave a brief description on the previously approved resolutions with duplicate numberings and indicated that staff recommended to change Resolution No. 2019-03 to Resolution No. 2019-07, and Resolution No. 2019-05 to Resolution 2019-08. Mr. Tran further mentioned that the update on the numbering of the aforementioned resolutions does not otherwise affect any actions previously taken by the Planning Commission.

A motion was made by Commissioner Villalobos and seconded by Commissioner Flores to update the resolution numbers. After a roll call vote, the motion passed with a 5-0 vote.

**PLANNING COMMISSION REORGANIZATION**

Mr. Tran indicated this item was brought back before the September 18, 2019 Planning Commission meeting to appoint a Vice- Chairperson.

Chairperson Rivera stated that at the September 18, 2019 meeting, the following nominations were made for Vice-Chairperson:

Commissioner Flores voted for Commissioner Flores  
Commissioner Villalobos voted for Commissioner Ramirez  
Commissioner Rivera voted for Commissioner Flores  
Commissioner Ramirez voted for Commissioner Ramirez

Chairperson Rivera asked for nominations from the Commission for Vice-Chairperson. The following nominations were made:

Commissioner Villalobos nominated Commissioner Ramirez  
Chairperson Rivera nominated Commissioner Flores  
Commissioner Chavez nominated himself

Mr. Tran suggested that every Commissioner that was nominated give a small statement giving a reason they would like to take the role of Vice-Chairperson.

Brief statements were given by the three Commissioners that were nominated.

Chairperson Rivera asked for a roll call on the nomination for Commissioner Ramirez. After a roll call, it was a 1 yes and 3 no vote.

Chairperson Rivera asked for a roll call on the nomination for Commissioner Flores. After a roll call, it was a 1 yes, 3 no vote.

Chairperson Rivera asked for a roll call on the nomination for Commissioner Chavez. After a roll call, it was a 4 no vote.

The nominees did not vote for themselves during this roll call.

Mr. Tran stated there was a tie on the nomination for Vice-Chairperson and suggested to re-open the nominations to gain consensus on this item, continue this item to the next Planning Commission meeting or proceed without a Vice-Chairperson. Although, Mr. Tran strongly recommended that a Vice-Chairperson be selected in the event that the Chairperson would be absent, the Vice-Chairperson would be able to conduct the meeting.

Commissioner Chavez asked if the Commission could take a recess and have one on one conversations with the nominees. Mr. Tran stated due to the Brown Act, its best this action not be taken.

Mrs. Gutierrez asked Mr. Tran if the Chairperson could make the determination to break the tie and appoint the Vice-Chairperson. Mr. Tran indicated if the Commission would like to take a recess, he would be able to research if that could be done.

The Commission agreed to take a five minute recess to give Mr. Tran the opportunity to research that option suggested by Mrs. Gutierrez.

Mr. Tran indicted that pursuant to the Bell Gardens Municipal Section 2.28.050, it states that the Commission as a whole is to select the Vice-Chairperson.

Ms. Morales advised the Commission that role of the Vice-Chairperson would only be to run the meeting in the event the Chairperson was absent from a meeting with no additional assignments for the position.



Chairperson Rivera and Commissioner Villalobos gave a brief explanation on their nominees as to reason they felt these nominees would be suitable for the position of Vice-Chairperson.

Ms. Gutierrez suggested taking a new roll call on three Commissioners that were nominated after statements were made from each of the nominees.

A roll call was done for Commissioner Ramirez with a 3 yes, 2 no vote.

A roll was done for Commissioner Flores with a 1 yes, 4 no vote.

Commissioner Chavez asked if he could withdraw his nomination. With that said there was a majority vote for Commissioner Ramirez for Vice-Chairperson.

All Commissioners congratulated Vice-Chairperson Ramirez.

#### **SUBSTANDARD PROPERTIES – NONE**

**STAFF COMMENTS** – Ms. Morales welcomed Commissioner Chavez to the Planning Commission and congratulated the new Vice-Chairperson Ramirez. Ms. Morales also commended Mr. Flores for his first staff report presentation to the Planning Commission and lastly, congratulated Mr. Hailes Soto for his new position as a Senior Management Analyst position in the City Manager's Office.

Mr. Tran also thanked Mr. Soto for all his great work and indicated it was a pleasure working with him on the Planning Commission staff reports and also congratulated Mr. Flores on a job well done with his first staff report presentation.

#### **COMMISSION INFORMATION ITEMS – NONE**

**ADJOURNMENT** – Commissioner Chavez moved to adjourn the meeting and was seconded by Commissioner Ramirez at 7:20 p.m.

#### ***RECORDED BY:***

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ERIKA GUTIERREZ, PLANNING SECRETARY



**CITY OF BELL GARDENS  
COMMUNITY DEVELOPMENT DEPARTMENT**

**AGENDA REPORT**

Item 4.

<b>TO:</b>	Planning Commissioners
<b>BY:</b>	Marc Tran, Assistant City Attorney
<b>FROM:</b>	Gustavo Romo, Community Development Director
<b>SUBJECT:</b>	<b>UPDATE REGARDING LEGISLATIVE ENACTMENTS</b>
<b>DATE:</b>	November 20, 2019

**RECOMMENDATION:**

It is staff's recommendation that the Planning Commission receive and file this report.

**BACKGROUND:**

In October 2019, Governor Gavin Newsom approved 870 laws and vetoed 172 proposed laws. For the Planning Commission's edification, staff has prepared a presentation including an overview of a handful of notable legislative updates, with the exception of housing-related items. Staff will provide the Planning Commission with a presentation on recently passed housing laws at the Planning Commission meeting of January 15, 2020.

**FISCAL IMPACT:**

No fiscal impact.

**APPROVED ELECTRONICALLY BY:**

Gustavo Romo, Director of Community Development

Marc Tran, Assistant City Attorney for Rick R. Olivarez, City Attorney

Carmen H. Morales, City Planner